

ORDINANCE NO. 2084

AN ORDINANCE ESTABLISHING A PROCESS FOR PERMITTING THE CONSUMPTION OF ALCOHOLIC LIQUOR OR CEREAL MALT BEVERAGE AT COMMUNITY EVENTS AND ESTABLISHING REGULATIONS FOR SALE OR CONSUMPTION AT COMMUNITY EVENTS OR IN TEMPORARY ENTERTAINMENT DISTRICTS.

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

Section 1. PURPOSE. The purpose of this ordinance is to establish a process for permitting the consumption of alcoholic liquor or cereal malt beverage at community events and establish regulations for sale or consumption at community events or in temporary entertainment districts.

Section 2. DEFINITIONS.

- (a) *'Applicant'* means any person who has filed a written application for a community event or street closure that is responsible for conducting the event and the responsible organization, corporation or other group on whose behalf the individual is requesting the permit.
- (b) *'Chief of Police'* means the Chief of Police for the City of Council Grove and his or her designee.
- (c) *'Church'* means private property utilized on a regular basis, but in no case less than a weekly basis, for worship services including, without limitation, a synagogue or mosque.
- (d) *'City'* means the City of Council Grove.
- (e) *'Closure of Streets'* means the restriction of vehicular traffic to a street or roadway or portion thereof, and includes the manual control of traffic at intersections by police.
- (f) *'Community event'* means:
 - (1) An outdoor or indoor event on public property with an expected attendance for the duration of the event of 50 or more persons, organized for a particular and limited purpose and time;
 - (2) An outdoor event on private property within the city limits with an expected attendance for the duration of the event of 50 or more persons, organized for a particular and limited purpose and time and open to the general public.Such events shall include, but not be limited to: fun runs, roadway foot races, fundraising walks, bikeathons, motor vehicle events, bike races, carnivals, festivals, community celebrations, shows, exhibitions, circuses and fairs. Such term shall also include parades when held in conjunction with a community event as defined by this section, which event is sponsored or conducted by the same applicant. Such term shall not include events, other than fun runs or races, occurring solely on sidewalks or public right-of-way immediately adjacent to public streets.
- (g) *'Community event coordinator'* means the Chief of Police or his or her designee.
- (h) *'Extraordinary police service'* means responsive police services which are in addition to and in excess of the normal police services provided to the location or off-site as a direct result of the event.
- (i) *'Fire chief'* means the Fire Chief for the City of Council Grove or his or her designee.
- (j) *'Motor vehicle'* means every self-propelled vehicle other than a motorized wheelchair.
- (k) *'Motorcycle'* means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.
- (l) *'Motor vehicle event'* means motorcycles, automobile cruises, motorcycle runs, motorcycle rallies or parades in which more than 80% of the entries are motor vehicles.

- (m) *'Parade'* means an organized procession of persons, motor vehicles, bicycles, floats, animals or large objects or any combination thereof traveling in unison along or upon a street or roadway in the City which requires the closure of streets or the regulation of vehicular traffic by law enforcement to prevent a conflict with the normal or regular flow of traffic upon the street or roadway.
- (n) *'Park property'* means all grounds, roadways and land acquired and owned by the City and all grounds, roadways and land owned by the City of Council Grove, Kansas, which are designated for use as a park or recreational facility by the city council and are under the management of the City of Council Grove.
- (o) *'Permit holder'* means the person who has been issued a community event permit by the City of Council Grove.
- (p) *'Person'* shall mean a natural person or a legal entity such as, but not limited to an individual, firm, association, joint stock company, partnership or corporation.
- (q) *'Private property'* means all property that is located within the boundaries of the city, except for property that is owned by the city.
- (r) *'Public property'* means any public land, outdoor park and outdoor recreational facilities, streets, highways, municipal parking lots, parkways or alleys, public spaces and rights-of-way within the city.
- (s) *'Street'* or *'highway'* means the entire width between property lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic. Where the word "highway" or the word "street" is used in this title, it means street, avenue, boulevard, thoroughfare, trafficway, alley and any other public way for vehicular travel by whatever name unless the context clearly indicates otherwise.
- (t) *'Temporary entertainment district'* means a defined area, which includes city streets and public sidewalks, on which the city council has authorized the sale, possession or consumption of alcoholic liquor for a specified period of time, during a community event which has been properly licensed under this chapter.
- (u) *'Vehicle'* means every device in, upon or by which any person or property is or may be transported or drawn upon a street, highway or roadway.

Section 3. ENFORCEMENT. The Council Grove Police Department, the Council Grove Fire Department and the authorized representatives of such departments shall be responsible for the enforcement of all provisions of this act.

Section 4. REGULATIONS FOR ALCOHOL CONSUMPTION AND SALE AT COMMUNITY EVENTS OR IN TEMPORARY ENTERTAINMENT DISTRICT.

- (a) Any applicant, who desires to sell or allow the consumption of alcoholic liquor or cereal malt beverage at a community event, shall submit an application to the Community Event Coordinator for the sale or consumption of such alcoholic liquor or cereal malt beverages at such community event or in a temporary entertainment district.
- (b) Such written application must be made on a form provided by the Community Event Coordinator. The application must be submitted to the Community Event Coordinator not less than 7 days before the next regularly scheduled meeting of the Governing Body of the City.
- (c) The written application shall contain the following information:
 - (1) The name and address of the applicant;
 - (2) The dates and times when alcoholic liquor or cereal malt beverages will be served at such event;
 - (3) All necessary and applicable state and city licenses and/or permits for the sale of alcoholic liquor or cereal malt beverage at such event, or written documentation that an application is pending for such permits, or licenses;
 - (4) A security plan;
 - (5) A plan for how and when the premises will be cleaned up;
 - (6) A plan as to how the event promoter will prevent the off-premises consumption of alcohol and the consumption of alcohol by minors;

- (7) A detailed site map indicating:
 - (a) Entry and exit points to the event venue(s);
 - (b) Description of the signage, barriers or maps which will be used to designate the area in which alcoholic liquor or cereal malt beverages may be consumed;
 - (c) The number and exact locations of all alcoholic liquor or cereal malt beverage sale/distribution booths;
 - (d) The location of any licensed drinking establishments that desire to participate in the temporary entertainment district, and a designation of the area of the licensed premises of such drinking establishment(s) which have been extended into the temporary entertainment district.
 - (8) Whether entry to the event or temporary entertainment district is restricted to invited guests, or open to the public;
 - (9) The type of alcoholic liquor or cereal malt beverage to be sold or dispensed and the means or method which will be used to sell, dispense or distribute the alcohol to event attendees;
 - (10) The identity of the on-site supervisor of the alcoholic liquor or cereal malt beverage service;
 - (11) The name, address and licensee of any drinking establishment, which is adjacent to the event and which has extended its licensed premises into the temporary entertainment district if such event is occurring on the public streets and sidewalks of the City of Council Grove. Only those drinking establishments listed on the community event application will be granted approval by the City Council to utilize the city streets, sidewalks or other public property for the extension of their licensed premises;
 - (12) The name and address of any adjacent businesses which are to be included in the event area or temporary entertainment district;
 - (13) A list of streets and or street rights-of-way to be closed to motor vehicle traffic for such event or temporary entertainment district and the dates and times for such street closures;
 - (14) If signs are to be used to designate areas where alcoholic liquor or cereal malt beverage may be consumed, a diagram showing the number, size and location of such signs.
- (d) The City Council shall review written applications for temporary entertainment districts and may, by resolution, authorize the possession, sale and/or consumption of alcoholic liquor on streets which have been closed to motor vehicle traffic and sidewalks in the designated temporary entertainment district.
 - (e) Approval by the City Council, pursuant to this Section, shall not be required for events for which a specific invitation was issued and shall be held entirely on private property.
 - (f) Alcoholic liquor or cereal malt beverages served at a community event or in a temporary entertainment district are to be served in distinctively different containers than those in which non-alcoholic drinks are served.
 - (g) Alcoholic liquor or cereal malt beverages served at a community event or in a temporary entertainment district are not to be sold or served in pitchers, buckets or carafes and no person is to be served or allowed to purchase more than two alcoholic drinks at the same time.
 - (h) Alcoholic liquor or cereal malt beverages shall not be served, sold or consumed in glass bottles, glass containers or glass vessels at a community event or in a temporary entertainment district. However, toasting glasses may be allowed if specifically requested in the application and if approved by the City Council.
 - (i) If multiple alcoholic liquor or cereal malt beverage vendors or licensees are participating in a community event or temporary entertainment district, each vendor or licensee must serve their alcoholic liquor or cereal malt beverage in distinctive containers which identify such vendor or licensee.

- (j) It shall be unlawful for any person, at a community event or in a temporary entertainment district, to sell, serve or allow the consumption of alcoholic liquor or cereal malt beverages to or by any individual who is not wearing a wristband or other identifying device to indicate that the individual is the legal age for consumption of alcoholic liquor or cereal malt beverage.
- (k) It shall be unlawful for any person to possess or consume alcoholic liquor or cereal malt beverages at a community event or in a temporary entertainment district unless such person is wearing a wristband to indicate that such individual is the legal age for consumption of alcoholic liquor or cereal malt beverage.
- (l) It shall be unlawful for any person to distribute, sell or allow the consumption of any alcoholic liquor on the streets or sidewalks within a temporary entertainment district without obtaining the approval of the City Council and any and all necessary state and local permits for the sale of such alcoholic liquor.

Section 5. FEES. All applications to sell or allow the consumption of alcoholic liquor or cereal malt beverages at a community event shall be accompanied by an application fee of \$100.00 which shall not be refundable. All applicants shall be required to have any state licenses which may be applicable.

Section 6. REVIEW PROCESS. The Community Event Coordinator shall review the application and determine whether or not to approve or deny the permit. The following criteria shall be considered:

- (a) The event shall not obstruct the operation of emergency vehicles or equipment in or through the particular permit area;
- (b) The proposed event does not present a safety, noise or traffic hazard;
- (c) The proposed event conforms to regulations regarding the use or allowable number of participants of the proposed venue, location or site;
- (d) The proposed event does not violate the provisions of the ordinances of the City of Council Grove, the laws of the State of Kansas or the laws of the United States;
- (e) If the event requires closure of public streets, such street closures have been approved by the Chief of Police and City Council;
- (f) If the event requests exclusive use of a park property, such request has been approved by the City Council.

Section 7. DENIAL OF PERMIT. The Community Event Coordinator may deny an application if he or she finds any of the following:

- (a) One or more of the specified criteria have not been met;
- (b) The applicant knowingly made a false, misleading or fraudulent statement to the City in the application process;
- (c) The application is incomplete, does not include payment of a required fee or does not contain the information required by this ordinance;
- (d) The application does not satisfy the requirements of the ordinance;
- (e) The applicant fails to comply with any conditions of approval, including but not limited to remittance of fees, charges or deposits;
- (f) Proof of liability insurance;
- (g) Obtaining all other permits or licenses as required by the city ordinance for the proposed event;
- (h) The applicant, within the last two years, has had a previous community event permit revoked for failure to comply with the terms and conditions of the permit or violations of the ordinances of the City of Council Grove;
- (i) The applicant, within the last two years, has organized a community event which did not conform to the plans and applications submitted or which failed to comply with any conditions placed on the event by the Community Event Coordinator;

- (j) The proposed event would be in violation of the ordinances of the City of Council Grove, the laws of the State of Kansas or the laws of the United States;
- (d) The application was not filed more than 7 days before the next regularly scheduled meeting of the Governing Body of the City.

Section 8. INSURANCE REQUIREMENTS. The permit holder for events occurring on public property or on park property shall procure and maintain in full force and effect, during the term of the permit, a policy of insurance from an insurance company authorized to do business in the State of Kansas, which policy includes the City of Council Grove, its officers and agents, as named insureds, and which provides general liability insurance coverage in an amount of not less than \$500,000.00 per occurrence and a minimum of \$50,000.00 property damage coverage. If liquor or cereal malt beverage is to be sold, a liquor liability endorsement in an amount of not less than \$500,000.00 per occurrence and a minimum of \$50,000.00 property damage coverage shall be required. Proof of such insurance shall be submitted to the City prior to the issuance of a permit and maintenance of this insurance shall be a condition of the permit.

Section 9. HOURS OF CONSUMPTION AND OPERATION FOR COMMUNITY EVENTS. Consumption of cereal malt beverage and alcoholic liquor and outdoor entertainment shall cease between the hours of midnight to 8:00 a.m.

Section 10. DISPLAY OF COMMUNITY EVENT PERMIT. A copy of a signed approval letter from the Community Event Coordinator shall be exhibited upon the demand of any city official.

Section 11. USE OF CITY NAME OR LOGO WITHOUT AUTHORIZATION. It shall be unlawful for the permit holder conducting a community event to use the words "The City of Council Grove" or "City of Council Grove" to suggest or indicate that the event is sponsored by the City or to use a facsimile of the seal or logo of the City of Council Grove in promotional materials or advertising for the event without the City's authorization.

Section 12. ADMINISTRATIVE REGULATIONS. The Community Event Coordinator or his or her designee may adopt administrative regulations that are consistent with and further the terms and requirements set forth in this ordinance. All such administrative regulations must be in writing.

Section 13. NO RELIEF FROM LIMITATIONS OR RESTRICTIONS. The issuance of a community event permit does not relieve any person from limitations or restrictions contained in the codes of the City of Council Grove relating to noise, sanitation or street obstructions.

Section 14. PENALTIES. Any person who violates the provisions of this ordinance shall be subject to a fine not to exceed \$500.00 and a jail sentence of thirty days or both such fine and imprisonment. Each day that a violation exists shall constitute a separate offense.

Section 15. EFFECTIVE DATE. This ordinance shall be effective upon its publication in the official city newspaper.

PASSED AND APPROVED BY THE CITY COUNCIL ON THIS 18th day of July, 2011.


Cynthia Engle, Mayor

ATTEST:


Danny Matthews
City Clerk
(SEAL)

