*This model Sunday package sales ordinance is provided only for general informational purposes and to assist Georgia cities in identifying issues to address in a local Sunday package sales ordinance. The ordinance is not and should not be treated as legal advice. You should consult with your legal counsel before drafting or adopting any ordinance and before taking any action based on this model. This model ordinance has been developed to help cities that wish to hold a referendum on Sunday package sales of alcohol within the city. Cities should have their legal counsel review O.C.G.A. § 3-3-7(p) and 3-3-7(q) before undertaking the Sunday sales process. GMA would like to thank the City of Dunwoody, from whose ordinance this model borrows greatly.*

**MODEL SUNDAY PACKAGE SALES ORDINANCE**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, GEORGIA TO ALLOW FOR SUNDAY PACKAGE SALES OF **MALT BEVERAGES, WINE AND DISTILLED SPIRITS**; TO AUTHORIZE A REFERENDUM; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

***(If your city does not allow distilled spirits sales during the week then this ordinance can only be for malt beverages and wine and changes should be made to this ordinance accordingly. For your convenience, areas which may need to be altered are in bold and underlined.)***

**WHEREAS**, the City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, Georgia is charged with providing for the health, safety and welfare of the citizens of the City; and

**WHEREAS**, the City is authorized to regulate package sales of alcoholic beverages in the City and, until recently, sale of same was not authorized on Sundays; and

**WHEREAS**, SB 10, approved by the 2011 Legislative Session and signed by the Governor, authorizes package sales of **malt beverages, wine and distilled spirits** to be sold on Sundays in any local government jurisdiction that desires to place same on a referendum for a vote on a general election ballot and the referendum receives a majority approval; and

**WHEREAS**, that in order to place the question on a referendum, a local governing authority must pass Resolution or Ordinance permitting sales of alcohol on Sundays between the hours of 12:30 p.m. and 11:30 p.m., and forward a certified copy of same to the Elections Superintendent for placing on the ballot; and

**WHEREAS**, the City Council desires to amend City Code to provide for Sunday sales of malt beverages, wine and distilled spirits and desires to place the question for a referendum on the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_ election ballot.

 **THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ GEORGIA, HEREBY ORDAIN as follows**:

SECTION ONE

That Section \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Alcoholic Beverages) of the Code of Ordinances, City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Georgia, is hereby amended to read as follows:

**Sec. \_\_\_\_\_\_\_\_\_\_\_. Days when Sales Allowed.**

(a) No licensee shall permit the sale of alcoholic beverages on any day or during any time of day when such sales are prohibited by state law.

(b) No Retail Package licensee shall be permitted to sell package malt beverages, wine and distilled spirits on Sundays except between the hours of 12:30 p.m. and 11:30 p.m.

**Sec. \_\_\_\_\_\_\_\_\_\_\_. Hours of Operation.**

Package licensees shall not engage in the sale of alcoholic beverages except between the hours of 7:00 a.m. and 12:00 midnight Monday through Saturday and between the hours of 12:30 p.m. and 11:30 p.m. on Sunday. Package licensees shall not permit their places of business to be open except between the hours of 7:00 a.m. and 12:00 midnight, Monday through Saturday, or between the hours of 12:30 p.m. and 11:30 p.m. on Sundays, except that where the primary business of a malt beverage package licensee or wine package licensee is other than the sale of alcoholic beverages, such restrictive hours shall apply only with respect to the sale of malt beverages or wine.

SECTION TWO

Upon adoption of this Ordinance, the same shall be forwarded to the City’s Election Superintendent for inclusion on the \_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_ election ballot as a question as follows:

*( ) YES ( ) NO*

*Shall the governing authority of the City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Georgia, be authorized to permit and regulate package sales by retailers of* ***malt beverages, wine, and distilled spirits*** *on Sundays between the hours of 12:30 P.M. and 11:30 P.M.?*

SECTION THREE

That the Election Superintendent is further authorized and directed to place an advertisement in the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ newspaper once a week for four weeks prior to the date of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_, Election where the above question shall be placed on the ballot, stating the date and purpose of this Referendum to be placed on the ballot in the advertisement.

SECTION FOUR

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION FIVE

This Ordinance shall become effective on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_, 20\_\_\_\_\_\_\_\_ so long as the Referendum authorized by this Ordinance is approved by the majority of the voters on the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_, Election Ballot. If the Referendum is not approved by a majority of the voters, this Ordinance shall be null and void.

**SO ORDAINED**, this \_\_\_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

 Approved:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Mayor

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(SEAL)

City Clerk