

ORDINANCE NO. 87-12

AN ORDINANCE PROHIBITING PERSONS UNDER TWENTY-ONE YEARS OF AGE FROM THE PREMISES WHEREIN CEREAL MALT BEVERAGES ARE SOLD AND CONSUMED AND PROVIDING PENALTIES THEREFORE.

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

- Section 1: It shall be unlawful for the owner of premises wherein cereal malt beverages are sold and consumed to knowingly allow any person under the age of twenty-one years to enter and remain on the premises unless said person's parent or court-appointed guardian is also physically present on the premises and aware of the person's presence.
- Section 2: In determining whether the owner in Section 1 has knowingly violated this ordinance, the knowledge of agents and employees of the owner shall be attributed to the owner.
- Section 3: It shall be a complete defense to a violation of Section 1 of this ordinance if the owner or his agent or employee, upon learning that a prohibited person is upon the premises, immediately demands that the prohibited person leave and immediately reports the incident to the Galena Police Department.
- Section 4: It shall be unlawful for any person under the age of twenty-one years to knowingly enter and/or remain on the premises wherein cereal malt beverages are sold and consumed unless said person's parent or court-appointed guardian is also physically present on the premises and aware of the person's presence.
- Section 5: Any person attempting to enter or remain upon the premises wherein cereal malt beverages are sold and consumed shall carry upon his/her person proof of age as shown by a photo-type identification card and shall present said card to the owner, his agent, or any law enforcement officer upon demand. Any person failing to present said identification upon demand shall be ordered to leave the premises at once. Failure to leave shall be a violation of this ordinance.
- Section 6: This ordinance shall not apply to premises (A) wherein more than fifty percent (50%) of the gross annual receipts are from the sale of tangible products other than intoxicating liquors and cereal malt beverages; (B) wherein cereal malt beverages are not being sold at the time of the prohibited entry, during the time the prohibited person is on the premises, and during a period of two (2) hours prior to the prohibited entry; and (C) of a club as defined in K.S.A. 41-2601, as amended.
- Section 7: An owner convicted of violating Section 1 of this ordinance shall, upon first conviction, be fined not more than two hundred dollars (\$200.00) and, upon a second conviction within a twelve-month period, be fined not more than two hundred dollars (\$200.00) and all licenses issued to him for the premises by the City of Galena, Kansas shall immediately become void and of no effect.
- Section 8: Any person convicted of violating Sections 4 or 5 of this ordinance shall be fined not more than two hundred dollars (\$200.00) for each offense.
- Section 9: This ordinance shall take effect upon being published in the official city newspaper.

Passed by the governing body of Galena, Kansas and approved by the Mayor this 6th day of October, 1987.

Thomas Y. Allen  
Thomas Y. Allen, Mayor

ATTEST:

Jeanie Holstrom  
Jeanie Holstrom, City Clerk  
(SEAL)