

Org. No. \_\_\_\_\_

First Published in *The Wichita Eagle* on July 1, 2022

ORDINANCE NO. 51-884

AN ORDINANCE AMENDING SECTIONS 4.12.050, 4.16.060 AND 4.16.154 OF THE CODE OF THE CITY OF WICHITA PERTAINING TO TEMPORARY PERMIT FEES FOR ALCOHOL SALES.

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

SECTION 1. Section 4.12.050 of the Code of the City of Wichita is hereby amended to read as follows:

**“Examination of applicant by the city council; issuance or denial of license or permit.**

If an application for a cereal malt beverage retailer license or a special event retailers' permit is in proper form and accompanied by the license fee the City Council shall examine the application and, after examination of the application, the City Council, if they approve the same, shall issue a license or permit to the applicant; provided

(a) That no cereal malt beverage retailer license or a special event retailers' permit shall be issued to:

- (1) A person who is not a citizen of the United States;
- (2) 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 of any crime involving moral turpitude, drunkenness, or driving a motor vehicle while under the influence of intoxicating

liquor or drugs, violation of any other intoxicating liquor law of any city, state or of the United States;

- (3) A partnership, unless all members of such partnership shall otherwise be qualified to obtain a license;
- (4) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation would be ineligible to receive a license hereunder for any reason other than the citizenship requirement.
- (5) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee;
- (6) A person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship, requirements or age, except that this subsection shall not apply in determining eligibility for a renewal license;
- (7) A person whose spouse has been convicted of a felony or other crime which would disqualify a person from licensure under this chapter and such felony or other crime was committed during the time that the spouse held a license under this chapter; and
- (8) A person who has failed to pay any outstanding administrative penalty imposed pursuant to Section 4.12.090(c) or Section 4.16.095(d) of the City Code and amendments thereto.

(b) No license shall be issued for premises wherein the use thereof would be in violation of the city zoning laws or the city building codes or fire codes. Notwithstanding the provisions of this subsection, a license under this section shall be issued to a farm winery or producer

licensee who meets the requirements for a license and who is a registered agritourism operator as defined by state law, and such license shall not be denied on the basis of any zoning regulation or other regulation, ordinance or resolution of the City.

- (c) The denial of a license or permit application shall be subject to the appeal process and provisions set forth in Section 4.12.090(c) and (d), except that the notice of appeal shall include the name and address of the appellant, the date of the license or permit application, the date of the denial of the application or permit and the factual basis for the appeal. The review conducted by the City Council shall be of the facts and circumstances of the license denial.”

SECTION 2. Section 4.16.060 of the Code of the City of Wichita is hereby amended to read as follows:

**“License Applications; fees.**

- (a) Application for all licenses required by this Chapter shall be upon forms provided by the City Treasurer's office and shall be filed with the City's Licensing Section. The applicant shall provide all information requested by such forms and pursuant to the provisions of this title.
- (b) At the time application is made to the City Treasurer's office for a license pursuant to this section, the following fees shall accompany the application:
- (1) Class A private club, any category .....\$500.00  
(fraternal/veterans; social, 500 members or less; social, over 500 members)
  - (2) Class B private club .....\$500.00
  - (3) Drinking establishment, any category .....\$500.00  
(restaurant, entire hotel)

(4) Drinking establishment (any category)/caterer .....\$500.00

(5) Caterer .....\$500.00

(6) Temporary permit, per day .....\$25.00

(maximum 3 consecutive days, 4 times per year, may be for duration of a  
Community Event)

Provided, however, this section shall become effective only upon the effective date of the ordinance repealing Charter Ordinance No. 105. Prior to that date, the fees that are currently set by the City Council in Resolution R-95-549, dated November 28, 1995, shall remain in effect. Since the fees currently in effect are annual fees, the amounts shall be doubled for all biennial licenses issued upon the effective date of this ordinance.

No fee required by this chapter or any portion thereof shall be pro-rated or refunded for any reason except if, in the determination of the City Treasurer, the application of this section would result in a substantial and unfair burden upon the applicant.”

SECTION 3. Section 4.16.154 of the Code of the City of Wichita is hereby amended to read as follows:

**“Temporary permits.**

- (a) A temporary permit shall allow the permit holder to offer for sale, sell and serve alcoholic liquor or cereal malt beverage for consumption on unlicensed premises, or on premises that are otherwise subject to a separate temporary permit that may be open to the public, subject to the terms of the permit.
- (b) A temporary permit shall specify the premises for which such permit is issued and shall be issued only for premises as allowed by the Wichita-Sedgwick County Unified Zoning Code.

- (c) A temporary permit shall be issued for a period of time not to exceed three consecutive days, the dates and hours of which will be specified in the permit. Not more than 12 temporary permits may be issued to any one applicant in a calendar year. Provided, however, that, pursuant to K.S.A. 41-1201 and amendments thereto, the director may issue a temporary permit for a special event which, in the director's discretion, may last no more than 30 days in duration.
- (d) A holder of a temporary permit is further authorized to engage in activities as allowed by Chapter 41, Article 12 of the Kansas Statutes Annotated and amendments thereto, including, but not limited to, providing samples of wine, beer, cereal malt beverage and distilled spirits, sales of alcohol liquor at a charitable auction and sales of one or more limited issue porcelain containers containing alcoholic liquor."

SECTION 4. The originals of Sections 4.12.050, 4.16.060 and 4.16.154 are hereby repealed.

SECTION 5. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 28th day of June, 2022.

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Brandon J. Whipple, Mayor

ATTEST:

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Karen Sublett, City Clerk

Approved as to Form:

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Jennifer Magaña  
City Attorney and Director of Law