

ORDINANCE NO. 090764

Amending Chapter 10, Code of Ordinances, by repealing Section 10-127, License and permit fees, and enacting in lieu thereof a new section of like number and subject matter which allows a promotional association the opportunity to apply for and receive a festival district temporary permit for the sale of alcoholic beverages by the drink, and adding a new Section 10-139, Festival district temporary permit for sales by drink license.

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 10-127, License and permit fees, and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

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 liquor and light wine sales-by-drink license.....	52.50 per year
Each limited malt liquor, light wine or nonintoxicating beer 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
Tavern Sunday license.....	900.00 per year
Every other 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 nonprofit organization 6:00 a.m. closing permit.....	450.00 per year
Each Fourth of July celebration temporary malt liquor and light wine sales-by drink permit.....	100.00
Each license for sales-by-drink in common eating and drinking area.....	450.00 per year
Each nonintoxicating beer sales-by-drink license.....	37.50 per year

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Each limited nonintoxicating beer sales-by-drink license for the sale of nonintoxicating beer for consumption on the premises where sold by any church, school, civic, service, fraternity, veteran, political or charitable club or organization at a picnic, bazaar, fair or similar gathering.....	15.00
Each festival district temporary permit for a sales by drink license.....	450.00 per year
Each C.O.L. consumption of alcoholic beverages license for clubs, organizations or associations which are private and nonprofit, where either food, beverages or entertainment are provided for compensation in the form of dues, fees or special assessments.....	60.00
Each C.O.L. license for commercial establishments or establishments which are commercial in nature, where either food, beverages or entertainment are provided for compensation of any kind.....	300.00 per year
Each one-day C.O.L. license for dance halls.....	20.00
Each full original package sales license.....	150.00 per year
Each malt liquor original package sales license.....	22.50 per year
Each nonintoxicating beer original package sales license.....	22.50 per year
Each wholesaler's license for sale of alcoholic beverages of all kinds to retailers.....	375.00 per year
Each wholesaler's license for sale of alcoholic beverages not in excess of 22 percent of alcohol by weight to retailers.....	150.00 per year.
Each wholesaler's license for sale of malt liquor or nonintoxicating beer containing not in excess of 5 percent of alcohol by weight to retailers.....	75.00 per year
Each wholesaler's license for sale of nonintoxicating beer to retailers.....	75.00 per year
Each wholesaler's license for sale of alcoholic beverages of all kinds to wholesalers.....	375.00 per year
Each wholesaler's license for sale of alcoholic beverages not in excess of 22 percent of alcohol by weight to wholesalers.....	150.00 per year
Each wholesaler's license for sale of malt liquor containing not in excess of 5 percent of alcohol by weight or nonintoxicating beer to wholesalers.....	75.00 per year

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Each manufacturer's license to manufacture, distill or blend alcoholic beverages of all kinds.....	300.00 per year
Each manufacturer's license for manufacture of alcoholic beverages containing alcohol not in excess of 22 percent by weight.....	150.00 per year
Each manufacturer's license for manufacture of malt liquor.....	300.00 per year
Each microbrewery license.....	375.00 per year
Each manufacturer's license to manufacture nonintoxicating beer.....	375.00 per year

Section 2. That Chapter 10, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by adding a new Section 10-139, Festival district temporary permit for sales by drink license, to read as follows:

Sec. 10-139. Festival district temporary permit for sales by drink license.

(a) After obtaining the approvals as described in this section, a permit for the sale of intoxicating liquor and nonintoxicating beer for consumption on premises where sold and to conduct specified festival events shall be issued by the director to any festival district that includes three or more businesses that are licensed bars, nightclubs, restaurants, or other entertainment venues and a common area that is closed to vehicle traffic, provided that the permit is held by a promotional association. A "promotional association" is defined as an entity formed by property owners who own or operate fifty percent or more of the square feet of bars, nightclubs, restaurants, and other entertainment venues located within the proposed festival district.

(b) The promotional association shall obtain a permit from the director if the promotional association submits a plan to the governing body of the city and such a plan receives approval from the city governing body. The plan submitted shall include the legal description of the district and the common area within which such festivals shall be held, the name and address and responsible person for each business participating in the promotional association, the specific calendar of events for the district which shall not exceed twenty-four such events annually and shall include the dates and times of any such events, a description of the proposed festival activities including any proposed public street closures if applicable, proof of adequate insurance, a detailed description of security for any proposed festivals which shall be provided at the sole expense of the promotional association. Such detailed description of security shall be approved by the city police department and the director prior to the plan being approved by the city. Each event on the calendar shall not exceed forty-eight hours in length. No more than two events shall be held in any calendar month.

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(c) Prior to approving the plan, the director shall notify all property owners in the proposed district and within five hundred feet of such district's boundaries. The director shall hold a public hearing at least thirty days after providing such notice to obtain public views and comments on the issue. The director shall not approve any plan unless the promotional association has obtained written approval from at least fifty percent of the property owners within the district and within one hundred eighty-five feet of its borders. If the written approvals required under this section are obtained and the director approves the plan, the promotional association may conduct the events described in the plan and may sell liquor for consumption within the district common areas. Such liquor sales may only occur between 9:00 a.m. and 1:00 a.m. In addition, for no more than ten twenty-four hour periods in a year, such promotional association may permit customers to leave an establishment within the district after purchasing an alcoholic beverage and consume the beverage in the district common areas or another licensed establishment within the district. All containers allowed to be removed from an establishment shall be marked with the name or logo of the establishment where it was purchased. No person shall be allowed to take any alcoholic beverage outside the boundaries of the festival district.

(d) If participating in a promotional association event, every bar, nightclub, restaurant, promotional association, or other entertainment venue that serves alcoholic beverages within the festival district shall use disposable paper, plastic, or foam cups or other light-weight containers for all alcoholic beverages that the bar, nightclub, restaurant, promotional association, or other entertainment venue sells within the festival district boundaries for consumption in the district common area.

(e) Minors shall not be allowed to enter the festival district during a festival event that serves liquor.

(f) The holder of the permit is solely responsible for any alcohol violations occurring within the common areas. If a promotional association is found to be responsible for any violation of this chapter at three separate events, then such promotional association shall not seek approval for subsequent plans without the prior written consent of the director. The promotional association's then current plan shall be deemed terminated, and the businesses participating in the promotional association's events shall not participate in activities permitted by subsection c of this section without prior written consent from the director.

(g) The provisions of this section shall expire two years after the effective date of this section.

Approved as to form and legality:

Kathy Adams
Assistant City Attorney