

(First published in the Sabetha Herald on the _____ day of September, 2012)

ORDINANCE _____

AN ORDINANCE AMENDING IN PART PORTIONS OF THE CURRENT CODE OF THE CITY OF SABETHA, KANSAS, REGULATING THE POSSESSION AND CONSUMPTION OF CEREAL MALT BEVERAGES WITHIN THE JURISDICTION OF THE CITY OF SABETHA, KANSAS.

Be it ordained by the Governing Body of the City of Sabetha, Kansas:

Section 1. That Section 3-102, Chapter III, Article I. of the Code of the City of Sabetha is hereby repealed and the following adopted in its place and stead, including any other provisions of said City Code which are inconsistent with the provisions herein.

Section 2. That Section 3-102 of the Code of the City of Sabetha shall read as follows:

Section 3-102. PUBLIC SALE; CONSUMPTION. (a) It shall be unlawful for any person to sell, serve or dispense any cereal malt beverage or alcoholic beverage in any public place within or under the jurisdiction of the City of Sabetha.

(b) It shall be unlawful for any person to drink or consume any cereal malt beverage or alcoholic beverage in any public place not licensed to sell and serve such beverage for public consumption at such public place within or under the jurisdiction of the City of Sabetha, except as set out below.

(c) For purposes of this section, the term "public place" shall include upon any street, public thoroughfare, public parking lot or any privately owned parking area made available to the public generally, within any parked or driven motor vehicle situated in any of the aforesaid places or upon any property owned by the State of Kansas or any governmental subdivision thereof, unless such property is leased to others under K.S.A. 12-1740 et seq. if the property is being used for hotel or motel purposes or purposes incidental thereto or is owned or operated by an airport authority created pursuant to Chapter 27 of the Kansas Statutes Annotated.

(d) This section shall not apply to the possession and/or consumption of cereal malt beverage in single serving containers at the Sabetha Lake; the Sabetha Pony Creek Lake park; the parking lot of the

Sixth Street ballpark during the exclusive use of the ballpark for adult athletic contests, provided that no cereal malt beverage shall be possessed nor consumed within twenty-five (25) feet of the spectator stands or playing fields; and, at any other place where a temporary permit has been issued pursuant to Article 7 of Chapter III of the City Code of the City of Sabetha, Kansas. This section shall not apply to the possession and/or consumption of cereal malt beverage or alcoholic beverage at the Sabetha Armory under the terms of a rental use agreement with the City for such facility.

Section 3. That this ordinance shall take effect and be in force from and after its publication once in the official city newspaper.

Passed and Approved by the Governing Body this _____ day of _____, 2012.

Douglas Clark

ATTEST: _____
Steve Compo