

**ORDINANCE NO. 2019-04-4487**

**AN ORDINANCE EXEMPTING THE APPLICATION OF K.S.A. 41-719(C) TO ALLOW THE CONSUMPTION OF ALCOHOLIC LIQUOR AT A DESIGNATED AREA OF WILSON PARK DURING TACOLALAH ON SATURDAY, MAY 4, 2019.**

**WHEREAS**, the organizers of the inaugural Tacolalah Festival have requested that the Governing Body of Arkansas City, Kansas, allow them to sponsor a beer and margarita garden to sell and serve alcohol at a designated area of Wilson Park during Tacolalah from 4 to 10 p.m. on Saturday, May 4, 2019; and

**WHEREAS**, the event will support the City-sponsored fireworks show on July 4, 2019, and possibly also support the Wilson Park Master Plan; and

**WHEREAS**, the Tacolalah Festival 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; 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(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, 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(c), starting at 4 p.m. until 10 p.m. on Saturday, May 4, 2019. The Governing Body hereby grants this exemption as it is a unique opportunity specifically tied to Tacolalah, a new multicultural community celebration; it will be fully contained and 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 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. The Tacolalah Festival shall take all necessary precautions to ensure compliance with all other provisions of Arkansas City Municipal Code, including the Uniform Public Offense Code.
2. No person younger than twenty-one (21) years of age shall be allowed within the enclosed area where alcohol is served. The Tacolalah Festival or its designee shall check photo identification to ensure no one younger than the age of 21 enters the designated area.
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. The Tacolalah Festival shall not allow a number of persons inside the Premises in excess of the occupancy load established by approved authorities, if applicable.
5. The Tacolalah Festival 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 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 16<sup>th</sup> day of April, 2019.

Jay Warren, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM:

Tamara L. Niles, City Attorney