

ORDINANCE 25-19

To Amend Chapter 6 Of The 2001 Revised Code Of The City Of Dalton, Georgia Captioned "Alcoholic Beverages"; By Adding a New Section 6-113 Captioned "Package Stores"; By Reserving Sections 6-114 through 6-140 for Future Use; By Amending Section 6-107 Captioned "Disqualification Generally" By Striking, Repealing And Deleting Subsection (3) In Its Entirety Subsection And Substituting In Lieu Thereof A New Subsection (3); By Amending Section 6-10 Captioned "Possession in Public Places" By Striking, Repealing And Deleting Subsection (c) In Its Entirety Subsection And Substituting In Lieu Thereof A New Subsection (c); To Provide For An Effective Date; To Provide For The Repeal Of Conflicting Ordinances; To Provide For Severability; And For Other Purposes.

BE IT ORDAINED by the Mayor and Council of the City of Dalton and by the authority of the same, **IT IS HEREBY ORDAINED** as follows:

Section 1.

Amend Chapter 6 of the 2001 Revised Code of the City of Dalton, Georgia, captioned "Alcoholic Beverages" by Adding Section 6-113 captioned "Package Stores" which shall read as follows:

Sec. 6-113. Package Stores.

- (a) No license shall be issued for the retail sale of distilled spirits by the package unless the number of active retail package distilled spirits licenses is less than one license per two thousand five hundred (2,500) people residing within the corporate limits of the City of Dalton according to the most recent United States Decennial Census.
- (b) Notwithstanding any other provision of this section, any valid and existing license for the retail sale of distilled spirits by the package, which does not otherwise lapse or become expired or revoked, may be renewed or transferred subject to the requirements and qualifications for the same set forth in Chapter 6 of this Code. Nothing in this section shall be construed to prohibit approval of applications for alcoholic beverage licenses as set forth in Section 6-208 of this Code.
- (c) When an additional license for the retail package sale of distilled spirits becomes available as a result of population growth or attrition of current licenses, the city shall announce the availability of an additional license and the time for receipt of applications for said license, which time shall not be less than 30 days. All applications received during the application time shall be evaluated and approved provisionally pursuant to the process for all other alcohol licenses described in Chapter 6 of this Code; however, such approval shall be subject to the limitations set forth in this section, and no license shall issue until the process described in this section is complete. An applicant shall then be chosen to receive an alcohol license via lottery from the pool of provisionally approved applicants.

- (d) The limitations set forth in this section shall be in addition to and not in lieu of all other requirements specified in Chapter 6 of this Code for a license for the retail sale of distilled spirits by the package.

Section 2.

Amend Chapter 6 of the 2001 Revised Code of the City of Dalton, Georgia, captioned "Alcoholic Beverages" by reserving Sections 6-114 through 6-140 for future use.

Section 3.

Amend Chapter 6 of the 2001 Revised Code of the City of Dalton, Georgia, captioned "Alcoholic Beverages" by amending Section 6-107 captioned "Disqualification Generally" by striking, repealing and deleting subsection (3) thereof in its entirety and substituting in lieu thereof a new subsection (3) which shall read as follows:

- (3) The applicant or his Designated Agent, as a previous holder of a license to sell alcoholic beverages, has violated any law, regulation or ordinance relating to such business, or has surrendered its license with a charge pending regarding the violation of any law, regulation or ordinance relating to such business, within a 36-month period immediately preceding the date of the application. In the event of a renewal application, offenses prosecuted and resolved pursuant to this chapter shall not be considered.

Section 4.

Amend Chapter 6 of the 2001 Revised Code of the City of Dalton, Georgia, captioned "Alcoholic Beverages" by amending Section 6-10 captioned "Possession in Public Places" by striking, repealing and deleting subsection (c) thereof in its entirety and substituting in lieu thereof a new subsection (c) which shall read as follows:

- (c) Within the area bordered on the north by Hawthorne Street, on the east by the western right-of-way of the L&N Railway, on south by Morris Street and on the west by Thornton Avenue (the "area"); the following regulations shall apply:
- (1) *Two drink on-street limit.* Any establishment within the area licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense alcoholic beverages in a paper or plastic cup conforming to cup specifications promulgated by the Downtown Dalton Development Authority from time to time for removal from the premises; provided, however, that no establishment shall dispense to any person more than two such alcoholic beverages at a time for removal from the premises, and no person shall remove at one time more than two such alcoholic beverages from the licensed premises.
- (2) *Size limited.* No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 20 fluid ounces in size. No person shall hold in possession on the streets and sidewalks, in parks and squares, or in other public places

within the defined area any open alcoholic beverage container which exceeds 20 fluid ounces in size. The volume of alcoholic beverage in any such container shall not exceed 16 fluid ounces.

- (3) *Drinking from can, bottle, or glass prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private.
- (4) *Outside consumption of alcoholic beverages permitted within the area.* Outside consumption of an alcoholic beverage from a container that is in compliance with this subsection (c) of section 6-9 and obtained from an establishment within the area licensed to dispense alcoholic beverages by the drink for consumption on the premises is permitted within the area between 12:30 p.m. and midnight. Provided, however, consumption of an alcoholic beverage in a parked or moving vehicle within the area is prohibited.

Section 5.

This Ordinance shall be effective upon the posting of this Ordinance in two (2) public places in the City of Dalton for five (5) consecutive days following its enactment by the Mayor and Council, the public health, safety, and welfare requiring it.

Section 6.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7.

It is hereby declared to be the intention of the Mayor and Council of the City of Dalton that the section, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

SO ORDAINED this _____ day of _____, 2025.

The foregoing Ordinance received its first reading on _____ and a second reading on _____. Upon second reading a motion for passage of the ordinance was made by Councilmember _____, seconded by Councilmember _____, and upon the question the vote is _____ ayes, _____ nays, and the Ordinance is adopted.

ATTEST:

CITY CLERK

MAYOR/MAYOR PRO TEMPORE

A true copy of the foregoing Ordinance has been published in two public places within the City of Dalton for five (5) consecutive days following passage of the above-referenced Ordinance as of _____.

CITY CLERK, CITY OF DALTON