ORDINANCE NO. 81

AN ORDINANCE RELATING TO THE SALE OF INTOXICATING LIQUORS AND BEVERAGES AT RETAIL, AS DEFINED IN CHAPTER 41, KANSAS STATUTES ANNOTATED, PROVIDING RULES AND REGULATIONS FOR THE SALE OF ALCOHOLIC LIQUOR, FOR THE POSSESSION AND TRANSPORTATION THEREOF, PLACE OF CONSUMPTION, PROVIDING PENALTIES FOR DRUNKENNES, OPERATION OF OPEN SALOONS AND PENALTIES FOR ANY VIOLATIONS OF THIS ORDINANCE

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

Section 1. No person, firm or corporation shall sell alcoholic liquor at retail within the corporate limits of the City of Basehor, Kansas without having obtained a city license therefore, which license fee for the sale of alcoholic liquors, including beer containing more than 3.2% of alcohol by weight, for consumption off of the premises, being sales in the original package only, shall be paid to the City Clerk at the time of application for said license in the amount of one hundred dollars ($100.00).

Section 2. No license for the retail sale of alcoholic liquors by the package in the city shall be issued until the licensee shall present license from the State Director of Alcoholic Beverage Control authorizing the retail sale of alcoholic liquors, then the license fee shall be received and receipt issued for the same period covered by the state license.

Section 3. Every licensee shall cause the city alcoholic liquor retailer's license receipt to be placed in plain view next to or below the state license in a conspicuous place on the licensed premises.

Section 4. Any person, firm or corporation having a state license for the retail sale of alcoholic liquors by the package who shall fail to pay the city license tax herein levied and within the time prescribed, shall, upon conviction thereof, be fined not more than one hundred dollars ($100.00) for each day's violation.

Section 5. That no alcoholic liquor shall be sold at retail by any person, firm or corporation within the corporate limits of the City of Basehor unless such person shall be licensed therefor under the provisions of the Kansas Liquor Control Act.

Section 6. That no person shall sell at retail any alcoholic liquor within the corporate limits of the city:

(a) On the day of any national, state, county or city election, in-

cluding primary election, during the hours the polls are open;

(b) On the first day of the week, commonly called Sunday;

(c) On Decoration or Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day;

(d) Before nine o'clock A.M., or after eleven o'clock P.M., on any day when the sale is permitted.

Section 7. It shall be unlawful for the retailer of alcoholic liquor:

(a) To permit any person to mix drinks in or on the licensed premises;

(b) To employ any person under the age of twenty-one (21) years in connection with the operation of such retail establishment; or

(c) To employ any person in connection with the operation of such retail establishment who has been adjudged guilty of a felony;

(d) To furnish any entertainment in his premises or permit any pinball machine or game of skill or chance to be located in or on such premises.

Section 8. No person shall knowingly or unknowingly sell, give away, dispose of, exchange or deliver or permit the sale, gift or procuring of any alcoholic liquor to or for any minor; and no such minor shall represent that he is of age for the purpose of asking for, purchasing or receiving alcoholic liquor from any persons, except in cases authorized by law. No minor shall attempt to purchase or purchase alcoholic liquor from any person. No minor shall possess alcoholic liquor. No person over twenty-one (21) years of age shall purchase alcoholic liquor from any person for, on behalf of or at the request of any minor. No person shall knowingly sell, give away, dispose of, exchange or deliver or permit the sale, gift or procuring of any alcoholic liquor to or for any person who is mentally incompetent or any person who is physically or mentally incapacitated by the consumption of such liquor. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars ($100.00), or by imprisonment for not to exceed thirty (30) days or by both such fine and imprisonment in the discretion of the court, and any license issued under this article to such person or his employer shall be revoked upon the conviction of sale, gift, or de-

livery to or for a minor.

Section 9. It shall be unlawful for any person to have in his possession for sale at retail any bottles, cask or other containers containing alcoholic liquor, except in original packages.

Section 10. It shall be unlawful for any person to transport in any vehicle upon a public highway, street, or alley, within the corporate limits of the city, any alcoholic liquor, except in the original package or container, which shall not have been opened and the seal upon which shall not have been broken and from which the original cap or cork shall not have been removed, unless the opened package or container be in the locked rear trunk or rear compartment, or any locked outside compartment which is not accessible to the driver or any other person in said vehicle while it is in motion. Any person violating this section shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not more than two hundred dollars ($200.00), or by imprisonment for not more than six (6) months, or be both so fined and imprisoned.

Section 11. It shall be unlawful for any person to transport any alcoholic liquor, upon which the tax imposed by the Kansas Liquor Control Act has not been paid or on the containers of which each mark and stamp required by the Kansas Liquor Control Act has not been affixed: Provided, That nothing contained in this section, shall make unlawful the possession and transportation of wine imported solely for use by any church or religious organization for sacramental purposes and uses. Any person who shall violate any of the provisions of this section shall, upon conviction thereof, be fined not exceeding five hundred dollars ($500.00), or shall be imprisoned not exceeding six (6) months, or both, in the discretion of the court; and in proper cases, the court may order and direct the confiscation of the liquor involved in such transaction as part of the judgment of conviction.

Section 12. It shall be unlawful for any person to drink or consume alcoholic liquor upon the public streets, alleys, roads or highways, or in beer parlors, taverns, poolhalls or places to which the general public has access, whether or not an admission or other fee is charged or collected,

or upon property owned by the state or any governmental subdivision thereof, or inside vehicles while upon the public streets, alleys, roads or highways. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00), or by imprisonment for not more than six (6) months, or be both so fined and imprisoned.

Section 13. It shall be unlawful for any person within the corporate limits of the City of Basehor, Kansas, to be drunk in any highway, street, or in any public place or building, or if any person shall be drunk in his own house, or any private building or place, disturbing his family or others, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars ($100.00), or be imprisoned for a period not exceeding thirty (30) days.

Section 14. It shall be unlawful for any person to own, maintain, operate or conduct either directly or indirectly, an open saloon within the corporate limits of the city. For the purpose of this section, the words "open saloon" mean any place, public or private, where alcoholic liquor is sold or offered for sale or kept for sale by the drink or in any quanity of less than one-half (1/2) pint, or sold, offered for sale, or kept for sale for consumption on the premises where sold. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars ($500.00), and by imprisonment for not more than ninety (90) days.

Section 15. Penalty. Any person, firm or corporation who shall violate any of the provisions of this ordinance for which a penalty is not otherwise specifically provided shall, upon conviction of any such violation, be fined not to exceed five hundred dollars ($500.00), or be imprisoned not to exceed six (6) months, or be both so fined and imprisoned.

Section 16. This ordinance shall be effective and in force from and after its passage and publication in the official city paper.

Passed by the City Council this 2 day of January, 1973.

Approved by the Mayor this 2 day of January, 1973.

Bernard R. Eberth
Mayor

ATTEST:

Sylvia Lowmore
City Clerk