

**ORDINANCE NO. 1884**

AN ORDINANCE TO REGULATE THE TIME OF SALE OF ALCOHOLIC BEVERAGES BY RETAIL LICENSEES OF THE ALCOHOLIC BEVERAGE CONTROL BOARD AND OTHERS IN THE CITY OF TALLADEGA, ALABAMA.

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WHEREAS, by Legislative Act 2019-100, codified as Ala. Code 1975 §28-3-25, the local governing body in any wet municipality may by ordinance permit and regulate the sale of alcoholic beverages on Sunday, after the hour of two o'clock a.m. for on-premises or off-premises consumption, or both, by retail licensees of the Alcoholic Beverage Control Board;

WHEREAS, every municipality in Talladega County has authorized or is considering a referendum to authorize the sale of alcoholic beverages on Sunday; and,

WHEREAS, in light of the loss of general revenue to the City of Talladega and the likelihood of continued loss of revenue to other municipalities in Talladega County allowing for the sale of alcoholic beverages on Sunday, the City Council of the City of Talladega does hereby consider it to be in the best economic interest of the City of Talladega to adopt this ordinance, as authorized, to permit and regulate the sale of alcoholic beverages by retail licensees of the Alcoholic Beverage Controlled Board;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TALLADEGA, ALABAMA, AS FOLLOWS:

**SECTION ONE: HOURS OF SUNDAY SALE**

It shall be unlawful for any person, whether a liquor, wine or beer licensee or not, to sell, offer for sale or to serve or dispense for offer or reward, or to offer to serve or dispense for reward any alcoholic beverages, beer, malt or brewed beverages, brandy, liquor or wine, or to allow the consumption of any of alcoholic beverages, beer, malt or brewed beverages, brandy, liquor or wine on the licensed premises between the hours of two o'clock a.m. on Sunday of any week and eight o'clock a.m. on that same Sunday and from eleven o'clock p.m. on Sunday until seven o'clock a.m. on Monday during any week.

**SECTION TWO: NO REPEALER**

This Ordinance shall not repeal or amend any other ordinances of the City of Talladega regulating the licensing and sale of alcoholic beverages, beer, malt or brewed beverages, brandy, liquor or wine except to authorize Sunday sales of alcoholic beverages, beer, malt or brewed beverages, brandy, liquor or wine as above provided.

**SECTION THREE: SEVERABILITY**

The provisions of this Ordinance are severable so that if any provision hereof is declared unconstitutional, void, or invalid by a court of competent jurisdiction, all other provisions hereof shall not be affected by such declaration and shall remain in full force and effect as though the unconstitutional, void or invalid provision had not been included in the Ordinance as originally adopted.

**SECTION FOUR: CONFLICTS WITH STATE STATUES**

This Ordinance shall be deemed cumulative with and supplemental to any and all statutes of the State of Alabama regarding the subject matter hereof and to be subordinate to same and in no manner intended to supersede any such statutes of the State of Alabama. Any provision hereof in conflict with any provision of any State statute shall be construed so as to be in harmony with the same where possible and otherwise to be subordinate to and superseded by the provisions of such State statute.

**SECTION FIVE: VIOLATION CONSTITUTES A MISDEMEANOR**

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and, unless otherwise provided herein, shall, upon conviction or adjudication of guilty, be punished by a fine of up to \$500.00 or by a jail sentence of up to six (6) months or by both such fine and imprisonment, plus court costs. Any person convicted of violation of this Ordinance more than two times shall suffer revocation of said person's business license by the City of Talladega.

**SECTION SIX: EFFECTIVE DATE.**

This Ordinance shall take effect on the first Sunday of the first month following the month during which this Ordinance is approved, adopted and published.

Adopted and approved this 12<sup>th</sup> day of October, 2020.

Council President Trae Williams

Councilman Horace Patterson

Council Member Vickey R. Hall

Councilman Joseph K. Power, Jr.

Council Member Betty Spratlin

City Manager Elizabeth Cheeks

Attested to: Joanna Medlen, City Clerk