

**COUNCIL BILL NO. 2009-025
NO. 2009-177**

ORDINANCE NO. Ordinance

AN ORDINANCE

amending Chapter 10, Alcoholic Beverages, Article I. In General, by amending Section 10-4, Sunday sales of packaged liquor., of the Joplin City Code; amending Chapter 10, Alcoholic Beverages., Article I. In General, by amending Sec. 10-13. Packaged liquor not to be opened where bought.; amending Chapter 10, Alcoholic Beverages, Article II. Licenses, of the Joplin City Code, by enacting a new Sec. 10-52 of the Joplin City Code, Wine, Malt Beverages and Distilled Spirits Tasting Permit; and, amending Chapter 30, Businesses, by amending Sec. 30-121, License Classifications and Fees., by enacting a new subsection M).

WHEREAS, the City of Joplin has been receiving numerous requests from liquor stores and supermarkets to conduct wine and beverage tasting events and the City has been handling these requests by issuing temporary picnic licenses to the stores to conduct the events on an individual event basis; and

WHEREAS, the State of Missouri has enacted legislation allowing persons who are licensed to sell intoxicating liquor in the original package at retail to apply for a special permit to conduct wine, malt beverage, and distilled spirit tastings on licensed premises; and

WHEREAS, any licensee that obtains a tasting permit would not be permitted to allow on-site consumption, would be required to comply with all administrative requirements developed by the Director of Finance and Missouri Statutes in conducting the tasting events; and

WHEREAS, a reasonable fee for the permit that takes into account the administrative fees and costs incurred by the City in processing the application is determined to be Twenty-Five Dollars (\$25.00); and

WHEREAS, the fee found in Section 10-4 is duplicated in another Section of the Joplin City Code, so an amendment is necessary to ensure consistency within the Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Section 10-4 of the Joplin City Code, Sunday sales of packaged liquor, be amended to read as follows:

"Sec. 10-4. Sunday Sales of packaged liquor.

Notwithstanding the provisions of section 10-3 or any other ordinance to the contrary, any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor in the original package at retail under article II of this chapter may apply for a special license to sell intoxicating liquor in the original package at retail between the hours of 9:00 a.m. and midnight on Sundays. A licensee under this section shall pay to the Director of Finance an annual fee as provided by Section 30-121 of the Code, payable at the same time and in the same manner as its other license fees."

Section 2. That Section 10-13 of the Joplin City Code, Packaged liquor not to be opened where bought., be amended to read as follows:

"Sec. 10-13. Packaged liquor not to be opened where bought.

In no event shall packaged liquor be opened or consumed on the premises or in any room or place connected therewith except as provided pursuant to Sec. 10-52 of this Code."

Section 3. That a new Section 10-52 of the Joplin City Code, Wine, Malt Beverages and Distilled Spirits Tasting Permit., is hereby enacted and adopted to read as follows:

"Sec. 10-52. Wine, Malt Beverages, and Distilled Spirits Tasting Permit.

(a) Any person who is licensed to sell intoxicating liquor in the original package at retail under this chapter may apply to the Director of Finance for a special license to conduct wine, malt beverages and distilled spirits tastings on the licensed premises.

(b) Nothing in this section shall be construed to permit the licensee to sell wine, malt beverages, or distilled spirits for on-premises consumption. Licensee shall comply with any and all administrative requirements promulgated by the Director of Finance and any other City Codes or regulations."

Section 4. That Section 30-121 of the Joplin City Code, License Classifications and Fees., be amended to include a new subsection "M)" under "Liquor", to read as follows:

"Sec. 30-121. License classifications and fees.

...

Liquor:

...

M) Wine, Malt Beverages, and Distilled Spirits Tasting Permit...
\$25.00"

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 16th day of November, 2009.

Gary L. Shaw, Mayor

ATTEST:

Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

Brian W. Head, City Attorney