

1 HB381
2 172995-1
3 By Representative Butler (N & P)
4 RFD: Local Legislation
5 First Read: 10-MAR-16

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to the City of Rainbow City in Etowah
14 County; to authorize an election to determine whether
15 alcoholic beverages may be sold or dispensed on Sunday by
16 properly licensed retail licensees serving the general public
17 within the city.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. This act shall apply only to the City of
20 Rainbow City in Etowah County.

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

25 The governing body of the City of Rainbow City, by
26 resolution, may call an election for the municipality to
27 determine the sentiment of the voters of the municipality

1 residing within the corporate limits, as to whether or not
2 alcoholic beverages can be legally sold or distributed on
3 Sunday within 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 1:00 P.M. and 9:30 P.M. and on
8 those Sundays on which occurs New Year's Eve (December 31),
9 after 1:00 P.M.? Yes ___ No ___."

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

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

26 (e) Only qualified voters of the municipality may
27 vote in the election. If a majority of the voters voting in

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

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

22 Section 3. The provisions of this act are cumulative
23 and supplemental to the present power and authority of the
24 City of Rainbow City and is not intended to, nor shall it be
25 interpreted so as to, repeal any existing power or authority
26 of the City of Rainbow City now permitted under the general

1 laws of the state, or under any local or special act of the
2 Legislature.

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