ORDINANCE 161

AN ORDINANCE AMENDING ORDINANCE 88 OF THE CITY OF BASEHOR, KANSAS AND PROVIDING FOR A NEW ARTICLE 15 OF SAID ORDINANCE 88 ENTITLED "PUBLIC INTOXICATION" AND DEFINING AND PROHIBITING PUBLIC INTOXICATION WITHIN THE CITY LIMITS OF THE CITY OF BASEHOR, KANSAS, AND FURTHER DEFINING AND PROHIBITING UNLAWFUL ACTS REGARDING CEREAL MALT BEVERAGES AND/OR ALCOHOLIC BEVERAGES IN PUBLIC PLACES.

BE ORDAINED by the Governing Body of the City of Basehor, Kansas that:

1. Public intoxication is defined as being on a highway or street or in a public place or public building while under the influence of intoxicating liquor, narcotics, or other drug to the degree that one may endanger one's self or other persons or property or annoy persons in one's vacinity and the same shall be considered a misdemeanor, and such action shall be unlawful.

2. Cereal Malt Beverage and/or Alcoholic Beverage - unlawful acts. It is unlawful for any person to sell, serve, dispense or consume any cereal malt beverages or alcoholic beverages in or upon any street, avenue, alley or sidewalk, public way, public or private parking lot, or upon any public property, or within any vehicle in or upon any such place; and providing further that it is unlawful for any person to have in his possession in any such place, any open cereal malt or alcoholic beverage container.

3. (a) "Alcoholic beverage" as used in this article includes the four varieties of liquor as defined in this section, namely alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being, but does not include any beer or cereal malt beverage containing not more than three and two-tenths percent of alcohol by weight.

(b) "Cereal malt beverage" includes any fermented but undistilled liquor brewed or made from malt or a mixture of malt and/or malt substitute, but does not include any such liquor which contains more than three and two-tenths percent alcohol by weight.

4. Any person upon conviction hereof, shall be fined a sum not exceeding $500.00 and/or be imprisoned for a definite term of confinement not to exceed thirty (30) days as shall be fixed by the Municipal Court of Basehor, Kansas.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS, ON THIS 8th DAY OF February, 1983.

SIGNED AND APPROVED BY THE MAYOR THIS 8th DAY OF February 1983.

Anna M. Landauer
Forrest Tuter, Mayor

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ATTESTED:

Carol Hubbel
Carol Hubbel, City Clerk

first reading 1/4/83.