



DeKalb County Government

Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030

Agenda Item

File ID: 2017-1285

Substitute

12/12/2017

Public Hearing: YES NO

Department: Board of Commissioners

SUBJECT:

Commission District(s): All Commission Districts

Ordinance to Change the Hours of Operation for Establishments which Provide for On-Premises Consumption of Alcoholic Beverages.

Information Contact: Kathie Gannon, Commissioner, Super District 6

Jeff Rader, Commissioner, District 2

Phone Number: 404-371-2886

PURPOSE:

This ordinance changes the hours of operation for all businesses which provide alcoholic beverages for on-site consumption. Currently, alcoholic beverages may be served in a variety of establishments until 3:55 a.m. This ordinance will change that time to 2:00 a.m. for Sunday through Wednesday, and 2:30 a.m. for Thursday through Saturday.

NEED/IMPACT:

This ordinance revision will protect the health, welfare, and safety of the citizens of the County.

FISCAL IMPACT:

No cost to the County.

RECOMMENDATION:

Adopt the attached ordinance and authorize the chief executive officer to execute all necessary documents.

AN ORDINANCE

**AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA,
CHAPTER 4, PERTAINING TO CHANGING THE HOURS OF SALES OF
ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION, AND FOR
OTHER PURPOSES.**

WHEREAS, the Governing Authority of DeKalb County is tasked with the protection of the County's public health, safety, and general welfare; and

WHEREAS, O.C.G.A. § 3-3-7 establishes maximum hours of sale for distilled spirits, wine and beer; and

WHEREAS, DeKalb County desires to improve the quality of life in all of its communities and neighborhoods by adopting an ordinance that requires retail establishments that sell or offer to sell wine, malt beverages or distilled spirits for consumption on premises to stop serving alcoholic beverages earlier than is currently codified in the Code of DeKalb County; and

WHEREAS, this amendment to the alcoholic beverages ordinance will reduce the hours of sales of alcoholic beverages for on-premises consumption;

NOW, THEREFORE, BE IT ORDAINED by the Governing Authority DeKalb County, Georgia, and it is hereby ordained by the authority of same, that Chapter 4 of the Code of DeKalb County, Georgia, as Revised 1988, is amended to read as follows:

PART I. ENACTMENT

Sections 4-126, 4-128(a), 4-147, 4-149(a), 4-162, and 4-164(a) are amended by deleting these sections in their entirety and by replacing them with new sections 4-126, 4-128(a), 4-147, 4-149(a), 4-162, and 4-164(a) to read as follows:

* * *

Sec. 4-126. – Hours of sale and operation.

Distilled spirits shall be sold and delivered to the customer for consumption on the premises during the following hours:

- (a) Monday through Wednesday hours are from 9:00 a.m. until 2:00 a.m. of the following day.
- (b) Thursday through Saturday hours are from 9:00 a.m. until 2:30 a.m. of the following day.
- (c) Sunday hours are from 12:30 p.m. until 2:00 a.m. of the following Monday as permitted by section 4-128.
- (d) Sales and deliveries during all other hours are prohibited. There shall be no consumption on the premises after prohibited hours have been in effect for one-half (1/2) hour. All licensed establishments must likewise close their premises to the public and clear their premises of patrons within one-half (1/2) hour after the time set by this chapter for discontinuance of the sale of alcoholic beverages on the premises and shall not reopen their premises to the public until 9:00 a.m. or thereafter.

* * *

Sec. 4-128. - Sunday sales.

- (a) Licensed establishments deriving a minimum of sixty (60) percent of their total annual gross food and beverage sales from the sale of prepared meals or food, or licensed establishments deriving at least sixty (60) percent of their total annual income from the rental of rooms for overnight lodging, are authorized to apply for a Sunday sales permit to sell and serve distilled spirits by the drink from 12:30 p.m. on Sunday until 2:00 a.m. of the following Monday. Failure to adhere to these standards shall result in the automatic revocation or denial of a Sunday sales permit by the County.

* * *

Sec. 4-147. – Hours of sale and operation.

Beer and/or wine shall be sold and delivered to the customer for consumption on the premises only during the following hours:

- (a) Monday through Wednesday hours are from 9:00 a.m. until 2:00 a.m. of the following day.
- (b) Thursday through Saturday hours are from 9:00 a.m. until 2:30 a.m. of the following day.
- (c) Sunday hours are from 12:30 p.m. until 2:00 a.m. of the following Monday as permitted by section 4-149.
- (d) Sales and deliveries during all other hours are prohibited. There shall be no consumption on the premises after prohibited hours have been in effect for one-half (1/2) hour. All licensed establishments must likewise close their premises to the public and clear their premises of patrons within one-half (1/2) hour after the time set by this chapter for discontinuance of the sale of alcoholic beverages on the premises and shall not reopen their premises to the public until 9:00 a.m. or thereafter.

* * *

Sec. 4-149. - Sunday sales.

- (a) Licensed establishments deriving a minimum of sixty (60) percent of their total annual gross food and beverage sales from the sale of prepared meals or food, or licensed establishments deriving at least sixty (60) percent of their total annual gross income from the rental of rooms for overnight lodging, are authorized to apply for a Sunday sales permit to sell and serve beer and/or wine by the drink from 12:30 p.m. on Sunday until 2:00 a.m. of the following Monday. Failure to adhere to these standards shall result in the automatic revocation or denial of a Sunday sales permit by the County.

* * *

Sec. 4-162. - Hours of sale and operation.

Alcoholic beverages shall be sold and delivered to patrons for consumption on the premises only during the following hours:

- (a) Monday through Wednesday hours are from 9:00 a.m. until 2:00 a.m. of the following day.
- (b) Thursday through Saturday hours are from 9:00 a.m. until 2:30 a.m. of the following day.
- (c) Sunday hours are from 12:30 p.m. until 2:00 a.m. of the following Monday as permitted by section 4-164.
- (d) Sales and deliveries during all other hours are prohibited. There shall be no consumption on the premises after prohibited hours have been in effect for one-half (½) hour. All licensed establishments must likewise close their premises and clear their premises of patrons within one-half (1/2) hour after the time set by this chapter for discontinuance of the sale of alcoholic beverages on the premises and shall not reopen their premises to patrons until 9:00 a.m. or thereafter.

* * *

Sec. 4-164. - Sunday sales.

- (a) Licensed establishments deriving a minimum of sixty (60) percent of their total annual gross food and beverage sales from the sale of prepared meals or food, or licensed establishments deriving at least sixty (60) percent of their total annual income from the rental of rooms for overnight lodging, are authorized to apply for a Sunday sales permit to sell and serve alcoholic beverages by the drink from 12:30 p.m. on Sunday until 2:00 a.m. of the following Monday. Failure to adhere to these standards shall result in the automatic revocation or denial of a Sunday sales permit by the County.

PART II. EFFECTIVE DATE

This ordinance shall become effective at 12:01 a.m. on January 1, 2018 if adopted by the board of commissioners and approved by the chief executive officer.

PART III. SEVERABILITY

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole nor any part thereof other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

ADOPTED by the DeKalb County Board of Commissioners, this _____ day of _____, 2017.

KATHIE GANNON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of _____, 2017.

MICHAEL THURMOND
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

BARBARA SANDERS-NORWOOD, CCC
Clerk to the Board of Commissioners
And Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO FORM:

O.V. BRANTLEY
County Attorney
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

LUZ BORRERO
Deputy Chief Operating Officer
for Development
DeKalb County, Georgia