

ORDINANCE NO. 8634

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS RELATED TO ALCOHOL LICENSES, TAXES AND REGULATIONS.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

Section 1. Section 4-107 of the Code of the City of Lawrence, Kansas, 2011 Edition, and amendments thereto, is amended to read as follows:

4-107

LICENSES REQUIRED; FEES.

- (A) There is hereby levied ~~an annual~~ a biennial 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, and Alcoholic Liquor Retailer; and a license fee in the amount fixed by Section 6-108.1 of this Code on each Temporary Liquor Permit Holder and Temporary Cereal Malt Beverage 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 Clerk. Upon presentation of a state license, issued by the State Director of Alcoholic Beverage Control, payment of the city license fee and filing the completed license application, the City Commission shall issue a city license if the applicant complies with all applicable provisions of this Article, the City Zoning Ordinance and other applicable ordinances of the City.
- (C) Every licensee shall cause the city license to be placed in plain view next to or below the state license, in a conspicuous place on a licensed premises.
- (D) When the licensee pays the full amount of the license fee upon application and surrenders such license to the City Clerk before the beginning of the second year of the license term, a refund shall be made of one-half of the license fee paid by such licensee. No other refund or proration of the license fee shall be issued.

Section 2. Section 4-204 of the Code of the City of Lawrence, Kansas, 2011 Edition, and amendments thereto, is amended to read as follows:

4-204

LICENSE APPLICATION; FEE.

No person shall sell any cereal malt beverages at retail without having first secured a license for each place of business as herein provided. In case such place of business is located within the corporate limits of the City, then the application for a license shall be made to the City. The application shall be verified and upon a form prepared by the Attorney General of the State and shall contain:

- (A) The name and residence of the applicant and how long he or she resided within the State of Kansas, County of Douglas, City of Lawrence;
- (B) The particular place for which the license is desired;
- (C) The name of the owner of the premises upon which the place of business is located;
- (D) A statement that the applicant is a citizen of the United States and not less than twenty-one (21) years of age, and that he or she has not within two (2) years immediately

preceding the date of making application, been convicted of a felony or any crime involving moral turpitude or being adjudged guilty of drunkenness or driving a motor vehicle while under the influence of intoxicating liquor or alcohol; or, the violation of any other intoxicating liquor law of any state or of the United States.

- (E) All applications shall indicate whether the applicant will sell or offer for sale cereal malt beverages in original and unopened containers and not for consumption on the premises, or primarily for sale, use and consumption on the licensed premises. All applications shall be verified and be accompanied by a fee of ~~\$250~~ \$200 plus any applicable state stamp fee to allow consumption on the premises, or by a fee of ~~\$125~~ \$50 plus any applicable state stamp fee for the sale of cereal malt beverages in original and unopened containers and not for consumption on a licensed premises. The full amount of the license fee shall be required regardless of the time of the year in which the application is made, and the licensee shall only be authorized to operate a license for the remainder of the calendar year in which the license is issued. No license issued under this Article shall be transferable. The license shall be kept posted in a conspicuous place in the place of business.
- (F) All applications for renewal of licenses shall be submitted to the City Clerk on or before November 15, preceding the calendar year for which the renewal of license is sought. All new or change of ownership applications must be submitted to the City Clerk fifteen (15) days in advance of the date sought for such issuance.
- (G) The licensee shall submit any state licenses as required under K.S.A. 41-2702, prior to any city license being issued.

Section 3. Section 6-108.1 of the Code of the City of Lawrence, Kansas, 2011 Edition, and amendments thereto, is amended to read as follows:

| Code Section | Classification | Amount | Period | Expiration |
|--------------|--|---|----------------------------------|------------|
| 6-108.1 | ALCOHOLIC BEVERAGES | | | |
| | Retailer , Alcoholic Beverages, including beer containing more than 3.2% of alcohol by weight, for consumption off premises. | \$300.00 <u>\$600.00</u> | Period covered by state license. | |
| | Retailer , General Of cereal malt beverages each place of business selling at retail (as defined in Section 4-201) | \$250.00 <u>\$200.00</u> <u>plus</u> <u>state</u> <u>stamp</u> <u>fee</u> | 1 year | Dec. 31 |
| | Retailer , Limited Of cereal malt beverages (as defined in Section 4-201). Each place of business selling at retail in unopened container and not for consumption on premises. | \$125.00 <u>\$50.00</u> <u>plus</u> <u>state</u> <u>stamp</u> <u>fee</u> | 1 year | Dec. 31 |

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|--|--|--|--|--|
| | Caterers | \$250.00 <u>\$500.00</u> | Period covered by state license | |
| | Class A Club | \$250.00 <u>\$500.00</u> | Period covered by state license | |
| | Class B Club | \$250.00 <u>\$500.00</u> | Period covered by state license | |
| | Drinking Establishments | \$250.00 <u>\$500.00</u> | Period covered by state license | |
| | Temporary <u>Liquor Permit Holder</u> (per <u>day event</u>) | \$25.00 | Period covered by state license | |
| | <u>Temporary Cereal Malt Beverage Permit</u> (per <u>event</u>) | <u>\$25.00</u> plus <u>state</u> <u>stamp</u> <u>fee</u> | <u>Period approved by city license officer</u> | |

Section 4. **Severability.** If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

Section 5. **Repeal of Prior Law.** Sections 4-107, 4-204 and 6-108.1 of the Code of the City of Lawrence, Kansas, 2011 Edition, and amendments thereto, are hereby repealed, it being the intent to supersede the same with the provisions of this ordinance.

Section 6. **Effective Date.** This ordinance shall take effect and be in full force and effect as of July 1, 2011, as provided by law.

Adopted this _____ day of _____, 2011.

PASSED:

Aron E. Cromwell, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni Wheeler, Director of Legal Services