

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REPEALING CHAPTER 2 “ALCOHOLIC BEVERAGES” AND ADDING  
A NEW CHAPTER 2 “ALCOHOLIC BEVERAGES” OF THE CITY CODE.

WHEREAS, in September 1970, the City Council approved Ordinance No. 2401 adding Alcoholic Beverages to Chapter 2 of the City Code; and,

WHEREAS, since the adoption, there have been numerous amendments to the Alcoholic Beverages chapter mostly dealing with singular topics; and,

WHEREAS, the City seeks to update the alcoholic beverage code to align the City’s alcoholic beverage code with the Missouri State Statutes and Liquor regulations, and to clarify the City’s regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That Chapter 2, “Alcoholic Beverages” of the Code of the City of Independence, Missouri, is hereby repealed in its entirety as of the effective date of this ordinance.

SECTION 2. That a new Chapter 2, “Alcoholic Beverages”, attached hereto and made part of hereof is hereby added to the Independence City Code, to read as follows:

**CHAPTER 2**

**ALCOHOLIC BEVERAGES**

**ARTICLE 1. GENERAL PROVISIONS**

**SEC. 2.01.001. DEFINITIONS.**

**In this Chapter, unless the context requires otherwise:**

**ABANDONMENT OF PREMISES shall mean when a person who has been legally licensed by the City and State to conduct a business under this chapter and State regulations and then voluntarily ceases to operate such business for a period of thirty (30) days or more.**

**ADJACENT PROPERTY shall mean property immediately adjoining or separated only by an intervening street, alley, highway, or other public thoroughfare.**

**ALCOHOLIC BEVERAGE means any intoxicating liquor.**

**BEER means any beverage manufactured from pure hops or pure barley malt or wholesome grains or cereals and wholesome yeast and pure water containing alcohol not in excess of five percent by weight.**

**BREWER means a business whose primary activity is the brewing and selling of beer.**

**CATERER means any person having a license to sell intoxicating liquor by the drink at retail for consumption on the premises, who furnishes 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 this chapter.**

**CHIEF OF POLICE means the Chief of Police of the City or any duly authorized representative.**

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

**CITY means the City of Independence, Missouri.**

**CLOSED PLACE means a place where all entrances are locked and where no customers or patrons are in the place or about the premises.**

**CLUBS shall mean the clubs eligible for a license pursuant to this chapter and shall be regularly incorporated associations, not for profit, under the laws of the State, organized solely for benevolent, charitable or social purposes and having regular dues-paying members.**

**COIN-OPERATED AMUSEMENT DEVICE shall mean pinball machines, marble machines, music-vending machines, pool tables or machines, coin-operated shuffleboards and any other device operated by the insertion of a coin, disc or other insertion piece, whether or not also manipulated by the operator, and which operate for the amusement of the operator, whether or not by registering a score. The term "coin-operated amusement device" shall not include "slot machines," "claw machines," or other machines prohibited by State and Federal law, nor shall it include machines or devices used solely for the vending service of food, confections, or merchandise.**

**C.O.L. LICENSE shall mean a license for the consumption of alcoholic beverages in or upon premises that do not possess a regular license for the sale of alcoholic beverages and where food, beverages or entertainment are sold or provided for compensation, as provided in RSMo 311.480.**

**CONVICTION means a conviction of a criminal offense or a municipal ordinance violation, or a plea of guilty or finding of guilty, whether or not sentence is imposed, and regardless of the sentence imposed.**

**CUSTOMER OR PATRON means any person not an owner or employee who enters or remains upon a licensed premises with actual or implied permission of the licensee or a person who purchases or otherwise partakes of any merchandise, goods, entertainment or other services offered upon the licensed premises.**

**DOMESTIC BRANDY means alcoholic liquor distilled from wine or fermented fruit juices not in excess of thirty-four percent (34%) of alcohol by weight and manufactured from grapes, berries and other fruits and vegetables grown in Missouri.**

**DOMESTIC WINE means wine containing not in excess of eighteen percent (18%) of alcohol by weight and manufactured exclusively from grapes, berries and other fruits and vegetables grown in Missouri.**

**EMPLOYEE means persons who work or perform services for or without compensation for a**

person licensed under the provisions of this chapter.

FESTIVAL means any musical festival, dance festival, "rock" festival or similar musical activity likely to attract five thousand or more people at such an activity which will continue uninterrupted for a period of twelve hours or more, at which music is provided by paid or amateur performers or by prerecorded means, and which is held at any place within this City, and to which members of the public are invited or admitted for a charge, as provided in RSMo 316. It shall not include a county fair or youth fair approved by the Missouri Department of Agriculture, or any activity conducted by any current or future ongoing licensed business in a permanent location.

FINANCIAL INTEREST as used in this chapter is defined to mean all interest, legal or beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such interest in the net profits of the enterprise, after the payment of reasonable and necessary operating business expenses and taxes, including interest in dividends, preferred dividends, interest and profits, directly or indirectly paid as compensation for, or in consideration of interest in, or for use of, the capital devoted to the enterprise, or for property or money advanced, loaned or otherwise made available to the enterprise, except by way of ordinary commercial credit or bona fide bank credit not in excess of credit customarily granted by banking institutions, whether paid as dividends, interest or profits, or in the guise of royalties, commissions, salaries, or any other form whatsoever. Service as a member of the board of directors of a corporation, the stock of which is traded on the New York or American Stock Exchange, or NASDAQ, or ownership of less than ten (10) percent of the outstanding shares in such corporation shall not constitute a financial interest in such corporation or a subsidiary thereof.

FRONT means the part of the building or structure where the principal entrance of the building or structure affording access to the premises for the public opens upon the street.

HOSPITAL means a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than twenty-four hours in any week of three or more non-related individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions; or a place devoted primarily to provide for not less than twenty-four hours in any week medical or nursing care for three or more non-related individuals.

HOTEL, for purposes of this Chapter, means any structure or portion of any structure that is occupied or intended or designed for occupancy by transient guests for dwelling, lodging or sleeping purposes for periods of less than thirty days.

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. All beverages having an alcoholic content of less than one-half of one percent by volume shall be exempt from the provisions of this Chapter.

LICENSED PREMISES means that building, portion of a building, place or area in which a person holding a "package", "drink" or "special" license, as those terms are defined in this Chapter, is permitted or authorized to conduct business pursuant to such license. All liquor license applications must include a written description of the licensed premises.

LICENSEE means the holder of any license issued under the provisions of this Chapter.

**LIQUOR LICENSE** means the license that every person must obtain from the Liquor License Officer before engaging in or continuing to engage in the business of manufacturing, distilling, brewing, distributing or selling at wholesale or retail any alcoholic beverages within the City.

**LIQUOR LICENSE OFFICER** means the individual(s) so appointed by the City

**MALT LIQUOR** means any liquor containing alcohol not in excess of five (5) percent by weight, manufactured from pure hops or pure extraction of hops or pure barley or wholesome grains or cereals and wholesome yeast and pure water, as provided in RSMo 311.020.

**MANAGING OFFICER** means the person who is in active management and control of the premises who is eligible as an individual to receive a license for the sale of alcoholic beverages; and is a resident of the State of Missouri, or for corporations having more than one business location in Independence or businesses in other communities in Missouri the managing officer shall be that person so designated by the corporation, notwithstanding the above provision for active management and control of premises.

**MICROBREWERY** means a business whose primary activity is the brewing and selling of beer, with an annual production of ten thousand (10,000) barrels or less, as provided for in RSMo 311.195.

**PERMITTEE** means the holder of an employee's permit issued under the provisions of this Chapter.

**PERSON** means and shall include any individual, association, club, organization, joint stock company, syndicate, co-partnership, corporation, limited liability company (LLC), receiver, trustee, conservator or other officer appointed by any State or Federal court.

**PREMISES** means the bounds of the enclosure and any outside areas where alcoholic beverages are permitted to be sold, stored or consumed under authority of this Chapter.

**RESTAURANT** means an establishment having a restaurant or similar facility on the premises, where more than fifty percent of the gross annual income of which is derived from the sale of food. For the purposes of determining whether an establishment qualifies as a restaurant-bar under the provisions of this Chapter and calculating the amount and percentage of annual gross sales from the sale of prepared meals and food, any nonalcoholic components mixed or served in any alcoholic beverage shall be considered to be part of the alcoholic beverage and shall not be considered to be prepared meals and food.

**RETAILER** means a person holding a license to sell or to offer to sell alcoholic beverages to consumer only.

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

**SUBSTANTIAL QUANTITIES OF FOOD** shall mean that at least fifty (50) percent of the gross income of an establishment has been derived from prepared meals or food during the three (3) most recent preceding calendar months.

**WHOLESALE** means a person holding a license to sell alcoholic beverages to wholesalers or to

retailers for resale.

WINE means a beverage containing not in excess of fourteen (14) percent of alcohol by weight, as provided in RSMo 311.218.

WINE MANUFACTURER means any person, partnership, association of persons, or corporation, who manufactures in excess of two hundred gallons of wine per calendar year.

WINERY means an agricultural processing facility for the fermenting and processing of grape juice into wine or the refermenting of still wine into sparkling wine and complies with the Special Use Permit requirements for a winery in Chapter 14 of the City Code.

**SEC. 2.01.002. SALE PROHIBITED.**

No licensee, or any agent or employee shall sell alcoholic beverages in any place other than that designated on the license or at any other time than that authorized by the license.

**SEC. 2.01.003. HOURS OF SALE, GENERALLY.**

No person having a license under this chapter, nor any employee of such person, except as otherwise provided in this section, shall sell, give away or otherwise dispose of or suffer the same to be done upon or about the licensee's premises, any intoxicating liquor in any quantity, at any time other than the hours set forth in Chapter 311 of the Revised Statutes of Missouri, as amended.

**SEC. 2.01.004. SALE OF INTOXICATING LIQUOR BY THE DRINK PERMITTED ON SUNDAY ON CERTAIN HOLIDAYS.**

When December 31, January 1, March 17, or July 4 falls on Sunday and on the Sundays prior to Memorial Day, Labor Day and 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 provisions of that license 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 to the contrary, as provided in RSMo 311.298.

**SEC. 2.01.005. PROHIBITED BEVERAGES.**

A. It shall be unlawful for a licensee authorized by this chapter, to sell alcoholic beverages at retail by the drink for consumption on the premises where sold, to keep or secrete, or allow any other person to keep or secrete in or upon the premises described in such license any alcoholic beverage other than the kind expressly authorized to be sold by such license.

B. No person holding a license for the retail sale of malt liquor by the drink knowingly shall sell, give away or serve upon the premises described in the license any glass, ice, water, soda water, phosphates or any other kind of liquids to be used for the purpose of mixing intoxicating drinks and commonly referred to as set-ups; nor shall any licensee allow any person while in or upon the premises covered by the license to possess or consume any intoxicating liquor other than malt liquor and light wine, if the license is to sell malt liquor and light wine or any kind of intoxicating liquor or to pour into, mix with or add intoxicating liquor to water, soda water, ginger ale, seltzer or other liquid.

**SEC. 2.01.006. PREMISES OPEN FOR INSPECTION.**

All licensees shall allow the licensed premises and all portion of the buildings of the premises, including all rooms, cellars, outbuildings, passageways, closets, vaults, yards, attics and all buildings

used in connection with the operations carried on under the license and which are in their possession or under their control, and all places where they keep or have liquor stored, to be inspected by the supervisor of liquor control and their agents. Licensees shall cooperate fully with the agents during the inspections.

**SEC. 2.01.007. MULTIPLE BUSINESSES.**

If any retail licensee holds more than one kind of license for separate businesses in the same building, then the building shall be partitioned in a manner that the partitions shall run from the front of the building to the rear of the building, from the ceiling to the floor and be permanently affixed to the ceiling, floor, front and rear of the building in a manner as to make two (2) separate and distinct premises. There shall be a separate entrance in front of each of the premises and each of the premises shall have a different street address, so as to indicate sufficiently that the businesses are run separately and distinct from each other and not in conjunction with each other. In addition, the business maintained on each of the premises must be manned and serviced by an entirely separate and distinct group of employees and no buzzer, bell or other wiring or speaking system shall connect one business with the other. Separate files, records and accounts pertaining to the businesses must be maintained.

**SEC. 2.01.008. MULTIPLE LOCATIONS.**

Hotels holding licenses in their names authorizing the retail sale of intoxicating liquor by the drink for consumption on the premises where sold may maintain as many bars as they like on the licensed premises, provided that the places at which it is sold by the drink, in all respects, shall be easily visible from some hallway, lobby or mezzanine or other part of the hotel; provided further that hotels may dispense intoxicating liquors throughout the whole of the hotel.

**SEC. 2.01.009. GAMBLING PROHIBITED.**

A. 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.

B. The following activities shall not constitute a violation of this section.

1. The conduct or playing games of bingo on licensed premises by organizations licensed by the Director of Revenue of the State of Missouri to conduct bingo in accordance with Chapter 313.

2. The sale of State lottery tickets or shares on licensed premises licensed by the State lottery commission to sell lottery tickets or shares to the public when conducted in accordance with Chapter 313, RSMo.

3. Pari-mutuel wagering on horses at licensed tracks licensed by the Missouri Horse Racing Commission when conducted in accordance with Chapter 313, RSMo.

4. The giving of door prizes or other gifts by lot or drawing after payment of a price by members or guests of a charitable organization which has obtained an exemption from payment of Federal income taxes as provided in Section 501(C)(3) of the Internal Revenue Code of 1954 when conducted on licensed premises by the charitable organization.

**SEC. 2.01.010. ILLEGAL ACTIVITIES.**

A. No licensee or permittee shall knowingly allow the conduct of any illegal activity upon the

licensed premises.

B. At no time, under any circumstances, shall any licensee or his or her employees immediately fail to prevent or suppress any violent quarrel, disorder, brawl, fight or other improper or unlawful conduct of any person upon the licensed premises, nor shall any licensee or his or her employees allow any indecent sexual acts, display of specified anatomical areas, profane or obscene language, song, entertainment, film or video, literature or advertising material upon the licensed premises; or display or offer for sale any books, photographs, magazines, films or videos relating to specified sexual activities.

C. In the event that a licensee or his or her employee knows or should have known, that an illegal or violent act has been committed on or about the licensed premises, they immediately shall report the occurrence to law enforcement authorities and shall cooperate with the police department and the Liquor License Officer during the course of any investigation into an occurrence.

D. No licensee or employee shall possess, store, sell or offer for sale, give away or otherwise dispose of upon or about the licensed premises or permit any person upon or about the licensed premises to possess, store, sell or offer for sale, give away or otherwise dispose of any controlled substance as defined in Chapter 195, RSMo.

SEC. 2.01.011. SALES TO PERSONS UNDER THE INFLUENCE OF ALCOHOL OR DRUGS PROHIBITED.

No licensee or permittee shall knowingly sell or deliver any alcoholic beverage to any person the licensee or permittee knows, or reasonably should know, is under the influence of alcohol or drugs.

SEC. 2.01.012. CONSUMPTION BY EMPLOYEES PROHIBITED.

It shall be unlawful for a licensee to sell alcoholic beverages by the drink or give to, sell to or permit to be given to or sold to any on duty employee of the premises operated by said licensee any alcoholic beverages in any quantity, nor shall the licensee permit any patron of the premises to give to, drink with, sit at the bar or tables with, engage in amusement games with or dance with any on duty employee on the premises of said licensee.

SEC. 2.01.013. SOLICITATION OF SALE PROHIBITED.

It shall be unlawful for a licensee to sell alcoholic beverages by the drink or to give or sell alcoholic beverages in any quantity to any person who shall solicit another to buy said alcoholic beverages, nor shall the licensee permit any such person to solicit the purchase of alcoholic beverages by another on said premises.

SEC. 2.01.014. COMPLIANCE WITH OTHER ORDINANCES AND LAWS.

Licensed premises and the conduct of the business thereon are at all times subject to the applicable provisions of any City ordinance not in conflict with this Chapter. Notwithstanding the provisions of this Chapter, licensed premises and the conduct of the business thereon must at all times comply with all applicable State and Federal statutes and regulations.

SEC. 2.01.015. POSSESSION OF ALCOHOLIC BEVERAGES RESTRICTED.

No person shall possess alcoholic beverages purchased within the City of Independence, Missouri, unless the same has been acquired from some person holding a duly authorized license to sell the same under this Chapter or unless said alcoholic beverages are had or kept with the written permission of the Liquor License Officer.

**SEC. 2.01.016. CONSUMPTION OF ALCOHOLIC BEVERAGE ON PREMISES MAY BE PROHIBITED BY OWNER.**

**No alcoholic beverage 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 anywhere the owner or owners or manager or managers exhibit in the premises signs to the effect that alcoholic beverages may not be drunk in or about the premises, or where a notice to that effect is placed on the printed menu for the establishment, or where the diner has been specifically informed by a server or manager that the consumption of alcoholic beverages is not allowed.**

**SEC. 2.01.017. ANNEXED LICENSEE.**

**Any person operating a liquor business outside the limits of the City of Independence, Missouri, in an area that may be annexed by the City shall be eligible to apply for a City liquor license for which the business qualifies at the time the annexation occurs.**

**SEC. 2.01.018. REMOVAL OF ALCOHOLIC BEVERAGES FROM PREMISES PROHIBITED.**

**A. No person shall remove any alcoholic beverage purchased by the drink from the premises licensed to sell alcoholic beverages by the drink.**

**B. No holder of any license to sell alcoholic beverages by the drink, or their employee, shall allow or cause to be allowed the removal of any alcoholic beverage purchased by the drink from the licensed premises.**

**C. The holder of any license to sell alcoholic beverages by the drink shall place conspicuous notices of the prohibition established by this section immediately inside the exits from the licensed premises in such a manner as to notify patrons leaving the premises of the prohibition.**

**SEC. 2.01.019. DISPENSING OF ALCOHOLIC BEVERAGES LIMITED.**

**A. No licensee or employee shall mix or pour, or permit to be mixed or poured, any alcoholic beverages directly into any person's mouth upon or about the licensed premises.**

**B. No person licensed by the Liquor License Officer shall use or permit to be used upon his or her licensed premises any self service, coin-operated, mechanical devices or automatic dispensers for the purpose of selling or dispensing any alcoholic beverage.**

**C. No holder of a license under this Chapter, or any other person, shall for any purpose whatsoever mix or permit or cause to be mixed with any alcoholic beverage kept for sale, sold or supplied by him or her as a beverage, any drug or form of methyl alcohol or impure form of alcohol.**

**SEC. 2.01.020. SALE OF ALCOHOLIC BEVERAGE THROUGH DRIVE-UP WINDOW PROHIBITED.**

**It shall be unlawful for the holder of any license authorized by this Article for the sale of any alcoholic beverage at retail, either in the original package or for consumption on the premises where sold, to supply, sell or permit to be sold, any alcoholic beverage through any drive-up or walk-up window or facility where the customer or person receiving the alcoholic beverage is not required to enter the premises of the licensee.**

**SEC. 2.01.021. POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY PROHIBITED.**



**A. No person shall possess any open container of any alcoholic beverage nor shall any person consume or drink any alcoholic beverage on public property within the City of Independence, including but not limited to any public building, street, alley, sidewalk, public lot, park, recreational facility or public facility, except as provided in this section.**

**B. The prohibition in this section shall not apply to the possession or consumption of alcoholic beverages within premises licensed to sell alcoholic beverages by the drink properly located on public property pursuant to the liquor license of the holder.**

**C. The prohibition in this section shall not apply to the possession or consumption of intoxicating liquor in or at the following public facilities where the City or lessor of the facility has authorized the possession or consumption of intoxicating liquor at the facility pursuant to an approved written agreement setting forth all terms and conditions for said possession or consumption of malt liquor and wine:**

- 1. The Roger T. Sermon Community Center.**
- 2. The National Frontier Trails Museum.**
- 3. City Hall West Parking Lot (During Santa-Cali-Gon Only).**
- 4. The Truman Depot.**
- 5. The Truman Memorial Building.**
- 6. The public areas of the Englewood Business District, that being the street, sidewalks and right-of-way along and abutting East Winner road from the eastern right-of-way line of South Northern Blvd. to the western right-of-way line of South Sterling Avenue, on the third Friday of each month from 4:00 p.m. to 11:59 p.m.**
- 7. The public areas of the Independence Square, that being the streets, sidewalks and public lots from the eastern right-of-way line of Spring Street to the eastern right-of-way line of Lynn Avenue and from the southern right-of-way line of Truman Road to the northern right-of-way line of Kansas pursuant to a written agreement between the City and a civic organization promoting the interests of the businesses on the Independence Square.**

**D. The prohibition in this section shall not apply to the possession or consumption of alcoholic beverages in or at the following public facilities where the City or lessor of the facility has authorized the possession or consumption of that alcoholic beverage at the facility pursuant to an approved written agreement setting forth all terms and conditions for possession or consumption of alcoholic beverages at that location and during the period covered by the agreement:**

- 1. The Bingham - Waggoner Estate.**
- 2. The Vaile Mansion.**
- 3. The Bass Pro Building**
- 4. The Uptown Market**
- 5. The Independence Events Center**

**SEC. 2.01.022. PURCHASE FROM OTHER THAN LICENSED WHOLESALER.**

**No person holding a retail liquor license shall purchase any alcoholic beverage except from, by or through a duly licensed wholesale liquor dealer. No retail liquor dealer shall sell or offer for sale any intoxicating liquor purchased in violation of the provisions of this section.**

**SEC. 2.01.023. CLUBS, HOTELS & RESTAURANTS**

**A. Where such licenses authorizing the sale of intoxicating liquor by the drink are held by hotels, clubs or bowling alleys, this Chapter shall apply only to the room or rooms in which intoxicating liquor is dispensed, and where such licenses are held by restaurants or bowling alleys whose**

business is conducted in one room only, then the licensee shall keep securely locked during the hours and on the days specified in this Chapter all refrigerators, cabinets, cases, boxes, and taps from which intoxicating liquor is dispensed.

B. Nothing in this Section shall be construed to prohibit the sale or delivery of any intoxicating liquor during any of the hours or on any of the days specified in this section by a wholesaler licensed under the provision of RSMo 311.180 to a person licensed to sell the intoxicating liquor at retail.

#### SEC. 2.01.024. SALES TO MINORS, CERTAIN OTHER PERSONS PROHIBITED

- a. Except as otherwise provided in this section, it shall be unlawful for any person under the age of twenty-one (21) years to sell or assist in the sale or dispensing of alcoholic beverages, as provided in RSMo 311.300.
- b. In any place of business licensed in accordance with this chapter, where at least fifty (50) percent of the gross sales made consists of goods, merchandise or commodities other than alcoholic beverages in the original package, persons at least eighteen (18) years of age may stock, arrange displays, accept payment for and sack for carryout alcoholic beverages. Delivery of alcoholic beverages away from the licensed business premises shall not be performed by anyone under the age of twenty-one (21) years.
- c. In any distillery, warehouse, wholesale distributorship or similar place of business which stores or distributes alcoholic beverages, but which does not sell alcoholic beverages at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of alcoholic beverages 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 alcoholic beverages in places of business which sell food for consumption on the premises if at least fifty (50) percent 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.

#### SEC. 2.01.025. PURCHASE OR POSSESSION BY MINORS, PROHIBITED

It shall be unlawful for any person under the age of twenty-one (21) years to, purchase, attempt to purchase, be in a visibly intoxicated condition, have a detectable blood alcohol content of more than two-hundredths of one percent or more by weight of alcohol in such person's blood or have in their possession or on their person any alcoholic beverages, as provided in RSMo 311.325.

#### SEC. 2.01.026. CONSUMPTION BY MINORS ON LICENSED PREMISES PROHIBITED

It shall be unlawful for any person under twenty-one (21) years of age to drink or consume alcoholic beverages in, upon or about any premises licensed under the terms of this chapter.

#### SEC. 2.01.027. MISREPRESENTATION OF AGE BY MINORS PROHIBITED

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, as provided in RSMo 311.320, except in cases authorized by law.

#### SEC. 2.01.028. SALE BY MINORS PROHIBITED, EXCEPTION

- A. Except as otherwise provided in this section, it shall be unlawful for any person under the age of twenty-one (21) years to sell or assist in the sale or dispensing of alcoholic beverages.
- B. In any place of business licensed in accordance with this chapter, where at least fifty (50) percent of the gross sales made consists of goods, merchandise or commodities other than alcoholic beverages in the original package, persons at least eighteen (18) years of age may stock, arrange displays, accept payment for and sack for carryout alcoholic beverages.

Delivery of alcoholic beverages away from the licensed business premises shall not be performed by anyone under the age of twenty-one (21) years.

- C. In any distillery, warehouse, wholesale distributorship or similar place of business which stores or distributes alcoholic beverages, but which does not sell alcoholic beverages at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of alcoholic beverages for all purposes except consumption, sale at retail or dispensing for consumption or sale at retail.
- D. Any wholesaler licensed pursuant to this chapter may employ persons of at least eighteen (18) years of age to rotate, stock and arrange displays at retail establishments to sell intoxicating liquor and unload delivery vehicles and transfer intoxicating liquor into licensed premises if such persons are supervised by a person twenty-one (21) years or older.
- E. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve alcoholic beverages in places of business which sell food for consumption on the premises if at least fifty (50) percent of all sales in those places consists of food.
- F. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor in places of business which sell food for consumption on the premises if at least fifty percent of all sales in those places consists of food; provided that nothing in this section shall authorize persons under twenty-one years of age to mix or serve across the bar intoxicating beverages.

#### **SEC. 2.01.029. MINORS - LIQUOR ESTABLISHMENTS.**

A. It shall be unlawful for any person under the age of twenty-one (21) years to enter the premises of a licensee holding a sales-by-the-drink license under this Article unless such minor is accompanied by either a parent or legal guardian, or unless such person is an employee as otherwise allowed by this Chapter.

#### **SEC. 2.01.030. NUMBER OF LICENSES ALLOWED; POPULATION DETERMINATION.**

A. The number of licenses allowed, as shown in this Chapter, indicates the number of residents, or fraction thereof, within the corporate limits of the City which are required for the issuance of one license.

B. The determination of the population of the City for the purpose of issuance of liquor licenses shall be the most recent decennial census conducted by United States Census Bureau. The Liquor License Officer may increase or decrease the number of licenses to be issued under this Chapter based on the most recent annual census estimate by the United States Census Bureau.

C. When the Liquor License Officer finds that the population of the City has declined, and the number of licenses allowed in any category will decrease on account of such population decline, current license holders will be eligible for renewal of their license as long as they continue in business in compliance with all provisions of the City Code. The business must be operating under a current and valid license on the effective date of the City Council action setting the City's population and continue in active operation in order to maintain their protected status.

#### **SEC. 2.01.031. MANUFACTURING FOR PERSONAL OR FAMILY USE AND REMOVAL FROM PREMISES**

A. No person at least twenty-one years of age shall be required to obtain a license to manufacture intoxicating liquor, as defined in RSMo section 311.020, for personal or family use. The aggregate amount of intoxicating liquor manufactured per household shall not exceed two hundred gallons per calendar year if there are two or more persons over the age of twenty-one years

in such household, or one hundred gallons per calendar year if there is only one person over the age of twenty-one years in such household. Any intoxicating liquor manufactured under this section shall not be sold or offered for sale.

B. Beer brewed under this section may be removed from the premises where brewed for personal or family use, including use at organized events, exhibitions, or competitions, such as home brewer contests, tastings, or judging. The use may occur off licensed retail premises, on any premises under a temporary retail license issued under RSMo section 311.218, 311.482, 311.485, 311.486, or 311.487, or on any tax exempt organization's licensed premises as described in section 311.090.

C. Any beer brewed under this section used at an organized event where an admission fee is paid for entry, at which the beer is available without a separate charge, shall not be deemed a sale of beer, provided that the person who brewed the beer receives none of the proceeds from the admission fee and all consumption is conducted off licensed retail premises, under the premises of a temporary retail license issued under RSMo section 311.218, 311.482, 311.485, 311.486, or 311.487, or on any tax exempt organization's licensed premises as described in section 311.090.

#### SEC. 2.01.032. – 2.01.999. RESERVED

### ARTICLE 2. LIQUOR LICENSE OFFICER; CHIEF OF POLICE

#### SEC. 2.02.001. LIQUOR LICENSE OFFICER - APPOINTMENT.

There is hereby established the position of Liquor License Officer which officer shall be appointed by the City Manager.

#### SEC. 2.02.002. LIQUOR LICENSE OFFICER - POWERS AND DUTIES.

The Liquor License Officer shall exercise all powers as they relate to the administration of this Chapter, with respect to the processing of applications for liquor licenses, applications for employee permits, issuance of liquor licenses, issuance of employee permits and shall:

1. Prescribe all forms for applications, liquor licenses and employee permits in compliance with the provisions of this Chapter.
2. Process liquor license applications and employee permit applications.
3. Keep a record of all liquor licenses and employee permits issued and of the suspension and revocation of any liquor license or employee permit.
4. Investigate and determine the eligibility of any applicant for a liquor license or employee permit as described in this Chapter and submit all applications for liquor licenses and employee permits to interested City officials for their reports as to compliance by the applicant with all City regulations.
5. Notify any applicant of the acceptance or rejection of said application.
6. Make such reasonable rules, regulations, orders and directions as may be necessary and

feasible for carrying out the duties of the Liquor License Officer which are not inconsistent with the provisions of this Chapter.

7. Examine the books and records of any applicant or licensee when reasonably necessary to determine the eligibility of the person applying for a license or a license renewal, or to determine that the provisions of this Chapter have been fully complied with by such applicant or licensee.

8. Hold hearings concerning the suspension or revocation of employee permits.

9. Approve, suspend or revoke employee permits as further set out in this chapter.

10. Approve or deny licenses as set out in this chapter.

11. Suspend or revoke liquor licenses and approve, suspend or revoke employee permits, as further set out in this chapter.

#### SEC. 2.02.003. CHIEF OF POLICE - POWER.

The Chief of Police and any designated employee shall have the authority to:

1. Inspect the premises of any licensee including all rooms, cellars, outbuildings and yards used in connection with the operation of the business at any reasonable time, without warrant, and the acceptance of the license by the licensee under this chapter shall be construed as a waiver by the licensee of any constitutional provisions concerning search and seizure.

2. Seize any and all objects that may appear to be in violation of any provision of this chapter and hold in custody such objects as evidence until any matter pertaining thereto is finally adjudicated. Upon such seizure, a receipt shall be issued to the person from whom the objects were seized and upon demand, if not forfeited, such objects shall be returned to their lawful owner in the manner provided by Section 8.06.008 of the Code of the City of Independence, Missouri.

3. Notwithstanding any other provisions of this chapter, the Chief of Police shall have power to close for a period not to exceed twenty-four hours any premises that shall be in the immediate area of a mob, riot, strike or any type of violence, actual or probable; provided, however, that said Chief of Police shall not close such place under such circumstances without advising at the earliest possible moment the City Manager; and provided further that the Chief of Police shall not close such place for two or more consecutive twenty-four hour periods without approval of the City Manager or acting under the emergency police powers of the City.

#### SEC. 2.02.004. CHIEF OF POLICE - DUTY.

It shall be the duty of the Chief of Police to:

1. Exercise all duties and powers relating to the enforcement of this chapter.

2. Cause to be inspected regularly all places of business where alcoholic beverages are sold or kept for sale.

3. Report any condition in such places of business which may be in violation of any other City ordinance to the director of the department charged with enforcement of that ordinance, who shall then take appropriate measures to secure full compliance of said licensee with the

applicable ordinance.

**SEC. 2.02.005. CHIEF OF POLICE AND LIQUOR LICENSE OFFICER - CONFLICT OF INTEREST.**

The Chief of Police and the Liquor License Officer and their appointees, agents, assistants and inspectors administering and enforcing the provisions of this chapter shall not have any financial interest in or on any premises where alcoholic beverages are distilled, brewed, manufactured or sold; nor shall they have any interest, directly or indirectly, in any business wholly or partially devoted to the distilling, brewing, manufacture or sale of alcoholic beverages; nor shall they, directly or indirectly, engage in dealing in or distilling, brewing, manufacturing or selling alcoholic beverages, either as owner, part owner, partner, members of a syndicate, shareholders of a corporation, agents or employees, either for their benefit or in a fiduciary capacity. The Chief of Police and the Liquor License Officer and their appointees, agents, assistants or inspectors shall not accept any compensation, reward or gift other than a designated salary and expenses as provided by the City of Independence.

**SEC. 2.02.006 - 2.02.999 RESERVED.**

**ARTICLE 3. LICENSEE AND QUALIFICATIONS**

**SEC. 2.03.001. LICENSE REQUIRED**

It shall be unlawful for any person, whether personally or through the use of agents or servants, to engage in the manufacture, brewing, sale, exposure for sale or resale, or distribution of any type of alcoholic beverages within the City limits, without first having duly obtained a license authorizing such manufacture, brewing, sale, exposure for sale or resale, or distribution, as provided in this article.

**SEC. 2.03.002. QUALIFICATIONS OF LICENSEE.**

- A. *Individuals.* No person shall be granted a license under this article unless such person will be actively engaged in the control and management of the particular alcoholic beverage or C.O.L. establishment for which a license is sought. Such person must be at least twenty-one (21) years of age, of good moral character, not have been convicted of a felony, and be a qualified legal voter and taxpaying citizen of the State. No such person shall be granted a license under this article who has had a previous license revoked, or who has been convicted, since the ratification of the Twenty-First Amendment to the United States Constitution, of a violation of the provisions of any law applicable to the manufacture or sale of alcoholic beverages or who employs in his business any person whose license has been revoked, or who has been convicted of violating the provisions of any such law since the date aforesaid.
- B. *Partnerships.* No license provided for in this article shall be issued to any partnership unless all members of the partnership are persons who would be eligible for a license as individuals under the provisions of this article, and no license shall be issued to any partnership that has been the holder of a license that has been revoked.
- C. *Corporations.* No license provided for in this article shall be issued to a corporation except in conformity with the following:
  - a. All officers and directors of such corporation must be persons of good moral character.

- b. The managing officer of the corporation is a person who is eligible for a license as an individual under the provisions of this article.
- c. Such corporation shall not have been the holder of a license that has been revoked. Any person may be designated by a corporation as its managing officer if he meets the qualifications for a license to an individual, and has been a resident of the State for thirty (30) days.
- D. Nothing in this section shall prevent the issuance of licenses to non-residents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of alcoholic beverages to, by or through a duly licensed wholesaler, within this State.

SEC. 2.03.003 - 2.03.999 RESERVED.

ARTICLE 4. LICENSE TYPES

SEC. 2.04.001. LIQUOR LICENSE CLASSIFICATION AND FEES.

The following classes of liquor licenses for each such license issued under the provisions of this Chapter are hereby established within the City:

SEC. 2.04.002. M1 – Manufacturing, distilling, blending intoxicating liquor of all kinds.

- a. Activities Allowed. This license allows for the manufacturing, distilling or blending of intoxicating liquors and selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within the state. This license does not allow the sale of intoxicating liquors directly to the public.
- b. Retail Sales by the Drink. A separate retail sales by the drink license is required for the retail selling of intoxicating liquor by the drink.
- c. Tasting on Non Licensed Premise. The holder of this license may provide and pour distilled spirits, wine, or malt beverage samples on nonlicensed premises for tastings as long as no sales transaction occurs, as provided in RSMo 311.297.
- d. Tasting on Tax Exempt Licensees, Caterers or Picnic Licensees Premises. The holder of this license may provide, furnish and pour for tasting purposes at picnic licensees events, caterers licensees events and also for tax exempt licensed premises, as such as provided in RSMo 311.297.
- e. Tastings on Other Licensed Premises. The holder of this license may provide or furnish distilled spirits, wine, or malt beverage samples on a retail by the drink premises or on an original package premises which has a tasting license under RSMo 311.294.
- f. Restriction on number of licenses available. There shall be no limit on the number of licenses available under the terms of this section.

SEC. 2.04.003. M2 – Manufacturing twenty-two (22) percent or less alcohol-content intoxicating liquor

- a. Activities Allowed. This license allows the manufacturing of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight and the selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight to, by or through a duly licensed wholesaler. This license does not allow the sale of intoxicating liquors directly to the public.
- b. Retail Sales by the Drink. A separate retail sales by the drink license is required for the

- retail selling of intoxicating liquor by the drink.
- c. *Tasting on Non Licensed Premise.* The holder of this license may provide and pour distilled spirits, wine, or malt beverage samples on nonlicensed premises for tastings as long as no sales transaction occurs, as provided in RSMo 311.297.
  - d. *Tasting on Tax Exempt Licensees, Caterers or Picnic Licensees Premises.* The holder of this license may provide, furnish and pour for tasting purposes at picnic licensees events, caterers licensees events and also for tax exempt licensed premises, as such as provided in RSMo 311.297.
  - e. *Tastings on Other Licensed Premises.* The holder of this license may provide or furnish distilled spirits, wine, or malt beverage samples on a retail by the drink premises or on an original package premises which has a tasting license under RSMo 311.294.
  - f. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

**SEC. 2.04.004. M3 – Manufacturing, brewing malt liquor**

- a. *Activities Allowed.* This license allows the manufacturing, brewing of malt liquor containing not in excess of five percent of alcohol by weigh and the selling to duly licensed wholesalers and soliciting orders for the sale of malt liquor to, by or through a duly licensed wholesaler. This license does not allow the sale of malt liquor directly to the public.
- b. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

**SEC. 2.04.005. W1 – Wholesale selling of intoxicating liquor of all kinds**

- a. *Activities Allowed.* This license allows for the selling of intoxicating liquor of all kinds by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail and the selling to duly licensed wholesalers and soliciting orders for the sale of all kinds of intoxicating liquor, to, by or through a duly licensed wholesaler.
- b. *Tasting on Non Licensed Premise.* The holder of this license may provide and pour distilled spirits, wine, or malt beverage samples on nonlicensed premises for tastings as long as no sales transaction occurs, as provided in RSMo 311.297.
- c. *Tasting on Tax Exempt Licensees, Caterers or Picnic Licensees Premises.* The holder of this license may provide, furnish and pour for tasting purposes at picnic licensees events, caterers licensees events and also for tax exempt licensed premises, as such as provided in RSMo 311.297.
- d. *Tastings on Other Licensed Premises.* The holder of this license may provide or furnish distilled spirits, wine, or malt beverage samples on a retail by the drink premises or on an original package premises which has a tasting license under RSMo 311.294.
- e. *Restriction on number of licenses available.* There shall be a limit on the number of licenses available under the terms of this section of one license per 20,000 in population.

**SEC. 2.04.006. W2 – Wholesale selling of twenty-two (22) percent or less alcohol-content intoxicating liquor**

- a. *Activities Allowed.* This license allows the selling of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail and the selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent alcohol by weight, to, by or through a duly licensed wholesaler.
- b. *Tasting on Non Licensed Premise.* The holder of this license may provide and pour distilled spirits, wine, or malt beverage samples on nonlicensed premises for tastings as long as no



- sales transaction occurs, as provided in RSMo 311.297.
- c. *Tasting on Tax Exempt Licensees, Caterers or Picnic Licensees Premises.* The holder of this license may provide, furnish and pour for tasting purposes at picnic licensees events, caterers licensees events and also for tax exempt licensed premises, as such as provided in RSMo 311.297.
  - d. *Tastings on Other Licensed Premises.* The holder of this license may provide or furnish distilled spirits, wine, or malt beverage samples on a retail by the drink premises or on an original package premises which has a tasting license under RSMo 311.294.
  - e. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

**SEC. 2.04.007. W3 – Wholesale selling of malt liquor**

- a. *Activities Allowed.* This license allows the selling of intoxicating liquor containing not more than 5 percent alcohol by weight by a Wholesaler to a person licensed to sell such malt liquor at retail and the privilege of selling to licensed Wholesalers and soliciting orders for the sale of intoxicating liquor containing not more than 5 percent of alcohol by weight, to, by, or through a duly licensed Wholesaler.
- b. *Tasting on Non Licensed Premise.* The holder of this license may provide and pour distilled spirits, wine, or malt beverage samples on nonlicensed premises for tastings as long as no sales transaction occurs, as provided in RSMo 311.297.
- c. *Tasting on Tax Exempt Licensees, Caterers or Picnic Licensees Premises.* The holder of this license may provide, furnish and pour for tasting purposes at picnic licensees events, caterers licensees events and also for tax exempt licensed premises, as such as provided in RSMo 311.297.
- d. *Tastings on Other Licensed Premises.* The holder of this license may provide or furnish distilled spirits, wine, or malt beverage samples on a retail by the drink premises or on an original package premises which has a tasting license under RSMo 311.294.
- e. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

**SEC. 2.04.008. P1 – Retail Selling of Intoxicating Liquor of all kinds in the original package**

- a. *Activities Allowed.* This license allows for the retail sale of intoxicating liquor of all kinds in the original package direct to the customer, but not for resale. This license does not allow intoxicating liquor to be consumed on the premises where sold. This license does not include Sunday sales.
- b. *Hours to Sell.* This license allows retailers to operate between the hours of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays.
- c. *Tasting permit.* A special permit for the privilege to conduct wine, malt beverage and distilled spirit tastings on the licensed premises may be obtained once an "P1" license is issued under the terms of this Chapter. Licensee shall comply with administrative requirements developed by the Liquor License Officer.
- d. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

**SEC. 2.04.009. P3 – Retail selling of beer only in the original package; includes Sunday sales**

- a. *Activities Allowed.* This license allows for the retail sale of beer in the original package direct to the customer, but not for resale. This license does not allow intoxicating liquor to be consumed on the premises where sold.
- b. *Hours to Sell.* This license allows retailers to operate between the hours of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays and between the hours of 9:00 a.m. and midnight on

Sunday.

- c. Tasting permit. A special permit for the privilege to conduct wine, malt beverage and distilled spirit tastings on the licensed premises may be obtained once an "P3" license is issued under the terms of this Chapter. Licensee shall comply with administrative requirements developed by the Liquor License Officer.
- d. Restriction on number of licenses available. There shall be a limit on the number of licenses available under the terms of this section of one license per 4,900 in population.

SEC. 2.04.010. T1 – Retail Selling of Intoxicating Liquor by the Drink

- a. Activities Allowed. This license allows for the retail sale of intoxicating liquor by the drink for consumption on the premises where sold. The retail sale of intoxicating liquor in the original package is also allowed by this license for consumption off the licensed premises where purchased.
- b. Hours to Sell. This license allows retailers to operate between the hours of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays.
- c. Sunday Sales. A Sunday sales license must be obtained to allow alcohol consumption on Sundays.
- d. Restriction on number of licenses available. There shall be a limit on the number of licenses available under the terms of this section of one license per 1,500 in population.

SEC. 2.04.011. T2 – Retail Selling of Malt Liquor & Wine by the Drink

- a. Activities Allowed. This license allows for the retail sale of malt liquor and light wine by the drink for consumption on the premises where sold. The retail sale of malt liquor and light wine in the original package is also allowed by this license for consumption off the licensed premises where purchased.
- b. Hours to Sell. This license allows retailers to operate between the hours of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays.
- c. Sunday Sales. A Sunday sales license must be obtained to allow alcohol consumption on Sundays.
- d. Restriction on number of licenses available. There shall be a limit on the number of licenses available under the terms of this section of one license per 1,500 in population.

SEC. 2.04.012. T3 – Retail Selling of Beer by the Drink including Sunday Sales

- a. Activities Allowed. This license allows for the retail sale of beer by the drink for consumption on the premises where sold. The retail sale of beer in the original package is also allowed by this license for consumption off the licensed premises where purchased.
- b. Hours to Sell. This license allows retailers to operate between the hours of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays and between the hours of 9:00 a.m. and midnight on Sunday.
- c. Restriction on number of licenses available. There shall be a limit on the number of licenses available under the terms of this section of one license per 1,500 in population.

SEC. 2.04.013. R-1 – Restaurant Selling Intoxicating Liquor.

- a. Activities Allowed. This restricted license allows the selling of intoxicating liquor by the drink at an establishment meeting the criteria of a restaurant bar for consumption on premises. The retail sale of intoxicating liquor in the original package is also allowed by this license for consumption off the licensed premises where purchased.
- b. Hours to Sell. This license allows retailers to operate between the hours of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays.

- c. **Sunday Sales.** A separate Sunday License must be obtained to allow alcohol consumption on Sundays.
- d. **Restriction on number of licenses available.** There shall be no limit on the number of licenses available under the terms of this section.
- e. **Notwithstanding any other provisions of this Chapter to the contrary, any restaurant bar without an onsite brewery that serves twenty or more different types of draft beer may sell 32 ounces or more of such beer to customers for consumption off premises of such establishment.**

**SEC. 2.04.014. R-2 – Restaurant Selling Beer, Includes Sunday Sales**

- a. **Activities Allowed.** This restricted license allows the selling of beer by the drink at an establishment meeting the criteria of a restaurant for consumption on premises. The retail sale of beer in the original package is also allowed by this license for consumption off the licensed premises where purchased.
- c. **Hours to Sell.** This license allows retailers to operate between the hours of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays and between the hours of 9:00 a.m. and midnight on Sunday.
- c. **Restriction on number of licenses available.** There shall be a limit on the number of licenses available under the terms of this section of one license per 4,700 in population.
- d. **Notwithstanding any other provisions of this Chapter to the contrary, any restaurant bar without an onsite brewery that serves twenty or more different types of draft beer may sell 32 ounces or more of such beer to customers for consumption off premises of such establishment.**

**SEC. 2.04.015. F1 – Tax Exempt Organizations Selling Intoxicating Liquor.**

- a. **Activities Allowed.** This restricted license allows for the retail sale of intoxicating liquor by the drink for consumption on the premises where sold. If any tax exempt organization has a license to sell intoxicating liquor on its premises pursuant to this Chapter and such premises includes two or more buildings in close proximity; the license shall be valid for the sale of intoxicating liquor at any such building(s). The retail sale of intoxicating liquor in the original package is also allowed by this license for consumption off the licensed premises where purchased.
- b. **Hours to Sell.** This license allows retailers to operate between the hours of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays
- c. **Qualifications.** This license requires applicant applying for tax exempt organization to provide a letter from the US Treasury Department exempting the organization from taxes under 501(c)3, 501(c)4, 501(C)5, 501(C)7, 501(C)8, 501(C)10, 501(C)19 or 501(D); and a copy of the applicant's charter, if chartered by a national organization.
- d. **Sunday Sales.** A separate Sunday License must be obtained to allow alcohol consumption on Sundays.
- e. **Restriction on number of licenses available.** There shall be no limit on the number of licenses available under the terms of this section.

**SEC. 2.04.016. H1 – Hotel Selling Intoxicating Liquor**

- a. **Allowed Activities.** This restricted license allows the sale of intoxicating liquor by drink for consumption on premises meeting the criteria of a Hotel. The retail sale of intoxicating liquor in the original package is also allowed by this license for consumption off the licensed premises where purchased.
- b. **Hours to Sell.** This license allows retailers to operate between the hours of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays

- c. *Sunday Sales.* A separate Sunday License must be obtained to allow alcohol consumption on Sundays.
- d. *Applicable provisions.* All other laws and regulations of the state and City relating to the sale of intoxicating liquor by the drink for consumption on the premises where sold, shall apply to a Hotel in the same manner as they apply to establishments licensed under this Chapter.
- d. *Number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

**SEC. 2.04.017. Z1 – Consumption of Intoxicating Liquor**

- a. *Name.* A Consumption of Intoxicating Liquor (C.O.L.) license is for the privilege of operating a premises within the City where food, beverages or entertainment are sold or provided for compensation (e.g., banquet and event hall) to permit the drinking or consumption of intoxicating liquor on the premise. A Consumption of Liquor licensee cannot sell any intoxicating liquor.
- b. *Hours of Operation.* This holder of this license can operate between the hours of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays. Consumption of Intoxicating Liquor on Sunday is not allowed.

**SEC. 2.04.018. Microbrewery (S1).**

- a. *Name.* A license for the privilege of a business to manufacture or brew malt liquor within the City.
- b. *Activities Allowed.* This license allows the licensee to manufacture or brew malt liquor with an annual production not to exceed ten thousand barrels. This license also allows the sale of malt liquor produced on the brewery premises to a license wholesaler.
- c. *Drink License.* The holder of this type of license may apply for a Retail Selling Intoxicating Liquor by the Drink license and Sunday Sales License for consumption on the premise.
- d. *Restrictions on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

**SEC. 2.04.019. S2 – Domestic Winery**

- a. *Name.* This license allows for a domestic winery to manufacture, wholesale and sell at retail wine and domestic brandy, in quantities not to exceed five hundred thousand (500,000) gallons not in excess of eighteen percent (18%) of alcohol by weight, or not in excess of thirty-four percent (34%) of alcohol by weight for brandy, from grapes, berries, other fruits, fruit products, honey and vegetables produced or grown in the state of Missouri, exclusive of sugar, water and spirits. A license for the privilege of a domestic winery to manufacture, wholesale and sell at retail wine and domestic brandy produced on premises.
- b. *Activities Allowed.* This license allows the licensee to manufacture, wholesale and retail Missouri produced wine and brandy products for one license fee.
- c. *Samples Allowed.* A Domestic Winery licensed under this section may offer samples of Missouri produced wine, may sell Missouri produced wine and brandy in its original package directly to consumers at the winery, and may open wine purchased by customers so that it may be consumed on the winery premises on Monday through Saturday between 6:00 a.m. and midnight and on Sunday between 9:00 a.m. and 10:00 p.m.
- d. *Drink License.* The holder of this type of license may apply for a Retail Selling Intoxicating Liquor by the Drink license and Sunday Sales License for consumption on the premise
- e. *Restrictions on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

**SEC. 2.04.020. S4 – Picnic 7 Day Intoxicating Liquor by the Drink.**

- a. Name.** A temporary license for the privilege of the retail selling, by a church, school, civic, service, fraternal, veteran, political or charitable club or organization at a picnic, bazaar, fair or similar gathering within the City, of intoxicating liquor by the drink for consumption on the premises where sold.
- b. Term.** A license under the terms of this section shall be issued only for the day or days named therein and it shall not authorize the sale of malt liquor for more than seven (7) days by any such organization described in Subsection A. in any fiscal year. If the event will be held on a Sunday, this permit shall authorize the sale of intoxicating liquor on that day between the hours of 11:00 a.m. and 12:00 p.m. (midnight).
- c. Scope.** The provisions contained in this section shall not 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.
- d.** This permit does allow for sales in the original package for consumption off the premises.
- e. Restriction on number of licenses available.** There shall be no limit on the number of licenses available under the terms of this section.

**SEC. 2.04.021. S6 – July 4<sup>th</sup> Celebration Malt Liquor & Light Wine by the Drink**

- a. Name.** A temporary license for the privilege of the retail selling, by a church, school, civic, fraternal, veteran, political or charitable club or organization at a Fourth of July picnic, bazaar, fair, festival or similar gathering or event within the City, of wine or malt liquor by the drink for consumption on the premises where sold.
- b. Term; hours when selling permitted.** A temporary license under the terms of this section may be issued only during the period from June 15 to July 15 annually, and only for the day or days named therein. Such license shall not authorize the sale of wine and malt liquor except between the hours of 10:00 a.m. and 12:00 midnight of each day, and for not more than seven (7) days by any such organization.
- c. Scope; discrimination prohibited.** A temporary license under the terms of this section may be issued to cover more than one place of sale within the general confines of the place where the gathering or event is held. No license shall be issued under the terms of this section to any organization which selects or restricts the membership thereof on the basis of race, religion, color, creed, or place of national origin. No provision or law or rule or regulation of the Liquor License Officer shall prevent any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for the use by the holder of such license at such gatherings or events.
- d. Fee.** A temporary license under the terms of this section shall be issued to all qualified applicants who fully comply with the provisions of this chapter, upon payment of a license fee of one hundred fifty dollars (\$150.00) to the City.
- e. Restriction on number of licenses available.** There shall be no limit on the number of licenses available under the terms of this section.

**SEC. 2.04.022. C1 – Caterer Intoxicating Liquor by the Drink – Up to 7 Days**

- a. Name.** A temporary license for the privilege of the retail selling at a temporary function, by a caterer or other person within the city, of intoxicating liquor by the drink for consumption on the premises where sold and intoxicating liquor in the original package for consumption on the premises where sold of a temporary function.
- b. Qualifications.** A temporary license under the terms of this section may be issued 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, for the purpose of furnishing provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises.

- c. Term. The temporary permit shall be effective for a period not to exceed one hundred sixty-eight (168) consecutive hours. Such temporary license shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which time alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverage for on-premises consumption.
- d. Applicable provisions. All provisions of this chapter shall extend to such premises and shall be in force and enforceable during all the time that the licensee, its agents, servants, employees, or stock are in such temporary location. This temporary license shall allow the sale of intoxicating liquor in the original package for consumption off the premises.
- e. Restriction on number of licenses available. There shall be no limit on the number of licenses available under the terms of this section.

**SEC. 2.04.023. C2 – Caterer Intoxicating Liquor by the Drink – Up to 50 Days.**

- a. Name. A temporary license for the privilege of the retail selling, by a caterer or other person within the city, of intoxicating liquor by the drink for consumption on the premises where sold and intoxicating liquor in the original package for consumption on the premises where sold of a temporary function.
- b. Qualifications. A temporary license under the terms of this section may be issued 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, for the purpose of furnishing provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, for a period not to exceed fifty (50) days during any license year between July 1<sup>st</sup> and June 30th. Such temporary license shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which time alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverage for on-premises consumption.
- c. Applicable provisions. All provisions of this Chapter shall extend to such premises and shall be in force and enforceable during all the time that the licensee, its agents, servants, employees, or stock are in such temporary location. This temporary permit shall include the sale of intoxicating liquor in the original package for consumption off the premises.
- d. Reporting requirements. Caterers issued a license under the terms of this section shall report to the Liquor License Officer the location of each function three (3) business days in advance. The report of each function shall include permission from the property owner and city, description of the premises, and the date or dates the function will be held.
- e. Restriction on number of licenses available. There shall be no limit on the number of licenses available under the terms of this section.

**SEC. 2.04.024. C3 – Caterer Intoxicating Liquor by the Drink – Unlimited Days**

- a. Name. A temporary license for the privilege of the retail selling, by a caterer or other person within the city, of intoxicating liquor by the drink for consumption on the premises where sold for an unlimited number of temporary function.
- b. Qualifications. A temporary license under the terms of this section may be issued 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, for the purpose of furnishing provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, for an unlimited number of events. Such temporary license shall authorize the service of alcoholic beverages at such

function, occasion or event during the hours at which time alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverage for on-premises consumption.

- c. *Applicable provisions.* All provisions of this Chapter shall extend to such premises and shall be in force and enforceable during all the time that the licensee, its agents, servants, employees, or stock are in such temporary location. This temporary permit shall include the sale of intoxicating liquor in the original package for consumption off the premises.
- d. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

#### **SEC. 2.04.025. S – Sunday Sales**

- a. *Name.* A license for the privilege of the retail selling, within the City, of intoxicating liquor on Sunday only.
- b. *Qualifications.* A person possessing the qualifications and meeting the requirement of this chapter, who is licensed to sell intoxicating liquor at retail may apply for a license under the terms of this section.
- c. *Hours when selling permitted.* A license under the terms of this section shall authorize the selling of intoxicating liquor at retail on Sunday between the hours of 9:00 a.m. and 12:00 midnight on the same day on the premises described in the application.
- d. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

#### **SEC. 2.04.026. T – Tasting Permit**

- a. *Name.* A license for the privilege of tasting, within the City, of intoxicating liquor on the licensed premise.
- b. *Qualifications.* A license holder as permitted by this Chapter and RSMo 311 may also obtain a tasting license which allows the licensee to conduct wine, malt beverage and distilled spirit tastings.
- c. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

#### **SEC. 2.04.027 - 2.04.999 RESERVED.**

### **ARTICLE 5. LICENSE APPLICATION AND PROCESS**

#### **SEC. 2.05.001. APPLICATION.**

- A. *Form.* All applications for licenses under the provisions of this Chapter shall be made in writing on proper forms submitted to the Liquor License Officer setting forth in such request the specific type and nature of license sought and the location desired.
- B. *Identification of applicant.* Upon receipt of the application in addition to answering all other questions thereon, the applicant shall state his name and address if a person, or if a firm, partnership or association, the name and address of each member of the firm, partnership or association so applying, or, if the applicant is a corporation and requests a license for intoxicating liquor by the drink, the names and addresses of all its officers, members of its board of directors, all stockholders and ownership interests shall be stated; the requirement as to stockholders shall be dispensed with if the stock in the corporation is publicly held.

**C. Information required.** The following information shall be required in the application:

- 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. Whether or not any distiller, wholesaler, wine maker, brewer, or supplier, or coin-operated, commercial, manual or mechanical amusement devices or the employees, officers or agents thereof, have any financial interest in the retail business of the applicant for the sale of alcoholic beverages, or C.O.L., and whether or not the applicant, either directly or indirectly, will borrow or accept from any such persons equipment, money, credit, or property of any kind except ordinary commercial credit for liquor sold;**
  - 5. 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.**
  - 6. A complete description of the plans, specifications and fixtures in the applicant's proposed place of business, if the application is for a retail license; provided, however, that this shall apply only when application is for a new location or a change in the plans or specifications within a previously established location, in addition to the cost value of inventory other than intoxicating liquor at the proposed place of business;**
  - 7. A statement that the applicant will not violate any of the ordinances of the City, the laws of the State or of the United States, in the conduct of the business;**
  - 8. Whether or not the proposed location, place or premises, is within three hundred (300) feet of a school or church;**
  - 9. The type of license for which application is made;**
  - 10. If applicant is not a corporation, the names and business addresses of the applicant's employers for a period of five (5) years prior to the application;**
  - 11. A comprehensive and informative statement disclosing the true ownership and management of the business; and**
  - 12. Any further reasonable information required by the City Council regarding the location, place or premises for which a license is sought.**
- D. Photograph of Individual(s).** The application shall be accompanied by a recent photograph of the individual(s) signing the application.
- E. Photograph/Diagram of Premise.** Every applicant must submit a recent photo of the exterior and interior of the premises. If newly constructed interior, a diagram of the interior is to be submitted with the interior photo.
- F. Property Tax Receipts.** Every applicant shall submit a copy of his/her personal property tax receipt for the year immediately preceding the date of the application from the county in which they reside showing that all taxes owed for the year immediately preceding the application by the applicant, all partners if the applicant is a partnership, the managing officer of the corporation, if the applicant is a corporation, and the managing officer of the LLC, if the applicant is a LLC, have been paid. In lieu of such receipt, the applicant may provide an affidavit of the county or city assessor where the applicant resides, or, if applicant is a corporation where the managing officer of the corporation resides, or, if



applicant is a LLC where the managing officer resides, stating that applicant or the managing officer of the corporation or LLC, if a corporation or LLC, owns property for which she/he is legally subject and liable for taxation in the county, town, city or village where applicant or, if a corporation or LLC, the managing officer of the applicant, resides in Missouri.

- G. *Voter Registration.* Every applicant must submit a certificate of registration from the Election Board from the County where they reside stating that the applicant or said officer of applicant, if a corporation, is a qualified legal voter in the State of Missouri.
- H. *Background Check.* A criminal history record information (CHRI) report on each applicant, obtained from the Missouri State Highway Patrol. A CHRI shall be obtained for each partner in a partnership, and the managing officer, directors and officers of a corporation and the managing officer and members of a LLC.

#### **SEC. 2.05.002. MISREPRESENTATIONS.**

No license shall be granted to an applicant unless she/he makes full, true and complete answers to all questions in the application. If any applicant shall make any false statement in his/her application, it shall be cause for suspension or revocation of any license issued pursuant to the application.

#### **SEC. 2.05.003. APPLICATION FEE, TERM.**

- A. *New licenses.* All license fees for new licenses, as provided for in this article, shall be due and payable at the time the license application is submitted to the Liquor License Officer. The license shall be for one (1) year, beginning July 1 and ending June 30.
  - a. When a license to wholesale, manufacture, brew, sell or distribute alcoholic beverages is applied for and issued after December 31st in any year, the person applying for the license shall pay a license fee equal to one- half of the annual fee.
  - b. When a license to wholesale, manufacture, brew, sell or distribute alcoholic beverages is applied for and issued after April 1<sup>st</sup> in any year, the person applying for the license shall pay the full license fee but the license would expire June 30<sup>th</sup> the following year.
- B. *License renewals.* All license fees for license renewals, as provided for in this article, shall be due and payable at the time the renewal application is submitted to the Liquor License Officer. The renewed license shall be for one (1) year, beginning July 1 and ending June 30.

#### **SEC. 2.05.004. PRIOR LICENSES.**

A. No person, partnership, LLC or corporation shall be qualified for a license under this Chapter if such person, any member of such partnership, the managing officer of such LLC or any members thereof, the managing officer of such corporation, or any officer, director or any stockholder owning, legally or beneficially, directly or indirectly, ten percent (10%) or more of the stock of such corporation, or other financial interest therein, or ten percent (10%) or more of the interest in the business for which the person, partnership, LLC or corporation is licensed has had a license revoked under this Chapter.

B. No person, partnership, LLC or corporation shall be qualified for a license under this Chapter if any person employed in the business licensed under this chapter shall have had a license revoked under this chapter, or shall have been convicted of violating the provisions of any law applicable to the manufacture or sale of intoxicating liquor, within the three years immediately preceding the application for the license, or shall have been convicted of any crime the conviction or sentencing on which is reasonably related to the competency of the person to exercise the right or privilege granted by the license.

C. 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.

D. No license will be issued to the spouse, child(ren), step-child(ren), parent(s), step-parent(s), son-in-law or daughter-in-law, employee or other person having any interest in the business of a licensee whose license has been revoked, for the privilege of doing business at the same location as the location of the establishment whose license was revoked, where such revocation would disqualify the licensee from obtaining a license under this Chapter.

E. The Liquor License Officer shall require all applicants for licenses to file written statements, under oath, containing the information reasonably required to administer this section. Statements by applicants for licenses as wholesalers and retailers shall set out, with other information required, full information concerning the residence of all persons financially interested in the business to be licensed as required by regulation. All material changes in the information filed shall be promptly reported to the Liquor License Officer.

#### SEC. 2.05.005. REVIEW OF APPLICATIONS.

The Liquor License Officer, 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 City shall investigate the safety and sanitation of the premises and the equipment and furnishings contained in the applicant's premises. The departments shall report the findings of the investigation to the Liquor License Officer. After the original license has been issued, the Liquor License Officer may, at any reasonable time, have the premises of the licensee investigated.

#### SEC. 2.05.006. CITY COUNCIL APPROVAL, WHEN REQUIRED.

- A. For those new license applications where a premises is located within three hundred (300) feet of a property in an R-1 district, R-2 district, R-4 district, R-6 district, R-12 district or R-18/PUD district, school, church, or other building regularly used as a place of religious worship, the Council shall, after giving due public notice in the manner prescribed by law, hold a public hearing on said application whereby any person will have the opportunity to express their views on the application prior to a decision by the Council to grant or deny a license for the sale of alcoholic beverages. Those licenses identified in 2.05.006.B and C. do not require Council approval.
- B. For those new license applications where a premises is located greater than three hundred (300) feet from a property in an R-1 district, R-2 district, R-4 district, R-6 district, R-12 district or R-18/PUD district, school, church, or other building regularly used as a place of religious worship, the Liquor License Officer, upon proper application, payment of the required fee and compliance with the requirements set forth in this Chapter, may issue said license.
- C. The following licenses may be issued by the Liquor License Officer without Council approval:
  - a. Wholesale Licenses
  - b. Manufacturing Licenses
  - c. Tasting Liquor Licenses
  - d. Sunday Sales License
  - e. Picnic Liquor Licenses

**f. Caterer Liquor Licenses**

- D. The distance from the premises of a liquor establishment and a church building, school building, hospital building or dwelling unit shall be measured between the point of the premises located nearest to the property of the church building, school building, hospital building or dwelling unit.**

**SEC. 2.05.007. PUBLIC NOTICE**

- A. *Mailed Notice Requirement.* When a public hearing is required, mailed notice must be sent to the last known record owners of all property within 300 feet, as shown by the Jackson County tax records. Such notice shall be given by regular United States Mail or personal service. The notice shall contain the name of the applicant, the address of the premises to be licensed and a description of the license requested and the time, date and place of the public hearing to be held on the application. Failure to receive mailed notice will not invalidate any action taken on the application.**
- B. *Timing of Mailing.* Mailed notices shall be sent at least 10 days prior to the hearing, notifying the property owners of the opportunity to be heard.**

**SEC. 2.05.008. LICENSE ISSUANCE**

**If an application for a license under this article is approved by the Council and payment of the license fee has been made, the Liquor License Officer shall grant to the applicant a license to operate and conduct business at the specific location in the City for the period as set forth in the license certificate.**

**SEC. 2.05.009. RENEWALS**

- A. *Affidavit Required, Fees.* Upon the submission of an affidavit signed by the original applicant to whom a license has been issued as provided hereunder and a copy of applicant's current State of Missouri license, a City license may be renewed. Such affidavit shall be submitted to the Liquor License Officer not earlier than sixty (60) days nor later than thirty (30) days prior to the expiration date of the license to be renewed upon forms provided by the Liquor License Officer and shall state the changes, if any, in the facts or information contained in the original application, together with such other data required by the form and relevant to the operation of the licensee and shall be accompanied by a certified or cashier's check or other funds acceptable to the City for the renewal fee in the amount provided for in the original license as set forth in the Schedule of Fees.**
- B. *Changes In Facts From Original Application.* In the event there are no changes in the facts or information upon which the license was originally issued or was issued on last renewal of the same, the license shall be reissued by the Liquor License Officer upon compliance with the above requirements. If there are such changes, the renewal affidavit will be referred to the City Council for consideration thereof. In the event the Council finds that such changes would not have prevented the original issue or last renewal of the license, the license shall be renewed. Otherwise renewal will be denied.**
- C. *For failure to submit a renewal application on or before May 31, a late charge shall be added to the renewal fee as follows:***  
**June 1 to June 30 – \$100.00**  
**July 1 and later – \$300.00**

**SEC. 2.05.010 - 2.05.999 RESERVED.**

## **ARTICLE 6. LICENSE**

### **SEC. 2.06.001. CONTENTS OF LICENSE.**

All licenses granted under this article shall be signed by the Mayor and attested by the City Clerk with the seal of the City affixed thereon. Every license shall set forth the type of license granted, and shall particularly describe the premises at which the approved alcoholic beverages may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of alcoholic liquor at any place other than that described therein. A license issued under authority of this chapter, a copy of which shall be retained in the records of the Liquor License Officer.

### **SEC. 2.06.002. SEPARATE LICENSE**

A separate license shall be required for each place of business. Every license issued under the provisions of this Chapter shall describe the premises at which alcoholic beverages may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of alcoholic beverages at any place other than that described therein.

### **SEC. 2.06.003. POSTING OF LICENSE.**

A. Before commencing or doing any business for the time for which a license has been granted, the license shall be posted and at all times during the term of the license, kept displayed in a conspicuous place on the premises where the business is carried on, so that all persons visiting the premises may readily see the license.

B. No licensee shall post the license or allow the license to be posted upon premises other than the premises licensed or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee or knowingly deface, destroy or alter the license in any respect.

### **SEC. 2.06.004. CHANGE OF FACTS; CHANGE OF OWNERSHIP OR MANAGING OFFICER**

A. If during the period for which a license is granted there is any change of facts or information differing from that set forth in the original or in any renewal application on file with the Liquor License Officer, written notice shall be given to the Liquor License Officer within ten (10) days after the change.

B. If the change is a change in ownership of the licensed premises affecting 25% or less of the ownership, such change is subject to the approval of the Liquor License Officer after making application to change ownership. The new owner or partner shall meet all the requirements of this Chapter applicable to owners and partners.

C. If the change is a change in ownership of the licensed premises affecting more than 25% of the ownership, such change is subject to the approval of the City Council, in the same manner as the approval of a license. The new owner or partner shall meet all the requirements of this Chapter applicable to owners and partners. A public hearing is not required for such changes.

D. If the change is for a change of managing officer, the new managing officer shall meet all the requirements of this Chapter applicable to managing officers. Such change is subject to the approval of the Liquor License Officer after making application to change the managing officer.

### **SEC. 2.06.005. TRANSFER OR ASSIGNMENT PROHIBITED, EXCEPTIONS**

A. No license issued under authority of this Chapter may be transferred or assigned, except as herein provided:

**1. DEATH OF LICENSEE.**

**a. In the event of the death of a person holding a license, the widow or the widower or the next of kin of such deceased person, who shall meet the other requirements of this Chapter, may make application and the Liquor License Officer may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased.**

**2. DEATH OR WITHDRAWAL OF PARTNER.** Whenever a partner dies or one or more members of a partnership withdraws from the partnership, the Liquor License Officer, upon being requested, shall permit the remaining partner, or partners, originally licensed, to continue to operate for the remainder of the period for which the license fee has been paid, without obtaining a new license.

**SEC. 2.06.006. TRANSFER OF LOCATION OF LICENSED ESTABLISHMENT.**

- A. A license may, subject to the approval of the Liquor License Officer, be transferred to any other part of the building containing the licensed premises if the premises sought to be licensed meets the requirements of this Chapter after making application and paying the applicable fees to transfer the license.**
- B. A license may, subject to the approval of the City Council, be transferred to any other premises. Such transfer shall be subject to the requirements of this Chapter for the location of a licensed premises and process as set out in this Chapter after making application and paying the applicable fees to transfer the license.**

**SEC. 2.06.007. EXPANSION OF EXISTING LICENSE.**

**A license may be expanded to encompass a larger area of the existing licensed premises if the area sought to be licensed meets the requirements of this Chapter. Such expansion shall be subject to the requirements of this Chapter for the location of a licensed premises and process as set out in Chapter. An application to expand the license must be submitted in writing together with the fee to the Liquor License Officer.**

**SEC. 2.06.008. SALE OR LEASE OF LICENSED PREMISES.**

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

**SEC. 2.06.009. LOST LICENSE, REPLACEMENT OF.**

**Whenever a license is lost, stolen or destroyed, a duplicate license will be issued by the City, upon payment of a Ten Dollar (\$10.00) replacement fee by the licensee to the Director of Finance. Application for a duplicate license must be by affidavit of the licensee and must set forth the following:**

- A. The date upon which the license was lost, stolen or destroyed;**
- B. The circumstances under which the license was lost, stolen or destroyed;**
- C. A request that a duplicate license be issued; and**
- D. An agreement to surrender the lost or stolen license should it be found.**

**SEC. 2.06.010. RESPONSIBILITY FOR ACTS OF EMPLOYEES.**

**Licensees are at all times responsible for the conduct of their business and are at all times directly responsible for any act or conduct of any employee on the premises that is in violation of this**

Chapter any other City ordinance, the Intoxicating Liquor Laws of the State of Missouri, and the regulations of the Liquor License Officer and the Chief of Police.

**SEC. 2.06.011. LICENSE NOT REQUIRED.**

A. Any licensed pharmacist may possess intoxicating liquor purchased from a vendor licensed pursuant to this Chapter, or acquired pursuant to state law, to be used in connection with the business of the licensed pharmacist in compounding medicines or as a solvent or preservative. Nothing in this Chapter shall prevent a regularly licensed pharmacist, after procurement of a license therefor in compliance with this Chapter, from selling alcoholic beverages in the original package.

B. Nothing in this Chapter shall be construed as limiting the right of a physician to prescribe intoxicating liquor in accordance with the physician's professional judgment for any patient at any time, or prevent a druggist from selling intoxicating liquor to a person on prescription from a regularly licensed physician.

**SEC. 2.06.012 - 2.06.999 RESERVED.**

**ARTICLE 7. SUSPENSION OR REVOCATION OF LICENSE**

**SEC. 2.07.001. GROUNDS FOR SUSPENSION OR REVOCATION.**

The following actions shall be considered as grounds for suspension or revocation of a license:

1. A licensee has not at all times maintained an orderly place; or
2. A licensee or any employee, agent or servant of the licensee has violated any of the provisions of this Chapter; or
3. The license held by the licensee was obtained through materially false statements in the application for such license or renewal thereof; or
4. The licensee failed to make a complete disclosure of all pertinent information in the application for such license or renewal thereof; or
5. The licensee, since the issuance of such license, has ceased to be the person actually engaged in the active control and management of the particular establishment for which the license was issued; or
6. Anything has occurred which would render the licenses or the licensed premises ineligible or unsuitable for a license under the provisions of this Chapter; or
7. That such licensee is in violation of any Federal or State Liquor Control Act; or
8. That the conduct of the business violates, or the licensed premises or the licensee are in violation of, any provision of the City Code; or
9. That an employee of any licensee had failed to properly obtain an employee's permit; or had said permit suspended or revoked after notification of said suspension or revocation by the

Liquor License Officer to the holder; or

10. The licensed premises has been discontinued or abandoned.

SEC. 2.07.002. PROCEDURE.

A. The Liquor License Officer may, upon recommendation of the Chief of Police or upon his/her own motion, conduct a hearing to determine if any license issued under authority of this Chapter should be suspended or revoked.

B. The licensee shall be given not less than ten (10) days written notice prior to the hearing. The notice shall set out the reasons for which the hearing is called and shall command the person holding the license to be present at such hearing and show cause, if any, why such license should not be suspended or revoked.

1. Such notice shall be hand delivered to the licensed establishment or sent by first class mail to both the Managing Officer and business owner, if not the same person. A letter mailed by first class mail shall be presumed received three (3) days after it was mailed.

2. The Liquor License Officer shall render a final decision and report such decision to the Licensee within ten (10) business days after the date of the hearing.

C. When the Liquor License Officer revokes or suspends a liquor license, the licensee shall be given written notice of such revocation or suspension by the Liquor License Officer. Such notice shall apprise the licensee of the specific violations.

D. The notice of revocation or suspension shall be served by the Liquor License Officer and shall be served upon the licensee as provided in Section 2.07.002.B.1 of this Chapter.

E. The licensee shall have the right to appeal the decision of the Liquor License Officer, as set out in this Chapter.

SEC. 2.07.003. EFFECT OF REVOCATION; SUSPENSION.

A. Whenever any license shall be revoked under the terms and provisions of this Chapter, the licensee shall not thereafter be eligible for any license provided for in this Chapter.

B. No licensee who shall have experienced a suspended license by order of the Liquor License Officer shall sell or give away any alcoholic beverage during the period of time such order of suspension is in effect. Any licensee desiring to keep said premises open for the sale of food or merchandise during such period of suspension shall display the order of suspension issued by the Liquor License Officer in a conspicuous place on the premises so that all persons visiting the premises may readily see the order of suspension.

SEC. 2.07.004. APPEAL PROCESS.

A. Any license applicant, licensee or permittee aggrieved by the decision of the Liquor License Officer to suspend or revoke a liquor license or to deny, suspend or revoke an employee's permit shall have the right to appeal such action to the City Council by filing a written appeal with the City Clerk within five (5) days after notice of the decision is served on the permittee. No licensee or permittee shall have the right to appeal the decision of the Liquor License Officer unless said licensee or permittee has requested a hearing as provided in Section 2.07.002.C or Section

**2.08.011.E of this Chapter.**

**B. Such written appeal shall set out a copy of the order or decision being appealed, shall include a statement of the facts concerning the order, and shall state wherein the license was wrongfully suspended or revoked or the permit was wrongfully denied, suspended or revoked. At the time of filing any such appeal a copy thereof shall be filed by the appellant with the Liquor License Officer.**

**C. The City Council shall fix a time and place for hearing the appeal and shall direct a written notice to be served, as provided in Section 2.07.002.B, for service of a notice of suspension or revocation, upon the appellant to provide that information. The City Clerk shall give notice to the Liquor License Officer who shall be entitled to appear in defense of his or her decision.**

**D. The findings of the City Council shall be final and conclusive and shall be served upon the appellant in the manner provided above for service of notices of suspension or revocation.**

**SEC. 2.07.005. PENALTY.**

**Any person found guilty of violating any of the provisions of this Chapter shall be fined in a sum of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by a sentence of not less than thirty days nor more than one year imprisonment, or both such fine and imprisonment, provided that upon final conviction of any person for a violation of any of the provisions of this Chapter, said conviction shall automatically operate to revoke the license hereunder issued to such person, and provided further that the term conviction as herein used shall include a finding of guilty, a plea of guilty or a plea of no lo contendere and provided further that no person having been convicted of the violation of any of the provisions of this Chapter shall be issued a license or renewal thereof for a period of one year from the date of said conviction. Upon conviction of any person in Municipal Court under the provisions of this Chapter, it shall be the duty of the Judge of the Municipal Court to certify such conviction to the Liquor License Officer and Chief of Police.**

**SEC. 2.07.006. LICENSE AUTOMATICALLY REVOKED UPON CONVICTION.**

**Conviction in any court of any violation of this Chapter shall have the effect of automatically revoking the license of the person convicted, and such revocation shall continue operative until said case is finally disposed of, and if the defendant is finally acquitted, he or she may apply for and receive a license hereunder, upon paying the regular license charge therefor, in the same manner as though he or she had never had a license hereunder.**

**SEC. 2.07.007. INJUNCTION.**

**Whenever any person maintains a premises which is being operated in violation of the provisions of this Chapter, and such violations have resulted in the suspension or revocation of the license issued under this chapter, or have persisted after notice from the Liquor License Officer, the Liquor License Officer may request the City Counselor to seek an injunction in the Jackson County Circuit Court to prohibit the continued operation of the premises in violation of this Chapter.**

**SEC. 2.07.008 - 2.07.999 RESERVED.**

**ARTICLE 8. EMPLOYEE PERMITS**



**SEC. 2.08.001. LIQUOR LICENSE REQUIRED.**

**No person may be employed in the sale, dispensation, service or delivery of alcoholic beverages by any employer who does not have the required license under this Chapter.**

**SEC. 2.08.002. EMPLOYEE PERMIT REQUIRED.**

**A. Except as further set out below, all persons employed in the retail sale, dispensation, service or delivery of alcoholic beverages must obtain a permit as provided herein. This requirement for an employee permit shall include a bartender or a waiter/waitress who serves alcoholic beverages, a cashier who registers the sale of alcoholic beverages, or any other person physically handling an alcoholic beverage as an employee of a licensee.**

**B. The following persons are not required to have an employee permit:**

**1. Any person employed solely as a cashier in a business licensed to sell malt liquor and light wine by the drink or as a restaurant bar.**

**2. Hostesses who are not involved in the actual dispensation or sale of an alcoholic beverage.**

**3. Persons who bus tables.**

**4. Persons employed by a grocery store, for the sacking of items which have been purchased.**

**5. A stocker who arranges alcoholic beverages for storage, display or sale.**

**C. The employee's liquor permit shall be deposited with the management of the establishment and keep on file with the employee's food handler's permit, if applicable, during the employee's tenure of employment. Upon the employee leaving the employment of the establishment, the employee will receive their employee liquor permit from the management of the establishment.**

**D. It shall be unlawful for any licensed retailer to employ any person to sell or assist in the sale of alcoholic beverages who does not have an employee permit which is required by this Chapter.**

**SEC. 2.08.003. APPLICATION.**

**A. A person wishing to obtain an employee's permit must make written application on a form provided by the Liquor License Officer.**

**B. Each application must be accompanied by a valid State identification card or operator's license.**

**SEC. 2.08.004. MISREPRESENTATIONS.**

**Applicants for employee's permits shall make full, true and complete answers to all questions in the application. If any applicant shall make any false statement of a material matter in his or her application, it shall be deemed cause for suspension or revocation of any permit issued pursuant to such application.**

**SEC. 2.08.005. EFFECT OF CONVICTION, PROBATION STATUS OR PRIOR REVOCATION.**

**No employee's permit shall be issued to a person who has had a permit or license 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 has been convicted of any crime the conviction of, or sentencing on, which is reasonably related to the competency of the person to exercise the right or privilege of the**

**permit applied for.**

**SEC. 2.08.006. ISSUANCE OF PERMIT.**

**The applicant shall be issued a permit card by the Liquor License Officer that is valid for a period of three (3) years, subject to periodic reviews of the permittee's qualifications and possible suspension or revocation as set out in this Article. If the Liquor License Officer determines that the applicant is not qualified for an employee permit, the applicant shall be notified and the permit issued under this section shall immediately terminate.**

**SEC. 2.08.007. RENEWAL OF PERMIT.**

**Upon the expiration of an employee's permit card, a renewal thereof may be granted in the same manner as for the issuance of the original permit.**

**SEC. 2.08.008. SUSPENSION OR REVOCATION OF PERMIT.**

**A. The employee's permit may be denied, suspended or revoked by the Liquor License Officer if such person is in violation of any provision of this Chapter.**

**B. The Liquor License Officer may, upon recommendation of the Chief of Police or upon his/her own motion, conduct a hearing to determine if any employee liquor permit issued as specified in Article 7 of this Chapter.**

**SEC. 2.08.009. PROHIBITED ACTS.**

- A. It shall be unlawful for any person to use or possess any forged or false server certificate.**
- B. It shall be unlawful for any person to manufacture, forge, reproduce in any way or otherwise falsify a server certificate.**
- C. It shall be unlawful for any person to give, lend, sell or otherwise provide a false server certificate to any other person.**
- D. It shall be unlawful for any lawful holder of a server certificate to give, lend, sell or otherwise provide the server certificate to any other person.**

**SEC. 2.08.010. LOSS OF PERMIT.**

**A. Upon discovery of the loss or theft of the employee's permit, the permittee, shall immediately make application for a duplicate permit. The employee shall not return to work until he or she has secured a duplicate employee's permit.**

**B. Upon approval of the application, a duplicate employee's permit shall be issued to the permittee by the Liquor License Officer at no cost to the permittee. The duplicate employee permit shall be valid for the unexpired period of the original permit.**

**SEC. 2.08.011 - 2.08.999 RESERVED.**

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, BY THE CITY COUNCIL OF  
THE CITY OF INDEPENDENCE, MISSOURI.

\_\_\_\_\_  
Presiding Officer of the City Council  
of the City of Independence, Missouri

ATTEST:

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City Clerk

APPROVED - FORM AND LEGALITY:

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City Counselor

REVIEWED BY

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City Manager

**NOTE: Words struck through and bolded are being removed by this ordinance and words underscored and bolded are being added by this ordinance.**