ORDINANCE NO. 18042

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. relating to Sunday sale of alcoholic liquor and cereal malt beverage in the original package within the City of Topeka, amending Sections 1 and 2 of Ordinance 18523 and repealing said original sections.

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.**

It shall be unlawful for any wholesaler or distributor shall to sell or deliver any cereal malt beverages to any licensee within the city:

1. Before 6:00 a.m. or after 12:00 midnight Monday through Saturday.
2. 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. Before 6:00 a.m. or after 12:00 midnight Monday through Saturday.
(2) 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.

(3) On Easter.

(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 That original Sections 1 and 2 of City of Topeka Ordinance No. 18523 are hereby specifically repealed.

Section 4. This Ordinance shall take effect and be in force after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council

MAY 16 2006

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 4/20/06 BY RBC
TO BE CODIFIED X
NOT TO BE CODIFIED