

Liquor Licenses Code

Table of Contents

2.01.001. DEFINITIONS.

2.01.002. LICENSE REQUIRED - PERIOD OF TIME.

2.01.003. LIQUOR LICENSE CLASSIFICATION AND FEES.

2.01.004. SALE OF FOOD REQUIRED.

2.01.005. NUMBER OF LICENSES ALLOWED; POPULATION DETERMINATION.

2.01.006. LIMITED LICENSES AVAILABLE.

2.01.007. WINE, MALT BEVERAGES AND DISTILLED SPIRITS TASTINGS.

2.01.008. SUNDAY LICENSE FOR CHARITABLE, FRATERNAL, RELIGIOUS
SERVICE, OR VETERANS' ORGANIZATIONS.

ARTICLE 2.02. LIQUOR LICENSE OFFICER; CHIEF OF POLICE

2.02.001. LIQUOR LICENSE OFFICER - APPOINTMENT.

2.02.002. LIQUOR LICENSE OFFICER - POWERS AND DUTIES.

2.02.003. CHIEF OF POLICE - POWER.

2.02.004. CHIEF OF POLICE - DUTY.

2.02.005. CHIEF OF POLICE AND LIQUOR LICENSE OFFICER - CONFLICT OF
INTEREST.

ARTICLE 2.03. LICENSEES

2.03.001. QUALIFICATIONS OF LICENSEE.

2.03.002. PRIOR LICENSES.

2.03.003. PARTNERSHIPS.

2.03.004. CORPORATIONS.

2.03.005. EMPLOYEES.

ARTICLE 2.04. LICENSE APPLICATION

2.04.001. WRITTEN APPLICATION.

2.04.002. FINGERPRINTING.

2.04.003. MISREPRESENTATIONS.

2.04.004. APPLICATION FEE.

2.04.005. INVESTIGATION OF APPLICANTS.

ARTICLE 2.05. LICENSE

2.05.001. LICENSE REQUIRED.

2.05.002. LIQUOR LICENSE OFFICER APPROVAL REQUIRED.

2.05.003. STANDARDS FOR ISSUANCE OF LICENSE.

2.05.004. NOTICE AND CONSENT.

2.05.005. CONTENTS OF LICENSE.

2.05.006. POSTING OF LICENSE.

2.05.007. CHANGE OF FACTS.

2.05.008. TRANSFERABILITY OF LICENSE.

2.05.009. SALE OR LEASE OF LICENSED PREMISES.

2.05.010. LICENSE, REPLACEMENT OF.

2.05.011. RESPONSIBILITY FOR ACTS OF EMPLOYEES.

2.05.012. LICENSE NOT REQUIRED.

ARTICLE 2.06. SUSPENSION OR REVOCATION OF LICENSE

2.06.001. GROUNDS FOR SUSPENSION OR REVOCATION.

2.06.002. PROCEDURE.

2.06.003. EFFECT OF REVOCATION; SUSPENSION.

ARTICLE 2.07. EMPLOYEE PERMITS

2.07.001. LIQUOR LICENSE REQUIRED.

2.07.002. EMPLOYEE PERMIT REQUIRED.

2.07.003. EMPLOYMENT OF MINORS IN THE SALE OF ALCOHOLIC BEVERAGES

ALLOWED - WHEN.

2.07.004. APPLICATION.

2.07.005. MISREPRESENTATIONS.

2.07.006. EFFECT OF CONVICTION, PROBATION STATUS OR PRIOR REVOCATION.

2.07.007. TEMPORARY PERMIT.

2.07.008. ISSUANCE OF PERMIT.

2.07.009. RENEWAL OF PERMIT.

2.07.010. CHANGE OF EMPLOYMENT.

2.07.011. SUSPENSION OR REVOCATION OF PERMIT.

2.07.012. PROHIBITED ACTS.

2.07.013. LOSS OF PERMIT.

ARTICLE 2.08. CATERER'S PERMITS

2.08.001. CATERER'S PERMITS.

2.08.002. DELIVERY OF ALCOHOLIC BEVERAGES PERMITTED.

ARTICLE 2.09. MINORS

2.09.001. MINORS - LIQUOR PURCHASES.

2.09.002. MINORS - LIQUOR SALES.

2.09.003. MINORS - LIQUOR ESTABLISHMENTS.

ARTICLE 2.10. CONDUCT OF LICENSED PREMISES

2.10.001. SALE PROHIBITED.

2.10.002. TIMES WHEN SALES ARE PROHIBITED.

2.10.003. SUNDAY SALES.

2.10.004. PROHIBITED BEVERAGES.

2.10.005. PREMISES OPEN FOR INSPECTION.

2.10.006. MULTIPLE BUSINESSES.

2.10.007. MULTIPLE LOCATIONS.

2.10.008. GAMBLING PROHIBITED.

2.10.009. LEWD AND OBSCENE ACTIVITIES PROHIBITED.

2.10.010. ILLEGAL ACTIVITIES.

2.10.011. SALES TO PERSONS UNDER THE INFLUENCE OF ALCOHOL OR
DRUGS

PROHIBITED.

2.10.012. CONSUMPTION BY EMPLOYEES PROHIBITED.

2.10.013. SOLICITATION OF SALE PROHIBITED.

2.10.014. COMPLIANCE WITH OTHER ORDINANCES AND LAWS.

2.10.015. POSSESSION OF ALCOHOLIC BEVERAGES RESTRICTED.

2.10.016. CONSUMPTION OF ALCOHOLIC BEVERAGE ON PREMISES MAY BE
PROHIBITED BY OWNER.

2.10.017 ANNEXED LICENSEE.

2.10.018. REMOVAL OF ALCOHOLIC BEVERAGES FROM PREMISES PROHIBITED.

2.10.019. DISPENSING OF ALCOHOLIC BEVERAGES LIMITED.

2.10.020. SALE OF ALCOHOLIC BEVERAGE THROUGH DRIVE-UP WINDOW PROHIBITED.

2.10.021. POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC

PROPERTY PROHIBITED.

2.10.022. PURCHASE FROM OTHER THAN LICENSED WHOLESALER.

2.10.023. SALE BY WHOLESALER TO UNLICENSED RETAILER.

ARTICLE 2.11. APPEAL PROCESS

2.11.001. APPEAL PROCESS.

ARTICLE 2.12. PENALTY

2.12.001. PENALTY.

2.12.002. LICENSE AUTOMATICALLY REVOKED UPON CONVICTION.

2.12.003. INJUNCTION.

2.01.001. DEFINITIONS.

In this Chapter, unless the context requires otherwise:

ALCOHOLIC BEVERAGE means any intoxicating liquor, malt liquor or nonintoxicating beer.

AMUSEMENT DEVICE means any machine or device upon which the insertion or payment of a coin, slug or disc may be operated by the public generally for use as a game or amusement, including but not limited to marble machines, billiard tables, pinball machines, skill ball, mechanical grab machines and other similar games.

CATERER means any person who, having a licensed premise, furnishes provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises.

CHIEF OF POLICE means the Chief of Police of the City or any duly authorized representative.

CHURCH means a building or structure regularly and primarily used as a place of worship by any religious society, organization or congregation, regardless of whether or not such building or structure was originally designed and constructed for such purpose.

CITY means the City of Independence, Missouri.

CLOSED PLACE means a place where all entrances are locked and where no patrons are in the place or about the premises.

CONVICTION means a conviction of a criminal offense or a municipal ordinance violation, or a plea of guilty or finding of guilty, whether or not sentence is imposed, and regardless of the sentence imposed.

DEALER means any person involved in the manufacture, distillation, brewing, distribution or sale of any alcoholic beverage.

FESTIVAL means any musical festival, dance festival, "rock" festival or similar musical activity likely to attract five thousand or more people at such an activity which will continue uninterrupted for a period of twelve hours or more, at which music is provided by paid or amateur performers or by prerecorded means, and which is held at any place within this City, and to which members of the public are invited or admitted for a charge. It shall not include a county fair or youth fair approved by the Missouri Department of Agriculture, or any activity conducted by any current or future ongoing licensed business in a permanent location.

FINANCIAL INTEREST as used in this chapter is defined to mean 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. Service as a member of the board of directors of a corporation, the stock of which is traded on the New York or American Stock Exchange, or NASDAQ, or ownership of less than ten (10) percent of the outstanding shares in such corporation shall not constitute a financial interest in such corporation or a subsidiary thereof.

FRONT means the part of the building or structure where the principal entrance of the building or structure affording access to the premises for the public opens upon the street.

HOSPITAL means a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than twenty-four hours in any week of three or more non-related individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions; or a place devoted primarily to provide for not less than twenty-four hours in any week medical or nursing care for three or more non-related individuals.

INTOXICATING LIQUOR means 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 one-half of one percent of alcohol by volume, except for nonintoxicating beer. All beverages having an alcoholic content of less than one-half of one percent by volume shall be exempt from the provisions of this chapter.

LICENSEE means the holder of any license issued under the provisions of this chapter.

LIGHT WINE means any alcoholic beverage manufactured from grapes, berries and other fruits and vegetables containing not in excess of fourteen percent of alcohol by weight.

LIQUOR LICENSE means the license that every person must obtain from the Liquor License Officer before engaging in or continuing to engage in the business of manufacturing, distilling, brewing, distributing or selling at wholesale or retail any alcoholic beverages within the City.

LIQUOR LICENSE OFFICER means the individual(s) so appointed by the City

MALT LIQUOR means any beverage manufactured from pure hops or pure barley malt or wholesome grains or cereals and wholesome yeast and pure water, containing alcohol in excess of three and two-tenths percent by weight and not in excess of five percent by weight.

MANAGING OFFICER means the person who is in active management and control of the premises who is eligible as an individual to receive a license for the sale of alcoholic beverages; and is a resident of the State of Missouri, or for corporations having more than one business location in Independence or businesses in other communities in Missouri the managing officer shall be that person so designated by the corporation, notwithstanding the above provision for active management and control of premises.

NON-INTOXICATING BEER means any beer manufactured from pure hops or pure extracts 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 by volume and not exceeding three and two-tenths percent by weight.

ORIGINAL PACKAGE means any package containing three or more original manufacturer containers of twelve ounces or less each of non-intoxicating beer or malt liquor; one or more original manufacturer containers in excess of twelve ounces of non-intoxicating beer or malt liquor; one hundred (100) milliliters (3.4 ounces) or more of wine or light wine in the manufacturer's original container; or fifty (50) milliliters (1.7 ounces) or more of any other alcoholic beverage. A standard bottle of malt liquor is any bottle or can containing twelve (12) ounces or less.

PERMITTEE means the holder of an employee's permit issued under the provisions of this chapter.

