

Chapter 4 - ALCOHOLIC BEVERAGES

Cross reference—Health and sanitation, Ch. 11; licenses, permits and miscellaneous business regulations, Ch. 13; motor vehicles and traffic, Ch. 14; municipal court, Ch. 15; offenses and miscellaneous provisions, Ch. 16; disorderly intoxication and consumption of liquor in certain public places prohibited, § 16-183; use of intoxicating liquor in parks prohibited, § 17-114; police, Ch. 21.

State law reference—Alcoholic beverages generally, RSMo. §§ 311.010 to 312.510; authority of city to license, regulate and control sale, etc., RSMo. §§ 311.220, 312.140.

ARTICLE I. - IN GENERAL

Sec. 4-1. - Definitions.

The following words and terms, as used in this chapter, shall be deemed to have the meanings hereinafter specified:

Alcoholic beverages. All beverages of alcoholic content, whether intoxicating or nonintoxicating.

Amusement place. Any establishment whose business building contains a square footage of at least six thousand (6,000) square feet, and where games of skill commonly known as billiards, volleyball, indoor golf, bowling or soccer are usually played, or has a dance floor of at least two thousand five hundred (2,500) square feet, or any outdoor golf course with a minimum of nine (9) holes, and which has annual gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts is in nonalcoholic sales.

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

Conviction. Conviction upon final determination of any prosecution of any violation of this chapter.

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 preparations or mixtures for beverage purposes containing in excess of one half of one per cent by volume except for nonintoxicating beer.

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

Microbrewery. A business whose primary activity is the brewing and selling of beer, with an annual production of ten thousand (10,000) barrels or less.

Nonintoxicating 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 per cent by volume and not exceeding three point two (3.2) per cent by weight.

Original package. Any package containing not less than eight (8) ounces of any intoxicating liquor, excepting malt liquor, or, any package containing three (3) or more standard bottles of malt liquor or, as to nonintoxicating beer, any package containing three (3), six (6), twelve (12) or twenty-four (24) small standard beer bottles, and any package containing three (3), six (6) or twelve (12) large standard beer bottles, when such bottles contain nonintoxicating beer as defined by this section.

Restaurant bar.

(a)

Any establishment having a restaurant or similar facility on the premises at least fifty (50) per cent of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars (\$200,000.00) from the sale of prepared meals or food consumed on such premises.

(b)

Any railroad dining car or other railroad rolling stock equipped or modified to operate upon a line of railroad as a dining car or as part of a dinner train operation. Several railroad cars operating as a single dinner train shall be considered together as a restaurant.

Substantial quantities of food. The amount of prepared meals and food from which at least fifty (50) per cent of the gross income of an establishment is derived.

Wholesalers or distributors. Persons selling intoxicating liquors or nonintoxicating beer to retailers for resale.

(Code 1964, § 4.010; Ord. No. 12707, § 1, 8-20-90; Ord. No. 13733 § 1, 7-6-93; Ord. No. 14253 § 1, 10-17-94; Ord. No. 17849, § 1, 9-15-03)

Cross reference—Rules of construction and definitions generally, § 1-2.

State law reference—Definitions, RSMo. §§ 311.020, 311.030, 311.097, 311.100, 311.200, 312.010.

Sec. 4-2. - License—Required; term; renewal.

(a)

It shall be unlawful for any person, either personally or through the use of agents or employees, to engage in the manufacture, brewing, sale or distribution of intoxicating liquors or nonintoxicating beer within the city, without the appropriate license issued under this chapter. Licenses shall be issued for a period of one (1) year from the thirtieth (30th) day of June each year. Persons desiring to secure licenses after the thirtieth (30th) day of June shall pay for such portion of the license year remaining at the time such license is issued. Thereafter, all renewals of licenses shall be made on the thirtieth (30th) day of June each year.

(b)

If the business services administrator determines that there is good reason not to issue a license for the full period of time ending on June 30, the business services administrator may issue a license for a shorter period of time. Persons licensed under this subsection shall pay only a prorated license fee.

(Code 1964, § 4.020; Ord. No. 18006, § 1, 3-1-04)

Sec. 4-3. - Same—Qualifications of applicant.

(a)

No individual shall be granted a license under this chapter unless the individual is of good moral character, or, in the case of a corporation or limited liability company, whose managing officer or manager in charge of the business to be licensed is of good moral character. In determining whether an individual is of good moral character, the individual's reputation in the community and criminal history may be considered.

(b)

No license shall be granted to any individual or managing officer who has ever had a permit or license revoked under the liquor laws of any state or who employs in the licensed business any person whose permit or license has been revoked under the liquor laws of any state.

(c)

No person shall be granted a license to sell intoxicating liquor or nonintoxicating beer unless the person is a taxpaying citizen of the state.

(d)

No license issued under this chapter shall be denied, suspended, revoked or otherwise affected based solely on the fact that an employee of the licensee has been convicted of a felony unrelated to the manufacture or sale of intoxicating liquor so long as any such employee does not directly participate in retail sales of intoxicating liquor. Each employer shall report the identity of any employee convicted of a felony to the business services administrator.

(e)

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 1964, §§ 4.210, 4.420; Ord. No. 13733 § 1, 7-6-93; Ord. No. 18006, § 1, 3-1-04)

State law reference—Similar provisions, RSMo. §§ 311.060, 311.080(2), 311.200, 312.040.

Sec. 4-4. - Same—Premises.

(a)

No license shall be granted or retained under this chapter for the sale of intoxicating liquor or nonintoxicating beer at retail by the drink for consumption on the premises if the premises includes a building occupied or used for unlawful purposes or the premises are connected by an entrance or exit or other means of communication with any place used for unlawful purposes.

(b)

No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed on the premises where sold, except to a person engaged in, and to be used in connection with the operation of one (1) or more of the following businesses: a drugstore, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionary or a 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 (\$1,000.00), exclusive of fixtures and intoxicating liquors.

(Ord. No. 18006, § 1, 3-1-04)

Sec. 4-5. - Same—Application.

