

BOARD BILL NO. 10 CS INTRODUCED BY ALDERMAN CHARLES QUINCY TROUPE, ALDERMAN JEFFREY L. BOYD, ALDERMAN SCOTT OGILVIE

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

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

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

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

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

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

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

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1 **SECTION THREE.** Paragraph 14.08.060(D), in Section Nine of Ordinance 68536, is

2 hereby amended to read as follows:

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

16 **SECTION FOUR.** Paragraph 14.08.130(C), in Section Nine of Ordinance 68536, is

17 hereby amended to read as follows:

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

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

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

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