

ORDINANCE NO. 2018-10-4472

AN ORDINANCE EXEMPTING THE APPLICATION OF K.S.A. § 41-719(C) TO ALLOW THE CONSUMPTION OF ALCOHOLIC LIQUOR AT A DESIGNATED AREA OF BEN GIVENS CITY CENTER PARK DURING ARKALALAH, ON OCTOBER 24 THROUGH OCTOBER 27, 2018.

WHEREAS, The Arkalalah Committee has requested the Governing Body allow it to sponsor a beer garden to sell and serve alcohol at a designated area downtown during Arkalalah from 11 a.m. until midnight on the following days: October 24 through October 27, 2018; and

WHEREAS, the event will support Arkalalah; and

WHEREAS, the Arkalalah committee has provided reasonable assurances that it will take all necessary precautions to ensure the property is used in full compliance with applicable state and local law; and

WHEREAS, in order to use the property in the manner requested, the Governing Body is required by Kansas statute to adopt an Ordinance specifically exempting the property from the provisions of K.S.A. § 41-719(c), which prohibits the consumption of alcoholic liquor on public property.

NOW, THEREFORE, IN CONSIDERATION OF THE AFORESTATED PREMISES, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS CITY, KANSAS:

SECTION ONE: Notwithstanding any provision of Municipal Code to contrary, the Governing Body of the City of Arkansas City hereby exempts property located at Ben Givens City Center Park (Northwest corner of Central and Summit St.), and designated on the attached map (hereafter “the Premises”) from the provisions of K.S.A. § 41-719(c), from 11 a.m. until midnight on the following days: October 24 through October 27, 2018. The Governing Body hereby grants this exemption as it is a unique opportunity specifically tied to Arkalalah, a community celebration; it will be fully-contained and have extensive measures in place to provide for security and extensive monitoring to ensure compliance with Municipal laws; and it will support a quality non-profit organization providing services solely in Arkansas City. By providing this exemption, the Governing Body hereby authorizes the Arkalalah committee, or a duly-licensed caterer acting on their behalf, to sell and serve alcoholic liquor by the drink for consumption on the Premises, subject to the following terms and conditions:

1. The Arkalalah Committee shall take all necessary precautions to ensure compliance with all other provisions of Arkansas City Municipal Code, including the public offense code.
2. No person under twenty-one (21) years of age shall be allowed within the enclosed area where alcohol is served. The Arkalalah Committee or its designee shall check photo identification to ensure no one under the age of 21 enters the area.
3. The Premises must be fully-gated or otherwise enclosed. Any place where the gating or other enclosure provides an opening for entrance and exit from the Premises must be manned to ensure no one may leave the fenced premises with an open container of alcohol/cereal malt beverage.

4. The Arkalalah committee shall not allow a number of persons inside the Premises in excess of the occupancy load established by approved authorities, if applicable.
5. The Arkalalah committee shall leave the Premises in a same or similar condition as it existed prior to the exemption dates, and shall remove all gating, trash, seating, portable toilets, and other supplies from the event; and repair any damage, in a timely fashion.
6. This exemption shall only apply to the interior of the gated Premises and shall not include any surrounding curtilage.

SECTION TWO: PUBLICATION; EFFECTIVE DATE. This ordinance, or a summary thereof, shall be published one time in the official City newspaper, and shall take effect and be in force from and after said publication.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City, Kansas, on October 18, 2018.

Dan Jurkovich, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM:

Tamara L. Niles, City Attorney