

## Ordinance No. 2515 Summary

On July 15, 2021, the City of De Soto, Kansas, adopted Ordinance No. 2515 amending the City Code to remove a requirement of minimum food sales, when selling alcohol or cereal malt beverages for on-premises' consumption, because said requirement was removed as a Johnson County requirement by virtue of a November 3, 2020 special question election. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 32905 West 84<sup>th</sup> Street, De Soto, Kansas or at [www.desotoks.us](http://www.desotoks.us). This summary is certified by Patrick G. Reavey, De Soto City Attorney pursuant to K.S.A. 12-3001, et seq.

## ORDINANCE NO. 2515

### **AN ORDINANCE AMENDING THE CITY CODE TO REMOVE A MINIMUM FOOD REQUIREMENT, FOR PLACES SELLING ALCOHOL AND CEREAL MALT BEVERAGES FOR ON-PREMISES' CONSUMPTION, AS SAID REQUIREMENT IS NO LONGER REQUIRED WITHIN JOHNSON COUNTY**

WHEREAS, for many years Johnson County required minimum food sales for establishments selling alcohol and cereal malt beverages for on-premises' consumption; and

WHEREAS, by virtue of a special question election on November 3, 2020, Johnson County residents voted to repeal the minimum food sales' requirement; and

WHEREAS, it was recently brought to Staff's attention that a minimum food sales' requirement, and a related provision, still appear in the City Code; and

WHEREAS, the purpose of this Ordinance is to remove those provisions from the City Code.

**NOW THEREFORE, BE IT ORDAINED** by the Governing Body of the City of De Soto:

**Section 1.** That Section 3-103 of Article 1 of Chapter III of the De Soto City Code is hereby amended to read as follows:

#### **3-103. Minors on premises.**

(a) It shall be unlawful for any person under the age of 21 years to remain on any premises where the sale of alcoholic liquor or cereal malt beverages is licensed for on-premises consumption, or where a caterer or temporary permit holder is serving alcoholic liquor.

(b) It shall be unlawful for the operator, person in charge or licensee of any premises licensed for on-premises consumption of alcoholic liquor or cereal malt beverages or a caterer or temporary permit holder who is serving alcoholic liquor to permit any person under the age of 21 years to remain on the premises.

(c) This section shall not apply if the person under the age of 21 years is accompanied by his or her parent or guardian.

**Section 2.** That Section 3-213 of Article 2 of Chapter III of the De Soto City Code (pertaining to Cereal Malt Beverages) is hereby amended to read as follows:

**3-213. Business Regulations.**

It shall be the duty of every licensee to observe the following regulations.

(a) The place of business licensed and operating under this article shall at all times have a front and rear exit unlocked when open for business.

(b) The premises and all equipment used in connection with such business shall be kept clean and in a sanitary condition and shall at all times be open to the inspection of the police and health officers of the city, county and state.

(c) Except as provided by subsection (d), no cereal malt beverages may be sold or dispensed for consumption on the premises between the hours of 12:00 midnight and 6:00 a.m., or on Sunday, except that such Sunday restrictions on consumption shall not apply to a place of business which is licensed to sell cereal malt beverage for consumption on the premises. Retail sales of cereal malt beverages in their original package may not be sold between the hours of 12 midnight and 6 a.m., may not be sold earlier than 9 a.m. or later than 8 p.m. on Sundays, and may not be sold at all on Easter Sunday

(d) Cereal malt beverages may be sold at any time alcoholic liquor is allowed by law to be served on premises which are licensed pursuant to K.S.A. 41-2701 et seq., and licensed as a club by the State Director of Alcoholic Beverage Control.

(e) The place of business shall be open to the public and to the police at all times during business hours, except that premises licensed as a club under a license issued by the State Director of Alcoholic Beverage Control shall be open to the police and not to the public.

(f) It shall be unlawful for any licensee or agent or employee of the licensee to become intoxicated in the place of business for which such license has been issued.

(g) No licensee or agent or employee of the licensee shall permit any intoxicated person to remain in the place of business for which such license has been issued.

(h) No licensee or agent or employee of the licensee shall sell or permit the sale of cereal malt beverage to any person under 21 years of age.

(i) No licensee or agent or employee of the licensee shall permit any gambling in the place of business for which such license has been issued.

(j) No licensee or agent or employee of the licensee shall permit any person to mix alcoholic drinks with materials purchased in said place of business or brought in for such purpose.

(k) No licensee or agent or employee of the licensee shall employ any person under 21 years of age in dispensing cereal malt beverages. No licensee shall employ any person who has been judged guilty of a felony.

**Section 3: Repealer.** Any Ordinances or Code provisions inconsistent herewith are hereby repealed.

**Section 4. Effective Date.** This Ordinance shall take effect after its adoption by the City Council, approval by the Mayor and publication in the City's official newspaper.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF DE SOTO, KANSAS AND APPROVED BY THE MAYOR ON THE 15<sup>TH</sup> DAY OF JULY 2021.

(Seal)

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Rick Walker, Mayor

ATTEST:

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Brandon Mills, City Clerk

APPROVED AS TO FORM:

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Patrick G. Reavey, City Attorney