

ORDINANCE NO. 1067

AN ORDINANCE AMENDING CHAPTER III, ARTICLES 2, 3, 4 AND 7, SECTIONS 3-204, 3-302, 3-402 AND 3-701 OF THE CODE OF THE CITY OF EDGERTON, KANSAS TO CORRECTLY REFLECT THE STATE REQUIREMENT OF A BIENNIAL OCCUPATIONAL TAX FOR THE SALE OF LIQUOR BY RETAIL ESTABLISHMENTS, DRINKING ESTABLISHMENTS AND PRIVATE CLUBS AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH

WHEREAS, Chapter III, Articles 3, 4 and 7, Sections 3-302, 3-402 and 3-701 of the City Code of the City of Edgerton currently include an annual occupational tax charged to retailers, drinking establishments and private clubs for the sale of alcoholic liquor; and

WHEREAS, Chapter III, Article 2 of the City Code of the City of Edgerton currently does not reference the requirement of such an occupational tax in the "ALCOHOLIC LIQUOR" section of the City Code; and

WHEREAS, State law now requires that this occupational tax on parties selling liquor be charged on a biennial basis; and

WHEREAS, the City of Edgerton wishes to amend the City Code to accurately reflect this biennial occupational tax on the sale of alcoholic liquor by retailers, drinking establishments and private clubs.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS:

SECTION 1. Section 3-204 of the City Code of the City of Edgerton, which is currently listed as "RESERVED", is hereby amended to read as follows:

- 3-204 OCCUPATIONAL TAX. (a) There is hereby levied a biennial occupational tax in an amount described on the most current Fee and Rate Resolution for the City of Edgerton on any person holding a license issued by the state director of alcoholic beverage control for the retail sale within the city of alcoholic liquors for consumption off the premises. Such tax shall be paid by the retailer to the city clerk before business is begun under an original state license and shall be paid within five days after any renewal of a state license.
- (b) Upon presentation of a state license and payment to the city of the tax described above, 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) No tax paid shall be refunded for any reason.
- (d) Every licensee under this article shall cause the city alcoholic liquor retailer's occupation tax license to be placed in plain view, next to or below the state

license in a conspicuous location on the licensed premises.

SECTION 2. Section 3-302 of the City Code of the City of Edgerton is hereby amended to read as follows:

- 3-302 OCCUPATIONAL TAX. (a) There is hereby levied a biennial occupational tax in an amount described on the most current Fee and Rate Resolution for the City of Edgerton on each drinking establishment located in the city which has a drinking establishment license issued by the state director of alcoholic beverage control. Such tax shall be paid by the establishment to the city clerk before business is begun under an original state license and shall be paid within five days after any renewal of a state license.
- (b) Upon presentation of a state license and payment to the city of the tax described above, 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) No tax paid shall be refunded for any reason.
- (d) Every licensee under this article shall cause the city drinking establishment occupation tax license to be placed in plain view, next to or below the state license in a conspicuous location on the licensed premises.
- (e) The drinking establishment license issued by the city shall not be transferable or assignable. Each license shall be valid only to the originally applying licensee in the premises for which the license was originally issued.

SECTION 3. Section 3-402 of the City Code of the City of Edgerton is hereby amended to read as follows:

- 3-402 OCCUPATIONAL TAX. (a) There is hereby levied a biennial occupational tax in an amount described on the most current Fee and Rate Resolution for the City of Edgerton on each private club located in the city which has a private club license issued by the state director of alcoholic beverage control. Such tax shall be paid by the private club to the city clerk before business is begun under an original state license and shall be paid within five days after any renewal of a state license.
- (b) Upon presentation of a state license and payment to the city of the tax described above, 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) No tax paid shall be refunded for any reason.
- (d) Every licensee under this article shall cause the city private club occupation tax license to be placed in plain view, next to or below the state license in a conspicuous location on the licensed premises.
- (e) The private club license issued by the city shall not be transferable or assignable. Each license shall be valid only to the originally applying licensee in the premises for which the license was originally issued.

SECTION 4. Section 3-701 of the City Code of the City of Edgerton is hereby amended to read as follows:

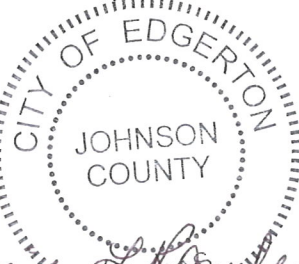
- 3-701 OCCUPATIONAL TAX. (a) There is hereby levied a biennial occupational tax in an amount described on the most current Fee and Rate Resolution for the City of Edgerton on any person holding a license issued by the state director of alcoholic beverage control for the retail sale within the city of alcoholic liquor, including beer containing more than 3.2 percent of alcohol by weight, for consumption off the premises and sales in original package only. Such tax shall be paid by the retailer to the city clerk before business is begun under an original state license and shall be paid within five days after any renewal of a state license.
- (b) Upon presentation of a state license and payment to the city of the tax described above, 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) No tax paid shall be refunded for any reason.
- (d) Every licensee under this article shall cause the city alcoholic liquor retailer by the package occupation tax license to be placed in plain view, next to or below the state license in a conspicuous location on the licensed premises.

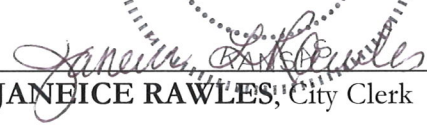
SECTION 5. Repeal of Conflicting Ordinances. All ordinances or sections of ordinances in conflict herewith are hereby repealed.

SECTION 6. Effective Date. This Ordinance shall take effect and be in force from and after its passage, approval and publication once in the City's official paper.

PASSED by the Council and approved by the Mayor on this 9th day of November, 2017.

ATTEST




JANEICE RAWLES, City Clerk


DONALD ROBERTS, Mayor

APPROVED AS TO FORM:


LEE W. HENDRICKS, City Attorney