

consumed. This term shall not include circumstances where the only alcoholic liquor or cereal malt beverage that is served is done so by a business licensed for the service of alcoholic liquor or cereal malt beverage under this code or the Kansas Statutes, and amendments thereto. (Ord. 7888, Ord. 8111, Ord. 8397)

- (E) The provisions of this section shall not be deemed to create any civil liability for any lodging establishment, as defined in K.S.A. 36-501, and amendments thereto. (Ord. 7888, Ord. 8111, Ord. 8397)

4-104

**REMOVAL FROM PREMISES PROHIBITED.**

No person shall remove any drink of alcoholic liquor or any open container of cereal malt beverage from a premises licensed as a private club, drinking establishment or cereal malt beverage retailer. Violation of this Section by a person is a misdemeanor punishable by a fine not to exceed \$500.00. (Ord. 6296)

4-105

**CONSUMPTION OF ALCOHOLIC LIQUOR IN PUBLIC PLACES PROHIBITED; EXCEPTIONS.**

- (A) No person shall drink or consume alcoholic liquor or possess an open container of alcoholic liquor on the public streets, alleys, sidewalks, roads, highways, or public parking lots.
- (B) No person shall drink or consume alcoholic liquor or possess an open container of alcoholic liquor inside vehicles while upon the public streets, alleys, roads, highways, or public parking lots, except when permitted by K.S.A. 8-1599, as amended.
- (C) No person shall drink or consume alcoholic liquor on private property except:
  - (1) On premises where the sale of liquor by the individual drink is authorized by the Club and Drinking Establishment Act, K.S.A. 41-2601 et seq., and amendments thereto, and by the City licensing requirements, Sections 4-101 et seq., and amendments thereto;
  - (2) Upon private property by a person occupying such property as an owner or lessee of an owner and the guests of such person (and only with such person's permission), if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, or Section 4-101 et seq., and amendments thereto, takes place; or
  - (3) In a lodging room of any hotel, motel, or boarding house by the person occupying such room and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, or Section 4-101 et seq., and amendments thereto, takes place; or
  - (4) In a private dining room of a hotel, motel, or restaurant, if the dining room is rented or made available on a special occasion to an individual or organization for a private party and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, or Section 4-101 et seq., and amendments thereto, takes place; or

- (5) On the premises of a micro brewery or farm winery, if authorized by K.S.A. 41-308a or K.S.A. 41-308b, and amendments thereto.
- (D) No person shall drink or consume alcoholic liquor on public property except:
  - (1) Upon real property leased by the City to others, under the provisions of K.S.A. 12-1740 to 12-1749, inclusive, and any amendments thereto, if such real property is actually being used for hotel or motel purpose or purposes incidental thereto;
  - (2) In any state-owned or operated building or structure, and upon the surrounding premises, which is furnished to and occupied by any state officer or employee as a residence;
  - (3) Upon property owned or controlled by the University of Kansas exempted from the provisions of K.S.A. 41-719(c), as amended, by the State Board of Regents pursuant to K.S.A. 1991 Supp. 41-719(f), as amended;
  - (4) In the Lawrence Arts Center, located at 940 New Hampshire, during such hours and such locations as authorized by the Board of Directors of the Lawrence Arts Center; (Ord. 7489)
  - (5) In the Lawrence Riverfront Plaza and the Barbed Wire Building; or
  - (6) In the Union Pacific Depot, located at North Second and Locust Street, pursuant to the rules and regulations of the Director of Parks and Recreation. (Ord. 6748)
  - (7) Upon property exempted from the provisions of subsection (D) pursuant to subsection (E).
- (E) The City may exempt, by ordinance, specified property, title of which is vested in the City, from the provisions of Subsection (D).
- (F) Violation of any provision of this section is a misdemeanor punishable by a fine of not less than \$50 nor more than \$200 or by imprisonment for not more than six months, or both.

4-106

**LICENSES REQUIRED.**

It shall be unlawful for any person sell or serve any alcoholic liquor within the City without first obtaining a local license from the City Clerk in addition to a license granted by the State of Kansas. (Ord. 5828)

4-107

**LICENSES REQUIRED; FEES.**

- (A) There is hereby levied an annual license fee in the amount fixed by Section 6-108.1 of this Code on each Caterer, Class A Club, Class B Club, Drinking Establishment, Alcoholic Liquor Retailer, and Temporary Permit Holder. Such fee shall be paid before business is begun under an original state license and within five (5) days after any renewal of a state license and thereafter in accordance with the provisions of Section 6-108.1. The completed and executed written application for such license shall be filed with the City Clerk at the time such fee is paid.
- (B) All applicants for new or renewal city licenses shall be submitted to the City