



City of Smyrna

City of Smyrna
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Issue Sheet

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WARD / COUNCILMEMBER: Citywide

\$ IMPACT: N/A

Agenda Title:

Public Hearing - Approval of a code amendment to Section 6-62(a) of the City's Alcoholic Beverage Ordinance with regards to Sunday Sales.

ISSUE AND BACKGROUND:

The Community Development and Economic Development has received a question from the owner of the Stout Brothers Growler Store in the Market Village regarding the ability to sell alcohol by the drink on Sundays starting at 11:00 a.m. in accordance with the City's Sunday Sales requirements. The City has started hosting the Handmade Market on Sundays from 11:00 a.m. to 3:00 p.m. from May 16th to October 17th. The market has been successful and is drawing a great crowd. Stout Brothers would like to add to the market by providing market goers the opportunity to purchase drinks and walk around market.

Stout Brothers currently holds a package license for beer and wine, a Sunday package sales license and a growler specialty shop add-on license. The growler specialty shop add-on license allows Stout Brothers to sell beer and wine by the drink in addition to their package license provided the revenue generated from the pouring sales is less than 25% of the total revenue for the business. Currently, Stout Brothers is allowed to sell by the drink at 12:30 p.m. on Sundays. Wine specialty shops, growler specialty shops, cigar specialty shops and breweries are all excluded from the ability to start selling drinks from 11:00 a.m. to 12:30 p.m. per Section 6-62(a) of the Alcoholic Beverage Ordinance. Community Development and Economic Development have reviewed the City's Alcoholic Beverage Ordinance and are proposing a code amendment to address the issue.

RECOMMENDATION / REQUESTED ACTION: Community Development recommends **approval** of the proposed text amendment to the City's Alcoholic Beverage Ordinance:

Amend Section 6-62 of Chapter 6 - Alcoholic Beverage Ordinance as follows:

Sec. 6-62. - Sunday sales permit.

(a) In addition to the hours of operation specified in this chapter, licensees in pouring distilled spirits and licensees in pouring wine and malt beverages, with or without brewpub add on, ~~but not including~~

~~wine specialty shop, growler specialty shop, cigar specialty shop, breweries or educational tasting permits,~~ may sell and serve on Sundays from 11:00 a.m. until midnight and may continue to sell until 4:00 a.m. (Monday morning), provided that the licensee applies for and receives a Sunday sales permit for such sales from the city. The licensee must also hold a city alcoholic beverage pouring license (b)Such applicants shall complete a form furnished by the city, supplying such information as may be requested. Prior to permit issuance, the applicant must make available records for audit purposes to determine and verify if the establishment is meeting all requirements prescribed in this chapter. The permit may be denied or removed for failure to so conform or failure to produce satisfactory evidence of conforming.

(c)All annual permit renewals shall be made in the same manner and during same time periods as other alcoholic beverage license renewals. All renewals are subject to audit prior to being renewed to ensure compliance with this section. All renewal applications shall be accompanied by a statement by a certified public accountant that no more than 50 percent of sales are derived solely from the sale of alcoholic beverages.

(d)No Sunday sales permit is transferable.

(e)A fee for issuance of the Sunday sales permit may be established ~~and~~ changed from time to time by the governing body by resolution, and a schedule of fees shall be maintained in the office of the city clerk.

(f)The Sunday sales permit shall be subject to any requirements in this chapter pertaining to enforcement and revocation proceedings and shall be automatically revoked if the alcoholic beverage pouring license is revoked.