

AN ORDINANCE

AN ORDINANCE, AMENDING THE CODE OF GRIFFIN, GEORGIA, AT CHAPTER 6, ALCOHOLIC BEVERAGES, ARTICLE I, IN GENERAL, SECTION 6-1, DEFINITIONS, TO PROVIDE AN AMENDMENT TO DEFINITIONS; ARTICLE III, LICENSES; QUALIFICATIONS; LOCATION RESTRICTIONS; SUSPENSION AND REVOCATION OF LICENSES, BY ADDING SECTION 6-58, SPECIAL ENTERTAINMENT DISTRICT, TO PROVIDE A CURRENT MAP FOR THE SPECIAL ENTERTAINMENT DISTRICT; AND ARTICLE V, REGULATIONS FOR ALL ESTABLISHMENTS AND MISCELLANEOUS PROVISIONS, SECTION 6-182, OPEN CONTAINERS, TO PROVIDE FOR AMENDED APPLICABLE HOURS FOR THE LIMITED EXCEPTION AUTHORIZING POSSESSION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES WHILE WALKING, STANDING OR OCCUPYING PUBLIC STREETS, PARKING LOTS, SIDEWALKS AND OTHER PUBLIC PLACES WITHIN THE SPECIAL ENTERTAINMENT DISTRICT AND WHEN ENTERING OR LEAVING A PREMISES OF ANY DEALER LICENSED TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION WITHIN THE SPECIAL ENTERTAINMENT DISTRICT; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GRIFFIN, GEORGIA, AND IT IS ESTABLISHED AS FOLLOWS:

Section 1. The Code of Griffin, Georgia is hereby amended at Chapter 6, ALCOHOLIC BEVERAGES, by amending Section 6-1, Definitions, by adding Section 6-58, Special Entertainment District, and by amending Section 6-182, Open Container, which hereinafter shall include the following language:

Sec. 6-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

Alcoholic beverage means and includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine, intended for human consumption.

Authorized catered event means a function held at a location within the city for which an event permit has been issued in accordance with this section.

Bar means any premises at which a licensed retailer derives 75 percent or more total annual gross revenue from the sale of alcoholic beverages for consumption on the premises. Under this

chapter, a bar may only be licensed to operate on premises located within a special entertainment district designated by the board of commissioners.

Barrel means (a) as related to distilled spirits, 53 gallons; and (b) as relates to malt beverages, 31 gallons.

Bouncer means an individual primarily performing duties in a bar related to verifying age for admittance, security, maintaining order, or safety, or a combination thereof.

Brewer means a manufacturer of malt beverages.

Brewpub means an eating establishment in which malt beverages are manufactured on the premises, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36.

Bona fide private club means any nonprofit association organized under the laws of the state which:

- (1) Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this chapter;
- (2) Has at least 75 regular dues-paying members;
- (3) Owns, hires, or leases a building or space within a building for the reasonable use of its members, which building or space:
 - a. Has suitable kitchen and dining room space and equipment; and
 - b. Is staffed with a sufficient number of employees for cooking, preparing, and serving meals for its members and guests; and
- (4) Has no member, officer, agent, or employee directly or indirectly receiving, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.

Brownbagging means the bringing, taking or carrying of any alcoholic beverage into a business lawfully operating within the city but not licensed for the consumption of alcoholic beverages on the premises, with the intent to consume such alcoholic beverage on the premises, or the taking of any alcoholic beverage into premises licensed for the sale of alcoholic beverages during such times the sale or consumption of such beverages is prohibited by law; provided that bringing an alcoholic beverage into a house, apartment, room or other unit designed for private residential occupancy for consumption by the residents and invited guests thereof shall not fall within this definition.

Craft beer, as defined by the Brewers Association, Boulder, Colorado, the trade organization for the craft beer/microbrewing industry, are beers (a form of malt beverage) produced by a small, independent brewer who follows traditional brewing processes using select, sometimes non-traditional, ingredients to produce a distinctive product. Craft brewers produce very limited annual quantities, much less than traditional breweries which produce millions of barrels per year.

Dessert wine means a wine having an alcoholic strength of more than 14 percent alcohol by volume but not more than 24 percent alcohol by volume.

Distilled spirits means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including, but not limited to, all fortified wines.

Distiller means a manufacturer of distilled spirits.

Domestic winery means any winery, manufacturer, maker, producer, or bottler of wine located within this state.

