

## CITY OF GRANDVIEW

BILL NO. 6941

ORDINANCE NO. 6698

**AN ORDINANCE AMENDING ORDINANCE NO. 1847, §A AND SUBSEQUENT AMENDMENTS THERETO (ALCOHOLIC BEVERAGES) REGARDING EMPLOYMENT AND PERMITTING OF PERSONS AGED EIGHTEEN (18) THROUGH TWENTY (20) TO WORK AS WAITERS AND WAITRESSES IN LIQUOR ESTABLISHMENTS AND RELATED MATTERS.**

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WHEREAS, state statutes permit persons aged eighteen (18) through twenty (20) to work as waiters and waitresses on premises licensed to sell alcoholic beverages and where substantial quantities of food are sold; and

WHEREAS, Chapter 3 (Alcoholic Beverages) of the Code of Laws of the City of Grandview, Missouri ("Liquor Code") does not allow persons under the age of twenty-one (21) to work as waiters or waitresses on premises licensed to sell alcoholic beverages; and

WHEREAS, the Board of Aldermen ("Board") of the City of Grandview, Missouri ("City") deems it to be in the best interests of the City to amend the Liquor Code to be consistent with state law; and

WHEREAS, the Board deems it to be in the best interests of the City to amend the Liquor Code to clarify other provisions relating to the issuance of employee permits for persons working on premises licensed to sell alcoholic beverages.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF GRANDVIEW, MISSOURI, AS FOLLOWS:

Section 1. Code Section 3-1 Amended. That portion of Ordinance No. 1847, §A and subsequent amendments thereto, codified at Section 3-1 (Enumeration) of the Code of Laws of the City of Grandview, Missouri, is hereby amended by deleting the definition of "police character".

Section 2. Code Section 3-8 Amended. That portion of Ordinance No. 1847, §A and subsequent amendments thereto, codified at Section 3-38 of the Code of Laws of the City of Grandview, Missouri, is hereby amended to read as follows:

**Sec. 3-38. Requirement; exceptions.**

- (a) *Requirement.* Except as provided in subsections (c) and (f) of this Section 3-38, all persons employed in the retail sale, dispensation, service or delivery of alcoholic beverages or on C.O.L. licensed premises must be twenty-one (21) years of age or older and must obtain a permit to do so from the director of liquor control; except that no permit shall be required of

a person employed solely as a cashier on a by-the-drink premises where substantial quantities of food are sold.

(b) *Obtaining permit.* Each applicant must make written application and be fingerprinted by the director of liquor control and furnish the director of liquor control four (4) identifying photographs of him/herself. Upon application, each applicant shall pay the sum of ten dollars (\$10.00) and provide the director with a letter of intent to hire from an authorized representative of the licensed business desiring to employ the applicant. If the applicant meets the applicable requirements of the city and the state, and if there are no outstanding arrest warrants for the applicant, then such applicant will be issued a permit good for one year from the date of application. Upon expiration of the permit, the applicant may obtain a new permit in the same manner as herein provided. The fee for an employee replacement work permit shall be five dollars (\$5.00).

(c) *Minor permits.* Minors may be permitted to work on licensed premises as follows:

(1) Persons aged sixteen (16) and seventeen (17) may be permitted to work on premises where substantial quantities of food are sold so long as such persons do not sell or assist in the retail sale, dispensation, service or delivery of alcoholic beverages.

(2) Persons aged eighteen (18) through twenty (20) may be permitted to work as a waiter or waitress and accept payment for or serve intoxicating liquor on premises where substantial quantities of food are sold; provided that nothing in this subsection shall authorize persons under twenty-one (21) years of age to mix intoxicating beverages or serve intoxicating beverages across the bar.

(3) Persons aged eighteen (18) through twenty (20) may be permitted to work in businesses licensed to sell liquor in the original package where at least fifty (50) per cent of the gross sales made consists of goods, merchandise or commodities other than package liquor, including but not limited to grocery stores, drugstores and convenience stores, but only for the purpose of accepting payment for such package liquor and stocking, arranging displays, and sacking for carry out package liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years.

(4) *Additional permitting requirements for minors.* In addition to the application requirements set out in Section 3-38(b), applicants aged sixteen (16)

and seventeen (17) shall also furnish a written consent signed by a parent or legal guardian on a form furnished by the director. Such signature shall be notarized or such parent or legal guardian may appear in the office of the director and sign the consent in the presence of the director. The director or his designee shall then witness and acknowledge the signature of the parent or legal guardian. All such consents shall be accompanied by the minor's birth certificate and both such consent and a copy of the birth certificate shall remain on file and as a record of the director of liquor control. After the consent and birth certificate have been submitted, such person shall be issued a permit card.

- (d) *Form, content.* All permit cards shall bear the name, physical description, thumbprint and photograph of the applicant and such other information that the liquor control director might lawfully require. Permit cards shall be serialized and laminated to prevent forgery, alteration and deterioration.
- (e) *Transfer prohibited.* A permit card is personal to the holder thereof, and it shall be unlawful for the holder thereof to transfer such card to another person for any purpose made unlawful by the laws of the city, state or federal government. The permit card shall be kept available by the employer-licensee or the lawful holder thereof to be shown on demand to a police officer, liquor investigator or other person authorized by law to inspect same. In the case of permits issued to persons aged sixteen (16) and seventeen (17), possession of the permit card by the lawful owner shall be prima facie evidence that such person is of the age stated on such permit card and has the lawful consent of his parent or legal guardian to be employed on the licensed liquor premises.
- (f) *Package Premises Exception.* No permit shall be required for any person to be employed in an establishment licensed under provisions of this chapter to sell liquor in the original package so long as such person does not, in any way, assist in the retail sale, dispensation, service or delivery of alcoholic beverages.

Section 3. Code Section 3-51(d)(5) Amended. That portion of Ordinance No. 1847, §A and subsequent amendments thereto, codified at Section 3-51(d)(5) of the Code of Laws of the City of Grandview, Missouri, is hereby amended to read as follows:

(5) That the applicant has not borrowed or accepted money and agrees not to borrow or accept money in the future from any wholesale supplier of alcoholic beverages or any supplier of coin-operated commercial manual or mechanical amusement devices or the employees, officers or agents thereof, or from any owner of coin-operated commercial manual or mechanical amusement devices on the licensed premises, or from any known felon.

Section 4. Code Section 3-68(c) Repealed. That portion of Ordinance No. 1847, §A and subsequent amendments thereto, codified at Section 3-68(c) of the Code of Laws of the City of Grandview, Missouri, is hereby repealed. Code Section 3-68(c) shall be reserved for future use.

Section 5. Code Section 3-68(j) Amended. That portion of Ordinance No. 1847, §A and subsequent amendments thereto, codified at Section 3-68(j) of the Code of Laws of the City of Grandview, Missouri, is hereby amended to read as follows:


(j) *Employment of felons.* No license issued under this chapter shall be denied, suspended, revoked or otherwise affected based solely on the fact that an employee of the licensee has been convicted of a felony unrelated to the manufacture or sale of intoxicating liquor. Each employer shall report the identity of any employee convicted of a felony to the state division of liquor control pursuant to RSMo 311.060, as well as the City of Grandview director of liquor control.

Section 6. Code Section 3-75 Repealed. That portion of Ordinance No. 1847, §A and subsequent amendments thereto, codified at Section 3-75 of the Code of Laws of the City of Grandview, Missouri, is hereby repealed. Code Section 3-75 shall be reserved for future use.

Section 7. Effective Date. This Ordinance shall be effective on and after the date of its passage and execution by the Mayor.

Passed this 12<sup>th</sup> day of August, 2014.

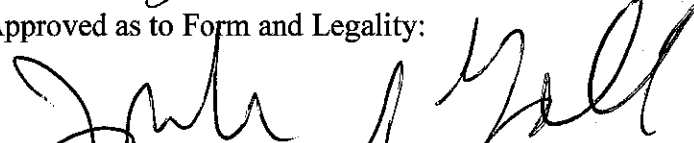
Approved this 12<sup>th</sup> day of August, 2014.

  
LEONARD D. JONES, JR., MAYOR

ATTEST:

  
BECKY SCHIMMEL, CITY CLERK

Approved as to Form and Legality:

  
JOSEPH S. GALL, SPECIAL COUNSEL

