

AN ORDINANCE AMENDING CHAPTER 6 OF THE BRANSON MUNICIPAL CODE PERTAINING TO ALCOHOL BY WEIGHT OF MALT LIQUOR.

WHEREAS, Branson Municipal Code contains throughout Chapter 6 a five percent (5%) alcohol by weight (ABW) limitation on malt liquor; and

WHEREAS, the United States has seen an explosion of craft beer and microbreweries. In 1994 the Brewers Association reported 324 brewpubs, 192 microbreweries, 0 tap rooms, and 16 regional breweries in the United States. In 2019, those numbers swelled to 3,011 brewpubs, 2,966 tap rooms, 2,058 microbreweries, and 240 regional breweries; and

WHEREAS, the ABW of many of the popular craft beers being sold today exceed the five percent (5%) ABW limitation on malt liquor in the Branson Municipal Code.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, THE FOLLOWING:

Section 1: It is the intention of the Board, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of the Branson Municipal Code, and the sections of this ordinance may be renumbered to accomplish such intention.

Section 2: That Section of the Branson Municipal Code is hereby amended to read as follows:

NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE WHICH IS [~~BRACKETED, STRICKEN~~] HAS BEEN REMOVED.

Sec. 6-1. - Definitions.

Malt liquor means any beer or other malt beverage manufactured from pure hops or pure extract of hops, and pure barley malt or other wholesome grains or cereals and wholesome yeast and pure water, and having an alcoholic content in excess of 3.2 percent by weight[, ~~but not in excess of five percent by weight~~].

[~~Retail five percent beer by the drink dealer means any person who may be engaged in the sale of beer that contains alcohol in excess of 3.2 percent of alcohol by weight and not more than five percent by weight.~~]

Sec. 6-31. - License required; license categories; number of licenses; fees.

(b) License categories, number of licenses, and fees. The following categories of licenses are available, subject to the indicated restrictions on the total number of licenses which may be issued in each category, upon payment of the indicated fee and upon meeting all other requirements under this chapter for the issuance of such license:

- (1) Sale of ~~[five percent]~~ malt liquor in the original package not to exceed three such licenses.
- (2) Sale of ~~[five percent]~~ malt liquor by the drink on the premises not to exceed six such licenses. This license can only be issued to a restaurant-bar, resort, or microbrewery.
- (3) a. Sale of intoxicating liquor in the original package: 18 such licenses for businesses of less than 10,000 square feet and for businesses exceeding 10,000 square feet that have more than five percent of retail floor space dedicated to the sale of liquor-related product three of which shall be reserved exclusively for convenience stores with retail sales of gasoline, groceries, and food for consumption on the premises, with a minimum of 600 square feet dedicated solely to restaurant seating, and which display all intoxicating liquor for sale in the section of the store which is farthest from the main entrance as possible.

b. Notwithstanding any foregoing provision of this section limiting the number of authorized licenses to the contrary, the finance director or designated liquor control specialist, may also authorize the issuance of any license to sell ~~[five percent]~~ malt liquor in the original package, or intoxicating liquor in the original package, whenever the finance director or designated liquor control specialist, finds and determines that the premises at which the liquor sales will take place contain a minimum of 10,000 square feet of retail floor space, of which not more than five percent will be devoted to the sales of alcoholic beverages in their original package.
- (4) Sale of liquor by the drink, such number and type as may be licensed by the state division of alcohol and tobacco control. This license can only be issued to a restaurant-bar, resort, or microbrewery.
- (5) Sale of Sunday liquor by the drink, such number and type, including resort and seasonal resort licenses, as may be licensed by the state division of alcohol and tobacco control.
- (6) The sale of intoxicating liquor on Sunday between the hours of 9:00 a.m. and 12:00 midnight, in the original package and not for consumption on the premises. The number of licenses cannot exceed the number of weekday package liquor licenses issued.
- (7) Wine manufacturer's license, such number and type as may be licensed by the state division of alcohol and tobacco control.
- (8) Caterer's license, such number and type as may be licensed by the state department of alcohol and tobacco control, and licensed to sell liquor by the drink in the city.
- (9) Six-day, ~~[five percent]~~ beer, and light wine restaurant license, sale of ~~[five percent]~~ malt liquor, or light wines containing not in excess of 14 percent alcohol by weight, by the drink at retail for consumption on the premises, by any business licensed by the state division of alcohol and tobacco control for such sales. This license can only be issued to a restaurant-bar or resort.
- (10) Microbrewery license, such number and type as may be licensed by the state division of alcohol and tobacco control authorizing the licensee to manufacture or brew malt liquor ~~[containing alcohol not in excess of five percent by weight]~~ or nonintoxicating beer, and in quantities not to exceed 10,000 barrels per year.

(11) Railroad license, such number and type as may be licensed by the state division of alcohol and tobacco control.

(12) Boat or vessel liquor by drink, such number and type as may be licensed by the state division of alcohol and tobacco control.

(13) Other licenses permitted by state law, including but not limited to, wholesaler, solicitor, manufacturer, and caterer's licenses of such number and type as may be licensed by the state division of alcohol and tobacco control.

Section 3: This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

Read, this first time on this 27th day of October, 2020.

Read, this second time, passed and truly agreed to by the Board of Aldermen of the City of Branson, Missouri on this 10th day of November, 2020.

E. Edd Akers
Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa K Westfall
City Clerk

Chris Lebeck #51831
City Attorney