

BILL NO. 3420

ORDINANCE NO. 3221

AN ORDINANCE OF THE CITY OF CHESTERFIELD AMENDING SECTIONS 600.085 OF THE MUNICIPAL CODE RELATED TO LIQUOR LICENSES, 605.070 RELATED TO BUSINESS LICENSES, 605.470 REGARDING VENDING MACHINE LICENSES, 605.610 RELATE TO LICENSES FOR TOURIST CAMPS, 605.770 RELATED TO LICENSES FOR PAWN BROKERS, 605.1270 RELATED TO LICENSES FOR ADULT ENTERTAINMENT BUSINESSES, 610.210 RELATED TO ALARM SYSTEM LICENSES, 605.1040 RELATED TO LICENSES FOR TOBACCO SALES, 210.680 RELATED TO LICENSES FOR OUTDOOR EVENTS, AND 375.040 RELATED TO PARADES, AND ADOPTING SECTION 605.250 RELATED TO APPEALING A DECISION TO DENY A LICENSE BY REASON OF VIOLATIONS OF CHAPTER 215 AND/OR CHAPTER 405 OF THE CITY'S MUNICIPAL CODE.

WHEREAS, the City of Chesterfield, Missouri (the "City") is authorized under state statute to regulate the issuance of various licenses including but not limited to licenses for the sale of intoxicating liquor, business licenses, and licenses regarding certain activities; and

WHEREAS, the City desires to adopt regulations which would prevent the issuance of licenses to those that are permitting violations of Chapter 215 related to public nuisances and/or Chapter 405 related to zoning; and,

WHEREAS, the City Council believes that adopting these amended regulations benefits the health, safety, and welfare of the residents of the City.

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

Section I: Section 600.085 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

Section 600.085 **Persons Ineligible For License Generally.**

No natural person shall be granted a liquor license unless such person is of good moral character and a qualified legal voter and taxpaying citizen of the State of Missouri; no corporation shall be granted a liquor license unless the managing officer of the corporation is of good moral character and a qualified legal voter and taxpaying citizen of the State of Missouri. No person shall be granted a liquor license whose license as a liquor dealer has been revoked, or who has been convicted since the ratification of the 21st Amendment to the Constitution of the United States of a violation of the provisions of any law applicable to the

manufacture or sale of intoxicating liquor, or who employs in his/her business, as a liquor dealer or licensee, any person whose license has been revoked or who has been convicted of violating the provision of any such law since the date established. No natural person nor corporation shall be granted, or if already granted, renewed, a liquor license if the premises to be licensed is in violation of Chapter 215 or Chapter 405 of the City of Chesterfield Municipal Code. The maintenance of violations of Chapter 215 and/or Chapter 405 of the City of Chesterfield Municipal Code on the premises to be licensed shall be considered evidence that the applicant is not of good moral character.

Section II: Section 605.070 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

Section 605.070 **License Applications – Issuance**

- A. Applications.** Application for a license shall be made in writing on a form provided by the City and submitted to the Director of Finance. An application shall be made to renew any license at its expiration. All holders of licenses or permits shall be responsible for reporting changes in initial application data immediately as the same occur. The form of licenses shall be prescribed and furnished by the Director of Finance.
- B. Issuance.** All licenses shall be granted and signed by the Director of Finance. Contracting businesses located in Chesterfield shall furnish proof of a certificate of insurance for workers' compensation coverage if said applicant for license is required to cover his/her liability under Chapter 287, RSMo., as amended.
- C. Denial.** The City may refuse to grant or renew any license for any of the following reasons:
1. Failure to have or to provide proof of workers' compensation coverage as required under Subsection (B) of this Section;
 2. Providing fraudulent information regarding workers' compensation coverage on an application for business license;
 3. The business or activity sought to be licensed is deemed to be one that would constitute a breach of the peace, a detriment, a menace to the health, safety or welfare of the public or a disturbance of the peace or comfort of the residents of the City if it were licensed;
 4. The business or activity sought to be licensed would be conducted in violation of any law of the United States or of the State or ordinance of the City;

5. Any other basis for revocation as set out herein.

6. No license shall be granted, or if already granted, renewed, where the premises to be licensed is in violation of Chapter 215 or Chapter 405 of the City of Chesterfield Municipal Code.

D. Liability. Nothing in this Section shall be construed to create or constitute a liability to or a cause of action against the City to the issuance of any license pursuant to this Section.

Section III: Section 605.470 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

Section 605.470 **License Required.**

No person shall exhibit or make available for use, for a consideration, any automatic vending machine defined herein as an amusement, beverage, cigarette, food or any similar machine in any location that does not possess and prominently display a license sticker specifically issued to that machine to which is affixed a stamp for each of every type of vending machine located on the premises. No license shall be granted, or if already granted, renewed, where the premises to be licensed is in violation of Chapter 215 or Chapter 405 of the City of Chesterfield Municipal Code.

Section IV: Section 605.610 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

Section 605.610 **License Required.**

No tourist camp shall be operated, maintained or conducted in this City after the taking of the effect of this Article without a license issued pursuant to the license ordinance of the City without obtaining a permit from the Director of Planning for the operation or conducting of said camp in conformance with the requirements set forth in this Article, whether said camp be for a short period, a specific incident or for an indefinite duration. No license shall be granted, or if already granted, renewed, where the premises to be licensed is in violation of Chapter 215 or Chapter 405 of the City of Chesterfield Municipal Code.

Section V: Section 605.770 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

Section 605.770 **License Required.**

A. It shall be unlawful for any person to operate a pawnshop unless said pawnshop is currently licensed as a pawnshop issued pursuant to this Section as authorized by the Revised Statutes of Missouri. To be eligible for a pawnshop license, an applicant shall:

1. Be a person of good moral character;
2. Have net assets of at least fifty thousand dollars (\$50,000.00) readily available for use in conducting business for each licensed pawnshop;
3. Show that the pawnshop will be operated lawfully and fairly under State law and City ordinance; and
4. Possess a "Certificate of Registration" from the Missouri Division of Finance to conduct a pawnbrokering business.
5. No applicant shall be granted, or if already granted, renewed, a license if the premises to be licensed is in violation of Chapter 215 or Chapter 405 of the City of Chesterfield Municipal Code. The maintenance of violations of Chapter 215 and/or Chapter 405 of the City of Chesterfield Municipal Code on the premises to be licensed shall be considered evidence that the applicant is not of good moral character.

B. Every pawnbroker must obtain a license for each place where such pawnbrokering business is transacted and no one shall act as an agent, employee or solicitor for any pawnbroker while such pawnbroker is engaged in such business at a place other than that specified in the license.

C. An application for a new pawnshop license, the transfer of an existing pawnshop license or the approval of a change in the ownership of a licensed pawnshop shall be under oath and shall state the full name and place of residence of the applicant, the place where the business is to be conducted, and other relevant information required by the City. If the applicant is a partnership, the City may require that the application state the full name and address of each member. If the applicant is a corporation, the application shall state the full name and address of each officer, shareholder, and director. The application shall be accompanied by:

1. An investigation fee of five hundred dollars (\$500.00) if the applicant is unlicensed at the time of applying for the pawnshop license or two hundred fifty dollars (\$250.00) if the application involves a second or additional license to an applicant previously licensed for a separate location or involves substantially identical principals and owners of a licensed pawnshop at a separate location; and

2. Proof of general liability if required by the City, and an annual fee of five hundred dollars (\$500.00).

D. Each applicant for a pawnshop license at the time of filing application shall file with the City, if the City so requires, a bond satisfactory to him/her and in an amount not to exceed five thousand dollars (\$5,000.00) for each license with a surety company qualified to do business in this City. The aggregate liability of such surety shall not exceed the amount stated in the bond. The bond shall run to the City for the use of the City and of any person or persons who may have a cause of action against the obligor of such bond under the provisions of Sections 367.011 to 367.060, RSMo. Such bond shall be conditioned that the obligor will comply with the provisions of Sections 367.011 to 367.060, RSMo., and of all rules and regulations lawfully made by the City, and will pay to the City and to any such person or persons any and all amounts of money that may become due or owing to the City or to such person or persons from such obligor under and by virtue of the provisions of Sections 367.011 to 367.060, RSMo., during the time such bond is in effect.

E. Each applicant for a pawnshop license at the time of filing application shall file with the City of Chesterfield a bond satisfactory to it and in the amount of ten thousand dollars (\$10,000.00) for each license with a surety company qualified to do business in this State. The aggregate liability of such surety shall not exceed the amount stated in the bond. The bond shall run to the City for the use of the City and of any person or persons who may have a cause of action against the obligor of such bond under the provisions of Sections 367.011 to 367.060, RSMo., or this Article. Such bond shall be conditioned that the obligor will comply with the provisions of Sections 367.011 to 367.060, RSMo., and of all rules and regulations lawfully made by the City of Chesterfield and will pay to the City and to any such person or persons any and all amounts of money that may become due or owing to the City or to such person or persons from such obligor under and by virtue of the provisions of Sections 367.011 to 367.060, RSMo., or provisions of this Article during the time such bond is in effect. Each applicant will pay all costs, fines and penalties incurred on account of their failure or neglect in this regard and will pay all damages resulting to the City, the State, or to any person by reason of their violations of the Revised Statutes of Missouri or this Article or their failure to maintain adequate net assets as defined herein.

F. If the City of Chesterfield is unable to verify that the applicant meets the net assets requirement for a licensed pawnshop, the City of Chesterfield may require a finding, including the presentation of a current balance sheet, by an independent certified public accountant that the accountant has reviewed the books and records of the applicant and that the applicant meets the net assets requirement of this Section.

- G.** A satisfactory public liability insurance policy shall be filed with the City by the applicant covering all operations of said applicant. The sum of at least one hundred thousand dollars (\$100,000.00) for each person injured and the sum of at least three hundred thousand dollars (\$300,000.00) in the case of injury to two (2) or more persons in any one (1) occurrence and the sum of at least one hundred thousand dollars (\$100,000.00) for damage to property shall be provided. Such policy shall provide that the City shall be notified of any cancellation or alteration by the insurance carrier within ten (10) days before such cancellation or alteration becomes effective.
- H.** A pawnshop license shall expire on June 30 of each year.
- I.** Investigation Fee. Each application for a license shall be accompanied by an investigation fee of five hundred dollars (\$500.00) if the applicant is not licensed at the time of applying for a pawnshop license or two hundred fifty dollars (\$250.00) if the application involves a second or additional license to an applicant previously licensed for a separate location or involves substantially identical principals and owners of a licensed pawnshop at a separation location.

Section VI: Section 605.1270 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

A. No person is eligible nor shall a license be issued to:

1. An adult entertainment business applicant if one (1) or more of the following conditions exist:
 - a. The applicant's premises is located within one thousand two hundred (1,200) feet of any school, religious institution, church, public park, licensed child care facility or any property zoned for residential use or City boundary. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's enterprise to the nearest point on the property line of such school, religious institution, church, public park, day care facility or any property zoned for residential use or City boundary.
 - b. The applicant's premises is located within one thousand (1,000) feet of any other adult entertainment business or establishment or of any business licensed to sell or serve alcoholic beverages whether or not such business is also an adult entertainment establishment as defined herein. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the

property line of the applicant's enterprise to the nearest point on the property line of such other adult entertainment business or establishment or of any business licensed to sell or serve alcoholic beverages whether or not such business is also an adult entertainment establishment as defined herein.

