

(Summary Published in the McPherson Sentinel _____, 2016, once)

ORDINANCE NO. 3211

AN ORDINANCE OF THE CITY OF MCPHERSON, KANSAS ADDING SECTION 160 TO CHAPTER 6, ARTICLE III DIVISION 2 OF THE CODE OF THE CITY OF MCPHERSON, KANSAS RELATING TO SALE TO CONSUMERS FROM A MICROBREWERY.

WHEREAS, the state of Kansas licenses Microbreweries;

WHEREAS, a microbrewery typically produces beverages that are in excess of 3.2 percent alcohol by weight (“Product”);

WHEREAS, the state license permits free sampling of Product without further licensing; and

WHEREAS, a local microbrewery requests the ability to sell to both distributors and to consumers in unopened containers for consumption not on the premises; and

WHEREAS, the governing body desires to amend the Code to cover this particular business practice.

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

Section 1. New Section. From and after the effective date of this Ordinance, Code Section 6-160 of the Code of the City of McPherson, Kansas is inserted:

Section 6-160. Microbrewery.

- (a) It shall be unlawful for any person to own or operate a microbrewery, as defined in state law, without first having obtained a state license. If the microbrewery only permits free samples of its brewed alcoholic liquor to be consumed on premises, the microbrewery license shall be considered as a license for the retail sale of alcoholic liquors by the package under section 6-131, et seq. of the Code and except as noted below, must meet all Code requirements. If the microbrewery permits any other on-site consumption, the microbrewery must obtain a license as a Private Club under Section 6-211, et seq. of the Code or a Drinking Establishment under Section 6-231 et seq. of the Code and must meet

all applicable Code requirements. If a microbrewery also obtains a Private Club or Drinking Establishment license, such license will permit the holder to also have the privileges of a holder of a microbrewery with a license for the retail sale of alcoholic liquors by the package.

- (b) Notwithstanding anything to the contrary within this Article III, a retailer with a state microbrewery license may have in its possession for sale at retail any bottle, cask or other container containing alcoholic liquor brewed by the licensee in only the original unopened package as filled by the microbrewery or in any bottle, cask or other container provided by the customer and returned to the same customer as a sealed bottle, cask or other container that remains unopened on the premises.

Section 2. Repeal. All or parts of the Code conflicting with the provisions of this Ordinance are hereby repealed.

Section 3. Publication and Effective Date. This ordinance shall take effect and be in full force and effect from and after its passage, signature and publication of a summary of this ordinance in the official city newspaper and posting of the full text of the ordinance on the city's website in compliance with K.S.A. 12-3007(b).

PASSED by the city commission and signed by the Mayor this 9th day of May, 2016.

CITY OF MCPHERSON, KANSAS

Thomas A. Brown, Mayor

[SEAL]

Attest:

Tamra K. Seely, City Clerk

Ordinance No. 3211, Summary

On May 9, 2016, the City of McPherson, Kansas adopted Ordinance No. 3211 adding section 160 of Chapter 6, Article III Division 2 of the Code of the City of McPherson, Kansas relating to sales to customers by microbreweries. A complete copy of this Ordinance is available at www.mcpcity.com or at the Municipal Center, 400 E. Kansas, McPherson, Kansas. Jeffrey A. Houston, City Attorney, certified this summary.