Eating establishment means an establishment open to the public which is licensed to sell distilled spirits, malt beverages, and/or wines for consumption on the premises and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food as its principal business purpose. In order to be licensed for consumption of alcoholic beverages on the premises under this chapter, eating establishments are expected to keep and maintain regular days and hours of operation, at least four (4) days per week, as a convenience to the public, other than holidays, vacations, and periods when closed for repairs or remodeling. When determining the total annual gross food and beverage sales for eating establishments operating as a brewpub, barrels of malt beverages sold to licensed wholesale dealers, or packaged in bottles or growlers sold to the public for consumption off the premises, shall not be used.

Fortified wine means any alcoholic beverage containing more than 21 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, brandy. Fortified wine is classified as a distilled spirit.

Food caterer means any person who prepares food for consumption off the premises where prepared and offers it, for hire, at an authorized catered event.

Fruit grower means any person who grows peaches, apples, pears, grapes, or other perishable fruits in this state and who manufactures distilled spirits from the perishable fruits grown in this state.

Georgia farm winery means a domestic winery which makes at least 40 percent of its annual production from berries, fruits and grapes grown in the State of Georgia and which is directly licensed by the Commissioner of Revenue to manufacture wine in this state.

Growler means a bottle, container or vessel, with a capacity of at least 32 ounces and not exceeding 64 ounces that is designed for and especially intended to be filled with a craft beer from a keg by a licensee, or employee of a licensee, holding an eating establishment, brewpub, hotel, or bar license for on premises consumption issued pursuant to this chapter, or a specialty package retailer. A refilled growler that has been properly sealed shall be considered an "unbroken package" for purposes of this chapter.

Hotel means any lodge, inn, or similar establishment which offers overnight sleeping accommodations to registered guests for hire, and at which one or more prepared meals or food are regularly served daily and consumed in one or more dining rooms, having an adequate and

sanitary kitchen, such sleeping accommodations and dining rooms being conducted on the same premises. Hotels may grant franchises for the operation of an eating establishment and lounge on their premises, and the holder of such franchise shall be included in this definition of hotel. Lounges may be located separately from dining facilities in hotels provided there is a commonality of ownership of the eating establishment and lounge.

Licensed alcoholic beverage caterer means any Georgia retail dealer licensed, either for package sales or on-premises consumption of alcoholic beverages, who additionally holds a valid license from a county or municipality to sell distilled spirits, malt beverages, or wine for consumption off-premises at authorized catered events.

Lounge means a separate room adjacent to and under common ownership with an eating establishment in which alcoholic beverages may be sold by the drink for consumption on the premises. Except in the case of a bona fide private club or hotel, as defined in this section, a lounge shall be part of the eating establishment, as defined in this section, and shall be interconnected by a doorway opening into the dining area of the eating establishment.

Malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than fourteen percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.

Manufacturer means any maker, producer, or bottler of an alcoholic beverage. The term also means:

- (1) In the case of distilled spirits, any distiller engaged in distilling, rectifying, or blending any distilled spirits;
- (2) In the case of malt beverages, any brewer; and
- (3) In the case of wine, any vintner.

Person means any individual, company, corporation, association, partnership, or other legal entity.

Powdered alcohol means a powdered or crystalline substance that contains any amount of alcohol for direct use or reconstitution.

Premises, when used in conjunction with package sales, means the floor space on and from which the package sale of alcoholic beverages is conducted; when used in conjunction with a lounge or restaurant, it means that floor space on and from which the sale of alcoholic beverages by the drink for consumption on the premises is conducted.

Prepared meals or food means a meal cooked or prepared on the premises of the eating establishment according to the order of the customer, while seated at a table, in a booth, at a counter or bar, and primarily intended for consumption on the premises where prepared.

Proper identification means any document issued by a government agency containing a description of the person and such person's photograph, and giving the person's date of birth; proper identification includes, but is not limited to, a passport, military identification card, driver's license, or identification card issued under O.C.G.A. §§ 40-5-100 through 40-5-104. Proper identification shall not include a birth certificate.

Public club means an establishment, other than an "eating establishment" or a "bar" as defined in this chapter, having the principle purpose of offering live music, dancing, theatrical productions or comedians, and at which the consumption on-premises of alcoholic beverages is incidental. A public club shall not be operated or conducted in conjunction with any other mercantile business, trade or profession, and may offer and sell only those items commonly associated with such establishments.

Retail consumption dealer means any person who sells, at retail only to consumers and not for resale, distilled spirits, wine or malt beverages for consumption on the licensed premises.

Retail package dealer means any person engaged in selling, at retail only to consumers and not for resale, any distilled spirits, wine or malt beverages in unbroken packages intended for carryout or consumption off the licensed premises.

