

Agenda No #4262
Sponsor: Council Member Freel

**AN ORDINANCE TO AMEND CHAPTER 5 OF THE CITY CODE
REGARDING THE HOURS OF OPERATION ON SUNDAYS
FOR SELLERS OF INTOXICATING LIQUORS.**

WHEREAS, the City Council has enacted the provisions of Chapter 5 of the City Code setting forth business code requirements and the specific provisions in the Articles and Sections of that Chapter; and

WHEREAS, on June 17, 2004, the City Council passed Substitute No. 2 to Ordinance 04-009, which amended the provisions of Chapter 5 of the City Code by limiting the hours of operation for liquor stores that operate on Sundays to a maximum of four hours between 12:00 p.m. and 4:00 p.m.; and

WHEREAS, on December 21, 2006, the City Council passed Ordinance No. 06-084, which amended the provisions of Chapter 5 of the City Code by extending the permissible hours of operation for liquor stores that operate on Sundays, whenever a Sunday falls on Christmas Eve or New Year's Eve, to a maximum of eight hours between 12:00 p.m. and 8:00 p.m.; and

WHEREAS, the 148th Session of the Delaware General Assembly passed House Bill 156, which was signed by the Governor on June 30, 2015; and

WHEREAS, House Bill 156 continued the process of updating the Liquor Control Act to make it more consumer-friendly by permitting liquor stores to operate on Sundays between the hours of 12:00 p.m. and 8:00 p.m. during the months of January through September and between the hours of 10:00 a.m. and 8:00 p.m. during the months of October through December; and

WHEREAS, the City Council deems it necessary and proper to amend the general business provisions of the City Code to limit the hours of operation of liquor stores that operate on Sundays between 12:00 p.m. and 5:00 p.m. during the months of January through September and between 10:00 a.m and 5:00 p.m. on Sundays during the months of October through December.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON
HEREBY ORDAINS:**

SECTION 1. Chapter 5 of the City Code is hereby amended by deleting the stricken language in brackets and by 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~~5:00 p.m. during the months of January through September and between 10:00 a.m. and 5:00 p.m. during the months of October through December. In the event that Christmas Eve and New Year's Eve are on a Sunday, then the sale of spirits, wine or beer shall be permitted from ~~1~~2~~10:00~~ ~~p~~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, 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. Effective Date: This Ordinance shall become effective immediately upon its date of passage by City Council and approval by the Mayor.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON
HEREBY ORDAINS:**

First ReadingY.....September 15, 2016
Second ReadingY.September 15, 2016
Third ReadingYY.

Passed by City Council

President of City Council

ATTEST: _____
City Clerk

Approved as to form this
_____ day of _____, 2016

Assistant City Solicitor

Approved this ___ day of
_____, 2016

Mayor

SYNOPSIS: This Ordinance amends the provisions of Chapter 5 of the City Code by limiting the hours of operation of liquor stores that operate on Sunday from 12:00 p.m. to 5:00 p.m. during the months of January through September and from 10:00 a.m to 5:00 p.m. during the months of October through December.