

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 260

AN ORDINANCE to amend Ordinance No. 69 of the City of Lookout Mountain, Georgia, to permit sales of controlled beverages at retail on Sundays between the hours of 12:30 p.m. and 11:30 p.m., to authorize a referendum for such sales, and for other purposes.

WHEREAS, Senate Bill 10 approved by the Georgia Legislature during its 2011 Legislative Session and signed by the Governor authorizes package sales of malt beverages, wine and distilled spirits on Sundays in any local government jurisdiction that desires to place same on a referendum for a vote on a general election ballot and the referendum receives a majority approval; and

WHEREAS, that in order to place the question on a referendum, a local governing authority must pass a resolution or ordinance permitting sales of alcohol on Sundays between the hours of 12:30 p.m. and 11:30 p.m., and forward a certified copy of same to the Election Superintendent for placing on the ballot; and

WHEREAS, in accordance with Senate Bill 10, the referendum question shall read as follows:

- () YES Shall the governing authority of Lookout Mountain, Georgia. be authorized to permit and regulate the package sales by retailers of malt beverages, wine and distilled spirits on Sundays between the hours of
- () NO 12:30 p.m. and 11:30 p.m.?

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lookout Mountain, Georgia, and it is hereby ordained:

SECTION 1. Article II, Section 5.9 of the City of Lookout Mountain, Georgia Controlled Beverages Ordinance (Ordinance No. 69, as amended) is hereby amended by the addition thereto of the following paragraphs:

No licensee for the sale of controlled beverages at retail shall be permitted to sell malt beverages, wine and distilled spirits on Sundays except between the hours of 12:30 p.m. and 11:30 p.m.

SECTION 2. Article IV, Section 1 of the City of Lookout Mountain, Georgia Controlled Beverages Ordinance (Ordinance No. 69, as amended) is hereby amended by the deletion of the last sentence of said section and the substitution in lieu thereof of the following provisions:

No Georgia Farm Winery shall be permitted to sell wine on Sundays except for the sale of packaged wine at retail between the hours of 12:30 p.m. and 11:30 p.m.

SECTION 3. Upon adoption of this ordinance, the same shall be forwarded to the City's Election Superintendent for inclusion on the November 8, 2011 general election ballot as a question as set forth above. The Election Superintendent is further authorized and directed to place an advertisement in the official legal organ of Walker County once a week for four weeks prior to the date of the November 8, 2011 Election where the above question shall be placed on the ballot stating the date and purpose of the Referendum in the advertisement.

SECTION 4. The sale of alcohol at retail on Sunday shall become effective on December 1, 2011, so long as the Referendum authorized by this ordinance is approved by the majority of the voters on the November 8, 2011 General Election Ballot. If the Referendum is not approved by a majority of the voters, this ordinance shall be null and void.

SECTION 5. The Mayor, City Clerk and/or City Attorney are authorized to submit the above referendum question to the Department of Justice for preclearance.

SECTION 6. Savings Clause. If any of the sections, subsections, sentences, clauses or phrases of this Ordinance are for any reason held to be unconstitutional or invalid, the validity of the remaining portions of this Ordinance shall not be thereby affected since it is the express intent of the Council of the City to pass each section, phrase, paragraph and word separately.

SECTION 7. Repealer. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8. Part of Code of Ordinances. It is the intention of the Council of the City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City, and the Sections of this Ordinance may be renumbered to accomplish such intention.

SECTION 9. Effective Date. This Ordinance shall be effective ten (10) days after its adoption and approval by at least three (3) members of the Council of the City of Lookout Mountain, Georgia, after two (2) readings at least one (1) week apart.

APPROVED on first reading on September 15, 2011.



Member of City Council



Member of City Council



Member of City Council



Member of City Council

Member of City Council

William Stood
Mayor of Lookout Mountain, Georgia

APPROVED AND ADOPTED on second reading on September 29, 2011.

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Member of City Council

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Member of City Council

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Member of City Council

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Member of City Council

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Member of City Council

William Stood
Mayor of Lookout Mountain, Georgia



[Signature]
City Clerk