

ALCOHOLIC BEVERAGES*

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ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Amusement place* means any establishment whose business building contains a square footage of at least 6,000 square feet, and where games of skill commonly known as bowling, soccer, billiards, volleyball, and indoor golf are usually played, and which has annual gross receipts of at least \$200,000.00 of which no more than 50 percent may be derived from the sale of alcoholic beverages.

State law reference--Amusement places defined, RSMo 311.098(1).

- (2) *Intoxicating liquor or liquor* means alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt or other liquors, or a 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 of alcohol by volume.

State law reference--Similar provisions, RSMo 311.020.

- (3) *Liquor by the drink dealer* means any person engaged in the sale of liquor by the dram and in the original package in any quantity less than one gallon.
- (4) *Non-intoxicating beer* means beer containing not more than 3.2 percent of alcohol by weight.
- (5) *Original package* means any package containing three or more standard bottles or cans (12 oz. or less) of malt liquor or non-intoxicating beer; 50 milliliters (1.7 oz.) or more of spirituous liquors; 100 milliliters (3.4 oz.) or more of vinous liquors in the manufacturer's original container.
- (6) *Restaurant bar* means any establishment having a restaurant or similar facility on

the premises at least 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 \$200,000.00 from the sale of prepared meals or food consumed on such premises with the restaurant or similar facility on the premises providing prepared meals on Sundays.

State law reference--Similar provisions, RSMo 311.097(1).

- (7) *Retail five percent beer and light wine dealer* means and includes any person who may be engaged in the sale of beer and light wine only as an intoxicating liquor which beer contains alcohol in excess of 3.2 percent by weight and not more than five percent by weight, and which light wine contains alcohol not in excess of 14 percent by weight.

State law reference--Similar provisions, RSMo 31100(3).

- (8) *Retail five percent beer by the drink dealer* means any person who may be engaged in the sale of beer that contains alcohol in excess of 3.2 percent by weight and not more than five percent by weight.

- (9) *Retail package dealer* means any person engaged in the sale of liquor in the original packages only. Such packages shall contain not less than eight fluid ounces and less than one gallon.

- (10) *Retail package five percent beer* means any package containing three or more standard bottles or cans (12 oz.) of beer.

- (11) *Retailer* means any person engaged in the sale and distribution of non-intoxicating beer in quantities of one case or three gallons or less, either for consumption on the premises where sold, or for delivery in the original package to consumers, but not for resale.

- (12) *Server* means any person directly engaged in the retail sale, service, delivery or dispensing of intoxicating and non-intoxicating alcoholic beverages and includes taking orders for, accepting

payment for, mixing, serving or assisting in mixing or serving.

- (13) *Sunday retail liquor and beer by the drink* means any establishment engaged in the Sunday sale of alcoholic, spirituous, vinous, fermented, malt or other liquors, or a 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 of alcohol by volume and any package containing three or more standard bottles or cans (12 oz. or less) of malt liquor or non-intoxicating beer; 50 milliliters (1.7 oz.) or more of spirituous liquors; 100 milliliters (3.4 oz.) or more of vinous liquors in the manufacturer's original container.

- (14) *Wholesale dealer* means any person engaged in the sale and distribution of intoxicating liquor either directly or through an agent or agency soliciting orders therefor in quantities of one gallon or more.

(Gen. Ord. No. 1096, § 1(5-1), 6-21-93; G.O. 1983, 10-27-03; G.O. 2166, 5-8-06; G.O. 2356, 11-2-09; G.O. 2659, 11-26-12)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 4-2. Penalty for late payment of license fees.

All license fees fixed by Chapter 4 which are not paid by the due date provided shall be immediately subject to a 10 percent penalty charge on the balance due plus a one percent penalty assessment against the balance due for every 30 day period thereafter.

(G.O. 1453, 9-9-96; G.O. 1983, 10-27-03)

Sec. 4-3. Drinking on public ways, in public parking garages or parks.

No person shall possess, consume or drink any intoxicating liquor or non-intoxicating beer in or upon any public way, public parking garage or public park; provided, however, that this section shall not be construed to prohibit such consumption or drinking in such publicly owned property as the Civic Arena or the Missouri Theater, or any other publicly owned structure or

property that may be used from time to time as a place for public assembly, with the exception of those specifically set forth in Section 4-4 below, where the sale and consumption of alcoholic beverages shall be completely permissible when conducted in accordance with federal, state and/or local laws and the city's permitting process. (Code 1969, § 5-5; G.O. 1983, 10-27-03)

Sec. 4-4. Sale, possession and consumption prohibited in specified parks.

No person shall sell, possess, consume or drink any intoxicating liquor or non-intoxicating beer within the confines of Bartlett Park, Huston Wyeth Park, Hyde Park or Krug Park.

(Code 1969, § 5-8; G.O. 1413, 6-3-96; G.O. 1446, 8-12-96; G.O. 1983, 10-27-03)

Sec. 4-5. License fee overcharges and undercharges.

Any applicant or licensee who has been either overcharged or undercharged upon a certain license shall be entitled to either a refund or a supplemental bill, depending upon the circumstances, and the city manager or his/her designee is authorized to pay the refund or issue a bill for the supplemental fee.

(Gen. Ord. No. 1012, § 3, 9-14-92; G.O. 1983, 10-27-03; G.O. 2275, 2-25-08)

Sec. 4-6. Sale of wood, denatured or adulterated alcohol.

No person shall sell to any person any wood alcohol or denatured alcohol or any alcohol so adulterated by poisonous chemicals to make it poisonous, where the seller shall have grounds to believe that it is to be used for beverage purposes.

(Code 1969, § 5-9; G.O. 1983, 10-27-03)

Sec. 4-7. Renting premises for illegal sale.

No person shall knowingly let or lease to another any room, house or other building or premises for the purpose of being used and kept as a place for the illegal sale of intoxicating liquors, and every person, after having been informed by the law enforcement agency of the city that such room, house, building or premises let or leased by him is being used for any of such purposes by the lessee or any other person, shall

immediately evict or oust lessees or other persons so using such room, house or building.
(Code 1969, § 5-7; G.O. 1983, 10-27-03)

Sec. 4-8. Employment of minors and other persons.

(a) Except as otherwise specifically permitted under RSMo 311.300, or amendments thereto, no person under the age of 21 years shall be employed by any retail dealer to assist in the sale, distribution or dispensing of intoxicating liquor or non-intoxicating alcoholic beverages.

(b) Except as otherwise specifically permitted under state law, no person under a civil disability on account of any criminal or probate court proceeding, shall be employed by any retail dealer to assist in the sale, distribution or dispensing of intoxicating liquor or non-intoxicating alcoholic beverages.

(Code 1969, § 5-43; G.O. 1983, 10-27-03)

Sec. 4-9. Minors entering premises.

(a) Except as provided in Section 4-12 herein, it shall be unlawful for any person under the age of 21 years to enter or be on the premises or to linger or loiter in or about the premises of any licensee holding a liquor by the drink license or a consumption of liquor (COL) license after 8:00 p.m., while alcohol is being sold, except that any person under the age of 21 years of age may be on such premises if accompanied by his or her parent or legal guardian.

(b) Any licensee holding a liquor by the drink license or a consumption of liquor (COL) license shall post the following notice in plain view in or around his or her establishment:

"According to Section 4-10 of the Code of Ordinances of the City of St. Joseph, no person under the age of 21 shall be allowed to enter this establishment after 8:00 p.m., while alcohol is being sold, unless accompanied by his or her parent or legal guardian. Violators will be subject to prosecution."

(c) This section shall not apply to any establishment where substantial quantities of food are served (50 percent or more gross sales from the sale of food prepared or consumed on the premises or 50 percent or more gross sales from the sale of commodities other than liquor, such as billiards, bingo, bowling, indoor golf, soccer or volleyball).

(d) This section shall not apply to any charitable, fraternal, religious, service or veteran's organization that has obtained an exemption from 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, in accordance with R.S.Mo. Section 311.090(2).

(G.O. 1236, 11-7-94; G.O. 1347, 12-4-95; G.O. 1913, 1-6-03; G.O. 1983, 10-27-03)

Sec. 4-10. Reproduction, modification or alteration of identification, penalty.

(a) Any person who has in his/her possession a reproduced, modified or altered motor vehicle operator's license, military identification card or any other type of identification card which indicates that the person represented on the card is over 21 years of age, is guilty of a misdemeanor.

