

STATE OF GEORGIA
COUNTY OF WAYNE

AN ORDINANCE OF WAYNE COUNTY BOARD OF COMMISSIONERS OF WAYNE COUNTY, GEORGIA TO AMEND THE CODE OF ORDINANCES OF WAYNE COUNTY, 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.

WHEREAS, the Wayne County Board of Commissioners are the governing body of Wayne County, Georgia are charged with providing for the health, safety and welfare of the citizens of the County; and

WHEREAS, the Wayne County Board of Commissioners are authorized to regulate package sales of alcoholic beverages in the Unincorporated parts of Wayne County and, until recently, the sale of such alcoholic beverages was not authorized on Sundays; and

WHEREAS, SB 10, approved by the 2011 Legislative Session and signed by the Governor, and now codified as 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 general 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 a resolution or ordinance authorizing the question for a public referendum; and

WHEREAS, the Wayne County Board of Commissioners desire to place the question for a referendum on the November 3, 2020 general election ballot, and if the referendum passes, further desire to amend The Code of Ordinances of Wayne County, Georgia to provide for the regulation of package sales of malt beverages, wine and distilled spirits on Sundays; and

THEREFORE, be it **ORDAINED** by the Wayne County Board of Commissioners as follows:

SECTION 1

Upon adoption of this Ordinance, a copy of the same shall be forwarded to the Election Superintendent for Wayne County and the following question shall be included on the November 3, 2020 general election ballot:

- () YES Shall the governing authority of Wayne County, 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.?"
- () NO

SECTION 2

Both Exhibits "A", Ballot Language for Sunday Package Sales of Distilled Spirits or Alcoholic Beverages, and Exhibit "B", Notice of a Referendum To Be Held on November 3, 2020 on the Question of Whether to Authorize the Governing Authority of Wayne County, Georgia 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. are incorporated herein.

SECTION 3

The Election Superintendent and Administrator are further authorized and directed to place an advertisement or notice, as reflected in Exhibit "B", in the official legal organ of Wayne County, Georgia, once a week for four weeks prior to the date of November 3, 2020 general election, stating the date and purpose of the referendum that is authorized herein.

SECTION 4

Upon passage of the referendum by a majority of the voters, Chapter 4-Alcoholic Beverages, of the Code of Ordinances of Wayne County, Georgia shall be altered, amended, and changed to read as follows:

Article II-LICENSES

Section 4-29-Unlawful hours of Sale

- a. No alcoholic beverage licensed for sale under this article shall be sold between the hours of 1:45 am and 8:00 am.
- b. No Retail Package license shall be permitted to sell package malt beverages, wine, and distilled spirits on Sundays, except between the hours of 1:00 p.m. and 10:00 p.m.

SECTION 5

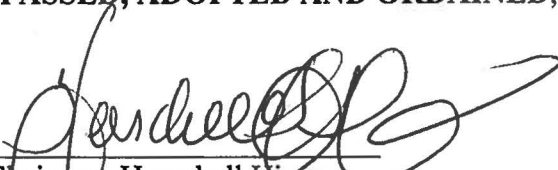
With the exception of Section 4, this Ordinance shall be effective upon the passage and adoption hereof. If the referendum is approved by a majority of the voters, Section 4 of this Ordinance shall become effective on December 7, 2020. If the referendum is not approved by a majority of the voters, Section 4 of the Ordinance shall be null and void.


SECTION 6


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


SIGNATURE PAGE TO FOLLOW

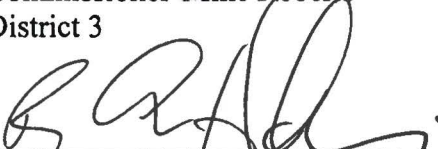
SO PASSED, ADOPTED AND ORDAINED, this 7th day of December 2020.


Chairman-Herschell Hires
District 1


Vice Chairman-James Thomas
District 4


Commissioner-Kevin McCrary
District 2


Commissioner-Mike Roberts
District 3


Commissioner-Ralph Hickox
District 5

ATTEST:



Amanda Hannah
County Clerk

EXHIBIT "A"

**BALLOT LANGUAGE FOR SUNDAY PACKAGE SALES OF DISTILLED SPIRITS OR
ALCOHOLIC BEVERAGES**

- ☐ YES Shall the governing authority of Wayne County, 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.?"
- ☐ NO

EXHIBIT "B"

NOTICE OF A REFERENDUM TO BE HELD ON NOVEMBER 3, 2020 ON THE QUESTION OF WHETHER TO AUTHORIZE THE GOVERNING AUTHORITY OF WAYNE COUNTY, GEORGIA 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

Notice is hereby given pursuant to O.C.G.A. §21-2-250, and other applicable election laws, of the calling of the referendum on November 3, 2020, for the purposes of submitting to the electors of Wayne County, Georgia the following question:

- () YES Shall the governing authority of Wayne County, 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.?"
- () NO

Said election shall be held on November 3, 2020, and the polls will be open for voting from 7:00 a.m. until 7:00 p.m. on that date. All persons desiring to vote for approval of the question shall vote "Yes," and all persons desiring to vote for rejection of the question shall vote "NO."

This _____ day of March, 2020

Honorable Tammy K. Thornton
Election Superintendent-Wayne County