

CHAPTER 2
ALCOHOLIC BEVERAGES

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CHAPTER 2
ALCOHOLIC BEVERAGES

ARTICLE 1. GENERAL PROVISIONS

SEC. 2.01.001. DEFINITIONS.

In this Chapter, unless the context requires otherwise:

ALCOHOLIC BEVERAGE means any intoxicating liquor or malt liquor.

ALCOHOLIC BEVERAGE VAPORIZER means any device which by means of heat, a vibrating element or any method, is capable of producing a breathable mixture containing any one or more alcoholic beverages to be dispensed for inhalation into lungs via the nose and/or mouth.

BEER means any beverage manufactured from pure hops or pure barley malt or wholesome grains or cereals and wholesome yeast and pure water containing alcohol not in excess of five percent by weight.

BREWER means a business whose primary activity is the brewing and selling of beer.

CATERER means any person having a license to sell intoxicating liquor by the drink at retail for consumption on the premises, who furnishes provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, but not including a "festival" as defined in this chapter.

CHIEF OF POLICE means the Chief of Police of the City or any duly authorized representative.

CHURCH means a building or structure regularly and primarily used as a place of worship by any religious society, organization or congregation, regardless of whether or not such building or structure was originally designed and constructed for such purpose.

CITY means the City of Independence, Missouri.

CLOSED PLACE means a place where all entrances are locked and where no customers or patrons are in the place or about the premises.

COMMON EATING AND DRINKING AREA means

1. An area or areas within a building or group of buildings, designated for eating of food and drinking of intoxicating liquor sold at retail by establishments which do not provide areas within their premises for the consumption of food and liquor where the:
 - a. costs of maintaining such area or areas are shared by the payment of common area maintenance charges as provided in the respective leases permitting the use of such areas; and
 - b. annual gross income from the sale of the prepared meals or food consumed in such common eating and drinking area is or is projected to be at least two hundred seventy-five thousand dollars (\$275,000)

CONVICTION means a conviction of a criminal offense or a municipal ordinance violation, or a plea of guilty or finding of guilty, whether or not sentence is imposed, and regardless of the sentence imposed.

CUSTOMER OR PATRON means any person not an owner or employee who enters or remains upon a licensed premises with actual or implied permission of the licensee or a person who purchases or otherwise partakes of any merchandise, goods, entertainment or other services offered upon the licensed premises.

DOMESTIC BRANDY means alcoholic liquor distilled from wine or fermented fruit juices not in excess of thirty-four percent (34%) of alcohol by weight and manufactured from grapes, berries and other fruits and vegetables grown in Missouri.

DOMESTIC WINE means wine containing not in excess of eighteen percent (18%) of alcohol by weight and manufactured exclusively from grapes, berries and other fruits and vegetables grown in Missouri.

DRINK LICENSE means a license or permit for the privilege of selling intoxicating liquor by the drink for consumption on the premises where sold. A drink license shall not be issued to any establishment having a package liquor license.

EMPLOYEE means persons who work or perform services for or without compensation for a person licensed under the provisions of this chapter.

FESTIVAL means any musical festival, dance festival, "rock" festival or similar musical activity likely to attract five thousand or more people at such an activity which will continue uninterrupted for a period of twelve hours or more, at which music is provided by paid or amateur performers or by prerecorded means, and which is held at any place within this City, and to which members of the public are invited or admitted for a charge. It shall not include a county fair or youth fair approved by the Missouri Department of Agriculture, or any activity conducted by any current or future ongoing licensed business in a permanent location.

FINANCIAL INTEREST as used in this chapter is defined to mean all interest, legal or beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such interest in the net profits of the 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. Service as a member of the board of directors of a corporation, the stock of which is traded on the New York or American Stock Exchange, or NASDAQ, or ownership of less than ten (10) percent of the outstanding shares in such corporation shall not constitute a financial interest in such corporation or a subsidiary thereof.

FRONT means the part of the building or structure where the principal entrance of the building or structure affording access to the premises for the public opens upon the street.

HOSPITAL means a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than twenty-four hours in any week of three or more non-related individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions; or a place devoted primarily to provide for not less than twenty-four hours in any week medical or nursing care for three or more non-related individuals.

HOTEL, for purposes of this Chapter, means any structure or portion of any structure that is occupied or intended or designed for occupancy by transient guests for dwelling, lodging or sleeping purposes for periods of less than thirty days.

INTOXICATING LIQUOR means alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt or other liquors or combination of liquors a part of which is spirituous, vinous or fermented, and all preparations or mixtures for beverage purposes containing in excess of one-half of one percent of alcohol by volume. All beverages having an alcoholic content of less than one-half of one percent by volume shall be exempt from the provisions of this Chapter.

LICENSED PREMISES means that building, portion of a building, place or area in which a person holding a “package”, “drink” or “special” license, as those terms are defined in this Chapter, is permitted or authorized to conduct business pursuant to such license. All liquor license applications must include a written description of the licensed premises.

LICENSEE means the holder of any license issued under the provisions of this Chapter.

LIGHT WINE means any alcoholic beverage manufactured from grapes, berries and other fruits and vegetables containing not in excess of fourteen percent (14%) of alcohol by weight.

LIMITED PACKAGE LICENSE means a license or permit for the privilege to sell alcoholic beverages, in the original package, which is not to be consumed on the premises where sold. No license shall be issued under this definition, except to a business where alcohol sales are less than ninety percent (90%) of the business’ gross sales.

LIQUOR LICENSE means the license that every person must obtain from the Liquor License Officer before engaging in or continuing to engage in the business of manufacturing, distilling, brewing, distributing or selling at wholesale or retail any alcoholic beverages within the City.

LIQUOR LICENSE OFFICER means the individual(s) so appointed by the City

MALT LIQUOR means any beverage manufactured from pure hops or pure barley malt or wholesome grains or cereals and wholesome yeast and pure water, containing alcohol not in excess of five percent by weight.

MANAGING OFFICER means the person who is in active management and control of the premises who is eligible as an individual to receive a license for the sale of alcoholic beverages; and is a resident of the State of Missouri, or for corporations having more than one business location in Independence or businesses in other communities in Missouri the managing officer shall be that person so designated by the corporation, notwithstanding the above provision for active management and control of premises.

MANUFACTURING, DISTILLING, BLENDING LICENSE means a license or permit for the privilege of a business to manufacture, distill or blend intoxicating liquor and sell intoxicating liquor to businesses that have a wholesaler’s license.

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

ORIGINAL PACKAGE means any package containing fifty (50) milliliters or more of intoxicating liquor, except malt liquor or any packaged containing three (3) or more standard bottles of malt liquor. A standard bottle is any bottle or can containing sixteen (16) ounces or less of malt liquor.

PACKAGE LIQUOR LICENSE means a license or permit for the privilege to sell alcoholic beverages, in the original package, which is not to be consumed on the premises where sold. This type of license may only be issued to a person engaged in and to be used in connection with the operation of one (1) or more of the following businesses with a stock of goods having a value according to invoices of at least one thousand dollars (\$1,000.00), exclusive of fixtures and intoxicating liquors:

- i. A drugstore;
- ii. A cigar and tobacco store;
- iii. A confectionery or delicatessen store;
- iv. A grocery store;
- v. A general merchandise store;
- vi. A convenience store

PLACE of AMUSEMENT means any establishment whose business building contains a square footage of at least six thousand (6,000) square feet, and where games of skill commonly known as billiards, volleyball, indoor golf, bowling or soccer are usually played, or has a dance floor of at least two thousand five hundred (2,500) square feet, or any outdoor golf course with a minimum of nine holes, and which has annual gross receipts of at least one hundred thousand dollars (\$100,000) of which at least fifty thousand dollars (\$50,000) is in non-alcohol sales.

PLACE OF ENTERTAINMENT means any establishment, which has the occupancy capacity for at least 300 customers, annual gross sales in excess of \$250,000 and has been in operation for at least one year.

PERMITTEE means the holder of an employee's permit issued under the provisions of this Chapter.

PERSON means and shall include any individual, association, club, organization, joint stock company, syndicate, co-partnership, corporation, limited liability company (LLC), receiver, trustee, conservator or other officer appointed by any State or Federal court.

PREMISES means the bounds of the enclosure and any outside areas where alcoholic beverages are permitted to be sold, stored or consumed under authority of this Chapter.

RESTAURANT BAR means an establishment having a restaurant or similar facility on the premises, where more than fifty percent of the gross annual income of which is derived from the sale of food. For the purposes of determining whether an establishment qualifies as a restaurant-bar under the provisions of this Chapter and calculating the amount and percentage of annual gross sales from the sale of prepared meals and food, any nonalcoholic components mixed or served in any alcoholic beverage shall be considered to be part of the alcoholic beverage and shall not be considered to be prepared meals and food.

RETAILER means a person holding a license to sell or to offer to sell alcoholic beverages to consumer only.

SALE BY THE DRINK means the sale of any intoxicating liquor except malt liquor, in the original package, in any quantity less than fifty milliliters shall be deemed "sale by the drink" and may be made only by a holder of a license allowing consumption by the drink and when so made, the container in every case shall be emptied and the contents thereof served as other intoxicating liquors sold by the drink are served.

SCHOOL means any building that is regularly used as a public, private or parochial elementary school, high school, college, university, professional school, business or secretarial school.

SPECIAL LIQUOR LICENSE means a license or permit for the privilege of selling alcoholic beverages, which includes but is not limited to a microbrewery, domestic winery, temporary licenses and caterers.

SUNDAY DRINK LICENSE means a license or permit for the privilege, on Sundays, of selling intoxicating liquor by the drink for consumption on the premises where sold.

TASTING OF INTOXICATING LIQUOR LICENSE means a license or permit issued to any person who has a Retailer of Intoxicating Liquor in the Original Package License for the privilege of conducting a supervised presentation of alcoholic beverages to the public at their licensed premise for the purpose of disseminating product information and education, with consumption of alcoholic beverages being an incidental part of the event.

TAVERN means any licensed premise that sells liquor by the drink, which derives the majority of its annual gross sales from alcoholic beverages and does not qualify to be categorized as a restaurant-bar, place of amusement or place of entertainment as defined in this Chapter.

UNLIMITED PACKAGE LICENSE means a license or permit for the privilege to sell alcoholic beverages, in the original package, not to be consumed on the premises where sold. No license shall be issued under this definition, except to a business where alcohol sales are more than ninety percent (90%) of the business' gross sales.

WHOLESALE LICENSE means a license or permit for the privilege for a business to purchase intoxicating liquor from a manufacturer and sell intoxicating liquor to a business that has a package liquor license, drink license or special license.

WHOLESALE means a person holding a license to sell alcoholic beverages to wholesalers or to retailers.

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

WINE MANUFACTURER means any person, partnership, association of persons, or corporation, who manufactures in excess of two hundred gallons of wine per calendar year.

WINERY means an agricultural processing facility for the fermenting and processing of grape juice into wine or the refermenting of still wine into sparkling wine and complies with the Special Use Permit requirements for a winery in Chapter 14 of the City Code.

SEC. 2.01.002. LICENSE REQUIRED - PERIOD OF TIME.

A. It shall be unlawful, without first obtaining a license from the City, for any person with a physical location in the City to:

1. Manufacture, distill, blend, sell, solicit orders for the sale of, or deliver, at wholesale or retail, alcoholic beverages; or
2. Allow the consumption of alcoholic beverages in or upon any premises where food, beverages or entertainment are sold or provided for compensation.

B. A license shall be issued for a term expiring with the thirtieth day of June next succeeding the date of issuance of such license. When a license to manufacture, brew, sell or distribute alcoholic beverages is applied for and issued after December 31st in any year, the person applying for the license shall pay a license fee equal to one-half of the annual fee. All renewal applications shall be submitted to the Liquor License Officer on the proper forms on or before May 31st of each year. A penalty of One Hundred Dollars (\$100.00) per license will be assessed on renewal applications received after May 31st. Failure of a licensee to make a renewal application on or before June 30th shall be considered to constitute abandonment and the license shall be forfeited upon expiration.

C. A separate license shall be required for each place of business. Every license issued under the provisions of this Chapter shall particularly describe the premises at which alcoholic beverages may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of alcoholic beverages at any place other than that described therein.

D. It shall be unlawful for a person to continue to hold an alcoholic beverage license when conditions have occurred which would render the continued use of such license or the licensed premises unlawful under the provisions of this Chapter and it shall be the duty of the licensee to surrender the license to the City.

E. If the Liquor License Officer has reason to believe that any person to whom a license was issued for the current year, or any licensee who has filed a renewal application, has discontinued or abandoned the liquor establishment for which said license was issued, said Officer may hold a hearing after five (5) days' notice, in writing, to the person to whom the license was issued for the current license year at his or her last known address, for the purpose of determining whether said liquor establishment has been discontinued or abandoned. If the Liquor License Officer shall determine from the evidence presented at said hearing that the liquor establishment has been discontinued or abandoned for a period of one (1) year or less and if said discontinuance or abandonment is satisfactorily explained to the Liquor License Officer, said Officer may, at his or her discretion, renew any license that has lapsed or become inactive; provided further, that the licensee pay the license fee from June 30, based on the classification of the license that is to be restored and the \$100 late application fee.

If the licensee fails to respond to such notice or if, having responded to such notice, the licensee fails to satisfactorily explain to the Liquor License Officer the discontinuance or abandonment of the establishment, the Liquor License Officer shall revoke or refuse to renew the license. At any such hearing provided for above, the licensee shall have full right to be heard and to be represented by counsel.

SEC. 2.01.003. LIQUOR LICENSE CLASSIFICATION AND FEES.

The following classes of liquor licenses for each such license issued under the provisions of this Chapter are hereby established within the City:

A. Manufacturing, Distilling, Blending Licenses. Only manufacturers, distillers and blenders with a physical location in the City must obtain this license. The manufacturing, distilling, blending licenses, which may be issued under this Chapter and definitions, are as follows:

1. Intoxicating Liquor (M1).

- a. *Activities Allowed.* This license allows for the manufacturing, distilling or blending of intoxicating liquors and selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within the state. This license does not allow the sale of intoxicating liquors directly to the public.
- b. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

2. Wine (M2).

- a. *Activities Allowed.* This license allows the manufacturing of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight and the selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight, to, by or through a duly licensed wholesaler. This license does not allow the sale of intoxicating liquors directly to the public.
- b. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

3. Malt Liquor (M3).

- a. *Activities Allowed.* This license allows the manufacturing, brewing of malt liquor containing not in excess of five percent of alcohol by weight and the selling to duly licensed wholesalers and soliciting orders for the sale of malt liquor to, by or through a duly licensed wholesaler. This license does not allow the sale of malt liquor directly to the public.
- b. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

B. Wholesale Licenses. Only wholesalers with a physical location in the City must obtain this license. The wholesale licenses, which may be issued under this Chapter and definition, are as follows:

1. Intoxicating Liquor (W1).

- a. *Activities Allowed.* This license allows for the selling of intoxicating liquor by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail and the selling to duly licensed wholesalers and soliciting orders for the sale of all kinds of intoxicating liquor, to, by or through a duly licensed wholesaler.
- b. *Restriction on number of licenses available.* There shall be a limit on the number of licenses available under the terms of this section of one license per 20,000 in population.

2. Wine (W2).

- a. *Activities Allowed.* This license allows the selling of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail and the selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent alcohol by weight, to, by or through a duly licensed wholesaler.
- b. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

3. Malt Liquor (W3).

- a. *Activities Allowed.* This license allows the selling of malt liquor to a person duly licensed to sell malt liquor at retail and the selling to duly licensed wholesalers and soliciting orders for the sale of malt liquor, to, by or through a duly-licensed wholesaler.
- b. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

C. Package Liquor License. The package liquor licenses in the original package, which may be issued under this Chapter and definition unless otherwise provided in this Chapter, are as follows:

1. Unlimited Retailer of Intoxicating Liquor (P1).
 - a. *Activities Allowed.* This license allows for the retail sale of intoxicating liquor in the original package direct to the customer, but not for resale. This license does not allow intoxicating liquor to be consumed on the premises where sold.
 - b. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.
2. Unlimited Sunday Sales Retailer of Intoxicating Liquor (P2).
 - a. *Activities Allowed.* This license allows for the retail sale of intoxicating liquor in the original package direct to the customer, but not for resale on Sundays between the hours of 9:00 a.m. and midnight to a business with an Unlimited Retailer of Intoxicating Liquor in the Original Package License. This license does not allow intoxicating liquor to be consumed on the premises where sold.
3. Limited Retailer of Intoxicating Liquor (P3).
 - a. *Activities Allowed.* This license allows for the retail sale of intoxicating liquor, and light wine in the original package direct to the customer, but not for resale. This license does not allow intoxicating liquor to be consumed on the premises where sold.
 - b. *Restriction on number of licenses available.* There shall be a limit on the number of licenses available under the terms of this section of one license per 4,900 in population. This restriction on the number of licenses available shall apply to the following liquor license types in total:
 - i. Limited Intoxicating Liquor in the Original Package License;
 - ii. Limited Malt Liquor and Light Wine in the Original Package License; and
 - iii. Limited Malt Liquor in the Original Package License.
 - iv. Sunday Sales License are not included when determining the number of licenses issued and available.
4. Limited Sunday Sales Retailer of Intoxicating Liquor (P4).
 - a. *Activities Allowed.* This license allows for the retail sale of intoxicating liquor, malt liquor and light wine in the original package direct to the customer, but not for resale on Sundays between the hours of 9:00 a.m. and midnight to a business, that has a Limited Retailer of Intoxicating Liquor in the Original Package License. This license does not allow intoxicating liquor to be consumed on the premises where sold.
5. Tasting of Intoxicating Liquor (P5).
 - a. *Activities Allowed.* This license allows any person who has either an Unlimited or Limited Retailer of Intoxicating Liquor in the Original Package License to conduct wine, malt liquor and intoxicating liquor tastings on the licensed premises. Nothing in this section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption. Licensee shall comply with administrative requirements developed by the Liquor License Officer.
 - b. *Restrictions on number of licenses available.* There shall be a limit on the number of licenses available under the terms of this section of one license per establishment with either a Limited or Unlimited Retailer of Intoxicating Liquor in the Original Package License.

6. Alcohol Samples for Tasting On and Off Licensed Retail Premises (P6).

- a. *Activities Allowed.* Any winery, intoxicating liquor manufacturer, wholesaler, microbrewery or brewer or designated employee may provide and pour intoxicating liquor, wine, light wine or malt liquor samples off a licensed retail premises for tasting purposes provided no sales transactions take place. For purposes of this section, a "sales transaction" shall mean an actual and immediate exchange of monetary consideration for the immediate delivery of goods at the tasting site.

Notwithstanding any other provisions of this chapter to the contrary, any winery, intoxicating liquor manufacturer, wholesaler, microbrewery or brewer or designated employee may provide, furnish, or pour intoxicating liquor, wine, light wine or malt liquor samples for customer tasting purposes on any temporary licensed retail premises as described in Sections 2.01.003.E.4 (Picnic 7 Day Intoxicating Liquor by the Drink (S4)), 2.01.003.E.6 (July 4th Celebration Malt Liquor & Light Wine by the Drink (S6)), 2.01.003.E.7 (Caterer Intoxicating Liquor by the Drink – Daily (C1)), 2.01.003.E.8 (Caterer Intoxicating Liquor by the Drink – Up to Fifty Days (C2)), or 2.01.003.E.9 (Caterer Intoxicating Liquor by the Drink – Unlimited Days (C3)), or on any tax exempt organization's licensed premises as described in Section 311.090 of the Missouri Revised Statutes.

Notwithstanding any other provisions of this chapter to the contrary, any winery, intoxicating liquor manufacturer, wholesaler, microbrewery or brewer or designated employee may provide or furnish intoxicating liquor, wine, light wine or malt liquor samples on a licensed retail premises for customer tasting purposes so long as the winery, intoxicating liquor manufacturer, wholesaler, microbrewery, or brewer or designated employee has permission from the person holding the retail license. The retail licensed premises where such product tasting is provided shall maintain a special permit in accordance with Section 2.01.003.C.5 (Tasting of Intoxicating Liquor (P5)) or hold a by-the-drink-for-consumption-on-the-premises-where-sold retail license under Section 2.01.003.D or E (not including Common Eating and Drink Area Intoxicating Liquor (J1)), Sunday Common Eating and Drink Area Intoxicating (J2) or Consumption of Intoxicating Liquor (Z1). No money or anything of value shall be given to the retailers for the privilege or opportunity of conducting the on-the-premises product tasting.

Intoxicating liquor, wine, light wine or malt liquor samples may be dispensed by an employee of the retailer, winery, distiller, manufacturer, or brewer or by a sampling service retained by the retailer, winery, intoxicating liquor manufacturer, microbrewery or brewer. All sampling service employees that provide and pour intoxicating liquor, wine, light wine or malt liquor samples on a licensed retail premises shall be required to complete a server training program approved by the Missouri Division of Alcohol and Tobacco Control.

Any intoxicating liquor, wine, light wine or malt liquor sample provided by the retailer, winery, intoxicating liquor manufacturer, wholesaler, microbrewery or brewer remaining after the tasting shall be returned to the retailer, winery, intoxicating liquor manufacturer, wholesaler, microbrewery or brewer.

- b. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

7. Unlimited Retailer of Malt Liquor and Light Wine (Q1).

- a. *Activities Allowed.* This license allows for the retail sale of malt liquor and light wine in the original package direct to the customer, but not for resale. This license does not allow malt liquor and light wine to be consumed on the premises where sold.
- b. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

8. Unlimited Sunday Sales Retailer of Malt Liquor and Light Wine (Q2).
 - a. *Activities Allowed.* This license allows for the retail sale of malt liquor and light wine in the original package direct to the customer, but not for resale, on Sundays between the hours of 9:00 a.m. and midnight to a business that has an Unlimited Retailer of Malt Liquor and Light Wine in the Original Package License. This license does not allow malt liquor and light wine to be consumed on the premises where sold.
9. Limited Retailer of Malt Liquor and Light Wine (Q3).
 - a. *Activities Allowed.* This license allows for the retail sale of malt liquor and light wine in the original package direct to the customer, but not for resale. This license does not allow intoxicating liquor to be consumed on the premises where sold.
 - b. *Restriction on number of licenses available.* There shall be a limit on the number of licenses available under the terms of this section of one license per 4,900 in population. This restriction on the number of licenses available shall apply to the following liquor license types in total:
 - i. Limited Intoxicating Liquor in the Original Package License;
 - ii. Limited Malt Liquor and Light Wine in the Original Package License; and
 - iii. Limited Malt Liquor in the Original Package License.
 - iv. Sunday Sales License are not included when determining the number of licenses issued and available.
10. Limited Sunday Sales Retailer of Malt Liquor and Light Wine (Q4).
 - a. *Activities Allowed.* This license allows for the retail sale of malt liquor and light wine in the original package direct to the customer, but not for resale, on Sundays between the hours of 9:00 a.m. and midnight to a business that has a Limited Retailer of Malt Liquor and Light Wine in the Original Package License. This license does not allow malt liquor and light wine to be consumed on the premises where sold.
11. Unlimited Retailer of Malt Liquor (Q5).
 - a. *Activities Allowed.* This license allows the retail sale of malt liquor only in the original package, directly to the consumer and not for consumption on the premises where sold. Persons with this license may also sell malt liquor in the original package on Sundays between the hours of 9:00 a.m. and midnight.
 - b. *Restrictions on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.
12. Limited Retailer of Malt Liquor (Q6).
 - a. *Activities Allowed.* This license allows the retail sale of malt liquor only in the original package, directly to the consumer and not for consumption on the premises where sold. Persons with this license may also sell malt liquor in the original package on Sundays between the hours of 9:00 a.m. and midnight.
 - b. *Restrictions on number of licenses available.* There shall be a limit on the number of licenses available under the terms of this section of one license per 4,900 in population. This restriction on the number of licenses available shall apply to the following liquor license types in total:
 - i. Limited Intoxicating Liquor in the Original Package License;
 - ii. Limited Malt Liquor and Light Wine in the Original Package License; and
 - iii. Limited Malt Liquor in the Original Package License.

D. Drink License. By the drink licenses, which may be issued under this Chapter, unless otherwise provided for in this Chapter, are as follows:

1. Tavern Intoxicating Liquor (T1).
 - a. *Activities Allowed.* This license allows for the retail sale of intoxicating liquor by the drink for consumption on the premises where sold. The retail sale of intoxicating liquor in the original package is also allowed by this license for consumption off the licensed premises where purchased. Sunday sales are not allowed for Taverns.
 - b. *Restriction on number of licenses available.* There shall be a limit on the number of licenses available under the terms of this section of one license per 1,500 in population.
2. Sunday Tavern Intoxicating Liquor (T3).
 - a. *Activities Allowed.* This license allows for the selling of intoxicating liquor by the drink, for consumption on premises meeting the criteria for a Tavern Intoxicating Liquor (T1) license, on Sunday. To qualify for this liquor license the establishment must have a Tavern Intoxicating Liquor (T1) license. This license also allows for the sale of intoxicating liquor in the original package.
 - b. *Hours when selling permitted.* A license under the terms of this section shall authorize the selling of intoxicating liquor by the drink for consumption on the premises on Sunday, between the hours of 9:00 a.m. and 12:00 midnight.
3. Tavern Malt Liquor & Light Wine (T2).
 - a. *Activities Allowed.* This license allows for the retail sale of malt liquor and light wine by the drink for consumption on the premises where sold. The retail sale of malt liquor and light wine in the original package is also allowed by this license for consumption off the licensed premises where purchased. Sunday sales are not allowed for Taverns.
 - b. *Restriction on number of licenses available.* There shall be a limit on the number of licenses available under the terms of this section of one license per 1,500 in population.
4. Sunday Tavern Malt Liquor & Light Wine (T4).
 - a. *Activities Allowed.* This license allows for the selling of malt liquor and light wine by the drink, for consumption on premises meeting the criteria for a Tavern Malt Liquor & Light Wine (T4) license, on Sunday. To qualify for this liquor license the establishment must have a Tavern Malt Liquor & Light Wine (T2) license. This license also allows for the sale of malt liquor and light wine in the original package.
 - b. *Hours when selling permitted.* A license under the terms of this section shall authorize the selling of malt liquor and light wine by the drink for consumption on the premises on Sunday, between the hours of 9:00 a.m. and 12:00 midnight.
5. Restaurant Bar Intoxicating Liquor (R1).
 - a. *Activities Allowed.* This restricted license allows the selling of intoxicating liquor by the drink at an establishment meeting the criteria of a restaurant bar for consumption on premises. The retail sale of intoxicating liquor in the original package is also allowed by this license for consumption off the licensed premises where purchased. A separate Sunday License must be obtained to allow alcohol consumption on Sundays.
 - b. *Qualifications.* Every applicant for this type of license shall include, in addition to the application, a notarized affidavit signed by the licensee showing more than fifty (50) percent of the gross income of the restaurant bar was derived from the sale of food. An applicant who has not been in business at least 90 days immediately preceding the application may be issued a temporary 90-day Sunday Restaurant Bar Intoxicating Liquor by the Drink license by the Liquor License Officer if the applicant furnishes a notarized statement signed by the applicant showing a projection of annual business from sale of food of more than 50 percent of a total gross business for the first year of operation. If a temporary license is issued, the applicant must,

before the 90 day temporary license expires, produce written proof that the sales percentage required has been satisfied, and, if not, the Sunday Restaurant Bar Intoxicating Liquor by the Drink license will be revoked without refund.

- c. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.
- d. Notwithstanding any other provisions of this Chapter to the contrary, any restaurant bar without an onsite brewery that serves twenty or more different types of draft beer may sell 32 ounces or more of such beer to customers for consumption off premises of such establishment.

6. Sunday Restaurant Bar Intoxicating Liquor (R2).

- a. *Activities Allowed.* This license allows the selling of intoxicating liquor by the drink, for consumption on premises meeting the criteria of a restaurant bar, on Sunday. To qualify for this liquor license the establishment must have a Restaurant Bar by the Drink (D1) license. This license also allows for the sale of intoxicating liquor in the original package.
- b. *Hours when selling permitted.* A license under the terms of this section shall authorize the selling of intoxicating liquor by the drink for consumption on the premises on Sunday, between the hours of 9:00 a.m. and 12:00 midnight.

7. CFRSV Organization Intoxicating Liquor (F1).

- a. *Activities Allowed.* This restricted license allows for the retail sale of intoxicating liquor by the drink for consumption on the premises where sold. If any charitable, fraternal, religious, service or veterans' organization has a license to sell intoxicating liquor on its premises pursuant to this Chapter and such premises includes two or more buildings in close proximity; the license shall be valid for the sale of intoxicating liquor at any such building(s). The retail sale of intoxicating liquor in the original package is also allowed by this license for consumption off the licensed premises where purchased. A separate Sunday License must be obtained to allow alcohol consumption on Sundays.
- b. *Qualifications.* Notwithstanding any other provisions of this Chapter to the contrary, any charitable, fraternal, religious, service or veteran's organization which has obtained an exemption from the payment of federal income taxes under the terms of the United States Internal Revenue Code may apply for, and the Liquor License Officer may issue, a license under the terms of this section.
- c. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

8. Sunday CFRSV Intoxicating Liquor (F2).

- a. *Activities Allowed.* This license allows for the retail sale of intoxicating liquor by the drink for consumption on the premises where sold on Sunday between the hours of 9:00 a.m. and midnight. To qualify for liquor license the establishments must have a Tax Exempt Organization Intoxicating Liquor by the Drink License.
- b. *Qualifications.* Notwithstanding any other provisions of this Chapter to the contrary, any charitable, fraternal, religious, service or veteran's organization which has obtained an exemption from the payment of federal income taxes under the terms of the United States Internal Revenue Code may apply for, and the Director of Liquor Control may issue, a license under the terms of this section.

9. Hotel Intoxicating Liquor (H1).

- a. *Allowed Activities.* This restricted license allows the sale of intoxicating liquor by drink for consumption on premises meeting the criteria of a Hotel. The retail sale of intoxicating liquor in the original package is also allowed by this license for consumption off the licensed premises where purchased. A separate Sunday License must be obtained to allow alcohol consumption on Sundays.

- b. *Applicable provisions.* All other laws and regulations of the state and City relating to the sale of intoxicating liquor by the drink for consumption on the premises where sold, shall apply to a Hotel in the same manner as they apply to establishments licensed under this Chapter.
- c. *Number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

10. Sunday Hotel Intoxicating Liquor (H2).

- a. *Activities Allowed.* A license under the terms of this section shall authorize the selling of intoxicating liquor by the drink for consumption on the premises on Sunday between the hours of 9:00 a.m. and 12:00 midnight. To qualify for this liquor license the establishment must have a Hotel Intoxicating Liquor by the Drink (H1) license and be qualified for a Sunday Sales license. The retail sale of intoxicating liquor in the original package is also allowed by this license for consumption off the licensed premises where purchased.
- b. *Applicable provisions.* All other laws and regulations of the State and City relating to the sale of intoxicating liquor by the drink for consumption on the premises where sold, shall apply to a Hotel in the same manner as they apply to establishments licensed under this Chapter.

11. Place of Amusement Intoxicating Liquor (A1).

- a. *Allowed Activities.* This restricted license allows the sale of intoxicating liquor by drink for consumption on premises meeting the criteria of a Place of Amusement. Nothing in this section shall be construed to permit the licensee to sell intoxicating liquor for off-premises consumption.
- b. *Qualifications.* Every applicant for this type of license shall include, in addition to the application, a notarized statement signed by the applicant showing that applicant's annual gross receipts exceed \$200,000.00 and that not more than 50 percent of the gross income for the year immediately preceding was derived from the sale of alcoholic beverages. An applicant who has not been in business at least 90 days immediately preceding the application may be issued a temporary 90-day Place of Amusement license by the director if the applicant furnishes to the director a notarized statement signed by the applicant showing a projection of gross annual income from non-alcohol sales of at least 50 percent of a total gross business of at least \$100,000.00 for the first year of operation. If a temporary license is issued, the applicant, must before the 90 day temporary license expires, produce written proof that the sales percentage required has been satisfied, and, if not, the Sunday Place of Amusement Intoxicating Liquor by the Drink license will be revoked without refund.
- c. *Applicable provisions.* All other laws and regulations of the State and City relating to the sale of intoxicating liquor by the drink for consumption on the premises where sold, shall apply to an amusement place in the same manner as they apply to establishments licensed under this Chapter. A separate Sunday License must be obtained to allow alcohol consumption on Sundays.
- d. *Number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

12. Sunday Place of Amusement Intoxicating Liquor (A2).

- a. *Activities Allowed.* A license under the terms of this section shall authorize the selling of intoxicating liquor by the drink for consumption on the premises on Sunday between the hours of 9:00 a.m. and 12:00 midnight. To qualify for this liquor license the establishment must have an Amusement Place Intoxicating Liquor by the Drink (D4) license. Nothing in this section shall be construed to permit the licensee to sell intoxicating liquor for off-premises consumption.
- b. *Applicable provisions.* All other laws and regulations of the State and City relating to the sale of intoxicating liquor by the drink for consumption on the premises where sold, shall apply to an amusement place in the same manner as they apply to establishments licensed under this Chapter.

13. Place of Entertainment Intoxicating Liquor (E1).

- a. *Allowed Activities.* This restricted license allows the sale of intoxicating liquor by drink for consumption on premises meeting the criteria of a place of entertainment. Nothing in this section shall be construed to permit the licensee to sell intoxicating liquor, malt liquor, or beer for off-premises consumption. A separate Sunday License must be obtained to allow alcohol consumption on Sundays.
- b. *Qualifications.* Every applicant for this type of license shall include, in addition to the application, a notarized statement signed by the applicant showing that applicant's annual gross receipts exceed \$250,000.00, the establishment's occupancy capacity is at least three hundred (300) customers and the establishment has been in operation for at least one year.
- c. *Applicable provisions.* All other laws and regulations of the State and City relating to the sale of intoxicating liquor by the drink for consumption on the premises where sold, shall apply to an amusement place in the same manner as they apply to establishments licensed under this Chapter.
- d. *Number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

14. Sunday Place of Entertainment Intoxicating Liquor (E2).

- a. *Activities Allowed.* A license under the terms of this section shall authorize the selling of intoxicating liquor by the drink for consumption on the premises on Sunday between the hours of 9:00 a.m. and 12:00 midnight on the same day. To qualify for this liquor license the establishment must have an Entertainment Place Intoxicating Liquor by the Drink (D5) license. Nothing in this section shall be construed to permit the licensee to sell intoxicating liquor, malt liquor, or beer for off-premises consumption.
- b. *Applicable provisions.* All other laws and regulations of the state and City relating to the sale of intoxicating liquor by the drink for consumption on the premises where sold, shall apply to an amusement place in the same manner as they apply to establishments licensed under this Chapter.

15. Common Eating and Drink Area Intoxicating Liquor (J1).

- a. *Allowed Activities.* This license allows the sale of intoxicating liquor by drink for consumption on premises meeting the criteria of a Common Eating and Drinking Area. Nothing in this section shall be construed to permit the licensee to sell intoxicating liquor, malt liquor, or beer for off-premises consumption. A separate Sunday License must be obtained to allow alcohol consumption on Sundays.
- b. *Applicable provisions.* All other laws and regulations of the state and city relating to the sale of intoxicating liquor by the drink for consumption on the premises where sold, shall apply to a Common Eating and Drinking Area place in the same manner as they apply to establishments licensed under Chapter.
- c. *Number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

16. Sunday Common Eating & Drinking Area Intoxicating Liquor (J2).

- a. *Activities Allowed.* A license under the terms of this section shall authorize the selling of intoxicating liquor by the drink for consumption on the premises on Sunday, between the hours of 9:00 a.m. and 12:00 midnight. To qualify for this liquor license the establishment must have a Common Eating & Drinking Area Intoxicating Liquor (D6) license. Nothing in this section shall be construed to permit the licensee to sell intoxicating liquor, malt liquor, or beer for off-premises consumption.

- b. *Applicable provisions.* All other laws and regulations of the state and City relating to the sale of intoxicating liquor by the drink for consumption on the premises where sold, shall apply to a Common Eating and Drinking Area in the same manner as they apply to establishments licensed under this Chapter.

17. Consumption of Intoxicating Liquor (Z1).

- a. *Name.* A Consumption of Intoxicating Liquor (C.O.L.) license is for the privilege of operating a premises within the City where food, beverages or entertainment are sold or provided for compensation and where intoxicating liquor may be drunk or consumed even though such premises does not possess a license for the sale of such intoxicating liquor.
- b. *Hours when consumption of liquor permitted.* It shall be unlawful for any person not licensed under the terms of this section to permit the drinking or consumption of intoxicating liquor in, on or about such premises, between 10:00 p.m. and 6:00 a.m. the following day. Consumption of Intoxicating Liquor on Sunday is not allowed.

18. Malt Liquor (D1).

- a. *Activities Allowed.* This license allows for the retail sale of malt liquor by the drink for consumption on the premises where sold. The retail sale of malt liquor in the original package is also allowed by this license for consumption off the licensed premises where purchased. Persons with this license may also sell malt liquor by the drink on Sundays between the hours of 9:00 a.m. and midnight.
- b. *Restriction on number of licenses available.* There shall be a limit on the number of licenses available under the terms of this section of one license per 4,700 in population.

19. Restaurant Bar Malt Liquor and Light Wine (G1).

- a. *Activities Allowed.* This restricted license allows the selling of malt liquor and light wine by the drink at an establishment meeting the criteria of a restaurant bar for consumption on premises. The retail sale of malt liquor and light wine in the original package is also allowed by this license for consumption off the licensed premises where purchased. A separate Sunday License must be obtained to allow alcohol consumption on Sundays.
- b. *Qualifications.* Every applicant for this type of license shall include, in addition to the application, a notarized affidavit signed by the licensee showing more than fifty (50) percent of the gross annual income of the restaurant bar was derived from the sale of food. An applicant who has not been in business at least 90 days immediately preceding the application may be issued a temporary 90-day Restaurant Bar Malt Liquor and Light Wine by the Drink License by the Liquor License Officer if the applicant furnishes a notarized statement signed by the applicant showing a projection that more than fifty percent (50%) of the gross annual income will be generated from the sale of food. If issued a temporary license, the applicant must, before the 90-day temporary license expires, produce written proof that the sales percentage required has been satisfied, and if not, the Restaurant Bar Malt Liquor and Light Wine by the Drink license will be revoked without refund.
- c. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.
- d. Notwithstanding any other provisions of this Chapter to the contrary, any restaurant bar without an onsite brewery that serves twenty or more different types of draft beer may sell 32 ounces or more of such beer to customers for consumption off premises of such establishment.

20. Sunday Restaurant Bar Malt Liquor and Light Wine (G2).

- a. *Activities Allowed.* This license allows the selling of malt liquor and light wine by the drink, for consumption on premises meeting the criteria of a restaurant on Sunday. To qualify for this liquor license the establishment must have a Restaurant Bar Malt Liquor and Light Wine by the

Drink (G1) license. This license also allows for the sale of malt liquor and light wine in the original package for consumption off premises.

- b. *Hour when selling permitted.* A license under the terms of this section shall authorize the selling of intoxicating liquor by the drink for consumption on the premises on Sunday between the hours of 9:00 a.m. and 12:00 midnight.

E. Special Licenses. The special licenses, which may be issued under this Chapter, unless otherwise provided for in this Chapter, are as follows:

1. Microbrewery (S1).
 - a. *Name.* A license for the privilege of a business to manufacture or brew malt liquor within the City.
 - b. *Activities Allowed.* This license allows the licensee to manufacture or brew malt liquor with an annual production not to exceed ten thousand barrels. The holder of this type of license may apply for a Restaurant Bar Intoxicating Liquor by the Drink license and Sunday Sales Restaurant Bar License. This license also allows the sale of malt liquor produced on the brewery premises to a license wholesaler.
 - c. *Restrictions on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.
2. Domestic Winery (S2).
 - a. *Name.* A license for the privilege of a domestic winery to manufacture, wholesale and sell at retail wine and domestic brandy produced on premises.
 - b. *Activities Allowed.* This license allows for a domestic winery to manufacture, wholesale and sell at retail wine and domestic brandy, in quantities not to exceed five hundred thousand (500,000) gallons not in excess of eighteen percent (18%) of alcohol by weight, or not in excess of thirty-four percent (34%) of alcohol by weight for brandy, from grapes, berries, other fruits, fruit products, honey and vegetables produced or grown in the state of Missouri, exclusive of sugar, water and spirits. This license also allows for Sunday sales. Hours of retail sales are limited to 6:00 a.m. and midnight Monday through Saturday and between 9:00 a.m. and 10:00 p.m. on Sunday. Winery must comply with the Missouri Division of Alcohol and Tobacco Control's regulations regarding a domestic winery License in Section 311.190 RSMo and 11CRS 70.2.110.
 - c. *Restrictions on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.
3. Domestic Wine by the Drink (S3).
 - a. *Name.* A license for the privilege of a domestic winery to sell intoxicating liquor by the drink on the licensed premises within the City.
 - b. *Activities Allowed.* This license allows a domestic winery to sell intoxicating liquor by the drink at retail for consumption on the premises where sold, but at least seventy-five (75) percent of the intoxicating liquor sold by the establishment must be Missouri-produced wines received from an establishment with a Domestic Winery License or located in close proximity to the domestic winery. This license will allow the premises to remain open between the hours of 6:00 a.m. and midnight, Monday through Saturday, and between the hours of 11:00 a.m. and 9:00 p.m. on Sundays.
 - c. *Restrictions on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.
4. Picnic 7 Day Intoxicating Liquor by the Drink (S4).
 - a. *Name.* A temporary license for the privilege of selling intoxicating liquor by the drink within the city.

- b. *Activities Allowed.* This license allows a church, school, civic, service, fraternal, veteran, political, or charitable club or organization, at a picnic, bazaar, fair or similar gathering within the City, to sell intoxicating liquor by the drink for consumption on the premises where sold and intoxicating liquor in the original package for consumption off premises. The provisions contained in this section shall not prevent any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the holder of the license at such picnic, bazaar, fair, or similar gathering.
 - c. *Term.* A license under the terms of this section shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such organization described in Subsection b. in any fiscal year. If the event will be held on a Sunday, this permit shall authorize the sale of intoxicating liquor on that day between the hours of 11:00 a.m. and 12:00 p.m. (midnight).
 - d. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.
5. Picnic 7 Day Malt Liquor & Light Wine by the Drink (S5).
- a. *Name.* A temporary restricted license for the privilege of selling malt liquor and light wine within the city.
 - b. *Activities Allowed.* This license allows a church, school, civic, service, fraternal, veteran, political or charitable club or organization at a picnic, bazaar, fair or similar gathering within the city, to sell malt liquor and light wine by the drink for consumption on the premises where sold and malt liquor and light wine in the original package for consumption off premises. The provisions contained in this section shall not prevent any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the holder of the license at such picnic, bazaar, fair, or similar gathering.
 - c. *Term.* A license under the terms of this section shall be issued only for the day or days named therein and it shall not authorize the sale of malt liquor for more than seven (7) days by any such organization described in subsection A. in any fiscal year. If the event will be held on a Sunday, this permit shall authorize the sale of intoxicating liquor on that day between the hours of 11:00 a.m. and 12:00 p.m. (midnight).
 - d. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.
6. July 4th Celebration Malt Liquor & Light Wine by the Drink (S6).
- a. *Name.* A license for the privilege of selling malt liquor and light wine within the city.
 - b. *Activities Allowed.* This license allows a church, school, civic, service, fraternal, veteran, political or charitable club or organization at any picnic, bazaar, fair, festival or similar gathering or event held to commemorate the annual anniversary of the signing of the Declaration of Independence of the United States, within the city, to sell malt liquor and light wine by the drink for consumption on the premises where sold. The provisions contained in this section shall not prevent any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the holder of the license at such picnic, bazaar, fair, or similar gathering.
 - c. *Term.* A license under the terms of this section shall be issued only during the period from June fifteenth to July fifteenth annually to any such organization described in subsection b. in any fiscal year. A license under the terms of this section only allow the sale of malt liquor and light wine between the hours of 10:00 a.m. and midnight for not more than seven (7) consecutive days.
 - d. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

7. Caterer Intoxicating Liquor by the Drink – Daily (C1).
 - a. *Name.* A temporary license for the privilege of the retail selling at a temporary function, by a caterer or other person within the city, of intoxicating liquor by the drink for consumption on the premises where sold and intoxicating liquor in the original package for consumption off premises.
 - b. *Qualifications.* A temporary license under the terms of this section may be issued to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this Chapter, for the purpose of furnishing provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, for a period not to exceed one hundred twenty (120) consecutive hours. Such temporary license shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which time alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverage for on-premises consumption.
 - c. *Applicable provisions.* All provisions of this Chapter shall extend to such premises and shall be in force and enforceable during all the time that the licensee, its agents, servants, employees, or stock are in such temporary location. This temporary permit shall not include the sale of intoxicating liquor, malt liquor, and light wines in the original package for consumption off premises.
 - d. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.
8. Caterer Intoxicating Liquor by the Drink - Up to 50 Days (C2).
 - a. *Name.* A temporary license for the privilege of the retail selling, by a caterer or other person within the city, of intoxicating liquor by the drink for consumption on the premises where sold and intoxicating liquor in the original package for consumption off premises at temporary functions.
 - b. *Qualifications.* A temporary license under the terms of this section may be issued to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this Chapter, for the purpose of furnishing provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, for a period not to exceed fifty (50) days during any license year between July 1st and June 30th. Such temporary license shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which time alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverage for on-premises consumption.
 - c. *Applicable provisions.* All provisions of this Chapter shall extend to such premises and shall be in force and enforceable during all the time that the licensee, its agents, servants, employees, or stock are in such temporary location. This temporary permit shall not include the sale of intoxicating liquor, malt liquor, and light wines in the original package for consumption off premises.
 - d. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.
9. Caterer Intoxicating Liquor by the Drink - Unlimited Days (C3).
 - a. *Name.* A temporary license for the privilege of the retail selling, by a caterer or other person within the city, of intoxicating liquor by the drink for consumption on the premises where sold for an unlimited number of temporary function.

- b. *Qualifications.* A temporary license under the terms of this section may be issued to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this Chapter, for the purpose of furnishing provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, for an unlimited number of events. Such temporary license shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which time alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverage for on-premises consumption.
 - c. *Applicable provisions.* All provisions of this Chapter shall extend to such premises and shall be in force and enforceable during all the time that the licensee, its agents, servants, employees, or stock are in such temporary location. This temporary permit shall not include the sale of intoxicating liquor, malt liquor or light wine in the original package for consumption off premises.
 - d. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.
10. Caterer Malt Liquor and Light Wine by the Drink – Daily (C4).
- a. *Name.* A temporary license for the privilege of the retail selling, by a caterer or other person within the city, of malt liquor and light wine by the drink for consumption on the premises where sold and malt liquor and light wine in the original package for consumption off premises for an unlimited number of days at a temporary function.
 - b. *Qualifications.* A temporary license under the terms of this section may be issued to caterers and other persons holding licenses to sell malt liquor and light wine by the drink at retail for consumption on the premises pursuant to the provisions of this Chapter, for the purpose of furnishing provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, for an unlimited number of events. Such temporary license shall authorize the service of alcoholic beverages at such function, occasion or event during the hours when alcoholic beverages may lawfully be sold or served.
 - c. *Applicable provisions.* All provisions of this Chapter shall extend to such premises and shall be in force and enforceable during all the time that the licensee, its agents, servants, employees, or stock are in such temporary location. This temporary permit shall not include the sale of intoxicating liquor, malt liquor or light wine in the original package.
 - d. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

SEC. 2.01.004. RENEWAL OF LIQUOR LICENSE.

All renewal applications shall be submitted to the Liquor License Officer on the proper forms on or before May 31 of each year. A penalty of One Hundred Dollars (\$100.00) per license will be assessed on renewal applications received after May 31st. A penalty of Two Hundred Dollars (\$200.00) per license shall be assessed on renewal applications received after June 15. Failure of a licensee to make a renewal application on or before June 30 shall be considered to constitute abandonment and the license shall be forfeited upon expiration.

A. Establishments renewing by the drink licenses for a Restaurant Bar Intoxicating Liquor or a Restaurant Bar Malt Liquor and Light Wine must provide an affidavit signed by a certified public account, a public accountant, auditor, comptroller or bookkeeper showing the establishment had more than fifty (50) percent of the gross income derived from the sale of food. Any licensee failing to submit the written documentation or failing to comply with substantial quantities of food requirement will not be eligible to have their liquor licenses renewed. The City will not refund any renewal fee payment made for licenses not renewed.

B. Establishments renewing by the drink licenses for a Place of Amusement Intoxicating Liquor must provide an affidavit signed by a certified public account, a public accountant, auditor, comptroller or bookkeeper showing that applicant's annual gross receipts exceed \$100,000.00 and that not more than fifty (50) percent of the gross income for the year immediately preceding was derived from the sale of alcoholic beverages. Any licensee failing to submit the written documentation or failing to comply with alcohol sales limitation will not be eligible to have their Place of Amusement Intoxicating Liquor by the Drink licenses renewed. The City will not refund any renewal fee payment made for licenses not renewed.

C. Establishments renewing Place of Entertainment Intoxicating Liquor by the Drink licenses must provide an affidavit signed by a certified public account, a public accountant, auditor, comptroller or bookkeeper showing the applicant's annual gross receipts exceed \$250,000.00, the establishment's occupancy capacity is at least three hundred (300) customers and the establishment has been in operation for at least one year. Any licensee failing to submit the written documentation or failing to comply with sales and capacity requirements will not be eligible to have their Place of Amusement Intoxicating Liquor by the Drink licenses renewed. The City will not refund any renewal fee payment made for licenses not renewed.

SEC. 2.01.005. NUMBER OF LICENSES ALLOWED; POPULATION DETERMINATION.

A. The number of licenses allowed, as shown in Section 2.01.003, above, indicates the number of residents, or fraction thereof, within the corporate limits of the City which are required for the issuance of one license.

B. The determination of the population of the City for the purpose of issuance of liquor licenses shall be the most recent estimate of the Community Development Department as approved by resolution by the City Council, and, upon such estimate, the Liquor License Officer may increase or decrease the number of licenses to be issued under this Chapter.

C. When the Liquor License Officer finds that the population of the City, as determined by the Community Development Department and adopted by the City Council, has declined, and the number of licenses allowed in any category will decrease on account of such population decline, current license holders will be eligible for renewal of their license as long as they continue in business in compliance with all provisions of the City Code. The business must be operating under a current and valid license on the effective date of the City Council action setting the City's population and continue in active operation in order to maintain their protected status.

SEC. 2.01.006. MANUFACTURING FOR PERSONAL OR FAMILY USE AND REMOVAL FROM PREMISES

A. No person at least twenty-one (21) years of age shall be required to obtain a license to manufacture intoxicating liquor for personal or family use. The aggregate amount of intoxicating liquor manufactured shall not exceed two hundred (200) gallons per calendar year if there are two or more persons over the age of twenty-one (21) in such household, or one hundred gallons (100) gallons per calendar year if there is only one person over the age of twenty-one in such household. Any intoxicating liquor manufactured under this section may not be offered for sale.

B. Beer brewed under this section may be removed from the premises where brewed for personal or family use, including use at organized events, exhibitions, or competitions, such as home brewer contests, tastings or judging. Use under this subsection may occur off licensed retail premises, or in conjunction with a temporary retail license issued for a Picnic 7 Day Intoxicating Liquor by the Drink License, a Picnic 7 Day Malt Liquor & Light Wine by the Drink License, a July 4th Celebration Malt Liquor & Light Wine by the Drink License, any type of Caterer Intoxicating Liquor by the Drink License or on any tax exempt organization's licensed premises as described in Section 2.03.D.7 of this Chapter of the Code.

C. Any beer brewed under this section used at an organized event where an admission fee is paid for entry, at which the beer is available without a separate charge shall not be deemed a sale of beer, provided that the brewer received none of the proceeds from the admission fee and all consumption is conducted off the licensed retail premises, or in conjunction with a temporary retail license issued for a Picnic 7 day Intoxicating Liquor by the Drink License, a Picnic 7 Day Malt Liquor & Light Wine by the Drink License, a July 4th Celebration Malt Liquor & Light Wine by the Drink License, any type of Caterer Intoxicating Liquor by the Drink License or on any tax exempt organization's licensed premises as described in Section 2.03.D.7 of this Chapter of the Code.

SEC. 2.01.007 - 2.01.999 RESERVED.

ARTICLE 2. LIQUOR LICENSE OFFICER; CHIEF OF POLICE

SEC. 2.02.001. LIQUOR LICENSE OFFICER - APPOINTMENT.

There is hereby established the position of Liquor License Officer which officer shall be appointed by the City Manager.

SEC. 2.02.002. LIQUOR LICENSE OFFICER - POWERS AND DUTIES.

The Liquor License Officer shall exercise all powers as they relate to the administration of this Chapter, with respect to the processing of applications for liquor licenses, applications for employee permits, issuance of liquor licenses, issuance of employee permits and shall:

1. Prescribe all forms for applications, liquor licenses and employee permits in compliance with the provisions of this Chapter.
2. Process liquor license applications and employee permit applications.
3. Keep a record of all liquor licenses and employee permits issued and of the suspension and revocation of any liquor license or employee permit.
4. Provide upon request by the City Manager a complete listing of licensed establishments at the end of each fiscal year.
5. Investigate and determine the eligibility of any applicant for a liquor license or employee permit as described in this Chapter and submit all applications for liquor licenses and employee permits to interested City officials for their reports as to compliance by the applicant with all City regulations.
6. Notify any applicant of the acceptance or rejection of said application.
7. Make such reasonable rules, regulations, orders and directions as may be necessary and feasible for carrying out the duties of the Liquor License Officer which are not inconsistent with the provisions of this Chapter.
8. Examine the books and records of any applicant or licensee when reasonably necessary to determine the eligibility of the person applying for a license or a license renewal, or to determine that the provisions of this Chapter have been fully complied with by such applicant or licensee.
9. Hold hearings concerning the suspension or revocation of employee permits.
10. Approve, suspend or revoke employee permits as further set out in this chapter.
11. Recommend approval or denial of liquor licenses to City Council.
12. Approve or deny Sunday Sales Licenses, Tasting Licenses, Temporary Licenses and Caterer Licenses
13. Suspend or revoke liquor licenses and approve, suspend or revoke employee permits, as further set out in this chapter.

SEC. 2.02.003. CHIEF OF POLICE - POWER.

The Chief of Police and any designated employee shall have the authority to:

2. Inspect the premises of any licensee including all rooms, cellars, outbuildings and yards used in connection with the operation of the business at any reasonable time, without warrant, and the acceptance of the license by the licensee under this chapter shall be construed as a waiver by the licensee of any constitutional provisions concerning search and seizure.
3. Seize any and all objects that may appear to be in violation of any provision of this chapter and hold in custody such objects as evidence until any matter pertaining thereto is finally adjudicated. Upon such seizure, a receipt shall be issued to the person from whom the objects were seized and upon demand, if not forfeited, such objects shall be returned to their lawful owner in the manner provided by Section 8.06.008 of the Code of the City of Independence, Missouri.
4. Notwithstanding any other provisions of this chapter, the Chief of Police shall have power to close for a period not to exceed twenty-four hours any premises that shall be in the immediate area of a mob, riot, strike or any type of violence, actual or probable; provided, however, that said Chief of Police shall not close such place under such circumstances without advising at the earliest possible moment the City Manager; and provided further that the Chief of Police shall not close such place for two or more consecutive twenty-four hour periods without approval of the City Manager or acting under the emergency police powers of the City.

SEC. 2.02.004. CHIEF OF POLICE - DUTY.

It shall be the duty of the Chief of Police to:

1. Exercise all duties and powers relating to the enforcement of this chapter.
2. Cause to be inspected regularly all places of business where alcoholic beverages are sold or kept for sale.
3. Report any condition in such places of business which may be in violation of any other City ordinance to the director of the department charged with enforcement of that ordinance, who shall then take appropriate measures to secure full compliance of said licensee with the applicable ordinance.

SEC. 2.02.005. CHIEF OF POLICE AND LIQUOR LICENSE OFFICER - CONFLICT OF INTEREST.

The Chief of Police and the Liquor License Officer and their appointees, agents, assistants and inspectors administering and enforcing the provisions of this chapter shall not have any financial interest in or on any premises where alcoholic beverages are distilled, brewed, manufactured or sold; nor shall they have any interest, directly or indirectly, in any business wholly or partially devoted to the distilling, brewing, manufacture or sale of alcoholic beverages; nor shall they, directly or indirectly, engage in dealing in or distilling, brewing, manufacturing or selling alcoholic beverages, either as owner, part owner, partner, members of a syndicate, shareholders of a corporation, agents or employees, either for their benefit or in a fiduciary capacity. The Chief of Police and the Liquor License Officer and their appointees, agents, assistants or inspectors shall not accept any compensation, reward or gift other than a designated salary and expenses as provided by the City of Independence.

SEC. 2.02.006 - 2.02.999 RESERVED.

ARTICLE 3. LICENSEES

SEC. 2.03.001. QUALIFICATIONS OF LICENSEE.

A person desiring to obtain a liquor license must demonstrate that he/she:

1. Will be actively engaged in the actual control and management of the premises for which the liquor license is sought, except as otherwise provided in this Article.
2. Is at least twenty-one years of age.
3. Is a qualified legal voter.
4. Obtains an alcoholic beverage license of a similar type from the State of Missouri.
5. Has not been convicted of a violation of the provisions of any law applicable to the manufacture or sale of alcoholic beverages, and has not had a license to manufacture, distribute or sell alcoholic beverages revoked, within the three years prior to submission of the applicant's application for a license under this chapter.
6. Has not accepted directly or indirectly any loans, equipment, money, credit or property of any kind, except ordinary commercial credit as such term is defined in the Rules and Regulations of the Supervisor of Liquor Control of the State of Missouri, as from time to time amended.
7. Possesses a Certificate of Occupancy issued by the Building Official for the proposed use of the Building to be occupied as the licensed premises.
8. Holds a current City of Independence Business License issued for the operation of the licensed premises.

Nothing in this section shall prevent the issuance of licenses to non-residents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of alcoholic beverages to, by or through a duly licensed wholesaler, within this State.

SEC. 2.03.002. PRIOR LICENSES.

A. No person, partnership, LLC or corporation shall be qualified for a license under this Chapter if such person, any member of such partnership, the managing officer of such LLC or any members thereof, the managing officer of such corporation, or any officer, director or any stockholder owning, legally or beneficially, directly or indirectly, ten percent (10%) or more of the stock of such corporation, or other financial interest therein, or ten percent (10%) or more of the interest in the business for which the person, partnership, LLC or corporation is licensed has had a license revoked under this Chapter.

B. No person, partnership, LLC or corporation shall be qualified for a license under this Chapter if any person employed in the business licensed under this chapter shall have had a license revoked under this chapter, or shall have been convicted of violating the provisions of any law applicable to the manufacture or sale of intoxicating liquor, within the three years immediately preceding the application for the license, or shall have been convicted of any crime the conviction or sentencing on which is reasonably related to the competency of the person to exercise the right or privilege granted by the license.

C. No license issued under this chapter shall be denied, suspended, revoked or otherwise affected based solely on the fact that an employee 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.

D. No license will be issued to the spouse, child(ren), step-child(ren), parent(s), step-parent(s), son-in-law or daughter-in-law, employee or other person having any interest in the business of a licensee whose license has been revoked, for the privilege of doing business at the same location as the location of the establishment whose license was revoked, where such revocation would disqualify the licensee from obtaining a license under this Chapter.

E. The Liquor License Officer 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 persons financially interested in the business to be licensed as required by regulation. All material changes in the information filed shall be promptly reported to the Liquor License Officer.

SEC. 2.03.003. PARTNERSHIPS.

A. No license provided for in this Chapter shall be issued to any partnership unless all members of the partnership are persons who would be eligible for licenses as individuals under the provisions of this Chapter, and no such license shall be issued to any partnership, any partner of which has been the holder of a license or permit that has been revoked.

B. Whenever a partnership holding a liquor license under the provisions of this Chapter makes application for a change in partners, a charge of \$50.00 shall be made for each such application.

SEC. 2.03.004. CORPORATIONS.

A. Corporations or LLC licensed under the provisions of this Chapter must have a managing officer. In order to qualify, the managing officer must be a person in the corporation's employ, either as an officer or an employee, or who is an employee of the LLC, who is vested with the general control and superintendence of a whole, or a particular part of, the corporation's or LLC's business at a particular place. In the event the office of the managing officer of a corporation or LLC becomes vacant, it will be necessary for the corporation or LLC to secure a qualified managing officer within fifteen (15) days after the vacancy occurs.

B. No license provided for in this Chapter shall be issued to any corporation or LLC unless the managing officers of such corporation are persons who would be eligible for licenses as individuals under the provisions of this Chapter.

C. Managing officers of corporations or LLC with more than one business location in Independence, shall maintain at all times with the Liquor License Officer a current letter designating the person in control and management of each licensed business location within the corporate limits of Independence.

D. Whenever a corporation or LLC holding a liquor license under the provisions of this Chapter makes application for a change of managing officers, a charge of Fifty Dollars (\$50.00) shall be made for each such application.

SEC. 2.03.005. EMPLOYEES.

A. No licensee shall employ on or about the licensed premises any person who: (1) has been convicted of a violation of the provisions of any law applicable to the manufacture or sale of alcoholic beverages; (2) has had a license revoked under Chapter 311 or 312, RSMo., when such conviction or revocation has

occurred within the three years immediately preceding the employee's employment by the licensee; or (3) has had a license revoked under this Chapter.

B. No licensee shall be denied, suspended, revoked or otherwise affected based solely on the fact that any employee of the licensee has been convicted of a felony unrelated to the manufacture or sale of intoxicating liquor.

SEC. 2.03.006 - 2.03.999 RESERVED.

ARTICLE 4. LICENSE APPLICATION

SEC. 2.04.001. WRITTEN APPLICATION.

A. The following provisions shall apply to applications for a license under this Chapter:

1. Application must be made under oath and on the forms prescribed and provided by the Liquor License Officer.
2. Licenses will be processed in the order in which the applications are received by the Liquor License Officer.
3. Except as further set out in this chapter, no applicant may conduct any business for which an application for a license has been submitted until such license is finally granted, and no agent of the City has any right or authority to authorize any applicant to do so.

B. If application is made by a partnership, the application shall set out the names and residences of all the partners, whether they be active or silent partners. All partners shall sign the application.

C. Every applicant for a license to sell alcoholic beverages at retail must present the following with his/her application:

1. There must be attached securely to the application a recent photograph or clear snapshot of the individual(s) signing the application.
2. If application is being made for an original package license, an affidavit must be submitted which is signed by the individual owner; all of the partners, if a partnership; or the managing officer of a corporation, if a corporation, which states:
 - a. The type of business in connection with which the license is to be used;
 - b. That the applicant has and at all times keeps in his/her store a stock of goods having a value according to invoices of at least One Thousand Dollars (\$1,000.00), exclusive of fixtures and alcoholic beverages.
3. A recent photograph approximately the size of an ordinary postcard of the exterior of the premises sought to be licensed shall be attached to the application.
4. Every applicant shall submit a copy of his/her personal property tax receipt for the year immediately preceding the date of the application from the county in which they reside showing that all taxes owed for the year immediately preceding the application by the applicant, all partners if the applicant is a partnership, the managing officer of the corporation, if the applicant is a corporation, and the managing officer of the LLC, if the applicant is a LLC, have been paid. In lieu of such receipt, the applicant may provide an affidavit of the county or city assessor where the applicant resides, or, if applicant is a corporation where the managing officer of the corporation resides, or, if applicant is a LLC where the managing officer resides, stating that applicant or the managing officer of the corporation or LLC, if a corporation or LLC, owns property for which she/he is legally subject and liable for taxation in the county, town, city or village where applicant or, if a corporation or LLC, the managing officer of the applicant, resides in Missouri.
5. A criminal history record information (CHRI) report on each applicant, obtained from the Missouri State Highway Patrol. A CHRI shall be obtained for each partner in a partnership, and the managing officer, directors and officers of a corporation and the managing officer and members of a LLC.

D. The Liquor License Officer may waive the requirement of any information, and may require any additional information, as may be consistent with the purposes of this Chapter and will assist the Officer in the performance of his/her duties as set out herein.

SEC. 2.04.002. MISREPRESENTATIONS.

No license shall be granted to an applicant unless she/he makes full, true and complete answers to all questions in the application. If any applicant shall make any false statement in his/her application, it shall be cause for suspension or revocation of any license issued pursuant to the application.

SEC. 2.04.003. APPLICATION FEE.

Each application for a license shall be accompanied by the appropriate application fee which shall be an amount equal to one hundred percent (100%) of the license fee. This application fee is not refundable, but shall be applied to the license fee in the event that a license is issued.

SEC. 2.04.004. INVESTIGATION OF APPLICANTS.

A. The Liquor License Officer shall cause an immediate investigation to be made of the statements contained in each application for a new license as well as the background of the person applying for the license. The suitability of the location and surrounding conditions of the proposed premises also shall be investigated.

B. Upon receipt of an application, the Liquor License Officer shall forward to the Chief of Police a copy of said application. The Chief of Police shall furnish to the Liquor License Officer a copy of the applicant's record of convictions with the City.

C. The Liquor License Officer upon receipt of a new license application shall request that City staff inspect the premises, including the equipment and furnishings therein, or review the application to determine if the premises is in compliance with all the requirements of applicable City ordinances. The Liquor License Officer may also request that City staff inspect or review a licensee based on the Liquor License Officer's reasonable belief that the licensed premises is in violation of a provision of the City ordinances.

SEC. 2.04.005 - 2.04.999 RESERVED.

ARTICLE 5. LICENSE

SEC. 2.05.001. LICENSE REQUIRED.

No person shall manufacture or brew for sale, or sell or expose for sale within the City any alcoholic beverage, in any quantity, without taking out a license.

SEC. 2.05.002. CITY COUNCIL APPROVAL REQUIRED.

A. Only the City Council may approve an application for a license as provided by this Chapter, except as provided in paragraph C, below.

B. Licenses granted under the terms of this Chapter shall be signed by the City Clerk and countersigned by the Liquor License Officer. The City Clerk shall affix the seal of the City to the license.

C. Upon proper application and payment of the required fee, the following licenses may be issued by the Liquor License Officer without Council approval:

1. Sunday Sales Licenses.
2. Tasting Liquor Licenses.
3. Temporary Liquor Licenses.
4. Caterer Liquor Licenses.

SEC. 2.05.003. STANDARDS FOR ISSUANCE OF LICENSE.

A. In reviewing the said application, the City Council shall consider:

1. Whether the proposed premises is within three hundred feet (300') of any R-1, R-2, R-4, R-6, R-12, R-18 zoning district, and if so, whether the proposed licensed operation would cause a nuisance or change in the character of the residential area. In this context the Liquor License Officer shall consider exterior lighting, noise, traffic and parking, as well as any other relevant characteristic of the proposed premises.
2. The proximity of the proposed premises to a school, church, hospital, public park, playground, library, or museum.
3. The number of licenses within one thousand five hundred feet (1,500') of the proposed location.
4. The type of licenses existing within one thousand five hundred feet (1,500') of the proposed location and the type of license applied for.
5. The type of business or commercial uses within one thousand five hundred feet (1,500') of the proposed premises and the general character and intensity of uses permitted by the Zoning Ordinance within the locality.

B. The Liquor License Officer may request any department or agency of the City to provide data, information, opinions or recommendations which will assist the Liquor License Officer in reviewing any application for a license. By way of example, and not as a limitation, the Liquor License Officer may request the following departments to provide the following information concerning the proposed premises:

1. Community Development Department: Traffic flow, location of curb cuts for parking lots, and parking availability surveys; impact upon the community, neighborhood, surrounding environs;

adopted area plans and comprehensive plans or development projects in the area; applicable building codes, parking requirements and zoning restrictions.

2. Fire Department: Access for emergency vehicles and fire safety of the proposed location.
3. Police Department: Potential impact of crime, disturbances and traffic related to density or location of licensed establishments upon nearby residential or commercial neighborhoods.
4. Health Department: Adverse impact upon public health and safety.
5. Park and Recreation Department: Impact upon parks and community centers within the vicinity.

C. No license for the manufacturing, brewing, or sale of alcoholic beverages shall be granted when it has been determined that:

1. Any applicant (including any partner in a partnership, and the managing officer, directors and officers of a corporation, or the managing officer and members of a LLC) does not meet the qualifications set out in this Chapter.
2. The conduct of the business on the premises would violate any provision of the City Code.
3. The applicant is not duly licensed by the State of Missouri to conduct the business for which a similar license is being requested.
4. The proposed premises are located within one thousand feet (1,000') as measured from the nearest property line of a school, church, hospital, public park, playground, library, or museum, and display or offer for sale any books, photographs, magazines, films, videos or other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to specified sexual activities.

D. A public hearing before the City Council shall be held on all license applications. The applicant shall have full right to have counsel, produce witnesses and cross-examine all witnesses who may appear at the hearing. The applicant shall have the right to take down stenographically or record mechanically or electronically all proceedings in such hearings. Such hearings shall be transcribed whenever required by law. Subpoenas shall be issued by the Chief of Police for any witness whose presence is desired at any hearing before the Council, and such subpoena may be served by any member of the Independence Police Department. Such subpoena shall be served, and return thereon shall be made in the same manner as provided by law in civil suits in the Circuit Court of this state. Witnesses may also appear voluntarily at such hearings and testify.

E. In passing upon any application presented to it, the City Council may determine not to issue a license if the applicant fails to meet any of the requirements of this chapter for the license applied for, or the premises where the applicant's business is to be located fails to comply with any applicable provision of the City Code, or if the location of the business on the proposed premises would be detrimental to the best interest of the locality involved.

F. The sale or lease of a licensed premises and the transfer of a license shall not require a public hearing under this section.

G. The decision of the City Council shall be final and conclusive.

SEC. 2.05.004. NOTICE.

A. The Missouri Division of Alcohol and Tobacco Control will not grant a license for the sale of intoxication liquor, as defined in this chapter, within one hundred feet (100') of any school, church or other building regularly used as a place of religious worship, unless the applicant first obtains the written consent of the City Council. Council consent shall not be granted until at least ten days' written notice is provided to all property owners within one hundred feet (100') of the proposed licensed remises. If a school, church or place of worship locates within one hundred feet (100') of any place of business license to sell intoxicating liquor, the license shall not be denied for this reason.

B. No license shall be granted for the sale of intoxicating liquor within three hundred feet (300') of any hospital, school, church or other building regularly used as a place of religious worship, unless approval is granted by a two thirds vote of the City Council; except that when a school, church or other building regularly used as a place of religious worship shall be established within three hundred feet (300') of any place of business already licensed to sell intoxicating liquor under this Chapter, the renewal of that licensee's license shall not be denied because of the location of the premises within three hundred feet (300') of a hospital, school, church or other building regularly used as a place of religious worship.

C. When the proposed location of the premises is within three hundred feet (300') of a dwelling unit in an R-1 district, R-2 district, R-4 district, R-6 district, R-12 district or R-18 district, no license shall be issued unless approval is granted by a two thirds majority of the City Council. For purposes of this paragraph, a dwelling unit is defined in Section 4.01.002 of the City Code.

1. For all applications, except for expansion of licensed premises, transfers or the sale or lease of licensed premises, notice shall be given to all property owners of record addressed to those owners as listed in the office of the County Assessor and a separate notice addressed to "Occupants" at the mailing address of the property if that is different than the address on file with the Assessor within three hundred feet (300') of the proposed location of the premises. Such notice shall be given by regular United States Mail or personal service. The notice shall contain the name of the applicant, the address of the premises to be licensed and a description of the license requested and the time, date and place of the public hearing to be held on the application.

2. All applications for liquor licenses must include an electronic list of the mailing addresses of all property owners of record as listed in the office of the County Assessor, and the mailing address of the property if different than the address on file with the Assessor, within three hundred feet (300') of the proposed location of the premises.

D. The distance from the premises of a liquor establishment and a church building, school building, hospital building or dwelling unit shall be measured between the point of the premises located nearest to the exterior wall of the church building, school building, hospital building or dwelling unit.

SEC. 2.05.005. CONTENTS OF LICENSE.

A license issued under authority of this chapter, a copy of which shall be retained in the records of the Liquor License Officer, shall contain the following information:

1. The class of license.

2. The legal description of the property upon which the licensed premises is located, the dimensions of the licensed premises and the address thereof.

3. The name of the person to whom the license is issued.

SEC. 2.05.006. POSTING OF LICENSE.

A. Before commencing or doing any business for the time for which a license has been granted, the license shall be posted and at all times during the term of the license, kept displayed in a conspicuous place on the premises where the business is carried on, so that all persons visiting the premises may readily see the license.

B. No licensee shall post the license or allow the license to be posted upon premises other than the premises licensed or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee or knowingly deface, destroy or alter the license in any respect.

SEC. 2.05.007. CHANGE OF FACTS.

A. If during the period for which a license is granted there is any change of facts or information differing from that set forth in the original or in any renewal application on file with the Liquor License Officer, written notice shall be given to the Liquor License Officer within ten (10) days after the change.

B. If the change is a change in ownership of the licensed premises, or change of partner, such change is subject to the approval of the City Council, in the same manner as the approval of a license. The new owner or partner shall meet all the requirements of this Chapter applicable to owners and partners. A public hearing is not required for such changes.

C. If the change is for a change of managing officer, such change is subject to the approval of the Liquor License Officer. The new managing officer shall meet all the requirements of this Chapter applicable to managing officers.

SEC. 2.05.008. TRANSFERABILITY OF LICENSE.

A. No license issued under authority of this Chapter may be transferred or assigned, except as herein provided:

1. DEATH OF LICENSEE.

a. In the event of the death of a person holding a license, the widow or the widower or the next of kin of such deceased person, who shall meet the other requirements of this Chapter, may make application and the Liquor License Officer may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased.

b. Unless licensed under this Chapter, no receiver, assigned, trustee, guardian, administrator or executor may sell any alcoholic beverage belonging to the estate over which he or she has control, except to a licensed wholesaler or retailer and he or she must first procure the consent of the Liquor License Officer to sell the alcoholic beverage. Consent will not be given unless the Liquor License Officer has been provided with the following documents and information:

- (1) A copy of the order of the court having jurisdiction over the state authorizing the sale; and
- (2) A joint affidavit signed by the receiver, assigned, trustee, guardian, administrator or executor and the purchaser, setting out an inventory of the stock, the price for which it is to be sold, the date of the contract of sale and the license number of the purchaser.

2. DEATH OR WITHDRAWAL OF PARTNER. Whenever a partner dies or one or more members of a partnership withdraws from the partnership, the Liquor License Officer, upon being requested, shall permit the remaining partner, or partners, originally licensed, to continue to operate for the remainder of the period for which the license fee has been paid, without obtaining a new license.

3. REMOVAL OF LICENSE TO OTHER LOCATION. A license may, subject to the approval of the City Council, be transferred to any other premises or to any other part of the building containing the licensed premises if the place sought to be licensed meets the requirements of this Chapter. Such transfer shall be subject to the requirements of this Chapter for the location of a licensed premises, and a hearing shall be held before the City Council as set out in Section 2.05.003.

4. EXPANSION OF EXISTING LICENSE. A license may, subject to the approval of the City Council, be expanded to encompass a larger area of the existing licensed premises if the area sought to be licensed meets the requirements of this Chapter. Such expansion shall be subject to the requirements of this Chapter for the location of a licensed premises, and a hearing shall be held before the City Council as set out in Section 2.05.003.

B. The application for permission to transfer or expand the license must be submitted in writing, together with Thirty-Five Dollars (\$35.00), to the Liquor License Officer and set forth:

1. Name and address of the person holding the license.
2. Street address and legal description of the premises to which removal is sought, together with the name and address of the owner of the property and the name of any person having a leasehold or interest therein as landlord or tenant.

SEC. 2.05.009. SALE OR LEASE OF LICENSED PREMISES.

When a person holding a liquor license obtains a buyer or lessee for the establishment for which the license was issued, said buyer or lessee shall be given prior consideration for a license, provided said buyer or lessee meets the requirements set forth in this Chapter and pays the necessary fees.

SEC. 2.05.010. LICENSE, REPLACEMENT OF.

Whenever a license is lost, stolen or destroyed, a duplicate license will be issued by the City, upon payment of a Ten Dollar (\$10.00) replacement fee by the licensee to the Director of Finance. Application for a duplicate license must be by affidavit of the licensee and must set forth the following:

1. Date upon which license was lost, stolen or destroyed.

SEC. 2.05.011. RESPONSIBILITY FOR ACTS OF EMPLOYEES.

Licensees are at all times responsible for the conduct of their business and are at all times directly responsible for any act or conduct of any employee on the premises that is in violation of this Chapter any other City ordinance, the Intoxicating Liquor Laws of the State of Missouri, and the regulations of the Liquor License Officer and the Chief of Police.

SEC. 2.05.012. LICENSE NOT REQUIRED.

A. Any licensed pharmacist may possess intoxicating liquor purchased from a vendor licensed pursuant to this Chapter, or acquired pursuant to state law, to be used in connection with the business of the licensed pharmacist in compounding medicines or as a solvent or preservative. Nothing in this Chapter shall prevent a regularly licensed pharmacist, after procurement of a license therefor in compliance with this Chapter, from selling alcoholic beverages in the original package.

B. Nothing in this Chapter shall be construed as limiting the right of a physician to prescribe intoxicating liquor in accordance with the physician's professional judgment for any patient at any time, or prevent a druggist from selling intoxicating liquor to a person on prescription from a regularly licensed physician.

SEC. 2.05.013 - 2.05.999 RESERVED.

ARTICLE 6. SUSPENSION OR REVOCATION OF LICENSE

SEC. 2.06.001. GROUNDS FOR SUSPENSION OR REVOCATION.

The following actions shall be considered as grounds for suspension or revocation of a license:

1. A licensee has not at all times maintained an orderly place; or
2. A licensee or any employee, agent or servant of the licensee has violated any of the provisions of this Chapter; or
3. The license held by the licensee was obtained through materially false statements in the application for such license or renewal thereof; or
4. The licensee failed to make a complete disclosure of all pertinent information in the application for such license or renewal thereof; or
5. The licensee, since the issuance of such license, has ceased to be the person actually engaged in the active control and management of the particular establishment for which the license was issued; or
6. Anything has occurred which would render the licenses or the licensed premises ineligible or unsuitable for a license under the provisions of this Chapter; or
7. That such licensee is in violation of any Federal or State Liquor Control Act; or
8. That the conduct of the business violates, or the licensed premises or the licensee are in violation of, any provision of the City Code; or
9. That an employee of any licensee had failed to properly obtain an employee's permit; or had said permit suspended or revoked after notification of said suspension or revocation by the Liquor License Officer to the holder; or
10. The licensed premises has been discontinued or abandoned.

SEC. 2.06.002. PROCEDURE.

A. The Liquor License Officer may, upon recommendation of the Chief of Police or upon his/her own motion, conduct a hearing to determine if any license issued under authority of this Chapter should be suspended or revoked.

B. The licensee shall be given not less than ten day's written notice prior to the hearing. The notice shall set out the reasons for which the hearing is called and shall command the person holding the license to be present at such hearing and show cause, if any, why such license should not be suspended or revoked.

1. Such notice shall be hand delivered to the licensed establishment or sent by first class mail to both the Managing Officer and business owner, if not the same person. A letter mailed by first class mail shall be presumed received three (3) days after it was mailed.
2. The Liquor License Officer shall render a final decision and report such decision to the Licensee within ten (10) business days after the date of the hearing.

C. When the Liquor License Officer revokes or suspends a liquor license, the licensee shall be given written notice of such revocation or suspension by the Liquor License Officer. Such notice shall apprise the licensee of the specific violations.

D. The notice of revocation or suspension shall be served by the Liquor License Officer and shall be served upon the licensee as provided in Section 2.06.002.B.1 of this Chapter.

E. The licensee shall have the right to appeal the decision of the Liquor License Officer, as set out in Article 11 of this Chapter.

SEC. 2.06.003. EFFECT OF REVOCATION; SUSPENSION.

A. Whenever any license shall be revoked under the terms and provisions of this Chapter, the licensee shall not thereafter be eligible for any license provided for in this Chapter.

B. No licensee who shall have experienced a suspended license by order of the Liquor License Officer shall sell or give away any alcoholic beverage during the period of time such order of suspension is in effect. Any licensee desiring to keep said premises open for the sale of food or merchandise during such period of suspension shall display the order of suspension issued by the Council Liquor License Officer in a conspicuous place on the premises so that all persons visiting the premises may readily see the order of suspension.

SEC. 2.06.004 - 2.06.999 RESERVED.

ARTICLE 7. EMPLOYEE PERMITS

SEC. 2.07.001. LIQUOR LICENSE REQUIRED.

No person may be employed in the sale, dispensation, service or delivery of alcoholic beverages by any employer who does not have the required license under this Chapter.

SEC. 2.07.002. EMPLOYEE PERMIT REQUIRED.

A. Except as further set out below, all persons employed in the retail sale, dispensation, service or delivery of alcoholic beverages must obtain a permit as provided herein. This requirement for an employee permit shall include a bartender or a waiter/waitress who serves alcoholic beverages, a cashier who registers the sale of alcoholic beverages, or any other person physically handling an alcoholic beverage as an employee of a licensee.

B. The following persons are not required to have an employee permit:

1. Any person employed solely as a cashier in a business licensed to sell malt liquor and light wine by the drink or as a restaurant bar.
2. Hostesses who are not involved in the actual dispensation or sale of an alcoholic beverage.
3. Persons who bus tables.
4. Persons employed by a grocery store, for the sacking of items which have been purchased.
5. A stocker who arranges alcoholic beverages for storage, display or sale.

C. The employee's liquor permit shall be deposited with the management of the establishment and keep on file with the employee's food handler's permit, if applicable, during the employee's tenure of employment. Upon the employee leaving the employment of the establishment, the employee will receive their employee liquor permit from the management of the establishment.

D. It shall be unlawful for any licensed retailer to employ any person to sell or assist in the sale of alcoholic beverages who does not have an employee permit which is required by this Chapter.

SEC. 2.07.003. EMPLOYMENT OF MINORS IN THE SALE OF ALCOHOLIC BEVERAGES ALLOWED - WHEN.

A. Except as provided in subsections B and C of this section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of alcoholic beverages.

B. Persons at least eighteen (18) years of age, but under the age of twenty-one (21) years, may obtain a permit to stock, arrange displays, operate the cash register or scanner connected to a cash register and accept payment for, and/or sack for carry out, alcoholic beverages in any place of business licensed for the sale of alcoholic beverages in the original package. Businesses where less than fifty percent (50%) of the gross sales made consist of goods, merchandise or commodities other than alcoholic beverages in the original package must have an employee twenty-one (21) years of age or older on the premises during all hours of operation. Delivery of alcoholic beverages away from the licensed business cannot be performed by anyone under the age of twenty-one (21). Any licensee who employs any person under the age of twenty-one (21) years, as authorized by this subsection, shall, when at least fifty percent (50%) of the licensee's gross sales does not consist of nonalcoholic sales, have an employee twenty-one (21) years of age or older on the licensed premises during all hours of operation.

C. Persons eighteen (18) years of age or older may, when acting in the capacity as a waiter or waitress, accept payment for or serve alcoholic beverages in places of business which have a license to sell malt liquor and light wine by the drink or as a restaurant bar; however, persons under twenty-one (21) years of age may not mix or serve across the bar alcoholic beverages. Said employees are required to obtain an employee's permit before serving alcoholic beverages as a waiter or waitress.

SEC. 2.07.004. APPLICATION.

A. A person wishing to obtain an employee's permit must make written application on a form provided by the Liquor License Officer.

B. Each application must be accompanied by a valid State identification card or operator's license.

SEC. 2.07.005. MISREPRESENTATIONS.

Applicants for employee's permits shall make full, true and complete answers to all questions in the application. If any applicant shall make any false statement of a material matter in his or her application, it shall be deemed cause for suspension or revocation of any permit issued pursuant to such application.

SEC. 2.07.006. EFFECT OF CONVICTION, PROBATION STATUS OR PRIOR REVOCATION.

No employee's permit shall be issued to a person who has had a permit or license revoked, or who has been convicted of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who has been convicted of any crime the conviction of, or sentencing on, which is reasonably related to the competency of the person to exercise the right or privilege of the permit applied for.

SEC. 2.07.007. ISSUANCE OF PERMIT.

The applicant shall be issued a permit card by the Liquor License Officer that is valid for a period of three (3) years, subject to periodic reviews of the permittee's qualifications and possible suspension or revocation as set out in this Article. If the Liquor License Officer determines that the applicant is not qualified for an employee permit, the applicant shall be notified and the permit issued under this section shall immediately terminate.

SEC. 2.07.008. RENEWAL OF PERMIT.

Upon the expiration of an employee's permit card, a renewal thereof may be granted in the same manner as for the issuance of the original permit.

SEC. 2.07.009. SUSPENSION OR REVOCATION OF PERMIT.

A. The employee's permit may be denied, suspended or revoked by the Liquor License Officer if such person is in violation of any provision of this Chapter.

B. The Liquor License Officer may, upon recommendation of the Chief of Police or upon his/her own motion, conduct a hearing to determine if any employee liquor permit issued under authority of this Chapter should be suspended or revoked.

C. Written notice of the hearing regarding suspension or revocation shall be served on the permittee in the same manner as set out in Section 2.06.002.B.

D. When the Liquor License Officer denies, revokes or suspends an employee permit, the permittee shall be given written notice of such revocation or suspension by the Liquor License Officer. Such notice shall apprise the permittee of the specific violation.

E. The notice of denial, suspension or notice of revocation shall be served by the Liquor License Officer and shall be served upon the permittee, with a copy provided to the Managing Officer and business owner, if not the same person, as provided in Section 2.06.002.B.1 of this chapter.

F. Any permittee aggrieved by the decision of the Liquor License Officer to deny or suspend the employee's permit shall have the right to a hearing before the Liquor License Officer by filing with the Liquor License Officer a written request for a hearing within ten (10) days after service of the notice of denial. Upon receipt of the request for a hearing by the permittee, the Liquor License Officer shall fix a time and place for holding such hearing and shall direct a written notice of the hearing to be served on the permittee in the same manner as a notice of revocation or a notice of suspension is served, as set out in Section 2.06.002.B. The Liquor License Officer shall render a final decision and report such decision to the permittee within ten (10) business days after the date of the hearing.

G. The permittee shall have the right to appeal the decision of the Liquor License Officer, as set out in Article 11 of this Chapter.

SEC. 2.07.010. PROHIBITED ACTS.

A. It shall be unlawful for any person to use or possess any false or falsified employee's permit the purpose of using such permit to obtain employment in any premises or to purchase alcoholic beverages from any premises granted a license under the provisions of this Chapter or to misrepresent to any licensee, any agent, servant or employee, or the Liquor License Officer, any authorized agents or any member of the Police Department that such person's age is twenty-one (21) years or older.

B. It shall be unlawful for any person to manufacture, forge, reproduce in any way or to otherwise falsify an employee's permit issued or purporting on its face to have been issued under the provisions of this Chapter or to give, lend, sell or otherwise provide to any person such a false, falsified, manufactured, forged or reproduced employee's permit.

C. It shall be unlawful for any permittee to give, lend, sell or otherwise provide such permit to any other person or for any person not the lawful holder of such permit to use the same for any purpose or to give, lend, sell or otherwise provide such permit to any other person.

SEC. 2.07.011. LOSS OF PERMIT.

A. Upon discovery of the loss or theft of the employee's permit, the permittee, shall immediately make application for a duplicate permit. The employee shall not return to work until he or she has secured a duplicate employee's permit.

B. Upon approval of the application, a duplicate employee's permit shall be issued to the permittee by the Liquor License Officer at no cost to the permittee. The duplicate employee permit shall be valid for the unexpired period of the original permit.

SEC. 2.07.012 - 2.07.999 RESERVED.

ARTICLE 8. RESERVED.

ARTICLE 9. MINORS

SEC. 2.09.001. MINORS - LIQUOR PURCHASES.

A. Alcoholic beverages shall not be sold or otherwise supplied to any person under the age of twenty-one (21), except as otherwise set out in this Chapter.

B. No licensee shall permit anyone under twenty-one (21) years of age to consume alcoholic beverages upon or about his or her licensed premises.

C. It shall be unlawful for any person under the age of twenty-one (21) years to purchase or possess alcoholic beverages.

D. It shall be unlawful for any person under the age of twenty-one (21) to misrepresent his or her age or make a false statement willfully about his or her age for the purpose of purchasing or in any way securing from anyone alcoholic beverages.

E. The holder of any license to sell alcoholic beverages shall request proof of age from the purchaser before any purchase of an alcoholic beverage is made by any person whose age is in question. For the purposes of this section, a person's age is in question any time it is not clearly obvious that the person is over the age of twenty-one (21) years. The following forms of identification may be accepted as proof of age: (1) A valid operator's or chauffeur's license; (2) An identification card issued by any uniformed service of the United States; (3) A valid passport; and (4) A valid identification card issued by any State. The licensee or the servant, agent or employee thereof shall compare the photograph and physical characteristics of the person presenting the license identification card or passport.

SEC. 2.09.002. MINORS - LIQUOR SALES.

A. No person under the age of twenty-one (21) years shall sell or dispense or assist in the selling or dispensing of alcoholic beverages, except as otherwise provided in this Chapter.

B. No person shall allow any person under the age of twenty-one (21) years to sell or dispense or assist in the selling or dispensing of alcoholic beverages, except as otherwise provided by this Chapter.

SEC. 2.09.003. MINORS - LIQUOR ESTABLISHMENTS.

A. It shall be unlawful for any person under the age of twenty-one (21) years to enter the premises of a licensee holding a sales-by-the-drink license under this Article unless such minor is accompanied by either a parent or legal guardian, or unless such person is an employee as otherwise allowed by this Chapter. The entrance of anyone under the age of twenty-one (21) years into such premises where such licenses are held by hotels, clubs, restaurants or bowling alleys where substantial quantities of food and merchandise other than alcoholic beverages are dispensed shall not be prevented.

B. Nothing in this Chapter shall prohibit parents, guardians or duly licensed physicians from supplying alcoholic beverages to persons under twenty-one (21) for medicinal purposes only.

SEC. 2.09.004 MINORS IN POSSESSION

A. It shall be unlawful for any person under the age of twenty-one (21) to have in his or her possession any alcoholic beverage unless said person is specifically granted authority to possess alcoholic beverage as provided by this Chapter.

B. It shall be unlawful for any person under the age of twenty-one (21) to be in an intoxicated condition.

C. For purposes of this Section, “intoxicated condition” shall mean having a blood alcohol content of two-hundredths of one percent or greater.

SEC. 2.09.005 - 2.09.999 RESERVED.

ARTICLE 10. CONDUCT OF LICENSED PREMISES

SEC. 2.10.001. SALE PROHIBITED.

No licensee, or any agent or employee shall sell alcoholic beverages in any place other than that designated on the license or at any other time than that authorized by the license.

SEC. 2.10.002. TIMES WHEN SALES ARE PROHIBITED.

A. No person having a license under this Chapter, nor any employee of such person, except as further provided in this section, shall sell, give away, or otherwise dispose of, or suffer the same to be done upon or about the licensed premises, any alcoholic beverage in any quantity between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday.

B. Establishments with a by the drink liquor license shall be and remain a closed place between the hours of 1:30 a.m. and 6:00 a.m. Tuesday through Saturday and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday. Establishments with a Sunday Sales License must remain a closed place between the hours of 1:30 a.m. Sunday and 9:00 a.m. Sunday and between the hours of 12:00 a.m. and 6:00 a.m. on Monday.

C. Establishments providing overnight accommodations to transient guests that have an intoxicating liquor license for sale by the drink, other than a restaurant bar license, and are located in an area where over seventy-five percent (75%) of the land use within three hundred feet (300') of the premises is for hospital, school, church or other building regularly used as a place of religious worship purposes, residential use group purposes shall not sell, give away, or otherwise dispose of, or suffer the same to be done upon or about the licensed premise, any alcoholic beverage in any quantity between the hours of 11:30 p.m. and 11:00 a.m. the following day.

D. Where a license authorizing the sale of intoxicating liquor by the drink is held by a club or hotel, this section shall apply only to the room or rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants whose business is conducted in one room only and substantial quantities of food and merchandise other than intoxicating liquors are dispensed, then the licensee shall keep securely locked during the hours and on the days specified in this section all refrigerators, cabinets, cases, boxes, and taps from which intoxicating liquor is dispensed.

E. Nothing in this section shall be construed to prohibit the sale or delivery of any intoxicating liquor during any of the hours or on any of the days specified in this section by a wholesaler licensed under the provision of this Chapter to a person licensed to sell the intoxicating liquor at retail.

F. No intoxicating liquor may be served or sold on any premise used as a polling place on an election day.

G. When January 1st, March 17th, July 4th or December 31st falls on Sunday, and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the national football league is played, commonly known as "Super Bowl," any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his/her license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any other provisions of this Chapter.

H. Whenever hours of time are set forth in this chapter, they shall be interpreted to mean clock time which shall be either Central Standard Time or Central Daylight Time, whichever one is then being observed.

SEC. 2.10.003. SUNDAY SALES.

Notwithstanding any other provisions of this Article to the contrary, any person having a Sunday Sales License can sell the applicable alcoholic beverage on Sunday between the hours of 9:00 a.m. and 12:00 midnight.

SEC. 2.10.004. PROHIBITED BEVERAGES.

A. It shall be unlawful for a licensee authorized by this chapter, to sell alcoholic beverages at retail by the drink for consumption on the premises where sold, to keep or secrete, or allow any other person to keep or secrete in or upon the premises described in such license any alcoholic beverage other than the kind expressly authorized to be sold by such license.

B. No person holding a license for the retail sale of malt liquor by the drink knowingly shall sell, give away or serve upon the premises described in the license any glass, ice, water, soda water, phosphates or any other kind of liquids to be used for the purpose of mixing intoxicating drinks and commonly referred to as set-ups; nor shall any licensee allow any person while in or upon the premises covered by the license to possess or consume any intoxicating liquor other than malt liquor and light wine, if the license is to sell malt liquor and light wine or any kind of intoxicating liquor or to pour into, mix with or add intoxicating liquor to water, soda water, ginger ale, seltzer or other liquid.

SEC. 2.10.005. PREMISES OPEN FOR INSPECTION.

All licensees shall allow the licensed premises and all portion of the buildings of the premises, including all rooms, cellars, outbuildings, passageways, closets, vaults, yards, attics and all buildings used in connection with the operations carried on under the license and which are in their possession or under their control, and all places where they keep or have liquor stored, to be inspected by the supervisor of liquor control and their agents. Licensees shall cooperate fully with the agents during the inspections.

SEC. 2.10.006. MULTIPLE BUSINESSES.

If any retail licensee holds more than one kind of license for separate businesses in the same building, then the building shall be partitioned in a manner that the partitions shall run from the front of the building to the rear of the building, from the ceiling to the floor and be permanently affixed to the ceiling, floor, front and rear of the building in a manner as to make two (2) separate and distinct premises. There shall be a separate entrance in front of each of the premises and each of the premises shall have a different street address, so as to indicate sufficiently that the businesses are run separately and distinct from each other and not in conjunction with each other. In addition, the business maintained on each of the premises must be manned and serviced by an entirely separate and distinct group of employees and no buzzer, bell or other wiring or speaking system shall connect one business with the other. Separate files, records and accounts pertaining to the businesses must be maintained.

SEC. 2.10.007. MULTIPLE LOCATIONS.

Hotels holding licenses in their names authorizing the retail sale of intoxicating liquor by the drink for consumption on the premises where sold may maintain as many bars as they like on the licensed premises, provided that the places at which it is sold by the drink, in all respects, shall be easily visible from some hallway, lobby or mezzanine or other part of the hotel; provided further that hotels may dispense intoxicating liquors throughout the whole of the hotel.

SEC. 2.10.008. GAMBLING PROHIBITED.

A. No licensee shall permit, upon or about his/her licensed premises, any gambling of any kind or character whatsoever in which the one who plays stands to win or lose money, trade checks, prizes, merchandise or any other consideration whatsoever. No licensee shall have any gambling devices upon his/her licensed premises where money, trade checks, prizes, merchandise or property or any other

consideration whatsoever may be won or lost. Not with-standing the previously mentioned, any licensee may sponsor or allow promotional games or contests of chance to be conducted upon his/her licensed premises, provided that:

1. Money or something of value is not required to be given directly or indirectly for the privilege or opportunity of participating in games or contests or for receiving the award or prize;
2. No alcoholic beverage is related to or an element of a game or contest either directly or indirectly;
and

3. The game or contest is not sponsored or designed and run by a manufacturer, solicitor or a wholesaler whose main product line is alcoholic beverages. Nothing contained in this rule shall prohibit national manufacturers' sweepstakes contest entry forms and point-of-sale materials for these contests on licensed retail premises.

B. For purposes of this section, the phrase "something of value" means any money or property; any token, object or article exchangeable for money or property; any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest in them; or the extension of a service, entertainment or a privilege of playing at a game or scheme without charge.

C. The following activities shall not constitute a violation of this section.

1. The conduct or playing games of bingo on licensed premises by organizations licensed by the Director of Revenue of the State of Missouri to conduct bingo in accordance with Chapter 313.
2. The sale of State lottery tickets or shares on licensed premises licensed by the State lottery commission to sell lottery tickets or shares to the public when conducted in accordance with Chapter 313, RSMo.
3. Pari-mutuel wagering on horses at licensed tracks licensed by the Missouri Horse Racing Commission when conducted in accordance with Chapter 313, RSMo.
4. The giving of door prizes or other gifts by lot or drawing after payment of a price by members or guests of a charitable organization which has obtained an exemption from payment of Federal income taxes as provided in Section 501(C)(3) of the Internal Revenue Code of 1954 when conducted on licensed premises by the charitable organization.

SEC. 2.10.009. LEWD AND OBSCENE ACTIVITIES PROHIBITED.

A. No licensee or his or her employee shall permit in or upon licensed premises:

1. The performance of acts, or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
2. The displaying of any portion of the areola of the female breast;
3. The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals;
4. The actual or simulated displaying of the pubic hair, anus, vulva or genitals;
5. The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to public view any portion of his/her genitals or anus; and
6. The displaying of films, video programs or pictures depicting acts, the live performances of which are prohibited by this chapter or by any other law.
7. The display or offer for sale any books, photographs, magazines, films, videos or other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to specified sexual activities, if licensed premises are located within one thousand feet (1,000') as measured from the nearest property line of any school, church, hospital, public park, playground, library, or museum.

B. No licensee or employee shall allow upon or about the licensed premises solicitation for the purposes of prostitution by any person.

SEC. 2.10.010. ILLEGAL ACTIVITIES.

A. No licensee or permittee shall knowingly allow the conduct of any illegal activity upon the licensed premises.

B. At no time, under any circumstances, shall any licensee or his or her employees immediately fail to prevent or suppress any violent quarrel, disorder, brawl, fight or other improper or unlawful conduct of any person upon the licensed premises, nor shall any licensee or his or her employees allow any indecent, profane or obscene language, song, entertainment, literature or advertising material upon the licensed premises.

C. In the event that a licensee or his or her employee knows or should have known, that an illegal or violent act has been committed on or about the licensed premises, they immediately shall report the occurrence to law enforcement authorities and shall cooperate with the police department and the Liquor License Officer during the course of any investigation into an occurrence.

D. No licensee or employee shall possess, store, sell or offer for sale, give away or otherwise dispose of upon or about the licensed premises or permit any person upon or about the licensed premises to possess, store, sell or offer for sale, give away or otherwise dispose of any controlled substance as defined in Chapter 195, RSMo.

SEC. 2.10.011. SALES TO PERSONS UNDER THE INFLUENCE OF ALCOHOL OR DRUGS PROHIBITED.

No licensee or permittee shall knowingly sell or deliver any alcoholic beverage to any person the licensee or permittee knows, or reasonably should know, is under the influence of alcohol or drugs.

SEC. 2.10.012. CONSUMPTION BY EMPLOYEES PROHIBITED.

It shall be unlawful for a licensee to sell alcoholic beverages by the drink or give to, sell to or permit to be given to or sold to any on duty employee of the premises operated by said licensee any alcoholic beverages in any quantity, nor shall the licensee permit any patron of the premises to give to, drink with, sit at the bar or tables with, engage in amusement games with or dance with any on duty employee on the premises of said licensee.

SEC. 2.10.013. SOLICITATION OF SALE PROHIBITED.

It shall be unlawful for a licensee to sell alcoholic beverages by the drink or to give or sell alcoholic beverages in any quantity to any person who shall solicit another to buy said alcoholic beverages, nor shall the licensee permit any such person to solicit the purchase of alcoholic beverages by another on said premises.

SEC. 2.10.014. COMPLIANCE WITH OTHER ORDINANCES AND LAWS.

Licensed premises and the conduct of the business thereon are at all times subject to the applicable provisions of any City ordinance not in conflict with this Chapter. Notwithstanding the provisions of this Chapter, licensed premises and the conduct of the business thereon must at all times comply with all applicable State and Federal statutes and regulations.

SEC. 2.10.015. POSSESSION OF ALCOHOLIC BEVERAGES RESTRICTED.

No person shall possess alcoholic beverages purchased within the City of Independence, Missouri, unless the same has been acquired from some person holding a duly authorized license to sell the same

under this Chapter or unless said alcoholic beverages are had or kept with the written permission of the Liquor License Officer.

SEC. 2.10.016. CONSUMPTION OF ALCOHOLIC BEVERAGE ON PREMISES MAY BE PROHIBITED BY OWNER.

No alcoholic beverage shall be drunk, consumed or publicly exhibited in a public dining room, lunch room, soda fountain or any place where meals or lunches and soft drinks are served anywhere the owner or owners or manager or managers exhibit in the premises signs to the effect that alcoholic beverages may not be drunk in or about the premises, or where a notice to that effect is placed on the printed menu for the establishment, or where the diner has been specifically informed by a server or manager that the consumption of alcoholic beverages is not allowed.

SEC. 2.10.017. ANNEXED LICENSEE.

Any person operating a liquor business outside the limits of the City of Independence, Missouri, in an area that may be annexed by the City shall be eligible to apply for a City liquor license for which the business qualifies at the time the annexation occurs.

SEC. 2.10.018. REMOVAL OF ALCOHOLIC BEVERAGES FROM PREMISES PROHIBITED.

A. No person shall remove any alcoholic beverage purchased by the drink from the premises licensed to sell alcoholic beverages by the drink.

B. No holder of any license to sell alcoholic beverages by the drink, or their employee, shall allow or cause to be allowed the removal of any alcoholic beverage purchased by the drink from the licensed premises.

C. The holder of any license to sell alcoholic beverages by the drink shall place conspicuous notices of the prohibition established by this section immediately inside the exits from the licensed premises in such a manner as to notify patrons leaving the premises of the prohibition.

SEC. 2.10.019. DISPENSING OF ALCOHOLIC BEVERAGES LIMITED.

A. No licensee or employee shall mix or pour, or permit to be mixed or poured, any alcoholic beverages directly into any person's mouth upon or about the licensed premises.

B. No person licensed by the Liquor License Officer shall use or permit to be used upon his or her licensed premises any self service, coin-operated, mechanical devices or automatic dispensers for the purpose of selling or dispensing any alcoholic beverage.

C. No holder of a license under this Chapter, or any other person, shall for any purpose whatsoever mix or permit or cause to be mixed with any alcoholic beverage kept for sale, sold or supplied by him or her as a beverage, any drug or form of methyl alcohol or impure form of alcohol.

SEC. 2.10.020. SALE OF ALCOHOLIC BEVERAGE THROUGH DRIVE-UP WINDOW PROHIBITED.

It shall be unlawful for the holder of any license authorized by this Article for the sale of any alcoholic beverage at retail, either in the original package or for consumption on the premises where sold, to supply, sell or permit to be sold, any alcoholic beverage through any drive-up or walk-up window or facility where the customer or person receiving the alcoholic beverage is not required to enter the premises of the licensee.

SEC. 2.10.021. POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY PROHIBITED.

A. No person shall possess any open container of any alcoholic beverage nor shall any person consume or drink any alcoholic beverage on public property within the City of Independence, including but not limited to any public building, street, alley, sidewalk, public lot, park, recreational facility or public facility, except as provided in this section.

B. The prohibition in this section shall not apply to the possession or consumption of alcoholic beverages within premises licensed to sell alcoholic beverages by the drink properly located on public property pursuant to the liquor license of the holder.

C. The prohibition in this section shall not apply to the possession or consumption of malt liquor and wine in or at the following public facilities where the City or lessor of the facility has authorized the possession or consumption of malt liquor and wine at the facility pursuant to an approved written agreement setting forth all terms and conditions for said possession or consumption of malt liquor and wine:

1. The Roger T. Sermon Community Center.
2. The National Frontier Trails Museum.
3. City Hall West Parking Lot (During Santa-Cali-Gon Only).
4. The Truman Depot.
5. The Truman Memorial Building.
6. The public areas of the Englewood Business District, that being the street, sidewalks and right-of-way along and abutting East Winner road from the eastern right-of-way line of South Northern Blvd. to the western right-of-way line of South Sterling Avenue, on the third Friday of each month from 4:00 p.m. to 11:59 p.m.
7. The public areas of the Independence Square, that being the streets, sidewalks and public lots from the eastern right-of-way line of Spring Street to the eastern right-of-way line of Lynn Avenue and from the southern right-of-way line of Truman Road to the northern right-of-way line of Kansas pursuant to a written agreement between the City and a civic organization promoting the interests of the businesses on the Independence Square.

D. The prohibition in this section shall not apply to the possession or consumption of alcoholic beverages in or at the following public facilities where the City or lessor of the facility has authorized the possession or consumption of that alcoholic beverage at the facility pursuant to an approved written agreement setting forth all terms and conditions for possession or consumption of alcoholic beverages at that location and during the period covered by the agreement:

1. The Bingham - Waggoner Estate.
2. The Vaile Mansion.
3. The Bass Pro Building
4. The Uptown Market
5. The Independence Events Center

SEC. 2.10.022. PURCHASE FROM OTHER THAN LICENSED WHOLESALER.

No person holding a retail liquor license shall purchase any alcoholic beverage except from, by or through a duly licensed wholesale liquor dealer. No retail liquor dealer shall sell or offer for sale any intoxicating liquor purchased in violation of the provisions of this section.

SEC. 2.10.023. SALE BY WHOLESALER TO UNLICENSED RETAILER.

It shall be unlawful for any wholesaler to:

A. Deliver or cause any alcoholic beverage to be delivered to any licensee while the licensee is under suspension by the Liquor License Officer.

B. Deliver or cause alcoholic beverage to be delivered to any premises unless there shall be displayed prominently in the premises a license issued by the supervisor of liquor control to the person purchasing the alcoholic beverage designating the purchaser as a person, licensed to sell on the premises the kind of alcoholic beverage he or she is about to deliver.

SEC. 2.10.24. USE OF ALCOHOLIC BEVERAGE VAPORIZER.

No licensee or employee shall sell, deliver or give away any alcoholic beverage for dispensation by means of an alcoholic beverage vaporizer. No licensee or employee shall purchase, possess or use an alcoholic beverage vaporizer on the licensed premises, or any area related to the licensed premises over which the licensee exercises control or for which the licensee is responsible. No licensee or employee shall allow or permit any customer or person to bring, keep, maintain or use an alcoholic beverage vaporizer on the licensed premises, or any area related to the licensed business over which the licensee exercises control or for which the licensee is responsible.

SEC. 2.10.025 – 2.10.999 RESERVED.

ARTICLE 11. APPEAL PROCESS

SEC. 2.11.001. APPEAL PROCESS.

A. Any license applicant, licensee or permittee aggrieved by the decision of the Liquor License Officer to suspend or revoke a liquor license or to deny, suspend or revoke an employee's permit shall have the right to appeal such action to the City Council by filing a written appeal with the City Clerk within five (5) days after notice of the decision is served on the permittee. No licensee or permittee shall have the right to appeal the decision of the Liquor License Officer unless said licensee or permittee has requested a hearing as provided in Section 2.06.002.C or Section 2.07.011.E of this Chapter.

B. Such written appeal shall set out a copy of the order or decision being appealed, shall include a statement of the facts concerning the order, and shall state wherein the license was wrongfully suspended or revoked or the permit was wrongfully denied, suspended or revoked. At the time of filing any such appeal a copy thereof shall be filed by the appellant with the Liquor License Officer.

C. The City Council shall fix a time and place for hearing the appeal and shall direct a written notice to be served, as provided in Section 2.06.002.B, for service of a notice of suspension or revocation, upon the appellant to provide that information. The City Clerk shall give notice to the Liquor License Officer who shall be entitled to appear in defense of his or her decision.

D. The findings of the City Council shall be final and conclusive and shall be served upon the appellant in the manner provided above for service of notices of suspension or revocation.

SEC. 2.11.002 - 2.11.999 RESERVED.

ARTICLE 12. PENALTY

SEC. 2.12.001. PENALTY.

Any person found guilty of violating any of the provisions of this Chapter shall be fined in a sum of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by a sentence of not less than thirty days nor more than one year imprisonment, or both such fine and imprisonment, provided that upon final conviction of any person for a violation of any of the provisions of this Chapter, said conviction shall automatically operate to revoke the license hereunder issued to such person, and provided further that the term conviction as herein used shall include a finding of guilty, a plea of guilty or a plea of no lo contendere and provided further that no person having been convicted of the violation of any of the provisions of this Chapter shall be issued a license or renewal thereof for a period of one year from the date of said conviction. Upon conviction of any person in Municipal Court under the provisions of this Chapter, it shall be the duty of the Judge of the Municipal Court to certify such conviction to the Liquor License Officer and Chief of Police.

SEC. 2.12.002. LICENSE AUTOMATICALLY REVOKED UPON CONVICTION.

Conviction in any court of any violation of this Chapter shall have the effect of automatically revoking the license of the person convicted, and such revocation shall continue operative until said case is finally disposed of, and if the defendant is finally acquitted, he or she may apply for and receive a license hereunder, upon paying the regular license charge therefor, in the same manner as though he or she had never had a license hereunder.

SEC. 2.12.003. INJUNCTION.

Whenever any person maintains a premises which is being operated in violation of the provisions of this Chapter, and such violations have resulted in the suspension or revocation of the license issued under this chapter, or have persisted after notice from the Liquor License Officer, the Liquor License Officer may request the City Counselor to seek an injunction in the Jackson County Circuit Court to prohibit the continued operation of the premises in violation of this Chapter.

SEC. 2.12.004 - 2.12.999 RESERVED.