BOARD BILL NO. 240 INTRODUCED BY ALDERMAN PHYLLIS YOUNG

An ordinance pertaining to the Excise laws of the City of St. Louis, repealing Ordinances 66271, 66227, 64643, 63129, 62656, 62940, 62422 and 61289 presently codified as Title 14 of the Revised Code of the City of St. Louis having as their subject matter definitions, establishment of the Excise Division, general regulations, general violations, general licensing, manufacturers, wholesalers, and distributors, retail licenses, nonintoxicating beer licenses, license transfers and enacting in lieu thereof a new ordinance pertaining to the same subject matter, and containing a severability, emergency clauses and penalty clause.

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

SECTION ONE. The following ordinances are repealed: 66271, 66227, 64643, 63129, 62656, 62940, 62422 and 61289 and enacted is the following.

SECTION TWO. Chapter 14.01-DEFINITIONS

Sections:

14.01.010 Generally.

14.01.020 Definitions.

14.01.030 Ballroom.

14.01.040 Boat.

14.01.050 Club.

14.01.060 C.O.L. License.

14.01.070 Commissioner.

14.01.080 Common eating and drinking area.

14.01.085 Conducting business.

14.01.090 Controlled access liquor cabinet.

14.01.100 Controlled access liquor cabinet system.

14.01.110 Convention trade area.

14.01.112 Corporate Signature.

14.01.120 Disorderly place.

14.01.130 Drink license.

14.01.140 Employees.

14.01.145 Et. al.

14.01.150 Hotel.

14.01.160 Intoxicating liquor.

14.01.170 Lewd and indecent conduct.

14.01.180 License.

14.01.190 Licensed premises.

14.01.192 Majority.

14.01.200 Mall.

14.01.210 Motion picture theater.

14.01.220 Motor vehicle service station.

14.01.230 Nonintoxicating beer.

14.01.240 Nonresident wholesaler, manufacturer and distributor.

14.01.250 Obscene.

14.01.260 Off-premises gift shop.

14.01.270 Original package.

14.01.280 Package license.

14.01.290 Performance.

14.01.300 Person.

14.01.310 Petition circle.

14.01.315 Picnic group—Defined.

14.01.320 Picnic license.

14.01.330 Places of Entertainment—Places of Amusement.

14.01.340 Premises.

14.01.342 Private Place.

14.01.343 Public Place.

14.01.344 Property Owner.

14.01.350 Qualified establishment.

14.01.360 Qualified packages or containers.

14.01.370 Registered guest.

14.01.380 Resort.

14.01.390 Restaurant.

14.01.400 Retail license.

14.01.410 Room.

14.01.420 Standard size bowling lane.

14.01.425 Sunday Ballroom.

14.01.426 Sunday Convention Trade Area License

14.01.427 Tenant.

14.01.430 3:00 a.m. closing permit.

14.01.440 Transportation company.

14.01.450 Wholesale liquor dealing agent.

14.01.010 Generally.

This ordinance and title shall be known and may be cited as the “Liquor Control Laws of the City of St. Louis.”

14.01.020 Definitions.

For the purposes of this title the terms herein used shall have the meaning given in this chapter.

14.01.030 Ballroom.

A single facility that is at least fifty (50) years old, located in a business district, with a seating capacity of at least six hundred (600) persons, and with a dance floor of at least four thousand eight hundred (4,800) square feet.

14.01.040 Boat.

The term “Boat” shall means any watercraft, boat or barge, docked, or operating on a river passing through the City limits and which docks within the City limits as defined by law.

14.01.050 Club.

The term “Club” shall means any organization whether incorporated or not, of fifty (50) or more members, twenty-one (21) years old or older, not formed for profit, where the property and equipment of the organization, exclusive of real estate and alcoholic beverages, belongs to the members thereof, and is of the value of at least one thousand dollars ($1000.00) according to invoices.

14.01.060 C.O.L. license.

The term “C.O.L. license” shall mean a license that permits the consumption of intoxicating liquor and nonintoxicating beer on any premise(s) where food, beverages or entertainment are sold or provided for compensation. The license shall not permit he drinking or consumption of intoxicating liquor or nonintoxicating beer in or upon the licensed premise(s) by any person under twenty-one years of age, or by any other person between the hours of 1:30 a.m. and 6:00 a.m. on any weekday, and between the hours of 1:30 a.m.Sunday and 6:00 a.m. Monday.

14.01.070 Commissioner.

The term “Commissioner” shall mean the Excise Commissioner, and, where not otherwise indicated by the context, his deputy or any of his duly appointed subordinates.

14.01.080 Common eating and drinking area.

“Common eating and drinking area” means:

A. An area or areas within a building or group of contiguous buildings, approved by the Excise Commissioner, designated for eating of food and drinking of intoxicating liquor or nonintoxicating beer sold at retail by establishments which do not

provide areas within their premises for the consumption of food and liquor;

B. Where the costs of maintaining such area or areas are shared by the payment of common area maintenance charges as provided in the respective leases permitting the use of such area; or otherwise; and

C. Where the annual gross income from the sale of prepared meals or food consumed in such common eating and drinking area is or is projected to be at least two hundred and seventy-five thousand dollars.

D. Said common eating and drinking area is located within a mall.

14.01.085 Conducting business.

The term “conducting business” shall mean the operation of a business in a building or on a parcel of land which has either a business license from the City of St. Louis or a professional license from the State of Missouri.

14.01.090 Controlled access liquor cabinet.

The term “controlled access liquor cabinet” shall mean a closed container, either refrigerated in whole or in part or non-refrigerated, access to the interior of which is restricted by means of a locking device which requires the use of a key.

14.01.100 Controlled access liquor cabinet system

The term “controlled access liquor cabinet system” shall mean a system for the sale of intoxicating liquor in qualified packages or containers in the rooms provided for the overnight accommodation of transient guests in a qualified establishment by means of a controlled access liquor cabinet, and such system shall permit the licensee to maintain in

the rooms provided for the overnight accommodation of transient guests a controlled access liquor cabinet in which such licensee may maintain for sale intoxicating liquor in qualified packages or containers, together with, if desired, other beverages or food, and such system shall permit the adult registered guests of the room in which such controlled access liquor cabinet is located to use the key, magnetic card or other similar device to gain access to such controlled access liquor cabinet to obtain the intoxicating liquor or other beverages or food for consumption.

14.01.110 Convention trade area.

The term “convention trade area” shall mean the entire area within the corporate boundaries of the City of St. Louis, except for such areas as may be designated by ordinance.

14.01.112 Corporate Signature

The term “corporate signature” shall mean the signature of a corporate president and/or the secretary and such signature shall include the name of the Corporation and the title of the individual who signs for the Corporation.

14.01.120 Disorderly place.

The term “disorderly place” shall include, but not be limited to, any licensed premises which are found by the Commissioner to be open to and frequented by persons who so conduct themselves there as to violate the law, create disturbances, fight or otherwise disturb the general peace or the peace of individuals.

14.01.130 Drink License. The terms “Full Drink License,” “Full Drink Sunday

License" or "Drink License (22% drink license)," means a license or permit for the retail sale of intoxicating liquor and/or nonintoxicating beer by the drink for consumption on the premises where sold. A person to whom such drink license has been issued under the provisions of this chapter or title shall also be permitted to sell in the original package for consumption off premises such intoxicating liquor and/or nonintoxicating beer as he is permitted to sell by the drink under the terms of the license held by him. The above general definition shall be applicable to the drink licenses which may be issued under this chapter or title, unless otherwise provided by the specific definition thereof or by conditions imposed by the Excise Commissioner. The drink licenses which may be issued under this chapter, title, and the definitions thereof, are as follows:

A. Full Drink License. "Full Drink License" means a license that shall permit the retail sale of intoxicating liquor and nonintoxicating beer. This license authorizes the licensee to sell intoxicating and nonintoxicating beer by the drink for consumption on the licensed premises from 6:00 a.m. to 1:30 a.m. Monday through Saturday.

B. Full Drink Sunday License. "Full Drink Sunday License" means a license that shall permit the retail sale on Sundays of intoxicating liquor and nonintoxicating beer. This license authorizes the licensee to sell intoxicating liquor and nonintoxicating beer by the drink for consumption on the licensed premises from 9:00 a.m. and midnight on Sunday. If the licensed premise(s) is located on the grounds of a sports stadium used primarily for professional sporting events, intoxicating liquor and nonintoxicating beer by the drink at retail for consumption on the premises may be sold between the hours of

8:00 a.m. and midnight on Sunday . Such license may only be issued where the licensed premises are a restaurant, as that term is defined in this chapter, and may only be issued to persons to whom a City full drink license has been issued. A full drink Sunday license shall be null and void any time the corresponding full drink intoxicating liquor license has been suspended, canceled or revoked by a decision of the Excise Commissioner or has been allowed to lapse by the licensee.

C. Drink License (22% Drink License). The term “Drink License” shall mean a license that shall permit the sale of wine containing alcohol not in excess of 22% by weight, malt liquor containing alcohol not in excess of 5% by weight, and nonintoxicating beer.

D. 5% Drink License (Beer License). The term “5% Drink License (Beer License) shall mean a license that permits the sale of malt liquor containing alcohol not in excess of 5% by weight and nonintoxicating beer.

E. Special Sports Stadium License. The term “Special sports stadium license” shall mean a license that permits the holder thereof to sell malt liquor, malt liquor containing alcohol not in excess of 5% by weight and nonintoxicating beer, for consumption only on the premises where sold, between the hours of 11:00 a.m. on Sunday and 1:30 a.m. on the following Monday. Such license may only be issued: (1) where the licensed premises is a sports stadium, arena or auditorium used primarily for exhibition of professional sporting events and (2) only to a person who possesses a valid drink license issued under the provisions of this chapter or title.

F. Ballroom Sunday Sales Permit. The term “Ballroom Sunday Sales Permit” shall mean a permit that allows a person or establishment who operates a ballroom and who possesses a full drink license to sell intoxicating liquor by the drink at retail for consumption on the premises of the ballroom between the hours of 11:00 a.m. and midnight on Sundays.

G. Places of Entertainment Or Amusement Sunday Sales Permit.

1. The term “Places of Entertainment Sunday Sales Permit ” or “Amusement Sunday Sales Permit” shall mean a permit that allows for the sale of intoxicating liquor between the hours of 9:00 a.m. on Sunday and midnight on Sunday by any person who possesses a full drink liquor license for a premise which is a “Place of Entertainment” or a “Place of Amusement.” Nothing in this section shall be construed to permit the licensee to sell intoxicating liquor or nonintoxicating beer for off-premises consumption.

2. The term “Temporary Place of Amusement Sunday Sales Permit” shall mean a permit that may be issued to a “Place of Amusement” having been in operation less than ninety (90) days. This permit may be issued for a period not to exceed ninety (90) days, if such Place of Amusement can show projection of gross business receipts of at least one hundred thousand dollars ($100,000.00), at least fifty thousand ($50,000) shall be derived from sources other than the sale of alcoholic beverages.

14.01.140 Employees.

The term “Employees” shall mean persons who work or perform services for or without compensation for a person licensed under the provisions of this title.

14.01.145 Et. al.

The term “Et. al.” shall mean “and others.”

14.01.150 Hotel.

The term “Hotel” shall mean every building or other structure kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are furnished for pay to transient or permanent guests, in which twenty or more rooms are furnished for the accommodation of such guests, whether with or without meals, as evidenced by a license issued by the City to the person owning, keeping, using, maintaining, advertising or holding out the place to the public to be a place where such accommodations are furnished.

14.01.160 Intoxicating liquor.

The term “Intoxicating liquor” shall mean alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented malt or other liquors or combination of liquors, a part of which is spirituous, vinous or fermented, and all preparations or mixtures for beverage purposes containing in excess of 3.2% alcohol by weight.

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, fellatio or flagellation.

B. Conduct which is not obscene is not lewd or indecent for purposes of this chapter 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 fifty thousand dollars; or

3. It is portrayed or depicted in a motion picture which is shown or exhibited at a motion picture theater.

14.01.180 License.

Except as otherwise indicated, the term “license” includes permits issued under this chapter and title.

14.01.190 Licensed premises.

The term “licensed premises” shall mean that building, portion of a building, boat

or portion thereof, place or area in which a person holding a “drink,” “package” or “C.O.L..” license, as those terms are defined in this chapter, is permitted or authorized to conduct business pursuant to such license. All license applications and renewal applications filed with the Excise Division after the effective date of this ordinance shall contain a description of the licensed premises in a form acceptable to the Excise Commissioner.

14.01.192 Majority

The term “majority” shall mean 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.

14.01.200 Mall.

The term “mall” shall refer to a building or group of contiguous buildings that contain a minimum of fifty thousand (50,000) square feet and that provide space available for a minimum of twenty-five (25) individual retail establishments selling at retail among other things any or all of the following: goods, wares, merchandise, food, foodstuffs and/or beverages.

14.01.210 Motion picture theater.

The term “motion picture theater” shall mean a building or portion of a building in which motion pictures are regularly exhibited which:

A. Has at least one permanently affixed screen, of a minimum size of two hundred (200) square feet, for exhibition of motion pictures;

B. Has a minimum of one hundred (100) permanently affixed seats; and

C. The public is invited to enter in return for the purchase of a ticket or the payment of an entry charge.

14.01.220 Motor vehicle service station.

The term “motor vehicle service station” shall mean a place licensed by the state or city to sell or offer for sale gasoline or other motor fuels used as fuels in internal combustion engines for the purpose of propelling an automobile, truck or other self-propelling motor vehicle upon the public highways, streets and thoroughfares of the City.

14.01.230 Nonintoxicating beer.

The term “Nonintoxicating beer” shall mean any beer manufactured from pure hops or pure abstract of hops, and pure barley, malt, and other wholesome grains or cereals, and wholesome yeast and pure water, and free from all harmful substances, preservatives and adulterants, and having an alcoholic content of more than one-half of one percent by volume, and not exceeding 3.2% by weight.

14.01.240 Nonresident wholesaler, manufacturer and distributor.

The term “Nonresident wholesaler, manufacturer and distributor” shall mean any person residing or located in the state, outside of the City, licensed by the state to solicit, receive or take orders for the purchase, sale and delivery of any intoxicating liquor or nonintoxicating beer to any person residing in or located in the City for resale. A nonresident wholesaler, manufacturer or distributor shall obtain a liquor license to sell or deliver liquor products in the City of St. Louis.

14.01.250 Obscene.

A performance is “obscene” if:

A. Applying contemporary community standards, its predominant appeal is to prurient interest in sex;

B. Taken as a whole, the average person, applying contemporary community standards, would find that it depicts or describes sexual conduct in a patently offensive manner; and

C. Taken as a whole, it lacks serious literary, artistic, political or scientific value. Obscenity shall be judged with reference to its impact upon ordinary adults.

14.01.260 Off-premises gift shop.

The term “off-premises gift shop” shall mean a retail store that does not permit any goods sold on the premises to be delivered to the purchaser on such premises.

14.01.270 Original package.

The term “original package” shall mean the original unopened container with an unbroken seal thereon, in which intoxicating liquor or nonintoxicating beer has been shipped by the distiller, brewer, or bottler thereof to a distributor, wholesaler or retail merchant.

14.01.280 Package license.

The term “package license” shall mean a license for the retail to 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 chapter or title, unless otherwise provided by the specific definition thereof. The package licenses which may be issued under this chapter and title, and the definitions thereof, are as follows:

A. Full Package License. The term “Full Package License” shall mean a license that permits the sale at retail of intoxicating liquor and nonintoxicating beer in the original package.

B. 22% Package License. The term “22% Package License” shall mean a license that permits 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. The term “5% Package License” shall mean a license that permits the retail sale of malt liquor, containing alcohol not in excess of 5% by weight, and of nonintoxicating beer in the original package.

D. Tasting Permit. The term “Tasting Permit” shall mean a permit that allows a licensee to conduct wine, malt beverage and distilled spirit tastings on the licensed premises and such establishment shall also have a “package license.”

14.01.290 Performance.

The term “performance” means any play, dance, exhibition or the playing of music by one or more persons, provided that:

A. Such performance occurs on a stage or platform;

B. There is no intentional physical contact between the audience and the persons participating in the performance during the performance; and

C. One or more of the persons participating in the performance receive compensation for such participation.

14.01.300 Person.

The term “Person” shall mean an individual, association, club, joint stock company, syndicate, partnership, corporation, receiver, trustee, conservator, or other officer appointed by any state or federal court.

14.01.310 Petition circle.

A. For each premises for which a retail license has been issued or for which an application for a retail license has been submitted to the Excise Commissioner, other than a picnic license, there shall be a petition circle. Such petition circle shall hereby be defined as an area, circular in shape, with a radius of three hundred fifty (350) feet drawn from the center of the front entrance of the licensed premises projected to the street.

B. Notwithstanding the provisions of subsection A of this section, the petition circle for a 3:00 a.m. permit shall be an area, circular in shape, drawn by a radius of five hundred (500) feet drawn from the center of the front entrance of the premises projected to the street.

C. No portion of a building shall be considered to be within the petition circle other than the main or surface floor of such building, the two floors immediately above the main or surface floor, and the floor immediately below the main or surface floor.

14.01.315 Picnic Group—Defined.

A gathering of two 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.

14.01.320 Picnic license.

The term “Picnic license” means a license or permit issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for sale of intoxicating liquor and/or nonintoxicating beer at a picnic, bazaar, fair, or similar gathering. Said license or permit shall authorize sale of intoxicating liquor or nonintoxicating beer only for the day or days named therein and it shall not authorize the sale of any nonintoxicating beer or intoxicating liquor for more than seven (7) days per event by any said organization in any calendar year. A separate Picnic license shall be obtained for each booth per requested area. There shall be two (2) separate types of picnic licenses, one authorizing sale of intoxicating liquor and nonintoxicating beer and another authorizing sale of nonintoxicating beer and intoxicating malt liquor containing alcohol not in excess of 5% by weight. A picnic license shall be required where an organization eligible for a picnic license charges an admission fee or sells tickets for an event at which intoxicating liquor or nonintoxicating beer is served to persons attending such event, whether or not intoxicating liquor or nonintoxicating beer is sold at such event. If the event will be held on Sunday, the permit shall authorize the sale of intoxicating liquor and nonintoxicating beer on that day beginning at 11:00 a.m. until 12:00 midnight.

14.01.330 Places of Entertainment—Places of Amusement.

A. The term "Places of Entertainment" shall mean any establishment located in the City which has gross annual sales in excess of two hundred fifty thousand dollars ($250,000.00) and the establishment has been in operation for at least one year. A licensee may sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 a.m. on Sunday and midnight on Sunday.

B. The term "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, or has a dance floor of at least two thousand five hundred (2,500) square feet or any outdoor golf course with a minimum of nine holes, and which has annual gross receipts of at least one hundred thousand dollars ($100,000.00) of which at least fifty thousand dollars ($50,000.00) of such gross receipts is in nonalcoholic sales. A licensee may sell intoxicating liquor by the drink at retail for consumption on the premises at any Place of Amusement between the hours of 9:00 a.m. and midnight on Sunday. The licensee must submit to the Excise Commissioner at least thirty days prior to the expiration of the license food and liquor or nonalcoholic breakdown for the previous twelve month period.

14.01.340 Premises.

The term "Premises" shall mean the entire building in which a licensee has his place of business and any additional building use in connection therewith, and the entire lot or lots, parcel or parcels of land on which the buildings are situated, or which are used

in connection with the buildings, and shall also include a boat, or boats, a barge or barges, moored or operating on a river.

14.01.342 Private Place.

The term “Private Place” shall mean any place not considered a public place.

14.01.343 Public Place.

The term “Public Place” shall mean a place to which the general public has a right to use.

14.01.344 Property Owner.

The term “Property Owner” shall mean 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. A property owner shall be only counted 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.

14.01.350 Qualified establishment (Restaurant/Bar).

The term “qualified establishment” means any establishment having at least forty (40) rooms for the overnight accommodation of transient guests and having a restaurant or similar facility on the premises where at least sixty percent (60%) of the gross income of which is derived from the sale of prepared meals or food, which restaurant's annual gross food sales for the past two (2) years immediately preceding its application for a license shall not have been less than one hundred thousand dollars ($100,000.00) per year or, if such restaurant has been in operation for less than two (2) years, such

restaurant has been in operation for at least ninety (90) days preceding the application for license for sale of intoxicating liquor by means of controlled access liquor cabinets and has a projected experience based upon its sale of food during the preceding ninety (90) days which would exceed one hundred thousand ($100,000.00) per year. Any restaurant bar licensed under this section which is located on the grounds of a sports stadium primarily used for professional sporting events may sell intoxicating liquor by the drink at retail for consumption within the premises of the restaurant bar on Sunday between the hours of 8:00 a.m. and 12:00 midnight. The licensed premises must also have a 3 a.m. closing permit.

14.01.360 Qualified packages or containers.

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.

14.01.370 Registered guest.

The term “registered guest” means each person who signs his name to the guest register of a qualified establishment or takes some other equivalent action for the purpose of registering as a guest of such qualified establishment.

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 where 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 sales shall not have been less than seventy-five thousand ($75,000.00) 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, with at least fifty thousand dollars ($50,000.00) of such gross receipts from nonalcoholic sales, or means a seasonal resort restaurant with food sales as determined by this section. A seasonal resort restaurant is a restaurant which is not a new restaurant establishment and which is open for business eight or fewer consecutive months in any calendar year. Fifty percent (50%) of all gross sales of such restaurant shall be sales of prepared meals. 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.

14.01.390 Restaurant bar.

The term “Restaurant bar” shall mean any establishment having a restaurant or

similar facility on the premises where at least fifty percent (50%) of the gross income is derived from the sale of prepared meals or food consumed on the premises or which has an annual gross income of at least two hundred thousand dollars from the sale of prepared meals or food consumed on such premises. The licensee must submit a Food and Liquor verification statement signed by the licensee showing an annual gross income of at least two hundred thousand dollars ($200,000.00) from the sale of prepared meals or food consumed on such premises. A licensee of a restaurant bar may sell intoxicating liquor between the hours of 9:00 a.m. on Sunday and midnight on Sunday by the drink at retail for consumption on the premises of any restaurant bar or on the premises of any establishment and/or having at least forty rooms for overnight accommodations of transient guests.

14.01.400 Retail license.

The term “retail license” refers to any and all drink, C.O.L., package, and picnic licenses and to 3:00 a.m. closing permits, common eating and drinking area permits, temporary catering permits and controlled access liquor cabinet system permits.

14.01.410 Room.

The term “room” shall mean a room in a qualified establishment which is intended to be used as and which is provided for the overnight accommodation of transient guests.

14.01.420 Standard size bowling lane.

The term “Standard size bowling lane” shall mean any bowling lane constructed

according to the specifications contained in the “American Bowling Congress, Complete Construction Rules and Regulations Season 1958-1959” as amended.

14.01.425 Sunday Ballroom License.

The term “Sunday Ballroom” shall mean any establishment located in a business district with a seating capacity of at least six hundred persons and with a dance floor of at least four thousand eight hundred (4,800) square feet that allows a licensee to sell intoxicating liquor by the drink at retail on the premises between the hours of 11:00 a.m. and midnight on Sundays.

14.01.426 Sunday Convention Trade Area License.

The term “Sunday Convention Trade Area License” shall mean a license that allows a qualifying business establishment that is located in a convention trade area to sell intoxicating liquor by the drink at retail or by the drink between the hours of 9:00 a.m. and midnight on Sunday. In order to qualify for such a license, the business establishment’s annual gross receipts for the year immediately preceding the application for this license shall not have been less than one hundred fifty thousand dollars ($150,000.00) of which at least sixty thousand dollars ($60,000.00) of such gross receipts is in nonalcoholic sales. Any new licensee possessing a license to sell intoxicating liquor by the drink at retail may apply for a temporary Sunday Convention Trade Area License and shall show a projection of annual gross receipts of not less than one hundred thousand dollars of which at least sixty thousand dollars of such gross receipts is in nonalcoholic sales.

14.01.427 Tenant.

The term “Tenant” shall mean any person whose 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 date in which a protest is initiated.

14.01.430 3:00 a.m. Closing Permit.

The term “3:00 a.m. Closing Permit” is a permit which allows the sale and consumption of intoxicating liquor during the hours of 1:30 a.m. to 3:00 a.m. Tuesday through Sunday, except that where a 3:00 a.m. permit has been issued to a person who possesses a full drink Sunday license the 3:00 a.m. permit also allows the sale and consumption of liquor from 1:30 a.m. to 3:00 a.m. on Monday. A 3:00 a.m. permit may only be issued to a person who possesses a City full drink license and who meets the requirements of Section 14.08.220.

14.01.440 Transportation company.

The term “Transportation company” shall mean any individual, partnership, co-partnership or legal entity engaged in the business of transportation for hire of goods and merchandise by use or means of any vessel, railroad car, motor vehicle, airplane or other means of conveyance whatsoever.

14.01.450 Wholesale liquor dealing agent.

The term “Wholesale liquor dealing agent” shall mean any person who solicits, receives or takes orders for the purchase and delivery of any intoxicating liquor to any person in the City for resale.

SECTION THREE Chapter 14.02

EXCISE DIVISION

Sections:

14.02.010 Established.

14.02.020 Deputies and employees.

14.02.030 Powers and duties.

14.02.040 Power of Excise Commissioner to impose certain terms and conditions on a license—When.

14.02.050 Powers of arrest.

14.02.060 Oath and bond.

14.02.070 Interest in places manufacturing or selling intoxicating liquor or nonintoxicating beer.

14.02.080 Reports to state supervisor.

14.02.090 Neglect of duty—Removal from office.

14.02.010 Established.

The Excise Division was established as a part of the Department of Public Safety by Ordinance 40274 on March 23, 1934. The chief officer of the Excise Division shall be the Excise Commissioner, who shall be appointed by the Director of Public Safety.

14.02.020 Deputies and employees.

The Excise Commissioner may appoint the following employees in the Excise Division:

A. A Liquor Control Supervisor, whose duties shall be the same as those prescribed for the Excise Commissioner, to be performed by him at the direction and under the control and supervision of the Excise Commissioner, and who, during the absence of the Excise Commissioner, shall act as such; and

B. Such Liquor Control Officers, clerical, stenographic, and inspection personnel as are necessary to discharge the duties and responsibilities of the division. Excise Division employees shall have the power to administer oaths and take testimony in the official discharge of the duties of the Excise Division. Upon delegation in writing by the Commissioner or the Director of Public Safety, the senior Liquor Control Officer, in the absence of the Excise Commissioner and the Liquor Control Supervisor, may perform all duties and acts which the Commissioner is empowered to perform under the provisions of this chapter and title. In the event of a vacancy in the position of Excise Commissioner, the powers and duties of the Excise Commissioner shall be conferred upon the Director of Public Safety or his delegate. The Director of Public Safety may also appoint hearing officers as needed.

14.02.030 Powers and duties.

The duties of the Excise Commissioner shall be as follows:

A. To make recommendations to the License Collector for the issuance and renewal of licenses provided for under this chapter and title;

B. To revoke, cancel, suspend or fine for cause all licenses or permits issued pursuant to the provisions of this title;

C. To prescribe all forms for applications, and such other forms as are necessary to carry out the provisions of this title;

D. To prescribe the terms and conditions of licenses or permits granted and issued pursuant to this title;

E. To prescribe the nature of the proof to be furnished and the conditions to be observed, and the manner of all applications or licenses or permits;

F. To issue subpoenas and all necessary processes.

G. Require the production of papers, administer oaths and take testimony, investigate all applications for licenses or permits under the terms of this title and all complaints or reports concerning the conduct of any business carried on under licenses issued pursuant to this title; and

H. To issue permits provided for by this chapter and title.

The Excise Commissioner shall have the power to make rules, regulations, orders and directions as may be necessary and feasible for carrying out the duties of his office and as are not inconsistent with the provisions of this code.

14.02.040 Power of Excise Commissioner to impose certain terms and conditions on a license—When.

A. If, following a hearing held pursuant to any of the provisions of Sections 14.08.060 through14.08.130, the Excise Commissioner determines that the issuance or renewal of a retail liquor license would not be detrimental to the neighborhood in which the licensed premises is or would be located, but that upon consideration of the factors

listed in Section 14.08.040, a condition or conditions which are not in the best interest of such neighborhood exist with respect to such premises, or would exist if a license were issued for such premises, he may impose upon the license for such premises one or more of the terms and conditions set out in subsection C of this section at the time that he issues or renews the license. The Excise Commissioner shall impose only such terms and conditions as are reasonably calculated to remedy or ameliorate the offending condition.

Notwithstanding any other provision of this section, the Excise Commissioner need not hold a hearing prior to imposing one or more of the terms and conditions set out in subsection C if the licensee or applicant has expressly waived the right to a hearing or has agreed to the imposition of particular terms and conditions.

B. If it is determined after a hearing that a licensee or one or more of the licensee's agents, servants or employees has violated the provisions of this chapter or title, order or regulation, there may be imposed upon the licensee one or more of the terms and conditions set out in subsection C of this section. There shall only be imposed such terms and conditions as are reasonably calculated to prevent, or reduce the likelihood of, recurrence of the violation. Notwithstanding any other provision of this section, the Excise Commissioner need not hold a hearing prior to imposing one or more of the terms and conditions set out in subsection C upon a license where the licensee has expressly waived his right to a hearing on the violation or has admitted that either he or one or more of his agents, servants or employees has violated the provisions of this

chapter or title.

C. When authorized to do so pursuant to the provisions of subsections A and B of this section, there may be imposed one or more of the following terms and conditions on a license:

1. Reasonable restrictions on the hours during which a licensee may operate;

2. Prohibiting the sale of package liquor upon premises for which a drink license has been issued or allowing the sale of package liquor upon such premises only during specified hours;

3. Limiting the sale of package liquor upon premises for which a drink license has been issued to packages containing no more than a specified percentage of alcohol by weight or volume;

4. Limiting the sale of intoxicating liquor upon premises for which a full drink license, a full drink picnic license, a 22% drink license, a full package license or a 22% package license has been issued to sale of intoxicating liquor containing no more than a specified percentage of alcohol by weight or volume;

5. Prohibiting the sale of any intoxicating liquor upon a premises for which a 5% drink license, a 5% drink picnic license or a 5% package license has been issued and, instead, allowing only the sale of nonintoxicating beer upon such premises;

6. Reasonable conditions relating to security of the licensed premises and its patrons;

7. Requirements pertaining to checking the identification of persons wishing to gain entry into the licensed premises;

8. Requiring that the licensed premises be posted against minors;

9. Requiring landscaping or fencing of the licensed premises;

10. Requirements related to control of litter or noise, including, but not limited to, requirements relative to maintenance of trash containers;

11. Requirements related to exterior lighting on or about the licensed premises; and

12. Such other terms or conditions which, due to the character of the neighborhood or of the licensed premises or proposed licensed premises, would be reasonable and appropriate.

D. When there is authorization to impose one or more of the terms and conditions provided for in subsection C of this section, he shall have discretion to impose such terms and conditions on either a temporary or permanent basis. When there has been imposed terms or conditions on a temporary basis, upon expiration of the period for which the term or condition is imposed, he may, upon his own motion, call a hearing to determine whether the condition which led to imposition of such term or condition has been abated. If a hearing has been called, there shall be compliance with the notice provisions contained in Subsection B of Section 14.08.060. However, all notices required for such hearing shall specify that the hearing has been called to consider whether to extend the period during which the term or condition in question will remain in force. The

procedure established by subsection C of Section 14.08.060 shall apply to hearings held pursuant to this subsection.

E. It shall be a violation of this chapter and title for a licensee or for one or more of his servants, agents or employees to fail to comply with any term or condition imposed, pursuant to the provisions of this section, upon the license issued to said licensee.

14.02.050 Power of arrest.

The Excise Commissioner, his Liquor Control Supervisor and Liquor Control Officers may be armed and shall have power to make arrests for violations of this chapter or title.

14.02.060 Oath and bond.

Before entering upon the discharge of his duties, the Excise Commissioner shall take and subscribe to an oath to support the Constitution of the United States and of this state, and faithfully demean himself in office, and shall also execute a bond to the City, at the City's expense, in the penal sum of twenty-five thousand dollars ($25,000).

14.02.070 Interest in places manufacturing or selling intoxicating liquor or nonintoxicating beer.

Neither the Excise Commissioner nor any of his subordinates or employees shall have any interest, directly or indirectly, either proprietary or by means of any loan, mortgage, or other lien, either for his or their own benefit or in a fiduciary capacity, or in any other manner, in or on any premises where intoxicating liquor or nonintoxicating beer

is distilled, brewed, manufactured or sold; nor shall he or they have any interest, directly or indirectly, in any business wholly or in part devoted to the distilling, brewing, manufacture or sale of intoxicating liquor or nonintoxicating beer, nor shall he or they, directly or indirectly, engage in dealing in or distilling, brewing, manufacturing or selling intoxicating liquor or nonintoxicating beer either as owner, part owner, partner, member of a syndicate, shareholder of a corporation, agent or employee either for his or their benefit, or in a fiduciary capacity.

14.02.080 Reports to state supervisor.

The Excise Commissioner shall make a report to the state supervisor of the Missouri Division of Alcohol and Tobacco of all licenses revoked, canceled, suspended, or fined.

14.02.090 Neglect of duty—Removal from office.

If the Excise Commissioner or any of his employees or agents shall fail to perform any of the duties imposed on him or them by this code, he or they may be removed from office by the appointing officer according to the rules, regulations and ordinances of the City.

SECTION FOUR Chapter 14.03

GENERAL REGULATIONS

Sections:

14.03.010 Police responsible for enforcement.

14.03.020 Responsibility of licensees.

14.03.022 Cleanness of Establishment.

14.03.030 Hours of operation—Daily.

14.03.040 Hours of operation—Sunday—Intoxicating liquor.

14.03.052 Sunday Package Liquor Permit and hours of operation

14.03.055 Persons other than licensees, employees of liquor licensee, contractor and entertainers not to be on licensed premises during hours when licensee is prohibited from selling liquor.

14.03.060 Display of license and permits.

14.03.070 Package liquor stores—Required display of placard.

14.03.080 Prohibited displays.

14.03.090 Accessibility of premises.

14.03.095 Inspection of premises.

14.03.100 Minimum quantity in original package—Beer.

14.03.110 Minimum quantity in original package—Liquor other than beer.

14.03.130 Liquor prohibited—On 5% retail premises.

14.03.140 Liquor over 22% prohibited on 22% retail premises.

14.03.150 Special restrictions on boats.

14.03.160 Taverns open to public view.

14.03.170 Retailers not to purchase from other than wholesaler.

14.03.180 Payment for deliveries.

14.03.190 Storage of intoxicating liquor and nonintoxicating beer.

14.03.200 Records and reports.

14.03.210 Changes in premises.

14.03.230 Convention Trade Area Exceptions.

14.03.010 Police responsible for enforcement.

The police department shall see that the provisions of this title in regard to the sale of intoxicating liquor and nonintoxicating beer at retail are obeyed. The police shall forward to the Excise Commissioner all reports concerning or relating to activities or disturbances at licensed premises.

14.03.020 Responsibility of licensees.

A. All persons licensed under the provisions of this title are always and at all times responsible for the conduct of their licensed premises and for the conduct of their employees, servants, and agents while on their licensed premises.

B. Dancing Restricted—No person licensed under the provisions of this title, his agent, servant or employee shall suffer or permit any dancing on his licensed premises, unless he/she has a valid City of St. Louis Dance Hall license posted on their licensed premises.

14.03.022 Cleanness of Establishment.

A liquor licensed establishment shall keep its premises clean and sanitary and the licensed establishment shall comply with all City of St. Louis Health and Building Code provisions and regulations.

14.03.030 Hours of operation—Daily.

A. Except as otherwise provided under this chapter and title, no person to whom a license has been issued pursuant to the provisions of this chapter or title, his agent, servant or employee shall sell, give away, or otherwise dispose of on the premises for which such license has been issued, or suffer or permit the same to be done upon said license premises, or allow to be consumed on the licensed 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 or nonintoxicating beer in any quantity between the hours of 1:30 a.m. and 6:00 a.m. Tuesday through Saturday or between the hours of 1:30 a.m. Sunday and 6:00 a.m. the following Monday.

B. No person to whom a C.O.L. license has been issued shall permit consumption of intoxicating liquor or nonintoxicating beer upon his licensed premises between the hours of 1:30 a.m. and 6:00 a.m. Tuesday through Saturday and between twelve midnight Saturday and 6:00 a.m. the following Monday.

C. No person holding a “3:00 a.m. closing permit,” his agent, servant or employee, shall sell, give away or otherwise dispose of, or suffer or permit the same to be done upon his licensed premises, or allow to be consumed on the licensed 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 or nonintoxicating beer in any quantity between the hours of 3:00 a.m. and 6:00 a.m. Tuesday through Saturday or between the hours of 3:00 a.m. Sunday and 6:00 a.m. the following Monday.

14.03.040 Hours of operation—Sunday—Intoxicating liquor.

A. When January 1, March 17, July 4, or December 31 falls on a Sunday, and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the national football league is played, commonly known as “Super Bowl Sunday”, intoxicating liquor by the drink may be sold under the provisions of the license on that Sunday from the time and until the time which would be lawful on another day of the week.

B. Persons possessing a “Full Drink Sunday intoxicating liquor license” may sell intoxicating liquor by the drink for consumption on the premises between the hours of9:00 a.m. Sunday and midnight Sunday. And if you posses a “3:00 a.m. Closing permit” may sell intoxicating liquor by the drink for consumption on the premises between the hours of 8:00 a.m. Sunday and midnight Sunday.

C. When December 31 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.

D. 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.

E. 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 9:00 a.m. and midnight on Sundays. Upon receiving a copy of the Missouri Division of Alcohol and Tobacco Sunday Package license, the Excise Commissioner

shall issue a Sunday Original Package Sales Permit to said licensee.

14.03.052 Sunday Package Liquor Permit and hours of operation.

Any licensee licensed under the provisions of this ordinance to sell intoxicating liquor and nonintoxicating beer in the original package may apply for a Sunday Original Package Sales Permit to sell intoxicating liquor and nonintoxicating beer in the original package between the hours of 9:00 a.m. and midnight on Sundays.

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 nonintoxicating 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.

14.03.060 Display of license and permits.

All licenses and permits issued pursuant to the provisions of this title shall be

posted and displayed conspicuously on the premises so that any person visiting the premises may readily see the license for the premises. A licensee shall post conspicuously on the premises, at all times, all City of St. Louis and State of Missouri licenses, Occupancy permits, Health permit, Dance Hall license, coin operating machine stamps and Fire Marshal inspection. If applicable.

14.03.070 Package liquor stores—Required display of placard.

All persons possessing a package liquor license shall be required to post on the inside of the premises for which such license has been issued, within five (5) feet of each door used by the public to enter or exit said premises, a sign with the following wording printed thereon: “City Ordinances Prohibit Consumption of Alcoholic Beverages on Any Street, Sidewalk, Parking Lot or Alley in the City. Violations of This Ordinance Are Punishable by a Fine of Up to $500.00 and/or Imprisonment for Not More than Ninety Days.” Such sign shall be of a minimum size of eight and one-half (8½) inches by eleven and one-half (11½) inches, with letters at least three-quarters (3/4) of an inch high.

14.03.080 Prohibited displays.

No person shall display in any street window or show window any intoxicating liquor or nonintoxicating beer or any package, bottle, or container bearing the label or brand of any intoxicating liquor or nonintoxicating beer.

14.03.090 Accessibility of premises.

At all times while persons other than the licensee or employees of the licensee are on premises licensed under the provisions of this chapter and title, such premises

shall be accessible to law enforcement and liquor inspection personnel and the premises shall not be locked nor shall the entrance to the premises be blocked or impeded or made inaccessible in any manner; provided, that this provision shall not apply to boats while arriving, departing or making headway up or down stream. In the case of boats, not in the course of arriving or departing, or not in the course of making headway up or down stream, the requirement for accessibility shall be deemed to be met only when the craft can be boarded directly from shore by means of a gangplank or equivalent means.

14.03.095 Inspection and seizing of evidence

All licensees shall allow the licensed premises and all portions of the building and premises, including all rooms, cellars, outbuildings, passageways, closets, vaults, yards, attics and all buildings used in connection with the operations carried on under the license and which are in the possession or control of the licensee and all places where liquor is stored, to be inspected by the Excise Commissioner and/or his agents and law enforcement authorities. The Excise Commissioner, his deputies, and law enforcement authorities may seize any and all objects which may appear to be in violation of any provisions of this ordinance and retain said objects as evidence until any matter pertaining thereto is finally adjudicated.

14.03.100 Minimum quantity in original package—Beer.

No person licensed under the provisions of this chapter or title, his agent, servant or employee, shall sell less than three standard 12-ounce or less bottles, cans or containers of intoxicating malt liquor or nonintoxicating beer, except for kegs and barrels,

to any person at retail in the original package where such intoxicating malt liquor or nonintoxicating beer is not to be consumed on the premises where sold, provided that a licensee, his agent, servant or employee shall be permitted to sell a single aluminum can if it has a liquid content of 16 ounces or more. A licensee, his agent, servant or employee may sell at retail a single glass bottle or container of intoxicating malt liquor or nonintoxicating beer if it has a liquid content of 32 ounces or more at room temperature only.

14.03.110 Minimum quantity in original package—Liquor other than beer.

No person licensed under the provisions of this chapter or title, his agent, servant or employee shall sell intoxicating liquor at retail in the original package to be consumed off of the premises where sold, in any container with a liquid content of less than fifty-one (51) milliliters in a quantity of less than six bottles or containers.

14.03.130 Liquor prohibited—On 5% retail premises.

No person possessing a 5% drink license or a 5% package license issued under the provisions of this chapter or title, his agent, servant or employee shall have, keep or secrete, or suffer or permit any alcoholic beverages with an alcoholic content in excess of one-half of one percent by volume other than malt liquor or nonintoxicating beer to be on or about his licensed premises.

14.03.140 Liquor over 22% prohibited on 22% retail premises.

No person licensed under the provisions of this chapter and title for the sale at retail of intoxicating liquor not in excess of 22% alcohol by weight, his agent, servant, or

employee shall have, keep or secrete, or suffer or permit any alcoholic beverages with an alcoholic content in excess of 22% alcohol by weight to be on or about his licensed premises.

14.03.150 Special restrictions on boats.

Licensees of boats and barges licensed under the provisions of this chapter or title, their agents, servants or employees, shall not sell, give away, or otherwise dispose of, or permit the consumption of, upon or about their licensed premises, any intoxicating liquor or nonintoxicating beer while docked at any location other than the one for which a license was issued.

14.03.160 Taverns open to public view.

A. Except in cases of hotels, restaurants, clubs, bowling alleys with five (5) or more standard size lanes equipped and ready to use, boats on the river, racquet ball facilities containing five or more courts equipped and ready for use and other licensed premises permitted by the Excise Commissioner, every premises for which either a drink or C.O.L. license has been issued under provisions of this chapter or title, shall be so arranged, situated and equipped so that a clear view of the interior can be had from the sidewalk. No such premises shall have any objects or signs in front of, on, or behind their windows which prevent a view of the interior from the sidewalk, nor shall any such premises use any jalousie windows, vertical blinds, tinted glass, tilted glass, neon signs, or any other devices or lighting methods in a manner such that a view of the interior from the sidewalk is obscured. Such premises shall have interior lighting of sufficient intensity

to permit a view of the patrons and of the interior from the sidewalk. A single room, with a single street number located on the ground floor shall be deemed to have an adequate size window opening for the requirements of this section if it has clear glass opening at least three (3) feet high by five (5) feet wide with the bottom edge not over forty-two (42) inches above the sidewalk. Venetian blinds may be used on front windows; however, the slats must be horizontal at all times and the blinds must be raised between sunset and sunrise. Drapes may be used to frame a front window, but drapes, if used, shall be permanently fastened so that they cannot be drawn together. No such premises shall have any enclosed tables or booths, or any tables enclosed in private rooms or concealed in any manner.

B. Provided that when compliance with the provisions of this section would entail substantial structural alteration and when, in addition, the premises have been licensed in the past for sale of liquor by the drink or for consumption of liquor thereon the Excise Commissioner shall have the authority to approve exceptions to this section if he is satisfied that the premises will be operated in an orderly manner. The Excise Commissioner shall have authority to waive compliance with any requirement of this section that a view of the interior be had from the sidewalk for premises located within areas formally declared as historic districts by municipal, state or federal action if he is satisfied that the premises will be operated in an orderly manner. The Excise Commissioner shall also have authority to waive visibility requirements in the case of public buildings, public parks, amusement parks, sports parks, stadiums, arenas, places

of entertainment, theaters and meeting places of church, fraternal, benevolent, labor or veterans organizations if he is satisfied that the premises will be operated in an orderly manner.

C. Unless authorized by the Excise Commissioner, in no instance shall any person holding a drink license or a C.O.L. license issued under the provisions of this chapter or title be permitted to add a room or rooms above or below the area licensed to him for service of customers to be operated in conjunction with his licensed premises, and to be used by patrons for purposes other than restrooms; nor shall a new license be issued for premises on an upper floor the interior of which is not visible from the sidewalk; nor shall any such aforementioned licensee be permitted to obstruct or impede visibility into his licensed premises unless such premises are operated as a hotel, restaurant, club, bowling alley with five (5) or more standard size lanes equipped and ready for use, boat on the river, racquet ball facility containing five (5) or more courts equipped and ready for use, or such premises as otherwise specifically excepted under the provisions of this chapter or title.

14.03.170 Retailers not to purchase from other than wholesaler.

No person to whom a drink or package license has been issued under the provisions of this chapter or title shall possess, purchase, borrow, or obtain in any other manner any intoxicating liquor or nonintoxicating beer for resale on his licensed premises, from any source other than a licensed wholesaler or manufacturer.

14.03.180 Payment for deliveries.

No person to whom a drink or package license has been issued under the provisions of this chapter or title who accepts delivery of beer or liquor at premises located within the City, shall make payment for beer or liquor with United States currency at said location. However, payment with United States currency shall be lawful and proper at the wholesale vendor's place of business.

14.03.190 Storage of intoxicating liquor and nonintoxicating beer.

Every person who shall keep or store any intoxicating liquor or nonintoxicating beer in any warehouse or other storage place in the city shall maintain complete and accurate records concerning the kind and quantity of the intoxicating liquor or nonintoxicating beer, the name and address of the owner thereof, and the name and address of the person to whom the intoxicating liquor or nonintoxicating beer has been delivered. Such records shall be retained for a minimum period of one (1) year from the date that any intoxicating liquor or nonintoxicating beer is removed from the warehouse or storage place. Such records shall be immediately presented to any employee of the Excise Division appearing upon the licensed premises and making a request therefore. No person licensed under the provisions of this title shall store any intoxicating liquor or nonintoxicating beer at any location other than his licensed premises unless he shall first obtain the written approval of the Excise Commissioner.

14.03.200 Records and reports.

All persons licensed under the provisions of this chapter or title are required to keep complete and accurate records of their licensed business on the premises for a

period of two years. All records shall include a complete and accurate record of all purchases and sales of intoxicating liquor and nonintoxicating beer made by them. These records must include the names and addresses of all persons from whom the liquor is purchased, the dates, kinds and quantities of the purchases and the dates and amounts of payments on account and it must also include the daily gross returns from the sales. All records, except specific salaries of officers and directors shall be immediately presented to any employee of the Excise Division appearing upon the licensed premises and making a request therefore. The Excise Commissioner may also require, at his option, that such records be presented to his office. Any person licensed under the provisions of this chapter and title shall, upon the written request of the Excise Commissioner, submit to the Excise Commissioner any reports deemed necessary by him in the discharge of his duties. All records, invoices, reports etc. are required to be kept and preserved by law and/or at the discretion of the Excise Commissioner for a period of two (2) years from the date the record was made.

14.03.210 Changes in premises.

No person licensed under the provisions of this chapter or title for the retail sale or consumption of intoxicating liquor or nonintoxicating beer shall cause or permit any structural changes to be made to his licensed premises; nor shall he cause or permit any walls, partitions, rooms, doors or windows to be added or removed from the licensed premises without first obtaining the written consent of the Excise Commissioner and without also obtaining permits and inspections as are required by other agencies of the

City.

14.03.230 Convention Trade Area Exceptions.

The following area shall not be within the convention trade area of the City of St. Louis:

A. Beginning at the intersection of the center lines of Missouri Pacific Railroad tracks and Delor St., proceeding in a generally clockwise direction along the center lines west to Newport Ave., south to Walsh St., west to Morganford Rd., north to Gravois Ave., south to Eichelberger St., west to Kingshighway Blvd., north to Walsh St., west to Macklind Aves., north to Chippewa St., east to Kingshighway Blvd., north to Tholozon Ave., east to Morganford Rd., south to Meramec St., southeast to Chippewa St., east to Missouri Pacific Railroad tracks and southeast to the point of the beginning.

