



Board of Aldermen Request for Action

MEETING DATE: 5/21/2024

DEPARTMENT: Police

AGENDA ITEM: Bill No. 3033-24, Ordinance Repealing Section 600.030(D) Number of Licenses Limited and Enacting a New Section 600.030(D) Number of Licenses Limited - 1st and 2nd Reading.

REQUESTED BOARD ACTION:

Motion to approve Bill 3033-24, repealing Section 600.030(D) number of licenses limited and enacting a new Section 600.030(D) number of licenses limited. Emergency Ordinance Sponsored by Mayor Boley. First and second reading by title only.

SUMMARY:

This bill will repeal and replace Section 600.030(D) Numbers of Licenses Limited and enact a new Section 600.030(D) Numbers of Licenses Limited.

Recently, while reviewing existing liquor licenses during the renewal process, staff noticed that Section 600.030(D) (1) of the Municipal Ordinances of Smithville reads as follows: *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.*

With a population of 10,451 in Smithville as of 2020, the existing code allows issuance of eleven (11) Intoxicating Liquor by the Drink licenses. Currently, ten (10) licenses are in use and undergoing renewal. However, at least two (2) additional businesses are anticipated to open soon, surpassing the allowable number of licenses according to city ordinance.

In response, city staff have collaborated with legal counsel to propose a solution. This involves amending Section 600.030(D) (1) to adjust the ratio from 1 license per 1,000 population to 2 licenses per 1,000 population.

The City's attorneys have reviewed and concur with these changes and additions.

PREVIOUS ACTION:

The last modifications to this Ordinance was in September, 2021.

POLICY OBJECTIVE:

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FINANCIAL CONSIDERATIONS:

None

ATTACHMENTS:

- ☒ Ordinance
- ☐ Resolution
- ☐ Staff Report
- ☐ Other:

- ☐ Contract
- ☐ Plans
- ☐ Minutes

**AN ORDINANCE REPEALING SECTION 600.030(D) NUMBER OF
LICENSES LIMITED AND ENACTING A NEW SECTION 600.030(D)
NUMBER OF LICENSES LIMITED**

WHEREAS, the City has adopted an Ordinance regarding the issuance of liquor licenses in the City.

WHEREAS, the City believes that the limitation on the number of licenses that can be issued by the City is too limited and antiquated, such additional liquor licenses should be permitted, given the growth in and around the City.

WHEREAS, the Current version of Section 600.030(D) of the Ordinances of the City of Smithville Reads as follows:

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 (Package liquor — all kinds) 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).

WHEREAS, Section 600.030(D)(1) should be amended to allow two (2) liquor licenses per one thousand (1,000) inhabitants, or fraction thereof.

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

Effective immediately upon approval of this Ordinance the previously existing version of Section 600.030(D) of the Ordinances of the City of Smithville as set forth above is repealed and the new Section 600.030(D) of the Municipal Ordinances of the City of Smithville Missouri is enacted which shall read as follows:

Section 600.030(D)

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 two (2) 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 (Package liquor — all kinds) 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).

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 21st of May 2024.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 05/21/2024

Second Reading: 05/21/2024