

CITY OF MISSION, KANSAS
FINANCE & ADMINISTRATION COMMITTEE

WEDNESDAY, MARCH 6, 2018

7:30 P.M.

(or immediately following 6:30 p.m. Community Development Committee)

Mission City Hall

PUBLIC HEARINGS / PUBLIC COMMENTS

PUBLIC PRESENTATIONS / INFORMATIONAL ONLY

ACTION ITEMS

1. Acceptance of the February 6, 2019 Finance & Administration Committee Minutes - Martha Sumrall ([page 3](#))

Draft minutes of the February 6, 2019 Finance & Administration Committee meeting are included for review and acceptance.

2. Computer Replacements - Kevin Self ([page 9](#))

An inventory conducted last spring found that nearly half of the City's computers were more than five years old. Johnson County Department of Technology and Innovation (DTI) recommends that computers be replaced every five years. Bids were solicited to replace all computers that are five years or older. Staff is recommending approval of purchase, installation and set-up for 44 replacement computers through Sumner One in the amount of \$78,725.40.

3. Revisions to Chapter 600 - Alcoholic Beverages - Martha Sumrall ([page 12](#))

In 2017, the Kansas Legislature amended the cereal malt beverage (CMB) laws to allow retailers with a CMB License to also sell beer containing not more than 6% alcohol by volume. The proposed revisions to this chapter of our Code bring it in line with the changes in State law which take effect April 1, 2019.

4. Rotary Street Solicitation Application - Martha Sumrall ([page 44](#))

The Shawnee Mission Rotary Club has requested permission to sell donated special editions of the Kansas City Star newspapers at various intersections on Thursday, March 28th between the hours of 6:30 - 9:00 a.m. The intersections include: Shawnee Mission Parkway and Nall, Shawnee Mission Parkway and Lamar, and Johnson Drive and Lamar

5. Resolution Designating City-sponsored Festival Events - Martha Sumrall ([page 48](#))

Annually, the City is required to pass a resolution designating specific City-sponsored Festival Events where alcohol may be consumed. This year's resolution includes the Mission Market events on Thursday evenings, June through August and on the third Thursday in September, and the Sunflower Festival in August.

6. CMB License Application, CVS - Martha Sumrall ([page 50](#))

Businesses wishing to sell Cereal Malt Beverage (CMB) must submit an initial application for approval by Council and renew their license annually on a calendar year basis. CVS has submitted an application which meets the requirements for selling CMB in unopened packages (off site consumption).

DISCUSSION ITEMS

OTHER

7. Department Updates - Laura Smith

Nick Schlossmacher, Chairperson
Ken Davis, Vice-Chairperson
Mission City Hall, 6090 Woodson St
913-676-8350

City of Mission	Item Number:	1.
ACTION ITEM SUMMARY	Date:	February 22, 2019
Administration	From:	Martha Sumrall

Action items require a vote to recommend the item to full City Council for further action.

RE: February 6, 2019 Finance & Administration Committee minutes.

RECOMMENDATION: Review and accept the February 6, 2019 minutes of the Finance & Administration Committee.

DETAILS: Minutes of the February 6, 2019 Finance & Administration Committee meeting are presented for review and acceptance. At the committee meeting, if there are no objections or recommended corrections, the minutes will be considered approved as presented.

Draft minutes will continue to be linked to the City Council agenda packet so that the public may review the discussion from the committee meeting in advance of the Council action on any particular item.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	
Line Item Code/Description:	
Available Budget:	

MINUTES OF THE MISSION FINANCE & ADMINISTRATION COMMITTEE

February 6, 2018

The Mission Finance & Administration Committee met at Mission City Hall, Wednesday, February 6, 2019 at 7:20 p.m. The following committee members were present: Pat Quinn, Arcie Rothrock, Nick Schlossmacher, Debbie Kring, Kristin Inman, Ken Davis and Sollie Flora. Absent: Hillary Thomas. Mayor Appletoft was also present. Councilmember Schlossmacher called the meeting to order at 7:20 p.m.

Also present were City Administrator Laura Smith, Assistant City Administrator Brian Scott, City Clerk Martha Sumrall, Chief Ben Hadley, and Assistant to the City Administrator Emily Randel.

Approval of the January 9, 2019 Finance & Administration Committee Minutes

The January 9, 2019 Finance & Administration Committee Minutes were provided to the committee in the packet. There being no objections or corrections, the minutes were approved.

Ordinance Establishing Roeland Court Townhomes Community Improvement District (CID)

Ms. Smith reported this item was returned to committee at the January 16th City Council meeting. Based on information from the Roeland Court Homes Association, a change in the maximum annual assessment anticipated in the CID has been reviewed and considered, and a new CID Petition will be submitted early next week. Because of this, no further action is necessary on this proposed ordinance. Council will need to consider a new resolution to call a public hearing on the revised/updated CID Petition.

This items was informational only and no action was taken.

Resolution to Call Public Hearing on Establishing CID, Roeland Court Townhomes (Revised Petition)

Ms. Smith provided the committee with a copy of a proposed resolution to call a public hearing on the revised/updated CID Petition for the Roeland Court Townhomes. She stated the homes association wanted to explore additional repairs and parking lot improvements that were outside the scope of the current project. Revised cost estimates were prepared, and the result was an increase in the annual maximum assessment called for in the original CID Petition. Property owners at Roeland Court Townhomes have reviewed the updated figures and those supporting the increase meet the 55% of assessed valuation threshold to submit a revised petition. Thirteen of the property owners on the original petition support the increase from \$781 to \$911 per year (this represents 66% of the assessed valuation). Because a new CID Petition is being submitted, Council must begin this process again by adopting a resolution calling a public hearing at the March City Council Meeting. Since the actual petition has not yet been received

by the City, Ms. Smith asked that this item be placed under “New Business” on the February 20th City Council Meeting. She stated that the proposed resolution will include the date the petition was filed, the estimated cost of the project (\$5,255,737) and the CID portion (\$400,809), an updated not to exceed amount per lot (\$20,040), and an updated “Attachment C” which details the project costs.

Councilmember Flora asked if the City’s costs will remain the same and Ms. Smith stated they will. She did note that those signing the petition do have the opportunity to withdraw their names prior to Council consideration, but this increase in the CID is at the property owner’s request and she does not feel this will be an issue. By extending the project, it will now include full depth reconstruction of the parking area all the way across the back of the property. She noted that some of the property owners on the west side of Roeland Court Townhomes had previously supported the CID, but were not getting a benefit from it and now they will.

Ms. Smith recommended the proposed resolution to call a public hearing on the establishment of a CID, Roeland Court Townhomes based on the revised CID petition be considered under “New Business” on the City Council Agenda. All on the committee agreed.

**Update to Emergency Management Ordinance and Plan, and Resolution Designating
Emergency Management - Homeland Security Director**

Capt. Madden stated updates were made to the City’s Emergency Operations Plan to more accurately reflect the current organizational structure and job classification titles, and to reflect Mission’s partnership with Johnson County Emergency Management. Additionally, the ordinance regarding the plan was reviewed and required minor changes to comply with State law regarding weapons. He stated in reviewing the plan it was important to consider what is practical for an agency of our size, and what information is actually needed (removing duties we do not control or are not imperative to us).

The committee discussed primary and secondary responsibility, the removal of language regarding the use of “hard copies” of various information and what would happen if there is a power outage, generator capabilities, and “Violation and Penalties” included in the ordinance and who these are directed towards. Capt. Madden stated that some of the manuals previously listed in the plan no longer exist and the floodplain maps were removed from the plan. Of the information listed in the plan, we do have hard copies of all which are kept in two totes with other supplies and reference materials for quick access. It was also noted that Laura McConwell is listed as Mayor in the redlined copy of Ordinance No. 1108 as she would have signed this at the time it was approved. The redlined copy was provided only to show the proposed changes. Ms. Smith and Capt. Madden discussed the section regarding penalties and stated this is geared towards members of the public who do not follow orders during an emergency situation.

Councilmember Davis recommended that the ordinance amending Ordinance 1108, Chapter 250 of the Mission's Code relating to the Local Emergency Operations Plan, approval of updates to the Emergency Operations Plan, and a resolution designating the City of Mission's Emergency Management - Homeland Security Director be forwarded to Council for approval. All on the committee agreed, but this will not be a consent agenda item.

Ms. Smith commended Capt. Madden for his work to update the plan. Councilmember Flora asked if there is additional training needed for Capt. Madden as Mission's Emergency Management - Homeland Security Director as Council wants to provide the support needed. Ms. Smith reminded all that the Emergency Operations Plan is for higher level emergencies, and needed to recover state and/or federal funding in these situations. There are other situations that we deal with that don't trigger this plan. She stated that at the Council meeting Council will vote to pass an ordinance amending Chapter 250, adopt the updated plan, and approve a resolution designating Capt. Madden as the Emergency Management - Homeland Security Director.

Purchase of New Police Car

Chief Hadley commended Capt. Madden for his work on updating the Emergency Operations Plan.

Chief Hadley reported in January, one of the Department's Ford Explorers was involved in a vehicle accident. This was a vehicle used by the investigations division and was scheduled for replacement in 2019. He stated insurance required the car to be towed to a salvage yard and they were unable to access the car to see what equipment still works until last night. The car is a total loss and staff has worked with Bob Allen Ford, through the MARC cooperative purchasing bid, for a 2019 Ford Explorer in a total amount of \$42,917.56. He stated that they will be working with their vendor on equipment replacement that is estimated to be an additional \$3,000, bringing the total amount requested for this vehicle replacement to \$45,917 before insurance reimbursement.

Councilmember Kring asked if the equipment is also covered under insurance and Ms. Smith stated that it is. There could also be an insurance payout on the equipment, but we do not yet know how much. Councilmember Quinn asked the age of the damaged vehicle (2011) and Councilmember Schlossmacher asked if anyone was injured in the accident. They were not.

Councilmember Quinn recommended that the purchase of a 2019 Ford Explorer Limited All Wheel Drive, including replacement of emergency equipment at a cost not to exceed \$45,917 be forwarded to Council for approval. All on the committee agreed, but this will not be a consent agenda item.

Resolution Designating Surplus Property

Ms. Smith stated we are required to declare as surplus equipment we intend to dispose of or sell. Items included under this resolution include Public Works vehicles and equipment scheduled for replacement in 2019, but we will continue to use some of these items until new equipment is in place, the Police Department Ford Explorer that was recently involved in an accident, the phone system and surveillance camera system that were recently replaced (nominal value), and some of the damaged chairs from City Hall's lobby. She also noted that we will update Council Policy 111 which states we will run a one-week classified ad announcing the sale of property as this is no longer our practice.

