



## Board of Aldermen Request for Action

**MEETING DATE:** 6/17/2025

**DEPARTMENT:** Police Department

**AGENDA ITEM:** Bill No. 3070-25 – Repealing and Preplacing Sections 600.020, 600.030, and 600.045 of the Municipal Code. 1<sup>st</sup> Reading

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### **REQUESTED BOARD ACTION:**

A motion to approve Bill No. 3070-25, amending Chapter 600, Alcoholic Beverage. First reading by title only.

### **SUMMARY:**

Recent meetings between City staff and event coordinators identified discrepancies in the names of City liquor permits compared to the State and County counterparts. These changes aim to simplify the licensing process for event planners and individuals seeking liquor licenses within our City.

*Changing are noted in red*

#### **Section 600.020 License Required — Classes Of Licenses.**

- A.** No person shall sell or offer for sale intoxicating liquor in the City of Smithville without a currently valid liquor license issued by the City. A separate liquor license shall be required for each of the categories and subcategories of liquor sales in which the licensee desires to engage as set forth herein.
- B.** General Licenses. Any person possessing the qualifications and meeting the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor:
  - 1. **Beer Original Sales.** Sales of malt liquor at retail by grocers and other merchants and dealers for sale in the original package direct to consumers but not for resale and not for consumption on the premises where sold. This license may include sales between 6:00 a.m. on Sundays and 1:30 a.m. on Mondays .
  - 2. **Original Package Liquor** — All Kinds. Sales of all kinds of intoxicating liquors in the original package at retail not for consumption on the premises where sold, including sales as set forth in Subsection (B)(1) of this Section.
  - 3. **Beer and Light Wine By The Drink** — Malt Liquor/Light Wine Only. Sales of malt liquor and light wines at retail by the drink for consumption on the

premises where sold, including sales as set forth in Subsection (B)(1) and (4) of this Section.

4. **Beer By The Drink**. Sales of malt liquor at retail by the drink for consumption on the premises. This license may include sales between 6:00 a.m. on Sundays and 1:30 a.m. on Mondays.
  5. **Retail By The Drink — All Kinds**. Sales of intoxicating liquor of all kinds at retail by the drink for consumption on the premises where sold, including package sales as set forth in Subsection (B)(2) of this Section.
  6. Microbrewery.
    - a. Manufacture of beer and malt liquor in quantities not to exceed ten thousand (10,000) barrels per annum and may include sales of intoxicating liquor by the drink at retail for consumption on the premises. The holder of this license may also sell beer and malt liquor produced on the premises to duly licensed wholesalers; however, holders of this license shall not, under any circumstances, directly or indirectly, have any financial interest in any wholesaler's business, and such sales to wholesalers shall be subject to the restrictions of Sections 311.181 and 311.182, RSMo.
    - b. This license may include sales between 6:00 a.m. on Sundays and 1:30 a.m. on Mondays.
  - C. **Sunday by the Drink/Sunday Original Package**. Except for any establishment that may apply for a license under Section 311.089, RSMo., any person possessing the qualifications and meeting the requirements of this Chapter, who is licensed to sell intoxicating liquor at retail may apply to the City for a special license to sell intoxicating liquor at retail between 6:00 a.m. on Sundays and 1:30 a.m. on Mondays.
  - D. Permits.
    1. **Picnic License**. Any person who possesses the qualifications, meets the requirements and complies with the provisions of Section 600.030(B) below may apply for a special permit to sell intoxicating liquor for consumption on premises where sold.
- Original Tasting **Permit** — Retailers. Any person who is licensed to sell intoxicating liquor in the original package at retail under Subsections (B)(2) and (C) of this Section above may apply for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises; however, nothing in this Section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

## **Section 600.030 License Regulations.**

### **B. Picnic License — Certain Organizations.**

1. Notwithstanding any other provision of this Chapter, a permit for the sale of all kinds of intoxicating liquor, including intoxicating liquor in the original package, at retail by the drink for consumption on the premises of the licensee may be issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization or a nonprofit entity registered to do business in Missouri, for the sale of such intoxicating liquor at a picnic, bazaar, fair or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such club or organization.
2. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 11:00 A.M.
3. At the same time that an applicant applies for a permit under the provisions of this Subsection, the applicant shall notify the Director of Revenue of the holding of the event by certified mail and by such notification shall accept responsibility for the collection and payment of any applicable sales tax.
4. No provision of law or rule or regulation of the City shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

**C. Operating Hours, Days.**

1. No person having a license issued pursuant to this Chapter nor any employee of such person shall sell, give away, or permit the consumption of any intoxicating liquor in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. on Sunday and 6:00 A.M. on Monday except as otherwise authorized and licensed for **Sunday by the Drink/Sunday Original Sales**, and if said person has a license to sell intoxicating liquor by the drink, his/her premises shall be and remain a closed place as defined in Section 600.010 of this Chapter and between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and 1:30 A.M. on Sunday and 6:00 A.M. on Monday. Where such licenses authorizing the sale of intoxicating liquor by the drink are held by clubs, hotels, or bowling alleys, this Section shall apply only to the room or rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants or bowling alleys whose business is conducted in one room only, then the licensee shall keep securely locked during the

hours and on the days herein specified all refrigerators, cabinets, cases, boxes and taps from which intoxicating liquor is dispensed.

- a. The issuance of a license as provided in Section 600.020(B)(2) of this Chapter (**Original Package Liquor**) shall be counted as being commensurate with the issuance of one (1) license for every subcategory of package liquor provided in Section 600.020(B)(1).

**Section 600.045. Retail by the Drink, Caterers — Permit — Fee Required.**

[The City may issue a temporary permit to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this Chapter who furnish provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, but not including a "festival" as defined in Chapter 316, RSMo. The temporary permit shall be effective for a period not to exceed one hundred sixty-eight (168) consecutive hours and shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every permit issued pursuant to the provisions of this Section, the permittee shall pay to the City an amount as set out in Section 600.040(A)(3)(c) above, or fraction thereof, for which the permit is issued.

**PREVIOUS ACTION:**

NA

**POLICY ISSUE:**

**FINANCIAL CONSIDERATIONS:**

N/A

**ATTACHMENTS:**

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

**AN ORDINANCE AMENDING CHAPTER 600, ALCOHOLIC BEVERAGES**

**WHEREAS**, the City of Smithville currently issues various classes of liquor licenses under Chapter 600 of the Municipal Code or Ordinances; and

**WHEREAS**, the existing naming conventions for Smithville's licenses differ from those used by the Missouri Division of Alcohol and Tobacco Control under Chapter 311 of the Revised Statutes of Missouri;

**WHEREAS**, aligning the names of Smithville's liquor licenses with the corresponding state license classifications will promote clarity, improve administrative efficiency and better serve residents and businesses seeking licensure; and

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

Section 1. Sections §600.020, 600.030 and 600.045 of the Code of Ordinances are repealed in their entirety and replaced with new such sections, to be numbered and read as follows:

**Section 600.020 License Required — Classes Of Licenses.**

- A.** No person shall sell or offer for sale intoxicating liquor in the City of Smithville without a currently valid liquor license issued by the City. A separate liquor license shall be required for each of the categories and subcategories of liquor sales in which the licensee desires to engage as set forth herein.
- B.** General Licenses. Any person possessing the qualifications and meeting the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor:
  - 1.** Beer Original Sales. Sales of malt liquor at retail by grocers and other merchants and dealers for sale in the original package direct to consumers but not for resale and not for consumption on the premises where sold. This license may include sales between **6:00 a.m. on Sundays and 1:30 a.m. on Mondays** .
  - 2.** Original Package Liquor — All Kinds. Sales of all kinds of intoxicating liquors in the original package at retail not for consumption on the premises where sold, including sales as set forth in Subsection **(B)(1)** of this Section.
  - 3.** Beer and Light Wine By The Drink — Malt Liquor/Light Wine Only. Sales of malt liquor and light wines at retail by the drink for consumption on the premises

where sold, including sales as set forth in Subsection **(B)(1)** and **(4)** of this Section.

4. Beer By The Drink. Sales of malt liquor at retail by the drink for consumption on the premises. This license may include sales between **6:00 a.m. on Sundays and 1:30 a.m. on Mondays.**
5. Retail By The Drink — All Kinds. Sales of intoxicating liquor of all kinds at retail by the drink for consumption on the premises where sold, including package sales as set forth in Subsection **(B)(2)** of this Section.
6. Microbrewery.
  - a. Manufacture of beer and malt liquor in quantities not to exceed ten thousand (10,000) barrels per annum and may include sales of intoxicating liquor by the drink at retail for consumption on the premises. The holder of this license may also sell beer and malt liquor produced on the premises to duly licensed wholesalers; however, holders of this license shall not, under any circumstances, directly or indirectly, have any financial interest in any wholesaler's business, and such sales to wholesalers shall be subject to the restrictions of Sections 311.181 and 311.182, RSMo.
  - b. This license may include sales between **6:00 a.m. on Sundays and 1:30 a.m. on Mondays.**
- C. Sunday by the Drink/Sunday Original Package. Except for any establishment that may apply for a license under Section 311.089, RSMo., any person possessing the qualifications and meeting the requirements of this Chapter, who is licensed to sell intoxicating liquor at retail may apply to the City for a special license to sell intoxicating liquor at retail between **6:00 a.m. on Sundays and 1:30 a.m. on Mondays.**
- D. Permits.
  1. Picnic License. Any person who possesses the qualifications, meets the requirements and complies with the provisions of Section **600.030(B)** below may apply for a special permit to sell intoxicating liquor for consumption on premises where sold.
  2. Original Tasting Permit — Retailers. Any person who is licensed to sell intoxicating liquor in the original package at retail under Subsections **(B)(2)** and **(C)** of this Section above may apply for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises; however, nothing in this Section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.
  3. Tasting Permit — Winery, Distiller, Manufacturer, Etc.
    - a. Any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide and pour distilled spirits, wine, or malt beverage samples off a licensed retail premises for tasting purposes, provided no sales

transactions take place. For purposes of this Subsection **(D)(3)**, a "sales transaction" shall mean an actual and immediate exchange of monetary consideration for the immediate delivery of goods at the tasting site.

**b.** Notwithstanding any other provisions of this Chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide, furnish, or pour distilled spirits, wine, or malt beverage samples for customer tasting purposes on any temporary licensed retail premises as described in Section 311.218, 311.482, 311.485, 311.486, or 311.487, RSMo., or on any tax-exempt organization's licensed premises as described in Section 311.090, RSMo.

**c.** Any Winery, Distiller, Etc., May Provide Or Furnish Distilled Spirits, Wine Or Malt Beverage Samples On A Licensed Retail Premises — When.

**(1)** Notwithstanding any other provisions of this Chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide or furnish distilled spirits, wine or malt beverage samples on a licensed retail premises for customer tasting purposes so long as the winery, distiller, manufacturer, wholesaler, or brewer or designated employee has permission from the person holding the retail license. The retail licensed premises where such product tasting is provided shall maintain a special permit in accordance with Section 311.294, RSMo., or hold a by the drink for consumption on the premises where sold retail license. No money or anything of value shall be given to the retailers for the privilege or opportunity of conducting the on-the-premises product tasting.

**(2)** Distilled spirits, wine, or malt beverage samples may be dispensed by an employee of the retailer, winery, distiller, manufacturer or brewer or by a sampling retained by the retailer, winery, distiller, manufacturer or brewer. All sampling service employees that provide and pour intoxicating liquor samples on a licensed retail premises shall be required to complete a server training program approved by the Division of Alcohol and Tobacco Control.

**(3)** Any distilled spirits, wine, or malt beverage sample provided by the retailer, winery, distiller, manufacturer, wholesaler, or brewer remaining after the tasting shall be returned to the retailer, winery, distiller, manufacturer, wholesaler, or brewer.

### **Section 600.030 License Regulations.**

**A.** Package Sales, Limitations. No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of

one (1) or more of the following businesses: a drugstore, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in his/her store a stock of goods having a value according to invoices of at least one thousand dollars (\$1,000.00), exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this Chapter or law.

**B. Picnic License — Certain Organizations.**

1. Notwithstanding any other provision of this Chapter, a permit for the sale of all kinds of intoxicating liquor, including intoxicating liquor in the original package, at retail by the drink for consumption on the premises of the licensee may be issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization or a nonprofit entity registered to do business in Missouri, for the sale of such intoxicating liquor at a picnic, bazaar, fair or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such club or organization.
2. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 11:00 A.M.
3. At the same time that an applicant applies for a permit under the provisions of this Subsection, the applicant shall notify the Director of Revenue of the holding of the event by certified mail and by such notification shall accept responsibility for the collection and payment of any applicable sales tax.
4. No provision of law or rule or regulation of the City shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

**C. Operating Hours, Days.**

1. No person having a license issued pursuant to this Chapter nor any employee of such person shall sell, give away, or permit the consumption of any intoxicating liquor in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. on Sunday and 6:00 A.M. on Monday except as otherwise authorized and licensed for Sunday by the Drink/Sunday Original Sales, and if said person has a license to sell intoxicating liquor by the drink, his/her premises shall be and remain a closed place as defined in Section **600.010** of this Chapter and between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and 1:30 A.M. on Sunday and 6:00 A.M. on Monday. Where such licenses authorizing the sale of intoxicating liquor by the drink are held by clubs, hotels, or bowling alleys, this Section shall apply only to the room



or rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants or bowling alleys whose business is conducted in one room only, then the licensee shall keep securely locked during the hours and on the days herein specified all refrigerators, cabinets, cases, boxes and taps from which intoxicating liquor is dispensed.