PERSON means and shall include any individual, association, club, organization, joint stock company, syndicate, co-partnership, corporation, receiver, trustee, conservator or other officer appointed by any State or Federal court.

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

RESTAURANT BAR means an establishment having a restaurant or similar facility on the premises, at least fifty percent of the gross annual income of which is derived from the sale of prepared food or meals consumed on premises; or which has an annual income of at least Two Hundred Thousand Dollars from the sale of prepared meals or food consumed on such premises.

RETAILER means a person holding a license to sell or to offer to sell alcoholic beverages to consumer only.

SALE BY THE DRINK means:

1. For malt liquor or non-intoxicating beer, less than three standard bottles of malt liquor or non-intoxicating beer.
2. For intoxicating liquor, any quantity less than one hundred eighty-seven milliliters. Any container from which such sale is made shall be emptied in every case and the contents of such container served as other intoxicating liquors that are sold by the drink.

SCHOOL means any building that is regularly used as a public, private or parochial elementary school, high school, college, university, professional school, business or secretarial school.

SUBSTANTIAL QUANTITIES OF FOOD means the amount of prepared meals or food consumed on the premises the sale of which accounts for at least fifty percent of an

establishment's gross income as derived during the three most recent preceding calendar months.

WHOLESALE means a person holding a license to sell alcoholic beverages to wholesalers or to retailers.

WINE means 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.

2.01.002. LICENSE REQUIRED - PERIOD OF TIME.

A. It shall be unlawful for any person to manufacture, sell or expose for sale in the City any alcoholic beverage in any quantity, without taking out a license. Any business which is not located within the corporate limits of the City whose business is solely to deliver alcoholic beverages within the City shall not be required to pay a liquor license fee but shall be subject to other regulations and restrictions as provided by this chapter.

B. A license shall be issued for a term expiring with the thirtieth day of June next succeeding the date of issuance of such license. When a license to manufacture, brew, sell or distribute alcoholic beverages is applied for and issued after December 31st in any year, the person applying for the license shall pay a license fee equal to one-half of the annual fee. All renewal applications shall be submitted to the Liquor License Officer on the proper forms on or before May 31st of each year. A penalty of One Hundred Dollars (\$100.00) per license will be assessed on renewal applications received after May 31st. Failure of a licensee to make a renewal application on or before June 30th shall be considered to constitute abandonment and the license shall be forfeited upon expiration.

C. 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 alcoholic beverages may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of alcoholic beverages at any place other than that described therein.

D. It shall be unlawful for a person to continue to hold an alcoholic beverage license when conditions have occurred which would render the continued use of such license or the licensed premises unlawful under the provisions of this chapter and it shall be the duty of the licensee to surrender the license to the City.

E. If the Liquor License Officer has reason to believe that any person to whom a license was issued for the current year, or any licensee who has filed a renewal application, has discontinued or abandoned the liquor establishment for which said license was issued,

said Officer may hold a hearing after five (5) days' written notice to the person to whom the license was issued for the current license year at his or her last known address, for the purpose of determining whether said liquor establishment has been discontinued or abandoned. If the Liquor License Officer shall determine from the evidence presented at said hearing that the liquor establishment has been discontinued or abandoned for a period of one (1) year or less and if said discontinuance or abandonment is satisfactorily explained to the Liquor License Officer, said Officer may, at his or her discretion, renew any license that has lapsed or become inactive; provided further, that the licensee pay the license fee from June 30, based on the classification of the license that is to be restored and the \$100 late penalty.

If the licensee fails to respond to such notice or if, having responded to such notice, the licensee fails to satisfactorily explain to the Liquor License Officer the discontinuance or abandonment of the establishment, the Liquor License Officer shall revoke or refuse to renew the license. At any such hearing provided for above, the licensee shall have full right to be heard and to be represented by counsel.

F. No person at least twenty-one (21) years of age shall be required to obtain a license to manufacture intoxicating liquor or non-intoxicating beer for personal or family use. The aggregate amount of intoxicating liquor or non-intoxicating beer manufactured shall not exceed two hundred (200) gallons per calendar year if there are two or more persons over the age of twenty-one (21) in such household, or one hundred gallons (100) gallons per calendar year if there is only one person over the age of twenty-one in such household.

2.01.003. LIQUOR LICENSE CLASSIFICATION AND FEES.

The following classes of liquor licenses and the fee for each such license issued under the provisions of this chapter are hereby established for the manufacturing, distilling, brewing, distributing or selling at wholesale or retail any alcoholic beverages within the City:

A. Wholesaler of Intoxicating Liquor

1. Number of Licenses Allowed: 1 per 20,000 population
2. License Fee: \$750
3. Activities Allowed: Sale of intoxicating liquor to retailers or other wholesalers, but not directly to the public.

B. Wholesaler of Malt Liquor, Nonintoxicating Beer and Intoxicating Liquor Not in Excess of Twenty-Two Percent by Weight

1. Number of Licenses Allowed: 1 per 20,000 population

2. License Fee: \$300

3. Activities Allowed: Sale of malt liquor, nonintoxicating beer and intoxicating liquor not in excess of twenty-two percent by weight to retailers or other wholesalers, but not directly to the public.

C. Wholesaler of Malt Liquor

1. Number of Licenses Allowed: 1 per 10,000 population

2. License Fee: \$150

3. Activities Allowed: Sale of malt liquor to retailers or other wholesalers, but not directly to the public.

D. Manufacturer/Distiller of Intoxicating Liquor

1. Number of Licenses Allowed: 1 per 20,000 population

2. License Fee: \$675

3. Activities Allowed:

a. Sale of Intoxicating liquor to retailers or other wholesalers, but not directly to the public.

b. Manufacture, distillation or blending of intoxicating liquor and sale to wholesalers or retailers, but not directly to the public.

E. Manufacturer/Distiller of Non-intoxicating Beer and Malt Liquor

1. Number of Licenses Allowed: 1 per 20,000 population

2. License Fee: \$375

3. Activities Allowed:

a. Sale of non-intoxicating beer and malt liquor to retailers or other wholesalers, but not directly to the public.

b. Manufacture, distillation or blending of non-intoxicating beer and malt liquor and sale to F. Manufacturer/Distiller of Intoxicating Liquor not in Excess of 22% by Weight.

1. Number of Licenses Allowed: 1 per 20,000 population

2. License Fee: \$300

3. Activities Allowed:

a. Sale of intoxicating liquor not in excess of 22% by weight to retailers or other wholesalers, but not directly to the public.

b. Manufacture, distillation or blending of intoxicating liquor not in excess of 22% by weight and sale to wholesalers or retailers, but not directly to the public.

G. Retailer of Non-intoxicating Beer in Original Package

1. Number of Licenses Allowed: 1 per 20,000 population

2. License Fee: \$22.50

3. Activities Allowed: Sale of non-intoxicating beer in the original package for consumption off premises.

4. Limited to the Following Specific Businesses: package liquor store, drug store, cigar and tobacco store, confectionery, delicatessen, grocery store or general merchandise store. Such business must have and keep in the store a stock of goods having a value according to invoices of at least One Thousand Dollars (\$1,000), exclusive of fixtures and alcoholic beverages.

H. Retailer of Non-intoxicating Beer by the Drink

1. Number of Licenses Allowed: 1 per 20,000 population

2. License Fee: \$37.50

3. Activities Allowed:

a. Sale of non-intoxicating beer in the original package for consumption off premises.

b. Sale of non-intoxicating beer by the drink for consumption on the premises.

I. Retailer of Malt Liquor and Light Wine in the Original Package

1. Number of Licenses Allowed: 1 per 4,000 population

2. License Fee: \$22.50

3. Activities Allowed:

a. Sale of non-intoxicating beer in the original package for consumption off premises. b. Sale of malt liquor in the original package for consumption off the premises.

c. Sale of light wine in the original package for consumption off the premises.

J. Retailer of Malt Liquor and Light Wine in the Original Package - Sunday Sales

1. Available only to persons holding a license as a Retailer of Malt Liquor and Light Wine in the Original Package

2. Additional License Fee: \$300.00

K. Retailer of Malt Liquor and Light Wine by the Drink

1. Number of Licenses Allowed: 1 per 3,500 population

2. License Fee: \$52.50

3. Activities Allowed:

a. Sale of non-intoxicating beer in the original package for consumption off premises.

b. Sale of non-intoxicating beer by the drink for consumption on the premises.

c. Sale of malt liquor in the original package for consumption off the premises.

d. Sale of malt liquor by the drink for consumption on the premises.

e. Sale of light wine in the original package for consumption off the premises.

f. Sale of light wine by the drink for consumption on the premises.

L. Retailer of Malt Liquor and Light Wine by the Drink - Sunday Sales

1. Available only to persons holding a license as a Retailer of Malt Liquor and Light Wine by the Drink

2. Additional License Fee: \$300.00

3. Sale of Food Required: At least fifty percent (50%) of the gross income of the business must come from the sale of prepared food or meals consumed on the premises, or the business must have an annual income of at least Two Hundred Thousand Dollars (\$200,000) from the sale of prepared meals or food consumed on the premises.

M. Retailer of Intoxicating Liquor in the Original Package

1. Number of Licenses Allowed: 1 per 1,950 population
2. License Fee: \$150.00
3. Activities Allowed:
 - a. Sale of non-intoxicating beer in the original package for consumption off premises.
 - b. Sale of malt liquor in the original package for consumption off the premises.
 - c. Sale of light wine in the original package for consumption off the premises.
 - d. Sale of intoxicating liquor in the original package for consumption off premises.
4. Limited to the Following Specific Businesses: package liquor store, drug store, cigar and tobacco store, confectionery, delicatessen, grocery store or general merchandise store. Such business must have and keep in the store a stock of goods having a value according to invoices of at least One Thousand Dollars (\$1,000), exclusive of fixtures and alcoholic beverages.

N. Retailer of Intoxicating Liquor in the Original Package - Sunday Sales

1. Available only to persons holding a license as a Retailer of Intoxicating Liquor in the Original Package
2. Additional License Fee: #300.00

O. Retailer of Intoxicating Liquor by the Drink

1. Number of Licenses Allowed: 1 per 4,700 population

Exception: There is no limit on the number of licenses for sale of intoxicating liquor by the drink which may be issued to country clubs and golf courses (except miniature golf courses or practice driving tees); or to hotels, motels, inns, lodges, or similar places providing principally transient residential accommodations and having at least forty (40) rooms for overnight accommodations.

