

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 315

AN ORDINANCE to amend The City of Lookout Mountain, Georgia Controlled Beverage Ordinance (Ordinance No. 69, as amended), as codified in Chapter 4 of the Code of the City of Lookout Mountain, Georgia, to clarify and restate the times during which sales of controlled beverages at retail are permitted, to expressly permit sales of controlled beverages for consumption on premises on Sundays between the hours of 11:00 a.m. and 12:00 midnight, and for other purposes.

WHEREAS, O.C.G.A. § 3-3-7(j) provides, *inter alia*, that on and after May 8, 2018, the governing authority of any county or municipality in which the sale of alcoholic beverages for consumptions on premises is lawful may, following approval in a referendum, authorize the sale of alcoholic beverages for consumption on premises on Sundays from 11:00 a.m. until 12:00 midnight in licensed establishments as described in O.C.G.A. § 3-3-7(j); and

WHEREAS, on November 6, 2018, the voters of Walker County, Georgia, approved a referendum to allow the governing authority to regulate the sale of distilled spirits and alcoholic beverages by the drink in accordance with O.C.G.A. § 3-3-7(j); and

WHEREAS, the City of Lookout Mountain lies wholly within Walker County, and a majority of the electors of the City of Lookout Mountain voting in the county-wide referendum described above voted in the affirmative in approval of the referendum; and

WHEREAS, the approval of the county-wide referendum described above by the voters of Walker County and by a majority of the electors of Lookout Mountain authorizes the governing authority of the City of Lookout Mountain to regulate Sunday sales of distilled spirits and alcoholic beverages by the drink; and

WHEREAS, the City Council of Lookout Mountain has determined that the City of Lookout Mountain, Georgia Controlled Beverage Ordinance should be amended in accordance with the foregoing and to clarify and restate the conditions under which Sunday sales of distilled spirits and alcoholic beverages are permitted within the City of Lookout Mountain;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Lookout Mountain, Georgia, and IT IS HEREBY ORDAINED:

Section 1. Section 4-48(h) of the Code of the City of Lookout Mountain, Georgia (the "Code"), pertaining to retail sales of alcoholic beverages for off-premises consumption, is amended and restated in its entirety to read as follows:

Time of Sale. No licensee shall furnish, sell or offer for sale any controlled beverages on any day prior to 7:00 a.m. or after 12 midnight, and in addition thereto, at any of the other following times:

- (1) At any time on Thanksgiving Day or Christmas Day;
- (2) At any time when in violation of a city ordinance or regulation or special order of the city; or
- (3) On Sundays except between the hours of 12:30 p.m. and 11:30 p.m.

Section 2. Section 4-74 of the Code, pertaining to the regulation of sales of controlled beverages for consumption on the premises, is hereby amended by the addition thereto of a new subsection (3) which shall read as follows:

(3) *Time of Sale.* No licensee shall furnish, sell or offer for sale any controlled beverages on any day prior to 7:00 a.m. or after 12 midnight and, in addition thereto, at any of the other following times:

- (a) At any time when in violation of a city ordinance or regulation or a special order of the city; or
- (b) On Sundays, except that licensed establishments meeting the minimum sales or income requirements set forth in O.C.G.A. § 3-3-7(j)(1) may sell controlled beverages on Sundays from 11:00 a.m. until 12 midnight; provided, however, that the foregoing restrictions on Sunday sales shall not apply to private clubs.


Section 3. 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 4. Repealer. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

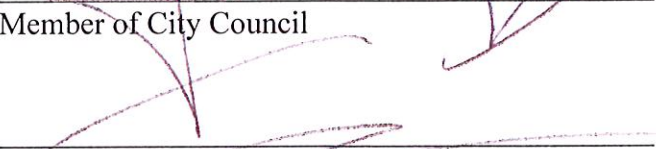
Section 5. Part of Code of Ordinances. It is the intention of the Council of the City that the provisions of this Ordinance shall become and be made a part of the Code of the City of Lookout Mountain, Georgia, and the Sections of this Ordinance may be renumbered to accomplish such intention.

Section 6. 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.

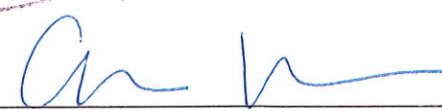
APPROVED on first reading on January 10, 2019.




Member of City Council



Member of City Council



Member of City Council



Member of City Council

Ellen Taylor M. Watson
Member of City Council

A. J. R.
Mayor of Lookout Mountain, Georgia

APPROVED AND ADOPTED on second reading on February 14, 2019.

[Signature]
Member of City Council

[Signature]
Member of City Council

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Member of City Council

Ellen Taylor M. Watson
Member of City Council

[Signature]
Member of City Council

A. J. R.
Mayor of Lookout Mountain, Georgia

ATTEST:
Cindy R. [Signature]
City Clerk