

(Published in the Washington County News on Thursday, April 5, 2012)

ORDINANCE NO. 757

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF ARTICLE I, CHAPTER 3 OF THE CODE OF THE CITY OF WASHINGTON, KANSAS; AND PROVIDING FOR AND REQUIRING A TEMPORARY CITY PERMIT AND PAYMENT FEE TO THE CITY CLERK FOR THE SALE OF CEREAL MALT BEVERAGES AT A SPECIAL EVENT UNDER K.S.A. 41-2701 et seq., AS AMENDED, WITHIN THE CITY OF WASHINGTON, KANSAS, AND REGULATING THE OPERATION AND LOCATION THEREOF.**

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

**SECTION 1.** Section 3-101, of Article I of Chapter 3 of the Code of the City of Washington, Kansas, DEFINITIONS, shall be amended to add subsection (i), which shall read as follows:

(i) "Special Event 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 cereal malt beverage for consumption on unlicensed premises at a special event within the City.

**SECTION 2.** Section 3-102, of Article I of Chapter 3 of the Code of the City of Washington, Kansas, shall be amended in its entirety and shall be replaced with the following text:

**3-102 LICENSE FEES AND BACKGROUND CHECKS.** The license fees of persons engaged in the retail sale of cereal malt beverages under the provisions of K.S.A. 41-2701; 2712, and amendments thereto within the city limits of Washington, Kansas, are hereby prescribed as follows:

(a) For each place of business selling only at retail cereal malt beverages in original and unbroken lots and not for consumption on the premises, the license fee shall be \$50.00 per calendar year. Said fee shall be in addition to the \$25.00 fee to be remitted to the Division of Alcohol Beverage Control, which shall be collected in addition to the license fee.

(b) For each other place selling cereal malt beverage at retail, the license fee shall be \$50.00 per calendar year. Said fee shall be in addition to the \$25.00 fee to be remitted to the Division of Alcohol Beverage Control, which shall be collected in addition to the license fee.

(c) 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 applicant listed on the

application, as well as the spouse of any individual applicant. The applicant shall be solely responsible for any cost associated with obtaining said record check(s).

**SECTION 3. SPECIAL EVENT PERMIT REQUIRED.** It shall be unlawful for any person to sell or serve any CMB at any special event within the City without first obtaining a local special event permit from the city clerk.

**SECTION 4. PERMIT FEE.**

- (a) There is hereby levied a special event permit fee in the amount of \$50.00 on each group or individual, which fee shall be paid at the time of application. Such fee shall be in addition to the \$25.00 fee to be remitted to the Division of Alcohol Beverage Control.
- (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 cereal malt beverage for consumption on the premises.

**SECTION 5. CRIMINAL HISTORY RECORD CHECK.**

- (a) The 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, for each applicant listed on the application, and the spouse of any individual applicant. The applicant shall be solely responsible for any costs associated with obtaining said record check(s).

**SECTION 6. CITY SPECIAL EVENT PERMIT.**

- (a) It shall be unlawful for any person to serve cereal malt beverage at a special event without first applying for a local special event permit at least five days before the next regularly scheduled City Council meeting. Written application for the local 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 for which the event is planned;
  - (3) The location (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 if 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.

**SECTION 7. 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 within Chapter 3 of the Code of the City of Washington, Kansas, applicable to

the sale of cereal malt beverages which are not inconsistent with this ordinance the following permit regulations shall apply:

- (a) No special event permit holder shall allow the serving of 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 cereal malt beverage shall be given, sold or traded to any person under 21 years of age.
- (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 cereal malt beverage apply to holders of special event permits.

**SECTION 8. CODIFICATION.** Sections 3 through 7 of this Ordinance shall be codified at Sections 109 through 113 of Article I Chapter 3 of the Code of the City of Washington, Kansas.

**SECTION 9. PENALTIES.** Any person violating any provision of Sections 3 through 7 of this ordinance, to be codified at 3-109 through 3-113 of the Code of the City of Washington, shall be punished by:

- (a) A fine of not more than \$500.00; or
- (b) Imprisonment in jail for not more than 90 days; or
- (c) Both such fine and imprisonment not to exceed (a) and (b) above.

**SECTION 10.** This ordinance shall take effect and be in full force from and after its publication in the Washington County News, the City's official newspaper.

**PASSED** by the Governing Body of the City of Washington, Kansas, and approved by the Mayor the 2nd day of April, 2012.

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Harold H. Jones, Jr., Mayor

ATTEST:

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Denise M. Powell, City Clerk