

ORDINANCE NO. 1878

AN ORDINANCE AMENDING CHAPTER III, ARTICLE TWO (2) AND ARTICLE FOUR (4) OF THE 2011 CODE OF THE CITY OF MARYSVILLE AS ADOPTED BY ORDINANCE 1773 AND REPEALING CHARTER ORDINANCE NO. 17.

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

Section 1. ARTICLE 2. CEREAL MALT BEVERAGES

- 3-215. BUSINESS REGULATIONS. It shall be the duty of every licensee to observe the following regulations:
- (a) HOURS OF SALE. No cereal malt beverage may be sold:
    - (1) On Easter Sunday; or
    - (2) Before 6:00 am. or after 12 midnight Monday through Saturday; or before 12:00 noon or after 8:00 p.m. on Sunday.; or
    - (3) Except in a place of business which is licensed to sell cereal malt beverages 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, where cereal malt beverages may be sold, dispensed and consumed. The governing body of the city shall have the authority to require such places of business to verify that at least 30 percent of its gross receipts are from the sale of food.
  - (b) 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.
  - (c) No private rooms or closed booths shall be operated in a place of business, but this provision shall not apply if the licensed premises are also currently licensed as a club pursuant to the club and drinking establishment act.
  - (d) 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.
  - (e) Cereal malt beverages may be sold on premises which are licensed pursuant to both the acts contained in K.S.A. 41-2601 and K.S.A. 41-2701 at any time when alcoholic liquor is allowed by law to be served on the premises.
  - (f) Each place of business shall be open to the public and to law enforcement officers at all times during business hours, except that a premise licensed as a club pursuant to the club and drinking establishment regulations contained in K.S.A. 41-2601 shall be open to law enforcement officers and not to the public.
  - (g) No licensee shall permit a person under the legal age for consumption of cereal malt beverages to consume or purchase any cereal malt beverage in or about

a place of business, and no licensee shall permit a person under the legal age for consumption of cereal malt beverages to possess cereal malt beverages in or about a place of business, except that a licensee's employee who is not less than 18 years of age may dispense or sell cereal malt beverages, if:

(1) The licensee's place of business is licensed only to sell cereal malt beverages at retail in original and unopened containers and not for consumption on the premises; or

(2) The licensee's place of business is a licensed food service establishment and not less than 50% of the gross receipts from the licensee's place of business is derived from the sale of food for consumption on the premises of the licensed place of business.

(h) No person shall have any alcoholic liquor in such person's possession while in a place of business, unless the premises are currently licensed as a club or drinking establishment pursuant to K.S.A. 41-2601.

(i) 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.

(j) 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.

(k) No licensee or agent or employee of the licensee shall sell or permit the sale of cereal malt beverages to any person under 21 years of age.

(l) No licensee or agent or employee of the licensee shall permit any gambling in the place of business, excluding state-run lotteries, for which such license has been issued.

(m) No licensee or agent or employee of licensee shall permit any person to mix alcoholic drinks with materials purchased in the place of business or brought in for such purposes.

(n) No licensee, agent or employee of licensee shall permit any threatening, quarrelsome, boisterous conduct or language or any annoying, unnecessary and offensive noises by mechanical devices or otherwise in or about his or her place of business.

(o) No licensee shall employ any person who has been judged guilty of a felony. (Ord. 1429; Code 2011)

#### ARTICLE 4. RETAILER'S LICENSE

3-405. HOURS OF SALE. No person shall sell at retail any alcoholic liquor:

(a) On Easter Sunday, Thanksgiving Day and Christmas Day; or

(b) Before 9:00 a.m. or after 11:00 p.m. Monday through Saturday; or before 12:00 noon or after 8:00p.m. on Sunday. (K.S.A. 41-712)

Section 2. REPEALED. Charter Ordinance No. 17 shall be repealed.

Section 3. This ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

Section 4. This ordinance shall not become effective earlier than 60 days following the date of its publication. If, within 60 days following publication of the ordinance, a petition requesting that a proposition be submitted for approval by the voters is filed in accordance with K.S.A. 41-2911(b)(2), such ordinance shall not become effective until a proposition is submitted to and approved at an election as provided by K.S.A.41-2911(b).

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 22<sup>nd</sup> day of July 2019

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CARLA GRUND  
Mayor

ATTEST:

LUCINDA HOLLE  
City Clerk

(SEAL)