

**ORDINANCE NO. 19-10999**

**AN ORDINANCE APPROVING A SPECIAL EVENT AND AUTHORIZING THE BARRICADING OF, AND SALE, CONSUMPTION AND POSSESSION OF ALCOHOLIC LIQUOR WITHIN THE SPECIAL EVENT BOUNDARIES**

**WHEREAS**, Seraphim Bread (the "Applicant") has made application for a Special Event Permit to host a community gathering, the "Spilman Plaza Party," from 4:00 p.m. to 9:00 p.m. on April 27, 2019 and if it rains, 4:00 p.m. to 9:00 p.m. on May 4, 2019 (the "Special Event") to be held downtown on Spilman Plaza, as identified on the attached and incorporated Exhibit A (the "Special Event Boundaries"); and

**WHEREAS**, the Applicant requests the sale, possession, and consumption of alcoholic liquor on city streets and public sidewalks as part of the Special Events as governed by K.S.A. 41-719(a)(2), K.S.A. 41-2645, Salina Code Sec. 5-24, and the guidelines set forth in Resolution Number 12-6931; and

**WHEREAS**, Salina Code Sec. 5-16(14) provides that "*Special Event*" means a picnic, bazaar, festival or other similar community gathering which has been approved by the governing body; and

**WHEREAS**, the Special Events is to occur within an allowed area for special events involving the consumption of alcoholic liquor designated in Salina Code Sec. 5-24 and conforms with the guidelines set forth in Resolution Number 12-6931; and

**WHEREAS**, Alcoholic liquor may be consumed at a special event as defined by K.S.A. 41-719(a)(2) held on public streets, alleys, roads, sidewalks or highways when a temporary permit has been issued pursuant to K.S.A. 41-2645 for such special event; the Applicant has applied to the Alcoholic Beverage Control Division of the Kansas Department of Revenue for temporary permits for the Special Events; and

**WHEREAS**, K.S.A. 41-719(a)(2) requires that the Special Events must be approved by ordinance of the local governing body of any city where a special event is being held; **SO NOW THEREFORE**,

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

**Section 1.** Pursuant to K.S.A 41-719(a)(2), K.S.A 41-2645, and Salina Code Sec. 5-24, the Governing Body approves the Special Event to be held within the Special Event Boundaries on April 27, 2019 and if it rains, May 4, 2019, subject to the issuance of the temporary permit for the Special Events to the Applicant by the Alcoholic Beverage Control Division of the Kansas Department of Revenue prior to the Special Event.

**Section 2.** Authorization is given to barricade the Special Event Boundaries. A smaller area may be selected based on the size of the event, but the Special Event Boundaries may not be expanded.

**Section 3.** In accordance with K.S.A. 41-719(a):

- a. No alcoholic liquor may be consumed inside vehicles while on public streets, alleys, roads or highways at the Special Events;
- b. No person shall remove any alcoholic liquor from inside the Special Event Boundaries;
- c. The Special Event Boundaries shall be clearly marked by signs, a posted map or other means which reasonably identify the Special Event Boundaries; and
- d. No person shall possess or consume alcoholic liquor inside the Special Event Boundaries that was

not sold or provided by the Applicant as the licensee holding the temporary permit for the Special Events.

**Section 4. Effective.** This ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper by the following summary:

Ordinance No. 19-10999 Summary

On April 22, 2019, the City Commission passed Ordinance No. 19-10999. The Ordinance authorizes the sale, possession and consumption of alcoholic liquor in and the barricading of a designated area of Spilman Plaza and the adjoining public sidewalks in the downtown area as part of special events (Spilman Plaza Party) to be held on April 27, 2019 and if it rains, May 4, 2019. A complete copy of the Ordinance can be found at [www.salina-ks.gov](http://www.salina-ks.gov) or in the office of the City Clerk, 300 W. Ash, free of charge. This summary is certified by the City's legal counsel.

Introduced: April 8, 2019

Passed: April 22, 2019

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Trent W. Davis, M.D., Mayor

[SEAL]  
ATTEST:

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Shandi Wicks, CMC, City Clerk

The publication summary set forth above is certified this \_\_\_\_ day of April, 2019.

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Greg A. Bengtson, City Attorney