

August 23, 2010

## **POLICY MEMORANDUM 2002-2 (Revised)**

### **Subject: Guidelines for the Temporary Extension of Licensed Premises**

1. **Purpose:** The purpose of this memorandum is to provide clarification of the statutes and regulations as they pertain to the temporary extension of a licensee's licensed premises.
2. **Applicability:** Class A clubs, Class B clubs, Drinking Establishments, and Hotel/drinking establishments.
3. **Discussion:** There are frequent questions on requirements concerning the temporary extension of a licensee's licensed premises. The following information explains the procedure and requirements for temporary extensions.
  - a. Who may temporarily extend the licensed premises.
    - Drinking Establishments
      - A licensee of a drinking establishment may, with written permission from the Director, extend its licensed premises into adjacent and contiguous property beyond the boundaries of its building.
    - Class A and Class B clubs
      - A licensee of a class A or class B club may, with written permission from the Director, extend its licensed premises into adjacent and contiguous property beyond the boundaries of its building.
      - The extended premise is accessible only to members of the club and their bona fide guests. Members of the general public are not permitted on the club premises.
    - Hotel/drinking establishments
      - A licensee of a Hotel/drinking establishment may, with written permission from the Director, extend its licensed premises into adjacent and contiguous property beyond the boundaries of its building.
      - The licensee of a Hotel/drinking establishment in which the licensed premises does not cover the entire hotel may extend its licensed premises provided that the extension would not result in the entire hotel being licensed, which would require a higher license fee.
  - b. Procedure for requesting a temporary extension of premises.
    - Any licensee wishing to extend its licensed premises shall submit a written request, including form ABC-806, Request for Premise Approval, to the Director at least 10 days prior to the extension.
    - Requests may be mailed or faxed to the ABC at:

Kansas Alcoholic Beverage Control  
Attn: Special Events Coordinator  
915 SW Harrison St., Room 214  
Topeka, KS 66625-3512

Fax: (785) 296-7185

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- o The ABC-806 form shall include a diagram of the extended premises, clearly showing the boundaries of the premises, entrances to and exits from the premises, and the area in which the service of alcoholic liquor would take place.
  - o The written request shall include the date(s) and time(s) during which the premises will be extended.
  - o The request shall include proof of ownership or legal rights to in the property into which the premises is being extended, except:
    - If the licensee does not own or lease the property into which the premises is being extended, the request shall include written permission from the governing body, owner or property manager to extend the premises into that area.
- c. Requirements for extended premises.
- The boundary of any premises extending beyond the walls of a building shall be clearly marked by a three-dimensional obstacle.
  - The Licensee shall maintain, on the licensed premises, a copy of the extended diagram and the Director's approval of the extension. The diagram and the Director's written approval shall be available for inspection upon request by any law enforcement officer or agent or employee of the Director.
  - The licensee shall be charged with complying with all applicable state and local restrictions concerning the sale, service and consumption of alcoholic liquor on the extended premises.
  - Any drinking establishment that elects to extend its licensed premises into a "special event" as defined by K.S.A. 41-719, for which a temporary permit has been issued shall post a copy of the Director's written approval to extend the premises at each entrance to the special event area and at each entrance to the drinking establishment.

**4. Additional Comments:**

- a. Failure to comply with the applicable statutes, regulations and/or this policy memorandum, may result in administrative action for violation of the liquor laws.
- b. Alcoholic Beverage Control Enforcement Agents will verify compliance with the provisions of the applicable statutes, regulations and this policy memorandum.

**5. Clarification of Policy:** All clarification requests to this policy should be directed in writing to this office via mail, fax, or submitted to the agency's email at [abc\\_mail@kdor.state.ks.us](mailto:abc_mail@kdor.state.ks.us).

**6. Effective Date of this policy:** This policy is effective from the date of signature until further notice.

***Original Signed and On File***

Thomas W. Groneman

cc: Assistant Attorney General  
Chief of Enforcement  
Licensing Supervisor  
Compliance Supervisor  
Administration Supervisor  
Enforcement Agents