

AN ORDINANCE

IMPLEMENTING THE RESOLUTION AUTHORIZING SUNDAY SALES OF ALCOHOLIC BEVERAGES PURSUANT TO THE REFERENDUM ELECTION RESULTS OF A MAJORITY VOTE FOR APPROVAL.

WHEREAS, a Resolution Authorizing Sunday Sales of Alcoholic Beverages (Conditioned Upon Approval In a Referendum Election Pursuant to O.C.G.A. §3-3-7) was signed by the Mayor and City Council on August 30, 2005.

WHEREAS, a referendum election was held on November 8, 2005, which posed the following:

- Yes[] Referendum on Sunday Alcohol Sales
Shall the governing authority of the City of Flemington be authorized to permit and regulate Sunday sales of distilled spirits or alcoholic beverages for beverage purposes by the drink?
- No []

WHEREAS, a majority of voters voted “yes” to the above referenced Referendum question.

WHEREAS, the City is in compliance with all requirements of O.C.G.A. §3-3-7(j).

WHEREAS, said results, indicating that a majority of votes are for approval of Sunday Sales of Alcohol as specified herein, have been duly certified by the appropriate authorities.

NOW, THEREFORE, be it ordained by the governing authority of the City of Flemington, Georgia, as follows:

I. ORDINANCE TEXT

SUNDAY SALES OF ALCOHOLIC BEVERAGES

(a) *Sunday sales prohibited.* No alcoholic beverages shall be sold, offered for sale, dispensed, or given away, in any place of business on Sunday, except as provided in paragraph [subsection] (b) below. Every person operating a place of business solely and exclusively for the purpose of selling or dealing in alcoholic beverages shall keep such business closed on Sunday.

(b) *Sunday sale of alcoholic beverages.* The licensee of any eating establishment desiring the privilege to sell or otherwise dispense distilled

spirits, malt beverages, or wine on Sunday in accordance with this paragraph [subsection] shall, before dispensing such beverages on Sunday, file an affidavit with the City Clerk, certifying under oath that (1) such establishment holds or has applied for a current City of Flemington business license to operate a restaurant, and for a current alcoholic beverage license and (2) such establishment, if an existing business, derived at least 70 percent of its total annual gross food and beverage sales income from the sale of prepared meals or food during the preceding calendar year or, if a new business, fully intends and expects to derive at least 70 percent of its total annual gross food and beverage sales income from the sale of prepared meals or food during the remainder of the current calendar year. Such affidavit may be submitted at any time that the above stated conditions are met, and must be submitted annually with such establishment's alcoholic beverage license renewal application if Sunday sales authorization is to be continued.

The alcoholic beverage license of an establishment which has properly filed such affidavit will be marked to indicate authorization to dispense alcoholic beverages between the hours of 12:30 p.m. Sunday and 12:00 a.m. (midnight) Sunday. Any establishment not complying with this section is hereby specifically prohibited from dispensing alcoholic beverages on Sunday.

To qualify for a Sunday sales permit, any licensed restaurant, in addition to the above requirements, shall be a bona fide public eating place which actually and regularly prepares and serves food on the premises; shall have a full kitchen facility open and operating to prepare food on the premises for consumption in the establishment, such kitchen to include at a minimum one cooking stove and/or oven or equivalent apparatus (this requirement is not met by a microwave oven and/or food rotisserie), one standard size food refrigerator and freezer, kitchen sink, and any and all food service requirements of the Liberty County Health Department; shall have a specific area of the establishment set aside, set up, and operating to serve prepared food on the premises; shall have a printed or posted menu from which selections for prepared food can be made; and shall provide its full food service to the public on any Sunday when alcoholic beverages are dispensed. This paragraph shall not be applicable to any recognized festival event sponsored by a nonprofit community organization.

II. REPEALER

All ordinances and resolutions, or parts of ordinances and resolutions, in direct conflict with this Ordinance are hereby repealed.

III. EFFECTIVE DATE

This ordinance shall become effective on the 13th day of December, 2005.

APPROVED AND ORDAINED by the City of Flemington, Georgia as of this 13th Day of December, 2005.

CITY OF FLEMINGTON, GEORGIA

BY: _____

Mayor, Sandra Martin

Attest: _____

City Clerk, Terri Willett