

(Published in the Topeka Metro News June 21, 2021)

ORDINANCE NO. 20302

AN ORDINANCE introduced by Councilmember Spencer Duncan, eliminating residency requirements for cereal malt beverage retail licenses amending Topeka Municipal Code § 5.55.070.

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

Section 1. That section 5.55.070, CMB License application review – Approval by Governing Body, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

CMB License application review – Approval by Governing Body.

If the application is in proper form and accompanied by the license fee, the Governing Body shall examine the application and, after examination of the application and certification as provided in TMC 5.55.100 the Governing Body shall direct the City Clerk to issue a license to the applicant; provided, that no license shall be issued to:

~~(a) *Residency.* A person who is not a resident of Shawnee County and has not been: (1) a resident of the County for at least six months prior to the date of making application; and (2) a resident of the State of Kansas for at least one year prior to the date of making application.~~

~~(b) *Character.* A person who is not of good character and reputation in the County.~~

~~(c) *Citizenship.* A person who is not a citizen of the United States.~~

~~(d) *Convictions.* A person who within two years immediately preceding the date of making application has been convicted of, released from incarceration for or released from probation or parole for a felony or any crime involving moral turpitude,~~

drunkenness, driving a motor vehicle while under the influence of intoxicating liquor or the violation of any other intoxicating liquor law of any city, state or of the United States.

(ed) *Partnership*. A partnership, unless all members of such partnership are otherwise qualified to obtain a license.

(fe) *Corporation*. A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25 percent of the stock of such corporation, would be ineligible to receive a license under this section for any reason other than citizenship and residency.

(gf) *Interest in a Corporation with Revoked License*. A person, partnership, or corporation if any manager, officer, or director, or any stockholder, owning in the aggregate more than 25 percent of the stock of such corporation, has been an officer, manager, director or a stockholder owning in the aggregate more than 25 percent of the stock of a corporation which has:

(1) Had a retailer's license revoked under K.S.A. 41-2708 and amendments thereto; or

(2) Been convicted of a violation of the Drinking Establishment Act or the cereal malt beverage laws of Kansas.

(hg) *Limited Liability Company*. A limited liability company unless the company meets the qualifications for licensure of a corporation, except that only those individuals owning in the aggregate 25 percent or more of the ownership interest in the company shall be required to meet the qualifications for an individual to obtain a license.

(ih) *Ineligible Spouse*.

(1) A person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship, ~~residence requirements~~ or age,

except that this subsection shall not apply in determining eligibility for a renewal license; or

(2) A person whose spouse has been convicted of a felony or other crime which would disqualify a person from licensure and such felony or other crime was committed during the time the spouse held a license.

(j) *Manager or Agent.* A person whose premises is to be conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of a licensee.

Section 2. That original § 5.55.070 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 4. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 5. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the Governing Body on June 15, 2021.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk