

## Chapter 4 ALCOHOLIC BEVERAGES<sup>1</sup>

### ARTICLE I. IN GENERAL

#### Sec. 4-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandonment of premises* shall mean when a person who has been legally licensed by the City and State to conduct a business under this chapter and State regulations and then voluntarily ceases to operate such business for a period of thirty (30) days or more.

*Adjacent property* shall mean property immediately adjoining or separated only by an intervening street, alley, highway, or other public thoroughfare.

*Alcoholic beverages* shall mean intoxicating liquor.

*Amusement place* shall mean any establishment where games of skill such as billiards, volleyball, golf, bowling or soccer are usually played, or motion pictures are shown under a film studio licensing agreement, and which has at least fifty (50) percent of the gross sales from the business consisting of motion picture viewing, goods, merchandise or commodities other than the sale of alcoholic beverages.

*Block* shall mean that portion of land abutting upon a City street which lies between any two (2) intersecting streets.

*Church* shall mean 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 building or structure was originally designed and constructed for such purpose.

*Closed place* shall mean a place where all doors are locked and where no patrons are in the place or about the premises.

*Clubs* shall mean the clubs eligible for a license pursuant to this chapter and shall be regularly incorporated associations, not for profit, under the laws of the State, organized solely for benevolent, charitable or social purposes and having regular dues-paying members.

*Coin-operated amusement device* shall mean pinball machines, marble machines, music-vending machines, pool tables or machines, coin-operated shuffleboards and any other device operated by the insertion of a coin, disc or other insertion piece, whether or not also manipulated by the operator, and which operate for the amusement

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<sup>1</sup>Cross reference(s)—Permitting alcoholic beverages to be brought on adult business premises prohibited without properly issued and current alcoholic beverage license, § 3-107.6.e; alcoholic beverages in public parks, § 19-84; possession, consumption of alcoholic beverages in City-owned parking lots, § 26-7; issuance of business license does not authorize sale of alcoholic beverages without a valid alcoholic beverage license, § 28-38; alcoholic beverages prohibited in massage facilities, § 28-65.4; driving while intoxicated, driving with unlawful blood alcohol content, § 29-141 et seq.

State law reference(s)—Liquor control law, RSMo ch. 311; nonintoxicating beer, RSMo ch. 312; municipal authority to regulate sales of intoxicating liquor, nonintoxicating beer, RSMo 311.220, 312.140.

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of the operator, whether or not by registering a score. The term "coin-operated amusement device" shall not include "slot machines," "claw machines," or other machines prohibited by State and Federal law, nor shall it include machines or devices used solely for the vending service of food, confections, or merchandise.

*C.O.L. license* shall mean a license for the consumption of alcoholic beverages in or upon premises that do not possess a regular license for the sale of alcoholic beverages and where food, beverages or entertainment are sold or provided for compensation, as provided in RSMo 311.480.

*Controlled substance* shall mean a substance listed and defined in RSMo 195.010(5), and Schedules I through V.

*Director of Liquor Control* shall mean that person authorized by the City to enforce the provisions of this chapter.

*Dwelling* shall mean any place that is used regularly or irregularly as a place of repose, sleep, rest or any place containing a bed, cot, divan, couch, or any other article of furniture on which an adult person may recline; provided, however, that the term "dwelling" shall not include any premises used as a hotel, motel, or hotel room.

*Front* shall mean that street upon which the principal entrance of an alcoholic beverage establishment is located.

*Hotel* shall mean hotels, apartment hotels, motels, inns, lodges or similar places providing principally transient residential accommodations and having at least forty (40) rooms for overnight accommodations.

*Intoxicated condition*, as used in this chapter, a person is in an "intoxicated condition" when they are under the influence of alcohol, a controlled substance, or drug, or any combination thereof.

*Intoxicating liquor* shall mean and include 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 (.5) percent of alcohol by volume.

*Licensee* shall mean the holder of any license issued under the provisions of this chapter.

*Malt liquor* shall mean any beverage brewed from malt or a malt substitute, which only includes rice, grain of any kind, bean, glucose, sugar, and molasses. Honey, fruit, fruit juices, fruit concentrate, herbs, spices, and other food materials may be used as adjuncts in fermenting beer. Flavor and other nonbeverage ingredients containing alcohol may be used in producing beer, but may contribute to no more than forty-nine (49) percent of the overall alcohol content of the finished beer. In the case of beer with an alcohol content of more than six (6) percent by volume, no more than one and one-half (1.5) percent of the volume of the beer may consist of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

*Managing officer* shall mean the person who is in active management and control.

*Original package* shall mean any package containing one (1) or more standard bottles, pouches, or cans of malt liquor, fifty (50) milliliters (1.7 ounces) or more of intoxicating liquor, and one hundred (100) milliliters (3.4 ounce) or more of wine. A standard bottle is any bottle, pouch, or can containing twelve (12) ounces or less of malt liquor.

*Premises* shall mean the place where intoxicating liquor is sold and it may be one (1) room, a building comprising several rooms, or a building with adjacent or surrounding land such as a lot or garden.

*Resort* shall mean:

- A. Any establishment having at least thirty (30) rooms for the overnight accommodation of transient guests, having a restaurant or similar facility on the premises at least sixty (60) percent of the gross income of which is derived from the sale of prepared meals or food;

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- B. A restaurant provided with special space and accommodations where in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand dollars (\$75,000.00) per year with at least fifty thousand dollars (\$50,000) of such gross receipts from nonalcoholic sales; or
- C. A seasonal resort restaurant which is open for business eight (8) or fewer consecutive months in any calendar year and where fifty (50) percent of all gross sales of such restaurant shall be sales of prepared meals.

*School* shall mean any building which is regularly used as a public, private or parochial school, elementary school, high school, college, university, professional school, business or secretarial school, receiving some support from public, religious or charitable funds.

*Substantial quantities of food* shall mean that at least fifty (50) percent of the gross income of an establishment has been derived from prepared meals or food during the three (3) most recent preceding calendar months.

*Wholesalers or distributors* shall mean those persons selling alcoholic beverages to duly licensed retailers for resale.

*Wine* shall mean a vinous liquor produced by fermentation of juices of grapes, berries, or other fruits, or a preparation of certain vegetables by fermentation, and containing alcohol not in excess of twenty-two (22) percent by volume.

(Code 1988, § 4-1; Ord. No. 7149, § 1, 3-1-2012; Ord. No. 7247, § 1, 10-4-2012; Ord. No. 8936, § 1, 8-18-2020; Ord. No. 9774, § 1, 10-24-2023)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.