

FIRST READING November 8, 2010

PASSED _____

AN ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ALCOHOLIC BEVERAGE ORDINANCE FOR THE CITY OF BLUE RIDGE, GEORGIA; TO AMEND SECTION 110.45-10 AS TO DISTANCE PROHIBITIONS AND TO MAKE THE DISTANT PROHIBITIONS CONSISTENT WITH STATE LAW; 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 beer and wine, but with said sales regulated by the provisions of the City of Blue Ridge Alcoholic Beverage Ordinance;

WHEREAS, the City of Blue Ridge Alcoholic Beverage Ordinance has certain distance prohibitions that need to be made consistent with state law, and therefore the City Council finds that it is appropriate to amend and modify said provisions; 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 deleting in its entirety, Section 110.45-10 and substituting in lieu thereof a new Section 110.45-10, and which shall read as follows:

SECTION 110.45-10. DISTANCE PROHIBITIONS.

(a) Package sales:

(1) No malt beverage or wine, or both shall be offered for sale, sold or dispensed by the package within three hundred (300) feet of the premises of any school building, college building, school grounds or college grounds, alcoholic treatment center, or housing authority property.

(2) No malt beverage or wine, or both shall be offered for sale, sold or dispensed by the package within three hundred (300) feet of any church.

(3) No malt beverage or wine, or both, shall be offered for sale, sold or dispensed by the package within three hundred (300) feet of any alcohol treatment center or housing authority property.

(b) Sales by consumption on the premises (pouring):

(1) No malt beverage or wine, or both, shall be offered for sale, sold or dispensed by consumption on the premises (pouring) within three hundred (300) feet of the premises of any school building, college building, school grounds or college grounds.

(2) No distilled spirits shall be offered for sale, sold or dispensed by consumption on the premises (pouring) within six hundred (600) feet of any school building, educational building, school grounds or college campus.

(3) No malt beverage or wine, or both, shall be offered for sale, sold or dispensed by consumption on the premises (pouring) within three hundred (300) feet of any church.

(4) No distilled spirits shall be offered for sale, sold or dispensed by consumption on the premises (pouring) within three hundred (300) feet of any church.

(5) No malt beverage or wine, or both, shall be offered for sale, sold or dispensed by consumption on the premises (pouring) within three hundred (300) feet of any alcohol treatment center or housing authority property.

(6) No distilled spirits shall be offered for sale, sold or dispensed by consumption on the premises (pouring) within three hundred (300) feet of any alcoholic treatment center or housing authority property.

(c) In order to demonstrate the location meets all distance prohibitions imposed by ordinance, each application for a license to sell alcoholic beverages shall be accompanied by a scale drawing of the premises for the proposed business, showing its location with respect to all streets within 600 feet in every direction. Such drawing shall also depict the distance from the premises (being the front door) to each premise (being the front door) of each church, school building, or other pertinent facility. All such distances shall be measured by the most direct route of travel on the ground.

- (d) The distances provided for herein shall not apply:
- (1) To any premises or location where an alcoholic beverage license was issued or approved prior to July 1, 2005, so long as alcoholic beverages were being sold or dispensed in compliance with the other provisions of this ordinance.
 - (2) To any premises or location where alcoholic beverages are being sold or dispensed in compliance with the other provisions of this ordinance and a school, church or other pertinent facility is built or erected within the minimum distances provided for in this section.

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 2. 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 4. EFFECTIVE DATE.

This amendment to the Code of the City of Blue Ridge, Georgia is hereby adopted upon passage and shall become effective upon passage by the Blue Ridge City Council.

SO ORDAINED this _____ day of _____, 2014.

BLUE RIDGE CITY COUNCIL

By: _____
Mayor

Councilperson

Councilperson

Councilperson

Councilperson

Councilperson

Attest:

Bill Sowers, City Clerk

RDS/lc/2881/W159973