

ORDINANCE NO. 2142

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AMENDING VARIOUS SECTIONS OF CHAPTER 600 OF MUNICIPAL CODE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AND ENACTING A NEW SECTION 600.110; REGULATING THE SALE OF ALCOHOLIC BEVERAGES ON SUNDAYS, AND THE SALE OF RETAILER-PACKAGED ALCOHOLIC BEVERAGES TO CUSTOMERS IN CONTAINERS FOR OFF-PREMISES CONSUMPTION

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:

SECTION 1. That Subsection C of Section 600.020 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and it is hereby amended by deleting it in its entirety, and enacting, in lieu thereof, a new Subsection C of Section 600.020, to read as follows:

SECTION 600.020: LICENSE REQUIRED—CLASSES OF LICENSES.

- C. Sunday Sales. Any person who is licensed under the provisions of this Chapter or who otherwise possesses the qualifications and meets the requirements of this Chapter, who is licensed to sell intoxicating liquor at retail, may apply for a license to sell intoxicating liquor at retail on Sundays between the hours of 6:00 A.M. on Sundays and 1:30 A.M. on Mondays.

SECTION 2. That Subsection C of Section 600.030 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and it is hereby amended by deleting it in its entirety, and enacting, in lieu thereof, a new Subsection C of Section 600.030, to read as follows:

SECTION 600.030: LICENSE REGULATIONS.

- C. Temporary Permit For Sale By Drink — Certain Organizations.
 - 1. The Board of Aldermen may issue a permit for the sale of all kinds of intoxicating liquor, including intoxicating liquor in the original package, at retail by the drink for consumption on premises where sold to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for sale at a picnic, bazaar, fair or similar gathering. The permit shall be issued only for the day or days named therein, and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such club or 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 6:00 A.M. and ending at 1:30 A.M. on Monday.
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.

SECTION 3. That Subsection M of Section 600.030 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and it is hereby amended by deleting it in its entirety, and enacting, in lieu thereof, a new Subsection M of Section 600.030, to read as follows:

SECTION 600.030: LICENSE REGULATIONS.

M. Manufacturing Of Wine Or Brandy.

1. A manufacturer of wine or brandy licensed under Section 600.020(B)(4) may use in any calendar year such wine- and brandy-making material produced or grown outside the state of Missouri in a quantity not exceeding fifteen percent (15%) of the manufacturer's wine entered into fermentation in the prior calendar year.
2. In any year when a natural disaster causes substantial loss to the Missouri crop of grapes, berries, other fruits, fruit products, honey or vegetables from which wines are made, Section 311.190, RSMo., authorizes the Director of the Department of Agriculture to determine the percent of loss and allow a certain additional percent, based on the prior calendar year's production of such products, to be purchased outside the state of Missouri to be used and offered for sale by Missouri wineries.
3. A manufacturer licensed under Section 600.020(B)(4) may purchase and sell bulk or packaged wines or brandies received from other manufacturers licensed under Section 311.190, RSMo., and may also purchase in bulk, bottle and sell to duly licensed wineries, wholesalers and retail dealers on any day except Sunday, and a manufacturer licensed under Section 311.190, RSMo., may offer samples of wine, may sell wine and brandy in its original package

directly to consumers at the winery, and may open wine so purchased by customers so that it may be consumed on the winery premises on Monday through Saturday between 6:00 A.M. and 12:00 Midnight and between 6:00 A.M. on Sunday and 1:30 A.M. on Monday.

SECTION 4. That Chapter 600 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and it is hereby amended by enacting a new Section 600.110, to read as follows:

SECTION 600.110: SALE OF RETAILER-PACKAGED ALCOHOLIC BEVERAGES TO CUSTOMERS IN CONTAINERS FOR OFF-PREMISES CONSUMPTION.

- A.** Notwithstanding any provision of this Code to the contrary, any person who is licensed to sell intoxicating liquor at retail by the drink for on-premises consumption may sell retailer-packaged alcoholic beverages to customers in containers, filled on such premises by any employee of the retailer who is twenty-one (21) years of age or older, for off-premises consumption if all the following requirements are met:
1. The container of the alcoholic beverage is rigid, durable, leakproof, sealable, and designed to prevent consumption without removal of the tamperproof cap or seal. A sealable container does not include a container with a lid with sipping holes or openings for straws;
 2. The contents of each container do not exceed one hundred twenty-eight (128) ounces;
 3. The patron orders and purchases a meal from the licensee simultaneous with the alcoholic beverage purchase. For purposes of this Subparagraph 3, a “meal” is defined as food that has been prepared on-premises;
 4. The number of alcoholic beverages sold under this Section 600.110 by a licensee for off-premises consumption is limited to twice the number of meal servings sold by the licensee for off-premises consumption;
 5. The licensee provides the patron with a dated receipt or an electronic record for the meal and alcohol beverages; and
 6. The container is either:
 - a. Placed in a one-time-use, tamperproof, transparent bag that is securely sealed; or

- b. The container opening is sealed with tamperproof tape.

For purposes of this Subparagraph 6, “tamperproof” means that a lid, cap, or seal visibly demonstrates when a bag or container has been opened.

- B. Containers that are filled under Subsection A of this Section 600.110 shall be affixed with a label or a tag that contains the name and address of the business that filled the container, in type not smaller than three (3) millimeters in height and not more than twelve (12) characters per inch, and states, “THIS BEVERAGE CONTAINS ALCOHOL.”
- C. The filling of a container under this Section 600.110 shall be in compliance with Section 3-304.17(C) of the 2009 Food and Drug Administration Food Code.
- D. No provision of ordinance, or rule or regulation of the City shall be interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating liquor to furnish containers that are filled under Subsection A of this Section 600.110 to any person who is licensed to sell intoxicating liquor at retail.

SECTION 5. Effective Date: This Ordinance shall be in full force and take effect from and after its final passage and approval.

SECTION 6. Savings Clause: Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

SECTION 7. Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

[The remainder of this page is intentionally left blank.]

Read two (2) times, passed, and approved this 20th day of October, 2021.

John W. Gotsch
As Presiding Officer and Mayor

Attest: Kim Clark
City Clerk

Approved this 20th day of October, 2021.

John W. Gotsch
Mayor

Attest: Kim Clark
City Clerk