

BILL NO. 2397ORDINANCE NO. 2218

AN ORDINANCE REPEALING ORDINANCE 437 AND CODE SECTION 4-46 AND CREATING A NEW ORDINANCE AND CODE SECTION 4-46 REGARDING THE ISSUANCE OF TEMPORARY LIQUOR/PICNIC LICENSES WITHIN THE CITY OF CHESTERFIELD

WHEREAS, the City Council of the City of Chesterfield seeks to promote community activities; and

WHEREAS, the provision of temporary/picnic liquor licenses would enable non-profit organizations to provide alcohol at various events; and

WHEREAS, temporary/picnic liquor licenses provide the most efficient and appropriate means of addressing the service of alcohol by non-profit organizations at temporary events.

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

Section 1. Ordinance 437 is hereby repealed and replaced by this Ordinance and known as §4-46.

Section 2. Notwithstanding any other provision of this chapter, in lieu of a license issued annually, a license for the sale of intoxicating liquor and non-intoxicating beer as defined in the Chesterfield Code, for consumption on premises where sold, may be issued to organizations, including religious, school, civic, service, fraternal, veteran, political, charitable club or organization in existence for at least one year, for the sale of intoxicating liquor at a picnic, bazaar, fair, or similar gathering. The permit shall be issued only for the day or days named therein, with a maximum of three consecutive days, and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such club or organization in any calendar year of the city. Non-profit organizations must be incorporated under the State of Missouri as a nonprofit organization or be a regularly chartered nonprofit branch, lodge, or chapter of a national organization or society.

Section 3. In order to secure the license, the applicant shall complete a form provided by the director of finance. The applicant shall pay a fee of twenty-five dollars (\$25.00) for such permit, which fee shall be due and payable at the time application is submitted.

Section 4. No license is valid until approved by the Chief of Police or his designee.

Section 5. If the event will be held on a Sunday, the permit shall not authorize the sale of intoxicating liquor on that day beginning earlier than 11:00 a.m.

Section 6. At the same time that an applicant applies for a license under the provisions of this section, the applicant shall notify the director of revenue of the State of Missouri of the holding of the event and by such notification, by certified mail, shall accept responsibility for the collection and payment of any applicable sales tax. Any sales tax due shall be paid to the director of revenue within fifteen (15) days after the close of the event, and failure

to do so shall result in the levying of penalties as provided by state law. Under no circumstances shall a bond be required from the applicant.

Section 7. Nothing herein shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment or use by the permit holder at such picnic, bazaar, fair or similar gathering.

Section 8. All licenses and licensees are subject to all provisions of state statutes and the City Code relating to liquor sale and licensing, except those that by their nature are not applicable.

Section 9. Licenses may authorize sales on premises other than those owned or permanently occupied by the licensee.

Section 10. The Director of Finance 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 this ordinance, who furnish provisions and other services for use at a particular function, occasion or event at a particular location other than the licensed premises, effective for a period not to exceed one hundred twenty (120) consecutive hours, which 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 in the city. For every license issued pursuant to the provisions of this section, the licensee shall pay to the director of revenue the sum of ten dollars (\$10.00) for each calendar day, or a fraction thereof, for which the license is used.

Section 11. All provisions of the liquor control law and ordinances, rules and regulations of the City shall extend to such premises and shall be enforced and enforceable during all the time that the permittee, its agents, servants, employees, or stock are in such premises.

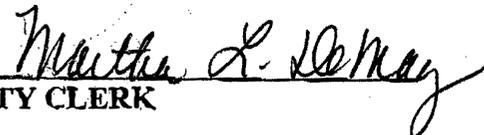
Section 12. Nothing in this ordinance shall be construed to provide for the dispensing of free alcohol. This ordinance pertains to the sale of alcohol only.

Section 13. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 21st day of November, 2005.


MAYOR

ATTEST:


CITY CLERK

CITY OF CHESTERFIELD
690 Chesterfield Parkway West
Chesterfield, Missouri 63017
(636) 537-4700

APPLICATION FOR CITY OF CHESTERFIELD TEMPORARY LIQUOR LICENSE - CORPORATION

1. Registered name of applicant _____
(Corporation or Association)

a. Address _____ Telephone _____

b. Date of incorporation ___/___/___ State in which incorporated _____

c. Employer Identification No. _____

d. If foreign corporation, date qualified to do business in Missouri under the Missouri Business Corporation Act ___/___/___

Name and address of registered agent in Missouri _____

e. Objects of corporation/association _____

2. Type of event for which application is made _____

Date(s)/Hours during which alcohol to be served _____

3. Address of property where event is to be held _____

a. Is applicant owner of record of this property? _____ If application is not the owner of record, give the name of owner and attach the Owner Authorization Form.

4. Has applicant been issued a temporary liquor license in Chesterfield in the past 3 years? _____

If yes, give dates and locations _____

Driver's License No. _____ State _____

b. Name _____ Date of Birth _____

Residence Address (include city & zip code) _____

Home Telephone _____ Social Security No. _____

Driver's License No. _____ State _____

Applicants for temporary licenses MUST name two persons as managers, who shall be responsible for the sale and/or service of alcoholic beverages at the event.

a. Name - Manager 1 _____ Date of Birth _____

Residence Address (include city & zip code) _____

Home Telephone _____ Social Security No. _____

Driver's License No. _____ State _____

b. Name - Manager 1 _____ Date of Birth _____

Residence Address (include city & zip code) _____

Home Telephone _____ Social Security No. _____

Driver's License No. _____ State _____

6. Are any monies owed to the City by any officers, directors, or managers of the applicant, whether for bills, taxes, licenses, or otherwise? _____

If yes, amount and length of time owed _____

7. If the location for which application is made within one hundred (100) feet of any church, school, hospital, home for the aged or indigent persons or for veterans, their wives or children, or any naval or military station? _____ Yes _____ No (The 100 fee for a church shall be measured building to building, otherwise it is measured lot line to lot line.)

If yes, is the premise a hotel offering restaurant service, a regularly organized club, a food shop, or other place where the sale of liquor is not the principal business?

_____ Yes _____ No If Yes, give date(s) and type(s) of offense(s) for each.

8. Has any officer, director, or manager of the applicant ever been convicted of any violation of any ordinance or statute of any City, County, State, or Federal government, other than for traffic violations?

_____ Yes _____ No If Yes, give date(s) and type(s) of offense(s) for each.

9. Has any manufacturer, importing distributor, or distributor directly or indirectly paid or agreed to pay for this license, advanced money or anything else of value, or any credit (other than merchandising credit in the ordinary course of business for a period not to exceed 90 days), or is such a person, or any other person, directly or indirectly interested in the ownership, conduct, or operation of the place of business?

_____ Yes _____ No If Yes, give particulars. _____

10. Name of contact person regarding this license _____

11. Telephone number of above contact person (during regular business hours) _____

AFFIDAVIT

We, the undersigned officers of the above-named corporation or association, each first being duly sworn, say that each of us has read the above and foregoing application and that the matters stated therein are true and correct and are made upon our personal knowledge and information, and are made for the purpose of inducing the City of Chesterfield to issue the license applied for.

We further swear that we are familiar with the liquor ordinance of the City of Chesterfield, the statutes of the State of Missouri, and we are responsible for the observance of all such ordinances pertaining to temporary liquor licenses, pertaining to age of persons serving alcoholic beverages, and service to minors and intoxicated persons, and that we will not violate any of the laws of the City of Chesterfield, State of Missouri, or United States of America.

We further swear that we are the duly constituted and elected officers of said applicant and as such are authorized and empowered to execute this application for and on behalf of said applicant.

President _____

Vice President _____

Secretary _____

Treasurer _____

Subscribed and sworn to before me this _____

day of _____

(Notary Public)

CRIMINAL BACKGROUND AND CREDIT CHECK AUTHORIZATION

I authorize and empower the City of Chesterfield and Chesterfield's Chief of Police or agent thereof or any other outside service company engaged by said City for this purpose, now or subsequently, to obtain, prepare, use, and furnish information concerning my current and former employment, education, credit, general reputation, criminal history information through correspondence, contact, or personal interviews with law enforcement agencies.

Upon written request, I understand that the City of Chesterfield will provide me with information regarding the nature and scope of the investigation if one is made.

President	(signature)	_____
Vice President	(signature)	_____
Secretary	(signature)	_____
Treasurer	(signature)	_____
Manager 1	(signature)	_____
Manager 2	(signature)	_____

All others owning more than 5% of the stock, or 25% of the stock where public traded:

(signature)	_____
(signature)	_____



BEACH, STEWART, HEGGIE & MITTLEMAN
ATTORNEYS AT LAW

3-C

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Of Counsel
Joseph R. Nicmann

August 24, 2005

Handwritten: JRM
8/25/05

Mr. Michael G. Herring
City Administrator
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, Missouri 63017-2079

Handwritten: cc: Jeremy C.
Ray J.

Handwritten: RAY: WHAT NEXT??

Re: Temporary Liquor Licenses

Dear Mike:

Attached the revision of the Temporary Liquor License Ordinance, which we are recommending. At the last Public Health & Safety Committee Meeting, we were asked by Ray Johnson to make several changes, which we have made.

The question of temporary liquor licenses came to a head this last year when Kemp Auto Museum opened. They have sought to have a temporary liquor license to serve alcohol at monthly, or similar type of events. These events are something like the "Party in the Park" held in Clayton. We believe that the way our Ordinance is written that it really cannot happen. We allow a temporary liquor license only to be granted to a caterer. We do not define or allow any other ability for any entity other than a caterer to obtain a liquor license under the current Ordinance.

Missouri law allows for temporary liquor licenses. Our's has been more restrictive and quite frankly, has given Marty Demay problems over the years.

Recently we also had the Chesterfield Athletic Club wish to sponsor a fundraiser for Special Olympics. The way our Ordinance is set up, they would have to have a caterer in order to sell beer, which again is currently prohibited by our Ordinance.

Accordingly, we reviewed various other ordinances in the area and developed the Ordinance enclosed that would allow organizations such as religious, school, civic, service, fraternal, etc., which have been in business for at least one year to be issued a temporary liquor

* Also admitted in Illinois
+ Fellow of the American Academy of Matrimonial Lawyers
† Fellow of the American Academy of Adoption Lawyers

Mr. Michael G. Herring
August 24, 2005
Page Two

license. We also had developed a new Application for a Temporary Liquor License. We have been working with Marty DeMay and a copy of that is attached for your convenience as well.

If you have any other questions, please let me know.

Very truly yours,


Douglas R. Beach

DRB/jrc

Enclosures