B. Beginning at the intersection of the Mississippi River and the centerline of River Bluff Place and proceeding along the center lines in a generally clockwise direction west to S. Broadway, southwest to Nebraska St., northwest to Delor St., west to Minnesota Ave., north to Itaska St., west to Michigan Avenue., north to Mt. Pleasant St., east to Minnesota Ave., north to Meramec St., east to Pennsylvania Ave., north to Gasconade St., east to California Ave., north to Osage St., west to Oregon Ave., north to Chippewa St., east to California Ave., south to Keokuk St., east to Ohio Ave., north to Chippewa St., east to S. Jefferson Ave., south on S. Jefferson Ave. to S. Broadway, south to Keokuk St., east to Missouri Ave., north to Chippewa St., east to Marine Ave., north to Winnebago St., east to Kosciusko St., south to Interstate 55, north to S.

Broadway, southwest to Potomac St., southeast to S. Second St., south to President St., northwest to Cleon St., southwest to Miami St., west to Salena St., north to S. Broadway, southwest to Miami St., west to Indiana Ave., north to Potomac St., west to Ohio Ave., south to Miami St., west to Iowa Ave., north to Cherokee St., east to Ohio Ave., north to Utah St., east to Texas Ave., north to Wyoming St., west to California Ave., north to Juniata St., west to Oregon Ave., south to Wyoming St., west to Nebraska Ave., south to Cherokee St., west to Pennsylvania Ave., north to Utah St., west to Minnesota Ave., north to Juniata St., west to Gravois Ave., southwest to Compton Ave., south to Utah St., west to Virginia Ave., north to Gravois Ave., southwest to Utah St., west to Louisiana Ave., north to Hartford St., east to Compton Ave., north to Arsenal St., east to Gravois Ave., northeast to Sidney St., east to S. 7th St., north to Barton St., east on Barton St. and the prolongation of Barton St. to the Mississippi River and southwest along the Mississippi River to the point of the beginning.

C. Beginning at the intersection of the center lines of S. Broadway and Interstate 55, and proceeding along the center lines 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.

SECTION FIVE Chapter 14.04

REGULATIONS RELATING TO MINORS

Sections:

14.04.010 Minors—Sale of liquor or beer.

14.04.015 Minors–Consuming on licensed premises.

14.04.020 Minors—Selling or delivering—Prohibited.

14.04.030 Minors—Selling or delivering—Exception.

14.04.040 Minors—Exceptions for waiters and waitresses.

14.04.050 Minors—Employees of distilleries and warehouses.

14.04.060 Minors—Employing on premises for which a license has been issued—Sale of commodities other than alcohol.

14.04.070 Minors—Employing—For entertainment.

14.04.080 Minors—Solicitation of another to purchase liquor or beer—Use of false identification.

14.04.090 Minors—On posted premises.

14.04.100 Posting premises.

14.04.010 Minors—Sale of liquor or beer.

No person to whom a retail license has been issued under the provisions of this chapter or title, his agent, servant, or employee shall sell, give away or dispose of any intoxicating liquor, nonintoxicating beer, or any beverage having an alcoholic content in excess of one-half of one percent alcohol by volume, to any person under the age of twenty-one (21) or permit the same to be done on or about his licensed premises.

14.04.015 Minors- Consuming on licensed premises.

No licensee, his agent, servant, or employee shall permit a person under the age of twenty-one (21) to consume any intoxicating liquor, nonintoxicating beer, or any beverage having an alcoholic content in excess of one-half of one percent alcohol by volume upon or about his licensed premises.

14.04.020 Minors—Selling or delivering—Prohibited.

Except as provided in Sections 14.04.030 and 14.04.040, no person possessing a retail license issued pursuant to the provisions of this chapter or title, his agent, servant

or employee shall employ or otherwise suffer or permit any person under the age of twenty-one (21) to sell, attempt to sell, deliver, attempt to deliver, or in any way dispose of intoxicating liquor or nonintoxicating beer, or any beverage having an alcoholic content in excess of one-half of one percent by volume.

14.04.030 Minors—Selling or delivering—Exception.

On any premises for which a package license has been issued under the provisions of this chapter or title where at least fifty percent (50%) of the gross sales made consists of goods, merchandise, or commodities other than intoxicating liquor or nonintoxicating beer in the original package, persons at least eighteen (18) years of age may stock, arrange, display, accept payment for and sack for carry-out intoxicating liquor or nonintoxicating beer. Delivery of intoxicating liquor or nonintoxicating beer away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years.

14.04.040 Minors—Exceptions for waiters and waitresses.

Persons eighteen (18) years of age or older may, when acting in the capacity as a waiter or waitress, accept payment for or serve intoxicating liquor in a place of business which sells food for consumption on the premises if at least fifty percent (50%) of the gross revenue of the place of business is derived from sale of food; provided that nothing in this section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating beverages. As used in this section, the term “serve across the bar” includes, but is not limited to, the pouring of intoxicating liquor, other than beer, malt

liquor or wine, from the original container into a glass or other container and the operation of a spigot attached or connected to a keg or barrel.

14.04.050 Minors—Employees of distilleries and warehouses.

In any distillery, warehouse, wholesale distributorship or similar place of business which stores or distributes intoxicating liquor or nonintoxicating beer but which does not sell intoxicating liquor or nonintoxicating beer at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor or nonintoxicating beer for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail.

14.04.060 Minors—Employing on premises for which a license has been issued—Sale of commodities other than alcohol.

Except as permitted by either Sections 14.04.030 or 14.04.040, no person to whom a retail license has been issued under the provisions of this chapter or title, his agent, servant or employee, shall employ or otherwise suffer or permit any person under the age of twenty-one (21) to sell or assist in the sale of any merchandise or commodity or article upon the licensed premises, except that persons under the age of twenty-one (21) may be employed to sell or assist in the sale of merchandise or commodities other than intoxicating liquor or nonintoxicating beer: (A) by restaurants and concession stands where the greater volume of gross revenue is derived from the sale of merchandise or commodities other than intoxicating liquor or nonintoxicating beer; or (B) by hotels, motels, auditoriums, arenas, sports stadiums, public parks, buildings, bowling alleys,

excursion boats, churches, charitable organizations, and other businesses for which the sale of intoxicating liquor and nonintoxicating beer is merely incidental to the business conducted on the licensed premises.

14.04.070 Minors—Employing—For entertainment.

A. No person holding a retail license issued under the provisions of this chapter or title, his agents, servants or employees shall employ or suffer or permit any person under the age of twenty-one (21) to be employed in entertainment, or work in entertainment, or to be employed or work in connection with any entertainment conducted in any licensed premises.

B. However, the Excise Commissioner may, in his discretion, permit the employment of minors in entertainment in premises for which a retail license has been issued provided he is able to make the following findings:

1. The establishment is reputable;

2. Employment in entertainment in the establishment will not have an adverse effect on the minor.

14.04.080 Minors—Solicitation of another to purchase liquor or beer—Use of false identification.

No person under the age of twenty-one (21) shall solicit, entice or encourage in any manner any person to purchase for him any intoxicating liquor or nonintoxicating beer. No minor under the age of twenty-one (21) shall use any false identification to obtain or attempt to obtain any intoxicating liquor or nonintoxicating beer.

14.04.090 Minors—On posted premises.

No person, unless accompanied by his parent, or legal guardian, or a responsible adult related to the minor by blood, marriage or adoption, shall enter, attempt to enter, or be present on premises licensed for the sale at retail of intoxicating liquor or nonintoxicating beer, where the premises are posted against the entry or presence of minors, according to the method of posting, as hereinafter described, unless the minor is legally employed on the licensed premises.

14.04.100 Posting premises. Persons licensed for the sale at retail or consumption of intoxicating liquor or nonintoxicating beer may post their premises to prohibit persons under the age of twenty-one (21) from entering or being present thereon according to the following procedure. A posting notice is to be affixed in a plainly visible manner to the exterior of all doors through which entry can be had to the interior of the licensed premises. The notice is to be at least eight (8) inches by eleven (11) inches in size. The posting notice is to contain the words “Warning to minors, (persons under the age of twenty-one (21)) these premises are posted against your entry or presence, unless accompanied by parent, guardian, or adult relative.” The letters on the sign are to be least one-half (½) inch high. The signs are to be rigidly fastened to the entrance doors by means of nails, screws, bolts or comparable holding devices. Licensees may have their premises posted only during certain hours. In these instances, licensees shall specify the days and hours during which their premises are to be posted in the previously described posting notices. Or, licensees may post only a certain room or rooms in their

premises. Any room that is to be posted shall have the notice required by this section posted at all entrances to the room.

SECTION SIX Chapter 14.05

GENERAL VIOLATIONS

Sections:

14.05.010 Disturbing the peace—Drinking in public—Exceptions.

14.05.020 Solicitation for prostitution.

14.05.030 Solicitation—Assisting.

14.05.040 Consumption of liquor on unlicensed premises.

14.05.060 Liquor prohibited—On 5% beer premises.

14.05.070 Liquor prohibited—On 22% premises.

14.05.080 Disorderly place—Sale by the drink for consumption off premises

14.05.082 Open containers leaving licensed premises.

14.05.090 Improper acts.

14.05.092 Failure to cooperate with liquor agents/law enforcement.

14.05.095 Noise level for amplified systems.

14.05.098 Use of premises during suspension, revocation or closing order.

14.05.100 Sale to habitual drunkards or drunken persons.

14.05.110 Lewd or indecent conduct or entertainment prohibited.

14.05.120 Spiking prohibited.

14.05.125 Liquor refilling prohibited.

14.05.130 Drinking of alcoholic beverages and open containers on package premises—Prohibited.

14.05.140 Sale of intoxicating liquor or nonintoxicating beer to persons occupying an automobile—Prohibited.

14.05.150 Licensees required to allow public to use telephones—When.

14.05.160 Failure to obey a subpoena issued by the Excise Commissioner—Violation.

14.05.170 Interfering with a Liquor Control Officer.

14.05.010 Disturbing the peace—Drinking in public—Exceptions.

A. No person shall drink any nonintoxicating beer or intoxicating liquor in any park, public building, street, sidewalk, alley, highway, parking lot, thoroughfare, or other public place unless consumption of intoxicating liquor or nonintoxicating beer in such place has been expressly authorized in writing by the Excise Commissioner. Provided, that nothing herein contained shall be construed to prohibit the consumption of nonintoxicating beer or intoxicating liquor by working persons during mealtime near their assigned work areas, or by picnic groups in public parks, providing that the person or persons consuming beverages are not noisy, riotous or disorderly in any manner.

B. The Excise Commissioner shall have authority to extend, for not more than seven (7) days, the licensed premises of any licensee possessing a drink license in connection with a street fair, celebration, or special event. Where the Excise Commissioner has granted such an extension the prohibitions contained in subsection A

of this section shall not apply within the boundaries for which the extension was granted. Nor shall the prohibitions of subsection A apply to an area for which a picnic license has been issued.

14.05.020 Solicitation for prostitution.

No person, while on premises licensed under the provisions of this chapter or title, shall solicit any person for any sexual act in return for payment of money or anything of value.

14.05.030 Solicitation—Assisting.

No person licensed under the provisions of this chapter or title, his agent, servant or employee shall in any manner aid, assist, encourage, abet or commit any act prohibited by Section 14.05.020 on or about the licensed premises.

14.05.040 Consumption of liquor on unlicensed premises.

It shall be unlawful for any person operating any premises where food, beverages or entertainment are sold or provided for compensation, who does not possess a license for the sale of intoxicating liquor or nonintoxicating beer, to permit the drinking or consumption of intoxicating liquor or nonintoxicating beer, in, on or about the premises without having a C.O.L. license as provided for in this title. However, nothing in this section shall allow a person to whom a C.O.L. license has been issued to suffer or permit consumption of intoxicating liquor or nonintoxicating beer in, on or about his licensed premises between the hours of 1:30 a.m. and 6:00 a.m. Monday through Saturday or between the hours of midnight Saturday and 6:00 a.m. the following Monday. No

person under the age of twenty-one shall be permitted to drink or consume intoxicating liquor or nonintoxicating beer on the license premises at any time and no other person shall be permitted to drink or consume intoxicating liquor or nonintoxicating beer on the premises between the hours of 1:30 a.m. and 6:00 a.m. It is unlawful for any person holding an occupancy permit or any other person to allow the consumption of intoxicating liquor or nonintoxicating beer on any premises that is not covered by a license issued hereunder.

14.05.060 Liquor prohibited—On 5% beer premises.

No person, while on premises licensed for the retail sale of liquor, containing alcohol not in excess of 5% by weight, shall have in his possession or shall consume any alcoholic beverage with an alcoholic content in excess of 5% by weight.

14.05.070 Liquor prohibited—On 22% premises.

No person, while on premises licensed for the retail sale of liquor containing alcohol not in excess of 22% by weight, shall have in his possession or shall consume any beverage with an alcoholic content in excess of 22% by weight.

14.05.080 Disorderly place—Sale by the drink for consumption off-premises.

Whenever it shall be shown, or whenever the Excise Commissioner has knowledge that a licensed premise under this chapter or title has not at all times kept an orderly place or kept it in an orderly manner, or has violated any of the provisions of this chapter or title, the Excise Commissioner may impose an administrative fine of five

hundred dollars per violation, revoke, cancel and/or suspend the license of the licensee, or any combination thereof.

14.05.082 Open containers leaving licensed premises.

A. Open Containers Prohibited—Whenever it shall be shown, or whenever the Excise Commissioner has knowledge that the licensee, servant, employee or agent has allowed a patron to remove an open container of intoxicating liquor or nonintoxicating beer from the licensed premises, the Excise Commissioner may impose an administrative fine of five hundred dollars per violation, revoke, cancel and/or suspend the license of the licensee, or any combination thereof.

B. Exception to Open Container Prohibition.

1. Notwithstanding any other provision of law, it shall not be unlawful for the owner, operator, or employees of a restaurant bar, to allow patrons to carry out one or more bottles of unfinished wine, nor shall it be unlawful for patrons of such restaurant bar to carry out one or more bottles of unfinished wine under the following conditions:

(a) The patron must have ordered a meal;

(b) The bottle or bottles of wine must have been at least partially consumed during the meal;

(c) The restaurant bar must provide a dated receipt for the unfinished bottle or bottles of wine; and

(d) The restaurant bar must securely reseal the bottle or bottles of wine and place them in one or more one-time-use, tamperproof, transparent bags and securely

seal the bags.

2. Notwithstanding any other provision of law, no person who transports one or more bottles of unfinished wine which came from a restaurant bar under the circumstances described in subsection 1 of this section, in a vehicle, shall be considered to have violated any local ordinance regarding open containers in vehicles so long as such person has in his or her possession the dated receipt from the restaurant bar and the bottle or bottles of wine remain in the restaurant bar-furnished, one-time-use, tamperproof, transparent bags with the seals intact.

3. Notwithstanding any other provision of law, it shall be lawful for the owner, operator, or employees of a winery to allow patrons to carry out one or more bottles of unfinished wine and it shall be lawful for patrons of such winery to carry out one or more bottles of unfinished wine under the following conditions:

(a) The bottle or bottles of wine must have been at least partially consumed at the winery;

(b) The winery must provide a dated receipt for the unfinished bottle or bottles of wine; and

(c) The winery must securely reseal the bottle or bottles of wine and place them in one or more one-time-use, tamperproof, transparent bags and securely seal the bags.

4. Notwithstanding any other provision of law, no person who transports one or more bottles of unfinished wine which came from a winery under the circumstances

described under subsection 3 of this section shall be considered to have violated any state law or local ordinance regarding open containers in vehicles so long as such person has in his or her possession the dated receipt from the winery and the bottle or bottles of wine remain in the winery-furnished, one-time-use, tamperproof, transparent bags with the seals intact.

5. As used in this section **"**winery**"** means any establishment at which wine is made.

14.05.090 Improper acts.

It shall be the duty of any person licensed under the provisions of this chapter or title and of his servants, agents and employees to prevent or immediately suppress any violent quarrel, disorder, brawl, fight or other improper or unlawful conduct of any person upon the licensed premises. In the event that a licensee, or any of his servants, agents or employees knows or should have known that an illegal or violent act has been committed or is about to be committed on or about the licensed premises, it shall be a violation for them not to immediately report the same to the police department, state liquor control department and the Excise Commissioner.

14.05.092 Failure to cooperate with Liquor Agents/Law enforcement

It shall be a violation for a licensee, his agents, servant or employees not to cooperate with the Excise Division agents, law enforcement authorities and the Missouri Division of Alcohol and Tobacco Agents during the course of any investigation of a violation of any law, regulation or order. The Excise Commissioner may impose an

administrative fine of five hundred dollars per violation, revoke, cancel and/or suspend the license of the licensee, or any combination thereof.

14.05.095 Noise level for Amplified System

No licensee, servant, employee shall violate or allow the violation of the stricter of (1) any general noise ordinance or (2) shall operate, play, or permit the operation of any public speaking system, transmitter, sound device or any other device, mechanical or electrical to emit and direct music, spoken words, sounds or noise of any kind exceeding eight-six decibels on an A-weighted scale when measured across property lines fifty feet “50" or more from the root of the noise or from the inside or outside of the permitted premises to the sidewalks, streets or areas abutting the licensed premises between the hours of 11:00 p.m. and 11:00 a.m..

14.05.098 Use of premises during suspension or closing order

It shall be a violation for a licensee, servant, employee or agent to advertise, display, sell, or offer for sell or allow consumption of intoxicating liquor or non intoxicating liquor on premises during the time that any license or permit has been suspended, revoked or during a closing order. All drink establishments that are not a restaurant must close during their suspension or closing order. The Excise Commissioner may revoke the license upon a violation of this section.

14.05.100 Sale to habitual drunkards or drunken persons.

No person licensed under the provisions of this chapter or title, his agent, servant or employee, shall sell or supply intoxicating liquor or nonintoxicating beer, or permit the

same to be sold or supplied, on or about the licensed premises, to a habitual drunkard or to any person who is under, or apparently under, the influence of intoxicating liquor, or nonintoxicating beer.

14.05.110 Lewd or indecent conduct or entertainment prohibited.

No person licensed under the provisions of this chapter or title, his agent, servant or employee shall suffer or permit any disorderly, lewd or indecent conduct on his licensed premises. Nor shall any person licensed under the provisions of this chapter or title, his agent, servant or employee, suffer or permit the exhibition of any motion picture or any form of video display which contains, portrays, or depicts any act defined in Section 14.01.170 as lewd or indecent conduct.

14.05.120 Spiking prohibited.

No person possessing a license under this chapter or title, his agent, servant or employee shall suffer or permit any person while on his licensed premises to pour into, mix with, or add to any beverage, any alcohol or other liquid, or any alcohol cubes, or other ingredients that will increase or tend to increase the alcoholic content of the beverage.

14.05.125 Liquor refilling prohibited.

No person licensed under this chapter or title, his agent, servant or employee may bottle or refill any intoxicating liquor from any barrel, bottle or other container.

14.05.130 Drinking of alcoholic beverages and open containers on package premises—Prohibited.

No person to whom a package license has been issued pursuant to the provisions of this chapter or title, his agent, servant or employee shall suffer or permit any alcoholic beverages with an alcoholic content in excess of one-half of one percent alcohol by volume to be consumed on his licensed premises. Nor shall a package licensee, his agent, servant or employee suffer or permit any alcoholic beverages with an alcoholic content in excess of one-half of one percent alcohol by volume to be on or about his licensed premises, except such beverages as shall be contained in the original, unopened container, with an unbroken seal thereon. No person shall consume any beverage containing alcohol in excess of one-half of one percent by volume on a premises for which a package license has been issued.

14.05.140 Sale of intoxicating liquor or nonintoxicating beer to persons occupying an automobile—Prohibited.

It shall be unlawful for any person to whom a retail license has been issued under this chapter or title or for his agents, servants or employees to sell or otherwise dispose of intoxicating liquor or nonintoxicating beer to any person through a drive-up window or to suffer or permit intoxicating liquor or nonintoxicating beer to be sold or otherwise be disposed of through a drive-up window. Nor shall a licensee, his agents, servants or employees sell or otherwise dispose of intoxicating liquor or nonintoxicating beer to any person while such person is inside of a motor vehicle, or suffer or permit the same to be done on or about his licensed premises.

14.05.150 Licensees required to allow public to use telephones—When.

It shall be a violation for any person to whom a retail license has been issued under the provisions of this chapter or title, or for any agent, employee or servant of such licensee, to deny access to a telephone to any person wishing to place a local telephone call to the police department or other law enforcement agency, fire department, emergency medical service, ambulance or the Excise Division, whether or not such telephone is generally made available for use by the public.

14.05.160 Failure to obey a subpoena issued by the Excise Commissioner—Violation.

The refusal of any licensee, employee, servant, agent or any other person duly served with a subpoena to obey the subpoena issued by the Excise Commissioner is a violation of this chapter or title.

14.05.170 Interfering with a Liquor Control Officer.

It shall be a violation of this ordinance for any person to hinder, harass, obstruct or interfere with a Liquor Control Officer in the performance of his duties.

SECTION SEVEN Chapter 14.06

GENERAL LICENSING

Sections:

14.06.010 License—Required.

14.06.020 License—Applications.

14.06.030 Licenses and permits—Issuance.

14.06.040 Duration.

14.06.050 Renewal of license.

14.06.060 Extension of license.

14.06.070 Separate license for each location.

14.06.075 Lost or destroyed license.

14.06.080 Manufacturers and wholesalers not to have interest in retail businesses.

14.06.090 Disposition of fees.

14.06.100 Qualifications of licensee—Natural persons.

14.06.110 Qualifications of licensee—Corporations and clubs.

14.06.120 Qualifications of licensee—Financial interests—Corporations.

14.06.130 Qualifications of licensee—Partnerships.

14.06.140 Qualifications of licensee—Financial interest—Intoxicating liquor and nonintoxicating beer licenses.

14.06.150 Qualifications of licensee—Financial interest—In other drink licenses.

14.06.160 Change of ownership.

14.06.165 Change of facts.

14.06.170 Transfer of corporate stock—Of corporations listed on stock exchanges.

14.06.180 Transfer of corporate stock—All other corporations.

14.06.190 New petitions for corporations.

14.06.200 Corporate licensees required to maintain corporate status.

14.06.205 Managing officers, when, qualifications—Limitations on management agreements.

14.06.207 Change in managing officer.

14.06.210 Employees—Qualifications.

14.06.220 Employees—Fingerprinting.

14.06.225 Employee prohibition from drinking while working.

14.06.230 Persons functioning as employees.

14.06.240 Licensees to notify Excise Commissioner of employees.

14.06.250 Package license—Businesses enumerated.

14.06.260 Package licensee—Fee.

14.06.270 Licenses prohibited in certain places.

14.06.280 Record restrictions and zoning laws.

14.06.290 License—Revocation, cancellation, suspension, or fine—General.

14.06.300 License—Revocation, cancellation, suspension or fine—Renewed licenses.

14.06.310 License—Revocation, cancellation, suspension, or fine—Picnic licenses.

14.06.320 License—Revocation, cancellation, suspension, or fine—Procedure.

14.06.330 License transfers.

14.06.340 Conduct of business upon licensed premises.

14.06.010 License—Required.

No person shall manufacture or brew or distill intoxicating liquor or nonintoxicating beer within the City or sell or offer or expose for sale within the City any intoxicating liquor or nonintoxicating beer at wholesale or retail without procuring a license as required by this chapter and title. Nor shall any person who shall import intoxicating liquor or nonintoxicating beer into the City sell or offer the same for sale without first procuring a license as required in this chapter and title. Nor shall any person operating any premises where food, nonalcoholic beverages or entertainment are sold or provided for compensation allow intoxicating liquor or nonintoxicating beer to be consumed in, on or about his premises without having first procured a license as required in this chapter and title.

14.06.020 License—Applications.

All applications for issuance or renewal of licenses, pursuant to the provisions of this chapter or title, shall be addressed to and delivered to the Excise Commissioner together with supporting proofs as may be required by the provisions of this code, or any rule, regulation, order or direction of the Excise Commissioner. Furthermore, applications for issuance or renewal of a license or a catering permit shall also include a statement from the Director of Revenue of the State of Missouri that the applicant has paid all sales and uses taxes due, if any, including all penalties and interest. Any and all statements made and documents submitted in connection with a petition for a license, and in connection with a petition for a renewal of a license, shall be true and complete. It is the responsibility of both the licensee and the managing officer to provide the Excise

Commissioner with updated valid addresses and phone numbers where they can be reached at all times. Any false statements may result in the refusal of issuance, administrative fine of five hundred dollars, revocation, cancellation or suspension of a license, or any combination thereof.

14.06.030 Licenses and permits—Issuance.

All licenses issued under this chapter or title shall be issued by the License Collector, but no license shall be issued except with the approval of the Excise Commissioner as evidenced by a certificate of approval over the signature of the Excise Commissioner. All permits provided for by this chapter or title shall be issued by the Excise Commissioner. No license or permit for which fees are fixed in this chapter or title shall be issued except upon payment of the prescribed fee. In addition to the certificate of approval over the signature of the Excise Commissioner, the license issued by the License Collector shall bear the facsimile signature of the Excise Commissioner.

14.06.040 Duration.

Drink, package, C.O.L., brewers, manufacturers and wholesalers licenses shall be for a period of one (1) year. Place of Entertainment and Place of Amusement permits shall also be for a period of one (1) year. 3:00 a.m. Closing permits shall be for a period of six (6) months. A Picnic License shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor or nonintoxicating beer for more than seven (7) days for each event and there shall be no more than four events in any calendar year.

14.06.050 Renewal of license.

The Excise Commissioner shall have the authority to authorize the renewal of all licenses issued under the provisions of this chapter or title from term to term, except to the extent that such authority is limited or denied by any other provision of this chapter or title or by any other law.

14.06.060 Extension of license.

The Excise Commissioner shall have discretion to extend the term of any license issued under the provisions of this chapter or title, for a period not to exceed one hundred eighty (180) days from the date of expiration of such license, for the purpose of completing investigations and other necessary elements in the processing of renewal applications. The charge for the extension shall be the same percentage of the annual license fee as the extension period constitutes of the annual license period.

14.06.070 Separate license for each location.

A separate license must be obtained for each premises or place of business in the same building, then the building shall be partitioned in a manner that the partitions shall run from the front of the building to the rear of the building, from the ceiling to the floor and be permanently affixed to the ceiling, floor, front and rear of the building in a manner as to make two separate distinct premises. Their shall be a separate entrance for each premises and each premises shall have a different street address where intoxicating liquor and/or nonintoxicating beer is sold and no person in any capacity shall sell intoxicating liquor or nonintoxicating beer in any place other than is designated in a

license issued pursuant to this ordinance or title.

14.06.075 Lost or destroyed license

Whenever a license is lost or destroyed, a written statement shall be submitted with the date which the license was lost or destroyed and under what circumstances the license was lost or destroyed. A duplicate license will be issued upon the payment of twenty dollars ($20.00) to cover the cost of the duplicate license.

14.06.080 Manufacturers and wholesalers not to have interest in retail businesses.

A. Manufacturers, distillers, wholesalers, wine makers, brewers or their employees, officers or agents shall not, under any circumstances, directly or indirectly, have any financial interest in the retail business for the sale of intoxicating liquor or nonintoxicating beer, and shall not, directly or indirectly, loan, give away or furnish equipment, money, credit or property of any kind, except ordinary commercial credit for intoxicating liquor or nonintoxicating beer sold, to retail dealers except as provided by state or federal law or regulation. Proof of such relationship shall be grounds for revoking the license of the manufacturer, distiller, or wholesaler, or wine maker, or brewer and the retailer. No manufacturer, distiller, wholesaler, wine maker, or brewer, or the employees, officers or agents thereof, shall make any contract in any way concerning any of their products, obligating retail dealers to buy or sell only the products of any manufacturer, distiller, brewer, or wine maker, or obligating retail dealers to buy or sell the major part of such products required by retail vendors from any manufacturer, distiller, brewer or wine maker, and proof of the execution of any such arrangement, or

contract may result in the cancellation of or revocation of the license of the manufacturer, brewer, wholesaler, or distributor and of the retailer.

B. Notwithstanding any other provision of this chapter or title to the contrary, manufacturers, wholesalers, distillers, wine makers, brewers or their employees, agents or officers shall be permitted to make contributions of money or merchandise to a licensed retail dealer that is a charitable or religious organization or an educational institution if such contributions are unrelated to such organization's retail operations.

C. Notwithstanding any other provision of this chapter or title to the contrary, a brewer or manufacturer, its employees, officers or agents may have a financial interest in the retail business for sale of intoxicating liquor and nonintoxicating beer at entertainment facilities owned, in whole or in part, by the brewer or manufacturer, its subsidiaries or affiliates including, but not limited to, arenas and stadiums used primarily for concerts, shows and sporting events of any kind.

14.06.090 Disposition of fees.

All fees collected by the License Collector and the Excise Commissioner pursuant to the provisions of this chapter and title shall be accounted for and paid into the City Treasury, as other funds belonging to the City are accounted for and paid. The Comptroller shall set aside out of such funds an amount sufficient to pay the expenses of the Excise Division for the current and fiscal years and to credit the balance thereof to the municipal revenue fund of the City.

14.06.100 Qualifications of licensee—Natural persons.

A. No natural person shall be qualified for a license under the provisions of this chapter 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; (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 chapter 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 chapter 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 chapter 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.

14.06.110 Qualifications of licensee—Corporations and clubs.

All corporations and clubs licensed under the provisions of this title must comply with all City ordinances, and all State Statutes, which pertain to corporations. The managing officer, for liquor licensing purposes, of all corporations and clubs applying for a license under the provisions of this title must meet all the qualifications of a natural person as set forth in the preceding section. Managing officers of corporations and clubs may not be changed without the prior approval of the Excise Commissioner. No corporation or club shall be qualified for a license under this chapter or title unless (1) all officers and directors thereof are of good moral character and (2) it has paid all taxes due and payable by it to the City.

14.06.120 Qualifications of licensee—Financial interests—Corporations.

A. No corporation shall be qualified for a license under the provisions of this chapter 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 chapter 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 chapter 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 subsection (A)(4) of this section 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 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.

14.06.130 Qualifications of licensee—Partnerships.

No partnership shall be qualified for a license under the provisions of this chapter or title if any natural person who is a member of the partnership would not be qualified for a license pursuant to the provisions of Section 14.06.110. Where a corporation is a

member of a partnership, the partnership shall not be qualified for a license if the corporation would not be qualified for a license pursuant to the provisions of Sections 14.06.120 or 14.06.130.

14.06.140 Qualifications of licensee—Financial interest—Intoxicating liquor and nonintoxicating beer licenses.

Any person to whom more than one (1) retail license has been issued under the provisions of this chapter or title who shall suffer the revocation of one of his licenses shall not be eligible to renew his other licenses when they expire. No additional license provided for by this chapter or title shall be issued to such person for a period of two (2) years from the date of expiration of the last of his licenses for which renewal was refused. No person licensed under the provisions of this chapter or title for the sale at retail of intoxicating liquor may be employed on, or perform any acts commonly performed by an employee on premises licensed to another person under the provisions of this chapter or title for the sale at retail of nonintoxicating beer. No person licensed under the provisions of this chapter or title for the sale at retail of nonintoxicating beer may be employed on, or perform any acts commonly performed by an employee on premises licensed to another person under the provisions of this chapter or title for the sale at retail of intoxicating liquor.

14.06.150 Qualifications of licensee—Financial interest—In other drink licenses.

No person shall have more than three (3) drink licenses or sell intoxicating liquor by the drink at retail for consumption on the premises where sold at more than three (3)

places in this State. In determining whether a person or corporation to which a drink license has been issued has more than five (5) drink licenses the Excise Commissioner shall include all licenses issued to any employee, officer, agent, subsidiary or affiliate of a person or corporation in the total of the licenses held by such person or corporation. Provided further, that the Excise Commissioner shall not include in the total of the drink licenses issued to a person or corporation, for purposes of this section, any drink license issued for a restaurant, as that term is defined in Section 14.01.240.

14.06.160 Change of ownership.

No person licensed under the provisions of this chapter or title may sell, lease, sub-lease, rent, hypothecate, convey, assign or otherwise transfer in any manner a financial interest, other than the sale of personal property removed from the licensed premises, other than corporate stock or ordinary bank or commercial credit, in all, or in any part of his licensed premises unless the person(s) to whom such interest is to be transferred: (1) has first filed with the Excise Commissioner a complete new application for a license, including, when required, a neighborhood consent petition; and (2) the Excise Commissioner has approved the application of the person(s) to whom such interest is to be transferred.

14.06.165 Change of facts.

Whenever there is a change in the license status, such a death of licensee, change of managing officer, change of ownership, or change in the “doing business as” name, the applicant, the licensee or his representative shall notify the Excise

Commissioner in writing within ten days of the change. Further, if the change in the license status is a change in the “doing business as” name, then the licensee or his representative shall submit a Missouri State Sales Tax Number that reflects the change in the “doing business as” name.

