

1st Reading 3/26/2024
2nd Reading 4/09/2024

BILL NO. 23-92

ORDINANCE NO. 5446

AN ORDINANCE AMENDING CHAPTERS 5 AND 16 OF THE MUNICIPAL CODE OF THE CITY OF CRESTWOOD, MISSOURI, RELATING TO INTOXICATING LIQUOR AND RELATED OFFENSES WITHIN THE CITY OF CRESTWOOD, MISSOURI

WHEREAS, pursuant to Article VI, § 19(a) of the Missouri Constitution, the Charter of the City of Crestwood (the “City”) gives the City all powers the General Assembly of the State of Missouri has authority to confer upon any city, provided such powers are consistent with the Constitution and are not limited or denied either by the Charter or by statute, and provides that the City shall, in addition to its home rule powers, have all powers conferred by law; and

WHEREAS, § 311.220, RSMo provides that the City may charge for licenses issued to retailers of intoxicating liquor, to fix the amount to be charged for such license, and to make and enforce ordinances for the regulation and control of the sale of all intoxicating liquors within the City; and

WHEREAS, City staff has undertaken a comprehensive review of Chapter 5 of the Municipal Code of the City of Crestwood, Missouri (the “Code”), relating to intoxicating liquor within the City; and

WHEREAS, proposed amendments to Chapter 5 of the Code require amendments to Chapter 16 of the Code relating to offenses; and

WHEREAS, pursuant to the authority granted to the City by its Charter, the Constitution of the State of Missouri, and Missouri statutes, the Board of Aldermen finds that the proposed amendments to Chapters 5 and 16 would be in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CRESTWOOD, MISSOURI, AS FOLLOWS:

SECTION 1: Chapter 5 of the Municipal Code of the City of Crestwood, Missouri, is hereby amended, to read as set forth in Exhibit A, which is incorporated herein by reference, and is hereby enacted in lieu thereof.

SECTION 2: Chapter 16 of the Municipal Code of the City of Crestwood, Missouri, is hereby amended, to read as set forth in Exhibit B, which is incorporated herein by reference and is hereby enacted in lieu thereof.

SECTION 3: The chapter, article, division, and/or section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code upon supplementation of the Code, if, in the discretion of the editor, an alternative designation would be more reasonable. The entity with which the City contracts for compilation, revision and/or codification of the City's ordinances is authorized and directed to renumber and/or revise any reference in the City's Code to the former City Code Chapter 5 to reflect the appropriate chapter, article, division, section, or subsection under the revised Chapter 5, and to update and revise any such reference in published versions of the City's Code, or any supplement thereto, including any versions of the Code maintained by such codification company available on the internet.


SECTION 4: It is hereby declared to be the intent of the Board of Aldermen that each and every part, section, and subsection, shall be separate and severable from each and every other part, section, and subsection hereof, including Exhibits A and B, and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to

have been unlawful or unconstitutional, the remaining parts, sections, and subsections shall be and remain in full force and effect.

SECTION 5: The provisions of the City's Code which are reenacted, amended or revised by this Ordinance, so far as they are the same as those of a prior ordinance of the City, shall be construed as a continuation of such ordinance and not as a new enactment.

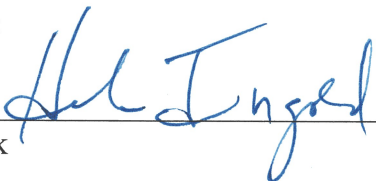
SECTION 6: This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and its approval by the Mayor.

PASSED AND SIGNED this 9th day of April, 2024.



Mayor

ATTEST:



City Clerk

APPROVED this 9th day of April, 2024.



Mayor

EXHIBIT A

[*new language appearing in red, language to be repealed struck through*]

Chapter 5. Alcoholic Beverages

Article II. Intoxicating Liquor

Division 1. Generally

Sec. 5-16. Definitions.

Terms used in this article have the following meanings:

INTOXICATING LIQUOR

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 (0.5%) by volume. All beverages having an alcoholic content of less than one-half of one percent (0.5%) by volume shall be exempt from the provisions of this Chapter 3.2% of alcohol by weight.**

MALT LIQUOR

An intoxicating liquor containing alcohol not in excess of five percent (5%) and using the ingredients set out in Section 311.490, RSMo. References to “beer” shall include malt liquor.

MANUFACTURER

A manufacturer of intoxicating liquor who is licensed to sell liquor to duly licensed wholesalers.

MICROBREWERY

A business whose primary activity is the brewing and selling of beer or malt liquor, with an annual production of ten thousand barrels or less.

ORIGINAL PACKAGE

Any package sealed or otherwise closed by the manufacturer so as to consist of a self-contained unit, and consisting of one (1) or more bottles or other containers of intoxicating liquor, where the package and/or container(s) describes the contents thereof as intoxicating liquor. “Original package” shall also be construed and held to refer to any package containing one (1) or more standard bottles, cans or pouches of malt liquor. ~~As applied to malt liquors, any package containing three or more standard bottles of beer.~~

PREMISES

That portion of any building in which a licensee hereunder has his place of business and any additional building or portion thereof used in connection therewith, the entire lot or lots, parcel or parcels of land on which said buildings are situated, or which are used in connection with said buildings.

RESTAURANT

~~Any place of business, the main purpose and activity of which is to serve meals, sandwiches, short orders and other food to be eaten by its customers on the premises and which does not provide or furnish to the public lodging or sleeping rooms.~~

TAVERN

Any establishment where over **fifty percent (50%)** of revenue is from sales of intoxicating liquor sold by the drink for consumption on the premises.

WHOLESALE

A person licensed pursuant to Chapter 311, RSMo to sell at wholesale, intoxicating liquor to retailers, duly licensed in this State.

