

**CHAPTER 4**  
**ALCOHOLIC BEVERAGES<sup>1</sup>**

<b>ARTICLE I. IN GENERAL .....</b>	<b>402</b>
<i>Sec. 4-1. Definitions. ....</i>	402
<i>Sec. 4-2. Liquor control board. ....</i>	403
<i>Sec. 4-3. Penalty for delinquent license payments. ....</i>	403
<i>Sec. 4-4. State license required. ....</i>	404
<i>Secs. 4-4-5 – 4-14. Reserved. ....</i>	404
<b>ARTICLE II. INTOXICATING LIQUOR.....</b>	<b>405</b>
<b>DIVISION 1. GENERALLY .....</b>	<b>405</b>
<i>Sec. 4-15. Sales to Minors, Drunkards, etc. ....</i>	405
<i>Sec. 4-16. Purchase or possession by minors. ....</i>	405
<i>Sec. 4-17. Public consumption. ....</i>	406
<i>Sec. 4-18. ....</i>	406
<i>Sec. 4-19. Authorized liquors on licensed premises. ....</i>	406
<i>Sec. 4-20. Opening and closing hours. ....</i>	406
<i>Sec. 4-21. Druggists may sell and physicians prescribe liquor. ....</i>	408
<i>Sec. 4-22. Possession of open container of alcoholic beverage or consumption of alcoholic beverage in certain public places. ....</i>	408
<i>Section 4-23. Misrepresentation of age by minor to obtain liquor—use of altered driver's license, passport or I.D. cards, penalties. ....</i>	409
<i>Secs. 4-24 - 4-30. Reserved. ....</i>	409
<b>DIVISION 2. LICENSES .....</b>	<b>410</b>
<i>Sec. 4-31. Required. ....</i>	410
<i>Sec. 4-32. Application. ....</i>	410
<i>Sec. 4-33. Applications reviewed by Liquor Control Board and the Police Chief. ....</i>	410
<i>Sec. 4-34. Approval or Denial of applications for new liquor licenses. ....</i>	410
<i>Sec. 4-35. Approval or denial of applications for renewal of a liquor license. ....</i>	411
<i>Sec. 4-36. Appeals to the Liquor Control Board. ....</i>	411
<i>Sec. 4-37. Classification; fees. ....</i>	411
<i>Sec. 4-38. Reserved. ....</i>	414
<i>Sec. 4-39. Form and contents of license. ....</i>	414
<i>Sec. 4-40. Miscellaneous licensing duties of finance department and police chief. ....</i>	414
<i>Sec. 4-41. Suspension or revocation generally. ....</i>	414
<i>Sec. 4-42. Hearings before the Liquor Control Board. ....</i>	416
<i>Sec. 4-43. Ineligible for license after revocation. ....</i>	416
<i>Secs. 4-44 – 4-49. Reserved. ....</i>	417
<b>DIVISION 3. LIMITATIONS AND TEMPORARY LICENSES.....</b>	<b>418</b>
<i>Sec. 4-50. Sales near churches, schools, parks, etc. ....</i>	418
<i>Sec. 4-51. Transfer; use for premises other than those for which issued; required for each place of business requiring state license. ....</i>	418
<i>Sec. 4-52. View from street. ....</i>	418
<i>Sec. 4-53. Effect of revocation on reissuance of license. ....</i>	419
<i>Sec. 4-54. Permit and fee requirements for temporary locations for liquor by the drink. ....</i>	419

<i>Sec. 4-55. License for consumption on premises.....</i>	<i>419</i>
<i>Sec. 4-56. Limited permit, picnic license. ....</i>	<i>420</i>
<i>Sec. 4-57. Temporary license for Fourth of July celebrations. ....</i>	<i>421</i>
<i>Secs. 4-58 – 4-59. Reserved. ....</i>	<i>421</i>
<b>DIVISION 4. BEER KEG REGISTRATION.....</b>	<b>422</b>
<i>Sec. 4-60. Beer keg registration required. ....</i>	<i>422</i>
<i>Secs. 4-61 – 4-64. Reserved. ....</i>	<i>424</i>
<b>ARTICLE III. RESERVED.....</b>	<b>425</b>
<b>ARTICLE IV. MICROBREWERY.....</b>	<b>426</b>
<i>Sec. 4-100. Microbrewery, defined; license; fee; retail license allowed, procedure; sale to wholesalers allowed, when; certain exemptions, when.....</i>	<i>426</i>

## ARTICLE I. IN GENERAL

### Sec. 4-1. Definitions.

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

Block. A square block as platted in the plat of the city.

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

**State law reference** - Similar provisions, RSMo. § 311.290.

Club. Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business. (Ord. No. 12729, § 1, 3-2-98)

Distributors or wholesalers. Persons selling intoxicating liquors to retailers for resale.

Food service establishment. Any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare sandwiches intended for individual portion service. The term does not include private homes where food is prepared or served for individual family consumption, retail food stores, the location of food vending machines and supply vehicles. (Ord. No. 12729, § 1, 3-2-98)

Nonintoxicating beer. Beer manufactured from pure hops or pure extract 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 not less than one-half of one percent by volume and not exceeding three and two-tenths percent by weight.

**State law reference** - Similar provisions, RSMo. § 312.010(2).

Intoxicating liquor. The term "intoxicating liquor" as used in this chapter, shall mean and include alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or mixtures for beverage purposes, containing in excess of one-half of one percent by volume except for nonintoxicating beer as defined in herein. All beverages having an alcoholic content of less than one-half of one percent by volume shall be exempt from the provisions of this chapter, but subject to inspection as provided herein. (Ord. 14316, §1, 1-22-2008)

**State law reference** - Similar provisions, RSMo. § 311.020.

Original package. Any package containing three (3), six (6), twelve (12) or twenty-four (24) small standard beer bottles and any package containing three (3), six (6) or twelve (12) large standard beer bottles, when such bottles contain nonintoxicating beer as defined by this chapter or the laws of the state.

**State law reference** - Similar provisions, RSMo. § 312.010(3).

Premises. The licensed premises, the parking lots, and the area around the business which is owned, used, or 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. (Ord. No. 14533, §1, 5-18-2009)

Public playground and public park. Parks or playgrounds, the title to which is in the city or the school board of the city, school district, or the park board of the city.

