

**AN ORDINANCE AMENDING CHAPTER 600 OF THE CITY CODE REGARDING  
INTOXICATING LIQUOR**

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF GREENWOOD, MISSOURI, AS FOLLOWS:

**Section 1.** That Chapter 600 of the City Code is deleted in its entirety and amended to read as follows:

**TITLE VI. BUSINESS AND OCCUPATION  
CHAPTER 600: INTOXICATING LIQUOR**

**SECTION 600.050: PURPOSE**

Alcohol is, by law, an age-restricted product that is regulated differently than other products. The provisions of this Chapter establish vital regulation of the sale and distribution of alcohol beverages in order to promote responsible consumption, combat illegal underage drinking, and achieve other important policy goals such as maintaining an orderly marketplace composed of licensed alcohol producer, importers, distributors, and retailers.

**SECTION 600.010: DEFINITIONS**

For the purposes of this Chapter the following definitions shall apply:

*ADJACENT PROPERTY:* Property immediately adjoining any subject property. For the purposes of this definition, any intervening street, alley, highway or other public thoroughfare shall be disregarded.

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

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

*DIRECTOR:* The Director of Liquor Control of the City of Greenwood or his/her designated agent.

*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%) of alcohol 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.

*LICENSEE:* The person holding any license issued under the provisions of this Chapter.

*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.

*PERSON:* Any individual, association, firm, joint stock company, syndicate, partnership, corporation, receiver, trustee, conservator, or any other officer appointed by any State or Federal court.

*PREMISES:* The area located within an enclosure where intoxicating liquor is sold or consumed.

#### **SECTION 600.020: DIRECTOR OF LIQUOR CONTROL**

The Chief of Police shall be the Director of Liquor Control and be charged with the enforcement of the provisions of this Chapter. The Director shall be over twenty-one (21) years of age and shall not be an owner, officer or employee of any licensee under this Chapter.

#### **SECTION 600.030: LICENSES, RECORDS AND REPORTS**

It shall be the duty of the Director to issue all licenses and permits provided by this Chapter. He/sheshall keep a record of all licenses and permits so issued and of any suspension or revocation thereof. The Director shall make a full and complete report to the Board of Aldermen at the end of each fiscal year.

#### **SECTION 600.040: SUSPENSION OR REVOCATION**

- A. *Licensee.* The Director may suspend or revoke any license issued pursuant to the provisions of this Chapter at any time that a corresponding State liquor license of a licensee has been suspended or revoked.
- B. *Employee Permit.* The Director may suspend or revoke any permit issued pursuant to the provisions of this Chapter if the permittee has violated any of the provisions of this Chapter or if the permittee has made materially false statements in his/her permit application or failed to make a complete disclosure of all pertinent information in his/her application for permit.

#### **SECTION 600.050: TEMPORARY CLOSING OF PREMISES**

Notwithstanding any other provisions of this Chapter, the Director shall have the authority to close for a period not to exceed twenty-four (24) hours, any premises which may be in the immediate area of a mob, riot, strike or any type of violence, actual or probable, provided however, that the Director may not close such place under such circumstances

without advising the Mayor and Board of Aldermen at the earliest possible time and provided further, that the Director may not close such place for two (2) or more consecutive twenty-four (24) hour periods without the approval of the Mayor and the Board of Aldermen.

#### **SECTION 600.060: LICENSE REQUIRED**

- A. It shall be unlawful for any person to manufacture, sell, or solicit orders for the sale of intoxicating liquor, or allow the consumption of such beverages in or upon any premises where food, beverages or entertainment are sold or provided for compensation, within the City limits without first obtaining a license from the Director.
- B. Any person possessing the qualifications and meeting the requirements of this Chapter may apply for the following licenses:
  - 1. *Manufacturer*: A license for the privilege of manufacturing, distilling or blending wine, spirits, and all kinds of intoxicating liquors within the City.
  - 2. *Distributor*: A license to distribute, or sell at wholesale, intoxicating liquor.
  - 3. *Retail liquor by the drink*: A license for the privilege to sell all kinds of intoxicating liquor at retail by the drink for consumption on the premises. Such license shall also include the privilege of selling alcoholic beverages in the original package on the licensed premises, for consumption off the licensed premises.
  - 4. *Original package*: A license for the privilege of the sale of intoxicating liquor at retail in the original package on the licensed premises, for consumption off the licensed premises.
  - 5. *Caterer*: A temporary license may be issued to caterers who furnish provisions and service for use at a particular function, occasion, or event, at a particular location, which is not a licensed premises.
  - 6. *Consumption of liquor*: A C.O.L. license may be issued for the consumption of intoxicating liquor in or upon premises which do not possess a license for the sale of intoxicating liquor and where food, beverages or entertainment are sold or provided for compensation.

