

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

2
3
4
5
6
7
8
9 A BILL
10 TO BE ENTITLED
11 AN ACT
12

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

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

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

5 (b) On the ballot to be used for such election, the
6 question shall be in the following form: "Do you favor the
7 legal sale and distribution of alcoholic beverages for on and
8 off premises consumption within the corporate limits of the
9 City of Gadsden seven days a week? Yes ____ No ____."

10 (c) The first election shall be held at the
11 municipal election in 2014 and any subsequent elections shall
12 be held and the officers appointed to hold the election in the
13 manner provided by law for holding other municipal elections,
14 and the returns thereof tabulated and results certified as
15 provided by law for municipal elections.

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

24 (e) Only qualified voters of the municipality may
25 vote in the election. If a majority of the voters voting in
26 the municipal election vote "Yes," alcoholic beverages may be
27 legally sold or dispensed within the corporate limits of the

1 municipality for on and off premises consumption seven days a
2 week by licensees of the Alcoholic Beverage Control Board and
3 the City of Gadsden serving the general public in accordance
4 with applicable laws and regulations. The municipality may
5 enact, by ordinance, such policies it deems appropriate to
6 regulate any aspect of the sale of alcoholic beverages for
7 seven days a week.

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

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

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

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