

1 SPONSOR: Mills

2
3 BILL NO. 2201

ORDINANCE NO. 2043

4
5 AN ORDINANCE AMENDING TITLE VI, CHAPTER 600 ALCOHOLIC
6 BEVERAGES, OF THE MUNICIPAL CODE OF THE CITY OF
7 WOODSON TERRACE, MISSOURI.

8
9 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE
10 CITY OF WOODSON TERRACE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

11
12 Section One.

13
14 Chapter 600 of the Code of Ordinances of the City of Woodson Terrace, Missouri, is hereby
15 amended to read as follows (additions shown in **bold and underline** deletions in ~~strikethrough~~):

16
17 TITLE I. BUSINESS AND OCCUPATION

18
19 CHAPTER 600. ALCOHOLIC BEVERAGES

20
21 SECTION 600.005. PURPOSE

22
23 Alcohol is, by law, an age-restricted product that is regulated differently than other
24 products. The provisions of this Chapter establish vital regulation of the sale and
25 distribution of alcoholic beverages in order to promote responsible consumption,
26 combat illegal underage drinking, and achieve other important policy goals such as
27 maintaining an orderly marketplace composed of licensed alcohol producers,
28 importers, distributors, and retailers.

29
30 SECTION 600.010. DEFINITIONS

31
32 AMUSEMENT PLACE

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

40
41 CLOSED PLACE

42 A place where all doors are locked and where no patrons are in the place or about
43 the premises.

44
45 INTOXICATING LIQUOR

1 Alcohol for beverage purposes, including alcoholic, spirituous, vinous, fermented,
2 malt, or other liquors, or combination of liquors, a part of which is spirituous,
3 vinous, or fermented, and all preparations or mixtures for beverage purposes
4 containing in excess of one-half of one percent (0.5%) by volume. All beverages
5 having an alcoholic content of less than one-half of one percent (0.5%) by volume
6 shall be exempt from the provisions of this Chapter.
7

8 LICENSEE

9 Any person holding a valid current license or permit under this Chapter.
10

11 LIGHT WINES

12 An intoxicating liquor consisting of wine containing not in excess of fourteen
13 percent (14%) of alcohol by weight made exclusively from grapes, berries and other
14 fruits and vegetables.
15

16 MALT LIQUOR

17 An intoxicating liquor containing alcohol not in excess of five percent (5%) by
18 weight manufactured from pure hops or pure extract of hops, or pure barley malt,
19 or wholesome grains or cereals, and wholesome yeast, and pure water.
20

21 MANAGING OFFICER

22 A person in a corporation's employ, either as an officer or an employee who is
23 vested with the general control and superintendence of a whole or particular part
24 of, the corporation's business at a particular place. If the office of the managing
25 officer of a corporation licensed under this Chapter becomes vacant, the licensee
26 must secure a managing officer qualified under this Chapter within fifteen (15) days
27 after such vacancy occurs in order for the license issued hereunder to remain valid
28 and in effect.
29

30 ORIGINAL PACKAGE

31 Any package sealed or otherwise closed by the manufacturer so as to consist of a
32 self-contained unit, and consisting of one (1) or more bottles or other containers of
33 intoxicating liquor, where the package and/or container(s) describes the contents
34 thereof as intoxicating liquor. "Original package" shall also be construed and held
35 to refer to any package containing three (3) or more standard bottles of beer.
36

37 PERSON

38 Includes any business entity association or organization of any kind or character,
39 including but not limited to individuals, sole proprietors, partnerships, corporations,
40 limited liability companies, trust, conservator or other officer appointed by any
41 State or Federal court, or any other legal entity.
42

43 PREMISES

44 As used in this Chapter, shall include the entire building in which the licensee
45 hereunder has his/her place of business and any additional building used in

1 connection therewith, and the entire lot or lots, parcel or parcels of land in which
2 said buildings are situated, or which are used in connection with said building.

3
4 RESTAURANT BAR

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

10
11 SALE BY THE DRINK

12 The sale of individual intoxicating beverages for consumption on the premises.

13
14 **SECTION 600.020 LICENSE REQUIRED – CLASSES OF**
15 **LICENSES**

16
17 A. No person shall sell or offer for sale intoxicating liquor in the City of Woodson
18 Terrace without a currently valid liquor license issued by the City. A separate liquor
19 license shall be required for each of the categories and subcategories of liquor sales
20 in which the licensee desires to engage as set forth herein.

21
22 B. General Licenses. Any person possessing the qualifications and meeting the
23 requirements of this Chapter may apply for the following licenses to sell
24 intoxicating liquor:

25
26 1. Package liquor — beer, light wine and malt liquor only: Sales of beer,
27 light wine and malt liquor at retail by grocers and other merchants and dealers for
28 sale in the original package direct to consumers but not for resale and not for
29 consumption on the premises where sold. This license may include Sunday sales
30 from 6:00 A.M. to 1:30 a.m. on Mondays, consistent with the provisions of
31 Subsection C of this Section.

32
33 2. Package liquor — all kinds: Sales of all kinds of intoxicating liquors in
34 the original package at retail not for consumption on the premises where sold,
35 including sales as set forth in Subsection (B)(1) of this Section.

36
37 3. Liquor by the drink — beer, malt liquor and /light wine only: Sales of
38 beer, malt liquor and light wines at retail by the drink for consumption on the
39 premises where sold, or for off premise consumption in accordance with Section
40 311.202 RSMo, ~~including sales as set forth in Subsections (B)(1) and (4) of this~~
41 ~~Section.~~ This license may include Sunday sales from 6:00 A.M. to 1:30 a.m. on
42 Mondays, consistent with the provisions of Subsection C of this Section.

43
44 4. Malt liquor by the drink: Sales of malt liquor at retail by the drink for
45 consumption on the premises. This license may include Sunday sales from 6:00

1 ~~A.M. to 1:30 a.m. on Mondays, consistent with the provisions of Subsection C of~~
2 ~~this Section.~~

3
4 54. Liquor by the drink — all kinds: Sales of intoxicating liquor of all kinds
5 at retail by the drink for consumption on the premises where sold, or for off premise
6 consumption in accordance with Section 311.202 RSMo, including package sales
7 as set forth in Subsection (B)(2) of this Section.

8
9 No license shall be issued for sale of intoxicating liquor by the drink at retail for
10 consumption on the premises where sold, except to a person engaged in, and to be
11 used in connection with, the operation of one (1) or more of the following
12 businesses:

13 a. Bowling lanes

14 b. Hotel or motel

15
16 c. A restaurant bar as defined herein and provided that such term as
17 herein used shall be construed to mean a place of business offering a menu
18 of full course meals as its main activity and not a lounge or tavern serving
19 food as an incidental to the main business of selling intoxicating liquors.
20

21
22 C. Sunday Sales. Any person who is licensed under the provisions of this Chapter
23 or who otherwise possesses the qualifications and meets the requirements of this
24 Chapter may apply for the following licenses to sell intoxicating liquor on Sundays
25 between the hours of 6:00 A.M. and 1:30 a.m. on Mondays:

26
27 1. Package liquor — all kinds: Sales of liquor of all kinds in the original
28 package at retail not for consumption on the premises where sold.

29
30 2. Liquor by the drink — restaurant bar: Sales of liquor of all kinds by the
31 drink at retail for consumption on the premises of any restaurant bar, or for off
32 premise consumption in accordance with Section 311.202 RSMo.

33
34 3. Liquor by the drink — amusement place: Sales of liquor of all kinds by
35 the drink at retail for consumption on the premises of any amusement place, or for
36 off premise consumption in accordance with Section 311.202 RSMo.

37
38 4. Liquor by the drink — place of entertainment: Sales of liquor of all kinds
39 by the drink at retail for consumption on the premises of any place of entertainment,
40 or for off premise consumption in accordance with Section 311.202 RSMo.

41
42 D. Permits.

43
44 1. Temporary permit for sale by drink. Any person who possesses the
45 qualifications, meets the requirements and complies with the provisions of Section

1 600.030(C) below may apply for a special permit to sell intoxicating liquor for
2 consumption on premises where sold.
3

4 2. Tasting permit — retailers. Any person who is licensed to sell
5 intoxicating liquor in the original package at retail under Subsections (B)(2) and
6 (C) of this Section above may apply for a special permit to conduct wine, malt
7 beverage and distilled spirit tastings on the licensed premises; however, nothing in
8 this Section shall be construed to permit the licensee to sell wine, malt beverages
9 or distilled spirits for on-premises consumption.
10

11 3. Tasting permit — winery, distiller, manufacturer, etc.
12

13 a. Any winery, distiller, manufacturer, wholesaler, or brewer or
14 designated employee may provide and pour distilled spirits, wine, or malt
15 beverage samples off a licensed retail premises for tasting purposes
16 provided no sales transactions take place. For purposes of this Subsection
17 (D)(3), a "sales transaction" shall mean an actual and immediate exchange
18 of monetary consideration for the immediate delivery of goods at the tasting
19 site.
20

21 b. Notwithstanding any other provisions of this Chapter to the
22 contrary, any winery, distiller, manufacturer, wholesaler, or brewer or
23 designated employee may provide, furnish, or pour distilled spirits, wine, or
24 malt beverage samples for customer tasting purposes on any temporary
25 licensed retail premises as described in Sections 311.218, 311.482, 311.485,
26 311.486, or 311.487, RSMo., or on any tax exempt organization's licensed
27 premises as described in Section 311.090, RSMo.
28

29 c. Any winery, distiller, etc., may provide or furnish distilled spirits,
30 wine or malt beverage samples on a licensed retail premises — when.
31

32 (1) Notwithstanding any other provisions of this Chapter to
33 the contrary, any winery, distiller, manufacturer, wholesaler, or
34 brewer or designated employee may provide or furnish distilled
35 spirits, wine or malt beverage samples on a licensed retail premises
36 for customer tasting purposes so long as the winery, distiller,
37 manufacturer, wholesaler, or brewer or designated employee has
38 permission from the person holding the retail license. The retail
39 licensed premises where such product tasting is provided shall
40 maintain a special permit in accordance with Section 311.294,
41 RSMo., or hold a by the drink for consumption on the premises
42 where sold retail license. No money or anything of value shall be
43 given to the retailers for the privilege or opportunity of conducting
44 the on-the-premises product tasting.
45

1 (2) Distilled spirits, wine, or malt beverage samples may be
2 dispensed by an employee of the retailer, winery, distiller,
3 manufacturer or brewer or by a sampling retained by the retailer,
4 winery, distiller, manufacturer or brewer. All sampling service
5 employees that provide and pour intoxicating liquor samples on a
6 licensed retail premises shall be required to complete a server
7 training program approved by the Division of Alcohol and Tobacco
8 Control.

9
10 (3) Any distilled spirits, wine, or malt beverage sample
11 provided by the retailer, winery, distiller, manufacturer, wholesaler,
12 or brewer remaining after the tasting shall be returned to the retailer,
13 winery, distiller, manufacturer, wholesaler, or brewer.

