

**CITY OF FERGUSON
OFFICE OF THE CHIEF OF POLICE****Index as:**

Evidence, Liquor Law Violations
Hours of Operation, Liquor
Juvenile, Liquor Laws
Liquor License Violations

LIQUOR LICENSE VIOLATIONS**461.00 PURPOSE**

The purpose of this General Order is to establish procedures for enforcement of the statutes and ordinances covering the licensing, hours of sale, packaging, purchasing, transporting, possession, consumption, sale and evidence procedures concerning liquor.

461.01 LICENSING

- A. Required: It is unlawful for any person to sell, or expose for sale in this City, intoxicating liquor, without first obtaining a liquor license from the City of Ferguson, St. Louis County, and the State of Missouri. All licenses must be prominently displayed in the place for which the license was issued. (No liquor license is needed for a druggist to prescribe intoxication liquor).
- B. A separate license is needed (4-29) for each class of liquor license that applies to the business:
 1. Original package, not to be consumed on the premises where sold.
 2. *Intoxicating Liquor* shall mean alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt or other liquors or combinations of liquor, a part of which is spirituous, vinous or fermented, and all preparations or mixtures for beverage purposes, containing in excess of three and two-tenths (3.2) percent of alcohol by weight.
 3. *Malt liquor* shall mean any liquor containing alcohol in excess of three and two-tenths (3.2) percent by weight and not in excess of five (5) percent by weight, manufactured from pure hops or pure extraction of hops or pure barley malt or wholesome grain or cereals and wholesome yeast or pure water.
 4. *Nonintoxicating beer* shall be construed to refer to and to mean any beer manufactured from pure hops or pure extract of hops, pure barley malt or other wholesome grains or cereals and wholesome yeast, and pure water, and

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free from all harmful substances, preservatives and adulterants, and having an alcoholic content of more than one-half of one percent by volume and not exceeding three and two-tenths (3.2) percent by weight.

5. Light wines shall mean a beverage containing not in excess of fourteen (14) percent of alcohol by weight, made exclusively from grapes, berries and other fruits and vegetables.

461.02 HOURS OF SALE; GENERALLY

Ferguson Municipal Code Section 4-2

(a) No person having a license under this chapter nor any employee of any such person shall sell, give away or otherwise dispose of, or suffer the same to be done upon or about his premises, any intoxicating liquor or nonintoxicating beer in any quantity between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday, except as provided in sections 4-4, 4-5, 4-55 and 4-70.

(b) If the person has a license to sell intoxicating liquor by the drink or nonintoxicating beer for on-premises consumption, his premises shall be and remain a closed place between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday.

(c) Nothing in this section shall be construed to prohibit the sale or delivery of any intoxicating liquor or nonintoxicating beer during any of the hours or on any of the days specified in this section or section 4-3, by a wholesaler licensed under the provisions of this chapter to a person licensed to sell the intoxicating liquor or nonintoxicating beer at retail.

461.03 SALE ON SUNDAYS

Notwithstanding any other provisions of this chapter 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 for off-premises consumption as authorized by this chapter, may apply to the council for a special license to sell intoxicating liquor in the original package for off-premises consumption between the hours of 9:00 a.m. and midnight on Sundays.

461.04 VIOLATIONS OF LIQUOR LICENSES

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All violations are to be sent to Ferguson City Court if covered by City Ordinance unless extenuating circumstances exist (such as several other related charges which must go to the State Court: 1st degree assault, etc.).

- A. Sale of liquor without a liquor license. (Ordinance 4-26, RSMO 311.050).
- B. Sale of liquor after hours: see Section 461.02 above for times of legal sale. (Ordinance 4-2, RSMO 311.290).
- C. Sale in original package of less than one-half (1/2) pint. (Ordinance 4-29).
- D. Sale of supplying of liquor to drunkards or intoxicated persons. (Ordinance 4-7, RSMO 311.310).
- E. Sale or supplying of liquor. (Ordinance 4-7, RSMO 311.310). (Misrepresentation of age by minor is covered in RSMO 311.310, but it is not a liquor license violation. Possession of liquor by a minor is covered in RSMO 311.325).
- F. Prohibited Conduct on Premises. (Ordinance 4-37).
- G. Keeping intoxicating liquor other than authorized by license. (RSMO 311.330).
- H. Failure to keep liquor license posted in conspicuous place. (Ordinance 4-33).
- I. Mixing liquor with drugs, any form of methyl alcohol, or impure form of alcohol. (RSMO 311.340).
- J. Retail liquor license holder purchasing liquor from other than duly licensed wholesale liquor dealer in this State. (RSMO 311.280).
- K. Window display of intoxication liquor, or any package, bottle or container bearing the label or brand of any intoxication liquor. (RSMO 311.350).
- L. Misrepresentation of brand of liquor. (RSMO 311.360).
- M. Sale of unlabeled liquor. (RSMO 311.600).
- N. Possession of illegal or untaxed liquor. (RSMO 311.580, also see Section 461.05 for Federal violation).

