

CHAPTER III. BEVERAGES

Article 1. Cereal Malt Beverages

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ARTICLE 1. CEREAL MALT BEVERAGES

3-101. DEFINITIONS. For the purpose of this article the following definitions shall apply unless the context clearly requires otherwise:

(a) Cereal malt beverage. - Any fermented but undistilled liquor brewed or made from a malt or a mixture of malt or malt substitute, but shall not include any such liquor which contains more than three and two-tenths percent of alcohol by weight.

(b) General retailer. - A person who has a license to sell cereal malt beverages at retail.

(c) Limited retailer. - A person who has a license to sell cereal malt beverages at retail only in original and unopened containers and not for consumption the premises.

(d) Person. - Individuals, firms, co-partnerships, corporation, and associations.

(e) Place of business. - Any place at which cereal malt beverages are sold.

(f) Sale at retail and retail sales. - Sales for use or consumption and not for resale in any form.

(g) Wholesaler or distributor. - Any individuals, firms, copartnerships, corporations and associations which sell or offer for sale any beverage referred to in this article, to persons, copartnerships, corporations and associations authorized by this article to sell cereal malt beverages at retail.

(Ord. 2618, Sec. 1)

3-102. LICENSE REQUIRED OF RETAILERS. (a) It shall be unlawful for any person to sell any cereal malt beverage at retail without a license for each place of business where cereal malt beverages are to be sold at retail.

(b) It shall be unlawful for any person, having a license to sell cereal malt beverages at retail only in the original and unopened containers and not for consumption on the premises, to sell any cereal malt beverage in any other manner. (K.S.A. 41-2702)

3-103. LICENSE APPLICATION. An application for a license to sell cereal malt beverages at retail shall be made to the governing body in accordance with the provisions of K.S.A. 41-2702. (Code 1982)

3-104.

LICENSE, DISQUALIFICATION. No license shall be issued to:

(a) A person who has not been a resident in good faith of the state of Kansas for at least one year immediately preceding application and a resident of Harper County for at least six months prior to filing of such application.

(b) A person who is not a citizen of the United States.

(c) A person who is not of good character and reputation in the community in which he or she resides.

(d) A person who, within two years immediately preceding the date of making application, has been convicted of a felony or any crime involving moral turpitude, or has been adjudged guilty of drunkenness or driving a motor vehicle while under the influence of intoxicating liquor or the violation of any other intoxicating liquor law of any state or of the United States.

(e) A partnership, unless all the members of the partnership shall otherwise be qualified to obtain a license.

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

(g) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, has been an officer, manager or director, or a stockholder owning in the aggregate more than 25% of the stock, of a corporation which: (A) Has had a retailer's license revoked under K.S.A. 41-2708 and amendments thereto; or (B) has been convicted of a violation of the drinking establishment act or the cereal malt beverage laws of this state.

(h) A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee.

(i) A person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship, retailer residency requirements or age, except that this subsection (i) shall not apply in determining eligibility for a renewal license. (K.S.A. 41-2703; Ord. 2618, Sec. 2)

3-105.

LICENSE GRANTED; DENIED. (a) The journal of the governing body shall show the action taken on the application.

(b) If the license is granted, the city clerk shall issue the license which shall show the name of the licensee and the year for which issued.

(c) No license shall be transferred to another licensee.

(d) If the license shall be denied, the license fee shall be immediately returned to the person who has made application.

(Code 1982)

3-106.

SAME; TO BE POSTED. Each license shall be posted in a conspicuous place in the place of business for which the license is issued. (Code 1982)

3-107.

LICENSE FEE. The rules and regulations regarding the license fees shall be as follows:

(a) General Retailer -- for each place of business selling cereal malt beverages at retail, \$100.00 per calendar year.

(b) Limited Retailer -- for each place of business selling only at retail cereal malt beverages in original and unopened containers and not for consumption on the premises, \$80.00 per calendar year.

Full amount of the license fee shall be required regardless of the time of the year in which the application is made, and the licensee shall only be authorized to operate under the license for the remainder of the calendar year in which the license is issued.

(K.S.A. 41-2702)

3-108.