(a)

Any person desiring a license under this chapter shall apply to the business services administrator in writing and under oath. The application shall state:

(1)

The name, residence and birth place of the applicant. If the applicant is a naturalized citizen, the application shall state the place and time of naturalization.

(2)

If the application is made on behalf of a partnership, the names and addresses of all partners or any person who has a financial interest in the partnership.

- (3) 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 addresses of the officers and directors and stockholders who hold ten (10) per cent or more of the capital stock, including the number of shares held by each, the name and address of the managing officer or employee who is to be, in fact, actively engaged in the actual control and management of the establishment for which the license is sought.
 - (4) If the application is made on behalf of a limited liability company, the date of formation, the state in which formed, the names and addresses of the members and managers and the name and address of the managing officer or employee who is to be, in fact, actively engaged in the actual control and management of the establishment for which the license is sought.
 - (5) The length of time the applicant has resided in the state, and the residence addresses of the applicant for the preceding five (5) years.
 - (6) That the applicant, if an individual, is the person who will be actively engaged in the actual control and management of the establishment for which the license is sought. If the application is on behalf of a corporation, that the applicant is an officer or director of the corporation. If the application is on behalf of a limited liability company, that the applicant is a member or manager of the company.
 - (7) The name and business address of applicant's employers for the five (5) years immediately prior to the application.
 - (8) Whether or not the applicant has been convicted of a felony.
 - (9) The location, place or premises for which a license is sought.
 - (10) The zoning district in which the proposed location is located.
 - (11) The class of license for which the application is made.
 - (12) Whether or not the applicant has had a license for the sale of intoxicating liquor or nonintoxicating beer suspended or revoked, or has been convicted of the violation of any state law or city ordinance applicable to the manufacture or sale of intoxicating liquor or nonintoxicating beer, or whether the applicant employs, or will employ in the business, any person not of good moral character, or whose license has been revoked or suspended, or who has been convicted of violating the provisions of any state law or city ordinance applicable to the manufacture or sale of intoxicating liquor or nonintoxicating beer.
 - (13) Any further reasonable information required by the business services administrator.
- (b) The department of finance shall obtain a criminal record check of the applicant. If the application is on behalf of a partnership, a criminal record check must be provided for each partner. If the application is on behalf of a corporation or limited liability company, a criminal record check must be provided for the officer, member or manager who will be in charge of the establishment for which the license is sought.
- (c) The application shall be accompanied by the appropriate license fee plus a fee to cover costs incurred by the department of finance in obtaining the criminal record check.
- (d) Applications for license renewals should be submitted to the business services administrator no later than May 1. The business services administrator may allow a renewal applicant to continue the manufacture, brewing, sale or distribution of intoxicating liquor or nonintoxicating beer with a temporary license if the renewal application has been submitted to the business services administrator but has not been processed.

(Ord. No. 18006, § 1, 3-1-04; Ord. No. 19518, § 1, 5-7-07)

Sec. 4-6. - Same—Investigation of application.

The business services administrator, upon receipt of an application, shall cause an investigation to be made of the statements in the application, the character of the applicant, and the location and condition of the premises to be licensed. Copies of all applications shall be forwarded to the police department for review and comment. On each application for an original license, the fire department, the public works department and the health department shall investigate the safety and sanitation of the premises of the applicant, and the equipment and furnishings contained in the applicant's premises. The departments shall report the findings of the investigation to the business services administrator. After the original license has been issued, the business services administrator may, at any reasonable time, have the premises of the licensee investigated.

(Code 1964, § 4.030; Ord. No. 18006, § 1, 3-1-04)

Sec. 4-7. - Same—Approval of applications.

If the applicant meets all of the requirements and qualifications of this chapter and, in the case of a renewal, the business has been conducted in accordance with the requirements of this chapter, the business services administrator shall grant the license.

(Code 1964, § 4.040; Ord. No. 18006, § 1, 3-1-04)

Sec. 4-8. - Same—Denial of application; appeal.

(a)

Denial. When a license under this chapter is denied, the business services administrator shall send a letter to the applicant stating why the license was denied and how to appeal the denial. This letter shall be hand delivered or sent by first class mail. A mailed letter shall be presumed received three (3) days after it was mailed.

(b)

Appeal by applicant. The applicant may appeal the denial to the liquor license review board by mailing or delivering a written notice of appeal to the director of finance and a copy to the business services administrator. The notice of appeal must be received by the director no later than ten (10) days after the applicant received the letter of denial. The applicant may submit to the director of finance a position statement explaining why applicant believes the license should be granted. The business services administrator may also submit to the director a position statement explaining why the administrator believes the denial should be upheld.

(c)

Right to continue operation. If an application for renewal of a license is denied, an applicant who has filed an appeal under this section shall be allowed to continue operating as though the license were renewed until the liquor license review board has rendered a decision. If the board affirms the denial of the license, the applicant shall be allowed to continue operating as though the license were renewed until ten (10) days after receiving the letter of denial. If an appeal is taken to Circuit Court, the Court may allow the applicant to continue operation as though the license were renewed.

(d)

Appeal by neighbor. Any person residing, owning property or maintaining a place of business within six hundred (600) feet of property upon which a licensed establishment is located may send a letter to the business services administrator objecting to the renewal of a liquor license. The letter shall state the grounds for the objection. After renewing or denying the license, the business services administrator shall promptly notify the objecting neighbor, by first class mail, of the action taken on the application. The notice shall be presumed received three (3) days after it was mailed. If the license is renewed, the objecting neighbor may appeal the renewal to the liquor license review board by mailing or delivering a written notice of appeal to the director of finance and mailing or delivering copies to the business services administrator and to the licensee. The notice of appeal must be received by the director no later than ten (10) days after the objecting neighbor received the notice that the license was renewed. The objecting neighbor may submit to the director of finance a position statement explaining why the objecting neighbor believes the license should not be renewed. The licensee and the business services administrator may also submit position statements to the director.

(Code 1964, § 4.050; Ord. No. 18006, § 1, 3-1-04)

Sec. 4-9. - Liquor license review board.

