

ORDINANCE NO. 3306

AN ORDINANCE AUTHORIZING THE SALE, CONSUMPTION AND POSSESSION OF ALCOHOLIC LIQUOR AT A SPECIFIED LOCATION ON THE PUBLIC RIGHT-OF-WAY AND APPROVING THE CHISHOLM TRAIL CLASSIC AUTO CAR SHOW AS A SPECIAL EVENT, ALL PURSUANT TO K.S.A. 41-719(a)(2) AND K.S.A. 41-2645(e)(1).

WHEREAS, the City has received a request from Nicki Dolton on behalf of Chisholm Trail Classic Auto, LLC for a temporary alcoholic liquor permit for the Chisholm Trail Classic Auto Car Show (“Event”) to be held September 3, 2016;

WHEREAS, the applicant requests the partial closure of Texas Street during the Event to ensure the safety and well-being of the public during the Event.

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

SECTION ONE. Authorization is given to barricade a portion of Texas Street between N. Cedar Street and N. Spruce Street between the hours of 8:00 am on September 3, 2016 and 11:00 pm on September 3, 2016, for the Chisholm Trail Class Auto Car Show (“Event”). Attendance at the celebration is open to the public between these hours.

SECTION TWO. The barricaded portion of Texas Street between N. Cedar Street and N. Spruce Street shall be temporarily closed for the special event to be held on September 3, 2016, from 8:00 am to 11:00 pm. Vendors holding the appropriate license from the State of Kansas to sell alcoholic liquor may in accordance with all applicable state laws and municipal ordinances sell alcoholic liquor in the specific area designated by the Division of Alcohol Beverage Control within the barricaded portion of Texas Street between N. Cedar Street and N. Spruce Street between the hours of 12:00 pm on September 3, 2016 and 11:00 pm on September 3, 2016, for the Event.

SECTION THREE. Event attendees may buy, possess and consume alcoholic beverages in the specific area designated by the Division of Alcohol Beverage Control between the hours of 12:00 pm on September 3, 2016 and 11:00 pm on September 3, 2016, for the Event.

SECTION FOUR. The Event is hereby approved by the Governing Body as a special event as required by K.S.A. 41-2645(e)(1) and K.S.A. 41-719(a)(2).

SECTION FIVE. This Ordinance shall become effective and in full force from and after its passage, adoption and publication by summary in the official City newspaper.

PASSED AND APPROVED by the Governing Body of the City of Abilene, Kansas this 9th day of August, 2016.



CITY OF ABILENE, KANSAS

By: _____

Dee Marshall, Mayor

Penny Soukup, CMC
Penny Soukup, CMC
City Clerk

APPROVED AS TO FORM:

Aaron O. Martin
Aaron O. Martin, City Attorney



TEMPORARY ALCOHOLIC LIQUOR PERMIT APPLICATION

TEMPORARY ALCOHOLIC LIQUOR Permit Application Fee: \$25.00 PER DAY 785-479-1081

****STATE OF KANSAS ALCOHOLIC BEVERAGE CONTROL TEMPORARY PERMIT REQUIRED****

Name of Applicant: Nicki Dolton Date: 8-2-16

Name of Group for which the Event is planned: Chisholm Trail Classic Auto

Location of Event: 209 Texas St., Abilene, KS.

Date(s) of Event: Sept 3, 2016

Time of Event: 8.am - 11 pm
(Alcoholic Beverages shall not be served or consumed between the hours of 2:00 a.m. and 6:00 a.m.)

Is there any anticipated need for police, fire, or other municipal services? YES NO

If yes, please state what services will be needed.

Daniel J. Shea
Approval of Zoning Official

8/4/16
Date

Penny Soukup
Approval of City Clerk

8/4/16
Date

Michael Moh
Acknowledgement of Police Chief

8-4-16
Date

- All applications for Temporary Alcoholic Liquor permits must be submitted to the City Clerk not less than five (5) days prior to the event.
- The Temporary Alcoholic Liquor permits must be placed in plain view on any premises within the City where the holder of the temporary permit is serving alcoholic beverages for consumption on the premises.
- No Temporary Alcoholic Liquor permit holder shall allow the serving of alcoholic beverages between the hours of 2:00 a.m. and 6:00 a.m. or consumed between the hours of 2:00 a.m. and 6:00 a.m. at any event for which a temporary Alcohol permit has been issued.
- No alcoholic beverages shall be given, sold or traded to any person under twenty-one (21) years of age.
- A copy of all Temporary Alcoholic Liquor permits will be given to the Police Chief.