Public school. A public schoolhouse erected and constructed at the expense of the taxpayers of the city and used as a building wherein educational facilities are provided and paid for by direct taxation against all the property in such school district.

Restaurant bar. 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 or which has an annual gross income of at least two hundred thousand dollars (\$200,000.00) from the sale of prepared meals or food consumed on such premises.

(Code 1977, § 5-1; Ord. 14316, §1, 1-22-2008)

**State law reference** - Similar provisions, RSMo. § 311.097.

#### **Sec. 4-2. Liquor control board.**

- A. The public policy of the state and the city is that the holding of licenses to sell intoxicating liquors or nonintoxicating beer is a privilege and not a right. The provisions of this section are designed to ensure that liquor or nonintoxicating beer licenses are granted only to persons of responsible and moral character.
- B. There is hereby established for the city a liquor control board which shall be composed of the fire chief, the Assistant director of Community Development and finance director, who shall serve as chairman of the board. (Ord. No. 13301, §3, 11-5-2001; Ord. No. 13910, §1, 8-1-2004; Ord. No. 14533, §1, 5-18-2009)
- C. The Liquor Control Board may formulate and adopt all necessary rules and regulations reasonably necessary for the efficient operation of their hearings, which are not inconsistent with the city code. Any rules approved by the board shall then be submitted to the city council and shall become effective when approved by the council.

(Code 1977, § 5-15; Ord. No. 9525, § 3, 10-20-80; Ord. No. 9713, § 1, 12-7-81; Ord. No. 11547, § 1, 3-20-91; Ord. No. 14626, §1, 1-19-2010)

#### **Sec. 4-3. Penalty for delinquent license payments.**

- A. A license to engage in the manufacture, brewing, sale or distribution of intoxicating liquors, shall be issued a 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 license 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 first.
- B. Applications for renewal of licenses must be filed on or before the first day of May of each calendar year.
- C. In case of failure to submit the completed renewal application required under subsection B of this section on or before the first day of May, there shall be added to the amount of the renewal fee a late charge of one hundred fifty dollars from the second day of May to the last day of May; a late charge of two hundred

fifty dollars if the renewal application is submitted on the first day of June to the last day of June; or a late charge of three hundred dollars if the renewal application is submitted after the last day of June.  
(Code 1977, § 5-2; Ord. No. 14533, §1, 5-18-2009)

**Sec. 4-4. State license required.**

Before the finance department shall have authority to issue a license pursuant to this Chapter under this article, the applicant for such license shall pay the proper fees as hereinafter required and shall present to the finance department the license issued by the state authorizing the applicant to engage in the business for which a city license is sought. It shall be unlawful for the finance department to issue a city license without first having seen and inspected the applicant's state license authorizing the applicant to conduct the business for which a city license is sought. (Code 1977, § 5-29; Ord. No. 14533, §1, 5-18-2009)

**Secs. 4-4-5 – 4-14. Reserved.**

**ARTICLE II. INTOXICATING LIQUOR**  
**DIVISION 1. GENERALLY**

**Sec. 4-15. Sales to Minors, Drunkards, etc.**

- A. Any licensee under this chapter, or his employee, who shall sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one 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 his parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of twenty-one years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard, shall be deemed guilty of a code violation, except that this section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one years for medical purposes only, or to the administering of such intoxicating liquor to any person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this chapter solely due to a conviction for unlawful sale or supply to a minor when serving in the capacity as an employee of a licensed establishment.
- B. Any owner, occupant, or other person or legal entity with a lawful right to the exclusive use and enjoyment of any property who knowingly allows a person under the age of twenty-one to drink or possess intoxicating liquor or knowingly fails to stop a person under the age of twenty-one from drinking or possessing intoxicating liquor on such property, unless such person allowing the person under the age of twenty-one to drink or possess intoxicating liquor is his or her parent or guardian, is guilty of a code violation.
- C. It shall be a defense to prosecution under this section if:
1. The defendant is a licensed retailer, club, drinking establishment, or caterer or holds a temporary permit, or an employee thereof;
  2. The defendant sold the intoxicating liquor to the minor with reasonable cause to believe that the minor was twenty-one or more years of age; and
  3. To purchase the intoxicating liquor, the person exhibited to the defendant a driver's license, Missouri nondriver's identification card, or other official or apparently official document, containing a photograph of the minor and purporting to establish that such minor was twenty-one years of age and of the legal age for consumption of intoxicating liquor.

(Ord. 14316, §1, 1-22-2008)

**State law reference** - Similar provisions, RSMo. § 311.310; municipal authority to prohibit sale of intoxicating liquor to minor or habitual drunkard, RSMo. § 77.570.

**Sec. 4-16. Purchase or possession by minors.**

- A. Any person under the age of twenty-one years, who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor as defined in section 4-1 or who is visibly intoxicated as defined in section 577.001, RSMo, or has a detectable blood alcohol content of more than two-hundredths of one percent or more by weight of alcohol in such person's blood is guilty of code violation. For purposes of prosecution under this section or any other provision of this chapter involving an alleged illegal sale or transfer of intoxicating liquor to a person under twenty-one years of age, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not

intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

- B. For purposes of determining violations of any provision of this chapter, or of any rule or regulation of the supervisor of alcohol and tobacco control, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

(Ord. 14316, §1, 1-22-2008)

State law reference - Purchase, or possession, by minor prohibited, RSMo. § 311.325.

#### **Sec. 4-17. Public consumption.**

It shall be unlawful for any person to consume intoxicating liquors upon any public street, sidewalk, alley, or public building, it shall be unlawful for any person to consume intoxicating liquors on or in any establishment, business or parking lot generally open to the public unless a liquor license has been issued for that establishment, business or parking lot. When a license permits the sale and consumption of intoxicating liquor outside a building, such sale and consumption shall cease at 10:00 p.m.

(Code 1977, § 5-5; Ord. No. 9978, § 2, 6-6-83; Ord. No. 11402 § 1, 5-7-90)

#### **Sec. 4-18. "No drinking" signs.**

No intoxicating liquor shall be drunk, consumed or publicly exhibited in a public dining room, lunchroom, soda fountain or any place where meals or lunches and soft drinks are served, where the owner or manager exhibits in the premises signs or placards to the effect that intoxicating liquor may not be drunk in or about the premises. Such signs or placards shall be of sufficient size and in sufficient number to be easily discernible to the general public.

