

RESOLUTION NO. 19-XXXX

A RESOLUTION TEMPORARILY EXEMPTING A CERTAIN PORTION OF THE PUBLIC STREETS FROM THE PROHIBITIONS ON POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR OR CEREAL MALT BEVERAGE ON PUBLIC PROPERTY IN THE CITY OF OLATHE, KANSAS.

WHEREAS, K.S.A. 41-719(a)(1) and O.M.C. 7.02.040(A) generally prohibit consumption of alcohol on public streets, alleys, roads, or highways; and

WHEREAS, K.S.A. 41-719(a)(2) allows alcohol to 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, which allows cities to grant such a temporary permit by resolution; and

WHEREAS, the Governing Body of the City of Olathe desires to permit the sale and consumption of alcohol at the Spring Chick Event between the hours of 10 AM to 6 PM on April 27 and 11 AM to 4 PM on April 28, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Pursuant to K.S.A. 41-2645(e)(1), the request by Chick Events for a special event which includes consumption and possession of alcohol held at the location depicted in **Exhibit A** between the hours of 10 AM to 6 PM on April 27 and 11 AM to 4 PM on April 28, 2019 is hereby approved.

SECTION TWO: Pursuant to K.S.A. 41-719(a)(2), the fenced area on public streets, alleys, roads, or sidewalks at the location depicted in **Exhibit A** is hereby exempted from the requirements of K.S.A. 41-719(a)(1) and O.M.C. 7.02.040(A) from 10 AM to 6 PM on April 27 and 11 AM to 4 PM on April 28, 2019. During such time, persons who may legally consume alcohol may do so within the boundaries of such public property for the limited time as prescribed. The fenced area on the public streets, alleys, and roads at the location depicted in **Exhibit A** will be closed to vehicle traffic from 10 AM to 6 PM on April 27 and 11 AM to 4 PM on April 28, 2019.

SECTION THREE: Temporary permits may be issued either individually or on behalf of any groups or organizations associated with the event, subject to all applicable state statute and City ordinances, including issuance of temporary extension of licensed premises permits pursuant to K.S.A. 41-2645(e)(2).

SECTION FOUR: The boundaries of the special event depicted in **Exhibit A** shall be clearly marked by signs and barriers identifying the area in which alcohol may be possessed or consumed at such special event. No drinking will be allowed in

vehicles. Any licensed seller of alcohol shall ensure that no one under the age of 21 is served alcoholic liquor. Attendees shall comply with all alcohol laws of the City and State.

SECTION FIVE: This Resolution shall take effect immediately.

ADOPTED: by the Governing Body this 16th day of April 2019

SIGNED: by the Mayor this 16th day of April 2019.

Mayor

ATTEST:

City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

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