

## CHAPTER 600: ALCOHOLIC BEVERAGES

*Cross References--Driving while intoxicated, [§340.200](#);  
consumption of alcoholic beverages in a moving vehicle, [§340.220](#).*

*Editor's Note--Ord. no. 4012 §1, adopted December 18, 2006,  
amended ch. 600 by enacting the new provisions set out herein.  
Former ch. 600 derived from CC 1968 §§3-2--3-9, 3-11--3-14, 3-16--  
3-21, 3-23--3-33, 3-70--3-71, 14-154; ord. no. 471 §§2--9, 11--14, 16--  
21, 23--31, 11-3-69; ord. no. 563 §1, 10-4-71; ord. no. 585 §1, 3-20-  
72; ord. no. 716 §1, 11-19-73; ord. no. 766 §1, 1-20-75; ord. no. 857  
§1, 9-20-76; ord. no. 1062 §§1--4, 6, 2-18-80; ord. no. 1128 §1, 11-  
16-81; ord. no. 1139 §1, 2-1-82; ord. no. 1182 §1, 11-1-82; ord. no.  
1210 §1, 3-21-83; ord. no. 1249 §1, 10-3-83; ord. no. 1335 §1, 10-1-  
84; ord. no. 1610 §§2--8, 3-2-87; ord. no. 1615 §1, 3-16-87; ord. no.  
1715 §1, 4-4-88; ord. no. 1766 §§1--2, 7-18-88; ord. no. 1837 §1, 6-5-  
89; ord. no. 2282 §1, 11-25-92; ord. no. 2346 §1, 6-7-93; ord. no.  
2373 §1, 9-20-93; ord. no. 2489 §1, 9-7-94; ord. no. 2542 §1(3-17.1),  
2-6-95; ord. no. 3592 §§1--5, 8-18-03.*

### **SECTION 600.010: DEFINITIONS**

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to the in this Section, except where the context clearly indicates a different meaning:

**ABANDONMENT OF PREMISES:** When a person who has been legally licensed by the City and State to conduct a business under this Chapter and State regulations and voluntarily ceases to operate such business for a period of thirty (30) days or more.

**ADJACENT PROPERTY:** Property immediately adjoining or separated only by an intervening street, alley, highway or other public thoroughfare.

**ALCOHOLIC BEVERAGES:** Intoxicating liquor or non-intoxicating beer.

**BLOCK:** That portion of land abutting upon a City street that lies between any two (2) intersecting streets.

**CHURCH:** A church building or student center erected and maintained as a church or student center building and in which services are regularly held; provided however, the mere holding of religious services in any building not built and constructed as a church or student center building shall not bring such building within the definition of a church.

*CLOSED PLACE:* A place where all doors are locked and where no patrons are in the place or about the premises.

*CLUBS:* The clubs eligible for a license pursuant to this Chapter and shall be regularly incorporated associations, not-for-profit, under the laws of the State, organized solely for benevolent, charitable or social purposes and having regular dues-paying members.

*COIN-OPERATED AMUSEMENT DEVICE:* Pinball machines, marble machines, music-vending machines, pool tables or machines, coin-operated shuffleboards and any other device operated by the insertion of a coin, disc or other insertion piece, whether or not also manipulated by the operator, and which operate for the amusement of the operator, whether or not by registering a score. The term "*coin-operated amusement device*" shall not include slot machines, claw machines or other machines prohibited by State and Federal law, nor shall it include machines or devices used solely for the vending service of food, confections or merchandise.

*C.O.L. LICENSE:* A license for the consumption of alcoholic beverages in or upon premises that do not possess a regular license for the sale of alcoholic beverages and where food, beverages or entertainment are sold or provided for compensation as provided in Section 311.480, RSMo.

*INTOXICATING LIQUOR:* Alcohol for beverage purposes, including 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 (0.5%) 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 (0.5%) by volume shall be exempt from the provisions of this Chapter.

*LICENSEE:* The holder of any license issued under the provisions of this Chapter.

*MALT LIQUOR:* Any liquor containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight, manufactured from pure hops or pure extraction of hops or pure barley or wholesome grain or cereals and wholesome yeast or pure water.

*MANAGING AGENT:* The person who is in active management and in control of property.

*NON-INTOXICATING BEER:* 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 have an alcoholic content of more than one-half of one percent (0.5%) by volume and not exceeding three and two-tenths percent (3.2%) by weight.

*ORIGINAL PACKAGE:* Any package containing fifty (50) milliliters or more of intoxicating liquor, excepting malt liquor, or any package containing three (3) or more standard bottles of malt liquor or non-intoxicating beer. A standard bottle is any bottle or can containing sixteen (16) ounces or less of malt liquor or non-intoxicating beer.

*PREMISES:* The bounds of the enclosure where alcoholic beverages are sold or consumed.

*RESTAURANT BAR:* Any establishment having a restaurant or similar facility on the premises at least fifty percent (50%) of the gross income of which is derived from the sale of prepared meal or food consumed on such premises.

*SCHOOL:* Any building which is regularly used as a public, private or parochial school, elementary school, high school, college, university, professional school, business or secretarial school receiving some support from public, religious or charitable funds.

*WHOLESALE OR DISTRIBUTORS:* Those persons selling alcoholic beverages to duly licensed retailers for resale.

*WINE:* A beverage containing not in excess of fourteen percent (14%) of alcohol by weight. (Ord. No. 4012 §1, 12-18-06; Ord. No. 4425 §1, 12-17-12)

## **SECTION 600.020: PENALTY FOR VIOLATION OF PROVISIONS**

Any person, including, but not limited to, the officer of any corporate licensee managing the licensed premises, convicted of violating any of the provisions of this Chapter shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor exceeding five hundred dollars (\$500.00); each day during which the violation continues shall constitute a separate offense; provided, that upon final conviction of any person for a violation of any of the provisions of this Chapter, said conviction shall operate to suspend for one (1) year and render ineligible for renewal for the suspension period the license hereunder issued to such person or to the corporate licensee if it be an officer of the corporate licensee managing the licensed premises who is convicted, provided further, that the term "*conviction*", as herein used, shall mean conviction upon final determination of any prosecution of any violation of this Chapter; provided further, that no person, including, but not limited to, corporate licensees, having been convicted of the violation of any of the provisions of this Chapter shall be issued a license therefore for a period of one (1) year from the date of said conviction. Upon the conviction of any person under the provisions of this Chapter, it shall be the duty of the Municipal Judge of the Municipal Court to certify such conviction to the City Council. (Ord. No. 4012 §1, 12-18-06)

### **SECTION 600.030: LICENSE REQUIRED**

It is hereby declared unlawful for any person, either by himself/herself or through the use of agents or servants, to engage in the manufacture, brewing, sale or distribution of intoxicating liquors, as defined in [Section 600.010](#), within the City, without first having taken out and obtained a license authorizing such manufacture, brewing, sale or distribution, in compliance with the terms of this Chapter. (Ord. No. 4012 §1, 12-18-06)

### **SECTION 600.040: APPLICATION FOR LICENSE**

A. All applications for licenses under the provisions of this Chapter shall be made in writing on proper forms to the Revenue Collections Department and shall state specifically whether the license is for a distiller, brewer, wholesaler or distributor, and in the case of a retailer's license, shall state the alcoholic content of the intoxicating liquor to be sold under such license, and whether such license is issued authorizing the sale of intoxicating liquor for consumption on the premises, or authorizing the sale only in the original package not for consumption on the premises, or whether such license is issued for both the sale in the original package and for consumption on the premises where sold.

B. All such applications shall state the names and addresses of the applicant and if the applicant is a firm, partnership or association, all of the names and addresses of each member of the firm, partnership or association or if the applicant is a corporation, the names and addresses of all officers, except that under an application for the sale of malt liquor at retail not in excess of five percent (5%) alcohol by weight in the original package, the name and address of the managing officer shall be sufficient, and shall describe the premises which the license applied for shall cover and, when required by this Chapter, shall be accompanied by an inventory and valuation at cost price of the stock of goods other than intoxicating liquor at the proposed place of business.

C. Application shall be submitted to the Revenue Collections Department in proper form and completed as required under this Section. The Revenue Collections Department shall refer same to the Chief of Police for investigation and recommendation, and the Chief of Police shall make a report thereon within fourteen (14) days, and said report shall be submitted at the next scheduled meeting of the City Council, at which time the application shall be acted upon.

D. No license shall be issued unless the applicant shall have at the time of the application legal right to possession of the premises described in his/her application or an option to purchase or lease said premises which option may be exercised within six (6) months of the date of application. If the application is for a structure in existence, applicant shall attach to the application a photograph of the building, the same being a fair representation thereof. If the application is for a structure not completed, applicant shall attach to the application a copy of the plans and

specifications of the building. Said building shall have sufficient windows to permit all public parts of the interior to be seen from the exterior of the building.

E. If, during the period for which a license is granted, there be any change in facts or information differing from that set forth in the original or any renewal application on file with the Revenue Collections Department, written notice thereof must be given to the Revenue Collections Department within ten (10) days after such change. A fee of thirty-five dollars (\$35.00) will be charged for the processing of any changes to the current liquor licenses.

F. No license shall be granted to an applicant unless he/she makes full, true and complete answers to all questions in the application. If any applicant shall make any false statement of material matter in his/her application, it shall be deemed cause for suspension or revocation of any license issued pursuant to such application. All information called for in the form or forms to be provided by the Revenue Collections Department shall be fully given and signed under oath by the applicant. (Ord. No. 4012 §1, 12-18-06)

#### **SECTION 600.050: QUALIFICATIONS OF APPLICANTS**

A. No person shall be granted a license under this Chapter unless such person is of good moral character and a qualified legal voter and taxpaying citizen of the State of Missouri nor shall any corporation be granted a license hereunder unless the managing officer of such corporation has the above-mentioned qualifications. No person shall be granted a license hereunder whose license as a dealer has been revoked, or who has been convicted since ratification of the Twenty-First Amendment to the Constitution of the United States of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs in his/her business as such dealer any person not of good moral character, a person convicted of violating any law applicable to the manufacture and sale of intoxicating liquor or whose license has been revoked. The application shall be accompanied by a recent photo of the managing agent or individual signing.

B. Every applicant must submit a copy of his/her tax receipt, for the year immediately preceding the date of application, of the County, Town, City or Village where he/she resides in the State of Missouri or, if the applicant is a corporation, a copy of the tax receipt for the year immediately preceding the date of the application of the officer managing the premises of such corporation from the County, Town, City or Village in the State of Missouri where such managing officer resides or, in lieu thereof, an affidavit of the County or City Assessor wherein such applicant resides or, if applicant is a corporation, wherein the said officer of such corporation resides; the affidavit shall state that the applicant or said officer of such corporation, if a corporation, owns property for which he/she is legally subject or liable to taxation in the County, Town, City or Village where applicant resides in the State of Missouri, and that the taxes applicable thereto have been paid for the preceding year.

C. Every applicant must submit a certificate of registration from the Election Board from the County where he/she resides stating that the applicant or said officer of applicant, if a corporation, is a qualified legal voter in the State of Missouri.

D. Every applicant must submit a recent photo of the exterior and interior of the premises. If newly constructed interior, a diagram of the interior is to be submitted with the interior photo. (Ord. No. 4012 §1, 12-18-06)

**SECTION 600.060: LICENSE REQUIRED FOR EACH PLACE OF BUSINESS  
-- CLASSIFICATION -- FEES**

A separate license shall be required for each place of business and the following license fees shall be paid annually for the licenses herein enumerated. The following are the types of licenses and the fee charged:

1. *Manufacturer of intoxicating malt liquor.*

a. A license for the privilege of the manufacturing and brewing of malt liquor containing not more than five percent (5%) of alcohol by weight, within the City, which includes the right to distribute such malt liquor as a wholesaler, but not to sell as a retailer.

b. A license under the terms of this Section shall be issued to all qualified applicants who have fully complied with the provisions of this Chapter, upon payment of an annual license fee of three hundred seventy-five dollars (\$375.00).

2. *Manufacturer, distilling, blending intoxicating liquor.*

a. A license for the privilege of the manufacturing, distilling or blending of all kinds of intoxicating liquors containing alcohol in excess of five percent (5%) by weight within the City.

b. A license under the terms of this Section shall be issued to all qualified applicants who have fully complied with the provisions of this Chapter, upon payment of an annual license fee of six hundred seventy-five dollars (\$675.00) to the Revenue Collections Department.

3. *Distributor or wholesaler of intoxicating malt liquors.*

a. A license to distribute, or sell at wholesale, intoxicating malt liquors containing not in excess of five percent (5%) of alcohol by weight.

b. A license under the terms of this Section shall be issued to all qualified applicants who have fully complied with the provisions of this

Chapter, upon payment of an annual fee of one hundred fifty dollars (\$150.00) to the Revenue Collections Department.

4. *Retailers selling intoxicating malt liquors (including Sunday).*

a. A license for the privilege of selling at retail intoxicating malt liquors with an alcoholic content of more than three and two-tenths percent (3.2%) by weight and not more than five percent (5%) by weight in the original package and for consumption on the premises, including Sunday sales.

b. A license under the terms of this Section shall be issued to all qualified applicants who have complied with the provisions of this Chapter, upon payment of an annual fee of seventy-five dollars (\$75.00) to the Revenue Collections Department.

5. *Retail selling intoxicating malt liquor original package.*

a. A license for the privilege of selling intoxicating malt liquor with an alcoholic content of more than three and two-tenths percent (3.2%) and not more than five percent (5%) by weight in the original package direct to the consumer and not for consumption on the premises where sold on weekdays and Sunday.

b. A license under the terms of this Section shall be issued to all qualified applicants who have fully complied with the provisions of this Chapter, upon payment of an annual fee of seventy-five dollars (\$75.00) to the Revenue Collections Department.

6. *Retailer selling intoxicating liquors.*

a. A license for the privilege of selling at retail intoxicating liquors containing alcohol in excess of five percent (5%) by weight in the original package not to be opened or consumed on the premises where sold.

b. A license under the terms of this Section shall be issued to all qualified applicants who have fully complied with the provisions of this Chapter, upon payment of an annual fee of one hundred fifty dollars (\$150.00) to the Revenue Collections Department.

7. *Retailers selling intoxicating liquor--consumption on premises.*

a. A license for the privilege of selling at retail intoxicating liquors with an alcoholic content of more than five percent (5%) by weight for consumption on the premises where sold.

b. A license under the terms of this Section shall be issued to all qualified applicants who have fully complied with the provisions of this Chapter, upon payment of an annual fee of four hundred fifty dollars (\$450.00) to the Revenue Collections Department.

8. *Sunday sales.*

a. A license to sell on Sunday intoxicating liquor in excess of five percent (5%) by weight for consumption on the premises where sold or to sell intoxicating liquor in the original package at retail not to be opened or consumed on the premises where sold.

b. A license under the terms of this Section shall be issued to any person who is currently licensed under this Chapter to sell intoxicating liquor at retail who fully complies with the provisions of this Chapter, upon payment of an annual license fee of three hundred dollars (\$300.00) to the Revenue Collections Department.

c. A license under the terms of this Section shall authorize the selling of intoxicating liquor on Sunday between the hours of 9:00 A.M. and 12:00 Midnight. The Sunday sales license will only allow sale of the same types of intoxicating liquor in the same manner as is allowed by the underlying license that make the person eligible for the Sunday sales license.

9. *Retail sale of malt liquor/light wines by the drink or in original package.*

a. A license for the privilege of retail selling malt liquor containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight manufactured from pure hops or pure extract of hops or pure barley malt or wholesome grains or cereals and wholesome yeast and pure water, or light wines containing not in excess of fourteen percent (14%) of alcohol by weight exclusively from grapes, berries and other fruits and vegetables, or both such malt liquor or wine, in the original package or for consumption on the premises.

b. A license under the terms of this Section shall be issued to all qualified applicants who comply fully with the provisions of this Chapter, upon payment of an annual license fee of fifty-two dollars fifty cents (\$52.50) to the Revenue Collections Department.

10. *Retail sales of bulk or packaged wines.*

a. A license issued to retailers that are licensed by the State of Missouri pursuant to Section 311.190, RSMo., selling bulk or packaged wines received from manufacturers licensed under Section 311.190, RSMo., who may purchase wine in bulk, bottle and sell to duly licensed wineries,

wholesalers and retail dealers on any day except Sunday. The issuance of the license provided for in this Subsection includes the right to sell wine in its original package directly to consumers at the winery and to open wine so purchased by customers so that it may be consumed on the winery premises on Monday through Saturday between 6:00 A.M. and Midnight and on Sunday between 9:00 A.M. and 10:00 P.M.

b. A license under the terms of this Section shall be issued to all qualified applicants who comply fully with the provisions of this Chapter, upon payment of an additional annual license fee of seven dollars fifty cents (\$7.50) for each five hundred (500) gallons or fraction thereof of wine produced up to a maximum of four hundred fifty dollars (\$450.00) to the Revenue Collections Department.

11. *Consuming intoxicating liquor on premises not licensed to sell (C.O.L. license).*

a. A license for the privilege of operating a premises within the City where food, beverages or entertainment are sold or provided for compensation and where intoxicating liquor may be drunk or consumed even though such premises does not possess a license for the sale of such intoxicating liquor.

b. It shall be unlawful for any person licensed under the terms of this Section to permit the drinking or consumption of intoxicating liquor in, on or about such premises between the hours of 1:30 A.M. and 6:00 A.M. on any weekday and between the hours of 1:30 A.M. Sunday and 6:00 A.M. Monday.

c. A license under the terms of this Section shall be issued to all qualified applicants who have fully complied with the provisions of this Chapter, upon payment of an annual license fee of ninety dollars (\$90.00) to the Revenue Collections Department.

12. *Wine and malt beverage, permit to allow tasting on premises-- limitations.*

a. Notwithstanding any other provisions of this Chapter to the contrary, any person possessing the qualifications and meeting the requirement of this Chapter, who is licensed to sell intoxicating liquor in the original package at retail, may apply to the Revenue Collections Department for a special permit to conduct wine, malt beverage and distilled spirit tasting on the licensed premises.

b. A license under the terms of this Section shall be issued to all applicants upon payment of an annual license fee of thirty-seven dollars fifty cents (\$37.50) to the Revenue Collections Department.