(Code 1977, § 5-8)

#### **Sec. 4-19. Authorized liquors on licensed premises.**

It shall be unlawful for the holder of any license authorized by this article for the sale of any intoxicating liquor at retail by the drink for consumption on the premises where sold to keep or secrete, or to allow any other person to keep or secrete in or upon the premises described in such license, any intoxicating liquor other than the kind of liquor expressly authorized to be sold by such license or any kind of liquor used exclusively as an ingredient in any foods being prepared and sold on the premises. (Ord. 14316, §1, 1-22-2008)

(Code 1977, § 5-10)

State law reference - Similar provisions, RSMo. § 311.330.

#### **Sec. 4-20. Opening and closing hours.**

- A. No person having a license issued pursuant to this chapter nor any employee of such person, shall sell, give away, or permit the consumption of any intoxicating liquor in any quantity between the hours of 1:30

a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday, upon or about his or her premises. If the person has a license to sell intoxicating liquor by the drink, his premises shall be and remain a closed place as defined in this section between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday. Where such licenses authorizing the sale of intoxicating liquor by the drink are held by clubs or hotels, this section shall apply only to the room or rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants whose business is conducted in one room only and substantial quantities of food and merchandise other than intoxicating liquors are dispensed, then the licensee shall keep securely locked during the hours and on the days specified in this section all refrigerators, cabinets, cases, boxes, and taps from which intoxicating liquor is dispensed. Any person violating any provision of this section shall be deemed guilty of a code violation. Nothing in this section shall be construed to prohibit the sale or delivery of any intoxicating liquor during any of the hours or on any of the days specified in this section by a wholesaler licensed under the provisions of section 4-1 to a person licensed to sell the intoxicating liquor at retail. (Ord. 14316, §1, 1-22-2008)

**State law reference** - Similar provisions, RSMo. § 311.330.

- B. When December 31st (New Year's Eve), January 1st (New Year's Day), March 17th (St. Patrick's Day) or July 4th (Independence Day) falls on Sunday and including 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", any 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 provisions of his license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of this chapter or any other provision of law to the contrary. (Ord. No. 11916, § 3, 6-7-93)

**State law reference** - Similar provisions, RSMo. § 311.298.

- C. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the board of liquor control may issue, a license to sell intoxicating liquor, as in this chapter defined, between the hours of 11:00 a.m. and midnight on Sunday by the drink at retail for consumption on the premises of any amusement place as described in the application. As used in this section, the term "amusement place" means any establishment whose business building contains a square footage of at least six thousand (6,000) square feet, and where games of skill commonly known as bowling, soccer, billiards, volleyball, and indoor golf are usually played, or has a dance floor of at least two thousand five hundred (2500) square feet, or any outdoor golf course with a minimum of nine holes and which has annual gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts is in non-alcoholic sales. (Ord. No. 11916, § 3, 6-7-93; Ord. No. 12185, § 1, 11-21-94; Ord. 14316, §1, 1-22-2008).

**State law reference** - Similar provisions, RSMo. § 311.098.

- D. Notwithstanding any other provisions of this chapter to the contrary, 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)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United States Internal Revenue Code of 1954, as amended, may apply for, and may be issued, a license to sell intoxicating liquor between the hours of 11:00 a.m. on Sunday and midnight on Sunday by the drink at retail for consumption on the premises described in the application. All provisions of this chapter shall apply to organizations licensed under this subsection. In addition to all other fees required by law of this Code, an organization licensed under this section shall pay an additional fee of three hundred dollars (\$300.00) a year, payable at the same time, and in the same manner, as its other

license fees.

**State law reference** - Similar provisions, RSMo. § 311.090. City Authority for fees § 311.220.

- E. Notwithstanding any other provisions of this chapter to the contrary, person who possesses the qualifications required by this chapter, and who now or hereafter meet the requirements of and complies with the provisions of this Chapter, may apply for, and the board of liquor control may issue, a special license to sell intoxicating liquor in the original package at retail, as defined in Section 311.200 RSMo 1986 between hours 9:00 a.m. and midnight on Sundays.  
(Code 1977, § 5-23; Ord. No. 9405, § 1, 3-31-80; Ord. No. 10079, § 1(5-23(c)), 10-3-83; Ord. No. 10273, § 1, 9-4-84; Ord. No. 11916, § 1, 6-7-93; Ord. No. 14316, §1, 1-22-2008)

**Sec. 4-21. Druggists may sell and physicians prescribe liquor.**

Any druggist may have in his possession intoxicating liquor purchased by him from a licensed vendor under a license pursuant to this law, 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 law, such intoxicating liquor to be used in connection with the business of a druggist, in compounding medicines or as a solvent or preservative; provided, that nothing in this article shall prevent a regularly licensed druggist, after he procures a license therefor in compliance with law, from selling intoxicating liquor in the original packages, but not to be drunk or the packages opened on the premises where sold; and provided further, that nothing in this article 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.

(Code 1977, § 5-24; Ord. No. 12220, §§1 & 2, 1-23-95 )

**State law reference** - Similar provisions, RSMo. § 311.470.

**Sec. 4-22. Possession of open container of alcoholic beverage or consumption of alcoholic beverage in certain public places.**

- A. It shall be unlawful for any person to possess any alcoholic beverage on any street, sidewalk or city parking facility unless such alcoholic beverage is in the original container and the seal is unbroken, except as permitted by state statute.
- B. It shall be unlawful for any person to consume any alcoholic beverage on any street, sidewalk or city parking facility.
- C. The definition of "alcoholic beverages" contained in Chapter 4 shall apply to this section.
- D. This section shall not apply to possession or consumption of any alcoholic beverage in a licensed motor vehicle.
- E. This section shall not apply to the possession or consumption of alcoholic beverages served by an establishment licensed under the provisions of sections 32-230 to 32-232 and consumed within licensed premises, provided that the restrictions of the license are observed.
- F. A violation of this section shall be punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) or imprisonment for not more than ninety (90) days or both.

- G. In prosecutions under this section, there is a rebuttable presumption that a container marked or labeled as containing an alcoholic beverage actually contains the described alcoholic beverage. This rebuttable presumption applies only in cases where a sample of the contents of the container has been preserved and is available to the defendant for testing.

(Ord. No. 13911, §1, 8-1-2005)

**Section 4-23. Misrepresentation of age by minor to obtain liquor—use of altered driver's license, passport or I.D. cards, penalties.**

- A. Any person of the age of seventeen years and under the age of twenty-one years who shall represent that he has attained the age of twenty-one years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, except in cases authorized by law, shall upon conviction be deemed guilty of a code violation.
- B. In addition to any other penalties established in subsection A. of this section any person who is less than twenty-one years of age who uses a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by any uniformed service of the United States, passport or identification card established in section 302.181, RSMo, for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, shall be guilty of a code violation and shall be subject to a fine of five hundred dollars for each separate offense

(Ord. 14316, §1, 1-22-2008)

**Secs. 4-24 - 4-30. Reserved.**

## DIVISION 2. LICENSES

### **Sec. 4-31. Required.**

It is unlawful for any person, either by himself or through the use of agents or servants, to engage in the manufacture, brewing, sale or distribution of intoxicating liquors without first having taken out and obtained a license authorizing such manufacture, brewing, sale or distribution, in compliance with the terms of this chapter. (Code 1977, § 5-11; Ord. 14316, §1, 1-22-2008; Ord. No. 14533, §1, 5-18-2009)

**State Law Reference 311.180**

### **Sec. 4-32. Application.**

Before any license shall be issued pursuant to the provisions of this division, the applicant therefor shall apply in writing to the finance department, giving the location of the place of business including the specific areas inside or outside the building to which the license is to apply, the names of all parties interested in the business to be operated under such license, except in the case of a corporation when the name of the president, secretary and manager only need be given. An application for consumption on premises must be accompanied by a food inspection report which has been completed by the Department of Community Development within 365 days of the date of the application.

(Code 1977, § 5-12; Ord. No. 9978, § 3, 6-6-83; Ord. 14470, §1, 2-16-2009)

### **Sec. 4-33. Applications reviewed by Liquor Control Board and the Police Chief.**

All applications for licenses and all petitions so filed with such applications shall be referred by the license inspector to the Liquor Control Board by transmitting all applications to the police chief who shall review and make recommendation on all applications to the Liquor Control Board. The review of the applications for license shall normally be completed and returned to the finance department within ten (10) working days of the date of the application. The Liquor Control Board shall also draw up and approve a form of application which the finance department shall use.

(Code 1977, § 5-12; Ord. No. 9978, § 3, 6-6-83; Ord. 14470, §1, 2-16-2009; Ord. No. 14533, §1, 5-18-2009)

### **Sec. 4-34. Approval or Denial of applications for new liquor licenses.**

- A. No license shall be issued pursuant to the provisions of this division without the approval of the Liquor Control Board.
- B. The Liquor Control Board shall approve a new application if the Liquor Control Board determines that the applicant has complied with the laws of the City pertaining to liquor establishments and is of good moral character. Licenses shall only be granted to persons of good character. In determining the good character of the applicant, the Liquor Control Board shall also apply the criteria set out in Section 4-41 of this Code. The Liquor Control Board shall not approve a license without first having obtained and reviewed the recommendations of the police chief. The Liquor Control Board shall not be required to

hold any hearing of any kind whatsoever in determining whether a new license shall be granted or an old license renewed.

- C. Upon approval of a new liquor license, the Liquor Control Board shall provide licensee with a list of all residences, places of business and owners of property within six hundred (600) feet of the property upon which the licensed establishment is located. It shall be an obligation of the Licensee to notify said individuals of the granting of a liquor license to the licensee. The Liquor Control Board may promulgate a Notice form to be used by the Applicant. It shall be the burden of licensee to demonstrate Notice was provided.
- D. If the Liquor Control Board determines that the applicant has failed to comply with the laws of the City, the Liquor Control Board shall not issue the license and shall notify the applicant of the denial, the reasons for the denial, and the applicant's right to an appeal pursuant to section 4-36.

(Ord. No. 9611, § 2(5-34.3), 4-21-81; Ord. No. 14533, §1, 5-18-2009)

**Sec. 4-35. Approval or denial of applications for renewal of a liquor license.**

- A. A liquor license shall not be renewed without the approval of the Liquor Control Board or by the Liquor Control Board upon appeal of a decision by the Liquor Control Board.
- B. The Liquor Control Board shall approve a timely filed renewal of an application for renewal of a current liquor license unless the Liquor Control Board has received complaints during the preceding license term, or receives objections to the application. If such complaints or objections are received, or if the application is not timely filed, the Liquor Control Board shall review the application and determine if the applicant has complied with the laws of the City pertaining to liquor establishments. The Liquor Control Board shall not be required to hold any hearing of any kind whatsoever in determining whether a new license shall be granted or an old license renewed.
- C. If the Liquor Control Board determines that the applicant has failed to comply with the laws of the City, the Liquor Control Board shall not issue the license and shall notify the applicant of the denial, the reasons for the denial, and the applicant's right to an appeal pursuant to section 4-36.

(Ord. No. 9611, § 2(5-34.3), 4-21-81; Ord. No. 14533, §1, 5-18-2009)

**Sec. 4-36. Appeals to the Liquor Control Board.**

- A. Any applicant aggrieved by the decision of the Liquor Control Board to deny or refuse to renew a liquor license may file a petition with the Liquor Control Board within ten (10) days after the action by the Liquor Control Board appealing said action.
- B. Any citizen, who at the time a new license is granted, is maintaining a residence, place of business, or owning property within six hundred (600) feet of the property upon which the licensed establishment is located, aggrieved by the decision of the Liquor Control Board to approve a new liquor license, may file a petition with the Liquor Control Board until the expiration of ten (10) days following notice as provided in 4-72C, of a new licence by the Liquor Control Board appealing said action. The ten (10) period does not begin to run until delivery of the notice to the citizen.
- C. The Liquor Control Board shall have the final authority and may act as it deems appropriate under law.

(Ord. No. 14533, §1, 5-18-2009)

**Sec. 4-37. Classification; fees.**

- A. The following license fees shall be paid annually for licenses required by this division:
1. For manufactures and brewers of malt liquor containing not in excess of five percent of alcohol by weight and sellers to duly licensed wholesalers and soliciting orders for the sale of malt liquors containing not in excess of five percent of alcohol by weight, to, by or through a duly licensed wholesaler within this city, the sum of three hundred seventy five dollars;
  2. For manufactures of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight, to, by or through a duly licensed wholesaler within this city, the sum of three hundred dollars;
  3. For Manufacturers, distillers or blenders of intoxicating liquor of all kinds within the City and sellers to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this city, the sum of six hundred and seventy five dollars;
  4. For wholesalers and solicitors of orders for the sale of malt liquor containing not in excess of five percent of alcohol by weight, to, by or through a duly licensed wholesaler within the City, the sum of seventy five dollars;
  5. For sellers to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight, to, by or through a duly licensed wholesaler within this city, the sum of one hundred fifty dollars;
  6. For sellers to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this city, the sum of three hundred and seventy five dollars;
  7. For sellers of intoxicating liquor containing not in excess of five percent of alcohol by weight by a wholesaler to a person duly licensed to sell such malt liquor at retail and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of malt liquor containing not in excess of five percent of alcohol by weight, to, by or through a duly licensed wholesaler within this city, the sum of one hundred fifty dollars;
  8. For sellers of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight, to, by or through a duly licensed wholesaler within this city, the sum of three hundred dollars;
  9. For sellers of intoxicating liquor of all kinds by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this city, the sum of seven hundred fifty dollars, except that a license authorizing the holder to sell to duly licensed wholesalers and to solicit orders for sale of intoxicating liquor, to, by or through a duly licensed wholesaler, shall not entitle the holder thereof to sell within the City, direct to retailers.
  10. For the sale of malt liquor containing alcohol in excess of three and two-tenths percent by weight

and not in excess of five percent by weight by grocers and other merchants and dealers in the original package direct to consumers but not for resale, a fee of seventy five dollars per year payable to the City shall be required. The phrase "original package" shall be construed and held to refer to any package containing three or more standard bottles of beer. This license shall also permit the holders thereof to sell nonintoxicating beer in the original package direct to consumers, but not for resale. Notwithstanding the provisions of section 311.290, any person licensed pursuant to this subsection may also sell malt liquor at retail between the hours of 9:00 a.m. and midnight on Sunday.

11. For the sale of malt liquor at retail by drink for consumption on the premises where sold, the licensee shall pay to the City the sum of seventy five dollars per year, which license shall also permit the holder thereof to sell nonintoxicating beer as defined in chapter 312, RSMo. Notwithstanding the provisions of section 311.290, any person licensed pursuant to this subsection may also sell malt liquor at retail between the hours of 9:00 a.m. and midnight on Sunday.
  12. For the sale of malt liquor and light wines containing not in excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables, at retail by the drink for consumption on the premises where sold, the licensee shall pay to the city of revenue the sum of seventy five dollars per year, which license shall also permit the holder thereof to sell nonintoxicating beer as defined in chapter 312, RSMo.
  13. For the sale of all kinds of intoxicating liquor, at retail by the drink for consumption on premises of the licensee, the licensee shall pay to the City the sum of four hundred fifty dollars per year, which shall include the sale of intoxicating liquor in the original package.
  14. For the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, the licensee shall pay to the City the sum of one hundred fifty dollars per year. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises
  15. For the sale of intoxicating liquor in the original package at retail between the hours of 9:00 a.m. and midnight on Sundays pay an additional fee of three hundred fifty dollars a year payable at the same time and in the same manner as its other license fees.
  16. For any person possessing the qualifications and meeting the requirements of this chapter who wish to conduct wine tastings on the premises who are otherwise licensed to sell intoxicating liquors in the original package directly to the consumer, and fee shall be \$25 per year in addition to any other license fees.
  17. For retailers operating a club or food service establishment deriving over ninety percent (90%) of gross revenue from activities, services and sales, not including sales of alcoholic beverages, the fee shall be one hundred dollars (\$100.00) in addition to any other license fees. (Ord. No. 12729, § 2, 3-2-98)
- B. The license fees referred to in subsection (a) shall be paid on an annual basis, with such annual fee due on February 1 of each year.

(Ord. No. 12220, §§1 & 2, 1-23-95; Ord. 14316, 1-22-2008; Ord. No. 14533, §1, 5-18-2009)

**Sec. 4-38. Reserved.**

**Sec. 4-39. Form and contents of license.**

- A. All licenses shall be issued by the finance department upon the proper forms. Each license shall state specifically whether the license is for a distiller, brewer, wholesaler or distributor, and in the case of a retailer's license, shall state the alcoholic content of the intoxicating liquor to be sold under such license and whether such license is issued authorizing the sale of intoxicating liquor or consumption on the premises or authorizing the sale only in the original package, not for consumption on the premises, or whether such license issued is for both the sale in the original package and for consumption on the premises where sold.
- B. All licenses authorizing the sale of intoxicating beverages for consumption on the premises shall specify whether the authority extends to the building, parking lots or other adjacent premises.
- (Code 1977, § 5-17; Ord. No. 9978, § 2, 6-6-83; Ord. No. 14533, §1, 5-18-02009)

**Sec. 4-40. Miscellaneous licensing duties of finance department and police chief.**

The finance department shall keep a complete record of all licenses issued, the date when issued and all license fees collected by reason of the issuance of such licenses. The finance department shall report to the council at the first regular meeting of each month all license fees collected, by whom paid and to whom such licenses have been issued. The finance department shall also report monthly to the city council a list of all persons who have been licensed under the provisions of this division and who have failed or neglected to renew such license at its expiration. The finance department shall deliver a copy of such report to the chief of police of the city, and it is hereby made the duty of the chief of police of the city to investigate such person whose license has not been renewed, or any other person who has been reported to him as selling intoxicating liquor without first obtaining a license as provided herein, and if such person is selling intoxicating liquor without such license, it shall be the duty of the chief of police to arrest such person and report such arrest to the city prosecutor for proper disposition.

