

ORDINANCE NO. 184

AN ORDINANCE DEFINING THE TERM ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGES AND DECLARING IT TO BE A MISDEMEANOR TO TRANSPORT SUCH ALCOHOLIC LIQUOR OR BEER ON ANY HIGHWAY, STREET OR ALLEY IN THE CITY OF ANDOVER, KANSAS OTHER THAN IN THE ORIGINAL PACKAGE OR CONTAINER IN A VEHICLE IN WHICH ALCOHOLIC LIQUOR IS ACCESSIBLE TO THE DRIVER THEREOF OR ANY OTHER PERSON IN THE VEHICLE WHILE IT IS IN MOTION, 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. Misdemeanor Determined.

That from and after the enactment of this Ordinance it shall be unlawful, and it is hereby declared to be a misdemeanor, for any person to transport, in any vehicle upon a public highway, street or alley, any alcoholic liquor or cereal malt beverage except in the original package or container which shall not have been opened and the original seal shall not have been broken and from which the original cap or cork shall not have been removed, unless the opened package or container be in the locked rear trunk or rear compartment, or any locked outside compartment which is not accessible to the driver or any other person in said vehicle while it is in motion.



SECTION 1. (a) For the purpose of this Ordinance, the term "alcoholic liquor" shall mean any liquid which contains alcohol in a sufficient quantity to be intoxicating when consumed. It shall not include any liquid which is not intended for human consumption, such as medicinal preparations, or any liquid which is not intended for consumption in the form of a beverage, such as vinegar, or any liquid which is not intended for consumption in the form of a food, such as molasses.

SECTION 2. (a) For the purpose of this Ordinance, the term "public place" shall mean any place to which the public has access, whether or not such place is owned or controlled by the city.

SECTION 3. (a) For the purpose of this Ordinance, the term "vehicle" shall mean any device which is used for the transportation of persons or property upon a highway.

(b) For the purpose of this Ordinance, the term "operator" shall mean any person who is in the actual control of a vehicle, whether or not such person is the owner of the vehicle, or whether or not such person is licensed to operate a vehicle. It shall not include any person who is merely a passenger in a vehicle, or any person who is in the control of a vehicle for the purpose of parking or storing the same, or any person who is in the control of a vehicle for the purpose of moving the same from one place to another.

(c) For the purpose of this Ordinance, the term "license" shall mean any written authority issued by the city to a person to operate a vehicle upon a highway.

(d) For the purpose of this Ordinance, the term "traffic" shall mean the movement of vehicles upon a highway.

SECTION 4. (a) For the purpose of this Ordinance, the term "violation" shall mean any act or omission which is prohibited by this Ordinance.

(b) For the purpose of this Ordinance, the term "fine" shall mean any sum of money which is imposed upon a person for the commission of a violation.

(c) For the purpose of this Ordinance, the term "penalty" shall mean any punishment which is imposed upon a person for the commission of a violation.



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 \$100.00 or by imprisonment for not more than six months, 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 10 day of February, 1973.

Patricia M. Stuenkel  
City Clerk

Eugene Miller  
Mayor

(SEAL)