

St. Louis City Ordinance 62656

FLOOR SUBSTITUTE

BOARD BILL NO. [92] 73

INTRODUCED BY ALDERMAN KEN JONES

An ordinance pertaining to the Liquor Control Laws of the City of St. Louis, repealing subsection 14.01.280 of Section Two, subsections 14.06.100, 14.06.120, 14.06.210 and 14.06.250 of Section Seven and subsections 14.08.010, 14.08.040, 14.08.050, 14.08.060, 14.08.090 and 14.08.190 of Section Nine of Ordinance 61289, and enacting in lieu thereof a new ordinance pertaining to the same subject matter, and containing a severability clause and an emergency clause.

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

SECTION ONE. Subsection 14.01.280 of Section Two, subsections 14.06.100, 14.06.120, 14.06.210, and 14.06.250 of Section Seven and subsections 14.08.010, 14.08.040, 14.08.050, 14.08.060, 14.08.090, and 14.08.190 of Section Nine of Ordinance 61289 are hereby repealed.

SECTION TWO.

14.01.280 Package License.

The term "package license" means a license for the retail sale of intoxicating liquor and/or nonintoxicating beer, in the original package, which is not to be consumed on the premises where sold. The above general definition shall be applicable to the package licenses which may be issued under this ordinance or title, unless otherwise provided by the specific definition thereof. The package licenses which may be issued under this ordinance and title, and the definitions thereof, are as follows:

(A) Full Package License.

Such a license shall permit the sale at retail of intoxicating liquor and nonintoxicating beer in the original Package.

(B) 22% Package License.

Such a license shall permit the retail sale of intoxicating liquor, containing alcohol not in excess of 22% by weight, and nonintoxicating beer in the original package.

(C) 5% Package License.

Such a license shall permit the retail sale of malt liquor, containing alcohol not in excess of 5% by weight, and of nonintoxicating beer in the original package.

14.01.315 Picnic Group--Defined.

A gathering of 2 or more people, where a meal is being, has been or will be consumed, no charge is had for admission, and alcohol is not sold in any form. A picnic group shall not include any group gathered on a street or parking lot.

14.03.055 Persons Other than Licensees, Employees of Liquor Licensee, Contractors and Entertainers Not to be on Licensed Premises During Hours When Licensee is Prohibited From Selling Liquor.

It shall be a violation for any person to whom a retail drink license has been issued, his agents, servants or employees to allow any person to be inside the liquor licensed premises during the hours when the sale of intoxicating liquor and non-intoxicating beer on said premises is prohibited, except that employees and/or contractors of a liquor licensee and entertainers who have been performing at said premises may remain thereon, solely for the purpose of cleaning, restocking, packing up, and/or other business-related purposes. Further, the licensee, his employees, agents, servants, contractors, and or entertainers who will be performing on the licensed premises may be present on the licensed premises prior to the lawful opening time for business-related purposes.

SECTION THREE.

14.06.100 Qualifications Of Licensee Natural Persons.

(A) No natural person shall be qualified for a license under the provisions of this ordinance or title unless he: (1) is of good moral character; (2) is registered to vote in this state; (3) has paid all taxes and license fees due and/or payable by him to the City of St. Louis; (4) has never been convicted since the ratification of the Twenty first Amendment of the Constitution of the United States of a violation of the provisions of any state or federal statute governing, regulating, or otherwise applicable to the manufacture or sale of intoxicating

liquor or nonintoxicating beer; (5) has not been convicted of violating the provisions of any state or federal statute relating to prostitution, contribution to the delinquency of a minor or sexual offenses involving persons other than consenting adults; (6) has not been convicted of violating any provision of state or federal law making it a felony to use, possess, or sell a controlled substance; (7) has not had a license issued under the provisions of this ordinance or title, or their predecessors, revoked within two years of the date of his petition; (8) was not a managing officer, corporate officer, or stockholder, holding ten percent or more of the outstanding stock or other financial interest, of a corporation which had a license under the provisions of this ordinance or title, or their predecessors, revoked within two years of the date of his petition; and (9) is not indebted to any person, partnership or corporation which would not be qualified for a license under the provisions of this chapter, provided that the Excise Commissioner may waive this prohibition where he finds that the person, partnership or corporation to whom an applicant or licensee is indebted (a) has not, since the ratification of the Twenty first Amendment to the United States Constitution, been convicted of a violation of the provisions of any state or federal statute governing, regulating, or otherwise applicable to the manufacture or sale of intoxicating liquor or nonintoxicating beer, and (b) is of good moral character. An applicant or licensee who is not an assessed taxpayer must file a return for all property for which he is legally subject to taxation at the earliest date such return is acceptable to the city assessor. The Board of Aldermen specifically finds that crimes of the nature enumerated in subparagraph 5 above make a person unfit and incompetent to possess a liquor license.

(B) A natural person who has been convicted of a felony unrelated to the manufacture or sale of intoxicating liquor or nonintoxicating beer, and who is not otherwise disqualified by operation of the provisions of subsection (A) of this section, shall nevertheless be presumed not to be qualified for a license under the provisions of this ordinance and title. However, the applicant or licensee may request that the Excise Commissioner hold a hearing on such issue. If after a hearing, the Excise Commissioner determines that as a result of the crime for which such person was convicted, and the factual basis underlying such conviction, he is not unfit or incompetent to hold a liquor license, then such person shall not be disqualified from possessing a liquor license on the basis of such conviction.

(C) Where an applicant or licensee has been found to be unfit or incompetent to hold a license the Excise Commissioner shall deny the application or revoke the license held by such person.

(D) Nothing in this section shall prevent the Excise Commissioner from considering the facts underlying an applicant's or licensee's felony conviction when determining whether such applicant or licensee is of good moral character.

14.06.120 Qualifications Of Licensee Financial Interests Corporations.

(A) No corporation shall be qualified for a license under the provisions of this ordinance or title if the corporation, or any officer, director or stockholders, owning, individually or in the aggregate, legally or beneficially, directly or indirectly, ten percent or more of the stock of the corporation or other financial interest therein: (1) shall have had a license revoked under the provisions of this ordinance or title, or their predecessors, within two years of the date of the petition; (2) shall have been a managing officer, corporate officer or stockholder, owning, legally or beneficially, directly or indirectly, ten percent or more of the stock of the corporation, of a corporation which had a license issued under the provisions of this ordinance or title, or their predecessors, revoked within two years of the date of the petition; (3) shall have been convicted of a violation of the provisions of any state or federal statute governing, regulating, or otherwise applicable to the manufacture or sale of intoxicating liquor or nonintoxicating beer since the ratification of the Twenty first Amendment to the Constitution of the United States; (4) shall have been convicted of violating the provisions of any state or federal statute relating to prostitution, contribution to the delinquency of a minor, or sexual offenses involving persons other than consenting adults; (5) has not been convicted of violating any provision of state or federal law making it a felony to use, possess, or sell a controlled substance; or (6) is indebted to any person, corporation or partnership which would not be qualified to possess a license under the provisions of this chapter, provided that the Excise Commissioner may waive this prohibition where he finds that the person, partnership or corporation to whom a corporation is indebted (a) has not, since the ratification of the Twenty First Amendment been convicted of a violation of the provisions of any state or federal statute governing, regulating, or otherwise applicable to the manufacture or sale of intoxicating liquor or nonintoxicating beer, and (b) is of good moral character. The Board of Aldermen specifically finds that crimes of the nature enumerated in subparagraph 4 above make a person unfit and incompetent to have a financial interest in a corporation possessing a liquor license.

(B) If a corporation or any officer, director or stockholders, owning, individually or in the aggregate, legally or beneficially, directly or indirectly, ten percent or more of the stock of the corporation or other financial interest

therein, shall have been convicted of a felony unrelated to the sale or manufacture of intoxicating liquor or nonintoxicating beer, and the corporation is not otherwise disqualified by operation of subsection (A) of this section, the corporation shall nevertheless be presumed not to be qualified for a license unless a request is made for a hearing before the Excise Commissioner on the issue of the corporation's qualifications. If after a hearing, the Excise Commissioner determines that as a consequence of the crime resulting in the conviction, and the factual basis underlying the conviction, the corporation is not unfit or incompetent to hold a liquor license such corporation such shall not be disqualified from possessing a Liquor license on the basis of such conviction.

