

ORDINANCE NUMBER 5433-2018

AN ORDINANCE AMENDING ARTICLE I, CHAPTER 6 (ALCOHOLIC BEVERAGES), SECTION 6-21(e) (SUNDAY SALES) OF THE CODE OF THE CITY OF WOODSTOCK, GEORGIA.

Whereas, the City of Woodstock, Georgia (hereinafter sometimes referred to as the "City") is a municipality duly formed and existing pursuant to Georgia law; and

Whereas, the 1983 Constitution of the State of Georgia provides for the self government of municipalities without the necessity of action by the General Assembly¹; and

Whereas, the City of Woodstock, Georgia, has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general laws or which are expressly allowed by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto²; and

Whereas, the governing body of the City has determined that it is in the best interest of the City and its citizens to adopt the following; and

NOW THEREFORE BE IT RESOLVED, THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA HEREBY ORDAIN:

Conditioned upon approval of a referendum in the affirmative:

Section 1. That the Code of Ordinances, City of Woodstock, Georgia is hereby amended by deleting Section 6-21(e) (2), which said section read as follows:

"(2) Alcoholic beverages may be sold and served for consumption on the premises on Sundays from 12:30 p.m. until 12:00 midnight in any licensed establishment which derives at least 50 percent of its total gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served, and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging."

¹ Ga. Const., 1983, Article IX, Section II, Paragraph II provides in pertinent part as follows:

"The General Assembly may provide by law for the self government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly. "

²O.C.G.A. § 36-35-3 (a) provides as follows:

"(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section. This Code section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof. The General Assembly shall not pass any local law to repeal, modify or supersede any action taken by a municipal governing authority under this Code section, except as authorized under Code Section 36-35-6."

Section 2. That the Code of Ordinances, City of Woodstock, Georgia is hereby amended by inserting the following as Section 6-21(e) (2):

“(2) Alcoholic beverages may be sold and served for consumption on the premises on Sundays from 11:00 a.m. until 12:00 midnight in any licensed establishment which derives at least 50 percent of its total gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served, and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging.”

Section 3. Should any provisions of this Ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any provision thereof other than the provisions specifically declare to be invalid. The Mayor and Council hereby declare that it would have passed this Ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared illegal, invalid, or unconstitutional.

Section 4. This Ordinance shall take effect immediately upon its adoption; provided, however that the revisions to the Code shall not take effect until the approval of a referendum in the affirmative. In the event that the referendum is not approved in the affirmative, this Ordinance shall be void and of no effect.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA, THIS 9 DAY OF July, 2018.

1st Reading: 6/18/18 2nd Reading: 7/9/18


DONNIE HENRIQUES, MAYOR


RHONDA L. PEZZELLO, CLERK