(b) Any person who is in possession of or reproduces, manufactures, modifies, alters or misrepresents his/her identity with any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than \$500.00.

(G.O. 1232, 10-24-94; G.O. 1983, 10-27-03; G.O. 2275, 2-25-08)

State law reference(s)--Similar provisions, RSMo 311.329.

Sec. 4-11. Semi-nude dancing.

(a) *Application.* No licensee shall allow semi-nude dancing upon the licensed premises unless written application is made to, and approved in writing by, the city manager or his/her designee.

(b) *Definitions.*

- (1) "Semi-nude dance" shall be construed to mean any live exhibition, performance or dance by a person or persons in a state of dress in which opaque clothing covers no more than the areola of the female breast, the genitals or pubic region and anus, as well as portions of the body covered by straps or strings supporting such clothing.
- (2) "Dancer" shall be construed to mean any person performing a semi-nude dance or any person who performs a dance for any customers upon the premises of an establishment that allows semi-nude dancing.
- (3) "Specified anatomical area" shall be construed to mean uncovered or exposed human genitals, pubic region or pubic

hair, buttock, female breast or breasts below a point immediately above the top of the areola or any combination of the foregoing or the human male genitals in a discernibly erect state, even if completely and opaquely covered.

(c) *Standards of conduct - licensee.* No licensee, nor employee of such licensee, shall allow any person to perform any semi-nude dance upon the licensed premises unless the following conditions are met:

- (1) Any such semi-nude dance must be performed upon a stage that is separated at every point by at least six feet from the nearest seated customer;
- (2) Any such stage must contain no less than 100 square feet of surface and be at least 18 inches above the immediately adjacent floor level;
- (3) Any such stage must be located at a place upon the licensed premises where any such semi-nude dance is not visible from outside such premises; and
- (4) Every person performing such semi-nude dance shall adhere to the standards of conduct set forth in Subsection (d) of this section.

(d) *Standards of conduct - dancer.* No person shall perform any semi-nude dance upon the licensed premises unless the following standards of conduct are met:

- (1) Such dancer shall have obtained an adult entertainer's permit as provided by city code Section 8-518, and such permit is not expired, suspended or revoked;
- (2) Such dancer shall not display pubic hair, the anus, genitals or pubic region, or any portion of the areola of the female breast, while performing such semi-nude dance;
- (3) Such dancer shall not receive any payment or gratuity from any customer while performing such semi-nude dance unless such payment or gratuity is placed into the dancer's hand, in the side of a T-

back or bikini bottom worn by such dancer, or on the stage;

- (4) Such dancer shall not dance with any customer;
- (5) Such dancer shall not sit at a table or the bar with any customer while in semi-nude attire;
- (6) Such dancer shall not knowingly touch any specified anatomical area of another person, or allow another person to touch any specified anatomical area of such dancer; or such dancer shall not knowingly fondle or caress any specified anatomical area of another person, whether such area is clothed, unclothed, covered or exposed, or allow another person to fondle or caress any specified anatomical area of such dancer, whether such area is clothed, unclothed, covered or exposed; and
- (7) Such dancer shall be 21 years of age or older.

(e) *Standards of conduct - customer.* No customer shall knowingly or intentionally touch, fondle or caress any specified anatomical area of any dancer, whether such area is clothed, unclothed, covered or exposed.

(f) *Responsibility of licensee and dancer.* Any person performing as a semi-nude dancer on the licensed premises shall be construed to be an employee of the licensee for purposes of this section.

(g) *Films, video programs or pictures.* The displaying of films, video programs or pictures depicting acts, the live performance of which are prohibited by this section or elsewhere in the city code, shall not be permitted by the licensee in or upon the licensed premises.

(h) *Location of establishment.* No licensee shall allow semi-nude dancing on its premises if said premise is located within 1,000 feet of any school, church, city park, licensed child care center facility or adult entertainment facility. Measurements shall be made in a straight line without regard to intervening structures or objects, from the nearest point on the property

line of the premises to the nearest point on the property line of such school, church, city park, licensed child care center or adult entertainment facility.

(G.O. 1263, 2-13-95; G.O. 1348, 12-4-95; G.O. 1983, 10-27-03; G.O. 2275, 2-25-08)

Sec. 4-12. Persons 18 years of age or older may sell or handle liquor or beer, when.

(a) Except as provided in Subsections (b) and (c) of this section, no person under the age of 21 years shall sell or assist in the sale or dispensing of intoxicating liquor or non-intoxicating beer.

(b) In any place of business carrying a retail original package license where at least 50% of the gross sales made consists of goods, merchandise or commodities other than intoxicating liquor or non-intoxicating beer in the original package, persons at least 18 years of age may stock, arrange displays, accept payment for, and sack for carryout intoxicating liquor or non-intoxicating beer. Delivery of intoxicating liquor or non-intoxicating beer away from the licensed business premises cannot be performed by anyone under the age of 21 years.

(c) In any distillery, warehouse, wholesale distributorship or similar place of business which stores or distributes intoxicating liquor or non-intoxicating beer but which does not sell intoxicating liquor or non-intoxicating beer at retail, persons at least 18 years of age may be employed and their duties may include the handling of intoxicating liquor or non-intoxicating beer for all purposes except consumption, sale at retail or dispensing for consumption or sale at retail.

(d) Persons 18 years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor or non-intoxicating beer in places of business which sell food for consumption on the premises if at least 50% of all sales in those places consists of food; provided that nothing in this section shall authorize persons under 21 years of age to mix or serve across the bar intoxicating beverages or non-intoxicating beer.

(G.O. 1349, 12-4-95; G.O. 1983, 10-27-03)

Sec. 4-13. Suspension, revocation and/or imposition of an administrative penalty on licenses.

(a) Whenever it shall be shown to the designated city representative, or whenever the designated city representative shall have knowledge that any licensee under this Chapter 4 of the city code has violated any provisions of said chapter, or has not complied with other applicable laws and ordinances of the city, the licensee shall be promptly notified to appear before the city manager, or his/her designee, at an administrative hearing to be conducted in accordance with Chapter 2, Article XIII, Division 1 of this city code. If the city manager, or his/her designee, shall be satisfied after being presented with all relevant information that a violation has occurred, then he/she may proceed in accordance with Subsection (b) below

(b) Any violation of any provision of this article during any given fiscal year, including the standards adopted by reference:

- (1) shall be punishable upon an administrative decision rendered by an administrative hearing officer that a business entity or individual failed to comply with the sections of this code; and
- (2) shall be assessed an administrative penalty, which shall be either a:
 - a. civil monetary penalty for a violation; and/or
 - b. suspension of the liquor license of the business entity or individual for a term of not less than one day, nor greater than ninety days; or
 - c. revocation of the liquor license of the business entity or individual, effective when confirmed by resolution of the city council.

(c) A license may be suspended or revoked for the following reasons:

- (1) Engaging in business prior to the issuance of a license;
- (2) Failing to set out the names and residences of all owners, partners,

members (LLC), stockholders, corporate officers and/or managing officers;

- (3) Failing to provide full, true and complete answers to all questions in the application;
- (4) Violating any oath taken in connection with the application;
- (5) Failing to provide or attach to the application photographs, licenses and/or tax receipts to the extent required; and/or
- (6) Violating or allowing an employee to violate any city ordinance pertaining to intoxicating liquor or non intoxicating beer.

The above list is not meant to be all inclusive.

(d) Any party aggrieved by a decision rendered by a hearing officer in conjunction with the administrative hearing process shall have the right to further appeal in accordance with Section 2-1404.

(G.O. 1350, 12-4-95; G.O. 1901, 10-14-02; G.O. 1983, 10-27-03; G.O. 2275, 2-25-08; G.O. 2356, 11-2-09; G.O. 2425, 4-18-11; G.O. 2744, 8-18-14)

Sec. 4-14. Prohibition against leaving liquor-by-the-drink facility with liquor container.

(a) No liquor-by-the-drink establishment, nor any employee of such an establishment, shall permit any person to remove from the licensed premises any alcoholic beverage provided for consumption on such premises.

(b) No customer or other person shall remove from the licensed premises of a liquor-by-the-drink establishment any alcoholic beverage provided for consumption on such premises.

(c) Any liquor-by-the-drink establishment that is found to have violated either Subsection (a) or (b) of this section may be subject to revocation of its liquor license.

(d) Nothing in this section shall prohibit any liquor-by-the-drink establishment from selling

intoxicating liquor in its original package to go for off premises consumption.

(e) "Original package" shall be defined as any package containing three or more standard bottles or cans in the manufacturer's original container containing 12 ounces or less of malt liquor or non-intoxicating beer; 1.7 ounces or more of intoxicating liquor; or 3.4 ounces or more of wine. (G.O. 1351, 12-4-95; G.O. 1983, 10-27-03)

Sec. 4-15. Violations and penalties for sellers and sellers who may be an owner.

(a) Any violation of any provision of this article during any fiscal year, including the standards adopted by reference, shall be punishable as a misdemeanor and, upon conviction, punishment shall be assessed as follows:

- (1) For the first conviction, by a fine of not less than \$100.00.
- (2) For the second conviction, by a fine of not less than \$250.00 or by confinement in the county jail for a term of not less than 30 days.
- (3) For the third and subsequent convictions, by a fine of \$500.00 or by confinement in the county jail for a term of not less than 60 days.
- (4) Nothing in this subsection shall be construed to prevent the imposition of a larger fine or the imposition of a longer jail sentence or the imposition of both a fine and imprisonment consistent with Section 1-14 of this code.

(G.O. 2356, 11-2-09; G.O. 2425, 4-18-11)

Sec. 4-16. Holder of suspended license to display suspension order, not to dispense liquor.

No licensee who has had his license suspended shall sell or give away any intoxicating liquor during the period of time such order of suspension is in effect. Any licensee desiring to keep his premises open for the sale of food or merchandise during such period of suspension shall display the order of suspension issued by the city in a conspicuous place on the premises so

that all persons visiting the premises may readily see the order.

(G.O. 2356, 11-2-09)

Sec. 4-17. Sales, deliveries by wholesaler to holder of suspended license.

No wholesaler who had acquired knowledge or been given notice that a licensee or any retailer has been suspended, shall make sales or deliver merchandise to such retailer during the period of time that such licensee is under suspension.

(G.O. 2356, 11-2-09)

Sec. 4-18. Server license.

(a) It shall be unlawful for any person to serve intoxicating and non-intoxicating alcoholic beverages unless that person holds a valid server license issued by the customer assistance department or the police department.

(b) It shall be unlawful for any person to act in the capacity of, but not limited to, bar manager, bartender, waiter, waitress, cashier or sales clerk unless the person holds a valid server license.

(c) An application for and fee of \$15.00 shall be submitted to the city within five days of employment commencing. Once a complete application has been received and the fee paid, a 60-day temporary server license shall be issued. The requisite server training and server license shall be obtained within 60 calendar days of employment. Once the requisite server training, as approved by the police department, has been completed, a three year permanent server license will be issued to the applicant.

(d) A server license shall not be required when a temporary picnic license has been secured as defined under Section 4-203 or for a Sunday not-for-profit license, as defined under Section 4-102.

(e) Any violation of this provision may result in a citation being issued to the individual and/or to the employer in accordance with Section 4-15. Repeat violations may result in the suspension or revocation of the business' liquor license in accordance with Section 4-13.

(f) Any liquor by the drink retail license in effect as of December 1, 2009 will not be required to comply with these provisions until

July 1, 2011.

(g) Any server found serving or selling to a minor for a third time within a three-year time period shall have their server license automatically revoked for a period of 365 days from the date of their third confirmed violation. A re-application penalty of \$50.00 shall be assessed in addition to the server licensing application fee and completion of the requisite server training under subsection (c) above.

(G.O. 2356, 11-2-09)

Sec. 4-19. Schedule of suspensions, revocations and administrative penalties

(a) A schedule of penalties is located at the end of this Chapter 4, in Appendix A. Each of the pertinent sections to which the schedule of penalties shall apply is specifically listed in Appendix A, as may be amended from time to time.

(b) Any business entity or individual business owner(s) who sells alcohol within the city limits of St. Joseph Missouri and is governed by any of the code sections listed in Appendix A shall be subject to the most stringent administrative penalty available under said Appendix A – but only to the extent said business entity or individual business owner(s) has committed one or more violations that have occurred within the same fiscal year. Mitigating circumstances shall be considered, when and where appropriate, but shall not erase said violation. However, said mitigating circumstances may cause the administrative penalty, suspension and/or revocation to be adjusted, when and where appropriate, at the discretion of the city manager or his/her designee.

(c) If the state assesses an administrative penalty, suspension or revocation for a violation of a state statute or regulation, which is found to be identical or nearly identical to a city ordinance, the city will not assess an administrative penalty, suspension or revocation in addition to the one assessed by the state.

(d) Any administrative penalty, suspension or revocation assessed by the city shall be based on the location of the liquor license and not the business entity or individual business owner(s).
(G.O. 2425, 4-18-11; G.O. 2745, 8-18-14)

Secs. 4-20--4-35. Reserved.**ARTICLE II. INTOXICATING LIQUOR*****DIVISION 1. GENERALLY****Sec. 4-36. Sale by prescription.**

This article shall not be construed as limiting the right of a druggist to sell liquor upon a physician's prescription issued in good faith for medicinal purposes; but every druggist keeping liquor for sale on prescription or otherwise, shall permit the inspector of liquor sales to have access to his records and prescriptions in order to determine the validity and good faith of any such prescription.

(Code 1969, § 5-48; G.O. 1983, 10-27-03)

State law reference(s)--Exemptions for druggists and physicians, RSMo 311.470.

Sec. 4-37. Purchase or possession of intoxicating liquor by minor.

(a) Any person under the age of 21 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 in a visibly intoxicated condition, 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 body is guilty of a misdemeanor.

(b) For purposes of prosecution under this section, 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.

(c) As used in this section, a person is in an "intoxicated condition" when he or she is under

***State law reference(s)**--Intoxicating liquor, RSMo ch. 311.470.

the influence of alcohol, a controlled substance, or drug, or any combination thereof.

(Code 1969, § 5-41; G.O. 1983, 10-27-03; G.O. 2167, 5-8-06; G.O. 2204, 11-6-06)

State law reference(s)--Similar provisions, RSMo 311.325.

Sec. 4-38. Misrepresentation of age or identity by minor to obtain intoxicating liquor.

Any person of the age of 17 years and under the age of 21 years who shall represent that he has attained the age of 21 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 misdemeanor, punishable as provided in Section 1-14 of this code. Any person under the age of 17 years who shall represent that he has attained the age of 21 years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, except in cases authorized by law, may be considered a delinquent child and may be dealt with according to the laws of the state relating to delinquent children.

(Code 1969, § 5-42; G.O. 1983, 10-27-03)

State law reference(s)--Similar provisions, RSMo 311.320 and 311.328.

Sec. 4-39. Sale to minor--allowing person under 21 years of age to drink or possess intoxicating liquor.

(a) Any licensee under this chapter, or his or her employee, who shall sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of 21, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, shall be deemed guilty of a misdemeanor, except that this section shall not apply to the supplying of intoxicating liquor to a person under the age of 21 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 person, except his or her parent or guardian, who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of 21 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 misdemeanor, except that this section shall not apply to the supplying of intoxicating liquor to a person under the age of 21 years for medical purposes only, or to the administering of such intoxicating liquor to any person by a duly licensed physician.

(c) Any owner, occupant or other person or legal entity with a lawful right to the exclusive use and enjoyment of any property who knowingly fails to stop a person under the age of 21 from drinking or possessing intoxicating liquor on such property, unless such person allowing the person under the age of 21 to drink or possess intoxicating liquor is his or her parent or guardian, is guilty of a class misdemeanor. (G.O. 2219, 3-26-07; G.O. 2222, 4-23-07)

State law reference(s)--Sale to minor--certain other persons, misdemeanor--exceptions--allowing person under 21 years of age to drink or possess intoxicating liquor, RSMo 311.310.

Secs. 4-40--4-60. Reserved.

DIVISION 2. DEALERS

Subdivision I. In General

Sec. 4-61. Dealers to comply with federal, state and municipal laws.

(a) Every liquor dealer in the city shall, in addition to the requirements of this chapter, comply in every respect with all federal liquor laws and with the Liquor Control Act of the state, and any violation of any federal, state or municipal law or of this chapter shall be a valid reason for the revocation of a license issued for the sale of liquor.

