

CITY OF HAMILTON, MISSOURI

BILL NO. 0909155

ORDINANCE NO. 1579

**AN ORDINANCE AMENDING SECTIONS 50.030, 50.041, 50.042, AND 50.044 OF THE CITY CODE RELATING TO LIQUOR REGULATIONS, AND SETTING AN EFFECTIVE DATE.**

Be it ordained by the Board of Aldermen of the City of Hamilton, Missouri as follows:

**Section 1.** Chapter 50.030 of the City Code relating to **Qualifications of Licensees** is amended to read as follows:

**50.030 Qualifications of Licenses**

No person shall be issued a license under this division unless such person is currently eligible for a license issued by the State of Missouri for the sale of the kind of alcoholic beverage(s) for which a City license is sought, is of good moral character and a qualified legal voter and taxpaying citizen of the state and city; and no person shall be issued a license or permit hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of the twenty-first amendment to the Constitution of the United States, of the violations of the provisions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of intoxicating liquor, or who employs or has employed in his business, as such dealer, any person whose license has been revoked or who has been convicted of violating the provisions of any such law since the date aforesaid.

**Section 2.** Chapter 50.041 of the City Code relating to **Liquor License Fees; Maximum Number of Licenses Available** is amended to read as follows:

**50.041. Categories of Licenses; License Fees; Maximum Number of Licenses Available**

The following schedule shall be followed in determining the categories for licenses, the license fee payable by the applicant for a given category of license, and the maximum number of licenses available for each category:

<u>Category</u>	<u>Fee</u>	<u>Number</u>
Alcohol Carrier License	No fee	Five (5)
Consumption of Intoxicating Liquor	\$90.00	Five (5)
Domestic Winery (per 500 gallon)	\$7.50	Five (5)
Extended Hours Historic Landmark	\$450.00	Five (5)
*Extended Hours	\$450.00	Five (5)
Liquor Manufacturer Solicitor	\$675.00	Three (3)
Liquor Solicitor	\$375.00	Three (3)
Liquor Wholesale Solicitor	\$750.00	Three (3)
Microbrewery (per 100 barrels)	\$7.50	Five (5)

*Trasler - age, Glass - age, Sweeney, age, Kavanagh - age*

Missouri Wine by Drink	\$450.00	Five (5)
Original Package Liquor	\$150.00	Five (5)
Original Package Liquor Caterer/50 Event	\$750.00	Three (3)
*Original Package – Tasting	\$37.50	Five (5)
Retail Liquor by Drink	\$450.00	Five (5)
Retail Liquor by Drink – Boat	\$450.00	Five (5)
*Retail Liquor by Drink Caterer (per day)	\$15.00	Five (5)
*Retail Liquor by Drink Temp Festival (per day)	\$15.00	Five (5)
*5% Beer and Wine Temporary Festival (per day)	\$15.00	Five (5)
Retail Liquor by Drink Exempt	\$450.00	Five (5)
Retail by Drink Entertainment District	\$450.00	Five (5)
Retail Liquor by Drink Picnic (7 days)	\$37.50	Five (5)
Retail Liquor by Drink Resort	\$450.00	Five (5)
Retail Liquor by Drink Resort Temporary (90 days)	\$112.50	Five (5)
*Retail Liquor by Drink Caterer/Unlimited	\$1,500.00	Five (5)
*Retail Liquor by Drink Caterer/50 Events	\$750.00	Five (5)
Retail Liquor by Drink Seasonal Resort (per month)	\$37.50	Five (5)
Retail Liquor by Drink Seasonal Temp. (90 days)	\$112.50	Five (5)
Railroad (\$1.00 per duplicate)	\$150.00	One (1)
Sunday by Drink	\$300.00	Five (5)
*Sunday by Drink Convention	\$900.00	Five (5)
*Sunday – Original Package Liquor	\$300.00	Five (5)
Transportation	\$15.00	Five (5)
Vintage Wine Auctioneer	\$750.00	Three (3)
Vintage Wine Auctioneer – Municipal	\$75.00	Three (3)
Vintage Wine Solicitor	\$750.00	Three (3)
Wine Direct Shipper	No fee	Five (5)
22% Manufacturer Solicitor	\$300.00	Three (3)
22% Solicitor	\$150.00	Three (3)
22% Wholesale Solicitor	\$300.00	Three (3)
5% By Drink (includes Sunday Sales)	\$75.00	Five (5)
5% Beer by Drink – Wine	\$75.00	Five (5)
*5% Beer and Wine Caterer (per day)	\$15.00	Five (5)
5% Manufacturer Solicitor	\$375.00	Three (3)
Original Package 5% Beer	\$75.00	Five (5)
5% Solicitor	\$75.00	Five (5)
*5% Sun Drink Wine	\$300.00	Five (5)
5% Beer by Drink Wine Picnic (7 days)	\$150.00	Five (5)
5% Wholesale Solicitor	\$150.00	Five (5)

