

ORDINANCE NO. 185

AN ORDINANCE DEFINING THE TERM ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGES AND MAKING IT UNLAWFUL FOR ANY PERSON TO DRINK OR CONSUME THE SAME IN CERTAIN PLACES WITH CERTAIN EXCEPTIONS WITHIN THE CITY OF ANDOVER, KANSAS AND PROVIDING FOR A FINE OR IMPRISONMENT, OR BOTH, FOR THE VIOLATION OF THIS ORDINANCE.

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

Section 1. Definitions.

(a) For the purpose of this Ordinance, the term "alcoholic liquor" shall not only be as the same is defined in K.S.A. 1969 Supp. 41-102(2), that is, to include the four varieties of liquor, namely alcohol, spirits, wine and 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 also include any beer or cereal malt beverage containing not less than three and two-tenths percent (3.2%) of alcohol by weight, as such cereal malt beverages are defined in K.S.A. 41-2701.

(b) Further, for the purpose of this Ordinance, the term "beer" shall be construed to mean the same as defined by K.S.A. 1969 Supp. 41-102(3), and include cereal malt beverages as defined in K.S.A. 41-2701.

(c) For the purpose of this Ordinance, the term "spirits" shall be construed to mean the same as defined by K.S.A. 1969 Supp. 41-102(4), and

(d) That for the purpose of this Ordinance, the term "wine" shall be construed to mean the same as defined by K.S.A. 1969 Supp. 41-102(5).

Section 2. Unlawful act.

That from and after the effective date of this Ordinance it shall be unlawful for any person to drink or consume any alcoholic liquor or beer in any public place (excepting such public places as may be duly licensed and authorized by said City to serve alcoholic liquor or beer for consummation on the premises of such place), or upon any street right-of-way, alley or roadway within the City of Andover, Kansas.

Section 3. Penalties.

Any person violating Section 2 of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than

\$50.00 or by imprisonment for not more than thirty days, or both such fine and imprisonment.

Section 4. Effective Date.

This Ordinance shall be in full force and effect upon passage by the Governing Body of the City of Andover, Kansas and its publication in the official city newspaper.

The above Ordinance passed and adopted by the Governing Body of Andover, Kansas, on the 27th day of February, 1973.

Eugene Miller
Mayor

Patricia M. Stuerke
City Clerk

(SEAL)