

A GENERAL ORDINANCE OF THE CITY OF NEVADA MISSOURI UPDATING CHAPTER 3 OF THE CODE OF THE CITY OF NEVADA, MISSOURI TO PROVIDE CONSISTENCY WITH MODIFICATIONS BY THE MISSOURI LEGISLATURE EFFECTIVE AUGUST 28<sup>TH</sup> 2021.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEVADA, MISSOURI, THAT:

**Whereas**, the Missouri legislature has truly agreed and finally passed Senate Bill 126 which has been signed by the Governor and will be effective in Missouri from and after August 28<sup>th</sup> 2021, and,

**Whereas**, said statute modifies the privileges and responsibilities of numerous liquor law licensees in as so far as days and hours of operation are concerned, and,

**Whereas**, said statute permits the holder of a license to sell intoxicating liquor at retail to sell packaged liquor in a container, i.e., "to go" alcohol, and,

**Whereas**, as explained in the case of Casey's v. City of West Plains, 9 S.W.3d 712, a municipality's powers regarding the control and regulation of intoxicating liquor are derived from and subject to the Liquor Control Act, and,

**Whereas**, one must be mindful that the traffic of liquor is not a lawful business EXCEPT as authorized by express State legislation,

**Now, therefore**, Chapter 3 of the Code of the City of Nevada, Missouri is hereby amended by addition of the following prevailing and superseding provisions:

**Section 3-56. Amendment of Municipal ordinances to comply with 2021 legislative changes:**

(a) **Privileges and obligations under Municipal Licenses heretofore or hereafter issued.** From and after August 28, 2021, the privileges and obligations of licensees under city licenses heretofore and hereafter issued will be (and by law must be) consistent with the privileges and obligations of licensees under licenses issued by the Department of Liquor Control, subject however to lawful limitations issued by this municipality.

(b) **Days and Hours of Operation under Municipal Licenses heretofore and hereafter issued.** From and after August 28, 2021, to the extent the legislature has mandated a change in the days and hours of

operation of state licensees not heretofore recognized by this municipality, said expanded hours are hereby recognized and approved.

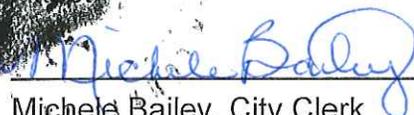
**(c) Restrictions on "To Go Alcohol".** From and after August 28, 2021, any sale, of retailer-packaged liquor to a consumer in a container filled on such premises, subject to consumption off premises - is subject to the restrictions contained in Section 311.202, RSMo. A violation of this provision shall be subject to the general penalty provision of the Code of the City of Nevada, Missouri.

**(d) New or Special Permits.** From and after August 28, 2021, To the extent the legislature has authorized new licenses and special permits, the City of Nevada will issue on customary forms for liquor license applications, such new licenses, and special permits at a fee of \$150, it being recognized that application and licensing permits the municipal government to maintain awareness of such operations as well as provide verification of entitlement to licensed operations that may impact the community.

**(e) Prevailing and Superseding Applicability.** The provisions of this section prevail over and supersede all existing provisions of Chapter 3 of the Code of the City of Nevada, Missouri.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Nevada, Missouri, this 24<sup>th</sup> day of August 2021.

  
George Knox, Mayor

  
  
Michele Bailey, City Clerk