BOARD BILL NO. 179 CS INTRODUCED BY ALDERMAN PHYLLIS YOUNG, ALDERMAN JEFFREY L. BOYD, ALDERWOMAN CAROL HOWARD

An Ordinance pertaining to the Excise Code of the City of St. Louis; amending the definitions of conducting business, person, petition circle, property owner and full drink Sunday License in Ordinance 68536, Section Two, paragraphs 14.01.085, 14.01.300, 14.01.310, 14.01.344, 14.01.130 (B); repealing definitions Special sports stadium license, Ballroom Sunday Sales Permit and Places of Entertainment or Amusement Sunday Sales Permit in Ordinance 68536, Section Two, paragraphs 104.01.130 (E) 104.01.130 (F) 104.01.130 (G); repealing license permit fees in Ordinance 68536, Section Two 14.08.010 (14), 14.08.010 (15), 14.08.010 (16) and 14.08.010 (17); amending petition exceptions in Ordinance 68536, Section Two 14.08.050(B); amending retail license application requirements and petition requirements in Ordinance 68536, Section Nine, paragraphs 14.08.030 and 14.08.050; amending and adding new definitions; containing a severability clause and an emergency clause.

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

SECTION ONE. Ordinance 68536, Section Two, paragraphs 14.01.085, 14.01.300, 14.01.310, 14.01.344 (and codified under the same paragraph numbers) are hereby amended as follows:

14.01.082 Condominium.

The term "condominium" shall mean real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

14.01.084 Condominium Association.

The phrase "condominium association" shall mean the unit owners' association organized under section 448.3-101 RSMo. (as amended).

14.01.085 Conducting business.

The phrase "conducting business" shall mean the operation of a business or condominium association 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, if such license is required under the laws of the City of St. Louis or State of Missouri.

14.01.300 Person.

The term "person" shall mean an individual, association, club, joint stock company, syndicate, partnership, corporation, business organized under the laws of the State of Missouri, a receiver, trustee, conservator, or other officer appointed by any state or federal court.

14.01.310 Petition circle.

C. The term "petition circle" shall mean any portion of the building on the main floor, the two floors immediately above the main floor, and the floor immediately below the main floor. ~~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. unless it is a condominium created under Chapter 448 RSMo. 2000 (as amended).~~ [When a portion of a condominium building is within the petition circle, the condominium association, regardless of its office location, shall be within the petition circle.]

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 or units that the individual or entity owns or co-owns within the petition circle.

14.01.130 Drink License. The terms "Full Drink License," "Full Drink Sunday License" or "Drink

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.

SECTION TWO. Ordinance 68536, Section Two, paragraphs 104.01.130 (E), 104.01.130 (F), 104.01.130 (G); are hereby repealed.

SECTION THREE. Ordinance 68536, Section Two, paragraphs 14.08.010 (14), 14.08.010 (15), 14.08.010 (16) and 14.08.010 (17); are hereby repealed.

SECTION FOUR. Ordinance 68536, Section Two, paragraph 14.08.050(B) is hereby amended as follows:

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.

SECTION FIVE. Ordinance 68536, Section Nine, paragraphs 14.08.030 and 14.08.050 are hereby amended as follows:

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~~ <u>be conducting business</u> 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 business within the petition circle. The business shall have a valid business or professional service license.~~

C. When the person conducting business within the petition circle is a corporation, association, partnership, limited liability company, limited partnership, or any other business entity organized under the laws of the State of Missouri including a condominium association, the signature of the President, Secretary or managing officer of such entity shall, for purposes of this title, be considered the signature of the person conducting businesses within the petition circle and such business shall have a valid business or professional service license, if required under the laws of the City of St. Louis or State of Missouri.

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 persons that are conducting business within the petition circle. ~~With respect to a condominium under Chapter 448 RSMo. 2000 (as amended), "persons" shall mean one head cunt applied to the applicable unit owners' association's authorized representative and not to each unit owner within the condominium.~~

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 <u>and shall submitted to the Excise Division three (3) business days before the applicant's scheduled hearing.</u>

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.

E. No person shall knowingly accept or offer money or anything of value to another person in exchange for his or her signature.

SECTION THREE. Severability Clause. The provisions of this section are severable. If any provision of this ordinance is declared invalid, that invalidity shall not affect other provisions of the ordinance which can be given effect without the invalid provision.

SECTION FOUR. 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.