

ORDINANCE
SB17 – SUNDAY BRUNCH

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

WHEREAS, the City of Duluth is authorized to regulate the sales of beer, malt beverages, wine, and distilled spirits in the City; and

WHEREAS, Senate Bill 17, was approved by the Georgia General Assembly during the 2018 Legislative Session and was signed by the Governor; and

WHEREAS, Senate Bill 17 authorizes the sales of alcoholic beverages by the drink for an additional hour and a half during the period of 11:00 a.m. and 12:30 p.m. on Sundays in any local government jurisdiction that desires to place same on a referendum for a vote on an election ballot and the referendum receives a majority approval; and

WHEREAS, in order to place the question on a referendum, a local governing authority must pass an Ordinance permitting sales of alcohol (by the drink) on Sundays during the additional hour and a half period and forward a copy of the Ordinance to the Elections Superintendent for placing on the ballot; and

WHEREAS, the City Council desires to amend the Code of the City of Duluth to provide for Sunday sales of alcoholic beverages by the drink between 11:00 a.m. and 12:00 Midnight and desires to place the question for a referendum on the November 2018 general election ballot.

WHEREAS, the Georgia Municipal Election Code requires that the Mayor and Council appoint certain officials prior to the election - including a Superintendent, Chief Registrar and Absentee Ballot Clerk, Assistant Absentee Ballot Clerk and Poll Manager; and

WHEREAS, Duluth's City Clerk Teresa S. Lynn is hereby appointed to the position of Municipal Election Superintendent; the Gwinnett Board of Registration and Elections is hereby appointed as Chief Registrar; Deputy Clerk Kristin McGregor is hereby appointed as Assistant Municipal Election Superintendent and Absentee Ballot Clerk, June Sizemore is appointed as Assistant Absentee Ballot Clerk, and Janice Williams is appointed as Poll Manager. Poll Workers will be appointed by the Superintendent and/or Poll Manager at a later date; and

WHEREAS, The Election Superintendent shall take such action as is necessary to properly call for a Special Municipal Election to be held on November 6, 2018, including, but not limited to, properly publishing a public notice to notify the public of said election. The Election Superintendent shall take such other actions as necessary and appropriate to make certain that the election is conducted in accordance with, and in conformity with, the laws of the State of Georgia, the Duluth City Charter and Duluth's Ordinances; and

WHEREAS, If any person whose name is not on the municipal registration list desires to vote at said election, he or she may register on or before 5:00 p.m. October 9, 2018. Registration forms are available in the office of the City Clerk; and

WHEREAS, Any person who is presently registered as a voter in said City but who now resides outside the City limits is not eligible to vote in said election. All duly qualified electors of the City of Duluth, Georgia, are urged to participate. Those qualified to vote at said election shall be determined in all respects in accordance and in conformity with the laws of the State of Georgia. Information on voter registration may be obtained through the Chief Registrar of Gwinnett County, Georgia; and

WHEREAS, Polls will open for this November 6, 2018, election at 7:00 a.m. and will close at 7:00 p.m., at the Duluth City Hall Elections Room, located at 3167 Main Street, Duluth, Georgia. Computation of votes cast in the November 6, 2018 election will be conducted at the time the polls close.

THEREFORE, the Council of the City of Duluth, Georgia, hereby ordains as follows:

Section 1:

That Section 3-112, Chapter 3 (Alcoholic Beverages) of the Code of Ordinances of the City of Duluth, Georgia, is hereby deleted in its entirety and replaced with the following:

Sec. 3-112. - Hours of operation.

(a) Consumption on the premises.

(1) Consumption on the premises licensees shall sell alcoholic beverages only between the hours of 9:00 a.m. and 2:00 a.m. on the following day, Monday through Saturday. The sale of beer and/or wine for consumption on the premises is permitted on Sundays from 11:00 a.m. until 12:00 Midnight in any licensed establishment which derives a minimum of sixty percent (60%) of its total annual gross sales from the sale of prepared meals or food and in any licensed establishment which derives at least as much of its total annual gross income from the rental of rooms for overnight lodging

(2) No dealer shall remain open:

- a. Between 2:30 a.m. and 4:30 a.m. Monday through Sunday;
- b. At any time in violation of a local ordinance or regulation or of a special order of the city clerk, chief of police, city manager, or their designee.

(b) Retail package spirituous liquor. No retail license holder holding a license under the ordinance from which this chapter is derived shall furnish, sell, or offer for sale any spirituous liquor or distilled spirits by the package except between the hours of 8:00 a.m. to 11:45 p.m. Monday through Saturday and 12:30 p.m. until 11:30 p.m. on Sunday. No retail license holder shall furnish, sell, or offer for sale any spirituous liquor or distilled spirits by the package at any time in violation of state law, local ordinance or regulation, or special order of the city clerk, city manager or their designee.

(c) Retail package malt beverage and wine. Retail licensees shall not engage or permit 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. No retail license holder shall furnish, sell, or offer for sale any beer/malt beverage or wine at any time in violation of state law, local ordinance or regulation, or special order of the city clerk, city manager or their designee.

(d) Wholesale dealer. The hours during which the sale of alcoholic beverages may be conducted in the city by any wholesale dealer licensed hereunder shall be from 6:00 a.m. to 11:00 p.m., exclusive of Sundays.

(e) Alcohol sales on election day. The sale of alcoholic beverages shall be legal on any election day. This authorization is approved by the city pursuant to the provisions of Georgia Laws, 1985, page 1508. Notwithstanding any other provisions of this article, it shall be unlawful for any person to sell alcoholic beverages within eighty-four (84) yards (two hundred fifty (250) feet) of any polling place or of the outer edge of any building within which such polling place is established on primary or election days

Section 2:

Upon adoption of this Ordinance, a copy shall be forwarded to the City's Election Superintendent for inclusion on the November 2018 General Election Ballot as a question as follows:

() YES *Shall the governing authority of the City of Duluth, Georgia, be authorized to*
() NO *permit and regulate Sunday sales of distilled spirits or alcoholic beverages*
 for beverage purposes by the drink from 11:00 A.M. to 12:30 P.M.?

The City's Election Superintendent shall issue a call for the election as provided for herein and shall be authorized to take all actions necessary for this item to appear on the November 2018 General Election.

Section 3:

That the Election Superintendent is further authorized and directed to place an advertisement in the Gwinnett Daily Post as required by Georgia Election Law and Senate Bill 17.

Section 4:

It is the intention of the governing authority, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code Ordinances of the City of Duluth, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 5:

This Ordinance shall become effective on November 15, 2018, so long as the Referendum authorized by this Ordinance is approved by the majority of the votes cast in the November 2018 General Election. If the Referendum is not approved by a majority of the voters, this Ordinance shall be null and void.

Section 6:

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

IT IS SO ORDAINED, this 13th day of August, 2018.

Nancy Harris, Mayor

Those Voting in Favor:

Marsha A. Bomar, Post 1

Kirkland Carden, Post 2

Billy Jones, Post 3

K. J. "Kelly" Kelkenberg, Post 4

Greg Whitlock, Post 5

Those Voting in Opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk