

COMPARED VERSION  
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 210961

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 one half of one percent by volume.

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*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.

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*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.

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*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 percent 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.

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*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.

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

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*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.

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*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.

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*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.

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*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.

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

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*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.

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*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.

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*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.

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*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.

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*Director* unless otherwise described, means the director of neighborhood and community services, or a person designated by the director.

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*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.

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~~*Eligible consenter* means an owner of property in the city which is wholly within or intersected by a specified radius from a proposed premises and shall include the board of parks and recreation commissioners with respect to park property under its jurisdiction but with respect to all other property owned by the city, or property owned by the federal government, the state, and political subdivisions of the state or any parcel of such real estate on which a retail sales by drink, C.O.L. or sales by package license is situated or any property owned by a person who has any ownership interest or other financial interest in the proposed premises, as determined by the director, the property owner shall not be considered an eligible consenter and the property shall not be included in calculating the number of required consents.~~

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*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.

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*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.

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*High density office building* means an office building used exclusively for the administrative functions of business firms, professional groups or societies, or any combination of those organizations, under the conditions of section 80-90 of the Code of Ordinances.

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*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 one-half of one percent by volume.

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

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*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.

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

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*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 forty-nine percent of the overall alcohol content of the finished beer. In the case of beer with an alcohol content of more than six percent by volume, no more than one and one-half percent of the volume of the beer may consist of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

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*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.

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

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*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 percent by volume, and not exceeding 3.2 percent of alcohol by weight.

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*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.

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*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

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spirituous liquor; or (c) a package containing 100 milliliters (3.4 ounces) or more of vinous liquor in the manufacturer's original container.

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

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

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~~*Place of entertainment* means any establishment which has occupancy capacity for at least 300 customers, annual gross sales in excess of \$250,000.00, and has been in operation for at least one year.~~

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

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*Restaurant-bar* means ~~any~~ establishment having a restaurant or similar facility on the premises which derives 50 percent or more of its annual gross sales from the sale of prepared meals and food made ~~and consumed on the premises, or which has an annual gross sales of at least \$200,000.00 from the sale of prepared meals and food consumed on the premises for immediate consumption.~~ For the purposes of determining whether an establishment qualifies as a restaurant-bar 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.

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

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*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.

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*Substantial quantities of food* means the amount of prepared meals and food wherefrom at least 50 percent 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 percent 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.

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*Tavern* means any licensed premises that sells liquor by the drink which derives the majority of its annual gross sales from alcoholic beverages ~~and does not qualify to be categorized as a restaurant bar, amusement place or place of entertainment as defined in this chapter.~~

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~~Unit means a physical portion of a condominium designated for separate ownership or occupancy, the boundaries of which described in the declaration which creates the condominium.~~

~~Unit owner means a person who owns a condominium unit but does not include a person having an interest in a unit solely as security for an obligation.~~

**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 ~~the waiver of any provision of section 10-212, or for~~ change of ownership, or change in management or control of ~~the~~ business under this chapter is disapproved by the director, or if an eligible ~~consenter disputes the approval of a license or permit, or the location of premises proposed~~ neighbor who filed a response pursuant to be used for the sale of alcoholic beverages or C.O.L., or if ~~a section 10-212 or~~ church or school located within 300 feet of the proposed premises disputes the approval of a ~~waiver of any provision of section 10-212, license or permit,~~ then the applicant, eligible ~~consenter,~~ 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 ~~touching~~ regarding the location, the request ~~to~~ shall be made by the applicant or eligible consenter, within 10 days after notice of the director's final decision. ~~The applicant or eligible consenter, as the case may be, shall also serve a~~ copy of said 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 ~~his~~ 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 ~~consenter,~~ 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

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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 of 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.

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**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 consenter 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.

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**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 for consumption on the licensed premises, 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.

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(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:

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(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.

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(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.

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(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.

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(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.

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(5) A gasoline station or motor vehicle repair shop.

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(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

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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. ~~The consent requirement as outlined in section 10-214 of this chapter must be met in order to receive a Sunday license.~~

(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 96:00 a.m. and 12:00 midnight 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 96:00 a.m. and 12:00 midnight 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.

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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, ~~and~~, 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. ~~A nuisance 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. Lewd and indecent conduct may include but will not be limited to public urination exhibited by persons frequenting the proposed premises or by the licensee or his employees, servants or agents.~~

~~a. If the director informs the applicant that the application for a catered event may be denied, the applicant, within 45 days of the filing of the application, may furnish to the director consent forms signed from a majority of eligible consenters, as defined in this chapter, from a minimum of 15 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 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 property parcels. In evaluating whether the proposed premises will cause a nuisance, the director shall consider the factors identified in section 10-212. 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. If the proposed catered event will include a 3:00 a.m. license, the applicant must furnish consent forms to the director in the same manner described above from a minimum of 30 property parcels wholly within or intersected by a radius of 500 feet from the proposed premises.~~

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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.

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(2) *Application.* ~~Must~~ An application and all required documentation must be filed with the director at least ~~ten~~five weekdays prior to the date that the scheduled function, occasion, or event is to take place. ~~After appropriate documentation is received and reviewed by the director, an approval letter may be issued. The approval letter is sent to the state via fax, electronic mail, carrier, or postal mail.~~ 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.

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(3) *Contents of application.* A liquor-by-the-drink licensee ~~desiring to obtain a temporary or annual catering permit under the terms of this chapter~~ shall ~~make~~submit the completed application to the director, ~~in writing, and under oath~~ on a form ~~created~~provided by the director. Each ~~answer in the application~~ ~~blank~~component shall be considered material to the issuance of the license ~~and the applicant shall answer each question in the application in full.~~ The applicant shall provide:

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- a. The individual designated as the managing officer or the individual in active control of the original liquor license under this chapter shall ~~make~~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 ten percent 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. ~~A certificate~~ Approval from the directors of ~~codes administration~~ 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. ~~Security.~~ A detailed description of security measures for crowd control, which shall be approved by the director of neighborhoods and housing services, including the number of security employees, ~~as well as and~~ the number of commissioned security officers to be present throughout the entire event.
  - f. ~~Portable toilets.~~ For outdoor events, the number of portable toilets available to all patrons, members, guests or customers.
  - g. ~~Traffic control plan.~~ For outdoor events, a traffic control plan must be that has been approved by the city public works department and the city police department.
  - h. A copy of the state catering license.
  - i. ~~Street closure.~~ If a public street will be blocked off for a function, occasion or event, a permit for a street closure ~~must be 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.
- (4) ~~Approval letters.~~
- k. ~~Sponsor/property owner letter.~~ A statement of tax clearance as outlined in section 10-187.
  - a: l. A copy of ~~the an~~ approval letter between the owner or manager of the property owner upon which the function, occasion or event is to take place and the sponsor of the function, occasion or event ~~must be provided to the director with the application for a catering permit. The letter must state, stating~~ the agreed upon date, starting and ending time, and the actual location of the function, occasion, or event.

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b. ~~Caterer/sponsor letter.~~ 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. ~~The letter must state, stating~~ the type of event being hosted.

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(5) ~~Diagram of the catered premises. There must be an.~~ A diagram of the premises, which includes a diagram of the areas where the alcohol will be sold and consumed. ~~If the event is to be held outside, the diagram should show how the alcohol will be contained (a description of the barriers used to enclose the area of the event). If there will be any outdoor seating, the location must be provided on the diagram including a measurement of the entire outside perimeter of the event and the locations of portable toilets, traffic barriers and the number of security officers posted, including~~

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i. ~~(6) Dance hall permit. If there will be dancing at the event, a dance hall permit must be obtained by the restaurant/bar or caterer from the director of neighborhoods and housing services~~ 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 dance hall permit fee is \$15.00 a day.~~

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(7) ~~Additional requirements.~~ The director may require the submission of additional items to ensure all requirements have been met.

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(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.~~

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(b) ~~Limitations.~~

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(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 ~~alcohol~~ alcoholic beverages during the same operational hours as permitted by the original license ~~for held by the restaurant/bar or as authorized on the original license for the caterer applicant.~~
- (4) Alcohol served at outdoor events must not be served in ~~plastic~~ 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) No catering permit will be issued for any non-licensed premise that has made application for a city liquor license and is currently in the consent process.~~
- ~~(7)~~(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.
- ~~(8)~~(7) Additional limitations may be required by the director.
- ~~(9) An application for a catering permit may be denied 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 ~~a Kansas City, Missouri, liquor by the drink~~ 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, must be completed and submitted by the liquor by the drink licensee a minimum of five business days in advance of the each scheduled function, occasion or event.~~

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~~(3)(2) The liquor by the drink licensee must be in good standing with the city, defined by not having liquor code violations throughout the prior two year period previous to the date of application.~~

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~~(4)(3) The annual catering permit fee is \$1,500.00. The application fee is \$500.00. The fees are non-refundable.~~

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(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 ~~his~~their employee, agent or servant, while operating under a catering permit which occurs on the premises being catered, shall cause the permittee and ~~his~~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.

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(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.

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#### **Sec. 10-106. Extended hours permits.**

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

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(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 am. and 3:00 a.m., if they meet the consentlocation requirement ~~as outlined in section 10-214 with the exception that a minimum of 30 eligible property parcels within a radius of a minimum of 500 feet is required~~212, and:

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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

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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

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c. The applicant's business is a convention hotel or motel or the applicant's business is not a convention hotel or motel but is located not more than 1.5 drivable miles as measured from the outside walls of a hotel, 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~~and the; or~~

~~b. 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. If this waiver is granted, the applicant, after 90 days of operation, shall produce proof that the gross sales for said 90 days of operation, when projected on an annualized basis by multiplying the gross sales for the 90 days of operation times four, will be satisfied, and, if not, the 3:00 a.m. closing permit will be canceled by the director without refund. The cancellation shall be appealable to the board in the manner set forth in section 10-62 of this chapter. Any convention hotel or motel or business that has a current convention trade area 3:00 a.m. closing permit that does not meet the requirement of having annual gross sales equal to or greater than \$125,000.00 at the time their 3:00 a.m. permit is up for renewal after the ordinance from which this section derives has passed will have one year thereafter to fulfill the \$125,000.00 annual gross sales requirement.~~

~~e. A convention hotel or motel that has a current convention trade area 3:00 a.m. closing permit but has fewer than 100 transient guestrooms or a business 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.~~

(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. ÷

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a. ~~Between the hours of 1:30 a.m. and 6:00 a.m. Tuesday through Saturday;~~

b. ~~Between the hours of 12:00 midnight Sunday and 6:00 a.m. Monday.~~

~~(3) Notwithstanding the limitations contained in subsection (a)(1)b herein, a sales by drink establishment licensed under this chapter located in that area bounded by and including the block face frontage of the north side of 17th Street Terrace, the east side of Woodland Avenue, the south side of 19th Street and the west side of Paseo Boulevard that has annual gross sales of \$125,000.00 or more for the year immediately preceding the application for a 3:00 a.m. closing permit and meets all other requirements herein is eligible for such permit.~~

~~(4)(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 am. and 3:00 a.m. within one 24-hour period if they meet the consent requirement~~location requirements~~, as outlined in section 10-214 with the exception that a minimum of 30 eligible property parcels within a radius of a minimum of 500 feet is required. Any licensee that is granted a temporary 3:00 a.m. closing permit shall only be authorized to receive up to six such special permits in a calendar year~~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:~~

~~a. Between ~~between~~ the hours of 1:30 a.m. and 6:00 a.m. ~~Tuesday through Saturday;~~~~

~~b. Between the hours of 12:00 midnight Sunday and 6:00 a.m. Monday.~~

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

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(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 ~~consent requirement~~location requirements as outlined in section 10-214 ~~with the exception that a minimum of 30 eligible property parcels within a radius of a minimum of 500 feet is required,~~212. and:

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- 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.

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(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.**

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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 ~~4:00 a.m. and midnight~~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.

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**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) 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) Grocery store which as used in this section is defined as a retail store that primarily sells food.~~
- ~~(4)(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.
- (54) 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.
- (65) 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.

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(76) 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.

(87) 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 96:00 a.m. and midnight on Sunday; and 1:30 a.m. on Monday.~~

~~Sec. 10-114. Original package tasting license.~~

~~(a) Notwithstanding any other provisions of this chapter to the contrary, any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor in the original package at retail under sections 10-112 and 10-113, may apply for an original package tasting license to conduct wine, malt beverage and distilled spirit tastings on the licensed premises.~~

~~(b) Nothing in this section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.~~

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

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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 percent of alcohol by weight.**

A wholesaler's license for sale of alcoholic beverages not in excess of 22 percent of alcohol by weight authorizes the licensee to sell alcoholic beverages not in excess of 22 percent 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 eighteen percent of alcohol by weight for wine, or not in excess of thirty-four percent 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 fifteen percent 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 between 9:00 a.m. and 10:00 p.m. 1:30 a.m. on Monday.

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**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 ~~96:00 a.m. and midnight~~ and 1:30 a.m. on Monday.

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

A manufacturer's license for manufacture of alcoholic beverages containing alcohol not in excess of 22 percent by weight authorizes the licensee to manufacture, distill or blend alcoholic beverages containing alcohol not in excess of 22 percent 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 ~~96:00 a.m. and midnight~~ and 1:30 a.m. on Monday.

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**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	100.00

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wine sales-by drink permit .....	
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 percent of alcohol by weight.....	300.00 per year.
Each wholesaler's license for sale of malt beverages containing not in excess of 5 percent of alcohol by weight.....	150.00 per year
<u>Wholesaler's license for wholesalers located outside the city limits</u>	<u>0 per year</u>
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 percent by weight .....	300.00 per year
Each manufacturer's license to manufacture malt beverages containing not in excess of 5 percent 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

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**Sec. 10-128. Due dates for license fees.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) The license period for all alcoholic beverage licenses and permits listed in article III of this chapter 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 of the license shall render the expired license null and void. An application for renewal of a liquor license or permit received within 120 days of the expiration date of the license may be considered by the director for approval up to 180 days after the expiration of the license.~~

**~~Sec. 10-130. Sidewalk café alcohol license.~~**

~~A Sidewalk café alcohol license authorizes the licensee to dispense alcoholic beverages on a premises under the applicable conditions specified of this chapter for such license.~~

~~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 for a license issued by the director pursuant to this Section, which licenses may allow, 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) A~~The~~ Sponsor wishing to allow beer and light wine to be served within ~~submits~~ an otherwise non-licensed premises or on public property within an Art & application for an Arts and Cultural District Zone shall first make written application for a license to do so, not less than 30 days prior to the date the first of any such events, 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) A~~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 boundaries area where the Event/event is to take place, and a description of the proposed Event. The applicant also needs to provide a diagram of the areas of specifying the points of service of light wine or beer.
- (3) A copy of a current certificate of occupancy covering each premises within which beer and light wine are to be served under the license.
- (4) A list containing the name and street address of all premises where beer and light wine will be served and/or consumed under the license.

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~~(5) If the Sponsor wishes for beer and light wine to be served and/or consumed on public property, a description of the security measures to be taken for crowd control including during the event at all art galleries, studios, and/or venues which will be serving alcohol to include the number of employees/security staff employed to supervise the service and consumption of beer and light wine that will be onsite at each location throughout the entire event.~~

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~~(6) 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.~~

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~~(7) A statement by the Representative that he or she has not been convicted of any felony.~~

~~(8) An authorization allowing law enforcement and probation and parole agencies to release criminal record information concerning the Representative to the director.~~

~~(9) The Representative's criminal history record verified by the city police department, to be obtained by the Representative and provided to the director.~~

~~(10) A photograph of the Representative shall be provided to the director or his or her agents.~~

~~(11) Fingerprints of the Representative taken by the director or his or her agents.~~

~~(12) Before any license is issued under the provisions of this chapter, the applicant shall furnish to the director a certificate (5) Approval from the director of codes administration, directors of city planning and development, fire, health and neighborhood preservation, neighborhoods, stating that with respect to the application, 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.~~

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~~(13) If beer and light wine are to be served under supervision other than that of the Sponsor, the Sponsor shall provide a list to the director of the names and addresses of all of the art galleries, studios and/or venues which will be serving alcohol under the Sponsor's license.~~

~~(14) (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.~~

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~~(15) The consent of 51% of the owners of property within 185 feet of the premises within which malt liquor or wine are to be served. In the case malt liquor or wine are to be consumed on public property, the Sponsor shall also submit consents of~~

~~the owners of 51% of the property within 185 feet of the exterior boundaries of the area being licensed.~~

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.

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(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) per Event.

(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.

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(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) No person under 21 years of age shall serve, be given or receive any beer and light wine at any Event covered by a license issued pursuant to this section.~~

~~(h) No donations shall be accepted where alcohol is served during the event covered by the license issued pursuant to this section.~~

~~(i)~~ (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.

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(j) 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.

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(k) A license may ~~be granted under this section~~ only be issued to the Sponsor ~~sponsoring a particular event, or #stheir~~ designee.

(l) 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.

(m) 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.

~~(n)~~ (1) 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.

(o) 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 ~~he or she holds~~ 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 ~~96:00 a.m. until 12 midnight~~, 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

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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.

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(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.

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(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.

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(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.

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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.

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(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.

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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.

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- 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. 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. 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.

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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.**

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(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.

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

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(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 96:00 a.m. until 12 midnight 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.

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(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 ~~Sundays from 9:00 a.m. until 12 midnight and on Sunday to 1:30 a.m. on Monday.~~ until 3:00 a.m. Monday through Saturday.

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(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 insure ensure that minors can be easily distinguished from persons of legal age buying alcoholic beverages.

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(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.

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(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.

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

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(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.

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(n) Before a license or permit is issued under the provisions of this chapter, the applicant shall furnish to the Director upon request, a certificate approval from the Director/director of codes administration/city planning and development, fire, health, public works and neighborhood

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~~preservation neighborhoods~~, stating that with respect to the application the applicant is in compliance with the respective codes and the zoning ordinance of the City.

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**Section 10-137. ~~Westside restaurant special district.~~Reserved.**

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~~(a) Notwithstanding any ordinance to the contrary, the Director may issue an annual liquor license for a restaurant bar sale by the drink for a location more than 100 feet but less than 300 feet of a church or school if:~~

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~~(1) the premises is located in the area of properties fronting Southwest Boulevard on the north and south, from Washington Street on the west, to Twenty fifth Street on the east; and~~

~~(2) the applicant possesses all the qualifications required and has completed all requirements imposed by this chapter to obtain a restaurant bar sale by the drink liquor license except for the qualification that requires the premises be located more than 300 feet from a church or school; and~~

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~~(3) the applicant has obtained a waiver from any school or church located more than 100 feet but less than 300 feet of the proposed licensed premises; and~~

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~~(4) Such establishment shall have a restaurant or similar facility on the premises and derive fifty percent (50%) or more of its annual gross sales from the sale of prepared meals and food made and consumed on the premises, determined under the reporting procedures set forth in Section 10-211(1)(b) as then in effect. For the purposes of determining whether an establishment qualifies as a restaurant bar 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; and~~

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~~(5) The licensee of such premises shall comply with the provisions of Section 10-211(1)(b) as then in effect; and~~

~~(6) No such establishment shall at any time be issued a 3:00 a.m. closing permit; and~~

~~(7) No such establishment shall employ loudspeakers or any other amplifying device on the exterior of its premises without first obtaining a permit from the Regulated Industries Division of Kansas City, Missouri; and~~

~~(8) No such establishment shall constitute, or allow upon such premises the operation of, a dance hall, pool hall, arcade, nightclub or tavern.~~

~~(b) A Church or School Waiver is valid for the initial term of a liquor license and three (3) subsequent renewals and may not be revoked during that period. The waiver may be~~

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~~renewed by the school or church every four (4) years for the next four (4) renewal periods thereafter. For a waiver to be valid it must be on a form provided by the Director and have the notarized signature of the individual(s) with authority to consent to the waiver on behalf of the school or church. If the waiver is not renewed by any school or church located more than 100 feet but less than 300 feet of the premises of the restaurant bar sale by the drink liquor license then the Director shall determine that the restaurant bar sale by the drink liquor license will not be renewed.~~

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~~(e) Upon the occurrence of a Church or School being established within 300 feet of any place of business located in the Westside Restaurant Special District licensed to sell intoxicating liquor, there shall be no requirement on the licensee to obtain a waiver from the school or church for any renewal.~~

~~(d) If the church or school grants a waiver, written notice of the waiver shall be provided to all owners of property within 300 feet of the proposed licensed premises.~~

~~(e) If an application or renewal application under this section is disapproved by the Director then the applicant may file with the Board a written request for a hearing before the Board on the denial or decision. The request has to be made by the applicant, within 10 days after notice of the Director's final decision. The applicant shall also serve a copy of said request on the Director.~~

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

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(a) Notwithstanding any other provision of this chapter, a permit for the sale of intoxicating liquor for consumption on premises 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.

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(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:

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- 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.

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(2) The applicant shall pay a daily fee of \$15.00 for each day on which the event is to be conducted.

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- (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 96:00 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.

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**Sec. 10-141. Temporary approval of expansion of premises for sidewalk cafés, parklets and street cafés.**

~~(a) Temporary approval authorized. Notwithstanding the requirements of sections 10-161, 10-162, 10-212, 10-214, and 10-312, the director is authorized to approve a temporary expansion of licensed premises for applicants issued temporary permits to operate sidewalk cafés, parklets and street cafés to allow said businesses to expand seating capacity in unused parking spaces in the city right of way pursuant to the following conditions:~~

- ~~(1) The licensee has an active sales by drink license as issued by the director.~~
- ~~(2) The licensee has been issued a temporary permit for sidewalk cafés, parklets and street cafés by the director of public works pursuant to section 64-172.~~
- ~~(3) The licensee is in compliance with all other requirements of this chapter.~~

~~(b) Approval process. Upon receiving an approved temporary permit for sidewalk cafés, parklets and street cafés pursuant to section 64-172 from the director of public works, the director shall verify that the licensee conforms to the requirements in subsection (a) of this section. If the applicant is in compliance, the director shall approve a temporary expansion of licensed premises and immediately notify the licensee that it has been approved.~~

~~(c) Consumption on premises. Except as otherwise authorized by law, the licensee, and all employees or agents thereof shall not remove or allow any other person to remove any alcoholic beverage provided for consumption from the licensed premises, including the temporarily expanded premises as authorized by the director of public works.~~

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~~(d) Expiration. The temporary expansion of licensed premises shall expire with the temporary permit for sidewalk cafés, parklets or street cafés on August 31, 2021.~~

~~(e) Revocation, appeal. The director shall have the authority to revoke a temporary expansion of licensed premises for any reason provided in section 10-36. The denial or revocation of a temporary expansions of licensed premises shall be appealable as provided in section 10-62 (a), (c) and (d). However, an eligible consenter shall have no right to appeal the approval or location of a temporary expansion of licensed premises.~~

Section 2. That Chapter 10, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing section 10-142 entitled "Temporary approval of expansion of premises for parking lots" and enacting a new section of like name and subject matter to read as follows:

**Sec. 10-142. Temporary approval of expansion of premises for parking lots.**

~~(a) Temporary approval authorized. Notwithstanding the requirements of sections 10-161, 10-162, 10-212, 10-214, and 10-312, the director is authorized to approve a temporary expansion of licensed premises for the use of parking lots and greenspace as outdoor dining space pursuant to the following conditions:~~

~~(1) The licensee has an active sales by drink license as issued by the director.~~

~~(2) The licensee is in compliance with the outdoor seating requirements contained in Committee Substitute for Ordinance No. 200377.~~

~~(3) The licensee is in compliance with all other requirements of this chapter.~~

