

(First Published in the Columbus News Report _____, 2022)

ORDINANCE NO. 1499

AN ORDINANCE BY THE GOVERNING BODY OF THE CITY OF COLUMBUS, KANSAS, ESTABLISHING A COMMON CONSUMPTION AREA THAT INCLUDES THE 100 BLOCK AND THE 200 BLOCK OF WEST PINE STREET AND THE 100 BLOCK AND THE 200 BLOCK OF SOUTH KANSAS AVENUE WITHIN THE CITY, AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR OR CEREAL MALT BEVERAGE WITHIN THE COMMON CONSUMPTION AREA AT PRESCRIBED TIMES.

WHEREAS, the Code of Ordinances, City of Columbus, Kansas, shall be amended to establish a Common Consumption Area for special events, pursuant to K.S.A. 41-2659.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COLUMBUS, KANSAS.

SECTION 1: Common Consumption Area

That the Code of Ordinances, City of Columbus, Kansas, shall be amended in compliance with K.S.A. 41-2659, as amended, to establish a Common Consumption Area authorizing purchase, possession and consumption of alcoholic liquor or cereal malt beverage during special events as follows:

The boundaries of the City's Common Consumption Area shall be within the areas of the 100 and 200 blocks of West Pine Street and/or the 100 and 200 blocks of South Kansas Avenue. Said streets, or designated areas within the described Common Consumption Area, shall be blocked from motorized traffic during the hours in which alcoholic liquor or cereal malt beverage is consumed. The purchase, possession and consumption of alcoholic liquor or cereal malt beverage during a special event and within the Common Consumption Area shall only be allowed between the hours of 12:00 p.m. and 12:00 a.m., Sunday through Saturday.

SECTION 2: Notice, Application and Permit

(a) The City shall immediately notify the Director of the division of alcoholic beverage control of the establishment of the Common Consumption Area by submitting a copy of the Ordinance along with notice.

(b) An application for a Common Consumption Area Permit shall be subject to the following:

1. The City, a person who is a Kansas resident, or an organization that has its principal place of business in Kansas, may apply to obtain a Common Consumption Permit from the Director subject to approval by the City and in accordance with rules and regulations adopted by the Secretary of Revenue.
2. A copy of the Ordinance adopted in accordance with Section 1 shall accompany any application for a Common Consumption Area Permit.

3. Each application shall be accompanied by a non-refundable permit fee of \$100.00, collected by the Director and remitted to the State Treasurer.

4. The Common Consumption Area Permit shall be issued for a period of not to exceed one year; said Permit shall not be transferable or assignable.

(c) Any licensee immediately adjacent to, or located within a Common Consumption Area may request that the licensee's licensed premises participate in the Common Consumption Area for the duration of the Common Consumption area permit. Such a request shall be made upon forms prescribed by the Director.

(d) Any licensee who has requested and received permission to participate in the Common Consumption Area may allow its patrons to remove alcoholic liquor or cereal malt beverage purchased from the licensee into the premises described by the Common Consumption Area permit. All alcoholic liquor and cereal malt beverage removed from a licensed premises in such fashion 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.

(e) In addition to their licensed premises, any licensee who has requested and received permission to participate in the Common Consumption Area may offer for sale, sell and serve alcoholic liquor or cereal malt beverage for consumption from one non-contiguous service area within the Common Consumption Area, as designated and approved by the Common Consumption Area Permit holder. The licensee shall prominently display a copy of its drinking establishment license and the approval of the Common Consumption Area Permit holder at its non-contiguous service area.

SECTION 3. PURCHASES WITHIN COMMON CONSUMPTION AREA

No open container of alcoholic liquor or cereal malt beverage purchased within the Common Consumption Area shall be removed from the boundaries of the Common Consumption Area.

SECTION 4. PURCHASES OUTSIDE COMMON CONSUMPTION AREA

Alcoholic liquor or cereal malt beverage purchased outside the boundaries of the Common Consumption Area shall not be consumed or permitted inside the boundaries of the Common Consumption Area.

SECTION 5. INAPPROPRIATE CONDUCT; PROHIBITED

Inappropriate conduct shall not be permitted within the boundaries of the Common Consumption Area, and any person engaging in 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 state or federal law of City ordinance.

SECTION 6. VIOLATIONS

(a) Each licensee within a Common Consumption Area shall be liable for violations of all liquor laws governing the sale and consumption of alcoholic liquor or cereal malt beverage that occur on the licensee's premises.

(b) Each Common Consumption Area permit holder shall be liable for violations that occur off the licensee's premises but within the Common Consumption Area identified in the permit. No permit holder shall permit any person to remove any open container of alcoholic liquor or cereal malt beverage from the boundaries of the Common Consumption Area.

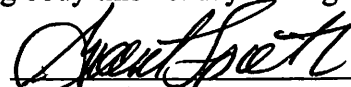
(c) "Common Consumption Area" means a defined indoor or outdoor area not otherwise subject to a license issued pursuant to the Kansas liquor control act or the club and drinking establishment act, where the possession and consumption of alcoholic liquor or cereal malt beverage is allowed pursuant to a Common Consumption Area Permit. The boundaries of any Common Consumption Area must be clearly marked using a physical barrier or an apparent line of demarcation.

SECTION 7. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8. This ordinance shall take effect and be in force from and after passage and publication in the official city newspaper.

PASSED and APPROVED by the Governing body this 1st day of August, 2022.

ATTEST:



Grant Spieth, Mayor



Cherri Chancellor, City Clerk

(SEAL)

