

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

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to the City of Tuscaloosa; authorizing
14 elections to determine whether alcoholic beverages may be sold
15 or dispensed on Sunday by properly licensed retail licensees
16 serving the general public within the city.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

24 Within 30 days from the effective date of this act,
25 the governing body of the City of Tuscaloosa, by resolution,
26 may call an election for the municipality to determine the
27 sentiment of the voters of the municipality residing within

1 the corporate limits, as to whether or not alcoholic beverages
2 can be legally sold or distributed on Sunday within the
3 municipality.

4 (b) On the ballot to be used for such election, the
5 question shall be in the following form: "Do you favor the
6 legal sale and distribution of alcoholic beverages within this
7 municipality, on Sunday between 12:00 P.M. (noon), and 9:30
8 P.M., and on those Sundays on which occurs New Year's Eve
9 (December 31), after 12:00 P.M. (noon)? Yes ___ No ___."

10 (c) The first election and any subsequent elections
11 shall be held and the officers appointed to hold the election
12 in the manner provided by law for holding other municipal
13 elections, and the returns thereof tabulated and results
14 certified as provided by law for municipal elections. Any
15 Sunday sales election shall be held as provided in this act as
16 a special election or any subsequent municipal election
17 following the date of the resolution.

18 (d) Notice of the election shall be given by the
19 governing body of the municipality by publication or by
20 posting the notice at the town or city hall apprising the
21 voters of the municipality, at least three weeks before the
22 date of the election, that an election shall be held to
23 determine whether alcoholic beverages may be sold in the
24 municipality on Sunday. The cost of the election shall be paid
25 out of the general fund of the municipality.

26 (e) Only qualified voters of the municipality may
27 vote in the election. If a majority of the voters voting in

1 the municipal election vote "Yes," alcoholic beverages can be
2 legally sold or dispensed within the corporate limits of the
3 municipality on Sunday by licensees of the Alcoholic Beverage
4 Control Board and the City of Tuscaloosa serving the general
5 public in accordance with applicable laws and regulations
6 between the hours of 12:00 P.M., noon, and 9:30 P.M. Except as
7 authorized by law or during such hours, it shall be unlawful
8 for any licensed vendor to sell, dispense, or permit the
9 consumption of alcoholic beverages on Sunday. Provided, that
10 on those Sundays on which occurs New Year's Eve, December 31,
11 alcoholic beverages may be sold or dispensed by such licensees
12 pursuant to applicable laws and regulations any time after
13 12:00 P.M., noon. The municipality may enact, by ordinance,
14 such policies it deems appropriate to regulate any aspect of
15 Sunday alcoholic beverages sales.

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

22 Section 3. The provisions of this act are cumulative
23 and supplemental to the present power and authority of the
24 City of Tuscaloosa and is not intended to, nor shall it be
25 interpreted so as to, repeal any existing power or authority
26 of the City of Tuscaloosa now permitted under the general laws

1 of the state, or under any local or special act of the
2 Legislature.

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