

1 HB522  
2 155621-5  
3 By Representative Ford (N & P)  
4 RFD: Local Legislation  
5 First Read: 20-FEB-14

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ENROLLED, An Act,

Relating to the City of Gadsden in Etowah County;  
authorizing an election to allow the sale of alcoholic  
beverages sold for on-premises and off-premises consumption  
seven days a week by properly licensed retail licensees  
serving the general public within the city.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall apply only to the City of  
Gadsden.

Section 2. (a) The voters of the City of Gadsden may  
authorize the sale of alcoholic beverages for on and off  
premises consumption within the municipality seven days a week  
by an election pursuant to this act, in the following manner:

The governing body of the City of Gadsden, by  
resolution, shall 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 it  
may determine whether alcoholic beverages can be legally sold  
or distributed on Sunday for on-premises and off-premises  
consumption within the municipality.

(b) 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 for on and

1 off premises consumption within the corporate limits of the  
 2 City of Gadsden seven days a week? Yes \_\_\_ No \_\_\_."

3 (c) The first election shall be held at the  
 4 municipal election in 2014 and any subsequent elections shall  
 5 be held and the officers appointed to hold the election in the  
 6 manner provided by law for holding other municipal elections,  
 7 and the returns thereof tabulated and results certified as  
 8 provided by law for municipal elections.

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

17 (e) Only qualified voters of the municipality may  
 18 vote in the election. If a majority of the voters voting in  
 19 the municipal election vote "Yes," alcoholic beverages may be  
 20 legally sold or dispensed within the corporate limits of the  
 21 municipality for on and off premises consumption seven days a  
 22 week by licensees of the Alcoholic Beverage Control Board and  
 23 the City of Gadsden serving the general public in accordance  
 24 with applicable laws and regulations. The municipality may  
 25 enact, by ordinance, such policies it deems appropriate to

1 regulate any aspect of the sale of alcoholic beverages for  
2 seven days a week.

3 (f) If a majority of the voters voting in the  
4 municipal election vote "No," alcoholic beverages may not be  
5 sold or dispensed in the municipality seven days a week,  
6 except as otherwise authorized by law or by subsequent  
7 election which legalizes the sale and dispensing of alcoholic  
8 beverages seven days a week.

9 (g) A period of not less than 360 days shall elapse  
10 between the dates of elections pursuant to this act.

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

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

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Speaker of the House of Representatives

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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 05-MAR-14.

Jeff Woodard  
Clerk

Senate

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18-MAR-14

Passed