

**CITY OF DARDENNE PRAIRIE  
2032 HANLEY ROAD  
DARDENNE PRAIRIE, MO 63368**

**BOARD OF ALDERMEN  
WORKSHOP AGENDA  
MARCH 1, 2017  
5:30 p.m.**

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**CALL MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ITEMS FOR DISCUSSION AND CONSIDERATION**

1. Install paving around the backstop areas on field 2 & 3 on the ballpark (Easley)
2. Public Works – Intergovernmental Agreement with St. Charles County (Kehoe)
3. Update City Municipal Code to conform to Revised Missouri Statute regulating liquor sales (Mayor)
4. Short Term Goals (0 – 3 year projects)
5. Long Term Goals (3 – 10 year projects)
6. Review of Board of Aldermen Meeting Agenda (03-01-17)

**STAFF COMMUNICATIONS**

1. City Attorney
2. City Engineer
3. Staff
4. Aldermen
5. Mayor

**CLOSED SESSION**

Roll call vote to hold closed session pursuant to RSMo 610.021 section \_\_\_\_\_

- Litigation and Privileged Communications (1)
- Real Estate (2)
- Personnel (3)
- Labor (9)
- Bid Specs (11)
- Audit (17)

**RETURN TO REGULAR MEETING AGENDA**

**ADJOURNMENT**

EXHIBIT A

**RBA FORM (OFFICE USE ONLY)**

MEETING DATE: 3/1/2017

Regular ( X ) Work Session ( X )

ATTACHMENT: YES ( X ) NO ( )

Contract ( x ) Ordinance ( ) Other ( )

**Request for Board Action**  
**By: Staff**

Ward \_\_\_\_\_

- **Description:** Install paving around the backstop areas on field 2 & 3 on the ballpark.

- 
- **Recommendation:** Staff – Approve ( ) Disapprove ( )

- 
- **Summary/Explanation:**

\*Three bids to have paving installed behind the backstops on field 2 & 3 on the ballpark.

\*Area is approximately 320-350 square yards.

\*The asphalt/paving will reduce the problems of rock carried onto the fields, thus providing a safer playing surface.

\*Mid River Asphalt \$25,965.00-\$28,695.00 (prevailing wage)

\*Ford Asphalt Co, Inc. \$14,000.00 (prevailing wage)

\*Thoele Asphalt \$....\$10,630.00 (prevailing wage)

- 
- **Budget Impact:** (revenue generated, estimated cost, CIP item, etc.)

Capital improvement budget item #303.

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RBA requested by: Bob Easley

Date: 2/22/2017

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0 50ft

143.22 sq yd

Backstop 1

198.37 sq yd

Backstop 2

Σa 341.59 sq yd

Σp 439.7 ft

0 sq yd

0.0 ft



# Proposal

Page No.

of

Pages

## THOELE ASPHALT PAVING & SEALCOATING

PHONE - 724-1617  
946-6306

P.O. BOX 460 • ST. CHARLES, MISSOURI 63302

|                                                               |                                         |                          |
|---------------------------------------------------------------|-----------------------------------------|--------------------------|
| PROPOSAL SUBMITTED TO<br><b>CITY OF DARDENNE PRAIRIE</b>      | PHONE                                   | DATE<br><b>2/27/2017</b> |
| STREET<br><b>2032 HANLEY ROAD</b>                             | JOB NAME                                |                          |
| CITY, STATE AND ZIP CODE<br><b>DARDENNE PRAIRIE, MO 63368</b> | JOB LOCATION<br><b>BALL PARK FIELDS</b> |                          |

We hereby submit specifications and estimates for:

THOELE ASPHALT PAVING, INC. PROPOSES THE FOLLOWING WORK TO BE DONE ON THE  
BALL PARK FIELDS:

BACK STOP 1 143.22 SQ. YDS.

BACK STOP 2 231.37 SQ. YDS.

DIG OUT AND HAUL OFF 6" OF DIRT AND ROCK. PLACE A 4" COMPACT OF ROCK BASIC.  
HAND LAY 2" OF C MIX ASPHALT, ROLL FOR COMPACTION. BACK FILL ASPHALT  
WITH DIRT.

**We Propose** hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

TEN THOUSAND SIX HUNDRED THIRTY AND 00/100 \_\_\_\_\_ dollars (\$ \$10,630.00 ).

Payment to be made as follows:

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control, Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized  
Signature \_\_\_\_\_

Note: This proposal may be  
withdrawn by us if not accepted within \_\_\_\_\_ days.

**Acceptance of Proposal** — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_





# PROPOSAL

ASPHALT AND CONCRETE PAVING  
13164 TAUSSIG AVENUE  
BRIDGETON, MO 63044  
314-291-2600 OFFICE  
314-291-5622 FAX  
WWW.FORDASPHALT.COM

## FORD ASPHALT COMPANY, INC.

|                            |                         |
|----------------------------|-------------------------|
| PROPOSAL SUBMITTED TO :    | BID #                   |
| CITY OF DARDENNE PRAIRIE   | 17-108-BTPS             |
| ATTN: BOB EASLEY           | PHONE #                 |
| 2032 HANLEY ROAD           | 636-625-0077            |
| DARDENNE PRAIRIE, MO 63368 | FAX #                   |
|                            | EMAIL                   |
|                            | BOB@DARDENNEPRAIRIE.ORG |

We hereby submit the scope of work per listed specifications, drawings and other documents hereinafter referred to as the "scope of work."

JOB NAME: CITY OF DARDENNE PRAIRIE  
JOB LOCATION: BASEBALL FIELD BACKSTOPS

BACKSTOP #1 (PRIORITY)  
EXCAVATE AND REPLACE  
EXCAVATE APPROXIMATELY 150 SQUARE YARDS OF DIRT AND ROCK TO A DEPTH OF 6 INCHES. REMOVE ALL DEBRIS FROM JOB SITE. INSTALL APPROXIMATELY 4 INCHES OF ROCK. SHAPE TO PROPER GRADE AND COMPACT. INSTALL APPROXIMATELY 2 INCHES OF HOT COMMERCIAL ASPHALT, BLENDING AND TAPERING WHERE NECESSARY. ROLL TO PROPER COMPACTION.

PRICE: \$ 6,000.00\*

BACKSTOP #2  
EXCAVATE AND REPLACE  
EXCAVATE APPROXIMATELY 200 SQUARE YARDS OF DIRT AND ROCK TO A DEPTH OF 6 INCHES. REMOVE ALL DEBRIS FROM JOB SITE. INSTALL APPROXIMATELY 4 INCHES OF ROCK. SHAPE TO PROPER GRADE AND COMPACT. INSTALL APPROXIMATELY 2 INCHES OF HOT COMMERCIAL ASPHALT, BLENDING AND TAPERING WHERE NECESSARY. ROLL TO PROPER COMPACTION.

PRICE: \$ 8,000.00

TOTAL PRICE: \$14,000.00

\*NOTE: PRICING FOR BACKSTOP #1, IF DONE AS A STAND ALONE PROJECT, IS \$6,950.00.

SUBJECT TO ADDITIONAL TERMS AND CONDITIONS ON REVERSE SIDE OF PROPOSAL

SIGNATURE

ESTIMATOR

BRAD FRITSCHÉ

DATE

2/20/2017

*Acceptance of Proposal* - Signatory warrants  
that he/she is either Owner, or Owners authorized agent.

Company

Signature

Signature

Date of Acceptance

## PROPOSAL TERMS AND CONDITIONS

**ACCEPTANCE:** This proposal must be signed and returned before any field work can commence and it expires (30) days from the date hereof and may be accepted at any later date at the sole option of Ford Asphalt Co., Inc. (hereinafter referred to as contractor). Upon receipt it is understood the foregoing, including the terms, conditions and notices set forth below, will constitute the full and complete agreement between us.

**PRICES:** This proposal is based on labor, material and equipment costs on the date hereof, and is subject to changes in price in labor and/or material incurred or occurring after the proposal valid date and prior to contract execution.

**TERMS:** Net 7 days after date of invoice. A late payment charge of 1 and 1/2% per month (18%) annually will be added on any overdue amount past 7 days. Owner agrees to pay the finance charge on any outstanding balance, and all reasonable attorneys fees, and other costs and expenses incurred in any suit or other legal action to enforce the terms of this contract. No more than 10% of the contract price may be withheld from payment due to disputes of workmanship or the scope of services.

**TERMS (Private Driveways):** Owner is to be there to inspect, accept and make payment in full the day the driveway is completed. A lien waiver will be furnished by contractor to owner at that time.

**DEVIATIONS:** Contractor shall be compensated for work performed at the verbal or written request of owner or owner's representative which is not within the scope of work.

**DELAYS:** Contractor will not be held liable for loss, damage, or delay occasioned by material shortage, inclement weather, strikes, force majeure, inadequate site conditions or any other cause beyond the reasonable control of contractor. Contractor shall be granted unimpeded access to perform its scope of work. Contractor shall be compensated for delays due to others at the project site.

**CLEARING:** Contractor shall be compensated for moving materials, debris, and/or obstacles from the work area, unless specifically noted otherwise in the scope of work, and if such work is necessary for contractor to do the contract work.

**GRADES:** Subgrade elevations are to be brought within plus or minus one (1) inch by others unless specifically noted otherwise in the scope of work before the contractor's crews move in. If it is necessary for the contractor to remove excess overburden or add fill to said work areas over and above said limits, contractor shall be compensated for such extra work and materials. Contractor is not responsible for backfilling or adjusting grades adjacent to its work, unless specifically noted in the scope of work.

**LINES & LEVELS:** Owner shall be responsible for all survey lines and grade elevations necessary for contractor to locate and install its work, unless specifically noted otherwise in the scope of work. Contractor may rely on such lines and levels to be correct.

**UTILITIES:** Owner is responsible to locate and mark any underground utilities, facilities, and/or objects buried beneath areas of work prior to the contractor starting work. Contractor shall be compensated for any costs resulting from damages to such underground items not adequately marked and called to the attention of the contractor.

**SUBGRADE CONDITIONS:** Owner shall be responsible for subgrade conditions and degree of compaction. Contractor shall not be held responsible for paving defects resulting from subgrade pumping or yielding under normal construction paving conditions.

**SITE CONDITIONS:** Contractor shall be relieved of all responsibility when ordered by owner to install work, when in contractor's stated opinion, the temperature, weather, soil or fill conditions are unsuitable and said conditions may have a detrimental effect on the finished installation.

**DRAINAGE:** Contractor shall make a reasonable effort to install the work to avoid puddles or ponding water. Contractor shall not be held responsible for puddles or ponding or running water where insufficient slope (normally 3/16" per foot) of paving exists, or for surface tolerances less than 3/8" in eight feet horizontal distance.

## NOTICE TO OWNER

**LIEN WAIVERS:** FAILURE OF THIS CONTRACTOR TO PAY THOSE PERSONS SUPPLYING MATERIAL OR SERVICES TO COMPLETE THIS CONTRACT CAN RESULT IN THE FILING OF A MECHANIC'S LIEN ON THE PROPERTY WHICH IS THE SUBJECT OF THIS CONTRACT PURSUANT TO CHAPTER 429, RS MO. TO AVOID THIS RESULT, YOU MAY ASK THIS CONTRACTOR FOR "LIEN WAIVERS" FROM ALL PERSONS SUPPLYING MATERIAL OR SERVICES FOR THE WORK DESCRIBED IN THIS CONTRACT. FAILURE TO SECURE LIEN WAIVERS MAY RESULT IN YOUR PAYING FOR LABOR AND MATERIAL TWICE.

**WARRANTY:** Contractor warrants labor and material for one year with the following exclusions. Warranty is null and void if contract payment terms are not fulfilled.

**EXCLUSIONS:** It is recognized that many factors affect paving which are beyond the control of the contractor. Contractor shall not be held liable for future defects caused by: subgrade settlement, failure of the subgrade, inadequate design, hydrostatic pressure, overloading, abuse or misuse of the paving by others, temperature and reflective cracking and/or subgrade shrinkage.

**PERMITS:** Owner shall be responsible for all permits, testing, and/or approvals from any agency for the work unless specifically noted otherwise in the scope of work. Contractor shall be compensated for any costs incurred in obtaining permits, testing, and/or approvals for the work in the owner's behalf.

**GOVERNING LAW:** This contract shall be governed by the law of the State of Missouri.

**OTHER:** See attachment A for specific conditions, if any.

Phone  
636-356-4434

# MID RIVER ASPHALT, INC.

511 JOHN DEERE LANE  
TROY, MO 63379

Fax  
636-356-4307

## PROPOSAL TO

## JOB LOCATION

City of Dardenne Prairie  
Bob Easley  
2032 Hanley Road  
Dardenne Prairie, MO 63368

Ball Field Spectator Area

We hereby propose to do the work described in this proposal and agree to furnish all labor, tools and materials to complete the job in a satisfactory manner for the prices set forth herein.

### WORK TO BE PERFORMED

bob@dardenneprairie.org

#### Area 1: S.E. Ball Field

Excavate and add rolled base rock as required. Pave general outline of existing rock with 3 inches asphalt. Approximately 1,422 square feet.

\$10,725.00

With Prevailing Wage Rate

\$11,775.00

\*Others are to loosen and place back corner end of fence.

#### Area 2: N.E. Ball Field

A.) Excavate area, place 4 inches rolled base rock and 3 inches asphalt. Approximately 1,440 square feet.

\$15,240.00

With Prevailing Wage Rate

\$16,920.00

B.) Excavate area, place 4 inches rolled base rock and 3 inches asphalt. Approximately 927 square feet.

\$10,185.00

With Prevailing Wage Rate

\$11,785.00

**ENERGY CRISES CLAUSE:** Asphalt being a by-product of crude oil, this bid price is subject to change with the fluctuation of asphalt prices. Should such an event occur, owner shall have the option of voiding contract.

The above proposal was scaled from a preliminary plan, therefore, the quantities are approximated only, total price dependent upon final measurement. Unit price to govern.

**TERMS OF PAYMENT:** Payment in full upon completion. On any bills that are unpaid after thirty (30) days from date of invoice there will be a 1 1/2% service charge added per month.

IF ACCEPTABLE, PLEASE SIGN AND RETURN ONE COPY.

ACCEPTED:

\_\_\_\_\_  
\_\_\_\_\_  
Date

By

MID RIVER ASPHALT, INC.

Fred Schuman  
February 14, 2017 to  
City of Dardenne Prairie Ball Fields

This proposal is good for thirty (30) days from date hereof but may be accepted at any later date at the sole option of Mid River Asphalt, Inc.

TERMS AND CONDITIONS ON REVERSE SIDE

#### TERMS AND CONDITIONS

1. Any deviation from the specifications or modifications of the terms of this contract and any extra or incidental work shall be set forth in writing and signed by both parties thereto. Unless otherwise agreed, the price to be paid for all extra and incidental work shall be the cost of actual labor and material, plus 30% for overhead, plus 15% profit, plus equipment rental at A.G.C. rates.
2. Mid River Asphalt, Inc. will carry Workmen's Compensation Insurance covering its employees and shall provide Public Liability and Property Damage Insurance.
3. If credit conditions become unsatisfactory before commencement or at any time during the course of the work, adequate security shall be furnished by you to Mid River Asphalt, Inc. upon its request.
4. Any area, before being turned over to Mid River Asphalt, Inc. for paving, should be firm and unyielding under pressure equal to that of a 6-ton roller of the equivalent, but under no circumstances shall Mid River Asphalt, Inc. be responsible for the condition and/or compaction of the base below the grade.
5. There shall be no liability on the part of Mid River Asphalt, Inc. for damages resulting to utilities or other facilities or objects buried beneath the area of construction.
6. Developer to have grade to finish subgrade. Any grading in excess of this amount will be done in accordance with Item One above. Developer also to be responsible for the backfilling of streets and parking lots.
7. Mid River Asphalt, Inc. will not be responsible for pavement after satisfactory test results are obtained from core drilling, cylinder test or any other method of testing by governing inspection agency. In any case, responsibility by the Mid River Asphalt, Inc. not to exceed 90 days from completion of work.
8. All testing and inspection fees to be paid for by developer or owner.
9. The prices set forth in this Proposal are based on the cost of labor, equipment, and material as of the date of this Proposal. The Contractor shall pay the Mid River Asphalt, Inc. any increase in the cost of labor, equipment, and material between said date and the date of installation plus overhead and profit.
10. There shall be no liability on the part of Mid River Asphalt, Inc. for delays or inability to perform work due to strikes, accidents, weather conditions, inability to obtain labor or materials, governmental orders or for any cause outside its control. If materials or equipment which the Mid River Asphalt, Inc. is required to furnish under the Subcontract become unavailable either temporarily or permanently subsequent to the execution of the Subcontract through causes beyond the control and without the fault of Mid River Asphalt, Inc., then in the case of temporary unavailability the Contract Time shall be extended for such period of time as the Mid River Asphalt, Inc. shall be delayed by such unavailability, and in the case of permanent unavailability, the Mid River Asphalt, Inc. shall be excused from the requirement of furnishing such materials or equipment. The contractor agrees to pay the Mid River Asphalt, Inc. any increase in cost between the cost of the materials or equipment which have become permanently unavailable and the cost of the closest substitute which is then reasonably available.
11. Mid River Asphalt, Inc. will not be responsible for reflective cracking on overlays of asphalt and especially concrete.
12. Asphalt is a wearing surface and may crack in time under normal use and from freeze/thaw and wet/dry conditions. These circumstances are beyond our control and Mid River Asphalt, Inc. will not be responsible.
13. Owner is responsible for obtaining all necessary permits and for any liability for the application for or omission of any required permit.

#### NOTICE TO OWNER

FAILURE OF THIS CONTRACTOR TO PAY THOSE PERSONS SUPPLYING MATERIAL OR SERVICES TO COMPLETE THIS CONTRACT CAN RESULT IN THE FILING OF A MECHANIC'S LIEN ON THE PROPERTY WHICH IS THE SUBJECT OF THIS CONTRACT PURSUANT TO CHAPTER 429, RSMO. TO AVOID THIS RESULT YOU MAY ASK THIS CONTRACTOR FOR "LIEN WAIVERS" FROM ALL PERSONS SUPPLYING MATERIAL OR SERVICES FOR THE WORK DESCRIBED IN THIS CONTRACT. FAILURE TO SECURE LIEN WAIVERS MAY RESULT IN YOUR PAYING FOR LABOR AND MATERIAL TWICE.

**RBA FORM (OFFICE USE ONLY)**

MEETING DATE: 03/01/2017

Regular ( ☒ ) Work Session ( ☒ )

ATTACHMENT: YES ( ☒ ) NO ( ☐ )

Contract ( ☒ ) Ordinance ( ☒ ) Other ( ☐ )

**Request for Board Action**

**By: Staff**

**Ward** All

**Description:** Dardenne Prairie – Public Works  
Balance of Contract Work for FY2017  
Intergovernmental Agreement with St. Charles County

• **Recommendation:** Staff – Approve ( ☒ ) Disapprove ( ☐ )

• **Summary/Explanation:**

Attached is correspondence and a year-to-date accounting of street and storm sewer work both completed and planned to be completed for the City by the St. Charles County Highway Department.

It is recommended that the City make an additional \$102,000 payment to St. Charles County to cover planned public works maintenance work, unplanned but identified public works maintenance work and any other public works maintenance work to be identified for completion this year. This payment is a City-budgeted item for FY2017.

Any unused amounts at the end of the year will be rolled over to the following year's contract amount.

• **Budget Impact:** (revenue generated, estimated cost, CIP item, etc.)

See attached.

RBA requested by: L. R. Kehoe

Date: 02/22/2017



**Lyons, John** <jlyons@sccmo.org>  
To: Luke Kehoe <engineer@dardenneprairie.org>

**Lyons, John** <jlyons@sccmo.org>  
To: Luke Kehoe <engineer@dardenneprairie.org>

30K

**2017 Dardenne Prairie Summary**

| 2017 Budget                                                                                                                                                                                                    |                                   | Debits for Work Performed<br>(See Accounting Below) | Additional Payments Made |                | Current Balance       | % Budget Remaining |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|-----------------------------------------------------|--------------------------|----------------|-----------------------|--------------------|
|                                                                                                                                                                                                                |                                   |                                                     | Date                     | Check # Amount |                       |                    |
| Preliminary Budget w/ 2016 Distribution (Feb 1st)                                                                                                                                                              | \$ 275,000.00                     |                                                     |                          | \$ -           |                       |                    |
| 2016 Balance Rollover                                                                                                                                                                                          | \$ (7,296.97)                     |                                                     |                          | \$ -           |                       |                    |
| Adjustment for Actual Anticipated Proceeds (Aug 1st)                                                                                                                                                           | \$ -                              |                                                     |                          | \$ -           |                       |                    |
| <b>Final 2017 Budget</b>                                                                                                                                                                                       | <b>\$ 267,703.03</b>              | <b>\$ 313,320.00</b>                                |                          | <b>\$ -</b>    | <b>\$ (45,616.97)</b> | <b>-17%</b>        |
| <div> <div> Total City Road Miles<br/> Total City Road Miles Selected for General Maintenance<br/> Total City Road Miles Selected for Snow Plow Service </div> <div> 61.80<br/> 61.64<br/> 61.64 </div> </div> |                                   |                                                     |                          |                |                       |                    |
| Date                                                                                                                                                                                                           | Description of Work or Project    | Location                                            | Work Order #             | Cost           | Cumulative Cost       |                    |
| 01/01/2017                                                                                                                                                                                                     | Snow Plowing and General Services | City Wide                                           | N/A                      | \$148,320.00*  | \$148,320.00          |                    |
|                                                                                                                                                                                                                | Concrete Slab Repair Contract     | Dardenne Meadows & Dardenne Acres Estates           | Estimated                | \$130,000.00   | \$278,320.00          |                    |
|                                                                                                                                                                                                                | Crack Sealing Contract            | City Wide                                           | Estimated                | \$15,000.00    | \$293,320.00          |                    |
| 01/11/2017                                                                                                                                                                                                     | Sign Installation                 | 1516 Henning Rd.                                    | WO #: 3325               | \$147.41       | \$293,467.41          |                    |
| 01/17/2017                                                                                                                                                                                                     | Sign Installation                 | Waterford Crystal & Waterfor Crossing               | WO #: 3342               | \$41.50        | \$293,508.91          |                    |
| 01/04/2017                                                                                                                                                                                                     | Sidewalk Replacement              | 1620 Brett Ridge Ct                                 | WO #: 2457               | \$488.00       | \$293,996.91          |                    |
| 01/04/2017                                                                                                                                                                                                     | Sidewalk Replacement              | 305 Sir Calvert Dr                                  | WO #: 3221               | \$316.80       | \$294,313.71          |                    |
| 01/05/2017                                                                                                                                                                                                     | Sidewalk Replacement              | 306 Sir Calvert Dr                                  | WO #: 2565               | \$3,996.00     | \$298,309.71          |                    |
| 01/11/2017                                                                                                                                                                                                     | Concrete Slab Replacement         | 801 Tyler Ridge Dr.                                 | WO #: 3224               | \$2,134.69     | \$300,444.40          |                    |
| 01/11/2017                                                                                                                                                                                                     | Guardrail Repair                  | Henning Bridge                                      | WO #: 3326               | \$949.54       | \$301,393.94          |                    |
|                                                                                                                                                                                                                | Remaining Various Work Orders     | City Wide                                           | Estimated                | \$11,926.06    | \$313,320.00          |                    |

Dardenne Prairie Public Works  
Year-to-Date Obligated and Unobligated Budget

|                               |           |           |
|-------------------------------|-----------|-----------|
| Dard. Meadows - slab repair   | \$ 95,000 | Scheduled |
| Dard. Acres - slab repair     | \$ 35,000 |           |
| Street Pavement Crack Sealing | \$ 15,000 |           |

| DP Budgeted through SCC Highway Department                                                                                                                                                                                                                                                                                                      |  | 02/22/2017 |             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------|-------------|
|                                                                                                                                                                                                                                                                                                                                                 |  | Obligated  | Unobligated |
| County Road Maintenance and Repair Agreement - General maintenance                                                                                                                                                                                                                                                                              |  | \$ 148,320 | \$ -        |
| Includes snow removal, small pothole patching, trash, pickup once per year on roadways to be mowed, mowing of rural roads twice per year as listed in Attachment B, washing and sealing bridges not more than once per year, and emergency response for debris removal or flooding                                                              |  |            |             |
| County Road Maintenance and Repair Agreement - Scheduled Maintenance                                                                                                                                                                                                                                                                            |  | \$ 100,000 | \$ 100,000  |
| Includes slab replacement, asphalt overlays, curb replacement, sidewalk replacement, curb ramp replacement or construction, replacement of culvert pipes or storm sewers, mowing along urban arterial roads twice per month, striping, sign installation, and roadway reconstruction                                                            |  |            |             |
| County Road Maintenance and Repair Agreement - Unscheduled Repairs                                                                                                                                                                                                                                                                              |  | \$ 10,000  | \$ 1,926    |
| Includes work orders and emergency repairs of concrete slab, curb or sidewalk replacement, repair of large holes or soft spots in asphalt roadways, replacement of a failed culvert, flushing culverts, street creep repairs at driveways, street sweeping, new sign installation, sign replacement, joint failure repair, or other unscheduled |  | \$ 8,074   |             |
| County Road Maintenance and Repair Agreement - Contract Work                                                                                                                                                                                                                                                                                    |  | \$ 145,000 | \$ -        |
| Includes concrete slab replacement, asphalt overlays, curb replacement, sidewalk replacement, curb ramp replacement or construction, or the total reconstruction of a roadway maintenance work                                                                                                                                                  |  |            |             |
| SCC Total                                                                                                                                                                                                                                                                                                                                       |  | \$ 403,320 | \$ 101,926  |

|    |                                                         |            |           |
|----|---------------------------------------------------------|------------|-----------|
| DP | Street slab/curb and sidewalk/ramp repairs/replacements | \$ 131,000 | Scheduled |
|----|---------------------------------------------------------|------------|-----------|

| DP Budgeted City-Contracted Work                                                         |  | 02/22/2017 |             |
|------------------------------------------------------------------------------------------|--|------------|-------------|
|                                                                                          |  | Obligated  | Unobligated |
| Municipal Street Maintenance and Repaire - Scheduled DP Contracted Work                  |  | \$ 131,000 | \$ 131,000  |
| Includes slab replacement, curb replacement, sidewalk replacement, curb ramp replacement |  |            |             |
| DP Total                                                                                 |  | \$ 131,000 | \$ 131,000  |

**RBA FORM (OFFICE USE ONLY)**

MEETING DATE: 3/1/2017

Regular ( X ) Work Session ( X )

ATTACHMENT: YES ( X ) NO ( )

Contract ( ) Ordinance ( X ) Other ( )

**Request for Board Action**  
**By: MAYOR**

**Ward: ALL**

- **Description:** Update City Municipal Code to conform to Revised Missouri Statute regulating liquor sales.

- 
- **Recommendation:** Staff – Approve (X) Disapprove ( )

- 
- **Summary/Explanation:**
  - State of Missouri revised its laws regulating licenses for sale of liquor, wine and beer
  - City needs to revise its Municipal Code to come into compliance with State Law
  - **CITY MAY WANT TO AMEND DRAFT ORDINANCE RE: DISTANCE FROM CHURCH/SCHOOL TO LICENSED BUSINESS: 100 ft. vs. 300 ft.**
  - City Attorney will brief BOA in workshop regarding changes to code

- 
- **Budget Impact:** (revenue generated, estimated cost, CIP item, etc.)  
City License Fees are lower under new State Law. City Treasurer estimates revenue reduction of about \$1000 for exiting licenses.

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RBA requested by: Mayor

Date: 2/23/2017

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BILL NO. 167-\_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE,  
MISSOURI, AMENDING CHAPTER 600 OF THE  
MUNICIPAL CODE OF THE CITY OF DARDENNE  
PRAIRIE BY DELETING IT IN ITS ENTIRETY AND  
ENACTING, IN LIEU THEREOF, A NEW CHAPTER 600;  
AND PROVIDING FOR THE REGULATION AND  
LICENSING OF INTOXICATING LIQUOR**

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF  
DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:**

**SECTION 1.** That Chapter 600 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by deleting it in its entirety, and enacting, in lieu thereof, a new Chapter 600, to read as follows:

**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.

FINANCIAL INTEREST: All interest, legal or beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such interest in the net profits of the enterprise, after the payment of reasonable and necessary operating business expenses and taxes, including interest in dividends, preferred dividends, interest and profits, directly or indirectly paid as compensation for, or in consideration of interest in, or for use of, the capital devoted to the enterprise, or for property or money advanced, loaned or otherwise made available to the enterprise, except by way of ordinary commercial credit or bona fide bank credit not in excess of credit customarily granted by banking institutions, whether paid as dividends, interest or profits, or in the guise of royalties, commissions, salaries, or any other form whatsoever.

GOOD MORAL CHARACTER: Honesty, fairness, and respect for the rights of others and for the laws of the State and nation.

1. The following factors shall be considered when making a determination of whether an applicant or licensee under this Chapter has good moral character:

a. The nature and character of the business for which the license is sought;

b. The manner in which the person has conducted his/her/its business; and

c. The manner in which the person has observed or violated the law.

2. If a person has been convicted of a crime of the State of Missouri or the United States of America, or of any crime of any other state or country that would have been a crime under the laws of the State of Missouri, or an offense of this City, the following factors shall also be weighed in determining if a person has good moral character:

a. The type of crime(s) or offense(s) for which a person has been convicted;

b. The circumstances surrounding the crime(s) or offense(s) for which a person has been convicted;

c. The proximity in time of the conviction(s) to the application for a license;

d. The conduct of the person since the date of conviction; and

e. Whether the crime the person is convicted of is reasonably related to the competency of the person to exercise the licensed business.

3. Notwithstanding the foregoing, a conviction cannot be the sole grounds on which a person is determined to lack good moral character. If a person is pardoned from a conviction, the underlying guilt for the crime or offense may still be evidence of such person's good moral character.

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. 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.

