

1 STATE OF GEORGIA
2 COUNTY OF FULTON

ORDINANCE NO: 2022-246

3
4 **AN ORDINANCE AUTHORIZING THE SALE OF DISTILLED SPIRITS AND**
5 **ALCOHOLIC BEVERAGES ON SUNDAYS; TO REGULATE AND TO PROVIDE FOR**
6 **THE CALLING OF A SPECIAL ELECTION AND TO CALL A SPECIAL ELECTION**
7 **THEREON; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN**
8 **EFFECTIVE DATE; AND FOR OTHER RELATED PURPOSES.**
9

10 **WHEREAS**, the City of Fairburn is authorized to regulate package sales of distilled spirits and
11 alcoholic beverages in the City, and currently, such sales are not authorized on Sundays; and
12

13 **WHEREAS**, the General Assembly authorized package sales of malt beverages, wine and distilled
14 spirits on Sundays in any local government jurisdiction that desires to allow such sales after a vote
15 on a referendum placed on the general election ballot, if the referendum receives approval of a
16 majority of the voters; and
17

18 **WHEREAS**, in order to place the question on a referendum, a local governing authority must pass
19 legislation permitting sales of alcohol on Sundays between the hours of 12:30 PM and 11:30 PM,
20 and forward a certified copy of the same to the Elections Superintendent for placing on the ballot;
21 and
22

23 **WHEREAS**, the City desires to amend the Code of Ordinances to authorize Sunday package sales
24 in accordance with State law, subject to and effective only upon the passage of a referendum
25 authorizing such sales.
26

27 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE**
28 **CITY OF FAIRBURN**, as follows:
29

30 **Section 1.** That Chapter 8, Article III of the City Code be amended by adding the following new
31 *Section 8-83. Times for package sales:*

32 **Section 8-83. Times for package sales.** Notwithstanding any other ordinance to
33 the contrary, licensed retailers of packaged distilled spirits and alcoholic beverages
34 shall be permitted to sell packaged distilled spirits and alcoholic beverages on
35 Sundays between the hours of 12:30 p.m. and 11:30 p.m., in addition to other times
36 authorized for the sale under this Chapter.

37 **Section 2.** That there shall be a called and there is hereby called a special election to be held in all
38 precincts in the City, on the 8th day of November 2022, for submitting to the voters of the City of
39 Fairburn the question of authorizing Sunday sales of packaged distilled spirits and alcoholic
40 beverages by licensed retailers between the hours of 12:30 p.m. and 11:30 p.m.

41 **Section 3.** That the Municipal Clerk shall call said referendum by publishing notice of the
42 referendum in a newspaper of appropriate general circulation no less than ten (10) nor more than
43 sixty (60) days after approval of this Ordinance.

44 **Section 4.** That the ballot submitting the question of Sunday sales of distilled spirits and alcoholic
45 beverages by licensed retailers between the hours of 12:30 p.m. and 11:30 p.m. shall have printed

thereon the following question in order that each voter may vote in either the affirmative or the negative:

☐ YES	Shall the governing authority of CITY OF FAIRBURN, GEORGIA, be authorized to permit and regulate Sunday sales of distilled spirits and alcoholic beverages by licensed retailers within the CITY OF FAIRBURN, GEORGIA from 12:30 P.M. to 11:30. P.M.?
☐ NO	

Section 5. That the special election shall be held at the regular and established voting precincts of the election districts of the City of Fairburn. The polls in each of the precincts within the City of Fairburn shall be open from 7:00 a.m. until 7:00 p.m. on the date fixed for the election. The election shall be held in accordance with the Constitution and laws of the United States and the State of Georgia.

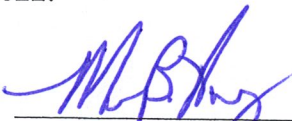
Section 6. In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions of the other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part thereof. The City Council declares that it would have passed the remaining parts of this Ordinance or retained the previously existing Ordinance if it had known that such part or parts hereof would be declared or adjudicated invalid or unconstitutional.

Section 7. This ordinance shall become effective immediately upon signature by the Mayor.

Section 8. All Ordinances and parts of Ordinances in conflict with this Ordinance are repealed to the extent of the conflict.

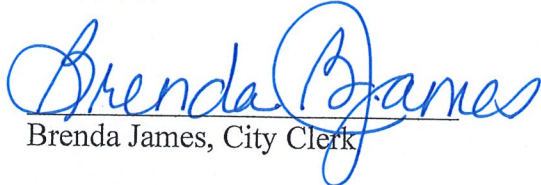
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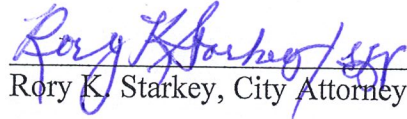
67 Adopted this 20 day of July, 2022.
68
69

70 
71 _____
72 Mario B. Avery, Mayor
73

74 ATTEST:

APPROVED AS TO FORM:

75 
76 _____
77 Brenda James, City Clerk
78



Rory K. Starkey, City Attorney

NOTICE OF CALL FOR SPECIAL ELECTION
TO THE QUALIFIED VOTERS OF CITY OF FAIRBURN, GEORGIA:

NOTICE IS HEREBY GIVEN that on the ____ day of _____, 2022, a Special Election will be held in conjunction with the General Election at the regular polling places in all the election districts of CITY OF FAIRBURN, GEORGIA (the "City"), at which time there will be submitted to the qualified voters of the City for their determination a question regarding whether there shall be the sale of alcohol on Sundays by licensed retailers within the City. The Mayor and Council of the City of Fairburn, as the governing authority, adopted an ordinance permitting the sale of alcohol on Sundays for licensed retail establishments to begin at 12:30P.M. and to continue through 11:30 P.M. The Ordinance is conditioned upon the approval of the electors of CITY OF FAIRBURN, GEORGIA in this special election.

The ballots to be used at said special election shall have written or printed thereon substantially the following:

☐ YES	Shall the governing authority of CITY OF FAIRBURN, GEORGIA, be authorized to permit and regulate Sunday sales of distilled spirits and alcoholic beverages by licensed retailers within the City from 12:30 P.M. to 11:30. P.M.?
☐ NO	

The special election shall be held at the regular and established voting precincts of the election districts of the City of Fairburn. The polls will be open from 7:00 a.m. to 7:00 p.m. on the date fixed for the election.

Those qualified to vote in said election shall be the qualified electors registered to vote as determined in accordance with the Georgia Election Code, O.C.G.A. §21-2-1, *et seq.* and those who desire to register to vote in the special election may register to vote through the close of business (5:00 p.m.) on October 11, 2022. The Polls for said election will be open from 7:00 a.m. to 7:00 p.m., Eastern Standard Time, on the day fixed for said election. Early voting by mail will be offered October 11, 2022, through October 28, 2022, and early voting in-person will be offered October 17, 2022, through November 4, 2022.

This notice is given pursuant to the Mayor and Council of the City of Fairburn.

Brenda B. James, City Clerk

**SPECIAL ELECTION
CITY OF FAIRBURN**

**City of Fairburn
Sunday Sales of
Distilled Spirits and
Alcoholic Beverages
Referendum
(Vote for One)**

“Shall the governing authority of the City of Fairburn, Georgia, be authorized to permit and regulate Sunday sales of distilled spirits and alcoholic beverages by licensed retailers with the City of Fairburn, Georgia from 12:30 P.M. – 11:30 P.M.?”

☐ **Yes**

☐ **No**