SAME; REVOCATION. The governing body of the city, upon five days notice to any person licensed under this article, shall revoke such license for any of the following reasons:

(a) If a licensee has fraudulently obtained the license by giving false information in the application therefor;

(b) If the licensee has violated any of the provisions of this article or has become ineligible to obtain a license under this article;

(c) The drunkenness of the licensee or permitting any intoxicated person to remain in any business licensed under this article;

(d) The sale of cereal malt beverages to any person under 21 years of age;

(e) For permitting any gambling in or upon any premises licensed under this article;

(f) For permitting any person to mix drinks with materials purchased in any premises licensed under this article or brought into the premises for this purpose;

(g) For the employment of any person under the age established by the State of Kansas for dispensing cereal malt beverages;

(h) For the employment of persons adjudged guilty of a felony or of a violation of any law relating to intoxicating liquor;

(i) For the sale or possession of, or for permitting the use or consumption of alcoholic liquor within or upon any premise licensed under this article;

(j) The provisions of subsections (f) and (i) shall not apply if such place of business is also currently licensed as a private club.

(K.S.A. 41-2708; Ord. 2618, Sec. 3)

3-109.

SAME; APPEAL. The licensee, within 20 days after the order of the governing body revoking any license, may appeal to the district court of Harper County. Any appeal taken under this section shall not suspend the order of revocation or suspension during the pendency of such appeal. In case of the revocation of the license of any licensee, no new license shall be issued to such person or any person acting for or on his or her behalf, for a period of six months thereafter.

(K.S.A. 41-2708; Code 2007)

3-110.

REGULATIONS. (a) No cereal malt beverages may be sold between the hours of midnight and 6:00 a.m., or consumed and no public occupancy between the hours of 12:30 a.m. and 6:00 a.m., of any day. Sunday sales of cereal malt beverage in the original package is allowed within the City on any Sunday, except Easter, between the hours of 12:00 noon and 8:00 p.m.

(b) No private rooms or closed booths shall be permitted in any premises licensed under this article; unless the business also is licensed as a private club;

(c) A place of business licensed under this article shall be open to the public at all times during business hours except a private club shall not be open to the general public. A place of business so licensed shall be open to police officers of the city for law enforcement at all times;

(d) No person shall sell, give away, dispose of, exchange or deliver or permit the sale, gift or procuring of any cereal malt beverage to any person under the legal age for consumption. No person under the legal age for consumption shall purchase or receive cereal malt beverages from any person;

(e) No person shall have any alcoholic liquor in his or her possession while in any place of business licensed to sell cereal malt beverages under this article unless the business also is licensed as a private club;

(f) The licensee of each premises licensed under this article shall at all times comply with the sanitary and health regulations and ordinances of the city and police officers.

(K.S.A. 41-2704; Ord. G-2733, Sec. 1; Code 2007)

3-111. CONSUMPTION IN MOTOR VEHICLE, OPEN CONTAINER. (a) No person shall consume any cereal malt beverage while operating any vehicle upon any street or highway. Violation of this subsection is a misdemeanor punishable by a fine of not to exceed \$500.00 or by imprisonment for not more than 30 days, or both.

(b) No person shall transport in any vehicle upon a highway or street any cereal malt beverage unless such beverage is:

(1) in the original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed;

(2) in the locked rear trunk or rear compartment, or any locked outside compartment which is not accessible to any person in the vehicle while it is in motion; or

(3) in the exclusive possession of a passenger in a recreational vehicle or bus who is not in the driving compartment of the vehicle and who is in a portion of the vehicle from which the driver is not directly accessible.

(K.S.A. 41-2719; Code 1995)

3-112. CONSUMPTION, POSSESSION ON PUBLIC PROPERTY. Except as provided in subsection (A), it shall be unlawful for any person to possess an open container or to consume any cereal malt beverage upon any sidewalk, public street, alley or any other public place within the city.

(A) Pursuant to K.S.A. 41-719(d), the prohibition set out above shall not apply to the following public property:

(1) The Anthony Municipal Lake;

(2) The Anthony Municipal Golf Club;

(3) and, upon application approved by the City Commission, the Anthony Municipal Hall.

(a) Persons or organizations allowing cereal malt beverages to be consumed at the Municipal Hall will be held responsible for all violations of all laws, state and local concerning possession and consumption by minors, and any other such laws and regulations concerning cereal malt beverages that from time to time be passed by the state or city.

(b) Persons or organizations allowing cereal malt beverages to be consumed at the Municipal Hall, may not sell cereal malt beverages, ice or cups.

(B) No opened or unopened container of any cereal malt beverage shall be thrown upon or otherwise deposited upon any public sidewalk, street, alley or parking of the city.

(Ord. 2726, Sec. 1; Code 2007)

- 3-113. WHOLESALE AND/OR DISTRIBUTORS. It shall be unlawful for any wholesaler and/or distributor, his, her or its agents or employees, to sell and/or deliver cereal malt beverages within the city, to persons authorized under this article to sell the same within this city unless such wholesaler and/or distributor has first secured a license from the director of revenue, state commission of revenue and taxation of the State of Kansas authorizing such sales. (K.S.A. 79-3837)
- 3-114. SANITARY CONDITIONS. It shall be unlawful for any licensee to violate any of the statutes of Kansas, or ordinances of the city or rules or orders of the state board of health relating to sanitary or health conditions of the places licensed to sell such cereal malt beverages. (Code 1982)
- 3-115. PROFANE LANGUAGE, CONDUCT. It shall be unlawful for any person engaged in operating a place of business for selling or dispensing cereal malt beverages at retail to permit the use of indecent or profane language or conduct at or within the licensed place of business. (Code 1982)
- 3-116. RESTRICTION ON LOCATION. (a) No cereal malt beverage shall be sold or served by a person holding a license or permit from the city whose place of business or other premises are located within 200 feet of any church, school, nursing home, library or hospital, said distance to be measured from the nearest property line of such church, school, nursing home, library or hospital, to the nearest portion of the building occupied by the premises.
- (b) The distance location of subsection (a) above shall not apply to a club, drinking establishment, caterer or temporary permit holder when the license or permit applicant petitions for and receives a waiver of the distance limitation from the governing body. The governing body shall grant such a waiver only following public notice and hearing and a finding by the governing body that the proximity of the establishment is not adverse to the public welfare or safety.
- (c) No license or permit shall be issued for the sale of alcoholic liquor if the building or use does not meet the zoning ordinance requirements of the city or conflicts with other city laws, including building and health codes.
- (Ord. G-2740; Code 2007)

ARTICLE 2. ALCOHOLIC LIQUOR

3-201. DEFINITION. Alcoholic beverage or alcoholic liquor as used in this article includes the varieties of liquor as defined in K.S.A. 41-102, namely alcohol, alcoholic liquor, spirits, wine and beer and every liquid or solid, patented or not, containing alcohol, alcoholic liquor, spirits, wine or beer, and capable of being consumed as a beverage by a human being, but does not include any beer or cereal malt beverage containing not more than three and two-tenths percent of alcohol by weight. (K.S.A. 41-102)

Ref.: K.S.A. 41-208

3-202. STATE LICENSE REQUIRED. (a) It shall be unlawful for any person to keep for sale, offer for sale, or expose for sale or sell any alcoholic liquor as defined by the Kansas Liquor Control Act without first having procured a license so to do as required by said act to sell the same.

(b) The holder of a license for the retail sale in the city of alcoholic liquors by the package issued by the state director of alcoholic beverage control shall present such license to the city clerk when applying to pay the occupation tax levied in section 3-209 and the tax shall be received and a receipt shall be issued for the period covered by the state license.
(Ord. G-2720, Sec. 1; Code 2007)

3-203. OCCUPATIONAL TAX. There is hereby levied an annual occupation tax of \$300.00 on any person holding a license issued by the state director of alcoholic beverage control for the retail sale within the city of alcoholic liquors for consumption off the premises. Such tax shall be paid by the retailer to the city clerk before business is begun under an original state license and shall be paid within five days after any renewal of a state license. (Ord. G-2720, Sec. 2; Code 2007)

3-204. POSTING OF RECEIPT. Every licensee under this article shall cause the city alcoholic retailer's occupation tax receipt to be prominently displayed next to or below the state license in a conspicuous place on the licensed premises.
(Ord. G-2720, Sec. 3; Code 2007)

3-205. HOURS OF SALE. (a) The retail sale of alcoholic liquor in the original package is allowed within the City on Sunday, except Easter, between the hours of 12:00 noon and 8:00 p.m., and on Memorial Day, Independence Day and Labor Day.

