

TITLE VI. BUSINESS AND OCCUPATION

CHAPTER 600: ALCOHOLIC BEVERAGES

ARTICLE I. INTOXICATING LIQUORS

Cross Reference—As to offenses concerning drugs and alcohol, see §§215.400–215.430 of this Code.

SECTION 600.010: DEFINITIONS

For the purposes of this Chapter, the following words shall be used and interpreted as defined hereinafter.

INTOXICATING LIQUORS: Shall mean and include alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or mixtures for beverage purposes, containing in excess of one-half of one percent (0.5%) by volume except for non-intoxicating beer as defined in Section 600.240 of this Chapter. 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.

PERSON: Shall mean and include any individual, association, joint stock company, syndicate, co-partnership, corporation, receiver, trustee, conservator, or other office appointed by any State or Federal Court. (CC 1968 §10-1; Ord. No. 1978-15 §1, 7-10-78, Ord. No. 1994-3 §1, 1-17-94; Ord. No. 1994-4 §1, 1-17-94)

SECTION 600.020: LICENSE—REQUIRED

No person shall, directly or indirectly, manufacture, sell or expose for sale within the City, either at wholesale or retail, any intoxicating liquors in any quantities, without first having obtained a license to do so from the City. (CC 1968 §10-2; Ord. No. 745 §1, 6-4-34; Ord. No. 1016 §1, 2-4-46)

SECTION 600.030: LICENSE—APPLICATION

Any person desiring a license to sell or manufacture intoxicating liquors, as provided for in this Article, shall file his written application therefore with the City Clerk at least five (5) days before the same is to be considered by the Board of Aldermen, stating the place where such liquors are to be sold, the character of license desired, the name and age of the applicant and the owner of the premises where the liquor is to be sold. Immediately upon the filing of such application, the City Clerk shall notify the Mayor and each member of the Board of Aldermen; so that the Mayor and each member of the Board of Aldermen shall have at least five (5) days notice of the filing of the application before it is to be considered by the Board of Aldermen.
(CC 1968 §10-3; Ord. No. 745 §4, 6-4-34)

SECTION 600.040: LICENSE—QUALIFICATIONS OF APPLICANT

No person shall be granted a license under this Article unless such person is of good moral character, a native born or naturalized citizen of the United States, and a qualified legal voter and taxpaying citizen of the City. No person shall be granted a license or permit under this Article 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 or has employed in his business as such dealer any person whose license has been revoked or who has been convicted of violating the provisions of any such law since the date aforesaid.
(CC 1968 §10-4; Ord. No. 745 §15, 6-4-34)

SECTION 600.050: LICENSE—ADDITIONAL BUSINESS REQUIRED—MINIMUM INVENTORY OF OTHER GOODS

No license shall be issued for the sale of intoxicating liquor in the original package 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 drugstore, 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 store a stock of goods having a value according to invoices, at the time of making the application for license, and all times thereafter, of a least one thousand dollars (\$1,000.00), exclusive of fixtures and intoxicating liquors. (CC 1968 §10-5; Ord. No. 375 §6, 6-23-19)

SECTION 600.060: LICENSE—ISSUANCE TO PREMISES NEAR CHURCHES, SCHOOLS AND HOSPITALS PROHIBITED

No license shall be issued pursuant to this Chapter to any person for the sale of intoxicating liquor, malt liquor or light wines at retail by the drink for consumption on the premises where sold, in any building or room located within three hundred (300) feet of any church building, school building or hospital in the City unless the applicant for the license shall first obtain the consent in writing by a majority vote of the Board of Alderman. (CC 1968 §10-6; Ord. No. 745 §17, 6-4-34; Ord. No. 2001-02 §1, 2-13-01; Ord. No. 2018-09 §1, 11-8-18)

SECTION 600.070: LICENSE—APPROVAL AND ISSUANCE—TERM—PLACE OF BUSINESS, ETC.

- A. On approval of the application by the Board of Aldermen and payment of the license tax herein provided, the City Clerk shall issue the applicant a license to conduct business in the City. All licenses to be renewed during the month of June and expire June thirtieth (30th). Those making application for a new license during the year will be pro-rated. Every license issued under the provisions of this Article shall particularly describe the premises at which intoxicating liquors may be sold there under, and such license shall not be deemed to authorize or permit the sale of different kinds of intoxicating liquor at that or any other place other than that described therein. The City Clerk shall not issue to any person a license under the provisions of this Article until such person shall produce the receipt of the City Collector, showing that the taxes levied on the same have been paid.

- B. In the event any licensee should for any reason cease to sell or dispose of liquors at the place named in

such license, he shall not be entitled to any rebate or refund of the license fee, on account of ceasing of business. (CC 1968 §10-7; Ord. No. 745 §§3, 5, 6-4-34)

SECTION 600.080: LICENSE—SEPARATE LICENSE FOR EACH PLACE OF BUSINESS—TRANSFERABILITY

A separate license required by this Article shall be required for each place of business and no such license shall be transferable, except as otherwise provided by the Revised Statutes of Missouri, Section 311.250, RSMo. (CC 1968 §10-8; Ord. No. 745 §§3, 5, 6-4-34)

SECTION 600.090: NUMBER OF LICENSES ISSUED—ORIGINAL PACKAGE SALES

The number of licenses issued for the sale of intoxicating liquors in the original package shall be limited to six (6). (Ord. No. 1981-2 §1, 1-19-81; Ord. No. 1994-2 §1, 1-17-94; Ord. No. 2016-02 § 9-16, Ord. No. 21-01, 2-11-21)

SECTION 600.100: LICENSE—FEES

Any person issued a license under this Article shall pay annually to the City the following license fee:

1. For manufacturing, distilling or blending intoxicating liquors containing alcohol in excess of five percent (5%) by weight, three hundred dollars (\$300.00).
2. For manufacturing, distilling or blending intoxicating liquors containing alcohol not in excess of five percent (5%) by weight, two hundred fifty dollars (\$250.00).
3. For the sale of intoxicating liquors at wholesale containing alcohol in excess of five percent (5%) by weight, seventy-five dollars (\$75.00).
4. For the sale of intoxicating liquors at wholesale containing alcohol not in excess of five percent (5%) by weight, seventy-five dollars (\$75.00).
5. For the sale of intoxicating liquors containing alcohol in excess of five percent (5%) by weight at retail in original packages only, seventy-five dollars (\$75.00).
6. For the sale of malt liquor, and light wines containing not in excess of fourteen percent (14%) of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables, at retail by the drink for consumption on the premises where sold, the sum of fifty-two dollars fifty cents (\$52.50).
7. For the sale of intoxicating liquors containing alcohol in excess of one-half of one percent (0.5%) but less than five percent (5%) by weight at retail in the original package only, twenty-two dollars fifty cents (\$22.50).
8. For a special license to sell intoxicating liquor in the original package at retail and liquor by the drink between the hours of 9:00 A.M. Sunday and 1:30 A.M. Monday the licensee shall pay to the City a fee of three hundred dollars (\$300.00).
9. For the sale of intoxicating liquors containing alcohol in excess of five percent (5%) by weight at retail, by the drink, four hundred fifty dollars (\$450.00). (CC 1968 §10-9; Ord. No. 745 §1, 6-4-34; Ord. No. 1016 §1, 2-4-46; Ord. No. 1977-6 §1, 2-9-77; Ord. No. 1993-5 §1, 7-15-93; Ord. No. 1998-11 §1, 11-10-98; Ord. No. 2001-03 §1, 2-13-01; Ord. No. 2016-02 § 9-16)

SECTION 600.110: LICENSE—REVOCATION—SUSPENSION—FORFEITURE—REFUND OF FEES

- A. The Board of Aldermen may, on hearing, revoke or suspend any license issued under the provisions of this Article, if the licensee has not at all times kept an orderly place or if he has violated any of the provisions of this Article, or for any other good cause shown. The licensee shall have first been given not less than ten (10) days notice in writing of the application to revoke or suspend his license prior to the issuance of the order of revocation or suspension, which notice shall contain the grounds for such revocation or suspension, and such notice shall command the licensee to be present at the regular or called meeting of the Board of Aldermen and show cause, if any, why such license should not be revoked or suspended; provided, that such licensee shall have full right to be represented by counsel at the hearing, and may produce witnesses and evidence in his behalf at such hearing; provided, further, that such notices of hearing shall be served by the Chief of Police and may be served upon the licensee by leaving a copy thereof with the licensee or any person or employee in charge of the place of business of the licensee.
- B. In case of revocation or forfeiture of any license granted and issued under the provisions of this Article, for cause or otherwise, the City shall in no event return any part of the license fee paid for such license. (CC 1968 §10-10; Ord. No. 745 §§16, 21, 6-4-34)

SECTION 600.120: FINANCIAL INTEREST IN RETAILERS BY WHOLESALERS, BREWERS, ETC.

Distillers, wholesalers, winemakers, brewers or their employees, officers or agents shall not, under any circumstances, have any financial interest in the retail business for sale of intoxicating liquors and shall not, directly or indirectly, loan, give away or furnish equipment, money, credit or property of any kind, except ordinary commercial credit, for liquor sold to retail dealers, and upon proof of the violation hereof shall forfeit the licenses of such wholesaler and retailer.
(CC 1968 §10-11; Ord. No. 745 §18, 6-4-34)

SECTION 600.130: UNAUTHORIZED SALES

No person or the agent or employee of any person in any capacity shall sell intoxicating liquor in any other place than that designated in the license, or at any other time or otherwise than is authorized by this Article and the regulations herein provided for.
(CC 1968 §10-13; Ord. No. 745 §9, 6-4-34)

SECTION 600.140: MINIMUM SIZE OF ORIGINAL PACKAGE—CONSUMPTION ON PREMISES PROHIBITED

Intoxicating liquor shall be sold at retail in original packages of not less than fifty (50) milliliters. Such intoxicating liquor so sold shall not be consumed or permitted to be consumed upon the premises where sold, nor the original package opened on such premises of the vendor, except as otherwise provided in this Article. (CC 1968 §10-14; Ord. No. 745 §7, 6-4-34)

SECTION 600.150: TIME FIXED FOR OPENING AND CLOSING PREMISES—CLOSED PLACE DEFINED—PENALTY

No person having a license under the provisions of this Chapter, nor any employee of such person, shall sell, give away, or otherwise dispose of, or suffer the same to be done upon or about his/her premises, any intoxicating liquor in any quantity between the hours of 1:30 A.M. and 6:00 A.M. Monday - Saturday and between the hours of 1:30 A.M. and 9 A.M. Sunday. If the person has a license to sell intoxicating liquor by the drink, his/her premises shall be and remain a closed place as defined in this Section between the hours of 1:30 A.M. and 6:00 A.M. Monday -Saturday and between the hours of 1:30 A.M. and 9:00 A.M. Sunday. A "closed place" is defined to mean a place where all doors are locked and where no patrons are in the place or about the premises. Any person violating any provision of this Section shall be deemed in violation of the general penalty of the City of Windsor as set out in Section 100.080 of this Code. Nothing in this Section shall be construed to prohibit the sale or delivery of any intoxicating liquor during any of the hours or on any of the days specified in this Section by a properly licensed wholesaler to a person licensed to sell the intoxicating liquor at retail. (CC 1968 §10-15; Ord. No. 1993-4 §§1-2, 7-15-93; Ord. No. 1996-6 §§1-3, 2-13-96; Ord. No. 2016-02 § 9-16)

SECTION 600.160: SUNDAY SALES, PACKAGE LIQUOR LICENSEE ALLOWED, HOURS, FEE

Notwithstanding the provisions of Section 600.150 or any other law to the contrary, any person possessing the qualifications and meeting the requirements of this Chapter, who is licensed to sell intoxicating liquor in the original package at retail or liquor by the drink under this Chapter, may apply to the Board of Aldermen for a special license to sell intoxicating liquor in the original package at retail or liquor by the drink between the hours of 9:00 A.M. Sunday and 1:30 A.M. Monday. (Ord. No. 1993-4 §3, 7-15-93, Ord. No. 2013-07, 4-9-13; Ord. No. 2016-02 § 9-16)

SECTION 600.170: PERSONS EIGHTEEN YEARS OF AGE OR OLDER MAY SELL OR HANDLE LIQUOR OR BEER, WHEN

- A. Except as provided in Subsections (B) and (C) of this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor or non-intoxicating beer.
- B. In any place of business licensed in accordance with this Chapter, where at least fifty percent (50%) of the gross sales made consists of goods, merchandise, or commodities other than intoxicating liquor or non-intoxicating beer in the original package, persons at least eighteen (18) years of age may stock, arrange displays, accept payment for, and sack for carryout intoxicating liquor or non-intoxicating beer. Delivery of intoxicating liquor or non-intoxicating beer away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years.
- C. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor or non-intoxicating beer but which does not sell intoxicating liquor or non-intoxicating beer at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor or non-intoxicating beer for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail.

- D. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor or non-intoxicating beer in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating beverages or non-intoxicating beer.

SECTION 600.180: ILLEGAL POSSESSION

No person shall possess intoxicating liquor within the City unless the same has been acquired from some person holding a duly authorized license to sell the same under this Article, or unless the intoxicating liquor is had or kept with the written or printed permission of the State Supervisor of Liquor Control, and the package in which intoxicating liquor is contained and from which it is taken for consumption has, while containing intoxicating liquor, been labeled and sealed with Official Seal prescribed under the State law and the regulations made there under; provided, that nothing in this Article shall be construed to prevent the natural fermentation of fruit juices in the home for the exclusive use of the occupants of the home and their guests.
(CC 1968 §10-17; Ord. No. 745 §10, 6-4-34)

SECTION 600.190: UNLAWFUL SALE, MANUFACTURE, ETC., OF INTOXICATING LIQUOR

It shall be unlawful for any person to own, operate, lease, occupy or control any building, car, shed, room, basement, structure, tent or booth and knowingly permit intoxicating liquors to be unlawfully manufactured, sold, stored, kept or consumed therein or thereon.
(CC 1968 §10-18; Ord. No. 745 §19, 6-4-34)

SECTION 600.200: REGULATION AS TO DRUGGISTS AND PHYSICIANS

Any druggist may have in his possession intoxicating liquor purchased by him from a licensed vendor under a license pursuant to this Article, or intoxicating liquor lawfully acquired at the place of acquisition and legally transported into the State and lawfully inspected, gauged and labeled as prescribed for in the "Liquor Control Act" of the State, such intoxicating liquor to be used in the business of a druggist, in compounding medicines or as a solvent or preservative; provided that nothing in this Article shall prevent a regular licensed druggist, after he procures a license therefore in compliance with this Article, from selling intoxicating liquor in original packages, but not to be drunk or the package opened on the premises where sold; provided, further, that nothing in this Article shall be considered as limiting the right of a physician to prescribe intoxicating liquor in accordance with his 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 described. (CC 1968 §10-19; Ord. No. 745 §11, 6-4-34)

SECTION 600.220: SALE OF MALT LIQUOR AND LIGHT WINES

- A. Malt 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 and light wines may be sold by the drink at retail for consumption on the premises where sold, when the person desiring to sell such items by the drink at retail for consumption on the premises where sold shall have been licensed to do so by the City under the provisions of this Article. A licensee authorized to sell malt liquor and light wines at retail by the

drink for consumption on the premises where sold shall not be permitted to obtain a license for the sale of intoxicating liquors, other than malt liquor and light wines, in the regular package. It shall be unlawful for any person to sell malt liquor containing three and two tenths percent (3.2%) of alcohol by weight where other intoxicating liquors are sold. It shall be unlawful for any person to sell malt liquor where intoxicating liquor other than malt liquor is sold.

B. Definitions.

1. The term "*malt liquor*" as used in this Section shall mean that liquor manufactured from pure hops, and/or pure extract of hops, and/or pure barley malt, and/or wholesome grains or cereals and wholesome yeast and pure water, and commonly called and known as beer.
2. The term "*light wines*" as used in this Section shall mean that liquor containing not in excess of fourteen percent (14%) of alcohol by weight, made exclusively from grapes, berries and other fruits and vegetables, and commonly known as wine. (CC 1968 §10-21; Ord. No. 745 §§13, 14, 6-4-34; Ord. No. 2001-01 §1, 2-13-01)

SECTION 600.230: VIOLATION AND PENALTY

In addition to any penalty under Section 100.080, Title I of this Code, upon final conviction, of any person for a violation of any of the provisions of this Article, such conviction shall automatically operate to revoke the license issued in this Article to such person; provided that the term "*conviction*", as herein used shall mean conviction upon final determination of any prosecution of any violation of this Article; provided further, that no person having been convicted of the violation of any of the provisions of this Article shall be issued a license or a renewal thereof for a period of one (1) year from the date of such conviction. (CC 1968 §10-22; Ord. No. 745 §20, 6-4-34)

ARTICLE II. NON-INTOXICATING BEER

SECTION 600.240: NON-INTOXICATING BEER DEFINED

The term "*non-intoxicating beer*" as used in this Chapter shall be construed to refer to and to mean any beer manufactured from pure hops or pure extract of hops and pure barley, malt or other wholesome grains or cereals and wholesome yeast and pure water and free from all harmful substances, preservatives and adulterants, and having an alcoholic content of more than one-half ($\frac{1}{2}$) of one percent (1%) by volume and not exceeding three and two-tenths percent (3.2%) by weight. (Ord. No. 1978-16 §20-1, 7-10-78)

SECTION 600.250: LICENSE—REQUIRED

No person shall, directly or indirectly manufacture, sell or expose for sale within the City, either at wholesale or retail, any non-intoxicating beer in any quantities, without first having obtained a license to do so from the City. (Ord. No. 1978-16 §20-2, 7-10-78)

SECTION 600.260: LICENSE—APPLICATION

Any person desiring a license to sell or manufacture non-intoxicating beer as provided for in this Article, shall file his written application therefore with the City Clerk at least five (5) days before the

same is to be considered by the Board of Aldermen, stating the place where such liquors are to be sold, the character of license desired, the name and age of the applicant and the owner of the premises where the liquor is to be sold. Immediately upon the filing of such application, the City Clerk shall notify the Mayor and each member of the Board of Aldermen; so that the Mayor and each member of the Board of Aldermen shall have at least five (5) days notice of the filing of the application before it is to be considered by the Board of Aldermen. (Ord. No. 1978-16 §20-3, 7-10-78)

SECTION 600.270: LICENSE—QUALIFICATIONS OF APPLICANT

No person shall be granted a license under this Article unless such person is of good moral character, a native born or naturalized citizen of the United States, and a qualified legal voter and taxpaying citizen of the City. No person shall be granted a license or permit under this Article 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 non-intoxicating beer, or who employs or has employed in his business as such dealer any person whose license has been revoked or who has been convicted of violating the provisions of any such law since the date aforesaid. (Ord. No. 1978-16 §20-4, 7-10-78)

SECTION 600.280: LICENSE—ADDITIONAL BUSINESS REQUIRED—MINIMUM INVENTORY OF OTHER GOODS

No license shall be issued for the sale of non-intoxicating beer in the original package 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 drugstore, 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 store a stock of goods having a value according to invoices at the time of making the application for license, and all times thereafter, of a least one thousand dollars (\$1,000.00), exclusive of fixtures and non-intoxicating beer. (Ord. No. 1978-16 §20-5, 7-10-78)

SECTION 600.290: LICENSE—ISSUANCE TO PREMISES NEAR CHURCHES, SCHOOLS AND HOSPITALS PROHIBITED

No license shall be issued pursuant to this Article to any person for the sale of non-intoxicating beer in original package in any building or room located within three hundred (300) feet of any church building, school building or hospital in the City. (Ord. No. 1978-16 §20-6, 7-10-78)

SECTION 600.300: LICENSE—APPROVAL AND ISSUANCE—TERM—PLACE OF BUSINESS, ETC.

- A. On approval of the application by the Board of Aldermen and payment of the license tax herein provided, the City Clerk shall issue the applicant a license to conduct business in the City for one (1) year from date of issuance of the license. Every license issued under the provisions of this Article shall particularly describe the premises at which non-intoxicating beer may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of different kinds of non-intoxicating beer at that or any other place other than that described therein. The City Clerk shall not issue to any person a license under the provisions of this Article until such person shall produce the receipt of the City Collector, showing that the taxes levied on the same have been paid. All license to be renewed during the month of June and expire June thirtieth (30th). Those making application for a new license

during the year will be pro-rated.

- B. In the event any licensee should for any reason cease to sell or dispose of non-intoxicating beer at the place named in such license, he shall not be entitled to any rebate or refund of the license fee, on account of ceasing of business. (Ord. No. 1978-16 §20-7, 7-10-78)

SECTION 600.310: LICENSE—SEPARATE LICENSE FOR EACH PLACE OF BUSINESS—TRANSFERABILITY

A separate license required by this Article shall be required for each place of business; and no such license shall be transferable or assignable. (Ord. No. 1978-16 §20-8, 7-10-78)

SECTION 600.320: NUMBER OF LICENSES ISSUED—ORIGINAL PACKAGE SALES

The number of licenses issued for the sale of non-intoxicating beer in the original package shall be limited to one (1) dealer for each three thousand (3,000) population or fraction thereof; and for the purpose of determining such population the last Federal Census next before the date of application for such license shall be taken and considered as the correct population of said City. (Ord. No. 1978-16 §20-18, 7-10-78)

SECTION 600.330: FEES

Any person issued a license under this Article shall pay annually to the City the following license fee:

1. For manufacturing, distilling or blending non-intoxicating beer containing alcohol in excess of one-half of one percent (0.5%) but less than three and two-tenths percent (3.2%) by weight, two hundred fifty dollars (\$250.00).
2. For the sale of non-intoxicating beer containing alcohol in excess of one-half of one percent (0.5%) but less than three and two-tenths percent (3.2%) by weight at retail, for consumption on the premises, thirty-seven dollars fifty cents (\$37.50).
3. For the sale of non-intoxicating beer containing alcohol in excess of one-half of one percent (0.5%) but less than three and two-tenths percent (3.2%) by weight at retail in original packages, only, twenty-two dollars fifty cents (\$22.50). (Ord. No. 1978-16 §20-9, 7-10-78)

SECTION 600.340: REVOCATION—SUSPENSION—FORFEITURE—REFUND OF FEES

- A. The Board of Aldermen may, on hearing, revoke or suspend any license issued under the provisions of this Article, if the licensee has not at all times kept an orderly place or if he has violated any of the provisions of this Article, or for any other good cause shown. The licensee shall have first been given not less than ten (10) days notice in writing of the application to revoke or suspend his license prior to the issuance of the order of revocation or suspension, which notice shall contain the grounds for such revocation or suspension, and such notice shall command the licensee to be present at the regular or called meeting of the Board of Aldermen and show cause, if any, why such license should not be revoked or suspended; provided, that such licensee shall have full right to be represented by counsel at the hearing, and may produce witnesses and evidence in his behalf at such hearing; provided further, that such notice of hearing shall be served by the Chief of Police and may be served upon the licensee by leaving a copy thereof with the licensee or any person or employee in charge of the place of business of the licensee.

- B. In case of revocation or forfeiture of any license granted and issued under the provisions of this Article, for cause or otherwise, the City shall in no event return any part of the license fee paid for such license. (Ord. No. 1978-16 §20-10, 7-10-78)

SECTION 600.350: FINANCIAL INTEREST IN RETAILERS BY WHOLESALERS, BREWERS, ETC.

