

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

PREAMBLE

WHEREAS, the City of Thomasville, Georgia is charged with providing for the health, safety and welfare of the citizens of the City; and

WHEREAS, the City is authorized to regulate package sales of alcoholic beverages in the City and, until recently, sale of same was not authorized on Sundays; and

WHEREAS, SB 10, approved by the 2011 Legislative Session and signed by the Governor, codified in O.C.G.A §3-3-7(q), authorizes package sales of malt beverages, wine and distilled spirits to be sold on Sundays in any local government jurisdiction that desires to place same on a referendum for a vote on a special election ballot and the referendum receives a majority approval; and

WHEREAS, that in order to place the question on a referendum, a local governing authority must pass an Ordinance permitting sales of alcohol on Sundays between the hours of 12:30 p.m. and 11:30 p.m., and forward a certified copy of same to the Elections Superintendent for placing on the ballot; and

WHEREAS, the City Council desires to amend the Code of the City of Thomasville to provide for Sunday sales of malt beverages, wine and distilled spirits and desires to place the question for a referendum on the March 21, 2017, election ballot.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Thomasville as follows:

SECTION ONE

That Subsection (a)(1) of Section 3-46, captioned "Hours, Daily, Sundays, Holidays," of Article III, Division 1, Chapter 3 of the Code of Thomasville, Georgia is hereby amended to read as follows:

*"Packaged Beer or Wine Locations.* It shall be unlawful for any licensee licensed to sell package beer or wine hereunder to permit the sale or engage in the sale of such beer or wine except from 5:00 a.m. to 2:00 a.m. Monday through Saturday, and 5:00 a.m. to 12:00 Midnight on Saturdays. Licensees licensed to sell packaged beer or wine hereunder shall be permitted to sell packaged beer or wine on Sundays only between the hours of 12:30 p.m. and 11:00 p.m. For Security purposes, if any work is needed to be done during legally closed house, the police department must be notified at least one (1)

hour in advance. Hotels, motels, grocery stores, service stations and restaurants shall not be required to close unrelated functions and activities not licensed under this chapter or customarily operated at hours other than the forgoing specified hours, but all alcoholic beverages or any nature must be and remain in the custody and control of the licensee or his employees, and may not be dispensed in any manner, and the licensee is hereby required to evict any other person possessing any of the above.”

## SECTION TWO

That Subsection (a)(4) of Section 3-46, captioned “Hours, Daily, Sundays, Holidays,” of Article III, Division 1, Chapter 3 of the Code of Thomasville, Georgia is hereby amended to read as follows:

*“Package Liquor Stores.* Licensees shall not engage in the sale of any commodity except between the hours of 8:00 a.m. and 11:00 p.m., Monday through Saturday and between the hours of 12:30 p.m. and 11:00 p.m. on Sunday.”

## SECTION THREE

That Subsection (b)(3) of Section 3-46, captioned “Hours, Daily, Sundays, Holidays,” of Article III, Division 1, Chapter 3 of the Code of Thomasville, Georgia is hereby amended to read as follows:

*“Packaged Liquor.* Except as hereinafter provided no licensee for the sale of alcoholic beverages by the package at retail shall permit his place of business to be open for the sale of alcoholic beverages on Christmas Day.”

## SECTION FOUR

That Subsection (c) of Section 3-75, captioned “Restrictions on Adjoining Businesses,” of Article III, Division 2, Chapter 3 of the Code of Thomasville, Georgia is hereby amended to read as follows:

“Notwithstanding any other provision of this section, any legal business may adjoin or abut either or both a package liquor store and package beer and wine store, provided all building requirements in this section are met, and provided further that there shall be no doorways whatsoever located between any adjoining businesses other than between businesses neither of which is licensed to sell beer wine or distilled spirits, except a door is authorized between adjoining package liquor and package beer and wine stores which may be unlocked only between the hours of 8:00 a.m. and 11:00

p.m. Monday through Saturday and between the hours of 12:30 p.m. and 11:00 p.m. on Sundays.”

#### SECTION FIVE

Upon adoption of this Ordinance, the same shall be forwarded to the City’s Election Superintendent for inclusion on the March 21, 2017 election ballot as a question as follows:

“( ) YES ( ) NO

*Shall the governing authority of the City of Thomasville, Georgia, 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.?”*

#### SECTION SIX

That the Election Superintendent is further authorized and directed to place an advertisement in the Thomasville Times Enterprise newspaper once a week for four weeks prior to the date of the March 21, 2017 Election where the above question shall be placed on the ballot, stating the date and purpose of this Referendum to be placed on the ballot in the advertisement.

#### SECTION SEVEN

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

#### SECTION EIGHT

This Ordinance shall become effective on May 1, 2017 so long as the Referendum authorized by this Ordinance is approved by the majority of the voters on the March 21, 2017, Election Ballot, and shall be made a part of the official codified ordinances of the City of Thomasville. If the Referendum is not approved by a majority of the voters, this Ordinance shall be null and void.

#### SECTION NINE

This ordinance was introduced and read at a lawful meeting of the Council of the City of Thomasville held on December 12, 2016, and read the second time, passed and adopted in like meeting held on January 9, 2017.