A three-member liquor license review board is hereby established consisting of the director of finance, another city employee appointed by the city manager and a member appointed by the city council to serve a three-year term. The city manager's appointee shall be either a department head or an assistant city manager and shall serve at the pleasure of the city manager. The chief of police and the fire chief shall not be eligible to serve on the board.

(Ord. No. 18006, § 1, 3-1-04)

Editor's note—

Ord. No. 18006, § 1, adopted March 1, 2004, in part repealed former § 4-9 of the Code and added new provisions as § 4-9 as herein set out. Former § 4-9 pertained to suspension or revocation of license and derived from the 1964 Code, § 4.080.

Sec. 4-10. - Liquor license review board—Review of license denial.

(a)

The director of finance, after receiving an appeal from a license denial, shall schedule a meeting of the liquor license review board. Before the meeting, the board members shall be provided with copies of the letter of denial, the notice of appeal and any documentation and position statements provided by the business services administrator and the applicant pertaining to the license denial. The board may allow the business services administrator and the applicant or the applicant's representative to explain their positions to the board at the meeting. The board may either affirm the denial of the license or direct the business services administrator to grant the license. The license, in the board's discretion, may be for less than the full period of time ending on June 30. In that case, the licensee shall pay only a prorated license fee. If the board affirms the denial, it shall set forth the grounds for denial in a letter to the applicant. The letter shall be hand delivered or sent by first class mail. A mailed letter shall be presumed received three (3) days after it was mailed.

(b)

The director of finance, after receiving an appeal from the renewal of a license, shall schedule a meeting of the liquor license review board. Before the meeting, the board members shall be provided with copies of the letter of objection, the notice of

appeal and any documentation and position statements provided by the objecting neighbor, the business services administrator and the licensee. The board may allow the objecting neighbor, the business services administrator and the licensee or the licensee's representative to explain their positions to the board at the meeting. The board may either affirm the renewal of the license or deny the license. The license, in the board's discretion, may be for less than the full period of time ending on June 30. In that case, the licensee shall pay only a prorated license fee. The board shall set forth the grounds for its decision in a letter to the objecting neighbor and the licensee. The letter shall be hand delivered or sent by first class mail. A mailed letter shall be presumed received three (3) days after it was mailed.

(Ord. No. 18006, § 1, 3-1-04)

Sec. 4-11. - Judicial review of license denial.

A decision of the liquor license review board may be appealed by the applicant or by an objecting neighbor by filing a petition for a writ of certiorari with the Circuit Court of Boone County within thirty (30) days of receiving the letter from the liquor license review board renewing or denying the license. The petition shall set forth with particularity the grounds for review. The court may allow a writ of certiorari directed to the liquor license review board to review the record and decision of the board. The writ shall prescribe the time within which a return must be made and served upon the relator's attorney, which shall be at least ten (10) days from issuance of the writ and may be extended by the court.

(Ord. No. 18006, § 1, 3-1-04)

Sec. 4-12. - License—Issuance.

On approval of the application for a license under this chapter, the business services administrator shall issue the applicant a license to conduct business at the location specified in the application for the period set forth in section 4-2 of this chapter. Every license issued under this chapter shall set forth the type of license granted and shall particularly describe the premises at which intoxicating liquor or nonintoxicating beer may be sold and the license shall not authorize or permit the sale of intoxicating liquor or nonintoxicating beer at any other place.

(Code 1964, § 4.060; Ord. No. 18006, § 1, 3-1-04)

Sec. 4-13. - Standards of conducting business on licensed premises.

The standards set forth in this section shall be considered in determining whether a license under this chapter should be renewed, suspended or revoked. In conducting business on the licensed premises, a licensee and the licensee's agents and employees shall:

- (1) Prevent or suppress any violent quarrel, disorder, brawl, fight or other unlawful conduct of any person on the premises. As used in this section, "premises" includes the licensed premises and the parking lots and areas around the business which are owned, used or maintained as part of the business.
- (2) Immediately report to the police any illegal or violent act committed on the premises when the licensee or the licensee's employee knew or should have known that the act occurred on the premises.
- (3) Cooperate fully with law enforcement authorities during an investigation of an illegal or violent act committed on the premises.
- (4) Operate the business in such a manner that it does not constitute a nuisance.
- (5) Take appropriate and necessary steps to supervise the outdoor area of the premises including keeping the area free from litter and preventing the parking area from becoming a gathering place for customers of the business.
- (6) Comply with all provisions of this chapter and this code.
- (7) Comply with all state and federal law including all rules and regulations pertaining to the sale and licensing of intoxicating liquor and nonintoxicating beer.

(Ord. No. 18006, § 1, 3-1-04)

Sec. 4-14. - Suspension or revocation of license.

- (a) *Suspension or revocation.* The business services administrator may suspend or revoke the license of any licensee under this chapter who has failed to meet the standards of conducting business set forth in this chapter or who has made any false, misleading or fraudulent statement in the license application.
- (b) *Notice of suspension or revocation.* The business services administrator shall suspend or revoke a license issued under this chapter by sending notice of the suspension or revocation to the licensee by first class mail or by personal service on the

licensee or the person in charge at the licensed premises. Mailed notice shall be presumed received three (3) days after it is mailed. The notice shall contain:

- (1) A statement of the grounds for the suspension or revocation.
 - (2) The effective date of the suspension or revocation, which shall be at least ten (10) days after the notice is received.
 - (3) In the case of a suspension, the length of the suspension.
 - (4) Instructions on how to appeal the suspension or revocation.
- (c) *Appeal to liquor license review board.* The licensee may appeal the suspension or revocation by requesting a hearing before the liquor license review board. The appeal must be in writing, addressed to the director of finance and received by the director of finance within ten (10) days after the notice of suspension or revocation was received. Receipt of an appeal by the director of finance shall automatically stay enforcement of the suspension or revocation.
- (d) *Notice of hearing.* After receipt of an appeal, the director of finance shall schedule a hearing before the liquor license review board. At least ten (10) days written notice of the hearing shall be given to the licensee. Notice shall be given in the same manner as the notices of suspension or revocation.
- (e) *Hearing and decision.* The liquor license review board shall conduct the hearing and enter a decision in accordance with the requirements of Chapter 536, RSMo for contested cases.
- (f) *Appeal.* The licensee may appeal an adverse decision of the liquor license review board to the Circuit Court of Boone County in accordance with Chapter 536, RSMo.
- (Ord. No. 18006, § 1, 3-1-04)

Sec. 4-15. - Changing location of establishment; license transfer; license required for each place of business.

