

ORDINANCE NO. G-1426

**AN ORDINANCE OF THE CITY OF EL DORADO AMENDING
TITLE 4 OF THE EL DORADO MUNICIPAL CODE
RELATING TO THE SALE OF ALCOHOLIC BEVERAGES**

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
CITY OF EL DORADO, KANSAS:**

Section 1: Per K.S.A. 41-2911 *et seq.*, Section 4.08.140 of the City of El Dorado Municipal Code is amended to read as follows:

4.08.140 Business regulations.

- A. The place of business licensed and operating under this chapter 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) of this section, no cereal malt beverages may be sold or dispensed between the hours of twelve midnight (12:00 a.m.) and six (6:00) a.m. or consumed between the hours of twelve midnight (12:00 a.m.) and six (6:00) a.m., except on Sunday when no cereal malt beverages can be sold or dispensed before nine (9:00) a.m. nor after eight (8:00) p.m. except in a place of business which is licensed to sell cereal malt beverages for consumption on the premises.
- D. Cereal malt beverages may be sold at any time alcoholic liquor is allowed by law to be served on premises that are licensed pursuant to KSA 41-2701 *et seq.* and licensed as a club by the state.
- E. The place of business shall always be open to the public and to the police 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 is 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 a license has been issued.
- H. No licensee or agent or employee of the licensee shall sell or permit the sale of cereal malt beverages to any person under twenty-one (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 shall employ any person who has been judged guilty of a felony.

Section 3: Per K.S.A. 41-2911 *et seq.*, Section 4.12.040 of the City of El Dorado Municipal Code is amended to read as follows:

4.12.040 Hours of sale. Rules and regulations prohibiting the days and hours of selling at retail any alcoholic liquor shall be as follows:

- A. On Easter, Thanksgiving Day, and Christmas Day; and
- B. Before nine (9:00) a.m. or after (11:00) eleven p.m. on any day when sale is permitted; and
- C. Sunday sales cannot be before nine (9:00) a.m. nor after eight (8:00) p.m.

Section 4: Per K.S.A. 41-2911 *et seq.*, Section 4.16.030 of the City of El Dorado Municipal Code is amended to read as follows:

4.16.030 Hours of sale. Rules and regulations prohibiting the days and hours of selling at retail any alcoholic liquor shall be as follows:

- A. No club license under this chapter shall allow the serving, mixing, or construction of alcoholic liquor on its premises between the hours of two (2:00) a.m. and six (6:00) 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 twenty-one (21) years of age, nor shall alcoholic beverages or cereal malt beverages be given, sold or traded to any person under twenty-one (21) years of age.

Section 5: Per K.S.A. 41-2911 *et seq.*, Section 4.20.030 of the City of El Dorado Municipal Code is amended to read as follows:

- A. No club license under this chapter shall allow the serving, mixing, or construction of alcoholic liquor on its premises between the hours of two (2:00) a.m. and six (6:00) 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 alcoholic beverages or cereal malt beverages shall be given, sold or traded to any person under twenty-one (21) years of age.

Section 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

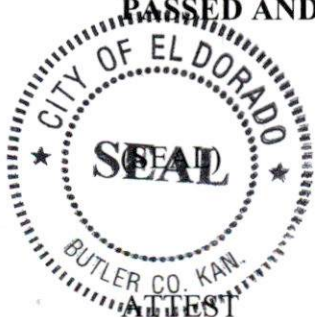
Section 7: That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Commission hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 8: That nothing in this ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

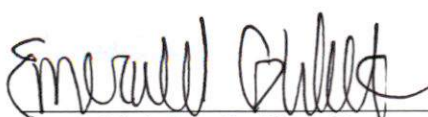
Section 9: That the City Clerk is hereby ordered and directed to cause this ordinance to be published twice on consecutive weeks in the official city newspaper.

Section 10: That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect 60 days after the date of its final publication.

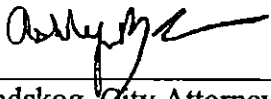
PASSED AND APPROVED by the Governing Body on this 21st day of January.




Bill Young, Mayor


Emerald Ashlock, City Clerk

APPROVED AS TO FORM



Ashlyn Lindskog, City Attorney