Neither brewers nor manufacturers of non-intoxicating beer, or their employees, officers or agents shall under any circumstances, directly or indirectly, have any financial interest in the retail business for the sale of such non-intoxicating beer, nor shall they loan, give away or furnish equipment, money, credit or property of any kind, except ordinary commercial credit, for non-intoxicating beer sold to retail dealers, and upon proof of the violation hereof shall forfeit the licenses of such wholesaler and retailer. (Ord. No. 1978-16 §20-11, 7-10-78)

SECTION 600.360: UNAUTHORIZED SALES

No person or the agent or employee of any person in any capacity shall sell non-intoxicating beer in any other place than that designated in the license, or at any other time or otherwise than is authorized by this Article and the regulations herein provided for. (Ord. No. 1978-16 §20-12, 7-10-78)

SECTION 600.370: MINIMUM SIZE OF ORIGINAL PACKAGE—CONSUMPTION ON PREMISES PROHIBITED

- A. Non-intoxicating beer sold shall not be consumed or permitted to be consumed upon the premises where sold, nor the original package opened on such premises of the vendor, except as otherwise provided in this Article.
- B. It shall be unlawful for any person to sell, or offer for sale, in this City, any non-intoxicating beer except the same shall be sold or offered for sale in the original bottle, or in the original package containing bottles, bearing the original label and full name of the brewer or manufacturer thereof, both upon the label on the bottle, and upon the cap or cork of such bottle, or in the case of the sale of non-intoxicating beer on draught, except the same be drawn from the original keg or barrel having stamped on the ends thereof the full name of the manufacturer or brewer of the non-intoxicating beer therein contained. (Ord. No. 1978-16 §20-13, 7-10-78)

SECTION 600.380: DAYS AND HOURS OF SALE

- A. No person having a license under the provisions of this Article shall sell, give away or otherwise dispose of or suffer the same to be done upon or about his premises, any non-intoxicating beer in any quantity on the first (1st) day of the week, commonly called Sunday, or upon the day of any general or primary election in the State, or upon any County, City, township or municipal election day.
- B. No person having a license under the provisions of this Article shall sell, give away or otherwise dispose of or suffer the same to be done, upon or about his premises, any non-intoxicating beer in any quantity between the hours of 12:00 Midnight and 6:00 A.M. (Ord. No. 1978-16 §20-14, 7-10-78)

SECTION 600.390: SALE, ETC. TO DRUNKARDS AND MINORS

No person or his employee shall sell or supply non-intoxicating beer or permit the same to be sold or supplied to a habitual drunkard or to any person who is under or apparently under the influence of alcoholic beverages. Non-intoxicating beer shall not be given, sold or otherwise supplied to any person under the age of twenty-one (21) years, but this shall not apply to supplying of non-intoxicating beer to a person under such age for medicinal purposes only, or by parent or guardian of such person, or to administering of the non-intoxicating beer to such person by a physician. (Ord. No. 1978-16 §20-15, 7-10-78)

SECTION 600.400: POSSESSION OF NON-INTOXICATING BEER NOT ACQUIRED FROM DEALER UNLAWFUL

No person, except a duly licensed manufacturer or wholesaler, shall possess non-intoxicating beer within the City unless the same has been acquired from some person holding a duly authorized license to sell the same under this Chapter, or unless the non-intoxicating beer is had or kept with the written or printed permission of the City.

SECTION 600.410: UNLAWFUL SALE, MANUFACTURE, ETC., OF NON-INTOXICATING BEER

It shall be unlawful for any person to own, operate, lease, occupy or control any building, car, shed, room, basement, structure, tent or booth and knowingly permit non-intoxicating beer to be unlawfully manufactured, sold, stored, kept or consumed therein or thereon. (Ord. No. 1978-16 §20-17, 7-10-78)

SECTION 600.420: VIOLATION AND PENALTY

In addition to any penalty assessed under Section 100.080, Title I of this Code, upon final conviction of any person for a violation of any of the provisions of this Article, such conviction shall automatically operate to revoke the license issued under this Article to such person; provided, that the term "*conviction*" as herein used shall mean conviction upon final determination of any prosecution of any violation of this Article; provided further, that no person having been convicted of the violation of any of the provisions of this Article shall be issued a license or a renewal thereof for a period of one (1) year from the date of such conviction. (Ord. No. 1978-16 §20-19, 7-10-78)

ARTICLE III. ALCOHOLIC BEVERAGES—REGULATIONS FOR MINORS

SECTION 600.430: PERSONS UNDER THE AGE OF TWENTY-ONE PROHIBITED FROM PURCHASING ALCOHOLIC BEVERAGES—POSSESSION OF—ON PERSON OR IN MOTOR VEHICLE PROHIBITED—EXCEPTION

- A. Any person under the age of twenty-one (21) years who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor as defined in Section 311.020, RSMo., 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 a misdemeanor. For purposes of prosecution under this Section or any other provision of this Chapter involving an alleged illegal sale or transfer of intoxicating liquor to a person under twenty-one (21) years of age, 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 not 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.

- B. For purposes of determining violations of any provision of this Chapter or of any rule or regulation of the Supervisor of Alcohol and Tobacco Control, 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 not 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.
- C. The term "*intoxicating liquor*", as used in this Section, shall mean and include alcohol for beverage purposes, 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 (.5%) by volume. All beverages having an alcoholic content of less than one-half of one percent (.5%) by volume shall be exempt from the provisions of this Chapter, but subject to inspection.
- D. As used in this Chapter, a person is in an "intoxicated condition" when he is under the influence of alcohol, a controlled substance, or drug, or any combination thereof.
- E. The provisions of this Section shall not apply to any person who is under the age of twenty-one (21) years and is working with or assisting law enforcement officials in the purchase or attempted purchase of alcohol as part of an alcohol sales enforcement operation. (Ord. No. 1983-10 §1, 3-7-83; Ord. No. 2009-002 §1, 4-14-09)

SECTION 600.440: SUPPLYING, PROVIDING EASY ACCESS TO, OR PURCHASING ALCOHOLIC BEVERAGES FOR PERSONS UNDER TWENTY-ONE UNLAWFUL

- A. It shall be unlawful for any person to obtain and convey, make available or deposit intoxicating liquor or non-intoxicating beer in any place where such person knows or by the exercise of reasonable care should know, that a person or persons under the age of twenty-one (21) years are liable or likely to come into possession of the same.
- B. It shall be unlawful for any person to purchase or in any way procure intoxicating liquor or non-intoxicating beer for any person under the age of twenty-one (21) years. (Ord. No. 1983-10 §2, 4, 3-7-83)

SECTION 600.450: MISREPRESENTATION OF AGE TO OBTAIN OR PURCHASE ALCOHOLIC BEVERAGES UNLAWFUL

It shall be unlawful for any person over the age of seventeen (17) years and under the age of twenty-one (21) years to misrepresent his age or make a false statement willfully about his age to anyone for the purpose of purchasing or in any way procuring from anyone intoxicating liquor or non-intoxicating beer. (Ord. No. 1983-10 §3, 3-7-83)

SECTION 600.460: LICENSED ESTABLISHMENTS—SALE BY DRINK—UNLAWFUL ENTRANCE BY MINOR—EXCEPTIONS

It shall be unlawful for any person under the age of twenty-one (21) years to enter the premises of any licensee holding any intoxicating liquor or non-intoxicating beer sales-by-drink license under this Article unless accompanied by either a parent or legal guardian; provided however, that nothing contained in this Section shall be construed as preventing the entrance of anyone under the age of twenty-one (21) years into such premises where such licenses are held by hotels, clubs, restaurants, or bowling alleys, where substantial quantities of food and merchandise other than intoxicating liquor and non-intoxicating beer are dispensed; provided further, that nothing contained in this Section shall be construed as preventing the entrance of any person between the ages of eighteen (18) and twenty-one (21) into such premises if such person is a bona fide employee of such establishment who is not in any way employed in the actual sale, service or dispensing of intoxicating liquor or non-intoxicating beer, or consumption of the same. (Ord. No. 1983-10 §5, 3-7-83)

SECTION 600.470: VIOLATION AND PENALTY

Any person or persons violating any provision of this Article shall be subject, upon conviction or a plea of guilty, to the provisions of Section 100.080 of this Code. (Ord. No. 1983-10 §8, 3-7-83)

CHAPTER 605: BUSINESS LICENSES

Cross References—As to license for manufacture, sale, etc., of intoxicating liquors, see §§600.020 to 600.110 of this Code; as to plumbers' licenses, see §605.190.

ARTICLE I. GENERAL PROVISIONS

SECTION 605.010: LICENSE REQUIRED

- A. Every person, except as otherwise provided in this Chapter, who shall deal in or carry on any of the businesses or occupations, or own, operate, control or deal in any of the things mentioned in this Chapter, shall first obtain a license from the City Clerk and pay the fees therefore as listed in this Chapter for the use of the City.
- B. No license required under the provisions of this Section shall be issued by the City Clerk to any person until such person produces a copy of a certificate of insurance for workers' compensation coverage if the applicant for the license is required to cover his/her liability under Chapter 287, RSMo. It is further made a violation of this Section to provide fraudulent information to the City Clerk. (CC 1968 §11-1; Ord. No. 1158 §1, 3-17-52; Ord. No. 1993-6 §1, 8-10-93, Ord. No. 2021-04, 4-8-21)
- C. Qualifications for license. An applicant for a new and renewed business license pursuant to this chapter:
 1. Shall be a majority owner, corporate officer responsible for the business, or have primary managerial control of the business location for which the license will apply;

2. Shall not have had a business license previously revoked in the one year immediately preceding the application;
3. Shall not have been convicted of a violation of the provisions of any law related to the manufacture or sale of intoxicating liquor or controlled substances, which conviction was related to the type of business for which the applicant seeks a business license;
4. Shall not employ in their business any person whose license has been revoked related to the sale of intoxicating liquor or controlled substances or who has been convicted of violating laws related to the sale of intoxicating liquor or controlled substances, which convictions and violations relate to the type of business for which the applicant seeks a business license;
5. Shall be of good moral character such that operation of the prospective business by the applicant will not needlessly risk adverse effect to the public health, safety, or general welfare. In determining good moral character, the City may consider the following as it relates to the applicant and the applicant's business:
 - A. Penal history, as it pertains to the moral character necessary to conduct the type of business for which the business license is sought, pertains to financial malfeasance, pertains to a risk of the safety and wellbeing of those patronizing the prospective business, or evidence of an applicant's repeated disregard for the law.
 1. All felony convictions, misdemeanor convictions, and ordinance violations within the previous five years, the reasons therefor, as well as the facts and circumstances related to said conviction.
 2. A criminal record check provided with a business license application in accordance with this article shall be obtained by the license applicant at no cost to the City.
 - B. Business license history. The business license history of the applicant; whether such person, in previously operating in this or another state under a license, has had such license revoked or suspended, the reasons therefor, and the demeanor of the applicant subsequent to such action;
 - C. Other facts relevant to the history of the applicant as necessary to fairly determine the eligibility of the applicant.
6. No person, partnership, or corporation shall be qualified for a license under this article if such person or entity, or anyone holding a 10% or more financial interest therein, or any person employed by the entity, has had a license revoked or has been convicted of violating the provisions of any law related to the manufacture or sale of intoxicating liquor or controlled substances, except as permitted by law;
7. Shall operate their business pursuant to all applicable zoning and land use laws, regulations, and ordinances. (Ord. No. 2021-04, 4-8-21)

SECTION 605.020: APPLICATION, ETC.

