

**AN ORDINANCE TO AMEND CHAPTER 4, ALCOHOLIC BEVERAGES SEC. 4-168,
TEMPORARY SPECIAL EVENT LICENSE (POURING PERMIT) TO ALLOW, DURING THE
TERM OF A SPECIAL EVENT, OPEN CONTAINER CONSUMPTION WITHIN THE FIXED
BOUNDARIES OF THE PHYSICAL AREA WHERE THE SPECIAL EVENT IS AUTHORIZED
BY LICENSED PREMISES LOCATED ENTIRELY WITHIN THAT FIXED BOUNDARY**

BE IT ORDAINED by the City Council of the City of Milton, GA while in a regularly called council meeting on June 17, 2013 at 6:00 p.m. as follows:

SECTION 1. That the amendment of Section 4-168, temporary special event license (pouring permit) is hereby adopted and approved; and is attached hereto as if fully set forth herein; and

SECTION 2. All ordinances, parts of ordinances, or regulations in conflict herewith are repealed; and

SECTION 3. That this ordinance shall become effective upon its adoption.

ORDAINED this 17th day of June, 2013.

Approved:

Joe Lockwood, Mayor

Attest:

Sudie AM Gordon, City Clerk

Part II – CODE OF ORDINANCES
Chapter 4 – ALCOHOLIC BEVERAGES

ARTICLE VIII - REGULATIONS

ARTICLE III. - TEMPORARY AND SPECIAL EVENTS LICENSES

Sec. 4-167. - Temporary licenses.

Sec. 4-168. - Temporary special event license (pouring permit).

Secs. 4-169—4-177. - Reserved.

Sec. 4-167. - Temporary licenses.

- (a) *Authority.* The city manager is hereby authorized to issue temporary licenses for the sale of alcoholic beverages, either malt beverages and wine or distilled spirits, subject to the conditions set forth in this section.
- (b) *Not to exceed 60 days; requirements.* Temporary licenses may be issued for such period as may be determined by the city manager, not to exceed 60 days. No such license shall be issued unless:
- (1) A written application for the same is filed with the city manager.
 - (2) An application for a permanent license, together with payment in full of the fee thereof, has been deposited with the city manager.
 - (3) The city manager is satisfied that the location for the proposed license substantially complies with the provisions of this section authorizing such license in the city.
 - (4) The denial of a temporary license would create undue hardship upon the applicant, such as the closing of an existing business or delaying of the opening of a new business.
 - (5) There is payment of the fee prescribed by this section.
 - (6) There is an agreement by the applicant that the temporary license may be revoked, with or without cause, by the city manager at any time.
- (c) *Fee.* The fee for issuance of a temporary license under this section shall be as established from time to time by the city council.
- (d) *No bearing on decision for permanent license.* The grant or denial of a temporary license under the provisions of this section shall not affect or have any bearing upon the grant or denial of a permanent license.

(Ord. No. 06-11-13, § 1(ch. 7, art. 1, § 6), 11-21-2006; Ord. No. 07-11-53, § 1(ch. 7, art. 1, § 6), 12-6-2007; Ord. No. 11-08-108, § 1, 8-1-2011)

Sec. 4-168. - Temporary special event license (pouring permit).

- (a) *Not to exceed ten days; application; fee; requirements.* A temporary pouring permit may be issued to any person for a period not to exceed ten days in any one year for an approved special event. The person must make an application and pay the fee that may be required from time to time by city council ordinance and shall be required to comply with all the general ordinances and the licensing and regulations for a consumption on the premises establishment with the exception of the full-service kitchen requirement. Notwithstanding any other term or prohibition in this Ordinance, the holder of a Temporary special event license may be authorized, upon terms and conditions identified by the City Manager, to pour alcohol at the special event and allow open container consumption within the fixed boundaries of the physical area where the special event is to be held. In the event that open container consumption is so authorized, any other holder of an on-premise consumption license whose licensed premise is located entirely within the fixed boundary of the special event site shall likewise be authorized to allow open container alcohol consumption within the special event boundary. This open container consumption accommodation shall only be authorized, if at all, during the term of the special event.
- (b) *Not to be issued for brown bagging.* Brown bagging is not allowed at any special event as defined in this chapter.
- (c) *Criteria for issuance.* The special event must meet the following criteria prior to the issuance of a license to sell alcoholic beverages:
- (1) The event must have been permitted as an approved special event through the city's community development department prior to the issuance of a temporary pouring permit.
 - (2) The special event must be associated with and benefit the cause of a charitable or civic organization.
 - (3) The special event must receive approval from the city police department on crowd control and security measures.
 - (4) The special event must receive approval from the city department of transportation, traffic operations section, on traffic control measures.
 - (5) The location at which the special event is to take place must be properly zoned and approved by the city planning and community development departments.
 - (6) The premises at which the special event is to take place must be approved by the city manager.
- (c) *Employee or volunteer excepted.* 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.
- (d) *Police chief's authority to revoke.* The police chief or his or her 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.
- (e) *Indemnification required.* As a condition on the issuance of a temporary 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.
- (Ord. No. 06-11-13, § 1(ch. 7, art. 7, § 6), 11-21-2006; Ord. No. 07-11-53, § 1(ch. 7, art. 7, § 6), 12-6-2007; Ord. No. 11-08-108, § 1, 8-1-2011)

Secs. 4-169—4-177. - Reserved.