

ORDINANCE NO. 1612

AN ORDINANCE CONCERNING THE POSSESSION OR CONSUMPTION OF CEREAL MALT BEVERAGE ON THE PUBLIC PROPERTY, STREETS, ROADS, ALLEYS, OTHER RIGHTS-OF-WAY AND PARKS OF THE CITY OF BURLINGAME, KANSAS OR WITHIN OR UPON CERTAIN MOTOR VEHICLES AND PROVIDING PENALTIES THEREFORE.

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

SECTION I. That it shall be unlawful for any person to have any cereal malt beverage in his possession upon any public street, road, alley, other right-of-way, or all public property within the jurisdiction of the City of Burlingame, except in the original and unopened container, subject to Section III herein, or to consume any cereal malt beverage upon any public street, road, alley, other right-of-way or all other public property within the City of Burlingame, Kansas.

SECTION II. That it shall be unlawful for any person to have any cereal malt beverage in his possession, except in the original and unopened container, subject to Section III herein, or to consume any cereal malt beverage in or upon any motor vehicle, whether moving or parked, upon any public street, road, alley or other right-of-way or in any parking lot to which the motoring public has access. For the purpose of this Section, the motoring public shall be deemed to have "access" irrespective of whether or not any fee is charged to gain entry to such parking lot.

SECTION III. It shall be unlawful for any person under the age of 21 years to possess, consume, obtain, purchase or attempt to obtain or purchase any cereal malt beverage except as may be authorized by Kansas law.

SECTION IV. Cereal malt beverage is hereby defined as 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 contains more than 3.2 percent alcohol by weight.

SECTION V. That Ordinance Number 1248 is hereby repealed.

SECTION VI. Any person convicted of violating the terms of this Ordinance shall be punished by a fine not less than one hundred dollars (\$100.00) or by imprisonment for a period of not more than thirty (30) days, or by both such fine and imprisonment.

SECTION VII. Any person less than 18 years of age violating the terms of this Ordinance shall be considered a juvenile offender subject to adjudication and disposition in Osage County District Court under Kansas juvenile offenders code.

SECTION VIII. That this Ordinance shall take effect and be in force from and after its passage, approval and publication in the Osage County Chronicle, the official City paper of said City.

PASSED AND APPROVED, this 16th day of March, 1992.

William R. Kraus
Mayor

ATTEST:

Cheryl D. Holloway
City Clerk

(SEAL)