

(Summary Published in The Morning Sun on July 27th, 2018)

ORDINANCE NO. G-1282

AN ORDINANCE CREATING A NEW DIVISION 4 IN ARTICLE III OF CHAPTER 6 AND CREATING NEW SECTIONS 6-190 THROUGH 6-197 OF THE PITTSBURG CITY CODE ESTABLISHING A COMMON CONSUMPTION AREA AND AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR WITHIN THE COMMON CONSUMPTION AREA BOUNDARIES.

WHEREAS, the City desires to create a new Division 4 in Article III of Chapter 6 and new sections 6-190 through 6-197 of the Pittsburg City Code to establish a common consumption area.

WHEREAS, the new Division 4 in Article 6 shall be entitled: Common Consumption Area.

WHEREAS, the certain areas of the Downtown Overlay District are intended to be used from time to time as public gathering places for special events and civic events 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 Downtown Overlay District during special events and civic events subject to the terms, conditions and restrictions set forth in a special events permit.

WHEREAS, the Downtown Overlay District is defined as an area bounded by 14th 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.

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

SECTION 1. Article 4 in Chapter 6, and sections 6-190 through 6-197, of the Pittsburg City Code are hereby created 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 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 Downtown Overlay District is defined as 14th 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.

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 is consumed. The possession and consumption of alcoholic liquor 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.

Sec. 6-192. Permit; Directors of the Division of Alcoholic Beverage Control. The Governing Body hereby authorizes the possession and consumption of alcoholic liquor 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.

Sec. 6-193. 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.

Sec. 6-194. 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.

Sec. 6-195. 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.

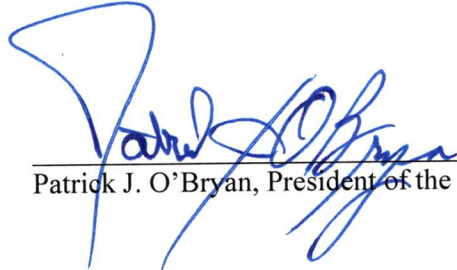
Sec. 6-196. Inappropriate Conduct; Prohibited. Inappropriate conduct shall not be permitted within the boundaries of the CCA and special event or civic event in the Downtown Overlay District, and any person engaging in inappropriate conduct shall be subject to removal from the event. Inappropriate conduct 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.

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.

SECTION 2. 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 Downtown Overlay District on behalf of the City.

SECTION 3. 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 24th day of July, 2018.


Patrick J. O'Bryan, President of the Board

ATTEST:


Tammy Nagel, City Clerk

