

Chapter 50—Alcoholic Beverages

(Original Chapter 50 – Beer and Liquor replaced by Ordinance 922, passed and effective 10/2/07)

50.010. Definitions. For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

1. “Intoxicating liquor” shall mean alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt or other liquors, a part of which is spirituous, vinous or fermented, and all preparations or mixtures for beverage purposes containing in excess of one and one-half (1½%) percent of alcohol by weight, except non-intoxicating beer.

2. “Alcoholic beverage” means all alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt or other liquors, including 3.2 percent alcohol by weight, beer or combination of liquors, a part of which is spirituous, vinous, or fermented; and all preparations or mixtures for beverage purposes. This Chapter shall include all liquor and malt beverages governed under RSMo Chapters 311 and 312.

3. “Non-intoxicating beer” shall mean any beer manufactured from pure hops or pure extracts of hops, and pure barley malt or other wholesome grains or cereals, and wholesome yeast, and pure water, and free from all harmful substances, preservatives and adulterants, and having an alcoholic content of more than one-half of one percent of volume, and not exceeding three and two tenths (3.2%) percent by weight.

50.020. Possession of illegal or untaxed liquors. No person shall possess intoxicating liquor or alcoholic beverages in any quantity for any purpose within the City which has not been lawfully manufactured.

50.030. Sale to drunkards, minors.

1. No person or his employee shall sell or supply intoxicating liquor or alcoholic beverages or permit the same to be sold or supplied to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor.

2. Intoxicating liquor or alcoholic beverages shall not be given, sold, or otherwise supplied to any person under the age of twenty-one (21) years, but this shall not apply to supplying of intoxicating liquor or non-intoxicating beer to a person under such age for medicinal purposes only, or by the parent or guardian of such person, or to administering of such intoxicating liquor or non-intoxicating beer to such person by a physician.

3. Any person under the age of twenty-one (21) years who purchases, attempts to purchase, or has in his possession, any intoxicating liquor or alcoholic beverages shall be guilty of a misdemeanor. For purposes of this Section, the presence of any alcoholic beverage in the passenger compartment of a motor vehicle shall be possession.

4. Any person who is over the age of twenty-one (21) years and attempts to purchase, obtain, provide, or make available any alcoholic beverage to a person under the age of twenty-one (21), shall be guilty of a misdemeanor.

50.040. Drinking in public. No person or persons shall, within the corporate limits of the City, drink any kind of intoxicating liquors in any public street, alley, or on any sidewalk, public lot or in any store room, office building, public offices including the State Court House where men and women come to transact their business, rest room, toilet rooms, or any public place within the corporate limits of the City, except in rooms where intoxicating liquors are legally sold and in private dwelling houses or any private place.

50.050. Persons under twenty-one (21) years of age prohibited from being on or about places licensed for sale and consumption of alcoholic beverages:

1. It shall be unlawful for any person under the age of twelve (12) years to be present in the premises of a business licensed to sale and consumption of intoxicating liquor and intoxicating and non-intoxicating beer, except in such cases as when the presence of a minor is allowed pursuant to Missouri law.

2. It shall be unlawful for any person between the ages of twelve (12) and twenty-one (21) years to be present in the premises of a business licensed to sale and consumption of intoxicating liquor or intoxicating or non-intoxicating beer, except in establishments where a substantial quantity of food is served, premises used primarily for a bowling alley, or premises licensed pursuant to Section 311.480 RSMo, except when such individual is in the care and custody of a parent or guardian or during the time when there is no alcoholic beverage on the premises or being consumed on the premises, or when the minor is of the age of eighteen (18) years, but under the age of twenty-one (21) years and is employed as authorized by Section 311.300 RSMo or as otherwise allowed by Missouri law.

50.055. Picnic License. A temporary permit may be issued to caterers or other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises who furnish provisions and services to a particular function, occasion, or event at a particular location, other than a licensed premise, for a period not to exceed eight (8) consecutive hours. All provisions of this Chapter shall apply to the licensee and all consumption at such event. The fee for this license shall be \$100.00.

