

Chapter 3

ALCOHOLIC BEVERAGES*

- Art. I. In General, §§ 3-1-3-20**
Art. II. Intoxicating Liquor, §§ 3-21-3-80
Div. 1. Generally, §§ 3-21-3-45
Div. 2. License, §§ 3-46-3-80
Art. III. Nonintoxicating Beer, §§ 3-81-3-126
Div. 1. Generally, §§ 3-81-3-110
Div. 2. License, §§ 3-111-3-126

ARTICLE I. IN GENERAL

Sec. 3-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

Alcoholic beverages means intoxicating liquors, malt liquor and nonintoxicating beer.

Closed place means a place where all doors are locked and where no patrons are in the place or about the premises.

Hotel means every building or other structure kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are furnished for pay to transient or permanent guests, in which ten (10) or more rooms are furnished for the accommodation of such guest, whether with or without meals, as evidenced by a license duly issued to the person owning, keeping, using, maintaining, advertising or holding out such place to the public to be a place where such accommodations are furnished; provided, however, the excise commissioner shall be sat-

***Cross references**—Court, Ch. 7; food and food handlers, Ch. 10; possession of alcoholic beverages on premises of dance halls prohibited, § 13-499; offenses and miscellaneous provisions, Ch. 16; police, Ch. 18; *streets and sidewalks*, Ch. 20; driving while intoxicated, § 21-282.

State law references—Liquor control law, RSMo Ch. 311; municipal authority to require a liquor license, RSMo 311.220.

Wholesale liquor dealing agent means any person who solicits, receives or takes orders for the purchase and delivery of any intoxicating liquor to any person in the city for resale to other persons.

(Code 1980, § 4-1)

Cross reference—Definitions and rules of construction generally, § 1-2.

State law reference—Similar provisions, RSMo 311.020, 311.100, 311.200(2), 312.010(3).

Sec. 3-2. Purchase, possession by minors.

Each and every person under the age of twenty-one (21) years is hereby forbidden to purchase or attempt to purchase, or to have in his possession any intoxicating liquors as defined in RSMo 311.020 or any nonintoxicating beer as defined in RSMo 312.010.

(Code 1980, § 4-2)

State law reference—Possession by minors, RSMo 311.325, 312.407.

Sec. 3-3. Consumption in public.

Any person who shall purchase or otherwise obtain any beer, wine, liquor or any spirituous or malt liquors of any percentage of alcohol and drink the same in any park, street, alley, thoroughfare or public or in the front of any building, residential or commercial, shall be charged with consumption in public.

(Code 1980, § 4-3; Ord. No. 872, § 2a, 6-1-94)

Sec. 3-4. Druggists may sell and physicians prescribe.

Any druggist may have in his possession alcoholic beverages purchased by him from a licensed vendor under a license pursuant to this chapter, or alcoholic beverages lawfully acquired at the place of acquisition and legally transported into this state, and lawfully inspected, gauged and labeled, as provided for in this chapter; such alcoholic beverages to be used in connection with the business of the druggist, in compounding medicines or as a solvent or preservative; provided, however, nothing in this chapter shall prevent a regularly licensed druggist, after he procures a license therefor in compliance with this chapter, from selling alcoholic beverages in the original packages, but not to be drunk or the packages opened on the premises where sold; and nothing in this chapter shall be construed as limiting the right of a

ified by such proof as he may demand that such building or other structure is being actually kept, used and maintained as a hotel.

Intoxicating liquor means alcohol for beverage purposes, alcoholic, spirituous, vinous or fermented, malt and any 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 three and two-tenths (3.2) percent of alcohol by weight.

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 in excess of three and two-tenths (3.2) percent by weight and not in excess of five (5) percent by weight.

Nonintoxicating beer means 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, and having an alcoholic content of not less than one-half of one (1) percent by volume nor exceeding three and two-tenths (3.2) percent by weight.

Original package means any package containing three (3) or more standard bottles of beer or a package or container containing a quantity of fifty (50) milliliters or more of intoxicating liquor in the manufacturer's original package. With reference to nonintoxicating beer, the term "original package" shall mean and include any package containing three (3) or more of any size bottles or any other container when such bottles or containers contain nonintoxicating beer, as defined in this section.

Premises means the entire building in which the licensee has his place of business and any additional building used in connection therewith, and the entire lot or lots, parcel or parcels, of land on which such buildings are situated or which are used in connection with such building.

Restaurant means every place where the greater volume in value of business transacted in such place is represented by food sold for consumption in the place where such business is conducted.

out, alcoholic beverages. Delivery of alcoholic beverages away from the licensed premises cannot be performed by any minor. (Code 1980, § 4-22)

State law reference—Sale by minors, RSMo 311.300.

Secs. 3-8–3-20. Reserved.

ARTICLE II. INTOXICATING LIQUOR*

DIVISION 1. GENERALLY

Sec. 3-21. Hours of sale.

No person having a license under the provisions of this article, nor any employee of such person shall sell, give away or otherwise dispose of or suffer the same to be done upon or about his premises any intoxicating liquor 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, or upon the day of any general, special or primary election, either national, state, county or municipal, held in the city, except in the elections where no candidate for public office is being nominated or elected, and if such person has a license to sell intoxicating liquor by the drink, his premises shall be and remain a closed place upon the day of any general, special or primary election, either national, state, county or municipal held within the city, except in elections where no candidate for public office is being nominated, and 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 12:00 midnight Sunday; provided that the sale of intoxicating liquor may be resumed and the premises reopened on any such election day after the expiration of thirty (30) minutes next following the hour of time fixed by law for the closing of the polls at any such election, and provided further that where such licenses authorizing the sale of intoxicating liquor by the drink are held by clubs or hotels this section shall apply only to the room or rooms in which intoxicating liquor is dispensed and provided further that where such licenses are held by restaurants whose business is conducted in one (1) room

**State law reference*—Intoxicating liquors, RSMo Ch. 311.

physician to prescribe alcoholic beverages in accordance with his professional judgment for any patron at any time, or of a druggist to sell alcoholic beverages to a person on prescription from a regularly licensed physician as above provided.

(Code 1980, § 4-4)

State law reference—Druggist may sell, physicians prescribe liquor, RSMo 311.470.

Sec. 3-5. Misrepresentation of age.

Any person of the age of seventeen (17) years and under the age of majority who shall represent that he has attained the age of majority for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor or nonintoxicating liquor or nonintoxicating beer, except in cases authorized by law, shall upon conviction be deemed guilty of an offense.

(Code 1980, § 4-5)

State law reference—Misrepresentation of age, RSMo 311.320, 312.405.

Sec. 3-6. Sale to certain persons restricted.

No person or his employees shall sell or supply alcoholic beverages or permit the same to be sold or supplied to an habitual drunkard or to any person who is under or apparently under the influence of alcohol. Alcoholic beverages shall not be given, sold or otherwise supplied to any minor, but this shall not apply to the supplying of alcoholic beverages under such purposes or to the administering of alcoholic beverages to such person by a physician.

(Code 1980, § 4-21)

State law reference—Sale to certain persons restricted, RSMo 311.310, 312.400.

Sec. 3-7. Sale by minors.

(a) Except as otherwise provided by this section, no minor shall sell or assist in the sale or dispensing of alcoholic beverages.

(b) In any drugstore, cigar and tobacco store, a general merchandise store, a confectionery or delicatessen, or grocery store licensed for the sale of alcoholic beverages, where at least fifty (50) percent of the gross sales made consist of goods, wares, merchandise or commodities other than alcoholic beverages in the original package, persons at least eighteen (18) years of age may stock, arrange displays, accept payment for and sack, for carry

such license any intoxicating liquor except of the character and kind expressly authorized to be sold by such particular license.
(Code 1980, § 4-20)

Sec. 3-25. Sale to minors.

It shall be unlawful for any licensee under the provisions of this article to sell, give or otherwise provide any intoxicating liquor to any minor.

(Code 1980, § 4-23)

State law reference—Similar provisions, RSMo 311.310.

Sec. 3-26. Display restricted.

It shall be unlawful for any licensee under the provisions in this article to display in any street window or show window any intoxicating liquor or any package, bottle or container bearing the label or brand of any intoxicating liquor.

