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ORDINANCE NO. 50-796

AN ORDINANCE AMENDING SECTION 4.16.130 OF THE CODE OF THE CITY OF WICHITA, KANSAS PERTAINING TO THE PROHIBITION AGAINST ALLOWING MINORS ON THE PREMISES OF LICENSED DRINKING ESTABLISHMENTS AND EXCEPTIONS THERETO AND REPEALING THE ORIGINAL OF SAID SECTION.

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

SECTION 1. Section 4.16.130 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Permitting consumption by minors; minors prohibited from entering or remaining in drinking establishments; exceptions for microdistilleries and microbreweries; penalties.

(a) No licensee, permit holder, or any owner, officer, or employee thereof, shall knowingly or unknowingly permit the possession or consumption of alcoholic liquor or cereal malt beverages by a minor on premises where alcoholic beverages are sold by such licensee or permit holder, except that a licensee's or permit holder's employee who is not less than 18 years of age may serve alcoholic liquor or cereal malt beverage under the on-premises supervision of the licensee or permit holder, or an employee who is 21 years of age or older.

(b) No licensee, owner, officer, or employee of a drinking establishment shall knowingly or unknowingly allow a minor to enter or remain on the premises of a drinking establishment and no minor shall enter or remain on the premises of a drinking establishment.

(c) It shall be a defense to a prosecution of a licensee, permit holder, or any owner, officer, or employee thereof, under subsection (a) or (b) if:

(1) The defendant allowed the possession or consumption of the alcoholic liquor or cereal malt beverage by the minor or allowed the minor to enter or remain upon the premises of a drinking establishment with reasonable cause to believe that the minor was 21 or more years of age; and

(2) To possess or consume the alcoholic liquor or cereal malt beverage, or to enter or remain upon the premises of a drinking establishment, the minor exhibited to the defendant a driver's license, Kansas non-driver's identification card or other official or apparently official document that reasonably appears to contain a photograph of the minor and purporting to establish that such minor was 21 or more years of age.

(d) Violation of this section is a misdemeanor punishable by a fine of not less than \$100 and not more than \$500 or imprisonment not exceeding 30 days, or by both such fine and imprisonment.

(e) Violation of this section by a person 18 or more years of age but less than 21 years of age is a misdemeanor punishable by a fine of not less than \$200 and not more than \$500. In addition to such fine the court may order the offender to perform 40 hours of public service. Further, any person less than 18 years of age who violates this section is a juvenile offender under the Kansas Juvenile Offenders Code and upon adjudication thereof shall be required as a condition of disposition to pay the fine or perform the public service, or both, as set forth in herein.

(f) The provisions of subsection (b) of this section apply only to drinking establishments, as defined in Section 4.04.010 of this Code and amendments thereto but not to drinking establishments also licensed as a microdistillery or a microbrewery by the State of Kansas, or to any other license issued under this chapter. Provided, however, minors will be allowed on the premises of drinking establishments also licensed as a microbrewery by the State of Kansas only when accompanied by the minor's parent or legal guardian and are not allowed on such premises after 10:00 p.m. on any day.”

SECTION 2. The original of Section 4.16.130 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 3. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon adoption and publication in the official city newspaper.

PASSED by the governing body of the City of Wichita, Kansas, this 22nd day of May, 2018.

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Jennifer Magaña, City Attorney and
Director of Law