~~(b) Approval process. The director shall verify that the licensee conforms to the requirements in subsection (a) of this section. If the applicant is in compliance, the director shall approve a temporary expansion of licensed premises and immediately notify the licensee that it has been approved.~~

~~(c) Consumption on premises. Except as otherwise authorized by law, the licensee, and all employees or agents thereof shall not remove or allow any other person to remove any alcoholic beverage provided for consumption from the licensed premises, including the temporarily expanded premises as authorized by the director of city planning and development.~~

~~(d) Expiration. The temporary expansion of the licensed premises shall expire on August 31, 2021.~~

~~(e) Revocation, appeal. The director shall have the authority to revoke a temporary expansion of licensed premises for any reason provided in section 10-36. The denial or revocation of a temporary expansion of licensed premises shall be appealable as provided in~~

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~~section 10-62 (a), (c) and (d). However, an eligible consenter shall have no right to appeal the approval or location of a temporary expansion of licensed premises.~~

~~Section 3. That enforcement of Section 10-332(d), "Serving or delivering in vehicles," and Section 10-340, "Orders or sales off licensed premises," is temporarily suspended provided that the following conditions are met.~~

- ~~(1) The delivery was not received by a person under 21 years of age.~~
- ~~(2) The alcoholic beverage was contained in a closed package or container.~~
- ~~(3) The delivery was within a designated "to go" parking stall or similar location, which was located within a 50 foot radius of the entrance to the licensed premises, or, if the road abutting the entrance was closed, within a 50 foot radius of the nearest point accessible by motor vehicle;~~
- ~~(4) The alcoholic beverage was delivered on or before August 31, 2021; and~~
- ~~(5) The sale complied with all other applicable provisions of the City Code and regulations.~~

~~Section 4. That enforcement of Section 10-341, "Contents of bottle, cans, containers; prima facie evidence," provided that the following conditions are met.~~

- ~~(1) The alcoholic beverage was served in a durable, leak proof, and sealable container that met the minimum size requirements outlined in 11 CSR 70-2.010(5);~~
- ~~(2) The alcoholic beverage was ordered and purchased simultaneously with a meal;~~
- ~~(3) The patron was provided with a dated receipt for the alcoholic beverage;~~
- ~~(4) The sealed alcohol container was either:
  - ~~a. Placed in a one time use, tamperproof, transparent bag which was securely sealed; or~~
  - ~~b. The container opening was sealed with tamperproof tape;~~~~
- ~~(5) The alcoholic beverage was delivered on or before August 31, 2021; and~~
- ~~(6) The sale complied with all other applicable provisions of the City Code and regulations.~~

**Sec. 10-161. Application fee.**

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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.

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### 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:

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- (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 percent 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

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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.

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(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.

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(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.

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(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.

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(13) ~~A certificate~~An approval from the directors of ~~codes administration~~city planning and development, fire, and health stating that with respect to the application the applicant is in compliance with the respective codes.

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(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.

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(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.

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(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.

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(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 ~~shall~~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

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is a partnership, each partner that is an individual shall furnish a photograph and ~~shall~~ 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 ~~shall~~ may be fingerprinted, as directed in this subsection. If the applicant is a corporation, the director, in ~~his~~ their discretion, may make similar requirements of the officers, directors and shareholders holding more than a ten percent interest in the corporation.

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(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.

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(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:

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- (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.

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(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 ~~providing approval from the director with certificates~~ directors of compliance with building the city planning and development, fire, health and neighborhood codes ~~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 ~~certificates~~ 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.

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**Sec. 10-163. Investigations.**

(a) *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. ~~The suitability of the location and surrounding conditions of the proposed premises shall also be investigated.~~ 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 his or her~~ their own motion convene a meeting to receive information

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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.

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~~(b) Police investigation. Upon receipt of an application, the director shall forward immediately to the chief of police and the Missouri State Highway Patrol, the fingerprints of the applicant. The chief of police shall furnish to the director, all pertinent information contained in the police department records and the results of submission of the fingerprints to the Federal Bureau of Investigation. The director shall request all pertinent information contained in the records of the Missouri State Highway Patrol in connection with the investigation of the fingerprints. Upon approval of an application, the director shall forward a copy of the application to the chief of police.~~

~~(c) Investigations by fire, health and codes administration departments. The director may, at any reasonable time, or upon application for renewal, request the directors of the fire, health and codes administration departments, through their duly authorized agents and employees, to make investigations of licensed premises and the equipment and furnishings therein to determine if the premises are in compliance with all the requirements of the ordinances under the jurisdiction of these departments.~~

#### **Sec. 10-187. Tax clearance,**

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(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.

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(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. ~~if the licensee or permittee fails to make a scheduled payment at any time or defaults on the payment plan as approved by the commissioner of revenue, the director shall request a hearing before the board for the revocation of the license or permit.~~

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#### **Sec. 10-188. ~~Issuance to purchasers of alcoholic beverage establishments.~~**

~~A bona fide purchaser of an existing establishment who possesses all the individual qualifications required by this chapter, has complied with the terms of this chapter, and paid the necessary license fee may be issued a license **Reserved.**~~

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**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 ~~he is~~they are, entitled at the time of annexation.

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**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:

~~Retail sales by drink licenses. For those certain real properties that abut the right of way of Chouteau Traffic way from the intersection with the north right of way line of Northeast Parvin Road on the south to the intersection with the south right of way line of Russell Road on the north, two retail sale by drink licenses may be issued for population of zero to 1,500, and one additional sale 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 all other census blocks located in the city, one~~

- (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:

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- 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.

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- b. Retail sales-by-drink licenses issued to a restaurant-bar as defined in this chapter. At the request of the director, the licensee of a restaurant-bar 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 restaurant-bar. 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.

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2. *18<sup>th</sup> 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. *25<sup>th</sup> 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

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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.

- h. Retail sales-by-drink licenses issued to a wine manufacturer to sell only those alcoholic beverages by the drink produced on a premises in close proximity to the winery.

- (2) Retail sales-by-package licenses. Two retail sales-by-package licenses may be issued for population of zero to 1,500, and one additional sales-by-package 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 which abut the city limits of 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 all other census blocks located in the city that do not abut the city limit lines as described above, one retail sales-by-package license may be issued for population of zero to 1,500, and one additional sales-by-package 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 liquor license applicant who meets any of the following criteria:

- a. If an applicant proposes to operate a retail sales-by-package premise and the size of the building is not less than 5,000 square feet and an average of 70 percent or more of its total gross receipts, other than receipts from the sale of motor vehicle fuel, are from sales of inventory excluding alcoholic beverages. The licensee of a retail sales-by-package premise granted a license under this subsection shall file with the director, on a form provided by him, a verified statement showing the total amount of gross

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receipts, other than receipts from the sale of motor vehicle fuel, the total amount of gross receipts from the sale of alcoholic beverages, and the total amount of gross receipts from the sale of inventory exclusive of alcoholic beverages made on the premise for the 90-day period immediately 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 percent 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 ~~the following described locations:~~
  - 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

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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. *79<sup>th</sup> 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 five percent by weight in the original package ~~if~~ 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, ~~and~~ 80 percent or more of the gross sales on the premise are nonalcoholic beverage sales, and the ~~applicant furnishes to majority of eligible neighbors who filed a written response with the director, signed consents from~~ applicant furnishes to majority of eligible neighbors who filed a written response with the director, signed consents from ~~did not oppose the owners granting of a majority of property parcels license at the premises~~ under the provisions of section 10-214 ~~of this chapter~~, provided that the applicable radius to determine eligible ~~consenters for this exemption from the requirements of this section~~ neighbors shall be 500 feet.

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- ~~f. If an applicant proposes to operate a retail sales by package premise and the size of the building is less than 5,000 square feet or the business does not generate 70 percent or more of its total gross receipts, other than receipts from the sale of motor vehicle fuel, from sales of inventory excluding alcoholic beverages, then all retail sales by package premises with a building size greater than 20,000 square feet and an average of 80 percent or more of total gross sales from inventory excluding alcoholic beverages will not be included in the total number of retail sales by package licenses located wholly within or intersected by a 3,000 foot radius from the applicant's current or proposed licensed premise.~~

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- (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

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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. ~~Distance from churches or schools.~~ Location.**

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~~(a) No alcoholic beverage 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.~~

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(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:

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~~(1) when the premises are~~ The applicable premises is or will be a sales-by-drink tavern and is within 300 feet of a church or school, unless it is located within an exception area;

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(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;

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(3) The applicable premises is or will be a sales-by-drink tavern and is within 300 feet of an area that is zoned residential unless it is located within an exception area;

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~~(4) school or church,~~ 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;

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(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;

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(6) The applicable premises has or will have a sales-by-drink 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. 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.

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(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:

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- (1) The physical characteristics of the proposed premises;
- (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.

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(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 defined in this chapter. This provision shall not prohibit a church or school, meeting there 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.

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(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.

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(g) If a license or permit is not renewed or ceases to fulfill all other requirements of this chapter, from holding a catered function, occasion or event on the property of the school or church, 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.

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(h) If a license shall beor permit issued under this chapter has been revoked, then an eligible applicant may apply for a new license or permit for the expansion of any existing 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.

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

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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

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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.

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Sec. within 30010-214. 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 of a school or church, 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. nearest point of the enclosing wall of the premises to the nearest point of the church or school as defined in this chapter. 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, meaning a single building with multiple owners governed by a common home owners association or similar collective organization, 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.

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

- (1) Any new premises;
- (2) A new application for any premises that was previously licensed unless not required in section 10-269 of this chapter;
- (3) The expansion of any licensed premises;
- (4) Notwithstanding any other section of this chapter, any previously licensed or permitted premise where the license or permit was revoked;
- (5) Any licensed premises, including but not limited to a restaurant, tavern, hotel, bowling alley, grocery store or convenience store that changes the type of business that was originally approved by the director;
- (6) Any premises intending to provide live entertainment as outlined in section 10-332 of this chapter; and
- (7) Any change in ownership of a licensed premises unless not required in section 10-266 of this chapter.

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~~(c)~~ ~~(e)~~ ~~The property for a licensed premises situated thereon, legally established within 300 feet of a church or school prior to the adoption of this chapter, shall remain eligible for the location of a licensed premises within 300 feet of the church or school under the following conditions:~~

- ~~(1) The licensed premises must have been legally established within 300 feet of a church or school prior to the adoption of this chapter; and~~
- ~~(2) An application for a new license for the premises must be filed within 120 days from the latter date that:
  - ~~a. The licensee surrenders the license, or~~
  - ~~b. The date that the license is canceled, terminated or revoked by the city, or~~
  - ~~c. The date that the licensee cancels, terminates or abandons the lease, and~~~~

~~(3) A relocation of the original premises to another location on the property shall not be permitted; and 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 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)~~
- ~~(4)~~ Changes from an existing license to a different license classification shall not be permitted; and
- ~~(5)~~ All other requirements for licensing a premise under this chapter are met.

~~(d) The provisions of section 10-212 shall not apply for the location of a proposed premise for a retail sales by drink establishment if the proposed premises is located wholly within the following entertainment districts as defined below:~~

~~(4)~~ 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.

~~(2b)~~ 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.

~~(3c)~~ 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 Bellevue Avenue on the west.

~~(4d)~~ 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.

~~(5e)~~ 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.

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(6f) *Uptown District Area* means the area generally described as the area located on both sides and adjacent to Broadway Boulevard from 34<sup>th</sup> Terrace (extended) on the North to Valentine Road (extended) on the South.

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(e) An applicant may seek a waiver of any other provision of this section, by requesting such waiver in writing, on a form designed by the director. The applicant shall state why the waiver is in the best interest of the City and may provide letters of support from the surrounding neighborhood or any other interested parties. In considering whether to grant the waiver, the director shall consider:

- (1) ~~The physical characteristics of the proposed premises;~~
- (2) ~~The type of license requested and the type of entertainment planned for the premises;~~
- (3) ~~The impact the licensed premises might have on the character of the surrounding neighborhood;~~
- (4) ~~Whether similar licensed premises are located in close proximity to the proposed location and applicable church or school; and~~
- (5) ~~Whether the applicable church or school supports the requested waiver.~~

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

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~~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, a certificate from the directors of codes administration, fire, health and neighborhood preservation stating that with respect to the application the applicant is in compliance with the respective codes and the zoning ordinance of the city.~~

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~~Sec. 10-214. Consents required.~~

(a) ~~Consent of neighboring property owners.~~

- (1) ~~In the: (1) Crossroads Area which is defined as being bounded by Truman Road on the north, Troost Avenue on the east, the Kansas City Terminal Railway tracks on the south and by Interstate 35 on the West herein referred to as the "Crossroads Area" and (2) the Historic West Bottoms Area which is defined as being 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 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 herein referred to as the "Historic West Bottoms Area", no sales by drink, C.O.L. or sales by package alcoholic beverage license shall be issued for any premises as further described in this section unless the applicant shall, within 45 days of the filing of the application, furnish to the director, consent forms signed from a majority of eligible consenters as defined in this chapter from 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. No more than 35 percent of the eligible property parcels included in the consent radius shall be comprised of property parcels that are owned by the same person, as person is defined in this chapter, or owned by an entity in which the same person has a majority ownership interest therein. If the same person, or an entity in which the same person has a majority ownership interest therein, owns multiple parcels within the boundaries of the consent radius, only those property parcels located within the closest proximity to the proposed premises, which account for 35 percent of the total eligible property parcels, will be included in the consent radius. If after reviewing the ownership of the eligible property parcels some of the property parcels are determined to no longer be eligible to consent because they are owned by the same owner as defined above, the eligible property parcels shall be increased based on the incremental radius defined above to reach the minimum 15 eligible property parcel requirement. 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. The applicant must provide a notarized statement that all consent forms submitted to the director are from the property owners or tenants, as described in this section, that have been identified as eligible consenters and that no eligible consenter or tenant of an eligible consenter 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 consent. The consent requirement provided in this section shall apply to:~~

- ~~a. Any new premises;~~

- ~~b. Any premises that was previously licensed unless not required in section 10-269 of this chapter;~~
- ~~e. The expansion of any licensed premises;~~
- ~~d. Notwithstanding any other section of this chapter, any previously licensed or permitted premise where the license or permit was revoked;~~
- ~~e. Any licensed premises, including but not limited to a restaurant, tavern, hotel, bowling alley, grocery store or convenience store that changes the type of business that was originally approved by the director;~~
- ~~f. Any premises intending to provide live entertainment as outlined in section 10-332 of this chapter; and~~
- ~~g. Any change in ownership of a licensed premises unless not required in section 10-266 of this chapter.~~

~~An applicant required to submit consents to the director 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. If within the initial 45-day period for furnishing consents, an applicant files with the director a written request demonstrating good cause for an extension of time to furnish consents, the director may grant one extension of time for furnishing consents under this section up to an additional 45 days. An eligible consenter who originally gave their consent for a liquor license may withdraw their consent but only during the consent period by notifying the director in writing stating their desire to withdraw their consent. If an eligible consenter chooses to abstain from giving their consent, they will not be included in the total number of eligible consenters for which the applicant must obtain consents; however, the applicant must furnish a signed consent form from the property owner indicating that they have chosen to abstain from the consent process. For purposes of this section, a condominium as defined in this chapter that has less than five unit owners shall be considered as a single property parcel entitled to a total of two consents which consent shall be validated only if a majority of the condominium unit owners give their consent. A condominium unit that has between five and 15 unit owners shall be considered as a single eligible property parcel entitled to a total of three consents which shall be validated only if a majority of the condominium unit owners give their consent. A condominium unit that has more than 15 unit owners shall be considered as a single eligible property parcel entitled to a total of four consents which shall be validated only if a majority of the condominium unit owners give their consent. In lieu of a signed consent from an eligible property owner under this section, an applicant may furnish and the director shall accept a signed consent in the proper form from a tenant of the property owner under the following conditions:~~