(Code 1980, § 4-24)

State law reference—Similar provisions, RSMo 311.350.

Secs. 3-27—3-45. Reserved.

DIVISION 2. LICENSE*

Sec. 3-46. Required.

(a) It shall be unlawful for any person to sell or expose for sale in this city intoxicating liquor, in any quantity, without taking out a license from the city. A separate license shall be taken out for each of the following classes of sales of intoxicating liquors in which the licensee desires to engage:

- (1) Sales of all kinds of intoxicating liquors in the original package not to be consumed on the premises where sold.
- (2) Sales of malt liquor containing alcohol in excess of three and two-tenths (3.2) percent by weight and not in excess of five (5) percent by weight by grocers and other merchants and dealers for sale in the original package direct to con-

*Cross reference—Licenses and taxation, Ch. 13.

only and substantial quantities of food and merchandise other than intoxicating liquor are dispensed, then the licensee shall keep securely locked during the hours and on the day herein specified all refrigerators, cabinets, cases, boxes and taps from which intoxicating liquor is dispensed; provided further that any restaurant-bar which qualifies as such under RSMo 311.097, and which has made application therefor and obtained a license by paying the required additional fee, shall be able to sell intoxicating liquor between the hours of 1:00 p.m. and 12:00 midnight on Sundays, by the drink at retail for consumption on the premises.

(Code 1980, § 4-17)

State law reference—Similar provisions, RSMo 311.290.

Sec. 3-22. Sales by manufacturer, wholesaler, etc.—Generally.

It shall be unlawful for any manufacturer, distiller, brewer or wholesale dealer in intoxicating liquor, either directly or indirectly, to sell or deliver intoxicating liquor of any kind to any person in the city not licensed under the provisions of this article to sell intoxicating liquors at retail.

(Code 1980, § 4-18)

Sec. 3-23. Same—Reports.

It shall be the duty of the holder of a license authorizing the manufacture of intoxicating liquors or the sale of same at wholesale, when requested, to file in the office of the excise commissioner a sworn statement showing the total amount of intoxicating liquors sold and to whom sold by such licensee during the period specified in such request. Every such statement shall be signed and sworn to by the holder of such license, if an individual, or by some authorized officer, if such holder be a corporation.

(Code 1980, § 4-19)

Sec. 3-24. Secreting prohibited liquors on premises.

It shall be unlawful for the holder of any license for the sale of any intoxicating liquor to keep or secrete, or to allow any other person to keep or secrete, in or upon the premises described in

sumer but not for resale and not for consumption on the premises where sold.

- (3) Sales of malt liquor containing alcohol not in excess of five (5) percent and more than three and two-tenths (3.2) percent by weight at retail by the drink for consumption on the premises where sold, which license shall also permit the holder to sell nonintoxicating beer.
- (4) Sales of intoxicating liquor of all kinds at retail by the drink for consumption on the premises where sold, including the sale of intoxicating liquors in the original package.

(b) Each license shall apply to the class for which issued, and it shall be unlawful to sell or expose for sale any intoxicating liquor except in the manner authorized in the license held by the licensee as issued under the provisions of this division.

(Code 1980, § 4-31)

State law reference—License required, RSMo 311.050.

Sec. 3-47. Qualifications.

No person shall be granted a license under the provisions of this division unless such person is of good moral character and a qualified legal voter and a taxpaying citizen of the state; and no person shall be granted a license or permit hereunder whose license as such dealer has been revoked, or who has been convicted since the ratification of the Twenty-first Amendment to the Constitution of the United States, of the violations of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs or has employed in his business, as such dealer, any person whose license has been revoked or who has been convicted of violating the provisions of any such law since the date aforesaid.

(Code 1980, § 4-32)

State law reference—Similar provisions, RSMo 311.060.

Sec. 3-48. Application generally.

Application for license to sell intoxicating liquors under the provisions of this division shall be filed with the city clerk and

ALCOHOLIC BEVERAGES

§ 3-51

- (3) For the sale by a wholesaler to a person duly licensed to sell at retail intoxicating liquor:
 - a. Containing not more than five (5) percent of alcohol by weight 75.00
 - b. Containing not more than twenty-two (22) percent of alcohol by weight 150.00
 - c. Of all kinds 375.00

- (4) For the manufacture in quantities not exceeding seventy-five thousand (75,000) gallons of light wines containing not more than eighteen (18) percent of alcohol by weight exclusively from grapes, berries and other fruits and vegetables grown in the state, for each five hundred (500) gallons or fraction thereof 7.50

A manufacturer hereunder may sell directly to the consumer at the winery in lots not exceeding five (5) gallons, and to duly licensed wholesalers and retailers in lots of five (5) gallons or more.

- (5) For the sale at retail of intoxicating liquors for consumption off the premises in connection with a drugstore, a grocery store, a cigar and tobacco store, a general merchandise store, a confectionery or delicatessen, or a store having and keeping a stock of goods valuing at least one thousand dollars (\$1,000.00), exclusive of fixtures and intoxicating liquors 150.00

- (6) For the sale of malt liquor by grocers and other merchants and dealers in the original package direct to consumers, but not for resale 22.50

This license shall also permit the sale of nonintoxicating beer in the original package direct to consumers, but not for resale.

- (7) For the sale of malt liquor by the drink for

shall be on forms to be furnished by the clerk and signed and sworn to by the applicant.
(Code 1980, § 4-33)

Sec. 3-49. Special requirements for on-premises license.

(a) No license for the sale of all kinds of intoxicating liquors at retail by the drink for consumption on the premises where sold shall hereafter be transferred to a new location, nor shall any such original licenses be hereafter issued to an applicant therefor unless a petition shall be filed with the application, which petition must be signed by two-thirds of the assessed taxpaying citizens owning property and also by two-thirds of the persons occupying or conducting any business on the main or surface floor of buildings within a distance of one hundred (100) feet from the proposed location in all directions within the city.

(b) Any license for the sale of all kinds of intoxicating liquors by the drink for consumption on the premises, whether heretofore or hereafter issued, may be renewed from year to year, unless a majority of the assessed taxpaying citizens owning property or occupying or doing business on the ground floor of buildings within one hundred (100) feet of such applicant's place of business, within the city, shall file a written protest against the renewal or further renewal of such license.

(c) No license shall be issued in any event where the place within such license is to be effective is located within one hundred (100) feet of the outside perimeter of any property occupied by any church, school, public playground or place of public assembly within the city.

(Code 1980, § 4-34; Ord. No. 809, § 1, 9-5-90)

Sec. 3-50. Limitation of number.

(a) No license for sale of any and all kinds of intoxicating liquor by the drink for consumption on the premises shall be granted or issued as provided for when the granting thereof will increase the number of such licenses outstanding and in force to that of more than two (2) for each one thousand (1,000) inhabitants or fraction thereof residing within the city.

consumption on the premises where sold . . . 52.50

This license shall also permit the sale of nonintoxicating beer by the drink for consumption on the premises where sold.

(8) For the sale of all kinds of intoxicating liquor, by the drink for consumption on the premises where sold 500.00

This license shall also permit the sale of intoxicating liquor in the original package.

(Code 1980, § 4-36; Ord. No. 760, § 1, 5-4-88; Ord. No. 853, §§ 1, 2, 12-16-92)

State law references—Amount of state fees, RSMo 311.180—311.200; amount charged by city regulated, RSMo 311.220.

Sec. 3-52. Proration of fees.

Of the license tax to be paid for any license required by the provisions of this division, the applicant for an initial license shall pay as many twelfths as there are months or fraction of a month remaining from the date of the license to the next succeeding July thirty-first.

(Code 1980, § 4-37)

Sec. 3-53. Fees in lieu of other taxes.

The fees to be charged under the provisions of this division shall be taken in lieu of the proportionate part of any merchant's license fee and ad valorem tax for stock and sales of intoxicating liquors and the aggregate amount of sales thereof made by any licensee hereunder shall not be returned by such merchant for purposes of merchant's license or ad valorem tax, nor shall such stock or sales be included in the computation of any merchant's license or ad valorem tax.

