

**ORDINANCE NO. 22-11-01**

**ORDINANCE OF THE CITY OF HELEN, GEORGIA TO AMEND CHAPTER 42 OF  
THE HELEN OFFICIAL CODE; MISCELLANEOUS OFFENSES AND PROVISIONS;  
BY THE AMENDMENT OF SECTION 42-2**

**WHEREAS**, the City of Helen is a Georgia municipal corporation; and

**WHEREAS**, the City Commission is the governing authority of the City of Helen; and

**WHEREAS**, the City Commission finds that a proliferation of open container violations within the city limits create the need for providing a mechanism of citation for individuals and/or alcohol licensees contributing to the proliferation of open containers; and

**WHEREAS**, the City Commission finds that requiring standardized signage be posted at all entry and exit points of a licensed establishment serving alcohol, as said signage is provided by the city, will also serve as a mechanism for deterring open container violations;

**NOW, THEREFORE, BE IT ORDAINED**, and it is hereby ordained, that Chapter 42, Miscellaneous Offenses and Provisions; of the Official Code of the City of Helen is amended as follows:

Sec. 42-2. - Alcoholic beverages or alcohol infused products of any kind in open containers prohibited on public rights-of-way and property.

- (a) It shall be unlawful to carry or drink any alcoholic beverages in or from an open container upon the public rights-of way or other public property. It shall also be unlawful to carry or consume any product infused with alcohol for which the sale of such product requires a city alcohol license upon the public rights-of-way or other public property. However, a bottle of wine that has been resealed and is carried pursuant to section 6-7 of the Official Code of the City of Helen, Georgia and O.C.G.A. section 3-6-4 shall not constitute an open container for purposes of this section. Further, the consumption of beer or wine in an area designated as an outdoor cafe area, at and during a duly authorized and permitted special city event, shall not constitute an open container violation for purposes of this section.
- (b) It shall be unlawful for an employee of an establishment licensed to serve alcohol within the city limits of Helen, Georgia to knowingly permit the removal of alcoholic beverages in an open container from the licensed premises in violation of Sec. 42-2(a). Should such a violation occur at an establishment licensed to serve alcohol within the city limits of Helen, Georgia, both the employee and the alcohol licensee shall be subject to citation under this code section.
- (c) All licensees holding a license to serve Alcohol within the City of Helen, Georgia, shall be required to post standardized signage, which will be provided by the City, advising patrons of the ordinance prohibiting open containers. All licensees shall be required to


permanently post such signage at each entry and exit point of the licensed establishment. Failure to do so will be a violation of this code section.

**Be it further ordained**, by the Helen City Commission, that any ordinance or resolution previously existing, either replaced by or inconsistent or in conflict with this ordinance, are repealed in their entirety if replaced hereby, and repealed partially to the extent of the conflict or inconsistency of the previous ordinance.

**Be it further ordained**, by the Helen City Commission, that this ordinance shall become effective upon adoption.

**Be it further ordained**, by the Helen City Commission, that any ordinance or resolution previously existing, either replaced by or inconsistent or in conflict with this ordinance, are repealed in their entirety if replaced hereby, and repealed partially to the extent of the conflict or inconsistency of the previous ordinance.

This ordinance approved by the Helen City Commission this 13 day of December, 2022.

  
Fred Garmon, Mayor (SEAL)

ATTEST:

  
Marilyn Chastain, City Clerk

APPROVED AS TO FORM:

  
Carl Free, City Attorney

Date: 12-13-22

Passed First Reading 11-15-22

Passed Second Reading 12-13-22

Approved and Adopted 12-13-22