Special entertainment district means the area or areas of the city, designated by the board of commissioners, in which bars, public clubs, specialty package retailers, and domestic farm winery tasting rooms are an acceptable land use, as designated on a map labeled "special entertainment district," set forth in Sec. 6-58 of this code, and by reference, made a part hereof as if fully set out herein, including all properties fronting on any streets forming the boundaries of such district(s) and facing toward the district. For purposes of authenticity, the current map of the special entertainment district shall be signed and dated by the Mayor and made available for inspection upon request, in writing, delivered to the City Manager; all future revisions to said map shall be enacted by ordinance and authenticated as provided herein.

Specialty package retailer means a licensee under this chapter, operating from a fixed premise within the special entertainment district of the city, that may offer to the public package retail sales of craft malt beverages (beer) and/or wine(s) only, provided at least 50 percent of the floor space is dedicated to the retail sale of gourmet food items (not intended for consumption on the premises, such as a butcher shop and/or delicatessen meats, cheeses, breads and bakery items, and condiments) and related items or accessories, such as cooking and serving utensils, vessels and kitchen equipment, party or entertainment-related items (cups, plates, napkins, etc.) and beer and/or wine-making equipment and ingredients. Licensees may also sell unique marketing items, such as imprinted logo tee-shirts and hats.

Table wine means a wine having an alcoholic strength of not more than 14 percent by volume.

Tasting room means an outlet for the promotion of a manufacturer's product by providing samples of such product to the public on the premises where manufactured, or on premises adjacent thereto under common ownership, and for the sale of such product at retail for consumption on the

premises and for sale in closed packages for consumption off the premises. Samples can be given free of charge or for a fee. Offsite tasting rooms of a domestic farm winery may only be located within a special entertainment district designated by the board of commissioners.

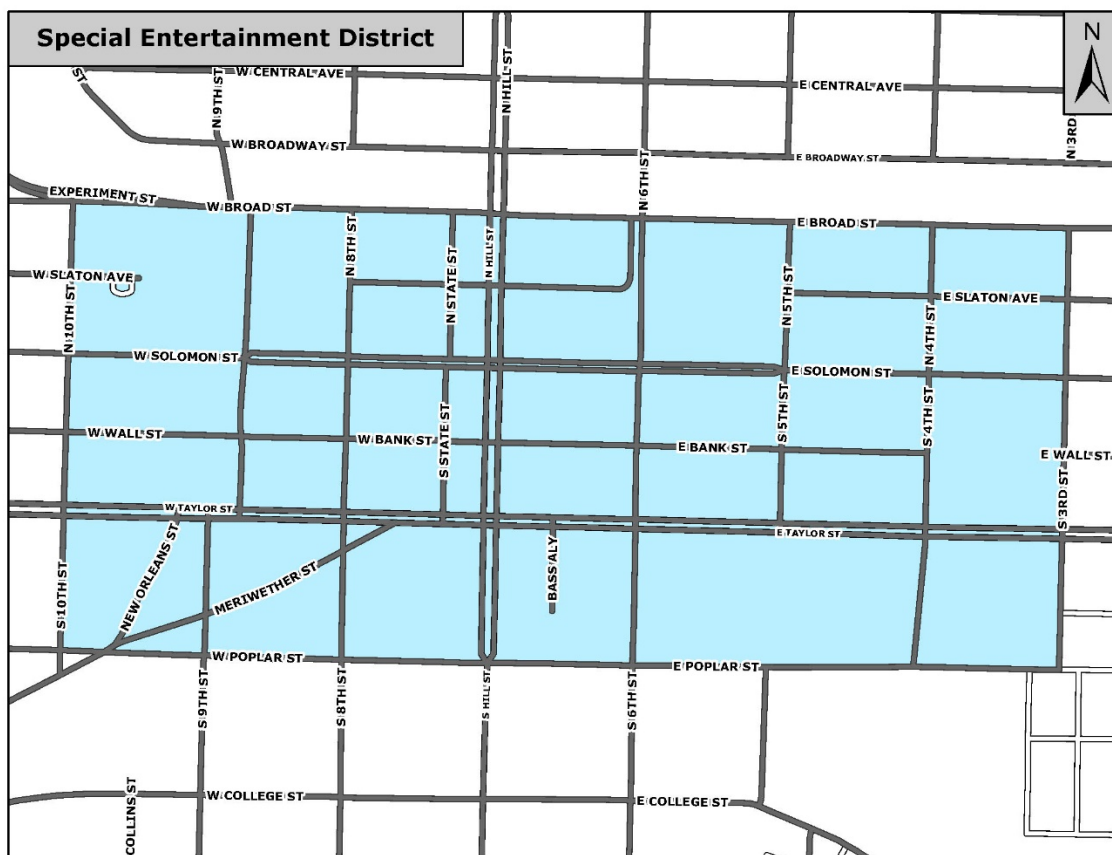
Vintner means a manufacturer of wine.

