

ORDINANCE AMENDMENT

OA-2022-04

CHAPTER 4 – ALCOHOLIC BEVERAGES

Article VII. Consumption on Premises of Alcoholic Beverages

Sec. 4-89 – Open area and patio sales

WHEREAS, The Charter of the City of Dallas, Georgia does allow the Mayor and Council to adopt Ordinances to provide for regulation of the sale of alcoholic beverages within the City of Dallas, Georgia and for the safety, health and welfare of the citizens of the City of Dallas, Georgia, **AND**

WHEREAS, The Mayor and Council of the City of Dallas, Georgia have determined that it is in the best interest of the City’s residences for their safety, health and welfare which includes the Amendment to Ordinances for the sale of alcoholic beverages in the City of Dallas, Georgia, and that Chapter 4 – Alcoholic Beverages, Article VII. Consumption on Premises of Alcoholic Beverages, Sec. 4-89 – Open area and patio sales (b)(1) and (3) and 4-89(d) be amended.

THEREFORE, be it ordained by the Mayor and Council of the City of Dallas, Georgia that the Code of Ordinances of the City of Dallas, Georgia be amended as follows:

Chapter 4 – Alcoholic Beverages, Article VII. Consumption on Premises of Alcoholic Beverages, Sec. 4-89 Open area and patio sales (b)(1) and (3) and 4-89(d) shall be amended to read as follows:

Sec. 4-89

(b) The requirements for approval are:

(1) Unless pre-approved by the City of Dallas Council, through a Resolution as permitted by Chapter 4, Alcoholic Beverages, Article VII. Consumption on Premises of Alcoholic Beverages, Sec. 4-87. No outside consumption (e)(2), the patio/open area must be enclosed by some structure providing for public ingress/egress only through the main licensed premises. The

only exception to this would be a fire exist as required by building and fire codes. Such fire exist would not be for general public use unless an emergency exists and would be of the type which sounds an alarm so that the establishment would be alerted of unauthorized use if no emergency exists. The height of such structure shall be a minimum of three and one-half feet above the patio floor. The structure is not required to be solid nor does it have to restrict visibility into or out of the patio/open area. The patio/open area shall meet all setback requirements as set forth in the Unified Land Development Code.

(3) Unless pre-approved by the City of Dallas Council, through a Resolution as permitted by Chapter 4, Alcoholic Beverages, Article VII. Consumption on Premises of Alcoholic Beverages, Sec. 4-87. No outside consumption (e)(2), the patio/open area shall be used merely as an extension of the interior seating area. Service in the patio/open area shall be only by waiter or waitress or by customer self-service at an interior selling location; i.e. no outside bar or service window.

(d) Unless pre-approved by the City of Dallas Council, through a Resolution as permitted by Chapter 4, Alcoholic Beverages, Article VII. Consumption on Premises of Alcoholic Beverages, Sec. 4-87. No outside consumption (e)(2), patio/open area plans must be reviewed and approved on an individual basis by the City of Dallas, Georgia Marshal. Patio/open areas must be permitted and approved by the City of Dallas, Georgia's building inspection and fire departments as required by their governing regulations or codes.

All other existing Sections of Chapter 4 – Alcoholic Beverages shall remain in full force and effect as originally ordained and this Amendment is to change the wording only Sec. 4-89(b)(1) and (3) and Sec. 4-89(d) which shall not affect any other Sections of this Chapter.

This Ordinance is being passed on an emergency basis which is necessary due to possible conflicts in the provisions of the Sections as being amended above and to provide for the ability of the Mayor and Council to approve the requirements of the Sections as being amended above and due to the requirements of the Mayor and Council necessary for the regulation of the sales, consumption and furnishing of alcoholic beverages.

SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA, THIS THE ____ DAY OF _____, 2022.

MAYOR

COUNCILMEMBER

COUNCILMEMBER

COUNCILMEMBER

COUNCILMEMBER

COUNCILMEMBER

COUNCILMEMBER

ATTEST:

CLERK