

1 HB692
2 167849-3
3 By Representative Ainsworth (N & P)
4 RFD: Local Legislation
5 First Read: 21-MAY-15

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ENROLLED, An Act,

Relating to Marshall County; to allow each city council of each municipality in Marshall County where the sale of alcoholic beverages is legal, by ordinance, except for Sunday sales, may regulate the sale all alcohol beverages in the municipality including, but not limited to, draft beer and keg beer; to provide that the question of Sunday sales in the municipality shall be submitted to the electors in separate elections within the municipality to determine whether alcoholic beverages may be sold or distributed on Sunday by properly licensed retail licensees serving the general public.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The city council of each municipality in Marshall County, where the sale of alcoholic beverages is legal, except for Sunday sales of alcoholic beverages, by ordinance, may regulate the sale of all alcoholic beverages including, but not limited to, draft beer and keg beer in any municipality within the county.

Section 2. (a) The voters of any municipality within the county may authorize the sale of alcoholic beverages within the municipality on Sunday by an election pursuant to this act, in the following manner: The governing body of the municipality, by resolution, may call an election for the municipality to determine the sentiment of the voters of the

1 municipality residing within the corporate limits as to
2 whether alcoholic beverages may be legally sold or distributed
3 on Sunday within the municipality.

4 (b) On the ballot to be used for the 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 Sundays as further provided for and regulated
8 by ordinance of the municipal governing body? Yes ___ No ___."

9 (c) The first election and any subsequent elections
10 shall be held and the officers appointed to hold the election
11 in the manner provided by law for holding other municipal
12 elections, and the returns thereof tabulated and results
13 certified as provided by law for municipal elections. Any
14 Sunday sales election shall be held as provided in this act as
15 a special election or any subsequent municipal election not
16 less than 30 days following the date of the resolution.

17 (d) Notice of the election shall be given by the
18 governing body of the municipality by publication or by
19 posting the notice at the town or city hall apprising the
20 voters of the municipality, at least three weeks before the
21 date of the election, that an election shall be held to
22 determine whether alcoholic beverages may be sold in the
23 municipality on Sunday. The cost of the election shall be paid
24 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 may 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 and the municipality serving the general public
7 in accordance with applicable laws and regulations and as
8 further provided for and regulated by ordinance of the
9 municipal governing body. The municipality may enact, by
10 ordinance, any policies it deems appropriate to regulate any
11 aspect of Sunday alcoholic beverages sales within the
12 municipality.

13 (f) If a majority of the voters voting in the
14 municipal election vote "No," alcoholic beverages may not be
15 sold or dispensed in the municipality on Sunday after the hour
16 of 2:00 A.M., except as otherwise authorized by law or by
17 subsequent election which legalizes the sale and dispensing of
18 alcoholic beverages on Sunday. A subsequent election shall not
19 be held within 12 months following an election under this
20 section.

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

1 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.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 28-MAY-15.

Jeff Woodard
Clerk

Senate

03-JUN-15

Passed