

ORDINANCE NO. 737

AN ORDINANCE AMENDING CHAPTER 3, SECTION 3-205 OF THE CODE OF THE CITY OF LINCOLN CENTER, KANSAS TO INCORPORATE STATE LAW CHANGES ELIMINATING KANSAS RESIDENCY REQUIREMENTS FOR CEREAL MALT BEVERAGES RETAIL LICENSURE.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of Lincoln Center, Kansas:

SECTION 1: Section 3-205 of the City Code of the City of Lincoln Center, Kansas is amended to read as follows:

3-205. LICENSE, DISQUALIFICATION.

No retailer's license shall be issued to:

- (a) A person who is not a citizen of the United States.
- (b) A person who is not of good character and reputation in the community in which he or she resides.
- (c) A person who, within two years immediately preceding the date of making application, has been convicted of a felony or any crime involving moral turpitude, or has been adjudged guilty of drunkenness or driving a motor vehicle while under the influence of intoxicating liquor or the violation of any other intoxicating liquor law of any state or of the United States.
- (d) A partnership, unless all the members of the partnership shall otherwise be qualified to obtain a license.
- (e) A corporation if any manager, officer, or director thereof or any stockholder owning in the aggregate more than 25% of the stock of such corporation would be ineligible to receive a license hereunder for any reason other than the citizenship requirements.
- (f) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, has been an officer, manager or director, or a stockholder owning in the aggregate more than 25% of the stock, of a corporation which: (A) Has had a retailer's license revoked under K.S.A. 41-2708 and amendments thereto; or (B) has been convicted of a violation of the club and drinking establishment act or the cereal malt beverage laws of this state.
- (g) 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.
- (h) A person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship requirements or age, except that this subsection shall not apply in determining eligibility for a renewal license.

- (i) A person whose spouse has been convicted of a felony or other crime that would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under the cereal malt beverage act.

SECTION 2: The existing Section 3-205 is hereby repealed.

SECTION 3: This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City, approval by the Mayor and publication once in the official newspaper of the City.

INTRODUCED, PASSED, and APPROVED by the Governing Body of the City of Lincoln Center, Kansas, on this 11th day of April, 2022.

APPROVED:

By: /s/ Travis Schwerdtfager
Mayor

Attest: (seal)

By: /s/ Heather N. Hillegeist
City Clerk