MICROBREWERY: Means a business whose primary activity is the brewing and selling of beer, with an annual production of ten thousand (10,000) barrels or less.

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, where the package and/or container(s) describes the contents thereof as intoxicating liquor. "Original package" shall also be construed and held to refer to any package containing ~~three one~~ (31) or more standard bottles, cans or pouches 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.

RESIDENT CORPORATION: A corporation incorporated under the laws of the State of Missouri, all the officers and directors of which, and all the stockholders, who legally and beneficially own or control sixty percent (60%) or more of the stock in amount and in voting rights, shall be qualified legal voters and taxpaying residents of the city or county in which they reside and who shall have been bona fide residents of the State of Missouri for a period of three (3) years continuously immediately prior to the date of filing of application for a license, provided that a stockholder need not be a voter or a taxpayer, and all the resident stockholders of which shall own, legally and beneficially, at least sixty percent (60%) of all the financial interest in the business to be licensed under this law; provided, that no corporation, licensed under the provisions of this Chapter on January 1, 1947, nor any corporation succeeding to the business of a corporation licensed on January 1, 1947, as a result of a tax-free reorganization coming within the provisions of Section 112, United States Internal Revenue Code, shall be disqualified by reason of the new requirements herein, except corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent (5%) by weight, or owned or controlled, directly or indirectly, by nonresident persons, partnerships or corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent (5%) by weight.

~~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.~~

WINE MANUFACTURER: Any person, partnership, association of persons, or corporation who has procured a license under Section 600.020(B)(2) or (4) and who manufactures in excess of two hundred (200) gallons of wine per calendar year.

WINERY: Means any establishment at which wine is made.

#### 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, either by himself/herself or through the use of agents or servants, engage in the manufacture, brewing, distillation, blending, sale, offering for sale or distribution of intoxicating liquors within the City of Dardenne Prairie at wholesale or retail, or solicit orders for the sale of intoxicating liquor within the City, without first having obtained a license authorizing such manufacture, brewing, distillation, blending, sale, offering for sale or distribution in compliance with the terms of this Chapter. A separate license shall be required for each place of business.

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:

1. ~~Manufacturers of beer~~malt liquor: Manufacturersing and brewing malt liquor of beer containing ~~not more in excess of than~~ five percent (5%) of alcohol by weight; and selling to duly licensed wholesalers and soliciting orders for the sale of malt liquors containing not in excess of five percent (5%) of alcohol by weight, to, by or through a duly licensed wholesaler within this City~~The license provides for the manufacturer to distribute such beer as a wholesaler, but shall not include the right to sell as a retailer.~~

2. ~~Distillers and m~~Manufacturers of liquors less than 22% alcohol by weight: ~~Manufacturers or distillers of~~ intoxicating liquors containing alcohol not in excess of ~~five twenty-two percent (522%)~~ of alcohol by weight and selling to duly licensed



wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight, to, by or through a duly licensed wholesaler within this City. The license provides for the manufacturer to distribute as a wholesaler, but shall not include the right to sell as a retailer.

3. Manufacturers of liquor of all kinds: Manufacturing, distilling or blending intoxicating liquor of all kinds within the City and selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this City.

4. Manufacturing wine or brandy: Manufacturing wine or brandy in quantities not to exceed five hundred thousand (500,000) gallons, not in excess of eighteen percent (18%) of alcohol by weight for wine, or not in excess of thirty-four (34%) percent of alcohol by weight for brandy, from grapes, berries, other fruits, fruit products, honey, and vegetables produced or grown in the state of Missouri, exclusive of sugar, water and spirits.

35. ~~Sale to Wholesalers and distributors of beer~~malt liquor: ~~Distributors or~~Selling to duly licensed wholesalers and soliciting orders for the sale of beer-malt liquor containing not in excess of five percent (5%) of alcohol by weight, to, by or through a duly licensed wholesaler within this City.

46. ~~Sale to Wholesalers and distributors of liquor—less than 22% alcohol by weight: Distributors or~~Selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors containing ~~not in excess of five—twenty-two percent (522%) of~~ alcohol by weight, to, by or through a duly licensed wholesaler within this City.

7. Sale to wholesalers of liquor of all kinds: Selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this City.

58. Microbrewery: Manufacturing beer and malt liquor in quantities not to exceed ~~For a~~ business whose primary activity is the brewing and selling of beer, with an annual ~~production of~~ten thousand (10,000) barrels per annum~~or less~~.

9. Wholesalers—malt liquor: Selling intoxicating liquor containing not in excess of five percent (5%) of alcohol by weight by a wholesaler to a person duly licensed to sell such malt liquor at retail and selling to duly licensed wholesalers and soliciting orders for the sale of malt liquor containing not in excess of five percent (5%) of alcohol by weight, to, by or through a duly licensed wholesaler within this City.

10. Wholesalers—less than 22% alcohol by weight: Selling intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail and selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight, to, by or through a duly licensed wholesaler within this City.

11. Wholesalers of liquor of all kinds: Selling intoxicating liquor of all kinds by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail and selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this City, except that a license authorizing the holder to sell to duly licensed wholesalers and to solicit orders for sale of intoxicating liquor, to, by or through a duly licensed wholesaler, shall not entitle the holder thereof to sell within the City, direct to retailers.

~~6. Liquor by the drink — extension of premise license: This license shall allow for the sale at retail of all intoxicating liquor by the drink for consumption on the premises. Extension of premise shall be for special events to be held in an area adjoining any door that provides ingress and egress in and out of the establishment. This license shall be for a twenty-four (24) hour period and limited to three (3) times per liquor license year.~~

~~712. Package liquor — malt liquor only: Sales of malt liquor at retail in the original package not for consumption on the premises where sold. This license may include Sunday sales.~~

~~813. 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)(712) and (8) of this Section.~~

~~914. 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)(7) and (11) of this Section.~~

~~1015. Malt liquor by the drink: Sales of malt liquor at retail by the drink for consumption on the premises where sold, 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 (B)(12) hereof. This license may include Sunday sales.~~

~~11. 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.~~

~~1216. Liquor by the drink — all kinds: Sales of all kinds 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)(913) 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, who is licensed to sell intoxicating liquor at retail, may apply for the a following licenses to sell intoxicating liquor at retail on Sundays between the hours of 9:00 A.M. and Midnight:

~~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.~~

~~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.~~

~~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.~~

#### D. Permits.

1. Temporary permit for sale by drink. Any person who possesses the qualifications, meets the requirements of, 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.

2. Caterer's permits. Any person who possesses the qualifications, meets the requirements of, and complies with the provisions of Section 600.030(D) or Section 600.030(E) below may apply for a special caterer's permit.

23. Tasting permit. Any person who possesses the qualifications, meets the requirements of, and complies with the provisions of Section 600.030(I) below may apply for a tasting permit. Any person who is licensed to sell intoxicating liquor in the original package at retail under Subsections (B)(9) 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.

#### E. Manufacture for Personal Use.

1. Notwithstanding Subsection A of this Section 600.020, no person at least twenty-one (21) years of age shall be required to obtain a license to manufacture intoxicating liquor for personal or family use. The aggregate amount of intoxicating liquor manufactured per household shall not exceed two hundred (200) gallons per calendar year if there are two (2) or more persons over the age of twenty-one (21) years in such household, or one hundred (100) gallons per calendar year if there is only one (1) person over the age of twenty-one (21) years in such household. Any intoxicating liquor manufactured under this Subsection E shall not be sold or offered for sale.

2. Beer brewed under this Subsection E may be removed from the premises where brewed for personal or family use, including use at organized events, exhibitions, or competitions, such as home brewer contests, tastings, or judging. The use may occur off licensed retail premises, on any premises under a temporary retail license issued under Section 600.020(D)(1) or (2).

3. Any beer brewed under this Subsection E used at an organized event where an admission fee is paid for entry, at which the beer is available without a separate charge, shall not be deemed a sale of beer, provided that the person who brewed the beer receives none of the proceeds from the admission fee and all consumption is conducted off licensed retail premises, under the premises of a temporary retail license issued under Section 600.020(D)(1) or (2).

## SECTION 600.030 LICENSE REGULATIONS.

### A. Package Sales, Limitations.

1. 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.

2. Any person who is licensed to sell intoxicating liquor in the original package at retail may sell from thirty-two (32) to one hundred twenty-eight (128) fluid ounces of draft beer to customers in containers filled by any employee of the retailer on the premises for consumption off such premises. Any employee of the licensee shall be at least twenty-one (21) years of age to fill containers with draft beer. No wholesaler, distributor, or manufacturer of intoxicating liquor may furnish dispensing or cooling equipment, or such containers referenced herein to any person who is licensed to sell intoxicating liquor in the original package at retail as provided in Section 600.020(B)(13). Such containers shall comply with the requirements of Section 311.201, RSMo.

### B. Retail Sales for Consumption on Premises~~Newly-Opened Restaurant Bars Or Amusement Places.~~

1. Any person licensed to sell liquor at retail by the drink for consumption on the premises where sold may use a self-dispensing system, which is monitored and controlled by the licensee and allows patrons of the licensee to self-dispense beer or wine. Before a patron may dispense beer or wine, an employee of the licensee must first authorize an amount of beer or wine, not to exceed thirty-two (32) ounces of beer or sixteen (16) ounces of wine per patron per authorization, to be dispensed by the self-dispensing system.

2. Nothing in this Chapter shall be interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating liquor to furnish self-dispensing or cooling equipment or provide services for the maintenance, sanitation, or repair of self-dispensing systems.

~~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.~~

~~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.

~~1. The City Clerk~~Board of Aldermen may issue a permit for the sale of all kinds of intoxicating liquor, including intoxicating liquor in the original package, at retail by the drink ~~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.

~~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.~~

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.

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. Temporary Permit For Sale By Drink – Caterers.

1. The Board of Aldermen 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 the provisions of this Chapter who furnish provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, but not including a festival as defined in Chapter 316, RSMo. The temporary permit shall be effective for a period not to exceed one hundred sixty-eight (168) consecutive hours, and 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.

2. Except as provided in Subparagraph 3 of this Subsection D, all provisions of Chapter 311, RSMo., and this Chapter shall extend to the premises in which such function, occasion or event is held and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees, or stock are in such premises. This temporary permit shall allow the sale of intoxicating liquor in the original package.

3. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent (5%) by weight delivered and invoiced under the catering permit number, but not used, if the wholesaler removes the product within seventy-two (72) hours of the expiration of the catering permit issued pursuant to this Subsection D.

#### E. Special Caterer's License.

1. The Board of Aldermen may issue a special license to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this Chapter who furnish provisions and service for use at a particular function, occasion, or event at a particular location other than the licensed premises, but not including a festival as defined in Chapter 316, RSMo. The special license shall be effective for a maximum of fifty (50) days during any year, and 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.

2. The Board of Aldermen may issue a special license to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this Chapter who furnish provisions and service for use at a particular function, occasion, or event at a particular location other than the licensed premises, but not including a festival as defined in Chapter 316, RSMo. The special license shall be effective for an unlimited number of functions, occasions, or events during the year, and 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.

3. Caterers issued a special license pursuant to Subparagraphs 1 and 2 of this Subsection E shall report to the City Clerk the location of each function, occasion, or event three (3)

business days in advance. The report of each function, occasion, or event shall include permission from the property owner, description of the premises, and the date or dates the function, occasion, or event will be held.

4. Except as provided in Subparagraph 5 of this Subsection E, all provisions of Chapter 311, RSMo., and this Chapter shall extend to the premises in which such function, occasion, or event is held and shall be in force and enforceable during all the time that the licensee, its agents, servants, employees, or stock are in such premises. Any special license issued under this Subparagraph 5 of this Subsection E shall allow the sale of intoxicating liquor in the original package.

5. Notwithstanding any other law to the contrary, any caterer who possesses a valid state and valid local liquor license may deliver alcoholic beverages, in the course of his or her catering business.

6. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent (5%) by weight delivered and invoiced under the catering license number, but not used, if the wholesaler removes the product within seventy-two (72) hours of the expiration of the catering function, occasion, or event.

#### DF. Operating Hours, Days.

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.

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.

#### EG. General License Regulations.

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

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.

3. 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.

4. 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.

FH. 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.

#### I. Tastings.

1. Notwithstanding any other provisions of this Chapter to the contrary, any person possessing the qualifications and meeting the requirements of this Chapter and who is licensed to sell intoxicating liquor in the original package at retail may apply for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises. Nothing in this Subparagraph 1 shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.



2. Any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide and pour distilled spirits, wine, or malt beverage samples off a licensed retail premises for tasting purposes provided no sales transactions take place. For purposes of this Subparagraph, a "sales transaction" shall mean an actual and immediate exchange of monetary consideration for the immediate delivery of goods at the tasting site.

3. Notwithstanding any other provisions of this Chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide, furnish, or pour distilled spirits, wine, or malt beverage samples for customer tasting purposes on any temporary licensed retail premises as described Section 600.020(D)(1) or (2).

4. Notwithstanding any other provisions of this Chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide or furnish distilled spirits, wine, or malt beverage samples on a licensed retail premises for customer tasting purposes so long as the winery, distiller, manufacturer, wholesaler, or brewer or designated employee has permission from the person holding the retail license. The retail licensed premises where such product tasting is provided shall maintain a special permit in accordance with Section 600.030(I)(1) or hold a by-the-drink-for-consumption-on-the-premises-where-sold retail license. No money or anything of value shall be given to the retailers for the privilege or opportunity of conducting the on-the-premises product tasting.

a. Distilled spirits, wine, or malt beverage samples may be dispensed by an employee of the retailer, winery, distiller, manufacturer, or brewer or by a sampling service retained by the retailer, winery, distiller, manufacturer, or brewer. All sampling service employees that provide and pour intoxicating liquor samples on a licensed retail premises shall be required to complete a server training program approved by the Division of Alcohol and Tobacco Control.

b. Any distilled spirits, wine, or malt beverage sample provided by the retailer, winery, distiller, manufacturer, wholesaler, or brewer remaining after the tasting shall be returned to the retailer, winery, distiller, manufacturer, wholesaler, or brewer.

#### J. Microbreweries.

1. Notwithstanding any other provision of this Chapter to the contrary, the holder of a microbrewer's license may apply for, and the City may issue, a license to sell all kinds of intoxicating liquor by the drink at retail for consumption on the premises of the microbrewery or in close proximity to the microbrewery. No holder of a microbrewer's license, or any employee, officer, agent, subsidiary, or affiliate thereof, shall have more than ten (10) licenses to sell intoxicating liquor by the drink at retail for consumption on the premises.

2. The holder of a microbrewer's license may also sell beer and malt liquor produced on the brewery premises to duly licensed wholesalers. However, holders of a microbrewer's license shall not, under any circumstances, directly or indirectly, have any financial interest in any wholesaler's business, and all such sales to wholesalers shall be subject to the restrictions of Sections 311.181 and 311.182, RSMo.

