

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 600 OF THE PARKVILLE MUNICIPAL CODE ENTITLED LIQUOR LAWS**

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI AS FOLLOWS:

Section 1. That existing Chapter 600 of the Parkville Municipal Code is hereby repealed.

Section 2. That Chapter 600 entitled "Liquor Laws" is newly created to read as follows:

**Section 600.010. Purpose.**

Alcohol is, by law, an age-restricted product that is regulated differently than other products. The provisions of this Chapter establish vital regulation of the sale and distribution of alcoholic beverages in order to promote responsible consumption, combat illegal underage drinking, and achieve other important policy goals such as maintaining an orderly marketplace composed of licensed alcohol producers, importers, distributors, and retailers.

**Section 600.020. Definitions.**

When used in this Chapter, the following words shall have the following meanings:

**ADJACENT PROPERTY**

Property immediately adjoining; except, that any intervening street, alley, highway or other public thoroughfare shall be disregarded.

**ALCOHOLIC BEVERAGE**

All beverages with alcoholic content, whether intoxicating or non-intoxicating.

**BEER**

Alcoholic beverage brewed from malt or a malt substitute which only includes rice, grain of any kind, bean, glucose, sugar and molasses. Honey, fruit, fruit juices, fruit concentrate, herbs, spices and other food materials may be used as adjuncts in fermenting beer.

**CATERER**

Any person holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises 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 by RSMo. Chapter 316.

**CHIEF OF POLICE**

The Chief of Police of the City or his/her duly authorized representative.

**CHURCH**

Any building or structure regularly and primarily used as a place of worship by any organized religious society, organization or congregation, regardless of whether or not such building or structure was originally designed and constructed for such purpose.

**CITY**

The City of Parkville, Missouri.

**CLOSED PLACE**

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

**CONSUMPTION OF INTOXICATING LIQUOR (COL) LICENSE**

A license for the consumption of intoxicating liquor in or upon premises that do not possess a license for the sale of alcoholic beverages and where food, beverages or entertainment are sold or provided for compensation, as provided in RSMo. §311.480.

**DWELLING**

Any building or portion thereof, designed or used for residential purposes.

**DWELLING UNIT**

A room or group of rooms occupied or intended to be occupied as a separate living quarters by an individual or household.

**FINANCIAL INTEREST**

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

**INTOXICATING LIQUOR**

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 preparation or mixtures for beverage purposes containing in excess of one-half of one percent (5%) by volume. All beverages having an alcoholic content of less than one-half of one percent by volume shall be exempt from the provisions of RSMo. Chapter 311, but subject to inspection as provided by RSMo. §196.365 to §196.445.

**LICENSEE**

The holder of any license(s) issued under the provisions of this Chapter.

**LIGHT WINE**

Wine containing not in excess of fourteen (14) percent of alcohol by weight, manufactured exclusively from grapes, berries and other fruits or vegetables.

**LIQUOR LICENSE**

The license that every person must obtain from the Board of Aldermen before engaging in or continuing to engage in the business of manufacturing, distilling, brewing, distributing or selling at wholesale or retail any alcoholic beverages within the City.

**LIQUOR LICENSE OFFICER**

The City Clerk of the City of Parkville, Missouri.

**MALT LIQUOR**

Any beverage manufactured from pure hops, pure extract of hops or pure barley malt or other wholesome grains or cereals and wholesome yeast and pure water; free from all harmful substances, preservatives, as provided in RSMo §311.490.

**MANAGING OFFICER**

The person who has active management and control of the licensed premises,

**MECHANICAL AMUSEMENT DEVICE**

Any machine or device upon which the insertion of a coin, slug or disc may be operated by the public generally for use as a game or amusement including but not limited to marble machines, billiard tables, pinball machines, skill ball, mechanical grab machines and other similar games.

**MICROBREWERY**

A business whose primary activity the brewing and selling of beer, with an annual production of ten thousand (10,000) barrels or less, as defined by RSMo §311.195.

**NON-INTOXICATING BEER**

Any beer manufactured from pure hops or pure extract of hops, pure barley malt or other wholesome grains or cereals, wholesome yeast, pure water, free from all harmful substances, preservatives and adulterants, and having an alcoholic content of more than one-half of one percent (.5%) by volume and not exceeding three and two-tenths percent (3.2%) of alcohol by weight.

**ORIGINAL PACKAGE**

Any package containing one or more standard bottles, cans or pouches of beer.

**PERSON**

Any individual, association, joint stock company, syndicate, co-partnership, corporation, receiver, trustee, conservator or other officer appointed by any state or federal Court.

**PREMISES**

The bounds of the enclosure where alcoholic beverages are sold or consumed.

**PRIMARY LIQUOR LICENSE**

The original liquor license issued by the Board of Aldermen which is not secondary to another liquor license.

**POLICE CHARACTER**

A person who by reason of his/her unlawful conduct or activities is known to the police and is or may be under police surveillance and is or may be liable to arrest at any time; provided, however, that if such person has been arrested during the past five (5) years, he/she may at the discretion of the Chief of Police be considered no longer a police character.

**RESORT**

Any establishment having at least thirty (30) rooms for the overnight accommodation of transient guests, having a restaurant or similar facility on the premises at least sixty percent (60%) of the gross income of which is derived from the sale of prepared meals or food, or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers

and customers, and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand dollars (\$75,000.00) per year with at least fifty thousand dollars (\$50,000.00) of such gross receipts from non-alcoholic sales or means a seasonal resort restaurant with food sales as determined in RSMo §311.095.2, or means a new restaurant establishment having been in operation for at least ninety (90) days preceding the application for such license, with a projected experience based upon its sale of food during the preceding ninety (90) days which would exceed not less than seventy-five thousand dollars (\$75,000.00) per year or a new restaurant establishment having been in operation for less than ninety (90) days.

**RESTAURANT/BAR**

An establishment having a restaurant or similar facility on the premise, at least sixty percent (60%) of the gross annual income of which is derived from the sale of prepared food or meals consumed on premises; or which has an annual gross food sales for the past two (2) years immediately preceding its application for a license shall not have been less than one hundred thousand dollars (\$100,000.00) per year from the sale of prepared meals or food consumed on such premises.

**RESTAURANT-MICROBREWERY/WINERY**

A food and beverage retail use where beer, wine, alcohol or similar beverage is brewed and fermented on the premises, includes tasting or consumption on the premises, and is packaged for retail sales and distribution for consumption off of the premises. Production is limited to 10,000 barrels per year for beer, 15,000 gallons per year for alcohol and 2,000 barrels per year for wine.

**RETAILER**

Any person holding a license to sell or to offer to sell alcoholic beverages to a consumer only.

**SALE BY THE DRINK**

The sale of any intoxicating liquor, except malt liquor in the original package, in any quantity less than fifty (50) milliliters and may be made only by a holder of a retail liquor dealer's license and when so made, the container in every case shall be emptied and the contents thereof served as other intoxicating liquors sold by the drink are served.

**SCHOOL**

Any building that is regularly used as a public, private or parochial elementary school, high school, college, university, professional school, business or secretarial school.

**SECONDARY LIQUOR LICENSE**

Liquor license issued approved by the Liquor License Officer, as authorized by the Board of Aldermen in Section 600.090, subsequent to a primary liquor license issued by the Board of Aldermen.