14
15 **SECTION 600.025. QUALIFICATIONS AND ELIGIBILITY FOR**
16 **LICENSES**

17
18 A. No person shall be granted a license hereunder unless such person is of good
19 moral character and a qualified legal voter and a taxpaying citizen of the State, nor
20 shall any corporation be granted a license hereunder unless the managing officer
21 and each stockholder holding ten percent (10%) or more of the shares of such
22 corporation is of good moral character and the managing officer is a qualified legal
23 voter and taxpaying citizen of the State; and no person shall be granted a license or
24 permit hereunder whose license as such dealer has been revoked, or who has been
25 convicted, since the ratification of the 21st Amendment to the Constitution of the
26 United States, of a violation of the provisions of any law applicable to the
27 manufacture or sale of intoxicating liquor, or who employs in his/her business as
28 such dealer any person whose license has been revoked or who has been convicted
29 of violating such law since the date aforesaid; provided, that nothing in this Section
30 contained shall prevent the issuance of licenses to non-residents of Missouri or
31 foreign corporations for the privilege of selling to duly licensed wholesalers and
32 soliciting orders for the sale of intoxicating liquors to, by or through a duly licensed
33 wholesaler, within this State.

34
35 B. No license may be issued for any premises upon which any gasoline or motor
36 vehicle fuels are sold.

37
38 C. No license may be issued for any business or premises that does not have a valid
39 business license or is not in compliance with all other ordinances of the City of
40 Woodson Terrace.

41
42 **SECTION 600.030. LICENSE REGULATIONS**

43
44 A. Package Sales, Limitations. No license shall be issued for the sale of intoxicating
45 liquor in the original package, not to be consumed upon the premises where sold,
46 except to a person engaged in, and to be used in connection with, the operation of

1 one (1) or more of the following businesses: a drug store, a cigar and tobacco store,
2 a grocery store, a general merchandise store, a confectionery or delicatessen store,
3 nor to any such person who does not have and keep in his/her store a stock of goods
4 having a value according to invoices of at least one thousand dollars (\$1,000.00),
5 exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating
6 liquor shall be consumed on the premises where sold nor shall any original package
7 be opened on the premises of the vendor except as otherwise provided in this
8 Chapter or law.

9
10 B. Newly-Opened Restaurant Bars Or Amusement Places.

11
12 1. Any new restaurant bar having been in operation for less than ninety (90)
13 days may be issued a temporary license to sell intoxicating liquor by the drink at
14 retail for consumption on the premises between the hours of 6:00 A.M. and 1:30
15 a.m. on Monday for a period not to exceed ninety (90) days if the restaurant bar can
16 show a projection of annual business from prepared meals or food consumed on the
17 premises of at least fifty percent (50%) of the total gross income of the restaurant
18 bar for the year or can show a projection of annual business from prepared meals
19 or food consumed on the premises which would exceed not less than two hundred
20 thousand dollars (\$200,000.00). The license fee shall be prorated for the period of
21 the temporary license based on the cost of the annual license for the establishment.

22
23 2. Any new amusement place having been in operation for less than ninety
24 (90) days may be issued a temporary license to sell intoxicating liquor by the drink
25 at retail for consumption on the premises between the hours of 6:00 A.M. and 1:30
26 a.m. on Monday for a period not to exceed ninety (90) days if the amusement place
27 can show a projection of gross receipts of at least one hundred thousand dollars
28 (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross
29 receipts are in non-alcoholic sales for the first (1st) year of operation. The license
30 fee shall be prorated for the period of the temporary license based on the cost of the
31 annual license for the establishment.

32
33 C. Temporary Permit For Sale By Drink — Certain Organizations.

34
35 1. Notwithstanding any other provision of this Chapter, a permit for the sale
36 of all kinds of intoxicating liquor, including intoxicating liquor in the original
37 package, at retail by the drink for consumption on the premises of the licensee may
38 be issued to any church, school, civic, service, fraternal, veteran, political or
39 charitable club or organization for the sale of such intoxicating liquor at a picnic,
40 bazaar, fair or similar gathering. The permit shall be issued only for the day or days
41 named therein and it shall not authorize the sale of intoxicating liquor for more than
42 seven (7) days by any such club or organization.

43
44 2. If the event will be held on a Sunday, the permit shall authorize the sale
45 of intoxicating liquor on that day beginning at 11:00 A.M.

1 3. At the same time that an applicant applies for a permit under the
2 provisions of this Subsection, the applicant shall notify the Director of Revenue of
3 the holding of the event by certified mail and by such notification shall accept
4 responsibility for the collection and payment of any applicable sales tax.
5

6 4. No provision of law or rule or regulation of the City shall be interpreted
7 as preventing any wholesaler or distributor from providing customary storage,
8 cooling or dispensing equipment for use by the permit holder at such picnic, bazaar,
9 fair or similar gathering.
10

11 D. Operating Hours, Days.
12

13 1. No person having a license under the provisions of this Chapter shall sell,
14 give away, or otherwise dispose of or suffer the same to be done upon or about the
15 premises any intoxicating liquor in any quantity between the hours of 1:30 A.M.
16 and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. on Sunday and
17 6:00 A.M. on Monday except as otherwise authorized and licensed for Sunday
18 sales, and if said person has a license to sell intoxicating liquor by the drink, his/her
19 premises shall be and remain a closed place as defined in Section 600.010 of this
20 Chapter and between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and 1:30
21 A.M. on Sunday and 6:00 A.M. on Monday, and provided further that where such
22 licenses authorizing the sale of intoxicating liquor by the drink are held by clubs or
23 hotels, this Section shall apply only to the room or rooms in which the intoxicating
24 liquor is dispensed, and provided further that where such licenses are held by
25 restaurants or stores whose business is conducted in one (1) room only and
26 substantial quantities of food and merchandise, other than intoxicating liquor, are
27 dispensed, then the licensee shall keep securely locked during the hours and on the
28 days herein specified all refrigerators, cabinets, cases, boxes and taps from which
29 intoxicating liquor is dispensed.
30

