

ORDINANCE NUMBER 556

AN ORDINANCE OF THE CITY OF HIGHLAND, KANSAS, PURSUANT TO K.S.A. 41-2703(e), PROVIDING FOR THE ISSUANCE OF SPECIAL EVENT RETAILER'S PERMITS ALLOWING AND REGULATING THE SALE OF CEREAL MALT BEVERAGE FOR CONSUMPTION ON PREMISES NOT OTHERWISE PERMITTED OR AUTHORIZED TO SELL CEREAL MALT BEVERAGE.

WHEREAS, Kansas municipalities are authorized to issue permits for retailers of cereal malt beverage that qualify pursuant to the provisions of K.S.A. 41-2701, et. seq.; and

WHEREAS, K.S.A. 41-2703(e) provides the additional authority for the City to issue special event permits for the sale of cereal malt beverage for consumption on premises not otherwise permitted or authorized to do so, and to regulate the same; and

WHEREAS, the governing body believes that issuance of such special event permits can be in the best interests and general welfare of the citizens and community, if properly regulated.

NOW, THEREFOR, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HIGHLAND, KANSAS:

Section 1. SPECIAL EVENT CMB PERMITS; PERMIT REQUIRED. It shall be unlawful for any person to sell or serve any CMB at any special event within the city without first obtaining a local special event permit from the city clerk. The permit shall not be issued until approved by the governing body and shall be subject to such terms and conditions as it specifies in its sole discretion.

Section 2. SAME; PERMIT FEE.

(a) There is hereby levied a special event permit fee, in an amount not less than \$25 and not more than \$200, as determined by the governing body based upon various factors applicable to the event, including, but not limited to, the time required of city personnel in connection with the event. Said fee shall be required of each group or individual sponsoring such event and shall be paid at the time of issuance of the permit. Such fee shall be in addition to any fee required to be remitted by the city to the Division of Alcohol Beverage Control or any other state agency.

(b) Every special event permit holder shall cause the permit receipt to be placed in plain view on any premises within the city where the holder of the special event permit is serving CMB for consumption on the premises.

Section 3. SAME; CITY SPECIAL EVENT PERMIT.

(a) It shall be unlawful for any person to sell or serve CMB at a special event without first applying for, and being issued, a local special event permit. Such application shall be made not later than a regular meeting date of the governing body scheduled prior to the special event and, unless waived, not later than ten (10) days prior to the date of the event. Written application for the local special event permit shall be made to the city clerk on the form used for annual cereal malt beverage sales or, when available, the special event CMB permit application approved by the

Attorney General, as directed by the city clerk. In addition to any other information requested or required, the applicant shall provide the following:

- (1) The name of the applicant;
- (2) The group for which the event is planned;
- (3) The requested location of the event;
- (4) The date, time and duration of the event;
- (5) The number of attendees anticipated, and
- (6) Any anticipated need for police, fire, or other municipal services.

(b) Upon meeting the requirements to obtain a special event permit, and the approval of the governing body, the city clerk shall issue a local special event permit to the applicant if there are no conflicts with any zoning or other ordinances of the city.

(c) The city clerk shall notify the chief of police whenever a special event permit has been issued and forward a copy of the permit and application to the chief of police.

Section 4. SAME; PERMIT REGULATIONS.

(a) No special event permit holder shall allow the serving of CMB between the hours of 12:00 a.m. and 6:00 a.m. at any event for which a special event permit has been issued.

(b) No CMB shall be given, sold or traded to any person under 21 years of age.

(c) No more than four special event permits may be issued in a calendar year to the same applicant.


(d) No special event permit issued hereunder may be transferred or assigned to any other vendor.

(e) All local ordinances and state statutes for the sale and consumption of CMB apply to holders of special event permits.


Section 5. REPEAL OF PRIOR ORDINANCES. Any other ordinances of the City of Highland, Kansas in conflict herewith are hereby repealed.

Section 6. EFFECTIVE DATE. The terms and provisions of this ordinance shall take effect and be in full force and effect upon its summary publication in the official city newspaper in accordance with Kansas law.

Passed by the Governing Body and approved by the Mayor of the City of Highland, Kansas, this 11th day of September, 2019.


Charles N. Batchelder, Mayor

ATTEST:


Joann Karn, City Clerk

[SEAL]