

TOWN OF BETWEEN, GEORGIA

**ORDINANCE TO ALLOW FOR SUNDAY SALES OF MALT BEVERAGES,
WINE AND PACKAGED DISTILLED SPIRITS WITHIN THE JURISDICTION
OF THE TOWN OF BETWEEN GEORGIA**

ORDINANCE NO. 600.00

AN ORDINANCE TO ALLOW FOR SUNDAY PACKAGE SALES OF MALT BEVERAGES, WINE, AND DISTILLED SPIRITS WITHIN THE JURISDICTION OF THE TOWN OF BETWEEN, GEORGIA; TO AUTHORIZE A REFERENDUM; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the Town of Between, Georgia is charged with providing for the health, safety and welfare of the citizens of the Town; and

WHEREAS, the Town is authorized to regulate package sales of alcoholic beverages in the Town; and

WHEREAS, O.C.G.A. § 3-3-7 authorizes package sales of malt beverages, wine, and distilled spirits on Sundays in any local government jurisdiction that desires to allow sales after a vote on a referendum placed on the general election ballot, if the referendum receives 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 Elections Superintendent for placing on the ballot; and

WHEREAS, the Mayor and Town Council of the Town of Between, Georgia (hereinafter "Mayor and Council") desire to pass an ordinance to provide for Sunday sales of malt beverages, wine and distilled spirits and desires to place the question for a referendum on the May 21, 2024 election ballot.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the governing authority of the Town of Between, in a regular meeting assembled pursuant to lawful authority thereof, as follows:

SECTION ONE

That Chapter ____ of the Code of Ordinances of the Town of Between to read as follows:

SEC. ____-101. - Title.

This ordinance shall be known as the "Sunday Packaged Sales Ordinance."

SEC. ____-102. - Sunday Package Sales.

Notwithstanding any other ordinance of this Code, in particular Sec. _____, Retail Package licensees shall be permitted to sell package malt beverages, wine and distilled spirits, packaged to go, on Sundays between the hours of 12:30 p.m. and 11:30 p.m.

SECTION TWO

Upon adoption of this Ordinance, a certified copy of the same shall be forwarded to the Walton County Election Superintendent, who shall include the following question on the May 21, 2024 election ballot:

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

Those desiring to vote in favor of the issuance of the licenses shall vote "Yes."
Those desiring to vote against the issuance of the licenses shall vote "No."

SECTION THREE

(a) In accordance with O.C.G.A. § 3-4-41(a) and (b), upon receipt and validation of this Ordinance, the Walton County Election Superintendent shall call and conduct a referendum election as provided for in Chapter 2 of Title 21, the "Georgia Election Code", and on a date authorized under O.C.G.A. § 21-2-540.

(b) The Walton County Election Superintendent is hereby authorized and directed to place an advertisement in the Walton Tribune newspaper once a week for (4) four weeks immediately prior to the date of the May 21, 2024, election where the above questions shall be placed on the ballot, stating in the advertisement (1) the date and purpose of the referendum to be placed on the ballot; and (2) the full text of the question to be placed on the ballot.

SECTION FOUR

Section One of this Ordinance shall become effective upon May 24, 2024, so long as the referendum authorized by this Ordinance is approved by the majority of votes cast on the question to be placed on the May 21, 2024, election ballot, and the Election Superintendent certifies that result. If the referendum is not approved by a majority of the votes cast, Section One of this Ordinance shall be null and void.

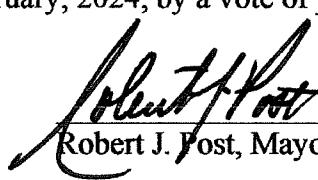
SEVERABILITY. If any section, provision or clause of any part of this ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this ordinance would have been adopted had such invalid portion not been included herein.

REPEALER PROVISION. Any and all existing or pre-existing Town of Between ordinances, amendments and/or resolutions or parts of ordinances or resolutions in conflict herewith are repealed.

FIRST READING. This 13th day of February, 2024.

SECOND READING. This 27th day of February, 2024.

SO ORDAINED this 27th day of February, 2024, by a vote of 4 (FOR) AND 0 (AGAINST).



Robert J. Post, Mayor

Attest: Wanda P. Satterwhite
Town Clerk

