

## *St. Louis City Ordinance 62940*

FLOOR SUBSTITUTE

BOARD BILL NO. [93] 115

INTRODUCED BY ALDERMAN Marit Clark , Thomas A. Villa

An ordinance pertaining to the Liquor Control Laws of the City of St. Louis, amending Ordinance 61289 by repealing Sections 14.01.170 pertaining to lewd and indecent conduct, Section 14.01.380, pertaining to resorts, Section 14.01.330 pertaining to places of entertainment and amusement, Section 14.01.360 pertaining to qualified packages or containers of Section Two of Ordinance 61289, repealing Section 14.03.040 pertaining to the sale of intoxicating liquor in the original package at retail on Sundays of Section Four of Ordinance 61289; repealing Ordinance 62422, pertaining to microbrewery license presently codified as Section 14.07.060 and enacting in lieu thereof new Sections pertaining to the same subject matter, and containing an emergency clause.

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

SECTION ONE. Section 14.01.170, 14.01.380, 14.01.330 and 14.01.360 of Section Two of Ordinance 61289 are hereby repealed; Section 14.03.040 of Section Four of Ordinance 61289 is hereby repealed and Ordinance 62422 is hereby repealed.

SECTION TWO. A new Section 14.01.170 is hereby enacted which shall read as follows:

14.01.170 Lewd and Indecent Conduct.

(A) As used herein, the term "lewd and indecent conduct" shall mean: (1) the exposure of one's genitals, buttocks, vulva, pubic hair or the female breast below a point immediately above the top of the areola; (2) the touching, caressing or fondling of the breasts, buttocks or genitals, whether clothed or unclothed, for the purpose of sexual arousal or gratification; (3) the touching, caressing or fondling of the breasts, buttocks or genitals, whether clothed or unclothed, which is likely to cause affront or alarm; and (4) acts or representations of acts of human masturbation, sexual intercourse or sodomy, bestiality, cunnilingus, fellation or flagellation.

(B) Conduct which is not obscene is not lewd or indecent for the purposes of this ordinance and title if:

(1) it occurs as part of a performance and does not involve exposure of one's genitals, buttocks, vulva, pubic hair or the female breast below a point immediately above the top of the areola;

(2) it occurs as part of a performance at a place that has a seating capacity for patrons in excess of nine hundred fifty persons, and which has annual ticket sales for admissions thereto in excess of Seven Hundred and Fifty Thousand Dollars; or

(3) it is portrayed or depicted in a motion picture which is shown or exhibited at a motion picture theater.

SECTION THREE. A new Section 14.01.330 is hereby enacted which shall read as follows:

14.01.330. Places of Entertainment - Places of Amusement.

(A) "Places of entertainment" shall mean any establishment located in the City which has seating capacity for patrons in excess of four hundred persons, and which has gross annual sales in excess of two hundred and fifty thousand dollars and the establishment has been in operation for at least one year.

(B) "Places of Amusement" shall mean any establishment whose business building contains a square footage of at least six thousand (6,000) square feet where games of skill commonly known as billiards, volleyball, indoor golf, bowling or soccer are usually played, which premises are duly licensed and meet building code requirements for said games of skill, and which has annual gross receipts of at least two hundred thousand dollars (\$200,000.00) of which no more than fifty percent (50%) may be derived from the sale of alcoholic beverages.

SECTION FOUR. A new Section 14.01.380 is hereby enacted which shall read as follows:

14.01.380. Resort.

The term "resort" means any establishment having at least thirty rooms for the overnight accommodations of transient guests, having a restaurant or similar facility on the premises at least sixty percent of the gross income of which is derived from the sale of prepared meals or food, or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and

which restaurant establishment's annual gross food sales for the past two years immediately preceding its application for a license shall not have been less than seventy-five thousand dollars per year, or means a new restaurant establishment having been in operation for at least ninety days preceding the application for such license, with a projected experience based upon its sale of food during the preceding ninety days which would exceed not less than seventy-five thousand dollars per year. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the purpose of meeting the annual gross food sales requirements of this subsection, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.

