

ORDINANCE #68570
Board Bill No. 283
Committee Substitute

An Ordinance pertaining to bathhouses; amending Section 1 of Ordinance 57071, approved November 18, 1975 codified in Section 8.24.040 of the Revised Code of the City of St. Louis pertaining to a neighborhood consent petition and containing a severability and emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. A Section 1 of Ordinance 57071, approved November 18, 1975, codified in Section 8.24.040 of the Revised Code of the City of St. Louis is hereby amended as follows:

8.24.040 Establishment license--Application--Contents--Neighborhood consent petition.

The application for a license to operate a massage establishment or public bath establishment shall set forth the exact nature of the massage or services to be administered, the proposed place of business and facilities therefor, and the name and address of each applicant.

In addition to the foregoing, any applicant for a license shall furnish the following information:

- A. Written proof that the applicant is at least eighteen years of age;
- B. Two portrait photographs at least two inches by two inches, and fingerprints.
- C. Business, occupation, or employment of the applicant for the three years immediately preceding the date of application;
- D. The massage, public bathhouse or similar business license history of the applicant; whether such person, in previously operating in this or any other city or state under license, has had such license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to the action of suspension or revocation;
- E. Any criminal convictions, except minor traffic violations;
- F. In addition to the application, the applicant for a massage or public bath establishment shall also file in the Board of Public Service a written petition in favor of the issuance of the license. The petition shall be signed by a majority of the persons occupying premises or conducting any business on the main or surface floor of such building, the two floors immediately above the main or surface floor, and the floor immediately below the main or surface floor within the prescribed petition circle drawn by a radius of five hundred feet plus one-half of the width of the front of the premises, from the center of such premises projected to the streets. A neighborhood consent petition shall not be required for successive yearly renewal licenses for the same licensee on the same premises.

B. After the filing of an application with the Board of Public Service, the applicant shall be required to send a postcard addressed to "occupant" at each address within the petition circle of the proposed licensed premises, notifying them that an application has been filed and of the applicant's intent to circulate a neighborhood consent petition. The postcard shall be a preprinted form provided by the Board of Public Service and shall read substantially as follows:

" _____ has/have applied to the Board of Public Service for a massage or public bath establishment license for the premises at _____. The proposed use for these premises will include: _____. Within the next month, a petition in support of the application will be circulated, which you may either sign or refuse to sign. If a public hearing is scheduled notices will be mailed. You may support or protest the application. For information, please contact the Board of Public Service."

The applicant shall pay an application fee for all administrative costs. The applicant shall be responsible for placing addresses and postage on the pre-printed postcards and returning them to the Board of Public Service, who, if satisfied that the applicant has provided cards addressed to occupant at each address within the petition circle, shall cause the post cards to be mailed immediately by the Board of Public Service. The Board of Public Service shall not provide the applicant with neighborhood consent

petition forms, and the applicant may not solicit, or have others solicit, signatures on the neighborhood consent petition, for five days following mailing of the postcards. Upon filing of an application for a massage or public bath establishment license, the Board of Public Service shall have the premises for which a license is sought posted with a sign which contains substantially the same information as the pre-printed post card.

SECTION TWO. SEVERABILITY CLAUSE.

The Sections of this Ordinance shall be severable. In the event any Section of this Ordinance is found by a Court of competent jurisdiction to be unconstitutional, the remaining Sections of this Ordinance are valid unless the Court finds the valid Sections of this Ordinance so essentially and inseparably connected with, and so dependent upon the void Section, that it cannot presume that the legislature would have enacted the valid Sections without the void ones; or unless the Court finds that the valid Sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION THREE. EMERGENCY CLAUSE.

This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.

Approved: February 23, 2010