Councilmember Davis recommended that approval of the resolution providing for the sale/disposal of surplus equipment from various departments be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

Request for Additional Funding - Mental Health Co-responder Program

Chief Hadley stated the mental health co-responder provides intervention for residents experiencing a mental health and/or substance abuse crisis. In 2017, Mission was one of seven cities to begin this joint program. The cities of Leawood and Prairie Village now have their own mental health co-responder and the remaining cities that originally partnered with them (Fairway, Merriam, Mission, Roeland Park and Westwood) will now have their own shared co-responder. He stated they had been working with Shawnee Mission Medical Center to secure a grant to fund this program, but this was not approved. The City's 2019 budget includes \$15,000 from the Special Alcohol Fund to cover our expenses for this program, but with the recent decision by Shawnee Mission Medical Center, we will need an additional \$12,500 to cover the program in 2019. With only five cities in the program, we anticipated getting better service.

The committee stated this is a great program that is important to our community. Councilmember Flora asked if Prairie Village and Leawood received a grant for their program, and Chief Hadley stated they did not. Councilmember Davis recommended changing "Shawnee Mission Medical Center" to "AdventHealth" as they recently made this change to their organization.

Councilmember Davis recommended that approval of an additional \$12,500 to fund the mental health co-responder program, bringing Mission's total 2019 contribution to \$27,500 be forwarded to Council for approval. All on the committee agreed, but this will not be a consent agenda item.

Other - Department Updates

Councilmember Flora announced that Councilmember Rothrock was recently selected to serve on the Shawnee Mission School District's 30-person steering committee for strategic planning. She was congratulated by all.

Councilmember Davis stated he will be serving as a panelist for the Kansas Health Institute on Tobacco 21 initiatives.

Meeting Close

There being no further business to come before the Committee, the meeting of the Finance and Administration Committee adjourned at 7:55 p.m.

Respectfully submitted,

Martha Sumrall
City Clerk

City of Mission	Item Number:	2.
ACTION ITEM SUMMARY	Date:	December 31, 2018
Administration	From:	Kevin Self

Action items require a vote to recommend the item to full City Council for further action.

RE: Purchase of Replacement Computers

RECOMMENDATION: Approve the purchase of forty-four (44) Replacement computers (including docking stations and monitors) from Sumner One for a total of \$78,725.40.

DETAILS: Computers are a critical tool for the productivity of the City's employees. Nearly every employee in every department uses a computer in their daily work activity. Not only are there computers at individual desks, but there are also computers at various common work stations such as the entry desks at the Community Center, the concession stand at the MFAC, and the squad room in the Police Department.

Last year, the Johnson County Department of Technology and Innovation (DTI), who provides network support to the City, inventoried the City's existing computers. The inventory identified a total of 87 computers (desktops and laptops), with approximately half (44) having reached an age of five years or older. DTI recommends that computers be replaced every five years.

Based on the inventory results, staff developed a standard configuration for all computers. Following discussions with senior managers, some desktop units were recommended to be replaced with laptops/docking stations in order to allow for more flexibility and greater productivity. In addition, users or locations where two monitors were required or desired were also identified.

Once the quantities were determined, bids were sought for the purchase of thirty-one (31) desktop computers and thirteen (13) laptop computers. Docking stations for the laptops were included in the bid request, as were two (2) 22" monitors for each unit. Bids were obtained from Dell, and two Dell resellers - SHI and Sumner One. Staff has confirmed that prices included in the quotes are still valid.

In addition to the hardware costs, installation and set-up costs had to be evaluated. Computers purchased from Dell or SHI would require set-up by DTI staff at an estimated cost cost of \$135 per computer. Sumner One's included set-up of the computers at a cost of \$300 per computer. Staff is recommending that purchase and installation be secured through Sumner One.

With the need to replace nearly half of the City's computer hardware at this time, it will be important to have an installer who can consistently dedicate the time and attention to completing the project in the most efficient manner possible. Staff believes that it is

Related Statute/City Ordinance:	
Line Item Code/Description:	General Fund Reserve (\$75,000)/Parks & Recreation Sales Tax Reserve (\$7,500)
Available Budget:	\$82,500

City of Mission	Item Number:	2.
ACTION ITEM SUMMARY	Date:	December 31, 2018
Administration	From:	Kevin Self

Action items require a vote to recommend the item to full City Council for further action.

worth the additional investment with Sumner One to ensure we can move quickly through the installation and set-up process for the end users. In addition, this provides an opportunity for us to work with another service provider as we consider long-term options for overall management of the City's IT needs.

The City has obviously gone for too long without a comprehensive and systematic approach to computer replacement. Staff is currently working on a process that will provide for more predictable and consistent technology replacement in the future.

Funds were budgeted in the amount of \$82,500 in 2018 for technology (hardware) upgrades. These funds (\$75,000 from the General Fund and \$7,500 from the Parks and Recreation Sales Tax Fund) rolled over into fund balances and will need to be reallocated for this project.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	
Line Item Code/Description:	General Fund Reserve (\$75,000)/Parks & Recreation Sales Tax Reserve (\$7,500)
Available Budget:	\$82,500

DELL

Desktop Computers			
Optiplex 3060 SFF - i5 - 16GB RAM - 256GB SSD	\$ 915.57	31	\$ 28,382.67
Dell 22" Monitor	\$ 167.19	62	\$ 10,365.78
Installation (Done by DTI)	\$ 135.00	31	\$ 4,185.00
		Total	\$ 42,933.45
Laptop Computers			
Latitude 5590 - i5 - 8GB RAM - 256 SDD - 15.6"Screen	\$ 1,282.63	13	\$ 16,674.19
Dell Universal Dock - D6000	\$ 162.79	13	\$ 2,116.27
Dell 22" Monitor	\$ 167.19	26	\$ 4,346.94
Installation (Done by DTI)	\$ 135.00	13	\$ 1,755.00
		Total	\$ 24,892.40

TOTAL FOR DELL \$ 67,825.85

SHI

Desktop Computers			
Optiplex 3060 SFF - i5 - 16GB RAM - 256GB SSD	\$ 974.70	31	\$ 30,215.70
Dell 22" Monitor	\$ 169.38	62	\$ 10,501.56
Installation (Done by DTI)	\$ 135.00	31	\$ 4,185.00
		Total	\$ 44,902.26
Laptop Computers			
Latitude 5590 - i5 - 8GB RAM - 256 SDD - 15.6"Screen	\$ 1,042.98	13	\$ 13,558.74
Dell Universal Dock - D6000	\$ 158.39	13	\$ 2,059.07
Dell 22" Monitor	\$ 169.38	26	\$ 4,403.88
Installation (Done by DTI)	\$ 135.00	13	\$ 1,755.00
		Total	\$ 21,776.69

TOTAL FOR SHI \$ 66,678.95

SUMMER ONE

Desktop Computers			
Optiplex 3060 SFF - i5 - 16GB RAM - 256GB SSD	\$ 1,009.26	31	\$ 31,287.06
Dell 22" Monitor	\$ 174.25	62	\$ 10,803.50
Installation	\$ 300.00	31	\$ 9,300.00
		Total	\$ 51,390.56
Laptop Computers			
Latitude 5590 - i5 - 8GB RAM - 256 SDD - 15.6"Screen	\$ 1,268.80	13	\$ 16,494.40
Dell Universal Dock - D6000	\$ 185.38	13	\$ 2,409.94
Dell 22" Monitor	\$ 174.25	26	\$ 4,530.50
Installation	\$ 300.00	13	\$ 3,900.00
		Total	\$ 27,334.84

TOTAL FOR SUMMER ONE \$ 78,725.40

City of Mission	Item Number:	3.
ACTION ITEM SUMMARY	Date:	February 20, 2019
Administration	From:	Martha Sumrall

Action items require a vote to recommend the item to full City Council for further action.

RE: Revisions to Chapter 600 Alcoholic Beverages

RECOMMENDATION: Approve an ordinance amending Chapter 600 of the Code of the City of Mission, Kansas regarding Alcoholic Beverages

DETAILS: In 2017, the Kansas Legislature amended the cereal malt beverage (CMB) laws to allow retailers with a CMB License to also sell beer containing not more than 6% alcohol by volume. This change takes effect on April 1, 2019. Currently CMB is defined as beer with 3.2% alcohol by weight. In order to comply with this change in the law, Chapter 600 of Mission’s Code must be updated to include “enhanced cereal malt beverage.”

Following a review of this chapter to comply with the new enhanced cereal malt beverage changes, staff is also recommending several other modifications, including:

- Adding definitions for microbrewery, microdistillery, and farm winery.
- Modifying the restriction on location / distance requirements for certain alcohol retailers to follow State statutes.

Businesses in Mission with a current CMB license will be able to sell enhanced cereal malt beverage as of April 1, 2019 under their current CMB license. Businesses with current CMB licenses include:

- Hy-Vee Food Store
- Hy-Vee Convenience Store
- QuikTrip
- Target
- Johnny’s BBQ Restaurant
- CVS - currently applying for a CMB License

Direction in updating our ordinance was provided through LKM and the proposed ordinance has been reviewed by the City Attorney.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	NA
Line Item Code/Description:	NA
Available Budget:	NA

CITY OF MISSION
ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 600 OF THE CODE OF THE CITY OF MISSION, KANSAS REGARDING ALCOHOLIC BEVERAGES

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Mission, Kansas:

SECTION I: Chapter 600 of the code of the City of Mission is amended as follows:

Article I: General Provisions
Section 600.010 Definitions:

Unless otherwise expressly stated or the context indicates a different intention, the following terms shall, for the purpose of this Chapter, have the meanings indicated in this Section:

ALCOHOL

The product of distillation of any fermented liquid, whether rectified or diluted, whatever the origin thereof and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

ALCOHOLIC LIQUOR

Alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.

CATERER

An individual, partnership or corporation which sells alcoholic liquor by the individual drink and provides services related to the serving thereof on unlicensed premises which may be open to the public, but does not include a holder of a temporary permit selling alcoholic liquor in accordance with the terms of such permit.

CEREAL MALT BEVERAGE

Any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute, but does not include any such liquor which is more than three and two-tenths percent (3.2%) alcohol by weight.

CLASS A CLUB

A premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide non-profit social, fraternal or war veterans' club, as determined by the State of Kansas, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members), and their families and guests accompanying them.

CLASS B CLUB

A premises operated for profit by a corporation, partnership or individual to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

CLUB

A Class A or Class B club.

DRINKING ESTABLISHMENT

Premises which may be open to the general public where alcoholic liquor by the individual drink is sold.

ENHANCED CEREAL MALT BEVERAGE

Enhanced Cereal Malt Beverage means cereal malt beverage as that term is defined in K.S.A. 41-2701, and amendments thereto, and such term shall include beer containing not more than 6% alcohol by volume when such beer is sold by a retailer licensed under the Kansas Cereal Malt Beverage Act.

FARM WINERY

A winery licensed under the Liquor Control Act by the director to manufacture, store and sell domestic table wine and domestic fortified wine. A farm winery is limited to producing no more than 100,000 gallons of wine per year.

GENERAL RETAILER

A person who has a license to sell enhanced cereal malt beverages and/or cereal malt beverages at retail.

LIMITED RETAILER

A person who has a license to sell enhanced cereal malt beverages and/or cereal malt beverages at retail only in original and unopened containers and not for consumption on the premises.

MICROBREWERY

A brewery licensed by the State of Kansas to manufacture, store and sell domestic beer and hard cider. A microbrewery is not considered to be a retailer. A microbrewery is not considered to be a manufacturer.

MICRODISTILLERY

A facility which produces spirits from any source or substance that is licensed by the State of Kansas to manufacture, store and sell spirits. A microdistillery is not considered to be a retailer. A microdistillery is not considered to be a manufacturer.

PLACE OF BUSINESS

Any place at which enhanced cereal malt beverages, cereal malt beverages or alcoholic beverages or all are sold.

TEMPORARY CEREAL MALT BEVERAGE PERMIT

A permit issued in accordance with the laws of the State of Kansas and the ordinances of the City of Mission which allows the permit holder to sell enhanced cereal malt beverages and/or cereal malt beverages for a period of time not to exceed seventy-two (72) hours as specified in the application and permit.

TEMPORARY PERMIT

A permit, issued in accordance with the laws of the State of Kansas, which allows the permit holder to offer for sale, sell and serve alcoholic liquor for consumption on unlicensed premises open to the public.

WHOLESALE OR DISTRIBUTOR

Any individuals, firms, co-partnerships, corporations and associations which sell or offer for sale any beverage referred to in this Chapter to persons, co-partnerships, corporations and associations authorized by this Chapter to sell cereal malt beverages at retail.

Section 600.020 Restrictions on Location, Alcoholic Liquor, Microbrewery, Microdistillery, or Farm Winery

- A. No retailer’s license shall be issued for premises unless such premises comply with all applicable zoning regulations.

- B. No microbrewery license, microdistillery license or farm winery license shall be issued for premises which are zoned for any purpose except agricultural, commercial or business purposes.

- C. No alcoholic liquor retailer, microbrewery, microdistillery or farm winery license shall be issued for premises which:
 - (1) Are located within 200 feet of any public or parochial school or college or church, except that if any such school, college or church is established within 200 feet of any licensed premises after the premises have been licensed, the premises shall be an eligible location for retail licensing; or

 - (2) Do not conform to all applicable building regulations.

- D. The city, by ordinance, may allow a retailer, microbrewery, microdistillery or farm winery to be located within a core commercial district as defined by K.S.A. 2018 Supp. 12-17,122, and amendments thereto, which does not meet the distance requirements established by subsection C(1).

Section 600.040 Consumption on Public Property

- A. *Prohibition.* No person shall drink or consume any alcoholic liquor on City-owned public property.

B. *Exception.* The City Council may waive this prohibition of consumption of alcoholic beverages on City-owned public property for functions pre-approved by the City Council.

C. *Exception.* The provisions of this Section shall not apply to the Sylvester Powell, Jr. Community Center, provided that:

1. No individual under the age of twenty-one (21) may consume any alcoholic liquor, enhanced cereal malt beverage or cereal malt beverage;
2. Any event providing alcoholic liquor, enhanced cereal malt beverages or cereal malt beverages for consumption must be approved in advance by the Director of Parks and Recreation and the Chief of Police or his/her designee; and
3. All rules and conditions imposed by the Director of Parks and Recreation and the Chief of Police or his/her designee shall comply with all regulations as adopted/regulated by the State of Kansas and shall be followed without exception.

Section 600.050: Public Sale - Consumption

A. It shall be unlawful for any person to sell, serve or dispense any enhanced cereal malt beverage, cereal malt beverage or alcoholic liquor in any public place not licensed to sell, serve or dispense such beverage at such public place within or under the jurisdiction of the City.

B. It shall be unlawful for any person to drink or consume any enhanced cereal malt beverage, cereal malt beverage or alcoholic liquor in any public place not licensed to sell and serve such beverage for public consumption at such public place within or under the jurisdiction of the City.

C. For purposes of this Section, the term "*public place*" shall include upon any street, public thoroughfare, public parking lot or any privately owned parking area made available to the public generally, within any parked or driven motor vehicle situated in any of the aforesaid places or upon any property owned by the State or any governmental subdivision thereof unless such property is leased to others under K.S.A. 12-1740 et seq., if the property is being used for hotel or motel purposes or purposes incidental thereto or is owned or operated by an airport authority created pursuant to Chapter 27 of the Kansas Statutes Annotated.

Section 600.060 A: Transportation of Liquor in Opened Containers Unlawful - Exceptions

A. As used in this Section, "*alcoholic beverage*" means any alcoholic liquor, as defined by K.S.A. 41-102 and amendments thereto, or any enhanced cereal malt beverage or cereal malt beverage, as defined by K.S.A. 41-2701 and amendments thereto.

Section 600.080: Unlawful Use of Driver's License/Identification Card

- A. It shall be unlawful for any person to:
1. Lend any driver's license to or knowingly permit the use of any driver's license by any person under twenty-one (21) years of age for use in the purchase of any alcoholic liquor.
 2. Lend any driver's license to or knowingly permit the use of any driver's license by a person under the legal age for consumption of enhanced cereal malt beverage and/or cereal malt beverage for use in the purchase of any enhanced cereal malt beverage and/or cereal malt beverage.
 3. Lend any driver's license, non-driver's identification card or other form of identification to aid another person in wrongfully obtaining a driver's license or replacement driver's license.
 4. Display or cause to be displayed or have in possession any fictitious or fraudulently altered driver's license by any person under twenty-one (21) years of age for use in the purchase of any alcoholic liquor, enhanced cereal malt beverage or cereal malt beverage.
- B. Violations.
1. Upon a first (1st) conviction of a violation of any provision of Subsection **(C)** a person shall be guilty of a class B non-person misdemeanor and shall be sentenced to not less than one hundred (100) hours of public service and fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00).
 2. On a second (2nd) or subsequent conviction of a violation of any provision of Subsection **(C)**, a person shall be guilty of a class A non-person misdemeanor.
- C. The provisions of this Section shall apply to any driver's license, non-driver's identification card or other form of identification whether issued under the laws of this State or issued under the laws of another State or jurisdiction.

Section 600.090: Possession or Consumption by Minor Prohibited

- A. No licensee or permit holder, or any owner, officer or employee thereof, shall knowingly or unknowingly permit the possession or consumption of alcoholic liquor, enhanced cereal malt beverage or cereal malt beverage by a minor on premises where alcoholic beverages are sold by such licensee or permit holder, except that a licensee's or permit holder's employee who is not less than eighteen (18) years of age may serve alcoholic liquor, enhanced cereal malt beverage or cereal malt beverage under the on-premises supervision of the licensee or permit holder, or an employee who is twenty-one (21) years of age or older.

B. Violation of this Section is a misdemeanor punishable by a fine of not less than one hundred dollars (\$100.00) and not more than two hundred fifty dollars (\$250.00) or imprisonment not exceeding thirty (30) days, or both.

C. It shall be a defense to a prosecution under this section if:

1. The defendant permitted the minor to possess or consume the alcoholic liquor, enhanced cereal malt beverage or cereal malt beverage with reasonable cause to believe that the minor was twenty-one (21) or more years of age; and
2. To possess or consume the alcoholic liquor, enhanced cereal malt beverage or cereal malt beverage, the minor exhibited to the defendant a driver's license, Kansas non-driver's identification card or other official or apparently official document, containing a photograph of the minor and purporting to establish that such minor was twenty-one (21) or more years of age.

Section 600.100: Revocation or Suspension of License - Grounds For

A. The Governing Body may revoke or suspend any license issued pursuant to the club and drinking establishment act for any one (1) or more of the following reasons:

1. The licensee has fraudulently obtained the license by giving false information in the application therefor or any hearing thereon.
2. The licensee has violated any of the provisions of this Act or any rules or regulations adopted hereunder.
3. The licensee has become ineligible to obtain a license or permit under this Act.
4. The licensee's manager or employee has been intoxicated while on duty.
5. The licensee or its manager or employee has permitted any disorderly person to remain on premises where alcoholic liquor is sold by such licensee.
6. There has been a violation of a provision of the laws of this City, State or of the United States pertaining to the sale of intoxicating or alcoholic liquors, enhanced cereal malt beverages or cereal malt beverages or any crime involving a morals charge on premises where alcoholic liquor is sold by such licensee.
7. The licensee or its managing officers or any employee has purchased and displayed on premises where alcoholic liquor is sold by such licensee a Federal wagering occupational stamp issued by the United States Treasury Department.
8. The licensee or its managing officers or any employee has purchased and displayed on premises where alcoholic liquor is sold by such licensee a

Federal coin operated gambling device stamp for the premises issued by the United States Treasury Department.

9. The licensee holds a license as a class B club, drinking establishment or caterer and has been found guilty of a violation of Article 10 of Chapter 44 of the Kansas Statutes Annotated under a decision or order of the Kansas Human Rights Commission which has become final or such licensee has been found guilty of a violation of K.S.A. 21-4003 and amendments thereto.

Section 600.140: Underage Purchaser

- A. It shall be unlawful for any person twenty-one (21) years of age to purchase or attempt to purchase any enhanced cereal malt beverage or cereal malt beverage.
- B. It shall be unlawful for any person under twenty-one (21) years of age to purchase or attempt to purchase any alcoholic liquor.

Section 600.150: 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 6:00 A.M. on any day.
- B. No alcoholic beverages, enhanced cereal malt beverages or cereal malt beverages shall be given, sold or traded to any person under twenty-one (21) years of age.

Section 600.155: Sunday Sale of Alcoholic Liquor and Cereal Malt Beverages in Original Package

- A. Pursuant to 2005 Kansas Sess. Laws, Chapter 201, the sale at retail of enhanced cereal malt beverage and/or 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. Pursuant to 2005 Kansas Sess. Laws, Chapter 201, the sale at retail of alcoholic liquor 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. and on Memorial Day, Independence Day and Labor Day.

Article II: Cereal Malt Beverages

Section 600.160: License/Permit Required

- A. It shall be unlawful for any person to sell any cereal malt beverages and/or enhanced cereal malt beverage (CMB) within the corporate limits of this City without having in his possession a valid CMB retailer's business license issued by the City for each place of business at which such retail sales are made, or a valid special event

retailer's permit issued pursuant to Section 600.171. There are two (2) types of CMB retailer's business licenses that may be issued pursuant to this Article:

1. An on-premises CMB license, which allows for consumption of enhanced cereal malt beverage and/or cereal malt beverage on the licensed premises; and
2. An off-premises CMB license, which allows for consumption off the licensed premises. It shall be unlawful for any person holding a license for the sale at retail of enhanced cereal malt beverages and/or cereal malt beverages to sell such beverages in any other manner than is provided for with such license or by law.

Section 600.170: License Application

An application for a license to sell enhanced cereal malt beverages and/or cereal malt beverages at retail shall be made to the Governing Body in accordance with the provisions of K.S.A. 41-2702.

