

CHAPTER 600: ALCOHOLIC BEVERAGES

SECTION 600.010: DEFINITIONS

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

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

INTOXICATING LIQUOR: Alcohol for beverage purposes, including alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or mixtures for beverage purposes, containing in excess of one-half of one percent (0.5%) by volume, except for non-intoxicating beer as defined herein. All beverages having an alcoholic content of less than one-half of one percent (0.5%) by volume shall be exempt from the provisions of this Chapter.

LIGHT WINES: 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.

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

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

ORIGINAL PACKAGE: Any package sealed or otherwise closed by the manufacturer so as to consist of a self-contained unit, and consisting of one or more bottles or other containers of intoxicating liquor or non-intoxicating beer, where the package and/or container(s) describes the contents thereof as intoxicating liquor or non-intoxicating beer.

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

SECTION 600.020: LICENSE REQUIRED—CLASSES OF LICENSES

A. No person shall sell or offer for sale intoxicating liquor or non-intoxicating beer in the City of Seligman without a currently valid liquor license issued by the City. A separate liquor license shall be required for each of the categories and sub-categories of liquor sales in which the licensee desires to engage as set forth herein.

B. General Licenses. Any person possessing the qualifications and meeting the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor or non-intoxicating beer:

1. Package liquor—all kinds: Sales of all kinds of intoxicating liquors in the original package at retail not for consumption on the premises where sold.

C. Sunday Sales. Any person who is licensed under the provisions of this Chapter or who otherwise possesses the qualifications and meets the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor or non-intoxicating beer on Sundays between the hours of 11:00 am and Midnight:

1. Package liquor—all kinds: Sales of liquor of all kinds in the original package at retail, not for consumption on the premises where sold.

D. Permits.

1. Temporary permit for sale by drink: Any person who possesses the qualifications, meets the requirements and complies with the provisions of Section 600.030(B), below, may apply for a special permit to sell intoxicating liquor for consumption on premises where sold.

2. Tasting permit: Any person who is licensed to sell intoxicating liquor in the original package at retail under Subsection (B) (1) of this Section, above, may apply for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises; however, nothing in this Section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

SECTION 600.030: LICENSE REGULATIONS

A. Package Sales, limitations. No license shall issue for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one (1) or more of the following businesses: a drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in his/her store a stock of goods having a value according to invoices of at least one thousand dollars (\$1,000.00), exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this Chapter.

B. Temporary Permit for Sale by Drink—Certain Organizations.

1. The City Clerk may issue a permit for the sale of intoxicating liquor and non-intoxicating beer for consumption on premises where sold to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for sale at a picnic, bazaar, fair, or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such club or organization.

2. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor and non-intoxicating beer on that day beginning at 11:00 A.M.

3. At the same time that an applicant applies for a permit under the provisions of this Section, the applicant shall notify the Director of Revenue of the holding of the event by certified mail and by such notification shall accept responsibility for the collection and payment of any applicable sales tax.

4. No provision of law or rule or regulation of the City shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

C. Operating Hours, Days.

1. No licensee or any employee of such licensee shall sell, give away or otherwise dispose of, or allow the same to be done, on or about the premises, any intoxicating liquor in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays, and between the hours of 1:30 A.M. on Sunday and 6:00 A.M. on Monday, except as otherwise authorized and licensed for Sunday sales. Any person licensed to sell intoxicating liquor by the drink shall keep a closed place during the aforementioned prohibited times.

2. When January first (1st), March seventeenth (17th), July fourth (4th), or December thirty-first (31st) falls on Sunday, and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the National Football League is played, commonly known as "Super Bowl Sunday", any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his or her license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of this Chapter to the contrary.

D. Number of Licenses Limited. The maximum number of licenses that shall be granted within the City of Seligman shall be eleven (11).

E. General License Regulations.

1. Each license issued hereunder shall be conspicuously posted on the premises for which the license has been issued.

2. A separate license shall be required for each place of business. Every license issued under the provisions of this Chapter shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein.

3. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this Chapter, may make application and the Clerk may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased. Whenever one (1) or more members of a partnership withdraws from the partnership the Clerk, upon being requested, shall permit the remaining partner, or partners, originally licensed, to continue to operate for the remainder of the period for which the license fee has been paid, without obtaining a new license.

4. In the event any licensee desires to change the location of his/her place of business in the City, it shall be necessary for him 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 Board. Any

change of location of the enterprise prior to issuance of such an amended license shall constitute a violation of this Section.

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

SECTION 600.040: SCHEDULE OF LICENSE FEES

The following categories and sub-categories of licenses shall be issued upon compliance with the provisions of this Chapter and payment of the license fee indicated:

1. General licenses.
 - a. Intoxicating liquor (all kinds)—original package \$ 75.00
 - b. Intoxicating liquor (original package)—Sunday sales 75.00

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

SECTION 600.050: APPLICATION FOR LICENSE AND RENEWAL

A. **Filing of an Application.** Each application for an original or renewal license shall be filed with the City Clerk on a form to be provided by the City, signed and sworn to by the applicant. Each application shall be accompanied by a proper remittance reflecting the appropriate license fee made payable to the City.

B. **Bond Requirements.** Each application for a license shall be accompanied by a bond in an amount to be set by the City with sufficient sureties, conditioned that the person obtaining such license shall at all times abide by the provisions of the Liquor Control Act of the State of Missouri, this Chapter and all other ordinances of the City. Such bond may be sued on in the name of the City for the use and benefits of any person damaged by the breach of any of the conditions thereof.

C. **Qualifications.** Neither the applicant nor any officer, director or shareholder of a corporate applicant shall have been convicted of a felony or of any distribution, sale or possession of any controlled substances or dangerous drugs. The applicant shall present with the application a bona fide sale contract or option duly executed, which may be subject to the applicant obtaining a liquor license, or a bona fide lease duly executed by the lessor, or an option for a lease duly executed, subject to the applicant obtaining a liquor license, covering the property for which a liquor license is requested. If the applicant is a corporation, the petition shall set forth all of the above information with respect to the

managing officer or officers, identifying such officer or officers. The application shall further state the full name of the corporation, its date of incorporation, its registered agent and registered address, the names and addresses of all shareholders of the corporation, and whether said corporation operates any other business or controls or is controlled by any other corporation or business, and if so, the application shall further state the name of such controlled or controlling corporation or business, its registered agent and registered address, and the location of all businesses operated by it and the name and address of any such businesses with a liquor license, whether within or without the City; and the application shall also state if such controlling corporation or any controlled corporation is doing business under a fictitious name, and the address where said business is located. The Board of Aldermen also 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.

D. Neighborhood Approval Required. The application must be signed by a majority of the property owners within a distance of two hundred (200) feet from the proposed location in all directions and measured exclusive of streets, alleys, right-of-ways, and public land.

E. Hearing on Application. Upon the filing of the application with the Clerk, the Clerk shall fix a date for a hearing before the Board not more than thirty-one (31) days from the date of filing of the application, and shall give the applicant written notice of the date of the hearing. The hearing shall be conducted in accordance with Section 600.090 of this Chapter.

1. The Board shall consider the location of the proposed business for which a license is sought with respect to its proximity to a school, a church, a public park or playground and to other places of the character for which a license is sought, and shall have authority to refuse to issue a license when in their judgment the issuance thereof would not be in the best interests of the locality in which the applicant applies for a location of such place. In no event shall the Board approve the issuance of a license for the sale of liquor within one hundred (100) feet of any school, church or other building regularly used as a place of worship unless the applicant for the license shall first obtain the consent in writing of the Board of Directors of the school, or the consent in writing of the majority of the Managing Board of the church or place of worship; except that when a school, church or place of worship shall thereafter be established within one hundred (100) feet of any place of business licensed to sell intoxicating liquor, renewal of the license shall not be denied for lack of consent in writing as herein provided.

2. The Board shall approve the application if after the hearing it finds:

a. That issuance of the requested license would be in the best interests of the locality of the proposed business;

b. That the applicant is a person of good moral character, a native born or naturalized citizen of the United States of America, a registered voter and a taxpaying citizen of the City;

c. That no license theretofore issued to such applicant to sell intoxicating liquors has been revoked within two (2) years of the date of the application;

d. That the applicant has not been convicted since the ratification of the 21st Amendment to the Constitution of the United States of the violation of any law applicable to the

sale of intoxicating liquor, or that such applicant has not employed in his/her business any person whose license has been revoked or who has been convicted of violating the provisions of such law since the date aforesaid;

e. That the application is supported in writing by a majority of the property owners within two hundred (200) feet of the location in which the applicant proposes to conduct a retail liquor business; and

f. That the applicant plans and proposes to conduct a retail liquor business in compliance with the laws of the State of Missouri, the ordinances of the City and the provisions of this Chapter.

F. Upon approval of any application for a license the Clerk shall grant the applicant a license to conduct business in the City for a term to expire with the thirty-first (31st) day of December next succeeding the date of such license, unless such license be revoked or suspended for cause before the expiration of such time.

G. Applications for renewal of licenses must be filed on or before the fifteenth (15th) day of December of each calendar year. Upon payment of the license fee provided herein, the Clerk shall renew the license. In the event that any person residing or conducting businesses within two hundred (200) feet of the applicant's place of business shall file a written protest against the renewal of such license, the Board shall conduct a hearing on the application for license renewal as provided in Subsection (E) of this Section.

SECTION 600.060: MINORS

A. Persons Eighteen Years of Age or Older May Sell or Handle Liquor or Beer, When.

1. Except as otherwise provided in this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor or non-intoxicating beer.

2. In any place of business licensed in accordance with this Chapter, where at least fifty percent (50%) of the gross sales made consists of goods, merchandise, or commodities other than intoxicating liquor or non-intoxicating beer in the original package, persons at least eighteen (18) years of age may stock, arrange displays, accept payment for, and sack for carry-out intoxicating liquor or non-intoxicating beer. Delivery of intoxicating liquor or non-intoxicating beer away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years.

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

B. Sales to Minor—Exceptions. No licensee, his or her employee,-or any other person, shall procure

for, sell, vend, give away or otherwise supply any intoxicating liquor or non-intoxicating beer in any

quantity whatsoever to any person under the age of twenty-one (21) years, except that this Section shall not apply to the supplying of intoxicating liquor or non-intoxicating beer to a person under the age of twenty-one (21) years for medical purposes only, or to the administering of such intoxicating liquor or non-intoxicating beer to such person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this Chapter solely due to a conviction for unlawful sale or supply to a minor while serving in the capacity as an employee of the licensee.

C. Misrepresentation of Age by Minor to Obtain Liquor—Use Of Altered Driver’s License, Passport or L.D. Cards, Penalties.

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

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

D. Purchase or Possession by Minor, Misdemeanor. No person under the age of twenty-one (21) years shall purchase, attempt to purchase, or have in his/her possession any intoxicating liquor or nonintoxicating beer except as otherwise authorized by law. For purposes of prosecution, a manufacturer sealed container which describes its contents as intoxicating liquor or non-intoxicating beer need not be opened or the contents tested to establish the contents as intoxicating liquor or nonintoxicating beer.

SECTION 600.070: MISCELLANEOUS OFFENSES

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

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

C. Unlawful To Sell Unlabeled Liquor—Penalty. It shall be unlawful for any person to sell any intoxicating liquor which has not been inspected and labeled according to the provisions of the Liquor Control Law of Missouri, and any such person upon conviction shall have his/her license revoked and shall be ineligible to receive any subsequent liquor license for a period of two (2) years thereafter.

D. Off-Premises Consumption.

1. No licensee shall sell intoxicating liquor at retail in the original package, not to be consumed on the premises where sold, in any original package containing less than fifty (50) milliliters.

2. No licensee shall permit any person to remove from the licensed premises any intoxicating

liquor or non-intoxicating beer in any unsealed glass, bottle, can or other open container of any type.

3. All licensees shall post a notice at each exit of the premises, which is used by customers or patrons that "NO ALCOHOLIC BEVERAGES MAY BE CARRIED IN AN OPEN CONTAINER OUT OF THIS BUILDING."

E. Persons Apparently Intoxicated Not To Be Provided With Intoxicating Liquor Or Non-Intoxicating Beer. It shall be unlawful for any licensee, or his or her employee or agent, to sell or supply intoxicating liquor or non-intoxicating beer, or permit such to be sold or supplied, to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor.

F. Drinking In Public Places Prohibited.

1. For purposes of this Section, the term "public place" shall mean any public street, highway, alley, sidewalk, thoroughfare or other public way of the City, or any parking lot.

2. No person shall drink or ingest any intoxicating liquor or non-intoxicating beer in or on any public place.

3. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor or non-intoxicating beer while in or upon any public place.

4. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor or non-intoxicating beer while within or on any motor vehicle while the same is being operated upon or parked or standing in or upon any public place.

SECTION 600.080: ADMINISTRATION OF LAW-LICENSE SUSPENSION

A. Suspension or Revocation of License—When—Manner. The Board may suspend or revoke the license of any person for cause shown. In such cases the City Clerk shall schedule a hearing before the Board not less than five (5) days prior to the effective date of revocation or suspension, and prior to the hearing the Clerk shall give not less than ten (10) days written notice to the licensee of the grounds upon which the license is sought to be revoked or suspended and the time, date and place of the hearing. Notice may be accomplished by personal delivery, U. S. Mail or by posting on the licensed premises. The hearing shall be conducted in accordance with Section 600.090 of this Chapter.

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, RSMo., 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; or

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 Board.

C. Automatic Revocation/Suspension. A license shall be revoked automatically if the licensee's State liquor license is revoked or if the licensee is convicted in any Court of any violation of Chapter 311 of the Revised Statutes of Missouri. A license shall be suspended automatically if the licensee's State liquor license is suspended, and the suspension shall be for a term not less than that imposed by the State.

D. Effect of Suspension. No person whose license shall have been suspended by order of the Board shall sell or give away any intoxicating liquor or non-intoxicating beer during the time such suspension is in effect. Any licensee desiring to keep premises open for the sale of food or merchandise during the period of suspension shall display the Board's order of suspension in a conspicuous place on the premises so that all persons visiting the premises may readily see the same.

SECTION 600.090: HEARINGS UPON APPLICATIONS FOR, OR TO SUSPEND OR REVOKE, LICENSES

A. Testimony—Evidence. Hearings before the Board 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. Any person residing or conducting a business within two hundred (200) feet of the proposed establishment shall have the right to produce witnesses and testimony.

B. Witnesses—How Summoned. Subpoenas may be issued by the Board for any person whose testimony is desired at any hearing. Such subpoenas may be served and returns thereon made by any agent and in the same manner as provided by law for the service of subpoenas in civil suits in the Circuit Courts of this State. The Board also may issue subpoenas duces tecum requiring the production of documents or other items pertaining to the subject of the inquiry.

C. Witnesses to Be Sworn. Before any witness shall testify in any such hearing he/she shall be sworn by the City Clerk to tell the truth and nothing but the truth.

D. Decision—License Application. If the evidence supports a finding that a license should be granted, such license shall issue in accordance with Section 600.050(F) of this Chapter. If the evidence

supports a finding that the license should be disapproved, the Board shall so notify the applicant in writing, setting forth the grounds and reasons for disapproval, and shall return therewith the applicant's remittance.

E. Decision—Suspension or Revocation. If the evidence supports a finding that the license should be revoked or suspended pursuant to Section 600.080 of this Chapter, the Board 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.

F. Appeal. Any applicant or licensee aggrieved by a decision of the Board may appeal such decision to the Circuit Court as provided in Chapter 536, RSMo., provided such appeal is filed within ten (10) days of the date of the Board's decision. The Board may delay the implementation of its order pending appeal.

SECTION 600.100: PENALTIES

Any person violating any of the provisions of this Chapter, including but not limited to the Miscellaneous Offenses of Section 600.070, of this Chapter shall upon conviction be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment.