(Ordinance Summary published in The Mulvane News on February 21, 2019*, 2019 and the full text of the Ordinance made available at www.mulvanekansas.com for a minimum of one (1) week from the date of publication.)*

ORDINANCE NO. 1512

AN ORDINANCE REPEALING AND AMENDING CERTAIN SECTIONS OF ORDINANCE NO. 1411, ORDINANCE NO. 1467, AND ORDINANCE NO. 1487 OF THE CITY OF MULVANE, KANSAS TO AMEND CERTAIN SECTIONS OF TITLE VI, CHAPTER 600 OF THE CODE OF THE CITY OF MULVANE, KANSAS.

WHEREAS, the governing body of the City of Mulvane, Kansas (the "City") has previously adopted Title VI, Chapter 600 of the Code of the City of Mulvane, Kansas (the "Code"), which contains provisions regarding licensing of retailers to sell cereal malt beverages at retail; and

WHEREAS, the City desires to amend certain sections of Title VI, Chapter 600 of the Code to allow holders of a CMB license to also sell beer.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MULVANE, SEDGWICK AND SUMNER COUNTIES, STATE OF KANSAS:

SECTION 1. AMEND: Title VI, Chapter 600, Article I, Sections 600.010 through 600.090 of the Code of the City are hereby deleted and the entirety of Sections 600.010 through 600.090 are replaced with the following:

Section 600.010. Definitions.

A. As used in this Article, the words and phrases used herein shall have the meanings set forth under State law, as the same exist from time to time, unless the context otherwise requires.

B. As used in this Article, "Enhanced Cereal Malt Beverage" means (i) "cereal malt beverage" as that term is defined in K.S.A. 41-2701, and amendments thereto, provided such term is expanded to include (2) 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 600.020. License Required of Enhanced Cereal Malt Beverage Retailers.

No person shall sell any enhanced cereal malt beverage at retail without first having secured a license from the City for each place of business which such person desires to operate within the corporate limits of the City of Mulvane, Kansas, as herein provided. Any person holding a valid license to sell a cereal malt beverage on April 1, 2019 shall be deemed to hold a cereal malt beverage license for the sale of Enhanced Cereal Malt Beverages on such date for the same term of the originally issued license.

Section 600.030. License Tax.

A. The license tax for the retail sale of enhanced cereal malt beverages (as a general retailer, limited retailer or temporary retailer) shall be as set forth in Section 100.240.

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

Section 600.040. Application for Licenses.

Any person desiring to obtain or renew an enhanced cereal malt beverage license shall make an application to the Governing Body of the City and accompany the application by the required license tax for such place of business for which the person desires the license. The application shall be verified, upon a form prepared by the Attorney General of the State of Kansas, as in effect from time to time.

Section 600.050. Examination — Disqualification — Approval.

Subject to the restrictions, qualifications, and limitations of State law, if the application for license is in proper form and accompanied by the license tax, the Governing Body shall examine the application and shall thereafter issue or renew a license to the applicants qualified at law.

Section 600.060. License Granted.

The journal of the Governing Body shall show the action taken, and if the license is granted, the action of the Governing Body shall direct the officers charged by law to issue other licenses under the general licensing power of the City to execute the license by order of the Governing Body. The license shall not be transferable. The license shall state that it is not transferable and the calendar year for which issued. The license shall be kept posted in a conspicuous place in the place of business.

Section 600.070. Special Event Permits.

A. Any person desiring to obtain a special event permit shall make an application to the City Clerk and accompany the application by the required license tax. Upon receipt of a properly complete application and the accompanying tax, the City Administrator or City Clerk may issue a special event permit, which shall allow the holder of such permit to offer for sale, sell and serve enhanced cereal malt beverages for consumption on specified unlicensed premises within the City, provided that:

1. The special event permit specifies the premises for which the permit is issued;

2. The special event permit is issued only for the duration of the special event, the dates and hours of which are specified in the permit;

3. No more than four (4) special event permits are issued to any one (1) applicant in a calendar year; and

4. The special event permit is not be transferable or assignable.

Any applicant for a special event permit shall pay the City, at the time of application, the required license tax in cash as provided for in Section 100.240 of this Code for each temporary permit issued hereunder. For the purposes of this Chapter, a special event permit shall be considered a "license" and any holder of a special event permit shall be considered a "licensee".

Section 600.080. Suspension or Revocation of License.

In addition to any and all other penalties imposed hereunder or under State law, the Governing Body of the City may suspend, or revoke an enhanced cereal malt beverage license for any violation of this Chapter, any violation of the Kansas Liquor Control Act, as amended from time to time, and for the reasons set forth, and in the manner provided by State law.

Section 600.090. Wholesaler and/or Distributor.

It shall be unlawful for any wholesaler and/or distributor, his/her or its agents or employees to sell and/or deliver any enhanced cereal malt beverages within this City to persons authorized under this Article to sell the same within this City unless such wholesaler and/or distributor has first secured a license from the Kansas Department of Revenue.

SECTION 2. AMEND: Title VI, Chapter 600, Article III, Sections 600.170 through 600.180 of the Code of the City are hereby deleted and the entirety of Sections 600.170 through 600.180 are replaced with the following:

Section 600.170. Compliance With Laws —Prohibited Acts.

A. Any person holding a license under this Chapter shall at all times comply with all State and local laws, regulations, and rules applicable to such license holder. All restrictions, requirements, and obligations imposed upon an alcoholic beverage license and licensee by State law shall apply to the license granted hereunder and the licensee.

B. The City has expanded the days of sale at retail of enhanced cereal malt beverages and alcoholic liquor pursuant to K.S.A. 41-2911. Enhanced cereal malt beverages may be sold at retail in the original package within the City on any Sunday, except Easter, between the hours of 12:00 noon and 8:00 p.m., and alcoholic liquor may be sold in the original package within the City on any Sunday, except Easter, between the hours of 12:00 noon and 8:00 p.m., and may be sold on Memorial Day, Independence Day and Labor Day.

Section 600.180. Consumption of Alcoholic Liquor and Cereal Malt Beverages Prohibited in Certain Places.

No person shall drink or consume any alcoholic liquor or any cereal malt beverage (including any enhanced cereal malt beverage) on public property within the corporate limits of the City, except: (i) within the Community Room located at 101 E. Main Street (if properly requested, approved and in all respects otherwise properly licensed therefor), or (2) during "special events" of a specified time, place, and duration, which have the prior approval by the Governing Body of the City. A "special event" request may be approved by the Governing Body of the City by resolution for the specified time, place, and duration of the event specified in the request. Approval by the Governing Body of an enhanced cereal malt beverage special event permit

under Section 600.070 or a liquor temporary permit under Section 600.150 shall be deemed to permit such consumption as specified therein.

SECTION 3. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City, approval by the Mayor and either (a) publication once in the official newspaper of the City, or (b) publication of a summary hereof certified as legally accurate and sufficient by the City Attorney.

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Passed by the Governing Body of the City of Mulvane, Kansas this 18th day of February, 2019.

CITY OF MULVANE, KANSAS

[seal]

By_____
Shelly Steadman, Mayor

ATTEST:

By_____
Debra M. Parker, City Clerk