

## Chapter 600

### ALCOHOLIC BEVERAGES

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#### **Section 600.005. Purpose.**

Alcohol is, by law, an age-restricted product that is regulated differently than other products. The provisions of this Chapter establish vital regulation of the sale and distribution of alcoholic 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 producers, importers, distributors, and retailers.

#### **Section 600.010. Definitions.**

When used in this Chapter, the following words shall have the following meanings:

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

**INTOXICATING LIQUOR** — Alcohol for beverage purposes, including 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%) 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 Chapter.

**LIGHT WINES** — An intoxicating liquor consisting of wine containing not in excess of fourteen percent (14%) of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables.

**MALT LIQUOR** — An intoxicating liquor containing alcohol not in excess of five percent (5%) by weight manufactured from pure hops or pure extract of hops, or pure barley malt, or wholesome grains or cereals, and wholesome yeast, and pure water.

**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. "Original package" shall also be construed and held to refer to any package containing one (1) or more standard bottles, cans or pouches of beer.

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

**RESORT** — Any establishment having at least thirty (30) rooms for the overnight accommodation of transient guests having a restaurant or similar facility on the premises at least sixty percent (60%) of the gross income of which is derived from the sale of prepared meals or food, or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand dollars (\$75,000.00) per year with at least fifty thousand dollars (\$50,000.00) of such gross receipts from non-alcoholic sales, or means a seasonal resort restaurant with food sales as determined in Subsection (2) of Section 311.095, RSMo. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the purpose of meeting the annual gross food receipts requirements of this definition, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.

#### **Section 600.015. Sale by the Drink Defined.**

The sale of any intoxicating liquor except malt liquor, in the original package, in any quantity less than fifty (50) milliliters shall be deemed "sale by the drink" and may be made only by a holder of a retail liquor dealer's license and, when so made, the container in every case shall be emptied and the contents thereof served as other intoxicating liquors sold by the drink are served.

#### **Section 600.020. License Required — Classes of Licenses.**

- A. No person shall sell or offer for sale intoxicating liquor in the City of Anderson without a currently valid liquor license issued by the City. A separate liquor license shall be

required for each of the categories and subcategories of liquor sales in which the licensee desires to engage as set forth herein.

B. *General Licenses.* Any person possessing the qualifications and meeting the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor:

1. *Package liquor — malt liquor only.* Sales of malt liquor at retail by grocers and other merchants and dealers for sale in the original package direct to consumers but not for resale and not for consumption on the premises where sold. This license may include Sunday sales from 9:00 A.M. to Midnight.
2. *Package liquor — all kinds.* Sales of all kinds of intoxicating liquors in the original package at retail not for consumption on the premises where sold, including sales as set forth in Subsection (B)(1) of this Section.
3. *Liquor by the drink — malt liquor/light wine only.* Sales of malt liquor and light wines at retail by the drink for consumption on the premises where sold, including sales as set forth in Subsections (B)(1) and (4) of this Section.
4. *Malt liquor by the drink.* Sales of malt liquor at retail by the drink for consumption on the premises. This license may include Sunday sales from 9:00 A.M. to Midnight.
5. *Liquor by the drink — all kinds.* Sales of intoxicating liquor of all kinds at retail by the drink for consumption on the premises where sold, including package sales as set forth in Subsection (B)(2) of this Section.

C. *Sunday Sales.* Except for any establishment that may apply for a license under Section 311.089, RSMo., any person possessing the qualifications and meeting the requirements of this Chapter, who is licensed to sell intoxicating liquor at retail, may apply to the City for a special license to sell intoxicating liquor at retail between the hours of 9:00 A.M. and Midnight on Sundays.

D. *Permits.*

1. *Temporary permit for sale by drink.* Any person who possesses the qualifications, meets the requirements and complies with the provisions of Section 600.030(B) below may apply for a special permit to sell intoxicating liquor for consumption on premises where sold.
2. *Tasting permit — retailers.* Any person who is licensed to sell intoxicating liquor in the original package at retail under Subsections (B)(2) and (C) of this Section above may apply for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises; however, nothing in this Section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.
3. *Tasting permit — winery, distiller, manufacturer, etc.*
  - a. Any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide and pour distilled spirits, wine, or malt beverage

samples off a licensed retail premises for tasting purposes provided no sales transactions take place. For purposes of this Subsection (D)(3), a "sales transaction" shall mean an actual and immediate exchange of monetary consideration for the immediate delivery of goods at the tasting site.

- b. Notwithstanding any other provisions of this Chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide, furnish, or pour distilled spirits, wine, or malt beverage samples for customer tasting purposes on any temporary licensed retail premises as described in Sections 311.218, 311.482, 311.485, 311.486, or 311.487, RSMo., or on any tax exempt organization's licensed premises as described in Section 311.090, RSMo.
- c. *Any winery, distiller, etc., may provide or furnish distilled spirits, wine or malt beverage samples on a licensed retail premises — when.*
  - (1) Notwithstanding any other provisions of this Chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide or furnish distilled spirits, wine or malt beverage samples on a licensed retail premises for customer tasting purposes so long as the winery, distiller, manufacturer, wholesaler, or brewer or designated employee has permission from the person holding the retail license. The retail licensed premises where such product tasting is provided shall maintain a special permit in accordance with Section 311.294, RSMo., or hold a by the drink for consumption on the premises where sold retail license. No money or anything of value shall be given to the retailers for the privilege or opportunity of conducting the on-the-premises product tasting.
  - (2) Distilled spirits, wine, or malt beverage samples may be dispensed by an employee of the retailer, winery, distiller, manufacturer or brewer or by a sampling retained by the retailer, winery, distiller, manufacturer or brewer. All sampling service employees that provide and pour intoxicating liquor samples on a licensed retail premises shall be required to complete a server training program approved by the Division of Alcohol and Tobacco Control.
  - (3) Any distilled spirits, wine, or malt beverage sample provided by the retailer, winery, distiller, manufacturer, wholesaler, or brewer remaining after the tasting shall be returned to the retailer, winery, distiller, manufacturer, wholesaler, or brewer.

#### **Section 600.030. License Regulations.**

- A. *Package Sales, Limitations.* 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: a drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person

who does not have and keep in his/her 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. Under such 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 in this Chapter or law.

*B. Temporary Permit For Sale By Drink — Certain Organizations.*

1. Notwithstanding any other provision of this Chapter, a permit for the sale of all kinds of intoxicating liquor, including intoxicating liquor in the original package, at retail by the drink for consumption on the premises of the licensee may be issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for the sale of such intoxicating liquor at a picnic, bazaar, fair or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such club or organization.
2. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 11:00 A.M.
3. At the same time that an applicant applies for a permit under the provisions of this Subsection, the applicant shall notify the Director of Revenue of the holding of the event by certified mail and by such notification shall accept responsibility for the collection and payment of any applicable sales tax.
4. No provision of law or rule or regulation of the City shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

*C. Operating Hours, Days.*

1. No person having a license under the provisions of this Chapter shall sell, give away, or permit the consumption of any intoxicating liquor in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. on Sunday and 6:00 A.M. on Monday except as otherwise authorized and licensed for Sunday sales, and if said person has a license to sell intoxicating liquor by the drink, his/her premises shall be and remain a closed place as defined in Section 600.010 of this Chapter and between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and 1:30 A.M. on Sunday and 6:00 A.M. on Monday, and provided further that where such licenses authorizing the sale of intoxicating liquor by the drink are held by clubs or hotels, this Section shall apply only to the room or rooms in which the intoxicating liquor is dispensed, and provided further that where such licenses are held by restaurants or stores whose business is conducted in one (1) room only and substantial quantities of food and merchandise, other than intoxicating liquor, are dispensed, then the licensee shall keep securely locked during the hours and on the days herein specified all refrigerators, cabinets, cases, boxes and taps from which intoxicating liquor is dispensed.

2. When January first (1st), March seventeenth (17th), July fourth (4th) or December thirty-first (31st) 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/her license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of this Chapter to the contrary.

**D. General License Regulations.**

1. Each license issued hereunder shall be conspicuously posted on the premises for which the license has been issued.
2. A separate license shall be required for each place of business. Every license issued under the provisions of this Chapter shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein.
3. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this Chapter, may make application and the Clerk may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased. Whenever one (1) or more members of a partnership withdraws from the partnership, the Clerk, upon being requested, shall permit the remaining partner or partners originally licensed to continue to operate for the remainder of the period for which the license fee has been paid without obtaining a new license.
4. In the event any licensee desires to change the location of his/her place of business in the City, it shall be necessary for him/her to file an application in the same manner as herein provided for an original application, except that no additional fee shall be charged and the amended license, describing the new location, shall be issued immediately upon the approval of the application by the Board. Any change of location of the enterprise prior to issuance of such an amended license shall constitute a violation of this Section.

**Section 600.033. Sales of Liquor Prohibited Near Schools and Churches.**

- A. No license shall be granted for the sale of intoxicating liquor, as defined in this Chapter, within three hundred (300) 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 Aldermen, except that when a school, church or place of worship shall hereafter be established within three hundred (300) 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 three hundred (300) 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.
- C. Subsection (A) of this Section shall not apply to any premises holding a license issued before January 1, 2004, by the Supervisor of Alcohol and Tobacco Control for the sale of intoxicating liquor. To retain a license under this Subsection, the licensed premises shall not change license type, amend the legal description, or be without a liquor license for more than ninety (90) days.

#### **Section 600.035. Restrictions As to Place of Sale.**

**[CC 1995 §§600.060, 600.100; CC 1974 §§50.060, 50.090]**

- A. *Malt Liquor And Intoxicating Liquor By The Drink.* No license shall be issued for the sale of malt liquor or intoxicating liquor at retail by the drink, for consumption on the premises in the City, except where the place of such business, according to the application for such license, is to be located within a Commercial or Industrial District of this City.
- B. *Original Package Sales.* No licenses shall be issued under this Chapter, where the place of such business sought to be licensed, according to the application for such license, is located outside a Commercial or Industrial District of the City as defined in this Code.

#### **Section 600.040. Schedule of License Fees.**

**[CC 1995 §600.210]**

- A. The following categories and subcategories of licenses shall be issued upon compliance with the provisions of this Chapter and payment of the license fee indicated:
  - 1. *General licenses.*
    - a. Malt liquor — original package: \$25.00.
    - b. Intoxicating liquor (all kinds) — original package: \$25.00.
    - c. Malt liquor — by drink: \$25.00.
    - d. Malt liquor and light wines — by drink: \$25.00.
    - e. Intoxicating liquor (all kinds) — by drink: \$25.00.
  - 2. *Sunday sales (additional fee).*

- a. Intoxicating liquor at retail: \$25.00.
3. *Permits.*
    - a. Temporary permit — by the drink for certain organizations (7 days max.): \$25.00.
    - b. Tasting permit: \$25.00.
    - c. Caterers: \$15.00 per each calendar day.
- B. All licenses issued under the provisions of this Chapter shall expire on the thirty-first (31st) day of March following the issuance thereof. For a partial year license, the fee shall be prorated quarterly. No license fee shall be returned to the holder upon sale, transfer or dissolution of the business for which the license was issued.

**Section 600.045. Temporary Location for Liquor by the Drink, Caterers — Permit — Fee Required.**

- A. The City may issue a temporary permit to 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 (168) 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. For every permit issued pursuant to the provisions of this Section, the permittee shall pay to the City an amount as set out in Section 600.040(A)(3)(c) above, or fraction thereof, for which the permit is issued.
- B. Except as provided in Subsection (C), all provisions of the Liquor Control Law and the ordinances, rules and regulations of the City, in which is located the premises in which such function, occasion or event is held, shall extend to such premises and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees, or stock are in such premises. This temporary permit shall allow the sale of intoxicating liquor in the original package.
- C. Notwithstanding any other law to the contrary, any caterer who possesses a valid State and valid local liquor license may deliver alcoholic beverages in the course of his/her catering business. A caterer who possesses a valid State and valid local liquor license need not obtain a separate license for each City the caterer delivers in, so long as such City permits any caterer to deliver alcoholic beverages within the City.
- D. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent (5%) by weight delivered and invoiced under the catering permit number, but not used, if the wholesaler removes the product within seventy-two (72) hours of the expiration of the catering permit issued pursuant to this Section.



**Section 600.050. Table Tap Dispensing of Beer Permitted, When.**

- A. Any person licensed to sell liquor at retail by the drink for consumption on the premises where sold may use a table tap dispensing system to allow patrons of the licensee to dispense beer at a table. Before a patron may dispense beer, an employee of the licensee must first authorize an amount of beer, not to exceed thirty-two (32) ounces per patron per authorization, to be dispensed by the table tap dispensing system.
- B. No provision of law or rule or regulation of the City shall be interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating liquor to furnish table tap dispensing or cooling equipment or provide services for the maintenance, sanitation, or repair of table tap dispensing systems.

**Section 600.055. Application for License and Renewal.**

- A. *Filing Of An Application.* Each application for an original or renewal license shall be filed with the City Clerk on a form to be provided by the City, signed and sworn to by the applicant. Each application shall be accompanied by a proper remittance reflecting the appropriate license fee made payable to the City.
- B. *Qualifications.* Neither the applicant nor any officer, director or shareholder of a corporate applicant shall have been convicted of a felony or of any distribution, sale or possession of any controlled substances or dangerous drugs. The applicant shall present with the application a bona fide sale contract or option duly executed, which may be subject to the applicant obtaining a liquor license, or a bona fide lease duly executed by the lessor, or an option for a lease duly executed, subject to the applicant obtaining a liquor license, covering the property for which a liquor license is requested. If the applicant is a corporation, the petition shall set forth all of the above information with respect to the managing officer or officers, identifying such officer or officers. The application shall further state the full name of the corporation, its date of incorporation, its registered agent and registered address, the names and addresses of all shareholders of the corporation, and whether said corporation operates any other business or controls or is controlled by any other corporation or business and, if so, the application shall further state the name of such controlled or controlling corporation or business, its registered agent and registered address, and the location of all businesses operated by it and the name and address of any such businesses with a liquor license, whether within or without the City; and the application shall also state if such controlling corporation or any controlled corporation is doing business under a fictitious name, and the address where said business is located. The Board of Aldermen also may request such additional information of an applicant as it may deem necessary for it to make a determination with respect to the issuance of a liquor license.
- C. Upon approval of any application for a license, the Clerk shall grant the applicant a license to conduct business in the City for a term to expire on the thirty-first (31st) day of March next succeeding the date of such license, unless such license be revoked or suspended for cause before the expiration of such time.
- D. Applications for renewal of licenses must be filed on or before the first (1st) day of March of each calendar year. Such renewal application shall be reviewed by the Board at

its next meeting. Upon approval of the majority of the Board and payment of the license fee provided herein, the Clerk shall renew the license. In the event that any person residing or conducting businesses within two hundred (200) feet of the applicant's place of business shall file a written protest against the renewal of such license, the Board shall conduct a hearing on the application for license renewal as provided in this Subsection.

