

ORDINANCE NO. 2022-10

AN ORDINANCE EXEMPTING THE APPLICATION OF K.S.A. 41-719(D) TO ALLOW THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR AT A DESIGNATED AREA OF BEN GIVENS CENTER CITY PARK DURING ARKALALAH ON OCTOBER 26-29, 2022.

WHEREAS, Bottle Service has requested that the Governing Body of the City of Arkansas City, Kansas, allow it to sponsor a beer garden to sell and serve alcohol at a designated area of downtown Arkansas City during the Arkalalah Festival from 11 a.m. until midnight on Wednesday, October 26, 2022, through Saturday, October 29, 2022; and

WHEREAS, the event will support the Arkalalah Festival; and

WHEREAS, Bottle Service 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 of the City of Arkansas City, Kansas, is required by Kansas statute to adopt an Ordinance specifically exempting the property from the provisions of K.S.A. 41-719(d), 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, KANSAS, AS FOLLOWS:

SECTION ONE: Notwithstanding any provision of Municipal Code to the contrary, the Governing Body of the City of Arkansas City, Kansas, hereby exempts property located at Ben Givens Center City Park (101 N. Summit St.), and designated on the attached map (hereafter “the Premises”) from the provisions of K.S.A. 41-719(d), from 11 a.m. until midnight on Wednesday, October 27, 2021, through Saturday, October 30, 2021. The Governing Body of the City of Arkansas City, Kansas, hereby grants this exemption as it is a unique opportunity specifically tied to the Arkalalah Festival, a community celebration, and it will be fully contained and have measures in place to provide for security and monitoring to ensure compliance with Municipal laws. By providing this exemption, the Governing Body hereby authorizes Bottle Service, a duly licensed caterer, to sell and serve alcoholic liquor by the drink for consumption on the Premises, subject to the following terms and conditions:

1. Bottle Service shall take all necessary precautions to ensure compliance with all other provisions of Arkansas City Municipal Code, including the Uniform Public Offense Code.
2. No person younger than twenty-one (21) years of age shall be allowed within the enclosed area where alcohol is served, and precautions shall be taken to ensure this does not occur. The Bottle Service or its designee shall check photo identification to ensure no one younger than 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 staffed to ensure no one may leave the fenced premises with an open container of alcoholic liquor or cereal malt beverage.
4. Bottle Service shall not allow a number of persons inside the Premises in excess of the occupancy load established by approved authorities, if applicable.

5. Bottle Service 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 apply only 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 this 18th day of October, 2022.

(Seal)

Kanyon Gingher, Mayor

ATTEST:

Lesley Shook, 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 the Ordinance No. 2022-10-____ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on October 18, 2022, as the same appears of record in my office.

DATED: _____.

Lesley Shook, City Clerk