



Legislation Text

File #: 230215, **Version:** 1

ORDINANCE NO. 230215

Sponsor: Councilmember Andrea Bough

Amending Chapter 10, Code of Ordinances, by repealing Section 10-106, Extended hours permits, and enacting in lieu thereof a new section of like number and subject matter that redefines the eligible neighbors who are notified and allowed to respond to a sales-by-drink licensee's application for an extended hours permit.

WHEREAS, Section 10-214 requires the City to notify eligible neighbors of various matters concerning licenses for alcoholic beverages, including extended hours permits, and to allow such eligible neighbors to submit a response indicating whether they support or oppose such license or permit; and

WHEREAS, the City reviews responses from eligible neighbors, in accordance with Section 10-214, to determine whether the proposed license or permit cannot be issued because it is likely to interfere with or be detrimental to the rights or interests of the neighboring community; and

WHEREAS, Section 10-106(d) currently states that, for applications for 3:00 a.m. extended hours permits, any property owner is considered to be an eligible neighbor if they are within 1500 feet of the proposed premises; and

WHEREAS, the City's Regulated Industries Division has found that property owners farther away from the site of a proposed extended hours permit express fewer and less serious concerns compared to those property owners in closer proximity to the restaurant or bar seeking such permit; and

WHEREAS, City previously defined eligible neighbors for an extended hours permit at a minimum of 30 eligible voters within 500 feet of the proposed permit site, and increased the radius by segments of 100 feet not to exceed 1,500 feet until a minimum of 30 eligible voters were found; and

WHEREAS, City's Regulated Industries Division believes that a return to the previous definition of eligible neighbors for extended hours permits would be more effective in targeting responses from property owners who would more readily face the potential impacts of such permits; and NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 10, Code of Ordinances of Kansas City, Missouri, is hereby amended by repealing Section 10-106, Extended hours permits, and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

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 license 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 be a minimum of 30 property parcels that are wholly within or intersected by a radius of 500 feet from the proposed premises, and, for any premises that does not either intersect or include the boundaries of a minimum of 30 property parcels within a radius of 500 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 30 property parcels.

Approved as to form:

Bret Kassen
Associate City Attorney