

(Summary Published in the *Iola Register*, January ___, 2016)

GENERAL ORDINANCE 3454

AN ORDINANCE AMENDING MULTIPLE SECTIONS OF THE MUNICIPAL CODE OF THE CITY OF IOLA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF IOLA, KANSAS THAT THE FOLLOWING SECTIONS OF THE IOLA MUNICIPAL CODE ARE AMENDED OR NEW SECTIONS ADDED AS NOTED TO READ AS FOLLOWS:

SECTION 1. The following chapters or sections have been added, amended, or deleted to read as follows:

Section 1. Multiple Sections. Change “Commissioners” or “commission” to read “Council members,” “City Council” or “Governing Body” as appropriate.

Section 2-71, paragraph (b) relating to reimbursement for office supplies has been deleted, no longer applies, and other paragraphs renumbered.

Section 2-112, paragraph (2) relating to Chamber of Commerce industrial promotion committee, has been deleted, as the committee no longer exists. The following paragraphs will be renumbered.

Section 2-113 and 2-114: The two sections “Employee Insurance Fund” and “Employee Benefits Contribution Fund” have been merged into one fund called “Employee Health Insurance.” Section 2-113 is deleted and Section 2-114 is renamed “Employee Health Insurance. Section 2-114 is amended to read as follows:

The city, in accordance with the provisions of K.S.A. 12-16,102, does hereby establish an employee health insurance fund for the purpose of paying the city’s share of employee medical insurance and health care costs.

Article VI. Boards, Committees and Commissions. Amended to read as follows:
Subtitles Division 1 and Division 2 are deleted.

Section 2-191. Housing Authority Board.

There is hereby created a housing authority board to serve the governing body of the City of Iola, which shall have the functions, duties, and authority prescribed herein. (Authority K.S.A. 17-2340 et.al.)

Section 2-192. Membership, Officers and Vacancies.

The board shall consist of five members to be appointed by the mayor with the consent of the governing body. All members shall be residents of the city or live within five miles of the

corporate limits. All members of the board shall serve without pay. The board shall annually select a chairman and a vice-chairman. A majority of the board shall constitute a quorum for the transaction of business. The board shall cause a proper record to be kept of its proceedings.

Section 2-193. Functions, duties, and authority.

The board shall have the following functions, duties, and authority:

- (1) Review and approve the business of the housing authority, including payroll, expenditures, approval of contracts, and maintenance of facilities.
- (2) Establish policy where otherwise not specified.
- (3) Recommend changes in program guidelines.

Section 2-194 Deleted, no longer applies.

Section 2-195 Deleted, no longer applies.

Section 6-1. - Definitions. Changed to read as follows:

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcohol means the product of distillation of any fermented liquid, whether rectified or diluted, whatever its origin, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol. *Alcoholic liquor* means alcohol, spirits, wine, 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 not include any cereal malt beverage.

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. 2014 Supp. 41-2729, and amendments thereto, but does not include any such liquor which is more than 3.2% alcohol by weight.

Class A club means a premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, as determined by the director, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members) and their families and guests accompanying them.

Class B club means a premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

Club means a class A or class B club or any other operation selling alcoholic liquor under the laws of the State of Kansas.

General retailer means a person who has a license to sell cereal malt beverages at retail.

Limited retailer means a person who has a license to sell cereal malt beverages at retail only in original and unopened containers and not for consumption on the premises.

Place of business means any place at which cereal malt beverages or alcoholic beverages, or both, are sold.

Wholesaler or distributor means any individuals, firms, co-partnership, corporations and associations which sell or offer for sale any beverage referred to in this chapter, to persons, co-partnership, corporations and associations authorized by this chapter to sell cereal malt beverages at retail.

Section 6-5 Sale on Sunday and designated holidays. Amended to read as follows (change of reference only):

(a) Cereal malt beverages. Pursuant to ~~2005 Kan. Sess. Laws, Ch. 201~~, K.S.A. 41-2704, the sale of cereal malt beverage in the original package is allowed within the city on any Sunday, except, Easter and Christmas, between the hours of 12:00 noon and 8:00 p.m.

(b) Alcoholic liquors. Pursuant to ~~2005 Kan. Sess. Laws, Ch. 201~~, K.S.A. 41-2911, the sale at retail of alcoholic liquor in the original package is allowed within the city on any Sunday, except Easter or Christmas, between the hours of 12:00 noon and 8:00 p.m., and on Memorial Day, Independence Day, and Labor Day.

(Ord. No. 3339, §§ 1, 2, 1-24-06)

Section 6-137 Exemption of certain areas from state law provisions regarding consumption. Amended to read as follows: The city does hereby exempt itself from the provisions of K.S.A. 41-719(c) regarding the consumption of alcoholic liquor in the interior of those three buildings commonly referred to as the Dr. John Silas Bass North Community Building, 505 N. Buckeye, the Riverside Park Community Recreation Building, 500 Park Avenue and the Riverside Park Community Building, 510 Park Avenue, the titles of each vested in the City of Iola.

SECTION 2 Chapter 34 FEES

Chapter 34 Fees has been changed as shown on the attached spread sheet.

SECTION 3. EFFECTIVE DATE: This Ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the Council and **SIGNED** by the Mayor this 11th day of January 2016.

CITY OF IOLA, KANSAS

By: 
Joel Wicoff, Mayor



Attested to:
By: 
Roxanne Hutton, City Clerk