

ORDINANCE NO. 2026-070-002

AN ORDINANCE REGULATING PREMISES AT WHICH LIQUOR ARE SERVED FOR CONSUMPTION ON THE PREMISES AND PROVIDING FOR EXTENSIONS OF LIQUOR LICENSE TO CERTAIN PREMISES BY AMENDING SECTIONS 50.001 AND 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 §50.001 is amended by deleting the definition of “Premises” and adding a new definition of “Premises or Premise” as follows:

“Premises or Premise: Any place in which intoxicating liquor is sold or consumed and may be:

One (1) room,
A building comprising several rooms, or
A building with outdoor premises.

Outdoor Premises:

The land adjacent or surrounding a building (such as a lot or garden) for which a non-temporary liquor license has been issued, and such land has clearly delineated permanent boundaries that are permanently fenced or otherwise enclosed by a physical barrier, and such land is not used primarily for vehicular travel or parking.”

SECTION 2: The Elsberry City Code is amended by deleting §50.020 and replacing it with a new §50.020 as follows:

“§50.020. RESTRICTIONS AS TO PLACE OF SALE – OUTDOOR PREMISES.

1. No person shall sell intoxicating liquor or nonintoxicating beer at any premises or place other than that designated in the liquor license held by such person. Unless otherwise specifically provided for in the particular type of license obtained, a license shall only allow for sale of intoxicating liquor or nonintoxicating beer on the premises so designated in the liquor license. However, the sale of intoxicating liquor or nonintoxicating beer may be made at outdoor premises if:

The license applicant has a Missouri State Liquor License for the outdoor premises; and

Such sale is approved by separate vote of the Board of Aldermen at the time the liquor license for the premises is approved. If a liquor licensee has a liquor

license covering outdoor premises at the time this Ordinance is passed, the licensee may request Board of Alderman approval retroactively to the date the liquor license was obtained. However, that licensee will have to obtain Board of Alderman approval timely when the licensee's next annual liquor license application is submitted.

2. The outdoor premises where alcohol is sold or served must have a secure permanent boundary enclosure that does not encroach upon, or interfere with, a public sidewalk, alley, or other public space. Persons being served or consuming alcohol with the outdoor premises may not interact with, disturb, or share drinks with those outside of the outdoor premise's boundary enclosure.
3. The licensee must provide a drawing of the proposed service area along with specifications as to how it will be constructed with its application and must construct all required fences and barriers according to said drawing. The Building Official, Police Department and Fire Department must inspect said area prior to commencement of service and all building, electrical and plumbing codes that apply must be met.
4. The licensee must provide all security for the outdoor service area and must include a method of policing who is and is not of legal age to consume drinks in the area. All entrances and exits must be under the licensee's supervision at all times alcohol is being served or consumed in the outdoor premises.
5. All outdoor service areas that have seating and tables to serve the patrons must still meet all building and fire codes. Standing will be permitted; however, the occupancy limits for the licensed premises, in either case, must not be exceeded.
6. All regulations concerning noise and parking must also be met. No outdoor service area may be in a residentially zoned area of any type. All outdoor service areas must be in the rear of the licensed premises or in a side yard as defined in the zoning regulations.
7. All alcohol service and consumption in the outdoor premises must end by 10:00 p.m. daily.
8. The outdoor premises must be cleaned and cleared of trash, refuse, and debris at each closing time.
9. No alcoholic beverages may be left unattended in the outdoor premises at any time.
10. The Board shall consider the Missouri State license and the layout, safety, and security of the outdoor premises and its physical enclosure barriers in deciding whether to approve the outdoor premises for the license."

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