Any person wishing to take out a license shall make application to the City Clerk, who shall prepare

the same and deliver it to the City Collector, who shall receipt therefore on the stub of the license book and shall make collection of the amount thereof, to be charged up to him by the City Clerk on the books of the City. (CC 1968 §11-2; Ord. No. 1158 §14, 3-17-52)

SECTION 605.030: TRANSFERABILITY

In the event any change of ownership occurs in any businesses, trades, avocations or occupations enumerated in this Chapter, during the period for which a license has been issued, such license shall not be transferable to such purchaser or successor for the unexpired period. (CC 1968 §11-3; Ord. No. 1158 §15, 3-17-52, Ord. No. 1412 §1, 12-65)

SECTION 605.040: LICENSE YEAR

The license year shall begin April first (1st) of each year with a twenty-five dollar (\$25.00) fee. All annual licenses issued under the provisions of this Chapter shall expire on March thirty-first (31st) next following the date issued. (CC 1968 §11-4; Ord. No. 1158 §16, 3-17-52; Ord. No. 2011-06, 5-10-11; Ord. No. 2013-37, 1-14-2014; 2014-09 § 4-14-2014)

SECTION 605.050: ONLY ONE FEE PER PERSON

Only one (1) license fee shall be required to be paid by one (1) person, for all phases of the same occupation or business. (CC 1968 §11-5; Ord. No. 1158 §12, 3-17-52)

SECTION 605.060: ISSUANCE OF LICENSE—TAX RECEIPT REQUIRED

That no person required to obtain a Windsor City license from the City Collector in accordance with this Article shall be issued such a license unless the applicant has a City tax receipt or a statement certified by the City Tax Collector showing that the City merchants' tax for the preceding year has been paid or that no such tax was due. (Ord. No. 1975-15 §1, 9-3-75)

SECTION 605.070: ENFORCEMENT OF ARTICLE

- A. It shall be the duty of the Chief of Police, or in case of his absence or disability to act, any Police Officer of the City, whenever they shall have knowledge or reason to believe that any person is engaged in or carrying on any business or occupation herein made subject to license tax to at once require such person to produce the proper license authorizing the carrying on of such business showing that such license has been paid, and in case such person fails to produce such license, then to at once require him at once to proceed with such officer to the City Collector, and there pay the license tax and take the City Collector's receipt for the same, then proceed to the City Clerk, who shall issue to such person a license for the business. The City Clerk shall then file such receipt and if such person shall fail or refuse to comply with such requirements, then it shall be the duty of such Police Officer to at once make complaint against such person before the Municipal Judge. The Chief of Police or Police Officer is hereby required to at once call upon every new business of any kind which may be begun or set up on the City, or any person beginning business and demand such license, and whenever the City Collector shall have in his hands for collection a license against any person in the City, he shall at once demand payment for the same, by mail or otherwise, and upon failure or refusal to pay the same by the party liable therefore, the City Collector shall immediately make complaint against such person.

- B. No neglect of any Officer to perform his duties shall relieve any person from liability for taking out such license. (CC 1968 §11-6; Ord. No. 1158 §15, 3-17-52; Ord. No. 1412 §1, 12-65)

SECTION 605.080: NEW OR EXPANDING BUSINESS LOCATED IN DESIGNATED ENTERPRISE ZONE—PROPERTY TAX ABATEMENT

Any company creating two (2) new jobs and one hundred thousand dollars (\$100,000.00) new investment, which establishes a new or expands an existing business in a designated Enterprise Zone, may receive the following benefits provided the said business meets all criteria set forth in the applicable Statutes of the State of Missouri which permit the business to qualify for the benefits of

Enterprise Zone designation shall become and remain exempt from assessment and payment of taxes as follows:

1. All commercial ventures involved with manufacturing, assembling, fabricating, processing, mining, warehousing or distribution located within the Enterprise Zone boundaries and which qualify for Enterprise Zone benefits according to the Statutes of the State of Missouri shall receive an abatement of one hundred percent (100%) of real property taxes assessed by Counties of Pettis and Henry for a period of ten (10) years and fifty percent (50%) of real property taxes assessed by the Counties of Henry and Pettis for a period of fifteen (15) years commencing on the date of the original designation of the Enterprise Zone January 21, 1992, and expiring twenty-five (25) years after that date on January 21, 2017.
2. Service Entities (as defined as of this date pursuant to Enterprise Zone boundaries for Service Entities according to the Statutes of the State of Missouri) shall receive an abatement of one hundred percent (100%) for a period of ten (10) years of real property taxes beginning January 21, 1992, assessed by the Counties of Henry and Pettis commencing on the date of original Enterprise Zone designation and ending January 21, 2002. (Ord. No. 1992-1 §1, 2-11-92)

ARTICLE II. SCHEDULE OF FEES

SECTION 605.090: SCHEDULE OF FEES—GENERALLY

It shall be unlawful for any person, either by himself, as owner and proprietor, or any officer, manager, superintendent, agent, servant or employee, to exercise, carry on or engage in any of the following named occupations, trades, businesses or agencies, within the City without first taking out and having a license therefore, and the charge for such license shall be as follows per annum except as otherwise indicated.

All businesses not specifically listed in section 605.090, or exempted under this section of the Municipal Code, Missouri Law or Federal Law, shall obtain a business license in the amount of \$25.00 prior to exercising, carrying on, engaging in or conducting any occupation, trades, business, agencies or any such business within the city limits of the City of Windsor.

<i>Business or Occupation</i>	<i>License Fee</i>
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Artist	25.00
Automobile accessory dealers	25.00
Automobile agents and dealers	25.00
Automobiles for hire, taxi, public service cars, for each car, per year	25.00
Auto wrecking shops	25.00
Auto yards	25.00
Baker and bakeries	25.00
Bakery delivery wagons	25.00
Bakery, retail only	25.00
Ball alleys	25.00
Banks	25.00
Barbershops	25.00
Beauty parlors	25.00
Billposters	25.00
Blacksmith shops	25.00
Bottling works	25.00
Bowling alleys	25.00
Boxing and sparring exhibitions, per night	25.00
Bulk plants (oil companies)	25.00
Butchers	25.00
Cafeterias	25.00
Cane, knife and doll racks, per day	25.00
Canvassers, per day	25.00
Carpet cleaners	25.00
Cigar and tobacco stands	25.00
Cleaning establishments	25.00
Coal dealers	25.00
Collection agencies	25.00
Confectioners	25.00
Corn doctors	25.00
Cream and produce	25.00
Curb gasoline pumps, per station	25.00
Dairies	25.00
Dance halls	25.00
Dye works	25.00
Electricians	25.00
Electric light and power company	25.00
Elevators	25.00
Employment agencies	25.00
Feather renovators, per week	25.00
Feed yards	25.00
Filling stations and accessories	25.00
Florists	25.00
Flour mills	25.00
Foreign coffee and tea dealers	25.00
Fortunetellers, no license issued	25.00
Foundries	25.00
Garages, repair, storage and accessories	25.00
Grocers	25.00
Hair dressers	25.00
Hatcheries	25.00

Hawkers	25.00
Hay scales	25.00
Hotels	25.00
Hucksters	25.00
Ice cream parlors	25.00
Ice cream vendors	25.00
Ice dealers	25.00
Ice plants	25.00
Ice wagons or trucks	25.00
Installment houses and agencies	25.00
Job printing plants	25.00
Junk dealers	25.00
Laundries	25.00
Laundry agencies	25.00
Lemonade stands, per day	2.00
Light companies	25.00
Lightning rod agents	25.00
Loan agents	25.00
Loan companies	25.00
Lumber dealers	25.00
Lunch stands	25.00
Machine shops	25.00
Manufacturers, cement products	25.00
Manufacturing corporations	25.00
Meat shops	25.00
Mercantile agents	25.00
Merchants:	
Book store	25.00
Clothing	25.00
Department stores	25.00
Drugstore	25.00
Dry goods	25.00
Furniture	25.00
Hardware	25.00
Implement dealers and repair	25.00
Shoe stores	25.00
Sporting house goods	25.00
All merchants, not otherwise provided	25.00
Milk trucks	25.00
Millinery shops	25.00
Monument dealers and agencies	25.00
Moving picture shows	25.00
Music store	25.00
Newspaper offices, (daily and weekly)	25.00
Nursery stock agents	25.00
Oil stations, wholesale and retail	25.00
Packing plants	25.00
Palmist, no license issued	25.00
Patent rights dealers	25.00
Peanut and popcorn stands	25.00
Photographer in office or upon street	25.00

Plumbers	25.00
Plumbing contractors	25.00
Pool and billiard tables	25.00
Produce and poultry dealers	25.00
Public boardinghouses	25.00
Ready-to-wear clothing agencies	25.00
Real estate agents	25.00
Repair shops all kinds not otherwise provided for	25.00
Restaurants	25.00
Rooming houses, public	25.00
Secondhand stores	25.00
Sewing machine agents	25.00
Shoe cobbler shops	25.00
Shoe shining parlors and shop combined	25.00
Shooting galleries	25.00
Shows and amusements	25.00
Skating rinks	25.00
Soft drink and ice cream stands	25.00
Stands, all other kinds not provided for	25.00
Storage warehouses	25.00
Swimming pools	25.00
Tailoring, cleaning, dyeing and pressing	25.00
Tailor made clothing agents	25.00
Tailors	25.00
Telephone companies	25.00
Tinners	25.00
Tire shops	25.00
Transfer companies	25.00
Undertakers	25.00
Vehicles, motorcycles	25.00
Washing machine agents	25.00
Wholesale houses	25.00
Wholesalers	25.00
Wood dealers	25.00

(CC 1968 §11-7; Ord. No. 1158 §3, 3-17-52, Ord. No. 2013-08§ 4-9-13)

General Penalty. Continuing Violations.

SECTION ONE

- A. Any person who violates any provision of this Code or any ordinance of the city is guilty of an offense shall be punished by a fine of not less than seventy five dollars (\$75.00) nor more than five hundred dollars (\$500.00), or by imprisonment for a period not exceeding ninety (90) days, or by both such fine and imprisonment.
- B. When a minimum fine only is prescribed for a violation of any provision of this Code or any ordinance of the city, the maximum fine which may be imposed in such instances is five hundred dollars (\$500.00).
- C. The employer or any person concerned with a violation of this Code or any ordinance shall also be liable to the prescribed penalty, in addition to the person who directly

committed the violation.

- D. Each day a violation of this Code or any ordinance of the city continues may constitute a separate offense.
- E. PROSECUTION WHERE DIFFERENT PENALTIES EXIST FOR SAME OFFENSE:

In all cases where the same offense may be made punishable, or shall be created by different clauses or sections of the ordinances of the city, the city attorney may elect under which to proceed; but not more than one recovery of fine or imprisonment shall be had against the same person for the same offense.

If a business/individual is found guilty and sentenced by the judge the business/individual will be assessed the boarding bill.

SECTION TWO

License Required, Penalties

- A. *License required.* Every person defined to be a merchant, manufacturer or service occupation by the provisions of this article shall, before doing or offering to do business as such, procure from the City of Windsor a license therefore under the provisions of this article; and, if he shall do any business, or manufacturing, or make any sales as a merchant, manufacturer, or service occupation without obtaining a license and paying the license tax herein shall be subject to the penalties prescribed under in business, after demand for payment of the license is made by the City of Windsor, shall constitute a separate offense.
- B. *Agents and others liable.* It shall be unlawful for any manager, owner, corporation officer, partner or agent to conduct or assist in the conduct of the business of a merchant, manufacturer or service occupation without having procured a license, and upon conviction of violating this section such manager, corporation officer, partner or agent shall be subject to the penalties prescribed under Section 1-8 of the Code or Ordinances. Each day that such violation will continue shall constitute a separate offense.11-9-103.

