

AN ORDINANCE AMENDING TITLE V, CHAPTER 110 OF THE CODE OF ORDINANCES OF THE CITY OF GLADSTONE REGARDING THE ABILITY OF PERSONS HOLDING AN INTOXICATING LIQUOR IN THE ORIGINAL PACKAGE AT RETAIL LICENSE TO SELL THIRTY-TWO TO ONE HUNDRED TWENTY-EIGHT FLUID OUNCES OF DRAFT BEER AND ADJUSTING THE NUMBER OF LICENSES AVAILABLE FOR CERTAIN CLASSIFICATIONS.

WHEREAS, Section 311.201 of the Revised Statutes of Missouri grants any person licensed to sell intoxicating liquor in the original package at retail the ability to sell thirty-two (32) to one hundred twenty-eight (128) fluid ounces of draft beer in containers filled by an employee; and

WHEREAS, Title V, Chapter 110 of the Code of Ordinances of the City of Gladstone, Missouri (the "Liquor Code"), which regulates the sale and distribution of alcoholic beverages in the City, does not contemplate a similar grant; and

WHEREAS, the Liquor Code limits the number of licenses available for certain license classifications; and

WHEREAS, the City Council desires to amend the Liquor Code to grant persons licensed to sell intoxicating liquor in the original package at retail the ability to sell thirty-two (32) to one hundred twenty-eight (128) fluid ounces of draft beer in containers filled by an employee and adjust the number of licenses allocated for various classifications.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:

SECTION 1. That Title V, Chapter 110, of the Code of Ordinances of the City of Gladstone, Missouri, is hereby amended by adding Section 5.110.1050 to read as follows:

Section 5.100.1050. - Draft beer, sale of 32 to 128 fluid ounces dispensed on premises for consumption off premises — requirements.

1. Any person who is licensed to sell intoxicating liquor in the original package at retail as provided in Section 5.110.2000(1)(a) may sell from 32 to 128 fluid ounces of draft beer to customers in containers filled by any employee of the licensee on the premises for consumption off such premises. Any employee of the licensee shall be at least twenty-one years of age to fill containers with draft beer.
2. *Labeling of Containers.* Containers that are filled or refilled under subdivision 1 of this subsection shall be affixed with a label or a tag that shall contain the following information in type not smaller than three millimeters in height and not more than twelve characters per inch:
 - a. Brand name of the product dispensed;

- b. Name of brewer or bottler;
 - c. Class of product, such as beer, ale, lager, bock, stout, or other brewed or fermented beverage;
 - d. Net contents;
 - e. Name and address of the business that filled or refilled the container;
 - f. Date of fill or refill;
 - g. The following statement: "This product may be unfiltered and unpasteurized. Keep refrigerated at all times."
3. *Health Warning Statement.* Containers that are filled or refilled under subdivision 1 of this subsection shall be affixed with the alcoholic beverage health warning statement as required by the Federal Alcohol Administration Act, 27 CFR Sections 16.20 to 16.22.
4. *Miscellaneous Regulations.*
- a. The filling and refilling of containers shall only occur on demand by a customer and containers shall not be prefilled by the retailer or its employee.
 - b. Containers shall only be filled or refilled by an employee of the retailer.
 - c. Containers shall be filled or refilled from the bottom of the container to the top with a tube that is attached to the malt beverage faucet and extends to the bottom of the container or with a commercial filling machine.
 - d. When not in use, tubes to fill or refill shall be immersed and stored in a container with liquid food-grade sanitizer.
 - e. Containers shall be filled or refilled as follows:
 - i. Containers shall be filled or refilled with a tube as described in subdivision 4 of this subsection and:
 - 1. Food grade sanitizer shall be used in accordance with the Environmental Protection Agency registered label use instructions;
 - 2. A container of liquid food-grade sanitizer shall be maintained for no more than ten malt beverage taps that will be used for filling and refilling containers;
 - 3. Each container shall contain no less than five tubes that will be used only for filling and refilling containers;
 - 4. The container shall be inspected visually for contamination;
 - 5. After each filling or refilling of a container, the tube shall be immersed in the container with the liquid food-grade sanitizer; and
 - 6. A different tube from the container shall be used for each filling or refilling of a container; or
 - ii. Containers shall be filled or refilled with a contamination-free process and:
 - 1. The container shall be inspected visually for contamination;
 - 2. The container shall only be filled or refilled by the retailer's employee; and
 - 3. The filling or refilling shall be in compliance with the Food and Drug Administration Code 2009, Section 3-304.17(c).

- f. After filling or refilling a container, the container shall be sealed as set forth in subdivision 1 of this subsection.

SECTION 2. That Title V, Chapter 110, Section 5.110.3600 of the Code of Ordinances of the City of Gladstone, Missouri, is hereby amended to read as follows:

- (a) The number of licenses for the sale of all intoxicating liquor or malt liquor by the drink and in the original package are limited by class as follows:

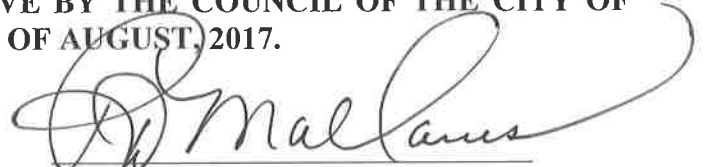
Class A(1)	7
Class A(2)	5
Class A(3)	5
Class A(4)	5
Class A(5)	10
Class A(6)	30
Class B(1)	40

- (b) The number of licenses designated for Classes A(1), (2), (3), and (4) under this subsection shall not include license holders whose primary business at the licensed premises is other than the sale of intoxicating liquor or malt liquor. For purposes of Classes A(1), (2), (3), and (4) of this subsection, a business is primarily for other than the sale of intoxicating liquor or malt liquor if 60 percent or more of the gross income of such business is derived from the sale of food, products, goods, items, activities, or services other than intoxicating liquor, malt liquor or wine.


SECTION 3. That this Ordinance shall be in full force and effect from and after its passage.

SECTION 4. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed

PASSED, SIGNED, AND MADE EFFECTIVE BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 28TH DAY OF AUGUST, 2017.


R.D. Mallams, Mayor

ATTEST:


Ruth Bocchino, City Clerk