

**ORDINANCE NO. 452**

**AN ORDINANCE AUTHORIZING SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGE AT SPECIAL EVENTS, IN THE CITY OF MELVERN, KANSAS.**

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

**Section 1. Temporary Special Event Permit Required.** It shall be unlawful for any person to sell any alcoholic liquor or cereal malt beverage within the City at any special event on premises not licensed to sell, serve or dispense such beverage without first obtaining a local temporary special event permit from the City in compliance with the terms of this subsection.

**Section 2.** Each person or entity seeking an application for a temporary special event permit to sell alcoholic liquor or cereal malt beverage must first obtain a temporary permit from the State of Kansas.

**Section 3. City Temporary Special Event Permit.** It shall be unlawful for any person or entity to sell cereal malt beverage or alcoholic liquor at a special event for consumption on the premises where the special event is being held without first applying for a local special event permit at least 30 days in advance of the event. Written application for the permit shall be made to the City Clerk on a form as directed by the City. In addition to any other information required the applicant shall provide the following:

- 1) Name of applicant
- 2) The group for which the event is planned
- 3) The location of the event
- 4) The date and time of the event
- 5) Any anticipated need for law enforcement, fire or other municipal services

The City reserves the right to reject any application.

**Section 4. Permit Fees.** (a) There is hereby levied a temporary special permit fee of \$25.00 per day on each group, entity or individual requesting the permit which fee shall be paid before the permit is issued. Such fee shall be in addition to any fee to be remitted to the Kansas Division of Alcohol Beverage Control. (b) Every

temporary permit holder shall cause the temporary permit to be placed in plain view on any premises within the City where the holder of the permit is selling or serving cereal malt beverage or alcoholic liquor.

**Section 5. Insurance.** Each applicant for a temporary special permit shall submit to the City Clerk satisfactory evidence of proof of liability insurance in a minimum amount of \$1,000,000.00 per occurrence and \$500,000.00 property damage with the City as an additional insured to remain in effect during the duration of the event. Such proof of insurance shall be a condition to the issuance of the temporary special permit.

**Section 6. Issuance of Permit.** Upon meeting the requirements to obtain a special event permit, the City Clerk shall issue a temporary special event permit to the applicant if there are no conflicts with any zoning or other State, Federal or Local laws, rules, regulations or ordinances of the City.

**Section 7. Permit Regulations.**

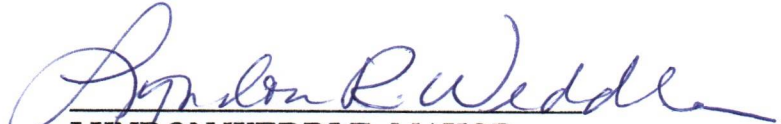
- (a) No temporary special event permit holder shall allow the serving, sale, mixing or consumption of alcoholic liquor or cereal malt beverages between the hours of 12:00 a.m. and 9:00 a.m. at any event for which a temporary permit has been issued.
- (b) No alcoholic liquor or cereal malt beverage shall be given, sold or traded to any person under 21 years of age.
- (c) No more than twelve (12) special event permits may be issued in a calendar year to the same applicant.
- (d) That a temporary special event permit shall be issued for a maximum period of time not to exceed three (3) consecutive days.
- (e) No special permit issued hereunder may be transferred or assigned to any other person or entity.
- (f) All Local, State and Federal laws regarding the sale and consumption of cereal malt beverages or alcoholic liquor shall apply to holders of special event permits.
- (g) The boundaries of the special event at which alcoholic liquor and/or cereal malt beverage is intended to be sold and consumed shall be clearly indicated in the application for the permit and in the issuance of the permit. The boundaries shall also be marked or posted at the event site.



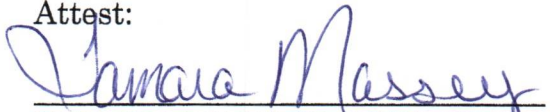
- (h) Any permit holder selling alcoholic liquor and/or cereal malt beverage for consumption on the premises for which a temporary permit has been issued shall be liable for violations of all laws governing the sale and consumption of alcoholic liquor and/or cereal malt beverage.
- (i) Alcoholic liquor or cereal malt beverages shall be served in distinctly different containers than those in which nonalcoholic drinks are served. No alcoholic liquor or cereal malt beverage shall be served, sold or consumed in glass bottles, glass containers or glass vessels.

**Section 8.** This ordinance shall take effect and be in force after its publication in the official city newspaper.

PASSED AND APPROVED this 6th day of June 2022.

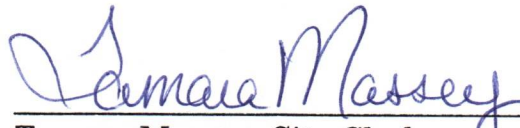
  
LYNDON WEDDLE, MAYOR

Attest:

  
TAMARA MASSEY, CITY CLERK

STATE OF KANSAS, COUNTY OF OSAGE, SS:

I, the undersigned, hereby certify that I am the duly appointed and acting City Clerk of the City of Melvern, Kansas; that the above Ordinance was passed by the council and approved by the Mayor on the 6th day of June 2022, and it was published for two consecutive weeks commencing on the 9th day of June 2022, and that the record of the final vote of passage is shown in the minutes of the proceedings of the Governing Body.

  
Tamara Massey, City Clerk



**LEGAL NOTICE**

Ordinance Summary

(Published in The Osage County Herald-Chronicle June 16, 2022)

**ORDINANCE NO. 452**

On June 6, 2022, the Governing Body of the City of Melvern, Kansas, adopted Ordinance 452 authorizing the sale and consumption of alcoholic liquor and cereal malt beverage at special events in the City of Melvern.

A complete copy of this ordinance may be obtained or viewed free of charge at Melvern City Hall located at 141 S. Main Street, Melvern, Kansas 66510 or at [www.melvernks.com](http://www.melvernks.com).

This summary is certified as legally accurate and sufficient pursuant to K.S.A 12-3007 by City Attorney, Janet C. Walsh.

This summary is certified on the 6<sup>th</sup> day of June 2022.

/s/ Janet C. Walsh, City Attorney

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EDITOR: Please publish one time on June 16, 2022 and return proof of publication to this office and one copy to the City Clerk, 141 S. Main, Melvern, KS 66510. Thank you.

Janet C. Walsh  
Burns, Burns,  
Walsh & Walsh, P.A.  
P.O. Box 487  
Melvorn, KS 66451