



CITY COMMISSION
WEDNESDAY, FEBRUARY 12, 2025 AT 1:00 PM
CITY COMMISSION CHAMBER

ORDER OF BUSINESS

CALL MEETING TO ORDER Mayor Erren Harter

MEMBERS PRESENT

Vice-Mayor Becky Smith
Commissioner Susan Brinkman
Commissioner Tyler Curtis
Commissioner Jamie Sauder

PUBLIC FORUM

The public is invited to make comments at this time. Please limit comments to two (2) minutes each. Please state your name and address prior to making comments.

NEW BUSINESS

1) Ordinance 25-05 Establishing a Common Consumption Area

Presented by: Christina Montgomery, City Attorney

Recommended Action: Approve Ordinance 25-05 Establishing a Common Consumption Area

ADJOURNMENT



Commission Action Report

Ordinance 25-05 Establishing a Common Consumption Area

Title: Ordinance 25-05 Establishing a Common Consumption Area

Agenda Date: February 12, 2025

Presented By: Christina Montgomery, City Attorney

Background:

Kansas legislation (Chapter 41. Intoxicating Liquors and Beverages § 41-2659) permits municipalities to create Common Consumption Areas (CCAs) in designated districts, where individuals can consume alcoholic beverages outside of licensed establishments on specific city properties. Private organizations have sponsored Downtown CCAs in Emporia annually since 2021.

Discussion:

Ordinance 25-05 establishes a CCA in the downtown area as depicted on the map in Exhibit A. The CCA will be open daily from 8:00 a.m. to 11:59 p.m. The Police Chief may close all or a portion of the CCA for special events or in the interest of public safety. Licensed establishments may apply to the state if they wish to participate in the CCA.

The ordinance will go into effect after publication in the official city newspaper. After publication, the City of Emporia will apply for a CCA permit to the Director of the Kansas Alcoholic Beverage Control.

Financial considerations:

The City will pay the cost of publication in the official city newspaper and the application fee for CCA permitting. If approved, the City may be liable to pay fines for violations occurring in the CCA.

Recommended action:

Approve Ordinance 25-05 Establishing a Common Consumption Area

Attachments:

Ordinance 25-05 Establishing a Common Consumption Area

Ordinance No. 25-05

AN ORDINANCE ESTABLISHING A COMMON CONSUMPTION AREA AND AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCHOLIC LIQUOR AND CEREAL MALT BEVERAGE WITHIN THE COMMON CONSUMPTION AREA BOUNDARIES; ESTABLISHING SECTION 4-5 OF THE CODE OF THE CITY OF EMPORIA, KANSAS

WHEREAS, the Governing Body of the City of Emporia, Kansas has determined it is beneficial to establish a Common Consumption Area to promote community activities and economic growth, while ensuring compliance with all applicable local and state laws governing alcohol consumption.

NOW, THEREFORE, be it ordained by the Governing Body of the City of Emporia, Kansas:

Section 1. Pursuant to K.S.A. 41-2659, as amended, the Governing Body hereby establishes a Common Consumption Area (hereinafter referred to as CCA). The CCA shall include the downtown area generally north of 4th Avenue to south of 12th Avenue and east of Constitution Street to west of Union Street in the City of Emporia, with boundaries depicted in the Map marked "Exhibit A", which is hereby incorporated by reference.

Section 2. That Section 4-5 of the Code of Ordinances of the City of Emporia, Kansas, is hereby established to read as follows:

"Section 4-5 Common Consumption Area

- a) **Established.** A Common Consumption Area (hereinafter "CCA") is established in the downtown area as depicted in the Common Consumption Area Map. Copies of such Common Consumption Area Map shall be made available on the City of Emporia website and the office of the city clerk.
- b) **Boundaries.** The boundaries of the CCA shall be clearly marked with signs conspicuously posted identifying the boundaries of the CCA in a size and manner that provides notice to persons entering or leaving the area.
- c) **Streets.** Any public street, roadway, alley, or parking lot within the CCA may be blocked from motorized traffic when required by the Police Chief or the Police Chief's designee for special events or in the interest of public safety.
- d) **Hours.** The possession and consumption of alcoholic liquor and CMB within the CCA shall be allowed between the hours of 8:00 a.m. and 11:59 p.m. Sunday through Saturday. The Police Chief or the Police Chief's designee may close all or a portion of the CCA for special events or at any other time in the interest of public safety.
- e) **State Permit Required.** Possession and consumption of alcohol liquor or cereal malt beverage is authorized provided that a common consumption area permit has been issued to the City of Emporia by the Director of the Division of Alcoholic Beverage Control in accordance with K.S.A. 41-2659, as amended.
- f) **Authorized Beverage Containers.** All alcoholic liquor and CMB removed from a participating licensed premise 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. No alcoholic beverage removed from a licensed premise shall be in a glass container or any container that otherwise represents a potential danger to the public as determined by law enforcement officials.

- g) **Purchases Outside CCA.** The possession or consumption of alcoholic liquor and/or CMB purchased outside of the CCA shall not be permitted inside the boundaries of the special event and CCA.
- h) **Purchases Within CCA.** No open container of alcoholic liquor and/or CMB purchased within the CCA shall be removed from the boundaries of the CCA. No alcoholic beverages shall be consumed in vehicles while on the street within the CCA.
- i) **Licensees.** All licensees approved by the Director to participate in the CCA shall at all times comply with any and all federal and state law and City ordinances regulating the purchase, sale, and consumption of alcoholic liquor and/or CMB.”

Section 3. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Emporia, Kansas as an addition or amendment thereto and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 4. Effective Date. The Ordinance shall become effective upon passage and publication of the ordinance summary in the official City newspaper.

PASSED AND APPROVED this 12th day of February 2025.

Erren Harter, Mayor

ATTEST:

Kerry Sull, City Clerk

Exhibit A

