

City of Sedgwick
City Council Meeting
September 17, 2025

TO: Mayor and City Council

SUBJECT: Common Consumption Area

INITIATED BY: Administration

AGENDA: New Business

Background: In 2022 Ordinance 891 was passed making all City Parks a Common Consumption Area. The proposed CCA would repeal the 2022 ordinance and eliminate the municipal parks, minus the pocket park, from the CCA. The elimination of the parks from the CCA is due in part to their locations being predominantly residential and the fact that to sell alcoholic beverages within a CCA you must be a licensed establishment with the Kansas ABC; which none are present in the parks areas.

The establishment of a CCA allows individuals to purchase cereal malt beverages and /or alcoholic liquor at participating establishment(s) within the CCA district. This allows the individual to freely walk within the confines of the district with said beverages. The beverage would be required to be in a single-use, plastic container with the business logo per state statute. Establishments wishing to participate in the CCA would be required to obtain permission from the state ABC office, then be required to abide by the rules set forth in the proposed ordinance which include serving two drinks per person in single use cups, established hours of operations, and required signage stating the location of the CCA district.

Analysis: The City met with local business owners from Cy's Hoof N Horn and the American Legion to discuss the establishment of a CCA. Both entities expressed interest in the district and felt that it could be a revenue generator if passed. Other municipalities who have similar districts are Topeka, Hays, Pittsburg, Wichita, Emporia, Lawrence, and Salina.

Financial: There are several financial considerations:

- Application fee - \$100
- 16oz Cups - \$189.64
- Signage - \$570
- Sidewalk Sticker – \$400
- Grand Total - \$1,259.64

After this initial startup cost there would be a decrease of \$1,100.64 since most of the startup cost is a one-time purchase.

Attachments: Ordinance 915, Boundary Map, Endura Quote and proof, Concrete Tape, CCA FQU, CCA Do's and Does not do

ORDINANCE NO. 915

AN ORDINANCE PERTAINING TO ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGE; ADDING A NEW "ARTICLE 6. COMMON CONSUMPTION AREA" TO "CHAPTER 3. BEVERAGES" OF THE CODE; ESTABLISHING THE COMMERCIAL AVENUE SOCIAL DISTRICT COMMON CONSUMPTION AREA; AND AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR OR CEREAL MALT BEVERAGE WITHIN ITS BOUNDARIES: REPEALING ANY AND ALL FOREGOING ORDINANCES, OR PORTIONS THEROF, IN CONFLICT HERWITH.

WHEREAS, K.S.A. 41-2659 pennants a city to establish, by ordinance or resolution, one or more common consumption areas within the limits of the city, and to authorize the possession and consumption of alcoholic liquor or cereal malt beverage within the common consumption area; and

WHEREAS, Subsection (g)(l) of K.S.A. 41-2659 states that "common consumption area" means a defined indoor or outdoor area not otherwise subject to a license issued pursuant to the Kansas liquor control act or the club and drinking establishment act where the possession and consumption of alcoholic liquor or cereal malt beverage is allowed pursuant to a common consumption area permit.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SEDGWICK, KANSAS:

SECTION ONE: Chapter 3, Article 8 is hereby added to the Sedgwick Municipal Code to read as follows:

"3-801. Common Consumption Area established.

- (a) **Establishment.** In accordance with K.S.A. 41-2659, and amendments thereto, the Governing Body hereby establishes the Commercial Avenue Social District Common Consumption Area ("CCA") located in the Designated Main Street area (encompassed by the following boundaries: on the north by 6th street; on the south by Cy's Hoof n Horn; on the east by the north-south alley between Washington and Commercial; and on the west by 5th and Madison), provided that a common consumption area permit has been issued by the Director of the Kansas Department of Revenue Division of Alcoholic Beverage Control ("Director").
- (b) **Boundary Identification.** The boundaries of the CCA must be clearly marked using a physical barrier or any apparent line of demarcation. Every CCA shall have signs conspicuously posted identifying the boundaries of such area, and such signs must be in a size and manner that provides notice to persons entering or leaving the area.

- (c) **Hours.** The possession and consumption of alcoholic liquor or cereal malt beverage in the CCA is authorized between the hours of 12:00 PM until 10:00 PM Thursday, Friday, and Saturday. An exception may be made for a change in day or time if prior approval is granted via a special event permit approved by the Governing Body.

3-802. Common Consumption Area - Rules of Conduct.

- (a) **Sales Conditions.** CCA permits are for possession and consumption of alcoholic liquor or cereal malt beverage only. No sales of alcoholic liquor or cereal malt beverage may occur on premises covered by the CCA permit unless the sales are conducted by a caterer licensed in accordance with all City requirements for a catered event, a separate special event permit has been issued for that specific area, or a drinking establishment has been authorized in writing by the City Clerk or designee to operate a noncontiguous service area in accordance with **K.S.A. 41-2659(e)(2)**.
- (b) **Consumption Areas.** Alcoholic liquor or cereal malt beverage drinks may be consumed on public property within the CCA including sidewalks and crosswalks but shall not be consumed in public parking lots, street parking stalls, or the public thoroughfare ("street") unless the street has been closed to vehicular traffic for a special event approved by the Governing Body.
- (c) **Purchases Outside of the CCA.** The possession and consumption of alcoholic liquor or cereal malt beverage purchased outside of the CCA and its participating licensees shall not be permitted inside the boundaries of the CCA without prior approval of a special event permit by the Governing Body.
- (d) **Removal of Purchases from Within the CCA.** No open container of alcoholic liquor or cereal malt beverage purchased within the CCA shall be removed from the boundaries of the CCA.
- (e) **Containers and Two-Drink per-person on-street limit.** All alcoholic liquor and cereal malt beverage removed from a licensed premises or otherwise sold within the CCA shall be served in a paper or plastic cup no larger than sixteen (16) fluid ounces that displays the licensee's trade name or logo or other identifying mark that is unique to the licensee. No establishment participating in the CCA shall allow any person to leave their premises and enter the CCA with more than two such alcoholic beverage at a time. Paper or plastic cups shall be single serve and not be refilled by the licensee identified on the cup, by any other licensed establishment participating in the CCA, or by any other person or party.

- (f) **Conduct.** All persons within the CCA shall follow all laws and ordinances concerning the purchase, sale, and consumption of alcohol or cereal malt beverage. Any person acting in a way that violates any provisions of the Municipal Code, State or Federal laws, including but not limited to any offenses against person, property, the public peace, the public safety, or public morals, will be removed from the CCA:
- (g) **Licensed Premises.** Any licensee of a licensed premises located within or immediately adjacent to the CCA may request permission from the Kansas Alcoholic and Beverage Control Director to participate in the CCA upon forms prescribed by the Director.
- (1) **Removal of Alcohol from Licensed Premises.** Any licensee of a licensed premises who has requested and received permission to participate in the CCA may allow its legal patrons to remove two alcoholic liquor or cereal malt beverage purchased from the licensee per person into the premises described by the CCA permit.
- (2) **Noncontiguous Sales.** In addition to their licensed premises, one or more licensees that have requested and received permission to participate in the CCA may offer for sale, sell, and serve alcoholic liquor or cereal malt beverage for consumption from one noncontiguous service area within the CCA, as designated and approved by the CCA permit holder. The licensee shall prominently display a copy of its drinking establishment license and the approval of the CCA permit holder at its noncontiguous service area.
- (3) **Compliance with Applicable Laws.** Each licensee within the CCA shall comply with all City ordinances, Federal and State laws regulating the purchase, sale and consumption of alcoholic liquor or cereal malt beverage. Any violations of the common consumption area restrictions, City ordinances, or State or Federal laws may result in revocation of the licensee's participation in the CCA. Each licensee within the CCA shall be liable for violations of all liquor laws governing the sale and consumption of alcoholic liquor or cereal malt beverage that occur on the licensee's premises.
- (4) **Signage.** Any licensed establishment that allows patrons to leave the establishment with an alcoholic beverage in an open container as provided in this Article shall maintain posted inside all exit doors for clear public view a map of the current boundaries of the entertainment district and a sign of at least eleven (11) inches by eight and one-half (8.5) inches that states the following:
- "All patrons leaving this establishment with an alcoholic beverage in an open container do hereby assume full responsibility to consume such alcoholic beverage only if it has been served in a paper or plastic cup not to exceed 16 ounces in size and obtained from an establishment licensed to sell alcoholic beverages within the common consumption area (CCA) outlined on the map below. Any individual who leaves the CCA with an alcoholic beverage in an open container is in violation of the Sedgwick, KS Code of Ordinances and may be subject to a citation, arrest, incarceration, and/or fine."
- (h) **Liability.** Each licensee within a CCA shall be liable for violations of all liquor laws governing the sale and consumption of alcoholic liquor or cereal malt beverage that occur on the licensee's premises. Licensee shall provide any insurance coverage or proof of coverage as may be required by the Governing Body as a condition of participating in the CCA.

