AN ORDINANCE CREATING A NEW CHAPTER 212, CONSUMER PROTECTION REGULATIONS, IN THE ORDINANCES OF ST. CHARLES COUNTY, MISSOURI ("OSCCMo.") IN ORDER TO ESTABLISH RESTRICTIONS RELATED TO WINERIES.

WHEREAS, St. Charles County is home to the first federally designated American Viticultural Area ("AVA") in the United States; and

WHEREAS, St. Charles County wineries have produced nationally and internationally awarded wines; and

WHEREAS, St. Charles County wineries help comprise the Missouri Wine Trail which attracts visitors from all over the world to taste the unique wines and experience the local flavor; and

WHEREAS, the wine industry has a $3.2 billion annual impact on Missouri's economy with a significant portion derived from St. Charles County wineries; and

WHEREAS, wine enthusiasts and connoisseurs alike have demonstrated a commitment to St. Charles County wine; and

WHEREAS, a winery is a wine-making establishment, and advertising an establishment as a "winery" when it is not involved in the making of wine is misleading to the
public as a misrepresentation or concealment of a material fact.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. A new Chapter 212 OSCCMo. is hereby created and reads as follows:

Chapter 212 CONSUMER PROTECTION REGULATIONS

Section 212.020 Scope.

The provisions of this Chapter shall apply within and throughout the unincorporated part of St. Charles County, Missouri.

Section 212.100 Definitions

For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ADVERTISE: To announce by publication, dissemination, solicitation, circulation, or any other means in order to induce, directly or indirectly, any person to enter into any obligation or acquire any title or interest in any merchandise.

PERSON: Any person or persons, or entity including, but not limited to, a corporation, partnership, unincorporated association or joint venture.

Section 212.200 Winery Regulation.
No Person shall advertise any establishment as a “winery” unless that establishment is engaged in making wine, which includes grape growing, cultivating, crushing, fermenting, and/or bottling.

Section 212.900 Violations and Penalties.

Any Person who violates any provision of this Chapter shall be guilty of a misdemeanor and shall be punished by a fine of up to five hundred dollars ($500) per day for each violation. Each and every day that such violation continues shall constitute a separate offense. The judge(s) presiding over cases prosecuting such violations will set the schedule for fines and any other such punishment allowable under this Chapter, as the judge(s) may deem appropriate.

Section 212.910 Enforcement.

The Office of the County Counselor shall be responsible for prosecuting these cases or pursuing other legal remedies for the violations of the ordinance.

Section 2. This ordinance is subject to penalty provisions for its violation and therefore, for penal purposes, shall be effective thirty-one (31) days after its posting in six public places, its publication in full on the web site of St. Charles County, and the publication of its title and the location in St. Charles County where it may be viewed in its entirety in a legal publication or a newspaper of general circulation in St. Charles County.