



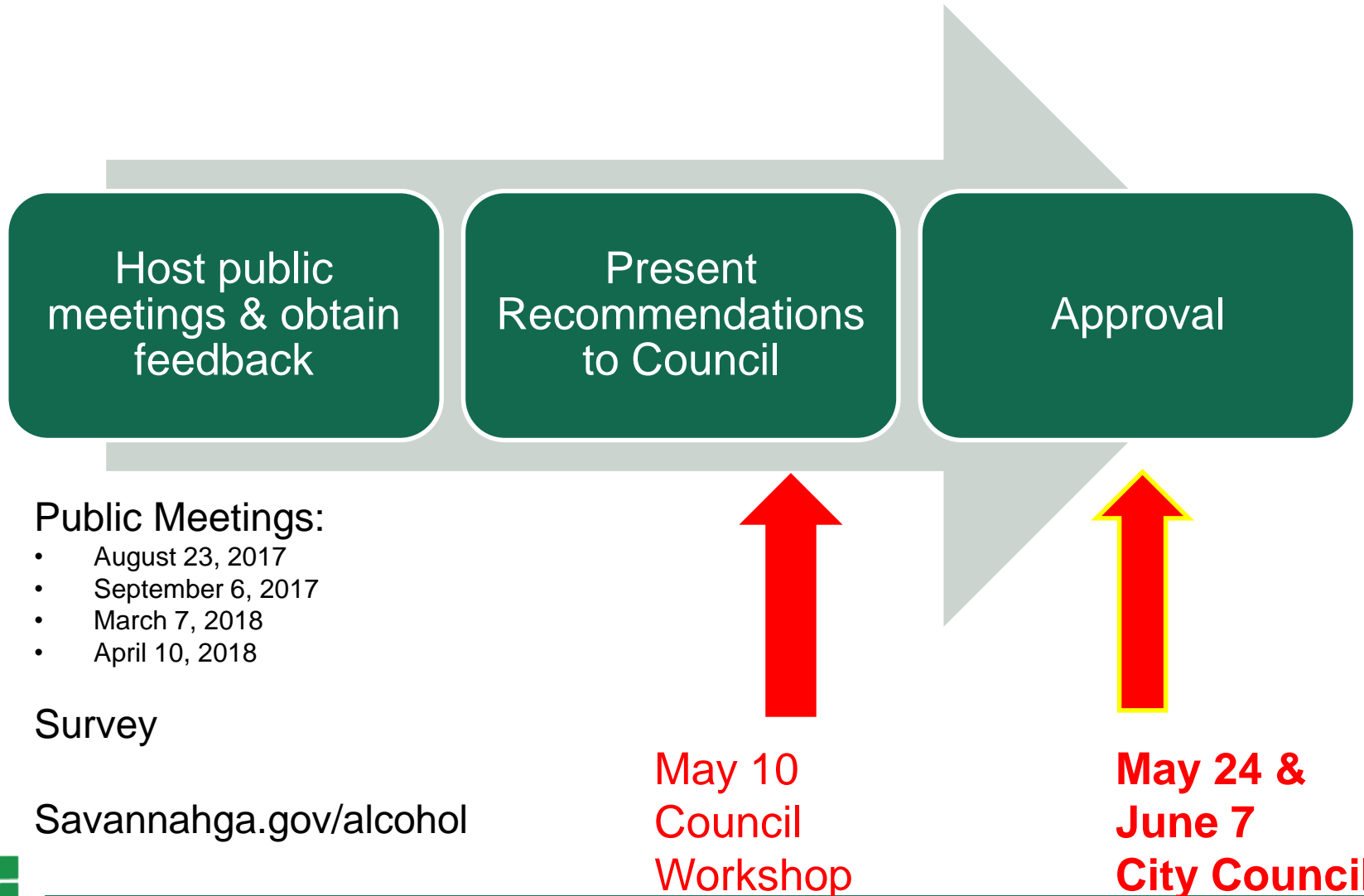
ALCOHOLIC BEVERAGE ORDINANCE



Council Workshop
Thursday, May 10, 2018



OUR PROCESS



BACKGROUND

- August 2016: Revisions to Alcoholic Beverage Ordinance Approved by City Council
 - Comprehensive review and significant revisions to previous ordinance, largely unchanged from 1998
 - Omitted redundant provisions and eliminated those addressed in State law. Added new licensing requirements, including:
 - Licensing matrix
 - Requirement for proof of financial responsibility
 - Public safety plan
 - Server permits {enlarge scope}
 - Licensed alcoholic beverage caterers
 - Samples
 - Event venues
 - Underage permits and requirements
- January 1, 2017: Revisions to Alcoholic Beverage Ordinance went into effect



Purpose of Ordinance

Establish reasonable and ascertainable standards for the regulation and control of alcoholic beverages in a manner to promote the health, safety and general welfare of the community, while giving effect to zoning and land use plans, preserving residential areas with reasonable consideration for their character and with the general intent of promoting desirable living conditions and sustaining the stability of neighborhoods and property values.



REVISIONS MADE SINCE IMPLEMENTATION

- **Jan 2017:** Prohibited alcoholic beverage license establishments from allowing employees or customers to engage in public nudity
- **Apr 2017:** Suspended extended issuances of server permits “bar cards”
- **Jun 2017:** Commenced revision process
- **Sept 2017:** Amended ordinance to allow breweries & distilleries to sell directly to consumers [to comport with recent State law changes]
- **Sept 2017:** Expanded to-go cup zone to Savannah River Landing
- **Feb 2018:** Added distance exemptions



ADDITIONAL REVISIONS?

- Bar Cards
 - Background Checks
 - Server Training
- Distance exemptions for event venues
- Persons under the age of 21
- Sunday Sales
- Administrative Hearing Officer



BAR CARDS: BACKGROUND CHECKS & SERVER TRAINING

- Current requirements under Sec. 6-1215:
 - Require all managers, servers, bartenders, doorpersons, or any other employee, agent or subcontractor with the responsibility for handling, serving, mixing or dispensing alcoholic beverages for the purpose of immediate consumption obtain a bar card
- Bar card requirements:
 - Provide fingerprints and submit to criminal background check
 - Any person who has been convicted of a violation of any law, ordinance or regulation governing the sale of alcoholic beverages, a violent crime or possession of illegal drugs in the 36 months immediately preceding the date of the application shall be ineligible to receive a server permit
 - Complete server training prior to issuance of permit
 - Keep register of employees required to attend mandatory server training and server permit and copy of certificate, photo ID and permit



BAR CARD OPTIONS

Option 1: No change to existing ordinance

Option 2: Revise existing ordinance

- Limit to persons involved with serving, mixing or dispensing alcohol for the purpose of on premise consumption
- Reduce timeframe for background check [from 36 months to 24 months]

Option 3: Eliminate Section 6-1215

- Add new language requiring licensee to ensure employee:
 - Obtains and possesses background check by City Police Department
 - Undergoes alcohol awareness training
 - Sale of alcohol to intoxicated & underage persons
 - Company alcohol sale & service policies
- Keep records of server training



OPTION 4:

SAFE SERVING ESTABLISHMENT

Regulations:

- Mandatory alcohol awareness training within 14 days of hire for employees serving, mixing or dispensing alcohol for the purpose of on premise consumption
- No change with DRAM/Alcohol Liability Insurance requirements
- Employers complete a criminal background check of all servers prior to employment
 - Only a specified list of offenses are grounds for exclusion (violent crime, sexual offenses, sales of illegal drugs, etc., and 36 month prior alcohol sale violations)
 - Appeal process allowing review

Voluntary Certification:

- Employers agree to randomly conduct and document internal compliance checks for underage and over serving bi-annually



EVENT VENUE

- Sec. 6-1204 (f). *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 2:00 a.m. and 11:59 p.m.
- Adding Event Venue as a license class



DISTANCE EXEMPTIONS

(1) *Exceptions to State Distance Requirements.* Georgia Code (O.C.G.A. § § 3-3-21(b)(3) and 3-4-47) grant municipalities the power to regulate the distance requirement for the retail sale of alcoholic beverages for consumption on the premises and the manufacture, distribution, and package sales of alcohol as it relates to churches, schools, and colleges. Nothing contained in this Section shall prohibit the licensing of the sale of alcoholic beverages by:

(vi) For businesses classified as banquet, reception halls, or event venues whose dominant business activity and related gross sales receipts are from the rental of facilities and catering of food for banquets, receptions, and events, there shall be no distance requirements for businesses within the Historic District when the premises are zoned to allow such use and such businesses are otherwise determined eligible for a beverage alcohol license for consumption on premises.



SUNDAY SALES

- Sec. 6-1211 (c) Hours of Operation; Sunday Sales.
 - At least 50% of total annual gross sales derived from sale of prepared meals or food during the previous year
 - Possessor or applicant for business tax certificate to operate a restaurant
 - Prepared meals or food served on premises during the time in which the establishment is open to the public



ENFORCE



NO CHANGE WITH PERSONS UNDER 21

Sec. 6-1219(a)(1). Persons under the age of 21 are permitted:

- In establishments where no less than 50% of the licensee's annual gross sales are derived from the sale of prepared food, provided; however, that during the time the establishment is open to the public its mode of operation remains unchanged and full menu service is available, and further provided that persons under the age of 21 at no time shall be permitted at the bar.

NO CHANGE



No change to Sec. 6-1219(a)(2). Persons under the age of 21 are permitted:

- In establishments where less than 50 percent of annual gross sales are derived from the sale of prepared foods only when live entertainment is available, provided; however, that only persons above the age of 18 shall be permitted upon the premises during live performances, for which he or she has paid an admission charge, and only following issuance of a Class I license. In no event shall persons below the age of 18 be permitted on the premises of an establishment that derives less than 50 percent of its annual gross sales from the sale or prepared foods.

NO CHANGE



ADMINISTRATIVE HEARING OFFICER

- Appoint an administrative board to:
 - Handle licensing and permitting issues
 - Grant, renew, transfer and issue any license
- Convene hearing with proper notice
- Issue report to City Council following decision
- Right of appeal to City Council
 - Decisions of Administrative Board
 - Suspensions or revocations of license



SUNDAY BRUNCH BILL

- Governor approved rolling back Sunday on-premise consumption sale hours from 12:30 p.m. to 11:00 a.m.
- To proceed with revision, Council must approve a resolution or ordinance supporting the revision
- Must be approved by more than half of the voters through a referendum to become effective



NEXT STEPS

- First Reading May 24
- Second Reading June 7

