

ORDINANCE # C2021-_____

AN ORDINANCE AMENDING GALLUP CITY CODE SECTION 3-3-11 WHICH PROHIBITS THE SALE OF PACKAGE LIQUOR BETWEEN THE HOURS OF 7:00 A.M. AND 9:59 A.M. MONDAY THROUGH SATURDAY TO EXTEND THE PROHIBITION TO SUNDAYS AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Gallup is a local option district that has exercised its authority pursuant to NMSA 1978 §60-7A-1 to prohibit the sale of alcohol on Sundays; and

WHEREAS, the 2021 session of the New Mexico Legislature passed House Bill 255 which was signed into law by the Governor; and

WHEREAS, House Bill 255 amends NMSA 1978 §60-7A-1 to remove the authority of local option districts to prohibit the sale of alcohol on Sundays; and

WHEREAS, House Bill 255 did not amend the portion of NMSA 1978 §60-7A-1 that allows a local option district located within a class B county having a population between 70,000 and 76,000 according to the most recent decennial census to prohibit the sale of alcoholic beverages in unbroken packages for consumption off the premises and not for resale between 7:00 a.m. and 10:00 a.m.; and

WHEREAS, the City of Gallup is a local option district located within a class B county having a population between 70,000 and 76,000 according to the most recent decennial census; and

WHEREAS, Gallup City Code §3-3-11 prohibits the sale of alcoholic beverages in unbroken packages for consumption off the premises and not for resale between 7:00 a.m. and 9:59 a.m. Monday through Saturday; and

WHEREAS, the governing body of the City of Gallup desires to extend that prohibition to Sundays;

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GALLUP THAT Gallup City Code §3-3-11 be amended to read as follows:

3-3-11: HOURS OF SALE OF ALCOHOLIC BEVERAGES IN UNBROKEN PACKAGES:

A. In addition to the restrictions provided by the Liquor Control Act of the State of New Mexico on the sale of alcoholic beverages, the City of Gallup further prohibits the hours of sale during which a dispenser or retailer may sell alcoholic beverages in unbroken packages for consumption off the licensed premises and not for resale until ten o'clock (10:00) A.M.

B. The City specifically prohibits the sale of alcoholic beverages in unbroken packages for consumption off the licensed premises and not for resale from the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) A.M.

Effective Date: This Ordinance shall become effective on July 1, 2021.

PASSED, ADOPTED AND APPROVED this 25th day of May, 2021.
CITY OF GALLUP, NEW MEXICO

By: _____
Louie Bonaguidi, Mayor

ATTEST:

Alfred Abeita II, City Clerk