#### **SECTION 600.070: LICENSE FEES**

- A. *Due Date*. All license fees shall be due and payable on or before July first (1st) of each year and shall apply to the year beginning July first (1st) and ending June thirtieth (30th). If such license is originally issued after July first (1st), the applicant shall pay one-twelfth (1/12th) of such fee for each month, or fraction thereof, remaining in the twelve (12) month period.

B. *Annual Fee Amounts.* The following list sets forth the required license fees for each specific type of license issued pursuant to this Chapter:

<i>Type of License</i>	<i>Amount</i>
Manufacturer	\$750.00
Distributor	\$750.00
Retail liquor by the drink	\$750.00
Original package	\$750.00
Caterer	\$15.00/per day
Consumption of intoxicating liquor (C.O.L.)	\$90.00
Employee permit	\$20.00

#### **SECTION 600.080: STATE LICENSE REQUIRED**

As a condition precedent to the issuance of a license under the provisions of this Chapter, the applicant must also procure a permit and license from the State of Missouri and Jackson County or Cass County depending upon the county of the licensed premises, pursuant to the provisions of RSMo. Ch. 311.

#### **SECTION 600.090: C.O.L.—CONSUMPTION OF INTOXICATING LIQUOR LICENSE**

- A. A C.O.L. license may be issued for the consumption of intoxicating liquor in or upon premises which do not possess a license for the sale of intoxicating liquor and where food, beverages or entertainment are sold or provided for compensation. The drinking or consumption of intoxicating liquor shall not be permitted under a C.O.L. license between the hours of 1:30 A.M. and 6:00 A.M. Licenses issued hereunder shall be conditioned upon the observance of the provisions of this Chapter and the laws, rules and regulations of the State of Missouri governing the conduct of premises licensed for the sale of intoxicating liquor by the drink.
- B. A C.O.L. license may be issued to a club, organization or association which is private and non-profit and where either food, beverages or entertainment are provided for compensation in the form of dues, fees or special assessments, upon payment of the required license fee to the Director.
- C. A C.O.L. license may be issued to commercial establishments or establishments which are commercial in nature where either food, beverages or entertainment are provided for compensation of any kind upon payment of the required license fee to the Director.
- D. A C.O.L. license shall be effective for a period not to exceed forty-eight (48) consecutive hours.

- E. A C.O.L. license may be issued upon payment of the required licensefee to the Director. Applications for each one-day C.O.L. license must be filed and approved by the Director at least fifteen (15) business days prior to the date when the one-day C.O.L. license is to become effective.

#### **SECTION 600.100: CATERER**

- A. A temporary Caterer's license may be issued to caterers or other persons who furnish intoxicating liquor for a particular function, occasion, or event at a particular location other than a licensed premises. The temporary Caterer's license shall be effective for a period not to exceed one-hundred sixty-eight (168) consecutive hours, and shall authorize the service of intoxicating liquor at such function, occasion, or event during hours as determined by the Director, but no greater than the hours of 6:00 A.M. to 1:30 A.M. Licenses issued hereunder shall be conditioned upon the observance of the provisions of this Chapter and the laws, rules and regulations of the State of Missouri governing the conduct of premises licensed for the sale of intoxicating liquor by the drink.
- B. A Caterer's license may be issued upon payment of the required license fee to the Director. An application for a Caterer's license shall be made no less than fifteen (15) business days prior to the function, occasion, or event.
- C. Employees of Caterers must obtain an employee's permit.

