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**ALCOHOLIC BEVERAGES**

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 *(Revised 09/08)*

**Chapter 3**

**ALCOHOLIC BEVERAGES**

**ARTICLE I**

**IN GENERAL**

**Sec. 3-1. Sellers of intoxicating liquor – prohibited hours of operation.**

 (a) No person having a license to sell beer, wine or other intoxicating liquor by the drink .or in the original package under this Chapter shall sell, give away or otherwise dispose of any intoxicating liquor upon or about his premises between the hours of 1:30 a.m. and 6:00 a.m. of any morning, and between the hours of 1:30 a.m. Sunday until 6:00 a.m**.** Monday, except as may be permitted under paragraph (b) hereunder.

 (b) Notwithstanding paragraph (a) above, any person licensed to sell intoxicating liquor in the original package at retail may apply for a special license to sell intoxicating liquor in the original package at retail between the hours of 9:00 a.m. Sunday and midnight Sunday. A licensee under this Section shall pay to the City an additional fee of three hundred dollars ($300), payable at the same time and in the same manner as for the license to sell intoxicating liquor in the original package. (Ord. 859, §1)

 (c) The owner or the employees of a licensed premises may remain in the establishment no later than 2:30 a.m. for the purposes of cleaning the premises. Special permission may be obtained from the Board of Aldermen, in advance, to have workers in the building during the prohibited hoursof operation for the purposes of remodeling or construction, provided that no alcoholic beverages are consumed upon the premises at that time. (Ord. 255, §9; Ord. 623, §1; Ord. 704; Ord. 792, §1; Ord. 859, §1)

**Sec. 3-2. Certain holidays, sale by the drink on certain Sundays allowed.**

 When January first, March seventeenth, July fourth, or December 31st falls on a 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 provision of his license on that day from the time and until the time itwould be lawful on another day of the week, the provisions of Section 3-1 (a), notwithstanding.. (Ord. 415, §§1-3; Ord. 479, §3; Ord. 554, §1; Ord. 624, §1; Ord. 625, §1; Ord. 646, §3; Ord. 681, §1; Ord. 704; Ord. 792, §2)

**CROSS REFERENCES;**

**Business Regulations and Licenses generally, see Ch. 6 of this Code. Intoxicating beverages prohibited in city parks, §20-27; Driving in intoxicating condition or under influence of drugs, §§24-218 to 24-221. Marijuana possession, §19-16. Open container law, §24-222 to 24-228.**

**STATE LAW REFERENCE:**

**Liquor control law, RSMo. Ch. 311; municipal authority to require a liquor license, RSMo. §311-220.**

*(Revised 12/05)*

**Sec. 3-3. Obstruction of public view into licensed premises prohibited – Inspections authorized.**

 (a) No person licensed to sell liquor by the drink shall sell any intoxicating liquor from any premises where there are blinds, screens, swinging doors, curtains or any other item that would obstruct or obscure the view of the interior of the premises where intoxicating liquor is served from public view from the street.

 (b) Any agent authorized by the Mayor or the Board of Aldermen of the City of Potosi or any member of the Potosi Police Department will have the right to inspect the premises where intoxicating liquors are sold by the drink or in the original package, at any time the owner or any employee is present upon the premises and during normal business hours, for any violations of the Ordinances of the City of Potosi. (Ord. 255, §19; Ord. 704; Ord. 792, §3)

**Sec. 3-4. Certain acts prohibited in premises licensed to sell 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 other penalties, violation of any act or any provision contained herein shall be grounds for the license of the licensee to be suspended or revoked.

 (Ord. 332, §§1-2; Ord. 704; Ord. 792, §4) (*Repealed by Ord. 806, §1)* (Ord. 902, §1)

**Sec. 3-5. Definitions.**

 The following terms, as used in Chapter 3 of the Code of Ordinances of the City of Potosi shall be defined as follows:

*Financial interest* **-** shall mean all interest, legal or beneficial direct or indirect, in the capital devoted to the licensed enterprise and all such interest in the net profits of the enterprise, after payment of reasonable and necessary operating expenses and taxes, including interest in dividends, preferred dividends, interest and profits, directly or indirectly paid as compensation for, or in consideration of interest in, or for the use of, the capital devoted to the enterprise, or for property or money advanced, loaned or otherwise made available to the enterprise, except by way of ordinary commercial credit or bona fide bank credit not in excess of credit customarilygranted by banking institutions, whether paid as dividends, interest or profits, in the guise of royalties, commissions, salaries or any other form whatsoever.

