

AN ORDINANCE REGULATING THE SALE OF ALCOHOLIC LIQUOR; PROVIDING FOR THE LICENSING OF PERSONS SELLING THE SAME; PRESCRIBING LICENSE FEES; PROVIDING FOR THE LOCATION OF THE SAME; PROVIDING FOR BUSINESS REGULATIONS; PROVIDING FOR THE REVOCATION OF LICENSES; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF:

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

SECTION 1. The terms and phrases used in this ordinance shall be construed as having the meaning attached to the same, as defined in K.S.A. Chapter 41, Article 26.

SECTION 2. LICENSE REQUIRED. It shall be unlawful for any person granted a drinking establishment license or a private club license (Class A or Class B clubs) by the State of Kansas or any person licensed by the State of Kansas as a caterer to sell alcoholic liquor by the drink, to sell or serve any alcoholic liquor authorized by such license within the City without first obtaining a city license from the City Clerk.

SECTION 3. RESTRICTION OF LOCATION.

- (a) 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.
- (b) The distance location of subsection (a) above shall not apply to a private club when the license applicant petitions for and receives a waiver of the distance limitation from the governing body. The governing body shall grant such a waiver only following public notice and hearing.

SECTION 4. LICENSE FEE.

- (a) There is hereby levied an annual license fee for each drinking establishment and private club located in the city which has a license issued by the state director of alcoholic beverage control, which fee shall be paid before business is begun under an original state license and within five days after any renewal of a state license or in any event, no later than December 30th of the year preceding said license year.
- (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 (one year), if there are no conflicts with any zoning or alcoholic beverage ordinances of the City.
- (c) The City license fee for a Class A club shall be \$250.00 and for a Class B club shall be \$250.00. The city license fee for a drinking establishment shall be \$250.00. There is hereby levied an annual license fee in the amount of \$250.00 on each caterer doing business in the City who has a caterer's license.
- (d) The license period shall extend for the period covered by the state license. No license fee shall be refunded for any reason and no license under this act shall be transferable.

- (e) Every licensee shall cause the city license to be placed in plain view next to or below the state license in a conspicuous place on the licensed premises, and in the event of a caterer's license, to be placed in plain view on any premises where the caterer is serving or mixing alcoholic liquor for consumption.

SECTION 5. BUSINESS REGULATIONS.

- (a) No licensee hereunder shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and 6:00 a.m. on any day.
- (b) No license shall be issued to any person who is not qualified to hold the same within the provisions of K.S.A. Chapter 41, Article 26.

SECTION 6. NOTICE TO CHIEF OF POLICE. Prior to any event at which a caterer will sell or serve alcoholic liquor by the individual drink, the caterer shall notify the Chief of Police where the event will take place if the event is within the City.

SECTION 7. Each licensee shall follow all applicable provisions of K.S.A. 41-2601 et. seq. as amended, and the Governing Body shall have the authority to revoke any license issued, for any of the causes set out in K.S.A. 41-2704, or for any violations of the terms of this Ordinance.

SECTION 8. PENALTY. If the licensee has violated any of the provisions of this ordinance, the governing body of the city, upon five (5) days notice, written, to the person holding such license to sell alcoholic liquor, may permanently revoke or cause to be suspended for a period of not more than thirty (30) days such license and the individual 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 \$500.00; or
(b) imprisonment in jail for not more than one year; or,
(c) both such fine and imprisonment not to exceed (a) and (b) above

SECTION 9. This ordinance shall take effect and be in force from and after its passage by the Governing Body, approved by the Mayor, and publication in the official city newspaper.

PASSED BY the Governing Body and APPROVED by the Mayor of Overbrook, Kansas this 10th day of March, 1993