

BILL NO. 24
ORDINANCE NO. ____

AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 4 OF THE CITY CODE OF ORDINANCES REGARDING ALCOHOLIC BEVERAGES.

WHEREAS, the Missouri Legislature has enacted legislation (SB 126 2021) revising the laws regarding the sale of intoxicating liquor; and

WHEREAS, it is necessary and proper to revise Chapter 4 of the City Code of Ordinances to match such changes in state law.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SUNSET HILLS, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Sections 4-32, 4-45, 4-46, 4-62, 4-64, 4-66, 4-67, 4-69, 4-76, 4-81 and 4-82 of the Code of Ordinances of the City of Sunset Hills are hereby amended to read as follows:

Sec. 4-32. Licensees may make package sales.

Any person who has been issued a license hereunder to sell intoxicating liquor at retail for consumption by the drink on the premises where sold may sell thereat intoxicating liquor at retail in the original package (or as otherwise provided in RSMo. Section 311.202), not to be consumed upon the premises where sold.

Sec. 4-45. Sales to be made from labeled containers.

Except as provided in RSMo. Section 311.202, no person shall sell or offer for sale within the city any intoxicating liquor at retail for consumption by the drink on the premises where sold unless the same is sold or offered for sale from the original package or bottle or keg bearing the original label and full name of the brewer or manufacturer thereof, upon the label, upon the keg, upon the bottle and upon the cap or cork of such bottle.

Sec. 4-46. Hours of sale restricted.

- (a) Except where otherwise specifically provided in this division, no person holding a license issued under this division nor any employee of such person shall sell, give away or otherwise dispose of, or suffer the same to be done, upon or about his premises, any intoxicating liquor in any quantity between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday, and his premises shall be and remain a closed place.
- (b) Reserved.
- (c) As used in this section, the term "closed place" shall mean a place where all doors are locked and where no patrons are in the place or about the premises; provided, however, that where licenses issued under this division are held by clubs or hotels, said term shall apply only to the room or rooms in which intoxicating liquor is dispensed; provided, further, that where such licenses are held by restaurants whose business is conducted in one (1) room only and substantial quantities of food and merchandise other than intoxicating liquors are dispensed,

the licensee shall keep securely locked during the hours and on the days specified in subsection (a) of this section all refrigerators, cabinets, cases, boxes and taps from which intoxicating liquor is dispensed.

- (d) Notwithstanding any other provisions of this section to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of liquor control may issue, a license to sell intoxicating liquor between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on the following Monday by the drink at retail for consumption on the premises of any restaurant bar as described in the application. As used in this subsection, the term "restaurant bar" means any establishment having a restaurant or similar facility on the premises at least fifty (50) percent of the gross income of which is derived from the sale of prepared meals or food consumed on such premises.

Sec. 4-62. License required.

Except as provided in RSMo., Section 311.202, no person shall sell intoxicating liquor at retail in the original package, not to be consumed upon the premises where sold, unless a package liquor license is first obtained therefor; provided, however, that any person who has been licensed by the city to sell intoxicating liquor at retail for consumption by the drink on the premises where sold shall be exempt from the provisions of this section.

Sec. 4-64. Qualifications of licensees.

No person shall be granted a license to sell intoxicating liquor at retail in the original package, or as provided in RSMo. Section 311.202, not to be consumed on the premises where sold, unless such person is of good moral character and a qualified legal voter and a tax-paying citizen of this state; nor shall any corporation be granted said license unless the managing officer of such corporation is of good moral character and a qualified legal voter and tax-paying citizen of this state.

Sec. 4-66. Types of businesses eligible for license.

No license shall be issued for the sale of intoxicating liquor at retail in the original package, or as provided in RSMo. Section 311.202, not to be consumed upon the premises where sold, except to a person engaged in, or to be used in connection with the operation of one or more of the following businesses:

- (a) A drugstore;
- (b) A cigar and tobacco store;
- (c) A grocery store;
- (d) A general merchandise store;
- (e) A confectionery or delicatessen store;

nor to any such person who does not have and keep in his store a stock of goods having a value according to invoices of at least one thousand dollars (\$1,000.00), exclusive of fixtures and intoxicating liquors.

Sec. 4-67. Approval of board prerequisite to issuance of license.

No license to sell intoxicating liquor at retail in the original package, or as provided in RSMo. Section 311.202, not to be consumed upon the premises where sold, shall be issued without the approval of the board of aldermen.

Sec. 4-69. License fee established.

Before any license shall be issued under this division to sell intoxicating liquor at retail in the original package, or as provided in RSMo. Section 311.202, not to be consumed upon the premises where sold, the applicant therefor shall pay to the city collector an annual fee based on gross receipts, the maximum fee not to exceed one hundred fifty dollars (\$150.00).

Sec. 4-76. Hours of sale restricted.

- (a) No person holding a license issued under this division shall sell, give away or otherwise dispose of, or suffer the same to be done, upon or about his premises, any intoxicating liquor in any quantity between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 6:00 a.m. Sunday and 1:30 a.m. on the following Monday.
- (b) Notwithstanding any other provisions of this section to the contrary, any person possessing the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of liquor control may issue, a license to sell intoxicating liquor on the premises described in the application between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on the following Monday.

Sec. 4-81. Licenses for package sales of malt liquor containing alcohol in excess of one-half (½) of one (1) percent by weight and not in excess of five (5) percent by weight and light wine containing not in excess of fourteen (14) percent of alcohol by weight.

There is hereby provided a separate license for the sale of malt liquor containing alcohol in excess of one-half (½) of one (1) percent by weight and not in excess of five (5) percent by weight and light wine containing not in excess of fourteen (14) percent of alcohol by weight at retail in the original package, or as provided in RSMo. Section 311.202, not to be consumed upon the premises where sold. All of the provisions relative to fees and regulations contained in sections 4-62—4-80, both inclusive, contained in this Code, shall apply to the application for issuance of, and sales under, said license.

Sec. 4-82. Additional fee for privilege of selling intoxicating liquor in original package at retail on Sundays.

Pursuant to RSMo 311.293 2., the city shall charge and collect an additional fee of three hundred dollars (\$300.00) from any licensee under RSMo 311.293 for the privilege of selling intoxicating liquor in the original package, or as provided in RSMo. Section 311.202, at retail on Sundays.

Section 2. Section 4-47 of the Code of Ordinances of the City of Sunset Hills is hereby repealed in its entirety.

Section 3. This Ordinance shall take effect and be in full force from and after its passage and approval.

PASSED this _____ day of _____, 2021

MAYOR

APPROVED this _____ day of _____, 2021

(SEAL)

MAYOR

ATTEST: _____
CITY CLERK/CITY ADMINISTRATOR