SECTION FIVE. A new Section 14.01.360 is hereby enacted which shall read as follows:

The term "Qualified packages or containers", shall mean packages or containers for intoxicating liquor, other than beer or other malt liquor, which holds not less than fifty milliliters and not more than two hundred milliliters, and any packages or containers for beer or other malt liquor.

SECTION SIX. A new Section 14.03.040 is hereby enacted which shall read as follows:

14.03.040 Hours of Operation - Sunday - Intoxicating Liquor.

No person to whom a license has been issued under the provisions of this ordinance or title, his agent, servant or employee, shall sell, giveaway or otherwise dispose of, or suffer or permit the same to be done upon his licensed premises, or allow to be consumed on the license premises or any part of the premises used by the licensee in connection with the conduct of his business upon the licensed premises, any intoxicating liquor in any quantity on Sunday, except for one and one-half hours immediately following midnight Saturday provided however:

(1) When January first, March seventeenth, July fourth, or December thirty-first falls on a Sunday, intoxicating liquor by the drink may be sold under the provisions of his license on that day from the time and until the time which would be lawful on another day of the week.

(2) Persons possessing a full drink Sunday intoxicating liquor license may sell intoxicating liquor by the drink for consumption on the premises between the hours of 11:00 a.m. Sunday and midnight Sunday.

(3) When December thirty-first falls on a Sunday, the holder of a "3:00 a.m. closing permit:" may sell intoxicating liquor until 3:00 a.m. on the following Monday.

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

(5) Any person possessing a license to sell intoxicating liquor in the original package at retail may sell intoxicating liquor in the original package at retail between the hours of 1:00 p.m. and midnight on Sundays. The License Collector, upon recommendation and approval of the Excise Commissioner, shall issue a Sunday Sales permit to said licensees.

SECTION SEVEN. A new Section 14.07.060 is hereby enacted which shall read as follows:

Section 14.07.060. Microbrewery License.

(A) A microbrewery license shall authorize the licensee to manufacture beer and malt liquor in quantities not to exceed ten thousand barrels per annum. The fee for such license shall be two hundred fifty dollars annually.

(B) Notwithstanding any other provision of this Ordinance or Title to the contrary, the holder of a microbrewery license may apply for a drink license and the Excise Commissioner may authorize issuance of, and the License Collector may issue, a drink license to the holder of the microbrewery license. A drink license may only be issued to a holder of a microbrewery license for the same premises for which the microbrewery license is issued. The provisions of chapter 14.08 of Ordinance 61289 shall apply to applications for issuance, issuance, renewal and protest of retail liquor licenses for premises licensed as a microbrewery.

(C) The holder of a microbrewer's license may also sell beer and malt liquor produced on the brewery premises to duly licensed wholesalers. However, holders of a microbrewer's license shall not, under any circumstances, directly or indirectly, have any financial interest in any wholesaler's business.

SECTION EIGHT. This Ordinance, being necessary for the immediate preservation of the public health, safety and general welfare, shall be and is hereby declared to be an emergency measure within the meaning of Article IV, Section 20, of the Charter of the City of St. Louis, and as such shall take effect immediately upon its approval by the Mayor.

<b>Legislative History</b>				
<b>1ST READING</b>	<b>REF TO COMM</b>	<b>COMMITTEE</b>	<b>COMM SUB</b>	<b>COMM AMEND</b>
<b>06/11/93</b>	<b>06/11/93</b>	<b>PS</b>		
<b>2ND READING</b>	<b>FLOOR AMEND</b>	<b>FLOOR SUB</b>	<b>PERFECTN</b>	<b>PASSAGE</b>
<b>06/25/93</b>			<b>07/01/93</b>	<b>07/09/93</b>
<b>ORDINANCE</b>	<b>VETOED</b>		<b>VETO OVR</b>	
<b>63940</b>				