

AN ORDINANCE AMENDING TITLE 4, "ALCOHOLIC BEVERAGES," OF THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI BY AMENDING CHAPTERS 4.04, 4.12 AND 4.16 THEREOF.

WHEREAS, the City of North Kansas City, Missouri (the "City") is a third class city and political subdivision duly organized and validly existing under the Constitution and laws of the State of Missouri; and

WHEREAS, the City Council believes and finds that it is appropriate and in the best interests of the citizens of the City that the City amend the portions of the code regarding alcoholic beverages within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH KANSAS CITY, MISSOURI, AS FOLLOWS:

Section 1. The definition of "*Malt liquor*" set forth in Section 4.04.010 of Chapter 4.04, "General Provisions, Administration and Enforcement," of Title 4, "Alcoholic Beverages," of the CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI is hereby amended to read as follows:

"Malt liquor" means any beer manufactured from pure hops or pure extract of hops and pure barley malt or other wholesome grains or cereals and wholesome yeast and pure water and free from all harmful substances, preservatives and adulterants and having an alcoholic content in excess of three and two-tenths percent (3.2%) by weight.

Section 2. Section 4.12.060 of Chapter 4.12, Licenses," of Title 4, "Alcoholic Beverages," of the CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI is hereby amended to read as follows:

4.12.060 Malt liquor or nonintoxicating beer and light wine sales-by-drink licenses.

A license shall be issued to all applicants who have complied with this chapter, licensing such applicant to sell at retail, by the drink, for consumption upon the licensed premises, light wines containing not in excess of fourteen (14) percent by weight made exclusively from grapes, berries and other fruits and vegetables, malt liquor and nonintoxicating beer, upon payment to the city for each such license the sum of seventy-five dollars (\$75.00) per year. Such license shall also include the privilege of selling light wines, malt liquor and nonintoxicating beer in the original package on the licensed premises.

Section 3. Section 4.12.380 of Chapter 4.12, "Licenses," of Title 4, "Alcoholic Beverages," of the CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI is hereby repealed in its entirety and there is hereby enacted in lieu thereof a new Section 4.12.380 which shall read as follows:

4.12.380 Limitation on number of retail alcoholic beverage licenses.

The number of alcoholic beverage licenses shall be limited on the following basis:

A. The number of retail sales by drink licenses that may be issued shall not exceed twelve (12), except twenty-two (22) additional retail sales by drink licenses may be issued upon application for restaurant bar licenses pursuant to Section 4.12.230. Of these twelve (12) retail sales by drink licenses, no more than eight may obtain a special permit allowing the premise to remain open until 3:00 a.m.

B. The number of licenses for the sale of intoxicating liquors containing in excess of five percent of alcohol by weight by package not to be consumed on the premises shall not exceed twelve (12).

C. The number of licenses to sell malt liquor and light wines containing not in excess of fourteen (14) percent of alcohol by weight and nonintoxicating beer, to be consumed on the premises, shall not exceed six (6).

D. The number of licenses for the sale of nonintoxicating beer containing not in excess of three and two-tenths percent (3.2%) of alcohol by weight, to be consumed on the premises, shall not exceed two (2).

E. The number of "C.O.L." consumption of alcoholic beverage licenses shall not exceed two (2).

Section 4. Subparagraph 1 of Paragraph H of Section 4.16.030 of Chapter 4.16, "Operational Rule and Regulations," of Title 4, "Alcoholic Beverages," of the CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI is hereby amended to read as follows (all other paragraphs and subparagraphs of Section 4.16.030 shall remain in full force and effect and shall be unaffected by the amendment to Subparagraph 1 of Paragraph B thereof):

1. "Amusement place" means any establishment whose business building contains a square footage of at least six thousand (6,000) square feet, and where games of skill commonly known as billiards, volleyball, indoor golf, bowling, soccer, or similar games of skill are usually played, or has a dance floor of at least two thousand five hundred (2,500) square feet or any outdoor golf course with a minimum of nine holes, and which has annual gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts is in nonalcoholic sales.

Section 5. Paragraph D of Section 4.12.400 of Chapter 4.12, "Licenses," of Title 4, "Alcoholic Beverages," of the CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI is hereby amended to read as follows:

D. Contents of Application. The application shall disclose in affidavit form the following information along with any other information the enforcement agency deems necessary:

1. Applicants for renewal of restaurant-bar licenses must furnish the enforcement agency with the renewal application a certified public accountant's certificate showing:
 - a. That at least fifty (50) percent of the gross income of the restaurant-bar for the one year immediately preceding the date of the application was derived from the sale of prepared meals or food consumed on the premises, or

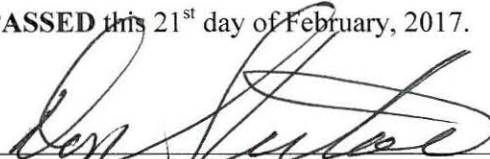
- b. An annual gross income for the past one year immediately preceding of at least two hundred seventy-five thousand dollars (\$275,000.00) from the sale of prepared meals or food consumed on the premises.
- 2. If during the period for which a license is granted there be any change of facts or information differing from that set forth in the original or in any renewal application on file with the supervisor of liquor control, written notice shall be given him/her within ten (10) days after the change.

Section 6. Severability. The sections, paragraphs, sentences, clauses and phrases of this ordinance shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds the valid portions of this ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 7. Governing Law. This ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

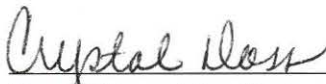
Section 8. Effective Date. This ordinance shall be in full force and effect from and after its passage by the City Council and approval by the Mayor.

PASSED this 21st day of February, 2017.



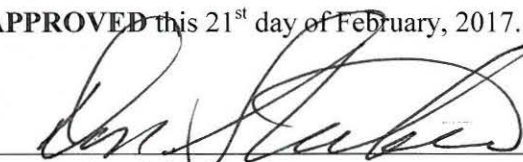
Don Stielow, Mayor

ATTEST:



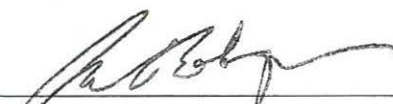
Crystal Doss, City Clerk

APPROVED this 21st day of February, 2017.




Don Stielow, Mayor

APPROVED AS TO FORM:



Anthony Bologna, City Attorney



Thomas E. Barzee, Jr., City Counselor