

St. Louis City Ordinance 64604

FLOOR SUBSTITUTE

BOARD BILL NO. [98] 239

INTRODUCED BY ALDERMAN GREGORY CARTER

An ordinance prohibiting the issuance of any package or drink liquor licenses for any currently non-licensed premises within the boundaries of the Twenty-seventh Ward, as said boundaries are currently defined in Ordinance 62476, containing an exception allowing for the transfer of existing licenses, under certain circumstances, and the issuance of a drink license to persons operating a restaurant at a previously non-licensed premises; and containing an emergency clause.

WHEREAS, the Liquor Control Act, as enacted in Missouri State Statutes permits local municipalities to adopt reasonable regulations and limitations relating to the issuance of liquor licenses which are not inconsistent with the provisions of the Act; and

WHEREAS, appropriate and reasonable regulations regarding the locations for liquor licensed establishments is a necessary part of the effort to stabilize our neighborhoods and protect the safety and welfare of our residents; and

WHEREAS, placement of package liquor stores and taverns in inappropriate locations often causes conditions which are not in the best interest of the neighborhood in which they are located;

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

SECTION ONE. Notwithstanding any ordinance to the contrary the Excise Commissioner is hereby prohibited from accepting applications for and approving the issuance of a package or drink liquor license for any premises, not licensed as of the effective date of this ordinance, which is located within the boundaries of the Twenty-seventh Ward as said boundaries are defined in Ordinance 62476.

SECTION TWO. EXCEPTIONS

Notwithstanding the provisions of section one of this ordinance or any other ordinance to the contrary, the Excise Commissioner shall have authority within the boundaries of the Twenty-seventh Ward to:

(1) Issue a drink license for a premises, not licensed as of the effective date of this Ordinance, which currently is or will be, upon opening, operated as a restaurant, as such term is defined in section 14.01.390 of Ordinance 61289.

(2) Transfer an existing license, but only as herein allowed:

a. 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.

b. 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.

c. 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 members of the partnership.

d. 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.

e. 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.

SECTION THREE. If the holder of a license within the area of the Twenty-seventh Ward as defined herein shall fail to sell or otherwise dispose of intoxicating liquor as permitted by such license for a period of not less than twelve (12) months, such license shall not be renewable under the provisions of Title 14 of the Revised Code. This section shall not be construed to prevent

such licensee from filing an application for a new license in accordance with the provisions of Title 14.

SECTION FOUR. EMERGENCY CLAUSE.

This being an ordinance for the preservation of public peace, health and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this ordinance shall become effective immediately upon its passage and approval by the Mayor.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
01/15/99	01/15/99	PS	01/28/99	
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
01/29/99			02/05/99	02/05/99
ORDINANCE	VETOED		VETO OVR	
64604				