

STURGEON CITY CODE

CHAPTER 9: ALCOHOLIC BEVERAGES

Article 1: Intoxicating Liquor and Non-intoxicating Beer, Generally

Section 9.010 Definitions.

For the purposes of this code the following words and/or phrases will have the meaning indicated below.

1. **Alcoholic Beverages**. Shall mean to include all beverages of alcoholic content, whether intoxicating or non-intoxicating.
2. **Church**. Shall mean to mean a church building or student center building in which services are regularly held; provided, however, that the mere holding of religious services in any building not built and constructed as a church or student center building shall not bring such building within the definition of a church as set out in this code.
3. **Closed Place**. Shall mean a place where all doors are locked and where no patrons are in or about the premises.
4. **Conviction**. Shall mean conviction upon final determination of any prosecution of any violation of this code.
5. **Grade School**. Shall mean a school embracing grades one to six of the public school district.
6. **Intoxicating Liquor**. Shall mean 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 three and two-tenths percent (3.2%) of alcohol by weight.
7. **Light Wine**. Shall mean wine containing not in excess of fourteen percent of alcohol by weight manufactured exclusively from grapes, berries and other fruits or vegetables.
8. **Non-intoxicating Beer**. Shall mean any beer manufactured from pure hops or pure extract of hops, pure barley malt or other wholesome grains or cereals, wholesome yeast, pure water, free from all harmful substances, preservatives and adulterants, and having an alcoholic content of more than one-half of one percent by volume and not exceeding three and two-tenths percent (3.2%) by weight.
9. **Original Package**. Shall mean one sealed container of not less than eight ounces of any intoxicating liquor, or three or more sealed containers of malt liquor or non-intoxicating beer.
10. **Restaurant**. Shall mean any establishment having a restaurant or similar facility on the premises, at least fifty percent of the gross income of which is derived from the sale of prepared meals or food consumed on such premises.
11. **School**. Shall mean any building which is regularly used as a public, private or parochial school, elementary school, high school, college or university.
12. **Substantial Quantities of Food**. Shall mean the amount of prepared meals and food from which at least fifty percent of the gross income of an establishment is derived.
13. **Wholesalers or Distributors**. Shall mean persons selling intoxicating liquors or non-intoxicating beer

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to retailers for resale.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.020 License Required, Terms, Renewal.

It is hereby declared unlawful for any person, either by himself or through the use of agents or servants, to engage in the manufacture, brewing, sale or distribution of intoxicating liquors or non-intoxicating beer, as defined in this code, within the City, without first having obtained a license therefor in compliance with the terms of this code. Such license shall be issued for a period of one year from the date of issuance.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.030 Investigation of License Application.

The City Clerk, upon receipt of an application, shall forward the same to the Board of Aldermen, who shall cause an immediate investigation to be made of the statements contained therein, the character of the application, and the location of the premises or place, and the conditions surrounding the same.

(Ord. 437, Approved and Effective April 6, 1983.)

Section 9.040 Approval of License Applications.

Upon completion of the investigation of an application for a license to sell intoxicating liquor or non-intoxicating beer, if the Board of Aldermen shall find that the applicant meets all of the requirements and qualifications of this code, they shall approve such application.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.060 Issuance, Generally, Contents.

On approval of the application for a license under this code by the Board of Aldermen, and upon payment of the license fee provided, the City Clerk shall issue the applicant a license to conduct business at the location specified in the application for the period set forth in Section 9.020 of this code. Every license issued under the provisions of this code shall set forth the type of license granted and shall particularly describe the premises at which intoxicating liquor or non-intoxicating beer may be sold thereunder and such license shall not be deemed to authorize or permit the sale of intoxicating liquor or non-intoxicating beer at any place other than that described therein.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.070 Changing Location of Premises, Transfer of License.

1. No licensee under the provisions of this code shall be permitted to move the location of his establishment as pertains to intoxicating liquor or non-intoxicating beer without the express approval of the Board of Aldermen.

2. No license issued under the authority of this code shall be transferred from one person to another, nor shall such license be used at any place except on the premises for which such license is issued, and the proper license shall be procured for each place of business for which a state license is required.

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(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.080 Suspension or Revocation of License.

1. Scope of Authority. Whenever it shall be shown that a licensee under this code has not at all time kept an orderly place or house, or has violated any of the provisions of this code, the Board of Aldermen may suspend or revoke the license of such licensee after hearing, as provided in subsection 2 of this code.

2. Hearing Required. The Board of Aldermen, after not less than ten days notice to the licensee, shall hold a hearing to ascertain all of the facts relating to the proposed suspension or revocation of the license. The licensee shall have full right to be represented by counsel at such hearing and may produce witnesses and evidence in his behalf at such hearing.

3. Notice of Hearing, Contents, Service. Notice of Hearing, relative to revocation or suspension of license shall set out the grounds for such suspension or revocation and shall command the licensee to be present at the regular meeting or called meeting of the Board of Aldermen and show cause, if any, why such license should not be suspended or revoked. A Police Officer shall serve said Notice of Hearing by leaving a copy thereof with the licensee or any person or employee in charge of the place of business of such licensee. Upon suspension or revocation of any license, no license fee paid shall be refunded to the licensee.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.090 Selling to Drunkards and Minors.

No person shall sell or supply intoxicating liquor or non-intoxicating beer, or permit same to be sold or supplied to a habitual drunkard or to any person who is under or apparently under the influence of alcohol. Intoxicating liquor or non-intoxicating beer shall not be given, sold or otherwise supplied to any person under the age of twenty-one years, except that this shall not apply to the supplying of intoxicating liquor or non-intoxicating beer to a person under such age for medicinal purposes only, or by the parent or guardian of such person, or to the administering of intoxicating liquor or non-intoxicating beer to such person by a physician.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.100 Consumption by Minors.

The drinking or consumption of intoxicating liquor or non-intoxicating beer shall not be permitted in, upon or about any licensed premises by any person under twenty-one years of age.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.110 Sale by Persons Under Twenty-One Prohibited.

No person under the age of twenty-one years shall sell or assist in the sale or dispensing of intoxicating liquor or non-intoxicating beer.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.120 Misrepresentation of Age by Minors.

No person under the age of twenty-one years shall represent that he has attained the age of twenty-one years,

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for the purpose of purchasing, asking for, or in any way receiving, any intoxicating liquor or non-intoxicating beer.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.130 Purchase or Possession by Minors.

Any person under the age of twenty-one years, who purchases or attempts to purchase, or has in his possession any intoxicating liquor or non-intoxicating beer, as defined in this code, is guilty of a misdemeanor.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.140 Violation/Penalty.

Any person violating any of the provisions of this code, where no penalty is otherwise provided, shall, upon conviction thereof, be adjudged guilty of a misdemeanor and shall be punished by a fine of (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.320). Upon final conviction of any person for a violation of any of the provisions of this code, such conviction shall automatically operate to revoke the license issued hereunder to such person. No person having been convicted of a violation of any of the provisions of this code shall be issued a license or a renewal thereof for a period of one year from the date of such conviction. Upon conviction of any person under the provisions of this code, it shall be the duty of the City Clerk to certify such conviction to the Board of Aldermen.

(Ord. 437, Approved and Effective April 6, 1984.)

Article II: Intoxicating Liquor

Section 9.200 Application, Form, Content.

Any person desiring to secure a license under the terms of this code shall make application therefore to the City Clerk in writing and under oath, which application shall be delivered to the Board of Aldermen. Such application shall state:

1. The name, residence and birth place of the applicant. If the applicant is a naturalized citizen, the place and time of naturalization.
2. If the application is made on behalf of a partnership, the names and addresses of all partners of any person who has a financial interest in such partnership.
3. If the application is on behalf of a corporation, the date of incorporation, state in which incorporate, amount of paid in capital, amount of authorized capital, names and addresses of the officers and directors and stockholders who hold ten percent or more of the capital stock, including the number of shares held by each, the name and address of the managing officer or employee who is to be, in fact, actively engaged in the actual control and management of the particular establishment for which the license is sought.
4. The length of time the applicant has resided in the City, and the residence addresses of the applicant for the preceding five years.
5. That the applicant, if an individual, is the person who is to be, in fact, actively engaged in the actual control and management of the establishment for which the license is sought. If the application is in behalf of a corporation, that the applicant is an officer or director of the corporation.
6. The name and business address of applicant's employers for a period of five years prior to the application.

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7. Whether or not the applicant has been convicted of a felony.
8. The location, place or premises for which a license is sought.
9. The zoning district, if any, in which the proposed location is located.
10. Whether or not the proposed location is within three hundred feet of any public grade school, as defined in this code.
11. The class of license for which the application is made.
12. Whether or not the applicant has had a license for the sale of intoxicating liquor or non-intoxicating beer suspended or revoked, or has been convicted of the violation of any of the provisions of State law or City codes applicable to the manufacture or sale of non-intoxicating beer, or whether he employs, or will employ in his business any person not of good moral character, or whose license has been revoked or suspended, or who has been convicted or violating the provisions of any such law, aforesaid.
13. **Repealed**, by Ord. 592, Code 1, Approved and Effective July 23, 2001
14. Any further reasonable information required by the Board of Aldermen.

((Ord. 437, Approved and Effective April 16, 1984.))

Section 9.210 Qualifications of Applicants.

No person shall be granted a license under this code unless such person is of good moral character and a tax-paying citizen of the State of Missouri. No corporation shall be granted a license hereunder unless all officers and directors of such corporation are persons of good moral character, and the managing officer or employee who is to be, in fact, actively engaged in the actual control and management of the particular establishment for which the license is sought is eligible for a license as an individual under this code. No person or corporation shall be granted a license hereunder, whose license as a dealer has been revoked, or who has been convicted of a violation of the provisions of any State law or City code applicable to the manufacture or sale of non-intoxicating beer, or who employs in his business any person not of good moral character, or whose license has been revoked, or who has been convicted of violation of the provisions of any such law or code, except as provided in Section 9.490.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.220 Number of Licenses Required, Fees.

A separate license shall be required for each place of business, and the following license fees shall be paid annually.

1. Manufacturers of intoxicating malt liquor containing not more than five percent of alcohol by weight. Such license shall entitle to be manufacturer to distribute such malt liquor as a wholesaler, but it shall not include the right to sell at retail. (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.330)
2. Manufacturers or distillers of intoxicating liquors containing alcohol in excess of five percent by weight. (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.330)
3. Distributors or wholesalers of intoxicating malt liquors containing in excess of five percent of

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alcohol by weight. (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.330)

4. Distributors or wholesalers of intoxicating liquors containing in excess of five percent of alcohol by weight. (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.330)

5. Retailers selling intoxicating malt liquors with an alcoholic content of more than three and two tenths percent (3.2%) by weight and not more than five percent by weight, or light wine or both such malt liquor and light wine for consumption on the premises. (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.330)

6. Retailers selling all kinds of intoxicating liquor at retail or by drink for consumption on the premises of the licensee, which shall include the sale of intoxicating liquor in the original package, provided, however, no such license shall be issued unless and until the applicant shall have, by proof satisfactory to the board of aldermen established that he has and will maintain within the premises proposed to be licensed, an investment in furniture and equipment of not less than five thousand dollars book value (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.330)

7. In addition to the license fee required by Subsections 5 or 6 -- Retailers operating a restaurant bar on Sunday, provided that the holder of such a Sunday permit shall be limited in his Sunday sales to the kind of intoxicating liquor permitted under Subsections 5 or 6 license. (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.330)

8. Retailers selling intoxicating malt liquor - an alcoholic content of more than three and two-tenths percent (3.2%) by weight and not more than five percent by weight in the original package direct to the consumer, and not for consumption on the premises where sold. (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.330)

9. Retailers selling intoxicating liquors containing alcohol in excess of five percent by weight, in the original package not to be opened or consumed on the premises where sold, provided that no license shall be issued for the sale of intoxicating liquor containing more than five percent alcohol by weight, not to be consumed on the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one or more of the following businesses: drugstore, cigar and tobacco store, grocery store, general merchandise store, confectionery or delicatessen store; nor shall such license be issued to any person who does not have and keep in his store a stock of goods having a value, according to invoices, of at least one thousand dollars, exclusive of fixtures and intoxicating liquors. (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.330)

10. Annual license fee for operation described in Section 9.290 (SIC) hereof. (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.330)

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.230 Issuance to Establishments Near Schools, Churches, Etc.

1. No license to sell intoxicating liquor shall be issued for any premises when said premises is within one hundred feet of a school, college, university, or church unless the applicant for such license shall present with his application to the City Clerk the written consent, verified before a notary public, of the majority of the governing authority of such school, college, university, or church consenting to the location of the applicant's place of business.

