

ORDINANCE NO.1609

AN ORDINANCE AMENDING THE CODE OF THE CITY OF COLBY, KANSAS 2017 TO REGULATE AND CONTROL THE SALE AND CONSUMPTION OF ALCOHOL AND CEREAL MALT BEVERAGE AND BEER CONTAINING NOT MORE THAN 6% ALCOHOL BY VOLUME WITHIN THE CITY OF COLBY, KANSAS AND REPEALING IN THEIR ENTIRETY ARTICLES 1 AND 2 OF CHAPTER III: BEVERAGES, OF THE MUNICIPAL CODE OF THE CITY OF COLBY, KANSAS, 2017 EDITION;

WHEREAS, the Governing Body of the City of Colby, Kansas finds it necessary and to the best interest of the City to adopt and incorporate by reference the said Ordinance regulating the sale of Alcohol and Cereal malt beverage and beer containing not more that 6% alcohol by volume within the City of Colby, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COLBY:

SECTION 1: CHAPTER III ARTICLE 1: GENERAL PROVISIONS SECTIONS 3-101 THROUGH AND INCLUDING 3-110 OF THE CODE OF THE CITY OF COLBY, KANSAS, 2017 ARE AMENDED TO READ AS FOLLOWS:

Section

- 3-101 Definitions
- 3-102 Minors on premises
- 3-103 Consumption on public property
- 3-104 Public sale; consumption
- 3-105 Open container
- 3-106 Consumption while driving
- 3-107 Identification card
- 3-108 Purchase or consumption of cereal malt beverages by minor; penalties
- 3-109 Sale of liquor to incapacitated or intoxicated persons; penalties
- 3-110 Furnishing intoxicants to a minor; penalties

§ 3-101 DEFINITIONS.

Unless otherwise expressly stated or the context clearly 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. 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.

CLASS A CLUB. A premise 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 premise 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.

GENERAL RETAILER. A person who has a license to sell cereal malt beverages at retail.

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

PLACE OF BUSINESS. Any place at which cereal malt beverages or alcoholic beverages or both are sold.

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, copartnerships, corporations and associations which sell or offer for sale any beverage referred to in this chapter, to persons, copartnerships, corporations and associations authorized by this chapter to sell cereal malt beverages at retail.

§ 3-102 MINORS ON PREMISES

(a) It shall be unlawful for any person under the age of 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 21 years to remain on the premises.

(c) This section shall not apply if the person under the age of 21 years is accompanied by his or her parent or guardian or if the licensed or permitted premises derives not more than 30% of its gross receipts in each calendar year from the sale of alcoholic liquor for on-premises consumption.

§ 3-103 CONSUMPTION ON PUBLIC PROPERTY.

(a) *Prohibition.* No person shall drink or consume any alcoholic liquor and/or cereal malt beverages on city-owned public property.

(b) *Exception.* Notwithstanding the provision of the code of the city, the City Council may waive the prohibition of consumption of alcoholic beverages and/or cereal malt beverages on city-owned public property.

(c) *Exception.* The provisions of this Chapter of the code of the city shall not apply to the Colby Community Building located at 285 East 5th Street, Colby, Kansas, for functions pre-approved by the City Manager.

(d) *Approval.*

(1) Pre-approval for and a permit granting said approval for functions at which alcoholic beverages and/or cereal malt beverages may be consumed must be obtained from the City Manager after filing application for the same using the application form provided by the city and available through the office of the City Clerk.

(2) The permit shall not be approved or granted unless and provided that:

(A) All alcoholic beverages and/or cereal malt beverages must be sold and served by a person or legal entity that is fully licensed to sell and serve the same at and on the above described Colby Community Building as provided by the state, the city and any other municipality or governmental entity that may have jurisdiction or authority in, on and over these activities and premises.

(B) The service of said alcoholic beverages and/or cereal malt beverages shall comply with all laws governing the same (local, state and federal), and shall further comply with all rules and conditions that may from time to time be imposed by the City Manager and as approved by the City Council. (K.S.A. 41-719)

§ 3-104 PUBLIC SALE; CONSUMPTION.

(a) It shall be unlawful for any person to sell, serve or dispense any cereal malt beverage or alcoholic beverage 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 cereal malt beverage or alcoholic beverage 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 K.S.A. Ch. 27.(K.S.A. 41-719)

§ 3-105 OPEN CONTAINER.

(a) It shall be unlawful for any person to transport in any vehicle upon a highway or street any cereal malt beverage or 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 or 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 or a bus as defined by K.S.A. 8-1406, 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.

(b) As used in this section, **HIGHWAY** and **STREET** have meanings provided by K.S.A. 8-1424 and K.S.A. 8-1473 and amendments thereto. (K.S.A. 8-1599)

§ 3-106 CONSUMPTION WHILE DRIVING.

It shall be unlawful for any person to consume any cereal malt beverage or alcoholic beverage while operating any vehicle upon any street or highway.
(K.S.A. 41-719, 41-2720)

§ 3-107 IDENTIFICATION CARD.

(a) It shall be unlawful for any person to:

(1) Display, cause or permit to be displayed, or have in possession, any fictitious,

fraudulently altered or fraudulently obtained identification card for purposes relating to the sale, purchase or consumption of either cereal malt beverage or alcoholic liquor;

(2) Display or represent any identification card not issued to such person as being his or her card for purposes relating to the sale, purchase or consumption of either cereal malt beverage or alcoholic liquor;

(3) Permit any unlawful use of an identification card issued to a person for purposes relating to the sale, purchase or consumption of either cereal malt beverage or alcoholic liquor; and/or

(4) Photograph, photostat, duplicate or in any way reproduce any identification card or facsimile thereof in such a manner that it could be mistaken for a valid identification card or display or have in possession any such photograph, photostat, duplicate, reproduction or facsimile for purposes relating to the sale, purchase or consumption of either cereal malt beverage or alcoholic liquor.

(b) It shall be unlawful for any person to:

(1) Lend any identification card to or knowingly permit the use of any identification card by any person under 21 years of age for use in the sale, purchase or consumption of any alcoholic liquor; and/or

(2) Lend any identification card to or knowingly permit the use of any identification card by any person under 21 years of age for use in the sale, purchase or consumption of any cereal malt beverage.

§ 3-108 PURCHASE OR CONSUMPTION OF CEREAL MALT BEVERAGES BY MINOR; PENALTIES.

(a) No person under the legal age for consumption of cereal malt beverages shall obtain or purchase or attempt to obtain or purchase cereal malt beverages from any person, except as authorized by law. Violation of this division (a) by a person 18 or more years of age, but less than the legal age for consumption of cereal malt beverages is a violation punishable by a fine of not less than \$100, and not more than \$250, or by 40 hours of public service or by both.

(b) No person under 21 years of age shall possess or consume cereal malt beverages, except as authorized by law. Violation of this division (b) by a person 18 years of age, but less than the legal age, for consumption of cereal malt beverage is a violation punishable by:

(1) A fine of not less than \$100, and not more than \$250, or by 40 hours of public service or by both if committed on premise licensed pursuant to K.S.A. Ch. 41, Art. 26 or Article 27; or

(2) A fine of not less than \$25, and not more than \$250, or by ten hours of public service or by both if committed on any other premises.

(c) Any person less than 18 years of age who violates this section is a juvenile offender under the Kansas Juvenile Offenders Code and upon adjudication thereof, shall be required as a condition of disposition to pay the fine or perform the public service or both, specified as punishment for the offense under divisions (a) or (b) above.

(d) This section shall not apply to the possession and consumption cereal malt beverages when such possession and consumption is permitted and supervised, and such beverage is furnished by the person's parent or legal guardian.

§ 3-109 SALE OF LIQUOR TO INCAPACITATED OR INTOXICATED PERSONS; PENALTIES.

(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 violation punishable by a fine of not less than \$100, and not exceeding 30 days, or both.

§ 3-110 – FURNISHING INTOXICANTS TO A MINOR; PENALTIES.

(a) That no person knowingly or unknowingly sell, give away, dispose of, exchange or deliver or permit the sale, gift or procuring of any alcoholic liquor to or for anyone under the age of twenty-one (21) years except in cases authorized by law. Violation of this sub-section is a Class B misdemeanor punishable by a fine of not less than \$100.00 and not more than \$1000.00 or by a sentence of a definite term of confinement in the City or County jail which shall be fixed by the Court and shall not exceed six (6) months or both. (K.S.A. 21-3610)

SECTION 2: CHAPTER III - BEVERAGES- ARTICLE 2 - CEREAL MALT BEVERAGES, SECTIONS 3-201 THROUGH AND INCLUDING 3-217 OF THE CODE OF THE CITY OF COLBY, KANSAS, 2017 ARE AMENDED TO READ AS FOLLOWS:

Section

- 3-201 License Issued by City
- 3-202 License required of Retailer
- 3-203 Application
- 3-204 License Application Procedures
- 3-205 License Granted/Denied
- 3-206 License to be Posted
- 3-207 Licensed Disqualification
- 3-208 Restriction Upon Location
- 3-209 License Fee
- 3-210 Suspension of License

- 3-211 License Suspension/Revocation by Governing Body
- 3-212 Same: Appeal
- 3-213 Change of Location
- 3-214 Wholesalers and/or Distributors
- 3-215 Business Regulations
- 3-216 Prohibited Conduct on Premises
- 3-217 Sanitary Conditions Required

§ 3-201 LICENSE ISSUED BY CITY. The “Cereal Malt Beverage License” issued by the city of Colby, Kansas pursuant to this ordinance, authorizes the sale of enhanced cereal malt beverage as defined in section 1, by those retailers in compliance with this ordinance and other laws and regulations that may apply.

§3 -202 LICENSE REQUIRED OF RETAILER.

(a) It shall be unlawful for any person to sell any enhanced cereal malt beverage at retail without a license for each place of business where enhanced cereal malt beverages are to be sold at retail.

(b) It shall be unlawful for any person, having a license to sell enhanced cereal malt beverages at retail only in the original and unopened containers and not for consumption on the premises, to sell any enhanced cereal malt beverage in any other manner. (K.S.A. 41-27012)

§ 3-203 APPLICATION. Any person desiring a license shall make an application to the governing body of the city and accompany the application by the required license fee for each place of business for which the person desires the license. The application shall be verified, and upon a form prepared by the attorney general of the State of Kansas, and shall contain:

(a) The name and residence of the applicant and how long he or she has resided within the State of Kansas;

(b) The particular place for which a license is desired;

(c) The name of the owner of the premises upon which the place of business is located;

(d) The names and addresses of all persons who hold any financial interest in the particular place of business for which a license is desired.

(e) A statement that the applicant is a citizen of the United States and not less than 21 years of age and that he or she has not within two years immediately preceding the date of making application been convicted of a felony or any crime involving moral turpitude, or 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;

§ 3-204 LICENSE APPLICATION PROCEDURES.

(a) All applications for a new and renewed enhanced cereal malt beverage license shall be submitted to the city clerk 10 days in advance of the governing body meeting at which they will be considered.

(b) The city clerk's office shall notify the applicant of an existing license 30 days in advance of its expiration.

(c) The clerk's office shall provide copies of all applications to the police department, to the fire department, and to the city-county health department, when they are received. The police

department will run a record check on all applicants and the fire department will inspect the premises. The department will then recommend approval, or disapproval, of applications within five working days of the department's receipt of the application.

(d) The governing body will not consider any application for a new or renewed license that has not been submitted 10 days in advance and been reviewed by the above city departments.

(e) An applicant who has not had an enhanced cereal malt beverage license in the city shall attend the governing body meeting when the application for a new license will be considered.

§ 3-205 LICENSE GRANTED; DENIED.

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

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

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

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

§ 3-206 LICENSE TO BE POSTED. Each license shall be posted in a conspicuous place in the place of business for which the license is issued.

§ 3-207 LICENSE, DISQUALIFICATION. No license shall be issued to:

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

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

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

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

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

(f) A corporation if any manager, officer or director thereof or any stockholder owning in the aggregate more than 25 percent 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.

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

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

(i) A person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship, retailer residency requirements or age, except that this subsection (i) shall

not apply in determining eligibility for a renewal license.

§ 3-208 RESTRICTION UPON LOCATION.

(a) No license shall be issued for the sale at retail of any enhanced cereal malt beverage on premises which are located in areas not zoned for such purpose.

§ 3-209 LICENSE FEE. The rules and regulations regarding license fees shall be as follows:

(a) General Retailer -- for each place of business selling enhanced cereal malt beverages at retail, \$100 per calendar year.

(b) Limited Retailer -- for each place of business selling only at retail enhanced cereal malt beverages in original and unopened containers and not for consumption on the premises, \$50 per calendar year.

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

§3-210 SUSPENSION OF LICENSE. The chief of police, upon five days' written notice, shall have the authority to suspend such license for a period not to exceed 30 days, for any violation of the provisions of this ordinance or other laws pertaining to enhanced cereal malt beverages, which violation does not in his or her judgment justify a recommendation of revocation. The licensee may appeal such order of suspension to the governing body within seven days from the date of such order.

§ 3-211 LICENSE SUSPENSION/REVOCAION BY GOVERNING BODY. The governing body of the city, upon five days' written notice, to a person holding a license to sell enhanced cereal malt beverages shall permanently revoke or cause to be suspended for a period of not more than 30 days such license for any of the following reasons:

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

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

(c) Drunkenness of a person holding such license, drunkenness of a licensee's manager or employee while on duty and while on the premises for which the license is issued, or for a licensee, his or her manager or employee permitting any intoxicated person to remain in such place selling enhanced cereal malt beverages;

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

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

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

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

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

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

- (j) The nonpayment of any license fees;
- (k) If the licensee has become ineligible to obtain a license;
- (l) The provisions of subsections (f) and (i) shall not apply if such place of business is also currently licensed as a private club.

§ 3-212 SAME; APPEAL. The licensee, within 20 days after the order of the governing body revoking any license, may appeal to the district court of Thomas county and the district court shall proceed to hear such appeal as though such court had original jurisdiction in the matter. Any appeal taken shall not suspend the order of revocation of the license of any licensee, nor shall any new license be issued to such person or any person acting for or on his or her behalf, for a period of six months thereafter.

§ 3-213 CHANGE OF LOCATION. If a licensee desires to change the location of his or her place of business, he or she shall make an application to the governing body showing the same information relating to the proposed location as in the case of an original application. Such application shall be accompanied by a fee of \$5. If the application is in proper form and the location is not in a prohibited zone and all other requirements relating to such place of business are met, a new license shall be issued for the new location for the balance of the year for which a current license is held by the licensee.

§ 3-214 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 within the city, to persons authorized 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.

§ 3-215 BUSINESS REGULATIONS. It shall be the duty of every licensee to observe the following regulations.

(a) The place of business licensed, and operating shall at all times have a front and rear exit unlocked when open for business.

(b) The premises and all equipment used in connection with such business shall be kept clean and in a sanitary condition and shall at all times be open to the inspection of the police and health officers of the city, county and state.

(c) Except as provided by subsection (d), no enhanced cereal malt beverages may be sold or dispensed between the hours of 12:00 midnight and 6:00 a.m., or consumed between the hours of 12:30 a.m., 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 30 percent of its gross receipts from the sale of food for consumption on the licensed premises; closing hours for clubs shall conform to K.S.A. 41-2614 and amendments thereto.

(d) Enhanced 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.

(e) The place of business shall be open to the public and to the police at all times during business hours, except that premises licensed as a club under a license issued by the State Director of Alcoholic Beverage Control shall be open to the police and not to the public.

(f) It shall be unlawful for any licensee or agent or employee of the licensee to become

intoxicated in the place of business for which such license has been issued.

(g) No licensee or agent or employee of the licensee shall permit any intoxicated person to remain in the place of business for which such license has been issued.

(h) No licensee or agent or employee of the licensee shall sell or permit the sale of enhanced cereal malt beverage to any person under 21 years of age.

(i) No licensee or agent or employee of the licensee shall permit any gambling in the place of business for which such license has been issued.

(j) No licensee or agent or employee of the licensee shall permit any person to mix alcoholic drinks with materials purchased in said place of business or brought in for such purpose.

(k) No licensee or agent or employee of the licensee shall employ any person under 18 years of age in dispensing enhanced cereal malt beverages. No licensee shall employ any person who has been judged guilty of a felony.

§ 3-216 PROHIBITED CONDUCT ON PREMISES. The following conduct by an enhanced cereal malt beverage licensee, manager or employee of any licensed enhanced cereal malt beverage establishment is deemed contrary to public welfare and is prohibited:

(a) Remaining or permitting any person to remain in or upon the premises who exposes to view any portion of the female breasts below the top of the areola or any portion of males/female's pubic hair, anus, buttocks or genitals;

(b) Permitting any employee on the licensed premises to touch, caress or fondle the breasts, buttocks, anus, vulva or genitals of any other employee or any patron;

(c) Encouraging or permitting any patron on the licensed premises to touch, caress or fondle the breasts, buttocks, anus, vulva, or genitals of any employee;

(d) Performing or permitting any person to perform on the licensed premises acts of or acts which simulate:

(1) Sexual intercourse, masturbation, sodomy, or any other sexual act which is prohibited by law; or

(2) Touching, caressing or fondling such persons' breasts, buttocks, anus or genitals.

(e) Using or permitting any person to use on the licensed premises, any artificial devices or inanimate objects to depict any of the acts prohibited by paragraph (d).

(f) Showing or permitting any person to show on the licensed premises any motion picture, film, photograph, electronic reproduction, or other visual reproduction depicting:

(1) Acts or simulated acts of sexual intercourse, masturbation, sodomy, or any sexual act which is prohibited by law;

(2) The touching, caressing or fondling of the buttocks, anus, genitals or the female breasts;

(3) Scenes in which a person displays the buttocks, anus, genitals or the female breasts.

(g) The term premises means the premises licensed by the city as an enhanced cereal malt beverage establishment and such other areas, under the control of the licensee or his or her employee or employees, that are in such close proximity to the licensed premises that activities and conduct of persons within such other areas may be viewed by persons on or within the licensed premises.

§ 3-217 SANITARY CONDITIONS REQUIRED. All parts of the licensed premises including furnishings and equipment shall be kept clean and in a sanitary condition, free from flies, rodents and vermin at all times. The licensed premises shall have at least one restroom for each sex easily accessible at all times to its patrons and employees. The restroom shall be equipped with at least

one lavatory with hot and cold running water, be well lighted, and be furnished at all times with paper towels or other mechanical means of drying hands and face. Each restroom shall be provided with adequate toilet facilities which shall be of sanitary design and readily cleanable. The doors of all toilet rooms shall be self-closing and toilet paper at all times shall be provided. Easily cleanable receptacles shall be provided for waste material and such receptacles in toilet rooms for women shall be covered. The restrooms shall at all times be kept in a sanitary condition and free of offensive odors and shall be at all times subject to inspection by the city health officer or designee.

SECTION 3. Ordinance No. 1099, Chapter III: Beverages Article 1: General Provisions Sections 3-101 through and including 3-111 and Article 2: Cereal Malt Beverages Sections 3-201 through and including 3-218 of the Municipal Code of the City of Colby, Kansas, 2017, Ordinance No. 990, Ordinance No. 1290 and Ordinance No. 1089 are hereby repealed.

SECTION 4. This ordinance shall be published one time in the official city newspaper.

SECTION 5. This ordinance shall take effect and be in force from and after April 1, 2019.

PASSED AND APPROVED this 5th day of March, 2019.

Gary L. Adrian, Mayor

ATTEST:

Joni L. Ketchum, City Clerk

[SEAL]