

**AN ORDINANCE OF THE CITY COUNCIL AMENDING TITLE VI, GOVERNMENT CODE, CHAPTER 600, BUSINESS AND OCCUPATION, SECTIONS 600.010 DEFINITIONS, 600.020 LICENSE REQUIRED – CLASSES OF LICENSES, 600.030 LICENSE REGULATIONS, 600.040 SCHEDULE OF LICENSES, 600.050 APPLICATION FOR LICENSE AND RENEWAL, 600.060 MINORS, AND 600.070 MISCELLANEOUS OFFENSES, AND ADDING NEW SECTION 600.015 APPLICATION OF MISSOURI STATE STATUTES**

**WHEREAS**, the City of Republic, Missouri (“City” or “Republic”) is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

**WHEREAS**, the City of Republic has recognized the need to continually review and revise the Municipal Code of the City of Republic, Missouri to enhance clarity, simplify unnecessary complexity and eliminate ambiguity in its language, as well as to meet the evolving demands and/or needs of the City’s citizens when such demands and/or needs are warranted and in accord with the City’s mission, vision and values, and in the best interests of the City and its citizenship body as a whole; and

**WHEREAS**, the City has identified a need for amendments and additions to Title VI, Government Code, Chapter 600, in order to ensure stricter adherence to the regulations of alcoholic beverages and liquor licensing under applicable Missouri Statutes and to add a permitting process through which the City may accommodate liquor catering within City limits in accord with applicable law and regulations.

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

**Section 1:** Title VI, Government Code, Chapter 600, Business and Occupation, is hereby amended by amending Sections 600.010 Definitions, 600.020 License Required – Classes of Licenses, 600.030 License Regulations, 600.040 Schedule of Licenses, 600.050 Application for License and Renewal, 600.060 Minors, and 600.070 Miscellaneous Offenses, and adding new Section 600.015 Application of Missouri State Statutes, as follows:

**600.010 Definitions**

When used in this Chapter, the following words shall have the following meanings:

**BUSINESS** As defined in Code Section **605.005**.

**CLOSED PLACE** A place where all doors are locked and where no patrons are in the place or about the premises.

**INTOXICATING LIQUOR** Alcohol for beverage purposes, including 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 (0.5%) by volume. All beverages having an alcoholic content of less than one-half of one percent (0.5%) by volume shall be exempt from the provisions of this Chapter.

**LIGHT WINES** Intoxicating liquor consisting of wine containing not in excess of fourteen percent (14%) of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables.

**LIQUOR MANUFACTURER** A business engaged in the production of intoxicating liquor as defined in this Chapter.

**MALT LIQUOR** An intoxicating liquor containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight, manufactured from pure hops or pure extract of hops or pure barley malt or wholesome grains or cereals and wholesome yeast and pure water.

**MICROBREWERY** A business whose activity is the brewing and selling of beer, with an annual production

of 10,000 barrels or less.

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

**PERSON** An individual, association, firm, joint stock company, syndicate, partnership, corporation, receiver, trustee, conservator, or any other officer appointed by any State or Federal court.

**PROXIMITY** The distance separating a business or entity licensed to sell intoxicating liquor and any adjacent or nearby property, premises, parcel, or land use, as determined by and through the following methods:

- A. When both uses occupy separate land parcels the measurement will start with the nearest entrance of the establishment intending to provide intoxicating liquor and extend to the nearest property line of the established use in question through the most direct possible route.
- B. When both uses occupy the same premise the measurement will be taken from the nearest entrance of each use.
- C. In circumstances where neither of the above methods apply the determination of proximity shall be made by the BUILDS Department Administrator or their designee.

**RESORT** Any establishment having at least thirty (30) rooms for the overnight accommodation of transient guests, having a restaurant or similar facility on the premises at least sixty percent (60%) of the gross income of which is derived from the sale of prepared meals or food, or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand dollars (\$75,000.00) per year with at least fifty thousand dollars (\$50,000.00) of such gross receipts from non-alcoholic sales, or means a seasonal resort restaurant with food sales as determined in Subsection (2) of Section 311.095, RSMo. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the purpose of meeting the annual gross food receipts requirements of this definition, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.

**RESTAURANT BAR** Any establishment having at least forty (40) rooms for overnight accommodations of transient guests or any establishment having a restaurant or similar facility on the premises at least fifty percent (50%) of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars (\$200,000.00) from the sale of prepared meals or food consumed on such premises.

**SALE BY THE DRINK** Sale of any intoxicating liquor except malt liquor, in the original package, in any quantity less than fifty (50) milliliters shall be deemed "*sale by the drink*" and may be made only by a holder of a retail liquor dealer's license 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.

**WINE** 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 OR BRANDY MANUFACTURER** A business whose activity is the production of wine or brandy.

**600.015 Application of Missouri State Statutes**

Chapter 311 of the Revised Statutes of Missouri applies with respect to the licensing, purchasing, consumption, enforcement, penalties, and all other aspects relating to the control of alcoholic beverages.

**600.020 License Required -- Classes Of Licenses**

- A. No person shall manufacture, brew, sell or offer for sale intoxicating liquor in the City of Republic without a currently valid liquor license issued by the City. A separate liquor license shall be required for each of the categories and subcategories of liquor sales in which the licensee desires to engage as set forth herein. No license shall be required if the manufacture is for personal use as allowed by Section 311.055, RSMo.
- B. *General Licenses.* Any person possessing the qualifications and meeting the requirements of this Chapter may apply for the following licenses to sell or manufacture intoxicating liquor:
1. *Package liquor — malt liquor only:* Sales of malt liquor at retail in the original package not for consumption on the premises where sold.
  2. *Package liquor — all kinds:* Sales of all kinds of intoxicating liquors in the original package at retail not for consumption on the premises where sold, including sales as set forth in Subsection **(B)(1)** of this Section.
  3. *Liquor by the drink — malt liquor/light wine only:* Sales of malt liquor and light wines at retail by the drink for consumption on the premises where sold, including sales as set forth in Subsection **(B)(1)** of this Section.
  4. *Liquor by the drink — all kinds:* Sales of intoxicating liquor of all kinds at retail by the drink for consumption on the premises where sold, including package sales as set forth in Subsection **(B)(2)** of this Section.
  5. *Common eating and drinking areas:* Sales of intoxicating liquor of all kinds by the drink at retail not for consumption on the premises where sold but for consumption in a common eating or drinking area.
  6. *Liquor by the drink — resort:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any resort or qualified restaurant.
  7. *Wine or brandy manufacturer:* A producer of wine or brandy through a manufacturing process.
  8. *Microbrewery license:* A producer of beer, with an annual production of 10,000 barrels or less.
  9. *Liquor manufacturer:* A producer of intoxicating liquor not otherwise licensed under this Chapter.
- C. *Sunday Sales.* Any person who is licensed under the provisions of this Chapter or who otherwise possesses the qualifications and meets the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor on Sundays between the hours of 9:00 A.M. and Midnight:
1. *Package liquor — all kinds:* Sales of liquor of all kinds in the original package at retail, not for consumption on the premises where sold.
  2. *Liquor by the drink — restaurant bar:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any restaurant bar.
  3. *Liquor by the drink — amusement place:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any amusement place.
  4. *Liquor by the drink — place of entertainment:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any place of entertainment.
  5. *Liquor by the drink — common eating and drinking area:* Sales of liquor of all kinds by the drink at retail not for consumption on the premises where sold but for consumption in a common eating or drinking area.
- D. *Permits.*
1. *Temporary permit for sale by drink.* Any person who possesses the qualifications, meets the requirements and complies with the provisions of Section **600.030(C)** below may apply for a special permit to sell intoxicating liquor for consumption on premises where sold.
  2. *Tasting permit.* Any person who is licensed to sell intoxicating liquor in the original package at retail under Subsections **(B)(3)** and **(C)** of this Section above may apply for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises; however, nothing in this Section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

3. Liquor Catering permit. Any person wishing to exercise the sale of liquor by the drink for an event held somewhere other than the location described within the Applicant's current and valid liquor license may apply for a Liquor Catering permit. Said permit may be issued for no more than a period of 72 consecutive hours. An application for a Liquor Catering permit must meet the following requirements:
  - a. Materials required for Liquor Catering permit must be presented at the time of application:
    1. Signed letter from the entity requesting the permit.
    2. Copy of related State Liquor license.
    3. Signed letter of permission from the owner of the location or premise where the service of alcohol will be conducted.
    4. Statement of intended dates for permit.
  4. A current and valid license for the sale of Liquor by the drink must be held by the Applicant for all appropriate jurisdictions - City, County, and State.
  5. A current and valid license for the sale of Liquor by the drink must be held by the Applicant for all appropriate categories of intended sale.

### 600.030 License Regulations

- A. *Package Sales, Limitations.* No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one (1) or more of the following businesses: a drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in his/her store a stock of goods having a value according to invoices of at least one thousand dollars (\$1,000.00), exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this Chapter or law.
- B. *Newly-Opened Restaurant Bars Or Amusement Places.*
  1. ~~Any new restaurant bar having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the restaurant bar can show a projection of annual business from prepared meals or food consumed on the premises of at least fifty percent (50%) of the total gross income of the restaurant bar for the year or can show a projection of annual business from prepared meals or food consumed on the premises which would exceed not less than two hundred thousand dollars (\$200,000.00). The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.~~
  2. ~~Any new amusement place having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the amusement place can show a projection of gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts are in non-alcoholic sales for the first (1st) year of operation. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.~~
  3. Any new ~~resort/restaurant~~ restaurant establishment having been in operation for less than ninety (90) days and having received a temporary license in accordance with the state of Missouri's rules and regulations may be issued a temporary license, for a period not to exceed ninety (90) days, to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 6:00 A.M. and 1:30 A.M. on weekdays and between the hours of 6:00 A.M. on Saturdays until 1:30 A.M. on Sundays. No intoxicating liquor may be sold on Sundays except in accordance with the provisions of Section **600.020(C)** of this Code of Ordinances, and except in accordance with the provisions of Subsection (B)(1) hereof. ~~No such temporary license shall be issued except for an establishment having at least thirty (30) rooms for the~~

~~overnight accommodation of transient guests, having a restaurant or similar facility on the premises, at least sixty percent (60%) of the gross income of which is derived from the sale of prepared meals or food; or which is a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant can show a projection of annual gross receipts of not less than seventy-five thousand dollars (\$75,000.00) per year, with at least fifty thousand dollars (\$50,000.00) of such gross receipts from non-alcoholic sales; or which is a seasonal resort restaurant as defined and with food sales as established in Subsection (2) of Section 311.095, RSMo.~~

C. *Temporary Permit For Sale By Drink — Certain Organizations.*

1. The BUILDS Department Administrator or their designee may issue a permit for the sale of intoxicating liquor for consumption on premises where sold to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for sale at a picnic, bazaar, fair or similar gathering. The permit 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 club or organization.
2. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 9:00 A.M.
3. At the same time that an applicant applies for a permit under the provisions of this Subsection, the applicant shall notify the Director of Revenue of the holding of the event by certified mail and by such notification shall accept responsibility for the collection and payment of any applicable sales tax.
4. No provision of law or rule or regulation of the City shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

D. *Operating Hours, Days.*

1. No licensee or any employee of such licensee shall sell, give away or otherwise dispose of, or allow the same to be done, on or about the premises, any intoxicating liquor in any quantity ~~except as outlined in Chapter 311 RSMo. between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. on Sunday and 6:00 A.M. on Monday, except as otherwise authorized and licensed for Sunday sales. Any person licensed to sell intoxicating liquor by the drink shall keep a closed place during the aforementioned prohibited times.~~
2. When January first (1st), March seventeenth (17th), July fourth (4th) or December thirty-first (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 Sunday", any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his/her license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of this Chapter to the contrary.

E. *General License Regulations.*

1. Each license issued hereunder shall be conspicuously posted on the premises for which the license has been issued.
2. 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 intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein.
3. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this Chapter, may make application and the BUILDS Department Administrator or their designee 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. Whenever one (1) or more members of a partnership withdraws from the partnership, the BUILDS Department Administrator or their Designee, 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.

4. In the event any licensee desires to change the location of his/her place of business in the City, it shall be necessary for him/her to file an application in the same manner as herein provided for an original application, except that no additional fee shall be charged and the amended license, describing the new location, shall be issued immediately upon the approval of the application by the ~~Council~~BUILDS Department Administrator or their Designee. Any change of location of the enterprise prior to issuance of such an amended license shall constitute a violation of this Section.