14.06.170 Transfer of corporate stock—Of corporations listed on stock exchanges.

Corporations licensed under the provisions of this chapter or title with stock listed on stock exchanges or available for purchase by the public through recognized stock brokers, must comply with all rules, regulations, orders and directions of the Excise Commissioner relating to such corporations.

14.06.180 Transfer of corporate stock—All other corporations.

All corporations, except those provided for in Section 14.06.170, licensed under the provisions of this chapter or title shall notify the Excise Commissioner in writing, any time corporate stock or a corporate stock option is sold or conveyed in any manner, and any time a corporate officer is changed. The written notice must be delivered in person or sent by registered mail to the Excise Commissioner within ten (10) days of the sale, conveyance or change.

14.06.190 New petitions for corporations.

Whenever the reports required by Section 14.06.180 show that the total amount of stock sold, or conveyed in any manner, or placed under option, to a person or persons who were not stockholders at the time the last complete petition for a license was approved by the Excise Commissioner, exceeds fifteen percent (15%) of the outstanding

stock of the corporation, such corporation must file a complete new petition with the Excise Commissioner. Provided, that when the sale of liquor is merely incidental to the primary business conducted by such corporation on their licensed premises, the Excise Commissioner may, in his discretion, waive the requirement of neighborhood approval in connection with such complete new petition.

14.06.200 Corporate licensees required to maintain corporate status.

A corporation licensed under this chapter or title is required to maintain its corporate charter in good standing in order to maintain its license. If a corporation licensed under the provisions of this chapter or title has its charter revoked, the Excise Commissioner shall immediately revoke its liquor license. If a corporation licensed under the provisions of this chapter or title forfeits its charter, the Excise Commissioner shall revoke its liquor license thirty (30) days after the date the charter becomes forfeit, unless the charter has been reinstated during that period.

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 Section 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 Section 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.

F. In the event the position of managing officer becomes vacant, the corporation must name a managing officer with fifteen (15) days after the vacancy occurs, with a managing officer being qualified under the provisions of this title.

14.06.207 Change in Managing Officer

A licensee intending to make a change in its managing officer for an existing business licensed under this ordinance shall not operate with its new managing officer without first submitting written approval from the managing officer to the Excise Commissioner. He/she shall not participate in the operation of the business without said approval. An application for a change in managing officer shall be made to the Excise Commissioner and shall cost forty dollars ($40.00) to defray the cost of investigation and processing the application. The fee is nonrefundable.

14.06.210 Employees—Qualifications.

A. No person licensed under the provisions of this chapter or title may employ any person: (1) whose license issued under the provisions of this chapter 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 chapter 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; or (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 subsection (A)(4) of this section 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.

14.06.220 Employees—Fingerprinting.

Persons licensed under the provisions of this title shall require their employees to submit to fingerprinting when it is deemed necessary by the Excise Commissioner in order to determine if they meet qualifications of employees.

14.06.225 Employee prohibition from drinking while working.

It shall be unlawful for a licensee and/or managing officer to allow an employee, servant or agent who is on duty to consume any intoxicating liquor or nonintoxicating

beer while working on or about the licensed premises, except when the licensed premises is closed to the public.

14.06.230 Persons functioning as employees.

No person licensed under the provisions of this chapter or title shall allow or suffer or permit any person to perform any act commonly performed by an employee when the person would not be permitted to perform the act as an employee under the provisions of this chapter or title.

14.06.240 Licensees to notify Excise Commissioner of employees.

All persons to whom a drink, C.O.L. or package license has been issued under the provisions of this chapter or title shall obtain a Missouri State Highway Patrol Criminal record check and notify the Excise Commissioner in writing of all employees who handle or sell, or assist in the handling or sale of intoxicating liquor or nonintoxicating beer in any manner, or function in an administrative, managerial or supervisory capacity with respect to employees who do handle or sell intoxicating liquor or nonintoxicating beer. The notice shall be in writing and must be delivered in person to the Excise Commissioner's office or deposited in the United States mail on or before the fifth day of the month following the date on which the persons first became employees. Provided, that there shall be no penalty imposed on a licensee for employing an ineligible employee if the licensee: (1) was unaware that such employee was ineligible for employment under the provisions of this chapter and title, (2) has timely notified the Excise Commissioner of his employment of said employee as provided herein, and (3)

within fourteen (14) days of being notified by the Excise Commissioner that such employee is ineligible removes the employee from the position for which he is ineligible by either dismissing or transferring him.

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 convenience store" shall mean a retail establishment which (1) has a minimum of 1500 net square feet of sales area, including glassed security areas, 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 premise 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 then either cancel or revoke the issued license. Nothing herein shall prevent the Excise Commissioner from renewing a package license for a premise 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 in this chapter 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 chapter or title, if a license has been issued for a premises prior to effective date of this chapter, 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 Section 14.08.050, et. seq.

14.06.260 Package licensee—Fee.

The payment of a fee for a package license shall not exempt any person from liability for a merchant's or business license tax, but the value of intoxicating liquor or nonintoxicating beer sold at retail in the original package shall not be included in the computation of a merchant's tax.

14.06.270 Licenses prohibited in certain places.

No license issued under the provision of this title shall be granted or renewed in a

building or portion of a building occupied or used for an unlawful purpose, nor in any room or portion of a building connected by any entrance or exit or other means of communication with any room or place used for an unlawful purpose.

14.06.280 Record restrictions and zoning laws.

The Excise Commissioner shall not recommend the issuance of a license under the provisions of this title in violation of any record restrictions upon the property on which it is proposed to operate, or in violation of any zoning laws of the City.

14.06.290 License—Revocation, cancellation, fine or suspension—General.

Any person holding any license issued pursuant to the provisions of this title and who violates any of the terms of this title, or any rule, regulation, order or direction of the Excise Commissioner shall, in addition to the other penalties provided for, suffer the revocation of his license by the Excise Commissioner; or, the Excise Commissioner may in his discretion warn a licensee, or may suspend his license for not more than ten (10) days for each violation, may cancel his license or impose an administrative fine of five hundred dollars for each violation, or any combination thereof.

14.06.300 License—Revocation, cancellation, suspension or fine—Renewed licenses.

The Excise Commissioner shall have authority to suspend, cancel, impose an administrative fine of five hundred dollars for each violation, revoke or impose any combination thereof any license renewed under the provisions of this title for any violations of this code or for any violations or infractions of the rules, regulations, orders and directions, terms or conditions of the Excise Commissioner which occurred during

the term of any prior consecutive license issued to the same person for the same premises.

14.06.310 License—Revocation, cancellation, suspension, or fine—Picnic licenses.

In addition to the other procedures provided herein, if the Excise Commissioner, in his judgment, believes that premises covered by a picnic license are disorderly in any manner, he shall have the authority to order the immediate summary suspension of such license. A hearing shall be held on the next working day following such summary suspension. If the Excise Commissioner, after the hearing, decides the continuation of the license is detrimental to the best interests of the neighborhood, based on consideration of the factors enumerated in Section 14.08.040 he shall revoke or cancel the picnic license or impose an administrative fine of five hundred dollars per violation, or any combination thereof.

14.06.320 License—Revocation, cancellation, suspension, or fine.—Procedure.

Before imposing a fine, revoking, canceling, suspending any licenses, except picnic licenses, granted pursuant to the provisions of this title, the Excise Commissioner shall give the licensee at least ten (10) days written notice of any complaint or charge against him and the nature of the complaint or charge, and shall fix the date for the hearing on the complaint or charge, upon which hearing the licensee shall have the right to have counsel and to produce witnesses in his behalf. If the Excise Commissioner, shall, after the hearing, fine, revoke, suspend or cancel the license of the licensee, his final decision and action thereon shall be reviewable in the Circuit Court as provided by

law.

14.06.330 License transfers.

A. No license issued under the provisions of this title shall be transferred except as specified in this section:

1. In the case of death of a person licensed under the provisions of this title the Excise Commissioner may transfer the license to the widow or widower or next of kin of such deceased, provided that the transferee meets the requirements and qualifications of this title.

2. In the case of the death or withdrawal of one or more of the members of a partnership to which a license has been issued under the provisions of this title, the Excise Commissioner shall, upon request, transfer the license to permit the remaining partner or partners to operate the business.

3. In cases where a license has been issued under this chapter or title to a sole proprietorship or partnership, the Excise Commissioner may, upon request, transfer the license to a corporation, provided that: (a) if the license was issued to a sole proprietorship, the person to whom the license was initially issued owns all of the stock in the corporation to which the license is to be transferred; or (b) if the license was issued to a partnership, all of the stock in the corporation to which the license is to be transferred is held by persons who were member of the partnership.

4. Where a license has been issued in the name of an individual, the Excise Commissioner may, upon request, transfer the license to a partnership consisting

of such individual and his or her lawful spouse. The Excise Commissioner is without authority to transfer a license held by an individual to a partnership in which a person other than the lawful spouse of the licensee is a member.

B. A license issued under the provisions of this chapter or title may, in the discretion of the Excise Commissioner, be transferred to any other premises within the petition circle of the currently licensed premises, provided that the licensee had obtained neighborhood consent to operate at the currently licensed premises. Provided, however, that no license issued for a motor vehicle service station business can be transferred to a different location.

C. Licenses transferred pursuant to this section shall be renewable. It shall not be necessary for a person or entity to which a license has been transferred pursuant to subsection A of this section to file a neighborhood consent petition. Nor shall it be necessary for a licensee which has had a license transferred to a new premises pursuant to subsection B of this section to file a neighborhood consent petition for the new premises.

14.06.340 Conduct of business upon licensed premises.

No person shall conduct or operate any business upon a licensed premises other than the person to whom the license for such premises has been issued.

SECTION EIGHT Chapter 14.07

MANUFACTURERS, WHOLESALERS AND DISTRIBUTORS

Sections:

14.07.010 License fees.

14.07.020 Sales to licensed dealers only.

14.07.030 Alcoholic content on label.

14.07.040 Shipment outside city to evade code.

14.07.050 Transportation companies to report shipments.

14.07.060 Microbrewery license.

14.07.010 License fees.

For the privilege of manufacturing intoxicating liquor or nonintoxicating beer in the City for sale and consumption for beverage purposes, and for the privilege of soliciting the sale of and of selling intoxicating liquor or nonintoxicating beer in the City for resale by any other person either by resident manufacturers, distributors and wholesalers or nonresident manufacturers, distributors and wholesalers, the following annual fees shall be charged, payable in advance:

A. Full Manufacturer, six hundred seventy-five dollars ($675.00). Such license shall permit the manufacturing, distilling or blending of intoxicating liquor of all kinds, and the sale of such liquor at wholesale to wholesalers only.

B. 22% Manufacturer, three hundred dollars ($300.00). Such license shall permit the manufacturing of intoxicating liquor, other than malt liquor, containing not in excess of 22% alcohol by weight, and the sale of such liquor at wholesale.

C. 5% Manufacturer brewer, three hundred seventy-five dollars ($375.00). Such license shall permit the manufacture or brewing of malt liquor containing not in

excess of 5% alcohol by weight, and the sale of such malt liquor at wholesale.

D. 3.2% brewer, three hundred seventy-five dollars ($375.00). Such license shall permit the manufacture or brewing of nonintoxicating beer, and the sale of such nonintoxicating beer at wholesale.

E. Full Wholesaler, seven hundred fifty dollars ($750.00). Such license shall permit the selling of intoxicating liquor of all kinds at wholesale.

F. 22% Wholesaler, three hundred dollars ($300.00).Such license shall permit the selling of intoxicating liquor other than malt liquor containing not in excess of 22% alcohol by weight at wholesale.

G. 5% Wholesaler, one hundred fifty dollars ($150.00). Such license shall permit the selling of malt liquor containing not in excess of 5% alcohol by weight at wholesale.

H. 3.2% Wholesaler, seventy-five dollars ($75.00). Such license shall permit the sale of nonintoxicating beer at wholesale.

14.07.020 Sales to licensed dealers only.

No person licensed under the provisions of this chapter for the manufacture, brewing, distilling, rectifying, or sale at wholesale of intoxicating liquor or nonintoxicating beer, his agent, servant or employee shall sell or deliver any intoxicating liquor or nonintoxicating beer to any person not properly licensed for the resale of such intoxicating liquor or nonintoxicating beer or if there is not displayed prominently on the premises a City of St. Louis Liquor License, State of Missouri Liquor License for the

current license year.

14.07.030 Alcoholic content on label.

No person holding a license to manufacture intoxicating liquor or nonintoxicating beer for sale at wholesale, shall sell or deliver any intoxicating liquor or nonintoxicating beer except in a container having printed or painted thereon in bold legible letters the name of the manufacturer and the percentage of alcoholic content by weight, volume or proof, of such liquor. Except that, the provisions of this section shall not apply to malt liquor which is over 3.2% alcohol by weight and not in excess of 5% alcohol by volume.

14.07.040 Shipment outside City to evade code.

No person holding a license to manufacture and sell intoxicating liquors or nonintoxicating beer, or to sell intoxicating liquors or nonintoxicating beer at wholesale or at retail in the City, shall ship liquors or nonintoxicating beer outside of the City limits for the purpose, or with the intent, of having the liquors or nonintoxicating beer transported into the City, so as to evade any of the requirements of this code.

14.07.050 Transportation companies to report shipments.

Every railroad company, express company, airplane, motor transportation company or other transportation company, and every other person, whether corporation or individual, who shall transport any intoxicating liquor or nonintoxicating beer into the City and deliver the same to any person, shall, when requested, furnish the Excise Commissioner a duplicate bill of lading, or receipt for such intoxicating liquor or nonintoxicating beer, showing the name of the consigner and consignee, date, place

received, and quantity of intoxicating liquors or nonintoxicating beer.

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 three hundred seventy-five dollars ($375.00) annually.

B. Notwithstanding any other provision of this chapter 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 this Section shall apply to applications for 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 micro brewer's license shall not, under any circumstances, directly or indirectly, have any financial interest in any wholesaler's business.

SECTION NINE Chapter 14.08

RETAIL LICENSES

Sections:

14.08.010 Licenses and permits—Term—Fees.

14.08.020 License application—Contents.

14.08.030 Persons who reside or conduct business within the petition circle.

14.08.040 License detrimental to neighborhood—Factors to be considered by Excise Commissioner in making determination.

14.08.050 License applications—Neighborhood approval—Exemptions—Petition contents.

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.

14.08.060 License applications—Notice—Hearings.

14.08.070 License approval—Generally.

14.08.080 License approval—Discretion of Excise Commissioner.

14.08.090 License renewal applications—When—How made.

14.08.100 Renewal of licenses—Discretion of Excise Commissioner—Suspension or extension in certain circumstances.

14.08.110 Protests against licenses or applications—When and how initiated.

14.08.120 Protest petitions—Contents—Time for collection of signatures.

14.08.130 Hearing on protest—Notice—Procedure.

14.08.140 Protests—Necessity of majority of signatures on petition protesting continuation of license—Effect of majority of signatures on petition protesting a license application.

14.08.150 Protests—Allocation of burden of proof—Grounds for sustaining

protests—Effect of sustaining protest.

14.08.160 Extension of protested license.

14.08.170 Withdrawal of signatures from consent or protest petitions.

14.08.180 Common eating and drinking area—Permit—Sale of drinks for consumption.

14.08.190 Motor vehicle service stations.

14.08.200 Summer Garden/Sidewalk Café.

14.08.210 Controlled access liquor system.

14.08.220 3:00 a.m. Closing permit—Issuance—Conditions—Exemptions.

14.08.230 Temporary Catering permits.

14.08.235 Annual Caterers Permit.

14.08.010 Licenses and permits—Term—Fees.

A. All retail licenses issued or renewed under this chapter 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 chapter and title shall be in the following annual amounts, which shall be payable at

the time a license is issued or renewed, and these fees shall be in addition to any other fee required by law:

1. Full Drink license $450.00.
2. Full Drink Sunday license$375.00.
3. 22% Drink license$350.00.
4. 5% Drink license$87.50.
5. Full Package license $250.00.
6. 22% Package license$300.00.
7. 22% Package Sunday license $200.00.
8. 5% Package license $75.00.
9. 5% Package Sunday license $100.00.
10. 3.2% Package License $23.00.
11. C.O.L. license (Club/Organization) $90.00.
12. Full Drink Picnic License$37.50.
13. 5% Drink picnic license$37.50.
14. Special Sports Stadium license $450.00.
15. Ballroom Sunday Sale permit $300.00.
16. Place of Entertainment Sunday Sale Permit $300.00.
17. Place of Amusement Sunday Sale Permit $300.00.
18. Controlled access liquor cabinet system permit; per room charge $5.00.

