

Ordinance No. 991

AN ORDINANCE ESTABLISHING A COMMON CONSUMPTION AREA AND AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR WITHIN ITS BOUNDARIES.

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 of Cottonwood Falls ("City") is the owner of the land on Broadway Street south of Friend Street, north of the Chase County Courthouse on Pearl Street and associated city rights-of-way ("Southernmost block of Broadway Street").

WHEREAS, the City desires to establish a common consumption area, as further defined herein, to allow the possession and consumption of alcoholic beverages within the Southernmost block of Broadway Street and associated public rights-of-way, subject to certain rules and regulations.

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

SECTION ONE: In accordance with K.S.A. 41-2659, and amendments thereto, the Governing Body hereby establishes the Broadway Street common consumption area (the "Broadway Street CCA") consisting of certain outdoor areas located within the Southernmost block of Broadway Street and associated city rights-of-way, as designated on the map, attached hereto as Exhibit A and incorporated herein by reference, excluding any and all areas which otherwise become subject to a license issued pursuant to the Kansas liquor control act or the club and drinking establishment act. The boundaries of the Broadway Street CCA shall be clearly marked using a physical barrier or any apparent line of demarcation.

SECTION TWO: The Governing Body hereby authorized the possession and consumption of alcoholic liquor in the Broadway Street CCA during a special event or civic event which requires a special event permit from the City; provided, however, that a common consumption area permit ("Permit") for the Broadway Street CCA has been issued to the City by the State of Kansas, Director of the Division of Alcoholic Beverage Control ("Director") in accordance with K.S.A. 41-2659, and amendments thereto. Any public street that lies within the Broadway Street CCA designated for the special event shall be blocked from motorized traffic during the hours in which alcoholic liquor is consumed. The possession and consumption of alcoholic liquor within the Broadway Street CCA is only permitted between the hours of 9:00 AM and 12:00 AM, midnight, Sunday through Saturday.

SECTION THREE: All alcoholic liquor removed from a licensed premise authorized to participate in the Broadway Street CCA shall be served in a container that displays the licensee's trade name or logo or other identifying mark that is unique to the licensee.

SECTION FOUR: The possession or consumption of alcoholic liquor purchased outside of the Broadway Street CCA shall not be permitted inside the boundaries of the Broadway Street CCA.

SECTION FIVE: No open container of alcoholic liquor, purchased within the Broadway Street CCA, shall be removed from the boundaries of the Broadway Street CCA.

SECTION SIX: Unlawful conduct shall not be permitted within the boundaries of the Broadway Street CCA and any person engaging in such unlawful conduct shall be subject to removal from the Broadway Street CCA.

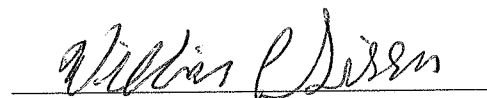
SECTION SEVEN: All licensees approved by the ABC to participate in the Broadway Street CCA shall at all times comply with any and all federal, state, and City laws or regulations pertaining to the purchase and sale of alcoholic liquor.

SECTION EIGHT: The Governing Body hereby authorizes the City Administrator or their designee to take all reasonably necessary actions, including, but not limited to, the execution of all documents and instruments, to obtain a Permit for the Broadway Street CCA on behalf of the City.

SECTION NINE: Subject to receipt of the Permit as described in Section Two, the Governing Body hereby authorizes the City Administrator or their designee to establish rules and regulations pertaining to the use of the Broadway Street CCA and activities therein. A copy of the rules and regulations shall be available at the office of the City Clerk during regular business hours and on the website maintained by the City. Any violation of such rules and regulations, any official City signage, state law or regulations, or the oral direction of any City employee or authorized volunteer shall be grounds for expulsion from the Broadway Street CCA and criminal sanctions or any other remedy available under local, state, or federal laws.

SECTION TEN: Effective Date: This Ordinance shall become effective upon passage and publication in the official City newspaper as provided by State law.

PASSED and APPROVED by the Governing Body this 3rd day of April, 2023.



William Sisson, Mayor

Attest:



Brianna Larkin, City Clerk