

ORDINANCE NO. 1034

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 2 OF THE CITY CODE OF THE CITY OF GREENSBURG. CEREAL MALT BEVERAGES.

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

SECTION 1. Chapter III, Article 2, Section 3-202 of the City code of the City of Greenburg is hereby amended to read as follows:

APPLICATION. Any person desiring a license shall make an application to the governing body of the city and accompany the application by required license fee for each place of business for which the person desires the license. The application shall be verified, and upon a form prepared by the attorney general of the State of Kansas, and shall contain:

- (a) The name and residence of the applicant and how long he or she has resided within the State of Kansas;
- (b) The particular place for which a license is desired;
- (c) The name of the owner of the premises upon which the place of business is located;
- (d) The names and addresses of all persons who hold any financial interest in the particular place of business for which a license is desired;
- (e) A statement that the applicant is a citizen of the United States and not less than 21 years of age and that he or she has not within two years immediately preceding the date of making application been convicted of a felony or any crime involving moral turpitude, or been adjudged guilty of drunkenness, or driving a motor vehicle while under the influence of intoxicating liquor or the violation of any other intoxicating liquor law of any state or of the United States;
- (f) The application shall be accompanied by a statement, signed by the applicant, authorizing any governmental agency to provide the city with any information pertinent to the application. The application shall be scheduled for consideration by the governing body at the earliest meeting consistent with current notification requirements. (Code 2007)

SECTION 2. Chapter III, Article 2, Section 3-205 of the City code of the City of Greenburg is hereby amended to read as follows:

LICENSE, DISQUALIFICATION. No license shall be issued to:

- (a) A person who has not been a resident in good faith of the State of Kansas for at least one year immediately preceding application and a resident of Kiowa County for at least six months prior to filing of such application.
- (b) A person who is not a citizen of the United States.

- (c) A person who is not of good character and reputation in the community in which he or she resides.
- (d) A person who, within two years immediately preceding the date of making application, has been convicted of a felony or any crime involving moral turpitude, or has been adjudged guilty of drunkenness or driving a motor vehicle while under the influence of intoxicating liquor or the violation of any other intoxicating liquor law of any State or of the United States.
- (e) A partnership, unless all the members of the partnership shall otherwise be qualified to obtain a license.
- (f) A corporation if any manger, officer or director thereof or any stockholder owning in the aggregate more than 25 percent of the stock of such corporation would be ineligible to receive a license hereunder for any reason other than nonresidence within the city or county.
- (g) A corporation, if any manger, officer or director thereof, or any stockholder owning in the aggregate more than 25 percent of the stock of such corporation, has been an officer, manager or director or a stockholder owning in the aggregate more than 25 percent of the stock, of a corporation which: (a) Has had a retailer's license revoked under K.S.A. 41-2708 and amendments thereto; or (b) has been convicted of a violation of the drinking establishment act or the cereal malt beverage laws of this state.
- (h) A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee.
- (i) A person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship, retailer residency requirements or age, except that this subsection(i) shall not apply in determining eligibility for renewal license.
- (j) Any violation of a provision of 3-205 may result in automatic disqualification of license eligibility. (Code 2007)

SECTION 3. Chapter III, Article 2, Section 3-207 of the City code of the City of Greenburg is hereby amended to read as follows:

LICENSE FEE. The rules and regulations regarding license fees shall be as follows:

- (a) General Retailer - for each place of business selling cereal malt beverages at retail, \$225.00 per calendar year (inclusive of a \$25.00 application fee).
- (b) Limited Retailer - for each place of business selling only at retail cereal malt beverages in original and unopened containers and not for consumption on the premises, \$75.00 per calendar year (inclusive of a \$25.00 application fee).

Full amount of the license fee shall be required regardless of the time of the year in which the application is made, and the licensee shall only be authorized to operate under the license for the remainder of the calendar year in which the license is issued. (K.S.A. 41-2707; Code 2007)

SECTION 4. Section 3-217 is hereby added to Chapter III, Article 2 of the Code of the City of Greensburg, Kansas, as follows:

“3-217 TEMPORARY LICENSE

The Governing Body may, upon proper application, issue a temporary permit for the sale of cereal malt beverages. Any such application for a temporary permit shall be made to the City Clerk and shall provide the following information:

- (a) The name of Applicant.
- (b) The group for which the event is planned.
- (c) The location of the event.
- (d) The date and time of the event.
- (e) Any anticipated need for police, fire, or other municipal service.

Upon receipt of such Application accompanied by a permit fee of \$50.00, the Governing Body may authorize the issuance of such temporary permit notwithstanding location restrictions as provided for within Section 3-109 herein. All other provisions and regulations found with Chapter III applicable to the sale of cereal malt beverages will be applicable to such permit.

SECTION 5. That this ordinance shall take effect and be in force from and after its passage and publication in the official city paper, The Kiowa County Signal.

Passed by the Council and approved by the Mayor this 18th day of March, 2013.

ROBERT A. DIXSON, Mayor

ATTEST:

Christy Pyatt, City Clerk