

1 HB140
2 169810-2
3 By Representative Greer (N & P)
4 RFD: Local Legislation
5 First Read: 09-FEB-16

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to the Town of Lexington located in
14 Lauderdale County; authorizing the sale of alcoholic beverages
15 and draft beer in the town limits and police jurisdiction of
16 the Town of Lexington each day of the week except on Sundays
17 by properly licensed clubs and retail licensees of the
18 Alcoholic Beverage Control Board.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. The voters of the Town of Lexington may
21 authorize the sale of alcoholic beverages and draft beer for
22 on-premises and off-premises consumption within the town each
23 day of the week except Sunday by an election pursuant to this
24 act, in the following manner:

25 (1) The governing body of the town, by resolution,
26 shall call an election to determine the sentiment of the
27 voters of the town residing within the corporate limits, as to

1 whether or not it may determine whether alcoholic beverages
2 and draft beer can be legally sold or distributed each day of
3 the week except on Sunday for on-premises and off-premises
4 consumption within the town.

5 (2) On the ballot to be used for such election, the
6 question shall be in the following form: "Do you favor the
7 legal sale and distribution of alcoholic beverages and draft
8 beer for on-premises and off-premises consumption within the
9 corporate limits of the Town of Lexington each day of the week
10 except Sunday? Yes ____ No ____."

11 (3) The first election shall be held at the next
12 municipal election and any subsequent elections shall be held
13 and the officers appointed to hold the election in the manner
14 provided by law for holding other municipal elections, and the
15 returns thereof tabulated and results certified as provided by
16 law for municipal elections.

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

25 (5) Only the qualified voters of the town may vote
26 in the election. If a majority of the voters voting in the
27 municipal election vote "Yes," alcoholic beverages and draft

1 beer may be legally sold or dispensed within the corporate
2 limits of the town for on-premises and off-premises
3 consumption each day of the week except Sunday by licensees of
4 the Alcoholic Beverage Control Board and the Town of Lexington
5 serving the general public in accordance with applicable laws
6 and regulations. The town may enact, by ordinance, such
7 policies it deems appropriate to regulate any aspect of the
8 sale of alcoholic beverages and draft beer may be sold each
9 day of the week except on Sunday.

10 (6) If a majority of the voters voting in the
11 municipal election vote "No," alcoholic beverages and draft
12 beer may not be sold or dispensed in the town, except as
13 otherwise authorized by law or by subsequent election which
14 legalizes the sale and dispensing of alcoholic beverages and
15 draft beer.

16 (7) A period of not less than 360 days shall elapse
17 between the dates of elections pursuant to this act.

18 Section 2. The provisions of this act are cumulative
19 and supplemental to the present power and authority of the
20 Town of Lexington and is not intended to, nor shall it be
21 interpreted so as to, repeal any existing power or authority
22 of the Town of Lexington now permitted under the general laws
23 of the state, or under any local or special act of the
24 Legislature.

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

