

AN ORDINANCE AMENDING ORDINANCE NUMBER 416 AND NUMBER 444 RELATING TO THE LICENSING OF PERSONS ENGAGED IN THE SALE OF INTOXICATING LIQUOR OR NONINTOXICATING BEER.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. MARY, MISSOURI, AS FOLLOWS:

SECTION ONE: DEFINITIONS.

(a) **Intoxicating Liquor** shall mean and include alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt or other liquors or combination of liquors, a part of which is spirituous, vinous or fermented and all preparations or mixtures for beverage purposes, containing in excess of three and two-tenths (3.2) percent alcohol by weight.

(b) **Malt Liquor** shall mean any 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, manufactured from pure hops or pure extraction of hops or pure barley malt or wholesome grain or cereals and wholesome yeast or pure water.

(c) **Non-intoxicating beer** shall be construed to refer to and to mean any beer manufactured from pure hops or pure extract of hops and pure barley malt or other wholesome grains or cereals and wholesome yeast and pure water and free from all harmful substances, preservatives and adulterants, and have an alcohol content of more than one-half of one percent by volume and not exceeding three and two-tenths (3.2) percent by weight.

SECTION TWO: LICENSE REQUIRED.

It shall be unlawful for any person to manufacture, distill, blend, brew or sell at wholesale or retail any intoxicating liquor or nonintoxicating beer without first obtaining the appropriate license therefor from the city clerk, as provided in this article.

SECTION THREE: QUALIFICATIONS.

(a) No person shall be granted a license under this article unless such person is of good moral character and a qualified legal voter and taxpaying citizen of the state, nor shall any corporation be granted a license unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the state.

(b) No person shall be granted a license whose license as a dealer has been revoked, or who has been convicted, since the ratification of the Twenty-First (21st) Amendment of the Constitution of the United States of America, of a violation of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intoxicating liquor or nonintoxicating beer, or who employs in his business as a dealer, any person whose license has been revoked or who has been convicted of violating such law since the date aforesaid.

SECTION FOUR: APPLICATION.

All applications for any license required by this article shall be made in writing to the board of aldermen. Each application shall state:

- (1) The name of the applicant;
- (2) The name of the business to be conducted;
- (3) The specific location of the place of business;
- (4) The place of residence of the applicant;
- (5) Such other information as will assist the board in determining whether or not the application should be granted.

SECTION FIVE: The license fee for selling intoxicating liquor and nonintoxicating beer within the City of St. Mary, Missouri, shall be as follows:

(a) Intoxicating liquor by the drink shall be one hundred seventy five dollars (\$175.00) per annum.

(b) Special licenses to sell nonintoxicating beer shall be \$3.00 per day for a maximum of three (3) days.

SECTION SIX: All licenses shall be due on January 1 and July 1 of each year.

SECTION SEVEN: ISSUANCE.

(a) The city collector shall without delay collect from each person applying for any license required by this article, the amount of the fee required by section 5 and he shall give such person a receipt for payment thereof.

(b) The city clerk shall not deliver to any person a license under this article until such person shall produce a receipt from the city collector showing that the fee prescribed for such license has been paid.

(c) All licenses issued pursuant to this article shall be signed by the mayor and the city clerk and countersigned by the city collector. The clerk shall affix the seal of the city thereto without any charge or fee whatsoever.

(d) The city clerk shall without delay deliver to the city collector a statement of the licenses granted under this article at a meeting of the board of aldermen, the amount of the fee prescribed therein for each license, and he shall charge the city collector with such amount.

SECTION EIGHT: UNAUTHORIZED SALES, POSSESSION OR CONSUMPTION PROHIBITED.

It shall be unlawful for any person licensed under this article to sell, offer for sale, possess or knowingly permit the consumption on the licensed premises of any kind of intoxicating liquor or nonintoxicating beer the sale, possession or consumption of which is not authorized under his license.

SECTION NINE: TRANSFER OR ASSIGNMENT PROHIBITED; EXCEPTION

(a) No license issued under this article shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower, or the next of kin of the deceased who shall meet the other requirements of this chapter, may make application and the city clerk may transfer the license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased.

(b) Whenever one (1) or more members of a partnership withdraws from the partnership, the city clerk, upon being requested, shall permit the remaining partner originally licensed to continue to operate for the remainder of the period for which the license fee has been paid, without obtaining a new license.

SECTION TEN: SUSPENSION; REVOCATION

(a) The board of aldermen may suspend any license issued under the terms of this article for a period not exceeding three (3) months for violation of any of the provisions of this chapter by the holder of such license, after notice and a hearing, if requested.

(b) The board of aldermen may revoke any license issued under the terms of this article if the licensee operates his place of business so as to constitute a public nuisance, or for other good cause shown, after notice and a hearing, if requested.

(c) A license shall become void upon the happening of any of the following:

(1) failure to obtain a Missouri State Liquor license within 30 days of the issuance of a city liquor license;

(2) the cancellation or revocation of a state liquor license;

(3) failure to be open for business for 30 consecutive days after first commencing business.

(d) In the event of a revocation or other cancellation or termination of a city liquor license:

(1) no refund of the license fee shall be made;

(2) the revocation or termination shall be effective five (5) days after the placing of written notice by U.S. Mail at the address provided by the Licensee at time of application, of the action by the City Clerk. The action will be abated if the licensee appeals the action within the five (5) day period. If such appeal is made the full Board of Alderman shall hear the appeal.

SECTION ELEVEN: The City Clerk shall not issue more than three (3) city liquor licenses at any time unless the applicant possesses a Restuarant Bar License. Licenses shall be issued to the first to apply. Renewals of liquor licenses shall be granted before new licenses may be issued. Additional licenses may be issued to applicants who possess, or obtain within thirty (30) days of issuance of the City Liquor License, a Restuarant Bar License as defined in Section 311.097 of the Revised Statutes of the State of Missouri.

SECTION TWELVE: All ordinances or parts of ordinances in conflict with this ordinance shall be, and the same are hereby repealed insofar as they may so conflict.

SECTION THIRTEEN: That this ordinance shall be in full force and effect from and after it's passage and approval.

READ THREE TIMES AND PASSED THIS 31st DAY OF December,
1987.

Robert L. Luss
MAYOR

ATTEST: Jo Ann E. Donze
CITY CLERK

<u>ALDERMEN</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Francis Bader	X			
Henry Coffman	X			
Robert Schultz	X			
Stephen Schwent	X			

I, JoAnn E. Donze, Clerk of the City of St. Mary, Missouri,
do hereby certify that the foregoing ordinance was duly passed
and adopted by the Board of Aldermen of the City of St. Mary,
Missouri at a Special meeting thereof assembled this the 31st
day of December, 1987.

Jo Ann E. Donze
CITY CLERK