

FIRST READING : August 13, 2013

PASSED: September 10, 2013

RATIFICATION: September 11, 2018

AN ORDINANCE NO. 2013-09-10

AN ORDINANCE TO AMEND THE ALCOHOLIC BEVERAGE ORDINANCE FOR THE CITY OF BLUE RIDGE, GEORGIA; TO AUTHORIZE EVENT CENTERS WITHIN THE CITY OF BLUE RIDGE, GEORGIA TO SELL AND DISPENSE ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES (BY THE DRINK); TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR THE ISSUANCE OF AN AUTHORIZED EVENT CENTER LICENSE; TO PROVIDE FOR THE LICENSE FEES FOR AN AUTHORIZED EVENT CENTER; TO PROVIDE FOR REGULATIONS THAT REGULATE THE OPERATION OF AN EVENT CENTER WITHIN THE CITY OF BLUE RIDGE, GEORGIA; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Blue Ridge, Georgia, has adopted an alcoholic beverage ordinance to allow the sale of distilled spirits, malt beverages, and wine, but with said sales regulated by the provisions of the City of Blue Ridge Alcoholic Beverage Ordinance;

WHEREAS, the City Council finds that it is in the interest of the City and its citizens to allow authorized event centers to sell and dispense alcoholic beverages at event centers within the City limits of the City of Blue Ridge, Georgia, and thereby promote the economy of the City and tourism to the City; and

WHEREAS, the City Council of the City of Blue Ridge, Georgia, therefore finds that it is appropriate to amend the alcoholic beverage ordinance to allow event centers to sell and dispense alcoholic beverages within the City of Blue Ridge, Georgia; and

NOW, THEREFORE, BE IT ORDAINED, AND IT IS HEREBY ORDAINED by the authority of the City Charter and general law, as follows:

SECTION 1. AMENDMENT TO THE CODE OF THE CITY OF BLUE RIDGE REGARDING THE SALE OF ALCOHOLIC BEVERAGES.

The Code of the City of Blue Ridge, Georgia, regarding the sale of alcoholic beverages is hereby amended by modifying and adopting some new provisions regulating the sale of alcoholic beverages within the City of Blue Ridge, Georgia, and which shall read as follows:

(A) **SECTION 110.45-1. DEFINITIONS** is hereby amended by adding the following terms:

Event means the gathering of people at an event center and not at a private residence, for the purpose of honoring a person or engaging in an infrequent business or social activity, and where alcoholic beverages can be consumed on the premises (by the drink) by persons in attendance, and includes but is not limited to weddings, wedding receptions, retirement parties, birthdays, holiday parties, banquets, conventions, anniversary parties, civic or social organization meetings or award dinners, funerals, wakes, fundraisers, reunions, or similar functions organized in connection with a central cause, or purpose.

Event center shall mean and is limited to an establishment:

(1) Which is a commercial facility, and not a private residence, hotel, motel, restaurant (there shall be a rebuttable presumption that any facility open to the public for the service of at least one (1) meal per day for three (3) or more days per week is a restaurant and not an event center), or lounge, and which has as its primary commercial enterprise and activity the holding of events and in which the sale of food and alcoholic beverages is only incidental to the holding of events; and

(2) In which food may be served by meals prepared by the event center or by an authorized caterer, and having an adequate and sanitary full service kitchen (a full service kitchen will consist at a minimum of a three-compartment pot sink, commercial grade stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments, and capable of preparing, cooking and serving meals for events), and dining room equipment, and a sufficient number and kind of permanent and temporary employees to handle events held at the event center. Said establishments shall be prepared to serve food every hour they are open; and

(3) Which is an enclosed building with a minimum seating capacity of three hundred (300) persons for a seated meal and which is primarily devoted to the holding of events, but not including any adult entertainment establishments or activities; and

(4) Which is available to public or private groups of persons, but attended by invited or selected guests or paying patrons as a closed function which is not open to the general public and must have a specific guest list that is prepared in advance of the date on which the event is to occur. No pay-at-the-door guests or drop-ins are to be permitted. The consideration for the alcoholic beverages served at the event may be paid by the person, persons, or organization that contracted with the event center for the event, and the alcoholic beverages may be served without charge and consumed at the event by guests, or by way of "cash bar" sales. The person, persons, or organization contracting with the event center for the event, may charge in advance a general admission fee permitting attendance at the event; and

(5) With at least 12,000 square feet of enclosed heated space; and

(6) With an occupant capacity of at least 300; and

(7) Which is located off of a major thoroughfare or a major road corridor.

