



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
May 14, 2020

Department Administration

Director Approval Kelly Passauer

AGENDA ITEM Consider an ordinance expanding the sale at retail of cereal malt beverage and alcoholic liquor on Sundays.

SUMMARY RECOMMENDATION Adopt the ordinance.

BACKGROUND Previously the City Commission has discussed opening up the sale of cereal malt beverage and alcoholic liquor on Sundays. At that time the Commission requested to receive feedback from business owners. We have heard through Main Street that there is interest from some business owners to allow for Sunday sales. There are other business owners who have indicated they prefer not to be open on Sundays, as this would increase their overhead. However, this ordinance would not mandate that they be open on Sundays. By adopting this ordinance it provides the option to business owners to sell alcohol on Sundays if they so choose.

The ordinance would expand the sale at retail of cereal malt beverage in the original package to include any Sunday, except Easter, between the hours of 12:00 Noon and 8:00 PM; and it would expand the sale at retail of alcoholic liquor in the original package to include any Sunday, except Easter, between the hours of 12:00 Noon and 8:00 PM, and on Memorial Day, Independence Day, and Labor Day.

Once the ordinance is adopted it is required to be published once per week for two consecutive weeks in the official City newspaper. The ordinance does not go into effect until 60 days after its publication if a valid petition is not filed. If a valid petition is filed it must be placed on the ballot for a public vote.

BUDGET IMPACT The City receives sales tax and liquor tax from the sale of alcohol. By adopting this ordinance it would reduce the leakage caused by those that travel to neighboring cities to purchase cereal malt beverages or alcohol on Sundays.

SUGGESTED MOTION I move to adopt an ordinance expanding the sale at retail of cereal malt beverage and alcoholic liquor on Sundays.

SUPPORTING DOCUMENTS Ordinance prepared by the City Attorney

ORDINANCE NO. _____

**An Ordinance Expanding the Sale at Retail
of Cereal Malt Beverage and Alcoholic Liquor on Sundays**

BE IT ORDAINED by the Governing Body of the City of Independence, Kansas:

Section 1. Pursuant to K.S.A. 41-2911, the sale at retail of cereal malt beverage in the original package is hereby expanded to include any Sunday, except Easter, between the hours of 12:00 Noon and 8:00 P.M.

Section 2. Pursuant to K.S.A. 41-2911, the sale at retail of alcoholic liquor in the original package is hereby expanded to include any Sunday, except Easter, between the hours of 12:00 Noon and 8:00 P.M., and on Memorial Day, Independence Day, and Labor Day.

Section 3. This Ordinance shall be published once per week for two consecutive weeks in the official City newspaper. The Ordinance shall then not become effective earlier than sixty (60) days following the date of its publication. If, within sixty (60) days following publication of this Ordinance, a petition is submitted according to law, this Ordinance shall not become effective until the proposition is submitted to and approved at an election conducted in accordance with applicable Kansas statutes. Upon the expiration of sixty (60) days following publication, if no petition has been submitted as permitted by law, this Ordinance shall take effect.

Adopted by the Governing Body of the City of Independence, Kansas, on the 14th day of May, 2020.

LEONHARD CAFLISCH, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk