

STATE OF GEORGIA  
CITY OF DUNWOODY

ORDINANCE 2011-XX-XX

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF DUNWOODY, 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.**

**WHEREAS,** the City Dunwoody, 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 November, 2011, general election ballot.

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

**Section 1:** That Section 4-134, Chapter 4 (Alcoholic Beverages) of the Code of Ordinances, City of Dunwoody, Georgia, is hereby amended to read as follows:

**Sec. 4-134. Days when Sales unlawful.**

- (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. No Retail Consumption on Premises licensee shall permit the sale of alcoholic beverages on Sunday unless such licensee is a bona fide eating establishment, caterer, private club, or special events facility as defined in this chapter. Any licensee wishing to sell alcohol on Sunday pursuant to this Chapter shall pay any requisite fee for Sunday sales ~~is paid~~, the amount of which shall be set by resolution of the city council, which

amount shall remain in effect until modified or amended by subsequent resolution adopted by the city council.

- (c) Any Retail Consumption on Premises licensee otherwise eligible for a Sunday sales permit pursuant to subsection (b) of this section may apply for a one-day Sunday sales permit for a specific date. The fee for a one-time Sunday sales permit shall be set by resolution of city council.

**Section 2.** Section 4-135(a), Chapter 4 (Alcoholic Beverages) of the Code of Ordinances, City of Dunwoody, Georgia, is hereby amended to read as follows:

**Sec. 4-135. Hours of Operation.**

- (a) 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 3**

Upon adoption of this Ordinance, the same shall be forwarded to the City's Election Superintendent for inclusion on the November, 2011, general election ballot as a question as follows:

( ) YES ( ) NO

*Shall the governing authority of the City of Dunwoody, 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 4**

That the Election Superintendent is further authorized and directed to place an advertisement in the DeKalb Champion newspaper once a week for four weeks prior to the date of the November, 2011, 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 5**

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 6**

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This Ordinance shall become effective on December 1, 2011 so long as the Referendum authorized by this Ordinance is approved by the majority of the voters on the November, 2011, General 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 \_\_\_\_\_, 2011.

Approved:

\_\_\_\_\_  
Ken Wright, Mayor

ATTEST:

\_\_\_\_\_  
Sharon Lowery, City Clerk

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Brian Anderson, City Attorney