

**TITLE VI. BUSINESS AND OCCUPATION**

**CHAPTER 600: ALCOHOLIC BEVERAGES**

**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.

*ALCOHOLIC BEVERAGES:* Intoxicating liquor or non-intoxicating beer.

*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.

*FIVE PERCENT BEER:* Any beer manufactured from pure hops or pure extract of hops and pure malt or other wholesome grains or cereals and wholesome yeast and pure water and free from all harmful substances, preservatives and adulterants, and having an alcoholic content of more than three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight.

*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 (.5%) of alcohol by volume except for non-intoxicating beer.

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

*NON-INTOXICATING BEER:* Any beer manufactured from pure hops or pure extract of hops, and pure barley malt or other wholesome grains or cereals, and wholesome yeast and pure water and free from all harmful substances, preservatives and adulterants, and having an alcoholic content of more than one-half of one percent (.5%) by volume and not exceeding three and two-tenths percent (3.2%) by weight.

*ORIGINAL PACKAGE:* One (1) container of not less than fifty (50) milliliters of any intoxicating liquor or any package containing three (3) or more standard bottles of beer.

*PERMITTEE:* The holder of an employee's permit as issued by the City of Greenwood.

*PERSON:* An individual, partnership, club, association, firm or corporation.

*PREMISES:* The area located within an enclosure where alcoholic beverages are 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.  
(Ord. No. 94-11-01 §600.020, 11-7-94)

**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/she shall 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. The license may be renewed or reinstated at such time as the licensee's State of Missouri liquor license has been renewed or reinstated.
- B. *Permittee.* 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**

It shall be unlawful for any person to manufacture, sell, or solicit orders for the sale of alcoholic beverages, 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.

**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>
Retail liquor by drink	\$450.00
5% beer by drink	52.50
5% beer by drink, wine	52.50
3.2% non-intoxicating beer by drink	37.50
Restaurant-bar	300.00
5% beer by drink restaurant-bar	300.00
5% beer by drink restaurant-bar, wine	300.00
Restaurant-bar, temporary	75.00/90 days
5% beer by drink restaurant-bar, temporary	75.00/90 days
5% beer by drink restaurant-bar, wine, temporary	75.00/90 days
Retail by drink picnic	37.50/ 7 days
5% beer by drink picnic	37.50/ 7 days
5% beer by drink, wine picnic	150.00/ 7 days
3.2% non-intoxicating beer by drink picnic	15.00/ 7 days
Retail liquor by drink, caterer	15.00/per day
5% beer by drink, caterer	15.00/per day
Original packaged liquor	150.00
Original packaged 5% beer	22.50
Original packaged 3.2% beer	22.50
Consumption of intoxicating liquor (C.O.L.)	90.00
Sunday sale of intoxicating liquor	300.00
(Provided that the licensee also possesses a license authorizing the sale at retail in the original package of intoxicating liquor on all other days)	

**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 the County of Jackson pursuant to the provisions of Chapters 311 and 312, RSMo.

**SECTION 600.090: RETAIL LIQUOR BY DRINK LICENSE**

A license shall be issued to all applicants who have complied with this Chapter licensing such applicant to sell all kinds of intoxicating liquor at retail by the drink for consumption on the licensed premises, upon payment of the required license fee to the Director for each such license. 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.

**SECTION 600.100: FIVE PERCENT BEER BY THE DRINK LICENSE**

A license shall be issued to all applicants who have complied with this Chapter licensing such applicant to sell five percent (5%) beer or non-intoxicating beer at retail by the drink for consumption upon the licensed premises upon payment of the required license fee to the Director for each such license. Such license shall also include the privilege of selling five percent (5%) beer and non-intoxicating beer in the original package on the licensed premises for consumption off the licensed premises.

**SECTION 600.110: 3.2 PERCENT NON-INTOXICATING BEER BY THE DRINK LICENSE**

A license shall be issued to all applicants who have complied with this Chapter licensing such applicant to sell non-intoxicating beer at retail for consumption on the licensed premises upon payment of the required license fee to the Director for each such license. Such license shall also include the privilege of selling non-intoxicating beer in the original package on the licensed premises for consumption off the licensed premises.

**SECTION 600.120: RESTAURANT-BAR LICENSE**

A license shall be issued to all applicants who have complied with this Chapter licensing such applicant to sell all kinds of intoxicating liquor at retail, by the drink, for consumption on the licensed premises and alcoholic beverages in the original package for consumption off the licensed premises from 1:00 P.M. to 12:00 A.M. Midnight on Sunday, upon payment of the required license fee to the Director for each such license.

**SECTION 600.130: C.O.L.—CONSUMPTION OF INTOXICATING LIQUOR LICENSE**

A C.O.L. license may be issued for the consumption of alcoholic beverages in or upon premises which do not possess a license for the sale of alcoholic beverages and where food, beverages or entertainment are sold or provided for compensation. The drinking or consumption of alcoholic beverages shall not be permitted under a C.O.L. license between the hours of 1:30 A.M. and 6:00 A.M. on any weekday and between the hours of 12:00 Midnight Saturday and 12:00 Midnight Sunday. 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.