(b) The excise board or any police officer of the city may inspect the premises of any person holding a license under this article at any reasonable time without a warrant, and the acceptance of a license under this article by any person shall be construed as a waiver by them of

any constitutional provisions concerning search and seizure.
(Code 1969, § 5-44; G.O. 1983, 10-27-03)

Sec. 4-62. Licensee responsible for acts of employees; required to keep records and allow inspection at reasonable times.

(a) *Responsibility for acts of employees.* Licensees are at all times responsible for the conduct of their business and are at all times directly responsible for any act or conduct of any employee on the premises which is in violation of this chapter.

(b) *Inspection.* All licensees shall allow the licensed premises and all portions of the

buildings thereof, including all rooms, cellars, outbuildings, passageways, closets, vaults, yards, attics and all buildings used in connection with the operations carried on under such license and which are in his possession or under his control, and all places where they keep or have liquor stored, to be inspected by the city manager or his authorized representative at all reasonable times. Licensees shall cooperate fully with the agents during the inspections.

(c) *Recordkeeping.* All licensees are required to keep complete and accurate records pertaining to their businesses. These records shall include a complete and accurate record of all purchases and of all sales of intoxicating liquor and non-intoxicating beer made by them. These records must include the names and addresses of all persons from whom such liquor is purchased, the dates, kinds and quantities of the purchases, and the dates and amounts of payments on account. They shall also include the daily gross returns from sales of intoxicating beverages.

(d) *Records to be kept on premises.* Licensees shall keep all files, books, records, papers, state, county and city licenses, federal tax stamps, and accounts and memoranda pertaining to the business conducted by them, on the licensed premises and they shall, upon request of the city manager or his authorized representative, promptly allow an inspection and audit to be made by the city manager or his authorized representative, of such files, books, records, papers, state, county and city licenses, federal tax stamps, accounts and memoranda, and shall permit copies to be made and taken of them. All records required by law or rule or regulation or city ordinance must be kept and preserved for a period of two years from the date such records were made.

(Code 1969, § 5-38.4; G.O. 1983, 10-27-03)

Sec. 4-63. Dispensing in theaters.

It shall be unlawful for any person to sell, solicit, barter or give away any wine, beer, whiskey or other intoxicating liquors in any theater that is primarily used for the exhibition of motion pictures, with the exception of the Missouri Theater.

(Code 1969, § 5-6; G.O. 1352, 12-4-95; G.O. 1983, 10-27-03)

Sec. 4-64. Sale or supply to minor, habitual drunkard prohibited.

Any licensee, 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 21 years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whomsoever, except his or her parent or guardian, who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of 21 years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, shall be deemed guilty of a misdemeanor, except that this section shall not apply to the supplying of intoxicating liquor to a person under the age of 21 years for medicinal 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.

(Code 1969, § 5-40; G.O. 1231, 10-24-94; G.O. 1353, 12-4-95; G.O. 1983, 10-27-03)

State law reference-Similar provisions, RSMo 311.310.

Sec. 4-65. Stock of goods for retail package dealers.

Any person licensed as a retail package dealer except a retailer, as defined in Section 4-1, shall have and keep at his place of business a stock of goods, wares or merchandise having a value according to invoices of at least \$1,000.00 exclusive of fixtures and intoxicating liquors.

(Code 1969, § 5-33; G.O. 1983, 10-27-03)

Sec. 4-66. Package dealers not to permit opening, use of package upon premises; serving or delivering in vehicles prohibited.

(a) All persons authorized to sell liquor in the original package shall not permit or allow such packages to be opened or used upon the premises where sold.

(b) No retail package dealer or employee, agent or servant of any such license, shall serve or

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deliver any alcoholic beverage to any person who is in or about any motor car or any other vehicle. (Gen. Ord. No. 746, § 1(5-34), 1-8-90; G.O. 1983, 10-27-03)

Sec. 4-67. Licensed premises to be open to public view.

No licensee shall maintain any place of business which is in any manner screened, hidden or secreted from public view through windows and doors which may be in the place of business, and no secret apartment, room or place shall be used in connection with sales made by any retail dealer, but all such sales shall be openly and publicly conducted. (Code 1969, § 5-39; G.O. 1983, 10-27-03)

Sec. 4-68. Hours of sale--generally.

(a) *Definition.* A "closed place" is defined to mean a place where all doors are locked and where no patrons are in the place or about the premises.

(b) 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 Saturdays 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 or her 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 Saturdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday. This section does not apply to persons holding a license pursuant to Subsections 4-99(a), 4-100, 4-101(b), 4-102(a), 4-109(4) (6) (7) (8) and (10).

(c) 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 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,

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boxes and taps from which intoxicating liquor is dispensed.

(d) Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor.

(e) 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 this article.

(Gen. Ord. No. 1096, § 5(5-38), 6-21-93; G.O. 1226, 10-24-94; G.O. 1983, 10-27-03; G.O. 2356, 11-2-09

State law reference(s)--Hours of sale generally, RSMo 311.290.

Sec. 4-69. Same--certain holidays occurring on 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/her license between the hours of 6:00 a.m. and 1:30 a.m. on December 31st (New Year's Eve), January 1st (New Year's Day), March 17th (St. Patrick's Day), or July 4th (Independence Day), if any of those days fall on Sunday or the Sunday prior to Memorial Day, the Sunday prior to Labor Day or the Sunday on which the national championship game of the national football league is played, commonly known as "Super Bowl Sunday", notwithstanding any other provision of law to the contrary.

(Gen. Ord. No. 1096, § 5(5-38.1), 6-21-93; G.O. 1227, 10-24-94; G.O. 1983, 10-27-03)

State law reference(s)--Similar provisions, RSMo 311.298.

Secs. 4-70--4-90. Reserved.

*Subdivision II. License**

Sec. 4-91. License requirements.

It shall be unlawful for any person, agent or agency to sell or to keep for sale any intoxicating liquor in any quantity within the limits of the city unless a license therefore has been duly and

***State law reference(s)**--Authority to license, the manufacture or sale of intoxicating liquor, RSMo 311.220(2).

regularly issued, as provided in this subdivision.

(Code 1969, § 5-20; G.O. 1983, 10-27-03)

Sec. 4-92. Application for license.

Any person desiring a license for the sale of liquor in any manner shall prepare and file an application for such license with the city manager or his/her designee, such application to contain all information called for in the form supplied by the city manager or his/her designee, and it shall be signed by the applicant.

(Code 1969, § 5-22; G.O. 1340, 10-9-95; G.O. 1983, 10-27-03; G.O. 2275, 2-25-08)

Sec. 4-93. Restaurant bar - schedule of food/liquor sales

A certified statement of the restaurant bar applicant is required demonstrating that at least 50% of its annual gross income is derived from the sale of prepared meals or food consumed on the premises or that at least \$200,000.00 of its annual gross income is derived from the sale of prepared meals or food consumed on the premises. The certified statement shall be in the same form as that which is currently on file in the customer assistance department.

(Gen. Ord. No. 1096, § 2(5-10), 6-21-93; G.O. 1354, 12-4-95; G.O. 1406, 5-20-96; G.O. 1983, 10-27-03; G.O. 2356, 11-2-09)

Sec. 4-94. Amusement places - schedule of non-alcoholic sales.

A certified statement of the amusement place applicant is required demonstrating annual gross income of at least \$100,000.00, of which at least \$50,000 is derived from nonalcoholic sales. The certified statement shall be in the same form as that which is currently on file in the customer assistance department.

(Gen. Ord. No. 1096, § 3(5-11), 6-21-93; G.O. 1364, 12-4-95; G.O. 1407, 5-20-96; G.O. 1983, 10-27-03; G.O. 2356, 11-2-09)

Sec. 4-95. Qualifications of licensee.

No license for the sale of liquor shall be issued to any individual as a retail dealer unless he is a person of good moral character, a native-born or naturalized citizen of the United States, and no license shall be granted to any person unless the city manager or his/her designee first determines that the applicant is qualified, responsible and

suitable as a licensee to engage in the liquor business.

(Code 1969, § 5-21; G.O. 1983, 10-27-03; G.O. 2356, 11-2-09)

State law reference(s)--General qualifications of licensees, RSMo 311.060.

Sec. 4-96. Investigation of application for license.

All applications for a license to sell liquor either at wholesale or at retail shall be referred to the customer assistance center supervisor or designee for investigation of all facts and circumstances which may bear upon the advisability of granting such application and of the sufficiency of the petition where one is required, and within a reasonable time thereafter he shall report to the director of the customer assistance department all such information which he may obtain. The director of the customer assistance department shall then consider the application, the report of the customer assistance center supervisor or designee and all information within their knowledge and make their finding and recommendation to the city manager or his/her designee as to whether or not the license should be granted. The recommendation of the director of the customer assistance department shall be endorsed upon or accompany the application when returned to the city manager or his/her designee.

(Code 1969, § 5-23; G.O. 1983, 10-27-03; G.O. 2356, 11-2-09)

Sec. 4-97. Sale of liquor prohibited near schools and churches.

(a) No license shall be granted for the sale of intoxicating liquor, as defined in Section 4-1, within 100 feet of any preschool, grade school, high school, vocational or technical school that instructs high school students, as well as any church or other building regularly used as a place of religious worship; except that when a school, church or place of worship shall hereafter be established within 100 feet of any place of business licensed to sell intoxicating liquor, the license shall not be denied for this reason. The 100 feet shall be measured in a straight line between the closest points of each building or structure, or fenced area.

(b) Unless the applicant for the license shall first obtain the consent in writing from the city manager or his/her designee. Except that when any preschool, grade school, high school, vocational or technical school that instructs high school students, as well as any church or place of worship shall hereafter be established within 100 feet of any place of business licensed to sell intoxicating liquor, the license shall not be denied for this reason. Such consent shall not be granted by the city manager or his/her designee until at least ten business days written notice has been provided to all owners of property, based upon the county recorder of deeds records, within 100 feet of the proposed licensed premises by regular U.S. mail to be paid by the applicant as soon as the postage fee is determined by city staff. This subsection shall not apply to a "temporary caterer's license" as defined in Section 4-104 of this chapter.

(Code 1969, § 5-24; G.O. 1983, 10-27-03; G.O. 2092, 4-25-05; G.O. 2275, 2-25-08; G.O. 2325, 5-18-09)

State law reference(s)--Similar provisions, RSMo 311.080.

Sec. 4-98. Sale of intoxicating liquor by retail beer and light wine dealers prohibited.

It shall be unlawful for any person holding a license as a retail beer or light wine dealer, as defined in Section 4-1, to have in his possession at his place of business, or to handle or deal in, malt liquor containing alcohol in excess of five percent by weight and light wines containing alcohol in excess of 14% by weight.

(Code 1969, § 5-36; G.O. 1355, 12-4-95; G.O. 1983, 10-27-03)

Sec. 4-99. Restaurant bars.

(a) Licenses authorizing the retail sale of intoxicating liquor by the drink on Sunday between the hours of 9:00 a.m. and 12:00 midnight may be issued to qualified applicants, for restaurant bars as defined in Section 4-1.

(b) An applicant for a restaurant bar license shall also obtain a license authorizing the retail sale of intoxicating liquor by the drink as provided in this article.

(c) An additional fee of \$300.00 is hereby imposed and shall be paid in advance annually in the same manner as other license fees for the privileges authorized under this section.

(d) Premises for which a restaurant bar license is sought shall be exactly the same as those premises covered by an existing retail sale of intoxicating liquor by the drink license and the description of the premises on each license shall be identical.

(e) Applicants for a restaurant bar license shall, within 90 days of making such application, furnish a certified statement signed by the original applicant in the manner and form provided in Section 4-93 showing that at least 50 percent of the gross income of the restaurant bar during the 90 days that it has been in business as a restaurant bar was derived from the sale of prepared meals or food consumed on the premises.

(f) Each application for renewal of a restaurant bar license shall be accompanied by a certified statement signed by the licensee in the manner and form provided in Section 4-93 showing that at least 50 percent of the gross income of the restaurant bar for the past one year immediately preceding the date of renewal application or past calendar year immediately preceding the date of renewal application was derived from the sale of prepared meals or food consumed on the premises, or that the licensee for the past one year immediately preceding the date of renewal application or past calendar year immediately preceding the date of the renewal application had an annual gross income of at least \$200,000.00 from the sale of prepared meals or food consumed on such premises. Applicants not in business one year shall show projected experience based on the total period of time in business.

(g) Pursuant to the definition of restaurant bar in Section 4-1, all restaurant bar licensees must provide for the sale of prepared meals on the premises of such restaurant bar on Sunday in order to qualify for a restaurant bar license.

(Code 1969, § 5-38.2; Gen. Ord. No. 990, § 1(5-38.2), 7-20-92; Gen. Ord. No. 1096, § 5(5-38.2), 6-21-93; G.O. 1983, 10-27-03; G.O. 2356, 11-2-09)

State law reference(s)--Restaurant bar licenses, RSMo 311.097.

Sec. 4-100. Sunday alcohol sales.

(a) *Sunday original package sales.* 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 city manager or his/her designee may issue, a special license to sell intoxicating liquor in the original package at retail, as defined in Section 311.200 R.S.Mo. 2000, between the hours of 9:00 a.m. and 12:00 midnight on Sundays.

(b) *Sunday retail liquor and beer by the drink sales.* 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 city manager or his/her designee may issue, a special license to a permanent Sunday seller, between the hours of 9:00 a.m. and 12:00 midnight on Sundays (State law reference R.S.Mo. 311.293).

(Code 1969, § 5-38.3; G.O. 1228, 10-24-94; G.O. 1983, 10-27-03; G.O. 2275, 2-25-08; G.O. 2356, 11-2-09; G.O. 2659, 11-26-12)

State law reference(s)--Temporary restaurant bar licenses, RSMo 311.097(3).

Sec. 4-101. Amusement places, generally.

(a) In this section the term "amusement place" means any establishment whose business building contains a square footage of at least 6,000 square feet, and where games of skill commonly known as billiards, volleyball, indoor golf, bowling or soccer are usually played, or any outdoor golf course with a minimum of nine holes, and which has annual gross receipts of at least \$100,000.00 of which at least \$50,000.00 of such gross receipts is in non-alcoholic sales.

(b) Any person who possesses the qualifications required by this chapter may apply for, and may be issued, a license to sell intoxicating liquor by the drink between the hours of 9:00 a.m. and 12:00 midnight on Sunday for consumption on the premises of any amusement place as described in Section 4-1.

(c) An applicant for an amusement bar license shall also obtain a license authorizing the retail

sale of intoxicating liquor by the drink as provided in this article.

(d) An additional fee of \$300.00 is hereby imposed and shall be paid in advance annually in the same manner as other license fees for the privileges authorized under this section.

(e) The premises for which an amusement bar license is sought shall be exactly the same as those premises covered by an existing retail sale of intoxicating liquor by the drink license, and the description of the premises on each license shall be identical.

(f) Initial applicants for an amusement bar license shall, within 90 days of making such application, furnish a certified statement signed by the original applicant in the manner and form provided in Section 4-94 showing a projection of gross receipts of at least \$100,000.00, consisting of at least \$50,000.00 in non-alcoholic sales.

(g) Each application for renewal of an amusement bar license shall be accompanied by a certified statement signed by the licensee in the manner and form similar to Section 4-94 showing gross receipts from the preceding year of operation of at least \$100,000.00 of which at least \$50,000.00 was derived from non-alcoholic sales.

(h) Nothing in this section shall be construed to permit the licensee to sell intoxicating liquor, malt liquor or beer for off-premises consumption. (Gen. Ord. No. 1096, § 5(5-38.5), 6-21-93; G.O. 1229, 10-24-94; G.O. 1356, 12-4-95; G.O. 1983, 10-27-03; G.O. 2356, 11-2-09)

State law reference(s)--Special licenses for amusement places, RSMo 311.098.

Sec. 4-102. Not-for-profit organizations.

(a) Any charitable, fraternal, religious, service or veteran's organization which has obtained an exemption from the payment of federal income taxes as provided in Section 501(c)(3), (4), (5), (8), (10) or (19), or Section 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 by the drink at retail between the hours of 9:00 a.m. on Sunday and 12:00 midnight on Sunday for consumption on the premises described in the application.

(b) An applicant described in Subsection (a) of this section shall obtain a license authorizing the retail sale of intoxicating liquor by the drink as provided in this article.

(c) An additional fee of \$300.00 is hereby imposed and shall be paid in advance annually in the same manner as other license fees for the privileges authorized under this section.

(d) The license issued pursuant to Subsection (a) of this section shall be for the same premises as the existing retail sale of intoxicating liquor by the drink license.