3-803

Common Consumption Area - Notification.

Upon passage of an ordinance or resolution establishing a CCA, the City shall immediately notify the Director of the Kansas Alcoholic Beverage Control Division of the establishment of the CCA and submit a copy of the ordinance or resolution along with such notice."

SECTION THREE: All ordinances or parts of ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

SECTION FOUR: This Ordinance shall become effective upon passage and publication of the Ordinance summary as provided by law.

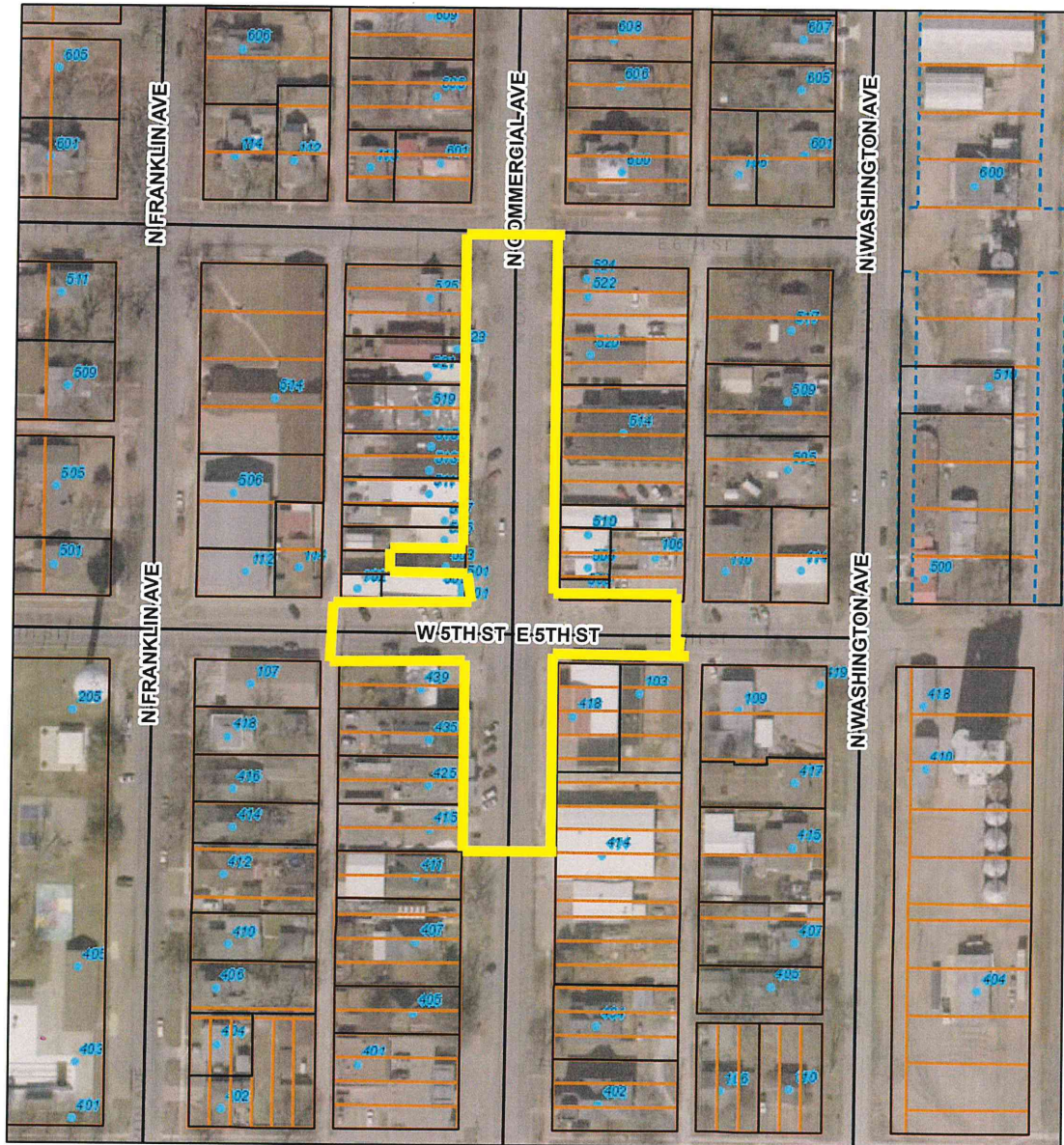
Passed by the City Council on this 17th day of September, 2025.