2. When the entire building is to be used for the sale or consumption of intoxicating liquor, the distance shall be measured in a straight line on a horizontal plane from the nearest point of the enclosing wall or vertical

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extension thereof, of the building to be used for the sale or consumption of intoxicating liquor, to the nearest point vertical extension thereof, of the school, college, university or church building. If only a part of the building is to be used for the sale or consumption of intoxicating liquor, the distance shall be measured in a straight line on a horizontal plane from the nearest point of the enclosing wall, or vertical extension thereof, of the room in said building where intoxicating liquor is to be so sold or consumed, to the nearest point of the enclosing wall or vertical extension thereof, of said school, college, university or church building.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.240 Gambling Devices Prohibited.

The operation or possession of any gambling device in or about the premises where intoxicating liquor is sold, either in the original package or for consumption on the premises where sold, shall be grounds for suspension or revocation of the license required by this code, and no licensee shall permit any gambling device to be set up or used in or about such premises.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.250 Authorized Liquor Only to be Kept on Premises.

It shall be unlawful for the holder of any license authorized by this code for the sale of any intoxicating liquor at retail by the drink for consumption on the premises where sold, to keep or secrete, (SIC) or to allow any other person to keep or secrete in or upon the premises described in such license, any intoxicating liquor other than the kind of liquor expressly authorized to be sold by such license.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.260 Applicability of Article to Drug Stores.

Regularly licensed drugstores may be lawfully in possession of intoxicating liquor, to be used in connection with the business of a druggist in compounding medicines, or as a solvent or preservative, without being subject to the provisions of this code. However, any druggist or drugstore operator desiring to sell intoxicating liquors, either for consumption on the premises, or in the original package, not to be consumed on the premises shall procure the proper license therefor, and be in all matters subject to the provision of this code relating to the location licenses to be paid and hours at which such intoxicating liquor may be sold.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.270 Hours of Sale and Consumption of Intoxicating Liquor.

1. Package Liquor. No person having a license under the provisions of this code shall sell, give away or otherwise dispose of or suffer the same to be done on or about his premises, any, intoxicating liquor in any quantity between the hours of 1:30 a.m. Sunday and 6:00 a.m. on weekdays, and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday.

2. Liquor by the Drink. The premises of persons having a license to sell intoxicating liquor by the drink shall be and remain a closed place, as defined in this code, between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday.

3. Applicability. Where such licenses authorizing the sale of intoxicating liquor by the drink are held by clubs or hotels, this code shall apply only to the room or rooms in which intoxicating liquor is dispensed; and where

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such licenses are held by restaurants whose business is conducted in one room only and substantial quantities of merchandise, other than intoxicating liquors are dispensed, then the licensee shall keep securely locked during the hours and on the days herein specified, all refrigerators, cabinets, cases, boxes and taps from which intoxicating liquor is dispensed.

4. Restaurant Bars. Notwithstanding any other provisions of this code to the contrary, any person who possesses the qualifications required by this code, and who now or hereafter meets the requirements of and complies with the provisions of this code, may apply for, and may be issued a license to sell intoxicating liquor, as in this code defined, between the hours of 12:00 noon and midnight on Sunday by the drink at retail for consumption on the premises of any restaurant bar as described in the application.

Any new restaurant bar having been in operation for less than ninety days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 1:00 p.m. Sunday and midnight on Sunday for a period not to exceed ninety days, if the restaurant bar can show a projection of annual business from prepared meals or food consumed on the premises of at least fifty percent of the total gross income of the restaurant bar for the year or can show a projection of annual business from prepared meals or food consumed on the premises which would exceed not less than two hundred seventy-five thousand dollars. The license fee shall be pro-rated for the period of the temporary license based on the annual license for the establishment. Applications for a restaurant bar license, records thereof, or temporary license for such purposes shall be subject to procedures, rules and regulations now or hereafter established by the Missouri Supervisor of Liquor Control on the same subject.

5. Violation. Any person violating any provisions of this code shall be deemed guilty of a misdemeanor.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.280 Sale of Intoxicating Liquor When December 31 Falls on Sunday.

