

ORDINANCE NO. 2381

**AN ORDINANCE RELATING TO SPECIAL EVENT CMB PERMITS
ISSUED BY THE CITY OF DERBY, KANSAS; AMENDING AND
REPEALING SECTION 5.16.075 AND PROVIDING A SUBSTITUTE
PROVISION THEREFOR.**

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

Section 1. Section 5.16.075 of the Derby Municipal Code is hereby amended to read as follows:

“5.16.075 - Special Event CMB permits.

- A. The holder of a special event CMB permit issued by the city clerk may offer to sell, sell, and serve enhanced cereal malt beverage upon otherwise-unpermitted premises described in such permit.
- B. Upon proper application and payment of the fee specified therefor, the city clerk shall issue a special event CMB permit for sale of enhanced cereal malt beverage upon or within any city-owned premises, property or facility within which possession and consumption of enhanced cereal malt beverage is permitted by city ordinance; provided, that no special event CMB permit shall be issued to any applicant not eligible to be licensed for sale of enhanced cereal malt beverages.
- C. Each special event CMB permit issued pursuant to this section shall specify the premises and the dates and hours of the special event for which it is issued.
- D. Pursuant to K.S.A. 41-2701 et seq., and amendments thereto:
 - 1. No more than four special event CMB permits may be issued to any one applicant in a calendar year.
 - 2. Special event CMB permits issued hereunder shall neither be transferred nor assigned.”

Section 2. Repeal

Original section 5.16.075 of the Derby Municipal Code is hereby repealed. All other provisions of the Municipal Code of the City of Derby, Kansas shall remain in full force and effect except as specifically amended herein. All other ordinances or parts of other ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

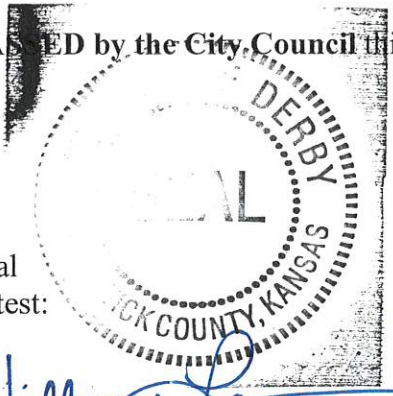
Section 3. Severability

Should any section, clause, sentence, or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining provisions herein.

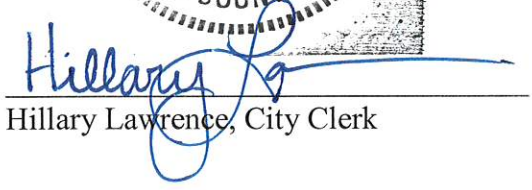
Section 4. Effective Date

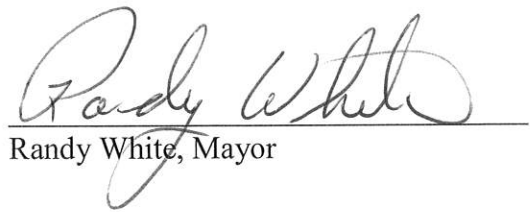
This Ordinance shall take effect and be in force from and after its passage and publication of the ordinance or a summary thereof once in the City's official newspaper as provided by State law.

PASSED by the **City Council** this 23rd day of April, 2019 and **SIGNED** by the Mayor.

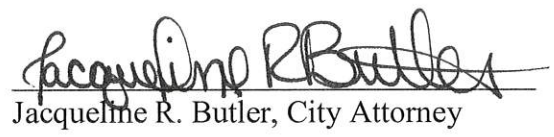


Seal
Attest:


Hillary Lawrence, City Clerk


Randy White, Mayor

Approved as to form:


Jacqueline R. Butler, City Attorney