

Kansas Administrative Regulations

Kansas Department of Revenue—Division of Alcoholic Beverage Control

Article 21.—Drinking Establishments

14-21-2. Applications and renewals; documents required.

Each application for a drinking establishment license shall be made upon forms prepared by the director and shall contain all information the director deems necessary. Any application which does not contain all required information may be returned to the applicant without the application being considered on its merits.

(a) General requirements. Each application for a drinking establishment license shall be accompanied by the following documents and all other documents the director deems necessary:

(1) A copy of a written lease, with at least nine months remaining in its term from the date the license is issued, or proof of ownership by the applicant of the premises sought to be licensed;

(2) a description of the drinking establishment premises, which shall clearly identify the licensed premises. The description may include those areas outside the main service area that are within close proximity to the main service area and are located within or upon property subject to legal occupation by the applicant, as approved by the director. If the applicant is also a hotel, the applicant may include guest rooms, banquet rooms or other facilities as part of its licensed premises. For the purpose of determining the fee to be paid by an applicant which is also a hotel, the director shall consider the following:

(A) If the hotel describes its licensed premises as a part of the hotel premises that is located on one level, within a single building and contiguous, the license fee shall be \$1,000.00 per year; or

(B) If the hotel describes its licensed premises as more than the area described in paragraph (1) above, the license fee shall be \$3,000.00 per year;

(3) a certified statement from the applicant that the licensed premises are located:

(A) in an area where the zoning regulations of either the city, county or township allow the operation of a drinking establishment; or

(B) in an area where no zoning regulations have been adopted;

(4) the registration fee in the form of a certified check, cashier's check, money order or cash. Personal or business checks shall not be accepted;

(5) the license fee in the form of a certified check, cashier's check, money order or cash. Personal or business checks shall not be accepted;

(6) a disclosure statement listing each officer, manager, director, trustee, grantor, beneficiary, owner, stockholder owning a beneficial interest in a corporation, partner, and the spouses of these individuals. The disclosure statement shall certify that all the individuals listed are not disqualified from obtaining a drinking establishment license as provided in K.A.R. 14-21-3;

(7) a disclosure statement listing all personnel who will be mixing or dispensing alcoholic liquor; and

(8) a statement of gross receipts showing the ratio of food sales to alcoholic beverage sales is not less than 30%, when applicable.

(b) Corporations. In addition to the documents required by subsection (a), each application on behalf of a corporation shall include:

(1) A certified copy of the articles of incorporation as a Kansas domestic for-profit corporation;

(2) a copy of the corporate bylaws; and

(3) an appointment of process agent together with a power of attorney authorizing said agent to conduct the business of the drinking establishment and receive all service of process on behalf of the drinking establishment. The process agent shall be an individual.

(c) Partnerships. In addition to the documents required by subsection (a), each application on behalf of a partnership shall include a copy of the partnership agreement.

(d) Trusts. In addition to the documents required by subsection (a), each application on behalf of a trust shall include a copy of the declaration of trust or other documents setting forth the aims and purposes of the trust.

(Authorized by K.S.A. 1991 Supp. 41-2634; implementing K.S.A. 1991 Supp. 41-2606; 41-2608; 41-2610; 41-2622; 41-2623, as amended by 1992 HB 2719; 41-2625; 41-2642; effective, T-88-22, July 1, 1987; effective May 1, 1988; amended, T-14-11-9-92, Nov. 9, 1992; amended Dec. 21, 1992.)

***** Authenticated Kansas Administrative Regulation *****