

House Bill 1605

By: Representative Dean of the 59<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to  
2 regulation of alcoholic beverages in general, so as to eliminate current provisions relating to  
3 local government authorization of certain sales of alcoholic beverages on Sunday; to provide  
4 that in any county or municipality in which the sale of alcoholic beverages is lawful for  
5 consumption on the premises, the governing authority of the county or municipality may by  
6 ordinance or resolution authorize the sale of alcoholic beverages for consumption on the  
7 premises in any licensed establishment during certain hours on Sunday; to provide specific  
8 authority with respect to sales on Sunday in special entertainment districts; to provide for  
9 related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to regulation of  
13 alcoholic beverages in general, is amended by repealing in its entirety Code Section 3-3-7,  
14 relating to local government authorization of certain sales of alcoholic beverages on Sunday.

15 **SECTION 2.**

16 Said chapter is further amended by striking Code Section 3-3-20, relating to sale of alcoholic  
17 beverages on Sundays, election days, and Christmas Day, and inserting in its place a new  
18 Code section to read as follows:

19 "3-3-20.

20 (a) Except as provided in subsection (d) of this Code section or except as specifically  
21 authorized by law, no person knowingly and intentionally shall sell or offer to sell alcoholic  
22 beverages on Sunday.

23 (b)(1) As used in this subsection, the term 'day' means that period of time beginning with  
24 the opening of the polls and ending with the closing of the polls.

1 (2)(A) Except as provided in subparagraph (B) of this paragraph and paragraph (3) of  
2 this subsection, in any county or municipality in which the sale of alcoholic beverages  
3 is authorized, the sale of alcoholic beverages in compliance with such authorization  
4 shall be authorized and legal on any election day.

5 (B) The local governing authority of any county in which the sale of alcoholic  
6 beverages is authorized and the local governing authority of any municipality in which  
7 the sale of alcoholic beverages is authorized may, by ordinance, prohibit the sale of  
8 alcoholic beverages on any election days. In any case where the governing authority of  
9 a county or municipality has passed an ordinance prohibiting the sale of alcoholic  
10 beverages on any election days as authorized by this subparagraph, such prohibition  
11 shall apply only within the territorial boundaries for which the election is held but such  
12 territorial boundaries shall not include any property owned or operated by a county,  
13 municipality, or other political subdivision of this state for airport purposes if no person  
14 resides on such publicly owned or operated property.

15 (3)(A) Notwithstanding any other provisions of this subsection, it shall be unlawful for  
16 any person to sell alcoholic beverages within 250 feet of any polling place or of the  
17 outer edge of any building within which such polling place is established on primary  
18 or election days.

19 (B) Any person violating the provisions of this paragraph shall be guilty of a  
20 misdemeanor.

21 (c) The governing authority of any county or municipality may, by ordinance or resolution,  
22 prohibit the sale of alcoholic beverages on Christmas Day.

23 ~~(d)(1) In all municipalities within any county having a population of 400,000 or more  
24 according to the United States decennial census of 1990 or any future such census in  
25 which the sale of alcoholic beverages is lawful, alcoholic beverages may be sold on  
26 Sundays between the hours of 12:30 P.M. and 12:00 Midnight at festivals. As used in this  
27 paragraph, the term 'festival' means a specific outdoor public celebration or gathering for  
28 which a license or permit has been issued by the appropriate governing authority which  
29 involves the use either of public parks or public streets and which includes entertainment,  
30 dancing, music, dramatic productions, art exhibition, parades, or the sale of merchandise,  
31 food or alcohol, or any combination of the foregoing; and which of necessity requires for  
32 its successful execution the provision and coordination of municipal services to a degree  
33 significantly over and above that which the city routinely provides under ordinary  
34 everyday circumstances. The definition of 'festival,' as used in this paragraph, does not  
35 include events which are solely parades, foot races, or political demonstrations unless  
36 such parade, foot race, or political demonstration is proposed as an integral part of a  
37 larger 'festival,' as defined in this paragraph.~~

1 ~~(2) Notwithstanding the provisions of this subsection, all persons and entities selling~~  
 2 ~~alcoholic beverages pursuant to this subsection shall fully comply with all other~~  
 3 ~~applicable state and local license and permit requirements.~~

4 (d) In any county or municipality in which the sale of alcoholic beverages is lawful for  
 5 consumption on the premises, the governing authority of the county or municipality may  
 6 by ordinance or resolution authorize the sale of alcoholic beverages for consumption on the  
 7 premises in any licensed establishment:

8 (1) On Sunday from 12:30 P.M. until 12:00 Midnight; and

9 (2) From 12:00 Midnight Saturday until 4:00 A.M. on Sunday.

10 Any such ordinance or resolution may, but shall not be required to, condition its  
 11 effectiveness upon approval at a special election by a majority of the qualified voters  
 12 voting thereon. In the case of a municipality such special election shall be by the qualified  
 13 voters of the municipality; and in the case of a county such special election shall be by the  
 14 qualified voters residing in the unincorporated area of the county.

15 (e)(1) As used in this subsection, the term 'special entertainment district' means  
 16 contiguous properties upon which is located a festival marketplace and entertainment  
 17 project which is financed in whole or in part by public funds and which contains a  
 18 minimum of 200,000 square feet of gross leasable space for retail sales and entertainment  
 19 purposes and which is located in the central business district of a municipality if more  
 20 than 50 percent of such contiguous properties are owned or controlled by a governmental  
 21 entity.

22 (2) In addition to the authority granted under subsection (d) of this Code section, the  
 23 governing authority of a municipality may permit the sale of alcoholic beverages for  
 24 consumption on the premises in a special entertainment district within the municipality  
 25 on Sunday from 12:30 P.M. until 12:00 Midnight and from 12:00 Midnight Saturday until  
 26 4:00 A.M. on Sunday."

### 27 **SECTION 3.**

28 All laws and parts of laws in conflict with this Act are repealed.