

BOARD BILL NO. 145 INTRODUCED BY ALDERMAN CHARLES QUINCY TROUPE

1 An Ordinance which amends Ordinance 68536, Section Seven, paragraph 14.06.250(A)
2 and Section Nine, paragraph 14.08.190 of the Excise Code of the City of St. Louis, to clarify that
3 premises where motor vehicle service stations exist are limited to five percent (5.0%) package
4 licenses; and which amends Ordinance 68536, Section Nine, paragraph 14.08.060(D) and
5 paragraph 14.08.130(C) of The Excise Code of the City of St. Louis, to extend standing to
6 Aldermen and to current liquor licensees; and containing an emergency clause.

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

8 **SECTION ONE.** Paragraph 14.06.250(A), in Section Seven of Ordinance 68536, is
9 hereby amended to read as follows:

10 14.06.250(A). The Excise Commissioner shall not issue a new package license to any person for
11 a premises unless said premises is, or shall be used as, either a pharmacy, retail grocery or
12 convenience store, and/or a florist. **Further, the Excise Commissioner shall not issue a new**
13 **package license, other than a five percent (5.0%) package license, to any person, firm, or**
14 **corporation for a premises used as, or to be used as, either a pharmacy, retail grocery or**
15 **convenience store, and/or a florist, if such licensed premises is located upon the premises**
16 **where a motor vehicle service station, or a motor vehicle service station business is**
17 **conducted, located, or exists.** As used in this section, the term "pharmacy" means a retail
18 establishment which employs at least one full-time registered pharmacist. The term "retail
19 grocery convenience store" shall mean a retail establishment which (1) has a minimum of 1500
20 net square feet of sales area, including glassed security areas, exclusive of storage rooms, walk-
21 in coolers, restrooms, and areas not generally accessible to the general public; (2) displays a

1 minimum of 750 separate and distinguishable products for sale, exclusive of alcoholic beverages,
2 tobacco products, gasoline, oil, and automotive supplies; and (3) each month purchases, or for
3 premises making application for a new license will purchase, products for resale, exclusive of
4 alcoholic beverages, tobacco products, gasoline, oil and automotive supplies, which have a
5 minimum wholesale cost of \$5,000.00. Should a premise for which a new license is issued after
6 the effective date of this section cease to operate as a pharmacy, florist, or retail grocery or
7 convenience store, the Excise Commissioner shall then either cancel or revoke the issued license.
8 Nothing herein shall prevent the Excise Commissioner from renewing a package license for a
9 premise which is not a pharmacy, florist, retail grocery or convenience store for which a package
10 license was initially issued prior to the effective date of this section.

11 **SECTION TWO.** Paragraph 14.08.190(C), in Section Nine of Ordinance 68536, is
12 hereby added to read as follows:

13 **14.08.190(C). Notwithstanding any other provision of this chapter or title, no person, firm,**
14 **corporation, or motor vehicle service station shall sell or offer for sale, on the premises**
15 **where a motor vehicle service station business is conducted, located, or exists, any**
16 **intoxicating liquor with an alcohol content in excess of five percent (5.0%) by weight, nor**
17 **shall the Excise Commissioner issue a license to any person, firm, corporation, or motor**
18 **vehicle service station to sell or offer for sale any intoxicating liquor with an alcohol**
19 **content in excess of five percent (5.0%) by weight, on the premises where a motor vehicle**
20 **service station business is conducted, located, or exists.**

21 **SECTION THREE.** Paragraph 14.08.060(D), in Section Nine of Ordinance 68536, is
22 hereby amended to read as follows:

1 14.08.060(D). At such hearing, the applicant shall be entitled to produce testimony under oath
2 and to be represented by counsel, and the Excise Commissioner shall have the power, on his own
3 motion, to subpoena witnesses and to take testimony under oath pertaining to all matters
4 connected with the application. Any person owning any property, or any persons residing or
5 conducting business, within the petition circle shall have the right to produce witnesses and
6 testimony. **The Alderman for the Ward in which the licensed premises would be located**
7 **shall have the right to produce witnesses and testimony under oath, and to be represented**
8 **by counsel, pertaining to any matter connected with the application. Any person, firm, or**
9 **corporation currently licensed under this title shall have the right to produce witnesses and**
10 **testimony under oath, and to be represented by counsel, pertaining to any matter**
11 **connected with the application.** ~~The Alderman for the Ward in which the licensed premises~~
12 ~~would be located and the police department shall also have the right to be heard at the hearing.~~
13 The Excise Commissioner may continue all or part of an application hearing if necessary to
14 conclude the investigation of an application.

15 **SECTION FOUR.** Paragraph 14.08.130(C), in Section Nine of Ordinance 68536, is
16 hereby amended to read as follows:

17 14.08.130(C). At the protest hearing, both the protest representative and the licensee or applicant
18 whose license or application is the subject of the protest shall be entitled to produce testimony
19 under oath and to be represented by counsel, and the Excise Commissioner shall have the power,
20 on his own motion, to subpoena witnesses and to take testimony under oath pertaining to all
21 matters connected with the protest. **The Alderman for the Ward in which the premises which**
22 **is the subject of the protest is located shall have the right to produce witnesses and**
23 **testimony under oath, and to be represented by counsel, pertaining to any matter**

1 **connected with the protest. Any person, firm, or corporation currently licensed under this**
2 **title shall have the right to produce witnesses and testimony under oath, and to be**
3 **represented by counsel, pertaining to any matter connected with the protest.** The Alderman
4 ~~for the Ward in which the premises which is the subject of the protest is located, together with~~
5 ~~the police department shall have the right to be heard at the hearing.~~

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