

RESOLUTION NO. 2019-18

AN RESOLUTION ESTABLISHING A COMMON CONSUMPTION AREA
AND AUTHORIZING THE POSSESSION AND CONSUMPTION OF
ALCOHOLIC LIQUOR WITHIN ITS BOUNDARIES.

WHEREAS, in 2017, the Kansas Legislature passed K.S.A. 41-2659, allowing cities and counties to establish a common consumption area and to authorize the possession and consumption of alcoholic liquor within such common consumption area; and

WHEREAS, the City of Baldwin City has been requested by The Lodge (“Operator”) to adopt and allow for a common consumption area within their lobby and on their back deck, located on the North side of their building; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Baldwin City, Kansas, that:

SECTION ONE: In accordance with K.S.A. 41-2659, and amendments thereto, the Governing Body hereby establishes The Lodge common consumption area (the “Lodge CCA”) consisting of the inside area and outdoor area located at 502 Ames St., Baldwin City, KS 66006, as designated on the map, attached hereto as Exhibit A and incorporated herein by reference. The boundaries of the The Lodge CCA shall be clearly marked using a physical barrier or any apparent line of demarcation. There are no public streets or roadways lying with The Lodge CCA.

SECTION TWO: The Governing Body hereby authorizes the possession and consumption of alcoholic liquor in the The Lodge CCA; provided, however, that a common consumption area permit (“Permit”) for the The Lodge CCA has been issued to the Operator by the State of Kansas, Director of the Division of Alcoholic Beverage Control (“Director”) in accordance with K.S.A. 41-2659, and amendments thereto. The possession and consumption of alcoholic liquor within the The Lodge CCA is only permitted between the hours of 6:00 a.m and 2:00 a.m.

SECTION THREE: All alcoholic liquor removed from a licensed premise authorized to participate in the The Lodge CCA 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.

SECTION FOUR: The possession or consumption of alcoholic liquor purchased outside of the The Lodge CCA shall not be permitted inside the boundaries of the The Lodge CCA.

SECTION FIVE: No open container of alcoholic liquor, purchased within the The Lodge CCA, shall be removed from the boundaries of The Lodge CCA.

SECTION SIX: Inappropriate conduct shall not be permitted within the boundaries of The Lodge CCA and any person engaging in such inappropriate conduct shall be subject to removal from The Lodge CCA. 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 law or city code.

SECTION SEVEN: All licenses approved by the ABC to participate in the The Lodge CCA shall at all times comply with any and all federal, state and County laws or regulations pertaining to the purchase and sale of alcoholic liquor.

SECTION EIGHT: The Governing Body hereby authorizes the Operator or their designee to take all reasonably necessary actions, including but not limited to the execution of all documents and instruments, to obtain a Permit for The Lodge CCA.

SECTION NINE: Any violation of such rules and regulations, any official city signage, state law or regulations, or the oral direction of any city employee or authorized volunteer shall be grounds for expulsion from The Lodge CCA and criminal sanctions or any other remedy available under local, state, or federal laws.

SECTION TEN: Effective Date: This Ordinance shall become effective upon passage and publication of the ordinance summary in the official City Newspaper as provided by State law.

Passed by the City Council this 19 day of November, 2019.


Casey Simoneau, Mayor

ATTEST:


Laura E. Hartman, CMC
City Clerk

