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**ORDINANCE NO. 1089**

**AN ORDINANCE AMENDING THE HORTON MUNICIPAL CODE BY MAKING PROVISIONS FOR DRINKING ESTABLISHMENTS, CATERERS AND TEMPORARY PERMITS FOR SERVICE OF ALCOHOLIC LIQUOR WITHIN THE CITY OF HORTON, KANSAS.**

BE IT ORDAINED by the governing body of the City of Horton, Kansas:

Section 1. Article 5 is hereby added to Chapter III of the Horton Municipal Code as follows:

**“ARTICLE 5. DRINKING ESTABLISHMENTS**

3-501. LICENSE REQUIRED. It shall be unlawful for any person granted a drinking establishment license by the State of Kansas to sell or serve any alcoholic liquor authorized by such license within the city without first obtaining a city license from the city clerk.

3-502. LICENSE FEE. (a) There is hereby levied an annual license fee in the amount of \$150.00 on each drinking establishment located in the city which has a drinking establishment license issued by the state director of alcoholic beverage control, which fee shall be paid before business is begun under an original state license and within five days after any renewal of a state license. (b) All applications for new or renewal city licenses shall be submitted to the city clerk. Upon presentation of a state license, payment of the city license fee and the license application, the city clerk shall issue a city license for the period covered by the state license, if there are no conflicts with any zoning or alcoholic beverage ordinances of the city.

(c) The license period shall extend for the period covered by the state license. No license fee shall be refunded for any reason.

(d) Every licensee shall cause the city drinking establishment license to be placed in plain view next to or below the state license in a conspicuous place on the licensed premises.

3-503. 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 9:00 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) No alcoholic beverages or cereal malt beverages shall be given, sold or

traded to any person under 21 years of age.

Section 2. Article 6 is hereby added to Chapter III of the Horton Municipal Code as follows:

**“ARTICLE 6. CATERERS**

3-601. LICENSE REQUIRED. It shall be unlawful for any person licensed by the State of Kansas as a caterer to sell alcoholic liquor by the drink, to sell or serve any liquor by the drink within the city without obtaining a local caterer's license from the city clerk.

3-602. LICENSE FEE. (a) There is hereby levied an annual license fee in the amount of \$100.00 on each caterer doing business in the city who has a caterer's license issued by the state director of alcoholic beverage control, which fee shall be paid before business is begun under an original state license and within five days after any renewal of a state license.

(b) All applications for new or renewal city licenses shall be submitted to the city clerk. Upon presentation of a state license, payment of the city license fee and the license application, the city clerk shall issue a city license for the period covered by the state license, if there are no conflicts with any zoning or alcoholic beverage ordinances of the city.

(c) The license period shall extend for the period covered by the state license. No license fee shall be refunded for any reason. (d) Every licensee shall cause the caterer license to be placed in plain view on any premises within the city where the caterer is serving or mixing alcoholic liquor for consumption on the premises.

3-603. BUSINESS REGULATIONS. (a) No caterer licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 9:00 a.m. on any day. (b) No alcoholic beverages or cereal malt beverages shall be given, sold or traded to any person under 21 years of age.

3-604. NOTICE TO CHIEF OF POLICE. Prior to any event at which a caterer will sell or serve alcoholic liquor by the individual drink, the caterer shall provide written notice to the chief of police at least 7 days prior to the event if the event will take place within the city. The notice shall contain the location, name of the group sponsoring the event, and the exact date and times the caterer will be serving.

Section 3. Article 7 is hereby added to Chapter III of the Horton Municipal Code as follows:

**ARTICLE 7. TEMPORARY PERMITS**

3-701. PERMIT REQUIRED. It shall be unlawful for any person granted a temporary permit by the State of Kansas to sell or serve any alcoholic liquor

within the city without first obtaining a local temporary permit from the city clerk.

3-702. PERMIT FEE. (a) There is hereby levied a temporary permit fee in the amount of \$50.00 per day on each group or individual holding a temporary permit issued by the state director of alcoholic beverage control authorizing sales within the city, which fee shall be paid before the event is begun under the state permit.

(b) Every temporary permit holder shall cause the temporary permit receipt to be placed in plain view on any premises within the city where the holder of the temporary permit is serving or mixing alcoholic liquor for consumption on the premises.

3-703. CITY TEMPORARY PERMIT. (a) It shall be unlawful for any person to conduct an event under a state issued temporary permit without first applying for a local temporary permit at least 7 days before the event. Written application for the local temporary permit shall be made to the city clerk and shall clearly state:

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

(b) Upon presentation of a state temporary permit, payment of the city's temporary permit fee and a written application as provided for in subsection (a), the city clerk shall issue a local temporary 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 temporary permit has been issued and forward a copy of the permit and application to the chief of police.

3-704. PERMIT REGULATIONS. (a) No temporary permit holder shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 9:00 a.m. at any event for which a temporary permit has been issued.

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

Section 4. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the official city newspaper.

PASSED by the governing body of the City of Horton, Kansas, this 17<sup>th</sup> day of December, 2008.

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Mayor

ATTEST:

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City Clerk