Bill #2026-1 Establishing vital regulation of the sale and distribution of alcohol beverages, Liquor License.

Section 1. Purpose.

Alcohol is, by law, an age-restricted product that is regulated differently than other products. The provisions of this Ordinance establish vital regulation of the sale and distribution of alcohol beverages in order to promote responsible consumption, combat illegal underage drinking, and achieve other important policy goals such as maintaining an orderly marketplace composed of licensed alcohol producer, importers, distributors, and retailers.

Section 2. Definitions.

For the purposes of this Ordinance, the following definitions shall apply:

A. **ADJACENT PROPERTY.** Property immediately adjoining any subject property. For the purposes of this definition, any intervening street, alley, highway or other public thoroughfare shall be disregarded.

B. **CHURCH**. Any building or structure regularly and primarily used as a place of worship by any organized religious society, organization or congregation, regardless of whether or not such a building or structure was originally designed and constructed for that purpose.

C. **CLOSED PLACE**. A place where all doors are locked and where no patrons are inside or about the premises.

D. **INTOXICATING LIQUOR**. Alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt or other liquors, or combination of liquors, a part of which is spirituous, vinous or fermented, and all preparations or mixtures for beverage purposes containing in excess of one-half of one percent (0.5%) of alcohol by volume. All beverages having an alcoholic content of less than one-half of one percent (0.5%) by volume shall be exempt from the provisions of this Ordinance.

E. **LICENSEE**. The person holding any license issued under the provisions of this Ordinance.

F. **ORIGINAL PACKAGE**. Any package sealed or otherwise closed by the manufacturer so as to consist of a self-contained unit and consisting of one (1) or more bottles or other containers of intoxicating liquor where the package and/or container(s) describes the contents thereof as intoxicating liquor.

G. **PERSON**. Any individual, association, firm, joint stock company, syndicate, partnership, corporation, receiver, trustee, conservator, or any other officer appointed by any State or Federal court.

H. **PREMISES**. The area located within an enclosure where intoxicating liquor is sold or consumed.

Section 3. Licenses, Records And Reports.

The Village Clerk, or the Board of Trustee's designee, shall be charged with the enforcement of the provisions of this Ordinance. The Village Clerk, or the designee, shall be over twenty-one (21) years of age and shall not be an owner, officer or employee of any licensee under this Ordinance.

It shall be the duty of the Village Clerk, or the designee, to issue all licenses and permits provided by this Ordinance. He/she shall keep a record of all licenses and permits so issued and of any suspension or revocation thereof. The Village Clerk, or the designee, shall make a full and complete report to the Board of Trustees at the end of each fiscal year.

Section 4. Sales of Liquor Prohibited Near Schools and Churches.

A. No license shall be granted for the sale of intoxicating liquor, as defined in this Ordinance, within one hundred (100) feet of any school, church or other building regularly used as a place of religious worship, unless the applicant for the license shall first obtain the consent in writing of the Board of Trustees, except that when a school, church or place of worship shall hereafter be established within one hundred (100) feet of any place of business licensed to sell intoxicating liquor, the license shall not be denied for this reason. Such consent shall not be granted until at least ten (10) days' written notice has been provided to all owners of property within one hundred (100) feet of the proposed licensed premises.

B. Subsection (A) of this Section shall not apply to a license issued by the Supervisor of Alcohol and Tobacco Control for the sale of intoxicating liquor pursuant to Section 311.218, RSMo., or to a license issued to any church, school, civic, service, fraternal, veteran, political, or charitable club or organization which has obtained an exemption from the payment of Federal taxes.

Section 5. License Required.

A. It shall be unlawful for any person to manufacture, sell, or solicit orders for the sale of intoxicating liquor, or allow the consumption of such beverages in or upon any premises where food, beverages or entertainment are sold or provided for compensation, within the Village limits without first obtaining a license from the Village Clerk.

B. Any person possessing the qualifications and meeting the requirements of this Ordinance may apply for the following licenses:

1. Manufacturer. A license for the privilege of manufacturing, distilling or blending wine, spirits, and all kinds of intoxicating liquors within the Village.

2. Distributor. A license to distribute, or sell at wholesale, intoxicating liquor.

3. Retail Liquor By The Drink. A license for the privilege to sell all kinds of intoxicating liquor at retail by the drink for consumption on the premises. Such license shall also include the privilege of selling alcoholic beverages in the original package on the licensed premises, for consumption off the licensed premises.

4. Original Package. A license for the privilege of the sale of intoxicating liquor at retail in the original package on the licensed premises, for consumption off the licensed premises.

5. Caterer. A temporary license may be issued to caterers who furnish provisions and service for use at a particular function, occasion, or event, at a particular location, which is not a licensed premises.

6. Consumption Of Liquor. A C.O.L. license may be issued for the consumption of intoxicating liquor in or upon premises which do not possess a license for the sale of intoxicating liquor and where food, beverages or entertainment are sold or provided for compensation.

Section 6. License Fees.

A. Due Date. All license fees shall be due and payable on or before July 1 of each year and shall apply to the year beginning July 1 and ending June 30. If such license is originally issued after July 1, the applicant shall pay one-twelfth (1/12th) of such fee for each month, or fraction thereof, remaining in the twelve (12) month period.

B. Annual Fee Amounts. The following list sets forth the required license fees for each specific type of license issued pursuant to this Ordinance:

Type of License	Amount
Manufacturer	$750.00
Distributor	$750.00
Retail liquor by the drink	$750.00
Original package	$750.00
Caterer	$15.00/per day
Consumption of intoxicating liquor (C.O.L.)	$90.00

Section 7. State License Required.

As a condition precedent to the issuance of a license under the provisions of this Ordinance, the applicant must also procure a permit and license from the State of Missouri and Stone County, pursuant to the provisions of Ch. 311, RSMo.

Section 8. C.O.L. Consumption Of Intoxicating Liquor License.

A. A C.O.L. license may be issued for the consumption of intoxicating liquor in or upon premises which do not possess a license for the sale of intoxicating liquor and where food, beverages or entertainment are sold or provided for compensation. The drinking or consumption of intoxicating liquor shall not be permitted under a C.O.L. license between the hours of 1:30 A.M. and 6:00 A.M. Licenses issued hereunder shall be conditioned upon the observance of the provisions of this Ordinance and the laws, rules and regulations of the State of Missouri governing the conduct of premises licensed for the sale of intoxicating liquor by the drink.

B. A C.O.L. license may be issued to a club, organization or association which is private and nonprofit and where either food, beverages or entertainment are provided for compensation in the form of dues, fees or special assessments, upon payment of the required license fee to the Village Clerk.

C. A C.O.L. license may be issued to commercial establishments or establishments which are commercial in nature where either food, beverages or entertainment are provided for compensation of any kind upon payment of the required license fee to the Village Clerk.

D. A C.O.L. license shall be effective for a period not to exceed forty-eight (48) consecutive hours.

E. A C.O.L. license may be issued upon payment of the required license fee to the Village Clerk. Applications for each one (1) day C.O.L. license must be filed and approved by the Village Clerk at least fifteen (15) business days prior to the date when the one (1) day C.O.L. license is to become effective.

Section 9. Caterer.

A. A temporary caterer's license may be issued to caterers or other persons who furnish intoxicating liquor for a particular function, occasion, or event at a particular location other than at licensed premises. The temporary caterer's license shall be effective for a period not to exceed one hundred sixty-eight (168) consecutive hours, and shall authorize the service of intoxicating liquor at such function, occasion, or event during hours as determined by the Village Clerk, but no greater than the hours of 6:00 A.M. to 1:30 A.M. Licenses issued hereunder shall be conditioned upon the observance of the provisions of this Ordinance and the laws, rules and regulations of the State of Missouri governing the conduct of premises licensed for the sale of intoxicating liquor by the drink.

B. A caterer's license may be issued upon payment of the required license fee to the Village Clerk. An application for a caterer's license shall be made no less than fifteen (15) business days prior to the function, occasion, or event.

Section 10. Individual License Holders.

No license provided for by this Ordinance shall be issued to any individual except in conformity with the following:

A. Such individual is to be in fact actively engaged in the actual control and management of the particular licensed premises for which a license is sought.

B. Such individual is twenty-one (21) years of age or over.

C. Such person is of good moral character, is qualified to hold an alcoholic beverage license in the State of Missouri, and that such person has never been the holder of an alcoholic beverage license or permit which has been revoked by any Village or any State.

Section 11. Corporation License Holders.

