

## **ORDINANCE NO. 3756**

AN ORDINANCE AMENDING ORDINANCE 3518 AND EXPANDING THE COMMON CONSUMPTION AREA FORT THE CITY OF FORT SCOTT AND AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR WITHIN ITS BOUNDARIES.

**WHEREAS**, in 2017, the Kansas Legislature passed Chapter 85 of the 2017 Session Laws of Kansas, allowing cities to establish a common consumption area and to authorize the possession and consumption of alcoholic liquor within such common consumption areas; and

**WHEREAS**, the City of Fort Scott intends to expand its common consumption area beyond that which was contained in the Beaux Arts Center at 102 S. National Ave., Fort Scott, Kansas; and

**WHEREAS**, in order to promote public events to be established and maintained within the common consumption area the City of Fort Scott expands its common consumption area as established in the attached Exhibit "A" which is a map outlining the entire area.

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

**Section 1.** The City of Fort Scott adopts as a common consumption area the entire area contained in Exhibit "A" which is a map outlining said area which is attached hereto and incorporated herein by reference.

**Section 2.** The Governing Body hereby authorizes the possession and consumption of alcoholic liquor in Exhibit "A" which is attached hereto and incorporated herein by reference. The City understands that permitted entities contained in the area where the State of Kansas, through its Director of the Division of Alcoholic Beverage Control in accordance with Section 1, Chapter 85 of the 2017 Session Laws of Kansas, and amendments thereto. The possession and consumption of alcoholic liquor within said area is only permitted within the hours of 9:00 A.M. and 12:00 A.M. seven days a week.

**Section 3.** All alcoholic liquor removed from a licensed premise authorized to sell alcoholic liquor under their current license 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 4** This will allow an open container of alcoholic liquor purchased within the common consumption area and provided by business appropriately licensed by the State of Kansas to dispense alcoholic liquor.

**Section 5.** No alcoholic liquor may be removed from those business premises within the common consumption area and allowed to transported within the area.

**Section 6.** In appropriate conduct shall not be permitted within the boundaries of the

common consumption area and any person engaging in such inappropriate conduct shall be subject to removal from the common consumption area. 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 7.** All licensees approved by the ABC to participate in the common consumption area shall at all times comply with any and all federal, state and City laws or regulations pertaining to the purchase and sale of alcoholic liquor.

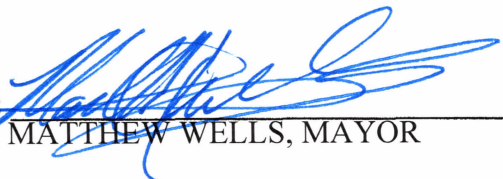
**Section 8.** The Governing Body hereby authorizes the City Manager or his designee to take all reasonably necessary actions, including but not limited to the execution of all documents and instruments to obtain the common area consumption permit on behalf of the City of Fort Scott.

**Section 9.** Subject to receipt of the permit described in Section 2, the Governing Body hereby authorizes the City Manager or his designee to establish rules and regulations pertaining to the use of activities within the common consumption area. A copy of the rules and regulations shall be available at the Office of the City Clerk during regular business hours and on the website maintained by the City. 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 from expulsion from the common consumption area and criminal sanctions or any other remedy available under local, state or federal laws will apply.

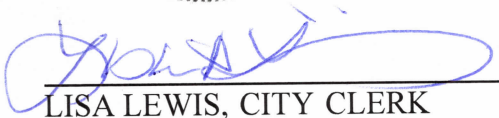
**Section 10** Effective date, this Ordinance shall become effective upon the passage and publication of the Ordinance summary in the official City newspaper as provided by state law.

PASSED AND APPROVED by the Governing Body this 21<sup>st</sup> day of November, 2023.

THE CITY OF FORT SCOTT

BY:   
MATTHEW WELLS, MAYOR



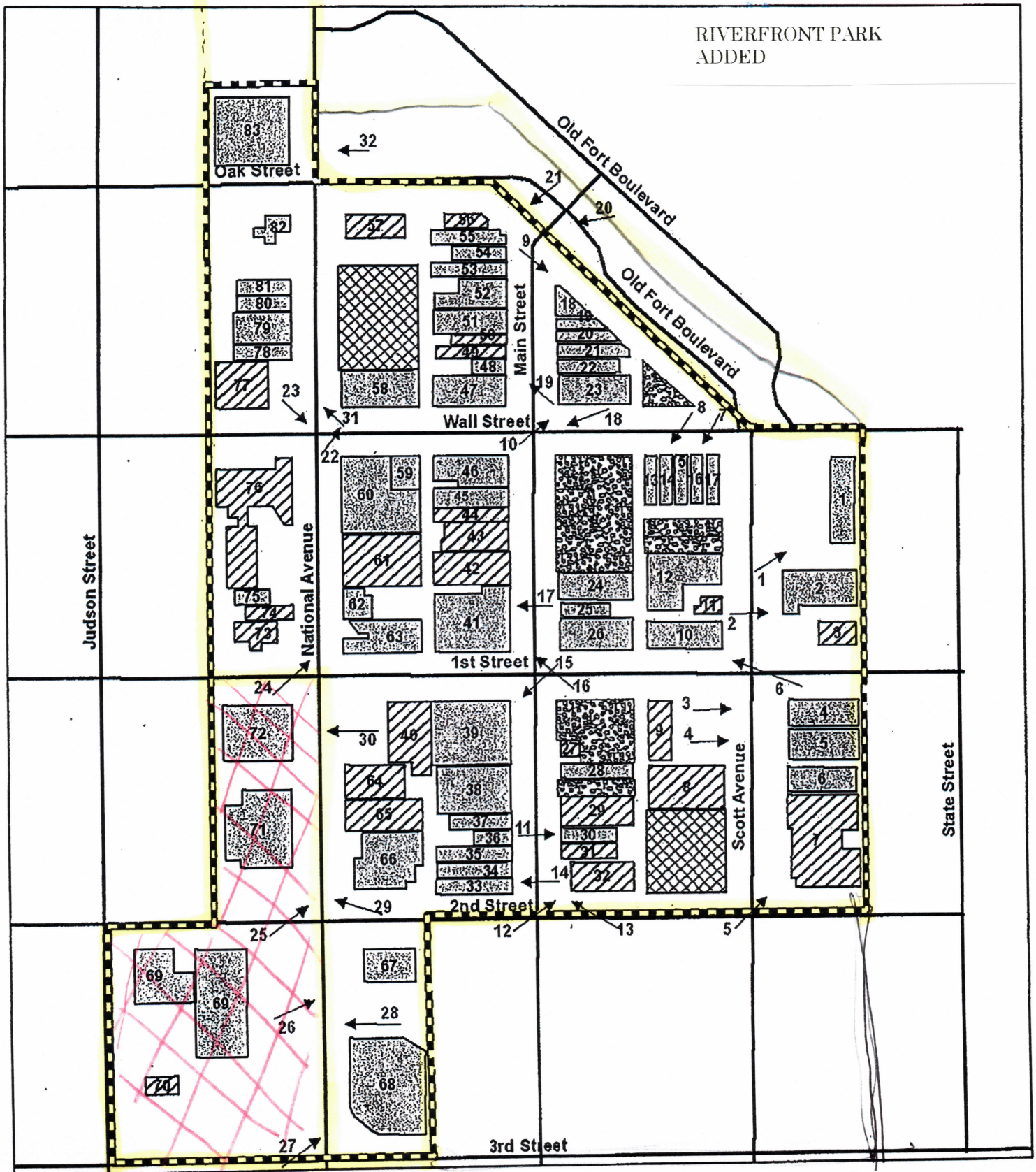
  
LISA LEWIS, CITY CLERK

Holmtown

Pub

# Fort Scott Downtown Historic District

RIVERFRONT PARK  
ADDED



← Photo direction



Historic district



Contributing



Non-Contributing

Streets



Parking lot



Vacant lot

0 50 100 200 Feet

## EXHIBIT "A"