

ORDINANCE NO. 1140

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF CONYERS GEORGIA TO ALLOW FOR SUNDAY SALES OF ALCOHOL FOR CONSUMPTION ON THE PREMISES OF A LICENSED LOCATION BEGINNING AT 11:00 A.M. ON SUNDAYS; TO AUTHORIZE A REFERENDUM; TO AUTHORIZE THE COUNTY TO CONDUCT THE ELECTION; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

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

WHEREAS, the City is currently authorized to regulate the sales of alcoholic beverages for consumption on the premises of a licensed location in the City and, until recently, such sales were only authorized on Sundays from 12:30 p.m. to 12:00 a.m. (midnight); and

WHEREAS, SB 17, approved by the 2018 Legislative Session and signed by the Governor, authorizes the sale of alcohol for consumption on the premises of a licensed location on Sundays for an additional hour and a half- from 11:00 a.m. to 12:00 a.m. (midnight)- in any local government jurisdiction that desires to place same on a referendum for a vote on an election ballot and in which the referendum receives a majority approval; and

WHEREAS, such sales would only be available in licensed establishments which derive at least 50 percent (50%) of their total annual gross sales from the sale of prepared meals or food or in any licensed establishment that derive at least 50 percent (50%) of its total annual gross income from rental of rooms for overnight lodging; and

WHEREAS, in order to place the question on a referendum, a local governing authority must pass a resolution or ordinance that is conditioned upon approval in a referendum permitting sales of alcohol on Sundays for on premises consumption between the hours of 11:00 a.m. and 12:00 a.m. (midnight) and the local governing authority must also forward a certified copy of same to the Elections Superintendent for placing on the ballot; and

WHEREAS, the City Council desires to amend City Code to provide for the sale of alcoholic beverages for consumption on the premises of a licensed location in the City on Sundays between the hours of 11:00 a.m. and 12:00 a.m. (midnight) and desires to place the question for a referendum on the November 6, 2018 election ballot.

NOW THEREFORE, BE IT ORDAINED that it is the intention of the City Council and it hereby is ordained by the authority of same that the provisions of this Ordinance shall become and be made a part of the Code of the City of Conyers, Georgia, and the sections of the code and this ordinance may be renumbered to accomplish that

intention, and that Title 9, Chapter 1, Alcoholic Beverages, of the Code of Ordinances of the City of Conyers, Georgia, hereby is amended.

SECTION 1. Section 9-1-13 of the Code of Ordinances of the City of Conyers, Georgia is hereby amended, as set forth below.

Section 9-1-13. Hours of Operation.

- (a) *Retail distilled spirits.* The exterior entrances of retail stores for the sale of distilled spirits hereunder must be locked during the hours for which the sale of any distilled spirits is prohibited. Licensees shall not engage in the sale of any distilled spirits except between the hours of 8:00 a.m. and 11:45 p.m., Monday through Saturday, and between the hours of 12:30 p.m. and 11:30 p.m. on Sunday.
- (b) *Retail malt beverages and wines.* Licensees in the retail sale of malt beverages and wines shall be allowed to engage in the sale of such beverages for 24 hours a day Monday through Saturday and between the hours of 12:30 p.m. until 11:30 p.m. on Sunday.
- (c) *Consumption on the premises.* No distilled spirits, malt beverages or wine shall be sold for consumption on the premises except between the hours of 7:00 a.m. and 3:00 a.m. of the following morning on Monday through Friday, between the hours of 7:00 a.m. on Saturday and 1:00 a.m. of the following Sunday morning, and between the hours of 11:00 a.m. and 12:00 midnight on Sunday. Each and every person shall be required to vacate the premises no later than one hour past any required closing time.

SECTION 2. Upon adoption of this Ordinance, the same shall be forwarded to Rockdale County for inclusion on the November 6, 2018 election ballot. The ballot shall have written or printed thereon the words:

- () *YES* *Shall the governing authority of the City of Conyers, Georgia, be authorized to 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.?*
- () *NO*

SECTION 3. The County is hereby authorized to conduct the City's Special Election on November 6, 2018.

SECTION 4. The City shall issue the call for a special election for the purpose of submitting the above question to the electors of the City for approval or rejection. The City shall cause the date and purpose of the election to be published in the Rockdale Citizen newspaper once a week for two weeks prior to the date of the November 6, 2018 Special Election.

SECTION 5. The County is hereby authorized to perform all duties as superintendent of elections as specified under Chapter 2, Title 21 of the Official Code of Georgia Annotated. The County is further authorized to certify the results of the election to the Secretary of State.

SECTION 6. The City shall pay the County for all costs incurred in performing those election functions that the City has requested the County to perform.

SECTION 7. The County Registrar is hereby appointed to act as the City's absentee ballot clerk.

SECTION 8. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 9. If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

SECTION 10. Pursuant to Section 2-402(a)(4) of the Charter of the City of Conyers, Georgia, the second reading of this Ordinance is hereby waived in order to permit this Ordinance to become effective on December 1, 2018 so long as the Referendum authorized by this Ordinance is approved by the majority of the voters on the November 6, 2018, Election Ballot. If the Referendum is not approved by a majority of the voters, this Ordinance shall be null and void.

ADOPTED AND APPROVED by the City Council of Conyers, Georgia this 18th day of July, 2018.

G. Vincent Evans, Jr., Mayor

ATTEST:

Christina Heyman, City Clerk

Approved by:

Michael S. Waldrop, City Attorney