

Alcoholic Liquor on Public Property



Alcoholic liquor is subject to state and City rules. Those rules vary depending upon type of property, activity (e.g., consumption, sale, and service), and licensure, among other things. This informational document provides primer guidance regarding those rules.

Significant Authority

- [Kansas Statute – Chapter 41: Intoxicating Liquors and Beverages](#)
- [Senate Bill 70 \(i.e., 2019 Kansas Laws Ch. 57\): Amendments relating to temporary permits, consumption on public property, and common consumption areas, among other things](#)
- [Salina Municipal Code – Chapter 5: Alcoholic Beverages](#)
- [Salina Resolution 12-6931: Special Event Retailers Permit](#)

Applications

- [Kansas Department of Revenue: Alcohol Beverage Control \(ABC\)](#)
- [City of Salina – City Clerk’s Office](#)

Right-of-Way (Streets, Sidewalks, and Alleys, etc.)

CONSUMPTION AUTHORIZATION

Alcoholic liquor may only be consumed on right-of-way IF:

1. Kansas Alcoholic Beverage Control (“ABC”) has issued a temporary permit for an event AND the City Commission has approved the event;
2. A licensed caterer has provided the required notification to ABC for a catered event AND the City Commission has approved the event;
3. ABC has approved a premises extension by a public venue, hotel, hotel caterer, drinking establishment caterer or drinking establishment licensee into the right-of-way AND the City Commission has approved the event; or
4. The right-of-way is in a common consumption area during a time when consumption is authorized. Common consumption areas are discussed in greater detail below.

SALES AND SERVICE AUTHORIZATION

Temporary permits* generally authorize the permit holder to sell and serve alcoholic liquor, subject to rules and regulations. The sale and service of alcoholic liquor pursuant to the other licenses and permits described above vary. Kansas statute and the City Code should be consulted regarding particular issues.

* As of May 2, 2019, individuals may bring alcoholic liquor in their original containers onto a property (i.e., BYOB) subject to a temporary permit, *assuming that the permit holder authorizes those activities AND all such containers are removed from the premises.*

LOCATION LIMITATIONS

The City Code also restricts alcoholic liquor consumption on right-of-way to certain, limited areas within the City:

- Salina Business Improvement District Number 1 (i.e., Downtown, roughly);
- Oakdale Park;
- Jerry Ivey Park;
- Bill Burke Park; and
- East Crawford Recreation Area (i.e., the Markley fields and golf course, roughly).

Non-Right-of-Way

CONSUMPTION AUTHORIZATION

Generally, alcoholic liquor may only be consumed on City-owned property if the City has specifically authorized alcoholic liquor consumption on that property. Furthermore, City Permits may be required on such properties before alcoholic liquor is consumed, but no state permit is required.

Consumption Permitted, No Permit Required*

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| • Dean Evans Stadium; | • Community Access Television of Salina offices in Memorial Hall; |
| • Tony’s Pizza Event Center (f/k/a Salina Bicentennial Center); | • In sidewalk dining areas; and |
| • The Smoky Hill Museum; | • Saline County Expo Center. |

*Consumption on these properties remains subject to typical restrictions like reservations, opening/closing hours, and curfews, among others. Contact the City Clerk’s Office for further details.

Consumption Permitted, City Manager Permit Required

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| • Jerry Ivey Park; | • The Municipal Golf Course; and |
| • Bill Burke Park; | • Non-right-of-way public property in the Salina Business Improvement District Number 1. |
| • Oakdale Park; | |
| • East Crawford Recreational Area (other than Dean Evans Stadium); | |

SALES AND SERVICE AUTHORIZATION

Temporary permits generally authorize the permit holder to sell and serve alcoholic liquor, subject to rules and regulations. The sale and service of alcoholic liquor may be authorized under other permits and licenses, as well. Kansas statute and the City Code should be consulted regarding particular issues.

Common Consumption Areas

Consumption of alcoholic liquor can also occur on public property (both right-of-way and non-right-of-way) within common consumption areas under state law. The City is currently working on code amendments that would authorize common consumption areas. Staff anticipates these amendments will be presented to City Commission before the end of 2019. These amendments are being drafted in conjunction with the new arts and entertainment ordinance for Downtown Salina.

If you have any questions or concerns regarding the City of Salina’s alcohol regulations, please don’t hesitate to contact the City Clerk’s Office at (785) 309-5735.

This document shall not be construed to define or used as evidence of the City’s position on any legal issues nor shall it be construed to govern or supersede obligations under applicable law.