

CHAPTER 41  
ALCOHOLIC BEVERAGES

DEFINITIONS

4100. Definitions.

The following words shall, unless the context otherwise requires, be construed according to the following definitions. (Ord. 129, Sec. 5.01, Eff. 1-8-74)

4101. Intoxicating Liquor.

Intoxicating liquor means and include any spirits, wine, ale, malt or other liquor, or combination of liquor a part of which is spirituous, vinous, malt or fermented and all preparation for beverage purposes which contain in excess of three and two-tenths percent (3.2%) of alcohol by weight. (Ord. 129, Sec. 5.01(a), Eff. 1-8-74)

4102. Non-intoxicating Beer.

Non-intoxicating beer means any beer manufactured from pure hops or pure extract of hops, and pure barley malt or other 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. (Ord. 129, Sec. 5.01(b), Eff. 1-8-74)

4103. Original Package.

Original package means and includes any package containing three (3) or more standard bottles of malt liquor or non-intoxicating beer or one-half pint or more of spirituous or vinous liquors in the original package of the manufacturer. (Ord. 129, Sec. 5.01(c), Eff. 1-8-74)

4104. Person.

Person means and includes all individuals, firms, partnerships, associations, corporations, clubs, joint ventures and their trustees or receivers appointed by any court of competent jurisdiction. (Ord. 129, Sec. 5.01 (e), Eff. 1-8-74)

4105. Premises.

Premises means and includes the place within a specified structure where intoxicating liquor is sold and consumed provided that the premises and the place where intoxicating liquor is sold and consumed shall, at the time application for any license under this chapter, are fully described in the application need not be adjoining and contiguous rooms or areas. (Ord. 129, Sec. 5.01(f), Eff. 1-8-74)

4106. Sale by Drink.

Sale by drink means the sale of intoxicating liquor by the drink at retail for consumption on the premises where sold. The sale of any intoxicating liquor, except malt liquor in the original package, in any quantity less than one-half pint shall be deemed sale by the drink and may be made only by a holder of a retail liquor dealer license and when made, the

container in every instance shall be emptied and the contents of the container served as other intoxicating liquors sold by the drink served. (Ord. 129, Sec. 5.01(c), Eff. 1-8-74)

4107. - 4118. RESERVED

4119. Licenses Required.

No person shall manufacture, sell, or expose for sale, intoxicating liquor or non-intoxicating beer, in any quantity, without taking out all licenses made applicable by this chapter to the product or products to be manufactured, sold, or exposed for sale, and to the time, place, and manner of such manufacture, sale, or exposure for sale. (Ord. 2208, Eff. 7/28/93)

## LICENSING PROCEDURE

4120. Liquor Licenses, Issuance.

The Director of Revenue and Administration, or the appropriate deputy is directed to issue a proper liquor license when the requirements of Sections 4121.00 and 4122.00 are met. (Ord. 129, Sec. 5.04, Eff. 1-8-74)

4121. Application.

An application shall be presented to the Division of Licenses by the holder of a state liquor license or permit for the same type of license and the same location as stated on the permit. (Ord. 129, Sec. 5.04, Eff. 1-8-74)

4122. Fees, Liquor Licenses.

Payment shall be made into the county treasury of the license fee proposed in this chapter and on payment to the Division of Licenses of a one hundred fifty dollar (\$150) fee. (Ord. 129, Sec. 5.04, Eff. 1-8-74)

4123. Deposit of Fees.

All fees stated in this chapter shall be paid into the general revenue fund. (Ord. 129, Sec. 5.04, Eff. 1-8-74)

4124. Charitable Organizations, Non-intoxicating Beer License.

A license authorizing the sale of non-intoxicating beer for consumption on the premises where sold may be issued to charitable, religious, educational, fraternal, civic, service or other nonprofit organization. (Ord. 129, Sec. 5.03, Eff. 1-8-74)

4124.1 Length of Charitable License.

A license issued to charitable, religious, educational, fraternal, civic, service or other nonprofit organization shall be for a period of one week. (Ord. 129, Sec. 5.03, Eff. 1-8-74)

4124.2 Limitation.

Not more than three (3) licenses authorizing the sale on non-intoxicating beer for consumption on the premises where sold may be issued to any one charitable,

religious, educational, fraternal, civic, service or other nonprofit organization during any calendar year. (Ord. 129, Sec. 5.03, Eff. 1-8-74)

4124.3 Fee for Charitable Organization Non-intoxicating Beer License.

On payment of a license fee of fifty cents (\$.50) a license authorizing the sale on non-intoxicating beer for consumption on the premises where sold may be issued to a charitable, religious, educational fraternal, civic, service or other nonprofit organization. (Ord. 129, Sec. 5.03, Eff. 1-8-74)