31 2. When January first (1st), March seventeenth (17th), July fourth (4th) or
32 December thirty-first (31st) falls on Sunday, and on the Sundays prior to Memorial
33 Day and Labor Day and on the Sunday on which the national championship game
34 of the National Football League is played, commonly known as "Super Bowl
35 Sunday", any person having a license to sell intoxicating liquor by the drink may
36 be open for business and sell intoxicating liquor by the drink under the provisions
37 of his/her license on that day from the time and until the time which would be lawful
38 on another day of the week, notwithstanding any provisions of this Chapter to the
39 contrary.
40

41 E. Limitation Of License By Number. The number of licenses allowed for each is
42 listed as follows:
43

44 1. Not more than eight (8) licenses for sale of intoxicating liquor by the
45 drink at retail for consumption on the premises where sold shall be issued and in
46 effect at any one time.

1
2 2. Not more than two (2) liquor license for the sale of beer, malt liquor and
3 light wine for consumption on the premises where sold shall be issued and in effect
4 at any one time.

5
6 3. Not more than (2) licenses for sale of intoxicating liquor in the original
7 package shall be issued and in effect at any one time.

8
9 ~~4. Not more than one (1) license for sale of malt liquor not in excess of five~~
10 ~~percent (5%) by weight of alcohol shall be issued and in effect at any time.~~

11
12 ~~54.~~ Not more than ~~two~~ three (3) licenses for sale of intoxicating beer, malt
13 liquor and light wine liquor in the original package shall be issued and in effect at
14 any one time.

15
16 F. General License Regulations.

17
18 1. Each license issued hereunder shall be conspicuously posted on the
19 premises for which the license has been issued.

20
21 2. A separate license shall be required for each place of business. Every
22 license issued under the provisions of this Chapter shall particularly describe the
23 premises at which intoxicating liquor may be sold thereunder, and such license shall
24 not be deemed to authorize or permit the sale of intoxicating liquor at any place
25 other than that described therein.

26
27 3. No license issued under this Chapter shall be transferable or assignable
28 except as herein provided. In the event of the death of the licensee, the widow or
29 widower or the next of kin of such deceased licensee, who shall meet the other
30 requirements of this Chapter, may make application and the Clerk may transfer
31 such license to permit the operation of the business of the deceased for the
32 remainder of the period for which a license fee has been paid by the deceased.
33 Whenever one (1) or more members of a partnership withdraws from the
34 partnership, the Clerk, upon being requested, shall permit the remaining partner or
35 partners originally licensed to continue to operate for the remainder of the period
36 for which the license fee has been paid without obtaining a new license.

37
38 4. In the event any licensee desires to change the location of his/her place
39 of business in the City, it shall be necessary for him/her to file an application in the
40 same manner as herein provided for an original application, except that no
41 additional fee shall be charged and the amended license, describing the new
42 location, shall be issued immediately upon the approval of the application by the
43 Board. Any change of location of the enterprise prior to issuance of such an
44 amended license shall constitute a violation of this Section.

45
46 **SECTION 600.040.**

SCHEDULE OF LICENSE FEES

1 A. The following categories and subcategories of licenses shall be issued upon
2 compliance with the provisions of this Chapter and payment of the license fee
3 indicated:
4

5 1. General licenses.

6 a. Beer, Light Wine and Malt liquor — original package: \$75.00.
7

8 b. Intoxicating liquor (all kinds) — original package: \$150.00.
9

10 c. Beer, Light Wine and Malt liquor — by drink: \$75.00.
11

12 d. Malt liquor and light wines — by drink: \$75.00.
13

14 ~~d.~~ Intoxicating liquor (all kinds) — by drink: \$450.00.
15

16 2. Sunday sales. (Additional fees)
17

18 a. Intoxicating liquor — original package: \$300.00.
19

20 b. Restaurant bars: \$300.00.
21

22 c. Amusement places: \$300.00.
23

24 d. Liquor by the drink — charitable organizations: \$300.00.
25

26 3. Permits.
27

28 a. Temporary permit — by the drink for certain organizations (7
29 days max.): \$37.50.
30

31 b. Tasting permit: \$37.50.
32

33 c. Caterers: \$15.00 per each calendar day.
34
35

36 **SECTION 600.045. TEMPORARY LOCATION FOR LIQUOR BY**
37 **THE DRINK CATERERS – PERMIT – FEE**
38 **REQUIRED**

39 A. The City may issue a temporary permit to caterers and other persons holding
40 licenses to sell intoxicating liquor, including intoxicating liquor in the original
41 package, by the drink at retail for consumption on the premises pursuant to the
42 provisions of this Chapter who furnish provisions and service for use at a particular
43 function, occasion or event at a particular location other than the licensed premises,
44 but not including a "festival" as defined in Chapter 316, RSMo. The temporary
45 permit shall be effective for a period not to exceed one hundred sixty-eight (168)

1 consecutive hours, and shall authorize the service of alcoholic beverages at such
2 function, occasion or event during the hours at which alcoholic beverages may
3 lawfully be sold or served upon premises licensed to sell alcoholic beverages for
4 on-premises consumption. For every permit issued pursuant to the provisions of
5 this Section, the permittee shall pay to the City an amount as set out in Section
6 600.040(3)(c) above, or fraction thereof, for which the permit is issued.

7
8 B. Except as provided in Subsection (C), all provisions of the Liquor Control Law
9 and the ordinances, rules and regulations of the City, in which is located the
10 premises in which such function, occasion or event is held shall extend to such
11 premises and shall be in force and enforceable during all the time that the permittee,
12 its agents, servants, employees, or stock are in such premises.

13
14 C. Notwithstanding any other law to the contrary, any caterer who possesses a valid
15 State and valid local liquor license may deliver alcoholic beverages, in the course
16 of his/her catering business. A caterer who possesses a valid State and valid local
17 liquor license need not obtain a separate license for each City the caterer delivers
18 in, so long as such City permits any caterer to deliver alcoholic beverages within
19 the City.

20
21 D. To assure and control product quality, wholesalers may, but shall not be required
22 to, give a retailer credit for intoxicating liquor with an alcohol content of less than
23 five percent (5%) by weight delivered and invoiced under the catering permit
24 number, but not used, if the wholesaler removes the product within seventy-two
25 (72) hours of the expiration of the catering permit issued pursuant to this Section.

26
27 **SECTION 600.050. APPLICATIONS FOR LICENSE**

28 A. Applications for a license, either new or renewal hereunder, shall be made to the
29 City Clerk on forms prescribed from time to time by the Board of Aldermen and
30 shall be accompanied by deposit of the license fee and by such supporting
31 information or documents as the Board of Aldermen may require in the
32 administration of this Chapter and in the exercise of its discretion to grant or deny
33 a license hereunder. In the exercise of its discretion to issue or deny a new or
34 renewal license, the Board of Aldermen shall consider among other things the
35 following:

36
37 1. The reputation of the applicant for compliance with State law and
38 municipal ordinances regulating the sale of intoxicating liquor.

39
40 2. Arrests or convictions for violation of State and Federal law or municipal
41 ordinances, particularly with respect to the sale of intoxicating liquor.

1
2 D. Application must be made annually for renewal of licenses on or before the first
3 (1st) day of June of each calendar year.
4

5 **SECTION 600.060. MINORS**
6

7 A. Persons Eighteen Years Of Age Or Older May Sell Or Handle Intoxicating
8 Liquor, When.
9

10 1. Except as otherwise provided in this Section, no person under the age of
11 twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating
12 liquor.
13

14 2. In any place of business licensed in accordance with this Chapter, persons
15 at least eighteen (18) years of age may stock, arrange displays, operate the cash
16 register or scanner connected to a cash register, accept payment for, and sack for
17 carry-out, intoxicating liquor. Delivery of intoxicating liquor away from the
18 licensed business premises cannot be performed by anyone under the age of twenty-
19 one (21) years. Any licensee who employs any person under the age of twenty-one
20 (21) years, as authorized by this Subsection, shall, when at least fifty percent (50%)
21 of the licensee's gross sales does not consist of non-alcoholic sales, have an
22 employee twenty-one (21) years of age or older on the licensed premises during all
23 hours of operation.
24

25 3. In any distillery, warehouse, wholesale distributorship, or similar place
26 of business which stores or distributes intoxicating liquor but which does not sell
27 intoxicating liquor at retail, persons at least eighteen (18) years of age may be
28 employed and their duties may include the handling of intoxicating liquor for all
29 purposes except consumption, sale at retail, or dispensing for consumption or sale
30 at retail. Any wholesaler licensed pursuant to this Chapter may employ persons of
31 at least eighteen (18) years of age to rotate, stock and arrange displays at retail
32 establishments licensed to sell intoxicating liquor.
33

34 4. Persons eighteen (18) years of age or older may, when acting in the
35 capacity of a waiter or waitress, accept payment for or serve intoxicating liquor in
36 places of business which sell food for consumption on the premises if at least fifty
37 percent (50%) of all sales in those places consists of food; provided that nothing in
38 this Section shall authorize persons under twenty-one (21) years of age to mix or
39 serve across the bar, intoxicating beverages.
40

41 B. Sales To Minor — Exceptions.
42

43 1. No licensee, his/her employee, or any other person shall procure for, sell,
44 vend, give away or otherwise supply any intoxicating liquor in any quantity
45 whatsoever to any person under the age of twenty-one (21) years, except that this
46 Section shall not apply to the parent or guardian of the minor nor to the supplying

1 of intoxicating liquor to a person under the age of twenty-one (21) years for medical
2 purposes only or to the administering of such intoxicating liquor to such person by
3 a duly licensed physician. No person shall be denied a license or renewal of a
4 license issued under this Chapter solely due to a conviction for unlawful sale or
5 supply to a minor while serving in the capacity as an employee of a licensed
6 establishment.

7
8 2. Any owner, occupant, or other person or legal entity with a lawful right
9 to the exclusive use and enjoyment of any property who knowingly allows a person
10 under the age of twenty-one (21) to drink or possess intoxicating liquor or
11 knowingly fails to stop a person under the age of twenty-one (21) from drinking or
12 possessing intoxicating liquor on such property, unless such person allowing the
13 person under the age of twenty-one (21) to drink or possess intoxicating liquor is
14 his/her parent or guardian, is guilty of an ordinance violation.