When December 31 falls on Sunday, any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his license on that day after 12:00 noon and until the time which would be lawful on another day of the week notwithstanding any provisions of Section 9.270 (SIC) or any other code to the contrary.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.285 Temporary Permit for Liquor by Drink, Other Codes Applicable.

1. The Board of Aldermen may issue a temporary permit to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this code, who furnish provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, effective for a period not to exceed one hundred twenty consecutive hours which shall authorize the service of alcoholic beverages at such function, occasion or event, during the hours at which alcoholic beverages may lawfully be sold or served upon premises, licensed to sell alcoholic beverages for on-premises consumption in the City. For every permit issued pursuant to the provisions of this code, the permittee shall pay the sum of fifteen dollars for each calendar day or fraction thereof for which the permit is issued.

2. All provisions of the codes, rules and regulations of the City of Sturgeon shall extend to such premises and shall be enforced and enforceable during all the time that the permittee, its agents, servants, employees or stock are in such premises. This code will not include the sale of packaged goods covered by this temporary permit.

(Ord. 437, Approved and Effective April 6, 1984.)

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Section 9.290 Consumption on Unlicensed Premises.

It shall be unlawful for any person operating any premises where food, beverages or entertainment are sold or provided for compensation, who does not possess a license for the sale of intoxicating liquor, to permit the drinking or consumption of intoxicating liquor in, on or about such premises between 10:00 p.m. and 8:00 a.m. the following day without having a license as provided in this code.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.295 Limited Permit to Sell Malt Liquor, Who May Obtain, Time Limited

Notwithstanding the other provisions of this code, a permit for the sale of malt liquor, containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent by weight, manufactured from pure hops or pure extract of hops or pure barley malt or wholesome grains or cereals and wholesome yeast and pure water, for consumption on premises where sold, may be issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for the sale of such malt liquor at a picnic, bazaar, fair, or similar gathering. Said permit shall be issued only for the day or days named therein and it shall not authorize the sale of aforesaid malt liquor for more than seven days by any said organization as described above in any fiscal year. For each such permit issued, the licensee shall pay a fee to the City (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.340). No provision of law or rule or regulation of the City shall prevent any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the holder of the license at such picnic, bazaar, fair, or similar gathering.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.300 Consumption on Premises Where Signs Prohibit Same.

No intoxicating liquor, as defined in this code, shall be drunk, consumed or publicly exhibited in public dining room, lunch room, soda fountain or any place where meals or lunches and soft drinks are served, where the owner or manager exhibits on the premises signs or placards to the effect that intoxicating liquor may not be drunk in or about the premises. Such signs or placards shall be of sufficient size and in sufficient number to be easily discernible to the general public.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.310 Display of Bottles, Packages, Etc., Exterior Signs Resembling Bottles.

It shall be unlawful to display in any street window or show window any intoxicating liquor or any package, bottle or container bearing the label or brand of any intoxicating liquor or to display any exterior sign resembling a liquor bottle or package.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.320 Possession of Illegal Whiskey.

No person shall possess intoxicating liquor within the City unless the same has been acquired from some person holding a duly authorized license to sell the same under this code, or unless the intoxicating liquor is had or kept with the written or printed permission of the State Supervisor of Liquor Control, and the package in which the intoxicating liquor is contained and from which it is taken for consumption has, while containing intoxicating liquor, been labeled and sealed with the official seal described under the state law and regulations made thereunder. Nothing

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in this code shall be so construed as to prevent the natural fermentation of fruit juices in the home for the exclusive use of the occupants of the home.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.330 Sanitary and Inspections Provision.

Each licensee and each of the premises covered by the licensee under this code where intoxicating liquor for consumption on the premises is sold, shall be subject to the sanitation and inspection codes, if any, of the City.

(Ord. 437, Approved and Effective April 6, 1984.)

Article III: Non-intoxicating Beer

Section 9.400 Number of Licenses Required, Fees.

It shall be unlawful for any person to manufacture, sell, or expose for sale either at wholesale or retail in the City, non-intoxicating beer in any quantity without first having obtained a license therefor. A separate license shall be required for each place of business and the following license fees shall be paid annually:

1. Manufacture and sale by manufacturer of non-intoxicating beer, brewed or manufactured in the City. (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.350.)
2. Sale by distributor or wholesaler other than the manufacturer and brewer thereof of non-intoxicating beer provided however, that any person holding a license as a distributor or wholesaler to sell five percent beer is hereby authorized to sell non-intoxicating beer and under such, wholesaler or distributor, license to sell five percent beer. (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.350.)
3. Sale of non-intoxicating beer for consumption on the premises where sold. (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.350.)
4. Sale of non-intoxicating beer by grocers and other merchants and dealers for sale in the original package direct to consumers, but not for resale. (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.350.)

