



INTRODUCED BY
ALDERMEN TERBROCK, FINLEY, ROACH, STALLMANN, FLEMING, LEAHY, KERLAGON, BULLINGTON

AN ORDINANCE AMENDING SECTION 3-50 OF THE BALLWIN CITY CODE RELATING TO PROHIBITED CONDUCT FOR LICENSEES AUTHORIZED TO DISPENSE ALCOHOLIC BEVERAGES.

WHEREAS, state regulations, 11 CSR 70-2.130(14), prohibit a retail licensee for the sale of alcoholic beverages from permitting acts substantially as described herein on any licensed premises; and

WHEREAS, the Board of Aldermen wishes to underscore the importance of all licensees maintaining strict adherence to such standards at all times and enable the Police Department, the administrative arms of the City and the Board of Aldermen to use the regulatory authority vested in them by state law and the ordinances of the City to assure that all licensed premises are operated in a safe and lawful manner;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Section 3-50 of the Code of Ordinances of the City of Ballwin, Missouri, is hereby repealed and a new Section 3-50 is hereby enacted in lieu thereof to read as follows:

Article II. – Alcoholic Beverages

Section 3-50. Revocation or suspension

(a) The Board of Aldermen may suspend or revoke any license issued under this Code for any one (1) or more of the following violations by the licensee or his/her employee(s):

- (1) Failure to prevent or suppress any violent quarrel, disorder, brawl, fight or other improper or unlawful conduct of any person who is upon the licensed premises;
- (2) Failure to immediately report to the proper law enforcement authorities an illegal or violent act that has been committed on or about the licensed premises when the licensee or his/her employee knew or should have known that said act occurred upon the licensed premise;

- (3) Failure to cooperate fully with law enforcement authorities during the course of an investigation into an illegal or violent act that was committed on or about the licensed premises;
- (4) Permitting the performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sex acts which are prohibited by law;
- (5) Permitting upon the licensed premises the display of any portion of the areola of a female breast or permitting a failure to cover the entire areola and entire front of a female breast with opaque clothing;
- (6) Permitting upon the licensed premises the actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals of a person;
- (7) Permitting upon the licensed premises the actual or simulated display of the anus, vulva, genital or pubic hair or permitting a failure to cover pubic hair, anus, vulva or genitals with opaque clothing;
- (8) Permitting any person to remain on the licensed premises after that person has exposed to public view any portion of his/her genitals or anus or has failed at any time to have and keep opaque clothing over all parts of his/her genitals and anus;
- (9) Permitting upon the licensed premises the display of films, video programs or pictures depicting acts which are prohibited by this Chapter or are offenses involving indecency and obscenity as set forth in the City of Ballwin Code, as amended;
- (10) Failure to continuously operate the licensed place of business during the term of such license;
- (11) Failure to obtain a license from the state supervisor of liquor control;
- (12) Making a false affidavit in an application for a license; or
- (13) Any violation of the provisions of this Code, including those provisions of this Code relating to the issuance of licenses, or the State laws and regulations governing the sale of intoxicating liquor by the drink.

(b) No license shall be revoked or suspended until notice in writing is given and a hearing held by the Board of Aldermen to determine whether or not such license should be revoked. The hearing shall be held not less than ten days nor more than 30 days after such licensee is notified.

Section 4. This ordinance shall take effect and be in full force from and after its passage and approval.

PASSED this _____ day of _____, 2016.

TIM POGUE, MAYOR

APPROVED this _____ day of _____, 2016.

TIM POGUE, MAYOR

ATTEST: _____
ERIC HANSON, CITY ADMINISTRATOR