

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CODE SECTIONS 4-1, 4-5, 4-7, 4-8, 4-22, 4-39, 4-44 AND 4-45 REGARDING THE ISSUANCE OF LIQUOR LICENSES AND THE SALE OF INTOXICATING BEVERAGES WITHIN THE CITY OF CHESTERFIELD**

**WHEREAS**, the City Council of the City of Chesterfield seeks to protect the health and safety of its citizens; and

**WHEREAS**, the City of Chesterfield passed Ordinances which provide for the regulation of the sale of alcohol within the City of Chesterfield; closing hours; fees to be paid for various licenses; and other regulatory matters as appropriate; and

**WHEREAS**, the City Council of the City of Chesterfield desires to amend its ordinances governing the sale of intoxicating beverages and the licensing therein to protect the health and safety of the citizens.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

**Section 1.** The Chesterfield City Code Section 4-1 shall be amended by deleting the following:

~~*Restaurant bar.* Any establishment having a restaurant or similar facility on the premises at least fifty (50) 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 (\$200,000.00) for the sale of prepared meals or food consumption on said premises.~~

**Section 2.** The Chesterfield City Code Section 4-5 (a) shall be amended by deleting the following:

~~The sale of intoxicating liquor, except malt liquor, in the original package in any quantity less than one half (1/2) pint shall be deemed sale by the drink, and may be made only by the holder of a retail liquor dealer's license, and, when the contents served as other intoxicating liquors sold by the drink are served.~~

~~A separate license shall be taken out for each of the following classes of sales or consumptions of intoxicating liquors in which the licensee desires to engage:~~

**Section 3.** The Chesterfield City Code Section 4-7 (a) shall be amended, to read as follows:

(b) Sunday hours shall be 9:00 a.m. until midnight or as otherwise provided in R.S.Mo. 311 as amended. For the Sunday sale of intoxicating liquor by the drink or in the original package, that persons having obtained a license pursuant to R.S.Mo. 311.293 as amended and provided in provisions of this section, the hours shall be 9:00 a.m. until midnight.

**Section 4.** The Chesterfield City Code Section 4-8 shall be amended to read as follows:

(a) No persons having a liquor license nor any employee of such person, shall sell, give away or otherwise dispose of or permit the sale of or disposition on or about his premises of any intoxicating liquor on Sunday after 1:30 a.m. and before 6:00 a.m. on Monday without a license from the City pursuant to Section 4-32(a)(5).

**Section 5.** The City of Chesterfield Code Section 4-22 shall be amended by deleting the following:

~~(a) It shall be illegal within the City limits of the City of Chesterfield for anyone with a license to sell liquor sold "by the package" to sell "chilled" or refrigerated malt liquor or beer by individual cans or bottles in less than a package containing three (3) or more bottles of malt liquor or beer, regardless of the quantity of liquid contained in said bottle or can.~~

~~(b) There shall be an exception to allow the sale of malt liquor or beer of less than three (3) or more bottles or cans at one time for the sale of "specialty" malt liquors or beer (being defined as off brand names or in fancy bottles or collector bottles) that are not "chilled" or refrigerated at the time of sale.~~

**Section 6.** The city of Chesterfield, Code Section 4-22 shall be amended by adding the following:

(a) It shall be illegal in the City of Chesterfield for anyone with a license to sell liquor "by the package", to sell malt liquor or beer by an individual can or bottle, 12 ounces in size or less, other than as a package containing three(3) or more bottles or cans of malt liquor or beer.

**Section 7.** The Chesterfield City Code Section 4-39 shall be amended to read as follows:

The City Council reserves the right to refuse to issue a license for any license established by Chesterfield Code Section 4-32, when in its judgment the location for which the license is sought to be obtained is not in the best interests of the community, taking into consideration the proximity of homes, schools, churches, playgrounds or other activities and conditions, or circumstances, the number of licenses previously issued, or when in the judgment of the City Council the person seeking the license is not a fit person to conduct such an establishment. If, in the judgment of the City Council, any person previously operating an establishment for the sale of intoxicating liquor has not conducted an orderly place or house, the City Council may refuse to renew the license upon its expiration.

Provided, however, that the Council in its sole discretion may conditionally renew a license application for a term of less than one (1) year upon satisfaction of certain requirement as established by the Council and provided the license fee for a full year shall be paid and no portion shall be refunded in the event the license is not extended for a full year.



**Section 8.** The Chesterfield City Code Section 4-44 shall be amended by deleting the following:

~~(a) Notwithstanding any other provision of this chapter, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and upon approval of the City Council, the City Clerk may issue a license to sell intoxicating liquor, between the hours of 11:00 a.m. and midnight on Sunday by the drink at retail for consumption on the premises of any restaurant bar as described in the application, including the sale of intoxicating liquors in the original package.~~

~~(b) Persons holding a license under this chapter shall comply with all provisions of Missouri 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.~~

**Section 9.** The Chesterfield City Code section 4-45 shall be amended to read as follows:

(6) A fee of three hundred dollars (\$300.00) for retail sale on Sundays, between the hours of 9:00 a.m. and midnight, of intoxicating liquor by the drink for consumption on the premise where sold. (Applicant must have a license for sale of intoxicating liquor by the drink).

(7) A fee of three hundred dollars (\$300.00) for retail sale on Sundays, between the hours of 9:00 a.m. and midnight, on intoxicating liquor in the original package. (Applicant must have a license for sale of intoxicating liquor in the original package).

**Section 10.** Except as amended herein, the Municipal Code, and Ordinances of the City of Chesterfield shall remain in full force and effect.

**Section 11.** This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
MAYOR

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**First Reading Held:** \_\_\_\_\_