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.410 License Application, Form and Contents.

Any person desiring to secure a license under the terms of this code shall make application therefor to the City Clerk in writing and under oath, which application shall be delivered to the Board of Aldermen. Such application shall state:

1. The name, residence and birth place of the applicant. If the applicant is a naturalized citizen, state the place and time of naturalization.
2. If the application is made on behalf of a partnership, the names and addresses of all partners or any person who has a financial interest in such partnership.
3. If the application is on behalf of a corporation, the date of incorporation, the state in which incorporated,

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the amount of paid in capital of the officers and directors and stockholders who hold ten percent or more of the capital stock, including the number of shares held by each, the name and address of the managing officer or employee who is to be, in fact, actively engaged in the actual control and management of the particular establishment for which the license is sought.

4. The length of time the applicant has resided in the City, and the residence addresses of the applicant for the preceding five years.

5. That the applicant, if an individual, is the person who is to be, in fact, actively engaged in the actual control and management of the establishment for which the license is sought. If the application is in behalf of a corporation, that the applicant is an officer or director of the corporation.

6. The name and business address of applicant's employers for a period of five years prior to the application.

7. Whether or not the applicant has been convicted of a felony.

8. The location, place or premises for which a license is sought.

9. The zoning district, if any, in which the proposed location is located.

10. Whether or not the proposed location is within three hundred feet of any public grade school, as defined in this code.

11. The class of license for which the application is made.

12. Whether or not the applicant has had a license for the sale of non-intoxicating beer suspended or revoked, or has been convicted of the violation of any of the provisions of state law or City codes applicable to the manufacture or sale of non-intoxicating beer or whether he employs or will employ in his business any person not of good moral character or whose license has been revoked or suspended or who has been convicted of violating the provisions of any such law aforesaid.

13. **Repealed** by Ord. 592, Section 1, Approved and Effective July 23, 2001.

14. Any further reasonable information required by the Board of Aldermen.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.420 Qualifications of Applicants.

No person shall be granted a license under this code unless such person is of good moral character and a tax-paying citizen of the State of Missouri. No corporation shall be granted a license hereunder unless all officers and directors of such corporation are persons of good moral character and the managing officer or employee who is to be, in fact, actively engaged in the actual control and management of the particular establishment for which the license is sought, is eligible for a license as an individual under this code. No person or corporation shall be granted a license hereunder, whose license as a dealer has been revoked or who has been convicted of a violation of the provisions of any State law or City code applicable to the manufacture or sale of non-intoxicating beer, or who employs in his business any person not of good moral character or whose license has been revoked or who has been convicted of violation of the provisions of any such law or code, except as provided in Section 9.490.

(Ord. 437, Approved and Effective April 6, 1984.)

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Section 9.430 Issuance to Establishments Near Schools.

1. Non-intoxicating beer license shall be issued for any premises when said premises is within one hundred feet of a grade school of the City public school district, unless the applicant for such license shall present with his application to the City Clerk the written consent, versified before a notary public, of the majority of the Board of Directors of such school district, consenting to the location of the applicant's place of business.

2. When the entire building is to be used for the sale or consumption of non-intoxicating beer, the distance shall be measured in a straight line on a horizontal plane from the nearest point of the enclosing wall, or vertical extension thereof, of the building to be used for the sale or consumption of non-intoxicating beer to the nearest point of the enclosing wall, or vertical extension thereof, of the school. If only a part of the building is to be used for the sale or consumption of non-intoxicating beer, the distance shall be measured in a straight line on a horizontal plane from the nearest point of the enclosing wall or vertical extension thereof of the room in said building where non-intoxicating beer is to be sold or consumed to the nearest point of the enclosing wall or vertical extension thereof of said school building

(Ord. 437, Approved and Effective April 6, 1984).

Section 9.440 Requirements for Original Package Sale.