(e) Each application for the license described in Subsection (a) of this section shall be accompanied by documentation supplied by the Internal Revenue Service that the applicant named in the application is exempt from the payment of federal income taxes as provided in Section 501(c)(3), Section 501(c)(4), (5), (8), (10) or (19), or Section 501(d) of the United States Internal Revenue Code of 1954, as amended.

(f) Nothing in this section shall be construed to permit the licensee to sell intoxicating liquor, malt liquor or beer for off-premises consumption. (Gen. Ord. No. 1012, § 1(5-38.6), 9-14-92; G.O. 1230, 10-24-94; G.O. 1983, 10-27-03; G.O. 2356, 11-2-09)

State law reference(s)--Special license for charitable organizations, RSMo 311.090.

Sec. 4-103. Consumption of intoxicating liquor or non-intoxicating beer (COL) license.

(a) 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 or non-intoxicating beer in the premises, may apply for and may be issued, a consumption of intoxicating liquor or non-intoxicating beer (COL) license to sell or provide intoxicating liquor or non-intoxicating beer on the premises described in the application.

(b) The drinking or consumption of intoxicating liquor or non-intoxicating beer as described in Subsection (a) of this section shall not be permitted in or upon the COL licensed premises by any person under 21 years of age, or

by any other person between the hours of 1:30 a.m. and 6:00 a.m. on any weekday or Saturday, and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday. 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 or non-intoxicating beer by the drink. The provision of this section regulating the drinking or consumption of intoxicating liquor or non-intoxicating beer between certain hours and on Sunday shall apply also to premises licensed under this chapter to sell intoxicating liquor or non-intoxicating beer by the drink.

(c) No person shall be granted a license under this section unless such person is of good moral character, a qualified legal voter and a taxpaying citizen of the county, town, city or village, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character, a qualified legal voter and a taxpaying citizen of the county, town, city or village.

(d) Nothing in this section shall be construed to prohibit the sale or delivery of any intoxicating liquor or non-intoxicating beer during any of the hours or on any of the days specified in this section by a wholesaler licensed under the provisions of this chapter to a person licensed to sell the intoxicating liquor or non-intoxicating beer at retail.

(e) An applicant described in Subsection (a) of this section shall obtain a license authorizing the consumption of intoxicating liquor or non-intoxicating beer (COL) on the described premises shall be assessed an annual fee of \$90.00.

(Gen. Ord. No. 1012, § 1(5-38.7), 9-14-92; G.O. 1983, 10-27-03; G.O. 2356, 11-2-09)

State law reference(s)--Similar provisions, RSMo 311.480.

Sec. 4-104. Temporary location permit for caterers and other persons licensed to sell intoxicating liquor by the drink.

(a) The director of customer assistance or his/her designee may issue, if application is made within ten business days, a temporary permit to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises who provide service for a function, occasion or event at a location other than their licensed premise; provided, however, that the following criteria are adhered to:

- (1) The permit is not within 300 feet of a residential area unless it be within the downtown entertainment district which is defined as the area beginning at the intersection of the centerline of 5th Street and Francis Street thence East along the centerline of Francis Street to the intersection with the centerline of 9th Street, thence South along said centerline to the intersection with the centerline of Edmond Street, thence West along said centerline to the intersection with the centerline of 5th Street, thence North along said centerline to the intersection with the centerline of Francis Street and the point of beginning. The 300 feet shall be measured in a straight line between the closest points of each building or structure, or fenced area. This provision does not apply to a permanently licensed establishment which is addressed under Section 4-97;
- (2) The permit is not for a period of time past 1:30 a.m. on Monday through Saturday, or past 12:00 a.m. on Sunday;
- (3) All noise ordinances of the city are fully complied with;
- (4) An appropriate level of security shall be provided at all times; and
- (5) The area for which the permit is to be issued shall be sufficiently fenced, if not located inside a permanent structure.
- (6) The city manager or his/her designee may grant a variance to the provisions under subsections (a) (1) and (a) (2) above when:

- a. The applicant has not applied for and received a permit under these provisions for more than two events during the same 12 month period starting on July 1st of any given year.
- b. The applicant provides a signed statement from all the residents within 300 feet of the proposed event acknowledging that they were notified of the proposed event at least ten days prior to the event.
- c. The applicant agrees to cease alcohol sales by 10:00 p.m. each night of the event.

(b) This permit shall be effective for a period not to exceed 120 consecutive hours or five days and shall authorize the service of alcoholic beverages at the particular 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; provided, however, that the city, through its police department, may revoke any such off-premises caterer's permit to the extent any state liquor control law or ordinance, rule or regulation of the city is deemed to have been violated in the sole and exclusive discretion of the city. The permittee shall be responsible for all costs associated with the police department being called to the scene.

(c) For every permit issued pursuant to the provisions of this section, the permittee shall pay to the city manager or his/her designee the sum of \$15.00 for each calendar day, or fraction thereof, for which the permit is issued.

(d) No intoxicating liquor shall be sold or distributed at the particular function, occasion or event in aluminum cans or in breakable materials such as bottles, but shall be sold or distributed only in paper, plastic or styrofoam cups.

(e) All provisions of the state liquor control law and the ordinances, rules and regulations of the city shall extend to such premises and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees or stock are in such premises. This section will not include the sale of packaged goods covered by this temporary permit.

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(Gen. Ord. No. 1012, § 1(5-49), 9-14-92; G.O. 1210, 8-15-94; G.O. 1983, 10-27-03; G.O. 2275, 2-25-08; G.O. 2326, 5-18-09; G.O. 2356, 11-2-09)

State law reference(s)--Temporary permits, RSMo 311.485.

Sec. 4-105. Sale of liquor on boats or vessels.

(a) Notwithstanding any other provisions of this article to the contrary, any person who possesses the qualifications required by this article, and who meets the requirements of and complies with the provisions of this article, may make application to and the city manager or his/her designee may issue, a license to sell intoxicating liquor, as defined in Section 4-1, by the drink at retail or a restaurant bar licensed for consumption on the premises of any boat, or other vessel licensed by the United States Coast Guard to carry 100 or more passengers for hire on navigable waters in or adjacent to this city, which has a regular place of mooring in a location in this city or within 200 yards of a location which would otherwise be licensable under this article. The license shall be valid even though the boat, or other vessel, leaves its regular place of mooring during the course of its operation.

(b) For every license for the sale of liquor by the drink at retail for consumption on the premises of any boat or other vessel issued under the provisions of this article, the licensee shall pay to the city manager or his/her designee the sum of \$450.00 per year, in lieu of the liquor by the drink license fee set forth in Section 4-109(1). The fee for the restaurant bar license allowing for Sunday consumption of intoxicating liquor on the premises of any boat or vessel shall be \$300.00 per year payable to the city manager or his/her designee, in lieu of the restaurant bar license fee set forth in Section 4-109(7).

(c) Any licensee desiring to sell intoxicating liquor within the confines of Riverfront Park, or any of the leased premises thereof, shall be required to separately purchase the appropriate liquor licenses allowing such sales.

(Gen. Ord. No. 990, § 1(5-50), 7-20-92; G.O. 1695, 5-3-99; G.O. 1983, 10-27-03; G.O. 2275, 2-25-08; G.O. 2356, 11-2-09)

State law reference(s)--Boat or vessel licenses, RSMo 311.091.

Secs. 4-106--4-107. Reserved.

Sec. 4-108. Payment of taxes, other charges prerequisite to licensing.

It shall be a prerequisite to the issuance of a license hereunder, or to any renewal thereof, that the applicant for such license or renewal shall have paid all taxes and other charges, including sewer use charges, properly chargeable to him for all previous years, prior to the issuance or renewal of such license.

(Code 1969, § 5-27; G.O. 1983, 10-27-03)

Sec. 4-109. Fees for licenses; payment; conditions.

