

BILL NO. 8-8-21

ORDINANCE NO. 5674

AN ORDINANCE AMENDING SECTIONS 3-3, 3-33 and 3-37 HOURS OF OPERATION AND SALES OF INTOXICATING LIQUOR FOR CONSUMPTION OFF PREMISES, OF THE CODE OF ORDINANCES OF THE CITY OF WARRENSBURG, MISSOURI.

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

SECTION 1. Section 3-3 is hereby amended to read as follows:

Sec. 3-3. Hours of sale generally.

No license holder 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 premises, any intoxicating liquor in any quantity between the hours of 1:30 a.m. and 6:00 a.m. Tuesday through Saturday and between the hours of 1:30 a.m. and 6:00 a.m. Sunday and **between the hours of 1:30 a.m. and 6:00 a.m. Monday.**

SECTION 2. Section 3-33 is hereby amended to read as follows:

Sec. 3-33. Sale of liquor by the drink on Sunday.

(a) Upon application as required by this chapter and receipt of a city license it shall be lawful for a city licensed business under this chapter to sell intoxicating liquor by the drink on Sunday, **between the hours of 6:00 a.m. and 1:30 a.m. on Monday.**

(b) In order for a license holder to qualify under this section, it must, in addition to the requirements of this chapter, satisfy all state requirements for a license under Section 311.293 RSMo. All requirements of RSMo 311.293, for obtaining a Sunday license are hereby incorporated within the provisions of this section.

(c) Any Tavern with a license to sell only malt liquor may operate at retail **between the hours of 6:00 a.m. Sunday and 1:30 a.m. Monday.**

SECTION 3. Section 3-37 is hereby amended to read as follows:

Sec. 3-37. Sale of intoxicating liquor in original package for off-premises consumption.

(a) No license shall be issued for the sale of intoxicating liquor in the original package,

not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one (1) or more of the following businesses:

- (1) A drugstore;
- (2) A cigar and tobacco store;
- (3) A grocery store;
- (4) A general merchandise store;
- (5) A confectionery or delicatessen store;

nor to any such person who does not have or keep in his store a stock of goods having a value according to invoices of at least one thousand dollars (\$1,000.00), exclusive of fixtures and intoxicating liquors.

(b) Under this license, no intoxicating liquor shall be consumed on the premises where sold, nor shall any original package be opened on the premises of the vendor, except as otherwise provided by law, and under such licenses as the state may issue for the same.

(c) Sales of intoxicating liquor in the original package for off-premises consumption are hereby permitted on Sunday. Said license or permit shall be secured under the same rules, requirements and conditions as all other alcoholic beverage licenses. No additional license shall be required for Sunday sales of malt liquor for consumption off-premises and in the original package for persons holding a license to sell only malt liquor in the original package for consumption off-premises.

(d) An applicant may seek a license under this section to sell only malt liquor for sale in the original package for consumption off the premises.

(e) Notwithstanding any other provision of law to the contrary, any restaurant bar without an on-site brewery that serves twenty or more different types of draft beer may sell thirty-two fluid ounces or more of such beer to customers for consumption off the premises of such bar or tavern. As used in this section, the term "restaurant bar" means 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.

(f) Notwithstanding any other provision of the law to the contrary, any person who is licensed to sell intoxicating liquor at retail by the drink for on-premises consumption may

sell retailer-packaged alcoholic beverages to customers in containers, filled on such premises by any employee of the retailer who is twenty-one years of age or older, for off-premises consumption if all the following requirements are met:

(1) The container of the alcoholic beverage is rigid, durable, leak-proof, sealable, and designed to prevent consumption without removal of the tamperproof cap or seal. A "sealable" container does not include a container with a lid with sipping holes or openings for straws;

(2) The contents of each container do not exceed one hundred twenty eight ounces;

(3) The patron orders and purchases a meal from the licensee simultaneous with the alcoholic beverage purchase. For purposes of this subdivision, a "meal" is defined as food that has been prepared on-premises;

(4) The number of alcoholic beverages sold under this section by a licensee for off-premises consumption is limited to twice the number of meal servings sold by the licensee for off-premises consumption;

(5) The licensee provides the patron with a dated receipt or an electronic record for the meal and alcohol beverages; and

(6) The container is either:

(a) Placed in a one-time-use, tamperproof, transparent bag that is securely sealed; or

(b) The container opening is sealed with tamperproof tape. For purposes of this subdivision, "tamperproof" means that a lid, cap, or seal visibly demonstrates when a bag or container has been opened.

Containers that are filled under this section shall be affixed with a label or a tag that contains the name and address of the business that filled the container, in type not smaller than three millimeters in height and not more than twelve characters per inch, and states, "THIS BEVERAGE CONTAINS ALCOHOL." The filling of a container under this section shall be in compliance with Section 3-304.17(c) of the 2009 Food and Drug Administration Food Code, and as the same may be amended.

SECTION 4. It is intended that the provisions of Sections 1, 2, and 3 of this ordinance shall be incorporated into the Code of Ordinances.

SECTION 5. This ordinance shall be in full force and effect from and after its passage.

Passed in open session this 23rd day of August, 2021.



Attest:

Cindy Gabel
Cindy Gabel, City Clerk

Scott Holmberg
Scott Holmberg, Mayor