1. 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.
2. 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.
3. A one-day C.O.L. license for dance halls may be issued upon payment of the required license fee to the Director. Applications for each one-day C.O.L. license must be filed and approved by the Director at least three (3) weeks prior to the date when the one-day C.O.L. license is to become effective.

**SECTION 600.140: ORIGINAL PACKAGE—LIQUOR SALES LICENSE**

A license shall be issued to all applicants who have complied with this Chapter licensing such applicant to sell at retail alcoholic beverages in the original package on the licensed premises upon payment of the required license fee to the Director for each such license.

**SECTION 600.150: ORIGINAL PACKAGE—FIVE PERCENT BEER SALES LICENSE**

A license shall be issued to all applicants who have complied with this Chapter licensing such applicant to sell at retail five percent (5%) beer or non-intoxicating beer in the original package on the licensed premises upon payment of the required license fee to the Director for each such license.

**SECTION 600.160: 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 600.170: INDIVIDUAL LICENSE HOLDERS**

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

- 1. Such individual is to be in fact actively engaged in the actual control and management of the particular alcoholic beverage or C.O.L. establishment for which a license is sought.

2. Such individual is twenty-one (21) years of age or over.
3. 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 600.180: CORPORATION LICENSE HOLDERS**

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

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

**SECTION 600.190: EMPLOYEE'S PERMIT**

A. *Permit Classifications.* The Director shall issue the following permits to all individuals employed by any licensee:

1. *Adult permit.* Any individual twenty-one (21) years of age or older shall obtain an employee's permit from the Director allowing the person to act in any capacity upon the licensed premises. The permit shall be valid for a period of two (2) years and shall remain valid only as long as the employee continues as an employee for the employer specified on his/her permit card.
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 alcoholic beverages in the original package, permittee may stock, arrange displays, accept payment for, and sack for carry out intoxicating liquor or non-intoxicating beer.
  - b. When acting in the capacity of a waiter or waitress, permit holders may accept payment for or serve intoxicating liquor or non-intoxicating beer 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 beverages or non-intoxicating beer.
  - c. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor or non-intoxicating beer but which does not sell intoxicating liquor or non-intoxicating beer at retail, permit holders may be employed and their duties may include the handling of intoxicating liquor or non-intoxicating beer for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail.

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. *Youth permit.* Persons under eighteen (18) years of age may be employed by license holders if at least fifty percent (50%) of the gross sales made consist of goods, merchandise, commodities or food other than alcoholic beverages, provided that such individuals shall have no contact whatsoever with alcoholic beverages, including the sale, stocking, sacking or serving of such alcoholic beverages. Holders of youth permits shall normally be employed by restaurants, grocery stores and convenience stores. The permit issued pursuant to this Subsection shall be valid until the holder's eighteenth (18th) birthday as long as the permit holder remains employed by the employer designated on the youth permit.

B. *Obtaining Permit.*

1. Each applicant must make written application to the Director and must be fingerprinted by the Police Department. Each applicant for an adult or minor permit shall pay the Director the sum of five dollars (\$5.00) as an application fee. Upon the expiration of any permit set forth in the previous Subsections, the applicant must obtain a new permit under the procedure described in this Subsection.
2. Any employee 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.

- C. *Invalidation or Suspension.* In the event any permitted employee becomes a Police character, or a person not of good moral character, or is convicted 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 by the Director.

**SECTION 600.200: UNLAWFUL ACTS CONCERNING PERMITS**

- A. *No Permit.* It shall be unlawful for any licensee to have in his/her employ any person who does not have an employee's permit issued by the Director.
- 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 alcoholic beverages 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.

- D. *Use of Another's Permit.* It shall be unlawful for any lawful holder of an employee's permit issued by the Director to give, lend, sell or otherwise provide such permit to any other person, or for any person not the lawful holder of such permit to use the same for any purpose declared to be unlawful by the provisions of this Chapter, or to give, lend, sell or otherwise provide such permit to any other person.

#### **SECTION 600.210: 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 form as 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. *Fingerprints.* All applicants for licenses under this Chapter shall be fingerprinted by the Police Department. If the applicant is a partnership, all partners shall be fingerprinted. If the applicant is a corporation, the managing officer shall be fingerprinted. The Director, in his/her discretion, may require the officers, directors and shareholders holding more than ten percent (10%) interest in a corporation to be fingerprinted.
- C. *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 alcoholic beverage or C.O.L. establishment for which such license is sought.
- D. *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 600.220: INVESTIGATIONS**

- A. *Liquor Control Investigation.* The Director shall cause an immediate investigation to be made of the statements contained in each new application for an alcoholic beverage 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.
- B. *Police Investigation.* Upon receipt of a new application, the Director shall forward immediately to the Director of Public Safety a copy of said application along with the fingerprints of the applicant. The Director of Public Safety shall investigate all records available to the Police Department and shall furnish all pertinent information to the Director.
- C. *Fire, Health and Building Inspections.* The Director may at any reasonable time, or upon new application or renewal application, request the Zoning Enforcement Officer 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 and building ordinances.
- D. *Ongoing Inspections.* 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.



- E. The Director may also require each licensee to produce for examination the books, records and papers of the licensee by issuance of an appropriate subpoena duces tecum in order to determine if there are any violations of this Chapter.

**SECTION 600.230: 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 600.240: 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 600.250: 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 600.260: 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 600.270: LOCATION OF PREMISES**

- A. *Distance From Churches or Schools.* No alcoholic beverage 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 600.280: ESTABLISHED PREMISES NOT AFFECTED**

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

#### **SECTION 600.290: HOURS AND DAYS OF SALE**

- A. No license shall allow the consumption of, sell, give away or otherwise dispose of any alcoholic beverages or allow the same to be done on or about the licensed premises between the hours of 1:30 A.M. and 6:00 P.M., Monday through Saturday, and between the hours of 9:00 A.M. Sunday and 6:00 A.M. Monday. Licensees who have been issued restaurant-bar licenses in conformance with this Chapter may remain open to sell alcoholic beverages for consumption on the licensed premises and alcoholic beverages in the original package for consumption off the licensed premises from 9:00 A.M. to 12:00 A.M. Midnight on Sunday, in addition to the legal hours and days set forth above. A holder of a three and two-tenths percent (3.2%) non-intoxicating beer by drink sales license, issued pursuant to the provisions of this Chapter, may sell such beer at retail on Sundays between the hours of 9:00 A.M. and 12:00 A.M. Midnight, provided however, that all such sales at retail of non-intoxicating beer for consumption on the premises shall only be made if at least fifty percent (50%) of the gross income of the licensed establishment is derived from prepared meals and food.
- B. When December thirty-first (31st) falls on a Sunday, any holder of a retail liquor by drink sales license may be open for business and sell alcoholic beverages by the drink under the provisions of his/her license on that day after 9:00 A.M. and until 1:30 A.M. Monday, notwithstanding any provisions herein to the contrary. (Ord. No. 2003-12-08-03 §1, 12-8-03)

#### **SECTION 600.300: 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 alcoholic beverages 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 alcoholic beverages is prohibited by this Chapter. Where the licenses are held by clubs, motels and hotels, this prohibition shall only apply to the premises where alcoholic beverages are 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 alcoholic beverages are dispensed.
2. All holders of packages sales licenses whose place of business remains open on the days and at the hours when the sale and consumption of alcoholic beverages is prohibited by law, shall at all times upon such days and at such hours keep all alcoholic beverages securely under lock and key in such a manner that alcoholic beverages cannot be removed without unlocking a lock.

**SECTION 600.310: 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 600.320: OFFENSES**

- A. *Unlicensed Sale.* No licensee shall sell any alcoholic beverages in any fashion other than that permitted by his/her license.
- B. *Alcoholic Beverages Outside Licensed Premises.* No holder of a sale by the drink license shall allow any alcoholic beverages 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 alcoholic beverages.

- 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 alcoholic beverages. A person under the age of twenty-one (21) shall be deemed to be in possession of alcoholic beverages 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 alcoholic beverages 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 alcoholic beverages 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 alcoholic beverages 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 wilfully about his/her age to anyone for the purpose of purchasing or in any way obtaining alcoholic beverages.
- H. *Sale to Intoxicated Persons.* No licensee, or employee, agent or servant of such licensee shall sell, give away or otherwise dispose of alcoholic beverages to any person who is intoxicated or who is actually or apparently under the influence of alcoholic beverages.
- 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. *Serving or Delivering to Vehicles.* No licensee shall serve or deliver any alcoholic beverages to any person who is in or about any motor car or other vehicle.
- K. *Alcoholic Beverages Brought on Premises.* It shall be unlawful for any person to take alcoholic beverages into or upon any premises covered by a sales by drink license for the purpose of consuming such alcoholic beverages in any form on such premises. In addition, it shall be unlawful for any licensee to allow any person to take alcoholic beverages into or upon any premises covered by a sales by drink license.
- L. *Consumption on Packaged Licensed Premises.* It shall be unlawful for any holder of a package sales license to allow the consumption of any alcoholic beverages in or upon the licensed premises. It shall be unlawful for any person to consume alcoholic beverages on such premises.
- M. *Sale Other Than Original Package.* It shall be unlawful for the holder of any package sales license to sell, dispense or give away alcoholic beverages in any fashion other than in the original package.
- N. *Inducement to Drink.* It shall be unlawful for any holder of a sales 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 alcoholic beverages.

- O. *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, bar maid, waitress, hostess or servant 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 employer 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.
- P. 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. (Ord. No. 2007-03-12-06 §1, 3-12-07)

**SECTION 600.330: PENALTY**

- A. Any person violating any provision of this Chapter shall be deemed guilty of a misdemeanor. 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 in the County Jail 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.