

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 210961, AS AMENDED

Amending Chapter 10, Code of Ordinances, by repealing several sections and enacting in lieu thereof new sections that provide more flexibility in the evaluation of appropriate locations for liquor licenses, expand outdoor dining, allow the provision of to-go cocktails, and make several other changes.

WHEREAS, on May 21, 2020, City Council passed Resolution 200185, directing the City Manager to complete a review of Chapter 10, "Alcoholic Beverages," Code of Ordinance; and

WHEREAS, the state of Missouri has recently made several changes to state laws implicating the sale of alcoholic beverages; and

WHEREAS, the COVID-19 pandemic emphasized the need for outdoor dining and more flexibility in the evaluation of liquor license provisions; and

WHEREAS, liquor licenses and liquor license establishments form a critical industry in Kansas City and are a central part of Kansas City neighborhoods; and

WHEREAS, the sale of alcoholic beverages can present a unique risk to children, the quality and character of neighborhoods, and collective public safety; and

WHEREAS, the City desires to modernize and adapt the rules and policies to be more efficient and responsive to the current needs of Kansas City residents, neighborhoods, and the industry; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 10, Code of Ordinances is hereby amended by repealing the following sections and replacing them with new sections to read as follows:

Sec. 10-1. Definitions.

As used in this chapter:

Alcohol beverage vaporizer means any device which, by means of heat, a vibrating element or any method, is capable of producing a breathable mixture containing any one or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose and/or mouth.

Alcoholic beverages means malt beverages or intoxicating liquor with an alcohol content of more than 0.5% by volume.

Annual gross sales means the gross sales shown on the prior year's state sales tax receipt or the prior year's convention and tourism tax filings or city occupational license tax receipt for an applicant or licensee.

Bar-restaurant means an establishment having a restaurant or similar facility on the premises which derives 30% or more of its annual gross sales from the sale of prepared meals and food made for immediate consumption. For the purposes of determining whether an establishment qualifies as a bar-restaurant under the provisions of this chapter and calculating the amount and percentage of annual gross sales from the sale of prepared meals and food, any nonalcoholic components mixed or served in any alcoholic beverage shall be considered to be part of the alcoholic beverage and shall not be considered to be prepared meals and food.

Board means the liquor control board of review established by the city under this chapter to conduct regulatory hearings in connection with the administration and enforcement of the provisions of chapter 10 of the city's Code of Ordinances.

Caterer means any establishment whose primary business is the preparation of food and drinks for consumption away from the licensed premises. A caterer must derive 50% or more of its annual gross sales from the sale of prepared meals and food consumed at other approved premises. For the purposes of determining whether an establishment qualifies as a caterer under the provisions of this chapter and calculating the amount and percentage of annual gross sales from the sale of prepared meals and food, any nonalcoholic components mixed or served in any alcoholic beverage shall be considered to be part of the alcoholic beverage and shall not be considered to be prepared meals and food.

Church means any building or structure regularly and primarily used as a place of worship by any organized religious society, organization or congregation, regardless of whether or not the building or structure was originally designed and constructed for that purpose.

Closed place means a premises licensed under this chapter where all doors are locked and where no customers are in or about the premises.

Coin-or-currency-operated amusement device means pinball machines, marble machines, music-vending machines, pool tables or machines, coin-operated shuffleboards and any other device operated by the insertion of a coin, currency, disc or other insertion piece, whether or not also manipulated by the operator, and which operate for the amusement of the operator, whether or not by registering a score. It shall not include "slot machines," "claw machines," or other machines prohibited by state law. It shall not include machines or devices used bona fide and solely for the vending of service, food, confections or merchandise.

Conditional license or permit means a license or permit issued under this chapter that has additional listed restrictions which must be followed by the licensee or permittee at all times whereby the failure of the licensee or permittee to comply with the restrictions may result in the suspension or revocation of the license or permit.

C.O.L. license means a license for the consumption of alcoholic beverages in or upon a premises which does not possess a license for the sale of alcoholic beverages and where food, beverages or entertainment are sold or provided for compensation as provided in RSMo 311.480.

Concert venue means any establishment used for the presentation of live musical performances, pre-advertised to the public including pre-event tickets sales available through third party ticket vendors, and where total ticket sales exceed \$100,000.00 per year.

Commissioner means the commissioner of revenue of Kansas City, Missouri, or person authorized and designated by the commissioner.

Condominium means real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Convention hotel or motel means any hotel or motel containing not less than 100 transient guestrooms, having a meeting room or similar facility with a seating capacity of not less than 50 persons and having a restaurant on the premises.

Customer means any person not an employee who enters or remains upon a licensed premises with actual or implied permission of the licensee or a person who purchases or otherwise partakes of any merchandise, goods, entertainment or other services offered upon the premises.

Dancer means any person performing a semi-nude dance, or who performs a dance for any customers upon the premises of an establishment that allows semi-nude dancing.

Director unless otherwise described, means the director of neighborhoods, or a person designated by the director.

Dwelling means any place that is used regularly or irregularly as a place of repose, sleep, rest or any place containing a bed, cot, divan, couch or any other article of furniture on which an adult person may recline. However, this shall not include any premises used as a hotel, motel, or hotel room

Employee means and includes an agent or servant, and shall be construed to mean every person working for or performing services on behalf of the licensee during actual or scheduled work hours.

Grocery Store means a retail business occupying a space that is at least 15,000 square feet, that primarily stocks a range of everyday items which includes but is not limited to groceries, snack foods, confectionery, toiletries, soft drinks, tobacco products, personal electronics, home essentials, and clothing, that derives at least 70% of its sales from products other than liquor.

Intoxicating liquor or liquor means alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt or other liquors or combination of liquors, a part of which is spirituous, vinous or fermented, and all preparations or mixtures for beverage purposes containing in excess of 0.5% by volume.

Licensee means the holder of any licenses issued under the provisions of this chapter.

Live entertainment means any activity or presentation provided for pleasure, enjoyment, recreation, relaxation, diversion or other similar purpose that utilizes amplified sound, including live music, a DJ, comedian, or variety show.

Location means the property parcel upon which a licensed premises is situated.

Malt beverages means beverages including beer and intoxicating malt liquor that are brewed from malt or a malt substitute, which only includes rice, grain of any kind, bean, glucose, sugar, and molasses. Honey, fruit, fruit juices, fruit concentrate, herbs, spices, and other food materials may be used as adjuncts in fermenting beer. Flavor and other nonbeverage ingredients containing alcohol may be used in producing beer, but may contribute to no more than 49% of the overall alcohol content of the finished beer. In the case of beer with an alcohol content of more than 6% by volume, no more than 0.5% of the volume of the beer may consist of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol

Managing officer means the person(s) designated by the licensee who is in actual management and control of a business licensed under this chapter, and who would be eligible as an individual to receive a license for the sale of alcoholic beverages, and who is a qualified voter of the state.

Microbrewery means a business whose activity is the brewing and selling of beer, with an annual production of 10,000 barrels or less.

Nonintoxicating beer means any beer manufactured from pure hops or pure extract of hops, and pure barley malt or other wholesome grains or cereals, and wholesome yeast and pure water, and free from all harmful substances, preservatives and adulterants, and having an alcoholic content of more than 0.5% by volume, and not exceeding 3.2% of alcohol by weight.

Original license means any license issued under this chapter on an application for a new license whether or not the proposed premises was previously licensed under this chapter but shall not mean a renewal license.

Original package means: (a) any package containing one or more standard bottles, cans, or pouches of malt beverages; (b) a package containing 50 milliliters (1.7 ounces) or more of spirituous liquor; or (c) a package containing 100 milliliters (3.4 ounces) or more of vinous liquor in the manufacturer's original container.

Permittee means the holder of an employee's permit, issued under the provisions of this chapter.

Person means an individual, partnership, club or association, firm, limited liability company or corporation, unless the context requires a contrary interpretation.

Premises means the bounds of the enclosure where alcoholic beverages are permitted to be sold, stored or consumed under the authority of this chapter.

School means any building which is regularly used as a public or private elementary school, middle school or high school.

Semi-nude dance means any live exhibition, performance or dance by a person or persons in a state of dress in which opaque clothing covers no more than the areola of the female breast, the genitals or pubic region and anus, as well as portions of the body covered by straps or strings supporting that clothing.

Substantial quantities of food means the amount of prepared meals and food wherefrom at least 50% of the gross income of an establishment has been derived during the three most recent calendar months preceding. For the purposes of determining whether substantial quantities of prepared meals and food constitute at least 50% of the gross income of an establishment under the provisions of this chapter, and calculating the amount and percentage of annual gross income from the sale of prepared meals or food, any nonalcoholic components mixed or served in any alcoholic beverage shall be considered to be part of the alcoholic beverage and shall not be considered to be prepared meals or food.

Tavern means any licensed premises that sells liquor by the drink which derives more than 30% its annual gross sales from alcoholic beverages.

Sec. 10-62. Required hearings and review of director's actions.

(a) If an application for an original license or permit, or the renewal or transfer of location of an existing license, or for change of ownership, or change in management or control of a business under this chapter is disapproved by the director, or if an eligible neighbor who filed a response pursuant to section 10-212 or church or school located within 300 feet of the proposed premises disputes the approval of a license or permit, then the applicant, eligible neighbor, or applicable church or school, as the case may be, may file with the board a written request for a hearing before the board on the denial or decision regarding the location, the request shall be made within 10 days after notice of the director's final decision. A copy of the request shall also be served on the director.

(b) In the case of action by the director seeking to suspend or revoke a license or permit issued under this chapter, the director shall:

- (1) File with the board, a written complaint setting forth the reasons for suspension or revocation of the license or permit, and requesting a hearing before the board to consider the action.
- (2) Serve a copy of said request on the licensee or permittee personally or by leaving a copy at the licensed premises or by mailing a copy of the request to the licensee or permittee at their last known address.

(c) Upon the filing of a written complaint or request for a hearing before the board as provided in this chapter, made within the time specified in this article, the board shall, within 20 days after the receipt of the request, notify the director and all other parties of the date, time and

place for the hearing. The date of the hearing shall not be less than 20 days from the date the request was filed.

(d) Hearing procedures shall include but not be limited to the following:

- (1) The applicant, licensee, permittee, eligible neighbor, or applicable church or school shall have full right to have counsel, to produce witnesses and to cross examine all witnesses who may appear. All proceedings in the hearings shall be taken down stenographically, or recorded mechanically or electronically, or by a combination thereof, and shall be transcribed whenever required by law. Subpoenas shall be issued by the director or board for any witness whose presence is desired at any hearing or proceeding before the board to suspend or revoke a license or permit, or to issue or refuse a license or permit or renewal thereof, and the subpoena may be served by any person designated by the director or board, or by any member of the city police department. The subpoenas shall be served and return thereon shall be made in the same manner as is provided by law in civil suits in the circuit court of this state.
- (2) Witnesses may also appear voluntarily at the hearings and testify. Before testifying in any hearing or proceeding before the board, all witnesses shall be sworn to tell the truth and nothing but the truth.
- (3) With respect to a hearing before the board in connection with the directors action on an application for an original license or permit or the renewal or transfer of location of an existing license, or application for change of ownership or change in management or control of the business under this chapter or a hearing before the board in connection with the directors action to seek suspension or revocation of a license or permit issued under this chapter, the board shall issue its decision in writing within 30 days following the conclusion of the hearing unless the parties agree to an extension which shall not exceed an additional 30 days.
- (4) The decision of the board shall include findings of facts and conclusions of law, wherein the board may dismiss the complaint, or suspend or revoke a license or permit previously issued, place permanent or temporary conditions on the license, permit or licensee, or affirm or reverse the director's issuance or denial of an application for an original license, or renewal or transfer of an existing license or permit or remand the matter to the director for further administrative review or action. The board's decision shall be served upon all the parties in person or by registered or certified mail to the party's last known address. If the board is not able to serve the decision notice upon a party in person or if any notice sent by mail is returned by the U.S. Postal service, then the board shall cause the notice to be posted at the principal entrance of the business or facility, and the posting shall constitute valid service. No suspension, revocation, or denial shall become effective until 10 days after the decision has been issued by the board. The board may stay enforcement of its decision for a period of time not to exceed 30 days to allow for the filing of an appeal of the decision.

Sec. 10-65. Judicial review of board decisions.

Following the issuance of a decision by the board including but not limited to suspending or revoking a license or permit, placing permanent or temporary conditions on the license, permit or licensee, or approving or disapproving an application for an original license or permit or the renewal or transfer of location of an existing license, or application for change of ownership or change in management or control of the business under this chapter, the licensee, permittee, applicant, applicable church or school, eligible neighbor, or the director may seek judicial review in a manner provided by law. The method of judicial review of any decision of the board shall be as provided in RSMo chapter 536.

Sec. 10-102. Eligibility and requirements for sales-by-drink license.

(a) A full sales-by-drink license authorizes the licensee to sell all kinds of alcoholic beverages by the drink and to sell alcoholic beverages in the original package on the licensed premises. Each license shall be further classified into one of the sales-by-drink classifications set forth in this chapter.

(b) No sales-by-drink license authorized under sections 10-102, 10-103, 10-104, 10-105, 10-106, 10-107, 10-108 and 10-110 of this chapter shall be issued to any of the following businesses:

- (1) Drugstore which as used in this section is defined as a retail store centrally featuring a pharmacy that dispenses prescription medication and sells over-the-counter medications as well as other miscellaneous items which includes but is not limited to products such as candy, cosmetics, cleaning supplies, light refreshments, magazines and paperback books.
- (2) Cigar and tobacco store which as used in this section is defined as a retail store of tobacco products which primarily specializes in selling various forms of tobacco and tobacco accessory products which includes but is not limited to pipes, lighters, matches, pipe cleaners, and pipe tampers.
- (3) Convenience-grocery store which as used in this section is defined as any small retail business that primarily stocks a range of everyday items which includes but is not limited to groceries, snack foods, confectionery, toiletries, soft drinks, tobacco products, magazines and newspapers, where the licensed premises is less than 15,000 square feet.
- (4) Small liquor store which as used in this section is defined as a retail business that primarily sells pre-packaged alcoholic beverages where the licensed premises is less than 15,000 square feet.
- (5) A gasoline station or motor vehicle repair shop.

(c) A caterer with a full sales-by-drink license authorizes the caterer to sell all kinds of alcoholic beverages by the drink for consumption away from the licensed premises at other

premises approved by the director. Each license shall be further classified into one of the sales-by-drink classifications set forth in this chapter.

(d) To the extent permitted by Missouri law, a manufacturer or microbrewery may be granted a sales-by-drink license for the licensed premises and a wine manufacturer may be granted a sales-by-drink license for a premises in close proximity to the winery, provided the licensee meets all other provisions of this Chapter. Any licensee who previously held a sales-by-drink specialty license and any manufacturer, microbrewery, or wine manufacturer who previously held a sales-by-drink license may renew their license as a normal sales-by-drink license provided that:

- (1) The licensee held an active sales-by-drink specialty license or sales-by-drink license as of November 1, 2020; and
- (2) The licensee meets all other of the standards for renewal as required by this chapter.

Sec. 10-104. Sunday licenses.

(a) A Sunday license authorizes the licensee to sell alcoholic beverages at retail on the licensed premises under the conditions and during the hours herein specified on Sunday in addition to the legal hours and days set out in section 10-333 except, if the licensee holds a valid license or permit pursuant to the provisions of section 10-106, then the licensee may be open for business in accordance with the provisions of the license or permit.

(b) *Sunday license types and requirements.*

- (1) *Retail sales by drink Sunday license.* A retail sales by drink Sunday license authorizes the licensee to sell the same kinds of alcoholic beverages by the drink as authorized by the license holder's retail sales by drink license for consumption on the licensed premises between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on Monday.
- (2) *Retail sales by package Sunday license.* A retail sales by package Sunday license authorizes the licensee to sell the same kinds of alcoholic beverages as authorized by the license holder's retail sales by package license between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on Monday.

Sec. 10-105. General requirements for temporary and annual catering permits.

(a) *Requirements.*

- (1) *Eligibility.* Only a Kansas City, Missouri liquor-by-the-drink licensee is eligible to receive a catering permit. A catering permit may be issued for the following types of events:
 - a. Any outdoor catered event is eligible to be permitted.

- b. An indoor catered event is eligible to be permitted if the premise has a current city and state liquor license.
 - c. For any premises that does not have a current city or state liquor license, an indoor catered event is eligible to be permitted if:
 - 1. An application for a liquor license or catered event has not been denied or withdrawn from the location of the premises where the catered event is to be held, the director has no reason to believe that the proposed premises has or will cause a nuisance to or change in character of the immediate area surrounding the premises, and the director has no reason to believe that lewd and indecent conduct has or will occur on or within the immediate vicinity of the proposed premises. In evaluating whether the proposed premises will cause a nuisance, the director shall consider the factors identified in section 10-212.
 - 2. The event is private and:
 - a. Everyone in attendance is there by invitation only and a copy of the pre-arranged invitation/guest list, which lists each individual's name who was invited, is available on premises during the catered event, and;
 - b. There is no entry fee, admission charge, door charge, ticket sales or donations of any kind taken to attend the catered event and food, beverages or entertainment are not being sold or provided for compensation, and;
 - c. The catered event is not advertised to the public at large in any way.
- (2) *Application.* An application and all required documentation must be filed with the director at least five weekdays prior to the date that the scheduled function, occasion, or event is to take place. Upon receipt of all required documentation, including an approved state catering license, the city may issue a catering permit. Failure to provide any of this information will prevent the establishment from obtaining a catering permit. It is mandatory that both a city permit and state license must be available for display upon request of any law enforcement officer and/or investigator designated by the director for any catered event.
- (3) *Contents of application.* A liquor-by-the-drink licensee shall submit the completed application to the director on a form provided by the director. Each component shall be considered material to the issuance of the license. The applicant shall provide:
- a. The individual designated as the managing officer or the individual in active control of the original liquor license under this chapter shall

submit the application for an annual or temporary catering permit. This individual must provide the name and residential address of the applicant. If the application is on behalf of a partnership, the names, and residential addresses of all partners or any person who has a financial interest in the partnership must be provided. If the application is on behalf of a corporation the name and address of the corporation, and names and residential address of individuals with more than 10% interest in the corporation must be provided.

- b. A description and address of the proposed liquor-by-the-drink licensed premises for which a license is sought or, in the case of a caterer, where food and alcohol will be stored or prepared for off-premises consumption to which the license will be attached.
- c. Approval from the directors of city planning and development, fire, and health stating that the catered location site complies with respective codes.
- d. The date, starting time and ending time of the function, occasion, or event.
- e. A detailed description of security measures for crowd control , including the number of security employees and the number of commissioned security officers to be present throughout the entire event.
- f. For outdoor events, the number of portable toilets available to all patrons, members, guests or customers.
- g. For outdoor events, a traffic control plan that has been approved by the city public works department and the city police department.
- h. A copy of the state catering license.
- i. If a public street will be blocked off for a function, occasion or event, a permit for a street closure that has been obtained from the public works department.
- j. Any additional information which the director may reasonably require for consideration of the issuance of a catering permit.
- k. A statement of tax clearance as outlined in section 10-187.
- l. A copy of an approval letter between the owner or manager of the property upon which the function, occasion or event is to take place and the sponsor of the function, occasion or event, stating the agreed upon date, starting and ending time, and the actual location of the function, occasion, or event.

- m. A copy of the agreement letter between the Kansas City, Missouri, liquor-by-the-drink licensee applying for the catering permit and the sponsor for the function, occasion, or event, stating the type of event being hosted.
 - n. A diagram of the premises, which includes a diagram of the areas where the alcohol will be sold and consumed, including
 - i. The points of service from which alcoholic beverages will be sold or served;
 - ii. The location where security personnel will be stationed during the event to include all entrances and exits while the function, occasion or event is operating;
 - iii. If the event is to be held outside, a description of the barriers used to contain the event to prevent people from removing alcoholic beverages from the premises; and
 - iv. If the event is to be held outside, the location of any outdoor seating, stages, portable toilets and traffic barriers.
 - o. The director may require the submission of additional items to ensure all requirements have been met.
- (4) *Dance hall permit.* If there will be dancing at the event, the applicant must obtain a dance hall permit. The dance hall permit fee is \$15.00 a day.

(b) *Limitations.*

- (1) An applicant who is granted a catering permit shall staff the function, occasion or event with at least one employee from the liquor-by-the-drink licensed premises for that specific permitted event.
- (2) Anyone directly participating in the retail sale, delivery or dispensation of alcoholic beverages at a catered function, occasion or event must have an employee liquor permit as described in section 10-5 of this chapter.
- (3) A catering permit shall only authorize the sale of the same type of alcoholic beverages during the same operational hours as permitted by the original license held by the applicant.
- (4) Alcohol served at outdoor events must not be served in glass containers.
- (5) No catering permits will be issued for any non-licensed premise when the director determines that the intent is to operate as a venue holding a permanent liquor license.

(6) A catering permit for any function, occasion or event held outdoors must have a sufficient number of restroom facilities or portable toilets for all persons expected to attend the event as determined by the director.

(7) Additional limitations may be required by the director.

(c) *Specific requirements for a temporary catering permit.*

(1) Temporary catering permits shall be effective for a period not to exceed 120 consecutive hours.

(2) A maximum of four temporary catering permits may be issued during the sale or transfer of an existing license.

(3) The temporary catering permit fee is \$15.00 a day.

(d) *Specific requirements for an annual catering permit.*

(1) An annual catering permit allows the licensee to hold an unlimited number of catering events annually.

(2) Applicants for annual catering permits must submit a catering event notification form as supplied by the director a minimum of five business days in advance of each scheduled function, occasion or event.

(3) The annual catering permit fee is \$1,500.00. The application fee is \$500.00. The fees are non-refundable.

(e) *Violations.* Any violation of the provisions set forth in chapter 10 of the Code of Ordinances of the city by a person holding a catering permit, or their employee, agent or servant, while operating under a catering permit which occurs on the premises being catered, shall cause the permittee and their employee, agent, or servant to be subject to administrative action by the director and prosecution as provided by chapter 10 as though the violation had occurred on the permittee's original licensed premises.

(f) *Effect of denial of permit.* If the application is denied, an application to protest the denial may be submitted to the director as referred to in chapter 10. If an application for a catered event is denied because the director determines that the proposed premises has or likely will cause a nuisance to or change in character of the immediate area surrounding the premises, the applicant will have the option to request neighbor notification as outlined in section 10-214 of this chapter. If less than 50% of the eligible neighbors who file a written response with the director opposed the granting of a license at the premises, the director shall withdraw the determination that the proposed premises has or likely will cause a nuisance to change in the character of the immediate area surrounding the premises.

Sec. 10-106. Extended hours permits.

(a) *Convention trade area 3:00 a.m. closing permit—Eligibility.*

- (1) A convention trade area 3:00 a.m. closing permit, authorized by RSMo § 311.174, authorizes the licensee who holds a section 10-102, 10-103, 10-134 or 10-135 sales-by-drink license to remain open between 1:30 a.m. and 3:00 a.m., if they meet the location requirement outlined in section 10-212, and:
 - a. The applicant's business is located within the convention trade area. Pursuant to RSMo § 311.174, the city's convention trade area is hereby designated as all that territory within the corporate limits of the city; and
 - b. The director determines that the extended hours permit is not likely to interfere with or be detrimental to the rights or interests of the neighboring community, pursuant to section 10-212; and either
 - c. The applicant's business is a convention hotel or motel, defined as any structure, or building, under one management, which contains rooms furnished for the accommodation or lodging of guests, with or without meals being so provided, and kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are sought for pay or compensation by transient guests or permanent guests, and having more than 100 bedrooms furnished for the accommodation of such guests, provided that a hotel or motel with less than 100 bedrooms furnished for accommodation that has a current convention trade area 3:00 a.m. closing permit which is located more than 1.5 drivable miles from a convention hotel or motel will be allowed to maintain its convention trade area 3:00 a.m. closing permit as long as all other requirements of this chapter have been met; or
 - d. The applicant's annual gross sales at said business for the year immediately preceding the application for a 3:00 a.m. closing permit equals \$125,000.00 or more; provided, however, that the director may waive the foregoing gross sales requirement for a business located in the downtown economic entertainment district if requested by the applicant and the request is supported by documentation that the business should produce annual gross sales equal to \$125,000.00 or more.
- (2) Package sales. No retail licensee holding a convention trade area 3:00 a.m. closing permit pursuant to this section, nor employee of the licensee, shall sell, give away, otherwise dispose of or allow the removal from the licensed premises any alcoholic beverages in the original package or suffer the same to be done on or about the licensed premises between the hours of 1:30 a.m. and 6:00 a.m.
- (3) Notwithstanding the limitations contained in this section, the director may waive the gross sales requirement for an establishment that held a convention trade area 3:00 a.m. closing permit in the year immediately prior, if the applicant provides documentation that the licensed establishment was closed or had reduced sales in the year immediately prior because of an event or occurrence outside of the

control of the applicant that resulted in a state of emergency lasting more than two weeks, as declared by the Mayor or governor of Missouri.

(b) Temporary 3:00 a.m. closing permit—Eligibility.

- (1) A temporary 3:00 a.m. closing permit, authorized by RSMo § 311.088, authorizes the licensee who holds a section 10-102, 10-103, 10-134 or 10-135 sales-by-drink license to remain open between 1:30 a.m. and 3:00 a.m. within one 24-hour period if they meet the location requirements as outlined in section 10-212.
- (2) *Package sales.* No retail licensee holding a temporary 3:00 a.m. closing permit pursuant to this section, nor employee of the licensee, shall sell, give away, otherwise dispose of or allow the removal from the licensed premises any alcoholic beverages in the original package or suffer the same to be done on or about the licensed premises between the hours of 1:30 a.m. and 6:00 a.m.

(c) Nonprofit organization 6:00 a.m. closing permit—Eligibility.

- (1) A nonprofit organization 6:00 a.m. closing permit authorized by RSMo § 311.174 authorizes a licensee who holds a section 10-102, 10-103, 10-134 or 10-135 sales-by-drink to remain open between 1:30 a.m. and 6:00 a.m., if they meet the location requirements as outlined in section 10-212., and:
 - a. The applicant is a nonprofit organization exempt from federal income taxes under section 501(C)(7) of the Internal Revenue Code of 1986 as amended; and
 - b. The applicant is located in a building designated as a National Historic Landmark by the United States Department of Interior; and
 - c. The applicant's business is located within the convention trade area. Pursuant to RSMo § 311.174, the city's convention trade area is hereby designated as all that territory within the corporate limits of the city.

(d) For applications for 3:00 a.m. closing permits the eligible neighbors under sections 10-212 and 10-214 shall include the owner of any premises wholly within or intersected by a radius of 1,500 feet from the proposed premises.

Sec. 10-107. Fourth of July celebration temporary malt beverage and light wine sales-by-drink permit.

Pursuant to RSMo 311.218, other provisions of this chapter to the contrary notwithstanding, a permit for the sale of light wine and malt beverages for consumption on the premises where sold may be issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for the sale of light wine and malt beverage at any picnic, bazaar, fair, festival or similar gathering or event held to commemorate the annual anniversary of the signing of the Declaration of Independence of the United States. The permit shall be issued only during the period from June 15 to July 15 annually and only for the days

named therein, and it shall not authorize the sale of light wine and malt beverage except between the hours of 6:00 a.m. and 1:30 a.m. and for not more than seven days by any organization. The permit may be issued to cover more than one place of sale within the general confines of the place where the gathering or event is held. Any wholesaler or distributor may provide customary storage, cooling or dispensing equipment for use by the holder of the permit at the gathering or event.

Sec. 10-110. C.O.L. consumption of alcoholic beverages license.

A C.O.L. license authorizes the licensee to allow the consumption of intoxicating liquor on the licensed premises during the hours intoxicating liquor can be sold by section 10-102 full sales-by-drink licensees. A C.O.L. license shall not be required for a pedal tavern, properly licensed according to chapter 70 and 76 of the code to allow consumption of intoxicating liquor by patrons while on a pedal tavern.

Sec. 10-111. Eligibility for package sales license.

(a) No license authorizing the licensee to sell alcoholic beverages in the original package under sections 10-112 and 10-113 of this chapter, authorized by RSMo 311.200, shall be issued except to an applicant who sells alcoholic beverages in the original package in connection with the operation of one or more of the following businesses exclusively:

- (1) Drugstore which as used in this section is defined as a retail store centrally featuring a pharmacy that dispenses prescription medication and sells over-the-counter medications as well as other miscellaneous items which includes but is not limited to products such as candy, cosmetics, cleaning supplies, light refreshments, magazines and paperback books.
- (2) Grocery store as defined in this chapter.
- (3) Convenience-grocery store which as used in this section is defined as a small retail business that primarily stocks a range of everyday items which includes but is not limited to groceries, snack foods, confectionery, toiletries, soft drinks, tobacco products, magazines and newspapers.
- (4) General merchandising store which as used in this section is defined as a retail business that sells a number of lines of merchandise which may include but is not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, hardware, toys, automotive products and food.
- (5) Confectionery store which as used in this section is defined as a retail business that primarily sells bakers and sugar confections which includes but is not limited to sweets, candies, candied nuts, chocolates, chewing gum, pastillage, sweet pastries, cakes and other baked goods.

- (6) Delicatessen store which as used in this section is defined as a retail business that sells foods already prepared or requiring little preparation for serving which includes but is not limited to cooked meats, bread, cheese and salads.
- (7) Liquor store which as used in this section is defined as a retail business that primarily sells pre-packaged alcoholic beverages.

(b) Package sales licenses shall not be issued to any applicant who operates a gasoline service station, motor vehicle repair garage, motor-propelled vehicle racetrack or any place required to be licensed under the provisions of chapter 12 unless the applicant conforms to each of the following minimum requirements:

- (1) The business shall contain no less than 1,200 square feet of sales display area, exclusive of storage rooms and walk-in refrigeration coolers;
- (2) The business shall keep and maintain a stock of no less than 750 separate and distinguishable products for sale, exclusive of alcoholic beverages, tobacco products, automotive parts and supplies, and gasoline; and
- (3) The business shall keep and maintain a stock of goods having a value, according to invoices, of at least \$7,500.00, exclusive of alcoholic beverages, tobacco products, automotive parts and supplies, and gasoline.

(c) Other than those licensees or applicants for a package sales license pursuant to subsection (b) of this section, every licensee and applicant shall keep and maintain in its store a stock of goods having a value, according to invoices, of at least \$1,000.00, exclusive of fixtures and alcoholic beverages, to be eligible for a package sales license.

Sec. 10-113. Malt beverage original package sales license.

A malt beverage original package sales license authorizes the licensee to sell at retail malt beverages in the original package on the licensed premises. Any person licensed pursuant to this section may also sell malt beverage at retail between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on Monday.

Sec. 10-115. Wholesaler's license for sale of alcoholic beverages of all kinds.

A wholesaler's license for sale of alcoholic beverages of all kinds authorizes the licensee to sell alcoholic beverages of all kinds to a person duly licensed to sell alcoholic beverages. A wholesaler's license is required for all wholesalers providing alcoholic beverages to person duly licensed to sell alcoholic beverages in the City, even if the wholesaler is located outside city limits.

Sec. 10-116. Wholesaler's license for sale of alcoholic beverages not in excess of 22% of alcohol by weight.

A wholesaler's license for sale of alcoholic beverages not in excess of 22% of alcohol by weight authorizes the licensee to sell alcoholic beverages not in excess of 22% of alcohol by

weight to a person duly licensed to sell alcoholic beverages. A wholesaler's license is required for all wholesalers providing alcoholic beverages to person duly licensed to sell alcoholic beverages in the City, even if the wholesaler is located outside city limits.

Sec. 10-117. Wholesaler's license for sale of malt beverages.

A wholesaler's license for sale of malt beverages authorizes the licensee to sell malt beverages to a person duly licensed to sell alcoholic beverages. A wholesaler's license is required for all wholesalers providing malt beverages to person duly licensed to sell malt beverages in the City, even if the wholesaler is located outside city limits.

Sec. 10-118 - 10-120. Reserved.

Sec. 10-121. Manufacturer's license for wine or brandy.

(a) A license to manufacturer wine or brandy authorizes a person to manufacture, in quantities not to exceed five hundred thousand gallons, not in excess of 18% of alcohol by weight for wine, or not in excess of 34% of alcohol by weight for brandy, from grapes, berries, other fruits, fruit products, honey, and vegetables produced or grown in the state of Missouri, exclusive of sugar, water and spirits.

(b) A manufacturer licensed under this section may use in any calendar year such wine and brandy-making material produced or grown outside the state of Missouri in a quantity not exceeding 15% of the manufacturer's wine entered into fermentation in the prior calendar year.

(c) A manufacturer licensed under this section may offer samples of wine, may sell wine and brandy in its original package directly to consumers at the winery, and may open wine so purchased by customers so that it may be consumed on the winery premises on Monday through Saturday between 6:00 a.m. and midnight and from 6:00 a.m. on Sunday to 1:30 a.m. on Monday.

Sec. 10-122. Manufacturer's license for manufacture of alcoholic beverages of all kinds.

A manufacturer's license for manufacture of alcoholic beverages of all kinds authorizes the licensee to manufacture, distill or blend alcoholic beverages of all kinds. A distiller or wine manufacturer may apply for and the director may issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises where sold; and provided further that the premises so licensed shall be in close proximity to the distillery or wine manufacturing premise and may remain open between the hours of 6:00 a.m. and 1:30 a.m. Monday through Saturday and between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on Monday.

Sec. 10-123. Manufacturer's license for manufacture of alcoholic beverages containing alcohol not in excess of 22% by weight.