461.05 POLICE REPORT, EVIDENCE AND WARRANT APPLICATION

- A. Liquor license violation reports will be written using the department C.A.R.E. report system and will include the following:

1. Complete pedigree of all persons arrested; the appropriate Personal Descriptor in I.T.I. will be completed.
2. Evidence seized, location where seized, and evidence log number.
3. Disposition of scene.
4. General description of premises.
5. Federal, State, County, and City liquor license numbers and their expiration dates.
6. Names, addresses, and phone numbers of any witnesses.

NOTE: A copy of all liquor license violation reports will be forwarded to the office of the Chief of Police.

B. Evidence procedures in cases where liquor is seized.

1. In all cases where an immediate lab test is needed, all four (4) copies of the chain of custody evidence receipt will be kept with the evidence until delivered to the police lab. If a copy is needed to attach to the police report, a photocopy should be made.
2. If liquor is in drinking glass or open container, photograph the container and seize small sample in evidence container. The sample will be marked and packaged as evidence turned over to the Evidence Officer for transportation to the police lab.
3. If liquor is in original unopened package or container, seize only one container.
4. In case of juvenile in possession of liquor, a sample should be seized and packaged per above instructions. The remainder of the liquor should be seized, conveyed to the station and held awaiting owner. It can be turned over to the juvenile's parent or guardian upon their signing a property release describing the liquor to be released.

C. Warrant or summons procedures:

1. A warrant should be applied for in all cases where the officer did not observe the violation.
 - a. Ferguson City Court.

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- 1) A completed report should be forwarded to the City Prosecutor for all city cases.
- 2) Evidence should not be sent to the lab unless the suspect pleads not guilty on his first court appearance.
 - a) A subpoena will be issued to the arresting officer with the new court date after a not guilty plea.
 - b) Upon receiving the subpoena, the officer will immediately notify the Evidence Officer to take the liquor sample to the lab.
 - c) The arresting officer should obtain the lab results from the Evidence Officer prior to the court date, and have it in his possession for court.

b. State Court

- 1) Evidence should be taken to lab by the arresting officer for a preliminary examination prior to applying for a warrant. All four (4) copies of the chain of custody evidence receipt will be attached to the evidence.
- 2) Two copies, of the completed report, for each defendant, and the results of the preliminary evidence examination should be taken to the Warrant Office when applying for warrants.

c. Juvenile Court:

- 1) Minors, seventeen (17) to twenty-one (21) should be treated as adults and sent to City or State Court as per above directions.
- 2) Juveniles less than seventeen (17) years of age should be referred to Juvenile Court with the Juvenile I.T.I. completed.
- 3) Evidence should not be taken to the lab until so notified by the Juvenile Court.

2. A summons should be issued to the liquor license holder or his agent (bartender, waitress, etc.) if the officer witnesses a City Ordinance Liquor Law Violation. The court date should be left blank and the recipient advised that they will be notified by mail of their court date.

461.06 INTERNAL REVENUE LIQUOR LAW VIOLATIONS

A. Ownership or possession of any of the following is a federal violation.

1. Unregistered stills or distilleries.
2. Non-tax-paid distilled spirits (moonshine whiskey).
3. Fermented mash (usually a grain, sugar, water, and yeast mixture on illicit premises).
4. Raw materials, such as sugar, yeast, and grain, intended for the use in the manufacture of non-tax-paid spirits.
5. Containers (barrels, kegs, cans, jugs, jars, bottles, etc.) intended for use in packaging non-tax-paid spirits.
6. Vehicles transporting non-tax-paid spirits or raw materials and property intended for use in the illicit manufacture of spirits are subject to seizure and forfeiture to the Federal Government.

B. Procedure:

1. Usually, those violations under the jurisdiction of the Bureau of Alcohol, Tobacco and Firearms result from the investigation of a person under arrest for a State Law or City Ordinance violation.
 - a. The arrested subject will be booked on the appropriate State charge or City Ordinance violation according to present departmental procedures.
 - b. Additionally, the Bureau of Alcohol, Tobacco, and Firearms will be notified immediately, day or night, of any violation or suspected violation of Federal Liquor Laws. During the daytime, officers will contact

**Bureau of Alcohol, Tobacco and Firearms
1222 Spruce St. St. Louis, Missouri 63103-2250
Room 6 205
Phone 314 269-2250**

Ask for any Special Agent on duty. After 4:30 p.m., the phone will be answered by an answering service that will give the telephone number of the Duty Officer assigned that night.

- c. Should there be no request from the agent for an additional Federal criminal charge; the subject will not be booked on any Federal charge. The name of the notified agent will be included in the police report.

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By order of:

A handwritten signature in black ink, appearing to read "Colonel Thomas Jackson". The signature is fluid and cursive, with "Colonel" in a smaller circle to the left of "Thomas Jackson".

COLONEL THOMAS JACKSON
Chief of Police

Distribution

All Department Personnel