

Chapter 3

ALCOHOLIC BEVERAGES

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Chapter 3

ALCOHOLIC BEVERAGES

ARTICLE I. IN GENERAL

Sec. 3-1. Sales license required.

Ardent spirits, vinous, fermented and every class of liquors used as beverages and having an alcoholic content in excess of five percent (5%) by weight may be sold by the drink at retail for consumption on the premises where sold, where the person, firm, association, partnership or corporation desiring to sell such liquor by the drink at retail for consumption on the premises where sold shall first have obtained a license to do so from the Village Clerk in the manner hereinafter set out; a separate license shall be required for each place of business; provided that no such license shall be issued where the place of such sale is within one hundred feet of any church, school or other building regularly used as a place of religious worship, unless the applicant for such license shall first obtain the consent in writing of the board of directors of such school, or the consent in writing of the majority of the managing board of any such church or place of worship; except, that when a school, church or place of worship shall be established within one hundred feet of any place of business then licensed to sell liquor having an alcoholic content in excess of five percent (5%) by weight, by the drink at retail for consumption in the premises where sold, the license shall not be denied for lack of consent in writing as herein provided. (Ord. 133, §1)

Sec. 3-2. Annual license fee.

The annual license fee for every license issued for the sale by the drink of intoxicating liquor with an alcoholic content in excess of five percent (5%) by weight for consumption on the premises where sold shall be \$450.00, which sum shall be paid by the applicant at the time the application for such license or any renewal thereof is made. (Ord. 133, §2)

Sec. 3-3. License requirements.

No person shall be granted a license hereunder unless such person is of good moral character and a qualified legal voter and taxpaying citizen of the State of Missouri and no person shall be granted a license or permit hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of the Twenty-First Amendment to the Constitution of the United States, of the violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs or has employed in his business, as such dealer, any person whose license has been revoked or who has been convicted of violating the provisions of any such laws since the date aforesaid. (Ord. 133, §3)

Sec. 3-4. License approval.

Upon the filing of application for license herein, said application shall be presented to the Board of Trustees at its next regular or special meeting, and upon approval of said application by a majority of said Board, and upon payment of the license fee herein provided for, the Village Clerk issue a license to applicant to conduct business in the Village until June 30 following its issuance; applications for renewal of licenses herein granted shall be filled with the Village Clerk at least sixty (60) days prior to the expiration of the license previously issued; this requirement may, for good cause shown, be waived by the Board of Trustees. (Ord. 133, §4)

Sec. 3-5. License non-transferable or assignable.

No license issued pursuant to this ordinance shall be transferable or assignable. (Ord. 133, §5)

Sec. 3-6. License posting.

All licenses issued pursuant to the provisions of this ordinance shall be kept conspicuously posted in the place for which such license was issued. (Ord. 133, §6)

Sec. 3-7. License issue and renewal dates.

The annual licenses issued hereunder shall be dated July 1 and shall expire June 30 of the following year, and the fee for such license shall be paid annually in advance. (Ord. 133, §7)

Sec. 3-8. Revocation.

The Board of Trustees shall revoke any license issued hereunder when it is shown that a licensee has violated the provisions of this ordinance or the Liquor Control Act of Missouri. (Ord. 133, §8)

Sec. 3-9. Violation for no license.

It shall be unlawful and a violation on this ordinance for any person, firm, association, partnership or corporation to sell or expose intoxicating liquor with an alcoholic content in excess of five percent (5%) by weight for sale by the drink at retail for consumption on the premises where sold without taking out and having a license as provided by this ordinance. (Ord. 133, §9)

Sec. 3-10. Supply or sale of alcoholic beverage to minor.

Any person who is licensed by the Village of Freeburg to sell alcoholic beverages by the drink, or his agents or employees who shall sell, barter, give away or by any means allow a minor under the age of 21 years to possess or consume any alcoholic beverage while in or upon the licensed premises shall be deemed guilty of a misdemeanor. (Ord. 136, §1; Ord. 152, §1)

Sec. 3-11. Taverns shall be closed on Sundays.

All taverns and bars shall be closed from 1:30 a.m. Sunday to no earlier than 6:00 a.m. Monday. The doors to the establishment shall remain LOCKED during this time and NO persons, other than EMPLOYED CLEAN UP PERSONS OR OWNERS, may be in the alcoholic serving area at any time. Persons violating this section shall be deemed guilty of a misdemeanor. (Ord. 136, §2; Ord. 152, §2)

Sec. 3-12. Licensee to be responsible at all times.

The person to whom the license to sell alcoholic beverages is issued shall AT ALL TIMES BE HELD RESPONSIBLE FOR ALL PERSONS WHO ARE UNDER THE AGE OF 21 YEARS WHILE IN HIS/HER ESTABLISHMENT. This burden of responsibility shall be ever inclusive and any and all violations shall be Prima Facie evidence of guilt and said licensee shall be deemed guilty of a misdemeanor. (Ord. 136, §3)

Sec. 3-13. Violations and penalty.

Any person in violation of any section of this ordinance shall be deemed guilty of a misdemeanor and upon conviction fined and/or jailed not to exceed the limits as provided for under the Missouri State Statutes for specific classes of misdemeanors of such nature. Suspension and/or revocation of any or all license to serve or sell alcoholic beverages may also result from violation of this ordinance. (Ord. 136; Amended by Ord. 152, §4)

Sec. 3-14. Closing hours and hours of operation.

- (a) No person or entity duly licensed to dispense intoxicating liquors (as defined by Section 311.020 of the Revised Statutes of Missouri) or non-intoxicating beer, nor the employees of such person or entity, shall sell, give away, or otherwise dispense intoxicating liquor or non-intoxicating beer, or in anyway permit such to be done upon or about the premises of such person or entity, by drink or in the original package, between the hours of 1:30 o'clock A.M. and 6:00 o'clock A.M. on weekdays and between 1:30 o'clock A.M. and 9:00 o'clock A.M. on Sunday or between 12:00 o'clock midnight on Sunday and 6:00 o'clock A.M. on Monday.

- (b) It shall be deemed unlawful for intoxicating liquor or non-intoxicating beer to be sold on any premises used as a polling place on election day.
 - (c) Any person or entity in violation of this section shall be subject to a fine of not more than \$500.00 for each such sale.
- (Ord. 180, §1-3)