

AN ORDINANCE OF THE CITY OF WILDWOOD, MISSOURI, AMENDING TITLE VI OF THE CODE OF ORDINANCES OF THE CITY OF WILDWOOD, BY DELETING CHAPTER 600 IN ITS ENTIRETY, AND ENACTING, IN LIEU THEREOF, A NEW CHAPTER 600; AND REGULATING THE MANUFACTURE AND SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILDWOOD, MISSOURI, AS FOLLOWS:

Section One. That Title VI of the Code of Ordinances of the City of Wildwood shall be and it is hereby amended by deleting Chapter 600 in its entirety, and enacted, in lieu thereof, is a new Chapter 600, to read as follows:

CHAPTER 600 ALCOHOLIC BEVERAGES.

Section 600.010 Definitions.

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

ALCOHOLIC BEVERAGES

Alcohol for beverage purposes including intoxicating liquor and malt liquor.

BEER

A type of malt liquor containing ingredients in compliance with the following standards:

1. Beer shall be brewed from malt or a malt substitute, which only includes rice, grain of any kind, bean, glucose, sugar, and molasses. Honey, fruit, fruit juices, fruit concentrate, herbs, spices, and other food materials may be used as adjuncts in fermenting beer; and
2. Flavor and other non-beverage ingredients containing alcohol may be used in producing beer, but may contribute to no more than forty-nine percent (49%) of the overall alcohol content of the finished beer. In the case of beer with an alcohol content of more than six percent (6%) by volume, no more than one and one-half percent (1.5%) of the volume of the beer may consist of

alcohol derived from added flavors and other non-beverage ingredients containing alcohol.

CITY

The City of Wildwood, Missouri.

CITY ADMINISTRATOR

The City Administrator of the City or his or her designee.

CITY CLERK

The City Clerk of the City or his or her designee.

CLOSED PLACE

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

CLUB

A building or premises used for social, recreational, dining or philanthropic purposes, the normal use of which is limited to specific members, patrons or otherwise listed and enumerated persons.

CODE

The Code of Ordinances of the City of Wildwood, as amended.

COMMON EATING AND DRINKING AREA

An area or areas within a building or group of buildings designated for the eating of food and drinking of liquor sold at retail by establishments which do not provide areas within their premises for the consumption of food and liquor; where the costs of maintaining such area or areas are shared by the payment of common area maintenance charges, as provided in the respective leases permitting the use of such areas, or otherwise; and where the annual gross income from the sale of prepared meals or food consumed in such common eating and drinking area is, or is projected to be, at least two hundred seventy-five thousand dollars (\$275,000.00).

DRUGGIST

A person who sells or dispenses drugs and medicines as a pharmacist; one who owns or manages a drugstore.

DRUGSTORE

A retail store where drugs and medicines are sold.

FINANCIAL INTEREST

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

FRATERNAL ORGANIZATION

Any organization within this State operating under the lodge system which exists for the common benefit, brotherhood or other interest of its members except college fraternities and sororities and of which no part of the net earnings inures to the benefit of any private shareholder or any individual member of such organization and which has been exempted from the payment of Federal income tax as provided in Section 501(c)(5), 501(c)(8), or 501(c)(10) Internal Revenue Code of 1954, as amended.

GOOD MORAL CHARACTER

Honesty, fairness, and respect for the rights of others and for the laws of the State and nation. The following factors shall be considered when making a determination of whether an applicant or licensee under this Chapter has “good moral character”:

1. The nature and character of the business for which the license is sought;
2. The manner in which the person has conducted his or her or its business; and
3. The manner in which the person has observed or violated the law.

If a person has been convicted of violating a crime of this State or Country, or of any crime of any other State or Country that would have been a crime under the laws of the State of Missouri, or an offense of this City, the City Clerk shall also weigh the following factors in determining if the person has “good moral character”:

1. The type of crime(s) or offense(s) for which a person has been convicted;
2. The circumstances surrounding the crime(s) or offense(s) for which a person has been convicted;
3. The proximity in time of the conviction(s) to the application for a license;
4. The conduct of the person since the date of conviction; and
5. Whether the crime the person is convicted of is reasonably related to the competency of the person to exercise the licensed business.

Notwithstanding the foregoing, a conviction cannot be the sole grounds on which a person is determined to lack “good moral character.” If a person is pardoned from a conviction, the underlying guilt for the crime or offense may still be evidence of such person’s “good moral character.”

INTOXICATED or INTOXICATED CONDITION

When an individual is under the influence of alcoholic beverages, a controlled substance, or drug, or any combination thereof.

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%). 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.

LICENSED PREMISES or PREMISES

The place where intoxicating liquor is sold and it may be one (1) room, a building comprising several rooms, or a building with adjacent or surrounding land such as a lot or garden.

LIGHT WINES

An 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 LICENSE YEAR

The year for which a liquor license required by this Chapter is issued, beginning on the 1st day of July or the date of issuance, whichever is later, and ending on the 30th day of June.

MALT LIQUOR

Any beverage manufactured from pure hops or barley malt or wholesome grains or cereals and wholesome yeast and pure water, containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight.

MICROBREWERY

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

ORIGINAL PACKAGE

Any package containing one (1) or more standard bottles, cans, or pouches of malt liquor, fifty (50) milliliters (1.7 ounces) or more of spirituous liquors and one hundred (100) milliliters (3.4 ounces) or more of vinous liquors in the manufacturer's original container. A standard bottle or can is a bottle or can containing twelve (12) ounces or less of malt liquor.

PERSON

Shall include a natural person and shall extend and be applied to bodies politic and corporate, and to other similar entities, partnerships, and unincorporated associations. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "person" is used in this Chapter as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officers, agents

or members thereof who are responsible for any violation of such Section.

RESIDENT CORPORATION

A corporation incorporated under the laws of the State of Missouri, all the officers and directors of which, and all the stockholders, who legally and beneficially own or control sixty percent (60%) or more of the stock in amount and in voting rights, shall be qualified legal voters and taxpaying citizens of the County and municipality in which they reside and who shall have been bona fide residents of the State of Missouri for a period of three (3) years continuously immediately prior to the date of the filing of an application for a license, provided that a stockholder need not be a voter or a taxpayer, and all the resident stockholders of which shall own, legally and beneficially, at least sixty percent (60%) of all the financial interest in the business to be licensed under this law; provided, that no corporation, licensed under the provisions of this law on January 1, 1947, nor any corporation succeeding to the business of a corporation licensed on January 1, 1947, as a result of a tax-free reorganization coming within the provisions of Section 112, United States Internal Revenue Code, shall be disqualified by reason of the new requirements herein, except corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent (5%) by weight, or owned or controlled, directly or indirectly, by non-resident persons, partnerships or corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent (5%) by weight.

RESTAURANT BAR

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.

RETAILER

A person holding a license to sell or to offer to sell intoxicating liquor to consumers only.

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 issued under this Chapter and, when so sold, the container shall be emptied and the contents thereof served as other intoxicating liquors sold by the drink are served.

SALES TRANSACTION

An actual and immediate exchange of monetary consideration for the immediate delivery of goods at the tasting site.

SOLICITORS

Any person selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within the City.

SPECIALTY WINE STORE

An establishment engaged primarily in the sale of light wines and having sales of intoxicating liquor other than light wine that do not exceed five percent (5%) of the gross annual sales generated at that location and additionally constitute no more than five percent (5%) of its gross retail floor area for the display and sale of same.

SPIRITUOUS LIQUOR

Includes brandy, rum, whiskey, gin and all other preparations or mixtures for beverage purposes of like character and excludes all vinous, fermented or malt liquors.

TAMPERPROOF

A lid, cap, or seal visibly demonstrates when a bag or container has been opened.

WHOLESALE

A person holding a license to sell intoxicating liquor to wholesalers or to retailers.

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 MANUFACTURER

Any person, partnership, association of persons, or corporation who has procured a license under Subparagraph (2) or (3) of

Subsection (A) of Section 600.040 of this Chapter, and who manufactures in excess of two hundred (200) gallons of wine per calendar year.

WINERY

Any establishment at which wine is made.

Section 600.020 General Provisions to Apply.

The provisions of Chapter 605 of this Code shall apply to this Chapter. The specific provisions of this Chapter shall control and take precedence over any provision of Chapter 605 to the contrary.

Section 600.030 License Required.

No person shall manufacture, brew, sell, expose for sale or distribute alcoholic beverages, in any quantity, within the City without first having obtained the license(s) required pursuant to this Chapter and Chapter 311, RSMo., as amended. A separate license shall be required for each premises.

Section 600.040 Kinds of Licenses and Annual License Charges.

- A. *License Classes and Charges.* A business license, and a liquor license issued pursuant to the provisions of this Chapter, are required for each premises where a person is engaged in the manufacture, brewing, sale or distribution of alcoholic beverages within the City, and the following liquor license fees shall be paid to and collected by the City annually:
 - 1. *Manufacturers of Intoxicating Liquor.* For the privilege of manufacturing, distilling, blending and brewing in this City intoxicating liquor of all kinds and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this City, a license fee in the sum of four hundred and fifty dollars (\$450.00) per year.
 - 2. *Manufacturer of Intoxicating Liquor Not in Excess of 22% of Alcohol by Weight.* For the privilege of manufacturing in the City intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight, to, by or through a duly

licensed wholesaler within the City, a license fee in the sum of three hundred dollars (\$300.00) per year.

3. *Manufacturer of Wine or Brandy.* For the privilege of manufacturing wine or brandy, which manufacturing shall be in accordance with all provisions of Federal law applicable thereto except as may otherwise be specified under this Subparagraph (3) of Subsection (A) of this Section 600.030, in quantities not to exceed five hundred thousand (500,000) gallons, not in excess of eighteen percent (18%) of alcohol by weight for wine, or not in excess of thirty-four percent (34%) of alcohol by weight for brandy, from grapes, berries, other fruits, fruit products, honey, and vegetables produced or grown in the State of Missouri (Missouri-produced), exclusive of sugar, water and spirits, there shall be paid to and collected by the City, in lieu of the fee provided in Subsection (A)(1) of this Section 600.040, a license fee in the sum of five dollars (\$5.00) for each five hundred (500) gallons or fraction thereof of wine or brandy produced up to a maximum license fee in the sum of three hundred dollars (\$300.00) per year.
 - a. Notwithstanding the provisions of Subparagraph (3) of Subsection (A) of this Section 600.040, a manufacturer licensed under Section 600.040(A)(3) of this Chapter may use in any calendar year such wine- and brandy-making material produced or grown outside the State of Missouri in a quantity not exceeding fifteen percent (15%) of the manufacturer's wine or brandy entered into fermentation in the prior calendar year, except as provided by Section 311.190.3, RSMo., as amended.
 - b. A manufacturer licensed under Section 600.040(A)(3) of this Chapter may purchase and sell bulk or packaged wines or brandies received from other manufacturers licensed under this Section 600.040(A)(3) and may also purchase in bulk, bottle and sell to duly licensed wineries, wholesalers and retail dealers on any day except Sunday, and a manufacturer licensed under this Section 600.040(A)(3) may offer samples of wine, may sell wine and brandy in its original package directly to consumers at the winery, and may open wine so purchased by customers so that it may be consumed on the winery premises on Monday through Saturday between 6:00

A.M. and Midnight and on Sunday between 6:00 A.M. and 1:30 A.M. on Mondays.

4. *Wine Manufacturer Sale by the Drink.* For the purpose of the promotion of tourism, a wine manufacturer, its employees, officers or agents located within this City may apply for and the City may issue a license to sell intoxicating liquor by the drink at retail for consumption on the premises where sold, if the premises so licensed is in close proximity to the winery. Such premises shall be closed during the hours specified under Section 600.130 of this Chapter and may remain open between the hours of 6:00 A.M. on Sundays and 1:30 A.M. on Mondays. A licensee licensed under this Subsection shall pay to the City a licensee fee in the sum of three hundred dollars (\$300.00) per year payable at the same time and in the same manner as other license fees. This license fee is in addition to all other fees required pursuant to this Chapter.

5. *Sale of Missouri Produced Wine by the Drink.* For the purpose of the promotion of tourism, a person may apply for a license to sell intoxicating liquor by the drink at retail for consumption on the premises where sold, but seventy-five percent (75%) or more of the intoxicating liquor sold by such person shall be Missouri-produced wines received from manufacturers licensed under Section 311.190, RSMo., as amended. Such premises may remain open between the hours of 6:00 A.M. and Midnight, Monday through Saturday, and between the hours of 6:00 A.M. on Sundays and 1:30 A.M. on Mondays. A licensee licensed under this Subsection shall pay to the City a license fee in the sum of three hundred dollars (\$300.00) per year.

6. *Microbrewery.* For the privilege of manufacturing beer and malt liquor in quantities not to exceed ten thousand (10,000) barrels per annum, a licensee shall pay to the City a licensee fee in the sum of three hundred dollars (\$300.00) per year. Notwithstanding any other provision of this Chapter to the contrary, the holder of a microbrewer's license may apply for, and the City Clerk may issue, a license to sell beer and malt liquor by the drink at retail for consumption on the premises. The holder of a microbrewer's license may also sell beer and malt liquor produced on the brewery premises to duly licensed wholesalers.

7. *Solicitors and Wholesalers of Intoxicating Liquor.* For the privilege of selling intoxicating liquor of all kinds by a wholesaler to a person duly licensed to sell such intoxicating liquor of all kinds at retail and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this City, a license fee in the sum of one hundred dollars (\$100.00) per year.
8. *Retail Sales of Intoxicating Liquor — by the Drink.* For the sale of all kinds of intoxicating liquor, at retail by the drink for consumption on the premises of the licensee, including the sale of intoxicating liquor in the original package, a license fee in the sum of three hundred dollars (\$300.00) per year.
9. *Retail Sales of Intoxicating Liquor — Original Package.* For the sale of all kinds of intoxicating liquor at retail in the original package, not to be consumed upon the premises where sold, sold in connection with and by a person engaged in the operation of one (1) or more of the following businesses: a drugstore, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, a specialty wine store, and having and keeping in his or 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, a license fee in the sum of one hundred fifty dollars (\$150.00) per year. 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. A license under this Subsection shall not be granted or issued to any person if the gross sales of said intoxicating liquor shall exceed fifty percent (50%) of the gross sales generated by said person at the licensed location; provided, however, that this limitation shall not apply to the licensing and operation of a specialty wine store.
10. *Malt Liquor and Light Wines by the Drink.* For the sale of malt liquor and light wines at retail by drink for consumption on the premises where sold, a license fee in the sum of fifty dollars (\$50.00) per year. Notwithstanding any other provision of this Chapter to the contrary, any person licensed pursuant to this Subsection may also sell malt liquor and light wines at retail between the hours of 6:00 A.M. on Sundays and 1:30 A.M. on Mondays.

11. *Common Eating and Drinking Places.* For the sale of intoxicating liquor by the drink at retail not for consumption on the premises where sold but for consumption in a common eating and drinking area, as described in the application for such license, a license fee in the sum of three hundred dollars (\$300.00) per year.
12. *Sunday Sales – General.* Any person who possesses the qualifications and meets the requirements of this Chapter, who is licensed to sell either intoxicating liquor at retail by the drink for consumption on the premises of the licensee, including the sale of intoxicating liquor in the original package, or for the sale of intoxicating liquor at retail in the original package not to be consumed on the premises where sold, may apply for a special license to sell either intoxicating liquor at retail by the drink for consumption on the premises of the licensee, including the sale of intoxicating liquor in the original package, or for the sale of intoxicating liquor in the original package not to be consumed on the premises where sold, between the hours of 6:00 A.M. on Sundays and 1:30 A.M. on Mondays. A licensee licensed under this Subsection shall pay to the City a license fee in the sum of two hundred dollars (\$200.00) per year payable at the same time and in the same manner as other license fees. This license fee is in addition to all other fees required pursuant to this Chapter.
13. *Sunday Sales – Common Eating and Drinking Places.* Any person who possesses the qualifications required by this Chapter, and who now or hereafter meets the requirements of and complies with the provisions of this Chapter, may apply for a license to sell intoxicating liquor by the drink at retail not for consumption on the premises where sold but for consumption in a common eating and drinking area, as described in the application for such license, between the hours of 6:00 A.M. on Sundays and 1:30 A.M. on Mondays. A licensee licensed under this Subsection shall pay to the City a license fee in the sum of two hundred dollars (\$200.00) per year payable at the same time and in the same manner as other license fees. This license fee is in addition to all other fees required pursuant to this Chapter.
14. *Temporary Permit.* For any temporary permit issued pursuant to the provisions and requirements of Section 600.050 of this Chapter, a permit fee in the sum of twenty-five dollars (\$25.00).

15. *Wine and Malt Liquor Tasting.* Notwithstanding any other provisions of this Chapter to the contrary, any person possessing the qualifications and meeting the requirements of this Chapter, who is licensed to sell intoxicating liquor in the original package at retail, may apply to the City for a special license to conduct wine, malt beverage and distilled spirit tastings on the licensed premises. A licensee licensed under this Subsection shall pay to the City a license fee in the sum of twenty-five dollars (\$25.00) per year at the same time and manner as other license fees. This license fee is in addition to all other fees required pursuant to this Chapter. Nothing in this Subsection shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

B. *Fees Taken In Lieu of Proportionate Part of Merchant's Tax and Ad Valorem Tax.* The fees to be charged under the provisions of this Chapter shall be taken in lieu of the portion of any merchant's license fee representing the square footage reported by the merchant in the merchant's license verification that is used solely for the purposes for which the liquor license herein was obtained, provided that no such offset or credit shall be required or provided except where necessary to comply with State law. If the merchant's tax shall be assessed by means other than square footage, the proportionate credit referred to herein shall be calculated on such other means of assessment.

Section 600.050 Temporary Not-For-Profit Picnic Permit and Special Event (Off-Premises) Permit.

A. *Not-For-Profit Picnic Permit.* In addition to the annual licenses herein provided, a temporary permit for the sale of all kinds of intoxicating liquor, including intoxicating liquor in the original package and at retail by the drink for consumption on the premises of the licensee, may be issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for the sale of such intoxicating liquor at a picnic, bazaar, fair or similar gathering. The temporary 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. Such a temporary permit shall only be given for events occurring on consecutive days.

1. To secure a temporary permit for the sale of intoxicating liquor under Subsection (A) of this Section, the applicant shall complete and submit an application for a temporary permit to the City Clerk on a form provided by the City Clerk and shall pay a fee for

such temporary permit. The fee to be paid for each temporary permit under Subsection (A) of this Section shall be as set forth in Section 600.040(A)(14) of this Chapter. Completed applications for a temporary permit issued pursuant to Subsection (A) of this Section must be submitted to the City Clerk at least five (5) business days in advance of the particular picnic, bazaar, fair or similar gathering for which the temporary permit is being requested.

2. If the event will be held on a Sunday, the temporary permit issued pursuant to Subsection (A) of this Section shall authorize the sale of intoxicating liquor on that day beginning at 6:00 A.M. and ending at 1:30 A.M. Monday.
 3. At the same time that an applicant applies for a temporary permit under the provisions of Subsection (A) of this Section, the applicant shall notify the director of revenue of the holding of the event and by such notification, by certified mail, shall accept responsibility for the collection and payment of any applicable sales tax. Any sales tax due shall be paid to the director of revenue within fifteen (15) days after the close of the event, and failure to do so shall result in a liability of triple the amount of the tax due plus payment of the tax, and denial of any other permit for a period of three (3) years. Under no circumstances shall a bond be required from the applicant.
 4. No more than seven (7) temporary permits shall be issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization under Subsection (A) of this Section during any fiscal year.
 5. Nothing in this Chapter shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permittee at such picnic, bazaar, fair or similar gathering.
- B.** *Special Event (Off-Premises) Permit.* Notwithstanding any other provision of this Chapter to the contrary, the City Clerk may issue a temporary permit to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of Chapter 311, RSMo., as amended, who furnish provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises but not including a “festival” as defined in Chapter 316, RSMo. The temporary

permit shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption on the premises in which such function, occasion or event is held. Such a temporary permit shall be issued for a period not to exceed one hundred sixty-eight (168) consecutive hours and may not be renewed. All provisions of the City's ordinances, rules and regulations shall extend to such premises and shall be in force and enforceable during all the time the permittee, its agents, servants, employees or stock are in such premises. The fee to be paid for each temporary permit issued pursuant to the provisions of this Subsection (B) shall be as set forth in Section 600.040(A)(14) of this Chapter. This temporary permit shall allow the sale of intoxicating liquor in the original package.

