

CHAPTER 3. BEVERAGES

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ARTICLE 1. CEREAL MALT BEVERAGES (Ord. 800, 3-4-2019)

3-101. **DEFINITIONS.** As used in this Article, the words and phrases herein defined shall have the following meanings respectively ascribed to them, unless the context otherwise requires:

(a) "Cereal Malt Beverage" means any fermented but undistilled liquor brewed or made from malt or mixture of malt or malt substitute or any flavored malt beverage as defined in K.S.A. 41-2729 and amendments thereto, but does not include any such liquor which is more than 3.2% of alcohol by weight.

(b) "Enhanced Cereal Malt Beverage" means cereal malt beverage as that term is defined herein, and such term shall also include beer containing not more than 6% alcohol by volume when such beer is sold by a retailer licensed under the Kansas cereal malt beverage act.

(c) "Distributor or wholesaler" means the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquor for sale or resale to retailers licensed under the Kansas Liquor Control Act and this chapter, or cereal malt beverage for sale or resale to any off-premises cereal malt beverage retailer or any on-premises cereal malt beverage retailer licensed under this chapter.

(d) "General Retailer" is a licensee who has a license to sell only Enhanced Cereal Malt Beverages for consumption on the premises only.

(e) "Licensee" is a "person" as that term is defined in this article, who has a license as required by this Article.

(f) "Limited Retailer" is a licensee who has a license to sell only at retail Enhanced Cereal Malt Beverages in original and unopened containers, and not for consumption on the premises.

(g) "Minor" means an individual under twenty-one (21) years of age.

(h) "Person" means any individual, firm, partnership, corporation or association.

(i) "Place of Business" means any place at which cereal malt beverages are sold.

(j) "Premises" is the site licensed by the City as an Enhanced Cereal Malt Beverage establishment and such other areas, under the control of the licensee or his or her employee or employees, that are in such close proximity to the licensed premises that activities and conduct of persons within such other areas may be viewed by persons on or within the licensed premises.

(k) "Retailer" means any person who is licensed under the Kansas cereal malt beverage act and who sells or offers for sale any cereal malt beverage or beer containing not more than 6% by volume for use or consumption and not for resale in any form.

(l) "Sell at retail," "sale at retail," or "sold at retail" mean sales for use or consumption and not for resale in any form and sales to clubs, licensed drinking establishments, licensed caterers or holders of temporary permits. It does not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer, or a holder of a temporary permit.

3-102. **LICENSE ISSUED BY CITY.** The “Cereal Malt Beverage License” issued by the City of Washington authorizes the sale of Enhanced Cereal Malt Beverage as the same is defined in 3-101(b), by those retailers in compliance with this article and other laws and regulations that may apply.

3-103. **LICENSE REQUIRED OF RETAILER.**

(a) It shall be unlawful for any person to sell any enhanced cereal malt beverage at retail without a license for each place of business where enhanced cereal malt beverages are to be sold at retail.

(b) It shall be unlawful for any person having a license to sell enhanced cereal malt beverages at retail only in the original and unopened containers and not for consumption on the premises, to sell any enhanced cereal malt beverage in any other manner.

3-104. **APPLICATION.** Any person desiring a license shall make an application to the governing body of the city and accompany the application by the required license fee for each place of business for which the person desires the license. The application shall be verified and upon a form prepared by the attorney general of the State of Kansas and shall contain:

(a) The name and residence of the applicant and how long he or she has resided within the State of Kansas;

(b) The particular place for which a license is desired;

(c) The name of the owner of the premises upon which the place of business is located;

(d) A statement that the applicant is a citizen of the United States and not less than 21 years of age and that the applicant has not within two years immediately preceding the date of making application been convicted of a felony or any crime involving moral turpitude, or been adjudged guilty of drunkenness, or driving a motor vehicle while under the influence of intoxicating liquor or the violation of any other intoxicating liquor law of any state or of the United States;

(e) Each applicant shall provide to the City a criminal history record check from the Kansas Bureau of Investigation, dated no more than thirty (30) days prior to the date of application. Said criminal history check shall be provided for each individual applicant, the spouse of any individual applicant, any manager or agent of an individual applicant, and the spouse of any manager or agent of an individual applicant. In the case of an application submitted for a Partnership, Firm or Association, the background check shall be provided for each partner and/or member, including the spouse of any partner and/or member, any manager or agent of the applicant, and the spouse of any manager or agent of the applicant. In the event of a Corporate Application, the background check shall be provided on any officer, director, or stockholder owning more than 25%, including the spouse of any officer, director, or stockholder owning more than 25% , as well as the manager or agent of the applicant, including the spouse of any manager or agent. The applicant shall be solely responsible for any cost associated with obtaining said record check(s).

3-105. **LICENSE APPLICATION PROCEDURES.**

(a) All applications for a new and renewed enhanced cereal malt beverage license shall be submitted to the City Clerk 10 days in advance of the next regularly scheduled Governing Body meeting at which they will be considered.

(b) The City Clerk shall notify the applicant of an existing license 30 days in advance of its expiration.

(c) The Governing Body will not consider any application for a new or renewed license that has not been submitted 10 days in advance of the next regularly scheduled Governing Body meeting and been reviewed by the City Clerk.

3-106. **LICENSE FEE.**

(a) General Retailer- For each place of business selling enhanced cereal malt beverages at retail, the license fee shall be \$50.00 per calendar year. Said fee shall be submitted with any application submitted, and shall be in addition to the \$25.00 state CMB stamp fee, which shall be submitted collectively with the license fee at the time of submission of the application. The City Clerk shall remit the \$25.00 stamp fee to the Division of Alcohol Beverage Control in accordance with state law.

(b) Limited Retailer- For each place of business selling only at retail enhanced cereal malt beverages in the original and unopened containers and not for consumption on the premises, the license fee shall be \$50.00 per calendar year. Said fee shall be submitted with any application submitted, and shall be in addition to the \$25.00 state CMB stamp fee, which shall be submitted collectively with the license fee at the time of submission of the application. The City Clerk shall remit the \$25.00 stamp fee to the Division of Alcohol Beverage Control in accordance with state law.

(c) The full amount of the license fee shall be required regardless of the time of the year in which the application is made, and the licensee shall only be authorized to operate under the license for the remainder of the calendar year in which the license is issued.

3-107. LICENSE, DISQUALIFICATION. No license shall be issued to:

(a) A person who has not been a resident in good faith of the state of Kansas for at least one year immediately preceding application and a resident of Washington County for at least six months prior to the filing of such application.

(b) A person who is not a citizen of the United States.

(c) A person who is not of good character and reputation in the community in which he or she resides.

(d) A person who, within two years immediately preceding the date of making application, has been convicted of a felony or any crime involving moral turpitude, or has been adjudged guilty of drunkenness or driving a motor vehicle while under the influence of intoxicating liquor or the violation of any other intoxicating liquor law of any state or of the United States.

(e) A partnership, unless all the members of the partnership shall otherwise be qualified to obtain a license.

(f) A corporation, if any manager, officer or director thereof or any stockholder owning in the aggregate more than 25 percent of the stock of such corporation would be ineligible to receive a license hereunder for any reason other than non-residence within the city or county.

(g) A corporation, if any manager, officer or director thereof or any stockholder owning in the aggregate more than 25 percent of the stock of such corporation, has been an officer, manager or director, or a stockholder owning in the aggregate more than 25 percent of the stock of a corporation which: (A) Has had a retailer's license revoked under K.S.A. 41-2708 and amendments thereto; or (B) has been convicted of a violation of the drinking establishment act or the cereal malt beverage laws of this state.

(h) A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee.

(i) A person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship, retailer residency requirements or age, except that this subsection (i) shall not apply in determining eligibility for a renewal license.

3-108. LICENSE GRANTED; DENIED.

(a) The journal of the Governing Body shall show the action taken on the application.

(b) If the license is granted, the city clerk shall issue the license which shall show the name of the licensee and the year for which issued.

(c) No license shall be transferred to another licensee.

(d) If the license shall be denied, the license fee shall be immediately returned to the person who has made application.

3-109. LICENSE TO BE POSTED. Each license shall be posted in a conspicuous place in the place of business for which the license is issued.