(C) Where a corporation is found to be unfit or incompetent to hold a license, the Excise Commissioner shall either deny the corporation's application or revoke its license.

(D) Nothing in this section shall prohibit the Excise Commissioner from considering the facts underlying the conviction of a corporation, or any of its officers, directors or stockholders when making a determination as to the moral character of such officers, directors and stockholders.

14.06.205 Managing Officers, When, Qualifications--Limitations on Management Agreements.

(A) All corporations, clubs and partnerships shall be required to name a managing officer at the time an application for a retail license is made. Any corporation, club or partnership to which a retail license had been issued prior to the effective date of this ordinance, and which had not previously named a managing officer, shall provide the Excise Commissioner with the name of the managing officer upon making application for renewal of its license.

(B) Any individual licensee who does not intend to supervise the day-to-day operation of his liquor-licensed premises shall also be required to name a managing officer at the time application for a retail license is made. Further, any individual licensee, to whom a license was issued prior to the effective date of this ordinance, and who does not oversee the day-to-day operation of his liquor licensed premises, shall provide the Excise Commissioner with the name of the managing officer upon making application for renewal of his license.

(C) When a licensee is required to provide the Excise Commissioner with the name of a managing officer, the licensee must name as managing officer the person with day-to-day charge of the operation of the liquor-licensed premises.

No person shall qualify to act as a managing officer of a licensee unless said person would be qualified for a license pursuant to the provisions of **14.06.110**.

(D) A licensee may enter into an agreement with another person to manage the licensee's premises, subject to the following restrictions:

(1) If the person who will be managing the licensed premises is a natural person he must meet all of the qualifications, set forth in **14.06.110**, which a natural person must meet to be qualified for a license; if the person who will be managing the licensed premises is a corporation or partnership, said person must meet all of the qualifications which a corporation or partnership must meet to be qualified for a license; and

(2) No money, or other thing of value, may be paid or transferred to the licensee by the person who is to manage the licensee's premises, or any other person, as inducement, consideration or compensation for the licensee's entering into the management agreement;

(3) The person who is to manage the licensed premises may not receive, as compensation, bonus or gift, more than 25% of the gross profits of the licensed premises. Nothing herein shall prevent payment of a salary to the person who is to manage the licensed premises.

(4) Where the person who is to manage the licensed premises is a corporation or partnership, an employee, director or partner of such corporation or partnership, who will have actual charge of the day-to-day operations of the licensed premises, must be named as managing officer pursuant to the provisions of this section.

(5) All management agreements must be in writing and a copy thereof must be provided to the Excise Commissioner at least one week prior to the effective date thereof.

(E) Any person who enters into a management agreement which does not comply with all of the conditions set forth in subsection (D) of this section, shall be guilty of an ordinance violation.

14.06.210 Employees Qualifications.

(A) No person licensed under the provisions of this ordinance or title may employ any person: (1) whose license issued under the provisions of this

ordinance or title, or their predecessors, has been revoked during the preceding two years; (2) who was a managing officer, corporate officer or corporate stockholder holding more than 5% of stock of a corporation whose license issued under the provisions of this ordinance or title, or their predecessors, has been revoked during the preceding two years; (3) who has been convicted since the ratification of the Twenty first Amendment to the Constitution of the United States of violating the provisions of any state or federal statute governing, regulating, or otherwise applicable to the manufacturer or sale of intoxicating liquor or nonintoxicating beer; (4) has been convicted of violating the provisions of any state or federal statute relating to prostitution, contribution to the delinquency of a minor, or sexual offenses involving persons other than consenting adults; or (5) has been convicted of any state or federal statute making it a felony to use, possess or sell a controlled substance. The Board of Aldermen specifically finds that crimes of the nature enumerated in subparagraph 4 above make a person unfit and incompetent to work on or about a licensed premises.

