

THE CITY OF ARCADIA, MISSOURIBILL NUMBER 10-17 ORDINANCE NUMBER 17 PAGE 1 OF 4**AN AMENDMENT TO ORDINANCE NUMBER 17: AN ORDINANCE RELATING TO THE SALE OF LIQUOR IN THE CITY OF ARCADIA, MISSOURI**

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ARCADIA, MISSOURI, THAT ORDINANCE NUMBER 17 BE AMENDED AS FOLLOWS:

SECTION 1. LICENSES REQUIRED. It shall be unlawful for any person, firm, partnership, corporation, **limited liability company, or other business entity recognized by the laws of the State of Missouri** to manufacture, sell, or expose for sale in the City, any **intoxicating liquor**, without first obtaining from the City Clerk a license to do so. **For purposes of this ordinance, the term "intoxicating liquor" shall be defined as and include 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 by volume as defined by Section 311.020 RSMo. or its successor statute or statutes.**

SECTION 3. TYPES OF LICENSES. Upon application and qualification as provided herein, the City Clerk shall issue the following **types of** licenses:

b) License to sell malt liquor in the original package not be consumed upon the premises where sold. The term malt liquor shall be construed to mean alcoholic beverages containing **between in excess of one-half of one percent alcohol by volume and 5.0% alcohol by weight.**

~~e) License to sell non-intoxicating beer in the original package, not to be consumed upon the premises. The term "non-intoxicating beer" shall be construed to mean alcoholic beverage containing between 3.2 and 5.0% alcohol by weight.~~

~~d) c)~~ License to sell intoxicating liquor and malt liquor by the drink for consumption on the premises.

~~e) d)~~ License for the sale of malt liquor by the drink for consumption on the premises.

f) ~~License for the sale of non-intoxicating beer by the drink for consumption on the premises.~~

e) **License for a "restaurant bar" to sell intoxicating liquor between the hours of 9:00 a.m. on Sunday and midnight on Sunday by the drink at retail for consumption on the premises of any restaurant bar as described in the application. 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 or which has an annual gross income of at least two hundred thousand dollars from the sale of prepared meals or food consumed on such premises.**

f) **License for a special permit for Sunday retail sales for any holder of a State license pursuant to Section 311.293 RSMo. or its successor statute who is licensed to sell intoxicating liquor in the original package at retail pursuant to section 311.200, to sell intoxicating liquor in the original package at retail between the hours of 9:00 a.m. and midnight on Sundays.**

g) **License for temporary liquor by the drink for caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this chapter who furnish provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, but not including a festival as defined in chapter 316, RSMo. The temporary permit shall be effective for a period not to exceed one hundred sixty-eight consecutive hours, and shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption.**

SECTION 7. LICENSE FEES—PAYABLE WITH APPLICATION. When any applicant for an Arcadia Liquor License shall file an application with the City Clerk, **the applicant include a payment of the first year's license fee with the application.** Fees for Arcadia Liquor Licenses shall be as follows:

e) ~~License to sell non-intoxicating beer in original package, not to be consumed upon premises--\$100.00.~~

d) c) License to sell liquor by the drink for consumption on the premises--\$100.00;

e) d) License to sell malt liquor by the drink for consumption on the premises \$100.00;

e) **License for a restaurant bar -- \$100.00;**

f) **License for a special permit for Sunday retail sales--\$100.00;**

g) **License for temporary liquor by the drink issued pursuant to the provisions of Section 3(g) of this ordinance, the licensee shall pay to the City the sum of \$10.00 for each calendar day, or fraction thereof, for which the permit is issued.**

SECTION 10. HOURS OF OPERATION. No person having an Arcadia Liquor License under the provisions of this Ordinance shall sell or give away any alcoholic beverage on Sunday **unless that person has a license under Section 3 (g) or Section 3 (h) of this Ordinance and the corresponding license from the State of Missouri as set forth in Section 311 RSMo. or its successor statute or statutes. When January first, March seventeenth, July fourth, or December thirty-first falls on 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 provisions of his license on that day from the time and until the time which would be lawful on another day of the week. No person having an Arcadia Liquor License under the provisions of this Ordinance shall sell or give away any alcoholic beverage upon any day of any general, special or primary election in this State, or upon any County or City election day if that person's place of business is used as a polling place, provided that liquor sales at that place of business used as a polling place may be resumed on any such election day after the expiration of 30 minutes next following the time fixed by law for the closing of the polls. No person having an Arcadia Liquor License may operate such business between the hours of 1:30 a.m. and 6:00 a.m.**

SECTION 14. LIMITATION ON NUMBER OF LICENSES. No Arcadia Liquor License shall hereafter be issued when the issuing thereof would increase the number of that category of licenses beyond the following:

e) ~~One license for the sale of non-intoxicating beer in the original package, not be consumed on the premises, for each one thousand people within the City of Arcadia as shown in the last decennial census.~~

d) **One license to sell intoxicating liquor and malt liquor by the drink for consumption on the premises for each one thousand people in Arcadia as shown by the last decennial census.**

e) **Two licenses for a restaurant bar.**

f) **One license for a special permit for Sunday sales.**

IN ALL OTHER RESPECTS THE UNAMENDED PROVISIONS OF ORDINANCE 17 SHALL REMAIN IN FULL FORCE AND EFFECT. THE AMENDMENTS TO ORDINANCE 17 HEREIN ENACTED SHALL BE IN FULL FORCE AND EFFECT UPON PASSAGE AND APPROVAL.

Date of First Reading: OCTOBER 12, 2010

Date of Second Reading: OCTOBER 12, 2010

Passed and Approved: THIS 12TH DAY OF OCTOBER 2010

Raylan
Mayor

ATTEST: Shirley M. Light
City Clerk

