

ORDINANCE 71209

**BOARD BILL NUMBER 65 INTRODUCED BY: ALDERMAN JOHN COATAR/
ALDERWOMAN CHRISTINE INGRASSIA/ ALDERMAN THOMAS OLDENBURG/
ALDERWOMAN SARAH MARTIN/ ALDERMAN BRET NARAYAN/ ALDERMAN
DAN GUENTHER/ ALDERWOMAN MEGAN GREEN/ ALDERWOMAN PAMELA
BOYD/ALDERWOMAN MARLENE DAVIS/ ALDERWOMAN CAROL HOWARD/
ALDERWOMAN TAMMIKA HUBBARD/ALDERWOMAN CARA SPENCER**

1 An ordinance amending Section 2, paragraph 14.01.130 of Ordinance 69346 to permit drink
2 license holders to sell intoxicating beverages not in their original package for consumption on
3 or off the licensed premises; and amending Section 2, paragraph 14.01.390 of Ordinance 68536
4 to permit licensed restaurants or bars to sell intoxicating beverages for consumption on or off
5 the licensed premises; and amending Section 4, paragraph 14.03.040 of Ordinance 68536 to
6 permit Sunday Drink License holders to sell intoxicating beverages for consumption on or off
7 the licensed premises; and amending Section 1 of ordinance 68786 to permit licensed persons to
8 sell intoxicating beverages at retail not in their original package; and amending Section 4,
9 paragraph 14.05.125 of Ordinance 68536 to permit the refilling of liquor; and amending Section
10 6, paragraph 14.05.140 of Ordinance 68536 to create an exception to the prohibition on the sale
11 of intoxicating beverages to persons in an automobile; and containing sunset clause.

12 **WHEREAS**, the COVID-19 virus spreads between people who are in close contact with one
13 another;

14 **WHEREAS**, on March 16, 2020, and in accordance with the latest CDC guidelines announced
15 by the President of the United States and in accordance with state law, the City of St. Louis
16 Director of Health & Hospitals/Health Commissioner issued his order banning every restaurant
17 from allowing more than 50 persons to occupy a room or outdoor space;

1 **WHEREAS**, on March 18, 2020, banning in person dining at any restaurant and allowing
2 restaurants to provide food and beverage service only through pickup, curbside or carry-out
3 service;

4 **WHEREAS**, on March 20, 2020, the City of St. Louis Director of Health & Hospitals/Health
5 Commissioner issued his order to ban gatherings or events with more than ten (10) persons;

6 **WHEREAS**, on March 21, 2020, the City of St. Louis Director of Health & Hospitals/Health
7 Commissioner issued a “Stay At Home” order limiting individuals from leaving their homes
8 except under very limited circumstances and only allowing certain business and governmental
9 operations. Restaurants and bard were limited to pickup, curbside, carry-out, take-out or
10 delivery;

11 **WHEREAS**, on April 8, 2020, the City of St. Louis Director of Health & Hospitals/Health
12 Commissioner issued his order reaffirming that restaurants and restaurant bars were limited to
13 pickup, curbside, carry-out, take-out or delivery;

14 **WHEREAS**, on April 16, 2020, the City of St. Louis Director of Health & Hospitals/Health
15 Commissioner issued his order extending the “Stay At Home” order and reaffirming that
16 restaurants and restaurant bars were limited to pickup, curbside, carry-out, take-out or delivery;

17 **WHEREAS**, on May 11, 2020, the City of St. Louis Director of Health & Hospitals/Health
18 Commissioner issued Health Commissioner’s Order No. 8, effective May 18, 2020 that
19 permitted restaurants to open under certain circumstances. Health Commissioner’s Order No. 8
20 included detailed recommendations for social distancing, monitoring employee health protective
21 equipment, and cleaning, sanitizing and disinfecting procedures to be used by restaurants and
22 restaurant bars who chose to re-open;

1 **WHEREAS**, COVID-19 and the response thereto has had a devastating effect on the City of St.
2 Louis, its citizens, government and its businesses, including restaurants and restaurant bars.

3 **WHEREAS**, restaurants and restaurant bars have spent considerable time and expense gearing
4 up for re-opening, including hiring back staff, purchasing supplies, food and beverages and
5 preparing for service under federal, state and City of St. Louis COVID-19 recommendations;

6 **WHEREAS**, just a mere 15 days after re-opening, Mayor Lyda Krewson signed Executive Order
7 66 to establish a citywide curfew for the City of St. Louis in response to the rioting, looting and
8 violence which occurred on the evening of June 1, 2020 until the morning hours of June 2, 2020.
9 The curfew went into effect at 9:00 p.m. on Tuesday, June 2, 2020 and was lifted on Monday,
10 June 8, 2020.

11 **WHEREAS**, the cumulative effect on restaurants and restaurant bars as a result of COVID-19
12 restrictions and the curfew has been uniquely burdensome; and

13 **WHEREAS**, the Board of Aldermen wish to alleviate some the administrative burdens that
14 current ordinances have on the sale of food and alcoholic beverages within the City limits.

15 **BE IT ORDAINED BY THE CITY OF ST. LOUIS:**

16 **SECTION ONE.** Section 2, paragraph 14.01.130 of Ordinance 69346, codified in chapter
17 14.01.130 of the Revised Code of the City of St. Louis, is hereby amended to be and read as
18 follows:

19 14.01.130 - Drink license.

20 The terms "full drink license," "full drink Sunday license" or "drink license (22% drink license),"
21 means a license or permit for the retail sale of intoxicating liquor and/or nonintoxicating beer by
22 the drink for consumption on the premises where sold. A person to whom such drink license has

1 been issued under the provisions of this chapter or title shall also be permitted to sell in either
2 the original package or not in the original package as provided in Section 14.05.140 for
3 consumption off premises such intoxicating liquor and/or nonintoxicating beer as he is permitted
4 to sell by the drink under the terms of the license held by him. The above general definition shall
5 be applicable to the drink licenses which may be issued under this chapter or title, unless
6 otherwise provided by the specific definition thereof or by conditions imposed by the Excise
7 Commissioner. The drink licenses which may be issued under this chapter, title, and the
8 definitions thereof, are as follows:

9 A. Full Drink License. "Full drink license" means a license that shall permit the retail sale
10 of intoxicating liquor and nonintoxicating beer. This license authorizes the licensee to sell
11 intoxicating and nonintoxicating beer by the drink for consumption on the licensed
12 premises or off the licensed premises as provided in Section 14.05.140 from 6:00 a.m.
13 to 1:30 a.m. Monday through Saturday.

14 B. Full Drink Sunday License. "Full drink Sunday license" means a license that shall permit
15 the retail sale on Sundays of intoxicating liquor and nonintoxicating beer. This license
16 authorizes the licensee to sell intoxicating liquor and nonintoxicating beer by the drink
17 for consumption on the licensed premises or off the licensed premises as provided in
18 Section 14.05.140 from 9:00 a.m. and midnight on Sunday. A full drink Sunday license
19 shall be null and void any time the corresponding full drink intoxicating liquor license
20 has been suspended, canceled or revoked by a decision of the Excise Commissioner or
21 has been allowed to lapse by the licensee.

1 C. Drink License (22% Drink License). The term "drink license" shall mean a license that
2 shall permit the sale of wine containing alcohol not in excess of 22% by weight, malt
3 liquor containing alcohol not in excess of 5% by weight, and nonintoxicating beer.

4 D. 5% Drink License (Beer License). The term "5% drink license (beer license) shall mean
5 a license that permits the sale of malt liquor containing alcohol not in excess of 5% by
6 weight and nonintoxicating beer.

7 **SECTION TWO.** Section 2, paragraph 14.01.390 of Ordinance 68536, codified in chapter
8 14.01.390 of the Revised Code of the City of St. Louis, is hereby amended to be and read as
9 follows:

10 14.01.390 - Restaurant bar.

