

CHAPTER 42. Licensing and Regulation Of Liquor

Article I. Intoxicating Liquor

Section 42.010. Definitions.

The term:

"Affiliate" shall mean and include:

- a. A person who directly or indirectly owns, controls, or holds with power to vote, twenty percent (20%) or more of the outstanding voting securities of the debtor, other than a person who holds the securities,

As a fiduciary or agent without sole discretionary power to vote the securities; or

Solely to secure a debt, if the person has not exercised the power to vote;

- b. A corporation twenty percent (20%) or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the applicant or a person who directly or indirectly owns, controls, or holds, with power to vote, twenty percent (20%) or more of the outstanding voting securities of the debtor, other than a person who holds the securities,

As fiduciary or agent without sole power to vote the securities; or

Solely to secure a debt, if the person has not in fact exercised the power to vote;

- c. A person whose business or enterprise is operated by the debtor under a lease or other agreement, or a person substantially all of whose assets are controlled by the applicant; or
- d. A person who operates the applicant's business or enterprise under a lease or other agreement or controls substantially all of the applicant's assets.

(Ord. No. 8653, § 1, 10-8-09)

"By the Drink" shall mean the sale of intoxicating liquor by the drink at retail for consumption on the premises where sold. The sale of any intoxicating liquor, except beer, in any quantity equal to or less than fifty (50) milliliters shall be deemed a "sale by the drink;" and may be made only by a holder of a retail liquor license as provided in this Chapter 42. Beer may be served in any size up to one liter by the drink. (Ord. No. 8974 §1, 3-7-2017)

"Convenience Store (with gasoline)" shall mean a small store or shop (minimum 1,000 sq ft) that typically has long hours and sells a mix of items such as candy, ice-cream, soft drinks, lottery tickets, cigarettes and other tobacco products, newspapers and magazines, along with a selection of processed food and perhaps some groceries as well as gasoline for use in motor vehicles, but which is neither as large nor sells the broad scope of items commonly sold by grocery stores. (Ord. No. 8706 §1, 2-15-11)

“Convenience Store (without gasoline)” shall mean a small store or shop (minimum 1,000 sq ft) that typically has long hours and sells a mix of items, excluding gasoline, such as candy, ice-cream, soft drinks, lottery tickets, cigarettes and other tobacco products, newspapers and magazines, along with a selection of processed food and perhaps some groceries, but which is neither as large nor sells the broad scope of items commonly sold by grocery stores. (Ord. No. 8706 §1, 2-15-11)

“Drinking Establishment” shall mean an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises including but not limited to, pubs, bars, cocktail lounges, public houses and taverns. The serving of food is not required but may be provided. (Ord. No. 8974 §1, 3-7-2017)

“Financial Interest” shall mean and include all interest, legal or beneficial, direct or indirect, in the capital devoted to the licensed business or enterprise and all such interest in the net profits of the business or enterprise, after the payment of reasonable and necessary operating business expenses and taxes, including interest in dividends, preferred dividends, interest and profits, directly or indirectly paid as compensation for, or in consideration of interest in, or for use of, the capital devoted to the enterprise, or for property or money advanced, loaned or otherwise made available to the enterprise, except by way of ordinary commercial credit or bona fide bank credit not in excess of credit customarily granted by banking institutions, whether paid as dividends, interest or profits, or in the guise of royalties, commissions, salaries, or any other form whatsoever.

(Ord. No. 8653, § 1, 10-8-09)

“General Merchandise Store” shall mean a place of commerce where a variety of dry goods, not including food or pharmaceuticals, is offered for sale to the general public.

“Grocery Store” shall mean a food store that sells a general line of food products, such as canned and frozen foods; fresh fruits and vegetables; fresh and prepared meats, fish, and poultry; and nonfood grocery products. (Ord. No. 8706 §1, 2-15-11)

“Gross Sales” shall mean all of the money, property, services and other considerations charged for or received or derived from their business activities, and includes but is not limited to receipts and charges for and from sales, rentals (except rental of real estate), service charges, commissions, contracts, fees, penalties, bonuses, or other price received or charged for any combination of services and property or use thereof, including but not limited to the sale of gasoline, beer, wine or alcohol.” (Ord. No. 8706 §1, 2-15-11)

“Insider” as used in this Chapter shall mean and include:

- a. If the applicant is an individual,
 1. A spouse or relative of the applicant;
 2. A general partner of the applicant;
 3. A partnership in which the applicant is a general partner;
 4. A general partner in a partnership described in subparagraph 3, above; or

5. A corporation of which the applicant is a director, officer, or person in control;
- b. If the applicant is a corporation,
1. A director of the applicant;
 2. An officer of the applicant;
 3. A person in control of the applicant;
 4. A partnership in which the applicant is a general partner;
 5. A general partner in a partnership described in subparagraph 4, above; or
 6. A relative of a general partner, director, officer, or person in control of the applicant;
- c. If the applicant is a partnership or limited liability company,
1. A general partner or member in the applicant;
 2. A relative of a general partner or member in, a general partner or member of, or a person in control of the applicant;
 3. Another partnership or limited liability company in which the applicant is a general partner or member;
 4. A general partner or member in a partnership described in subparagraph 3; or
 5. A person in control of the applicant;
- d. An affiliate, or an insider of an affiliate as if the affiliate were the applicant; and
- e. A managing agent of the applicant.

(Ord. No. 8653, § 1, 10-8-09)

“Intoxicating Liquor” includes alcohol designed for use as a beverage, alcoholic, spirituous, vinous, fermented, malt or other liquors or combination of liquors, a part of which is spirituous, vinous or fermented, and any preparation or mixture designed for use as a beverage containing in excess of three and two-tenths (3.2) per cent of alcohol by weight.

“Light Wines” shall mean any wine manufactured exclusively from grapes, berries and other fruits and vegetables and containing not in excess of fourteen percent (14%) of alcohol by weight.

“Managing Member” as used in this Chapter shall mean and include the person in day-to-day charge of the business licensed under this Chapter and/or the person who acts as

the managing partner, managing member in an LLC and the president of a corporation. (Ord. No. 8653, § 1, 10-8-09)

“Manufacturer,” “Distiller,” or “Brewer” includes any person who engages in any method or process used or employed in the manufacture, distillation, brewing or rectifying of intoxicating liquors in Webster Groves.

“Minor” shall mean any person under the age of twenty-one years.

“Microbrewery” shall mean a business whose primary activity is the brewing and selling of beer, with an annual production of ten thousand barrels or less.

“Original Package” shall mean and include any package containing three (3) or more standard bottles of malt liquor or non-intoxicating beer, or one-half (1/2) pint or more of spirituous or vinous liquors in the manufacturer’s original container. A standard bottle is any bottle or can containing sixteen (16) ounces or less of malt liquor or non-intoxicating beer.

“Person” as used in this Chapter shall mean and include any individual, sole proprietor, association, joint stock company, syndicate, partnership, limited partnership, limited liability company, corporation or other similar entity, receiver, trustee, conservator, or other officer appointed by any state or federal court. (Ord. No. 8653, § 1, 10-8-09)

“Premises” when used in this article, shall mean and include the place or places within a specified structure where intoxicating liquor is sold and consumed, provided, however, that the premises and the place or places where intoxicating liquor is sold and consumed shall, at the time of application for any license hereunder, be fully described in such application, but the place or places described in the application need not be adjoining and contiguous rooms or areas.

“Private Club” shall mean the primary premises of an organization or association incorporated or established pursuant to state law where entry is granted to club members and their guests only, and not to the general public.

“Restaurant-Full Service” shall be deemed to be a restaurant where:

- a. Food is prepared on the premises and served for consumption on the same premises; and
- b. Patrons are seated at tables or in booths and served by waiters and/or waitresses; and
- c. A full menu is provided for selections of appetizers, salads, entrees and desserts; and
- d. Off-street parking spaces are available for customers’ use and comply in all respects with the provisions of the Zoning Ordinance; and
- e. The annual gross receipts from the sale of food prepared and served for consumption on the premises is no less than Two Hundred Thousand Dollars (\$200,000.00); and

- f. No less than sixty percent (60%) of its gross receipts are derived from the sale of food prepared and served for consumption on the premises; and
- g. The area of the bar does not exceed twenty percent (20%) of the area where food is served to and for consumption by seated customers; and which serves food listed on its regular menu at all times at which liquor by the drink is served, except for the hour preceding the legal closing time for establishments serving intoxicating liquor by the drink for consumption on the premises where served; and provided further, however, that any full service restaurant which does not have annual gross receipts of Two Hundred Thousand Dollars (\$200,000.00) or more from the sale of food prepared and served for consumption on the premises but which derives no less than seventy-five percent (75%) of its gross receipts from the sale of food prepared and served for consumption on the premises may have a service bar only at which intoxicating liquor by the drink may be dispensed only by employees of the establishment in order to be served to customers seated at tables or in booths.

“Specialty Food Store” shall mean a place of commerce other than a grocery store and the primary purpose of which is the sale of only one or a few kinds of food items, including but not limited to cheeses, fruits and nuts, are offered for sale to the general public.

“Supermarket” shall mean a grocery store, primarily self-service, providing a full range of food departments, having sales equivalent to \$2 million or more in 1980 dollars, adjusted annually for inflation. (Ord. No. 8706 §1, 2-15-11)

“Vintner” shall mean a business whose primary activity is the production and selling of wine, with an annual production of 15 cases or less. A case shall contain no more than 12 bottles with a capacity of one liter or less per bottle.

“Wholesaler” or **“Distributor”** includes any person who maintains an established place of business or office in Webster Groves at or from which orders are received and solicited, or where a supply of intoxicating liquors is kept, for sale in the original package to any other person licensed to sell intoxicating liquors at retail.

Section 42.020. Licenses Required.

No person, except a microbrewery or vintner as defined in this Chapter, may brew, manufacture, distill, rectify, distribute, sell or expose for sale, give away or otherwise dispense, or cause, suffer, or permit to be sold, given away, or dispensed on premises owned, operated, managed or controlled by him, any intoxicating liquor in the original package or otherwise, without having first obtained an appropriate license from the city.

Section 42.021. Private Clubs; Exemption.

Private clubs may dispense liquor by the drink on the premises of the private club, to members and guests only, without first securing a license therefor.

Section 42.022. Druggist; Exemption.

A druggist may handle intoxicating liquor purchased by him from a licensed vendor, or transported into the state by him, under the Liquor Control Act of the State of Missouri, such liquor to be used exclusively in connection with his business as a druggist in

compounding medicines, or as a solvent or preservative, or in filling a prescription of a regularly licensed physician.

Section 42.023. Licenses Required; Categories.

A separate annual license for the period July 1 through June 30 of the following year must be taken out for each of the following activities on payment of a license fee for the annual period or for the prorated period for which the license will be applicable and in the amount indicated herein. Each of these licenses will apply only to the particular activity for which it is issued, and to the particular premises described in the license; no person may sell, expose for sale, brew, distill, manufacture, rectify or distribute any intoxicating liquor, except from the premises and in the manner described in this license. A separate license is required for each place of business. No license is transferrable or assignable.

- a. Sale of malt liquor, excluding only product of a microbrewery, containing alcohol in excess of three and two-tenths (3.2) per cent by weight and not in excess of five (5) per cent by weight by grocers and other merchants and dealers for sale in the original package direct to consumers, but not for resale and not for consumption on the premises where sold; Twenty-Two Dollars and Fifty Cents (\$22.50).
- b. Sale of such malt liquor and/or light wines, excluding only product of a microbrewery or vintner, containing not more than fourteen (14) per cent of alcohol by weight, at retail by the drink for consumption on the premises where sold, which license shall also permit the holder to sell nonintoxicating beer at a restaurant full service; Fifty-Two Dollars and Fifty Cents (\$52.50). (Ord. No. 8974 §2, 3-7-2017)
- c. Sale of such malt liquor, excluding only product of a microbrewery, as a wholesaler or distributor to persons duly licensed to sell such malt liquor at retail; One Hundred Fifty Dollars (\$150.00).
- d. Sale of any kind of intoxicating liquor in the original package, excluding only product of a microbrewery or vintner, not to be consumed on the premises where sold; One Hundred Fifty Dollars (\$150.00). Establishments licensed to sell intoxicating liquor in the original package may apply for and obtain a license to conduct wine-tastings on the premises of the licensed establishment for an additional annual fee of Thirty-Five Dollars (\$35.00).
- e. Sale of intoxicating liquor, of alcoholic content in excess of three and two-tenths (3.2) per cent by weight, of any kind, excluding only product of a microbrewery or vintner, at retail by the drink for consumption on the premises where sold, including five (5) per cent beer and light wines at a restaurant full service; Four Hundred Dollars (\$400.00). (Ord. No. 8974 §2, 3-7-2017)
- f. Sale of intoxicating liquor of any kind, excluding only product of a microbrewery or vintner, by a wholesaler or distributor to persons duly licensed to sell intoxicating liquor at retail; Five Hundred Dollars (\$500.00). (Ord. No. 8379, § 1, 12-2-03)
- g. Manufacturing, wholesaling, distilling, brewing or rectifying intoxicating liquor except beer or wine produced by a microbrewery or vintner as defined in this Chapter; Five Hundred Dollars (\$500.00). (Ord. No. 8379, § 1, 12-2-03)

- h. Brewing beer by a microbrewery or producing wine by a vintner; Five Dollars (\$5.00) per each ten (10) barrels of beer or fraction thereof, up to a maximum license fee of Two Hundred Fifty Dollars (\$250.00) for each microbrewery and Five Dollars (\$5.00) per each case of wine or fraction thereof, up to a maximum license fee of Two Hundred Fifty Dollars (\$250.00) for each vintner. A license under this section shall also permit a microbrewery or vintner to sell beer or wine produced on the premises for consumption on the premises and for sale in the original package direct to consumers during Mondays through Saturdays between the hours of 11:00 a.m. and 12:00 a.m. midnight. A separate license for Sunday sales between the hours of 12:00 p.m. noon and 6:00 p.m. shall be available for an additional license fee of One Hundred Fifty Dollars (\$150.00) for each microbrewery or vintner.
- i. Sale on Sunday of any kind of intoxicating liquor in the original package, not to be consumed on the premises where sold; One Hundred Fifty Dollars (\$150.00).
- j. Sale on Sunday of intoxicating liquor of any kind at retail by the drink for consumption on the premises where sold at a restaurant full service, where such licensee has qualified under the provisions of Section 42.072; the additional fee of Three Hundred Dollars (\$300.00). (Ord. No. 8974 §2, 3-7-2017)
- k. Sales by an arts or educational institution or organization, including but not limited to operas, symphonies, theaters, universities, colleges and schools, at an event sponsored by such an institution or organization; One Hundred Fifty Dollars (\$150.00).
- l. Any person licensed to sell intoxicating liquor in the original package at retail may apply for a special permit to conduct wine, beer or distilled spirit tastings on the licensed premises for an additional Thirty-Five Dollars (\$35.00) payable at the same time and in the same manner as other license fees, provided that nothing in this subsection shall be construed to permit such a special permit holder to sell wine, beer or distilled spirits for on-premises consumption.
- m. Any caterer and other person holding a license pursuant to the provisions of this Chapter and who complies with Section 42.056 of this Chapter, may obtain a permit for an additional Ten Dollars (\$10.00) for each calendar day, or fraction thereof, for which the permit is issued.
- n. Sale of wine (not to exceed fourteen percent (14%) alcohol by weight) at retail by the bottle for consumption on or off the premises, or by the glass for consumption on the premises only, and wine related retail items but no other types of alcohol, said license shall not be subject to the restrictions of Section 42.050 of this code; One Hundred Fifty Dollars (\$150.00). (Ord. No. 8388, § 1, 2-17-04)
- o. Sales of beer and/or wine by a Convenience Store with Gasoline; One Hundred Fifty Dollars (\$150.00). (Ord. No. 8706 §2, 2-15-11)
- p. Consumption of Intoxicating Liquor Supplied by Guests at Painting Salons or Parlors, or any art, craft, music, gallery or similar business Sixty Dollars (\$60.00). (Ord. No. 8846 §2, 6-17-14)

- q. Sales in a Drinking Establishment of all kinds of intoxicating liquor, including the sale, except on Sunday, of intoxicating liquor in the original package and by the drink for consumption on the premises where sold, where such licensee has qualified under the provisions of this Chapter 42; the sum of four hundred fifty dollars (\$450.00). (Ord. No. 8974 §2, 3-7-2017)
- r. Sales in a Drinking Establishment of all kinds of intoxicating liquor on Sunday, including the sale of intoxicating liquor in the original package and by the drink for consumption on the premises where sold, where such licensee has qualified under the provisions of this Chapter 42; the sum of three hundred dollars (\$300.00). (Ord. No. 8974 §2, 3-7-2017)

Any fee required in this Section 42.023 and its subsections may be reduced by up to fifty percent (50%) upon application to the Finance Director demonstrating that the applicant has established and is actively implementing a server training program that complies with a state recommended or approved program or its equivalent.

Section 42.024. License Required; Duration.

Upon approval of the original application by the City Council and of renewals thereof by the Director of Finance, and upon payment of the license fee provided herein, the City shall grant the applicant a license to do business in the City of Webster Groves for a term to expire with the 30th day of June next succeeding the date of such license. Of the license tax to be paid for any such license, the applicant shall pay as many twelfths (1/12s) as there are months (part of a month counted as a month) remaining from the date of license to the next succeeding June 30. The City may create a Schedule of Pro-rated Fees to be provided to applicants which will list the fees required based upon the date the license is issued.

Section 42.025. License Required; Limitations.

Each license shall apply only to the class for which issued and for the premises specifically described in the license and shall not be transferable or assignable.

Section 42.028. Bond Required.

Before any initial application for a license authorizing the sale of intoxicating liquor at retail by the drink to be consumed upon the premises shall be approved, the director shall require of the applicant a bond satisfactory to him to be given to the city in the sum of Two Thousand Dollars (\$2,000.00). The bond shall be written by a surety company authorized to write such bonds in the state and shall be conditioned that the person obtaining such license shall faithfully perform all duties imposed by law upon the applicant by the ordinances of the city and laws of the state, and that he will pay all taxes and license fees provided for by the ordinances of the city, or the state for the benefit of the city, together with all fines, penalties and forfeitures which may be adjudged against him. The bond shall provide that it may be sued upon in the name of the city or the state for the collection of any taxes, license fees, fines, penalties and forfeitures which may be adjudged against him.

Section 42.030. Application for License; Procedure.

Any person desiring any such license may make written application therefor, stating specifically the particular type of business to be carried on; a description of the place of business and the improvements thereon, with the street or post office address thereof; the name and address of the individual, or if a partnership, the names of all persons comprising the partnership and the residence address of each, and if a corporation, the names and addresses of all officers and the name and address of the officer having charge of the business proposed to be operated within the city. Each application for a license shall be filed with the Director of Finance, on a form to be furnished by the Director of Finance, and signed and sworn to by the applicant.

Section 42.031. Application for License; Approval by City Council.

The Director of Finance shall present each application to the City Council; upon approval of an application by a majority of the City Council, and upon payment of all license taxes provided for, a license will be issued to the applicant.

Section 42.032. Application for License; Renewal.

- a. Licensees desiring to renew current licenses shall, at least sixty (60) days prior to the expiration of the license, file with the Director of Finance an application for renewal. Upon payment of the license fee made payable to the City of Webster Groves, the Director of Finance shall present the application to the City Council for renewal of the license for an additional license year if the conditions that permitted the issuance of the prior year's license have not changed.
- b. In the event the Director of Finance determines the conditions under which the original license was issued have changed, the Director of Finance shall, within ten (10) days after receipt of the application for renewal forward it to the City Council together with a statement of the changed conditions.
- c. The City Council may, in its discretion, renew or reject a license renewal application for an additional year and may prescribe conditions for the renewal of such a license.
- d. A licensee may request a public hearing before the City Council concerning the renewal of a license.

Section 42.033. Continuation of License Upon Licensee's Death.

In the event any licensee shall be deceased during the term for which such license is issued, then such license may continue with the approval of the City Council until the expiration thereof. The privileges conferred by the license may be exercised by the administrator, executor, or next of kin of the deceased licensee. In such event, such administrator, executor, or licensee shall report the death of the original licensee to the director, together with the name and address of the person by whom the business of such licensee is to be conducted.

