

RESOLUTION NO. 12-47

**A RESOLUTION OF THE HENRY COUNTY BOARD OF COMMISSIONERS  
AMENDING HENRY COUNTY ALCOHOL ORDINANCE  
SECTIONS 3-4-22 AND 3-4-22.1**

**WHEREAS**, Senate Bill 10 enacted by the General Assembly in 2011 as codified in O.C.G.A. § 3-3-7, authorizes local governments which permit the sale of malt beverages and wine to pose through referendum the question of whether the local government should be authorized to permit retail sale of such beverages on Sundays; and

**WHEREAS**, all cities located within Henry County, namely Hampton, Locust Grove, McDonough and Stockbridge, approved Sunday alcohol package sales by ballot in the November 2011 general election in accordance with the laws of the State of Georgia; and

**WHEREAS**, on December 19, 2011, the Henry County Board of Commissioners approved Resolution No. 11-278 authorizing a special election to allow the citizens of the unincorporated area of the County to vote on whether to authorize Sunday package sales of malt beverages, and wine in unincorporated Henry County between the hours of 12:30 p.m. and 11:30 p.m.; and

**WHEREAS**, a special election was held on March 6, 2012 at which time, the voters of Henry County approved the Sunday sale of malt beverages and wine in unincorporated Henry County in accordance with the laws of the State of Georgia.

**THEREFORE, IT IS NOW RESOLVED BY THE BOARD OF COMMISSIONERS OF HENRY COUNTY, GEORGIA, AS FOLLOWS:**

1. Henry County Ordinance Sections 3-14-22 and 3-14-22.1 are hereby stricken in their entirety and replaced with a new Section 3-14-22 as shown on the attached Exhibit "A" to be effective March 20, 2012.
2. All ordinances and parts of ordinances in conflict within this Resolution are hereby repealed.

**BE IT SO RESOLVED** this 19<sup>th</sup> day of March, 2012.

  
ELIZABETH "BJ" MATHIS, CHAIRMAN  
Henry County Board of Commissioners

ATTEST:

  
Shay Mathis, County Clerk

**ORDINANCE NO. 12- 06**

**Sec. 3-14-22. - Hours of sale**

Subject to the provisions of subsection (c), the hours of sale for off-premises and on-premises sale of alcohol shall be as follows:

**(a) Off-Premises Consumption.**

No holder of a license authorizing the sale of alcoholic beverages at retail establishments for off-premises consumption in the county nor any agent or employee of such licensee, shall sell, serve, distribute or give away alcoholic beverages upon the licensed premises at any time except between 7:00 a.m. and midnight, Monday through Saturday and 12:30 p.m. and 11:30 p.m. on Sunday.

**(b) On-Premises Consumption.**

(1) No holder of a license authorizing the sale of alcoholic beverages in restaurants in the county nor any agent or employee of a licensee, shall sell, serve, distribute or give away alcoholic beverages upon the licensed premises at any time except between 7:00 a.m. and 2:00 a.m., Monday through Saturday; provided that sales between 11:55 p.m. on Saturday and 1:55 a.m. on Sunday shall be treated as Saturday sales and not require a separate license pursuant to sub-section (b) (2).

(2) A license to sell alcoholic beverages for consumption on the premises on Sundays must be obtained from the office of the county tax commissioner. In order to obtain said license, an applicant must possess a valid license issued pursuant to this chapter and must further provide satisfactory proof that the applicant derives at least sixty (60) percent of its total annual gross sales from the sale of prepared meals or food in all the combined retail outlets of the individual establishment where food is served, or that it derives at least sixty (60) percent of its total annual gross income from the rental of rooms for overnight lodging.

(3) All licenses issued pursuant to this sub-section (b) shall restrict Sunday sales to consumption on the premises, and only during the time period of 12:30 p.m. until 12:00 midnight on Sundays.

**(c) Prohibited Acts.**

(1) *Christmas Day.* It shall be unlawful to sell, serve, distribute or give away alcoholic beverages on Christmas Day.

(2) *Election Day.* Pursuant to the delegation of authority granted to the board of commissioners of the county, by the state with respect to the wholesale and retail sale of alcoholic beverages on election days; the sale of alcoholic beverages shall be lawful during the polling hours of any election; provided, however, nothing herein shall authorize the sale of alcoholic beverages within two hundred fifty (250) feet of a polling place during such time as the polls are open. An election day is hereby defined as that period of time beginning one (1) hour prior to the opening of the polls and ending one (1) hour after the closing of the polls. The prohibition against the giving or furnishing of alcoholic beverages, spirituous liquors, malt beverages or other intoxicating beverages to any person on election days as provided herein shall apply only with the territorial boundaries for which the election is being held.

(d) All provisions this chapter 3-14 or such future amendments hereto, relating to the issuance, denial, revocation or surrender of alcoholic beverage licenses, are hereby incorporated by reference herein and the same shall apply to licenses issued for Sunday sales pursuant to this section.

(e) The other provisions of this section notwithstanding, no malt beverages shall be sold at a time prohibited by State law.