

ORDINANCE NO. 266

AN ORDINANCE AMENDING TITLE FIVE, CHAPTER ONE, ARTICLE TWO,
OF THE CITY CODE OF BUFFALO, IOWA REGARDING
PARK, RULES AND REGULATIONS AND ALCOHOLIC BEVERAGES,
SPECIFICALLY SECTION 5-1.0201(11)

BE IT ENACTED by the City Council of the City of Buffalo,
Iowa:

Section 1: Section 5-1.0201(11) of the Buffalo City Code is
hereby amended to read as follows:

11. Restrictions Concerning Alcoholic Beverages.

A. Except under the circumstances authorized herein,
it shall be unlawful for any person to bring into,
possess, or consume alcoholic beverages in any City
park or playground or any building or shelter under the
control of the Park Commission.

B. On a case by case basis for special events,
including but not limited to any Fourth of July
celebration, the City Council may allow individuals to
bring coolers containing alcoholic beverages into City
parks and to consume such beverages. The following
conditions, together with any others imposed by the
City Council on a case by case basis, shall apply:

1. Alcoholic beverages in glass containers shall
not be allowed.

2. Alcoholic beverages shall not be possessed or
consumed on or near ball fields, including
bleachers surrounding ball fields, when juvenile
ball teams are playing, practicing, or gathering.

3. Alcoholic beverages shall not be possessed or
consumed on or among carnival rides, games, and
shows, including, but not limited to any carnival
midway.

4. Alcoholic beverages shall not be possessed or
consumed on or about playground equipment.

5. In no case shall alcoholic beverages be
possessed or consumed prior to the beginning of
any special event, or later than 10:30 p.m. or the
hour at which the special event is to end
whichever first occurs.

6. All rules and regulations set down by the State of Iowa, the City of Buffalo, and the Alcoholic Beverages Division of the Iowa Commerce Department shall be complied with.

7. Individuals possessing or consuming alcoholic beverages agree to defend, indemnify, and hold the City of Buffalo, its officers, agents, and employees, harmless from any and all claims, demands, or suits for bodily injury, including death, and property damage that may result or is alleged to arise out of the possession or consumption of alcoholic beverages in any City park or playground or any building or shelter under the control of the Park Commission.

C. It shall be unlawful for any intoxicated person to enter or remain within any park, playground or building or shelter under the control of the Park Commission. Such persons may be ejected by the Police Department.

D. It shall be unlawful for any person to violate any of the provisions of this section or any further conditions imposed by the City Council. Alcoholic beverages possessed or consumed in violation of this section or in violation of any further conditions imposed by the Council may be seized by the City of Buffalo and appropriately disposed of if the person possessing or consuming the same refuses to remove the beverages, upon being ordered to do so.

Section 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3: If any section, subsection, sentence, clause, or phrase of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, subsection, sentence, clause, or phrase hereof not adjudged invalid or unconstitutional.

Section 4: This ordinance shall become effective upon publication as required as by law.

APPROVED by the City Council of the City of Buffalo, Iowa this 07 day of May, 1990.

APPROVED and signed by the Mayor of the City of Buffalo, Iowa this 07 day of May, 1990.

Attest:

Carol A. Bernauer
Carol A. Bernauer, City Clerk
of Buffalo, Iowa

Signed:

Betty O. Walters
Betty O. Walters, Mayor
of Buffalo, Iowa