

**BILL NO. 1283**

**ORDINANCE NO. 1238**

**AN ORDINANCE REVISING CERTAIN SECTIONS AND PROVISIONS IN CHAPTER 600 OF THE CODE OF ORDINANCES OF THE CITY OF COOL VALLEY, MISSOURI, REGARDING ALCOHOLIC BEVERAGES.**

**WHEREAS**, Chapter 600 of the City Code of Ordinances governs alcoholic beverages; and

**WHEREAS**, changes in state law (2016 SB 919, SB 994) require changes to the City's provisions for consistency;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF COOL VALLEY, MISSOURI, AS FOLLOWS:**

**Section 1.** Sections 600.000, 600.030, 600.040, 600.045, 600.050 of Chapter 600 of the City Code of Ordinances are hereby revised to read as follows:

**Chapter 600. Alcoholic Beverages**

**AMUSEMENT PLACE**

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

**CLOSED PLACE**

A place where all doors are locked and where no patrons are present on the premises.

**CLUB OR ORGANIZATION**

Includes any organization, whether incorporated or not, of ten or more members not formed for profit which maintains in the building facilities for the benefit and convenience of its members.

**COMMON EATING AND DRINKING AREAS**

Those areas within a building or group of buildings designated for the eating of food and drinking of liquor sold at retail by establishments which do not provide areas within their premises for the consumption of alcoholic beverages.

of food and liquor; where the costs of maintaining such area or areas are shared by the payment of common area maintenance charges as provided in the respective leases permitting the use of such areas or otherwise; and where the annual gross income from the sale of such prepared meals or food consumed in such common eating and drinking area is or is projected to be at least two hundred seventy-five thousand dollars (\$275,000.00).

### **CONTROLLED ACCESS LIQUOR CABINET SYSTEM**

A system for the sale of intoxicating liquor in qualified packages or containers in the rooms provided for the overnight accommodation of transients guests in a qualified hotel by means of a controlled access liquor cabinet in accordance with Section 311.099, RSMo.

### **ENTERTAINMENT PLACE**

Any establishment which has gross annual sales in excess of two hundred fifty thousand dollars (\$250,000.00) and the establishment has been in operation for at least one (1) year.

### **INTOXICATING LIQUOR**

Alcohol for beverage purposes, including 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 (0.5%) by volume. All beverages having an alcoholic content of less than one-half of one percent (0.5%) by volume shall be exempt from the provisions of this Chapter.

### **LIGHT WINES**

An intoxicating liquor consisting of wine containing not in excess of fourteen percent (14%) of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables.

### **MALT LIQUOR OR BEVERAGE (BEER)**

Any intoxicating liquor manufactured from pure hops or pure barley malt or wholesome grains or cereals and wholesome yeast and pure water. Beer shall be brewed from malt or a malt substitute, which only includes rice, grain of any kind, bean, glucose, sugar, and molasses. Honey, fruit, fruit juices, fruit concentrate, herbs, spices, and other food materials may be used as adjuncts in fermenting beer.

### **MICROBREWERY**

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

**ORIGINAL PACKAGE**

Any package containing one (1) or more standard bottles or pouches of beer, fifty (50) milliliters (1.7 ounces) or more of liquors or one hundred (100) milliliters (3.4 ounces) of wine in the manufacturer's original container.

**PERSON**

An individual, association, firm, joint stock company, partnership, corporation, receiver, trustee, conservator, or officer appointed by any State or Federal court.

**PICNIC LICENSE**

A temporary permit for the sale of intoxicating liquor for consumption on the premises where sold and may be issued to a church, civic, service, fraternal, veteran, political or charitable organization for the sale of such intoxicating liquor at a picnic fair or similar gathering.

**PREMISES**

Includes that portion of any building in which a licensee here has his/her place of business and any additional building or portion used in connection therewith and the entire lot or lots, parcels of land on which said buildings are situated or which are in connection with the buildings.

**RESORT**

Any establishment having at least thirty (30) rooms for the accommodation of transient guests having a restaurant facility on the premises at least sixty percent (60%) of the income of which is derived from the sale of prepared meals or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is furnished to travelers and customers, and which establishment's annual gross receipts immediately preceding application for a license shall not have been less than seventy-five thousand dollars (\$75,000.00) per year with at least fifty thousand dollars (\$50,000.00) of such gross receipts from non-alcoholic beverages or means a seasonal resort restaurant with food sales as defined in Subsection (2) of Section 311.095, RSMo. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such resort and, for the purpose of meeting the annual gross food and beverage requirements of this definition, if any facility which is a part

resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.

