

CHAPTER 26
ALCOHOL
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CHAPTER 26 ALCOHOL

26.005. Definitions

Intoxicating Liquor. The term “intoxicating liquor” as used in this chapter, 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 percent by volume except for non-intoxicating beer as defined in section 312.010, RSMo. All beverages having an alcoholic content of less than one-half of one percent by volume shall be exempt from the provisions of this chapter.

Non-intoxicating beer. The phrase “non-intoxicating beer” as used in this chapter shall be construed to refer to and to mean 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 by volume and not exceeding three and two-tenths percent by weight.

Original Package. The phrase “original package” as used in this chapter shall be construed and held to refer to any package containing three, six, twelve, or twenty-four small standard beer bottles, and any package containing three, six or twelve large standard beer bottles, when such bottles contain non-intoxicating beer as defined by this chapter.

Person. The term “person” as used in this chapter shall mean and include any individual, association, joint stock company syndicate, co-partnership, corporation, receiver, trustee, conservator, or other officer appointed by any state or federal court.

Public Places. ___ shall be construed to mean grocery store, parking lots, supermarket parking lots, vacant lots, school parking lots, and surrounding areas, and all City property.

Sale by the drink. The sale of any intoxicating liquor except malt liquor, in the original package, in any quantity less than fifty milliliters shall be deemed “sale by the drink”, and may be made only by a holder of a retail liquor dealer’s license and when so made, the container in every case shall be emptied and the contents thereof served as other intoxicating liquors sold by the drink are served.

26.010. License fees

1. Sales at Retail, in original package: No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon 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: A drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such 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. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this law. For every license for sale at retail in the original package, the licensee shall pay to the city clerk the sum of one hundred dollars per year.
2. Sale of Beer only at Retail, in original package: For a permit authorizing the sale of malt liquor containing alcohol in excess of three and two-tenths percent by weight and not in excess of five percent by weight by grocers and other merchants and dealers in the original package direct to consumers but not for resale, fifteen dollars per year. The phrase "original package" shall be construed and held to refer to any package containing three or more standard bottles of beer. This license shall also permit the holders thereof to sell non-intoxicating beer in the original package direct to consumers, but not for resale.
3. Sale of Beer and Wine, by the drink: For every license issued for the sale of malt liquor and light wines containing not in excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables, at retail by the drink for consumption on the premises where sold, the licensee shall pay to the city clerk the sum of Thirty and no/100 Dollars (\$30.00) per year, which license shall also permit the holder thereof to sell non-intoxicating beer as defined in Chapter 312, RSMo.
4. Sale at Retail, By the Drink: For every license issued for the sale of all kinds of intoxicating liquor, at retail by the drink for consumption on premises of the licensee, when same is authorized by this chapter, the licensee shall pay to the city clerk the sum of Thirty and no/100 dollars (\$30.00) per year, which shall include the sale of intoxicating liquor in the original package.
(amended 5-14-02 Ordinance No. 2002-022)
5. Manufacturing fee, under 5% alcohol: For the privilege of manufacturing and brewing in this city malt liquor containing not in excess of five percent of alcohol by weight and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of malt liquors containing not in excess of five

percent of alcohol by weight, to, by or through a duly licensed wholesaler within this city, the sum of Three Hundred Seventy Five and no/100 Dollars (\$375.00).

6. Manufacturing fee, under 22% alcohol: For the privilege of manufacturing in this city intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight, to, by or through a duly licensed wholesaler within this city, the sum of Three Hundred and no/100 Dollars (\$300.00).
7. Manufacturing fee, in general: For the privilege of manufacturing, distilling or blending intoxicating liquor of all kinds within this city and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this city, the sum of four hundred and fifty dollars (\$450.00).
8. Selling by wholesalers, under 5% alcohol: For the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of malt liquor containing not in excess of five percent of alcohol by weight, to, by or through a duly licensed wholesaler within this city, the sum of Seventy Five and no/100 Dollars (\$75.00).
9. Selling to wholesalers, under 22% alcohol: For the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight, to by or through a duly licensed wholesaler within this city, the sum of One Hundred Fifty and no/100 Dollars (\$150.00).
10. Selling to wholesalers, generally. For the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this city, the sum of Two Hundred and Fifty Dollars (\$250.00).
11. Selling to retailer, under 5%: For the privilege of selling intoxicating liquor containing not in excess of five percent of alcohol by weight by a wholesaler to a person duly licensed to sell such malt liquor at retail and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of malt liquor containing not in excess of five percent of alcohol by weight, to, by or through a duly licensed wholesaler within this city, the sum of One Hundred Dollars (\$100.00).
12. Selling to retailer, under 22%: For the privilege of selling intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail

and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight, to, by or through a duly licensed wholesaler within this city, the sum of Two Hundred Dollars (\$200.00).