It shall be unlawful for any person to sell, or offer for sale, any non-intoxicating beer unless the same is sold or offered for sale in the original bottle or can, or in the original package containing bottles or cans, bearing the original label and the full name of the brewer or manufacturer thereof, both upon the label of the bottle or can and upon the cap or cork of such bottle. In the case of the sale of non-intoxicating beer on draught the same must be drawn from the original keg or barrel having stamped on the ends thereof the full name of the manufacturer or brewer of the non-intoxicating beer therein contained.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.450 Hours of Sale.

No person having a license under the provisions of this code shall sell, give away or otherwise dispose of, or permit the same to be done upon his premises, any non-intoxicating beer in any quantity between the hours of 1:30 a.m. and 6:00 a.m.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.460 Hours of Consumption.

No person having a license under the provisions of this code, shall permit the drinking or consumption of any non-intoxicating beer by any person, in any quantity, upon or about his premises between the hours of 2:00 a.m. and 6:00 a.m.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.470 Sale of Intoxicating Liquor Prohibited.

No person holding a license to sell non-intoxicating beer only shall sell, give away or otherwise dispose of, or permit the same to be done, or consumed in, upon or about his premises any malt liquor containing alcohol in excess of three and two-tenths percent (3.2%) by weight, or any other intoxicating liquor of any kind or character.

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(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.480 Increasing Alcoholic Content.

It shall be the duty of every holder of a license to manufacture and sell, or to sell non-intoxicating beer, to use every precaution to prevent any person on the premises described in such permit from pouring into, mixing with or adding to such non-intoxicating beer any alcohol or other liquid, or any alcohol cube or other ingredient that will increase the alcoholic content of such non-intoxicating beer. Any such license holder who shall knowingly permit any person on the premises described in such permit to pour into, mix with or add to such non-intoxicating beer, any alcohol or other liquid, or any alcohol cube or other ingredient that will increase the alcoholic content of such non-intoxicating beer, shall be subject to having his license suspended or revoked.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.490 Violation/Penalty.

Any person violating any of the provisions of this code, where no penalty is otherwise provided, shall upon conviction thereof be adjudged guilty of a misdemeanor, and shall be punished by a fine (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.360.) Upon final conviction of any person for a violation of any of the provisions of this code, such conviction shall automatically operate to revoke the license hereunder issued to such person. No person having been convicted of a violation of any of the provisions of this code shall be issued a license or a renewal thereof for a period of one year from the date of such conviction. Upon conviction of any person under the provisions of this code, it shall be the duty of the City Clerk to certify such conviction to the Board of Aldermen.

(Ord. 437, Approved and Effective April 6, 1984.)

Article IV: Conduct on Licensed Premises

Section 9.510 Entertainment Areas Restricted.

Any person, firm or corporation licensed under the provisions of this code who permits or allows any entertainer or any patron to perform upon the bar or upon any other place used for serving food or beverages or in any places within the premises open to view from the side walk or street, or allows such performance other than on a raised dais or platform or some designed area adequately set aside from the immediate vicinity where patrons may be seated or standing shall be guilty of a misdemeanor.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.520 License Holders' and Entertainers' Conduct on Premises.

No holder of a license to sell alcoholic beverages shall permit any employee to engage in an indecent exposure. It shall be unlawful for any entertainer or performer to perform in any indecent or immoral show.

(Ord. 437, Approved and Effective April 6, 1984.)

Section 9.530 Licensee's Conduct on Premises.

No holder of a license to sell alcoholic beverages by the drink shall sell or give any intoxicating liquor, non-intoxicating beer, non-alcoholic beverage, drink, merchandise, or other thing of value in any quantity to any employee who shall solicit another to buy said intoxicating liquor, non-intoxicating beer, non-alcoholic beverage,

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drink, merchandise or other thing of value, in any quantity, nor shall he permit any such person to solicit the purchase of intoxicating liquor, non-intoxicating beer, non-alcoholic beverage, drink, merchandise, or other thing of value, in any quantity, by another on the premises of said licensee.

(Ord 437, Approved and Effective April 6, 1984.)

Section 9.540 Violation/Penalty.

Any person, corporation, firm or association violating any provisions of this code shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.370.) or imprisonment not exceeding one year, or by both such fine and imprisonment.

(Ord. 437, Approved and Effective April 6, 1984)