1. Completed applications for a temporary permit issued pursuant to Subsection (B) of this Section must be submitted to the City Clerk at least five (5) business days in advance of the particular function, occasion or event for which the temporary permit is being requested.
2. Notwithstanding any other provisions of this Chapter to the contrary, applications for the temporary permit authorized pursuant to Subsection (B) of this Section shall be completed and submitted to the City Clerk on a form prepared by the City Clerk, which form shall require the person requesting the temporary permit to provide the following information:
 - a. The name and address of the applicant if a person, or if a partnership or association the name and address of each member or partner, or, if the applicant is a corporation the names and addresses of all its officers and members of its Board of Directors;
 - b. Copies of each valid license to sell intoxicating liquor issued to the applicant pursuant to Chapter 311, RSMo., as amended;
 - c. Copies of each valid local license, except temporary or special permit or licenses, to sell intoxicating liquor issued by any city or county of this State;
 - d. Written permission from the property owner to hold the particular function, occasion or event on such property;

- e. Address and description of the premises at which the particular function, occasion or event will be held;
 - f. The date or dates said function, occasion or event will be held; and
 - g. Any and all other information deemed necessary by the City Clerk.
- C. *Exemption from Certain Requirements.* Notwithstanding the provisions of this Chapter to the contrary, applications for temporary permits issued pursuant to this Section shall be exempt from the requirements of Subsections (B) and (E) of Section 600.080 of this Chapter.
- D. *Appeal.* Upon a denial of any such temporary permit by the City Clerk, any person aggrieved by the decision may, within ten (10) days of the date of return receipt of notice of such denial, appeal such denial pursuant to the procedures set forth in Chapter 150 of this Code.

Section 600.060 Alcohol Samples for Tasting On and Off Licensed Retail Premises, When.

- A. Any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide and pour distilled spirits, wine, or malt beverage samples off a licensed retail premises for tasting purposes provided no sales transactions take place.
- B. Notwithstanding any other provisions of this Chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide, furnish, or pour distilled spirits, wine, or malt beverage samples for customer tasting purposes on any temporary licensed retail premises as described in Subsections (A) and (B) of Section 600.050 of this Chapter.
- C. Notwithstanding any other provisions of this Chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide or furnish distilled spirits, wine, or malt beverage samples on a licensed retail premises for customer tasting purposes so long as the winery, distiller, manufacturer, wholesaler, or brewer or designated employee has permission from the person holding the retail license. The retail licensed premises where such product tasting is provided shall maintain a special permit in accordance with Section 600.040(A)(15) of this Chapter or hold a license to sell intoxicating liquor

at retail by the drink for consumption on the premises where sold. No money or anything of value shall be given to the retailers for the privilege or opportunity of conducting the on-premises product tasting.

- D. Distilled spirits, wine, or malt beverage samples may be dispensed by an employee of the retailer, winery, distiller, manufacturer, or brewer or by a sampling service retained by the retailer, winery, distiller, manufacturer, or brewer. All sampling service employees that provide and pour intoxicating liquor samples on a licensed retail premises shall be required to complete a server training program approved by the Division of Alcohol and Tobacco Control of the State of Missouri.
- E. Any distilled spirits, wine, or malt beverage sample provided by the retailer, winery, distiller, manufacturer, wholesaler, or brewer remaining after the tasting shall be returned to the retailer, winery, distiller, manufacturer, wholesaler, or brewer.

Section 600.070 Qualifications of Licensees.

- A. No person shall be granted a license under this Chapter unless such person is of good moral character and a qualified legal voter and taxpaying citizen of a County, Town, City or Village where he or she resides. No partnership or corporation shall be granted a license under this Chapter unless the managing partner or officer of such partnership or corporation is of good moral character and a qualified legal voter of the County, Town, City or Village where he or she resides. No person shall be granted a license under this Chapter whose license has previously 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 whose employees have had a license under this Chapter revoked or have 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 who employs in his or her business as such dealer any person whose license has been revoked unless five (5) years have passed since the revocation as provided under Section 311.060.6, RSMo., as amended, or who has been convicted of violating such law since the date aforesaid; provided, that nothing contained in this Section 600.070 shall prevent the issuance of licenses to nonresidents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors to, by or through a duly licensed wholesaler, within this City.

- B.** No person, partnership or corporation shall be qualified for a license under this Chapter 600 if such person, any member of such partnership, or such corporation, or any officer, director, or any stockholder owning, legally or beneficially, directly or indirectly, ten percent (10%) or more of the stock of such corporation, or other financial interest therein, or ten percent (10%) or more of the interest in the business for which the person, partnership or corporation is licensed, or any person employed in the business licensed under this law shall have had a license revoked under this law except as otherwise provided under Subsections 6 and 7 of Section 311.060, RSMo., as amended, or shall have been convicted of violating the provisions of any law applicable to the manufacture or sale of intoxicating liquor since the ratification of the Twenty-First Amendment to the Constitution of the United States, or shall not be a person of good moral character.
- C.** No license issued under this Chapter shall be denied, suspended, revoked or otherwise affected based solely on the fact that an employee of the licensee has been convicted of a felony unrelated to the manufacture or sale of intoxicating liquor.
- D.** No wholesaler license shall be issued to a corporation for the sale of intoxicating liquor containing alcohol in excess of five percent (5%) by weight, except to a resident corporation.

Section 600.080 Application.

