

BILL NO. 22-85

AN ORDINANCE AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES, ARTICLE III. LICENSES, DIVISION 2 TYPES OF LICENSES; FEES, OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI TO REVISE THE PROVISIONS RELATING TO SUNDAY HOURS OF SALES IN ACCORDANCE WITH STATE LAW.

WHEREAS, Chapter 4 of the Code of Ordinances of the City of Lee's Summit regulates the sale and distribution of alcoholic beverages within the City of Lee's Summit; and,

WHEREAS, the State of Missouri, in Chapter 311 of the Revised Statutes of Missouri, also provides for statewide regulations on the sale and distribution of alcoholic beverages; and,

WHEREAS, the Missouri State Legislature has revised the Liquor Control Law in Chapter 311 of the Revised Statutes of Missouri to change certain provisions regarding liquor sales that expand the hour of sales to 6:00 a.m. on Sundays and 1:30 a.m. on Mondays; and,

WHEREAS, the City of Lee's Summit desires to amend Chapter 4 Alcoholic Beverages to be in accordance with the revisions in the Liquor Control Law in the state of Missouri for the efficient administration and regulation of alcoholic beverages within the city.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That Chapter 4 Alcoholic Beverages, Article III Licenses, Division 2 Types of Licenses; Fees, Section 4-128 shall be amended by repealing that Section in its entirety and enacting in lieu thereof a new section of like number and subject matter to read as follows:

Sec. 4-128. C3—Restaurant retail selling of malt liquor by the drink and also in the original package; includes Sunday sales.

A. Name. A license for the privilege of the retail selling, by restaurant within the City where substantial quantities of food are served, of malt liquor by the drink for consumption on the premises where sold and also in the original package shall be known as a "C3" license. Notwithstanding the provisions of Section 4-2 of this chapter, any person licensed pursuant to this subsection may also sell malt liquor at retail between the hours of 6:00 a.m. on Sundays and 1:30 a.m. on Mondays.

B. Fee. A license under the terms of this section shall be issued to all qualified applicants who have fully complied with the provisions of this chapter, upon payment of an annual license fee of seventy-five dollars (\$75.00) to the City Finance Director.

C. Restriction on number of licenses available. There shall be no limit of the number of licenses available under the terms of this chapter.

(Ord. No. 7247, § 4, 10-4-2012)

State Law reference— Similar State license, RSMo 311.200.

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SECTION 2. That Chapter 4 Alcoholic Beverages, Article III Licenses, Division 2 Types of Licenses; Fees, Section 4-129 shall be amended by repealing that Section in its entirety and enacting in lieu thereof a new section of like number and subject matter to read as follows:

Sec. 4-129. D—Retail selling of malt liquor only in the original package; includes Sunday sales.

A. *Name.* A license for the privilege of the retail selling, within the City, of malt liquor only in the original package, direct to the consumer, and not for consumption on the premises where sold shall be known as a "D" license. Notwithstanding the provisions of Section 4-2 of this chapter, any person licensed pursuant to this subsection may also sell malt liquor at retail between the hours of 6:00 a.m. on Sundays and 1:30 a.m. on Mondays.

B. *Fee.* A license under the terms of this section shall be issued to all qualified applicants who have fully complied with the provisions of this chapter, upon payment of an annual license fee of twenty-two dollars and fifty cents (\$22.50) to the City.

C. *Restriction on number of licenses available.* There shall be a limit on the number of licenses available under the terms of this section of one license per one thousand five hundred (1,500) population.

(Ord. No. 7247, § 4, 10-4-2012)

State law reference(s)—Similar State license, RSMo 311.200.

SECTION 3. That Chapter 4 Alcoholic Beverages, Article III Licenses, Division 2 Types of Licenses; Fees, Section 4-136 shall be amended by repealing that Section in its entirety and enacting in lieu thereof a new section of like number and subject matter to read as follows:

Sec. 4-136. I—Consuming intoxicating liquor on premises not licensed to sell (C.O.L.).

