ORDINANCE NO. 18523

AN ORDINANCE introduced by City Manager Neil Dobler relating to Sunday sale of alcoholic liquor and cereal malt beverage in the original package within the City of Topeka, amending City of Topeka Code §§ 10-37, 10-51, and 10-117 and repealing said original code sections.

WHEREAS, the Council of the City of Topeka, Kansas has adopted Ordinance 18485 which authorizes the Sunday sale of alcoholic liquor and cereal malt beverage for certain hours in accordance with 2005 Kan. Sess. Laws, ch. 201; and,

WHEREAS, certain sections of Topeka City Code need to be changed to be consistent with the Ordinance 18485 and state law; and,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That City of Topeka Code § 10-37, Hours of delivery, is hereby amended to read as follows:

Hours of delivery.

No wholesaler or distributor shall sell or deliver any cereal malt beverages to any licensee within the city:

(1) Between the hours of 12:00 midnight and 6:00 a.m.; Before 6:00 a.m. or after 12:00 midnight Monday through Saturday.

(2) On Sunday; Before 12:00 noon or after 8:00 p.m. on Sunday.

(3) On any election day during the hours the polls are open; or

Section 2. That City of Topeka Code § 10-51, Hours of sale of cereal malt beverages, is hereby amended to read as follows:

Hours of sale of cereal malt beverages.

(a) It shall be unlawful for a retailer or limited retailer to sell cereal malt beverages or to allow the same to be consumed:

(1) Between the hours of 12:00 midnight and 6:00 a.m. Before 6:00 a.m. or after 12:00 midnight Monday through Saturday.

(2) On Sunday Before 12:00 noon or after 8:00 p.m. on Sunday except Easter, except in a place of business which is licensed to sell cereal malt beverages for consumption on the premises, which place of business derives not less than thirty percent (30%) of its gross receipts from the sale of food for consumption on the business premises.

(b) No person shall be permitted to consume or drink any cereal malt beverage in or about a premises licensed to sell cereal malt beverages during the times that sale is prohibited under subsection (a); provided however, that this provision shall not apply if the licensed premises are also currently licensed by the state director of alcoholic beverage control.

Section 3. That City of Topeka Code § 10-117, Days and hours for retail sale, is hereby amended to read as follows:

Days and hours for retail sale.

It shall be unlawful to sell at retail any alcoholic liquor:

(1) Before 9:00 a.m. or after 11:00 p.m. Monday through Saturday;

(2) Before 4:00 a.m., 12:00 noon or after 7:00 p.m. on Sunday; or
(3) On Easter, Thanksgiving Day, or Christmas Day.

Section 4. That original of the City of Topeka Code §§ 10-37, 10-51, and 10-117 are hereby specifically repealed.

Section 5. This Ordinance shall take effect and be in force on November 15, 2005, and after its passage, approval and publication in the official city newspaper unless a sufficient petition for a referendum is filed within sixty-one (61) days of final publication of City of Topeka Ordinance 18485. In the event of a referendum on City of Topeka Ordinance 18485, this Ordinance shall take effect one day after the effective date of City of Topeka Ordinance 18485.

PASSED and APPROVED by the City Council  October 11, 2005  

ATTEST:

William W. Bunten, Mayor

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 10/12/05 BY
TO BE CODIFIED
NOT TO BE CODIFIED