(B) A person who has been convicted of a felony unrelated to the manufacture or sale of intoxicating liquor or nonintoxicating beer, and who is not otherwise disqualified by operation of the provisions of subsection (A) of this section, shall nevertheless be presumed to be disqualified from working on a licensed premises in a capacity related to sale or handling of alcoholic beverages. However, such person or his employer may request a hearing before the Excise Commissioner on such issue. If, after a hearing, the Excise Commissioner determines that as a result of the crime for which said person was convicted, and the factual basis underlying such conviction, he is not unfit or incompetent to work in a capacity related to sale or handling of alcoholic beverages, he shall then allow such person to be employed in such capacity. Where such person is found to be unfit or incompetent, he shall be disqualified from working in such capacity.

14.06.250 Package License Businesses Enumerated.

(A) The Excise Commissioner shall not issue a new package license to any person for a premises unless said premises is, or shall be used as, either a pharmacy, retail grocery or convenience store, and/or a florist. As used in this section, the term "pharmacy" means a retail establishment which employs at least one full-time registered pharmacist. The term "retail grocery or convenience store" shall mean a retail establishment which (1) has a minimum of 1500 net square feet of sales area, exclusive of storage rooms, walk-in coolers, restrooms, and areas not generally accessible to the general public; (2) displays a minimum of 750 separate and distinguishable products for sale,

exclusive of alcoholic beverages, tobacco products, gasoline, oil, and automotive supplies; and (3) each month purchases, or for premises making application for a new license will purchase, products for resale, exclusive of alcoholic beverages, tobacco products, gasoline, oil, and automotive supplies, which have a minimum wholesale cost of \$5,000.00. Should a premises for which a new license is issued after the effective date of this section cease to operate as a pharmacy, florist, or retail grocery or convenience store, the Excise Commissioner shall either cancel or revoke the license issued therefor. Nothing herein shall prevent the Excise Commissioner from renewing a package license for a premises which is not a pharmacy, florist, retail grocery or convenience store for which a package license was initially issued prior to the effective date of this section.

(B) Further, nothing herein shall prevent the Excise Commissioner from issuing a new package license to a person for a premises for which a valid package license was in effect on the date such person files his application for said license, when the applicant has entered into a contract with the existing licensee for the purchase of the premises, inventory, and/or good will of the existing licensed business.

(C) Notwithstanding any other provisions of this ordinance or title, if a license has been issued for a premises prior to the effective date of this ordinance, and said premises is then blighted or condemned or the licensee is required to move from said premises by some other form of governmental action, then the licensee may relocate to another premises outside of the petition circle of the initial premises, regardless of whether said new premises complies with the requirements of this section, provided that the licensee obtains neighborhood consent, pursuant to the provisions of [14.08.050](#), et seq.

SECTION FOUR.

14.08.010 Licensed And Permits Term Fees.

(A) All retail licenses issued or renewed under this ordinance or title, except for 3:00 a.m. closing permits, shall be issued for a term of one year. 3:00 a.m. closing permits shall be issued for a term of six months and may be revoked or suspended independent of the full drink liquor license. Notwithstanding any other provisions of this section, a picnic license shall not authorize the sale of intoxicating liquor or nonintoxicating beer by the licensee for more than seven days during the one year term of the license.

(B) The license fees for the various retail licenses which may be issued under this ordinance and title shall be in the following annual amounts, which shall be payable at the time a license is issued or renewed:

- (1) Full drink license..... \$375.00
- (2) Full drink Sunday license..... \$375.00
- (3) 22% drink license..... \$300.00
- (4) 5% drink license..... \$87.50
- (5) 3.2% drink license..... \$62.50
- (6) Full package license..... \$250.00
- (7) 22% package license..... \$150.00
- (8) 5% package license..... \$35.00
- (9) C.O.L. license..... \$180.00
- (10) Full drink picnic license..... \$25.00
- (11) 5% drink picnic license..... \$25.00
- (12) Special sports stadium license..... \$50.00
- (13) Ballroom Sunday Sale Permit..... \$200.00
- (14) Place of Entertainment Sunday Sale Permit.... \$375.00
- (15) Place of Amusement Sunday Sale Permit..... \$200.00
- (16) Controlled Access Liquor Cabinet System permit; per room charge..... \$5.00
- (17) Temporary Catering Permit; per event..... \$15.00

(C) The fee for a 3:00 a.m. closing permit shall be \$225.00 per six month period, plus an administrative fee of \$50.00 per six month period, which amount shall be payable at the time the permit is issued or renewed.

14.08.040 License Detrimental To Neighborhood Factors To Be Considered By Excise Commissioner In Making Determination.

In determining whether issuance, renewal or continuation of a retail liquor license would be detrimental to the neighborhood in which the licensed premises is or would be located the Excise Commissioner shall consider the following factors, giving such weight thereto as he deems appropriate:

- (1) with regard to applications for issuance of a license and protests against such applications, the character of the neighborhood in which the premises proposed to be licensed are located, with particular consideration being given to the proximity of the proposed licensed premises to parks, churches, schools, playgrounds, residences and hospitals and to other premises licensed pursuant to this ordinance or title, and with regard to renewal applications and protests

against the renewal or continuation of a license, any changes in the character of the neighborhood since the issuance of the license;

(2) loitering in the immediate vicinity of the licensed premises by persons frequenting the licensed premises;

(3) littering committed by persons frequenting the licensed premises or by the licensee, his agents, servants or employees;

(4) drinking in public by persons frequenting the licensed premises;

(5) lewd and indecent conduct, including but not limited to public urination, exhibited by persons frequenting the licensed premises or by the licensee, his employees, servants or agents, whether such behavior occurs on the licensed premises or in the immediate vicinity thereof;

(6) violation by the licensee, his employees, agents or servants of any state or federal statute or municipal ordinance regulating or relating to sale of intoxicating liquor or non intoxicating beer;

(7) commission of crimes upon or in the immediate vicinity of a licensed premises by persons frequenting the licensed premises or by the licensee, his employees, servants or agents;

(8) sale, use or possession of illegal drugs upon or in the immediate vicinity of the licensed premises by persons frequenting the licensed premises or by the licensee, his employees, servants or agents;

(9) harassing or intimidating behavior exhibited by persons frequenting or congregating about the licensed premises toward persons living in the neighborhood in which the licensed premises are located or toward persons passing by the licensed premises;

(10) noise associated with operation of the licensed premises or caused by persons frequenting the licensed premises;

(11) with regard to applications for issuance of a license and protests against such applications, existing street and sidewalk congestion in the immediate vicinity of the licensed premises, and with regard to renewal applications and protests against renewal or continuation of a license, the street and sidewalk congestion associated with operation of the licensed premises;

(12) the existence of proper lighting and appropriate parking facilities, or the lack thereof;

(13) other factors which, due to the character of the neighborhood or of the licensed premises or proposed licensed premises, would be relevant to the determination of whether issuance, renewal, or continuation of a license would be detrimental to the neighborhood in which the licensed premises is or would be located.

The Excise Commissioner may find that issuance, renewal or continuation of a license would be detrimental to the neighborhood in which a licensed premises is or would be located without finding that such detriment is or would be due to the fault or negligence, or is or would be the responsibility, of the licensee or applicant. For purposes of this section, a person shall be considered to frequent a licensed premises if he patronizes the licensed premises or if he loiters about in the immediate vicinity of the licensed premises but would not do so except for the existence of the licensed premises.

14.08.050 License Applications Neighborhood Approval Exemptions Petition Contents.

(A) Except as provided by this ordinance or title, no retail license shall be issued to any person who has submitted an application for a license to the Excise Commissioner, unless such person also submits a petition signed by: (1) a majority of the persons owning property within the petition circle and (2) a majority of the persons who either reside or conduct any business within the petition circle.

(B) The provisions of this section shall not apply to an application for: (1) a drink or C.O.L. license for a boat; (2) a picnic license, (3) a license for a premises located in a mall; (4) a full drink Sunday license; (5) special sports stadium license; (6) a ballroom Sunday sales permit; (7) a common eating and drinking area permit; (8) a drink license for a place of entertainment; (9) a Sunday sales permit for a place of entertainment or amusement; (10) a controlled access liquor cabinet system permit; or (11) a temporary catering permit. The Excise Commissioner shall have authority to waive the requirements of this section where the premises for which a license is applied for is owned by a governmental entity or governmental agency.

