

1 HB137
2 163705-3
3 By Representatives Shiver and McMillan (N & P)
4 RFD: Baldwin County Legislation
5 First Read: 05-MAR-15

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ENROLLED, An Act,

Relating to the City of Bay Minette in Baldwin County; authorizing elections to determine whether alcoholic beverages may be sold or dispensed on Sunday for on-premises consumption by properly licensed retail licensees.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall apply only to the City of Bay Minette in Baldwin County.

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

(b) Within one year from the effective date of this act, the governing body of the City of Bay Minette, by resolution, may call an election for the municipality to determine the sentiment of the voters of the municipality residing within the corporate limits, as to whether or not alcoholic beverages can be legally sold or distributed on Sunday within the municipality for on-premises consumption by properly licensed retail licensees.

(c) On the ballot to be used for such election, the question shall be in the following form: "Do you favor the legal sale and distribution of alcoholic beverages within this

1 municipality on Sunday for on-premises consumption by properly
 2 licensed retail licensees? Yes ___ No ___."

3 (d) The first election and any subsequent elections
 4 shall be held and the officers appointed to hold the election
 5 in the manner provided by law for holding other municipal
 6 elections, and the returns thereof shall be tabulated and
 7 results certified as provided by law for municipal elections.
 8 Any Sunday sales election shall be held as provided in this
 9 act as a special election or any subsequent municipal election
 10 following the date of the resolution.

11 (e) Notice of the election shall be given by the
 12 governing body of the municipality by publication or by
 13 posting a notice at the town or city hall apprising the voters
 14 of the municipality, at least three weeks before the date of
 15 the election, that an election shall be held to determine
 16 whether alcoholic beverages may be sold in the municipality on
 17 Sunday. The cost of the election shall be paid out of the
 18 general fund of the municipality.

19 (f) Only qualified voters of the municipality may
 20 vote in the election. If a majority of the voters voting in
 21 the municipal election vote "Yes," alcoholic beverages may be
 22 legally sold or dispensed within the corporate limits of the
 23 municipality on Sunday by licensees of the Alcoholic Beverage
 24 Control Board and the City of Bay Minette serving the general
 25 public for on-premises consumption in accordance with

1 applicable laws and regulations. The municipality may enact,
2 by ordinance, such policies it deems appropriate to regulate
3 any aspect of Sunday alcoholic beverages sales.

4 (g) If a majority of the voters voting in the
5 municipal election vote "No," alcoholic beverages may not be
6 sold or dispensed in the municipality on Sunday for
7 on-premises consumption by properly licensed retail licensees
8 except as otherwise authorized by law or by subsequent
9 election which legalizes the sale and dispensing of alcoholic
10 beverages on Sunday.

11 Section 3. The provisions of this act are cumulative
12 and supplemental to the present power and authority of the
13 City of Bay Minette and are not intended to, nor shall it be
14 interpreted so as to, repeal any existing power or authority
15 of the City of Bay Minette now permitted under the general
16 laws of the state, or under any local or special act of the
17 Legislature.

18 Section 4. This act shall become effective on
19 October 1, 2015.

