

**CIT ES:** Cities shall not pass ordinances regulating control, manufacture or sale of intoxicating liquor inconsistent with provisions of Liquor Control Act. Cities may fix any reasonable qualifications not inconsistent with provisions of the Liquor Control Act.

5-18  
May 15, 1935.

Mr. Philip A. Land  
City Clerk  
Marshall, Missouri



Dear Sir:

This will acknowledge your letter of recent date requesting an opinion from this department, which reads as follows:

"Confirming our telephone conversation of even date.

"Would it be possible for the City of Marshall Missouri a City of the third class to include in our liquor Ordinance a clause setting out in the qualifications of the applicant, that said applicant must be a resident of the City for a term of five years, and in your opinion would the same hold in the Courts. "

We direct your attention to applicable sections under the Liquor Control Act as recently amended by the Committee Substitute for Senate Bill No. 30 and as passed by the 58th General Assembly of the State of Missouri. Section 27 under the above mentioned act provides in part:

"No person shall be granted a license hereunder unless such person is of good moral character and a qualified voter and a taxpaying citizen of the county, town, city or village, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the county, town, city or village; \*\*\*\*\*"

Section 25 provides in part:

"The Board of Aldermen, City Council or other proper authorities of incorporated cities, may charge for licenses issued to manufacturers, distillers, brewers, wholesalers and retailers of all intoxicating liquor, located within their limits, fix the amount to be charged for such license, subject to the limitations of this act, and provide for the collection thereof, make and enforce ordinances for the regulation and control of the sale of all intoxicating liquors within their limits, provide for penalties for the violation of such ordinances, where not inconsistent with the provisions of this act."

You will note from a careful reading of the above sections of the Act that a person must be of good moral character and a qualified legal voter and a taxpaying citizen of the city to be granted a license, also that the City Council or other proper authorities of incorporated cities may charge for licenses subject, however, to limitations of the Liquor Control Act. A city may make and enforce ordinances under the above mentioned provisions for the regulation and control of the sale of all intoxicating liquors providing such ordinances be not inconsistent with the provisions of the Liquor Control Act.

CONCLUSION.

In light of the foregoing, it is the opinion of this department that the City of Marshall, Missouri, or any other city may provide in their ordinances qualifications of applicants who obtain a license for the sale of intoxicating liquor, which qualifications shall not be inconsistent with the provisions of the Liquor Control Act.

We therefore rule that the City may make any requirements with reference to residence that are reasonable and

whether five years is reasonable is a judicial question, however, we could advise that one year in our opinion would be without question upheld by the courts.

Respectfully submitted,

RUSSELL C. STONE  
Assistant Attorney-General.

APPROVED:

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ROY McKITTRICK  
Attorney-General.

RCS/afj