



Board of Alderman Request for Action

MEETING DATE: 3/1/2022

DEPARTMENT: Parks & Recreation

AGENDA ITEM: Resolution 1031 – Special Event Permit/Request – Smithville Main Street District

RECOMMENDED ACTION:

A motion to approve Resolution 1031, issuing a Special Event Permit/Request for Smithville Main Street District's 2022 Special Events.

SUMMARY:

Approval of this item will issue a Special Event Permit and waive the Courtyard Special Event Fee for Smithville Main Street District's four 2022 Special Events. The four events are:

Derby Wine Walk on April 30, 2022

Whiskey Walk and Market on July 16, 2022

Junkville Harvest Market on September 24, 2022

Wine Walk and Christmas Market on November 12, 2022

The requested permit will allow the participants to have alcohol (open container) at each event. The Derby Wine Walk, Whiskey Walk and Market and Wine Walk and Christmas Market are from 12:00 p.m. to 11:00 p.m. and the Junkville Harvest Market is from 6:00 a.m. to 8:00 p.m. at Courtyard Park. Per City Ordinance 600.070 (G & H) the Board of Aldermen may grant a Special Event Permit to allow drinking in public.

The event coordinators will be requesting and obtaining State Licensing. All businesses/committees selling alcohol are required to have City and State Alcohol Licenses.

Staff recommends waiving the Courtyard Special Event Fee for Smithville Main Street District's 2022 Special Events in recognition of the partnership between the City and Main Street District in community economic development effort.

PREVIOUS ACTION:

A Special Event Permit has been approved for these event in past years.

POLICY ISSUE:

n/a

FINANCIAL CONSIDERATIONS:

n/a

ATTACHMENTS:

- | | |
|--|-----------------------------------|
| <input type="checkbox"/> Ordinance | <input type="checkbox"/> Contract |
| <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Plans |
| <input type="checkbox"/> Staff Report | <input type="checkbox"/> Minutes |
| <input checked="" type="checkbox"/> Other: Ordinance 600.070 | |

RESOLUTION 1031

A RESOLUTION APPROVING A SPECIAL EVENT PERMIT/REQUEST FOR SMITHVILLE MAIN STREET DISTRICT'S 2022 SPECIAL EVENTS AT COURTYARD PARK

WHEREAS, the Smithville Main Street District has submitted an Event Application with all required fees and documentation for Derby Wine Walk, Whiskey Walk and Market, Junkville Harvest Market and Wine Walk and Christmas Market; and,

WHEREAS, licensed businesses will supply the food and beverages for a fee to the participants at the Courtyard Park using their state and city licenses to sell alcohol; and,

WHEREAS, the applicant has submitted a map of the area and will monitor the area that will allow open consumption of alcohol in accordance with city code; and,

WHEREAS, sponsoring the event would allow waiver the Courtyard event fee of \$400 and \$200 damage deposit.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI, AS FOLLOWS:

THAT A SPECIAL EVENT PERMIT BE ISSUED TO SMITHVILLE MAIN STREET DISTRICT FOR THEIR 2022 SPECIAL EVENTS AT COURTYARD PARK IN ACCORDANCE WITH THE PLAN APPROVED BY THE CHIEF OF POLICE.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 1st day of March 2022.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

Chapter 600. Alcoholic Beverages

Section 600.070. Miscellaneous Offenses.

[Ord. No. 3039-19, 7-16-2019]

- A. **Unlawful For Licensed Retailer To Purchase From Other Than Licensed Wholesaler.** It shall be unlawful for any licensee to purchase any intoxicating liquor except from, by or through a duly licensed wholesale liquor dealer in this State. It shall be unlawful for such retail liquor dealer to sell or offer for sale any intoxicating liquor purchased in violation of the provisions of this Section.
- B. **Packaging, Labeling, Repackaging Prohibited, When.** Any retailer licensed pursuant to this Chapter shall not:
1. Sell intoxicating liquor with an alcohol content of less than five percent (5%) by weight to the consumer in an original carton received from the wholesaler that has been mutilated, torn apart or cut apart; or
 2. Repackage intoxicating liquor with an alcohol content of less than five percent (5%) by weight in a manner misleading to the consumer or that results in required labeling being omitted or obscured.
- C. **Mixing Liquor With Drugs Prohibited.** No licensee, or any other person, shall for any purpose whatsoever mix or permit or cause to be mixed with any intoxicating liquor kept for sale, sold or supplied by him/her as a beverage any drug or form of methyl alcohol or impure form of alcohol.
- D. **Unlawful To Sell Unlabeled Liquor — Penalty.** It shall be unlawful for any person to sell any intoxicating liquor which has not been inspected and labeled according to the provisions of the Liquor Control Law of Missouri, and any such person upon conviction shall have his/her license revoked and shall be ineligible to receive any subsequent liquor license for a period of two (2) years thereafter.
- E. **Only Those Liquors Authorized By License To Be Kept On Premises.** It shall be unlawful for any licensee licensed for the sale of intoxicating liquor at retail by the drink for consumption on the premises to keep in or upon the premises described in such license any intoxicating liquor other than the kind of liquor expressly authorized to be sold by such licensee.
- F. **Persons Apparently Intoxicated Not To Be Provided With Intoxicating Liquor.** It shall be unlawful for any licensee, or his/her employee or agent, to sell or supply intoxicating liquor, or permit such to be sold or supplied, to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor.
- G. **Drinking In Public Places Prohibited.**
1. For purposes of this Section, the term "public place" shall mean any public street, highway, alley, sidewalk, thoroughfare or other public way of the City, or any parking lot.
 2. No person shall drink or ingest any intoxicating liquor in or on any public place.
 3. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor while in or upon any public place.
 4. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor while within or on any motor vehicle while the same is being operated upon, or parked or standing in or upon, any public place. Any person operating a motor vehicle shall be deemed to be in possession of an open container contained within the motor

vehicle he/she has control of whether or not he/she has actual physical possession of the open container.

H. **Special Event Permit.** The Board of Aldermen may grant a special event permit for purposes as identified in Section **600.070(G)(1)**, above, and under the following conditions:

1. An application must be filed with the Chief of Police that describes the applicant's name and business or interest in the event; the name(s) and contact information of any or all liquor license holders who will be involved in such event; the public street, highway, alley, sidewalk, thoroughfare or other public way of the City, or any parking lot to be included in the event area; the beginning and ending time of such event; and the telephone contact of the person in charge of and present at the event.
2. The estimated number of participants in the event shall be provided to the Chief of Police, and the applicant shall pay all costs of security needed as a result of the event to ensure compliance.