

ORDINANCE 2020-026  
1st reading and Introduction: 12/7/2020  
2nd reading: 1/4/2021

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**AN ORDINANCE AMENDING THE CODE OF ORDINANCES RELATING TO THE POWDER SPRINGS ALCOHOLIC BEVERAGE ORDINANCE TO REVISE THE DEFINITION OF PREMISES; AMENDING THE CODE OF ORDINANCES RELATING TO THE POWDER SPRINGS ALCOHOLIC BEVERAGE ORDINANCE TO AUTHORIZE DELIVERIES OF ALCOHOLIC BEVERAGES BY THE PACKAGE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

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**WHEREAS**, the Mayor and Council of the City of Powder Springs are authorized to adopt ordinances regulating the sale, possession, and consumption of alcohol; and

**WHEREAS**, the Mayor and Council desire to amend the existing code of ordinances to revise the definition of premises.

**WHEREAS**, the 2020 Session of the Georgia General Assembly resulted in the passage of House Bill 879, which *inter alia* authorizes deliveries of alcoholic beverages by the package in certain circumstances.

**NOW THEREFORE**, the Mayor and Council of the City of Powder Springs find that in the interest of the public health, safety and welfare it does hereby ordain that the Code of Ordinances is amended as follows with deletions shown with a strike-through and additions shown as underlined:

SECTION ONE

The Code of Ordinances is amended by making the following changes to Chapter 3, Article I, Section 3-2, subsection b:

**Sec. 3-2. - Definitions.**

*Premises* means the definite closed or partitioned-in locality, whether room, shop, or building wherein alcoholic beverages are sold, and may include an attached patio, ~~or deck~~, or ground area when:

- (1) It is separated from the general public by a permanent wall, fence, hedge or similar approved device, and access to the patio, ~~or deck~~, or ground area is limited only through the main premises;
- (2) The location of the patio, ~~or deck~~, or ground area does not encroach upon any sidewalk, right-of-way, or other common area customarily used for ingress, egress, pedestrian or vehicular traffic; and
- (3) The location and plans shall first have been approved by the city building inspector and fire marshal.

Use of a patio, ~~or deck~~, or ground area as a part of the premises shall be suspended or revoked when its use interferes with other uses in the vicinity, or becomes in any way a public nuisance.

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Notwithstanding the foregoing, premises shall include an outdoor dining area utilized as part of the operation of a sidewalk cafe. Open containers of alcoholic beverages shall only be transported into or out of outdoor dining areas by the licensee's working employees as part of their work duties.

(Ord. No. 2000-30, 11-20-00; Ord. No. 2015-016, § 1, 6-1-15; Ord. No. 2017-007 , § 1, 4-17-17; Ord. No. 2018-002 , § 1(Exh. A), 1-16-18; Ord. No. 2019-006, § 1, 3-4-19; Ord. No 2020-XXX, §1)

SECTION TWO

The Code of Ordinances is amended by making the following changes to Chapter 3, Article II, Division 1, Section 3-39:

**Sec. 3-39. - Delivery by retailer beyond licensed premises.**

It shall be unlawful for any licensee under this article to make deliveries of ~~any alcoholic beverages by the package beyond the boundaries of the premises covered by the license, or any alcoholic beverages by the drink beyond the indoor boundaries of the premises covered by the license.~~ A licensee under this article may make deliveries of alcoholic beverages by the package in accordance with State Law.

(Ord. No. 2000-30, 11-20-00)

SECTION THREE

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION FOUR

If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

SECTION FIVE

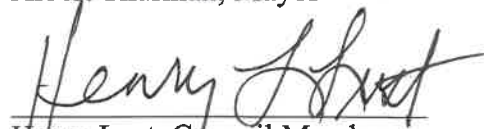
This ordinance shall become effective five (5) days after its adoption by the City Council.

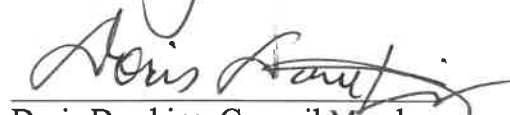
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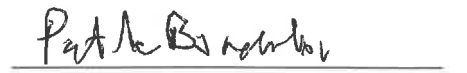
SO ORDAINED, this 4<sup>th</sup> day of January, 2021.

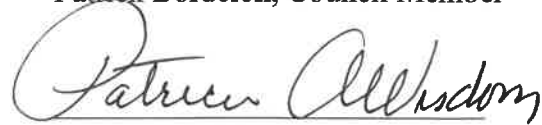
  
Albert Thurman, Mayor

  
Henry Lust, Council Member

  
Doris Dawkins, Council Member

  
Thelma C Farmer, Council Member

  
Patrick Bordelon, Council Member

  
Patricia Wisdom, Council Member

ATTEST:

  
Kelly Axt, City Clerk