- A.** *Prerequisite to Grant of License.* No license required by this Chapter shall be granted by the City Clerk unless the application submitted to the City Clerk meets all of the requirements set forth in this Chapter, as determined by the City Clerk and is accompanied by the applicable license fee. No license issued pursuant to this Section shall be valid except upon furnishing proof of a similar valid license issued by the State.
- B.** *Form and Contents.*

 - 1.** All applications for licenses required by this Chapter shall be made, in writing, to the City and shall set forth the following information:

 - a.** Designation of the type of license applied for;

- b. Description of the premises and the location or address thereof;
 - c. Name, place of residence and mailing address of each person, individual, association, partnership, including the names of all the partners, or corporation, including the name of the managing officer thereof, for whom the license is sought;
 - d. Criminal records check for each applicant listed on the application, and all convictions of any law applicable to the manufacture or sale of intoxicating liquor, if any, except that a criminal records check will not be required for the renewal of any license issued pursuant to this Chapter;
 - e. The date(s) of revocation and location(s) for any and all liquor licenses and permits issued to the applicant(s) which have been revoked by the City, any city or county, or the State;
 - f. Signature of applicant(s).
2. 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.
3. If the applicant is a corporation, the applicant shall set forth all of the information prescribed in Subdivisions (c), (d), and (e) of Section 600.080(B)(1) hereof with respect to the managing officer or officers, identifying such officer or officers, on said application. If the applicant is a corporation, the applicant shall further state, on the application, 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 applicant 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, on the application; and the applicant 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, on said application.

4. In addition thereto, the City Clerk may request such additional information of an applicant as it may deem necessary for it to make a determination with respect to the issuance of a liquor license to an applicant.
5. No license shall be granted hereunder unless the applicant renders full, true and complete answers to all questions contained on said application, and should an applicant make, or cause to be made, any false statements of a material matter in his or her said application, the same shall be deemed cause for suspension or revocation of any license issued pursuant to such application.

C. *Filing.* Each completed application for an original or renewal license required by this Chapter shall be filed with the City Clerk on a form to be provided by the City, signed and sworn to by the applicant, the date of filing being noted thereon by the City Clerk. Each application shall be accompanied by a proper remittance reflecting the appropriate license fee made payable to the City.

D. *License Fee.*

1. *Deposit of License Fee Deposit.* At the time of filing an application for a license required by this Chapter, the applicant shall submit to the City Clerk the applicable license fee, either in cash or by personal check, business check, bank draft, money order, certified check or cashier's check, made payable to the City of Wildwood, Missouri. The City Clerk shall issue a receipt together with the license to the applicant.
2. *Refund of License Fee Prohibited.* If any license issued under the provisions of this Chapter is suspended, revoked, surrendered or forfeited by the licensee, not used at all during the liquor license year, or used for only part of the liquor license year, no refund of any license fee or part thereof shall be made.

E. *Application for Renewal License.* Applications for renewal of licenses must be filed on or before the first (1st) day of May of each calendar year.

1. Upon payment of the license fee provided herein and satisfaction of the requirements of this Chapter, the City Clerk shall approve the application for a renewal license and shall renew the license.
2. In case of failure to submit the completed application for renewal of license required under Subsection (E)(1) of this Section on or before the first (1st) day of May, there shall be added to the amount of the renewal license fees a late charge of one hundred dollars (\$100.00) from the second (2nd) day of May to the last day of May; a late charge of two hundred dollars (\$200.00) if the renewal application is submitted on the first (1st) day of June to the last day of June; or a late charge of three hundred dollars (\$300.00) if the renewal application is submitted after the last day of June.

F. *Grant and Issuance — Contents/Denial.*

1. Upon approval of any application for a license required by this Chapter, the City Clerk shall issue such license which shall describe the type of license, the license fee, the premises to which the license applies, the name of the licensee, the date of issuance and the period of time for which such license is granted.
2. Any applicant who is aggrieved by the denial of a liquor license of any kind or renewal thereof may, within ten (10) days of the date of return receipt of notice of such denial, appeal such denial pursuant to the procedures set forth in Section 600.100 of this Code.

Section 600.085 Issuance Prohibited Near Schools and Churches

A. No license shall be granted for the sale of intoxicating liquor in the original package or by the drink, as defined in this Chapter, within two hundred (200) feet of any school, convent, church or other building regularly used as a place of religious worship, provided however, except, that when a school, church or place of worship is established within the prohibited distance from any place of business licensed to sell intoxicating liquor, the license shall not be denied for this reason.

- B. For the purpose of this Section, the distance between the school, convent, church or other building regularly used as a place of religious worship and liquor licensed premises shall be the distance between the front door or clearly established main point of entrance of the premises used for school purposes or public worship and the front door or clearly established main point of entrance of licensed premises.
- C. Subsection A of this section shall not apply to a license issued pursuant to section 600.050 or to a license issued to any church, school, civic, service, fraternal, veteran, political, or charitable club or organization which has obtained an exemption from the payment of federal taxes.

Section 600.090 Administration of Law —Suspension or Revocation of License.

- A. *Suspension or Revocation of License—When—Manner.* The City Clerk may suspend or revoke the license of any person for the causes set forth
- B. *Grounds for Suspension or Revocation.* A license may be suspended or revoked for any of the following reasons:
 - 1. Violating any of the provisions of either this Chapter, Chapter 311 of the Revised Statutes of Missouri, or any ordinance of the City;
 - 2. Failing to obtain or keep a license from the State Supervisor of Liquor Control;
 - 3. Making a false affidavit in an application for a license under this Chapter;
 - 4. Failing to keep an orderly place or house;
 - 5. Selling, offering for sale, possessing or knowingly permitting the consumption on the licensed premises of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under the license;
 - 6. Selling, offering for sale, possessing or knowingly permitting the consumption of any intoxicating liquor which has not been inspected and labeled according to the laws of the State of Missouri;
 - 7. Selling, giving, or otherwise supplying intoxicating liquor to:
 - a. Any person under the age of twenty-one (21) years;

- b. Any person during unauthorized hours on the licensed premises;
 - c. A habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor, or
 - d. Any person on the licensed premises during a term of suspension as ordered by the City Clerk.
 - 8. Conditions or considerations which, had they existed at the time of issuance of the license, would have been valid grounds for its denial; or
 - 9. Any misrepresentation of a material fact in the application discovered after issuance of the license
- C. *Procedures.* Except as provided herein, no licenses shall be suspended or revoked until notice has been given to the licensee as hereinafter provided, until a reasonable time, not to exceed seven (7) days, has elapsed to enable the licensee to comply with the provisions of this Chapter and applicable State Statutes and until the licensee has been given an opportunity to appear at a hearing as provided in this Section. Such suspension or revocation of a license may be in addition to any fine imposed pursuant to this Chapter. No licensee whose license has been revoked, as provided in this Section, shall be eligible for a new license during the period for which the revoked license was originally issued..
- 1. Notwithstanding any other provision of this Chapter to the contrary, the City Clerk may suspend, for a period not exceeding thirty (30) days, without prior warning, notice or hearing, any license issued under this Chapter during the term of such license, for the failure of any licensee to comply with any provision of this Chapter or a Statute of the State if, in the judgment of the City Clerk, such failure constitutes a clear and present danger to the public safety.
- D. *Effect of Suspension.* No person whose license shall have been suspended by order of the City Clerk shall sell or give away any intoxicating liquor or non-intoxicating beer during the time such suspension is in effect. A separate offense shall be deemed committed each day the licensee continues to do business after a license suspension or revocation. Any licensee desiring to keep the premises open for the sale of food or merchandise during the period of

suspension shall display the City Clerk's order of suspension in a conspicuous place on the premises so that all persons visiting the premises may readily see the same.

- E. A licensee whose license is suspended or revoked may, at any time, petition, in writing, the City Administrator for a hearing or make a written application to the City Administrator for reinspection for the purpose of reinstatement of the license. Any such hearing shall be held consistent with the procedures as set forth in Section 600.100 of this Code.

Section 600.100 Hearings to Suspend or Revoke Licenses.

- A. *Testimony—Evidence.* Hearings before the City Administrator shall be in the nature of informal investigations. Testimony of witnesses and other evidence pertinent to the inquiry may be taken in such hearings, and all proceedings in such hearings shall be recorded.
- B. *Witnesses To Be Sworn.* Before any witness shall testify on any such hearing he/she shall swear to tell the truth and nothing but the truth.
- C. *Decision—Denial of License Application.* If the evidence supports a finding that a license should be granted, such license shall issue in accordance with Section 600.080 of this Chapter. If the evidence supports a finding that the license should be denied, the City Administrator shall so notify the applicant in writing, setting forth the grounds and reasons for disapproval.
- D. *Decision—Suspension Or Revocation.* If the evidence supports a finding that the license should be revoked or suspended pursuant to Section 600.090 of this Chapter, the City Administrator shall issue a written order which shall include specific findings of fact setting forth the grounds for the action taken. If the evidence fails to support a finding that the license should be revoked or suspended then no such order shall issue.
- E. *Appeal.* Any applicant or licensee aggrieved by a decision of the City Administrator may appeal such decision pursuant to Chapter 150 of this Code.

Section 600.110 Term of Licenses.

- A. Each license issued pursuant to this Chapter shall expire on the 30th day of June immediately succeeding the beginning date of such license,

unless such license be revoked or suspended before the expiration of such time.

- B. All licenses granted in renewal of a license expiring on the 30th day of June of any year shall be granted and issued for a period of one (1) year beginning on the 1st day of July immediately succeeding the granting of the renewal and shall expire on the 30th day of June immediately succeeding the beginning date of such license. No license shall be given a beginning date prior to the day of approval of the application and granting of such license by the City Clerk.
- C. All license fees provided for in this Chapter shall be deemed delinquent if not paid by July 31st of each year.

Section 600.120 General License Regulations.

- A. *License Not Transferable.* No license under this Chapter shall be transferable from one (1) person to another, nor shall the license be used at any place except the premises for which the license is issued except as provided in this Section. In the event of the death of the licensee, the surviving spouse or next of kin of the deceased licensee may apply to the City Clerk for, and the City Clerk may order, the transfer of such license to permit the operation of the business of the deceased licensee for the remainder of the period of time for which a license fee has been paid by the deceased licensee. The surviving spouse or next of kin of the deceased licensee shall meet the requirements of this Chapter for the license issued to the deceased licensee. If such a person does not meet the requirements of this Chapter for the license issued to the deceased licensee Chapter, the next closest relative, determined through the rules of consanguinity, may apply for the transfer of such license. No executor, administrator, receiver, assignee, trustee or guardian may sell any intoxicating liquor belonging to the estate over which he or she, or it, has control except to a wholesaler or retailer licensed by the State of Missouri.
- B. *Withdraw of Partner.* Whenever one (1) or more members of a partnership withdraw from the partnership, the City Clerk, upon written request of the remaining partners, may permit the remaining partners to continue to operate for the remainder of the liquor license year.
- C. *Display of License.* All licenses duly issued and obtained in compliance with this Chapter shall at all times be placed in an open and conspicuous location within the premises being operated thereunder.

- D. *Separate License Required for Each Place of Business.* 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.

- E. *Change of Licensed Location.* In the event any licensee desires to change the location of his or her place of business licensed to sell intoxicating liquor in the City, it shall be necessary for him or 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 City Clerk. Any change of location of such business to a location within the City different from that of the licensed premises prior to issuance of such an amended license shall constitute a violation of this Section.

Section 600.130 Time Fixed for Opening and Closing Premises.

No person possessing a license issued pursuant to this Chapter, nor any employee or agent of such person, shall sell, give away or permit the consumption of any intoxicating liquor in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on any day of the week, upon or about his or her premises. If the person has a license to sell intoxicating liquor by the drink, his or her premises shall be and remain a closed place 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. Where licenses authorizing the sale of intoxicating liquor by the drink are held by clubs, hotels or bowling alleys, this Section shall apply only to the room or rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants or bowling alleys whose business is conducted in one (1) room only, then the licensee shall keep securely locked during the hours and on the days specified in this Section all refrigerators, cabinets, cases, boxes and taps from which intoxicating liquor is dispensed. Any person violating any provision of this Section shall be deemed guilty of an ordinance violation. Nothing in this Section shall be construed to prohibit the sale or delivery of any intoxicating liquor during any of the hours or on any of the days specified in this Section by a wholesaler licensed under the provisions of Section 311.180, RSMo., as amended, to a person licensed to sell the intoxicating liquor at retail.

Section 600.140 Certain Holidays, Sale by the Drink on Sunday Allowed.

When January 1, March 17, July 4 or December 31 falls on a Sunday and on the Sundays immediately preceding 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 at retail intoxicating liquor by the drink may be open for business and sell at retail intoxicating liquor by the drink under the provisions of his or her license during the time frame permitted by such license for a weekday.

Section 600.150 Prohibited Conduct on Licensed Premises.

- A.** No person possessing a license to sell intoxicating liquor at retail issued pursuant to this Chapter, nor any employee or agent of such person, shall permit in or upon the licensed premises:
1. The performance of acts, or simulated acts of sexual conduct as defined in Section 415.590 of this Code;
 2. The displaying of any portion of the areola of the female breast even if covered by body paint, body dyes, tattoos, liquid latex, whether wet or dried, and other similar substances;
 3. The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals;
 4. The actual or simulated displaying of nudity, as defined in Section 415.590 of this Code;
 5. Any nude person, as defined in Section 415.590 of this Code, to remain in or upon the licensed premises who is to public view; or
 6. The displaying of films, video programs or pictures depicting acts, the live performances of which are prohibited by State law or City ordinance.

Section 600.160 Unfinished Bottles of Wine.

- A.** Notwithstanding any other provision of this Chapter 600, it shall not be unlawful for the owner, operator, or employees of a restaurant bar to allow patrons to carry out one or more bottles of unfinished wine, nor shall it be unlawful for patrons of such restaurant bar to carry out one (1) or more bottles of unfinished wine under the following conditions:
1. The patron must have ordered a meal;

2. The bottle or bottles of wine must have been at least partially consumed during the meal;
 3. The restaurant bar must provide a dated receipt for the unfinished bottle or bottles of wine; and
 4. The restaurant bar must securely reseal the bottle or bottles of wine and place them in one (1) or more one-time-use, tamperproof, transparent bags and securely seal the bags.
- B.** Notwithstanding any other provision of any ordinance of the City, no person who transports one (1) or more bottles of unfinished wine which came from a restaurant bar under the circumstances described in Subsection (A) of this Section, in a vehicle, shall be considered to have violated any ordinance of the City regarding open containers in vehicles so long as such person has in his or her possession the dated receipt from the restaurant bar and the bottle or bottles of wine remain in the restaurant bar-furnished, one-time-use, tamperproof, transparent bags with the seals intact.
- C.** Notwithstanding any other provision of any ordinance of the City, it shall be lawful for the owner, operator, or employees of a winery to allow patrons to carry out one (1) or more bottles of unfinished wine and it shall be lawful for patrons of such winery to carry out one (1) or more bottles of unfinished wine under the following conditions:
1. The bottle or bottles of wine must have been at least partially consumed at the winery;
 2. The winery must provide a dated receipt for the unfinished bottle or bottles of wine; and
 3. The winery must securely reseal the bottle or bottles of wine and place them in one (1) or more one-time-use, tamperproof, transparent bags and securely seal the bags.
- D.** Notwithstanding any other provision of any ordinance of the City, no person who transports one or more bottles of unfinished wine which came from a winery under the circumstances described under Subsection (C) of this Section shall be considered to have violated any ordinance of the City regarding open containers in vehicles so long as such person has in his or her possession the dated receipt from the

winery and the bottle or bottles of wine remain in the winery-furnished, one-time-use, tamperproof, transparent bags with the seals intact.

Section 600.170 Consumption, Etc., of Intoxicating Liquor on Premises When Sold at Retail in Original Package.

Intoxicating liquor sold at retail in its original packages only shall not be consumed on the premises where sold, nor shall the original package be opened on the premises of the vender.

Section 600.180 Druggists.

Any druggist may have in his or her possession intoxicating liquor purchased by him or her from a licensed vendor or otherwise lawfully acquired and transported to be used in connection with the business of a druggist in compounding medicines, or as a solvent or preservative, or for the purpose of selling such intoxicating liquor to a person on prescription from a regularly licensed physician.

Section 600.190 Restaurant Bar Growlers.

Notwithstanding any other provision of this Chapter to the contrary, any restaurant bar without an on-site brewery that serves twenty (20) or more different types of draft beer may sell thirty-two (32) fluid ounces or more of such beer to customers for consumption off the premises of such bar or tavern.

Section 600.200 Table Tap Dispensing of Beer.

- A.** Any person licensed to sell intoxicating liquor at retail by the drink for consumption on the premises where sold may use a table tap dispensing system to allow patrons of the licensee to dispense beer at a table. Before a patron may dispense beer, an employee of the licensee must first authorize an amount of beer, not to exceed thirty-two (32) ounces per patron per authorization, to be dispensed by the table tap dispensing system.
- B.** No provision of this Chapter shall be interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating liquor to furnish table tap dispensing or cooling equipment or provide services for the maintenance, sanitation, or repair of table tap dispensing systems.

Section 600.210 Sale of Retailer-Packaged Alcoholic Beverages to Customers in Containers for Off-Premises Consumption.

- A.** Notwithstanding any provision of this Chapter or this Code to the contrary, any person who is licensed to sell intoxicating liquor at retail by the drink for on-premises consumption may sell retailer-packaged alcoholic beverages to customers in containers, filled on such premises by any employee of the retailer who is twenty-one (21) years of age or older, for off-premises consumption if all the following requirements are met:
1. The container of the alcoholic beverage is rigid, durable, leakproof, sealable, and designed to prevent consumption without removal of the tamperproof cap or seal. A sealable container does not include a container with a lid with sipping holes or openings for straws;
 2. The contents of each container do not exceed one hundred twenty-eight (128) ounces;
 3. The patron orders and purchases a meal from the licensee simultaneous with the alcoholic beverage purchase. For purposes of this Subparagraph (3), a “meal” is defined as food that has been prepared on-premises;
 4. The number of alcoholic beverages sold under this Section 600.210 by a licensee for off-premises consumption is limited to twice the number of meal servings sold by the licensee for off-premises consumption;
 5. The licensee provides the patron with a dated receipt or an electronic record for the meal and alcohol beverages; and
 6. The container is either:
 - a. Placed in a one-time-use, tamperproof, transparent bag that is securely sealed; or
 - b. The container opening is sealed with tamperproof tape.
- B.** Containers that are filled under Subsection (A) of this Section 600.210 shall be affixed with a label or a tag that contains the name and address of the business that filled the container, in type not smaller than three (3) millimeters in height and not more than twelve (12) characters per inch, and states, “THIS BEVERAGE CONTAINS ALCOHOL.”

- C. The filling of a container under this Section 600.210 shall be in compliance with Section 3-304.17(C) of the 2009 Food and Drug Administration Food Code.
- D. No provision of ordinance, or rule or regulation of the City shall be interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating liquor to furnish containers that are filled under Subsection (A) of this Section 600.210 to any person who is licensed to sell intoxicating liquor at retail.

Section 600.220 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.

Section 600.230 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 or her as a beverage, any drug or form of methyl alcohol or impure form of alcohol.

Section 600.240 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 laws of the State of Missouri, and any such person upon conviction shall have his or her license revoked and shall be ineligible to receive any subsequent liquor license for a period of two (2) years thereafter.

Section 600.250 Unauthorized Liquors Prohibited on Premises Licensed for Sale by Drink, exceptions.

It shall be unlawful for the licensee of any license authorized by this Chapter, for the sale of any intoxicating liquor at retail by the drink for consumption on the premises where sold, to keep or secrete, or to allow any other person to keep or secrete 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 license, or any kind of liquor used exclusively as an ingredient in any foods being prepared and sold on the premises.

Section 600.260 Identification; Acceptable Forms.

