



## CITY OF COLUMBIA, MISSOURI

### SUBSTANCE ABUSE ADVISORY COMMISSION

TO: Mayor Bob McDavid and the Honorable Members of the Columbia City Council

FROM: Chris Hawf, Chair  
Substance Abuse Advisory Commission

DATE: July 8, 2015

RE: Recommendations regarding proposed amendments Chapter 4 of the City code

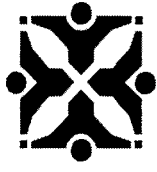
CC: Mike Matthes, City Manager  
Sheela Amin, City Clerk  
Stephanie Browning, Public Health and Human Services Director  
Steve Hollis, Human Services Manager  
Steve Van Matre, Assistant City Counselor  
Janice Finley, Business Services Manager

At the June 8, 2015 meeting of the Substance Abuse Advisory Commission, the commission unanimously voted to approve the enclosed report to the City Council containing a recommendation to amend Chapter 4, Article I., Section 4-14 of the City of Columbia Code of Ordinances to include a schedule of administrative penalties for violations of the liquor license standards.

Thank you for your consideration of this report and the recommendations contained therein. Please feel free to contact me should you have any question or if you need additional information.

Substance Abuse Advisory Commission ♦ c/o Division of Human Services  
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## CITY OF COLUMBIA, MISSOURI

### SUBSTANCE ABUSE ADVISORY COMMISSION

TO: Mayor Bob McDavid and the Honorable Members of the Columbia City Council

FROM: Chris Hawf, Chair  
Substance Abuse Advisory Commission

RE: Administrative Penalties

DATE: July 8, 2015

Since 2011, the Substance Abuse Advisory Commission has taken a long and hard look at the Chapter 4 the Alcoholic Beverages Code of Ordinances for the City of Columbia. Largely as a result of the very significant budget cuts to the state of Missouri's Liquor Control Board, the Substance Abuse Advisory Commission felt it was imperative to establish a standard for administrative penalties for alcohol violations at the local level.

- The state's budget cuts reduced the number of agents who enforce liquor law violations from sixty (60) to six (6). There are very few resources available at this time.
- The total Alcohol and Tobacco Control budget is 1.1 million dollars. This includes nineteen (19) full-time employees, mostly clerical staff.
- The total number of licensed establishments state-wide is fourteen thousand (14,000).
- Most of the 14,000 licensed establishments in the state of Missouri are retail and a small number of them are wholesalers. Also, the number 14,000 is just the number of establishments and many establishments hold multiple licenses. Alcohol and Tobacco Control also processes licenses for special events. The number of actual liquor licenses is actually much higher.
- The Director of Alcohol and Tobacco Control has also stated that agents are additionally responsible for licensing, administration, and investigation of violations. **He stated that each agent processes approximately twenty-three thousand (23,000) licenses a year, leaving very little time for investigation or enforcement.**

In addition to the stakeholders on the commission, we involved city attorney Steven Van Matre and Business Services Administrator Janice Finley. We also looked at alcohol ordinances for Kansas City, MO and Oxford, MS and used them as a guideline in our research.

Our goal was to establish a consistent and enforceable set of administrative penalties for the City of Columbia. It was also our goal to simplify the process and remove the aspect of subjectivity, allowing the process to be much more transparent. The Substance Abuse Advisory Commission's recommendations were endorsed by the Alcohol Summit that took place on April 17, 2014 and on September 13, 2014.

We believe the citizens of Columbia and the students deserve to live in a safe and secure environment. With a much larger student body in our city than in the past and a greater number of students living in the downtown area, we believe it is even more imperative to have a consistent and objective process to enforce liquor control violations. To that end, we hope that these ordinances will achieve that goal.

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## ADMINISTRATIVE PENALTIES

Time Frame (Liquor License Period – July 1 to June 30)

Section	Ordinance Violation	Points	Section	Ordinance Violation	Points	Section	Ordinance Violation	Points	Section	Ordinance Violation	Points
Sec. 4-4	Building used for unlawful activity.	10	Sec. 4-13(7)	Fail to comply with state/federal law.	1	Sec. 4-29	Violation hours of operation.	5	Sec. 4-68	Violation hours of consumption non-intoxicating.	5
Sec. 4-4	Violation of sale not for consumption on premises.	5	Sec. 4-13(8)	Fail to appear on summons.	10	Sec. 4-35	Fail to comply with sanitation.	1	Sec. 4-69	Violation sale of non-intoxicating.	5
Sec. 4-13(1)	Brawls, general disorder.	5	Sec. 4-15	Move location without transferring license.	10	Sec. 4-48	Serve on sidewalk w/o special license.	5	Sec. 4-70	Allow patron to increase alcohol content.	5
Sec. 4-13(2)	Fail to report to police violence or illegal acts.	5	Sec. 4-16	Sale to drunk or minor.	5	Sec. 4-49	Temporary location w/o special license.	5	Sec. 4-96	Allow person to perform on bar.	1
Sec. 4-13(3)	Fail to cooperate with police.	10	Sec. 4-17	Allow minors to consume.	5	Sec. 4-50	Limit for sale by organization permit.	5	Sec. 4-97	Solicitation for drinking.	1
Sec. 4-13(4)	Business constituting a nuisance.	1	Sec. 4-18	Using underage employees.	5	Sec. 4-51	Violation of caterers permit.	5	Sec. 4-98	Allow indecent exposure.	5
Sec. 4-13(5)	Keep area litter free.	1	Sec. 4-26	Operating or possessing gambling device.	5	Sec. 4-66	Violation of non-intoxicating license.	5	Sec. 4-102	Allow a server to work without certificate.	5
Sec. 4-13(6)	Fail to comply with Code.	1	Sec. 4-27	Keep unauthorized liquor on premises.	10	Sec. 4-67	Violation hours of sale non-intoxicating.	5			