11 The term "restaurant bar" shall mean any establishment having a restaurant or similar facility on
12 the premises where at least fifty percent (50%) of the gross income is derived from the sale of
13 prepared meals or food consumed on the premises or which has an annual gross income of at
14 least two hundred thousand dollars from the sale of prepared meals or food consumed on such
15 premises. The licensee must submit a food and liquor verification statement signed by the
16 licensee showing an annual gross income of at least two hundred thousand dollars (\$200,000.00)
17 from the sale of prepared meals or food consumed on such premises. A licensee of a restaurant
18 bar may sell intoxicating liquor between the hours of 9:00 a.m. on Sunday and midnight on
19 Sunday by the drink at retail for consumption on the premises of any restaurant bar **or off**
20 **premises as provided in 14.05.140** or on the premises of any establishment and/or having at
21 least forty rooms for overnight accommodations of transient guests.

1 **SECTION THREE.** Section 4, paragraph 14.03.040 of Ordinance 68536, codified in chapter
2 14.03.040 of the Revised Code of the City of St. Louis, is hereby amended to be and read as
3 follows:

4 14.03.040 - Hours of operation—Sunday—Intoxicating liquor.

5 A. When January 1, March 17, July 4, or December 31 falls on a Sunday, and on the Sundays
6 prior to Memorial Day and Labor Day and on the Sunday on which the national championship
7 game of the national football league is played, commonly known as "Super Bowl Sunday",
8 intoxicating liquor by the drink may be sold under the provisions of the license on that Sunday
9 from the time and until the time which would be lawful on another day of the week.

10 B. Persons possessing a "full drink Sunday intoxicating liquor license" may sell intoxicating
11 liquor by the drink for consumption on the premises between the hours of 9:00 a.m. Sunday
12 and midnight Sunday. And if you possess a "3:00 a.m. closing permit" may sell intoxicating
13 liquor by the drink for consumption on the premises **or off the licensed premises as provided**
14 **in Section 14.05.140** between the hours of 8:00 a.m. Sunday and midnight Sunday.

15 C. When December 31 falls on a Sunday, the holder of a "3:00 a.m. closing permit" may sell
16 intoxicating liquor until 3:00 a.m. on the following Monday.

17 D. When the holder of a "3:00 a.m. closing permit" possesses a "full drink Sunday intoxicating
18 liquor license," he may sell intoxicating liquor by the drink for consumption on the premises
19 until 3:00 a.m. the following Monday.

1 E. Any person possessing a license to sell intoxicating liquor in the original package at retail
2 may sell intoxicating liquor in the original package at retail between the hours of 9:00 a.m.
3 and midnight on Sundays. Upon receiving a copy of the Missouri Division of Alcohol and
4 Tobacco Sunday Package license, the Excise Commissioner shall issue a Sunday Original
5 Package Sales Permit to said licensee.

6 **SECTION FOUR.** Section 1 of ordinance 68786, codified in chapter 14.03110 of the Revised
7 Code of the City of St. Louis, is hereby amended to be and read as follows:

8 14.03.110 - Minimum quantity in original package—Liquor other than beer.

9 No person licensed under the provisions of this chapter or title, his agent, servant or employee
10 shall sell intoxicating liquor at retail **either** in the original package **or not in the original**
11 **package pursuant to Section 14.05.140** to be consumed off of the premises where sold, in any
12 container with a liquid content of less than fifty (50) milliliters.

13 **SECTON FIVE.** Section 4, paragraph 14.05.125 of Ordinance 68536, codified in chapter
14 14.05.125 of the Revised Code of the City of St. Louis, is hereby amended to be and read as
15 follows:

16 14.05.125 - Liquor refilling prohibited.

17 No person licensed under this chapter or title, his agent, servant or employee may bottle or refill
18 any intoxicating liquor from any barrel, bottle or other container **unless the licensee is selling**
19 **intoxicating liquor or nonintoxicating beer accompanied by a food purchase as provided**
20 **for in Section 14.05.140.**

1 **SECTION SIX.** Section 6, paragraph 14.05.140 of Ordinance 68536, codified in chapter
2 14.05.140 of the Revised Code of the City of St. Louis, is hereby amended to be and read as
3 follows:

4 14.05.140 - Sale of intoxicating liquor or nonintoxicating beer to persons occupying an
5 automobile—Prohibited – **Exception.**

