

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING THE OSAGE BEACH CODE OF ORDINANCES ALCOHOLIC BEVERAGES BY REPEALING AND REENACTING SECTION 600.120 D CONCERNING LIQUOR SALES ON SUNDAY, AND FURTHER REPEALING SECTION 600.150 E DEALING WITH RESTAURANT/BARS

WHEREAS, the State of Missouri had removed the requirement that any establishment desiring to sell liquor by the drink on Sunday demonstrate a certain level of food sales, and,

WHEREAS as the nations finest recreational lake community the City desires to strike a reasonable balance in the use of alcohol and public peace and safety consistent with the policies of state government:

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

Section 1. That Section 600.120 D 1 is hereby repealed in its entirety.

Section 2. A new Section 600.120 D 1, Operating Hours, Days, is hereby enacted to read as follows:

No person having a license issued pursuant to this Chapter, nor any employee of such person shall sell, give away or permit the consumption of, any intoxicating liquor or non-intoxicating beer in any quantity between the hours of 1:30 A.M. and 6:00 A.M. Any person licensed to sell intoxicating liquor or non-intoxicating beer by the drink shall keep a closed place during the aforementioned prohibited times.

Section 3. That Section 600.150 e is hereby repealed in its entirety.

~~For the privilege of selling intoxicating liquor by the drink on Sundays in "restaurant bars" as used in this Chapter, any establishment having a restaurant or similar facility on the premises, of which at least fifty percent (50%) of the gross income is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars (\$200,000.00) from the sale of prepared meals or food consumed on such premises. All other laws and regulations of the City relating to the sale of liquor by the drink for consumption on the premises where sold shall apply to a restaurant-bar in the same manner as they apply to other establishments licensed under the provisions of this Chapter. In addition to all other fees required by law, a restaurant-bar shall pay an additional fee of three hundred dollars (\$300.00) a year for Sunday sales payable at the same time and in the same manner as its other license fees.~~

Section 4. Severability

The chapter, 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 5. 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 6. Effective Date.

This Ordinance shall take effect and be in full force from and after its passage by the Board of Aldermen and approval by the Mayor.

READ FIRST TIME: May 17, 2018

READ SECOND TIME: June 7, 2018

I hereby certify that the above Ordinance No. 18.27 was duly passed on June 7, 2018, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes:	6	Nays:	0
Abstain:	0	Absent:	0

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

June 11, 2018
Date


Cynthia Lambert, City Clerk

Approved as to form:


Edward B. Rucker, City Attorney

I hereby approve Ordinance No. 18.27.

June 11, 2018
Date


John Olivarri, Mayor

ATTEST:


Cynthia Lambert, City Clerk