A manufacturer's license for manufacture of alcoholic beverages containing alcohol not in excess of 22% by weight authorizes the licensee to manufacture, distill or blend alcoholic beverages containing alcohol not in excess of 22% by weight. A distiller or wine manufacturer

may apply for and the director may issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises where sold; and provided further that the premises so licensed shall be in close proximity to the distillery or wine manufacturing premise and may remain open between the hours of 6:00 a.m. and 1:30 a.m. Monday through Saturday and between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on Monday.

Sec. 10-127. License and permit fees.

The following fees shall be paid to the city treasurer before the respective license or permit prescribed in this section is issued:

Each full sales-by-drink license	\$450.00 per year
Each malt beverage and light wine sales-by-drink license	75.00 per year
Each intoxicating liquor sales-by-drink license for consumption on the premises where sold, issued to any church, school, civic, service, fraternity, veteran, political or charitable club or organization for a picnic, bazaar, fair or similar gathering	15.00 per license
Retail sales-by-drink Sunday license	300.00 per year
Retail sales by package Sunday license	300.00 per year
Each catering permit	15.00 for each calendar day, or fraction thereof, for which the permit is issued
Each convention trade area 3:00 a.m. closing permit	450.00 per year
Each temporary 3:00 a.m. closing permit	75.00 per permit
Each nonprofit organization 6:00 a.m. closing permit	450.00 per year
Each Fourth of July celebration temporary malt beverage and light wine sales-by drink permit	100.00
Each license for sales-by-drink in common eating and drinking area	450.00 per year
Each C.O.L. license where either food, beverages or entertainment are provided for compensation of any kind	90.00 per year
Each full original package sales license	150.00 per year
Each malt beverage original package sales license	75.00 per year
Each original package tasting license	37.50 per year
Each wholesaler's license for sale of alcoholic beverages of all kinds.....	750.00 per year
Each wholesaler's license for sale of alcoholic beverages not in excess of 22% of alcohol by weight.....	300.00 per year.
Each wholesaler's license for sale of malt beverages containing not in excess of 5% of alcohol by weight.....	150.00 per year
Wholesaler's license for wholesalers located outside the city limits	0 per year
Each manufacturer's license to manufacture wine or brandy shall cost seven dollars and fifty cents for each five hundred gallons or fraction thereof of wine or brandy produced up to a maximum license fee of four hundred fifty dollars	Up to \$450.00 per year

Each manufacturer's license to manufacture, distill or blend alcoholic beverages of all kinds	675.00 per year
Each manufacturer's license to manufacture alcoholic beverages containing alcohol not in excess of 22% by weight	300.00 per year
Each manufacturer's license to manufacture malt beverages containing not in excess of 5% of alcohol by weight	375.00 per year
Each microbrewery license shall cost seven dollars and fifty cents for each 100 barrels manufactured, not to exceed three hundred seventy five dollars	Up to 375.00 per year
Out of state manufacturer permit not to exceed 72 hours	37.50

Sec. 10-129. Reserved.

Sec. 10-130. Sidewalk café, parklet, street café, outdoor space or parking lot alcohol license expansion.

(a) Any sales-by-drink licensee may apply for an expansion of premises to include a sidewalk café, parklet, street café, outdoor open space or parking lot dining area.

(b) An expansion of premises to a sidewalk café, a parklet, a street café, outdoor open space or parking lot dining expansion shall not permit a licensee, employees or agents thereof, or any other person to remove any alcoholic beverage provided for consumption on the premises from the expanded licensed premises.

(c) An expansion of premises to a sidewalk café, parklet, street café, shall not be granted until the licensee has obtained the proper permit d) An expansion of premises to open outdoor space or parking lot dining area shall not be granted unless the licensee is in compliance with section 88-420-18.

Sec. 10-132. License for Arts & Cultural District Zone.

Unless otherwise authorized and permitted or licensed under Chapter 10, it shall be unlawful for any person or entity that does not hold a sales-by-drink license issued under this chapter to sell or barter any beer or light wine for consumption on premises within an Arts & Cultural District Zone (as such term is defined in Section 10-131) except as provided in this Section. Notwithstanding the foregoing, a Missouri not-for-profit corporation (a "Sponsor") incorporated or qualified, and in good standing, with the Missouri Secretary of State may apply to allow the Sponsor or by the terms of the license, allow art studios, galleries, and/or other venues, within an Arts & Cultural District Subzone, to serve beer and light wine to guest subject to the following conditions:

(a) The Sponsor submits an application for an Arts and Cultural District Zone not less than 30 days prior to the date the first such event is to be held to the director on forms provided by the director. Each application shall include:

- (1) The date(s) for which the license is sought.

- (2) The names and addresses of all art galleries, studios and/or venues which will be serving beer and light wine under the sponsor's license along with a diagram of the area where the event is to take place specifying the points of service of light wine or beer.
- (3) A description of the security measures to be taken during the event at all art galleries, studios, and/or venues which will be serving alcohol to include the number of employees/security staff that will be onsite at each location throughout the entire event.
- (4) The name, address and affiliation with the Sponsor of the person executing the application on behalf of the Sponsor (the "Representative"). Two photographs of the representative, a statement of whether the representative is a convicted felon and written authorization to allow the director to conduct a background check for the representative.
- (5) Approval from the directors of city planning and development, fire, health and neighborhoods stating that the premises within which beer and light wine are to be served are in compliance with the respective codes and the zoning ordinance of the city.
- (6) A certificate of good standing for the Sponsor issues by the Missouri Secretary of State dated within sixty (60) days prior to the application date.

The truth of all statements and answers made in the application shall be sworn to, to the knowledge and belief of the Representative, and the Representative's execution of the application must be witnessed and notarized by a notary public.

(b) Each license upon issuance shall be effective for a prescribed period not to exceed one year. The license shall be effective between the hours of 5:00 p.m. and 12:00 a.m. on the day(s) of the Event covered by the license.

(c) A sponsor may apply for a separate license to hold one additional Event as defined in Section 10-131(b)(3) not to exceed more than twelve (12) activities per calendar year.

(d) For each Event licensed pursuant to the provisions of this section, the Sponsor shall pay the sum of nine hundred dollars (\$900.00).

(e) Before the issuance of a license under the provisions of this section, the Sponsor shall furnish satisfactory proof to the director that a picnic permit has been issued by the State of Missouri under the provisions of RSMo Chapters 311 and 312. If the privileges authorized under any license or permit issued by the state division of liquor control to a licensee holding a license issued pursuant to this section are terminated, all the privileges authorized under the license issued pursuant to this section shall also immediately terminate.

(f) For licenses authorizing the service of beer and light wine on public property, all beer and light wine served must be served in distinctive plastic cup containers. No glass or bottles are permitted to be used for the service or consumption of beer and/or light wine under a license issued pursuant to this section.

(g) Any violation of the provisions set forth in Sections 10-40 and 10-65 of the ordinances of the City of Kansas City, Missouri, by a person holding a license issued pursuant to this Section or its employees, agents or servants, or any art gallery, studio or venue owner, while operating under the license issued pursuant to this Section that occurs on a premises defined by the submitted diagram, shall cause the license holder and such of its employees, agents or servants and the art gallery, studio or venue owner to be subject to administrative action by the director and prosecution as provided under such Section 10-65.

(h) All restrictions made pursuant to this Section shall be binding on the Sponsor, and a recital shall be made in the application for the license issued pursuant to this section to the effect that the Representative has authority to bind the Sponsor with regard to all restrictions made and provided by the director respecting the event as described in the application.

(i) A license may only be issued to the Sponsor or their designee.

(j) In order to promote and encourage diverse activity within the Arts & Cultural District Subzones, multiple licenses, which cover the same geographic area and time within an Arts & Cultural District Subzone, may be issued by the director.

(k) This ordinance does not authorize the service of beer or light wine on any property for which a license issued under this Chapter 10 is currently in effect.

(l) This ordinance does not authorize and for all licenses issued under this Section does hereby specifically prohibit the service and consumption of beer and light wine, on any property zoned CX or otherwise engaged in adult business as defined in Chapter 80.

(m) The application underlying a license issued pursuant to this section may be updated from time to time to reflect changes to the prescribed area and/or the participating art galleries, studios and/or venues under the license, or the locations where beer and light wine are to be served under the license. Any such changes shall be delivered to the director at least five (5) days prior to the event at which such change will take place.

Sec. 10-133. Arts and cultural district zone employee and volunteer permits.

For licenses authorizing the serving of beer and light wine, it shall be unlawful for any person under the age of 21 to directly participate in the retail sale, delivery or dispensation of beer and light wine unless they hold a valid employee liquor permit, as described in section 10-5 and pursuant to the requirements of 10-339 and 10-373 of this chapter. Persons 18 through 20 years of age who do not hold a valid employee liquor permit described in 10-5 of this chapter may work on the premises if they do not directly participate in the retail sale, delivery or dispensation of beer and light wine in a manner as described in section 10-5 of this chapter.

Sec. 10-134. Downtown economic entertainment district.

(a) *Purpose.* This section permits the director to issue an annual liquor license for the sale and consumption of alcoholic beverages by the drink for retail from one or more portable bars within the promotional association sub-zones of the downtown economic entertainment

district until 3:00 a.m. on Monday through Saturday and from 6:00 a.m. on Sunday to 1:30 a.m. on Monday. to a person acting on behalf of or designated by a promotional association, who possesses the qualifications required by this chapter.

(b) *Definitions.*

- (1) *Downtown economic entertainment district* means the area located in the City's "central business district," which is the historic core locally known as the City's downtown area, that contains a combination of entertainment venues, bars, nightclubs, and restaurants, and that is designated as a redevelopment area by the governing body of the city under the state downtown and rural economic stimulus act.
- (2) *Central business district* for this chapter means the area bounded by the Missouri River on the north, the Linwood Boulevard on the south, Cleveland on the east and Broadway, along the Heart of America Bridge to the Missouri River on the west.
- (3) *Common area* means any area designated as a common area in a development plan for the downtown economic entertainment district approved by the governing body of the city, any area of a public right-of-way that is adjacent to or within the downtown economic entertainment district when it is closed to vehicular traffic and any other area identified in the development plan where a physical barrier precludes motor vehicle traffic and limits pedestrian accessibility.
- (4) *Portable bar* means any bar, table kiosk, cart, or stand that is not a permanent fixture and can be moved from place to place.
- (5) *Promotional association* means an association incorporated in the state which is organized or authorized by one or more property owners located within the downtown economic entertainment district who own or otherwise control not less than 100,000 square feet of premises designed, constructed, and available for lease for bars, nightclubs, restaurants and other entertainment venues for the purpose of organizing and promoting activities within the downtown economic entertainment district.
 - a. For purposes of determining ownership or control as set forth in this subdivision, the square footage of premises used for residential, office, or retail uses, (other than bars, night clubs, restaurants, and other entertainment venues), parking facilities and hotels within the downtown economic entertainment district shall not be used in the calculation of square footage.

(c) *Designated redevelopment areas.*

- (1) The city's central business district area is hereby designated as the downtown economic entertainment district.

- (2) The following areas are each designated as promotional association sub-zones:
- a. The *Downtown Power and Light sub-zone* bounded by the Missouri River on the north, by I-70 to I-35 at Holmes to I-670 on the south, Troost Avenue on the east and Broadway on the west.
 - b. The *Performing Arts sub-zone* bounded by 9th Street on the north, 18th Street on the south, Broadway on the west, and Troost on the east.
 - c. The *Crossroads sub-zone* bounded by I-70 to I-35 at Holmes to I-670 on the north, Troost Avenue on the east, the KC Terminal Railway tracks on the south, and Broadway on the west.
 - d. The *18th and Vine sub-zone* bounded by Truman Road on the north, Woodland on the east, 19th Street on the south, and Paseo Boulevard on the west.
 - e. The *Liberty Union Crown sub-zone* bounded by 27th Street on the south, 20th Street on north, Cherry on the east and Broadway on the west.
 - f. The *Historical Union Hill subzone* bounded by Linwood on the south, 27th Street on the north, Cherry Avenue on the east and Broadway on the west.

Additional areas may be designated as common area sub-zones as determined by the Mayor and City Council.

Section 10-135. Promotional association entertainment district special license.

(a) A promotional association entertainment district special license authorizes a promotional association to sell alcoholic beverages by the drink for consumption in the promotional association sub-zone common areas located within the City's "central business district," which is the historic core locally known as the City's downtown area or the downtown economic entertainment district.

(b) Applicants for a promotional association entertainment district special license are exempt from requirements of Section 10-211, 10-212, and 10-214.

(c) Notwithstanding any other provision of this chapter to the contrary, any person acting on behalf of or designated by the a promotional association who possesses the qualifications of this chapter, or who now or hereafter meeting the requirements of and complies with the provisions of this chapter, may apply to the Director for, and the Director may issue, a license to sell intoxicating liquor, by the drink at retail for consumption, dispensed from one or more portable bars within the promotional association sub-zone of the downtown economic entertainment district until 3:00 a.m. on Monday through Saturday and from 6:00 a.m. on Sunday and 1:30 a.m. on Monday. The times for selling intoxicating liquor as fixed in section 10-333 and all other laws and regulations of the city relating to the sale of intoxicating liquor by the drink shall apply to each promotional association sub-zone common area licensed under this

subsection in the same manner as they apply to establishments licensed under section 10-102. The applicant shall apply for the license on an application approved by the director.

(d) An applicant granted a promotional association entertainment district special license under this section shall pay a license fee of four hundred and fifty dollars (\$450.00) per year and a one-time application cost of two hundred and fifty dollars (\$250.00).

(e) Each license upon issuance shall be effective for a prescribed period not to exceed one year. The license shall be effective between the hours of 6:00 a.m. on Sunday to 1:30 a.m. on Monday. until 3:00 a.m. Monday through Saturday.

(f) Notwithstanding any other provision of this chapter to the contrary, on such days and such times designated by the promotional association, with notice to the Director, the promotional association may allow persons to leave licensed establishments located within the promotional association sub-zone boundary of the downtown economic entertainment district with an alcoholic beverage and enter upon and consume the alcoholic beverage within other licensed establishments and common areas located in portions of that promotional association designated boundary.

(g) No person shall take any alcoholic beverages outside the boundaries of the downtown economic entertainment district or portions of the downtown economic entertainment district as designated by the promotional association and approved by the Director.

(h) At times when a person is allowed to consume alcoholic beverages dispensed from portable bars and in the common areas of all or any portion of the downtown economic entertainment district designated by each promotional association, the promotional association shall ensure that minors can be easily distinguished from persons of legal age buying alcoholic beverages.

(i) All alcoholic beverages served for consumption in the common areas of promotional association sub-zones of the downtown economic entertainment district shall be served in a plastic container which shall bear the name or logo or other identifying data of the serving establishment. No glass bottles or glass containers are permitted to be used for the service or consumption of alcoholic beverages in the common areas of the entertainment district.

(j) Any violation of chapter 10 that occur within the promotional association sub-zone of the downtown economic entertainment district, during the days, times and locations designated by the promotional association is solely the responsibility of the promotional association designated person, who is in active control of the license.

(k) Promotional association shall furnish satisfactory proof to the Director that the association is incorporated in the State of Missouri.

(l) Before the issuance of a license under the provisions of this section, the promotional association shall furnish to the Director a State of Missouri entertainment district special license.

(m) The promotional association shall obtain all applicable permits and licenses required by City ordinance.

(n) Before a license or permit is issued under the provisions of this chapter, the applicant shall furnish to the Director upon request, approval from the director of city planning and development, fire, health, public works and neighborhoods stating that with respect to the application the applicant is in compliance with the respective codes and the zoning ordinance of the City.

Section 10-137. Reserved.

Sec. 10-138. Non-profit organization temporary permit for sales by drink.

(a) Notwithstanding any other provision of this chapter, a permit for the sale of intoxicating liquor for consumption on premises where sold may be issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for the sale of such intoxicating liquor at a picnic, bazaar, fair, festival or similar gathering. The permit shall be issued only for the calendar days named therein and shall not authorize the sale of intoxicating liquor for more than twelve days in a calendar year by any such club or organization.

- (1) The applicant shall complete a form provided by the director no later than ten week days before the special non-profit event will take place. The application shall include:
 - a. The date and description of the special non-profit event.
 - b. The name and address of the applicant.
 - c. The location of the non-profit event.
 - d. The name and date of all special non-profit events previously conducted by the applicant during the current calendar year.
- (2) The applicant shall pay a daily fee of \$15.00 for each day on which the event is to be conducted.
- (3) Any person who directly participates in the retail sale, delivery or dispensation of alcoholic beverages during a permitted non-profit event, as described in this section, shall not be required to hold a valid employee liquor permit.
- (4) If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 6:00 a.m.
- (5) The non-profit organization shall collect and provide to the city sales taxes due the city at the rate so designated by state and city ordinance at the time of the event.
- (6) Wholesalers or distributors may provide customary storage, cooling or dispensing equipment for use by the permit holder during the days and hours authorized for the event.

- (7) During non-profit events all persons directly participating in the retail sale, delivery or dispensation of alcoholic beverages, as defined in Section 10-5 of this chapter must be 21 years of age.

Sec. 10-161. Application fee.

An application fee of \$250.00 shall accompany each application for an original license issued under this chapter. An application fee of \$50.00 shall accompany each application for a Sunday license issued under this chapter. An application fee of \$150.00 shall accompany each application for a 3:00 a.m. closing permit issued under this chapter. An application fee of \$150.00 shall accompany each application for an expansion of premise issued under this chapter, except for expansion to a sidewalk café, parklet, street café, open outdoor space or parking lot dining areas. The application fee is to cover the various costs incurred by the city in investigating and processing the applications. The application fee is not refundable.

Sec. 10-162. Forms and process.

(a) *Contents.* Any person desiring to obtain a license or permit under the terms of this chapter shall make application therefor to the director, in writing. Each question in the application blank shall be considered material to the issuance of the license, and each question in the application shall be answered in full by the applicant. The applicant shall provide:

- (1) The name and residential address of the applicant, and, if the application is on behalf of a partnership, the names and residential addresses of all partners or any person who has a financial interest in the partnership. If the application is on behalf of a corporation, the date of incorporation, the state in which incorporated, the amount of paid-in capital, the amount of authorized capital, the names and residential addresses of the officers and directors, the name and address of the registered agent for the corporation and the names and addresses of all stockholders who hold 10% or more of the capital stock shall be provided. If the application is on behalf of a limited liability company, the date of organization, the state in which organized, a copy of the operating agreement required by the state to qualify as a limited liability company, the amount of paid-in capital, the amount of authorized capital, the names and residential addresses of all the members and the name and address of the registered agent for the company shall be provided.
- (2) The place of birth of the applicant, and, if the applicant is a naturalized citizen, the date and place of naturalization.
- (3) The names and business addresses of the applicant's employers for a period of five years prior to the application.
- (4) A statement of whether or not the applicant has been convicted of a felony.
- (5) A description and address of the proposed premises for which a license is sought.

- (6) A statement of whether or not the proposed premises are within 300 feet of a school or church.
- (7) The class of the license for which application is made.
- (8) A statement of whether or not any distiller, wholesaler, winemaker, brewer, or supplier of coin-operated, commercial, manual or mechanical amusement devices, or the employees, officers or agents thereof, has any financial interest in the retail business of the applicant for the sale of alcoholic beverages, or C.O.L., and whether or not the applicant, either directly or indirectly, will borrow or accept from any person equipment, money, credit or property of any kind, except ordinary commercial credit for liquor sold.
- (9) A complete description of the plans, specifications and fixtures in the applicant's proposed place of business, if the application is for a retail license; provided, however, that this shall apply only when application is for a new location or a change in the plans for specifications within a previously established location.
- (10) A statement that the applicant will not violate any of the ordinances of the city, the laws of the state or the laws of the United States in the conduct of the business.
- (11) A comprehensive and informative statement, as the director may deem necessary, to disclose the true ownership and management of the business.
- (12) A statement from the commissioner of revenue that the applicant has paid all earnings and profits, convention and tourism and occupational license taxes due the city, including all penalties and interest, or does not owe any earnings and profits, convention and tourism and occupational license taxes to the city.
- (13) An approval from the directors of city planning and development, fire, and health stating that with respect to the application the applicant is in compliance with the respective codes.
- (14) Two coordinates expressed in feet, based on the North American Datum 1983 Missouri West State Plane Coordinate System, identifying the center of the door for the main entrance to the premises for applications for sales-by-drink, C.O.L. or sales-by-package alcoholic beverage licenses.
- (15) An affidavit disclosing the name and residential address of any person(s) who may take part in the management and control of the business, whether directly or indirectly.
- (16) Any additional information which the director may reasonably require to be fully informed for consideration of the issuance of a license or permit.
- (17) A statement of whether live entertainment shall occur on the premises, and, if so, the type of live entertainment and the frequency of that entertainment.

(b) *Fingerprints and photographs.* Every applicant for a license under this chapter and every person designated by an applicant as a managing officer for a business licensed under this chapter may be fingerprinted by the director's agents or the city police department and shall furnish to the director two recent photographs, passport size, together with the application. If the applicant is a partnership, each partner that is an individual shall furnish a photograph and may be fingerprinted, as directed in this subsection. If the applicant is a limited liability company, each member that is an individual shall furnish a photograph and may be fingerprinted, as directed in this subsection. If the applicant is a corporation, the director, in their discretion, may make similar requirements of the officers, directors and shareholders holding more than a 10% interest in the corporation.

(c) *Execution by applicant.* Application for a license under this chapter shall be made by the individual who is to be, in fact, actively engaged in the actual control and management of the particular beverage or C.O.L. establishment for which the license is sought.

(d) *Additional information for caterer's permit.* Applications for caterer's permits shall be filed with the director at least five calendar days prior to the scheduled function and the following shall accompany the application:

- (1) Description of location, with specific defined areas set forth.
- (2) Copies of contracts between the applicant and sponsor of the function, occasion or event and the contract between the applicant and the person controlling the premises upon which the function, occasion or event is to take place.
- (3) Any other information pertinent to the application.

(e) *Priorities for issuance to new applicants.* Priority shall be given to new applicants for licenses under this chapter on the basis of the time the application is made. Any application which is incomplete for a period of 90 days after the date of filing with the director may be disapproved by the director. If an application is complete in all respects except for approval from the directors of the city planning and development, fire, health and neighborhoods departments, then the director may issue a letter notifying the applicant that the issuance of the license or permit will be approved contingent on providing the approvals to the director. The director may withdraw the letter if the director determines that the delay in obtaining the certificates is a direct result of the applicant's action or inaction. An aggrieved applicant may file a written request for a hearing before the board in the manner provided in section 10-62(a) of this chapter.

Sec. 10-163. Investigations.

Director's investigation. The director shall immediately investigate the statements contained in each application for an original license or permit or the renewal or transfer of location of an existing license, or for change of ownership or change in management or control of the business under this chapter, as well as the character, background, associates, financial investments and indebtedness of the applicant. In addition, upon request of the director, a licensee under this chapter shall file a supplemental report, within 15 days, of any loan made to the licensee of money, or credit relating directly or indirectly to the licensed business.

Notwithstanding any other provision of this chapter, the director may on their own motion convene a meeting to receive information from the applicant and citizens on any application for an original license or permit or the renewal or transfer of location of an existing license, or for change of ownership or change in management or control of the business under this chapter, as well as the character, background, associates, financial investments and indebtedness of the applicant.

Sec. 10-187. Tax clearance.

(a) Before any retail, wholesale, C.O.L., manufacturer or microbrewery license or permit is issued or renewed under the provisions of this chapter, the applicant shall furnish to the director, a statement from the commissioner of revenue that the applicant has paid all earnings and profits, convention and tourism and occupational license taxes due the city, including all penalties and interest, or does not owe any earnings and profits, convention and tourism and occupational license taxes to the city.

(b) The director may issue a conditional license or permit for the renewal of a license or permit issued under this chapter to an applicant who is on a payment plan, as approved by the commissioner of revenue, for all earnings and profits, convention and tourism, and occupational license taxes due the city.

Sec. 10-188. Reserved. .

Sec. 10-189. Issuance to businesses in areas annexed by city.

Any person doing business outside the city limits in an area which is annexed by the city shall be eligible to apply, regardless of the limitations in section 10-211, within 15 days after annexation, for a city license within the classification to which they are entitled at the time of annexation.

Secs. 10-190 - 210. Reserved.

DIVISION 2. LOCATION.

Sec. 10-211. Number of retail alcoholic beverage licenses.

The number of alcoholic beverage licenses issued by the director shall be limited on the following basis:

- (1) Retail sales-by-drink licenses. One retail sales-by-drink license may be issued for population of zero to 1,500, and one additional retail sales-by-drink license may be issued for each additional 1,500 population which exceeds the first 1,500 population, contained within the entire boundaries of any United States census blocks located in the city, and which census blocks are located wholly within or intersected by a 3,000-foot radius from a proposed licensed premise, as measured from the center of the door to be used as the main entrance to the premise. For a premise that is currently in operation, the center of the door for the main entrance to the premise shall be determined by the entrance naturally used by the public frequenting the premise. The applicant shall furnish to the director two coordinates expressed in feet, based on the North American Datum 1983 Missouri West State Plane Coordinate System, identifying the center of the door for the main entrance to the premise. The limitations provided in this section shall not apply to:

- a. Retail sales-by-drink licenses issued to hotels, apartment hotels, motels, inns, lodges or similar places providing principally transient residential accommodations and having at least 40 rooms for overnight accommodation.
- b. Retail sales-by-drink licenses issued to a bar-restaurant as defined in this chapter. At the request of the director, the licensee of a bar-restaurant granted a license under this subsection shall file on a form provided by him, a verified statement showing the total amount of gross receipts, the total amount of gross receipts from the sale of alcoholic beverages, and the total amount of gross receipts from the sale of prepared meals and food made and consumed on the premise for the 90-day period immediately following the date of the issuance of the license, and thereafter for the 12-month period of each year. Upon proper and sufficient evidence submitted to the director, the director shall summarily cancel or refuse to renew the license upon the failure of the licensed premise for a period of one year after issuance or renewal of the license to maintain the business as a bar-restaurant. Cancellation as provided in this subsection by the director of any license issued under this subsection shall not be deemed a revocation and shall not disqualify the licensee from applying for and receiving any license granted under the provisions of this chapter. The cancellation shall be appealable to the board in the manner set forth in section 10-62(b) of this chapter.
- c. Retail sales-by-drink licenses issued to theatres registered as nonprofit organizations where live performances are given on a regular basis.
- d. Retail sales-by-drink licenses issued to an event space where no more than 18 public events are held at the premise on an annual basis. An event space is defined as an enclosed structure that at the time of initial licensure is zoned for commercial or industrial use by the city and fronts on a "major street" (within the meaning of the city's major street plan as in effect at the time of initial licensure as an event space) at which the only business undertaken is the conduct of private, charity or public events within the space. A public event notification form, as supplied by the director, must be completed and submitted by the retail sales-by-drink licensee a minimum of five business days in advance of the scheduled event. If the director deems necessary, a security plan shall be submitted by the retail sales-by-drink licensee. The public event notification form and security plan must be approved by the director prior to the public event taking place. As it applies to this subsection:
 1. A private event is defined as an event, such as a wedding, engagement, or retirement, where everyone in attendance is there by invitation only, and, there is no entry fee, admission charge, door charge, ticket sales or donations taken of any kind to attend the private event, and;

2. A charity event is defined as an event conducted by an organization recognized as an exempt organization under section 501(c)(3) of the Internal Revenue Code that may be attended by members of the general public who pay an entry fee, admission charge or door charge, or who purchases a ticket or makes a donation, to attend the specific event, and;
 3. A public event is defined as an event not conducted by an organization recognized as an exempt organization under section 501(c)(3) of the Internal Revenue Code that may be attended by members of the general public who pay an entry fee, admission charge or door charge, or who purchase a ticket, to attend the specific event.
- e. Retail sales-by-drink licenses issued to a manufacturer or microbrewery, as defined in this chapter, to sell only those alcoholic beverages by the drink that are manufactured on the licensed premise.
 - f. A licensed premise that will only be used as a storage space where alcoholic beverages are stored, not sold or served, and the general public is not permitted to enter at any time.
 - g. Sales-by-drink premises located wholly within the following described locations:
 1. *Central City Area.* That area bounded by, including and beginning from the intersecting point of the block face frontage of the west side of Broadway Boulevard and including the block face frontage of I-70 on the north, thence east along the block face frontage of I-70 on the north to the intersecting point of and including the block face frontage of the east side of Cherry Avenue, thence south along the block face frontage of the east side of Cherry Avenue to the intersecting point of and including the block face frontage of the south side of 8th Street, thence east along the block face frontage of the south side of 8th Street to the intersecting point of and including the block face frontage of the east side of Holmes Avenue, thence south along the block face frontage of the east side of Holmes Avenue to the intersecting point of and including the block face frontage of the south side of 24th Street, thence west along the block face frontage of the south side of 24th Street to the intersecting point of and including the block face frontage of the west side of Broadway Boulevard, thence north along the block face frontage of the west side of Broadway Boulevard to the intersecting point of and including the block face frontage of the west side of Broadway Boulevard and the block face frontage of I-70 on the north.

2. *18th and Vine District Area.* That area bounded by and beginning from the intersecting point of Lydia Avenue and East Truman Road, thence east along East Truman Road to the intersecting point of Brooklyn Avenue, thence south along Brooklyn Avenue to the intersecting point of East 19th Street, thence west along East 19th Street to the intersecting point of Groves Street, thence north along Groves Street to the intersecting point of East 17th Street, thence west along East 17th Street to the intersecting point of Lydia Avenue, thence north along Lydia Avenue to the intersecting point of East Truman Road. After April 1, 2018, if an applicant proposes to operate a retail sales-by-drink business to be located outside the boundaries of this area, any additional business located within this new area which adds to the density after April 1, 2018 will not be included when considering the limitations of businesses as outlined in subsection (1) of this section .
3. *West Bottoms Area.* That area bounded by and beginning at the intersection of the west city limit and the south bank of the Missouri River, thence south along the west boundary of the city limit to the intersection with the north right-of-way line of 25th Street, thence east along the north right-of-way line of 25th Street to the intersection with the west right-of-way line of Allen Road, thence generally north along the west right-of-way line of Allen Road to the intersection with the west right-of-way line of Holly Avenue, thence north along the west right-of-way line of Holly Avenue to the intersection with the west right-of-way line of Beardsley Road, thence north along the west right-of-way line of Beardsley Road to the intersection with the north right-of-way line of 6th Street, thence east along the north right-of-way line of 6th Street to the intersection with the west right-of-way of Broadway Avenue, thence north along the west right-of-way line of Broadway Avenue to the intersection with the south bank of the Missouri River, thence west along the south bank of the Missouri River to the point of beginning.
4. *Zona Rosa Shopping District Area.* The east and west sides of N.W. Prairie View Road, north of N.W. Barry Road extending north to Missouri Highway 152, on the north and south sides of N.W. Prairie View Road, west of the intersection of Interstate 29 and Highway 152 extending west to N. Congress Avenue, and at the southwest corner of Highway 152 and N. Congress Avenue.
5. *City Market District Area.* That area bounded by, including and beginning from the intersecting point of the Buck O'Neil Bridge and the south bank of the Missouri River, thence east along the south bank of the Missouri River to the intersecting point of the Heart of America Bridge, thence south along the Heart of America Bridge to the intersecting point of I-70, thence west along I-70 to

the intersecting point of the Buck O'Neil bridge, thence north along the Buck O'Neil Bridge to the intersecting point of the south bank of the Missouri River.

6. *Tiffany Springs Market Area.* That area bounded by Tiffany Springs Road on the north, Interstate 29 on the west, Missouri Highway 152 on the south and N. Ambassador Drive on the east.
7. *25th and Southwest Blvd. Area.* That area bounded by Southwest Boulevard on the west, West 25th Street on the north, Summit Street on the east and West 26th Street on the south.
8. *Village at Briarcliff Area.* That area bounded by North Mulberry Drive on the west, the northern boundary of the Briarcliff Village Tract C-1 parcel on the north, the eastern boundary of the Briarcliff Village Tract C-1 parcel on the east and the southern boundary of the Briarcliff Village Tract C-1 parcel on the south.
9. *East Bottoms Area.* That area bounded by and beginning from the intersecting point of North Garland Avenue and Nicholson Avenue, thence east along Nicholson Avenue to the intersecting point of North Agnes Avenue, thence south along North Agnes Avenue and continuing in a straight line to the intersecting point of the northern border of Kessler Park, thence west along the northern border of Kessler Park to the point where North Garland Avenue would intersect the northern border of Kessler Park, thence north along North Garland Avenue to the intersecting point of Nicholson Avenue. After April 1, 2018, if an applicant proposes to operate a retail sales-by-drink business to be located outside the boundaries of this area, any additional business located within this new area which adds to the density after April 1, 2018 will not be included when considering the limitations of businesses as outlined in subsection (1) of this section.
10. *Mill Creek Plaza Area.* That area bounded by and beginning from the intersecting point of 103rd Street and the west bank of Indian Creek, thence southwest along the west bank of Indian Creek to the intersecting point of the west bank of Indian Creek and the state line, thence north along the state line to the south line of Lea Manor Subdivision, thence east along the south line of the Lea Manor Subdivision, to the west line of Lot 3, Watts Mill Plaza Subdivision, thence south along the west line of Lot 3, Watts Mill Plaza Subdivision, to the south line of Lot 3, Watts Mill Plaza Subdivision, thence east along the south line of Lot 3, Watts Mill Plaza Subdivision, to the east line of Lot 3, Watts Mill Plaza Subdivision, thence north along the east line of Lot 3, Watts Mill Plaza Subdivision, to the south line of lots 18, 19, and 20 Eden Subdivision, thence southeast along the south line of lots 18, 19,

following the date of the original issuance of the license, and thereafter for the 12- month license period. The statements shall be filed within 15 days after the expiration of the 90-day period and with each annual renewal application for a retail sales-by-package license. Upon proper and sufficient evidence submitted to the director, the director shall summarily cancel or refuse to renew the license upon the failure of the licensed premise for a period of one year after original issuance or renewal of the license to maintain a building of not less than 5,000 square feet; or upon the failure to maintain an average of 70% or more of its total gross receipts, other than receipts from the sale of motor vehicle fuel, from sales of inventory excluding alcoholic beverages. Cancellation as provided in this subsection by the director of any license issued under this subsection shall not be deemed a revocation and shall not disqualify the licensee from applying for and receiving any license granted under the provisions of this chapter. The cancellation shall be appealable to the board in the manner set forth in section 10-62(b) of this chapter.