- (a) No licensee under this chapter shall move the location of the licensed establishment as pertains to intoxicating liquor or nonintoxicating beer without the express approval of the business services administrator.
- (b) No license issued under this chapter shall be transferred from one person to another, nor shall such license be used at any place except on the premises for which such license is issued, and the proper license shall be procured for each place of business for which a state license is required.
- (Code 1964, § 4.070; Ord. No. 18006, § 1, 3-1-04)

Sec. 4-16. - Selling to drunkards and minors.

No person shall sell or supply or permit another to sell or supply any alcoholic beverage to a habitual drunkard or to any person who is under or apparently under the influence of alcohol. No person shall give, sell or otherwise supply any alcoholic beverage to any person under the age of twenty-one (21), except that this shall not apply to the supplying of any alcoholic beverage to a person under such age for medicinal purposes only, or by the parent or guardian of such person, or to the administering of any alcoholic beverage to such person by a physician.

(Code 1964, § 4.090; Ord. No. 18006, § 1, 3-1-04)

Cross reference—Youth advisory commission, § 2-361 et seq.

State law reference—Similar provisions, RSMo. §§ 311.310, 312.400.

Sec. 4-17. - Consumption by minors.

- (a) The drinking or consumption of intoxicating liquor or nonintoxicating beer shall not be permitted in, upon or about any licensed premises by any person under twenty-one (21) years of age.
- (b) In any prosecution or licensing action involving this section, it shall be an affirmative defense that the licensee was in full compliance with the identification provisions of section 311.328.1 RSMo. and that the licensee was acting in good faith.
- (Code 1964, § 4.100; Ord. No. 18006, § 1, 3-1-04)

Sec. 4-18. - Sales, handling by minors.

- (a) Except as 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 or nonintoxicating beer.

(b)

In any place of business licensed in accordance with state statute, where at least fifty (50) per cent of the gross sales made consists of goods, merchandise or commodities other than intoxicating liquor or nonintoxicating beer in the original package, persons at least eighteen (18) years of age may stock, arrange displays, accept payment for, and sack for carryout intoxicating liquor or nonintoxicating beer. Delivery of intoxicating liquor or nonintoxicating beer 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 (50) per cent of the licensee's gross sales does not consist of nonalcoholic sales, have an employee twenty-one (21) years of age or older on the licensed premises during all hours of operation.

(c)

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

(d)

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 or nonintoxicating beer in places of business which sell food for consumption on the premises if at least fifty (50) per cent 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 or nonintoxicating beer.

(Code 1964, § 4.110; Ord. No. 17849, § 1, 9-15-03; Ord. No. 18006, § 1, 3-1-04)

State law reference—Similar provisions, RSMo. § 311.300.

Sec. 4-19. - Misrepresentation of age by minors.

No person under the age of twenty-one (21) years shall represent that he has attained the age of twenty-one (21) years for the purpose of purchasing, asking for, or in any way receiving, any intoxicating liquor or nonintoxicating beer.

(Code 1964, § 4.120; Ord. No. 18006, § 1, 3-1-04)

State law reference—Similar provisions, RSMo. §§ 311.320, 312.405.

Sec. 4-20. - Purchase or possession by minors; intoxicated minors; exceptions.

(a)

Any person under the age of twenty-one (21) years, who purchases or attempts to purchase, or possesses any intoxicating liquor or nonintoxicating beer, as defined in this chapter, or who is in an intoxicated condition as defined in section 14-611 of this Code, or has a detectable blood alcohol content of more than two-hundredths of one per cent or more by weight of alcohol in such person's blood, is guilty of a misdemeanor.

(b)

The provisions of this section pertaining to possession of intoxicating liquor and nonintoxicating beer shall not apply to a student who:

(1)

Is eighteen (18) years of age or older;

(2)

Is enrolled in an accredited college or university and is a student in a culinary course;

(3)

Is required to taste, but not consume or imbibe, any beer, ale, porter, wine or other similar malt or fermented beverage as part of the required curriculum; and

(4)

Tastes a beverage under subdivision (3) of this subsection only for instructional purposes during classes that are part of the curriculum of the accredited college or university.

The beverage must at all times remain in the possession and control of an authorized instructor of the college or university, who must be twenty-one (21) years of age or older. Nothing in this subsection may be construed to allow a student under the age of twenty-one (21) to receive any beer, ale, porter, wine, or other similar malt or fermented beverage unless the beverage is delivered as part of the student's required curriculum and the beverage is used only for instructional purposes during classes conducted as part of the curriculum.

(c)

After a period of not less than one year after reaching the age of twenty-one (21) a person who has pleaded guilty to or has been found guilty of violating this section for the first time, and who since such conviction has not been convicted of any other alcohol-related offense and who is not on probation for the violation of this section at the time application is made, may apply to the court in which the person was sentenced for an order to expunge all official records of the arrest, plea, trial and conviction except the municipal prosecutor's records. No records shall be expunged if the person who has pleaded guilty to or has been found guilty of violating this section is licensed as a commercial motor vehicle driver or was operating a commercial motor vehicle as defined in RSMo § 302.700, at the time of the violation. If the court determines, upon review, that such person has not been convicted of any other alcohol-related offense at the time of the application for expungement,

and the person has had no other alcohol-related enforcement contacts, as defined in RSMo § 302.525, the court shall enter an order of expungement. The effect of such an order shall be to restore such person to the status the person occupied prior to such arrest, plea or conviction, as if such event had never happened. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of the person's failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of the person for any purpose whatsoever. A person shall be entitled to only one expungement pursuant to this section. Nothing contained in this section shall prevent the municipal court or other city officials from maintaining such records as are necessary to ensure that an individual receives only one expungement pursuant to this section.

(Code 1964, § 4.130; Ord. No. 18006, § 1, 3-1-04; Ord. No. 19549, § 1, 6-4-07; Ord. No. 20118, § 1, 11-17-08; Ord. No. 20629, § 1, 5-17-10)

State law reference—Similar provisions, RSMo. §§ 311.325, 312.407.

Sec. 4-21. - Presumption.

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

(Ord. No. 17600, § 1, 2-17-03; Ord. No. 18006, § 1, 3-1-04)

Sec. 4-22. - Penalty.

Any person violating any of the provisions of this chapter where no penalty is otherwise provided, shall, upon conviction thereof, be adjudged guilty of a misdemeanor and shall be punished by a fine of not less than seventy-five dollars (\$75.00) nor more than one thousand dollars (\$1,000.00).

(Code 1964, §§ 4.140, 4.340, 4.490; Ord. No. 17053, § 1, 10-1-01; Ord. No. 18006, § 1, 3-1-04)

Secs. 4-23—4-25. - Reserved.

ARTICLE II. - INTOXICATING LIQUOR

DIVISION 1. - GENERALLY

Sec. 4-26. - Gambling devices prohibited.

The operation or possession of any unlawful gambling device in or about the premises where intoxicating liquor is sold, either in the original package or for consumption on the premises where sold, shall be grounds for suspension or revocation of the license required by this article, and no licensee shall permit any gambling device to be set up or used in or about such premises.

(Code 1964, § 4.240; Ord. No. 18006, § 1, 3-1-04)

Cross reference—Offenses against morals, § 16-131 et seq.

Sec. 4-27. - Authorized liquor only to be kept on premises.

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

(Code 1964, § 4.250; Ord. No. 17849, § 1, 9-15-03)

State law reference—Similar provisions, RSMo. §§ 311.330, 312.050.

Sec. 4-28. - Applicability of article to drugstores.

Regularly licensed drugstores 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 article. However, any druggist or drugstore 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 therefor, and be in all matters subject to the provisions of this article relating to location, license fees to be paid and hours at which such intoxicating liquor may be sold.

(Code 1964, § 4.260)

State law reference—Similar provisions, RSMo. § 311.470.

Sec. 4-29. - Hours of sale and consumption.

- (a) *Package liquor.* No person having a license under the provisions of this article shall sell, give away or otherwise dispose of or suffer the same to be done on 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.
- (b) *Package liquor Sunday sales.* Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, who is licensed to sell intoxicating liquor in the original package at retail under this chapter, may apply for, and may be issued, a special license to sell intoxicating liquor in the original package at retail between the hours of 9:00 a.m. and midnight on Sundays.
- (c) *Liquor by the drink.* The premises of persons having a license to sell intoxicating liquor by the drink shall be and remain a closed place, as defined in this chapter, 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.
- (d) *Applicability.* Where such licenses authorizing the sale of intoxicating liquor by the drink are held by clubs or hotels, this section shall apply only to the room or rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants whose business is conducted in one room only and substantial quantities of merchandise, other than intoxicating liquors, are dispensed, then the licensee shall keep securely locked during the hours and on the days herein specified, all refrigerators, cabinets, cases, boxes and taps from which intoxicating liquor is dispensed.
- (e) *Restaurant bars and hotels.* Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and may be issued, a license to sell intoxicating liquor, as in this chapter defined, between the hours of 9:00 a.m. and midnight on Sunday, by the drink at retail for consumption on the premises of any restaurant bar as described in the application or on the premises of any establishment having at least forty (40) rooms for the overnight accommodations of transient guests.
- Any new restaurant bar having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 a.m. and midnight on Sunday for a period not to exceed ninety (90) days if the restaurant bar can show a projection of annual business from prepared meals or food consumed on the premises of at least fifty (50) per cent of the total gross income of the restaurant bar for the year or can show a projection of annual business from prepared meals or food consumed on the premises which would exceed not less than two hundred thousand dollars (\$200,000.00). The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.
- Applications for a restaurant bar license, records thereof, or temporary license for such purposes shall be subject to procedures, rules and regulations now or hereafter established by the Missouri Supervisor of Alcohol and Tobacco Control on the same subject.
- (f) *Amusement places.* Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and may be issued, a license to sell intoxicating liquor, as defined in this chapter, between the hours of 9:00 a.m. and midnight on Sunday by the drink at retail for consumption on the premises of any amusement place as described in the application.
- Any new amusement place having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 a.m. and midnight on Sunday for a period not to exceed ninety (90) days if the amusement place can show a projection of gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts are in nonalcoholic sales for the first year of operation. The license fee shall be prorated for the first period of the temporary license based on the cost of the annual license for the establishment.
- (g) *Malt liquor Sunday sales.* Retailers selling intoxicating malt liquor who are licensed under section 4-47(5) or (8) may sell malt liquor at retail between the hours of 9:00 a.m. and midnight on Sunday.
- (h) *Violation.* Any person violating any provision of this section shall be deemed guilty of a misdemeanor.
- (Code 1964, § 4.270; Ord. No. 10018, § 1, 12-5-83; Ord. No. 13733 § 1, 7-6-93; Ord. No. 14253 § 1, 10-17-94; Ord. No. 17849, § 1, 9-15-03)

State law reference—Similar provisions, RSMo. § 311.290.

Sec. 4-30. - Sale in connection with certain holidays and events.

When January first, March seventeenth, July fourth, or December thirty-first falls on Sunday, and on the Sundays prior to Memorial Day and Labor Day, and on the Sunday on which the national championship game of the national football league is played, commonly known as "Super Bowl Sunday," any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of section 4-29 or any other ordinance to the contrary.

State law reference—Similar provisions, RSMo. § 311.298.

Sec. 4-31. - Consumption on unlicensed premises.

It shall be unlawful for any person operating any premises where food, beverages or entertainment are sold or provided for compensation, who does not possess a license for the sale of intoxicating liquor or nonintoxicating beer, to permit the drinking or consumption of intoxicating liquor or nonintoxicating beer in the premises without having a license as provided in section 4-47(10).