#### **SECTION 600.110: UNLAWFUL ACTS CONCERNING LICENSES**

- A. *False Statements.* It shall be unlawful for any person in obtaining or attempting to obtain a license to make any materially false statements in the application for such license.
- B. *Incomplete Information.* It shall be unlawful for any person to fail to make a complete disclosure of all pertinent and material information required in the application for a license.
- C. *Assignment or Transfer Prohibited.* All licenses issued pursuant to the terms of this Chapter are personal and it shall be unlawful for such licenses to be assigned or transferred.
  - 1. Provided however, in the event of the death of a retail licensee, any bona fide relative, of such deceased licensee, who shall meet the individual requirements of this Chapter, may be licensed to operate the business of the licensee for the remainder of the period for which a license fee has been paid and it shall not be necessary for such relative to secure a new license until the expiration of the license issued to the deceased licensee.

2. Provided further, that if one (1) or more members of a partnership withdraws from the partnership, the Director, upon application, shall permit the remaining partner or partners originally licensed to continue the operation under the original license for the remainder of the period for which the license fee has been paid and it shall not be necessary for the remaining partner or partners to secure a new license until the expiration of the license.

D. *Changing Corporate Ownership.* Any change in the officers, directors or shareholders of any corporation, partnership or firm holding a license under this Chapter shall be reported to the Director for approval prior to the effective date of the change. Any failure to make such a report shall be unlawful and may, at the discretion of the Director, result in suspension or revocation of the license.

#### **SECTION 600.120: INDIVIDUAL LICENSE HOLDERS**

No license provided for by this Chapter shall be issued to any individual except in conformity with the following:

- A. Such individual is to be in fact actively engaged in the actual control and management of the particular licensed premises for which a license is sought.
- B. Such individual is twenty-one (21) years of age or over.
- C. Such person is of good moral character, is qualified to hold an alcoholic beverage license in the State of Missouri, and that such person has never been the holder of an alcoholic beverage license or permit which has been revoked by any City or any State.

#### **SECTION 600.130: CORPORATION LICENSE HOLDERS**

No license provided for in this Chapter shall be issued to any corporation except in conformity with the following:

- A. All the officers and directors of such corporations are persons of good moral character.
- B. The managing officer of the corporation is a person who is eligible for a license as an individual under the provisions of this Chapter.
- C. Such corporation has not been the holder of a license or permit which has been revoked by any City or State.

#### **SECTION 600.140: EMPLOYEE'S PERMIT**

- A. *Employees:* It shall be unlawful for a license holder to permit an employee of the license holder to have any contact whatsoever with intoxicating liquor, including the sale, stocking, sacking, or serving of such intoxicating liquor, unless such employee has obtained an employee's permit.

B. *Permit Classifications.* There shall be two permit classifications for employees, and adult permit and a minor permit.

1. *Adult permit.* Persons twenty-one (21) years of age or older, who has any contact whatsoever with intoxicating liquor, shall obtain an adult permit from the Director allowing the person to have contact with intoxicating liquor on licensed premises. The permit shall be valid for a period of two (2) years and shall remain valid for two years.
2. *Minor permit.* Persons eighteen (18) years of age or older, but less than twenty-one (21) years of age, may receive a permit to act in the following capacities upon licensed premises:
  - a. On licensed premises where at least fifty percent (50%) of the gross sales made consist of goods, merchandise or commodities other than intoxicating liquor in the original package, permittee may stock, arrange displays, accept payment for, and sack for carry out intoxicating liquor.
  - b. When acting in the capacity of a server, permit holders may accept payment for or serve intoxicating liquor in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consist of food; provided that nothing in this Subsection shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating liquor .
  - c. In any distillery, warehouse, wholesale distributorship, manufacturing facility, or similar place of business which stores, manufactures, or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, permit holders may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail.
  - d. The permit issued pursuant to this Subsection shall be valid until the holder's twenty-first (21st) birthday as long as the permit holder remains employed by the employer designated on the minor permit.

3. *Obtaining Permit.*

- a. Each applicant must make written application to the Director on a form supplied by the director and shall be signed by the applicant. The application shall include:

- i. The applicant's complete name, home address, home telephone number and date of birth.
    - ii. The applicant's height, weight, eye color, hair color, and sex.
    - iii. A statement regarding whether the applicant has been convicted of a felony.
    - iv. A twenty dollar (\$20.00) non-refundable application fee.
    - v. A signed consent to conduct a background investigation.
    - vi. Any other documentation or information deemed necessary by the Director for determining whether the applicant is of good moral character.
  - b. No permit shall be granted to any person if the Director determines that the applicant is not of good moral character, or has pleaded guilty to or been convicted of any felony, or who has pleaded guilty to or been convicted of any of the provisions of this Chapter or the liquor control laws, rules or regulations of the State of Missouri.
  - c. If applicant meets the requirements of this Section and this chapter, the Director shall issue an employee permit to the application; said permit shall be valid for two (2) years from the date of issuance. Upon expiration of the permit, the applicant may obtain a new permit in the same manner as provided in this Section. Each employee permit shall bear the physical description and, at the Director's discretion, a photograph of the applicant.
  - d. Any applicant under the age of twenty-one (21) years employed on a sale by drink or C.O.L. license premises shall first furnish the Director, on a form supplied by the Director, a written consent signed by the employee's parent or legal guardian. All such consents shall be accompanied by a copy of the employee's birth certificate. Both the signed consent form and the copy of the birth certificate shall remain on file with the Director.
  - e. Within six (6) months of the effective date of this ordinance, all current holders of an employee permit, shall obtain an employee permit in accordance with this section.
4. *Invalidation or Suspension.* In the event any permitted employee becomes a person not of good moral character, or is convicted or pleads guilty in court of any felony, his/her permit shall become invalid. If any permitted



employee shall be found guilty of violating or contributing to the violation of any of the provisions of this Chapter or the liquor control laws, rules or regulations of the State of Missouri, his/her permit shall be subject to suspension or revocation by the Director.

#### **SECTION 600.140: UNLAWFUL ACTS CONCERNING PERMITS**

- A. *No Permit.* It shall be unlawful for any licensee to allow any employee, who does not possess an employee's permit to have any contact with intoxicating liquor whatsoever, including the sale, stocking, or serving of intoxicating liquor.
- B. *False Representation.* It shall be unlawful for any person to use or possess any false or falsified employee's permit issued or purporting on its face to have been issued by the Director for the purpose of using such permit to obtain employment in or to purchase intoxicating liquor from any premises granted a license under the provisions of this Chapter or to misrepresent to any licensee, his/her agent, servant or employee or to the Director, his/her authorized agents or any member of the Police Department, that person's age to be twenty-one (21) years or older.
- C. *Falsifying Permit.* It shall be unlawful for any person to manufacture, forge, reproduce in any way or to otherwise falsify an employee's permit issued, or purported on its face to have been issued, by the Director, or to give, lend, sell or otherwise provide to any person a false, falsified, manufactured, forged or reproduced employee's permit issued by the Director.

#### **SECTION 600.150: LICENSE APPLICATION**

- A. *Form and Contents.* Any person desiring to secure a license under the terms of this Chapter shall make application therefore to the Director in writing and under oath upon such application forms supplied by the Director. Each question on the application form shall be considered material to the issuance of the license and each question on such application form must be answered in full by the applicant.
- B. *Execution of Application.* Application for a license under this Chapter shall be made by the individual who is to be, in fact, actively engaged in the actual control and management of the particular licensed premises for which such license is sought.
- C. *Supplemental Reports.* The licensee, upon request of the Director, shall file a supplemental report within fifteen (15) days of any loan made to the licensee of money or credit relating directly or indirectly to the licensed business.

## **SECTION 600.160: INVESTIGATIONS**

- A. *Liquor Control Investigation.* The Director shall cause an immediate investigation to be made of the statements contained in each new application for a license as well as the character, background, associates, financial investments and indebtedness of the applicant. The suitability of the location and surrounding conditions of the proposed premises shall also be investigated. The Director shall also investigate all records available to the Police Department.
- B. *Fire, Health and Building Inspections.* The Director may at any reasonable time, or upon new application or renewal application, request the Zoning Enforcement Officer, Public Works Director, or any other building code official, to make investigation of the licensed premises and the equipment and furnishings thereon to determine if the premises are in compliance with all the requirements of all City fire, health, zoning, and building ordinances.
- C. *Ongoing Inspections.* The Director or any authorized representative appointed by the Director and under the supervision of the Director may at any reasonable time enter and inspect the licensed premises in order to determine if there are any violations of this Chapter on the premises.
- D. The Director may also require each licensee to produce for examination the books, records and papers of the licensee in order to determine if there are any violations of this Chapter.

## **SECTION 600.170: ANNEXED BUSINESSES**

Any person doing business outside the City limits in an area which is annexed by the City shall be eligible to apply within fifteen (15) days after annexation for a City license within the classification to which he/she is entitled at the time of annexation.

## **SECTION 600.180: RENEWALS**

- A. Renewal applications shall be filed with the Director not less than thirty (30) days nor more than sixty (60) days prior to the expiration of the existing license. The applicant shall execute a renewal application indicating that all information provided on the original application is correct as stated and requiring that any new or different information be provided and explained by the applicant.
- B. If any application contains information which does not justify a license renewal or if the Director has other information that the applicant has not met all of the other requirements of this Chapter, the Director in his/her discretion may refuse to renew such license. In the event of such refusal, the applicant shall be entitled to request a hearing before the Board of Aldermen in the manner provided in this Chapter.

- C. If any licensee should fail to file the application for license renewal during the prescribed time, the Director shall notify that licensee that the license will lapse and that operation shall be suspended upon expiration of the original license until the renewal application is filed and processed.

#### **SECTION 600.190: TRANSFER OF LOCATION**

- A. *Application.* A licensee must file written application for permission to transfer a license to a different location. The application must be in writing on forms provided by the Director and shall be submitted to the Director along with an application fee of twenty-five dollars (\$25.00).
- B. *Processing.* Any application for a transfer of location shall be processed by the Director when received. The Director may refuse to approve any transfer of the business of a licensee whenever such licensed business is under citation by the City or the State Department of Liquor Control and the matter has not yet been finally adjudicated.

#### **SECTION 600.200: LOST LICENSE**

Whenever a license issued under this Chapter is lost or destroyed, a duplicate in lieu thereof may be issued by the Director to the licensee. The licensee shall make application under oath upon a form supplied by the Director, and the applicant shall specify the approximate date upon which the license was lost or destroyed and the circumstances under which the license was lost or destroyed.

#### **SECTION 600.210: LOCATION OF PREMISES**

- A. *Distance From Churches or Schools.* No intoxicating liquor license shall be issued for any premises when said premises is within three hundred (300) feet of a school or church, measured from the nearest point of the enclosing wall of the premises to the nearest point of the school or church building, except that this prohibition shall not apply when a school, church or place of worship should move within three hundred (300) feet of an existing licensed premises.
- B. *Discretion.* In passing upon any application for a license under this Chapter, the Director shall have the authority to take into consideration the location of the proposed business and the density of alcoholic beverage licenses in the area for which a license is sought, and shall have authority to refuse to grant such license when in his/her judgment such issuance shall not be in the best interest of the locality involved.

#### **SECTION 600.220: ESTABLISHED PREMISES NOT AFFECTED**

Nothing contained in this Chapter shall affect the location of an intoxicating liquor establishment legally located before and continuously operated since the adoption of this Chapter.

## **SECTION 600.230: HOURS AND DAYS OF SALE**

No license shall allow the consumption of, selling, giving away or otherwise dispense of any intoxicating liquor or allow the same to be done on or about the licensed premises between the hours of 1:30 A.M. and 6:00 A.M.

## **SECTION 600.240: MISCELLANEOUS RESTRICTIONS**

A. *Responsibility of Licensee.* Licensees are at all times responsible for the conduct of their business and at all times responsible for any act or conduct of any employee on the premises which is in violation of this Chapter. It shall be the duty and responsibility of the licensee and the person in charge of the licensed premises at all times to supervise the operation and conduct of business in a diligent manner and to make reasonably certain that this Chapter is not violated.

B. *Display of License.*

1. The licensee shall post the license issued pursuant to this Chapter upon the licensed premises and shall display said license at all times during the term of the license in a conspicuous place on the premises so that all persons visiting the premises may readily see the same. The license shall be posted before the licensee commences doing any business during the license term.
2. No licensee shall post such license or allow such license to be posted upon premises other than the premises licensed or upon premises where traffic in intoxicating liquor is being carried on by any person other than the licensee. No licensee shall knowingly deface, destroy or alter any such license in any respect.

C. *Closed Place.*

1. The premises of any retail liquor by drink sale license or C.O.L. license shall be and remain a closed place at the times and upon the days during which the sale or consumption of intoxicating liquor is prohibited by this Chapter. Where the licenses are held by clubs, motels and hotels, this prohibition shall only apply to the premises where intoxicating liquor is dispensed or consumed. Where such licenses are held by restaurants where substantial quantities of food are served, then the licensee shall keep securely locked during the hours and upon the days specified all refrigerators, cabinets, cases, boxes and taps from which intoxicating liquor is dispensed.
2. All holders of original package licenses whose place of business remains open on the days and at the hours when the sale and consumption of intoxicating liquor is prohibited by law, shall at all times upon such days and at such hours keep all intoxicating liquor securely under lock and key in such a manner that intoxicating liquor cannot be removed without unlocking a lock.

- D. *Youth.* Persons under eighteen (18) years of age may not be employed by license holders at the licensed premises unless at least fifty percent (50%) of the gross sales made consist of goods, merchandise, commodities or food that is not intoxicating liquor. No person under eighteen (18) years of age may have any contact whatsoever with intoxicating liquor, including the sale, stocking, sacking or serving of such intoxicating liquor.

#### **SECTION 600.250: BOARD REVIEW**

- A. Any aggrieved person may file a written request with the Board of Aldermen requesting the review of any decision of the Director to issue, deny, suspend or revoke any license or permit. Such written request shall be filed in City Hall with the City Clerk within ten (10) days after the Director's decision.
- B. Upon receipt of a request for review, the Board of Aldermen shall set a date for hearing at which it will investigate, examine and review the Director's decision. The Board of Aldermen may set aside any of the Director's actions if the majority of the members of the Board determine that the act should be altered and the Board may order the Director to issue a license or permit as necessary.
- C. Any applicant for a Board review hearing shall post a cash bond in the amount of two hundred fifty dollars (\$250.00) with the City Collector to secure the cost of such appeal. If the Director's decision is reversed in all respects by the Board of Aldermen, the Board shall charge all costs to the City and refund the full two hundred fifty dollars (\$250.00) bond to the appellant. If, however, the Board sustains the Director on any finding, the cost of review shall be deducted from the two hundred fifty-dollar (\$250.00) bond with the remaining amount, if any, to be refunded to the appellant.

#### **SECTION 600.260: OFFENSES**

- A. *Unlicensed Sale.* No licensee shall sell any intoxicating liquor in any fashion other than that permitted by his/her license.
- B. *Intoxicating Liquor Outside Licensed Premises.* No holder of a sale by the drink license shall allow any intoxicating liquor to be removed from the licensed premises in any fashion other than in the original package.
- C. *Purchase by Minor.* It shall be unlawful for any person under the age of twenty-one (21) years to purchase intoxicating liquor.
- D. *Possession by Minor.* No person under the age of twenty-one (21) years shall have in his/her possession, either on his/her person or in a vehicle in which he/she is riding or sitting (unless when such minor is accompanied by a parent or lawful guardian), any intoxicating liquor, unless such person has a valid employee permit and is working at a licensed premises at the time of such possession of intoxicating liquor. A person

under the age of twenty-one (21) shall be deemed to be in possession of intoxicating liquor on his/her person if the person is visibly intoxicated, or if the person has a detectable blood alcohol content of more than two-hundredths of one percent (0.02%) by weight of alcohol in such person's blood. For purposes of this Section, a person is "*visibly intoxicated*" when inebriated to such an extent that the impairment is shown by significantly uncoordinated physical action or significant physical dysfunction.

- E. *Acquisition for Minors.* It shall be unlawful for any person to purchase or in any way obtain intoxicating liquor for any person under the age of twenty-one (21) years. In addition, it shall be unlawful for any person to obtain, convey, make available or deposit intoxicating liquor in any place where such person knows, or by the exercise of reasonable care should know, that a person or persons under the age of twenty-one (21) years are likely to come into possession of the same.
- F. *Sale to Minors.* No licensee, or employee, agent or servant of such licensee, shall sell, give away or otherwise dispose of intoxicating liquor to any person who is under the age of twenty-one (21) years.
- G. *Misrepresentation of Age.* It shall be unlawful for any person under the age of twenty-one (21) years to misrepresent his/her age or make a false statement willfully about his/her age to anyone for the purpose of purchasing or in any way obtaining intoxicating liquor.
- H. *Sale to Intoxicated Persons.* No licensee, or employee, agent or servant of such licensee shall sell, give away or otherwise dispose of intoxicating liquor to any person who is intoxicated or who is actually or apparently under the influence of intoxicating liquor.
- I. *Intoxicated Persons on Premises.* No licensee shall allow any person who is intoxicated or under the influence of an alcoholic beverage to remain on the licensed premises.
- J. *Intoxicating Liquor Brought on Premises.* It shall be unlawful for any person to take intoxicating liquor into or upon any premises covered by a retail liquor by the drink license for the purpose of consuming such intoxicating liquor in any form on such premises. In addition, it shall be unlawful for any licensee to allow any person to take intoxicating liquor into or upon any premises covered by a retail liquor by drink license.
- K. *Consumption on Original Package Licensed Premises.* It shall be unlawful for any holder of a original package sales license to allow the consumption of any intoxicating liquor in or upon the licensed premises. It shall be unlawful for any person to consume intoxicating liquor on such premises.
- L. *Sale Other Than Original Package.* It shall be unlawful for the holder of any original package license to sell, dispense or give away intoxicating liquor in any fashion other than in the original package.