13. Selling to retailer, in general: For the privilege of selling intoxicating liquor of all kinds by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this city, the sum of Five Hundred Dollars, except that a license authorizing the holder to sell to duly licensed wholesalers and to solicit orders for sale of intoxicating liquor, to, by or through a duly licensed wholesaler, shall not entitle the holder thereof to sell within the State of Missouri, direct to retailers.

26.015. Resorts, seasonal resort restaurants, restaurants, sale of liquor by the drink, resort defined-temporary license, new businesses, when

1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the Board of Aldermen may issue, a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises of any resort as described in the application. As used in this section the term “resort” means any establishment having at least thirty rooms for the overnight accommodation of transient guests, having a restaurant or similar facility on the premises at least sixty percent of the gross income of which is derived from the sale of prepared meals or food, or means 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 per year with at least fifty thousand dollars of such gross receipts from non-alcoholic sales, or means a seasonal resort restaurant with food sales as determined in subsection 2 of this section. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the purpose of meeting the annual gross receipts requirements of this subsection, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.
2. A seasonal resort restaurant is a restaurant which is not a new restaurant establishment and which is open for business eight or fewer consecutive months in any calendar year. Fifty percent of all gross sales of such restaurant shall be sales of prepared meals. Any new seasonal resort restaurant establishment having

been in operation for less than twelve weeks may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises for a period not to exceed ninety days if the seasonal resort restaurant establishment can show a projection for annualized gross sales of which fifty percent shall be sales of prepared meals. The temporary license fee and the annual license fee shall be prorated to reflect the period of operation of the seasonal resort restaurant. The license shall be valid only during the period for which application was made and for which the fee was paid. Any seasonal resort restaurant upon resuming business for its season of operation shall not be considered a new establishment for purposes of issuing a temporary license. Nothing in this subsection shall prohibit a seasonal resort restaurant from becoming a resort restaurant upon application, payment of fees, and compliance with the requirements of this chapter.

3. Any new resort or restaurant establishment 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 for a period not to exceed ninety days if the resort or restaurant establishment can show a projection of an annual gross receipts of not less than seventy-five thousand dollars per year with at least fifty thousand dollars of such gross receipts from non-alcoholic sales. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.

26.020. Amusement places, Sunday sales, when, limitation-amusement place defined-temporary license, new business, when-

1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the Board of Aldermen may issue, a license to sell intoxicating liquor, as defined in this chapter, between the hours of 9:00 a.m. and midnight on Sunday by the drink at retail for consumption on the premises of any amusement place as described in the application. As used in this section the term "amusement place" means any establishment whose business building contains a square footage of at least six thousand square feet, and where games of skill commonly known as billiards, volleyball, indoor golf, bowling or soccer are usually played, or has a dance floor of at least two thousand five hundred square feet, or any outdoor golf course with a minimum of nine holes, and which has annual gross receipts of at least one hundred thousand dollars of which at least fifty thousand dollars of such gross receipts is in non-alcoholic sales.
2. All other laws and regulations of the state and city relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to an amusement place in the same manner as they apply to establishments licensed under sections 3.192, and in addition to all other fees required by law, an

amusement place shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other fees.

3. Any new amusement place 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 9:00 a.m. and midnight on Sunday for a period not to exceed ninety days if the amusement place can show a projection of gross receipts of at least one hundred thousand dollars of which at least fifty thousand dollars of such gross receipts are in non-alcoholic sales for the first year of operation. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.

26.025. Controlled access liquor cabinet system for qualified establishments-definitions-license-employees, requirements-temporary license, when-sales to establishment, requirements

1. As used in this section, the following terms mean:

Controlled access liquor cabinet, a closed container, either refrigerated in whole or in part or non-refrigerated, access to the interior of which is restricted by means of a locking device which requires the use of a key, access by means of a locking device as hereinabove described;

Controlled access liquor cabinet system, a system for the sale of intoxicating liquor in qualified packages or containers in the rooms provided for the overnight accommodation of transient guests in a qualified establishment by means of a controlled access liquor cabinet, and such system shall permit the licensee to maintain in the rooms provided for the overnight accommodation of transient guests a controlled access liquor cabinet in which such licensee may maintain for sale intoxicating liquor in qualified packages or containers, together with, if desired, other beverages or food, and such system shall permit the adult registered guests of the room in which such controlled access liquor cabinet is located to use the key, magnetic card or other similar device to gain access to such controlled access liquor cabinet to obtain the intoxicating liquor or other beverages or food for consumption;

Qualified establishment, any establishment having at least forty rooms for the overnight accommodation of transient guests and having a restaurant or similar facility on the premises at least sixty percent of the gross income of which is derived from the sale of prepared meals or food, which restaurant's annual gross food sales for the past two years immediately preceding its application for a license shall not have been less than one hundred thousand dollars per year or, if such restaurant has been in operation for less than two years, such restaurant has been in operation for at least ninety days preceding the application for license for sale of intoxicating liquor by means of controlled access liquor cabinets and has a projected experience based upon its sale of food during the preceding ninety days which would exceed one hundred thousand dollar per year;

Qualified packages or containers, packages or containers for intoxicating liquor, other than beer or other malt liquor, which hold not less than fifty milliliters and not more than two hundred milliliters, and any packages or containers for beer or other malt liquor;

Registered guest, each person who signs his name to the guest register of the qualified establishment or takes some other equivalent action for the purpose of registering as a guest of such qualified establishment;

Room, a room in a qualified establishment which is intended to be used as, and which is provided for, the overnight accommodation of transient guests.

2. Notwithstanding any other provision of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, and who operates a qualified establishment and who is licensed to sell liquor by the drink at retail with respect to such qualified establishment, may apply for, and the Board of Aldermen shall issue, a license to sell intoxicating liquor in the rooms of such qualified establishment by means of a controlled access liquor cabinet system on and subject to the following terms and conditions:
 - A. The key, magnetic card or other similar device required to attain access to the controlled access liquor cabinet in a particular room may be provided only to each adult registered guest who is registered to stay in such room;
 - B. Prior to providing a key, magnetic card or other similar device required to attain access to the controlled access liquor cabinet in a particular room to the registered guest, the licensee shall verify that each such registered guest to whom such key, magnetic card or similar device is to be provided is not a minor, as defined by Section 311.310 RSMo;
 - C. All employees handling the intoxicating liquor to be placed in the controlled access liquor cabinet, including without limitation any employee who inventories and/or restocks and replenishes the intoxicating liquor in the controlled access liquor cabinet, shall be at least eighteen years of age and shall obtain such employee permits as the city, county, or other local governmental entity in which the qualified establishment is located requires to be obtained by employees of the restaurant operated at such qualified establishment; provided, however, that no such employee permits shall be required of any employee who handles the intoxicating liquor in the original case and who does not open such original case;
 - D. Registered guests may use the key, magnetic card or other similar device required to attain access to the controlled access liquor cabinet in such registered guest's room at any time; provided, however, that no controlled access liquor cabinet may be restocked or replenished with intoxicating liquor, nor shall any intoxicating liquor be delivered to a room in order to restock or replenish the supply of intoxicating liquor in the controlled access liquor cabinet, at any time

when the restaurant operated at the qualified establishment is not permitted to sell liquor by the drink at retail pursuant to the provisions of this chapter;

- E. Upon request from the registered guest at any time, the qualified establishment shall cause all intoxicating liquor to be removed from the controlled access liquor cabinet in the room of such registered guest as soon as reasonably practicable; and
- F. The qualified establishment shall have the right to collect payment for the intoxicating liquor or other beverages or food taken from the controlled access liquor cabinet in the room of a registered guest in such manner as it shall determine to be appropriate, including, without limitation the inclusion of such charges together with the charges made to such registered guest for the use of the room or for purchase of meals at the restaurant operated at such qualified establishment;
- G. Any new qualified establishment having been in operation for less than ninety days may be issued a temporary license to sell intoxicating liquor in the rooms of such qualified establishment by means of a controlled access liquor cabinet system for a period not to exceed ninety days if such establishment can show a projection of an annual business from prepared meals or food which would exceed not less than one hundred thousand dollars per year;
- H. In addition to any right to sell granted pursuant to any other provision of this chapter, a duly licensed wholesaler shall be permitted to sell intoxicating liquor to a qualified establishment in any size of qualified packages or containers for use in a controlled access liquor cabinet system; provided, however, that as to any size of qualified packages or containers which could not be legally sold to the qualified establishment except for the provisions of this section, any such size of qualified packages or containers shall be sold by the qualified establishment only by means of the controlled access liquor cabinet system.

