

**ORDINANCE NO. 2022-09-\_\_\_\_\_**

**AN ORDINANCE EXEMPTING THE APPLICATION OF K.S.A. § 41-719(C) TO ALLOW THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR AT A DESIGNATED AREA OF WILSON PARK DURING COWLEY MARKET CRAFT SHOW, FROM 10:00 A.M. TO 4:00 P.M. ON SATURDAY, SEPTEMBER 24, 2022.**

**WHEREAS**, Shelley Robertson, One Margarita Express LLC, has requested the Governing Body allow her to sell and serve alcohol at a designated area of Wilson Park during Cowley Market Craft Show, from 10:00 a.m. to 4:00 p.m. on Saturday, September 24, 2022; and

**WHEREAS**, Shelley Robertson has provided reasonable assurances that she 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 Wilson Park, and designated on the attached map (hereafter “the Premises”) from the provisions of K.S.A. § 41-719(c), starting at 10:00 a.m. until 4:00 p.m. on Saturday, September 24, 2022. The Governing Body hereby grants this exemption as it is a community event; it will be fully-contained and have extensive measures in place to provide for security and extensive monitoring to ensure compliance with Municipal laws. By providing this exemption, the Governing Body hereby authorizes Shelley Robertson, One Margarita Express, LLC, to sell and serve alcoholic liquor by the drink for consumption on the Premises, subject to the following terms and conditions:

1. Shelley Robertson shall provide security for the event, and 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 served alcohol, and precautions shall be taken to ensure this does not occur. Shelley Robertson or her designee shall check photo identification and provide wristbands to those over the age of 21, to ensure no one under the age of 21 is served alcoholic liquor.
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. Shelley Robertson shall not allow a number of persons inside the Premises in excess of the occupancy load established by approved authorities, if applicable.
5. Shelley Robertson 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 the 6<sup>th</sup> day of September, 2022.

\_\_\_\_\_  
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. 2022-09-\_\_\_\_ of the City of Arkansas City, Kansas adopted by the governing body on September 6, 2022 as the same appears of record in my office.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Lesley Shook, City Clerk