- c.** The applicant failed to supply all of the information request on the application.
 - d.** The applicant gave false, fraudulent or untruthful information on the application.
 - e.** The applicants proposed business premises does not comply with or meet the requirements of the applicable health, zoning, building code, fire and property maintenance ordinances of the City, provided that upon a showing that the premises meets said requirements and that the applicant is otherwise qualified, the application shall be eligible for reconsideration by the Governing Body.
 - f.** The applicant or applicant's spouse has been convicted, released from incarceration for conviction or diverted on any of the crimes set forth in Section 605.1250(A)(7)(b) during the time period set forth in said Section.
 - g.** The applicant or applicant's spouse has had an adult entertainment license revoked or suspended in this or any other City during the past five (5) years.
 - h.** No applicant shall be granted, or if already granted, renewed, a license if the premises to be licensed is in violation of Chapter 215 or Chapter 405 of the City of Chesterfield Municipal Code.
- 2.** An applicant for an adult entertainment manager, server or entertainer if one (1) or more of the following conditions exist:
- a.** The employer for whom the applicant intends to work does not have or is ineligible to receive an adult entertainment business license for any of the reasons stated in Subsection (A)(1) above;
 - b.** The applicant or applicant's spouse has been convicted, released from incarceration for conviction, or diverted on any of the crimes set forth in Section 605.1250(A)(7)(b) during the time period set forth in said Section, the fact a conviction is being appealed shall have no effect on the disqualification of applicant or applicant's spouse.
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- c. The applicant failed to provide all of the information required on the application.
- d. The applicant gave false, fraudulent or untruthful information on the application.
- e. The applicant has had an adult entertainment manager, server or entertainer license revoked or suspended in this or any other City during the past five (5) years.

Section VII: Section 610.210 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

Section 610.210 Application And Renewal.

- A. A person applying for a license or a renewal thereof shall file a written verified application with the Director on a form provided by the Director which form shall require the following information:
 - 1. The name, address and telephone number of the applicant.
 - 2. The business or trade name, address and telephone number of the applicant:
 - a. If an unincorporated association, the names and addresses of the associates;
 - b. If a corporation, the corporation's registered name and the names and addresses of the officers of the corporation;
 - c. If an individual proprietorship, the name and address of the proprietor.
 - 3. The address of all offices of the alarm business within the City limits of Chesterfield.
 - 4. The names and addresses of any employee, agent, corporate officer, partner or business associate whose position in the alarm business gives him/her access to information in the installation and use of alarm systems for alarm users.
 - 5. Specifications of the alarm systems to be dealt in.
 - 6. A copy of the instructions provided alarm users.

7. A statement of repair and maintenance service to be made available to applicant's customers.
 8. Name and address of the person designated by the applicant to receive notice issued under this Chapter.
 9. Signature of the applicant.
- B. A person applying for a renewal of a license shall file his/her application not less than ten (10) days before his/her license expires.
- C. Requirements; Investigation.
1. Upon the filing of a license application, the Director shall conduct an investigation to determine whether the following requirements are satisfied:
 - a. The information contained in the license application is true.
 - b. The applicant for a license or an individual who is an employee, agent, corporate officer, partner or business associate of the applicant has not had a license revoked within one (1) year immediately preceding the date the license application is filed or does not have a license that is currently suspended.
 - c. Neither the applicant nor any employee, agent, corporate officer, partner or business associate, whose position in the alarm business gives him/her access to information in the installation and use of alarm systems for alarm users, has been convicted of the following:
 - (1) Any felony involving moral turpitude within the previous five (5) years;
 - (2) Any misdemeanor involving moral turpitude within the previous two (2) years;
 - (3) Repeated or continual violation of any provision of this Chapter within the previous two (2) years.
 - d. The types of alarm systems, the instructions for the alarm systems and repair and maintenance services available through applicant's alarm business are in compliance with this Chapter.
 2. The Director may request the Police Department to assist the Director in the investigation of a license application.

- D. If the Director determines that a license application satisfies the requirements prescribed by this Section, the Director shall issue a license; otherwise, the Director shall deny the license application. No applicant shall be granted, or if already granted, renewed, a license if the applicant is maintaining a violation of Chapter 215 or Chapter 405 of the City of Chesterfield Municipal Code.
- E. The Director shall notify the applicant of the issuance of a license or denial of the license application. In the case of a denial of a license application the Director shall notify the applicant by certified mail and include in the notice the reason for the denial and a statement informing the applicant of his/her right to a hearing if requested by the applicant within ten (10) days after receipt of the notice.
- F. A license shall expire on the 31st day of December next succeeding issuance thereof or issuance by St. Louis County if prior to incorporation, except in the following instances:
1. If an applicant timely applies for a license renewal in accordance with this Section and the determination of the renewal request is delayed beyond the 31st of December, the licensee's license is extended pending the determination of the renewal request by the Director.
 2. If an applicant's license has been suspended or revoked.
- G. If an applicant is denied a license solely because an individual who is an employee, agent, corporate officer, partner or business associate of the applicant has been convicted of the offenses listed in Section 720.050(4)(c), RSMo., or had a license revoked within one (1) year immediately preceding the date the license application is filed, or has a license that is currently suspended, then said applicant, upon disassociation with said individual, may obtain a license upon reapplication.

Section VIII: Section 605.1040 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

Section 605.1040 **Application – Issuance – Non-transferable – Display.**

Every person desiring to engage in the sale of cigarettes activities described in Section 605.1030 within the City, including retail dealers and wholesale dealers, shall file an application for a cigarette permit as provided in Section 605.1030. Every application for a cigarette permit shall be made upon a form prescribed, prepared and furnished by the Director of Finance and shall set forth such

information as the Director shall require. Upon approval of the application, the Director of Finance shall grant and issue to the applicant a cigarette permit for each place of business within the City set forth in the application. Cigarette permits shall not be assignable and shall be valid only for the persons in whose names they are issued and for the transaction of business in the places designated therein. Said permits shall at all times be conspicuously displayed at the places for which issued. No applicant shall be granted, or if already granted, renewed, a license if the premises to be licensed is in violation of Chapter 215 or Chapter 405 of the City of Chesterfield Municipal Code.

Section IX: Section 210.680 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

Section 210.680 **Unnecessary Noise – Permit For Outdoor Events.**

A permit from the Chief of Police must be obtained for an outdoor event where the volume must exceed that established in Section 210.670. The Chief shall issue the permit if the peace would not be unduly disturbed thereby. No applicant shall be granted, or if already granted, renewed, a license if the premises to be licensed is in violation of Chapter 215 or Chapter 405 of the City of Chesterfield Municipal Code.

Section X: Section 375.040 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

Section 375.040 **Permit Application.**

A. The Chief of Police shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he/she finds that:

- 1.** The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
- 2.** The conduct of the parade will not require the diversion of so great a number of Police Officers of this City to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to this City.
- 3.** The conduct of any such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions

of this City other than that to be occupied by the proposed line of march and areas contiguous thereto.

4. The concentration of persons, animals and vehicles at assembly points of parade will not unduly interfere with proper fire and police protection of, or areas contiguous to, such assembly areas.
5. The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire.
6. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.
7. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.
8. No applicant shall be granted, or if already granted, renewed, a license if the applicant is maintaining a violation of Chapter 215 or Chapter 405 of the City of Chesterfield Municipal Code.

Section XI: Section 605.250 shall be adopted as follows:

- A. Any license or permit pursuant to Sections 600.085, 605.070, 605.470, 605.610, 605.770, 605.1270, 610.210, 605.1040, 210.680, or 375.040 that is denied by reason of the applicant or the premises to be licensed maintaining or being in violation of Chapter 215 or Chapter 405 of the City of Chesterfield Municipal Code may appeal such denial to the City Administrator as set forth below.
- B. Any such appeal made pursuant to this section must be made within ten (10) days of the date of the decision to deny the license or permit is received.
- C. The City Administrator shall serve as the appeal officer and hear the appeal of the denial of the license or permit referenced in Subsection (A) above. The appeal officer shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received. The appeal officer shall prepare findings of fact, conclusions of law, and an order. The decision of the appeal officer may be appealed to the Board of Adjustment within ten days of the appeal officer's decision is received.

Section XII: This ordinance shall be codified within the Municipal Code of the City of Chesterfield.

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

Passed and approved this 17TH day of January 2023
~~2022.~~

Bob Nation
Presiding Officer

Bob Nation
Bob Nation, Mayor

ATTEST:

Vickie McGownd
Vickie McGownd

FIRST READING HELD: 1/3/2023