

BEFORE THE CITY COUNCIL OF THE CITY OF DAHLONEGA

ORDINANCE 89 - 1

An Ordinance to Prohibit Possession of an Open Container of an Alcoholic Beverage in Certain Public Places, Including Parks, and at Certain Private Premises; Making the Violation a Misdemeanor; Providing for Minimum Fines; and Establishing an Effective Date of Enforcement

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DARLONEGA, AND IT IS HEREBY ORDAINED BY THE AUTHORITY THEREOF AS FOLLOWS:

PUBLIC INTOXICATION AND DRINKING

Sections:

- 1.0 Consumption or possession of open container in public places.
- 2.0 Consumption or possession of open container on privately owned parking lot.
- 3.0 Consumption or possession of open container near premises from which alcoholic beverages are sold.
- 4.0 Persons under the influence of liquor or drugs in public places.
- 5.0 Exceptions.
- 6.0 Definitions.
- 7.0 Violation an infraction.

- 1.0 Consumption or possession of open containers in public places.

No person may drink any alcoholic beverage or possess an open container of any alcoholic beverage:

- (1) upon any public street, alley, sidewalk, parking lot, park or other public property; or within a vehicle;\* or

\*A driver allowing a passenger to possess an open container is guilty of an infraction.

- (2) on any public school property; or
- (3) in the entrance way to any building, which entrance way is open to view from the public street; unless an exception exists under section 5.0.

- 2.0 Consumption or possession of open container on privately owned parking lot.

No person may drink any alcoholic beverage or possess an open container of any alcoholic beverage while upon a privately— owned automobile parking lot to which the public is invited and permitted and open to view from the public street unless an ‘exception exists under section 5.0.

3.0 Consumption or possession of open container near premises from which alcoholic beverages are sold.

(a) Prohibited Activity. No person possessing an open container of any alcoholic beverage may enter, be or remain on premises from which alcoholic beverages are sold for off-site consumption or on the sidewalk or parking lot adjacent to it.

This section applies only if notice is posted at the premises as provided in subsection (b).

(b) Posting. The operator of premises from which alcoholic beverages are sold for off-site consumption shall post clearly visible notices indicating to customers and to other persons using the adjacent parking lot and sidewalk that possessing an open container of alcoholic beverages is prohibited.

Each notice shall read substantially as follows:

“Possession of open container of alcoholic beverage is prohibited.  
Ordinance 89 - 1, City of Dahlonega.”

The operator shall obtain the approval of the Lumpkin County Sheriff’s Department regarding the size, form, location and number of notices.

(c) Exception. This section does not apply to a private residential parking lot which is immediately adjacent to the premises from which alcoholic beverages are sold.

4.0 Persons under the influence of liquor or drugs in public prohibited.

It is unlawful for any person under the influence of intoxicating liquor and any drug, to willfully appear, remain or be in or on any private premises or in any private house, other than offender’s own residence, to the annoyance of any other person.

5.0 Exceptions. Sections 1.0 and 2.0 do not apply to a group which has planned an organized event at which alcoholic beverages will be served provided the group has first applied to and received written consent from the Sheriff of Lumpkin County.

6.0 Definitions. As used in this chapter;

(1) “alcoholic beverage” means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, ,spirits, wine or beer, and which contains one-half of 1 percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

(2) “open container” means a bottle, can or other receptacle which has been opened, or a seal broken or the contents partially removed.

(3) “premises from which alcoholic beverages are sold for off-site consumption” means the premises of a. retail package off-sale alcoholic beverage licensee licensed under the City of Dahlonega Malt Beverage and Wine Resolution.

7.0 Violation an infraction

A violation of this chapter is an infraction, and shall be treated as a misdemeanor. The minimum fines for violation shall be \$50.00 (1st Offense) and \$100.00 (2nd Offense). In addition, any offender under age twenty-one shall be required to perform community service work in the discretion of the Municipal Court Judge.

Section 2. Effective date.

This ordinance takes effect 30 days after its adoption.

The foregoing ordinance was introduced at a meeting of the City Council of the City of Dahlenega held on November 7, 1989, and was adopted at a meeting of the Council held on December 4, 1989.

Haines Hill, Mayor

attest: Janet Jarrard, City Clerk