

RESOLUTION NO. 2023-10-_____

A RESOLUTION AUTHORIZING THE CITY OF ARKANSAS CITY APPROVE A TEMPORARY EXTENSION OF LICENSED PREMISE AT THE SANDBAR, TO ALLOW A PARKLET HOSPITALITY AREA ON PUBLIC PROPERTY, LOCATED AT 408 S. SUMMIT ST.

WHEREAS: The Sandbar has requested the Governing Body of Arkansas City, KS allow temporary extension of licensed premise, to incorporate a Parklet Hospitality Area in front of their business beginning Wednesday, October 25th through Saturday, October 28th, 2023. The Sandbar will rope off a designated portion of parking spaces, deemed as the Parklet Hospitality Area, and place appropriate signs identifying the boundaries of such area; and

WHEREAS: the Sandbar owner(s) have provided reasonable assurances that they will take all necessary precautions to ensure the property is used in full compliance with applicable state and local law; and

WHEREAS: the Sandbar must also apply and be approved for a temporary extension of premises by the State Alcoholic Beverage Control. This approved resolution must accompany the state application.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF ARKANSAS CITY, KANSAS:

SECTION ONE: The Board of City Commissioners of the City of Arkansas City hereby authorizes the City to approve a Temporary Extension of License Premise at The Sandbar to allow a Parklet Hospitality Area on public property located at 408 S. Summit St, to sell and serve alcoholic liquor by the drink for consumption on the licensed premises, subject to the following terms and conditions:

1. The Sandbar, LLC shall take all necessary precautions to ensure compliance with all other provisions of the State Law and the Arkansas City Municipal Code, including the Uniform Public Offense Code.
2. No person younger than twenty-one (21) years of age shall be served alcohol, and precautions shall be taken to ensure this does not occur.
3. Size and Dimensions: The maximum width of the Parklet Hospitality Area shall be the area between the curb and travel lane of the parking spaces it replaces but may not encroach into the pedestrian walking area.
4. Permitted Location: The Parklet Hospitality Area located in abled parking spaces may use up to a maximum of three combined parking spaces. A 2 ft minimum perimeter buffer from the travel lane and any adjacent parking spaces or curbs must be maintained for safety.
5. Fencing and Security: The premises must be fully gated or otherwise enclosed by temporary fencing, rope, or other material with the use of reflective tape or cones as an added safety measure. The height of the barrier shall not exceed 45 inches and must be at least 36 inches in height. 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.
6. Signs: Appropriate signs will be placed identifying the boundaries of the designated area, in a size and manner to provide notice to persons entering or leaving the area.
7. The Sandbar shall not allow a number of persons inside the premises in excess of the occupancy load established by approved authorities, if applicable.

8. Lighting: The addition of lighting elements, especially in the Parklet Hospitality area are encouraged. Licensees may not utilize any lighting that is dangerous to passing motorists, that flash, or could be mistaken as a traffic control device. Lights and electrical wires may be supported by vertical poles. Wiring and electrical cords shall not create a tripping hazard. Cords crossing above the sidewalk must provide a minimum 10-foot clearance above the sidewalk or the Parklet Hospitality Area. No open flames, including candles or use for cooking or heating food are allowed.
9. The Sandbar shall leave the premises in the same or similar condition as it existed prior to the permitted dates, and shall remove all gating, trash, seating, and other supplies from the event; and repair any damage, in a timely fashion.
10. This Temporary Extension of Premises shall apply only to the exterior portion of the Parklet Hospitality Area and shall not include any surrounding curtilage.

SECTION TWO: This Resolution will be in full force and effect from its date of passage by the Board of City Commissioners of the City of Arkansas City.

PASSED AND RESOLVED by the Governing Body of the City of Arkansas City, Kansas, on this 17th day of October, 2023.

(Seal)

Diana L. Spielman, Mayor

ATTEST:

Tiffany Parsons, City Clerk

APPROVED AS TO FORM:

Larry R. Schwartz, City Attorney

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of Resolution No. 2023-10-_____ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on October 17, 2023, as the same appears of record in my office.

DATED: _____.

Tiffany Parsons, City Clerk