INDEPENDENCE CITY COMMISSION

SPECIAL SESSION AGENDA

July 19, 2023

9:00 AM

Civic Center Memorial Hall

To participate by conference call:
1 785-289-4727 Conference ID: 995 148 903#

The Agenda shall be as follows:

I. SPECIAL SESSION

A. Call to Order

II. ITEMS FOR COMMISSION ACTION

A. Consider an ordinance establishing a common consumption area.

B. Consider approving notification to the County of the City's intent to exceed the Revenue Neutral Rate and establish a maximum mill rate.

III. ADJOURNMENT

REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
July 19, 2023

Department Admin **Director Approval** Kelly Passauer

AGENDA ITEM Consider an ordinance establishing a common consumption area.

SUMMARY RECOMMENDATION Consider adopting an ordinance establishing a common consumption area.

BACKGROUND On June 22, 2023 Main Street requested the City Commission consider establishing a common consumption area in the Downtown Historic District. The City Attorney's office was directed to prepare a draft ordinance for your consideration, which is attached.

This item was added to this Special Commission meeting because Main Street committee members were scheduled to be out of town at the next regular meeting scheduled for July 27, 2023. Also, they request the common consumption area be established soon while the weather is still conducive for outside activities. This is why they prefer not to wait until the next regular meeting on August 10, 2023, if possible.

FINANCIAL INFORMATION There is no direct expense identified to the City for this action. However, data provided by Main Street has shown in other communities that the establishment of a common consumption area may increase sales in the downtown.

SUGGESTED MOTION One of the following motions would be appropriate:

1. I move to adopt an ordinance establishing a common consumption area in the downtown historic district.
2. I move to table action pending the receipt of the following additional information: (List additional information requested)
3. I move to deny the request to adopt an ordinance establishing a common consumption area.

SUPPORTING DOCUMENTS

1. Common Consumption Area Ordinance -- Revised 07/18/2023
2. 06222023-MainStreet-Report
3. 06222023-MainStreetPowerPointPresentation

ORDINANCE NO. _____

AN ORDINANCE BY THE GOVERNING BODY OF THE CITY OF INDEPENDENCE, KANSAS, ESTABLISHING A COMMON CONSUMPTION AREA THAT INCLUDES CERTAIN SPECIFIC BLOCKS 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 Independence, 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 INDEPENDENDENCE, KANSAS.

SECTION 1: Common Consumption Area

That the Code of Ordinances, City of Independence, 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 within the following area:

A tract of land within the City limits of Independence, Montgomery County, Kansas, shown generally on attached Exhibit "A," and more particularly described as follows:

> Beginning at the intersection of the east side of 8th Street and the south side of Chestnut Street, thence east along said south side of Chestnut Street to the west side of 6th Street, thence south along said west side of 6th Street to the south side of Myrtle Street, thence east along said south side of Myrtle Street to the West side of 5th Street, thence south along said west side of 5th Street to the north side of Maple Street, thence west along said north side of Maple Street to the east side of 9th Street, thence north along said east side of 9th Street to the south side of Myrtle Street, thence east along said south side of Myrtle Street to the east side of 8th Street, thence north along said east side of 8th Street to the point of beginning.

The purchase, possession and consumption of alcoholic liquor or cereal malt beverage during within the Common Consumption Area shall only be allowed between the hours of 4:00 p.m. and 10:00 p.m., Monday through Thursday, and between the hours of 10:00 a.m. and 12:00 a.m. Friday and Saturday.

SECTION 2: Notice, Application and Permit

(a) The City shall immediately notify the Director of the Division of Alcoholic Beverage Control ("Director") 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 the Department of Revenue.

2. A copy of this Ordinance 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 Kansas State Treasurer.

4. The Common Consumption Area Permit shall be issued for a period of not to exceed one year.

5. The Common Consumption Area 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 area described by the Common Consumption Area permit; provided, however, in no event shall any beverage so

removed be in any container capable of holding more than sixteen (16) fluid ounces. No alcoholic beverage or cereal malt beverage removed from a licensed premises shall be in a glass container or any container that otherwise represents a potential danger to the public as determined by law enforcement officials.

(e) All alcoholic liquor and cereal malt beverage removed from a licensed premises 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.

(f) 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, and appropriate and conspicuous signage shall be established provided notice of the boundaries of the Common Consumption Area. In addition to the above, and notwithstanding anything to the contrary, in no event shall alcoholic liquor or cereal malt beverages be permitted:

(a) in parking lots;
(b) in any business which prohibits alcoholic liquor or cereal malt beverages originating from other establishments; and
(c) on city streets, except in city-established cross walks, and except during events approved by the governing body subject to conditions set forth by the governing body.

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. LICENSEES

All licensees approved by the Director to participate in the Common Consumption Area shall at all times comply with any and all federal and state law and City ordinances governing and/or regulating the purchase, sale, and consumption of alcoholic liquor and cereal malt beverage.

SECTION 6.

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

SECTION 7.

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 _____ of July, 2023.

CITY OF INDEPENDENCE, KANSAS

By:_____
Louis Ysusi, Mayor

ATTEST:

_____
David W. Schwenker, City Clerk

Presentation
CITY OF INDEPENDENCE
June 22, 2023

Department Admin **Director Approval Kelly Passauer**

AGENDA ITEM Presentation by Main Street Director regarding establishing a Common Consumption Area downtown.

BACKGROUND Main Street Director Tabatha Snodgrass presented to the Economic Development Advisory Board (EDAB) earlier this month regarding establishing a Common Consumption Area downtown. Attached is the information presented to EDAB. If the Commission wishes to proceed, we will ask the City Attorney to prepare an ordinance for consideration at your next meeting.

SUPPORTING DOCUMENTS

1. Common Consumption Area Information Presented to EDAB

REQUEST FOR ECONOMIC DEVELOPMENT ADVISORY BOARD ACTION
CITY OF INDEPENDENCE
JUNE 6, 2023

Department Finance **Prepared By Lacey Lies**

AGENDA ITEM Common Consumption Area

SUMMARY RECOMMENDATION

BACKGROUND Main Street Director Tabatha Snodgrass has provided the attached presentation regarding Common Consumption Areas around the nation. She is also polling downtown businesses regarding their support of a Common Consumption Area.

Recently, the Governor has signed new legislation that amends the Club and Drinking Establishment Act (CDEA) provisions related to common consumption areas that will be effective on July 1, 2023. House Bill 2059 amends K.S.A. 41-2659 by removing the requirement that a city or county require the portions of common consumption areas on public streets or roadways to be blocked from motorized traffic during events. The bill also requires each common consumption area to be marked by signs that are conspicuously posted, identifying the boundaries of such area and in a size and manner that provides notice to persons entering or leaving the area. A summary of this bill, the full text of the bill, and K.S.A. 41-2659 (prior to being amended) are attached.

Also attached is Parsons' Common Consumption Ordinance, which was adopted in 2019. Please note it does not reflect the latest legislation. Also, City staff requested a copy of Lenexa's ordinance which was adopted in 2021 that amended their 2017 ordinance that established a common consumption area for both indoor and outdoor spaces on the Lenexa civic campus (see attached article). Both the 2017 and 2021 ordinances are attached. Main Street Director Tabatha Snodgrass has provided a copy of Great Bend's ordinance that was adopted in 2022 which is also attached.

SUGGESTED MOTION

SUPPORTING DOCUMENTS

1. Open Containers Presentation_2023 National Main Street Convention
2. Summary_HB2059_2023 - See highlighted text on page 2
3. HB2059_enrolled - See highlighted text on page 7
4. 2022 K.S.A. 41-2659 (Does not include modifications by HB 2059 effective July 1, 2023)
5. Parsons Common Consumption Ordinance from 2019
6. Rules for alcohol on civic campus - City of Lenexa
7. Lenexa - Ordinance 5608 08-15-17_Redacted
8. Lenexa - Ordinance 5845 09-07-21_Redacted
9. Great Bend Common Consumption Area

BOSTON
MAIN STREET 2023 Now
A City of Main Streets

Open Containers

BIG IMPACT ON A SMALL TOWN

Downtown Rome, Georgia

- Great American Main Street
- GEMS
- 229 Residential Units
- City population: 38,000+
- 300+ Businesses

2017

MAIN STREET 2023 Now

2020

MAIN STREET Now 2023

MAIN STREET 2023 Now

THE BIBLE SAYS...

PUBLIC DRUNKENESS

LIFE OR DEATH

TAKING ADVANTAGE OF COVID-19 TO PUSH OUR OWN AGENDA

CRIME

ADDICTION

MORAL ISSUE

BOURBON STREET

DUI

FAMILY ATMOSPHERE

ABUSE

UNDERAGE DRINKING

LITTER

DO WHAT'S RIGHT

VIOLENCE

PUBLIC URINATION

UNPOLICEABLE

VOTE YOUR CONVICTIONS

“Can’t they take no for an answer?”

During our open container events, businesses saw an increase in foot traffic & revenue - some as much as 50%

2021

IT'S OUR JOB TO ADVOCATE FOR OUR STAKEHOLDERS

RESEARCH

FEEDBACK

EDUCATION

STAKEHOLDER INPUT

YES	226
NO	9
NEUTRAL	5

IN PERSON FEEDBACK

(BUSINESS & PROPERTY OWNERS)

OVERWHELMINGLY POSITIVE!

- Likes trial but thinks 11am is too early
- Concerned about fights
- Regular increase in business could allow hiring another employee
- Concerns with litter
- Feels it would encourage BYOB and take away from sales
- Concerned with accusations of over-serving
- Concerned about ability to enforce and understaffed PD

OTHER COMMUNITIES IN GA

ACWORTH
ALBANY
BAINBRIDGE
BRASELTON
BRUNSWICK
CAIRO
CANTON
CARROLLTON
CARTERSVILLE
CONYERS
CORNELIA

COVINGTON
DALTON
DECATUR
DORAVILLE
DUNWOODY
DOUGLASVILLE
FAYETTEVILLE
FLOWERY BRANCH
FORSYTH
GAINESVILLE

JEKYLL ISLAND
KENNESAW
LAWRENCEVILLE
LOGANVILLE
MARIETTA
MACON
MCDONOUGH
MONROE
NEWNAN
POWDER SPRINGS
ROSWELL
SMYRNA
STATESBORO
STOCKBRIDGE
SUGAR HILL
SUWANEE
THOMASTON
TYBEE ISLAND
VALDOSTA
VILLA RICA
WASHINGTON
WOODSTOCK

HONORABLE MENTIONS

ATLANTA BRAVES

AVALON (ALPHARETTA)

THE BATTERY

BEACHES

DISNEY WORLD

ROME BRAVES

ROCK CITY

SIX FLAGS

UNIVERSAL

ZOO ATLANTA

FEEDBACK FROM OTHER COMMUNITIES ACROSS THE STATE

James Riker, City Manager, Duluth, GA

- Entertainment district
- Former “Open Zone” with BYOB
- Recruited:
- 13 Restaurants
- 2 Breweries
- 1 Bar

Jim Watters, City Councilmember
Carrollton, GA

“Let’s give the people the opportunity to show that they can behave, and they have.”

Joel Richards, Police Chief Carrollton, GA

- Had open container 24/7
- Reduced hours to 2AM
- Warnings for a few weeks, no issues

Brian Stockton, Director of Economic Development, Woodstock, GA

- Slightly more litter
- Added part time weekend grounds crews
- Been in place since 2016
- No records of increased tickets or police interactions

Downtown Dalton, GA

- “Game Changer”
- Walkability
- Outside exploration
- Marketing opportunity

Mathew Hill, DDA Executive Director
Brunswick, GA

"…open container has helped further revitalization of downtown Brunswick more than most other incentives."

Mayor John Howard, Monroe, GA

“Our downtown sales during the first quarter of the year beat our local Walmart.”

