

AN ORDINANCE AMENDING SECTIONS 600.040 AND 600.060 OF THE HAZELWOOD CITY CODE RELATING TO LIQUOR LICENSES

WHEREAS, under the Hazelwood Charter and City Code, decisions to issue or renew licenses to purvey intoxicating liquor are based on the facts and circumstances attendant to each application and premises at the time the license is under consideration; and

WHEREAS, the City Council recognizes that such facts and circumstance can substantially change, sometime over a relatively short period of time; and

WHEREAS, the City Council wishes to be sure that the circumstances at the time liquor licensees exercise the privileges authorized by licenses approved y the City Council are consistent with the circumstances considered by the Council at the time of issuance, and avoid the possibility that a licensee may prematurely seek licensure and then forgo or unreasonably delay engaging in the permitted business only to attempt to later initiate business at a time when relevant circumstances may have changed; and

WHEREAS, the City Council finds and declares that adopting an administrative process for the lapse of unused liquor licenses will serve the public purposes aforesaid and protect the public health, safety, morals and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HAZELWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. Section 600.040 of Article I of Chapter 600 of the Code of Ordinances of the City of Hazelwood, Missouri, is hereby repealed and a new Section 600.040 is hereby enacted in lieu thereof to read as follows:

Chapter 600. Alcoholic Beverages

Article I. In General

Section 600.040 Liquor License.

A. No person shall sell, give away, dispense or permit consumption of intoxicating liquor as described within this Chapter without first obtaining a Hazelwood liquor license.

B. More specific information on fees, requirements and applications is included as listed below:

1. By the drink liquor license:

- a. Full liquor license;
- b. Beer and wine license;
- c. Amusement place license;
- d. Sunday liquor license;
- e. Sunday beer and wine license—Article II.
2. Package liquor license—Article III.
3. Consumption liquor license—Article V.
4. Manufacturers, wholesalers, solicitors—Article VI.
5. Picnic license—Article VII.
6. Tasting and liquor cabinet permits and regulations—Article VIII.

C. No liquor license shall be issued without the approval of the Council and all license fees must be paid before the City Clerk can issue a license.

D. All annual liquor licenses issued pursuant to the provisions of this Chapter shall expire on June thirtieth (30th). Failure to pay the annual fee required shall constitute an automatic revocation of the license. Applications for renewal of licenses must be filed on or before the first (1st) day of June of each calendar year. In case of failure to submit the completed renewal application and fee on or before the first (1st) day of June, there shall be added to the amount of the renewal fee a late charge of one hundred dollars (\$100.00) per week or portion thereof payable prior to processing of the application.

E. Any applicants for a liquor license after the beginning of the usual license year shall be charged on a pro rata basis in the proportion that the number of days remaining in a license year bears to the total number of days in said year.

F. All liquor licenses issued by the City shall be kept conspicuously posted in or at the place for which such license was issued.

SECTION 1. Section 600.060 of Article I of Chapter 600 of the Code of Ordinances of the City of Hazelwood, Missouri, is hereby repealed and a new Section 600.060 is hereby enacted in lieu thereof to read as follows:

Chapter 600. Alcoholic Beverages

Article I. In General

Section 600.060 Revocation, Suspension, Discipline and Lapse of Licenses.

A. For the proper administration of this Chapter, the City Manager or the City Manager's designee may, with the approval of the Council, prescribe such rules, orders and regulations as may be deemed necessary, which shall be faithfully observed by all licensees or applicants for a license.

B. Whenever it has been shown to the satisfaction of the City Council that a

person licensed under the provisions of this Chapter has not at all times kept an orderly place of business or has permitted on the licensed premises any disorderly conduct, breach of the peace or illegal conduct or practices; or that a person has violated any of the provisions of this Chapter or the Liquor Control Act of the State or the rules, orders or regulations adopted administratively as provided above; or that a person has no license from the State's Supervisor of Control; or that he/she has made a false affidavit in his/her application for a liquor license, the City Council, after a hearing, shall be empowered to revoke, suspend or otherwise discipline the license of such a person, having given ten (10) days' notice in writing thereof prior to the hearing to the licensee or any person in charge of or employed in the place so licensed, stating the time, place, purpose and grounds of such hearing and that at such hearing the person may be represented by counsel and produce witnesses in his/her or its behalf.

- C.
1. If any person holding a license issued under this Chapter has not actively engaged in the business of purveying intoxicating liquor pursuant to such license within six (6) months of the date issuance of the license was authorized by the City Council that license shall lapse and be of no further force or effect.
 2. If any person holding a license issued under this Chapter shall suspend or cease actively engaging in the business of purveying intoxicating liquor pursuant to that license for six (6) months or more that license that license shall lapse and be of no further force or effect.
 3. If the Chief of the Police Department believes any license under this Chapter may have lapsed as provided in this Subsection, the Chief may notify the licensee in writing of the reasons why the license is subject to lapse and that the licensee is to appear at a hearing held before the City Manager or the City Manager's designee at a time, date and place specified in the written notice to show cause why the license should not be declared lapsed and of no further force or effect.
 4. Any licensee aggrieved by a decision of the City Manager under this Subsection may appeal in writing to the City Council within five (5) business days of the date of the City Manager's written decision. The appeal shall specify all facts and information known or available to the licensee as to wherein and why the decision of the City Manager is alleged to be in error. The City Council shall set a time, date and place to hear the appeal and give the licensee written notice thereof and that at such hearing the person may be represented by counsel and produce witnesses in his/her or its behalf. The City Council shall keep a record of the proceedings and may affirm, reverse or modify the determination of the City Manager. The City Council shall render a written decision supported by findings establishing the basis of the decision. Any licensee aggrieved by the final determination of the City Council may, within fifteen (15) days after the City Council's final determination, file a petition for review as a contested case pursuant to Chapter 536, RSMo., as amended, in the Circuit Court of the County of St. Louis.

Section 3. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

Section 4. The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations, the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section 5. This Ordinance shall be in full force and effect from and after the date of its passage.

PASSED this _____ day of _____, 2023, by the Council of the City of Hazelwood, Missouri.

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

ATTEST:

Julie Lowery, CMC - City Clerk
City of Hazelwood, Missouri

APPROVED AS TO FORM:

Kevin M. O'Keefe - City Attorney
City of Hazelwood, Missouri