3-110. SUSPENSION OF LICENSE. The Washington County Sheriff, or a designated agent thereof, shall have the authority on behalf of the City to suspend such license for a period not to exceed 30 days, for any violation of the provisions of this Article or other laws pertaining to enhanced cereal malt beverages, which violation does not in his or her judgment justify a recommendation of revocation. The

licensee may appeal such order of suspension to the governing body within seven days from the date of such order.

3-111. LICENSE SUSPENSION/REVOCAION BY GOVERNING BODY. The governing body of the city, upon five days written notice to a person holding a license to sell enhanced cereal malt beverages, shall permanently revoke or cause to be suspended for a period of not more than 30 days such license for any of the following reasons:

(a) If a licensee has fraudulently obtained the license by giving false information in the application therefor;

(b) If the licensee has violated any of the provisions of this section or has become ineligible to obtain a license under this section;

(c) Drunkenness of a person holding such license, drunkenness of a licensee's manager or employee while on duty and while on the premises for which the license is issued, or for a licensee, his or her manager or employee permitting any intoxicated person to remain in such place selling enhanced cereal malt beverages;

(d) The sale of enhanced cereal malt beverages to a minor;

(e) Permitting any gambling in or upon any premises licensed;

(f) Permitting any person to mix drinks with materials purchased in any premises licensed or brought into the premises for this purpose;

(g) Employment of any person under the age established by the State of Kansas for employment involving dispensing enhanced cereal malt beverages;

(h) Employment of persons adjudged guilty of a felony or of a violation of any law relating to intoxicating liquor;

(i) The sale or possession of, or for permitting the use or consumption of alcoholic liquor within or upon any premise licensed;

(j) Nonpayment of any license fees;

(k) If the licensee has become ineligible to obtain a license;

(l) The provisions of subsections (f) and (i) shall not apply if such place of business is also currently licensed as a private club.

3-112. SAME; APPEAL. The licensee, within 20 days after the order of the governing body revoking any license may appeal to the District Court of Washington County and the District Court shall proceed to hear such appeal as though such court had original jurisdiction in the matter. Any appeal taken shall not suspend the order of revocation of the license of any licensee, nor shall any new license be issued to such person or any person acting for on his or her behalf, for a period of six months thereafter.

3-113. CHANGE OF LOCATION. If a licensee desires to change the location of his or her place of business, he or she shall make an application to the Governing Body showing the same information relating to the proposed location as in the case of an original application. Such application shall be accompanied by a City license fee in the amount of \$50.00, and an additional \$25.00 state CMB tax fee. If the application is in proper form and all other requirements relating to such place of business are met, a new license shall be issued for the new location for the balance of the year for which a current license is held by the licensee.

3-114. WHOLESALERS AND/OR DISTRIBUTORS. It shall be unlawful for any wholesaler and/or distributor, his, her or its agents or employees, to sell and/or deliver enhanced cereal malt beverages within the City to persons authorized to sell the same within this City unless such wholesaler and/or distributor has first secured a license from the Director of Revenue, State Commission of Revenue and Taxation of the State of Kansas authorizing such sales.

3-115. HOURS OF SALE.

(a) Except as provided in subsection (b), no enhanced cereal malt beverages may be sold or dispensed:

1. Between the hours of 12:00 midnight and 6:00 a.m.;

2. In the original package before 12:00 noon or after 8:00 p.m. on Sunday;
3. On Easter Sunday; or
4. For consumption on the licensed premises on Sunday, except in a place of business which is licensed to sell enhanced cereal malt beverage for consumption on the premises, which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises.

(b) Enhanced cereal malt beverages may be sold at any time alcoholic liquor is allowed by law to be served on premises which are licensed pursuant to K.S.A. 41-2601, et. seq. and amendments thereto, and licensed as a club by the State Director of Alcoholic Beverage Control.

3-116. **BUSINESS REGULATIONS.** It shall be the duty of every licensee to observe the following regulations:

(a) The place of business shall be open to the public and to the police at all times during business hours.

(b) It shall be unlawful for any licensee or agent or employee of the licensee to become intoxicated in the place of business for which such license has been issued.

(c) No licensee or agent or employee of the licensee shall permit any intoxicated person to remain in the place of business for which such license has been issued.

(d) No licensee or agent or employee of the licensee shall sell or permit the sale of enhanced cereal malt beverage to a minor.

(e) No licensee or agent or employee of the licensee shall permit any gambling in the place of business for which such license has been issued.

(f) No licensee or agent or employee of the licensee shall permit any person to mix alcoholic drinks with materials purchased in said place of business or brought in for such purpose.

(g) No licensee or agent or employee of the licensee shall employ any person under 18 years of age in dispensing enhanced cereal malt beverages. No licensee shall employ any person who has been judged guilty of a felony.

3-117. **PROHIBITED CONDUCT ON PREMISES.** No licensee shall permit any immoral conduct in any licensed premise, and shall keep and maintain said licensed premise in a clean and sanitary condition.

3-118. **SPECIAL EVENT PERMIT REQUIRED.** It shall be unlawful for any person to offer for sale, sell and serve any enhanced cereal malt beverage at any special event within the City without first obtaining a City Special Event Permit.

3-119. **SPECIAL EVENT PERMIT FEE.**

(a) There is hereby levied a special event permit fee in the amount of \$50.00 on each group or individual making application, which fee shall be paid at the time of making application. Such fee shall be in addition to the \$25.00 fee to be remitted by the City Clerk to the Division of Alcohol Beverage Control, and both fees shall be submitted collectively with the application.

(b) Every special event permit holder shall cause the permit receipt to be placed in plain view on any premises within the city where the holder of the special event permit is serving enhanced cereal malt beverage for consumption on the premises.

3-120. **CRIMINAL HISTORY RECORD CHECK.** Each applicant for a special event permit shall provide to the City a criminal history record check from the Kansas Bureau of Investigation, dated no more than thirty (30) days prior to the date of application. Said criminal check shall be provided for each individual applicant, the spouse of any individual applicant, any manager or agent of an individual applicant, and the spouse of any manager or agent of an individual applicant. In the case of an application submitted for a Partnership, Firm or Association, the background check shall be provided for each partner and/or member, including the spouse of any partner and/or member, any manager or agent of the applicant, and the spouse of any manager or agent of the applicant. In the event of a Corporate Application, the background check shall be provided for any officer, director, or stockholder owning

more than 25%, including the spouse of any officer, director, or stockholder owing more than 25%, as well as the manager or agent of the applicant, including the spouse of any manager or agent. The applicant shall be solely responsible for any cost associated with obtaining said record check(s).

3-121. CITY SPECIAL EVENT PERMIT.

(a) It shall be unlawful for any person to offer for sale, sell and serve enhanced cereal malt beverage at a special event without first applying for a local special event permit at least 5 days before the next regularly scheduled City Council meeting at which the same is to be considered. Written application for the special event permit shall be made to the City Clerk on the form used for annual cereal malt beverage sales as directed by the City Clerk. In addition to any other information required, the applicant shall provide the following:

1. The name of the applicant;
2. The group or organization for which the event is planned;
3. The location, including address, of the event;
4. The date and time of the event;
5. Any anticipated need for police, fire or other municipal services.

(b) Upon meeting the requirements to obtain a special event permit, the City Clerk shall issue a local special event permit to the applicant provided that there are no conflicts with any other ordinances of the City.

(c) The City Clerk shall notify local law enforcement whenever a special event permit has been issued and forward a copy of the permit and application to the Washington County Sheriff's Department.

3-122. SPECIAL EVENT PERMIT REGULATIONS. In addition to and consistent with the requirements of K.S.A. 41-2701 et seq. and amendments thereto, and the provisions and regulations found with Chapter 3 of the Code of the City of Washington, Kansas applicable to the sale of enhanced cereal malt beverages which are not inconsistent with this Article, the following special permit regulations shall apply:

(a) No special event permit holder shall allow the sale and serving of enhanced cereal malt beverage between the hours of 12:00 a.m. and 6:00 a.m. at any event for which a special event permit has been issued.

