COUNTY AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina
Meeting Date:	Thursday, May 10, 2012	Type of Request:	Consent

Wording for the Agenda:

Approval of Ordinance No. 2012-08 which amends the Fayette County Code of Ordinances, Chapter 3 Alcoholic Beverages, Article IV. On-Premises Consumption Dealers, Division 1 Generally, Sec. 3-180.6. Closing Hours, to allow the Sunday sales of Beer, Wine, and Distilled Spirits for On-Premise Consumption.

Background/History/Details:

The County has received written requests from the owners of the five (5) On-Premises Consumption businesses located in the unincorporated portions of Fayette County (see attached letters) seeking approval to allow the Sunday sales of Beer, Wine, and/or Distilled Spirits by the drink. The County's current On-Premises Consumption Ordinance does not allow for the Sunday sales of beer, wine, and/or distilled spirits. In 2004, a referendum was approved for on-site consumption of alcohol in Fayette County, therefore, there is no need for an additional referendum to allow establishments to sale alcohol by the drink on Sunday. Sunday sales of beer, wine, and/or distilled spirits by the drink are permissible per State law if there is a local ordinance in place to allow it. This request is to amend the County's ordinance to allow it. On May 2, 2012, the Board of Commissioners gave staff permission to the place the proposed amendments under the Consent Agenda for the Board of Commissioners' Public Meeting scheduled for May 10, 2012, since a public hearing is not required.

Note: State law addressing the package sale of beer and wine on Sunday differs from the laws addressing on-site consumption. A referendum is required. On July 31, there will be a referendum in Fayette County to decide whether or not the package sale of beer in wine on Sunday in unincorporated Fayette County is to be allowed. Note further, that Fayette County does not allow the package sale of distilled spirits (liquor) and no plan is underway to allow it.

What action are you seeking from the Board of Commissioners?

Final vote on the proposed amendments to permit Sunday sales for the On-Premises Consumption of beer, wine, and/or distilled spirits

If this item requires funding, please describe:

N/A

Has this request been considered within the past two years?	Yes	If so, when?	Wednesday, May 2, 2012
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval	Yes		

Staff Notes:

STATE OF GEORGIA;
COUNTY OF FAYETTE

ORDINANCE NO. 2012-08

AN ORDINANCE TO AMEND THE FAYETTE COUNTY CODE OF ORDINANCES, CHAPTER 3 ALCOHOLIC BEVERAGES, ARTICLE IV. ON-PREMISES CONSUMPTION DEALERS, DIVISION 1 GENERALLY, SO AS TO AMEND THE CLOSING HOURS OF SECTION 3-180-6. CLOSING HOURS TO ALLOW THE SUNDAY SALES OF BEER, WINE, AND/OR DISTILLED SPIRITS FOR ON-PREMISES CONSUMPTION DEALERS AS SET FORTH THEREIN; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the duly elected governing authority of Fayette County is the Board of Commissioners thereof;

WHEREAS, the governing authority desires to amend the provision that provides for the regulation of land development as allowed by the State of Georgia;

WHEREAS, the health, safety, and welfare of the citizens of Fayette County, Georgia shall be improved and protected by adoption and implementation of this Ordinance.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ORDAINED BY AUTHORITY THEREOF:

Section 1. The Fayette County Code of Ordinances, as amended, is hereby further amended by deleting Section 3-180-6. Closing Hours, in its entirety, and in lieu thereof, enacting a new Section 3-180-6. Closing Hours to read as follows:

Sec. 3-180.6. – Closing hours.
No licensee under this article shall sell, give away, or otherwise dispense alcoholic beverages between the hours of 11:55 p.m. and 9:00 a.m., Monday through Sunday.

Section 2. That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. a. It is hereby declared to be the intention of the Board of Commissioners that all Sections, paragraphs, sentences, clauses and phrases of this Article are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no Section, paragraph, sentence, clause or phrase of this Article is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Article.

c. In the event that any phrase, clause, sentence, paragraph or section of this Article shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Article and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed except those provided for herein.

Section 5. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

So ordained this 10th day of May, 2012, by the

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

_____
HERBERT FRADY, CHAIRMAN

ATTEST:

_____
CLERK/DEPUTY CLERK

To: Fayette County Board of Commissioners

From: Pete Frisina, Division Director of Community Services

Date: May 3, 2012

Re: On-Premises Consumption for Sunday Sales of Beer, Wine, and/or Distilled Spirits

The County has received written requests from the owners of the five (5) On-Premises Consumption Dealers requesting approval to allow the Sunday sales for Beer, Wine, and/or Distilled Spirits (see attached letters.) The current On-Premises Consumption ordinance does not allow for the Sunday sales of beer, wine, and/or distilled spirits. In 2004, the referendum was approved for on-site consumption of alcohol in Fayette County; therefore, there is no need for an additional referendum to allow establishments to sale alcohol by the drink on Sunday. Sunday sales of beer, wine, and/or distilled spirits are permissible per State law. On May 2, 2012, the Board of Commissioners gave staff permission to the place the proposed amendments under the Consent Agenda for the Board of Commissioners' Public Meeting scheduled for May 10, 2012, since a public hearing is not required.

05/02/12 – BOC Wkshop
05/10/12 – BOC Public Mtg.

PROPOSED AMENDMENTS TO THE FAYETTE COUNTY CODE OF ORDINANCES, CHAPTER 3 ALCOHOLIC BEVERAGES, ARTICLE IV. ON-PREMISES CONSUMPTION DEALERS, DIVISION 1 GENERALLY, SEC. 3-180-6. CLOSING HOURS

Sec. 3-180.6. – Closing hours.

No licensee under this article shall sell, give away or otherwise dispense alcoholic beverages between the hours of 11:55 p.m. ~~Saturday~~ and 9:00 a.m. Monday ***through Sunday*** ~~and between the hours of 11:55 p.m. and 9:00 a.m. on other days.~~

January, 2012

Fayette County Board of Commissioners
140 Stonewall Avenue West
Suite 100
Fayetteville, GA 30214

Re: Sunday Alcoholic Beverage Sales
Packaged Beer and/or Wine and On-Premise Consumption

Dear Fayette County Board of Commissioners:

I, as an alcoholic beverage licensee holder, respectfully request the Fayette County Board of Commissioners consider allowing a referendum for unincorporated Fayette County to provide for Sunday Alcoholic Beverage Sales for Packaged Beer and/or Wine and On-premise Consumption.

Your consideration in this matter would be greatly appreciated.

Sincerely,

Frank's At The Old Mill
1095 SR 54 West
Fayetteville, GA 30214

January, 2012

Fayette County Board of Commissioners
140 Stonewall Avenue West
Suite 100
Fayetteville, GA 30214

Re: Sunday Alcoholic Beverage Sales
Packaged Beer and/or Wine and On-Premise Consumption

Dear Fayette County Board of Commissioners:

I, as an alcoholic beverage licensee holder, respectfully request the Fayette County Board of Commissioners consider allowing a referendum for unincorporated Fayette County to provide for Sunday Alcoholic Beverage Sales for Packaged Beer and/or Wine and On-premise Consumption.

Your consideration in this matter would be greatly appreciated.

Sincerely,

D.B. Scroggins

The Links Golf Club
340 Hewell Road
Jonesboro, GA 30238

January, 2012

Fayette County Board of Commissioners
140 Stonewall Avenue West
Suite 100
Fayetteville, GA 30214

Re: Sunday Alcoholic Beverage Sales
Packaged Beer and/or Wine and On-Premise Consumption

Dear Fayette County Board of Commissioners:

I, as an alcoholic beverage licensee holder, respectfully request the Fayette County Board of Commissioners consider allowing a referendum for unincorporated Fayette County to provide for Sunday Alcoholic Beverage Sales for Packaged Beer and/or Wine and On-premise Consumption.

Your consideration in this matter would be greatly appreciated.

Sincerely,

Jim Dunn

The Italian Oven
100 Peachtree East Shopping Center, Suite 1
Peachtree City, GA 30269

January, 2012

Fayette County Board of Commissioners
140 Stonewall Avenue West
Suite 100
Fayetteville, GA 30214

Re: Sunday Alcoholic Beverage Sales
Packaged Beer and/or Wine and On-Premise Consumption

Dear Fayette County Board of Commissioners:

I, as an alcoholic beverage licensee holder, respectfully request the Fayette County Board of Commissioners consider allowing a referendum for unincorporated Fayette County to provide for Sunday Alcoholic Beverage Sales for Packaged Beer and/or Wine and On-premise Consumption.

Your consideration in this matter would be greatly appreciated.

Sincerely,

Amy McKnight

Metro Sports Bar & Grill
Attn: Amy McKnight
PO Box 433
Senoia, GA 30276

January, 2012

Fayette County Board of Commissioners
140 Stonewall Avenue West
Suite 100
Fayetteville, GA 30214

Re: Sunday Alcoholic Beverage Sales
Packaged Beer and/or Wine and On-Premise Consumption

Dear Fayette County Board of Commissioners:

I, as an alcoholic beverage licensee holder, respectfully request the Fayette County Board of Commissioners consider allowing a referendum for unincorporated Fayette County to provide for Sunday Alcoholic Beverage Sales for Packaged Beer and/or Wine and On-premise Consumption.

Your consideration in this matter would be greatly appreciated.

Sincerely,

Whitewater Creek Country Club
175 Birkdale Drive
Fayetteville, GA 30215