Any other liquor license permitted by the State of Missouri but not specifically listed above will have a fee equal to 1.5 times the fee set by the State of Missouri for such license, with a maximum number of licenses for such license set at Five (5).

\*Secondary License Type = Requires a Primary License to Qualify

In cases where the number of applicants for a category of license exceeds the maximum number of licenses available, the licenses shall be issued to existing licensees, and, thereafter, if any licenses are available, they shall be issued on the basis of a blind drawing of lots in a manner giving each applicant an equal chance of being selected to receive an available license.

**Section 3.** Chapter 50.042 of the City Code relating to **Approval of Applications: Term of License** is amended to read as follows:

**Chapter 50.042. Approval of Applications: Term of License**

A. All applications for licenses hereunder are to be filed with the City Clerk and shall be on forms to be furnished by the Clerk and signed and sworn to by the applicant.

B. The Board of Aldermen shall approve or disapprove each initial license application. Upon approval of an initial license application by the Board of Aldermen, then the City Clerk shall issue the applicant a liquor license to conduct such business in the City for a term to expire on the next thirtieth day of June following the date of such license so long as the applicant is current on all taxes owed to the City, is in compliance with all city ordinances regarding such business, and has a current business license for such business location.

C. For each subsequent consecutive year following the Board of Aldermen's initial approval of an application, the City Clerk will renew a license application for the same category of license which is made by the same applicant for the same location, provided that such application meets all state and city requirements for renewal of the liquor license, has paid the applicable fee, is current on all taxes owed to the City, is in compliance with all city ordinances regarding such business, and has a current business license for such business location. In the event, a license should lapse, or there is a change in the applicant or the location of the business, then the application for license must be approved by the Board of Aldermen in accordance with Section B above.

D. No license fee shall be prorated.

**Section 4.** Chapter 50.044 of the City Code relating **Licenses Per Person** is amended to read:

**50.044 Licenses per person.**

No person shall receive more than five licenses issued under this Chapter.

**Section 5.** That all ordinances or parts of ordinances therefore enacted which are in conflict herewith are hereby repealed.

**Section 6.** It is the intent of the Board of Aldermen that this amendment be made a part of the City Code and such inclusion shall have the same force and effect as if the ordinance had been included in the original code at the time of its adoption by the Board of Aldermen.

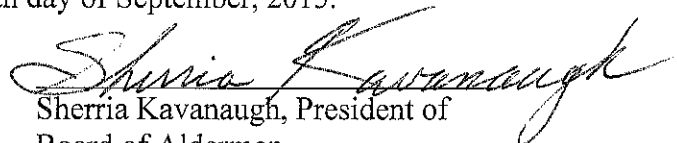
**Section 7.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining

portions of this ordinance. The Board of Aldermen hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 8.** This ordinance shall be in full force and effect from and after the date of its passage and approval.

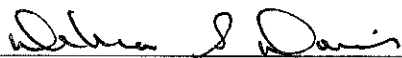
A copy of this Ordinance has been made available for public inspection prior to its adoption by the Board of Aldermen and this bill was read by title in the open meeting two times prior to its final passage.

Adopted by the Board of Aldermen this 9th day of September, 2015.

  
Sherria Kavanaugh, President of  
Board of Aldermen

Approved this 9th day of September, 2015

  
Winford Gilliam, Mayor

Attest:   
Debra Davis, City Clerk