

**AN ORDINANCE TO AMEND PART 6, LICENSING AND REGULATION, CHAPTER 1, BUSINESS AND OCCUPATIONS, ARTICLE H. ALCOHOLIC BEVERAGES, OF THE CODE OF THE CITY OF SAVANNAH, GEORGIA; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH AND FOR OTHER PURPOSES**

**BE IT ORDAINED** by Mayor and Alderman of the City of Savannah, Georgia, in regular meeting of Council assembled and pursuant to lawful authority thereof:

**SECTION 1: CONVENIENCE STORE DEFINED, BOUNCER INCLUDED AS RESPONSIBLE PARTY**

That Section 6-1204 be amended by deleting the section in its entirety and inserting in lieu thereof a new Section 6-1204 as follows:

Sec. 6-1204. - Definitions; general provisions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Ancillary retail package store* means a Class E license holder and refers to an establishment that:
  - (1) Engages in the retail sale of malt beverages or wine in unbroken packages, not for consumption on the premises; and
  - (2) Derives from such retail sale of malt beverages or wine in unbroken packages less than 25 percent of its total annual gross sales.
- (b) *Bouncer* means an individual primarily performing duties related to verifying age for admittance, security, maintaining order, or safety, or a combination thereof. A doorman is considered a bouncer.
- (c) *City council; council* means the mayor and aldermen of the City of Savannah in council assembled, the legislative body of the city.
- (d) *City of Savannah or city* means the mayor and aldermen of the City of Savannah, a municipal corporation of the State of Georgia: such definition to include all geographical area within the corporate limits of the City of Savannah, to include any and all areas annexed following adoption of this article.
- (e) *Convenience store* means a Class E license holder and refers to a retail establishment up to 5,000 square feet of floor area that:
  - (1) Primarily sells food products, beverages, candy, tobacco items, newspapers and magazines, limited personal, household and car care items as well as malt beverages or wine in unbroken package, not for consumption on premises, and that may or may not include limited on-site food preparation; and
  - (2) Derives from such retail sale of malt beverages or wine in unbroken packages less than 25 percent of its total annual gross sales.

- (f) *Complimentary service* means a Class G license holder and refers to the gratis provision of malt beverages or wine to patrons upon the premises pursuant to such license. No other alcoholic beverages may be provided gratis. Complimentary service of malt beverages shall be limited to individual pours of no greater than eight fluid ounces. Complimentary service of wine shall be limited to individual pours of no greater than six fluid ounces. Complimentary service may not be provided on Sunday between 12:30 a.m. and 11:59 p.m.
- (g) *Disciplinary action* means any citation or arrest arising out of the violation of any law, rule, regulation, resolution or ordinance of a governmental entity relating to the manufacture, distribution, sale or possession of alcoholic beverages against a licensee, an employee of a licensee or any person holding a financial interest in the license of the licensee on the premises or place of business of any licensee.
- (h) *Event venue* means a location that is only open to the public for artistic presentations, live or recorded musical presentations, theatrical performances, films or other similar expressive events of a limited duration. An event venue shall not be open on a daily basis for events, shall not have a permanent bar and shall only be authorized to sell alcoholic beverages beginning one hour before the scheduled event and no later than one hour after the conclusion of the event. Event venues may not sell, serve or dispense alcohol on Sunday between 12:30 a.m. and 11:59 p.m.
- (i) *Governmental entity* means the United States government, any state government, any local government and any department, agency or instrumentality thereof.
- (j) *Licensee* means the natural person to whom a license is issued.
- (k) *Live entertainment* means a vocal or instrumental performance by a natural person(s) who is physically present in the establishment while delivering the performance and specifically excludes disc jockeys and karaoke performances.
- (l) *Manager*, also referred to as the “responsible party”, means a natural person, over the age of 21, who has responsibility for day-to-day management of the operations, including sale of alcoholic beverages, at the location to be licensed or supervision of management of the operations, including sale of alcoholic beverages, at the location to be licensed and who is the owner or a full-time employee of the corporation, partnership, proprietor or other ownership entity. Such person shall actively operate the licensee's business on a day-to-day basis and reside within a 50-mile radius of the establishment for which said individual is responsible for day-to-day management of the licensee's operations. The designation of a natural person as a manager shall not disqualify such person from also possessing an alcoholic beverage license for the subject premises.
- (m) *Occupant load* means the maximum number of people allowed in an establishment pursuant to the life safety code or any other fire prevention based-code, as may, from time-to-time, be amended and adopted by city council.
- (n) *Person* means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, receiver, fiduciary or other group or combination. A *natural person* is a person that is an individual human being.

- (o) *Premises* includes the entire space or area owned, leased and/or exclusively controlled by a licensee and used for the purpose of operating under the license, including but not limited to all rooms wherein alcoholic beverages are sold, furnished, served or consumed, except when such room is located in a hotel, motel, inn or similar facility. Premises may include adjoining patios, decks, and porches or, where applicable, permitted sidewalk cafes. A floor plan for each licensed premises must be submitted with each application for a license under this article.
- (p) *Retail consumption dealer* means a Class C license holder and refers to any person who sells alcoholic beverages for consumption on the premises at retail only to consumers and not for resale.
- (q) *Retail package store* means a Class D license holder and refers to a retail business establishment:
  - (1) Primarily engaged in the retail sale of distilled spirits, malt beverages or wine in unbroken packages, not for consumption on the premises, except as authorized by Title 3 of the O.C.G.A., as amended; and
  - (2) Which derives from such retail sale of alcoholic beverages in unbroken packages, at least 75 percent of its total annual gross sales.
- (r) *Sample* means the *gratis* provision by a manufacturer, retail package store or ancillary retail package store of a one ounce or less portion of wine or malt beverage to a person over the age of 21.
- (s) *Scanner* means a properly functioning age verification device that reads government-issued identification cards and saves the information derived therefrom.
- (t) *Temporary event* means an event that is not more than three (3) calendar days in duration, is not regularly occurring occasion, and is one that is held in a specific location zoned for such an event. Alcohol may be served at a temporary event between the hours of 7:00 a.m. to 11:59 p.m.
- (t) *Underage license* means a Class I license which may be issued to a retail consumption dealer with less than 50 percent of its gross annual sales derived from the sale of prepared food and which enables such retail consumption dealer to allow persons between the ages of 18 and 21 to enter the premises to attend live entertainment performances. Class I license holders shall utilize a scanner at all points of entry to screen patrons in order to distinguish between those patrons above and below the age of 21.
- (u) *Manufacturer* means a Class B license holder and refers to any maker, producer, or bottler of an alcoholic beverage as defined by Title 3 of the Official Code of Georgia Annotated, as amended, which also includes:
  - (1) In the case of distilled spirits, any person engaging in distilling, rectifying, or blending any distilled spirits; provided, however, that a vintner that blends wine with distilled spirits to produce a fortified wine shall not be considered a manufacturer of distilled spirits;
  - (2) In the case of malt beverages, any brewer; and
  - (3) In the case of wine, any vintner.

## SECTION 2: LICENSE CLASSIFICATIONS AMENDED

That Section 6-1205 be amended by deleting the embedded table in its entirety and inserting in lieu thereof a new embedded table as follows:

| License Class | Applicant Classification  | Distilled Spirits                                     | Malt Beverage   | Wine  |
|---------------|---|---|---|---|
| A             | Licensed Alcohol Caterer<br>(with Class C or D)   | 1<br>(A1 is incompatible with Class E, F, and G uses) | 2<br>(A2 is incompatible with Class E, F, and G uses) | 3<br>(A3 is incompatible with Class E, F, and G uses) |
| B             | Manufacturer<br>(Distiller=B1)<br>(Brewer=B2)   | 1   | 2   | 3   |
| C             | Retail Consumption Dealer<br>(on-premises consumption)  | 1   | 2   | 3   |
| D             | Retail Package Store (off-premises consumption)   | 1<br>(C1 and D1 are incompatible uses)                | 2   | 3   |
| E             | Ancillary Retail Package Store<br>(Ancillary Retail Package Store = CS1)<br>(Convenience Store = CS2) | X<br>(ineligible use)                                 | 2<br>(CS2-2 is incompatible with all other uses)      | 3<br>(CS2-3 is incompatible with all other uses)      |
| F             | Wholesaler  | 1   | 2   | 3   |
| G             | Complimentary Service   | X (ineligible use)                                    | 2   | 3   |
| H             | Samples   | 1<br>(incompatible with all but B1)                   | 2   | 3   |
| I             | Underage License (with Class C)   | --  | --  | --  |
| J             | Event Venues  | 1<br>(J1 is incompatible with all other uses)         | 2<br>(J2 is incompatible with all other uses)         | 3<br>(J3 is incompatible with all other uses)         |

### **SECTION 3: PUBLIC SAFETY PLANS REQUIRED**

That Section 6-1206 be amended by deleting subsection (d)(4) in its entirety and a new section (d)(4) be inserted in lieu thereof as follows:

- (4) Public safety plan. All licensee classes that operate or intend to operate on-premises or off-premises alcohol establishments shall prepare and submit with their application a written public safety plan, which shall be subject to the approval of the chief of the Savannah Police Department or his/her designee prior to the issuance of any alcoholic beverage license. A public safety plan shall include the following, in addition to any specific information requested by the Savannah Police Department in connection with its review:
- (a) Identification of the days and hours of operation;
  - (b) Specific measures and procedures to address crowd management, both within and outside the premises;
  - (c) Identification of any parking areas either owned or controlled by the licensee;
  - (d) Means of controlling access to the premises and parking areas;
  - (e) Security staffing;
  - (f) Specific measures and procedures to combat underage consumption of alcoholic beverages;
  - (g) Specific measures and procedures to combat the risk of fire; and
  - (h) Discussion of matters related to managing emergencies, including fire, evacuation tactics, assignment of specific emergency management duties to particular personnel, coordination with public safety officers and emergency medical matters.
  - (i) Where applicable, discussion of measures the licensee will undertake to visibly distinguish between patrons under and over the age of 21.

Class A licensees shall submit public safety plans to the Savannah Police Department at the time an application for a temporary event permit is submitted.

A licensee may be required to revise and resubmit its public safety plan, to include implementation of additional public safety measures, which may include, without limitation, the installation of security cameras with technical capabilities as specified by the police chief, where it appears that the operation of the licensee's business has resulted in an extraordinary expenditure of public safety resources. The failure of a licensee or its employees, agents and servants to adhere to the terms and conditions of an approved public safety plan shall constitute a violation of this article, in addition to any other applicable statute, ordinance or regulation, and subject the licensee to the penalty provisions set forth in section 6-1221, as amended.

#### **SECTION 4: ALCOHOL LICENSE TRANSFERS RESTRICTED**

That Section 6-1207 be amended by deleting subsection (a) in its entirety and inserting a new subsection (a) as shown below:

- (a) The city council, in determining whether or not to grant, renew, or issue a license, may, in the interest of public safety and welfare, and in addition to all other provisions of this article, consider the following:

#### **SECTION 5: ALCOHOL LICENSE TRANSFERS RESTRICTED, FINES ESTABLISHED**

That Section 6-1209 be amended by inserting subsections (p), (q), (r), and (s) as shown below:

- (p) In the event of the manager/responsible party's death, disability, separation from the business or any other disqualifying occurrence, the licensee shall provide the Director of Revenue with 10 calendar days' written notice of such event together with identification of the manager/responsible party's replacement.
- (q) In the event of the death or sudden disability of a licensee, the manager/responsible party shall provide the Director of Revenue with 10 calendar days' written notice of such event. The establishment's license shall remain valid for no more than 45 days following the death or sudden disability of the licensee so as to furnish the establishment with adequate time to apply for and obtain an alcoholic beverage license in the name of a successor licensee pursuant to the terms and conditions of this Article. If a new license is not applied for and issued within the 45-day grace period, the license will become null and void.
- (r) In the event of the licensee's separation from the business or any other disqualifying occurrence, no later than 10 calendar days of such event the licensee shall surrender the license to the Director of Revenue.
- (s) Where timely notification is not made, a licensee may be subject to general penalty as outlined in Sec. 1-1013.