(Code 1964, § 4.290; Ord. No. 13733 § 1, 7-6-93; Ord. No. 17849, § 1, 9-15-03)

State law reference—Similar provisions, RSMo. 311.480(1).

Sec. 4-32. - Consumption on premises where signs prohibit same.

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

(Code 1964, § 4.300)

Sec. 4-33. - Reserved.

Editor's note—

Ord. No. 17849, § 1, adopted Sept. 15, 2003, in part repealed former § 4-33 of the Code, which pertained to display of bottles, packages, etc., and exterior signs resembling bottles and derived from the 1964 Code, § 4.310.

Sec. 4-34. - Possession of illegal whiskey.

No person shall possess intoxicating liquor within the city unless the same has been acquired from some person holding a duly authorized license to sell the same under this article, or unless the intoxicating liquor is had or kept with the written or printed permission of the state supervisor of alcohol and tobacco control, and the package in which the intoxicating liquor is contained and from which it is taken for consumption has, while containing intoxicating liquor, been labeled and sealed with the official seal prescribed under the state law and regulations made thereunder. Nothing in this section shall be so construed as to prevent the natural fermentation of fruit juices in the home for the exclusive use of the occupants of the home and their guests.

(Code 1964, § 4.320; Ord. No. 17849, § 1, 9-15-03)

Sec. 4-35. - Sanitary and inspection provisions.

Each licensee and each of the premises covered by the license under this article where intoxicating liquor for consumption on the premises is sold, shall be subject to the sanitation and inspection provisions of article V of chapter 11 of this Code.

(Code 1964, § 4.330)

Secs. 4-36—4-46. - Reserved.

Editor's note—

Ord. No. 18006, § 1, adopted March 1, 2004, in part repealed former § 4-46 of the Code, which pertained to intoxicating liquor license application; form and contents and derived from the 1964 Code, § 4.200; Ord. No. 12707, § 1, adopted Aug. 20, 1990; and Ord. No. 13733, § 1, adopted July 6, 1993.

DIVISION 2. - LICENSES AND PERMITS*

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 13.

Sec. 4-47. - Number of licenses required; fees.

A separate license shall be required for each place of business, and the following license fees shall be paid annually:

- (1)
Three hundred fifty dollars (\$350.00)—Manufacturers of intoxicating malt liquor containing not more than five (5) per cent of alcohol by weight. Such license shall entitle the manufacturer to distribute such malt liquor as a wholesaler, but shall not include the right to sell at retail.
- (2)

Seven hundred fifty dollars (\$750.00)—Manufacturers or distillers of intoxicating liquors containing alcohol in excess of five (5) per cent by weight.

- (3) One hundred fifty dollars (\$150.00)—Distributors or wholesalers of intoxicating malt liquors containing not in excess of five (5) per cent of alcohol by weight.
- (4) Three hundred seventy-five dollars (\$375.00)—Distributors or wholesalers of intoxicating liquors containing in excess of five (5) per cent of alcohol by weight.
- (5) Seventy-five dollars (\$75.00)—Retailers selling intoxicating malt liquors with an alcoholic content of more than three and two-tenths (3.2) per cent by weight and not more than five (5) per cent by weight, or light wine or both such malt liquor and light wine for consumption on the premises. This license allows the licensee to sell malt liquor at retail between the hours of 9:00 a.m. and midnight on Sunday.
- (6) Four hundred fifty dollars (\$450.00)—Retailers selling all kinds of intoxicating liquor at retail or by drink for consumption on the premises of the licensee, which shall include the sale of intoxicating liquor in the original package; provided, however, no such license shall be issued unless and until the applicant shall have, by proof satisfactory to the city manager, established that he has and will maintain within the premises proposed to the licensee, an investment in furniture and equipment of not less than five thousand (\$5,000.00) book value.
- (7) Three hundred dollars (\$300.00)—Additional license for Sunday sales by restaurant bars, the premises of any establishment having at least forty (40) rooms for the overnight accommodations of transient guests, amusement places and package liquor licensees. The holder of a Sunday sales license shall be limited in Sunday sales to the kinds of intoxicating liquor permitted under the holder's primary license.
- (8) Seventy-five dollars (\$75.00)—Retailers selling intoxicating malt liquor with an alcoholic content of more than three and two-tenths (3.2) per cent by weight and not more than five (5) per cent by weight in the original package direct to the consumer, and not for consumption on the premises where sold. This license allows the licensee to sell malt liquor at retail between the hours of 9:00 a.m. and midnight on Sunday.
- (9) One hundred fifty dollars (\$150.00)—Retailers selling intoxicating liquors containing alcohol in excess of five (5) per cent by weight, in the original package, not to be opened or consumed on the premises where sold; provided, that no license shall be issued for the sale of intoxicating liquor containing more than five (5) per cent alcohol by weight, not to be consumed 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: drugstore, cigar and tobacco store, grocery store, general merchandise store, confectionary or delicatessen store; nor shall such license be issued to any 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 (\$1,000.00), exclusive of fixtures and intoxicating liquors. This license shall include authorization to conduct wine tastings on the licensed premises. This license shall not be construed to permit the licensee to sell wine for consumption on the premises.
- (10) Three hundred dollars (\$300.00)—Annual license fee for operation described in section 4-31.
- (11) Seven dollars and fifty cents (\$7.50) for each one hundred barrels or fraction thereof up to a maximum license fee of three hundred seventy-five dollars (\$375.00)—Microbreweries. The holder of a microbrewer's license may apply for and the city manager may issue a license to sell intoxicating liquor by the drink at retail for consumption on the brewery premises and in the original package for off-premises consumption. The holder of a microbrewer's license may also sell beer and malt liquor produced on the brewery premises to duly licensed wholesalers.

(Code 1964, § 4.220; Ord. No. 13733 § 1, 7-6-93; Ord. No. 14253 § 1, 10-17-94; Ord. No. 14291 § 1, 11-21-94; Ord. No. 17849, § 1, 9-15-03)

State law reference—Similar provisions, RSMo. §§ 311.180(1), 311.180(4), 311.200(4), 311.097(2), 311.200(1), 311.200(2).

Sec. 4-48. - Sidewalk cafes.

- (a) It shall be unlawful for any person to serve an alcoholic beverage on a public sidewalk without a license under this section.
- (b) A place of business licensed to sell intoxicating malt liquors with an alcoholic content of more than three and two-tenths (3.2) per cent by weight and not more than five (5) per cent by weight and light wine for consumption on the premises may be licensed to sell such products on the public sidewalk adjacent to the place of business. A place of business licensed to sell all kinds of intoxicating liquor at retail or by the drink for consumption on the premises may be licensed to sell such products on the public sidewalk adjacent to the place of business. The following restrictions shall apply to serving and consuming alcoholic beverages on the adjacent sidewalk:
 - (1) Alcoholic beverages can only be served between 11:00 a.m. and 10:00 p.m.

- (2) All alcoholic beverages served must be consumed by 11:00 p.m.
- (3) All alcoholic beverages served must accompany a food order.
- (4) Only alcoholic beverages served by the licensee may be consumed on the sidewalk.
- (5) Alcoholic beverages may be served only to persons and consumed only by persons who are seated on a chair or bench provided by the licensee. This provision shall not apply to disabled persons in wheelchairs.
- (6) Alcoholic beverages may be served and consumed only in an area enclosed by a decorative barrier. The barrier shall consist of either bollards connected by chains or ornamental picket-style fencing. Bollards, including the base, must be made of black, powder coated steel. The chains must be made of black metal. Fencing, including the base, must be made of black, powder coated steel. Spacing between pickets must be no wider than four (4) inches. Barriers must be no less than thirty-six (36) inches nor more than forty-three (43) inches high and shall not be anchored in the sidewalk. A straight, unobstructed pathway at least sixty (60) inches wide must be maintained on the sidewalk along the entire length of the sidewalk used by the licensee. A licensee shall not keep barriers on the sidewalk during any time of the year when the licensee does not serve food outdoors.
- (7) All alcoholic beverage sales must comply with the statutes and regulations of the state.
- (8) These areas shall be nonsmoking.
- (c) An application for a license under this section shall be accompanied by a written plan demonstrating compliance with subsection (b)(6). The plan must show the location of the business, the adjacent sidewalk, any structure located on the sidewalk, the proposed barrier and the required straight, unobstructed pathway. The plan shall also contain a description of the barrier.
- (d) There shall be no fee charged for a license issued under this section.
(Ord. No. 18460, § 1, 3-21-05)

Sec. 4-49. - Temporary location for liquor by drink, permit and fee required; other ordinances applicable.

- (a) The business services administrator may issue 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. The permit shall be in effect for a period not to exceed one hundred twenty (120) consecutive hours. The permit shall authorize serving alcoholic beverages at such function, occasion or event during the hours alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every permit issued under this section, the permittee shall pay fifteen dollars (\$15.00) for each calendar day, or fraction thereof, for which the permit is issued.
- (b) The business services administrator may issue a temporary permit as provided above in (a) for the operation of railroad excursions or dinner train operations, provided that no caterer or other person holding a license to sell intoxicating liquor shall be issued more than six (6) such temporary permits in any year. The business services administrator may issue a temporary permit to any railroad excursion operator who has a state liquor license for railroad or railroad car companies and whose regular place of business is outside of the county without requiring the operator to obtain a city liquor-by-the-drink license.
- (c) All provisions of 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.
- (d) Notwithstanding any other provision of this chapter, any caterer who possesses a valid state liquor license and a valid liquor license issued by any city or county may deliver alcoholic beverages in the city, in the course of the catering business.
(Code 1964, § 4.285; Ord. No. 12707, § 1, 8-2-90; Ord. No. 14253 § 1, 10-17-94; Ord. No. 18006, § 1, 3-1-04)

State law reference—Similar provisions, RSMo. § 311.485.

Sec. 4-50. - Limited permit to sell liquor by the drink, who may obtain; time limited.

Notwithstanding the other provisions of this chapter, a permit for the sale of intoxicating liquor for consumption on premises where sold, may be issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for the sale of such intoxicating liquor at a picnic, bazaar, fair, or similar gathering. Said permit shall be issued only for the day or days named therein and it shall not authorize the sale of aforesaid intoxicating liquor for more than seven (7) days by any said

organization as described above. For each such permit issued, the licensee shall pay to the city the sum of fifteen dollars (\$15.00). No provision of law or rule or regulation of the city shall prevent any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the holder of the license at such picnic, bazaar, fair, or similar gathering.

(Code 1964, § 4.295; Ord. No. 13072, § 1, 8-19-91; Ord. No. 17849, § 1, 9-15-03)

State law reference—Similar provisions, RSMo. § 311.215.

Sec. 4-51. - Annual caterer's permit.

(a)

The business services administrator may issue a special license 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. The special license shall be effective for a maximum of fifty (50) days during any year, and shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every special license issued pursuant to the provisions of this subsection, the licensee shall pay the sum of five hundred dollars (\$500.00) a year payable at the same time and in the same manner as its other license fees.

(b)

The business services administrator may issue a special license 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. The special license shall be effective for an unlimited number of functions during the year, and shall authorize the service of alcoholic beverages at such function, occasion, or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every special license issued pursuant to the provisions of this subsection, the licensee shall pay the sum of one thousand dollars (\$1,000.00) a year payable at the same time and in the same manner as its other license fees.

(c)

Caterers issued a special license pursuant to subsections (a) and (b) of this section shall report to the business services administrator the location of each function three (3) business days in advance. The report of each function shall include permission from the property owner, description of the premises, and the date or dates the function will be held.

(d)

All provisions of 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 licensee, its agents, servants, employees, or stock are in such premises. The provisions of this section shall not include the sale of packaged goods covered by this special license, except for wines in the original package.

(e)

Notwithstanding any other provision of this chapter, any caterer who possesses a valid liquor license issued by any city or county may deliver alcoholic beverages in the city, in the course of the catering business.

