

ORDINANCE NO. 1020

AN ORDINANCE AMENDING WMC 3-213(l) AND 3-304(b) MODIFYING THE TIMES ON WHICH ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGE MAY BE SOLD ON SUNDAYS PURSUANT TO KANSAS HOUSE BILL 2137.

WHEREAS, House Bill 2137 was enacted by the Kansas Legislature and signed by the Governor on May 19, 2021, wherein the Legislature amended K.S.A. 41-712 and K.S.A. 41-2704 to provide for the sale of packaged alcoholic liquor and cereal malt beverages on Sundays no earlier than 9:00 a.m. and to allow the sale of packaged alcoholic liquor and cereal malt beverage on Memorial Day, Independence Day, and Labor Day;

WHEREAS, the City's Code is now more restrictive than and in conflict with K.S.A. 41-712 and K.S.A. 41-2704;

WHEREAS, the City deems it appropriate in light of HB 2137 that the City's Code provisions related to alcoholic liquor and cereal malt beverage be amended as provided in this Ordinance;

WHEREAS, the City deems it appropriate to amend WMC 3-213(l) and 3-304(b) to clarify the language of this section of the City Code for consistency with House Bill 2137.

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

SECTION 1: Section 3-213(l) of the City Code shall be amended to provide as follows:

3-213. BUSINESS REGULATIONS. It shall be the duty of every licensee to observe the following regulations.

...

(l) The sale at retail of cereal malt beverages in the original package is allowed within the City on any Sunday, except Easter, between the hours of 9:00 a.m. and 8:00 p.m.

SECTION 2: Section 3-304 of the City Code shall be amended to provide as follows:

3-304. HOURS OF SALE. No person shall sell at retail any alcoholic liquor:

(a) Before 9:00 a.m. or after 11:00 p.m. on any day when the sale thereof is permitted, except as provided in subsection (b).

(b) Sale at retail of alcoholic liquor in the original package is allowed within the City on any Sunday, except Easter, between the hours of 9:00 a.m. and 8:00 p.m.

SECTION 3: All other ordinances not in conformity herewith are hereby repealed or amended to conform hereto.

SECTION 4: This Ordinance shall take effect sixty (60) days after its adoption by the City Council and its execution by the Mayor as provided in House Bill 2137.

PASSED by the Governing body this 8th day of July, 2021.



Attest:

Leslie Herring
Leslie Herring, City Clerk

David E. Waters
David E. Waters, Mayor

Approved as to form and legality:

Ryan Denk
Ryan Denk, City Attorney