

FIRST READING July 10, 2018

SECOND READING August 14, 2018

PASSED August 14, 2018

AN ORDINANCE NO. 2018-08-14(a)

AN ORDINANCE TO AMEND AND REPEAL CERTAIN PORTIONS OF THE CITY OF BLUE RIDGE, GEORGIA REGULATION OF ALCOHOL ORDINANCES RELATING TO CONFIRMATION OF RATIO COMPLIANCE; TO THE EXPIRATION DATE OF EMPLOYEE PERMITS; TO OWNERSHIP AND CONFLICT OF INTERESTS BY COUNCIL MEMBERS AND OTHER OFFICERS; TO CHANGE THE FEE CHARGED FOR SPECIAL TEMPORARY LICENSES; TO MAKE CERTAIN CHANGES TO HOURS OF OPERATION; TO UPDATE ARTICLE VII DEALING WITH BONA FIDE NON-PROFIT CIVIC ORGANIZATIONS SO AS TO ALLOW FOR IDENTICAL RESTRICTIONS ON SUNDAY SALES AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Blue Ridge, Georgia, has previously adopted ordinance number 4.12.11 (as amended) as an alcoholic beverage ordinance for the purposes of regulating of the sale of alcoholic beverages including, but not limited to, related fees and taxes (collectively “Alcohol Ordinance”); and

WHEREAS, City Council of the City of Blue Ridge, Georgia, finds that the certain changes set forth herein will be not be detrimental to the public health, safety and welfare of the citizens of Blue Ridge, Georgia and will actually be the economic benefit of the City of Blue Ridge, Georgia, and its citizens,; and

WHEREAS, the City Council of the City of Blue Ridge, Georgia, desires to continue to regulate the sale of alcoholic beverages as provided in the Alcohol

Ordinance subject to the changes and/or additional regulations contained within this ordinance;

NOW, THEREFORE, BE IT ORDERED, AND IT IS HEREBY ORDAINED by the Council of the City of Blue Ridge, Georgia, as authorized by the City Charter and general law, as follows:

SECTION 1.

The Alcohol Ordinance is hereby amended by modifying, deleting and adopting the following provisions.

SECTION 110.45-3

This Section is hereby amended by inserting an additional sentence and the end of the Paragraph which reads “In addition to any other requirements set forth in this Ordinance, the City of Blue Ridge may annually require any license holder subject to a ratio requirement to produce a statement prepared by a certified public account setting forth proof of compliance with the ratio and that consumable items are at least fifty percent (50%) of a licensee’s business volume.”

Adopted by the following vote: 5-0

Rejected by the following vote: _____

SECTION 110.45-34(f)

Section 110.45-34(f) entitled “Employee permits” is hereby amended by deleting the previous subsection (6) in its entirety and the new Section 110.45-34(f)(6) shall read as follows:

“An employee permit shall be valid for one year from the date of issue. The employee permit may be renewed upon the submission of a renewal application, the payment of the appropriate renewal fee, and upon a determination that such individual remains qualified for said permit under this Ordinance. The fee for renewal of an employee permit shall be no less than \$30.00.” 110.45-34(f)(6).

Adopted by the following vote: 5-0

Rejected by the following vote: _____

SECTION 110.45-14

Section 110.45-14 entitled “Sale, Distribution and other dealing in alcoholic beverages within the City by officials and employees: exemptions”, subsection (a) is hereby amended by deleting the previous subsection (a) in its entirety and the new Section 110.45-14(a) shall read as follows:

No member of the City Council who holds any interest, directly or indirectly, in any establishment licensed by the City to sell, distribute or otherwise deal in alcoholic beverages shall vote on any matter involving or relating to said establishment. For purposes of this subsection, a member shall

be deemed to have or hold a beneficial interest if the license is issued in the name of the person's spouse, child, parent or sibling, or in a partnership or corporation or limited liability company in which such persons owns more than ten percent (10%) controlling interest.

Adopted by the following vote: 3-2

Rejected by the following vote: _____

SECTION 110.45-23 (Fees)

The fee schedule is hereby amended to state the charge for a temporary special event license permit shall be \$150 per permit.

Adopted by the following vote: 5-0; with condition that the Council has the discretion to waive said fee for a non-profit

Rejected by the following vote: _____

SECTION 110.45-35 (Days and Hours of Operation)

Subsection (a) and (b) is amended to change any reference to “after 11:30 p.m.” on Fridays and Saturdays to “after 11:59 p.m.”

Adopted by the following vote: _____

Rejected by the following vote: _____

Subsection (a) is amended to remove the parenthetical (but which must end at 9:00 p.m.).

Adopted by the following vote: _____

Rejected by the following vote: 5-0

Subsection (b) is amended by changing the sentence “except on New Year’s Eve (December 31), and sales shall be allowed until 11:59” to read “except on Labor Day, Memorial Day, July 4 and New Years’ Eve and sales shall be allowed until 11:59 p.m.”

Adopted by the following vote: 3-2

Rejected by the following vote: _____

A new Subsection (c) is added which reads “any person or entity holding a temporary special event license shall be allowed to furnish, sell or offer for sale alcoholic beverages until 11:59 p.m.”

Adopted by the following vote: 4-1; only on holidays listed above

Rejected by the following vote: _____

SECTION 110.45-50(b)(2)

Section 110.45-50 shall be amended for clarification and so as to correct a numbering error located at Section(b)(2)(B) and delete the number (3) and have said section now read: (b)(2)(B) [it is prohibited for an establishment to] “Allow the operation of any sound amplification devices in the patio/open area. Patio/open area plans must be reviewed and approved on an individual basis by the Building Inspector or other official as may be designated by the City of Blue Ridge and by the City of Blue Ridge Public Safety.”

Adopted by the following vote: 5-0

Rejected by the following vote: _____

Section 110.45-50(b)(2)(E) shall be amended to read: ***It shall be unlawful to knowingly sell, deliver to or serve alcoholic beverages to a person in a state of noticeable intoxication or to allow persons in a noticeable state of intoxication to congregate on the premises, either inside, on any patio, or in an outside area or park, and it shall be the responsibility of the owner of the business and/or the license holder and their agents and employees to strictly enforce this provision and the failure to do so shall be cause for revocation of the license and constitute a violation of this ordinance.***

Adopted by the following vote: 5-0

Rejected by the following vote: _____

Section 110.45-50(b)(2)(H)'s introductory paragraph shall be amended to read as follows: ***As to any retail consumption dealer, reasonable drink specials may be allowed, provided, however, that no licensee, in connection with the sale or service of alcoholic beverages for consumption on the premises shall:***

Adopted by the following vote: 3-2

Rejected by the following vote: _____

Section 110.45-50(b)(2)(H)(4) shall be amended to read [No licensee shall] “sale, offer to sell, or deliver to any person or group of persons any alcoholic

beverage at a price less than the less than the price regularly charged for such alcoholic beverage during the same calendar week, except *reasonable drink specials which are clearly identified as to price and quantity and licensed catered functions pursuant to an issued City permit and not open to the public shall be allowed.*”;

Adopted by the following vote: 5-0

Rejected by the following vote: _____

Section 110.45-50(b)(2)(H) shall be amended to include a new paragraph subsection (10) which shall read: *It shall be unlawful to knowingly sell, deliver to or serve alcoholic beverages to a person in a state of noticeable intoxication or to allow persons in a noticeable state of intoxication to congregate on the premises, either inside, on any patio, or in an outside area or park, and it shall be the responsibility of the owner of the business and/or the license holder and their agents and employees to strictly enforce this provision and the failure to do so shall be cause for revocation of the license and constitute a violation of this ordinance.*

Adopted by the following vote: 5-0

Rejected by the following vote: _____

SECTION 110.45-52(c)

Subsection (c) is hereby updated and amended to make non-profit organizations subject to the same Sunday sales rules (Section 110.45-35) which apply to all other persons, entities and organizations by deleting the parenthetical “*(which cannot include any Sunday of the year).*”

Adopted by the following vote: 5-0

Rejected by the following vote: _____

SECTION 2:
REPEAL OF CONFLICTING ORDINANCES TO REMOVE CONFLICT

All parts of 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 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 3.
SEVERABILITY

If any paragraph, subparagraph, sentence, clause, phrase or any other portion of this Ordinance should 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 person, situation or set of circumstances is declared invalid or

unconstitutional, such invalidity shall not be construed to affect the provisions 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 legislative intent of the City Council of the City of Blue Ridge, Georgia 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.
EFFECTIVE DATE

The effective date of this Ordinance shall be immediately upon its passage by the City Council and execution by the Mayor or upon fifteen (15) days expiring from the date of its passage without a veto of said Ordinance by the Mayor as set forth in the City Charter at Section 3.23(b). Upon the Ordinance becoming effective, the City Clerk shall insert the modifications, additions or deletions and publish the Ordinance as amended.

SO ORDAINED, this ____ day of _____, 2018.

BLUE RIDGE CITY COUNCIL

By: _____
Mayor

Councilperson

Councilperson

Councilperson

Councilperson

Councilperson

Attest:

Kelsey Ledford, City Clerk