

BILL NO. 17-10

ORDINANCE NO. 1778

AN ORDINANCE REVOKING THE CURRENT CHAPTER 4-“ALCOHOLIC BEVERAGES” AND ADOPTING THE FOLLOWING REVISED CHAPTER 4-“ALCOHOLIC BEVERAGES ” ESTABLISHING REQUIREMENTS TO SELL AND CONSUME ALCOHOL WITHIN THE CITY OF PLEASANT HILL.

WHEREAS, alcoholic regulations are important to establish and maintain, and

WHEREAS, the City of Pleasant Hill cannot establish more restrictive alcohol requirements than set forth in Missouri state statutes, and

WHEREAS, it appears to the City Council that there is substantial need to establish consistent alcohol standards, and

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PLEASANT HILL, MISSOURI, as follows:

The existing Chapter 4 ALCOHOLIC BEVERAGES, of the Code of Ordinances of the City of Pleasant Hill, is hereby revoked and the following revised Chapter 4 ALCOHOLIC BEVERAGES is adopted.

PASSED by the City Council of the City of Pleasant Hill, Missouri this _____ day of _____, 2017.

ATTEST:

MAYOR

CITY CLERK

Date of Approval

Chapter 4 - ALCOHOLIC BEVERAGES

FOOTNOTE(S):

--- (1) ---

State Law reference— Liquor control law, RSMo ch. 311; municipal authority to license and regulate alcoholic beverages and nonintoxicating beer, RSMo 311.220, 312.140. [\(Back\)](#)

ARTICLE I. - IN GENERAL

Sec. 4-1. - Definitions.

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

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

Intoxicating liquor means alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt or other liquors, or combination of liquors, a part of which is spirituous, vinous or fermented, and all preparations or mixtures for beverage purposes, containing in excess of one-half of one percent of alcohol by volume.

Person means any individual, firm, association, stock company, syndicate, copartnership, partnership, corporation, receiver, trustee, conservator or other officer appointed by any state or federal court.

Resort means any establishment having at least 30 rooms for the overnight accommodation of transient guests, having a restaurant or similar facility on the premises at least 60 percent of the gross income of which is derived from the sale of prepared meals or food, or means a restaurant provided with a special place 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 per year with at least fifty thousand dollars of such gross receipts from nonalcoholic sales, or means a seasonal resort restaurant with food sales as determined in section 4-76 (b) or means a new restaurant establishment having been in operation for at least 90 days preceding the application for such license, with a projection based upon its sale of food during the preceding 90 days which would exceed not less than \$75,000.00 per year with at least fifty thousand dollars of such gross receipts from nonalcoholic sales. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the purpose of meeting the annual gross receipts requirements of this subsection, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.

Sale by the drink means the sale of any intoxicating liquor except malt liquor, in the original package in any quantity less than 50 milliliters, and may be made only by the 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 any other intoxicating liquors sold by the drink are served.

(Code 1994, § 6-1; Ord. No. 1129, §§ 2—5, 12-8-1981)

State law reference— Similar provisions, RSMo 311.020, 311.100, 311.200(2), 312.010, 312.020.

Sec. 4-2. - Prohibited hours of sale.

- (a) No person having a license under this chapter, or any employee of such person, shall sell, give away, 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. and between the hours of 12:00 a.m. Sunday and 9:00 a.m. Sunday, upon or about his or her premises. Except, any establishment may apply to the supervisor of alcohol and tobacco control for a special license to sell intoxicating liquor at retail between the hours of 9:00 a.m. and midnight on Sundays.
- (b) If the person has a license to sell intoxicating liquor by the drink, his premises shall be and remain a closed place as defined in this section between the hours of 1:30 a.m. and 6:00 a.m.. 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 in which intoxicating liquor is dispensed; and where such licenses are held by restaurants whose business is conducted in one room only and substantial quantities of food and merchandise, other than intoxicating liquors, are dispensed, then the licensee shall keep securely locked during the hours and on the days specified in this section all refrigerators, cabinets, cases, boxes and taps from which intoxicating liquor is dispensed.
- (c) Nothing in this section shall be construed to prohibit the sale or delivery of any intoxicating liquor during the hours or on any of the days specified in this chapter by a wholesaler licensed under the provisions of this chapter or under the provisions of state law to a person licensed to sell intoxicating liquor at retail.

(Code 1994, § 6-2; Ord. No. 1129, § 15, 12-8-1981; Ord. No. 1237, 12-12-1988; Ord. No. 1318, §§ 1, 2, 6-14-1993)

State law reference— Similar provisions, RSMo 311.290.

Sec. 4-3. - Sunday sales.

- (a) Upon payment of the permit fee as provided herein, it shall be lawful for a permit holder who is otherwise licensed to sell liquor at retail to sell liquor at retail on Sundays within the city limits, if said permit holder has all necessary permits and has met all necessary requirements of the state.
- (b) Sales on Sunday as allowed herein shall be subject to the requirements and limitations of the state insofar as hours of operation, method of sale and all other applicable requirements and restrictions of any kind whatsoever.
- (c) When December 31 falls on a Sunday, any person having a license to sell intoxicating liquor by the drink may 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, notwithstanding any provisions of this chapter or any other provision of law to the contrary.

(Code 1994, §§ 6-2, 6-3; Ord. No. 1129, §§ 15, 16, 12-8-1981; Ord. No. 1237, 12-12-1988; Ord. No. 1318, §§ 1, 2, 6-14-1993)

State law reference— Sunday sales, RSMo 311.089, 311.090, 311.097, 311.098, 311.102, 311.293, 311.298, 311.481.

Sec. 4-4. - Unauthorized liquors prohibited on premises licensed for sale by the drink.

It shall be unlawful for the holder of any license authorized by this chapter for the sale of any intoxicating liquor at retail by the drink for consumption on the premises where sold, to keep or secret, or

to allow any other person to keep or secret, 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. No person, agent or employee of any other person in any capacity shall sell intoxicating liquor in any other place than that designated in the license or at any other time or otherwise than is authorized by this chapter and the regulations herein provided.

(Code 1994, § 6-4; Ord. No. 1129, § 17, 12-8-1981)

Sec. 4-5. - Possession restricted.

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 chapter, or other licensed dealers outside of the city, or unless the intoxicating liquor is had or kept with the written or printed permission of the state supervisor of liquor control, and the package in which 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 the regulations thereunder. Nothing in this chapter 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 1994, § 6-5; Ord. No. 1129, § 18, 12-8-1981)

Sec. 4-6. - Regulations as to druggists and physicians.

- (a) Any druggist may have in his possession intoxicating liquor purchased by him from a licensed vendor under a license pursuant to this chapter, or intoxicating liquor lawfully acquired at the place of acquisition and legally transported into this state and lawfully inspected, gauged and labeled as provided for in RSMo ch. 311, such intoxicating liquor to be used in the business of a druggist in compounding medicines or as a solvent or preservative.
- (b) Nothing in this chapter shall prevent a regularly licensed druggist in that after he procures a license therefor in compliance with this chapter, from selling intoxicating liquor in the original package, but not to be drunk or the packages opened on the premises where sold.
- (c) Nothing in this chapter shall be construed as limiting the right of a physician to prescribe intoxicating liquor in accordance with his professional judgment for any patient at any time or prevent a druggist from selling intoxicating liquor to a person on prescription from any regularly licensed physician as above provided. If any druggist operates only under the federal permit, he shall file a sworn record of each prescription filed with the city clerk monthly.

(Code 1994, § 6-6; Ord. No. 1129, § 20, 12-8-1981)

State law reference— Similar provisions, RSMo 311.470.

Sec. 4-7. - Sales to or by certain persons restricted.

No person or his employee shall sell or supply intoxicating liquor or permit the same to be sold or supplied to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor. Intoxicating liquor shall not be given, sold or otherwise supplied to any person under the age of 21 years but this shall not apply to supplying of intoxicating liquor to a person under such age for medical purposes only, or by the parents or guardian of such person, or to administering of such intoxicating liquor to such person by a physician. No person under the age of 21 years shall sell or assist in the sale or dispensing of intoxicating liquor, with these exceptions:

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

- (2) 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 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.
- (3) Persons 18 years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor in places of business which sell food for consumption on the premises if at least 50 percent of all sales in those places consists of food; provided, that nothing in this section shall authorize persons under 21 years of age to mix or serve across the bar intoxicating liquor.

