

Memorandum Regarding Council Bill No. 2025-37.

Background:

Chapter 4 of the Nixa City Code currently governs the sale of alcoholic beverages. Section 4-3(d) presently defers to state law regarding operating hours, which can create ambiguity for enforcement and licensees. Additionally, the Missouri General Assembly recently enacted Section 311.2026, RSMo, which temporarily allows licensed establishments to extend alcohol sales hours during the upcoming 2026 FIFA World Cup Tournament. Section 311.2026.4, RSMo, expressly grants the City Council the authority to opt out of this temporary extension by ordinance.

Analysis:

This Council Bill amends Section 4-3 of the City Code to repeal the current language and adopt a new section that explicitly codifies prohibited hours of operation between 1:30 a.m. and 6:00 a.m. Furthermore, the Bill exercises the City's authority to opt out of the provisions of Section 311.2026, RSMo. If approved, the temporary extension of hours for the 2026 FIFA World Cup will be prohibited within the City, ensuring uniform operating hours are maintained in the interest of public health, safety, and welfare.

Recommendation:

Staff recommends approval.

MEMO SUBMITTED BY:

Rebekka Coffey | City Clerk

Attachments:

Council Bill No. 2025-37.

1 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING SECTION 4-3 OF**
2 **THE NIXA CITY CODE FOR THE PURPOSE OF ESTABLISHING SPECIFIC HOURS**
3 **WHEN ALCOHOL SALES ARE PROHIBITED AND OPTING OUT OF SECTION**
4 **311.2026 RSMO.**

5
6 **WHEREAS** Chapter 4 of the Nixa City Code governs the sale of alcoholic
7 beverages within the City; and
8

9 **WHEREAS** Section 4-3(d) of the Nixa City Code currently defers to state law
10 regarding the hours of operation for the sale of intoxicating liquor, which can be unclear
11 for licensees and for enforcement purposes; and
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13 **WHEREAS** the Missouri General Assembly passed House Bill 1041, which
14 enacted Section 311.2026, RSMo, temporarily allowing licensed establishments to sell
15 intoxicating liquor for extended hours between June 11, 2026, and July 19, 2026, during
16 the FIFA World Cup Tournament; and
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18 **WHEREAS** Section 311.2026.4, RSMo, expressly grants a city's governing body
19 the authority to exempt itself from this temporary extension of hours by passing an
20 ordinance; and
21

22 **WHEREAS** the City Council finds that it is in the best interest of the public health,
23 safety, and welfare to codify specific, uniform hours for the sale of intoxicating liquor and
24 to exercise its authority to opt out of the temporary extension of hours provided in Section
25 311.2026, RSMo; and
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27 **WHEREAS** the City Council desires to modify the City Code as set forth herein.
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29 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
30 **NIXA, AS FOLLOWS, THAT:**
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32 **SECTION 1:** Chapter 4, Article I, Section 4-3 of the Nixa City Code is hereby
33 amended by repealing Section 4-3 in its entirety and adopting in lieu thereof a new Section
34 4-3, which said section shall read as follows (Explanation: Language in bold-face type
35 (e.g., **thus**) is language to be added. Language in bold-faced brackets (e.g., **[thus]**) is not
36 enacted and is intended to be omitted or deleted.):
37

38 Sec. 4-3. License regulations.
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40 (a) *Package sales, limitations.* No license shall be issued for the sale of intoxicating liquor
41 in the original package, not to be consumed upon the premises where sold, except to
42 a person engaged in, and to be used in connection with, the operation of one or more
43 of the following businesses: a drug store, a cigar and tobacco store, a grocery store,
44 a general merchandise store, a confectionery or delicatessen store, nor to any such
45 person who does not have and keep in their store a stock of goods having a value
46 according to invoices of at least \$1,000.00, exclusive of fixtures and intoxicating
47 liquors. Under such license, no intoxicating liquor shall be consumed on the premises

where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this chapter or law.

(b) *Newly-opened restaurant bars.* Any new restaurant bar having been in operation for less than 90 days and having received temporary license in accordance with the state rules and regulations may be issued a temporary license, for a period not to exceed 90 days, to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 6:00 A.M. and 1:30 A.M. on weekdays and between the hours of 6:00 A.M. on Saturdays until 1:30 A.M. on Sundays. No intoxicating liquor may be sold on Sundays except in accordance with the provisions of section 4-2(c).

(c) *Temporary permit for sale by drink—Certain organizations.*

(1) The city administrator or their designee may issue a permit for the sale of intoxicating liquor for consumption on premises where sold to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for sale at a picnic, bazaar, fair or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven days by any such organization.

(2) If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 6:00 A.M.

(3) At the same time that an applicant applies for a permit under the provisions of this subsection, the applicant shall notify the director of revenue of the holding of the event by certified mail and by such notification shall accept responsibility for the collection and payment of any applicable sales tax.

(4) No provision of law or rule or regulation of the city shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

(d) *Operating hours, days.*

(1) No licensee or any employee of such licensee shall sell, give away or otherwise dispose of, or allow the same to be done, on or about the premises, any intoxicating liquor in any quantity ~~[except]~~ **between the hours of 1:30 a.m. and 6:00 a.m. [as outlined in RSMo chapter 311].**

(2) The sale of intoxicating liquor on Sundays is permitted between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on Monday for any licensee possessing a valid Sunday sales license as provided in Section 4-2(c) of this chapter.

~~[(2)]~~ **(3) When January 1, March 17, July 4 or December 31 falls on Sunday and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the**

national championship game of the National Football League is played, commonly known as "Super Bowl Sunday", any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of their license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of this chapter to the contrary.

(4) Pursuant to Section 311.2026.4 of the Revised Statutes of Missouri, the City hereby exempts itself from the provisions of Section 311.2026 RSMo. The temporary extension of hours for the sale of intoxicating liquor during the 2026 FIFA World Cup Tournament, scheduled from June 11, 2026, through July 19, 2026, is prohibited within the city. All licensees shall adhere to the operating hours established in this section.

(e) General license regulations.

(1) Each license issued hereunder shall be conspicuously posted on the premises for which the license has been issued.

(2) A separate license shall be required for each place of business. Every license issued under the provisions of this chapter shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein.

(3) No license issued under this chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this chapter, may make application and the city administrator or their designee may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased. Whenever one or more members of a partnership withdraws from the partnership, the city administrator or their designee, upon being requested, shall permit the remaining partner or partners originally licensed, to continue to operate for the remainder of the period for which the license fee has been paid, without obtaining a new license.

(4) In the event any licensee desires to change the location of their place of business in the city, it shall be necessary for them to file an application in the same manner as herein provided for an original application, except that no additional fee shall be charged and the amended license, describing the new location, shall be issued immediately upon the approval of the application by the city administrator or their designee. Any change of location of the enterprise prior to issuance of such an amended license shall constitute a violation of this section.

SECTION 2: The City Clerk, when codifying the provisions of this Ordinance, is authorized to provide for different section numbers, subsection numbers, and different internal citation references than those provided herein when such section numbers, subsection numbers, or internal citation references are in error or are contrary to the intent of this Ordinance.

SECTION 3: Savings Clause. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired, or liability incurred nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby.

SECTION 4: Severability Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 5: This Ordinance shall be in full force and effect from and after its final passage by the City Council and after its approval by the Mayor, subject to the provisions of section 3.11(g) of the City Charter.

ADOPTED BY THE COUNCIL THIS _____ DAY OF _____ 2025.

ATTEST:

PRESIDING OFFICER

CITY CLERK

APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2025.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY