

**CITY COUNCIL WORKSHOP, FEBRUARY 23, 2016
PROPOSED AMENDMENTS TO TITLE 4 CONCERNING
INTOXICATING LIQUOR AND CEREAL MALT BEVERAGE**

Over the past 24 months, a staff committee with representatives from Law, Police, Licensing, Fire and Zoning has been developing amendments to the Title 4 of the City Code dealing with regulations of alcoholic liquor (AL) and cereal malt beverage (CMB). The proposed changes represent a significant reorganization of Title 4 and also include amendments made necessary by changes in state law over the past few years. The following is an overview of the proposed amendments:

General changes throughout involving form:

- Amendments have been drafted to mirror state law in most ordinances, although provisions do remain that are unique to Wichita and do not appear in the Kansas statutes. Unique provisions that were adopted at the specific direction of present and prior City Councils and represent attempts to address specific needs or problems within the city have been left unchanged.
- Ordinances have been amended to be gender neutral.
- Method of display of dollar amounts and numbers have been changed to the generally accepted method of display used in state statutes.
- Language has been changed as necessary to reflect proper grammar.
- Sections have been reorganized and renamed to promote clarity and to make the code more user-friendly.

Highlights of substantive changes:

- Incorporation of license fees for AL and CMB into Title 4 from Charter Ordinance #105 making the fee structure easy to find and amend as necessary;
- Implementation of two year licenses for AL as required by state law along with the process to phase in this change;
- Language providing identical treatment of AL and CMB regarding possession of an open container on streets, sidewalks and other public property and consumption in public;
- Incorporation of the Sunday sales law into Title 4, making it accessible to users;
- Hours of operation for retail sales of AL are set forth, taken from state law;
- Sections are repealed containing outdated regulations that are no longer applicable;
- Language is added that clarifies the appeal process for CMB license suspensions;
- All penalties are amended to conform to state law;
- New sections are created that clearly identify each type of license required for the sale of AL and the rights and duties of the holders of each license;
- Definitions of terms are added that were either previously omitted from Title 4 or are necessary to provide clarity to the ordinance;

- The definition of “vehicle” is amended to mirror state statute, eliminating the charge of “Bicycling While Intoxicated,” applicable only in the City of Wichita;
- The definition of “adjudged guilty” throughout Title 4 is amended to no longer include being placed on diversion, allowing persons who enter into a diversion agreement with any court to maintain an AL or CMB license.
- Clarification that certain downtown parks are exempt from the prohibition against consumption of alcoholic liquor on public property during community events or with written permission;
- Clarification that any exempt public property subject to a lease agreement approved by the City Council or the Board of Park Commissioners is subject to the control of the lessee regarding consumption of AL on such property; and
- Inclusion of changes made by the Kansas legislature regarding:
 - offering of samples by retail liquor stores, drinking establishments and private clubs;
 - allowing complementary AL and CMB to be served at charitable events and events supporting the arts without the need for a temporary alcohol sales permit;
 - allowing the infusion of AL by drinking establishment licensees;
 - allowing dispensing of AL from certain containers that infuse or chill the AL;
 - allowing certain mixed alcoholic beverages as approved by the Director of the ABC to be served in pitchers containing not more than 64 fluid ounces;
 - allowing certain licensees to offer customer self-service of wine from automatic dispensers;
 - Caterers may now sell AL at special events requiring a “temporary entertainment district” designation for sale of AL on public streets, sidewalks and alleys;
 - Advance notice of catered events is reduced to 48 hours and is required to be made only to the ABC rather than to local law enforcement and notification is no longer required for weddings, funerals, religious events, or certain business, trade or industry sponsored events;
 - The sale of powdered alcohol is deemed illegal by either retail AL outlets or establishments selling liquor by the drink: and
 - The state statute is referenced that allows patrons of an unlicensed business to bring onto the premises and consume AL (BYOB) under certain conditions.

The expected outcome of these proposed changes is to provide overall clarification of Title 4 by creating an organized code that includes all regulations pertaining to AL and CMB in one location. The code will be easier to use by both citizens and staff. Additionally, the proposed amendments reflect uniform provisions required by state statute and incorporate legislative changes while retaining the provisions unique to Wichita’s code which have been adopted over the years to address particular problems in the community.