

(Smithville)

AN ORDINANCE AMENDING ORDINANCE NO. 280, BEING THE BUSINESS AND OCCUPATION SECTION ENTITLED ALCOHOLIC BEVERAGES, BY ENACTING A NEW SECTION REQUIRING THE REGISTRATION BY LICENSEES OF KEGS HOLDING BEER, WINE OR INTOXICATING LIQUOR, AND PROVIDING PENALTY FOR VIOLATION THEREOF.

WHEREAS, the Board of Aldermen recognize that beer kegs are often a main source of alcohol at parties where underage drinking occurs, and

WHEREAS, the Board of Aldermen desires to enact an ordinance requiring the registration of kegs holding beer, wine or intoxicating liquor to help curb underage drinking, and

WHEREAS, an ordinance regulating the sale of beer kegs would be in the best interest of public health, safety and welfare in controlling underage drinking;

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

SECTION 1. Chapter 600 is amended by enacting a new Section 600.210 that shall read as follows:

SECTION 600.210: BEER KEG REGISTRATION

A. Definitions. As used in this Section, the following terms shall mean:

“Keg” - Any container capable of holding four gallons or more of beer, wine or intoxicating liquor that is designed to dispense beer, wine or intoxicating liquor directly from the container for purposes of consumption.

“Registration Seal” - Any document, stamp, declaration, seal, decal, sticker or device approved by the City that is designed to be affixed to kegs and displays a registration number and such other information as may be prescribed by the City.

“Licensee” - Shall mean any person holding a license within the City to sell beer, wine or intoxicating liquor.

B. Registration declaration/seal requirement. No licensee shall sell or lose control of any beer, wine or intoxicating liquor in a keg without having registered the sale on a form prescribed by the City and affixing a registration seal on the keg at the time of sale.

C. Registration declaration. - The registration declaration shall at least contain the following:

(1) The name and address of the purchaser verified by valid identification as determined by rules and regulations promulgated by the City.

(2) The type of identification presented by the purchaser.

(3) A statement signed by the purchaser indicating that the purchaser is 21 years of age or older, does not intend to allow persons under 21 years of age to consume the alcoholic beverages purchased, that the purchaser acknowledges the penalty for providing alcohol to minors is a fine of up to \$500 or imprisonment for a period not to exceed 90 days, or by both such fine and imprisonment, and that the purchaser will not remove or obliterate the keg registration tax affixed to the keg or allow its removal or obliteration.

D. Keg return; procedure to be followed by licensee. When a registered keg is returned to the licensee, the registration seal shall be removed or obliterated and note of such action shall be made on the registration records of the licensee.

E. Violations. It shall be a violation of this ordinance for any person, except as provided above, to remove, alter, deface or obliterate any registration seal affixed to a keg, except that disposing of empty kegs made of disposable packaging shall not constitute a violation.

F. Seizure or forfeiture of keg. If any person is in possession of a keg used for or containing beer, wine or intoxicating liquor in violation of this ordinance, then the keg and its contents shall be subject to seizure or forfeiture.

G. Responsibility to maintain records. Any licensee shall maintain a complete and accurate record of all registration forms and other documentation of the sale of kegs at the place of business designated in the permit for a period of one year. Such records regarding keg sales shall be open to inspection by the City or other law enforcement officers at a reasonable date and time.

H. Penalty. Any person who violates the terms of this ordinance shall upon conviction thereof be punished by a fine of not more than \$500, or by imprisonment not exceeding 90 days or by both such fine and imprisonment.

I. If any section, subsection, subdivision, paragraph, sentence clause or phrase in this section(s) or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this section(s) or any part thereof. The board of aldermen hereby declares that it would have passed the ordinance that adopted this Chapter and each section, subsection, subdivision, paragraph, sentence, clause or phrase in this Chapter or any part hereof irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional.

SECTION 2. The provisions of this ordinance shall be in full force and effect 60 days after its passage by the board of aldermen and approval by the mayor.