Signed by the Mayor this 17th day of September, 2025

City Clerk, Shelia Agee

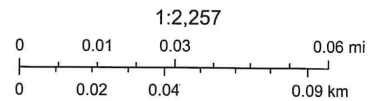
Mayor, Bryan Chapman

ArcGIS Web Map



8/15/2025, 2:16:43 PM

- Override 1
- Road Centerline
- Streets/Roads
- Parcel Boundary
- Parcel Boundary
- Subdivisions
- Sedgwick Lots
- LOT LINES
- VACATION RR
- Address Points



All Kansas PSAPs, NG911 Coordinating Council, DASC, Sedgwick County, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

ArcGIS Web AppBuilder
All map data subject to Harvey County GIS data disclaimer. Any conclusions drawn from such information are the sole responsibility of the user.

**ENTERING
COMMON
CONSUMPTION
AREA**



**THURSDAY - SATURDAY
12:00 AM to 10:00 PM**

SEDGWICK
KANSAS

**EXITING
COMMON
CONSUMPTION
AREA**



• NO ALCOHOL BEYOND THIS POINT •

**THURSDAY - SATURDAY
12:00 AM to 10:00 PM**

SEDGWICK
KANSAS

24099 CITY OF SEDGWICK COMMON CONSUMPTION ALUMINUM SIGNS

this artwork is the sole property of Endura - unauthorized reproduction or distribution is prohibited

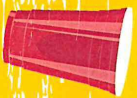


ENDURA

ENTERING



COMMON CONSUMPTION AREA

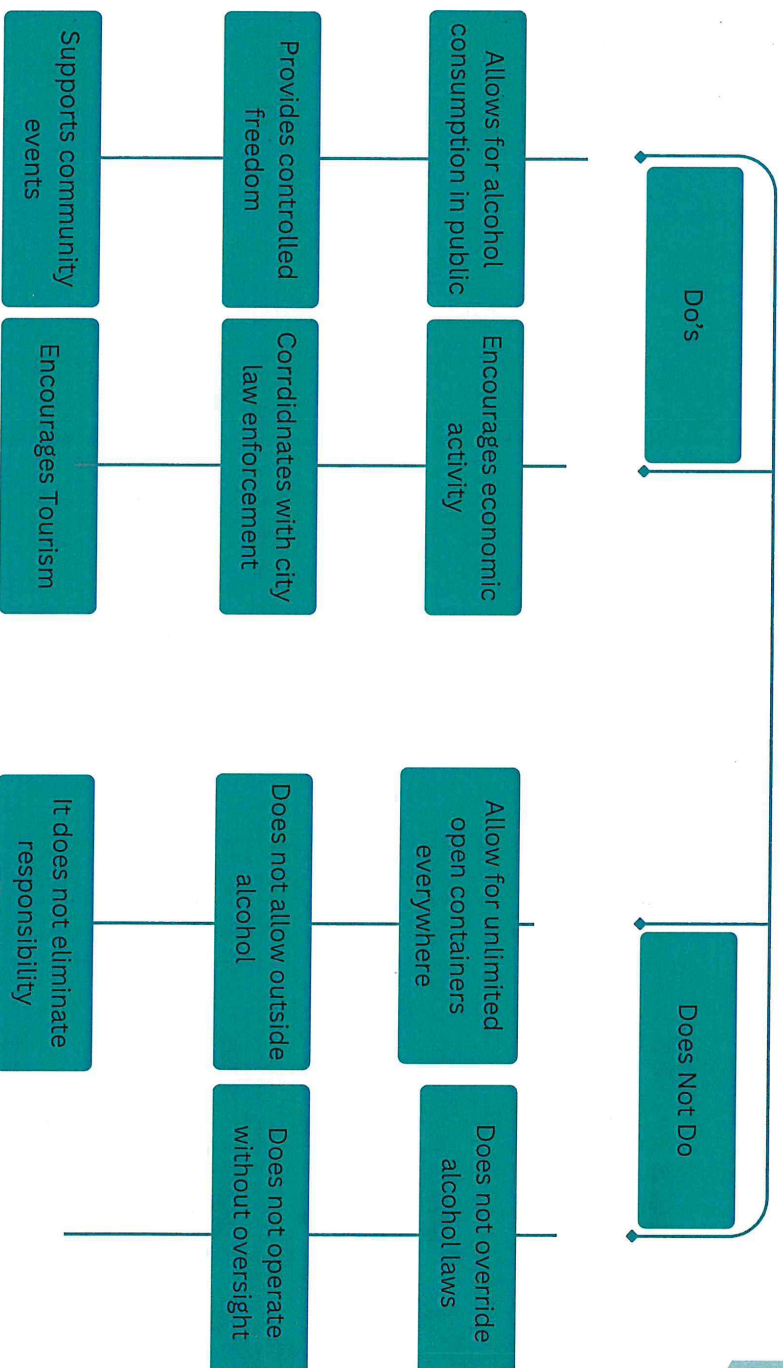


COMMON CONSUMPTION AREA

EXITING



COMMON CONSUMPTION AREA



What a Common Consumption Area Does:

1. Allows alcohol in public zones
 - Let's people walk and consume alcohol within marked boundaries, like in a plaza, or downtown district.
2. Encourages economic activity
 - Boosts local businesses by allowing patrons to carry drinks between participating venues and public areas.
3. Provides controlled freedom
 - Offers a social, open-air setting to enjoy drinks, with security, signage, and time restrictions.
4. Coordinates with city and law enforcement
 - Operates under specific local ordinances and requires permits, clear signage, and cooperation with local officials.
5. Supports community events and tourism
 - Often used during events, concerts, or in entertainment districts to attract foot traffic and community engagement. Festivals and special events must have street closure in place to operate in a CCA.

What a Common Consumption Area Does Not Do:

1. It does not allow unlimited or open-container drinking everywhere
 - Alcohol can only be consumed within the designated CCA boundaries, not throughout the city or neighboring areas.
2. It does not override alcohol laws
 - Laws regarding minimum drinking age, public intoxication, or over-serving still apply.
3. It does not allow outside alcohol
 - Only alcohol purchased from licensed vendors within the CCA is allowed—no BYOB.

4. It does not operate without oversight

- A CCA must be approved and regulated by local authorities, including compliance with health, safety, and zoning regulations.

5. It does not eliminate responsibility

- Businesses still have legal responsibilities (e.g., checking IDs, refusing service to intoxicated individuals).

Commercial Ave Social District - FAQ

What is a Common Consumption Area?

A Common Consumption Area is a defined indoor or outdoor area, where individuals can possess and consume alcoholic beverages outside of a licensed bar, restaurant, or other eligible establishment that is permitted to sell alcoholic beverages by the State of Kansas.



How are the boundaries of the Common Consumption Area Marked?

The boundaries of the CCA are marked with signage, decals on sidewalks, and message lines at all streets/alleys.



Commercial Ave Social District - FAQ

What hours is the Common Consumption Area operational?