- ~~1. The tenancy is for a term not less than one year; and~~
- ~~2. The applicant shall furnish to the director sufficient proof that the applicant has sent a notification to the eligible consenting owner in a form approved by the director, by U.S. certified mail; and~~
- ~~3. The notification shall include the date of application, name and address of the applicant, the name and address of the proposed establishment, the type of license applied for, the proposed hours of operation and the proposed type of entertainment. The notification shall also include the name, address, telephone and facsimile numbers of the director's office and instructions to the property owner for filing an objection to accepting the signed consent of the tenant and a statement that if the owner does not file an objection with director within 30 days of the date of the certified mailing of the notification, the director will accept the signed consent of the tenant.~~

~~(2) With the exception of the areas outlined in subsection (a)(1) of this section, no sales by drink, C.O.L. or sales by package alcoholic beverage license shall be issued for any premises as further described in this section unless the applicant shall, within 45 days of the filing of the application, furnish to the director, consent forms signed from a majority of eligible consenters as defined in this chapter from 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. The applicant must provide a notarized statement that all consent forms submitted to the director are from the property owners or tenants, as described in this section, that have been identified as eligible consenters and that no eligible consenter or tenant of an eligible consenter 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 consent. The consent requirement provided in this section shall apply to:~~

~~a. Any new premises;~~

- ~~b. Any premises that was previously licensed unless not required in section 120-269 of this chapter;~~
- ~~e. The expansion of any licensed premises;~~
- ~~d. Notwithstanding any other section of this chapter, any previously licensed or permitted premise where the license or permit was revoked;~~
- ~~e. Any licensed premises, including but not limited to a restaurant, tavern, hotel, bowling alley, grocery store or convenience store that changes the type of business that was originally approved by the director;~~
- ~~f. Any premises intending to provide live entertainment as outlined in section 10-332 of this chapter; and~~
- ~~g. Any change in ownership of a licensed premises unless not required in section 10-266 of this chapter.~~

~~An applicant required to submit consents to the director 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. If within the initial 45-day period for furnishing consents, an applicant files with the director a written request demonstrating good cause for an extension of time to furnish consents, the director may grant one extension of time for furnishing consents under this section up to an additional 45 days. An eligible consenter who originally gave their consent for a liquor license may withdraw their consent but only during the consent period by notifying the director in writing stating their desire to withdraw their consent. If an eligible consenter chooses to abstain from giving their consent, they will not be included in the total number of eligible consenters for which the applicant must obtain consents; however, the applicant must furnish a signed consent form from the property owner indicating that they have chosen to abstain from the consent process. For purposes of this section, a condominium as defined in this chapter that has less than five unit owners shall be considered as a single property parcel entitled to a single consent which consent shall be validated only if a majority of the condominium unit owners give their consent. A condominium unit that has between five and 15 unit owners shall be considered as a single property parcel entitled to two consents which shall be validated only if a majority of the condominium unit owners give their consent. A condominium unit that has more than 15 unit owners shall be considered as a single property parcel entitled to three consents which shall be validated only if a majority of the condominium unit owners give their consent. In lieu of a signed consent from an eligible property owner under this section, an applicant may furnish and the director shall accept a signed consent in proper form from a tenant of the property owner under the following conditions:~~



- ~~1. The tenancy is for a term not less than one year; and~~
- ~~2. The applicant shall furnish to the director sufficient proof that the applicant has sent a notification to the eligible consenting owner in a form approved by the director, by U.S. certified mail; and~~
- ~~3. The notification shall include the date of application, name and address of the applicant, the name and address of the proposed establishment, the type of license applied for, the proposed hours of operation and the proposed type of entertainment. The notification shall also include the name, address, telephone and facsimile numbers of the director's office and instructions to the property owner for filing an objection to accepting the signed consent of the tenant and a statement that if the owner does not file an objection with director within 30 days of the date of the certified mailing of the notification, the director will accept the signed consent of the tenant.~~

~~(b) Notification of application. The director shall mail written notification of the filing an application for a license under this section to all eligible consenters identified for the application and owners of property parcels located in Kansas City, Missouri 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 the consent radius as determined. The director shall mail written notification of the filing of an application for a license under this section to all neighborhood associations registered with the city whose boundaries are wholly within or intersected by a radius of 500 feet from the proposed premises, as measured from the center of the door for the main entrance to the premises. The director will not issue consent forms to the applicant until three days have passed from the date the director mails the written notification of application to the eligible consenters and the appropriate registered neighborhood associations.~~

~~(c) Form of consent. Consents required under the provisions of this section 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 concenter under the provisions of this section. Any consent form that has been submitted from an eligible concenter or tenant of an eligible concenter who has received, either directly or indirectly, anything of value which may include but is not limited to compensation, gift, loan, favor, privilege, service, courtesy or otherwise, in exchange for their consent will become null and void and therefore will not be accepted.~~

~~(d) The radius of 250 feet provided in subsection (a) of this section shall be increased to 500 feet for sales by package alcoholic beverage licenses for malt beverages having an alcohol content not in excess of five percent by weight in the original package if the applicant invokes the exemption from the density provisions contained in section 10-211(2)d of this chapter.~~

~~(e) Failure to obtain consents. The director shall not accept an application for a premise where any applicant has failed to successfully complete the consent process 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.~~

**~~Sec. 10-215. Consents not required.~~**

- ~~(a) No signed consents as required by section 10-214 shall be required for the following:~~
- ~~(1) *Restaurants, office buildings, or high density office buildings.* If the proposed premises is in a dining room, restaurant, lounge of any hotel or motel or a high density office building, and provided the location therein in which alcoholic beverages are to be sold and served is wholly enclosed with no entrance thereto except from within the building, and no window or other display or sign is used for advertisement, a sales by drink or C.O.L. license may be issued for the premises without the consents set out in section 10-214, but all other requirements of this division shall apply to the premises.~~
  - ~~(2) *Private or country club.* If a country clubhouse or any other clubhouse is located in connection with a subdivision or community development and on property at least three and one half acres in size.~~
  - ~~(3) *Storage space.* 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.~~
  - ~~(4) *Central city area.* Any proposed premises to be located within the following described location: That area bounded by, including and beginning from the intersecting point of Broadway Boulevard and West 6th Street, thence east along 6th Street including the block face frontage of the north side of 6th Street to Charlotte Street, thence south along Charlotte Street including the block face frontage of the east side of Charlotte Street to East 13th Street, thence south along Charlotte Street to East Truman Road, thence west along Truman Road to Baltimore Avenue, thence south along Baltimore Avenue to West 16th Street, thence west along 16th Street to Broadway Boulevard, thence north along Broadway Boulevard to East Truman Road, thence north along Broadway Boulevard including the block face frontage on the west side of Broadway Boulevard to the intersecting point of West 6th Street.~~
  - ~~(5) Any proposed premises located wholly within the following described location: 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.~~

- (6) ~~Any proposed premises located wholly within the following described location: 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) ~~Any proposed restaurant or retail sales by package premise located wholly within the following described location: That area bounded by, including and beginning from the intersecting point of the block face frontage of the east side of Blue Ridge Boulevard 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 the intersecting point of East 93rd Street, thence east along East 93rd Street to the intersecting point of and including the block face frontage of the east side of Old Santa Fe Road, thence south along the block face frontage of the east side of Old Santa Fe Road to the intersecting point of and including the block face frontage of the east side of Blue Ridge Boulevard, thence south along the block face frontage of the east side of Blue Ridge Boulevard to the intersecting point of East Bannister Road.~~
- (8) ~~Any established restaurant possessing a retail sales by drink license, located in and engaged in business within the Country Club Plaza Area which relocates to a new location wholly within the Country Club Plaza Area to be operated as a restaurant with a retail sales by drink license, with or without outdoor patio or sidewalk cafe. 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.~~
- (9) ~~The renewal of an existing sales by drink, C.O.L. or sales by package alcoholic beverage license or permit, provided that all other requirements of this chapter are fulfilled.~~

~~(b) 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.~~

~~(c) 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 and the provisions outlined in this section shall not apply.~~

~~**Sec. 10-216. Form of consent Reserved.**~~

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~~Consents required under the provisions of this division 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 consenter under the provisions of this division. The liquor license applicant must provide a notarized statement that all consent forms submitted to the director are from the property owners or tenants, as described in this division, that have been identified as eligible consenters and that no eligible consenter or tenant of an eligible consenter 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 consent.~~

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#### **Sec. 10-217. Existing licensed establishments.**

~~(a) 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.~~

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~~(b) Notwithstanding the consent radius requirements of section 10-214, the consent radius for expansion of an existing sales by drink, C.O.L. or sales by package alcoholic beverage premises legally licensed between July 1, 1997 and April 1, 1998 shall be 150 feet.~~

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#### **Sec. 10-241. Criteria for issuance of license**

~~(a) In considering whether to approve or disapprove an application for any license or sales 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 the director shall determine whether the approval of the license or sales permit will be in the best interests of the locality involved city.~~

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

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~~(1) The number, density and types of licenses or permits within 3,000 feet of the proposed premises for which a license is applied for, and the type of license or permit applied for.~~

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~~(2) The type of business or commercial uses within 3,000 feet of the proposed premises and the general character and intensity of uses permitted by the zoning ordinance within the area.~~

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~~(1) 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.~~

~~(2) 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.

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~~(4) Whether the proposed premises are within 1000 feet of any residentially zoned district, and, if so, whether the proposed licensed or permitted operation would cause a nuisance to or change in character of the residential area. In this context the director shall consider exterior lighting, noise, traffic and parking associated with the proposed premises or its patrons, as well as any other relevant characteristic of the proposed facility. For purposes of this chapter, the term "residentially zoned district" shall be defined as districts R-1, RA, R-2, R-3, R-4, R-4-O, R-5, R-5-O, R-6, GP-7, GP-6, GP-5, GP-4, GPA, GPR-1 and GPR-2.~~

~~(5) The type of entertainment, if any, proposed for the licensed premises, and whether the entertainment would be compatible with or detrimental to the locality involved.~~

~~(6) Other factors which, due to the character of the licensed premises or of the locality involved, would be relevant to whether issuance of the license or permit would be in the best interest of the locality involved.~~

~~(7) The unique character of the business, convention and entertainment areas that are bounded by I-70 on the north, Holmes Avenue on the east, Broadway Boulevard on the west, and 24th Street on the south, and that area bounded by 17th Street Terrace on the north, Woodland Avenue on the east, 18th Street on the south and Paseo Boulevard on the west.~~

(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. ~~By way of example, and not as a limitation, the director may request the following departments to provide him with the following information concerning the proposed premises, including but not limited to:~~

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(1) Public works department: ~~Traffic flow, location of curb cuts for parking lots, and parking availability surveys.~~

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(2) City *planning and development department:* ~~Impact upon the community, neighborhood, surrounding environs, adopted area plans and comprehensive plans~~

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or development projects in the area—, and applicable building codes, parking requirements and zoning restrictions.

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(3) *Fire department:* Access for emergency vehicles and safety of the proposed location.

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(4) *Police department:* Potential impact of crime, disturbances and traffic related to density or location of licensed establishments upon nearby residential or commercial neighborhoods.

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(5) *Health department:* Adverse impact upon the health, safety and general welfare.

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(6) *Parks and recreation department:* Impact upon parks, boulevards or community centers within the vicinity.

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~~(7) *Codes administration department:* Applicable building codes, parking requirements and zoning restrictions.~~

~~(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.

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#### **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:

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(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

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(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

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(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.

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If a licensee or permittee fails to successfully complete the probationary period, the director may place the licensee or permittee will be required on a conditional license agreement for a period of up to meet the consent requirement as outlined in section 10-214 of this chapter and one year. If the provisions outlined in section 10-215 will not apply. If a licensee or permittee fails does not agree to meet the consent requirement within conditional license agreement, the time frame specified in section 10-214 director may file to revoke all licenses and permits issued under this chapter. After the expiration of this chapter, 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 cannot 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 will be required on a conditional license agreement for a period of up to meet the consent requirement as outlined in section 10-214 of this chapter and one year. If the provisions outlined in section 10-215 will not apply. If a licensee or permittee fails does not agree to meet the consent requirement within conditional license agreement, the time frame specified in section 10-214 director may file to revoke all licenses and permits issued under this chapter. If the licensee is still in violation of this chapter 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.**

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(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 percent 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 his authorized representatives to examine any and all business bank accounts, records and other data pertaining to the licensed business.

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- (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 restaurant-bar license, the applicant shall furnish to the director, copies of all city convention and tourism tax returns, showing that at least 50 percent of the gross income of the restaurant-bar 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 ~~all the other~~ 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 ~~are within 1,000 feet of any residentially zoned district, whether has changed the licensed or permitted operation has caused a nuisance to or change in character of that residential area. In this context, the director or board shall consider exterior lighting, noise, traffic and parking associated surrounding neighborhood or interfered with or been detrimental to the operation rights or interests of the premises, with its patrons or with other persons frequenting the premises 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 ~~his~~their employees, servants or agents, has occurred on the licensed premises or in the immediate vicinity thereof;

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- (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 ~~his~~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 ~~approved by the licensed premises~~ has ~~interfered with or~~ been detrimental to the ~~locality involved~~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 ~~be compatible~~interfere with or ~~be~~ detrimental to the ~~locality involved~~rights or interests of the neighboring community, considering those other factors delineated in section 10-~~244-212~~;
  - (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 ~~his~~their employees, servants or agents;
  - (9) Other factors which, due to the character of the ~~locality 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 ~~locality in which~~rights or interests of the ~~licensed premises are located~~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 ~~licensees~~licensed premises has changed in size, either through expansion or reduction of square footage, ~~or whether~~;
  - ~~(12)~~ Notwithstanding the ~~primary entrance to the establishment has been altered or changed in such a manner as to affect the original radius measurement required for consents~~;
- (g) ~~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 ~~consent requirements in section 10-214(a) and the provisions of section 10-211 limiting the number of licenses shall apply.~~212.

(h) Notwithstanding any other provision of this chapter, the director may renew a restaurant-bar license for an establishment that did not derive 50 percent or more of its annual gross sales from the sale of prepared meals and food made and consumed on the premises ~~or have annual gross sales of at least \$200,000.00 from the sale of prepared meals and food consumed on the premises,~~ if the establishment held a restaurant-bar 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 restaurant-bar license for an establishment that did not derive 50 percent 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 September 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 ~~he has~~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~~

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determine whether the applicant has met all the qualifications and requirements for the issuance of a license for the proposed premises.

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(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.

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

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(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 percent 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.

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(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 percent 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.

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(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 except that the requirements that pertain to density and distance from churches and schools shall not apply so long as the business under the new owner(s) will be operated at the same location.

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(d) The requirements that pertain to ~~consent~~location, as outlined in ~~sections~~sections 10-211, 10-212 and 10-214 of this chapter, shall not ~~apply~~be applied to a change in ownership of a business ~~so long as if the new 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:

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- (1) The type of business, including but not limited to a restaurant, tavern, hotel, bowling alley, grocery store, convenience store ~~that was,~~ remains the same as before the transfer and as previously approved by the director ~~remains the same;~~ and;

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(2) The classification of liquor license(s), as outlined in article III of this chapter, ~~remain~~remains the same as the liquor license(s) ~~that is currently on the premises;~~ and as before the transfer and as previously approved by the director;

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(3) The type of live entertainment remains the same as the type of live entertainment ~~that was~~ before the transfer and as previously approved by the director, and the frequency of such live entertainment does not increase.

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(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 percent 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;

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(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

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(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.

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(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 including the ~~density, consent and distance from churches and schools~~ location requirements in section 10-212, 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.

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(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.

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(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 ~~partners~~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 ~~partners~~partner(s) to apply for renewal of the license in the ~~names~~name(s) of the remaining ~~partners~~partner(s).

