

Chapter 50--Intoxicating Liquor

(Ord # 06-23)

Chapter 50--Intoxicating Liquor

50.010. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

Catering business shall mean any business involving the provision and/or service of food and/or beverages for a private occasion, function or event whether prepared on the premises of the occasion, function or event or not.

Catering event shall mean any occasion, function or event which involves the provision and/or service of food and/or beverages for a period of time not to exceed twenty-four (24) consecutive hours.

Closed place shall mean a place where all doors are locked and where no patrons are in the place or about the premises.

Intoxicating liquor shall be defined as set forth in the provisions of RSMo 311.020, and as amended from time to time.

Light wine shall mean any wine containing not in excess of fourteen (14) percent of alcohol by weight made exclusively from grapes, berries or other fruits and vegetables.

Malt liquor shall mean any liquor containing alcohol in excess of three and two-tenths (3.2) percent by weight and not in excess of five (5) percent by weight, manufactured from pure hops or pure extraction of hops or pure barley malt or wholesome grain or cereals and wholesome yeast or pure water.

Microbrewery shall mean a business whose primary activity is brewing and selling of beer, with an annual production of 10,000 barrels or less.

Original package shall mean any package containing one-half (0.5) pint or more of intoxicating liquor, excepting malt liquor or any package containing three (3) or more standard bottles of malt liquor.

Person shall mean and include any individual, association, partnership, entity, joint stock company, syndicate, co-partnership, corporation, receiver, trustee, limited liability company, limited liability partnership, conservator or other officer appointed by a state or federal court.

Public place for purposes of this chapter shall mean any public way, park, parking lot, cemetery, school yard or open space adjacent thereto; or any place open to access by the public including any business to which the general public has access, regardless of any age restriction which apply to that place, unless that location is licensed under the provisions of this Code.

Qualified legal voter shall mean a person who is legally registered to vote at the time an application for liquor license is made to the city.

Tavern shall mean an establishment licensed to sell malt liquor by the drink

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or light wine for consumption on the premises, but not licensed to sell all intoxicating liquor by the drink.

Taxpaying citizen shall mean a person who has paid all city, county, state and federal taxes which are due at the time of application or renewal for a city liquor license whether or not the taxes due are related to the income or premises for which the liquor license has been requested.

50.020. Inspection by city.

(a) The city officials shall have authority and be permitted to inspect all premises covered by licenses issued under this chapter to determine whether the provisions of this chapter are being obeyed. Consent to entry for inspection is an express condition of issuance of and use of a license under this chapter. Refusal to permit entry for inspection by the license holder or its agents and employees shall be good cause for revocation of the license.

(b) It shall be unlawful for a license holder, or any agent or employee of the license holder, to refuse entry on to the licensed premises for purposes of inspecting for compliance with this chapter during the term of the license.

50.030. Hours of sale generally.

No license holder under this chapter, nor any employee of such person, shall sell, give away or otherwise dispose of or suffer the same to be done upon or about his premises, any intoxicating liquor in any quantity between the hours of 1:30 a.m. and 6:00 a.m. Tuesday through Saturday and between the hours of 1:30 a.m. and 6:00 a.m. Sunday and between the hours of 1:30 a.m. and 6:00 a.m. Monday.

50.040. Hours of sale--Holidays and special event days.

When January 1, March 17, July 4, or December 31 fall on Sunday, and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the National Football League is played, commonly known as "Super Bowl Sunday," a person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provision of his or her license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any other provision of the Code to the contrary.

50.050. Same--Clubs, hotels, restaurants and bowling alleys.

Where licenses authorizing the sale of intoxicating liquor by the drink for on premises consumption are held by club, hotels or bowling alleys; sections 50.030 through 50.040 shall apply only to the room or rooms in which intoxicating liquor is dispensed. Where licenses are held by restaurants or bowling alleys whose business is conducted in one (1) room only then the licensee shall keep securely locked during the hours on the days specified in sections 50.030 through 50.040 all refrigerators, cabinets, cases, boxes and taps from which intoxicating liquor or nonintoxicating beer are dispensed.

50.060. Allowing minors to consume alcohol.

(a) It shall be unlawful for any owner, occupant, or other person with a lawful right to the exclusive use and enjoyment of any property to knowingly permit or allow a person under the age of

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twenty-one (21) to drink or possess intoxicating liquor or knowingly fail to stop a person under the age of twenty-one (21) from drinking or possessing intoxicating liquor on such property, unless such person allowing the person under the age of twenty-one (21) to drink or possess intoxicating liquor is his or her parent or guardian.

(b) This provision shall not apply to license holders under this chapter or their employees if:

(1) The defendant sold or provided the intoxicating liquor to the minor with reasonable cause to believe the minor was twenty-one (21) years of age or older; and

(2) To purchase or obtain the intoxicating liquor, the person under twenty-one (21) exhibited to the defendant an official photographic identification containing a photograph of the minor and purporting to establish that the person was of a legal age to consume intoxicating liquor.

(c) For purposes of this section, "exclusive use and enjoyment" means that a person has been granted a lease, license or other possessory interest in real property superior to that of the general public, but does not require sole possession in a single individual.

50.065. Sales to minors, drunks and drunkards prohibited.

(a) It is prohibited for any licensee under this chapter, or their employee, to sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whomsoever, except such person's parent or guardian, who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of twenty-one (21) years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard.

(b) This section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only, or to the administering of intoxicating liquor to any person by a duly licensed physician.

50.070. Purchase or possession by minor prohibited.

It shall be unlawful for any person under the age of twenty-one (21) years to purchase or attempt to purchase, or have in his possession, any intoxicating liquor or to be visibly intoxicated as defined in RSMo 577.001 and as the same is amended from time to time or to have a detectable blood alcohol content of more than two-hundredths of one percent or more by weight of alcohol in such person's blood.

50.080. Misrepresentation of age by minors prohibited; use of altered identification.

(a) Any person under the age of twenty-one (21) years who shall represent that he has attained the age of twenty-one (21) years for

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the purpose of purchasing, asking for or in anyway receiving any intoxicating liquor, except in cases authorized by law, shall be guilty of an offense.

- (b) In addition to the penalties established in subsection (a) of this section, any person who is less than twenty-one (21) years of age who uses a reproduced, modified, or altered chauffeur's license, motor vehicle operator's license, or state identification card, for the purpose of purchasing, asking for or in anyway receiving any intoxicating liquor, shall be guilty of an offense and shall be subject to a fine of five hundred dollars (\$500.00) for each separate offense.

50.090. Drinking in public places prohibited; exception.

- (a) It shall be unlawful for any person to drink from or have in his possession an open container of intoxicating liquor in any public place within the city, except when a liquor license has been issued and is in effect for such public place.
- (b) The provisions of this 50.090 may be temporarily suspended only upon the written application and issuance of a permit granting the temporary suspension.
- (c) A person or organization making a request to suspend the provisions of 50.090 must designate the specific public place by street address, street description or legal description and the date and duration desired for the suspension. The application must be made not less than one full business day in advance of the proposed event. The city council may from time to time establish a fee for application and for issuance of the permit by resolution. Each day of an event shall require a separate fee. No application may be considered effective until the applicable fee is paid. No permit suspending of the requirements of this section shall last longer than twenty-four hours. No applicant shall be under 21 years of age.
- (d) The application shall be presented to the Mayor, City Clerk or City Administrator for consideration. In determining whether to grant or deny the exception, the Mayor, City Clerk or City Administrator shall consider the following, and may grant or deny the exception as is reasonably likely to assure that the public peace is preserved, that the provisions of law concerning service, possession and use of intoxicating liquor will be observed provision. The application shall contain, at a minimum:
- (1) The name and address of the sponsoring person;
 - (2) The location, date and time of the proposed event;
 - (3) The name and address of any licensee(s) that will serve intoxicating liquor;
 - (4) The type of activities proposed for the event;
 - (5) The estimated attendance for the event;
 - (6) No person or group shall charge a fee for access to an event area hereunder that encompasses city property, or

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for the privilege of possessing an open container within the event area.

- (e) Any permit issued under this section may be revoked by the Mayor for violations of this Code, or of regulations applicable to any City owned venue where the event is to occur.