WINE

An intoxicating liquor consisting of wine containing not in excess of fourteen percent (14%) of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables.

Sec. 5-17. **Reserved. Enforcement.**

~~It shall be the duty of the police of the City to see that the provisions of this Code in regard to the sale of intoxicating liquor are obeyed, and to report violations to the Chief of Police. It shall be the duty of the Chief of Police to report all such infractions immediately to the Board of Aldermen.~~

Sec. 5-18. **Reserved. Druggists.**

~~This article shall not apply to the possession by a druggist of intoxicating liquor purchased by him from a licensed vendor under the Liquor Control Law of the state, or intoxicating liquor lawfully acquired and transported into the state by him pursuant to said law, such liquor to be used in connection with the business of a druggist in compounding medicines or as a solvent or preservative, nor shall this article apply to the sale of intoxicating liquors by druggists on prescription from a regularly licensed physician.~~

Sec. 5-19. **Sale of liquor authorized; sale near church, school or playground.**

- ~~(a) Pursuant to the results of an election by the qualified voters of the City on August 8, 1950, intoxicating liquor, containing alcohol in excess of 5% by weight, may be sold by the drink at retail for consumption on the premises where sold in the City.~~
- ~~(b) —~~ **No license shall be issued for the sale of intoxicating liquors, as defined in this Chapter, containing alcohol in excess of 5% by weight, by the drink at retail for consumption on the premises where sold if the place of sale is within 300 feet of any school, church or other building regularly used as a place of religious worship building used for church or school purposes or of any public playground located within the City, unless approved by the board of Aldermen.**
- (b) Subsection (a) of this Section** The above sentence shall not apply to cases where the church or school or public playground is established after the license herein has been issued, and in such cases licenses may be renewed without respect to location of the church, school or public playground except when prohibited by state law.
- (c) Subsection (a) of this Section shall not apply to a license for the sale of intoxicating liquors, as defined in this Chapter, issued to any church or school which has obtained an exemption from the payment of Federal taxes.**

Sec. 5-20. Keeping liquor not covered by license.

- (a) ~~It shall be unlawful for any licensee licensed for the sale of intoxicating liquors, as defined in this Chapter, to keep in or upon the premises any intoxicating liquor other than the kind expressly authorized to be sold by such licensee. It shall be unlawful for any person holding a license for the sale of malt liquor containing alcohol in excess of 3.2% of alcohol by weight and not in excess of 5% of alcohol by weight only, to have or keep in or on his premises any intoxicating liquor of any kind or character, other than such malt liquor brewed or manufactured by the method, in the manner, and of the ingredients required by the laws of this state; or to sell, or offer for sale, in or upon the premises, any intoxicating liquor other than malt liquors containing alcohol in excess of 3.2% of alcohol by weight and not in excess of 5% of alcohol by weight.~~
- ~~(b) It shall be unlawful for any person holding a license for the sale of intoxicating liquor and malt liquor containing alcohol in excess of 3.2% of alcohol by weight, but not in excess of 14% of alcohol by weight to have, keep, sell or offer for sale in or on his premises, any intoxicating liquor of any kind or character, other than malt liquors (brewed or manufactured as provided in subsection (a)) and intoxicating liquors containing alcohol in excess of 3.2% of alcohol by weight, but not in excess of 14% of alcohol by weight.~~

Sec. 5-21. Minors on premises.

- (a) It shall be unlawful for any minor under the age of **eighteen (18)** years to be and remain or to loiter in any tavern, unless accompanied by the parent or legal guardian of such minor.
- (b) It shall be unlawful at any tavern for any person licensed to sell intoxicating liquors at retail by the drink for consumption on the premises, or his employee, to allow any minor under the age of **eighteen (18)** years **on the licensed premises**, unless accompanied by a parent or legal guardian of such minor, to be and remain or to loiter in the **premises** tavern of such person so licensed. **It shall be the duty of such person owning or controlling the premises to promptly notify the police of any violation of the ordinances pertaining to the use, possession or consumption of intoxicating liquor by a minor, and the violation of such duty shall be unlawful.**
- (c) Each such licensee shall keep at all times conspicuously posted in such tavern a printed sign displaying in black letters not less than one inch wide on a white background the words:

“Notice – Minors under the age of 18 years are not allowed here unless accompanied by parent or legal guardian.”

The maintenance of such sign shall not excuse any licensee from a violation of this section.

Sec. 5-22. Reserved. Drinking by minors.

~~It shall be unlawful for any merchant or keeper of any place of business in the City, or the employee of such merchant or keeper, to suffer or permit any minor to drink or consume, on the premises on which his business is conducted, any intoxicating liquor, however acquired, or to sell, give away,~~

~~lend, permit the use of or otherwise dispose of any soda water, ginger ale, water, ice, glass, spoon, container or receptacle to any person with the intent or knowledge that the same will be consumed or used in connection with the drinking or consuming by a minor of any such intoxicating liquor on such premises.~~

Sec. 5-23. Sale to minors and drunkards; employment of minors.

- (a) It shall be unlawful for any **licensee** ~~person~~ or **their** ~~his~~-employee or **agent** to sell or supply intoxicating liquor, or permit **such** ~~same~~ to be sold or supplied to a habitual drunkard or to any person who is or is apparently **under the influence of intoxicating liquor** ~~intoxicated~~.
- (b) **No licensee, his/her employee, or any other person, shall procure for, sell, vend, give away, or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, except if the supplying of intoxicating liquor to a person under the age of twenty-one (21) years is for medical purposes only, administered by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this Chapter solely due to a conviction for unlawful sale or supply to a minor while serving in the capacity as an employee of a licensed establishment. Intoxicating liquor shall not be given, sold or otherwise supplied to any person under the age of 21 years, but this shall not apply to supplying intoxicating liquor to a person under said age for medicinal purposes only, or by a physician.**
- (c) Except as provided in **this Chapter** ~~paragraphs (1) and (2) below~~, no person under the age of **twenty-one (21)** years shall sell or assist in the sale or dispensing of intoxicating liquor ~~or nonintoxicating beer~~.
 - (1) **In any place of business licensed in accordance with this Chapter, persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment for, and sack for carry-out, intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years. Any licensee who employs any person under the age of twenty-one (21) years, as authorized by this Subsection, shall, when at least fifty percent (50%) of the licensee's gross sales does not consist of non-alcoholic sales, have an employee twenty-one (21) years of age or older on the licensed premises during all hours of operation.** ~~In any place of business licensed in accordance with RSMo. 311.200 or 312.040, where at least 50% of the gross sales made consists of goods, merchandise or commodities other than intoxicating liquor or nonintoxicating beer in the original package, persons at least 18 years of age may stock, arrange displays, accept payment for and sack for carryout intoxicating liquor or nonintoxicating beer. Delivery of intoxicating liquor or nonintoxicating beer away from the licensed business premises cannot be performed by anyone under the age of 21 years.~~
 - (2) In any distillery, warehouse, wholesale distributorship or similar place of business which stores or distributes intoxicating liquor ~~or nonintoxicating beer~~ but which does not sell intoxicating liquor ~~or nonintoxicating beer~~ at retail, persons at least **eighteen (18)** years of age may be employed and their duties may include the handling of intoxicating liquor ~~or nonintoxicating beer~~ for all purposes except consumption, sale at retail or dispensing for consumption or sale at retail.

- (3) Any wholesaler licensed pursuant to this Chapter may employ persons of at least eighteen (18) years of age to rotate, stock, and arrange displays at retail establishments licensed to sell intoxicating liquor; and unload delivery vehicles and transfer intoxicating liquor into retail licensed premises if such persons are supervised by a delivery vehicle driver who is twenty-one (21) years of age or older.
- (4) Persons eighteen (18) years of age or older may, when acting in the capacity of a ~~server~~ waiter or waitress, accept payment for or serve intoxicating liquor or ~~nonintoxicating beer~~ in places of business which sell food by consumption on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating beverages or ~~nonintoxicating beer~~.
- (d) No person under the age of twenty-one (21) years shall purchase or attempt to purchase, or have in his/her possession, any intoxicating liquor as defined in this Chapter, or shall be visibly in an intoxicated condition as defined in section 577.001, RSMo, or shall have a detectable blood alcohol content of more than two-hundredths of one percent (.02%) or more by weight of alcohol in such person's blood. ~~Any person under the age of 21 years, who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor, or who is visibly intoxicated as defined in RSMo. 577.00, or has a detectable blood alcohol content of more than 0.02% or more by weight of alcohol in such person's blood is guilty of a violation of this section.~~ For purposes of this section, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.
- (e) No person under the age of twenty-one (21) years shall represent, for the purpose of purchasing, asking for, or in any way receiving any intoxicating liquor, that he/she has attained the age of twenty-one (21) years, except in cases authorized by law. ~~It shall be unlawful for any person of the age of 17 years and under the age of 21 years to represent that he or she has attained the age of 21 years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor.~~
- (f) No person under the age of twenty-one (21) years shall use a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issues by any uniformed service of the United States, passport, or identification card established in section 302.181, RSMo, for the purpose of purchasing, asking for, or in any way receiving any intoxicating liquor.

Sec. 5-24. ~~Reserved. Minors with intoxicating liquor on premises.~~

~~It shall be unlawful for any person or persons to permit a minor on his premises, or on premises under his control or management, to bring upon such premises for consumption by such minor or by another minor any intoxicating liquor, or to permit a minor to consume intoxicating liquor thereon excepting as provided in § 5-23 of this Code, or to permit such minor to have intoxicating liquor in his possession or under his control on such premises. It shall be the duty of such person owning or controlling the premises to promptly notify the police of any violation of the ordinances~~

pertaining to the use, possession or consumption of intoxicating liquor by a minor, and the violation of such duty shall be unlawful.

Sec. 5-25. ~~Reserved. Supervision of minors.~~

~~It shall be unlawful for any person having any minor or group of minors under his charge or control or care or who is acting as sponsor or chapter one for a minor or minors to permit or allow such minor or minors to have in his or their possession or to consume any intoxicating liquor excepting as provided in § 5-23 of this Code. It shall be the duty of such person in charge of a minor or minors promptly to notify the police of any violation of the ordinances pertaining to the use, possession or consumption of intoxicating liquor by a minor, and the violation of such duty shall be unlawful.~~

Sec. 5-26. Opening and closing hours.

