

## **AN ORDINANCE**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF NEWNAN, GEORGIA, AT CHAPTER 6, ALCOHOLIC BEVERAGES, SECTION 3-11, TIMES FOR SALES, BY REPEALING THE PRESENT SECTION IN ITS ENTIRETY, ADOPTING IN LIEU THEREOF NEW REGULATIONS FOR DAYS AND HOURS FOR SALE OF ALCOHOLIC BEVERAGES IN CERTAIN ESTABLISHMENTS LICENSED FOR ON-PREMISES CONSUMPTION, CONDITIONED UPON APPROVAL OF THIS ORDINANCE IN A REFERENDUM CALLED FOR THAT PURPOSE; PROVIDING FOR NOTICE TO THE COWETA COUNTY BOARD OF ELECTIONS AND REGISTRATION FOR THE CALL OF THE REFERENDUM; REPEALING CONFLICTING ORDINANCES AND PARTS THEREOF; RESTATING THE CODE, AS MODIFIED BY THIS ORDINANCE; AND FOR OTHER PURPOSES.

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NEWNAN, GEORGIA, AND IT IS ESTABLISHED AS FOLLOWS:**

Section 1. The Code of Ordinances of Newnan, Georgia is hereby amended at Chapter 3, ALCOHOLIC BEVERAGES, at Section 3-11, TIMES FOR SALES, by repealing the present section in its entirety and adopting in lieu thereof the following:

### **Sect.3-11 – TIMES FOR SALES.**

(a) It shall be unlawful for any beer, malt beverage or wine package dealer in the city to sell, dispense or deliver any beer, malt beverages or wine except between the hours of 7:00 a.m. and 2:00 a.m. Monday through Saturday morning, and except between the hours of 7:00 a.m., Saturday morning through 12:00 midnight Saturday night and except between the hours of 12:30 p.m. Sunday afternoon and 11:30 p.m. Sunday night provided, no beer, malt beverages or wine shall be sold, dispensed, or delivered by a beer, malt beverage or wine package dealer from 12:00 midnight Saturday night through 12:30 pm. Sunday afternoon and from 11:30 p.m. Sunday night through 7:00 a.m., Monday morning.

(b) It shall be unlawful for any business establishments serving food licensed to sell malt beverages, wine or distilled spirits by the drink for consumption on the premises only pursuant to this chapter to sell, dispense or deliver alcoholic beverages for consumption on the premises except between the hours of 7:00 a.m. and 2:00 a.m., Monday through Saturday, and except between the hours of 7:00 a.m. Saturday morning through 2:00 a.m. Sunday morning, and except between the hours of 11:00 a.m. Sunday morning and 2:00 a.m. Monday morning.

(c) Notwithstanding the prohibition set forth in paragraph (b) hereinabove, business establishments serving food, licensed to sell malt beverages wine or distilled spirits by the drink for consumption only on the premises may permit alcoholic beverages purchased prior to 2:00 a.m. an additional 30 minutes to be consumed on the premises.

(d) The sale of alcoholic beverages on election days is permitted within the city; provided, however, it shall be unlawful for any person to sell alcoholic beverages within 250 feet of any polling place or if the outer edge of any building within which such polling place is established during the hours the polls are open.

Section 2. The provisions of Section 1 of this Ordinance shall only become effective if approved by a majority of the qualified electors of the City of Newnan voting in a referendum conducted as hereinafter provided. Within ten (10) days of the enactment of this Ordinance on second and final reading, the City Clerk shall give written notice of such enactment, and a certified copy thereof, to the Chairman of the Coweta County Board of Elections and Registration. It shall be the duty of such Board, not more than 30 days after receipt of notice of the enactment, to call an election to be held in conjunction with the city's general election on Tuesday, November 5, 2019 for the purpose of submitting the question of Sunday sales in certain establishments licensed for on-premises consumption and hotels during the hours of 11:00 a.m. until 12:30 p.m., pursuant to O.C.G.A. Sec. 3-3-7, to the qualified electors of the City for approval or rejection. The Board shall cause the date and purpose of the election to be published in the official organ of the county once a week for two weeks immediately preceding the date thereof. The ballot shall have printed thereon the words:

**“[YES] Shall the governing authority of the City of Newnan be authorized to permit and regulate Sunday sales of distilled spirits or alcoholic beverages for beverage**

**[NO] purposes by the drink from 11:00 a.m. to 12:30 p.m.?”**

All persons desiring to vote for approval of Sunday sales shall vote “YES” and those persons desiring to vote for rejection of Sunday sales shall vote “NO”.

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

Section 4. Except as modified herein, The Code of Ordinances of Newnan, 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 5. This ordinance shall become effective November 17, 2019 if a majority of the qualified electors voting in the referendum called for that

purpose vote for approval; otherwise, this Ordinance shall be of no legal force and effect.

ADOPTED in open session, regularly assembled this 28<sup>th</sup> day of ~~June~~ MAY, 2019.

ATTEST:

Della Hill  
Della Hill, City Clerk

REVIEWED AS TO FORM:

C. Bradford Sears, Jr.  
C. Bradford Sears, Jr., City Attorney

Cleatus Phillips  
Cleatus Phillips, City Manager

L. Keith Brady  
L. Keith Brady, Mayor

Cynthia E. Jenkins  
Cynthia E. Jenkins, Mayor Pro-Tem

George M. Alexander  
George M. Alexander, Councilmember

Raymond F. DuBose  
Raymond F. DuBose, Councilmember

Rhodes H. Shell  
Rhodes H. Shell, Councilmember

(ABSENT)

Dustin Koritko  
Dustin Koritko, Councilmember

Paul Guillaume  
Paul Guillaume, Councilmember

DONE, RATIFIED AND PASSED in regular session, on second reading this the 18<sup>th</sup> day of JUNE 2019.

ATTEST:

Della Hill  
Della Hill, City Clerk

REVIEWED AS TO FORM:

C. Bradford Sears, Jr.  
C. Bradford Sears, Jr., City Attorney

Cleatus Phillips  
Cleatus Phillips, City Manager

Keith Brady  
Keith Brady, Mayor

Cynthia E. Jenkins  
Cynthia E. Jenkins, Mayor Pro Tem

George M. Alexander  
George M. Alexander, Councilmember

Ray F. DuBose  
Ray F. DuBose, Councilmember

Rhodes H. Shell  
Rhodes H. Shell, Councilmember

Dustin K. Koritko  
Dustin K. Koritko, Councilmember

Paul L. Guillaume  
Paul L. Guillaume, Councilmember