

**COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 030294**

**Amending Chapter 10, Code of Ordinances, by repealing Section 10-335, Prohibited acts on sales-by-drink premises, and enacting in lieu thereof one section of like number and subject matter.**

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 10-335, Prohibited acts on sales-by-drink premises, and enacting in lieu thereof one new section of like number and subject matter, to read as follows:

**Sec. 10-335. Prohibited acts on sales-by-drink premises.**

(a) Upon the licensed premises of a sales-by-drink licensee, no licensee, nor any employee of the licensee, shall:

- (1) Allow alcoholic beverages to be brought into or upon the premises by customers;
- (2) Allow any person to remove from the premises any alcoholic beverage provided for consumption on the premises;
- (3) Sell, give away or serve water, soda water, phosphates or any other kind of liquid to be used for the purpose of mixing intoxicating drinks, commonly referred to as “setups”;
- (4) Allow any customer, while in or upon the premises, to pour into, mix with or add intoxicating liquor to water, soda water, ginger ale, seltzer, malt, phosphates or any other kind of liquid or other liquor;
- (5) Allow any person to drink or consume any alcoholic beverage directly out of any bottle, if the volume size of the bottle exceeds 16 ounces, or if the alcohol content of the beverage exceeds 15 percent, by volume;
- (6) Allow any employee to solicit any customer to purchase alcoholic beverages or nonalcoholic beverages, either for that employee or for another employee;
- (7) Allow any employee directly participating in the sale of alcoholic beverages as defined by section 10-5 to consume any alcoholic beverage;
- (8) Allow any employee directly participating in the sale of alcoholic beverages as

defined by section 10-5 to sit at any bar or table with any customer except for a reasonable period of time while actually engaged in taking a food or drink order;

- (9) Give away alcoholic beverage to any customer;
- (10) Sell any alcoholic beverage at retail for less than the price paid at wholesale;
- (11) Allow any employee, except dance instructors, to dance with any customer; or
- (12) Sell or give away any drug, medicine or controlled substance to any person, provided that nothing in this section shall prohibit the licensee, any of its employees or any other person from possessing or using a drug, medicine or controlled substance in a lawful manner, provided that this shall not apply to hotels, apartment hotels, motels, inns, lodges or similar places providing principally transient residential accommodations and having at least 40 rooms for overnight accommodation or restaurant bars as defined in this chapter.

(b) This section shall not be construed to prohibit any of the acts described in subsections (1) through (5) of this section in any private guest room or private dining room of any duly licensed hotel, motel or club.

(c) This section shall not be construed to prohibit any of the acts described in subsection (9) of this section, prohibiting the giving away alcoholic beverages to any customer, in any duly licensed hotel or motel provided that the hotel or motel provides the complimentary alcoholic beverages during a happy hour not to exceed three hours, the complimentary beverages are provided only to guests of the hotel/motel and the complimentary beverages are a part of a complimentary guest package given to guests of the hotel/motel as a part of the lodging services provided to the hotel/motel guest. The licensee shall notify the director prior to providing complimentary alcoholic beverages during a happy hour.

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Approved as to form:

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Assistant City Attorney