26.030. Sunday Sales, Exceptions

- 1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the Board of Aldermen may issue, a license to sell intoxicating liquor, as in this chapter defined, between the hours of 11:00 a.m. on Sunday and midnight on Sunday by the drink at retail for consumption on the premises of any restaurant bar as described in the application. As used in this section, the term "restaurant bar" means 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 or which has an annual gross income of at least two hundred thousand dollars from the sale of prepared meals or food consumed on such premises.

2. All other laws and regulations of the state and city relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to a restaurant bar in the same manner as they apply to other establishments, and in addition to all other fees required by law, a restaurant bar shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other license fees.
3. 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 11:00 a.m. 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 thousand dollars. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.
4. Notwithstanding any other provisions of this chapter to the contrary, any charitable, fraternal, religious, service or veterans' organization which has obtained an exemption from the payment of federal income taxes as provided in section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United States Internal Revenue Code of 1954, as amended, may apply for, and the Board of Aldermen may issue, a license to sell intoxicating liquor, as defined in this chapter, between the hours of 11:00 a.m. on Sunday and midnight on Sunday by the drink at retail for consumption on the premises described in the application. The authority for the collection of fees by cities and counties as provided in Section 311.220 RSMo., and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to organizations licensed under this subsection in the same manner as they apply to establishments licensed under subsection 1 of this section and sections 311.085 and 311.095 RSMo. In addition to all other fees required by law, an organization licensed under this section shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other license fees.
5. If any charitable, fraternal, religious, service, or veterans' organization has a license to sell intoxicating liquor on its premises pursuant to this section and such premises includes two or more buildings in close proximity; such permit shall be valid for the sale of intoxicating liquor at any such building.
6. Notwithstanding the provisions of any other ordinance to the contrary, any person processing the qualifications and meeting the requirements of this chapter, who is licensed to sell intoxicating liquor in the original package at retail, may apply to the Board of Aldermen for a special license to sell intoxicating liquor in the

original package at retail between the hours of 9:00 a.m. and midnight on Sundays.

(amended 10-21-2003 Ordinance 2003-048)

7. Special Holidays: When January first, March seventeenth, July fourth or December thirty-first falls on Sunday, and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the national football league is played, commonly known as "Super Bowl 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 from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of Section 311.290 or any other provision of law to the contrary.

26.035. Temporary permit for sale by drink and non-intoxicating beer may be issued to certain organizations, when, duration

1. Notwithstanding any other provision of this chapter or chapter 312, RSMo, a permit for the sale of intoxicating liquor as defined in section 311.020 RSMo. and non-intoxicating beer as defined in Section 312.010 RSMo, 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 intoxicating liquor at a picnic, bazaar, fair, or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale on intoxicating liquor for more than seven days by any such club or organization.
2. To secure the permit, the applicant shall complete a form (the application) provided by the City, If an applicant is holding a public event, which may have more than 200 people at any given time, the applicant shall have a public safety plan in place on a form provided by the City. The form shall address traffic and crowd control, emergency medical issues and general public safety. This form shall be reviewed by the Chief of Police. No applicant shall be required to furnish a personal photograph as part of the application. The applicant shall pay a fee of twenty-five dollars for such permit.
3. No public safety plan can utilize on-duty City of Ashland police officers within the confines of the event for crowd control and security. The applicant can use off-duty City of Ashland police officers paid at a rate established in the procedure and policy manual on file within the police department. All traffic control outside the confines of the event will be handled by any on-duty officer.

4. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor and non-intoxicating beer on that day beginning at 11:00 a.m.
5. No provision of this ordinance shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering. (amended 3-16-2010 Ordinance No. 842)