

ORDINANCE NO. 180716, AS FURTHER AMENDED

Amending Chapter 10, Code of Ordinances, for the purpose of regulating employee liquor permits by repealing Sections 10-5 and 10-291 and enacting in lieu thereof new sections of like numbers and subject matter;

Amending Chapter 10, Code of Ordinances, by repealing Sections 10-5 and 10-291 and enacting in lieu thereof new sections of like numbers and subject matter for the purpose of regulating employee liquor permits.

WHEREAS, there is a need for the public safety that employees obtain liquor permits for liquor licensed establishments; and

WHEREAS, there is a need for a compromise so that workers may obtain employment in liquor licensed businesses; NOW, THEREFORE,

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 Sections 10-5, Employee liquor permit required, 10-291, Generally, and enacting in lieu thereof new sections of like number and subject matter to read as follows:

**Sec. 10-5. Employee liquor permit required.**

It shall be unlawful for any person to directly participate in the retail sale, delivery or dispensation of alcoholic beverages unless the person holds a valid employee liquor permit issued by the director. The term "directly participate in the retail sale, delivery or dispensation of alcoholic beverages," as used in this section, shall include delivering, taking orders for, accepting payment for, mixing, serving or assisting in mixing or serving alcoholic beverages but shall not apply to the preparation or mixing of samples for the purposes of conducting wine, beer or distilled spirit tastings, or any combination thereof. It shall be unlawful for any person to act in the capacity of but not limited to, bar manager, bartender, waiter, waitress, cashier, sales clerk, doorman, or other person responsible for checking identification cards to determine age unless the person holds a valid employee liquor permit issued by the director.

**Sec. 10-291. Generally.**

(a) *Required.* It shall be unlawful for any person to directly participate in the retail sale, delivery or dispensation of alcoholic beverages unless the person holds a valid employee liquor permit issued by the director as defined in section 10-5 of this chapter. No person shall be issued an employee liquor permit by the director unless the person is at least 21 years of age except as otherwise provided by sections 10-339 or 10-373 of this chapter. An employee liquor permit shall not be issued to any person who:

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

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

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

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

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- (1) The applicant's complete name, home address, email address, personal telephone number, date of birth, and motor vehicle operator's license or other identification number.
- (2) The applicant's height, weight, color of eyes, color of hair, and gender.
- (3) A statement by the applicant affirming whether he or she is a convicted felon.
- (4) An authorization signed by the applicant allowing law enforcement and probation and parole agencies to release criminal record information concerning the applicant.
- (5) The applicant's criminal history record.
- (6) A photograph of the applicant, to be taken by the director or his agents.
- (7) A non-refundable application fee will be paid by the applicant to defray the cost of the application process and the required background check. If an applicant does not ask the director to conduct a criminal background investigation, the applicant will pay a reduced fee for an employee liquor permit to reflect the savings for not conducting the investigation.
- (8) After a complete application has been filed with the director, the application will be investigated. The applicant may ask the director to conduct the criminal background investigation or the applicant may choose a licensed background investigation company, approved by the director, to conduct the investigation. The investigation shall include a review of all criminal records available including federal, all states and the records of all counties in the state, specifically records regarding the registration of persons who have been found guilty of, pleaded guilty to or been convicted of sexual offenses. The investigation shall, at a minimum, include an investigation of the applicant's background concerning everything listed under subsection (a) of this section. If the applicant uses a licensed background investigation company, the applicant must authorize the release of the investigation and require the company to send a copy of the applicant's investigation to the director.

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

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

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

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

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

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Approved as to form and legality:

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Martha Means  
Assistant City Attorney