

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.

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 required; term renewal

1. It shall be unlawful for any person, either personally or through the use of agents or employees, to engage in the manufacture, brewing, sale or distribution of intoxicating liquors or nonintoxicating beer within the city, without the appropriate license issued under this chapter. Licenses shall be issued for a period of one (1) year from the thirtieth (30th) day of June each year. Persons desiring to secure licenses after the thirtieth (30th) day of June shall pay the full annual fee.

Thereafter, all renewals of licenses shall be made on the thirtieth (30th) day of June each year.

2. If the Mayor determines that there is good reason not to issue a license for the full period of time ending on June 30, the Mayor may issue a license for a shorter period of time. Persons licensed under this subsection shall pay the full license fee.

3. No person at least twenty-one years of age shall be required to obtain a license to manufacture intoxicating liquor for personal or family use. The aggregate amount of intoxicating liquor manufactured per household shall not exceed two hundred gallons per calendar year if there are two or more persons over the age of twenty-one years in such household, or one hundred gallons per calendar year if there is only one person over the age of twenty-one years in such household. Any intoxicating liquor manufactured under this section shall not be sold or offered for sale.

4. Beer brewed under this section may be removed from the premises where brewed for personal or family use, including use at organized events, exhibitions, or competitions, such as home brewer contests, tastings, or judging. The use may occur at any location allowed by state law.

5. Any beer brewed under this section used at an organized event where an admission fee is paid for entry, at which the beer is available without a separate charge, shall not be deemed a sale of beer, provided that the person who brewed the beer receives none of the proceeds from the admission.

26.015. Qualifications of applicant

1. No individual shall be granted a license under this chapter unless the individual is of good moral character, or, in the case of a corporation or limited liability company, whose managing officer or manager in charge of the business to be licensed is of good moral character. In determining whether an individual is of good moral character, the individual's reputation in the community and criminal history may be considered.

2. No license shall be granted to any individual or managing officer who has ever had a permit or license revoked under the liquor laws of any state or who employs in the licensed business any person whose permit or license has been revoked under the liquor laws of any state.

3. No person shall be granted a license to sell intoxicating liquor or nonintoxicating beer unless the person is a taxpaying citizen of the state.

4. No license issued under this chapter shall be denied, suspended, revoked or otherwise affected based solely on the fact that an employee of the licensee has been convicted of a felony unrelated to the manufacture or sale of intoxicating

liquor so long as any such employee does not directly participate in retail sales of intoxicating liquor. Each employer shall report the identity of any employee convicted of a felony to the City Clerk.

26.020. Application

1. Any person desiring a license under this chapter shall apply to the City Clerk in writing and under oath. The application shall state:

- a. The name, residence and birth place of the applicant. If the applicant is a naturalized citizen, the application shall state the place and time of naturalization.
- b. 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 the partnership.
- c. If the application is on behalf of a corporation, the date of incorporation, the state in which incorporated, the amount of paid in capital, the amount of authorized capital, the names and addresses of the officers and directors and stockholders who hold ten (10) per cent 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 establishment for which the license is sought.
- d. If the application is made on behalf of a limited liability company, the date of formation, the state in which formed, the names and addresses of the members and managers and 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 establishment for which the license is sought.
- e. The length of time the applicant has resided in the state, and the residence addresses of the applicant for the preceding five (5) years.
- f. That the applicant, if an individual, is the person who will be actively engaged in the actual control and management of the establishment for which the license is sought. If the application is on behalf of a corporation, that the applicant is an officer or director of the corporation. If the application is on behalf of a limited liability company, that the applicant is a member or manager of the company.
- g. The name and business address of applicant's employers for the five (5) years immediately prior to the application.
- h. Whether or not the applicant has been convicted of a felony.
- i. The location, place or premises for which a license is sought.

- j. The class of license for which the application is made.
- k. The applicant's Missouri sales tax identification number.
- 1. Whether or not the applicant has had a license for the sale of intoxicating liquor or nonintoxicating beer suspended or revoked, or has been convicted of the violation of any state law or city ordinance applicable to the manufacture or sale of intoxicating liquor or nonintoxicating beer, or whether the applicant employs, or will employ in the 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 state law or city ordinance applicable to the manufacture or sale of intoxicating liquor or nonintoxicating beer.
- 2. If the application is on behalf of a partnership, the applicant must provide a criminal record check for each partner. If the application is on behalf of a corporation or limited liability company, the applicant must provide a criminal check for the officer, member or manager who will be in charge of the establishment for which the license is sought.
- 3. The application shall be accompanied by the appropriate license fee.
- 4. Applications for license renewals should be submitted to the City Clerk no later than June 30. The Mayor may allow a renewal applicant to continue the manufacture, brewing, sale or distribution of intoxicating liquor or nonintoxicating beer if the renewal application has been submitted to the City Clerk but has not been processed.

26.025. Investigation of application

The City Clerk, upon receipt of an application, shall cause an investigation to be made of the statements in the application, the character of the applicant, and the location and condition of the premises to be licensed. Copies of all applications shall be forwarded to the police department for review and comment. On each application for an original license, the appropriate agencies shall investigate the safety and sanitation of the premises of the applicant, and the equipment and furnishings contained in the applicant's premises. The agencies shall report the findings of the investigation to the City Clerk. After the original license has been issued, the Mayor may, at any reasonable time, have the premises of the licensee investigated.

26.030. Approval of applications

If the applicant meets all the requirements and qualifications of this chapter and, in the case of a renewal, the business has been conducted in accordance with the requirements of this chapter, the Mayor shall grant the license.

26.035. Denial of applications; appeal

1. Denial. When a license under this chapter is denied, the Mayor shall send a letter to the applicant stating why the license was denied and how to appeal the denial. This letter shall be hand delivered or sent by first class mail. A mailed letter shall be presumed received three (3) days after it was mailed.

2. Appeal by applicant. The applicant may appeal the denial to the Board of Aldermen by mailing or delivering a written notice of appeal to the City Clerk. The notice of appeal must be received by the clerk no later than ten (10) days after the applicant received the letter of denial. The applicant may submit to the Board of Aldermen a position statement explaining why applicant believes the license should be granted. The Mayor may also submit to the Board of Aldermen a position statement explaining why the Mayor believes the denial should be upheld.

26.040. Review of license denial

1. If a timely appeal from a license denial is filed, the Board of Aldermen shall consider the appeal at a regular or special meeting. Before the meeting, the aldermen shall be provided with copies of the letter of denial, the notice of appeal and any documentation and position statements provided by the Mayor and the applicant pertaining to the license denial. The Board may allow the Mayor and the applicant or the applicant's representative to explain their positions to the Board of Aldermen at the meeting. The Board may either affirm the denial of the license or direct the Mayor to grant the license. The license, in the Board's discretion, may be for less than the full period of time ending on June 30. In that case, the licensee shall pay only a prorated license fee. If the Board of Aldermen affirms the denial, it shall set forth the grounds for denial in a letter to the applicant. The letter shall be hand delivered or sent by the first class mail. A mailed letter shall be presumed received three (3) days after it was mailed.

2. A decision of the Board of Aldermen may be appealed by the applicant by filing a petition for a writ of certiorari with the Circuit Court of Boone County within thirty (30) days of receiving the letter from the Board of Aldermen denying the license. The petition shall set forth with particularity the grounds for review. The court may allow a writ of certiorari directed to the Board of Aldermen to review the record and decision of the board. The writ shall prescribe the time within which a return must be made and served upon the relator's attorney, which shall be at least ten (10) days from issuance of the writ and may be extended by the court.

26.045. Right to continue operation

If on application for renewal of a license is denied, an applicant who has filed an appeal under this section shall be allowed to continue operating as though the license were renewed until the Board of Aldermen has rendered a decision. If the Board of Aldermen affirms the denial of the license, the applicant shall be allowed to continue operating as though the license were renewed until ten (10)

ten days after receiving the letter of denial. If an appeal is taken to the Circuit Court, the Court may allow the applicant to continue operation as though the license were renewed pending a final decision by the Court.

26.050. License issuance

On approval of the application for a license under this chapter, the Mayor shall issue the applicant a license to conduct business at the location specified in the application for the period set forth in section 26.010 of this chapter. Every license issued under this chapter shall set forth the type of license granted and shall particularly describe the premises at which intoxicating liquor or nonintoxicating beer may be sold and the license shall not authorize or permit the sale of intoxicating liquor or nonintoxicating beer at any other place.

26.055. Standards of conducting business on licensed premises

1. The standards set forth in this section shall be considered in determining whether a license under this chapter should be renewed, suspended or revoked. In conducting business on the licensed premises, a licensee and the licensee's agents and employees shall:

- a. Prevent or suppress any violent quarrel, disorder, brawl, fight or other unlawful conduct of any person on the premises. As used in this section, "premises" includes the licensed premises and the parking lots and areas around the business which are owned, used or maintained as part of the business.
- b. Immediately report to the police any illegal or violent act committed on the premises when the licensee or the licensee's employee knew or should have known that the act occurred on the premises.
- c. Cooperate fully with law enforcement authorities during an investigation of an illegal or violent act committed on the premises.
- d. Operate the business in such a manner that it does not constitute a nuisance.
- e. Take appropriate and necessary steps to supervise the outdoor area of the premises including keeping the area free from litter and preventing the parking area from becoming a gathering place for customers of the business.
- f. Comply with all provisions of this chapter and all other provisions of the Ashland City Code.
- g. Comply with all state and federal law including all rules and regulations pertaining to the sale and licensing of intoxicating liquor and nonintoxicating beer.
- h. Answer all summons and appear for all scheduled hearings and trials in any court for purported violations of this chapter or state and federal law, including all rules and regulations pertaining to the sale and licensing of intoxicating liquor and nonintoxicating beer.

2. Every licensee shall be responsible for the sale of alcoholic beverages by its employees.

26.060. Suspension or revocation of license

1. Suspension or revocation. The Mayor may suspend or revoke the license of any licensee under this chapter who has failed to meet the standards of conducting business set forth in this chapter or who has made any false, misleading or fraudulent statement in the license application. A suspension may be from one (1) day to one (1) year.

2. Notice of suspension or revocation. The Mayor shall suspend or revoke a license issued under this chapter by sending notice of the suspension or revocation to the licensee by first class mail or by personal service on the licensee or the person in charge at the licensed premises. Mailed notice shall be presumed received three (3) days after it is mailed. The notice shall contain:

- a. A statement of the grounds for the suspension or revocation.
- b. The effective date of the suspension or revocation, which shall be at least ten (10) days after the notice is received.
- c. In the case of a suspension, the length of the suspension.
- d. Instructions on how to appeal the suspension or revocation.

3. Appeal to Board of Aldermen. The licensee may appeal the suspension or revocation by requesting a hearing before the Board of Aldermen. The appeal must be in writing, addressed to the Board of Aldermen in care of the City Clerk and received by the City Clerk within ten (10) days after the notice of suspension or revocation was received. Receipt of an appeal by the City Clerk shall automatically stay enforcement of the suspension or revocation.

4. Notice of hearing. After receipt of an appeal, a hearing shall be scheduled before the Board of Aldermen. At least ten (10) days written notice of the hearing shall be given to the licensee. Notice shall be given in the same manner as the notices of suspension or revocation.

5. There shall be no right to depositions.

6. The Board of Aldermen shall have the authority to issue subpoenas duces tecum for purposes of hearings only. Requests for subpoena duces tecum must be submitted in writing to the City Clerk at least three (3) days before the hearing.

7. Hearing and decision. The Board of Aldermen shall conduct the hearing and enter a decision within thirty (30) days in accordance with any rules and procedures adopted by the Board and the requirements of Ch. 536 RSMo. for contested cases. The Board of Aldermen may affirm or reverse the decision of the Mayor. If the Board of Aldermen finds that a liquor license violation has occurred, the Board may impose a suspension from one (1) day to one (1) year or revoke the license. The Board of Aldermen is not restricted by the penalty imposed by the Mayor.

8. Appeal. The licensee may appeal an adverse decision of the Board of Aldermen to the Circuit Court of Boone County in accordance with Ch. 536 RSMo. The court may stay the suspension or revocation pending the appeal.

26.065. 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.

26.070. 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 Mayor shall 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.

26.075. 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 Mayor 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.

26.080. Hours of operation

No person having a license issued pursuant to this chapter, nor any employee of such person, shall sell, give away, or permit the consumption of any intoxicating liquor in any quantity between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday, upon or about the licensed premises.

If the person has a license to sell intoxicating liquor by the drink, the licensed premises shall be and remain a closed place as defined in this section between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday. Where such licenses authorizing the sale of intoxicating liquor by the drink are held by clubs, hotels, or bowling alleys, this section shall apply only to the room or rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants or bowling alleys whose business is conducted in one room only, then the licensee shall keep securely locked during the hours and on the days specified in this section all refrigerators, cabinets, cases, boxes, and taps from which intoxicating liquor is dispensed. A "closed place" is defined to mean a place where all doors are locked and where no patrons are in the place or about the premises. Nothing in this section shall be construed to prohibit the sale or delivery of any intoxicating liquor during any of the hours or on any of the days specified in this section by a wholesaler licensed under the provisions of Section 311.180 RSMo. to a person licensed to sell the intoxicating liquor at retail.

26.085. Sunday Sales, Exceptions

1. Any person possessing the qualifications and meeting the requirements of this chapter, who is licensed to sell intoxicating liquor at retail, may apply to the Mayor for a special license to sell intoxicating liquor at retail between the hours of 9:00 a.m. and midnight on Sundays.
2. 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 the provisions of subsection 1 or any other provision of law to the contrary.

26.090. 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)