

## TITLE VI. BUSINESS AND OCCUPATION

### CHAPTER 600: ALCOHOLIC BEVERAGES

#### SECTION 600.010: DEFINITIONS

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

*AMUSEMENT PLACE:* Any establishment whose business building contains a square footage of at least six thousand (6,000) square feet, and where games of skill commonly known as billiards, volleyball, indoor golf, bowling or soccer are usually played or has a dance floor of at least twenty-five hundred (2,500) square feet or any outdoor golf course with a minimum of nine (9) holes, and which has annual gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts is in non-alcoholic sales.

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

*INTOXICATED CONDITION:* When a person is under the influence of alcohol, a controlled substance or drug, or any combination thereof.

*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, except for non-intoxicating beer as defined herein. 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 in excess of three and two-tenths percent (3.2%) by weight and 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.

*NON-INTOXICATING BEER:* Any beer manufactured from pure hops or pure extract of hops, and pure barley malt, or other wholesome grains or cereals, and wholesome yeast, and pure water, and free from all harmful substances, preservatives and adulterants, and having an alcoholic content of more than one-half of one percent (0.5%) by volume and not exceeding three and two-tenths percent (3.2%) by weight.

*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 or non-intoxicating beer, where the package and/or container(s) describes the contents thereof

as intoxicating liquor or non-intoxicating beer. *"Original package"* shall also be construed and held to refer to any package containing three (3) or more standard bottles 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.

*RESTAURANT BAR:* Any establishment having a restaurant or similar facility on the premises at least fifty percent (50%) of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars (\$200,000.00) from the sale of prepared meals or food consumed on such premises. (Ord. No. 860 §1, 6-13-06)

#### **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 or non-intoxicating beer in the City of New Haven 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 or non-intoxicating beer:
  - B.1. *Package liquor—malt liquor only:* Sales of malt liquor at retail in the original package not for consumption on the premises where sold.
  - B.2. *Package liquor—non-intoxicating beer:* Sales of non-intoxicating beer at retail in the original package not for consumption on the premises where sold.

B.3. *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 Subsections (B)(1) and (2) of this Section.

- B.4. *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 (5) of this Section.
- B.5. *Malt liquor by the drink:* Sales of malt liquor at retail by the drink for consumption on the premises, which license shall also permit the holder thereof to sell non-intoxicating beer as defined in Section 600.010 of this Chapter and set out in Subsection (6) hereof.
- B.6. *Liquor by the drink—non-intoxicating beer:* Sales of non-intoxicating beer at retail by the drink for consumption on the premises where sold, including sales as set forth in Subsection (B)(2) of this Section.
- B.7. *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)(3) of this Section.
- C. *Sunday Sales.* Any person who is licensed under the provisions of this Chapter or who otherwise possesses the qualifications and meets the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor or non-intoxicating beer on Sundays between the hours of 9:00 A.M. and Midnight:
- C.1. *Package liquor—all kinds:* Sales of liquor of all kinds in the original package at retail not for consumption on the premises where sold.
- C.2. *Liquor by the drink—restaurant bar:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any restaurant bar.
- C.3. *Liquor by the drink—amusement place:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any amusement place.
- C.4. *Liquor by the drink—place of entertainment:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any place of entertainment.
- D. *Permits.*
- D.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(C) below may apply for a special permit to sell intoxicating liquor for consumption on premises where sold.
- D.2. *Tasting permit.* Any person who is licensed to sell intoxicating liquor in the original package at retail under Subsections (B)(3) 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.

**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. *Newly-Opened Restaurant Bars Or Amusement Places.*

B.1. Any new restaurant bar having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the restaurant bar can show a projection of annual business from prepared meals or food consumed on the premises of at least fifty percent (50%) of the total gross income of the restaurant bar for the year or can show a projection of annual business from prepared meals or food consumed on the premises which would exceed not less than two hundred thousand dollars (\$200,000.00). The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.

B.2. Any new amusement place having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the amusement place can show a projection of gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts are in non-alcoholic sales for the first (1st) year of operation. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.

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

C.1. The City Clerk may issue a permit for the sale of intoxicating liquor and non-intoxicating beer for consumption on premises where sold to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for sale 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.

C.2. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor and non-intoxicating beer on that day beginning at 11:00 A.M.

C.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.

C.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.

D. *Operating Hours, Days.*

D.1. No person having a license issued pursuant to this Chapter nor any employee of such person

shall sell, give away or permit the consumption of any intoxicating liquor or non-intoxicating beer 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 upon or about his/her premises, except as otherwise authorized and licensed for Sunday sales. Any person licensed to sell intoxicating liquor or non-intoxicating beer by the drink shall keep a closed place during the aforementioned prohibited times.

D.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.

E. *General License Regulations.*

E.1. Each license issued hereunder shall be conspicuously posted on the premises for which the license has been issued.

E.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.

E.2.a. 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.

E.3. 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.

F. *Druggists May Sell And Physicians Prescribe Liquor.* Any druggist may have in his/her possession intoxicating liquor purchased by him/her from a licensed vendor under a license pursuant to State law, or intoxicating liquor lawfully acquired at the place of acquisition and legally transported into this State and lawfully inspected, gauged and labeled as provided by State law; such intoxicating liquor to be used in connection with the business of a druggist in compounding medicines or as a solvent or preservative; provided, that nothing in this Chapter shall prevent a regularly licensed druggist, after

he/she procures a license therefor, from selling intoxicating liquor in the original package but not to be drunk or the packages opened on the premises where sold; and provided further, that nothing in this Chapter shall be construed as limiting the right of a physician to

prescribe intoxicating liquor in accordance with his/her professional judgment for any patient at any time or prevent a druggist from selling intoxicating liquor to a person on prescription from a regularly licensed physician as above provided.

**SECTION 600.040: SCHEDULE OF LICENSE FEES**

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:

F.1.	<i>General licenses.</i>	
F.1.a.	Malt liquor—original package .....	\$ 75.00
F.1.b.	.....	Non-
intoxicating beer—original package .....		22.50
F.1.c.	Intoxicating liquor (all kinds)—original package .....	150.00
F.1.d.	Malt liquor—by drink .....	75.00
F.1.e.	.....	Malt liquor and
light wines—by drink .....		75.00
F.1.f.	.....	Non-
intoxicating beer—by drink .....		37.50
F.1.g.	Intoxicating liquor (all kinds)—by drink .....	450.00
F.2.	<i>Sunday sales. (Additional fees)</i>	
F.2.a.	Intoxicating liquor—original package .....	300.00
F.2.b.	Restaurant bars.....	300.00
F.2.c.	.....	Amusement
places	300.00	
F.2.d.	Liquor by the drink—charitable organizations.....	300.00
F.3.	<i>Permits.</i>	
F.3.a.	Temporary permit—by the drink for certain organizations (7 days max.)	37.50
F.3.b.	.....	Tasting permit
	37.50	

Each license issued pursuant to this Chapter shall be for a term to expire on the last day of June next succeeding the date of issuance of the license; of the license fee to be paid for the license, the applicant for the license shall pay as many twelfths (12ths) as there are months and parts thereof remaining from the date of the license to next succeeding July first (1st). (CC 1984 §4.280)

**SECTION 600.050: 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. *Hearing On Application.* Upon the filing of the application with the Clerk, the Clerk shall fix a date for a hearing before the Board not more than thirty-one (31) days from the date of filing of the application and shall give the applicant written notice of the date of the hearing. The hearing shall be conducted in accordance with Section 600.090 of this Chapter.
- C.1. The Board shall consider the location of the proposed business for which a license is sought with respect to its proximity to a school, a church, or other buildings regularly used as a place of religious worship and shall have authority to refuse to issue a license when in their judgment the issuance thereof would not be in the best interests of the locality in which the applicant applies for a location of such place. In no event shall the Board approve the issuance of a license for the sale of liquor within three hundred (300) feet of any school, church or other building regularly used as a place of worship; except that when a school, church or place of worship shall thereafter be established within three hundred (300) feet of any place of business licensed to sell intoxicating liquor, renewal of the license shall not be denied for this reason. This Subsection shall not apply to a holder of a license issued pursuant to Sections 311.090, 311.218, 311.482, RSMo., or 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.
- C.2. The Board shall approve the application if after the hearing it finds that:
- C.2.a. Issuance of the requested license would be in the best interests of the locality of the proposed business;
- C.2.b. The applicant is a person of good moral character, a native born or naturalized citizen of the United States of America, a registered voter and a taxpaying citizen of the City;

C.2.c. No license theretofore issued to such applicant to sell intoxicating liquors has been revoked within two (2) years of the date of the application;

- C.2.d. The applicant has not been convicted since the ratification of the Twenty-First Amendment to the Constitution of the United States of the violation of any law applicable to the sale of intoxicating liquor, or that such applicant has not employed in his/her business any person whose license has been revoked or who has been convicted of violating the provisions of such law since the date aforesaid;
- C.2.e. The applicant plans and proposes to conduct a retail liquor business in compliance with the laws of the State of Missouri, the ordinances of the City and the provisions of this Chapter.
- D. 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 with the thirtieth (30th) day of June next succeeding the date of such license, unless such license be revoked or suspended for cause before the expiration of such time.
- E. Applications for renewal of licenses must be filed on or before the first (1st) day of May 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 Subsection (D) of this Section.
- F. All applications for a license required by this Chapter shall be made in writing to the Board of Aldermen. No license shall be granted at the same meeting of the Board of Aldermen at which the application is presented except by unanimous vote of the Board. Applications for renewal of license shall be made on or before the first (1st) day of July of each calendar year. Prior to issuance of a license, the Board of Aldermen or its designated officer shall inspect all premises to be licensed for conformity to State and local fire codes and applicable provisions of the State liquor control laws.
- G. On approval by the Board of Aldermen of the application for a license required by this Chapter and the payment of the license fee, the City Clerk and the Mayor shall grant the applicant a license to conduct the proposed business in the City. Every license issued pursuant to this Chapter shall describe the premises at which intoxicating liquors may be sold, and the license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than the described herein. The Board of Aldermen may, upon written application of the licensee, permit the licensee to move to different premises within the City. The City Clerk shall not deliver to any person a license under the provisions of this Chapter until the applicant therefor shall produce the receipt of the City Collector showing that the personal property and real property levied on the applicant have been paid. (CC 1984 §§4.200, 4.260; Ord. No. 396 §1, 10-7-74; Ord. No. 718 §I, 9-13-99)

#### **SECTION 600.060: MINORS**

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

- A.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 or non-intoxicating beer.
- A.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 or non-intoxicating beer. Delivery of intoxicating liquor or non-intoxicating beer 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.

- A.3. 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 or non-intoxicating beer 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 or non-intoxicating beer.
- B. *Sales To Minor—Exceptions.* 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.
- C. *Misrepresentation Of Age By Minor To Obtain Liquor—Use Of Altered Driver's License, Passport Or I.D. Cards, Penalties.*
- C.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.
- C.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, Non-Intoxicating Beer.* Any person under the age of twenty-one (21) years who purchases or attempts to purchase, or has in his/her possession, any intoxicating liquor or non-intoxicating beer as defined in Section 600.010 or who is visibly intoxicated as defined in Section 600.010 or has 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 is in violation of this Section.
- E. For purposes of prosecution under this Section, a manufacturer-sealed container describing that there is intoxicating liquor or non-intoxicating beer therein need not be opened or the contents therein tested to verify that there is intoxicating liquor or non-intoxicating beer in such container. The alleged violator may allege that there was no intoxicating liquor or non-intoxicating beer 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 or any non-intoxicating beer therein contains intoxicating liquor or non-intoxicating beer. (Ord. No. 860 §2, 6-13-06)

**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. Any retailer licensed pursuant to this Chapter shall not:
  - B.1. Sell intoxicating liquor or non-intoxicating beer 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
  - B.2. Repackage intoxicating liquor or non-intoxicating beer 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.*
  - E.1. 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.
  - E.2. Any retailer licensed pursuant to this Chapter shall not:
    - E.2.a. Sell intoxicating liquor or non-intoxicating beer 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
    - E.2.b. Repackage intoxicating liquor or non-intoxicating beer 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.
- F. *Persons Apparently Intoxicated Not To Be Provided With Intoxicating Liquor Or Non-Intoxicating Beer.* It shall be unlawful for any licensee or his/her employee or agent to sell or supply intoxicating liquor or non-intoxicating beer, 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. *Live Entertainment On Premises Prohibited.* No person licensed for the sale of intoxicating liquor by the drink for consumption on the premises shall permit or allow any live entertainment on the premises. The playing and singing of music solely shall not be considered entertainment under this Section.

**SECTION 600.080: ADMINISTRATION OF LAW—LICENSE SUSPENSION**

- 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 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 600.090 of this Chapter.
- B. *Grounds For Suspension Or Revocation.* A license may be suspended or revoked for any of the following reasons:
- B.1. Violating any of the provisions of either this Chapter, Chapters 311 or 312, RSMo., or any ordinance of the City;
  - B.2. Failing to obtain or keep a license from the State Supervisor of Alcohol and Tobacco Control;
  - B.3. Making a false affidavit in an application for a license under this Chapter;
  - B.4. Failing to keep an orderly place or house;
  - B.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;
  - B.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
  - B.7. Selling, giving or otherwise supplying intoxicating liquor to:
    - B.7.a. Any person under the age of twenty-one (21) years,
    - B.7.b. Any person during unauthorized hours on the licensed premises,
    - B.7.c. A habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor, or
    - B.7.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 Chapter 311

or Chapter 312, 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 or non-intoxicating beer 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 600.090: HEARINGS UPON SUSPENSION OR REVOCATION OF LICENSES**

- A. *Testimony—Evidence.* Hearings before the Board shall be in the nature of informal investigations. Testimony of witnesses and other evidence pertinent to the inquiry may be taken in such hearings, and all proceedings in such hearings shall be recorded. Any person residing or conducting a business within two hundred (200) feet of the proposed establishment shall have the right to produce witnesses and testimony.
- 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 600.080 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 ten (10) days of the date of the Board's decision. The Board may delay the implementation of its order pending appeal.

#### **SECTION 600.100: WARNING SIGN DISPLAYED—LIQUOR LICENSES**

- A. 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.

- B. Any employee of the Supervisor of Alcohol and Tobacco Control may report a violation of this Section to the Supervisor, and the Supervisor shall issue a warning to the licensee of the violation.

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§ 600.130

Alcoholic Beverages

**SECTION 600.110: LICENSES SUBJECT TO CONFORMITY WITH STATE AND LOCAL LAWS**

Any licenses issued under this Chapter are subject to conformity with State and local liquor control laws and fire codes and a violation of any such laws will cause revocation or suspension of the license issued hereunder. (CC 1984 §4.340; Ord. No. 396 §1, 10-7-74)

**SECTION 600.120: LICENSE FEES NOT TO BE RETURNED UPON REVOCATION**

In the case of the revocation of any license issued pursuant to this Chapter for cause or otherwise, the City shall in no event return any part of the license fee paid for the license. (CC 1984 §4.350)

**SECTION 600.130: MUNICIPAL JUDGE TO CERTIFY CONVICTIONS TO BOARD OF ALDERMEN**

Upon the conviction of any person under the provisions of this Chapter, it shall be the duty of the Municipal Judge to certify the conviction to the Board of Aldermen. (CC 1984 §4.180)



**CHAPTER 605: BUSINESS REGULATIONS**

**SECTION 605.010: LICENSE REQUIRED**

It shall be unlawful for any person, firm or corporation to engage in any business or occupation in the City of New Haven without having first applied for and obtained a license to conduct such business or occupation from the City Clerk and without paying the license fee therefor, all as provided for in this Chapter.

**SECTION 605.020: LICENSE APPLICATION AND ISSUANCE**

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.

**SECTION 605.030: LICENSE FEES**

There is hereby levied an annual license tax to be charged and collected, as hereinafter provided, on the respective occupations, trades, businesses and avocations hereinafter mentioned, named or described and on all persons, companies, firms, associations and corporations who shall deal in or sell any of the articles or things hereinafter mentioned, named or described in the respective sums and amounts and for the terms hereinafter stated, to wit:

Agents for manufacturers .....	\$15.00 per year
Agents for nursery stock .....	20.00 per year
Agents for office supplies .....	15.00 per year
Agents for sewing machine .....	10.00 per year
Agents for vacuum .....	10.00 per year
Auto dealer, new and used, auto wrecking shop and auto repair shop and garages .....	50.00 per year
Auto parts house wholesale and retail .....	45.00 per year
Antique shop .....	15.00 per year
Auctioneers .....	15.00 per year
Auto repair shop and garages.....	15.00 per year

Bait shop.....

5.00 per year

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Bakeries .....		\$15.00 per year
Banks .....		50.00 per year
Barbershop .....		10.00 per year
Beauty shops .....		10.00 per year
Billiard or pool tables .....		10.00 each per year
Billposters including outdoor advertising.....		15.00 per year
Boarding house .....		10.00 per year
Body shops .....		15.00 per year
Building or savings and loans .....		25.00 per year
Butcher and meat market .....		20.00 per year
Cabinet shops .....		15.00 per year
Car wash .....		10.00 per year
Cleaning, pressing and dyeing shops .....		15.00 per year
Clothing stores .....		40.00 per year
Cobblers or shoe repair shops .....		7.00 per year
Collection agencies .....		15.00 per year
Concrete ready mix plants .....		40.00 per year
<b>CONTRACTORS:</b>		
General .....		25.00 per year
Building .....		25.00 per year
Brick .....		25.00 per year
Concrete .....		25.00 per year
Electrical .....		25.00 per year
Excavating and grading .....		25.00 per year
Painting .....		25.00 per year

Plastering ..... 25.00 per year

**CONTRACTORS (cont):**

Plumbing .....	\$25.00 per year
Roofing .....	25.00 per year
Druggists .....	45.00 per year
Entertainment tax .....	20.00 per year
Express company .....	50.00 per year
Exterminators .....	15.00 per year
Farm implement dealers .....	25.00 per year
Feed mills and stores .....	60.00 per year
Game room .....	25.00 per year
Gas company (petrolane - bottle gas) .....	20.00 per year
Gift stores and hobby shops .....	5.00 per year
Grain elevators .....	60.00 per year
Grocery stores .....	25.00 per year
Grocery store and meat market .....	45.00 per year
Guns and sporting goods .....	15.00 per year
Hardware and appliances .....	40.00 per year
Hardware and appliance installation .....	50.00 per year

**INSURANCE:**

Agents .....	10.00 per year
Broker .....	15.00 per year
Company .....	20.00 per year
Laundromats .....	15.00 per year
Lawn mower sales and service .....	10.00 per year

**LIQUOR:**

Package ..... 100.00 per year

**LIQUOR (cont):**

5% beer and liquor by drink .....	\$200.00 per year
3.2% beer and sandwich shop.....	40.00 per year
Loan agents or loan company .....	25.00 per year
Locker plants .....	20.00 per year
Lumberyard and dealers .....	45.00 per year
Manufactures company (laundry, etc.) .....	45.00 per year
Milk wholesale and retail .....	15.00 per year
Motels and hotels .....	15.00 per year
Moving picture shows .....	15.00 per year
Newspaper publisher .....	15.00 per year
Peddlers .....	5.00 per day
Pet shop .....	25.00 per year
Photography .....	10.00 per year
Commercial photography—slides .....	20.00 per year
Printer (not newspapers) .....	15.00 per year
Restaurants .....	25.00 per year
Secondhand store and antique shop .....	15.00 per year
Service station and gas filling station, includes soda machine .....	25.00 per year
Shoe retail store .....	25.00 per year
Sno-cone route .....	5.00—3 months
Soda machine .....	5.00 per machine
Trailer courts .....	3.00 per year
Transfer company .....	50.00 per year
Traveling and auction store .....	25.00 per year