50.060. Hours of Sale. No person having a license under this Chapter or any employee of such person, shall sell, give away, or otherwise dispose of, or suffer the same to be done upon or about his licensed premises, any intoxicating or alcoholic beverage or non-intoxicating beer in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays or between the hours of 1:30 A.M. Sunday and 6:00 A.M. Monday.

a. When January 1, March 17, July 4, or December 31 falls on a Sunday and on the Sunday before Memorial Day, Labor Day, and Super Bowl Sunday, any person having a license to sell intoxicating liquor or alcoholic beverages by the drink may be open for business at 1:00 p.m. that day until the time which would be lawful on any other day of the week.

b. Notwithstanding anything contained herein, it shall be lawful for a licensee to sell intoxicating liquor or alcoholic beverages by the drink under the provision of any State Law which authorizes the sale during certain days or hours, provided the licensee has the appropriate State license.

c. The fee for a license to allow Sunday sales for consumption of alcoholic beverages on the premises shall be \$50.00 per year.

50.065. Sunday sale of intoxicating liquor in original package. It shall be unlawful for any person to sell intoxicating liquor, alcoholic beverages, or non-intoxicating beer in the original package between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday, unless such person shall first have obtained a special license to sell intoxicating liquor in the original package at retail between the hours 9:00 a.m. and midnight on Sunday or shall be so authorized pursuant to the provisions of State Law. The licensee under this Section shall pay to the clerk an additional fee of \$50.00 per year, payable at the same time and in the same manner as other license fees.

50.070. Limitation of number of licensed establishments. The number of licenses which shall be issued and outstanding for the sale of intoxicating liquor, alcoholic beverages, or non-intoxicating beer is hereby set, fixed, and determined as follows:

1. The number of licenses issued for the sale of alcoholic beverages for consumption on the premises shall be three (3).

2. The number for sale of non-intoxicating beer for consumption on the premises shall be three (3), less the number of licenses granted pursuant to paragraph 3.

3. The number of licenses issued for the sale of intoxicating liquor for consumption on the premises shall be two (2).

4. The number of licenses issued for the sale of alcoholic beverages in the original package, not for consumption on the premises, shall be four (4).

50.075. Restrictions as to place of sale -- intoxicating liquor. No person, agent, or employee of any person in any capacity, shall sell intoxicating liquor in any other place than that designated in the license; nor at any other time or otherwise than is authorized in this Chapter and the regulations herein provided for.

50.080. Sale of Alcoholic Beverages near a Church or School. No license shall be

granted for the sale of intoxicating liquor, alcoholic beverages, or non-intoxicating beer within three hundred (300) feet of any school, church, or other building regularly used as a place of worship, except when a school, church, or place of worship shall hereafter be established within three hundred (300) feet of any place of business previously licensed to sell intoxicating liquor shall not be denied for that reason. Consent shall not be granted unless ten (10) days written notice is provided by the applicant to the property owners within one hundred (100) feet of the proposed licensed premises.

50.085. Original package sales -- generally. Intoxicating liquor, alcoholic beverages, or non-intoxicating beer shall be sold at retail in the original package, only upon a license granted by the Board of Aldermen, and such intoxicating liquor so sold shall not be consumed upon the premises where sold, nor the original package opened on such premises of the vendor, except as otherwise may be provided in this Chapter.

50.090. Sale of intoxicating liquor for consumption on the premises by restaurants. Notwithstanding the provisions of 50.070 of this Chapter a restaurant bar (any establishment having a restaurant or similar facility on the premises of which at least fifty (50%) percent of the gross income is derived from the sale of prepared food consumed on such premises and which has a gross annual income of at least \$275,000 from the sale of prepared food consumed on such premises) may obtain a license to sell intoxicating liquor for consumption on the premises upon otherwise complying with this Chapter. The fee for such license shall be \$100.00 per year.

