

ORDINANCE NO. 466

AN ORDINANCE OF THE CITY OF WATHENA, KANSAS, RESTRICTING THE POSSESSION OR CONSUMPTION OF CERTAIN ALCOHOLIC LIQUORS AND CEREAL MALT BEVERAGES IN PUBLIC PLACES AND UPON PROPERTY OWNED BY THE CITY OF WATHENA AND PRESCRIBING A PENALTY FOR VIOLATION THEREOF, AND REPEALING ORDINANCE NO. 229 AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES OF THE CITY OF WATHENA IN CONFLICT HEREWITH.

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

SECTION 1. DEFINITIONS. When used in this Ordinance:

- (a) "Person" means an individual, public or private corporation, government, church, school, partnership, or unincorporated association.
- (b) "City" means the City of Wathena, Kansas, the Governing Body thereof, and all real property situated within the corporate limits of said City.
- (c) "Cereal Malt Beverage" means any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute, but does not include any such liquor which is more than 3.2% alcohol by weight.
- (d) "Alcoholic Liquor" means alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.

SECTION 2. CONSUMPTION OF ALCOHOLIC LIQUOR UNLAWFUL AT CERTAIN PLACES. It shall be unlawful for any person while upon public streets, alleys, roads or highways in the City of Wathena, or in beer parlors, taverns, pool halls, or places to which the general public has access or upon property owned by or under the control of the City of Wathena to drink or consume alcoholic liquor of any kind or description whatsoever.

SECTION 3. CONSUMPTION OF CEREAL MALT BEVERAGE UNLAWFUL AT CERTAIN PLACES. Except as provided in Section 4 below it shall be unlawful for any person while upon the public streets, alleys,

roads or highways within the City of Wathena, Kansas, or upon property owned or under control of said City to possess an open container of or to consume cereal malt beverage of any kind or description whatsoever.

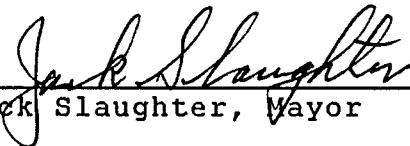
SECTION 4. PERMIT FOR CONSUMPTION OF CEREAL MALT BEVERAGE ON PUBLIC PROPERTY AND PROPERTY OWNED OR CONTROLLED BY THE CITY OF WATHENA. The City shall have the right to issue a permit to any person which shall authorize the applicant to possess or consume cereal malt beverage in contradiction to the terms and provisions of Section 3 hereof.

SECTION 5. PENALTIES. Any person who shall violate any of the provisions of this Ordinance shall, upon conviction, be punished by fine of not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) or by imprisonment for not more than six months or by both such fine and imprisonment.

SECTION 6. REPEALER. Ordinance No. 229 and all other ordinances and parts of ordinances of the City of Wathena, Kansas, in conflict herewith are hereby repealed.

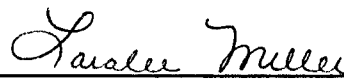
SECTION 7. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication in the official City newspaper.

PASSED by the Council and APPROVED by the Mayor this 7th day of DECEMBER, 1993.



Jack Slaughter, Mayor

ATTEST:



Laralee Miller, City Clerk

(SEAL)