

ORDINANCE NO. 596

AN ORDINANCE OF THE CITY OF WATHENA, KANSAS, ENACTED IN ACCORDANCE WITH KANSAS STATUTES ANNOTATED 41-719(d), PROVIDING AN EXEMPTION FROM THE BAN ON CONSUMPTION OF ALCOHOLIC LIQUOR ON PUBLIC PROPERTY CONTAINED IN KANSAS STATUTES ANNOTATED 41-719(c); PROVIDING FOR LIMITED EXCEPTIONS TO THE BAN ON CONSUMPTION OF CEREAL MALT BEVERAGE AND ALCOHOLIC LIQUOR ON PUBLIC PROPERTY CONTAINED IN THE ORDINANCES OF SAID CITY; ESTABLISHING THE TERMS OF SUCH LIMITED EXCEPTION; ESTABLISHING THE PROCEDURE FOR OBTAINING A PERMIT TO ALLOW FOR SUCH LIMITED EXCEPTION.

WHEREAS, K.S.A 41-719(c), as amended, provides for a ban on consumption of alcoholic liquor on public property; and,

WHEREAS, K.S.A. 41-719(d) allows Kansas cities, by ordinance, to exempt the application of the provisions banning such consumption on any property the title of which is vested in such city; and,

WHEREAS, City of Wathena Ordinance No. 229 provides for a ban on consumption of cereal malt beverage and alcoholic liquor on public property within the City of Wathena; and,

WHEREAS, the City of Wathena believes it to be in the public interest to allow a limited exception to the ban on both cereal malt beverage and alcoholic liquor as the same pertains to city property on certain limited occasions; and,

WHEREAS, the City of Wathena pursuant to the allowed state exemption and its authority pursuant to home rule, hereby establishes the terms and conditions under which such limited exception and lifting of such ban shall apply.

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

SECTION 1: EXEMPTION FROM K.S.A 41-719(c). The City of Wathena hereby provides limited exemptions from the provisions of K.S.A. 41-719(c), as the same may be amended from time to time, that otherwise establishes a ban on consumption of alcoholic liquor upon all public property within the State of Kansas that is not exempted thereby.

SECTION 2. EXCEPTION TO ORDINANCE NO. 229. The City of Wathena hereby provides limited exceptions to the provisions of Ordinance No. 229 that provides for a ban on consumption of cereal malt beverage and alcoholic liquor on public property within the City of Wathena.

SECTION 3. LIMITED CONSUMPTION ALLOWED. The City of Wathena hereby specifically allows the consumption, and possession in an open container, of cereal malt beverage and alcoholic liquor, as follows:

a. Within the interior confines of the structure known and designated as the Wathena Community Building, located at 303 St. Joseph Street, Wathena, Kansas, under the limited terms and circumstances set forth herein.

SECTION 4. TERMS OF CONSUMPTION. Said consumption and possession of cereal malt beverage and alcoholic liquor is limited to the following additional terms and conditions:

- a. Only when a permit is granted as set forth herein.
- b. No such possession (of an open container) or consumption is allowed on the premises outside such building or in the contiguous parking lot.
- c. No one under the age of 21 years shall be allowed such consumption or possession.
- d. All other limitations on the use or possession of cereal malt beverage or alcoholic liquor, by virtue of city ordinance or state law, are not affected by the terms hereof and remain in full force and effect.

SECTION 5. PERMIT. The permit to allow such limited consumption and possession shall be governed by the following terms and conditions:

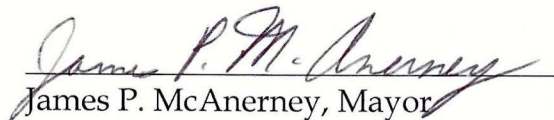
- a. Any applicant/user of said Wathena Community Building that meets all qualifications for use of such building may apply for a permit to allow such consumption and possession in connection with their use event.

- b. Any such applicant/user shall agree, as a condition of issuance of such permit, to insure compliance with the terms of such limited exception as set forth herein, along with all other City of Wathena ordinances or state laws relating to the possession, use or consumption of cereal malt beverage or alcoholic liquor. Any violation thereof by applicant/user or guests or invitees may result in a forfeiture of part or all of any required deposit made in connection with such use, in the sole discretion of the city.
- c. Such permit shall be issued by a designated representative of the City of Wathena on a form prepared for such purpose.

SECTION 6. AMENDMENT. The provisions of Ordinance No. 229 of the City of Wathena is amended to the limited extent set forth herein, as are any other ordinances of the City of Wathena in conflict herewith.

SECTION 7. EFFECTIVE DATE. This ordinance shall take effect and be in force and take effect from and after its publication in The Kansas Chief, the official City newspaper.

PASSED by the Council and APPROVED by the Mayor on the 2nd day of February, 2009.


James P. McAnerney, Mayor

ATTEST:


James Richardson, City Clerk