

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 314-21

AN ORDINANCE

amending Chapter 4 of the City Code relating to the sale of alcoholic beverages; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 4 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 4-4. Same—Premises.

(a) No license shall be granted or retained under this chapter for the sale of intoxicating liquor or nonintoxicating beer at retail by the drink for consumption on the premises if the premises includes a building occupied or used for unlawful purposes or the premises are connected by an entrance or exit or other means of communication with any place used for unlawful purposes.

(b) No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed on the premises where sold, except to a person engaged in, and to be used in connection with the operation of one (1) or more of the following businesses: a drugstore, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionary, ~~or a delicatessen store,~~ or a liquor 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 (\$1,000.00), exclusive of fixtures and intoxicating liquors.

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Sec. 4-29. Hours of sale and consumption.

(a) *Package liquor.* No person having a license under the provisions of this article shall sell, give away or otherwise dispose of or suffer the same to be done on or about his premises, any intoxicating liquor in any quantity between the hours of 1:30 a.m. and

6:00 a.m. ~~daily on weekdays, and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday.~~

(b) *Package liquor Sunday sales.* Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, who is licensed to sell intoxicating liquor in the original package at retail under this chapter, may apply for, and may be issued, a special license to sell intoxicating liquor in the original package at retail between the hours of 9:00-6:00 a.m. on Sunday and 1:30 a.m. on Monday ~~midnight on Sundays.~~

(c) *Liquor by the drink.* The premises of persons having a license to sell intoxicating liquor by the drink shall be and remain a closed place, as defined in this chapter, between the hours of 1:30 a.m. and 6:00 a.m. daily on weekdays, and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday.

(d) *Applicability.* Where such licenses authorizing the sale of intoxicating liquor by the drink are held by clubs or hotels, this section shall apply only to the room or rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants whose business is conducted in one room only and substantial quantities of merchandise, other than intoxicating liquors, are dispensed, then the licensee shall keep securely locked during the hours and on the days herein specified, all refrigerators, cabinets, cases, boxes and taps from which intoxicating liquor is dispensed.

(e) *Restaurant bars and hotels.* 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 may be issued, a license to sell intoxicating liquor, as in this chapter defined, between the hours of 9:00-6:00 a.m. on Sunday and 1:30 a.m. on Monday ~~midnight on Sunday,~~ by the drink at retail for consumption on the premises of any restaurant bar as described in the application or on the premises of any establishment having at least forty (40) rooms for the overnight accommodations of transient guests.

Any new restaurant bar having been in operation for less than ninety (90) 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 9:00-6:00 a.m. on Sunday and 1:30 a.m. on Monday ~~midnight on Sunday~~ for a period not to exceed ninety (90) 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 (50) per cent 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 (\$200,000.00). The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.

Applications for a restaurant bar license, records thereof, or temporary license for such purposes shall be subject to procedures, rules and regulations now or

hereafter established by the Missouri Supervisor of Alcohol and Tobacco Control on the same subject.

(f) *Amusement places.* 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 may be issued, a license to sell intoxicating liquor, as defined in this chapter, between the hours of 9:00-6:00 a.m. on Sunday and 1:30 a.m. on Monday ~~midnight on Sunday~~ by the drink at retail for consumption on the premises of any amusement place as described in the application.

Any new amusement place having been in operation for less than ninety (90) 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 6:00 a.m. on Sunday and 1:30 a.m. on Monday ~~midnight on Sunday~~ for a period not to exceed ninety (90) days if the amusement place can show a projection of gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts are in nonalcoholic sales for the first year of operation. The license fee shall be prorated for the first period of the temporary license based on the cost of the annual license for the establishment.

(g) *Malt liquor Sunday sales.* Retailers selling intoxicating malt liquor who are licensed under section 4-47(5) or (8) may sell malt liquor at retail between the hours of 9:00 6:00 a.m. on Sunday and 1:30 a.m. on Monday ~~midnight on Sunday~~.

(h) *Wine shop Sunday sales.* Any person who possesses the qualifications required by this chapter, and who meets the requirements of and complies with the provisions of this chapter, may sell intoxicating liquor by the drink at retail for consumption on the premises of any wine shop, as defined in this chapter, between the hours of 10:00 6:00 a.m. on Sunday and 1:30 a.m. on Monday ~~10:00 p.m. on Sundays~~.

(i) *To-go alcohol.* The holder of a valid license to sell intoxicating liquor at retail by the drink for on-premises consumption may sell retailer-packaged liquor to a consumer in a container, filled on such premises by any employee who is twenty-one (21) years of age or older, for off-premises consumption if all of the following requirements are met:

- (1) The container is rigid, durable, leak-proof, sealable, and designed to prevent consumption without removal of the tamperproof cap or seal. A "sealable" container does not include a container with a lid with sipping holes or openings for straws; and
- (2) The contents of the container do not exceed one hundred twenty eight (128) ounces; and
- (3) The consumer orders and purchases a meal prepared on the premises at the same time as the consumer purchases the alcoholic beverage; and

- (4) The licensee provides the customer with a dated receipt or an electronic record for the meal and alcoholic beverage(s); and
- (5) The number of alcoholic beverages sold under this section by a licensee for off-premises consumption is limited to twice the number of meal servings sold by the licensee for off-premises consumption; and
- (6) The sealed container is placed in a one-time-use, tamperproof, transparent bag that is securely sealed; or the container opening has been sealed with tamperproof tape; and
- (7) The container shall have a label or a tag with the name and address of the business that filled the container, in type not smaller than three (3) millimeters in height and not more than twelve characters per inch, and states, "THIS BEVERAGE CONTAINS ALCOHOL".

(i-j) *Violation.* Any person violating any provision of this section shall be deemed guilty of a misdemeanor.

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Sec. 4-47. Number of licenses required; fees.

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

- (1) Three hundred fifty dollars (\$350.00)—Manufacturers of intoxicating malt liquor containing not more than five (5) per cent of alcohol by weight. Such license shall entitle the manufacturer to distribute such malt liquor as a wholesaler, but shall not include the right to sell at retail.
- (2) Seven hundred fifty dollars (\$750.00)—Manufacturers or distillers of intoxicating liquors containing alcohol in excess of five (5) per cent by weight.
- (3) One hundred fifty dollars (\$150.00)—Distributors or wholesalers of intoxicating malt liquors containing not in excess of five (5) per cent of alcohol by weight.
- (4) Three hundred seventy-five dollars (\$375.00)—Distributors or wholesalers of intoxicating liquors containing in excess of five (5) per cent of alcohol by weight.
- (5) Seventy-five dollars (\$75.00)—Retailers selling intoxicating malt liquors with an alcoholic content of more than three and two-tenths (3.2) per cent by weight and not more than five (5) per cent by weight, or light wine or both such malt liquor and light wine for consumption on the premises. This license

allows the licensee to sell malt liquor at retail between the hours of ~~9:00~~ 6:00 a.m. and 1:30 a.m. on Monday ~~midnight on Sunday~~.

- (6) Four hundred fifty dollars (\$450.00)—Retailers selling all kinds of intoxicating liquor at retail or by drink for consumption on the premises of the licensee, which shall include the sale of intoxicating liquor in the original package; provided, however, no such license shall be issued unless and until the applicant shall have, by proof satisfactory to the city manager, established that he has and will maintain within the premises proposed to the licensed, an investment in furniture and equipment of not less than five thousand (\$5,000.00) book value.
- (7) Three hundred dollars (\$300.00)—Additional license for Sunday sales by restaurant bars, the premises of any establishment having at least forty (40) rooms for the overnight accommodations of transient guests, amusement places and package liquor licensees. The holder of a Sunday sales license shall be limited in Sunday sales to the kinds of intoxicating liquor permitted under the holders primary license.
- (8) Seventy-five dollars (\$75.00)—Retailers selling intoxicating malt liquor with an alcoholic content of more than three and two-tenths (3.2) per cent by weight and not more than five (5) per cent by weight in the original package direct to the consumer, and not for consumption on the premises where sold. This license allows the licensee to sell malt liquor at retail between the hours of ~~9:00-6:00 a.m. on Sunday~~ and 1:30 a.m. on Monday ~~midnight on Sunday~~.
- (9) One hundred fifty dollars (\$150.00)—Retailers selling intoxicating liquors containing alcohol in excess of five (5) per cent by weight, in the original package, not to be opened or consumed on the premises where sold; provided, that no license shall be issued for the sale of intoxicating liquor containing more than five (5) per cent alcohol by weight, not to be consumed on the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one or more of the following businesses: drugstore, cigar and tobacco store, grocery store, general merchandise store, confectionary or delicatessen store; nor shall such license be issued to any person who does not have and keep in his store a stock of goods having a value, according to invoices, of at least one thousand dollars (\$1,000.00), exclusive of fixtures and intoxicating liquors. This license shall include authorization to conduct wine tastings on the licensed premises. This license shall not be construed to permit the licensee to sell wine for consumption on the premises.
- (10) Three hundred dollars (\$300.00)—Annual license fee for operation described in section 4-31.

- (11) Seven dollars and fifty cents (\$7.50) for each one hundred barrels or fraction thereof up to a maximum license fee of three hundred seventy-five dollars (\$375.00)—Microbreweries. The holder of a microbrewer's license may apply for and the city manager may issue a license to sell intoxicating liquor by the drink at retail for consumption on the brewery premises and in the original package for off-premises consumption. The holder of a microbrewer's license may also sell beer and malt liquor produced on the brewery premises to duly licensed wholesalers.
- (12) Three hundred dollars (\$300.00)—Annual license fee for wine shop Sunday sales described in section 4-29(h).
- (13) Thirty-seven dollars and fifty cents (\$37.50)—Annual license for wine, malt beverage and distilled spirit tastings on the licensed premises for persons licensed to sell intoxicating liquor in the original package at retail under sections 4-47(8) and 4-47(9).

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Sec. 4-50. Limited permit to sell liquor by the drink, who may obtain; time limited.

Notwithstanding the other provisions of this chapter, a permit for the sale of intoxicating liquor for consumption on premises where sold, including intoxicating liquor in the original package, 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. Said permit shall be issued only for the day or days named therein and it shall not authorize the sale of ~~aforsaid~~-intoxicating liquor for more than seven (7) days by any ~~said~~ organization as described above. On any day of such gathering where liquor is sold, the sale of liquor may begin at 6:00 a.m. For each such permit issued, the licensee shall pay to the city the sum of fifteen dollars (\$15.00). No provision of law or rule or regulation of the city shall prevent any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the holder of the license at such picnic, bazaar, fair, or similar gathering.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2021.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor