

1 HB692  
2 167849-1  
3 By Representative Ainsworth (N & P)  
4 RFD: Local Legislation  
5 First Read: 21-MAY-15

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to Marshall County; to allow each city  
14 council of each municipality in Marshall County where the sale  
15 of alcoholic beverages is legal, by ordinance, except for  
16 Sunday sales, may regulate the sale all alcohol beverages in  
17 the municipality including, but not limited to, draft beer and  
18 keg beer; to provide that the question of Sunday sales in the  
19 municipality shall be submitted to the electors in separate  
20 elections within the municipality to determine whether  
21 alcoholic beverages may be sold or distributed on Sunday by  
22 properly licensed retail licensees serving the general public.  
23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. The city council of each municipality in  
25 Marshall County, where the sale of alcoholic beverages is  
26 legal, except for Sunday sales of alcoholic beverages, by  
27 ordinance, may regulate the sale of all alcoholic beverages

1 including, but not limited to, draft beer and keg beer in any  
2 municipality within the county.

3 Section 2. (a) The voters of any municipality within  
4 the county may authorize the sale of alcoholic beverages  
5 within the municipality on Sunday by an election pursuant to  
6 this act, in the following manner: The governing body of the  
7 municipality, by resolution, may call an election for the  
8 municipality to determine the sentiment of the voters of the  
9 municipality residing within the corporate limits as to  
10 whether alcoholic beverages may be legally sold or distributed  
11 on Sunday within the municipality.

12 (b) On the ballot to be used for the election, the  
13 question shall be in the following form: "Do you favor the  
14 legal sale and distribution of alcoholic beverages within this  
15 municipality on Sundays as further provided for and regulated  
16 by ordinance of the municipal governing body? Yes \_\_\_ No \_\_\_."

17 (c) The first election and any subsequent elections  
18 shall be held and the officers appointed to hold the election  
19 in the manner provided by law for holding other municipal  
20 elections, and the returns thereof tabulated and results  
21 certified as provided by law for municipal elections. Any  
22 Sunday sales election shall be held as provided in this act as  
23 a special election or any subsequent municipal election not  
24 less than 30 days following the date of the resolution.

25 (d) Notice of the election shall be given by the  
26 governing body of the municipality by publication or by  
27 posting the notice at the town or city hall apprising the

1 voters of the municipality, at least three weeks before the  
2 date of the election, that an election shall be held to  
3 determine whether alcoholic beverages may be sold in the  
4 municipality on Sunday. The cost of the election shall be paid  
5 out of the general fund of the municipality.

6 (e) Only qualified voters of the municipality may  
7 vote in the election. If a majority of the voters voting in  
8 the municipal election vote "Yes," alcoholic beverages may be  
9 legally sold or dispensed within the corporate limits of the  
10 municipality on Sunday by licensees of the Alcoholic Beverage  
11 Control Board and the municipality serving the general public  
12 in accordance with applicable laws and regulations and as  
13 further provided for and regulated by ordinance of the  
14 municipal governing body. The municipality may enact, by  
15 ordinance, any policies it deems appropriate to regulate any  
16 aspect of Sunday alcoholic beverages sales within the  
17 municipality.

18 (f) If a majority of the voters voting in the  
19 municipal election vote "No," alcoholic beverages may not be  
20 sold or dispensed in the municipality on Sunday after the hour  
21 of 2:00 A.M., except as otherwise authorized by law or by  
22 subsequent election which legalizes the sale and dispensing of  
23 alcoholic beverages on Sunday. A subsequent election shall not  
24 be held within 12 months following an election under this  
25 section.

26 Section 3. The provisions of this act are cumulative  
27 and supplemental to the present power and authority of any

1       municipality and is not intended to, nor shall it be  
2       interpreted so as to, repeal any existing power or authority  
3       of any municipality now permitted under the general laws of  
4       the state, or under any local or special act of the  
5       Legislature.

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