

ORDINANCE NO. 4636

**AN ORDINANCE CREATING A COMMON CONSUMPTION AREA (CCA)
PURSUANT TO K.S.A. 41-2659 WITHIN THE CITY LIMITS OF LIBERAL, KANSAS**

WHEREAS, K.S.A. 41-2659 allows for a City to create a Common Consumption Area (CCA);
and

WHEREAS, the downtown area of Liberal, Kansas within the already created Core Commercial District, has portions that would benefit from a CCA; and

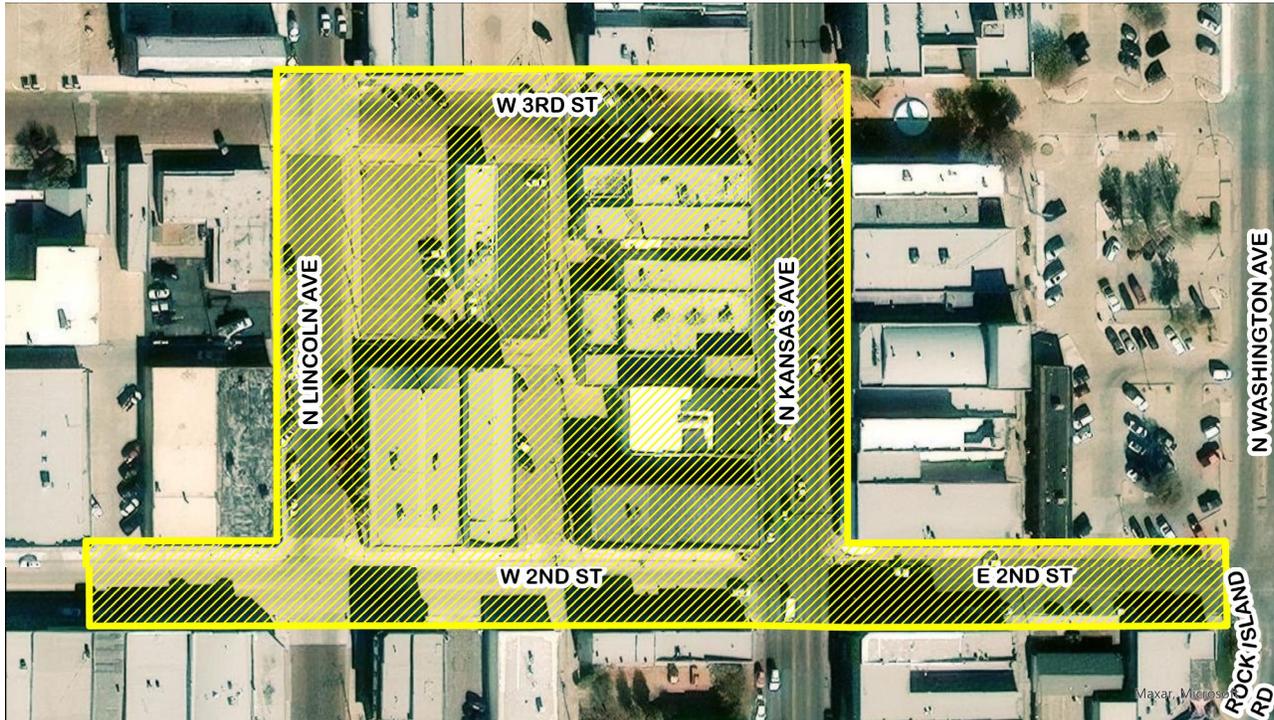
WHEREAS, the City deems it advisable to allow for a CCA in a portion of the Core Commercial District in order to allow citizens to walk freely between drinking establishments within a defined area while consuming alcoholic beverages purchased from drinking establishments within the CCA and set certain regulations in place.

WHEREFORE, BE IT ORDAINED by the Governing Body of the City of Liberal, Kansas:

Section 1. Creation of Common Consumption Area (CCA).

- (a) **Area Created:** A common consumption area is hereby created in the City of Liberal, Kansas within the following areas and as further illustrated contained herein, provided that a common consumption area permit has been issued by the Director of the Kansas Department of Revenue Division of Alcoholic Beverage Control:
- Starting from the intersection of Kansas Avenue and 3rd Street then South to 2nd Street; then West along 2nd Street to the intersection of Lincoln Avenue; then North on Lincoln to the intersection of 3rd Street, then East to the Kansas; the same area being one City block including the entirety of the streets thereon.
 - From the intersection of Kansas Avenue and 2nd Street then East to the intersection of 2nd Street and Washington.
 - From the intersection of Lincoln Avenue and 2nd Street, then extending West a distance of 150.00 feet on 2nd Street.

Map:



- (b) Boundary Identification: The boundaries of the CCA must be clearly marked using a physical barrier or any apparent line of demarcation. Every CCA shall have signs conspicuously posted identifying the boundaries of such area, and such signs must be in a size and manner that provides notice to persons entering or leaving the area.
- (c) Hours. The possession and consumption of alcoholic liquor or cereal malt beverage in the CCA is authorized between the hours of 12:00 noon until 11:59 p.m.

Section 2. Rules of Conduct in CCA.