2. License Fee: \$450.00
3. Activities Allowed:
 - a. Sale of non-intoxicating beer in the original package for consumption off premises.
 - b. Sale of non-intoxicating beer by the drink for consumption on the premises.
 - c. Sale of malt liquor in the original package for consumption off the premises.
 - d. Sale of malt liquor by the drink for consumption on the premises.

- e. Sale of light wine in the original package for consumption off the premises.
- f. Sale of light wine by the drink for consumption on the premises.
- g. Sale of intoxicating liquor in the original package for consumption off the premises.
- h. Sale of intoxicating liquor by the drink for consumption on the premises.

P. Restaurant Bar

1. Number of Licenses Allowed: No Limit
2. License Fee: \$450.00
3. Activities Allowed:
 - a. Sale of non-intoxicating beer in the original package for consumption off premises.
 - b. Sale of non-intoxicating beer by the drink for consumption on the premises.
 - c. Sale of malt liquor in the original package for consumption off the premises.
 - d. Sale of malt liquor by the drink for consumption on the premises.
 - e. Sale of light wine in the original package for consumption off the premises.
 - f. Sale of light wine by the drink for consumption on the premises.
 - g. Sale of intoxicating liquor in the original package for consumption off the premises.
 - h. Sale of intoxicating liquor by the drink for consumption on the premises.
4. Sale of Food Required: At least fifty percent (50%) of the gross income of the business must come from the sale of prepared food or meals consumed on the premises, or the business must have an annual income of at least Two Hundred Thousand Dollars (\$200,000) from the sale of prepared food or meals consumed on the premises.

Q. Restaurant Bar - Sunday Sales

1. Available only to persons holding a license as a Restaurant Bar
 2. Additional License Fee: \$300.00
-

2.01.004. SALE OF FOOD REQUIRED.

When the sale of food is required for a specified license, the following conditions must be met:

1. The application for a license shall be accompanied by a statement that verifies that at least fifty (50%) percent of the gross income of the restaurant for the preceding twelve months came from the sale of prepared food or meals consumed on the premises, or that the restaurant has an annual income of at least Two Hundred Thousand Dollars (\$200,000.00) from the sale of prepared food or meals consumed on such premises.

2. In the event such restaurant has not been in operation at least twelve months, a statement shall be submitted ninety days after the date of issuance of a license that verifies that at least fifty percent (50%) of the gross income of such restaurant during the preceding ninety day period came from the sale of prepared food or meals consumed on the premises or the restaurant can show a projection of annual business from prepared food or meals consumed on premises of at least Two Hundred Thousand Dollars. If such statement does not show that at least fifty percent (50%) of the gross income of such restaurant came from the sale of prepared food or meals consumed on the premises or the projection of annual sales of prepared food or meals consumed on the premises would be at least Two Hundred Thousand Dollars (\$200,000.00), the license shall be revoked by the Liquor License Officer, provided, however, that such license may, in the discretion of the Liquor License Officer, be allowed to remain in effect for a maximum period of two months to allow the restaurant an opportunity to raise its gross income from the sale of prepared food or meals consumed on the premises to meet one of the above stated requirements. The food sales will then be determined with the two month period included as a portion of the previously stated criteria and failure to raise the food sales consumed on the premises to one of the above stated requirements for the preceding twelve months or ninety days, whichever is applicable, by the end of the two month period shall render said license null and void at that time. The verifications required under this section may be provided by a certified public accountant, a public accountant, auditor, comptroller, or bookkeeper, given under oath and notarized.

3. The City reserves the right to require a statement by a certified public accountant certifying that at least fifty percent (50%) of gross income of the licensee came from the sale of prepared food or meals consumed on the premises, or that at least Two Hundred Thousand Dollars (\$200,000.00) came from the sale of prepared meals or food consumed on such premises; provided, however, that such requests are limited to one per licensing year.

2.01.005. NUMBER OF LICENSES ALLOWED; POPULATION DETERMINATION.

A. The number of licenses allowed, as shown in Section 2.01.003, above, indicates the number of residents, or major fraction thereof, within the corporate limits of the City which are required for the issuance of one license.

B. The determination of the population of the City for the purpose of issuance of liquor licenses shall be the most recent estimate of the Community Development Department as approved by resolution by the City Council, and, upon such estimate, the Liquor License Officer may increase or decrease the number of licenses to be issued under this Chapter.

C. When the Liquor License Officer finds that the population of the City, as determined by the City Council, has declined, and the number of licenses allowed in any category will decrease on account of such population decline, current license holders will be eligible for renewal of their license as long as they continue in business in compliance with all provisions of the City Code. The business must be operating under a current and valid license on the effective date of the City Council action setting the City's population and continue in active operation in order to maintain their protected status.

2.01.006. LIMITED LICENSES AVAILABLE.

Notwithstanding any other provisions of this chapter, a limited license may be issued as set out below.

A. Intoxicating Liquor and Non-intoxicating Beer by the Drink.

1. Limitations:

a. Shall be issued only to a church, school, civic, service, fraternal, veteran, political or charitable club or organization.

b. Shall allow the consumption of intoxicating liquor and non-intoxicating Beer by the drink only at a picnic, bazaar, fair, cultural event or similar gathering.

c. Shall be issued only for the day or days named therein. It shall not authorize the sale of intoxicating liquor and non-intoxicating beer for more than seven days by any organization.

d. If the event will be held on a Sunday, the permit may authorize the sale of intoxicating liquor and non-intoxicating Beer on that day beginning at 11:00 a.m. and ending at midnight.

e. Shall include physical boundaries to restrict access to licensed premises.

f. Licensed premises shall not be allowed within three hundred (300) feet of children's carnival or rides occurring in conjunction with picnic, bazaar, fair, cultural event or similar gathering.

2. License Fee: \$37.50

B. Fourth of July Celebrations.

1. Limitations:

a. Shall be issued only to a church, school, civic, service, fraternal, veteran, political or charitable club or organization.

b. Shall authorize the sale of malt liquor and light wine at an event held to commemorate the anniversary of the signing of the Declaration of Independence of the United States.

c. Shall be issued only during the period from June fifteenth to July fifteenth annually and only for the day or days named therein and it shall not authorize the sale of malt liquor and light wine except between the hours of 10:00 a.m. (11:00 a.m. on Sunday) and midnight and for not more than seven days by any such organization.

d. The license may be issued to cover more than one place of sale within the general confines of the place where the gathering or event is held.

e. No license shall be issued to any organization which selects or restricts the membership thereof on the basis of race, religion, color, creed or place of national origin.

2. License Fee: \$150.00

C. No provisions of this chapter shall prohibit any wholesaler or distributor from providing customary storage, cooling, or dispensing equipment for use by the holder of the license at any picnic, bazaar, fair, or similar gathering.

D. Persons involved in the dispensing and/or sale of non-intoxicating beer, malt liquor or light wine by the drink under a temporary license, without pay, are exempt from the requirement to obtain an Employee's Permit Card if they meet appropriate age and other requirements.

2.01.007. WINE, MALT BEVERAGES AND DISTILLED SPIRITS TASTINGS.

A. Any person who is licensed to sell intoxicating liquor in the original package at retail under this chapter may apply to the Liquor License Officer for a special license to

conduct wine, malt beverages and distilled spirits tastings on the licensed premises. The fee for such license shall be Thirty-Seven and 50/100 Dollars (\$37.50).

B. Nothing in this section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

C. Licensee shall comply with administrative requirements developed by the Liquor License Officer.

2.01.008. SUNDAY LICENSE FOR CHARITABLE, FRATERNAL, RELIGIOUS SERVICE, OR VETERANS' ORGANIZATIONS.

A. Notwithstanding any other provisions of this chapter to the contrary, any charitable, fraternal, religious, service or veterans' organization which has obtained an exemption from the payment of Federal income taxes as provided in section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United States Internal Revenue Code of 1954, as amended, which possesses a license which allows the sale of intoxicating liquor by the drink for consumption on the premises, may apply to the Liquor License Officer for a special license to sell intoxicating liquor between the hours of 11:00 A.M. on Sunday and midnight on Sunday by the drink at retail for consumption on the premises described in the application. In addition to all other fees required by this chapter, an organization obtaining a special license under this section shall pay an additional fee of Three Hundred Dollars (\$300) a year, payable at the same time and in the same manner as its other license fees.

B. If any charitable, fraternal, religious, service, or veteran's organization has a license to sell intoxicating liquor on its premises pursuant to this section and such premises includes two or more buildings in close proximity, such license shall be valid for the sale of intoxicating liquor at any such building.

2.01.009 - 2.01.999. RESERVED.

2.02.001. LIQUOR LICENSE OFFICER - APPOINTMENT.

There is hereby established the position of Liquor License Officer which officer shall be appointed by the City Manager.

2.02.002. LIQUOR LICENSE OFFICER - POWERS AND DUTIES

The Liquor License Officer shall exercise all powers as they relate to the administration of this chapter, with respect to the processing of applications for liquor licenses, applications for employee permits, issuance of liquor licenses, issuance of employee permits and shall:

1. Prescribe all forms for applications, liquor licenses and employee permits in compliance with the provisions of this chapter.
2. Process liquor license applications and employee permit applications.
3. Keep a record of all liquor licenses and employee permits issued and of the suspension and revocation of any liquor license or employee permit.
4. Make a full and complete report of all business to the City Manager at the end of each fiscal year.
5. Investigate and determine the eligibility of any applicant for a liquor license or employee permit as described in this chapter and submit all applications for liquor licenses and employee permits to interested City officials for their reports as to compliance by the applicant with all City regulations.
6. Notify any applicant of the acceptance or rejection of said application.
7. Make such reasonable rules, regulations, orders and directions as may be necessary and feasible for carrying out the duties of the Liquor License Officer which are not inconsistent with the provisions of this chapter.
8. Examine the books and records of any applicant or licensee when reasonably necessary to determine the eligibility of the person applying for a license or a license renewal, or to determine that the provisions of this chapter have been fully complied with by such applicant or licensee.
9. Hold hearings concerning the suspension or revocation of employee permits.
10. Approve, suspend or revoke employee permits as further set out in this chapter.
11. Recommended approval of liquor licenses.
12. Suspend or revoke liquor licenses and approve, suspend or revoke employee permits, as further set out in this chapter.

2.02.003. CHIEF OF POLICE - POWER.

The Chief of Police and any designated employee shall have the authority to:

1. Make arrests and to serve any process connected with the enforcement of this chapter, provided, however, that said designated employees carry credentials showing their authority.
2. Inspect the premises of any licensee including all rooms, cellars, outbuildings and yards used in connection with the operation of the business at any reasonable time, without warrant, and the acceptance of the license by the licensee under this chapter shall be construed as a waiver by the licensee of any constitutional provisions concerning search and seizure.
3. Seize any and all objects that may appear to be in violation of any provision of this chapter and hold in custody such objects as evidence until any matter pertaining thereto is finally adjudicated. Upon such seizure, a receipt shall be issued to the person from whom the objects were seized and upon demand, if not forfeited, such objects shall be returned to their lawful owner in the manner provided by Section 8.06.008 of the Code of the City of Independence, Missouri.
4. Notwithstanding any other provisions of this chapter, the Chief of Police shall have power to close for a period not to exceed twenty-four hours any premises that shall be in the immediate area of a mob, riot, strike or any type of violence, actual or probable; provided, however, that said Chief of Police shall not close such place under such circumstances without advising at the earliest possible moment the City Manager; and provided further that the Chief of Police shall not close such place for two or more consecutive twenty-four hour periods without approval of the City Manager or acting under the emergency police powers of the City.

2.02.004. CHIEF OF POLICE - DUTY.

It shall be the duty of the Chief of Police to:

1. Exercise all duties and powers relating to the enforcement of this chapter.
2. Cause to be inspected regularly all places of business where alcoholic beverages are sold or kept for sale.

3. Report any condition in such places of business which may be in violation of any other City ordinance to the director of the department charged with enforcement of that ordinance, who shall then take appropriate measures to secure full compliance of said licensee with the applicable ordinance.

2.02.005. CHIEF OF POLICE AND LIQUOR LICENSE OFFICER - CONFLICT OF INTEREST.

The Chief of Police and the Liquor License Officer and their appointees, agents, assistants and inspectors administering and enforcing the provisions of this chapter shall not have any financial interest in or on any premises where alcoholic beverages are distilled, brewed, manufactured or sold; nor shall they have any interest, directly or indirectly, in any business wholly or partially devoted to the distilling, brewing, manufacture or sale of alcoholic beverages; nor shall they, directly or indirectly, engage in dealing in or distilling, brewing, manufacturing or selling alcoholic beverages, either as owner, part owner, partner, members of a syndicate, shareholders of a corporation, agents or employees, either for their benefit or in a fiduciary capacity. The Chief of Police and the Liquor License Officer and their appointees, agents, assistants or inspectors shall not accept any compensation, reward or gift other than a designated salary and expenses as provided by the City of Independence.

2.02.006 - 2.02.999 RESERVED.

2.03.001. QUALIFICATIONS OF LICENSEE.

A person desiring to obtain a liquor license must demonstrate that he/she:

1. Will be actively engaged in the actual control and management of the premises for which the liquor license is sought, except as otherwise provided in this Article.
2. Is at least twenty-one years of age.
3. Is a qualified legal voter.

4. Holds an alcoholic beverage license of the type applied for from the State of Missouri, prior to final issuance of the license applied for from the City.

5. Has not been convicted of a violation of the provisions of any law applicable to the manufacture or sale of alcoholic beverages, and has not had a license to manufacture, distribute or sell alcoholic beverages revoked, within the three years prior to submission of the applicant's application for a license under this chapter.

6. Is not in arrears to the City for any back taxes, license fees or permit fees, court fines, or judgments.

7. Has not accepted directly or indirectly any loans, equipment, money, credit or property of any kind, except ordinary commercial credit as such term is defined in the Rules and Regulations of the Supervisor of Liquor Control of the State of Missouri, as from time to time amended.

8. Possesses a Certificate of Occupancy issued by the Building Official for the proposed use of the Building to be occupied as the licensed premises.

9. Holds a current City of Independence Occupation License issued for the operation of the licensed premises.

Nothing in this section shall prevent the issuance of licenses to non-residents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of alcoholic beverages to, by or through a duly licensed wholesaler, within this State.

2.03.002. PRIOR LICENSES.

A. No person, partnership or corporation shall be qualified for a license under this Chapter if such person, any member of such partnership, the managing officer of 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 has had a license revoked under this Chapter.

B. No person, partnership or corporation shall be qualified for a license under this Chapter if any person employed in the business licensed under this chapter shall have had a license revoked under this chapter, or shall have been convicted of violating the

provisions of any law applicable to the manufacture or sale of intoxicating liquor, within the three years immediately preceding the application for the license, or shall have been convicted of any crime the conviction or sentencing on which is reasonably related to the competency of the person to exercise the right or privilege granted by the license.

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 so long as any such employee does not directly participate in retail sales of intoxicating liquor.

D. No license will be issued to the spouse, child(ren), step-child(ren), parent(s), step-parent(s), son-in-law or daughter-in-law, employee or other person having any interest in the business of a licensee whose license has been revoked, for the privilege of doing business at the same location as the location of the establishment whose license was revoked, where such revocation would disqualify the licensee from obtaining a license under this Chapter.

E. The Liquor License Officer shall require all applicants for licenses to file written statements, under oath, containing the information reasonably required to administer this section. Statements by applicants for licenses as wholesalers and retailers shall set out, with other information required, full information concerning the residence of all persons financially interested in the business to be licensed as required by regulation. All material changes in the information filed shall be promptly reported to the Liquor License Officer.

2.03.003. PARTNERSHIPS.

A. No license provided for in this Chapter shall be issued to any partnership unless all members of the partnership are persons who would be eligible for licenses as individuals under the provisions of this Chapter, and no such license shall be issued to any partnership, any partner of which has been the holder of a license or permit that has been revoked.

B. Whenever a partnership holding a liquor license under the provisions of this Chapter makes application for a change in partners, a charge of \$50.00 shall be made for each such application.

2.03.004. CORPORATIONS.

A. Corporations licensed under the provisions of this Chapter must have a managing officer. In order to qualify, the managing officer must be a person in the corporation's employ, either as officer or an employee who is vested with the general control and superintendence of a whole, or a particular part of, the corporation's business at a particular place. In the event the office of the managing officer of a corporation becomes vacant, it will be necessary for the corporation to secure a qualified managing officer within fifteen (15) days after the vacancy occurs.

B. No license provided for in this Chapter shall be issued to any corporation unless the managing officers of such corporation are persons who would be eligible for licenses as individuals under the provisions of this Chapter.

C. Managing officers of corporations with more than one business location in Independence, shall maintain at all times with the Liquor License Officer a current letter designating the person in control and management of each licensed business location within the corporate limits of Independence.

D. Whenever a corporation holding a liquor license under the provisions of this Chapter makes application for a change of managing officers, a charge of \$50.00 shall be made for each such application.

2.03.005. EMPLOYEES.

A. No licensee shall employ on or about the licensed premises any person who: (1) has been convicted of a violation of the provisions of any law applicable to the manufacture or sale of alcoholic beverages; (2) has had a license revoked under Chapter 311 or 312, RSMo., when such conviction or revocation has occurred within the three years immediately preceding the employee's employment by the licensee; or (3) has had a license revoked under this Chapter.

B. No retail licensee shall employ on or about the licensed premises any felon or prostitute, except that licensees may employ persons convicted of a felony unrelated to the manufacture or sale of alcoholic beverages so long as any such felon does not directly participate in retail sales of alcoholic beverages, by accepting payment, taking orders, delivering, mixing or assisting in mixing or serving alcoholic beverages in the capacity of, but not limited to, bar manager, bartender, waiter, waitress, cashier and sales clerk.

C. No person holding a license to brew, manufacture or sell non-intoxicating beer shall employ any person whose permit or license has been revoked, or who has been convicted of violating the provisions of any law applicable to the manufacture or sale of alcoholic beverages, within the three years immediately preceding the employment of the employee by the licensee, or who shall have been convicted of any crime the conviction of, or

sentencing on, which is reasonably related to the competency of the person to exercise the right or privilege granted by the license.

2.03.006 - 2.03.999 RESERVED.

2.04.001. WRITTEN APPLICATION.

A. The following provisions shall apply to applications for a license under this Chapter:

1. Application must be made under oath and on the forms prescribed and provided by the Liquor License Officer.
2. Licenses will be processed in the order in which the applications are received by the Liquor License Officer.
3. Except as further set out in this chapter, no applicant may conduct any business for which an application for a license has been submitted until such license is finally granted, and no agent of the City has any right or authority to authorize any applicant to do so.

B. If application is made by a partnership, the application shall set out the names and residences of all the partners, whether they be active or silent partners. All partners shall sign the application.

C. Every applicant for a license to sell alcoholic beverages at retail must present the following with his/her application:

1. There must be attached securely to the application a recent photograph or clear snapshot of the individual(s) signing the application.
2. If application is being made for an original package license, an affidavit must be submitted which is signed by the individual owner; all of the partners, if a partnership; or the managing officer of a corporation, if a corporation, which states:
 - a. The type of business in connection with which the license is to be used;
 - b. That the applicant has and at all times keeps 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 alcoholic beverages.

3. A recent photograph approximately the size of an ordinary postcard of the exterior of the premises sought to be licensed shall be attached to the application.

4. Every applicant shall submit a copy of his/her personal property tax receipt for the year immediately preceding the date of the application from the county in which they reside showing that all taxes owed for the year immediately preceding the application by the applicant, all partners if the applicant is a partnership, and the managing officer of the corporation, if the applicant is a corporation, have been paid. In lieu of such receipt, the applicant may provide an affidavit of the county or city assessor where the applicant resides, or, if applicant is a corporation where the managing officer of the corporation resides, stating that applicant or the managing officer of the corporation, if a corporation, owns property for which she/he is legally subject and liable for taxation in the county, town, city or village where applicant or, if a corporation, the managing officer of the applicant, resides in Missouri.

5. Each applicant for a license shall submit, before final issuance of a license under this Chapter, a copy of his/her license of the same type issued by the State of Missouri Director of Revenue.

6. A criminal history record information (CHRI) report on each applicant, obtained from the Missouri State Highway Patrol. A CHRI shall be obtained for each partner in a partnership, and the managing officer, directors and officers of a corporation.

D. The Liquor License Officer may waive the requirement of any information, and may require any additional information, as may be consistent with the purposes of this Chapter and will assist the Officer in the performance of his/her duties as set out herein.

2.04.002. FINGERPRINTING.

If the Liquor License Officer has reason to believe that an applicant has a criminal record he/she may require that the applicant submit to being fingerprinted to ascertain if the applicant has been convicted of any crime.

2.04.003. MISREPRESENTATIONS.

No license shall be granted to an applicant unless she/he makes full, true and complete answers to all questions in the application. If any applicant shall make any false statement

in his/her application, it shall be cause for suspension or revocation of any license issued pursuant to the application.

2.04.004. APPLICATION FEE.

Each application for a license shall be accompanied by the appropriate application fee which shall be an amount equal to fifty percent (50%) of the license fee. This application fee is not refundable, but shall be applied to the license fee in the event that a license is issued.

