

ORDINANCE NO. G-19-01

AN ORDINANCE REGULATING THE SALE OF CEREAL MALT BEVERAGE AND BEER CONTAINING NOT MORE THAN 6% ALCOHOL BY VOLUME WITHIN THE CITY OF COFFEYVILLE, KANSAS, AND AMENDING CERTAIN PROVISIONS OF CHAPTER 4 OF THE CODE OF ORDINANCES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COFFEYVILLE, KANSAS:

Section 1. That Section 4-1 (Definitions) of the Code of Ordinances is amended to add the following defined term:

Enhanced Cereal Malt Beverage means cereal malt beverage as that term is defined herein and in K.S.A. 41-2701, and amendments thereto, and such term shall 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.

Section 2. That Section 4-55 of the Code of Ordinances is amended as follows:

Sec. 4-55. Retail license required.

(a) No person shall sell any cereal malt beverage or enhanced cereal malt beverage at retail without first having secured a license for each place of business which such person desires to operate within the corporate city limits. A cereal malt beverage license issued by the city pursuant to this ordinance authorizes the sale of enhanced cereal malt beverage, as defined in section 4-1, by those retailers in compliance with this ordinance and other laws and regulations that may apply.

(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.

Section 3. That Section 4-56 of the Code of Ordinances is amended as follows:

Sec. 4-56. Application for license.

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 he or she 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 application for a general retailer's license shall be accompanied by a certificate from the State Department of Agriculture (health department) certifying that the premises to be licensed has passed an inspection.

(f) Each application for a general retailer's license must be accompanied by a certificate from the city fire department certifying that the premises to be licensed has passed an inspection.

The application shall be accompanied by a statement, signed by the applicant, authorizing any governmental agency to provide the city with any information pertinent to the application. One copy of such application shall immediately be transmitted to the chief of police of the city for investigation of the applicant. It shall be the duty of the chief of police to investigate such applicant to determine whether he or she is qualified as a licensee under the provisions of this chapter. The chief shall report to the city clerk not later than five working days subsequent to the receipt of such application. The application shall be scheduled for consideration by the governing body at the earliest meeting consistent with current notification requirements.

Section 4. That the Code of Ordinances is amended to add a new Section 4-56a, as follows:

Sec. 4-56a. – License application procedures.

(a) All applications for a new and renewed enhanced cereal malt beverage license shall be submitted to the city clerk at least 10 days in advance of the governing body meeting at which they will be considered.

(b) The city clerk's office shall notify the applicant of an existing license 30 days in advance of its expiration.

(c) The clerk's office shall provide copies of all applications to the police department and fire department when they are received. The police department will investigate all applicants and require applicants to obtain and provide background checks through the Kansas Bureau of Investigation, and the fire department will inspect the premises. The departments will then recommend approval, or disapproval, of applications within five working days of the department's receipt of the application.

(d) The governing body will not consider any application for a

new or renewed license that has not been submitted 10 days in advance and been reviewed by the above city departments.

(e) An applicant for a new license shall attend the governing body meeting when the application will be considered.

Section 5. That Section 4-63 of the Code of Ordinances is amended as follows:

Sec. 4-63. – Regulation of sale or other disposition.

It shall be the duty of every licensee to observe the following regulations.

(a) The place of business licensed, and operating shall at all times have a front and rear exit unlocked when open for business.

(b) The premises and all equipment used in connection with such business shall be kept clean and in a sanitary condition and shall at all times be open to the inspection of the police and health officers of the city, county and state.

(c) Except as provided by subsection (d), 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.

(d) 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.

(e) The place of business shall be open to the public and to the police at all times during business hours, except that premises licensed as a club under a license issued by the State Director of Alcoholic Beverage Control shall be open to the police and not to the public.

(f) 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.

(g) 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.

(h) No licensee or agent or employee of the licensee shall sell or permit the sale of enhanced cereal malt beverage to any person under 21 years of age.

(i) 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.

(j) 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.

(k) 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.

Section 6. That Section 4-64 of the Code of Ordinances is amended as follows:

Sec. 4-64. - Restrictions as to manufacturers, distributors or wholesalers.

(a) No manufacturer, distributor or wholesaler shall, directly or indirectly or through a subsidiary or affiliate, or by any officer, director or firm of such manufacturer, distributor or wholesaler, furnish, give, lend or rent any interior decorations other than signs, costing in the aggregate more than \$100.00 in any one calendar year, for use in or about or in connection with any one establishment on which products of the manufacturer, distributor or wholesaler are sold. No person engaged in the business of manufacturing, distributing or wholesaling cereal malt beverages shall, directly or indirectly, pay for, or advance, furnish, or lend money for the payment of any license for another.

(b) It shall be unlawful for any wholesaler and/or distributor, his, her or its agents or employees, to sell and/or deliver cereal malt beverages or 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.

Section 7. A summary of this ordinance shall be published one time in the official city newspaper, as required by law.

Section 8. This ordinance shall take effect and be in force from and after April 1, 2019.

PASSED AND APPROVED by the Board of Commissioners of the City of Coffeyville, Kansas, on this day 12th of March 2019.



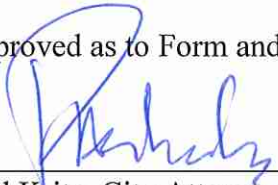
Paul Bauer, Mayor

Attest:



Cindy Price, City Clerk

Approved as to Form and Legality:



Paul Kritz, City Attorney