(Code 1977, § 5-18; Ord. No. 11547, § 1, 3-20-91)

**Sec. 4-41. Suspension or revocation generally.**

- A. The Liquor Control Board may, in addition to other penalties provided by ordinance, suspend or revoke a license issued pursuant to this division if the licensee or his employees or agents shall have been shown to be guilty of, to have violated, or to be involved in, any of the following:
1. 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;
  2. A conviction of a crime involving a felony by licensee or any of the officers or the managing officer of licensee;
  3. 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;
  4. Violation of any of the provisions of this article or any of the laws of this city;
  5. Violation of the laws of the state, the United States of America, or any rule or regulation

pertaining to the sale and licensing of intoxicating liquors;

6. Operation of the business in such a manner that it constitutes a nuisance to the neighborhood;
  7. 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.
  8. 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.
  9. 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.
  10. Failure to cooperate fully with the police, the Liquor Control Board, fire department, city code inspectors, or any law enforcement agency.
  11. Any establishment, except private clubs shall be open to the police, liquor control board, 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.
- B. The Liquor Control Board shall notify the licensee in writing of any intended action and the reasons therefor, and of the right to request an appeal hearing before the Liquor Control Board in regard thereto. The action indicated in the written notice shall be final unless the licensee shall file a written request for hearing with the city clerk within ten (10) days of the notice.
- C. In addition to suspending or revoking a license the Liquor Control Board may place a licensee under probation for a period not to exceed one year. If the Licensee violates the terms of the probation the Board may suspend or revoke the licensee's license.
- D. Any applicant aggrieved by the decision of the Liquor Control Board under this section may file a petition with the Liquor Control Board within ten (10) days after the action by the Liquor Control Board appealing said action. The Liquor Control Board shall have the final authority and may act as it deems appropriate under law including all powers granted to the Liquor Control Board under this chapter.

(Code 1977, §§ 5-21, 5-22; Ord. No. 9611, § 1, 4-21-81; Ord. No. 9713, § 2, 12-7-81; Ord. No. 13910, §3, 8-1-

2005; Ord. 14316, §1, 1-22-2008; Ord. No. 14533, §1, 5-18-2009)

**Sec. 4-42. Hearings before the Liquor Control Board.**

- A. For any appeal to the Liquor Control Board, the Board may request the City Counselor to investigate any suspected violation and make recommendations as to Board action.
- B. Upon receipt of a timely written request for hearing, the board, or a hearing examiner designated by the board, shall call a hearing and shall set forth in writing and send to the applicant or licensee or permittee, by means of registered mail, certified mail or hand delivery, notice that within a period of not less than five (5) days nor more than fourteen (14) days from the date of the posting of said notice, a hearing shall be conducted to determine the existence of any facts which constitute grounds for the suspension or revocation of a license or permit. The notification shall include the date, time and place of the hearing.
- C. For all hearings before the Liquor Control Board, the City Counselor shall act as prosecutor on behalf of the Liquor Control Board and shall serve as counsel for the Liquor Control Board.
- D. The board is hereby authorized to appoint a hearing examiner who shall have authority to conduct the hearing as set forth herein. At least two (2) members of the board shall be in attendance. The applicant or licensee may have the assistance of counsel or may appear by counsel and shall have the right to present evidence. In the event that the applicant or licensee fails to appear at the hearing, the evidence of the existence of facts which constitute grounds for the denial, suspension or revocation of the license or permit shall be considered un rebutted. The hearing need not be conducted according to the rules of evidence. Any relevant evidence may be admitted and considered by the board if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Objections to evidence shall be noted and a ruling given by the hearing examiner. A copy of the decision of the hearing examiner specifying findings of fact and the reasons for the decision shall be furnished to the applicant or licensee. For purposes of appeal, the decision of the hearing examiner, if ratified by the board, shall be final.
- E. Upon a final decision being rendered, the parties shall be informed of the right to appeal under the provisions of the Administrative Procedure Act. Any decision not appealed within thirty (30) days from the date of the decision is final.

(Ord. No. 9611, § 1(5-21.1), 4-21-81; Ord. No. 9713, § 2, 12-7-81; Ord. No. 11547, § 1, 3-20-91; Ord. No. 13910, §4, 8-1-2005; Ord. No. 14533, §1, 5-18-2009)

**Sec. 43. Ineligible for license after revocation.**

- A. Any person, partnership or corporation shall not be qualified for a liquor license if such person, any member of such partnership, or such corporation, or any officer, director, or any stockholder owning, legally or beneficially, directly or indirectly, ten percent or more of the stock of such corporation, or other financial interest therein, or ten percent or more of the interest in the business for which the person, partnership or corporation is licensed, or any person employed in the business licensed under this Chapter shall have had a license revoked.
- B. The term "financial interest" as used in this section is defined to mean all interest, legal or beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such interest in the net profits of the enterprise, after the payment of reasonable and necessary operating business expenses and taxes, including interest in dividends, preferred dividends, interest and profits, directly or indirectly paid as compensation for, or in consideration of interest in, or for use of, the capital devoted to the enterprise, or for property or money advanced, loaned or otherwise made available to the enterprise, except by way of

ordinary commercial credit or bona fide bank credit not in excess of credit customarily granted by banking institutions, whether paid as dividends, interest or profits, or in the guise of royalties, commissions, salaries, or any other form whatsoever.

(Ord. No. 14627, §1, 1-19-2010)

**Secs. 4-44 – 4-49. Reserved.**

### DIVISION 3. LIMITATIONS AND TEMPORARY LICENSES

#### **Sec. 4-50. Sales near churches, schools, parks, etc.**

- A. No license shall be issued authorizing sale of intoxicating liquor to be consumed on the premises where sold, where such premises are located within two hundred fifty (250) feet of any church, public or parochial school, or within one hundred (100) feet of any public grounds or public parks; provided, that where such premises are within two hundred fifty (250) feet of a public school, as herein defined, the provisions of this section may be waived by the board of directors of such school by proper written instrument, which shall be filed with the city clerk and passed upon by the board of liquor control.
- B. For the purpose of determining such distance between such premises and churches, public or parochial schools, measurement shall be had in the most direct line from the front door of the licensed premises where such intoxicating liquor is sold to the front door of the church or school building.
- C. For the purpose of determining such distance as between such premises where liquor is sold to be consumed on the premises and the public park or playgrounds, measurement shall be had from the public entrance of such park or playground in the most direct line to the front door of the building where such intoxicating liquor is sold.
- D. Nothing contained in this section is intended to affect the authority to renew licenses properly issued prior to the effective date of this section.

(Code 1977, § 5-9; Ord. No. 10096, § 1(5-9), 11-7-83; Ord. No. 14533, §1, 5-18-2009)

**State law reference** - Sales near churches, RSMo. § 311.080.

#### **Sec. 4-51. Transfer; use for premises other than those for which issued; required for each place of business requiring state license.**

No license issued under authority of this division shall be transferred from one person to another, nor shall such license be used at any place except on the premises for which such license is issued. A proper license shall be procured for each place of business for which a state license is required.

