

RESOLUTION NO. 07-21-14

**A RESOLUTION CALLING FOR A MUNICIPAL OPTION ELECTION AS TO WHETHER TO CHANGE THE STATUS OF THE CITY OF RAINSVILLE, ALABAMA FROM “DRY” TO “WET” AND ALLOW THE LEGAL SALE AND DISTRIBUTION OF ALCOHOLIC BEVBERAGES WITHIN THE CITY OF RAINSVILLE, ALABAMA PURSUANT TO TITLE 28 AND PARTICULARLY SECTION 28-2A-1, CODE OF ALABAMA, (1975).**

**WHEREAS**, the City of Rainsville, Alabama (“City”) is currently classified as a “dry” municipality situated in a “dry” county under Title 28 of the *Code of Alabama, (1975)* (“Title 28”), meaning that possession of alcoholic beverages in excess of certain quantities or outside certain locations and the sale and distribution of alcoholic beverages is prohibited and unlawful; and

**WHEREAS**, the City has a population in excess of one thousand (1,000) persons, meaning that Section 28-2A-1, *Code of Alabama (1975)*, as amended by Act No. 2009-546 of the Alabama Legislature, requires the City Council to call for a referendum as to whether the sale and distribution of alcoholic beverages should be allowed upon the petition of a number of qualified voters equal to or greater than thirty percent (30%) of the number of voters who voted in the last preceding general election of the City; and

**WHEREAS**, such a petition has been filed with the City Clerk and City Council as provided in Title 28; and

**WHEREAS**, the City Clerk has certified that the required number of duly qualified registered voters eligible to vote in City elections are included in said petition; and

**WHEREAS**, such an election must be held at the time of the next succeeding primary, general, county-wide or municipal election following the filing of such a petition; and

**WHEREAS**, the next such election will be the general election to be held on Tuesday, November 4, 2014; and

**WHEREAS**, such an election is to held in the manner of other municipal elections and the returns thereof tabulated and the results certified as in other municipal elections; and

**WHEREAS**, the applicable statute requires certain notice of such an election to be published in a certain manner and within certain time limits; and

**WHEREAS**, the cost of such an election is to be paid out of the general fund of the City pursuant to the applicable statute.

**NOW, THEREFORE**, be it **RESOLVED** by the City Council of the City of Rainsville, Alabama as follows:

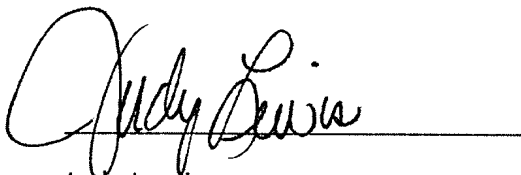
1. A referendum or municipal option election to determine the sentiment of the people of the City of Rainsville, Alabama ("City") as to whether or not to allow the legal sale and distribution of alcoholic beverages within the municipal limits of the City and thereby likewise determine whether the classification of the City shall be changed from "dry" to "wet" is hereby scheduled for and shall be conducted on November 4, 2014 contemporaneously with the general election to be held said date, all in accordance with Title 28 and particularly Section 28-2A-1, *Code of Alabama (1975)*.
2. Said election shall be conducted and notice of same given in the manner prescribed by said Section 28-2A-1.
3. All costs of the election shall be paid out of the general fund of the City.

**DONE** this 21<sup>st</sup> day of July, 2014.



Mayor Pro-Tem Rodger Lingerfelt

ATTEST:



Judy Lewis

City Clerk