13. *Retailers selling intoxicating liquor by the drink at a temporary outdoor location (caterers).*

a. *Name.* A temporary license for the privilege of selling, by a caterer or other person within the City, at retail intoxicating liquors with an alcoholic content of more than five percent (5%) by weight for consumption on the premises where sold at a temporary function.

b. *Qualifications.* A temporary license under the terms of this Subsection may be issued to caterers and other persons or entities holding the City and State licenses necessary to sell intoxicating liquor by the drink at retail for consumption on the premises, pursuant to the provisions of this Chapter, for the purpose of furnishing provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises which is outdoors and is enclosed by a rope, chain, barricade or other device which creates an enclosed space for a period not to exceed twenty-four (24) consecutive hours. Such temporary license shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which time alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverage for on-premises consumption.

c. *Additional information.* The dimensions of the enclosed space shall be set forth in the application. If the applicant is not the owner of the enclosed space, the applicant shall provide the City with written evidence that the owner has given permission for the use of the enclosed space for the sale of intoxicating liquors for consumption within the enclosed space.

d. *Fee.* A license under the terms of this Subsection shall be issued to all qualified applicants who comply fully with the provisions of this Chapter, upon payment of a license fee to the City Finance Director of fifteen dollars (\$15.00) for each calendar day or fraction thereof for which the license is issued.

e. *Applicable provisions.* All provisions of this Chapter, including, but not limited to, time constraints, shall extend to such enclosed premises and shall be in force and enforceable during all the time that the licensee, its agents, servants, employees or stock are in such temporary enclosed location. This temporary permit shall not include the sale of packaged goods or the right to take intoxicating liquor off or outside the enclosed premises.

f. *Restriction on number of licenses available.* There shall be no limit on the number of licenses available under the terms of this Subsection, except that persons or entities holding the City and State licenses necessary to sell intoxicating liquor by the drink at retail for consumption on the premises may

only be licensed for one (1) day in any given calendar week. For the purposes of this Subsection, a week shall begin on Sunday.

g. *Security.* During the time a particular function, occasion or event is open for the business of selling intoxicating liquor, a qualified person shall be designated as security for the enclosed premises and that person shall assure compliance with the current "Retailer's Conduct of Business" set forth in 11 CSR 70-2.130 of the Missouri Code of State Regulations. Said person shall be visually identifiable as security. In order to be a qualified person to perform security, that person must either be a Peace Officer or private security officer with a private security officer permit issued by the City of Blue Springs, as those terms are defined in [Chapter 635](#) of the Code of Ordinances of the City of Blue Springs.

h. *Issuance.* [Section 600.080](#) notwithstanding, licenses issued pursuant to this Subsection (13) to persons or entities holding the City and State licenses necessary to sell intoxicating liquor by the drink at retail for consumption on the premises may be approved by the Finance Director or the Finance Director's designate.

14. *Retailers selling intoxicating liquor by the drink at a temporary location (caterers) temporary.*

a. *Name.* A temporary license for the privilege of selling, by a caterer or other licensed person within the City, at retail intoxicating liquors with an alcoholic content of more than five percent (5%) by weight for consumption on the premises where sold at a temporary function.

b. *Qualifications.* A temporary license under the terms of this Subsection may be issued to caterers and other persons or entities holding the City and State licenses necessary to sell intoxicating liquor by the drink at retail for consumption on the premises, pursuant to the provisions of this Chapter, for the purpose of furnishing provisions and service for use at a particular function, occasion or event at a particular location, other than the licensed premises, for a period not to exceed one hundred sixty-eight (168) consecutive hours. Such temporary license shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which time alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverage for on-premises consumption. This temporary permit shall also allow the sale of intoxicating liquor in the original package.

c. *Fee.* A license under the terms of this Subsection shall be issued to all qualified applicants who comply fully with the provisions of this Chapter upon payment of a license fee to the City of Blue Springs of fifteen dollars

(\$15.00) for each calendar day or fraction thereof for which the license is issued.

d. *Applicable provisions.* All provisions of this Chapter, including, but not limited to, time constraints, shall be in force and enforceable during all the time that the licensee, its agents, servants, employees or stock are in such temporary location.

e. *Issuance.* [Section 600.080](#) notwithstanding, licenses issued pursuant to this Subsection (14) to persons or entities holding the City and State licenses necessary to sell intoxicating liquor by the drink at retail for consumption on the premises may be approved by the City Administrator or the City Administrator's designate.

15. *Retailers selling intoxicating liquor by the drink at a temporary location (caterers) annual license.*

a. *Name.* An annual license for the privilege of selling, by a caterer or other licensed person within the City, at retail intoxicating liquors with an alcoholic content of more than five percent (5%) by weight for consumption on the premises where sold at a temporary function.

b. *Qualifications.* An annual license under the terms of this Subsection may be issued to caterers and other persons or entities holding the City and State licenses necessary to sell intoxicating liquor by the drink at retail for consumption on the premises, pursuant to the provisions of this Chapter, for the purpose of furnishing provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, and shall be effective for an unlimited number of functions during the year. Such license shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which time alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverage for on-premises consumption. Any special license issued under this Section shall also allow the sale of intoxicating liquor in the original package.

c. *Fee.* A license under the terms of this Subsection shall be issued to all qualified applicants who comply fully with the provisions of this Chapter upon payment of a license fee to the City of Blue Springs of one thousand five hundred dollars (\$1,500.00).

d. *Reporting function.* Caterers issued a special license pursuant to this Subsection shall report to the City of Blue Springs Finance Department the location of each function three (3) business days in advance. The report of each function shall include permission from the property, description of the premises, and the date or dates the function will be held.

e. *Applicable provisions.* All provisions of this Chapter, including, but not limited to, time constraints, shall be in force and enforceable during all the time that the licensee, its agents, servants, employees or stock are in such temporary location. (Ord. No. 4012 §1, 12-18-06; Ord. No. 4240 §1, 5-18-09; Ord. No. 4272 §1, 11-2-09; Ord. No. 4363 §§1--2, 11-7-11; Ord. No. 4425 §2, 12-17-12)

**SECTION 600.070: TEMPORARY PERMIT FOR SALE BY DRINK -- CERTAIN ORGANIZATIONS**

A. A permit issued by the Revenue Collections Department for the sale of intoxicating liquor for consumption on premises where sold to any church, school, civic, service, fraternal, veteran, political or charitable club or organization 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 of intoxicating liquor for more than seven (7) days by any such club or organization in any fiscal year.

B. At the same time that an applicant applies for a permit under the provisions of this Section, the applicant shall notify the Director of Revenue of the holding of the event by certified mail and by such notification shall accept responsibility for the collection and payment of any applicable sales tax. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 9:00 A.M. and ending at 12:00 Midnight.

C. No provision of law or rule or regulation of the City 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.

D. The applicant shall pay a fee of thirty-seven dollars fifty cents (\$37.50) for such permit. (Ord. No. 4012 §1, 12-18-06)

**SECTION 600.080: ISSUANCE OF LICENSE GENERALLY -- CONTENTS**

A. On approval of the application for a license or permit under this Chapter by the City Council and payment of the license or permit fee as herein provided, the Revenue Collections Department shall grant the applicant a license or permit to conduct business at the specified location in the City for the period set forth in [Section 600.100](#) or the Subsection authorizing the permit. Every license or permit issued under the provisions of this Chapter shall set forth the type of license granted and shall particularly describe the premises at which intoxicating liquor may be sold thereunder and such license or permit shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein.

