

ORDINANCE NO. 2913

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 600, ARTICLES II and IV, AND SECTION 300 TABLE VII-A OF THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS, TO ALLOW THE ISSUANCE OF A TEMPORARY PERMIT FOR CONSUMPTION OF CEREAL MALT BEVERAGES AND ALCOHOLIC BEVERAGES DURING THE ROOTS FESTIVAL AND AMENDING AND REPEALING EXISTING SECTIONS OF SAID CHAPTER AND ARTICLES THAT ARE IN CONFLICT THEREWITH AND ALLOWING PARKING AFTER 11:00 P.M.

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

SECTION ONE. New Article VIII, Section 600.500 - City Temporary Permit:

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 sixty (60) days prior to the date of the requested permit and said permit is granted by the Paola City Manager or designee thirty (30) 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 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;
6. The event remains consistent with prevailing community standards.

When granted a temporary permit, the applicant shall notify the Paola Chief of Police and provide the Chief a copy of the permit.

SECTION TWO:

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.

SECTION THREE:

Sections 600.100 and 600.320 prohibiting Possession and Consumption of Alcoholic Beverages and Cereal Malt Beverages in Public and Section 300 Table VII-A prohibiting parking after 11:00 p.m., shall be and are hereby amended by the terms and provisions of a temporary permit issued as provided for herein.

SECTION FOUR:

Any provisions in Section 600, Article II and IV, Alcoholic Beverages and Cereal Malt Beverages and Section 300 Table VII-A prohibiting parking after 11:00 p.m., in conflict herewith shall and are hereby repealed.

SECTION FIVE. This ordinance shall take effect and be in force from and after its passage and publication once in the official City Newspaper.

PASSED by the Council this 23rd day of May, 2006.

APPROVED by the Mayor this 23rd day of May, 2006.

Artie Stuteville
Mayor

ATTEST: (Seal)

Daniel G. Droste
City Clerk