

(Published in the Topeka Metro News on June 21, 2021 and June 28, 2021)

ORDINANCE NO. 20303

AN ORDINANCE introduced by Councilmember Spencer Duncan revising hours of sale for retail liquor stores and cereal malt beverage retailers, amending Topeka Municipal Code § 9.15.100 and § 9.15.250.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That section 9.15.100, Hours of sale of cereal malt beverages, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Hours of sale of cereal malt beverages

(a) It shall be unlawful for an on-premises retailer or an off-premises retailer to sell cereal malt beverages or beer 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~~ 9:00 a.m. or after 8:00 p.m. on Sunday, 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 30 percent 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 or beer in or about a premises licensed to sell cereal malt beverages or beer during the times that sale is prohibited under subsection (a) of this section; provided, however, that this provision shall not apply if the licensed premises are also licensed as a drinking establishment by the State Director of Alcoholic Beverage Control.

Section 2. That section 9.15.250, Days and hours for retail sale, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Days and hours for retail sale.

Ordinance effective August 28, 2021, following a 60-day protest period

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

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

(b) Before ~~12:00 noon~~ 9:00 a.m. or after 8:00 p.m. on Sunday; or

(c) On Easter, Thanksgiving Day, or Christmas Day.

Section 4. That original § 9.15.100 and § 9.15.250 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 5. This ordinance shall be published at least once each week for two consecutive weeks in the official city newspaper. The ordinance shall become effective 60 days from the date of the second publication unless a petition is filed requesting that a proposition be submitted for approval by the voters pursuant to K.S.A. 41-2911, as amended by 2021 H.B. 2137, Sec. 38. If a valid petition is filed, this ordinance shall not become effective unless a proposition is submitted to and approved at an election.

Section 6. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 7. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the Governing Body on June 15, 2021.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk