

**Proposed Ordinance: 0-13-19**  
**Subject Matter: Amendment to Chapter 10 -Alcoholic Beverages**  
**Date of Published Notice of Public Hearing: February 20, 2019**  
**Date First Presented at Council Public Meeting: March 7, 2019**  
**Date of Public Hearing Before City Council: March 7, 2019**  
**Date of Second Reading and Adoption: April 18, 2019**

**CITY OF FAYETTEVILLE**  
**COUNTY OF FAYETTE**  
**STATE OF GEORGIA**

**ORDINANCE NUMBER 0-13-19**  
**CITY OF FAYETTEVILLE, GEORGIA**

**PREAMBLE AND FINDINGS**

**AN ORDINANCE OF THE CITY OF FAYETTEVILLE**

**WHEREAS**, the City has determined that promotion of Entertainment Districts with open container allowances in specific areas can contribute to local economic development and tourism; and

**WHEREAS**, the City has elected to regulate and apply conditions to such districts in order to protect the general welfare of the community; and

**WHEREAS**, the City has elected to assign such districts to certain zones and overlays within the City limits of the City of Fayetteville, including portions of areas located in the Main Street District and the entire Pinewood Forest development as more particularly described in Exhibit A, attached hereto and made part of (“Entertainment District Maps”); and

**WHEREAS**, the City of Fayetteville does hereby ordain and adopt the following amendments to Chapter 10, “Alcoholic Beverages”,

**WHEREFORE THE CITY OF FAYETTEVILLE HEREBY ADOPTS AND ORDAINS THE FOLLOWING ORDINANCE:**

**ARTICLE ONE**

The City of Fayetteville’s Alcohol ordinance, as codified at Section 10-1 of the City’s Code of Ordinances, is hereby amended in part to add the following definitions, to be codified alphabetically with existing definitions:

Banquet or Meeting Hall/ Event Center. A use which provides rental space for group functions such as, but not limited to, wedding parties, conferences, service club meetings, and similar gatherings, along with the catering of food and/or alcoholic beverages.

Brown -bagging Establishments means bring-your-own-bottle into establishments that may not hold a license to sell and may not sell or serve any alcoholic beverages. Brown-bagging establishments are prohibited in the City of Fayetteville.

Entertainment District. A specifically authorized and pedestrian oriented area of the city as established by ordinance of mayor and council that allows those establishments with a valid consumption on the premises licenses within such area to dispense and/or serve an alcoholic beverage for “carry out” purposes provided all other laws, rules and ordinances are followed.

The City of Fayetteville’s Alcohol ordinance, as codified at Section 10-1 of the City’s Code of Ordinances, is hereby amended in part by adding the double underlined (double underlined) language and deleting the stricken (~~stricken~~) language as follows:

*Responsible licensee.* To qualify as a responsible licensee, the licensee must:

(7) Maintain employment records of the applications, acknowledgements, and training of its employees required by this section and records of the licensee's enforcement of the policies requiring dismissal specified in subsection (6)- which shall be available for inspection by the city on an annual basis, or when credible evidence of noncompliance exists.

## ARTICLE TWO

Article 1. Section 10-5. (Drinking in public) of Chapter 10 (Alcoholic Beverages) of the City’s Code of Ordinances, is hereby repealed and deleted in its entirety.

There is hereby ordained and adopted the following new and substitute Article 1. Section 10-5. (Drinking in public) of Chapter 10 of the City’s Code of Ordinances, to wit:

### **Section 10-5. – Drinking in public.**

- (a) Except for the area and circumstances specified in subsection (b) herein, it shall be unlawful for any person to possess an alcoholic beverage in an open container:
- 1) Either on their person, in a motor vehicle or otherwise on the streets, sidewalks, parks, squares or other public places within the City of Fayetteville.
  - 2) Outside a structure licensed as a retail consumption dealer, unless consumption is within a designated and segregated outside eating area upon the licensed premises where all patrons are seated at tables, and immediately adjacent to the licensed structure. Designated and segregated shall mean an area, not within a parking or driveway area.

(b) Within the areas of the city bounded by the map in exhibit A, (the “Entertainment Districts”) the following regulations apply:

- 1) Any City licensee authorized to sell alcoholic beverages by the drink for on premise consumption may sell alcoholic beverages to a person age 21 years or over in a plastic cup, supplied by either the City’s Mainstreet Tourism Association, or Pinewood Forest LLC, for removal from the premises; provided, however, that the alcoholic beverage is not placed in a can, bottle or other glass container.
- 2) Any alcoholic beverage dispensed pursuant to this section shall not exceed 16 fluid ounces in size and no person shall possess an open container containing an alcoholic beverage in excess of 16 fluid ounces on the streets, sidewalks, parks, squares or other public places within the area described in this section;
- 3) Unless specifically provided otherwise by ordinance, the regulations provided by this section shall be in full force and effect during public events and festivals sponsored by the City’s Mainstreet Tourism Association.
- 4) Any business, lessee or property owner within the Entertainment District may prohibit a person or persons from entering its business or leased or owned real property who possess an alcoholic beverage in an open container regardless of the container type. Any person in possession of an alcoholic beverage in an open container failing to exit the premise after such a request will be guilty of misdemeanor trespass.
- 5) Any business, lessee or property owner within an Entertainment District may prohibit all persons from entering its business or leased or owned real estate possess an alcoholic beverage in an open container regardless of the type of container upon posting a sign upon the premises clearly visible from the contiguous right-of-ways or at the entrance of the premises stating the following: “Alcoholic beverages prohibited upon these Premises”. Any person in possession of an alcoholic beverage in an open container who enters a premise so posted with a visible and legible sign shall be guilty of misdemeanor trespass.
- 6) It shall be unlawful for a minor to have in his/her possession an approved entertainment district cup.
- 7) It shall be unlawful for anyone to allow a minor to drink from an approved entertainment district cup.

### **ARTICLE THREE**

The City of Fayetteville’s Alcohol ordinance, as codified at Section 10-34 of the City’s Code of Ordinances, is hereby amended in part by adding the double underlined (double underlined) language and deleting the stricken (~~stricken~~) language as follows:

**Sec. 10-34. - Application contents and investigation.**

(6) Recognizing the planned and actual mixed use and higher density development within the city's historic town center (Main Street District) and the Pinewood Forest mixed use development as contrasted to the more segregated uses and districts and lower density of the remainder of the city:

- b. Within the city outside of the Main Street Architectural Overlay District (as defined by section 94-187 of the City's Code; hereinafter "Main Street District") excluding Pinewood Forest as defined by the Pinewood Forest Development Agreement), no person may knowingly or intentionally sell or offer to sell any alcoholic beverage within 200 yards of any school building, educational building, school grounds, or college campus; no person may knowingly or intentionally sell or offer to sell any alcoholic beverage within 100 yards of any church facility, [except that this limitation "within 100 yards of any church facility" shall not apply to, limit or restrict the location or operation of any applicant or licensee for the sale of distilled spirits, wine or malt beverages (one, all or any combination thereof) for on-premises consumption when the church facility in question is located in a Planned Commercial Center as defined at section 94-3 of the City's Code of Ordinances, or a shopping center or retail center that qualifies as a Planned Commercial Center], or alcoholic treatment center owned and operated by the state or any county or municipal government within the state; no person may knowingly or intentionally sell or offer to sell any alcoholic beverage within 100 yards of any private residence measured along the most direct route of travel, which residence is located outside of the Main Street District (all of the former collectively called "protected activity"). The above stated required distances between the sale of alcoholic beverages and any protected activity shall be applicable to both protected activities within the city limits and protected activities outside of the city limits. As used herein, the term "school building" or "educational building" shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of the state and which are schools or private schools as defined in subsection (b) of the O.C.G.A. § 20-2-690. As used herein, school grounds shall mean, real property on which a school building or educational building, as defined above, is located and where educational instruction is given to students on a routine and ongoing basis. As used herein, residence shall mean any building or structure, in a residential zoning district or which constitutes a legal nonconforming use, in which a person or persons may legally reside.

**ARTICLE FOUR**

The City of Fayetteville's Alcohol ordinance, as codified at Section 10-46 of the City's Code of Ordinances, is hereby amended in part by adding the double underlined (double underlined) language as follows:

**Section 10-46. – Illegal acts of licensee and others.**

(a) No holder of a license authorizing the sale of alcoholic beverages in the city, nor any agent or employee of the licensee, shall do any of the following upon the licensed premises:

(8) Refill an entertainment district cup without verifying age.

(9) Provide to a minor an entertainment district cup, empty or containing any beverage.

7(i) A retail consumption dealer shall comply, and shall cause its patrons to comply, with the requirements of subsection 10-5(a)(4) when allowing consumption of alcoholic beverages outside the licensed structure, which consumption may only be upon the licensed premises. Unless the licensed establishment is located in an Entertainment District.

## ARTICLE FIVE

The City of Fayetteville's Alcohol ordinance, as codified at Section 10-48 of the City's Code of Ordinances, is hereby amended in part by adding the double underlined (double underlined) language as follows:

### **Sec. 10-48. - Additional requirements for license to sell alcoholic beverages for on-premises consumption.**

(b) Additional qualifications for on-premises consumption licenses.

1.c. Bowling centers, billiard centers, ~~or~~ golf clubs, event centers, or movie theaters serving the general public, which provide recreational activities consisting predominantly of bowling, billiard, ~~or~~ golf, rental space for group functions, or movie going and which derive no more than 25 percent of their gross sales from sale of malt beverages and wine, only. Businesses described in this subsection 10-48(b)(1)b. may not be licensed to serve distilled spirits. The licensee must comply with the following requirements and ordinances:

(6) As used herein, "Movie Theater" shall mean a commercial building equipped with screening rooms which, for a fee, members of the public participate in watching a movie.

As used herein. "Event Center." Shall mean a rental space for group functions such as, but not limited to, wedding parties, conferences, service club meetings, and similar gatherings, along with the catering of food and/or alcoholic beverages.

## ARTICLE SIX

This ordinance shall become immediately effective upon its second reading and adoption by the City Council.

## ARTICLE SEVEN

The preamble of this ordinance shall be construed to be, and is hereby incorporated by reference as if fully set out herein.

**ARTICLE EIGHT**

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

**APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF FAYETTEVILLE** at a regular meeting of the Mayor and Council on the 18th day of April, 2019, by the following voting for adoption:

**Attest:**

\_\_\_\_\_  
Edward J. Johnson, Jr., Mayor

\_\_\_\_\_  
Richard J. Hoffman, Mayor Pro Tem

\_\_\_\_\_  
Kathaleen Brewer, Councilmember

\_\_\_\_\_  
Anne Barksdale, City Clerk

\_\_\_\_\_  
Paul C. Oddo, Jr., Councilmember

\_\_\_\_\_  
Harlan Shirley, Councilmember

\_\_\_\_\_  
Scott Stacy, Councilmember

Exhibit A  
Insert Entertainment Districts Maps