50.095. Exceptions to chapter; druggist and physicians. Any druggist may have in his possession intoxicating liquor purchased by him 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 and labeled as provided for in the Liquor Control Act of the state; such intoxicating liquor to be used in the business of a druggist in compounded medicines or as a solvent or preservative. Nothing in this Chapter shall prevent a regularly licensed druggist, after he procures a license therefore in compliance with this Chapter, from selling intoxicating liquor in the original package, but not to be consumed or the packages opened on the premises where sold. 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.

50.100. Violation; revocation of license. Any person violating any of the provisions of this Chapter shall, upon conviction thereof, be adjudged guilty of a misdemeanor and shall be punished as provided in Chapter 13 of this Code.

1. Upon final conviction of any person for a violation of any of the provisions of this Chapter, such conviction shall automatically operate to revoke the license hereunder issued to such person.

2. Provided further, that no person having been convicted of a violation of any of the provisions of this Chapter shall be issued a license or a renewal thereof for a period of one (1) year, from the date of such conviction, except by 2/3rds vote of the Board of Aldermen.

50.110. Municipal Judge to report conviction. Upon conviction of any person under the provisions of this Chapter, it shall be the duty of the Municipal Judge to certify such conviction to the Board of Aldermen.

50.120. License required. It shall be unlawful for any person, firm, partnership or corporation to manufacture, sell or expose for sale, either at wholesale or retail, in the city, intoxicating liquor, alcoholic beverages, or non-intoxicating beer as herein defined, in any quantity, without first having obtained a license from the City therefore, except as otherwise provided herein.

50.130. Qualifications of applicant. No person shall be granted a license under this Chapter unless such person is of good moral character and meets the requirements as specified by state law. Any such license granted shall be subject to such applicant obtaining the appropriate State license.

50.140. Eligibility for original package sales license. No license shall be issued for the sale of intoxicating liquor, alcoholic beverages, or non-intoxicating beer in the original package except to a person engaged in, and for use thereby, in connection with the operation of one or more of the following businesses: A drug store, cigar and tobacco store, grocery store, general merchandise store, confectionery or delicatessen store, nor shall such license be issued to any such person who does not have and keep in his store a stock of goods having a value, according to invoices at the time of making the application for license, of at least one thousand (\$1,000.00) dollars, exclusive of fixtures and intoxicating liquors.

50.150. Applications; procedure of board. All applications for licenses under the provisions of this Chapter shall be made, in writing, to the Board of Aldermen. All applications, except for sale of malt liquors not in excess of five (5%) percent of alcohol by weight, shall be accompanied by an inventory and appraised valuation of stock of goods at the place of business proposed in such application, other than intoxicating liquor, which inventory and appraisal shall be under oath; such inventory and appraised valuation shall be the value according to invoice at the time of making the application for such license. No license shall be granted at the same meeting of the Board of Aldermen at which the application is presented, except by unanimous vote of the Board. Provided, however, that such application may be passed on by the Board of Aldermen at the first meeting of the Board at which the application is presented, if such application has first served notice, in writing, of this intention to present such application (including copy of

the application) upon each member of the Board of Aldermen, at least five (5) days before the meeting of the Board of Aldermen at which such application is to be presented.

50.160. Fees generally. The fees for licenses required under this Chapter shall be as established from time to time by ordinance of the Board of Aldermen and on file in the office of the City Clerk.

50.170. Granting; conditions to be met. On approval of the application by the Board of Aldermen and payment of the license tax herein provided, the City Clerk shall grant the applicant a license to conduct business in the City for one year from date of issuance of such license or for a fraction thereof as provided in section 50.190. A separate license shall be required for each place of business.

1. Every license issued under the provisions of this Chapter shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein.

2. The City Clerk shall not deliver to any person a license under the provisions of this Chapter, until such person shall produce the receipt of the City showing that the taxes levied on such license have been paid.

