

1 HB565
2 116639-2
3 By Representative England (N & P)
4 RFD: Tuscaloosa County Legislation
5 First Read: 16-FEB-10

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ENROLLED, An Act,

Relating to the City of Tuscaloosa; authorizing elections to determine whether alcoholic beverages may be sold or dispensed on Sunday by properly licensed retail licensees serving the general public within the city.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall apply only to the City of Tuscaloosa.

Section 2. (a) The voters of the City of Tuscaloosa may authorize the sale of alcoholic beverages within the municipality on Sunday by an election pursuant to this act, in the following manner:

Within 30 days from the effective date of this act, the governing body of the City of Tuscaloosa, by resolution, may call an election for the municipality to determine the sentiment of the voters of the municipality residing within the corporate limits, as to whether or not alcoholic beverages can be legally sold or distributed on Sunday within the municipality.

(b) On the ballot to be used for such election, the question shall be in the following form: "Do you favor the legal sale and distribution of alcoholic beverages within this municipality, on Sunday between 12:00 P.M. (noon), and 9:30

1 P.M., and on those Sundays on which occurs New Year's Eve
 2 (December 31), after 12:00 P.M. (noon)? Yes ___ No ___."

3 (c) The first election and any subsequent elections
 4 shall be held and the officers appointed to hold the election
 5 in the manner provided by law for holding other municipal
 6 elections, and the returns thereof tabulated and results
 7 certified as provided by law for municipal elections. Any
 8 Sunday sales election shall be held as provided in this act as
 9 a special election or any subsequent municipal election
 10 following the date of the resolution.

11 (d) Notice of the election shall be given by the
 12 governing body of the municipality by publication or by
 13 posting the notice at the town or city hall apprising the
 14 voters of the municipality, at least three weeks before the
 15 date of the election, that an election shall be held to
 16 determine whether alcoholic beverages may be sold in the
 17 municipality on Sunday. The cost of the election shall be paid
 18 out of the general fund of the municipality.

19 (e) Only qualified voters of the municipality may
 20 vote in the election. If a majority of the voters voting in
 21 the municipal election vote "Yes," alcoholic beverages can be
 22 legally sold or dispensed within the corporate limits of the
 23 municipality on Sunday by licensees of the Alcoholic Beverage
 24 Control Board and the City of Tuscaloosa serving the general
 25 public in accordance with applicable laws and regulations

1 between the hours of 12:00 P.M., noon, and 9:30 P.M. Except as
2 authorized by law or during such hours, it shall be unlawful
3 for any licensed vendor to sell, dispense, or permit the
4 consumption of alcoholic beverages on Sunday. Provided, that
5 on those Sundays on which occurs New Year's Eve, December 31,
6 alcoholic beverages may be sold or dispensed by such licensees
7 pursuant to applicable laws and regulations any time after
8 12:00 P.M., noon. The municipality may enact, by ordinance,
9 such policies it deems appropriate to regulate any aspect of
10 Sunday alcoholic beverages sales.

11 (f) If a majority of the voters voting in the
12 municipal election vote "No," alcoholic beverages may not be
13 sold or dispensed in the municipality on Sunday after the hour
14 of 2:00 A.M., except as otherwise authorized by law or by
15 subsequent election which legalizes the sale and dispensing of
16 alcoholic beverages on Sunday.

17 Section 3. The provisions of this act are cumulative
18 and supplemental to the present power and authority of the
19 City of Tuscaloosa and is not intended to, nor shall it be
20 interpreted so as to, repeal any existing power or authority
21 of the City of Tuscaloosa now permitted under the general laws
22 of the state, or under any local or special act of the
23 Legislature.

1 Section 4. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 02-MAR-10.

Greg Pappas
Clerk

Senate

23-MAR-10

Passed