

ORDINANCE 2020-017
1st reading and Introduction: 7/20/2020
2nd reading: 8/17/2020

AN ORDINANCE AMENDING THE CODE OF ORDINANCES RELATING TO THE POWDER SPRINGS ALCOHOLIC BEVERAGE ORDINANCE REVISING PROVISIONS RELATED TO THE ENTERTAINMENT DISTRICT; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

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 provisions related to the entertainment district.

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 II, Division 1, Section 3-74, subsection (c) to read as follows:

- (c) Within any area of the City of Powder Springs designated as an "entertainment district," as depicted on the maps attached and incorporated into this ordinance by reference hereto, the following regulations shall apply:
- (1) Any establishment within the boundaries of an entertainment district 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 to allow a customer to pour such customer's alcoholic beverage into a paper or plastic cup, and in no other type of open container, for removal from the premises: provided, however, that no establishment shall dispense to any person more than one (1) such open container of alcoholic beverage at a time for removal from the premises.
 - (2) No person shall remove at one (1) time more than one (1) open container of alcoholic beverage from the licensed premises.
 - (3) No open container in which an alcoholic beverage is dispensed and removed from the licensed premises within an entertainment district shall exceed sixteen (16) fluid ounces in size.
 - (4) No person shall hold in possession on the streets and sidewalks, in parks and squares, or in other public places within an entertainment district any open container of alcoholic beverage that exceeds sixteen (16) fluid ounces in size.

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SECTION TWO

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION THREE

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.

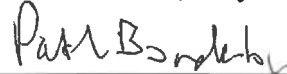
SECTION FOUR

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

SO ORDAINED, this 17th day of August, 2020.



Albert Thurman, Mayor



Patrick Bordelon, Council Member



Doris Dawkins, Council Member



Patricia Wisdom, Council Member



Henry Lust, Council Member



Thelma C. Farmer, Council Member

ATTEST:


Kelly Axt, City Clerk