

**ORDINANCE
NO. 2017-7**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF EUFAULA ALABAMA, CHAPTER 10, RELATING TO ALCOHOL BEVERAGES, TO AUTHORIZE SUNDAY ALCOHOL SALES IN THE CITY OF EUFAULA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUFAULA, ALABAMA AS FOLLOWS:

WHEREAS, local businesses have indicated that they would like to be able to sell alcoholic beverages on Sundays in Eufaula so they can compete with surrounding communities that offer such beverages on Sunday and bring in more tourism to the City; and

WHEREAS, the City passed a resolution requesting Representative Berry Forte and Senator Billy Beasley to seek and pass legislation in the 2017 regular session that would authorize the City Council of the City of Eufaula to determine the following:

1. Whether restaurants and hotels located within the corporate limits of the City of Eufaula should be allowed to sell alcoholic beverages on their premises between 12:00 p.m. (noon) to 9:30 p.m. on Sundays and on Sundays on which New Year's Eve (December 31) occurs, after 12:00 p.m.; and
2. Whether the sale of beer and table wine at retail for on-premises and off-premises consumption should be permitted between 12:00 p.m. (noon) to 9:30 p.m. on Sundays and on Sundays on which New Year's Eve (December 31) occurs, after 12:00 p.m.

WHEREAS, a proposed bill was drafted by the Alabama Legislative Services to authorize the governing body of the City of Eufaula in Barbour County, by ordinance, to regulate and permit the sale of alcoholic beverages after 12:00 p.m. on Sunday, as determined by the governing body, by properly licensed retail licensees of the Alcoholic Beverage Control Board and the City of Eufaula; and

WHEREAS, the proposed legislation was published in The Eufaula Tribune for four weeks as required by law prior to its submission to the legislature; and upon the proper submission of the proposed bill it was passed by the Alabama House of Representatives and the Alabama Senate and thereafter signed into law by the Governor of the State of Alabama and assigned as Act 2017-436; and

WHEREAS, pursuant to such authorization and in compliance with applicable laws, the City Council deliberated on the request for Sunday alcohol sales and determined that an ordinance allowing Sunday alcohol sales in the City of Eufaula would be in the best interest of the citizens and the City as a whole.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUFAULA, ALABAMA, THAT THE CODE OF ORDINANCES OF THE CITY OF EUFAULA ALABAMA, CHAPTER 10, RELATING TO ALCOHOL BEVERAGES, BE AMENDED TO ADD SECTION 10-13 AS FOLLOWS TO AUTHORIZE SUNDAY ALCOHOL SALES IN THE CITY OF EUFAULA:

"Section 10-13: Sunday Sales.

(a). Restaurants and hotels properly licensed by the Alcoholic Beverage Control Board and the City of Eufaula located within the corporate limits of the City of Eufaula are allowed to sell alcoholic beverages for on-premises consumption between 12:00 p.m. (noon) to 9:30 p.m. on Sundays and on Sundays on which New Year's Eve (December 31) occurs, after 12:00 p.m.

(b). The sale of beer and table wine by retailers properly licensed by the Alcoholic Beverage Control Board and the City of Eufaula with a retail table wine and/or retail beer license for on-premises and/or off-premises consumption is permitted between 12:00 p.m. (noon) to 9:30 p.m. on Sundays and on Sundays on which New Year's Eve (December 31) occurs, after 12:00 p.m.

(c). It shall be unlawful for licensees licensed by the Alcoholic Beverage Control Board and the City of Eufaula as lounge retail, lounge package stores, or club liquor class I and class II, within the corporate limits of the City of Eufaula to sell alcoholic beverages on Sunday except as already permitted by the Code of Alabama. Nothing herein shall be interpreted as local legislation authorizing Sunday sales at lounge retail, lounge package stores, or club liquor class I and class II. under Alabama Code § 28-3A-25 (19) & (20)."

The City of Eufaula hereby reserves the right to enact, by ordinance, such policies it deems appropriate to regulate any aspect of Sunday alcoholic beverages sales.

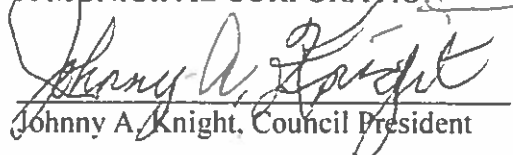
Any portion of another ordinance of the City of Eufaula that conflicts with the provisions of this ordinance is hereby repealed.

If any provision of this ordinance shall be declared unconstitutional, or otherwise invalid, it shall have no effect on the remaining provisions of this ordinance.

This ordinance shall become effective upon its adoption and publication as required by law.

ADOPTED AND APPROVED this 3rd day of July, 2017.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION



Johnny A. Knight, Council President

ATTEST:



Joy White
City Clerk/Treasurer

TRANSMITTED TO MAYOR this the 5th day of July, 2017.



Joy White
City Clerk/Treasurer

APPROVED this the 5th day of July, 2017.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION



Jack B. Tibbs, Jr., Mayor

ATTEST:



Joy White
City Clerk/Treasurer