

(Published on the City of Augusta website www.augustaks.org
On the 21st day of December 2021)

THE CITY OF AUGUSTA, KANSAS

ORDINANCE NO. 2183

AN ORDINANCE AMENDING CHAPTER 3, ARTICLE 2, SECTION 207 REGARDING LICENSE DISQUALIFICATION AND CHAPTER 3, ARTICLE 2 SECTION 215 AND CHAPTER 3, ARTICLE 3, SECTION 304 OF THE CODE OF THE CITY OF AUGUSTA, KANSAS REGARDING THE SALE OF CEREAL MALT BEVERAGE AND ALCOHOLIC LIQUOR ON SUNDAYS TO CORRESPOND WITH CHANGES IN KANSAS LIQUOR LAWS.

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

Section 1. Amending Section 3-207 of the Code of the City of Augusta, Kansas

Section 3-207 of the Code of the City of Augusta, Kansas is hereby amended to read as follows:

Section 3-207. License, disqualification

- (a) A person who does not meet residency requirements as set by statute by the state of Kansas.
- (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, drunkenness, 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 manager, 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 citizenship and residency requirements.

- (g) A corporation, if any manager, 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 citizenship and residency requirements.
- (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 a renewal license.
- (j) A person whose spouse has been convicted of a felony or other crime which would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under K.S.A. 41-2701. et. Seq.

Section 2. Amending Section 3-215 of the Code of the City of Augusta, Kansas

Section 3-215(l) of the Code of the City of Augusta, Kansas is hereby amended to read as follows:

Section 3-215. 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 subsections (d) and (l), no cereal malt beverages may be sold or dispensed between the hours of 12:00 a.m. and 6:00 a.m., or consumed between the hours of 12:00 a.m. and 6:00 a.m., or in a place of business which is licensed to sell cereal malt beverage for consumption on the premises, 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.
- (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 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 shall employ any person who has been judged guilty of a felony.
- (l) The sale at retail of cereal malt beverages in the original package is allowed within the city on any Sunday, except Easter, between the hours of 9:00 a.m. and 8:00 p.m.

Section 3. Amending Section 3-304 of the Code of the City of Augusta, Kansas

Section 3-304 of the Code of the City of Augusta, Kansas is hereby amended to read as follows:

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

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

Section 4. Repeal

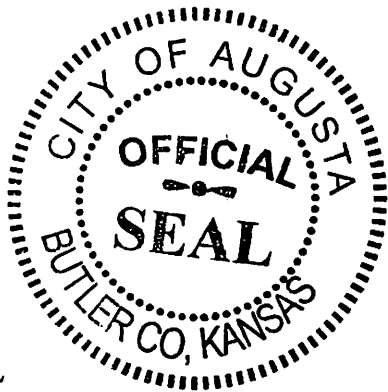
All ordinances or parts of ordinances in conflict herewith are repealed.

Section 4. Effective Date

This ordinance shall take effect and be in force from and after publication in the official city newspaper.

Passed by the City Council this 20th day of December, 2021.

Approved by the Mayor this 20th day of December, 2021.



SEAL


MAYOR, MIKE RAWLINGS

ATTEST:



CITY CLERK, ERICA JONES