The sum to be charged for all liquor licenses issued hereunder shall be the following:

- (1) *Amusement place license.* For every license issued for an amusement place the sum of \$300.00 per year, due and payable in advance. Such license shall authorize the licensee to sell intoxicating liquor by the drink at retail for consumption on the premises, between the hours of 9:00 a.m. and 12:00 midnight on Sunday.
- (2) *"COL" (consumption of intoxicating liquor) license.* For every license issued to authorize the consumption of intoxicating liquor, the sum of \$90.00 per year, due and payable in advance.
- (3) *Retail five percent beer and light wine by the drink dealer.* For every license issued for the sale of five percent beer and light wine by the drink for consumption on the premises where sold, the sum of \$75.00 per year, due and payable in advance. Such license shall authorize the licensee to sell beer, which contains not more than five percent of alcohol by weight, and light wine, which contains alcohol not in excess of 14 percent by weight.
- (4) *Retail five percent beer by the drink dealer.* For every license issued for the sale of malt liquor at retail by drink for consumption on the premises where sold, the sum of \$75.00 per year, due and payable in advance. Such license shall authorize the licensee to sell non-

- intoxicating beer by the drink. Notwithstanding the provisions of Subsection 4-99(a), any person licensed pursuant to this subsection may also sell malt liquor at retail between the hours of 9:00 a.m. and 12:00 midnight on Sunday.
- (5) *Retail liquor by the drink dealer.* For every license issued to a liquor by the drink dealer, the sum of \$450.00 per year, due and payable in semiannual payments. Such license shall authorize the licensee to sell both by the dram and in the original package in any quantity less than one gallon.
- (6) *Retail original package five percent beer dealer.* For every license issued for the sale of malt liquor containing alcohol in excess of 3.2 percent by weight and not in excess of five percent by weight by grocers and other merchants and dealers for sale in the original package, direct to consumers, but not for resale, the sum of \$75.00 per year, due and payable in advance. Such license shall also permit the holders thereof to sell non-intoxicating beer in the original package directly to consumers, but not for resale. Any person licensed pursuant to this subsection may also sell malt liquor at retail between the hours of 9:00 a.m. and 12:00 midnight on Sunday.
- (7) *Retail original package liquor dealer.* For every license issued to a retail original package liquor dealer, the sum of \$150.00 per year, due and payable in advance. Such license shall authorize the licensee to sell liquor in the original package, which shall contain not less than eight ounces and in any other quantity less than one gallon.
- (8) *Retail sale of liquor and beer by the drink license.* For every license issued for a retail sale of liquor and beer by the drink license, the sum of \$300.00 a year, due and payable in advance. Such license shall authorize the licensee to sell liquor and beer by the drink on Sunday between the hours of 9:00 a.m. and 12:00 midnight.
- (9) *Sunday by drink license.* For every license issued for a restaurant bar, the sum of \$300.00 a year, due and payable in advance. Such license shall authorize the licensee to sell, at retail, intoxicating liquor by the drink on Sunday between the hours of 9:00 a.m. and 12:00 midnight.
- (10) *Sunday original package license.* For every license issued to retailers selling intoxicating liquor in the original package at retail, as defined in RSMo 311.200, between the hours of 9:00 a.m. and 12:00 midnight on Sundays, the sum of \$300.00, due and payable in advance.
- (11) *Wholesale dealer.* For every license issued for a wholesale dealer, the following sums per year, due and payable in advance:
- 3.2 percent wholesale dealer - \$75.00
 - 5.0 percent wholesale dealer - \$150.00
 - 22.0 percent wholesale dealer - \$300.00
- (Gen. Ord. No. 1096, § 4(5-28), 6-21-93; G.O. 1983, 10-27-03; G.O. 2356, 11-2-09; G.O. 2659, 11-26-12)
- State law reference(s)--Fees authorized, RSMo 311.220(2), 311.097(2), 311.098(2), 311.200.**

Sec. 4-110. Term of license.

(a) All licenses issued hereunder shall be for a period of one year commencing July 1, and each and every year thereafter.

(Gen. Ord. No. 990, § 1(5-29), 7-20-92; G.O. 1983, 10-27-03; G.O. 2275, 2-25-08; G.O. 2356, 11-2-09)

Sec. 4-111. License not transferable, assignable.

(a) No license issued under this article shall be transferable or assignable and every such license shall authorize the conduct of business at one place only. Although no license shall be transferable, the city will give special consideration to the application of any applicant who is purchasing an already licensed establishment, provided the applicant meets all of the requirements of this article and further provided that the seller has had a license for the establishment being sold for at least two years. If

the applicant fails to complete the purchase of the business within 60 days from the approval of his application, then the approval and his special consideration shall be withdrawn and his application shall then be added to the bottom of the list of pending applications.

(b) Approval of an applicant who qualifies for special consideration remains subject to final action by the city manager or his/her designee as provided in Section 4-103.

(Code 1969, § 5-30; G.O. 1983, 10-27-03; G.O. 2356, 11-2-09)

Sec. 4-112. Exemption of licensee from occupation tax.

No licensee hereunder shall be required to pay an occupation tax for the conduct of the business which he is licensed to transact.

(Code 1969, § 5-31; G.O. 1983, 10-27-03)

Sec. 4-113. Termination of licensed business.

(a) *Time limit to reestablish business.* Whenever any licensee who has been granted a license for the sale of intoxicating liquor shall cease business for any reason whatsoever, such licensee shall have 90 days to reestablish such business from the date the licensee ceased business. If, after the 90-day period allowed in this section, the licensee has not reestablished his business, the license held by the licensee shall be considered as expired and shall cease to be in effect, provided however, that the licensee may be granted an extension of time by the city manager or his/her designee upon application by the licensee stating good and sufficient reasons for such request.

(b) *Effect of expiration of license.* After any license has expired and ceased to be in effect as provided in this section, the inspector of liquor sales shall notify the city clerk and city manager or his/her designee that such license has expired and ceased to be in effect. The city manager or his/her designee shall not receive any license fees or issue any license renewal for any such expired license.

(Code 1969, § 5-32; G.O. 1983, 10-27-03; G.O. 2275, 2-25-08; G.O. 2356, 11-2-09)

Sec. 4-114. Suspension of sales upon mayor's proclamation.

Every license issued under this article shall be granted upon the condition that the holder thereof shall suspend the sale of intoxicating liquor whenever the mayor by proclamation shall so order, and for such length of time as he may order not exceeding a period of 48 hours, and the mayor is authorized in case of public disturbance, riot, strike, catastrophe or other public necessity to order a suspension of the sale and distribution of intoxicating liquor by any and all dealers which he may designate for such period of time.

(Code 1969, § 5-35; G.O. 1983, 10-27-03)

Secs. 4-115--4-117. Reserved.

Sec. 4-118. Tasting license.

(a) Notwithstanding any other provisions of this chapter to the contrary, any person possessing the qualifications and meeting the requirements of this chapter who possesses a retail original package liquor license, may apply for a special permit to conduct tastings of malt beverages, wines or intoxicating liquors on the licensed premises. A licensee under this section shall pay to the city manager or his/her designee an additional \$25.00 per year payable at the same time and manner as other license fees.

(b) Nothing in this section shall be construed to permit the licensee to sell wine for on-premises consumption.

(G.O. 1357, 12-4-95; G.O. 1983, 10-27-03; G.O. 2275, 2-25-08)

Sec. 4-119. Microbrewery license.

(a) The term "microbrewery" means a business whose primary activity is the brewing and selling of beer, ales and malt liquor, with an annual production of 10,000 barrels or less.

(b) A microbrewer's license shall authorize the licensee to manufacture beer, ales and malt liquor in quantities not to exceed 10,000 barrels per annum. A microbrewer's license fee shall be calculated at a rate of \$7.50 for each 100 barrels or fraction thereof, up to a maximum license fee of \$250.00 to be paid to the city manager or his/her designee.

(c) Notwithstanding any other provisions of this chapter to the contrary, the holder of a

microbrewer's license may apply for, and the city manager or his/her designee 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.

(d) The holder of a microbrewer's license may also sell beer, ales 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, and all such sales to wholesalers shall be subject to the restrictions of this chapter.

(G.O. 1553, 9-8-97; G.O. 1983, 10-27-03; G.O. 2275, 2-25-08)

Secs. 4-120--4-145. Reserved.

ARTICLE III. NON-INTOXICATING BEER*

DIVISION 1. GENERALLY

Sec. 4-146. Purchase or possession of non-intoxicating beer by a minor.

No person under the age of 21 years shall purchase, attempt to purchase, or have in his possession any non-intoxicating beer as defined in Section 4-1.

(Code 1969, § 5-71; G.O. 1983, 10-27-03)

State law reference(s)--Similar provisions, RSMo 312.407.

Sec. 4-147. Misrepresentation of age or identity by minor to obtain non-intoxicating beer.

Any person of the age of 17 years and under the age of 21 years who shall represent that he has attained the age of 21 years for the purpose of purchasing, asking for or in any way receiving any non-intoxicating beer, except in cases authorized by law, shall upon conviction be deemed guilty of a misdemeanor, punishable as provided in Section 1-14 of this Code. Any person under the age of 17 years who shall represent that he has attained the age of 21 years for the purpose of purchasing, asking for or in any way receiving any non-intoxicating beer, except in cases authorized by law, may be considered a delinquent child and may be dealt with according to the laws of the state relating to delinquent children.

(Code 1969, § 5-72; G.O. 1983, 10-27-03)

State law reference(s)--Similar provisions, RSMo 312.407.

Secs. 4-148--4-170. Reserved.

DIVISION 2. DEALERS

Subdivision I. In General

***State law reference(s)**--Non-intoxicating beer, RSMo ch. 312; local regulations authorized, RSMo 312.140.

Sec. 4-171. Sign to be displayed.

Every person engaged in the sale of nonintoxicating beer at retail for consumption on the premises where sold shall display in a prominent place easily visible from the outside of his place of business, a sign in letters and figures of at least four inches in height which shall read as follows:

"3.2% Beer Only"

(Code 1969, § 5-67; G.O. 1983, 10-27-03)

Sec. 4-172. Prohibited hours of sale.

No person having a license under the provisions of this article, shall sell, give away or permit the consumption of, any nonintoxicating beer in any quantity between the hours of 1:30 a.m. and 6:00 a.m., upon or about his or her premises.

(Code 1969, § 5-68; G.O. 1983, 10-27-03)

State law reference(s)--Similar provisions, RSMo 312.410.

Sec. 4-173. Sale of intoxicating liquor prohibited.

(a) It shall be unlawful for any person engaged in the sale of non-intoxicating beer at retail to keep any intoxicating liquor in or about his place of business either openly or concealed, or to permit intoxicating beer to be so kept or used upon his premises, and it shall be unlawful for the proprietor, his agent, or any other person to sell, give away, distribute, drink or use intoxicating liquor in any business house licensed to sell non-intoxicating beer while such place is open for the transaction of business.

(b) The excise board or any police officer of the city may inspect the premises of any person holding a license under this article at any reasonable time without a warrant, and the acceptance of a license under this article by any person shall be construed as a waiver by them of any constitutional provisions concerning search and seizure.

(Code 1969, § 5-69; G.O. 1983, 10-27-03)

State law reference(s)--Non-intoxicating beer licensee not to sell intoxicating or malt liquor; keeping intoxicating liquor on premises, RSMo 312.430.

Sec. 4-174. Sale or supply to minors, habitual drunkards prohibited.

No person, or his employee, shall sell or supply non-intoxicating beer, 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 alcoholic beverages. Non-intoxicating beer shall not be given, sold or otherwise supplied to any person under the age of 21 years, but this shall not apply to the supplying of non-intoxicating beer to a person under such age for medicinal purposes only, or by the guardian or parent of such person, or to the administering of such non-intoxicating beer to such person by a physician.

(Code 1969, § 5-70; G.O. 1233, 10-24-94; G.O. 1983, 10-27-03)

State law reference(s)--Similar provisions, RSMo 312.400.

Secs. 4-175--4-195. Reserved.

Subdivision II. License

Sec. 4-196. License requirements.

No person shall be permitted to sell or distribute non-intoxicating beer within the city unless a license therefor shall have been applied for and issued, and the amount of the license fee paid as provided in this article.

(Code 1969, § 5-60; G.O. 1983, 10-27-03)

State law reference(s)--Authority to require license, RSMo 312.140.

Sec. 4-197. Application for license.

Every person desiring to engage in the business of selling and distributing non-intoxicating beer in the city, either as wholesaler or as retailer, shall make written application to the city clerk requesting the issuance of a license therefor. The application shall contain all information called for in the form supplied by the clerk, and shall be signed and sworn to by the applicant.

(Code 1969, § 5-61; G.O. 1983, 10-27-03)

Sec. 4-198. Investigation of application for license.

The application for license provided for in this article shall be referred to the customer assistance center supervisor or his/her designee for investigation of the fitness and qualification of

the applicant, the suitability of the location where the business is to be conducted, and all other relevant facts, and he shall make his report thereon to the director of the customer assistance department or his/her designee. Upon receiving the report, the director of the customer assistance department or his/her designee shall consider the same and make its finding and recommendation to the city manager or his/her designee as to whether or not the application should be granted and the license issued, such recommendation shall be endorsed upon the application, and the application.

Any party aggrieved by a decision under this section shall have the right to appeal as established under Section 4-13.

(Code 1969, § 5-62; G.O. 1901, 10-14-02; G.O. 1983, 10-27-03; G.O. 2275, 2-25-08; G.O. 2356, 11-2-09)

Sec. 4-199. Reserved.

Sec. 4-200. Payment of taxes, other charges prerequisite to licensing.

It shall be a prerequisite to the issuance of a license under this chapter, or to any renewal thereof, that the applicant for such license or renewal has paid all taxes and other charges, including sewer use charges, properly chargeable to him for all previous years, prior to the issuance or renewal of such license.

(Code 1969, § 5-64; G.O. 1983, 10-27-03)

Sec. 4-201. Fees for licenses; payment; conditions.

The license fees required herein shall be as follows:

- (1) *Wholesaler.* For every wholesaler or distributor of non-intoxicating beer, \$75.00 per year.
- (2) *Retailer.* For every retailer selling non-intoxicating beer for consumption on the premises where sold, \$37.50 per year. Such license shall also permit the retailer to sell in the original package direct to consumers in quantities of one case or three gallons or less.
- (3) *Retail package dealer.* For grocers, other merchants and dealers for the sale in the

original package direct to customers but not for resale and not for consumption on the premises where sold, \$22.50 per year. (Gen. Ord. No. 1012, § 1(5-65), 9-14-92; G.O. 1983, 10-27-03)

Sec. 4-202. Term of license.

(a) All licenses issued hereunder shall be for a period of one year commencing July 1, and each and every year thereafter.

(Gen. Ord. No. 990, § 1(5-66), 7-20-92; G.O. 1983, 10-27-03; G.O. 2275, 2-25-08; G.O. 2356, 11-2-09)

State law reference(s)--License fees, RSMo 312.140, 312.100.

Sec. 4-203. Temporary picnic permit for certain organizations.

(a) Notwithstanding any other provision of this chapter, a permit for the sale of wine containing alcohol of not more than 14% by weight, beer containing alcohol of not more than 5% by weight and/or beer containing alcohol of not more than 3.2% by weight for consumption on the premises where sold may be issued by the city manager or his/her designee to any church, school, civic service, fraternal, veteran, political or charitable club or organization for sale at a picnic, bazaar, fair or similar gathering.

(b) Said permit shall be issued only for the day or days named therein and it shall not authorize the sale of the substances outlined in Subsection (a) above for more than seven days by any such organization described in Subsection (a) above in any fiscal year.

(c) For each permit issued, the permittee shall pay the city manager or his/her designee the sum of \$37.50.

(d) No substance outlined in Subsection (a) above shall be sold or distributed in aluminum cans or in breakable materials such as bottles, but shall be sold or distributed only in paper, plastic or styrofoam cups.

(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 permit at such picnic, bazaar, fair or similar gathering.

(f) All provisions of the state liquor control law and the ordinances, rules and regulations of the city shall extend to such premises and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees or stock are in such premises. This section will not include the sale of packaged goods covered by this temporary permit.

(g) No permit shall be required for organizations that qualify under this section to the extent a predetermined fee has been set and paid, as opposed to a cash bar, if the permittee will be serving only beer, wine or brandy.

(Gen. Ord. No. 1012, § 1(5-74), 9-14-92; G.O. 1208, 8-15-94; G.O. 1335, 10-9-95; G.O. 1983, 10-27-03; G.O. 2275, 2-25-08)

(Note: Please contact the City Clerk's Office to obtain a copy of Appendix A referred to in this chapter.)

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ST. JOSEPH CODE

APPENDIX A

Schedule of Suspensions, Revocations & Administrative Penalties

(10/1/14)

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APPENDIX A

Schedule of Suspensions, Revocations & Administrative Penalties – Cont'd

APPENDIX A

Schedule of Suspensions, Revocations & Administrative Penalties – Cont'd

