

ORDINANCE NUMBER 565

AN ORDINANCE OF THE CITY OF HIGHLAND, KANSAS, PURSUANT TO K.S.A. 41-2608(c), ESTABLISHING THE PROCESS FOR ALLOWING THE SALE AND CONSUMPTION OF CEREAL MALT BEVERAGE AND ALCOHOLIC LIQUOR ON A CITY STREET, ALLEY, ROAD, SIDEWALK OR HIGHWAY BY EXTENSION OF A LICENSED PREMISES.

WHEREAS, the State of Kansas regulates the sale and consumption of cereal malt beverage and alcoholic liquor, including the issuance of licenses to establishments authorized to sell such beverages and allow consumption of the same on the licensed premises; and

WHEREAS, K.S.A. 41-2608(c) provides the additional authority for the City to pass an ordinance allowing the extension of the licensed premises into a city street, alley, road, sidewalk and highway, as long as such right of way is closed to motor vehicle traffic during the time which such beverages are sold or consumed and such extension has been approved and the times such beverages are to be sold or consumed are specified; and

WHEREAS, the governing body believes that issuance of a permit for such extension for special events can be in the best interests and general welfare of the citizens and community, if properly regulated.

NOW, THEREFOR, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HIGHLAND, KANSAS:

Section 1. SPECIAL EVENT PERMIT FOR TEMPORARY EXTENSION OF LICENSED PREMISES. Any holder of a liquor or cereal malt beverage license that wants to extend their license for sale and consumption into any street, alley, road, sidewalk or highway within the City shall submit the applicable form and include such information as may be required by the City and State from time to time. It shall be unlawful for any person to sell or serve any alcoholic liquor or CMB in any such in any street, alley, road, sidewalk or highway within the city without first obtaining a special event extension permit from the city clerk. The permit shall not be issued until approved by the governing body and shall be subject to such terms and conditions as the City specifies in its sole discretion. The issuance of such permit is subject to the additional approval of the Division of Alcohol Beverage Control.

Section 2. SAME; PERMIT FEE. There is hereby levied a special event permit fee, in an amount not less than \$25 and not more than \$250, as determined by the governing body based upon various factors applicable to the event, including, but not limited to, the time required of city personnel in connection with the event, the time frame(s) of the event, and the extent of the area of extension. Said fee shall be required of each group or individual sponsoring such event and shall be paid at the time of issuance of the permit. Such fee shall be in addition to any fee required to be remitted by the City to the Division of Alcohol Beverage Control or any other state agency.

Section 3. SAME; CITY EXTENSION PERMIT.

(a) Any application for an extension permit as specified herein shall be made not later than a regular meeting date of the governing body scheduled prior to the special event and not later than ten (10) days prior to the date of the event, unless waived. Written application for the local special event permit shall be made to the city clerk on the form specified by the State and, in addition, on any form adopted for use by the City from time to time. Such applicant shall provide all information requested on any such form, including the following:

- (1) The name of the applicant;
- (2) The group for which the event is planned;
- (3) The requested location of the event;
- (4) The date, time and duration of the event during which alcoholic liquor or CMB may be sold or consumed on any street, alley, road, sidewalk or highway;
- (5) The exact area and dimensions of the extension;
- (6) The number of attendees anticipated, if known; and
- (7) Any anticipated need for police, fire, or other municipal services.

(b) Upon meeting the requirements to obtain a special event permit, and the approval of the governing body by motion passed at a duly convened meeting, the city clerk shall certify approval of such extension on the applicable State of Kansas form submitted by the applicant if there are no conflicts with any zoning or other ordinances of the City. The City can adopt an additional form for approval and issuance of such permit from time to time and, if so adopted, such permit shall be conspicuously displayed at the licensed premises.

(c) The city clerk shall notify the chief of police whenever an extension permit has been issued and shall forward a copy of the approved application and permit to the chief of police.

Section 4. SAME; PERMIT REGULATIONS.

(a) All regulations applicable under the applicant's licenses shall also apply to any such extension permit. All other ordinances of the City shall apply to any such extension permit.

(b) No alcoholic liquor or CMB shall be given, sold or traded to any person under 21 years of age.

(c) No more than four special event permits may be issued in a calendar year to the same applicant, unless a waiver is granted by the governing body.

(d) No special event permit issued hereunder may be transferred or assigned to any other licensee.

(e) All local ordinances and state statutes for the sale and consumption of alcoholic liquor or CMB apply to holders of extension permits.


(f) The responsibility for providing appropriate markings and boundaries for the extension area shall be the responsibility of the applicant licensee, subject to the approval of City personnel.

(g) The responsibility for providing appropriate security for the event shall be solely with the applicant licensee.

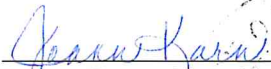
Section 5. REPEAL OF PRIOR ORDINANCES. Any other ordinances of the City of Highland, Kansas in conflict herewith are hereby repealed.

Section 6. EFFECTIVE DATE. The terms and provisions of this ordinance shall take effect and be in full force and effect upon its summary publication in the official city newspaper in accordance with Kansas law.

Passed by the Governing Body and approved by the Mayor of the City of Highland, Kansas, this 23rd day of June, 2020.


Charles N. Batchelder, Mayor

ATTEST:


Joann Karn, City Clerk [SEAL]