Mayor Rey Martinez, Loganville, GA

- Passed overlay district allowing open containers
- Passed 25/75 food/alcohol ratio
- “Pro-business approach”

Mayor Bill Grant, Canton, GA

- Measured violations, patrol hours, routine maintenance and trash collection
- ALL metrics came back positive
- Alcohol violations cut in half

Addressing Concerns

90 Day Trial

Thu - Sat

11A - 11P

Addressing Concerns

- "Dining District"
- Restaurant trainings
- Informational cards
- Social media campaigns
- Downtown ambassadors

FAQ's

Q: What areas are open containers allowed?

A: Sidewalks, green spaces, crosswalks, bridges. NOT ALLOWED are parking lots and decks.

FAQ's

Q: Can people bring their own beverages from home or keep a stash in their trunk?

A: No

Q: Can minors partake in open container?

A: No

Big Picture

Comprehensive Plan
Young Professionals
Workforce
Growth

2017
Vote 8:1 NO

2020
Vote 6:3 NO

Trial Period
Final Vote 5:4

Trial Results

Retailer A –

28% increase over LY

Retailer B –

95% increase over LY

Trial Results

Restaurant A - 23% increase over 2019

Restaurant B - 7% increase (food sales) and 26% increase (alcohol sales) over 2019

Restaurant C - 10% increase to previous months

Public Safety

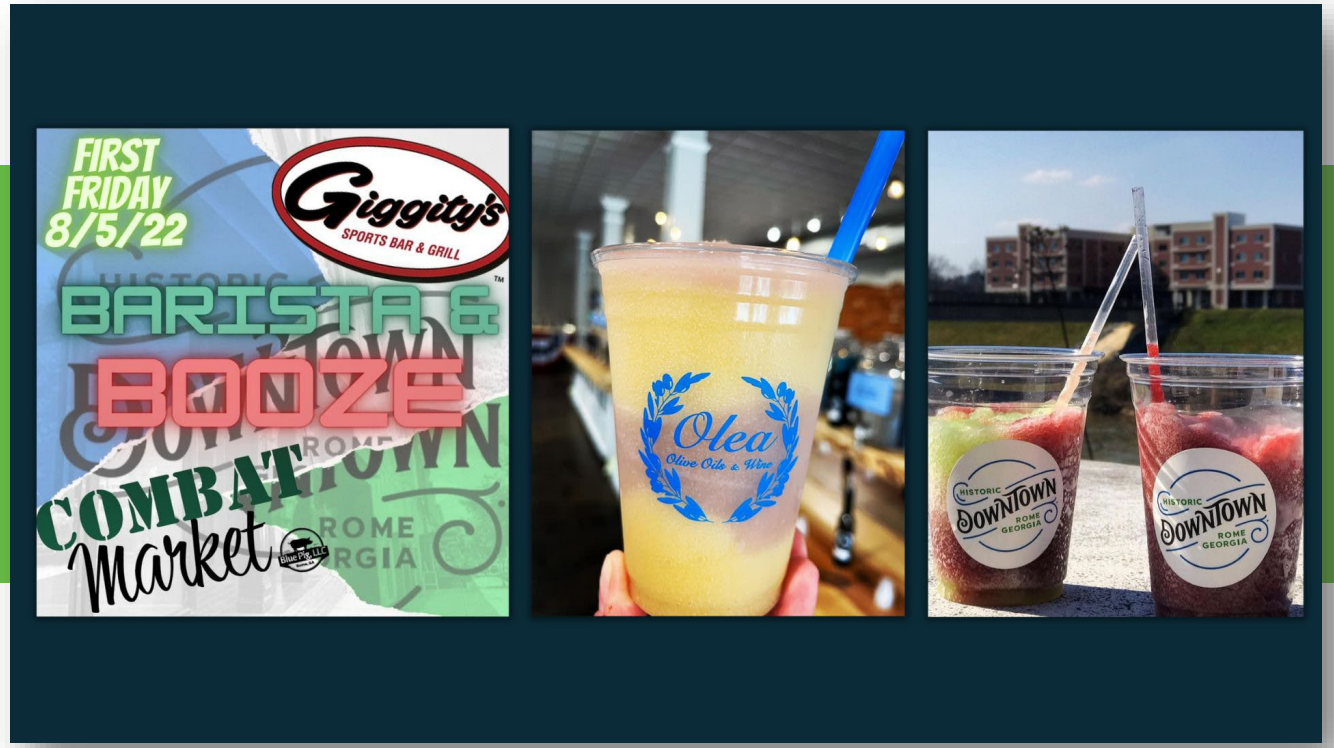
BUSTING THE MYTH

Since we relaxed our alcohol ordinance, alcohol-related arrests have gone down from 2.25/month to 1.25/month

2022-2023

- Restaurant A: 30% increase
- Restaurant B: 51% increase (food sales) and 29% increase (alcohol sales) over LY
- Retail A: 400% increase over LY
- Retail B: 33% increase over LY

Open Containers
=
Positive Economic Impact



We value your feedback!

Please review this session on the Mobile Event Guide:

1. Download the “Main Street Now 2023” app OR access online at: eventmobi.com/msn2023
2. Locate this session and scroll to “Session Feedback”
3. Complete your review

Need help? See your conference program or a volunteer for assistance. **Thank you!**

Thank You!

QUESTIONS?

DOWNTOWN DEVELOPMENT DIRECTOR

ROME, GA

ALESLEY@ROMEGA.US

Gallonage Taxes; Samples; Sunday Sales; Common Consumption Areas; Raffles; Dogs at Licensed Premises; HB 2059

HB 2059 amends various provisions of the Kansas Liquor Control Act (KLCA), Kansas Cereal Malt Beverage (CMB) Act, and Club and Drinking Establishment Act (CDEA) concerning remittance of gallonage taxes, samples, Sunday sales, the food sales requirement, and common consumption areas. The bill also permits food establishments to allow dogs in outside areas on the premises and provide an exception to the Kansas Food Code for microbreweries to allow dogs in inside areas, if certain conditions are met.

Remittance of Gallonage Taxes

The bill amends provisions of the KLCA to require a holder of a special order shipping license to submit gallonage taxes to the Secretary of Revenue monthly rather than quarterly.

Product Samples

The bill amends the KLCA provisions on the licensing of spirits, wine, and CMB distributors to increase the sizes of samples of products provided to retailers and to club and drinking establishment licensees.

Spirits

The bill allows a sample of up to three liters of distilled spirits to be provided to club and drinking establishment licensees and employees of the establishment. Continuing law allows samples to be provided to distributors, retailers, and their employees.

Wine

The bill allows a sample of up to three liters of any brand of wine to be provided to a club and drinking establishment licensee, distributor, retailer, and their employees.

Beer

The bill allows a sample of up to three gallons of any brand of beer or CMB to be provided to a club and drinking establishment licensee, distributor, retailer, and their employees.

Sample Products

The bill requires a sample to be of a product the licensee has not purchased from the distributor within the previous 12 months.

Sunday Sales—Food Sales Requirement

The bill amends the CMB Act's provisions regarding on-premises sales of CMB on Sunday to remove the 30 percent food sales requirement for Sunday sales. In continuing law, Sunday sales must have been authorized by the county or city where the licensee is located. [*Note:* There is no food sales requirement for other days of the week.]

Common Consumption Areas

The bill amends the CDEA provisions related to common consumption areas to remove the requirement that a city or county require the portions of common consumption areas on public streets or roadways to be blocked from motorized traffic during events.

The bill also requires each common consumption area to be marked by signs that are conspicuously posted, identifying the boundaries of such area and in a size and manner that provides notice to persons entering or leaving the area.

Charitable Raffles

The bill amends KLCA provisions regarding prohibited acts to allow liquor or CMB to be a prize of a charitable raffle conducted in accordance with the Kansas Charitable Gaming Act, provided such prize shall not be awarded to a person under 21 years of age.

Dogs at Food Establishments and Microbreweries

The bill permits food establishments to allow dogs in outside areas on the premises if certain conditions are met and provides a specific exception from the Kansas Food Code for microbreweries to allow dogs in inside areas upon meeting an additional condition.

[*Note:* Under current law, a food establishment may apply for a variance to be allowed to permit dogs in outside areas.]

Dogs at Food Establishments

The bill allows a food establishment to permit dogs in outside areas on its premises if the following conditions are met:

- The establishment has prepared a written plan detailing the processes and procedures to prevent food contamination from dogs on the premises and posted the plan next to the food establishment license inside the premises of the establishment;

- Employees of the establishment are trained on the plan, and the plan is made available to the Kansas Department of Agriculture upon request;

- Dogs are under handler control, well behaved, and respond to their handler's command;

- Dogs belonging to guests of the microbrewery are leashed at all times;

- Dogs are not permitted on dining surfaces, including tables, bars, or counter tops;

- Dogs are not fed or watered from any food establishment equipment, including, but not limited to, plates, bowls, and utensils, except for single-service items that are disposed of immediately following use;

- An area outside the food establishment is designated for dog urination and defecation;

- Employees are required to wash their hands after contact of any kind with a dog prior to handling any food, drink, or utensil; food or drink production, preparation or serving equipment; or the preparation or use of surfaces that may come into contact with food or drink;

- Guests are advised to wash their hands after any contact with a dog; and

- The establishment has developed and follows a process for immediately sanitizing equipment or surfaces used for the production, preparation, serving, or consumption of food or drink if a dog has contact with the equipment or surfaces, including instructions for disposing of contaminated food or drink.

Dogs at Microbreweries

In addition to the provisions that permit dogs in outside areas of all food establishments, the bill permits food establishments that are microbreweries to allow dogs in inside areas, but dogs will not be permitted in food or drink preparation areas, including, but not limited to, kitchens and behind bars.

Effective Date

The provisions of the bill relating to charitable raffles and common consumption areas take effect on July 1, 2023. The provisions of the bill relating to gallonage taxes, product samples, Sunday sales, and dogs in food establishments and microbreweries take effect upon publication in the *Kansas Register*.

HOUSE BILL No. 2059

AN ACT concerning alcoholic beverages and food establishments; exempting charitable raffle prizes of alcoholic liquor and cereal malt beverages from the Kansas liquor control act, the club and drinking establishment act and the Kansas cereal malt beverage act; relating to spirits, wine and beer distributors; regulating samples; relating to the special order shipping of wine; requiring monthly remittance of gallonage taxes; allowing businesses to sell cereal malt beverage by the drink on Sundays without requiring that 30% of the gross receipts of such businesses be derived from the sale of food; permitting food establishments to allow dogs in outside areas on the premises and food establishments that are microbreweries to allow dogs in outside and inside areas on the premises notwithstanding certain provisions of the Kansas food code; amending the common consumption area law to permit rather than require roads be blocked and allowing designation of such areas by signage; amending K.S.A. 41-104, 41-306, 41-306a, 41-307, 41-350 and 41-2659 and K.S.A. 2022 Supp. 41-2704 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) Notwithstanding any other provisions of state law, a food establishment, as defined in K.S.A. 65-656, and amendments thereto, that is a microbrewery as defined in K.S.A. 41-102, and amendments thereto, and is licensed as provided in K.S.A. 41-308b, and amendments thereto, may allow live dogs in outside and inside areas on the premises if the conditions specified in subsection (c) are met.

(b) Notwithstanding any other provisions of state law, a food establishment, as defined in K.S.A. 65-656, and amendments thereto, that is not a microbrewery as defined in K.S.A. 41-102, and amendments thereto, may allow live dogs in outside areas on the premises, if the conditions as specified in subsection (c) are met.