No license provided for in this Ordinance shall be issued to any corporation except in conformity with the following:

A. All the officers and Village Clerks of such corporations are persons of good moral character.

B. The managing officer of the corporation is a person who is eligible for a license as an individual under the provisions of this Ordinance.

C. Such corporation has not been the holder of a license or permit which has been revoked by any Village or State.

Section 12. Unlawful Acts Concerning Licenses.

A. False Statements. It shall be unlawful for any person in obtaining or attempting to obtain a license to make any materially false statements in the application for such license.

B. Incomplete Information. It shall be unlawful for any person to fail to make a complete disclosure of all pertinent and material information required in the application for a license.

C. Assignment Or Transfer Prohibited. All licenses issued pursuant to the terms of this Ordinance are personal and it shall be unlawful for such licenses to be assigned or transferred.

1. Provided, however, in the event of the death of a retail licensee, any bona fide relative, of such deceased licensee, who shall meet the individual requirements of this Ordinance, may be licensed to operate the business of the licensee for the remainder of the period for which a license fee has been paid and it shall not be necessary for such relative to secure a new license until the expiration of the license issued to the deceased licensee.

2. Provided, further, that if one (1) or more members of a partnership withdraws from the partnership, the Village Clerk, upon application, shall permit the remaining partner or partners originally licensed to continue the operation under the original license for the remainder of the period for which the license fee has been paid and it shall not be necessary for the remaining partner or partners to secure a new license until the expiration of the license.

D. Changing Corporate Ownership. Any change in the officers, Village Clerks or shareholders of any corporation, partnership or firm holding a license under this Ordinance shall be reported to the Village Clerk for approval prior to the effective date of the change. Any failure to make such a report shall be unlawful and may, at the discretion of the Village Clerk, result in suspension or revocation of the license.

Section 13. Suspension, Revocation, and Refusal to Renew.

A. Licensee. The Village Clerk may suspend, revoke, or refuse to renew any license issued pursuant to the provisions of this Ordinance at any time that a corresponding State liquor license of a licensee has been suspended or revoked, or there is a violation of the provisions of this Ordinance.

B. Suspension or revocation of any license issued pursuant to the provisions of this Ordinance shall comply with the following:

1. The Village Clerk shall call a hearing to determine if any license or permit should be suspended or revoked.

2. The licensee shall be given not less than ten (10) days' written notice prior to the hearing. The notice shall include the time and location of the hearing, as well as the reasons for which the hearing is called and the Code provisions that have been violated. The notice shall command the licensee to be present at the hearing and show cause, if any, why such license shall not be suspended or revoked. The notice shall also state that the licensee may present evidence and be represented by counsel at such hearing. The notice shall be delivered in person to the licensed establishment or sent by certified mail, return receipt requested, to the licensee.

3. The Board of Trustees shall render a final decision and report such decision in writing to the licensee within ten (10) business days after the hearing. The

decision shall be delivered in person to the licensed establishment or sent by certified mail, return receipt requested, to the licensee or permittee.

4. Whenever any license shall be revoked under the terms and provisions of this Ordinance, the licensee shall not thereafter be eligible for another license provided in this Ordinance for a period of at least 1 year, or longer as directed by the Board in the written decision.

5. No licensee who had has their license suspended or revoked shall sell or give away any alcoholic beverage during the time of the suspension or revocation.

Section 14. License Application.

A. Form And Contents. Any person desiring to secure a license under the terms of this Ordinance shall make application therefor to the Village Clerk in writing and under oath upon such application form as supplied by the Village Clerk. Each question on the application form shall be considered material to the issuance of the license and each question on such application form must be answered in full by the applicant.

B. Execution Of Application. Application for a license under this Ordinance shall be made by the individual who is to be, in fact, actively engaged in the actual control and management of the particular licensed premises for which such license is sought.

C. Supplemental Reports. The licensee, upon request of the Village Clerk, shall file a supplemental report within fifteen (15) days of any loan made to the licensee of money or credit relating directly or indirectly to the licensed business.

Section15. Renewals.

A. Renewal applications shall be filed with the Village Clerk not less than thirty (30) days nor more than sixty (60) days prior to the expiration of the existing license. The applicant shall execute a renewal application indicating that all information provided on the original application is correct as stated and requiring that any new or different information be provided and explained by the applicant. The Village Clerk may cause an investigation regarding any renewal application.

B. If any application contains information which does not justify a license renewal or if the Village Clerk has other information that the applicant has not met all of the other requirements of this Ordinance, the Village Clerk in his/her discretion may refuse to renew such license. In the event of such refusal, the applicant shall be entitled to request a hearing before the Board of Trustees in the manner provided in this Ordinance.

C. If any licensee should fail to file the application for license renewal during the prescribed time, the Village Clerk shall notify that licensee that the license will lapse and that

operation shall be suspended upon expiration of the original license until the renewal application is filed and processed.

Section16. Hours And Days Of Sale.

No license shall allow the consumption of, selling, giving away or otherwise dispense of any intoxicating liquor or allow the same to be done on or about the licensed premises between the hours of 1:30 A.M. and 6:00 A.M.

Section 17. Miscellaneous Restrictions.

A. Responsibility Of Licensee. Licensees are at all times responsible for the conduct of their business and at all times responsible for any act or conduct of any employee on the premises which is in violation of this Ordinance. It shall be the duty and responsibility of the licensee and the person in charge of the licensed premises at all times to supervise the operation and conduct of business in a diligent manner and to make reasonably certain that this Ordinance is not violated.

B. Display Of License.

1. The licensee shall post the license issued pursuant to this Ordinance upon the licensed premises and shall display said license at all times during the term of the license in a conspicuous place on the premises so that all persons visiting the premises may readily see the same. The license shall be posted before the licensee commences doing any business during the license term.
2. No licensee shall post such license or allow such license to be posted upon premises other than the premises licensed or upon premises where traffic in intoxicating liquor is being carried on by any person other than the licensee. No licensee shall knowingly deface, destroy or alter any such license in any respect.

C. Closed Place.

1. The premises of any retail liquor by drink sale license or C.O.L. license shall be and remain a closed place at the times and upon the days during which the sale or consumption of intoxicating liquor is prohibited by this Ordinance. Where the licenses are held by clubs, motels and hotels, this prohibition shall only apply to the premises where intoxicating liquor is dispensed or consumed. Where such licenses are held by restaurants where substantial quantities of food are served, then the licensee shall keep securely locked during the hours and upon the days specified all refrigerators, cabinets, cases, boxes and taps from which intoxicating liquor is dispensed.

2. All holders of original package licenses whose place of business remains open on the days and at the hours when the sale and consumption of intoxicating liquor is prohibited by law, shall at all times upon such days and at such hours keep all intoxicating liquor securely under lock and key in such a manner that intoxicating liquor cannot be removed without unlocking a lock.

D. Youth. Persons under eighteen (18) years of age may not be employed by license holders at the licensed premises unless at least fifty percent (50%) of the gross sales made consist of goods, merchandise, commodities or food that is not intoxicating liquor. No person under eighteen (18) years of age may have any contact whatsoever with intoxicating liquor, including the sale, stocking, sacking or serving of such intoxicating liquor.

Section 18. Offenses.

A. Unlicensed Sale. No licensee shall sell any intoxicating liquor in any fashion other than that permitted by his/her license.

B. Intoxicating Liquor Outside Licensed Premises. No holder of a sale by the drink license shall allow any intoxicating liquor to be removed from the licensed premises in any fashion other than in the original package.

C. Purchase By Minor. It shall be unlawful for any person under the age of twenty-one (21) years to purchase intoxicating liquor.

D. Possession By Minor. No person under the age of twenty-one (21) years shall have in his/her possession, either on his/her person or in a vehicle in which he/she is riding or sitting (unless when such minor is accompanied by a parent or lawful guardian), any intoxicating liquor, unless such person has a valid employee permit and is working at a licensed premises at the time of such possession of intoxicating liquor. A person under the age of twenty-one (21) shall be deemed to be in possession of intoxicating liquor on his/her person if the person is visibly intoxicated, or if the person has a detectable blood alcohol content of more than two-hundredths of one percent (0.02%) by weight of alcohol in such person's blood. For purposes of this Section, a person is "visibly intoxicated" when inebriated to such an extent that the impairment is shown by significantly uncoordinated physical action or significant physical dysfunction.

E. Acquisition For Minors. It shall be unlawful for any person to purchase or in any way obtain intoxicating liquor for any person under the age of twenty-one (21) years. In addition, it shall be unlawful for any person to obtain, convey, make available or deposit intoxicating liquor in any place where such person knows, or by the exercise of reasonable care should know, that a person or persons under the age of twenty-one (21) years are likely to come into possession of the same.