50.100. Procedures for handling intoxicated, incapacitated persons.

- (a) A person who appears to be incapacitated or intoxicated may be taken by a police officer to the person's residence, to any available treatment service or to any other appropriate local facility, which may, if necessary, include a jail, for custody not to exceed twelve (12) hours.
- (b) Any police officer detaining an incapacitated or intoxicated person shall be immune from prosecution for false arrest and shall not be responsible in damages for taking action pursuant to subsection (a) if the officer has reasonable grounds to believe the person is incapacitated or intoxicated by alcohol and he does not use unreasonable excessive force to detain such person.
- (c) Immunity from prosecution under subsection (b) includes the officer taking reasonable action to protect himself from harm by the intoxicated or incapacitated person.

50.110. Possession, sales by druggists and physicians.

- (a) Any druggist may have in their possession intoxicating liquor purchased by them from a licensed vendor under a license pursuant to this chapter, or intoxicating liquor lawfully acquired at the place of acquisition and legally transported into this state, and lawfully inspected, gauged and labeled as provided for by state law; such intoxicating liquor to be used in connection with the business of a druggist, in compounding medicines or as a solvent or preservative.
- (b) Nothing in this section shall prevent a regularly licensed druggist, after they procure a license therefor in compliance with this chapter, from selling intoxicating liquor in the original packages, but not to be consumed or the packages opened on the premises where sold.
- (c) Nothing in this chapter shall be construed as limiting the right of a physician to prescribe intoxicating liquor in accordance with his professional judgment for any patient at any time, or prevent a druggist from selling intoxicating liquor to a person on prescription from a regularly licensed physician as above provided.

50.125. License required; prohibitions.

- (a) It shall be unlawful for any person to sell in this city, either at retail or at wholesale, malt liquor, light wine, intoxicating liquor unless such person shall have obtained a license therefore from the city, and the full license fee therefor is paid.
- (b) It shall be unlawful for any person to sell or expose for sale intoxicating liquor by the drink on Sunday in the city, except as provided in this Code.

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- (c) It shall be unlawful for any person holding a license, or who is operating on behalf of any person holding a license for consumption of intoxicating liquor on the premises to permit or allow persons under the age of twenty-one (21) not accompanied by a parent or legal guardian to enter any part of the licensed premises unless a no age restrictions endorsement is in place on the establishment.
- (d) It shall be unlawful for any person under the age of twenty-one (21) not accompanied by a parent or legal guardian to enter any part or portion of any city licensed liquor serving establishment, unless a no age restriction endorsement is in place for that license.
- (e) It shall not be unlawful for any person under the age of twenty-one (21) to enter upon the premises of an establishment licensed by the city as a liquor serving establishment for the purpose of employment as permitted by state law.
- (f) It shall not be unlawful for any person under the age of twenty-one (21) to enter upon the premises of a licensee under Section 50.150 of this chapter, or a private catered event under Section 50.130.
- (g) Each licensed establishment, shall be required to apply and receive its own separate city liquor license as required by this article if any one (1) of the following conditions are met:
 - (1) If the establishment has its own individual exterior entrance for patrons. This provision shall apply even if the establishment has an interior connection to another establishment or if the establishment has a common exterior side or rear entrance with another establishment;
 - (2) If the establishment has its own individual name. This provision shall apply even if the establishment is commonly owned by one (1) person who also owns other establishment(s) required to have a city liquor license under this article;
 - (3) If the establishment is required to have its own separate city business license; or
 - (4) For any other good cause which may exist as determined by Mayor or City council.
- (h) The age restrictions contained in subsections (c) and (d) of this section shall not apply to any establishment whose nonalcoholic sales arise out of operation of any establishment containing one (1) of the following:
 - (1) Three (3) or more bowling lanes.
 - (2) A golf course of nine (9) or more holes.
 - (3) A bed and breakfast business having two (2) or more rooms for accommodation of overnight guests, when such establishment possesses a facility for preparation of meals to be consumed on the premises, and when intoxicating liquor is served on the premises no later than 11:00 p.m. Should liquor be served by the license holder after 11:00 p.m. this endorsement may be revoked.

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Any applicant who shall demonstrate compliance with these requirements shall have an endorsement upon their license which reads "No age restrictions" subject to any limitation listed above. Failure to establish these requirements and obtain the endorsement at the time of license issuance will exclude the licensee from this provision.

