

Chapter 4

ALCOHOLIC BEVERAGES

Cross Reference — Operating motor vehicle under influence of alcohol or drugs, § 15-2.

State Law Reference — Liquor control law, RSMo. Ch. 311; Municipal authority to require liquor licenses, RSMo. § 311.220.

ARTICLE I In General

SECTION 4-1. Intoxicating Liquor Defined. ¹ [Ord. of 11-4-1963, § 10; Ord. No. 2014-18 § 1, 7-8-2014]

The term "intoxicating liquor," as used in this Chapter, shall mean and include alcohol used 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 used for beverage purposes, containing in excess of one-half of one percent (1/2 of 1%) by volume. All beverages having an alcoholic content of less than one-half of one percent (1/2 of 1%) by volume shall be exempt from the provisions of this Chapter.

SECTION 4-2. Hours of Sale. ² [Ord. of 11-4-1963, § 6]

No person licensed under the provisions of this Chapter shall sell, give away or otherwise dispose of, or suffer the same to be done, upon or about his premises, any intoxicating liquor in any quantity between the hours of 1:30 A.M. and 6:00 A.M.

SECTION 4-3. Sales on Sundays. ³ [Ord. of 11-4-1963, § 7; Ord. No. 93-09 § 1, 6-22-1993; Ord. No. 94-29 § I, 1-24-1995; Ord. No. 2003-26 § 1, 11-4-2003]

Notwithstanding the provisions of any other ordinance, any person possessing the qualifications and meeting the requirements for the issuance of a liquor license, who is licensed to sell intoxicating liquor in the original package at retail under Section 311.200, RSMo., and the ordinances of the City, may apply for a special license to sell intoxicating liquor in the original package at retail, between the hours of 9:00 A.M. and 12:00 Midnight on Sundays.

SECTION 4-4. Sales to Drunkards and Persons Under Influence of Intoxicating Liquor. [Ord. of 11-4-1963, § 9]

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1. State Law Reference — Intoxicating liquor defined, RSMo. § 311.020.
 2. State Law Reference — For similar provisions, see RSMo. § 311.290.
 3. State Law Reference — For similar provisions, see RSMo. § 311.290.

No person shall sell or supply intoxicating liquor or permit the same to be sold or supplied to an habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor.

SECTION 4-5. Selling and Supplying Intoxicating Liquor to Minors Prohibited; Exceptions. ⁴
[Ord. of 11-4-1963, § 9]

- A. Intoxicating liquor shall not be given, sold or otherwise supplied to any person under the age of twenty-one (21) years.
- B. The provisions of Subsection (A) shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medicinal purposes only, or by the parent or guardian of such person or to the administering of said intoxicating liquor to said person by a physician.

SECTION 4-6. Selling and Dispensing Intoxicating Liquor by Minors Prohibited. [Ord. of 11-4-1963, § 9]

Except as otherwise provided by State law, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor.

SECTION 4-7. Sales in Violation of Chapter or License. [Ord. of 11-4-1963, § 8]

No person shall sell intoxicating liquor in any other place than that designated in a license issued pursuant to this Chapter, or at any time not authorized by this Chapter or in any manner other than as authorized by this Chapter.

SECTION 4-8. Consumption in Public Places.

It shall be unlawful for any person to consume intoxicating liquor in any public place. For the purposes of this Section, the term, "*public place*" shall include, but not be limited to, any common carrier, building, street, park or place of public resort, recreation or amusement other than privately owned and operated business establishments.

SECTION 4-9. Violations. [Ord. of 11-4-1963, § 12]

Any person convicted of violating any of the provisions of this Chapter shall be adjudged guilty of a misdemeanor, and in addition to the penalty provided for in Section 1-8, if such person is a licensed dealer in intoxicating liquor in the City, his license shall be revoked.

SECTION 4-10. Permitting Wine, Malt Beverages, and Distilled Spirit Tasting on Premises. [Ord. No. 96-18 §§ 1 — 2, 8-13-1996]

- A. Notwithstanding any other provision of this Chapter to the contrary, any person processing the qualifications and meeting the requirements for the issuance of a liquor license, who is licensed to sell intoxicating liquor in the original package at retail under Section 311.200, RSMo., and the ordinances of the City, may apply for a special permit to conduct wine,

4. State Law Reference — See RSMo. § 311.310.

malt beverage and distilled spirit tasting on the licensed premises between the hours of 6:00 A.M. and 1:30 A.M.

- B. Nothing in this Section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

SECTION 4-11. through SECTION 4-20. (Reserved)

ARTICLE II

Licenses⁵

SECTION 4-21. Required. [Ord. No. 83-05, § 2, 3-8-1983]

It shall be unlawful for any person, firm, partnership, business entity or corporation to manufacture, brew, sell, possess or transport within the City, or to offer for sale, any intoxicating liquor as defined by State law and the Statutes of the State of Missouri, without first obtaining a license therefore.

SECTION 4-22. Fees. [Ord. No. 77-5, § 2, 4-12-1977; Ord. No. 93-09 § 2, 6-22-1993; Ord. No. 96-19 § 1, 8-13-1996; Ord. No. 2007-26 § 1, 7-10-2007]

The fee for a license required by this Article shall be in accordance with the following:

1. For the sale of intoxicating liquor by a wholesale dealer of three and two-tenths percent (3.2%), the fee shall be fifty dollars (\$50.00), a wholesale dealer of five percent (5%), the fee shall be one hundred dollars (\$100.00) and wholesale dealer of twenty-two percent (22%), the fee shall be two hundred dollars (\$200.00) per year.
2. For the sale at retail of intoxicating liquor as defined by State law for consumption on the premises of the licensee, the fee shall be three hundred dollars (\$300.00) per year, the retail sale of intoxicating liquor of five percent (5%) beer for consumption on the premises, the fee shall be fifty dollars (\$50.00) per year (no Sunday required), the retail sale of intoxicating liquor on Sundays for consumption on the premises, the fee shall be two hundred dollars (\$200.00) per year.
3. For the sale at retail of intoxicating liquor as defined by State law and in the original package, not to be consumed on the premises where sold Monday through Saturday, the fee shall be one hundred dollars (\$100.00), the retail of intoxicating liquor in the original package three and two-tenths percent (3.2%) beer, not to be consumed on the premises, the fee shall be twenty-five dollars (\$25.00), the retail sale of intoxicating liquor in the original package five percent (5%) beer (not Sunday required), not consumed on the premises, the fee shall be fifty dollars (\$50.00), the retail sale of intoxicating liquor in the original package on Sundays, not consumed on the premises, the fee shall be two hundred dollars (\$200.00). For retailers selling intoxicating liquor in the original package at retail as defined in Section 311.200, RSMo., retailer shall sell between the hours of 9:00 A.M. and 12:00 Midnight on Sundays.

⁵. Cross Reference — Licenses and business regulations generally, § 13-1 et seq. State Law Reference — Municipal authority to license, RSMo. §§ 311.220, 312.140.

4. To conduct wine, malt beverage and distilled spirit tastings on the licensed premises by a retail dealer, the fee shall be twenty-five dollars (\$25.00), which shall be paid in addition to any other license fees.
5. Any type of liquor license that may be required that is not specifically stated above shall comply with RSMo., Chapter 311 "Liquor Control Law" regarding fees.

SECTION 4-23. Fee May be Paid in Semi-Annual Installments. [Ord. of 11-4-1963, § 4]

The license fee provided for under this Article, may be paid in semi-annual payments on January first (1st) and July first (1st) of each year.

SECTION 4-24. Qualifications of Applicants. [Ord. No. 83-05, § 3, 3-8-1983; Ord. No. 96-17 § I, 7-27-1996]

- A. No person shall be granted a license to sell intoxicating liquor under this provisions of the Article unless such person is of good moral character, nor shall any corporation be granted such license unless the managing officer of such corporation be of good moral character, and the corporation must have a principal place of business within the City of Lexington, Missouri.
- B. Any application by a corporation must specify at least one (1) individual responsible party who qualifies under the individual qualifications listed above and such individual shall be required to execute a surety contract and any and all documents jointly with, for and on behalf of said corporation in order to show his full and complete responsibility for all of the laws of the State of Missouri and the City of Lexington with regard to the maintaining of said license.
- C. No person shall be granted a license or permit whose license as such dealer has been revoked, or who has been convicted, since the ratification of the Twenty-First Amendment to the Constitution of the United States, of a violation of any of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs in his business as such dealer, any person whose license has been revoked or has been convicted of violating such law since the date aforesaid. Before any license or permit is issued or granted under the provisions of this Article for the sale or delivery of any beer or alcohol or liquor, other than a manufacturer's license or permit, the applicant for such license and permit shall take and subscribe to an oath that he will not allow any intoxicating liquor of any kind or character, including beer, but not limited thereto, having an alcoholic content in excess of fourteen percent (14%) by weight, to be kept, stored or secreted in or upon the premises described in such permit, and that such applicant will not otherwise violate any law of this State or this Code, or any other ordinance of this City, or knowingly allow any other person within his employ, purview, management or control to violate such laws while in or upon such premises.
- D. This Section anticipates and authorizes only individual persons or corporations with individual sureties, guarantors, and signatories to so apply for these licenses.

SECTION 4-25. License to Specify Premises at Which Sales May be Made. [Ord. of 11-4-1963, § 11]

Each license issued under the provisions of this Article shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and said license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein.