CHARTER ORDINANCE NO. 121

A CHARTER ORDINANCE introduced by Councilmember Spencer Duncan, repealing City of Topeka Charter Ordinance No. 61 (TMC A3-2) and Charter Ordinance No. 62 (TMC A3-3) which address cereal malt beverage license requirements.

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

Section 1. That section A3-2 of the Code of the City of Topeka, Kansas, is hereby repealed:

Cereal malt beverage retailer's license — Generally.

All cereal malt beverage retailer's licenses shall be governed by chapter 24 of the Code of the City of Topeka [now Chapters 5.05 and 5.10 TMC]; and all words, terms and phrases in said chapter pertaining to cereal malt beverage shall have the meanings ascribed to them by K.S.A. 41-2701, as amended.

Section 2. That section A3-3 of the Code of the City of Topeka, Kansas, is hereby repealed:

Same — Procedure for issuance — Term.

(a) Procedure. After examination of an application for a retailer's license, the governing body of the city shall, if the applicant is qualified as provided by law, issue a license to said applicant.

(b) Qualifications of applicant. No retailer's license shall be issued to:

(1) A person who is not a resident of the county in which the place of business covered by the license is located, has not been a resident of such county for at least six months or has not been a resident in good faith of the State of Kansas for at least one year prior to application for a retailer's license.

(2) A person who is not of good character and reputation in the community in which the person resides.
(3) A person who is not a citizen of the United States.

(4) A person who within two years immediately preceding the date of making application has been convicted of a felony, any crime involving a moral turpitude, drunkenness, driving a motor vehicle while under the influence of intoxicating liquor or violation of any other intoxicating liquor law of any state or of the United States.

(5) A partnership, unless one of the partners is a resident of the county in which the licensed premises is located and all the members of the partnership are otherwise qualified to obtain a license.

(6) 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 hereunder for any reason other than the citizenship and residency requirements.

(7) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses all the qualifications of a licensee.

(c) Term of regular license; notice to wholesalers of nonrenewal. Regular retailer's licenses shall be issued either on an annual basis or for the calendar year. If such licenses are issued on an annual basis, the board of county commissioners or the governing body of the city shall notify the cereal malt beverage wholesalers supplying the county or city on or before April 1 of the year if a retailer's license is not renewed.

(d) Temporary license. The city clerk may, upon presentation of a regular and complete application for a cereal malt beverage license by a fully qualified applicant, and payment of the license fee, plus a premium fee in the amount of the license fee, issue a temporary license to the applicant, said temporary license being valid as a regular license until the completion of the next regularly scheduled meeting of the board of commissioners [council], or 14 days, whichever period is shorter.

Section 3. This Ordinance shall be published once each week for two (2) consecutive weeks in the official City newspaper.
Section 4. This Charter Ordinance shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on this Charter Ordinance as provided in Article 12, Section 5, Subdivision (c)(3), of the Kansas Constitution, in which case this Charter Ordinance shall become effective if approved by a majority of the electors voting therein.

Section 5. Upon the effective date of this Charter Ordinance, this Charter Ordinance shall be recorded by the City Clerk in a book maintained for such purposes with a statement of the manner of adoption and a certified copy shall be filed with the Secretary of State of the State of Kansas.

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
STATEMENT OF MANNER OF ADOPTION OF FOREGOING

The foregoing Charter Ordinance No. 121 was passed on the 15th day of June, 2021, as shown by the minutes, Book 2021 Page _____, by a vote of 9 for and 0 against, being not less than two-thirds (2/3) of the members-elect of the governing body, published in the Topeka Metro News, the official city newspaper, on the 21st day of June, 2021, and on the 28th day of June, 2021, being once each week for two (2) consecutive weeks, and there being no petition demanding a referendum filed with the City Clerk within sixty (60) days after the final publication, said Charter Ordinance took effect on the 27th day of August, 2021.

Brenda Younger, City Clerk

CERTIFICATE

I, Brenda Younger, City Clerk of the City of Topeka, County of Shawnee, State of Kansas, do hereby certify that the above and foregoing, consisting of 4 typewritten pages, including the page upon which this Certificate is written, is a full true and correct copy of Charter Ordinance No. 121 of the said City of Topeka, that all acts and things required by Article 12, Section 5 of the Constitution of the State of Kansas were done and performed in the manner and within the time prescribed and that said Ordinance became effective on the 27th day of August, 2021.

Brenda Younger, City Clerk