

ORDINANCE #68841
Board Bill No. 268

An ordinance repealing ordinance 68295 and enacting a new ordinance confirming the prohibition of the issuance of any package or drink liquor licenses for any currently non-licensed premises within the boundaries of the Twentieth Ward Liquor Control District, as established herein, for a period of one year from the effective date hereof; containing exceptions allowing, during the period, for the transfer of existing licenses, under certain circumstances; or the issuance of a drink license (no package) to persons operating a restaurant with at least 50% food sales at a previously non-licensed premises; or the issuance of a drink license (no package) to persons operating a premises with a Cherokee Street address from the west curblineline of Iowa Avenue to the east curblineline of Nebraska Avenue; or to persons who on the effective date of this ordinance operated a bar for at least three (3) years in compliance with excise laws and continues to operate with at least 20% food sales, thereafter; and containing a severability and emergency clause.

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

SECTION ONE. ORDINANCE 68295 IS REPEALED AND REPLACED.

Ordinance 69295 is repealed and a new ordinance confirming the prohibition of the issuance any package or drink liquor licenses for any currently non-licensed premises within the boundaries of the Twentieth Ward Liquor Control District is enacted for a period of one year from the effective date of this ordinance with exceptions as below set forth.

SECTION TWO. LEGISLATIVE FINDINGS.

The existence of alcoholic beverage establishments appears to contribute directly to numerous peace, health, safety and general welfare problems. The existence of such problems creates serious impacts on the health, safety and welfare of residents of single- and multiple-family residences within the district. In order to preserve the residential character and the neighborhood-serving commercial uses of the area, there shall be liquor control requirements on the issuance of new liquor licenses within the 20th ward, more specifically defined with the following boundaries: beginning at the intersection of the centerlines of S. Broadway and Interstate 55, and proceeding along the centerlines in a generally clockwise direction south to Kosciusko St., north to Winnebago St., west to Marine Ave., south to Chippewa St., west to Missouri Ave., south to Keokuk St., west to S. Broadway, north on S. Broadway to Jefferson Ave., north to Chippewa St., west to Ohio Ave., south to Keokuk St., west to California Ave., north to Chippewa St., west to Oregon Ave., south to Osage St., east to California Ave., south to Gasconade St., west to Pennsylvania Ave., south to Meramec St., west to Michigan Ave., north to Gasconade St., west to Louisiana Ave., north to Osage St., west to S. Grand Blvd., north to Alberta St., east to Arkansas Ave., north to Chippewa St., east to Tennessee Ave., north to Potomac St., east to Louisiana Ave., north to Gravois Ave., east to Virginia Ave., south to Utah St., east to Compton Ave., north to Gravois Ave., northeast to Juniata St., east to Minnesota Ave., south to Utah St., east to Pennsylvania Ave., south to Cherokee St., east to Nebraska Ave., north to Wyoming St., east to Oregon Ave., north to Juniata St., east to California Ave., south to Wyoming St., east to Texas Ave., south to Utah St., west to Ohio Ave., south to Cherokee St., west to Iowa Ave., south to Miami St., east to Ohio St., north to Potomac St., east to Indiana Ave., south to Miami St., east to S. Broadway, northeast to Salena St., south to Miami St., east to Cleon St., northeast to President St., southeast to Second St., northeast to Potomac St., northwest to S. Broadway St., northeast to the point of beginning. Such area shall be known as the Twentieth Ward Liquor Control Area.

SECTION THREE. PROHIBITIONS ON ISSUANCE OF PACKAGE OR DRINK LIQUOR LICENSES.

The Excise Commissioner is hereby prohibited, for a period of one year, beginning as of the effective date of this Ordinance, from approving the issuance of a package or drink liquor license for any premises, not licensed as of the effective date hereof, which is located within the boundaries of the Twentieth Ward Liquor Control District established in Section Two of this ordinance.

SECTION FOUR. EXCEPTIONS UNDER WHICH DRINK LIQUOR LICENSES ONLY (NO PACKAGE LIQUOR) MAY BE ISSUED.

Notwithstanding the provisions of Section Three of this Ordinance, the Excise Commissioner shall have authority to:

- (1) Approve transfer of an existing license to another premises within the petition circle of the currently licensed premises, pursuant to the provisions of subsection (B) of section 14.06.330 of Ordinance 61289;
- (2) Issue a drink license only (no package liquor) for a premises, not licensed as of the effective date of this Ordinance, which currently is or will be, upon opening, operated as a restaurant, where at least fifty percent (50%) of the gross

income is derived from the sale of food consumed on the premises of the establishment or which has an annual gross income of at least two hundred seventy-five thousand dollars (\$275,000) from the sale of prepared meals or food consumed on such premises (Revised Code of the City of St. Louis section 14.01.390 of Ordinance 61289);

(3) Issue a drink license only (no package liquor) in an area with a Cherokee Street address from the west curblineline of Iowa Avenue to the east curblineline of Nebraska Avenue; and

(4) Renew an existing drink license only (no package liquor) for a premises in existence on the effective date of this ordinance, licensed for at least three (3) years to serve alcohol, which has been in compliance with the excise laws of the City of St. Louis during that entire three (3) year time period, and continues to operate with at least twenty percent (20%) of the gross income derived from the sale of food consumed on the premises, thereafter.

SECTION FIVE. SEVERABILITY CLAUSE.

If any provision, clause, sentence, paragraph or word of this ordinance or the application thereof to any person, entity or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION SIX. 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 this ordinance shall become effective immediately upon its passage and approval by the Mayor.

Approved: February 3, 2011