

ORDINANCE NO. 2024-04-_____

AN ORDINANCE ESTABLISHING A DOWNTOWN COMMON CONSUMPTION AREA WITHIN THE CORPORATE LIMITS OF THE CITY OF ARKANSAS CITY, KANSAS, AND AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR OR CEREAL MALT BEVERAGE WITHIN ITS BOUNDRIES, DURING CERTAIN PRESCRIBED HOURS.

WHEREAS, K.S.A. 41-2659 allows cities to establish a common consumption area and to authorize the possession and consumption of alcoholic liquor within such common consumption area; and

WHEREAS, the City has been approached by downtown business owners and citizens who would like to promote downtown activities through establishing a common consumption area; and

WHEREAS, the City of Arkansas City, Kansas desires to establish a common consumption area in a designated downtown area, to allow the possession and consumption of alcoholic liquor or cereal malt beverage within such common consumption area, subject to certain rules and regulations; and

WHEREAS, in order to establish a common consumption area, the Governing Body is required to adopt an Ordinance pursuant to the provisions of K.S.A. 41-2659 and K.S.A. 41-719(b), and amendments thereto, which include annually obtaining a permit from State of Kansas, Director of the Division of Alcoholic Beverage Control (ABC), with payment of the required application fee.

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

SECTION ONE: COMMON CONSUMPTION AREA ESTABLISHED. In accordance with K.S.A. 41-2659 and K.S.A. 41-719(b), and amendments thereto, the Governing Body of the City of Arkansas City hereby establishes the Arkansas City Downtown **Common Consumption Area (CCA)**, to allow the possession and consumption of alcoholic liquor or cereal malt beverage within the common consumption area, subject to certain rules and regulations, with in the following area: A track of land within the city limits of Arkansas City, Cowley County, Kansas, shown generally on **Exhibit A** attached hereto and incorporated herein by reference, and more particularly described as follows:

The Arkansas City Downtown Common Consumption Area encompasses an area bounded beginning on the north corner by Chestnut Avenue, thence south by Jefferson Avenue, thence east by the alley between Summit & A Streets and thence west by the alley between Summit & 1st Streets.

SECTION TWO: BOUNDARIES. The boundaries of the CCA shall be identified in accordance with the following.

- a. Signs.** Signs will be conspicuously posted by the City clearly identifying the boundaries set forth in the CCA as depicted in **Exhibit A**, in a size and manner that provides clear notice of set boundary and mirrors the apparent line of demarcation for individuals entering and leaving the CCA area.
- b. Purchases inside the CCA.** It is unlawful for any open container of Alcoholic Liquor or CMB purchased within the CCA to be removed from the established boundaries of the CCA. In no event shall alcoholic liquor or cereal malt beverage be permitted:
 1. In parking lots;
 2. In any business which prohibits alcoholic liquor or cereal malt beverages from other establishments;
 3. On any city streets or alleyway, except while crossing in city-established crosswalks within the common consumption area; except during city approved special events subject to the conditions set forth by city ordinance or state statute.

- c. **Purchases outside the CCA.** The possession and consumption of alcoholic liquor or cereal malt beverage purchased outside of the CCA shall not be permitted within the CCA.

SECTION THREE: COMMON CONSUMPTION AREA AUTHORIZED. The Governing Body of the City of Arkansas City hereby authorizes the possession and consumption of alcoholic liquor or cereal malt beverage within the common consumption area, provided that a common consumption area permit for the CCA has been issued to the City as the common consumption permit holder by the State of Kansas, Director of the Division of Alcoholic Beverage Control (ABC) in accordance with K.S.A. 41-2659 and K.S.A. 41-719(b), and amendments thereto.

SECTION FOUR: DAYS & HOURS. The possession and consumption of alcoholic liquor or cereal malt beverage within the CCA shall be only permitted between the hours of 11:00 AM to 8:00 PM Monday through Thursday, and 10:00 AM to 10:00 PM Friday through Saturday.

SECTION FIVE: PARTICIPATING LICENSEE. Subject to receipt of the CCA annual permit, any on-premises licensee or temporary permit holder, licensed to sell alcohol with the State of Kansas, located within or immediately adjacent to the CCA may elect to participate in the common consumption area but first must request and receive permission from the State of Kansas Alcoholic and Beverage Control (ABC) and the City Clerk of the City of Arkansas City, Kansas, in accordance with K.S.A. 41-2659, to allow its legal patron to remove alcoholic liquor and CMB purchased on the license premises into the designated common consumption area. Proof of approval from ABC must be submitted to the City Clerk to obtain a Alcohol Special Event Permit and/or participate in the CCA.

- a. **Compliance.** All licensees approved to participate in the CCA shall at all times comply with any and all federal, state, and local government laws or regulations pertaining to the purchase and sale of alcoholic liquor or CMB, including the regulations set forth in this ordinance. Any violations of the common consumption area restrictions may result in revocation of the licensee's participation in the CCA.
- b. **License.** To obtain a license to participate in the CCA, the licensee must first request and receive permission from ABC by submitting the ABC-838 form to the state. Once permission is granted, a copy of the state approved ABC-838 form must be submitted and on file with the City Clerk's Office. The Licensee shall prominently display a copy of its drinking establishment license and the approval of the common consumption area permit holder, at its non-contiguous service area.
- c. **Serving.** In addition to their licensed premises, any licensee who has requested and received permission to participate in the CCA, may offer for sale, sell and serve alcoholic liquor or cereal malt beverages for consumption from one non-contiguous service area within the common consumption area, as designated and approved by ABC and the common consumption permit holder. Legal patrons must be issued and wear a wrist band issued by a licensed CCA permit holder while participating in the CCA.
- d. **Wrist Bands.** All legal individuals wishing to participate and consume alcohol in the CCA must be issued and wear a wrist band. Licensed CCA participants selling alcoholic liquor or cereal malt beverages for consumption and participation in the CCA must attach a disposable wrist band to the legal consumer in which they are selling to, given the consumer does not already have a current wrist band. Wrist bands shall establish the current date of the CCA of consumption for which it is issued. Wrist bands are non-transferable between consumers and are not to be reused at another CCA date once issued.
- e. **Containers.** All alcoholic liquor and cereal malt beverages shall be served in a non-glass container that clearly displays the licensee's trade name or logo, or other identifying mark that is unique to the licensee and must stay within the boundaries of the CCA. Red colored plastic disposable cups are not permitted. Containers shall not exceed 16 oz.
- f. **Removal of Alcohol from Licensed Premises and Containers.** Any alcoholic liquor or cereal malt beverage removed from the license premises authorized to participate in, or otherwise sold within the CCA, must stay within the boundaries of the common consumption area.

SECTION SIX: UNLAWFUL CONDUCT. Inappropriate conduct shall not be permitted within the boundaries of the CCA. Any person engaging in inappropriate conduct will be subject to removal. Inappropriate conduct may include but is not limited to fighting, use of profanity or indecent language, harassment, destruction of property, lewd or lascivious acts, or committing any violation of federal, state or city law.

SECTION SEVEN: VIOLATIONS. Participants in the CCA who are in violation of any such rules and regulations, any City official signage, federal and state, or city law, will be subject to removal from the CCA.

SECTION EIGHT: 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.

SECTION NINE: The Governing Body of Arkansas City hereby authorizes the City Manager, City Clerk and City Staff to take all necessary actions to apply for and obtain annual permits for the CCA, uphold the provision of this ordinance and any other provisions of city regulations or state statutes.

PASSED AND RESOLVED by the Governing Body of the City of Arkansas City, Kansas, on this 16th day of April 2024.

(Seal)

Jay Warren, 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 Ordinance No. 2024-04-_____ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on April 16, 2024, as the same appears of record in my office.

DATED: _____.

Tiffany Parsons, City Clerk