

Initiative petition adopted by the vote of the people April 5, 2011.

INITIATIVE PETITION FOR CITY ORDINANCE TO PROHIBIT THE SALE, CONSUMPTION OR ADVERTISING OF ALCOHOL IN FAMILY ORIENTED MOVIE THEATERS IN THE CITY OF SPRINGFIELD.

We, the undersigned qualified voters of the City of Springfield Missouri, hereby petition the Council of the City, pursuant to Article XIV of the Springfield City Charter to enact the ordinance hereafter proposed, and, if not enacted therein by the Council within thirty (30) days from the date the clerk of the City certifies this petition as sufficient, that the same shall be submitted to the qualified electors of the City within ninety days from the date said petition has been certified as sufficient by the Clerk of the City for approval or rejection by said voters.

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF SPRINGFIELD AS FOLLOWS:

- A. **Generally.** It shall be unlawful to sell, consume or advertise alcohol in a family oriented movie theater in the City of Springfield.
- B. **Exemptions.** This section shall not apply to any charitable, religious or other organization that has achieved 501 C3 status.
- C. **Definitions.** A family oriented movie theater is, for the purpose of this ordinance, defined as any movie theater that has ticket sales for admission to persons under 21 years of age that exceed 25% during the most recent previous three months of operation.
- D. **Audits.** Any movie theater in Springfield Missouri that allows sales, consumption or advertising of alcohol must be able to prove to the Director of Finance (Director) that the percentage of ticket sales for admission to persons under 21 years of age during the previous three months of operation is less than 25% of their total ticket sales for admission. Further, any such movie theater shall be subject to audit by the Director or his or her designee under the provisions of Chapter 70 of the City Code. The Director shall have authority to establish regulations for the keeping of records relating to percentage of ticket sales for admission to persons under 21 years of age.
- E. **Punishment.** Any business subject to the provisions of this ordinance who sells, allows consumption or advertises alcohol in a family oriented movie theater shall be given written notice of the violation pursuant to section 10-40 of the City Code and an opportunity for an administrative hearing under section 10-41 of the City Code to determine if the violation occurred including the right to appeal any such decision in accordance with the procedures set forth in section 10-41. If the violation occurred, the hearing officer shall take the following action:
 - 1. **First Offense** – A fine of \$200 and a suspension of license to sell alcohol until the business can provide the most recent three month record that reflects less than 25% of ticket sales for admission to persons under 21 years.
 - 2. **Second Offense** – A fine of \$500 and suspension of license to sell alcohol for one year.
 - 3. **Third and any subsequent offense** within a 24 month period - \$1000 fine and suspension of license to sell alcohol for one year.
- F. **Enforcement.** Failure or refusal of a business to provide the necessary documentation as required by this ordinance or allow an officer or investigator to perform such inspection of the premises at any time the business is open, or at any other reasonable time, shall be grounds for suspension of the liquor license pursuant to Section 10-33 and 10-40 through 10-43.
- G. This ordinance shall be in full force and effect from and after passage.