

(Published in The Morning Sun May 13<sup>th</sup>, 2016)

**ORDINANCE NO. G-1252**

AN ORDINANCE, amending Section 6-2 of the Pittsburg City Code regulating the time and location of dispensing and sale of alcoholic liquor and cereal malt beverage in the City of Pittsburg.

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

Section One. Section 6-2 of the Pittsburg City Code is hereby amended to read:

Sec. 6-2. Prohibiting entry of persons under age 21.

(a) *Definitions.* The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Alcoholic liquor, caterer, cereal malt beverage, class A club, class B club, club, drinking establishment, and temporary permit* mean as set forth in Section 6-181.

*Dispense or sold* means to furnish, transfer, exchange or barter in any manner or by any means whatsoever, with or without a consideration, cereal malt beverage and/or alcoholic liquor.

*Food* means any raw, cooked or processed edible substance or ingredient, other than alcoholic liquor or cereal malt beverage, used or intended for use or for sale, in whole or in part for human consumption.

*Licensee or permit holder* means either a partnership, association or corporation including the agents, officers, and employees thereof, or a natural person holding a license or permit to operate a club or drinking establishment, or holding a caterer's license, a temporary permit, or a license to sell cereal malt beverage and/or alcoholic liquor for consumption on the premises.

*Pool hall* means a premises where the primary business relates to customers engaging in billiards or pool.

*Premises* means the location of any place, whether or not licensed for the sale of cereal malt beverage and/or alcoholic liquor, where either cereal malt beverage or alcoholic liquor is dispensed or sold for consumption on the premises.

*Restaurant* means a business that prepares and sells food directly to consumers for immediate consumption on the premises.

(b) *Unlawful entry; licensee or permit holder absolutely liable.*

- (1) It shall be unlawful and the licensee or permit holder shall be absolutely liable, whether with or without consent or knowledge, if any person under 21 years of age enters or remains upon any premises where cereal malt beverage and/or alcoholic liquor is dispensed or sold for consumption on the premises. This Section shall not apply to persons under 21 years of age who are on the premises if accompanied by a parent or a legal guardian.
- (2) It shall be unlawful for any licensee or permit holder, or any owner, officer or employee thereof, to knowingly or unknowingly permit any person under 21 years of age to enter or remain upon any premises where cereal malt beverage and/or alcoholic liquor is dispensed or sold for consumption on the premises. This Section shall not apply to persons under 21 years of age who are on the premises if accompanied by a parent or legal guardian.
- (3) It shall be a defense to the prosecution hereof if the person under 21 years of age exhibited to the defendant an unexpired driver's license, state nondriver's identification card or other official or apparently official document, containing a photograph of the person which purported to establish that such person was 21 or more years of age.

(c) *Unlawful entry; minor.* It shall be unlawful for any person under 21 years of age to enter or remain upon the premises of a licensee or permit holder where cereal malt beverage and/or alcoholic liquor is dispensed or sold for consumption on the premises. This Section shall not apply to persons under 21 years of age who are on the premises accompanied by a parent or a legal guardian.

(e) *Premises exempted.*

- (1) This Section shall not apply to and shall exempt the following licensees or permit holders, and any owners, officers or employees thereof:
  - i. Premises used primarily as a bowling alley;
  - ii. Any member in good standing of a veteran's organization while on the premises of the veteran's organization if he is a member thereof; and
  - iii. A restaurant which derives at least sixty percent (60%) of its gross revenues from the bona fide sale of food for consumption on the premises.
- (2) However, none of the premises mentioned in this Section shall be exempt from the provision of this Section if persons under the age of 21 are allowed to enter or remain on the premises while a dance is occurring on the premises.

(f) *Additional exemptions.* Further, this Section shall not apply to and shall exempt from its provisions the following premises:

- (1) Four Oaks Complex, the Memorial Auditorium, Lincoln Center, Schlanger Community Center, and the Senior Center at 3003 North Joplin Street;
- (2) Premises which are furnished to or occupied by any state officer or employee as a residence;
- (3) A private dining room of a hotel or motel, if the dining room is rented or made available on a special occasion only to an individual or organization for a private party and if no sale of alcoholic liquor takes place;
- (4) Lincoln Park during the Fourth of July celebration if cereal malt beverage is sold by a licensee or permit holder who has received permission from the Governing Body to transfer such license or permit for the particular occasion; and

(g) *Additional qualified exemptions.* This Section shall also not apply to and shall exempt from its provisions the following premises only between the hours of 11:00 a.m. and 9:00 p.m.:

- (1) Premises used primarily as a pool hall; and
- (2) A restaurant which derives less than sixty percent (60%) of its gross revenues from the bona fide sale of food for consumption on the premises.

(h) *Underage employees and vendors allowed.* Notwithstanding any provisions of this Section, it shall not be a violation of this Section for an employee of a licensee or permit holder who is at least 18 years of age to enter or remain on the premises, provided that the employee is under the on-premises supervision of the licensee or permit holder or an employee who is 21 years of age or older; or for an employee of a vendor to enter for the purpose of providing goods and services to the licensee or permit holder and remain only so long as to provide such goods and services.

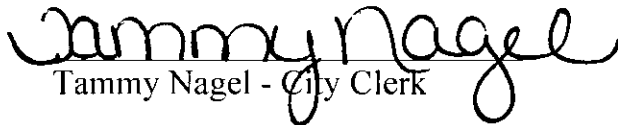
(i) *Violations; penalty.* Violation of this Section is a misdemeanor punishable by a fine of not less than \$100 and not more than \$250 or imprisonment not exceeding 30 days, or both.

Section Two. This Ordinance shall take effect and be in force from and after its approval and publication in the official city newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of  
Pittsburg, Kansas this 10<sup>th</sup> day of May, 2016.

  
John Ketterman - Mayor

ATTEST:

  
Tammy Nagel - City Clerk