(c) The following conditions shall be met by a food establishment for dogs to be permitted on such food establishment's premises as permitted by subsections (a) and (b):

(1) The food establishment shall prepare a written plan describing the processes and procedures in place to prevent food contamination from dogs on the premises. The plan shall be posted next to the food establishment license inside the premises of the food establishment. The employees of the food establishment shall be trained on the plan, and the plan shall be made available to the Kansas department of agriculture upon request;

(2) dogs shall be under handler control. Dogs shall be well behaved and respond to their handler's command. Dogs belonging to food establishment owners, management or employees shall not be required to be leashed. Dogs belonging to guests of the food establishment shall be leashed at all times;

(3) with respect to a food establishment that is a microbrewery, as provided by subsection (a), dogs in indoor areas shall not be permitted in food or drink preparation areas, including, but not limited to, kitchens and behind bars;

(4) dogs shall not be permitted on dining surfaces, including tables, bars or counter tops;

(5) dogs shall not be fed or watered from any food establishment equipment, including, but not limited to, plates, bowls and utensils, except for single-service items that are disposed of immediately following such use;

(6) an area outside the food establishment shall be designated for dog urination and defecation;

(7) employees shall be required to wash their hands after contact of any kind with a dog prior to handling any food, drink, utensil or food or drink production, preparation or serving equipment or the preparation or use of surfaces that may come into contact with food or drink;

(8) guests shall be advised to wash their hands after any contact with a dog; and

(9) a process for immediately sanitizing equipment or surfaces used for the production, preparation, serving or consumption of food or drink if a dog has contact with such equipment or surfaces shall be developed and followed by the food establishment. This process shall include instructions for disposing of contaminated food or drink.

Sec. 2. On and after July 1, 2023, K.S.A. 41-104 is hereby amended to read as follows: 41-104. *(a)* No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish or possess any alcoholic liquor for beverage purposes, except as specifically provided in this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto, except that nothing contained in ~~this act~~ *such acts* shall prevent:

~~(a)~~*(1)* The possession and transportation of alcoholic liquor for the personal use of the possessor, the possessor's family and guests except that the provisions of K.S.A. 41-407, and amendments thereto, shall be applicable to all persons;

~~(b)~~*(2)* the making of wine, cider or beer by a person from fruits, vegetables or grains, or the product thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker, the maker's family, guests and judges at a contest or competition of such beverages, provided, the maker receives no compensation for producing such beverages or for allowing the consumption thereof;

~~(c)~~*(3)* any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of the medical or dental profession;

~~(d)~~*(4)* any hospital or other institution caring for sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or institution;

~~(e)~~*(5)* any drugstore employing a licensed pharmacist from possessing and using alcoholic liquor in the compounding of prescriptions of duly licensed physicians;

~~(f)~~*(6)* the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church;

~~(g)~~*(7)* the sale of wine to a consumer in this state by a person which holds a valid license authorizing the manufacture of wine in this or another state and the shipment of such wine directly to such consumer, subject to the following:

~~(1)~~*(A)* The consumer must be at least 21 years of age;

~~(2)~~*(B)* the consumer must purchase the wine while physically present on the premises of the wine manufacturer;

~~(3)~~*(C)* the wine must be for the consumer's personal consumption and not for resale; and

~~(4)~~*(D)* the consumer shall comply with the provisions of K.S.A. 41-407, and amendments thereto, by payment of all applicable taxes within such time after purchase of the wine as prescribed by rules and regulations adopted by the secretary;

~~(h)~~*(8)* the serving of complimentary alcoholic liquor or cereal malt beverages at fund raising activities of charitable organizations as defined by K.S.A. 17-1760, and amendments thereto, and as qualified pursuant to 26 ~~U.S.C.A.~~ *U.S.C.* § 501(c) and by committees formed pursuant to K.S.A. 25-4142 et seq., and amendments thereto. The serving of such alcoholic liquor at such fund raising activities shall not constitute a sale pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto. Any such fund raising activity shall not be required to obtain a license or a temporary permit pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto; ~~or~~

~~(i)~~*(9)* the serving of complimentary alcoholic liquor or cereal malt beverage on the unlicensed premises of a business by the business owner or owner's agent at an event sponsored by a nonprofit organization promoting the arts and which has been approved by ordinance or resolution of the governing body of the city, county or township wherein the event will take place and whereby the director of the alcoholic beverage control has been notified thereof no less than 10 days in advance*; or*

(10) the provision of alcoholic liquor or cereal malt beverage as a

prize for a charitable raffle conducted in accordance with K.S.A. 75-5171 et seq., and amendments thereto, except that no such prize shall be provided to any person under 21 years of age.

~~(j)~~*(b)* For purposes of subsection ~~(b)~~ *(a)(2)*, the term "guest" means a natural person who is known to the host and receives a personal invitation to an event conducted by the host. The term "guest" ~~shall~~ *does* not mean a natural person who receives an invitation to an event conducted by the host when such invitation has been made available to the general public.

Sec. 3. K.S.A. 41-306 is hereby amended to read as follows: 41-306. A spirits distributor's license, shall allow:

(a) The wholesale purchase, importation and storage of spirits, but all such spirits so purchased or imported which are manufactured in the United States shall be purchased from the primary American source of supply or from another licensed spirits distributor, except that a licensed spirits distributor may purchase confiscated spirits at a sheriff's sale.

(b) The sale of spirits to:

(1) Spirits distributors licensed in this state;

(2) retailers licensed in this state, except that such distributor shall sell a brand of spirits only to those retailers whose licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto; and

(3) such persons located outside such territory or outside this state as permitted by law.

(c) The purchase of spirits in barrels, casks or other bulk containers and the bottling thereof before resale, but all bottles or containers filled with such spirits shall be sealed, labeled and otherwise made to comply with all laws and rules and regulations governing the preparation and bottling of spirits by manufacturers and with all federal rules, regulations and laws.

(d) The storage and delivery to a retailer licensed under the Kansas liquor control act or a retailer licensed under K.S.A. 41-2702, and amendments thereto, on the distributor's licensed premises, of alcoholic liquor or cereal malt beverage of another licensed distributor authorized by law to sell such alcoholic liquor or cereal malt beverage to such retailer, in accordance with an agreement entered into with such other distributor and approved by the director.

(e) The storage and delivery to a public venue licensed under the club and drinking establishment act of alcoholic liquor purchased by the public venue licensee from a retailer authorized by law to sell such alcoholic liquor to such public venue licensee.

(f) The withdrawal of spirits from such licensee's inventory for use as samples in the course of the business of the distributor or at industry seminars. Samples may only be provided to persons licensed as a distributor or a retailer under the Kansas liquor control act, and such person's employees *or to persons licensed under the club and drinking establishment act and such persons' employees*. Samples may be served on the licensed premises of the licensee, or on the premises of a licensed retailer, ~~provided~~ *except that* no sample shall be served on that portion of the premises of a licensed retailer that is open to the public and where sales of alcoholic liquor at retail are made. *Only products that have not been purchased from the distributor licensee by the retailer or club and drinking establishment act licensee within the previous 12 months may be provided for sampling pursuant to this subsection.* No sample shall be provided to any minor. Nothing in this subsection shall be construed to permit the licensee to sell any alcoholic liquor for consumption on the premises. The withdrawal of spirits shall be subject to the tax imposed by K.S.A. 79-4101 et seq., and amendments thereto, based on the applicable current posted bottle or case price. For purposes of ~~providing samples pursuant to this subsection other than at industry seminars or to the licensee's~~

~~employees, the term "sample" shall have the same meaning as that term is defined in K.S.A. 41-2601, and amendments thereto~~ *this subsection, "sample" means not more than three liters of distilled spirits*.

Sec. 4. K.S.A. 41-306a is hereby amended to read as follows: 41-306a. A wine distributor's license shall allow:

(a) The wholesale purchase, importation and storage of wine, but all wine so purchased or imported which is manufactured in the United States shall be purchased from the primary American source of supply or from another licensed wine distributor, except that a licensed wine distributor may purchase confiscated wine at a sheriff's sale.

(b) The sale of wine to:

(1) Wine distributors licensed in this state;

(2) retailers licensed in this state, except that such distributor shall sell a brand of wine only to those retailers whose licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto; and

(3) such persons located outside such territory or outside this state as permitted by law.

(c) The sale of wine, but only in barrels, casks and other bulk containers, to:

(1) Licensed caterers; and

(2) public venues, clubs and drinking establishments licensed in this state, except that such distributor shall sell a brand of wine only to such public venues, clubs and drinking establishments the licensed premises of which are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto.

(d) The purchase of wine in barrels, casks or other bulk containers and the bottling thereof before resale, but all bottles or containers filled with such wine shall be sealed, labeled and otherwise made to comply with all laws and rules and regulations governing the preparation and bottling of wine by manufacturers and with all federal rules, regulations and laws.

(e) The storage and delivery to a retailer licensed under the Kansas liquor control act or a retailer licensed under K.S.A. 41-2702, and amendments thereto, on the distributor's licensed premises, of alcoholic liquor or cereal malt beverage of another licensed distributor authorized by law to sell such alcoholic liquor or cereal malt beverage to such retailer, in accordance with an agreement entered into with such other distributor and approved by the director.

(f) The withdrawal of wine from such licensee's inventory for use as samples in the course of the business of the distributor or at industry seminars. Samples may only be provided to persons licensed as a distributor or a retailer under the Kansas liquor control act, and such person's employees, or to persons licensed under the club and drinking establishment act, and such person's employees. Samples may be served on the licensed premises of the licensee, or on the premises of a licensed retailer, provided no sample shall be served on that portion of the premises of a licensed retailer that is open to the public and where sales of alcoholic liquor at retail are made. Samples may be served on the premises of a licensee holding a license issued under the club and drinking establishment act, provided no sample shall be served on that portion of the premises that is open to the public and where sales of alcoholic liquor are made. *Only products that have not been purchased from the distributor licensee by the retailer or club and drinking establishment licensee within the previous 12 months may be provided for sampling pursuant to this subsection.* No sample shall be provided to any minor. Nothing in this subsection shall be construed to permit the licensee to sell any alcoholic liquor for consumption on the premises. The withdrawal of wine shall be subject to the tax imposed by K.S.A. 79-4101 et seq., and amendments thereto, based on the

applicable current posted bottle or case price. For purposes ~~of providing samples pursuant to this subsection other than at industry seminars or to the licensee's employees, the term~~ *of this subsection,* "sample" ~~shall have the same meaning as that term is defined in K.S.A. 41-2601, and amendments thereto~~ *means not more than three liters of any brand of wine*.

(g) This section shall be *a* part of and supplemental to the Kansas liquor control act.

Sec. 5. K.S.A. 41-307 is hereby amended to read as follows: 41-307. A beer distributor's license shall allow:

(a) The wholesale purchase, importation and storage of beer.

(b) The sale of beer to:

(1) Licensed caterers;

(2) beer distributors licensed in this state;

(3) retailers, public venues, clubs and drinking establishments, licensed in this state, except that such distributor shall sell a brand of beer only to those retailers, public venues, clubs and drinking establishments of which the licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto; and

(4) such persons located outside such territory or outside this state as permitted by law.

(c) The sale of cereal malt beverage to:

(1) Beer distributors licensed in this state;

(2) clubs and drinking establishments, licensed in this state, and retailers licensed under K.S.A. 41-2702, and amendments thereto, except that such distributor shall sell a brand of cereal malt beverage only to those such clubs, drinking establishments and retailers of which the licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto;

(3) retailers; and

(4) such persons located outside such territory or outside this state as permitted by law.

(d) The sale of beer containing not more than 6% alcohol by volume to cereal malt beverage retailers licensed pursuant to K.S.A. 41-2702, and amendments thereto.

(e) The purchase of cereal malt beverage in kegs or other bulk containers and the bottling or canning thereof in accordance with law.

(f) The storage and delivery to a retailer licensed under the Kansas liquor control act or a retailer licensed under K.S.A. 41-2702, and amendments thereto, on the distributor's licensed premises, of alcoholic liquor or cereal malt beverage of another licensed distributor authorized by law to sell such alcoholic liquor or cereal malt beverage to such retailer, in accordance with an agreement entered into with such other distributor and approved by the director.

(g) The storage and delivery, with proper invoicing in accordance with rules and regulations adopted by the secretary, on the premises of a public venue licensee, of beer sold to or available for purchase by the public venue during an event.

(h) The withdrawal of beer or cereal malt beverage from such licensee's inventory for use as samples in the course of the business of the distributor or at industry seminars. Samples may only be provided to persons licensed as a distributor or a retailer under the Kansas liquor control act, and such person's employees, or to persons licensed under the club and drinking establishment act, and such person's employees. Samples may be served on the licensed premises of the licensee, or on the premises of a licensed retailer, provided no sample shall be served on that portion of the premises of a licensed retailer that is open to the public and where sales of alcoholic liquor at retail are made. Samples may be served on the premises of a licensee holding a license issued under the club and drinking establishment act, provided no sample shall

be served on that portion of the premises that is open to the public and where sales of alcoholic liquor are made. *Only products that have not been purchased from the distributor licensee by the retailer or club and drinking establishment act licensee within the previous 12 months may be provided for sampling pursuant to this subsection.* No sample shall be provided to any minor. Nothing in this subsection shall be construed to permit the licensee to sell any alcoholic liquor for consumption on the premises. The withdrawal of beer or cereal malt beverage shall be subject to the tax imposed by K.S.A. 79-4101 et seq., and amendments thereto, based on the applicable current posted bottle or case price. For purposes of ~~providing samples pursuant to this subsection other than at industry seminars or to the licensee's employees, the term~~ *this subsection,* "sample" ~~shall have the same meaning as that term is defined in K.S.A. 41-2601, and amendments thereto~~ *means not more than three gallons of any brand of beer or cereal malt beverage*.

Sec. 6. On and after July 1, 2023, K.S.A. 41-350 is hereby amended to read as follows: 41-350. (a) For the purposes of this act, the term "winery" means any maker or producer of wine whether in this state or in any other state, who holds a valid federal basic wine manufacturing permit. The terms "director" and "secretary" ~~have the meaning ascribed to these terms~~ *mean the same as defined* in K.S.A. 41-102, and amendments thereto.

(b) Any winery may be authorized to make direct shipments of wine to consumers in this state upon obtaining a special order shipping license from the secretary pursuant to this act.

(1) A special order shipping license shall only be issued to a winery upon compliance with all applicable provisions of this act and the regulations promulgated pursuant to this act, and upon payment of a license fee in the amount of $100. The license term for a special order shipping license shall commence on the date specified on the license and shall end two years after that date.

(2) A special order shipping license shall entitle the winery to ship wine upon order directly to consumers for personal or household use in this state. The purchaser shall pay the purchase price and all shipping costs directly to the permit holder. Enforcement taxes collected herein shall be paid solely on the purchase price and not on the shipping costs.

(c) No holder of a special order shipping license shall be permitted to ship in excess of 12 standard cases of wine of one brand or a combination of brands into this state to any one consumer or address per calendar year.

(d) (1) Before accepting an order from a consumer in this state, the holder of a special order shipping license shall require that the person placing the order to state affirmatively that ~~he or she~~ *such person* is 21 years of age or older and shall verify the age of such person placing the order either by the physical examination of an approved government issued form of identification or by utilizing an internet based age and identification service approved by the director of alcoholic beverage control~~,~~ or the director's designee.

(2) Every shipment of wine by the holder of a special order shipping license shall be clearly marked 'Alcoholic Beverages, Adult Signature Required' and the carrier delivering such shipment shall be responsible for obtaining the signature of an adult who is at least 21 years of age as a condition of delivery.

(e) A special order shipping license shall not authorize the shipment of any wine to any premises licensed to sell alcoholic beverages pursuant to this act or the club and drinking establishment act.

(f) The failure to comply strictly with the requirements of this act and rules and regulations promulgated pursuant to this act shall be grounds for the revocation of a special order shipping license or other disciplinary action by the director. After notice and an opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, the director may refuse to issue or renew or may revoke a shipping permit upon a finding that the permit holder has failed to

comply with any provision of this section or K.S.A. 41-501 et seq., and amendments thereto, or any rules and regulations adopted pursuant to such statutes. Upon revocation of a special order shipping license for shipment of wine to a person not of legal age as required herein such winery shall not be issued any special order shipping license pursuant to this act for a period of one year from the date of revocation.

(g) The holder of a special order shipping license shall collect all gallonage taxes imposed by K.S.A. 41-501 et seq., and amendments thereto, shall on a ~~quarterly~~ *monthly* basis electronically remit such taxes in a manner prescribed by the secretary and shall accompany such remittance with any reports, documentation or other information as may be required by the secretary. In addition, an applicant for and a holder of a special order shipping license, as a condition of receiving and holding a valid license, shall:

(1) Collect and pay the applicable Kansas enforcement tax on each sale shipped to a consumer in Kansas imposed by K.S.A. 79-4101 et seq., and amendments thereto;

(2) accompany each remittance with such sales tax reports, documentation and other information as may be required by the director of taxation; and

(3) if the holder of the license is an out-of-state shipper, the licensee shall be deemed to have appointed the secretary of state as the resident agent and representative of the licensee to accept service of process from the secretary of revenue, the director and the courts of this state concerning enforcement of this section, K.S.A. 41-501 et seq., and amendments thereto, and any related laws and rules and regulations and to accept service of any notice or order provided for in the liquor control act.

(h) The secretary of revenue may adopt rules and regulations to implement, administer and enforce the provisions of this section.

(i) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 7. On and after July 1, 2023, K.S.A. 41-2659 is hereby amended to read as follows: 41-2659. (a) (1) A city or a county may establish one or more common consumption areas within the limits of the city or within the unincorporated portion of the county, as applicable, by ordinance or resolution, respectively, and authorize the possession and consumption of alcoholic liquor or cereal malt beverage within the common consumption area. The ordinance or resolution shall designate the boundaries of any common consumption area and prescribe the times during which alcoholic liquor or cereal malt beverage may be consumed therein. The ordinance or resolution ~~shall~~ *may* require that any public street or roadway that lies within a common consumption area ~~shall~~ be blocked from motorized traffic during the hours in which alcoholic liquor or cereal malt beverage is consumed.

(2) The city or county shall immediately notify the director of the division of alcoholic beverage control of the establishment of a common consumption area and submit a copy of the ordinance or resolution along with such notice.

(b) A common consumption area permit shall allow the consumption of alcoholic liquor or cereal malt beverage in any area designated by such permit. The director may issue common consumption area permits to the city or county or any one person who shall be a resident of Kansas or an organization that has its principal place of business in Kansas and that has been approved by the respective city or county, in accordance with rules and regulations adopted by the secretary of revenue.

(c) Applications for common consumption area permits shall be submitted to the director, subject to the following:

(1) A copy of any ordinance or resolution promulgated in accordance with subsection (a) shall accompany any application for a common consumption area permit.

(2) Each application shall be accompanied by a non-refundable permit fee of $100. All permit fees collected by the director pursuant to

this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(3) A common consumption area permit shall be issued for a period of not to exceed one year. A common consumption area permit shall not be transferable or assignable.

(d) 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.

(e) (1) Any licensee who has requested and received permission to participate in the common consumption area may allow its legal 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.

(2) In addition to their licensed premises, one or more licensees that have requested and received permission to participate in a 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.

(f) (1) 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.

(2) 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.

(g) *(1)* For the purposes of this section, "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.

(2) The boundaries of any common consumption area must be clearly marked using a physical barrier or any apparent line of demarcation. *Every common consumption area shall have signs conspicuously posted identifying the boundaries of such area in a size and manner that provides notice to persons entering or leaving the area.*

(h) The secretary shall adopt rules and regulations to implement this section.

(i) This section shall be a part of and supplemental to the club and drinking establishment act.

Sec. 8. K.S.A. 2022 Supp. 41-2704 is hereby amended to read as follows: 41-2704. (a) In addition to and consistent with the requirements of the Kansas cereal malt beverage act, the board of county commissioners of any county or the governing body of any city may prescribe hours of closing, standards of conduct and rules and regulations concerning the moral, sanitary and health conditions of places licensed pursuant to this act and may establish zones within which no such place may be located.

(b) Within any city where the days of sale at retail of cereal malt

beverage in the original package have not been expanded as provided by K.S.A. 41-2911, and amendments thereto, or have been so expanded and subsequently restricted as provided by K.S.A. 41-2911, and amendments thereto, no cereal malt beverages or beer containing not more than 6% alcohol by volume may be sold:

(1) Between the hours of 12 midnight and 6 a.m.; or

(2) on Sunday, except in a place of business ~~which~~ *that* is licensed to sell cereal malt beverage for consumption on the premises~~, which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises~~ and ~~which~~ *that* is located in a county where such sales on Sunday have been authorized by resolution of the board of county commissioners of the county or in a city where such sales on Sunday have been authorized by ordinance of the governing body of the city.

(c) Within any city where the days of sale at retail of cereal malt beverage in the original package have been expanded as provided by K.S.A. 41-2911, and amendments thereto, and have not been subsequently restricted as provided in K.S.A. 41-2911, and amendments thereto, no person shall sell at retail cereal malt beverage or beer containing not more than 6% alcohol by volume:

(1) Between the hours of 12 midnight and 6 a.m.;

(2) in the original package not earlier than 9 a.m. and not later than 8 p.m. on Sunday;

(3) on Easter Sunday; or

(4) for consumption on the licensed premises on Sunday, except in a place of business ~~which~~ *that* is licensed to sell cereal malt beverage for consumption on the premises~~, which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises~~ and ~~which~~ *that* is located in a county where such sales on Sunday have been authorized by resolution of the board of county commissioners of the county or in a city where such sales on Sunday have been authorized by ordinance of the governing body of the city.

(d) No private rooms or closed booths shall be operated in a place of business, but this provision shall not apply if the licensed premises also are licensed as a club pursuant to the club and drinking establishment act.

(e) Each place of business shall be open to the public and to law enforcement officers at all times during business hours, except that a premises licensed as a club pursuant to the club and drinking establishment act shall be open to law enforcement officers and not to the public.

(f) Except as otherwise provided by this subsection, no licensee shall permit a person under the legal age for consumption of cereal malt beverage or beer containing not more than 6% alcohol by volume to consume or purchase any cereal malt beverage in or about a place of business. A licensee's employee who is not less than 18 years of age may dispense or sell cereal malt beverage or beer containing not more than 6% alcohol by volume, if:

(1) The licensee's place of business is licensed only to sell at retail cereal malt beverage or beer containing not more than 6% alcohol by volume in the original package and not for consumption on the premises; or

(2) the licensee's place of business is a licensed food service establishment, as defined by K.S.A. 36-501, and amendments thereto, and not less than 50% of the gross receipts from the licensee's place of business is derived from the sale of food for consumption on the premises of the licensed place of business.

(g) No person shall have any alcoholic liquor, except beer containing not more than 6% alcohol by volume, in such person's possession while in a place of business, unless the premises are currently licensed as a club or drinking establishment pursuant to the club and drinking establishment act or the business is a farm winery licensed pursuant to K.S.A. 41-316, and amendments thereto, or a producer licensed pursuant to K.S.A. 41-355, and amendments thereto.

(h) Cereal malt beverages may be sold on premises that are licensed pursuant to both the Kansas cereal malt beverage act and the club and drinking establishment act at any time when alcoholic liquor is allowed by law to be served on the premises.

Sec. 9. K.S.A. 41-306, 41-306a and 41-307 and K.S.A. 2022 Supp. 41-2704 are hereby repealed.

Sec. 10. On and after July 1, 2023, K.S.A. 41-104, 41-350 and 41-2659 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

_____

HOUSE adopted
Conference Committee Report_____

_____
Speaker of the House.

_____
Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report_____

_____
President of the Senate.

_____
Secretary of the Senate.

APPROVED _____

_____
Governor.

41-2659. Common consumption areas; cities and counties; permits; duties and liabilities. (a) (1) A city or a county may establish one or more common consumption areas within the limits of the city or within the unincorporated portion of the county, as applicable, by ordinance or resolution, respectively, and authorize the possession and consumption of alcoholic liquor or cereal malt beverage within the common consumption area. The ordinance or resolution shall designate the boundaries of any common consumption area and prescribe the times during which alcoholic liquor or cereal malt beverage may be consumed therein. The ordinance or resolution shall require that any public street or roadway that lies within a common consumption area shall be blocked from motorized traffic during the hours in which alcoholic liquor or cereal malt beverage is consumed.

(2) The city or county shall immediately notify the director of the division of alcoholic beverage control of the establishment of a common consumption area and submit a copy of the ordinance or resolution along with such notice.

(b) A common consumption area permit shall allow the consumption of alcoholic liquor or cereal malt beverage in any area designated by such permit. The director may issue common consumption area permits to the city or county or any one person who shall be a resident of Kansas or an organization that has its principal place of business in Kansas and that has been approved by the respective city or county, in accordance with rules and regulations adopted by the secretary of revenue.

(c) Applications for common consumption area permits shall be submitted to the director, subject to the following:

(1) A copy of any ordinance or resolution promulgated in accordance with subsection (a) shall accompany any application for a common consumption area permit.

(2) Each application shall be accompanied by a non-refundable permit fee of $100. All permit fees collected by the director pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(3) A common consumption area permit shall be issued for a period of not to exceed one year. A common consumption area permit shall not be transferable or assignable.

(d) 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.

(e) (1) Any licensee who has requested and received permission to participate in the common consumption area may allow its legal 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.

(2) In addition to their licensed premises, one or more licensees that have requested and received permission to participate in a 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.

(f) (1) 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.

(2) 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.

(g) For the purposes of this section, "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 any apparent line of demarcation.

(h) The secretary shall adopt rules and regulations to implement this section.

(i) This section shall be a part of and supplemental to the club and drinking establishment act.

History: L. 2017, ch. 85, § 1; L. 2019, ch. 57, § 29; L. 2021, ch. 107, § 35; May 27.

ORDINANCE NO. 6453

AN ORDINANCE OF THE CITY OF PARSONS CREATING A COMMON CONSUMPTION AREA IN THE DOWNTOWN BUSINESS DISTRICT AND SETTING ALL OF THE RULES IN PLACE FOR THE USE OF THE COMMON CONSUMPTION AREA.

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

Section 1. Establishment of Common Consumption Area; Downtown Overlay District. The Governing Body hereby establishes a Common Consumption Area (hereinafter referred to as CCA) during special events and civic events, excluding any and all areas which are currently or otherwise become subject to a license issued pursuant to the Kansas liquor control act or the club and drinking establishment act. The Common Consumption Area is defined as 17th Street on the east, Broadway Avenue on the south, Central Avenue on the west and Washington Avenue on the north. Properties which are located on each side of the street of the above boundary streets are included in the Downtown Overlay District for purposes of this Ordinance.

Section 2. Special Event Permit Required; Streets; Hours. During a special event or civic event which requires a special permit from the City, the boundaries of the event shall be clearly marked using a physical barrier or other apparent line of demarcation. Any public street or roadway that lies within the CCA designated for the special event or civic event shall be blocked from motorized traffic during the hours in which alcoholic liquor is consumed. The possession and consumption of alcoholic liquor within the CCA during a special event or civic event will only be allowed between the hours of 12:00 pm and 12:00 am. Sunday through Saturday.

Section 3. Permit; Directors of the Division of Alcoholic Beverage Control. The Governing Body hereby authorizes the possession and consumption of alcoholic liquor in the CCA during a special event or civic event with clearly demarcated boundaries provided that a common consumption area permit ("Permit") has been issued to the City by the State of Kansas, Director of the Division of Alcoholic Beverage Control ("Director") in accordance with KSA 41-2659 and amendments thereto.

Section 4. Authorized Alcoholic Liquor Containers. All alcoholic liquor removed from a licensed premise, with a valid CCA permit and authorized to participate in the special event, 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. No alcoholic beverage removed from a licensed premise shall be in a glass container or any container that otherwise represents a potential danger to the public as determined by law enforcement officials.

Section 5. Purchases Outside CCA. The possession or consumption of alcoholic liquor purchased outside the boundaries of the CCA shall not be permitted inside the boundaries of the special event or civic event and CCA.

Section 6. Purchases Within CCA. No open container of alcoholic liquor, purchased within the CCA shall be removed from the boundaries of the CCA and special event or civic event.

Section7. Inappropriate Conduct; Prohibited. Inappropriate conduct shall not be permitted within the boundaries of the CCA and special event or civic event in the Downtown Overlay District, and any person engaging in appropriate conduct shall be subject to removal from the event. 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 or City ordinance.

Section 8. Licenses. All licensees approved by the Director to participate in the CCA shall at all times comply with any and all federal and state law and City ordinances regulating the purchase, sale and consumption of alcoholic liquor.

Section 9. The Governing Body hereby authorizes the City Manager or his or her designee, to take all necessary actions, including but not limited to the execution of all the documents or instruments required to obtain a CCA Permit for the CCA on behalf of the City.

Section 10. The Ordinance shall become effective upon passage and publication of the ordinance summary in the official City newspaper.

Passed by the city commission on this 2nd day of December, 2019, and signed by the mayor on the _____ day of _____, 2019.

Bill Hogelin, Mayor

ATTEST:

Gabrielle Swanwick, City Clerk

✦ Affidavit of Publication ✦

STATE OF KANSAS, LABETTE COUNTY, ss:
Tiffany Brown, being first duly sworn, deposes and says: That *she* is *Classified Manager* of the *PARSONS SUN,* a daily newspaper printed in the State of Kansas, and published in and of general circulation in Labette County, Kansas, with a general paid circulation on a daily basis in Labette County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a daily published at least weekly 50 times a year: has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Parsons, in said county as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive WEEK, the first publication thereof being made as aforesaid on the 5 day of DECEMBER 2019, with subsequent publications being made on the following dates:

_____, 2019 _____, 2019

_____, 2019 _____, 2019

Subscribed and sworn to and before me this 11 day of DECEMBER, 2019.

Notary Public

My commission expires: January 9, 2023

Printer's Fee ..... $ 22.70
Affidavit, Notary's Fee ..... $ 10.00
Additional Copies ..... $ _____
Total Publication Fees ..... $ 32.70

STATE OF KANSAS NOTARY PUBLIC
SHANNA LYN GUIOT
My Appointment Expires
January 9, 2023

(Summary published in the Parsons Sun, Dec. 5, 2019)
ORDINANCE NO. 6453
On December 2, 2019.the City of Parsons passed an Ordinance creating a Common Consumption Area in the Downtown Business District and setting all of the rules in place for the use of the Common Consumption Area.
A complete copy of the Ordinance is available at www.parsonsks.com or at the City Clerk's Office, 112 South 17th Street or by calling (620) 421-7000. This summary certified by Ross Albertini, City Attorney.
Dec.5

RULES FOR ALCOHOL ON CIVIC CAMPUS

Q: Can you BYOB to the Lenexa Public Market? A: No.

The City Council amended Ordinance 5608 during their Sept. 7, 2021, meeting. Originally passed in 2017, the ordinance established a common consumption area for both indoor and outdoor spaces on the Lenexa civic campus.

Common consumption areas are permitted under K.S.A. 41-2659, et. seq. which allows a city or county to establish an area where the possession and consumption of alcoholic liquor is allowed pursuant to a common consumption area permit, which the Public Market has held since 2017.

The ordinance amendment extended the hours and slightly modified the boundary of the common consumption area to align with state law and allow for better event flow and daily operations. Additionally, the amendment allows only those who have booked rentable space within the civic campus to bring in their own alcohol specifically for private functions. This is only allowed with prior written approval of the City Manager or designee and those renting private space within the campus are highly encouraged to use the on-site licensed merchants to meet the needs of their private event when booking space. The amendment is aimed at addressing specific circumstances where a Market merchant is unable to accommodate a private function.

This part of the amendment was misinterpreted by several media outlets who indicated that the general public could now bring alcohol purchased elsewhere to the Lenexa Public Market and the common consumption area. **This is not the case and alcohol purchased outside the Public Market and common consumption area is still generally prohibited.**

Licensed Public Market merchants will continue to sell alcohol as part of their normal operations.

If you have questions about this ordinance, please contact Mike Nolan.

Published Sept. 9, 2021

ORDINANCE NO. 5608

AN ORDINANCE ESTABLISHING A COMMON CONSUMPTION AREA AND AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR WITHIN ITS BOUNDARIES.

WHEREAS, in 2017, the Kansas Legislature passed K.S.A 41-2659, allowing 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 Lenexa ("City") is the owner of land located on the southwest corner of 87th Street Parkway and Penrose Lane, which is home to a variety of uses including Lenexa City Hall, Lenexa Rec Center, Lenexa Public Market and the Lenexa Commons (the "Lenexa Civic Campus"); and

WHEREAS, the Lenexa Public Market is a year-round marketplace consisting of various owner-operated businesses featuring fresh foods and drinks including alcoholic liquor;

WHEREAS, the Lenexa Civic Campus is intended to be a public gathering place for special events, civic events and Lenexa Public Market patrons and the City desires to establish a common consumption area, as further defined herein, to allow the possession and consumption of alcoholic beverages within the Lenexa Civic Campus subject to certain rules and regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS:

SECTION ONE: In accordance with K.S.A. 41-2659, and amendments thereto, the Governing Body hereby establishes the Lenexa Public Market common consumption area (the "Public Market CCA") consisting of certain indoor and outdoor areas located within the Lenexa Civic Campus as designated on the map, attached hereto as Exhibit A and incorporated herein by reference, excluding any and all areas which are currently or 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 Public Market CCA shall be clearly marked using a physical barrier or any apparent line of demarcation. There are no public streets or roadways lying within the Public Market CCA.

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

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

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

SECTION SIX: Inappropriate conduct shall not be permitted within the boundaries of the Public Market CCA and any person engaging in such inappropriate conduct shall be subject to removal from the Public Market 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 Public Market 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 Public Market 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 Public Market 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 and on the website maintained by the City. 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 Public Market 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 of the ordinance summary in the official City newspaper as provided by State law.

PASSED by the Governing Body this 15 day of August, 2017.

SIGNED by the Mayor this 15 day of August, 2017.

CITY OF LENEXA, KANSAS

[redacted]

Michael A. Boehm, Mayor

ATTEST:

[redacted]

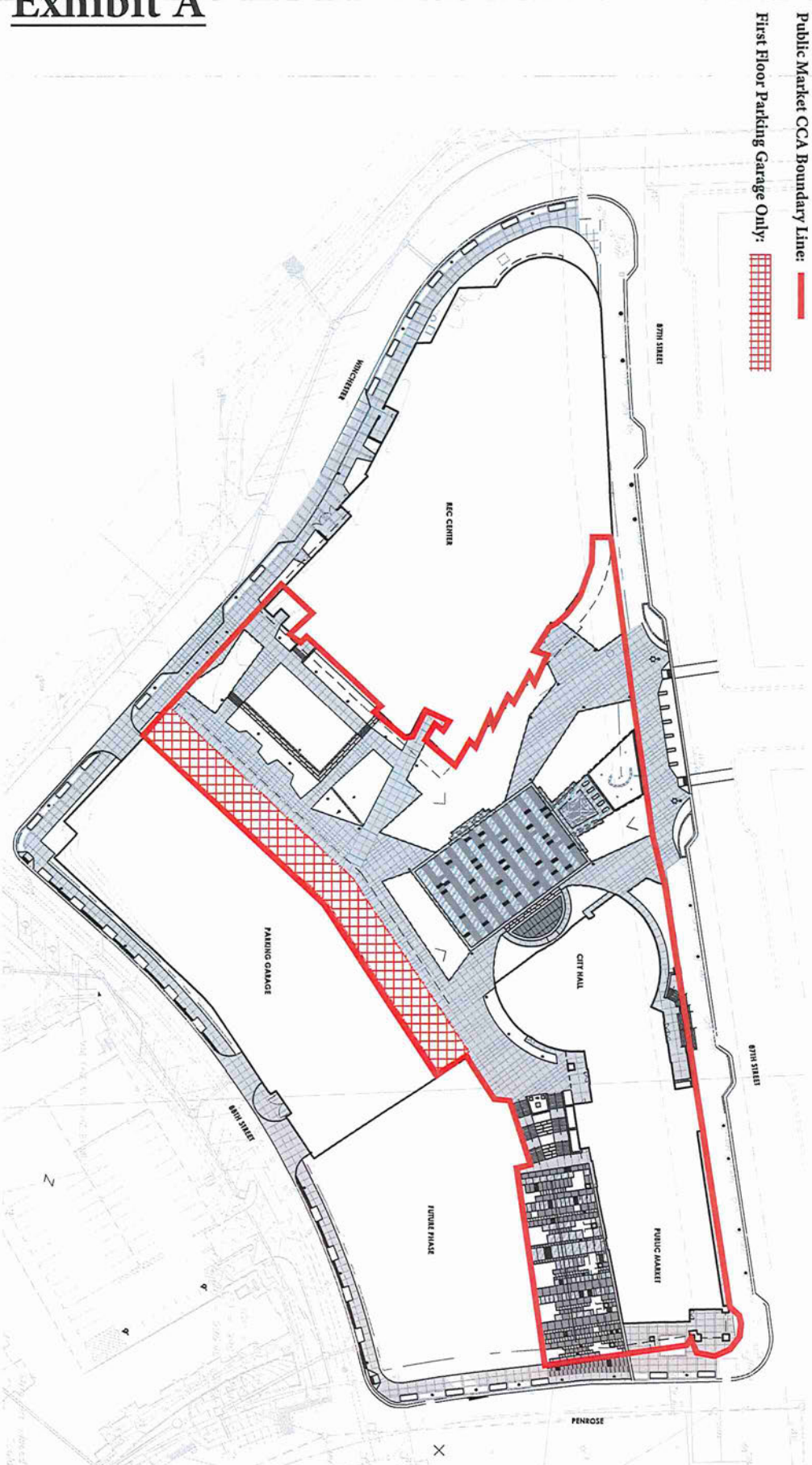
Katy Crow, City Clerk

APPROVED AS TO FORM:

[redacted]

Sean McLaughlin, Assistant City Attorney

Exhibit A


Public Market CCA Boundary Line:
First Floor Parking Garage Only:
87TH STREET
REC CENTER
PARKING GARAGE
CITY HALL
PUBLIC MARKET
FUTURE PHASE
PENROSE

ORDINANCE NO. 5845

AN ORDINANCE AMENDING ORDINANCE NO. 5608 TO MODIFY THE BOUNDARY OF THE PUBLIC MARKET COMMON CONSUMPTION AREA AND AMEND CERTAIN RULES AND REGULATIONS PERTAINING TO THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE PUBLIC MARKET COMMON CONSUMPTION AREA.

WHEREAS, on August 15, 2017, the City passed Ordinance 5608 establishing a common consumption area called the Lenexa Public Market Common Consumption Area ("Public Market CCA") consisting of certain indoor and outdoor areas located within the Lenexa civic campus; and

WHEREAS, Ordinance 5608 established certain rules and regulations pertaining to the possession and consumption of alcoholic liquor within the Public Market CCA; and

WHEREAS, City staff has identified several revisions to the rules and regulations of the Public Market CCA in order to better accommodate City events and activities within the Public Market CCA; and

WHEREAS, the City passed Ordinance No. 5702 amending the Lenexa City Code by changing the title of City Administrator to City Manager; and

WHEREAS, the City desires to amend Ordinance No. 5608 to expanding the boundary of the Public Market CCA to facilitate better pedestrian traffic flow during events, expanding the permitted hours of sale and possession to align with state law, and permit the possession and consumption of alcoholic liquor that was purchased outside of the Public Market CCA with the prior written approval of the City Manager or Designee.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LENEXA:

Section One: Section Two of Ordinance 5608 is hereby amended to read as follows:

> **SECTION TWO:** The Governing Body hereby authorizes the possession and consumption of alcoholic liquor in the Public Market CCA; provided, however, that a common consumption area permit ("Permit") for the Public Market 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 Public Market CCA is only permitted between the hours of 6:00 a.m. and 12:00 a.m. Sunday through Saturday.

Section Two: Section Four of Ordinance 5608 is hereby amended to read as follows:

SECTION FOUR: The possession or consumption of alcoholic liquor purchased outside of the Public Market CCA shall not be permitted inside the boundaries of the Public Market CCA without prior written approval of the City Manager or designee.

Section Three: Exhibit A attached to Ordinance 5608 is hereby deleted in its entirety and replaced with Exhibit A attached hereto.

Section Four: All references to the City Administrator in Ordinance 5608 shall mean and refer to the City Manager.

Section Five: Effective Date: This Ordinance shall become effective upon passage and publication of the ordinance summary in the official City newspaper as provided by State law.

PASSED BY the City Council this 7 day of September, 2021.

SIGNED BY the Mayor this 7 day of September, 2021.

CITY OF LENEXA, KANSAS

[redacted]

Michael A. Boehm, Mayor

CITY OF LENEXA CORPORATE SEAL

ATTEST:

[redacted]

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

[redacted]

Steven D. Shrout, Assistant City Attorney

Common consumption limits
First floor only.
ELMRIDGE ST
W 87TH ST PKWY
PENROSE LN
WINCHESTER ST
W 88TH ST
N
Esri, HERE, Garmin, iPC

The Legal Record
1701 E. Cedar St., Ste. 111
Olathe, KS 66062-1775
(913) 780-5790

CITY OF LENEXA
17101 W 87TH ST
LENEXA KS 66219-9720

First published in The Legal Record, Tuesday, September 14, 2021.

ORDINANCE NO. 5845 SUMMARY

On September 7, 2021 the City of Lenexa, Kansas passed Ordinance No. 5845, entitled:

AN ORDINANCE AMENDING ORDINANCE NO. 5608 TO MODIFY THE BOUNDARY OF THE PUBLIC MARKET COMMON CONSUMPTION AREA AND AMEND CERTAIN RULES AND REGULATIONS PERTAINING TO THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE PUBLIC MARKET COMMON CONSUMPTION AREA.

This Ordinance amended Ordinance No. 5608 which established a common consumption area on the southwest corner of 87th Street Parkway and Penrose Lane. The Ordinance modified the boundary of the Public Market Common Consumption Area ("Public Market CCA") to include a portion of sidewalk along 87th Street to improve pedestrian traffic flow during events. In addition, the Ordinance amended the hours of sale and possession of alcoholic liquor within the Public Market CCA to start at 6:00am to more align with State Law. Finally, the Ordinance authorized the City Manager to approve the possession or consumption of alcoholic liquor purchased outside of the Public Market CCA.

The complete text of this ordinance may be obtained or viewed free of charge at the Lenexa City Hall, City Clerk's Office, 17101 W. 87th Street Parkway, Lenexa, KS 66219. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.lenexa.com. This summary is certified as legally accurate and sufficient by Steven Shrout, Assistant City Attorney.

September 8, 2021
9/14

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS; Maureen Gillespie, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Clerk for The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than one year prior to the first publication of the notice attached, and has been entered at the post office as Periodicals Class mail matter. That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 5845 SUMMARY
9/14/21

Maureen Gillespie, Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:

September 14, 2021

Notary Public

PENNY KNIGHT
Notary Public-State of Kansas
My Appt. Expires Dec. 31, 2021

L92869
Publication Fees: $23.28

RESOLUTION NO. 041822-H

AN RESOLUTION ESTABLISHING A COMMON CONSUMPTION DISTRICT WITHIN THE CITY OF GREAT BEND, KANSAS, AND DESIGNATION GREAT BEND ALIVE, INC. AS THE DESIGNATED PERMITTEE FOR THE DISTRICT.

WHEREAS, Great Bend Alive, Inc, a not-for-profit Kansas corporation with its principal of business in Kansas, has requested the City designate an area located within the city limits of Great Bend, Kansas for the establishment of a Common Consumption Area pursuant to K.S.A. 41-2659;

WHEREAS, a Common Consumption Area is an indoor and outdoor area not otherwise authorized for the possession and consumption of alcoholic liquor pursuant to a common consumption area permit;

WHEREAS, Great Bend Alive, Inc. has requested the Common Consumption Area be located on Forest Avenue from the intersection at Williams Street and Forest Avenue proceeding east along Forest Avenue to the intersection of Forest Avenue and Main Street and all area from the building frontages to the building frontages on both sides of Forest Avenue; and the alley way in Block 103 to the City of Great Bend running from Forest Avenue to Lakin Street up to and along the rear of the buildings on the east side of the alley and then along a line running north and south parallel to the west edge of the diagonal parking and up to and along the side of the building on the north end of said alley way (the "Alley Area"), all as shown on the map attached hereto;

WHEREAS, the Common Consumption Area will require the closing of Forest Avenue and Alley Area within the designated area from time to time for the possession and consumption of alcoholic liquor in the area permitted; and

WHEREAS, Great Bend Alive has requested the City to approve Great Bend Alive, Inc. as the permittee subject to the approval of the Kansas Director of the Division of Alcohol Beverage Control.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GREAT BEND, KANSAS, the request for the approval of the Common Consumption Area from the intersection at Williams Street and Forest Avenue proceeding east along Forest Avenue to the intersection of Forest Avenue and Main Street and all area from the building frontages to the building frontages on both sides of Forest Avenue and the Alley Area, all as shown on the map attached hereto, is approved.

RESOLVED FURTHER, the City of Great Bend, Kansas hereby approves Great Bend Alive, Inc. as the permittee subject to the issuance of common consumption area permit to Great Bend Alive, Inc. by the Kansas Director of the Division of Alcohol Beverage Control and subject to the rules and regulations adopted by the Secretary of Revenue.

RESOLVED FURTHER, the hours and days the consumption and possession of alcoholic liquor is authorized in the Common Consumption Area is from 9:00 a.m. and 12:00 midnight of each day but only during times when the City Administrator, or designee, has approved the closing of the designated arear of Forest Avenue and Alley Area to motorized traffic during the hours alcohol is authorized to be consumed and possessed within the Common Consumption Area.

RESOLVED FURTHER, during hours alcohol is authorized to be consumed and possessed within the Common Consumption Area, the Common Consumption Area of Forest Avenue and Alley Area shall be closed to all motorized traffic. The request for closure of the Common Consumption Area located on Forest Avenue and Alley Area shall be made by the permittee to the City Administrator, or designee, at least 48 hours prior to the requested times of operation. The request for closure of the Common Consumption Area on Forest Avenue and Alley Area shall be made upon a form provided.

RESOLVED FURTHER, inappropriate conduct shall not be permitted within the boundaries of the Common Consumption area, and any person engaging in inappropriate conduct shall be subject to removal from the area. 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 or City ordinance.

RESOLVED FURTHER, Resolution No. 062121-1 is hereby cancelled and of no further force or affect.

RESOLVED FURTHER, the approval of the Common Consumption District and Great Bend Alive, Inc as the licensee shall be from April 1, 2022 until December 31, 2026, unless renewed as required at law.

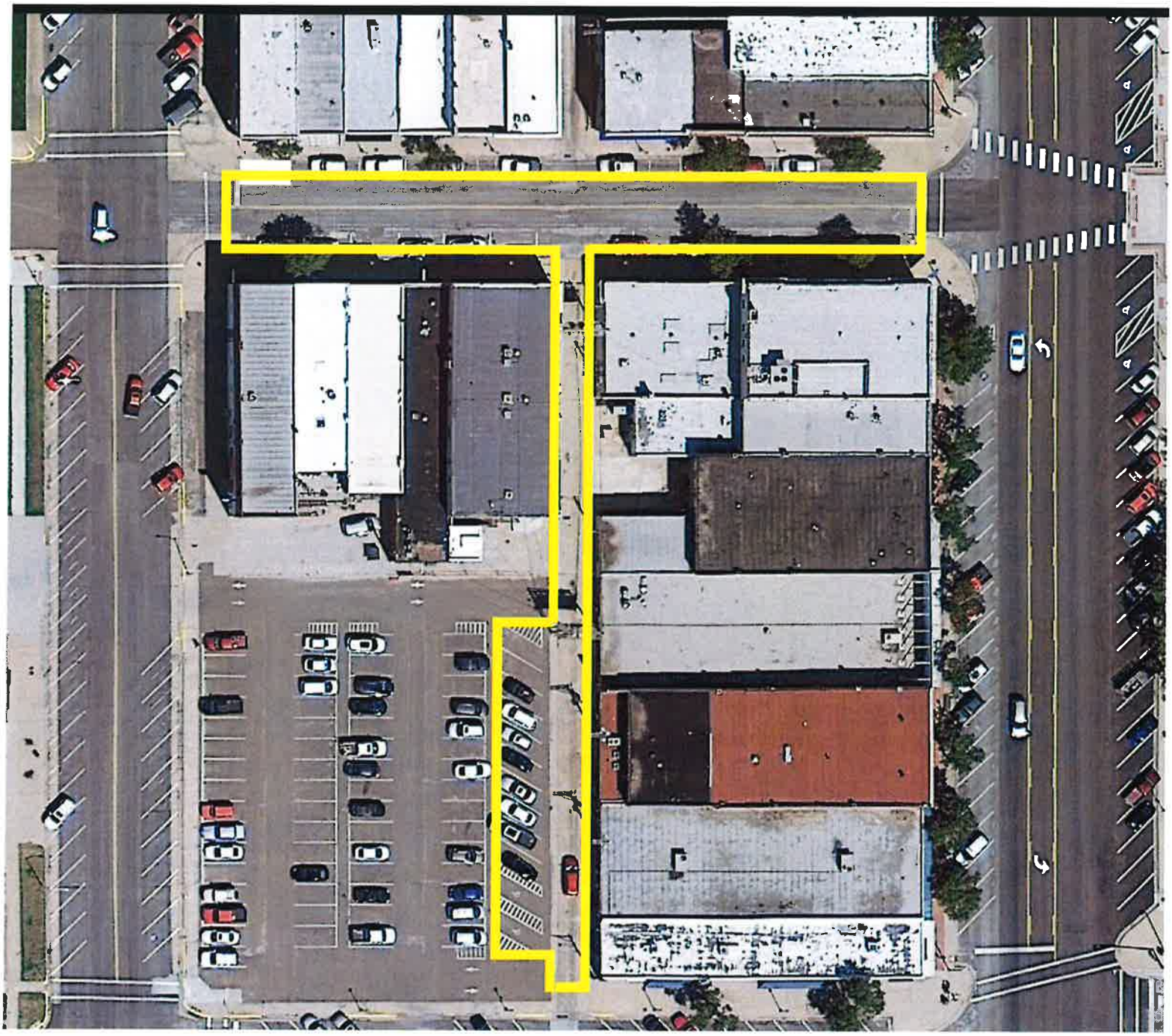
ADOPTED AND PASSED this 18th day of April 2022.

(SEAL)
ATTEST:

City of Great Bend, Kansas
GREAT BEND
Official Seal

Shawna Schafer, City Clerk

Cody Schmidt, Mayor



Common Consumption District

Independence Main Street

House Bill 2059

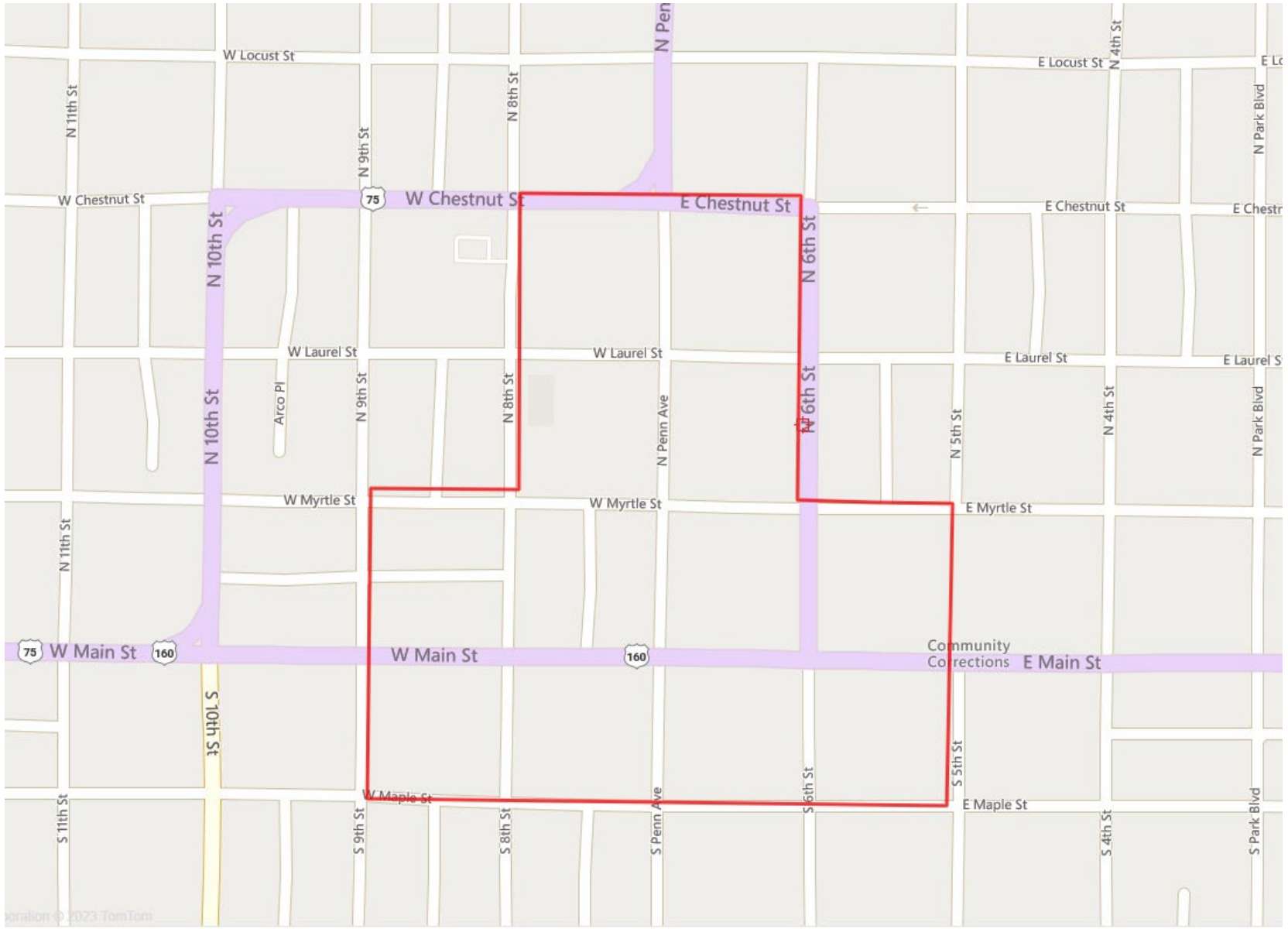
- Signed bill April 24, 2023
- Sec. 7. On and after July 1, 2023, K.S.A. 41-2659 is hereby amended to read as follows: 41-2659. (a) (1) A city or a county may establish one or more common consumption areas within the limits of the city or within the unincorporated portion of the county, as applicable, by ordinance or resolution, respectively, and authorize the possession and consumption of alcoholic liquor or cereal malt beverage within the common consumption area. The ordinance or resolution shall designate the boundaries of any common consumption area and prescribe the times during which alcoholic liquor or cereal malt beverage may be consumed therein. The ordinance or resolution ~~shall~~*may* require that any public street or roadway that lies within a common consumption area ~~shall~~ be blocked from motorized traffic during the hours in which alcoholic liquor or cereal malt beverage is consumed.

Recommendation from Economic Vitality Team and Main Street BOD:

- Restaurants, bars, and breweries within the district, as well as vendors at special events within the district boundaries, may serve alcoholic beverages that may be carried out of the establishment and consumed within the district from 4PM-10PM Monday-Thursday and 10AM-12AM Friday and Saturday.
- The drink must be in a designated cup and the cup can’t exceed 16 ounces and will be provided by a participating business within the district.

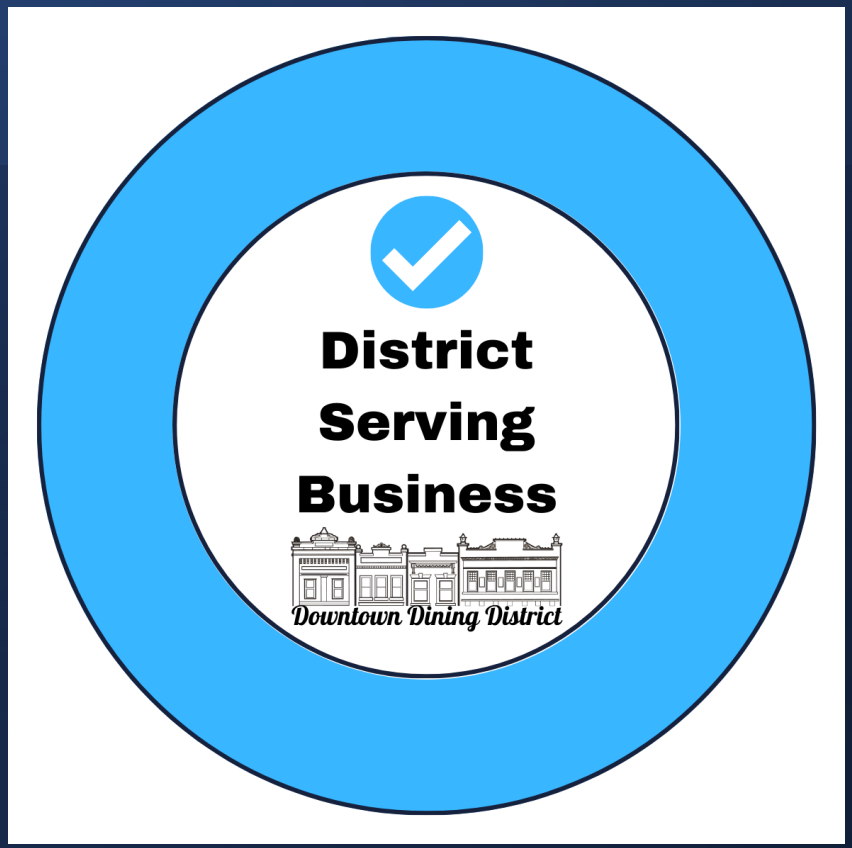
PROPOSED

Downtown
Dining District

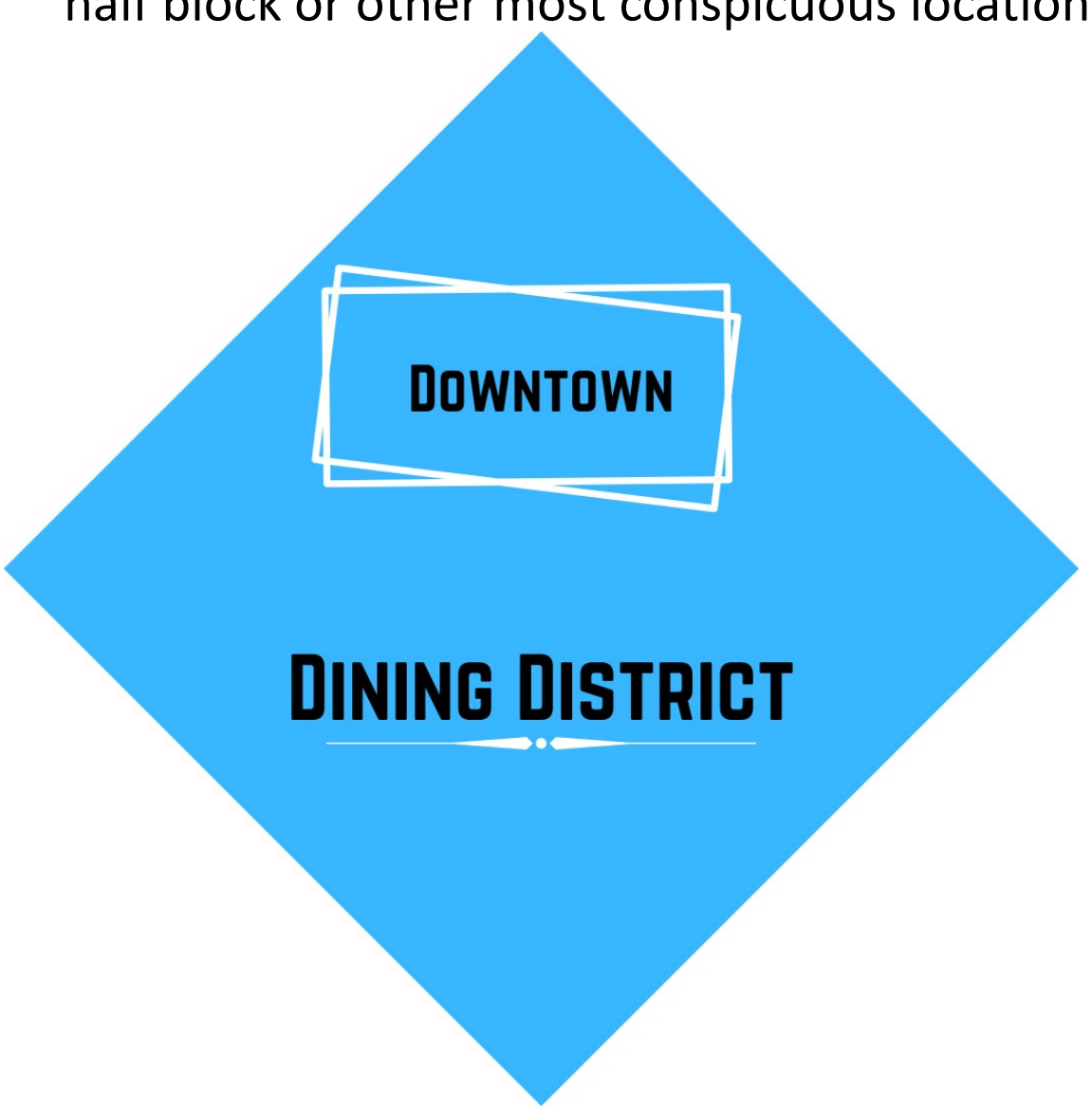


Example:

Window Cling Example:



Sidewalk Example: one on every corner or intersection and one every half block or other most conspicuous location.



Example in Rogers, AR.

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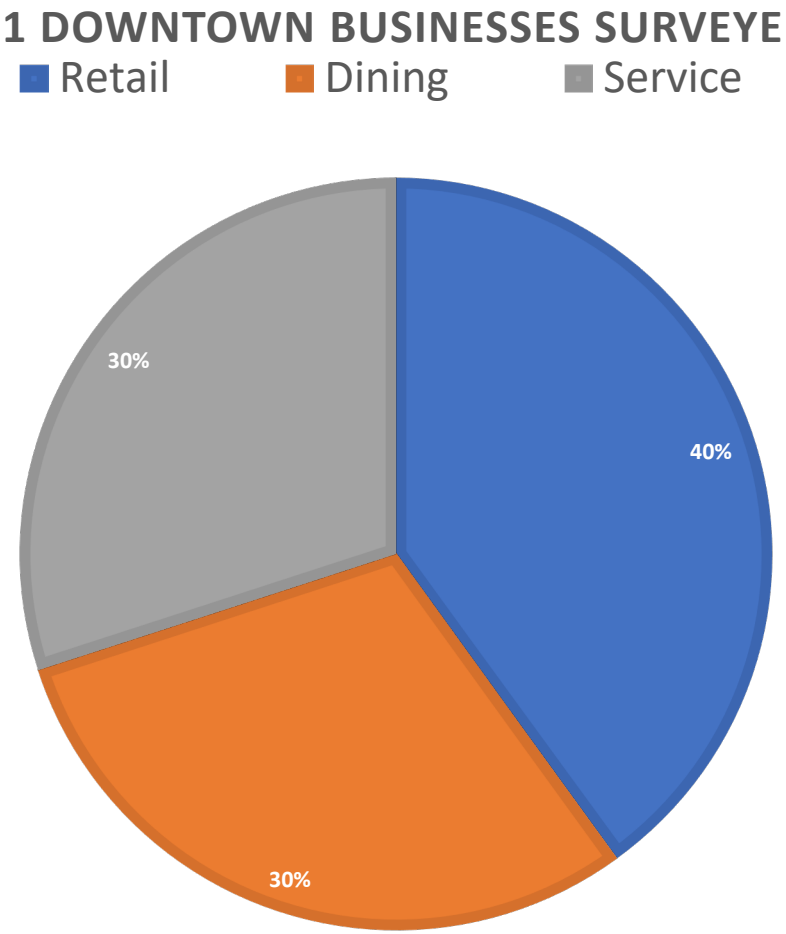
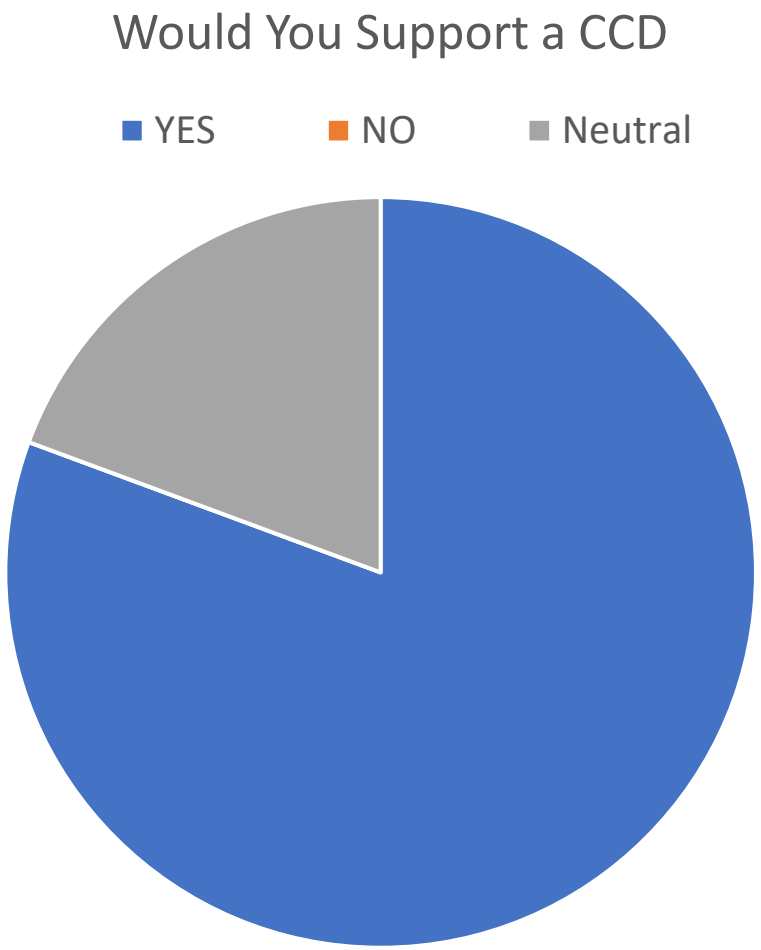
Downtown Survey of Businesses

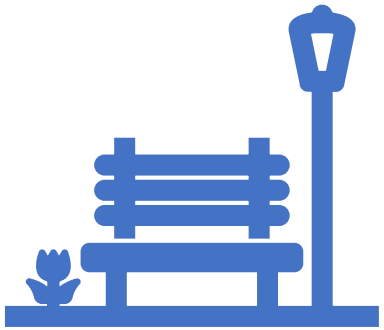


Results:

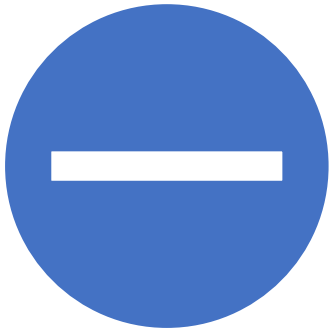


FAQ:

Q: What areas are open containers allowed?



A: Sidewalks, green spaces, and crosswalks.



NOT ALLOWED: Parking Lots

Q: Can people bring their own beverages from home or keep a stash in their trunk.

A: NO

Q: Will drinks be allowed during events like Downtown Movie Night or Trunk or Treat?

A: This would depend on the sponsor of the event. The areas are blocked off and can easily display signage “No district cups beyond this point” or something to that nature.

Addressing other concerns:

- Main Street is working on a new program utilizing volunteers to act as Downtown Ambassadors. Team members will serve as ambassadors during events held in downtown Independence and will work as a united front to welcome visitors downtown, answer questions visitors may have, and encourage people to use **#IndyKS** or something similar when posting about their positive experience in downtown Independence.
- Each team member will be required to attend an orientation to learn more about events, programs, and expectations of being a Downtown Ambassador.

I can’t give you one single ordinance change that has had a more positive benefit to our downtown vibe. When people can exercise their freedoms in Monroe, they tend to more fully support our businesses while more fully enjoying themselves. As a matter of fact, our downtown sales during the first quarter of the year beat our local WalMart. As Mayors and City Council Members, it is incumbent upon all of us to have a healthy downtown and local business community. We will do everything in our power, to help our restaurants succeed, which, in turn, will help their neighboring businesses flourish.

FINALLY, due to our relaxing of open containers within our entertainment district, we have not had one negative issue with law enforcement.

Mayor John Howard, Monroe, GA

“Our downtown sales during the first quarter of the year beat our local Walmart.”

"Over the 10 years we've had it, open container has helped further the revitalization of downtown Brunswick more than most other incentives and/or developments. Bringing people outside, even with a beer in hand, goes far to indicate that the downtown area is safe and that something is going on worth stopping for."

Mathew Hill, DDA Executive Director
Brunswick, GA

"…open container has helped further revitalization of downtown Brunswick more than most other incentives."

2022-2023

- Restaurant A: 30% increase
- Restaurant B: 51% increase (food sales) and 29% increase (alcohol sales) over LY
- Retail A: 400% increase over LY
- Retail B: 33% increase over LY

Questions?

REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
July 19, 2023

Department Finance | **Director Approval** Lacey Lies

AGENDA ITEM Consider approving notification to the County of the City's intent to exceed the Revenue Neutral Rate and establish a maximum mill rate.

SUMMARY RECOMMENDATION Authorize notifying of the City's intent to exceed the RNR.

BACKGROUND The City must certify to the County its intent to exceed the revenue neutral rate no later than July 20th.

FINANCIAL INFORMATION Proposed Rate, 56.515 mills per $1,000 of assessed valuation. Prior rate, 54.515 per $1,000 of assessed valuation.

Valuation	Assessed Valuation (Residential)	Annual Cost of 2 Mills
$120,000	$13,800	$27.60
$100,000	$11,500	$23.00
$80,000	$9,200	$18.40

SUGGESTED MOTION I move to certify to the county the City's intent to exceed the Revenue Neutral Rate at 56.515 mills.

SUPPORTING DOCUMENTS