

BILL NO. 22-029

ORDINANCE NO. 4914

FIRST READING 10.18.2022

SECOND READING 11.01.2022

**AN ORDINANCE OF THE CITY OF HANNIBAL REVISING CHAPTER 3,
ALCOHOLIC BEVERAGES, DIVISION I, SECTION 3-90, CATERERS LICENSURE
REQUIREMENT**

WHEREAS, the State of Missouri allows entities holding liquor license for a particular location to apply for an obtain a caterer's liquor license which may be used in other locations in the state, pursuant to the provisions of RSMO 311.486, and

WHEREAS, however that the existing ordinances of the City of Hannibal do not take such license into consideration, and require that any person utilizing a caterer's liquor license must also hold a liquor license at a location within the confines of the City of Hannibal, and

WHEREAS, the City Council has determined that such restriction is an unreasonable restriction and interference, and that it is appropriate to amend the caterer's liquor license provisions in the Hannibal Ordinances to take into consideration the provisions of RSMo 311.486.

NOW THEREFORE, the City Council makes the following amendment to CHAPTER 3 of the ordinances of the City of Hannibal:

SECTION ONE: That Section 3-90 is hereby revoked and a new Section 3-90 is enacted in its place.

SECTION TWO: Section 3-90 of the Ordinances of the City of Hannibal shall be enacted as follows:

Sec. 3-90. - Caterers; licensure requirement.

(a) A temporary caterers' license may be issued to caterers or other persons holding liquor licenses from this City to sell intoxicating liquor by the drink at retail, pursuant to the provisions of this article, who furnish provisions and service for use at a particular function, occasion, or event, at a location other than the licensed premises, effective for a period not to exceed 72 hours, which shall authorize the serving of alcoholic beverages for on-premises consumption. Applicants for caterers' licenses under this subsection shall furnish the following information in writing:

- (1) Name.
- (2) Business.
- (3) Liquor license number.

- (4) Date of the event.
- (5) Location of the event.
- (6) Times of the event.
- (7) Explanation of the event.

(b) A temporary caterers' license may be issued to caterers or other persons holding either a temporary caterers' permit or special caterers' licenses from the state supervisor of alcohol and tobacco control, pursuant to RSMo 311.485 and 311.486, who furnish provisions and service for use at a particular function, occasion, or event, at a location other than the licensed premises, effective for a period not to exceed 72 hours, which shall authorize the serving of alcoholic beverages for on-premises consumption. Applicants for caterers' licenses under this subsection shall furnish the following information in writing:

- (1) Name.
- (2) Business.
- (3) Copy of temporary caterers' permit or special caterers' license issued by the state.
- (4) Date of the event.
- (5) Location of the event.
- (6) Times of the event.
- (7) Explanation of the event.

(c) City council approval is required for the issuance of caterers' licenses where the function, occasion or event will be located in a zoning district not otherwise permitting the sale of intoxicating liquor. In determining whether to issue the temporary caterers' license, the council shall take into account those factors which it determines to be relevant in the issuance of such license. Without limiting the foregoing, the council shall also consider:

- (1) The applicant's history of preventing any violent quarrel, disorder, brawl, fight or other improper or unlawful conduct of any person where the applicant has engaged in the sale of intoxicating liquor.
- (2) The applicant's history of reporting to the proper law enforcement authorities an illegal or violent act that has been committed, or where his employee knew or should have known that said act occurred in places where the applicant has engaged in the sale of intoxicating liquor.
- (3) The applicant's history where a significant number of peace disturbances have occurred where the applicant has engaged in the sale of intoxicating liquor.

(d) The city clerk or designated agent may issue caterers' licenses where the function, occasion or event will be located in a zoning district that normally permits the sale of intoxicating liquors. The city clerk or designated agent may use the same standards as the city council in determining whether to issue a temporary caterers' license, and may, at his discretion, refer any applicant to the city council in instances where it determines that approval of such application may be detrimental to the public interest.

(e) All applicable provisions of this article shall extend to such premises and shall be in force and enforceable during all the times that the licensee, or any agent, employee or stock are in such premises.

(f) Any caterer who possesses a valid catering license from the city may deliver alcoholic beverages in the course of a catering business within the city without obtaining a permit for delivery.

(g) The city shall charge a fee for the cost of such temporary caterer's license which fee shall only be so much as is reasonably required to defray the cost of processing the request, necessary research, costs of issuance of the license and staff expenses related to the foregoing. The cost shall be assessed pursuant to the schedule of fees promulgated by the office of the city clerk.

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


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

Adopted this 1st day of November, 2022

Approved this 1st day of November, 2022


James R. Hark, Mayor

ATTEST:


Angelica N. Zerbonia, MRCC, CMO - City Clerk