- (a) No person having a license under this **Chapter** article, nor any employee of such person, shall sell, give away, or otherwise dispose of, or **permit the consumption of** ~~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.** ~~a.m.~~ and 6:00 **A.M.** ~~a.m.~~ on weekdays and between the hours of 1:30 **A.M. on Sunday** ~~a.m.~~ and 6:00 **A.M.** ~~a.m.~~ Monday, **except as otherwise authorized and licensed for Sunday sales.** If the person has a license to sell intoxicating liquor by the drink, his premises shall be and remain a closed place as defined in this section between the hours of 1:30 **A.M.** ~~a.m.~~ and 6:00 **A.M.** ~~a.m.~~ on weekdays and between the hours of 1:30 **A.M. on Sunday** and 6:00 **A.M.** ~~a.m.~~ Monday. Where such licenses authorizing the sale of intoxicating liquor by the drink are held by clubs, ~~or hotels,~~ **or bowling alleys,** this ~~Section~~ section shall apply only to the room or rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants **or bowling alleys** whose business is conducted in one 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. A “closed place” is defined to mean a place where all doors are locked and where no patrons are in the place or about the premises. ~~Nothing in this section shall be construed to prohibit the sale or delivery of any intoxicating liquor during any of the hours or on any of the days specified in this section by a wholesaler licensed under the provisions of RSMo. 311.180 to a person licensed to sell intoxicating liquor at retail.~~
- (b) When January 1, March 17, July 4, or December 31 falls on Sunday, and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the National Football League is played, commonly known as “Super Bowl Sunday,” any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of such license on that day from the time and until the time which would be lawful on another day of the week, **notwithstanding** any other provision of **this Chapter** law to the contrary.
- (c) ~~Establishments licensed to sell intoxicating liquor at retail may apply for a license to sell intoxicating liquor at retail between the hours of 9:00 a.m. and midnight on Sundays.~~

Sec. 5-27. Sale by the package construed.

The sale of intoxicating liquor, except malt liquor, in the original package in any quantity less than **fifty (50)** 187 milliliters shall be deemed “sale by the drink,” and may be made only by the holder of a retail liquor dealer’s license, and, when so made, the container in every case shall be emptied and the contents thereof served as other intoxicating liquors sold by the drink are served.

Sec. 5-28. Places for consumption on the premises.

The following restrictions shall apply to licensees unless waived by the Board of Aldermen.

- (a) At drive-in eating places, intoxicating liquor may be sold ready for consumption in glasses or opened **malt liquor** ~~beer~~ bottles. At any establishment, intoxicating liquor shall not be sold or otherwise disposed of by the drink through a drive-up window to any person.
- (b) **Except as specifically authorized in this Chapter, no** No packaged goods may be sold except in an enclosed building in conjunction with a restaurant, drugstore, tobacco store, confectionery, grocery store, delicatessen or other places where food or groceries are sold, and may not be sold to persons seated in automobiles.
- (c) In the case of hotels, intoxicating liquors may be sold any place in the building; in restaurants, it may be sold at a bar and in the dining rooms and on a screened dining room or porch.
- (d) In the case of private clubs, intoxicating liquor may be sold in the dining room, bar and screened-in dining porch or outdoor eating place equipped with tables and chairs.
- (e) A licensee to sell intoxicating liquor by the drink may operate a summer garden in conjunction with a tavern provided at least one boundary of the garden is a public street or highway and provided it is so fenced as to permit an unobstructed view of the whole of such garden from the sidewalk or street.
- (f) **Any license issued under the provisions of this Chapter authorizing the sale of wine, intoxicating liquor, or malt liquor for consumption on the premises described in such license shall also authorize the sale of such wine, intoxicating liquor, or malt liquor by the bottle, by the glass or draught and in the original package. Such original package sales shall be in accordance with Section 5-61 of this Chapter and Section 311.202, RSMo.**

Sec. 5-29. Self-dispensing of malt liquor or wine permitted.

- (a) **Any person licensed to sell liquor at retail by the drink for consumption on the premises where sold may use a self-dispensing system, which is monitored and controlled by the licensee and allows patrons of the licensee to self-dispense malt liquor or wine. Before a patron may dispense malt liquor or wine, an employee of the licensee must first authorize an amount of malt liquor or wine, not to exceed thirty-two (32) ounces of malt liquor or sixteen (16) ounces of wine per patron per authorization, to be dispensed by the self-dispensing system.**
- (b) **No provision of law or rule or regulation of the City shall be interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating liquor to furnish self-dispensing or cooling equipment or provide services for the maintenance, sanitation, or repair of self-dispensing systems.**

Sec. 5-30 29. through Sec. 5-3840. (Reserved)
Division 2. License

Sec. 5-39. License required – classes of license.

- (a) No person shall sell or expose for sale intoxicating liquor in the City of Crestwood without a currently valid liquor license issued by the City. A separate liquor license shall be required for each of the categories and subcategories of liquor sales in which the licensee desires to engage as set forth within.
- (b) General Licenses. Any person possessing the qualifications and meeting the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor:
 - (1) Package Liquor – Malt Liquor Only. Sales of malt liquor at retail by grocers and other merchants and dealers for sale in the original package direct to consumers but not for resale and not for consumption on the premises where sold. This license may include Sunday sales as set out in Subsection (c) of this Section.
 - (2) Package Liquor – All Kinds. Sales of all kinds of intoxicating liquors in the original package at retail not for consumption on the premises where sold, including sales as set forth in Subsection (b)(1) of this Section.
 - (3) Liquor By The Drink – Malt Liquor/Wine Only. Sales of malt liquor and light wines at retail by the drink for consumption on the premises where sold, including sales as set forth in Subsections (b)(1) and (b)(4) of this Section.
 - (4) Liquor By The Drink – Malt Liquor Only. Sales of malt liquor at retail by the drink for consumption on the premises. This license may include Sunday sales as set out in Subsection (c) of this Section.
 - (5) Liquor By The Drink – All Kinds. Sales of intoxicating liquor of all kinds at retail by the drink for consumption on the premises where sold, including package sales as set forth in Subsection (b)(2) of this Section.
- (c) Sunday Sales. Except for any establishment that may apply for a license under Section 311.089, RSMo, any person possessing the qualifications and meeting the requirements of this Chapter, who is licensed to sell intoxicating liquor at retail may apply to the City for a special license to sell intoxicating liquor at retail between the hours of 6:00 A.M. on Sundays and 1:30 A.M. on Mondays.
- (d) Permits.
 - (1) Temporary Permit, For Sale By Drink. Any person who possesses the qualifications, meets the requirements, and complies with the provisions of this Chapter and State statutes, may apply for a special permit to sell intoxicating liquor for consumption on premises where sold, as set forth in Section 5-44 of this Chapter.
 - (2) Tasting Permit – Retailers. Any person who is licensed to sell intoxicating liquor in the original package at retail under the provisions of this Chapter, may apply for a special permit to conduct wine, malt beverage, and distilled spirit tastings on the licensee’s premises; however, nothing in this Section shall be construed to permit the licensee to sell wine, malt liquor, or distilled spirits for on-premises consumption.

- (e) The holder of a license to sell intoxicating liquor in the original package at retail, which should include at least wines, may conduct wine tastings on the licensed premises, upon evidence that a permit has been issued by the state supervisor of liquor control and upon payment to the City of a fee in an amount set forth in this Chapter. Nothing herein shall be construed to permit the licensee to sell wine for on-premises consumption.

Sec. 5-40. License Required – Fees

- (a) The following categories and subcategories of licenses shall be issued upon compliance with the provisions of this Chapter and payment of the license fee indicated:
 - (1) General Licenses.
 - (a) Package Liquor, Malt Liquor Only – Original Package: \$75.00
 - (b) Package Liquor, All Kinds – Original Package: \$150.00
 - (c) Liquor By the Drink, Malt Liquor Only: \$75.00
 - (d) Liquor By the Drink, Malt Liquor/Light Wines: \$75.00
 - (e) Liquor By the Drink, All Kinds: \$450.00
 - (f) Microbrewer: \$7.50 for each 100 barrels or fraction thereof, up to a maximum fee of \$375
 - (g) Domestic Winery: \$7.50 per 500 gallons, up to a maximum fee of \$450
 - (2) Sunday Sales: \$300.00
 - (3) Permits.
 - (a) Temporary Permit, By the Drink: \$37.50, seven (7) days maximum
 - (b) Tasting Permit: \$37.50
 - (c) Caterers Permit – \$15 per each calendar day, seven (7) days maximum

Sec. 5-41. Manufacturers and wholesalers.

- (a) License. Every manufacturer, ~~distiller, brewer~~ or wholesaler of intoxicating liquor within the City shall be licensed as such by the Board of Aldermen.
- (b) ~~Reserved. Wholesaler defined. A “wholesaler” is herein defined to be a person who exposes for sale or makes one or more sales for resale of intoxicating liquor within the limits of the City, or who conducts a business of exposing for sale or selling intoxicating liquor for resale from an established place of business within the City. A manufacturer, distiller or brewer~~ within the City shall not be required to take out a wholesaler’s license for the sale of his products at wholesale at the place of manufacture or in quantities of not less than one gallon.
- (c) License procedure. The qualifications of persons granted licenses, the application therefor, the officer to whom same shall be made, the disposition of and action thereon, the payment and collection of fees, the license therefor and proceedings for revocation thereof and other regulations thereunder, shall in all respects be those provided for herein in the case of retail liquor dealers.
- (d) License fees. For such license, there shall be paid to the City Clerk annual charges as follows:
 - (1) For a manufacturer, other than a microbrewer, ~~distiller, or brewer~~ of intoxicating liquor, \$375.
 - (2) For a wholesaler of intoxicating liquor, \$150.

- (3) ~~For a microbrewer, \$7.50 for each 100 barrels or fraction thereof, up to a maximum fee of \$375.~~
- (e) Sales to unlicensed dealer. It shall be unlawful for any manufacturer, distiller, brewer or wholesale dealer in intoxicating liquor, either directly or indirectly, to sell or deliver intoxicating liquor to any person in the City not licensed under the provisions of this article to sell intoxicating liquor at retail.

Sec. 5-42. Reserved. Sale of intoxicating liquor.

- (a) ~~It shall be unlawful for any person to sell or expose for sale in this City intoxicating liquor in any quantity without a license from the City. A separate license shall be taken out for each of the classes of sales of intoxicating liquors in which the licensee desires to engage and the fee shall be as follows:~~
 - (1) ~~Sale of all kinds of intoxicating liquor in the original package not to be consumed on the premises where sold, \$75 per year. No such license shall be issued except to a person engaged in and to be used in connection with one or more of the following businesses: A drugstore, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery and/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 \$1,000, exclusive of fixtures and intoxicating liquors;~~
 - (2) ~~Sale of intoxicating liquor of all kinds at retail by the drink for consumption on the premises where sold, and the sale of intoxicating liquors in the original package, \$450 per year.~~
 - (3) ~~Sale of intoxicating liquor and malt liquor in excess of 3.2% of alcohol by weight, but not in excess of 14% of alcohol by weight, by the drink and for consumption on the premises, \$200 per year.~~
 - (4) ~~Sale of intoxicating liquor in the original package at retail between the hours of 6:00 a.m. on Sundays and 1:30 a.m. on Mondays, \$300 per year.~~
 - (5) ~~Sale of intoxicating liquor by the drink on Sunday between the hours of 6:00 a.m. on Sundays and 1:30 a.m. on Mondays, \$300 per year.~~

Sec. 5-42.1. ~~Wine tasting on premises licensed for sale of intoxicating liquor in original package at retail.~~

~~The holder of a license to sell intoxicating liquor in the original package at retail may conduct wine tastings on the licensed premises, upon evidence that a permit has been issued by the state supervisor of liquor control and upon payment to the City of a fee of \$25 per year. Nothing herein shall be construed to permit the licensee to sell wine for on-premises consumption.~~

Sec. 5-43. Reserved. Sale of malt liquor.

- (a) ~~Malt liquor containing alcohol in excess of 3.2% by weight and not in excess of 5% by weight, may be sold by the drink at retail for consumption on the premises where sold, when the person desiring to sell said malt liquor by the drink at retail for consumption on the premises shall first have obtained a license therefor. Provided, that no such license shall be issued if the place of sale is within 300 feet of any property used for church or school purposes or of any public~~

~~playground located within the City, and provided further that, the first proviso above shall not apply to cases where the church or school or public playground is established after the license herein has been issued, and in such cases licenses may be renewed without respect to location of the church, school or public playground except when prohibited by state law. The license fee for such license is \$52.50 per year.~~

~~(b) — Malt liquor containing alcohol in excess of 3.2% by weight and not in excess of 5% by weight may be sold by grocers and other merchants and dealers in the original package direct to consumers, but not for resale and not for consumption on the premises where sold, when the person desiring to sell said malt liquor in the original package shall first have obtained a license therefor. The license fee for such license is \$22.50 per year.~~

Sec. 5-44. Short term licenses.

A license for the sale of all kinds of intoxicating liquor, including intoxicating liquor in the original package, at retail by the drink for consumption on the premises of the licensee may be issued to any church, school, civic, service, fraternal, veteran, political, or charitable club or organization for the sale of such intoxicating liquor at a picnic, bazaar, fair, or similar gathering. The license shall be issued only for the day or days named therein and for not more than seven days, if approved by the Board of Aldermen. The applicant shall pay a fee of \$25 for such license. The Board of Aldermen may make such conditions as it deems advisable with respect to the location of any bar or other dispensing place. So long as state law requires the same, if the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 11:00 a.m. **A.M.**

Sec. 5-45. Separate licenses; contents of license.

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

Sec. 5-46. License authority.

Each license issued under this article shall apply to the class for which issued, and it shall be unlawful for any person to sell or expose for sale any intoxicating liquor except in the manner authorized in the license held by the licensee.

Sec. 5-47. Number of dealers.

The number of dealers who may be licensed to sell liquor by the drink shall be limited to one for every ~~300~~ 400 inhabitants of the City as determined by the last federal census or by any subsequent census ordered by the Board of Aldermen.

Sec. 5-48. Qualifications of licensee.

No person shall be granted a license under this article unless such person is of good moral character and a qualified legal voter and taxpaying citizen of the state; **nor shall any corporation be granted**

a license hereunder unless the managing officer of such corporation is of good moral character; and no person shall be granted a license or permit hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of the 21st amendment to the constitution of the United States, of the violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs in his or her business as such dealer any person whose license has been revoked unless five (5) years have passed since the revocation. ~~or of any felony statute within the last 10 years, or who employs or has employed in his business, as such dealer, any person whose license has been revoked or who has been convicted of violating the provisions of any such liquor law since the date aforesaid.~~ 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.

Sec. 5-49. Application.

An application for a license to sell intoxicating liquors under this article shall be filed with the City Clerk/Collector on a form to be provided by the City, signed and sworn to by the applicant. Each application shall be accompanied by a proper remittance reflecting the appropriate license fee made payable to the City. ~~and shall be on forms to be furnished by the City Clerk/Collector and signed and sworn to by the applicant.~~

Sec. 5-50. Issuance.

Upon the filing of an application for a license under this article, the application shall be presented to the Board of Aldermen at its next regular or special meeting, and upon approval of the application by a majority of the Board, and upon payment of the license tax herein provided for, the City Clerk/Collector shall issue a license to the applicant to conduct business in the City until July 31 following its issuance.

Sec. 5-51. ~~Reserved. Probationary period.~~

~~The Board of Aldermen shall investigate every applicant for a license, whether for the sale of intoxicating beer or all intoxicating liquors, and whether by the drink or by the package and may without limitation refuse a license, or it may grant an initial license on probation subject to revocation within seven months without hearing or notice if in the sole and exclusive judgment of the Board of Aldermen continuance of the license is not to be the best interests of the City. If a license on probation is revoked, a proportionate part of the license fee shall be refunded. The Board may refuse to issue a license if in its sole judgment it is advisable not to grant it to the applicant, or if the proposed location is unsatisfactory in the sole discretion of the Board, or if in the sole and exclusive judgment and discretion of the Board it is not to the best interests of the City to grant another license, if at least three of the kind applied for are in force.~~

Sec. 5-52. Denial of license.

- (a) The Board of Aldermen reserves the right to refuse to issue a license for the sale of intoxicating liquor, as defined by this Chapter by the drink when in its judgment the location for which the license is sought to be obtained is not in the best interests of the

community, taking into consideration the qualifications for a license set forth in this Chapter for a license, and the City's investigation of the applicant's qualifications, the proximity of homes, schools, churches, playgrounds or other activities and conditions. An application for a license may be denied for any of the reasons listed in Section 5-59(b) of this Chapter, regarding suspension and revocation of previously-issued licenses. ~~When in the judgment of the Board of Aldermen any person previously operating an establishment for the sale of intoxicating liquor has not conducted an orderly place or house, the Board of Aldermen may refuse to renew the license upon its expiration.~~

- (b) ~~Any person aggrieved by the decision of the Board of Aldermen granting or refusing to grant, or renewing or refusing to renew, any license for the sale of intoxicating liquor by the drink may request a rehearing before the Board of Aldermen. Such request for rehearing shall be filed in writing to the City Clerk no later than ten (10) days after the decision complained of. The request shall specify with particularity the reasons why the requestor believes the Board of Aldermen's decision to have been unlawful. The City Clerk shall schedule the rehearing within a reasonable time, not later than sixty (60) days after the request for rehearing, and shall provide notice to the interested parties. It shall be the requestor's burden to demonstrate that the Board of Aldermen's decision was unlawful. Hearings shall proceed in the manner provided by Section 5-60 of this Chapter. After the hearing, the Board of Aldermen shall cause findings of fact and conclusions of law to be prepared. Appeals may be taken to the Circuit Court in the manner provided by Section 5-60(f) of this Chapter.~~

Sec. 5-53. ~~Reserved. Disposition of fees.~~

~~All fees collected by the City Clerk/Collector pursuant to this article shall be accounted for and paid into the City treasury as other funds collected by him are accounted for and paid.~~

Sec. 5-54. Merchant's fee.