### **RESTAURANT BAR**

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

### **SPIRITUOUS**

Preparations or mixtures for beverage purposes that contain alcohol obtained by distillation, including brandy, rum, whiskey, gin and all other preparations or mixtures for beverage purposes of a like character and excluding all vinous, fermented or malt liquors.

### **VINOUS**

Relating to wine.

### **WINE**

Any vinous liquor produced by fermentation of juice of grapes, berries and other fruits or a preparation of certain vegetables by fermentation and containing alcohol not in excess of twenty-two percent (22%) by volume.

## **Section 600.030. License Regulations.**

*A. Package Sales, Limitations.* No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold shall sell any such intoxicating liquor in any package containing less than an original package as defined in this Chapter, except they may sell from 32 to 128 fluid ounces of draft beer to customers in containers filled by an employee of the licensee (who is at least 21 years of age) on the premises for consumption off the premises in accordance with Section 311.021 RSMo. Moreover, no license shall be issued for the sale of intoxicating liquor in original package, except to a person engaged in, and to be used in connection with, the operation of one (1) or more of the following businesses: a drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in his/her store a stock of goods having a value according to invoices of at least one thousand dollars (\$1,000.00), exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold

nor shall any original package be opened on the premises of the establishment except as otherwise provided in this Chapter or law.

*B. Newly-Opened Restaurant Bars Or Amusement Places.*

1. Any new restaurant bar having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 A.M. and Midnight on Monday through Sunday for a period not to exceed ninety (90) days if the restaurant bar can show a projection of annual business from prepared meals or food consumed on the premises of at least fifty percent (50%) of the total gross income of the restaurant bar for the year or can show a projection of annual business from prepared meals or food consumed on the premises of at least two hundred thousand dollars (\$200,000.00). The license fee shall be prorated for the period of the temporary license based on the cost of the annual license of the establishment.
2. Any new amusement place having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 A.M. and Midnight on Monday through Sunday for a period not to exceed ninety (90) days if the amusement place can show a projection of gross receipts of at least one hundred thousand dollars (\$100,000.00) or at least fifty thousand dollars (\$50,000.00) of such gross receipts are in non-alcoholic sales for the first (1st) year of operation. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license of the establishment.

*C. Temporary Permit For Sale By Drink — Certain Organizations.*

1. The City Clerk may issue a permit for the sale of intoxicating liquor for consumption on premises where sold to a school, civic, service, fraternal, veteran, political or social club or organization for sale at a picnic, bazaar, fair or other gathering. The permit shall be issued only for the date named therein and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such organization.

2. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 11:00 A.M.
3. At the same time that an applicant applies for a permit under the provisions of this Subsection, the applicant shall notify the Director of Revenue of the holding of the event by certified mail and by such notification shall accept responsibility for the collection and payment of any applicable sales tax.
4. No provision of law or rule or regulation of the City shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

#### *D. Operating Hours, Days.*

1. No person having a license issued pursuant to this Chapter nor any employee of such person shall sell, give away or permit the consumption of any intoxicating liquor in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. on Sunday and 6:00 A.M. on Monday upon or about his/her premises, except as otherwise authorized and licensed for Sunday sales. Any person licensed to sell intoxicating liquor by the drink shall keep a closed place during the aforementioned prohibited times.
2. When January first (1st), March seventeenth (17th), July fourth (4th) or December thirty-first (31st) falls on Sunday and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the National Football League is played, commonly known as "Super Bowl Sunday", any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his/her license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of this Chapter to the contrary.

#### *E. General License Regulations.*

1. Each license issued hereunder shall be conspicuously posted on the premises for which the license has been issued.

2. A separate license shall be required for each place of business. Every license issued under the provisions of this Chapter shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be authorized or permit the sale of intoxicating liquor at other than that described therein.
3. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of the deceased licensee, who shall meet the other requirements of this Chapter, may make application and the Clerk may transfer the license to permit the operation of the business of the licensee for the remainder of the period for which a license fee has been paid by the deceased. Whenever one (1) or more members of a partnership withdraws from the partnership, the Clerk, 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.
4. In the event any licensee desires to change the location of his/her place of business in the City, it shall be necessary for him/her to file an application in the same manner as provided for an original application, except that no additional fee shall be charged and the amended license, describing the new location, shall be issued immediately upon the approval of the application by the Board. Any change of location of a business enterprise prior to issuance of such an amended license shall constitute a violation of this Section.

#### **Section 600.040. Schedule of License Fees.**

A. The following categories and subcategories of licenses shall be issued upon compliance with the provisions of this Chapter and payment of the license fee indicated:

1. *General licenses.*
  - a. Malt liquor — original package: \$75.00.
  - b. Intoxicating liquor (all kinds) — original package
  - c. Malt liquor — by drink: \$75.00.



- d. Malt liquor and light wines — by drink: \$75.00.
  - e. Intoxicating liquor (all kinds) — by drink: \$450.00.
  - f. Consumption of intoxicating liquor on premises (any establishment where food, beverage or entertainment are sold or provided for compensation and where patrons are allowed to bring their own intoxicating liquor): \$90.00
2. *Sunday sales.* (Additional fees)
- a. Intoxicating liquor — original package: \$300.00.
  - b. Restaurant bars: \$300.00.
  - c. Amusement places: \$300.00.
  - d. Liquor by the drink — charitable organizations: \$300.00.
3. *Permits.*
- a. Temporary permit — by the drink for certain organizations (7 days max.): \$37.50.
  - b. Tasting permit: \$37.50.
  - c. Caterers: \$15.00 per each calendar day.

B. Annual licenses shall be issued to run concurrent with the City's fiscal year, from July first (1st) to June thirtieth (30th). Full fees must be paid for all licenses regardless of date of application. Renewal applications should be filed on or before May fifteenth (15th) of each year with the applicable fees to minimize the possibility of interruption of licensed status.

**Section 600.045. Temporary Location for Liquor by the Drink, Caterers — Permit — Fee Required.**

A. The City may issue a temporary permit to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises where sold by any church, school, civic, service, fraternal, veteran, political, charitable club or organization, or any entity with a temporary State sales license issued pursuant to Sections 311.483-311.485, RSMo., between the hours of 11:00 A.M. and Midnight



daily for sale at a picnic, bazaar, fair or similar gathering. Said permit shall be issued only for the day or days named therein and it shall not be used for the sale of the aforesaid beverages for more than seven (7) days in any calendar year by the said organization as described above in any fiscal year. A "festival" permit shall be issued to an entity with a special permit issued by the state pursuant to Section 311.915 RSMo., subject to the restrictions thereon, and is valid for seventy-two (72) hours. For every permit issued pursuant to the provisions of this Section, the permittee shall pay to the City an amount as set out in Section 600.040(A)(3)(c) above, or fraction thereof, for which the permit is issued.

B. Except as provided in Subsection (C), all provisions of the Liquor Law and the ordinances, rules and regulations of the City, in which the premises in which such function, occasion or event is held shall apply to such premises and shall be in force and enforceable during the term of that the permittee, its agents, servants, employees or stockholders are on the premises. Except for Missouri-produced wines in the original packaging, the provisions of this Section shall not include the sale of packaged beverages covered by this temporary permit.

C. Notwithstanding any other law to the contrary, any caterer who holds a valid State and valid local liquor license may deliver alcoholic beverages in the course of his/her catering business. A caterer who possesses a valid State and valid local liquor license need not obtain a separate permit in each City the caterer delivers in, so long as such City permits any caterer to deliver alcoholic beverages within the City.

D. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent (5%) by weight delivered and not used under the catering permit number, but not used, if the wholesaler delivers the product within seventy-two (72) hours of the expiration of the permit issued pursuant to this Section.

**Section 600.047. Self-Dispensing Systems.**

Any person licensed to sell liquor at retail by the drink for consumption on the premises where sold may use a self-dispensing system that is monitored and controlled by the licensee and allows patrons of the premises to self-dispense beer or wine. Before a patron may dispense beer or wine, an employee of the licensee must first authorize an amount of beer or wine not to exceed thirty-two (32) ounces of beer or sixteen (16) ounces of wine per patron per authorization, to be dispensed by the self-dispensing system.

**Section 600.050. Application for License and Renewal.**

*A. Filing Of An Application.*

1. Each application for an original or renewal license shall be filed with the City Clerk on a form to be provided by the City, signed and sworn to by the applicant. Each application shall be accompanied by a proper remittance reflecting the appropriate license fee made payable to the City.
2. Application for license to sell intoxicating liquor under the provisions of this Chapter shall be filed with the City Clerk or the duly authorized Deputy City Clerk or Collector. The application shall be on forms to be furnished by the City Clerk and signed and sworn to by the applicant.

*B. Qualifications.*

1. Neither the applicant nor any officer, director or shareholder of a corporate applicant shall have been convicted of a felony or of any distribution, sale or possession of any controlled substances or dangerous drugs. The applicant shall present with the application a bona fide sale contract or option duly executed, which may be subject to the applicant obtaining a liquor license, or a bona fide lease duly executed by the lessor, or an option for a lease duly executed, subject to the applicant obtaining a liquor license, covering the property for which a liquor license is requested. If the applicant is a corporation, the petition shall set forth all of the above information with respect to the managing officer or officers, identifying such officer or officers. The application shall further state the full name of the corporation, its date of incorporation, its registered agent and registered address, the names and addresses of all shareholders of the corporation, and whether said corporation operates any other business or controls or is controlled by any other corporation or business and, if so, the application shall further state the name of such controlled or controlling corporation or business, its registered agent and registered address, and the location of all businesses operated by it and the name and address of any such businesses with a liquor license, whether within or without the City; and the application shall also state if such controlling corporation or any controlled corporation is doing business under a fictitious name, and the address where said business is located. The Board of Aldermen also may request such additional

information of an applicant as it may deem necessary for it to make a determination with respect to the issuance of a liquor license.

2. The City shall not issue a license to any applicant who:
  - a. Does not receive a favorable recommendation from the Chief of Police;
  - b. Is not of good moral character, registered to vote in the State and current on all taxes for which he/she is liable in the State, County, City or municipality in which he/she resides and the City;
  - c. Is not at least twenty-one (21) years of age;
  - d. Has been convicted, since the ratification of the Twenty-First Amendment to the Constitution of the United States, of violating the provisions of any law applicable to the sale or manufacture of intoxicating liquor or non-intoxicating liquor, or employs someone convicted of violating such law;
  - e. Has had a prior revocation of a license, unless the state has issued them a new license five or more years after such revocation or employs any person whose license has been revoked within the past five (5) years;
  - f. Has been individually or as an officer, director or shareholder of a corporate applicant been convicted of a felony or any laws of the United States or any State involving the distribution, sale or possession of any controlled substance or dangerous drug;
  - g. Makes a false statement or material facts or by deliberate omission is untruthful in the application for a license or renewal license; or
  - h. Does not comply with all provisions of the State law and with all other ordinances and regulations of the City related to the terms of the license.

C. Upon approval of any application for a license, the Clerk shall applicant a license to conduct business in the City for a term to e the thirtieth (30th) day of June next succeeding the date of suc unless such license be revoked or suspended for cause before the of such time.

D. Applications for renewal of licenses must be filed on or before (1st) day of May of each calendar year. Such renewal applicatio reviewed by the Board at its next meeting. Upon approval of the r the Board and payment of the license fee provided herein, the ( renew the license. In the event that any person residing or ( businesses within two hundred (200) feet of the applicant's place c shall file a written protest against the renewal of such license, shall conduct a hearing on the application for license renewal as p this Subsection.

**Section 2.** This Ordinance shall be in full force and effect January

**PASSED BY THE BOARD OF ALDERMEN FOR THE CITY VALLEY THIS 28<sup>th</sup> DAY OF December, 2016.**

AYES: A. Robinson, M. Johnson, F. Blackwell, D. C.  
NAYS: 0  
ABSENT: 0

Viola J. Murphy  
Presiding Officer

Attest:

Deborah Jones Daniels  
Deborah Jones-Daniels, City Clerk

APPROVED THIS 28<sup>th</sup> DAY OF December, 2016



Viola J. Murphy, Mayor  
Viola J. Murphy, Mayor

Attest:

  
Deborah Jones-Daniels, City Clerk