

ORDINANCE NO. 2016-10-4418

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 THE ARKALALAH CONCERT ON OCTOBER 27, 2016 BETWEEN THE HOURS OF 6:00 P.M. AND MIDNIGHT.

WHEREAS, Bottle Service, LLC has requested the Governing Body allow it to sell and serve alcohol at a designated area of Wilson Park during the Arkalalah Concert on October 27, 2016 between the hours of 6:00 p.m. and Midnight; and

WHEREAS, the requester 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 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 on the attached map (hereafter “the Premises) from the provisions of K.S.A. § 41-719(c), on October 27, 2016 between the hours of 6:00 p.m. and Midnight. By providing this exemption, the Governing Body hereby authorizes Bottle Service, LLC 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 Bottle Service, LLC 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.
2. Bottle Service, LLC 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 permitted within the interior of the Premises during the scheduled event.
4. Any openings for entrance and exit from the Premises must be manned by at least one person over the age of 21 to check identification and/or otherwise ensure entrants are over the age of 21.
5. Bottle Service, LLC shall not allow a number of persons inside the Premises in excess of the occupancy load established by approved authorities.
6. Bottle Service, LLC shall leave the Premises in a same or similar condition as it existed prior to the exemption dates, and shall remove all trash 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, 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 this 4th day of October, 2016.

Duane L. Oestmann, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM:

Tamara Niles, City Attorney