2. When January 1, March 17, July 4 or December 31 falls on Sunday, and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the National Football League is played, commonly known as "Super Bowl Sunday," any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his/her license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of this Chapter to the contrary.

**D. Number Of Licenses Limited.**

1. No license for the sale of any and all kinds of intoxicating liquor by the drink for consumption on the premises, except for a resort or restaurant's bar license, shall be granted or issued when the granting thereof shall increase the number of such licenses outstanding and in force at that time to more than one (1) for each one thousand (1,000) inhabitants, or fraction thereof, residing within the City as shown by the last decennial census of the United States.
2. Any license for the sale at retail of any and all kinds of intoxicating liquor in the original package shall be granted or issued only by approval of the Board of Aldermen, except as otherwise set forth herein.
3. Determining The Number Of Licenses Allowed. For purposes of determining the number of licenses allowed by this Section, the issuance of licenses shall be counted as follows:
  - a. The issuance of a license as provided in Section **600.020(B)(2)** of this Chapter (Original Package Liquor) shall be counted as being commensurate with the issuance of one (1) license for every subcategory of package liquor provided in Section **600.020(B)(1)**.
  - b. The issuance of a license as provided in Section **600.020(B)(5)** of this Chapter (Liquor by the drink — all kinds) shall be counted as being commensurate with the issuance of one (1) license for every subcategory of liquor by the drink provided in Section **600.020(B)(3)** and **(B)(4)**.

**E. General License Regulations.**

1. Each license issued hereunder shall be conspicuously posted on the premises for which the license has been issued.
2. A separate license shall be required for each place of business. Every license issued under the provisions of this Chapter shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license

shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein.

3. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this Chapter, may make application and the Clerk may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased. Whenever one (1) or more members of a partnership withdraws from the partnership, the Clerk, upon being requested, shall permit the remaining partner or partners originally licensed to continue to operate for the remainder of the period for which the license fee has been paid without obtaining a new license.
4. In the event any licensee desires to change the location of his/her place of business in the City, it shall be necessary for him/her to file an application in the same manner as herein provided for an original application, except that no additional fee shall be charged and the amended license, describing the new location, shall be issued immediately upon the approval of the application by the Board of Aldermen. Any change of location of the enterprise prior to issuance of such an amended license shall constitute a violation of this Section.
5. Every licensee shall keep displayed prominently at all times on its licensed premises any City license designating the premises as a place licensed by the City to sell intoxicating liquors. Nonetheless, no application shall be disapproved by the Supervisor of Alcohol and Tobacco Control for failure to possess a City license when making application for a license. Within ten (10) days from the issuance of said City license, the licensee shall file with the Supervisor of Alcohol and Tobacco Control a copy of such City license.

**Section 600.045. Retail by the Drink, Caterers — Permit — Fee Required.**

[The City may issue a temporary permit to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this Chapter who furnish provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, but not including a "festival" as defined in Chapter 316, RSMo. The temporary permit shall be effective for a period not to exceed one hundred sixty-eight (168) consecutive hours and shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every permit issued pursuant to the provisions of this Section, the permittee shall pay to the City an amount as

set out in Section 600.040(A)(3)(c) above, or fraction thereof, for which the permit is issued.

- A. Except as provided in Subsection (C), all provisions of the Liquor Control Law and the ordinances, rules and regulations of the City, in which is located the premises in which such function, occasion or event is held shall extend to such premises and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees, or stock are in such premises. This temporary permit shall allow the sale of intoxicating liquor in the original package.
- B. Notwithstanding any other law to the contrary, any caterer who possesses a valid State and valid local liquor license may deliver alcoholic beverages, in the course of his/her catering business. A caterer who possesses a valid State and valid local liquor license need not obtain a separate license for each City the caterer delivers in, so long as such City permits any caterer to deliver alcoholic beverages within the City.
- C. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent (5%) by weight delivered and invoiced under the catering permit number, but not used, if the wholesaler removes the product within seventy-two (72) hours of the expiration of the catering permit issued pursuant to this Section.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 1<sup>st</sup> of July 2025.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

1<sup>st</sup> reading 06/17/2025

2<sup>nd</sup> reading 07/01/2025