

Ordinance No. __917__ Summary

On June 9, 2021, the City of Wellsville, Kansas, adopted Ordinance No. __917__ amending the City Code to make it consistent with Kansas State law which now allows expanded hours for selling, at retail, alcoholic liquor and cereal malt beverages. A Complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 411 Main Street, Wellsville, Kansas or at www.wellsvilleks.citycode.net. This summary is certified by Patrick G. Reavey, Wellsville City Attorney pursuant to K.S.A. 12-3001, et seq.

ORDINANCE NO. __917__

AN ORDINANCE AMENDING THE CITY CODE TO PROVIDE FOR A CHANGE IN THE LAW REGARDING THE RETAIL SALE OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGES

WHEREAS, Kansas State law was recently amended to allow cities to permit expanded hours for the retail sale of alcoholic liquor and cereal malt beverages; and

WHEREAS, the governing body believes it is in the best interest of the City to allow for the expanded sale hours within the City of Wellsville.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of Wellsville:

Section 1. Section 3-213 of Article 2 of Chapter III of the Wellsville City Code (pertaining to Cereal Malt Beverages) is hereby amended to read as follows:

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 for consumption on the premises between the hours of 12:00 midnight and 6:00 a.m., or on Sunday, except in a place of business which is licensed to sell cereal malt beverage for consumption on the premises and which derives not less than 30 percent of its gross receipts from the sale of food for consumption on the licensed premises; closing hours for clubs shall conform to K.S.A. 41-2614 and any amendments thereto. Retail sales of cereal malt beverages in their original package may not be sold between the hours of 12 midnight and 6 a.m., may not be sold earlier than 9 a.m. or later than 8 p.m. on Sundays, and may not be sold at all 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. 41-2601 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 21 years of age.

(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 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 21 years of age in dispensing cereal malt beverages. No licensee shall employ any person who has been judged guilty of a felony.

Section 2. Section 3-304 of Article 3 of Chapter III of the Wellsville City Code (pertaining to the retail sale of alcoholic liquor) is hereby amended to read as follows:

3-304. Hours of sale.

No person shall sell at retail any alcoholic liquor:

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

Section 2: **Repealer.** Any Ordinances or Code provisions inconsistent herewith are hereby repealed.

Section 3. **Effective Date.** This Ordinance shall take effect after its adoption by the City Council, approval by the Mayor and publication in the City's official newspaper.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WELLSVILLE,
KANSAS AND APPROVED BY THE MAYOR ON THE 9TH DAY OF JUNE 2021.

(seal)

BILL LYTLE, Mayor

ATTEST:

TAMMY JONES
City Clerk

APPROVED AS TO FORM:

PATRICK G. REAVEY
City Attorney