

**CITY OF NORMANDY, MISSOURI
AN ORDINANCE**

1st READING 04/09/2024
2nd READING 05/14/2024

BILL NO. 24-12
ORDINANCE NO. 813

AN ORDINANCE OF THE CITY OF NORMANDY, MISSOURI, AMENDING CHAPTER 600: ALCOHOLIC BEVERAGES TO REQUIRE A FAVORABLE VOTE OF TWO-THIRDS OF ALL MEMBERS OF THE CITY COUNCIL TO APPROVE ANY LIQUOR LICENSE PROTESTED IN WRITING BY A CERTAIN PERCENTAGE OF RESIDENTS WITHIN 200 FEET FROM THE PROPOSED LOCATION.

WHEREAS, Section 311.220 of the Revised Missouri Statutes authorizes the legislative bodies of incorporated cities to make and enforce ordinances for the regulation and control of the sale of all intoxicating liquors within their limits which are not inconsistent with the provisions of the Missouri Liquor Control Law; and

WHEREAS, Chapter 600: Alcoholic Beverages of the Code of Ordinances of the City of Normandy regulates the sale of all intoxicating liquors within the limits of the City of Normandy; and

WHEREAS, the City Council believes that soliciting neighborhood input and approval is an integral part of the legislative process; and

WHEREAS, the City Council desires to amend Chapter 600 of the Code of Ordinances of the City of Normandy to include a heightened threshold for the approval of an application for a liquor license, which shall be triggered by the filing of a written protest duly signed by a certain percentage of residents within 200 feet from the proposed location; and

WHEREAS, the aforementioned procedure is not inconsistent with the Missouri Liquor Control Law; and

WHEREAS, the City Council of the City of Normandy finds that amending Chapter 600 of the Code of Ordinances of the City of Normandy to implement a heightened threshold for the approval of an application for a protested liquor license is in the best interest of the City.

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

Section 1

Section 600.060 of the Code of Ordinances of the City of Normandy is hereby amended to read as follows:

TITLE VI BUSINESS AND OCCUPATION

CHAPTER 600 ALCOHOLIC BEVERAGES

Section 600.060

Application for License and Issuance.

- A. 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 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 of Normandy; 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. In addition thereto the Council 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 to an applicant.
- B. *Filing Of An Application.* Each application for an original license as provided under Section 600.020 above, shall be filed with the City Clerk on a form to be provided by the City, signed and sworn to by the applicant.
- C. *Hearing On Application.* Upon the filing of the application with the Clerk, the Clerk shall fix a date for a hearing on the application, not less than thirty (30) days from the date of filing of the application. The Clerk shall give written notice of the date of the hearing to the applicant and to all property owners within a distance of two hundred (200) feet from the proposed location in all directions. At such hearing the applicant shall be entitled to produce testimony under oath, and to be represented by counsel, and the City Council shall have the power to subpoena witnesses, and to take their testimony pertaining to all matters connected with the application. Any property owner, tenant, resident, person, firm or corporation having a business license within two hundred (200) feet of the proposed establishment, shall also have the right to produce witnesses and testimony.
1. Findings. A license may be issued to the applicant permitting him/her to conduct such business for a period as provided in Section 600.040(B) of this Chapter, if, after the hearing, the City Council finds that:
- a. The applicant is a person of good moral character, a citizen of the United States of America, a qualified legal voter, and a taxpaying citizen of the City;

- b. No license theretofore issued to such applicant to manufacture and sell intoxicating liquors has been revoked within two (2) years of the date of the application;
 - c. The applicant has not been convicted since the ratification of the Twenty-First Amendment to the Constitution of the United States of the violation of any law applicable to the manufacture, sale or rectifying of intoxicating liquor, or that such applicant has not employed in his/her business any person whose license has been revoked or who has been convicted for violating the provisions of such law since the date aforesaid; and
 - d. The applicant plans and proposes to conduct a retail liquor business in compliance with the laws of the State of Missouri and with this Code,
2. Issuance. Upon approval of the application by a majority of the Council and with the approval of the Mayor or by a two-thirds (2/3) majority of the Council irrespective of the Mayor, and upon the payment of the license fee as provided herein and upon compliance with the occupancy requirements of the City, the Mayor and the City Clerk shall grant the applicant license to conduct business in this City.
- a. *Protest.* In case of a protest against such application duly signed and acknowledged by thirty percent (30%) of the residents within a distance of two hundred (200) feet from the proposed location in all directions and measured exclusive of streets, alleys, rights-of-way, and public land, such application shall not be granted except by the favorable vote of two-thirds (2/3) majority of the Council and with the approval of the Mayor. Any such protest shall be made in writing and filed with the City Clerk no later than five (5) days prior to the scheduled hearing on the application.
 - b. The term "resident" as used in Section 600.060(C)(2)(a) above shall mean either the head of household according to the most recent valid occupancy permit issued by the City of Normandy for that dwelling, or the duly authorized representative of the holder of any valid business license issued by the City of Normandy for that lot.
- D.** *Discretion In Issuing License.* In passing upon any application for issuance or renewal of a license under this Chapter, the City Council shall have authority to refuse to issue a license when in their judgment the issuance thereof would not be in the best interest of the locality in which the applicant applies for a location of such place, and in no event shall the City Council recommend the issuance of a license in violation of any zoning law now or hereafter in force and effect or in violation of any record restrictions upon the property in which it is proposed to operate a place under such license.

Section 2

Section 600.070 of the Code of Ordinances of the City of Normandy is hereby amended to read as follows:

TITLE VI BUSINESS AND OCCUPATION

CHAPTER 600 ALCOHOLIC BEVERAGES

Section 600.070 Renewal of License.

A. *Renewal Application — Review.* Upon the filing of an application for renewal, which must be received at least thirty (30) days prior to the license expiration date, such renewal application shall be reviewed by the City Council at its next meeting. Upon approval of the majority of the Council and with the approval of the Mayor, or by a two-thirds (2/3) vote of the Council irrespective of the Mayor, and upon payment of the license fee provided herein, the Mayor and City Clerk shall renew such license.

1. Filing. Each application for renewal shall be filed with the City Clerk on a form to be provided by the City, signed and sworn to by the applicant

2. Protest. In case of a protest against such renewal application duly signed and acknowledged by thirty percent (30%) of the residents within a distance of two hundred (200) feet from the proposed location in all directions and measured exclusive of streets, alleys, rights-of-way, and public land, such renewal application shall not be granted except by the favorable vote of two-thirds (2/3) majority of the Council and with the approval of the Mayor. Any such protest shall be made in writing and filed with the City Clerk no later than five (5) days prior to the license expiration date.

a. The term “resident” as used in Section 600.070(A)(2) above shall mean either the head of household according to the most recent valid occupancy permit issued by the City of Normandy for that dwelling, or the duly authorized representative of the holder of any valid business license issued by the City of Normandy for that lot.

Section 3

Section 600.080 of the Code of Ordinances of the City of Normandy is hereby amended to read as follows:

TITLE VI BUSINESS AND OCCUPATION

CHAPTER 600 ALCOHOLIC BEVERAGES

Section 600.080 Types of Establishments Eligible for Liquor License.

A. Package Liquor Licenses. Only two (2) license shall be issued, within the City, for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold. Such license shall only be issued 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, having and keeping 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 vendor except as otherwise provided in this Chapter or law. Under such license, with the exception of wine and beer, no intoxicating liquor shall be sold in units of one-half (½) of one (1) pint in volume or less. Persons having or obtaining a license for the sale of alcoholic beverages by the drink, as set forth in Section 600.020(B)(5) above, shall, subject to the requirements for application, approval and payment as set out elsewhere in this Chapter, also be eligible to obtain a license for the sale of alcoholic beverages in the original package not for resale and not for consumption on the premises where sold, as set forth in Section 600.020(B)(1) and (2) above, for use at the licensed premises, all other provisions of this Section to the contrary notwithstanding.

B. Exceptions.

1. No person or corporation holding a valid liquor license from the City of Normandy on the date of passage of this Chapter, June 8, 1993, shall be deprived of renewal of said license for failure to comply with the provisions of Subsections (A) through (B) herein.
2. This Section shall not apply to the possession by a druggist of intoxicating liquor purchased by him/her from a licensed vendor under the Liquor Control Law of the State of Missouri, or intoxicating liquor lawfully acquired and transported into the State by him/her pursuant to that law, such liquor to be used in connection with the business of a druggist in compounding medicine or as a solvent or preservative, nor shall this Section apply to the sale of intoxicating liquors by a druggist on prescription from a regularly licensed physician.

Section 4

All other Sections and Subsections of Chapter 600: Alcoholic Beverages of the Code of Ordinances of the City of Normandy, Missouri shall remain in full force and effect.

Section 5 – Repealed

All acts and parts of Ordinances or Resolutions heretofore adopted by the City in conflict with the provisions of this Ordinance are hereby repealed insofar as they conflict with the provisions of this Ordinance.

Section 6 – Severability

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, phrases, and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase, or word(s) of this ordinance shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases, and words of this ordinance since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid portion of the ordinance.

Section 7 – Codification

The Chapter, Article, Division, and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the City's Code of Ordinances upon supplementation of such code if, at the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations, the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section 8 – Effective Date

This Ordinance shall be in full force and effect upon the passage of this Ordinance and its approval by the Mayor and attested by the City Clerk.

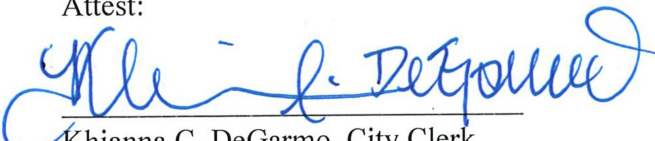
PASSED by the Council of the City of Normandy and **APPROVED** by the Mayor this **14th** day of **May**, 2024.



Honorable Mark Beckmann, Mayor

(SEAL)

Attest:



Khianna C. DeGarmo, City Clerk

APPROVED AS TO FORM:



Andrew R. Bramman, City Attorney