

AGENDA ITEM

August 2, 2022

Subject: Waiver request by Chamber of Commerce for Alcohol sales at Marmaduke Park on August 26, 2022

Department: Administration

The Chamber of Commerce is hosting a BBQ contest at Marmaduke Park on Friday August 26, 2022 and would like to sale Alcohol at the event. Ordinance 8499, passed on May 3, 2022, prohibits the sale of intoxicating liquor within 100 feet of any Park.

Alcohol sales are allowed for this type of event under the "Picnic Permit" (Section 3-9) with the following restrictions and permissions:

- May be issued to any church, school, civic, service, fraternal, veteran, political, or charitable club or organization for the sale of such malt liquor at a picnic bazaar, fair, or similar gathering.
- Permit shall be issued only for six hours on the day named.
- The applicant for such permit shall pay the licensing officer a fee of \$150.00.
- Issued by the Liquor Control Board, No Council approval needed. Before the Liquor Control Board issues a permit to the applicant, a copy of the permit issued by the state shall be provided.
- No alcohol sales are allowed within 100 feet of any public park, school, church, or other building regularly used as a place of religious worship,

Manager Notes:

- **Sec. 3-9. Limited permits: picnic permit; Fourth of July celebrations; complimentary liquor permit.** (a) *Temporary Permits Authorized.* (1) Notwithstanding the other provisions of this chapter, a permit for the sale of malt liquor as defined in RSMo § 311.200 for **consumption on the premises where it is sold may be issued to any church, school, civic, service, fraternal, veteran, political, or charitable club or organization for the sale of such malt liquor at a picnic bazaar, fair, or similar gathering.** Said permit shall be issued only for six hours on the day named therein and it shall not authorize the sale of aforesaid malt liquor for more than six hours by any said organization as described above in any fiscal year,
- **Sec. 3-12. Sale of liquor prohibited near schools, churches, parks.** (a) **No license shall be granted for the sale of intoxicating liquor, as defined in this chapter, within 100 feet of any public park, school, church, or other building regularly used as a place of religious worship.** unless the applicant for the license shall first obtain the consent in writing of the board of directors of the school, or the consent in writing of the majority of the managing board of the church or place of worship;

RESOLUTION NO. 1649

A RESOLUTION OF THE CITY OF NEVADA, MISSOURI, AUTHORIZING A WAIVER FROM THE PROVISIONS OF SECTION 3-12 (A) SALE OF LIQUOR PROHIBITED NEAR SCHOOLS, CHURCHES, AND PARKS, FOR MARMADUKE PARK ON AUGUST 26, 2022.

WHEREAS, the Chamber of Commerce for the City of Nevada, Missouri will be holding a BBQ contest at Marmaduke Park on August 26, 2022, and would like to add a beer garden to the event, and;

WHEREAS, the Municipal Code Section 3-12 (a) prohibits the sale of liquor within 100 feet of any park, and;

WHEREAS, it is the desire of the City Council to waive the provisions of Municipal Code Section 3-12 (a) Sale of Liquor Prohibited Near Schools, Churches, and Parks, during the event.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Nevada, Missouri that provisions of Section 3-12 (a) of the Code of the City of Nevada are hereby waived for Marmaduke Park on August 26, 2022.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Nevada, Missouri this 2nd day of August, 2022.

George Knox – Mayor

Seal

Attest

Stephanie M. Martin – City Clerk