2.04.005. INVESTIGATION OF APPLICANTS.

A. The Liquor License Officer shall cause an immediate investigation to be made of the statements contained in each application for a new license as well as the background of the person applying for the license. The suitability of the location and surrounding conditions of the proposed premises also shall be investigated.

B. Upon receipt of an application, the Liquor License Officer shall forward to the Chief of Police a copy of said application. The Chief of Police shall furnish to the Liquor License Officer a copy of the applicant's record of convictions with the City.

C. The Liquor License Officer upon receipt of a new license application shall request that City staff inspect the premises, including the equipment and furnishings therein, or review the application to determine if the premises is in compliance with all the requirements of applicable City ordinances. The Liquor License Officer may also request that City staff inspect or review a licensee based on the Liquor License Officer's reasonable belief that the licensed premises is in violation of a provision of the City ordinances.

2.04.006 - 2.04.999 RESERVED.

2.05.001. LICENSE REQUIRED.

No person shall manufacture or brew for sale, or sell or expose for sale within the City any alcoholic beverage, in any quantity, without taking out a license.

2.05.002. CITY COUNCIL APPROVAL REQUIRED.

A. Only the City Council may approve an application for a license as provided by this Chapter, except as provided in paragraph C, below.

B. Licenses granted under the terms of this Chapter shall be signed by the Presiding Officer of the City Council and City Clerk and countersigned by the Liquor License Officer and the Director of Finance. The City Clerk shall affix the seal of the City to the license.

C. Upon proper application and payment of the required fee, the following licenses may be issued by the Liquor Control Officer without Council approval:

1. Retailer of Malt Liquor and Light Wine in the Original Package - Sunday Sales.
 2. Retailer of Malt Liquor and Light Wine by the Drink - Sunday Sales.
 3. Retailer of Intoxicating Liquor in the Original Package - Sunday Sales.
 4. Restaurant/Bar - Sunday Sales.
-

2.05.003. STANDARDS FOR ISSUANCE OF LICENSE.

A. In reviewing the said application, the City Council shall consider:

1. Whether the proposed premises is within three hundred feet (300') of any R-E, R-I, R-1a, R-1b, R-2 or R-3 zoning district, and if so, whether the proposed licensed operation would cause a nuisance or change in the character of the residential area. In this context the Liquor License Officer shall consider exterior lighting, noise, traffic and parking, as well as any other relevant characteristic of the proposed premises.
2. The proximity of the proposed premises to a school, church, hospital, public park, playground, library, or museum.

3. The number of licenses within one thousand five hundred feet (1,500') of the proposed location.

4. The type of licenses existing within one thousand five hundred feet (1,500') of the proposed location and the type of license applied for.

5. The type of business or commercial uses within one thousand five hundred feet (1,500') of the proposed premises and the general character and intensity of uses permitted by the Zoning Ordinance within the locality.

B. The Liquor License Officer may request any department or agency of the City to provide data, information, opinions or recommendations which will assist the Liquor License Officer in reviewing any application for a license. By way of example, and not as a limitation, the Liquor License Officer may request the following departments to provide the following information concerning the proposed premises:

1. Community Development Department: Traffic flow, location of curb cuts for parking lots, and parking availability surveys; impact upon the community, neighborhood, surrounding environs; adopted area plans and comprehensive plans or development projects in the area; applicable building codes, parking requirements and zoning restrictions.

2. Fire Department: Access for emergency vehicles and fire safety of the proposed location.

3. Police Department: Potential impact of crime, disturbances and traffic related to density or location of licensed establishments upon nearby residential or commercial neighborhoods.

4. Health Department: Adverse impact upon public health and safety.

5. Park and Recreation Department: Impact upon parks and community centers within the vicinity.

C. No license for the manufacturing, brewing, or sale of alcoholic beverages shall be granted when it has been determined that:

1. Any applicant (including any partner in a partnership, and the managing officer, directors and officers of a corporation) does not meet the qualifications set out in this Chapter.

2. The conduct of the business on the premises would violate any provision of the City Code.

3. The applicant is not duly licensed by the State of Missouri to conduct the business for which the license is being requested.

D. A public hearing before the City Council shall be held on all license applications. The applicant shall have full right to have counsel, produce witnesses and cross-examine all witnesses who may appear at the hearing. The applicant shall have the right to take down stenographically or record mechanically or electronically all proceedings in such hearings. Such hearings shall be transcribed whenever required by law. Subpoenas shall be issued by the Chief of Police for any witness whose presence is desired at any hearing before the Council, and such subpoena may be served by any member of the Independence Police Department. Such subpoena shall be served, and return thereon shall be made in the same manner as provided by law in civil suits in the Circuit Court of this state. Witnesses may also appear voluntarily at such hearings and testify.

E. In passing upon any application presented to it, the City Council may determine not to issue a license if the applicant fails to meet any of the requirements of this chapter for the license applied for, or the premises where the applicant's business is to be located fails to comply with any applicable provision of the City Code, or if the location of the business on the proposed premises would be detrimental to the best interest of the locality involved.

F. The sale or lease of a licensed premises and the transfer of a license shall not require a public hearing under this section.

G. The decision of the City Council shall be final and conclusive.

2.05.004. NOTICE AND CONSENT.

A. No license shall be granted for the sale of intoxicating liquor within three hundred feet (300') of any hospital, school, church or other building regularly used as a place of religious worship; except that when a school, church or place of worship shall be established within three hundred feet (300') of any place of business already licensed to sell intoxicating liquor under this Chapter, the renewal of that licensee's license shall not be denied because of the location of the premises within three hundred feet (300') of a hospital, school, church or other building regularly used as a place of religious worship.

B. When the proposed location of the premises is within three hundred feet (300') of an R-E district, R-I district, R-1a district, R-1b district, R-2 district or R-3 district no license shall be issued unless the applicant obtains the consent, in writing, of a majority of the property owners of such residential districts who own land within three hundred feet (300') of the proposed location. Provided however, that where the owner of such residentially zoned property is a governmental entity or political subdivision, the consent of such governmental entity or political subdivision shall not be required, and the property owned by such governmental entity or political subdivision shall not be considered in calculating how many property owners constitute a majority of property

owners within the three hundred foot (300') boundaries. For purposes of this paragraph, governmental entity and political subdivision include the federal government, the State of Missouri, counties, townships, cities, towns, villages, and school, county library, city library, city-county library, road, drainage, sewer, levee and fire districts, soil and water conservation districts, watershed districts, and any board of control of an art museum, and any other governmental entity, public subdivision or public corporation having the power to tax.

C. For all applications, except for transfers or the sale or lease of licensed premises, notice shall be given to all property owners within one hundred eighty-five feet (185') of the proposed location of the premises. Such notice shall be given by regular United States Mail or personal service. The notice shall contain the name of the applicant, the address of the premises to be licensed and a description of the license requested and the time, date and place of the public hearing to be held on the application.

D. The distance from the premises of a liquor establishment and a church building, school building, or hospital building shall be measured between the point of the premises located nearest to the exterior wall of the church building, school building, or hospital building.

2.05.005. CONTENTS OF LICENSE.

A license issued under authority of this chapter, a copy of which shall be retained in the records of the Liquor License Officer, shall contain the following information:

1. The class of license.
2. The legal description of the property upon which the licensed premises is located, the dimensions of the licensed premises and the address thereof.
3. The name of the person to whom the license is issued.

2.05.006. POSTING OF LICENSE.

A. Before commencing or doing any business for the time for which a license has been granted, the license shall be posted and at all times during the term of the license, kept displayed in a conspicuous place on the premises where the business is carried on, so that all persons visiting the premises may readily see the license.

B. No licensee shall post the license or allow the license to be posted upon premises other than the premises licensed or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee or knowingly deface, destroy or alter the license in any respect.

2.05.007. CHANGE OF FACTS.

A. If during the period for which a license is granted there is any change of facts or information differing from that set forth in the original or in any renewal application on file with the Liquor License Officer, written notice shall be given to the Liquor License Officer within ten (10) days after the change.

B. If the change is a change in ownership of the licensed premises, change of managing officer, or change of partner, such change is subject to the approval of the City Council, in the same manner as the approval of a license. The new owner, managing officer or partner shall meet all the requirements of this Chapter applicable to owners, managing officers and partners. A public hearing is not required for such changes.

2.05.008. TRANSFERABILITY OF LICENSE.

A. No license issued under authority of this Chapter may be transferred or assigned, except as herein provided:

1. DEATH OF LICENSEE.

a. In the event of the death of a person holding a license, the widow or the widower or the next of kin of such deceased person, who shall meet the other requirements of this Chapter, may make application and the Liquor License Officer 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.

b. Unless licensed under this Chapter, no receiver, assigned, trustee, guardian, administrator or executor may sell any alcoholic beverage belonging to the estate over which she/he has control, except to a licensed wholesaler or retailer and she/he must first procure the consent of the Liquor License Officer to sell the alcoholic beverage. Consent will not be given unless the Liquor License Officer has been provided with the following documents and information:

(1) A copy of the order of the court having jurisdiction over the state authorizing the sale; and

(2) A joint affidavit signed by the receiver, assigned, trustee, guardian, administrator or executor and the purchaser, setting out an inventory of the stock, the price for which it is to be sold, the date of the contract of sale and the license number of the purchaser.

2. DEATH OR WITHDRAWAL OF PARTNER. Whenever a partner dies or one or more members of a partnership withdraws from the partnership, the Liquor License Officer, 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.

3. REMOVAL OF LICENSE TO OTHER LOCATION. A license may, subject to the approval of the City Council, be transferred to any other premises or to any other part of the building containing the licensed premises if the place sought to be licensed meets the requirements of this Chapter. Such transfer shall be subject to the requirements of this Chapter for the location of a licensed premises, and a hearing shall be held before the City Council as set out in Section 2.05.003.

4. EXPANSION OF EXISTING LICENSE. A license may, subject to the approval of the City Council, be expanded to encompass a larger area of the existing licensed premises if the area sought to be licensed meets the requirements of this Chapter. Such expansion shall be subject to the requirements of this Chapter for the location of a licensed premises, and a hearing shall be held before the City Council as set out in Section 2.05.003.

B. The application for permission to transfer or expand the license must be submitted in writing, together with Thirty-Five Dollars (\$35.00), to the Liquor License Officer and set forth:

1. Name and address of the person holding the license.

2. Street address and legal description of the premises to which removal is sought, together with the name and address of the owner of the property and the name of any person having a leasehold or interest therein as landlord or tenant.

2.05.009. SALE OR LEASE OF LICENSED PREMISES.

When a person holding a liquor license obtains a buyer or lessee for the establishment for which the license was issued, said buyer or lessee shall be given prior consideration for a

license, provided said buyer or lessee meets the requirements set forth in this Chapter and pays the necessary fees.

