

ORDINANCE NO. 1317

AN ORDINANCE ENACTED FOR THE PURPOSE OF ESTABLISHING RULES
AND REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES WITH THE
CITY OF WAKEFIELD, KANSAS

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

SECTION 1. The City of Wakefield desires to amend its Code to allow licensing establishments to sell liquor by the drink within the city limits.

SECTION 2. The current Code allows for the licensing of establishments that sell packaged liquor only.

SECTION 3. Chapter III, Article Two is hereby amended to read as follows:

ARTICLE 2. ALCOHOLIC LIQUOR

3-201. State license required.

(a) It shall be unlawful for any person to keep for sale, offer for sale, or expose for sale or sell any alcoholic liquor as defined by the "Kansas liquor control act" without first having obtained a state license to do so.

(b) The holder of a license for the retail sale in the city of alcoholic liquors by the package or by the drink issued by the state director of alcoholic beverage control shall present such license to the city clerk when applying to pay the occupation tax levied in section 3-202 and the tax shall be received and a receipt shall be issued for the period covered by the state license.

(c) Any holder of a license for the retail sale in the city of alcoholic liquors by the drink issued by the state director of alcoholic beverage control must receive at least 30% of the licensee's revenue from the sale of food.

(Code 2015)

3-202. Occupational tax.

There is hereby levied a biennial occupation tax of \$600 on any person holding a license issued by the state director of alcoholic beverage control for the retail sale within the city of alcoholic liquors for consumption off the premise and a biennial occupation tax of \$250 on any person holding a license issued by the state director of alcoholic beverage control for the retail sale within the city of alcoholic liquor by the drink. Such tax shall be paid by the retailer to the city clerk before business is begun under an original state license and shall be paid within five days after any renewal of a state license.

(K.S.A. 41-310(l)(1); Code 2015)

3-203. Posting of receipt.

Every licensee under this article shall cause the city alcoholic liquor retailer's occupation tax receipt to be placed in plain view, next to or below the state license in a conspicuous place on the licensed premises.

(Code 2015)

3-204. Hours of sale.

Pertaining to alcoholic liquors for consumption off the premise:

No person shall sell at retail any alcoholic liquor:

- (a) On Sunday before 12 noon or after 8 p.m.;
- (b) On Easter Sunday, Thanksgiving 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.

Pertaining to alcoholic liquors for sale by the drink:

No person shall sell alcoholic liquors by the drink:

- (a) On Sunday before 12:00 noon or after 2:00 a.m.;
- (b) On Easter Sunday or Christmas Day; or
- (c) Before 9:00 a.m. or after 2:00 a.m. on any day when the sale thereof is permitted.

(K.S.A. 41-712; K.S.A. 41-2911; Ord. 1218; Code 2015)

3-205. Business regulations.

It shall be unlawful for a retailer of alcoholic liquor to:

- (a) Permit any person to mix drinks in or on the licensed premises, unless said premises is licensed for that purpose;
- (b) Employ any person under the age of 21 years in connection with the operation of the retail establishment;
- (c) Employ any person in connection with the operation of the retail establishment who has been adjudged guilty of a felony;
- (d) Permit any game of skill or chance to be located in or on the premises where wagering is involved; or

(e) Have in his or her possession for sale at retail any bottles, cask, or other containers containing alcoholic liquor, except in the original package if the premise is licensed for package sale only.

(f) Sell at retail any bottles, cask, or other containers, in their original package, containing alcoholic liquor if the premise is licensed for sale of liquor by the drink only.

(g) Sell, give away, dispose of, exchange or deliver, or permit the sale, gift or procuring of any alcoholic liquor to or for any person under 21 years of age.

(Code 2015)

3-206. Restrictions on location.

No person shall knowingly or unknowingly sell, give away, furnish, dispose of, procure, exchange or deliver, or permit the selling, giving away, furnishing, disposing of, procuring, exchanging or delivering of any alcoholic beverage in any building, structure or premises, if the nearest portion of the building, structure or premises is within 50 feet from the nearest property line of any existing hospital, school, church, nursing home, or library.

(K.S.A. 41-710; Code 2015)

SECTION 4. Any provision of this ordinance which shall be declared to be invalid shall not affect the validity and authority of any other sections of said ordinance.

SECTION 5. Any other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 6. This ordinance shall take effect and be in force from and after its passage, approval and publication once in the official city paper.

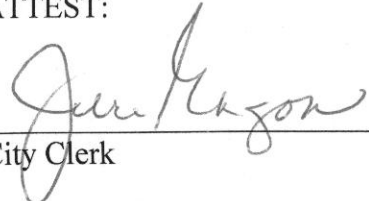
ADOPTED AND APPROVED the 13th day of March, 2017.





JOSHUA THURLOW, MAYOR

ATTEST:



City Clerk