

1 SB259
2 163499-2
3 By Senators McClendon and Williams (N & P)
4 RFD: Local Legislation
5 First Read: 17-MAR-15

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to St. Clair County; authorizing separate
14 elections within municipalities within the county and within
15 the unincorporated area of the county to determine whether
16 alcoholic beverages may be sold or distributed on Sunday by
17 properly licensed retail licensees serving the general public;
18 and to further provide for Sunday sales of alcoholic beverages
19 in territory located in municipalities located partially in
20 St. Clair County.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. This act shall apply only within St.
23 Clair County.

24 Section 2. (a) The voters of any municipality within
25 the county may authorize the sale of alcoholic beverages
26 within the municipality on Sunday by an election pursuant to
27 this act, in the following manner:

1 The governing body of the municipality, by
2 resolution, may call an election for the municipality to
3 determine the sentiment of the voters of the municipality
4 residing within the corporate limits, as to whether alcoholic
5 beverages may be legally sold or distributed on Sunday within
6 the municipality.

7 (b) On the ballot to be used for the election, the
8 question shall be in the following form: "Do you favor the
9 legal sale and distribution of alcoholic beverages within this
10 municipality on Sundays as further provided for and regulated
11 by ordinance of the municipal governing body? Yes ___ No ___."

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

20 (d) Notice of the election shall be given by the
21 governing body of the municipality by publication or by
22 posting the notice at the town or city hall apprising the
23 voters of the municipality, at least three weeks before the
24 date of the election, that an election shall be held to
25 determine whether alcoholic beverages may be sold in the
26 municipality on Sunday. The cost of the election shall be paid
27 out of the general fund of the municipality.

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

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

21 Section 3. (a) The voters in the unincorporated area
22 of the county may authorize the sale of alcoholic beverages
23 within the unincorporated area of the county on Sunday by an
24 election pursuant to this act, in the following manner:

25 The county commission, by resolution, may call an
26 election to determine the sentiment of the voters residing
27 outside the corporate limits of any municipalities within the

1 county, as to whether alcoholic beverages may be legally sold
2 or distributed on Sunday in the unincorporated area of the
3 county as further provided for and regulated by ordinance of
4 the county commission.

5 (b) On the ballot to be used for the election, the
6 question shall be in the following form: "Do you favor the
7 legal sale and distribution of alcoholic beverages outside the
8 corporate limits of any municipalities within the county on
9 Sunday as further provided for and regulated by ordinance of
10 the county commission? Yes ___ No ___."

11 (c) The first election and any subsequent elections
12 shall be held and the officers appointed to hold the election
13 in the manner provided by law for holding other county
14 elections, and the returns thereof tabulated and results
15 certified as provided by law for county elections. Any Sunday
16 sales election shall be held as provided in this act as a
17 special election or at any subsequent countywide election not
18 less than 30 days following the date of the resolution.

19 (d) Notice of the election shall be given by the
20 judge of probate by publication or by posting the notice at
21 the courthouse apprising the voters of the unincorporated area
22 of the county, at least three weeks before the date of the
23 election, that an election shall be held to determine whether
24 alcoholic beverages may be sold in the unincorporated area of
25 the county on Sunday. The cost of the election shall be paid
26 out of the general fund of the county.

1 (e) Only qualified voters of the unincorporated area
2 of the county may vote in the election. If a majority of the
3 voters voting in the election vote "Yes," alcoholic beverages
4 can be legally sold or dispensed outside the corporate limits
5 of any municipalities in the county on Sunday by licensees of
6 the Alcoholic Beverage Control Board and the county serving
7 the general public in accordance with applicable laws and
8 regulations and as further provided for and regulated by the
9 county commission. The county commission may enact, by
10 ordinance, any policies it deems appropriate to regulate any
11 aspect of Sunday alcoholic beverages sales in the
12 unincorporated area of the county.

13 (f) If a majority of the voters voting in the
14 election vote "No," alcoholic beverages may not be sold or
15 dispensed in the unincorporated area of the county on Sunday
16 after the hour of 2:00 A.M., except as otherwise authorized by
17 law or by subsequent election which legalizes the sale and
18 dispensing of alcoholic beverages on Sunday. A subsequent
19 election shall not be held within 12 months following an
20 election under this section.

21 Section 4. The provisions of this act are cumulative
22 and supplemental to the present power and authority of any
23 municipality or the county and is not intended to, nor shall
24 it be interpreted so as to, repeal any existing power or
25 authority of any municipality or the county now permitted
26 under the general laws of the state, or under any local or
27 special act of the Legislature.

1 Section 5. Notwithstanding any other provisions of
2 law or of this act, in any territory located in a municipality
3 which is partially located in St. Clair County and which
4 municipality is principally located in an adjoining county,
5 the sale of alcoholic beverages in the part of the
6 municipality located in St. Clair County shall be authorized
7 or permitted only to the same extent as authorized or
8 permitted in the part of the municipality principally located
9 in the adjoining county.

10 Section 6. This act shall become effective
11 immediately following its passage and approval by the
12 Governor, or its otherwise becoming law.