

AN ORDINANCE REGULATING RETAIL LIQUOR
SALES AND PRIVATE CLUBS IN THE CITY OF
SEDGWICK, KANSAS, HARVEY AND SEDGWICK
COUNTIES.

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

ARTICLE 1. ALCOHOLIC LIQUOR

SECTION 1: LICENSE REQUIRED

It shall be unlawful for any person to sell, keep for sale, offer for sale, or expose for sale any alcoholic liquor as defined by the laws of the State Kansas, without first having procured a license to sell the same. (K.S.A. 41-208)

SECTION 2: OCCUPATION OR LICENSE TAX; FEES

There is hereby levied an annual occupation or license tax upon each retailer of alcoholic liquors (including beer containing more than 3.2 percent of alcohol by weight), for consumption off the premises (sales in the original package only) in the sum of \$300. The tax shall be paid before business is begun under an original state license and within five days after the renewal of a state license.

SECTION 3: APPLICATION FOR LICENSE REQUIREMENTS

A holder of a license for the retail sale of alcoholic liquors by the package in the city issued by the State Director of Alcoholic Beverage Control, shall present such license when applying to pay the occupation tax levied in Section 2 of this article, and the tax shall be received and receipt issued for the period covered by the state license by the city clerk.

SECTION 4: LICENSE TO BE DISPLAYED

Every licensee shall cause the city alcoholic liquor retailer's occupation tax receipt to be placed in plain view next to or below the state license in a conspicuous place on the licensed premises. (K.S.A. 41-325)

SECTION 5: HOURS OF SALE; REGULATIONS

No person shall sell at retail any alcoholic liquor:

- (a) On the day of any national, state, county or city election, including primary elections, during the hours the polls are open, within the political area in which such election is being held;
- (b) On the first day of the week, commonly called Sunday;
- (c) On Decoration or Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day; and
- (d) Before 10:00 a.m., or after 10:00 p.m. on Mondays through Fridays, and 11:00 p.m. on Saturdays, on any day when sales are permitted. (K.S.A. 41-712)

SECTION 6: RESTRICTIONS ON LOCATION

No person shall knowingly or unknowingly sell, give away, furnish, dispose of, procure, exchange or deliver, or permit the selling, giving away, furnishing, disposing of, procuring, exchanging or delivering of any alcoholic beverage in any building, structure or premises, for consumption in such building or upon such premises if such consumption is within 200 feet from the nearest property line of any existing hospital, school, church or library. (K.S.A. 41-715)

SECTION 7: PENALTY

Any person, firm or corporation violating any of the provisions of this article for which another penalty is not otherwise specifically provided, shall upon conviction thereof, be fined in any sum not exceeding \$500, or be imprisoned for not to exceed six months, or be both so fined and imprisoned.

ARTICLE 2. PRIVATE CLUBS**SECTION 1: STATUTES INCORPORATED BY REFERENCE.**

The provisions of Articles 20 & 26, Chapter 41 of the 1992 Supplement to the Kansas Statutes Annotated and such rules and regulations as may be from time to time adopted by the State Director of Alcoholic Beverage Control, as provide for in the law, are hereby incorporated by reference and made a part of this article.

SECTION 2: LICENSE REQUIRED.

It shall be unlawful for any person, partnership, business trust or association or corporation to operate a Class "A" or Class "B" club as defined in the law without first having procured a license to operate such club.

SECTION 3: OCCUPATION OR LICENSE TAX

There is hereby levied an annual occupation or license tax upon the Class "A" Fraternal and Veterans Organization Clubs in the sum of \$25 Class "A" Social Club in the sum of \$100 and upon the Class "B" Club in the sum of \$300. The tax shall be paid before business is begun under an original state license and within five days after the renewal of a state license.

SECTION 4: APPLICATION FOR LICENSE

A holder of a license for a Class "A" and Class "B" club in the city issued by the State Director of Alcoholic Beverage Control shall present such license when applying to pay the occupation tax levied in (Section 3, Occupation or License Tax) of this article and the tax shall be received and receipt issued for the period covered by the state license by the city clerk.

SECTION 5: DISPLAY OF LICENSE

Every licensee shall cause the occupation tax receipt to be placed in view next to or below the state license in a conspicuous place on the licensed premises.

SECTION 6: RESTRICTION ON LOCATION

No license shall be issued to a person whose place of business is located within 200 feet of any church, public or parochial school, said distance to be measured from the nearest property line of the church or school to the nearest portion of the building occupied by the private club.

SECTION 7: BUSINESS REGULATIONS

- (a) The governing body may prescribe hours of closing, standards of conduct and rules and regulations concerning the moral, sanitary and health conditions of the place licensed, and may establish zoning districts within which no private club may be located.
- (b) No club licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and 10:00 a.m. on any day other than a Sunday, nor between the hours of 2:00 a.m. and 12:00 noon on a Sunday.
- (c) Cereal malt beverages may be sold on premises licensed both for retail sale of cereal malt beverage for on-premises consumption pursuant to K.S.A. 41-2701 et seq., and holding a license as a private club issued by the State of Kansas at any time when alcoholic liquor is allowed by law to be served on the premises.
- (d) No membership shall be sold to any person under 21 years of age, nor shall alcoholic beverages or cereal malt beverages be given, sold or traded to any person under 21 years of age. (K.S.A. 41-2614, 41-2704)

SECTION 8: MINORS ON PREMISES

- (a) It shall be unlawful for any person under the age of 21 years to remain on any premises where the sale of alcoholic liquor is licensed for on-premises consumption.
- (b) It shall be unlawful for the operator, person in charge or licensee of any premises licensed for on-premises consumption of alcoholic liquor to permit any person under the age of 21 years to remain on the premises.
- (c) This section shall not apply if the person under the age of 21 years is accompanied by his or her parent or legal guardian.

SECTION 9: PENALTY

Upon conviction of any provision of this article such person, partnership, business trust or association, or corporation shall be deemed guilty of a misdemeanor and sentenced to pay a fine not to exceed \$500 or by imprisonment not to exceed six months or by both such fine and imprisonment.

ARTICLE 3. PUBLICATION

SECTION 1: This Ordinance shall take effect and be in force from and after its publication in The Harvey County Independent, the official newspaper of the City of Sedgwick.

PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF SEDGWICK, KANSAS, THIS FIFTEENTH DAY OF MARCH, 1993.

SEAL:



 HOWARD E. BECHTEL, MAYOR



 PATTY BROONER, CITY CLERK