(Code 1994, § 6-7; Ord. No. 1129, § 21, 12-8-1981)

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

Sec. 4-8. - Purchases by or for, or possession by, underage persons.

- (a) Any person of the age of 17 years and under the age of 21 years who represents that he has attained the age of 21 for the purpose of purchasing, asking for or in any way receiving intoxicating liquor, shall, upon conviction, be deemed guilty of a misdemeanor.
- (b) Any person under the age of 17 years who represents that he has attained the age of 21 years for the purpose of purchasing, asking for or in any way receiving intoxicating liquor, except in cases authorized by law, , shall be dealt with in accordance with the provisions of RSMo ch. 211, the Missouri Juvenile Code.
- (c) Any person under the age of 21 years, who purchases or attempts to purchase, or has in his possession, any intoxicating liquor is guilty of a misdemeanor.
- (d) Any person who shall purchase, abet, aid, assist or connive in any manner to procure intoxicating liquor for the use or consumption by any minor shall, upon conviction, be deemed guilty of a misdemeanor.

(Code 1994, § 6-8; Ord. No. 1072, § 7, 12-12-1978)

State law reference— Similar provisions, RSMo 311.310, 311.320, 311.325, 312.400, 312.405, 312.407.

Sec. 4-9. - Financial interest of wholesalers.

Distillers, wholesalers, winemakers, brewers or their employees, officers or agents, shall not under any circumstances, directly or indirectly, have any financial interest in the retail business for sale of intoxicating liquors, and shall not directly or indirectly loan, give away or furnish equipment, money, credit or property of any kind, except ordinary commercial credit for liquors sold to such retail dealers. Proof of the violation of this section shall forfeit the license of such wholesaler and retailer.

(Code 1994, § 6-9; Ord. No. 1129, § 29, 12-8-1981)

Sec. 4-10. - Use of property for unlawful purpose.

It shall be unlawful for any person to own, operate, lease, occupy or control any building, car, shed, room, basement, structure, tent or booth and knowingly permit intoxicating liquor to be unlawfully manufactured, sold, stored, kept or consumed therein or thereon.

(Code 1994, § 6-10; Ord. No. 1129, § 30, 12-8-1981)

Sec. 4-11. - Regulation of sale in original packages.

Intoxicating liquor shall be sold at retail in the original package of at least 50 milliliters and only upon a license granted by the city council and intoxicating liquor so sold shall not be consumed upon the premises where sold, nor the original package opened on such premises of the vendor, except as otherwise provided

in this chapter. No intoxicating liquor purchased in the original package shall be consumed or permitted to be consumed upon any premises where intoxicating liquor is legally authorized to be sold.

(Code 1994, § 6-11; Ord. No. 1129, § 24, 12-8-1981)

Secs. 4-12—4-40. - Reserved.

ARTICLE II. - LICENSES AND PERMITS

FOOTNOTE(S):

--- (2) ---

State Law reference— Authority to license and regulate sale of intoxicating liquor, RSMo 311.22(2); [\(Back\)](#)

DIVISION 1. - GENERALLY

Secs. 4-41—4-68. - Reserved.

DIVISION 2. - LICENSES

Sec. 4-69. - Required.

It shall be unlawful for any person to, sell or expose for sale, either at wholesale or retail, in the city, intoxicating liquor in any quantity without first having obtained a license from the city therefor, except as otherwise provided in this chapter.

(Code 1994, § 6-41; Ord. No. 1129, § 6, 12-8-1981)

Sec. 4-70. - Fees.

- (a) No person shall, sell or offer for sale intoxicating liquor within this city at wholesale or retail, or solicit orders for the sale of intoxicating liquor within the city without procuring a license from the city clerk authorizing him to do so. For such license, there shall be paid to, and collected by the city collector, annual charges as established by the city council.
- (b) Solicitors, manufacturers and blenders of intoxicating liquor shall not be required to take out a merchant's license for the sale of their products at the place of manufacture or in quantities of more than one gallon.

(Code 1994, § 6-48; Ord. No. 1129, § 10, 12-8-1981)

Sec. 4-71. - Licenses not specifically enumerated.

In addition to the licenses specifically enumerated in this chapter, the clerk may issue, upon compliance with all provisions of this chapter, such other alcoholic beverages licenses as are recognized and issued by, and for which local license issuance is permitted under, applicable state law.