(b) No enhanced cereal malt beverage shall be given, sold or traded to any minor.

(c) No more than four special event permits may be issued in a calendar year to the same applicant.

(d) No special event permit issued hereunder may be transferred or assigned to any other vendor.

(e) All local ordinances and state statutes for the sale and consumption of enhanced cereal malt beverages shall apply to holders of special event permits.

3-123. PENALTY. It shall be unlawful for any person to commit a violation of any provision or section contained within this Article, or to fail to or refuse to perform any action commanded or proscribed within this Article. Any violation of any provision or section of this Article shall, upon conviction of such violation, be subject to a fine not to exceed \$500 or imprisonment not to exceed 90 days, or by both fine and imprisonment.

ARTICLE 2. ALCOHOLIC LIQUOR

3-201 DEFINITIONS.

(a) "Alcoholic Liquor" means alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.

- (b) “Caterer” means an individual, partnership or corporation which sells alcoholic liquor by the individual drink, and provides services related to the serving thereof, on unlicensed premises which may be open to the public, but does not include a holder of a temporary permit selling alcoholic liquor in accordance with the terms of such permit.
- (c) “Class A Club” means a premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans’ club, as determined by the State of Kansas, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members), and their families and guests accompanying them.
- (d) “Class B Club” means a premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.
- (e) “Club” means a Class A or Class B club.
- (f) “Drinking Establishment” means premises which may be open to the general public, where alcoholic liquor by the individual drink is sold.
- (g) “Temporary Permit” means a permit, issued in accordance with the laws of the State of Kansas, which allows the permit holder to offer for sale, sell and serve alcoholic liquor for consumption on unlicensed premises, open to the public.
- (h) “Cereal Malt Beverage” means any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute, but does not include any such liquor which is more than three and two-tenths percent (3.2%) alcohol by weight.
- (i) “Retailer” means an individual, partnership, corporation or other legal entity which sells alcoholic liquor for use or consumption off of and away from the premises specified in a license for the same.

3-202 APPLICATION. The foregoing definitions shall apply and be effective in regard to all of Article 2,3,4,5,6 and 7 of Chapter III of the Code of the City of Washington, Kansas, 1985.

3-203 POSSESSION OF ALCOHOLIC LIQUOR BY PERSON UNDER TWENTY-ONE YEARS OF AGE. It shall be unlawful for any person under the age of twenty-one (21) years to have in his possession upon any street, highway or public place within the corporate limits of the city, any alcoholic liquor whether the container thereof is open or unbroken and whether or not in the act of consuming the same. (Ord. 645 Sec. 3)

3-204 ASSIGNABILITY AND REFUND OF FEES. A license shall be purely a personal privilege, valid for not to exceed one (1) year after issuance, unless sooner suspended or revoked, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. A license shall not descend by the laws of testate or intestate devolution but shall cease and expire upon the death of the licensee except that

executors, administrators or representatives of the estate of any deceased licensee and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under order of the appropriate court and may exercise the privilege of the deceased, insolvent or bankrupt licensee after the death of such decedent, or after such insolvency or bankruptcy, until the expiration of such license but not longer than one (1) year after the death, bankruptcy or insolvency of such licensee.

No holder of a license under Chapter III of the Code of the City of Washington, Kansas, 1985, shall be entitled to any refund of a license fee paid for thereunder as a result of the license being surrendered or terminated for whatever reason, voluntary or involuntary.

ARTICLE 3. PRIVATE CLUBS (Ord. 633 Sec. 2)

3-301 LICENSE REQUIRED. It shall be unlawful for any person granted a private club license by the State of Kansas to sell or serve any alcoholic liquor authorized by such license within the city without first obtaining a local license from the city clerk.

3-302 LICENSE FEE.

- (a) There is hereby levied an annual license fee on each private club located in the city which has a private club license issued by the state director of alcoholic beverage control, which fee shall be paid before business is begun under an original state license and within five (5) days after any renewal of a state license. The city license fee for a Class A club shall be two hundred dollars (\$200) and the city license fee for a Class B club shall be two hundred dollars (\$200).
- (b) All applications for new or renewal city licenses shall be submitted to the city clerk. Upon presentation of a state license, payment of the city license fee and the license application, the city clerk shall issue a city license for the period covered by the state license, if there are no conflicts with any zoning or alcoholic beverage ordinances of the city.
- (c) The license period shall extend for the period covered by the state license. No license fee shall be refunded for any reason.
- (d) Every licensee shall cause the city club license to be placed in plain view next to or below the state license in a conspicuous place on the licensed premises.

3-303 BUSINESS REGULATIONS.

- (a) No club licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of two o'clock (2:00) a.m. and nine o'clock (9:00) a.m. on any day.
- (b) Cereal malt beverages may be sold on premises licensed for the retail sale of cereal malt beverages for on-premises consumption at any time when alcoholic liquor is allowed by law to be served on the premises.
- (c) No club membership shall be sold to any person under twenty-one (21) years of age, nor shall alcoholic beverages or cereal malt beverages be given, sold or traded to any person under twenty-one (21) years of age.

- 3-304 PENALTY. If the licensee has violated any of the provisions of this ordinance, the governing body of the city, upon five (5) days' written notice to the person holding such license to sell alcoholic liquor, may permanently revoke or cause to be suspended for a period of not more than thirty (30) days such license and the individual holding the license may be charged in municipal court with a violation of the alcoholic liquor laws of the city and upon conviction shall be punished by:
- (a) A fine of not more than \$499; or
 - (b) Imprisonment in jail for not more than 179 days; or
 - (c) Both such fine and imprisonment not to exceed (a) and (b) above.

ARTICLE 4. DRINKING ESTABLISHMENTS (Ord. 633 Sec. 2)

3-401 LICENSE REQUIRED. It shall be unlawful for any person granted a drinking establishment license by the State of Kansas to sell or serve any alcoholic liquor authorized by such license within the city without first obtaining a city license from the city clerk.

3-402 LICENSE FEE.

- (a) There is hereby levied an annual license fee in the amount of two hundred dollars (\$200) on each drinking establishment located in the city which has a drinking establishment license issued by the state director of alcoholic beverage control, which fee shall be paid before business is begun under an original state license and within five (5) days after any renewal of a state license.
- (b) All applications for new or renewal city licenses shall be submitted to the city clerk. Upon presentation of a state license, payment of the city license fee and the license application, the city clerk shall issue a city license for the period covered by the state license, if there are no conflicts with any zoning or alcoholic beverage ordinances of the city.
- (c) The license period shall extend for the period covered by the state license. No license fee shall be refunded for any reason.
- (d) Every licensee shall cause the city drinking establishment license to be placed in plain view next to or below the state license in a conspicuous place on the licensed premises.

3-403 BUSINESS REGULATIONS.

- (a) No drinking establishment licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of two o'clock (2:00) a.m. and nine o'clock (9:00) a.m. on any day.
- (b) Cereal malt beverages may be sold on premises licensed for retail sale of cereal malt beverage for on-premises consumption at any time when alcoholic liquor is allowed by law to be served on the premises.
- (c) No alcoholic beverages or cereal malt beverages shall be given, sold or traded to any person under twenty-one (21) years of age.

- 3-404 PENALTY. If the licensee has violated any of the provisions of this ordinance, the governing body of the city, upon five (5) days written notice to the person holding such license to sell alcoholic liquor, may permanently revoke or cause to be suspended for a period of not more than thirty (30) days such license and the individual holding the license may be charged in municipal court with a violation of the alcoholic liquor laws of the city and upon conviction shall be punished by:
- (a) A fine of not more than \$499; or
 - (b) Imprisonment in jail for not more than 179 days; or
 - (c) Both such fine and imprisonment not to exceed (a) and (b) above.

ARTICLE 5. CATERERS (Ord. 633 Sec. 2)

3-501 LICENSE REQUIRED. It shall be unlawful for any person licensed by the State of Kansas as a caterer to sell alcoholic liquor by the drink, to sell or serve any liquor by the drink within the city without obtaining a local caterer's license from the city clerk.

3-502 LICENSE FEE.

- (a) There is hereby levied an annual license fee in the amount of ten dollars (\$10.00) on each caterer doing business in the city who has a caterer's license issued by the state director of alcoholic beverage control, which fee shall be paid before business is begun under an original state license and within five (5) days after any renewal of a state license.
- (b) All applications for new or renewal city licenses shall be submitted to the city clerk. Upon presentation of a state license, payment of the city license fee and the license application, the city clerk shall issue a city license for the period covered by the state license, if there are no conflicts with any zoning or alcoholic beverage ordinances of the city.
- (c) The license period shall extend for the period covered by the state license. No license fee shall be refunded for any reason.
- (d) Every licensee shall cause the caterer license to be placed in plain view on any premises within the city where the caterer is serving or mixing alcoholic liquor for consumption on the premises.

3-503 BUSINESS REGULATIONS.

- (a) No caterer licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. on any day.
- (b) No alcoholic beverages or cereal malt beverages shall be given, sold or traded to any person under twenty-one (21) years of age.

3-504 NOTICE TO CHIEF OF POLICE. Prior to any event at which a caterer will sell or serve alcoholic liquor by the individual drink, the caterer shall provide written notice to the chief of police at least seventy-two (72) hours prior to the event if the event will take place within the city. The notice shall contain the location,

name of the group sponsoring the event, and the exact date and times the caterer will be serving.

- 3-505 PENALTY. If the licensee has violated any of the provisions of this ordinance, the governing body of the city, upon five (5) days written notice to the person holding such caterer's license to sell alcoholic liquor, may permanently revoke or cause to be suspended for a period of not more than thirty (30) days such license and the individual holding the license may be charged in municipal court with a violation of the alcoholic liquor laws of the city and upon conviction shall be punished by:
- (a) A fine of not more than \$499; or
 - (b) Imprisonment in jail for not more than 179 days; or
 - (c) Both such fine and imprisonment not to exceed (a) and (b) above.

ARTICLE 6. TEMPORARY PERMITS (Ord. 633 Sec. 2)

3-601 PERMIT REQUIRED. It shall be unlawful for any person granted a temporary permit by the State of Kansas to sell or serve an alcoholic liquor within the city without first obtaining a local temporary permit from the city clerk.

3-602 PERMIT FEE.

- (a) There is hereby levied a temporary permit fee in the amount of ten dollars (\$10.00) per day on each group or individual holding a temporary permit issued by the state director of alcoholic beverage control authorizing sales within the city, which fee shall be paid before the event is begun under the state permit.
- (b) Every temporary permit holder shall cause the temporary permit receipt to be placed in plain view on any premises within the city where the holder of the temporary permit is serving or mixing alcoholic liquor for consumption on the premises.

3-603 CITY TEMPORARY PERMIT.

- (a) It shall be unlawful for any person to conduct an event under a state issued temporary permit without first applying for a local temporary permit at least three (3) days before the event. Written application for the local temporary permit shall be made to the city clerk and shall clearly state:
 - (1) The name of the applicant;
 - (2) The group for which the event is planned;
 - (3) The location of the event;
 - (4) The date and time of the event;
 - (5) Any anticipated need for police, fire or other municipal services.
- (b) Upon presentation of a state temporary permit, payment of the city's temporary permit fee and a written application as provided for in subsection (a), the city clerk shall issue a local temporary permit to the applicant if there are no conflicts with any zoning or other ordinances of the city.
- (c) The city clerk shall notify the chief of police whenever a temporary permit has been issued and shall forward a copy of the permit and application to the chief of police.

3-604 PERMIT REGULATIONS.

- (a) No temporary permit shall allow the serving, mixing or consumption of alcoholic liquor between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. at any event for which a temporary permit has been issued.
- (b) No alcoholic beverages shall be given, sold or traded to any person under twenty-one (21) years of age.

3-605 PENALTY. If the permit holder has violated any of the provisions of this ordinance, the governing body may revoke such temporary permit, and the individual holding the permit may be charged in municipal court with a violation of the alcoholic liquor laws of the city and upon conviction shall be punished by:

- (a) A fine of not more than \$499; or,
- (b) Imprisonment in jail for not more than 179 days; or
- (c) Both such fine and imprisonment not to exceed (a) and (b) above.

ARTICLE 7. GENERAL PROVISIONS (Ord. 633 Sec. 2)

3-701 PROPERTY EXEMPT UNDER K.S.A. 41-719. Under the authority of K.S.A. 41-719, the City of Washington, Kansas does hereby exempt all property, the title of which is vested in said city, from the prohibition against the consumption of alcoholic liquor upon said public property.

3-702 POSSESSION IN CERTAIN PLACES OF BUSINESS PROHIBITED. It shall be unlawful for any person to have in his possession any alcoholic liquor while on the premises of any place of business where cereal malt beverages are both sold and consumed.

3-703 TRANSPORTATION. It shall be unlawful for any person to transport in any vehicle upon a public highway, street or alley any alcoholic liquor except in the original package or container which shall not have been opened and the seal upon which shall not have been broken and from which the original cap or cork shall not have been removed, unless the opened package or container be in the locked rear trunk or rear compartment or any locked outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion.

3-704 PENALTY. Any person who shall violate the provisions of Section 3-701 or 3-702 of this article shall upon conviction be punished by a fine of not more than two hundred dollars (\$200) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

ARTICLE 8. LICENSE REQUIRED, FEE, BUSINESS REGULATIONS, PENALTIES. (Ord. 692 Sec. 3)

3-801 LICENSE REQUIRED. It shall be unlawful for any individual, corporation, partnership or other legal entity granted a retailer's license by the state of Kansas to sell any alcoholic liquor authorized by such license within the City without first obtaining a license from the City Clerk.

3-802 LICENSE FEE.

- (a) There is hereby levied an annual license fee in the amount of \$200.00 on each retailer located in the City which has a retailer's license issued by the State Director of Alcoholic Beverage Control, which license fee shall be paid before business is begun under an original state license and within five (5) days after any renewal of a state license.
- (b) All applications for new or renewal city licenses shall be submitted to the city clerk. Upon presentation of a state license, payment of the city license fee and the license application, the city clerk shall issue a city license for the period covered by the state license, if there are no conflicts with any zoning or alcoholic beverage ordinances of the city.
- (c) The license period shall extend for the period covered by the state license. No license fee shall be refunded for any reason.
- (d) Every licensee shall cause the retailer license to be placed in plain view next to or below state license in a conspicuous place on the licensed premises.

3-803 BUSINESS REGULATIONS.

- (a) No retailer licensed hereunder shall sell at retail any alcoholic liquor: (1) on Sunday except between the hours of twelve o'clock (12:00) noon and eight o'clock (8:00) p.m. (excluding Easter Sunday); (2) Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day; or (3) before 9 a.m. or after 11 p.m. on any day when the sale is permitted. (Ord. 702 Sec. 2)
- (b) No retailer shall permit (1) any person to mix drinks in or on the licensed premises; (2) to employ any person under the age of twenty-one (21) years in connection with the operation of such retail establishment; or (3) to employ any person in connection with the operation of such retail establishment who has been adjudged guilty of a felony.
- (c) No retailer shall permit alcoholic liquor to be sold on any premises which have an inside entrance or opening which connects with any other place of business.
- (d) No retailer shall do any other act prohibited by the statutes of the state of Kansas now existing or hereafter amended.

3-804 PENALTY. If the licensee has violated any of the provision of this ordinance, the governing body of the City, upon five (5) days written notice to the retailer holding such license may permanently revoke or cause to be suspended for a period of not more than thirty (30) days such license and the retailer holding the license may be charged in municipal court with a violation of the alcoholic liquor laws of the City and upon conviction shall be punished by:

- (a) A fine of not more than \$499.99; or
- (b) Imprisonment in jail for not more than 179 days; or
- (c) Both such fine and imprisonment.

ARTICLE 9. RETAILER, MICROBREWERY, MICRODISTILLERY, FARM WINERY (Ord. 785, 8/3/2015)

9-901. Any retailer, microbrewery, microdistillery or farm winery may be located within the core commercial district of the City of Washington, Kansas, when said retailer, microbrewery, microdistillery, or farm winery is located within 200 feet of any public or parochial school or college or church.