

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE CREATING ARTICLE 21 IN CHAPTER 5 OF THE INDEPENDENCE CITY CODE

WHEREAS, the Council of the City of Independence wishes to promote the health and well-being for its citizens and for visitors to the City of Independence; and,

WHEREAS, the City of Independence finds that events such as unregulated feeding operations can pose a threat to the health and well-being of its citizens as, due to the large number of patrons that unregulated feeding operations may attract, they can exceed the City's capacity to provide adequate security, public safety, medical care, sanitation, and parking; and,

WHEREAS, the City of Independence also finds that unregulated feeding operations can create noise, pedestrian congestions, and other nuisances, which may interfere with resident's and visitor's peaceful enjoyment of their homes, residences, businesses, and properties; and,

WHEREAS, the City of Independence finds that regulating feeding operations may mitigate the aforementioned adverse effects of unregulated feeding operations;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 5 Article 21 of the Independence City Code is hereby created to read as follows:

Article 21 – Feeding Operations

Sec. 5.21.001 – Definitions

FEEDING OPERATION means an organized and deliberate preparation and/or serving of food to multiple individuals for free.

OPERATOR means an individual, a group of individuals, an association, a partnership, a corporation, a property owner, or any legally recognized entity who conducts or sponsors a feeding operation.

PARK refers to an outdoor park or recreational facility owned by the City of Independence

PUBLIC RIGHT OF WAY refers to and includes streets, alleys, sidewalks, and easements.

PUBLIC BUILDING refers to structures designed and used in a manner for public benefit, and includes but is not limited to convention centers, libraries, fire stations/houses, police stations/substations, utility stations, City of Independence facilities used for educational

and/or training sessions, City of Independence facilities where city employees regularly interact with the public.

Sec. 5.21.002 – Occupational License Requirement

- A. A separate occupational license is required for Operators engaging in Feeding Operations within the City of Independence in accordance with Sec. 5.01.004.**
- B. There shall be no fee for the Feeding Operations Occupational License.**

Sec. 5.21.003 - Prohibited and Allowed Operations

- A. No Operator shall engage in Feeding Operations within the City of Independence, including parks, public right-of-way, or other public buildings until the Operator applies for and is granted a Feeding Operations Occupational License.**
- B. Any Operator engaged in Feeding Operations within the City of Independence will be responsible for cleaning any trash, litter, or debris left behind at the site of the Feeding Operation.**
- C. This ordinance does not prohibit:**
 - 1. Feeding Operations held indoors or on private property; or at private celebratory events, including, but not limited to, birthday and graduation parties; or**
 - 2. Feeding Operations held in conjunction with a declared emergency.**

Sec. 5.21.004 – Penalty

- A. The first violation and subsequent guilty plea or guilty finding. of this ordinance by any Operator, or by any person or person participating in a feeding operation with an Operator, shall result in a one-year probation with the loss of the ability to receive a permit for a one-year period from the date of the violation.**
- B. The second and any subsequent violation and guilty plea or guilty finding. of this ordinance by any Operator, or by any person or person participating in a feeding operation with an Operator, shall be subject to penalties pursuant to Sec. 5.01.026**

SECTION 2. That all other parts and provisions of the City Code remain in full force and effect unless previously or subsequently amended or repealed.

PASSED THIS _____ DAY OF _____, 2023, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

NOTE: Text being added by this ordinance is bolded.