

ORDINANCE NO. POC-3016

AN ORDINANCE RELATING TO THE PUBLIC OFFENSE CODE FOR THE CITY OF OVERLAND PARK, KANSAS; CONCERNING INTOXICATING LIQUOR IN PUBLIC PLACES; AMENDING AND REPEALING EXISTING OVERLAND PARK MUNICIPAL CODE SECTION 11.48.160 AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS:

SECTION 1. Overland Park Municipal Code Section 11.48.160 is hereby amended to read as follows:

**11.48.160 Intoxicating Liquor in Public Places - Unlawful Acts.**

It is unlawful for any person to sell, serve, dispense, drink or consume any intoxicating liquor in or upon any public street, road, highway, avenue, alley or sidewalk, public way, public or private parking lot, or upon any public property, or within any vehicle in or upon any such place. In addition, it is unlawful for any person to possess in any such place, any open container of intoxicating liquor. Provided, however:

- A. The Governing Body may authorize the sale and consumption of cereal malt beverages on public property pursuant to a valid application being submitted to said body and when said body determines that such activity would not be detrimental to the health, safety, and morals of the community.
- B. Intoxicating liquor may be sold, served, dispensed and consumed in or on designated parking or sidewalk areas of a licensed drinking establishment if title to the public area lies with the City and the licensee has received authorization to expand the premises from Kansas Alcohol Beverage Control, has received authorization from the Governing Body pursuant to the provisions of O.P.M.C. Section 5.20.075, and the licensee is complying with the security and other provisions of that Section.
- C. Intoxicating liquor may be sold, served, dispensed and consumed on the Corporate Woods Founder's Park during the Jazz Festival and the July 4<sup>th</sup> celebration provided the sale, serving, dispensing and consumption shall be in accordance with the written standards approved by the Director, Parks Services.
- D. Cereal malt beverages, beer and wine as those terms are defined in O.P.M.C. Section 11.48.100 may be sold, served, dispensed and consumed at the Overland Park Fire Training Facility located at 12401 Hemlock, Overland Park, Kansas, in conjunction with professional and social events authorized by the Director of the Overland Park Fire Training Facility.
- E. Intoxicating liquor may be sold, served, dispensed and consumed on the Sykes/Lady Overland Park Golf Complex, including the Westlinks Course, located at 12501 Quivira Road and the St. Andrews Golf Course located at 11099 W. 135th Street, Overland Park, Kansas, provided the sale, serving dispensing and consumption of alcoholic liquor shall be in accordance with written standards approved by the Director, Recreation Services.
- F. Intoxicating liquor may be sold, served, dispensed and consumed on real property leased by the City to others under the provisions of K.S.A. 12-1740 through 12-1749, and

amendments thereto, provided such real property is actually being used for hotel or motel purposes or purposes incidental thereto.

- G. Intoxicating liquor may be sold, served, dispensed and consumed on any property that is located within the corporate limits of the City and is under the control of the Kansas State Board of Regents and the Board of Regents has exempted said property from the provisions of K.S.A. 41-719, and amendments thereto, and the property is not being used for classroom instruction.
- H. ~~Cereal malt beverages, beer, wine and champagne~~Intoxicating liquor may be sold, served, dispensed and consumed on the premises of the Overland Park Arboretum ~~Environmental Education Visitors Center to include designated patio and reception areas~~, provided the sale, serving, dispensing and consumption of these beverages shall be in accordance with written standards approved by the Director, Parks Services.
- I. Intoxicating liquor may be sold, served, dispensed and consumed on the land platted as Convention Center Plaza in the City of Overland Park, Kansas, in accordance with and to the extent allowed by the written standards relating to intoxicating liquor promulgated by the City Manager or his designees.
- J. Cereal malt beverages, beer, wine and champagne may be sold, served, dispensed and consumed on the premises of the Kemper Farm Property, provided the sale, serving, dispensing and consumption of those beverages shall be in accordance with written standards approved by the Director, Parks Services.
- K. Intoxicating liquor may be sold, served, dispensed and consumed at the City of Overland Park Community Centers, in accordance with written standards approved by the Director, Recreation Services.
- L. ~~Cereal malt beverages, beer, wine and champagne~~Intoxicating liquor may be sold, served, dispensed and consumed at the Deanna Rose Farmstead provided the sale, serving, dispensing and consumption shall be in accordance with written standards approved by the Director, Recreation Services.
- M. Cereal malt beverages may be sold, served, dispensed and consumed in the food court area at the Overland Park Soccer Complex provided the sale, serving, dispensing and consumption shall be in accordance with written standards approved by the Director, Recreation Services.
- N. Cereal malt beverages and beer may be sold, served, dispensed and consumed within the boundaries of the Santa Fe Commons Park during the Overland Park Fall Festival in accordance with and to the extent allowed by the written standards approved by the Director, Parks Services.
- O. Intoxicating liquor may be sold, served, dispensed and consumed on grounds of the downtown Clock Tower area and the Farmer's Market area provided the sale, serving, dispensing and consumption shall be in accordance with the written standards approved by the Director, Parks Services.
- P. Alcoholic liquor may be consumed at a special event held on public streets, alleys, roads, sidewalks or highways when a temporary permit has been issued pursuant to K.S.A 41-2645, and amendments thereto, for such special event and the Governing Body has approved the special event by ordinance or resolution. Special events may occur on a street, alley, road, sidewalk or highway only if the Governing Body closes

the streets, alley, road, sidewalk or highway to motor vehicle traffic during the special event. For the purposes of this Section, "special event" means a picnic, bazaar, festival or other similar community gathering approved by the Governing Body. The boundaries of any such event shall be clearly designated in any application for the special event and shall be clearly designated in any approval granted by the Governing Body. The boundaries of such special event shall be clearly marked by signs, a posted map or other means which reasonably identify the area in which alcoholic liquor may be possessed or consumed at such special event. No person shall remove any alcoholic liquor from inside the boundaries of a special event, and no alcoholic liquor may be consumed inside vehicles while on public streets, alleys, roads or highways at any such special event. No person shall possess or consume alcoholic liquor inside the premises licensed as a special event that was not sold or provided by the licensee holding the temporary permit for such special event. Drinking establishments that are immediately adjacent to, or located within the licensed premises of a special event, for which a temporary permit has been issued and the consumption of alcoholic liquor on public property has been approved, may request that the drinking establishment's licensed premises be extended into and made a part of the licensed premises of the special event for the duration of the temporary permit issued for such special event. Each licensee selling alcoholic liquor for consumption on the premises of a special event for which a temporary permit has been issued shall be liable for violations of all laws governing the sale and consumption of alcoholic liquor.

Any licensed caterer selling, serving and dispensing alcohol on public property listed herein must receive authorization from Kansas Alcohol Beverage Control, authorization from the Governing Body pursuant to the provisions of O.P.M.C. Section 5.20.075, and must comply with the security and other provisions of that Section.

**PQ.** Any person under the age of 21 who is convicted of a violation of this Section or diverted in lieu of further criminal proceedings shall be required to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008, and amendments thereto, and to pay a fee for such evaluation.

SECTION 2. Existing Overland Park Municipal Code Section 11.48.160 is hereby repealed.

SECTION 3. This ordinance shall take effect and be in force from and after its publication in an official City newspaper.

PASSED by the City Council this 14<sup>th</sup> day of October, 2013.

APPROVED by the Mayor this 14<sup>th</sup> day of October, 2013.

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Carl Gerlach, Mayor

ATTEST

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Marian Cook, City Clerk

APPROVED AS TO FORM:

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John J. Knoll  
Senior Assistant City Attorney