15
16 3. It shall be a defense to prosecution under this Subsection if:

17
18 a. The defendant is a licensed retailer, club, drinking establishment,
19 or caterer or holds a temporary permit, or an employee thereof;

20
21 b. The defendant sold the intoxicating liquor to the minor with
22 reasonable cause to believe that the minor was twenty-one (21) or more
23 years of age; and

24
25 c. To purchase the intoxicating liquor, the person exhibited to the
26 defendant a driver's license, Missouri non-driver's identification card, or
27 other official or apparently official document, containing a photograph of
28 the minor and purporting to establish that such minor was twenty-one (21)
29 years of age and of the legal age for consumption of intoxicating liquor.

30
31 C. Misrepresentation Of Age By Minor To Obtain Liquor — Use Of Altered
32 Driver's License, Passport Or I.D. Cards, Penalties.

33
34 1. No person under the age of twenty-one (21) years shall represent, for the
35 purpose of purchasing, asking for or in any way receiving any intoxicating liquor,
36 that he/she has attained the age of twenty-one (21) years, except in cases authorized
37 by law.

38
39 2. In addition to Subsection (C)(1) of this Section, no person under the age
40 of twenty-one (21) years shall use a reproduced, modified or altered chauffeur's
41 license, motor vehicle operator's license, identification card issued by any
42 uniformed service of the United States, passport or identification card established
43 in Section 302.181, RSMo., for the purpose of purchasing, asking for or in any way
44 receiving any intoxicating liquor.

45
46 D. Minors In Possession Of Intoxicating Liquor.

1
2 1. No person under the age of twenty-one (21) years, shall purchase or
3 attempt to purchase, or have in his/her possession, any intoxicating liquor as
4 defined in Section 600.010 or, shall be visibly in an intoxicated condition as defined
5 in Section 577.001, RSMo., or shall have a detectable blood alcohol content of more
6 than two-hundredths of one percent (.02%) or more by weight of alcohol in such
7 person's blood.
8

9 2. Any person under the age of twenty-one (21) years who purchases or
10 attempts to purchase, or has in his or her possession, any intoxicating liquor, or who
11 is visibly in an intoxicated condition as defined in Section 577.001, RSMo., shall
12 be deemed to have given consent to a chemical test or tests of the person's breath,
13 blood, saliva, or urine for the purpose of determining the alcohol or drug content of
14 the person's blood. The implied consent to submit to the chemical tests listed in this
15 Subsection shall be limited to not more than two (2) such tests arising from the
16 same arrest, incident, or charge. Chemical analysis of the person's breath, blood,
17 saliva, or urine shall be performed according to methods approved by the State
18 Department of Health and Senior Services by licensed medical personnel or by a
19 person possessing a valid permit issued by the State Department of Health and
20 Senior Services for this purpose. The State Department of Health and Senior
21 Services shall approve satisfactory techniques, devices, equipment, or methods to
22 be considered valid and shall establish standards to ascertain the qualifications and
23 competence of individuals to conduct analyses and to issue permits which shall be
24 subject to termination or revocation by the State Department of Health and Senior
25 Services. The person tested may have a physician, or a qualified technician,
26 chemist, registered nurse, or other qualified person at the choosing and expense of
27 the person to be tested, administer a test in addition to any administered at the
28 direction of a Law Enforcement Officer. The failure or inability to obtain an
29 additional test by a person shall not preclude the admission of evidence relating to
30 the test taken at the direction of a Law Enforcement Officer. Upon the request of
31 the person who is tested, full information concerning the test shall be made
32 available to such person. "Full information" is limited to the following:
33

34 a. The type of test administered and the procedures followed;

35
36 b. The time of the collection of the blood or breath sample or urine
37 analyzed;

38
39 c. The numerical results of the test indicating the alcohol content of
40 the blood and breath and urine;

41
42 d. The type and status of any permit which was held by the person
43 who performed the test;
44

1 e. If the test was administered by means of a breath-testing
2 instrument, the date of performance of the most recent required
3 maintenance of such instrument.
4

5 "Full information" does not include manuals, schematics, or
6 software of the instrument used to test the person or any
7 other material that is not in the actual possession of the State.
8 Additionally, "full information" does not include
9 information in the possession of the manufacturer of the test
10 instrument.
11

12 3. The provisions of this Subsection shall not apply to a student who:
13

14 a. Is eighteen (18) years of age or older;
15

16 b. Is enrolled in an accredited college or university and is a student
17 in a culinary course;
18

19 c. Is required to taste, but not consume or imbibe, any beer, ale,
20 porter, wine, or other similar malt or fermented beverage as part of the
21 required curriculum; and
22

23 d. Tastes a beverage under Subsection (D)(2)(c) of this Section only
24 for instructional purposes during classes that are part of the curriculum of
25 the accredited college or university.
26

27 The beverage must at all times remain in the possession and
28 control of any authorized instructor of the college or
29 university, who must be twenty-one (21) years of age or
30 older. Nothing in this Subsection, may be construed to allow
31 a student under the age of twenty-one (21) to receive any
32 beer, ale, porter, wine or other similar malt or fermented
33 beverage unless the beverage is delivered as part of the
34 student's required curriculum and the beverage is used only
35 for instructional purposes during classes conducted as part
36 of the curriculum.
37

38 **SECTION 600.065. BURDEN OF PROOF ON VIOLATOR**
39 **CONCERNING MANUFACTURER-SEALED**
40 **CONTAINER**
41

42 For purposes of determining violations and prosecution under this Chapter, or any
43 rule or regulation of the Supervisor of Alcohol and Tobacco Control, a
44 manufacturer-sealed container describing that there is intoxicating liquor therein
45 need not be opened or the contents therein tested to verify that there is intoxicating
46 liquor in such container. The alleged violator may allege that there was no

1 intoxicating liquor in such container, but the burden of proof of such allegation is
2 on such person, as it shall be presumed that such a sealed container describing that
3 there is intoxicating liquor therein contains intoxicating liquor.
4

5 **SECTION 600.070. MISCELLANEOUS OFFENSES**
6

7 A. Unlawful For Licensed Retailer To Purchase From Other Than Licensed
8 Wholesaler. It shall be unlawful for any licensee to purchase any intoxicating liquor
9 except from, by or through a duly licensed wholesale liquor dealer in this State. It
10 shall be unlawful for such retail liquor dealer to sell or offer for sale any intoxicating
11 liquor purchased in violation of the provisions of this Section.
12

13 B. Packaging, Labeling. Any retailer licensed pursuant to this Chapter shall not:
14

15 1. Sell intoxicating liquor with an alcohol content of less than five percent
16 (5%) by weight to the consumer in an original carton received from the wholesaler
17 that has been mutilated, torn apart or cut apart; or
18

19 2. Repackage intoxicating liquor with an alcohol content of less than five
20 percent (5%) by weight in a manner misleading to the consumer or that results in
21 required labeling being omitted or obscured.
22

23 C. Mixing Liquor With Drugs Prohibited. No licensee, or any other person, shall
24 for any purpose whatsoever mix or permit or cause to be mixed with any
25 intoxicating liquor kept for sale, sold or supplied by him/her as a beverage any drug
26 or form of methyl alcohol or impure form of alcohol.
27

28 D. Unlawful To Sell Unlabeled Liquor — Penalty. It shall be unlawful for any
29 person to sell any intoxicating liquor which has not been inspected and labeled
30 according to the provisions of the Liquor Control Law of Missouri, and any such
31 person upon conviction shall have his/her license revoked and shall be ineligible to
32 receive any subsequent liquor license for a period of two (2) years thereafter.
33

34 E. Only Those Liquors Authorized By License To Be Kept On Premises.
35

36 1. It shall be unlawful for any licensee licensed for the sale of intoxicating
37 liquor at retail by the drink for consumption on the premises to keep in or upon the
38 premises described in such license any intoxicating liquor other than the kind of
39 liquor expressly authorized to be sold by such licensee.
40

41 2. Any retailer licensed pursuant to this Chapter shall not:
42

1 a. Sell intoxicating liquor with an alcohol content of less than five
2 percent (5%) by weight to the consumer in an original carton received from
3 the wholesaler that has been mutilated, torn apart or cut apart; or
4

5 b. Repackage intoxicating liquor with an alcohol content of less than
6 five percent (5%) by weight in a manner misleading to the consumer or that
7 results in required labeling being omitted or obscured.
8

9 F. Persons Apparently Intoxicated Not To Be Provided With Intoxicating Liquor.
10 It shall be unlawful for any licensee, or his/her employee or agent, to sell or supply
11 intoxicating liquor, or permit such to be sold or supplied, to a ~~habitual drunkard or~~
12 ~~to~~ any person who is under or apparently under the influence of intoxicating liquor.
13

14 G. Drinking In Public Places Prohibited.

15
16 1. For purposes of this Section, the term "public place" shall mean any
17 public street, highway, alley, sidewalk, thoroughfare or other public way of the
18 City, or any parking lot.

19
20 2. No person shall drink or ingest any intoxicating liquor in or on any public
21 place.
22

23 3. No person shall possess or have under his/her control any unsealed glass,
24 bottle, can or other open container of any type containing any intoxicating liquor
25 while in or upon any public place.
26

27 4. No person shall possess or have under his/her control any unsealed glass,
28 bottle, can or other open container of any type containing any intoxicating liquor
29 while within or on any motor vehicle while the same is being operated upon, or
30 parked or standing in or upon, any public place. Any person operating a motor
31 vehicle shall be deemed to be in possession of an open container contained within
32 the motor vehicle he/she has control of whether or not he/she has actual physical
33 possession of the open container.
34

35 **SECTION 600.080. WARNING SIGN DISPLAYED – LIQUOR**
36 **LICENSES**
37

38 Any person who is licensed to sell or serve alcoholic beverages at any establishment
39 shall place on the premises of such establishment a warning sign as described in
40 this Section. Such sign shall be at least eleven (11) inches by fourteen (14) inches
41 and shall read "WARNING: Drinking alcoholic beverages during pregnancy may
42 cause birth defects". The licensee shall display such sign in a conspicuous place on
43 the licensed premises.

1
2 d. Any person on the licensed premises during a term of suspension
3 as ordered by the Board.
4

5 C. Automatic Revocation/Suspension. A license shall be revoked automatically if
6 the licensee's State liquor license is revoked or if the licensee is convicted in any
7 court of any violation of Chapter 311, RSMo., or of any felony violation of Chapter
8 195, RSMo., in the course of business. A license shall be suspended automatically
9 if the licensee's State liquor license is suspended, and the suspension shall be for a
10 term not less than that imposed by the State.
11

12 D. Effect Of Suspension. No person whose license shall have been suspended by
13 order of the Board shall sell or give away any intoxicating liquor during the time
14 such suspension is in effect. Any licensee desiring to keep premises open for the
15 sale of food or merchandise during the period of suspension shall display the
16 Board's order of suspension in a conspicuous place on the premises so that all
17 persons visiting the premises may readily see the same.
18

19 **SECTION 600.100. HEARINGS UPON SUSPENSION OR**
20 **REVOCATION OF LICENSES**
21

22 A. Hearing Officer. Hearings may be had before the Board of Aldermen or before
23 a Hearing Officer appointed by the Board who shall be an attorney licensed to
24 practice law in the State of Missouri. If held before a Hearing Officer, he/she shall
25 report to the Board findings of fact, conclusions of law and recommendations. The
26 Board may accept, modify or refuse to accept the report of the Hearing Officer or
27 any portion thereof.
28

29 B. Witnesses — How Summoned. Subpoenas may be issued by the Board for any
30 person whose testimony is desired at any hearing. Such subpoenas may be served
31 and returns thereon made by any agent and in the same manner as provided by law
32 for the service of subpoenas in civil suits in the Circuit Courts of this State. The
33 Board also may issue subpoenas duces tecum requiring the production of
34 documents or other items pertaining to the subject of the inquiry.
35

36 C. Witnesses To Be Sworn. Before any witness shall testify in any such hearing,
37 he/she shall be sworn by the City Clerk to tell the truth and nothing but the truth.
38

39 D. Decision — Suspension Or Revocation. If the evidence supports a finding that
40 the license should be revoked or suspended pursuant to Section 600.090 of this
41 Chapter, the Board shall issue a written order which shall include specific findings
42 of fact setting forth the grounds for the action taken. If the evidence fails to support
43 a finding that the license should be revoked or suspended, then no such order shall
44 be issued.
45

1 E. Appeal. Any applicant or licensee aggrieved by a decision of the Board may
2 appeal such decision to the Circuit Court as provided in Chapter 536, RSMo.,
3 provided such appeal is filed within thirty (30) days of the date of the Board's
4 decision. The Board may delay the implementation of its order pending appeal.
5

6 **SECTION 600.110. ACTS OF AGENTS AND EMPLOYEES**
7

8 Every act or thing done by an agent or employee of any person to whom a license
9 is issued hereunder shall be deemed to be the act of the licensee for purposes of this
10 Chapter whether authorized or ratified by such person or not.
11

12 **SECTION 600.120. BEER, ALE OR MALT LIQUOR PRODUCTS**
13

14 It shall be illegal for any retailer to sell or offer for sale any beer, ale or malt liquor
15 products in glass containers of sixteen (16) ounces or greater content, that are
16 chilled or refrigerated at the time of sale or offer to a temperature less than the room
17 temperature of the licensed premises at which said sale or offer occurs.
18

19 **SECTION 600.130. PREREQUISITE TO LICENSE ISSUANCE**
20

21 No liquor license shall be issued for any premises not having and displaying a valid
22 current business license or to any person as defined in this Chapter who is in arrears
23 in payment of any business license fees or taxes for the two (2) preceding fiscal
24 years together with any penalties or interest due thereon.
25

26
27
28 **SECTION 600.140. ESTABLISHING RIGHT TO A SHOW CAUSE**
29 **HEARING UPON DENIAL OF RENEWAL OF**
30 **LIQUOR LICENSE.**
31

32 A. In the event an application for renewal of a liquor license is denied, the applicant,
33 upon written request to the Board of Aldermen, filed with the City Clerk, shall be
34 granted an opportunity to show cause, at a hearing before the Board of Aldermen,
35 why the license should be renewed. Such request shall be filed within ten (10) days
36 of receipt of notice of denial, which shall be given by ordinary U.S. mail, postage
37 prepaid, addressed to the applicant at the place of business for which the license is
38 sought.
39

40 B. The City Clerk shall schedule the show cause hearing not more than ten (10)
41 business days after receipt of such request.
42

43 C. Notice in writing of the date, time and place of the hearing before the Board shall
44 be given by ordinary U.S. mail, postage prepaid, addressed to the applicant at the
45 place of business for which the license is sought.
46

1 D. The applicant may be represented by counsel, have witnesses appear on its
2 behalf and present such matters and any documentation it desires in support of its
3 showing of cause for issuance of a renewal license. The Board of Aldermen shall
4 also hear and consider evidence and information bearing on the show cause issue
5 from any other interested party.
6

7 **Section Two.**
8

9 The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be
10 revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon
11 supplementation of such code if, in the discretion of the editor, an alternative designation would
12 be more reasonable. In adjusting such designations the editor may also change other designations
13 and numerical assignment of code sections to accommodate such changes.
14

15 **Section Three.**
16

17 It is hereby declared to be the intention of the Board of Aldermen that each and every part, section
18 and subsection of this Ordinance shall be separate and severable from each and every other part,
19 section and subsection hereof and that the Board of Aldermen intends to adopt each said part,
20 section and subsection separately and independently of any other part, section and subsection. In
21 the event that any part of this Ordinance shall be determined to be or to have been unlawful or
22 unconstitutional, the remaining parts, sections and subsections shall be and remain in full force
23 and effect.
24

25 **Section Four.**
26

27 This Ordinance shall be in full force and effect both from and after its passage by the Board of
28 Aldermen.
29

30 **PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF WOODSON TERRACE,**
31 **MISSOURI, THIS 15th DAY OF May 2024.**
32

33
34 
35
36 _____
37 Presiding Officer

38 Attest:

39 
40
41 _____
42 Sarah Piel, Acting City Clerk
43

44
45 **APPROVED THIS 15th DAY OF May 2024.**
46

1
2
3
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11
12
13



Lawrence P. Besmer
Lawrence P. Besmer, Mayor

Attest:

S. Piel
Sarah Piel, Acting City Clerk