

## ORDINANCE TO AMEND ALCOHOLIC BEVERAGE CODE

The Mayor and City Council of the City of Sugar Hill, Georgia, hereby ordain that Chapter 6 Alcoholic Beverages of the Code of the City of Sugar Hill, Georgia, shall be amended as follows:

Amend Section 6-178 (Definitions) by deleting the definition of the term "Restaurant" and replacing it with a new definition which shall appear and read as follows:

*Restaurant* means a public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations. Said restaurant shall have adequate and sanitary kitchen and dining room equipment and facilities and a seating capacity of at least 25 people. Said restaurant shall employ sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests. At least one meal per day shall be served at least six days per week, with the exception of holidays, vacations, and periods of redecorating. The serving of meals shall be the principal business conducted. The business shall derive at least fifty percent (50%) of its total gross sales from the sale of prepared food or meals.

Amend Section 6-300 (Issuance of licenses limited to designated area) by deleting said section in its entirety and replacing it with the following:

### **Sec. 6-300. Issuance of licenses limited to designated area.**

No license permitting the sale of malt beverages and wine for consumption on the premises shall be granted to any applicant hereunder unless the proposed premises for the sale of malt beverages and wine for consumption on the premises is a restaurant, event facility, or hotel and is located in the appropriate zoning district permitting such use as provided by the zoning ordinance of the City. Permissible zoning districts are: BG, HSB, and other zoning districts as allowed in the area designated as the CBD Overlay.

Amend Section 6-306 (Alcoholic beverages in public places) by deleting said section in its entirety and replacing it with the following:

### **Sec. 6-306. Alcoholic beverages in public places.**

(a) It shall be unlawful for any person to consume any alcoholic beverage while in or upon public streets, alleys, thoroughfare, sidewalks, parking lots, or other public ways except as allowed in this paragraph.

(b) No person shall be in possession of any glass, can, or open container containing an alcoholic beverage on any thoroughfare, street, alley, parking lot, or any other public ways except as allowed in this paragraph.

(c) No person, firm or corporation licensed to sell alcoholic beverages shall permit any person to remove any alcoholic beverage from such premises except as allowed in this paragraph.

(d) No person shall have in his possession an open container containing an alcoholic beverage while within or on a motor vehicle, including motorcycles.

(e) A person may remove a malt beverage or wine purchased from an establishment licensed for consumption on the premises and possess and consume said malt beverage or wine subject for the following requirements:

(1) The malt beverage or wine shall be purchased from an establishment licensed for consumption on the premises;

(2) The beverage shall be in a shatterproof or plastic cup no larger than sixteen (16) ounces;

(3) Only one drink at a time per person may be carried out of an establishment;

(4) The hours of open carry under this paragraph shall be Monday through Sunday from 11 a.m. until 11:59 p.m.

(5) The beverage cannot be carried into an establishment that does not serve alcohol; and

(6) The area in which this subsection applies shall be known as the Downtown Entertainment District. The Downtown Entertainment District shall be established by a map adopted by resolution of the City Council and shall be maintained in the office of the City Clerk. If no such resolution and map has been adopted or if such resolution and map are repealed, there shall be no area in the city to which this subsection applies.

Amend Section 6-362 (Definitions) by deleting the definition of the term "Restaurant" and replacing it with a new definition which shall appear and read as follows:

*Restaurant* means a public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations. Said restaurant shall have adequate and sanitary kitchen and dining room equipment and facilities and a seating capacity of at least 25 people. Said restaurant shall employ sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests. At least one meal per day shall be served at least six days per week, with the exception of holidays, vacations, and periods of redecorating. The serving of meals shall be the principal

business conducted. The business shall derive at least fifty percent (50%) if its total gross sales from the sale of prepared food or meals.

Amend Section 6-401 (Issuance of licenses limited to designated area) by deleting said section in its entirety and replacing it with the following:

**Sec. 6-401. Issuance of licenses limited to designated area.**

No license permitting the sale of spirituous liquor for consumption on the premises shall be granted to any applicant hereunder unless the proposed premises for the sale of spirituous liquor for consumption on the premises is a restaurant, event facility, or hotel and is located in the appropriate zoning district permitting such use as provided by the zoning ordinance of the City. Permissible zoning districts are: BG, HSB, and other zoning districts as allowed in the area designated as the CBD Overlay.

Amend Section 6-456 (Alcoholic beverages in public places) by deleting said section in its entirety and replacing it with the following:

**Sec. 6-456. Alcoholic beverages in public places.**

(a) It shall be unlawful for any person to consume any alcoholic beverage while in or upon public streets, alleys, thoroughfare, sidewalks, parking lots, or other public ways except as allowed in this paragraph.

(b) No person shall be in possession of any glass, can, or open container containing an alcoholic beverage on any thoroughfare, street, alley, parking lot, or any other public ways except as allowed in this paragraph.

(c) No person, firm or corporation licensed to sell alcoholic beverages shall permit any person to remove any alcoholic beverage from such premises except as allowed in this paragraph.

(d) No person shall have in his possession an open container containing an alcoholic beverage while within or on a motor vehicle, including motorcycles.

(e) A person may remove a mixed drink containing spirituous liquor purchased from an establishment licensed for consumption on the premises and possess and consume said drink subject for the following requirements:

- (1) The drink containing spirituous liquor shall be purchased from an establishment licensed for consumption on the premises;
- (2) The beverage shall be in a shatterproof or plastic cup no larger than sixteen (16) ounces;

(3) Only one drink at a time per person may be carried out of an establishment;

(4) The hours of open carry under this paragraph shall be Monday through Sunday from 11 a.m. until 11:59 p.m.

(5) The beverage cannot be carried into an establishment that does not serve alcohol; and

(6) The area in which this subsection applies shall be known as the Downtown Entertainment District. The Downtown Entertainment District shall be established by a map adopted by resolution of the City Council and shall be maintained in the office of the City Clerk. If no such resolution and map has been adopted or if such resolution and map are repealed, there shall be no area in the city to which this subsection applies.

IT IS SO ORDAINED that all provisions of the Sugar Hill Alcoholic Beverages Code not specifically amended herein shall remain in full force and effect.

IT IS SO ORDAINED this \_\_\_\_ day of May, 2018.

Those voting in favor:

This voting in opposition:

---

---

---

---

---

---

---

---

---

---

ATTEST:

City Clerk - Jane Whittington

Submitted to Mayor:

Approved by Mayor, this \_\_\_\_ day of May, 2018.

Mayor – Steve Edwards