

ORDINANCE NO. 85-9

AN ORDINANCE PERTAINING TO CEREAL MALT BEVERAGE LICENSEE PENALTIES

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GALENA, KANSAS:

- SECTION 1: That the Governing Body of the City of Galena, upon five (5) days notice to the persons holding such license, shall revoke or suspend such license for any one 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 act or any rule or regulations made by the board or the City as the case may be;
  - (c) If the licensee has become ineligible to obtain a license in this act;
  - (d) Drunkenness of the person holding such license or permitting any intoxicated person to remain in such place;
  - (e) The sale of cereal malt beverages to anyone under the legal drinking age for cereal malt beverages as set by the State of Kansas;
  - (f) The nonpayment of any license fees;
  - (g) For permitting any gambling in or upon such premises;
  - (h) For permitting any person to mix drinks with materials purchased in said place of business or brought in for this purpose;
  - (i) For the employment of any person in dispensing cereal malt beverages who is under the legal drinking age for cereal malt beverages as set by the State of Kansas;
  - (j) For the employment of persons who have been adjudged guilty of a felony or of any violation of the intoxicating liquor law;
  - (k) For the sale or possession of or for permitting any person to use or consume upon or in said premises alcoholic liquor as defined by the laws of the State of Kansas relating thereto; Provided, that the provisions of the foregoing subsection (h) shall not apply if such place of business or premises are also currently licensed as a club under a license issued by the State Director of Alcoholic Beverage Control.
- SECTION 2: The license of any corporation shall lapse and become void seventy-two (72) hours after the manager listed on the corporation's application is no longer actively associated with the corporation, unless the corporation shall have filed an amended application showing a new manager who meets all legal requirements for acting as manager.
- SECTION 3: Within twenty (20) days after the order of the City revoking or suspending any license, the licensee may appeal to the district court of the county in the manner as now provided by law in appeals from the probate court; provided, that any appeal taken from an order revoking or suspending any such license shall not suspend the order of revocation or suspension during the pendency of any such appeal. In case of the revocation of the license of any licensee, no new license shall be issued to such person acting for or on his behalf, for a period of six (6) months thereafter.

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SECTION 4: This Ordinance repeals Ordinance No. 1029 passed July 1, 1980.

SECTION 5: This Ordinance shall take effect upon being published in the official city newspaper.

Passed by the City Council of Galena, Kansas, and approved by the Mayor of the City of Galena, Kansas, this 17th day of December, 1985.

John O. Stephenson  
John O. Stephenson, Mayor

ATTEST:

Cheryl Haines  
Cheryl Haines, City Clerk

(SEAL)