

ORDINANCE _____

AN ORDINANCE TO AMEND CHAPTER 4 (ALCOHOLIC BEVERAGES) OF THE CODE OF THE CITY OF LAWRENCEVILLE, GEORGIA TO ADOPT AND/OR AMEND REGULATIONS RELATED TO GROWLERS / GROWLER SHOPS; TO ADOPT AND/OR AMEND REGULATIONS RELATED TO INDOOR SPECIAL EVENT FACILITIES; TO ADOPT AND/OR AMEND REGULATIONS RELATED TO OUTDOOR SPECIAL EVENTS; TO ADOPT AND/OR AMEND REGULATIONS RELATED TO AND FIXED/MOVABLE BARS; TO ADOPT AND/OR AMEND REGULATIONS RELATED TO WINE SHOPS; AND FOR OTHER PURPOSES

The City Council of the City of Lawrenceville, Georgia hereby ordains that Chapter 4 (Alcoholic Beverages) of the Code of the City of Lawrenceville, Georgia is hereby amended as follows:

Section 1:

That Sec. 4-2 (Definitions) is hereby amended by replacing the definition of the term "growler" with a new definition, which shall read as follows:

Growler means a reusable container used to transport draft beer or wine for off-premises consumption that is not to exceed 68 ounces and not less than 12 ounces and is filled with beer or wine from a keg by a licensee or an employee of a licensee holding a license as a retail dealer of beer sold in original packages for consumption off the premises from the City or holding a license as a growler shop subject to the provisions of section 4-151.

Section 2:

That Sec. 4-2 (Definitions) is hereby amended by adding the definition of "high gravity beer," which shall read as follows:

High gravity beer means any beer or malt beverage containing six (6) percent or more alcohol by volume.

Section 3:

That Sec. 4-2 (Definitions) is hereby amended by deleting the definition of "indoor special event facility" and replacing it to read as follows:

Indoor special event facility means a privately-owned commercial establishment which:

- (1) Provides a gathering space for rental purposes for special events;
- (2) Serves prepared food at every event held at the facility at which alcohol is consumed and has a food or catering preparation area consisting of a sink and warming unit(s), where food is prepared and/or staged;
- (3) Charges a rental fee for use of the event facility for special events;
- (4) Has at least 3,000 square feet of enclosed heated space;
- (5) Has an occupant capacity of at least 200 people;
- (6) May allow professional, live, or musical entertainment to be performed on-site indoors during a private special event or a properly permitted special event; and
- (7) Does not allow sexually related adult entertainment to be performed in the event facility.

The primary activity on the premises of the indoor special event facility shall be family-oriented in nature, generally meaning a use which attracts a range of individuals from all age groups. Uses may specifically include, but are not limited to: corporate events, wedding receptions, birthday parties, holiday parties, and other similar uses. Bingo parlors, dance halls, nightclubs, taverns, billiard parlors, video arcades, skating arenas, adult entertainment and/or sexually

related entertainment activities, and similar uses are specifically excluded from this definition of indoor special event facility.

Section 4:

That Sec. 4-29 (License fees enumerated) is hereby amended by deleting Section 4-29 in its entirety and by replacing it to read as follows:

Sec. 4-29. License fees enumerated.

License fees applicable to this article are set out as follows:

- (1) Retail dealers of distilled spirits to be consumed on the premises, \$2,500.00 per (subject to fixed bar/moveable bar regulations).
- (2) Retail dealers of beer to be consumed on the premises, \$600.00 per year (subject to fixed bar/moveable bar regulations).
- (3) Retail dealers of wine to be consumed on the premises, \$600.00 per year (subject to fixed bar/moveable bar regulations).
- (4) Retail dealers of beer and wine to be consumed on the premises, \$1,200.00 per year (subject to fixed bar/moveable bar regulations).
- (5) Retail dealers of beer sold in original packages for consumption off the premises, \$600.00 per year.
- (6) Retail dealers of wine sold in original packages for consumption off the premises, \$600.00 per year.
- (7) Retail dealers of beer and wine sold in original packages for consumption off the premises, \$1,200.00 per year.
- (8) Wholesale dealers in beer, whose principal place of business is in the City, \$250.00 per year.
- (9) Wholesale dealers in wine, whose principal place of business is in the City, \$250.00 per year.
- (10) Wholesale dealers in beer and wine, whose principal place of business is in the City, \$500.00 per year.
- (11) Any additional fixed bar at any previously licensed location for consumption of alcoholic beverages on the premises, \$500.00 per year.
- (12) Any movable bar at any previously licensed location for consumption of alcoholic beverages on the premises, \$100.00 per year.

- (13) Temporary license for nonprofit civic organizations, \$50.00 per day, maximum five days per year.
- (14) Nonprofit private club beer to be consumed on the premises, \$250.00 per year.
- (15) Nonprofit private club wine to be consumed on the premises, \$250.00 per year.
- (16) Nonprofit private club beer and wine to be consumed on the premises, \$500.00 per year.
- (17) Nonprofit private club distilled spirits to be consumed on the premises, \$1,000.00 per year.
- (18) Hotel-motel in-room service, \$100.00 per year.
- (19) Wholesale dealers in distilled spirits whose principal place of business is in the City, \$1,000.00 per year.
- (20) Retail dealers of distilled spirits, beer and wine by the drink to be consumed outdoors or in a public facility pursuant to a special use permit, \$2,000.00 per event.
- (21) Patio sales, \$200.00 per year
- (22) Catering license, \$200.00 per year.
- (23) Catering permit for out-of-jurisdiction catering licensee, \$50.00 per event.
- (24) Wine shop license, \$2,500.00 per year (subject to fixed bar/moveable bar regulations).
- (25) Performing arts facility license, \$500.00 per year (subject to fixed bar/moveable bar regulations).
- (26) Indoor special events facility license, \$2,000.00 per year.
- (27) Art shop license, \$500.00 per year.
- (28) Brewpub license, \$2,500.00 per year (subject to fixed bar/moveable bar regulations).
- (29) Growler shop license, \$500.00 per year (subject to fixed bar/moveable bar regulations).
- (30) Brewer's license, \$2,500.00 per year (subject to fixed bar/moveable bar regulations).
- (31) Distiller's license, \$2,500.00 per year (subject to fixed bar/moveable bar regulations).

(32) Alcoholic frozen consumables license, \$100.00 per year.

Section 5:

That Sec. 4-70 (Drinking in public; consumption of alcohol on city streets prohibited or limited to certain areas) is hereby amended by deleting Section 4-70 in its entirety and by replacing it to read as follows:

Sec. 4-70. Drinking in public; consumption of alcohol on City streets prohibited or limited in certain areas

(a) Except as provided in subsection (b) of this section or in a licensed establishment, it shall be unlawful for any person to consume any alcoholic beverage in or upon any street, alley, sidewalk or other public way or place in the City or within any public building. Except as provided in subsection (b) of this section, it shall be unlawful for any licensed establishment to dispense any alcoholic beverage in an open container for removal from the premises, and it shall be unlawful for any person to remove from an alcoholic beverage establishment any open container of an alcoholic beverage or to drink or attempt to drink any alcoholic beverage from any open container or to possess in any open container any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private, or within any public building within the City limits of Lawrenceville.

(b) Consumption of alcohol in an open container outside of a licensed establishment shall be allowed only in the locations specified below:

(1) Inside the Historic Courthouse Building by a licensed caterer as set forth in section 4-144;

(2) On the patio of a licensed establishment which meets all of the requirements and is specifically licensed for patio sales in accordance with section 4-146;

(3) Outdoor special event permit.

(i) This subsection shall apply to all events except those exempted by (ii) below. Outside in an area clearly marked for identification as an outdoor alcohol drinking area pursuant to a special event permit issued by Mayor and Council to allow consumption outside of a licensed establishment. Only establishments licensed and properly permitted by the State of Georgia shall be eligible for special event permit and license under this subsection. The license shall be granted for a maximum of three consecutive days and shall be governed by all of the other rules and regulations of the City as if the alcohol was being dispensed within an establishment licensed by the City for sale of alcohol for consumption on the premises. A permit fee of \$1.00 per square foot or \$2,000.00, whichever is greater, shall be charged per event payable at the time of issuance of the permit. The applicant shall be required to provide adequate security officers for the event as established by the Mayor and Council at the expense of the

applicant. Security officers shall be off duty Police Officers or Sheriff's deputies from Gwinnett County or one of its municipalities.