Form #17



Kansas Department of Revenue
Alcoholic Beverage Control Division
915 S.W. Harrison Street
Topeka, KS 66625-3512
Phone: 785-296-7015 Fax: 866-855-5025

Temporary Permit Application and Agreement Instructions

The Kansas Liquor Control Act and the Club and Drinking Establishment Act offer four different types of Temporary Permits which allow:

- the sale and consumption of alcoholic liquor on an unlicensed premise that is open to the public and is located in a county that has approved liquor by the drink (On Premise),
- the auction of alcoholic liquor in the original container by a charitable organization (Charitable Auction),
- the sale of limited edition porcelain containers by an individual or for fundraising activities (Porcelain Container); or,
- the sale and consumption of alcoholic liquor on public streets, alleys, sidewalks, roads or highways at special events as defined by K.S.A. 41-719(a)(2).

The non-refundable fee for the temporary permit is \$25 per day. **Permit applications must be received by the ABC at least 14 days prior to the event.** Permits not received at least 14 days prior to the event will be returned.

Do I need to apply for a temporary Permit?

Certain fundraising activities by charitable organizations and political committees are exempt from the temporary permit requirements under K.S.A 41-104(h)

To be exempt from obtaining a temporary permit, the following conditions must be met:

- the event at which the alcoholic liquor is served must be an official fundraising event of the organization,
- the event must be sponsored by either a "charitable organization" or by a "candidate, party or political committee," as defined in the statutes referenced in subsection (h). For further explanation, see ABC Policy Memo 2003-3,
- the alcoholic drinks served must be complimentary. "Complimentary" is not defined in the liquor statutes or regulations. Therefore, the common usage definition as found in most dictionaries will be used: "given free as an act of courtesy". As used in a fundraising setting, this means that there is no charge made to patrons specifically for the alcoholic liquor and the patrons do not pay anything of value specifically to receive the alcoholic liquor.

Who may apply for a Temporary Permit?

Organizations or individuals may apply for a temporary permit provided they meet the qualifications pursuant to K.A.R. 14-23-3. The following permit types are available:

Charitable Auction: Charitable organizations may apply for one (1) permit per calendar year.

On-Premise: Charitable organizations or individuals may apply for four (4) permits per calendar year. Each permit can be for up to three (3) consecutive days.

Porcelain Container: Individuals may apply for one (1) permit per calendar year.

Special Event*: Organizations or individuals may apply for four (4) permits per calendar year. Each permit can be for up to thirty (30) consecutive days, with the Director's approval. City ordinance or county resolution is required for such event.

**A special event is defined by K.S.A. 41-719(a)(2). 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 for such special event. Such special event must be approved, by ordinance or resolution, by the local governing body of any city, county or township where such special event is being held. No alcoholic liquor may be consumed inside vehicles while on public streets, alleys, roads or highways at any such special event.*

What are my responsibilities if I am issued a Temporary Permit?

The permit holder is responsible for all violations of the Club and Drinking Establishment Act or Liquor Control Act; associated regulations (K.A.R. 14-23-9) and all applicable city, county, state and federal laws.

The permit holder must be present at all times during the event or designate another person(s) to be responsible for the conduct of the event if the permit holder is absent.

Complete information and responsibilities can be found in the Handbook for Temporary Permits on our website at: <http://www.ksrevenue.org/pdf/hbtemporarypermits.pdf>

Where may I purchase alcoholic liquor to be sold at the event?

You may only purchase alcoholic liquor from a licensed Kansas Retailer that also possesses a Basic Permit to wholesale; or, from a Kansas Farm Winery. (K.A.R. 14-23-8)

Where can I hold my event?

If the event location is on the premise of a liquor licensee, the licensee must de-license their location for the date(s) and time(s) and of the event by completing and submitting the Request to Temporarily Surrender Liquor License (ABC-843). Private clubs must submit the Request for the Public Function (ABC-825) to the ABC at least 10 days prior to the event.