#### K. Restaurant Bars.

1. Notwithstanding any other provision of law, it shall not be unlawful for the owner, operator, or employees of a restaurant bar to allow patrons to carry out one or more bottles of unfinished wine, nor shall it be unlawful for patrons of such restaurant bar to carry out one or more bottles of unfinished wine under the following conditions:

a. The patron must have ordered a meal;

b. The bottle or bottles of wine must have been at least partially consumed during the meal;

c. The restaurant bar must provide a dated receipt for the unfinished bottle or bottles of wine; and

d. The restaurant bar must securely reseal the bottle or bottles of wine and place them in one or more one-time-use, tamperproof, transparent bags and securely seal the bags.

2. Notwithstanding any other provision of law, no person who transports one or more bottles of unfinished wine which came from a restaurant bar under the circumstances described in Subparagraph 1 of this Subsection K, in a vehicle, shall be considered to have violated any local ordinance regarding open containers in vehicles so long as such person has in his or her possession the dated receipt from the restaurant bar and the bottle or bottles of wine remain in the restaurant bar-furnished, one-time-use, tamperproof, transparent bags with the seals intact.

3. Notwithstanding any other provision of law to the contrary, any restaurant bar without an on-site brewery that serves twenty (20) or more different types of draft beer may sell thirty-two (32) fluid ounces or more of such beer to customers for consumption off the premises of such restaurant bar.

#### L. Wineries

1. Notwithstanding any other provision of law, it shall be lawful for the owner, operator, or employees of a winery to allow patrons to carry out one or more bottles of unfinished wine and it shall be lawful for patrons of such winery to carry out one or more bottles of unfinished wine under the following conditions:

a. The bottle or bottles of wine must have been at least partially consumed at the winery;

b. The winery must provide a dated receipt for the unfinished bottle or bottles of wine; and

c. The winery must securely reseal the bottle or bottles of wine and place them in one or more one-time-use, tamperproof, transparent bags and securely seal the bags.

2. Notwithstanding any other provision of law, no person who transports one or more bottles of unfinished wine which came from a winery under the circumstances described under Subparagraph 1 of this Subsection L shall be considered to have violated any state law or local ordinance regarding open containers in vehicles so long as such person has in his or her possession the dated receipt from the winery and the bottle or bottles of wine remain in the winery-furnished, one-time-use, tamperproof, transparent bags with the seals intact.

#### M. Manufacturing of Wine or Brandy.

1. A manufacturer of wine or brandy licensed under Section 600.020(B)(4) may use in any calendar year such wine- and brandy-making material produced or grown outside the state of Missouri in a quantity not exceeding fifteen percent (15%) of the manufacturer's wine entered into fermentation in the prior calendar year.

2. In any year when a natural disaster causes substantial loss to the Missouri crop of grapes, berries, other fruits, fruit products, honey or vegetables from which wines are made, Section 311.190, RSMo., authorizes the Director of the Department of Agriculture to determine the percent of loss and allow a certain additional percent, based on the prior calendar year's production of such products, to be purchased outside the state of Missouri to be used and offered for sale by Missouri wineries.

3. A manufacturer licensed under Section 600.020(B)(4) may purchase and sell bulk or packaged wines or brandies received from other manufacturers licensed under Section 311.190, RSMo., and may also purchase in bulk, bottle and sell to duly licensed wineries, wholesalers and retail dealers on any day except Sunday, and a manufacturer licensed under Section 311.190, RSMo., may offer samples of wine, may sell wine and brandy in its original package directly to consumers at the winery, and may open wine so purchased by customers so that it may be consumed on the winery premises on Monday through Saturday between 6:00 a.m. and midnight and on Sunday between 9:00 a.m. and 10:00 p.m.

#### SECTION 600.035 SALES OF LIQUOR PROHIBITED NEAR SCHOOLS AND CHURCHES.

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 No license shall be granted for the sale of intoxicating liquor within ~~one-three~~ hundred (400300) feet of any school, church or other building regularly used as a place of religious worship; except that when a school, church or place of worship shall thereafter be established within ~~one-three~~ hundred (400300) 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 Section 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.

#### SECTION 600.040 SCHEDULE OF LICENSE FEES.

A. A business license and a liquor license is required for each place of business, and the following liquor license fees for the licenses as described in Section 600.020 of this Code shall be paid annually:

##### 1. General licenses.

a. Manufacturers of beer~~malt~~ liquor: ~~\$200~~250.00.

b. Manufacturers of liquor—less than 22% alcohol by weight: \$200.00.

c. ~~Distillers and m~~Manufacturers of liquors of all kinds: \$200450.00.

d. Manufacturers of wine or brandy: \$5.00 for each 500 gallons or fraction thereof of wine or brandy produced up to a maximum license fee of \$300.00.

ee. Sale to wholesalers of malt liquor~~Wholesalers and distributors of beer:~~ ~~\$100~~50.00.

f. Sale to wholesalers of liquor—less than 22% alcohol by weight: \$100.00.

eg. Sale to W~~wholesalers and distributors of liquor of all kinds: \$150~~250.00.

eh. Microbrewery: A license fee of \$5.00 for each one hundred (100) barrels or fraction thereof, up to a maximum license fee of \$250.00~~\$200.00.~~

i. Wholesalers—malt liquor: \$100.00.

j. Wholesalers—less than 22% alcohol by weight: \$200.00.

k. Wholesalers of liquor of all kinds: \$500.00

~~f. Liquor by the drink — extension of premise license: \$50.00.~~

~~g. Malt liquor — original package: \$7550.00.~~

~~h. Intoxicating liquor (all kinds) — original package: \$150100.00.~~

~~i. Malt liquor — by drink: \$7550.00.~~

~~j. Malt liquor and light wines — by drink: \$7550.00.~~

~~k. Intoxicating liquor (all kinds) — by drink: \$450300.00.~~

2. Sunday sales. ~~(Additional fees.)~~

~~a. Intoxicating liquor — original package: \$300.00.~~

~~b. Restaurant bars: \$300.00.~~

~~c. Amusement places: \$300.00.~~

~~d. Liquor by the drink — charitable organizations: \$300.00.~~

3. Permits.

~~a. Temporary permit — by the drink for certain organizations original package (7 days max. maximum): \$37.5010.00 per day.~~

~~b. Temporary permit — for sale by drink (7 day maximum): \$10.00 per day.~~

~~c. Special Caterer's License (50 day maximum): \$500.00 per year.~~

~~d. Special Caterer's License (unlimited number of functions): \$1,000.00 per year.~~

~~e. Tasting permit: \$37.5025.00.~~

Of the license fee to be paid for any such license, the applicant shall pay as many twelfths (12ths) as there are months (part of a month counted as a month) remaining from the date of the license to the next succeeding July first (1st).

SECTION 600.050 APPLICATION FOR LICENSE AND RENEWAL.

A. Prerequisite To Grant Of License. No license required by this Chapter shall be granted by the Board of Aldermen unless application has been made as required in this Chapter.

B. Requirements of Applicant.

1. No person shall be granted a license under this Chapter unless such person is of good moral character and a qualified legal voter and a taxpaying resident of the City, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying resident of the City; and, except as otherwise provided under Subsection 4 of this Section B, no person shall be granted a license or permit hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of the twenty-first amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs in his or her business as such dealer any person whose license has been revoked unless five (5) years have passed since the revocation as provided under Subsection 3 of this Section, or who has been convicted of violating such law since the date aforesaid; provided, that nothing in this Section contained shall prevent the issuance of licenses to nonresidents of Missouri 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, within this City.

2. (1) No person, partnership or corporation shall be qualified for a license under this Chapter if such person, any member of such partnership, or such corporation, or any officer, director, or any stockholder owning, legally or beneficially, directly or indirectly, ten percent (10%) or more of the stock of such corporation, or other financial interest therein, or ten percent (10%) 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 except as otherwise provided under Subsections 3 and 4 of this Section, 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 twenty-first amendment to the Constitution of the United States, or shall not be a person of good moral character.

(2) No license issued under this Chapter shall be denied, suspended, revoked or otherwise affected based solely on the fact that an employee of the licensee has been convicted of a felony unrelated to the manufacture or sale of intoxicating liquor.

(3) No wholesaler license shall be issued to a corporation for the sale of intoxicating liquor containing alcohol in excess of five percent (5%) by weight, except to a resident corporation.

3. Any person whose license or permit issued under this Chapter has been revoked shall be automatically eligible to work as an employee of an establishment holding a license or permit under this chapter five (5) years after the date of the revocation.

4. Any person whose license or permit issued under this Chapter has been revoked shall be eligible to apply and be qualified for a new license or permit five (5) years after the date of the revocation.

B. Form And Contents. All applications for licenses under the provisions of this Chapter shall be made in writing to the City and shall set forth the following information:

1. Designation of the kind of license desired;
2. Description of the premises to which such license is to apply and the location or address thereof;
3. Name, place of residence and mailing address of the person, individual, association, partnership, and names of partners, or corporation and managing officer thereof, for whom a license is sought;
4. Criminal records check along with the dates and places of all revocation of liquor licenses and all convictions of any law applicable to the manufacture or sale of intoxicating liquor, if any;
5. Term of license;
6. Signature of applicant.

C. Filing And Presentation To Board Of Aldermen. Applications for licenses under this Chapter shall be filed with the City Clerk, the date of filing being noted thereon by the City Clerk, and shall be presented to the Board of Aldermen at its first regular or special meeting thereafter.

D. Deposit Of License Fee — Disposition Of Such Deposit. At the time of filing an application for a license under this Chapter, the applicant shall pay the license fee to City Clerk for the license applied for, either in cash, or by bank draft, money order, certified check or cashier's check, made payable to the City of Dardenne Prairie. The Board of Aldermen shall grant no license unless such deposit of the license fee has been made. If the license is not granted, ~~such amount of the~~ license fee shall be refunded in full to the applicant. If the license is granted, such amount deposited with the application shall be turned over to the City Treasurer who will issue a receipt together with the license to the applicant.

E. When Considered By Board Of Aldermen. No application for a license, whether for a new license, or in renewal of any license previously held by the applicant, shall be formally approved or granted by the Board of Aldermen for at least ten (10) days after filing of any such license application.

F. Grant And Issuance — Contents. No license applied for pursuant to this Chapter shall be granted unless and until a majority of the members elected to the Board of Aldermen shall vote in favor thereof. Upon a vote granting the license applied for, the City Clerk shall issue such license, which shall describe the kind of license; the license fee, the premises on which sale is to be made, the name of the license holder, the date of issuance and period of time for which such license is granted.

G. Term — Proration — Dating Of License Prior To Granting Of License And Extension Of License. Each license issued in compliance with this Chapter shall expire on June thirtieth (30th) next succeeding the beginning date of such license. Of the annual license fee to be paid for any such license, the applicant shall pay as many twelfths as there are months, part of a month to be counted as one (1) month, remaining from the date of the license to the next succeeding June thirtieth (30th). No license shall be given a beginning date prior to the date of approval of the application and granting of such license by the Board of Aldermen.

#### SECTION 600.055 REFUND OF LICENSE FEE PROHIBITED.

In case any license issued under the provisions of this Chapter is revoked, surrendered or forfeited by the licensee, not used or used for only part of the license period, after effective beginning date of such license, no refund of any license fee or part thereof shall be made.

#### SECTION 600.060 MINORS.

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

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.
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. Delivery of intoxicating liquor 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.
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 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.
4. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail. Any wholesaler licensed pursuant to this chapter may employ persons of at least eighteen (18) years of age to rotate, stock and arrange displays at retail establishments licensed to sell intoxicating liquor.



## B. Sales To Minor — Exceptions.

1. Any licensee under this Chapter, or his employee, who shall 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, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whomsoever except his parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of twenty-one (21) years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard, shall be deemed guilty of an ordinance violation ~~misdemeanor~~, except that this Section shall not apply 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 any 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 when serving in the capacity as an employee of a licensed establishment.

2. Any owner, occupant or other person or legal entity with a lawful right to the exclusive use and enjoyment of any property who knowingly allows a person under the age of twenty-one (21) to drink or possess intoxicating liquor or knowingly fails to stop a person under the age of twenty-one (21) from drinking or possessing intoxicating liquor on such property, unless such person allowing the person under the age of twenty-one (21) to drink or possess intoxicating liquor is his or her parent or guardian, is guilty of an ordinance violation ~~Class B misdemeanor~~. ~~Any second (2nd) or subsequent violation of this Subsection is a Class A misdemeanor.~~

3. It shall be a defense to prosecution under this Section if:

- a. The defendant is a licensed retailer, club, drinking establishment or caterer or holds a temporary permit, or an employee thereof;
- b. The defendant sold the intoxicating liquor to the minor with reasonable cause to believe that the minor was twenty-one (21) or more years of age; and
- c. To purchase the intoxicating liquor, the person exhibited to the defendant a driver's license, Missouri non-driver's identification card, or other official or apparently official document, containing a photograph of the minor and purporting to establish that such minor was twenty-one (21) years of age and of the legal age for consumption of intoxicating liquor.

## C. Misrepresentation Of Age By Minor To Obtain Liquor — Use Of Altered Driver's License, Passport Or I.D. Cards, Penalties.

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.

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. 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 as defined in Section 600.010, or who is visibly intoxicated as defined in Section 577.001, RSMo., 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 guilty of an ordinance violation misdemeanor.

E. For purposes of prosecution under this Section, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was no intoxicating liquor 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 therein contains intoxicating liquor.

#### SECTION 600.070 MISCELLANEOUS OFFENSES.

A. Unlawful For Licensed Retailer To Purchase From Other Than Licensed Wholesaler. It shall be unlawful for any licensee authorized to sell intoxicating liquor at retail 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~~ licensee to sell or offer for sale any intoxicating liquor purchased in violation of the provisions of this Section.

B. Any licensee authorized to sell intoxicating liquor at retail ~~retailer licensed pursuant to this Chapter~~ shall not:

1. Sell intoxicating liquor 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
2. Repackage intoxicating liquor 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(s) 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.

~~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.

~~2. Any retailer licensed pursuant to this Chapter shall not:~~

~~a. Sell intoxicating liquor 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. Repackage intoxicating liquor 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. It shall be unlawful for any licensee, or his/her employee or agent, to sell or supply intoxicating liquor, 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. Drinking In Public Places Prohibited.~~

1. For purposes of this Section, the term "public place" shall mean any public street, highway, alley, sidewalk, thoroughfare or other public way of the City, or any parking lot.

2. No person shall drink or ingest any intoxicating liquor in or on any public place.

3. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor while in or upon any public place.

4. Except as otherwise provided herein, No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor while within or on any motor vehicle while the same is being operated upon, or parked or standing in or upon, any public place. Any person operating a motor vehicle shall be deemed to be in possession of an open container contained within the motor vehicle he/she has control of whether or not he/she has actual physical possession of the open container.

H. 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 live 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:

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

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 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.~~

**SECTION 2. Savings Clause:** Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

**SECTION 3. Severability Clause:** If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

**SECTION 4. Effective Date:** This Ordinance shall take effect and be in force from and after its passage by the Board of Aldermen and its approval by the Mayor of the City of Dardenne Prairie, Missouri.

Read two (2) times, passed, and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20167.

\_\_\_\_\_  
As Presiding Officer and as Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20167.

\_\_\_\_\_  
Mayor

Attest:

---

City Clerk

CITY OF DARDENNE PRAIRIE  
2032 HANLEY ROAD  
DARDENNE PRAIRIE, MO 63368

BOARD OF ALDERMEN  
MEETING AGENDA  
MARCH 1, 2017  
7:00 p.m.