19. Catering Permits:

A. Temporary Catering permit, per event: $15.00 per day, per location.

B. Annual Catering permit: maximum 50 days per year: $750.00; unlimited per year: $1,500.00, Catering permit per event.

20. Liquor Manufacturer License $675.00.

21. Full Wholesale License $750.00.

22. Sunday Original Package Permit $300.00.

23. Sunday by the Drink Convention Trade Area License $750.00.

24. Tasting Permit—At package retail establishments only--$37.50.

25. Copy charge-actual cost of document search and duplication.

26. Transcription fees-actual cost of recording, transcribing and duplication, with a fifty dollar advance to be offset against cost.

27. Sidewalk Café Permit $100.00 for processing fee, public hearing and initial permit. Thereafter annually the cost will be $25.00 per permit.

28. Summer Garden Permit - $100.00 for Processing fee, public hearing and the initial Summer Garden Permit. Thereafter annually the cost will be $25.00 per permit.

29. Extension of Premises Permits shall cost $15.00 per event.

30. Change in managing officer application fee $40.00.

31. Plat drawing fee $100.00.

32 3 A.M. Closing application processing fee $150.00.

33. Application and Placarding fee $450.00.

34. Sunday License application $ 50.00.

35. 5% Sunday By Drink $300.00.

36. Microbrewery License $375.00.

37. Duplicate License $20.00.

38. Dishonored check fee $35.00.

C. The fee for a 3:00 a.m. closing permit shall be $275.00 per six-month period which amount shall be payable at the time the permit is issued or renewed. An initial 3 a.m. closing application fee of $150.00 is due when the application is filed. The application fee is to cover the various costs incurred by the City of St. Louis in investigating the approval petitions and processing the applications. This application fee is non-refundable.

14.08.020 License application—Contents.

A. Except as otherwise provided by this chapter and title, no retail license shall be issued to any person until such person files with the Excise Commissioner an application for a license, containing the following: Full name, age, residence, place of birth of the applicant (and if a naturalized citizen, the time and place of naturalization), the length of time he has resided within the state, whether he is a registered voter and

assessed taxpaying citizen; whether or not he has ever been convicted of a felony or for a violation of any law regulating, controlling or prohibiting the sale of intoxicating liquor since the adoption of the Twenty-First amendment; whether or not he has ever engaged in the manufacture or sale or distribution of intoxicating liquor, and if so, when, where and the nature of the business; whether or not any distiller, wholesaler, wine maker, brewer, or any employee, officer or agent of any such person has any financial interest or proposes to have any financial interest in the retail business for the sale of intoxicating liquor for which the applicant applies for license; and whether or not any such persons, either directly or indirectly, have loaned, given or furnished, or will give, loan or furnish any equipment, money, credit or property of any kind to the applicant except ordinary commercial credit for liquor or beer sold to the applicant; the names of all persons directly or indirectly interested financially in the proposed business of the applicant; and, also any additional information and supporting proofs deemed necessary by the Excise Commissioner to determine if the applicant meets the requirements of this chapter or title. The application shall be in a form provided by the Excise Division only. Upon filing of an application and payment of an application fee, the Excise Commissioner shall issue notification postcards to the applicant. The applicant must complete a postcard for each address within the petition circle and affix appropriate postage to each and return the postcards to the Excise Division where they will be checked and mailed. Five days after the postcards have been mailed, the applicant may pick up the approval petitions.

B. The Excise Commissioner shall charge each applicant for a retail license a

service, processing and an administration charge of four hundred dollars ($400.00) to cover the cost of additional personnel, equipment and materials made necessary to handle the administration and adjudication of license applications.

C. A person shall be considered to own property within the petition circle if such person is the owner of record in the Office of the Assessor thirty (30) days prior to the date on which an application for a license is requested.

D. The premises for which a retail license has been issued or for which an application for a retail license has been issued shall not be considered within the petition circle.

14.08.030 Persons who own property, reside or conduct business within the petition circle.

For the purposes of this chapter and title:

A. A person shall be considered to reside within the petition circle of a premises for which a retail license has been issued or for which an application for a retail license has been submitted to the Excise Commissioner if: (1) his domicile is within the petition circle; and (2) he is registered to vote from an address within the petition circle on the date on which an application is filed or a protest is initiated;

B. A person shall be considered to conduct a business within the petition circle if he is engaged in any business or professional activity and if he leases or rents space for such purpose, or owns property used for such purpose, within the petition circle. Where a corporation is conducting business within the petition circle, the signature

of the local managing officer shall, for purposes of this chapter, be considered the signature of a person conducting businesses within the petition circle. The business shall have a valid business or professional service license.

14.08.040 License detrimental to neighborhood—Factors to be considered by Excise Commissioner in making determination.

A. 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 chapter 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 nonintoxicating 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.

B. The Excise Commissioner may find that issuance, renewal or continuation of a license would be detrimental to the neighborhood in which a licensed premise 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 premise(s) 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 chapter 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 any combination of the registered voters who reside in the petition circle and those who operate a valid 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”; and (6) 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. No person is allowed to sign for another person except a trustee, guardian, a person with power of attorney, or other persons authorized by law. The petition shall be on a form provided by the Excise Commissioner.

D. Unless there is good cause shown therefore, if the neighborhood approval petition required by this section is not filed within forty-five (45) days of receipt of such petition from the Excise Division, 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 licensed 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 preprinted 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 these 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 post cards 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 ½ 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 passerby 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.

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.

14.08.070 License approval—Generally.

If, after holding a hearing on an application for a drink, package or C.O.L. license, the Excise Commissioner shall find that the applicant meets all requirements of this title, and if the Excise Commissioner shall further find that the applicant plans and proposes to conduct a retail liquor business in compliance with the laws of the state and with this chapter and title, then the Excise Commissioner may approve the issuance of a license to the applicant, permitting him to conduct such business for a period of one (1) year from the date of issuance of the license, unless the license is revoked or cancelled for cause before the expiration of such time. If the Excise Commissioner denies an application for a license for a proposed licensed premises following a protest, he shall not consider another application for a license for such premises for a period of six (6) months from the date on which the application was denied. If the Excise Commissioner denies an application for a proposed licensed premises for failure to satisfy the requirements of the application, but not pursuant to a protest, then the same Applicant shall not eligible for a license for a minimum of sixty (60) days.

14.08.080 License approval—Discretion of Excise Commissioner.

A. In determining whether to approve issuance of a retail license to a person applying therefor, the Excise Commissioner shall consider whether issuance of such license would be detrimental to the neighborhood in which the licensed premises would be located.

B. If an applicant files an application seeking issuance of a license for premises which were licensed pursuant to the provisions of this chapter or title at any time during the two (2) year period immediately preceding the date on which such application was filed, then the Excise Commissioner shall, in determining whether the issuance of a license for such premises would be detrimental to the neighborhood in which the licensed premises would be located, take into account the previous operation and conduct of, and circumstances at, such premises; however, the Excise Commissioner shall not consider liquor law violations committed by a former licensee or employees of a former licensee, except as provided by the provisions of Chapter 14.06 of this title. If an applicant possesses a liquor license for premises other than the premises for which he has submitted an application then the Excise Commissioner, in determining whether issuance of the license applied for would be detrimental to the neighborhood in which the proposed licensed premises would be located, shall consider the factors enumerated in Section 14.08.040 with regard to operation and conduct of and conditions existing at such other premises, to the extent that such factors are relevant to consideration of the manner in which the premises proposed to be licensed would be operated.

C. Whenever the Excise Commissioner makes a decision to approve or deny an application for a drink, package or COL. license he shall notify the Alderman of the ward in which the proposed licensed premises would be located of his decision. Thereafter the Alderman may file written objections to the decision of the Excise Commissioner, setting forth specific reasons for said written objections, which objections shall be included in the file of the applicant. Nothing herein contained shall prevent the Excise Commissioner from exercising the authority granted to him by this section.

D. Other provisions of this chapter and title notwithstanding, the Excise Commissioner shall have discretion, in approving issuance of a picnic license, to waive any and all provisions relating to application requirements other than fees and requirements relating to moral character.

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 chapter 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 to the City 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.

14.08.100 Renewal of licenses—Discretion of Excise Commissioner—Suspension or extension in certain circumstances.

In determining whether to approve the renewal of a retail license for which a renewal application has been submitted the Excise Commissioner may, on his own motion, call a hearing to determine whether renewal of the license would be detrimental to the neighborhood wherein the licensed premises is located. If the Commissioner calls such a hearing he shall comply with the notice provisions contained in subsection B of Section 14.08.060. However, all notices required by this section shall specify that the hearing has been called to consider whether renewal of the license in question would be detrimental. The procedure established by subsection C of Section 14.08.060 shall apply to hearings held pursuant to this section.

14.08.110 Protests against licenses or applications—When and how initiated.

A. A protest against issuance, renewal or continuation of a package, drink or C.O.L. license or 3:00 a.m. closing permit shall be initiated by submission to the Excise Commissioner of a Liquor Letter of Protest Petitions signed by either ten (10) or more persons residing or conducting business, or ten (10) or more persons owning property, within the petition circle of the liquor establishment which is the subject of the protest. The Liquor Letter of Protest Petitions must also state the specific reason(s) for the protest. If there are less than twenty (20) property owners within the petition circle of a licensed premises or proposed licensed premises, a protest may be initiated against the license for such premises by a protest letter signed by a majority of property owners within the petition circle. If there are less than twenty (20) persons residing or conducting business within the petition circle of a licensed premises or proposed licensed premises, a protest may be initiated against the license for such premises by a protest letter signed by a majority of the persons residing or conducting business within the petition circle. Such letter shall contain the name and address of the licensed premises or proposed licensed premises which is the subject of the protest, the type of license being protested, and the name of the person who shall serve as the protest representative. Upon verifying that there are sufficient signatures on the protest letter to initiate a protest, the Excise Commissioner shall issue protest petitions to the protest representative. He shall also notify the licensee or applicant whose license or application is the subject of the protest, the Alderman for the ward in which the licensed premises is or would be located and the Police Department that a protest has been initiated against the license or application.

Such notice shall contain an explanation of the protest procedures as established by this chapter and title, and by the rules and regulations of the Excise Commissioner. If the protest is against renewal or continuation of a license notice shall be served at the licensed premises upon either the licensee or any employee, agent or servant of the licensee found upon the licensed premises. If the protest is against an application for a license, service of the notice shall be made by sending the notice by registered United States mail, return receipt requested, to the address given by the applicant on the license application submitted to the Excise Commissioner. A protest may be initiated against issuance or renewal of a 3:00 a.m. closing permit held or applied for by a licensee without a protest also being initiated against the full drink license held by such licensee.

B. A protest shall not be initiated against renewal of a package, drink or C.O.L. license or a 3:00 a.m. Closing permit more than forty-five (45) days, nor less than fourteen (14) days, prior to the date on which the existing license for the premises which is the subject of the protest is scheduled to expire. A protest may be initiated against continuation of a license at any time during the term of the license, however, any protest letter submitted to the Excise Commissioner less than forty-five (45) days prior to the date on which the existing license for the premises which is the subject of the protest is scheduled to expire shall be treated as a protest against renewal of the license. A protest may be initiated against an application for issuance of a license at any time up to the time set by the Excise Commissioner, pursuant to the provision of Section 14.08.060, for

the hearing on such application. The application hearing shall not be postponed because of the filing of a protest against such application; however, the Excise Commissioner shall make no decision concerning whether to issue the license applied for until after the conclusion of the protest hearing provided for by the provisions of Section 14.08.130. No protest may be initiated against the continuation of a retail license for a period of six (6) months after the Excise Commissioner has denied, after a hearing, a previous protest against such license.

14.08.120 Protest petitions—Contents—Time for collection of signatures.

A. The Excise Commissioner shall promulgate a protest petition form. There shall be a heading on each page of the petition which shall: (1) identify by trade name and address the licensed premises or proposed licensed premises which is the subject of the protest; (2) give the name of the licensee or applicant; (3) state that persons signing the petition are supporting the protest filed against the license or application of the licensee or applicant for the premises named on the petition; and (4) contain such additional information as may be required under the rules and regulations of the excise division. No signature appearing on a protest 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.

B. The Excise Commissioner shall not, except for good cause shown, accept any protest petition submitted to him more than thirty (30) days from the date on which he issued the protest petitions to the protest representatives; except that where the

thirtieth day after the date on which the protest petitions were issued falls on a Saturday, Sunday or holiday, the Excise Commissioner shall accept protest petitions filed on the next working day thereafter.

14.08.130 Hearing on protest—Notice—Procedure.

A. After the last date on which protest petitions may be submitted, the Excise Commissioner shall fix a date for a hearing on the protest. Such 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. The Excise Commissioner shall have power to continue the hearing for good cause. The Excise Commissioner shall not schedule a hearing for a protest against continuation of a license, and shall summarily dismiss such protest, where no protest petitions are submitted to him prior to the closure date for submission of protest petition

B. The Excise Commissioner shall, at least ten (10) days prior to the date on which the protest hearing is scheduled, cause notice of the time, place and date of the hearing to be served on the licensee or applicant whose license or application is the subject of the protest. If the protest is against renewal or continuation of a license, notice of the protest hearing shall be served at the licensed premises upon either the licensee or any employee, agent or servant of the licensee found upon the licensed premises. If the protest is against an application for a license, service of the notice shall be made by sending the notice by registered United States mail, return receipt requested, to the address given by the applicant on the license application submitted to the Excise

Division. The Excise Commissioner shall also, at least ten (10) days prior to the date on which a protest hearing is scheduled, cause notice of the time, place and date of such hearing to be served upon the protest representative, the Alderman of the ward in which the licensed premises is or would be located, and the Police Department. Service of the notice upon the protest representative shall be made by sending the notice by registered United States mail, return receipt requested, to the address given by the protest representative on the written letter of protest. In addition, the Excise Commissioner shall cause a placard containing the words "HEARING ON PROTEST AGAINST LIQUOR LICENSE IN THIS BLOCK," printed in bold black letters at least one and one-half (1½) inches in height, to be placed at each end of the block on the side of the street where the licensed premises or the proposed licensed premises which are the subject of the protest hearing is or would be located, unless such placement is not possible. If it is not possible to place said placards in the manner specified in the previous sentence, the liquor control agent posting the placards shall place the placards in such manner as to give the greatest notice to passersby of the protest hearing. Said placards shall specify in clear and legible lettering the time, place and date of the hearing, the trade name and address of the licensed premises or premises proposed to be licensed, the name of the licensee or applicant whose license or application is the subject of the protest, and the type of license which is the subject of the protest. Neither the protest representative nor anyone else signing a protest letter or petition shall be liable for the costs of said placarding.

C. At the protest hearing, both the protest representative and the licensee or

applicant whose license or application is the subject of the protest 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 protest. The Alderman for the Ward in which the premises which is the subject of the protest is located, together with the police department, shall have the right to be heard at the hearing.

D. The protest hearing shall be a bifurcated proceeding. During the first phase of the hearing, the Excise Commissioner shall consider evidence concerning whether the protest petitions submitted to him contain the signatures of a valid majority of either: (1) persons residing or conducting business within the petition circle of the licensed premises or proposed licensed premises which is the subject of the protest; or (2) persons owning property within said petition circle. The Excise Commissioner shall also consider during the first phase of the hearing any testimony offered concerning the sufficiency of the written protest letter which initiated the protest, including, but not limited to, evidence concerning whether the letter contained sufficient signatures to initiate the protest. After conclusion of the first phase of the hearing the Excise Commissioner shall make a decision as to whether the protest petitions submitted to him contain a valid majority of either persons residing or conducting business, or persons owning property within the petition circle. He need not, prior to initiation of the second phase of the hearing, make any determination as to the sufficiency of the written protest letter. During

the second phase of the hearing, the Excise Commissioner shall consider evidence concerning whether issuance, renewal or continuation of the license which is the subject of the protest would be detrimental to the neighborhood in which the licensed premises is or would be located.

14.08.140 Protests—Necessity of majority of signatures on petition protesting continuation of license—Effect of majority of signatures on petition protesting a license application.

A. A protest against continuation of a license may only be sustained by the Excise Commissioner if the protest petitions submitted to him to protest such continuation contain the signatures of either a majority of the persons residing or conducting business within the petition circle of the licensed premises which is the subject of the protest or a majority of the persons owning property within such petition circle. 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 contain the signatures of neither a majority of the persons residing or conducting business within the petition circle of the licensed premises which is the subject of the protest nor a majority of the persons owning property within such petition circle then he shall deny the protest and shall not consider evidence of whether continuation of the license would be detrimental to the neighborhood in which the licensed premises is located.

B. If the Excise Commissioner determines, after the first phase of the hearing is completed, that protest petitions submitted to him to protest an application for a license

contain the signatures of either a majority of the persons residing or conducting business within the petition circle of the proposed licensed premises which is the subject of the protest or a majority of the persons owning property within such petition circle, then the Excise Commissioner shall sustain the protest and refuse to grant the license applied for, regardless of any evidence concerning detriment to the neighborhood.

14.08.150 Protests—Allocation of burden of proof—Grounds for sustaining protests—Effect of sustaining protest.

A. If the Excise Commissioner determines after the first phase of the protest hearing that the protest petitions submitted to him contain the signatures of either: (1) a majority of the persons residing or conducting business within the petition circle of the licensed premises which is the subject of the protest; or (2) a majority of the persons owning property within such petition circle, he shall sustain the protest unless the licensee shows by a preponderance of the evidence submitted at the hearing that renewal or continuation of the license would not be detrimental to the neighborhood in which the licensed premises is located. If the Excise Commissioner determines after the first phase of the protest hearing that the protest petitions submitted to him do not contain the signatures of either a majority of the persons residing or conducting business within the petition circle of the licensed premises which is the subject of the protest or a majority of the persons owning property within such petition circle, he shall deny the protest, unless the protestors show by a preponderance of the relevant evidence submitted at the hearing that issuance or renewal of the license would be detrimental to

the neighborhood in which the licensed premises is or would be located.

B. If the Excise Commissioner sustains a protest against issuance of a license he shall refuse to grant such license to the person applying therefor. If he sustains a protest against renewal of a license such license shall not be revoked, but the Excise Commissioner shall refuse to renew such license after it expires. If the Excise Commissioner sustains a protest against continuation of a license he shall cancel such license effective one month after any decision is filed upholding such protest. If the license expires by operation of law before it can be canceled it shall not be renewed.

14.08.160 Extension of protested license.

Where a protest has been filed against continuation or renewal of a license and the license expires prior to a decision by the Excise Commissioner on the protest, the Excise Commissioner shall grant an extension of the license. If the Excise Commissioner sustains a protest, the extension shall expire on the date on which the decision on the protest is issued.

14.08.170 Submission and Withdrawal of signatures from consent or protest petitions.

Any person who has signed a neighborhood approval petition circulated by or on behalf of a licensee or applicant or a protest petition for the same premises may withdraw his signature from either petition by submitting a letter to the Excise Commissioner up to, and including, the date set for the hearing requesting withdrawal on the protest or by requesting withdrawal in person at the hearing. If a person signs both a neighborhood approval petition and a protest petition and does not request that his

signature be withdrawn from one or the other then his signature shall not be counted for or against the application. The Excise Commissioner may also delete a signature from either a protest or neighborhood approval petition if he finds, based upon a preponderance of evidence, at the hearing that the circulator of a petition threatened or coerced such person or that the circulator made a material misrepresentation of fact concerning the licensed premises or proposed licensed premises to such person.

14.08.180 Common eating and drinking area—Permit—Sale of drinks for consumption.

A. Upon application in a form acceptable to the Excise Commissioner, he may issue a common eating and drinking area permit for a specified area, provided that such area meets the criteria for a common eating and drinking area set out in Section 14.01.080 of this chapter and title. Such permit shall be issued without charge and shall remain in force unless cancelled or revoked by the Excise Commissioner.

B. If the terms of a drink licensee's lease require payment by the licensee of a common area maintenance charge for a common eating and drinking area, any intoxicating liquor or nonintoxicating beer sold on the premises for which the licensee possesses a license may be consumed in such common eating and drinking area.

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 codified in this chapter 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 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 the ordinance codified in this chapter, 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.

14.08.200 Summer Garden/Sidewalk Café.

A. Notwithstanding any other provisions of this chapter and title, upon application by a person to whom a drink or C.O.L. license has been issued, the Excise Commissioner may issue a permit to allow the licensee to maintain, in connection with and adjoining the licensed premises, an open-air space, commonly called a Summer Garden or Sidewalk Café, for serving or consuming intoxicating liquors and/or nonintoxicating beer. No permit shall be issued for a Summer Garden unless at least one (1) side of the summer garden adjoins a public street, alley, or highway and is so fenced and equipped as to permit an unobstructed view of the Summer Garden from the street, alley or highway. The Excise Commissioner shall not issue a permit for a Sidewalk Café, any portion of which is located upon a public right-of-way, unless the licensee has first procured an encroachment permit from the Board of Public Service. Such permit shall have a one time application fee of one hundred dollars ($100.00) to cover the various cost incurred by the City of St. Louis in investigating, placarding and processing the application. The application fee is non-refundable. The annual renewal cost will be $25.00 per year. All currently licensed establishments are exempt from the application fee, but are responsible for the renewal fee. Such permits may be revoked or suspended for cause by the Excise Commissioner. A licensee or applicant for a drink license may apply for a Summer Garden/Sidewalk Café permit at any time. A Summer Garden/Sidewalk Café permit shall expire on the date that the underlying drink license expires and shall thereafter be renewable at the time of the renewal of the drink license.

B. Applications for issuance of a Summer Garden/Sidewalk Café permit shall

be made in a form acceptable to the Excise Commissioner. An applicant for a Summer Garden/Sidewalk Café permit shall not be required to file a neighborhood consent petition. The Excise Commissioner shall, upon receipt of an application for a Summer Garden/Sidewalk café permit, fix a date for a hearing on the application which shall not be less than ten (10) days from the date of filing of such application. Where an application for a Summer Garden/Sidewalk Café permit is made at the same time as the applicant applies for a drink license, the hearing on the Summer Garden/Sidewalk café permit shall be combined with the hearing on the license application. At least ten (10) days before the date on which the hearing on the permit is scheduled, the Excise Commissioner shall cause to be mailed or delivered to the applicant, the Alderman of the Ward in which the licensed premises is or would be located, and the Police Department notice of the time, place and date of the hearing. In addition he shall cause a placard containing the words "HEARING ON SUMMER GARDEN PERMIT IN THIS BLOCK" or "HEARING ON SIDEWALK CAFÉ PERMIT IN THIS BLOCK," whichever is appropriate, printed in bold black letters at least one and one-half (1½) 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 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

and the address of the premises for which the permit is proposed. An applicant for a Summer Garden/Sidewalk Café permit shall be required to pay the fee specified in Section 14.08.010(B), At the hearing required by this subsection, any interested party may present evidence as to why issuance of a Summer Garden/Sidewalk Café permit would or would not be detrimental to the neighborhood. In determining whether to issue a Summer Garden/Sidewalk Café permit to an applicant therefor, the Excise Commissioner shall consider whether issuance of such permit would be detrimental to the neighborhood in which the licensed premises is or would be located. Unless the Excise Commissioner determines that a Summer Garden/Sidewalk Café permit would be detrimental to the neighborhood, he shall issue such permit, provided that the requirements of subsection A of this section have been complied with by the applicant.

C. Not later than the date of expiration of a Summer Garden/Sidewalk Café permit, nor more than two (2) weeks prior to such date, a licensee may submit an application for renewal of such permit on a form acceptable to the Excise Commissioner. The Excise Commissioner may waive this time limitation for good cause shown. In determining whether to renew a Summer Garden/Sidewalk Café permit, the Excise Commissioner shall have the same discretion as provided by Section 14.08.100 with regard to renewal of liquor licenses.

D. Renewal or continuation of a Summer Garden/Sidewalk Café permit may be protested without a protest being filed against the underlying liquor license. Such protest shall be made in the same manner as is provided by this chapter and title for

protest of renewal or continuation of a retail liquor license.

14.08.210 Controlled access liquor system.

A. Notwithstanding any other provision of this chapter and title to the contrary, any person who operates a qualified establishment and who is licensed to sell liquor by the drink at retail with respect to such qualified establishment, may apply or and be issued a license to sell intoxicating liquor in the rooms of such qualified establishment by means of a controlled access liquor cabinet system on and subject to the following terms and conditions:

1. The key, magnetic card or other similar device required to attain access to the controlled access liquor cabinet in a particular room may be provided only to each adult registered guest who is registered to stay in such room;

2. Prior to providing a key, magnetic card or other device required to attain access to the controlled access liquor cabinet in a particular room to the registered guest, the licensee shall verify that each such registered guest to whom such key, magnetic card or similar device is to be provided is not a minor.

3. All employees handling the intoxicating liquor to be placed in the controlled access liquor cabinet, including without limitation any employee who inventories and/or restocks and replenishes the intoxicating liquor in the controlled access liquor cabinet, shall be at least eighteen (18) years of age;

4. Registered guests may use the key, magnetic card or other similar device required to attain access to the controlled access liquor cabinet in such registered

guest's room at any time; provided, however, that no controlled access liquor cabinet may be restocked or replenished with intoxicating liquor, nor shall any intoxicating liquor be delivered to a room in order to restock or replenish the supply of intoxicating liquor in the controlled access liquor cabinet, at any time when the restaurant operated at the qualified establishment is not permitted to sell liquor by the drink at retail pursuant to the provisions of this chapter or title;

5. Upon request from the registered guest at any time, the qualified establishment shall cause all intoxicating liquor to be removed from the controlled access liquor cabinet in the room of such registered guest as soon as reasonably practicable; and

6. The qualified establishment shall have the right to collect payment for the intoxicating liquor or other beverages or food taken from the controlled access liquor cabinet in the room of a registered guest in such manner as it shall determine to be appropriate, including without limitation the inclusion of such charges together with the charges made to such registered guest for the use of the room or for purchase of meals at the restaurant operated at such qualified establishment.

B. Any new qualified establishment having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor in the rooms of such qualified establishment by means of a controlled access liquor cabinet system for a period not to exceed ninety (90) days if such establishment can show a projection of an annual business from prepared meals or food which would exceed not

less than one hundred thousand dollars ($100,000.00) per year.

C. Notwithstanding any other provision of this chapter and title, a duly licensed wholesaler shall be permitted to sell intoxicating liquor to a qualified establishment in any size of qualified packages or containers for use in a controlled access liquor cabinet system; provided, however, that as to any size of qualified packages or containers which could not be legally sold to the qualified establishment except for the provisions of this section, any such size of qualified packages or containers shall be sold by the qualified establishment only by means of the controlled access liquor cabinet system.

14.08.220 3:00 a.m. Closing permit—Issuance—Conditions—Exemptions.

A. No "3:00 a.m. Closing permit" shall be issued to any person unless such person possesses a full drink liquor license, and until the following conditions have been met and complied with:

1. The applicant shall file with the Excise Commissioner an application for a permit setting forth:

a. The location of the premises;

b. The total annual gross sales;

c. If a hotel or resort, the total number of rooms available for transient guests; and

d. Such additional information and supporting proofs as deemed necessary by the Excise Commissioner.

B. The Excise Commissioner shall be responsible for the issuance of the

"3:00 a.m. Closing permit," and for insuring that all permit holders comply fully with all the terms and conditions under which such a permit may be issued.

C. The Excise Commissioner may approve the issuance of a "3:00 a.m. Closing permit" to any applicant:

1. Possessing a Full Drink liquor license;

2. Whose premises are located within a convention trade area; and

3. Who meets at least one of the following conditions:

a. The licensed establishment's annual gross sales for the year immediately preceding the date on which the application for a 3:00 a.m. Closing permit was filed equal one hundred fifty thousand dollars ($150,000.00) or more, or

b. The business is a resort.

D. In addition, any applicant for a 3:00 a.m. Closing permit for premises located other than in a mall or a resort shall present to the Excise Commissioner a petition indicating approval of the issuance of a "3:00 a.m. Closing permit" signed by a majority of the persons residing or conducting any business within the petition circle of the licensed premises and a majority of persons owning property within such circle.

E. Notwithstanding any other provision of this section, the Excise Commissioner shall not issue a 3:00 a.m. Closing permit for licensed premises located on or within a resort where there is a direct entrance to such licensed premises which opens onto a public street, alley or sidewalk, unless the licensee has submitted to the

Excise Commissioner a petition indicating approval of the issuance of a 3:00 a.m. Closing permit signed by a majority of persons residing or conducting any business within the petition circle of the licensed premises and a majority of persons owning property within such circle.

F. Notwithstanding any other provision of this chapter or title, a licensee to whom a 3:00 a.m. Closing permit has been issued shall not allow intoxicating liquor or nonintoxicating beer to be sold or consumed on any portion of the premises permitted as a Summer Garden or Sidewalk Café between the hours of 1:30 a.m. and 10:00 a.m.

G. Notwithstanding any other provision of this chapter or title, no "3:00 a.m. Closing permit" shall be issued to any person or business for premises which is not a resort located within the following areas:

Beginning at the point of intersection of the east side of Kingshighway Boulevard and the south side of Washington Avenue, hence running east along the south side of Washington Avenue to the west side of Taylor, hence running south along the west side of Taylor to the north side of the Forest Park Expressway, hence west along the north side of the Forest Park Expressway, to the east side of Kingshighway Boulevard, hence north along the east side of Kingshighway Boulevard back to the point of beginning.

14.08.230 Temporary catering permits.

A. The Excise Commissioner may issue temporary catering permits. A temporary catering permit can only be issued to a holder of a drink license and shall authorize the sale or consumption of liquor by the drink on the premises for which a

permit is issued at a particular function, occasion or event at a particular location other than the licensed premises for a period not to exceed one hundred sixty-eight (168) consecutive hours. The applicant must submit a signed application on a form provided by the Excise Commissioner along with a bank draft, money order or cashier's check payable to the City of St Louis, Excise Division. The licensed caterer shall report, in writing, the location, description of the premises, and the date(s) of each function at least five business days in advance to the Excise Commissioner along with a written permission letter from the property owner. The temporary caterer's permit does not allow wholesalers to provide customary storage or cooling equipment for use by the permit holder at the temporary location. The Excise Commissioner shall issue no more than seven (7) temporary catering permits to a single venue over the course of one year. The fees are non-refundable.

B. A temporary catering permit shall only authorize the sale of alcohol during the same hours in which the holder of a Full Drink license is authorized to sell alcohol, except that a person possessing a temporary Catering permit for a Sunday may sell alcohol during the same hours in which the holder for a Full Drink Sunday license is authorized to sell intoxicating liquor. It shall be a violation for a person to whom a temporary catering permit has been issued to sell alcohol in the original package for consumption off of the premises where sold.

C. Issuance of a temporary catering permit shall be entirely discretionary on the part of the Excise Commissioner and shall be based on his independent review of

the facts of each application. Such permit may be summarily revoked by the Excise Commissioner upon a finding by him that a liquor law violation has been committed by the permit holder or by others upon the premises for which the permit was issued or upon a finding that the permit is detrimental to the neighborhood in which the permitted premises are located.

14.08.235 Annual Caterers permit.

The Excise Commissioner may issue annual caterers permit for either (1) a maximum of fifty (50) days or (2) an unlimited number of function and days. An annual caterer's permit can only be issued to a holder of a drink license and shall authorize the sale or consumption of liquor by the drink on the premises for which a permit is issued for particular functions, occasions or events at particular locations other than the licensed premises. The applicant shall submit a signed application on a form provided by the Excise Commissioner along with a bank draft, money order or cashier's check payable to the City of St Louis, Excise Division. The licensed caterer shall report, in writing, the location, description of the premises, and the date(s) of each function at least five business days in advance to the Excise Commissioner along with a written permission letter from the property owner. The annual caterer's permit does not allow wholesalers to provide customary storage or cooling equipment for use by the permit holder at the temporary location. The fees are non-refundable.

SECTION 10. SEVERABILITY CLAUSE. The sections, subsections and clauses of this ordinance shall be severable. In the event that any section, subsection or clause of this

ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections, subsection, or clauses of this ordinance are valid, unless the court finds the valid sections of the ordinance are so essential and inseparably connected with and dependent upon the void section that it cannot be presumed that this Board of Alderman would have enacted the valid section without the void ones, or unless the court finds that the valid sections standing alone are incomplete and incapable of being executed in accordance with the legislative intent.

SECTION 11. PENALTY CLAUSE. Any person convicted of violating this ordinance or title shall in addition to any administrative fine imposed be punished by a fine of not less than one dollar nor more than five hundred dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment.

SECTION 12. EMERGENCY CLAUSE. The passage of this ordinance being deemed necessary for the immediate preservation of the public peace, health and safety, an emergency is hereby declared to exist within the meaning of Section 20 of Article IV of the Charter, and this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.