(Code 1980, § 4-38)

Sec. 3-54. Disposition of fees.

All fees collected pursuant to the provisions of this division shall be accounted for and paid into the city treasury as other funds collected by the city are accounted for and paid.

(Code 1980, § 4-39)

(b) No license for the sale of any and all kinds of intoxicating liquor in the original package not to be consumed on the premises where sold shall be issued or granted pursuant to when the granting thereof will increase the number of such licenses outstanding and in force at that time to more than two (2) for each one thousand (1,000) inhabitants or fraction thereof residing within the city.

(c) Nothing in subsection (a) or (b) of this section shall be construed to require the cancellation or invalidation of or as prohibiting the regular annual renewal of any license outstanding as of December 1, 1976, to the present owners thereof, or to any person who may subsequently acquire the business at the location now operated by the present holders of such licenses.
(Code 1980, § 4-35; Ord. No. 810, § 1, 9-5-90)

Sec. 3-51. Fees for liquor licenses.

Before any license shall be issued for the manufacture or sale of intoxicating liquors in the city, the applicant therefor shall pay to the city a fee as follows:

- (1) For the manufacturing, brewing, distilling or blending of intoxicating liquors:
 - a. Containing not more than five (5) percent of alcohol by weight \$300.00
 - b. Containing not more than twenty-two (22) percent of alcohol by weight..... 150.00
 - c. Of all kinds 300.00

- (2) For selling to duly licensed wholesalers and soliciting orders for the sale by or through a duly licensed wholesaler of intoxicating liquors:
 - a. Containing not more than five (5) percent of alcohol by weight 75.00
 - b. Containing not more than twenty-two (22) percent of alcohol by weight..... 150.00
 - c. Of all kinds 375.00

tion while containing such nonintoxicating beer, been labeled and sealed as provided by this article and the regulations made hereunder.

(Code 1980, § 4-59)

State law reference—Similar provisions, RSMo 312.160.

Sec. 3-82. Labeling required—Generally.

It shall be unlawful for any person to sell or offer for sale in the city any nonintoxicating beer except the same shall be sold or offered for sale in the original bottle or in the original package containing bottles bearing the original label and full name of the brewer or manufacturer thereof both upon the label, upon the bottle, and upon the cap or cork of such bottle, or in the case of the sale of nonintoxicating beer or draft except the same be drawn from the original keg or barrel having stamped on the end thereof the full name of the manufacturer or brewer or the nonintoxicating beer contained therein.

(Code 1980, § 4-60)

State law reference—Similar provisions, RSMo 312.300.

Sec. 3-83. Same—Manufacturers, brewers.

It shall be the duty of every manufacturer or brewer manufacturing or brewing nonintoxicating beer in the city, and of every manufacturer or brewer, distributor, or wholesaler outside of the city, shipping nonintoxicating beer into the city for sale therein at wholesale or retail, to cause every bottle, barrel, keg or other container of such nonintoxicating beer to have on the label thereon, in plain letters and figures, "alcoholic content not in excess of three and two-tenths (3.2) percent by weight" or "alcoholic content not to have an alcoholic content in excess of three and two-tenths (3.2) percent by weight," and the sale in the city shall be subject to all of the regulations and penalties for the sale of beer having alcoholic content in excess of three and two-tenths (3.2) percent by weight.

(Code 1980, § 4-61)

Sec. 3-84. Report from transportation companies.

Every railroad company, express company, airplane company, motor corporation or other transportation company and every

Sec. 3-60. Duration.

Each license issued under the provisions of this division shall expire on the thirty-first day of July next succeeding the date of such license.

(Code 1980, § 4-45)

Sec. 3-61. Renewals.

Any license issued under the provisions of this division may be renewed upon its expiration upon the payment of the fee required by this division; provided, the excise commissioner is satisfied that the conditions under which the license was originally issued still obtain.

(Code 1980, § 4-46)

Sec. 3-62. Revocation, suspension.

Any license issued under the provisions of this division may be suspended or revoked by the city council for the violation by the licensee, his agents or employees, of any applicable provision of this Code, state law or city ordinance, rule or regulation; provided, however, that such licensee shall first be given notice and hearing, at which hearing the licensee may have counsel and produce witnesses in his behalf.