 *(Revised 12/05)*

*Intoxicating Liquor* **-** shall mean and include alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt or other liquors, or combinations of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or mixtures for beverage purposes, containing in excess of three and two tenths percent of alcohol by weight.

*Licensed premises* **-** shall mean the property listed upon the application and license upon and within which it shall be lawful to sell intoxicating liquors, and shall include, all buildings located thereon, all rooms of said buildings, all structures, and all parking and gathering areas.

*Licensee* **-** A person holding or named upon a license under this chapter.

*Light wines* **-** shall mean wines made containing not in excess of fourteen (14) percent of alcohol by weight, made exclusively from grapes, berries and other fruits and vegetables

*Minor* **-** shall mean any person, male or female, under the age of twenty-one years.

 *Nonintoxicating beer* **-** shall mean any beverage manufactured by the fermentation of pure hops or 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 having an alcoholic content of more than one half of one percent by volume, and not exceeding three and two tenths percent by weight.

*Person* **-** shall mean and include any individual, association, joint stock company, syndicate, partnership of any kind, corporation, receiver, trustee, conservator, or other officer appointed by any state or federal court.

*Private Clubs* **-** shall mean a charitable, fraternal, religious, service or veterans' organization which has obtained an exemption from the payment of federal income taxes as provided in section 501 (c)(3), (4), (5), (7), (8), (10), or (19), or section 501 (d) of the United States Internal Revenue Code, as may be currently amended, and has obtained from the State of Missouri a license to sell intoxicating liquor. (311.090)

*Resort license* **-** shall mean a license to sell intoxicating liquors issued by the State of Missouri pursuant to Section 311.095 et. seq. RSMO.

*Restaurant Bar* **-** shall mean any establishment having a restaurant or similar facility on the premises, at least fifty percent of the gross income of which is derived from the sale of prepared meals or food consumed on such premises, or which has an annual gross income of at least two hundred thousand dollars from the sale of prepared meals or food consumed on the premises.

 *Wholesale dealing agent* **-** shall mean anyperson who solicits, receives or takes orders for the sale and delivery of any intoxicating liquor to any person in this City, however that the purchase of a license does not restrict the number of agents a wholesale dealing agent may employ. (Ord. 255, §13; Ord. 412, §1; Ord. 704; Ord. 792, §5)

**Secs. 3-6 to 3-9. Reserved.** (Ord. 792, §6)

*(Revised 12/05)*

**ARTICLE II**

**LICENSE**

**Sec. 3-10. License required.**

 (a) It shall be unlawful for any person or private club to manufacture, distill, ferment, brew, rectify, produce, sell, or expose for sale in the City of Potosi any intoxicating liquor without first obtaining a license from the City.

 (b) The provisions of Section3-10(a) notwithstanding ,no person of at least twenty-one years of age shall be required to obtain a license to manufacture beer or wine for personal or family use if the aggregate amount of beer or wine manufactured per household per year under this subsection shall not exceed two hundred gallons of beer or one hundred gallons of wine if there are more than two members of the household of the age of twenty-one or over, or one hundred gallons of beer or fifty gallons of wine if there is only one person of at least twenty-one years of age in the household. No wine or beer manufactured under the provision of this subsection may be sold, offered for sale, bartered or traded for anything of value. (Ord. 255, §14; Ord. 792, §7)

**Sec. 3-11. License fees for conducting business.**

 The following businesses dealing in intoxicating liquor shall be required to apply for and receive a license from the City of Potosi, and for such license the following amounts shall be paid to the City:

 (a) For manufacturing,, distilling, brewing or fermenting of intoxicating liquor, by any person, the license fee shall be fivehundred dollars ($500.00) per year.

 (b) For the sale of intoxicating liquor not in excess of five percent of alcohol by weight by a wholesale dealer or a wholesale dealing agent, the license fee shall be one hundred dollars ($100. 00) per, year.

 (c) For the sale of intoxicating liquor not in excess of twenty-two percent of alcohol by- weight by a wholesale dealer or a wholesale dealing agent, the license fee shall be two hundred dollars ($200.00) per year.

 (d) For the sale of intoxicating liquor in excess of twenty-two percent of alcohol by weight by a wholesale dealer or a wholesale dealing agent, the license fee shall be five hundred dollars ($500.00) per year.

 (e) For the sale of intoxicating liquor at retail in the original packages not to be used or consumed on the premises where sold, nor the original package opened on said premises of the vendor, the license fee shall be seventy-five dollars ($75.00) per year.,

 (f) For the sale of malt liquor and beer, made from pure hops and/or pure extract of hops and pure barley malt and/or wholesome grains and cereals and/or wholesome yeast and pure water, and containing in excess of 3.2% and not in excess of five (5%) percent of alcohol by weight at retail by the drink for consumption on the premises where sold, the license fee shall be fifty-two dollars ($52.00) per year.

*(Revised 11/01)*

 (g) For the sale of non-intoxicating beer, made from pure hops and/or pure extract of hops and pure barley malt and/or wholesome grains and cereals and/or wholesome yeast and pure water, and containing more than one half of one percent but not in excess of 3.2% of alcohol by weight at retail by the drink for consumption on the premises where sold, the license fee shall be fifty-two dollars ($52.00) per year.

 (h) For the sale of malt liquor and beer, made from pure hops and/or pure extract of hops and pure barley malt and/or wholesome grains and cereals and/or wholesome yeast and pure water, and containing in excess of 3.2% and not in excess of five (5%) percent of alcohol by weight, by a Restaurant Bar at retail by the drink for consumption on the premises where sold, the license fee shall be three hundred dollars ($300.00) per year.

 (i) Notwithstanding any other provisions of this Chapter to the contrary, any person who possesses the qualifications required by Chapter 311 RSMO., and who has received a retail license for consumption on the premises "resort license" pursuant to Chapter 311 RSMO and in particular, Section 311.095, shall be issued a license by the City of Potosi and for such license there shall be paid to the City the amount of 150% of any license or fee required by thisState of Missouri pursuant to Chapter 311 RSMO.

 (j) Any person operating under a resort license pursuant to paragraph (i) above is subject to all requirements relevant to other establishments retailing intoxicating liquors, including closing times,

 (k) Paragraphs (i) and (j) of this Section is not an authorization to issue a separate City License for the sale of intoxicating liquors by the drink, in violation of the provisions of Sections 311.110 et. seq. RSMO.

 (l) For the sale of intoxicating liquor at retail in the original packages not to be used or consumed on the premises where sold, nor the original package opened on said premises of the vendor between the hours of 11:00 a.m.Sunday and midnight on Sunday, the license fee shall be three hundred dollars ($300.00) per year, in addition to the license fee provided in section (e) above.

 (m) For the sale of intoxicating liquor by the drink by a private club, the license fee shall be three hundred dollars ($300.00) per year. (Ord. 255, §15; Ord. 289, §1; Ord. 616, §§2-6; Ord. 792, §8)

**Sec. 3-12. Application procedures, Clerk to issue.**

 Any person desiring a license to manufacture, sell at wholesale, sell at retail in the original container, not to be consumed upon the premises or to sell by the drink, any alcoholic liquors or nonalcoholic beer, shall submit his application therefore in writing and under oath to the city clerk upon forms prepared by the city clerk, and shall pay the license fee in advance and obtain a receipt therefore, and must provide a copy of their State License before the city clerk can present application to the Board of Aldermen for approval. The city clerkshall thereupon present said application to the Board of Aldermen for its action, and if the application is approved, the board shall notify the city clerk, who shall thereupon, but not before, issue said license. If said application is denied, said fee shall be returned to the applicant. No person shall have the right to sell said beverages until said license is actually delivered to him; and when delivered, such license shall be kept displayed in a prominent place upon the premises covered thereby. (Ord. 255, §4; Ord. 289, §4; Ord. 792, §9; Ord. 1054)

 *(Revised 03/13)*

**Sec. 3-13. Board of Aldermen may revoke license.**

 The Board of Aldermen shall have the authority to revoke for cause any license issued under this Chapter. (Ord. 255, §5; Ord. 792, §10)

**Sec. 3-14. Eligibility and license requirements.**

 (a) No person shall be granted a license under this Chapter unless such person be of good moral character and a citizen of the United States of America, and have no delinquent taxes or fees with the City of Potosi, nor shall any corporation be granted a license hereunder unless the managing officer, and all officers or directors or persons with more than ten percent financial interest of such corporation be of good moral character and a citizen of the United States of America, and have no delinquent taxes or fees with the City of Potosi; and no person shall be granted a license hereunder whose license as a manufacturer or seller of intoxicating liquor or non-intoxicating beer has been revoked, or who has been convicted since the ratification of the twenty-first amendment of the constitution of the United States, of a violation of the provisions of any law applicable to the manufacture, sale or rectifying of intoxicating liquor or non-intoxicating beer, or who may hereafter be convicted of such violation; or who employs or has employed in his business any person whose license has been revoked or who has been convicted of violating the provision of any state law since the date aforesaid; provided that nothing in this section shall prevent the issuance of licenses to nonresidents of the City of Potosi or foreign corporations for the privilege of selling to a duly licensed wholesaler and soliciting orders for the sale of intoxicating liquors and non-intoxicating beer to, by or through a duly licensed wholesaler.

 (b) The provisions of paragraph (a) above notwithstanding, no person who is an owner, operator, manager or employee of an “adult business” or “adult entertainment business” as defined in Chapter 6 of these Ordinances shall be eligible for any type of liquor license issued by the City.

 (c) Whether an applicant is deemed to be of good moral character or not, is a decision that may be based on both objective and subjective facts and may include such factors as, selection, supervision and delegation of authority to employees, prior business operational practices and the City’s experience with the applicant, but is not in any way limited to the listed factors.

 (Ord. 255, §18; Ord. 289, §2; Ord. 792, §11; Ord. 904, §1)

**Sec. 3-15. License shall bear the name of licensee.**

 Any license issued under this Chapter shall bear thereon as licensees, the name of all persons having any financial interest in the business to be conducted under said license; and no business shall be conducted under such license unless the person or persons named in said license shall have the whole ownership of such business and the profits thereof (Ord. 255, §11; Ord. 792, §12)

**Sec. 3-16. License shall bear address of business premises.**

 All licenses issued under this Chapter shall describe particularly the place in which the business is to be conducted, and such business shall not be carried on in any place other than that named in the license. (Ord. 255, §12; Ord. 792, §13)

**Sec. 3-17. License nontransferable.**

 No license issued under this Chapter shall be transferable or assignable. (Ord. 255, §10; Ord. 792, §14)

*(Revised 12/05)*

**Sec. 3-18. Revocation of license on conviction.**

 Conviction in any court of a violation of any provision of this Chapter, or of Chapters 311 and 312 RSMO shall automatically revoke the license of any person so convicted or pleading guilty to such violation, and such revocation shall continue until said case is finally disposed of. (Ord. 255, §17; Ord. 289, §3; Ord. 792, §16)

**Sec. 3-19. Limitation on number of types of licenses.**

 The number of licenses for each class of license under section 3-11 shall be limited as follows:

 (a) The number of licenses permitted to be issued under paragraphs (a), (b), (c), and (d) of section 3-11 shall be unlimited.

 (b) The number of licenses permitted to be issued under paragraph (f) of section 3-11 shall be set from time to time by the Board of Aldermen as it appears to be in the best interest of the citizens of the City of Potosi, Missouri.

 (c) The number of licenses permitted to be issued under paragraphs (f), (g), and (h) of section 3-11 shall not exceed one license for each one thousand people within the City of Potosi, Missouri, or such fraction thereof , as shown by the last decennial census; provided that nothing in this section shall be construed to require the surrender or non-renewal of a license previously issued, should the population of the City of Potosi fall in a succeeding census.

 (d) The number of "resort licenses" shall be limited by the number of currently valid "resort licenses" issued by the state within the City limits of Potosi, Missouri.

 (e) The number of original package, Sunday sales licenses, permitted to be issued under paragraph (l) of section 3-11 shall be limited to a number equal or less than the number of licenses available under paragraph (f) of section 3-11, and are available only to persons having a valid license thereunder.

 (f) Notwithstanding the other sections of this Chapter, organizations listed and described in RSMO section 311.215, may obtain permits directly from the Director of Revenue of the State of Missouri for the sale of malt liquor at picnics, bazaars, fairs, and similar gatherings. No municipal fee will be charged by the City of Potosi, Missouri for such permits. (Ord. 566, §§1-4; Ord. 792, §17)

**Sec. 3-20. Renewal of licenses.**

 Any person having a license under this chapter shall be required to annually renew said license. The renewal application shall be on forms available and provided by the city clerk and renewal applications and license fees are due and payable on or before the 3Ist day of December of the year preceding the year for the license renewal. The renewal form shall require information as to any changes in ownership or financial interest, and a statement that no licensee or employee of the licensee has been convicted or pleaded guilty to a violation of the requirements of this chapter or of Chapter 311 or 312 RSMO. If no such changes are listed, and the proper fees are paid, the Clerk shall issue the renewed license. Failure to either submit a renewal application or the license fee by December 31 shall result in the licensee's license being suspended by the city clerk, pending possible revocation of the license by the Board of Aldermen at their scheduled meeting in January. (Ord. 792, §18)

 *(Revised 12/05)*

**Sec. 3-21. Restrictions on sale.**

 No person shall sell intoxicating liquor within the city limits of the city of Potosi in any place other than that designated in a license issued by the City, or at any time or otherwise than is authorized by this Chapter and the regulations set out therein. (Ord 255, §1; Ord. 792, §19)

**Sec. 3-22. Restriction on possession of untaxed alcoholic beverages.**

 No person shall possess intoxicating liquor within the City of Potosi which has not been legally acquired from some person, firm or corporation holding a duly authorized license to sell intoxicating liquor from the State of Missouri or other State of the United States of America, or upon which an excise or import tax has not been paid, except as provided in section 3-10 (b). (Ord. 255, §2; Ord. 792, §20)

**Sec. 3-23. No sales to minors.**

 No person or licensee, or their agents or employees shall supply intoxicating liquor or permit the same to be supplied or sold to a habitual drunkard or to any person under orapparently under the influence of intoxicating liquor, nor shall intoxicating liquor or non-intoxicating beer be supplied to any person under the age of twenty-one years, unless by the parent or guardian of such person or by a physician. (Ord. 255, §3; Ord. 412, §3; Ord. 704; Ord. 792, §21)

**Sec. 3-24. Limitations on retailing alcohol.**

 No person, licensee, or their agents or employees shall sell intoxicating liquor in the original package at retail in any place where malt liquor, containing in excess of 3.2% of alcohol by weight is sold for consumption on the premises. (Ord. 255, §6; Ord. 792, §22)

**Sec. 3-25. Sale of intoxicating liquor by the drink.**

 No person or licensee shall sell intoxicating liquor, other than malt liquor containing not in excess of 5% of alcohol, for consumption on the premises where sold within the city limitsof Potosi. (Ord. 255, §7; Ord. 792, §23)

**Sec. 3-26. Persons eighteen years of age or older may sell or handle liquor.**

 (a) Except as provided below, no person under the age of twenty-one shall sell or assist in the sale or dispensing of intoxicating liquor.

 (b) Any licensee holding a sale in original package license whose gross sales of merchandise other than intoxicating liquor is at least fifty percent, may employ persons between the age of eighteen and twenty-one years to stock, arrange displays, operate a cash register or scanner and accept payment for intoxicating liquor provided at au times there is upon the premises a licensee or employee of at least twenty-one years of age.

 (c) Any licensee holding a restaurant bar license whose gross sales of food is at least fifty percent of the premise's gross sales, may employ persons between the age of eighteen and twenty- one years to act as waiter or waitress and serve intoxicating liquor at table and not across a bar, operate a cash register or scanner and accept payment for intoxicating liquor provided at all times there is upon the premises a licensee or employee of at least twenty-one years of age. (Ord. 792, §24)

*(Revised 11/01)*

**Sec. 3-27. Penalties.**

 Any person convicted of violating the provisions of this Chapter, shall, upon conviction, be punished by a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00), or by imprisonment for a term not to exceed ninety days, or by both such fine and imprisonment. (Ord. 255, §16; Ord. 289, §5; Ord. 479, §3; Ord. 792, §25)

**Sec. 3-28. Regulation of Private Clubs.**

 All private clubs, as defined in this Chapter are subject to the same regulations and inspections as any person or licensee under this Chapter by the City of Potosi, including but not limited to, hours of operation, employment of minors, sales to minors, sale of intoxicating liquors, licensure, and inspection of premises, except as may be provided under Section 311.090 RSMO. (Ord. 792, §26)

**Secs. 3-29 to 3-40. Reserved.** (Ord. 792, §27)

 *(Revised 11/01)*

**ARTICLE III**

**MINORS**

**Sec. 3-41. Sale by minor prohibited.**

No person under the age of twenty one years shall sell or assist in the sale or dispensing of intoxicating liquor. (Ord. 412, §2; Ord. 704)

**Sec. 3-42. Purchase or possession of intoxicating liquor by a minor, a**

 **misdemeanor; purchase of nonintoxicating beer by a minor, a**

 **misdemeanor.**

Any person under the age of twenty-one years, who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor as defined in section 311.020 or non-intoxicating beer, or who is visibly intoxicated as defined in section 577.001, RSMo, or has a detectable blood alcohol content of more than two-hundredths of one percent or more by weight of alcohol in such person’s blood is guilty of a misdemeanor..

