

STATE OF GEORGIA

FULTON COUNTY

July 25, 2011

August 8, 2011

**ORDINANCE OF THE CITY OF ROSWELL, GEORGIA TO AMEND CHAPTER 3 OF THE
ROSWELL CODE OF ORDINANCES TO ALLOW FOR THE SALE OF ALCOHOLIC
BEVERAGES BY THE PACKAGE ON SUNDAYS IF APPROVED BY A CITY-WIDE
REFERENDUM TO BE HELD IN CONJUNCTION WITH THE 2011 GENERAL ELECTION;
TO REPEAL CONFLICTING ORDINANCES; TO CALL FOR A REFERENDUM ON THE
QUESTION AND FOR OTHER PURPOSES**

WHEREAS, the City of Roswell is a Georgia municipal corporation; and

WHEREAS, the Mayor and Council are the governing authority of the City of Roswell; and

WHEREAS, on April 12, 2011 the General Assembly of Georgia adopted SB-10 amending Georgia Code Section 3-3-7 regarding the sale of alcoholic beverages on Sunday; and

WHEREAS, such act, pursuant to State law, contains a provision making the Act subject to approval in a city-wide referendum; and

WHEREAS, the City of Roswell deems it in the public interest to enter into a contract with Fulton County, Georgia to conduct the November 8, 2011 election:

NOW, THEREFORE, BE IT ORDAINED, and it is hereby ordained, that subject to passage by Roswell voters of a public referendum, Chapter 3, Alcoholic Beverages is hereby amended as follows:

1.

Article 3.5 *Business Regulations*, Section 3.5.5 *Days When Sales Unlawful* of the Roswell Code of Ordinances is amended by deleting subsection (b) in its entirety and replacing said subsection with a new subsection (b) to read as follows:

(b) No person shall permit the sale of alcoholic beverages on Sunday unless such person is a licensee for a bona fide eating establishment, retail package licensee, caterer, private club or special events facility as defined by this chapter and the requisite fee for Sunday sales is paid.

2.

Article 3.5 is further amended by deleting subsection (a) of Section 3.5.6 *Hours of Operation* in its entirety and replacing said subsection (a) with a new subsection (a) to read as follows:

(a) A package licensee shall not engage in the sale of alcoholic beverages except between the hours of 8:00 A.M. and 11:30 P.M. Monday through Saturday, provided that if such package licensee is authorized for Sunday sales such package licensee may also engage in the sale of alcoholic beverages on Sunday between the

hours of 12:30 P.M. and 11:30 P.M. Package licensees shall not permit their places of business to be open when sales of alcoholic beverages are not permitted except that where the primary business of the package licensee is other than the sale of alcoholic beverages, such restrictive hours shall apply only with respect to the sale of alcoholic beverages.

3.

BE IT FURTHER ORDAINED by the Mayor and Council that the City of Roswell hereby calls for a special election as provided by law for the purpose of submitting this question to the electors of the City of Roswell for approval or rejection.

The ballot shall have written or printed thereon the words:

- () YES Shall the governing authority of the City of Roswell be authorized to permit and regulate package sales by retailers of malt beverages, wine
() NO and distilled spirits on Sundays between the hours of 12:30 P.M. and 11:30 P.M.?

4.

The Mayor and Council hereby authorize the City of Roswell authorized to contract with the Fulton County Department of Registration and Elections to conduct this election and the referendum on the question of Sunday sale of alcoholic beverages. Let the call for these elections issue according to law.

5.

The Ordinance amendment shall become effective on the date after the results are certified. All other portions of the Ordinance to be effective on the date of its adoption

The above Ordinance was read and approved by the Mayor and Council of the City of Roswell on the 5th day of August 2011.

Attest:

Marlee Press
Marlee Press, City Clerk
(Seal)

Jerry Orlans
Councilmember Jerry Orlans

Betty Price
Councilmember Betty Price

Kent Igleheart
Councilmember Kent Igleheart

Jere Wood
Jere Wood, Mayor

Rebecca Wynn
Councilmember Rebecca Wynn

Richard Dippolito
Councilmember Richard Dippolito

Nancy Diamond
Councilmember Nancy Diamond