(Code 1977, § 5-20; Ord. No. 9774, § 1, 4-20-82; Ord. 14316, §1, 1-22-2008)

**State law reference** - RSMo. § 311.240. Period of license - federal licence required - contents of license - renewal; RSMo § 312.110. Separate permit required - expiration date - renewals - fees prorated.

#### **Sec. 4-52. View from street.**

In premises upon which the sale of alcoholic liquor for consumption on the premises is licensed (other than as a restaurant bar) no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises nor inside such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times, and no booth, screen, partition or other obstruction nor any arrangement of lights or lighting shall be permitted in or about the interior of such premises which shall prevent a clear view of the entire interior from a distance of at least six feet from the window or door after sunset. All rooms where liquor is sold for consumption on the premises shall be continuously lighted during business

hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible. In case the view into any such licensed premises required by the foregoing provisions shall be willfully obscured by the licensee or by him willfully permitted to be obscured or in any manner obstructed, then such license shall be subject to revocation in the manner herein provided. In order to enforce the provisions of this section, the City Administrator shall have the right to require the filing with him of plans, drawings and photographs showing the clearance of the view as above required. (Ord. 13910, §2, 8-1-2005; Ord. No. 14533, §1, 5-18-2009)

**Sec. 4-53. Effect of revocation on reissuance of license.**

Whenever the city has revoked a business license it shall be necessary, before any license is issued to operate a liquor establishment at the same location, that the procedures for issuance of a license be followed as set forth in sections 4-2 and 4-37 of this Code.

(Ord. No. 9611, § 1(5-21.2), 4-21-81; Ord. No. 9713, § 2, 12-7-81; Ord. No. 14533, §1, 5-18-2009)

**Sec. 4-54. Permit and fee requirements for temporary locations for liquor by the drink.**

- A. A temporary permit may be issued to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this chapter who furnish provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, but not including a "festival", as defined in Chapter 316, RSMo., effective for a period not to exceed one hundred twenty (120) consecutive hours, which shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption in the city.
- B. All provisions of this chapter shall extend to the premises where the function, occasion or event is held, and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees, or stock are on such premises. This section will not include the sale of packaged goods covered by this temporary permit.
- C. For every permit issued pursuant to the provisions of this section, the permittee shall pay the sum of fifteen dollars (\$15.00) for each calendar day, or fraction thereof, for which the permit is issued.

(Ord. No. 10272, § 1, 9-4-84; Ord. 14316, §1, 1-22-2008; Ord. No. 14533, §1, 5-18-2009)

**State law reference** - RSMo. § 311.485. Temporary location for liquor by the drink, caterers - permit and fee required - other law applicable, exceptions

**Sec. 4-55. License for consumption on premises**

- A. It shall be unlawful for any person operating any premises where food, beverages or entertainment are sold or provided for compensation, who does not possess a license for the sale of intoxicating liquor, to permit the drinking or consumption of intoxicating liquor in, on, or about the premises between 10:00 p.m. and 6:00 a.m. the following day, without having a license as in this section provided.
- B. Application for such license shall be made to the finance department on forms prescribed, describing the premises to be licensed and giving all other reasonable information required by the form. The license shall be issued upon the payment of the fee required in this section. A license shall be required for each separate premises and shall expire on the thirty-first day of January next succeeding the date of such license. The license fee shall be three hundred dollars per year.

- C. The drinking or consumption of intoxicating liquor shall not be permitted in, upon, or about the licensed premises by any person under twenty-one years of age, or by any other person between the hours of 1:30 a.m. and 6:00 a.m. on any weekday, and between the hours of 12:00 midnight Saturday and 12:00 midnight Sunday. Licenses issued hereunder shall be conditioned upon the observance of the provisions of this section and the regulations promulgated thereunder governing the conduct of premises licensed for the sale of intoxicating liquor by the drink. The provision of this section regulating the drinking or consumption of intoxicating liquor between certain hours and on Sunday shall apply also to premises licensed under this chapter to sell intoxicating liquor by the drink. No person shall be granted a license hereunder unless such person is of good moral character and a qualified legal voter and a taxpaying citizen of the city, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the city.
- D. Any premises operated in violation of the provisions of this section, or where intoxicating liquor is consumed in violation of this section, is hereby declared to be a public and common nuisance.
- E. Any person operating any premises, or any employee, agent, representative, partner, or associate of such person, who shall knowingly violate any of the provisions of this section, or any of the laws or regulations herein made applicable to the conduct of such premises, is guilty of a misdemeanor.
- F. Nothing in this section shall be construed to prohibit the sale or delivery of any intoxicating liquor during any of the hours or on any of the days specified in this section by a wholesaler licensed under the provisions of section 311.180 RSMo to a person licensed to sell the intoxicating liquor at retail.
- G. No intoxicating liquor may be served or sold on any premises used as a polling place on election day.

(VAMS 311.480, Eating places, drinking of liquor on premises, license required, when, hours --regulations --penalties--exceptions) (Ord. No. 12386, § 1, 1-8-96)

**Sec. 4-56. Limited permit, picnic license.**

- A. Notwithstanding the other provisions of this chapter, a permit for the sale of malt liquor as defined in section 311.200 RSMo 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 at a picnic, bazaar, fair, or similar gathering. Said permit shall be issued only for the day or days named therein and it shall not authorize the sale of aforesaid malt liquor for more than seven days by any said organization as described above in any fiscal year.
- B. To secure the permit, the applicant shall complete a form provided by the finance department. The applicant shall pay a fee of thirty-five dollars for such permit.
- C. If the event will be held on a Sunday, the permit shall authorize the sale of malt liquor on that day beginning at 11:00 a.m.
- D. At the same time that the applicant applies for a permit under the provisions of this section, the applicant shall notify the director of revenue of the holding of the event and by such notification, by certified mail, shall accept responsibility for the collection and payment of any applicable sales tax. Any sales tax due shall be paid to the director of revenue within fifteen days after the close of the event, and failure to do so shall result in a liability of triple the amount of tax due plus payment of the tax, and denial of any other permit for a period of three years. Under no circumstance shall a bond be required by the applicant.
- E. No provision of law or rule or regulation of the supervisor shall prevent any wholesaler or distributor

from providing customary storage, cooling or dispensing equipment for use by the holder of the license at such picnic, bazaar, fair, or similar gathering.

