

**ORDINANCE NO. 2021-06-\_\_\_\_\_**

**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 WILSON PARK DURING THE CITY'S 150<sup>TH</sup> CELEBRATION FROM 6 TO 11 P.M. FRIDAY, JULY 16, 2021, AND DURING THE TACOLALAH FESTIVAL FROM 4 TO 10 P.M. SATURDAY, JULY 17, 2021.**

**WHEREAS**, the organizers of the City's 150<sup>th</sup> Celebration — Visit Ark City; the City of Arkansas City; the 2021 Tacolalah Committee, comprising representatives of five (5) City advisory boards and 4 Friends, LLC; and the Arkansas City Area Arts Council, a 501(c)3 organization (hereinafter referred to as "Burford Theatre Arts"), have requested that the Governing Body of the City of Arkansas City, Kansas, allow them to sponsor a beer garden to sell and serve alcohol at a designated area of Wilson Park during the Burford-sponsored BackRhodes concert from 6 to 11 p.m. Friday, July 16, 2021, as well as a beer and margarita garden to sell and serve alcohol at a designated area of Wilson Park during the 2021 Tacolalah Festival presented by United Agency from 4 to 10 p.m. Saturday, July 17, 2021; and

**WHEREAS**, proceeds raised from the beer gardens will go to support the ongoing mission of Burford Theatre Arts; and

**WHEREAS**, the organizers 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, as well as any applicable health orders; 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 contrary, the Governing Body of the City of Arkansas City, Kansas, 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(d), starting at 6 p.m. until 11 p.m. on Friday, July 16, 2021, and again starting at 4 p.m. until 10 p.m. Saturday, July 17, 2021. The Governing Body hereby grants this exemption as it is a unique opportunity specifically tied to the City's 150<sup>th</sup> Celebration and Tacolalah, a multicultural community celebration, and it will be fully contained and will have measures in place to provide for security and monitoring to ensure compliance with Municipal laws; and it will support several City-sponsored and nonprofit organizations providing services solely in Arkansas City. By providing this exemption, the Governing Body hereby authorizes the 150<sup>th</sup> Celebration and Tacolalah Festival organizers, 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. Burford Theatre Arts shall take all necessary precautions to ensure compliance with all other provisions of Arkansas City Municipal Code, including the Uniform Public Offense Code.
2. Burford Theatre Arts also shall comply with any applicable local health orders, including but not limited to any orders of the Cowley County Public Health Officer pertaining to COVID-19.
3. No person younger than twenty-one (21) years of age shall be served or allowed to consume alcohol/cereal malt beverage, and precautions shall be taken to ensure this does not occur. Burford Theatre Arts or its designee shall check photo identification and provide wrist bands to those over the age of 21, to ensure no one younger than 21 years of age is served or consumes alcohol/cereal malt beverage.
4. 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 that no one may leave the premises with an open container of alcohol/cereal malt beverage.

5. Burford Theatre Arts shall not allow a number of persons inside the Premises in excess of the occupancy load or public health limitations established by approved authorities, if applicable.
6. Burford Theatre Arts 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.
7. 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 15<sup>th</sup> day of June, 2021.

(Seal)

\_\_\_\_\_  
Scott Rogers, 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. 2021-06-\_\_\_\_ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on June 15, 2021, as the same appears of record in my office.

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

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