Wholesaler means any person who sells alcoholic beverages to other wholesale dealers, to package dealers, or to on-premises consumption dealers.

Wine means any alcoholic beverage containing not more than 21 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, all sparkling wines, champagnes, combination of such beverages, vermouths, special natural wines, rectified wines, and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this section.

Sec. 6-58. – Special Entertainment District.

This following figure constitutes the map of the boundaries of the special entertainment district as designated by the board of commissioners and as defined within this Chapter:



Sec. 6-182. – Open Container.

- (a) As used in this section, the term "*open container*" means any container, containing alcoholic beverages, which is immediately capable of being consumed from or the seal of which has been broken.
- (b) No person shall possess an open container of any alcoholic beverage within the passenger compartment of a motor vehicle. Closed containers of alcoholic beverages may be transported in any part of a vehicle. Open containers shall be placed in a locked glove box, locked trunk or locked storage container.
- (c) No person shall possess an open container of any alcoholic beverage while walking, standing or otherwise occupying any public street, road, or highway, sidewalk adjacent thereto, public parking lot, or other property owned or leased by the city; provided that where the city commission has approved, by resolution, a city-owned or leased building, location or facility as one where alcoholic beverages may be consumed, this section shall not apply to the otherwise lawful possession and consumption of alcoholic beverages at the location or in the area(s) so designated. The prohibition of this section shall not apply within a special entertainment district, as designated by the board of commissioners, between the hours of 12:00 p.m. until Midnight on Friday, Saturday, and Sunday, as well as on holidays recognized by the City of Griffin whereby the City's administrative offices are closed, and between the hours of 4:00 p.m. until Midnight on Monday through Thursday; provided all alcoholic beverages shall be in clear, plastic cups no greater than 16 ounces, displaying a boundary map of the special entertainment district. Notwithstanding the foregoing, all restrictions related to the days and hours of operation of establishments furnishing, selling or offering to sell alcoholic beverages, as set forth in Sec. 6-180 or any other section of this code, shall govern, and nothing herein shall be interpreted to affect those restrictions.
- (d) No person shall possess an open container of any alcoholic beverage on the premises of any retail package dealer, including parking lots adjacent thereto, at any time.
- (e) Unless otherwise authorized by this section, no person shall enter or leave the premises of any dealer licensed to sell or dispense alcoholic beverages for consumption on the premises with an open container of any alcoholic beverage; provided, however, any restaurant which is licensed to sell wine for consumption on the premises may permit a patron to remove one unsealed bottle per patron for consumption off the premises if the patron has purchased a meal and consumed a portion of the bottle of wine with such meal on the restaurant's premises. The partially consumed bottle of wine shall be recorked or securely sealed by the licensee or its employees and placed in a bag or other container, with a dated receipt for the wine and meal attached to the container. If the licensee charges a recorking fee, such fee shall not exceed \$3.00 per bottle of wine. If transported in a motor vehicle, the container with the resealed bottle of wine shall be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk. The prohibition of this section shall not apply within the special entertainment district, as designated by the board of

commissioners, between the hours of 12:00 p.m. until Midnight on Friday, Saturday, and Sunday, as well as holidays recognized by the City of Griffin whereby the City's administrative offices are closed, and between the hours of 4:00 p.m. until Midnight on Monday through Thursday; provided all alcoholic beverages shall be in clear, plastic cups no greater than 16 ounces, displaying a boundary map of the special entertainment district. Notwithstanding the foregoing, all restrictions related to the days and hours of operation of establishments furnishing, selling or offering to sell alcoholic beverages, as set forth in Sec. 6-180 or any other section of this code, shall govern, and nothing herein shall be interpreted to affect those restrictions.

Section 2. All ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed.

Section 3. Should any provision of this ordinance be rendered invalid by any court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the municipal governing authority.

Section 4. Except as modified herein, The Code of Griffin, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter. The city attorney is directed and authorized to direct the codifier to make necessary minor, non-substantive corrections to the provisions of this Code, including but not limited to, the misspelling of words, typographical errors, duplicate pages, incorrect references to state or federal laws, statutes, this Code, or other codes or similar legal or technical sources, and other similar amendments, without necessity of passage of a corrective ordinance or other action of the Board of Commissioners. The city secretary shall, upon the written advice or recommendation of the city attorney and without the necessity of further council action, alter, amend or supplement any non-codified ordinance, resolution or other record filed in his or her office as necessary to effect similar non-substantive changes or revisions and ensure that such public records are correct, complete and accurate.

Section 5. This ordinance shall become effective immediately upon adoption on second and final reading.

First Reading: July 26, 2022

Second Reading: August 9, 2022