

**ORDINANCE NO. 1629**

**AN ORDINANCE OF THE CITY OF FAIRWAY, KANSAS, REPEALING AND AMENDING SECTION 3-4 ENTITLED CONSUMPTION ON PUBLIC PROPERTY AND SECTION 9-268 ENTITLED PARKS DESIGNATED OF THE FAIRWAY MUNICIPAL CODE TO INCLUDE THE SHAWNEE INDIAN MISSION STATE HISTORIC SITE.**

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FAIRWAY, KANSAS:

**SECTION 1.** That Section 3-4 of the Code of the City of Fairway is hereby amended to read as follows:

**SEC. 3-4. CONSUMPTION ON PUBLIC PROPERTY.**

(a) *Prohibited.* It is unlawful for any person to sell, serve, dispense or consume any alcoholic liquor or cereal malt beverage in or upon any street, avenue, alley, sidewalk, parkway, right-of-way, parking lot or other such similar public place open to use by the public or where the public may congregate, whether owned publicly or privately, or within any vehicle in or upon such place.

(b) *Exceptions.*

(1) This section shall not apply to the following:

- a. Peterson Park, including but not limited to the large shelter, multi-purpose rooms and the Shawnee Indian Mission State Historic Site, when managed by the City, which are located in the City, provided that the sale, serving, dispensing and consumption is in accordance with terms and conditions outlined in the temporary alcohol beverage permit application, and further provided the Director of Parks and Recreation or his designee does not conclude the activity would be contrary to the public health, safety or welfare.
- b. City-sponsored or other City approved events, provided that the sale, serving, dispensing and consumption are in accordance with written standards designed for each specific event approved by the Parks and Recreation Director or his designee.

(2) Any other exceptions to the prohibitions of this section must be presented to the Parks and Recreation Director or his designee and approved by the City Council.

(Prior Code, § 3-104; Ord. No. 860; Ord. No. 1558, § 1, 9-9-2013)

State Law reference— Consumption of alcoholic liquor in public, K.S.A. 41-719.

**SECTION 2.** That Section 3-4 of the Code of the City of Fairway is hereby repealed.

**SECTION 3.** That Section 9-268 of the Code of the City of Fairway is hereby amended to read as follows:

**SEC 9-268. – PARKS DESIGNATED.**

The public park is hereby designated as follows: Neale R. Peterson Park. Said park shall include any lake, pond, pool, stream or body of water of any nature or description whatsoever located in or upon such park.

The Shawnee Indian Mission State Historic Site, though not dedicated as a park, shall be subject to all applicable provisions listed in this article provided that the City is responsible for the management of the Site.

(Prior Code, § 11-101)

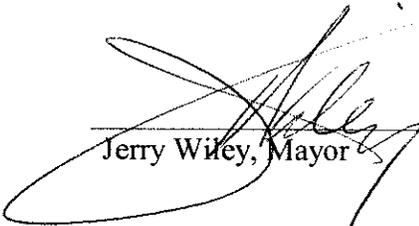
**SECTION 4.** That Section 9-268 of the Code of the City of Fairway is hereby repealed.

**SECTION 5.** That if any portion or section of this Article is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, the decision shall in no manner affect the remaining portions or sections of this Article, which shall remain in full force and effect.

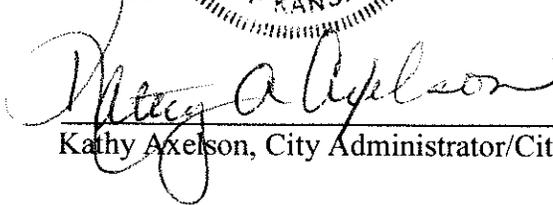
**SECTION 6.** That this Ordinance shall become effective upon adoption and publication of its summary in the official City newspaper.

**PASSED** by the City Council this 12<sup>th</sup> day of September, 2016. **APPROVED** by the Mayor.

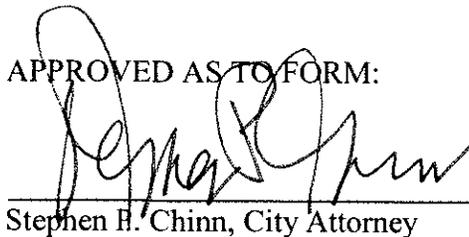


  
Jerry Wiley, Mayor

ATTEST:

  
Kathy Axelson, City Administrator/City Clerk

APPROVED AS TO FORM:

  
Stephen H. Chinn, City Attorney