

Alcohol Ordinances

(This is only a partial listing. See Chapter 5 of the Cape Girardeau Code of Ordinances for a complete listing).

Sec. 5-4. - Sale to minor, certain other persons; exceptions.

Any licensee under this chapter, or his employee, who shall sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whomsoever except his parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of twenty-one (21) years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard, shall be deemed guilty of a misdemeanor; provided, however, that this section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only, or to the administering of such intoxicating liquor to any person by a duly licensed physician.

(Code 1967, § 5-5)

State law reference - Similar provisions, RSMo, § 311.310.

Sec. 5-12. - Prohibited acts committed by and involving minors; exemptions.

- (a) *Misrepresentation of age by minor.* No person between the age of seventeen (17) years and twenty-one (21) years shall represent that he or she has attained the age of twenty-one (21) years for the purpose of entering into an establishment that sells or supplies intoxicating liquor, or purchasing, asking for or in any manner receiving any intoxicating liquor.
- (b) *Purchase or possession of intoxicating liquor.* 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 this section, or who is visibly in an intoxicated condition, or has a detectable blood alcohol content of more than two-hundredths (0.02) of one (1) percent or more by weight of alcohol in such person's blood is guilty of a violation of this section. In prosecutions pursuant to this chapter, the municipal court will presume that the contents of a manufacturer container describing that there is intoxicating liquor therein does contain intoxicating liquor. This presumption may be rebutted by the defendant by the presentation of good and sufficient evidence to the contrary.
- (c) *Duty of licensee, etc.* No person licensed under the provisions of this chapter and the general ordinances of the city, nor any employee of such person **shall permit or fail to prohibit any minor to enter, visit or remain upon any premises where intoxicating liquor is served or is sold to be consumed on the premises, unless such minor is accompanied by one (1) of his or her parents or by his or her legal guardian. For the purpose of this section "minor" is defined as a person under the age of twenty-one (21) years.** The prohibition contained herein shall not apply to employees authorized under Section 5-5 of this chapter.



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Sec. 5-14. - Possession, consumption in public.

Except at the location of a permitted special event and under the terms of the special event permit, or where specifically authorized by other appropriate city license, or by other prior approval by the city manager, no person shall possess in open containers or consume intoxicating liquor in or upon streets, alleys, sidewalks or public parking areas, including a driver of any type of conveyance while in or upon streets, alleys, sidewalks, or public parking areas. Any event organized or for which a permit has been issued by the parks and recreation department within the terms of [section 15-482\(2\)](#) shall be considered a permitted special event for the purposes of this section.

(Code 1967, § 5-15; Ord. No. 2189, art. 1, 7-7-97; Ord. No. 2925, art. 1, 8-20-01; Ord. No. 2980, art. 4, 3-18-02; Ord. No. 4105, art. 4, 3-1-10; Ord. No. 4233, art. 2, 5-16-11)

Sec. 5-17. - After-hours clubs.

- (a) "After-hours clubs" shall be prohibited from remaining open for business between the hours of 1:30 a.m. and 6:00 a.m. Monday through Saturday and 12:00 a.m. and 6:00 a.m. on Sunday.
- (b) "After-hours clubs" means and includes, but shall not be limited to, any establishment which has for its primary purpose entertainment, teen clubs, dance clubs, and establishments which feature the playing of music. The club may or may not require a cover charge upon entry, contains a dance floor, or uses either a disc jockey or a live band, regardless of whether it is a "restaurant-bar" as that term is defined in this chapter, "after-hours clubs" shall not include movie theatres or retail businesses such as convenience stores, grocery stores, all-night department stores, or "restaurant-bars" as that term is defined in this chapter. Further, it shall not include riverboats licensed by the State of Missouri, or sports-oriented operations such as bowling alleys, batting cages, or organized basketball games.
- (c) "Restaurant-bar" means any establishment having a restaurant or similar facility on the premises whereby at least fifty (50) percent of the gross income of the restaurant or similar facility is derived from the sale of prepared meals or food consumed on such premises and where the person operating possesses the qualifications required by this chapter to sell intoxicating liquor. A restaurant-bar also means any establishment whose business building contains a square footage of at least ten thousand (10,000) square feet, and where games of skill commonly known as bowling are usually played and which has annual gross receipt of at least two hundred thousand dollars (\$200,000.00) of which no more than fifty (50) percent may be derived from the sale of alcoholic beverages.
- (d) If a business claims an exemption from this chapter on the basis that it is a "restaurant-bar" as that term is defined in this section, then the city finance department shall have the right to audit the sales receipts of the business in order to ascertain the percentage of revenues which are attributable to the sale of food. Refusal of the owner to allow an audit shall be a violation of this chapter. If the business is a corporation, the officers of the corporation may be cited.



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Sec. 5-17. - After-hours clubs. (Continued)

- (e) Anyone who violates the provisions of this chapter shall be subject to a fine of up to five hundred dollars (\$500.00) or imprisonment of up to ninety (90) days, or both, for each day of violation.

(Ord. No. 3292, art. 1, 2-17-04; Ord. No. 3385, art. 1, 9-20-04; Ord. No. 3409, art. 1, 11-15-04; Ord. No. 4397, art. 2, 12-3-12)

**For questions regarding the City's Alcohol Ordinance,
Contact our Community Service Officer:**

PtIm. Cody Farrow
Community Service Officer
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