

BILL NO. _____

ORDINANCE NO. 24-6

AN ORDINANCE OF THE CITY OF FREDERICKTOWN, MISSOURI TO AMEND SECTIONS 600.050, 600.060 AND 600.070 IN TITLE VI, BUSINESS AND OCCUPATION, CHAPTER 600: ALCOHOLIC BEVERAGES RELATING TO LICENSE REGULATIONS, RESTRICTIONS ON NUMBER OF LICENSES ISSUED AND FEES; ESTABLISHING THE EFFECTIVE DATE; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, in 2017 the City of Fredericktown adopted a new Code of Ordinances in an effort to remove outdated legislation and to reorganize the ordinance sections to promote ease of location and understanding by its citizens of the City's regulations; and

WHEREAS, it has been discovered that some of the desired and necessary Code of Ordinance sections relating to liquor licenses were inadvertently omitted in the adoption and publication of the revised Code of Ordinances book; and

WHEREAS, the Mayor and Board of Aldermen desire to correct this oversight.

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

(Note: Language to be added is underlined. Language to be deleted is ~~stricken~~.)

Section 1. Section 600.050 entitled License Regulations, Chapter 600 - Alcoholic Beverages is hereby repealed and a new Section 600.050 is enacted in lieu thereof to read as follows:

"Section 600.050 License Regulations.

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

B. Resorts/Restaurant-bar. Any facility which is owned and operated as a part of a "Resort" as defined in Section 600.010 may be used to sell intoxicating liquor by the drink at retail for consumption on the premises of such facility.

C. Malt liquor/light wine. Any person who possesses the qualifications required by State statute, and who meets the requirements of and complies with the provisions of State statute and of this Chapter may apply for and the City may issue a license to sell malt liquor as defined in Section 600.010 and light wines not in excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables by the drink at retail for consumption on the premises where sold.

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

1. Notwithstanding any other provision of this Chapter, a permit 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 permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such club or organization.
2. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 6:00 A.M.
3. At the same time that an applicant applies for a permit under the provisions of this Subsection, the applicant shall notify the Director of Revenue of the holding of the event by certified mail and by such notification shall accept responsibility for the collection and payment of any applicable sales tax.
4. No provision of law or rule or regulation of the City shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

E. Operating Hours, Days.

1. No person having a license issued pursuant to this Chapter nor any employee of such person shall sell, give away, or permit the consumption of any intoxicating liquor in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. on Sunday and 6:00 A.M. on Monday except as otherwise authorized and licensed for Sunday sales, and if said person has a license to sell intoxicating liquor by the drink, his/her premises shall be and remain a closed place as defined in Section 600.010 of this Chapter and between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and 1:30 A.M. on Sunday and 6:00 A.M. on Monday. Where such licenses authorizing the sale of intoxicating liquor by the drink are held by clubs, hotels, or bowling alleys, this 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, then the

licensee shall keep securely locked during the hours and on the days herein specified all refrigerators, cabinets, cases, boxes and taps from which intoxicating liquor is dispensed.

2. 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 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 provisions of this Chapter to the contrary.

D.F. License Conspicuously Posted. Each license issued hereunder shall be conspicuously posted on the premises for which the license has been issued.

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

F.H. License Not Transferable. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this Chapter, may make application and the Clerk may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased. Whenever one (1) or more members of a partnership withdraws from the partnership, the Clerk, upon being requested, shall permit the remaining partner or partners originally licensed to continue to operate for the remainder of the period for which the license fee has been paid without obtaining a new license.

G.I. Relocation Of Business. In the event any licensee desires to change the location of his/her place of business in the City, it shall be necessary for him/her to file an application in the same manner as herein provided for an original application, except that no additional fee shall be charged and the amended license, describing the new location, shall be issued immediately upon the approval of the application by the Board of Aldermen. Any change of location of the enterprise prior to issuance of such an amended license shall constitute a violation of this Section.

H.J. Cause For Termination — Notice Required. Whenever a license holder under this Chapter shall be closed for business for over thirty (30) consecutive calendar days, the license holder's license shall be subject to termination upon notification by the City Administrator or his designee that the license shall be voided and the licensee ordered to turn in his license unless the licensee, within fifteen (15) days of the notification by the City, shall, in writing, state the reasons why this should not be done. If the licensee makes the written return within fifteen (15) days, his license shall not be terminated or voided unless upon action by the Board of Aldermen. The Board of Aldermen shall make its decision on the basis of the

qualifications, duties and obligations of the license holder listed in this Chapter and the reasons for which operation ceased.”

