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AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA, WITH RESPECT TO **SPECIAL EVENTS**; AND FOR OTHER PURPOSES.

The Commission of Athens-Clarke County, Georgia, hereby ordains as follows:

SECTION 1. Section 6-5-12 of the Code of Athens-Clarke County, Georgia, entitled “*Sale of beer and wine*,” is hereby deleted in its entirety with the following new section inserted in lieu thereof:

**“Sec. 6-5-12. - Sale of beer and wine.**

- (a) *Purpose.* The purpose of this ordinance is to establish the framework for how beer and wine can be incorporated into special events.
- (b) *Authorized Areas:* Where an event results in the closure of at least one city block, beer and wine may be dispensed and consumed within the delineated boundaries of a permitted special event subject to the conditions of this Section.
- (c) *Application Process*
  - (1) The dispensing or consumption of beer and wine shall not be permitted at any special event in which the producer has failed to file for a permit at least 60 days prior to the date of the event, as noted in Section 6-5-3(b).
  - (2) The application for a special event at which beer and wine is permitted shall include, in addition to the map identifying the outermost boundaries of the event, a map no smaller than 8½ × 11 inches in size, clearly identifying the area(s), including all public streets and sidewalks within and adjacent to the area(s), where the consumption of beer and wine is proposed. However, no areas designated for the consumption of beer and wine shall encroach within the designated public circulation areas described in Section 6-5-2(d).
  - (3) The application for a permit for a special event at which beer and wine is permitted shall include a description of the area(s), including the size and the number of seats proposed for such area(s), if utilized. The application also shall contain a description of the method and structures that will be used to secure and separate such area(s) from other public areas.
- (d) *Fees:* The fee for a permit to dispense and/or consume beer and wine at a special event shall be the greater of the fees this Section or those listed in the annual fee schedule as adopted by the Mayor and Commission. Fees shall be payable to Athens-Clarke County, and shall be paid in addition to and remitted at the same time as any other fees provided for in Section 6-5-9.
  - (1) \$150 150 Person Beer Garden (up to 2,000 ft<sup>2</sup>)
  - (2) \$300 300 Person Beer Garden (up to 4,000 ft<sup>2</sup>)
  - (3) \$600 Festival Zone (1-4 contiguous blocks)

(e) *General Requirements*

- (1) Whenever any event will include the dispensing and/or consumption of beer and wine, the producer of such event, at least 45 days prior to the event, shall meet with appropriate staff members of the Athens-Clarke County government as designated by the Manager in accordance with Section 6-5-5 in order to review the plans, conditions, and restrictions pertaining to the event. Prior to the issuance of a permit for the event, the producer shall sign a statement of understanding and agreement to the terms and conditions imposed on the event. Such statement shall become a part of the conditions of the permit for the event.
- (2) The dispensing of beer and wine at any special event shall be restricted to: (1) a holder of an alcoholic beverage caterer license issued by Athens-Clarke County, (2) a holder of a temporary alcoholic beverage permit issued to a bona-fide non-profit, tax-exempt civic organization by Athens-Clarke County, or (3) a holder of a separate home-brew special event permit issued by Athens-Clarke County, or (4) a holder of an alcoholic beverage license for a business distributing alcohol from their establishment for consumption within a festival zone. The name of such licensee(s) or permittee(s) and the current assigned number, as such appears on the license or permit, shall be required as a part of the application for a special event permit.
- (3) The producer of the special event shall provide, at his/her own expense, at least one security officer, approved by the Chief of Police, or their designee, at each entry/exit point for areas approved for the consumption of beer and wine. The Chief of Police or their designee may require additional security officers as needed to provide for the safety and security of the event.
- (4) The event producer shall verify that participants who wish to consume beer or wine in the designated areas at the event are at least 21 years of age.
- (5) Every area where beer and wine is consumed shall be conspicuously posted at all times at each point of entrance/exit with signs stating the following: "The possession of alcoholic beverages beyond this point is prohibited." The letters of such signs shall not be less than three inches in height and one-half inch in width and shall be in black letters on a contrasting light background. The event shall provide staff or volunteers at each entry/exit point in order to help educate event patrons as to where the festival zone begins and ends.
- (6) Patrons may not leave beer gardens or festival zones with open containers.
- (7) Permit holders shall provide food service within areas designated for alcohol consumption.
- (8) All food vendors shall apply for and receive a solid waste permit pursuant to the requirements of this Chapter before dispensing beverages at a special event.
- (9) Containers for beer and wine shall be reusable, compostable, or recyclable, and shall not exceed 24 ounces. Pursuant to Section 3-12-23, open glass containers of any kind are strictly prohibited.
- (10) It shall be unlawful for patrons of any area(s) of a special event in which beer and wine is permitted to bring into or take outside the designated area(s) any alcoholic

- (2) beverage or to furnish any alcoholic beverage to any person outside the designated area where beer and wine is permitted. Provided, however, that participants in and sponsors of home-brew special events may transport malt beverages to designated areas within a home-brew special event in accordance with applicable law.
- (11) Notwithstanding the provisions of this Section, any person dispensing and/or consuming beer and wine in accordance with this Section shall comply with all other laws and ordinances pertaining to the sale, possession and consumption of alcoholic beverages.
- (f) *Beer Gardens:* A special event meeting the requirements of this ordinance may be permitted for the use of beer gardens as detailed in this Section.
- (1) Within each city block that is closed for a special event where the event does not utilize a festival zone, the event may have:
- (a) One beer garden, limited to no more than 300 persons and not exceeding an area greater than 4,000 square feet; or,
- (b) Up to two beer gardens, with each area limited to no more than 150 persons and not exceeding an area greater than 2,000 square feet.
- (2) A beer garden within a special event where beer and wine is permitted shall be securely enclosed on all sides by a fence, barricade, building, or other similar such structure approved by the Chief of Police, or their designee, so as to completely separate that area from the areas in which alcoholic beverages are not permitted. Every beer garden permitted under this Section should be rectangular in shape with one of the longer sides of such beer garden abutting a street curb.
- (g) *Festival Zones:* A special event meeting the requirements of this ordinance, that closes at least one city block may have a festival zone as outlined in this Section.
- (1) Permitting: There are significant challenges to coordinating communication with businesses and event patrons as it relates to a festival zone. This communication is exclusively the responsibility of the event producer, though staff may develop template documents for event producers to consider. Prior to the issuance of a special events permit that utilizes a festival zone, the producer of a special event shall provide:
- (a) Evidence of their engagement with businesses adjacent and proximate to proposed festival zones as it relates to what is and is not permitted as a part of the festival zone. This shall apply to businesses located within a festival zone and to all businesses located within one block of a festival zone. Such evidence may include, but is not limited to, signature sheet from business managers, evidence of an attempt to contact by mail, or other similar verifiable information.
- (b) A draft copy of the educational materials that will be shared with event patrons at the locations where festival zone wrist bands are issued.
- (c) Draft copies of proposed educational signage along with maps indicating where the signage will be utilized in relation to areas where wrist bands or alcohol are issued.
- Location: the location(s) of any festival zones shall be determined during the administrative review of the special event application, conducted pursuant to Section 6-

5-5, after the event applicant, Central Services staff, and Athens-Clarke County Police Department staff have had an opportunity to review the proposed locations, develop a potential site plan, identify the costs associated with establishing said festival zones, and such location(s) shall only be deemed to have been approved after receiving written approval by both Central Services and Athens-Clarke County Police Department staff who have been authorized by their respective department directors to grant such approval.

(3) Parades, marches, or other mobile special events may not depart a festival zone. However, these events may start outside of a festival zone and conclude within a festival zone.

(4) Boundaries and Access

- (a) Festival zone boundaries generally run from one intersection, either north/south or east/west, to the adjacent intersection.
- (b) Fencing, barricades, buildings, or other similar structures ~~are~~ must be used to define the entry and exit points into the festival zone.
- (c) ADA compliant access shall be provided throughout and across the festival zone, and to all businesses that abut the festival zone, as outlined in Section 6-5-2(d).
- (d) The festival zone ~~is~~ shall be designed in such a way that emergency access can be provided as needed.
- (e) A festival zone may be no larger than four consecutive blocks where each of the blocks are touching, although said blocks may not be in a straight line and the roadways between each block may or may not actually be closed to through traffic.

(5) Management

- (a) The event producer shall provide participants with wrist bands to identify persons who have presented proof of attaining the age of 21 years and who are authorized to purchase or hold in their possession beer and wine within the festival zone, both within and outside of licensed alcoholic beverage establishments; however, displaying such a uniquely identifiable wrist band does not relieve alcoholic beverage establishments of responsibility for determining if a person has attained the age of 21 years before dispensing alcohol to that person.
- (b) Each patron will be limited to one approved container for consumption within the festival zone.
- (c) Businesses that have an entry point included within the festival zone may sell beer and wine to patrons who possess wrist bands for consumption within the premises of their business and the adjacent festival zone so long as the business is licensed to serve alcohol.
- (d) Beer and wine purchased within a licensed business having an entry point within the festival zone that knowingly and intentionally allows patrons to exit its premises with either an alcoholic beverage containing liquor, or beer and wine purchased from its establishment and not wearing an approved wrist band, shall be in violation of this Section.

- (e) In addition to the requirement described in Section 6-5-12(e)(3), a festival zone will generally be required to provide at least one security officer per entry/exit point and at least one additional officer for support within the zone, as well as any additional officers as recommended the Chief of Police or their designee.
  - (f) Only one special event may be permitted at a time per sponsor/person; festival zones will not be permitted on days when another special event is already permitted in the area and on UGA home football game days.
  - (g) Unless otherwise permitted by state law, drinking alcohol in parked or moving motor vehicles is prohibited.
- (h) *Violations:* In addition to the penalties outlined in Section 6-5-26, any special event and/or affiliated permit holder convicted of an ordinance violation from this Section within a seven year rolling period shall be subject to the following suspensions as it relates to special events.
- (1) 1<sup>st</sup> Violation – 13 month suspension of the permittee’s and event’s ability to incorporate the use of alcohol into a special event.
  - (2) 2<sup>nd</sup> Violation – 25 month suspension of the permittee’s and event’s ability to incorporate the use of alcohol into a special event.
  - (3) 3<sup>rd</sup> and Subsequent Violation(s) – 60 month suspension of the permittee’s and the event’s ability to incorporate the use of alcohol into a special event.”

SECTION 2. Chapter 6-5, entitled “*Special Events*,” of the Code of Athens-Clarke County, Georgia, is hereby amended by inserting a new Section 6-5-27 entitled “*Appeals*,” as follows:

**“Sec. 6-5-27. – Appeals**

An appeal to the Administrative Hearing Officer from a decision of the Manager, or designee, may be made within ten days of the date of notice of the decision. The decision by the Administrative Hearing Officer shall be final.”

SECTION 3: If any section, subsection, subdivision, sentence, clause, phrase or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this ordinance shall be and remain in full force and effect.

SECTION 4: The Clerk of Commission, in consultation with the County Attorney, shall have the power to correct scrivener’s errors.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.