

ORDINANCE NO. 1007

AN ORDINANCE AUTHORIZING SUNDAY SALES OF ALCOHOLIC LIQUOR AND  
CEREAL MALT BEVERAGE IN THE ORIGINAL PACKAGE WITHIN THE CITY OF  
DOWNS, AND REPEALING ORDINANCE NO. 946.

(Published September 16, 2021)

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DOWNS

**Section 1.** Pursuant to K.S.A. 41-2704, the sale at retail of cereal malt beverage 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.

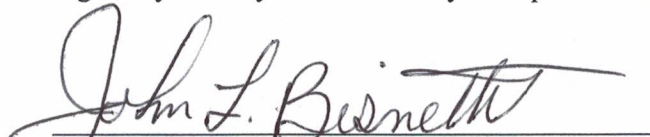
**Section 2.** Pursuant to K.S.A. 41-712, the sale at retail of alcoholic liquor in the original package is allowed within the city on any Sunday, except Easter, between the hours of 9:00 a.m. and 8:00 p.m.

**Section 3.** Ordinance No. 946 of the City of Downs passed on April 16, 2013 is hereby repealed.

**Section 4.** This ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

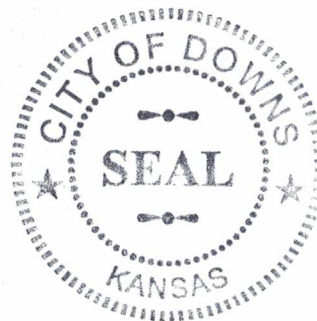
**Section 5.** This ordinance shall take effect 61 days after final publication, unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the ordinance as provided in K.S.A. 41-2911, in which case this ordinance shall become effective upon approval by a majority of the electors voting thereon.

Passed by the city council this 9<sup>th</sup> day of September 2021.  
Signed by the mayor on the 9<sup>th</sup> day of September 2021.

  
John L. Bisnette, Mayor

ATTEST:

  
Miranda Robinson, City Clerk



[SEAL]

**NOTES:**

- (1) This ordinance must be published once each week for 2 consecutive weeks in the official city newspaper. If no protest petition is received, the ordinance becomes effective on the 61st day following the last publication. If a valid protest petition is received, the ordinance does not become effective until an election is called by the governing body and is approved by a majority of the electors voting on the question.
- (2) This is an ordinary ordinance. It only requires a majority of the members-elect of the city council or commission for passage.
- (3) The repeal in section 3 is only necessary if your City has already passed an ordinance allowing for Sunday sales and you now want to pass an ordinance modifying the hours at which Sunday sales will be allowed. The city should also review the city code to look for sections inconsistent with this ordinance. Any inconsistent code sections should be included in the repealer statement of this ordinance.
- (4) The modification to state law allows cities to pass an ordinance allowing the sale of alcoholic liquor and cereal malt beverage "not earlier than 9:00 a.m. and not later than 8:00 p.m. on Sundays." Cities can, at their discretion, set start and end times for sales within that range (ex: 10:00 a.m. to 8:00 p.m.)
- (5) Changes to state law also removed the prohibition on sales of alcoholic liquor on Memorial Day, Independence Day, and Labor Day (sales of CMB were always allowed on these days). In many cities where Sunday sales were allowed, this prohibition has already been removed. In cities not yet allowing Sunday sales, there may be an ordinance or code section that reflects this prohibition. Cities can, at their discretion, continue to prohibit sales on these holidays if they wish to do so with a regular ordinance. If the city wishes to eliminate this prohibition to match state statute, the city will need to repeal any code section or ordinance that prohibits sale on these holidays. NOTE: The sale of alcoholic liquor on Thanksgiving and Christmas day is still prohibited by state law and the city CANNOT modify this prohibition.
- (6) In cities already having Sunday sales, the city can, instead of passing this ordinance in its entirety, pass an ordinance amending the sections from the prior ordinance that need to be amended pursuant to K.S.A. 12-3004. If the city chooses to proceed in this manner, the same ordinance process prescribed in K.S.A. 41-2911 (as laid in sections 4 and 5 of this sample) must be followed. In addition to the sections being amended, the amending ordinance will need to include the language from sections 4 and 5 to give the public notice of their right to file a petition. For this reason, it may be easier to pass this sample in its entirety, repealing the prior ordinance in its entirety instead of doing it section by section, but both options are acceptable.