~~F. *Druggists May Sell And Physicians Prescribe Liquor.* Any druggist may have in his/her possession intoxicating liquor purchased by him/her from a licensed vendor under a license pursuant to State law, or intoxicating liquor lawfully acquired at the place of acquisition and legally transported into this State, and lawfully inspected, gauged and labeled as provided by State law; such intoxicating liquor to be used in connection with the business of a druggist in compounding medicines or as a solvent or preservative; provided, that nothing in this Chapter shall prevent a regularly licensed druggist, after he/she procures a license therefor, from selling intoxicating liquor in the original package, but not to be drunk or the packages opened on the premises where sold; and provided further, that nothing in this Chapter shall be construed as limiting the right of a physician to prescribe intoxicating liquor in accordance with his/her 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 as above provided.~~

~~G. *Certain Persons May Not Be Supplied Intoxicating Liquors.*~~

1. ~~No licensee or his employee shall sell or supply intoxicating liquor, or permit the same to be sold or supplied, to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor. Intoxicating liquor shall not be given, sold or otherwise supplied to any person under the age of twenty one (21) years, but this shall not apply to the supplying of intoxicating liquor to a person under said age for medicinal purposes only or to the administering of such intoxicating liquor to any person by a duly licensed physician. No person under the age of twenty one (21) years shall sell, or assist in the sale or dispensing of intoxicating liquor except as may be authorized under Section 311.300, RSMo.~~

2. ~~These provisions shall not apply to premises where substantial quantity of foods are served, premises used primarily as a bowling alley or premises with licenses prescribed in Section 311.480, RSMo. For the purpose of this paragraph, "substantial quantities of food" shall mean the amount of prepared meals and food wherefrom at least fifty percent (50%) of the gross income of any establishment has been derived during the three (3) most recent months preceding. Persons under the age of twenty one (21) are restricted from entering premises selling intoxicating liquors, etc., except that a person age sixteen (16) through twenty (20) years may be on said premises if accompanied by a legal guardian, parent or spouse over the age of twenty one (21) years. It shall be unlawful for any licensee holding a sales by drink license for intoxicating liquor or beer, or his employee, agent or servant, to either directly or indirectly suffer or allow a person under the age of twenty one (21) years to enter the premises of said licensee, except that a person age sixteen (16) through twenty (20) years may be on said premises if accompanied by a legal guardian, parent or spouse over the age of twenty one (21) years.~~

~~H. *Prohibiting The Use Of Alcoholic Beverages And Drugs By Any Minor At Open House Parties.*~~

1. ~~No person who is the owner in possession, a tenant or subtenant, or has temporary charge of any residence or premises shall allow an open house party to take place at the residence or premises if any alcoholic beverage or drug is possessed or consumed at the residence or premises by any minor where the person knew or reasonably should have known that any alcoholic beverage or drug was in the possession of or being consumed by a minor at the residence or premises and where the person failed to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug at the residence or premises. The provisions of this Section shall not apply to:
 
  - a. ~~The consumption, use or possession of a drug by a minor pursuant to a lawful prescription for each drug.~~
  - b. ~~Religious observance or prescribed medical treatments.~~~~

- ~~e. The possession by a minor of alcoholic beverages or lawfully prescribed drugs incidental to the lawful employment of such minor.~~
- ~~2. The following definitions shall be used for the provisions of this Section:~~

**ADULT**

~~Person seventeen (17) years of age or older.~~

**ALCOHOLIC BEVERAGE**

~~Any alcoholic liquor as defined now and hereafter by the Revised Statutes of Missouri (RSMo). Currently, "alcoholic liquor" is defined by Section 311.020, RSMo.~~

**CONTROL**

~~Any form of authority, regulation, responsibility or dominion, including a possessory right.~~

**DRUG**

~~A controlled substance as defined and described now or hereafter by the Revised States of Missouri. Currently "controlled substances" are defined and described by Sections 195.005—195.425, RSMo.~~

**MINOR**

~~A person not legally permitted by reason of age to possess, consume or purchase alcoholic liquor as described now or hereafter by the Revised Statutes of Missouri.~~

**OPEN HOUSE PARTY**

~~A social gathering at a residence or premises of persons in addition to the owner or those with rights of possession or their immediate family members at which one (1) or more minors are present.~~

**RESIDENCE OR PREMISES**

~~A motel room, hotel room, home, apartment, condominium or other dwelling unit, including the curtilage of a dwelling unit, or a hall, meeting room or other place of assembly, whether occupied as a dwelling or specifically for social functions and whether owned, leased, rented or used with or without compensation.~~

**600.040 Schedule Of License Fees**

- A. The following categories and subcategories of licenses shall be issued upon compliance with the provisions of this Chapter and payment of the license fee as provided for in the fee schedule found in Section 805.030.
1. *General licenses.*
    - a. Malt liquor.
    - b. Intoxicating liquor (all kinds).
    - c. Malt liquor and light wines.
    - d. Intoxicating liquor (all kinds).
    - e. Common eating and drinking places.
    - f. Wine and brandy manufacturer.
    - g. Microbrewery.
    - h. Liquor manufacturer not otherwise licensed under this Chapter.
    - i. NOTE: Not to exceed Statutory fee limits per Sections 311.180, 311.190 and 311.195, RSMo.
  2. *Sunday sales.* (Additional fees)
    - a. Intoxicating liquor.
    - b. Restaurant bars.
    - c. Amusement places.
    - d. Common eating and drinking places.
    - e. Liquor by the drink — charitable organizations.
  3. *Permits.*

- a. Temporary permit — by the drink for certain organizations (7 days max.).
  - b. Tasting permit.
  - c. Liquor Catering permit
4. Temporary licenses.

Of the license fee to be paid for any such license, the applicant shall pay as many twelfths (12ths) as there are months (part of a month counted as a month) remaining from the date of the license to the next succeeding July first (1st).

**600.50 Application For License And Renewal**

- A. *Filing Of An Application.* Each application for an original or renewal license shall be filed with the BUILDS Department Administrator or their designee on a form to be provided by the City, signed and sworn to by the applicant. Each application shall be accompanied by a proper remittance reflecting the appropriate license fee made payable to the City.
- B. *Qualifications.* Neither the applicant nor any officer, director or shareholder of a corporate applicant shall have been convicted of a felony or of any distribution, sale or possession of any controlled substances or dangerous drugs. The applicant shall present with the application a bona fide sale contract or option duly executed, which may be subject to the applicant obtaining a liquor license, or a bona fide lease duly executed by the lessor, or an option for a lease duly executed, subject to the applicant obtaining a liquor license, covering the property for which a liquor license is requested. If the applicant is a corporation, the petition shall set forth all of the above information with respect to the managing officer or officers, identifying such officer or officers. The application shall further state the full name of the corporation, its date of incorporation, its registered agent and registered address, the names and addresses of all shareholders of the corporation, and whether said corporation operates any other business or controls or is controlled by any other corporation or business, and if so, the application shall further state the name of such controlled or controlling corporation or business, its registered agent and registered address, and the location of all businesses operated by it and the name and address of any such businesses with a liquor license, whether within or without the City; and the application shall also state if such controlling corporation or any controlled corporation is doing business under a fictitious name, and the address where said business is located. The BUILDS Department Administrator or their designee may request such additional information as deemed necessary or appropriate in determining whether or not an application should be granted or denied.
- C. *Review Of Application.* Upon the submission of an application to the City, the BUILDS Department Administrator or their designee shall review the application and all documents filed therewith and approve or deny the application in accordance with the following:
  - 1. License applications shall be reviewed with respect to their proximity to particular established uses at the time of application to ensure that a separation of at least 100 feet exists between any business licensed to sell intoxicating liquor and any previously established school, church, or building regularly used as a place of worship.
    - a. Proximity shall be determined through the following methods:
      - i. When both uses occupy separate land parcels the measurement will start with the nearest entrance of the establishment intending to provide intoxicating liquor and extend to the nearest property line of the established use in question through the most direct possible route.
      - ii. When both uses occupy the same premise the measurement will be taken from the nearest entrance of each use.
      - iii. In circumstances where neither of the above methods apply the determination of proximity shall be made by the BUILDS Department Administrator or their designee.
    - b. If a license applicant obtains the consent, in writing, of the Board of Directors of the school, or the consent, in writing, of the majority of the Managing Board of the church or place of worship then the requirements of Subdivision (1) of this section are waived and shall not be considered grounds for denial of the application.



