

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 120004

Amending Chapter 10, Code of Ordinances, by repealing section 10-105, general requirements for temporary and annual catering permits, and enacting in lieu thereof a new section of like number and subject matter which will allow an eligible liquor license holder to cater liquor to a public indoor event held in the city of Kansas City, Missouri.

WHEREAS, the ordinance does not currently allow alcohol to be catered to any indoor event when there is an entry fee, admission charge, door charge, or ticket sales or donations of any kind are taken in order to attend the catered event; and

WHEREAS, Missouri State law allows for alcohol to be catered to any indoor public event; and

WHEREAS some event holders are holding events outside the city limits of Kansas City, Missouri, since they are unable to serve alcohol during their event; 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 Section 10-105, General requirements for temporary and annual catering permits, and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

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.
 - 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 An application for a liquor license or catered event has not been denied or withdrawn from the location of the premises where the catered event is to be held, and; the director has no reason to believe that the proposed premises has or will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

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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. 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.

2. The event is private and meets the following criteria:
 - 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.

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- b. There is no entry fee, admission charge, door charge, ticket sales or donations taken of any kind to attend the catered event.
 - c. The catered event is not advertised to the public at large in any way.
- (2) *Application.* Must be filed with the director at least 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.
- (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 application to the director, in writing, and under oath on a form created by the director. Each answer in the application blank 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:
 - a. The individual designated as the managing officer or the individual in active control of the original liquor license under this chapter shall make 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 from the directors of codes administration, fire, and health stating that the catered location site complies with respective codes.

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- d. The date, starting time and ending time of the function, occasion, or event.
 - e. Security. A detailed description of what security measures are for crowd control, which shall be approved by the director of neighborhood and community services. Include the number of security employees, as well as the number of commissioned security officers.
 - 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 plan must be 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 obtained from the public works department.
 - j. Any additional information, which the director may reasonably require to be fully informed for consideration of the issuance of a catering permit.
- (4) *Approval letters.*
- a. Sponsor/property owner letter. A copy of the approval letter between 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 the agreed upon date, starting and ending time, and the actual location of the function, occasion, or event.
 - b. Caterer/sponsor letter. 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 the type of event being hosted.
- (5) *Diagram of the catered premises.* There must be 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, provide the location on the diagram and include a measurement of the

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entire outside perimeter of the event and the locations of portable toilets, traffic barriers and the number security officers posted.

- (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 neighborhood and community services (\$15.00 per day).
- (7) *Additional requirements.* The director may make additional requirements as needed.

(b) *Limitations.*

- (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) All servers of alcohol at a catered function, occasion or event must have an employee liquor permit from the city.
- (3) A catering permit shall only authorize the sale of the same type of alcohol during the same operational hours as permitted by the original license for the restaurant/bar or as authorized on the original license for the caterer.
- (4) Alcohol served at outdoor events must be served in plastic 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) 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) 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.

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- (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 licensee to hold an unlimited number of catering events annually.
 - (2) 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 scheduled function, occasion or event.
 - (3) 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.
 - (4) The annual catering permit fee is \$1,500.00. The application fee is \$500.00. The fees cover the various costs incurred by the city for investigations and processing, therefore, the fees are not refundable.

(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 employee, agent or servant, while operating under a catering permit which occurs on the premises being catered, shall cause the permittee and his employee, agent, or servant to be subject to administrative action by the director and prosecution as provide by chapter 10 as though the violation had occurred on the permittee's original licensed premises.

(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 of the ordinances.

Approved as to form and legality:

Kathy Adams
Assistant City Attorney