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**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:

- ~~(1)~~ The ~~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 licensee surrendered the liquor license or permit, or;~~

~~(1)(a)~~ The ~~application is submitted within one year of the date the liquor license or permit becomes~~was ~~surrendered, became null and void, or expired for all other licenses and permits,~~

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- ~~(2)~~ The ~~application is submitted within one year of the date of expiration of the liquor license or permit at the previously licensed premise.~~

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~~(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.

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~~(a)~~ ~~(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. ~~However, the requirements that pertain to density and distance from churches and schools shall not apply so long as the business under the new owner(s) will be operated in the same previously licensed premise.~~

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(b) (d) The requirements that pertain to ~~consent~~location, as outlined in ~~sections~~sections 10-244211 of this chapter, shall not ~~apply~~be applied to a change in ownership of a previously licensed ~~business~~premises, as long as the new business meets the following requirements:

- (1) The type of business, including but not limited to a restaurant, tavern, hotel, bowling alley, grocery store, or convenience store ~~that was~~, remains the same as before the change in ownership and as previously approved by the director ~~remains the same; and~~;
- (2) The classification of liquor license(s), as outlined in article III of this chapter, remains the same as the liquor license(s) ~~that were previously on~~ before the ~~premises~~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) ~~that~~ The application is submitted within six 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 approved by the director at the previously licensed ~~premises~~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.

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**Sec. 10-270. ~~Reserved~~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. 10-312. Special regulations for certain premises**

(a) ~~Hotels, motels and clubs.~~ 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 ~~those~~the establishments.

(b) ~~Drugstores, confectioneries, soda fountains and school supply stores.~~ No alcoholic beverage sales by drink license and no C.O.L. license provided for in this chapter shall be issued if the structure for which the license is sought is occupied and operated as a drugstore, pharmacy, confectionery, soda fountain, soft drink business, or stationery or school supply store.

(c) ~~Sidewalk cafes.~~ A sidewalk café alcohol license for the sale of alcoholic beverages on a public sidewalk authorized under this chapter may be issued if the applicant therefore qualifies for and obtains a sale by drink license issued under this chapter and meets all of the following qualifications and conditions:

- (1) The applicant for a sidewalk license qualifies for and obtains a sale by drink license issued under this chapter for a restaurant bar; and
- (2) The licensee must have and at all times maintain a current sidewalk café permit issued by the director of neighborhood and community services and be in compliance with the requirements in section 64-164; and
- (3) The applicant therefore qualifies for and obtains approval for an encroachment expansion of the existing premises.

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

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~~———— No more than one retail license provided for by this chapter shall be issued for any single premises at any given time; provided, however, that the provisions of this section shall not apply to those persons holding caterer's permits.~~

**Sec. 10-314. Discontinuance of operations.**

~~———— (a) Whenever the business operations of a retail sales by drink, C.O.L. or sales by package establishment licensed under this chapter are discontinued for any reason and the operations remain interrupted for a period of more than 30 consecutive days, then the licensee of the establishment shall within 10 days thereafter notify and furnish the following information in writing to the director:~~

- ~~———— (1) The date interruption of the operations commenced;~~
- ~~———— (2) The reasons for the interruption of operations;~~
- ~~———— (3) The date on which the licensee contemplates reopening the establishment for business;~~
- ~~———— (4) Copies of any police, fire department or other reports, if any, which were prepared in connection with or arise out of the cause or suspected cause for the interruption of business.~~
- ~~———— (5) 2 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.~~

~~———— (b) Whenever the director has knowledge that the business operations of a retail sales by drink, C.O.L. or sales by package establishment licensed under this chapter are discontinued for any reason and the operations remain interrupted for a period of more than 30 consecutive days, then the director may provide written notification of the closing to the owners of property parcels located in Kansas City, Missouri 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 350 feet from the premises, as measured from the center of the door for the main entrance to the premises.~~

~~———— (c) Whenever the director has knowledge that the business operations of a retail sales by drink, C.O.L. or sales by package establishment licensed under this chapter are discontinued for any reason and the operations remain interrupted for a period of more than 120 consecutive days, then the director shall provide written notification of the closing to the owners of property parcels located in Kansas City, Missouri 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 350 feet from the premises, as measured from the center of the door for the main entrance to the premises.~~

~~— (d) Within 30 days of the date of mailing of the notification by the director to the property owners, if the owners of not less than 50 percent of the property parcels wholly within or intersected by a radius of 350 feet from the premises, as measured from the center of the door for the main entrance to the premises file with the director a petition requesting a hearing on whether continuing license will be in the best interests of the public and the locality involved, then the director shall notify the licensee and property owners of the date, time and place of a hearing before the director. The director shall investigate the circumstances and, upon sufficient proof, may cancel the license.~~

~~— (e) In determining whether it is in the best interests of the public and the locality involved to cancel the license, the director shall consider the factors set forth in section 10-261(h)(1) through (8) of this chapter. If the director determines that it is not in the best interests of the public and the locality involved to cancel the license, then the director shall not cancel the license. If the director determines that it is in the best interests of the public and the locality involved to cancel the license, then the director shall cancel the license.~~

~~— (f) A licensee whose license has been canceled under this section may appeal the director's decision in the manner provided in section 10-62 of this chapter.~~

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, any glass bottle, other than unless it is contained in

(1) a growler as outlined in Section 10-337, containing more than 32 ounces of malt beverages that is chilled; or

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- (2) refrigerated to a temperature rigid, durable, leak-proof, sealable container, that is at:
- a. does not exceed 128 ounces;
  - b. is designed to prevent consumption without removal of the tamperproof cap or below room temperature seal;
  - c. is affixed with a label or a tag that contains the name and address of the licensed 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.

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(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.

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(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.

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(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.

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

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- (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.

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(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.

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(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.

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(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.

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(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.

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(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 ~~he~~the licensee has first notified the director in writing of ~~his~~their intention to do so.

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(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.

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(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.

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(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.

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(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 ~~he has~~ they have purchased or secured in violation of any city ordinance, or local, state or federal law.

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

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(1) Any type of live entertainment unless the ~~consent~~ 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.

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(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.

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

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(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~~ dancers' hand or under a leg garter worn by the dancer located at least four inches below the bottom of the pubic region.

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(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:

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(1) There is a separate entrance into the licensed premises for each different business name that will be posted, and;

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(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;

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(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.

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(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.

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(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 ~~his~~their employees, servants or agents.

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(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.**

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(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.

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~~(1) Between the hours of 1:30 a.m. and 6:00 a.m. Tuesday through Saturday;~~

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~~(2) Between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday.~~

~~(b) Exceptions.~~

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(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.

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(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.

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(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.

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**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. ~~A package sales unless such licensee that also~~ has a tasting license ~~under the provisions of section or sales-by-drink license pursuant to sections 10-114~~ may allow wine malt beverage and distilled spirit tasting on the licensed premises ~~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."

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(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.

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- 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.

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(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 percent or more of its total gross receipts from nonalcohol and nondrug sales.

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**Sec. 10-341. Contents of bottles, cans, containers; prima facie evidence. Reserved.**

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~~(a) No retail licensee shall possess, give away or sell, upon the licensed premises, any alcoholic beverage that is not contained in or originally poured from any bottle or other container unless there is a manufacturer's label showing the alcoholic beverage or alcoholic content on the bottle or container.~~

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~~(b) No retail licensee may bottle any alcoholic beverage from any barrel or other container nor may he refill or add any substance to the contents of any alcoholic beverage bottle from any barrel or other container, unless the licensee holds and is acting under the provisions of a microbrewery license.~~

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~~(c) It shall be prima facie evidence, for purposes of this chapter, that any container on which the manufacturer's label sets forth an alcoholic beverage, or an alcoholic content, and on~~

~~which the original seal is not broken, shall contain the alcoholic beverage or the alcoholic content set forth on the manufacturer's label.~~

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Approved as to form and legality:

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Emalea Black  
Assistant City Attorney

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