

1 HB475
2 147784-2
3 By Representatives Mask, Beckman and Wren (N & P)
4 RFD: Local Legislation
5 First Read: 20-MAR-13

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to the City of Wetumpka in Elmore County;
14 authorizing elections to determine whether alcoholic beverages
15 may be sold or dispensed by restaurants, hotels, and
16 nightclubs that are properly licensed retail licensees serving
17 the general public within the city for on-premises consumption
18 on Sunday.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. This act shall apply only to the City of
21 Wetumpka.

22 Section 2. (a) The voters of the City of Wetumpka,
23 by an election pursuant to this act, may authorize the sale of
24 alcoholic beverages by restaurants, hotels, and nightclubs
25 within the municipality on Sunday in the following manner:

26 Within 30 days from the effective date of this act,
27 the governing body of the City of Wetumpka, by resolution, may

1 call an election for the municipality to determine the
2 sentiment of the voters of the municipality residing within
3 the corporate limits as to whether or not alcoholic beverages
4 can be legally sold or distributed on Sunday by restaurants,
5 hotels, and nightclubs for on-premises consumption within the
6 municipality.

7 (b) On the ballot to be used for such election, the
8 question shall be in the following form: "Do you favor the
9 legal sale and distribution of alcoholic beverages by
10 restaurants, hotels, and nightclubs for on-premises
11 consumption within this municipality on Sunday between 12:00
12 p.m. (noon) and 10:00 p.m., and on those Sundays on which
13 occurs New Year's Eve (December 31) after 12:00 p.m. (noon)?
14 Yes ___ or No ___."

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

23 (d) Notice of the election shall be given by the
24 governing body of the municipality by publication or by
25 posting the notice at the town or city hall apprising the
26 voters of the municipality, at least three weeks before the
27 date of the election, that an election shall be held to

1 determine whether alcoholic beverages may be sold in the
2 municipality on Sunday. The cost of the election shall be paid
3 out of the general fund of the municipality.

4 (e) Only qualified voters of the municipality may
5 vote in the election. If a majority of the voters voting in
6 the municipal election vote "Yes," alcoholic beverages can be
7 legally sold or dispensed for on-premises consumption within
8 the corporate limits of the municipality on Sunday by
9 restaurants, hotels, and nightclubs that are licensees of the
10 Alcoholic Beverage Control Board and the City of Wetumpka
11 serving the general public in accordance with applicable laws
12 and regulations between the hours of 12:00 p.m., noon, and
13 10:00 p.m. Except as authorized by law or during such hours,
14 it shall be unlawful for any licensed vendor to sell,
15 dispense, or permit the consumption of alcoholic beverages on
16 Sunday. Provided, that on those Sundays on which occurs New
17 Years's Eve, December 31, alcoholic beverages may be sold or
18 dispensed by such licensees pursuant to applicable laws and
19 regulations any time after 12:00 p.m., noon. The municipality
20 may enact, by ordinance, such policies it deems appropriate to
21 regulate any aspect of the sale of alcoholic beverages on
22 Sunday.

23 (f) If a majority of the voters voting in the
24 municipal election vote "No," alcoholic beverages may not be
25 sold or dispensed in the municipality on Sunday after the hour
26 of 2:00 a.m., except as otherwise authorized by law or by

1 subsequent election which legalizes the sale and dispensing of
2 alcoholic beverages on Sunday.

3 Section 3. The provisions of this act are cumulative
4 and supplemental to the present power and authority of the
5 City of Wetumpka and are not intended to, nor shall it be
6 interpreted so as to, repeal any existing power or authority
7 of the City of Wetumpka now permitted under the general laws
8 of the state, or under any local or special act of the
9 Legislature.

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