F. Sale To Minors. No licensee, or employee, agent or servant of such licensee, shall sell, give away or otherwise dispose of intoxicating liquor to any person who is under the age of twenty-one (21) years.

G. Misrepresentation Of Age. It shall be unlawful for any person under the age of twenty-one (21) years to misrepresent his/her age or make a false statement willfully about his/her age to anyone for the purpose of purchasing or in any way obtaining intoxicating liquor.

H. Sale To Intoxicated Persons. No licensee, or employee, agent or servant of such licensee shall sell, give away or otherwise dispose of intoxicating liquor to any person who is intoxicated or who is actually or apparently under the influence of intoxicating liquor.

I. Intoxicated Persons On Premises. No licensee shall allow any person who is intoxicated or under the influence of an alcoholic beverage to remain on the licensed premises.

J. Intoxicating Liquor Brought On Premises. It shall be unlawful for any person to take intoxicating liquor into or upon any premises covered by a retail liquor by the drink license for the purpose of consuming such intoxicating liquor in any form on such premises. In addition, it shall be unlawful for any licensee to allow any person to take intoxicating liquor into or upon any premises covered by a retail liquor by drink license.

K. Consumption On Original Package Licensed Premises. It shall be unlawful for any holder of a original package sales license to allow the consumption of any intoxicating liquor in or upon the licensed premises. It shall be unlawful for any person to consume intoxicating liquor on such premises.

L. Sale Other Than Original Package. It shall be unlawful for the holder of any original package license to sell, dispense or give away intoxicating liquor in any fashion other than in the original package.

M. Inducement To Drink. It shall be unlawful for any holder of a retail liquor by the drink license or a C.O.L. license to give away alcoholic beverage either in drinks or otherwise, either with or without food, or to charge any less price for such drinks when served with food than served without food. In addition, it shall be unlawful for any such licensee to give away food with any drink sold or to offer any food free as an inducement to customers to purchase intoxicating liquor.

N. Disorderliness And Indecency. No licensee shall allow in or upon the licensed premises any disturbances, disorderliness, lewdness, immoral activities, brawls, or any indecent, profane or obscene language, songs, entertainment, literature or advertising material, nor shall the licensee cause to have printed or distributed any lewd, immoral, indecent or obscene literature or advertising material. No licensee shall allow any bartender, server, or any other employee to appear on the licensed premises in a condition where either the

breasts, the pelvic areas or the buttocks are not covered with opaque clothing, nor shall any employee appear on the licensed premises in such a condition. No licensee shall allow any employee or entertainer employed by the licensee or any patron to perform a dance of any kind whatever upon the bar or upon any other place used for serving food or beverages or in any place within the licensed premises open to public view from the sidewalk or street. No licensee shall allow either an exotic dance or striptease dance to be performed ~~except as hereinafter provided:~~ JJ. CMS DC

1. Such dance shall be performed on a raised dais or platform containing not less than one hundred (100) square feet of surface raised at least eighteen (18) inches from the floor level where patrons may be seated or standing.
2. Such dais must at every point be not less than six (6) feet from the nearest patron.
3. Such dance shall not be performed in any place within the licensed premises which is open to public view from the sidewalk or street.

O. No licensee shall allow upon the premises covered by such license any gambling of any kind or character for money, trade checks, prizes, merchandise, free drinks or food, free plays of pinball or video games, or any other consideration whatsoever.

Section 20. Penalty.

Any person violating any provision of this Ordinance shall be deemed guilty of an ordinance violation. The Municipal Court shall have the power to hear and determine the alleged violations of the provisions of this Ordinance. Upon conviction of any violation of this Ordinance, the defendant shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00), or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment. Each day that a violation of this Ordinance continues shall be deemed a separate offense. The Village may also commence civil proceedings in a court of competent jurisdiction to seek injunctive relief, the imposition of monetary penalties, or any other remedy authorized by law for violations of this Ordinance.

To become Ordinance #23:2026 Regulating sales and distribution of liquor.

Read a first and second time and passed by the Board of Trustees of the Village of Coney Island, Missouri this 13 day of July 2026.

Chairperson: _____

Attest: Jennifer Fliflet, Village Clerk date: 7/13/26.