

*City of La Cygne, Kansas*  
**ORDINANCE NO. 1457**

**AN ORDINANCE AMENDING CHAPTER III (BEVERAGES), ARTICLE 2, BY AMENDING SECTIONS 3-201(a), 3-218, 3-220, AND 3-221 OF THE CODE OF THE CITY OF LA CYGNE, KANSAS, RELATING TO CEREAL MALT BEVERAGE DEFINITION, SALE AND PENALTY.**

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LA CYGNE, KANSAS:**

Section 1. That Section 3-201(a), 3-218, 3-220, 3-221 of Chapter III (Beverages), Article 2 (CEREAL MALT BEVERAGES), is hereby amended to read:

**3-201 DEFINITIONS**

(a). Cereal Malt beverage: Any fermented but undistilled liquor brewed or made from a malt or a mixture of malt substitute as having an alcohol by weight content as defined by Kansas State Statute.

**3-218 SALE, CONSUMPTION, PUBLIC PROPERTY**

It shall be unlawful for any person to sell, serve, dispense, drink or consume any cereal malt beverage upon any street, public thoroughfare, or upon property owned by the state or any governmental subdivision thereof, or in any public place not licensed to sell cereal malt beverages for consumption on the premises within or under the jurisdiction of the city except for consumption and/or Special Event sell shall be allowed at the La Cygne Community Building and the La Cygne Community Park. (see Section 3-220)

**3-220 SPECIAL EVENT CEREAL MALT BEVERAGE PERMITS**

A. *PERMIT REQUIRED.* It shall be unlawful for any person to sell or serve any CMB at any special event within the city without first obtaining a local special event permit from the city clerk.

B. *PERMIT FEE.*

1. There is hereby levied a special event permit fee in the amount of twenty-five dollars (\$25.00) per day (three (3) days maximum) on each group or individual, which fee shall be paid before the event begins. Such fee shall be in addition to the \$25 fee to be remitted to the Division of Alcohol Beverage Control.
2. Every special event permit holder shall cause the permit receipt to be placed in plain view on any premises within the city where the holder of the special event permit is serving CMB for consumption on the premises.

C. *CITY SPECIAL EVENT PERMIT.*

1. It shall be unlawful for any person to sell or serve cereal malt beverages at a special event without first applying for a local special event permit at least thirty (30) days before the event. Written application for the local special event permit shall be made to the City Clerk on the form used for annual cereal malt

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beverage sales as directed by the city clerk. In addition to any other information required, the applicant shall provide the following:

- (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; and
  - (5) Any anticipated need for police, fire, or other municipal services.
2. Upon meeting the requirements to obtain a special event permit, the City Clerk shall issue a local special event permit to the applicant if there are no conflicts with any zoning or other ordinances of the city.
  3. The City Clerk shall notify the Chief of Police whenever a special event permit has been issued and forward a copy of the permit and application to the Chief of Police.

**D. PERMIT REGULATIONS.**

1. No special event permit holder shall allow the serving of CMB between the hours of 12:00 a.m. and 9:00 a.m. at any event for which a special event permit has been issued.
2. No CMB shall be given, sold or traded to any person under 21 years of age.
3. No more than four special event permits may be issued in a calendar year to the same applicant.
4. No special event permit issued hereunder may be transferred or assigned to any other vendor.
5. All local ordinances and state statutes for the sale and consumption of CMB apply to holders of special event permits.

**3-221 PENALTY**

Any person, firm, partnership, corporation violating any of the provisions of Chapter III, Article 2 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and upon conviction said license issued hereunder shall immediately be revoked.

Section 2. **That** this Ordinance shall take effect and be in full force from and after its publication in the official city newspaper of the City of La Cygne, Kansas.

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**PASSED** by the Council this 16th day of May 2018  
**APPROVED** by the Mayor this 16th day of May 2018  
**ADOPTED** this 16th day of May, 2018

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Robert Sullivan, Mayor

ATTEST:

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Devona Herrin, City Clerk