

(First published in The Sabetha Herald March ____, 2001)

ORDINANCE _____

AN ORDINANCE AMENDING IN PART PORTIONS OF THE CURRENT CODE OF THE CITY OF SABETHA, KANSAS, REGULATING AND RESTRICTING THE LOCATION OF RETAIL STORE, MICRO-BREWERY OR FARM WINERY, 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 3-306, Chapter III, Article III. of the Code of the City of Sabetha is hereby repealed and the following adopted in its place and stead, including any other provisions of said City Code which are inconsistent with the provisions herein.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 3-306 of the Code of the City of Sabetha shall read as follows:

Section 3-306. RESTRICTIONS ON LOCATION.

(a) No retailer's license shall be issued for premises which are located in areas not zoned for general commercial or business purposes.

(b) No microbrewery license or farm winery license shall be issued for premises which are zoned for any purpose except agricultural, commercial or business purposes.

(c) No retailer's, microbrewery or farm winery license shall be issued for premises which:

(1) Are located within 200 feet of any public or parochial school or college or church, except that if any such school, college or church is established within 200 feet of any licensed premises after the premises have been licensed, the premises shall be an eligible location for retail licensing and

(2) do not conform to the building ordinances or laws of the state or city.

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
March, 2001.

Norman D. Schmitt, Jr., Mayor

ATTEST: Linda Lehman, City Clerk

(First published in The Sabetha Herald on September ____, 2005)

ORDINANCE _____

AN ORDINANCE AMENDING IN PART PORTIONS OF THE CURRENT CODE OF THE CITY OF SABETHA, KANSAS, REGULATING CEREAL MALT BEVERAGE SALES AND ALCOHOLIC BEVERAGE SALES 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 3-213, Chapter III, Article 2. of the Code of the City of Sabetha is hereby repealed and the following adopted in its place and stead, including any other provisions of said City Code which are inconsistent with the provisions herein: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 3-213. Business Regulations. It shall be the duty of every licensee to observe the following regulations.

(a) The place of business licensed and operating under this article 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 cereal malt beverages may be sold or dispensed between the hours of 12:00 midnight and 6:00 a.m., or consumed between the hours of 12:15 a.m. and 6:00 a.m., closing hours for clubs shall conform to K.S.A. 41-2614 and any amendments thereto. Cereal malt beverages may be sold at retail in the original package on Sunday between the hours of 12:00 noon and 8:00 p.m., except on Easter Sunday.

(d) 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. 41-2701 et seq., 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 cereal malt beverage to any person under the legal age for consumption.

(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 any 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 the legal age for consumption in dispensing cereal malt beverages. No licensee shall employ any person who has been judged guilty of a felony.

(l) All places of business licensed hereunder shall have all persons, except the owner and certain designated employees, vacate the premises no later than 12:30 a.m. and shall cause the premises to remain vacated until 6:00 a.m. on any day.

Section 2. That Section 3-304, Chapter III, Article 3. 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 with are inconsistent with the provisions herein:

Section 3-304. Hours of Sale. No person shall sell at retail any alcoholic liquor:

- (a) On any Sunday, except between the hours of 12:00 noon and 8:00 p.m.;
- (b) On Easter Sunday, Memorial Day, Independence Day, and Labor Day;
- (c) Before 9:00 a.m. or after 11:00 p.m. on any day when the sale thereof is permitted.

Section 3. That this ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

Section 4. That this ordinance shall take effect 61 days after final publication or on November 15, 2005, whichever is later, unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the ordinance as provided in Chapter 201, Senate Bill 298 of 2005, in which case this ordinance shall become effective upon approval by a majority of the electors voting thereon.

Passed and Approved by the Governing Body this _____ day of September, 2005.

Dave Emert, Mayor

ATTEST: _____
Linda Lehman, City Clerk

(First published in the Sabetha Herald on the ___ day of September, 1999)

ORDINANCE _____

AN ORDINANCE AMENDING IN PART PORTIONS OF THE CURRENT CODE OF THE CITY OF SABETHA, KANSAS, REGULATING PRIVATE CLUBS 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 3-403, Chapter III, Article 4. 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 3-403 of the Code of the City of Sabetha shall read as follows:

Section 3-403. BUSINESS REGULATIONS. (a) 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 9:00 a.m. on any day.

(b) Cereal malt beverages may be sold on the premises licensed for the retail sale of cereal malt beverages for on-premises consumption at any time when alcoholic liquor is allowed by law to be served on the premises.

(c) No club 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.

(d) All clubs licensed hereunder shall have all persons, except the owner and certain designated employees, vacate the premises no later than 2:15 a.m. and shall cause the premises to remain vacated until 9:00 a.m. on any day.

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 _____, 1999.

Norman D. Schmitt, Jr., Mayor

ATTEST: _____
Linda Lehman, City Clerk

cc: Mike Hill

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. 41-710; Code 1986)

ARTICLE 4. PRIVATE CLUBS

- 3-401. **LICENSE REQUIRED.** It shall be unlawful for any person granted a private club license by the State of Kansas to sell or serve any alcoholic liquor authorized by such license within the city without first obtaining a local license from the city clerk. (Code 1987)
- 3-402. **LICENSE FEE.** (a) There is hereby levied an annual license fee on each private club located in the city which has a private club 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. The city license fee for a Class A club shall be \$100 and the city license fee for a Class B club shall be \$100.
- (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, if there are no conflicts with any zoning or alcoholic beverage ordinances of the city.
- (c) The license period shall extend for the period covered by the state license. No license fee shall be refunded for any reason.
- (d) Every licensee shall cause the city club license to be placed in plain view next to or below the state license in a conspicuous place on the licensed premises. (Code 1987)
- 3-403. **BUSINESS REGULATIONS.** (a) 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 9:00 a.m. on any day.
- (b) Cereal malt beverages may be sold on premises licensed for the retail sale of cereal malt beverages for on-premises consumption at any time when alcoholic liquor is allowed by law to be served on the premises.
- (c) No club 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. (Code 1987)
- 3-404. **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.