

HABERSHAM COUNTY BOARD OF COMMISSIONERS

EXECUTIVE SUMMARY

SUBJECT: Amendment to Chapter 6 – Alcoholic Beverages

DATE: December 8, 2022

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

BUDGET INFORMATION:

☐ **STATUS REPORT**

ANNUAL- N/A

☐ **OTHER**

CAPITAL- N/A

COMMISSION ACTION REQUESTED ON: December 19, 2022 (First Reading)
January 23 2023 (Approval)

PURPOSE: Chapter 6 – Alcoholic Beverages is proposed to be amended to allow for Sunday alcohol sales to begin at 11:00am instead of the current 12:30pm.

BACKGROUND / HISTORY: Chapter 6 – Alcoholic Beverages governs the sales of alcohol in Habersham County.

1. Chapter 6 was amended to allow distilled spirit sales for on site consumption (restaurants) in 2016. The Sunday sales of alcohol was governed by state law which did not permit sales before 12:30pm.
 2. In 2018, Georgia passed Senate Bill 17 aka the “Georgia Brunch Law.” The new law allows for the sale of alcohol for onsite consumption at 11:00am if approved by the voters.
 3. The BOC previously agreed to put the item to the voters after being requested by a local restaurant.
 4. On November 8, 2022, the voters approved the referendum.
-
-

FACTS AND ISSUES: The proposed amendment to Chapter 6 – Alcoholic Beverages clarifies the requirements on Sunday onsite consumption sales.

- a. If approved, this proposed amendment will permit restaurants to begin alcohol beverage sales at 11am on Sundays.
 - b. This issue was requested by a local restaurant, Yonah Coffee, and was approved by the voters.
-
-

OPTIONS:

1. Approval of the proposed amendment
 2. Denial of proposed amendment
 3. Commission defined alternative
-
-

RECOMMENDED SAMPLE MOTION: I motion to approve the amendment to Chapter 6 – Alcoholic Beverages.

DEPARTMENT:

Prepared by: Mike Beecham

Director _____

**ADMINISTRATIVE
COMMENTS:** _____

County Manager **DATE:** _____

FIRST READING: December 19, 2022

APPROVAL: _____

**HABERSHAM COUNTY
STATE OF GEORGIA**

**AN AMENDMENT TO CHAPTER 6, ARTICLE III, SECTION 6-134
ENTITLED “HOURS OF SALE” FOR THE PURPOSE OF REVISING THE
HOURS OF SALE OF ALCOHOLIC BEVERAGES FOR BEVERAGE
PURPOSES BY THE DRINK ON SUNDAY AND FOR OTHER PURPOSES**

WHEREAS, the duly elected governing authority of Habersham County, Georgia, is authorized under Article IX, Section II, Paragraph III of the Constitution of the State of Georgia to adopt reasonable ordinances to protect the public health, safety and welfare of the citizens of Habersham County, Georgia; and

WHEREAS, the duly elected governing authority of Habersham County, Georgia is the Board of Commissioners therefor; and

WHEREAS, the governing authority desires to amend and permit the sale of alcoholic beverages by the drink for consumption on the premises of certain qualifying alcoholic beverage license holders on Sundays for an additional hour and a half during the time period of 11:00 A.M. until 12:30 P.M. after approval of same by referendum of the Habersham County voters on November 8, 2022

**NOW, THEREFORE, THE HABERSHAM COUNTY BOARD OF COMMISSIONERS
HEREBY ORDAINS AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF THE
SAME** as follows:

-1-

Chapter 6 (“Alcoholic Beverages”), Article III (“On Premise Consumption of Alcoholic Beverages”), Section 6-134 (“Hours of Sale”) of the Code of Ordinances of Habersham County, Georgia is hereby amended by deleting said section in its entirety and substituting in lieu thereof the following:

CHAPTER 6 – ALCOHOLIC BEVERAGES

ARTICLE III. – ON PREMISE CONSUMPTION OF ALCOHOLIC BEVERAGES

Section 6-134 – Hours of Sale.

Alcoholic beverages shall not be sold for consumption on the premises except between the hours of 8:00 a.m. and 2:00 a.m. on Monday through Friday, between the hours of 8:00 a.m. and midnight on Saturday and between the hours of 11:00 a.m. and 11:30 p.m. on Sunday. All patrons must have exited the licensee's establishment within 30 minutes of the time which alcoholic beverages may no longer be sold, thus setting such exit times at 2:30 a.m. Of the following day on Monday through Friday, 12:30 a.m. on Saturday (Sunday morning) and midnight Sunday. Alcoholic beverages may be sold for consumption on the premises on election days provided the outlet for such sale is not located within 250 feet of a polling place.

-2-

This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

-3-

- A.** It is hereby declared to be the intention of the Habersham Board of Commissioners that all sections, paragraphs, sentences, clauses and phrases of this ordinance are 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 Habersham 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 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 ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this ordinance.
- C.** In the event that any section, paragraph, sentence, clause or phrase of this ordinance 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, unconstitutionally or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the ordinance and that, to the greatest extent allowed by law, all remaining sections, paragraphs, sentences, clauses, or phrases of the ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

-4-

Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

-5-

This ordinance shall become effective upon its adoption.

DULY ORDAINED AND ADOPTED this _____ day of _____, 2023.

**HABERSHAM COUNTY BOARD
OF COMMISSIONERS**

Bruce Palmer, Chairman

Attest:

Brandalin Carnes, County Clerk