

ORDINANCE NO. 692

AN ORDINANCE AMENDING CHAPTER III OF THE CODE OF THE CITY OF WASHINGTON, KANSAS, 1985, BY DELETING THE SECOND PARAGRAPH OF CHAPTER III, ARTICLE 3-204 RELATING TO REFUNDS OF OCCUPATION TAX PAID BY HOLDERS OF LICENSES UNDER CHAPTER III; BY ADDING TO CHAPTER III, ARTICLE 2, SECTION 201 SUBPARAGRAPH (i.) PROVIDING A DEFINITION OF THE TERM RETAILER AND BY ADDING ARTICLE 8 TO CHAPTER III RELATING TO LICENSE REQUIRED OF RETAILERS, LICENSE FEE, BUSINESS REGULATIONS AND PENALTIES

WHEREAS, the Governing Body of the City of Washington, Kansas, has determined that it is necessary to regulate the sale of alcoholic liquor by retailers in the City of Washington, Kansas.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WASHINGTON, KANSAS:

Section One: The second paragraph of Chapter III, Article 3-204 is amended by deletion of the entire paragraph relating to refunds and by replacing said paragraph with the following provisions:

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.

Section Two: There shall be added to Chapter III, Article 2, Section 201 of the Code of the City of Washington, Kansas, 1985, subparagraph (i.) which shall read as follows:

(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.

Section Three: There shall be added to Chapter III, Article 8 of the Code of the City of Washington, Kansas, 1985, which shall read as follows:

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; (2) on 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.
- (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.

Section Four: This Ordinance shall take effect and be in force from and after the approval and publication once in the Washington County News, the official city newspaper.

Passed by the Council and approved by the Mayor this 4th day of October, 2004.