- b. If an applicant proposes to operate a retail sales-by-package premise and the 3,000-foot radius, as measured from the center of the door for the main entrance of the premise as determined by the entire boundaries of any United States census blocks located in the city and which census blocks are located wholly within or intersected by the radius, has a population of 750 or less.
- c. A licensed premise that will only be used as a storage space where alcoholic beverages are stored, not sold or served, and the general public is not permitted to enter at any time.
- d. If an applicant proposes to operate a retail sales-by-package premise located wholly within:
 - 1. *Greater Central City Area.* That area bounded by, including and beginning from the intersecting point of the block face frontage of the west side of the Broadway Bridge and the south bank of the Missouri River, thence east along the south bank of the Missouri River to the intersecting point of and including the west side of the Heart of America Bridge, thence south along the block face frontage of the west side of the Heart of America Bridge to the intersecting point of and including the block face frontage of the north side of I-70 on the north, thence east along the block face frontage of the north side of I-70 on the north to the intersecting point of and including the block face frontage of the east side of Cherry Avenue, thence south along the block face frontage of the east side of Cherry Avenue to the intersecting point of and including the block face frontage of the south side of 8th Street, thence east along the block face frontage of the south side of 8th Street to the intersecting point of and including the block face frontage of the east side of Holmes Avenue, thence south along the

block face frontage of the east side of Holmes Avenue to the intersecting point of and including the block face frontage of the south side of 24th Street, thence west along the block face frontage of the south side of 24th Street to the intersecting point of and including the block face frontage of the west side of Broadway Boulevard, thence north along the block face frontage of the west side of Broadway Boulevard to the intersecting point of the west side of the Broadway Bridge and the south bank of the Missouri River.

2. *West Bottoms Area.* That area bounded by Forester Road on the north, Mulberry Street on the east, St. Louis Avenue on the south and Hickory Street on the west.
3. *Zona Rosa Shopping District Area.* The east and west sides of N.W. Prairie View Road, north of N.W. Barry Road extending north to Missouri Highway 152, on the north and south sides of N.W. Prairie View Road, west of the intersection of Interstate 29 and Highway 152 extending west to N. Congress Avenue, and at the southwest corner of Highway 152 and N. Congress Avenue.
4. *Tiffany Springs Market Area.* That area bounded by Tiffany Springs Road on the north, Interstate 29 on the west, Missouri Highway 152 on the south and N. Ambassador Drive on the east.
5. *79th and State Line Area.* That area bounded by 79th Street on the north, State Line Road on the west, 81st Street on the south and Ward Parkway on the east.
6. *Ward Parkway Plaza Area.* That area bounded by West 85th Terrace on the north, State Line Road on the west, West 89th Street on the south and Ward Parkway on the east.
7. *Innovation Campus Area.* That area bounded by, including and beginning from the intersecting point of the Kansas City Southern Railroad tracks and East Bannister Road, thence west along East Bannister Road to the intersecting point of Hillcrest Road, thence west along and including the block face frontage of the south side of east Bannister Road to the intersecting point of Hickman Mills Drive, thence northwest along Hickman Mills Drive to the intersecting point of Blue River Road, thence northeast along Blue River Road to the intersecting point of East 87th Street, thence east along and including the block face frontage of the north side of East 87th Street to the intersecting point of the Kansas City Southern Railroad tracks, thence south along the Kansas City Southern Railroad tracks to East Bannister Road.

8. *Martini Corner Area.* That area bounded by East 29th Street on the north, Gillham Road on the east, East 30th street on the south and Oak Street on the west.
 9. *Shoppes at Shoal Creek Area.* That area bounded by Missouri Highway 152 on the south; North Flintlock Road on the east; the northern border of Lots 1 and 5, The Shoppes at Shoal Creek Subdivision, on the north; and Lot 1, The Shoppes at Shoal Creek Subdivision, on the west.
 10. *Westport Shopping Center Area.* That area bounded by, including and beginning from the intersecting point of Southwest Trafficway and Greenwood Place, thence south on Southwest Trafficway to the intersecting point of Westport Road, thence southwest on Westport Road to the intersecting point of Wiedenmann Place, thence north on Wiedenmann Place to the intersecting point of the northwest corner of Lot 8, Wiedenmann Place Subdivision, said northwest corner being on the south line of alley; thence northeast along the south line of said alley to the northeast corner of Lot 24, Greenwood Place Subdivision; thence southeast on Greenwood Place to the intersecting point of Southwest Trafficway.
 11. *Mill Creek Plaza Area.* That area bounded by and beginning from the intersecting point of 103rd Street and the west bank of Indian Creek, thence southwest along the west bank of Indian Creek to the intersecting point of the west bank of Indian Creek and the state line, thence north along the state line to the south line of Lea Manor Subdivision, thence east along the south line of the Lea Manor Subdivision, to the west line of Lot 3, Watts Mill Plaza Subdivision, thence south along the west line of Lot 3, Watts Mill Plaza Subdivision, to the south line of Lot 3, Watts Mill Plaza Subdivision, thence east along the south line of Lot 3, Watts Mill Plaza Subdivision, to the east line of Lot 3, Watts Mill Plaza Subdivision, thence north along the east line of Lot 3, Watts Mill Plaza Subdivision, to the south line of lots 18, 19, and 20 Eden Subdivision, thence southeast along the south line of lots 18, 19, and 20, Eden Subdivision to the east line of lots 18, 19, and 20, Eden subdivision, thence south to the west bank of Indian Creek, thence southwest along the west bank of Indian Creek back to the intersecting point of 103rd Street and the west bank of Indian Creek.
- e. If an applicant proposes to operate a retail sales-by-package premise for the sale of malt beverages having an alcohol content not in excess of 5% by weight in the original package, the premise is located so that no residentially zoned property is within a radius of 600 feet from the premise as measured from the center of the door for the main entrance to the premise, 80% or more of the gross sales on the premise are nonalcoholic

beverage sales, and the majority of eligible neighbors who filed a written response with the director did not oppose the granting of a license at the premises under the provisions of section 10-214, provided that the applicable radius to determine eligible neighbors shall be 500 feet.

f. Retail sales-by-package licenses for premises within Kansas City International Airport.

- (3) The determination of population contained within the entire boundaries of any United States census blocks located in the city, and which census blocks are located wholly within or intersected by a 3,000-foot radius as measured from the center of the door of the main entrance of a proposed sales-by-drink or sales-by-package premise, shall be made by adding the total population as determined by the most recent U.S. Decennial Census or, at the applicant's choice, by requesting from the city planning and development department the Kansas City Population Update Report prepared and signed by the city's planning and development department to determine population that is contained within the entire boundaries of each such United States census block. The determination of the number of licenses of a specific category located within the entire boundaries of any United States census blocks located in the city, and which census blocks are located wholly within or intersected by a 3,000-foot radius as measured from the center of the door of the main entrance of a proposed sales-by-drink or sales-by-package premise, shall be made by adding the total number of such licenses located within the entire boundaries of each such United States census block, but excluding those licenses exempted under (1)a., (1)b., and (1)c., located within the entire boundaries of each such United States census block. In connection with any application for a new license regulated under this section, for the purposes of determining the number of licenses in the categories regulated under this section, contained within the entire boundaries of any United States census blocks located in the city, and which census blocks are located wholly within or intersected by a 3,000-foot radius from a proposed licensed premise, as measured from the center of the door for the main entrance to the premise, all such city licenses existing at the time of the determination by the director, whether serving a suspension, under an order of nonrenewal, under an order of suspension or revocation, or under investigation for, subject to or charged with disqualification from holding a license or a violation of the provisions of this chapter, shall be included in the calculation unless the nonrenewal or revocation is final with all rights of appeal foreclosed.
- (4) If the total number of sales-by-drink or sales-by-package licenses herein issued at the time this chapter becomes effective exceeds the number authorized for that category of license, those licenses, if they meet all other requirements, shall be entitled to renewal on an annual basis. If a license is not renewed or ceases to fulfill all other requirements of this chapter and is thereafter terminated or canceled or expires, then an application for a new license for the previously licensed premise shall be required to fulfill all conditions of this chapter for an original license, including but not limited to the provisions of section 10-211 limiting the number of licenses. Additional licenses in a category shall not be

issued until the time as the respective population ratios as calculated and determined under this section exceed the populations provided herein. A new license in a category, if the application meets all other requirements of this chapter, may be issued for a vacancy created by bona fide purchase or transfer of a license to a new premise located in a census block wholly within or intersected by a 3,000-foot radius from the existing licensed premise, as measured from the center of the door for the main entrance to the premise, so long as an application for a new license is filed within 12 months from the date of bona fide purchase or transfer. A licensee whose license has been surrendered, canceled or not renewed as a result of the transfer of the real property where the premise is located to an entity that has the power of eminent domain, and who files an application for a new license within 12 months from the date of the transfer of the real property shall be exempt from the requirements of this section with respect to a new location, but the licensee shall meet all other requirements of this chapter. For the purposes of this chapter, the center of the door for the main entrance to the premise shall be determined by the entrance naturally used by the public frequenting the establishment who shall furnish to the city two coordinates expressed in feet, based on the North American Datum 1983 Missouri West State Plane Coordinate System, identifying the center of the door for the main entrance to the premise.

Sec. 10-212. Location.

(a) No liquor license, expansion of premises, change in license type, change in location, extended hours permit, or amended license to allow live entertainment shall be issued for any location where the license is likely to interfere with or be detrimental to the rights or interests of the neighboring community.

(b) For purposes of this section, it shall be presumed that a proposed license is likely to interfere with or be detrimental to the rights or interests of the neighboring community if:

- (1) The applicable premises is or will be a sales-by-drink tavern or C.O.L license and is within 300 feet of a church or school, unless it is located within an exception area;
- (2) The applicable premises has or will have a sales-by-package license and is within 300 feet of a church or school, unless the proposed license is a grocery store or located within an exception area;
- (3) The applicable premises is or will be a sales-by-drink tavern or C.O.L. license and is within 300 feet of an area that is zoned residential unless it is located within an exception area;
- (4) The applicable premises has or will have a sales-by-package license and is within 300 feet of an area that is zoned residential, unless the proposed premises is a grocery store or it is located within an exception area;

- (5) The applicable premises is seeking an extended hours permit, pursuant to section 10-106 and is located within 1,500 feet of an area that is zoned residential;
- (6) The applicable premises has or will have a sales-by-drink license or C.O.L license and is not located within an exception area, and 50% or more of the eligible neighbors who filed a written response with the director opposed the granting of a license at the premises; or
- (7) The applicable premises has or will have a sales-by-package license that is not located within an exception area and 50% or more of the eligible neighbors who filed a written response with the director opposed the granting of a license at the premises

(c) Distance shall be measured from the nearest point of the enclosing wall of the licensed premises or proposed license premises to the nearest enclosing wall of a church or school or to the nearest point of a parcel zoned residential.

(d) Any applicant seeking to rebut the presumption that their proposed license is likely to interfere with or be detrimental to the rights or interests of the neighboring community shall make a written request to the director describing why the applicant believes a waiver is appropriate. The director may permit waiver of one or more of the presumptions listed in subsection (b) if the director finds that the proposed license is not likely to interfere with or be detrimental to the rights and interests of the neighboring community. In considering a waiver the director may consider:

- (1) The physical characteristics of the proposed premises; relevant geography and character of both the premises and the surrounding neighborhood;
- (2) Relevant geography and character of both the premises and the surrounding neighborhood;
- (3) The proximity of the premises to other uses and use types and the effect of the exterior lighting, noise, traffic and parking associated with the operation of the premises, with its patrons or with other persons frequenting the premises on the surrounding area;
- (4) The type of activity or entertainment to be conducted at the establishment and the days and times during which such activity would take place;
- (5) Whether any applicable church or school within 300 feet of the proposed premises supports the requested waiver;
- (6) The history of past use at the proposed premises; and
- (7) The measures the applicant proposes to implement to maintain quiet and security in conjunction with the establishment.

(e) The director shall review any request to rebut a presumption in subsection (b), along with any additional information submitted by an eligible neighbor, city department, the Kansas City Police Department, and any other information that the director deems relevant. The director shall not make a decision until forty-five days after notice is provided to all eligible neighbors as required by section 10-214. The director shall issue the decision in writing to the applicant and all responding eligible neighbors and provide the reasons for their decision.

(f) The director may grant a conditional license to any applicant whose proposed license is in conflict with subsection (b) in order to avoid the proposed premises interfering with or being a detriment to the rights and interests of the neighboring community.

(g) If a license or permit is not renewed or ceases to fulfill all other requirements of this chapter and expires, then an application for a new license or permit for the previously licensed premises shall be required to fulfill all conditions of this chapter for an original license or permit.

(h) If a license or permit issued under this chapter has been revoked, then an eligible applicant may apply for a new license or permit for the premises where a license or permit has been revoked and shall be required to fulfill all conditions of this chapter for an original license or permit.

Sec. 10-213. Building, fire, and health code compliance.

Before any retail, wholesale, C.O.L., manufacturer or microbrewery license or permit for a new establishment or for the expansion of an existing establishment is issued or renewal of a license or permit for an existing establishment is issued under the provisions of this chapter, the applicant shall furnish to the director upon request, approval from the directors of city planning and development, fire, health and neighborhoods stating that with respect to the application the applicant is in compliance with the respective codes and the zoning ordinance of the city. If an application is complete in all respects except for approval from the directors of the city planning and development, fire, health and neighborhoods departments, then the director may issue a letter notifying the applicant that the issuance of the license or permit will be approved contingent on providing the approvals to the director.

Sec. 10-214. Eligible neighbor notification.

(a) For purposes of this section, eligible neighbors shall include the owners of a minimum of 15 eligible property parcels as defined by geographic information systems maps based on the North American Datum 1983 Missouri West State Plane Coordinate System, maintained by the public works department of the city, wholly within or intersected by a radius of 250 feet from the proposed premises, as measured from the center of the door for the main entrance to the premises. For any premises that does not either intersect or include the boundaries of a minimum of 15 eligible property parcels within a radius of 250 feet, the radius will be increased by segments of 100 feet not to exceed 1,500 feet until the premises is intersected by or within the boundaries of a minimum of 15 eligible property parcels. The center of the door for the main entrance to the premises shall be determined by the entrance most used by the public frequenting the establishment. Regardless of how many parcels an individual may control or own, any individual real person may only submit one written response to the director and only

one parcel owned or controlled by an individual shall be considered eligible for purposes of this section. For parcels that are condominiums, the director shall only be required to notify the homeowners association which may submit a written response on behalf of the building and all its owners. In lieu of a written response from an eligible property owner under this section, the director shall accept a response in proper form from a tenant if the tenancy is for a term not less than one year.

(b) The neighbor notification requirement provided in this section shall apply to:

- (1) Any new premises;
- (2) The expansion of any licensed premises;
- (3) Notwithstanding any other section of this chapter, any previously licensed or permitted premise where the license or permit was revoked;
- (4) Any licensed premises, including but not limited to a bar-restaurant, tavern, hotel, bowling alley, grocery store or convenience store that changes the type of business that was originally approved by the director;
- (5) Any applicant or licensee intending to provide live entertainment, provide an additional type of live entertainment not identified on their last application or application for renewal, or to increase the frequency of live entertainment, as further outlined in sections 10-270 and 10-332 of this chapter;
- (6) Any change in ownership of a licensed premises unless not required in section 10-266 of this chapter; and
- (7) Any application for extended hours permit.

(c) An applicant shall furnish with the application two coordinates, expressed in feet, based on the North American Datum 1983 Missouri West State Plane Coordinate System, identifying the center of the door for the main entrance to the premises.

(d) The director shall mail written notification of the filing an application for a license under this section to all eligible neighbors as determined by subsection (a), along with a response form that the eligible neighbor can complete, within 14 business days of the applicant submitting their completed application. An eligible neighbor may submit the response form indicating whether they support or oppose the issuance of the license, along with their reason for supporting or opposing the license, within 30 days of the issuance of the notice by the director. Responses shall be in writing on a form provided by the director and shall contain a statement that the person signing is a bona fide eligible neighbor under the provisions of this section. An eligible neighbor may change or withdraw their response during the 30 day period by notifying the director in writing stating their desire to change or withdraw their response.

(e) The applicant must provide a notarized statement that no eligible neighbor or tenant of an eligible neighbor has received, either directly or indirectly, anything of value

which may include but is not limited to any gift, compensation, loan, favor, privilege, service, courtesy or otherwise, in exchange for their response or not filing a response.

(f) The director shall also mail written notification of the filing of an application for a license under this section to all neighborhood associations registered with the city in the same zip code as the proposed premises.

(g) The director shall not accept an application for a sales-by-drink, C.O.L. or sales-by-package licensed premise not within an exception area where 50% or more of the eligible neighbors who filed a written response with the director opposed the granting of a license two times within a 12-month period unless 12 months have passed from the date of the most recent denial by the director or withdrawal by an applicant of an application.

(h) Neighbor notification shall not be required or considered for a licensed premise that will only be used as a storage space where alcoholic beverages are stored, not sold or served, and the general public will not be permitted to enter at any time.

Sec. 10-215. Exception Areas.

The following areas shall be known for the purposes of this chapter as “exception areas”:

(a) *18th & Vine District Area* means the area generally described as the area bounded by and beginning from the intersecting point of Lydia Avenue and East Truman Road, thence east along East Truman Road to the intersecting point of Brooklyn Avenue, thence south along Brooklyn Avenue to the intersecting point of East 19th Street, thence west along East 19th Street to the intersecting point of Groves Street, thence north along Groves Street to the intersecting point of East 17th Street, thence west along East 17th Street to the intersecting point of Lydia Avenue, thence north along Lydia Avenue to the intersecting point of East Truman Road.

(b) *Central Business District Area* means the area generally described as the area between the Missouri River on the north, Broadway Boulevard on the west, Holmes Street on the east and Pershing Road on the south.

(c) *Country Club Plaza Area* means the area generally described as the area between 46th Terrace on the north, Main Street on the east, Ward Parkway on the south and Belleview Avenue on the west.

(d) *Westport Shopping District Area* means the area generally described as the area between 39th Street on the north, Main Street on the east, 43rd Street on the South and Southwest Trafficway on the west.

(e) *Zona Rosa Shopping District Area* means the area generally described as the area between Missouri Highway 152 on the north, Interstate 29 on the east, to Barry Road on the south, to Northwest Prairie View Road, to Northwest 86th Terrace and to North Congress Avenue on the west.

(f) *Uptown District Area* means the area generally described as the area located on both sides and adjacent to Broadway Boulevard from 34th Terrace (extended) on the North to Valentine Road (extended) on the South.

Sec. 10-216. Reserved.

Sec. 10-217. Existing licensed establishments.

Nothing contained in this division shall affect any retail sale-by-drink or C.O.L. alcoholic beverage establishment legally located before and continuously operated since April 5, 1968.

Sec. 10-241. Criteria for issuance of license

(a) In considering whether to approve or disapprove an application for any license or permit under this chapter, the director shall determine whether the applicant is qualified and meets all requirements for the license or sales permit in accordance with this Chapter and whether the approval of the license or permit will be in the best interests of the city.

(b) In making the determination of whether the approval of the license or sales permit will be in the best interests of the city, the director shall consider:

- (3) Whether previous licenses granted to the same applicant or to other applicants for the same site have resulted in lewd and indecent conduct, criminal activity, or other disturbances to the surrounding areas including, but not limited to, complaints of loud music, noise, litter, disorderly assemblages, loitering or public urination.
- (4) The type of activity or entertainment to be conducted at the establishment and the days and times during which such activity will take place.
- (3) Whether the licensee has at another or past premises ever violated the provisions of this chapter, or other law or regulation.
- (4) The legal nature and history of the applicant with other similar uses or businesses.
- (5) The number of adult bookstores, adult entertainment facilities, bathhouses, massage shops and modeling studios, as defined in the zoning ordinance, within 3,000 feet of the proposed premises.
- (6) Any other factors which reasonably relate to the public health, safety and welfare.

(c) The director may request any department or agency of the city to provide data, information, opinions or recommendations which will assist them in reviewing any application for a license, including but not limited to:

- (1) *Public works department:* Traffic flow, location of curb cuts for parking lots, and parking availability surveys.
- (2) *City planning and development department:* Impact upon the community, neighborhood, surrounding environs, adopted area plans and comprehensive plans or development projects in the area, and applicable building codes, parking requirements and zoning restrictions.
- (3) *Fire department:* Access for emergency vehicles and safety of the proposed location.
- (4) *Police department:* Potential impact of crime, disturbances and traffic related to density or location of licensed establishments upon nearby residential or commercial neighborhoods.
- (5) *Health department:* Adverse impact upon the health, safety and general welfare.
- (6) *Parks and recreation department:* Impact upon parks, boulevards or community centers within the vicinity.

(c) The provisions of this section shall apply to any new application for any classification of license as well as any application for an expansion of premises or transfer of location of the license.

Sec. 10-242. Probationary period.

(a) All new licensees and permittees are placed on a six month probationary period which begins after the license or permit has been issued on the first day the business is open to the public. In order to successfully complete the probationary period, the licensee or permittee must meet the following criteria:

- (1) A licensee or permittee under this chapter has at all times maintained an orderly place; and
- (2) A licensee or permittee or an employee, agent or servant of a licensee or permittee has not violated any of the provisions of this chapter; and
- (3) A licensee or permittee has not been found to have obtained their license or permit through materially false statements made through the application process for a license or permit; and
- (4) A licensee or permittee made a complete disclosure of all pertinent information during the application process for a license or permit; and
- (5) Nothing has occurred which would render the licensee or permittee or licensed premises ineligible or unsuitable for a license or permit under the provisions of this chapter.

If a licensee or permittee fails to successfully complete the probationary period, the director may place the licensee or permittee on a conditional license agreement for a period of up to one year. If the licensee or permittee does not agree to the conditional license agreement, the director may file to revoke all licenses and permits issued under this chapter. After the expiration of the conditional license agreement, if the licensee is still in violation of the above criteria all licenses and permits issued under this chapter shall be revoked.

(b) If any current retail licensee or permittee or employee of the licensee or permittee has been found by the director to have:

- (1) Obtained their license or permit or attempted to obtain a license or permit through materially false statements made through the application process for a license or permit; or
- (2) Caused a nuisance to or change in character of a residential area or the immediate area surrounding the premise; or
- (3) Allowed lewd and indecent conduct on or within the immediate vicinity of the licensed premises; or
- (4) Not at all times maintained an orderly place; or
- (5) Had occurrences which would render the licensee or permittee or licensed premises ineligible or unsuitable for a license or permit under the provisions of this chapter, however, multiple occurrences may arise from one incident;

The licensee or permittee may be placed on a six month probationary period. In order to successfully complete the probationary period, the licensee or permittee may not have any violations of the criteria listed in this subsection. If a licensee or permittee fails to successfully complete the probationary period, the director may place the licensee or permittee on a conditional license agreement for a period of up to one year. If the licensee or permittee does not agree to the conditional license agreement, the director may file to revoke all licenses and permits issued under this chapter. If the licensee is still in violation of the above criteria after the expiration of the conditional license agreement, all licenses and permits issued under this chapter shall be revoked.

(c) Nothing in this section shall prevent the director from seeking an immediate suspension or revocation of any license or permit as provided in this chapter.

Sec. 10-261. Renewals.

(a) *Renewal period, notification, filing dates and termination of license due to failure to renew.* The license period for retail or wholesale sale of alcoholic beverages and C.O.L. licenses and permits will be for a period of one year beginning and ending on dates determined by the director. Renewal notification will be sent to licensees 90 days prior to the date of expiration. The completed renewal application is due 30 days prior to the expiration date of the current license and no sales of alcoholic beverages shall be allowed on the premises after the expiration date of the license or permit. Failure to apply for a renewal of a liquor license or permit within

120 days of the expiration date shall render the expired license null and void. An application for renewal of a liquor license or permit received within 120 days of the license expiration date may be considered by the director for approval up to 180 days after the expiration of the license.

(b) *Proper parties to file application.* In the case of a business owned by an individual, the renewal application shall be filed by the actual owner. In the case of a partnership, separate applications shall be filed by each member of the partnership. In the case of a limited liability company, the renewal application shall be filed by either the managing officer of the business or any member of the limited liability company. In the case of a corporation, the renewal application shall be filed by either the managing officer of the business or a corporate officer of the corporation.

(c) *Contents of application.* A renewal application shall disclose by affidavit, on a form provided by the director, the following information, along with any other information the director deems necessary:

- (1) The name and address of the owners of the business at the date of filing. If the business is owned by a partnership, then the application shall include the names and addresses of all partners. If the business is owned in whole or in part by a limited liability company then the application shall include the names and addresses of all members of the company. If the business is owned in whole or in part by a corporation, the application shall include the names and addresses of the corporate officers and directors, and all stockholders if the total number of stockholders is less than 15, or, if there are more than 15 stockholders in the corporation, then the applicant shall furnish the names and addresses of all stockholders who hold 10% or more of the capital stock and the percentage of stock held by each such stockholder.
- (2) The financial status of the business, including all loans, notes, chattels, mortgages and any and all other outstanding obligations, and the balance due thereon, except current alcoholic beverage bills, or other current bills, for merchandise incidental to the operation of the business for which the license is sought.
- (3) The banks with which the licensee is doing any business, and the signed consent by the licensee for the director or their authorized representatives to examine any and all business bank accounts, records and other data pertaining to the licensed business.
- (4) The names and addresses of any persons who have contributed any money to, have loaned any money to, or have had any investments in the licensed business during the preceding year. The applicant shall further state the amounts received from those persons, the purpose for which the money was used, and any outstanding obligations and the balance due thereon.
- (5) Whether the applicant has borrowed or accepted money and a statement that the applicant will not to borrow or accept money in the future from any wholesale supplier of alcoholic beverages or any supplier of coin-operated commercial, manual or mechanical amusement devices, or the employees, officers or agents

thereof, or from any owner of coin-operated commercial, manual or mechanical amusement devices on or about the licensed premises, or from any felon or person who is not of good moral character.

- (6) The names and addresses of any and all persons who may be engaged, either directly or indirectly, in any part of the management and control of the licensed business.
- (7) Whether the applicant has complied with, during the past year, and will continue to comply with, the provisions of the fair public accommodation sections of chapter 38.

(d) *Documentation filed with application.* The following documents shall be filed with applications for renewals:

- (1) If the application is for renewal of a bar-restaurant license, the applicant shall furnish to the director, copies of all city convention and tourism tax returns, showing that more than 30% of the gross income of the bar-restaurant for the one year preceding the date of the application was derived from the sale of prepared meals or food consumed on the premises
- (2) If a license has been issued to an applicant who represents at the time of the original application that the licensee has control of parking facilities by ownership, lease or otherwise, and the license was issued relying in part upon that representation, then any renewal application shall include the same or similar representations and proof of control as the director shall require. Loss of parking facilities through no fault of the license holder shall not be cause for denial of renewal.

(e) *Disapproval of application to renew.* The director shall disapprove an application for renewal of any license or permit on the following grounds:

- (1) If any renewal application contains information which does not justify renewal;
- (2) If the director has other information that the applicant has not met the requirements of this chapter;
- (3) If the licensee or any employee of the licensee or a permit holder under this chapter is convicted within the current license year in the municipal court of the city or any other court in this state, of 3 or more violations of this chapter; or
- (4) If the director has any other information which does not justify renewal. An applicant whose application for renewal of a license or permit has been disapproved may file a written request for a hearing before the board in the manner provided in section 10-62(a) of this chapter. An applicant whose application for renewal of a license or permit has been disapproved may not sell or distribute alcoholic beverages on the premises during the renewal year unless and until

- (i) the applicant thereafter files a written request for a hearing in the manner provided in section 10-62(a) of this chapter, in which case the disapproval shall be stayed until final adjudication of the matter, except that if one of the reasons for disapproval is the nonpayment of the required license fee set forth in section 10-127 of this chapter or nonpayment of any taxes set forth in section 10-186 of this chapter, then the disapproval shall not be stayed; or
- (ii) the disapproval has been reversed or set aside by the director, the board or court order.

(f) *Considerations for renewal.* In determining whether a renewal application shall be disapproved, the director, or the board, upon appeal, shall consider the following factors:

- (1) Whether the licensee has failed to report a change in ownership in the business or change in management or control of the business that has occurred in the current license year;
- (2) Whether the licensed premises has changed the character of the surrounding neighborhood or interfered with or been detrimental to the rights or interests of the neighboring community;
- (3) Whether lewd and indecent conduct, including but not limited to public urination, exhibited by persons frequenting the licensed premises or by the licensee or their employees, servants or agents, has occurred on the licensed premises or in the immediate vicinity thereof;
- (4) Whether crimes or city ordinance violations have been committed upon or in the immediate vicinity of the licensed premises by persons frequenting the premises or by the licensee or their employees, servants or agents;
- (5) The frequency of disturbances or other incidents upon or in the immediate vicinity of the licensed premises by persons frequenting the premises that have required police presence, response, investigation or other action;
- (6) Whether the licensee has allowed or permitted any type of entertainment on or about the licensed premises without application to and written approval by the director;
- (7) Whether the type of entertainment has interfered with or been detrimental to the rights or interests of the neighboring community, and, if any renewal application proposes to change the type of entertainment for the premises, whether the proposed entertainment would interfere with or be detrimental to the rights or interests of the neighboring community, considering those other factors delineated in section 10-212;

- (8) Whether the sale of illegal drugs or controlled substances or illegal gambling has occurred upon or in the immediate vicinity of the licensed premises by persons frequenting the premises or by the licensee or their employees, servants or agents;
- (9) Other factors which, due to the character of the surrounding neighborhood or of the licensed premises, would be relevant to the determination of whether renewal of a license or permit would interfere with or be detrimental to the rights or interests of the neighboring community;
- (10) Whether the licensee or permittee has received prior notice of violations of this chapter or of other factors which may not justify renewal;
- (11) Whether the licensee or permittee has timely complied with all requirements for and completed the process for renewal of the license; and
- (12) Whether the licensed premises has changed in size, either through expansion or reduction of square footage.

(g) Notwithstanding the provisions of sections 10-266 and 10-269 of this chapter, if a license is not renewed or ceases to fulfill all other requirements of this chapter and is thereafter terminated or canceled or expires, then an application for a new license for the previously licensed premises shall be required to fulfill all conditions of this chapter for an original license, including but not limited to the requirements in section 10-212.

(h) Notwithstanding any other provision of this chapter, the director may renew a bar-restaurant license for an establishment that did not derive 30% or more of its annual gross sales from the sale of prepared meals and food made and consumed on the premises, if the establishment held a bar-restaurant license in the year immediately prior and the applicant provides documentation that the licensed establishment was closed or had reduced sales in the year immediately prior because of an event or occurrence outside of the control of the applicant that resulted in a state of emergency lasting more than two weeks, as declared by the mayor or governor of Missouri.

(i) Notwithstanding any other provision of this chapter, the director may renew a bar-restaurant license for an establishment that did not derive 30% or more of its annual gross sales from the sale of prepared meals and food made and consumed on the premises if the establishment had a restaurant-bar license prior to December 1, 2021, and the licensee is in compliance with all other provisions of this chapter.

Sec. 10-263. Transfer of location.

(a) *Application required.* A licensee desiring the transfer of an existing original license to a different location shall file a written application for transfer with the director and pay an application fee of \$25.00 to the city treasurer to defray the cost of investigation and the application process. The application fee is not refundable. A convention trade area 3:00 a.m. closing permit cannot be transferred to another location. The application for transfer shall:

- (1) Disclose the name and residential address of the licensee, and current business address.
- (2) Disclose the address and legal description of the premises to which transfer is sought, together with the name and address of the owner, a complete set of building plans, and a descriptive list of the fixtures in the proposed place of business.
- (3) Include an affidavit by the licensee that they have not violated any of the provisions of this chapter or of the state liquor laws since the license was granted.
- (4) Disclose any additional information that the director may require.

(b) *Transfer requirements.* The applicant for transfer shall comply with all requirements for an original license issued under this chapter at the proposed location. A licensee whose license has been surrendered, canceled or not renewed as a result of the transfer of the real property, where the premises is located, to an entity that has the power of eminent domain, and the licensee files an application for a new license within 12 months from the date of the transfer of the real property shall be exempt from the requirements of section 10-211. The director shall investigate the application to determine whether the applicant has met all the qualifications and requirements for the issuance of a license for the proposed premises.

(c) *Disapproval of application for transfer.* The director may also disapprove an application for transfer of the business of a licensee whenever the licensed business is under citation by the city or the state department of liquor control, and the matter has not yet been fully adjudicated. An applicant for a transfer whose application has been disapproved may file a written request for a hearing before the board in the manner provided in section 10-62(a) of this chapter.

Sec. 10-266. Change in ownership of business.

(a) Any person intending to acquire any ownership interest in an existing business licensed under this chapter that is owned by an individual, partnership or limited liability company, as distinguished from a corporation, and any person intending to acquire 10% or more ownership in a corporation that is a sole owner, a partner or member in a limited liability company that owns an existing business licensed under this chapter shall not acquire ownership in the business or participate in management or control of the business without first obtaining an approval therefor from the director. The owner of an existing business licensed under this chapter shall not allow a person to acquire ownership in the business or participate in the management or control of the business without first obtaining an approval therefor from the director.

(b) Any person intending to acquire any ownership interest in an existing business licensed under this chapter that is owned by an individual, partnership or limited liability company, as distinguished from a corporation, and any person intending to acquire 10% or more ownership in a corporation that is a sole owner, a partner or member in a limited liability company that owns an existing business licensed under this chapter shall make application therefor to the director, in writing, and under oath and shall pay an application fee of \$250.00 to

the city treasurer to defray the cost of investigation and the application process. The application fee is not refundable.

(c) The application form and process for a change in ownership of a business licensed under this chapter shall follow all of the provisions contained in this chapter that apply to an application for an original license.

(d) The requirements that pertain to density, location, and neighbor notification, as outlined in sections 10-211, 10-212 and 10-214 of this chapter, shall not be applied to a change in ownership of a business if the change in ownership does not amount to a change in the control or majority ownership of the business, or if the business meets the following requirements:

- (1) The type of business, including but not limited to a bar restaurant, tavern, hotel, bowling alley, grocery store, convenience store, remains the same as before the transfer and as previously approved by the director;
- (2) The classification of liquor license(s), as outlined in article III of this chapter, remains the same as the liquor license(s) as before the transfer and as previously approved by the director;
- (3) The type of live entertainment remains the same as the type of live entertainment before the transfer and as previously approved by the director, and the frequency of such live entertainment does not increase.

(e) As a condition precedent to the approval of an application for the change of ownership in an existing business licensed under this chapter that is owned by an individual, partnership or limited liability company, as distinguished from a corporation, and any person intending to acquire 10% or more ownership in a corporation that is a sole owner, a partner or member in a limited liability company that owns an existing business licensed under this chapter, the existing owner of the business shall furnish to the director the following information:

- (1) A written notice of intention to sell or transfer ownership in the business prior to the closing date of the change of ownership of the business, and
- (2) An affidavit disclosing the names of the prospective new owner(s), the names and addresses of creditors of the licensee who are wholesale suppliers of alcoholic beverages, and stating that all the creditors have been notified in writing, by registered mail, or that the creditors have been personally served with notice of any proposed change in ownership.

(f) If upon investigation, the director verifies and is satisfied with the information presented, and if the applicant for the new license has complied with and met all of the applicable requirements of this chapter, then the director may issue a license to the new owner.

(g) If all of the applicable requirements, the investigation process, and approval of the change of ownership of an existing business licensed under this chapter are not complete by the time that the existing license is up for renewal, then the applicant shall be required to meet all of the requirements of this chapter for an original license unless the existing licensee renews the

license for the next license year under all of the requirements for renewal under this chapter including the specified time periods.

(h) The director may refuse to approve or may delay the approval of an application for change of ownership of the business if the applicant or licensee is under citation by the city or by the state department of liquor control, if an alleged violation or matter has not yet been finally adjudicated, if the licensee is under an administrative suspension or revocation ordered by the state or the city's director or board, if the director determines that the change in ownership of the business occurred without notifying the director in the manner provided in this section, or if the licensee or the applicant, as the case may be, is not eligible under the provisions of this chapter. If the director disapproves the application, then the applicant may file a written request for a hearing before the board in the manner provided in section 10-62(a) of this chapter.

(i) Any application or request for approval of a change in the ownership of the business which is incomplete for a period of 90 days after the date of filing with the director may be disapproved by the director and the applicant may file a written request for a hearing before the board in the manner provided in section 10-62(a) of this chapter.

Sec. 10-268. Continuance of license after partner's withdrawal.

If one or more members of a partnership having a license for the sale of alcoholic beverages withdraws from the partnership, the director, upon application accompanied by a bill of sale or affidavit of transfer, shall allow the remaining partner(s) originally licensed to continue operation under the original license for the remainder of the period for which the licensee fee has been paid, and shall allow the remaining partner(s) to apply for renewal of the license in the name(s) of the remaining partner(s).

Sec. 10-269. Change in ownership of previously licensed premise.

(a) Any person may apply for and receive the same type of liquor license or permit for a business that was previously licensed under this chapter provided the new business will be located at the previously licensed premise, and the application is submitted within three months of the date the license was surrendered, became null and void, or expired for sales-by-package licenses and within one year of the date the license was surrendered, became null and void, or expired for all other licenses and permits.

(b) A liquor license for a change in ownership of a previously licensed business will only be issued if the applicant submits a deed of ownership or a current lease stating the applicant can legally operate a business at the previously licensed premise and submits documentation that the previous licensee no longer has a legal right to operate or be on the property.

(c) The application form and process for a change in ownership of a previously licensed business licensed under this chapter shall follow all of the provisions contained in this chapter that apply to an application for an original license which include successful completion of the mandatory six month probation period.

(d) The requirements that pertain to density, as outlined in sections 10-211 of this chapter, shall not be applied to a change in ownership of a previously licensed premises, as long as the new business meets the following requirements:

- (1) The type of business, including but not limited to a bar-restaurant, tavern, hotel, bowling alley, grocery store, or convenience store, remains the same as before the change in ownership and as previously approved by the director;
- (2) The classification of liquor license(s), as outlined in article III of this chapter, remains the same as the liquor license(s) as before the change in ownership and as previously approved by the director;
- (3) The type of live entertainment remains the same as the type of live entertainment before the change in ownership and as previously approved by the director, and the frequency of such live entertainment does not increase;
- (4) The application is submitted within three months of the date the license was surrendered, became null and void, or expired for sales-by-package licenses and within one year of the date the liquor license or permit was surrendered, became null or void, or expired for all other licenses and permits.

(e) If upon investigation, the director verifies and is satisfied with the information presented, and if the applicant for the new license has complied with and met all of the applicable requirements of this chapter and the state statutes, then the director may issue a license or permit to the applicant.

(f) The director may refuse to approve or may delay the approval of an application if the applicant is under citation by the city or by the State of Missouri Division of Alcohol and Tobacco Control, if an alleged violation or matter has not yet been finally adjudicated, if the applicant is under an administrative suspension or revocation ordered by the State of Missouri Division of Alcohol and Tobacco Control or the city's director or board, if the existing business or if the applicant or any person as defined in this chapter or such a person's immediate family member that has ownership interest in the new business has had multiple citations for violations of Missouri state statutes or city ordinances involving alcoholic beverages within the past five years, or if the applicant is not eligible under the provisions of this chapter. If the director disapproves the application, then the applicant may file a written request for a hearing before the board in the manner provided in Section 10-62(a) of this chapter.

(g) Any application or request for approval which is incomplete for a period of 90 days after the date of filing with the director may be disapproved by the director and the applicant may file a written request for a hearing before the board in the manner provided in Section 10-62(a) of this chapter.

Sec. 10-270. Change in live entertainment.

(a) A licensee intending to provide an additional type of live entertainment not identified on their last application or application for renewal, or to increase the frequency of live entertainment at an existing business licensed under this chapter shall not allow or provide the new or additional live entertainment on the licensed premises without filing a new application with the director describing the live entertainment.

(b) A licensee intending to modify their live entertainment shall not be required to submit a new application and the director shall not be required to review the new proposed live entertainment to determine if it is likely to interfere with or be detrimental to the rights or interests of the neighboring community if the live entertainment does not occur on more than 2 days in any given 30 day period other than the month of December and if the live entertainment does not occur more than eight times within the month of December.

Sec. 10-291. - Generally.

(a)Required. It shall be unlawful for any person to directly participate in the retail sale, delivery or dispensation of alcoholic beverages unless the person holds a valid employee liquor permit issued by the director as defined in section 10-5 of this chapter. No person shall be issued an employee liquor permit by the director unless the person is at least 21 years of age except as

otherwise provided by sections 10-339 or 10-373 of this chapter. An employee liquor permit shall not be issued to any person who:

- (1) Is a persistent sexual offender or predatory sexual offender or has been found guilty of, pleaded guilty to, pleaded nolo contendere to or been convicted of a felony (federal or any state) for first or second degree murder, voluntary manslaughter, first or second degree rape, first degree statutory rape, first or second degree sodomy, first degree statutory sodomy, first or second degree kidnapping or child kidnapping, first, second or third degree child molestation,, first or second degree sexual trafficking of a child, first degree sexual abuse or an attempt to commit any of the preceding crimes or an offense of a similar nature in other states as determined by the director.
- (2) Is otherwise disqualified by state statutes or by the Code of State Regulations for employment on the licensed premises of an alcoholic beverage establishment.
- (3) Within five years of the date of application has been found guilty of, pleaded guilty to, pleaded nolo contendere to or been convicted of a felony (federal or any state) or has been released from confinement for a felony conviction, whichever is latest, for first or second degree assault, first or second degree domestic assault, first or second degree robbery, armed criminal action, sexual exploitation of a minor, trafficking for the purpose of sexual exploitation or an offense of a similar nature in other states as determined by the director.

(b)Exceptions. A person shall not be required to hold a valid employee liquor permit if:

- (1) They directly participate in the delivery or dispensation of alcoholic beverages during a permitted non-profit event as described in section 10-138 of this chapter.
- (2) They directly participate in the delivery or dispensation of alcoholic beverages for a banquet that is located outside of a bar-restaurant or tavern space within a convention hotel or motel.
- (3) They directly participate in the delivery or dispensation of alcoholic beverages at a sports stadium which is primarily used for professional sporting events or at an arena used primarily for concerts and collegiate or professional sporting events.

(c) Application. Each application for an employee liquor permit shall be filed with the director on a form supplied by the director and shall be signed by the applicant The application shall include:

- (1) The applicant's complete name, home address, email address, personal telephone number, date of birth, and motor vehicle operator's license or other identification number.
- (2) The applicant's height, weight, color of eyes, color of hair, and gender.
- (3) A statement by the applicant affirming whether he or she is a convicted felon.

- (4) An authorization signed by the applicant allowing law enforcement and probation and parole agencies to release criminal record information concerning the applicant.
- (5) The applicant's criminal history record.
- (6) A photograph of the applicant, to be taken by the director or his agents
- (7) A non-refundable application fee will be paid by the applicant to defray the cost of the application process and the required background check. If an applicant does not ask the director to conduct a criminal background investigation, the applicant will pay a reduced fee for an employee liquor permit to reflect the savings for not conducting the investigation.
- (8) After a complete application has been filed with the director, the application will be investigated. The applicant may ask the director to conduct the criminal background investigation or the applicant may choose a licensed background investigation company, approved by the director, to conduct the investigation. The investigation shall include a review of all criminal records available including federal, all states and the records of all counties in the state, specifically records regarding the registration of persons who have been found guilty of, pleaded guilty to or been convicted of sexual offenses. The investigation shall, at a minimum, include an investigation of the applicant's background concerning everything listed under subsection (a) of this section. If the applicant uses a licensed background investigation company, the applicant must authorize the release of the investigation and require the company to send a copy of the applicant's investigation to the director.

(d) Issuance. If the applicant meets the requirements of this section and this chapter, the director shall issue an employee liquor permit to the applicant which shall be valid for three years from the date of issuance. Upon expiration of the permit, the applicant may obtain a new permit in the same manner as provided in this section.

(e) Form of permit. Each employee liquor permit shall bear the physical description and photograph of the applicant and shall be laminated or be in a form, otherwise approved by the director, to prevent alteration.

(f) Invalidation, suspension or revocation. If any person who has been issued and holds an employee liquor permit shall be found guilty of, pleaded guilty to, pleaded nolo contendere to or been convicted of a felony (federal or any state), as described in subsection (a), the permit shall be void. If any permittee shall violate or contribute to the violation of any of the provisions of this chapter, the director may file a request for hearing before the board in the manner provided in section 10-62(b) of this chapter to consider whether the permit should be suspended or revoked. Nothing shall preclude the informal disposition of contested cases by stipulation, consent order or default, or by agreed settlement. In the case of a revocation of an employee liquor permit, the director shall have the discretion to reinstate the permit as described in this chapter.

(g) Employment of felons. A retail licensee may employ a person convicted of any felony, as described in subsection (a), so long as the felon does not directly participate in the retail sale, delivery or dispensation of alcoholic beverages as defined in section 10-5 of this chapter.

(h) Possession and exhibition. While directly participating in the retail sale, delivery or dispensation of alcoholic beverages, any person holding an employee liquor permit under the provisions of this section shall be required to have the permit in his or her possession, and the permit or a color copy of the permit in the possession of the retail licensee shall be exhibited to the director or the director's agents or to any officer of the city police department upon demand. Failure to exhibit an employee liquor permit or a color copy of the permit as required by this subsection shall be prima facie evidence that the person does not hold a permit.

Sec. 10-312. Special regulations for certain premises

Nothing in this article shall be construed as to prevent any hotel or motel operator, or private club, from serving any alcoholic beverage to any guest, including registered guests, in or occupying any room of a hotel, motel or private club, if the alcoholic beverage served is kept in or served from a licensed location, place or premises in the establishments.

Sec. 10-313. Limitation on number of licenses for single premises.

If any retail licensed premises has multiple licenses for separate businesses in the same building, then the building shall be partitioned in a manner that the partitions run from the front of the building to the rear of the building, from the ceiling to the floor and be permanently affixed to the ceiling, floor, front, and rear of the building in a manner as to make two separate and distinct premises. Each premises shall have a separate entrance in front and different street addresses, so as to indicate sufficiently that the businesses are run separately and distinct from each other. In addition, the business maintained on each of the premises shall be manned and serviced by an entirely separate and distinct group of employees and there may be no buzzers, bells, or other wiring or speaking system connecting one business with the other. Separate files, records, and accounts pertaining to the businesses are to be maintained.

Sec. 10-314. Reserved.

Sec. 10-332. Restrictions and prohibited acts by all retail licensees.

(a) *Sales to minors or intoxicated persons.* No retail licensee, nor employee of the licensee, shall allow any alcoholic beverages to be sold, given or otherwise supplied upon the licensed premises to any person who is under of 21 years of age, or to a habitual drunkard, or to any person who is intoxicated or who is actually or apparently under the influence of alcoholic beverage.

(b) *Consumption by minors.* No retail licensee, nor employee of the licensee, shall allow any person under 21 years of age to consume alcoholic beverages upon the licensed premises.

(c) *Sale for off-premise consumption.* No retail licensee or employee of the licensee shall sell any alcoholic beverage that is not in the original package for off-premise consumption, unless it is contained in:

- (1) a growler as outlined in Section 10-337; or
- (2) a rigid, durable, leak-proof, sealable container, that:
 - a. does not exceed 128 ounces;
 - b. is designed to prevent consumption without removal of the tamperproof cap or seal;
 - c. is affixed with a label or a tag that contains the name and address of the business that filled the container, in type not smaller than three millimeters in height and not more than twelve characters per inch, and states, "THIS BEVERAGE CONTAINS ALCOHOL.";
 - d. does not have a lid with sipping holes or openings for straws;
 - e. is tamperproof, in that it is either placed in a one-time-use, tamperproof, transparent bag that is securely sealed, or, is sealed with tamperproof tape;
 - f. is not mixed, poured or served across the bar by a person 18—20 years of age in accordance with sections 10-339 and 10-373; and
 - g. is ordered simultaneously with a meal, meaning food that has been prepared on premises.
 - h. For the purposes of this section, tamperproof means that a lid, cap, or seal visibly demonstrates when a bag or container has been opened.
- (3) Nothing in this section shall be construed as permitting the sale of any alcoholic beverage not permitted under the premises license, including the sale of alcoholic beverages that are not in the original package for off-premise consumption by anyone who does not have a sales-by-drink license.

(d) *Serving or delivering in vehicles.* No retail licensee, nor employee of the licensee, shall sell or serve any alcoholic beverage to any person while the person is operating or is a passenger in or on any motor vehicle, unless the beverage is in the sealed original package or otherwise meets the exceptions outlined in subsection (c).

(e) *Prostitution.* No retail licensee, nor employee of the licensee, shall allow upon the licensed premises any act of prostitution as defined in the prostitution chapter of the Missouri Criminal Code, including the solicitation for prostitution.

(f) *Unauthorized sale of property.* No retail licensee, nor employee of the licensee, shall allow any person to offer for sale or sell any personal property upon the licensed premises unless the sale of the property has been authorized by the licensee or the manager or person in charge of the licensed premises.

(g) *Disorderliness, indecency or obscenity.* Upon the licensed premises, no retail licensee, nor employee of the licensee, shall:

- (1) Fail to immediately prevent or suppress any violent quarrel or disorder, brawl, fight or any other act or conduct prohibited or declared to be unlawful by this chapter.
- (2) Allow language, conduct or songs calculated to provoke a breach of the peace, or obscene literature, entertainment or advertising material.
- (3) Allow any employee, entertainer or customer to perform a dance of any kind upon a bar, table or any other place used for serving food or beverages.
- (4) Allow any person to be unclothed, or in less-than-opaque attire, costume or clothing, so as to expose to view the top of the areola, or any combination of the foregoing, or human male genitals in a discernibly erect state, even if completely and opaquely covered.
- (5) Allow the performance of any acts of sexual conduct, including actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact in an act of apparent sexual stimulation or gratification, with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of the female; or any sadomasochistic abuse or acts including animals or latent objects in an act of apparent sexual stimulation or gratification, as the terms are defined in the pornography and related offenses chapter of the Missouri Criminal Code.
- (6) Allow the display of films or videotapes showing persons unclothed as described in subsection (g)(4) of this section, or allow the display of pictures, films, videotapes or other material depicting acts prohibited by subsection (g)(5) of this section.

(h) *Storing off-licensed premises.* No retail licensee shall store any alcoholic beverage off or outside of the licensed premises unless written request is filed with the director, and written approval is issued by the director; except that a licensee may store alcoholic beverages in a bonded warehouse or central warehouse, if the licensee has first notified the director in writing of their intention to do so.

(i) *Unlicensed beverages on premises.* No retail licensee, nor employee of the licensee, shall allow upon the licensed premises any alcoholic beverages except the types the licensee is licensed to sell upon those premises.

(j) *Illegal drugs.* No retail licensee, nor employee of the licensee, shall possess, store, sell or offer for sale, give away, distribute or deliver any controlled substance or illegal drug or narcotic, as defined in the Missouri Comprehensive Drug Control Act, or similar statutes, upon the licensed premises, nor shall any licensee or employee allow any other person to engage in any of these acts upon the licensed premises.

(k) *Illegal gambling.* No retail licensee, nor employee of the licensee, shall participate or engage in illegal gambling or violate any federal or state laws in connection with gambling, upon the licensed premises, nor shall any licensee or employee allow any other person to engage in any of these acts upon the licensed premises.

(l) *Illegally purchased alcoholic beverages.* No retail licensee, nor employee of the licensee, shall allow on or about the licensed premises any alcoholic beverage which they have purchased or secured in violation of any city ordinance, or local, state or federal law.

(m) *Entertainment on premises.* No retail licensee nor employee of the licensee shall allow on or about the licensed premises:

(1) Any type of live entertainment unless the neighbor notification requirement, as outlined in chapter 10-214, has been met and the application has been approved by the director. The term live entertainment, as used in this chapter, shall include but shall not be limited to a dance hall, DJ, two or more live musicians, seminude dancing, stage show, floor show or contest. Any form of entertainment, live exhibition, performance or dance characterized by exposure of specified anatomical areas as that term is defined in section 80-20, or dance performed by a performer who is nude behind an opaque barrier, shall be prohibited unless the licensed location first complies with the zoning requirements set forth under section 80-156.

(2) Any type of entertainment unless the application has been approved by the director. The term "entertainment," as used in this chapter, shall include but shall not be limited to jukeboxes, pool tables, dart boards, video games, pinball machines or any other amusement device operated by the insertion of a coin, disc or other insertion piece.

(n) *Employees dancing on premises.* Upon the licensed premises:

(1) The dancer may perform a dance for a customer or customers but shall not intentionally touch any customer while performing a dance.

(2) The dancer shall not receive any payment or gratuity from any customer unless the payment or gratuity is placed into the dancers' hand or under a leg garter worn by the dancer located at least four inches below the bottom of the pubic region.

- (3) No dancer shall dance with any customer.
- (4) No dancer shall sit at a table or the bar with any customers.
- (5) No customer shall knowingly or intentionally touch any dancer.

(o) *Multiple business names posted on one licensed premises.* Multiple business names may not be posted on the exterior of a licensed premises unless:

- (1) There is a separate entrance into the licensed premises for each different business name that will be posted, and;
- (2) The original business name is included as part of any new business name and the size of the lettering of the business name is uniform on any interior or exterior sign that will be posted throughout the licensed premises, and;
- (3) There must be open public access throughout the entire licensed premises where there are no closed doors or other physical barriers that separate the licensed premises in any way. However, it is permissible to keep any part of the licensed premises closed when it is not in use.

(p) *Nuisances.* No retail licensee or employee of the licensee shall cause a nuisance to or change in character of any residential area or the immediate area surrounding the licensed premises. Nuisances may include but will not be limited to noise, traffic and parking associated with the operation of the premises from patrons or other persons frequenting the premises.

(q) *Lewd and indecent conduct.* No retail licensee, nor employee of the licensee, shall allow lewd and indecent conduct on or within the immediate vicinity of the licensed premises. Lewd and indecent conduct may include but will not be limited to public urination exhibited by persons frequenting the licensed premises or by the licensee or their employees, servants or agents.

(r) *Compliance with law.* No retail licensee, nor employee of the licensee, shall participate in or permit the violation of any federal, state, or local rule or regulation upon the premises.

Sec. 10-333. Hours, days of sale for all retail licensees.

(a) *Hours, days of sales.* No retail licensee, nor employee of the licensee, shall sell, give away or otherwise dispose of any alcoholic beverages or suffer the same to be done on or about the licensed premises between the hours of 1:30 a.m. and 6:00 a.m.

(b) *Exceptions.*

- (1) A person holding a valid license or permit pursuant to the provisions of sections 10-104, 10-105, 10-106, 10-107, or 10-108 may be open for business in accordance with the provisions of the license or permit.

(2) When January 1, March 17, July 4 or December 31 falls on a Sunday, and on the Sundays prior to Memorial Day, Labor Day and on the Sunday on which the national championship game of the national football league is played, commonly known as "Super Bowl Sunday," any person having a license to sell alcoholic beverages by the drink may be open for business and sell alcoholic beverages by the drink under the provisions of their current license.

(c) Whenever hours of time are set forth in this chapter, they shall be interpreted to mean clock time which shall be either Central Standard Time or Central Daylight Time, whichever is then being observed.

Sec. 10-335. Prohibited acts on sales-by-drink premises.

(a) Upon the licensed premises of a sales-by-drink licensee, no licensee, nor any employee of the licensee, shall:

- (1) Allow any person to remove from the premises any alcoholic beverage provided for consumption on the premises;
- (2) Sell, give away or serve water, soda water, phosphates or any other kind of liquid to be used for the purpose of mixing intoxicating drinks, commonly referred to as "setups;"
- (3) Allow any customer, while in or upon the premises, to pour into, mix with or add intoxicating liquor to water, soda water, ginger ale, seltzer, malt, phosphates or any other kind of liquid or other liquor;
- (4) Allow any person to drink or consume any alcoholic beverage directly out of any bottle, if the volume size of the bottle exceeds 16 ounces, or if the alcohol content of the beverage exceeds 15%, by volume;
- (5) Allow any employee to solicit any customer to purchase alcoholic beverages or nonalcoholic beverages, either for that employee or for another employee;
- (6) Allow any employee directly participating in the sale of alcoholic beverages as defined by section 10-5 to consume any alcoholic beverage;
- (7) Allow any employee directly participating in the sale of alcoholic beverages as defined by section 10-5 to sit at any bar or table with any customer except for a reasonable period of time while actually engaged in taking a food or drink order;
- (8) Allow any employee, except a dance instructor, to dance with any customer; or
- (9) Sell or give away any drug, medicine or controlled substance to any person, provided that nothing in this section shall prohibit the licensee, any of its employees or any other person from possessing or using a drug, medicine or controlled substance in a lawful manner. This subsection shall not apply to hotels, apartment hotels, motels, inns, lodges or similar places providing principally transient residential accommodations and having at least 40 rooms for overnight accommodation or bar-restaurant as defined in this chapter.

(b) This section shall not be construed to prohibit any of the acts described in subsections (1) through (4) of this section in any private guest room or private dining room of any duly licensed hotel, motel or club.

Sec. 10-337. Package sales licenses; prohibitions and requirements.

(a) No package sales licensee, nor employee of the licensee, shall permit any person to consume alcoholic beverages upon the licensed premises unless such licensee also has a tasting license or sales-by-drink license pursuant to sections 10-114 or 10-102.

(b) No package sales licensee without a sales-by-drink or tasting license, nor employee of the licensee, shall sell, dispense or give away any alcoholic beverages upon the licensed premises except in the original package unless:

- (1) *Authorized to sell Growlers.* Any person who is licensed to sell intoxicating liquor in the original package at retail may sell between thirty-two and sixty-four fluid ounces of craft draft beer to customers in a container or growler filled by any employee of the retailer on the premises for consumption off such premises. No vessel or container manufactured for and previously used to store or transport any product or liquid other than craft beer filled pursuant to this section shall be used as a growler. The only draft beer that can be sold is that which comes from a craft brewery which has an annual production of less than six million (6,000,000) barrels. Any employee of the licensee shall be at least twenty-one years of age to fill containers with draft beer.
- (2) *Containers and Labeling for Growlers.* Containers that are filled or refilled of draft beer as outlined in this section shall be affixed with a label or a tag that shall contain the following information in type not smaller than three millimeters in height and not more than twelve characters per inch:
 - a. Brand name of the product dispensed;
 - b. Name of brewer or bottler;
 - c. Class of product, such as beer, ale, lager, bock, stout, or other brewed or fermented beverage;
 - d. Net contents;
 - e. Name and address of the business that filled or refilled the container;
 - f. Date of fill or refill;
 - g. The following statement: "This product may be unfiltered and unpasteurized. Keep refrigerated at all times."
- (3) *The Filling of Containers with a Tube.* The filling and refilling of containers by a retailer or its employees shall only occur on demand by a customer and containers shall not be pre-filled by the retailer or its employee.

- a. Containers shall be filled or refilled from the bottom of the container to the top with a tube that is attached to the malt beverage faucet and extends to the bottom of the container or with a commercial filling machine.
- b. A different tube from the container shall be used for each filling or refilling of a container
- c. When not in use, tubes to fill or refill shall be immersed and stored in a container with liquid food-grade sanitizer.
- d. After filling or refilling a container, the container shall be sealed.

(c) No malt liquor package sales licensee, nor employee of the licensee, shall possess or permit alcoholic beverages, other than those allowed for sale by the license, upon the licensed premises.

(d) A package sales licensee whose place of business remains open on days or during the hours when the sale of alcoholic beverages is prohibited by section 10-333 shall, during the times as sale is prohibited, segregate alcoholic beverages in a storage space inaccessible to the public, or cover or enclose alcoholic beverages by means of a slip cover constructed from substantial material and secured in a manner whereby the public shall not have access.

(e) No package sales licensee, nor employee of the licensee, shall sell or give away any drug, or controlled substance to any person, provided that nothing in this section shall prohibit the licensee, any of its employees or any other person from possessing or using a drug, medicine or controlled substance in a lawful manner, provided that this shall not apply to a licensee lawfully doing business as a pharmacy duly licensed under state or federal law or a licensee with an average of 80% or more of its total gross receipts from nonalcohol and nondrug sales.

Sec. 10-339. - Employment of and sales by minors.

(a) No retail licensee, nor employee of the licensee, shall permit any person under 21 years of age to directly participate in the retail sale, delivery or dispensation of alcoholic beverages as described in section 10-5 of this chapter upon the licensed premises, except that this prohibition shall not apply to:

- (1) Sales-by-drink licensed premises which do not qualify as a bar-restaurant as defined by section 10-1 A sales-by-drink or C.O.L. licensee may employ persons 18—20 years of age to work on the premises if the persons do not directly participate in the retail sale, delivery or dispensation of alcoholic beverages.
- (2) Sales-by-drink licensed premises which qualify as a bar-restaurant as defined by section 10-1 A sales-by-drink or C.O.L. licensee who sells substantial quantities of food upon the licensed premises may:

- a. Employ persons 18—20 years of age to work on the premises in the capacity of a waiter or waitress; however, no employee 18—20 years of age shall mix, pour or serve across the bar alcoholic beverages. Minors so employed may serve alcoholic beverages and accept payment for alcoholic beverages, but may not mix or serve alcoholic beverages across the bar. Minors who work as a waiter or waitress and serve alcoholic beverages or accept payment for alcoholic beverages must have a valid employee liquor permit in their possession as required under section 10-291; and
 - b. Employ persons 16 and 17 years of age to work on the premises if the persons do not directly participate in the retail sale, delivery or dispensation of alcoholic beverages. Licensees employing persons 16 or 17 years of age under this subsection shall, prior to employing the minor, require his or her parents or legal guardian to give their written consent to the employment, in a manner and form approved by the director. In addition to placing the minor's name in the register of employees, the consent and proof of the minor's age shall be maintained on file by the licensee and shall be available for inspection, at any time, by the director or the director's agents or the police department during the minor's term of employment. An authentic birth certificate, hospital birth record, religious record or public school record shall be adequate proof of the minor's age. In an emergency, a minor may be employed, without the required consent, for a period not to exceed 48 hours. Minors employed under the terms of this subsection are not required to obtain employee liquor permits under section 10-291.
- (3) Original package sales licenses without 50% gross sales of other merchandise. An original package sales licensee without 50% gross sales of other merchandise may employ persons 18—20 years of age to stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment for and sack for carry-out alcoholic beverages, so long as there is an employee of licensee, not less than 21 years of age, holding a valid employee liquor permit as described in section 10-5 of this chapter, on the licensed premises during all hours of operation. However, delivery of alcoholic beverages away from the licensed premises cannot be performed by any person under 21 years of age. Minors employed under this subsection must have a valid employee liquor permit in their possession as required under section 10-291.
- (4) Original package sales licenses with 50% gross sales of other merchandise. An original package sales licensee where at least 50% of the gross sales consist of goods, merchandise or commodities other than alcoholic beverages may employ persons 18—20 years of age to stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment for and sack for carry-out alcoholic beverages. However, delivery of alcoholic beverages away from the licensed premises cannot be performed by any person under 21 years of age. Minors employed under this subsection may not deliver alcoholic beverages away from the licensed premises. Minors employed under this subsection must have a valid employee liquor permit in their possession as required under section 10-291.

- (4) In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, persons at least 18 years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail.
- (5) Any wholesaler licensed pursuant to this chapter may employ persons of at least 18 years of age to:
 - a. Rotate, stock and arrange displays at retail establishments licensed to sell intoxicating liquor; and
 - b. Unload delivery vehicles and transfer intoxicating liquor into retail licensed premises if such persons are supervised by a delivery vehicle driver who is 21 years of age or older.

(b) Each employee under 21 years of age, allowed to directly participate in the retail sale, delivery or dispensation of alcoholic beverages upon the premises under this section must hold an employee liquor permit as described in section 10-5 of this chapter.

Sec. 10-341. Kansas city international airport.

Notwithstanding any provision of this chapter to the contrary, any person possessing the qualifications and meeting the requirements of this chapter for a retail sales-by-drink license that is located in Kansas City International Airport may be permitted to:

- (1) Allow the premises located in the airport to open at 4 a.m. and sell intoxicating liquor by the drink at retail for consumption;
- (2) Allow persons to leave licensed establishments with an alcoholic beverage and enter other airport designated areas located within the airport, provided that no person shall take any alcoholic beverage or beverages outside such designated areas, including onto any airplane;
- (3) Require every licensee within such international airport to serve alcoholic beverages in containers that display and contain the licensee's trade name or logo or some other mark that is unique to that license and licensee.

Sec. 10-342. - Sales-by-drink premises; minors.

No sales-by-drink or C.O.L. licensee, nor employee of the licensee, shall permit a person under 21 years of age to enter or remain upon the licensed premises, except that this prohibition shall not apply to:

- (1) A sales-by-drink or C.O.L. licensed premises which qualifies as a bar-restaurant as defined by section 10-1 of this chapter, so long as no person is semi-nude or performs semi-nude dance on the premises; or

- (2) The employment of minors by a sales-by-drink or C.O.L. licensee as permitted by section 10-339 of this chapter, so long as no person is semi-nude or performs semi-nude dance on the premises; or
- (3) A person between 18 and 21 years of age providing or assisting in providing entertainment upon the licensed premises; or
- (4) A person accompanied by parent or lawful guardian, so long as no person is semi-nude or performs semi-nude dance on the premises; or
- (5) A sales-by-drink licensed premises affiliated with and located in a building principally operated as a museum, during the regular hours of museum operation, so long as no person is semi-nude or performs semi-nude dance on the premises. Nothing contained in this subsection shall authorize a licensee to operate a sales-by-drink premises contrary to the other provisions of this chapter; or
- (6) A sales-by-drink licensed premises meeting the definition of a concert venue, so long as no person is semi-nude or performs semi-nude dance on the premises and all of the following are met:
 - a. A security compliance plan is on file with the director, and
 - b. All persons attending the event are required to be identified by a nontransferable marking or device indicating that they are under the age of 21 and/or 21 and older, and
 - c. Other requirements as determined by the director as needed to maintain public safety.
- (7) Sales-by-drink licensed premises such as golf courses, bowling alleys, and theaters that derive at least 50 %of their gross sales from goods, merchandise or commodities other than alcoholic beverages.
- (8) Persons 18—20 years of age may be employed in accordance with section 10-339 as well as state and federal law.

Sec. 10-373. – Reserved.



Authenticated as Passed

Quinton Lucas, Mayor

Marilyn Sanders, City Clerk

JAN 13 2022

Date Passed

Approved as to form and legality:

Emalea Black
Assistant City Attorney