(ii) This subsection shall apply only in the case of an event sponsored by the City. Outside in an area clearly marked for identification as an outdoor alcohol drinking area pursuant to a special event permit issued by the City Manager to allow consumption outside of a licensed establishment. Only establishments licensed and properly permitted by the State of Georgia shall be eligible for special event permit and license under this subsection. An application fee of \$100.00 shall be submitted with the special event application. The license shall be granted for a maximum of three consecutive days and shall be governed by all of the other rules and regulations of the City as if the alcohol was being dispensed within an establishment licensed by the City for sale of alcohol for consumption on the premises;

(4) A person may remove an alcoholic beverage purchased from an establishment licensed for consumption on the premises and possess and consume said alcoholic beverage subject to the following requirements:

(i) The alcoholic beverage shall be purchased from an establishment licensed for consumption on the premises and located within the Downtown Entertainment District;

(ii) The alcoholic beverage shall be in a shatterproof or plastic cup no larger than 16 ounces;

(iii) Only one drink at a time per person may be carried out of an establishment;

(iv) The hours of open carry under this paragraph shall be Monday through Sunday from 11:00 a.m. until 11:59 p.m.

(v) The beverage cannot be carried into an establishment that does not serve alcohol unless permitted by the establishment; and

(vi) The area in which this subsection applies shall be known as the Downtown Entertainment District. The boundaries of the Downtown Entertainment District are established by a map adopted by resolution of the City Council and a copy of said map shall be maintained in the office of the City Clerk. If no such resolution and map has been adopted or if such resolution and map are repealed, there shall be no area in the City to which this subsection applies.

Section 6:

That Sec. 4-71 (Special event permit minimum requirements) is hereby amended by deleting Section 4-71 in its entirety and by replacing it to read as follows:

Sec. 4-71. Outdoor special event permit minimum requirements.

(a) The following are minimum special event permit requirements for the exemptions set forth in section 4-70(b)(3).

(1) The applicant shall be required to provide adequate security officers for the event as established by the Mayor and Council at the expense of the applicant; however, there shall be a minimum of one security officer for all events. Security officers used to comply with

this section shall be off-duty police officers or sheriff's deputies from Gwinnett County or one of its municipalities.

(2) An outdoor special event permit shall only be granted within the Downtown Entertainment District.

(3) A separate event application shall be required for any party/person/use seeking to obtain an outdoor special event permit.

(b) The following additional regulations shall apply to dispensing and drinking alcohol pursuant to the exceptions set forth in section 4-70(b)(3) and shall be made conditions of each special event permit issued for such exceptions:

(1) *Two drink limit.* Any establishment licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic cup or aluminum container, for removal from the premises; provided, however, that no establishment shall dispense to any person more than two such alcoholic beverages at a time and provided the alcohol is consumed in the area specified in the special event permit granted in section 4-70(b)(3).

(2) *Size limitation.* No container in which an alcoholic beverage is dispensed or served pursuant to section 4-70(b)(3) shall exceed 16 fluid ounces in size; provided, however, that beer or a malt beverage may be dispensed or served in a container up to but not exceeding 24 fluid ounces in size. No person shall hold in possession within the defined area any open alcoholic beverage container which exceeds 16 fluid ounces in size, except for a container of beer or a malt beverage which shall not exceed 24 fluid ounces in size.

(3) *Drinking from glass prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a glass container or to possess in a glass container any alcoholic beverage outside or in the defined area.

(4) *Drinking outside the designated area.* It shall be a violation of this article to take an alcoholic beverage served in the designated area outside of the designated area for any reason.

(5) *Hours and days.* It shall be unlawful for any person to purchase, distribute, or consume alcoholic beverages outside of the hours of sale provisions contained in this article.

Section 7:

That the Code is amended by adding a new section to be numbered Sec. 4-90, which section shall read as follows:

Sec. 4-90. Fixed bar and moveable bar regulations.

All licensees are entitled to one bar. A licensee may permit additional fixed or moveable bar(s) subject to the fee schedule in this chapter and subject to the regulations set below:

(1) A map showing the location of any additional fixed or moveable bar shall be submitted to the City Clerk for approval.

(2) The City Clerk may limit the number of additional fixed or moveable bars based on the square footage of the licensed establishment.

- (3) A moveable bar shall be a temporary bar that is used occasionally and is not in regular operation.

Section 8:

That Sec. 4-138 (Retail sales of malt beverages and wine for consumption on the premises) is hereby amended by replacing the entire section and all of its subsections, which shall read as follows:

Sec. 4-138. Retail sales of malt beverages and wine for consumption on the premises.

No beer or wine may be sold by the drink for consumption on the premises where sold except pursuant to a license and under one of the following categories:

- (1) In restaurants with a seating capacity of at least 30 people, excluding stools and counter seating, regularly serving prepared food, with a full-service kitchen. A full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the Gwinnett County Health and Fire Departments. Such restaurant shall regularly serve food every hour it is open and derive at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of beer and wine.
- (2) In zoning districts where such restaurants are conforming uses or where such establishments are incident to a hotel.
- (3) In indoor commercial recreation establishments.
- (4) In an indoor publicly owned civic and cultural center.
- (5) In a performing arts facility where the facility meets the definition for a performing arts facility set forth in section 4-2 (establishment located in the Downtown Overlay District; operates in a building owned by the City of Lawrenceville or the Lawrenceville Building Authority, has its principal objective or business as the presentation of live music, mainline dramatic arts, plays, theatre productions and stand-up comedy; and does not feature, show, allow, promote or advertise adult businesses as defined and regulated in chapter 10 of this Code, including, but not limited to, adult dancing establishments, adult mini-motion picture theatres, adult motion picture theatres, adult motion picture arcades and erotic dance establishments); provided, however, that a performing arts facility license shall not authorize the licensee to serve or sell alcohol in any location other than the performing arts facility.
 - a. A business meeting the definition of a performing arts facility under this Code shall be eligible to apply for and be considered for an annual license to allow alcohol consumption on the premises from the City Clerk in the same manner as set forth in article II of this chapter.
 - b. A business granted a performing arts facility license for consumption of alcohol on the premises shall be required to obtain all required licenses from the State and to follow all State and local laws, ordinances and rules governing the consumption of alcohol on the premises.
 - c. Alcohol may also be sold and/or dispensed at a performing arts facility as defined in section 4-2 by a licensed caterer in the same manner set forth in section 4-144 without the need for the facility or the caterer to obtain a performing arts facility license.

d. In addition to the hours of sale requirements set out in section 4-139, alcohol may not be dispensed at a performing arts facility earlier than one hour before the start of a performance or later than one hour after the performance has ended.

(6) In a wine shop under the conditions set forth in section 4-147.

(7) In a brewery, provided that only beer is sold and such establishment meets all requirements of O.C.G.A. § 3-5-24.1.

(8) In indoor special event facilities under the conditions set forth in section 4-156.

Section 9:

That Sec. 4-140 (Distilled spirits consumption on the premises) is hereby amended by replacing the entire section and all of its subsections, which shall read as follows:

Sec. 4-140. Distilled spirits consumption on the premises.

(a) No distilled spirits may be sold by the drink for consumption on the premises where sold except:

(1) In restaurants regularly serving prepared food, with a full-service kitchen. A full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the Gwinnett County Health and Fire Departments. Such restaurant shall regularly serve food every hour it is open and derive at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of distilled spirits.

(2) In zoning districts where such restaurants are conforming uses or where such establishments are incident to a hotel.

(3) In indoor commercial recreation establishments.

(4) In an indoor publicly owned civic and cultural center.

(5) In a performing arts facility which holds a performing arts facility alcohol license and which meets all of the definitional requirements set forth in this chapter; provided, however, that a performing arts facility license shall not authorize the licensee to serve or sell alcohol in any location other than the performing arts facility.

(6) In a distillery as permitted by O.C.G.A. § 3-4-24.2.

(7) In indoor special event facilities under the conditions set forth in section 4-156.

(b) Any restaurant or indoor commercial recreational establishments where distilled spirits are to be consumed on the premises shall also meet the following requirements:

(1) Such establishments shall have a seating capacity of at least 30 people, excluding stools and counters;

(2) The establishment shall be used, advertised and held out to the public as a place where meals are served and meals are actually served;

(3) Such establishment shall serve two meals per day for at least six days per week, with the exception of holidays, vacations, and periods of redecorating, and the serving of such meals shall be the principal business conducted with the serving of distilled spirits to be consumed on the premises as incidental thereto. Eating establishments serving full course meals during an extended period of not less than six hours per day at least six days per week shall be deemed to be serving two meals per day.

Section 10:

That Sec. 4-144 (Licensed caterers) is hereby amended by deleting Section 4-144 in its entirety and by replacing it to read as follows:

Sec. 4-144. Licensed caterers.

(a) Notwithstanding any other provision of this chapter to the contrary, a licensed caterer shall be permitted to sell alcoholic beverages for consumption on the premises of a duly authorized catered event held at one of the following locations:

- (1) Performing arts facilities as defined in this chapter;
- (2) Indoor publicly owned civic and cultural centers as defined in this chapter (the City-owned Depot building, the City-owned Oakes House, and the Historic Courthouse);
- (3) Indoor special event facilities as defined in this chapter; and
- (4) An authorized outdoor special event which has been granted an outdoor special event permit in accordance with section 4-70(b)(3).

(b) A licensed caterer authorized under this section must be a retail dealer licensed pursuant to State law and must possess the following licenses and permits:

- (1) A license permitting the sale of alcoholic beverages for consumption on the premises issued by the city or another licensing jurisdiction;
- (2) An alcoholic beverage catering license issued by the City or another licensing jurisdiction; and
- (3) An off-premises permit for the specific event being catered.

(c) All licensed alcoholic beverage caterers desiring to engage in activities permitted by this section shall make written application to the City Clerk for the appropriate off-premises permit. The application shall include, but not be limited to, the name, address and telephone number of the applicant; the date, address and time of the proposed catered event and the licensed alcoholic beverage caterer's State license number. All applications shall be sworn to by the applicant before a notary public or other officer authorized to administer oaths. If an applicant has had his license to sell alcohol by the drink for consumption on the premises issued by another jurisdiction, the application shall be accompanied by an off-premises permit fee of \$50.00. If the application is denied, or if the applicant withdraws the application prior to its approval, the license fee (without interest) shall be refunded. If an applicant has had his license to sell alcohol by the drink for consumption on the premises issued by the City, such off-premises permit fee is waived. However, such permit must still be obtained.

(d) The City Clerk shall have authority to prescribe forms for applications. Failure to furnish any requested data shall automatically serve to dismiss the application with prejudice.

(e) Any untrue or misleading information contained in, or material statement omitted from, an original or renewal application for an off-premises permit shall be cause for the denial or revocation thereof.

(f) If such off-premises permit is granted by the City Clerk, it shall be good only for the specific event at the specified address, for the date(s) and time set forth in the application.

(g) Except as set forth in this section, an off-premises permit holder must comply with all other provisions set forth in this chapter.

Section 11:

That Sec. 4-147 (Wine shop) is hereby amended by deleting Section 4-147 in its entirety and by replacing it to read as follows:

Sec. 4-147. Wine shop.

(a) Notwithstanding any other provision of this chapter to the contrary, the City Clerk is authorized to issue a wine shop license to businesses:

(1) Which meet all other license application requirements set forth in this chapter;
and

(2) Which operate primarily as a retail package dealer and earn a minimum of 70 percent of annual gross revenue from package sales of wine.

(b) A wine shop established under this section may:

(1) Sell and serve beer and wine by the drink for consumption on the premises except on Sundays; and

(2) Sell wine and beer by the package.

(c) Nothing in this subsection shall prohibit a wine shop from serving food, provided that it meets all of the requirements for restaurants in this Code and is properly permitted by the City.

Section 12:

That Sec. 4-151 (Growler shop) is hereby amended by deleting Section 4-151 in its entirety and by replacing it to read as follows:

Sec. 4-151. - Growler shop.

(a) No person shall be permitted to own or operate a growler shop without first obtaining a growler shop license from the City Clerk pursuant to the same procedures as are set forth in this article, and each growler shop license holder shall comply with all other applicable state and local requirements.

(b) A growler shop shall be located in the Downtown Overlay District. Growlers may not be sold at any establishment engaged in the sale of distilled spirits.

(c) The filling of growlers by means of a tapped keg shall not constitute the breaking of a package as contemplated by O.C.G.A. § 3-3-26 or other provisions of this article, provided that after the growler is filled the growler must be sealed on the licensed premises with a tamper-proof plastic cap and may not thereafter be opened or consumed on the premises. Licensees or employees of the growler shop may fill or refill growlers with draft beer or wine at a growler shop as provided in this section in a growler not smaller than 12 ounces in volume and not to exceed 68 ounces in volume.

(d) A growler shop shall be authorized to sell samples of draft beer or wine to patrons over the age of 21 years. Samples of beer whether under subsection (d) or (e) shall not exceed a total of 32 ounces in volume to any one individual within a 24-hour period, but if a person is sold a sample of high gravity beer the total sample about in a 24-hour period shall be reduced to 20 ounces in volume. Samples of wine whether under subsection (d) or (e) shall not exceed a total of 10 ounces in volume to any one individual within a 24-hour period. A growler shop shall not be permitted to sell 20/32 ounces of beer and 10 ounces of wine to one individual. The intent of this ordinance is that the primary purpose of a growler shop is to be a package off premises operation but may provide samples as an ancillary part of its operations. The intent of this provision is to restrict the amount of the samples sold to one individual to the lowest volume (10, 20 or 32 ounces) based on any combination of alcoholic beverage.

(e) In addition to growlers, a growler shop may sell beer and/or wine in cans, bottles, or other sealed package as a retail dealer. The growler shop shall be authorized to sell samples of beer or wine to patrons over the age of 21 years. Samples of beer whether under subsection (d) or (e) shall not exceed a total of 32 ounces in volume to any one individual within a 24-hour period, but if a person is sold a sample of high gravity beer the total sample about in a 24-hour period shall be reduced to 20 ounces in volume. Samples of wine whether under subsection (d)

or (e) shall not exceed a total of 10 ounces in volume to any one individual within a 24-hour period. A growler shop shall not be permitted to sell 20/32 ounces of beer and 10 ounces of wine to one individual. The intent of this ordinance is that the primary purpose of a growler shop is to be a package off premises operation but may provide samples as an ancillary part of its operations. The intent of this provision is to restrict the amount of the samples sold to one individual to the lowest volume (10, 20 or 32 ounces) based on any combination of alcoholic beverage.

(f) Nothing in this section shall prohibit a growler shop from serving food or other non-alcoholic products, provided that it meets all of the requirements provided in this Code and is properly permitted by the City.

Section 13:

That the Code is amended by adding a new section to be numbered Sec. 4-156, which section shall read as follows:

Sec. 4-156. Indoor Special Event Facility.

In an indoor special event facility pursuant to a license issued by the Mayor and Council setting forth specific operational requirements and restrictions for the facility that control consumption at the facility. An annual permit fee of \$2,000.00 shall be charged for a permit to authorize alcohol consumption and sales at an indoor special event facility. Alcohol may only be served at an indoor special events facility by a licensed caterer under the provisions set forth in section 4-144 or by the owner of the indoor special events facility event facility. An indoor special events facility shall be located in the Downtown Entertainment District (map on file with City Clerk) in order to obtain an alcohol license.

Section 14:

This ordinance shall become effective on December 15, 2021.

Section 15:

All ordinances, regulations, or parts of the same in conflict with this Ordinance are hereby rescinded to the extent of said conflict and only to the extent of said conflict.

Section 16:

If any section, article, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereto any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

IT IS SO ORDAINED this _____ day of December, 2021.

Attest:

David R. Still, Mayor

Karen Pierce, City Clerk