Accumulation of 10 points ..... 1-day suspension  
 Accumulation of 20 points ..... 2-day suspension  
 Accumulation of 30 points ..... 3-day suspension  
 Accumulation of 40 points ..... 4-day suspension  
 Accumulation of 50 points ..... 5-day suspension  
 After 60 points..... One week suspension or revocation

## City of Columbia- Code of Ordinances

### Chapter 4, Article I.

#### Section 4-14- Suspension or revocation of license

- (a) Suspension or revocation. The business services administrator may suspend or revoke the license of any licensee under this chapter who has failed to meet the standards of conducting business set forth in this chapter or who has made any false, misleading or fraudulent statement in the license application or who has been assessed or accumulates sufficient points as set forth in (c). A suspension may be from one (1) day to one (1) year.
- (b) In order to establish guidelines by which to evaluate the frequency and seriousness of offenses and as a result fairly administer warnings, suspensions and revocations of licenses if necessary a point system shall be considered by the business service administrator as set forth in (c). However, the guidelines are not intended to remove or restrict the discretion of the business service administrator nor prevent the business services administrator from seeking an immediate suspension or revocation of a license as provided in this chapter.
- (c) All individuals holding alcohol licenses, in addition to other penalties prescribed by law, shall be subject to the following point system:
- [Administrative penalties schedule]
- Points shall be assessed as of the date of the incident report.
- For purposes of point accumulation the time frame shall be the period of the term of the liquor license, from July 1 to June 30 each year.
- (d) Any violation of Section 4 by a bartender server, waiter, doorman, or identification checker of any establishment holding a liquor license pursuant to Chapter 4 shall also be considered an offense of the establishment.
- (be) Notice of suspension or revocation. The business services administrator shall suspend or revoke a license issued under this chapter by sending notice of the suspension or revocation to the licensee by first class mail or by personal service on the licensee or the person in charge at the licensed premises. Mailed notice shall be presumed received three (3) days after it is mailed. The notice shall contain:
- (1) A statement of the grounds for the suspension or revocation.
  - (2) The effective date of the suspension or revocation, which shall be at least ten (10) days after the notice is received.
  - (3) In the case of a suspension, the length of the suspension.
  - (4) Instructions on how to appeal the suspension or revocation.
- (ef) Appeal to liquor license review board. The licensee may appeal the suspension or revocation by requesting a hearing before the liquor license review board. The appeal must be in writing, addressed to the director of finance and received by the director of finance within ten (10) days after the notice of suspension or revocation was received. Receipt of an appeal by the director of finance shall automatically stay enforcement of the suspension or revocation.
- (eg) Notice of hearing. After receipt of an appeal, the director of finance shall schedule a hearing before the liquor license review board. At least ten (10) days written notice of the hearing shall be given to the licensee. Notice shall be given in the same manner as the notices of suspension or revocation.
- (eh) There shall be no right to depositions.

- (fi) The liquor license review board shall have the authority to issue subpoenas duces tecum for purposes of hearings only. Requests for subpoena duces tecum must be submitted in writing at least three (3) days before the hearing.
- (gi) Hearing and decision. The liquor license review board shall conduct the hearing and enter a decision within thirty (30) days in accordance with the rules and procedures adopted by the board and the requirements of RSMo Ch. 536, for contested cases. The board may affirm or reverse the decision of the business services administrator. If the board finds that a liquor license violation has occurred, the board may impose a suspension from one (1) day to one (1) year or revoke the license. The board is not bound by the penalty imposed by the business services administrator.
- (hk) Appeal. The licensee may appeal an adverse decision of the Liquor License Review Board to the Circuit Court of Boone County in accordance with RSMo Ch. 536. The court may stay the suspension or revocation pending the appeal.

(Ord. No. 18006, § 1, 3-1-04; Ord. No. 21176, § 1, 12-5-11)