(a) Sales Conditions. CCA permits are for possession and consumption of alcoholic liquor or cereal malt beverage only in the defined CCA. No sales of alcoholic liquor and CMB may occur on premises covered by a common consumption area permit, unless the sales are conducted by a licensed caterer in accordance with all requirements for a catered event, a separate temporary permit has been issued for that specific area, or a drinking establishment has been authorized by the permit holder to operate a non-contiguous service area in accordance with K.S.A. 41-2659(e)(2).

(b) Consumption Areas. Alcoholic liquor or cereal malt beverage drinks may be consumed on public property within the CCA including sidewalks and crosswalks but shall not be consumed in public parking lots, street parking stalls, or the public thoroughfare (“street”) unless the street has been closed to vehicular traffic for a special event approved by the Governing Body.

(c) Purchases Outside of the CCA. The possession and consumption of alcoholic liquor or cereal malt beverage purchased outside of the CCA and its participating licensees shall not be permitted inside the boundaries of the CCA.

(d) Removal of Purchases from Within the CCA. No open container of alcoholic liquor or cereal malt beverage purchased within the CCA shall be removed from the boundaries of the CCA.

(e) Containers and One-Drink per-person on-street limit. All alcoholic liquor and cereal malt beverage removed from a licensed premise or otherwise sold within the CCA shall be served in a paper or plastic cup no larger than sixteen (16) fluid ounces that displays the licensee's trade name or logo or other identifying mark that is unique to the licensee. No establishment participating in the CCA shall allow any person to leave their premises and enter the CCA with more than one such alcoholic beverage at a time. Paper or plastic cups shall be single serve and not be refilled by the licensee identified on the cup, by any other licensed establishment participating in the CCA, or by any other person or party.

(f) Conduct. All persons within the CCA shall follow all laws and ordinances concerning the purchase, sale, and consumption of alcohol or cereal malt beverage. Any person acting in a way that violates any provisions of the Municipal Code, State or Federal laws, including but not limited to any offenses against person, property, the public peace, the public safety, or public morals, will be removed from the CCA.

(g) Licensed Premises. Any licensee of a licensed premises located within or immediately adjacent to the CCA may request permission from the Kansas Alcoholic and Beverage Control Director to participate in the CCA upon forms prescribed by the Director.

- (1) Removal of Alcohol from Licensed Premises. Any licensee of a licensed premises who has requested and received permission to participate in the CCA may allow its legal patrons to remove one alcoholic liquor or cereal malt beverage purchased from the licensee per person into the premises described by the CCA permit.
- (2) Noncontiguous Sales. In addition to their licensed premises, one or more licensees that have requested and received permission to participate in the CCA may offer for sale, sell, and serve alcoholic liquor or cereal malt beverage for consumption from one noncontiguous service area within the CCA, as designated and approved by the CCA permit holder. The licensee shall prominently display a copy of its drinking establishment license and the approval of the CCA permit holder at its noncontiguous service area.
- (3) Compliance with Applicable Laws. Each licensee within the CCA shall comply with all City ordinances, Federal and State laws regulating the purchase, sale and consumption of alcoholic liquor or cereal malt beverage. Any violations of the common consumption area restrictions, City ordinances, or State or Federal laws may result in revocation of the licensee's participation in the CCA. Each licensee within the CCA shall be liable for violations of all liquor laws governing the sale and consumption of alcoholic liquor or cereal malt beverage that occur on the licensee's premises.

- (4) Signage. Any licensed establishment that allows patrons to leave the establishment with an alcoholic beverage in an open container as provided in this Ordinance shall maintain posted inside all exit doors for clear public view a map of the current boundaries of the current CCA and a sign of at least eleven (11) inches by eight and one-half (8.5) inches that states the following:

“All patrons leaving this establishment with an alcoholic beverage in an open container do hereby assume full responsibility to consume such alcoholic beverage only if it has been served in a paper or plastic cup not to exceed 16 ounces in size and obtained from an establishment licensed to sell alcoholic beverages within the common consumption area (CCA) outlined on the map below. Any individual who leaves the CCA with an alcoholic beverage in an open container is in violation of the Liberal, KS Code of Ordinances and may be subject to a citation, arrest, incarceration, and/or fine.”

- (5) Liability. Each licensee within a CCA shall be liable for violations of all liquor laws governing the sale and consumption of alcoholic liquor or cereal malt beverage that occur on the licensee's premises. Licensee shall provide any insurance coverage or proof of coverage as may be required by the Governing Body as a condition of participating in the CCA.

Section 3. Notification. Upon passage of an ordinance or resolution establishing a CCA, the City shall immediately notify the Director of the Kansas Alcoholic Beverage Control Division of the establishment of the CCA and submit a copy of the ordinance or resolution along with such notice.

Section 4. Conflicting Ordinances. All ordinances or parts of ordinances and/or the Liberal City Code in conflict herewith are repealed. All prior ordinances and/or the Liberal City Code not in conflict with this ordinance remains in full force and effect.

Section 5. Publication. This ordinance shall be published once in the official city newspaper.

Section 6. Effective Date. This ordinance shall take effect on August 15, 2025.

PASSED AND APPROVED by the Governing Body on this 8th day of July, 2025.

/s/ Jose Lara, Mayor

ATTEST: /s/ Alicia Hidalgo, MMC, City Clerk