

AN ORDINANCE TO AMEND CHAPTER 5 OF THE CITY CODE REGARDING HOURS OF OPERATION FOR LIQUOR STORES ON SUNDAYS

#4453

WHEREAS, City Council has enacted the provisions of Chapter 5 of the City Code

Sponsor:

setting forth requirements for businesses; and

**Council
Member
Freel**

WHEREAS, City Code Section 5-1 permits liquor stores located in the City of

Wilmington to sell spirits, wine, and beer on Sundays between the hours of 12:00 p.m. and 4:00 p.m.; and

WHEREAS, City Council deems it proper to amend City Code Section 5-1 to extend the

permitted hours of operation on Sundays for liquor stores located in the City of Wilmington to be from 11:00 a.m. to 6:00 p.m., except for liquor stores constituting non-conforming uses; and

WHEREAS, City Council deems it proper to amend City Code Section 5-1 to extend the

permitted hours of operation for all liquor stores located in the City of Wilmington on Christmas Eve and New Year's Eve (in the event the holidays occur on a Sunday) to be from 11:00 a.m. to 8:00 p.m.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON

HEREBY ORDAINS:

SECTION 1. Chapter 5 of the City Code is hereby amended by amending Section 5-1 thereof by deleting the stricken language and adding the underlined language to read as follows:

Sec. 5-1. - Businesses operating on Sundays, which sell spirits, wine and beer.

A holder of a license for the sale of spirits, wines or beer in a store may, ~~at the licensee's discretion,~~ sell spirits, wine or beer on Sundays between the hours of ~~12:00 p.m. and 4:00 p.m.~~ 11:00 a.m. and 6:00 p.m., except a licensee whose business constitutes a non-

conforming use shall be limited to selling spirits, wine or beer on Sundays between the hours of 12:00 p.m. and 4:00 p.m. In the event that Christmas Eve and New Year's Eve ~~are~~ occur on a Sunday, then the sale of spirits, wine or beer shall be permitted from ~~12:00 p.m.~~ 11:00 p.m. to 8:00 p.m. Any holder of a license for the sale of spirits, wine or beer in a store that chooses to conduct business on Sundays may, ~~at his or her discretion,~~ remain closed for business on one other day of the week without notice to, or prior approval from, the state alcoholic beverage commissioner, provided that the store's daily hours are conspicuously posted on the store's front window or door.

SECTION 2. This Ordinance shall become effective immediately upon its passage by City Council and approval by the Mayor.

First Reading.....November 16, 2017
Second Reading.....November 16, 2017
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved as to form this ____ day of _____, 2017.

Senior Assistant City Solicitor

Approved this ____ day of _____, 2017.

Mayor

SYNOPSIS: This Ordinance amends Section 5-1 of Chapter 5 of the City Code by extending the permitted hours of operation on Sundays for liquor stores located in the City of Wilmington to be from 11:00 a.m. to 6:00 p.m., except for liquor stores constituting non-conforming uses. Liquor stores constituting non-conforming uses are permitted to operate on Sundays from 12:00 p.m. to 4:00 p.m. This Ordinance also extends the hours of operation for all liquor stores located in the City of Wilmington for Christmas Eve and New Year's Eve (in

the event the holidays occur on a Sunday) to be from 11:00 a.m. to 8:00 p.m. Finally, as a housekeeping matter, the phrases “at the licensee’s discretion” and “at his or her discretion” have been deleted because they are duplicative of the term “may”.

FISCAL IMPACT STATEMENT: This Ordinance has no anticipated fiscal impact.

W0096558