ORDINANCE NO. 2016-04-4408

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 PRAIRIEFEST CONCERT, ON JUNE 3, 2016.

WHEREAS, Kerry Schnackenberg, on behalf of the Arkansas City Area Arts Council, Inc., has requested the Governing Body allow it to sell and serve alcohol at a designated area of Wilson Park during the Prairiefest Concert on June 3, 2016; and

WHEREAS, all profits for the event will support arts in Arkansas City; and

WHEREAS, Kerry Schnackenberg has provided reasonable assurances that it 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 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 CITY, KANSAS:

SECTION ONE: Notwithstanding any provision of Municipal Code to contrary, the Governing Body of the City of Arkansas City hereby exempts property located at Wilson Park, and designated as Area "B" on the attached map (hereafter "the Premises") from the provisions of K.S.A. § 41-719(c), on June 3, 2016. The Governing Body hereby grants this exemption as it is a unique opportunity specifically tied to Prairiefest, a celebration of local arts and talent; it will be fully-contained and have extensive measures in place to provide for security and extensive monitoring to ensure compliance with Municipal laws; and it will support a quality non-profit organization providing services solely in Arkansas City. By providing this exemption, the Governing Body hereby authorizes Arkansas City Area Arts Council, Inc. to sell and serve alcoholic liquor by the drink for consumption on the Premises, subject to the following terms and conditions:

1. This exemption is contingent upon Arkansas City Area Arts Council, Inc. receiving a valid license from the State of Kansas to sell and serve alcoholic liquor by the drink for the date and location at issue. Arkansas City Area Arts Council, Inc. shall provide a copy of the application and license to the City Manager prior to the dates of this exemption.

2. Arkansas City Area Arts Council, Inc. shall take all necessary precautions to ensure compliance with all other provisions of Arkansas City Municipal Code, including the public offense code.

3. No person under twenty-one (21) years of age shall be served alcohol, and precautions shall be taken to ensure this does not occur.

4. The Premises must be fully-gated or otherwise enclosed at the east and west entrances. Any place where the gating or other enclosure provides an opening for entrance and exit from the Premises must be manned by at least one person

over the age of 21 to check identification and provide bracelets clearly designating those who are 21 and over; and those who are under 21.

5. Arkansas City Area Arts Council, Inc. shall not allow a number of persons inside the Premises in excess of the occupancy load established by approved authorities, if applicable.

6. Arkansas City Area Arts Council, Inc. 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 only apply to the interior of the gated Premises and shall not include any surrounding curtilage.

SECTION TWO: PUBLICATION; EFFECTIVE DATE. This ordinance 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 this 19th day of April, 2016.

Duane L. Oestmann, Mayor

ATTEST:
Lesley Shook, City Clerk

APPROVED AS TO FORM:
Tamara L. Niles, City Attorney