

AN ORDINANCE OF THE FORSYTH COUNTY BOARD OF COMMISSIONERS AMENDING ALCOHOL CODE SECTION 6-134 TO ALLOW SUNDAY SALES BY THE DRINK BETWEEN 11:00 A.M. AND 12:30 P.M. CONDITIONAL UPON VOTER APPROVAL; TO MODIFY OTHER PROVISIONS RELATED TO THE HOURS FOR CONSUMPTION OF ALCOHOL BY THE DRINK; TO REPEAL ORDINANCES IN CONFLICT; TO SET AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective as of July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of a county may adopt clearly reasonable ordinances, resolutions, and regulations; and

WHEREAS, O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety and welfare of the population of the unincorporated areas of a county; and

WHEREAS, pursuant to State law, presently Sunday sales of alcohol beverages for consumption by the drink may commence no earlier than 12:30 p.m.; and

WHEREAS, Senate Bill 17 became law on May 8, 2018, amending Title 3, Chapter 3, Article 1 of the Official Code of Georgia Annotated and authorizing counties to allow the sale of alcoholic beverages for consumption on the premises on Sundays from 11:00 A.M. until 12:30 P.M. in any licensed establishment that 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 that derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging, if approved by a referendum election; and

WHEREAS, this extra hour and one-half is in addition to any Sunday hours for alcohol sales by the drink currently authorized by the county; and

WHEREAS, the governing authority of Forsyth County, its Board of Commissioners, wishes to amend the County Code of Ordinances to expand the hours for Sunday sales for on-premises consumption, conditioned on voter approval in a referendum; and

WHEREAS, this Ordinance will benefit the safety and welfare of the citizens of Forsyth County; and

WHEREAS, the Board of Commissioners desires to exercise its authority in adopting this Ordinance; and

WHEREAS, appropriate notice and hearing on the amendments contained herein have been carried out according to general and local law.

NOW, THEREFORE, be it ordained and resolved by the Board of Commissioners of Forsyth County, Georgia, that Forsyth County Ordinance No. 68-D, § 4.4, and Forsyth County Ordinance No. 68-NN, § 1, as codified at Chapter 6, Article IV of the Code of Ordinances of Forsyth County shall be amended as follows:

Section 1.

Section 6-134 of the Code of Ordinances of Forsyth County, Georgia is hereby amended to read as follows:

(a) Alcoholic beverages shall not be sold for consumption on the premises, except on Monday through Thursday from 9:00 a.m. to 1:00 a.m. on the following day and on Friday and Saturday from 9:00 a.m. to 2:00 a.m. on the following day. All patrons must have exited the licensee's establishment within 30 minutes of the time which alcoholic beverages may no longer be sold. Alcoholic beverages may be sold for consumption on the premises on election days provided the outlet for such sale is not located within 250 feet of a polling place. Alcoholic beverages may be sold on Sunday for consumption on the premises from 12:30 p.m. to 1:00 a.m. on the following day in a licensed establishment deriving at least fifty percent (50%) of total annual gross sales from food or meals in all of the combined retail outlets of the total establishment where food is served and in any licensed establishment deriving fifty percent (50%) of total annual gross income from the rental of rooms for overnight lodging.

(b) In an establishment whose primary business is the theatrical exhibition of motion pictures (referred to in this subsection as a "theater"), in lieu of patrons exiting the establishment as is required for those establishments controlled by 6-134(a), all patrons in the theater licensee's establishment must discontinue the consumption of alcoholic beverages no later than 1:30 a.m. Monday through Friday; 2:00 a.m. Saturday and Sunday. Alcoholic beverages shall not be sold for consumption on the theater premises, except on Monday through Thursday between 9:00 a.m. and 11:30 p.m. (two hours prior to consumption cut off time), and on Friday and Saturday from 9:00 a.m. to 12:00 a.m. (two hours prior to consumption cut off time). Alcoholic beverages may be sold for consumption on the premises on election days provided the theater outlet for such sales is not located within 250 feet of a polling place. Alcoholic beverages may be sold on Sunday for consumption on the premises in a licensed theater between 12:30 p.m. and 11:30 p.m. if the theater satisfies the requirements for Sunday sales as set forth in subsection (a) of this code section.

(c) Alcoholic beverages may be sold on Sunday for consumption on the premises from 12:30 p.m. to 1:00 a.m. on the following day at a bowling alley, provided the establishment has both an on-premises consumption license and that it derives at least 50 percent of its total annual gross revenues from the combination of the rental of bowling lanes and bowling equipment and the sale of prepared meals and other food products.

Section 2.

The above Section 1 shall become operative and enforceable immediately upon a majority vote of the Board of Commissioners.

Section 3.

All provisions of Subsections 6-134(a) and 6-134(b) in the above Section 1, allowing Sunday sales to begin at "12:30 p.m.", shall be further modified to allow Sunday sales to begin instead at "11:00 a.m.", subject to the following condition precedent: If, in a referendum election to be held on November 6, 2018, Forsyth County voters approve the sale of alcohol for on-premises consumption on Sundays between 11:00 a.m. and 12:30 p.m., the ordinance revisions stated in this Section 4 shall become effective upon certification of the election result to the Secretary of State and recognition of the election result by written resolution of the Forsyth County Board of Commissioners. If the question of earlier alcohol sales on Sundays is rejected by the voters, then the ordinance revisions stated in this Section 4 shall be a nullity and the commencement time for Sunday sales shall remain at 12:30 p.m.

Section 4.

All preceding ordinances, resolutions, motions, or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

SO ORDAINED, APPROVED, AND ADOPTED this 6th day of September 2018.



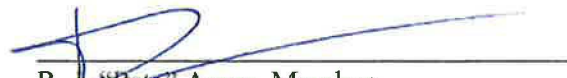
Todd Levent, Chairman



Laura Semanson, Vice-Chairman




Dennis Brown, Secretary



R. "Pete" Amos, Member


Cindy Jones Mills, Member

ATTEST:


Clerk to the Board