

**ORDINANCE NO. 23-3430**

**AN ORDINANCE AUTHORIZING THE SALE, CONSUMPTION AND POSSESSION OF ALCOHOLIC LIQUOR AT A SPECIFIED LOCATION ON THE PUBLIC RIGHT-OF-WAY, LITTLE IKE PARK AND THE ADJOINING CITY PARKING LOT, AND APPROVING THE CLOSURE OF PUBLIC PROPERTY FOR THE ABILENE OKTOBERFEST.**

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

**Section 1.** Authorization is given to barricade a portion of North Spruce Street between NW Third Street and NW Fourth Street, portions of NW Fourth Street, Little Ike Park and the City parking lot adjoining Little Ike Park and NW Fourth Street between the hours of 5:00 p.m. and 11:59 p.m. on September 15, 2023, between the hours of 12:00 a.m. and 11:59 p.m. on September 16, 2023, and between the hours of 12:00 a.m. and 1:00 a.m. on September 17, 2023, for the Abilene Oktoberfest Event (the "Event").

**Section 2.** The barricaded portion of North Spruce Street, NW Fourth Street, Little Ike Park and City parking lot as set forth above shall be temporarily closed between the hours of 5:00 p.m. and 11:59 p.m. on September 15, 2023 between the hours of 12:00 a.m. and 11:59 p.m. on September 16, 2023, and between the hours of 12:00 a.m. and 1:00 a.m. on September 17, 2023. Vendors holding the appropriate license from the State of Kansas to sell alcoholic liquor may in accordance with all applicable state laws and municipal ordinances sell alcoholic liquor in the specific area to be barricaded identified above and as approved and designated by the Division of Alcohol Beverage Control. The Abilene Oktoberfest, LLC shall provide security for the Event and conduct the Event in accordance with its plan submitted with the application, a copy of which plan is available for review at the City Office, 419 N. Broadway, Abilene, Kansas. It shall be the duty of the Event organizer and the vendor(s) to restrict access to alcoholic beverages to those persons twenty-one (21) or older.

**Section 3.** Pursuant to K.S.A. 41-719(e), the barricaded portions of Little Ike Park and City parking lot, as set forth above, and the title of which is vested in the City, are hereby exempted from the provisions of K.S.A. 41-719(d) during the times designated above. Event attendees twenty-one (21) and older may buy, possess, and consume alcoholic beverages in the specified areas and during the times designated above.

**Section 4.** The Event is hereby approved by the Governing Body as a special event as required by K.S.A. 41-719(a)(2).

**Section 5.** This ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper by the following summary:

Ordinance No. 23-3430  
Summary

On June 26, 2023, the City Commission passed Ordinance No. 23-3430. The ordinance authorizes the sale, consumption, and possession of alcoholic liquor at a specified location on the public right-of-way, Little Ike Park and the City parking lot adjoining Little Ike Park and NW Fourth Street and approves the closure of public property for the Abilene Oktoberfest, LLC. A complete copy of the ordinance is available online at [www.abilenecityhall.com](http://www.abilenecityhall.com) or in the office of the City Clerk, 419 N. Broadway Street in Abilene, Kansas, free of charge. This summary is certified by the City's legal counsel.

**APPROVED AND PASSED** by the Governing Body of the City of Abilene, Kansas this 26th day of June 2023.



A handwritten signature in blue ink, reading "Trevor D. Witt", is written over a horizontal line.

Trevor D. Witt , Mayor

Attest:

A handwritten signature in blue ink, reading "Shayla L. Mohr", is written over a horizontal line.

Shayla L. Mohr, City Clerk

The publication summary set forth above is certified this 26th day of June 2023.

A handwritten signature in blue ink, reading "A.O. Martin", is written over a horizontal line.

Aaron O. Martin, City Attorney