**SUBSTANTIAL QUANTITIES OF FOOD**

The amount of prepared meals or food consumed on the premises wherefrom at least fifty percent (50%) of an establishment's gross income has been derived during the three (3) most recent preceding calendar months or wherefrom during such period a gross income of at least two hundred seventy-five thousand dollars (\$275,000.00) from the sale of prepared meals or food consumed on the premises.

**TEMPORARY RESORT**

Any new resort or establishment having been in operation for less than ninety (90) days that may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises for a period not to exceed ninety (90) days if the resort or restaurant establishment can show a projection of an annual gross receipts of not less than seventy-five thousand dollars (\$75,000.00) per year with at least fifty thousand dollars (\$50,000.00) of such gross receipts from nonalcoholic sales.

**WHOLESALER OR DISTRIBUTOR**

Any person selling alcoholic beverages to wholesalers or to retailers.

**WINE**

Any beverage manufactured exclusively from grapes, berries and other fruits and vegetables.

**WINE MANUFACTURER**

Any person, partnership, association of persons, or corporation who has procured a manufacturer, wholesaler or solicitor license and who manufactures in excess of two hundred (200) gallons of wine per calendar year.

**Section 600.030. License Required – Period of Time.**

- A. It is hereby declared to be unlawful for any person to engage in the manufacture, brewing, sale or distribution of alcoholic beverages without first having obtained a liquor license approved by the Board of Aldermen authorizing such manufacture, brewing, sale or distribution in compliance with the terms of this Chapter.
- B. A license shall be issued for a period of one (1) year beginning June 1 of each year. When any applicant shall apply for a license from the City and the period for which the license shall run shall be less than twelve (12) months, the license fee shall be as set forth in the Schedule of Fees adopted by the Board of Aldermen by resolution.
- C. All renewal applications shall be submitted to the Liquor License Officer on the proper forms on or before May 31 of each year. Any false representation made in the application for this license or permit shall be considered a violation of Section 215.560 of the Criminal Code and penalties as prescribed therein shall apply. The Liquor License Officer may approve liquor license renewals without Board of Aldermen approval as long as there have not been any change in facts from the original application.
- D. It shall be unlawful for a person to continue to hold an alcoholic beverage license when conditions have occurred which would render the continued use of such license or the licensed premises unlawful under the provisions of this Chapter and it shall be the duty of the licensee to surrender the license to the City.
- E. If the Liquor License Officer has reason to believe that any person to whom a license was issued for the current year, or any licensee who has filed a renewal application has discontinued or abandoned the liquor establishment for which said license was issued, said officer may hold a hearing pursuant to Section 600.390 of this Chapter.

**Section 600.040. Qualifications of Licensee.**

- A. A person desiring to obtain a liquor license shall meet the following qualifications:

1. That such person is in fact to be actively engaged in the actual control and management of the premises for which the liquor license is sought.
  2. That such person is at least twenty-one (21) years of age.
  3. That such person is of good moral character; is qualified to hold an alcoholic beverage license in the State of Missouri; has never been convicted, since the ratification of the 21st Amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of alcoholic beverages; has never had a dealer's license revoked; and is a qualified legal voter and taxpaying citizen of the county, town, city or village of which he/she is a resident.
  4. That such parson meets the indebtedness requirements of this Chapter and is not in arrears to the City for any back taxes or license fees, nor shall any such person accept directly or indirectly any loans, equipment, money, credit or property of any kind, except ordinary commercial credit as such term is defined in the Rules and Regulations of the Supervisor of Liquor Control of the State of Missouri.
  5. That such person shall have in his possession a Certificate of Occupancy issued by the Community Development Department for the proposed use of the building to be occupied as the licensed premises, unless such premises are under construction or undergoing remodeling. In such case, a copy of the building permit issued for said premises, and signed by the Director of Community Development, may be submitted in lieu of a Certificate of Occupancy. The liquor license may be issued with the understanding that it will be revoked if a Certificate of Occupancy is not issued within the next one hundred eighty (180) days. The date of issuance of the liquor license shall be the date of its approval by the Board of Aldermen. Notice of liquor license revocation shall be sent to the State of Missouri Bureau of Alcohol, Tobacco and Firearms. The one-hundred-eighty-day (180) period for issuance of the Certificate of Occupancy may be extended by action of the Board of Aldermen.
- B. In making any determination of good moral character, the following shall be considered:
1. Penal history. All arrests and convictions, the reasons therefor, and the demeanor of the applicant subsequent to his/her release.
  2. License history. The license history of the applicant, whether such person, in previously operating in this or another state or city under a license of any nature or description, has had such license revoked or suspended, the reasons therefor, and the demeanor of the applicant subsequent to such action.
  3. General personal history. Such other facts relevant to the general personal history of such individual as deemed necessary to a fair determination of an individual s character.
  4. That such person is not in arrears to the City for any taxes, license fees or permit fees.

**Section 600.050. Partnerships.**

No license provided for in this Chapter shall be issued to any partnership unless all members of the partnership are persons who would be eligible for licenses as individuals under the provisions of this Chapter, and no such license shall be issued to any partnership and any partner of which has been the holder of a license or permit that has been revoked.

**Section 600.060. Corporations.**

No license provided in this Chapter shall be issued to any corporation unless the managing officer of such corporation is a person who would be eligible for a license as an individual under the provisions of this Chapter.

**Section 600.070. License Terms & Conditions.**

- A. As a condition of the issuance of a license under this Chapter, the applicant must also procure licenses from the State of Missouri under the provisions of RSMo Chapter 311 and the County of Platte. Additionally, no license shall be issued unless and until there is has been shown compliance with Title IV Zoning Code, Title V Building Code and all other ordinances of the City.
- B. Each license issued pursuant to this Chapter shall terminate on the thirty-first (31st) day of May of each year, with the exception of a temporary catering license which shall terminate on the date and time indicated on each individual license. In no event shall a temporary catering license terminate later than one hundred twenty (120) consecutive hours after its time of issuance, in accordance with RSMo. §311.485.

**Section 600.080. Liquor License Application.**

- A. *Filing of an application.* Each applicant for an original or renewal license shall be filed with the Liquor License Officer on a form to be provided by the City, signed to and sworn by the applicant. Each application shall be accompanied by a proper remittance reflecting the appropriate license fee made payable to the City. Applicants must provide such criminal background reports, as required in Section 600.180, and shall be provided at the expense of the applicant.
- B. Each question in the application shall be considered material to the issuance of the license and each question in such application must be answered in full by the person applying for the license.
- C. The written application shall contain the following information:
  - 1. Name and residential address of the person applying for the license.
    - a. If the application is on behalf of a partnership all names and residential addresses of the partners of any person who has a financial interest in the partnership shall be given.
    - b. If the application is on behalf of a corporation, the date of incorporation, the state in which incorporated, the amount of paid-in-capital, the amount of authorized capital, the names and residential addresses of the officers and directors and the names and addresses of all stockholders who hold ten percent (10%) or more of the capital stock shall be given.

- c. The name and residential address of any other persons having a financial interest in the building must be given also.
2. The place of birth of the person applying for the license and, if the person is a naturalized citizen, the date and place of naturalization.
3. The names and business addresses of the employers of the person applying for a license for a period of five (5) years prior to the submission of the application.
4. Whether or not the person applying for the licenses has ever been convicted of a felony.
5. The address of the premises for which a license is sought.
6. Whether or not the location of the proposed business is within three hundred (300) feet of a school or church.
7. The class of license for which the person is applying.
8. Statement that the applicant will not violate any of the ordinances of the City, the laws of the State or the laws of the United States in the conduct of business.
9. All statements, books, records and papers which the Liquor License Officer may determine to be necessary to describe the true ownership and management of the business or in the respects necessary to determine the qualifications of the applicant for such license.
10. An affidavit describing the type of business to be conducted and an inventory and valuation-at-cost prices of goods other than intoxicating liquor at the proposed place of business.
11. Whether or not any distiller, wholesaler, wine maker, brewer or supplier of coin-operated, commercial, manual or mechanical amusement devices or the employees, officers or agents thereof have any financial interest in the retail business of the applicant for the sale of alcoholic beverages or C.O.L., whether or not the applicant, either directly or indirectly, will borrow or accept from any such person equipment, money, credit or property of any kind, except ordinary commercial credit for liquor sold.
12. A certification from any County Election Board showing the person applying for the application to be a registered qualified voter of any County in the State of Missouri and United States of America.
13. A copy of his or her tax receipt for the year immediately preceding the date of the application of the County, Town, City or Village where he or she resides in the State of Missouri; or, if the applicant is a corporation, a copy of the tax receipt for the year immediately preceding the date of the application of the managing officer of such corporation of the County, Town, City or Village in the State of Missouri where such managing officer resides, or in lieu thereof, an affidavit of the County or City Assessor wherein such applicant resides or, if the applicant is a corporation, wherein the managing officer of such corporation resides, stating therein that the applicant or managing officer of such corporation, if a



corporation, own property for which he or she is legally subject and liable to taxation in the County, Town, City or Village where applicant or if a corporation, the managing officer of applicant, resides in the State of Missouri.

14. Where application is being made for an original package license to sell intoxicating liquor at retail an affidavit stating that the person applying for the license has and at all times keeps in his store a stock of goods having a value according to invoices of at least one thousand dollars (\$1,000) exclusive of fixtures and intoxicating liquors.
  15. When license is applied for the first time, the person submitting the application shall furnish a photograph of the exterior of the premises of the proposed place of business.
- D. *Execution by Applicant.* Application for a license under this Chapter shall be made by the individual who is to be, in fact, actively engaged in the actual control and management of the premises for which said license is sought.
- E. *Liquor License, Application; Penalty for Forfeiture; Due Diligence.* Payment of license fee:
1. Each application for license referred to herein shall be accompanied by payment of the respective fee set forth in the Schedule of Fees adopted by the Board of Aldermen by resolution. Each applicant to whom a license is issued shall have one hundred twenty (120) days from the date of issuance thereof to begin operation of such establishment for business purposes.
  2. In the event such licensee does not open such establishment for business within the one hundred twenty (120) day time period, such fee shall be forfeited, and the license issued shall be considered invalid, null and void and of no effect. Such licensee will then be required to reapply for said license and comply with all requirements set forth in this Chapter. The same fee will be charged upon such reapplication, but the applicant shall not be allowed to reapply for such license for a period of one (1) year from the original date of issuance.

#### **Section 600.090. Classes of Licenses.**

- A. No person shall sell or offer for sale intoxicating liquor in the City without a currently valid liquor license issued by the City. A separate liquor license shall be required for each of the categories and subcategories of liquor sales in which the licensee desires to engage as set forth herein.
- B. *General licenses.* Any person possessing the qualifications and meeting the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor within the City:
1. *Package liquor – Malt liquor only per RSMo. §311.200(2).* Authorizes the sale of malt liquor at retail by grocers and other merchants and dealers for sale in the original package direct to consumers but not for resale and not for consumption on the premises where sold. This license may include Sunday sales from 9:00 a.m. to midnight.

2. *Package liquor – Intoxicating liquor per Section 311.200(1)*. Authorizes the sale of all kinds of intoxicating liquors in the original package at retail not for consumption on the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one or more of the following businesses: a drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in his store a stock of goods having a value according to invoices of at least one thousand dollars, exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this law. This license allows retailers to operate between the hours of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays. A secondary *Sunday by the drink* license is required to sell at retail on Sunday.
  - a. Any holder of this license must also have an occupation license for one of the stores shown above.
3. *Liquor by the drink – Malt liquor/light wine per RSMo. §311.200(4)*. Authorizes the licensee to sell beer and light wine by the drink for consumption on the licensed premises. Allows retailers to operate between the hours of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays, including all election days. A secondary *Sunday by the drink* license is required to sell at retail on Sunday.
4. *Microbrewer per RSMo. §311.195*. Authorizes the licensee to manufacture beer and malt liquor in quantities that do not exceed ten thousand (10,000) barrels per year, in Zone "I-1;" "I-2; or "I-3" only.
  - a. The holder of this license may apply for a license to sell beer and malt liquor, as defined by this Chapter, by the drink at retail for consumption on the premises or in close proximity.
  - b. No holder of a microbrewer's license, or any employee, officer, agent, subsidiary or affiliate thereof, shall have more than ten (10) licenses to sell beer and malt liquor by the drink at retail for consumption on the premises.
  - c. The holder of this license may also sell beer and malt liquor produced on the premises to duly licensed wholesalers; however, holders of this license shall not, under any circumstances, directly or indirectly, have any financial interest in any wholesaler's business, and such sales to wholesalers shall be subject to the restrictions of RSMo. §311.181 and §311.182.
  - d. A microbrewery license may be issued to a business pursuant to regulations outlined in Title IV of this Code.
  - e. A secondary *Sunday by the drink* license is required to sell at retail on Sunday.
5. *Resort licenses per RSMo. §311.095*.
  - a. This license shall authorize the sale of intoxicating liquor by the drink at retail for consumption on the premises of a resort as that term is defined in RSMo. § 311.095, and in Section 600.010 of this Chapter. This license shall also

allow sale of intoxicating liquor in the original package for consumption off the premises, sale of malt liquor by the drink for consumption on the premises and sale of malt liquor in the original package for consumption off the premises. Any holder of this license must also have a restaurant license.

- b. *Temporary resort license per RSMo. § 311.095(4)*. This license shall authorize the sale of intoxicating liquor, as defined in RSMo. Chapter 311, as amended, by the drink at retail for consumption on the premises of a *resort*. This license shall also allow sale of intoxicating liquor in the original package for consumption off the premises, sale of malt liquor by the drink for consumption on the premises and sale of malt liquor in the original package for consumption off the premises. This license is limited to new restaurants having been in operation for less than ninety (90) days. Applicants must show a projection of annual gross receipts of not less than seventy-five thousand dollars (\$75,000.00) per year with at least fifty thousand dollars (\$50,000.00) from non-alcoholic sales. Application for renewal shall be made before the end of the three-month period. The Liquor License Officer shall contact the Missouri State Department of Liquor Control for its findings. Absent negative reports from that agency, and unless a request for further review by the Board of Aldermen has been filed in writing with the Liquor License Officer, the license, upon payment of the balance of fees owing, shall be automatically renewed for the balance of the fiscal year
6. *Picnic license per RSMo. §311.482*. A retail liquor by the drink (picnic - 7 days, includes spirits, wine and beer) permit may be issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for the sale of such intoxicating liquor for consumption on the premises at a picnic, bazaar, fair, or similar gathering. The permit shall be issued only for the day or days named therein and shall not authorize the sale of intoxicating liquor for more than seven days by any such club or organization. This permit does allow for sales in the original package for consumption off the premises. In addition, the picnic license does allow any wholesaler to provide customary storage, cooling and/or dispensing equipment for use by the license holder at such picnic, bazaar, fair or similar gathering RSMo. §311.482.5. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 11:00 a.m. and ending at midnight.
7. *Retail by drink boat license per RSMo. §311.091*. This license allows retailers who have a boat or vessel that has been certified by the United States Coast Guard to carry 30 or more passengers for hire to apply for a license to sell intoxicating liquor by the drink at retail for consumption on a boat.
8. *Wholesaler, as defined by RSMo. §311.180(9)*. This license authorizes the wholesale sale of intoxicating liquor of all kinds, as set forth in RSMo. §311.180(9).
9. *Retailer of intoxicating liquor by the drink, limited to distillers and microbreweries per RSMo. §311.070.1*. This license is limited to a distiller whose manufacturing establishment is located within the City and allows for the sale of intoxicating liquor, as in this Chapter defined, by the drink at retail for consumption on the premises where sold, provided the licensed premises is in close proximity to the distillery. The premises may remain open between the hours of 6:00 a.m. and 1:30 a.m., Monday through Saturday, and between the hours of 9:00 a.m.

and midnight Sunday. Any holder of this license must also have a wholesaler license.

C. *Sunday sales.* Any person who is licensed under the provisions of this Chapter or who otherwise possesses the qualifications and meets the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor or non-intoxicating beer on Sundays between the hours of 9:00 A.M. and midnight.

1. *Package liquor – malt liquor.* Sales of malt liquor in the original package at retail, not for consumption on the premises where sold.
2. *Package liquor – intoxicating liquor.* Sales of intoxicating liquor in the original package at retail, not for consumption on the premises where sold.
3. *Microbrewery.* Sales by the drink for consumption on the premises where sold.
4. *Resort and temporary resort.* Sales of intoxicating liquor by the drink for consumption on the premises where sold.
5. *By the drink – limited to distillers.* Sales of intoxicating liquor by the drink by distillers for consumption on the premises where sold.

D. *Permits.* Any person who is licensed to sell intoxicating liquor in the original package at retail under Subsection (B)(2) and (C) of this Subsection may apply for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises; however, nothing in this Section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

1. The Board of Aldermen hereby authorizes the Liquor License Officer its authority under Section 600.030 to approve liquor license permits associated with a primary liquor license approved by the Board of Aldermen.
2. *Tasting permit – winery, distillery, manufacturer, etc. license per RSMo. §311.294.*
  - a. Any winery, distiller, manufacturer, wholesaler or brewer or designated employee may provide and pour distilled spirits, wine, or malt beverage samples off a licensed retail premises for tasting purposes, provided no sales transactions take place. For purposes of this Section, a “sales transaction” shall mean an actual and immediate exchange of monetary consideration for the immediate delivery of goods at the tasting site.
  - b. Notwithstanding any other provisions of this Chapter to the contrary, any winery, distiller, manufacturer, wholesaler or brewer or designated employee may provide, furnish, or pour distilled spirits, wine, or malt beverage samples for customer tasting purposes on any temporary licensed retail premises as described in RSMo. §311.218, §311.482, §311-485, §311.486, or §311-487, or on any tax-exempt organization's licensed premises as described in RSMo. §311.090.
  - c. Any winery, distiller, manufacturer, wholesaler, or brewer may provide or furnish distilled spirits, wine or malt beverage samples on a licensed retail premises-when.

- 1) Notwithstanding any other provisions of this Chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide or furnish distilled spirits, wine or malt beverage samples on a licensed retail premises for customer tasting purposes so long as the winery, distiller, manufacturer, wholesaler, or brewer or designated employee has permission from the person holding the retail license. The retail licensed premises where such product tasting is provided shall maintain a special permit in accordance with RSMo §311.294, or hold a by the drink for consumption on the premises where sold retail license. No money or anything of value shall be given to the retailers for the privilege or opportunity of conducting the on-the-premises product tasting.
  - 2) Distilled spirits, wine, or malt beverage samples may be dispensed by an employee of the retailer, winery, distiller, manufacturer or brewer or by a sampling service retained by the retailer, winery, distiller, manufacturer or brewer. All sampling service employees that provide and pour intoxicating liquor samples on a licensed retail premises shall be required to complete a server training program approved by the Division of Alcohol and Tobacco Control.
  - 3) Any distilled spirits, wine, or malt beverage sample provided by the retailer, winery, distiller, manufacturer, wholesaler, or brewer remaining after the tasting shall be returned to the retailer, winery, distiller, manufacturer, wholesaler, or brewer.
3. *Retail by drink caterer's license per RSMo. §311.485.* Authorizes a temporary permit 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 to sell intoxicating liquor by the drink at retail for consumption on the premises and in the original package for consumption off the premises for a specific period of time.
- a. Each event shall be considered separately and application for each shall be made to the Liquor License Officer.
  - b. The license binds the licensee to the same rules applicable to holders of other liquor licenses within the City and to the liquor laws of the State.

The caterer's permit can be effective for up to 168 consecutive hours or seven (7) days. If the event lasts past midnight, the licensee must also apply and pay the fee for the next day.

**Section 600.100. Draft Beer, Sale of 32-128 Fluid Ounces Dispensed On-Premises for Consumption Off-Premises – Requirements.**

- A. Any person who is licensed to sell intoxicating liquor in the original package at retail as provided in Section 600.090 may sell from 32 fluid ounces to 128 fluid ounces of draft beer to customers in containers filled by any employee of the licensee on the premises for consumption off-premises. Any employee of the licensee shall be at least twenty-one (21) years of age to fill containers with draft beer.

*B. Labeling of containers.*

1. Containers that are filled or refilled under Subsection A of this section shall be affixed with a label or a tag that shall contain the following information in type not smaller than three (3) millimeters in height and not more than twelve (12) characters per inch:
  - a. Brand name of the product dispensed;
  - b. Name of brewer or bottler;
  - c. Class of product, such as beer, ale, lager, bock, stout or other brewed or fermented beverage;
  - d. Net contents;
  - e. Name and address of the business that filled or refilled the container;
  - f. Date of fill or refill;
  - g. The following statement, "This product may be unfiltered and unpasteurized. Keep refrigerated at all times."
2. Containers that are filled or refilled under Subsection A shall be affixed with the alcoholic beverage health warning statement as required by the Federal Alcohol Administration Act, 27 CFR Sections 16.20 to 16.22.

*C. Miscellaneous regulations.*

1. The filling and refilling of containers shall only occur on demand by a customer and containers shall not be pre-filled by the retailer or its employee.
2. Containers shall only be filled or refilled from the bottom of the container to the top with a tube that is attached to the malt beverage faucet and extends to the bottom of the container or with a commercial filling machine.
3. When not in use, tubes to fill or refill shall be immersed and stored in a container with liquid food-grade sanitizer.
4. Containers shall be filled or refilled as follows:
  - a. Containers shall be filled or refilled with a tube as described in Subsection C of this section, and:
    - 1) Food grade sanitizer shall be used in accordance with the Environmental Protection Agency registered label use instructions;
    - 2) A container of liquid food-grade sanitizer shall be maintained for no more than ten (10) malt beverage taps that will be used for filling and refilling containers;

- 3) Each container shall contain no less than five (5) tubes that will be used only for filling and refilling containers;
  - 4) The container shall be inspected visually for contamination;
  - 5) After each filling or refilling of the container, the tub shall be immersed in the container with liquid food-grade sanitizer; and
  - 6) A different tube from the container shall be used for each filling and refilling of a container.
- b. Containers shall be filled or refilled with a contamination-free process and:
- 1) The container shall be inspected visually for contamination;
  - 2) The container shall only be filled or refilled by the retailer's employee; and
  - 3) The filling or refilling shall be in compliance with Food and Drug Administration Code 2009, Section 3-304.17(c).
- c. After filling or refilling a container, the container shall be sealed as set forth in Subsection A of this section.

**Section 600.110. License Fees.**

The fees, as set forth in the Schedule of Fees adopted by the Board of Aldermen by resolution, as authorized by Section 800.010 of the Municipal Code, are required to be paid to the City before a liquor license will be issued.

**Section 600.120. License Fee Non-Refundable – When.**

In case any license issued under the provisions of this Chapter is revoked, surrendered or forfeited by the licensee, not used or used for only part of the license period, after the effective beginning date of such license, no refund of any license or part thereof shall be made.

**Section 600.130. Restriction on Number Issued.**

- A. The number of licenses issued for the sale of liquor by the City shall be limited as set forth below:
1. *Malt liquor in the original package.* There shall be a limit of one (1) license for each two thousand (2,000) people or a fraction thereof within the corporate limits of the City.
  2. *Intoxicating liquor in the original package.* There shall be a limit of two (2) licenses for each one thousand (1,000) people or fraction thereof within the corporate limits of the City.
- B. In the event the maximum number of licenses have been issued, the Board of Aldermen may, by resolution, approve additional licenses.

**Section 600.140. Population Determination.**

- A. The number of licenses allowed, as shown in Section 600.110, indicates the number of residents, or major fraction thereof, within the City which are required for the issuance of one license.
- B. The determination of the population of the City for the purpose of issuance of liquor licenses shall be the most recent decennial census conducted by United States Census Bureau. The Board of Aldermen in its discretion may, by resolution approved by the Board of Aldermen, increase or decrease the number of licenses to be issued under Section 600.110 based on the most recent annual census estimate by the United States Census Bureau.
- C. When the Liquor License Officer finds that the population of the City has declined, and the number of licenses allowed in any category will decrease on account of such population decline, current license holders will be eligible for renewal of their license as long as they continue in business in compliance with all provisions of this Chapter. The business must be operating under a current and valid license on the effective date of the Board of Aldermen action setting the City's population and continue in active operation in order to maintain their protected status.

**Section 600.150. Liquor License Officer – Powers and Duties.**

- A. The Liquor License Officer shall exercise all powers as they relate to the administration of this Chapter, with respect to the processing of applications for liquor licenses; and it shall be his/her duty to:
  - 1. Prescribe all forms of applications, licenses and permits in compliance with the provisions of this Chapter and such other forms as are necessary to carry out the provisions of this Chapter.
  - 2. Process and review all liquor license applications.
  - 3. Keep a record of all liquor licenses and permits issued to applicants, and of the suspension and revocation thereof.
  - 4. Investigate and determine the eligibility of any applicant for a liquor license as described in this Chapter and shall submit all applications for new liquor licenses to the Board of Aldermen for their approval.
  - 5. Notify any applicant of the acceptance or rejection of his/her application.
  - 6. Make sure reasonable rules, regulations, orders and directions as may be necessary and feasible for carrying out the duties of his office and as are not inconsistent with the provisions of this Chapter.
  - 7. Recommend the approval or disapproval of license applications to the Board of Aldermen in accordance with the provisions of this Chapter.
  - 8. Examine the books, records and papers of any applicant or licensee for a license or renewal thereof when reasonably necessary to determine the eligibility of the person applying for a license or a license renewal, or to determine that the provisions of this Chapter have been fully complied with by such applicant or licensee.



**Section 600.160. Chief of Police – Powers & Duties.**

- A. It shall be the duty of the Chief of Police to:
1. Exercise all duties and powers related to the enforcement of this Chapter.
  2. Cause to be inspected regularly all places of business where alcoholic beverages are sold or kept for sale.
  3. Report any wholesome or unhealthy conditions in such places of business to the Missouri Division of Health.
- B. The Chief of Police and the employees he may designate shall have the authority to:
1. Make arrests and to serve any process connected with the enforcement of this Chapter; provided, however, that said designated employees carry credentials showing their authority.
  2. Seize any and all objects that may appear to be in violation of any provision of this Chapter and hold in custody such objects as evidence until any matter pertaining thereto is finally adjudicated. Upon such seizure, a receipt shall be issued to whom the objects were seized from and upon demand, if not forfeited, such objects shall be returned to their lawful owner.
  3. Notwithstanding any other provisions of this Chapter, the Chief of Police shall have power to close for a period not to exceed twenty-four (24) hours any premises that shall be in the immediate area to a mob, riot, strike or any type of violence, actual or probable; provided, however, that he/she shall not close such place under such circumstances without advising at the earliest possible moment the Mayor and the Board of Aldermen; and provided further that the Chief of Police shall not close such place for two (2) or more consecutive twenty-four (24) hour periods without approval of the Mayor, acting under the emergency police powers of the City.
  4. Inspect the premises of any licensee including all rooms, cellars, outbuildings and yards used in connection with the operation of the business at any reasonable time, without warrant, and the acceptance of the license by the licensee under this Chapter shall be construed as a waiver by the licensee of any constitutional provisions concerning search and seizure.

**Section 600.170. Chief of Police and Liquor License Officer – Conflict of Interest.**

The Chief of Police and the Liquor License Officer and their appointees, agents, assistants and inspectors administering and enforcing the provisions of this Chapter shall not have any interest in (directly or indirectly, either proprietary or by means of loan, mortgage or other lien, either for their own benefit or in a fiduciary capacity or any other manner) the premises where any alcoholic beverage is distilled, brewed, manufactured or sold, nor shall they have any interest in any business wholly or partially devoted to or engaged in or dealing in alcoholic beverages, either as owners, part owners, partnership, members of syndicate, shareholders of a corporation, agents or employees, either for their benefit or in a fiduciary capacity. The Chief of Police and the Liquor License Officer and their appointees, agents, assistants or inspectors shall not

accept any compensation, reward or gift other than a designated salary and expenses as provided by the City.

**Section 600.180. Investigation of Applicants.**

All applicants shall, by signing the application form, consent to an investigation of the record of the applicant with reference to convictions of crimes. All applicants shall be required to provide a copy of a criminal background check issued by the Missouri Highway Patrol within 20 days of the time of application, but in any event before the activity occurs that demonstrates the qualification of the applicant under Section 600.040 of this Chapter.

**Section 600.190. Granting of License.**

- A. The Board of Aldermen shall approve all applications for a primary license as provided by this Chapter.
- B. The Board of Aldermen delegates to the Liquor License Officer its authority to approve liquor license permits associated with primary liquor licenses that have been approved by the Board of Aldermen.
- C. The person applying for the license and other interested persons may appear before the Board of Aldermen and testify in support of or against the issuance of the license.
- D. A license may be approved or denied by the Board of Aldermen at the meeting at which it is presented, or may be postponed for further consideration at a later meeting.

**Section 600.200. Contents of License.**

- A. A license issued under authority of this Chapter, a duplicate of which shall be retained in the records of the Liquor License Officer, shall contain the following information.
  - 1. Legal name and any other name of the business under who said license is issued.
  - 2. The class of license.
  - 3. The address of the premises so licensed.
  - 4. The name of the person to whom the license is issued.
  - 5. License number assigned by the Liquor License Officer.
  - 6. Date of issuance.
  - 7. Date of expiration.
  - 8. Signature of Mayor and Liquor License Officer.
  - 9. The Seal of the City.
  - 10. Any other information as the Liquor License Officer deems necessary.

### **Section 600.210. Updating Information.**

- A. *Supplemental Reports.* The person to whom the license is issued shall file a supplemental report with the Liquor License Officer within fifteen (15) days of any loan made to him/her of money or credit relating to the licensed business.
- B. *Change of Facts.* A license shall permit the sale of alcoholic beverages only on the premises described in the application and license. If during the period for which a license is issued there is a change of facts or information differing from that set forth in the original application or any renewal application on file with the Liquor License Officer, written notice thereof must be given to the Liquor License Officer within ten (10) days by the licensee. Such location may be changed only upon the expressed approval of the Board of Aldermen.

### **Section 600.220. License Regulations.**

- A. Each license issued hereunder shall be conspicuously posted on the premises for which the license has been issued.
- B. A separate license shall be required for each place of business. Every license issued under the provisions of this Chapter shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein.
- C. Regularly licensed drug stores may be lawfully in possession of intoxicating liquor to be used in connection with the business of a druggist in compounding medicines or as a solvent or preservative without being subject to the provisions of this Chapter; provided, however, that any druggist or drug store operator desiring to sell intoxicating liquors, either for consumption on the premises or in the original package not to be consumed on the premises, shall procure the proper license thereof and be in all matters subject to the provisions of this Chapter relating to the location, licenses to be purchased and hours at which such intoxicating liquor may be sold.

### **Section 600.230. Licensed Premises.**

Where this authorizes the sale of alcoholic beverages by the drink and licenses are held by restaurants, clubs or hotels, this Chapter shall apply to all rooms in which intoxicating liquors are dispensed or consumed.

### **Section 600.240. Transferability of License.**

No license issued under this Chapter shall be transferable or assignable except as herein provided:

- A. *Death of a licensee under unexpired license.* In the event of the death of a person holding a license, the widow or the widower or the next of kin of such deceased licensee, who shall meet the other requirements of this Chapter, may make application and the Liquor License Officer may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which the license is valid, and it shall not be necessary for such relative to secure a new license until the expiration of the license issued to the deceased licensee.

- B. *Change in location.* In the event any licensee desires to change the location of his/her place of business in the City, it shall be necessary for him/her to file an application in the same manner as herein provided for an original application, except that no additional fee shall be charged and the amended license, describing the new location, shall be issued immediately upon the approval of the application by the Board of Aldermen. Any change of location of the enterprise prior to issuance of such an amended license shall constitute a violation of this Section.
- C. Whenever one (1) or more members of a partnership withdraws from the partnership, the Liquor License Officer, upon being requested, shall permit the remaining partner or partners originally licensed to continue to operate for the remainder of the licensing period for which the license fee has been paid without obtaining a new license.
- D. *Expansion of existing license.* A license may, subject to the approval of the Board of Aldermen, be expanded to encompass a larger area of the existing licensed premises if the area sought to be licensed meets the requirements of this Chapter.
- E. The application for permission to transfer or expand the license must be submitted in writing, to the Liquor License Officer, with approval by the Board of Aldermen, as set forth:
  - 1. Name and address of the person holding license.
  - 2. Street address and legal description of the premises to which removal is sought, together with the name and address of the owner of the property and the name of any person having a leasehold or interest therein as landlord or tenant.
  - 3. The application must be accompanied by an affidavit by such person that he has not since the license was granted violated any provisions of this Chapter.

**Section 600.250. Sale of Licensed Premises.**

When a person holding a liquor license obtains a buyer or lessee for the establishment for which the license was issued, said buyer or lessee shall be given prior consideration for a license provided said buyer or lessee meets the qualifications set forth in this Chapter, pays the necessary fees and is approved for said license in accordance with the requirements of this Chapter.

**Section 600.260. License Replacement.**

- A. Whenever a license is lost or destroyed, a duplicate license will be issued by the City.
- B. Application for a duplicate license must be by affidavit of the licensee and must set forth the following:
  - 1. Date upon which license was lost or destroyed.

2. Circumstances under which license was lost or destroyed.

**Section 600.270. Times When Sales are Prohibited.**

- A. No person having a license under this Chapter, nor any employee of such person shall sell, give away, or otherwise dispose of, or suffer the same to be done upon or about his premises, any intoxicating liquor in any quantity between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday, upon or about his/her premises. 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 (1) 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.
- B. During the hours set forth in this Chapter prohibiting the sale of alcoholic beverages, the licensee shall cause any display of alcoholic beverages in the establishment or store to be covered from the view of customers and patrons of said establishment or store.
- C. When December thirty-first (31st) falls on Sunday, any person having a license to sell alcoholic beverages by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his license on that day after 1:00 p.m. and until the time which would be lawful on another day of the week.
- D. Notwithstanding any other provisions of this Chapter to the contrary, any person who possesses the following licenses may sell such alcoholic beverage as authorized by their license between the hours of 9:00 a.m. and midnight on Sundays:
  1. Restaurant/bar license - Sunday sales only.
  2. Limited non-intoxicating beer sales by drink license, but only if Sunday sales are specifically authorized by the Board of Aldermen and subject to any restrictions placed upon such sales by the Board of Aldermen.
  3. Non-intoxicating beer.

**Section 600.280. Sales of Liquor Prohibited Near Schools and Churches.**

- A. *Distance from Public Schools.* No license shall be granted for the sale of alcoholic beverages within three hundred (300) feet of any school, measured from the nearest of the enclosing wall of the premises to the nearest point of the public school building, except that this prohibition shall not apply when a public school should move within three hundred (300) feet of an existing licensed premises.
- B. *Distance from Churches or Places of Worship.* No license shall be granted for the sale of alcoholic beverages within three hundred (300) feet of any church or other building regularly used as a place of religious worship, measured from the nearest of the enclosing wall of the premises to the nearest point of the church or place of worship building, except that this prohibition shall not apply when a church or place

of worship should move within three hundred (300) feet of an existing licensed premises.

1. Prior to the Board of Aldermen granting consent for any license for sale of alcoholic beverages within three hundred (300) feet of any church or other building regularly used as a place of religious worship, at least ten (10) days' written notice shall be provided, at the applicant's expense, to all owners of property within three hundred (300) feet of the proposed licensed premises.
  2. In no case shall any license be granted for the sale of alcoholic beverages within one hundred (10) feet of any church or other building regularly used as a place of religious worship per RSMo 311.080.
  3. When a school, church or other building regularly used as a place of religious worship is established within three hundred (300) feet of any licensed premises, a renewal of the liquor license shall not be denied the licensee for this reason.
- C. *Discretion.* In passing upon any application for a license under this Chapter, the Board of Aldermen shall have the authority to take into consideration the location of the proposed business and the density of alcoholic beverage licenses in the area for which a license is sought and shall have authority to refuse to grant such license when in its judgment such issuance shall not be in the best interest of the City.

**Section 600.290. Liquor Establishments – Gambling.**

- A. No licensee shall allow upon the licensed premises any gambling of any kind or character whatsoever in which the one who plays stands to win or lose money, trade checks, prizes, merchandise or any other consideration whatsoever.
- B. No licensee or permittee shall have any gambling devices upon the licensed premises whereby money, trade checks, prizes, merchandise, property or any other consideration whatsoever may be won or lost.

**Section 600.300. Lewdness.**

- A. No licensee or permittee shall allow in or upon the licensed premises any improper disturbances, lewdness, immoral activities, brawls or any indecent, profane or obscene language, songs, entertainment, literature or advertising material, nor shall any licensee cause to have printed or distributed any lewd, immoral, indecent or obscene literature or advertising material.
- B. No retail licensee shall allow any person to appear on the licensed premises in a condition where either or both of the breasts, or pelvic area or the buttocks are not covered with opaque clothing. No dancing will be allowed on any surface where food or drinks are served. No person shall perform an erotic or lewd dance or strip tease in the licensed premises.

**Section 600.310. Loitering of Immoral Persons.**

No licensee shall employ or allow the loitering upon or about the licensed premises of any police character, convicted felon, or other person convicted for prostitution or use or sale of drugs.

**Section 600.320. Responsibility for Acts of Employees.**

Licenses 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 that is in violation of the intoxicating liquor laws or the non-intoxicating beer laws of the State of Missouri and the provisions of this Chapter.

**Section 600.330. Sanitation.**

Retail licensees shall keep the premises covered by such licenses clean and sanitary, as provided in the Municipal Code. No license shall be issued under this Chapter until the Platte County Health Department has inspected and forwarded approval of the premises to the Liquor License Officer.

**Section 600.340. Beer Licensee Not to Serve Setups Nor Permit Possession or Consumption of Hard Liquor.**

No licensee holding a license for the retail sale of malt liquor by the drink or for the sale of non-intoxicating beer by the drink shall knowingly sell, give away or serve upon the premises described in said license any glass, ice, water, soda water, phosphates or any other kinds of liquids to be used for the purpose of mixing intoxicating drinks and commonly referred to as "set-ups"; nor shall any such licensee suffer any person while in or upon the premises covered by such license to possess or consume intoxicating liquor or pour into, mix with or add intoxicating liquor to water, soda water, ginger ale, seltzer or other liquid. Sales and consumption of intoxicating liquor, malt liquor and non-intoxicating beer shall be allowed only upon premises as licensed in this Chapter.

**Section 600.350. Sales to Persons Under the Influence.**

No person shall sell or supply alcoholic beverages to any person who is under or apparently under the influence of alcoholic beverages or drugs.

**Section 600.360. Minors.**

*A. Persons Eighteen Years of Age or Older May Sell or Handle Intoxicating Liquor, When.*

1. Except as otherwise provided in this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor.
2. In any place of business licensed in accordance with this Chapter, persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment for, and sack for carry-out intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years. Any licensee who employs any person under the age of twenty-one (21) years, as authorized by this Subsection, shall, when at least fifty percent (50%) of the licensee's gross sales does not consist of non-alcoholic sales, have an employee twenty-one (21) years of age or older on the licensed premises during all hours of operation.
3. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor but which does not sell

intoxicating liquor at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail. Any wholesaler licensed pursuant to this Chapter may employ persons of at least eighteen (18) years of age to rotate, stock and arrange displays at retail establishments licensed to sell intoxicating liquor.

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

*B. Sales to Minors – Exceptions.*

1. No licensee, his/her employee, or any other person shall procure for, sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, except that this Section shall not apply to the parent or guardian of the minor nor to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only or to the administering of such intoxicating liquor to such 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 while serving in the capacity as an employee of a licensed establishment.
2. 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 (21) to drink or possess intoxicating liquor or knowingly fails to stop a person under the age of twenty-one (21) from drinking or possessing intoxicating liquor on such property, unless such person allowing the person under the age of twenty-one (21) to drink or possess intoxicating liquor is his/her parent or guardian, is guilty of an ordinance violation.
3. It shall be a defense to prosecution under this Subsection if:
  - a. The defendant is a licensed retailer, club, drinking establishment or caterer or holds a temporary permit, or an employee thereof; and
  - b. The defendant sold the intoxicating liquor to the minor with reasonable cause to believe that the minor was twenty-one (21) years of age; and
  - c. To purchase the intoxicating liquor, the person exhibited to the defendant a driver's license, Missouri non-driver'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 (21) years of age and of the legal age for consumption of intoxicating liquor.

*C. Misrepresentation of Age by Minor to Obtain Liquor – Use of Altered Driver's License or I.D. Cards, Penalties.*



1. No person under the age of twenty-one (21) years shall represent, for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, that he/she has attained the age of twenty-one (21) years, except in cases authorized by law.
2. In addition to Subsection (C)(1) of this Section, no person under the age of twenty-one (21) years shall use a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by a 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.

*D. Minors in Possession of Intoxicating Liquor.*

1. No person under the age of twenty-one (21) years shall purchase or attempt to purchase, or have in his/her possession, any intoxicating liquor pursuant to Section 215.175 of this Code.

**Section 600.370. Prohibition of Intoxicating Liquor in City Parks.**

Per Parkville Municipal Code Chapter 140, Section 140.030, the possession or consumption of alcoholic beverages is prohibited in City parks, except when otherwise approved as part of the conditions of a permit.

**Section 600.380. Annexed Licenses.**

Any person operating a liquor business outside the limits of the City, in an area that has been annexed by the City, shall be eligible for a City liquor license for which the business qualifies at the time the annexation occurs. The operator shall apply for a City liquor license pursuant to this Chapter.