Section 600.171: Special Event Retailer's Permit

A. *Permit Authorized.* Any person desiring to secure a special event retailer's permit shall submit a verified application to the City. A special event retailer's permit shall allow the permit holder to offer for sale, sell and serve enhanced cereal malt beverages and/or cereal malt beverages for consumption on premises not otherwise permitted under the Kansas Cereal Malt Beverage Act, and which may be open to the public, subject to the following:

1. A special event retailer's permit shall specify the premises for which the permit is issued;
2. A special event retailer's permit shall be issued for the duration of the special event, the dates and hours of which shall be specified in the permit;
3. No more than four (4) special event retailer's permits may be issued to any one (1) applicant in a calendar year; and
4. A special event retailer's permit shall not be transferable or assignable.

B. *Application For Permit.* Any person desiring to obtain a special event retailer's permit shall submit an application, in writing, to the City. The application shall be on a form prepared by the Attorney General and shall contain all the information requested thereon. In addition, the applicant must provide the City with all investigations required pursuant to Section **600.200**.

C. *Approval — Denial.* If the application is in proper form, accompanied by the permit fee and all other necessary information, and if after examination City staff

determines the applicant meets the requirements, the application shall be placed on the next available Governing Body agenda for approval.

D. *Permit Fees.* The fee for a special event retailer's permit shall be as provided by the fee schedule set out in Chapter **103**, Section **103.030**, said fees are payable upon the City's receipt of the application for said permit.

E. *Term Of Permit — Contents.* Any special event retailer's permit issued hereunder shall be valid for a period not to exceed seventy-two (72) hours.

F. *Compliance With Provisions.* It shall be unlawful for any person granted a special event retailer's permit to sell anything other than enhanced cereal malt beverages and/or cereal malt beverages or to sell at any time or place other than the time and place as specified in the application and temporary permit.

G. *Revocation.* A special event retailer's permit issued pursuant to this Section may be immediately revoked by the City if there is probable cause to believe that there has been a violation of any applicable local, State or Federal law by the permittee, or a violation of a special event or special use permit issued by the City, if any.

Section 600.190: License Fee

All applications for a license to sell enhanced cereal malt beverages and/or cereal malt beverages at retail shall be accompanied by a license fee as provided by the fee schedule set out in Chapter **103**, Section **103.030**. 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.

Section 600.200: Examination, Investigation of License Application

If the application for a cereal malt beverage (CMB) license is in proper form and accompanied by cash in the amount of the license fee and the required affidavits, the Clerk will forward the application to the Chief of Police for further investigation. Following completion of the investigation and upon the recommendation for approval of the license by the Chief of Police, the application will be presented to the Governing Body for approval.

Section 600.210: Issuance of License

If the Governing Body finds the applicant to be qualified as provided by law, the Governing Body shall authorize a license to the applicant and direct the City Clerk to issue a retail license to the applicant.

Section 600.270: Consumption, Possession on Public Property

- A. It shall be unlawful for any person to possess an open container, consume or sell any enhanced cereal malt beverage and/or cereal malt beverage upon any sidewalk, public street, alley or any other public place within the City.
- B. In the event of a City holiday or celebration sponsored by the City, the prohibition in Subsection (A) may be waived by the Governing Body.

Section 600.280: Regulations

- A. No enhanced cereal malt beverages and /or cereal malt beverages may be sold or dispensed; (1) between the hours of 12:00 midnight and 6:00 a.m.; (2) in the original package before 12:00 noon or after 8:00 p.m. on Sunday; (3) on Easter Sunday; or (4) for consumption on the licensed premises on Sunday, except in a place of business which is licensed to sell enhanced cereal malt beverage or cereal malt beverage for consumption on the premises, which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises.
- B. Enhanced cereal malt beverages and/or cereal malt beverages may be sold at any time alcoholic liquor is allowed by law to be served on premises which are licensed pursuant to K.S.A. 41-2601, et seq. and amendments thereto, and licensed as a club by the State Director of Alcoholic Beverage Control.
- C. 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.
- D. A place of business licensed under this Article shall be open to the public and to Police Officers of the City at all times during business hours, except a private club shall be open to Police, but not the general public.
- E. No person shall have any alcoholic liquor in his/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.
- G. No enhanced cereal malt beverage and/or cereal malt beverage shall be sold to any person in any automobile around or about such place of business.

Section 600.290: Wholesalers 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 enhanced cereal malt beverages and/or 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.

Article IV: Private Clubs

Section 600.390 Rules and Regulations by Governing Body

- A. The Governing Body may prescribe hours of closing, standards of conduct and rules and regulations concerning the moral, sanitary and health conditions of the place licensed and may establish zoning within which no club may be located. For zoning purposes, a club shall be classified as a tavern.
- B. 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.
- C. Enhanced cereal malt beverages and/or cereal malt beverages may be sold on premises licensed both for retail sale of enhanced cereal malt beverages and/or cereal malt beverage for on-premises consumption pursuant to K.S.A. 41-2701 et seq. and holding a license as a club issued by the State of Kansas at any time when alcoholic liquor is allowed by law to be served on the premises.
- D. No membership shall be sold to any person under twenty-one (21) years of age, nor shall alcoholic beverages, enhanced cereal malt beverages or cereal malt beverages be given, sold or traded to any person who has not attained his/her twenty-first (21st) birthday.

Article V: Drinking Establishment

Section 600.400: 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. Enhanced cereal malt beverages and/or cereal malt beverages may be sold on premises licensed for the retail sale of enhanced cereal malt beverage and/or 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, enhanced cereal malt beverages or cereal malt beverages shall be given, sold or traded to any person under twenty-one (21) years of age.

SECTION II: This Ordinance shall take effect and be in full force from and after its publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL this 20th day of March 2019.

APPROVED BY THE MAYOR this 20th day of March 2019.

(SEAL)

Ronald E. Appletoft, Mayor

ATTEST:

Martha M. Sumrall, City Clerk

APPROVED AS TO FORM:

PAYNE & JONES, CHTD.

David K. Martin, City Attorney
11000 King, Suite 200
P. O. Box 25625
Overland Park, KS 66225-5625
Tel: (913) 469-4100
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Chapter 600

Alcoholic Beverages

Article I

General Provisions

Section 600.010 **Definitions.**

[Code 1987; CC 2000 §3-101; Ord. No. 1351 §1, 7-20-2011]

Unless otherwise expressly stated or the context indicates a different intention, the following terms shall, for the purpose of this Chapter, have the meanings indicated in this Section:

ALCOHOL

The product of distillation of any fermented liquid, whether rectified or diluted, whatever the origin thereof and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

ALCOHOLIC LIQUOR

Alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being but shall not include any cereal malt beverage.

CATERER

An individual, partnership or corporation which sells alcoholic liquor by the individual drink and provides services related to the serving thereof on unlicensed premises which may be open to the public, but does not include a holder of a temporary permit selling alcoholic liquor in accordance with the terms of such permit.

CEREAL MALT BEVERAGE

Any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute, but does not include any such liquor which is more than three and two-tenths percent (3.2%) alcohol by weight.

CLASS A CLUB

A premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide non-profit social, fraternal or war veterans' club, as determined by the State of Kansas, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members), and their families and guests accompanying them.

CLASS B CLUB

A premises operated for profit by a corporation, partnership or individual to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

CLUB

A Class A or Class B club.

DRINKING ESTABLISHMENT

Premises which may be open to the general public where alcoholic liquor by the individual drink is

sold.

ENHANCED CEREAL MALT BEVERAGE

Enhanced Cereal Malt Beverage means cereal malt beverage as that term is defined in K.S.A. 41-2701, and amendments thereto, and such term shall include beer containing not more than 6% alcohol by volume when such beer is sold by a retailer licensed under the Kansas cereal malt beverage act.

FARM WINERY

A winery licensed under the Liquor Control Act by the director to manufacture, store and sell domestic table wine and domestic fortified wine. A farm winery is limited to producing no more than 100,000 gallons of wine per year.

GENERAL RETAILER

A person who has a license to sell enhanced cereal malt beverages and/or cereal malt beverages at retail.

LIMITED RETAILER

A person who has a license to sell enhanced cereal malt beverages and/or cereal malt beverages at retail only in original and unopened containers and not for consumption on the premises.

MICROBREWERY

A brewery licensed by the State of Kansas to manufacture, store and sell domestic beer and hard cider. A microbrewery is not considered to be a retailer. A microbrewery is not considered to be a manufacturer.

MICRODISTILLERY

A facility which produces spirits from any source or substance that is licensed by the State of Kansas to manufacture, store and sell spirits. A microdistillery is not considered to be a retailer. A microdistillery is not considered to be a manufacturer.

PLACE OF BUSINESS

Any place at which enhanced cereal malt beverages, cereal malt beverages or alcoholic beverages or all~~both~~ are sold.

TEMPORARY CEREAL MALT BEVERAGE PERMIT

A permit issued in accordance with the laws of the State of Kansas and the ordinances of the City of Mission which allows the permit holder to sell enhanced cereal malt beverages and/or cereal malt beverages for a period of time not to exceed seventy-two (72) hours as specified in the application and permit.

TEMPORARY PERMIT

A permit, issued in accordance with the laws of the State of Kansas, which allows the permit holder to offer for sale, sell and serve alcoholic liquor for consumption on unlicensed premises open to the public.

WHOLESALE OR DISTRIBUTOR

Any individuals, firms, co-partnerships, corporations and associations which sell or offer for sale any beverage referred to in this Chapter to persons, co-partnerships, corporations and associations authorized by this Chapter to sell cereal malt beverages at retail.

Section 600.020 **Restriction On Location, Alcoholic Liquor, Microbrewery, Microdistillery or Farm Winery.**

[Code 1974 §3-114; Code 1987; CC 2000 §3-102, 3-306]

A. A.—No retailer’s license shall be issued for premises unless such premises comply with all applicable zoning regulations

~~A. No alcoholic liquor or 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 two hundred (200) feet of any public or parochial school, college, church, nursing home, library or hospital except that if any such school, college, , nursing home, library or hospital is established within two (200) feet of any licensed premises after the premises have been licensed, the premises shall be an eligible location for retail licensing; 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. B.No microbrewery license, microdistillery license or farm winery license shall be issued for premises which are zoned for any purpose except agricultural, commercial or business purposes.

~~No license or permit shall be issued for the sale of alcoholic liquor or cereal malt beverage 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.~~

C. C.No alcoholic liquor retailer’s, microbrewery, microdistillery or farm winery license shall be issued for premises which:

(1) Are located within 200 feet of any public or parochial school or college or church, except that if any such school, college or church is established within 200 feet of any licensed premises after the premises have been licensed, the premises shall be an eligible location for retail licensing; or

(2) Do not conform to all applicable building regulations.

D. The city, by ordinance, may allow a retailer, microbrewery, microdistillery or farm winery to be located within a core commercial district as defined by K.S.A. 2018 Supp. 12-17,122, and amendments thereto, which does not meet the distance requirements established by subsection C(1).

~~No alcoholic liquor shall be sold at retail upon any premises which have an inside entrance or opening which connects with any other place of business.~~

Section 600.030 **Minors On Premises.**

[Code 1987; CC 2000 §3-103]

- A. It shall be unlawful for any person under the age of twenty-one (21) years to remain on any premises where the sale of alcoholic liquor is licensed for on-premises consumption or where a caterer or temporary permit holder is serving alcoholic liquor.
- B. It shall be unlawful for the operator, person in charge or licensee of any premises licensed for on-premises consumption of alcoholic liquor or a caterer or temporary permit holder who is serving alcoholic liquor to permit any person under the age of twenty-one (21) years to remain on the premises.
- C. This Section shall not apply if the person under the age of twenty-one (21) years is accompanied by his/her parent or guardian or if the licensed or permitted premises derives not more than fifty percent (50%) of its gross receipts in each calendar year from the sale of alcoholic liquor for on-premises consumption.

Section 600.040 Consumption On Public Property.
[Ord. No. 973, 3-24-1999; Code 2000; CC 2000 §3-104]

- A. *Prohibition.* No person shall drink or consume any alcoholic liquor on City-owned public property.
- B. *Exception.* The City Council may waive this prohibition of consumption of alcoholic beverages on City-owned public property for functions pre-approved by the City Council.
- C. *Exception.* The provisions of this Section shall not apply to the Sylvester Powell, Jr. Community Center, provided that:
 1. No individual under the age of twenty-one (21) may consume any alcoholic liquor, enhanced cereal malt beverage or cereal malt beverage;
 2. Any event providing alcoholic liquor, enhanced cereal malt beverages or cereal malt beverages for consumption must be approved in advance by the Director of Parks and Recreation and the Chief of Police or his/her designee; and
 3. All rules and conditions imposed by the Director of Parks and Recreation and the Chief of Police or his/her designee shall comply with all regulations as adopted/regulated by the State of Kansas and shall be followed without exception.

Section 600.050 Public Sale — Consumption.
[Code 1987; CC 2000 §3-105]

- A. It shall be unlawful for any person to sell, serve or dispense any enhanced cereal malt beverage, cereal malt beverage or alcoholic liquor in any public place not licensed to sell, serve or dispense such beverage at such public place within or under the jurisdiction of the City.
- B. It shall be unlawful for any person to drink or consume any enhanced cereal malt beverage, cereal malt beverage or alcoholic liquor in any public place not licensed to sell and serve such beverage for public consumption at such public place within or under the jurisdiction of the City.
- C. For purposes of this Section, the term "*public place*" shall include upon any street, public thoroughfare, public parking lot or any privately owned parking area made available to the public generally, within any parked or driven motor vehicle situated in any of the aforesaid places or upon any property owned by the State or any governmental subdivision thereof unless such property is leased to others under K.S.A. 12-1740 et seq., if the property is being used for hotel or motel purposes or purposes incidental thereto or is owned or operated by an airport authority created pursuant to Chapter 27 of the Kansas Statutes Annotated.

Section 600.060 Transportation of Liquor in Opened Containers Unlawful — Exceptions.

- A. As used in this Section, "*alcoholic beverage*" means any alcoholic liquor, as defined by K.S.A. 41-102 and amendments thereto, or any enhanced cereal malt beverage or cereal malt beverage, as defined by K.S.A. 41-2701 and amendments thereto.
- B. No person shall transport in any vehicle upon a highway or street any alcoholic 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 vehicle which is a recreational vehicle, as defined by

K.S.A. 75-1212 and amendments thereto, or a bus, as defined by K.S.A. 8-1406 and amendments thereto, who is not in the driving compartment of such vehicle or who is in a portion of such vehicle from which the driver is not directly accessible.

- C. Violation of this Section is a misdemeanor punishable by a fine of not more than two hundred dollars (\$200.00) or by imprisonment for not more than six (6) months, or both.
- D. Except as provided in Subsection (F) upon conviction or adjudication of a second (2nd) or subsequent violation of this Section, the judge, in addition to any other penalty or disposition ordered pursuant to law, shall suspend the person's driver's license or privilege to operate a motor vehicle on the streets and highways of this State for one (1) year.
- E. Upon suspension of a license pursuant to this Section, the court shall require the person to surrender the license to the court, which shall transmit the license to the division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the division for return of the license. If the license has expired, the person may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the person's privilege to operate a motor vehicle is in effect.
- F. As used in this section, "*highway*" and "*street*" have the meanings provided by K.S.A. 8-1424 and 8-1473, and amendments thereto.
- G. In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this State of any person convicted of violating this Section, as provided in Subsection (D), the judge of the court in which such person was convicted may enter an order which places conditions on such person's privilege of operating a motor vehicle on the highways of this State, a certified copy of which such person shall be required to carry any time such person is operating a motor vehicle on the highways of this State. Any such order shall prescribe the duration of the conditions imposed, which in no event shall be for a period of more than one (1) year for a second (2nd) violation.

Upon entering an order restricting a person's license hereunder, the judge shall require such person to surrender such person's driver's license to the judge who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license which shall indicate on its face that conditions have been imposed on such person's privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the person for whom the license was issued any time such person is operating a motor vehicle on the highways of this State. If the person convicted is a non-resident, the judge shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator, of such person's State of residence. Such judge shall furnish to any person whose driver's license has had conditions imposed on it under this Section a copy of the order, which shall be recognized as a valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this Section.

Upon expiration of the period of time for which conditions are imposed pursuant to this Subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such person may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such person's privilege to operate a motor vehicle on the highways of this State has been suspended or revoked prior thereto. If any person shall violate any of the conditions imposed under this Subsection, such person's driver's license or privilege to operate a motor vehicle on the highways of this State shall be revoked for a period of not less than sixty (60) days nor more than one (1) year by the judge of the court in which such person is convicted of violating such conditions.

- H. It shall be an affirmative defense to any prosecution under this Section that an occupant of the vehicle other than the defendant was in exclusive possession of the alcoholic liquor.

- I. The court shall report to the division every conviction of a violation of this Section or of a City ordinance or county resolution that prohibits the acts prohibited by this Section. Prior to sentencing under the provisions of this Section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this State.
- J. For the purpose of determining whether a conviction is a first (1st), second (2nd) or subsequent conviction in sentencing under this Section:
 1. "*Conviction*" includes being convicted of a violation of an ordinance of any City, or resolution of any County, which prohibits the acts that this Section prohibits;
 2. Only convictions occurring in the immediately preceding five (5) years, including prior to the effective date of this act, shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first (1st), second (2nd) or subsequent offender, whichever is applicable; and
 3. It is irrelevant whether an offense occurred before or after conviction for a previous offense.
- K. This Section shall not be construed as preventing any City from enacting ordinances, or any county from adopting resolutions, declaring acts prohibited by this Section as unlawful or prohibited in such City or County and prescribing penalties for violation thereof, but such ordinance or resolution shall provide for suspension or restriction of driving privileges as provided by this Section and the convicting court shall be required to report convictions for violations of such ordinance or resolution as provided by Subsection (I).
- L. This Section shall be part of and supplemental to the uniform act regulating traffic on highways.

Section 600.070 Consumption of Alcoholic Liquor Prohibited in Certain Places — Exemptions.

- A. No person shall drink or consume alcoholic liquor on the public streets, alleys, roads or highways or inside vehicles while on the public streets, alleys, roads or highways.
- B. No person shall drink or consume alcoholic liquor on private property except:
 1. On premises where the sale of liquor by the individual drink is authorized by the club and drinking establishment act;
 2. Upon private property by a person occupying such property as an owner or lessee of an owner and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;
 3. In a private dining room of a hotel, motel or restaurant, if the dining room is rented or made available on a special occasion to an individual or organization for a private party and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place; or
- C. Violation of any provision of this Section is a misdemeanor punishable by a fine of not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00) or by imprisonment for not more than six (6) months, or both.

Section 600.080 Unlawful Use of Driver's License/Identification Card.

- A. It shall be unlawful for any person to:
 1. Lend any driver's license to or knowingly permit the use of any driver's license by any person under twenty-one (21) years of age for use in the purchase of any alcoholic liquor.

2. Lend any driver's license to or knowingly permit the use of any driver's license by a person under the legal age for consumption of enhanced cereal malt beverage and/or cereal malt beverage for use in the purchase of any enhanced cereal malt beverage and/or cereal malt beverage.
3. Lend any driver's license, non-driver's identification card or other form of identification to aid another person in wrongfully obtaining a driver's license or replacement driver's license.
4. Display or cause to be displayed or have in possession any fictitious or fraudulently altered driver's license by any person under twenty-one (21) years of age for use in the purchase of any alcoholic liquor, enhanced cereal malt beverage or cereal malt beverage.

B. *Violations.*

1. Upon a first (1st) conviction of a violation of any provision of Subsection (C) a person shall be guilty of a class B non-person misdemeanor and shall be sentenced to not less than one hundred (100) hours of public service and fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00).
 2. On a second (2nd) or subsequent conviction of a violation of any provision of Subsection (C), a person shall be guilty of a class A non-person misdemeanor.
- C. The provisions of this Section shall apply to any driver's license, non-driver's identification card or other form of identification whether issued under the laws of this State or issued under the laws of another State or jurisdiction.

Section 600.090 Possession or Consumption By Minor Prohibited.

- A. No licensee or permit holder, or any owner, officer or employee thereof, shall knowingly or unknowingly permit the possession or consumption of alcoholic liquor, enhanced cereal malt beverage or cereal malt beverage by a minor on premises where alcoholic beverages are sold by such licensee or permit holder, except that a licensee's or permit holder's employee who is not less than eighteen (18) years of age may serve alcoholic liquor, enhanced cereal malt beverage or cereal malt beverage under the on-premises supervision of the licensee or permit holder, or an employee who is twenty-one (21) years of age or older.
- B. Violation of this Section is a misdemeanor punishable by a fine of not less than one hundred dollars (\$100.00) and not more than two hundred fifty dollars (\$250.00) or imprisonment not exceeding thirty (30) days, or both.
- C. It shall be a defense to a prosecution under this section if:
 1. The defendant permitted the minor to possess or consume the alcoholic liquor, enhanced cereal malt beverage or cereal malt beverage with reasonable cause to believe that the minor was twenty-one (21) or more years of age; and
 2. To possess or consume the alcoholic liquor, enhanced cereal malt beverage or cereal malt beverage, the minor exhibited to the defendant a driver's license, Kansas non-driver's identification card or other official or apparently official document, containing a photograph of the minor and purporting to establish that such minor was twenty-one (21) or more years of age.

Section 600.100 Revocation or Suspension of License — Grounds For.

- A. The Governing Body may revoke or suspend any license issued pursuant to the club and drinking establishment act for any one (1) or more of the following reasons:
 1. The licensee has fraudulently obtained the license by giving false information in the application therefor or any hearing thereon.

