

ORDINANCE NO. 11- 2018

An Amendment to Article I of Chapter 4 of the City Code of Ordinances entitled Alcoholic Beverages, To create a new Section 4-7 to Provide for Provide for Temporary Special Event Licenses; a new Section 4-8 to Provide for the Outside Consumption of Alcoholic Beverages Permitted Within a Downtown Dining District to be Determined by Resolution, to Amend Article II of Chapter 4 by deleting Sec. 4-53 and Renumbering Sections 4-54 through 4-56 as Sections 4-53 through 4-55, to Conform Other Sections of Chapter 4 to the Aforesaid Changes, and for Other Purposes as Stated Herein:

WHEREAS, the Mayor and Council of the City of Norcross have determined that it is in the best interests of the City that Chapter 4 of the Code of Ordinances of the City of Norcross be amended as follows, to amend Article I of Chapter 4 by creating a new section 4-7 to provide an Exception for Temporary Special Event Licenses, by creating a new Sec. 4-8 to provide for the outside consumption of alcoholic beverages permitted within a Downtown Dining District to be determined by Resolution, to amend Article II of Chapter 4 by deleting Sec. 4-53 and renumbering Sections 4-54 through Sections 4-56 as 4-53 through 4-55, to conform other sections of Chapter 4 to the aforesaid changes and to correct scrivener's errors, and for Other Purposes as Stated Herein; and

NOW THEREFORE, the Mayor and Council hereby amend Chapter 4 of the Code of Ordinances by adding a new Section 4-6 as is more particularly set forth below:

Ordinance No. 11-2018

An Amendment to the City Code of Ordinances, Chapter 4, Alcoholic Beverages.

ENACTING CLAUSE. The Mayor and City Council of the City of Norcross, Georgia, hereby ordains that the adopted Code of Ordinances, is hereby amended as more particularly set forth below. It is the intention of the Mayor and City Council, and it is hereby ordained that the following provisions shall become and be made a part of the Code of the City of Norcross, and the Sections in the Code in the Ordinance be renumbered to accomplish that intention.

I. **Amendment.** Article I, entitled "In General," of Chapter 4, entitled "Alcoholic Beverages," of the Code of Ordinances for the City of Norcross shall be amended, as follows:

A. By deleting Section 4-1 in its entirety and substituting the following in lieu thereof:

"Sec. 4-1. - Consumption in public places.

No person shall consume any alcoholic beverage while in or upon public streets, alleys, sidewalks, parking lots, or other public ways within the City of Norcross except as specifically permitted in Sec.4-4, 4-5, 4-6, 4-6, 4-7 and/or 4-8."

B. By deleting Section 4-3 in its entirety and substituting the following in lieu thereof:

“Sec. 4-3. - Same—In public.

No person shall be in possession of any glass, can or open container containing alcohol on any thoroughfare, street, sidewalk, alley, parking lots or any other public way within the City of Norcross, except as specifically permitted in Sec.4-4, 4-5, 4-6, 4-6, 4-7 and/or 4-8.”

C. By deleting the heading for Section 4-4 and substituting the following in lieu thereof:

“Sec. 4-4. - Exceptions - Consumption, possession of alcoholic beverages on city property.”

D. By deleting the heading for Section 4-5 and substituting the following in lieu thereof:

“Sec. 4-5. - Exceptions - City-sponsored events.”

E. By deleting the heading for Section 4-6 and substituting the following in lieu thereof:

“Sec. 4-6. - Exceptions for Permits issued for sidewalk sales of alcoholic beverages during designated City-sponsored events.”

F. By adding a new section 4-7 as follows:

“Sec. 4-7. – Exceptions - Temporary special event licenses.

(a) Requirements:

- (1) Private events. A temporary special event license may be issued to any person for a period not to exceed two days in any one year for an approved special event to be held on privately owned property.
- (2) City sponsored events. A temporary special event license may be issued to any person designated by the city for a city sponsored event for the duration of the event at such place and during such times that are specifically designated by resolution establishing the event, as set forth in section 4-5.
- (3) A temporary special event license may be issued for mobile concession trucks and trailers for the sale of beer, malt beverages and/or wine ("mobile alcohol concessions"). Distilled spirits shall not be sold from mobile alcohol concessions. Mobile alcohol concessions are not permitted to sell food or other products and shall not be issued

a food truck permit. Food trucks are not permitted to sell any alcoholic beverages.

- (4) The person applying for the temporary special event license shall pay the fees as adopted by city council in the schedule of fees and kept on file in the City Clerk's office.
- (5) The temporary special event licensee shall be required to comply with all general ordinances and the licensing and regulations for a consumption on the premises establishment with the exception of the full-service kitchen requirement.
- (b) Any employee or volunteer of the special event licensee, working the special event in any position dispensing, selling, serving, taking orders or mixing alcoholic beverages, shall not be required to obtain a pouring permit for the special event.
- (c) The City Manager or his designee may immediately revoke any temporary license for a special event if it is determined continued alcohol sales may endanger the health, welfare or safety of the public.
- (d) As a condition on the issuance of the special event license, the licensee shall indemnify and hold the city harmless from claims, demand or cause of action which may arise from activities associated with the special event.
- (e) The special event must meet the following criteria prior to the issuance of a license to sell alcoholic beverages:
 - (1) The special event must have the prior approval of the Chief of Police on crowd control, traffic control measures and security measures.
 - (2) The location at which the special event is to take place must be approved by the General Government Administration Department Director or his designee and the location must be properly zoned and approved by the Community Development Director.”

G. By adding a new section 4-8 as follows:

“4-8. – Exceptions - Downtown Dining District – outside consumption of alcoholic beverages permitted.

- (a) The Mayor and Council may, by resolution, designate a downtown dining district as a specifically authorized and pedestrian oriented area of the City that applies to all establishments holding a valid license for retail

consumption of alcoholic beverages on the premises within such area to dispense and/or serve an alcoholic beverage for carry out purposes, provided all other laws, rules and ordinances are followed.

- (b) Within the downtown dining district, the provisions of sections 4-1, 4-3, and 4-4 shall not apply and the following provisions shall control:
 - (1) One drink on-street limit. Any establishment licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can, bottle, or glass, for removal from the premises; provided, however, that no establishment shall dispense to any person more than one such alcoholic beverage at a time for removal from the premises, and no person shall remove at one time more than one such alcoholic beverage from the licensed premises.
 - (2) Size limited to 16 fluid ounces. No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 16 fluid ounces in size. No person shall hold in his possession on the streets and sidewalks, in parks and squares, or in other public places within the defined area any open alcoholic beverage container which exceeds 16 fluid ounces in size.
 - (3) Drinking from can, bottle, or glass prohibited. It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private.
 - (c) No alcoholic beverage purchased pursuant to this provision may be consumed outside of the downtown dining district, or upon any private property, without the express consent of the private property owners.
 - (d) Unless authorized by mayor and council in the resolution creating the downtown dining district, no alcoholic beverage purchased within the downtown dining district pursuant to this provision shall be consumed within the downtown dining district on the streets, sidewalks, rights-of-way, and/or parking lots, whether public or private, prior to 12:00 p.m. or later than 12:00 a.m.”
- H. By substituting the term “an alcoholic beverage license” for the term “a alcoholic beverage license” is the fourth sentence of Section 4-43 entitled “Premises.
- I. By deleting Section 4-45 in its entirety and substituting the following in lieu thereof:

“Sec. 4-45. - No outside consumption.

- (a) It is prohibited for customers to leave the premises with open alcoholic beverages and it is the licensee's responsibility to ensure that no open beverages are sold and carried out, except as specifically permitted in Sec.4-4, 4-5, 4-6, 4-6, 4-7 and/or 4-8.
- (b) It is prohibited for customers to gather outside an alcoholic beverages establishment and consume alcoholic beverages except as specifically permitted in Sec.4-4, 4-5, 4-6, 4-6, 4-7 and/or 4-8.
- (c) It is prohibited for the manager or any employee to allow persons to gather outside an alcoholic beverage establishment and consume alcoholic beverages except as specifically permitted in Sec.4-4, 4-5, 4-6, 4-6, 4-7 and/or 4-8.”

J. By deleting Section 4-53 in its entirety and renumbering Sections Renumbering Sections 4-54 through 4-56 as Sections 4-53 through 4-55.

II. **Severability.** If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any ordinance, section, subsection, paragraph, subdivision or clause of this ordinance.

III. **Repealer.** All ordinances or parts thereof which are in conflict with any provision or any section, subsection, paragraph, subdivision or clause of this ordinance is hereby repealed to the extent of the conflict.

IN WITNESS WHEREOF, I have hereunto set my hand and caused this seal to be affixed, this the ____ day of _____, 2018.

Craig Newton, Mayor

ATTEST:

Monique Lang, City Clerk