Sec. 4-72. - Application.

- (a) Application for license under the provisions of this chapter shall be made in writing to the city clerk, who shall present the same to the city council at the next regular meeting of the council. Application, except for sale of malt liquors not in excess of five percent of alcohol by weight, shall be accompanied by a detailed inventory and appraised valuation of stock of goods, having a value, according to invoices, of at least \$1,000.00 exclusive of fixtures and intoxicating liquors, sworn to by the applicant.
- (b) All applications for all licenses mentioned under this chapter shall be made accompanied by a proper remittance made payable to the city.

- (c) Upon approval of any application for a license, the city clerk shall issue to the applicant the appropriate license.

(Code 1994, § 6-42; Ord. No. 1129, §§ 13, 22, 27, 12-8-1981)

Sec. 4-73. - Qualifications of applicant.

No person shall be granted a license under this chapter unless such person is of good moral character, nor shall any corporation be granted a license under this chapter unless the managing officer of such corporation is of good moral character, and no person shall be granted a license or permit under this chapter whose license as such dealer has been revoked, or who has been convicted of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs in his business as such dealer, any person whose license has been revoked or who has been convicted of violating such law since the date aforesaid.

(Code 1994, § 6-43; Ord. No. 1129, § 25, 12-8-1981)

State law reference— Similar provisions, RSMo 311.060.

Sec. 4-74. - Issuance; scope; contents.

- (a) Upon payment of a license tax provided in this chapter, the city clerk shall grant the applicant a license to conduct business in the city from the granting of the license to December 31 of such year, and if upon the first day of the year, for the period of one year.
- (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 different kinds of intoxicating liquor at that or any other place than that described therein.
- (c) The city clerk shall not deliver to any person a license under the provision of this chapter until such person shall produce the receipt of the city collector showing that the license taxes levied on the same have been paid.

(Code 1994, § 6-44; Ord. No. 1129, § 23, 12-8-1981)

Sec. 4-75. - Sale of liquor by the drink license prohibited.

No license shall be issued for the sale of intoxicating liquor, other than malt liquor containing liquor not in excess of five percent by weight, by the drink at retail for consumption on the premises where sold. The provisions of this section shall not apply if sale by the drink at retail for consumption on the premises where sold shall have been authorized by a vote of the majority of the qualified voters of the city in accord with RSMo 311.110, or unless the population of the city exceeds 19,500 inhabitants.

(Code 1994, § 6-45; Ord. No. 1129, § 7, 12-8-1981)

Sec. 4-76. - License for sale of liquor by the drink in resorts; resort defined; bond.

- (a) Notwithstanding any of the provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereinafter meets the requirements of and complies with the provisions of this chapter, may apply for and the city clerk may issue a license to sell intoxicating liquor by the drink at retail for consumption on the premises of any resort as described in the application. As used in this section the term "resort" means any establishment having at least thirty rooms for the overnight accommodation of transient guests, having a restaurant or similar facility on the premises at least sixty percent 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 per year with at least fifty thousand dollars of such gross receipts from nonalcoholic sales, or means a seasonal resort restaurant

with food sales as determined in subsection b of this section. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the purpose of meeting the annual gross receipts requirements of this subsection, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.(b) A seasonal resort restaurant is a restaurant which is not a new restaurant establishment and which is open for business eight or fewer consecutive months in any calendar year. Fifty percent of all gross sales of such restaurant shall be sales of prepared meals. Any new seasonal resort restaurant establishment having been in operation for less than 12 weeks 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 90 days if the seasonal resort restaurant establishment can show a projection for annualized gross sales of which 50 percent shall be sales of prepared meals. The temporary license fee and the annual license fee shall be prorated to reflect the period of operation of the seasonal resort restaurant. The license shall be valid only during the period for which application was made and for which the fee was paid. Any new seasonal resort restaurant establishment having been in operation for less than 12 weeks 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 90 days if the seasonal resort restaurant establishment can show a projection for annualized gross sales of \$75,000 per year with at least 50 thousand dollars of such gross receipts from nonalcoholic sales. Any seasonal resort restaurant upon resuming business for its season of operation shall not be considered a new establishment for purposes of issuing a temporary license. Nothing in this subsection shall prohibit a seasonal resort restaurant from becoming a resort restaurant upon application, payment of fees, and compliance with the requirements of this chapter.