B. Licenses and permits granted under this Chapter shall be signed by the Mayor and City Clerk and the Seal of the City shall be affixed by the City Clerk. (Ord. No. 4012 §1, 12-18-06)

**SECTION 600.090: ISSUANCE TO ESTABLISHMENTS NEAR CHURCHES, SCHOOLS**

No license shall be granted for the sale or consumption of intoxicating liquor as defined in this Chapter within three hundred (300) feet of the building of any school, college, university or church; provided however, this Chapter shall not be construed to prohibit the issuance or reissuance of the same type of license as now exists in the following instances:

- A. Reissuance to existing licensee.
- B. Issuance of a license to a successor in business of the existing licensee provided said licensee has been actively engaged in business within the preceding one hundred eighty (180) days.
- C. For the purpose of this Section, the word "*church*" is defined in [Section 600.010](#). (Ord. No. 4012 §1, 12-18-06)

**SECTION 600.100: LICENSE TERM -- RENEWAL**

- A. A license required by this Chapter shall be issued for a period of one (1) year from the first (1st) day of July of each year, and persons desiring to secure a license after the first (1st) day of July shall pay for such portion of the license year remaining at the time such a license is issued. Thereafter all renewals of licenses shall be made on the first (1st) day of July of each year.
- B. Provided however, that if any license issued hereunder remains dormant and unused for any six (6) month period, such license shall terminate automatically upon the expiration of such period. Upon such termination of license or upon licensee's voluntary termination of business under said license, no license fee paid shall be refunded to the licensee. (Ord. No. 4012 §1, 12-18-06)

**SECTION 600.110: LICENSES NON-TRANSFERABLE -- EXCEPTIONS**

- A. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this law, may make application and the City Council may transfer such license to

permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased.

B. Whenever one (1) or more members of a partnership withdraws from the partnership, the City, upon being requested, shall permit the remaining partner or partners originally licensed to continue to operate for the remainder of the period for which the license fee has been paid without obtaining a new license. (Ord. No. 4012 §1, 12-18-06)

## **SECTION 600.120: RENEWALS -- AFFIDAVIT REQUIRED**

A. *Affidavit Required, Fees.* Upon the submission of an affidavit signed by the original applicant to whom a license has been issued as provided hereunder and a copy of applicant's current State of Missouri license, a City license may be renewed. Such affidavit shall be submitted to the Revenue Collections Department not earlier than sixty (60) days nor later than thirty (30) days prior to the expiration date of the license to be renewed upon forms provided by the Revenue Collections Department and shall state the changes, if any, in the facts or information contained in the original application, together with such other data required by the form and relevant to the operation of the licensee and shall be accompanied by a certified or cashier's check or other funds acceptable to the City for the renewal fee in the amount provided for in the original license as set forth in [Section 600.060](#) herein.

B. *Changes In Facts From Original Application.* In the event there are no changes in the facts or information upon which the license was originally issued or was issued on last renewal of the same, the license shall be reissued by the Revenue Collections Department upon compliance with the above requirements. If there are such changes, the renewal affidavit will be referred to the City Council for consideration thereof. In the event the Council finds that such changes would not have prevented the original issue or last renewal of the license, the license shall be renewed. Otherwise renewal will be denied.

C. *Failure To Submit Affidavit On Time.* Renewal affidavits not received by the Revenue Collections Department in a timely manner shall be void and of no effect and the license shall lapse without privilege of renewal at the end of the term thereof. The City Council may, at its discretion, act to relieve a former license holder of such lapse if it finds that such lapse was due to excusable neglect. The decision of said Council shall be final.

D. *Lost Or Destroyed Licenses.* If a license is lost or destroyed, the same will be replaced upon application therefore and payment of a replacement fee of twenty-five dollars (\$25.00) to the Revenue Collections Department by said licensee. Application for a duplicate license must be by affidavit executed by the licensee which must set forth:

1. Date upon which license was lost or destroyed;
2. Circumstances under which license was lost or destroyed;
3. Request that duplicate license be issued. (Ord. No. 4012 §1, 12-18-06)

#### **SECTION 600.130: LICENSE SUSPENSION AND REVOCATION**

A. The City Council may, after hearing, suspend for a period of time determined by the Council or revoke any license issued under the provisions of this Chapter whenever a dealer licensed hereunder has not at all times kept an orderly place or house or has violated any of the provisions of this Chapter or any City, Federal or State law, ordinance or regulation relating to the control of liquor first having given such licensee not less than ten (10) days' notice in writing of the proposal to suspend or revoke his/her license prior to the order of suspension or revocation issuing, which such notice shall contain the grounds for such suspension or revocation set out therein and which notice shall command the licensee to be present at the regular meeting or called meeting of the City Council and show cause, if any, why such license should not be suspended or revoked; provided, that such licensee shall have full right to be represented by counsel at such hearing and may produce witnesses and evidence in his/her behalf at such hearing; provided further, that such notice of suspension or revocation hearing shall be served by a Police Officer and may be served upon the licensee by leaving a copy thereof with the licensee or any person or employee in charge at the place of business of such license. Upon the suspension or revocation of any license, no license fee paid shall be refunded to the licensee.

B. Every licensee shall, in addition to the requirements of this Chapter, comply in every respect with all Federal liquor laws and with the Liquor Control Law of the State of Missouri, and any violation thereof shall be valid reason for the suspension or revocation of any license issued under this Chapter.