**Section 600.060. Minors.**

*A. Persons Eighteen Years Of Age Or Older May Sell Or Handle Intoxicating Liquor, When.*

1. Except as otherwise provided in this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor.
2. In any place of business licensed in accordance with this Chapter, persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment for, and sack for carry-out intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years. Any licensee who employs any person under the age of twenty-one (21) years, as authorized by this Subsection, shall, when at least fifty percent (50%) of the licensee's gross sales does not consist of non-alcoholic sales, have an employee twenty-one (21) years of age or older on the licensed premises during all hours of operation.
3. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail. Any wholesaler licensed pursuant to this Chapter may employ persons of at least eighteen (18) years of age to rotate, stock and arrange displays at retail establishments licensed to sell intoxicating liquor.
4. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating beverages.

*B. Sales To Minor — Exceptions.*

1. No licensee, his/her employee, or any other person shall procure for, sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, except that this Section shall not apply to the parent or guardian of the minor nor to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical

purposes only or to the administering of such intoxicating liquor to such person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this Chapter solely due to a conviction for unlawful sale or supply to a minor while serving in the capacity as an employee of a licensed establishment.

2. Any owner, occupant, or other person or legal entity with a lawful right to the exclusive use and enjoyment of any property who knowingly allows a person under the age of twenty-one (21) to drink or possess intoxicating liquor or knowingly fails to stop a person under the age of twenty-one (21) from drinking or possessing intoxicating liquor on such property, unless such person allowing the person under the age of twenty-one (21) to drink or possess intoxicating liquor is his/her parent or guardian, is guilty of an ordinance violation.
3. It shall be a defense to prosecution under this Subsection if:
  - a. The defendant is a licensed retailer, club, drinking establishment, or caterer or holds a temporary permit, or an employee thereof;
  - b. The defendant sold the intoxicating liquor to the minor with reasonable cause to believe that the minor was twenty-one (21) or more years of age; and
  - c. To purchase the intoxicating liquor, the person exhibited to the defendant a driver's license, Missouri non-driver's identification card, or other official or apparently official document containing a photograph of the minor and purporting to establish that such minor was twenty-one (21) years of age and of the legal age for consumption of intoxicating liquor.

C. *Misrepresentation Of Age By Minor To Obtain Liquor — Use Of Altered Driver's License, Passport Or I.D. Cards, Penalties.*

1. No person under the age of twenty-one (21) years shall represent, for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, that he/she has attained the age of twenty-one (21) years, except in cases authorized by law.
2. In addition to Subsection (C)(1) of this Section, no person under the age of twenty-one (21) years shall use a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by any uniformed service of the United States, passport or identification card established in Section 302.181, RSMo., for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor.

D. *Minors In Possession Of Intoxicating Liquor.*

1. No person under the age of twenty-one (21) years shall purchase or attempt to purchase, or have in his/her possession, any intoxicating liquor as defined in Section 600.010, or shall be visibly in an intoxicated condition as defined in Section 577.001, RSMo., or shall have a detectable blood alcohol content of more than two-hundredths of one percent (.02%) or more by weight of alcohol in such person's blood.

2. Any person under the age of twenty-one (21) years who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor, or who is visibly in an intoxicated condition as defined in Section 577.001, RSMo., shall be deemed to have given consent to a chemical test or tests of the person's breath, blood, saliva, or urine for the purpose of determining the alcohol or drug content of the person's blood. The implied consent to submit to the chemical tests listed in this Subsection shall be limited to not more than two (2) such tests arising from the same arrest, incident, or charge. Chemical analysis of the person's breath, blood, saliva, or urine shall be performed according to methods approved by the State Department of Health and Senior Services by licensed medical personnel or by a person possessing a valid permit issued by the State Department of Health and Senior Services for this purpose. The State Department of Health and Senior Services shall approve satisfactory techniques, devices, equipment, or methods to be considered valid and shall establish standards to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the State Department of Health and Senior Services. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a Law Enforcement Officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a Law Enforcement Officer. Upon the request of the person who is tested, full information concerning the test shall be made available to such person. "Full information" is limited to the following:
  - a. The type of test administered and the procedures followed;
  - b. The time of the collection of the blood or breath sample or urine analyzed;
  - c. The numerical results of the test indicating the alcohol content of the blood and breath and urine;
  - d. The type and status of any permit which was held by the person who performed the test;
  - e. If the test was administered by means of a breath-testing instrument, the date of performance of the most recent required maintenance of such instrument.

"Full information" does not include manuals, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the State. Additionally, "full information" does not include information in the possession of the manufacturer of the test instrument.
3. The provisions of this Subsection shall not apply to a student who:
  - a. Is eighteen (18) years of age or older;
  - b. Is enrolled in an accredited college or university and is a student in a culinary course;

- c. Is required to taste, but not consume or imbibe, any beer, ale, porter, wine, or other similar malt or fermented beverage as part of the required curriculum; and
- d. Tastes a beverage under Subsection (D)(3)(c) of this Section only for instructional purposes during classes that are part of the curriculum of the accredited college or university.

The beverage must at all times remain in the possession and control of any authorized instructor of the college or university, who must be twenty-one (21) years of age or older. Nothing in this Subsection may be construed to allow a student under the age of twenty-one (21) to receive any beer, ale, porter, wine or other similar malt or fermented beverage unless the beverage is delivered as part of the student's required curriculum and the beverage is used only for instructional purposes during classes conducted as part of the curriculum.

**Section 600.065. Burden of Proof on Violator Concerning Manufacturer-Sealed Container.**

For purposes of determining violations and prosecution under this Chapter, or any rule or regulation of the Supervisor of Alcohol and Tobacco Control, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was no intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

**Section 600.070. Miscellaneous Offenses.**

- A. *Unlawful For Licensed Retailer To Purchase From Other Than Licensed Wholesaler.* It shall be unlawful for any licensee to purchase any intoxicating liquor except from, by or through a duly licensed wholesale liquor dealer in this State. It shall be unlawful for such retail liquor dealer to sell or offer for sale any intoxicating liquor purchased in violation of the provisions of this Section.
- B. *Packaging, Labeling, Repackaging Prohibited, When.* Any retailer licensed pursuant to this Chapter shall not:
  1. Sell intoxicating liquor with an alcohol content of less than five percent (5%) by weight to the consumer in an original carton received from the wholesaler that has been mutilated, torn apart or cut apart; or
  2. Repackage intoxicating liquor with an alcohol content of less than five percent (5%) by weight in a manner misleading to the consumer or that results in required labeling being omitted or obscured.

- C. *Mixing Liquor With Drugs Prohibited.* No licensee, or any other person, shall for any purpose whatsoever mix or permit or cause to be mixed with any intoxicating liquor kept for sale, sold or supplied by him/her as a beverage any drug or form of methyl alcohol or impure form of alcohol.
- D. *Unlawful To Sell Unlabeled Liquor — Penalty.* It shall be unlawful for any person to sell any intoxicating liquor which has not been inspected and labeled according to the provisions of the Liquor Control Law of Missouri, and any such person upon conviction shall have his/her license revoked and shall be ineligible to receive any subsequent liquor license for a period of two (2) years thereafter.
- E. *Only Those Liquors Authorized By License To Be Kept On Premises.* It shall be unlawful for any licensee licensed for the sale of intoxicating liquor at retail by the drink for consumption on the premises to keep in or upon the premises described in such license any intoxicating liquor other than the kind of liquor expressly authorized to be sold by such licensee.
- F. *Persons Apparently Intoxicated Not To Be Provided With Intoxicating Liquor.* It shall be unlawful for any licensee, or his/her employee or agent, to sell or supply intoxicating liquor, or permit such to be sold or supplied, to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor.
- G. *Drinking In Public Places Prohibited.*
1. For purposes of this Section, the term "public place" shall mean any public street, highway, park, alley, sidewalk, thoroughfare or other public way of the City, or any parking lot.
  2. No person shall drink or ingest any intoxicating liquor in or on any public place.
  3. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor while in or upon any public place.
  4. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor while within or on any motor vehicle while the same is being operated upon, or parked or standing in or upon, any public place. Any person operating a motor vehicle shall be deemed to be in possession of an open container contained within the motor vehicle he/she has control of whether or not he/she has actual physical possession of the open container.

**Section 600.080. Warning Sign Displayed — Liquor Licenses.**

Any person who is licensed to sell or serve alcoholic beverages at any establishment shall place on the premises of such establishment a warning sign as described in this Section. Such sign shall be at least eleven (11) inches by fourteen (14) inches and shall read "WARNING: Drinking alcoholic beverages during pregnancy may cause birth defects". The licensee shall display such sign in a conspicuous place on the licensed premises.

**Section 600.090. Administration of Law — License Suspension/Revocation.**

- A. *Suspension Or Revocation Of License — When — Manner.* The Board may suspend or revoke the license of any person for cause shown. In such cases the City Clerk shall schedule a hearing before the Board or a hearing officer not less than ten (10) days prior to the effective date of revocation or suspension, and prior to the hearing the Clerk shall give not less than ten (10) days' written notice specifying grounds for the suspension or revocation thereof to the licensee of the grounds upon which the license is sought to be revoked or suspended and the time, date and place of the hearing. Notice may be accomplished by personal delivery, U.S. mail or by posting on the licensed premises. The hearing shall be conducted in accordance with Section 600.100 of this Chapter.
- B. *Grounds For Suspension Or Revocation.* A license may be suspended or revoked for any of the following reasons:
1. Violating any of the provisions of either this Chapter, Chapter 311, RSMo., or any ordinance of the City; or
  2. Failing to obtain or keep a license from the State Supervisor of Alcohol and Tobacco Control; or
  3. Making a false affidavit in an application for a license under this Chapter; or
  4. Failing to keep an orderly place or house; or
  5. Selling, offering for sale, possessing or knowingly permitting the consumption on the licensed premises of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under the license; or
  6. Selling, offering for sale, possessing or knowingly permitting the consumption of any intoxicating liquor which has not been inspected and labeled according to the laws of the State of Missouri; or
  7. Selling, giving, or otherwise supplying intoxicating liquor to:
    - a. Any person under the age of twenty-one (21) years, or
    - b. Any person during unauthorized hours on the licensed premises, or
    - c. A habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor, or
    - d. Any person on the licensed premises during a term of suspension as ordered by the Board.
- C. *Automatic Revocation/Suspension.* A license shall be revoked automatically if the licensee's State liquor license is revoked or if the licensee is convicted in any court of any violation of this Chapter or Chapter 311, RSMo., or of any felony violation of Chapter 195, RSMo., in the course of business. A license shall be suspended automatically if the licensee's State liquor license is suspended, and the suspension shall be for a term not less than that imposed by the State.

- D. *Effect Of Suspension.* No person whose license shall have been suspended by order of the Board shall sell or give away any intoxicating liquor during the time such suspension is in effect. Any licensee desiring to keep premises open for the sale of food or merchandise during the period of suspension shall display the Board's order of suspension in a conspicuous place on the premises so that all persons visiting the premises may readily see the same.

**Section 600.095. Revocation to Forfeit License Fee.**

[CC 1995 §600.240; CC 1974 §50.220]

In case of revocation or forfeiture of any license granted and issued under the provisions of this Chapter for cause or otherwise, the City shall in no event return any part of the fee paid for such license.

**Section 600.100. Hearings Upon Suspension or Revocation of Licenses.**

- A. *Hearing Officer.* Hearings may be had before the Board of Aldermen or before a hearing officer appointed by the Board who shall be an attorney licensed to practice law in the State of Missouri. If held before a hearing officer, he/she shall report to the Board findings of fact, conclusions of law and recommendations. The Board may accept, modify or refuse to accept the report of the hearing officer or any portion thereof.
- B. *Witnesses — How Summoned.* Subpoenas may be issued by the Board for any person whose testimony is desired at any hearing. Such subpoenas may be served and returns thereon made by any agent and in the same manner as provided by law for the service of subpoenas in civil suits in the Circuit Courts of this State. The Board also may issue subpoenas duces tecum requiring the production of documents or other items pertaining to the subject of the inquiry.
- C. *Witnesses To Be Sworn.* Before any witness shall testify in any such hearing, he/she shall be sworn by the City Clerk to tell the truth and nothing but the truth.
- D. *Decision — Suspension Or Revocation.* If the evidence supports a finding that the license should be revoked or suspended pursuant to Section 600.090 of this Chapter, the Board shall issue a written order which shall include specific findings of fact setting forth the grounds for the action taken. If the evidence fails to support a finding that the license should be revoked or suspended, then no such order shall be issued.
- E. *Appeal.* Any applicant or licensee aggrieved by a decision of the Board may appeal such decision to the Circuit Court as provided in Chapter 536, RSMo., provided such appeal is filed within thirty (30) days of the date of the Board's decision. The Board may delay the implementation of its order pending appeal.



## Chapter 605

### LICENSES AND OCCUPATIONAL TAXES

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| <b>Section 605.010. License Required.</b>  | <b>Section 605.070. License Not Required for Delivery of Purchases Made Beyond City.</b> |
| <b>Section 605.015. License Application and Issuance.</b>                              | <b>Section 605.080. City Clerk Is License Officer.</b>                                   |
| <b>Section 605.020. Separate License Required for Each Business — Exception.</b>       | <b>Section 605.090. City Clerk — Powers and Duties.</b>                                  |
| <b>Section 605.030. More Than One Business at Same Location.</b>                       | <b>Section 605.100. To Whom Taxes and Fees Paid.</b>                                     |
| <b>Section 605.040. When Person Is in Business.</b>                                    | <b>Section 605.110. Application — Renewal — Term.</b>                                    |
| <b>Section 605.045. Fees Generally.</b>  | <b>Section 605.120. Application — Refunds Upon Disapproval.</b>                          |
| <b>Section 605.050. Persons Not To Be Charged for Business License.</b>                | <b>Section 605.130. Appeal.</b>  |
| <b>Section 605.060. Local Representative Responsible for Compliance by Principals.</b> | <b>Section 605.140. Confidentiality of Information.</b>                                  |
|  | <b>Section 605.150. Posting or Display of License.</b>                                   |
|  | <b>Section 605.160. Violation and Penalty — Delinquency.</b>                             |
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#### **Section 605.010. License Required.**

[CC 1995 §605.010; CC 1974 §54.010]

It shall be unlawful for any person, either directly or indirectly, to conduct any business, or to use in connection therewith any vehicle, premises, machine or device for which a license is required by this Chapter, without the license so required having been first procured and thereafter kept in effect at all such times as required by this Code or other ordinance.

#### **Section 605.015. License Application and Issuance.**

- A. All applications for the licenses required herein shall be made to the City Clerk on appropriate forms provided for that purpose by the City. All licenses issued by the City Clerk shall be in such form as is provided by the Board of Aldermen; provided however, that such license shall bear the signature of the Mayor of the Board of Aldermen and the City Clerk, the date of issuance thereof and the date of expiration, as well as any additional information that may be required by the Board of Aldermen.

- B. All applicants for an original license shall also furnish to the City Clerk proof of having obtained a State of Missouri tax identification number for their business unless otherwise exempted by law. Failure to do so may result in the denial of a license. [5-17-2016]
- C. Each applicant for a business license under this Chapter shall submit a statement from the Missouri Department of Revenue pursuant to Section 144.083.4, RSMo., stating no tax is due, which statement is a prerequisite to the issuance or renewal of a City business license. The statement required by this Section shall be dated within ninety (90) days of submission of the business license application or renewal application.

**Section 605.020. Separate License Required for Each Business — Exception.**

[CC 1995 §605.020; CC 1974 §54.020]

- A. For each business required by this Chapter to be licensed, a separate license shall be obtained.
- B. A person engaged in two (2) or more businesses at the same location shall not be required to obtain a separate license for each business but, when eligible, shall be issued one (1) license, which shall specify on its face all such businesses.

**Section 605.030. More Than One Business at Same Location.**

[CC 1995 §605.030; CC 1974 §54.030]

When any person engages in two (2) or more businesses at the same location, under one (1) license as authorized in Section 605.020(A), he/she shall pay a license fee equal to the sum of all the fees for each business so licensed.

**Section 605.040. When Person Is in Business.**

[CC 1995 §605.040; CC 1974 §54.040]

Except as may be provided otherwise in this Chapter, a person shall be deemed to be in business within the meaning of this Chapter when he/she is selling any goods or service, soliciting business, or offering goods or service for sale or hire, or using any vehicle or premises in the City for business purposes.

**Section 605.045. Fees Generally.**

[CC 1995 §605.170; CC 1974 §54.170; 5-17-2016]

The fees for licenses shall be no less than ten dollars (\$10.00) and shall be established from time to time by ordinance of the Board of Aldermen, such ordinance being kept on file in the office of the City Clerk.

**Section 605.050. Persons Not To Be Charged for Business License.**

- A. No person following for a livelihood the profession or calling of minister of the gospel, duly accredited Christian Science practitioner, teacher, professor in a college, priest, lawyer, certified public accountant, dentist, chiropractor, optometrist, chiropodist, or physician or surgeon in this City shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on such profession or calling, and after December 31, 2003, no investment funds service corporation as defined in Section 143.451, RSMo., may be required to pay any such license fee in excess of twenty-five thousand dollars (\$25,000.00) annually, any law, ordinance or Charter to the contrary notwithstanding.
- B. No person following for a livelihood the profession of insurance agent or broker, veterinarian, architect, professional engineer, land surveyor, auctioneer, or real estate broker or salesman in this City shall be taxed or made liable to pay any municipal or other corporation tax or license fee for the privilege of following or carrying on his/her profession unless that person maintains a business office within the City of Anderson.

**Section 605.060. Local Representative Responsible for Compliance by Principals.**

[CC 1995 §605.060; CC 1974 §54.060]

The local agents or other representatives of non-residents who are doing business or engaging in nonprofit enterprises in this City shall be personally responsible for the compliance of their principals and of the businesses and enterprises they represent with all applicable provisions of this Chapter.

**Section 605.070. License Not Required for Delivery of Purchases Made Beyond City.**

[CC 1995 §605.070]

Except as may be provided otherwise by this Code, no license shall be required of any person for any mere delivery in the City of any property purchased or acquired in good faith from such person at his/her regular place of business outside the City where no intent by such person is shown to exist to evade the provisions of this Chapter.

**Section 605.080. City Clerk Is License Officer.**

[CC 1995 §605.080; CC 1974 §54.080]

The City Clerk shall be the City Business License Officer and shall issue in the name of the City all licenses required by this Chapter, to all qualified applicants therefor, when all required taxes and fees have been paid in accordance with the provisions of this Chapter.

**Section 605.090. City Clerk — Powers and Duties.****[CC 1995 §605.090; CC 1974 §54.090]**

A. The City Clerk, in issuing licenses required by this Chapter, shall:

1. Promulgate such rules and regulations as he/she may consider desirable for the administration of this Chapter. When approved by the Mayor, such rules and regulations shall be placed on file in the office of the City Clerk for inspection and use by the public, and the provisions thereof shall be enforced by him/her;
2. Adopt all forms and prescribe the information to be given therein as to character of applicant's business, and other relevant matter for all necessary papers;
3. Require applicants to submit all affidavits and oaths necessary to the administration of this Chapter;
4. Submit all applications, in each proper case, to interested City Officials for their endorsements thereon as to compliance by the applicant with all City ordinances which they have the duty of enforcing;
5. Investigate and determine the eligibility of any applicant for a license or permit or renewal thereof as prescribed in this Chapter;
6. Examine the books and records of any applicant or licensee when reasonably necessary to the administration and enforcement of this Chapter; and
7. Notify any applicant of the acceptance or rejection of his/her application and, upon refusal of any license or permit and at the applicant's request, state in writing the reasons therefor and deliver them to the applicant.

**Section 605.100. To Whom Taxes and Fees Paid.****[CC 1995 §605.100; CC 1974 §54.100]**

Taxes and fees required by this Chapter to be paid by any person shall be payable to the City Collector who shall issue a proper receipt to each person making any such payment.

**Section 605.110. Application — Renewal — Term.****[CC 1995 §605.120; CC 1974 §54.120]**

- A. Any applicant for the renewal of a license under this Chapter shall submit an application therefor to the City Clerk upon forms provided by the City Clerk, which shall include such information which he/she shall find to be reasonably necessary to the fair administration of this Chapter and information as to the conduct and operation of his/her business during the preceding licensing period.
- B. The license term shall be April first (1st) to March thirty-first (31st).
- C. Licenses are to be renewed by April 1 of each year. Failure to do so within thirty (30) days following that date will incur a penalty of forty dollars (\$40.00). Original licenses

obtained between January 1 and April 1 shall be deemed valid until April 1 of the following year. [5-17-2016]

**Section 605.120. Application — Refunds Upon Disapproval.**

[CC 1995 §605.130; CC 1974 §54.130]

The City Clerk shall, upon disapproving any application, direct the City Collector to refund all money paid in advance; provided the applicant is not otherwise indebted to the City. When the issuance of a license is refused and any action or proceeding is brought by the applicant to compel its issuance, such applicant shall not engage in the business for which the license was refused.

**Section 605.130. Appeal.**

[CC 1995 §605.140; CC 1974 §54.140]

An appeal may be had from any decision of the City Clerk in granting or denying a City business license. An application for appeal shall be filed with the City Clerk within fourteen (14) days of a decision adverse to the one requesting an appeal. The Board of Aldermen shall hear the appeal within thirty (30) days of filing of the application for an appeal hearing.

**Section 605.140. Confidentiality of Information.**

[CC 1995 §605.150; CC 1974 §54.150]

The City Clerk, and all other City Officers and Officials who may be officially concerned with administering and enforcing this Chapter, shall keep all information furnished or secured under the authority of this Chapter in strict confidence. Such information shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known, except to the persons charged with the administration of this Chapter; provided that this Section shall not prohibit any City Officer from testifying as to such information in compliance with a subpoena issued under a court of competent jurisdiction or from the Board of Aldermen in any proceeding before it.

**Section 605.150. Posting or Display of License.**

[CC 1995 §605.160; CC 1974 §54.160]

Every licensee under this Chapter shall post and maintain his/her license upon the premises in a place where it may be seen at all times. Every licensee under this Chapter who does not have licensed business premises shall carry his/her license on his/her person and shall display it to City Officers having authority to enforce this Chapter and to persons with whom he/she transacts business at their request.

**Section 605.160. Violation and Penalty — Delinquency.**

- A. All license fees not paid to the City by the person required to remit the same on the date when the same becomes due and payable to the Director of Revenue shall bear interest at the rate determined by Section 32.065, RSMo., from and after such date until paid.
- B. In case of failure to apply for any license fee required by this Chapter on or before the date prescribed therefor, determined with regard to any extension of time for making an application, unless it is shown that such failure is due to reasonable cause and not the result of willful neglect, evasion or fraudulent intent, there shall be added to the amount required to be shown as tax on such return five percent (5%) of the amount of such tax if the failure is not for more than one (1) month, with an additional five percent (5%) for each additional month or fraction thereof during which such failure continues, not exceeding twenty-five percent (25%) in the aggregate.
- C. In case of failure to pay the full amount of any license fee due hereunder on or before the date prescribed therefor, determined with regard to any extension of time for payment, unless it is shown, by the applicant, that such failure is due to reasonable cause and not the result of willful neglect, evasion or fraudulent intent, there shall be added to the tax an amount equal to five percent (5%) of the deficiency. The City shall, upon request by a taxpayer, apprise the taxpayer of the factual basis for the finding of negligence, or the specific rules or regulations disregarded if the City assesses a penalty under this Subsection.
- D. Failure to abide by the provisions of this Chapter will result in an initial fine of three hundred fifty dollars (\$350.00) and a fine of one hundred dollars (\$100.00) for each subsequent day in which it is determined that business is conducted without a permit.
- [5-17-2016]**

## Chapter 610

### JUNKYARDS

**Section 610.010. Definitions.**

**Section 610.020. License Required.**

**Section 610.030. Application.**

**Section 610.040. License Fees.**

**Section 610.050. Investigation —  
Approval and Issuance  
of License.**

**Section 610.060. License Not  
Transferable.**

**Section 610.070. Duration — Proration  
and Refund of Fees.**

**Section 610.080. General Operating  
Requirements.**

**Section 610.090. Provisions Not  
Applicable Outside City  
Limits.**

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#### **Section 610.010. Definitions.**

**[CC 1995 §610.010; CC 1974 §51.010]**

Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this Chapter:

**BUSINESS PREMISES or PREMISES** — The area of a junkyard as described in a junk dealer's license or application for license as provided for in this Chapter.

**ITINERANT JUNK DEALER** — An individual (natural person) who buys, sells, collects, or delivers junk within the City as a business or employment within the City, but who is not an operator of a junkyard within the City or an employee of such an operator.

**JUNK** — Any old iron, steel, brass, copper, tin, lead, or other base metals; old cordage, ropes, rags, fibers, or fabrics; old rubber; old bottles or other glass; bones; wastepaper and other waste or discarded material which might be prepared to be used again in some form; and any or all of the foregoing; and motor vehicles, no longer used as such, to be used for scrap metal or stripping of parts; but "junk" shall not include materials or objects accumulated by a person as by-products, waste, or scraps from the operation of his/her own business, or materials or objects held and used by a manufacturer as an integral part of his/her own manufacturing processes.

**JUNK DEALER** — A person who operates a junkyard, as defined above, within the City.

**JUNKYARD** — A yard, lot, or place, covered or uncovered, outdoors or in an enclosed building, containing junk as defined above, upon which occurs one (1) or more acts of buying, keeping, dismantling, processing, selling or offering for sale any such junk, in whole units or by parts, for a business or commercial purpose, whether or not the proceeds from such act or acts are to be used for charity.

**Section 610.020. License Required.****[CC 1995 §610.020; CC 1974 §51.020]**

It shall be unlawful for any person to act as a junk dealer or itinerant junk dealer in the City, whether personally, by agents or employees, singly, or along with some other business or enterprise, without first having obtained a license therefor from the City Clerk in accordance with the provisions of this Chapter.

**Section 610.030. Application.****[CC 1995 §610.030; CC 1974 §51.030]**

- A. An applicant for license under this Chapter shall file with the City Clerk a written application upon forms provided by the City Clerk, and pay a fee as hereinafter prescribed.
- B. Said application shall include the junk dealer or itinerant junk dealer's name, residence address, and telephone number of applicant; the exact address or location of the place where the business is or is proposed to be carried on; and such other information as the City Clerk may reasonably require.

**Section 610.040. License Fees.****[CC 1995 §610.040; CC 1974 §51.040]**

The fees for licenses required under this Chapter shall be as established from time to time by ordinance of the Board of Aldermen and on file in the office of the City Clerk.

**Section 610.050. Investigation — Approval and Issuance of License.****[CC 1995 §610.050; CC 1974 §51.050]**

- A. Upon receipt of an application for a junk dealer's license as provided for herein, the Chief of Police shall cause an investigation to be made of the applicant's business responsibility and moral character.
- B. If the findings of said investigation are favorable to the applicant, the City Clerk shall within thirty (30) days after the filing of the application and payment of the fee issue a junk dealer's license to the applicant.

**Section 610.060. License Not Transferable.****[CC 1995 §610.060; CC 1974 §51.060]**

No license issued under this Chapter shall be transferred or assigned or used in any way by any person other than the one to whom it was issued.



**Section 610.070. Duration — Proration and Refund of Fees.****[CC 1995 §610.070; CC 1974 §51.070]**

All licenses issued under the provisions of this Chapter shall expire on the thirty-first (31st) day of December following the issuance thereof. For a partial year license, the fee shall be prorated quarterly. No license fee shall be returned to the holder upon sale, transfer or dissolution of the business for which the license was issued.

**Section 610.080. General Operating Requirements.****[CC 1995 §610.080; CC 1974 §51.080]**

- A. The following general operating requirements shall apply to all junk dealers licensed in accordance with the provisions of this Chapter:
1. The license issued pursuant to this Chapter shall be plainly displayed on the business premises.
  2. The junkyard, together with things kept therein, shall at all times be maintained in a sanitary condition.
  3. No space not covered by the license shall be used in the licensed business.
  4. No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes.
  5. Weeds and vegetation on the premises, other than trees, shall be kept at a height of not more than four (4) inches.
  6. No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the premises; nor shall any refuse of any kind be kept on the premises, unless such refuse is junk as described herein and is in use in the licensed business.
  7. No junk shall be allowed to rest upon or protrude over any public property, street, alley, walkway, or curb or become scattered or blown off the business premises.
  8. Junk shall be stored in piles not exceeding ten (10) feet in height and shall be arranged so as to permit easy access to all such junk for fire-fighting purposes.
  9. No combustible material of any kind not necessary or beneficial to the licensed business shall be kept on the premises; nor shall the premises be allowed to become a fire hazard.
  10. Gasoline and oil shall be removed from any scrapped engines or vehicles on the premises.
  11. No junk or other material shall be burned on the premises in any incinerator not meeting the approval of the Chief of the Fire Department, which approval shall not be unreasonably denied.

12. No noisy processing of junk or other noisy activity shall be carried on in connection with the licensed business on Sunday, Christmas, Thanksgiving, or at any time between the hours of 6:00 P.M. and 7:00 A.M.
13. The area on the premises where junk is kept (other than indoors) shall be enclosed, except for entrances and exits, with a solid vertical wall or fence of a minimum height of eight (8) feet measured from ground level. Entrances and exits shall not be wider or more numerous than reasonably necessary for the conduct of the licensed business.

