

*Ordinance Summary published in the Miami County Republic on January 23, 2019 and the full text of the Ordinance made available at [www.cityofpaola.com](http://www.cityofpaola.com) for a minimum of 1 week from the date of publication.*

### **Ordinance No. 3132 Summary**

On January 14, 2019, the City of Paola, Kansas, adopted Ordinance No. 3132, amending Title VI: Business and Occupation, Chapter 600, Alcoholic Beverages, of the Code of the City of Paola, Kansas, 2009, as follows: 1) Amend the definition of "Cereal Malt Beverage" to include beer containing not more than 6% alcohol by volume, 2) Amend the "Business Regulations" for Cereal Malt Beverage licensed premises, 3) Eliminate regulations pertaining to "dancing" at a business licensed to sell Cereal Malt Beverages, 4) Add "Business Regulations" for Drinking Establishments to identify the hours that alcohol can be served, and, 5) Amend "Business Regulations" for Caterers to change the hours that alcohol can be served to agree with recent changes in State Statute. Said Ordinance No 3132 shall be effective upon and after April 1, 2019. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 19 E Peoria Street or at [www.cityofpaola.com](http://www.cityofpaola.com). This summary is certified by Lee H. Tetwiler, Paola City Attorney pursuant to K.S.A. 12-3007.

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### **ORDINANCE NO 3132**

**AN ORDINANCE AMENDING ARTICLE I, SECTION 600.010, DEFINITIONS; ARTICLE IV, SECTION 600.240, BUSINESS REGULATIONS; ARTICLE IV, SECTION 600.280, MAINTAIN ORDERLY PLACE OF BUSINESS; ARTICLE VI, SECTION 600.370, BUSINESS REGULATIONS; ENACTING ARTICLE V, SECTION 600.345, BUSINESS REGULATIONS; AND REPEALING ARTICLE IV, SECTION 600.290, DANCING REGULATIONS; IN TITLE VI: BUSINESS AND OCCUPATION, CHAPTER 600: ALCOHOLIC BEVERAGES, OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009.**

**Be it Ordained by the Governing Body of the City of Paola, Kansas:**

**SECTION 1.** That TITLE VI. BUSINESS AND OCCUPATION, CHAPTER 600: ALCOHOLIC BEVERAGES, ARTICLE I. GENERAL PROVISIONS, SECTION 600.010: DEFINITIONS is hereby amended and shall read as follows:

#### **Section 600.010. Definitions.**

The following words, when used in this Chapter, shall have the meanings set out herein:

**ALCOHOLIC LIQUOR** — Alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.

**CATERER** — An individual, partnership or corporation which sells alcoholic liquor by the individual drink, and provides services related to the serving thereof, on unlicensed premises which may be open to the public, but does not include a holder of a temporary permit selling alcoholic liquor in accordance with the terms of such permit.

CEREAL MALT BEVERAGE or ENHANCED CEREAL MALT BEVERAGE—means cereal malt beverage as that term is defined in K.S.A. 41-2701, and amendments thereto, and such term shall include beer containing not more than 6% alcohol by volume when such beer is sold by a retailer licensed under the Kansas cereal malt beverage act.

CLASS A CLUB — A premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide non-profit social, fraternal or war veterans' club, as determined by the State of Kansas, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members), and their families and guests accompanying them.

CLASS B CLUB — A premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

CLUB — A Class A or Class B club.

DRINKING ESTABLISHMENT — Premises which may be open to the general public, where alcoholic liquor by the individual drink is sold.

**SECTION 2.** That TITLE VI. BUSINESS AND OCCUPATION, CHAPTER 600: ALCOHOLIC BEVERAGES, ARTICLE IV. CEREAL MALT BEVERAGES, SECTION 600.240: BUSINESS REGULATIONS is hereby amended and shall read as follows:

**Section 600.240. Business Regulations.**

A. It shall be the duty of every licensee to observe the following regulations.

1. The place of business licensed, and operating shall at all times have a front and rear exit unlocked when open for business.
2. 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.
3. Except as provided by subsection (4), no enhanced cereal malt beverages may be sold or dispensed; (1) Between the hours of 12:00 midnight and 6:00 a.m.; (2) in the original package before 12:00 noon or after 8:00 p.m. on Sunday; (3) on Easter Sunday; or (4) for consumption on the licensed premises on Sunday, except in a place of business which is licensed to sell enhanced cereal malt beverage for consumption on the premises, which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises.
4. Enhanced 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 amendments thereto, and licensed as a club by the State Director of Alcoholic Beverage Control.
5. 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.

6. 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.
7. 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.
8. No licensee or agent or employee of the licensee shall sell or permit the sale of enhanced cereal malt beverage to any person under 21 years of age.
9. 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.
10. 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.
11. No licensee or agent or employee of the licensee shall employ any person under 18 years of age in dispensing enhanced cereal malt beverages. No licensee shall employ any person who has been judged guilty of a felony.

**SECTION 3.** That TITLE VI. BUSINESS AND OCCUPATION, CHAPTER 600: ALCOHOLIC BEVERAGES, ARTICLE IV. CEREAL MALT BEVERAGES, SECTION 600.280: MAINTAIN ORDERLY PLACE OF BUSINESS is hereby amended and shall read as follows:

**Section 600.280. Maintain Orderly Place of Business.**

Any person, firm, partnership or corporation engaged in the sale of cereal malt beverage and maintaining a regular place of business in which said cereal malt beverages are so sold or dispensed, shall at all times keep and maintain an orderly place of business and shall further not permit intoxicated persons within said places or sell or dispense any such beverage to any intoxicated person and shall further not permit any nuisances, loud or boisterous talking or other disorderly conduct on the part of the business in such a manner as to disturb the peace and quiet of other persons.

**SECTION 4.** That TITLE VI. BUSINESS AND OCCUPATION, CHAPTER 600: ALCOHOLIC BEVERAGES, ARTICLE IV. CEREAL MALT BEVERAGES, SECTION 600.290: DANCING REGULATIONS is hereby repealed:

**SECTION 5.** That TITLE VI. BUSINESS AND OCCUPATION, CHAPTER 600: ALCOHOLIC BEVERAGES, ARTICLE V. DRINKING ESTABLISHMENTS, SECTION 600.345: BUSINESS REGULATIONS is hereby enacted and shall read as follows:

**Section 600.345. Business Regulations.**

- A. No drinking establishment licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 A.M. and 9:00 A.M. on any day.

- B. No alcoholic liquor or cereal malt beverages shall be given, sold or traded to any person under twenty-one (21) years of age.

**SECTION 6.** That TITLE VI. BUSINESS AND OCCUPATION, CHAPTER 600: ALCOHOLIC BEVERAGES, ARTICLE VI. CATERER SERVICE, SECTION 600.370: BUSINESS REGULATIONS is hereby amended and shall read as follows:

**Section 600.370. Business Regulations.**

- A. No caterer licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 A.M. and 6:00 AM. on any day at an event catered by such caterer.
- B. No alcoholic liquor or cereal malt beverages shall be given, sold or traded to any person under twenty-one (21) years of age.

**SECTION 7.** All other ordinances or parts of other ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

**SECTION 8.** That this ordinance shall become effective upon and after April 1, 2019 and upon its passage, approval, and publication in the official city newspaper pursuant to KSA 12-3001, et seq.

**PASSED AND APPROVED** by the Governing Body this 14th day of January, 2019.

**APPROVED** by the Mayor this 14th day of January, 2019.

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Artie Stuteville, Mayor

ATTEST: [seal]

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Daniel G. Droste, City Clerk