

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 2 OF THE CITY CODE, “ALCOHOLIC BEVERAGES”.

WHEREAS, on March 1, 2021, the City Council approved Ordinance No. 19197 updating Chapter 2 Alcoholic Beverages of the City Code; and,

WHEREAS, the City seeks to amend the alcoholic beverage code to align the City’s alcoholic beverage code with recent changes in Missouri Liquor regulations and to address issues discovered since the passage of the Alcoholic Beverage code.

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

SECTION 1. That the certain Sections below in Chapter 2, “Alcoholic Beverages” of the Code of the City of Independence, Missouri, are hereby amended to read as follows:

“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 specified in RSMo Chapter 311, as amended, of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays.

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 specified in RSMo Chapter 311, as amended, of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays and on Sundays between the hours specified in RSMo Chapter 311, as amended. between the hours of 9:00 a.m. and midnight on Sunday.

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 specified in RSMo Chapter 311, as amended, of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays.

Sec. 2.04.011. T2—Retail selling of malt liquor and 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 specified in RSMo Chapter 311, as amended, of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays.

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 specified in RSMo Chapter 311, as amended, of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays and on Sundays between the hours specified in RSMo Chapter 311, as amended. between the hours of 9:00 a.m. and midnight on Sunday.

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 specified in RSMo Chapter 311, as amended, of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays.

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.
- B. *Hours to Sell.* This license allows retailers to operate between the hours specified in RSMo Chapter 311, as amended, of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays and on Sundays between the hours specified in RSMo Chapter 311, as amended. between the hours of 9:00 a.m. and midnight on Sunday.

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 specified in RSMo Chapter 311, as amended, of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays

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 specified in RSMo Chapter 311, as amended, of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays

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 specified in RSMo. Chapter 311, as amended, of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays. Consumption of intoxicating liquor on Sunday is not allowed.

Sec. 2.04.019. 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 500,000 gallons not in excess of 18 percent of alcohol by weight, or not in excess of 34 percent 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 as specified in RSMo Chapter 311, as amended, on Monday through Saturday between 6:00 a.m. and midnight and on Sundays between the hours specified in RSMo Chapter 311, as amended. on Sunday between 9:00 a.m. and 10:00 p.m.
- D. *Drink License.* The holder of this type of license may also sell Missouri produced wine by the drink seven days a week apply for a retail selling intoxicating liquor by the drink license and Sunday sales license for consumption on the premise. License holders who wish to sell any other intoxicating liquor by the drink must apply for a retail selling intoxicating liquor by the drink license. Sunday sales shall be included in this case.

Sec. 2.04.020. S4—Picnic seven-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 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 **specified in RSMo Chapter 311, as amended of 11:00 a.m. and 12:00 p.m. (midnight).**

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 **Sundays between the hours specified in RSMo Chapter 311, as amended, Sunday between the hours of 9:00 a.m. and 12:00 midnight on the same day** on the premises described in the application.

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 days after the change.
- B. If the change is a change in ownership of the licensed premises affecting 25 percent 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 percent of the ownership, such change ~~shall be approved is subject to the approval of the City Council,~~ in the same manner **as if the license were a new application. 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 **change of ownership applications that need require City Council approval. such changes.**

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.

C. Hair and nail salons may possess intoxicating liquor for the purpose of supplying complementary drinks to paying customers. These establishments are subject to all other provisions of this chapter.

Sec. 2.07.008. Informal disposition of contested cases.

Nothing contained in this chapter shall preclude the informal disposition of contested cases by stipulation, consent order or default, or by agreed settlement. "

SECTION 3. That all other parts and provisions of Chapter 2 shall be in full force and effect unless previously or subsequently amended or repealed.

SECTION 4. That correction of any scriveners' errors identified within these articles are hereby authorized by this ordinance.

PASSED THIS _____ DAY OF _____, 2022, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

REVIEWED BY

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.