**State law reference** - RSMo § 311.482 (Ord. No. 12386 § 3, 1-8-96; Ord. No. 14533, §1, 5-18-2009)

**Sec. 4-57. Temporary license for Fourth of July celebrations.**

- A. Other provisions of this chapter to the contrary notwithstanding, a permit for the sale of wine and malt liquor containing alcohol in excess of three and two-tenths percent by weight, for consumption on the premises where sold may be issued to any church, school, civic, service, fraternal, veteran, political, or charitable club or organization for sale of such wine and malt liquor at any picnic, bazaar, fair, festival or similar gathering or event held to commemorate the annual anniversary of the signing of the Declaration of Independence of the United States. Such permit shall be issued only during the period from June fifteenth to July fifteenth annually and only for the day or days named therein and it shall not authorize the sale of wine and malt liquor except between the hours of 10:00 a.m. and midnight and for not more than seven days by any such organization. The permit may be issued to cover more than one place of sale within the general confines of the place where the gathering or event is held; provided, however, no permit shall be issued to any organization which selects or restricts the membership thereof on the basis of race, religion, color, creed, or place of national origin. For the permit, the holder thereof shall pay to the finance department the sum of one hundred dollars. No provision of law or rule or regulation of the supervisor shall prevent any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the holder of the permit at such gathering or event.
- B. As used in this section the term "wine" means a beverage containing not in excess of fourteen percent of alcohol by weight.

(311.218. Fourth of July celebrations, temporary permits for wine and malt liquor for certain organizations, fee)  
(Ord. No. 12386, § 3, 1-8-96; Ord. No. 14533, §1, 5-18-2009)

**Secs. 4-58 – 4-59. Reserved.**

DIVISION 4. BEER KEG REGISTRATION

**Sec. 4-60. Beer keg registration required.**

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 that 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 acknowledges receipt of a keg containing beer or cereal malt beverage 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 and that if the keg does not bear the registration seal, or the registration seal has been altered, defaced or obliterated, then the keg and its contents shall be subject to seizure and forfeiture.
4. The particular address or location where the keg will be consumed, and the date or dates on which it will be consumed.

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. Where the purchaser obtains more than one keg for consumption at the same location and on the same date, only one keg registration declaration and receipt form need be completed. All other keg registration declaration and receipt forms for that particular transaction shall contain the registration number from the

fully completed form as a reference and shall be signed by the purchaser. Such keg registration declaration and receipt forms which contain the reference number of a fully completed form and which have been signed by the purchaser shall constitute a valid and properly completed keg registration and declaration receipt.

- F. The keg registration seal affixed to the keg may serve as the purchaser's receipt. Upon receipt of a properly registered keg from a consumer, the Licensee shall remove and obliterate the keg registration seal from the keg and shall note such action on the keg registration declaration and receipt form which shall be retained by the licensee on the holder's premises. Kegs made of disposable packaging shall not have to be returned to the licensee. The licensee shall indicate on the keg declaration and receipt form that the keg was not returnable due to its disposable packaging.
- G. For the purpose of tracing the kegs and purchaser responsibility, it shall be the responsibility of the licensee to affix the properly completed and signed keg registration seal to all containers of four gallons or more of beer, wine, or intoxicating liquor prior to the container leaving control of such licensee.
- H. Except as provided in this section, no person shall remove, alter, deface or obliterate the registration seal affixed to a keg. Disposing of empty kegs made of disposable packaging shall not constitute obliteration of the keg registration seal. If any person is in possession of a keg containing beer, wine, or intoxicating liquor in violation of this section and such keg does not bear the registration seal, or upon such keg the registration seal has been altered, defaced or obliterated, then the keg and its contents shall be subject to seizure and forfeiture.
- I. Except as authorized by the City, no person shall transfer possession of, or give the registered keg or container to, another person. This subsection shall not apply to the return of the registered container to, another person. This subsection shall not apply to the return of the registered container to the licensee.

J. 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.

K. 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.

L. 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 sale shall be open to inspection by the City or other law enforcement officers at a reasonable date and time.

M. 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.

N. SEVERABILITY.

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 City Council 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.

(Ord. No. 13130, §1, 10-16-2000; Ord. No. 14533, §1, 5-18-2009)

**Secs. 4-61 – 4-64. Reserved.**

**<sup>2</sup>ARTICLE III. RESERVED**

(Ord. No. 14628, §1, 1-19-2010)

#### ARTICLE IV. MICROBREWERY

**Sec. 4-100. Microbrewery, defined; license; fee; retail license allowed, procedure; sale to wholesalers allowed, when; certain exemptions, when**

- A. As used in this section, the term "microbrewery" means a business whose primary activity is the brewing and selling of beer, with an annual production of ten thousand barrels or less.
- B. A microbrewer's license shall authorize the licensee to manufacture beer and malt liquor in quantities not to exceed ten thousand barrels per annum. A license fee of five dollars for each one hundred barrels or fraction thereof, up to a maximum license fee of two hundred fifty dollars, shall be paid to and collected by the director of revenue.
- C. Notwithstanding any other provision of this chapter or chapter 312, RSMo, to the contrary, the holder of a microbrewer's license may apply for, and the City may issue, a license to sell intoxicating liquor by the drink at retail for consumption on the premises. No holder of a microbrewer's license, or any employee, officer, agent, subsidiary, or affiliate thereof, shall have more than ten licenses to sell intoxicating liquor by the drink at retail for consumption on the premises. All other ordinances and regulations relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to the holder of a license issued under the provisions of this section in the same manner as they apply to establishments licensed under the provisions of section 311.085 311.090, 311.095, or 311.097 RSMo.
- D. The holder of a microbrewer's license may also sell beer and malt liquor produced on the brewery premises to duly licensed wholesalers. However, holders of a microbrewer's license shall not, under any circumstances, directly or indirectly, have any financial interest in any wholesaler's business.

## NOTES

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<sup>1</sup> **Cross references** - Definitions and rules of construction generally, § 1-2; licenses, taxation and miscellaneous business regulations, Ch. 17; driving while intoxicated, § 19-98; driving with excessive blood alcohol content, § 19-99; alcoholic beverages in city parks, § 23-2.

<sup>2</sup> **State law reference** - Municipal authority to license, regulate and control sale of nonintoxicating beer, RSMo. § 312.140.