Section 42.034. Change of Business Location.

Any person licensed to sell intoxicating liquor under the provisions of this Chapter may, upon application to the City Council, be authorized to change the location of his/her place of business during the term of such license. The proposed new location shall comply with all the conditions prescribed in this Chapter relating to the location where intoxicating liquor may be sold.

Section 42.045. Conditions of Issuance of License.

- a. No person shall be granted a license hereunder:

Unless such person and each insider who is in any way involved in, or has any financial interest in, the business or enterprise licensed under this Chapter is eligible to receive a liquor license from the State of Missouri;

Unless such person, if an individual, is a legal voter and a taxpaying citizen of St. Louis County, Missouri the City of St. Louis, Missouri or any county contiguous to St. Louis County, Missouri;

If such person or any insider who is in any way involved in, or has any financial interest in, the business or enterprise licensed under this Chapter or any person employed in the business or enterprise licensed under this law shall have had a license revoked under this law or shall have been convicted of violating the provisions of any law applicable to the manufacture or sale of intoxicating liquor since the ratification of the twenty-first amendment to the Constitution of the United State;

If such person or any insider who is in any way involved in, or has any financial interest in, the business or enterprise is not a good moral character or has been convicted of any felony or misdemeanor involving theft, larceny or moral turpitude or has admitted in a civil action, or been found by a court or jury in a civil action, to having committed any kind of fraudulent conduct;

If any individual who has a financial interest of ten percent (10%) or more in the business or enterprise licensed hereunder has had a license revoked under this law or such individual is not of good moral character or has been convicted of any felony or misdemeanor involving theft, larceny or moral turpitude or has admitted in a civil action, or been found by a court or jury in a civil action, to having committed any kind of fraudulent conduct;

If any employee who works on the premises of the subject business or enterprise has been convicted of any felony or misdemeanor involving theft, larceny or moral turpitude or has admitted in a civil action, or been found by a court or jury in a civil action, to having committed any kind of fraudulent conduct;

Provided, however, that no license issued under this Chapter shall be denied, suspended, revoked or otherwise affected based solely on the fact that an employee, unless such employee also falls within any of the categories of this subsection immediately above, of the licensee has been convicted of a felony unrelated to the manufacture or sale of intoxicating liquor so long as any such

employee does not directly participate in retail sales of intoxicating liquor. Each employer shall report the identity of any employee convicted of a felony to the state division of liquor control. Licensees shall comply with all rules promulgated by the division of liquor control;

And provide, however, that nothing contained in this section shall prevent the issuance of licenses to nonresidents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors to, by or through a duly licensed wholesaler, within this state; and

As a wholesaler of intoxicating liquor that contains alcohol in excess of five percent (5%) by weight unless such person is a resident corporation as defined by state law.

- b. The Director of Finance shall require all applicants for licenses to file written statements, under oath, containing the information reasonably required to administer this section. Statements by applicants for licenses as wholesalers and retailers shall set out, with other information required, full information concerning the residence of all insiders financially interested in the business of enterprise to be licensed as required by regulation. All material changes in the information filed shall be promptly reported to the Director of Finance.

(Ord. No. 8653, § 2, 10-8-09)

Section 42.046. Conditions of License; Protection of Public Required.

The City Council may, at the time of granting a license, and as a condition thereof, require the applicant to observe reasonable requirements in the conduct of the business thereunder, properly and adequately to protect the traveling public in the use of the public street on which the business abuts, or fronts, and to avert traffic hazards.

Section 42.047. Conditions of License; Compliance with This Article.

The applicant shall at the time of presenting his application be furnished with a copy of this article and any amendments thereto, and shall signify his familiarity with the same and his readiness and willingness to comply with and abide by these rules and regulations.

Section 42.048. Posting of License on Premises; Transfer of Stock; New Officers.

Every license issued pursuant to the provisions of this article shall be kept conspicuously posted in the place for which it was issued.

All corporations licensed under the provisions of this Article shall notify the Director, in writing, any time corporate stock or a corporate stock option is sold or conveyed in any manner by any stockholder with five percent (5%) or more of the stock of the licensed corporation and any time a corporation officer is changed. Such written notice shall be delivered in person or sent by certified mail to the Director within ten (10) days of such sale, conveyance or changed.

Section 42.049. Regulation of Retail Package Sales.

Intoxicating liquor may be sold at retail, in the original package, not to be consumed on the premises where sold, upon a license granted by the City Council. Such license shall be issued only upon compliance with the conditions set forth in Sec. 42.050 and is subject to the regulations otherwise set forth in this Chapter.

Section 42.050. Regulation of Retail Package Sales; Conditions of License.

- a. No license shall be issued except to a person or corporation engaged in and whose principal business is that of a drug store, cigar and tobacco store, grocery store, general merchandise store, convenience store without gasoline, specialty food store or delicatessen or supermarket, and then only if such person shall meet all of the requirements of this Chapter and have been engaged in the conduct and operation of such bona fide principal business at the time of issuance of the license, and provided further that at the time of issuance and continuously thereafter the gross sales of wares and merchandise, exclusive of intoxicating liquors, tobacco and lottery tickets, must exceed fifty percent (50%) of the business's gross sales; each application for license shall be accompanied by appropriate records of the business documenting compliance with said provision. Such application shall likewise be accompanied by a surety bond as provided in Section 42.028 hereof. No license shall be issued in any event to any person engaged, or who expects or intends to engage, principally in the sale of intoxicating liquors in what is commonly known as "liquor stores."
- b. A retail package sales license for any convenience store with gasoline shall meet the following conditions:
 1. the applicant must obtain a conditional use permit from the City Council pursuant to the regulations in Chapter 53, the Zoning Code of Webster Groves;
 2. such a store may only sell beer and wine and no other liquor of any kind;
 3. not more than 25% of the gross sales of the convenience store with gas in any given calendar year may be comprised of sales of beer and wine; and
 4. each employee who is allowed to sell beer or wine must have completed a server training program that complies with a state recommended or approved program or its equivalent.

(Ord. No. 8706 §3, 2-15-11)

Section 42.051. Regulation of Retail Package Sales; Consumption on Premises Prohibited.

No person, after having obtained a retail package sales license, shall cause or permit any intoxicating liquor so sold in its original package, to be opened or consumed in or upon any part of the premises of the applicant. There shall be displayed, in full view of the public, an appropriate notice that no sales of intoxicating liquors will be made to minors, or at times when forbidden by law; and that the opening or consumption of the same upon

any part of the premises, is prohibited. Any violation of this provision shall be sufficient grounds upon which to revoke the license herein provided for. (Ord. No. 8706 §4, 2-15-11)

Section 42.052. Regulation of Retail Package Sales; Number of Licenses Limited.

Notwithstanding anything in this Chapter to the contrary, no license for the sale of intoxicating liquor at retail, in the original package not for consumption on the premises where sold shall hereafter be granted or issued when the granting thereof will increase the number of such licenses outstanding and in force at that time, to a greater number of such licenses outstanding and then in force than one (1) for each **one thousand (1,000)** inhabitants residing within the corporate limits of the City of Webster Groves, Missouri, and a major fraction of such **one thousand (1,000)** inhabitants as shown by the last decennial census of the United States; provided further, that nothing herein shall be construed as requiring the cancellation or invalidation of or as prohibiting the regular annual renewal of any such licenses now outstanding the present holders thereof, or to any other person who may subsequently acquire the business at the location now operated by the present holders of such licenses, if such purchase be approved by the City Council. (Ord. No. 8706 §5, 2-15-11, Ord. No. 9018 §1, 6-5-18)

Section 42.053. Regulation of Retail Package Sales; Exemptions.

The limitation of Sec. 42.052 shall not apply to licenses issued for the sale of malt liquor containing alcohol in excess of three and two-tenths percent (3.2%) and not in excess of five percent (5%) of alcohol by weight for sale by bona fide grocers, drug stores, and delicatessens, in the original package, not for consumption on the premises where sold; nor to licenses issued under Section 42.054 hereof. (Ord. No. 7417, § 1, 1-6-87).

Section 42.054. Regulation of Sales by Drink.

1. Since the voters of Webster Groves have, in an election called for the purpose, approved the City's ability to issue licenses to sell intoxicating liquors by the drink at retail for consumption on the premises, such licenses are permitted pursuant to the terms of this Chapter.
2. No person may make such sales without a license to sell intoxicating liquor by the drink at retail for consumption on the premises.
3. Notwithstanding any provision to the contrary in this Chapter, a holder of a license permitted by this section that sells beer or light wines for consumption on the premises may also sell any other liquor in the original package for consumption off the premises, provided that:
 - a. No such original package sales for consumption off the premises shall be advertised or displayed on the premises; and
 - b. The value of sales of original package sales for consumption off the premises shall not exceed the total value of sales of beer and wine on the premises.

(Ord. No. 8734 §1, 10-4-11, Ord. No. 8974 §4, 3-7-2017)

Section 42.055. Temporary Licenses for the Sale of Liquors by the Drink.

Temporary licenses may, in the discretion of the City Council, be issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization upon request provided that any such temporary license be limited for use on specific days, as approved by the Director of Finance, not to exceed more than seven (7) days during any twelve (12) month period, for the sale of intoxicating liquor of alcoholic content in excess of three and two-tenths percent (3.2%) by weight at retail for consumption on the premises where sold, whether the premises are public or private property, upon satisfactory proof to the City Council that the event at which said alcoholic liquor is to be served is a bona fide community, cultural or civic activity, including but not limited to picnics, bazaars, fairs or similar gatherings, and that the following conditions have been met:

- a. Satisfactory evidence that food will be sold for consumption on the premises in connection with the activity; and
- b. Applicant shall secure an appropriate license from the State of Missouri and provide a copy of such license to the Director of Finance within ten (10) business days after such license is received by applicant.

Such temporary license, when issued, shall be subject to compliance with all applicable provisions of this Chapter. The applicant for a temporary license shall pay a fee of Ten Dollars (\$10.00) per day for a temporary license. The temporary license and fee as provided herein will permit the applicant to sell intoxicating liquor by the drink on Sunday without the need for an additional license required elsewhere in this Chapter. (Ord. No. 7339, § 1, 5-20-85)

Section 42.056. Temporary Location for Liquor by the Drink -- Permit and Fee Required -- Other Laws Applicable, Exception -- Caterers.

- a. Notwithstanding any provision to the contrary in this Chapter 42 of the Code of Webster Groves, the Director of Finance may issue a temporary permit to holders of a state license for caterers and other persons as specified in Mo.Rev.Stat. Section 311.485. This temporary permit shall be effective for a period not to exceed one hundred sixty-eight (168) consecutive hours, and shall authorize the service of alcoholic beverages at a function, occasion or event allowed by state law during the hours allowed by state law. For every permit issued pursuant to the provisions of this section, the permittee shall pay the sum of ten dollars (\$10) for each calendar day or fraction thereof. This permit shall also allow for the sale of Missouri-produced wines in the original package for consumption off the premises only. (Ord. No. 8732 §1, 9-20-11)
- b. Except as provided in subsection (c) of this section, all provisions of this Chapter still extend to such premises and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees, or stock are in such premises.
- c. Notwithstanding any other law to the contrary, any caterer who possesses a valid state and valid local liquor license may deliver alcoholic beverages, in the course of his catering business, in any city in the state which permits a caterer to provide alcoholic

beverages in such city. A caterer who possesses a valid state and valid local liquor license need not obtain a separate license for each city he delivers in, so long as such city permits any caterer to deliver alcoholic beverages within the city.

Section 42.057. Consumption of Intoxicating Liquor Supplied by Guests at Painting Salons or Parlors, or any Art, Craft, Music, Gallery, or Similar Business

1. It shall be unlawful for any person operating any painting salon or parlor, or any art, craft, music, gallery or similar business to permit the drinking or consumption of intoxicating liquor on the premises, without having a license as provided in this section.
2. A license allowing consumption of intoxicating liquor on the premises of a painting salon or parlor, or any art, craft, music, gallery or similar business only by guests who bring their own intoxicating liquor may be issued by the City Clerk, with the consent of the City Council, to the owner of such an establishment who complies with all other applicable provisions of this Chapter and Missouri law.
3. Application for such license shall be made to the City Clerk on forms to be prescribed by her, describing the premises to be licensed and giving all other reasonable information required on the form. The license shall be issued after City Council approval and upon the payment of the fee required in this section. A license shall be required for each separate premises and shall expire on the thirtieth day of June next succeeding the date of such license. The license fee shall be sixty dollars (\$60) per year and the applicant shall pay five dollars for each month or part thereof remaining from the date of the license to the next succeeding first of July. Applications for renewals of licenses shall be filed on or before the first of May of each year.
4. The drinking or consumption of such intoxicating liquor shall not be permitted in or upon the licensed premises by any person under twenty-one years of age, or by any other person between the hours of 1:30 a.m. and 10:00 a.m. on any weekday, and between the hours of 1:30 a.m. Sunday and 10:00 a.m. Monday. Licenses issued hereunder shall be conditioned upon the observance of the provisions of this section and applicable Missouri law.
5. Any premises operated in violation of the provisions of this section, or where intoxicating liquor is consumed in violation of this section, is hereby declared to be a public and common nuisance.
6. Any person operating any premises, or any employee, agent, representative, partner, or associate of such person, who shall knowingly violate any of the provisions of this section, or any of the laws or regulations herein made applicable to the conduct of such premises, is guilty of a civil infraction and subject to the general penalties provided for in this Chapter.
7. The City Clerk is hereby empowered to promulgate regulations necessary or reasonably designed to enforce or construe the provisions of this section, and is empowered to revoke or suspend any license issued hereunder for violation of this section or any of the laws or regulations herein made applicable to the conduct of premises licensed hereunder.