ARTICLE III. PEDDLERS

SECTION 605.100: PEDDLERS—LICENSE FEE

- A. No person shall deal as a peddler within the City without a City license, for which he shall pay three dollars (\$3.00) per day, twelve dollars (\$12.00) per week or fifty dollars (\$50.00) per year. No two (2) or more persons shall deal under the same license either as partner, or otherwise.
- B. Peddlers of patent manufactured medicines, whose business it is to sell by retail on the streets of this City, shall pay a license fee of twenty dollars (\$20.00) per day; provided, that whenever any such sale is accompanied by any free entertainment, it shall be deemed a street exhibition, and the proprietor thereof shall take out a license for a street exhibition.
- C. All peddlers plying their trade in the City are hereby restricted from using Benton Street from

Windsor Street to Tebo Street, and Main Street from Florence Street to Colt Street, even though they have obtained a license from the City as required by this Section, for the occupation of operating as a peddler. (CC 1968 §11-9; Ord. No. 1158 §§7, 8, 3-17-52; Ord. No. 1272 §1, 6-2-58)

ARTICLE IV. ITINERANT PHOTOGRAPHERS

SECTION 605.110: ITINERANT PHOTOGRAPHERS—LICENSE FEE

- A. Before any itinerant photographer shall engage in business in the City, he shall take out a license therefore and shall pay a license fee of fifteen dollars (\$15.00) per day, thirty-five dollars (\$35.00) per week or seventy-five dollars (\$75.00) per month.
- B. For the purpose of this section, the words "*itinerant photographer*" shall mean a person not a permanent resident of the City, who establishes temporary quarters in the City or goes about from place to place soliciting orders for pictures and photographs.
- C. This Section shall not apply to resident photographers who are bona fide residents of the City and have a license for a permanently established place of business.
(CC 1968 §11-10; Ord. No. 1158-A §§1–3, 3-17-52)

ARTICLE V. PAWNBROKERS

SECTION 605.120: PAWNBROKERS—LICENSE FEE

Any person who loans money on deposit or personal property or who purchases personal property upon the condition of selling the same back again at a stipulated price shall be known as a pawnbroker and shall take out a license therefore, and shall pay for such license a fee of twenty-five dollars (\$25.00) per annum. (CC 1968 §11-12; Ord. No. 1158 §10, 3-17-52; Ord. No. 2013-11 §, 5-14-13)

ARTICLE VI. BANKRUPT, ETC., SALES

SECTION 605.130: CERTAIN BANKRUPT, ETC. SALES—LICENSE FEE

No person not a bona fide resident of the City, shall bring into the City and sell or offer for sale any bankrupt, remnant, left-over, shelf-worn or surplus stock of goods, wares or merchandise, with no intention of continuing in business after the same are sold, without first having obtained a license to do so, and shall pay for such license a fee of twenty-five dollars (\$25.00) per day.
(CC 1968 §11-13; Ord. No. 1158 §13, 3-17-52)

ARTICLE VII. SELLING VEGETABLES, MEAT, ETC., FROM VEHICLES PARKED ON STREET

SECTION 605.140: LICENSE FEE—EXEMPTION

Subject to the rules and regulations and restrictions provided for in this Chapter, it shall be unlawful for any person to sell at retail any fruit, vegetables, farm or horticultural products, meat, fish and other goods, wares and merchandise, from trucks, automobiles, wagons or other vehicles parked on any of the streets of the City without first procuring a City license to do so and shall, pay for such license as follows: A fee of one dollar (\$1.00) per day, three dollars (\$3.00) per week, seven dollars fifty cents (\$7.50) per month, twenty-five dollars (\$25.00) per year for each truck, automobile, wagon or other vehicle from which such articles are sold, or offered for sale; provided, that the license fee imposed under this Section shall not apply to the sale of any fruit, vegetables, farm or horticultural products that were actually raised and produced by any person upon lands owned, rented or occupied by him as a tenant. (CC 1968 §11-14; Ord. No. 872 §1, 10-23-39; Ord. No. 2013-12 §, 5-14-13)

SECTION 605.150: FILING STATEMENT REQUESTING EXEMPTION—LICENSE FEE

Any person claiming exemption under this Chapter from the license tax imposed by it for the sale of fruit, vegetables and farm or horticultural products raised or produced on lands owned by the person selling the same, or raised from lands occupied by him as tenant, shall when required by the Chief of Police before selling or offering the same for sale deliver to the City Clerk a written, signed and sworn statement duly executed and setting forth therein that the fruits, vegetables, farm or horticultural products so sold or offered for sale at retail were raised and produced on farm lands owned by such person or from lands occupied by him as a tenant, and were not purchased by him for resale. (CC 1968 §11-15; Ord. No. 872 §3, 10-23-39)

SECTION 605.160: LOCATIONS GENERALLY

- A. Any person selling at retail any fruit, vegetables, farm products, meat, fish and other goods, wares and merchandise as provided for in this Chapter, whether the same be raised by him or not, shall park his truck, automobile, wagon or other vehicles on the streets of the City, at such point or location thereon as directed by the Law Enforcement. The seller shall, when directed by the Law Enforcement, move his truck, automobile, wagon or other vehicles parked on any of the streets of the City to such other location as directed by the Law Enforcement; and it shall be the duty of the Law Enforcement of the City to see that any truck, automobile, wagon or other vehicle parked on any of the streets of the City for the purpose of selling the articles above mentioned, shall be so stationed and parked so as not to interfere with or endanger traffic on the streets of the City.
- B. Any person parking or using any of the streets of the City for the sale of any of the articles mentioned in this Section shall forthwith move their truck, automobile, wagon or other vehicles to a new location, or they may be entirely prohibited from occupying any of the streets for such purposes of sale when in the opinion of the Law Enforcement the parking on such streets shall interfere with or endanger the traffic thereon. (CC 1968 §11-16; Ord. No. 872 §§4, 5, 10-23-39; Ord. No. 2013-13 § 5-14-13)

SECTION 605.170: SELLING ON MAIN STREET OR SIDEWALKS PROHIBITED

It shall be unlawful for any person to park any automobile, truck, wagon or other vehicle for the purpose of selling at retail any fruit, vegetables, farm or horticultural products, meat, fish and other goods, wares and merchandise there from on Main Street in the City or to use any part of any sidewalk within the City for the purpose of selling at retail any of the articles above mentioned unless approved

by the Board of Aldermen.
(CC 1968 §11-17; Ord. No. 872 §2, 10-23-39; Ord. No. 2013-14 § 5-14-13)

ARTICLE VIII. EXCAVATING BUSINESS

SECTION 605.180: PERSONS EXCAVATING AROUND PUBLIC UTILITY LINES

All persons in the business of excavating within the City and using either light or heavy equipment around or over public utility lines, shall purchase a City occupation license and file with the City Clerk a certificate of general liability insurance in the amount of no less than three hundred thousand dollars (\$300,000.00) minimum and a copy of Workers' Compensation Insurance if applicable. (CC 1968 §11-18)

ARTICLE IX. PLUMBERS

SECTION 605.190: PLUMBER'S LICENSE AND INSURANCE REQUIRED

No person shall engage in the business of plumbing in the City without first having obtained a license from the City Collector to do so. Application for such license shall be made in writing to the City Collector. Applicants shall have had at least three (3) years of practical experience as a plumber. If the City Collector is satisfied as to the skill and qualifications of the applicant, they shall order the license issued upon payment of the license fee specified in Section 605.090 and a copy of Workers' Compensation Insurance, if applicable. Such license shall be personal to the person to whom issued, and shall not be transferable by him/her, nor shall such license be used to enable other unlicensed plumbers to engage in the business of plumbing within the City. (CC 1968 §15-1; Ord. No. 856 §1, 6-6-39; Ord. No. 1996-2 §1-2, 2-13-96; Ord. No. 2013-15 § 5-14-13)

ARTICLE X. ELECTRICIANS

SECTION 605.200: ELECTRICIAN'S LICENSE AND INSURANCE REQUIRED

No person shall engage in the business of doing electrical work in the City without first having obtained a license from the City Collector to do so. No license will be furnished until the applicant has filed with the City a copy of Workers' Compensation Insurance, if applicable. Such license shall be personal to the person to whom issued, and shall not be transferable by him, nor shall such license be used to enable other unlicensed electricians to engage in the business of electrical work within the City. (Ord. No. 1996-3 §1-2, 2-13-96; Ord. No. 2013-16 § 5-14-13)

ARTICLE XI. ADULT BUSINESSES

SECTION 605.210: DEFINITIONS

The following definitions shall apply to this Article; the terms set out in italics are further defined below:

ADULT BUSINESS: Any business enterprise:

1. That has as a primary business purpose the sale, display or rental of goods that are designed for use in connection with specified sexual activities or that emphasize matters depicting, describing or relating to specified sexual activities or specified anatomical areas; or
2. That has one (1) of the following as a primary business purpose:
 - a. The providing of entertainment where the emphasis is on performances, live or otherwise, that depict, portray, exhibit or display specified anatomical areas or specified sexual activities; or
 - b. The providing of non-medical services related to specified sexual activities or specified anatomical areas.
3. The definition of adult business also includes, but is not limited to, any and all of the following, as defined herein:
 - a. Any of the following businesses offering goods for sale or rent:
 - (1) *Adult Retail Establishments*: An establishment which, as a primary business purpose, offers for sale or rent any one (1) or more of the following: instruments, devices, gifts or paraphernalia which are designed for use in connection with specified sexual activities or clothing that graphically depicts specified anatomical areas or any of the materials sold or rented in an adult bookstore defined herein.
 - (2) *Adult Bookstore*: An establishment which, as a primary business purpose, offers for sale or rent books, magazines, periodicals or other printed matter, photographs, slides, films, videotapes or any form of visual representation which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
 - (3) *Adult Media Outlet*: An establishment that has as a primary business purpose the rental, sale or offering for viewing off the premises or other use of any adult media.
 - (4) *Adult News rack*: Any coin- or card-operated device that offers for sale by dispensing printed material which is distinguished or characterized by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
 - (5) *Adult Newsstand*: A freestanding structure, vehicle or booth which, as a primary business purpose, offers for sale books, magazines, periodicals or other printed matter which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
 - b. Any of the following businesses providing entertainment:
 - (1) *Adult Entertainment Business*: Any enterprise providing adult entertainment to which the public, patrons or members are invited or admitted.
 - (2) *Adult Motion Picture Theater*: An establishment containing a room with seats facing a screen or projection areas, where the business is the exhibition to customers of films, videotapes, slides or motion pictures which are intended to provide sexual stimulation

or sexual gratification to the customers and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

- (3) *Adult Theater*: An establishment located in an enclosed building where the business is providing the live performance of activities relating to specified sexual activities or exhibition of specified anatomical areas or live performers for observation by customers and patrons.
 - (4) *Adult Entertainment Cabaret*: An establishment in which the business is providing adult entertainment which features strippers, male or female impersonators, go-go dancers or live performances; or material which is primarily characterized by an emphasis on specified sexual activities or specified anatomical areas.
 - (5) *Adult Entertainment Studio*: (Includes the terms rap studio, exotic dance studio, sensitivity studio or encounter studio) an establishment whose premises is physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises, and in which the business is providing entertainment which features materials or live performances characterized by an emphasis on or relating to specified sexual activities or the exhibition of specified anatomical areas.
 - (6) *Adult Encounter Parlor*: An establishment in which the business is the provision of premises where customers congregate, associate or consort with employees and/or performers or private contractors who display specified anatomical areas in the presence of such customers with the intent of providing sexual gratification or stimulation to such customers.
 - (7) *Body Painting Studio*: An establishment in which the business is the maintaining, operating or offering for compensation the applying of paint or other substance to or on the human body by any means of application, technique or process when the subject's body is displayed for the customers' view of specified anatomical areas.
 - (8) *Adult Arcade*: An establishment, or that part of an establishment, which regularly features or otherwise offers to customers, in a viewing area which is designed for occupancy by no more than one (1) person, any live, filmed or videotaped exhibition, performance or dance of any type by a person or persons whose exhibition, performance or dance is characterized by the exposure of any specified anatomical area or by specified sexual activities, or who otherwise appear in such attire, costume or clothing so as to expose to view specified anatomical areas.
 - (9) *Nude Modeling Agency*: An establishment in the business of offering for compensation the viewing of the human body when the subject's body is displayed for the customers' view of specified anatomical areas.
- c. Any of the following businesses that provide services:
- (1) *Bathhouse*: An enterprise in which the business is offering baths with other persons present who are nude or displaying specified anatomical areas.
 - (2) *Adult Motel*: An enterprise in which the business is offering public accommodations

for consideration for the purpose of viewing closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas, or rents or sub rents room accommodations for less than six (6) hours at a time.

