

AN ORDINANCE AMENDING SECTION 4.16.120, "EMPLOYMENT IN SALES-BY-DRINK OR PACKAGE PREMISES," AND REPEALING CHAPTER 4.20, "EMPLOYEE PERMITS," 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, pursuant to the provisions of § 77.260 of the Missouri Revised Statutes the Mayor and City Council "shall have the care, management and control of the city and its finances, and shall have power to enact and ordain any and all ordinances not repugnant to the constitution and laws of this state, and such as they shall deem expedient for the good government of the city, the preservation of peace and good order, the benefit of trade and commerce, and the health of the inhabitants thereof, and such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect, and to alter, modify or repeal the same"; and

WHEREAS, the above cited statutory provisions include that the City is authorized by the Laws of Missouri to make provisions for the control of alcoholic beverages within the City so long as such rules and regulations are not contrary to the liquor controls of the State of Missouri; and

WHEREAS, the City desires to amend of § 4.16.120 of the Code of the City of North Kansas City, Missouri (the "City Code") by repealing paragraphs B and C thereof and, further, the City desires to repeal in its entirety Chapter 4.20, "Employee Permits," of the City Code.

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

Section 1. **Amendment of Section 4.16.120 of the City Code.** Section 4.16.120, "Employment in sales -by-drink or package premises," of the Code of the City of North Kansas City, Missouri is hereby amended by repealing paragraphs B and C thereof: The new § 4.16.120 of the City Code, as amended by this ordinance, shall provide as follows:

4.16.120 Employment in sales-by-drink or package premises.

A. Persons eighteen (18) years of age or older may be employed to act in the capacity of a waiter or waitress and accept payment for or serve intoxicating liquor or nonintoxicating beer in places of business which sell food for consumption on the premises if at least fifty (50) percent of all sales in those places consists of food; provided, that nothing in this section shall authorize

persons under twenty-one (21) years of age to mix or serve across the bar intoxicating beverages or nonintoxicating beer.

B. Any person under the age of twenty-one (21) years, but at least eighteen (18) years of age may be employed in any establishment licensed under the provisions of this chapter to perform the acts permitted in Section 4.16.020(D).

Section 2. **Repeal of Chapter 4.20 of the City Code.** Chapter 4.20, "Employee Permits," in Title 4, "Alcoholic Beverages," of the Code of the City of North Kansas City, Missouri is hereby repealed in its entirety.

Section 3. **Providing for Repeal or Amendment of Conflicting Ordinances or Parts Thereof.** Ordinance No. 7576 and Ordinance No. 8569 are hereby repealed in their entirety. Sections 16 and 17 of Ordinance No. 8908 are hereby repealed, but the remainder of Ordinance No. 8908 shall remain in full force and effect and shall not be affected by the passage of this ordinance. All other ordinances or parts of ordinances in conflict with the provisions of this ordinance, or any parts hereof, are hereby amended to conform to the provisions and requirements of this ordinance or repealed, whichever will best carry out the intent of this ordinance.

Section 4. **Preemption.** Nothing in this ordinance shall be interpreted or applied so as to create any power, duty or obligation in conflict with, or preempted by, any Federal or State law.

Section 5. The repeal of any ordinance or part of ordinances affected by the enactment of this ordinance shall not be considered as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinance at the time of passage of this ordinance.

Section 6 **Non-exclusivity.** Nothing in this ordinance shall limit or preclude the enforcement of other applicable laws.

Section 7. **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 8. **Governing Law.** This ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

Section 9. **Effective Date.** This Ordinance shall be in full force and effect immediately after passage by the City Council and approval by the Mayor.

PASSED this 8th day of November, 2023.



Bryant DeLong, Mayor

ATTEST:



Crystal Doss, City Clerk

APPROVED this 8th day of November, 2023.




Bryant DeLong, Mayor

APPROVED AS TO FORM:



Wes Rogers, City Attorney



Thomas E. Barzee, Jr., City Counselor