

**ORDINANCE NO. 2188**

**AN ORDINANCE ESTABLISHING A DOWNTOWN COMMON CONSUMPTION AREA WITH THE CORPORATE LIMITS OF THE CITY OF EDGERTON, KANSAS, AND AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR OR CEREAL MALT BEVERAGE WITHIN ITS BOUNDARIES, DURING SPECIAL EVENTS.**

WHEREAS, the City desires to create a new Article 5 in Chapter III of the City of Edgerton's Municipal Code and new sections 3-501 through 3-507

WHEREAS, K.S.A. 41-2659 allows cities 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 Edgerton, Kansas desires to establish a common consumption area in the designated downtown area, to allow the possession and consumption of alcoholic liquor or cereal malt beverage within such common consumption area, subject to certain rules and regulations; and

WHEREAS, in order to establish a common consumption area, the Governing Body is required to adopt an Ordinance pursuant to the provisions of K.S.A 41-2659 and K.S.A 41-719(b) and amendments thereto, which include annually obtaining a permit from the State of Kansas, Director of the Division of Alcoholic Beverage Control (ABC), with payment of the required application fee.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EDGERTON, KANSAS:**

**SECTION 1.** Article 5 in Chapter 3, and sections 3-501 through 3-507 of the Edgerton Municipal Code are hereby created as follows:

ARTICLE 5. COMMON CONSUMPTION AREA.

3-501: COMMON CONSUMPTION AREA ESTABLISHED. In accordance with K.S.A. 41-2659 and K.S.A. 41-719(b), and amendments thereto, the Governing Body of the City of Edgerton hereby establishes the Edgerton Downtown Common Consumption Area (CCA) to allow the possession and consumption of alcoholic liquor or cereal malt beverage within the common consumption area, subject to certain rules and regulations, within the following area: A track of land within the city limits of Edgerton, Johnson County, Kansas, shown generally on Exhibit A, attached hereto and incorporated herein by reference.

3-502: SPECIAL EVENT 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 the alcoholic liquor or cereal malt beverage is consumed. The possession and consumption of alcoholic liquor or cereal malt beverage within the CCA during a special event or civic event will only be allowed between the hours of 12:00 PM and 11:59 PM Sunday through Saturday.

3-503: PERMIT; DIRECTORS OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL. The Governing Body hereby authorizes the possession and consumption of alcoholic liquor or cereal malt beverages within the CCA provided that a common consumption area permit has been issued to the City by the State of Kansas, Director of the Division of Alcoholic Beverage Control in accordance with K.S.A. 41-2659 and amendments thereto.

3-504: AUTHORIZED ALCOHOLIC LIQUOR CONTAINERS. All alcoholic liquor and cereal malt beverages may not be served in a glass container or any container that otherwise represents a potential danger to the public as determined by law enforcement officials. All alcoholic liquor containers must display the licensee's trade name or logo or other identifying mark that is unique to the licensee.

3-505: PURCHASES OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGES. The possession or consumption of alcoholic liquor or cereal malt beverages outside the boundaries of the CCA shall not be permitted inside the boundaries of the special event or civic event and CCA. No open container of alcoholic liquor or cereal malt beverage shall be removed from the boundaries of the CCA during a special event or civic event.

3-506: INAPPROPRIATE CONDUCT; PROHIBITED. Inappropriate conduct shall not be permitted within the boundaries of the CCA 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.

3-507: LICENSES. All licensees approved by the Director to participate in the CCA shall at all times comply with any and all federal and state laws and City ordinances regulating the purchase, sale and consumption of alcoholic liquor.

EXHIBIT A



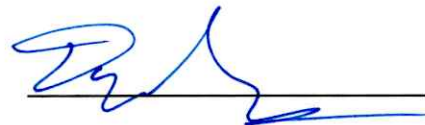
SECTION 2. The Governing Body hereby authorizes the City Administrator or designee to take all necessary actions, including but not limited to the execution of all the documents or instruments required to obtain a CCA Permit for the City of Edgerton.

SECTION 3. The Ordinance shall become effective upon passage and publication of the ordinance summary in the official City newspaper.

**SECTION 4. REPEAL OF CONFLICTING ORDINANCES.** All ordinances or sections of ordinances in conflict herewith are hereby repealed.

**SECTION 5. EFFECTIVE DATE.** This ordinance shall take effect and be in force from and after its passage, approval and publication once in the City's official paper.

PASSED by the Council and APPROVED by the Mayor on this 8<sup>th</sup> Day of January, 2026.



DONALD ROBERTS, Mayor

ATTEST:



DUSTI CALLAHAN, City Clerk

APPROVED AS TO FORM:



TODD LUCKMAN for

Stumbo Hanson, LLP, City Attorneys