

1 (Published in the Topeka Metro News May 24, 2006)  
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4 ORDINANCE NO. 18642  
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6 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. relating to  
7 Sunday sale of alcoholic liquor and cereal malt beverage in the  
8 original package within the City of Topeka, amending Sections 1 and  
9 2 of Ordinance 18523 and repealing said original sections.  
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11 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
12 TOPEKA, KANSAS:

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

15 **Hours of delivery.**

16 ~~No~~ It shall be unlawful for any wholesaler or distributor ~~shall~~ to sell or deliver any  
17 cereal malt beverages to any licensee within the city:

- 18 (1) Before 6:00 a.m. or after 12:00 midnight Monday through Saturday.  
19 (2) Before 12:00 noon or after 8:00 p.m. on Sunday.  
20 (3) On any election day during the hours the polls are open; or  
21 (4) On Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving Day  
22 or Christmas Day.

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

25 **Hours of sale of cereal malt beverages.**

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

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

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

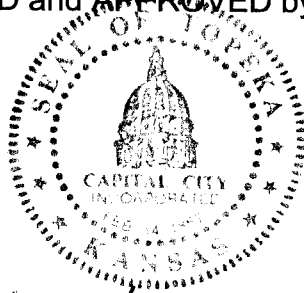
34 (3) On Easter.

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

40 Section 3. That original Sections 1 and 2 of City of Topeka Ordinance No. 18523  
41 are hereby specifically repealed.

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

44 PASSED and APPROVED by the City Council MAY 16 2006



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49 ATTEST:

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51 Iris E. Walker  
52 Iris E. Walker, City Clerk

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William W. Bunten  
William W. Bunten, Mayor

APPROVED AS TO FORM AND LEGALITY
DATE <u>4/20/06</u> BY <u>BBC</u>
TO BE CODIFIED <u>X</u>
NOT TO BE CODIFIED _____