- (c) The times for opening and closing the establishments shall be as set out in sections 4-2 and 4-3. The authority for the collection of fees shall be as provided in section 4-70, and all other laws and regulations of the city relating to the sale of liquor by the drink or consumption on the premises where sold shall apply to resorts in the same manner as applied to establishments licensed under this chapter.
- (d) Any new resort or restaurant establishment having been in operation for less than 90 days 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 90 days if the resort or restaurant establishment can show a projection of an annual business from prepared meals or food which would exceed not less than \$75,000.00 per year with at least fifty thousand dollars of such gross receipts from nonalcoholic sales. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.

(Code 1994, § 6-46; Ord. No. 1129, § 8, 12-8-1981)

Sec. 4-77. - License for special hours of sale by restaurant bars.

- (a) Notwithstanding any of the provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for and the city clerk may issue a license to sell intoxicating liquor between the hours of 9:00 a.m. and 12:00 midnight on Sunday by the drink at retail for consumption on the premises of any restaurant bar, as described in this section.
- (b) The authority for the collection of fees, as set out in section 4-70, and all other laws and regulations of the city relating to the sale of liquor by the drink for consumption on the premises where sold shall apply to the restaurant bar in the same manner as they apply to other establishments licensed under this chapter, and in addition to all other fees required by law, a restaurant bar shall pay an additional fee per year, as provided in section 4-70, payable at the same time and in the same manner as its other licensed fees.

(Code 1994, § 6-47; Ord. No. 1129, § 9, 12-8-1981)

Sec. 4-78. - Wine manufacturers' fees.

For the privilege of manufacturing wine, in quantities not to exceed 500,000 gallons, not in excess of 18 percent of alcohol by weight exclusively from grapes, berries, other fruits, fruit products, honey, and vegetables grown in the state, there shall be paid to and collected by the city clerk or the city collector in lieu of the charges provided in section 4-70, a license fee in the amount provided in section 4-70. A manufacturer licensed under this section shall be privileged to sell to consumers at the winery in lots not to exceed 47/8 gallons and to sell to duly licensed wholesalers or duly licensed retail dealers in lots of five gallons or more.

(Code 1994, § 6-49)

Sec. 4-79. - Retail liquor dealers; fees; application.

- (a) No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon 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 or tobacco store, grocery store, general merchandise store, 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 \$1,000.00 exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed upon the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this chapter. For every license for sale at retail in the original package the licensee shall pay an annual fee in the amount provided in section 4-70
- (b) For a license authorized in the sale of malt liquor containing alcohol in excess of 3.2 percent by weight and not in excess of five percent by weight by grocers and other merchants and dealers in the original package directed toward consumers but not for resale, the licensee shall pay an annual fee in the amount provided in section 4-70. The term "original package" shall be construed and held to refer to any package containing three or more standard bottles of beer.
- (c) Malt liquor containing alcohol in excess of 3.2 percent by weight and not in excess of five percent by weight, manufactured from pure hops or pure extract of hops or pure barley malt or wholesome grains or cereals and wholesome yeast and pure water, or light wines containing not in excess of 14 percent of alcohol by weight exclusively from grapes, berries and other fruits and vegetables, or both such malt liquor and wine may be sold by the drink at retail for consumption on the premises where sold when the person, partnership or corporation desiring to sell such malt liquor or wine, or both, by the drink at retail for consumption on the premises where sold shall have been licensed by the city. No licensee authorized to sell malt liquor or wine or both at retail by the drink for consumption on the premises where sold shall be permitted to obtain a license for the sale of intoxicating liquors by the drink at retail for consumption on the premises where sold, other than malt liquor or wine, or both, in the original package, except if authorized by voter approval, pursuant to RSMo 311.110.
- (d) For every license issued for the sale of all kinds of intoxicating liquor at retail by the drink for consumption on the premises of the licensee, which shall include the sale of intoxicating liquor in the original package, the licensee shall pay to the city the annual license fee provided in section 4-70
- (e) All applications for licenses shall be made upon such forms and in such manner as the city council may prescribe. No license shall be issued until the sum prescribed in section 4-70 for such license shall be paid to the city.

(Code 1994, § 6-50; Ord. No. 1129, § 12, 12-8-1981)

Sec. 4-80. - Proximity of premises to churches or schools.

No license shall be granted for the sale of intoxicating liquor within 100 feet of any school, church or other building regularly used as a place of religious worship, unless the applicant for the license shall first obtain the consent in writing of the city council, except that when a school, church or place of worship shall hereafter be established within 100 feet of any place of business licensed to sell intoxicating liquor, the license shall not be denied for being within the prohibited distance. This section shall not apply to a license

issued by the supervisor of alcohol and tobacco control for the sale of intoxicating liquor pursuant to section RSMo 311.218 or to a license issued to any church, school, civic, service, fraternal, veteran, political, or charitable club or organization which has obtained an exemption from the payment of federal taxes.

(Code 1994, § 6-51; Ord. No. 1129, § 19, 12-8-1981)

State law reference— Similar provision, RSMo 311.080.

Sec. 4-81. - Revocation or suspension.

The city council may, on hearing, suspend any license for a number of days, not exceeding 90, or revoke any license for duration of the license issued under the provision of this chapter, if the licensee has not at all times kept an orderly place or if he has violated any of the provisions of this chapter or of applicable state law, or for any other good cause shown, first having given such licensee not less than ten days' notice, in writing, of the application to revoke or suspend his license prior to the order of revocation or suspension. The notice shall contain the grounds for such revocation or suspension set out therein, and shall command the licensee to be present at the regular or called meeting of the city council and show cause, if any, why the license should not be revoked or suspended. Such licensee shall have full right to be represented by counsel at the hearing. Such notice of revocation or suspension hearing shall be served by the city police, signed by the mayor and may be served upon the licensee by leaving a copy thereof with the licensee or any person or employee in charge of the place of business of the licensee.

(Code 1994, § 6-52; Ord. No. 1129, § 26, 12-8-1981)

Sec. 4-82. - Revocation upon conviction of violation of chapter; duty of judge.

- (a) Upon final conviction of any person for a violation of any of the provisions of this chapter or any provision of state law, such conviction shall automatically operate to revoke any license issued under this chapter to such party. The term "conviction" as herein used shall mean conviction upon final determination of any prosecution for any violation of this chapter. 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 year from the date of such conviction.
- (b) Upon conviction of any person under the provisions of this chapter, it shall be the duty of the judge to certify such conviction to the city council.

(Code 1994, § 6-53; Ord. No. 1129, §§ 31, 32, 12-8-1981)

Sec. 4-83. - City not to return any part of license fee paid in cases of revocation or forfeiture.

In case of revocation or forfeiture of any license granted and issued under the provisions of this chapter for cause or otherwise, the city shall not return any part of the license fee paid for such license.

(Code 1994, § 6-54; Ord. No. 1129, § 33, 12-8-1981)

Sec. 4-84. - Duration.

Each license issued in compliance with this chapter shall be dated and issued as of January 1 of each year, and shall be for the period of one year, unless revoked or suspended for cause as herein provided. Any license issued during the year shall be issued only for the remaining months of the year, and the license fee shall be prorated.

(Code 1994, § 6-55; Ord. No. 1129, § 14, 12-8-1981)

Secs. 4-85—4-111. - Reserved.

DIVISION 3. - PERMITS

Sec. 4-112. - Temporary location for liquor by the drink; permit and fee required.

- (a) The city clerk 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, but not including a "festival" as defined in RSMo ch. 316, effective for a period not to exceed 120 consecutive hours, which shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every permit issued pursuant to the provisions of this section, the permittee shall pay to the city clerk the permit fee, as provided in section 4-70, for each calendar day, or fraction thereof, for which the permit is issued.
- (b) Except as provided in subsection (c) of this section, all provisions of the liquor control law and the ordinances, rules and regulations of the city shall extend to such premises and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees or stock are in such premises. This section will not include the sale of packaged goods covered by this temporary permit.
- (c) Notwithstanding any other law to the contrary, any caterer who possesses a valid state and valid local liquor license may deliver alcoholic beverages, in the course of his catering business, in this city.

(Code 1994, § 6-66; Ord. No. 1129, § 28, 12-8-1981)

State law reference— Similar provisions, RSMo 311.485.