

ORDINANCE NO. 3012

AN ORDINANCE AMENDING TITLE VI BUSINESS OCCUPATION, CHAPTER 600 ALCOHOLIC BEVERAGES, ARTICLE VII TEMPORARY PERMITS, SECTION 600.380 COMMUNITY CENTER TEMPORATY PERMIT, AND SECTION 600.390 ROOTS FESTIVAL TEMPORARY PERMIT, TO THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS.

Be it ordained by the City Council of the City of Paola, Kansas, as follows:

SECTION 1. That Article VII, Section 600.380 and Section 600.390 of the Code of the City of Paola are hereby amended to read as follows:

ARTICLE VII. TEMPORARY PERMITS

SECTION 600.380: COMMUNITY CENTER TEMPORARY PERMIT

- A. The consumption of cereal malt beverages and alcoholic beverages on public property may be permitted at the Paola Community Center if:
1. A written application is received by the Paola Community Center Director at least thirty (30) days prior to the date of the requested permit and said permit is granted by the Paola City Manager or designee ten (10) days prior to the date requested for said permit; and
 2. The applicant must provide the Paola City Manager or designee all information necessary to insure that all cereal malt beverage and alcoholic beverage laws will be observed during the permitted period; and
 3. The Paola City Manager or designee may establish any special conditions he/she determines are appropriate for the event; and
 4. The applicant will provide for one (1) off-duty City of Paola Police Officer as security personnel for the event; and
 5. The Paola City Manager's decision to approve or deny the temporary permit is discretionary and the applicant has no legal right to receive said permit as a matter of law; and
 6. A deposit of two hundred fifty dollars (\$250.00) is required in addition to the rental fee for the Paola Community Center, some or all of the deposit may be returned to the renter subject to the approval of the Community Center Director; and
 7. Any sale of cereal malt beverages or alcoholic beverages is prohibited; and
 8. The event remains consistent with prevailing community standards.
- B. When granted a temporary permit, the applicant shall notify the Paola Chief of Police and provide the Chief a copy of the permit.

- C. This permit shall be limited to private events held at the Paola Community Center.
- D. Sections 600.100 and 600.300 prohibiting possession and consumption of alcoholic beverages and cereal malt beverages in public, shall be and are hereby amended by the terms and provisions of a temporary permit issued as provided for herein.
- E. Section 600.395 requiring a city temporary permit shall be and is hereby amended by the terms and provisions of a temporary permit issued as provided for herein to allow the sales and serving of alcoholic beverages at public events held at the Paola Community Center.

SECTION 600.390: ROOTS FESTIVAL TEMPORARY PERMIT

- A. The consumption of cereal malt beverages and alcoholic beverages on public property may be permitted during the Roots Festival if:
 - 1. A written application is received by the City Clerk thirty (30) days prior to the date of the requested permit and said permit is granted by the Paola City Manager or designee fifteen (15) days prior to the date requested for said permit; and
 - 2. The applicant must provide the Paola City Manager or designee all information necessary to insure that all cereal malt beverage and alcoholic beverage laws will be observed during the permitted period; and
 - 3. The Paola City Manager or designee may establish any special conditions he/she determines are appropriate for the Roots Festival; and
 - 4. Cereal malt beverages and alcoholic beverages may only be consumed in paper or plastic containers and no glass containers or bottles of any kind shall be allowed, unless special circumstances dictate otherwise and are approved in advance by the Paola City Manager or designee; and
 - 5. The Paola City Manager's decision to approve or deny the temporary permit is discretionary and the applicant has no legal right to receive said permit as a matter of law; and
 - 6. The event remains consistent with prevailing community standards.
- B. When granted a temporary permit, the applicant shall notify the Paola Chief of Police and provide the Chief a copy of the permit.
- C. This permit shall be limited to the Roots Festival and shall only apply to the public property where the Roots Festival is located within the City of Paola as approved by the Paola City Manager or designee.
- D. Sections 600.100 and 600.300 prohibiting possession and consumption of alcoholic beverages and cereal malt beverages in public shall be and are hereby amended by the terms and provisions of a temporary permit issued as provided for herein.

E. Section 600.395 requiring a city temporary permit shall be and is hereby amended by the terms and provisions of a temporary permit issued as provided for herein to allow the sales and serving of alcoholic beverages at the Roots Festival.

SECTION 2. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3. That this ordinance shall become effective after its passage, approval and publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body this 11th day of May, 2010.

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk