



The proposed ordinances, listed below, were heard by City Council, during the first reading December 17, 2020.

City Council approved the Downtown Entertainment Zone ordinances, during the final reading on January 7, 2021, with an effective date of February 11, 2021.



Ordinance no. _____

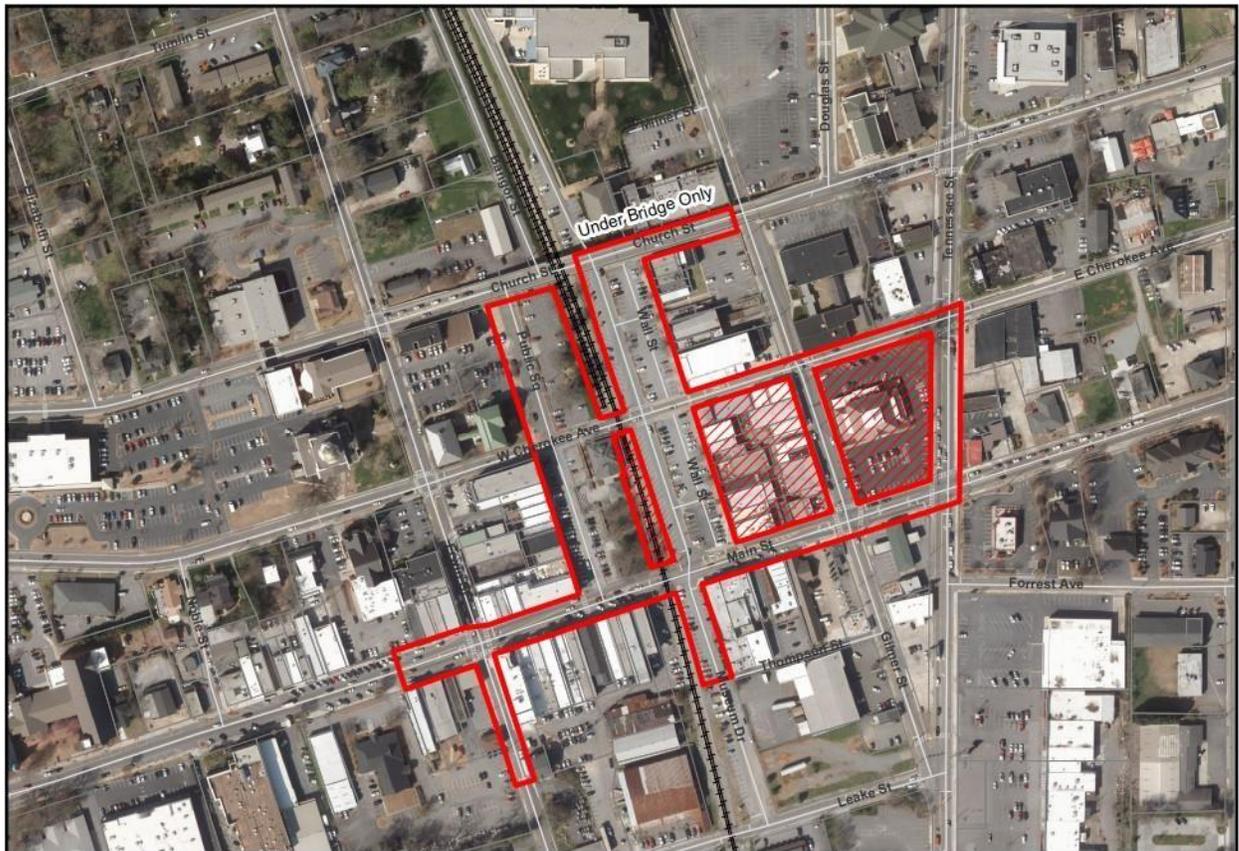
Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES. CHAPTER 4 – ALCOHOL BEVERAGES. ARTICLE II. - LICENSING REQUIREMENTS. DIVISION 4. PREMISES RESTRICTIONS. SECTION 4-1. definitions are amended by adding the definition of Downtown Entertainment Zone as listed below:

1.

Sec. 4-1. – Definitions

Downtown Entertainment Zone means and includes the following area as delineated on the map entitled “Downtown Entertainment Zone” incorporated herein below:

Downtown Entertainment Zone



2.

The additional definition added to Section 4-1 is to be made a part of the permitted uses and alphabetized accordingly to be made a part of the permitted uses and included accordingly.

3.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____
SECOND READING: _____
FINAL READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
JULIA DRAKE, CITY CLERK

Ordinance no. _____

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES. CHAPTER 4 – ALCOHOL BEVERAGES. ARTICLE II. - LICENSING REQUIREMENTS. DIVISION 4. PREMISES RESTRICTIONS. SECTION 4-105. – CONSUMPTION ON-PREMISES is amended by deleting and replacing the same; SECTION 4-106 CONSUMPTION ON OTHER PUBLIC PLACES is amended by deleting and replacing subsections (a) and (c) and adding a new subsection (f) and (g) is added as listed below

1.

Sec. 4-105. – Consumption on-premises.

It shall be unlawful for anyone to open, drink, or otherwise consume any wine or malt beverage or distilled spirits upon any premises, other than a pouring outlet or package wine outlet, wherein such beverages are sold under a license issued by the city, except as allowed for Brewer's pursuant to O.C.G.A. § 3-5-24.1 and Distiller's as allowed pursuant to O.C.G.A. § 3-4-24.2, or in the area of the Downtown Entertainment Zone as allowed in Section 4-106.

2.

Sec. 4-106. - Consumption in other public places.

- (a) Nothing in this article shall be construed to permit consumption of any intoxicating beverages in any public place in the city other than within the definite, closed-in or partitioned location, whether room or building, wherein pouring takes place, except for permitted caterers, sidewalk cafes, or right-of-way cafes, city-sanctioned event, or Downtown Entertainment Zone.
- (b) An establishment licensed under this chapter to sell alcoholic beverages shall not allow any person to leave such licensed premises with any alcoholic beverage in an open cup, bottle, can or other open container, except as provided for in the Downtown Entertainment Zone.
- (g) This section shall not apply in the following instances:
 - (1) For events that are sponsored or organized by the City of Cartersville where the alcohol is obtained from a participating business within any city sanctioned event, and is contained in and consumed from an approved, disposable plastic container.
 - (2) Where the city council through a resolution has permitted otherwise.
 - (3) For restaurants that have a valid sidewalk cafe permit provided that all outdoor activities are contained within the permitted sidewalk cafe.
 - (4) As permitted in the Downtown Entertainment Zone.
 - (5) Beverages for consumption at a publicly owned or privately-owned golf course, licensed to sell alcoholic beverages.
 - (6) For the carrying out of a partially consumed bottle of wine as defined in Section 4-14.
 - (7) When a temporary limited license has been issued, provided that the person consuming or possessing an alcoholic beverage remains on the public sidewalk directly in front of the premises licensed to sell alcoholic beverages or within the open areas, sidewalks, decks, or similar unenclosed spaces on or about the premises licensed to sell alcoholic beverages.
- (f) Downtown Entertainment Zone:
 - (1) The purpose of this section is intended to set forth certain exceptions and provisions applicable only to licensees whose establishments:
 - a) Are located within the Downtown Entertainment Zone.
 - b) Possess a license to sell alcoholic beverages for consumption on the premises.

- c) Except as specifically set forth in this section, all such licensees will remain subject to all other provisions of the city's alcoholic beverages ordinance.
- (2) Outside consumption of alcoholic beverages permitted in the Downtown Entertainment Zone.
 - (3) No containers in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 12 fluid ounces in size. No person shall hold in their possession on the public streets and sidewalks, plazas, in parks and/or any other public place within the Downtown Entertainment Zone any open alcoholic beverage container, which exceeds 12 fluid ounces in size. Any establishment licensed to sell alcoholic beverages by the drink for consumption on the premises which is located within an approved Downtown Entertainment Zone is authorized to dispense alcoholic beverages in a disposable plastic cup for removal from the premises, said cups may be purchased from the Cartersville Downtown Development Authority and shall include the allowed area and rules as approved by the Planning and Development Director. No alcohol is allowed off premises unless in the approved cup.
 - (4) Drinking from can, bottle, or glass prohibited except as specifically set forth in sections 4-106 (f) herein with respect to a disposable plastic cup, it shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, glass, cup, or container, on the public streets, sidewalks, plazas, rights-of-way, and public or private parking lots within the city.
 - (5) Purchases from licensed premises within the approved Downtown Entertainment Zone are allowed off premises. Alcoholic beverages purchased in accordance with this chapter may be consumed in the approved Downtown Entertainment Zone except as prohibited in this section. Alcoholic beverages consumed pursuant to this provision must be purchased from a licensed establishment authorized to sell alcoholic beverages for consumption on the premises within the Downtown Entertainment Zone. Licensed establishments shall only be permitted to serve from their approved premises as approved on their alcohol license and shall not serve from temporary locations upon the premises unless specifically allowed as part of an approved festival in accordance with Section 15-50 through 15-59. (6) Consumption is limited to certain areas in the Downtown Entertainment Zone and more specifically, no alcoholic beverage purchased pursuant to this provision may be consumed outside the boundary of the approved Downtown Entertainment Zone or within the approved Downtown Entertainment Zone on any parcel used as a public park, church, day care center or school unless specifically allowed by issuance of a special event permit in accordance with Section 15-50 allowed as a part of an approved festival.
 - (7) Hours of Consumption. Between the hours of 5:00 p.m. and 10:00 p.m., on Thursday and Friday, and between the hours of 2:00 p.m. and 10:00 p.m., on Saturday, consumption on premises licensees may authorize the sale of alcoholic beverages within the designated cups for off premises consumption and shall not allow alcoholic beverages to be removed from their licensed premises.

The following dates/events are excluded and no off premises consumption shall be allowed:

1. First Thursday in December for the Christmas Parade;
 2. Cartersville High School Homecoming Parade;
 3. July 4th Parade if it falls on a Thursday, Friday or Saturday; and
 4. Any other date as determined by Council by Resolution.
- (8) Any licensed establishment that allows patrons to leave an establishment with an alcoholic beverage as regulated herein shall have an 11-inch by eight and one-half inch sign posted at the door for public view whereas a patron exiting the establishment can 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 the designated cups for off premises consumption not to exceed 12 ounces in size and obtained by an establishment licensed to sell alcoholic beverages in the Downtown Entertainment Zone 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."
- (9) The provisions of this section shall not be deemed to abrogate or otherwise impact any state law or local ordinance pertaining to public drunkenness, disorderly conduct, driving with an open container or under the influence of alcohol, or similar laws.
- (10) No alleys are to be included within the Downtown Entertainment Zone.
- (11) Drinking from a can, bottle, or any other container except the designated cups for off premises consumption is prohibited and is subject to a fine of \$100.00.
- (12) Littering within the Downtown Entertainment Zone is subject to a fine of \$100.00
- (13) The City shall provide additional outdoor garbage cans within the Downtown Entertainment Zone.
- (14) Signage of rules, regulations, and penalties as approved by the Planning and Development Department shall be posted at the front door of all establishments allowing off premises consumption. Said signage requirements are as follows:
- "Any licensed establishment that allows patrons to leave an establishment with an alcoholic beverage as regulated herein shall have an 11-inch by eight and one-half inch sign posted at the door for public view whereas a patron exiting the establishment can 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 plastic disposable cup not to exceed 12 ounces in size and obtained by an

establishment licensed to sell alcoholic beverages in the Downtown Entertainment Zone 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."

(15) The City shall also place appropriate signage of the are of the Downtown Entertainment Zone.

(16) No designated cups are allowed to be in motor vehicles. A fine of \$100.00 for each cup in said vehicle shall be levied.

(17) Consumption limited to certain areas in the Downtown Entertainment Zone. No alcoholic beverage purchased pursuant to this provision may be consumed:

1. Outside the boundary of the approved Downtown Entertainment Zone or within the approved Downtown Entertainment Zone on any parcel used as a trail, public park, church, day care center or school or the adjoining sidewalk.

2. in an alley; or

3. in any public or private parking lot.

18. The provisions of this article shall not be deemed to abrogate or otherwise impact any state law or local ordinance pertaining to public drunkenness, disorderly conduct, driving with an open container or under the influence of alcohol, or similar laws.

Nothing in this ordinance or any resolution enacting the Downtown Entertainment Zone shall be construed as to allow the possession or consumption of alcoholic beverages in city parks or recreation buildings.

19. This ordinance shall remain in effect from the date approved by council for a period not to exceed one year from that date.

Container. No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 12 fluid ounces in size. No person shall hold in their possession on the public streets and sidewalks and/or any other public place within an entertainment district any open alcoholic beverage container, which exceeds 12 fluid ounces in size, provided further, that no person shall remove more than one (1) such alcoholic beverage per person from the licensed premises at a time.

Hours of Consumption. Any establishment licensed to sell alcoholic beverages by the drink for consumption on the premises, which is located within Downtown Entertainment Zone is authorized to dispense alcoholic beverages in a disposable plastic cup for removal from the premises: Thursdays from 5 pm until 10 pm, Friday from 5 pm until 11 pm, and Saturday from 10 am until 11 pm.

Drinking from can, bottle, or glass prohibited. Except as specifically set forth in sections _____ through _____ herein with respect to a disposable plastic cup, and section _____, it shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, glass, cup, or container, on the public streets, sidewalks, trails, parks, rights-of-way, and public or private parking lots within the city.

Purchase from licensed premises within the Downtown Entertainment Zone allowed off premises. Alcoholic beverages purchased in accordance with this chapter may be consumed within the Downtown Entertainment Zone except as prohibited in this section. Alcoholic beverages consumed pursuant to this provision must be purchased from a licensed establishment authorized to sell alcoholic beverages for consumption on the premises within the Downtown Entertainment Zone.

Licensed establishments shall only be permitted to serve from their approved premises as approved on their alcohol license and shall not serve from temporary locations upon the premises unless specifically allowed during a City sanctioned event in accordance with section _____.

3.

The additions to Section 4-106 shall be alphabetized accordingly and be made a part of the permitted uses and included accordingly.

4.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention and that the remaining provision of Section 4-105 not amended shall remain in effect and be unchanged.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____
SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
JULIA DRAKE, CITY CLERK