

(Ordinance published in The Butler County Times-Gazette on July 10 2021 and July 17 2021)

ORDINANCE NO. 1803

AN ORDINANCE REPEALING AND REPLACING SECTION 3-113 AND SECTION 3-205, OF CHAPTER III, ARTICLES 1 AND 2 OF THE CODE OF THE CITY OF ANDOVER, KANSAS FOR THE PURPOSE OF AUTHORIZING SUNDAY MORNING SALES FOR RETAIL LIQUOR STORES AND CEREAL MALT BEVERAGE RETAILERS.

WHEREAS, the Governing Body of the City of Andover, Kansas (the “City”) previously adopted Chapter III, Article 1 and Article 2 of the Code of the City of Andover, Kansas (the “Code”), which contains provisions regarding the retail sale of cereal malt beverages and alcoholic liquor;

WHEREAS, the City finds it advisable to repeal and replace Section 3-113 and Section 3-205 of the Code pursuant to K.S.A. 41-2911(b)(1), to authorize expansion of Sunday sale times for retail liquor stores and cereal malt beverage retailers as early as 9:00 a.m.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS:

SECTION 1. Chapter III, Article 1, Section 3-113 of the Code of the City shall be repealed and replaced to read as follows:

3-113. 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 license and health officers of the city, county and state.

(c) The retail sale of enhanced cereal malt beverages on any Sunday, except Easter Sunday, are permitted. The hours for retail sale of enhanced cereal malt beverages on permitted Sundays are limited to 9:00 am to 8:00 pm.

(d) Enhanced cereal malt beverages may be sold at any time alcoholic liquor is allowed by law to be served on the premises which are licensed pursuant to K.S.A. 41-2601 *et seq.* and amendments thereto, and licensed as a club by the State of Kansas.

(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 of Kansas 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 enhanced cereal malt beverage to any person under the legal age for consumption.

(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 shall employ any person who has been judged guilty of a felony.

SECTION 2. Chapter III, Article 2, Section 3-205 of the Code of the City shall be repealed and replaced to read as follows:

3-205. Hours of sale.

The retail sale of alcoholic liquor in the original package shall be permitted on Sunday, between the hours of 9:00 am and 8:00 pm, except Easter Sunday when such sales are prohibited.

SECTION 3. This Ordinance shall be published at least once each week for two consecutive weeks in the official City newspaper.

SECTION 4. This Ordinance shall become effective sixty (60) days after its final publication unless within sixty (60) days following publication of the Ordinance, pursuant to K.S.A. 41-2911(b)(2), a petition requesting that a proposition be submitted for approval by the voters is signed by qualified voters of the City in number not less than 5% of the voters of the City who voted for the office of president of the United States during the last preceding general election at which office was elected, and filed with the county election officer.

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PASSED AND APPROVED by the Governing Body of the City of Andover, Kansas this
___ day of _____, 2021.

CITY OF ANDOVER, KANSAS

[seal]

Ronnie Price, Mayor

ATTEST:

Susan C. Renner, City Clerk