

(First published in the Times Sentinel \_\_\_\_\_, 2024)

**ORDINANCE NO. 778**

**AN ORDINANCE CREATING A COMMON COMSUMPTION AREA ON A PORTION OF A PUBLIC STREET KNOWN AS MAIN STREET AND A PORTION OF A PUBLIC STREET KNOWN AS AVENUE C WITHIN THE CITY OF GARDEN PLAIN, KANSAS.**

**WHEREAS**, K.S.A. 41-719(a)(1) generally prohibits consumption of alcoholic liquor on public streets, alleys, roads, or highways; and

**WHEREAS**, K.S.A. 41-719(b) allows alcoholic liquor to be consumed within common consumption areas designated by a city or county on public streets, alleys, roads, sidewalks or highways pursuant to K.S.A. 41-2659, and amendments thereto, except that no alcoholic liquor may be consumed inside vehicles while on public streets, alleys, roads or highways within a common consumption area. Further, no person shall remove any alcoholic liquor from inside the boundaries of the common consumption area which shall be clearly designated by a physical barrier; and

**WHEREAS**, the Governing Body of the City of Garden Plain desires to establish a common consumption area for a portion of a public street known as Main Street and a portion of a public street known as Avenue C, within the limits of the City of Garden Plain authorizing the possession and consumption of alcoholic liquor or cereal malt beverage pursuant to K.S.A. 41-2659.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDEN PLAIN, KANSAS:

**Section 1. Common Consumption Area.**

The common consumption area shall be designated as those portions of Main Street and Avenue C as depicted by the blue shaded area on Exhibit A, attached hereto. For clarity, the written description of the common consumption area shall be as follows:

Beginning at the southwest corner of Lot 12, Block 7, Town of Garden Plain, Sedgwick County, Kansas, thence east approximately 138.2 feet, thence north approximately 47 feet, thence east approximately 75.4 feet, thence south approximately 38.2 feet, thence southeasterly approximately 38.4 feet, thence east approximately 138.1 feet, thence south approximately 57.8 feet, thence west approximately 139.1 feet, thence south approximately 74.4 feet, thence west approximately 100 feet, thence north approximately 74.5 feet, thence west approximately 137.1 feet, thence north approximately 78.4 feet to the point of beginning.

**Section 2. Times.**

The common consumption area shall only be utilized from 5:00pm to 2:00am daily.

**Section 3. Boundaries.**

The City of Garden Plain shall delineate the boundaries of the common consumption with clear markings and alcoholic liquor or cereal malt beverage shall not be removed from the boundaries of the common consumption area.

**Section 4. Findings.**

Pursuant to K.S.A. 41-719 and 41-2659, the Governing Body of the City of Garden Plain finds and concludes that the establishment of the common consumption area outlined in Section 1 should be established and the director of the division of alcoholic beverage control so notified.

**Section 5 Order.**

The Governing Body of the City of Garden Plain hereby orders that the common consumption area be established.

**Section 6. Recording.**

The City Clerk is directed to deliver a certified copy of this Ordinance to the Sedgwick County Register of Deeds for proper recording.

**Section 7. Effective Date.**

This Ordinance shall take effect and be in full force after its passage and publication once in the official City paper.

*Signatures on the following page*

Passed and approved by the Governing Body of the City of Garden Plain, Kansas, this 7<sup>th</sup> day of August 2024.

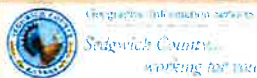
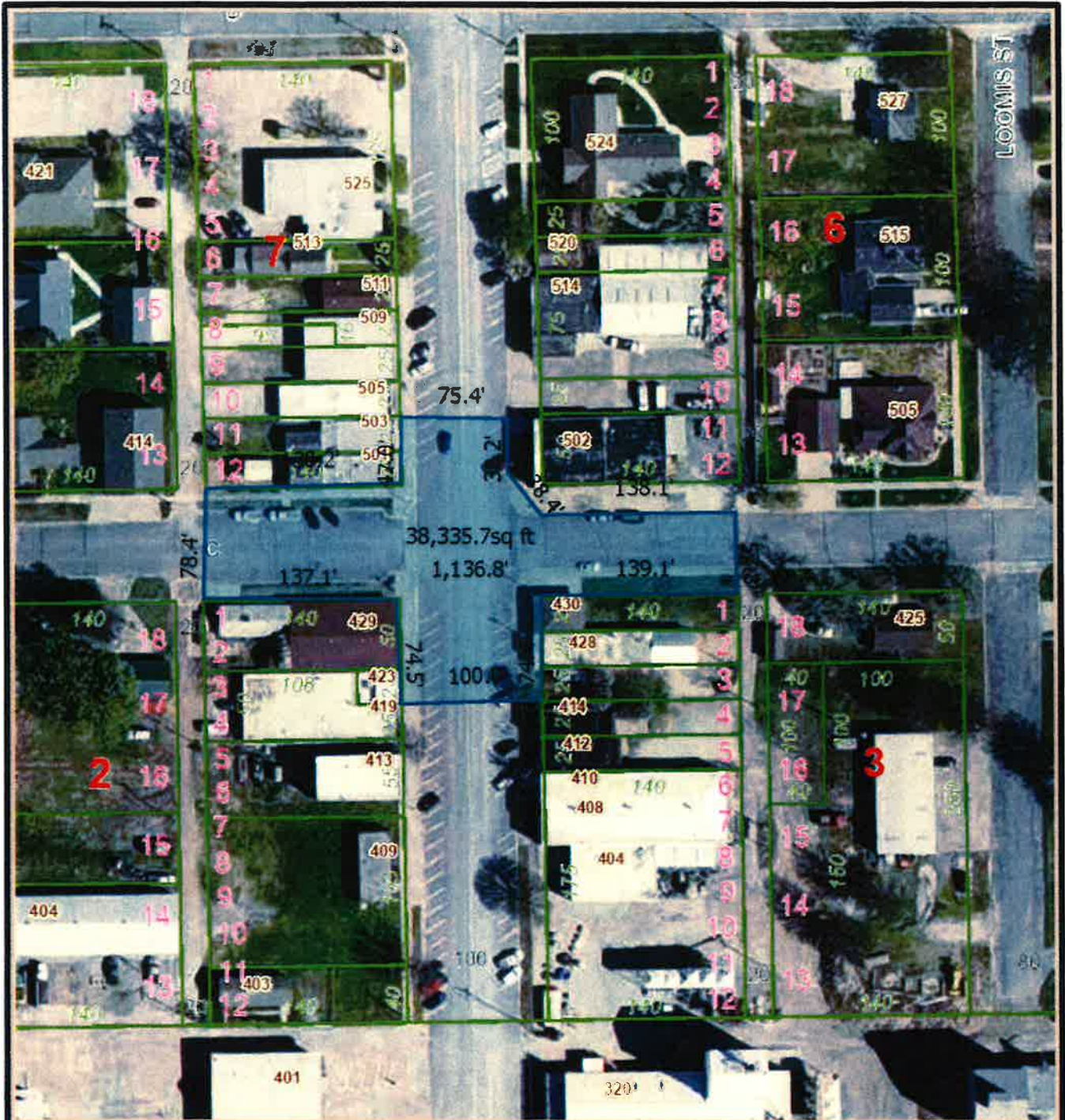


Kevin R Hammond  
Kevin Hammond, Mayor

ATTEST:

Kimberly McCormick  
Kimberly McCormick, City Clerk

Exhibit A



Date: 8/6/2024

If understood that the Sedgwick County GIS Department Information and Operations, has no indication or reason to believe that there are inaccuracies in information important to the base map.

The GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or the data indicated.

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**Charter Ordinance 778**

**Sedgwick County, Kansas**



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