ADULT ENTERTAINMENT: Any live exhibition, performance or dance characterized by the exposure of any specified anatomical area even if covered by translucent clothing, or by specified sexual activities, or by appearance of persons in attire, costume or clothing so as to emphasize or expose, even through opaque clothing, the view to specified anatomical areas.

CUSTOMER: Any person who:

1. Is allowed to enter an adult business in return for the payment of an admission fee or any other form of consideration or gratuity; or
2. Enters an adult business and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or
3. Is a member of or is on the premises of an adult business operating as a private club.

EMPLOYEE: Any and all persons, including managers, entertainers and independent contractors, who work in or at, or render any services whatsoever, directly related to the operation of an adult business.

ENTERTAINER: Any person who provides adult entertainment within an adult business as defined in this Section, whether or not a fee is charged or accepted for entertainment.

MANAGER: Any person who manages, directs, administers or is in charge of the affairs and/or conduct of any portion of any activity involving adult entertainment occurring at any adult business.

OPERATOR: Any person owning, operating, conducting or maintaining an adult business.

PRIMARY BUSINESS PURPOSE:

1. Fifty percent (50%) or more of the gross floor space is devoted to that purpose; or
2. Fifty percent (50%) or more of the retail floor space is devoted to that purpose; or
3. Fifty percent (50%) or more of the sales of the business are derived from that purpose.

PUBLIC PLACE: Any area generally visible to public view including streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots and automobiles whether moving or not.

SERVER: Any person who serves food or drink at an adult business.

SPECIFIED ANATOMICAL AREAS: Less than completely and opaquely covered:

1. Human genitals, pubic region or pubic hair; or
2. Buttock; or

3. Female breast or breasts below a point immediately above the top of the areola; or
4. Any combination of the foregoing; or
5. Human male genitals in a discernibly erect state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Actual or simulated acts of masturbation, sexual intercourse, physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of actual or apparent sexual stimulation or gratification, any actual or simulated acts of sadomasochistic abuse, or the use of animals or inanimate objects in acts of actual or apparent sexual stimulation or gratification, as such terms are defined in the pornography and related offenses Chapter of the Missouri Criminal Code. (Ord. No. 2001-08 §I, 11-13-01)

SECTION 605.211: UNLAWFUL EROTIC ACTIVITIES

- A. It shall be unlawful for any entertainer or employee to fondle, caress or touch any customer or other entertainer or employee in any manner in or on a specified anatomical area or for any customer to fondle, caress or touch any entertainer or employee or other customer in any manner in or on a specified anatomical area, whether such specified anatomical areas are clothed, unclothed, covered or exposed.
- B. It shall be unlawful for any entertainer to perform at a distance of less than ten (10) feet from customers or to touch any customer while performing.
- C. It shall be unlawful for any entertainer to perform on a stage that is not raised at least two (2) feet above the area on which the customer or customers sit or stand.
- D. It shall be unlawful for any customer to tip, pay, give a gratuity or other thing of value to any entertainer or to someone else in his or her behalf, and it shall be unlawful for any entertainer to solicit or accept from a customer in any manner any tip, payment, gratuity or other thing of value either directly or indirectly.
- E. It shall be unlawful for an entertainer or employee to perform any specified sexual activities as defined herein, wear or use any device or covering exposed to view which simulates any specified anatomical area, use artificial devices, animals or inanimate objects to perform or depict any of the specified sexual activities as defined herein, or participate in any act of prostitution.
- F. It shall be unlawful for an entertainer or employee to be visible from the exterior of the adult business while such person is unclothed or in such attire, costume or clothing as to expose to view any specified anatomical area.
- G. It shall be unlawful to operate an adult business in any manner that permits the observation of live performers engaged in an erotic depiction or dance or any material or persons depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, from any exterior source by display, decoration, sign, show window or other opening. (Ord. No. 2001-08 §I, 11-13-01)

SECTION 605.212: LICENSE REQUIRED

- A. It shall be unlawful for any person to operate or maintain an adult business within the City of Windsor

until the owner of such business has applied to the office of the City Clerk for a license to operate such business and such license has been duly approved by the Board of Aldermen, or to operate such establishment after such license has been revoked or suspended by the City, or has expired as set forth in this Article.

- B. It shall be unlawful for any adult business to allow a manager to work at or an entertainer to perform on premises within the City of Windsor until such manager or entertainer has applied to the office of the City Clerk for a license and such license has been duly issued by the City Clerk, or to work at such business after such license has been revoked or suspended by the City, or has expired as set forth in this Article.
- C. No licensed entertainer shall perform in any adult business which does not have a valid license as required by this Article.
- D. Every owner, operator, manager, entertainer or other employee required to be licensed by this Article shall post such license in a conspicuous place on the licensed premises so it is readily available for inspection by City authorities responsible for enforcement of this Article yet is not viewable from the public areas of the business. (Ord. No. 2001-08 §I, 11-13-01)

**SECTION 605.213: APPLICATION FOR LICENSE—BOARD OF ALDERMEN
CONSIDERATION—RENEWAL**

- A. An application for license for the operation of an adult business in the City shall be obtained from the City Clerk.
- B. Each such application shall be submitted in the name of the person proposing to conduct or operate the adult business and shall be notarized. All applications shall contain the following information:
 - 1. The business name, address and telephone number of the establishment, a description of the adult business to be performed on the premises, and the name or names of the owner of the premises where the adult business will be located.
 - 2. The name, residence address, home telephone number, occupation, date and place of birth and social security number of the applicant.
 - 3. The names, residence addresses, social security numbers and dates of births of all partners, if the applicant is a partnership; and if the applicant is a corporation or a limited liability company, the same information for all corporate officers, directors and stockholders, and all limited liability company managers and members.
 - 4. The addresses of the applicant, or of all partners, or of all corporate officers and directors, or of all limited liability company managers or members for the five (5) years immediately prior to the date of the application.
 - 5. A description of the adult business or similar business history of the applicant, or of all partners, or of all corporate officers and directors, or of all limited liability company managers and members, whether any such person or entity, in previously operating in this or another City, County or State, has had a business license revoked or suspended, the reason therefore, and the activity or occupation subjected to such action, suspension or revocation.

6. A statement of each and every business, occupation or employment of the applicant, or of all partners, or of all corporate officers and directors, or of all limited liability company managers and members for the three (3) years immediately preceding the date of the application.
7. A statement from the applicant, or from each partner, or from each corporate officer and director, or from each limited liability company manager and member that each such person has not been convicted of, released from confinement for conviction of, or diverted from prosecution on:
 - a. A felony criminal act within five (5) years immediately preceding the application; or
 - b. A misdemeanor criminal act within five (5) years immediately preceding the application, where such misdemeanor criminal act involved sexual offenses, prostitution, promotion of prostitution, sexual abuse of a child, pornography or related offenses as defined in the Missouri Criminal Code or the criminal code of the jurisdiction in which the offense was charged or involved controlled substances or illegal drugs or narcotic offenses as defined in the Missouri Controlled Substances Act or other Statutes or ordinances.

The statement shall also indicate that no applicant, partner or corporate officer or director has been convicted of a municipal ordinance violation or diverted from prosecution on a municipal ordinance violation within two (2) years immediately preceding the application, where such municipal ordinance violation involved sexual offenses, indecent exposure, prostitution or the sale of controlled substances or illegal drugs or narcotics.

8. On applications requesting a license to operate a bathhouse or body painting studio, the applicant shall provide for each person working on the premises a health certificate from a duly licensed Missouri physician stating that within ninety (90) days prior thereto, the applicant and all other persons working on the premises have been examined and found free of any contagious or communicable disease.
 9. If the applicant is a corporation, a current certificate of registration issued by the Missouri Secretary of State.
 10. A statement signed under oath that the applicant has personal knowledge of the information contained within the application and that the information contained therein is true and correct and that the applicant has read the provisions of this Article.
- C. Upon submission of each such application, the Police Department shall review the information contained therein and verify the qualifications of the applicant. The Board of Aldermen shall, within forty-five (45) days, consider the application at a regular session. The applicant shall be present in person at the meeting when said application is considered by the Board of Aldermen. If the application meets all the requirements as set forth in this Article, the Board of Aldermen may issue a license for operation of the adult business. Such license shall be issued until June thirtieth (30th) of the year in which such license is issued or June thirtieth (30th) of the next year if the license is issued after July first (1st) but prior to January first (1st). All licenses issued under this Article are subject to the fee schedule in Section 605.040 of this Code and must be renewed annually in the same manner as provided above.
- D. Such license shall not be issued if the applicant has been convicted of, released from confinement for conviction of, or diverted from prosecution on any of offenses as set forth in Subsection (B)(7) of this Section.

- E. The classification of licenses and fees for each shall be as follows:
 - 1. Adult business license fee is five hundred fifty dollars (\$550.00) per year;
 - 2. Manager's license fee is one hundred fifty dollars (\$150.00) per year;
 - 3. Entertainers license fee is one hundred dollars (\$100.00) per year. (Ord. No. 2001-08 §I, 11-13-01)

SECTION 605.214: TRANSFERABILITY–REVOCATION AND/OR SUSPENSION OF LICENSE

- A. Licenses issued under this Article shall not be transferable, either to any person, persons or other entities.
- B. Any license issued under this Article may be suspended by the City Clerk and subject to possible revocation by the Board of Aldermen upon a showing in any Municipal or Circuit Court of probable cause leading to formal charges against the applicant, manager, operator, owner or part owner of the business so licensed for any misdemeanor or felony offense. The suspension shall be lifted upon dismissal of such charges, acquittal in a court of law or, in the case of a manager, upon the installation of a new manager.
- C. Any license issued under this Article may be revoked by the Board of Aldermen upon a showing:
 - 1. Of violations of the standards of this Article.
 - 2. That such license was obtained through false statements in the application for such license or renewal thereof.
 - 3. That the owner or operator, or any partner, or any corporate officer or director, or any other individual holding such a license has become disqualified from having such a license by a conviction as provided in Section 605.213 and/or Section 605.217 of this Article.
 - 4. That the licensee failed to make a complete disclosure of all information in the application for such license or renewal thereof. (Ord. No. 2001-08 §I, 11-13-01)

SECTION 605.215: LOCATION OF ADULT BUSINESS

- A. No adult business shall be located or situated at less distance than one thousand five hundred (1,500) feet from any property occupied by a public or private school, day care center, church or place of worship, hospital, Public Park or any property used for residential purposes. This distance shall be measured by a straight line from the nearest residential point on the property boundary of the tract occupied by the adult business to the nearest point on the property boundary of the tract occupied by one (1) of the aforementioned uses.
- B. No adult business shall be located or situated at less distance than one thousand five hundred (1,500) feet from another adult business. This distance shall be measured by a straight line from the nearest points on the property boundaries of the tracts occupied by the adult business. (Ord. No. 2001-08 §I, 11-13-01)

SECTION 605.216: BUSINESS RECORDS

Owners or operators of an adult business shall maintain business records that include the names, addresses and ages of all entertainers and employees for a period of two (2) years. Said list or lists shall be made available to the City of Windsor Police Department upon request at any time. (Ord. No. 2001-08 §I, 11-13-01)

SECTION 605.217: MANAGER AND ENTERTAINER LICENSE

- A. An application for an adult business manager or entertainer license for work at an adult business in the City shall be obtained from the City Clerk.
- B. Each such application shall be submitted in the name of the person proposing to be an adult business manager or entertainer and shall be notarized. All applications shall contain the following information:
 1. The name, residence address, home telephone number, occupation, date and place of birth and social security number of the applicant.
 2. The business name, address and telephone number of the business where the applicant intends to work.
 3. A statement from the applicant that the applicant has not been convicted of, released from confinement for conviction of, or diverted from prosecution on:
 - a. A felony criminal act within five (5) years immediately preceding the application; or
 - b. A misdemeanor criminal act within five (5) years immediately preceding the application, where such misdemeanor criminal act involved sexual offenses, prostitution, promotion of prostitution, sexual abuse of a child, pornography or related offenses as defined in the Missouri Criminal Code or the criminal code of the jurisdiction in which the offense was charged, or involved controlled substances or illegal drugs or narcotic offenses as defined in the Missouri Controlled Substances Act or other Statutes or ordinances.

The statement shall also indicate that the applicant has not been convicted of a municipal ordinance violation or diverted from prosecution on a municipal ordinance violation within two (2) years immediately preceding the application, where such municipal ordinance violation involved sexual offenses, indecent exposure, prostitution or the sale of controlled substances or illegal drugs or narcotics.

4. Documentation that the applicant has attained the age of eighteen (18) years at the time the application is submitted.
5. A statement signed under oath that the applicant has personal knowledge of the information contained within the application and that the information contained therein is true and correct and that the applicant has read the provisions of this Article.

- C. Upon submission of each such application, the Police Department shall review the information contained therein and verify the qualifications of the applicant. The City Clerk shall then issue the license for the adult business manager or entertainer. Such license shall be issued until June thirtieth (30th) of the year in which such license is issued or June thirtieth (30th) of the next year if the license is issued after July first (1st) but prior to January first (1st). All licenses issued under this Article are subject to the fee schedule in Section 605.040 of this Code and must be renewed annually in the same manner as provided above.
- D. Such license shall not be issued if the applicant has been convicted of, released from confinement for conviction of, or diverted from prosecution on any of the crimes as set forth in Subsection (B)(3) of this Section. (Ord. No. 2001-08 §I, 11-13-01)

SECTION 605.218: MANAGER RESPONSIBILITY

- A. A licensed adult business manager shall be on duty at any adult business at all times during which the premises is open for business. The name and license number of the manager on duty shall be prominently posted during business hours.
- B. It shall be the responsibility of the manager on duty to verify that any person who provides adult entertainment within the premises possesses a current and valid adult entertainer's license issued by the City of Windsor. (Ord. No. 2001-08 §I, 11-13-01)

SECTION 605.219: OPERATIONAL CRITERIA

- A. No adult business may be open or in use between the hours of 2:00 A.M. and 12:00 Noon.
- B. Only persons eighteen (18) years of age or older shall be permitted on the premises of any adult business.
- C. The premises of all adult businesses shall be physically arranged in such a manner that the manager has a specific office area and that an unobstructed view of the entire premises, including the entire interior portions of any booths, cubicles, rooms or stalls, is maintained from the manager's office area. Visibility shall not be blocked or obscured by doors, curtains, drapes or any other obstruction whatsoever. Occupancy of all booths, cubicles, rooms or stalls shall be limited to not more than one (1) person.
- D. All adult businesses shall have conspicuously displayed in the common area at the principal entrance to the premises a sign, of which uppercase letters shall be at least two (2) inches high and lowercase letters at least one (1) inch high, which shall read as follows:

THIS ADULT BUSINESS IS REGULATED
AND LICENSED BY THE CITY OF WINDSOR, MISSOURI

ENTERTAINERS ARE:

Not permitted to engage in any type of sexual conduct or to fondle, caress or touch any employee, customer or other entertainer in any manner in or on the genitals, pubic region, buttock or female breasts, or to permit any employee, customer or other entertainer to fondle, caress or touch in any

manner the genitals, pubic region, buttock or female breasts of said entertainer.

Not permitted to solicit or receive from a customer in any manner any tip, payment, gratuity or other thing of value either directly or indirectly.

CUSTOMERS ARE:

Not permitted to fondle, caress or touch any entertainer, employee or other customer in any manner in or on the genitals, pubic region, buttock or female breasts.

- E. Separate dressing rooms for men and women shall be maintained on the premises. (Ord. No. 2001-08 §I, 11-13-01)

SECTION 605.220: COMPLIANCE WITH CODE REQUIREMENTS

Any adult business licensed under this Article shall comply with all other requirements of the Code of the City of Windsor as now or in the future may be adopted. (Ord. No. 2001-08 §I, 11-13-01)

SECTION 605.221: SEVERABILITY

If any Section, Subsection or clause of this Article shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining Sections, Subsections and clauses shall not be affected thereby. (Ord. No. 2001-08 §I, 11-13-01)

SECTION 605.222: PENALTIES

Any violation of any part of this Article shall be deemed a misdemeanor and shall be subject to punishment as prescribed in Section 100.080 and every day such violation shall continue shall be considered a separate offense. (Ord. No. 2001-08 §I, 11-13-01)

SECTION 605.223: DENIAL

- A. Basis for Denial - The Mayor, or designee, may deny a Business License Application, for any of the following reasons:
 - 1. The applicant does not meet the qualifications for a business license under this Chapter of the Code;
 - 2. Any reviewing department, division or agency of the City has denied the application pursuant to any applicable provisions of the City Code;
 - 3. Applicant is delinquent in the payment of any taxes or fees due the City;
 - 4. The application contains false or incomplete information;
 - 5. Noncompliance with any zoning requirement or condition;

6. Noncompliance with any City, State or Federal law, code, or statute;
7. Any other reason expressly provided for in this Chapter; or
8. The Missouri Department of Revenue cannot issue to the applicant a Certificate of No Tax Due.

B. Procedures – Cease Operations Order

1. When a Business License Application is denied, written notice will be provided by first class mail to the applicant by mailing a Cease Operations Order to the applicant address on file. The Cease Operations Order will identify the reason(s) for denial of the application and inform the applicant they must cease all business activity at the described location. The Cease Operation Order will identify the available appeal process.
2. The applicant is deemed to have received written notification three (3) business days after the date of mailing of the Cease Operations Order.
3. A Cease Operation Order may be served in person by delivery of the Order to any management employee at the licensed premises or by posting on the main entrance by tacking, each followed by mailing as set out herein. When tacked or delivered in person to the premises, the Cease Operations Order is effective immediately.
4. The Mayor, or designee will immediately notify the Police Department of every Cease Operations Order issued. The Police Department will assist in the enforcement of Cease Operations Orders. (Ord. No. 2021-04, 4-8-21)

SECTION 605.224: SUSPENSION OR REVOCATION

- A. Any failure to comply with or any violation of any provision of this Chapter may be cause for suspension or revocation of such license by the Board of Aldermen upon recommendation of the Mayor, or designee, and upon public hearing before the Board of Aldermen following five (5) business days' notice of any violation of Chapter 605 or any violation related to the applicable building code, fire code or maintenance code. The suspension or revocation as provided under this Section shall be in addition to any other penalties prescribed under this Chapter or the Municipal Code for such violations.
1. Grounds for Suspension or Revocation. Licenses issued under the provisions of this Chapter may be suspended or revoked by the Board of Aldermen after notice and hearing for any of the following reasons:
 - a. Fraud, misrepresentation or false statement contained in the application for license;
 - b. Fraud, misrepresentation, or false statement made in the course of carrying on their business within the City;
 - c. Any violation of this Chapter;
 - d. Any violation of the requisite building codes, fire codes, or maintenance codes for the City;

- e. Failure of a business to obtain the appropriate Federal, State, County or City permits or licenses necessary to conduct said business;
 - f. Conviction of violating any provisions of this Code, other ordinances of the City, or laws of any other jurisdiction, which relate to the conduct or operation of the licensee's business;
 - g. Conviction of any crime or misdemeanor involving moral turpitude;
 - h. Conducting of business in an unlawful manner so as to constitute a breach of the peace or menace to the health, safety or general welfare of the public; or
 - i. If a license has become delinquent for more than 30 days.
2. Process for suspending or revoking a business license.
- a. Notice.
Notice of the hearing for suspension or revocation of a license shall be given in writing setting forth specifically the basis for the complaint and the date, time, and location of the hearing. Service may be accomplished by certified letter, personal service to the licensee's place of business, posting notice at the licensee's place of business, or a combination thereof. At least one form of service must occur more than seven (7) days before the scheduled hearing. (Ord. No. 2021-04, 4-8-21)

SECTION 605.225: HEARING

A. Procedures

1. The hearing shall be open to the public and on the record.
2. The Mayor, or designee shall serve as the hearing officer and conduct the hearing.
3. The hearing officer shall rule upon all motions by the parties and make note of any objections raised.
4. The licensee may be represented by counsel and has the right to present evidence.
5. Any relevant information may be admitted and considered by the Board of Aldermen if it is the sort of evidence of which responsible persons are accustomed to rely in such circumstances. Objections to the information shall be noted.
6. All decisions by the Board of Aldermen must be made upon substantial and competent evidence presented at the hearing.
7. The hearing officer is authorized to develop and utilize forms, procedures, and any other tools necessary to carry out the requirements of this article that are not inconsistent with the provisions of this Code or other City ordinances. The hearing officer is authorized to utilize a licensed attorney, magistrate, or other official to assist them in carrying out their duties.

B. Conduct of the Hearing

1. The City will be allowed to present its evidence first. Witnesses called by the City will be directly examined with an opportunity for the licensee to cross-examine, followed by an opportunity for the City to re-direct. Once the City's case is presented, the licensee will have an opportunity to present his case. The same procedure for questioning witnesses will be followed. Then the City will have an opportunity for rebuttal, if it so chooses. Finally, the City and the licensee will have an opportunity to make closing remarks in that respective order.
2. Within 30 days of the date of the hearing the Board of Aldermen shall issue a decision based upon the evidence presented along with findings of fact and conclusions of law explaining the decision. The findings of fact shall be stated separately from the conclusions of law and shall include a concise statement of the findings on which the hearing officer's decision is based. With regard to suspensions:
 - i. The decision may include a determination that the occurrence of any additional violations during a licensee's suspension period, including the operation of a business without a license, shall be grounds for revocation of said license; and
 - ii. The decision shall suspend the license for five (5), seven (7), fourteen (14), or thirty (30) calendar days.
3. Notice of the decision shall be accomplished by delivering or mailing such notice to the licensee.
4. Any party aggrieved by a decision issued under this article, including the City, shall, within thirty (30) days after notice of the decision, file an administrative appeal pursuant to the rules established in RSMo ch. 536, for review of a contested case in the applicable circuit court. If no action is taken to appeal the decision of the administrative hearing officer as required by RSMo ch. 536, the decision shall be final. (Ord. No. 2021-04, 4-8-21)

SECTION 605.226:

A new license may not be issued to any person or business whose license has been revoked for a period of one year from the date of such revocation. (Ord. No. 2021-04, 4-8-21)

SECTION 605.227: UNLAWFUL CONTINUATION

Further Remedies Authorized. In the event any business, trade, occupation or service occupation which is required to obtain an annual license under this Chapter continues to operate after having received written notice of failure to obtain such license or in the event any business, trade, occupation or service occupation continues to operate following revocation or suspension of such license, the City may seek injunctive relief from the Circuit Court or order of the Municipal Court to restrain, correct, abate or prevent such continued operation. In the event of the issuance of an injunction or order by a court of competent jurisdiction, costs of such enforcement proceedings may be taxed against the offending party. The remedies provided for in this Subsection shall be in addition to all other costs and penalties prescribed under this Chapter. (Ord. No. 2021-04, 4-8-21)

CHAPTER 610: PEST CONTROL OPERATORS

SECTION 610.010: LICENSE REQUIRED—INSURANCE

- A. *License Required.* No person shall perform or cause to be performed, termite, vermin or pest control work in the City of Windsor, without first having secured a pest control operator's license.

- B. *Insurance.* No pest control operator's license shall be issued to any applicant who shall not have furnished and filed with the City Clerk a proof of General Liability Insurance in the amount of no less than one hundred thousand dollars (\$100,000.00) minimum and a copy of Workers' Compensation if applicable. Also applicants must hold a current State Certified Commercial Applicator License. (Ord. No. I-1972 §§1-2, 9-22-71; Ord. No. 1996-1 §1, 2-13-96)

SECTION 610.020: LICENSE RENEWAL

No person shall work as a pest control operator unless he is a holder of a pest control license issued as provided in this Chapter. Such license shall be renewed annually. (Ord. No. I-1972 §3, 9-22-71)

SECTION 610.030: LICENSE FEES

A fee of twenty-five dollars (\$25.00) shall be paid to the City Collector the first year at the time of issuance, and twenty-five dollars (\$25.00) annual renewal fee, of each pest control operator's license. (Ord. No. I-1972 §5, 9-22-71)

SECTION 610.040: APPRENTICE, HELPER—UNDER SUPERVISION OF LICENSED PEST CONTROL OPERATOR ONLY

No helper or apprentice shall engage in any part of the work of pest control operator except under the personal direction and supervision of a licensed pest control operator. (Ord. No. I-1972 §4, 9-22-71)

SECTION 610.050: BOARD OF ALDERMEN—ACT AS BOARD OF EXAMINERS—ESTABLISH RULES AND REGULATIONS

- A. The Board of Aldermen shall act as a Board of Examiners of pest control operators.
- B. The Board of Aldermen is hereby authorized to adopt and establish rules and regulations concerning the issuance and revocation of licenses under this Chapter, and to determine whether applicants qualify for licenses under the provisions of this Chapter. (Ord. No. I-1972 §§6-7, 9-22-71)

SECTION 610.060: QUALIFICATIONS

- A. Before issuing a certificate for a license to a pest control operator, the Board of Aldermen shall satisfy itself that the applicant is competently trained or experienced in the use of fumigants and chemicals.
- B. Applicant must have been a resident of the State of Missouri for not less than one (1) year, and at least two (2) years experience in pest control work. Applicants must file with the City Clerk a sworn application in writing, (in duplicate) on a form to be furnished by the City Clerk, which shall give the following information, accompanied by a ten dollar (\$10.00) fee to pay the cost of investigation.
1. Name and description of applicant.

2. Permanent home address and full local address of the applicant.
3. A brief description of the nature of the business and services to be performed.
4. If employed, the name and address of the employer, together with credentials establishing the exact relationship.
5. The length of time for which the right to do business is desired. (Ord. No. I-1972 §8, 9-22-71)

SECTION 610.070: ISSUANCE OF LICENSE

Licenses shall be issued by the City Collector upon presentation of a certificate issued by the Council in accordance with the provisions of this Chapter and signed by the Mayor.
(Ord. No. I-1972 §9, 9-22-71)

SECTION 610.080: ESTIMATE—SPECIFICATIONS—REQUIREMENTS

Any person having been issued a license under this Chapter, shall prepare two (2) copies of estimate and/or specifications for each service to be performed in the City of Windsor. One (1) copy of such estimate and/or specifications to be given to the customer, and one (1) to be retained by the licensee.
(Ord. No. I-1972 §10, 9-22-71)

SECTION 610.090: REVOCATION OF LICENSE

No license which is issued as provided in this Chapter shall be revoked without a hearing before the Board of Aldermen, five (5) days written notice of which hearing shall be served in person or mailed to the last known address of the holder of the license. (Ord. No. I-1972 §11, 9-22-71)

SECTION 610.100: PENALTY—ENGAGING IN PEST CONTROL OPERATIONS WITHOUT LICENSE—FALSE STATEMENT IN APPLICATION FOR LICENSE

Any person who engages in pest control operations without obtaining a license therefore, or any person who knowingly makes any false statement in applying for a license, or any person who fails to comply with any provision of this Chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00). (Ord. No. I-1972 §12, 9-22-71)

CHAPTER 615: CIGARETTE SALES

Cross Reference—As to certain other violations concerning cigarette sales, see ch. 255 of this Code.

Editor's Note—Ord. no. 1996-17 §1 adopted November 12, 1996, repealed §§615.010, 615.050—615.070 and 615.090—615.140 of the chapter and enacted new provisions as set out herein. Said former sections derived from cc 1968 §§11-24, 11-28—11-30, 11-32, and 11-34—11-38, and ord. no. 1088 §§1-6, 9-10, and 12-13, 7-6-48.

SECTION 615.010: DEFINITIONS

When used in this Chapter the following words shall have the meanings respectively ascribed to them:

CIGARETTE: A roll of tobacco or any substitute thereof, wrapped in paper and used for smoking.

CONSUMER: A person who comes into possession of tobacco for the purpose of consuming it, giving it away or disposing of it in any way.

DEALER: Any person dealing directly with the manufacturer of cigarettes in their purchase and the business of selling cigarettes as a first seller.

FIRST SELLER: Includes all persons who make the initial or first sale or distribution of cigarettes within the City.

PACKAGE: The individual package, box or other container from which sales of cigarettes are normally made or intended to be made.

PERSON: Any individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or other person acting in a fiduciary or representative capacity, whether appointed by a Court or otherwise, or any combination of individuals.

RETAILER: Includes persons other than a dealer or wholesaler as defined in this Section, who is engaged in the business of selling cigarettes at retail, who shall sell or offer for sale cigarettes, irrespective of quantity, number of sales, giving the same away or exposing the same where it may be taken or purchased, or otherwise acquired.

SALE: Any transfer of title or possession or both, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, for a consideration, or any agreement therefore.

VENDING MACHINE OPERATOR: Includes all persons engaged in the distribution or sale of cigarettes by means of coin-operated vending machines.

WHOLESALER: Includes persons whose principal business is that of a wholesale jobber and who is known to the trade as such, who sells cigarettes for only the purpose of resale or giving them away, or exposing the same where they may be taken or purchased or otherwise acquired by the retailer. (Ord. No. 1996-17 §2, 11-12-96)

SECTION 615.020: INTENT OF CHAPTER

The intent of this Chapter is that the same shall levy an occupational tax, based upon and pursuant to the method provided for by Section 94.270 of the Revised Statutes of Missouri, and pursuant to the powers therein granted and the powers further granted under the Statutes of the State to Cities of the Fourth Class. (CC 1968 §11-25; Ord. No. 1088 §2, 7-6-48)

SECTION 615.030: RETAILER'S LICENSE—REQUIRED

Every person engaged in the retail business of selling cigarettes or offering or displaying the same for sale within the City shall procure a license therefore for each place of business that he desires to sell cigarettes in the City. (CC 1968 §11-26; Ord. No. 1088 §2, 7-6-48)

SECTION 615.040: RETAILER'S LICENSE–APPLICATION–ISSUANCE–NON-TRANSFERABLE–TERM–DUPLICATES

Every person desiring to continue to engage in or begin to engage in the sale of cigarettes at retail within the City shall file an application for a cigarette retail license as hereinbefore provided. Every application for a cigarette retail license shall be made upon a form prescribed, prepared and furnished by the City Collector, and shall set forth such information as he shall require. Upon approval of the application, the City Collector shall grant and issue to the applicant a cigarette retail license as herein provided, for each place of business within the City set forth in the application. Cigarette retail licenses shall not be assignable and shall be valid only for the persons in whose names they are issued and for the transaction of business in the places designated therein, and shall at all times be conspicuously displayed at the places for which issued. All licenses shall expire one (1) year from date of issue unless sooner suspended, surrendered or revoked, by the City Collector. Whenever any license issued under the provisions of this Section is defaced, destroyed or lost, the City Collector shall issue a duplicate license for the defaced, destroyed or lost license, upon the payment of a fee of fifty cents (\$.50). (CC 1968 §11-27; Ord. No. 1088 §7, 7-6-48)

SECTION 615.050: TAX LEVY AND PAYMENT

Every dealer or wholesaler engaged in the business of selling cigarettes or offering or displaying the same for sale within the City shall pay an occupation tax at the rate of one dollar (\$1.00) per thousand (1,000) for all cigarettes sold or offered or displayed for sale. The intent and meaning of this Section is that the same shall levy an occupation tax based upon and pursuant to the methods provided by Section 92.040, RSMo., and pursuant to the powers therein granted and the powers contained in Section 615.020 and said tax shall be paid to the City Collector. It shall be the duty of every dealer or wholesaler, selling, offering or displaying for sale any package of cigarettes, to remit the monthly cigarette tax reporting form and full payment by the fifteenth (15th) day of each following month. The cancelled check, accompanied by the monthly cigarette tax reporting form, shall be proof of payment. (Ord. No. 1996-17 §3, 11-12-96)

SECTION 615.060: RULES AND REGULATIONS–RECORDS

For the purpose of enabling the City of Windsor to enforce the terms of this Chapter, the following provisions are enacted:

1. Each dealer in the City and those wholesalers and retailers as defined shall procure and retain invoices showing the amount and value of the shipment of cigarettes received by him/her, the date thereof, and the name of the shipper, and shall retain this invoice for a period of three (3) years subject to the use and inspection of the City Collector.
2. All dealers, wholesalers, and retailers as defined with the City of Windsor shall maintain and keep for a period of three (3) years such other records of cigarettes received, sold or delivered within the City as may be required by the City Collector.
3. The City Collector or his/her duly authorized representatives, are authorized to examine the books, papers, invoices and other records, stock of cigarettes in and upon any premises where they are placed, stored or sold, and equipment of any such dealer, wholesaler or retailer pertaining to the sale and delivery of cigarettes taxable under this Chapter.
4. To verify the accuracy of the occupation tax imposed and assessed by this Chapter, each person, as

defined in Section 615.010, is directed and required to give to the City Collector or his/her duly authorized representative, the means, facilities and opportunity for such examinations as are herein provided for and required.

5. In addition to the powers herein granted to the City Collector he/she is authorized and empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to the delegation of his/her powers to a deputy or other employees of his/her office and any other matter or thing pertaining to the administration and enforcement of the provisions of this Chapter.
6. Cigarette tax reporting information received from the State of Missouri shall be held in confidence and used solely for verifying cigarette tax payments.
7. The City Collector is authorized to adopt, prescribe and promulgate rules and regulations including a monthly cigarette tax reporting form with regard to the presentation and proof of claim for refunds and credits as he/she may deem advisable. (Ord. No. 1996-17 §4, 11-12-96)

SECTION 615.070: OATHS AND SUBPOENAS

The City Collector or his/her employees or agent duly designated and authorized by him/her shall have power to administer oaths and take affidavits in relation to any matter or proceedings in the exercise of their powers and duties under this Chapter. The City Collector shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the enforcement of this Chapter and to examine them in relation thereto. (Ord. No. 1996-17 §5, 11-12-96)

SECTION 615.080: RETAILER'S LICENSE—SUSPENSION OR REVOCATION

The Board of Aldermen may suspend, or, after hearing, revoke a cigarette license whenever it finds that the holder thereof has failed to comply with any of the provisions of this Chapter or any rules or regulations prescribed or promulgated under this Chapter. Upon suspending or revoking any cigarette license, the Board of Aldermen shall request the holder thereof to surrender to the City Collector immediately all licenses or duplicates thereof, and the holder shall surrender promptly all such licenses to the City Collector as requested. Whenever the Board of Aldermen suspends a cigarette license it shall cause the holder to be notified immediately and afford him a hearing, if desired, and if the hearing has not already been afforded. After such hearing, the Board of Aldermen shall either rescind its order of suspension, or, good cause appearing therefore, continue the suspension or revoke the license. (CC 1968 §11-31; Ord. No 1088 §8, 7-6-48)

SECTION 615.090: PENALTY AND VIOLATION

Any person violating this Chapter by failing to file the report and make the payment provided for in Section 615.050 hereof shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisoned for not more than ninety (90) or be punished by both such fine and imprisonment. Failure to file each monthly report and make each monthly payment shall be deemed a separate offense. (Ord. No. 1996-17 §6, 11-12-96)