CITY OF ST. LOUIS
EXCISE DIVISION

PROTEST

RULES AND REGULATIONS

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TITLE 14 OF THE REVISED CODE OF THE CITY OF SAINT LOUIS PROVIDES FOR THE MANNER AND METHOD NECESSARY TO OPPOSE THE ISSUANCE RENEWAL OR CONTINUANCE OF LIQUOR LICENSES.

ALL QUESTIONS CONCERNING THE ISSUANCE RENEWAL OR CONTINUANCE OF LIQUOR LICENSES AND WHICH CIRCUMSTANCES ARE NOT GOVERNED BY SPECIFIC SECTIONS OF THE REVISED CODE OF THE CITY OF ST. LOUIS, ARE LEFT SOLELY TO THE ADMINISTRATIVE DISCRETION OF THE EXCISED COMMISSIONER.

THE EXCISE COMMISSIONER AT THE REQUEST OF AND AT THE EXPENSE OF ANY PARTY SHALL CAUSE ALL PROCEEDINGS AND HEARINGS TO BE SUITABLY TRANSCRIBED. **AN ADMINSTRATIVE FEE OF $50.00 AND A COST OF $5.00 PER PAGE FOR ANY TRANSCRIPT TRANSCRIBED.**

ANY PARTY DESIRING TO HAVE SAID PROCEEDINGS OR HEARINGS TRANSCRIBED SHALL MAKE ARRANGEMENTS FOR SAID TRANSCRIPTION AND PAYMENT FOR SAME. **A DEPOSIT OF $100.00 MUST BE PAID IN ADVANCE.**

SEE: DEFINITIONS PAGE FOR EXPLANATION OF TERMS USED IN THESE PROCEDURES.

Robert W. Kraiberg

EXCISE COMMISSIONER
CITY OF ST. LOUIS

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SECTION I
PROCEDURE TO PROTEST A LIQUOR LICENSE APPLICATION

1. The applicant must obtain the signatures of a majority of the property owners within the petition circle and the signatures of a majority of the "tenants/occupants" on the main or surface floor, the floor immediately below the main or surface floor, and the two floors immediately above the main surface floor.

2. A protest to the issuance of a liquor license may be filed at any time prior to the conclusion of the application hearing set by the Excise Commissioner.

3. To initiate a protest against the issuance of a liquor license protesters must submit a letter of protest signed by:

   - TEN (10) or more property owners, or
   - TEN (10) or more "tenants/occupants" within the petitions circle of the proposed liquor establishment which is the subject of the protest.

At the application hearing, the Excise Commissioner will also consider evidence and testimony that the issuance of a liquor license would or would not be detrimental to the neighborhood.

NOTE: Letters of protest shall clearly state the reasons for the protest, its intent and shall contain the name, and address and type of liquor license being protested. This letter shall clearly contain the names, addresses and telephone numbers of those people signing in protest. This letter shall contain the name and address of the person who shall serve as the PROTEST REPRESENTATIVE.

These letters are issued by the Excise Commissioner's Office.

4. Upon completion of the application hearing in which a protest against the issuance of a liquor license has been initiated, the Excise Commissioner will issue Protest Petitions sheets to the Protest Representative and Petition Signature sheets to the applicant, for the purpose of obtaining any additional signatures. The burden is on the applicant to obtain a majority of property owners and a majority of occupant/tenants, residing or conducting business within the petition circle. The applicant must reach a majority in both categories. These petition forms must be returned to the Excise Division within thirty (30) days. The excise Division will advise you of the cut-off date for submission of new signatures.

   NOTE: If the 30th day is on a Saturday, Sunday, or Holiday signatures will be accepted on the next business day thereafter.

5. No new signatures will be accepted from either the applicant or the protesters after THIRTY (30) days from the time petition papers are issued by the Excise Division.

6. A protest hearing will be scheduled after the THIRTY (30) day deadline for submission of signatures. This hearing shall be held not less than TWENTY (20), nor more than THIRTY (30), days following the last date on which protest petitions may be submitted. This hearing will be in two parts. The first part is to determine if the necessary majority of signatures have been obtained by the applicant. The second part is to determine whether the issuance of the liquor license would or would not be detrimental to the neighborhood. Testimony from the general public will be accepted at this time. After the conclusion of the protest hearing, the Excise Commissioner will issue a decision.