(Ord. 412, §4; Ord. 704; Ord. 913, §1; Ord. 929, §1)

**Sec. 3-43. Misrepresentation by minor to obtain liquor and nonintoxicating beer,**

 **a misdemeanor.**

Any minor who shall represent that he or she has attained the age of twenty one (21) years for the purpose of purchasing, asking for or in anyway receiving any intoxicating liquor and nonintoxicating beer, except in cases authorized by law, shall upon conviction be deemed guilty of a misdemeanor. (Ord. 412, §5; Ord. 704)

**Sec. 3-44. Penalties - misdemeanors.**

Any person, firm, corporation or minor violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars ($500.00) or by imprisonment in the city jail not exceeding three (3) months, or by both such fine and imprisonment. (Ord. 412, §8; Ord. 479, §3; Ord. 704)

**Sec. 3-45. Juveniles prohibited from entering taverns.**

(a) The term "*tavern*" shall mean and include any establishment, open to the public, wherein there is sold, or offered for sale, any beer, whiskey, or any other type of intoxicating liquor or beverage, by the drink or not in its original package.

(b)It shall be, and it is hereby declared to be, unlawful for any person under the age of eighteen years to enter into or to be found within, any tavern or other establishment open to the public, wherein there is sold, or offered for sale, any type of beer or intoxicating liquor by the drink or not in its original package, unless said person is accompanied by a natural parent or legally appointed guardian.

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 (c) It shall be, and is hereby declared to be, unlawful for the owner or proprietor of any tavern or establishment open to the public wherein intoxicating liquors are sold or offered for sale, by the drink, or not within its original package, to permit any person under the age of 18 years to enter into, or to be found within such an establishment or tavern, unless said person is accompanied by a natural parent or legally appointed guardian.

 (d) Any person, under the age of eighteen years, who shall violate the provisions of this Article, shall, upon conviction thereof, be punished by a fine of not less than five dollars ($5.00) nor more than twenty five dollars ($25.00).

 (e) Any owner or proprietor of any tavern or establishment open to the public wherein there is sold or offered for sale any intoxicating liquor, who shall violate the provisions of this Article, shall, upon conviction thereof, be punished by a fine of not less than five dollars ($5.00) nor more than twenty five dollars ($25.00).

 (f) Any owner or proprietor of any tavern or establishment open to the public wherein there is sold or offered for sale any intoxicating liquor, who shall violate the provisions of this Article, shall, upon conviction thereof, be punished by a fine of not less than five dollars ($5.00) nor more than twenty five dollars ($25.00). (Ord. 324, §§1-6; Ord. 633, §3; Ord. 704)

**Sec. 3-46. Persons not to provide or allow possession or consumption of alcohol by minor.**

 (a) No person shall knowingly provide in any way, give, sell, or have available to any person under the age of twenty-one years any alcohol, beer, wine or non-intoxicating beer.

 (b) No person shall knowingly allow upon any property owned, possessed, rented, leased or controlled by him/her, any person under the age of twenty-one years to have possession of, bring or consume any alcohol, beer, wine or non-intoxicating beer upon the premises, nor to allow the use of a premises to persons under the age of twenty-one years of age under circumstances which a reasonable person would believe that alcohol, beer, wine or non-intoxicating beer will be present or consumed by a person or person under the age of twenty-one years.

 (c) Nothing in this Section shall be construed to prohibit a parent, step-parent or guardian of a person under the age of twenty-one years of age, from allowing their child, step-child or ward from possessing or consuming alcohol, beer, wine or non-intoxicating beer in their own home or household while in the presence of the parent, step-parent or guardian. A person is liable under this Section if they fail to supervise their child, step-child or ward, or their property, so as to prevent any other person under the age of twenty-one years from consuming alcohol, beer, wine or non-intoxicating beer upon any property owned, possessed, rented, leased or controlled by him/her.

 (d) Violation of this Section shall be a misdemeanor, and punished upon conviction by a fine of not less than $50.00 nor more than $500.00, or imprisonment for a term not to exceed ninety days, or by both fine and confinement. (Ord. 982, §1)

**Secs. 3-47 to 3-49. Reserved.**

 *(Revised 09/08)*

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