- A.** A valid and unexpired operator's or chauffeur's license issued under the provisions of Section 302.177, RSMo., or a valid and unexpired operator's or chauffeur's license issued under the laws of any State or territory of the United States to residents of those States or territories, or a valid and unexpired identification card as provided for under Section 302.181, RSMo., or a valid and unexpired identification card issued by any uniformed service of the United States, or a valid and unexpired passport shall be presented by the holder thereof upon request of any licensee or the servant, agent or employee thereof for the purpose of aiding the licensee or the servant, agent or employee to determine whether or not the person is at least twenty-one (21) years of age when such person desires to purchase or consume alcoholic beverages procured from a licensee. Upon such presentation the licensee or the servant, agent or employee thereof shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.
- B.** Upon proof by a licensee of full compliance with the provisions of this Section, no penalty shall be imposed if a licensee acted in good faith in relying upon the identification.

Section 600.270 Persons Eighteen Years of Age or Older May Sell or Handle Liquor or Beer — When.

- A.** Except as provided in Subsections (B), (C) and (D) of this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor.
- B.** 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 and accept payment for, and sack for carryout, intoxicating liquor. Delivery of intoxicating liquor beer away from the licensed 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 receipts are derived from sales of alcoholic beverages, have an employee twenty-one (21) years of age or older on the licensed premises during all hours of operation.

- C. In any distillery, warehouse, wholesale distributorship or similar place of business which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail. Any wholesaler licensed pursuant to this Chapter may employ persons of at least eighteen (18) years of age to rotate, stock and arrange displays at retail establishments licensed to sell intoxicating liquor.
- D. 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 prepared meals and food consumed on such premises; provided that nothing in this Section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating liquor.

Section 600.280 Sale to Minors — Certain Other Persons — Exceptions.

- A. Any licensee under this Chapter, or his or her employee, who shall 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, or to any person in an intoxicated condition, or to a habitual drunkard, and any person, except a parent or guardian, who procures, sells, gives away or otherwise supplies intoxicating liquor to any person under the age of twenty-one (21) years, or to any person in an intoxicated condition, or to a habitual drunkard, shall be deemed guilty of an ordinance violation, except that this Section shall not apply 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 any 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 when serving in the capacity as an employee of a licensed establishment.
- B. Any owner, occupant, or other person or legal entity with a lawful right to the exclusive use and enjoyment of any property who knowingly allows a person under the age of twenty-one (21) to drink or possess intoxicating liquor or knowingly fails to stop a person under the age of twenty-one (21) from drinking or possessing intoxicating liquor on such property, unless such person allowing the person under the age of

twenty-one (21) to drink or possess intoxicating liquor is his or her parent or legal guardian, is guilty of an ordinance violation.

- C. It shall be a defense to prosecution under this Section if:
1. The defendant is a licensed retailer, club, drinking establishment, or caterer or holds a temporary permit, or an employee thereof; and
 2. The defendant sold the intoxicating liquor to the minor with reasonable cause to believe that the minor was twenty-one (21) or more years of age; and
 3. To purchase the intoxicating liquor, the minor exhibited to the defendant a form of identification provided in Section 600.260 of this Chapter containing a photograph of the minor and purporting to establish that such minor was twenty-one (21) years of age and of the legal age for consumption of intoxicating liquor.

Section 600.290 Purchase or Possession by Minor.

- A. Any person under the age of twenty-one years, who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor, or who is visibly in an intoxicated condition, 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 guilty of an ordinance violation. For purposes of prosecution under this Section or any other provision of this Chapter involving an alleged illegal sale or transfer of intoxicating liquor to a person under twenty-one (21) years of age, 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 not 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.
- B. Except as otherwise provided in Subsection (A) of this Section, for purposes of determining violations of any provision of this Chapter, 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 not 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.

- C. The provisions of this section shall not apply to a student who:
1. Is eighteen (18) years of age or older;
 2. Is enrolled in an accredited college or university and is a student in a culinary course;
 3. Is required to taste, but not consume or imbibe, any beer, ale, porter, wine, or other similar malt or fermented beverage as part of the required curriculum; and
 4. Tastes a beverage under Subdivision (3) of this Subsection (C) only for instructional purposes during classes that are part of the curriculum of the accredited college or university.

The beverage must at all times remain in the possession and control of an authorized instructor of the college or university, who must be twenty-one (21) years of age or older. Nothing in this Subsection may be construed to allow a student under the age of twenty-one (21) to receive any beer, ale, porter, wine, or other similar malt or fermented beverage unless the beverage is delivered as part of the student's required curriculum and the beverage is used only for instructional purposes during classes conducted as part of the curriculum.

Section 600.300 Misrepresentation of Age by Minor to Obtain Liquor—Use of Altered Driver's License, Passport or I.D. Cards, Penalties.

- A. Any person at least seventeen (17) years of age but under the age of twenty-one (21) years who shall represent that he/she has attained the age of twenty-one (21) years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, except in cases authorized by law, shall upon conviction be deemed guilty of an ordinance violation. Any person under the age of seventeen (17) years who shall represent that he/she has attained the age of twenty-one (21) years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, except in cases authorized by law, may be considered a delinquent child and may be dealt with in accordance with the provisions of Chapter 211, RSMo.

- B. In addition to Subsection (A) of this Section above and to any other penalties established in this Chapter, any person who is less than twenty-one (21) years of age who uses 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, shall be guilty of an ordinance violation and shall be subject to a fine of five hundred dollars (\$500.00) for each separate offense.

Section 600.310 Violations — Penalties.

- A. *False Statement Causing Reduction in Payment.* Any person who makes a false statement which causes a reduction in any license or permit fee shall be required to pay to the City the additional amount due, plus a penalty of twenty-five percent (25%) of such additional amount, plus one percent interest per month or fraction thereof on such additional amount from the date originally due, in addition to any other penalties prescribed in this Chapter.
- B. *Non-Compliance or Violation.* Any person failing to comply with or any violation of any provision of this Chapter shall be guilty, upon conviction thereof, of an offense. Any fine assessed for such an offense shall be in addition to any other penalties assessed for delinquency or false statements causing a reduction in payment.
- C. *Revocation or Suspension.* Any failure to comply with or any violation of any provisions of this Chapter by any licensee or permittee under this Chapter shall be cause for revocation or suspension of such license or permit by the City Clerk, and such revocation or suspension shall be in addition to any other penalties prescribed in this Chapter.
- D. *Penalty.* Whoever violates or fails to comply with any of the provisions of this Chapter shall upon conviction thereof be adjudged guilty of an offense and shall be fined and imprisoned as set out in Section 100.140 of this Code. Each day any violation of this Chapter shall continue shall constitute a separate offense, unless otherwise provided.

Section Three. Savings. Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

Section Four. Severability. If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the City Council that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

Section Five. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval.

This Bill was passed and approved this ____ day of _____, 2022, by the Council of the City of Wildwood, Missouri, after having been read by title or in full two (2) times prior to its passage.

Presiding Officer

James R. Bowlin, Mayor

ATTEST:

ATTEST:

City Clerk

City Clerk