(Ord. No. 18381, § 1, 1-18-05)

Secs. 4-52—4-65. - Reserved

ARTICLE III. - NONINTOXICATING BEER

DIVISION 1. - GENERALLY

Sec. 4-66. - Requirements for original package sale.

It shall be unlawful for any person to sell, or offer for sale, any nonintoxicating beer unless the same is sold or offered for sale in the original bottle or can, or in the original package containing bottles or cans, bearing the original label and the full name of the brewer or manufacturer thereof, both upon the label of the bottle or can and upon the cap or cork of such bottle. In the case of the sale of nonintoxicating beer on draught, the same must be drawn from the original keg or barrel having stamped on the ends thereof the full name of the manufacturer or brewer of the nonintoxicating beer therein contained.

(Code 1964, § 4.440)

Sec. 4-67. - Hours of sale.

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

(Code 1964, § 4.450)

Sec. 4-68. - Hours of consumption.

No person having a license under the provisions of this article shall permit the drinking or consumption of any nonintoxicating

beer by any person, in any quantity, upon or about his premises between the hours of 2:00 a.m. and 6:00 a.m.

(Code 1964, § 4.460)

Sec. 4-69. - Sale of intoxicating liquor prohibited.

No person holding a license to sell nonintoxicating beer only shall sell, give away or otherwise dispose of, or permit the same to be done, or consumed in, upon or about his premises any malt liquor containing alcohol in excess of three and two-tenths (3.2) per cent by weight, or any other intoxicating liquor of any kind or character.

(Code 1964, § 4.470)

Sec. 4-70. - Increasing alcoholic content.

It shall be the duty of every holder of a license to manufacture and sell, or sell nonintoxicating beer, to use every precaution to prevent any person on the premises described in such permit from pouring into, mixing with or adding to such nonintoxicating beer any alcohol or other liquid, or any alcohol cube or other ingredient that will increase the alcoholic content of such nonintoxicating beer. Any such license holder who shall knowingly permit any person on the premises described in such permit to pour into, mix with or add to such nonintoxicating beer any alcohol or other liquid, or any alcohol cube or other ingredient that will increase the alcoholic content of such nonintoxicating beer, shall be subject to having his license suspended or revoked.

(Code 1964, § 4.480)

State law reference—Similar provisions, RSMo. § 312.460.

Secs. 4-71—4-80. - Reserved.

DIVISION 2. - LICENSES*

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 13.

Sec. 4-81. - Number required; fees.

It shall be unlawful for any person to manufacture, sell or expose for sale, either at wholesale or retail in the city, nonintoxicating beer in any quantity without first having obtained a license therefor. A separate license shall be required for each place of business, and the following license fees shall be paid annually:

- (1) Two hundred fifty dollars (\$250.00)—Manufacture and sale by manufacturer of nonintoxicating beer, brewed or manufactured in this city.
- (2) Fifty dollars (\$50.00)—Sale by distributor or wholesaler other than the manufacturer and brewer thereof, of nonintoxicating beer; provided, however, that any person holding a license as a distributor or wholesaler to sell five (5) per cent beer is hereby authorized to sell nonintoxicating beer under such wholesaler or distributor license to sell five (5) per cent beer.
- (3) Thirty-seven dollars and fifty cents (\$37.50)—Sale of nonintoxicating beer for consumption on the premises where sold.
- (4) Twenty-two dollars and fifty cents (\$22.50)—Sale of nonintoxicating beer by grocers and other merchants and dealers for sale in the original package direct to consumers, but not for resale.

State law reference—Similar provisions, RSMo. § 312.100(1)—(4).

Sec. 4-82. - Manufacture of nonintoxicating beer or intoxicating liquor—Limitations on aggregate amount.

No person at least twenty-one (21) years of age shall be required to obtain a license to manufacture nonintoxicating beer or intoxicating liquor for personal or family use. The aggregate amount of nonintoxicating beer or intoxicating liquor manufactured per household shall not exceed two hundred (200) gallons per calendar year if there are two (2) or more persons over the age of twenty-one (21) years in such household, or one hundred (100) gallons per calendar year if there is only one (1) person over the age of twenty-one (21) years in such household.

(Ord. No. 18006, § 1, 3-1-04)

Editor's note—

Ord. No. 18006, § 1, adopted March 1, 2004, in part repealed former § 4-82 of the Code and added new provisions as § 4-82 to read as herein set out. Former § 4-82 pertained to nonintoxicating beer license application; form and contents and derived from the 1964 Code, § 4.410; and Ord. No. 13733, § 1, adopted July 6, 1993.

Secs. 4-83—4-95. - Reserved.

ARTICLE IV. - CONDUCT ON LICENSED PREMISES

Sec. 4-96. - Entertainment areas restricted.

Any person licensed under the provisions of this chapter who permits or allows any entertainer or any patron to perform upon the bar or upon any other place used for serving food or beverages or in any place within the premises open to view from the sidewalk or street, or allows such performance other than on a raised dais or platform or some designated area adequately set aside from the immediate vicinity where patrons may be seated or standing shall be guilty of a misdemeanor.

(Code 1964, § 4.510)

Sec. 4-97. - Solicitation for sales.

No holder of a license to sell alcoholic beverages by the drink shall sell or give any intoxicating liquor, nonintoxicating beer, nonintoxicating beverage, drink, merchandise, or other thing of value in any quantity to any employee who shall solicit another to buy said intoxicating liquor, nonintoxicating beer, nonalcoholic beverage, drink, merchandise or other thing of value, in any quantity; nor shall he permit any such person to solicit the purchase of intoxicating liquor, nonintoxicating beer, nonalcoholic beverage, drink, merchandise, or other thing of value, in any quantity, by another on the premises of such licensee.

(Code 1964, § 4.530)

Sec. 4-98. - Indecent exposure, performances.

No holder of a license to sell alcoholic beverages shall permit any employee to be in violation of section 16-131 relating to indecent exposure. It shall be unlawful for any entertainer or performer to perform in any indecent or immoral show.

(Code 1964, § 4.520; Ord. No. 9823, § 1, 5-16-83)