2.05.010. LICENSE, REPLACEMENT OF.

Whenever a license is lost, stolen or destroyed, a duplicate license will be issued by the City, upon payment of a Ten Dollar (\$10.00) replacement fee by the licensee to the Director of Finance. Application for a duplicate license must be by affidavit of the licensee and must set forth the following:

1. Date upon which license was lost, stolen or destroyed.
 2. Circumstances under which license was lost, stolen or destroyed.
-

2.05.011. RESPONSIBILITY FOR ACTS OF EMPLOYEES.

Licensees are at all times responsible for the conduct of their business and are at all times directly responsible for any act or conduct of any employee on the premises that is in violation of this Chapter any other City ordinance, the Intoxicating Liquor Laws or the Non-intoxicating Beer Laws of the State of Missouri, and the regulations of the Liquor License Officer and the Chief of Police.

2.05.012. LICENSE NOT REQUIRED.

A. Any licensed pharmacist may possess intoxicating liquor purchased from a vendor licensed pursuant to this Chapter, or acquired pursuant to state law, to be used in connection with the business of the licensed pharmacist in compounding medicines or as a solvent or preservative. Nothing in this Chapter shall prevent a regularly licensed pharmacist, after procurement of a license therefor in compliance with this Chapter, from selling alcoholic beverages in the original package.

B. Nothing in this Chapter shall be construed as limiting the right of a physician to prescribe intoxicating liquor in accordance with the physician's 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.

2.05.013 - 2.05.999 RESERVED.

2.06.001. GROUNDS FOR SUSPENSION OR REVOCATION.

The following actions shall be considered as grounds for suspension or revocation of a license:

1. A licensee has not at all times maintained an orderly place; or
2. A licensee or any employee, agent or servant of the licensee has violated any of the provisions of this Chapter; or
3. The license held by the licensee was obtained through materially false statements in the application for such license or renewal thereof; or
4. The licensee failed to make a complete disclosure of all pertinent information in the application for such license or renewal thereof; or
5. The licensee, since the issuance of such license, has ceased to be the person actually engaged in the active control and management of the particular establishment for which the license was issued; or
6. Anything has occurred which would render the licenses or the licensed premises ineligible or unsuitable for a license under the provisions of this Chapter; or
7. That such licensee is in violation of any Federal or State Liquor Control Act; or
8. That the conduct of the business violates, or the licensed premises or the licensee are in violation of, any provision of the City Code; or
9. That an employee of any licensee had failed to properly obtain an employee's permit; or had said permit suspended or revoked after notification of said suspension or revocation by the Liquor License Officer to the holder; or
10. The licensed premises has been discontinued or abandoned.

2.06.002. PROCEDURE.

A. The Liquor License Officer may, upon recommendation of the Chief of Police or upon his/her own motion, conduct a hearing to determine if any license issued under authority of this Chapter should be suspended or revoked.

B. The licensee shall be given not less than ten day's written notice prior to the hearing. The notice shall set out the reasons for which the hearing is called and shall command the person holding the license to be present at such hearing and show cause, if any, why such license should not be suspended or revoked. Such notice shall be served by a police officer or agent of the office of the Liquor License Officer and may be served upon the licensee or leaving a copy thereof with the licensee, or with a person or employee in charge of the place of business of said licensee, or by mailing said notice by certified mail to the licensee at his or her last known business or residence address or by posting a copy of said notice on the licensed premises.

C. The licensee shall have the right to appeal the decision of the Liquor License Officer, as set out in Article 11 of this Chapter.

2.06.003. EFFECT OF REVOCATION; SUSPENSION.

A. Whenever any license shall be revoked under the terms and provisions of this Chapter, the licensee shall not thereafter be eligible for any license provided for in this Chapter.

B. No licensee who shall have experienced a suspended license by order of the Liquor License Officer shall sell or give away any alcoholic beverage during the period of time such order of suspension is in effect. Any licensee desiring to keep said premises open for the sale of food or merchandise during such period of suspension shall display the order of suspension issued by the Council Liquor License Officer in a conspicuous place on the premises so that all persons visiting the premises may readily see the order of suspension.

2.06.004 - 2.06.999 RESERVED.

2.07.001. LIQUOR LICENSE REQUIRED.

No person may be employed in the sale, dispensation, service or delivery of alcoholic beverages by any employer who does not have the required license under this Chapter.

2.07.002. EMPLOYEE PERMIT REQUIRED.

A. Except as further set out below, all persons employed in the retail sale, dispensation, service or delivery of alcoholic beverages must obtain a permit as provided herein. This requirement for an employee permit shall include a bartender or a waiter/waitress who serves alcoholic beverages, a cashier who registers the sale of alcoholic beverages, or any other person #physically handling an alcoholic beverage as an employee of a licensee.

B. The following persons are not required to have an employee permit:

1. Any person employed solely as a cashier in a business licensed to sell malt liquor and light wine by the drink or as a restaurant bar.

2. Hostesses who are not involved in the actual dispensation or sale of an alcoholic beverage.

3. Persons who bus tables.

4. Persons employed by a grocery store, for the sacking of items which have been purchased.

5. A stocker who arranges alcoholic beverages for storage, display or sale.

C. Each employer shall have the employee's permit for all employees then on duty on display in an area visible to patrons of the establishment.

D. It shall be unlawful for any licensed retailer to employ any person to sell or assist in the sale of alcoholic beverages who does not have an employee permit which is required by this Chapter.

2.07.003. EMPLOYMENT OF MINORS IN THE SALE OF ALCOHOLIC BEVERAGES ALLOWED WHEN.

A. Persons at least eighteen years of age, but under the age of twenty-one years, may obtain a permit to stock, arrange displays, accept payment for and/or sack for carry out

alcoholic beverages in any place of business licensed for the sale of alcoholic beverages in the original package where at least fifty percent (50%) of the gross sales made consists of goods, merchandise or other commodities other than alcoholic beverages in the original package. Delivery of alcoholic beverages away from the licensed business cannot be performed by anyone under the age of twenty-one.

B. Persons eighteen years of age or older may, when acting in the capacity as a waiter or waitress, accept payment for or serve alcoholic beverages in places of business which have a license to sell malt liquor and light wine by the drink or as a restaurant bar; however, persons under twenty-one years of age may not mix or serve alcoholic beverages across the bar. Said employees are required to obtain an employee's permit before serving alcoholic beverages as a waiter or waitress.

2.07.004. APPLICATION.

A. A person wishing to obtain an employee's permit must make written application on a form provided by the Liquor License Officer.

B. Each application must be accompanied by the following:

1. A non-refundable application fee of Fifteen Dollars (\$15).
2. A valid food handler's permit card issued by the Director of Health if the person will be an employee of a liquor establishment selling or serving food for consumption on the premises.
3. An "Intent to Hire" form signed by his or her employer.
4. A valid State identification card or operator's license.

2.07.005. MISREPRESENTATIONS.

Applicants for employee's permits shall make full, true and complete answers to all questions in the application. If any applicant shall make any false statement of a material matter in his/her application, it shall be deemed cause for suspension or revocation of any permit issued pursuant to such application.

2.07.006. EFFECT OF CONVICTION, PROBATION STATUS OR PRIOR

REVOCATION.

No employee's permit shall be issued to a person who has had a permit or license revoked, or who has been convicted of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who has been convicted of any crime the conviction of, or sentencing on, which is reasonably related to the competency of the person to exercise the right or privilege of the permit applied for.

2.07.007. TEMPORARY PERMIT.

A. Upon submission of an application along with the required fee, an applicant for an employee permit shall be given a temporary permit card which will be valid for ninety days, unless extended or terminated as further set out in this section.

B. If the Liquor License Officer determines that additional time is necessary to investigate the qualifications of the applicant, he/she may extend the period of the temporary permit for such length of time as may be necessary to complete the investigation.

C. If the Liquor License Officer determines that the applicant is not qualified for an employee permit, he/she shall so notify the applicant and any temporary permit issued under this section shall immediately terminate.

2.07.008. ISSUANCE OF PERMIT.

If the Liquor License Officer determines that the applicant meets the requirements of the City, then such applicant shall be issued a permit card by the Liquor License Officer that is valid for a period of three (3) years, subject to periodic reviews of the permittee's qualifications and possible suspension or revocation as set out in this article.

2.07.009. RENEWAL OF PERMIT.

Upon the expiration of an employee's permit card, a renewal thereof may be granted in the same manner as for the issuance of the original permit.

2.07.010. CHANGE OF EMPLOYMENT.

The permittee is required to notify the Liquor License Officer within 10 days of any change in employment as a condition to issuance, or continuation of the permit.

2.07.011. SUSPENSION OR REVOCATION OF PERMIT.

A. The employee's permit may be suspended or revoked by the Liquor License Officer if such person is in violation of any provision of this Chapter.

B. When the Liquor License Officer revokes or suspends an employee permit, the permittee shall be given written notice of such revocation or suspension by the Liquor License Officer. Such notice shall apprise the permittee of the specific violation.

C. The notice of suspension or notice of revocation shall be served by the Liquor License Officer and shall be served upon the permittee by leaving a copy of the notice with the permittee. Mailing the notice of revocation or notice of suspension by certified mail to the permittee at his or her last known business address or residence address or posting a copy of the notice of suspension or notice of revocation on the premises where the permittee is employed shall also constitute valid service.

D. Any permittee aggrieved by the decision of the Liquor License Officer to revoke or suspend the employee's permit shall have the right to a hearing before the Liquor License Officer by filing with the Liquor License Officer a written request for a hearing within ten days after service of the notice of revocation or notice of suspension. Upon receipt of the request for a hearing by the permittee, the Liquor License Officer shall fix a time and place for holding such hearing and shall direct a written notice of the hearing to be served on the permittee in the same manner as a notice of revocation or a notice of suspension is served, as set out in Section 2.06.002.B. The Liquor License Officer shall render a final decision and report such decision to the permittee within ten days after the date of the hearing.

E. The permittee shall have the right to appeal the decision of the Liquor License Officer, as set out in Article 11 of this Chapter.

2.07.012. PROHIBITED ACTS.

A. It shall be unlawful for any person to use or possess any false or falsified employee's permit the purpose of using such permit to obtain employment in any premises or to purchase alcoholic beverages from any premises granted a license under the provisions of this Chapter or to misrepresent to any licensee, any agent, servant or employee, or the Liquor License Officer, any authorized agents or any member of the Police Department that such person's age is twenty-one years or older.

B. It shall be unlawful for any person to manufacture, forge, reproduce in any way or to otherwise falsify an employee's permit issued or purporting on its face to have been issued under the provisions of this Chapter or to give, lend, sell or otherwise provide to any person such a false, falsified, manufactured, forged or reproduced employee's permit.

C. It shall be unlawful for any permittee to give, lend, sell or otherwise provide such permit to any other person or for any person not the lawful holder of such permit to use the same for any purpose or to give, lend, sell or otherwise provide such permit to any other person.

2.07.013. LOSS OF PERMIT.

A. Upon discovery of the loss or theft of the employee's permit, the permittee, shall immediately report such loss or theft to the Liquor License Officer and make application for a duplicate permit. The employee shall not return to work until he or she has secured a duplicate employee's permit.

B. Upon approval of the application, a duplicate employee's permit shall be issued to the permittee by the Liquor License Officer upon the payment of a Ten Dollar (\$10) fee by the permittee. The duplicate employee permit shall be valid for the unexpired period of the original permit.

2.07.014 - 2.07.999 RESERVED.

2.08.001. CATERER'S PERMITS.

A. The Liquor License Officer may issue a temporary permit to caterers or other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this Chapter 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," effective for a period not to exceed one hundred twenty (120) consecutive hours, which 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.

B. For every permit issued pursuant to the provisions of this section, the permittee shall pay to the Liquor License Officer the sum of Fifteen Dollars (\$15.00) for each calendar day, or fraction thereof, for which the permit is issued.

C. Except as provided in Section 2.08.002, all provisions of this Chapter shall extend to such premises and shall be in force and enforceable during all the time that the permittee, or any agent, servant, employee, or stock are in such premises.

2.08.002. DELIVERY OF ALCOHOLIC BEVERAGES PERMITTED.

Any caterer who possesses a valid liquor license from the City, may deliver alcoholic beverages, in the course of a catering business, within the City without obtaining a permit.

2.08.003 - 2.08.999 RESERVED.

2.09.001. MINORS - LIQUOR PURCHASES.

A. Alcoholic beverages shall not be sold or otherwise supplied to any person under the age of twenty-one, except as otherwise set out in this Chapter.

B. No licensee shall permit anyone under twenty-one (21) years of age to consume alcoholic beverages upon or about his/her licensed premises.

C. It shall be unlawful for any person under the age of twenty-one years to purchase or possess alcoholic beverages.

D. It shall be unlawful for any person under the age of twenty-one to misrepresent his or her age or make a false statement willfully about his or her age for the purpose of purchasing or in any way securing from anyone alcoholic beverages.

E. The holder of any license to sell alcoholic beverages shall request proof of age from the purchaser before any purchase of an alcoholic beverage is made by any person whose age is in question. For the purposes of this section, a person's age is in question any time it is not clearly obvious that the person is over the age of twenty-one years. The following forms of identification may be accepted as proof of age: (1) An operator's or chauffeur's license; (2) An identification card issued by any uniformed service of the United States; (3) A valid passport. The licensee or the servant, agent or employee thereof shall compare the photograph and physical characteristics of the person presenting the license identification card or passport.

2.09.002. MINORS - LIQUOR SALES.

A. No person under the age of twenty-one years shall sell or dispense or assist in the selling or dispensing of alcoholic beverages, except as otherwise provided in this Chapter.

B. No person shall allow any person under the age of twenty-one years to sell or dispense or assist in the selling or dispensing of alcoholic beverages, except as otherwise provided by this Chapter.

2.09.003. MINORS - LIQUOR ESTABLISHMENTS.

A. It shall be unlawful for any person under the age of twenty-one years to enter the premises of a licensee holding a sales-by-the-drink license under this Article unless such minor is accompanied by either a parent or legal guardian, or unless such person is an employee as otherwise allowed by this Chapter. The entrance of anyone under the age of twenty-one years into such premises where such licenses are held by hotels, clubs,

restaurants or bowling alleys where substantial quantities of food and merchandise other than alcoholic beverages are dispensed shall not be prevented.

B. It shall be unlawful for any person under the age of twenty-one to have in his or her possession any alcoholic beverage unless said person is specifically granted authority to possess alcoholic beverage as provided by this Chapter.

C. Nothing in this Chapter shall prohibit parents, guardians or duly licensed physicians from supplying alcoholic beverages to persons under twenty-one for medicinal purposes only.

2.09.004 - 2.09.999 RESERVED.

2.10.001. SALE PROHIBITED.

No licensee, or any agent or employee shall sell alcoholic beverages in any place other than that designated on the license or at any other time than that authorized by the license.

2.10.002. TIMES WHEN SALES ARE PROHIBITED.

A. No person having a license under this Chapter, nor any employee of such person, except as further provided in this section, shall sell, give away, or otherwise dispose of, or suffer the same to be done upon or about the licensed premises, any alcoholic beverage in any quantity between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday.

B. Where a license authorizing the sale of intoxicating liquor by the drink is held by a club or hotel, this section shall apply only to the room or rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants whose business is conducted in one room only and substantial quantities of food and merchandise other than intoxicating liquors are dispensed, 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.

C. 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 provision of this Chapter to a person licensed to sell the intoxicating liquor at retail.

D. No intoxicating liquor may be served or sold on any premise used as a polling place on an election day.

E. When January 1st, March 17th, July 4th or December 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," any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his/her license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any other provisions of this Chapter.

F. Whenever hours of time are set forth in this chapter, they shall be interpreted to mean clock time which shall be either Central Standard Time or Central Daylight Time, whichever one is then being observed.

2.10.003. SUNDAY SALES.

Notwithstanding any other provisions of this Article to the contrary, any person having a license to sell Malt Liquor in the Original Package, Malt Liquor and Light Wine by the Drink, Intoxicating Liquor in the Original Package, or as a Restaurant Bar may apply to the Liquor License Officer for a special license for sales on Sunday, upon payment of the specified additional fee. Such Sunday Sales License shall allow the sale of the stated alcoholic beverage on Sunday between the hours of 11:00 a.m. and 12:00 midnight.

2.10.004. PROHIBITED BEVERAGES.

A. It shall be unlawful for a licensee authorized by this chapter, to sell alcoholic beverages at retail by the drink for consumption on the premises where sold, to keep or secrete, or allow any other person to keep or secrete in or upon the premises described in such license any alcoholic beverage other than the kind expressly authorized to be sold by such license.

B. No person holding a license for the retail sale of malt liquor by the drink or for the sale of non-intoxicating beer by the drink knowingly shall sell, give away or serve upon the premises described in the license any glass, ice, water, soda water, phosphates or any

other kind of liquids to be used for the purpose of mixing intoxicating drinks and commonly referred to as set-ups; nor shall any licensee allow any person while in or upon the premises covered by the license to possess or consume any intoxicating liquor other than malt liquor and light wine, if the license is to sell malt liquor and light wine or any kind of intoxicating liquor if the license is to sell non-intoxicating beer or to pour into, mix with or add intoxicating liquor to water, soda water, ginger ale, seltzer or other liquid.

2.10.005. PREMISES OPEN FOR INSPECTION.

All licensees shall allow the licensed premises and all portion of the buildings of the premises, including all rooms, cellars, outbuildings, passageways, closets, vaults, yards, attics and all buildings used in connection with the operations carried on under the license and which are in their possession or under their control, and all places where they keep or have liquor stored, to be inspected by the supervisor of liquor control and their agents. Licensees shall cooperate fully with the agents during the inspections.

2.10.006. MULTIPLE BUSINESSES.

If any retail licensee holds more than one kind of license for separate businesses in the same building, then the building shall be partitioned in a manner that the partitions shall run from the front of the building to the rear of the building, from the ceiling to the floor and be permanently affixed to the ceiling, floor, front and rear of the building in a manner as to make two (2) separate and distinct premises. There shall be a separate entrance in front of each of the premises and each of the premises shall have a different street address, so as to indicate sufficiently that the businesses are run separately and distinct from each other and not in conjunction with each other. In addition, the business maintained on each of the premises must be manned and serviced by an entirely separate and distinct group of employees and no buzzer, bell or other wiring or speaking system shall connect one business with the other. Separate files, records and accounts pertaining to the businesses must be maintained.

2.10.007. MULTIPLE LOCATIONS.

Hotels holding licenses in their names authorizing the retail sale of intoxicating liquor by the drink for consumption on the premises where sold may maintain as many bars as they like on the licensed premises, provided that the places at which it is sold by the drink, in all respects, shall be easily visible from some hallway, lobby or mezzanine or other part of the hotel; provided further that hotels may dispense intoxicating liquors throughout the whole of the hotel.

2.10.008. GAMBLING PROHIBITED.

A. No licensee shall permit, upon or about his/her licensed premises, any gambling of any kind or character whatsoever in which the one who plays stands to win or lose money, trade checks, prizes, merchandise or any other consideration whatsoever. No licensee shall have any gambling devices upon his/her licensed premises where money, trade checks, prizes, merchandise or property or any other consideration whatsoever may be won or lost. Notwithstanding the previously mentioned, any licensee may sponsor or allow promotional games or contests of chance to be conducted upon his/her licensed premises, provided that:

1. Money or something of value is not required to be given directly or indirectly for the privilege or opportunity of participating in games or contests or for receiving the award or prize;
2. No alcoholic beverage is related to or an element of a game or contest either directly or indirectly; and
3. The game or contest is not sponsored or designed and run by a manufacturer, solicitor or a wholesaler whose main product line is alcoholic beverages. Nothing contained in this rule shall prohibit national manufacturers' sweepstakes contest entry forms and point-of-sale materials for these contests on licensed retail premises.

B. For purposes of this section, the phrase "something of value" means any money or property; any token, object or article exchangeable for money or property; any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest in them; or the extension of a service, entertainment or a privilege of playing at a game or scheme without charge.

C. The following activities shall not constitute a violation of this section.

1. The conduct or playing games of bingo on licensed premises by organizations licensed by the Director of Revenue of the State of Missouri to conduct bingo in accordance with Chapter 313.

2. The sale of State lottery tickets or shares on licensed premises licensed by the State lottery commission to sell lottery tickets or shares to the public when conducted in accordance with Chapter 313, RSMo.
 3. Pari-mutuel wagering on horses at licensed tracks licensed by the Missouri Horse Racing Commission when conducted in accordance with Chapter 313, RSMo.
 4. The giving of door prizes or other gifts by lot or drawing after payment of a price by members or guests of a charitable organization which has obtained an exemption from payment of Federal income taxes as provided in Section 501(C)(3) of the Internal Revenue Code of 1954 when conducted on licensed premises by the charitable organization.
-

2.10.009. LEWD AND OBSCENE ACTIVITIES PROHIBITED.

A. No licensee or his/her employee shall permit in or upon licensed premises:

1. The performance of acts, or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
2. The displaying of any portion of the areola of the female breast;
3. The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals;
4. The actual or simulated displaying of the pubic hair, anus, vulva or genitals;
5. The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to public view any portion of his/her genitals or anus; and
6. The displaying of films, video programs or pictures depicting acts, the live performances of which are prohibited by this chapter or by any other law.

B. No licensee or employee shall allow upon or about the licensed premises solicitation for the purposes of prostitution by any person.

2.10.010. ILLEGAL ACTIVITIES.

A. No licensee or permittee shall knowingly allow the conduct of any illegal activity upon the licensed premises.

B. At no time, under any circumstances, shall any licensee or his/her employees immediately fail to prevent or suppress any violent quarrel, disorder, brawl, fight or other improper or unlawful conduct of any person upon the licensed premises, nor shall any licensee or his/her employees allow any indecent, profane or obscene language, song, entertainment, literature or advertising material upon the licensed premises.

C. In the event that a licensee or his/her employee knows or should have known, that an illegal or violent act has been committed on or about the licensed premises, they immediately shall report the occurrence to law enforcement authorities and shall cooperate with the police department and the Liquor License Officer during the course of any investigation into an occurrence.

D. No licensee or employee shall possess, store, sell or offer for sale, give away or otherwise dispose of upon or about the licensed premises or permit any person upon or about the licensed premises to possess, store, sell or offer for sale, give away or otherwise dispose of any controlled substance as defined in Chapter 195, RSMo.

2.10.011. SALES TO PERSONS UNDER THE INFLUENCE OF
ALCOHOL OR DRUGS PROHIBITED.

No licensee or permittee shall knowingly sell or deliver any alcoholic beverage to any person the licensee or permittee knows, or reasonably should know, is under the influence of alcohol or drugs.

2.10.012. CONSUMPTION BY EMPLOYEES PROHIBITED.

It shall be unlawful for a licensee to sell alcoholic beverages by the drink or give to, sell to or permit to be given to or sold to any on duty employee of the premises operated by said licensee any alcoholic beverages in any quantity, nor shall the licensee permit any patron of the premises to give to, drink with, sit at the bar or tables with, engage in amusement games with or dance with any on duty employee on the premises of said licensee.

2.10.013. SOLICITATION OF SALE PROHIBITED.

It shall be unlawful for a licensee to sell alcoholic beverages by the drink or to give or sell alcoholic beverages in any quantity to any person who shall solicit another to buy said alcoholic beverages, nor shall the licensee permit any such person to solicit the purchase of alcoholic beverages by another on said premises.

2.10.014. COMPLIANCE WITH OTHER ORDINANCES AND LAWS.

Licensed premises and the conduct of the business thereon are at all times subject to the applicable provisions of any City ordinance not in conflict with this Chapter. Notwithstanding the provisions of this Chapter, licensed premises and the conduct of the business thereon must at all times comply with all applicable State and Federal statutes and regulations.

2.10.015. POSSESSION OF ALCOHOLIC BEVERAGES RESTRICTED.

No person shall possess alcoholic beverages purchased within the City of Independence, Missouri, unless the same has been acquired from some person holding a duly authorized license to sell the same under this Chapter or unless said alcoholic beverages are had or kept with the written permission of the Liquor License Officer.

2.10.016. CONSUMPTION OF ALCOHOLIC BEVERAGE ON PREMISES MAY BE PROHIBITED BY OWNER.

No alcoholic beverage shall be drunk, consumed or publicly exhibited in a public dining room, lunch room, soda fountain or any place where meals or lunches and soft drinks are served anywhere the owner or owners or manager or managers exhibit in the premises signs to the effect that alcoholic beverages may not be drunk in or about the premises, or where a notice to that effect is placed on the printed menu for the establishment, or where the diner has been specifically informed by a server or manager that the consumption of alcoholic beverages is not allowed.

2.10.017. ANNEXED LICENSEE.

Any person operating a liquor business outside the limits of the City of Independence, Missouri, in an area that may be annexed by the City shall be eligible to apply for a City liquor license for which the business qualifies at the time the annexation occurs.

2.10.018. REMOVAL OF ALCOHOLIC BEVERAGES FROM PREMISES PROHIBITED.

A. No person shall remove any alcoholic beverage purchased by the drink from the premises licensed to sell alcoholic beverages by the drink.

B. No holder of any license to sell alcoholic beverages by the drink, or their employee, shall allow or cause to be allowed the removal of any alcoholic beverage purchased by the drink from the licensed premises.

C. The holder of any license to sell alcoholic beverages by the drink shall place conspicuous notices of the prohibition established by this section immediately inside the exits from the licensed premises in such a manner as to notify patrons leaving the premises of the prohibition.

2.10.019. DISPENSING OF ALCOHOLIC BEVERAGES LIMITED.

A. No licensee or employee shall mix or pour, or permit to be mixed or poured, any alcoholic beverages directly into any person's mouth upon or about the licensed premises.

B. No person licensed by the Liquor License Officer shall use or permit to be used upon his/her licensed premises any self service, coin-operated, mechanical devices or automatic dispensers for the purpose of selling or dispensing any alcoholic beverage.

C. No holder of a license under this Chapter, or any other person, shall for any purpose whatsoever mix or permit or cause to be mixed with any alcoholic beverage kept for sale, sold or supplied by him as a beverage, any drug or form of methyl alcohol or impure form of alcohol.

2.10.020. SALE OF ALCOHOLIC BEVERAGE THROUGH DRIVE-UP WINDOW PROHIBITED.

It shall be unlawful for the holder of any license authorized by this Article for the sale of any alcoholic beverage at retail, either in the original package or for consumption on the premises where sold, to supply, sell or permit to be sold, any alcoholic beverage through any drive-up or walk-up window or facility where the customer or person receiving the alcoholic beverage is not required to enter the premises of the licensee.

2.10.021. POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY PROHIBITED.

A. No person shall possess any open container of any alcoholic beverage nor shall any person consume or drink any alcoholic beverage on public property within the City of Independence, including but not limited to any public building, street, alley, sidewalk, public lot, park, recreational facility or public facility, except as provided in this section.

B. The prohibition in this section shall not apply to the possession or consumption of alcoholic beverages within premises licensed to sell alcoholic beverages by the drink properly located on public property pursuant to the liquor license of the holder.

C. The prohibition in this section shall not apply to the possession or consumption of malt liquor and wine in or at the following public facilities where the City or lessor of the facility has authorized the possession or consumption of malt liquor and wine at the facility pursuant to an approved written agreement setting forth all terms and conditions for said possession or consumption of malt liquor and wine:

1. The Bingham-Waggoner Estate.
2. The Vaile Mansion.
3. The Roger T. Sermon Community Center.
4. National Frontier Trails Center.
5. City Hall West Parking Lot (During Santa-Cali-Gon Only).

2.10.022. PURCHASE FROM OTHER THAN LICENSED WHOLESALER.

No person holding a retail liquor license shall purchase any alcoholic beverage except from, by or through a duly licensed wholesale liquor dealer. No retail liquor dealer shall sell or offer for sale any intoxicating liquor purchased in violation of the provisions of this section.

2.10.023. SALE BY WHOLESALER TO UNLICENSED RETAILER.

It shall be unlawful for any wholesaler to:

A. Deliver or cause any alcoholic beverage to be delivered to any licensee while the licensee is under suspension by the Liquor License Officer.

B. Deliver or cause alcoholic beverage to be delivered to any premises unless there shall be displayed prominently in the premises a license issued by the supervisor of liquor control to the person purchasing the alcoholic beverage designating the purchaser as a person, licensed to sell on the premises the kind of alcoholic beverage he/she is about to deliver.

2.10.024 - 2.10.999 RESERVED.

2.11.001. APPEAL PROCESS.

A. Any license applicant, licensee or permittee aggrieved by the decision of the Liquor License Officer to suspend or revoke a liquor license or to deny, suspend or revoke an employee's permit shall have the right to appeal such action to the City Council by filing a written appeal with the City Clerk within five days after notice of the decision is served on the permittee. No licensee or permittee shall have the right to appeal the decision of the Liquor License Officer unless said licensee or permittee has requested a hearing as provided in Section 2.06.002.C or Section 2.07.011.E of this Chapter.

B. Such written appeal shall set out a copy of the order or decision being

appealed, shall include a statement of the facts concerning the order, and shall state wherein the license was wrongfully suspended or revoked or the permit was wrongfully denied, suspended or revoked. At the time of filing any such appeal a copy thereof shall be filed by the appellant with the Liquor License Officer.

C. The City Council shall fix a time and place for hearing the appeal and shall direct a written notice to be served, as provided in Section 2.06.002.B, for service of a notice of suspension or revocation, upon the appellant to provide that information. The City Clerk shall give notice to the Liquor License Officer who shall be entitled to appear in defense of his or her decision.

D. The findings of the City Council shall be final and conclusive and shall be served upon the appellant in the manner provided above for service of notices of suspension or revocation.

2.11.002 - 2.11.999 RESERVED.

2.12.001. PENALTY.

Any person found guilty of violating any of the provisions of this Chapter shall be fined in a sum of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by a sentence of not less than thirty days nor more than one year imprisonment, or both such fine and imprisonment, provided that upon final conviction of any person for a violation of any of the provisions of this Chapter, said conviction shall automatically operate to revoke the license hereunder issued to such person, and provided further that the term conviction as herein used shall include a finding of guilty, a plea of guilty or a plea of no lo contendere and provided further that no person having been convicted of the violation of any of the provisions of this Chapter shall be issued a license or renewal thereof for a period of one year from the date of said conviction. Upon conviction of any person in Municipal Court under the provisions of this Chapter, it shall be the duty of the Judge of the Municipal Court to certify such conviction to the Liquor License Officer and Chief of Police.

2.12.002. LICENSE AUTOMATICALLY REVOKED UPON CONVICTION.

Conviction in any court of any violation of this Chapter shall have the effect of automatically revoking the license of the person convicted, and such revocation shall continue operative until said case is finally disposed of, and if the defendant is finally acquitted, he/she may apply for and receive a license hereunder, upon paying the regular license charge therefor, in the same manner as though he/she had never had a license hereunder.

2.12.003. INJUNCTION.

Whenever any person maintains a premises which is being operated in violation of the provisions of this Chapter, and such violations have resulted in the suspension or revocation of the license issued under this chapter, or have persisted after notice from the Liquor License Officer, the Liquor License Officer may request the City Counselor to seek an injunction in the Jackson County Circuit Court to prohibit the continued operation of the premises in violation of this Chapter.