- M. *Inducement to Drink.* It shall be unlawful for any holder of a retail liquor by the drink license or a C.O.L. license to give away alcoholic beverage either in drinks or otherwise, either with or without food, or to charge any less price for such drinks when served with food than served without food. In addition, it shall be unlawful for any such licensee to give away food with any drink sold or to offer any food free as an inducement to customers to purchase intoxicating liquor.
- N. *Disorderliness and Indecency.* No licensee shall allow in or upon the licensed premises any disturbances, disorderliness, lewdness, immoral activities, brawls, or any indecent, profane or obscene language, songs, entertainment, literature or advertising material, nor shall the licensee cause to have printed or distributed any lewd, immoral, indecent or obscene literature or advertising material. No licensee shall allow any bartender, server, or any other employee to appear on the licensed premises in a condition where either the breasts, the pelvic areas or the buttocks are not covered with opaque clothing, nor shall any employee appear on the licensed premises in such a condition. No licensee shall allow any employee or entertainer employed by the licensee or any patron to perform a dance of any kind whatever upon the bar or upon any other place used for serving food or beverages or in any place within the licensed premises open to public view from the sidewalk or street. No licensee shall allow either an exotic dance or striptease dance to be performed except as hereinafter provided:
1. Such dance shall be performed on a raised dais or platform containing not less than one hundred (100) square feet of surface raised at least eighteen (18) inches from the floor level where patrons may be seated or standing.
  2. Such dais must at every point be not less than six (6) feet from the nearest patron.
  3. Such dance shall not be performed in any place within the licensed premises which is open to public view from the sidewalk or street.
- O. No licensee shall allow upon the premises covered by such license any gambling of any kind or character for money, trade checks, prizes, merchandise, free drinks or food, free plays of pinball or video games, or any other consideration whatsoever.

#### **SECTION 600.270: PENALTY**

- A. Any person violating any provision of this Chapter shall be deemed guilty of an ordinance violation. The Municipal Court shall have the power to hear and determine the alleged violations of the provisions of this Chapter. Upon conviction of any violation of this Chapter, the defendant shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment.
- B. Each day that a violation of this Chapter continues shall be deemed a separate offense.

**Section 2.** Savings Clause. Nothing contained herein shall in any manner be deemed or construed to alter, amend, or modify, supersede, supplant or otherwise nullify any other ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter of this ordinance, unless expressly set forth in this ordinance.

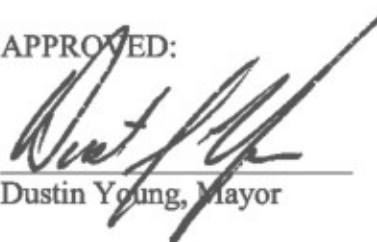
**Section 3.** Severability. If any term, condition, or provision of this ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder of this ordinance shall be valid in all other respects and continue to be effective and each and every remaining provision of this ordinance shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the Board of Aldermen and shall thereafter be binding.

**Section 4.** Effective Date. This ordinance shall be in full force and effect from and after the date of its passage.

PASSED THIS 9<sup>TH</sup> DAY OF APRIL, 2024, BY THE BOARD OF ALDERMEN OF THE CITY OF GREENWOOD, MISSOURI.

Alderman	Vote			
	Aye	Nay	Abstain	Absent
Archambault	X			
Thompson	X			
McClure	X			
Murray	X			
Young (in case of tie)				

APPROVED:



Dustin Young, Mayor

ATTEST:



LeeAnn Moore, City Clerk