**Section 600.390. Suspension or Revocation of Liquor License.**

- A. The Board of Aldermen may suspend or revoke the license of any person for cause shown. In such cases the Liquor License Officer shall schedule a hearing before the Board of Aldermen not less than ten (10) days prior to the effective date of the revocation or suspension, and prior to the hearing the Liquor License Officer shall give not less than five (5) days written notice to the licensee of the grounds upon which the license is sought to be revoked or suspended and the time, date and place of the hearing. Notice may be accompanied by personal delivery, U.S. Mail or by posting on the licensed premises. The hearing shall be conducted in accordance with Section 600.390 of this Chapter.
- B. *Grounds for suspension or revocation.* A license may be suspended or revoked for any of the following reasons.
  1. Violating any of the provisions of this Chapter, Chapter 311 of the Revised Statutes of Missouri, or any ordinance of the City;
  2. Failing to obtain or keep a license from the State Supervisor of Liquor Control;
  3. Making a false affidavit in an application for a license under this Chapter;
  4. Failing to keep an orderly place or house;

5. Selling, offering for sale, possessing or knowingly permitting the consumption on the licensed premises of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under the license;
  6. Selling, offering for sale, possessing or knowingly permitting the consumption of any intoxicating liquor which has not been inspected and labeled according to the laws of the State of Missouri;
  7. Selling, giving or otherwise supplying intoxicating liquor to:
    - a. Any person under the age of twenty-one (21) years;
    - b. Any person during unauthorized hours on licensed premises;
    - c. A habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor; and
    - d. Any person on the licensed premises during a term of suspension as ordered by the Board of Aldermen or the Liquor License Officer.
  8. The licensed premises have been discontinued, abandoned or failed to open for business as set forth in Section 600.030 (E) herein.
- C. *Automatic suspension or revocation.* A license shall be revoked automatically if the licensee's State liquor license is revoked or if the licensee is convicted in any court of any violation of Chapter 311 of the Revised Statutes of Missouri. A license shall be suspended automatically if the licensee's State liquor license is suspended, and the suspension shall be for a term not less than imposed by the State.
- D. A separate offense shall be deemed committed each day the license holder continues to do business after a license suspension or revocation.
- E. *Effect of Revocation or Suspension.* No person whose license shall have been suspended by order of the Board of Aldermen shall sell or give away any intoxicating liquor during the time such suspension is in effect. Any licensee desiring to keep the premises open for the sale of food or merchandise during the period of suspension shall display the Board of Aldermen's order of suspension in a conspicuous place on the premises so that all persons visiting the premises may readily see the same.

**Section 600.400. Hearings upon Applications for, or to Suspend or Revoke Licenses.**

- A. *Notification.* The licensee shall be given not less than ten (10) day's written notice prior to the hearing. The notice shall set out the reasons for which the hearing is called and shall command the person holding the license to be present at such hearing and show cause, if any, why such license should not be suspended or revoked. Such notice shall be served by a Police Officer and may be served upon the licensee by leaving a copy thereof with the licensee, or with a person or employee in charge of the place of business of said licensee, or by mailing said notice by certified or registered mail to the licensee at his last known business or residence address or by posting a copy of said notice on the licensed premises.
- B. *Procedure.* Hearings shall be held before the Board of Aldermen. The licensee shall have full right to have counsel, produce witnesses and cross-examine all witnesses

who may appear against him/her. The licensee shall have the right to take record of all proceedings in such hearings. Such hearings shall be transcribed whenever required by law. Subpoenas may be issued for any witness whose testimony is desired at any hearing or proceeding before the Board of Aldermen to suspend or revoke a license, and such subpoenas may be served by any designated member of the Parkville Police Department. Such subpoena shall be served and returns thereon shall be made in the same manner as provided by law for the service of subpoenas in civil suits in the Circuit Court of this State. The Board of Aldermen may also issue subpoenas *duces tecum* requiring the production of documents or other items pertaining to the subject of the inquiry. Witnesses may also appear voluntarily at such hearings and testify.

- C. *Decision – Suspension or Revocation.* If the evidence supports a finding that the license should be revoked or suspended pursuant to this Chapter, the Board of Aldermen shall issue a written order that shall include specific findings of fact setting forth the grounds for the action taken. If the evidence fails to support a finding that the license should be revoked or suspended, then no such order shall be issued.
- D. *Appeal.* Any applicant or licensee aggrieved by a decision of the Board of Aldermen may appeal such decision to the Circuit Court as provided in Chapter 536, RSMo., provided such appeal is filed within thirty (30) days of the date of the Board of Aldermen's decision. The Board of Aldermen may delay the implementation of its order pending appeal.

#### **Section 600.410. Enforcement.**

- A. The Liquor License Officer shall see that this Chapter is fully complied with and advise the City Prosecutor to file complaints against all persons known to be violating this Chapter.
- B. *Inspections.*
  - 1. *Persons authorized.* The Liquor License Officer, or his/her designee, and police officers are authorized to conduct investigations to enforce this Chapter.
  - 2. *Authority of inspectors.* All persons authorized to make investigations shall have the authority to enter the premises for which a license is required at all reasonable times. If any party refuses to allow the inspection of a premises for which a license is required, the Liquor License Officer may request law enforcement to apply for a search warrant pursuant to Chapter 145.
  - 3. *Reports by inspectors.* Persons making investigations or inspections as herein authorized shall report violations to the Liquor License Officer and shall submit such other reports as requested.
  - 4. *Operating a business without a license.* When a person is operating a business without a valid business license or is operating such business when the license has been revoked or suspended, the Liquor License Officer may cause such person to be summoned into Municipal Court.
- C. *Order.* When a licensee has violated any law or ordinance affecting the conduct of business within the City, other than failure to have a valid business license, the Liquor License Officer may issue an order which directs the offending person to

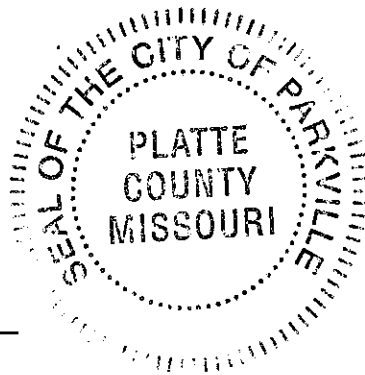
cease and desist from the violation and to comply with the law or ordinance. When a licensee has failed to comply with an order of the Liquor License Officer or when the licensee has failed to operate the business properly as required by this Code, the Liquor License Officer may issue an order suspending or revoking the business license per Section 605.200.

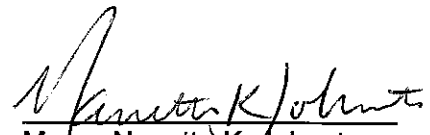
**Section 600.420. Penalty.**

Any person found guilty of violating any of the provisions of this Chapter shall be fined not more than five hundred dollars (\$500.00) or imprisonment for not more than ninety (90) days, or both, provided that upon final conviction of any person for a violation of any of the provisions of the Chapter, said conviction shall automatically revoke the license hereunder issued to such person, and provided further that the terms of conviction as herein used shall mean conviction upon final determination of any prosecution of any violations of this Chapter, and provided further that no person having been convicted of the violation of any of the provisions of this Chapter shall be issued a license or renewal thereof for a period of one (1) year from the date of said conviction. Upon conviction of any person under the provisions of this Chapter, it shall be the duty of the Judge of the Municipal Court to certify such conviction to the Liquor License Officer and/or Chief of Police. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Section 3. This ordinance is effective immediately upon its passage and approval.

PASSED and APPROVED this 3<sup>rd</sup> day of July 2018.



  
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Mayor Nanette K. Johnston

ATTESTED:

  
\_\_\_\_\_  
City Clerk Melissa McChesney