

(First published in the Phillips County Review, April 16, 2019)1t

ORDINANCE NO.   1420  

AN ORDINANCE AMENDING THE REGULATION OF CEREAL MALT BEVERAGE LICENSEES WITHIN THE CITY OF PHILLIPSBURG, KANSAS, TO ALLOW SALE OF ENHANCED CEREAL MALT BEVERAGE IN CONFORMITY WITH CHANGES TO THE KANSAS LAW BY AMENDING SECTION 3-206 OF THE CITY OF PHILLIPSBURG, KANSAS, AS ADOPTED BY ORDINANCE 1384, NOVEMBER 18, 2013; AND REPEALING SAID SECTION 3-206 AND ANY OTHER PRIOR CODE SECTIONS AND PRIOR ORDINANCES WHICH CONFLICT WITH THIS ORDINANCE.

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

Section 1. That Section 3-206, entitled LICENSE FEE, is hereby amended to read as follows:

3-206. LICENSE FEE. The rules and regulations regarding license fees shall be as follows:

- (a) General Retailer – for each place of business selling cereal malt beverages/enhanced cereal malt beverages at retail, \$100.00 per calendar year; and Kansas Bureau of Investigation (KBI) background check fee, as determined by the KBI for the proposed licensee, spouse of proposed licensee, managers, resident agent, and corporate officers, directors, and stockholders owning the aggregate or more than 25 percent of corporate stock per calendar year.
- (b) Limited Retailer – for each place of business selling only at retail cereal malt beverages/enhanced cereal malt beverages in original and unopened containers and not for consumption on the premises, \$50.00 per calendar year; and Kansas Bureau of Investigation (KBI) background check fee, as determined by the KBI for the proposed licensee, spouse of proposed license, managers, resident agent, and corporate officers, directors, and stockholders owning in the aggregate of more than 25 percent of corporate stock per calendar year.
- (c) The full amount of the license fee and KBI background check 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 under the license for the remainder of the calendar year in which the license is issued.
- (d) A cereal malt license issued prior to the adoption of this ordinance is still valid and does not need to be renewed until said license expires.

Section 2. REPEAL. That Section 3-206 of Ordinance 1384 of the City of Phillipsburg, Kansas, as originally written and approved on November 18, 2013, is hereby repealed.

Section 3. DEFINITIONS.

As used in this Ordinance, the words and phrases defined in this section shall have the following meanings unless the context otherwise requires.

“Enhanced Cereal Malt Beverage” includes cereal malt beverage as the term is defined in K.S.A. 41-2701, and amendments thereto, and such term shall include beer containing not more than 6% alcohol by volume when such beer is sold by a retailer licensed under the Kansas Cereal Malt Beverage Act.

"General Retailer" is a license who has a license to sell only Enhanced Cereal Malt Beverages for consumption on the premises only.

"Licensee" is a "person" as defined in this Ordinance who has a license as required by this Ordinance.

"Limited Retailer" is a licensee who has a license to sell only at retail Enhanced Cereal Malt Beverages in original and unopened containers, and not for the consumption on the premises.

"Minor" is a person under twenty-one (21) years of age.

"Person" included individuals, firms, partnerships, corporations and associations.

"Place of Business" is any place at which Enhanced Cereal Malt Beverages are sold.

"Premises" is the site licensed by the City as an Enhanced Cereal Malt Beverage establishment and such other areas, under the control of the licensee or his/her employee or employees, that are in such close proximity to the licensed premises that activities and conduct of persons within such other areas may be viewed by persons on or within the licensed premises.

"Sale at Retail" and "Retail Sale" means sales for consumption on the premises and not for resale in any form.

"Wholesaler or Distributor" means individuals, firms, co-partnerships, corporations and associations which sell or offer for sale any beverages referred to in this section, to person, co-partnerships, corporations and associations authorized by this Ordinance to sell Enhanced Cereal Malt Beverages at retail.

Section 4. REPEAL OF CONFLICTING PROVISIONS. To the extent any provisions of prior Code Sections and/or prior Ordinances conflict with the provisions of this ordinance, said prior Code Sections and/or Prior Ordinances are hereby repealed.

Section 5. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED BY THE CITY COUNCIL THE 15 day of April, 2019.

APPROVED BY THE MAYOR THE 15 day of April, 2019.



Lance R. Munyon, Mayor  
City of Phillipsburg, Kansas

(SEAL)

ATTEST:



Tiffini Gross, City Clerk

(Ordinance Summary published in the Phillips County Review on April 16, 2019, and the full text of the Ordinance made available at [www.cityofphillipsburg.com](http://www.cityofphillipsburg.com) for a minimum of 1 week from the date of the publication) 1t

ORDINANCE NO. 1420

On April 15, 2019, the City of Phillipsburg, Kansas, adopted Ordinance No. 1420, which amended Section 3-206 of Ordinance 1384 of the Code to the City of Phillipsburg, Kansas to allow sale of Enhanced Cereal Malt Beverage in conformity with changes to the Kansas Law; and repealed Section 3-206 of Ordinance 1384 as originally adopted November 18, 2013, and any other prior code sections and prior ordinances in conflict with this ordinance. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 945 Second Street, Phillipsburg, Kansas or at [www.cityofphillipsburg.com](http://www.cityofphillipsburg.com). This summary is certified by S. Scott Sage, Phillipsburg City Attorney, pursuant to K.S.A. 12-3001 et seq.