SECTION II
PROCEDURE TO PROTEST A LIQUOR LICENSE RENEWAL

1. A protest of the renewal of a liquor license may be filed from FOURTEEN (14) to FORTY-FIVE(45) days prior to its expiration date.

2. To initiate a protest to the renewal of a liquor license, the protesters must submit a letter of protest signed by:

   - TEN (10) or more property owners, or
   - TEN (10) or more "tenants'/"occupants" within the petition circle of the liquor licensed establishment which is the subject of the protest.

   NOTE: Letters of protest shall clearly state the reasons for the protest, its intent and shall contain the name, and address and type of liquor license being protested. This letter shall clearly contain the names, addresses and telephone numbers of those people signing in protest. This letter shall contain the name and address of the person who shall serve as the PROTEST REPRESENTATIVE.

These letters are issued by the Excise Commissioner's Office.

3. Upon verification that there are sufficient signatures on the protest letter to initiate a protest, the Excise Commissioner will issue protest petition forms to the Protest Representative for the purpose of obtaining additional signatures of either a majority of property owners and/or tenants/occupants. The Protest Representative must:

   - obtain a majority of property owners, or
   - obtain a majority of tenants/occupants in order to have a successful protest, or
   - Must provide evidence to the Excise Commissioner that the renewal of the license would be detrimental to the community.

The Excise Commissioner will notify the licensee that the protest has been filed. The licensee does not have to obtain any signatures if they do not choose to, but by obtaining signatures, they may nullify signatures that are on the protest petition. These petition forms must be returned to the Excise Division within thirty(30) days. The Excise Division will advise you of the cut-off date for submission of new signatures.

   NOTE: If the 30th day is on a Saturday, Sunday or a Holiday, signatures will be accepted on the next business day thereafter.

4. No new signatures will be accepted from the protesters or from the licensee after thirty (30) days from the time the petition papers are issued by the Excise Division.

5. A protest hearing will be scheduled after the thirty (30) day deadline for the submission of signatures. This hearing will be in two (2) parts. The first part is to determine if the necessary majority has been obtained by the protesters. The second part is to determine whether the renewal of the liquor license would or would not be detrimental to the neighborhood. Testimony from the general public will be accepted at this time. After the conclusion of the protest hearing, the Excise Commissioner will issue a decision.

SECTION III
PROCEDURE TO PROTEST THE CONTINUATION OF A LIQUOR LICENSE

1. A protest to the continuation of a liquor license may be filed at any time, except between the 14th and the 45th day, prior to its expiration date.

2. The protesters must obtain the signatures of a majority of the property owners within the petition circle or a majority of the tenants/occupants on the main or surface floor, the floor immediately below the main or surface floor, and the two floors immediately above the main surface floor, within the petition circle.

3. To initiate a protest against the continuance of a liquor license, protester must submit a letter of protest signed by:

   - TEN (10) or more property owners, or
   - TEN (10) or more "tenants/occupants"

Within the petition circle of the liquor licensed establishment which is the subject of the protest. The Excise Commissioner will consider evidence that the continuation of a liquor license would or would not be detrimental to the neighborhood only if the protesters are successful in obtaining a majority of property owners of a majority of "tenants/occupants" within the petition circle.

NOTE: A Letter of protest shall clearly state the reasons for the protest, its intent and shall contain the name, and address and type of liquor license being protested. This letter shall clearly contain the names, addresses and telephone numbers of those people signing in protest. This letter shall contain the name and address of the person who shall serve as the PROTEST REPRESENTATIVE.

These letters are issued by the Excise Commissioner's Office.

4. Upon verification that there are sufficient signatures on the protest letter to initiate a protest, the Excise Commissioner will issue protest petition forms to the Protest Representative, for the purpose of obtaining additional signatures of either a majority of property owners or "tenants'/"occupants". The Protest Representative must obtain a majority of property owners or a majority of tenants/occupants in order to have a successful protest. The Excise Commissioner will notify the licensee that the protest has been filed. The licensee does not have to obtain any signatures if they do not choose to, but by obtaining signatures, they may nullify signatures that are on the protest petition. These petition forms must be returned to the Excise Division within thirty (30) days. The Excise Division will advise you of the cut-off-date for submission of new signatures.

   NOTE: If the 30th day is on a Saturday, Sunday, or a Holiday, signatures will be accepted on the next working day thereafter.

5. No new signatures will be accepted from the protesters or from the licensee after thirty (30) days from the time the petition papers are issued by the Excise Division.

6. A protest hearing will be scheduled after the thirty (30) day deadline for the submission of signatures. This hearing may be in two (2) parts. The first part is to determine if the protesters have obtained a majority of property owners or a majority of tenant"/"occupants". If after the first phase of the hearing is completed, the Excise Commissioner determines that the protest petitions submitted to him in protest of the continuation of a license does not contain a majority of property owners nor a majority of "tenants/occupants" within the petition circle of the licensed premise which is the subject

of protest, then he shall deny the protest and shall not consider evidence of whether the continuation of the license would or would not be detrimental to the neighborhood in which the licensed premises is located. Testimony will be accepted from the protesters and/or the license only if the protesters are successful at obtaining a majority petition.

SECTION IV
GENERAL RULES AND REGULATIONS

1. No person is allowed to sign for another individual except a trustee, guardian, a person with power of attorney, or other persons authorized by law.

2. Persons who sign both a petition for a liquor license and a protest petition against the license will have their names removed from the petition and protest, but shall remain in the total count or tally.

   NOTE: Any person who signs both for and against the issuance or renewal of a license will be accepted as a valid signer by one of the following methods:

   a) By appearance at the protest hearing and testify, under oath, as to his/her position in the matter.

   b) By letter to the Excise Commissioner clearly stating their position, dated and signed and received by the Excise Division prior to the conclusion of the protest hearing.

3. For protest purposes, ownership of real estate property and occupancy/tenancy will be determined as of the date investigated by the Excise Division.

4. If there are less than twenty (20) property owners within the petition circle, a protest may be initiated by submission of a letter of protest to the Excise Commissioner signed by a majority of property owners within the petition circle.

5 If there are less than twenty (20) persons residing or conducting business within the petition circle, a protest may be initiated by submission of a letter of protest to the Excise Commissioner signed by a majority of persons residing or conducting business within the petition circle.

SECTION V
DEFINITIONS

CORPORATE SIGNATURE

The signature of a Corporate Officer or a local manager must include the name of the Corporation and the title of the individual who signs for the corporation.

MAJORITY

One more than half of the total number of eligible persons within the petition circle, in a particular category. Property owners is a category and "tenants/occupants" is a category.

OCCUPANTS

Any person, 18 years of age or older who owns or operates any business or professional service within the petition circle.

PETITION CIRCLE

An area, circular in shape, with a radius of 350 feet drawn from the center of the front entrance of the liquor license premises, projected to the street.

PROPERTY OWNER

Any person, 18 years of age or older who owns or co-owns Real Estate that is touched by or is within the petition circle.

NOTE: A property owner is counted only once in the total number of property owners and only one signature of a property owner is accepted as valid regardless of the number of Real Estate parcels that the individual or entity owns or co-owns within the petition circle.

STREET

For purposes of these Rules and Regulation. "Street" includes the traffic lanes, curbs easements, sidewalks, etc. That lies between property lines that border a street or through-fare.

TENANTS

Any person who's domicile (home) is within the petition circle and who is registered to vote from such address within the petition circle on the date on which the application is filed or the protest is initiated.

NOTE: The building or portion of the building occupied by an occupant or tenant must be within the petition circle.

3 A.M. PETITION CIRCLE

An area circular in shape, with a radius of 500 feet drawn from the center of the front of the liquor license premises projected to the street.

NOTE: A petition circle includes only the main or surface floor, the floor immediately below the main or surface floor and the two (2) floors immediately above the main or surface floor.

VALID PETITION SIGNATURES

Valid petition signatures must have the name and the address of the person printed next to the signature on the face of a petition form as provided by the Excise Commissioner and comply with all other validity requirements.

NOTE: The signature on a "Letter of Protest" as described in 14.08.110-(A)will be acceptable on other than the form referred above, if they are valid in all respects.