

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF A LICENSE FOR THE SALE OF CEREAL MALT BEVERAGES; ESTABLISHING QUALIFICATIONS FOR LICENSEES; PROVIDING FOR THE SUSPENSION OR REVOCATION OF SUCH LICENSE; AND ESTABLISHING RULES FOR THE OPERATION OF PLACES OF BUSINESS SELLING CEREAL MALT BEVERAGES:

BE IT ENACTED BY THE GOVERNING BODY OF THE CITY OF ANDALE, KANSAS:

SECTION 1. License required; sale in manner other than provided for in license. No person shall sell any cereal malt beverage at retail within the corporate limits of the city without having in his possession for each place of business, as provided in this ordinance, an unexpired or unrevoked license issued by the city. No person holding a license to sell only at retail cereal malt beverages in original and unbroken containers, and not for consumption upon the premises, shall sell such beverages in any other manner than as provided for in such license.

SECTION 2. Application for license; investigation of applicant by chief of police. Any person desiring to secure a license under the provisions of this ordinance shall make a verified application in duplicate, both of which copies shall be filed with the city clerk. Such application shall be upon a form prepared by the city attorney and shall contain:

(a) The name and residence of the applicant and how long he has resided within the state and how long he has resided within Sedgwick County.

(b) The Class of license applied for.

(c) The particular place for which a license is desired.

(d) The name of the owner of the premises upon which the place of business is located, and if the applicant is not the owner a summary of the terms of his lease.

(e) A statement that the applicant is a citizen of the United States and not less than twenty-one years of age and that he has not been convicted of any of the following felonies: Murder, Manslaughter, Aggravated Assault, Aggravated Battery, Kidnapping, Robbery, Blackmail, Rape, Aggravated Sodomy, or Forgery and that he has not within five years immediately preceding the date of making application, been convicted of any other felony, or any crime involving moral turpitude; a violation of the intoxicating liquor laws of any state or the United States, a violation of the Cereal Malt Beverage laws of any state, drunkenness, or of driving a motor vehicle while under the influence of intoxicating liquor.

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

(g) A statement, if Applicant is married, that applicant's spouse would be eligible to receive a license under this ordinance except for citizenship and residence requirements.

Such application shall be accompanied by the license fee provided for in Section 5.

One copy of such application shall immediately be transmitted by the city clerk to the chief of police of the city for investigation of the qualifications of the applicant.

SECTION 3. Photographs of applicant accompanying application for license; fingerprinting of applicant. No application for the issuance of a cereal malt beverage license shall be granted unless the applicant, if required so to do by the chief of police, submits with the application two photographs not smaller than



three inches by three inches and unless he is fingerprinted at police headquarters, if required so to do by the chief of police prior to the approval or disapproval of the application.

SECTION 4. Examination of applicant by City Council; issuance or denial of license. If the application for a license is in proper form and accompanied by the license fee as provided in Section 5, the City Council shall examine the application and, after examination of the application, the City Council, if they approve the same, shall issue a license to the applicant; provided, that no license shall be issued to:

(a) A person who has not been a resident in good faith of the state of Kansas at least one year prior to the application and a resident of Sedgwick County for at least six months, prior to the filing of the application;

(b) A person who is not of good character and reputation in the community in which he resides;

(c) A person who is not a citizen of the United States;

(d) A person who has been convicted of or has pleaded guilty to a felony under the laws of this state, or any other state, or of the United States constituting a conviction of any of the following crimes or their equivalents in other jurisdictions to wit: Murder, Manslaughter, Aggravated Assault, Aggravated Battery, Kidnapping, Robbery, Blackmail, Rape, Aggravated Sodomy, or Forgery;

(e) A person who has been convicted of or has pleaded guilty to any other felony or a violation of intoxicating liquor laws of any state or the alcoholic beverage control laws of the United States, or shall have forfeited his bond to appear in court to answer charges for any such violation, within the five (5) years immediately prior to the date of such person's application for a license;

(f) A person who has been convicted of or has pleaded guilty to a violation of any of the laws of any state relating to cereal malt beverages, within five (5) years immediately prior to the date of such person's application for a license;

(g) A person who does not own the premises for which a license is sought, or does not have a written lease thereon for at least three-fourths (3/4) of the period for which the license is to be issued; or

(h) Any person if the spouse of such person would be ineligible to receive such a license hereunder for any reason other than citizenship and residence requirements;

(i) A copartnership, unless one of the copartners is a resident of the county, and unless all members of such copartnership shall otherwise be qualified to obtain a license;

(j) A corporation, if any officer or director thereof and/or any stockholder owning in the aggregate of more than twenty-five percent of the stock of such corporation would be ineligible to receive a license hereunder for any reason other than nonresidence within the county;

(k) 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;

(l) A person whose premises are located within three hundred feet of any church or public or parochial school the distance to be measured from the nearest property line of the church or public or parochial school to the nearest portion of the exterior of the specific portion of the building in which cereal malt beverages are sold for consumption on the premises.