

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SECTION 600.030 CONCERNING TERMS OF THE LIQUOR CONTROL BOARD

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI AS FOLLOWS:

Section 1. Section 600.030 of the Osage Beach Code of Ordinances is hereby repealed.

Section 2. There is hereby enacted within Title IV, Chapter 600, Article 1, new Sections 600.030, 600.031, 600.032 and 600.033 as follows:

Section 600.030 Liquor Control Board Established

There is hereby established the Osage Beach Liquor Control Board.

Section 600.031 Purposes.

1. The duty of the Liquor Control Board shall be to determine whether applications for license comply with the provisions of this Chapter. Licenses shall only be granted to persons of good character. In determining the good character of the applicant, the Liquor Control Board shall also apply the criteria set out in Section 600.140.
2. The Liquor Control Board shall not recommend a license for Board of Aldermen approval without first having reviewed the recommendations of the Police Chief. The Liquor Control Board shall not be required to hold any hearing of any kind whatsoever in determining whether a new license shall be granted or an old license renewed but may hold hearings if it deems such hearings in the public interest are in the best interest for the public.
3. No license shall be issued without the written approval by a majority vote of the Board of Liquor Control, and approval by the Board of Aldermen.
4. All applications for licenses new and renewal and shall be referred to the Police Chief who shall review and make recommendation on all applications to the other members of the Liquor Control Board. The review of the applications for license shall normally be completed and presented to the City Collector or designee within thirty (30) working days of the date of the application. The Liquor Control Board shall also draw up and approve a form of application, which the City Collector or designee shall use..

Section 600.032 Membership.

The membership of the Osage Beach Liquor Control Board shall consist of one (1) Alderman, the Police Chief, the Chairperson of Planning Commission, and the City Collector. The City Collector shall serve as Chairperson of the Board.

Section 600.033 Terms and Appointments.

One Alderman shall be appointed by the Mayor and approved by a majority of the Board of Alderman to serve a one-year term expiring June 1. Expiring appointments will be filled in May with term beginning June 1.

Section 600.034 Appeals.

An applicant aggrieved by a decision of the Liquor Control Board, or any citizen maintaining a residence, place of business, or owning property within six hundred (600) feet of the property upon which the licensed establishment is located, may file a petition with the Board of Aldermen within ten (10) days after the action by the Liquor Control Board appealing said action. The Board of Aldermen shall have the final authority and may act as it deems appropriate under law.

Section 3. Severability

The chapters, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or degree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 4. Repeal of Ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 5. That this Ordinance shall be in full force and effect from and after the date of passage and approval of the Mayor.

READ FIRST TIME: September 15, 2022 READ SECOND TIME: October 6, 2022

I hereby certify that Ordinance No.22.67 was duly passed on October 6, 2022, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 6

Nays: 0

Abstentions: 0

Absent: 0

This Ordinance is hereby transmitted to the Mayor for his signature.

October 6, 22
Date

Tara Berreth
Tara Berreth, City Clerk

Approved as to form:

Edward B. Rucker
Edward B. Rucker, City Attorney

I hereby approve Ordinance No.22.67.

Michael Harmison
Michael Harmison, Mayor

October 6, 2022
Date

Tara Berreth
Tara Berreth, City Clerk