

City of Neosho

CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE: September 18, 2018 & October 2, 2018

ITEM: Bill No. 2018-898 for Ordinance 34-2018: Amending Section 600.230 of Code

ORIGINATING DEPARTMENT: City Attorney

ATTACHMENTS: Bill 2018-898
Alcohol License Suspension

ROUTING ORDER:

CITY ATTORNEY:	Steve Hays	DATE:
CITY MANAGER:	Dana Daniel	DATE:
CITY CLERK:	Rachel Holcomb	DATE:

PURPOSE:

To give clear instructions to the licensing clerk on the steps for suspending alcohol licenses.

BACKGROUND:

RECOMMENDATION:

Staff recommends Council approve Bill 2018-898 for Ordinance No. 34-2018 for 1st 2nd and 3rd Readings.

AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, PROVIDING THAT CHAPTER 600 OF THE CODE OF ORDINANCES, CITY OF NEOSHO, MISSOURI, BE AMENDED BY REVISING SECTION 600.230 OF SAID CODE, PROVIDING FOR GROUNDS FOR SUSPENSION OR REVOCATION – NOTICE OF PROPOSED SUSPENSION OR REVOCATION OF AN ALCHOL LICENSE AND SETTING AN EFFECTIVE DATE THEREOF.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEOSHO, MISSOURI, AS FOLLOWS:

SECTION 1. That Chapter 600, Section 600.230, be amended so that such section shall read as follows:

Section 600.230. Grounds for Suspension or Revocation – Notice of Proposed Suspension or Revocation.

A. The Licensing Clerk or her designee may, in addition to other penalties provided by ordinance, suspend or revoke a license issued under this Article if the licensee or his employees or agents violate any of the following provisions:

1. An offense resulting in a conviction involving the use of force or violence upon the person of another in the operation of the business of the licensee.
2. A conviction of a crime involving a felony by the licensee or any of the officers or the managing officer of the licensee.
3. Any false, misleading or fraudulent statement of fact in the license application for the licensee or in any other document required by the City in conjunction therewith.
4. Violation of any of the provisions of this Article or any of the laws of this City.
5. Violation of the laws of the State of Missouri or the United States of America or any rule or regulation pertaining to the sale and licensing of intoxicating liquors or non-intoxicating beer.
6. Operation of the business in such a manner that it constitutes a nuisance to the neighborhood.
7. Conduct by the officers, employees or managing officers of the licensee such as public drunkenness when working or while on the premises, indecent exposure when working or when on the premises or other similar conduct which shows improper conduct by an individual who is licensed pursuant to this Article. For purposes of this Section, the term "*premises*" shall include the licensed premises, the parking lots and the area around the business which is owned, used and maintained as part of the business.

B. Upon violation of one or more the above enumerated provisions, the Licensing Clerk shall impose the following graduated penalties:

1. First Offense: Written warning that informs the licensee that subsequent violations accumulated within a twenty-four (24) month period will result in a suspension of the licensee’s liquor license.

2. Second Offense within an accumulated twenty-four (24) month period: Three days suspension of licensee’s liquor license.

3. Third Offense within an accumulated twenty-four (24) month period: Three-month suspension of licensee’s liquor license.

4. Fourth Offense within an accumulated twenty-four (24) month period: One-year suspension of licensee’s liquor license.

C. The Licensing Clerk or her designee shall notify the licensee in writing of the intended action and the reasons therefore and of the right to request a hearing in regard thereto. The action indicated in the written notice shall be final unless the licensee shall file a written request for hearing with the Licensing Clerk within ten (10) days of the notice. If a notice of hearing is received, the Licensing Clerk shall proceed in accordance with Section 600.240.

D. Duties of the Chief of Police: The Chief of Police shall enforce the provisions of this Chapter pursuant to Section 605.140 of the Neosho Code of Ordinances.

SECTION 2. This ordinance shall be in full force and effect as of October 2, 2018.

APPROVED after final passage this 2nd day of October, 2018.

ATTEST:

CITY OF NEOSHO, CITY COUNCIL

Clerk

Mayor

APPROVED:

City Attorney