- (i) The age restrictions listed in subsections (c) and (d) of this section shall not apply to any licensed establishment whose operations include all of the following:
 - (1) Preparing and/or serving of food for consumption on the premises by the general public and whose operations are open to the general public.
 - (2) Regularly scheduled hours of operation at least three (3) days per week for a total of at least twelve (12) hours per week at least thirty-six (36) weeks per year.
 - (3) At least six (6) hours of operation each week between the hours of 8:00 a.m. and 8:00 p.m.
 - (4) The preparation and/or serving of food for consumption on the premises must take place during all hours the operation is open for business before 11:00 p.m. and after 8:00 a.m.
 - (5) A commercial kitchen in operation, to include at least the following for any premises whose total square footage for customer occupancy exceeds one thousand two hundred fifty (1,250) square feet or whose occupancy limit exceeds fifty (50) persons:
 - a. A commercial stove;
 - b. A refrigerator;
 - c. A commercial sink or dishwashing equipment; and
 - d. No table top dispensing systems as described in RSMo 311.205, or as that section is hereafter amended.

Any applicant who shall demonstrate compliance with these requirements shall have an endorsement upon their license which reads "No age restrictions." Failure to establish these requirements and obtain the endorsement at the time of license issuance will exclude the licensee from this provision.

- (j) Businesses meeting the qualifications of subsection (i) may have a "no age restrictions" endorsement for all hours of operation by meeting all requirements of subsection (i).
- (k) Any licensed business under this chapter that carries on exclusively in providing personal services by state licensed cosmetologists, barbers, massage therapists, estheticians, manicurists, or any combination thereof, may notwithstanding subsections (c) and (d), have no age restriction applicable to entrance onto the licensed premises between 8:00 a.m. and 9:00 p.m. so long as the premises possesses only a tavern license and provision of malt liquor or light wine is only a de minimis portion of the total services provided.

50.130. Sale of intoxicating liquor by the drink.

(a) Liquor by the drink business.

- (1) Upon application as required by this chapter and receipt of a city license it shall be lawful for a business to sell any intoxicating liquor by the drink at retail for consumption on the premises.
- (2) In order for a business to qualify for a city license to sell any intoxicating liquor by the drink, it must in addition to the requirements of this chapter, satisfy all state requirements for a license to do business and have in its possession a state liquor license as a business, as defined under RSMo 311.095, and all requirements of RSMo 311.095, as amended from time to time, for obtaining a license thereunder are hereby incorporated within the provisions of this section.

(b) New licenses.

- (1) Upon application as required by this chapter and receipt of a city license it shall be lawful for a license holder having been in operation for less than ninety (90) days to sell any intoxicating liquor at retail for consumption on the premises for a period not to exceed ninety (90) days.
- (2) In order for a business to qualify for a temporary city license, it must, in addition to the requirements of this chapter, satisfy all state requirements for a temporary license under RSMo 311.095(4), and all requirements of RSMo 311.095(4), and all requirements of RSMo 311.095 (4), as amended from time to time, for obtaining a license thereunder are hereby incorporated within the provisions of this section. Notwithstanding the provisions of this section and RSMo 311.095(4), upon application of a holder of a temporary ninety-day license, the city may grant a second ninety-day temporary license. The holder of the original ninety-day temporary license shall apply for the second temporary license as if the second temporary license is the original temporary license and shall be subject to and abide by all provisions of this article during the application and term of the second ninety-day license.

(c) Tavern license. Upon application as required by this chapter and receipt of a city license it shall be lawful for a tavern to sell malt liquor by the drink or light wine for consumption on the premises, but it shall not be lawful for the tavern to sell intoxicating liquor by the drink. If indicated in the application, an applicant may apply for a malt liquor only tavern license. In such case, the license holder may not sell light wine for consumption on the premises.

(d) Temporary location for liquor by the drink and caterers license.

- (1) The city clerk shall issue a temporary permit to caterers who hold licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this chapter, or to persons holding a license to sell intoxicating liquor in the original package, or to persons operating a catering business who hold a license to sell intoxicating liquor by the

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drink at retail for consumption on their premises issued by another municipality or county government, who furnish provisions and service for use at a particular function, occasion or event at a particular location other than their primary business location whether licensed under this chapter or not, but not including a "festival" as defined in RSMo Ch. 316. The temporary permit shall be effective for a period not to exceed twenty-four (24) consecutive hours, and shall authorize the service of alcoholic beverages at such function, occasion or event during the otherwise lawful hours for service of alcoholic beverages.

- (2) All other applicable provisions of state law and municipal ordinance shall apply to the use of any temporary permit hereunder. Such a temporary permit shall not include the sale of packaged alcoholic beverages, except as set forth in subsection (4) below.
 - (3) No temporary license hereunder may be used at any location that has otherwise been issued a liquor license under this chapter.
 - (4) A temporary license may be issued hereunder to persons operating a micro-brewery as that term is defined by RSMo 311.195, as amended, or to persons selling light wine, for sale of malt liquor and light wine in the original package for consumption off premises pursuant to all other requirements of subsection (1) through (3) above so long as they otherwise hold a valid state license to sell the same in its original package.
- (e) *Annual caterer's license.* Any license holder who possesses a catering license pursuant to RSMo 311.486, may receive a caterer's license to sell intoxicating liquor by the drink for consumption on the premises at catering events within the city during the term of the applicant's catering license from the state without separate application for each event, so long as the annual caterer's license holder notifies the city in writing of each catering event at least forty-eight (48) hours in advance. Such notice shall list the time and location of the catering event, the name of the license holder, and the name and address of the private person who has contracted with the license holder for the catering event.
- (f) *Microbrewery.* Microbrewer may apply for a license to sell all kinds of intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises of the microbrewery or in close proximity to the microbrewery.
- (g) *Compliance with laws.* All other provisions of state law and municipal ordinance shall apply to all catering events hereunder. No catering event hereunder may be open to premises which are open or accessible to the public during the duration of the catering event. No catering license, temporary or annual, shall be lawfully used for events open to the general public.
- (h) *Catering events age restrictions.* Notwithstanding any other provisions of this chapter, no age restrictions for entrance shall be in effect for any catering event held pursuant to subsections (d) or (e) of this section.

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50.140. Sale of liquor by the drink on Sunday.

- (a) Upon application as required by this chapter and receipt of a city license it shall be lawful for a city licensed business under this chapter to sell intoxicating liquor by the drink on Sunday, between the hours of 6:00 a.m. and 1:30 a.m. on Monday.
- (b) In order for a license holder to qualify under this section, it must, in addition to the requirements of this chapter, satisfy all state requirements for a license under Section 311.293 RSMo. All requirements of RSMo 311.293, for obtaining a Sunday license are hereby incorporated within the provisions of this section.
- (c) Any tavern with a license to sell only malt liquor may operate at retail between the hours of 6:00 a.m. Sunday and 1:30 a.m. Monday.

50.150. Same--Sales of malt liquor by certain organizations.

- (a) Notwithstanding any other provision of this chapter, a permit for the sale of malt liquor or light wine, for consumption on premises where 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 or light wine at a picnic, bazaar, fair or similar gathering. Such permit shall be issued only for the day named therein and it shall not authorize the sale of malt liquor for more than seven (7) days.
- (b) Notwithstanding any other provisions of this chapter, any person who possesses the qualification required by this chapter, and who now or hereafter meets the requirements of the ordinances, rules and regulations of the city, may apply for, and with the approval of the city manager or their designee, the city collector shall issue a license to sell intoxicating liquor by the drink at retail for consumption on the premises to any charitable, fraternal, religious, service or veterans' organization which has obtained an exemption from the payment of federal income taxes as provided in Section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United States Internal Revenue Code of 1954, as amended.

50.160. Qualifications for license.

- (a) No person shall be granted a license under this article, unless such person is of good moral character and a qualified legal voter and taxpaying citizen of a county, city, town or village of this state, nor shall any corporation or other entity be granted a license hereunder unless the managing officers of such corporation are of good moral character and qualified legal voters and taxpaying citizens of a county, city, town or village of this state.
- (b) No person shall be granted a license hereunder whose license as such dealer has been revoked or who has been convicted, since the ratification of the Twenty-First Amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor or who employs in his business as such dealer, any person whose license has been revoked or who has been convicted of violating such law since the date aforesaid.

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50.170. Application; investigation.