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CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

Mayor Zucker  
Alderman Klingerman  
Alderman Nay  
Alderman Gotway  
Alderman Koch  
Alderman Wandling  
Alderman Santos

OPEN FORUM

CONSENT AGENDA

1. Board of Aldermen Minutes 2-15-17
2. Workshop Summary 2-15-17
3. Expenditures for Approval 3-1-17

ITEMS REMOVED FROM CONSENT AGENDA

NEW BUSINESS

1. **Bill # 17-11**

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE A CONTRACT WITH THE APPARENT LOW BIDDER FOR THE INSTALLATION OF ASPHALT AT BACKSTOPS AT CITY PARK BALL FIELDS

2. **Bill # 17-12**

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AMENDING CHAPTER 600 OF THE MUNICIPAL CODE OF THE CITY OF DARDENNE PRAIRIE BY DELETING IT IN ITS ENTIRETY AND ENACTING, IN LIEU THEREOF, A NEW CHAPTER 600; AND PROVIDING FOR THE REGULATION AND LICENSING OF INTOXICATING LIQUOR



3. **Bill # 17-13**

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AUTHORIZING THE MAYOR AND CITY TREASURER TO EXECUTE AN FY 2018-2021 TRANSPORTATION IMPROVEMENT PROGRAM SURFACE TRANSPORTATION PROGRAM-SUBALLOCATED FUNDS (STP-S) NEW PROJECT APPLICATION WITH EAST-WEST GATEWAY COORDINATING COUNCIL FOR FINANCING OF THE WELDON SPRING ROAD IMPROVEMENTS PROJECT AND AUTHORIZING AN EXPENDITURE FOR THE APPLICATION FEE FOR SAME

4. **Bill # 17-14**

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AUTHORIZING THE MAYOR AND CITY TREASURER TO EXECUTE AN FY 2018-2021 TRANSPORTATION IMPROVEMENT PROGRAM SURFACE TRANSPORTATION PROGRAM-SUBALLOCATED FUNDS (STP-S) NEW PROJECT APPLICATION WITH EAST-WEST GATEWAY COORDINATING COUNCIL FOR FINANCING OF THE FEISE ROAD PEDESTRIAN FACILITIES IMPROVEMENTS PROJECT AND AUTHORIZING AN EXPENDITURE FOR THE APPLICATION FEE FOR SAME

5. **Bill # 17-15**

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AUTHORIZING THE MAYOR AND CITY TREASURER TO EXECUTE AN FY 2018-2021 TRANSPORTATION IMPROVEMENT PROGRAM SURFACE TRANSPORTATION PROGRAM-SUBALLOCATED FUNDS (STP-S) NEW PROJECT APPLICATION WITH EAST-WEST GATEWAY COORDINATING COUNCIL FOR FINANCING OF THE HIGHWAY N PEDESTRIAN FACILITIES IMPROVEMENTS PROJECT AND AUTHORIZING AN EXPENDITURE FOR THE APPLICATION FEE FOR SAME

6. **Bill # 17-16**

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AUTHORIZING THE MAYOR AND CITY TREASURER TO EXECUTE AN FY 2018-2021 TRANSPORTATION IMPROVEMENT PROGRAM SURFACE TRANSPORTATION PROGRAM-SUBALLOCATED FUNDS (STP-S) NEW PROJECT APPLICATION WITH EAST-WEST GATEWAY COORDINATING COUNCIL FOR FINANCING OF THE HENNING ROAD TRAIL RECONSTRUCTION PROJECT AND AUTHORIZING AN EXPENDITURE FOR THE APPLICATION FEE FOR SAME

STAFF COMMUNICATIONS

1. City Attorney
2. City Engineer
3. Staff
4. Aldermen
5. Mayor

CLOSED SESSION

Roll call vote to hold closed session pursuant to RSMo 610.021 section \_\_\_\_\_

- Litigation and Privileged Communications (1)
- Real Estate (2)
- Personnel (3)
- Labor (9)
- Bid Specs (11)
- Audit (17)

RETURN TO REGULAR MEETING AGENDA

ADJOURNMENT

The City of Dardenne Prairie Board of Aldermen meeting was called to order at 7:04 p.m. The meeting was held at Dardenne Prairie City Hall located at 2032 Hanley Road.

The meeting was opened with the Pledge of Allegiance followed by the invocation by Alderman Nay.

Present at roll call were Mayor Zucker, Aldermen Santos, Wandling, Klingerman, Koch and Nay. Alderman Gotway was absent. Also present were City Clerk Kim Clark, City Engineer Luke Kehoe and City Attorney John Young. Staff member Jeff Amelong was also in attendance.

OPEN FORUM – No one present to speak.

#### **CONSENT AGENDA**

1. Board of Aldermen Minutes 2-1-17
2. Workshop Summary 2-1-17
3. Expenditures for Approval 2-15-17
4. Escrow Release – Final – McKelvey Homes – Leighton Hollow – Various Lots - \$7,798.36

With no objections, the consent agenda was approved.

#### **PUBLIC HEARINGS**

1. A Conditional Use Permit Application for an approximate 12.26 acres of land more or less commonly known as 1550 Feise Road located south of Feise Road and approximately 900 feet west of Hanley Road and more particularly described in the Conditional Use Permit Application received by the City on January 4, 2017, from Applicant Bax Engineering and Property Owner Wentzville R-IV School District.

Matt McDermott of Hoener Associates was in attendance to present the proposal.

A motion was made by Alderman Koch, Seconded by Alderman Santos to close the public hearing. Motion passed unanimously.

#### **NEW BUSINESS**

A motion was made by Alderman Wandling, Seconded by Alderman Nay to read Bill #17-09 for the first time by short title only. Motion passed unanimously.

#### **Bill # 17-09**

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, APPROVING OF A CONDITIONAL USE PERMIT FOR PROPERTY ZONED R-1A, SINGLE-FAMILY RESIDENTIAL AND LOCATED AT 1550 FEISE ROAD, AND APPROVING A SITE PLAN FOR SAME

A motion was made by Alderman Klingerman, Seconded by Alderman Wandling to read Bill #17-09 for the second time by short title only. Motion passed unanimously.

A motion was made by Alderman Nay, Seconded by Alderman Klingerman to amend Bill #17-09 as follows. Motion passed unanimously.

Amend date on top line of page 2 from 1/4/16 to 1/4/17

Amend "and revised as of 1/20/17" to "and revised as of 2/15/17" in three locations

Add "7. The storm water quality treatment shall be handled within the existing dry detention basin." to Section 4

A motion was made by Alderman Wandling, Seconded by Alderman Santos to put amended Bill #17-09 to final vote. Roll call was as follows:

Alderman Koch – Aye

Alderman Klingerman- Aye

Alderman Santos – Aye

Alderman Gotway - Absent

Alderman Nay – Aye

Alderman Wandling - Aye

Mayor Zucker declared Bill #17-09 passed and designated it to be Ordinance #1842.

A motion was made by Alderman Santos, Seconded by Alderman Nay to read Bill #17-10 for the first time by short title only. Motion passed unanimously.

**Bill # 17-10**

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AUTHORIZING THE APPOINTMENT OF JEFF SANDCORK AS MUNICIPAL PROSECUTING ATTORNEY FOR THE CITY OF DARDENNE PRAIRIE, MISSOURI

A motion was made by Alderman Nay, Seconded by Alderman Wandling to read Bill #17-10 for the second time by short title only. Motion passed unanimously.

A motion was made by Alderman Klingerman, Seconded by Alderman Wandling to put Bill #17-10 to final vote. Roll call was as follows:

Alderman Koch – Aye

Alderman Klingerman- Aye

Alderman Santos – Aye

Alderman Gotway - Absent

Alderman Nay – Aye

Alderman Wandling - Aye

Mayor Zucker declared Bill #17-10 passed and designated it to be Ordinance #1843.

**STAFF COMMUNICATIONS**

Alderman Koch mentioned the need to block the trail in BarathHaven near the oxbow.

**ADJOURNMENT**

A motion was made by Alderman Nay, Seconded by Alderman Klingerman to adjourn the meeting at 7:31 p.m. Motion passed unanimously.

Respectfully submitted,

---

Kim Clark  
City Clerk

## **WORKSHOP SUMMARY**

**FEBRUARY 15, 2017**

The City of Dardenne Prairie workshop session was called to order at 5:32 p.m.  
The meeting was held at Dardenne Prairie City Hall located at 2032 Hanley Road.

The meeting was opened with the Pledge of Allegiance.

The following were in attendance: Mayor Zucker, Aldermen Nay, Klingerman, Koch and Wandling. Aldermen Santos and Gotway were absent. Also present were City Clerk Kim Clark, City Engineer Luke Kehoe and City Attorney John Young. Staff members Jeff Amelong and Alicia Gay were also in attendance.

### **ITEMS FOR DISCUSSION AND CONSIDERATION**

1. Gary Schneider of Grace Hauling – Smaller Trash Bins (Mayor)
2. Authorize Appointment of new Municipal Prosecuting Attorney (Mayor)
3. Short Term Goals (0 – 3 year projects)
4. Long Term Goals (3 – 10 year projects)
5. Review of Board of Aldermen Meeting Agenda (02-15-17)

### **STAFF COMMUNICATIONS**

Alderman Wandling mentioned the collection of taxes by Amazon.  
Alderman Klingerman questioned the requirements for home based firearms dealers.  
Mayor Zucker thanked everyone for the emails and encouragement.

### **ADJOURNMENT**

With no objections the meeting was adjourned at 6:49 p.m.

Respectfully submitted,

---

Kim Clark, City Clerk

**EXPENDITURES FOR APPROVAL**  
**3/1/2017**

|                                             |                                               |                   |
|---------------------------------------------|-----------------------------------------------|-------------------|
| 1 AFLAC                                     | February, 2017                                | 275.52            |
| 2 Alderman Blake Nay                        | March, 2017                                   | 375.00            |
| 3 Alderman Dan Koch                         | March, 2017                                   | 375.00            |
| 4 Alderman Dave Wandling                    | March, 2017                                   | 375.00            |
| 5 Alderman Doug Santos                      | March, 2017                                   | 375.00            |
| 6 Alderman John Gotway                      | March, 2017                                   | 375.00            |
| 7 Alderman Kevin Klingerman                 | March, 2017                                   | 375.00            |
| 8 Ameren                                    | Street Lights to 2/7                          | 105.71            |
| 9 Buchheit Supply, Inc.                     | Mulch                                         | 269.60            |
| 10 Byrne & Jones                            | Trail & Drainage Improvements                 | 38,088.16         |
| 11 Charlies Farm & Home                     | Supplies                                      | 17.82             |
| 12 Charlies Farm & Home                     | Barathaven Trail Maintenance                  | 128.14            |
| 13 Duckett Creek Sanitary District          | City Hall Service to 1/31/17                  | 21.75             |
| 14 East West Gateway: Application Fee       | Weldon Spring Road Improvements               | 15,377.60         |
| 15 East West Gateway: Application Fee       | Feise Road Pedestrial Facilities Improvements | 458.80            |
| 16 East West Gateway: Application Fee       | Highway N Pedestrial Facilities Improvements  | 954.88            |
| 17 East West Gateway: Application Fee       | Henning Road Trail Reconstruction             | 3,233.30          |
| 18 Extreme Electrical Contractors           | City Hall Park Lighting Repair                | 89.00             |
| 19 First Bank                               | Credit Card Charges                           | 2,139.19          |
| 20 Hamilton Weber LLC                       | January, 2017 Legal Fees                      | 10,643.61         |
| 21 Insurance: Anthem Blue Cross/Blue Shield | Health: March, 2017                           | 4,194.26          |
| 22 Insurance: Capital Administrators        | Vision: March, 2017                           | 59.85             |
| 23 Insurance: Principal Life                | Life: March, 2017                             | 211.68            |
| 24 LAGERS                                   | January, 2017                                 | 3,163.73          |
| 25 MACA                                     | Annual Dues: Smith                            | 60.00             |
| 26 Mayor David C. Zucker                    | March, 2017                                   | 1,000.00          |
| 27 MO Dept of Natural Resources             | Annual Operating Permit                       | 250.00            |
| 28 MO Rural Services                        | Annual Workers Comp Insurance                 | 6,229.00          |
| 29 MO State Highway Patrol                  | New Employee Background Check                 | 12.00             |
| 30 Office Essentials                        | Office Supplies                               | 79.85             |
| 31 Parks: Craig London                      | Baseball Registration Refund                  | 76.00             |
| 32 Parks: DeJeane Ross                      | Baseball Registration Refund                  | 97.00             |
| 33 Parks: Jessica Grimaldo                  | Baseball Registration Refund                  | 76.00             |
| 34 Parks: Maria Chappell                    | Baseball Registration Refund                  | 76.00             |
| 35 Parks: Mischelle Calia                   | Baseball Registration Refund                  | 76.00             |
| 36 Parks: Payton Heintz                     | Baseball Registration Refund                  | 76.00             |
| 37 Parks: Ronald Adams                      | Baseball Registration Refund                  | 76.00             |
| 38 Parks: Tricia Barton                     | Baseball Registration Refund                  | 76.00             |
| 39 Payroll                                  | Payroll: 2-24-17                              | 17,507.23         |
| 40 Sprint                                   | Amelong Cell Phone                            | 67.23             |
| 41 St. Charles County EDC                   | Annual Support                                | 6,500.00          |
| 42 St. Charles County Election Authority    | April, 2017 Election                          | 20,993.53         |
| 43 St. Charles County Finance               | Animal Control Services                       | 15,512.06         |
| 44 St. Charles County Finance               | 2017 Public Works Maintenance                 | 102,000.00        |
| 45 The Law Office of Dennis Chassaniol      | Municipal Judge: March, 2017                  | 500.00            |
| 46 Thoele                                   | Gasoline Charges to 1/30/17                   | 500.50            |
| 47 UMB Bank, NA                             | February, 2017 TDD Sales Tax Payment          | 33,666.48         |
|                                             |                                               | <b>287,189.48</b> |

Approved by Board of Aldermen 03-01-17

Mayor David C. Zucker

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE,  
MISSOURI, AUTHORIZING THE MAYOR TO  
NEGOTIATE AND EXECUTE A CONTRACT WITH THE  
APPARENT LOW BIDDER FOR THE INSTALLATION OF  
ASPHALT AT BACKSTOPS AT CITY PARK BALL FIELDS**

**WHEREAS**, the City has invited at least three interested parties to submit bids for the installation of asphalt at backstops of fields 2 and 3 at City Park Ball Fields;

**WHEREAS**, the City received bids from three qualified contractors;

**WHEREAS**, timely award of the contract may permit completion of the construction work before the start of spring youth baseball and softball;

**WHEREAS**, the Apparent Low Bidder is prepared to commence work promptly; and

**WHEREAS**, the Board of Aldermen finds and determines that it is in the best interest of the citizens of Dardenne Prairie to accept the bid from the Apparent Low Bidder, for installation of asphalt at backstops of fields 2 and 3 of the City Park Ball Fields:

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF  
THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:**

**SECTION 1.** That the bid provided by Thoele Asphalt Paving & Sealcoating, the Apparent Low Bidder, a copy of which is attached hereto as **Exhibit A** and incorporated by reference herein, be and is hereby accepted by the Board of Alderman of the City of Dardenne Prairie, Missouri as the apparent lowest and best bid for the work required to install asphalt behind backstops at fields 2 and 3 of the City Park Ball Fields.

**SECTION 2.** That the form, terms, and provisions of the bid attached hereto, marked as **Exhibit A**, and incorporated by reference herein, be and they hereby are approved and the Mayor is hereby authorized, empowered and directed to further accept, negotiate, execute, acknowledge, deliver and administer on behalf of the City an agreement in substantially the form attached hereto.

**SECTION 3.** That the Mayor be and is hereby authorized to make expenditures for the services and related equipment and materials listed on **Exhibit A**, a copy of which is attached hereto and incorporated by reference herein, in the amount provided on the attached.

**SECTION 4.** Effective Date: This Ordinance shall be in full force and take effect from and after its final passage and approval.

**SECTION 5. Savings Clause:** Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

**SECTION 6. Severability Clause:** If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

Read two times, passed, and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
As Presiding Officer and as Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Exhibit A  
**Proposal**

Page No.

of

Pages

**THOELE**  
**ASPHALT PAVING**  
**& SEALCOATING**

PHONE - 724-1617  
 946-6306

P.O. BOX 460 • ST. CHARLES, MISSOURI 63302

|                                                               |                                         |                          |
|---------------------------------------------------------------|-----------------------------------------|--------------------------|
| PROPOSAL SUBMITTED TO<br><b>CITY OF DARDENNE PRAIRIE</b>      | PHONE                                   | DATE<br><b>2/27/2017</b> |
| STREET<br><b>2032 HANLEY ROAD</b>                             | JOB NAME                                |                          |
| CITY, STATE AND ZIP CODE<br><b>DARDENNE PRAIRIE, MO 63368</b> | JOB LOCATION<br><b>BALL PARK FIELDS</b> |                          |

We hereby submit specifications and estimates for:

THOELE ASPHALT PAVING, INC. PROPOSES THE FOLLOWING WORK TO BE DONE ON THE  
 BALL PARK FIELDS:

BACK STOP 1 143.22 SQ. YDS.

BACK STOP 2 231.37 SQ. YDS.

DIG OUT AND HAUL OFF 6" OF DIRT AND ROCK. PLACE A 4" COMPACT OF ROCK BASIC.  
 HAND LAY 2" OF C MIX ASPHALT, ROLL FOR COMPACTION. BACK FILL ASPHALT  
 WITH DIRT.

**We Propose** hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

TEN THOUSAND SIX HUNDRED THIRTY AND 00/100 \_\_\_\_\_ dollars (\$ **\$10,630.00** ).

Payment to be made as follows:

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized  
 Signature

Note: This proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

**Acceptance of Proposal** — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature \_\_\_\_\_

Date of Acceptance: \_\_\_\_\_

Signature \_\_\_\_\_



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE,  
MISSOURI, AMENDING CHAPTER 600 OF THE  
MUNICIPAL CODE OF THE CITY OF DARDENNE  
PRAIRIE BY DELETING IT IN ITS ENTIRETY AND  
ENACTING, IN LIEU THEREOF, A NEW CHAPTER 600;  
AND PROVIDING FOR THE REGULATION AND  
LICENSING OF INTOXICATING LIQUOR**

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF  
DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:**

**SECTION 1.** That Chapter 600 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by deleting it in its entirety, and enacting, in lieu thereof, a new Chapter 600, to read as follows:

**CHAPTER 600: ALCOHOLIC BEVERAGES**

**SECTION 600.010 DEFINITIONS.**

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

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

**FINANCIAL INTEREST:** All interest, legal or beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such interest in the net profits of the enterprise, after the payment of reasonable and necessary operating business expenses and taxes, including interest in dividends, preferred dividends, interest and profits, directly or indirectly paid as compensation for, or in consideration of interest in, or for use of, the capital devoted to the enterprise, or for property or money advanced, loaned or otherwise made available to the enterprise, except by way of ordinary commercial credit or bona fide bank credit not in excess of credit customarily granted by banking institutions, whether paid as dividends, interest or profits, or in the guise of royalties, commissions, salaries, or any other form whatsoever.

**GOOD MORAL CHARACTER:** Honesty, fairness, and respect for the rights of others and for the laws of the State and nation.

1. The following factors shall be considered when making a determination of whether an applicant or licensee under this Chapter has good moral character:

a. The nature and character of the business for which the license is sought;

- b. The manner in which the person has conducted his/her/its business; and
  - c. The manner in which the person has observed or violated the law.
2. If a person has been convicted of a crime of the State of Missouri or the United States of America, or of any crime of any other state or country that would have been a crime under the laws of the State of Missouri, or an offense of this City, the following factors shall also be weighed in determining if a person has good moral character:
- a. The type of crime(s) or offense(s) for which a person has been convicted;
  - b. The circumstances surrounding the crime(s) or offense(s) for which a person has been convicted;
  - c. The proximity in time of the conviction(s) to the application for a license;
  - d. The conduct of the person since the date of conviction; and
  - e. Whether the crime the person is convicted of is reasonably related to the competency of the person to exercise the licensed business.
3. Notwithstanding the foregoing, a conviction cannot be the sole grounds on which a person is determined to lack good moral character. If a person is pardoned from a conviction, the underlying guilt for the crime or offense may still be evidence of such person's good moral character.

**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. 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.

**MICROBREWERY:** Means a business whose primary activity is the brewing and selling of beer, with an annual production of ten thousand (10,000) barrels or less.

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, where the package and/or container(s) describes the contents thereof as intoxicating liquor. "Original package" shall also be construed and held to refer to any package containing one (1) or more standard bottles, cans or pouches 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.

RESIDENT CORPORATION: A corporation incorporated under the laws of the State of Missouri, all the officers and directors of which, and all the stockholders, who legally and beneficially own or control sixty percent (60%) or more of the stock in amount and in voting rights, shall be qualified legal voters and taxpaying residents of the city or county in which they reside and who shall have been bona fide residents of the State of Missouri for a period of three (3) years continuously immediately prior to the date of filing of application for a license, provided that a stockholder need not be a voter or a taxpayer, and all the resident stockholders of which shall own, legally and beneficially, at least sixty percent (60%) of all the financial interest in the business to be licensed under this law; provided, that no corporation, licensed under the provisions of this Chapter on January 1, 1947, nor any corporation succeeding to the business of a corporation licensed on January 1, 1947, as a result of a tax-free reorganization coming within the provisions of Section 112, United States Internal Revenue Code, shall be disqualified by reason of the new requirements herein, except corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent (5%) by weight, or owned or controlled, directly or indirectly, by nonresident persons, partnerships or corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent (5%) by weight.

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.

WINE MANUFACTURER: Any person, partnership, association of persons, or corporation who has procured a license under Section 600.020(B)(2) or (4) and who manufactures in excess of two hundred (200) gallons of wine per calendar year.

WINERY: Means any establishment at which wine is made.

#### 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, either by himself/herself or through the use of agents or servants, engage in the manufacture, brewing, distillation, blending, sale, offering for sale or distribution of intoxicating liquor within the City of Dardenne Prairie at wholesale or retail, or solicit orders for the sale of intoxicating liquor within the City, without first having obtained a license authorizing such manufacture, brewing, distillation, blending, sale, offering for sale or distribution in compliance with the terms of this Chapter. A separate license shall be required for each place of business.

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:

1. Manufacturers of malt liquor: Manufacturing and brewing malt liquor containing not in excess of five percent (5%) of alcohol by weight and selling to duly licensed wholesalers and soliciting orders for the sale of malt liquors containing not in excess of five percent (5%) of alcohol by weight, to, by or through a duly licensed wholesaler within this City.
2. Manufacturers of liquor—less than 22% alcohol by weight: Manufacturing intoxicating liquor containing alcohol not in excess of twenty-two percent (22%) of alcohol by weight and selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight, to, by or through a duly licensed wholesaler within this City.
3. Manufacturers of liquor of all kinds: Manufacturing, distilling or blending intoxicating liquor of all kinds within the City and selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this City.
4. Manufacturing wine or brandy: Manufacturing wine or brandy in quantities not to exceed five hundred thousand (500,000) gallons, not in excess of eighteen percent (18%) of alcohol by weight for wine, or not in excess of thirty-four (34%) percent of alcohol by weight for brandy, from grapes, berries, other fruits, fruit products, honey, and vegetables produced or grown in the state of Missouri, exclusive of sugar, water and spirits.
5. Sale to wholesalers of malt liquor: Selling to duly licensed wholesalers and soliciting orders for the sale of malt liquor containing not in excess of five percent (5%) of alcohol by weight, to, by or through a duly licensed wholesaler within this City.
6. Sale to wholesalers of liquor—less than 22% alcohol by weight: Selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight, to, by or through a duly licensed wholesaler within this City.
7. Sale to wholesalers of liquor of all kinds: Selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this City.

8. Microbrewery: Manufacturing beer and malt liquor in quantities not to exceed ten thousand (10,000) barrels per annum.

9. Wholesalers—malt liquor: Selling intoxicating liquor containing not in excess of five percent (5%) of alcohol by weight by a wholesaler to a person duly licensed to sell such malt liquor at retail and selling to duly licensed wholesalers and soliciting orders for the sale of malt liquor containing not in excess of five percent (5%) of alcohol by weight, to, by or through a duly licensed wholesaler within this City.

10. Wholesalers—less than 22% alcohol by weight: Selling intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail and selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight, to, by or through a duly licensed wholesaler within this City.

11. Wholesalers of liquor of all kinds: Selling intoxicating liquor of all kinds by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail and selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this City, except that a license authorizing the holder to sell to duly licensed wholesalers and to solicit orders for sale of intoxicating liquor, to, by or through a duly licensed wholesaler, shall not entitle the holder thereof to sell within the City, direct to retailers.

12. Package liquor — malt liquor only: Sales of malt liquor at retail in the original package not for consumption on the premises where sold. .

13. 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)(12) of this Section.

14. 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.

15. Malt liquor by the drink: Sales of malt liquor at retail by the drink for consumption on the premises where sold.

16. Liquor by the drink — all kinds: Sales of all kinds of intoxicating liquor, at retail by the drink for consumption on the premises where sold, including package sales as set forth in Subsection (B)(13) 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, who is licensed to sell intoxicating liquor at retail, may apply for a license to sell intoxicating liquor at retail on Sundays between the hours of 9:00 A.M. and Midnight.

#### D. Permits.

1. Temporary permit for sale by drink. Any person who possesses the qualifications, meets the requirements of, 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.
2. Caterer's permits. Any person who possesses the qualifications, meets the requirements of, and complies with the provisions of Section 600.030(D) or Section 600.030(E) below may apply for a special caterer's permit.
3. Tasting permit. Any person who possesses the qualifications, meets the requirements of, and complies with the provisions of Section 600.030(I) below may apply for a tasting permit..

#### E. Manufacture for Personal Use.

1. Notwithstanding Subsection A of this Section 600.020, no person at least twenty-one (21) years of age shall be required to obtain a license to manufacture intoxicating liquor for personal or family use. The aggregate amount of intoxicating liquor manufactured per household shall not exceed two hundred (200) gallons per calendar year if there are two (2) or more persons over the age of twenty-one (21) years in such household, or one hundred (100) gallons per calendar year if there is only one (1) person over the age of twenty-one (21) years in such household. Any intoxicating liquor manufactured under this Subsection E shall not be sold or offered for sale.
2. Beer brewed under this Subsection E may be removed from the premises where brewed for personal or family use, including use at organized events, exhibitions, or competitions, such as home brewer contests, tastings, or judging. The use may occur off licensed retail premises, on any premises under a temporary retail license issued under Section 600.020(D)(1) or (2).
3. Any beer brewed under this Subsection E used at an organized event where an admission fee is paid for entry, at which the beer is available without a separate charge, shall not be deemed a sale of beer, provided that the person who brewed the beer receives none of the proceeds from the admission fee and all consumption is conducted off licensed retail premises, under the premises of a temporary retail license issued under Section 600.020(D)(1) or (2).

### SECTION 600.030 LICENSE REGULATIONS.

#### A. Package Sales, Limitations.

1. 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.

2. Any person who is licensed to sell intoxicating liquor in the original package at retail may sell from thirty-two (32) to one hundred twenty-eight (128) fluid ounces of draft beer to customers in containers filled by any employee of the retailer on the premises for consumption off such premises. Any employee of the licensee shall be at least twenty-one (21) years of age to fill containers with draft beer. No wholesaler, distributor, or manufacturer of intoxicating liquor may furnish dispensing or cooling equipment, or such containers referenced herein to any person who is licensed to sell intoxicating liquor in the original package at retail as provided in Section 600.020(B)(13). Such containers shall comply with the requirements of Section 311.201, RSMo.

#### B. Retail Sales for Consumption on Premises

1. Any person licensed to sell liquor at retail by the drink for consumption on the premises where sold may use a self-dispensing system, which is monitored and controlled by the licensee and allows patrons of the licensee to self-dispense beer or wine. Before a patron may dispense beer or wine, an employee of the licensee must first authorize an amount of beer or wine, not to exceed thirty-two (32) ounces of beer or sixteen (16) ounces of wine per patron per authorization, to be dispensed by the self-dispensing system.

2. Nothing in this Chapter shall be interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating liquor to furnish self-dispensing or cooling equipment or provide services for the maintenance, sanitation, or repair of self-dispensing systems.

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

1. The Board of Aldermen may issue a permit for the sale of all kinds of intoxicating liquor, including intoxicating liquor in the original package, at retail by the drink 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.

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

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.

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. Temporary Permit For Sale By Drink – Caterers.

1. The Board of Aldermen 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 the provisions of this Chapter who furnish provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, but not including a festival as defined in Chapter 316, RSMo. The temporary permit shall be effective for a period not to exceed one hundred sixty-eight (168) consecutive hours, and 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.

2. Except as provided in Subparagraph 3 of this Subsection D, all provisions of Chapter 311, RSMo., and this Chapter shall extend to the premises in which such function, occasion or event is held and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees, or stock are in such premises. This temporary permit shall allow the sale of intoxicating liquor in the original package.

3. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent (5%) by weight delivered and invoiced under the catering permit number, but not used, if the wholesaler removes the product within seventy-two (72) hours of the expiration of the catering permit issued pursuant to this Subsection D.

E. Special Caterer's License.

1. The Board of Aldermen may issue a special license to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this Chapter who furnish provisions and service for use at a particular function, occasion, or event at a particular location other than the licensed premises, but not including a festival as defined in Chapter 316, RSMo. The special license shall be effective for a maximum of fifty (50) days during any year, and 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.

2. The Board of Aldermen may issue a special license to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the



premises pursuant to the provisions of this Chapter who furnish provisions and service for use at a particular function, occasion, or event at a particular location other than the licensed premises, but not including a festival as defined in Chapter 316, RSMo. The special license shall be effective for an unlimited number of functions, occasions, or events during the year, and 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.

3. Caterers issued a special license pursuant to Subparagraphs 1 and 2 of this Subsection E shall report to the City Clerk the location of each function, occasion, or event three (3) business days in advance. The report of each function, occasion, or event shall include permission from the property owner, description of the premises, and the date or dates the function, occasion, or event will be held.

4. Except as provided in Subparagraph 5 of this Subsection E, all provisions of Chapter 311, RSMo., and this Chapter shall extend to the premises in which such function, occasion, or event is held and shall be in force and enforceable during all the time that the licensee, its agents, servants, employees, or stock are in such premises. Any special license issued under this Subparagraph 5 of this Subsection E shall allow the sale of intoxicating liquor in the original package.

5. Notwithstanding any other law to the contrary, any caterer who possesses a valid state and valid local liquor license may deliver alcoholic beverages, in the course of his or her catering business.

6. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent (5%) by weight delivered and invoiced under the catering license number, but not used, if the wholesaler removes the product within seventy-two (72) hours of the expiration of the catering function, occasion, or event.

#### F. Operating Hours, Days.

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 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 by the drink shall keep a closed place during the aforementioned prohibited times.

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.

#### G. General License Regulations.

1. Each license issued hereunder shall be conspicuously posted on the premises for which the license has been issued.
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.
3. 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.
4. 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.

H. 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.

## I. Tastings.

1. Notwithstanding any other provisions of this Chapter to the contrary, any person possessing the qualifications and meeting the requirements of this Chapter and who is licensed to sell intoxicating liquor in the original package at retail may apply for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises. Nothing in this Subparagraph 1 shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

2. Any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide and pour distilled spirits, wine, or malt beverage samples off a licensed retail premises for tasting purposes provided no sales transactions take place. For purposes of this Subparagraph, a "sales transaction" shall mean an actual and immediate exchange of monetary consideration for the immediate delivery of goods at the tasting site.

3. Notwithstanding any other provisions of this Chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide, furnish, or pour distilled spirits, wine, or malt beverage samples for customer tasting purposes on any temporary licensed retail premises as described Section 600.020(D)(1) or (2).

4. Notwithstanding any other provisions of this Chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide or furnish distilled spirits, wine, or malt beverage samples on a licensed retail premises for customer tasting purposes so long as the winery, distiller, manufacturer, wholesaler, or brewer or designated employee has permission from the person holding the retail license. The retail licensed premises where such product tasting is provided shall maintain a special permit in accordance with Section 600.030(I)(1) or hold a by-the-drink-for-consumption-on-the-premises-where-sold retail license. No money or anything of value shall be given to the retailers for the privilege or opportunity of conducting the on-the-premises product tasting.

a. Distilled spirits, wine, or malt beverage samples may be dispensed by an employee of the retailer, winery, distiller, manufacturer, or brewer or by a sampling service retained by the retailer, winery, distiller, manufacturer, or brewer. All sampling service employees that provide and pour intoxicating liquor samples on a licensed retail premises shall be required to complete a server training program approved by the Division of Alcohol and Tobacco Control.

b. Any distilled spirits, wine, or malt beverage sample provided by the retailer, winery, distiller, manufacturer, wholesaler, or brewer remaining after the tasting shall be returned to the retailer, winery, distiller, manufacturer, wholesaler, or brewer.

#### J. Microbreweries.

1. Notwithstanding any other provision of this Chapter to the contrary, the holder of a microbrewer's license may apply for, and the City may issue, a license to sell all kinds of intoxicating liquor by the drink at retail for consumption on the premises of the microbrewery or in close proximity to the microbrewery. No holder of a microbrewer's license, or any employee, officer, agent, subsidiary, or affiliate thereof, shall have more than ten (10) licenses to sell intoxicating liquor by the drink at retail for consumption on the premises.
2. The holder of a microbrewer's license may also sell beer and malt liquor produced on the brewery premises to duly licensed wholesalers. However, holders of a microbrewer's license shall not, under any circumstances, directly or indirectly, have any financial interest in any wholesaler's business, and all such sales to wholesalers shall be subject to the restrictions of Sections 311.181 and 311.182, RSMo.

#### K. Restaurant Bars.

1. Notwithstanding any other provision of law, it shall not be unlawful for the owner, operator, or employees of a restaurant bar to allow patrons to carry out one or more bottles of unfinished wine, nor shall it be unlawful for patrons of such restaurant bar to carry out one or more bottles of unfinished wine under the following conditions:
  - a. The patron must have ordered a meal;
  - b. The bottle or bottles of wine must have been at least partially consumed during the meal;
  - c. The restaurant bar must provide a dated receipt for the unfinished bottle or bottles of wine; and
  - d. The restaurant bar must securely reseal the bottle or bottles of wine and place them in one or more one-time-use, tamperproof, transparent bags and securely seal the bags.
2. Notwithstanding any other provision of law, no person who transports one or more bottles of unfinished wine which came from a restaurant bar under the circumstances described in Subparagraph 1 of this Subsection K, in a vehicle, shall be considered to have violated any local ordinance regarding open containers in vehicles so long as such person has in his or her possession the dated receipt from the restaurant bar and the bottle or bottles of wine remain in the restaurant bar-furnished, one-time-use, tamperproof, transparent bags with the seals intact.
3. Notwithstanding any other provision of law to the contrary, any restaurant bar without an on-site brewery that serves twenty (20) or more different types of draft beer may sell

thirty-two (32) fluid ounces or more of such beer to customers for consumption off the premises of such restaurant bar.

#### L. Wineries

1. Notwithstanding any other provision of law, it shall be lawful for the owner, operator, or employees of a winery to allow patrons to carry out one or more bottles of unfinished wine and it shall be lawful for patrons of such winery to carry out one or more bottles of unfinished wine under the following conditions:

- a. The bottle or bottles of wine must have been at least partially consumed at the winery;
- b. The winery must provide a dated receipt for the unfinished bottle or bottles of wine; and
- c. The winery must securely reseal the bottle or bottles of wine and place them in one or more one-time-use, tamperproof, transparent bags and securely seal the bags.

2. Notwithstanding any other provision of law, no person who transports one or more bottles of unfinished wine which came from a winery under the circumstances described under Subparagraph 1 of this Subsection L shall be considered to have violated any state law or local ordinance regarding open containers in vehicles so long as such person has in his or her possession the dated receipt from the winery and the bottle or bottles of wine remain in the winery-furnished, one-time-use, tamperproof, transparent bags with the seals intact.

#### M. Manufacturing of Wine or Brandy.

1. A manufacturer of wine or brandy licensed under Section 600.020(B)(4) may use in any calendar year such wine- and brandy-making material produced or grown outside the state of Missouri in a quantity not exceeding fifteen percent (15%) of the manufacturer's wine entered into fermentation in the prior calendar year.

2. In any year when a natural disaster causes substantial loss to the Missouri crop of grapes, berries, other fruits, fruit products, honey or vegetables from which wines are made, Section 311.190, RSMo., authorizes the Director of the Department of Agriculture to determine the percent of loss and allow a certain additional percent, based on the prior calendar year's production of such products, to be purchased outside the state of Missouri to be used and offered for sale by Missouri wineries.

3. A manufacturer licensed under Section 600.020(B)(4) may purchase and sell bulk or packaged wines or brandies received from other manufacturers licensed under Section 311.190, RSMo., and may also purchase in bulk, bottle and sell to duly licensed wineries, wholesalers and retail dealers on any day except Sunday, and a manufacturer licensed

under Section 311.190, RSMo., may offer samples of wine, may sell wine and brandy in its original package directly to consumers at the winery, and may open wine so purchased by customers so that it may be consumed on the winery premises on Monday through Saturday between 6:00 a.m. and midnight and on Sunday between 9:00 a.m. and 10:00 p.m.

#### SECTION 600.035 SALES OF LIQUOR PROHIBITED NEAR SCHOOLS AND CHURCHES.

No license shall be granted for the sale of intoxicating liquor within three hundred (300) feet of any school, church or other building regularly used as a place of religious 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 Section 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.

#### SECTION 600.040 SCHEDULE OF LICENSE FEES.

A. A business license and a liquor license is required for each place of business, and the following liquor license fees for the licenses as described in Section 600.020 of this Code shall be paid annually:

##### 1. General licenses.

- a. Manufacturers of malt liquor: \$250.00.
- b. Manufacturers of liquor—less than 22% alcohol by weight: \$200.00.
- c. Manufacturers of liquor of all kinds: \$450.00.
- d. Manufacturers of wine or brandy: \$5.00 for each 500 gallons or fraction thereof of wine or brandy produced up to a maximum license fee of \$300.00.
- e. Sale to wholesalers of malt liquor: \$50.00.
- f. Sale to wholesalers of liquor—less than 22% alcohol by weight: \$100.00.
- g. Sale to wholesalers of liquor of all kinds: \$250.00.
- h. Microbrewery: A license fee of \$5.00 for each one hundred (100) barrels or fraction thereof, up to a maximum license fee of \$250.00.
- i. Wholesalers—malt liquor: \$100.00.

- j. Wholesalers—less than 22% alcohol by weight: \$200.00.
  - k. Wholesalers of liquor of all kinds: \$500.00
  - l. Malt liquor — original package: \$50.00.
  - m. Intoxicating liquor (all kinds) — original package: \$100.00.
  - n. Malt liquor — by drink: \$50.00.
  - o. Malt liquor and light wines — by drink: \$50.00.
  - p. Intoxicating liquor (all kinds) — by drink: \$300.00.
2. Sunday sales: \$300.00.
3. Permits.
- a. Temporary permit — original package (7 days maximum): \$10.00 per day.
  - b. Temporary permit – for sale by drink (7 day maximum): \$10.00 per day.
  - c. Special Caterer's License (50 day maximum): \$500.00 per year.
  - d. Special Caterer's License (unlimited number of functions): \$1,000.00 per year.
  - e. Tasting permit: \$25.00.

Of the license fee to be paid for any such license, the applicant shall pay as many twelfths (12ths) as there are months (part of a month counted as a month) remaining from the date of the license to the next succeeding July first (1st).

#### SECTION 600.050 APPLICATION FOR LICENSE AND RENEWAL.

A. Prerequisite To Grant Of License. No license required by this Chapter shall be granted by the Board of Aldermen unless application has been made as required in this Chapter.

B. Requirements of Applicant.

- 1. No person shall be granted a license under this Chapter unless such person is of good moral character and a qualified legal voter and a taxpaying resident of the City, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying resident of the City; and, except as otherwise provided under Subsection 4 of this Section B, no person shall be granted a license or permit hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of the twenty-first

amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs in his or her business as such dealer any person whose license has been revoked unless five (5) years have passed since the revocation as provided under Subsection 3 of this Section, or who has been convicted of violating such law since the date aforesaid; provided, that nothing in this Section contained shall prevent the issuance of licenses to nonresidents of Missouri 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, within this City.

2. (1) No person, partnership or corporation shall be qualified for a license under this Chapter if such person, any member of such partnership, or such corporation, or any officer, director, or any stockholder owning, legally or beneficially, directly or indirectly, ten percent (10%) or more of the stock of such corporation, or other financial interest therein, or ten percent (10%) 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 except as otherwise provided under Subsections 3 and 4 of this Section, 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 twenty-first amendment to the Constitution of the United States, or shall not be a person of good moral character.

(2) No license issued under this Chapter shall be denied, suspended, revoked or otherwise affected based solely on the fact that an employee of the licensee has been convicted of a felony unrelated to the manufacture or sale of intoxicating liquor.

(3) No wholesaler license shall be issued to a corporation for the sale of intoxicating liquor containing alcohol in excess of five percent (5%) by weight, except to a resident corporation.

3. Any person whose license or permit issued under this Chapter has been revoked shall be automatically eligible to work as an employee of an establishment holding a license or permit under this chapter five (5) years after the date of the revocation.

4. Any person whose license or permit issued under this Chapter has been revoked shall be eligible to apply and be qualified for a new license or permit five (5) years after the date of the revocation.

B. Form And Contents. All applications for licenses under the provisions of this Chapter shall be made in writing to the City and shall set forth the following information:

1. Designation of the kind of license desired;

2. Description of the premises to which such license is to apply and the location or address thereof;



3. Name, place of residence and mailing address of the person, individual, association, partnership, and names of partners, or corporation and managing officer thereof, for whom a license is sought;
4. Criminal records check along with the dates and places of all revocation of liquor licenses and all convictions of any law applicable to the manufacture or sale of intoxicating liquor, if any;
5. Term of license;
6. Signature of applicant.

C. Filing And Presentation To Board Of Aldermen. Applications for licenses under this Chapter shall be filed with the City Clerk, the date of filing being noted thereon by the City Clerk, and shall be presented to the Board of Aldermen at its first regular or special meeting thereafter.

D. Deposit Of License Fee — Disposition Of Such Deposit. At the time of filing an application for a license under this Chapter, the applicant shall pay the license fee to City Clerk for the license applied for, either in cash, or by bank draft, money order, certified check or cashier's check, made payable to the City of Dardenne Prairie. The Board of Aldermen shall grant no license unless such deposit of the license fee has been made. If the license is not granted, the license fee shall be refunded in full to the applicant. If the license is granted, such amount deposited with the application shall be turned over to the City Treasurer who will issue a receipt together with the license to the applicant.

E. When Considered By Board Of Aldermen. No application for a license, whether for a new license, or in renewal of any license previously held by the applicant, shall be formally approved or granted by the Board of Aldermen for at least ten (10) days after filing of any such license application.

F. Grant And Issuance — Contents. No license applied for pursuant to this Chapter shall be granted unless and until a majority of the members elected to the Board of Aldermen shall vote in favor thereof. Upon a vote granting the license applied for, the City Clerk shall issue such license, which shall describe the kind of license; the license fee, the premises on which sale is to be made, the name of the license holder, the date of issuance and period of time for which such license is granted.

G. Term — Proration — Dating Of License Prior To Granting Of License And Extension Of License. Each license issued in compliance with this Chapter shall expire on June thirtieth (30th) next succeeding the beginning date of such license. Of the annual license fee to be paid for any such license, the applicant shall pay as many twelfths as there are months, part of a month to be counted as one (1) month, remaining from the date of the license to the next succeeding June thirtieth (30th). No license shall be given a beginning date prior to the date of approval of the application and granting of such license by the Board of Aldermen.

SECTION 600.055    REFUND OF LICENSE FEE PROHIBITED.

In case any license issued under the provisions of this Chapter is revoked, surrendered or forfeited by the licensee, not used or used for only part of the license period, after effective beginning date of such license, no refund of any license fee or part thereof shall be made.

#### SECTION 600.060 MINORS.

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

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.
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. Delivery of intoxicating liquor 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.
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 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.
4. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail. Any wholesaler licensed pursuant to this chapter may employ persons of at least eighteen (18) years of age to rotate, stock and arrange displays at retail establishments licensed to sell intoxicating liquor.

##### B. Sales To Minor — Exceptions.

1. Any licensee under this Chapter, or his employee, who shall 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, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whomsoever except his parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of twenty-one (21) years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard, shall be

deemed guilty of an ordinance violation, except that this Section shall not apply 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 any 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 when serving in the capacity as an employee of a licensed establishment.

2. Any owner, occupant or other person or legal entity with a lawful right to the exclusive use and enjoyment of any property who knowingly allows a person under the age of twenty-one (21) to drink or possess intoxicating liquor or knowingly fails to stop a person under the age of twenty-one (21) from drinking or possessing intoxicating liquor on such property, unless such person allowing the person under the age of twenty-one (21) to drink or possess intoxicating liquor is his or her parent or guardian, is guilty of an ordinance violation.

3. It shall be a defense to prosecution under this Section if:

- a. The defendant is a licensed retailer, club, drinking establishment or caterer or holds a temporary permit, or an employee thereof;
- b. The defendant sold the intoxicating liquor to the minor with reasonable cause to believe that the minor was twenty-one (21) or more years of age; and
- c. To purchase the intoxicating liquor, the person exhibited to the defendant a driver's license, Missouri non-driver's identification card, or other official or apparently official document, containing a photograph of the minor and purporting to establish that such minor was twenty-one (21) years of age and of the legal age for consumption of intoxicating liquor.

**C. Misrepresentation Of Age By Minor To Obtain Liquor — Use Of Altered Driver's License, Passport Or I.D. Cards, Penalties.**

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.

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.** 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 as defined in Section 600.010, or who is visibly intoxicated as defined in Section 577.001,

RSMo., 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 guilty of an ordinance violation.

E. For purposes of prosecution under this Section, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was no intoxicating liquor 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 therein contains intoxicating liquor.

#### SECTION 600.070 MISCELLANEOUS OFFENSES.

A. Unlawful For Licensed Retailer To Purchase From Other Than Licensed Wholesaler. It shall be unlawful for any licensee authorized to sell intoxicating liquor at retail 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 licensee to sell or offer for sale any intoxicating liquor purchased in violation of the provisions of this Section.

B. Any licensee authorized to sell intoxicating liquor at retail shall not:

1. Sell intoxicating liquor 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
2. Repackage intoxicating liquor 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(s) 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. 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.

F. Drinking In Public Places Prohibited.

1. For purposes of this Section, the term "public place" shall mean any public street, highway, alley, sidewalk, thoroughfare or other public way of the City, or any parking lot.

2. No person shall drink or ingest any intoxicating liquor in or on any public place.

3. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor while in or upon any public place.

4. Except as otherwise provided herein, no person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor while within or on any motor vehicle while the same is being operated upon, or parked or standing in or upon, any public place. Any person operating a motor vehicle shall be deemed to be in possession of an open container contained within the motor vehicle he/she has control of whether or not he/she has actual physical possession of the open container.

H. 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 live 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:

1. Violating any of the provisions of either this Chapter, Chapters 311 or 312, RSMo., or any ordinance of the City;
2. Failing to obtain or keep a license from the State Supervisor of Alcohol and Tobacco Control;
3. Making a false affidavit in an application for a license under this Chapter;

4. Failing to keep an orderly place or house;
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;
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
7. Selling, giving, or otherwise supplying intoxicating liquor to:
  - a. Any person under the age of twenty-one (21) years,
  - b. Any person during unauthorized hours on the licensed premises,
  - c. A habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor, or
  - 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 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.

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.

**SECTION 2. Savings Clause:** Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

**SECTION 3. Severability Clause:** If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

**SECTION 4. Effective Date:** This Ordinance shall take effect and be in force from and after its passage by the Board of Aldermen and its approval by the Mayor of the City of Dardenne Prairie, Missouri.

Read two (2) times, passed, and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
As Presiding Officer and as Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk



**BILL NO. 17-13**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE,  
MISSOURI, AUTHORIZING THE MAYOR AND CITY  
TREASURER TO EXECUTE AN FY 2018-2021  
TRANSPORTATION IMPROVEMENT PROGRAM  
SURFACE TRANSPORTATION PROGRAM-  
SUBALLOCATED FUNDS (STP-S) NEW PROJECT  
APPLICATION WITH EAST-WEST GATEWAY  
COORDINATING COUNCIL FOR FINANCING OF THE  
WELDON SPRING ROAD IMPROVEMENTS PROJECT  
AND AUTHORIZING AN EXPENDITURE FOR THE  
APPLICATION FEE FOR SAME**

**WHEREAS**, the Board of Aldermen of the City of Dardenne Prairie has approved a road improvement project for the City of Dardenne Prairie for Weldon Spring Road (the “Weldon Spring Road Improvements Project”); and

**WHEREAS**, the total cost of the Weldon Spring Road Improvements Project is estimated to be \$7,688,800.00 (the “Project Cost”); and

**WHEREAS**, the Board of Aldermen desires to submit an FY 2018-2021 Transportation Improvement Program Surface Transportation Program-Suballocated Funds (STP-S) New Project Application (the “STP-S Application”) with East-West Gateway Coordinating Council (“East-West Gateway”) for receipt of federal funds to offset the cost of the Weldon Spring Road Improvements Project; and

**WHEREAS**, the Board of Aldermen desires to submit an STP-S Application requesting federal funds equal to \$3,075,520.00 for the Weldon Spring Road Improvements Project (the “Requested Funds”); and

**WHEREAS**, a project application fee of ½% of the Requested Funds equaling \$15,377.60 (the “Application Fee”) must be submitted with the STP-S Application; and

**WHEREAS**, if the STP-S Application is approved, East-West Gateway will retain the application fee, but if the STP-S Application is denied, the Application Fee will be returned to the City;

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF  
THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:**

**SECTION 1.** That upon completion by the City Engineer, the Mayor and the City Treasurer be and they are hereby authorized and directed to execute the STP-S Application, a copy of which is attached hereto as **Exhibit A** and incorporated by reference herein, requesting funds for the Weldon Spring Road Improvements Project.

**SECTION 2.** That Board of Aldermen hereby authorizes the expenditure in the amount of Fifteen Thousand Three Hundred Seventy-seven and 60/100 Dollars (\$15,377.60) for the Application Fee for the STP-S Application and directs the City Treasurer to amend the budget accordingly to reflect said expenditure.

**SECTION 3. Severability Clause:** If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

**SECTION 4. Effective Date:** This Ordinance shall be in full force and take effect from and after its final passage and approval.

**SECTION 5. Savings:** Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

Read two times and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
As Presiding officer and as Mayor

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

**EXHIBIT A**

**[ATTACH COPY OF WELDON SPRING ROAD IMPROVEMENTS  
PROJECT APPLICATION]**

*City Engineer to provide*

**BILL NO. 17-14**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE,  
MISSOURI, AUTHORIZING THE MAYOR AND CITY  
TREASURER TO EXECUTE AN FY 2018-2021  
TRANSPORTATION IMPROVEMENT PROGRAM  
SURFACE TRANSPORTATION PROGRAM-  
SUBALLOCATED FUNDS (STP-S) NEW PROJECT  
APPLICATION WITH EAST-WEST GATEWAY  
COORDINATING COUNCIL FOR FINANCING OF THE  
FEISE ROAD PEDESTRIAN FACILITIES  
IMPROVEMENTS PROJECT AND AUTHORIZING AN  
EXPENDITURE FOR THE APPLICATION FEE FOR SAME**

**WHEREAS**, the Board of Aldermen of the City of Dardenne Prairie has approved a roadway improvement project for the City of Dardenne Prairie for Feise Road Pedestrian Facilities (the “Feise Road Pedestrian Facilities Improvements Project”); and

**WHEREAS**, the total cost of the Feise Road Pedestrian Facilities Improvements Project is estimated to be \$114,700.00 (the “Project Cost”); and

**WHEREAS**, the Board of Aldermen desires to submit an FY 2018-2021 Transportation Improvement Program Surface Transportation Program-Suballocated Funds (STP-S) New Project Application (the “STP-S Application”) with East-West Gateway Coordinating Council (“East-West Gateway”) for receipt of federal funds to offset the cost of the Weldon Spring Road Improvements Project; and

**WHEREAS**, the Board of Aldermen desires to submit an STP-S Application requesting federal funds equal to \$91,760.00 for the Weldon Spring Road Improvements Project (the “Requested Funds”); and

**WHEREAS**, a project application fee of ½% of the Requested Funds equaling \$458.80 (the “Application Fee”) must be submitted with the STP-S Application; and

**WHEREAS**, if the STP-S Application is approved, East-West Gateway will retain the application fee, but if the STP-S Application is denied, the Application Fee will be returned to the City;

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF  
THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:**

**SECTION 1.** That upon completion by the City Engineer, the Mayor and the City Treasurer be and they are hereby authorized and directed to execute the STP-S Application, a copy of which is attached hereto as **Exhibit A** and incorporated by reference herein, requesting funds for the Weldon Spring Road Improvements Project.

**SECTION 2.** That Board of Aldermen hereby authorizes the expenditure in the amount of Four Hundred Fifty-eight and 80/100 Dollars (\$458.80) for the Application Fee for the STP-S Application and directs the City Treasurer to amend the budget accordingly to reflect said expenditure.

**SECTION 3. Severability Clause:** If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

**SECTION 4. Effective Date:** This Ordinance shall be in full force and take effect from and after its final passage and approval.

**SECTION 5. Savings:** Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

Read two times and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
As Presiding officer and as Mayor

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

**EXHIBIT A**

**[ATTACH COPY OF FEISE ROAD PEDESTRIAN FACILITIES IMPROVEMENTS  
PROJECT APPLICATION]**

City Engineer to provide

**BILL NO. 17-15**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE,  
MISSOURI, AUTHORIZING THE MAYOR AND CITY  
TREASURER TO EXECUTE AN FY 2018-2021  
TRANSPORTATION IMPROVEMENT PROGRAM  
SURFACE TRANSPORTATION PROGRAM-  
SUBALLOCATED FUNDS (STP-S) NEW PROJECT  
APPLICATION WITH EAST-WEST GATEWAY  
COORDINATING COUNCIL FOR FINANCING OF THE  
HIGHWAY N PEDESTRIAN FACILITIES  
IMPROVEMENTS PROJECT AND AUTHORIZING AN  
EXPENDITURE FOR THE APPLICATION FEE FOR SAME**

**WHEREAS**, the Board of Aldermen of the City of Dardenne Prairie has approved a road improvement project for the City of Dardenne Prairie for Highway N Pedestrian Facilities (the "Highway N Pedestrian Facilities Improvements Project"); and

**WHEREAS**, the total cost of the Highway N Pedestrian Facilities Improvements Project is estimated to be \$238,720.00 (the "Project Cost"); and

**WHEREAS**, the Board of Aldermen desires to submit an FY 2018-2021 Transportation Improvement Program Surface Transportation Program-Suballocated Funds (STP-S) New Project Application (the "STP-S Application") with East-West Gateway Coordinating Council ("East-West Gateway") for receipt of federal funds to offset the cost of the Weldon Spring Road Improvements Project; and

**WHEREAS**, the Board of Aldermen desires to submit an STP-S Application requesting federal funds equal to \$190,976.00 for the Weldon Spring Road Improvements Project (the "Requested Funds"); and

**WHEREAS**, a project application fee of ½% of the Requested Funds equaling \$954.88 (the "Application Fee") must be submitted with the STP-S Application; and

**WHEREAS**, if the STP-S Application is approved, East-West Gateway will retain the application fee, but if the STP-S Application is denied, the Application Fee will be returned to the City;

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF  
THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:**

**SECTION 1.** That upon completion by the City Engineer, the Mayor and the City Treasurer be and they are hereby authorized and directed to execute the STP-S Application, a copy of which is attached hereto as **Exhibit A** and incorporated by reference herein, requesting funds for the Weldon Spring Road Improvements Project.

**SECTION 2.** That Board of Aldermen hereby authorizes the expenditure in the amount of Nine Hundred Fifty-four and 88/100 Dollars (\$954.88) for the Application Fee for the STP-S Application and directs the City Treasurer to amend the budget accordingly to reflect said expenditure.

**SECTION 3. Severability Clause:** If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

**SECTION 4. Effective Date:** This Ordinance shall be in full force and take effect from and after its final passage and approval.

**SECTION 5. Savings:** Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

Read two times and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
As Presiding officer and as Mayor

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk



**EXHIBIT A**

**[ATTACH COPY OF HIGHWAY N PEDESTRIAN FACILITIES IMPROVEMENTS  
PROJECT APPLICATION]**

City Engineer to provide

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE,  
MISSOURI, AUTHORIZING THE MAYOR AND CITY  
TREASURER TO EXECUTE AN FY 2018-2021  
TRANSPORTATION IMPROVEMENT PROGRAM  
SURFACE TRANSPORTATION PROGRAM-  
SUBALLOCATED FUNDS (STP-S) NEW PROJECT  
APPLICATION WITH EAST-WEST GATEWAY  
COORDINATING COUNCIL FOR FINANCING OF THE  
HENNING ROAD TRAIL RECONSTRUCTION PROJECT  
AND AUTHORIZING AN EXPENDITURE FOR THE  
APPLICATION FEE FOR SAME**

**WHEREAS**, the Board of Aldermen of the City of Dardenne Prairie has approved a road improvement project for the City of Dardenne Prairie for the Henning Road Trail (the “Henning Road Trail Reconstruction Project”); and

**WHEREAS**, the total cost of the Henning Road Trail Reconstruction Project is estimated to be \$808,325.00 (the “Project Cost”); and

**WHEREAS**, the Board of Aldermen desires to submit an FY 2018-2021 Transportation Improvement Program Surface Transportation Program-Suballocated Funds (STP-S) New Project Application (the “STP-S Application”) with East-West Gateway Coordinating Council (“East-West Gateway”) for receipt of federal funds to offset the cost of the Weldon Spring Road Improvements Project; and

**WHEREAS**, the Board of Aldermen desires to submit an STP-S Application requesting federal funds equal to \$646,660.00 for the Weldon Spring Road Improvements Project (the “Requested Funds”); and

**WHEREAS**, a project application fee of ½% of the Requested Funds equaling \$3,233.30 (the “Application Fee”) must be submitted with the STP-S Application; and

**WHEREAS**, if the STP-S Application is approved, East-West Gateway will retain the application fee, but if the STP-S Application is denied, the Application Fee will be returned to the City;

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF  
THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:**

**SECTION 1.** That upon completion by the City Engineer, the Mayor and the City Treasurer be and they are hereby authorized and directed to execute the STP-S Application, a copy of which is attached hereto as **Exhibit A** and incorporated by reference herein, requesting funds for the Weldon Spring Road Improvements Project.

**SECTION 2.** That Board of Aldermen hereby authorizes the expenditure in the amount of Three Thousand Two Hundred Thirty-three and 30/100 Dollars (\$3,233.30) for the Application Fee for the STP-S Application and directs the City Treasurer to amend the budget accordingly to reflect said expenditure.

**SECTION 3. Severability Clause:** If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

**SECTION 4. Effective Date:** This Ordinance shall be in full force and take effect from and after its final passage and approval.

**SECTION 5. Savings:** Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

Read two times and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
As Presiding officer and as Mayor

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

**EXHIBIT A**

**[ATTACH COPY OF HENNING ROAD TRAIL RECONSTRUCTION  
PROJECT APPLICATION]**

City Engineer to provide