

ORDINANCE NO. 708

AN ORDINANCE OF THE CITY OF ROSE HILL, KANSAS, AMENDING CERTAIN PROVISIONS OF ARTICLE 3 AND ARTICLE 12 OF THE CITY CODE RELATING TO CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY; AUTHORIZING CERTAIN EXEMPTIONS THEREON; PROVIDING CERTAIN PENALTIES AND REPEALING SECTIONS IN CONFLICT WITH THE UNIFORM PUBLIC OFFENSE CODE.

WHEREAS, consumption of alcoholic liquor on certain public property must be approved by ordinance by the governing body pursuant to K.S.A. 41-719; and

WHEREAS, the Governing Body of the City of Rose Hill, Kansas (the "City"), desires to allow consumption on a public street upon proper application; and

WHEREAS, the City recognizes that community events are important to the quality of life for the citizens of Rose Hill and the City desires to support community activities properly licensed by the state and permitted by the city.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROSE HILL, KANSAS AS FOLLOWS:

Section 1. Section 3-104 of the code of the City of Rose Hill is hereby amended to read as follows:

3-104. Consumption and possession of alcoholic liquor and cereal malt beverages in public places prohibited — Exemptions.

- a) It is unlawful for any person within the corporate limits of the city to consume or to have in such person's possession any open container of alcoholic beverage upon the public streets, alleys, roads, sidewalks, or highways, or inside vehicles while upon the public streets, alleys, roads or highways except as follows:
 - (1) Alcoholic liquor or cereal malt beverage may be sold and/or consumed at a special event or catered event held on public streets, alleys, roads, sidewalks, or highways, provided such streets, alleys, roads, sidewalks or highways have been closed to motor vehicle traffic by the City Council; and

- A. A temporary permit for such event has been issued pursuant to K.S.A. 41-1201 and Section 3-703 of this Code and amendments thereto; or
 - B. A caterer's licensee has provided the required notification pursuant to K.S.A. 41-2643 and amendments thereto; or
 - C. A public venue, hotel, hotel caterer, drinking establishment, caterer or drinking establishment licensee has been authorized by the City to extend its licensed premises pursuant to K.S.A. 41-2608, and amendments thereto.
- b) The city, by virtue of the authority contained in K.S.A. 41-719(e) and amendments thereto, exempts all park property from any prohibition against consumption of alcoholic liquor on public property as provided in K.S.A. 41-719(d) and amendments thereto, and Section 12-110 of this Code and amendments thereto except as follows:
- (1) Alcoholic liquor or cereal malt beverage may be sold and/or consumed at a special event or catered event held on park property streets when:
 - A. A temporary permit for such event has been issued pursuant to K.S.A. 41-1201 and Section 3-703 of this Code and amendments thereto; or
 - B. A caterer's licensee has provided the required notification pursuant to K.S.A. 41-2643 and amendments thereto.
 - (2) For the purposes of this section, the term "park property" shall mean any real property owned or under the control of the City of Rose Hill that is designated for use as a park or recreational facility by the City Council, and shall include any property right, easement or other right of use, regardless of nature, when such right is granted or designated, in whole or in part, for use as a park, recreational facility or for other recreational purposes.
- c) No person shall remove any alcoholic liquor from inside the boundaries of an event as designated by the city, from the boundaries of a catered event or from the extended licensed premises of a public venue, hotel, hotel caterer, drinking establishment caterer or drinking establishment. Such boundaries 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.

Section 2. Section 3-108 of the code of the City of Rose Hill is hereby repealed and replaced with the following:

3-108. Penalties

Unless otherwise specified, violation of any provision of this chapter and amendments thereto, for which a penalty is not otherwise specifically provided is punishable by a fine not less

than fifty (\$50) dollars and not to exceed five hundred (\$500) dollars or imprisonment not to exceed six months, or both such fine and imprisonment.

Section 3. Section 3-109 of the code of the City of Rose Hill is hereby repealed.

Section 4. Section 12-110 of the code of the City of Rose Hill is hereby amended as follows:

12-110. Prohibition against alcoholic beverages and cereal malt beverages.

It shall be unlawful for any person or persons to use, consume or have on the premises of any park within the city any alcoholic liquor or cereal malt beverage except as permitted under Section 3-104 of the City of Rose Hill Code.

Section 5. Effective Date. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City of Rose Hill, Kansas, and publication once in the official City newspaper.

PASSED by the Governing Body of the City of Rose Hill, Kansas this 5th day of June, 2023.



Gary Weaver
Gary Weaver, Mayor

ATTEST:

Kelly Mendoza
Kelly Mendoza, City Clerk

Approved as to Form:

Richard A. Samaniego
Richard A. Samaniego, City Attorney

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL ORDINANCE; THAT SAID ORDINANCE WAS PASSED ON THE 5th DAY OF June, 2023; THAT THE RECORD OF THE FINAL VOTE ON ITS PASSAGE IS FOUND ON PAGE 2 OF THE MINUTES; A CERTIFIED SUMMARY OF THE ORDINANCE WAS PUBLISHED IN THE Rose Hill Reporter ON THE 8th DAY OF June, 2023.

Kelly Mendoza
CITY CLERK

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
5708 SOUTH CAMPUS DRIVE
CHICAGO, ILLINOIS 60637
TEL: 773-936-3700
WWW.CHEM.UCHICAGO.EDU