**Section 610.090. Provisions Not Applicable Outside City Limits.**

**[CC 1995 §610.090; CC 1974 §51.090]**

Section 610.080 shall not apply to the operation of junkyards outside of the City limits, even though the owner thereof be licensed in accordance with this Chapter.

## Chapter 615

### PEDDLERS AND SOLICITORS

**Section 615.010. Permit Required.**

**Section 615.020. Definitions.**

**Section 615.030. Application for Permit.**

**Section 615.040. Investigation and Issuance.**

**Section 615.050. Fees.**

**Section 615.060. Permit Not Transferable.**

**Section 615.070. Exceptions to Chapter.**

**Section 615.080. Use of Streets.**

**Section 615.090. Loud Noises and Speaking Devices.**

**Section 615.100. Exhibition of Permit.**

**Section 615.110.**

**Section 615.120. Notice.**

**Section 615.130. Appeal.**

**Section 615.140. Expiration of Permits.**

**Section 615.150. Sales Limited.**

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**Section 615.010. Permit Required.**

**[CC 1995 §615.010; CC 1974 §52.010]**

It shall be unlawful for any person to engage in the business of peddler as defined in Section 615.020 of this Chapter within the corporate limits of this City without first obtaining a permit therefor as provided herein.

**Section 615.020. Definitions.**

**[CC 1995 §615.020; CC 1974 §52.020]**

As used in this Chapter, the following terms shall have the meanings indicated:

**PEDDLER** — Shall include any person, whether a resident of this City or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or offering for sale for later delivery, or seeking appointments for the purpose of at that time offering for sale; or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance; and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this Chapter shall be deemed a peddler subject to the provisions of this Chapter. The word "peddler" shall include the words "hawker," "huckster," and "solicitor."

**Section 615.030. Application for Permit.****[CC 1995 §615.030; CC 1974 §52.030]**

- A. Applicants for permits under this Chapter must file with the City Clerk a sworn application in writing (in duplicate) on a form to be furnished by the City Clerk, which shall give the following information:
1. Name and description of the applicant.
  2. Address (local and permanent).
  3. A brief description of the nature of the business and the goods to be sold and in the case of products of farm or orchard, whether produced or grown by the applicant.
  4. If employed, the name and address of the employer, together with credentials establishing the exact relationship.
  5. The length of time for which the right to do business is desired.
  6. If a vehicle is to be used, a description of the same, together with credentials establishing the license number or other means of identification.
  7. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

**Section 615.040. Investigation and Issuance.****[CC 1995 §615.040; CC 1974 §52.040]**

- A. Upon receipt of such application, the original shall be referred to the Chief of Police, who shall cause such investigation of the applicant's business and moral character to be made as he/she deems necessary for the protection of the public good.
1. If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his/her disapproval and his/her reasons for the same, and return the said application to the City Clerk, who shall notify the applicant that his/her application is disapproved and that no permit will be issued.
  2. If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his/her approval. Upon receipt of the approved application the City Clerk, upon payment of the prescribed permit fee, shall deliver to the applicant his/her permit. The Clerk shall keep a permanent record of all licenses issued.

**Section 615.050. Fees.**

[CC 1995 §615.050; CC 1974 §52.050]

The fees for licenses required under this Chapter shall be as established from time to time by ordinance of the Board of Aldermen and on file in the office of the City Clerk.

**Section 615.060. Permit Not Transferable.**

[CC 1995 §615.060; CC 1974 §52.060]

No permit issued under this Chapter shall be transferable or assignable.

**Section 615.070. Exceptions to Chapter.**

[CC 1995 §615.070; CC 1974 §52.070]

No person having a license under the provisions of Chapter 605 of this Code, entitled "Licenses and Occupational Taxes," shall be required to obtain a permit under this Chapter.

**Section 615.080. Use of Streets.**

[CC 1995 §615.080; CC 1974 §52.080]

No peddler shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall he/she be permitted to operate in any congested area where his/her operations might impede or inconvenience the public. For the purpose of this Chapter; the judgment of a Police Officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

**Section 615.090. Loud Noises and Speaking Devices.**

[CC 1995 §615.090; CC 1974 §52.090]

No peddler, nor any person in his/her behalf, shall shout, make any outcry, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound amplifying system upon any of the streets, alleys, parks or other public places of said City or upon any private premises in the said City where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

**Section 615.100. Exhibition of Permit.**

[CC 1995 §615.100; CC 1974 §52.100]

Peddlers are required to exhibit their licenses at the request of any citizen.

**Section 615.110.****[CC 1995 §615.110; CC 1974 §52.110]**

A. Permits and licenses issued under the provisions of this Chapter may be revoked by the Mayor of this City after notice and hearing, for any of the following causes:

1. Fraud, misrepresentation, or false statement contained in the application for license.
2. Fraud, misrepresentation, or false statement made in the course of carrying on his/her business as peddler.
3. Any violation of this Chapter.
4. Conviction of any crime or misdemeanor involving moral turpitude.
5. Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

**Section 615.120. Notice.****[CC 1995 §615.120; CC 1974 §52.120]**

Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the ground of complaint and the time and place of hearing. Such notice shall be mailed, post-paid, to the permittee at his/her permanent address (as shown on his/her application) at least five (5) days prior to the date set for hearing.

**Section 615.130. Appeal.****[CC 1995 §615.130; CC 1974 §52.130]**

Any person aggrieved by the action of the Chief of Police or the City Clerk in the denial of an application for a permit as provided in Section 615.040, or in the decision with reference to the revocation of a license as provided in Section 615.110, shall have the right of appeal to the Board of Aldermen. Such appeal shall be taken by filing with the City Clerk, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Board shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in Section 615.120.

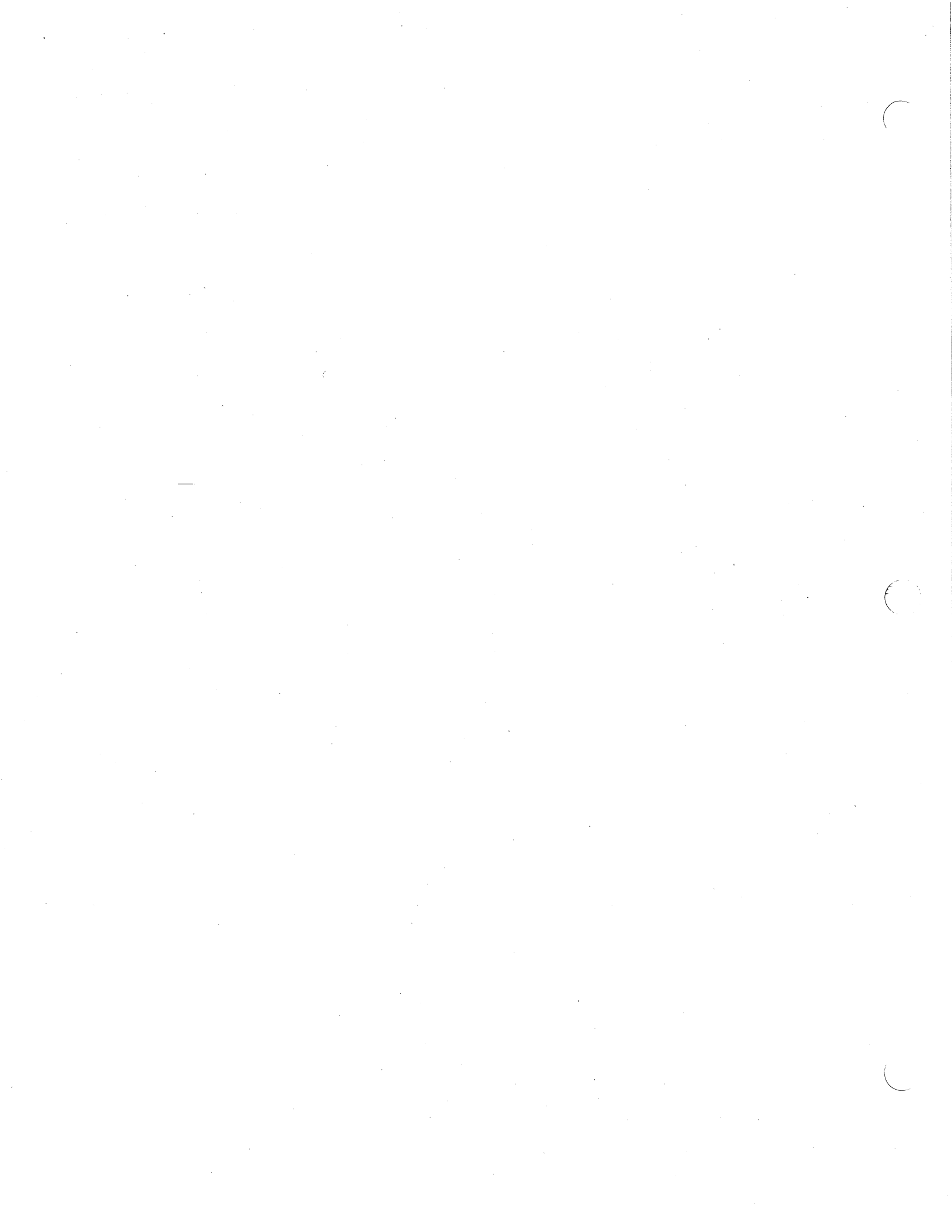
**Section 615.140. Expiration of Permits.****[CC 1995 §615.140; CC 1974 §52.140]**

All annual permits issued under the provisions of this Chapter shall expire on the thirty-first (31st) day of December in the year when issued. Other than annual permits shall expire on the date specified in the permit.

**Section 615.150. Sales Limited.**

**[CC 1995 §615.150; CC 1974 §52.150]**

No peddler or solicitor, licensed or unlicensed, may peddle his/her wares within the City at any place other than in the Business District.





## Chapter 620

### PUBLIC AMUSEMENTS

**Section 620.010. Definitions.**

**Section 620.020. Permit Required.**

**Section 620.030. Application for Permit.**

**Section 620.040. Rules and Regulations  
for Operation of  
Amusement.**

**Section 620.050. Additional Rules and  
Regulations.**

**Section 620.060. Revocation of Permit.**

**Section 620.070. Fees for Permit.**

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**Section 620.010. Definitions.**

[CC 1995 §620.010; CC 1974 §53.010]

As used in this Chapter, and unless otherwise defined or distinctly expressed, the following words and phrases shall have the meanings set out herein:

**ADMISSION CHARGE** — Any charge or consideration for the right or privilege to any amusement or entertainment, or admission to or entry to any area or facility, where such amusement or entertainment is conducted.

**AMUSEMENT or ENTERTAINMENT** — Includes carnivals, circuses and side shows, and street fairs, for which an admission charge is made.

**CIVIC ORGANIZATION** — Any not-for-profit organization, organized for civic, charitable, benevolent or religious purposes, the majority of members of which are residents of this City, and the purposes of which are primarily for the benefit of the City and its citizens. Political organizations are expressly excluded from being within the definition of such term.

**Section 620.020. Permit Required.**

[CC 1995 §620.020; CC 1974 §§53.020, 53.090]

A permit must be obtained in order to conduct any amusement or entertainment within the limits of this City, under the provisions of this Chapter. Only a civic organization shall be issued a permit under this Chapter. Any amusement or entertainment which is not operated, conducted, or sponsored by a civic organization may be operated within this City, if a license for the same has been obtained under Chapter 605 of this Code. The requirements of Sections 620.030, 620.040, and 620.050 shall apply to such amusement or entertainment.

**Section 620.030. Application for Permit.**

[CC 1995 §620.030; CC 1974 §53.040]

A. Every civic organization proposing to sponsor or conduct any amusement or entertainment within the City shall apply, through a duly elected officer of the said civic

organization, in writing to the City Clerk for a permit to operate such amusement or entertainment.

1. All applicants shall state on their application that they will indemnify the City for any claim resulting from the operation of the amusement or entertainment, and each application shall be accompanied by a certificate of insurance, showing the City as the named insured, covering any damage or liability to the City which may be caused by the operation of the amusement or entertainment, the amount of said insurance to be as required by such rules and regulations the promulgation of which is hereinafter provided, but in no event to be less than bodily injury limits of twenty thousand dollars (\$20,000.00) for each occurrence and ten thousand dollars (\$10,000.00) for each person, and property damage limits of ten thousand dollars (\$10,000.00) for each occurrence and twenty thousand dollars (\$20,000.00) aggregate.
2. All applicants shall accompany their application with a bond in the amount of five hundred dollars (\$500.00), which bond shall secure the applicant's removing all litter from the site of the amusement or entertainment at its termination. Should it be necessary for the City to remove litter from the amusement site, the cost of such removal shall be deducted from the bond, and the remainder returned to the applicant.
3. The City Clerk may refuse to issue a permit to any amusement or entertainment, the operation of which does not comply with this Chapter, or which has in any previous operation in any other City, or in this City, violated the ordinance or requirements of such other City or of this City.
4. Upon determination that the proposed amusement or entertainment shall comply with this Chapter, the City Clerk shall issue a permit and shall so notify the applicant.

**Section 620.040. Rules and Regulations for Operation of Amusement.**

[CC 1995 §620.040; CC 1974 §53.050]

- A. Any amusement or entertainment conducted pursuant to this Chapter shall comply with the following rules:
1. Hours of operation shall be limited from 10:00 A.M. to 11:00 P.M. each day.
  2. Adequate restroom facilities for both sexes shall be provided on the premises of such amusement or entertainment. Such facilities may be of a temporary nature, other than privies.
  3. All electrical wiring and lighting must be approved by the City Engineer.
  4. Adequate facilities for the disposal of trash and debris shall be provided on the premises.
  5. The premises shall be inspected prior to operation by the Chief of Police or his/her designate to determine that the requirements of this Chapter and any other

ordinances of the City applicable to public rooms and buildings have been complied with.

6. The area or premises where such amusement or entertainment is conducted shall be cleaned and policed after the cessation of such amusement or entertainment and all trash, litter and debris shall be removed.

**Section 620.050. Additional Rules and Regulations.**

[CC 1995 §620.050; CC 1974 §53.060]

The Mayor is hereby given authority to establish and promulgate rules and regulations consistent with the terms of this Chapter for the purpose of carrying out and enforcing compliance therewith, and a copy of such rules and regulations shall be on file and available for public examination in the office of the City Clerk. Failure or refusal to comply with any such rules and regulations established and promulgated under this Section shall be deemed a violation of this Chapter.

**Section 620.060. Revocation of Permit.**

[CC 1995 §620.060; CC 1974 §53.070]

Any permit issued pursuant to this Chapter may be revoked by the Mayor upon his/her determination that the amusement or entertainment is being operated or conducted in violation of this Chapter, or in violation of rules and regulations established and promulgated pursuant thereto, or is so conducted or operated as to endanger substantially the public peace, health, safety and welfare of the citizens of this City.

**Section 620.070. Fees for Permit.**

[CC 1995 §620.070; CC 1974 §53.080]

There shall be no fee for the permit required by this Chapter.