2. The licensee has violated any of the provisions of this Act or any rules or regulations adopted hereunder.
3. The licensee has become ineligible to obtain a license or permit under this Act.
4. The licensee's manager or employee has been intoxicated while on duty.
5. The licensee or its manager or employee has permitted any disorderly person to remain on premises where alcoholic liquor is sold by such licensee.
6. There has been a violation of a provision of the laws of this City, State or of the United States pertaining to the sale of intoxicating or alcoholic liquors, enhanced cereal malt beverages or cereal malt beverages or any crime involving a morals charge on premises where alcoholic liquor is sold by such licensee.
7. The licensee or its managing officers or any employee has purchased and displayed on premises where alcoholic liquor is sold by such licensee a Federal wagering occupational stamp issued by the United States Treasury Department.
8. The licensee or its managing officers or any employee has purchased and displayed on premises where alcoholic liquor is sold by such licensee a Federal coin operated gambling device stamp for the premises issued by the United States Treasury Department.
9. The licensee holds a license as a class B club, drinking establishment or caterer and has been found guilty of a violation of Article 10 of Chapter 44 of the Kansas Statutes Annotated under a decision or order of the Kansas Human Rights Commission which has become final or such licensee has been found guilty of a violation of K.S.A. 21-4003 and amendments thereto.

Section 600.110 Revocation — Suspension — Notice — Hearing.

[Ord. No. 327, 9-27-1967; Code 1974 §3-309; Code 1983; CC 2000 §3-406]

No revocation or suspension shall be ordered until the licensee shall have been afforded a hearing before the Governing Body. Prior to holding any hearing to revoke or suspend a private club license, the licensee shall be given not less than two (2) 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.

Section 600.120 Revocation — Suspension — Appeal.

[Ord. No. 327, 9-27-1967; Code 1974 §3-309; Code 1983; CC 2000 §3-407]

Any person who shall have his/her application for a license denied or have a license revoked or suspended shall have ten (10) days from the date of such denial, revocation or suspension to appeal to the District Court of Johnson County, Kansas.

Section 600.130 Relationship of Retailer To Manufacturer, Distributor, Wholesaler.

[Ord. No. 315, 6-14-1967; Code 1974 §3-234; CC 2000 §3-217]

- A. Except as provided in the paragraph at the end of Subsection (A), no manufacturer, distributor, agent or wholesaler shall:
 1. Directly or indirectly sell, supply, furnish, give, pay for, loan or lease any furnishings, fixture or equipment on the premises of a place of business of a retailer;
 2. Directly or indirectly pay for any retailer's license or advance, furnish, lend or give money for payment of such license;

3. Purchase or become the owner of any note, mortgage or other evidence of indebtedness of a retailer or any form of security therefor;
4. Directly or indirectly be interested in the ownership, conduct or operation of the business of any retailer; or
5. Be directly or indirectly interested in or owner, part owner, lessee or lessor of any premises upon which cereal malt beverages are sold at retail.

A distributor, agent or wholesaler may sell tapping and dispensing equipment, as defined by rules and regulations adopted by the Secretary of Revenue, at not less than the cost paid for such equipment by the distributor, agent or wholesaler. The terms of any such sale shall comply with the provisions of K.S.A. 41-2706. Such sales shall not be subject to any repurchase agreement.

- B. No manufacturer, distributor or wholesaler shall, directly or indirectly or through a subsidiary or affiliate or by any officer, director or firm of such manufacturer, distributor or wholesaler, furnish, give, lend or rent any interior decorations other than signs costing in the aggregate more than one hundred dollars (\$100.00) in any one (1) calendar year for use in or about or in connection with any one (1) establishment on which products of the manufacturer, distributor or wholesaler are sold.
- C. No person engaged in the business of manufacturing, distributing or wholesaling cereal malt beverages shall, directly or indirectly, pay for or advance, furnish or lend money for the payment of any license for another.
- D. Any licensee who shall permit or assent or be a party in any way to any violation or infringement of the provisions of this Section shall be deemed guilty of a violation of this act and any money loaned contrary to a provision of this act shall not be recovered back or any note, mortgage or other evidence of indebtedness or security or any lease or contract obtained or made contrary to this act shall be unenforceable and void.

Section 600.140 Underage Purchaser.
[Code 1987]

- A. It shall be unlawful for any person twenty-one (21) years of age to purchase or attempt to purchase any enhanced cereal malt beverage or cereal malt beverage.
- B. It shall be unlawful for any person under twenty-one (21) years of age to purchase or attempt to purchase any alcoholic liquor.

Section 600.150 Business Regulations.
[Code 1987; CC 2000 §3-603]

- A. No caterer licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 A.M. and 6:00 A.M. on any day.
- B. No alcoholic beverages, enhanced cereal malt beverages or cereal malt beverages shall be given, sold or traded to any person under twenty-one (21) years of age.

Section 600.155 Sunday Sale of Alcoholic Liquor and Cereal Malt Beverage in Original Package.
[Ord. No. 1171 §§1 — 2, 8-10-2005]

- A. Pursuant to 2005 Kansas Sess. Laws, Chapter 201, the sale at retail of enhanced cereal malt beverage and/or 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. Pursuant to 2005 Kansas Sess. Laws, Chapter 201, the sale at retail of alcoholic liquor 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. and on Memorial Day, Independence Day and Labor Day.

Article II Cereal Malt Beverages

Section 600.160 **License/Permit Required.**

[Ord. No. 315, 6-14-1967; Code 1974 §3-202; Code 1983; CC 2000 §3-201; Ord. No. 1351 §2, 7-20-2011]

- A. It shall be unlawful for any person to sell any cereal malt beverages (~~CMB~~) and/or enhanced cereal malt beverage (CMB) within the corporate limits of this City without having in his possession a valid CMB retailer's business license issued by the City for each place of business at which such retail sales are made, or a valid special event retailer's permit issued pursuant to Section **600.171**. There are two (2) types of CMB retailer's business licenses that may be issued pursuant to this Article:
1. An on-premises CMB license, which allows for consumption of enhanced cereal malt beverage and/or cereal malt beverage ~~CMB~~ on the licensed premises; and
 2. An off-premises CMB license, which allows for consumption off the licensed premises. It shall be unlawful for any person holding a license for the sale at retail of enhanced cereal malt beverages and/or cereal malt beverages to sell such beverages in any other manner than is provided for with such license or by law.

Section 600.170 **License Application.**

[Ord. No. 315, 6-14-1967; Code 1974 §3-205; Code 1983; CC 2000 §3-202]

An application for a license to sell enhanced cereal malt beverages and/or cereal malt beverages at retail shall be made to the Governing Body in accordance with the provisions of K.S.A. 41-2702.

Section 600.171 **Special Event Retailer's Permit.**

[Ord. No. 1351 §3, 7-20-2011]

- A. *Permit Authorized.* Any person desiring to secure a special event retailer's permit shall submit a verified application to the City. A special event retailer's permit shall allow the permit holder to offer for sale, sell and serve enhanced cereal malt beverages and/or cereal malt beverages for consumption on premises not otherwise permitted under the Kansas Cereal Malt Beverage Act, and which may be open to the public, subject to the following:
1. A special event retailer's permit shall specify the premises for which the permit is issued;
 2. A special event retailer's permit shall be issued for the duration of the special event, the dates and hours of which shall be specified in the permit;
 3. No more than four (4) special event retailer's permits may be issued to any one (1) applicant in a calendar year; and
 4. A special event retailer's permit shall not be transferable or assignable.
- B. *Application For Permit.* Any person desiring to obtain a special event retailer's permit shall submit an application, in writing, to the City. The application shall be on a form prepared by the Attorney General and shall contain all the information requested thereon. In addition, the applicant must provide the City with all investigations required pursuant to Section **600.200**.
- C. *Approval — Denial.* If the application is in proper form, accompanied by the permit fee and all other

necessary information, and if after examination City staff determines the applicant meets the requirements, the application shall be placed on the next available Governing Body agenda for approval.

- D. *Permit Fees.* The fee for a special event retailer's permit shall be as provided by the fee schedule set out in Chapter **103**, Section **103.030**, said fees are payable upon the City's receipt of the application for said permit.
- E. *Term Of Permit — Contents.* Any special event retailer's permit issued hereunder shall be valid for a period not to exceed seventy-two (72) hours.
- F. *Compliance With Provisions.* It shall be unlawful for any person granted a special event retailer's permit to sell anything other than enhanced cereal malt beverages and/or cereal malt beverages or to sell at any time or place other than the time and place as specified in the application and temporary permit.
- G. *Revocation.* A special event retailer's permit issued pursuant to this Section may be immediately revoked by the City if there is probable cause to believe that there has been a violation of any applicable local, State or Federal law by the permittee, or a violation of a special event or special use permit issued by the City, if any.

Section 600.180 License — Disqualification.

[Ord. No. 315, 6-14-1967; Code 1974 §3-208; Code 1983; Code 1987; CC 2000 §3-203]

- A. No license shall be issued to:
 - 1. A person who has not been a resident in good faith of the State of Kansas for at least one (1) year immediately preceding application or a resident of Johnson County for at least six (6) months prior to filing of such application.
 - 2. A person who is not a citizen of the United States.
 - 3. A person who is not of good character and reputation in the community in which he/she resides.
 - 4. A person who, within two (2) 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.
 - 5. A partnership, unless all the members of the partnership shall otherwise be qualified to obtain a license.
 - 6. A corporation, if any manager, officer or director thereof or any stockholder owning in the aggregate more than twenty-five percent (25%) of the stock of such corporation would be ineligible to receive a license hereunder for any reason other than non-residence within the City or County.
 - 7. A corporation, if any manager, officer or director thereof or any stockholder owning in the aggregate more than twenty-five percent (25%) of the stock of such corporation has been an officer, manager or director or a stockholder owning in the aggregate more than twenty-five percent (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 the cereal malt beverage laws of this State.

8. 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.
9. 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 (9) shall not apply in determining eligibility for a renewal license.

Section 600.190 License Fee.

[Ord. No. 315, 6-14-1967; Code 1974 §§3-203 — 3-204; Ord. No. 548, 3-22-1978; Code 1983 §3-105; Code 1987; CC 2000 §3-204]

All applications for a license to sell enhanced cereal malt beverages and/or cereal malt beverages at retail shall be accompanied by a license fee as provided by the fee schedule set out in Chapter **103**, Section **103.030**. 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.

Section 600.200 Examination, Investigation of License Application.

[Ord. No. 315, 6-14-1967; Code 1974 §3-206; CC 2000 §3-205]

If the application for a cereal malt beverage (CMB) license is in proper form and accompanied by cash in the amount of the license fee and the required affidavits, the Clerk will forward the application to the Chief of Police for further investigation. Following completion of the investigation and upon the recommendation for approval of the license by the Chief of Police, the application will be presented to the Governing Body for approval.

Section 600.210 Issuance of License.

[Ord. No. 315, 6-14-1967; Code 1974 §3-207; CC 2000 §3-206]

If the Governing Body ~~with or without such investigation of the Chief of Police shall find~~ finds the applicant to be qualified as provided by law, the Governing Body shall authorize a license to the applicant and direct the City Clerk to issue a retail license to the applicant.

Section 600.220 Transferability of License.

[Ord. No. 315, 6-14-1967; Code 1974 §3-211; Code 1983; CC 2000 §3-207]

- A. No license shall be transferred to another licensee under any circumstances, nor may any license be transferable by the same licensee from one location to another without consent of the Governing Body.
- B. Every licensee shall immediately notify and provide to the City Clerk the information required under K.S.A. 41-2702 in relation to any new managers, partners, officers, directors or stockholders holding in the aggregate more than twenty-five percent (25%) of the corporate stock of such business.

Section 600.230 License Prohibition.

[Ord. No. 315, 6-14-1967; Code 1974 §3-209; CC 2000 §3-208]

No retail license shall be issued for a place of business unless such place of business is authorized for such use under the zoning ordinance of the City.

Section 600.240 License Granted — Denied.

[Ord. No. 315, 6-14-1967; Code 1974 §3-210; Code 1983; CC 2000 §3-209]

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

Section 600.250 License Granted — To Be Posted.

[Ord. No. 315, 6-14-1967; Code 1974 §3-212; CC 2000 §3-210]

Each license shall be posted in a conspicuous place in the place of business for which the license is issued.

Section 600.260 Contents of Retail License.

[Ord. No. 315, 6-14-1967; Code 1974 §3-213; CC 2000 §3-211]

The license shall state the name of the licensee, the location of the place of business for which the license is issued and the calendar year for which it is issued and that it is subject to revocation in the manner provided by law.

Section 600.270 Consumption, Possession On Public Property.

[Ord. No. 315, 6-14-1967; Code 1974 §3-215; Code 1983; CC 2000 §3-212]

- A. It shall be unlawful for any person to possess an open container, consume or sell any enhanced cereal malt beverage and/or cereal malt beverage upon any sidewalk, public street, alley or any other public place within the City.
- B. In the event of a City holiday or celebration sponsored by the City, the prohibition in Subsection (A) may be waived by the Governing Body.

Section 600.280 Regulations.

[Ord. No. 315, 6-14-1967; Code 1974 §§3-214, 3-216 — 3-219; Ord. No. 705 §1, 5-13-1987; Code 1997; CC 2000 §3-213]

- A. ~~No cereal malt beverages may be sold between the hours of 12:00 Midnight and 6:00 A.M. or consumed between the hours of 12:00 Midnight and 6:00 A.M. or on Sunday, except in a place of business which is licensed to sell cereal malt beverage for consumption on the premises, which derives not less than thirty percent (30%) of its gross receipts from the sale of food for consumption on the licensed premises.~~ No enhanced cereal malt beverages and /or cereal malt beverages may be sold or dispensed; (1) between the hours of 12:00 midnight and 6:00 a.m.; (2) in the original package before 12:00 noon or after 8:00 p.m. on Sunday; (3) on Easter Sunday; or (4) for consumption on the licensed premises on Sunday, except in a place of business which is licensed to sell enhanced cereal malt beverage or cereal malt beverage for consumption on the premises, which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises.
- B. Enhanced cereal malt beverages and/or cereal malt beverages may be sold at any time alcoholic liquor is allowed by law to be served on premises which are licensed pursuant to K.S.A. 41-2601, et seq. and amendments thereto, and licensed as a club by the State Director of Alcoholic Beverage Control.
- 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 and to Police Officers of the City at all times during business hours, except a private club shall be open to Police but not the general public.
- D. No person shall have any alcoholic liquor in his/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.

- E. 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.
- F. No cereal malt beverage shall be sold to any person in any automobile around or about such place of business.

Section 600.290 Wholesalers and/or Distributors.

[Ord. No. 315, 6-14-1967; Code 1974 §3-235; CC 2000 §3-218]

It shall be unlawful for any wholesaler and/or distributor, his/her or its agents or employees to sell and/or deliver enhanced cereal malt beverages and/or 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.

Section 600.300 Sanitary Conditions.

[Ord. No. 315, 6-14-1967; Code 1974 §3-233; Code 1983; CC 2000 §3-219]

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.

Article III Alcoholic Liquor

Section 600.310 Present State License.

[Code 1983; CC 2000 §3-301]

- 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 the Act to sell the same. Any person violating the provisions of this Section shall upon conviction be punished by a fine of not more than one hundred dollars (\$100.00) for each day's violation. Provided, that nothing herein shall be construed to prohibit the City from collecting the occupation tax by any procedure authorized by law.
- 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 **103.030** and the tax shall be received and a receipt shall be issued for the period covered by the State license.

Section 600.320 Hours of Sale.

[Code 1974 §3-106; Code 1997; CC 2000 §3-302; Charter Ord. No. 9 §2, 7-23-2003; Charter Ord. No. 13 §2, 5-26-2004; Ord. No. 1115 §§1 — 2, 5-26-2004]

- A. It shall be illegal for any person to sell at retail any alcoholic liquor at any time, except that these retail sales shall be allowed between the hours of 9:00 A.M. and 11:00 P.M. Monday through Saturday; provided however, that no sales shall be allowed on Thanksgiving Day or on Christmas Day.
- B. *Sale At Retail — Forbidden On Certain Days — Hours Of Sale, Exception.* In addition to the provisions found in Subsection (A) of this Section, the sale at retail of any alcoholic liquor shall be allowed between the hours of 11:00 A.M. and 7:00 P.M. on Sundays; provided however, that no sales of alcoholic liquor shall be allowed on Easter Day.

Section 600.330 Sale of Liquor To Incapacitated or Intoxicated Person — Penalty.

- A. 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.
- B. Violation of this Section is a misdemeanor punishable by a fine of not less than one hundred dollars (\$100.00) and not exceeding two hundred fifty dollars (\$250.00) or imprisonment not exceeding thirty (30) days, or both.

Section 600.340 Occupation Tax Upon Retailers.

[Ord. No. 7, 7-31-1951; Code 1974 §3-102; Code 1983 §3-210; Code 1987; CC 2000 §3-307; Ord. No. 1351 §4, 7-20-2011]

- A. 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:
 - 1. Name of applicant;
 - 2. Address of applicant;
 - 3. Address of premises where liquor sold;
 - 4. If applicant is a corporation, name and address of registered agent;
 - 5. If applicant is a partnership, name and address of each partner;
 - 6. Length of applicant's residence in Kansas;
 - 7. Does applicant presently hold any other liquor license?
 - 8. Has applicant's license ever been revoked or suspended?
 - 9. Does applicant have a Kansas State retail liquor license?
 - 10. When does it expire?
 - 11. Owner of premises licensed?
 - 12. If applicant is not the owner, give date and term of lease or other rental agreement.
- B. The application for retail liquor occupation license shall be accompanied by a license fee as provided by the fee schedule set out in Chapter **103**, Section **103.030**, and shall be verified. Upon receipt of the fee and application in correct form, the City Clerk shall issue a receipt-occupation license for the period covered by the State license.

**Article IV
Private Clubs**

Section 600.350 City License Required.

[Ord. No. 327, 9-27-1967; Code 1974 §3-302; CC 2000 §3-401]

No association, person, firm or corporation shall maintain or operate any private club in the City without having in his/her possession for each place of business a valid unexpired or unrevoked license issued by the City.

Section 600.360 Application For License.

[Code 1974 §3-304; Code 1983; CC 2000 §3-402; Ord. No. 1351 §5, 7-20-2011]

Application for a private club license shall be upon forms furnished by the City and shall be filed with the City Clerk.

Section 600.370 License Fee — Term.

[Code 1974 §3-303; Code 1983 §3-304; Code 1987; CC 2000 §3-403; Ord. No. 1351 §6, 7-20-2011]

- A. There is hereby levied a license fee as provided in Chapter 103, Section 103.030 on each private club location in the City which has a license issued by the State Director of Alcoholic Beverage Control, which fee shall be paid before business is commenced under an original State license and within five (5) days after any renewal of a State license.
- B. No portion of the license fee shall be refunded should the licensee cease business or should his/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 Council for good cause shown, may adjust the first (1st) 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.

Section 600.380 License — Not Transferable.

[Ord. No. 327, 9-27-1967; Code 1974 §3-306; CC 2000 §3-404]

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.

Section 600.390 Rules and Regulations By Governing Body.

[Ord. No. 327, 9-27-1967; Code 1974 §3-310; Code 1987; CC 2000 §3-409]

- A. The Governing Body may prescribe hours of closing, standards of conduct and rules and regulations concerning the moral, sanitary and health conditions of the place licensed and may establish zoning within which no club may be located. For zoning purposes, a club shall be classified as a tavern.
- B. 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.
- C. Enhanced cereal malt beverages and/or cCereal malt beverages may be sold on premises licensed both for retail sale of enhanced cereal malt beverages and/or cereal malt beverage for on-premises consumption pursuant to K.S.A. 41-2701 et seq. and holding a license as a club issued by the State of Kansas at any time when alcoholic liquor is allowed by law to be served on the premises.
- D. No membership shall be sold to any person under twenty-one (21) years of age, nor shall alcoholic beverages, enhanced cereal malt beverages or cereal malt beverages be given, sold or traded to any person who has not attained his/her twenty-first (21st) birthday.

Section 600.400 Entry and Inspection.

[Ord. No. 327, 9-27-1967; Code 1974 §3-311; CC 2000 §3-410]

The right of immediate entry and inspection at any time of any premises subject to the control of any private club by any officer or agent of any department charged with the enforcement of this ordinance shall be a condition on which every license shall be issued and the application for and acceptance of any license hereunder shall conclusively be deemed to be consent of the applicant and licensee to such

immediate entry and inspection.

Section 600.410 Revocation of License, Hearing, Suspension, Appeal Process.

See Sections **600.100**, **600.110** and **600.120** of Article I of this Chapter.

Article V
Drinking Establishments

Section 600.420 License Required.

[Code 1987; CC 2000 §3-501]

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.

Section 600.430 License Fee.

[Code 1987; CC 2000 §3-502; Ord. No. 1351 §7, 7-20-2011]

- A. There is hereby levied a license fee as provided in Chapter **103**, Section **103.030**, 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 (5) 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.

Section 600.440 Business Regulations.

[Code 1987; CC 2000 §3-503]

- 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. Enhanced cereal malt beverages and/or c~~C~~ereal malt beverages may be sold on premises licensed for the retail sale of enhanced cereal malt beverage and/or 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, enhanced cereal malt beverages or cereal malt beverages shall be given, sold or traded to any person under twenty-one (21) years of age.

Article VI
Caterers

Section 600.450 License Required.

[Code 1987; CC 2000 §3-601]

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.

Section 600.460 License Fee.

[Code 1987; CC 2000 §3-602; Ord. No. 1351 §8, 7-20-2011]

- A. There is hereby levied a license fee as provided in Chapter **103**, Section **103.030**, 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 (5) 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.

Section 600.470 Notice To Chief of Police.

[Code 1987; CC 2000 §3-604]

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 ten (10) 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.

**Article VII
Temporary Permits**

Section 600.480 Permit Required.

[Code 1987; CC 2000 §3-701]

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.

Section 600.490 Permit Fee.

[Code 1987; CC 2000 §3-702]

- A. There is hereby levied a temporary permit fee as provided in Chapter **103**, Section **103.030**, 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.

Section 600.500 City Temporary Permit.

[Code 1987; CC 2000 §3-703]

- 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 ten (10) 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.

Section 600.501 City-Sponsored Festival Event.
[Ord. No. 1172 §1, 9-14-2005]

- A. *Definition.* As used in this Section, the following terms shall have these prescribed meanings:

CITY-SPONSORED FESTIVAL EVENT

Any event sponsored by the Governing Body of the City of Mission for the purpose of promoting community goodwill, public interest and awareness of Mission business districts and community development.

- B. *Governing Body Action Required.* The Governing Body shall pass a resolution for each designated City-sponsored festival event which shall designate the alcoholic beverages allowed on the public property designated for the City sponsored festival event.
- C. *Designated District For The City-Sponsored Festival Events.* The City-sponsored festival event premises shall include all public property in which title is vested in the City of Mission which is bounded by Shawnee Mission Parkway on the south, Metcalf Avenue on the west, 58th Street on the north and Roe Avenue to the east.
- D. Nothing herein shall authorize illegal activity prohibited by other provisions of the City Code or City ordinances.

Section 600.510 Permit Regulations.
[Code 1987; CC 2000 §3-704]

- A. No temporary permit holder shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 A.M. and 6:00 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 twenty-one (21) years of age.

City of Mission	Item Number:	4.
ACTION ITEM SUMMARY	Date:	February 18, 2019
Administration	From:	Martha Sumrall

Action items require a vote to recommend the item to full City Council for further action.

RE: Street Solicitation Application - Shawnee Mission Rotary Greater Kansas City Day

RECOMMENDATION: Approve a Street Solicitation Application for Shawnee Mission Rotary Greater Kansas City Day to be held on Thursday, March 28, 2019 at various intersections in Mission.

DETAILS: The Shawnee Mission Rotary Club has requested permission to sell donated special editions of the Kansas City Star newspapers at the following intersections on Thursday, March 28th between the hours of 6:30 - 9:00 a.m.:

- Shawnee Mission Parkway & Nall
- Shawnee Mission Parkway & Lamar
- Johnson Drive & Lamar

The Police Department will be providing safety vests for all participants to wear when soliciting. Proceeds from these newspaper sales support Rotary Youth Camp and other children's charities in the metro area.

A Street Solicitation Application has been reviewed and approved by Chief Hadley. The Rotary Club has also submitted the appropriate proof of insurance documentation.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	NA
Line Item Code/Description:	NA
Available Budget:	NA



SHAWNEE MISSION ROTARY

February 14, 2019

City of Mission
6090 Woodson
Mission, KS 66202

RE: Shawnee Mission Rotary's Kansas City Day Participation

To Whom it May Concern:

Shawnee Mission Rotary is again participating in Greater Kansas City Day, which will be held Thursday, March 28, 2019. The club will be selling donated special editions of the Kansas City Star on various corners in the metropolitan area, including Mission, KS. The club is again asking permission to sell the papers on the selected corners that we have used in the past in the City of Mission.

The sale proceeds will be used to allow boys and girls with special needs to attend the Rotary Youth Camp located at Lake Jacomo. The sale proceeds will also be used to benefit other local children's charities in the metropolitan area. Since 1924, more than 400,000 children with disabilities and disadvantaged youth have enjoyed a unique camping experience, free of charge, at the Rotary Youth Camp.

The paper sales start around 6:30am and conclude at about 9:00am. Hopefully, the City of Mission will allow us to once again sell papers at the corner of Shawnee Mission Parkway and Lamar, SM Parkway and Nall, and Johnson Drive and Lamar. Please contact me if you have any questions or if you have any concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis Monahan".

Dennis Monahan
Shawnee Mission Rotary Club
(913)515-4689

**STREET SOLICITATION APPLICATION
CITY OF MISSION**

Please fill out the application completely; incomplete applications will not be accepted.

Name of Organization and Description of Event: Shawnee Mission Rotary - KC Days Paper Sales

Date(s) of Event: March 28, 2019

Hours of Event: Start Time: 6:30 am

Finish Time: 9:00 am

Organization Contact Person: Dennis Monahan

Telephone Numbers: Home 913-515-4689 Work 913-792-9212

Estimated Number of Solicitors: 20

Description of Item(s) to Be Sold, If Any: Newspapers + Flags

List street corners/intersections proposed to be used:
sm Prky + Wall
sm Prky + Lamar
~~sm Prky + Johnson~~
Johnson Dr + Lamar

PLEASE MARK AFFIRMATIVE RESPONSES, SIGN AND DATE.

The organization and I certify and agree that:

- a) The Mission Police Department (913) 676-8301 has been contacted to review the solicitation plan. Yes X
- b) Safety vests as approved by the Police Department will be worn by all solicitors. Yes X
- c) No more than two persons will solicit at each approach to the intersection, or a maximum of eight per intersection. Yes X
- d) Solicitors must obey all laws and ordinances concerning vehicular and pedestrian movements, and under no circumstances interfere with the normal flow of vehicular movement. Yes X
- e) At least one working cell phone will be available at each intersection in case of emergency. Yes X
- f) No solicitor under the age of 18 will participate. Yes X
- g) The organization has provided a certificate of liability insurance coverage with the City of Mission named as an additional insured. Yes X

Signature of Responsible Person Dennis Monahan

Title President Date 2/14/2019

Approved: Chief of Police [Signature] Date 2/28/19



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
02/14/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).


PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 2850 Golf Road Rolling Meadows IL 60008	CONTACT NAME: Ali Sulita PHONE (A/C, No, Ext): 1-833-3ROTARY E-MAIL ADDRESS: rotary@ajg.com	FAX (A/C, No): 630-285-4062
	INSURER(S) AFFORDING COVERAGE	
INSURED All Active US Rotary Clubs & Districts Shawnee Mission Rotary ATTN: Risk Management Dept. 1560 Sherman Ave. Evanston, IL 60201-3698	INSURER A: Lexington Insurance Company	NAIC # 19437
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** 899307648 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Liquor Liability Included GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:		015375594	7/1/2018	7/1/2019	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$4,000,000 PRODUCTS - COMP/OP AGG \$4,000,000 \$
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY		015375594	7/1/2018	7/1/2019	COMBINED SINGLE LIMIT (Ea accident) \$2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$		NOT APPLICABLE			EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N/A	NOT APPLICABLE			PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
The Certificate holder is included as additional insured where required by written contract or permit subject to the terms and conditions of the general liability policy, but only to the extent bodily injury or property damage is caused in whole or in part by the acts or omissions of the insured.

CERTIFICATE HOLDER City of Mission 6090 Woodson Mission, KS 66202 Paper Sales in City of Mission for KC Day	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

City of Mission	Item Number:	5.
ACTION ITEM SUMMARY	Date:	February 18, 2019
Administration	From:	Martha Sumrall

Action items require a vote to recommend the item to full City Council for further action.

RE: Resolution Designating the 2019 City Sponsored Festival Events

RECOMMENDATION: Approve the resolution designating the 2019 City Sponsored Festival Events.

DETAILS: Ordinance No. 1172 was passed on September 14, 2005 exempting City-owned or public property from the prohibition on the consumption of alcoholic liquor in connection with City sponsored festival events. Included in the ordinance is a requirement that the City Council pass a resolution each year designating specific events to be held in that calendar year. Any vendor providing alcohol at an approved event is required to obtain a temporary/special event license from both the State of Kansas and the City. Vendors are limited to four temporary/special event permits per calendar year.

The attached resolution designates the following as City Sponsored Festival Events for 2019:

Mission Market Events (all 4:30 to 9 p.m.):

- Thursday, June 6
- Thursday, June 13
- Thursday, June 20
- Thursday, June 27
- Thursday, July 11
- Thursday, July 18
- Thursday, July 25
- Thursday, August 1
- Thursday, August 8
- Thursday, August 15
- Thursday, August 22
- Thursday, August 29
- Thursday, September 19

Sunflower Festival Event: Saturday, August 24, 2019 - 6-9 p.m.

CFAA CONSIDERATIONS/IMPACTS: Events and festivals provide opportunities for those of all ages to gather, connect with neighbors, and create a stronger sense of community.

Related Statute/City Ordinance:	Mission Ord. 1172
Line Item Code/Description:	
Available Budget:	

CITY OF MISSION

RESOLUTION NO. _____

A RESOLUTION DESIGNATING CITY SPONSORED FESTIVAL EVENTS FOR 2019.

BE IT RESOLVED, BY THE GOVERNING BODY OF THE CITY OF MISSION:

Section 1. The Mission Market Events shall be held on June 6, June 13, June 20, June 27, July 11, July 18, July 25, August 1, August 8, August 15, August 22, August 29, and September 19, 2019 from 4:30-9:00 p.m. The Sunflower Festival Event shall be held on August 24, 2019 from 6:00-9:00 p.m. Alcoholic beverages that may be consumed within the Designated District for City Sponsored Festival Events shall be beer, wine, and alcoholic liquor.

Section 2. Nothing herein shall authorize illegal activity prohibited by other provisions of the City Code or City Ordinances.

THIS RESOLUTION IS PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION, THIS 20th DAY OF MARCH 2019.

THIS RESOLUTION IS APPROVED BY THE MAYOR THIS 20TH DAY OF MARCH 2019.

Ronald E. Appletoft, Mayor

ATTESTATION:

Martha Sumrall
City Clerk

City of Mission	Item Number:	6.
ACTION ITEM SUMMARY	Date:	February 21, 2019
Administration	From:	Martha Sumrall

Action items require a vote to recommend the item to full City Council for further action.

RE: CMB Application - CVS, 6300 Johnson Drive

RECOMMENDATION: Approve the application for CVS #5272 to sell Cereal Malt Beverage in original and unopened containers.

DETAILS: State statutes and Mission's Code require all businesses wanting to sell Cereal Malt Beverages / Enhanced Cereal Malt Beverages (CMB) to complete an application that includes information on the business and the business owner and/or manager. Additionally, a criminal history background check is completed on the business owner/manager by our Police Department. All original applications and renewals for the sale of CMB must be approved by the City Council. Renewal CMB licenses are presented annually to Council for approval at the December City Council meeting.

CVS has submitted their application to sell CMB in the original and unopened containers and not for consumption on premises, and the required license fee. The required background check has been completed without issue. This approval is good through December 31, 2019.

CFAA CONSIDERATIONS/IMPACTS: None

Related Statute/City Ordinance:	K.S. A. 4-2702, Mission City Code Chapter 600
Line Item Code/Description:	N/A
Available Budget:	N/A