

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 160774

Amending Chapter 10, Code of Ordinances, by repealing Section 10-102, Eligibility and requirements for sales by drink license, and enacting in lieu thereof a new section of like number and subject matter which replaces language that was inadvertently removed from this section.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 10, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 10-102, Eligibility and requirements for sales by drink license, and enacting in lieu thereof a new section of like number and subject matter. to read as follows:

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.

(b) Unless otherwise stated in this section, a sales-by-drink license may only be issued to a licensee or applicant when liquor-by-drink sales or projected sales are over 60 percent of all liquor sales. No sales-by-drink license authorized under sections 10-102, 10-103, 10-104, 10-105, 10-106, 10-107, 10-108, 10-109 and 10-110 of this chapter shall be issued to any of the following businesses:

- (1) Drugstore which as used in this section is defined as a retail store centrally featuring a pharmacy that dispenses prescription medication and sells over-the-counter medications as well as other miscellaneous items which includes but is not limited to products such as candy, cosmetics, cleaning supplies, light refreshments, magazines and paperback books.
- (2) Cigar and tobacco store which as used in this section is defined as a retail store of tobacco products which primarily specializes in selling various forms of tobacco and tobacco accessory products which includes but is not limited to pipes, lighters, matches, pipe cleaners, and pipe tampers.
- (3) Grocery store where the building is less than 15,000 square feet. Any grocery store that has a sales-by-drink license is not required to have liquor-by-drink sales or projected sales over 60 percent of all liquor sales.

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A grocery store which as used in this section is defined as a retail store that primarily sells food.

- (4) 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.
- (5) 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.
- (6) 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.
- (7) Liquor store which as used in this section is defined as a retail business that primarily sells pre-packaged alcoholic beverages.
- (8) Any convenience grocery store that sells gasoline, a gasoline service station or motor vehicle repair garage.

(c) A caterer with a full sales-by-drink license authorizes the caterer to sell all kinds of alcoholic beverages by the drink for consumption away from the licensed premises at other premises approved by the director. Each license shall be further classified into one of the sales-by-drink classifications set forth in this chapter.

(d) A wine manufacturer may apply for a full sales-by-drink license which authorizes the licensee to sell all kinds of alcoholic beverages by the drink for consumption on the premises where sold, if the premises so licensed is in close proximity to the winery. The licensed premises pursuant to this subsection shall also be exempt from the provisions of section 10-211 provided that the licensed premises are located in or upon the premises of a manufacturing facility and the manufacturing facility produces no less than 10,000 barrels of any kind of alcohol per annum. Each license shall be further classified into one of the sales-by-drink classifications set forth in this chapter.

(e) A licensee holding a current full original package sales license or an applicant who is eligible under section 10-211(2) of this chapter to receive a full original package sales license may apply for a sales-by-drink specialty license which will authorize the licensee to sell alcoholic beverages in the original package and light wine by the drink for consumption on the premises as long as the following criteria are met:

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- (1) The licensee must follow all sections of the ordinance that apply to a sales by drink licensed premises as outlined in this chapter; and
- (2) The licensee must meet the consent requirement as outlined in section 10-214 of this chapter; and
- (3) The only type of alcoholic beverages the licensee is permitted to sell or serve is light wine by the drink in a serving size not to exceed five ounces; and
- (4) The licensee will not allow any form of entertainment on the premises as outlined in section 10-332 of this chapter; and
- (5) The licensee will be prohibited from licensing any exterior part of the premises; and

A licensee that holds a sales-by-drink specialty license will be treated as a retail sales-by package license holder under section 10-211(2), for density purposes, of this chapter.

(f) A manufacturer or microbrewery, as defined in this chapter, may apply for a sales-by-drink license which authorizes the licensee to sell only those alcoholic beverages by the drink or by the package that are manufactured on the licensed premises and will not be required to meet a minimum percentage of liquor-by-drink sales or projected sales as required in subsection (b) of this section. Each license shall be further classified into one of the sales-by-drink classifications set forth in this chapter.

(g) A manufacturer or microbrewery, as defined in this chapter, may apply for a sales-by-drink license which authorizes the licensee to sell only those alcoholic beverages by the drink or by the package that are manufactured on the licensed premises and will not be required to meet a minimum percentage of liquor-by-drink sales or projected sales as required in subsection (b) of this section. Each license shall be further classified into one of the sales-by-drink classifications set forth in this chapter.

Approved as to form and legality:

Kathy Adams
Assistant City Attorney