

ORDINANCE NO. 080159

Amending Chapter 10, Code of Ordinances, by repealing Section 10-331, General requirements for all licensees, and enacting in lieu thereof a new section of like number and subject matter which requires all licensees to post a dress code if a dress code is enforced on the premises.

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 10-331, General requirements for all licensees, and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

Sec. 10-331. General requirements for all licenses.

(a) *Responsibility of licensee.* Licensees at all times are responsible for the conduct of their business and at all times are directly responsible for any act or conduct of any employee on the premises which is in violation of the provisions of this chapter or the regulations of the director.

(b) *Duty to report.* In the event that any licensee or an employee of the licensee knows or should have known that an unlawful or violent act has been committed upon or about the licensed premises, the licensee, or the employee, shall immediately report the occurrence to the police department. The licensee and his employees shall cooperate with any law enforcement authority, agents of the Missouri Division of Liquor Control, and the director, or the director's agents, during the course of any investigation into the occurrence.

(c) *Licenses posted on premises.*

- (1) While doing any business during the time for which a city alcoholic beverage license has been granted, all licensees shall post and keep displayed the license in a conspicuous place on the licensed premises so that any person visiting the premises may readily see the license, while the license is in effect. No licensee shall post the license or allow the license to be posted upon premises other than the premises licensed, or knowingly deface, destroy, or alter any the license in any respect.
- (2) A licensee shall also keep prominently displayed on the licensed premises, at all times while the city alcoholic beverage license is in effect, all federal tax stamps and state licenses, and county licenses, if applicable, issued to the licensee or to the licensed premises.
- (3) For purposes of this chapter, if alcoholic beverages are sold, stored, distributed or consumed on the premises, and a city alcoholic beverage

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license is not posted in the manner as provided by this section, it shall be prima facie evidence that the premises is not licensed.

(d) *Dress code posted on premises.* All licensees that have a dress code in effect which may either allow or disallow any person from entering the licensed premises shall post and display the dress code in a conspicuous place within 3 feet of each entrance of the licensed premises during all operational hours so that it may be readily seen by any person visiting the premises. Any dress code which is enforced by a licensee shall be posted in a print not less than 24-point, bold type and shall list all restrictions that will either allow or disallow any person from entering the licensed premises.

(e) *Condition of premises.* All licensees shall at all times keep the licensed premises safe, clean and sanitary and in accordance with the applicable rules, regulations and ordinances of the city.

(f) *Telephone.* All licensees shall provide the number, including unlisted numbers, of any telephone used upon the licensed premises to the director, which number(s) shall remain a part of the licensee's record. The licensee shall notify the director, within 5 days, of the change of any telephone number upon the licensed premises.

(g) *Books and records.*

- (1) All licensees shall keep complete and accurate records pertaining to the business. The records shall include a complete and accurate record of all purchases and gross sales of alcoholic beverages, prepared meals and food. The records shall include the names and addresses of all persons from whom alcoholic beverages are purchased, the dates, kinds and quantities of the purchases, and the dates and amounts of payments on account.
- (2) All retail sales-by drink and sales-by-package licensees shall maintain on the licensed premises at all times a current record of licensee's employees, which shall list the name, address, employee permit number, job title or classification and date of employment for each employee, and which shall be made available for immediate inspection upon request of the director or his agents or any member of the police department.
- (3) A licensee shall also keep all files, books, records, papers, state, county or city licenses, federal tax stamps, accounts and memoranda pertaining to the business conducted by the licensee, and shall also keep all records required by the director. Upon request of the director or his duly authorized agents and auditors, a licensee shall, within 48 hours, allow an inspection and audit to be made by the director or his agents of the files, books, records, papers, state, county or city licenses, federal tax stamps and accounts and memoranda, and shall allow copies to be made and taken

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of them. All records required to be kept by law or by regulation of the director shall be kept and preserved for a period of two years from the date the record was made. A licensee shall establish and maintain a uniform system of bookkeeping and accounts, according to generally accepted accounting practices.

(h) *Distribution of earnings or assets.* Any licensee, upon request of the director, shall file within 30 days, an affidavit showing the payment, or other distribution of all earnings or assets and the name and address of all persons to whom distribution or payment was made. Information furnished pursuant to this provision shall be confidential, except that it may be used for the purpose of administration and enforcement of liquor control laws and ordinances.

Approved as to form and legality:

Kathy Adams
Assistant City Attorney