Section 2. Section 600.060 entitled Restriction on Number Issued, Chapter 600 - Alcoholic Beverages is hereby repealed and a new Section 600.060 is enacted in lieu thereof to read as follows:

“Section 600.060 **Restriction On Number Issued.**

- A. Sale of Intoxicating Liquor and Intoxicating Beer by the Package. No licenses for the sale of intoxicating liquor and intoxicating beer or malt liquor at retail in the original package shall be granted when the granting thereof will increase the number of licenses outstanding and in force to a greater number than one (1) for each four hundred (400) people of population of the City and major fractions of such four hundred (400) people, as shown by the last decennial census. Nothing in this Section shall be construed to require the cancellation or invalidation or to prevent the regular annual renewal of any such retail liquor license now outstanding to the holders thereof or to any other person who shall subsequently acquire the business now operated by the present holders of such retail liquor licenses, but shall prevent issuance of any new licenses unless the same shall come within the foregoing provisions of this Section.
- B. Sale of Beer and Light Wine by the Drink. No licenses for the sale of intoxicating beer and light wine containing not in excess of fourteen percent (14%) of alcohol by weight, made exclusively from grapes, berries and other fruits and vegetables, at retail by the drink shall be granted when the granting thereof will increase the number of such licenses to a greater number than one (1) such license for each one thousand (1,000) people of population of the City and major fractions of such one thousand (1,000) people, as shown by the last decennial census. Nothing in this Section shall be construed to require the cancellation or invalidation or to prevent the regular annual renewal of any such retail liquor license now outstanding to the holders thereof or to any other person who shall subsequently acquire the business now operated by the present holders of such retail liquor licenses, but shall prevent issuance of any new licenses unless the same shall come within the foregoing provisions of this Section.
- C. Sale of Intoxicating Liquor, Intoxicating Beer And Intoxicating Light Wines by the Drink. No licenses for the sale of intoxicating liquor at retail by the drink shall be granted when the granting thereof will increase the number of ~~beer taverns~~ restaurant-bars where ~~beer~~ intoxicating liquor is sold at retail by the drink to a greater number than one (1) such ~~beer tavern~~ restaurant-bar for each one thousand (1,000) people of population of the City and major fractions of such one thousand (1,000) people, as shown by the last decennial census. Nothing in this Section shall be construed to require the cancellation or invalidation or to prevent the regular annual renewal of any such retail liquor license now outstanding to the holders thereof or to any other person who shall subsequently acquire the business now operated by the present holders of such retail liquor licenses, but shall prevent issuance of any new licenses unless the same shall come within the foregoing provisions of this Section.

D. Sale of Malt Liquor and Intoxicating Light Wines by the Drink. No licenses for the sale of malt liquor at retail by the drink shall be granted when the granting thereof will increase the number of beer taverns where beer is sold at retail by the drink to a greater number than one (1) such beer tavern for each one thousand (1,000) people of population of the City and major fractions of such one thousand (1,000) people, as shown by the last decennial census. Nothing in this Section shall be construed to require the cancellation or invalidation or to prevent the regular annual renewal of any such retail liquor license now outstanding to the holders thereof or to any other person who shall subsequently acquire the business now operated by the present holders of such retail liquor licenses, but shall prevent issuance of any new licenses unless the same shall come within the foregoing provisions of this Section.”

Section 3. Section 600.070 entitled Fees, Chapter 600 - Alcoholic Beverages is hereby repealed and a new Section 600.070 is enacted in lieu thereof to read as follows:

“Section 600.070 **Fees.**

- A. Generally. A separate license is required for each place of business and the license fees set forth in this Section shall be paid annually, except where otherwise provided for temporary licenses.
- B. Package Liquor — Malt Liquor. The fee for distributors or wholesalers of intoxicating malt liquors not in excess of five percent (5%) alcohol by weight shall for sale in the original package direct to consumers but not for resale and not for consumption on the premises where sold is seventy-five dollars (\$75.00).
- C. Package Liquor — All Kinds. The fee for retailers selling intoxicating liquors containing alcohol in excess of five percent (5%) by weight, in the original package, not to be opened or consumed on the premises where sold shall be one hundred fifty dollars (\$150.00).
- D. Retailers Of Malt Liquor By Drink. The fee for retailers selling intoxicating malt liquors not in excess of five percent (5%) alcohol by weight shall for sale in the original package, or for consumption on the premises at retail by the drink for consumption on the premises where sold, shall be fifty-two dollars and fifty cents (\$52.50).
- E. Retailers Of Malt Liquor And Light Wines By Drink. The fee for retailers selling intoxicating malt liquors not in excess of five percent (5%) alcohol by weight and for light wines containing not in excess of fourteen percent (14%) of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables, at retail by the drink for consumption on the premises where sold, shall be seventy-five dollars (\$75.00).
- F. Retailers Of Liquor Over 5%. The fee for retailers selling intoxicating liquors with an alcoholic content of more than five percent (5%) by weight for consumption on the premises where sold shall be three hundred dollars (\$300.00). The license issued under this Subsection includes the right of sale in the original package, provided, such original package shall not be opened and the contents thereof consumed on the premises where sold;

and shall include the right to sell intoxicating liquor with an alcoholic content of five percent (5%) or less by weight, by the drink or in the original package

- G. Sunday Sales. In addition to any other fee established pursuant to the terms of this Section, any person possessing the qualifications and meeting the requirements of this Chapter, who is licensed to sell intoxicating liquor at retail, may apply 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, for an additional fee of three hundred dollars (\$300.00) a year payable at the same time and in the same manner as its other license fees.
- H. Temporary, Caterers. Temporary caterers for each calendar day, or fraction thereof, for which the permit is issued shall pay a fee of ten dollars (\$10.00).
- I. Temporary, Civic Organizations. Temporary permit for sale of beer for consumption on premises to a club, church, school, civic, service, fraternal, veterans, political or charitable club or organization for sale at a picnic, bazaar, fair or similar gathering shall pay a fee of thirty-seven dollars and fifty cents (\$37.50). Said permit shall not authorize the aforesaid sale of beer for more than seven (7) days in any one (1) license year.
- J. Wine Tasting License. Notwithstanding any other provisions of this Chapter to the contrary, any person possessing the qualifications and meeting the requirements of this Chapter who is licensed to sell intoxicating liquor in the original package at retail may apply for a special permit to conduct wine tastings on the licensed premises. The fee for a special license to conduct wine tastings shall be thirty-seven dollars and fifty cents (\$37.50).
- K. Limited Vendor of Package Liquor — All Kinds. The fee for retailers selling intoxicating liquors containing alcohol in excess of five percent (5%) by weight, in the original package, not to be opened or consumed on the premises where sold by a drugstore, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store shall be twenty-two dollars and fifty cents (\$22.50).
- L. Temporary Outdoor Consumption. Temporary permit for sale of beer for consumption on premises of an Event District during an event shall pay a fee of thirty-seven dollars and fifty cents (\$37.50).

Section 4. It is the intent of the Mayor and Board of Aldermen of the City of Fredericktown, Missouri, and it is hereby ordained that this ordinance shall become and be made a part of the Code of Ordinances of the City of Fredericktown, Missouri, and that sections of this ordinance may be renumbered to accomplish such intention.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion

shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 6. That this ordinance shall take effect and be in force from and after its passage and approval.

Section 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

THIS ORDINANCE having been read by title only the first time on this 26 day of

February 2024, the Board of Aldermen voted as follows:

Long	<u>aye</u>	Brown	<u>absent</u>
Polete	<u>aye</u>	Miller	<u>aye</u>
Jones	<u>aye</u>	Shankle	<u>aye</u>

THIS ORDINANCE having been read by title only the second time on this 26 day of

February, 2024, the Board of Aldermen voted as follows:

Long	<u>aye</u>	Brown	<u>absent</u>
Polete	<u>aye</u>	Miller	<u>aye</u>
Jones	<u>aye</u>	Shankle	<u>aye</u>

PASSED AND APPROVED this 26 day of February, 2024, by 5 ayes, 0 nays, 0 abstentions and 1 absentees.

CITY OF FREDERICKTOWN, MISSOURI

By: [Signature]
Travis Parker, Mayor

ATTEST:

[Signature]
Theresa Harbison, City Clerk