(Ord. No. 8846 §1, 6-17-14)

Section 42.060. Prohibition Against Sale or Manufacture Within One Hundred Twenty-Five Feet of Library, Church or School; Notice to Residents.

No license may be granted for the sale, brewing, distilling, rectifying, or other manufacture or distribution of any intoxicating liquor, excluding holders of licenses for light wines, microbreweries or full service restaurants as defined by this code, within one hundred twenty-five (125) feet of any public library, public or private school, church or other building regularly used as a place of religious worship, unless the applicant for the license shall first obtain the consent in writing of the board of directors of the school or library, or the consent in writing of the majority of the managing board of the church or place of worship. When a school, library, church or place of worship shall hereafter be established within one hundred twenty-five (125) feet of any place of business licensed to sell, brew, distill, rectify or otherwise manufacture or distribute any intoxicating liquor, the license shall not be denied for lack of consent in writing as herein provided. The distance of one hundred twenty-five (125) feet shall be measured for purposes of this section by the nearest portion of a structure containing a public library, public or private school, church or other property commonly used as a place of religious worship to the nearest portion of a structure containing any facility that intends to or does sell, brew, distill, rectify, manufacture or distribute any intoxicating liquor, excluding holders of licenses for light wines, microbreweries or full service restaurants.

In addition to the restrictions above, the City shall also give not less than 10 calendar days' notice from the date of mailing by regular U.S. Mail to each single-family resident within 250 feet of the location of a proposed Drinking Establishment, which requires a conditional use permit, so that such residents have an opportunity to speak at the hearing on the required conditional use permit application. (Ord. No. 8706 §7, 2-15-11, Ord. No. 8974 §5, 3-7-2017)

Section 42.070. Sales Prohibited on Certain Days.

It shall be unlawful for any licensee hereunder to sell, give away, otherwise dispose of, or suffer the same to be done upon or about his premises, any intoxicating liquor in any quantity on the first day of the week, commonly called Sunday except as hereinafter provided.

Section 42.071. Sales Prohibited During Certain Hours.

Notwithstanding any of the provisions found elsewhere in this Chapter, the following provisions shall govern the hours for the sale of alcoholic beverages within the City of Webster Groves. No person having a license under this article or his employees, shall sell, give away or otherwise dispose of any intoxicating liquor in any quantity or allow such actions to be done upon or about his premises:

- a. Between the hours of 1:30 a.m. and 6:00 a.m. on weekdays;
- b. Between the hours of 6:00 a.m. Sunday and 6:00 a.m. Monday unless so authorized pursuant to Section 42.072 or Section 42.073, except that when January 1, March 17, July 4, or December 31 falls on Sunday, and on the Sundays immediately prior to Memorial Day and Labor Day, and on the Sunday on which the 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 license on that day from the time and until the time which would be lawful on any Tuesday through Saturday, notwithstanding any provisions of this section or any other provision of law to the contrary. (Ord. No. 7846, § 2, 11-15-94)

Section 42.072. Sunday Sales License, Restaurant-Bar.

Any licensee under the provisions of this Chapter, authorized to sell intoxicating liquor by the drink, shall be deemed to be a restaurant-bar as defined in Section 311.097 of the Revised Statutes of Missouri and, upon payment of an additional fee required by Section 42.023.j above, and approval of the City Council, shall be issued a license to serve intoxicating liquor by the drink on Sundays between 1:00 p.m. and 12:00 a.m. midnight.

Section 42.073. Sunday Sales License, Retail.

Any licensee under this Chapter, authorized to sell intoxicating liquor in the original package at retail, may do so between the hours of 9:00 a.m. Sunday and 12:00 a.m. midnight on Sunday provided that he or she has obtained a special license from the State of Missouri pursuant to Chapter 311 of the Revised Statutes of the State of Missouri and has applied for and received a license from this City permitting such Sunday sales and has paid the annual fee pursuant to Section 42.023.i above. (Ord. No. 8377, § 1, 11-4-03)

Section 42.074 Drinking Establishment, Sale by the Drink, Limited Number.

Notwithstanding anything in this Chapter 42 to the contrary, no license for sale of intoxicating liquor by the drink, in the original package or otherwise, for consumption on the premises of a Drinking Establishment shall hereafter be granted or issued if such a grant or issuance would increase the number of such Drinking Establishment licenses outstanding and in force at that time to a number greater than one (1) Drinking Establishment license for each six thousand (6,000) inhabitants residing within the corporate limits of the City of Webster Groves, Missouri, as shown by the last decennial census of the United States; provided, however, that nothing herein shall be construed as requiring the cancellation or invalidation of or as prohibiting the regular annual renewal of any such license now outstanding to the present holders thereof, or to any other person who may subsequently and lawfully acquire such a business at the location now operated by the present holder of such a license, if such acquisition is approved by the City Council. For purposes of calculating the number of licenses allowed under this subsection, a fraction of the population of the City of Webster Groves that exceeds 50 percent of 6,000 shall be treated as though it totals six thousand (6,000) inhabitants. (Ord. No. 8974 §6, 3-7-2017)

Sections 42.075 through 42.079 shall be reserved for future use.

Section 42.080. Minors; Possession or Sale Prohibited.

- a. Except as provided in subsections (d), (e), and (f), of this Section 42.080, no minor shall sell nor assist in the sale or dispensing of intoxicating liquors or non-intoxicating beer. No person nor his agent nor employee shall sell, give, or supply

any intoxicating liquor or non-intoxicating beer to any minor, but this shall not apply to the sale of the beverages to a minor for medicinal purposes only, nor to administering of the beverages to a minor by a duly licensed physician, nor to the parent or guardian of the minor for medicinal purposes.

- b. No minor shall purchase, attempt to purchase, or have in his or her possession any intoxicating liquor.
- c. No person shall give, lend, sell, or otherwise provide any minor any falsified identification or the identification of another person for the purpose of establishing the age of the minor as being twenty-one (21) of age or older.
- d. In any place of business licensed in accordance with Section 311.200 or Section 312.040 of the Revised Statutes of Missouri, where at least fifty percent (50%) of the gross sales made consists of goods, merchandise, or commodities other than intoxicating liquor or non-intoxicating beer in the original package, persons at least eighteen (18) years of age may stock, arrange displays, accept payment for, and sack for carry out intoxicating liquor or non-intoxicating beer. Delivery of intoxicating liquor or non-intoxicating beer away from the licensed business premises cannot be made by anyone under the age of twenty-one (21) years.
- e. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor or non-intoxicating beer but does not sell intoxicating liquor or non-intoxicating beer at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor or non-intoxicating beer for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail.
- f. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor or non-intoxicating beer in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consist of food; also no person under twenty-one (21) years of age shall mix or serve across the bar intoxicating beverages or non-intoxicating beer.
- g. It shall be unlawful for any minor who is less than twenty-one years old to represent that he or she has reached the age of twenty-one (21) years for the purpose of purchasing, asking for, or in any way receiving any intoxicating liquor. Any such minor under the age of seventeen (17) years of may be considered a delinquent child and may be dealt with in accordance with the Revised Statutes of Missouri respecting children of such age.

Statutory Reference: Mo. Rev. Stat. Section 211, et seq.

Section 42.081. Liability for Failure to Supervise Minors.

a. Definitions.

For the purpose of this section, the following definitions shall apply:

1. **“Controlled Substance”** shall mean any drug, substance or immediate precursor defined or described as such in Section 195.010, Revised Statutes of Missouri (1986), as may be amended or revised from time to time.
2. **“Delivery of Alcoholic Beverages”** or **“Controlled Substances”** shall mean the gift or exchange of an alcoholic beverage or controlled substance from one person to another.
3. **“Minor”** shall mean any person under the age of twenty-one years.
4. **“Parent”** shall mean a natural or adoptive parent, or a guardian, or the adult designee of either of them.
5. **“Party,” “Gathering”** or **“Event”** shall mean an assemblage or a group of persons for a social occasion or for a social activity.
6. **“Alcoholic Beverages”** shall mean any beverage constituting intoxicating liquor, light wines, malt liquor or nonintoxicating beer, as those terms are defined in Chapter 42 of the Code of Ordinances of the City of Webster Groves.
7. **“Person in Control of the Premises”** shall mean an adult who owns, leases, rents, or is otherwise the lawful occupant of any premises, or the adult designee thereof.
8. **“Practitioner”** shall mean any medical professional or other person, as defined or described in Section 195.010, Revised Statutes of Missouri (1986), as may be amended or revised from time to time.

b. **Use of Premises for Consumption of Alcoholic Beverages or Controlled Substances.**

It shall be unlawful for any person to knowingly or negligently permit, allow or host, on or in a premises under his or her control, the consumption of alcoholic beverages or controlled substances by a minor; except that this section shall not apply to the following:

1. The delivery of alcoholic beverages to a minor or the consumption of alcoholic beverages by a minor in connection with the performance of any bona fide religious service under the supervision of an adult, with the consent of the person in control of the premises.
2. The delivery of an alcoholic beverage to a minor, by that minor’s parent, and under the direct supervision of the parent.
3. The possession or consumption of, or the delivery to a minor, of a controlled substance prescribed for that minor by a practitioner, when such delivery is by that minor’s parent or by the person in control of the premises provided that he or she has obtained the prior consent of that minor’s parent.

c. **Duty to Supervise.**

It shall be unlawful for any person in control of a premises, or his or her adult designee, to leave a premises when it is reasonably foreseeable that said premises may be used for a gathering at which alcoholic beverages or controlled substances may be in the possession of or consumed by minors.

d. **Rental of a Premises.**

It shall be unlawful for any owner, or agent, employee or contractor thereof, to rent any room, rooms, apartment or any building or portion of a building to a minor or to any adult when it is reasonably foreseeable that said adult, or his or her adult designee, will leave the said premises or reasonably foreseeable that said premises may be used for a gathering at which alcoholic beverages or controlled substances may be in possession of or consumed by minors except as otherwise provided in this Chapter.

e. **Duty to Disperse; Police Services; Fees for Police Services.**

Any person in control of a premises at which alcoholic beverages or controlled substances are in the possession of or are being consumed by minors, or his or her adult designee, shall cause all persons in or on said premises who are not lawful residents thereof to disperse not more than fifteen (15) minutes after personally receiving an order to do so, issued by a peace officer.

When a party, gathering, or event occurs on private property and a police officer at the scene determines that there is a threat to the public peace, health, safety, or general welfare, the person or persons responsible for the party, gathering or event, will be held liable for the cost of providing police services during a second or follow up response by the police, after a first warning to the person or persons responsible for the party, gathering or event. The second or follow up response may also result in the arrest and/or citation of violators of the Revised Statutes of Missouri or other provisions of this Code.

The police services fee shall include the cost of personnel and equipment, but shall not exceed Five Hundred Dollars (\$500.00) for a single incident provided, however, that the City does not waive its right to seek reimbursement for actual costs exceeding Five Hundred Dollars (\$500.00) through other legal remedies. The amount of such fees shall be deemed a debt owed to the City by the person responsible for the party, gathering or event. If such persons are minors, their parents or guardians shall be responsible. Any person owing such fees to the City shall be liable in an action brought in the name of the City for recovery of such fees, including reasonable attorneys' fees.

f. **Penalty.**

Any person or persons convicted of violating the provisions of this Section 42.081 shall be fined an amount not to exceed One Thousand Dollars (\$1,000.00) for each offense; except that for third and subsequent violations by the same person or persons, the fine shall be not less than One Thousand Dollars (\$1,000.00) for each offense.

Section 42.082. Sales to Habitual Drunkards or Intoxicated Persons Prohibited.

No person may sell or supply intoxicating liquor or permit it to be sold or supplied, to a habitual drunkard or to any person who is under, or apparently under the influence of intoxicating liquor.

Section 42.083. Container to Be Destroyed.

No person may remove the contents of any container of intoxicating liquors without destroying the container, nor may any person refill any such container in whole or in part with any intoxicating liquor.

Section 42.084. Window Display of Intoxicating Liquors Prohibited.

No person may display in any street window or show window any intoxicating liquor, or any package, bottle or container bearing the label or brand of any intoxicating liquor.

Section 42.085. Revocation or Suspension of License.

Whenever it is shown to the City Council that a person licensed under this Article has at any time failed to keep an orderly place or house, or has violated any of the provisions of this Article, or of the Liquor Control Act of the State, or has no license from the State Supervisor of Liquor Control, or has made a false affidavit in applying for a license or has failed to furnish additional sureties on his bond after demand therefor by the City Council, or when other valid grounds are found to exist therefor, the City Council, after hearing, may suspend or revoke the license of such person, giving ten (10) days notice in writing prior to the hearing to the licensee or to any other person in charge of or employed in the premises licensed, stating the time, place, purpose and grounds of complaint. At the hearing, the licensee will be permitted to have counsel and to produce witnesses in his behalf.

In case of a violation of Section 42.080, the City Council may, in its sole discretion, consider the existence of server training in compliance with a state recommended or approved program or its equivalent as mitigation of any such offense.

Section 42.086. Additional Limitations and Restrictions.

In addition to the requirements and restrictions hereinabove imposed, the City Council may, as to any applicant for a license to sell intoxicating liquor, by the drink, to be consumed on the premises, require additional regulations and requirements which shall form a part of the applicant's license permit, and such permit shall be subject to all such additional requirements and regulations. The City Council may require any additional requirements or regulations deemed by the City Council to be necessary to preserve the public health, safety and morals including, without limitation, the following:

Screening from public view, prohibiting window display; prohibiting dancing or entertainment, or limiting the same, and the prohibiting or limiting of any other activities or circumstances likely to lead to offenses or actions against the public peace, safety, morals and welfare.

Section 42.090. Penalty for Violation.

Any person who violates any provision of this Article, except as provided in Section 42.081.f, will be subject, upon conviction, to a fine of not more than One Thousand Dollars (\$1,000.00), and imprisonment not to exceed ninety (90) days for each violation.

Article II. Nonintoxicating Beer

Section 42.110. Definition.

The term “**nonintoxicating beer**” as used in this article includes all beer or malt liquors, or any combination thereof, having an alcoholic content of not less than one-half of one percent (0.5%) by volume and not exceeding three and two-tenths percent (3.2%) by weight.

Section 42.120. Sale of Nonintoxicating Beer Regulated; License Required.

Nonintoxicating beer may not be sold for consumption on the premises except upon a license granted by the City Council. No such license may be issued to any person unless he is at that time engaged in the conduct and operation of, and his principal business is that of, a drug store, cigar and tobacco store, grocery store, specialty food store, delicatessen, restaurant, or general merchandise store upon the premises where the license, if issued, is to be used, and the sale of malt liquor shall be merely incidental to the operation and conduct of the other line of business carried on in the premises. No license shall be granted to any automobile service station for the sale of nonintoxicating beer.

Section 42.121. Sale of Nonintoxicating Beer Regulated; License Application.

An application in writing shall be filed by the applicant with the Director of Finance, which application shall show the full name, address, age and occupation of the applicant; a description of the building and the exact location in which the license is to be used; the character or nature of the business carried on in the premises, and the amount of stock goods, wares or merchandise and fixtures situated therein and the length of time the applicant has been engaged in said business.

Section 42.122. Sale of Nonintoxicating Beer Regulated; Compliance with Article.

At the time of presenting said application, the applicant shall be furnished with a copy of this article and shall, on said application, signify his familiarity with the same and his readiness and willingness to comply with and abide by the rules and regulations contained herein, if such license is granted.

Section 42.123. Sale of Nonintoxicating Beer Regulated; Conditions of Issuance.

No license will be issued unless the applicant (or, in the case of a corporation, the manager of the proposed place of business):

- a. Is at the time a resident of the County of St. Louis, the City of St. Louis or of any county contiguous to the County of St. Louis within the State of Missouri;

- b. Is of good moral character;
- c. Has never had a license revoked;
- d. Has never been convicted since the ratification of the Twenty-first Amendment to the Constitution of the United States, of violation of any law applicable to the manufacture or sale of intoxicating liquor; and does not employ and has never employed in his business any person whose license has been revoked or who has been convicted of violating any such law since the date aforesaid; and
- e. Has never been convicted of a felony or misdemeanor involving moral turpitude and employs no such person on the licensed premises.

Section 42.124. Sale of Nonintoxicating Beer Regulated; Fees.

The annual license fee for each license issued under this article shall be Thirty-Seven Dollars and Fifty Cents (\$37.50). Each annual license shall be for the period July 1 through June 30 of the following year must and shall expire by June 30 of the year following its issue. For each license issued after the 31st day of September, there shall be paid three-fourths of said annual fee; for each license issued after the 30th day of December, there shall be paid one-half of said annual license fee. A separate license is required for each place of business. No license is transferable or assignable.

Section 42.125. Sale of Nonintoxicating Beer Regulated; License Renewal.

The license provided for in this section may be renewed by the Director of Finance. In the event the applicant for renewal has violated any provision of this Chapter or any provision of the Liquor Control Act of the State of Missouri in the previous license period, then the Director of Finance shall not renew said license but shall refer said application for renewal to the City Council, which shall consider same and determine to renew or not to renew said application.

Section 42.126. Temporary Licenses for Sale of Nonintoxicating Beer.

Temporary licenses may, in the discretion of the City Council, be issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization upon request provided that any such temporary license be limited for use on specific days, as approved by the Director of Finance, not to exceed more than seven (7) days during any (12) month period, for the sale of nonintoxicating beer having an alcoholic content of not less than one-half of one percent (0.5%) by volume and not exceeding three and two-tenths percent (3.2%) by weight, at retail for consumption on the premises where sold, whether the premises are public or private property, upon satisfactory proof to the City Council that the event at which said nonintoxicating beer is to be served is a bona fide community, cultural, or civic activity, including but not limited to picnics, bazaars, fairs, or similar gatherings, and that the following conditions have been met:

- a. That all provisions of Article II of this Chapter entitled “**Nonintoxicating Beer**” have been complied with.
- b. Satisfactory evidence that food will be sold for consumption on the premises in connection with the activity, and payment of a fee of Five Dollars (\$5.00) per day.

- c. Applicant securing an appropriate license from the State of Missouri, if available.

Section 42.130. Sales Prohibited on Certain Days and Between Certain Hours.

It shall be unlawful to serve or dispense any nonintoxicating beer at any time when under existing laws and ordinances it is unlawful to sell or dispense intoxicating liquors. (Ord. No. 7339, § 3, 5-20-85).

Section 42.140. Intoxicating Liquor on Premises Prohibited.

No person licensed to sell non-intoxicating beer may sell, give away, or otherwise dispense, or permit to be sold, given away, or otherwise dispensed, upon the licensed premises any intoxicating liquor, or may sell, give away, lend, permit the use of or dispensing of, or otherwise dispose of any soda water, ginger ale, water, ice, glass, spoon, container or receptacle to any person with the intent or knowledge that the same will be consumed or used in connection with the drinking or consuming of any intoxicating liquor on the premises.

Section 42.150. Sales to Minors Prohibited.

No licensee, his agents, servants or employees, shall sell, give away, supply or furnish any non-intoxicating beer to any person under the age of twenty-one. Any person under the age of twenty-one (21) years, who purchases or attempts to purchase, or has in his possession, any non-intoxicating beer as defined in this Article, shall be deemed guilty of a misdemeanor and subject to the penalties provided in this Article.

Section 42.160. Sales to Habitual Drunkards or Intoxicated Persons Prohibited.

No licensee, his agents, servants or employees, shall sell, give away, supply or furnish any non-intoxicating beer to an habitual drunkard, or to any person who is under or appears to be under the influence of alcoholic beverages.

Section 42.170. Revocation of License.

Any licensee violating any of the provisions of this Article, or who shall make any false or fraudulent statement in the application therefor, shall be subject to revocation of the license issued hereunder after being notified in writing of such charge and having had a hearing before the City Council. Revocation of the license shall not be construed as the sole remedy for such violations, but shall be in addition to other penalties herein provided.

Section 42.180. Penalty for Violation.

Any person violating any of the provisions of this Article shall, upon conviction thereof, be fined not more than Five Hundred Dollars (\$500.00), and be imprisoned for not more than three (3) months for each such violation.