

**AN ORDINANCE TO AMEND CHAPTER 5 OF THE CITY CODE TO
EXTEND SUNDAY HOURS OF OPERATIONS FOR NON-CONFORMING
LIQUOR STORES**

#0300

Sponsor:

Council
Member
N. Field

WHEREAS, City Council has enacted the provisions of Chapter 5 of the City Code setting forth requirements for businesses; and

WHEREAS, City Code Section 5-1 permits commercially zoned liquor stores located in the City of Wilmington to sell spirits, wine, and beer on Sundays between the hours of 11:00 a.m. and 6:00 p.m.; and

WHEREAS, several “nonconforming” liquor stores throughout the City of Wilmington are zoned in residential districts, but operate as commercial entities under special zoning board of adjustments approvals; and

WHEREAS, City Code Section 5-1 limits these “nonconforming” liquor stores to operate only between 12:00 p.m. and 4:00 p.m. on Sundays; and

WHEREAS, City Code Section 5-1 penalizes these “nonconforming” liquor stores by providing three fewer business hours per week to make money; and

WHEREAS, City Council deems it proper to amend City Code Section 5-1 to extend permitted hours of operation on Sundays of these “nonconforming” liquor stores so all liquor stores located in the City of Wilmington have the same permitted hours of operation.

**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 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 sell spirits, wine or beer on Sundays between the hours of 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 occur on a Sunday, then the sale of spirits, wine or beer is permitted from 11:00 a.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 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 upon its passage by City Council and approval by the Mayor.

First ReadingMay 4, 2023
Second Reading.....May 4, 2023
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2023.

Mayor

SYNOPSIS: This Ordinance amends Chapter 5 of the City Code to extend the Sunday hours of operation of “non-conforming” liquor stores to match the hours of operation of commercially zoned liquor stores in the City.

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