ORDINANCE NO. 20

AN ORDINANCE RELATING TO THE SALE OF CEREAL MALT BEVERAGES

Be it Ordained by the Governing Body of the City of Basehor, Kansas;

Section 1. Definitions. As used in this ordinance, the words and phrases herein defined shall have the following meanings unless the context otherwise requires:

(a) "Person" shall include individuals, firms, co-partnerships, corporations and associations,

(b) "Sale at retail" and retail sale" means sales for use or consumption, and not for resale in any form,

(c) "Place of business" shall mean any place at which cereal malt beverages are sold,

(d) "Wholesaler or distributor" shall mean individuals, firms, co-partnerships corporations and associations which sell or offer for sale any beverage referred to in this act, to persons, co-partnerships, corporations and associations authorized by this act to sell cereal malt beverages at retail;

(e) "Cereal malt beverage" shall include any fermented but undistilled liquor brewed or made from malt or from a mixture of malt and/or malt substitute

(f) "Licensee" is a "person" as defined in (a) who has a license as herein required,

(g) "General retailer" is a licensee who has a license to make retail sale

Section 2. License Required of Retailers. No person shall sell cereal malt beverages at retail without first having secured a license for each place of business which such person desires to operate within the corporate limits of the City of Basehor, Kansas, as herein provided.

Section 3. Application for License. Any person desiring a license shall make application to the governing body and accompany the application by the required license fee for each place of business for which the person desires the license. The application shall be verified, and upon a form prepared by the attorney general of the State of Kansas, and shall contain:

(a) The name and residence of the applicant and how long he has resided within the State of Kansas

(b) The particular place for which a license is desired,

(c) The name of the owner of the premises upon which the place of business is located,

(j) For the employment of persons who have been adjudged guilty of felony or of any violation of the intoxicating liquor law;

(k) For purchasing or displaying a federal retail liquor tax stamp expiring after June 30, 1959, issued by the United States treasury department, except whereissued for industrial, mechanical, scientific, and medicinal purposes.

Within twenty (20) days after the order of the board revoking any license, the licensee may appeal to the district court of the county in the manner as now provided by law in appeals from the probate court.

In case of the revocation of the license of any licensee, no new license shall be issued to such person or any person acting for or on his behalf for a period of six (6) months thereafter.

Section 8. Wholesalers and/or Distributors. It shall be unlawful for any wholesaler or distributor, his or its agent or employees, to sell or deliver cereal malt beverages within the city to persons authorized under this ordinance to sell the same within this city unless such wholesaler or distributor has first secured a license from the department of inspections and registration of the State of Kansas authorizing such sales.

Amended by ~~88~~

Section 9. The license for general retailer in the original package not for consumption on the premises for each place of business selling cereal malt beverages at retail, Fifty Dollars (~~$50.00~~ 100.00) per calendar year.

Section 10. Penalty, Any person, firm or corporation violating any of the provisions of Sections 1 to 9, inclusive, shall, upon conviction thereof, be fined not less than Twenty-five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00), or imprisoned in the city jail not more than one (1) year or both such fine and imprisonment.

Section 11. This ordinance shall take effect and be in force from and after its publication in the Tonganoxie Mirror.

Passed by the City Council this 8th day of July, 1969.

Approved by the Mayor this 8th day of July, 1969

J. A. Meyer
Mayor

ATTEST:

Charles F. Newman
City Clerk