

**AN ORDINANCE AMENDING CHAPTER 6 OF THE BRANSON MUNICIPAL CODE  
PERTAINING TO SALES OF INTOXICATING LIQUOR.**

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**WHEREAS**, the Board of Aldermen is authorized by Section 79.110 of the Revised Statutes of Missouri to enact ordinances expedient for the good government of the City of Branson and to benefit the trade, commerce, and health of the Branson residents; and

**WHEREAS**, 79.110, RSMo. authorizes cities to enact ordinances that are not in conflict with State laws; and

**WHEREAS**, under 311.202, RSMo. establishments which are licensed by the State to sell intoxicating liquor at retail by the drink for on-premises consumption are allowed to sell retailer-packaged alcoholic beverages to patrons for off-premises consumption, subject to requirements of 311.202, RSMo.; and

**WHEREAS**, under 311.293, RSMo. establishments which are licensed by the State to sell intoxicating liquor at retail are allowed to sell intoxicating liquor at retail between the hours of 6:00 a.m. Sunday and 1:30 a.m. Monday; and

**WHEREAS**, the Board of Aldermen desires to amend the Branson Municipal Code to be in conformity with the State laws.

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

Section 1: It is the intention of the Board of Aldermen, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Branson Municipal Code, and the sections of this ordinance may be renumbered to accomplish such intention.

Section 2: That Chapter 6 – *Alcoholic Beverages*; Article I. – *In General*; Section 6-5 – *Open containers of alcoholic beverages in motor vehicles*; Article II. – *Classification of Licenses and License Fees*; Sec. 6-31 – *License required; license categories; number of licenses; fees*; Article VI. – *Conduct of Business*; Section 6-166 – *Prohibited acts by all retail licensees*; Sec. 6-167 – *Hours, days of sales for all retail licenses*; 6-175 – *Orders or sales off licensed premises*; Sections 6-178. – *To-go sales of intoxicating liquor at retail* of the Branson Municipal Code are hereby amended to read as follows:

**CHAPTER 6 – ALCOHOLIC BEVERAGES  
ARTICLE I. – IN GENERAL**

**Sec. 6-5. – Open containers of alcoholic beverages in motor vehicles.**

No person shall consume any alcoholic beverages or have, possess, carry or transport any such

alcoholic beverages within the passenger area of any motor vehicle. This section shall not apply to liquor in the original container **or liquor packaged according to Section 6-178** with the seal unopened or container unopened. Furthermore, this section shall not apply to the exclusive possession by a passenger in a limousine, chartered bus, or similar motor vehicle licensed to transport passengers for hire; provided, however, that the driver of such vehicle is prohibited from consuming or having alcoholic beverages within his reach. Further, this section shall not apply to a recreational vehicle used for purposes of temporary housing quarters or when the alcoholic beverage is kept in a container located outside the reach of the driver of the vehicle. This section does not allow for the consumption, possession or transporting of alcoholic beverages in the passenger area of a taxicab, except as may be authorized by subsection 6-171(h).

## ARTICLE II. – CLASSIFICATION OF LICENSES AND LICENSE FEES

### Sec. 6-31. – License required; license categories; number of licenses; fees.

- (5) Sale of Sunday liquor by the drink **between the hours of 6:00 a.m. Sunday and 1:30 a.m. Monday**, such number and type, including resort and seasonal resort licenses, as may be licensed by the state division of alcohol and tobacco control.
- (6) The sale of intoxicating liquor on Sunday between the hours of **6:00 a.m. Sunday and 1:30 a.m. Monday** ~~9:00 a.m. and 12:00 midnight~~, in the original package and not for consumption on the premises. The number of licenses cannot exceed the number of weekday package liquor licenses issued.

## ARTICLE VI. – CONDUCT OF BUSINESS

### Sec. 6-166. – Prohibited acts by all retail licensees.

- (d) *Serving or delivering in vehicles.* No retail licensee, nor employee of the licensee, shall sell or serve any alcoholic beverage to any person while the person is operating or is a passenger in or on any motor vehicle **except as otherwise provided by Section 6-178.** It shall be unlawful for the holder of any license authorized by this chapter to permit the sale of intoxicating liquor at retail, either in the original package or for consumption on the premises where sold, to supply, sell or permit to be sold any intoxicating liquor through any drive-up or walk-up window or facility where the customer or person receiving the intoxicating liquor is not required to enter the premises of the licensee, **except as otherwise provided by Section 6-178.**

### Sec. 6-167. – Hours, days of sales for all retail licenses.

- (a) Hours, days of sales. No retail licensee, nor employee of the licensee, shall sell, give away or otherwise dispose of any alcoholic beverages or suffer the same to be done on or about the licensed premises:

~~[(1) — Between the hours of 12:00 midnight Sunday and 6:00 a.m. Monday morning;]~~

- ~~[(2)]~~ **(1)** Between the hours of 1:30 a.m. and 6:00 a.m. ~~[Tuesday]~~ **Monday** through Saturday;

97 [(3)] (2) Between the hours of [1:30] **6:00** a.m. Sunday and [6:00] **1:30** a.m. Monday unless  
98 the licensee shall possess a license authorizing sales on Sunday. ~~[and in that event,~~  
99 ~~no liquor by the drink licensee shall sell, give away or otherwise dispose of alcoholic~~  
100 ~~beverages on the licensed premises between the hours of 1:30 a.m. Sunday and 11:00~~  
101 ~~a.m. Sunday.]~~

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103 (b) Sundays. Sunday package liquor license holders cannot sell liquor in the original package  
104 between 1:30 a.m. Sunday and [9]6:00 a.m. on Sunday. ~~[However, they can sell package~~  
105 ~~liquor between 9:00 a.m. Sunday and 12:00 midnight that day.]~~

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108 **Sec. 6-175. – Orders or sales off licensed premises.**

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110 (c) Exceptions.

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112 (4) Nothing in this section shall be construed to prohibit to-go sales of intoxicating  
113 liquor at retail by the drink for off-premises consumption as provided for in  
114 Section 6-178.

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117 **Sec. 6-178. – To-go sales of intoxicating liquor at retail.**

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119 (a) Notwithstanding any provision of law or ordinance to the contrary, any person or  
120 business who is licensed by the State of Missouri to sell intoxicating liquor at retail by  
121 the drink for on-premises consumption may sell retailer-packaged alcoholic  
122 beverages to patrons in containers, filled on such premises by any employee of the  
123 retailer who is twenty-one years of age or older, for off-premises consumption if all  
124 the following requirements are met:

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126 (1) The container of the alcoholic beverage is rigid, durable, leakproof, sealable,  
127 and designed to prevent consumption without removal of the tamperproof cap  
128 or seal. A sealable container does not include a container with a lid with sipping  
129 holes or openings for straws;

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131 (2) The contents of each container do not exceed one hundred twenty-eight ounces;

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133 (3) The patron orders and purchases a meal from the licensee simultaneous with  
134 the alcoholic beverage purchase. For purposes of this subdivision, a "meal" is  
135 defined as food that has been prepared on-premises;

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137 (4) The number of alcoholic beverages sold under this section by a licensee for off-  
138 premises consumption is limited to twice the number of meal servings sold by  
139 the licensee for off-premises consumption;

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141 (5) The licensee provides the patron with a dated receipt or an electronic record for  
142 the meal and alcohol beverages; and

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144 (6) The container is either:  
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a. Placed in a one-time-use, tamperproof, transparent bag that is securely sealed; or

b. The container opening is sealed with tamperproof tape. For purposes of this subdivision, "tamperproof" means that a lid, cap, or seal visibly demonstrates when a bag or container has been opened.

(b) Containers that are filled under subsection 1 of this section shall be affixed with a label or a tag that contains the name and address of the business that filled the container, in type not smaller than three millimeters in height and not more than twelve characters per inch, and states, "THIS BEVERAGE CONTAINS ALCOHOL."

(c) The filling of a container under this section shall be in compliance with Section 3-304.17(C) of the 2009 Food and Drug Administration Food Code.

(d) No provision of law, or rule or regulation of the division of alcohol and tobacco control, shall be interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating liquor to furnish containers that are filled under subsection a of this section to any person who is licensed to sell intoxicating liquor at retail.

NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE WHICH IS [BRACKETED, STRICKEN] HAS BEEN REMOVED.

Section 6: This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

Section 7: That should any section, sentence or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences or clauses.

Section 8: That the City Clerk is authorized by this Ordinance to correct any scrivener's errors identified within this Ordinance.

Read, this first time on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Read, this second time, passed, and truly agreed to by the Board of Aldermen of City of Branson, Missouri this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Larry D. Milton  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Hillary Briand  
City Clerk

\_\_\_\_\_  
City Attorney