

AN ORDINANCE AMENDING CHAPTER 4.30, "SIDEWALK EATING AND ALCOHOL CONSUMPTION LICENSES," OF THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI.

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

WHEREAS, the City manages use of the right-of-way, including managing space used for sidewalk dining in the downtown area, to provide for the public health, safety, and convenience; and

WHEREAS, the City's adopted Master Plan, approved by the City Council on May 17, 2016, and adopted by the Planning Commission on June 2, 2016, recommended a heavy emphasis on walkability and active streetscape along Armour Road and Swift Street as part of the Downtown character area; and

WHEREAS, the City desires to update its regulations concerning sidewalk dining and alcohol consumption licenses.

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

Section 1. Section 4.30.010 of Chapter 4.30, "Sidewalk Eating and Alcohol Consumption Licenses," of the Code of the City of North Kansas City, Missouri is hereby amended and shall hereafter read as follows:

4.30.010 Purpose and intent.

The purpose and intent of this chapter is to allow portions of the public sidewalks in front of eating/drinking establishments along Armour Road between Burlington and Gentry and on Swift Street between 18th Avenue and 21st Avenue to be used for sidewalk dining and/or alcohol consumption subject to the issuance of a sidewalk dining and/or sidewalk alcohol consumption license and strict compliance with all conditions set forth herein. This limited authorization to use the public sidewalks is intended to advance the public purposes of stimulating economic activity and providing amenities in downtown North Kansas City, and such authorization shall be solely in the nature of a revocable license which shall not be deemed to vest licensees with any property interest or other rights in the public sidewalks.

Section 2. Paragraphs C and D of Section 4.30.040, "Application for license," of Chapter 4.30, "Sidewalk Eating and Alcohol Consumption Licenses," of the Code of the City of North Kansas City, Missouri are hereby amended and shall hereafter read as follows:

- C. A description of the dimensions of the area and the number of tables to be used for sidewalk dining/alcohol consumption. This description shall include a drawing that contains, at a minimum, the proposed layout of the outdoor dining/alcohol consumption area, including the placement of tables, chairs, umbrellas, and showing the specific location of a separating rail or fence to control access and the location of existing street tree wells or grates. The drawing must also show the means of direct egress from the area to both the building and the street.
- D. An agreement to construct or purchase and properly maintain an approved separating rail or fence to control access. The separating rail or fence to control access to the sidewalk dining/alcohol drinking area of the business must meet the requirements as set out and specified in drawings and/or materials provided by the Community Development Department. The Community Development Department shall be the sole entity to determine whether the applicant's proposed separating rail or fence complies with the requirements for such separating devices.

Section 3. Paragraph A of Section 4.30.050, "Application Review," of Chapter 4.30, "Sidewalk Eating and Alcohol Consumption Licenses," of the Code of the City of North Kansas City, Missouri is hereby amended and shall hereafter read as follows:

- A. The liquor control officer shall receive and review the application. The Community Development Department shall review and, if found to be in compliance with this chapter, as well as all other applicable legal requirements, the Community Development Department will issue its approval of the application. The liquor control officer shall thereupon approve or deny the application, taking into consideration the factors set forth in Section 4.30.040.

Section 4. Paragraphs A, B and D of Section 4.30.080, "Regulations," of Chapter 4.30, "Sidewalk Eating and Alcohol Consumption Licenses," of the Code of the City of North Kansas City, Missouri are hereby amended and shall hereafter read as follows:

- A. Public sidewalk dining and/or alcohol consumption shall only be conducted by businesses with frontage along Armour Road, east of Burlington and west of Gentry or by businesses with frontage along Swift Street, north of 18th Avenue and south of 21st Avenue.
- B. The sidewalk dining/alcohol consumption area must not inhibit pedestrian traffic on public sidewalks, and an area must be open and unobstructed for pedestrian traffic between the closest edge of the access control rail or fence or the cafe-type tables, whichever shall be closer to the curblin, and the curblin, which area shall have a minimum width greater than four feet, exclusive of any street tree grates or wells.

- D. The only items permitted are tables, chairs, and umbrellas. Umbrellas shall not be allowed if such inhibit pedestrian traffic on public sidewalks or reduce the minimum pedestrian width to less than four feet.

Section 5. Section 4.30.100, "Enforcement," of Chapter 4.30, "Sidewalk Eating and Alcohol Consumption Licenses," of the Code of the City of North Kansas City, Missouri is hereby amended and shall hereafter read as follows:

4.30.100 Enforcement.

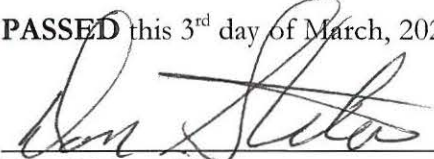
The liquor control officer shall be responsible for licensing and the collection of fees. This chapter shall otherwise be enforced by the liquor control officer, the liquor control board, the North Kansas City Police Department and the Community Development Department.

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.

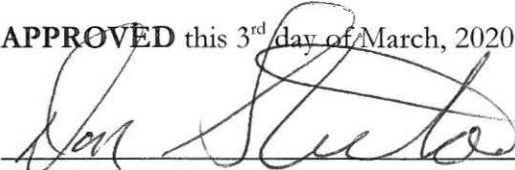
PASSED this 3rd day of March, 2020.


Don Stielow, Mayor

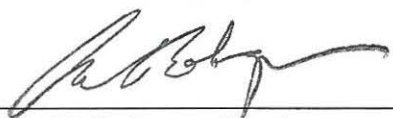
ATTEST:


Crystal Doss, City Clerk

APPROVED this 3rd day of March, 2020.


Don Stielow, Mayor

APPROVED AS TO FORM:


Anthony W. Bologna, City Attorney


Thomas E. Barzee, Jr., City Counselor