

ORDINANCE NO. 2026-01-002

AN ORDINANCE REGULATING APPLICATIONS FOR LIQUOR AND BUSINESS LICENSES BY AMENDING SECTIONS 50.030 AND OF 54.080 THE ELSBERRY CITY CODE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ELSBERRY, MISSOURI, AS FOLLOWS:

SECTION 1: The Elsberry City Code is amended by adding Subsections 50.030.2.8 through 50.030.2.10; and 50.030.11 as follows:

“§50.030 APPLICATION FOR LICENSE.

2. All applications for licenses shall contain the following minimum information:
 8. Form of application. Be a written statement upon forms provided by the city license officer; such form shall include an affidavit, to be sworn to by the applicant before a notary public of this State.
 9. Contents of application. Require the disclosure of all information necessary to compliance with the City's Liquor Ordinances and any other information which the city license officer shall find to be reasonably necessary to the fair administration of this Chapter.
 10. Payment of fees. Be accompanied by the full amount of the fees chargeable for such license. Whenever a license cannot be issued at the time the application for the same is made, the city license officer shall issue a receipt to the applicant for the money paid in advance, subject to the following condition: such receipt shall not be construed as the approval of the city license officer for the issuance of a license; nor shall it entitle or authorize the applicant to open or maintain any business contrary to the provisions of this Chapter.
11. By submitting the application the applicant authorizes the City to conduct background check of the applicant.
 1. The applicant shall execute a release for background checks and submit fingerprint impressions to assist in that background check. Any criminal background check conducted on applicants shall include any and all law enforcement agencies or divisions of the Federal, State or any municipal governments as the Liquor Commission determines to be necessary and appropriate. The applicant shall pay the fee for fingerprinting and the background check.

2. Upon receipt of the fingerprints and the appropriate fees, the City Clerk will transmit the fingerprints either electronically or via mail to the Missouri State Highway Patrol, together with the appropriate fees (unless a satisfactory billing arrangement has been entered into between the City and Missouri State Highway Patrol). The Missouri State Highway Patrol will compare the subject's fingerprints against its criminal file and, if necessary, submit the fingerprints to the Federal Bureau of Investigation for a comparison with nationwide records. The results of the Federal Bureau of Investigation check will be returned to the Missouri State Highway Patrol, which will disseminate the state and national results to the City.
3. The City shall render a fitness determination based upon the results of the criminal background check. In rendering a fitness determination, the City will decide whether the record subject has been convicted of, or is under pending indictment for: (a) a crime which bears upon his/her ability or fitness to serve in that capacity; or (b) any felony or a misdemeanor which involved force or threat of force, controlled substances, or was a sex-related offense.
4. A record subject may request and receive a copy of his/her criminal history record information from the City. Should the record subject seek to amend or correct his/her record, he/she must contact the Missouri State Highway Patrol for a Missouri state record or the Federal Bureau of Investigation for records from other jurisdictions maintained in its file.
5. All criminal record check information shall be confidential and any person who discloses the information beyond the scope of the purposes allowed in this Ordinance is guilty of a class A misdemeanor.”

SECTION 2: The Elsberry City Code is amended by adding Subsection 54.080.6 as follows:

“§54.080. PROCEDURE FOR ISSUANCE OF LICENSE

6. The Applicant shall comply with all background check requirements that apply to liquor license applicants.”

SECTION 3: Severability. The provisions of this Ordinance shall be severable. In the event that any provision of this Ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of this Ordinance are valid unless the Court finds the valid provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the Board of Aldermen would have enacted the valid provisions without the void ones or unless the Court finds that the valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

SECTION 4. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: Effective Upon Passage. This ordinance shall be in full force and effect from and after the date of its passage.

SECTION 6: Incorporation into the Municipal Code. The City Clerk shall incorporate the terms of this Ordinance into the official City of Elsberry Municipal Code with all due dispatch.

Read two times and passed this _____ day of _____ 2026.

MAYOR

Attest: _____
City Clerk

Approved as to form:

City Attorney