(C) Each neighborhood consent petition form shall contain the following information: (1) the name of the person(s) applying for the license; (2) the address of the premises for which the license is sought; (3) the name under

which the licensee shall conduct business at the premises for which an application has been submitted; (4) where the applicant is a corporation, the name of the person who will be the managing officer of the licensed premises if the application is granted; (5) a statement that "the application is on file and may be viewed at the office of the Excise Division"; (6) a statement of the significant activities which applicant proposes to conduct on the premises other than the sale of liquor; and (7) such additional information as may be required under the rules and regulations of the excise division. No signature appearing on a neighborhood consent petition shall be considered valid unless the name and address of the person who signed the petition is printed on the face of the petition next to his signature. The petition shall be on a form provided by the Excise Commissioner.

(D) Unless there is good cause shown therefor, if the neighborhood approval petition required by this section is not filed within forty five (45) days after the application has been filed, the application shall be void.

14.08.055 Activities on Licensed Premises not Limited to Those Identified on Application--Exceptions--Excise Commissioner to be Notified of New Activities to be Conducted on Licensed Premises.

(A) A licensee shall not be limited to conducting only such activities on the licensed premises as have been identified on the neighborhood consent petition. However, it shall be a violation for an applicant for a liquor license to intentionally fail to list on the neighborhood consent petition a significant activity which he has plans to engage in at the time the petition application is made.

(B) If a licensee intends to conduct a significant activity on the licensed premises which was not listed on the neighborhood consent petition, he shall notify the Excise Commissioner prior to beginning to engage in such activity. If a premises was license prior to the effective date of this section, the licensee shall notify the Excise Commissioner whenever he intends to engage in a significant new activity on his licensed premises.

(C) Notwithstanding any other provision of this section, the Excise Commissioner shall have discretion to refuse to allow a significant activity to be conducted on a licensed premises if such activity is begun within one year of the initial issuance of the liquor license for the premises in question and if the Excise Commissioner determines such activity is a significant departure from the activities listed on the neighborhood consent petition.

(D) As used herein, the term "significant activity" shall include, but not be limited to: operation of more than one pool or billiards table; operation of more than one pinball and/or video game; dancing; presentation of live musical performances; and food service.

14.08.060 License Applications Notice Hearings.

(A) After the filing of an application for a drink, package or C.O.L. license with the Excise Commissioner, 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 pre-printed form provided by the Excise Commissioner and shall read substantially as follows:

" _____ has/have applied to the St. Louis Excise Commissioner for a retail liquor license for the premises at _____ . The proposed use for this 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 Excise Division at 622-4191.

The applicant shall be responsible for placing addresses and postage on the pre-printed postcards and returning them to the Excise Commissioner, who, if satisfied that the applicant has provided cards addressed to occupant at each address within the petition circle, shall cause the postcards to be mailed immediately. The Excise Commissioner 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 liquor license, the Excise Commissioner 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.

(B) The Excise Commissioner shall fix a date for a hearing on the application which shall be not less than ten days from the date of the filing of the application. However, if the applicant is required to submit a neighborhood consent petition, the hearing shall be held not less than ten days from the date of the filing of such petition with the Excise Commissioner.

(C) The Excise Commissioner shall, at least ten days before the date for which such hearing is scheduled, cause to be mailed or delivered to the applicant, to the Alderman of the ward in which the licensed premises would be located, to the police department, and to all addresses within the petition circle notice of the time, place and date of said hearing. In addition, he shall cause a placard containing the words "HEARING ON LIQUOR LICENSE IN THIS BLOCK", printed in bold black letters at least 1 1/2 inches in height, to be placed at each end of the block on the side of the street where the applicant proposes to locate the establishment, unless such placement is not possible. If it is not possible to place said placards in the manner specified in the preceding sentence, the liquor control agent posting the placards shall place the placards in such manner as to give the greatest possible notice to passersby of the hearing on the application. Said placards shall specify in clear and legible lettering the time, place and date of the hearing, the name of the applicant, the address of the premises proposed to be licensed, and the type of license applied for. Applicants shall deposit cash or its equivalent with the Excise Commissioner in sufficient amount, as set by said Commissioner, to pay the costs of placarding and mailing required by this subsection. Money deposited with the Excise Commissioner for this purpose shall be deposited by him in a special account established by him for such purpose. Such account shall be held in the name of the Excise Commissioner who shall use the funds held therein only for the purposes specified in this section. Any resulting deficit shall be charged back, and any overage shall be refunded, to the applicant.

(D) At such hearing, the applicant shall be entitled to produce testimony under oath and to be represented by counsel, and the Excise Commissioner shall have the power, on his own motion, to subpoena witnesses and to take testimony under oath pertaining to all matters connected with the application. Any person owning any property, or any persons residing or conducting business, within the petition circle shall have the right to produce witnesses and testimony. The Alderman for the Ward in which the licensed premises would be located and the police department shall also have the right to be heard at the hearing. The Excise Commissioner may continue all or part of an application hearing if necessary to conclude the investigation of an application.

14.08.090 License Renewal Applications When How Made.

(A) The provisions of Sections 14.08.040 through 14.08.080 shall not apply to applications for renewal of a license made pursuant to the provisions of subsection (B) of this section.

(B) Not later than the date of expiration of a license issued pursuant to the provisions of this ordinance or title, nor more than two weeks prior to such date, a licensee may submit an application for renewal of such license. The Excise Commissioner may waive this time limitation for good cause shown. In order to make an application for renewal of a license the licensee, or the managing officer of the licensee if the licensee is a corporation, must appear in person at the office of the Excise Commissioner and submit proof that the licensee has paid all taxes which are due, or payable, to the City of St. Louis, the Collector of Revenue, or License Collector, from the licensee as a result of operation of the licensed premises, together with a completed copy of the renewal form promulgated by the Excise Commissioner. If the licensee is a partnership, one partner must appear personally before the Excise Commissioner and must submit, in addition to proof that all taxes due as a result of operation of the licensed premises have been paid to the City, proof that each partner has paid all taxes due the City from him. If the licensee is a corporation, the managing officer must submit proof that he has paid all taxes due to the City from him personally.

14.08.190 Motor Vehicle Service Stations.

(A) No person, firm or corporation engaged in the motor vehicle service station business shall sell or offer for sale, on the premises where the service station business is conducted, any intoxicating liquor with an alcohol content in excess of five percent (5%) by weight. Any license or permit issued on or before the effective date of this ordinance to any person, firm, or corporation for the sale of intoxicating liquor with an alcohol content in excess of five percent (5%) by weight at a premises on which a motor vehicle service station business is located shall not be renewed, except that, upon expiration of the existing license, the licensee may renew such license as a five percent (5%) package license without having to submit a new application therefor.

(B) Any licensee engaged in the motor vehicle service station business who currently possesses a valid City of St. Louis 3.2% Motor Vehicle Service Station Retail Package License may, upon expiration of such license, apply for a five percent (5%) package license without having to submit a complete new application or a neighborhood consent petition. Upon receipt of such application, the Excise Commissioner shall approve issuance of a five percent (5%) package license to such a licensee, unless he would have cause to deny renewal of the 3.2% Motor Vehicle Service Station Retail Package License to said licensee.

(C) After the effective date of this Ordinance, no person, firm, or corporation operating a Motor Vehicle Service Station shall be issued a five percent (5%) package license for a premises which was not licensed for sale of intoxicating liquor or nonintoxicating beer on the effective date hereof, unless the proposed licensed premises will comply, at the time the license would be issued, with the provisions of section 14.06.250 hereof.

SECTION FOUR. 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 are so essentially and inseparably connected with, and so dependent upon, the void section(s) that it cannot be presumed that the Board of Aldermen would have enacted the valid sections without the void one(s); 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 FIVE. 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 shall become effective immediately upon its passage and approval by the Mayor.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
06/05/92	06/05/92	PS		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
06/12/92			06/19/92	06/26/92
ORDINANCE	VETOED		VETO OVR	
62656				