4125. - 4129. RESERVED

LIMITATIONS

4130. Sale by Drink in Unincorporated Area.

Nothing in this chapter shall permit sale at retail for consumption on the premises where sold of intoxicating liquor, other than malt liquor containing alcohol not in excess of five percent (5%) by weight in the portion of the country outside the limit of incorporated cities. (Ord. 129, Sec. 5.05, Eff. 1-8-74)

4131. - 4139. RESERVED

PENALTIES

4140. Penalties.

Every person who shall violate any of the provisions of this chapter shall on conviction be fined not more than one thousand dollars (\$1,000), or be imprisoned in the county jail for a term not to exceed one (1) year or both. (Ord. 129, Sec. 5.06, Eff. 1-8-74)

4141. - 4149. RESERVED

FEES

4150. Fees, Intoxicating and Non-intoxicating Liquor Licenses.

Annual fees for intoxicating and non-intoxicating liquor licenses for Jackson County are imposed as follows on persons doing business under licenses issued by the State of Missouri. (Ord. 129, Sec. 5.02, Eff. 1-8-74)

4151. Non-intoxicating Beer, Annual License Fees.

The following annual fees apply to licenses relating to non-intoxicating beer.

4151.1 Consumption on Premises.

The annual fee for a license authorizing the sale of non-intoxicating beer for consumption on the premises where sold is twenty-five dollars (\$25). (Ord. 129, Sec. 5.02(a), Eff. 1-8-74)

4151.2 Sale by Grocers.

The annual fee for a license authorizing the 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 is fifteen dollars. (\$15). (Ord. 129, Sec. 5.02(b), Eff. 1-8-74)

4151.3 Sale by Distributor.

The annual fee for a license authorizing the sale by any distributor or wholesaler other than the manufacturer or brewer of non-intoxicating beer is fifty dollars (\$50). (Ord. 129, Sec. 5.02 (c), Eff. 1-8-74)

4151.4 Manufacture and Sale.

The annual fee for a license authorizing the manufacture and sale by the manufacturer of non-intoxicating beer brewed or manufactured in Jackson County is two hundred fifty dollars (\$250). (Ord. 129, Sec. 5.02(d), Eff. 1-8-74)

4152. Malt Liquor, Annual License Fees.

The following annual fees apply to licenses relating to malt liquor.

4152.1 Consumption on Premises.

The annual fee for a license authorizing the sale of malt liquors containing alcohol in excess of three and two-tenths percent (3.2%) and not in excess of five percent (5%) sold by the drink at retail for consumption on the premises is thirty-five dollars (\$35). (Ord. 129, Sec. 5.02(e), Eff. 1-8-74)

4152.2 Sale by Grocers.

The annual fees for a license authorizing the sale of malt liquor containing alcoholic in excess of three and two-tenths percent (3.2%) and not in excess of five percent (5%) by grocers and other merchants for sale in the original package direct to consumers but not for resale in the original package to contain three (3) or more standard bottles of beer is fifteen dollars (\$15). (Ord. 129, Sec. 5.02(f), Eff. 1-8-74)

4153. Intoxicating Liquor, Annual License Fees.

The following annual fees apply to licenses relating to intoxicating liquor.

4153.1 Sale at Retail in Original Package.

The annual fee for a license authorizing the sale of intoxicating liquor at retail in the original package not to be consumed on premises where sold is fifty dollars (\$50). (Ord. 129, Sec. 5.02(g), Eff. 1-8-74; Ord. 2095, Eff. 05/20/92)

4153.2 Sale at Retail in Original Package in Cities Allowing Sale by Drink.

The annual fee for a license authorizing the sale of intoxicating liquor at retail in the original package in cities where the sale of intoxicating liquors by the drink at retail for consumption on the premises where sold is permitted by law is one hundred dollars (\$100). (Ord. 129, Sec. 5.02(h), Eff. 1-8-74; Ord. 2095, Eff. 05/20/92)

4153.3 Sale of Intoxicating Liquor and Malt Beverage by the Drink.

The annual fee for a license authorizing the sale of all types of intoxicating liquor and malt beverages at retail by the drink to be consumed on the premises is three hundred dollars (\$300). (Ord. 129, Sec. 5.02(i), Eff. 1-8-74; Ord. 2095, Eff. 05/20/92)

4153.4 Sale by Wholesaler, Five Percent or Less Alcohol by Weight.

The annual fee for a license authorizing the sale of intoxicating liquor containing not in excess of five percent (5%) of alcohol by weight by a wholesaler to a person duly licensed to sell that intoxicating liquor at retail is fifty dollars (\$50). (Ord. 129, Sec. 5.02(j), Eff. 1-8-74; Ord. 2095, Eff. 05/20/92)

4153.5 Sale by Wholesale Dealer, Twenty-Two Percent or Less Alcohol by Weight.

The annual fee for a license authorizing the sale of intoxicating liquor by a wholesale dealer or wholesale liquor dealing agent for handling intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol in weight is two hundred fifty dollars (\$250). (Ord. 129, Sec. 5.02(k), Eff. 1-8-74; Ord. 2095, Eff. 05/20/92)

4153.6 Wholesale Dealers Handling Intoxicating Liquor.

The annual fee for a license authorizing handling of intoxicating liquors of all kinds by wholesale dealers or wholesale liquor dealing agents is two hundred fifty dollars (\$250). (Ord. 129, Sec. 5.02(l), Eff. 1-8-74; Ord. 2095, Eff. 05/20/92)

4153.7 Nonresident Wholesale Dealer Solicitation, Five Percent or Less Alcohol by Weight.

The annual fee for a license authorizing the wholesale dealer or wholesale liquor dealing agent, who resides without the state to solicit, receive or take orders for the sale within the state of intoxicating liquor containing not in excess of five percent (5%) of alcohol by weight is fifty dollars (\$50). (Ord. 129, Sec. 5.02(m), Eff. 1-8-74; Ord. 2095, Eff. 05/20/92)

4153.8 Nonresident Wholesale Dealer Solicitations, Twenty Two Percent or Less Alcohol by Weight.

The annual fee for a license authorizing the wholesale dealer or wholesale liquor dealing agent who resides without the state to solicit, receive or take orders for the sale within the state of intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight is one hundred dollars (\$100). (Ord. 129, Sec. 5.02(n), Eff. 1-8-74; Ord. 2095, Eff. 05/20/92)

4153.9 Nonresident Wholesale Dealer Solicitation All Intoxicating Liquors.

The annual fee for a license authorizing the wholesale dealer or wholesale liquor dealing agent who resides without the state to solicit, receive or take orders for the sale and handling of intoxicating liquors of all kinds is five hundred dollars (\$500).

(Ord. 129, Sec. 5.02(o), Eff. 1-8-74; Ord. 2095, Eff. 05/20/92)

4153.10 Manufacture, Distilling or Blending.

The annual fee for a license authorizing the manufacture distilling or blending of intoxicating liquor by any persons, partnership, association of persons or corporation is two hundred dollars (\$200). (Ord. 129, Sec. 5.02(p), Eff. 1-8-74; Ord. 2095, Eff. 05/20/92)

4153.11 Sale of Intoxicating Liquor by Railroad.

The annual fee for a license authorizing any railroad company of railway sleeping car company operated in Jackson County to sell all kinds of intoxicating liquor at retail for consumption on its dining cars, buffet cars and observation car is one hundred dollars (\$100). The license shall not permit the sale at retail to be made while the cars are stopped at any station. (Ord. 129, Sec. 5.02(g), Eff. 1-8-74; Ord. 2095, Eff. 05/20/92)

4153.12 Manufacture and Sale of Intoxication Liquor, Twenty-Two Percent of Less Alcohol by Weight.

The annual fee for a license authorizing the manufacture and sale of intoxicating liquor containing not in excess of twenty-two percent (22%) alcohol by weight is one hundred dollars (\$100). (Ord. 129, Sec. 5.02(r), Eff. 1-8-74; Ord. 2095, Eff. 05/20/92)

4153.13 3:00 a.m. License.

The annual fee for a license authorizing the consumption of intoxicating liquor on the premises until the hour of 3:00 a.m., as provided by §311.174 RSMo, shall be three hundred dollars (\$300). (Ord. 2095, Eff. 05/20/92)

4153.14 Sunday Package Sales.

The annual fee for a license authorizing the sale of intoxicating liquor in the original package at retail between the hours of 1:00 p.m. and midnight on Sundays is one hundred dollars (\$100). (Ord. 2095, Eff. 05/20/92, Ord. 2208, Eff. 7/28/93)

4154. Payment of Property Taxes.

Notwithstanding anything contained in this chapter to the contrary, the issuance of a license under this chapter to any applicant may be withheld and any license previously issued under this chapter to any applicant may be suspended or revoked, if property tax due to the county on any Applicant Property (defined below) is or becomes delinquent. As used herein, the term "Applicant Property" shall mean any personal property that is owned by such applicant or that is used in the activity for which the license is required and owned by any party related to such applicant or owned by any entity owned or controlled by or under common ownership or control with such applicant. (Ord. 4327, Eff. 08/09/11)

4155. - 4159. RESERVED