The Commercial Ave Social District is open Thursday - Saturday 12pm to 10pm.

Can I bring in my own alcoholic beverages into the Common Consumption Area?

No. Only alcoholic beverages purchased in a licensed establishment are allowed in the Common Consumption Area.

How can my business participate in the Common Consumption Area?

First and foremost, the business or entity wishing to participate must be located within or adjacent to the Commercial Ave Social District. For those that are within or adjacent to the district, businesses or entities must be licensed or authorized to sell alcohol with the State of Kansas. Following that provision, the entities or organizations must apply to the Kansas Alcoholic Beverage Control (ABC) for a permit to participate in the Common Consumption Area. ABC form 838 is the appropriate application form.

If my business/entity participates in the Common Consumption Area, is there anything special I must adhere to?

The primary requirement for businesses or entities that participate in the Commercial Ave Social District is that in order for drinks to be carried into the Common Consumption Area, they must be served in a non-glass container, with the business or entities trademark, logo, or some other identifying mark clearly visible.

If my business or entity chooses to participate in the Common Consumption Area, am I liable for violations that occur in the Common Consumption Area?

No, businesses and entities are only responsible for liquor violations that occur on their property. Any violation that occurs within the Common Consumption is the responsibility of the City of Sedgwick.

Can a patron leave the Common Consumption Area with their alcoholic drink?

Participants may not leave the Common Consumption Area with an alcoholic beverage unless it is properly sealed according to State law. The district's boundaries are marked with signage and lines that indicate where the boundaries begin and end.

Can a patron bring alcoholic beverages sold at one establishment into another business?

In that instance, each business owner retains discretion on whether to allow patrons into their establishments with alcoholic beverages purchased at another location.

I'm a nonprofit organization that would like to participate in the Common Consumption Area, what do I need to do?

A nonprofit cannot participate in a Common Consumption Area, unless they are located in or adjacent to the area, have a temporary permit issued by the state, ABC Form 892, and have an approved application to participate in the Common Consumption Area, ABC Form 838.

Where can I learn more about Common Consumption Areas?

The Kansas Department of Revenue, Alcoholic Beverage Control, has a Handbook for Common Consumption Area Permits. That information can be found online at <https://www.ksrevenue.gov/abchbcomconsumption.html>

Who can I contact to learn more?

For additional information or questions about common consumption areas and state liquor laws, contact ABC Agent, Justin Whyte at 785-230-0568 or by email at justin.whyte@ks.gov

Endura
225 W 59th St N Park City, KS 67204
sales@goendura.com
(316) 838-1362

<http://www.GoEndura.com>



Quote 24099

COMMON CONSUMPTION SIGNS

QUOTE DATE
08/11/2025

QUOTE EXPIRY DATE
09/10/2025

TERMS
Net 30

REQUESTED BY
City of Sedgwick

CONTACT INFO
Kyle Nordick
knordick@cityofsedgwick.org
(316) 807-4988

#	ITEM	QTY	UOM	U.PRICE	TOTAL (EXCL. TAX)	TAXABLE
1	COMMON CONSUMPTION AREA SIGNS INCLUDES 12 GREEN SIGNS AND 12 RED SIGNS ON 0.08 ALUMINUM BACKERS W/ ROUNDED CORNERS COMMON CONSUMPTION AREA SIGNS Shipping (1.0 Unit)	1	Each	\$520.00	\$520.00	Y
2	Design RECREATING SIGN FROM PROVIDED REFERENCE	1	Each	\$50.00	\$50.00	Y

Ⓢ **Deposit Requirements**

Jobs under \$1,000: Full payment is required upfront before we begin design or production.
Jobs from \$1,001 to \$10,000: A 50% deposit is required before production or scheduling. The remaining 50% is due upon completion.
Jobs over \$10,000: A 30% deposit is required to begin. An additional 40% is due after design approval, and the remaining 30% is due at installation.
Approved commercial clients may be eligible for Net 30 terms (requires management approval prior to quote acceptance).

Subtotal: \$570.00
Sales Tax (0%): \$0.00
Total: \$570.00

SIGNATURE:

DATE: