

(Summary Published in The Morning Sun on June 17, 2022)

**ORDINANCE NO. G-1338**

**AN ORDINANCE** AMENDING SECTIONS 6-190 THROUGH 6-195 AND SECTION 6-197 OF THE PITTSBURG CITY CODE TO AUTHORIZE THE POSSESSION AND CONSUMPTION OF CEREAL MALT BEVERAGE WITHIN THE COMMON CONSUMPTION AREA BOUNDARIES.

WHEREAS, the City previously created a new Division 4 in Article III of Chapter 6 and new sections 6-190 through 6-197 of the Pittsburg City Code and established a common consumption area;

WHEREAS, the certain areas of the Downtown Overlay District are used from time to time as public gathering places for special events and civic events and the City established a common consumption area, to allow the possession and consumption of alcoholic beverages within the Downtown Overlay District during special events and civic events subject to the terms, conditions and restrictions set forth in a special events permit; and

WHEREAS, the City now desires to also allow the possession and consumption of cereal malt beverage within the Downtown Overlay District during special events and civic events subject to the terms, conditions and restrictions set forth in a special events permit.

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

SECTION 1. Section 6-190 of the Pittsburg City Code are hereby amended as follows:

Article 4. COMMON CONSUMPTION AREA.

**Sec. 6-190. Establishment of Common Consumption Area; Downtown Overlay District.** The Governing Body hereby establishes the Downtown Overlay District as a Common Consumption Area (hereinafter referred to 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, or licensed to permit the consumption of cereal malt beverage. The Downtown Overlay District is defined as 14<sup>th</sup> Street on the north, Euclid Street on the south, Pine Street on the west and Elm Street on the

east. Properties which are located on each side of the block of the above boundary streets are included in the Downtown Overlay District for purposes of this Ordinance.

SECTION 2. Section 6-191 of the Pittsburg City Code are hereby amended as follows:

**Sec. 6-191. Special Event Permit Required; Streets; Hours.** During a special event or civic event which requires a special event 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 and cereal malt beverage is consumed. The possession and consumption of alcoholic liquor and cereal malt beverage within the Downtown Overlay District 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. Section 6-192 of the Pittsburg City Code are hereby amended as follows:

**Sec. 6-192. Permit; Directors of the Division of Alcoholic Beverage Control.** The Governing Body hereby authorizes the possession and consumption of alcoholic liquor and cereal malt beverage in the Downtown Overlay District during a special event or civic event with clearly demarcated boundaries provided that a common consumption area permit (“Permit”) for the Downtown Overlay District 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. Section 6-193 of the Pittsburg City Code are hereby amended as follows:

**Sec. 6-193. Authorized Alcoholic Liquor Containers.** All alcoholic liquor and cereal malt beverage removed from a licensed premise, with a valid CAA 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 or cereal malt 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. Section 6-194 of the Pittsburg City Code are hereby amended as follows:

**Sec. 6-194. Purchases Outside CAA.** The possession or consumption of alcoholic liquor and cereal malt beverage purchased outside the boundaries of the CAA shall not be permitted inside the boundaries of the special event or civic event and CAA.

SECTION 6. Section 6-195 of the Pittsburg City Code are hereby amended as follows:

**Sec. 6-195. Purchases Within CAA.** No open container of alcoholic liquor or cereal malt beverage, purchased within the CAA shall be removed from the boundaries of the CAA and special event or civic event.

SECTION 7. Section 6-197 of the Pittsburg City Code are hereby amended as follows:

**Sec. 6-197. 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 and cereal malt beverage.

SECTION 8. The Ordinance shall become effective upon passage and publication of the ordinance summary in the official City newspaper.

**PASSED and APPROVED by the Governing Body this 14 day of June, 2022.**

  
Cheryl Brooks, Mayor

ATTEST:

  
Tammy Nagel, City Clerk

