

STATE OF GEORGIA
CITY OF SANDY SPRINGS

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF SANDY SPRINGS, GEORGIA, TO ALLOW FOR SUNDAY PACKAGE SALES OF MALT BEVERAGES, WINE AND DISTILLED SPIRITS; TO PROVIDE FOR ADOPTION AND AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES

WHEREAS, the City of Sandy Springs, Georgia (“City”) is charged with providing for the health, safety and welfare of the citizens of the City; and

WHEREAS, package sales of malt beverages, wine and distilled spirits by retailers are currently lawful within the City pursuant to Chapter 6, *Alcoholic Beverages*, of the City Code of Ordinances (“Code”); and

WHEREAS, sales of malt beverages, wine and distilled spirits are currently subject to regulation on Mondays through Saturdays in the City by the governing authority of the City (“City Council”); and

WHEREAS, Senate Bill 10, approved by the 2011 Georgia Legislative Session, signed by the Governor and codified as O.C.G.A. § 3-3-7(q), authorizes the governing authority of a municipality to allow package sales by retailers of malt beverages, wine and distilled spirits on Sundays between the hours of 12:30 P.M. and 11:30 P.M., if such sales are approved by referendum; and

WHEREAS, in order to place the question of Sunday sales on a referendum, a local governing authority must pass a resolution or ordinance permitting sales of malt beverages, wine and distilled spirits on Sundays as allowed pursuant to O.C.G.A. § 3-3-7(q), and forward a certified copy of same to the Elections Superintendent of the City (“Elections Superintendent”) for placing on the ballot; and

WHEREAS, the City Council adopted a resolution on August 16, 2011 authorizing the question of Sunday sales of malt beverages, wine and distilled spirits to be placed on a referendum; and

WHEREAS, the City Council desires to amend the Code to provide for Sunday sales of malt beverages, wine and distilled spirits and desires to place the question for a referendum on the November, 2011, general election ballot.

NOW, THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA, HEREBY ORDAIN as follows:

Section 1: That Section 6-133, Chapter 6 (Alcoholic Beverages) of the Code of Ordinances, City of Sandy Springs, Georgia, is hereby amended to read as follows:

Sec. 6-133. Days when sales unlawful.

- (a) No licensee shall permit the sale of alcoholic beverages on any day or during any time of day when such sales are prohibited by state law.
- (b) No retail package licensee shall be permitted to sell package malt beverages, wine and distilled spirits on Sundays except between the hours of 12:30 p.m. and 11:30 p.m. No retail consumption on premises licensee shall permit the sale of alcoholic beverages on

Sunday unless such licensee is a bona fide eating establishment, caterer, private club, or special events facility as defined in this chapter. Any licensee wishing to sell alcohol on Sunday pursuant to this chapter shall pay the requisite fee for Sunday sales, the amount of which shall be set by resolution of the city council, which amount shall remain in effect until modified or amended by subsequent resolution adopted by the city council.

Section 2: That Section 6-134(a), Chapter 6 (Alcoholic Beverages) of the Code of Ordinances, City of Sandy Springs, Georgia, is hereby amended to read as follows:

Sec. 6-134. Hours of Operation.

- (a) Package licensees shall not engage in the sale of alcoholic beverages except between the hours of 7:00 a.m. and 12:00 midnight Monday through Saturday and between the hours of 12:30 p.m. and 11:30 p.m. on Sunday. Package licensees shall not permit their places of business to be open except between the hours of 7:00 a.m. and 12:00 midnight, Monday through Saturday, or between the hours of 12:30 p.m. and 11:30 p.m. on Sundays, except that where the primary business of a malt beverage package licensee or wine package licensee is other than the sale of alcoholic beverages, such restrictive hours shall apply only with respect to the sale of malt beverages or wine.

Section 3: That all ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 4: That this Ordinance shall become effective the first Sunday after the results of the referendum are canvassed by the Election Superintendent, the Election Superintendent has declared that the majority number of votes for passage and approval of the referendum was positive, and the Election Superintendent has certified the results to the Georgia Secretary of State. If the referendum is not approved by a majority of the voters, this Ordinance shall be null and void.

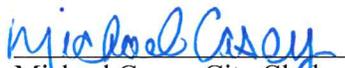
APPROVED AND ADOPTED this the 18th day of October, 2011.

Approved:



Eva Galambos, Mayor

Attest:


Michael Casey, City Clerk

(Seal)

