

Ordinance 09-02

AN ORDINANCE OF THE CITY OF HAHIRA, GEORGIA

To amend certain provisions of Chapter 6, Articles I and II, Section 6 of the Hahira City Code concerning alcoholic beverages, to add a new Article VII regarding sale of alcoholic beverages for consumption on the premises, and for other purposes,

BE IT ORDAINED by the Mayor and Council of the City of Hahira and it is hereby ORDAINED by the authority thereof:

I.

A new Section 6-2 is hereby added to Chapter 6, as follows:

Section 6-2 Calculation of Distances

(a) For purposes of this Chapter, distance shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:

(1) from the main entrance of the establishment from which alcoholic beverages are sold or offered for sale;

(2) in a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;

(3) along such public sidewalk, walkway, street, road or highway by the nearest route;

(4) to the main entrance of the house of worship, or to the nearest portion of the school grounds or public playground.

(b) No location which is licensed to sell alcoholic beverages on the effective date of this ordinance shall be denied continued operation under an existing license, or denied any renewal of such license, nor shall any new owner of said location be denied a new license based upon the measurements calculated as set forth in this section.

(c) As to any location licensed in the future, if the distance requirements herein are met at the time of issuance of any license, the subsequent opening and operation of a house of worship, school or public playground within the distance prohibited herein shall not prevent the continuance of an existing license or the renewal thereof or the issuance of a new license to any subsequent owner of such property.

II.

A new Section 6-3 regarding Sunday sales of alcoholic beverages is hereby added to Chapter 6 as follows:

Sec. 6-3. Sunday sale prohibited; allowed during polling hours.

(a) No beer or wine or distilled spirits shall be sold within the corporate limits of the city from 12:01 a.m. Sunday morning until 10:00 a.m. Monday morning. Sale of distilled spirits, wine, and malt beverages shall be lawful during polling hours of any election;

however, nothing in this section shall authorize the sale of alcoholic beverages within 200 feet of a polling place during such time as the polls are open.

III.

Section 6-37(a) of the Hahira City Code is hereby deleted in its entirety and replaced with the following:

Sec. 6-37. Hours of Sale

(a) It shall be unlawful for any person to sell or offer for sale at wholesale or retail, in or upon any licensed premises, any malt beverage or other alcoholic beverages, for consumption on the premises by the drink or for transport away from such premises, except between the hours of 7:00 a.m. and 12:00 midnight.

IV.

Section 6-37(b) of the Hahira City Code is hereby deleted in its entirety and subsection 6-37(c) is hereby renumbered as 6-37(b).

V.

Sec. 6-77 is hereby deleted in its entirety and replaced with the following:

Sec. 6-77. Hours of Sale.

It shall be unlawful to sell wine at retail, including sales for consumption on the premises by the drink, except during those hours authorized for the retail sale of malt beverages in section 6-37.

VI.

A new Article VII is hereby added to Chapter 6, as follows:

ARTICLE VII. CONSUMPTION OF ALCOHOLIC BEVERAGES ON PREMISES

Sec. 6-201. Definitions.

The following words, terms and phrases shall, for the purpose of this article and except where the context clearly indicates a different meaning, be defined as follows:

(1) *Restaurant* shall mean any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment and seating capacity of at least ten (10) people, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable meals for consumption at tables in a dining room or dining rooms on the premises. At least one (1) meal per day shall be served at least six

(6) days a 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 alcoholic beverages as provided herein to be consumed on the premises as only incidental thereto. Said business must derive at least fifty (50) percent of its total annual gross income from food and non-alcoholic beverage sales.

Sec. 6-202. Sale of alcoholic beverages for consumption on the premises

It shall be unlawful to sell or offer for sale alcoholic beverages for consumption on the premises by the drink, except in or upon a licensed premises operated as a Restaurant, in which case, the sale for consumption on the licensed premises shall be limited to the sale of malt beverages and/or wine.

Sec. 6-203. Happy hour regulations.

(a) It is the intent and purpose of this section to prohibit activities typically associated with promotions referred to as "happy hour."

(b) No licensee or employee, or agent of a licensee, shall engage in any of the following practices in connection with the sale or distribution of alcoholic beverages for consumption on the premises:

- (1) The giving away of any alcoholic beverage in conjunction with the sale of any other alcoholic beverage;
- (2) The sale of two (2) or more alcoholic beverages for a single price, including the sale of all such beverages a customer can or desires to drink at a single price;
- (3) The sale or serving of two (2) or more alcoholic beverages at substantially the same price customarily charged for one such alcoholic beverage;
- (4) Requiring or allowing the purchase of a second or subsequent alcoholic beverage at the same time another alcoholic beverage is purchased or before the first such beverage has been consumed, by any one person.

VII.

All other provisions of Chapter 6 shall remain in full force and effect except as amended hereby.

VIII.

This Ordinance shall become effective on the 17TH day of March, 2009.

IX.

All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

ORDAINED this 17TH day of March, 2009.

Wayne Bullard
Wayne Bullard, Mayor

ATTEST:

Befinda Chappell
City Clerk