

ORDINANCE NO. 884

AN ORDINANCE REGULATING THE SALE OF CEREAL MALT BEVERAGE AND BEER CONTAINING NOT MORE THAN 6% ALCOHOL BY VOLUME WITHIN THE CITY OF ATWOOD, KANSAS AND AMENDING PORTIONS OF CHAPTER 4 ALCOHOLIC BEVERAGES

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ATWOOD:

Section 1. Article I, Section 4.1 – Definitions of the Atwood City Code is amended to read as follows:

Sec. 4-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cereal malt beverage means any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute or any flavored malt beverage, as defined in K.S.A. 41-2729, and amendments thereto, but does not include any such liquor which is more than 3.2 percent alcohol by weight.

“Beer” means beer, as defined by K.S.A. 41-102 and amendments 45 thereto, but containing not more than 6% alcohol by volume.

Class B club means a premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

Director means the director of alcoholic beverage control of the department of revenue.

Drinking establishment means premises that may be open to the general public where alcoholic liquor by the individual drink is sold. A drinking establishment includes a railway car.

Legal age for consumption of cereal malt beverage or beer means 21 years of age, except that the term "legal age for consumption of cereal malt beverage or beer " means 18 years of age if, at any time, the provisions of P.L. 98-363 penalizing states for permitting persons under 21 years of age to consume cereal malt beverage are repealed or otherwise invalidated or nullified.

Minor means any person under 21 years of age.

Place of business means any place at which cereal malt beverages or beer are sold.

Retailer I means any licensed person who sells or offers for sale any cereal malt beverage or beer for use or consumption on the premises and not for resale in any form.

Retailer II means any licensed person who sells or offers for sale any cereal malt beverage or beer in original and unopened containers, not for consumption on the premises and not for resale in any original and unopened containers, not for consumption on the premises and not for resale in any form.

Section 2. The following sections of the Atwood City Code are amended by replacing the term “cereal malt beverages” wherever it appears with the term “cereal malt beverages or beer”:

Section 4.63

Section 4.64

Section 4.87

Section 4.88

Section 4.88

Section 4-89

Section 4.90

Section 3. The following sections of the Atwood City Code are amended by replacing the term "cereal malt beverage" wherever it appears with the term "cereal malt beverage or beer"

Section 4-90

Section 4-92

Section 4.93

Section 4. Section 4.56 of the Atwood City Codes is amended to read as follows:

4-56. - Required; sales authorized by license.

(a) No retailer shall sell cereal malt beverages or beer at retail for consumption on or off the premises without first having secured a license for such place of business.

(b) Notwithstanding subsection (a), no cereal malt beverage license is required if a person holds a retailer's license issued pursuant to the Kansas Liquor Control Act to sell, at retail, alcoholic liquors, beer or cereal malt beverages.

(c) A retailer having a license to sell only retail cereal malt beverages, beer, or retail liquor in original and unopened containers for consumption off the premises, shall not sell such beverages in any other manner. A retailer having a license to sell cereal malt beverages, beer or liquor by the drink for consumption on the premises shall not sell such beverages in any other manner.


Section 5. Section 4.91 of the Atwood City Code is amended to read:

Furnishing cereal malt beverages or beer to a minor is unlawful and a Class B misdemeanor. Furnishing cereal malt beverages or beer to a minor in violation of this section is the buying for or selling, giving or furnishing, whether directly or indirectly, any cereal malt beverage or enhanced cereal malt beverage to any person under the legal age for consumption of cereal malt beverages or enhanced cereal malt beverage; provided, however, that this section does not apply to the furnishing of cereal malt beverages by a parent or legal guardian to such parent's child or such guardian's ward, if said minor is in the presence of said parent or guardian at the time of possession or consumption.

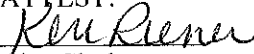
Section 6. This ordinance shall be published one time in the official city newspaper.

Section 7. This ordinance shall take effect and be in force from and after April 1, 2019.

PASSED AND APPROVED this 21st day of March, 2019.



Mayor

ATTEST:

City Clerk

