

AN ORDINANCE AMENDING ORDINANCE NO. 4788, THE MUNICIPAL CODE OF THE CITY OF RICHMOND HEIGHTS, MISSOURI; CHAPTER 600 ALCOHOLIC BEVERAGES, ADDING SECTION 600.490; RELATING TO ADDITIONAL PROHIBITED CONDUCT FOR LICENSEES AUTHORIZED TO DISPENSE ALCOHOLIC BEVERAGES.

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

WHEREAS, the City Council 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 City Council 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 CITY COUNCIL OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION 1. Ordinance No. 4788, the Municipal Code of the City of Richmond Heights, Missouri, Chapter 600; Alcoholic Beverages, is hereby amended and a new Section 600.490 is hereby enacted to read as follows:

Chapter 600. ALCOHOLIC BEVERAGES

SECTION 600.490. Suspension or Revocation of Liquor License — Cause.

A. The City Manager 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, except when breastfeeding a baby done discretely;
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 Richmond Heights Code, as amended;
10. 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

SECTION 2. 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 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. This ordinance shall be in full force and effect on the 31st day after its passage as provided by law.

PASSED and APPROVED this 20th day of June, 2016.

JIM THOMSON
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: June 6, 2016
Second reading: June 20, 2016