

ORDINANCE NO. G-1223

AN ORDINANCE AMENDING SECTIONS 220.715 "POSSESSION OR CONSUMPTION OF ALCOHOLIC LIQUOR IN A PUBLIC PLACE -- PENALTY" AND SECTION 220.720 "POSSESSION OR CONSUMPTION OF CEREAL MALT BEVERAGES IN A PUBLIC PLACE" OF ARTICLE VIII "OFFENSES AGAINST PUBLIC PEACE" OF CHAPTER 220 "OFFENSES" OF TITLE II "PUBLIC HEALTH AND WELFARE" AND REPEALING SECTION 605.160 "CONSUMPTION IN PUBLIC—DISCRETION OF CITY COMMISSION" OF THE CODE OF ORDINANCES OF THE CITY OF JUNCTION CITY, KANSAS

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

SECTION 1. Section 220.715: - Possession or Consumption of Alcoholic Liquor in a Public Place—Penalty” of Article VIII, Chapter 220, Title II of the Code of Ordinances of the City of Junction City, Kansas is hereby amended to read as follows:

SECTION 220.715: - SALE, POSSESSION OR CONSUMPTION OF ALCOHOLIC LIQUOR IN A PUBLIC PLACE—PENALTY

- A. Except as provided herein, no person shall sell, serve or consume alcoholic liquor or possess an open container thereof upon the public streets, alleys, roads or highways or inside vehicles while on the public streets, alleys, roads or highways. Alcoholic liquor may be sold, served and consumed at a special event held on public streets, alleys, roads, sidewalks or highways when a temporary permit has been issued pursuant to K.S.A 41-2645, and amendments thereto, for such special event and the Governing Body has approved the special event by ordinance. Special events may occur on a street, alley, road, sidewalk or highway only if the Governing Body closes the streets, alley, road, sidewalk or highway to motor vehicle traffic during the special event. For the purposes of this Section, "special event" means a picnic, bazaar, festival or other similar community gathering approved by the Governing Body. The boundaries of any such event shall be clearly designated in any application for the special event and shall be clearly designated in any approval granted by the Governing Body. The boundaries of such special event shall be clearly marked by signs, a posted map or other means which reasonably identify the area in which alcoholic liquor may be possessed or consumed at such special event. No person shall remove any alcoholic liquor from inside the boundaries of a special event, and no alcoholic liquor may be consumed inside vehicles while on public streets, alleys, roads or highways at any such special event. No person shall possess or consume alcoholic liquor inside the premises licensed as a special event that was not sold or provided by the licensee holding the temporary permit for such special event. Drinking establishments that are immediately adjacent to, or located within the licensed premises of a special event, for which a temporary permit has been issued and the consumption of alcoholic liquor on public property has been approved, may request that the drinking establishment's licensed premises be extended into and made a part of the licensed premises of the special event for the duration of the temporary permit issued for such special event. Each licensee selling alcoholic liquor for consumption on the premises of a special event for

which a temporary permit has been issued shall be liable for violations of all laws governing the sale and consumption of alcoholic liquor.

- B. Except as provided herein, no person shall sell, serve or consume alcoholic liquor upon property owned by the State or any governmental subdivision thereof. As exceptions to the provisions of this subsection B, the sale, serving of, possession and consumption of alcoholic liquor is permitted in the following public buildings and their environs under the conditions hereinafter enumerated: the Municipal Building, 12th Street Community Center, Spin City, CL Hoover Opera House and Rolling Meadows Golf Course Club House. If such sale, service, or consumption is to occur in one of the enumerated buildings at a public event or events which are not being sponsored by the City, the sponsor of such event is required to must obtain the approval of the City Commission to sell or serve alcoholic liquor at the event. The sponsor shall provide to the City Clerk an application specifying the times and nature of the event and including proof of liability insurance covering the possession, sale and consumption of alcoholic liquor on public property, with the applicant and the City named as insured parties. The City Commission may place reasonable restrictions on such sale, serving of, possession and consumption of alcoholic liquor in terms of location and duration of the event and measures to ensure compliance with other applicable ordinances of the City. The applicant shall comply with all applicable City ordinances and State laws regarding alcoholic liquor licenses and permits.
- C. The sale, serving, possession or consumption of alcoholic liquor in a public place in violation of this a Class C misdemeanor.

SECTION 2. Section 220.720: - Possession or Consumption of Cereal Malt Beverage in a Public Place—Penalty” of Article VIII, Chapter 220, Title II of the Code of Ordinances of the City of Junction City, Kansas is hereby amended to read as follows:

SECTION 220.720: - POSSESSION OR CONSUMPTION OF CEREAL MALT BEVERAGE IN A PUBLIC PLACE—PENALTY

- A. Except as provided herein, no person shall sell, serve or consume cereal malt beverage or possess an open container thereof upon the public streets, alleys, roads or highways or inside vehicles while on the public streets, alleys, roads or highways. Cereal malt beverages may be sold, served and consumed at a special event held on public streets, alleys, roads, sidewalks or highways when a special event retailers’ permit for such event has been issued pursuant to K.S.A 41-2703, and amendments thereto, and the Governing Body has approved the special event by ordinance. Special events may occur on a street, alley, road, sidewalk or highway only if the Governing Body closes the streets, alley, road, sidewalk or highway to motor vehicle traffic during the special event. For the purposes of this Section, "special event" means a picnic, bazaar, festival or other similar community gathering approved by the Governing Body. The boundaries of any such event shall be clearly designated in any application for the special event and shall be clearly designated in any approval granted by the Governing Body. The boundaries of such special event shall be clearly marked by signs, a posted map or other means which reasonably identify the area in which cereal malt beverages may be possessed or consumed at such special event. No person shall remove any cereal malt beverages from inside the boundaries of a special event, and no cereal malt beverages may be consumed inside vehicles while on public streets, alleys, roads or

highways at any such special event. No person shall possess or consume cereal malt beverages inside the premises licensed as a special event that was not sold or provided by the licensee holding the temporary permit for such special event. Drinking establishments that are immediately adjacent to, or located within the licensed premises of a special event, for which a temporary permit has been issued and the consumption of cereal malt beverages on public property has been approved, may request that the drinking establishment's licensed premises be extended into and made a part of the licensed premises of the special event for the duration of the temporary permit issued for such special event. Each licensee selling cereal malt beverages for consumption on the premises of a special event for which a temporary permit has been issued shall be liable for violations of all laws governing the sale and consumption of cereal malt beverages.

- D. Except as provided herein, no person shall sell, serve, or consume cereal malt beverages upon property owned by the State or any governmental subdivision thereof. As exceptions to the provisions of this subsection B, the sale, possession and consumption of cereal malt beverages is permitted in the following public buildings and their environs under the conditions hereinafter enumerated: the Municipal Building, Spin City, CL Hoover Opera House, Rolling Meadows Golf Course Club House and Rathert Stadium. If such sale, service, or consumption is to occur in one of the enumerated buildings at a public event or events which are not being sponsored by the City, the sponsor of such event is required to must obtain the approval of the City Commission to sell or serve cereal malt beverages at the event. The sponsor shall provide to the City Clerk an application specifying the times and nature of the event and including proof of liability insurance covering the possession, sale and consumption of cereal malt beverages on public property, with the applicant and the City named as insured parties. The City Commission may place reasonable restrictions on such sale, serving of, possession and consumption of cereal malt beverages in terms of location and duration of the event and measures to ensure compliance with other applicable ordinances of the City. The applicant shall comply with all applicable City ordinances and State laws regarding cereal malt beverages licenses and permits.
- B. The sale, serving, possession or consumption of cereal malt beverages in a public place in violation of this section is a Class C misdemeanor.

SECTION 3. Section 605.160 is hereby repealed, and all other ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

SECTION 4. This Ordinance shall be effective upon publication as required by law.

Passed and adopted by the Governing Body of the City of Junction City, Kansas this 17th day of April, 2018.



ATTEST: (Seal)

CITY OF JUNCTION CITY, KANSAS

A handwritten signature in blue ink, appearing to read "Pat Landes", is written over a horizontal line.

Pat Landes
Mayor

A handwritten signature in blue ink, appearing to read "Shawna Settles", is written over a horizontal line.

Shawna Settles, City Clerk