(B) **SECTION 110.45-7. TYPES OF LICENSES TO BE ISSUED** is hereby amended by adding the following additional license:

(15) Authorized event center.

(C) **SECTION 110.45-23(a). FEES**. Under “OTHER LICENSES,” has added the following additional license fees:

Authorized event center license \$3,000.00

(D) The Code is further amended by adding a new **ARTICLE XI: LICENSED AUTHORIZED EVENT CENTER**, and which shall read as follows:

ARTICLE XI: LICENSED AUTHORIZED EVENT CENTER

SECTION 110.45-56. LICENSED AUTHORIZED EVENT CENTER.

(a) There is hereby created a license for the business of operating an event center and which will allow the sale of alcoholic beverages only on the premises by the drink pursuant to the requirements and regulations of this ordinance and in conformance with the laws of the State of Georgia pursuant to O.C.G.A. § 3-3-3, et seq. In order to operate as an event center within the City of Blue Ridge, Georgia, the operator of the event center shall be required to provide a copy of any alcoholic beverage license issued by the State of Georgia, when said license is issued. The applicant/operator may receive an authorized event center license from the City of Blue Ridge, Georgia, prior to the issuance of the state license, but may not sell and dispense alcoholic beverages until such time as the applicant/operator has received the applicable state license, and provided a copy of said license to the City of Blue Ridge, Georgia.

(b) The consumption only on the premises by the drink licenses to be issued to event centers shall be subject to the rules and regulations in the other applicable sections of this alcoholic beverage ordinance relating to the sale and distribution of alcoholic beverages, as follows:

- (1) The licensing requirements under Sections 110.45-6 and 110.45-7;
- (2) The distance prohibitions of Section 110.45-10;
- (3) The compliance requirements of Section 110.45-18;
- (4) The penalty for false information within an application as set by Section 110.45-22;
- (5) That the license is a privilege and conditional upon the holder meeting the requirements of this ordinance as provided herein including and not limited to the definition requirements of Section 110.45-1 and Section 110.45-56.;
- (6) The inspection authority as provided by Section 110.45-33;
- (7) The employee requirements as to age and criminal history as provided within Section 110.45-34 and also the requirement as to employee permits (fingerprinting, criminal background checks and the employee permit fee);
- (8) The days and hours of operation requirements as required by Section 110.45-35;
- (9) The prohibitions against furnishing or providing alcoholic beverages to any person under 21 years of age as provided by Section 110.45-36;
- (10) The prohibitions against open containers provided by Section 110.45-37.
- (11) The prohibitions against “brownbagging” provided by Section 110.45-38.

(c) It is the intent of the City Council of the City of Blue Ridge, Georgia that an event center meet all of the requirements as to having a license for consumption of alcoholic beverages on the premises by the drink imposed by this ordinance as outlined hereinabove except that said event centers shall not have to meet the food sales requirements for a consumption on the premises by the drink license.

(d) Besides meeting the licensing requirements as provided by this Article, an applicant shall also provide a sketch that depicts the physical delineation of the area in which alcoholic beverages are to be sold within the enclosed building that contains the event center. Licenses issued pursuant to this section shall be valid only for the place delineated within the application. All sales or service of alcoholic beverages at the event shall take place within the delineated areas within the building, and within the basic confines of the building, as described in the application of the applicant. No alcoholic beverages may be sold or served outside of the confines of the general location of the event; nor will any patron of the event be allowed to leave the event location with alcoholic beverages. The licensee shall be responsible for insuring that no person removes any unauthorized alcoholic beverages from the premises in any type of container. Applicants shall be required to pay the annual license fee as provided herein and said license shall be subject to all rules and regulations mandated by this ordinance as provided herein.

(e) The operator of the event center shall comply with the three-tier distribution system of the State of Georgia and only purchase alcoholic beverages from a licensed wholesaler. Failure of the operator of an event center to purchase the alcoholic beverages from a licensed wholesaler or another violation of the requirements of this ordinance, shall be due cause for suspension or revocation of the event center license. Due cause for the suspension or revocation

of an event center license shall also consist of violations of the laws regulating alcoholic beverages, and of regulations made pursuant to authority lawfully granted for the purpose of regulating alcoholic beverages. Every unrevoked license authorizing the sale and dispensation of alcoholic beverages by an event center, whether issued by the state or by any other duly authorized licensing authority, shall be renewed to the holder of the license as of right upon the payment of fees and taxes lawfully assessed and fixed for the issuance of licenses of that kind and character.

(f) An applicant to receive an authorized event center license shall be required to submit an application or said license based upon the application for license to sell alcoholic beverages for consumption on the premises by the drink application, but shall indicate thereon that applicant is applying as an event center, and is required to meet the same requirements regarding application information, the submission of the application, and the other consumption on the premises license requirements as provided by this article except authorized event centers do not have to meet the food sale requirements.

(g) The operator of an event center shall comply with the excise tax requirements imposed by Section 35.02-1, et seq., and on a monthly basis shall provide to the City of Blue Ridge licensing clerk or other designated agent of the City of Blue Ridge, a monthly report that provides the amount (volume and cost) of alcoholic beverages purchased by the event center on a monthly basis, the amount of alcoholic beverages sold by volume by the event center on a monthly basis, indicates the licensed wholesaler from which the alcoholic beverages were purchased, the gross sales of alcoholic beverages for the month, and the gross sales of food for the month by the event center. The report shall be provided in the same procedural fashion as the excise tax reports regarding the sale of distilled spirits by the drink.

(h) In order to be issued an event center license, the applicant must provide satisfactory evidence that the building or other facility where the events are to be held or conducted is a site or location meeting applicable building codes, fire codes, and otherwise appears to be a location where an event can be safely held. An event center can have music, bands, orchestras, live performances, and patron dancing so long as the area for such activities meets the applicable building and fire codes and all music, bands, orchestras, and performances cease playing by 10:00 p.m. Sunday through Thursday, and by 12:00 a.m. on Friday and Saturday. The sound of the bands, orchestras, and performances or other music should be confined as much as possible to the property of the event center and shall not negatively impact neighboring properties due to excessive or loud noise.

(i) An applicant for an authorized event center license shall also provide satisfactory evidence as to the availability of parking spaces/facilities so as not to cause traffic congestion, unlawful parking or unauthorized parking on surrounding properties, or a negative impact to the public safety or as to surrounding property values.

(j) The operator of an event center shall be responsible for the order and security of the patrons and guests at an event, and when necessary, shall hire off duty law enforcement officers to be present for the duration of the event.

(k) If the person, persons, or organization that contracted with the event center for the event is to pay for the alcoholic beverages consumed at the event by guests, then the operator of the event center shall establish entrance criteria to insure that only invited or selected guests attend the event and that there are no pay-at-the-door guests or drop-ins. The entrance criteria shall also include some form of identifying persons who have displayed proof of obtaining the age of twenty-one (21) years, and are authorized to purchase, receive, or hold in their possession

alcoholic beverages within the event center, and may be by means of wrist bands, stamps, tickets, or other means of identification. Any guest that requests alcoholic beverages, regardless of whether the alcoholic beverages are paid for by the guest at a cash bar or by the person or entity contracting for the event with the event center, must have attained the age of twenty-one (21) years before receiving alcoholic beverages, and the operator of the event center has the ultimate responsibility for determining if a person has attained the age of twenty-one (21) years before dispensing alcoholic beverages to that person.

SECTION 2. CONTINUATION OF ALL OTHER PROVISIONS OF THE ALCOHOLIC BEVERAGE ORDINANCE, AS AMENDED.

All other terms and provisions of the alcoholic beverage ordinance, as amended, are continued in full force and effect, as if they were restated herein.

SECTION 3. SEVERABILITY.

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to effect the portions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Blue Ridge to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT.

All parts of prior ordinances, in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict; but it is hereby provided, that any ordinance, or any provision of any

ordinance, or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof, and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Blue Ridge, Georgia.

SECTION 5. EFFECTIVE DATE.

The effective date of this ordinance shall be upon its passage by the City Council.

SO ORDAINED this 10 day of September, 2013.

BLUE RIDGE CITY COUNCIL

By: _____
Mayor

Councilperson

Councilperson

Councilperson

Councilperson

Councilperson

Attest:

~~Bill Sowers, City Clerk~~
Kelsey Ledford, City Clerk

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