3. All licenses granted by the City shall be subject to the grant of any license required by the State and/or County.

50.180. Licenses nontransferable. No license issued under this Chapter shall be transferable or assignable.

50.190. Duration; proration and refund of fees. All licenses issued under the provisions of this Chapter shall expire on the thirty first (31st) day of December following the issuance thereof. For a partial year license, the fee shall be prorated quarterly. No license fee shall be returned to the holder upon sale, transfer, or dissolution of the business for which the license was issued.

50.200. Revocation and suspension generally.

1. The Board of Aldermen may, upon reasonable suspicion of:
 - a. An offense resulting in a conviction involving the use of force or violence upon the person of another in the operation of the business of licensee;
 - b. A conviction of a crime involving a felony by licensee or any of the officers or the managing officer of licensee;
 - c. Any false, misleading or fraudulent statement of fact in the license application for the licensee or in any other document required by the city in conjunction

therewith;

d. Violation of any of the provisions of this article or any of the laws of this city;

e. Violation of the laws of the state, the United State of America, or any rule or regulation pertaining to the sale and licensing of intoxicating liquors;

f. Operation of the business in such a manner that it constitutes a nuisance to the neighborhood;

g. Conduct by the officers, employees, or managing officers of the licensee such as public drunkenness when working or while on the premises, indecent exposure when working or when on the premises or other conduct which shows improper conduct by an individual who is licensed pursuant to this division. For purposes of this chapter, the term "premises" shall include the licensed premises, the parking lots and the area around the business which is owned, used, maintained as part of the business and an area surrounding the establishment measuring fifty feet in all directions from each entrance or exit to the establishment provided however that in no event shall the premises be less than the property boundary or lot on which the establishment is located;

h. Lack of proper control of customers. The licensee shall use good judgment in the sale of intoxicating beverages and shall not sell same to persons obviously intoxicated. If any customer becomes unruly or abusive, it shall be the duty of the licensee to call and fully cooperate with police, or other law enforcement authority. The licensee shall take appropriate and necessary steps to supervise the premises immediately outside the liquor establishment, shall keep said premises free from litter, and shall not allow the premises to become a gathering location for the liquor establishment's customers. The licensee shall take reasonable steps, based on past incidents, to prevent persons who have recently left the establishment or who are waiting to enter the establishment from disturbing the peace, fighting, discharging firearms, or threatening or intimidating passers by, and shall not permit such persons to engage in lewd or lascivious conduct, gambling, or urinating or defecating in public.

i. The operation or possession of any gambling device in or about the premises where intoxicating liquor is sold, either in the original package or for consumption on the premises where sold.

j. Failure to cooperate fully with the police, fire department, city code inspectors or any law enforcement agency.

k. Any establishment, except private clubs shall be open to the police, fire department, city code inspectors, and all law enforcement agencies at all times while the public is present and they shall not be obstructed by a locked door.

2. The City shall schedule a hearing to revoke or suspend any license issued under the provisions of this Chapter. The licensee shall receive not less than ten (10) days notice in writing of the application to revoke or suspend his license.

- a. Such notice shall contain the grounds for such revocation or suspension set out therein, and shall command the licensee to be present at a regular or special meeting of the Board of Aldermen (at the date, time, and location set forth in the notice), and show cause, if any, why such license should not be suspended or revoked and setting forth the allegations which, if proven, will justify revocation or suspension.
- b. The licensee shall have full right to be represented by counsel at such hearing and may produce witnesses and evidence in his behalf at such hearing.
- c. Service of the notice of revocation or suspension hearing shall be by the Chief of Police or his subordinate and may be served upon the licensee by leaving a copy thereof with the licensee or any person or employee in charge of the place of business of such licensee.

3. If after such hearing, the Board finds a violation of this Chapter or Code, by a preponderance of the evidence, it may revoke or recover the license. Appeal shall be made in accordance with the provisions of RSMo. Chapter 536.

50.210. Revocation to forfeit license fee. In case of revocation or forfeiture of any license granted and issued under the provisions of this Chapter for cause or otherwise, the City shall in no event return any part of the fee paid for such license.