C. No licensee who shall have had his/her license suspended by order of the City Council shall sell or otherwise dispose of any intoxicating liquor at retail or give the same away during the period of time such order of suspension is in effect. Any licensee desiring to keep his/her premises open for the sale of food or merchandise other than intoxicating liquor during such period of suspension shall display the order of suspension issued by the City Council in a conspicuous place on the premises so that all persons visiting the premises may readily see the same. (Ord. No. 4012 §1, 12-18-06)

#### **SECTION 600.140: APPLICABILITY TO DRUGSTORES**

Regularly licensed drugstores may be lawfully in possession of intoxicating liquor to be used in connection with the business of a druggist in compounding medicines, or as a

solvent or preservative, without being subject to the provisions of this Chapter. However, any druggist or drugstore operator desiring to sell intoxicating liquors, either for consumption on the premises or in the original package not to be consumed on the premises, shall procure the proper license therefore as denominated in [Section 600.060](#) and be in all matters subject to the provisions of this Chapter regulating to the location, licenses to be paid and hours at which such intoxicating liquor may be sold. (Ord. No. 4012 §1, 12-18-06)

#### **SECTION 600.150: GAMBLING DEVICES PROHIBITED**

The operation or possession of any gambling device in or about the premises where intoxicating liquor is sold either in the original package or for consumption on the premises where sold shall be grounds for suspension or revocation of the license required by this Chapter and no licensee shall permit any gambling device to be set up or used in or about such premises. (Ord. No. 4012 §1, 12-18-06)

#### **SECTION 600.160: KEEPING UNAUTHORIZED LIQUOR ON PREMISES**

It shall be unlawful for the holder of any license authorized by this Chapter for the sale of any intoxicating liquor at retail by the drink for consumption on the premises where sold to keep or secrete or to allow any other person to keep or secrete in or upon the premises described in such license any intoxicating liquor other than the kind of liquor expressly authorized to be sold by such license. (Ord. No. 4012 §1, 12-18-06)

#### **SECTION 600.170: HOURS REGULATED -- GENERALLY**

Except as otherwise provided in this Chapter, no person having a license or permit under this Chapter nor any employee of such person shall sell, give away or otherwise dispose of or suffer the same to be done upon or about his/her premises 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. If the person has a license to sell intoxicating liquor by the drink, his/her 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; except that a "restaurant bar", as it is defined in Section 311.097, RSMo., that is properly licensed within the City to do so may also sell intoxicating liquor between the hours of 9:00 A.M. on Sunday and Midnight on Sunday by the drink at retail for consumption on the premises. 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 (1) room only and substantial quantities of food and merchandise other than intoxicating liquors are dispensed, 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. As stated in [Section 600.010](#) 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 to a person licensed to sell the intoxicating liquor at retail. (Ord. No. 4012 §1, 12-18-06)

**SECTION 600.180: LIQUOR BY THE DRINK ON SUNDAYS ALLOWED ON CERTAIN DAYS**

Notwithstanding any ordinance to the contrary, whenever January first (1 st), March seventeen (17th), July fourth (4th) or December thirty-first (31st) 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 the license granted by the City of Blue Springs, Missouri, on that day from the time and until the time which would be lawful on another day of the week. Nothing in this Section shall be construed to authorize the sale of intoxicating liquor in the original package and not for consumption on the premises where sold on such day. (Ord. No. 4012 §1, 12-18-06)

**SECTION 600.190: PERMITTING CONSUMPTION ON UNLICENSED PREMISES**

It shall be unlawful for any person operating any premises where food, beverages or entertainment are sold or provided for compensation, who does not possess a license for the sale of intoxicating liquor or a permit issued pursuant to [Section 600.070](#), to permit the drinking or consumption of intoxicating liquor in, on or about such premises without having a license or permit as provided in this Chapter. (Ord. No. 4012 §1, 12-18-06)

**SECTION 600.200: SELLING, SUPPLYING TO DRUNKARDS, MINORS**

No person shall sell or supply intoxicating liquor, or permit same to be sold or supplied, to a habitual drunkard or to any person who is intoxicated or appears to be in a state of intoxication. Intoxicating liquor shall not be given, sold or otherwise supplied to any person under the age of twenty-one (21) years, but this shall not apply to the supplying of intoxicating liquor to a person under such age for medicinal purposes only or to supplying or giving by the parent or guardian of such person or to the administering of such intoxicating liquor to such person by a physician. (Ord. No. 4012 §1, 12-18-06)

**SECTION 600.210: PERMITTING CONSUMPTION BY MINORS**

The drinking or consumption of intoxicating liquor shall not be permitted in or about any licensed premises by any person under twenty-one (21) years of age. (Ord. No. 4012 §1, 12-18-06)

**SECTION 600.220: SALES BY MINORS PROHIBITED -- EXCEPTION**

Except as provided in Subsections (A), (B) and (C) of this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor.

A. In any place of business licensed in accordance with this Chapter, where at least fifty percent (50%) of the gross sales made consists of goods, merchandise or commodities other than intoxicating liquor in the original package, persons at least eighteen (18) years of age may stock, arrange displays, accept payment for and sack for carry-out intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age twenty-one (21) years.

B. In any distillery, warehouse, wholesale distributorship or similar place of business which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail or dispensing for consumption or sale at retail.

C. Persons eighteen (18) years of age or older may, when acting in the capacity as waiter or waitress, accept payment for or serve intoxicating liquor in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating liquor. (Ord. No. 4012 §1, 12-18-06)

**SECTION 600.230: PURCHASE OR POSSESSION OF INTOXICATING LIQUOR**

Any person under the age of twenty-one (21) years who purchases or attempts to purchase or has in his or her possession, any intoxicating liquor as defined in [Section 600.010](#) or who is visibly in an intoxicated condition, or has a detectable blood alcohol content of more than two-hundredths of one percent (0.02%) or more by weight of alcohol in such person's blood is guilty of a violation of this Section. In prosecutions pursuant to this Section regarding the purchase or possession of intoxicating liquor by a person under twenty-one (21) years of age, the Municipal Court shall presume that the contents of a manufacturer sealed container describing that there is intoxicating liquor therein, does contain the listed contents. This presumption may be rebutted by the

defendant by the presentation of good and sufficient evidence to the contrary. (Ord. No. 4012 §1, 12-18-06; Ord. No. 4300 §1, 5-17-10)

**SECTION 600.240: MISREPRESENTATION OF AGE**

No person under the age of twenty-one (21) years shall represent that he/she has attained the age of twenty-one (21) years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor. (Ord. No. 4012 §1, 12-18-06)

**SECTION 600.250: POSSESSION OF ILLEGAL LIQUOR**

No person shall possess intoxicating liquor within the City unless the same has been acquired from some person holding a duly authorized license to sell the same under this Chapter, or unless the intoxicating liquor is had or kept with the written or printed permission of the State Supervisor of Liquor Control, and the packages in which intoxicating liquor is contained and from which it is taken for consumption has, while containing intoxicating liquor, been labeled and sealed with the official seal prescribed under State law and the regulations made thereunder. Nothing in this Section shall be so construed as to prevent the natural fermentation of fruit juices in the home for the exclusive use of the occupants of the home and their guests. (Ord. No. 4012 §1, 12-18-06)

**SECTION 600.260: CHANGING LOCATION OF PREMISES**

No licensee under the provision of this Chapter shall be permitted to operate under his/her license at a new location and sell intoxicating liquor without the express approval of the City Council, upon such terms as the Council may impose. (Ord. No. 4012 §1, 12-18-06)

**SECTION 600.270: UNLAWFUL FOR MINOR TO ENTER PREMISES -- SIGN REQUIRED -- EXCEPTIONS**

Except as provided in [Section 600.220](#), it shall be unlawful for any person under the age of twenty-one (21) years to enter the premises of a licensee holding a license under this Chapter which permits consumption of intoxicating liquor on the premises at any time when the sale of intoxicating liquor is permitted by this Chapter, unaccompanied by either his/her parent or legal guardian, except licensees in which at least fifty percent (50%) of the gross sales made consist of goods, merchandise or commodities other than intoxicating liquor; said licensee shall have posted conspicuously in his/her place of business a sign to the effect that minors unaccompanied by either their parent or legal guardian are not to enter the premises; provided however, that nothing in this Section contained shall be construed as prohibiting the entrance of any person between the ages of eighteen (18) and twenty-one (21) years into such posted premises if such person is a

bona fide employee of such establishment who is not in any way employed in the actual sale, service or dispensing of intoxicating liquor. (Ord. No. 4012 §1, 12-18-06)

**SECTION 600.280: ANNEXATION OF AREA WITH EXISTING LICENSE**

In the event there is a retailer of intoxicating liquor, not in excess of five percent (5%) alcohol by weight, by the drink or in the original package for consumption on or off the premises, present in any area annexed by the City at a date after November 3, 1969, said establishment, if properly licensed immediately prior to said annexation, and notwithstanding the population limitation set forth above, will be issued a license upon proper application and compliance herewith and as provided for hereunder, and said license will be good and valid as long as licensee complies with this Chapter to the expiration date of the license or until the licensee, at the time of said annexation, ceases to operate the establishment in substantially the same manner as of the date of annexation, whichever might first occur, and such license may be renewed in the manner provided here. (Ord. No. 4012 §1, 12-18-06)

**SECTION 600.290: PREMISES OF LICENSEE TO BE KEPT CLEAN -- DISORDERLY CONDUCT PROHIBITED -- WINDOWS TO BE UNOBSTRUCTED**

The licensee shall keep and maintain the premises, both interior and exterior, in a clean and orderly condition, shall not permit disorderly conduct or other violations of law thereon, and shall during hours in which the same are open for business keep the premises lighted sufficiently so that both the interior and exterior may be inspected easily. Windows of the premises shall not be obstructed so as to prevent reasonable viewing of the interior from the exterior thereof. (Ord. No. 4012 §1, 12-18-06)

**SECTION 600.300: INSPECTION BY CITY COUNCIL**

The City Council, or any of them, or any duly appointed inspector or agent or Police Officer may inspect the premises of any licensee at any reasonable time, without warrant, and the acceptance of the license under this Chapter shall be construed as a waiver by the licensee of any constitutional or other limitations upon search and seizure. (Ord. No. 4012 §1, 12-18-06)

**SECTION 600.310: LICENSEES TO BE RESPONSIBLE FOR CONDUCT OF BUSINESS**

Licensees are, at all times, responsible for the conduct of their business and, at all times, directly responsible for any act or omission or conduct of any employee on the premises which is in violation of law. (Ord. No. 4012 §1, 12-18-06)

**SECTION 600.320: SET-UPS AND INTOXICATING BEVERAGES OVER FIVE PERCENT PROHIBITED ON PREMISES**

No person holding a license under this Chapter, except those licensees under Subsections (7), (8) and (11) of [Section 600.060](#), shall knowingly sell, give away or serve upon the premises described in said license any glass, ice, water, soda water or any other kinds of liquids to be used for the purpose of mixing intoxicating drinks and commonly referred to as "setups"; nor shall any licensee suffer any person, while in or upon the premises covered by such license, to possess or consume an intoxicating liquor, except malt liquor containing not in excess of five percent (5%) of alcohol by weight, or to pour into, mix with or add intoxicating liquor to water, soda water, ginger ale, seltzer or other liquid. (Ord. No. 4012 §1, 12-18-06)

**SECTION 600.330: SALE OF INTOXICATING LIQUOR THROUGH DRIVE-UP WINDOW PROHIBITED**

It shall be unlawful for the holder of any license authorized by this Chapter for the sale of any intoxicating liquor at retail, either in the original package or for consumption on the premise where sold, to supply, sell or permit to be sold any intoxicating liquor through any drive-up or walk-up window or facility where the customer or person receiving the intoxicating liquor is not required to enter the premises of the license. (Ord. No. 4012 §1, 12-18-06)

**SECTION 600.340: CONSUMPTION IN CERTAIN PUBLIC PLACES DURING FALL FUN FESTIVAL -- RESTRICTIONS**

A. It shall be unlawful for any person to drink, consume or have in their possession in any open container any intoxicating liquors or beer in or upon the streets, alleys or public places within an area bounded on the north by Vesper Street, the east by Eighth Street, the south by Walnut Street and the west by Fifteenth Street such that the boundary line shall be the outermost edge of the paved portion of said streets herein named, except that certain intoxicating liquors and beer, as described by definition in this Chapter, may be drunk, consumed or be possessed in an open condition within the "beer garden" authorized herein.

B. The exception set forth in Subsection (A) above shall only apply from 6:00 A.M. on the day that the Fall Fun Festival begins until 6:00 P.M. on the day that such festival ends.

C. One (1) "beer garden" shall be located within the above described area during the Fall Fun Festival. It shall be enclosed within a fenced-in area. The consumption of "beer" as defined in Subsection (D) and "wine coolers" as defined in Subsection (H) shall be allowed within the fenced-in area. No "beer" or "wine coolers" shall be removed for consumption elsewhere within the area described in Subsection (A).

D. "Beer," for the purpose of this Section only, is defined as malt liquor containing alcohol in excess of one-half of one percent (0.5%) by volume, manufactured from pure hops or pure extract of hops or pure barley malt or wholesome grains or cereals and wholesome yeast and pure water.

E. Nothing contained herein shall be deemed to restrict the consumption of intoxicating liquors inside the confines of any establishment properly licensed, on an annual basis, to serve or sell intoxicating beverages.

F. Any person violating any of the provisions of the foregoing Sections shall be deemed guilty of a misdemeanor and upon conviction shall be punished under [Section 100.080](#) of this Code.

