



**Issue:** **A RESOLUTION OF THE NIXA CITY COUNCIL AUTHORIZING THE SELL OR DISTRIBUTE BEER AND WINE FOR THE 2022 NIXA SUCKER DAYS MULTI-DAY SPECIAL EVENT**

**Date:** March 14, 2021

**Submitted By:** Garrett Tyson, Director of Planning and Development

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## **Background**

Section 16-325 of the Nixa City Code requires that any special event that extends across multiple days or involves the sale or distribution of fermented malt beverages (beer) or wine first receive authorization from the City Council.

## **Analysis**

The 2022 Nixa Sucker Days is scheduled for May 19<sup>th</sup> – May 22<sup>nd</sup> and is planned to involve the use of public property for the temporary sale/distribution of beer and wine during the event. The specific location identified for the consumption of alcohol is the city-owned and maintained parking lot shown on the map enclosed with this exhibit and incorporated into the resolution by reference.

Section 16-325 provides for several conditions that must be satisfied for the sale or distribution of alcohol for special events, including:

1. The applicant must obtain the appropriate permits or licenses from the Missouri Department of Liquor Control.
2. The applicant shall receive a special event permit from the Planning and Development Department prior to the event.
3. The person whose name is on the application shall be present at the special event throughout the event.
4. A designated, fenced area shall be provided with one entrance and one exit. The applicant shall man the facility with adult security personnel who will be responsible for verifying, with proper identification, any patron's legal drinking age.
5. No person who is under or appears to be under the influence of alcohol consumption shall be sold or provided with additional beer or wine.
6. The organizer of the vent shall provide enhanced security (auxiliary police, contracted security, or of like-kind personnel) at the expense of the organizer during the event.
7. Beer or wine shall not be distributed or sold after 10:30pm and no alcohol shall be left on the premises after the event closes.
8. The designated area, along with all distribution equipment used for the sale and distribution of beer or wine shall be removed from the facility by noon the following day.



The resolution accompanying this exhibit restates these codified requirements as conditions of the resolution that must be satisfied prior to the commencement of the event or its planned activities.

**Recommendation**

Staff recommends the approval of this resolution.

# Sucker Days Alcohol Distribution/Consumption Location



S MAIN ST

W ELM ST

E ELM ST



**RESOLUTION NO. 2022-031**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF NIXA AUTHORIZING THE SALE OR DISTRIBUTION OF ALCOHOL ON CITY PROPERTY AND AUTHORIZING A MULTI-DAY EVENT FOR THE PROPOSED 2022 SUCKER DAYS SPECIAL EVENT.**

**WHEREAS** Chapter 16, Article IX of the Nixa City Code contains the City's regulations regarding special events; and

**WHEREAS** said Article authorizes the Director of Planning and Development to issue Special Event Permits under certain terms and conditions; and

**WHEREAS** Section 16-325 requires City Council's authorization prior to the issuance of a Special Event Permit for any special event which includes: (1) the selling or distribution of fermented malt beverages on City-owned property or (2) for any multi-day special event; and

**WHEREAS** it is anticipated that an application for a Special Event Permit will be filed for an event referred to as "2022 Nixa Sucker Days"; and

**WHEREAS** it is anticipated that said event will include the sale or distribution of fermented malt beverages or wine on City-owned property and that the event will be conducted over the course of multiple days; and

**WHEREAS** City Council desires to authorize the sale or distribution of alcohol on City-owned property and authorized the event as a multi-day event, provided that all applicable provisions of the Nixa City Code are complied with.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NIXA, AS FOLLOWS, THAT:**

**SECTION 1:** City Council hereby provides authorization to allow for the sale or distribution of fermented malt beverages or wine upon the City-owned property which comprises the public parking lot generally located at the northeast corner of Main Street and Elm Street and further authorizes a multi-day event, as required by Section 16-325 of the Nixa City Code, for the proposed special event "2022 Nixa Sucker Days," which is anticipated to occur on May 19, 2022 through May 22, 2022. Said authorization is expressly subject to full compliance with all applicable provisions of the Nixa City Code, including, without limitation, the provisions of Chapter 16, Article IX of the Nixa City Code.

**SECTION 2:** The City Administrator, or designee, is hereby authorized to do all things necessary or convenient to carry out the terms of this Resolution provided that such actions are consistent with the terms and intent of this Resolution.

**RESOLUTION NO. 2022-031**

45           **SECTION 3:** This Resolution shall be in full force and effect from and after its final  
46 passage by the City Council and after its approval by the Mayor, subject to the provisions  
47 of section 3.11(g) of the City Charter.  
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50 **ADOPTED BY THE CITY COUNCIL THIS 14<sup>th</sup> DAY OF MARCH 2022.**

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52 ATTEST:

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54 \_\_\_\_\_  
55 CITY CLERK

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PRESIDING OFFICER

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57 **APPROVED BY THE MAYOR.**

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59 ATTEST:

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61 \_\_\_\_\_  
62 CITY CLERK

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MAYOR

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64 APPROVED AS TO FORM:

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DATE OF APPROVAL

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67 \_\_\_\_\_  
CITY ATTORNEY