A. *Name.* A C.O.L. license for the privilege of the operating of a premises within the City where food, beverages or entertainment are sold or provided for compensation and where intoxicating liquor may be drunk or consumed even though such premises does not possess a license for the sale of such intoxicating liquor, shall be known as an "I" license.

B. *Hours when consumption of liquor permitted.* It shall be unlawful for any person not licensed under the terms of this section to permit the drinking or consumption of intoxicating liquor in, on or about such premises, between the hours of 1:30 a.m. and 6:00 a.m. on any day of the week.

C. *Fee.* A license under the terms of this section shall be issued to all qualified applicants who have fully complied with the provisions of this chapter, upon payment of an annual license fee of ninety dollars (\$90.00) to the City.

D. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

(Ord. No. 7247, § 4, 10-4-2012)

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State law reference(s)—Similar State license, RSMo 311.480.

That Chapter 4 Alcoholic Beverages, Article III Licenses, Division 2 Types of Licenses; Fees, Section 4-146 shall be amended by repealing that Section in its entirety and enacting in lieu thereof a new section of like number and subject matter to read as follows:

Sec. 4-146. P—Fourth of July activity retail selling of wine and malt liquor by the drink.

- A. *Name.* A temporary license for the privilege of the retail selling, by a church, school, civic, fraternal, veteran, political or charitable club or organization at a Fourth of July picnic, bazaar, fair, festival or similar gathering or event within the City, of wine or malt liquor by the drink for consumption on the premises where sold shall be known as an "O" license.
- B. *Term; hours when selling permitted.* A temporary license under the terms of this section may be issued only during the period from June 15 to July 15 annually, and only for the day or days named therein. Such license shall not authorize the sale of wine and malt liquor except between the hours of 6:00 a.m. and 1:30 a.m., and for not more than seven (7) days by any such organization.
- C. *Scope; discrimination prohibited.* A temporary license under the terms of this section may be issued to cover more than one place of sale within the general confines of the place where the gathering or event is held. No license shall be issued under the terms of this section to any organization which selects or restricts the membership thereof on the basis of race, religion, color, creed, or place of national origin. No provision or law or rule or regulation of the Director of Liquor Control shall prevent any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for the use by the holder of such license at such gatherings or events.
- D. *Fee.* A temporary license under the terms of this section shall be issued to all qualified applicants who fully comply with the provisions of this chapter, upon payment of a license fee of one hundred fifty dollars (\$150.00) to the City.
- E. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this section.

(Ord. No. 7247, § 4, 10-4-2012)

State law reference(s)—Similar State license, RSMo 311.218.

SECTION 5. That Chapter 4 Alcoholic Beverages, Article III Licenses, Division 2 Types of Licenses; Fees, Section 4-150 shall be amended by repealing that Section in its entirety and enacting in lieu thereof a new section of like number and subject matter to read as follows:

Sec. 4-150. S—Retail selling of intoxicating liquor on Sunday only.

- A. *Name.* A license for the privilege of the retail selling, within the City, of intoxicating liquor on Sunday only shall be known as an "S" license.

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B. Qualifications. Any person possessing the qualifications and meeting the requirement of this chapter, who is licensed to sell intoxicating liquor at retail may apply for, and the Director of Liquor Control may issue, a license under the terms of this section.

C. Hours when selling permitted. A license under the terms of this section shall authorize the selling of intoxicating liquor at retail between the hours of 6:00 a.m. on Sundays and 1:30 a.m. on Mondays on the premises described in the application,

D. Fee. A license under the terms of this section shall be issued to all qualified applicants who have fully complied with the provisions of this chapter, upon payment of an annual license fee of three hundred dollars (\$300.00), to the City.

E. Restriction on number of licenses available. There shall be no limit on the number of licenses available under the terms of this section.

(Ord. No. 7247, § 4, 10-4-2012)

State law reference(s)—Similar State license, RSMo 311.293.

SECTION 6. That it is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances for the City of Lee's Summit, Missouri

SECTION 7. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 8. That should any section, sentence or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences, or clauses.

SECTION 9. That this Ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this ____ day of _____, 2022.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

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APPROVED by the Mayor of said city this ____ day of _____, 2022.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*