T.V. and radio repair shops ..... 35.00 per year

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	Undertaking parlors and furniture store .....	\$45.00 per year
	Upholstering and repair shop .....	10.00 per year
	Vending machine .....	5.00 per machine
	Watchmaker repair shop .....	8.00 per year
	Water softener.....	15.00 per year
	Wholesale and retail dealer in gas and oil.....	15.00 per year
	Wholesale beverage company, soda and beer .....	45.00 per year
	Wholesale house .....	45.00 per year
	Wood and coal dealer .....	15.00 per year

All other businesses, occupations or services not listed shall file an application which must be approved and fee established by the Board of Aldermen of the City at their regular session. (CC 1984 §§13.090–13.100; Ord. No. 388 §§1–2, 5-6-74)

**SECTION 605.040: LICENSE NOT TRANSFERABLE**

No license issued under the provisions of this Chapter shall be assignable or transferable but shall apply only to the person to whom same is issued. In the event any licensee, as provided for herein, shall move his/her place of business from one location to another location within the City, said licensee shall submit a statement of the fact of such change to the City Clerk who may transfer such license as to location only. In no event, however, shall such license be transferred from one person to another or from the kind of business or occupation originally licensed to another type of business or occupation.

**SECTION 605.043: LICENSES NOT AUTHORIZED TO TRANSACT BUSINESS UNDER OTHER LICENSES**

No license or licenses granted under the provisions of this Chapter shall authorize the holder thereof to transact business under other licenses granted under this Chapter in the City at the same time. (CC 1984 §13.040)

**SECTION 605.050: TERM OF LICENSE**

The term of the licenses issued pursuant to the provisions of this Chapter shall be from July first (1st) of one (1) year to June thirtieth (30th) of the succeeding year. In the event any licensee hereunder shall commence business on or after January first (1st), the City Clerk shall issue such license at the rate of one-half (½) of the license fee for such six (6) month period of January first (1st) to June thirtieth (30th) or fraction thereof.



**SECTION 605.060: RENEWAL APPLICATIONS**

All applications for renewal of a license provided for herein shall be filed no later than June first (1st) of each year.

**SECTION 605.063: DUTY OF CITY CLERK TO KEEP LICENSE RECORD BOOK—  
CONTENTS**

The City Clerk shall keep a book in his/her office known as the license record book, in which he/she shall register all licenses granted showing the date, commencement and termination of such license, to whom granted and for what business or occupation, and the amount paid therefor. (CC 1984 §13.070)

**SECTION 605.070: DISPLAY OF LICENSE**

Each license issued by the City under the provisions of this Chapter shall be carefully preserved and shall be displayed in a conspicuous place in the place of business authorized to be conducted by said license. If there is no place of business, said license shall be carried on the licensee's person.

**SECTION 605.080: 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 New Haven.

**SECTION 605.083: FAILURE TO MAKE APPLICATION, DELINQUENT LICENSE FEE**

Any person, persons or corporations who fail to make their application approved shall be delinquent and shall be assessed interest on the amount to be paid at the rate of eight percent (8%) per annum. (CC 1984 §13.110)

**SECTION 605.090: REVOCATION OF LICENSE—GROUNDS**

Any license issued by the City pursuant to the provisions of this Chapter may be revoked by the Board of Aldermen for any of the following reasons, as well as for any other reasons specified in this Chapter:

1. Any failure to comply with or any violation of any provisions of this Chapter, or any other ordinance of the City regulating the business, occupation or activity licensed, or the Statutes of the State of Missouri by any licensee.
2. Violation of the terms and conditions upon which the license was issued.
3. Failure of the licensee to pay any tax or obligation due to the City.
4. Any misrepresentation or false statement in the application for a license required herein.
5. Failure to display the license required herein.

Revocation of any license shall be in addition to any other penalty or penalties which may be imposed pursuant to these provisions.

#### **SECTION 605.100: REVOCATION OF LICENSE—PROCEDURE**

In any case in which a complaint has been made to the Board of Aldermen, or in which the Board of Aldermen have on their own determined that cause may exist for the revocation of a license under the provisions of this Chapter, the following procedures shall be followed:

1. The Board of Aldermen shall set a date for a hearing to consider the question of revocation.
2. At least ten (10) days prior to said hearing, written notice shall be mailed to the licensee, by registered mail, return receipt requested, to his/her last known address as shown in the records of the City Clerk advising the licensee of the time, date and place of hearing and of the reason for considering the revocation of his/her license.
3. During the pendency of this hearing before the Board of Aldermen, the licensee shall be permitted to continue the operation of his/her business.
4. At the hearing set by the Board of Aldermen, the Board of Aldermen shall hear all relevant and material evidence justifying the retention of the license.
5. The licensee may be present in person and/or by his/her attorney and may present evidence.
6. After hearing the evidence presented, the Board of Aldermen shall vote on the issue of whether the subject license shall be revoked.
7. The affirmative vote of a majority of the Board of Aldermen shall be necessary to revoke any license.



## CHAPTER 610: PEDDLERS AND SOLICITORS

### SECTION 610.010: REGISTRATION REQUIRED

All persons who solicit within the City limits of the City of New Haven, Missouri, are required to register their presence with the City Clerk of New Haven prior to commencing soliciting and shall give the following information:

- .1. Purpose and organization the solicitation is for.
- .2. Names and addresses and social security number of those soliciting.
- .3. Organization address.
- .4. Present authorization of the organization to solicit.
- .5. Time period of soliciting effort. (CC 1984 §13.400; Ord. No. 424 §1, 2-6-78)

### SECTION 610.020: DEFINITION OF SOLICITOR

A "*Solicitor*" shall be defined as one of that class of persons who, going from person to person or from house to house, seek orders, subscriptions, contributions, or any other kind of support, or who, without necessarily having the intention of making a direct sale, distribute literature, pamphlets, handbills, samples and the like for the purpose of information, advertising, or for other purposes such as the furtherance of public, political, economic, religious or social beliefs, doctrines, systems or projects. (CC 1984 §13.410; Ord. No. 424 §2, 2-6-78)



**CHAPTER 615: ELECTRICITY, POWER,  
TELEPHONE, GAS AND WATER SERVICES**

*Editor's Note—Ord. no. 861 was passed in compliance with HB209 of the 2006 Missouri Legislative session. Provisions contained in HB209 were subsequently deemed unconstitutional by the Missouri Supreme Court on August 8, 2006 in City of Springfield, Appellant V Sprint Spectrum, L.P., Respondent Case No. SC87238. As a result, ord. no. 861 has not been codified herein.*

**SECTION 615.010: "PERSON" DEFINED**

The word "*person*", when used in this Chapter, shall include any individual, firm, co-partnership, joint venture, association, corporation, estate, business trust, trustee, receiver, syndicate or any other group or combination acting as a unit, in the plural as well as the singular number. (CC 1984 §13.510)

**SECTION 615.020: LICENSE TAX LEVIED—AMOUNT BASED ON GROSS RECEIPTS**

Every person now or hereafter engaged in the business of supplying electricity, gas, power, water or telephone exchange service for compensation for any purpose within the City of New Haven, Missouri, and every manufacturing corporation now or hereafter engaged in the manufacture of gas for compensation for any purpose within the City of New Haven, Missouri, shall pay to the City of New Haven as a license tax a sum equal to five percent (5%) of the gross receipts from such business within the corporate limits of the said City of New Haven. (CC 1984 §13.520; Ord. No. 512 §1, 6-9-86)

**SECTION 615.030: DUTY TO FILE STATEMENTS OF GROSS RECEIPTS**

It is hereby made the duty of every person engaged in any of the businesses described in the foregoing Section hereof to file with the City Clerk of the City of New Haven on the fifteenth (15th) day of February and August in each year a sworn statement of the gross receipts of such person from such business for the six (6) months, July through December and January through June respectively, preceding the filing of such statement. (CC 1984 §13.530)

**SECTION 615.040: AUTHORITY TO EXAMINE STATEMENTS, BOOKS, PAPERS AND RECORDS**

The City Clerk of the City of New Haven or his/her duly authorized deputy shall be and is hereby authorized to investigate the correctness and accuracy of the statements required and for the purpose shall have access at all reasonable times to the books, papers and records of any person making such statement in order to ascertain the accuracy thereof. (CC 1984 §13.540)

**SECTION 615.050: PAYMENT OF TAX**

Every person now or hereafter engaged in any of the business described in Section 615.020 hereof shall pay to the City Treasurer of the City of New Haven on the fifteenth (15th) day of February and on the fifteenth (15th) day of August in each year an amount equal to five percent (5%) of said person's gross receipts from said business for the preceding six (6) months, July through December and January through June respectively or part thereof, after the effective date of this Chapter. (CC 1984 §13.550)

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§ 615.060

New Haven City Code

**SECTION 615.060: TAX IN LIEU OF OTHER OCCUPATION TAXES**

The tax herein required to be paid shall be in lieu of any other occupation tax described in Section 615.020 hereof, but nothing herein contained shall be so construed as to exempt any such person from the payment to the City of New Haven of the tax which the City of New Haven levies upon the real or personal property belonging to any such person, nor the tax required of merchants or manufacturers for sale of anything other than electricity and power, gas, telephone service or water, nor shall the tax herein required exempt any such person from the payment of any other tax which may be lawfully required other than an occupation tax on any of the businesses described in Section 615.020. (CC 1984 §13.560)

