

**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

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

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

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

- 62
- 63 (5) Sale of Sunday liquor by the drink **between the hours of 6:00 a.m. Sunday and 1:30**  
64 **a.m. Monday**, such number and type, including resort and seasonal resort licenses,  
65 as may be licensed by the state division of alcohol and tobacco control.
- 66
- 67 (6) The sale of intoxicating liquor on Sunday between the hours of **6:00 a.m. Sunday**  
68 **and 1:30 a.m. Monday** ~~9:00 a.m. and 12:00 midnight~~, in the original package and  
69 not for consumption on the premises. The number of licenses cannot exceed the  
70 number of weekday package liquor licenses issued.

## 71 **ARTICLE VI. – CONDUCT OF BUSINESS**

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

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

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

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- 85
- 86
- 87 (a) Hours, days of sales. No retail licensee, nor employee of the licensee, shall sell, give away  
88 or otherwise dispose of any alcoholic beverages or suffer the same to be done on or about  
89 the licensed premises:

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

- 91
- 92
- 93 ~~[(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.]~~

102  
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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107  
108 **Sec. 6-175. – Orders or sales off licensed premises.**

109 (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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116  
117 **Sec. 6-178. – To-go sales of intoxicating liquor at retail.**

118  
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:**

125  
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;**

132  
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;**

136  
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;**

140  
141 **(5) The licensee provides the patron with a dated receipt or an electronic record for**  
142 **the meal and alcohol beverages; and**

143  
144 **(6) The container is either:**  
145

- 146            a. Placed in a one-time-use, tamperproof, transparent bag that is securely  
 147            sealed; or  
 148  
 149            b. The container opening is sealed with tamperproof tape. For purposes of this  
 150            subdivision, "tamperproof" means that a lid, cap, or seal visibly  
 151            demonstrates when a bag or container has been opened.  
 152  
 153            (b) Containers that are filled under subsection 1 of this section shall be affixed with a  
 154            label or a tag that contains the name and address of the business that filled the  
 155            container, in type not smaller than three millimeters in height and not more than  
 156            twelve characters per inch, and states, "THIS BEVERAGE CONTAINS  
 157            ALCOHOL."  
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 159            (c) The filling of a container under this section shall be in compliance with Section 3-  
 160            304.17(C) of the 2009 Food and Drug Administration Food Code.  
 161  
 162            (d) No provision of law, or rule or regulation of the division of alcohol and tobacco  
 163            control, shall be interpreted to allow any wholesaler, distributor, or manufacturer of  
 164            intoxicating liquor to furnish containers that are filled under subsection a of this  
 165            section to any person who is licensed to sell intoxicating liquor at retail.  
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167 NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE  
 168 WHICH IS [BRACKETED, STRICKEN] HAS BEEN REMOVED.  
 169

170 Section 6:        This ordinance shall be in full force and effect from and after its passage by the  
 171                      Board of Aldermen and approval by the Mayor.  
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173 Section 7:        That should any section, sentence or clause of this Ordinance be declared invalid  
 174                      or unconstitutional, such declaration shall not affect the validity of the remaining  
 175                      sections, sentences or clauses.  
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177 Section 8:        That the City Clerk is authorized by this Ordinance to correct any scrivener's errors  
 178                      identified within this Ordinance.  
 179

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

181  
 182 Read, this second time, passed, and truly agreed to by the Board of Aldermen of City of Branson,  
 183 Missouri this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

186 \_\_\_\_\_  
 187 Larry D. Milton  
 188 Mayor

189 ATTEST:

APPROVED AS TO FORM:

192 \_\_\_\_\_  
 193 Hillary Briand  
 194 City Clerk

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