- c. If the subject location of an application had previously been issued a license which was valid within one (1) year immediately preceding the application for a new license, then the requirements of Subdivision (1) of this section are waived and shall not be considered grounds for denial of the application.
- ~~2. No license shall be granted for the sale of intoxicating liquor within three hundred (300) feet of any school, church or other building regularly used as a place of religious worship, unless the applicant for the license shall first obtain the consent, in writing, of the Board of Directors of the school or hospital, or the consent, in writing, of the majority of the Managing Board of the church or place of worship, except that when a school, church or place of worship shall hereafter be established within three hundred (300) feet of any place of business licensed to sell intoxicating liquor, the license shall not be denied for lack of consent in writing as herein provided. The three hundred (300) feet distance provided for in this Section shall be measured from the center threshold of the main public entrances of such premises by the most direct walking route. No license shall be denied under this Section if a valid license to sell intoxicating beverages had been issued for the same location or address within one (1) year immediately preceding the application for a new license to be issued for the same location.~~
3. The BUILDS Department Administrator or their designee shall not approve the issuance of a license if in the opinion of the issuer extraordinary or unusual circumstances exist which would result in detrimental harm to the surrounding community. In such a circumstance, the matter shall be referred to the City Council for its determination.
4. The BUILDS Department Administrator or their designee shall approve the application and issue a license if after said application is reviewed it is found that:
- a. The applicant is a person of good moral character, a native born or naturalized citizen of the United States of America, a registered voter and a taxpaying citizen of the City;
  - b. No license theretofore issued to such applicant to sell intoxicating liquors has been revoked within two (2) years of the date of the application;
  - c. The applicant has not been convicted since the ratification of the Twenty-First Amendment to the Constitution of the United States of the violation of any law applicable to the sale of intoxicating liquor, or that such applicant has not employed in his/her business any person whose license has been revoked or who has been convicted of violating the provisions of such law since the date aforesaid;
  - d. The applicant plans and proposes to conduct a retail liquor business in compliance with the laws of the State of Missouri, the ordinances of the City and the provisions of this Chapter;
  - e. The provisions of Subdivisions (1) or (2) of this Subsection do not apply.
- D. Upon approval of any application for a license the BUILDS Department Administrator or their designee shall grant the applicant a license to conduct business in the City for a term to expire with the thirtieth (30th) day of June next succeeding the date of such license, unless such license be revoked or suspended for cause before the expiration of such time.
- E. Applications for renewal of licenses must be filed on or before the first (1st) day of May of each calendar year. The BUILDS Department Administrator or their designee shall review such renewal applications in accordance with the provisions of this Chapter and all other ordinances of the City which may affect any such renewal application. Upon being satisfied that the renewal application is proper and in order and upon payment of the appropriate license fee, the BUILDS Department Administrator or their designee shall renew the license.

#### **600.060 Minors**

- ~~A. Persons Eighteen Years Of Age Or Older May Sell Or Handle Liquor Or Beer, When.~~
- ~~1. Except as otherwise provided in this Section, no person under the age of twenty one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor.~~
  - ~~2. In any place of business licensed in accordance with this Chapter, persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or~~

~~scanner connected to a cash register, accept payment for, and sack for carry out intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of twenty one (21) years. 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 non-alcoholic sales, have an employee twenty one (21) years of age or older on the licensed premises during all hours of operation.~~

~~3. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty one (21) years of age to mix or serve across the bar, intoxicating beverages.~~

~~B. Sales To Minor — Exceptions. No licensee, his/her employee, or any other person, shall procure for, sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty one (21) years, except that this Section shall not apply to the parent or guardian of the minor nor to the supplying of intoxicating liquor to a person under the age of twenty one (21) years for medical purposes only, or to the administering of such intoxicating liquor to such person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this Chapter solely due to a conviction for unlawful sale or supply to a minor while serving in the capacity as an employee of a licensed establishment.~~

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

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

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

~~D. Minors In Possession Of Intoxicating Liquor. Any person under the age of twenty one (21) years, who purchases or attempts to purchase, or has in his/her possession, any intoxicating liquor as defined in Section 600.010, or who is visibly intoxicated as defined in Section 577.001, RSMo., or has a detectable blood alcohol content of more than two hundredths of one percent (0.02%) or more by weight of alcohol in such person's blood is in violation of this Section. For purposes of prosecution under this Section, a manufacturer sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was no intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.~~

### **600.070 Miscellaneous Offenses**

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

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

~~C. Unlawful To Sell Unlabeled Liquor — Penalty. It shall be unlawful for any person to sell any intoxicating liquor which has not been inspected and labeled according to the provisions of the~~

~~Liquor Control Law of Missouri, and any such person upon conviction shall have his/her license revoked and shall be ineligible to receive any subsequent liquor license for a period of two (2) years thereafter.~~

- ~~D. *Only Those Liquors Authorized By License To Be Kept On Premises.* It shall be unlawful for any licensee licensed for the sale of intoxicating liquor at retail by the drink for consumption on the premises to keep in or upon the premises described in such license any intoxicating liquor other than the kind of liquor expressly authorized to be sold by such licensee or any kind of liquor used exclusively as an ingredient in any foods being prepared and sold on the premises.~~
- ~~E. A. *Off-Premises Consumption.*~~
- ~~1. No licensee shall sell intoxicating liquor at retail in the original package, not to be consumed on the premises where sold, in any original package containing less than fifty (50) milliliters.~~
  - ~~2. No licensee shall permit any person to remove from the licensed premises any intoxicating liquor in any unsealed glass, bottle, can or other open container of any type.~~
  - ~~3. All licensees shall post a notice at each exit of the premises which is used by customers or patrons that "NO ALCOHOLIC BEVERAGES MAY BE CARRIED IN AN OPEN CONTAINER OUT OF THIS BUILDING".~~
- ~~F. B. *Drinking In Public Places Prohibited.*~~
- ~~1. For purposes of this Section, the term "public place" shall mean any public street, highway, alley, sidewalk, thoroughfare or other public way of the City, or any parking lot.~~
  - ~~2. No person shall drink or ingest any intoxicating liquor in or on any public place.~~
  - ~~3. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor while in or upon any public place.~~
  - ~~4. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor while within or on any motor vehicle while the same is being operated upon, or parked or standing in or upon, any public place. Any person operating a motor vehicle shall be deemed to be in possession of an open container contained within the motor vehicle he/she has control of whether or not he/she has actual physical possession of the open container.~~
- ~~G. *Live Entertainment On Premises Prohibited.* No person licensed for the sale of intoxicating liquor by the drink for consumption on the premises shall permit or allow any live entertainment on the premises. The playing and singing of music solely shall not be considered entertainment under this Section.~~
- ~~H. *Window Displays.* Licensees shall not place or permit the placing of any object on or within the windows of premises covered by licenses which shall impede or obstruct vision from the exterior into the interior. This prohibition shall include illuminated signs, floral decorations, posters, placards, paintings or writings and all other similar devices or designs. In case venetian blinds are used in windows, slats shall be removed entirely across the blind so as to make a visible space beginning at four (4) feet from the sidewalk, and extending six (6) feet above the sidewalk, if the venetian blinds are kept closed. If the venetian blinds are kept open, it shall not be necessary to remove slats provided the slats at all times shall be adjusted horizontally so that the flat surfaces of the seats are parallel with the floor of the licensed premises. If curtains are used, they must be drawn apart so as to permit a clear view into the interior of the premises.~~
- ~~I. *Notice To Police By Retail Licensee Of Certain Conditions.* Each retail licensee under this Chapter or an employee of the licensee shall notify the Police Department of all conditions which would make the licensed premises not be an orderly place or house that they are unable to immediately cause to cease, and shall also notify immediately the Police Department of the occurrence of any assault or any other act of violence upon their premises.~~

EXPLANATION(S) - Matter in underlined type in the above is added language. Matter in strikethrough in the above is deleted.

**Section 2:** The City Administrator or his/her designee, on behalf of the City, is authorized to take the necessary steps to execute this Ordinance.

**Section 3:** The WHEREAS clauses above are specifically incorporated herein by reference.

**Section 4:** This Ordinance shall take effect and be in force from and after its passage as provided by law.

**Section 5:** The provisions of this Ordinance are severable, and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Republic, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Matt Russell, Mayor

**Attest:**

\_\_\_\_\_  
Laura Burbridge, City Clerk

**Approved as to Form:**

*Megan E. McCullough*  
\_\_\_\_\_  
Megan McCullough, City Attorney