#### **SECTION 6: EMPLOYEE TRAINING REGULATIONS**

That Section 6-1215 be amended by deleting subsection (a) in its entirety and inserting a new subsection (a) in lieu thereof as follows:

- (a) Every Class A, C and H licensee shall require that all persons employed as managers, servers, bartenders, bouncers, doorpersons, or any other employee, agent or subcontractor with the responsibility for serving, mixing or dispensing alcoholic beverages for on premise consumption complete server training, which training shall include, at a minimum, alcohol awareness training and other topics, as may from time-to-time be identified by the city manager.

Every Class D and E licensee shall require that all persons employed and involved in the direct sale of alcohol to customers complete alcohol awareness training as specified by the city manager.

## **SECTION 7: RESTRICTIONS ON BOUNCER AGE LIMIT**

That Section 6-1220 be amended by inserting subsection (f) as shown below:

- (f) No person shall allow or require an individual under the age of 21 to serve as a bouncer or doorman upon the licensed premises.

## **SECTION 8: TEMPORARY ALCOHOL LICENSES RESTRICTED**

That the “Alcohol Beverage Ordinance” be amended by inserting Division 9. – Temporary Event Licensing and incorporating Section 6-1223 as follows:

Division 9. – Temporary Alcohol Event Licensing

Sec. 6-1223. - Alcoholic Beverage Permits for Temporary Events

This section is intended to apply to temporary events held in locations not holding, or not covered by, an annual alcoholic beverage license issued by the City of Savannah. A temporary alcoholic beverage permit authorizes the permittee to bring malt beverages, fortified wines, and/or spirituous liquor onto the premises of a business or other alcohol approved location, with the permission of the owner of that property, and to serve those alcoholic beverages to the permittee’s guests. The Temporary Alcohol Beverage Permit application must include a lease or other proof of permission to use such premises for an event.

- (a) The City may issue an alcoholic beverage permit for a temporary event under the following conditions:
  - (1) Any temporary event permit for which dispensing alcoholic beverages is requested must be sponsored by a private non-profit organization or closed private event and meet these conditions:
    - (i) If sponsored by a private non-profit organization as classified by the U.S. Internal Revenue Service:
      - (a) No less than 80% of the net proceeds of the event must benefit the sponsoring non-profit organization;
      - (b) Applicants must submit an affidavit showing expected revenues and expenditures, and must include an anticipated transfer of funds to the sponsoring non-profit;
      - (c) At the conclusion of the event, the Revenue Director may request to review a reconciliation of actual revenues and all supporting documentation, at which time a reconciliation shall be provided; and
      - (d) Alcohol events permitted as non-profit events must include signage at the primary event entrance indicating the non-profit sponsor of the event.
    - (ii) If temporary event is a closed private event to which the general public is not admitted:
      - (a) Alcoholic beverages shall not be dispensed to the general public; and

- (b) Alcoholic beverages dispensed under this permit must be free of any charge with no actual or implied monetary exchange.
  - (c) Temporary events utilizing an advance sale ticket arrangement shall not be considered private events.
- (2) Any temporary event applicant/licensee or the responsible party on the event permit must remain on the event premises throughout the event.
  - (3) If such temporary event is to be held in a City park or square, the applicant must secure in advance a permit for use of the park or square from the Office of Special Events, Film, and Tourism, must meet all the requirements of said office, and must provide the Revenue Division with a copy of the approved park or square use permit issued by said department prior to the temporary event. Events held in City parks and squares may not include the sale of distilled spirits.
  - (4) Permitted events must be held in locations that would be otherwise appropriate for an alcoholic beverage license, per review by the Department of Planning and Urban Design and Savannah Police Department
  - (5) No such event shall exceed three (3) days, including Sunday, for which the City Manager shall have authority to waive normal Sunday regulations if circumstances warrant such waiver. If a Sunday waiver is granted, events may serve alcohol during the hours of 11:00 am and 11:59 pm.

**SECTION 9:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 10:** This ordinance shall become effective when signed by the Mayor.

ADOPTED AND APPROVED:

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Eddie W. DeLoach, Mayor

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Mark Massey, Clerk of Council