



COMMON CONSUMPTION AREA (CCA) ADMINISTRATIVE REGULATIONS

Introduction

The State of Kansas changed the alcohol consumption laws to allow communities to create their own limited “social drinking zones” with the aim to revitalize downtown cores by bringing foot traffic to shops and restaurants. The Common Consumption Area (CCA) ordinance was proposed to support these efforts. Only on-premise licensees and Temporary Permit Holders located within a designated CCA who have been approved by the ABC can allow patrons to remove drinks from their premises in clearly marked cups to be consumed in the in the designated CCA. Drinks may not be removed from the CCA boundaries. Business owners can opt in or out regarding the participation in a CCA and whether or not to allow outside beverages into their business.

“Common consumption area” or “CCA” means a defined indoor or outdoor area not otherwise subject to a license issued pursuant to the Kansas Liquor Control Act or the Club and Drinking Establishment Act where the possession and consumption of alcoholic liquor or cereal malt beverage is allowed pursuant to a common consumption area permit issued by the Director. [[Topeka Municipal Code \(TMC\) 9.15.010 “Definitions”](#)]

The Governing Body established the following common consumption areas. Public streets or roadways within a CCA may be blocked from motorized traffic during the hours in which alcoholic liquor or cereal malt beverage is consumed. [[Topeka Municipal Code \(TMC\) Article V, Chapter 9.15.360 \(“Common consumption areas established - Boundaries”\)](#)]

(1) DOWNTOWN. The area encompassing 4th Street on the north; 10th Avenue on the south; Quincy Street on the east; and Jackson Street on the west.

(2) NOTO. The area encompassing Fairchild Street on the north, Norris Street on the south, Quincy Street on the east and Jackson Street on the west.

The possession and consumption of alcoholic liquor or cereal malt beverage in each CCA is allowed between the hours of 8:00 a.m. and 11:59 p.m., Sunday through Saturday – 365 days a year. [[Topeka Municipal Code \(TMC\) Article V, Chapter 9.15.370 \(“Hours”\)](#)]

The City Manager has the authority to take all necessary actions relative to administering a CCA, including but not limited to, enacting regulations and executing all documents required to obtain a CCA permit on behalf of the City. [[Topeka Municipal Code \(TMC\) Article V, Chapter 9.15.440 \(“Hours”\]](#)]

In order for any business, entity or temporary permit holder to participate in an established CCA, the licensee **must request and receive permission from ABC** by submitting the ABC-838 form found online at <https://ksrevenue.gov/abcforms.html>. [[Subsections \(d\) and \(e\) of K.S.A. 41-2659](#)]. As the Permit Holder for the established City of Topeka common consumption areas, it is in the best interest of the City of Topeka to implement the following administrative regulation:

Regulation for Participation in a CCA

Any on-premise licensee or temporary permit holder that has requested and been approved by the State of Kansas ABC to participate in an established City of Topeka Common Consumption Area must submit a copy of the approved request form (ABC-838) to the City Clerk’s Office. Within 48 hours of approval by the ABC, email a copy of the approved permit to cclerk@topeka.org or hand deliver it to the City Clerk’s Office located at 215 SE 7th Street, Room 166, Topeka, Kansas.

Likewise, should the on-premise licensee or temporary permit holder choose to no longer participate in a CCA, a copy of the written request submitted to the ABC to withdraw participation must be provided to the City Clerk’s office.

Additionally, K.S.A. 45-2659(e)(2) allows “...licensees that have requested and received permission to participate in a common consumption area may offer for sale, sell and serve alcoholic liquor or cereal malt beverage for consumption from one non-contiguous service area within the common consumption area, as designated and approved by the common consumption area permit holder. The licensee shall prominently display a copy of its drinking establishment license and the approval of the common consumption area permit holder at its non-contiguous service area.” As the Permit Holder for the established CCA, it is in the best interest of the City to implement the following administrative regulation:

Regulation for Requesting Approval of Non-Contiguous Service Area (NCSA)

Any licensee that has been approved by the State of Kansas ABC to participate in an established Common Consumption Area who desires designation of one non-contiguous service area within the CCA boundaries may submit a NCSA Request Form that shall include a description and/or drawing of the location to be designated as the non-contiguous service area and documentation of proof of the property owner’s consent for the licensee to set up a service area. Request Forms shall be submitted to the City Clerk for review and approval. The licensee will be provided a copy of the application showing approval which shall be prominently displayed at the NCSA along with a copy of its drinking establishment license.

/s/Richard U. Nienstedt
Richard U. Nienstedt, Interim City Manager

/s/Brenda Younger
Brenda Younger, City Clerk

Originally Promulgated: March 14, 2024

Most Recently Updated: _____