

ORDINANCE NO. 1013

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 Chapman ("City") is the owner of Sheeran Park which is located near the center of the City and is a public gathering place for special events, civic events and community celebrations; and

WHEREAS, the City desires to establish a common consumption area, as further defined herein, to allow the possession and consumption of alcoholic beverages within Sheeran Park 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 CHAPMAN, KANSAS:

**SECTION ONE:** In accordance with K.S.A. 41-2659, and amendments thereto, the Governing Body hereby establishes the Sheeran Park common consumption area (the "Sheeran Park CCA") consisting of certain outdoor areas located within Sheeran Park 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 Sheeran Park CCA shall be clearly marked using a physical barrier or any apparent line of demarcation. The City right-of-way laying within the 400 and 500 blocks of North Marshall may be included within the boundaries of the Sheeran Park CCA when: (1) a Special Event Permit has been issued for the selling of alcoholic beverages in, or connected with, the Sheeran Park CCA; **AND** (2) the right-of-way has been barricaded from vehicle traffic. **The city tennis courts shall be excluded from the Sheeran Park CCA at all times.**

**SECTION TWO:** The Governing Body hereby authorizes the possession and consumption of alcoholic liquor in the Sheeran Park CCA; provided, however, that a common consumption area permit ("Permit") for the Sheeran Park 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. The possession and consumption of alcoholic liquor within the Sheeran Park CCA is only permitted between the hours of 9:00 a.m. and 12:00 a.m., midnight, Sunday through Saturday.

**SECTION THREE:** All alcoholic liquor removed from a licensed premise authorized to participate in the Sheeran Park 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 Sheeran Park CCA shall not be permitted inside the boundaries of the Sheeran Park CCA.

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

**SECTION SIX:** Inappropriate conduct shall not be permitted within the boundaries of the Sheeran Park CCA and any person engaging in such inappropriate conduct shall be subject to removal from the Sheeran Park CCA. Inappropriate conduct may include but is not limited to fighting, use of profanity or indecent language, harassment, destruction of property, lewd or lascivious acts, or committing any violation of law or City Code.

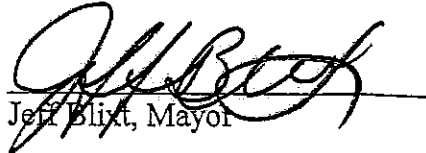
**SECTION SEVEN:** All licensees approved by the ABC to participate in the Sheeran Park CCA shall at all times comply with any and all federal, state and City laws or regulations pertaining to the purchase and sale of alcoholic liquor.

**SECTION EIGHT:** The Governing Body hereby authorizes the City Administrator or his 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 Sheeran Park 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 his designee to establish rules and regulations pertaining to the use of the Sheeran Park 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, on the website maintained by the City, and posted in the CCA. 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 Sheeran Park 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 11th day of July, 2018.

  
Jeff Blixt, Mayor

Attest:

  
Erin Tilton, City Clerk

EXHIBIT A  
Sheeran CCA boundaries

