

(Published in the Topeka Metro News June 6, 2011)

**ORDINANCE NO. 19566**

AN ORDINANCE introduced by Councilmember John Alcala, amending City of Topeka Code § 5.55.080 and § 9.15.040, concerning temporary liquor and cereal malt beverage permits for special events held in the vicinity of churches and schools and specifically repealing said original sections.

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

Section 1. That section 5.55.080, Prohibited zones established, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Prohibited zones established.**

No license to sell or serve cereal malt beverages to be consumed on the premises shall be issued to any premises to be located within the following described zones unless the premises was so licensed or had a license application or renewal pending on March 8, 1983, or a special event retailers' permit has been granted by the governing body by ordinance pursuant to K.S.A. 41-2703, as amended:

(a) Within 300 feet of any church building.

(b) Within 300 feet of any school building or schoolyard.

(c) Within 200 feet of any establishment licensed by the city to sell or serve cereal malt beverages; provided, that the 200-foot limitation shall not apply to a restaurant as defined by K.S.A. 41-2601.

The distances listed in this section should be measured in a straight line from the closest point of the premises sought to be licensed to the closest point of the building housing the cereal malt beverage establishment, church building, school building or schoolyard.

30           Section 2.   That section 9.15.040, Prohibited zones established, of The Code  
31 of the City of Topeka, Kansas, is hereby amended to read as follows:

32           **Prohibited zones established.**

33           (a)   No person or business entity shall sell or serve alcoholic liquor to be  
34 consumed on any premises located within the following described zones unless the  
35 premises was licensed and in operation on or before the effective date of this section:

36                   (1)   Within 300 feet of any church building.

37                   (2)   Within 300 feet of any school building or schoolyard.

38           (b)   The limitations set forth in subsection (a) of this section shall not apply to a  
39 restaurant as defined by K.S.A. 41-2601 or to the holder of a temporary permit issued  
40 pursuant to K.S.A. 41-2645, as amended.

41           (c)   The distances listed in subsection (a) of this section shall be measured in  
42 a straight line from the closest point of the premises sought to be licensed or operated  
43 to the closest point of the building housing the church building, school building or  
44 schoolyard.

45           Section 3.   That original § 5.55.080 and § 9.15.040 of The Code of the City of  
46 Topeka, Kansas, is hereby specifically repealed.

47           Section 4.   This ordinance shall take effect and be in force from and after its  
48 passage, approval and publication in the official City newspaper.

49           Section 5.   This ordinance shall supersede all ordinances, resolutions or rules,  
50 or portions thereof, which are in conflict with the provisions of this ordinance.

Section 6. 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 May 24, 2011.

CITY OF TOPEKA, KANSAS

William W. Buntin, Mayor

ATTEST:

Brenda Younger, City Clerk