## **CHAPTER 620: MOTOR VEHICLE SALVAGE**

### **YARDS**

#### **SECTION 620.010: MOTOR VEHICLE SALVAGE YARD BUSINESS—DEFINED**

Every person, firm or corporation who shall acquire a motor vehicle or motor vehicles for the purpose of dismantling the same or who shall sell or offer for sale a part or parts from a dismantled motor vehicle or motor vehicles is hereby declared to be engaged in the business or occupation of operating an automobile or motor vehicle salvage yard. (CC 1984 §13.600; Ord. No. 91½ §1, 11-6-50)

#### **SECTION 620.020: MATERIAL NOT VISIBLE FROM PUBLIC STREET OR HIGHWAY**

Any person, firm or corporation operating an automobile or motor vehicle salvage yard shall store and keep all motor vehicle parts under a roof and shall construct and maintain suitable fences or walls around such space under such roof of sufficient height so that no junk, wrecked cars or other material of an unsightly nature shall be visible from a public street or highway. (CC 1984 §13.610; Ord. No. 91½ §2, 11-6-50)

#### **SECTION 620.030: REMOVAL OF DEBRIS AND USELESS PARTS**

Every person, firm or corporation operating an automobile or motor vehicle salvage yard shall remove outside the City limits all debris and all parts of cars that are useless. (CC 1984 §13.620; Ord. No. 91½ §3, 11-6-50)

#### **SECTION 620.040: DISTANCE RESTRICTIONS**

No motor vehicle salvage yard shall be operated or maintained within five hundred (500) feet of any residence building and all motor vehicle salvage yards shall be not less than five hundred (500) feet removed from any public street or highway. (CC 1984 §13.630; Ord. No. 91½ §4, 11-6-50).



## CHAPTER 625: CIGARETTES

### ARTICLE I. IN GENERAL

#### SECTION 625.010: DEFINITIONS

As used in this Chapter, the following terms shall have the meanings ascribed to them:

*CIGARETTE*: An item manufactured of tobacco or any substitute therefor, wrapped in paper or any substitute therefor, weighing not to exceed three (3) pounds per one thousand (1,000) cigarettes and which is commonly classified, labeled or advertised as a cigarette.

*PACKAGE OF CIGARETTES*: A container of any type composition in which is normally contained twenty (20) individual cigarettes, except as in special instances when the number may be more or less than twenty (20).

*RETAILER*: Any person who sells to a consumer or to any person for any purpose other than resale.

*SALE*: In this instance is defined to be and declared to include sales, barter, exchanges and every other manner, method and form of transferring the ownership of personal property from one person to another. "Sale" also means the possession of cigarettes or tobacco products by any person other than a manufacturer, wholesaler or retailer and shall be prima facie evidence of possession for consumption.

*WHOLESALE*: Any person, firm or corporation organized and existing, or doing business, primarily to sell cigarettes or tobacco products to, and render service to, retailers in the territory the person, firm or corporation chooses to serve; that purchases cigarettes or tobacco products directly from the manufacturer; that carries at all times at his/her or its principal place of business a representative stock of cigarettes or tobacco products for sale; and that comes into the possession of cigarettes or tobacco products for the purpose of selling them to retailers or to persons outside or within the State who might resell or retail the cigarettes or tobacco products to consumers. This shall include any manufacturer, jobber, broker, agent or other person, whether or not enumerated in this Chapter, who so sells or so distributes cigarettes or tobacco products.

#### SECTION 625.020: AUTHORITY OF CITY COLLECTOR TO ADMINISTER OATHS AND TAKE AFFIDAVITS

The City Collector or his/her employees or agents, duly designated so authorized by the City Collector shall have the power to administer oaths and take affidavits in relation to any matter or proceedings in the exercise of their powers and duties under this Chapter. (CC 1984 §7.020)

#### SECTION 625.030: AUTHORITY OF CITY COLLECTOR TO PROMULGATE RULES— DELEGATION OF AUTHORITY

In addition to other powers granted to the City Collector by this Chapter, the City Collector is authorized and empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to:

- .1. The denomination and the sale of stamps required by this Article.
- .2. The delegation of his/her powers under this Chapter to a deputy or an employee of his/her office or, subject to the approval of the Board of Aldermen, to delegate his/her powers under this Chapter to the City Marshal. (CC 1984 §7.030)

## **ARTICLE II. LICENSES AND TAXES**

### **SECTION 625.040: LICENSE REQUIRED—FEE**

Each retailer of cigarettes in the City of New Haven, Missouri, shall, before selling any cigarettes in said City, make application for a license to sell at retail cigarettes in said City. No fee shall be charged for the license. (CC 1984 §7.140; Ord. No. 387 §1, 5-6-74)

### **SECTION 625.050: OCCUPATION TAX LEVIED—AMOUNT**

An occupation tax of two cents (\$.02) per package of cigarettes bought for retail sale in said City by such licensed retailer is hereby levied on each package of cigarettes bought for retail sale in said City of New Haven, Missouri. (CC 1984 §7.150; Ord. No. 387 §2, 5-6-74)

### **SECTION 625.060: EFFECTIVE DATE OF OCCUPATION TAX**

This occupation tax of two cents (\$.02) per package shall be effective commencing July 1, 1974, and said tax shall be paid on all cigarettes on hand for sale as of said date. (CC 1984 §7.160; Ord. No. 387 §3, 5-6-74)

### **SECTION 625.070: RETAILER'S RECORDS—CITY'S ACCESS TO RECORDS**

Such licensed retailer shall keep an accurate record of the purchases of cigarettes for sale in the retailer's place of business and shall keep the invoice on hand at all times for at least a period of three (3) years, and the City of New Haven, Missouri, by duly authorized agent shall have access to such records and shall be authorized to check such records of purchase of cigarettes from time to time during business hours of such retailer as said City of New Haven, Missouri, shall deem reasonable and proper. (CC 1984 §7.170; Ord. No. 387 §4, 5-6-74)

### **SECTION 625.080: FILING OF MONTHLY REPORT—WHEN TAX DUE AND PAYABLE**

Each licensed retailer in said City of New Haven, Missouri, shall prepare and file with City Collector of New Haven, Missouri, a statement, on form provided by said City, showing full amount of cigarettes purchased during preceding month and shall pay said occupation tax of two cents (\$.02) per package, and such payment and report shall be signed by such licensed retailer and filed and paid

between the first (1st) and tenth (10th) of each month following the month in which tax is due. The first (1st) payment and report shall be on cigarettes on hand June 30, 1974, and such payment shall be due between July 1, 1974 and July 10, 1974 and then each first (1st) to tenth (10th) day of each month thereafter. (CC 1984 §7.180; Ord. No. 387 §5, 5-6-74)

§ 625.090  
§ 625.140

Cigarettes

**SECTION 625.090: DISPOSITION OF TAX MONIES**

All monies derived from this occupational tax shall be deposited in the general revenue fund, City of New Haven, Missouri. (CC 1984 §7.190; Ord. No. 387 §6, 5-6-75)

**SECTION 625.100: AUTHORITY OF CITY TO CHECK WHOLESALERS' RECORDS**

The City of New Haven, Missouri, shall have the right to check the records of wholesalers as to sale of cigarettes to retailers in the City of New Haven, Missouri. (CC 1984 §7.200; Ord. No. 387 §7, 5-6-74)

**SECTION 625.110: PENALTY FOR FAILURE TO SECURE LICENSE, PAY TAX**

Any retailer of cigarettes in said City who shall fail to secure the annual license to sell cigarettes in said City, as provided herein, or shall fail to prepare, file and pay occupational tax, as herein provided, shall be fined not less than ten dollars (\$10.00) or more than fifty dollars (\$50.00) for each violation. (CC 1984 §7.210; Ord. No. 387 §8, 5-6-74)

**SECTION 625.120: EFFECT OF FAILURE TO KEEP ACCURATE RECORDS, FILE MONTHLY REPORT**

Any retailer failing to keep an accurate set of books and records of invoices of purchases of cigarettes for sale in City of New Haven, Missouri, after effective date of this Article, or shall fail to prepare and file the monthly report showing accurately such retailer's purchase of cigarettes for sale in said report, or shall fail to file the report, or shall fail to file the report as due under this Article shall be given ten (10) days' written notice by the City of New Haven, Missouri, that such retailer's license to sell cigarettes in said City will be suspended at end of said ten (10) days' notice. The retailer upon receiving such notice may ask for a hearing before the Board of Aldermen, such date of hearing to be set by said Board and the retailer shall present his/her evidence, and the Board shall continue the suspension or shall reinstate such retailer. (CC 1984 §7.220; Ord. No. 387 §9, 5-6-74)

**SECTION 625.130: SALE OF CIGARETTES WHILE LICENSE SUSPENDED PROHIBITED— PENALTY**

It shall be unlawful for any retailer to sell or offer to sell cigarettes in the City of New Haven, Missouri, while such retailer's license is suspended, and it shall be unlawful for any retailer to sell cigarettes in said City without first obtaining the annual license herein provided at the cost of one dollar (\$1.00) per year, and for violation of this Section any such person or corporation shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each day's violation of this Section. (CC 1984 §7.230; Ord. No. 387 §10, 5-6-74)

**SECTION 625.140: FEE FOR TIMELY FILING OF REPORT, PAYMENT OF TAX, ETC.**

In consideration of the retailer applying for his/her annual license, making monthly reports and paying the occupational tax, such retailer, if such is done before the tenth (10th) of the month

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New Haven City Code

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following the month for which report is to be made, shall be entitled to a fee of two percent (2%) of the money due and paid to such City on each monthly report. The fee of two percent (2%) shall not be allowed if report is past due and late. (CC 1984 §7.240; Ord. No. 387 §11, 5-6-74)

**SECTION 625.150: ASSIGNMENT, TRANSFER OF LICENSE PROHIBITED**

The annual license issued shall not be assigned or transferred and is good only to the retailer to whom license is issued. (CC 1984 §7.250; Ord. No. 387 §12, 5-6-74)