(Code 1980, § 4-47)

Secs. 3-63–3-80. Reserved.

ARTICLE III. NONINTOXICATING BEER*

DIVISION 1. GENERALLY

Sec. 3-81. Possession generally.

No person shall possess nonintoxicating beer within the city, unless the same has been acquired from some person duly authorized to sell the same, and the package in which such nonintoxicating beer is contained and from which it is taken for consump-

*State law reference—Nonintoxicating beer, RSMo Ch. 312.

Sec. 3-55. Issuance.

Upon the filing of any application for a license under the terms of this division, such application shall be presented to the city council at its next regular meeting or special meeting; and upon approval of such application by a majority of the council, and upon payment of the license tax herein provided for, the city clerk shall issue a license to such applicant to conduct business in the city until July thirty-first next following its issuance.
(Code 1980, § 4-40)

Sec. 3-56. Separate license for separate premises.

A separate license shall be required for each place of business operating under the provisions of this division.
(Code 1980, § 4-41)

Sec. 3-57. Contents.

Every license issued under the provisions of this division 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.
(Code 1980, § 4-42)

Sec. 3-58. Transfer.

No license issued under the provisions of this division shall be transferable or assignable.
(Code 1980, § 4-43)

Sec. 3-59. Display.

All licenses issued pursuant to the provisions of this division shall be kept conspicuously posted in the place for which such license was issued.
(Code 1980, § 4-44)

person who shall transport any nonintoxicating beer into the city and deliver the same to any person therein, shall when requested, furnish to the city clerk a duplicate bill of lading or receipt for such nonintoxicating beer, showing the name of the consignor and consignee, dated, place received, and quantity of nonintoxicating beer. Any such corporation or other person failing to comply with the requirements of this section shall be punished as provided in section 1-9 of this Code.

(Code 1980, § 4-62)

Sec. 3-85. Dilution with intoxicants.

It shall be the duty of every holder of a license issued under this article to manufacture and sell or to sell, nonintoxicating beer, to use every precaution to prevent any person on the premises described in such license, from pouring into, mixing with, or adding to such nonintoxicating beer, and alcohol or other liquid, or any alcohol cubes or other ingredient or ingredients that will increase, to tend to increase, the alcoholic content of such nonintoxicating beer.

(Code 1980, § 4-63)

State law reference—Similar provisions, RSMo 312.460.

Sec. 3-86. Prohibited interests.

Brewers or manufacturers of nonintoxicating beer, or the employees, officers, agents, subsidiaries or affiliates thereof shall not under any circumstances, directly or indirectly, have any financial interest in the retail business for the sale of such nonintoxicating beer, nor shall they, directly or indirectly alone, give away or furnish equipment, money, credit or property of any kind, except ordinary commercial credit, for such nonintoxicating beer sold to such retailers. All contracts entered into between such brewers or manufacturers or officers, or employees, directors or agents, in any way concerning any of their products, obligating any such retail dealer to buy or sell the major part of such products required by such brewer or manufacturer, shall be void, and proof of the execution of such contract shall be grounds for revoking the license of both the vender and the vendee.

(Code 1980, § 4-64)

State law reference—Similar provisions, RSMo 312.060.

Sec. 3-91. Monthly report.

It shall be the duty of each holder of a license authorizing the manufacture and sale or sales at wholesale of nonintoxicating beer on or before the fifth day of each calendar month, to file in the office of the city clerk a sworn statement showing the amount of nonintoxicating beer manufactured and sold, or sold, and to whom sold, during the next preceding calendar month.

(Code 1980, § 4-69)

Secs. 3-92–3-110. Reserved.**DIVISION 2. LICENSE*****Sec. 3-111. Required.**

It shall be unlawful for any person in the city to manufacture or brew or sell nonintoxicating beer, either at wholesale or at retail in the original package or by the drink to be consumed on the premises where sold without having first obtained a license authorizing such brewing, manufacturing and sale, or sale.

(Code 1980, § 4-76)

Sec. 3-112. Intoxicating liquor licensees.

Any person holding a license to sell intoxicating liquors at retail, either in the original package or by the drink to be consumed on the premises where sold, may sell on the premises described in such license nonintoxicating beer without obtaining the license required by this division.

(Code 1980, § 4-77)

Sec. 3-113. Application generally.

All applications for licenses required by the provisions of this division shall be addressed and delivered to the city, together with such supporting proofs as may be herein required or called for by any rule, regulation, order or directive of the city council.

(Code 1980, § 4-78)

*Cross reference--Licenses and taxation generally, Ch. 13.

license fees are fixed in this division shall be issued except upon the payment of the required license fee.

(Code 1980, § 4-84)

Sec. 3-120. Construction of licenses.

(a) A license to brew or manufacture nonintoxicating beer within the city shall be construed to authorize the sale by the holder of such license of such nonintoxicating beer to distributors and wholesalers for resale to retailers only, or direct to retailers.

(b) A license authorizing any distributor or wholesaler to sell nonintoxicating beer within the city shall be construed to authorize the sale thereof only to persons authorized to sell nonintoxicating beer to consumers not for resale.

(c) No license, either to brew or manufacture or to sell at wholesale, shall be construed to authorize the sale by the holder of any such license of nonintoxicating beer direct to consumers.

(d) Any license issued under the provisions of this division authorizing the sale of nonintoxicating beer at retail for consumption on the premises described in such license shall be construed to authorize the sale of such nonintoxicating beer by the bottle, by the glass, on draught, and in the original package.

(e) Any license issued under the provisions of this division authorizing the sale of nonintoxicating beer in the original package shall not be construed so as to allow the original package to be broken or any such beer to be consumed at, in or upon the premises where sold, and any such licensee suffering or permitting the same to be done shall be deemed guilty of a violation of this chapter.

(Code 1980, § 4-85)

Sec. 3-121. Separate license for separate premises.

A separate license shall be issued for each place of business and no person, nor the agent or employee of any person in any capacity, shall sell nonintoxicating beer in any other place than that designated in the license.

(Code 1980, § 4-86)

State law reference—Similar provisions, RSMo 312.110.

Sec. 3-114. Qualifications.

No person shall be granted a license under the provisions of this division unless such person is of good moral character and a qualified legal voter and a taxpaying citizen of the state, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the state. No person shall be granted a license hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of the Twenty-first Amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor or nonintoxicating beer, or who employs in his business as such dealer any person whose license has been revoked or who has been convicted of violating such law since the date aforesaid. Provided, nothing contained in this section shall prevent the issuance of licenses to nonresidents of this state or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of nonintoxicating beer, to, by or through a duly licensed wholesaler, within the city.

(Code 1980, § 4-79)

State law reference—Similar provisions, RSMo 312.040.

Sec. 3-115. Fees for beer licenses.

Before any license shall be issued for the manufacture or sale of nonintoxicating beer in the city, the applicant therefor shall pay to the city a fee as follows:

- | | |
|---|----------|
| (1) For the manufacture, and the sale by the manufacturer, of nonintoxicating beer brewed or manufactured in this state | \$375.00 |
| (2) For the sale by any distributor or wholesaler, other than the manufacturer or brewer thereof | 75.00 |
| (3) For the sale for consumption on the premises where sold | 37.50 |
| (4) For the sale by grocers and other merchants and dealers in the original package direct to consumers, but not for resale | 22.50 |

(5) For sale to duly licensed wholesalers and so-
 liciting orders for the sale..... \$ 75.00
 (Code 1980, § 4-80)

State law references—Amount of state fees, RSMo 312.100; amount charged by city regulated, RSMo 312.140.

Sec. 3-116. When fees due and payable.

The annual fees payable under the provisions of this division shall be due and payable in advance on the first day of August of each year; provided, that the fees for licenses issued after the first day of August in any year shall be, for the part of the year then remaining, one-twelfth of the annual fee for each month or part thereof from the date of issuance to the first day of July thereafter.

(Code 1980, § 4-81)

Sec. 3-117. In lieu of other fees.

The fees to be charged under the provisions of this division shall be taken in lieu of the proportionate part of any merchant's license fee for stock and sales of nonintoxicating beer, and the value of stocks of nonintoxicating beer, and the aggregate amount of sales thereof made by any licensee hereunder shall not be returned by such merchant for the purpose of merchant's license, nor shall such stock or sales be included in the computation of any merchant's license tax.

(Code 1980, § 4-82)

Sec. 3-118. Disposition of fees upon revocation.

In the event that any license issued under the provisions of this division shall be revoked for any cause as hereinafter provided, no portion of the license fee paid therefor shall be refunded.

(Code 1980, § 4-83)

Sec. 3-119. Issuance.

All licenses issued pursuant to the provisions of this division shall be issued by the city clerk, but no license shall be issued by such city clerk except with the approval of the council given at a regular or special meeting of the council, and no license for which

Sec. 3-122. Secreting intoxicating liquor at premises.

No person holding a license issued pursuant to the provisions of this division to sell nonintoxicating beer at retail either in the original package or for consumption on the premises shall have or keep, or secrete, on or about the premises described and covered by such license, any intoxicating liquor of any kind and character nor shall any manufacturer or wholesaler distribute or sell any intoxicating liquor of any character, containing alcohol in excess of three and two-tenths (3.2) percent by weight to any person holding a license issued pursuant to the provisions of this division to sell nonintoxicating beer only, either in the original package or to be consumed on the premises where sold.

(Code 1980, § 4-87)

State law reference—Similar provisions, RSMo § 312.430.

Sec. 3-123. Renewals.

Any license issued under the provisions of this division may be renewed upon its expiration upon the payment of the fees therefor, provided the city clerk is satisfied that the conditions under which the license was originally issued still obtain.

(Code 1980, § 4-88)

Sec. 3-124. Transfer.

No license issued under this division shall be transferable or assignable.

(Code 1980, § 4-89)

State law reference—Similar provisions, RSMo 312.130.

Sec. 3-125. Display.

All licenses issued pursuant to the provisions of this division shall authorize the sale of nonintoxicating beer only at the place described in such license, and all such licenses shall be kept conspicuously posted in the place for which the license was issued.

(Code 1980, § 4-90)

Sec. 3-126. Revocation, suspension.

Any license issued under the provisions of this division may be suspended or revoked by the city council for the violation by the

Sec. 3-87. Hours of sale.

No person having a license under the provisions of this article shall sell, give away or otherwise dispose of or suffer the same to be done upon or about his premises any nonintoxicating beer in any quantity between the hours of 1:30 a.m. and 6:00 a.m. weekdays and between the hours of 1:30 a.m. and 9:00 a.m. Sundays. (Code 1980, § 4-65)

State law reference—Similar provisions, RSMo 312.410.

Sec. 3-88. Sale on election days.

No person having a license under the provisions of this article shall sell, give away or otherwise dispose of or suffer the same to be done upon or about his premises, any nonintoxicating beer in any quantity upon the day of any general, special or primary election in this state or upon any county, township, city, town or municipal election day; provided, the sale of such nonintoxicating beer may be resumed on any such election day after the expiration of thirty (30) minutes next following the hour, or time, fixed by law for the closing of the polls at such election.

(Code 1980, § 4-66)

Sec. 3-89. Gambling prohibited.

No place wherein nonintoxicating beer is sold at retail by the drink shall have any gambling or gambling device whatsoever, and no place where nonintoxicating beer is sold therein shall have therein any tables concealed or enclosed in private rooms or by partitions or rooms.

(Code 1980, § 4-67)

Sec. 3-90. Employment of minors.

Any person holding a license to sell nonintoxicating beer by the drink at retail, who shall suffer or permit any child under the age of eighteen (18) years to be employed or work in, or in connection with any entertainment or cabinet conducted in any place where nonintoxicating beer is sold by the drink at retail shall be punished as provided in section 1-9 of this Code.

(Code 1980, § 4-68)

State law reference—Similar provisions, RSMo 311.300.

licensee, his agents or employees, of any applicable provision of this Code, state law or city ordinance, rule or regulation; provided, however, that such licensee shall first be given notice and hearing, at which hearing the licensee may have counsel and produce witnesses in his behalf.

(Code 1980, § 4-91)