

RESOLUTION NO. 244-2025

Published on: _____

Effective Sept 10 2025

**A RESOLUTION MODIFYING CHAPTER 4, ARTICLE II OF THE
SEDGWICK COUNTY CODE REGARDING RETAIL CEREAL MALT
BEVERAGE ESTABLISHMENTS.**

WHEREAS, Sedgwick County Resolution No. 5-1984 established the Sedgwick County retail cereal malt beverage establishments code provisions; and

WHEREAS, the Kansas Department of Revenue has implemented a new procedure for renewal of CMB licenses which requires modification of Chapter 4 of the Sedgwick County Code; and

WHEREAS, the Board of County Commissioners of Sedgwick County deems it appropriate to modify the Sedgwick County Code provisions to be in accordance with changes to the Kansas Department of Revenue's new procedure.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, AMENDS THE SEDGWICK COUNTY CODE AS FOLLOWS:

Section 1. Amendment to Section 4-46 of the Sedgwick County Code.

Sec. 4-46 of the Sedgwick County Code is amended to state as follows:

Sec. 4-46. - Application; investigation of applicant.

- (a) Pursuant to K.S.A. 41-2702(e), each application or renewal must obtain a state stamp affixed to the license by the director of alcoholic beverage control of the Kansas Department of Revenue. The stamp must be obtained, and payment of the associated fees to the Kansas Department of Revenue, prior to submission of the application to the board of county commissioners.
- (b) Any person desiring to secure a license shall make application to the board of county commissioners. The application shall be filed with and dated by the county clerk. A copy of the application shall be distributed promptly by the county clerk to the sheriff's department, to the county counselor, and by registered mail to the clerk of the township board where the applicant's place of business will be located. The application shall be verified and upon a form prepared by the attorney general of the state.

- (c) No license shall be issued unless the sheriff's office has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the county clerk not later than twenty (20) days after the date of the application. This time period may be extended for ten (10) days by the chairman of the board of county commissioners if the sheriff's department requests such an extension in writing. The county clerk shall maintain the report of the sheriff's department as a confidential record and shall not disclose it to any person except members and legal staff of the board of county commissioners, the district attorney, the applicant and such other persons as the chairman of the board of county commissioners may designate in writing.
- (d) The township board may, within ten (10) days after the date of the application, file advisory recommendations with the county clerk concerning the granting of the application. The advisory recommendations shall be considered by the board of county commissioners.
- (e) The original application shall not be granted unless: 1) the applicant is fingerprinted by the sheriff's department; and 2) the applicant submits with the application two (2) photographs of the applicant taken within thirty (30) days prior to the date of application and which are not smaller than two (2) inches by two (2) inches. Upon subsequent application for license renewal, that applicant need not submit additional fingerprints; however, the applicant's original fingerprints shall remain on file with the county clerk. Two (2) photographs of the applicant shall be submitted with each application for license renewal. Said photographs shall have been taken within thirty (30) days prior to the date of renewal application and shall not be smaller than two (2) inches by two (2) inches. The filing of an application for a license shall constitute a waiver of any constitutional or statutory right to privacy of the criminal history record of an individual applicant, of the managers, officers, directors and stockholders of a corporate applicant, of the partners of a partnership applicant, and of the members of an association applicant or other organization applicant.
- (f) The application shall not be granted unless a diagram accompanies the application showing the internal and external configuration of the licensed premises, including all doors, windows, entrances, exits, the fixed structural internal features of the licensed premises, plus the interior rooms, walls, partitions, stages, performance areas, and restrooms. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; provided, however, that each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to an accuracy of plus or minus six (6) inches and sufficient to show clearly the various interior dimensions of all areas of the licensed premises. The requirements of this paragraph shall not apply to renewal applications if the applicant adopts a diagram that was previously submitted for the license sought to be renewed and if the licensee certifies

that the licensed premises has not been altered since the immediately preceding issuance of the license and that the previous diagram continues to accurately depict the exterior and interior layouts of the licensed premises. The approval or use of the diagram required pursuant to this paragraph shall not be deemed to be, and shall not be interpreted or construed to constitute, any county approval required pursuant to this or any other applicable county resolution and regulation, but is merely intended to define and limit the portion of a building, premises or structure intended for use as a place of business.

- (g) In order to be granted a license, all applicants must meet the requirements for licensure established within K.S.A. 41-2701, et seq., including but not limited to those requirements within K.S.A. 41-2703 and K.S.A. 41-2703a.

Section 2. Amendment to Section 4-48(f) of the Sedgwick County Code.

Sec. 4-48(f) of the Sedgwick County Code is amended to state as follows:

Sec. 4-48. - Fees.

- (f) In addition to the license fees charged by Sedgwick County, pursuant to K.S.A. 41-2702, each applicant for a license or renewal of such license is required to submit a twenty-five dollar (\$25.00) fee to the director of alcoholic beverage control of the Kansas Department of Revenue. Said fee shall be paid to the Kansas Department of Revenue directly and stamps from the Kansas Department of Revenue shall be obtained prior to submission of the application to Sedgwick County.

Section 3. Publication and effective date.

The County Clerk is directed to publish this resolution once in the official county newspaper. This resolution shall become effective upon publication.

[Remainder of the page is intentionally blank]

Commissioners present and voting were:

PETER F. MEITZNER
JEFF BLUBAUGH
STEPHANIE WISE
RYAN BATY
JAMES M. HOWELL

aye
aye
aye
aye

Dated this 10 day of September, 2025.

ATTEST:

Kelly B. Arnold
KELLY B. ARNOLD, County Clerk



BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Ryan Baty
RYAN BATY, Chairman
Commissioner, Fourth District

Peter F. Meitzner
PETER F. MEITZNER, Chair Pro Tem
Commissioner, First District

APPROVED AS TO FORM:

Thomas D. Henry
THOMAS D. HENRY
Assistant County Counselor

Jeff Blubaugh
JEFF BLUBAUGH
Commissioner, Second District

Stephanie Wise
STEPHANIE WISE
Commissioner, Third District

James M. Howell
JAMES M. HOWELL
Commissioner, Fifth District