6 It shall be unlawful for any person to whom a retail license has been issued under this chapter or
7 title or for his agents, servants or employees to sell or otherwise dispose of intoxicating liquor
8 or nonintoxicating beer to any person through a drive-up window or to suffer or permit
9 intoxicating liquor or nonintoxicating beer to be sold or otherwise be disposed of through a drive-
10 up window. Nor shall a licensee, his agents, servants or employees sell or otherwise dispose of
11 intoxicating liquor or nonintoxicating beer to any person while such person is inside of a motor
12 vehicle, or suffer or permit the same to be done on or about his licensed premises **except if the**
13 **intoxicating liquor or nonintoxicating beer is:**

- 14 **A. ordered, purchased, delivered and received simultaneously with a food purchase and**
15 **accompanied by dated receipt for the purchase;**
- 16 **B. delivered to and received by a person 21 years of age or older;**
- 17 **C. delivered in a durable, leak proof and sealable alcohol container that is either:**
- 18 **1. a one-time use, tamper proof, transparent bag which is securely sealed; or**
- 19 **2. Container opening is seal with tamperproof tape;**
- 20 **3. Plastic or styrofoam cups with straws and loose lids do not constitute approved**
21 **mixed drink alcohol containers.**

1 D. ordered, purchased, delivered and received during the hours and on days of sale
2 allowed for the licensee;

3 E. delivered along with food purchase within a designated parking stall or similar
4 location, which is located within a 50-foot radius of the entrance to the premises, or,
5 if the road abutting the entrance is closed, within a 50-foot radius of the nearest point
6 accessible by motor vehicle; and

7 F. delivered to a vehicle where none of the passengers are visibly under the influence of
8 alcohol or apparently intoxicated.

9 **SECTION SEVEN.** The provisions of this ordinance shall remain in effect until December 31,
10 2020.

BOARD BILL NUMBER 65
FISCAL NOTE

Preparer's Name: Jack Coatar, 7th Ward Alderman

Contact Information: Jack Coatar
1200 Market Street, Suite 230
Saint Louis, MO 63103
314-622-3287
coatarj@stlouis-mo.gov

Bill Sponsor: Jack Coatar

Bill Synopsis:	The proposed bill seeks to amend certain chapters of the Excise Code to permit appropriately licensed persons and premises to sell intoxicating beverages for consumption off the licensed premises, not in their original packaging, accompanied by a food purchase, in designated places, until December 31, 2020.
Type of Impact:	None.
Agencies Affected:	Excise Division

SECTION A

Does this bill authorize:

- An expansion of services which entails additional costs beyond that approved in the current adopted city budget? Yes No.
- An undertaking of a new service for which no funding is provided in the current adopted city budget? Yes No.
- A commitment of city funding in the future under certain specified conditions? Yes No.
- An issuance of bonds, notes and lease-purchase agreements which may require additional funding beyond that approved in the current adopted city budget? Yes No.
- An execution or initiation of an activity as a result of federal or state mandates or requirements? Yes No.
- A capital improvement project that increases operating costs over the current adopted city budget? Yes No.
- A capital improvement project that requires funding not approved in the current adopted city budget or that will require funding in future years? Yes No.

If the answer is yes to any of the above questions, then a fiscal note must be attached to the board bill. Complete Section B of the form below.

SECTION B

[*Not Required*]

ORDINANCE #68786
Board Bill No. 162
Committee Substitute

An Ordinance which amends Ordinance 68536, Section Four, paragraph 14.03.110 of the Excise Code of the City of St. Louis, pertaining to the minimum quantity in original package- Liquor other than beer; and containing an emergency clause.

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

SECTION ONE. Paragraph 14.03.110 in Section Four of Ordinance 68536, is hereby amended to read as follows:

14.03.110 Minimum quantity in original package-Liquor other than beer.

No person licensed under the provisions of this chapter or title, his agent, servant or employee shall sell intoxicating liquor at retail in the original package to be consumed off of the premises where sold, in any container with a liquid content of less than fifty (50) milliliters.

SECTION TWO. Emergency Clause. The passage of this ordinance being deemed necessary for the immediate preservation of the public peace, health and safety, an emergency is hereby declared to exist within the meaning of Section 20 of Article IV of the Charter, and this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Approved: November 8, 2010