

STATE OF GEORGIA

CITY OF COLLEGE PARK

ORDINANCE NO. 2018-05

**AN ORDINANCE OF THE CITY OF COLLEGE PARK, GEORGIA
AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR ON-
PREMISES CONSUMPTION ON SUNDAYS FROM 11:00 A.M. UNTIL 12:30
P.M. AT CERTAIN LICENSED ESTABLISHMENTS, SUBJECT TO
REFERENDUM APPROVAL; TO REGULATE AND PROVIDE FOR THE
CALLING OF A SPECIAL ELECTION AND TO CALL A SPECIAL ELECTION
THEREON; AND FOR OTHER PURPOSES.**

WHEREAS, the City of College Park, Georgia Mayor and City Council are
authorized by the City Charter to provide for the general health, safety and welfare of the
citizens of the City; and

WHEREAS, the City of College Park has an interest in regulating, through the
lawful exercise of its police powers, the sale of alcoholic beverages for the public health,
safety and welfare; and

WHEREAS, currently no alcohol sales for consumption on the premises may
take place on Sunday prior to 12:30 p.m.; and

WHEREAS, during its 2018 session, the Georgia General Assembly passed and
the governor subsequently approved Senate Bill (SB) 17 which relates to alcoholic
beverages so as to provide that governing authorities of counties and municipalities may
authorize sale of alcoholic beverages for consumption on the premises during certain
times on Sundays subject to the passage of a referendum; and

WHEREAS, specifically, SB 17 allows the City of College Park to authorize the
sale of alcoholic beverages for consumption on the premises, including the sale of wine

STATE OF GEORGIA

CITY OF COLLEGE PARK

and/or malt beverages and the sale of distilled spirits, on Sundays between the hours of 11:00 a.m. and 12:00 a.m. Midnight in any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served; and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging; and

WHEREAS, it is the desire of the City of College Park City Council to amend the City of College Park Code of Ordinances to authorize such extended Sunday alcohol sales subject to and effective only upon the passage of a referendum authorizing such.

BE IT AND IT IS HEREBY ORDAINED by the Mayor and Council of the City of College Park, Georgia, and by the authority thereof:

Section 1: That there shall be called and there is hereby called a special election to be held in all precincts in the City, on the 6th of November, 2018, for submitting to the voters of the City of College Park the question of authorizing Sunday sales of alcoholic beverages for on-premises consumption in certain licensed establishments between the hours of 11:00 a.m. and 12:30 p.m.

Section 2: That the Municipal Clerk/Election Superintendent shall “call” said Referendum by publishing notice of the referendum in a newspaper of appropriate general circulation no less than ten nor more than 60 days after the date of approval of this Ordinance.

Section 3: That the ballot submitting the question of Sunday Sales of alcoholic beverages for on-premises consumption between the hours of 11:00 a.m. and 12:30 p.m. shall have printed the word “YES” and the word “NO” in order that each voter may vote

STATE OF GEORGIA

CITY OF COLLEGE PARK

in either the affirmative or negative as to the question propounded, and shall have written or printed thereon the following:

()	YES	Shall the governing authority of the City of College Park be authorized to permit and regulate Sunday sales of distilled spirits or alcoholic beverages for beverage purposes by the drink from 11:00 A.M. to 12:30 P.M.?"
()	NO	

Section 4: The polls in each of the precincts within the City shall be opened at 7:00 a.m. and closed 7:00 p.m. on the day fixed for the election, and the election shall be held at the regular and established places for holding elections in the City. The election shall be held in accordance and in conformity with the Constitution and laws of the United States and the State of Georgia.

Section 5: That effective upon the passage of the referendum, Chapter 3 (Alcoholic Beverages), Article IV (Regulation of Sales by the Drink) of the City Code shall be amended by revising Section 3-81 (Prohibited Hours of Operation) to read as follows:

“Sec. 3-81. Prohibited Hours of Operation.

No license holder shall sell, give away, or otherwise dispense alcoholic beverages by the drink between the hours of 2:00 a.m. and ~~12:30 p.m.~~ 11:00 a.m. Sunday, 12:00 a.m. and 7:00 a.m. on Monday, or 2:00 a.m. and 7:00 a.m. on other days.”

Section 6: Section 5 of this ordinance shall have no legal force or effect and the City of College Park Code of Ordinances shall not be amended as described therein, should the referendum described in this ordinance not receive more than one-half of the votes cast on the question for approval of such Sunday sales.

STATE OF GEORGIA

CITY OF COLLEGE PARK

76 **Section 7.** The preamble of this Ordinance shall be considered to be and is
77 hereby incorporated by reference as if fully set out herein.

78 **Section 8.** Upon approval of the Referendum, Section 5 of this Ordinance shall
79 be codified in a manner consistent with the laws of the State of Georgia and the City of
80 College Park. If the Referendum is defeated, this Ordinance shall become null and void
81 by automatic operation of law.

82 **Section 9.** (a) It is hereby declared to be the intention of the Mayor and Council
83 that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were,
84 upon their enactment, believed by the Mayor and Council to be fully valid, enforceable
85 and constitutional.

86 (b) It is hereby declared to be the intention of the Mayor and Council that, to the
87 greatest extent allowed by law, each and every section, paragraph, sentence, clause or
88 phrase of this Ordinance is severable from every other section, paragraph, sentence,
89 clause or phrase of this Ordinance. It is hereby further declared to be the intention of the
90 Mayor and Council that, to the greatest extent allowed by law, no section, paragraph,
91 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
92 section, paragraph, sentence, clause or phrase of this Ordinance.

93 (c) In the event that any phrase, clause, sentence, paragraph or section of this
94 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or
95 otherwise unenforceable by the valid judgment or decree of any court of competent
96 jurisdiction, it is the express intent of the Mayor and Council that such invalidity,
97 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not
98 render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases,

STATE OF GEORGIA

CITY OF COLLEGE PARK

clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 10. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 11. Penalties in effect for violations of Chapter 1 of the Code of Ordinances, City of College Park, Georgia at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 12. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

SO ORDAINED AND EFFECTIVE this _____ day of _____, 2018.

CITY OF COLLEGE PARK, GEORGIA

JACK P. LONGINO, Mayor

ATTEST:

MELISSA BROOKS, City Clerk

APPROVED AS TO FORM:

STEVEN FINCHER, City Attorney