- (a) An application for a license or permit under this article shall be made to the city clerk who shall by regulation require all applicants for such licenses to file written statements, under oath, containing information reasonably required to administer this article.
- (b) The completed application shall be signed under oath and shall be presented to the city clerk. The application shall be accompanied by the fee charge as provided for in this article.
- (c) The application for a renewal or the change of a current license holder's license or permit shall be subject to all of the same requirements of this chapter as if the application was for an original license.
- (d) A full investigation of the applicant and proposed location, for the purpose of ensuring the safety, health, and general welfare of the public, shall be conducted in the following manner:
 - (1) The city clerk shall send a copy of the application to each of the following:
 - a. The chief of the police department who shall ensure that a full background check regarding the applicant is conducted.
 - b. The building official, who shall inspect, or designate a representative to inspect, the proposed location for which the license or permit is being applied for compliance with applicable city building requirements.
 - c. The chief of the fire department, who shall inspect, or designate a representative to inspect, the proposed location for which the license or permit is being applied for the purpose of ensuring the location does not contain any fire hazards.
 - (2) The city clerk shall require proof from the applicant that the applicant has no delinquent real property taxes, personal property taxes, or state or local sales taxes. The city clerk shall also require proof from the applicant that the applicant is a registered voter in a county within the State of Missouri. All applicants which are corporations must provide the city clerk a current certificate of good standing from the Missouri Secretary of State's Office. The city clerk shall also require, when applicable, proof of food and beverage sales by month, hours of operation and any other information required to administer this chapter.
 - (3) Upon completing their individual investigations, the police department, building inspector and fire department shall file their reports with the city clerk, who shall then file all of the reports, application and information submitted by the applicant with the city council.
 - (4) The city council shall conduct any other investigation necessary to insure that the applicant meets all requirements for the license sought. This may include disclosure of any or all documents required by the State of Missouri Division of Liquor

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Control to be maintained by the applicant including prenumbered guest checks, cash register tapes, bank statements, and canceled checks, and invoices for food and intoxicating beverage purchases.

50.180. Sale of intoxicating liquor in original package for off-premises consumption.

(a) No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one (1) or more of the following businesses:

- (1) A drugstore;
- (2) A cigar and tobacco store;
- (3) A grocery store;
- (4) A general merchandise store;
- (5) A confectionery or delicatessen store;

nor to any such person who does not have or keep in his store a stock of goods having a value according to invoices of at least one thousand dollars (\$1,000.00), exclusive of fixtures and intoxicating liquors.

(b) Under this license, no intoxicating liquor shall be consumed on the premises where sold, nor shall any original package be opened on the premises of the vendor, except as otherwise provided by law, and under such licenses as the state may issue for the same.

(c) Sales of intoxicating liquor in the original package for off-premises consumption are hereby permitted on Sunday. Said license or permit shall be secured under the same rules, requirements and conditions as all other alcoholic beverage licenses. No additional license shall be required for Sunday sales of malt liquor for consumption off-premises and in the original package for persons holding a license to sell only malt liquor in the original package for consumption off- premises.

(d) An applicant may seek a license under this section to sell only malt liquor for sale in the original package for consumption off the premises.

(e) Notwithstanding any other provision of law to the contrary, any restaurant bar without an on-site brewery that serves twenty (20) or more different types of draft beer may sell thirty-two (32) fluid ounces or more of such beer to customers for consumption off the premises of such bar or tavern. As used in this section, the term "restaurant bar" means any establishment having a restaurant or similar facility on the premises at least fifty (50) percent of the gross income of which is derived from the sale of prepared meals or food consumed on such premises.

(f) Notwithstanding any other provision of the law to the contrary, any person who is licensed to sell intoxicating liquor at retail by the drink for on-premises consumption may sell retailer-packaged alcoholic

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beverages to customers in containers, filled on such premises by any employee of the retailer who is twenty- one (21) years of age or older, for off-premises consumption if all the following requirements are met:

- (1) The container of the alcoholic beverage is rigid, durable, leak-proof, sealable, and designed to prevent consumption without removal of the tamperproof cap or seal. A "sealable" container does not include a container with a lid with sipping holes or openings for straws;
- (2) The contents of each container do not exceed one hundred twenty-eight(128) ounces;
- (3) The patron orders and purchases a meal from the licensee simultaneous with the alcoholic beverage purchase. For purposes of this subdivision, a "meal" is defined as food that has been prepared on-premises;
- (4) The number of alcoholic beverages sold under this section by a licensee for off-premises consumption is limited to twice the number of meal servings sold by the licensee for off-premises consumption;
- (5) The licensee provides the patron with a dated receipt or an electronic record for the meal and alcohol beverages; and
- (6) The container is either:
 - a. Placed in a one-time-use, tamperproof, transparent bag that is securely sealed; or
 - b. The container opening is sealed with tamperproof tape. For purposes of this subdivision, "tamperproof" means that a lid, cap, or seal visibly demonstrates when a bag or container has been opened.

Containers that are filled under this section shall be affixed with a label or a tag that contains the name and address of the business that filled the container, in type not smaller than three (3) millimeters in height and not more than twelve (12) characters per inch, and states, "THIS BEVERAGE CONTAINS ALCOHOL." The filling of a container under this section shall be in compliance with Section 3-304.17(c) of the 2009 Food and Drug Administration Food Code, and as the same may be amended.

- (g) *Tasting permit.* A special permit for the privilege to conduct wine, malt-beverage and distilled spirit tastings on the licensed premises may be obtained once a package sales license is issued under the terms of this section for a license holder possessing a state license for a tasting event under Section 311.294 RSMo.
 - (1) *Permit fee.* A tasting permit under the terms of this section shall be issued to all qualified applicants who have fully complied with the provisions of this chapter, upon payment of an annual permit fee of twenty-five (\$25.00), to the City.

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- (2) *Restriction on on-premises consumption.* Nothing in this section shall be construed to permit the license to sell wine, malt beverages or distilled spirits for on-premises consumption.

50.190. Fees.

The fees required and imposed under this article shall be as follows:

- (1) Liquor by the drink:

 - a. Liquor by the drink \$450.00
 - b. Liquor by the drink on Sunday \$300.00
 - c. Temporary 90-day ...\$112.50

- (2) Tavern:

 - a. Malt liquor and light wine \$75.00
 - b. Malt liquor only \$75.00

- (3) Civic/not-for-profit organizations:

 - a. Liquor by the drink \$450.00
 - b. Liquor by the drink on Sunday \$300.00
 - c. Malt liquor and light wine \$75.00

- (4) Package sales:

 - a. Malt liquor and light wine \$75.00
 - b. Intoxicating liquor \$75.00
 - c. Sunday sales of intoxicating liquor \$300.00
 - d. Malt liquor only \$75.00

- (5) Picnic liquor license \$15.00
- (6) Temporary caterers license \$15.00
- (7) Annual caterer's license \$15.00

50.200. Allocation of fees and refunds.

Fifty (50) percent of all fees required under this chapter shall be for the processing of the application and the remaining fifty (50) percent of the fees shall be for the issuance of the license. In the event the city denies a license for any reason then the applicant shall be entitled to a fifty (50) percent refund of the fees the applicant has paid. No licensee shall be entitled to a refund if a license is suspended, terminated or placed on probation by the city under the provisions of this chapter or if the licensee voluntarily discontinues operation under the license.

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50.210. Standards for issuance.

- (a) If otherwise qualified, an applicant shall be entitled to a preference to have a license issued when the applicant is acquiring the ownership and control of a business presently holding a liquor license and that business is surrendering its license.
- (b) Consideration shall also be given to applicants for licenses and permits on the basis of:
 - (1) The date and time the application is received by the city clerk.
 - (2) The qualifications of the applicant.
 - (3) The location and type of operation proposed.
 - (4) All other requirements of this chapter.

50.220. Application approval.

Upon completion of the investigation of an application under this article, if the city council shall find that the applicant meets all of the requirements and qualifications of this chapter, they shall approve such application and forward the same to the city clerk.

50.230. Issuance; term.

On approval of an application for a license or permit under this article by the city council and payment of the appropriate fee provided in Section 50.190, the city clerk shall issue the applicant a license to conduct business in the city for a term to expire with the thirtieth day of June next succeeding the date of such license. Of the fee to be paid for any such license, the applicant shall pay as many twelfths as there are months, part of a month counted as a month, remaining from the date of the license to the next succeeding July 1.

50.240. Place of sale.

No person shall sell intoxicating liquor in any other place than that designated in the license or permit, except as set forth in section 50.130.

50.250. Transfer or assignment of licenses prohibited; exception.

- (a) No license issued under this article shall be transferable or assignable except as provided in this section. In the event of the death of the licensee, the widow or widower, or the next of kin of the deceased who shall meet the other requirements of this chapter, may make application and the city clerk may transfer the license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased.
- (b) Whenever one (1) or more members of a partnership withdraws from the partnership, the city clerk; upon being requested, shall permit the remaining partner originally licensed to continue to operate for the remainder of the period for which the license fee has been paid, without obtaining a new license.

50.260. Discipline of licenses.

- (a) The mayor or their designee may on hearing, may suspend for a specified period of time or revoke for a period not exceeding one

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(1) year, or impose a penalty not exceeding one thousand five hundred dollars (\$1,500.00), on any license issued under the provisions of this chapter:

- (1) If the licensee has failed to begin to use the license within one hundred twenty (120) calendar days from the date of issuance; or
- (2) If the licensee has not at all times kept an orderly place; or
- (3) If the licensee or their agent or employee has pleaded guilty or been found guilty of any violation of any provisions of this Chapter of the Code, relating to alcoholic beverages; or
- (4) If the licensee or its agent or employee has violated any of the provisions of the state liquor control law or its regulations as codified in the Code of State Regulations of the State of Missouri, or this Code; or
- (5) If the licensee has failed to suppress brawls, fights or disturbances on the licensed premises; or
- (6) If the licensee submitted any false or fraudulent information in applying for the license or receiving a no age restriction endorsement to the license; or
- (7) For any other good cause shown.

Then in any such event, the mayor or their designee shall hold a hearing in the manner provided in this section to ascertain all facts in the matter.

- (b) Notice of such hearing shall be in writing and shall set forth the reason for the hearing or the complaint against the licensee and shall be served upon the licensee in person or by certified mail sent to the last known address. In the event that the notice is not able to be served upon the licensee in person, and any notice sent by mail is returned by the postal service, the city clerk shall cause notice to be published in a local newspaper for three (3) consecutive days, or posted at the entrance to the licensed premises.
- (c) In any instance in this section wherein a hearing is required, the mayor or their designee shall, after no less than ten (10) days written notice to the licensee, hold a hearing to ascertain all relevant facts in the matter.
- (d) A licensee shall have the right to be represented by counsel, to produce witnesses and other evidence, and to cross examine all witnesses who appear against him. Oral evidence shall be taken only upon oath or affirmation. All proceedings in such hearing shall be recorded and transcribed as required by law. The mayor or his designee may receive evidence relevant to the issues from any source.
- (e) The mayor or their designee shall issue written findings of fact and conclusions of law and an order. The city mayor or their designee may suspend the license for a period not to exceed ninety (90) days,

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revoke the license issued hereunder or impose a monetary penalty of up to one thousand five hundred dollars (\$1,500.00). The order shall be served upon the licensee in person or by certified mail sent to the licensee's last known address.

- (f) Any licensee, managing officer, or owner whose city liquor license is suspended or revoked under the provisions of this chapter shall not be granted another city liquor license during the period of suspension or revocation, or during any default in payment of monetary penalties assessed under this section.
- (g) In addition to suspension or revocation of the license, the hearing officer may, in lieu of suspension or revocation, limit the establishment in question to being open only to persons twenty-one (21) years of age or older or may make such limitations applicable during certain hours of operation.
- (h) Any proceeding hereunder may be commenced within three (3) years of the events alleged to have taken place, and any action taken may be imposed upon any subsequent license held by the licensee on the licensed premises in question.
- (i) In any proceeding under this section, certified copies of court records of guilty pleas or convictions shall be competent evidence of a violation occurring on the licensed premises.

50.270. Posting of notices.

All establishments holding a liquor license under this chapter shall post, on a form provided by the city, within five (5) feet of the entrance to the establishment and in a place immediately viewable from the entrance to the establishment, a notice to the public of the age restrictions applicable to the establishment under 50.120.

(Original ordinance stricken and updated according to RSMO on March 16, 2023 per Ordinance # 006-23 reviewed by City Attorney and adopted by Council.)