(b) Between the hours of 9:00 a.m. and 11:00 p.m. on any other day when the sale thereof is permitted.

(c) Any person who shall violate the provisions of this section shall upon conviction of any such violation be subject to a fine not to exceed \$500 or by imprisonment not to exceed six months or by both fine and imprisonment.
(K.S.A. 41-712; Ord. G-2733, Sec. 2; Code 2007)

3-206. BUSINESS REGULATIONS. It shall be unlawful for a retailer of alcoholic liquor to:

(a) Permit any person to mix drinks in or on the licensed premises;

(b) Employ any person under the age of 21 years in connection with the operation of the retail establishment;

(c) Employ any person in connection with the operation of the retail establishment who has been adjudged guilty of a felony;

(d) Furnish any entertainment in his or her premises or permit any pinball machine or game of skill or chance to be located in or on the premises; or

(e) Have in his or her possession for sale at retail any bottles, cask, or other containers containing alcoholic liquor, except in the original package;

(f) Sell, give away, dispose of, exchange or deliver, or permit the sale, gift or procuring of any alcoholic liquor to or for any person under 21 years of age;

(g) No person shall knowingly sell, give away, dispose of, exchange or deliver, or permit the sale, gift or procuring of any alcoholic liquor to or for any person who is an incapacitated person, or any person who is physically or mentally incapacitated by the consumption of such liquor;

(h) Violation of this section is a misdemeanor punishable by a fine of not less than \$100.00 and not exceeding \$250.00 or imprisonment not exceeding 30 days, or both.

(Ord. G-2720, Sec. 5; Code 2007)

3-207.

MINORS, INCAPACITATED PERSONS. (a) It shall be unlawful for any person under the age of 21 to represent that he or she is of age for the purpose of purchasing or attempting to purchase any alcoholic liquor. No person under the age of 21 shall have any alcoholic liquor in his or her possession.

(b) No person shall knowingly sell, give away, exchange or deliver, or permit the sale, gift or procuring of any alcoholic liquor to or for any person who is an incapacitated person, or any person who is physically or mentally incapacitated by the consumption of such liquor.

(c) Any person convicted of violating this section shall be punished by a fine of not more than \$100.00 or by imprisonment for not to exceed 30 days, or both. (K.S.A. 41-727; 41-715)

3-208.

DRINKING ON STREETS OR IN PUBLIC PLACES. (A) Except as provided in subsection (B), it shall be unlawful for any person to drink or consume alcoholic liquor upon any public street or highway or thoroughfare; in beer parlors, taverns, pool halls, or places to which the general public has access, whether or not an admission or other fee is charged or collected; and upon property owned by the state or any governmental subdivision thereof or inside vehicles while upon a street, highway or other public thoroughfare.

(B) Pursuant to K.S.A. 41-719(d), the provisions above shall not apply to the consumption of alcoholic liquor:

(1) Upon real property leased by the city to others under K.S.A. 12-1740, et seq., if the property is being used for hotel or motel purposes incidental thereto.

(2) Upon property owned or operated by an airport authority created pursuant to chapter 27 of the Kansas Statutes Annotated.

(3) and, upon application approved by the City Commission, the Anthony Municipal Hall.

(a) Persons or organizations allowing alcoholic beverages to be consumed at the Municipal Hall will be held responsible for all violations of all laws, state and

local, concerning possession and consumption by minors, and any other such laws and regulations concerning alcoholic beverages that from time to time be passed by the state or city.

(b) Persons or organizations allowing alcoholic beverages to be consumed at the Municipal Hall, may not sell alcoholic beverages or mixes, such as Coke, 7-Up or any drink mix or ice used for mixing drinks.
(K.S.A. Supp. 41-719; Ord. 2726, Sec. 1; Code 2007)

3-209. **RESTRICTIONS ON LOCATION.** No person shall knowingly or unknowingly sell, give away, furnish, dispose of, procure, exchange or deliver, or permit the selling, giving away, furnishing, disposing of, procuring, exchanging or delivering of any alcoholic beverage in any building, structure or premises, for consumption in such building or upon such premises if such consumption is within 200 feet from the nearest property line of any existing nursing home, hospital, school, church or library. (Ord. G-2720, Sec. 7; K.S.A. 41-710; Code 2007)

3-210. **OPEN CONTAINER.** No person shall transport in any vehicle upon a highway or street any alcoholic liquor unless such liquor is:

(a) In the original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed;

(b) In the locked rear trunk or rear compartment, or any locked outside compartment which is not accessible to any person in the vehicle while it is in motion; or

(c) In the exclusive possession of a passenger in a recreation vehicle or bus who is not in the driving compartment of the vehicle and who is in a portion of the vehicle from which the driver is not directly accessible.

(K.S.A. 8-1599; Code 2007)

3-211. **OCCUPATION TAX UPON RETAILERS.** Any person holding a valid Kansas retailer's license for alcoholic liquors for consumption off the premises shall furnish to the city clerk, on a form provided, the following information:

(a) Name of applicant;

(b) Address of applicant;

(c) Address of premises where liquor sold;

(d) If applicant is a corporation, name and address of registered agent;

(e) If applicant is a partnership, name and address of each partner;

(f) Length of applicant's resident in Kansas;

(g) Does applicant presently hold any other liquor license?

(h) Has applicant's license ever been revoked or suspended?

(i) Does applicant have a Kansas State Retail Liquor license?

(j) When does it expire?

(k) Owner of premises licensed?

(l) If applicant is not the owner, give date and term of lease or other rental agreement.

The application for retail liquor occupation license shall be accompanied by a fee of \$300.00 and shall be verified. Upon receipt of the fee and application in correct form, the city clerk shall issue a receipt-occupation tax to the applicant for the year commencing on the date the Kansas Liquor Retailer's license is issued by

the State Director of Alcoholic Beverage Control and shall end one year thereafter. The receipt shall be displayed in a conspicuous place on the licensed premises. (K.S.A. 41-208, 41-310, 41-325, 41-2622)

ARTICLE 3. PRIVATE CLUBS

- 3-301. LICENSE REQUIRED. No person shall operate a private club within the City of Anthony without first having secured from the city a license for said club. All licenses shall be issued upon approval by a majority vote of the city commission. (Ord. 2555, Secs. 1,2)
- 3-302. SAME; APPLICATION. (a) Application for a private club license shall be upon forms furnished by the city and shall be filed with the city clerk. All licenses shall expire on December 31 of the year in which issued, regardless of the time of year in which issued, unless sooner revoked or suspended.
(b) All private clubs operating during any current year and wishing to renew their license for another year shall file an application for renewal not later than two weeks prior to December 31 of the year in which their current license was issued.
(c) Failure to timely file application for a license as required in this section may be grounds for denial of the application.
(Ord. 2555, Secs. 3,4,6)
- 3-303. SAME; FEE. (a) The annual license fee for a Class A or Class B private club shall be \$125.00. The fee shall be paid in full at the time of making application for, or renewal of, a license.
(b) No portion of the license fee shall be refunded should the licensee cease business or should his or her license be revoked or suspended.
(c) For any person who begins operating a private club during a part of a current year, the city commission, for good cause shown, may adjust the first year's license fee on a percent of the calendar year remaining.
(d) Should a license not be granted upon an application, the full amount of the fee shall be returned to the applicant.
(Ord. 2618, Sec. 5)
- 3-304. SAME; NOT TRANSFERABLE. A private club license issued by the city shall not be transferable or assignable. Each license shall be valid only to the licensee and the premises for which issued. (Ord. 2555, Sec. 10)
- 3-305. REVOCATION, SUSPENSION. The city may revoke or suspend any license granted under this article. Violation of the laws of Kansas or ordinances of the city, or acts constituting a public nuisance or violation of K.S.A. 21-2626 and amendments thereto may be grounds for revocation or suspension of a license issued under this article. (Ord. 2555, Sec. 7)
- 3-306. SAME; NOTICE, HEARING. No revocation or suspension shall be ordered until the licensee shall have been afforded a hearing before the city commission. Prior to holding any hearing to revoke or suspend a private club license, the licensee shall be given not less than two weeks notice prior to the hearing. Notice

shall be given by certified mail, return receipt requested, addressed to the licensee at the address of the licensee as set out in the application for license.
(Ord. 2555, Sec. 7)

- 3-307. SAME; APPEAL. Any person who shall have their application for a license denied, or have a license revoked or suspended shall have 10 days from the date of such denial, revocation or suspension to appeal to the district court of Harper County, Kansas. (Ord. 2555, Sec. 10)
- 3-308. RESTRICTION ON LOCATION. No license shall be issued to any private club, the property of which shall be within 200 feet of any public school, park, ball field, playground, building or buildings used as a place of worship for any religious group or congregation holding IRS tax exempt status and/or has applied and received from the State of Kansas real property tax exemptions as to such place of worship or building. (Ord. 2555, Sec. 13; Code 2007)
- 3-309. 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 9:00 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) 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.
(Ord. 2618, Sec. 6)

ARTICLE 4. ALCOHOLIC LIQUOR; ON PREMISE CONSUMPTION

- 3-401. 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, being a resident of Kansas for one year and Harper County for six months. (Ord. G-2739, Sec. 3-401; Code 2007)
- 3-402. FOOD REQUIREMENT. A drinking establishment shall annually be required to certify to the City Clerk sales of food for consumption on the licensed premises not less than 30% of all the establishment's gross receipts from sales of food and beverage on such premises. (Ord. G-2739, Sec. 3-402; Code 2007)
- 3-403. APPLICATION. Any person holding a valid drinking establishment license by the State of Kansas for alcoholic liquors for consumption on the premises shall furnish to the city clerk, on a form provided, the following information:
- (a) Name of applicant;
 - (b) Address of applicant;
 - (c) Age of applicant;
 - (d) Place and date of birth;
 - (e) Name of the premises;
 - (f) Address of premises where liquor sold;
 - (g) If applicant is a corporation, name and address of registered agent;
 - (h) If applicant is a partnership, name and address of each partner;
 - (i) Citizen of the United States?
 - (j) Length of applicant's resident in Kansas and Harper County;
 - (k) Applicant been convicted of a felony within two years immediately preceding the date of this application?
 - (l) Applicant been convicted of a crime involving moral turpitude within two years immediately preceding the date of this application?
 - (m) Applicant been adjudged guilty of drunkenness within two years immediately preceding the date of this application?
 - (n) Applicant been adjudged guilty or entered a plea, or forfeited bond on a charge of driving a motor vehicle while under the influence of intoxicating liquors within two years immediately preceding the date of this application?
 - (o) Applicant been convicted of a violation of any state or federal intoxicating liquor law within two years immediately preceding the date of this application?
 - (p) Does applicant presently hold any other liquor license?
 - (q) Has applicant's license ever been revoked or suspended?
 - (r) Does applicant have a Kansas State Drinking Establishment license?
 - (s) When does it expire?
 - (t) Owner of premises licensed?
 - (u) If applicant is not the owner, give date and term of lease or other rental agreement.
 - (v) Applicant business will be conducted by a manger or agent?
 - (1) Manager or Agent's name, age and residence;
 - (w) All owners, managers, and/or persons serving or dispensing alcoholic beverages and/or mixed and/or combinations of alcoholic beverages and other

ingredients, meet the requirements of Liquor Control Act and amendments thereto, except as to ownership requirements for waiters, waitresses, bartenders, and other employees?

(Ord. G-2739, Sec. 3-403; Code 2007)

3-404. LICENSE FEE. (a) There is hereby levied an annual license fee in the amount of \$300.00 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.

(Ord. G-2739, Sec. 3-404; Code 2007)

3-405. BUSINESS REGULATIONS. (a) No drinking establishment licenses 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.

(Ord. G-2739, Sec. 3-405; Code 2007)

3-406. RESTRICTION ON LOCATION. (a) No alcoholic liquor shall be sold or served by a person holding a license or permit from the city whose place of business or other premises are located within 200 feet of any (church, school, nursing home, library, hospital), said distance to be measured from the nearest property line of such (church, school, nursing home, library, hospital), to the nearest property line of the building occupied by the premises.

(b) The distance location of subsection (a) above shall not apply to a club, drinking establishment, when the license applicant petitions for and receives a waiver of the distance limitation from the governing body. The governing body shall grant such a waiver only following public notice and hearing and a finding by the governing body that the proximity of the establishment is not adverse to the public welfare or safety.

(c) No license or permit shall be issued for the sale of alcoholic liquor if the building or use does not meet the zoning ordinance requirements of the city or conflicts with other city laws, including building and health codes.

(Ord. G-2739, Sec. 3-406; Code 2007)