

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING THE REQUIREMENT FOR BACKGROUND CHECKS WHEN RENEWING A LIQUOR LICENSE TO REQUIRE A PERMANENT RELEASE TO ALLOW THE POLICE CHIEF OF HIS DESIGNEE TO ACCESS SUCH INFORMATION.

WHEREAS, the Board of Aldermen understands the responsibility of the City to properly manage the sale of intoxicating liquor within the City and the responsibility to provide a secure and welcoming environment for businesses within the City and the need to properly balance both responsibilities; and,

WHEREAS, the Board of Aldermen believes that a system for liquor license renewal background checks as set forth below is in the best interest of the City:

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 That Section 600.120 E 5 of the Osage Beach Code of Ordinances be and is hereby repealed.

Section 2. That a new Section 600.120 E 5 of the Osage Beach Code of Ordinances be and is hereby enacted as follows:

600.120 E 5 Renewal Application, Release or Background Check

Upon the first application for renewal of any liquor license, which application is made after January 1, 2020, the applicant shall submit either:

- a) a criminal record check dated within six (6) months preceding the date of the renewal application for each individual owner, or partner if a partnership or if an LLC, all members of an LLC must submit such a criminal record check. If applicant is a corporation, the following individuals must submit a criminal record check: the managing officer, each officer and director, and all shareholder(s) who own ten percent (10%) or more of the stock of the business. The record check must be issued by the Missouri Criminal Records Division of the Missouri Department of Public Safety or its successors;

or,

- b) a valid notarized waiver and release, in a form prepared by the Liquor Control Board, which form is acceptable to the Missouri Criminal Records Division of the Missouri Department of Public Safety, or its successors, which release authorizes the Police Chief or his designee to obtain a criminal records check and all such other information as may be available through the Missouri MULES system. The applicant shall submit a new notarized release within 30 days of a request by the

chief of police that the release on file is no longer sufficient for the purposes stated above.

- c) Any holder of a liquor license shall report any change of fact in their application within 10 days to the Liquor Control Board and submit such new waiver and release forms as such change make necessary.

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 January 1, 2020, and approval of the Mayor.

READ FIRST TIME: November 7, 2019 READ SECOND TIME: November 21, 2019

I hereby certify that Ordinance No.19.72 was duly passed on November 21, 2019 by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

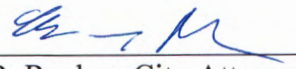
Ayes: 6 Nays: 0 Abstentions: 0 Absent: 0

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

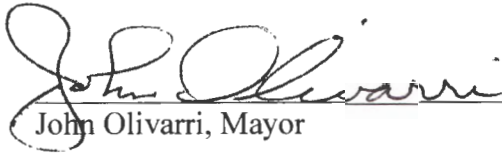
Nov. 21, 2019
Date


Tara Berreth, City Clerk

Approved as to form:


Edward B. Rucker, City Attorney

I hereby approve Ordinance No.19.72.


John Olivarri, Mayor

November 21, 2019
Date


Tara Berreth, City Clerk