

ORDINANCE NO. 1065

AN ORDINANCE AMENDING CHAPTER III, ARTICLES 1 AND 2, SECTIONS 3-108 AND 3-202 OF THE CODE OF THE CITY OF EDGERTON, KANSAS AMENDING THE RESTRICTION ON LOCATION FOR THE SALE OF RETAIL CEREAL MALT BEVERAGES AND RETAIL LIQUOR AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH

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

SECTION 1: The City Code for the City of Edgerton currently includes a restriction upon the location of a retailer's place of business or premises where cereal malt beverage and/or alcoholic liquor are sold such that said sale cannot occur within a three hundred foot (300') radius of any church, school, library, nursing home or hospital.

SECTION 2: The City of Edgerton finds the distance requirement of three hundred feet (300') to be too restrictive and desires for the restriction to be in line with K.S.A. § 41-710(c)(1), which prevents sale within a two hundred foot (200') radius of any church, school, library, nursing home or hospital.

SECTION 3: Section 3-108 of the City Code of the City of Edgerton is hereby amended to read as follows:

- 3-108. RESTRICTION UPON LOCATION. (a) No license shall be issued for the sale at retail of any cereal malt beverage on premises which are located in areas not zoned for such purpose;
- (b) It shall be unlawful to sell or dispense at retail any cereal malt beverage at any place within the city limits that is within a two hundred foot (200') radius of any church, school or library; (Ord. 1065, 2017)
- (c) The provisions of this section shall not apply to any establishment holding a private club license issued by the State of Kansas;
- (d) The distance limitation of subsection (b), above, shall not apply to any establishment holding a cereal malt beverage license issued by the City when the licensee has petitioned for and received a waiver of the distance limitation. The Governing Body shall grant such a waiver only following public notice and hearing. (Ord. 574, 1988)

SECTION 4. Section 3-202 of the City Code of the City of Edgerton is hereby amended to read as follows:

- 3-202 RESTRICTIONS ON LOCATION. (a) No retail package liquor nor any alcoholic liquor 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 feet (200') of any church, school, nursing home, library or hospital, 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; (Ord. 1065, 2017)

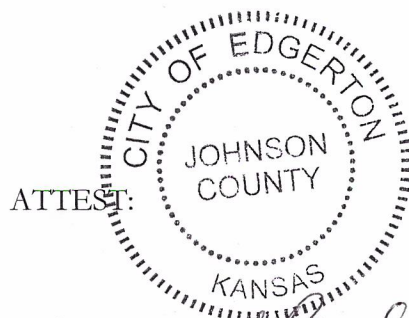
(b) The distance location of subsection (a), above, shall not apply to a club, drinking establishment, caterer or special event permit holder when the license or permit applicant petitions for and receives a waiver of the distance limitation from the Governing Body. The Governing Body shall grant such a waiver only following public notice and hearing and a finding by the Governing Body that the proximity of the establishment is not adverse to the public welfare or safety; (Ord. 910, 2011)

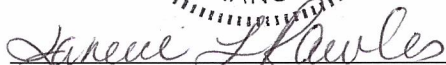
(c) No license or permit shall be issued for the sale of alcoholic liquor if the building or use does not meet the zoning ordinance requirements of the City or conflicts with other City laws, including building and health codes. (Ord. 910, 2011; Ord. 577, 1988).

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 28th day of September, 2017.

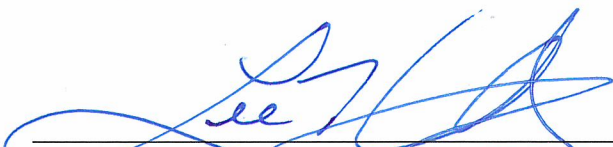



JANEICE RAWLES, City Clerk



DONALD ROBERTS, Mayor

APPROVED AS TO FORM:


LEE W. HENDRICKS, City Attorney