414 E. 12th Street
Kansas City, MO
64106

File #: 250218

ORDINANCE NO. 250218

Amending Chapter 10, Code of Ordinances, Alcoholic Beverages, by repealing and replacing Sections 10-5 and 10-331 for the purpose of updating certain requirements for employees of liquor license holders.

WHEREAS, updating outdated regulations can reduce unnecessary burdens on small businesses while maintaining the same or better levels of protection of the public; and

WHEREAS, at the Alcohol Beverage Advisory Group meeting on February 24, 2025, the Group recommended that the City Council adopt proposed updates to certain requirements for liquor license employee records and verifications; and

WHEREAS, the City Council seeks to update provisions of Chapter 10 to improve the City's liquor license process while maintaining reasonable regulations and license requirements; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 10, Code of Ordinances, is hereby amended by repealing Sections 10-5 and 10-331, and enacting in lieu thereof new sections of like number and subject matter, to read as follows:

Sec. 10-5. Employees prohibited from directly participating in the retail sale, delivery, or dispensation of alcoholic beverages.

(a) It shall be unlawful for any licensee to employ an individual convicted of a sex crime to directly participate in the retail sale, delivery or dispensation of alcoholic beverages. The term "directly participate in the retail sale, delivery or dispensation of alcoholic beverages," as used in this chapter, shall include delivering, taking orders for, accepting payment for, mixing, serving or assisting in mixing or serving alcoholic beverages. It shall be unlawful for any licensee to employ an individual convicted of a sex crime to act in the capacity of, but not limited to, bar manager, bartender, waiter, waitress, cashier, sales clerk, doorman, or other person responsible for checking identification cards to determine age.

(b) An individual convicted of a sex crime for purposes of this chapter is defined as a person who is a registered sex offender as listed on the Dru Sjodin National Sex Offender Public Website.

Before hiring any individual to directly participate in the retail sale, delivery or dispensation of alcoholic beverages, each licensee shall verify that such individual is not an individual convicted of a sex crime, as described in this section. At least once every three years each licensee shall reverify that each employee who participates in the retail sale, delivery or dispensation of alcoholic beverages has not been convicted of a sex crime.

(c) The director or his authorized agents, in order to enforce the prohibitions of this section, shall have the right to inspect the licensed premises as provided in section 10-34 and examine the books, records, and papers of each licensee as provided in sections 10-35 and 10-331(g).

(d) Upon adoption of this section, but prior to its effective date, any licensee may certify under penalty of perjury on a form prescribed by the director that:

(1) The licensee has searched the National Sex Offender Registry for the names of any employees directly participating in the retail sale, delivery or dispensation of alcoholic beverages; and

(2) The licensee does not employ any individual convicted of a sex crime, as defined in this section, to directly participate in the retail sale, delivery or dispensation of alcoholic beverages.

(e) All retail sales-by-drink licensees shall, at all times, employ at least one individual having managerial or supervisory responsibilities at the licensed premises who has successfully completed the National Restaurant Association's ServSafe Alcohol training program or who has successfully completed a comparable program approved by the director. Each sales-by-drink licensee shall maintain a copy of such current employee's certification of completion at the licensed premises, which shall be produced to the director or his duly authorized agents upon request.

(f) Whenever it shall be shown or whenever the director has knowledge that any licensee employs a person who has been convicted of a sex crime, and such person has directly participated in the retail sale, delivery or dispensation of alcoholic beverages, the director may seek the revocation of all liquor licenses and permits from the licensee employing such person in violation of this section.

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

(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 director and 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 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 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:

(1) Post and display the dress code in a conspicuous place within three 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. The posted dress code shall be 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.

(2) Enforce the dress code as it is written and not deviate from the posted dress code by either allowing or disallowing a person from gaining entry into the licensed premises based on criteria other than what is listed on the posted dress code.

(3) Be in compliance with public accommodations ordinances as outlined in chapter 38.

(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 five 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 all employees. All retail sales-by drink and sales-by-package licensees shall ensure that employees directly participating in the sale, delivery, or dispensing of alcoholic beverages and that act in a capacity of, but not limited to, a bartender, waitress, waiter, and doorman or such other person responsible for checking identification cards to determine age, carry on their person a state or government issued photo identification which states their name and address, or, have color copies of employees state or government issued photo identification 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 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:

Emalea Black

Emalea Black
Associate City Attorney

Authenticated as Passed

Quinton Lucas, Mayor

Marilyn Sanders, City Clerk

APR 03 2025

Date Passed