The license fee and license issued under this article are for the sole purpose of permitting the licensee to engage in the sale of intoxicating liquor, and in addition to such fee and license the licensee shall be liable for and shall pay the merchant's license fee based upon the value of all of his merchandise and upon his gross sales. It shall be unlawful for a licensee to operate without a merchant's license.

Sec. 5-55. Posting license.

~~Each~~ A license issued pursuant to this article shall be kept conspicuously posted on the premises in the place for which such license was issued.

Sec. 5-56. Transfer.

- (a) No liquor license, as defined in this Chapter, can be transferred as a matter of right. All licensees wishing to transfer their license at any point in the calendar year – whether by changing ownership, managing partner, address, etc. – shall make application to and seek approval of the Board of Aldermen at a regularly scheduled Board meeting.

- (b) Licenses issued under this article may be transferred in the following cases:
- (1) In the event of the death of a licensee, the widow or widower or next of kin of the deceased licensee, who shall meet the other requirements of this article, may make application and ~~the Clerk may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased. Upon the end of such period, the licensee shall be required to make application to and seek approval of the Board of Aldermen. the Board of Aldermen may order the transfer of the license to permit the operation of the business of the deceased for the remainder of the period for which the license fee has been paid.~~
 - (2) ~~Whenever one (1) or more members of a partnership withdraw from the partnership, the Clerk, upon being requested, shall permit the remaining partner or partners originally licensed to continue to operate for the remainder of the period for which the license fee has been paid without obtaining a new license. Upon the end of such period, the licensee would be required to make application to and seek approval of the Board of Aldermen. When one or more members of a partnership withdraw from a partnership, the Board of Aldermen may permit the remaining partner or partners to continue operation for the remainder of the period for which the license fee has been paid, and a memorandum to that effect shall be endorsed upon the license by the City Clerk/Collector.~~
- ~~(b) Substantial changes in the ownership in shares of resident corporations having liquor licenses shall be reported to the Board of Aldermen, and changes in the managing officer of such corporations shall also be reported to the Board of Aldermen, and in such case the Board may revoke the license if in the judgment and discretion of the Board the manager is not a fit person to conduct the establishment. A change in ownership of 40% or more of a resident corporation shall be deemed a substantial change in ownership and in such case the Board of Aldermen may revoke the license if in its judgment and discretion the new shareholders are not fit persons to be associated with the business. If the change in management is approved by the Board of Aldermen, that fact shall be endorsed upon the license by the City Clerk/Collector.~~

Sec. 5-57. Duration.

The annual licenses issued under this article shall be dated August 1, and shall expire July 31 of the following year. The fees for such licenses shall be paid annually in advance. Licenses may be issued for part of a year for businesses that commenced after August 1, and proportionate fees shall be charged based on the months or fraction of a month said license is to run to the next July 31 following.

Sec. 5-58. Reserved. Renewal.

~~No liquor license, whether for sale by the drink or by the package, can be renewed as a matter of right and the Board of Aldermen shall have and exercise the same judgment and discretion with respect to renewal of licenses as is provided in this article with reference to the issuance or refusal of licenses upon original application.~~

Sec. 5-59. Revocation and suspension.

- (a) ~~Whenever it is shown to the Board of Aldermen that a dealer licensed under this article has not kept an orderly place or house, or has violated any of the provisions of this article or of the Liquor Control Law of the state, or has no license from the state supervisor of liquor control, or has made a false affidavit in his application for a license, the Board of Aldermen, after a hearing thereon, shall revoke the license of such dealer, giving 10 days' notice in writing thereof prior to the hearing thereon to the dealer, or any person in charge of or employed in the place licensed, stating the time, place, purpose and grounds therefor, at which hearing the dealer may have counsel and produce witnesses in his behalf.~~ **The Board of Aldermen may suspend or revoke the license of any person for cause shown. In such cases, the City Clerk shall schedule a hearing before the Board of Aldermen or a hearing officer not less than ten (10) days prior to the effective date of revocation or suspension. Prior to the hearing, the City Clerk shall give not less than ten (10) days' written notice to the licensee specifying the grounds upon which the license is sought to be revoked or suspended and the time, date, and place of the hearing. Notice may be accompanied by personal delivery, United States mail, or by posting on the licensed premises.**
- (b) ~~In lieu of revoking the license, if the Board of Aldermen finds that there are extenuating circumstances or that the violation is of such a minor nature that revocation of the license would be unduly harsh, the Board of Aldermen may suspend the license for such period of time and upon such conditions as may be just in the discretion and judgment of the Board of Aldermen.~~ **A license may be suspended or revoked for any of the following reasons:**
- (1) **Violating any of the provisions of either this Chapter, Chapter 311, RSMo, or any ordinance of the City of Crestwood;**
 - (2) **Failing to obtain or keep a license from the State Supervisor of Alcohol and Tobacco Control;**
 - (3) **Making a false affidavit in an application for a license under this Chapter;**
 - (4) **Failing to keep an orderly place or house;**
 - (5) **Selling, offering for sale, possessing or knowingly permitting the consumption on the licensed premises of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under the license;**
 - (6) **Selling, offering for sale, possessing or knowingly permitting the consumption of any intoxicating liquor which has not been inspected and labeled according to the laws of the State of Missouri; or**
 - (7) **Selling, giving, or otherwise supplying intoxicating liquor to:**
 - (a) **Any person under the age of twenty-one (21) years;**
 - (b) **Any person during unauthorized hours on the licensed premises;**
 - (c) **A habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor; or**
 - (d) **Any person on the licensed premises during a term of suspension as ordered by the Board of Aldermen.**
- (c) **A license shall be revoked automatically if the licensee's State liquor license is revoked or if the licensee is convicted in any court of any violation of this Chapter or Chapter 311, RSMo, or of any felony violation of Chapter 195 or 579, RSMo, in the course of business.**

A license shall be suspended automatically if the licensee's State liquor license is suspended, and the suspension shall be for a term not less than that imposed by the State.

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

Sec. 5-60. Hearing upon revocation or suspension.

- (a) Hearings before the Board of Aldermen shall be in the nature of contested cases as provided by Chapter 536, RSMo.
- (b) Testimony of witnesses and other evidence pertinent to the inquiry may be taken in such hearings, and all proceedings in such hearings shall be recorded. Any person residing or conducting a business within two hundred (200) feet of the proposed establishment shall have the right to produce witnesses and testimony.
- (c) Subpoenas may be authorized by the Board of Aldermen for any person whose testimony is desired at any hearing. Such subpoenas may be served and returns thereon made by any agent and in the same manner as provided by law for the service of subpoenas in civil suits in the Circuit Courts of this State. The Board of Aldermen also may issue subpoenas duces tecum requiring the production of documents or other items pertaining to the subject of the inquiry.
- (d) Before any witness shall testify in any such hearing, he/she shall be sworn by the City Clerk to tell the truth and nothing but the truth.
- (e) If the evidence supports a finding that the license should be revoked or suspended pursuant to Section 5-59 of this Chapter, the Board of Aldermen shall issue a written order which shall include specific findings of fact setting forth the grounds for the action taken. If the evidence fails to support a finding that the license should be revoked or suspended, then no such order shall be issued.
- (f) Any applicant or licensee aggrieved by a decision of the Board of Aldermen may appeal such decision to the Circuit Court as provided in Chapter 536, RSMo, provided such appeal is filed within thirty (30) days of the date of the Board of Aldermen's decision. The Board of Aldermen may delay the implementation of its order pending appeal.

Sec. 5-61. Off-Premises Intoxicating Liquor Consumption.

- (a) Any person possessing the qualifications and duly licensed under subdivisions (3), (4), or (5) of subsection (b) of Section 5-40 of this Chapter may sell packaged alcoholic beverages to customers in containers for off-premises consumption if the container is filled on the premises by any employee of the license-holder; and the employee is twenty-one years of age or older.
- (b) Any person qualifying under Subsection (a) of this Section must also meet the following requirements:
 - 1. The alcoholic beverage container must be rigid, durable, leak-proof, sealable and designed to prevent consumption without removal of the tamperproof cap or seal;

2. The contents of the container must not exceed one hundred twenty-eight ounces;
 3. The container must be sealed with tamperproof tape or placed in a one-time-use, tamperproof, transparent bag that is securely sealed;
 4. The customer must order and purchase a meal in conjunction with the packaged alcoholic beverage purchase;
 5. The customer must receive a dated receipt or electronic records for the meal and alcoholic beverage; and
 6. The number of alcoholic beverages sold under this Section must be limited to twice the number of meal servings sold for off-premises consumption.
- (c) Any delivery of packaged liquor by a licensee shall be in accordance with this Chapter, Chapter 311, RSMo, and any duly promulgated rules or regulations of the Missouri Division of Alcohol and Tobacco Control.

Sec. 5-62 60. through Sec. 5-70. (Reserved)

EXHIBIT B

[*new language appearing in red, language to be repealed struck through*]

Chapter 16. Offenses – Miscellaneous.

Article III. Alcohol Consumption by Persons under twenty-one.

Sec. 16-120. Drinking by ~~persons under twenty-one~~ minors. [*Old Sec. 5-22*]

It shall be unlawful for any merchant or keeper of any place of business in the City, or the employee of such merchant or keeper, to suffer or permit any ~~person under the age of twenty-one (21) years old~~ ~~minor~~ to drink or consume, on the premises on which his business is conducted, any intoxicating liquor, however acquired, or to sell, give away, lend, permit the use of or otherwise dispose of any soda water, ginger ale, water, ice, glass, spoon, container or receptacle to any person with the intent or knowledge that the same will be consumed or used in connection with the drinking or consuming by a ~~person under the age of twenty-one (21) years old~~ ~~minor~~ of any such intoxicating liquor on such premises.

Sec. 16-121. Supervision of ~~persons under twenty-one~~ minors. [*Old Sec. 5-25*]

It shall be unlawful for any person having any ~~person or persons under the age of twenty-one (21) years old~~ ~~minor~~ or ~~group of minors~~ under his or her charge or control or care or who is acting as sponsor or ~~chaperone~~ ~~chapter one~~ for a ~~person or persons under the age of twenty-one (21) years old~~ ~~minor~~ or ~~minors~~ to permit or allow such ~~person or persons under the age of twenty-one (21) years old~~ ~~minor~~ or ~~minors~~ to have in his or their possession or to consume any intoxicating liquor excepting as provided in § 5-23 of this Code. It shall be the duty of such person in charge of a ~~person or persons under the age of twenty-one (21) years old~~ ~~minor~~ or ~~minors~~ promptly to notify the police of any violation of the ordinances pertaining to the use, possession or consumption of intoxicating liquor by a ~~person or persons under the age of twenty-one (21) years old~~ ~~minor~~, and the violation of such duty shall be unlawful.