



Bill No. 4103

Ordinance No. _____

INTRODUCED BY

ALDERMEN UTT, FINLEY, STALLMANN, ROACH, FLEMING, LEAHY, KERLAGON, BULLINGTON

AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 3 OF THE CITY CODE OF ORDINANCES REGARDING ALCOHOLIC BEVERAGES

WHEREAS, the Missouri Legislature has enacted legislation (SB 126 2021) revising the laws regarding the sale of intoxicating liquor; and

WHEREAS, it is necessary and proper to revise Chapter 3 of the City Code of Ordinances to match such changes in state law.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Sections 3-52, 3-55, 3-56, 3-57 and 3-71 of the Code of Ordinances of the City of Ballwin are hereby amended to read as follows:

Sec. 3-52. Classes; annual fees.

A separate license shall be taken out, and an annual fee paid, for each of the following classes of sales of intoxicating liquors:

- (1) To sell intoxicating liquor for consumption on premises where sold, including sale in the original package (or as otherwise provided in RSMo. Section 311.202), with an annual fee of \$450.00.
- (2) To sell intoxicating liquor in the original package (or as otherwise provided in RSMo. Section 311.202), not to be consumed on the premises where sold, with an annual fee of \$150.00.
- (3) To sell malt liquor and light wine or both malt liquor and light wine at retail, by the drink, for consumption on the premises where sold, with an annual fee of \$50.00.
- (4) To sell malt liquor in the original package (or as otherwise provided in RSMo. Section 311.202) but not for resale or consumption on the premises where sold, with an annual fee of \$22.50.
- (5) To sell light wine and malt liquor for consumption on the premises where sold for a church, school, civic, service, fraternal, veteran, political, or charitable club or organization at a picnic, bazaar, fair or similar gathering. Such permit shall be issued only for the day or days specified and shall not be for more than seven days per fiscal year, with a fee of \$35.00.
- (6) To sell intoxicating liquor, including the sale in original package (or as otherwise provided in RSMo. Section 311.202) on Sunday between the hours of 6:00 a.m. and 1:30 a.m. on

the following Monday, for operations meeting the definition of restaurant bar or amusement place as provided by state law with an annual fee of \$300.00.

- (7) To sell intoxicating liquor at wholesale, with an annual fee of \$375.00 plus \$1.00 per gallon sold.
- (8) To manufacture, distill or brew intoxicating liquor with an annual fee of \$350.00 plus any appropriate fee for gallons produced.
- (9) To sell intoxicating liquor in the original package (or as otherwise provided in RSMo. Section 311.202), not to be consumed on the premises where sold, on Sunday between the hours of 6:00 a.m. and 1:30 a.m. on the following Monday for establishments qualifying under state law with an annual fee of \$300.00.
- (10) To sell malt liquor at retail by drink for consumption on the premises where sold, with an annual fee of \$50.00 per year. Notwithstanding the provisions of RSMo. 311.290, any person licensed pursuant to this subsection may also sell malt liquor at retail by drink for consumption on the premises where sold between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on the following Monday.
- (11) For the privilege of manufacturing wine or brandy, which manufacturing shall be in accordance with all provisions of federal law applicable thereto except as may otherwise be specified by state law, in quantities provided by state law, not in excess of 18 percent of alcohol by weight for wine, or not in excess of 34 percent of alcohol by weight for brandy, from grapes, berries, other fruits, fruit products, honey, and vegetables produced or grown in the State of Missouri, exclusive of sugar, water and spirits, with an annual license fee of \$5.00 for each 500 gallons or fraction thereof produced up to a maximum license fee of \$300.00.

Sec. 3-55. Restaurant bar; Sunday license.

- (a) Notwithstanding any other provision of this article, any person who possesses the qualifications required by this article, and who now or hereafter meets the requirements of and complies with the provisions of this article, may apply for, and upon approval of the board of aldermen, the city clerk may issue a license to sell intoxicating liquor, between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on the following Monday by the drink at retail for consumption on the premises of any restaurant bar as described in the application.
- (b) Persons holding a license under this section shall comply with all provisions of state law and with all other ordinances and regulations of the city relating to the sale of liquor by the drink for consumption on the premises where sold; and, in addition to all other fees required by the ordinances of the city, a restaurant bar shall pay an additional fee of \$300.00 a year, payable at the same time and in the same manner as are other license fees.

Sec. 3-56. Amusement place; Sunday sale.

- (a) Notwithstanding any other provision of this chapter to the contrary, any person who possesses the qualifications required by this section and who now or hereafter meets the requirements of and complies with the provisions of this section may apply for a license to sell intoxicating liquor between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on the following Monday, by the drink at retail for consumption on the premises of any amusement place described in the application.
- (b) Persons holding a license under this section shall pay the same fee as the fee charged for a restaurant bar license as set out in section 3-54
- (c) Any new amusement place having been in operation less than 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 6:00 a.m. on Sunday and 1:30 a.m. on the following Monday for a period not to exceed 90 days if the amusement place can show a projection of annual business from game participation of at least 50 percent of a total gross business of at least \$300,000.00 for the first year of operation. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.
- (d) Except for those licensees possessing a license to sell intoxicating liquor, pursuant to section 3-52(1), nothing in this section shall be construed to permit a licensee to sell intoxicating liquor, malt liquor, or beer for off-premises consumption.

Sec. 3-57. Limited permit to sell light wine and malt liquor; picnic license.

- (a) Notwithstanding the other provisions of this chapter, a permit for the sale of light wine and malt liquor for consumption on the premises where sold may be issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for the sale of light wine or malt liquor at a picnic, bazaar, fair or similar gathering. Such permit shall be issued only for the day or days named therein and shall not authorize the sale of light wine and malt liquor for more than seven days by any such organization in any fiscal year.
- (b) To secure the permit, the applicant shall complete a form provided by the city clerk; however, no applicant shall be required to furnish a personal photograph as part of the application.
- (c) If the event will be held on a Sunday, the permit shall authorize the sale of light wine and malt liquor between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on the following Monday.
- (d) No provision of law or regulation 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.



Sec. 3-71. Hours and days sales permitted.

No person shall sell, give away or otherwise dispose of or permit the sale or disposition on or about his premises of any intoxicating liquor in any quantity on any day between the hours of 1:30 a.m. and 6:00 a.m.

Section 2. This Ordinance shall take effect and be in full force from and after its passage and approval.

PASSED this ____ day of _____, 2021.

TIM POGUE, MAYOR

APPROVED this ____ day of _____, 2021.

TIM POGUE, MAYOR

ATTEST: _____
ERIC STERMAN, CITY ADMINISTRATOR