

**ORDINANCE
AMENDMENT
NO. OA-2023-05**

CHAPTER 4 – ALCOHOLIC BEVERAGES

ARTICLE I. – PURPOSE AND LICENSING

SECTION 4-2. Definitions

CHAPTER 4 – ALCOHOLIC BEVERAGES

**ARTICLE VII – CONSUMPTION ON PREMISES OF ALCOHOLIC
BEVERAGES**

SECTION 4-87. – No Outside Consumption

CHAPTER 4 – ALCOHOLIC BEVERAGES

**ARTICLE VII – CONSUMPTION ON PREMISES OF ALCOHOLIC
BEVERAGES**

SECTION 4-97—4-99. - Reserved

WHEREAS, The Charter of the City of Dallas, Georgia does allow the Mayor and Council to adopt Ordinances to provide for rules and regulations concerning consumption and sales of alcoholic beverages including beer, wine, and distilled spirits 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 Charter of the City of Dallas, Georgia does allow the Mayor and the City Council, by ordinance, to create a Courtyard Market designation for regulation of consumption and sales of alcoholic beverages; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia considered the proposed amendment at a duly noticed public meeting on _____, 2023; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia have determined that it is in the best interest of the City’s residences for their safety, health and welfare including regulation of consumption and sales of alcoholic

beverages including beer, wine and distilled spirits within the City of Dallas, Georgia; **AND**

THEREFORE, be it ordained by the Mayor and the City Council of Dallas, Georgia:

SECTION I.

The Code of Ordinances of the City of Dallas, Georgia, **CHAPTER 4 – ALCOHOLIC BEVERAGES, ARTICLE I. PURPOSE AND LICENSING, Sec. 4-2 - DEFINITIONS** shall be amended by adding the definition of *Courtyard Market* in its alphabetical place as follows:

Sec. 4-2. - Definitions

Courtyard Market shall mean a commercial center consisting of one or more structures on one or more contiguous tracts or parcels of land, having a minimum of at least ten acres and at least 50,000 square feet of structures, having a minimum of 40,000 square feet of retail uses and not less than 45,000 square feet of outdoor areas used for public and private events, entertainment, farmer's markets, exhibitions, performances, shows, events, concerts and community events occurring on plazas, lawns, parks, rooftops, and streets (when not open to vehicular traffic) and sidewalks that are in the dominion and physical control of the owner of the courtyard market, the owner's agent or the owner's lessee, provided however that no adult entertainment as that term is defined and used in Sec. 10-246 of City of Dallas Code, shall be permitted. The applicant for a license of a courtyard market shall show by plat or survey submitted with the application for a license, the physical delineation of the area in which alcoholic beverages will be sold, consumed and stored and such area shall be included as part of the premises as defined in this section. Licenses to sell alcoholic beverages for consumption on the premises in a courtyard market may be issued to the owner or property manager of the courtyard market.

The Code of Ordinances of the City of Dallas, Georgia, **CHAPTER 4 – ALCOHOLIC BEVERAGES, ARTICLE VII. – CONSUMPTION ON PREMISES OF ALCOHOLIC BEVERAGES, Sec. 4-87 – No Outside consumption** shall be struck in its entirety and replaced as follows:

Sec. 4-87. – No Outside Consumption

- (a) A consumption on premises licensee shall not permit a purchaser to remove from the premises any alcoholic beverage from the premises and it is the licensee's responsibility to ensure that no beverages are sold and carried out.
- (b) It shall be unlawful for any licensee hereunder to make deliveries of any alcoholic beverage beyond the boundaries of the premises covered by the license.

- (c) It is prohibited for customers to gather outside an alcoholic beverage premise and consume alcoholic beverages.
- (d) It is prohibited for the manager or any employee to allow persons to gather outside an alcoholic beverage premise and consume alcoholic beverages.
- (e) This section shall not apply in the following instances:
 - (1) For events that are sponsored or organized by the City of Dallas, Georgia but only for malt beverage and wine and where the alcohol is obtained from a participating business within the designated area and is contained in and consumed from an approved, clear plastic container and where the person consuming or possessing such alcohol is wearing an approved wristband.
 - (2) Where the City of Dallas, Georgia council through a resolution has permitted otherwise.
 - (3) For restaurants that have a valid sidewalk café permit provided that all outdoor activities are contained within the permitted sidewalk café.
 - (4) For an open- air café as defined by this chapter.
 - (5) Beverages for consumption at a publicly owned or privately owned golf course.
 - (6) Beverages purchased in a designated entertainment district.
 - (7) On the property of a licensed Courtyard Market

The Code of Ordinances of the City of Dallas, Georgia, **CHAPTER 4 – ALCOHOLIC BEVERAGES, ARTICLE VII. – CONSUMPTION ON PREMISES OF ALCOHOLIC BEVERAGES, Secs. 4-97—4-99 Reserved** shall be struck in their entirety and replaced as follows:

Sec. 4-97. – Signage for Courtyard Markets

Any licensed Courtyard Market that allows patrons to leave an establishment with an alcoholic beverage as regulated herein shall have an 11-inch by 17-inch sign with clearly visible text, in no less than 20-point font size, posted at the door for public view whereas any patron exiting the establishment can reasonably read the following:

"All patrons leaving this establishment with an alcoholic beverage do hereby take full responsibility to only consume an alcoholic beverage served in a clear plastic cup not to exceed 16 ounces in size and obtained by this establishment licensed to sell alcoholic beverages in this complex boundary outlined on the map below. Any individual that leaves the permitted area with an alcoholic beverage in an open container is in violation of city code and may be subject to a citation and/or fine."

This sign shall also include a map of the Courtyard Market area with clearly delineated boundaries designating the extent of the Courtyard Market as licensed. The size of the map shall fill the dimensions of no less than 8.5 inches by 11 inches. This sign to be used shall be approved by the licensing officer in any application prior to the issuance of a license for a Courtyard Market.

Secs. 4-98 – 4-99. – Reserved.

SECTION II. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION III. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision will not affect the validity of the remainder of this ordinance or any part thereof.

SECTION IV EFFECTIVE DATE. Following passage and approval of this ordinance by the Mayor and City Council, this ordinance shall be effective on and after _____, 2023.

SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA, THIS THE ____ DAY OF _____, 2023.

L. James Kelly, Mayor

James R. Henson, Councilmember

Michael G. Cason, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

ATTEST:

Tina Clark, City Clerk of the City of Dallas, GA

Date