

City of Sedgwick
City Council Meeting
May 21st, 2025

TO: Mayor and City Council

SUBJECT: Ordinance 912

INITIATED BY: Administration

AGENDA: New Business

Recommendation: It is recommended that the governing body approve the policy as presented.

Background: In 2022 article 5 was added to chapter 3 of the code book which established loose regulations for handling temporary licenses. This ordinance is an amendment to Chapter 3 Article 5 of the Code book. This amendment will provide more guidelines for gaining temporary licenses within the city. This amendment will help the city in the achievements of goal 4 of our strategic plan.

Financial Considerations: There will be a slight start up cost for the purchase of cups. We will then see an increase in liquor sales which will generate more revenue for the city

Recommendations/Actions: It is recommended that the governing body approve the policy as presented.

Attachments: Amendments

Ordinance Summary published in the *Harvey County Independent* on _____ and the full text of the Ordinance made available at the Sedgwick City Office, 520 N. Commercial, Sedgwick, Kansas from the date of publication

ORDINANCE NO. 912

AN ORDINANCE OF THE CITY OF SEDGWICK, HARVEY AND SEDGWICK COUNTIES, AMENDING ORDINANCE NO. 887, CODIFIED AS CHAPTER 3, ARTICLE 5 OF THE CODE FOR THE CITY OF SEDGWICK, AN ORDINANCE AND ARTICLE OF THE CITY OF SEDGWICK, HARVEY AND SEDGWICK COUNTIES, APPROVING SPECIFIC MODIFICATIONS TO FEE LICENSURE APPLICABLE TO AND FOR TEMPORAY CMB AND ALCHOLIC LIQUOR LICENSURE WITHIN THE CITY OF SEDGWICK, KANSAS; AND REPEALING ANY AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

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

SECTION 1. Amendment to Ordinance No. 887, Codified as Chapter 3, Article 5 of the Code for the City of Sedgwick, Kansas: Chapter 3, Article 5 shall be amended in its entirety to read as follows:

Article 5. Temporary Licenses

3-504. Permit required.

It shall be unlawful for any person granted a temporary permit by the State of Kansas to sell or serve any alcoholic liquor within the city without first obtaining a local, temporary permit from the city clerk. "Temporary permits" for the purpose of this division shall be defined as a permit, issued in accordance with the laws of the State of Kansas, which allows the permit holder to offer for sale, sell and serve alcoholic liquor for consumption on unlicensed premises, open to the public.

3-505. Permit fee.

- (a) There is hereby levied a temporary permit fee in the amount of twenty-five dollars (\$25.00) per day on each group or individual holding a temporary permit issued by the state director of alcoholic beverage control authorizing sales within the city, which fee shall be paid before the event is begun under the state permit.
- (b) Every temporary permit holder shall cause a temporary permit receipt to be

placed in plain view on any premises within the city where the holder of the temporary permit is serving or mixing alcoholic liquor for consumption on the premises.

- (c) The permit period shall extend for the period covered by the state temporary permit. No city temporary permit fee shall be refunded for any reason.

3-506. City temporary permit.

- (a) It shall be unlawful for any person to conduct an event under a state issued temporary permit without first applying for a local temporary permit at least five (5) days before the event. Written application for the local temporary permit shall be made to the city clerk and shall clearly state:

- (1) The name of the applicant.
- (2) The group for which the event is planned.
- (3) The location of the event.
- (4) The date and time of the event; and
- (5) Any anticipated need for police, fire, or other municipal services.

- (b) Upon presentation of a state temporary permit, payment of the city's temporary permit fee and a written application as provided for in subsection (a) of this section, the city clerk shall issue a local temporary permit to the applicant provided that there are no conflicts with any zoning, building, or other ordinances of the city or with the reports as required by Section 3-207 of this chapter. Failure of the city clerk to issue such permit shall cause the permit's issuance to be referred to the governing body at their next official public meeting for determination.

- (c) The city clerk shall notify the chief of police whenever a temporary permit has been issued and forward a copy of the permit and application to the chief of police.

3-507. Permit regulations.

- (a) No temporary permit holders shall allow the serving, mixing, or consumption of alcoholic liquor or CMB between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. for any event for which a temporary permit has been issued.

- (b) A temporary permit shall allow the permittee to operate at only the premises specified in such permit in accordance with the provisions of this article, the laws of the state, and the rules and regulations of the director of alcoholic beverage control. Such premises shall be open to law enforcement officers at all times that alcoholic liquor or CMB is being served, mixed or consumed on such premises.

- (c) Each person or group issued a temporary permit shall ensure that adequate trash receptacles and sanitary provisions are provided and made. The applicant is responsible for the litter and other material during and after the event and in addition, the applicant is responsible for demonstrating that adequate parking is available.
- (d) Except as otherwise provided herein, the permit shall be issued for a period of time not to exceed three (3) consecutive days, the dates and hours of which shall be specified in the permit. Not more than four (4) temporary permits may be issued to any one applicant during a calendar year. A temporary permit for a special event approved by the governing body may be issued for the entire period of such special event, but in no event shall such permit be issued for a period of time that exceeds thirty (30) consecutive days.
- (e) A temporary permit may be issued for the consumption of alcoholic liquor or CMB on a city street, alley, road, sidewalk or highway for a special event; provided, that such street, alley, road, sidewalk or highway is closed to motor vehicle traffic by the governing body for such special event, a written request for such consumption and possession of such alcoholic liquor or CMB has been made to the governing body and the special event is approved by the governing body by ordinance. The boundaries of such special event shall be clearly marked by signs, a posted map or other means which reasonably identify the area in which alcoholic liquor may be possessed or consumed at such special event.
- (f) Drinking establishments that are immediately adjacent to, or located within the licensed premises of a special event, for which a temporary permit has been issued and the consumption of alcoholic liquor on public property has been approved, may request that the drinking establishment's licensed premises be extended into and made a part of the licensed premises of the special event for the duration of the temporary permit issued for such special event.
- (g) Each licensee selling alcoholic liquor or CMB for consumption on the premises of a special event for which a temporary permit has been issued shall be liable for violations of all laws governing the sale and consumption of alcoholic liquor.
- (h) Temporary permits shall not be transferable or assignable.
- (i) Cash bonds shall be required for any temporary permit issued for a location on publicly owned property. The city manager shall establish the amount of such bond.

3-508. Penalty.

If the permit holder has violated any of the provisions of this article, the governing body shall revoke such a temporary permit, and the individual holding the permit may be charged in municipal court with the violation of the alcoholic liquor laws of the city and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than six (6) months, or be both so fined and confined.

Section 2. Other ordinances or portions thereof in conflict herewith, are hereby repealed.

Section 3. The ordinance shall take effect and be in full force from and after its publication in the official City newspaper.

**PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF
SEDGEICK, KANSAS, THIS 21st DAY OF MAY 2025.**

Bryan Chapman, Mayor

Attest:

Shelia Agee, City Clerk

(Seal)