

AN ORDINANCE

amending Chapter 10, Alcoholic Beverages, Article II. Licenses., by enacting a new Sec. 10-60 of the Joplin City Code, Licensing a restaurant/bar – procedure.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That a new Section 10-60 of the Joplin City Code, Licensing a restaurant/bar – procedure., be enacted to read as follows:

"Section 10-60 – Licensing a restaurant/bar – procedure.

(a) New Restaurant/Bar License:

1. Any applicant for a new restaurant/bar business license shall provide the following, along with the application:

a. A business plan for the proposed restaurant/bar indicating that at least 50 percent of the total gross income generated shall be from the sale of food prepared on the premises, with supporting documentation including, but not limited to, a proposed menu.

b. A description of kitchen and food handling equipment that will be on the premises of the proposed establishment, as well as the proposed kitchen and wait staff.

2. Prior to opening, a health inspection shall be conducted on the premises that will include a review of kitchen and food handling equipment. A determination shall be made at the sole discretion of the Director of Health as to whether or not the establishment's facilities are sufficient to produce food in accordance with the applicable health codes and is sufficient to generate at least 50 percent of the total gross income from the sale of food prepared on the premises.

3. Upon satisfaction of the requirements in this Section and Chapter, along with all statutes of the State of Missouri, a temporary business license for ninety (90) days shall be issued by the Director of Finance.

4. Within seventy-five (75) days after the issuance of a temporary restaurant/bar business license, the applicant shall provide to the Director of Finance a full report with particularity describing the actual gross receipts for the first sixty (60) days of operation.

a. In the event that actual receipts verify that at least 50 percent of the total gross income was from the sale of food prepared on the premises, the Director of Finance will issue an annual restaurant/bar business license for the remainder of the license year.

b. In the event that actual receipts verify that less than 50 percent of the total gross income was from the sale of food prepared on the premises, the Director of Finance shall immediately amend the business license to a bar license for the remainder of the license year.

5. Any fee cost difference between a restaurant/bar license and a bar license shall be paid by the applicant, however, in no case shall a refund be granted. No applicant at the same business location having applied for and granted a restaurant/bar license who failed to meet any of the requirements after the issuance of a temporary restaurant/bar business license shall be allowed to apply for a restaurant/bar license until after one (1) year from the filing of the initial application. Any applicant denied a restaurant/bar license prior to opening for failure to meet the conditions set forth herein above may be granted such license upon showing that at least fifty percent (50%) of total gross income was from the sale of food prepared on the premises during the immediately preceding ninety (90) days.

(b) Existing Restaurant/Bar License Renewal:

1. At least thirty (30) days prior to the license renewal date, any applicant wishing to renew a restaurant/bar business license shall provide to the Director of Finance, a report describing with particularity, the actual gross receipts for any ninety (90) day period during the six (6) months preceding the renewal date.

a. In the event that actual receipts verify that at least 50 percent of the total gross income was from the sale of food prepared on the premises, the Director of Finance will issue the renewed annual restaurant/bar business license.

b. In the event that actual receipts verify that less than 50 percent of the total gross income was from the sale of food prepared on the premises, the Director of Finance shall not issue a renewed restaurant/bar business license.

(c) Conversion of Bar License to Restaurant License:

Any establishment currently holding a bar license may make application for a restaurant/bar license subject to the same qualifications and procedures set forth hereinabove in subsection (a)."

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 21<sup>st</sup>  
day of December, 2009.

Gary L. Shaw, Mayor

ATTEST: Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM: Brian W. Head, City Attorney