

**RESOLUTION NO. 2019 – R – 005**

**A RESOLUTION REGULATING THE SALE OF CEREAL MALT BEVERAGES FOR SPECIAL EVENTS IN THE UNINCORPORATED AREAS OF PAWNEE COUNTY, KANSAS.**

**WHEREAS**, Subsection (e) of K.S.A. 41-2703 affirms the authority of county governments to issue special event retailers' permits to offer for sale, sell and serve cereal malt beverages for consumption by the public within the County's boundaries; and

**WHEREAS**, the Board of County Commissioners of Pawnee County, Kansas, in an effort to protect the safety of persons and property in the unincorporated area of Pawnee County, Kansas has determined to regulate the sale of cereal malt beverages at special events within the unincorporated areas of Pawnee County.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PAWNEE COUNTY, KANSAS:**

**SECTION 1. Definitions**

- (a) "Cereal Malt Beverage" means any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute or any flavored malt beverage, as defined in K.S.A. 41-2729, and amendments thereto, but does not include any such liquor which is more than 6.0% alcohol by weight.
- (b) "Special Event Permit Holder" means any non-profitable charitable organization, which is organized and operated for: (1) relief of poverty, distress or other conditions of public concern with the State; or (2) for conferring direct benefits on the communities of Pawnee County, and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization, and has been determined by the Secretary of Revenue to be organized and operated as a bona fide charitable organization, which is exempted from the payment of federal income taxes as provided by Section 501(c) of the Internal revenue Code, as amended, which organization is sponsoring and conducting a single event for no more than five consecutive calendar days duration of community-wide interest and for the benefit of the community at large.

**SECTION 2. County Special Event Permit**

- (a) It shall be unlawful for any person to conduct an event involving the sale of cereal malt beverages and/or alcoholic liquor at any site within the unincorporated areas of Pawnee County without being first issued a special event permit from the Governing Board of the County of Pawnee.
- (b) Application for special event permit must be submitted to the County Clerk at least thirty (30) days before the event, and said application shall clearly state: (1) the group for which the event is planned; (2) the location for which the event is scheduled; (3) the date and time

of the event; (4) any anticipated need for law enforcement, fire or other public services. Applicants for special event license shall also provide proof of public liability insurance for the duration of the special event in a minimum amount of five hundred thousand dollars (\$500,000). Upon the presentation of the payment of the County's permit fee and written application as provided herein, the County Clerk shall submit such application, documents and reports to the Board of Commissioners at the next regular meeting for approval or disapproval thereof. The Board of Commissioners shall determine if the group or person making the application is qualified to receive such permit as provided herein, and shall direct the issuance or denial in accordance therewith. The County Clerk shall issue such permit upon proof of the public liability insurance as provided herein.

- (b) There is hereby levied a special event license fee in the amount of fifty dollars (\$50.00) for each event, which fee will be paid before the event is begun. Every special event license holder shall cause the special event license receipt to be placed in plain view on any premises where the holder of the is serving cereal malt beverage for consumption on the premises.
- (c) No special event permit holder shall allow the serving, mixing or consumption of alcoholic liquor between the hours of one a.m. and nine a.m. at any event for which a special event permit has been issued. No alcoholic beverages shall be given, sold or trades to any person under twenty-one (21) years of age.
- (d) No more than four (4) special event permits may be issued to any one applicant in a calendar year; and
- (e) Special event permits shall not be transferable or assignable.

### **SECTION 3. Enforcement of this Resolution**

In addition to authority vested by statute to the Kansas Division of Alcohol Beverage Control, the Pawnee County Sheriff and his/her deputies will be the agency with the enforcement powers concerning violation of this Resolution.


### **SECTION 4. Penalty**

In addition to any violation(s) of State Law, violation of any provision of this resolution shall constitute a Class C misdemeanor and any person convicted shall be punished by a fine of not less than \$100.00 nor more than \$500.00, by imprisonment of not more than 30 days jail, or both such fine and imprisonment.


**ADOPTED** this 1<sup>st</sup> day of July 2019.

BOARD OF COUNTY COMMISSIONERS

ATTESTED:

  
Ruth Searight, County Clerk

APPROVED AS TO FORM:

  
Douglas W. McNett, County Attorney

  
Deborah Lewis, Chair

  
Bob Rein, Commissioner

  
Philip Hammeke, Commissioner

