

THE CITY OF AUGUSTA, KANSAS
ORDINANCE NO. 2177

AN ORDINANCE ESTABLISHING RESTRICTIONS ON LOCATION FOR CEREAL MALT BEVERAGES AND ALCOHOLIC LIQUOR BY AMENDING CHAPTER 3, ARTICLE 1, SECTION 3-102 AND CHAPTER 3, ARTICLE 2, SECTION 3-208, AND CHAPTER 3, ARTICLE 3, SECTION 3-306 OF THE CODE OF THE CITY OF AUGUSTA, KANSAS

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

SECTION 1. Section 3-102 of Chapter 3, Article 1 of the code of the City of Augusta 2020 is hereby amended to read as follows:

"3-102. RESTRICTION ON LOCATION.

(a) No 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 250 feet of any church or school the distance to be measured from the nearest property line of such church or school to the nearest portion of the building occupied by the premises.

(b) The distance restriction on the sale or service of alcoholic liquor set forth in subsection (a) shall not apply to any place of business or event held within the Main Street Commercial District (C-1) as established in the city's adopted zoning regulations and official zoning map. The distance restriction of subsection (a) above shall not apply to a club, drinking establishment, caterer or temporary 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.

(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."

SECTION 2. Section 3-208 of Chapter 3, Article 2 of the code of the City of Augusta 2020 is hereby amended to read as follows:

"3-208. RESTRICTION ON 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 250-foot radius of any church or school.

(c) Provisions of this section shall not apply to any establishment holding a private club license issued by the State of Kansas.

(d) The distance restriction on the sale or dispensation at retail of cereal malt beverage set forth in subsection (b) shall not apply to any place of business or event held within the Main Street Commercial District (C-1) as established in the city's adopted zoning regulations and official zoning map. The distance restriction on the sale or dispensation at retail of cereal malt beverage set forth in subsection (b) above also 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.

SECTION 3. Section 3-306 of Chapter 3, Article 3 of the code of the City of Augusta 2020 is hereby amended to read as follows:

"3-306. RESTRICTION ON LOCATION.

(a) No person shall knowingly or unknowingly sell, give away, furnish, dispose of, procure, exchange or deliver, or permit the selling, giving away, furnishing, disposing of, procuring, exchanging or delivering of any alcoholic beverage in any building, structure or premises, for consumption in such building or upon such premises if such consumption is within 250 feet from the nearest property line of any school or church, the distance to be measured from the nearest property line of such church or school to the nearest portion of the building occupied by the premises.

(b) The distance restriction set forth in subsection (a) shall not apply to any place of business or event held within the Main Street Commercial District (C-1) as established in the city's adopted zoning regulations and official zoning map. The distance restriction of subsection (a) of this section shall not apply to a club, drinking establishment, caterer or temporary 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.

(c) no license or permit shall be issued for the sale of alcoholic liquor if the building or use does not meet the zoning requirements of the city or conflicts with other city laws, including building and health codes.

SECTION 4. Repeal

All other ordinances or parts of other ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

SECTION 5. Effective Date

This Ordinance shall take effect and be in full force from and after its publication in the official City newspaper (city website www.augustaks.org).

Adopted by the City Council this 7th day of September, 2021.

Approved by the Mayor this 7th day of September, 2021.





MIKE L. RAWLINGS, MAYOR

ATTEST



ERICA L. JONES, CITY CLERK

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