

Ordinance No. 2508

An Ordinance to Amend Chapter III, Beverages of the
Code of Ordinances of the City of Bonner Springs, Kansas

Be it Ordained by the Governing Body of the City of Bonner Springs, Kansas:

Section I: Sections of Article 2. Cereal Malt Beverages of the Code of Ordinances are amended as follows:

3-203. License Issued by City

The “Enhanced Cereal Malt Beverage License” issued by the City of Bonner Springs, Kansas pursuant to this article, authorizes the sale of enhanced cereal malt beverage as defined in Section 3-202, by those retailers in compliance with this article and other laws and regulations that may apply. Currently licensed Drinking Establishments, Caterers, Class A and B Clubs, and Public Venues may purchase, sell, and permit consumption of Enhanced Cereal Malt Beverage on their licensed premises without obtaining an additional Enhanced Cereal Malt Beverage License.

3-204. License Required of Retailers.

(b) The sale of Enhanced Cereal Malt Beverage for off-premises consumption is not permitted with the exception of to-go sales conducted pursuant to K.S.A. 41-2653.

3-205. Application

(a) The name and residence of the applicant.

3-209. License, Disqualification.

No license shall be issued to:

(f) A corporation if any manager, officer or director thereof or any stockholder owning in the aggregate more than 25 percent of the stock of such corporation would be ineligible to receive a license hereunder for any reason within the City or County.

3-217. Business Regulations.

(b) Except as provided by subsection (d), no enhanced cereal malt beverages may be sold or dispensed; (1) Between the hours of 12:00 midnight and 6:00 a.m.; (2) in the original package before 9:00 a.m. or after 8:00 p.m. on Sunday; (3) on Easter Sunday; or (4) for consumption on the licensed premises on Sunday, except in a place of business which is licensed to sell enhanced cereal malt beverages for consumption on the premises, which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises.

3-302. License Tax.

Any person holding a license issued under this Chapter shall pay an annual license tax to the City before business is begun under an original license and within 10 days after the renewal of the license, as approved by the City Council:

(m) Enhanced Cereal Malt Beverage licenses:

3-404. Hours of Sale.

(c) Before 9:00 a.m. or after 11:00 p.m. Monday through Saturday or before 9:00 a.m. or after 8:00 p.m. on Sundays.

3-503. Business Regulations.

(a) No club licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and 6:00 a.m. on any day.

(b) Cereal malt beverages may be sold on premises licensed for the retail sale of cereal malt beverages for on-premises consumption at any time when alcoholic liquor is allowed by law to be served on the premises.

(c) Alcoholic liquor, including mixed drinks, or enhanced cereal malt beverage may be sold for off-premises consumption if there is compliance with the following:

- (1) Each container of alcoholic beverage or enhanced cereal malt beverage was purchased by a patron of the licensed premises;
- (2) All to-go containers must be sealed or re-sealed and placed in a clear tamper proof bag;
- (3) A dated receipt must be given to the patron;
- (4) No original unopened containers of spirits may be removed from the licensed premises;
- (5) No alcoholic liquor or enhanced cereal malt beverage may be removed from the premises after 11:00 pm unless such alcoholic liquor was wine that was purchased and partially consumed on the licensed premises.

(d) Licensees may sell and refill a "Growler" (defined as a refillable and resealable container provided by the customer) of beer, domestic beer, or enhanced cereal malt beverage if the container is not less than 32 ounces, and not more than 64 ounces, and the container is labeled with the licensee's name and type of beer or enhanced cereal malt beverage in the container. Growlers may not be sold or removed from the licensed premises after 11:00 pm.

(e) No club membership shall be sold to any person under 21 years of age, nor shall alcoholic beverages or cereal malt beverages be given, sold or traded to any person under 21 years of age.

3-603. Business Regulations.

(a) No drinking establishment licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and 6:00 a.m. on any day.

(b) Cereal malt beverages may be sold on premises licensed for the retail sale of cereal malt beverage for on-premises consumption at any time when alcoholic liquor is allowed by law to be served on the premises.

(c) Alcoholic liquor, including mixed drinks, or enhanced cereal malt beverage may be sold for off-premises consumption if there is compliance with the following:

- (1) Each container of alcoholic beverage or enhanced cereal malt beverage was purchased by a patron of the licensed premises;
- (2) All to-go containers must be sealed or re-sealed and placed in a clear tamper proof bag;
- (3) A dated receipt must be given to the patron;
- (4) No original unopened containers of spirits may be removed from the licensed premises;
- (5) No alcoholic liquor or enhanced cereal malt beverage may be removed from the premises after 11:00 pm unless such alcoholic liquor was wine that was purchased and partially consumed on the licensed premises.

(d) Licensees may sell and refill a "Growler" (defined as a refillable and resealable container provided by the customer) of beer, domestic beer, or enhanced cereal malt beverage if the container is not less than 32 ounces, and not more than 64 ounces, and the container is labeled with the licensee's name and type of beer or enhanced cereal malt beverage in the container. Growlers may not be sold or removed from the licensed premises after 11:00 pm.

(e) No alcoholic beverages or cereal malt beverages shall be given, sold or traded to any person under 21 years of age.

3-805. Temporary Permits; Business Regulations – Cereal Malt Beverages.

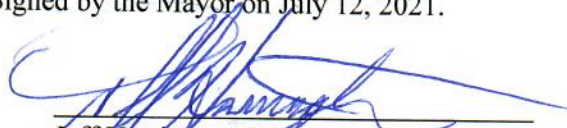
(a) A special event retailer's permit may be issued to allow the holder to offer for sale, sell and serve enhanced cereal malt beverage for consumption on unpermitted premises, which may be open to the public subject to the following:

- (5) Sales for off-premises consumption are not allowed.

Section V: This ordinance shall be in full force and effect sixty (60) days from and after its passage and publication in the City's official newspaper.

Approved by the City Council and Signed by the Mayor on July 12, 2021.

Attest:



Jeff Harrington, Mayor



Christina Brake, City Clerk



Ordinance No. 2508 Summary

On July 12, 2021, the City of Bonner Springs, Kansas, adopted Ordinance No. 2508 Amending Chapter III, Beverages of the Code of Ordinances of the City of Bonner Springs, Kansas to comply with changes in State statutes. A complete copy of this Ordinance is available at www.bonnersprings.org or at the Bonner Springs City Clerk's Office, 200 East Third Street. This summary certified by Danny C. Trent, City Attorney.