

(First published in the Winfield Daily Courier on Friday, August 9, 2013)

**BILL NO. 1360**

**ORDINANCE NO. 3989**

**AN ORDINANCE**

**ADOPTING** a new Article for the Code of the City of Winfield allowing Temporary Entertainment Districts within the City Limits of the City of Winfield, by approving new Article IV, Temporary Entertainment Districts, to Chapter 6 of the Code of the City of Winfield.

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

**Section 1.** New Article IV. Temporary Entertainment Districts of Chapter 6 of the Code of the City of Winfield, Kansas, shall be adopted as follows:

**ARTICLE IV TEMPORARY ENTERTAINMENT DISTRICT**

**Section 6-120 Definitions**

“Temporary Entertainment District” means a defined area, which includes City streets, alleys, parking lots and public sidewalks on which the City Commission has authorized the sale, possession or consumption of alcoholic liquor or cereal malt beverage for a specified period of time, during a community event which has been properly permitted under Chapter 8 of this Code.

Other definitions already set out in this Chapter shall apply.

**Section 6-121 Applications; Approval**

(a) Any applicant who desires to sell or allow the consumption of alcoholic liquor or cereal malt beverage at a community event, shall submit an application to the City Clerk for the sale or consumption of such alcoholic liquor or cereal malt beverage at such community event by and including the designation of a Temporary Entertainment District.

(b) Written application must be submitted on a form provided by the City Clerk. The application is to be submitted to the City Clerk not less than 30 days before the date of the proposed community event at which there is to be a Temporary Entertainment District.

(c) The written application shall contain the following information:

(1) The name and address of the applicant;

(2) The dates and times when alcoholic liquor or cereal malt beverages will be served at such event;

(3) All necessary and applicable state and City licenses and/or permits for the sale of alcoholic liquor or cereal malt beverage at such event, or written documentation that an application is pending for such permits, or licenses;

- (4) A detailed security plan, including:
  - (i) Any company and/or individual providing professional security services shall be approved by the Winfield Police Department;
  - (ii) Winfield Fire Department will be assigned to onsite duty if deemed essential for public safety.
- (5) A plan as to how the event promoter will prevent the off-premises consumption of alcohol and the consumption of alcohol by minors;
- (6) A detailed site map indicating:
  - (i) Entry and exit points to the event venue(s);
  - (ii) Description of the signage, barriers or maps which will be used to designate the area in which alcoholic liquor or cereal malt beverages may be consumed, including the number, size and location of such signs;
  - (iii) The number and exact locations of all alcoholic liquor or cereal malt beverage sale/distribution booths.
- (7) Whether entry to the event or Temporary Entertainment District is restricted to invited guests or open to the public;
- (8) The type of alcoholic liquor (beer, wine, spirits) or cereal malt beverage to be sold or dispensed and the means or method which will be used to sell, dispense or distribute the alcohol or cereal malt beverage to event attendees;
- (9) The identity of the onsite supervisor of the alcoholic liquor or cereal malt beverage service;
- (10) A list of streets and/or street rights-of-way to be closed to motor vehicle traffic for such event, with dates and times for such street closures.

(d) The City Commission shall review written applications for Temporary Entertainment Districts and may, by resolution, authorize the possession, sale and/or consumption of alcoholic liquor on streets which have been closed to motor vehicle traffic and sidewalks in the designated Temporary Entertainment District. No zoning, variance or temporary use request shall be necessary.

#### Section 6-122 Serving and Consumption Requirements

(a) Alcoholic liquor or cereal malt beverages served at a community event or in a Temporary Entertainment District are to be served in distinctively different containers than those in which non-alcoholic drinks are served.

(b) Alcoholic liquor or cereal malt beverages served at a community event or in a Temporary Entertainment District are not to be sold or served in pitchers, buckets or carafes and no person is to be served or allowed to purchase more than two alcoholic drinks at the same time.

(c) Alcoholic liquor or cereal malt beverages shall not be served, sold or consumed in glass bottles, glass containers or glass vessels at a community event or in a Temporary Entertainment District.

(d) If multiple alcoholic liquor or cereal malt beverage vendors or licensees are participating in a community event or Temporary Entertainment District, each vendor or licensee must serve their alcoholic liquor or cereal malt beverage in distinctive containers which identify such vendor or licensee.

(e) It shall be unlawful for any person, at a community event or in a Temporary Entertainment District, to sell, serve or allow the consumption of alcoholic liquor or cereal malt beverages to or by any individual who is not wearing a wristband or other identifying device to indicate that the individual is the legal age for consumption of alcoholic liquor or cereal malt beverage.

(f) It shall be unlawful for any person to possess or consume alcoholic liquor or cereal malt beverages at a community event or in a Temporary Entertainment District unless such person is wearing a wristband to indicate that such individual is the legal age for consumption of alcoholic liquor or cereal malt beverage.

(g) It shall be unlawful for any person to distribute, sell or allow the consumption of any alcoholic liquor on the streets or sidewalks within a Temporary Entertainment District without obtaining the approval of the City Commission and any and all necessary state and local permits for the sale of such alcoholic liquor.

(h) Persons will be allowed to drink or consume alcoholic liquor or cereal malt beverages in places to which the general public has access only upon the terms and conditions of this Article.

#### Section 6-123 Fees and Costs

(a) There is hereby levied a temporary permit fee fixed in Section 34-6 on each group or individual holding issued by the State Director of Alcoholic Beverage Control authorizing sales within the City, which fee shall be paid before the event has begun under the state permit.

(b) The Temporary Entertainment District permit holder will be responsible for any fees charged or costs incurred as a result of the services provided by the City for the event. This will include, but not be limited to, security, extraordinary fire protection, trash service, street closure and clean-up of site.

#### Section 6-124 Posting

Every temporary permit holder shall cause the temporary permit receipt to be placed in plain view on any premises within the City where the holder of the temporary permit is serving or mixing alcoholic liquor and/or cereal malt beverages for consumption on the premises.

#### Section 6-125 Hours of Serving or Consumption of Alcoholic Liquor or Cereal Malt Beverages

No temporary permit holder shall allow the serving, mixing or consumption of alcoholic liquor or cereal malt beverages between the hours of 2:00 a.m. and 9:00 a.m. on any day for any event for which a temporary permit has been issued.

Section 6-126 Underage Persons

It is unlawful for the holder of a temporary permit or his agent, servant, or employee to serve any person under the age of 21 years or permit such underage person to be served, with the following exception: A temporary permit holder's employee who is not less than 18 years of age may work on the premises where alcoholic liquor is sold under the on-premises supervision of either the licensee or permit holder or an employee who is 21 years of age or older.

Section 6-127 Term; Restriction on Number of Permits

A temporary permit shall be issued for a period of time not to exceed three consecutive days, the date and hours of which shall be specified in the permit. Not more than four temporary permits may be issued to any one applicant in a calendar year.

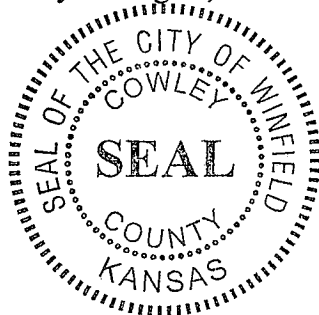
Section 6-128 Violations; Penalties

If the permit holder has violated any of the provisions of this Section, the governing body or its designee shall revoke such temporary permit, and the individual holding the permit shall be charged in municipal court with a violation of the alcoholic liquor laws of the City or this Article, and, upon conviction, shall be punished as provided in Section 1-7.

**Section 2.** This ordinance shall be in full force and effect from and after its passage and publication in the official city newspaper.

ADOPTED this 5th day of August, 2013.

{SEAL}




**CITY OF WINFIELD, KANSAS**

By   
Gregory N Thompson, Mayor

ATTEST:

  
Brenda Peters, City Clerk

Approved as to form:   
William Muret, City Attorney

Approved for Commission action:   
Warren Porter, City Manager