

1 SB582
2 135396-1
3 By Senator Marsh (N & P)
4 RFD: Local Legislation No. 1
5 First Read: 03-MAY-12

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to the City of Pell City; authorizing
14 referendum elections to determine whether alcoholic beverages
15 may be sold or dispensed on Sunday by properly licensed retail
16 licensees serving the general public within the city.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. This act shall apply only to the City of
19 Pell City in St. Clair County.

20 Section 2. (a) The voters of the City of Pell City
21 may authorize the sale of alcoholic beverages within the
22 municipality on Sunday by an election pursuant to this act, in
23 the following manner:

24 Within 30 days from the effective date of this act,
25 the governing body of the City of Pell City may, by
26 resolution, call an election for the municipality to determine
27 the sentiment of the voters of the municipality residing

1 within the corporate limits as to whether or not alcoholic
2 beverages can be legally sold or distributed on Sunday within
3 the municipality.

4 (b) On the ballot to be used for such election, the
5 question shall be in the following form: "Do you favor the
6 legal sale and distribution of alcoholic beverages within this
7 municipality, on Sunday between 12:00 P.M. (noon) and 9:30
8 P.M., and on those Sundays on which occurs New Year's Eve
9 (December 31), anytime after 12:00 P.M. (noon)? Yes _____
10 No _____"

11 (c) The first election and any subsequent elections
12 shall be held, and the officers appointed to hold the
13 election, in the manner provided by law for holding other
14 municipal elections, and the returns thereof shall be
15 tabulated and results certified as provided by law for
16 municipal elections. Any Sunday sales election shall be held
17 as provided in this act as a special election or any
18 subsequent municipal election following the date of the
19 resolution.

20 (d) Notice of the election shall be given by the
21 governing body of the municipality by publication or by
22 posting the notice at the town or city hall apprising the
23 voters of the municipality, at least three weeks before the
24 date of the election, that an election shall be held to
25 determine whether alcoholic beverages may be sold in the
26 municipality on Sunday. The cost of the election shall be paid
27 out of the general fund of the municipality.

1 (e) Only qualified voters of the municipality may
2 vote in the election. If a majority of the voters voting in
3 the municipal election vote "Yes," alcoholic beverages can be
4 legally sold or dispensed within the corporate limits of the
5 municipality on Sunday by licensees of the Alcoholic Beverage
6 Control Board of the State of Alabama and the City of Pell
7 City serving the general public in accordance with applicable
8 laws and regulations between the hours of 12:00 P.M. noon, and
9 9:30 P.M. Except as authorized by law or during such hours, it
10 shall be unlawful for any licensed vendor to sell, dispense,
11 or permit the consumption of alcoholic beverages on Sunday.
12 Provided, that on those Sundays on which occurs New Year's
13 Eve, December 31, alcoholic beverages may be sold or dispensed
14 by such licensees pursuant to applicable laws and regulations
15 anytime after 12:00 P.M. noon. The municipality may enact, by
16 ordinance, such policies it deems appropriate to regulate any
17 aspect of Sunday alcoholic beverage sales.

18 (f) If a majority of the voters voting in the
19 municipal election vote "No," alcoholic beverages may not be
20 sold or dispensed in the municipality on Sunday after the hour
21 of 2:00 A.M., except as otherwise authorized by law or by
22 subsequent election which legalizes the sale and dispensing of
23 alcoholic beverages on Sunday.

24 Section 3. The provisions of this act are cumulative
25 and supplemental to the present power and authority of the
26 City of Pell City and is not intended to nor shall it be
27 interpreted so as to repeal any existing power or authority of

1 the City of Pell City now permitted under the general laws of
2 the state, or under any local or special act of the
3 Legislature.

4 Section 4. This act shall become effective
5 immediately following its passage and approval by the
6 Governor, or its otherwise becoming law.