

ORDINANCE 12-06

Amending the Burke County Code of Ordinances

AN ORDINANCE TO PERMIT AND REGULATE SUNDAY SALES OF ALCOHOLIC BEVERAGES FOR BEVERAGE PURPOSES BY THE DRINK FOR CONSUMPTION ON THE PREMISES

WHEREAS, sales of alcoholic beverages for consumption on the premises in licensed establishments are currently subject to regulation on Mondays through Saturdays in Burke County by the governing authority of Burke County; and

WHEREAS, O.C.G.A. § 3-3-7(j) authorizes the governing authority of a county to permit the sale of alcoholic beverages for consumption on the premises on Sundays from 12:30 p.m. until 12:00 midnight in any licensed establishments which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging; and

WHEREAS, on November 6, 2012, a referendum was held for the purpose of submitting to the voters of the county the question of authorizing the sale of alcoholic beverages for consumption on the premises on Sundays from 12:30 p.m. until 12:00 midnight; and

WHEREAS, the voters of Burke County, Georgia voted to authorize the governing authority of Burke County, Georgia to regulate and permit the sale of alcoholic beverages for consumption on the premises on Sundays from 12:30 p.m. until 12:00 midnight by licensees.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF BURKE COUNTY, GEORGIA, HEREBY ORDAIN as follows:

SECTION 1: That Section 6-51, Chapter 6 (Alcoholic Beverages), Article III, of the Code of Ordinances, Burke County, Georgia, is hereby repealed and amended to read as follows:

- (a) Licensees operating under a class A license shall not engage in the sale of beer or wine for consumption on the premises between the hours of 2:00 a.m. and 6:00 a.m. on weekdays, between the hours of 12:00 midnight Saturday night to 12:30 p.m. Sunday and Sundays from 12:00 midnight until 6:00 a.m. Monday.
- (b) Licensees operating under a class B license shall not be permitted to sell beer or wine for consumption off the premises on Sundays and between the hours of 12:00 midnight and 6:00 a.m. the following day on all other days.
- (c) No beer or wine shall be sold to any person who is obviously already under the influence thereof, or of any drugs.
- (d) No beer or wine shall be sold, bartered or given away to any minor, nor to any person who is mentally incompetent.

IN WITNESS WHEREOF, this ordinance has been duly adopted on first reading by the governing authority of Burke County, Georgia on the 13th day of November, 2012.

IN WITNESS WHEREOF, this ordinance has been duly adopted on second reading by the governing authority of Burke County, Georgia on the 11th day of December, 2012.

Chairman

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of an original ordinance adopted by the Burke County Board of Commissioners on the 11th day of December, 2012.

In witness whereof, I hereunto set my hand and affix the seal of Burke County, this 12th day of December, 2012.

County Administrator

[Affix Seal]