A temporary permit cannot be issued for a location that has a Cereal Malt Beverage (CMB) license.



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Liquor Drink Tax:

On-Premise temporary permit holders are required to collect and pay Liquor Drink Tax. The liquor drink tax return is due by the 25th day of the month following your event.

Temporary Permit Application Instructions:

- 1. Check the appropriate box for the temporary event type. If you selected a Special Event, you must also attach a copy of the ordinance or resolution.
2. Check the appropriate box for the temporary event length. Special events must enter the number of days and the amount due.
3. Section 1, Applicant Information. Complete the applicant information.
4. Section 2, Event Information. Complete the event information.
5. Section 3, Purchase Information. Complete the purchase information.
6. Section 4, Event Area. On-Premise or Special Event permits only. Draw a floor plan of your event including any outside areas where alcoholic liquor may be sold, consumed or stored.
7. Section 5, Certificate of City, Township or County Clerk. Take your completed form to the appropriate city, township or county clerk to complete.
8. Read the application agreement.
9. The designated person named in Section 1 must check the box in the "DESIGNATED PERSON" section on page 5, then sign and date.
10. The applicant must sign the form and print their name. Enter the date signed and your title.
11. Return the completed form to the ABC at the address on the form with the correct payment.

To obtain additional information on Temporary Permits, visit our website at: http://www.ksrevenue.org/abctemppermitt.html

You may direct your questions to the Licensing Unit at 785-296-7015 or email to ABC.Licensing@kdor.ks.gov

X

Detach and Return with Payment

KANSAS ALCOHOLIC BEVERAGE CONTROL DIVISION

Temporary Permit Fee Voucher

Applicant Name: Nicki Dolton

[X] Certified or Cashier's check from any bank within Kansas; or, U.S. Postal Money Order enclosed (CLPR)

[X] 1 Day Permit - \$25.00 [] 2 Day Permit - \$50.00 [] 3 Day Permit - \$75.00

Special Event Only - Number of Consecutive days (up to 30): 1 X \$25 per day = \$ 25.00 Total Due



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TEMPORARY PERMIT APPLICATION AND AGREEMENT

Event Type: Charitable Auction On-Premise Porcelain Container Special Event*
 Event Length: 1 Day Permit - \$25 2 Day Permit - \$50 3 Day Permit - \$75

*A special event is held on public streets, alleys, roads, sidewalks or highways when a temporary permit has been issued pursuant to K.S.A. 41-2645 for such special event. Such special event must be approved, by ordinance or resolution, by the local governing body of any city, county or township where such special event is being held. No alcoholic liquor may be consumed inside vehicles while on public streets, alleys, roads, sidewalks or highways at any such special event. The permit may be issued for up to 30 consecutive days, with the Director's approval.

Special Event Permit* Only:

Resolution or Ordinance attached (required)
 Special Event* Permit Only - Number of Consecutive days (up to 30): 1 X \$25 per day = \$ 2500 Total Due

SECTION 1 - APPLICANT INFORMATION:			
Was this application submitted to the ABC less than 14 days prior to the event?			<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, I have attached documentation for the Director to review requesting the 14 day advance filing requirement to be waived for good cause.			<input type="checkbox"/> Yes <input type="checkbox"/> No
Entity Type: <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organization <input type="checkbox"/> Partnership <input type="checkbox"/> Association <input type="checkbox"/> Other: _____			
Individual Applicants. Are you applying on behalf of an organization? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, organization name: _____			
Have you previously applied for a temporary permit this calendar year? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, I have had _____ temporary permits this calendar year.			
Organization Name or Individual Applicant Name		FEIN/SSN	
Applicant Contact Person		E-mail Address	
Applicant Mailing Address		City County State Zip Code	
PERSON DESIGNATED TO BE AT THE EVENT AND RESPONSIBLE FOR CONDUCT AT EVENT		Designated Person Cell Phone	
Designated Person Name		Designated Person Cell Phone	
SECTION 2 - EVENT INFORMATION: (You may have up to three consecutive days per permit. Special events may be up to 30 days).			
Event Name		Event Sponsor (if any)	
Event Location Address		City County State Zip Code	
Purpose for which the proceeds from this event will be used:			
Does this location have a state issued liquor license?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Does this location have a Cereal Malt Beverage License?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Anticipated attendance at the event:			
Will you be charging an admission fee that includes alcoholic beverages?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Date of Event	From Time	To Time	
Sept. 3, 2016	8:00	11:00	
Date of Event	From Time	To Time	
Date of Event	From Time	To Time	
SECTION 3 - PURCHASE INFORMATION: (Complete information below to indicate where you are purchasing liquor).			
Are you applying for a Charitable Auction or Porcelain Container Permit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, skip to Section 4.			
I understand I must purchase alcoholic liquor from a licensed Kansas Retailer who possesses a Basic Permit to wholesale.			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



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Organization Name or Individual Applicant Nicki Dolton Event Date(s) 9-3-16

The above named organization or individual applicant, does hereby make application for a Temporary Permit to sell alcoholic liquor on the specified date(s) and location. In making this application, the above named applicant agrees that:

- a. They will display the Temporary Permit at the event entrance along with the name of the designated person of the organization who is in charge, a diagram of the premises covered by the permit; and, if a special event, they must include names of all drinking establishments who have elected to extend their licensed premises into the event.
b. They will not allow anyone under the age of 21 to possess, purchase or consume alcoholic liquor and understand that administrative and/or criminal penalty may result from allowing anyone under the age of 21 to possess or consume alcoholic liquor.
c. They will not deny immediate entry and inspection by the Alcoholic Beverage Control agents or other law enforcement officers.
d. On-Premise applicants must purchase their alcoholic liquor from a licensed Kansas Retailer who possesses a Federal Basic Permit to wholesale; or, from a licensed Kansas Farm Winery.
e. On-Premise applicants will retain sales receipts from the Kansas Retailer or Kansas Farm Winery for at least one year.
f. On-Premise applicants will not sell alcoholic liquor for less than the purchase price plus tax.
g. On-Premise applicants will collect Liquor Drink tax, file the Liquor Drink tax return provided and remit the tax due by the 25th of the following month.
h. On-Premise applicants will not allow consumption of alcoholic liquor between the hours of 2:00 a.m. and 9:00 a.m.
i. They will comply with applicable city and county laws; and, with all the provisions of the Kansas Liquor Control Act, Club and Drinking Establishment Act and the Rules and Regulations promulgated thereunder.
j. On-Premise and Special Event permit holders are authorized to sell their unused alcoholic liquor back to the Retailer they purchased from within three (3) days of the event.

DESIGNATED PERSON:

I understand and agree that I must be present at the event at all times and I will be responsible for conduct at the event.

Designated Person's Signature [Handwritten Signature]

Date August 3, 2016

APPLICANT:

Under penalties of perjury, I declare the information contained in this document a true, accurate and complete disclosure of information.

Applicant or Agent's Signature [Handwritten Signature]

Date August 3, 2016

Printed Name Nicki Dolton

Printed Title Applicant

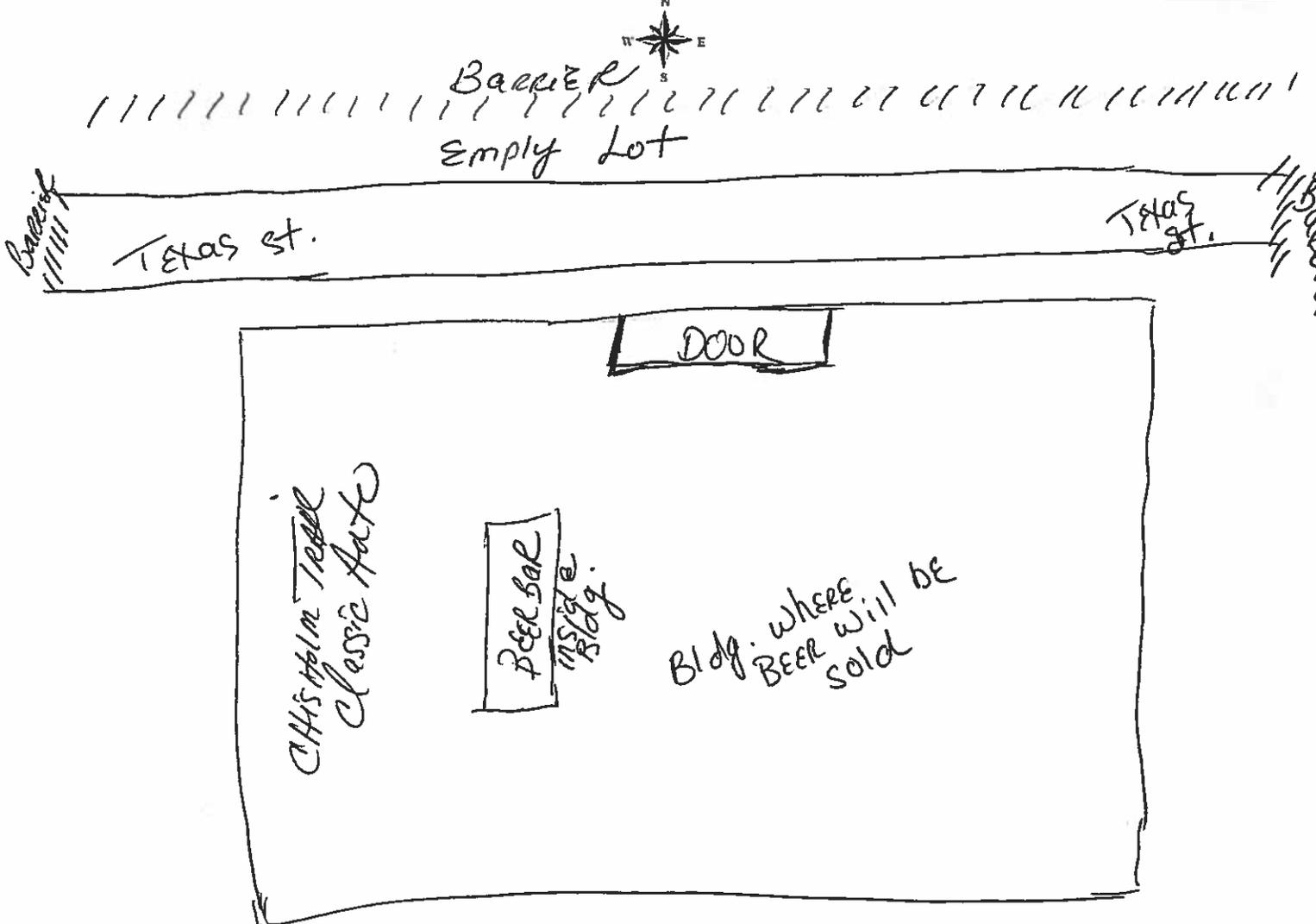
ABC Office Use Only:

Form with checkboxes for PERMIT FEE ENCLOSED, APPROVED, and DENIED, with fields for Amount, Associate, Date, Permit #, and Denial Letter Sent Date.



Organization Name or Individual Applicant Nicki Dolton Event Date(s) 9-3-2016

SECTION 4 – EVENT AREA: Complete this section for On-Premise and Special Events only.
 In the space below, in ink, draw the floor plan and any outside areas included in the proposed event area where alcoholic liquor will be sold, served or consumed. If the area is outside, it must show where the three-dimensional barriers will be located to define the event area; and, include nearby streets for reference then shade in the areas you DO NOT wish to be permitted.



SECTION 5 – CERTIFICATE OF CITY, TOWNSHIP OR COUNTY CLERK: (Completed by the Clerk)

I HEREBY CERTIFY THAT THE PREMISES AT 209 Texas St. Abilene City

Location Street Address City Zip

CITY LIMITS: **Inside** the incorporated city limits **Outside** the city limits

ZONING: within an area that complies with all applicable zoning regulations required by K.S.A. 41-2001
 located outside an incorporated city, in a township or county **that is not zoned**

LOCATION: government property private property public property CMB licensed premise

I declare under penalties of perjury that to the best of my knowledge and belief that Section 5 is true, correct and complete.

CLERK SIGNATURE Penny Soukup DATE 8-4-2016 PHONE 785-250-5550

PRINTED NAME Penny Soukup City Clerk Township Clerk County Clerk