

**AN ORDINANCE OF THE SUMTER COUNTY BOARD OF COMMISSIONERS
TO AMEND SECTIONS 6-30 AND 6-74 OF ARTICLE II OF CHAPTER 6 OF THE
SUMTER COUNTY CODE OF ORDINANCES GOVERNING ALCOHOL
REGULATIONS, TO AUTHORIZE SUNDAY SALES TO THE EXTENT PROVIDED
BY LAW, AND FOR OTHER LAWFUL PURPOSES**

WHEREAS, in the exercise of its lawful authority pursuant to O.C.G.A. § 36-1-20 and other applicable provisions, Sumter County, a political subdivision of the State of Georgia, by and through its Board of Commissioners, may enact and repeal policies, resolutions, and ordinances to promote and protect the health, safety, and welfare of the public and to provide for the orderly administration of Sumter County's regulation of the sale of alcoholic beverages; and

WHEREAS, the Board of Commissioners is charged with the authority to govern the sale of alcoholic beverages; and

WHEREAS, the Board of Commissioners previously enacted Sections 6-30 and 6-74 of the Sumter County Code of Ordinances; and

WHEREAS, the Board of Commissioners issued a resolution authorizing a referendum to allow package sales on Sundays by retailers of package malt beverages, wine, and distilled spirits pursuant to O.C.G.A. § 3-3-7(q); and

WHEREAS, said referendum was held on March 1, 2016, and more than one-half of the votes cast on the question were for approval; and

WHEREAS, the Board of Commissioners issued a resolution authorizing a referendum to allow the sale of alcoholic beverages for consumption on the premises on Sundays pursuant to O.C.G.A. § 3-3-7(j); and

WHEREAS, said referendum was held on March 1, 2016, and more than one-half of the votes cast on the question were for approval.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Board of Commissioners of Sumter County:

Section 1. Amendment.

Chapter 6, Article II, Section 6-30 of the Code of Ordinances of Sumter County, Georgia is hereby amended such that the below language shall completely replace the existing Section 6-30 and shall read as follows:

“Sec. 6-30. - Alcohol regulations; hours of service.

(a) *Applicability only to unincorporated areas of Sumter County.* The provisions of this section shall apply only to the unincorporated areas of Sumter County.

(b) *Accountability.* Every licensee and its servants, employees, officers, and any and all other persons acting on behalf of the licensee may be equally guilty of a violation of any provision contained in this section.

(c) *Election day.* Alcoholic beverages may not be sold, whether by the package or for consumption on the premises, within 250 feet of a polling place when the polls are open.

(b) *Package sales of malt beverages, wine, or distilled spirits.* No package sales of malt beverages, wine, or distilled spirits shall be conducted on Sundays or Christmas except between the hours of 12:30 p.m. and 11:30 p.m. pursuant to the approval of the electorate in a referendum pursuant to O.C.G.A. § 3-3-7.

(c) *Consumption on the premises.*

(1) No sales of alcoholic beverages for consumption on the premises may be conducted between the hours of 2:55 a.m. and 8:00 a.m.; and

(2) No sales of alcoholic beverages for consumption on the premises may be conducted on Sundays or Christmas except:

(A) Between the hours of 12:00 a.m. and 2:55 a.m. pursuant to O.C.G.A. § 3-3-7(m); and

(B) Between 12:30 p.m. and 12:00 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, pursuant to the approval of the electorate in a referendum pursuant to O.C.G.A. § 3-3-7.

(e) *Marking Displays on Sundays and Christmas.* During such times that sales are prohibited on Sundays or Christmas as provided in this section, licensees open on Sundays or Christmas shall ensure that alcoholic beverages on display are plainly marked with a sign stating "Not For Sale" or that the alcoholic beverages

are fully covered or that the alcoholic beverages are stored from the view of patrons or that the alcoholic beverages are locked and made not readily accessible.”

Section 2. Amendment.

Subsection (g) of Chapter 6, Article II, Section 6-74 of the Code of Ordinances of Sumter County, Georgia is hereby amended such that said subsection, as amended, shall read as follows:

“(g) Locations, premises or buildings for which an on-premises consumption license has been issued pursuant to this chapter shall be deemed a “permitted location” under this section without further application. However, alcoholic beverages may not be sold or dispensed from the area or premises licensed for the sale and dispensing of alcoholic beverages on Sunday except as authorized in this Chapter.”

Section 3. Inclusion in Code.

These amendments shall be included and incorporated within the Code of Ordinances of Sumter County, Georgia, and may be renumbered or re-lettered to accommodate such inclusion.

Section 4. Conflict.

All prior existing ordinances, resolutions, or parts thereof which conflict with the provisions of this amended ordinance are hereby repealed to the extent of any such conflict.

Section 5. Severability.

If any court of competent jurisdiction finds or declares any section, subsection, sentence, clause, phrase, or portion of this amended ordinance unconstitutional or invalid, it shall not affect

the validity or enforceability of the remainder of this enactment, which shall remain in full force and effect.

Section 6. Effective Date.

This amended ordinance shall become effective on the date of its adoption.

BE IT ORDAINED this 15th day of March, 2016, by the Board of Commissioners of Sumter County, Georgia.

SUMTER COUNTY, GEORGIA



By: Randy Howard
Randy Howard, Chairman
Board of Commissioners

Attest: Rayetta Floyd
Rayetta Floyd, County Clerk

Votes:

Randy Howard	<u>N/A</u>
Clay Jones	<u>Yes</u>
Thomas Jordan	<u>Yes</u>
George Torbert	<u>Yes</u>
Mark Waddell	<u>Yes</u>