

AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF JACKSON, MISSOURI, RELATIVE TO ALCOHOLIC BEVERAGES; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF JACKSON, MISSOURI, AS FOLLOWS:

Section 1. That Chapter 5, Article I, Section 5-1, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

“Sec. 5-1. Definitions.

As used in this chapter, the following words and phrases shall have the respective meanings ascribed to them in this section:

Club means a corporation organized under the laws of this state or an association not formed for pecuniary profit solely for promoting some common object other than the sale and consumption of alcoholic liquors.

Hotel means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and where sleeping accommodations are offered for adequate pay to travelers and guests.

Intoxicating liquor means and includes alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt or other liquors, or a 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 by volume.

Light wines means and includes light wines containing not in excess of fourteen (14) percent of alcohol by weight exclusively from grapes, berries and other fruits and vegetables.

Malt liquor (beer) shall be construed to refer to and to mean any beer manufactured from pure hops or pure extract of hops and pure barley malt or other wholesome grains or cereals, and wholesome yeast and pure water, and free from all harmful substances, preservatives and adulterants, having an alcoholic content of not more than five (5) percent by weight.

Nonintoxicating beer shall be construed to refer to and to mean any beer manufactured from pure hops or pure extract of hops, pure barley malt or other wholesome grains or cereals, wholesome yeast, pure water, and free from all harmful substances, preservatives and adulterants, having an alcoholic content of

more than one-half of one (0.5) percent by volume and not exceeding three and two-tenths (3.2) percent by weight.

Original package means any package containing one (1) or more standard bottles, cans, or pouches of beer or intoxicating liquor sold in sealed containers.

Person means and includes an individual, association, joint stock company, syndicate, copartnership, corporation, receiver, trustee, conservator, or other office appointed by any state or federal court.

Restaurant means any public place kept, used, maintained, advertised and held out to the public as a place where meals are actually served and regularly served.”

Section 2. That Chapter 5, Article I, Section 5-27, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

“Sec. 5-27. Issuance; contents of license; conduct.

- (a) *Issuance.* On approval of the application by the city clerk and the payment of the license taxes herein provided, the city clerk shall grant the applicant a license to conduct business at the specified location in the city for a period set forth in section 5-21.
- (b) *Content.* Every license issued under this chapter shall set forth the type of license granted.
- (c) *Requirements, restrictions:* Failure to commence operations within thirty (30) days of issuance shall result in automatic revocation of license.”

Section 3. That Chapter 5, Article I, Section 5-29, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

“Sec. 5-29. Fees.

A separate license is required for each place of business, and the following license fees shall be paid annually:

- (1) Retailers of intoxicating liquor, light wines, malt liquor (beer) and nonintoxicating beer whether by drink, original package, and location to be consumed, except Sale on Sunday, twenty-five (\$25.00).
- (2) Retailers of intoxicating liquor, light wines, malt liquor (beer), and nonintoxicating beer in the original package, not to be consumed upon the premises where sold, and sold on Sundays, in addition to all other fees required by law of such retailer, two hundred dollars (\$200.00).

(3) Manufacturers or distillers of intoxicating liquors containing alcohol in excess of five (5) percent by weight or malt liquor (beer) containing not more than five (5) percent of alcohol by weight, five hundred dollars (\$500.00)."

Section 4. That Chapter 5, Article I, Section 5-30, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

"Sec. 5-30. Temporary permit.

Notwithstanding the other provisions of this chapter, a permit for the sale of intoxicating liquor, light wines, malt liquor (beer), and nonintoxicating beer for consumption on premises where sold may be issued by the city clerk to any retailer, club, church, school, civic, service, fraternal, veteran, political, or charitable club or organization for the sale of the aforesaid items at a picnic, bazaar, fair, or similar gathering. Said permit shall be issued only for the day or days named therein and it shall not authorize the sale of the aforesaid items for more than seven (7) days by any said organization as described in any fiscal year. For such a permit issued, the licensee shall pay to the city the sum of ten dollars (\$10.00). No provision of law or rule or regulation of the city shall 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."

Section 5. That Chapter 5, Article I, Section 5-34, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

"Sec. 5-34. Authority of city to inspect premises of licensee.

The board of aldermen, the city administrator, the chief of police or their designated agents and employees have the right at any time to inspect the premises wherein alcoholic beverages are being sold under a license issued under the provisions of this chapter. Upon the request of any such persons, the person or persons to whom a license is issued under the provisions of this chapter or those in their employ shall, at all times, allow said persons to inspect the premises and shall show them the stock of goods in any room or place in the premises that they desire to inspect. If a violation of the Code of Ordinances or State law is discovered, there shall be made a report to the board of aldermen of their findings upon their inspection, and the board of aldermen shall have the authority to act thereon as a result of such findings in accordance with the provisions of this chapter which shall include, but not be limited to, the revocation of the license."

Section 6. It is the intent of the Mayor and Board of Aldermen and it is hereby ordained that this ordinance shall become and be made a part of the Code of Ordinances of the City of Jackson, Missouri, and that sections of this ordinance may be renumbered to accomplish such intention.

Section 7. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 8. That this ordinance shall take effect and be in force from and after its passage and approval.

Section 9. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: January 17, 2023.

SECOND READING: January 17, 2023.

PASSED AND APPROVED this 17th day of January, 2023, by a vote of _____ ayes, _____ nays, _____ abstentions and _____ absent.

(SEAL)

CITY OF JACKSON, MISSOURI

BY: _____
Mayor

ATTEST:

City Clerk