

2001 SESSION

INTRODUCED

010532708

HOUSE BILL NO. 2250

Offered January 10, 2001

Prefiled January 10, 2001

A BILL to amend and reenact § 4.1-123 of the Code of Virginia, relating to alcoholic beverage control; referendum on Sunday wine and beer sales.

Patrons—Day and Watts

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-123 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-123. Referendum on Sunday wine and beer sales.

A. Either the qualified voters or the governing body of any county, city, or town may file a petition with the circuit court of the county or city or of the county wherein the town or the greater part thereof is situated asking that a referendum be held on the question of whether the sale of beer and wine on Sunday should be permitted within that jurisdiction. The petition of voters shall be signed by qualified voters equal in number to at least ten percent of the number registered in the jurisdiction on January 1 preceding its filing or at least 100 qualified voters, whichever is greater. Upon the filing of a petition, the court shall order the election officials of the county, city, or town, on the date fixed in the order, to conduct a referendum on the question. The clerk of the circuit court shall publish notice of the referendum in a newspaper of general circulation in the county, city, or town once a week for three consecutive weeks prior to the referendum.

The question on the ballot shall be:

"Shall the sale of wine and beer between the hours of twelve o'clock p.m. on each Saturday and six o'clock a.m. on each Monday be permitted in..... (name of county, city, or town)?"

The referendum shall be ordered and held and the results certified as provided in § 24.2-684. Thereupon the court shall enter of record an order certified by the clerk of the court to be transmitted to the Board and to the governing body of the county, city, or town.

Notwithstanding an ordinance adopted pursuant to § 4.1-129, an affirmative majority vote on the question shall be binding on the governing body of the county, city, or town, and the governing body shall take all actions required of it to legalize such Sunday sales.

B. *Notwithstanding the provisions of subsection A, where property that constitutes a farm winery lies within the boundaries of two adjoining counties, the sale of wine by such farm winery licensee shall be allowed at the places of business designated in his license, including the additional retail establishments of the licensee, provided the wine is sold in accordance with other provisions of this title and Board regulations.*

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