

AN ORDINANCE

AN ORDINANCE AMENDING THE CODE OF GRIFFIN, GEORGIA, AT CHAPTER 6, ALCOHOLIC BEVERAGES, ARTICLE IV, REGULATIONS FOR ALL ESTABLISHMENTS AND MISCELLANEOUS PROVISIONS, SECTION 6-180, DAYS AND HOURS OF OPERATION, TO AS TO AUTHORIZE SUNDAY SALES OF PACKAGED ALCHOLIC BEVERAGES; TO PROVIDE FOR THE CALL OF A SPECIAL ELECTION TO RATIFY SUNDAY SALES; TO REPEAL ALL PROVISIONS OF THE CODE AND/OR ORDINANCES, OR PARTS THEREOF, IN CONFLICT WITH THE FOREGOING; TO PROVIDE FOR THE SEVERABILITY OF THE PROVISIONS OF THIS ORDINANCE; TO REAFFIRM AND RESTATE THE CODE OF GRIFFIN, AS AMENDED HEREIN; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GRIFFIN, GEORGIA, AND IT IS ESTABLISHED AS FOLLOWS:

Section 1. The Code of Griffin, Georgia, is hereby amended at Chapter 6, ALCOHOLIC BEVERAGES, Article IV, Regulations for all Establishments and Miscellaneous Provisions, Section 6-180, Days and Hours of Operation, by repealing the existing section in its entirety and adopting, in lieu thereof, the following:

“Sec. 6-180 – Days and Hours of Operation

(a) No retail package dealer of distilled spirits shall open his place of business or furnish, sell, or offer for sale, any distilled spirits at any time on Thanksgiving Day or Christmas Day. Sales are permitted on election days; provided, however, it shall be unlawful for any person to sell alcoholic beverages within 250 feet of any polling place or of the outer edge of any building within which such polling place is established during the hours the polls are open. No retail package dealer of distilled spirits shall operate his place of business at any time prior to 8:00 a.m. or after 11:30 p.m. on Monday through Saturday, or prior to 12:30 p.m. or after 11:30 p.m. on Sunday. No retail package dealer of distilled spirits shall be in, or permit his employees to be in, his place of business at any time prior to one hour before opening time or later than 30 minutes past closing time, except for the purpose of responding to emergency situations; provided, however, when taking inventory, making repairs, renovating or similar business needs cannot reasonably be carried out during normal business hours with customers present, the dealer may apply to the City Manager for a specific exception from this limitation. The City Manager shall be authorized to impose reasonable terms and conditions on the exception. It shall be the duty of a retail package dealer of distilled spirits to post on all entrances to the premises a sign reading “CLOSED – NO CUSTOMERS ALLOWED ON PREMISES” at all times outside of allowed hours of operation.

(b) No retail package dealer of malt beverages and/or wine only, including licensees of divided stores meeting the requirements of applicable state laws and regulations, shall

furnish, sell, or offer for sale, any malt beverages and/or wine on Christmas Day. Sales are permitted on election days; provided, however, it shall be unlawful for any person to sell alcoholic beverages within 250 feet of any polling place or of the outer edge of any building within which such polling place is established during the hours the polls are open. No retail package dealer of malt beverages and/or wine only shall furnish, sell, or offer for sale, any malt beverages and/or wine at any time prior to 6:00 a.m. or after 11:30 p.m. on Monday through Saturday, or prior to 12:30 p.m. or after 11:30 p.m. on Sunday.

(c) No on-premises consumption licensee shall furnish, sell or offer to sell any alcoholic beverages on Christmas Day. Sales shall be permitted on election days during the hours polls are open. No licensee for on-premises consumption shall furnish, sell or offer to sell any alcoholic beverage between the hours of 2:55 a.m. and 9:00 a.m. on Mondays through Saturdays, or between the hours of 2:55 a.m. and 12:00 midnight on Sundays; provided, however, in any licensed eating establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food and in any licensed hotel which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging, alcoholic beverages may be sold for consumption on premises on Sundays from 12:30 p.m. until 12:00 midnight, except when Christmas Day falls on Sunday.

(d) In all establishments licensed to sell alcoholic beverages for on-premises consumption, tables shall be cleared of all drinks containing alcohol by not later than 30 minutes following the latest time at which alcoholic beverages may be legally sold.”

Section 2. The City Manager is hereby authorized and directed to provide a certified copy of this Ordinance, following its enactment on second and final reading, to the Spalding County Board of Elections and Registration, who contractually performs the duties of Municipal Election Superintendent, with direction to issue a call for an election for the purpose of submitting the question of Sunday package sales by retailers of malt beverages, wine, and distilled spirits to the electors of the City for approval or rejection. The election superintendent shall issue the call and conduct the special election on the date of and in conjunction with the general regular municipal election to be held November 8, 2011 in the manner authorized under O.C.G.A. §21-2-540. The election superintendent shall cause the date and purpose of the special election to be published once a week for four weeks immediately preceding the date of the special election in the official legal organ of Spalding County, Georgia.

The ballot shall have written or printed thereon the words:

- () YES Shall the governing authority of the City of Griffin, GA, be authorized to permit and regulate 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.?
- () NO

The expense of the special election shall be borne by the City of Griffin. The election superintendent shall canvass the returns, declare the results of the election, and certify the result to the Secretary of State.

Section 3. All ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed.

Section 4. Should any provision of this ordinance be rendered invalid by any court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the municipal governing authority.

Section 5. Except as modified herein, The Code of Griffin, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter.

Section 6. This ordinance shall become effective only if a majority of the electors voting in the special election on November 8, 2011 vote for approval of 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 rejected by the electors voting in the special election, this amendment shall be of no effect and the existing Sec. 6-180 shall remain in full force and effect. If approved by the electors voting in the special elections, 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. shall be lawful beginning November 20, 2011.

Public Hearing and First Reading: August 9, 2011

Second and Final Reading: August 23, 2011