G. The dates for the Fall Fun Festival shall be designated annually by the City Council of the City by resolution.

H. "Wine cooler", for the purpose of this Section only, is defined as a combination of wine exclusively from grapes, berries and other fruits and vegetables and other liquids which contains no more than five percent (5%) alcohol by volume. (Ord. No. 4012 §1, 12-18-06)

#### **SECTION 600.350: EMPLOYEE'S PERMIT**

A. *Required.* All persons employed in the sale of retail sale, dispensation, service or delivery of intoxicating liquor must obtain a permit to do so from the Chief of Police or his/her designated representative, except that no permit shall be required of a person employed solely as a cashier on a by-the-drink premises where substantial quantities of food are sold, and except that volunteers for non-profit entities selling beer and wine coolers from 6:00 A.M. on the day that the Fall Fun Festival begins until 6:00 P.M. on the day that such Festival ends on those days designated, pursuant to [Section 600.340\(G\)](#), by the City Council to be the dates for the Fall Fun Festival shall not be required to obtain an employee's permit except that at each point of sale of beer and wine coolers there shall be, during all times that the point of sale is in operation, at least one (1) volunteer who has a current and valid employee's permit.

B. *Obtaining Permit.* Each applicant must appear in person to make application and be fingerprinted and photographed by the Chief of Police or his/her designated representative. Each applicant shall also be checked via computer to determine if he /she has been convicted in court of any felony. If not, the applicant will pay the City of Blue Springs, Missouri, the sum of thirty dollars (\$30.00) and be issued a temporary permit which will be good for a period of not less than thirty (30) days and may, at the discretion of the Chief of Police or his/her designated representative, be extended to cover the period of time necessary for detailed investigation, hearing or training. All applicants will be required to successfully complete the Blue Springs Police Department's Retail Alcohol Seller/ Server Training on or before the expiration

date of the temporary permit in order to be issued a full permit. If the applicant meets the applicable requirements of the City and State, then such applicant will be issued a full permit good for three (3) years from the date of the original application. Upon the expiration of the full permit, the applicant must complete a new application process and training in order to obtain a new full permit.

C. *Form, Content Of Permit.* All permits shall bear the name and photograph of the applicant.

D. *Invalidation, Suspension, Revocation.* In the event a permitted employee becomes a person not of good moral character or is convicted in court of any felony, his/her permit shall become invalid.

If a permitted employee shall be found guilty of violating or contributing to the violation of any of the provisions of this Chapter, his/her permit shall be subject to suspension or revocation by the Chief of Police or his/her designated representative; provided however, such permitted employee shall be given a hearing before the City Council in the same manner as licensees under this Chapter if the permitted employee, in writing, appeals the decision of the Police Chief or his/her designated representative to the City Council by submitting said request for hearing to the City Administrator within fourteen (14) days of the date of the suspension or revocation. Any violation of a suspension order shall be grounds for further suspension or revocation.

E. *Exceptions.* Whereas a conviction for a felony in any court shall be grounds for either refusing a permit or for suspending or revoking same, the Chief of Police or his/her designated representative shall nevertheless issue or renew such permit if such person has, subsequent to such conviction, been lawfully restored his/her civil rights, provided however, that the Chief of Police or his/her designated representative shall have the independent right to weigh and judge the degree of moral turpitude involved in such conviction and all the circumstances surrounding the commission of such felony, and after such consideration have the discretion to refuse to issue or renew such permit even if such person shall otherwise be qualified to hold an alcoholic beverage license in the State of Missouri and meets the other requirements of this Chapter. (Ord. No. 4012 §1, 12-18-06; Ord. No. 4311 §1, 8-16-10)

#### **SECTION 600.360: UNLAWFUL ACTS AND PENALTY**

A. *No Permit.* It shall be unlawful for any retail licensee to have in his/her employ to sell or assist in the retail sale, dispensation, service or delivery of intoxicating liquor any person who does not have an employee's permit issued by the Chief of Police or his/her designated representative.

B. *False Representation.* It shall be unlawful for any person to use or possess any false or falsified employee's permit issued, or purporting on its face to have been issued, by the Chief of Police or his/her designated representative for the purpose of

using such permit to obtain employment in or to purchase intoxicating liquor from any premises granted a license under the provisions of this Chapter or to misrepresent to any licensee, his/her agent, servant or employee or to the Chief of Police, his/her designated representative or any member of the Police Department such person's age to be twenty-one (21) years or older.

C. *Falsifying Permit.* It shall be unlawful for any person to manufacture, forge, reproduce in any way or to otherwise falsify an employee's permit issued, or purporting on its face to have been issued, by the Chief of Police or his/her designated representative or to give, lend, sell or otherwise provide to any person a false, falsified, manufactured, forged or reproduced employee's permit issued by the Chief of Police or his/her designated representative.

D. *Use Of Another's Permit.* It shall be unlawful for any lawful holder of any employee's permit issued by the Chief of Police or his/her designated representative to give, lend, sell or otherwise provide such permit to any other person, or for any person not the lawful holder of such permit to use the same for any purpose declared to be unlawful by the provisions of this Chapter or to give, lend, sell or otherwise provide such permit to any other person.

E. *Penalty.* Any person found guilty of violating the provisions of this Section shall be fined in a sum of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) or by a sentence of not more than ninety (90) days imprisonment, or by both such fine and imprisonment. (Ord. No. 4012 §1, 12-18-06)

#### **SECTION 600.370: CERTAIN ACTS PROHIBITED IN PREMISES LICENSED TO SELL AT RETAIL INTOXICATING LIQUOR, WINE OR BEER**

A. It shall be unlawful for any retail licensee, licensed to sell intoxicating liquor, wine or beer or his/her employee to permit in or upon his/her licensed premises:

1. The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
2. The displaying of any portion of the areola of the female breast;
3. The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals;
4. The actual or simulated displaying of the pubic hair, anus, vulva or genitals;
5. Any person to remain in or upon the licensed premises who exposes to public view any portion of his/her genitals or anus; and

6. The displaying of films, video programs or pictures depicting acts, the live performances of which are prohibited by this regulation or by any other law.

B. In addition to the licensee and/or his/her employee being subject to all penalties contained in [Section 100.080](#) of this Code, violation of any act or any provision contained herein shall be grounds for the license of the licensee to be suspended or revoked. (Ord. No. 4012 §1, 12-18-06)

*Cross References--Alcoholic beverages, [ch. 600](#); suspension, revocation of license, §600.130; disorderly conduct on licensed premises, [§600.290](#); public indecency, [§220.350](#).*