

(First Published in the Clarion on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.)

THE CITY OF COLWICH, KANSAS

ORDINANCE NO. 716

AN ORDINANCE REGULATING THE SALE OF CEREAL MALT BEVERAGE AND BEER CONTAINING NOT MORE THAN 6% ALCOHOL BY VOLUME WITHIN THE CITY OF COLWICH, KANSAS AND AMENDING CHAPTER III BEVERAGES OF THE COLWICH CITY CODE.

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

**Section 1.** Chapter III Beverages Article 1 section 3-101(e) is hereby amended to read as follows:

(e) 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.

**Section 2.** Chapter III Beverages Article 2 section 3-201 is hereby amended by adding subsection (e) which will read as follows:

(e) The “Cereal Malt Beverage License” issued by the city of Colwich pursuant to this ordinance, authorizes the sale of cereal malt beverage as defined in section 3-101(e), by those retailers in compliance with this ordinance and other laws and regulations that may apply.

**Section 3.** Chapter III Article 2 section 3-202 is hereby amended to read as follows:

3-202

APPLICATION. Any person desiring a license shall make an application to the governing body of the city and accompany the application by the 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) Each application for a general retailer's license shall be accompanied by a certificate from the city health officer certifying that he or she has inspected the premises to be licensed.

(g) Each application for a general retailer's license must be accompanied by a certificate from the city fire chief certifying that he or she has inspected the premises to be licensed.

(h) 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. One copy of such application shall immediately be transmitted to the chief of police of the city for investigation of the applicant. It shall be the duty of the chief of police to investigate such applicant to determine whether he or she is qualified as a licensee under the provisions of this chapter. The chief shall report to the city clerk not later than five working days subsequent to the receipt of such application. The application shall be scheduled for consideration by the governing body at the earliest meeting consistent with current notification requirements.

**Section 4.** This ordinance shall be published one time in the official city newspaper.

**Section 5.** This ordinance shall take effect and be in force from and after April 1, 2019.

Passed by the City Council this 18th day of March, 2019

Approved by the Mayor this 18th day of March, 2019

/s/Kevin Dorritie  
Kevin Dorritie, Mayor

ATTEST:

/s/Diana Brooks  
Diana Brooks, City Clerk

[SEAL]