

BILL NO. 20-030

ORDINANCE NO. 4848

FIRST READING 11.17.2020

SECOND READING 12.01.2020

AN ORDINANCE REVISING CHAPTER 3 ALCOHOLIC BEVERAGES, SECTION 3-112 QUALIFICATIONS OF APPLICANT OF THE REVISED ORDINANCES OF THE CITY OF HANNIBAL

WHEREAS, the City Council has determined that Ordinance 3-112 is based upon Missouri Revised Statute 311.060, and

WHEREAS, said statute however contains different provisions than Ordinance 3-112, which causes an undue hardship on applicants in certain circumstances, and

WHEREAS, in order to alleviate such hardship and to bring the Hannibal City Ordinance in line with the State Statute, the City Council makes the following amendment to Chapter 3, Section 3-112 of the ordinances of the City of Hannibal.

NOW THEREFORE BE IT ORDAINED THE CITY COUNCIL OF THE CITY OF HANNIBAL HEREBY AMENDS CHAPTER 3, SECTION 3-112 AS FOLLOWS:

SECTION ONE: Section 3-112. - Qualifications of applicant, is hereby amended as follows:

Sec. 3-112. - Qualifications of applicant.

No person, partnership, or corporation shall be qualified for a license under this chapter:

- (a) Unless they are of good moral character as defined in this division. No corporation shall be granted a license unless the managing officer of such corporation is of good moral character; provided, however that nothing in this section shall prevent the issuance of licenses to non-residents or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors to, by, or through a duly licensed wholesaler in the state.
- (b) Whose license as a liquor dealer has been revoked, or who has been convicted, since the ratification of the 21st Amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture, sale or rectifying of intoxicating liquor or who employs or has employed in his business as a liquor dealer any person whose license has been revoked or who has been convicted of violating the provisions of any such law since the above date, unless 5 years has passed since such incident.
- (c) If any member of such partnership or such corporation, or any officer, director, or any stockholder owning, legally or beneficially, directly or indirectly, ten percent or

greater of the stock of such corporation, or other financial interest therein, or ten percent or more of the interest in the business for which the person, partnership or corporation is licensed, or any person employed in the business licensed under this law shall have had a license revoked under this law or shall have been convicted of violating the provisions of any law applicable to the manufacture or sale of intoxicating liquor since the ratification of the 21st Amendment to the Constitution of the United States, or shall not be a person of good moral character.

- (d) Unless they are current on payment of all taxes for which they are liable in the state, county, and City of Hannibal.
- (e) Unless they are at least 21 years of age, or if an individual, or all officers, members or partners are at least 21 years of age if they are a business entity.
- (f) Unless they are a registered voter of the State of Missouri.
- (g) Who is not in compliance with the provisions of state law and with all other ordinances and regulations of the city related to the terms of the license.
- (h) Who makes a false statement of material facts, or by deliberate omission is untruthful in the application for a license or license renewal.
- (i) Who, by the nature, amount, and frequency of complaints and incidents at the licensed premises, or at other licensed premises the applicant was previously licensed to operate, required excessive intervention by law enforcement and/or liquor control agencies to establish order, and where such issuance of a liquor license that that person, partnership, or corporation would be detrimental to public health, safety, and welfare of the community.

(Ord. No. 4641, § 1, 8-6-2013)

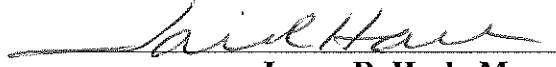
SECTION TWO: It hereby is declared to be the intention of the City Council that each and every part, portion and sub-portion of this Ordinance shall be separate and severable from each and every other part, portion or sub-portion hereof and that the City Council intends to adopt each said part, portion or sub-portion separately and independently of any other part, portion or sub-portion. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, portions and sub-portions shall be and remain in full force and effect.

SECTION THREE: All ordinances and parts of ordinances in conflict with this ordinance, in so far as they conflict, are hereby repealed.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its adoption and approval.

ADOPTED THIS 18 DAY OF December, 2020.

APPROVED THIS 18 DAY OF December, 2020.


James R. Hark, Mayor

ATTEST:


Angelica N. Zerbonia, MRCC, CMO – City Clerk