

AN ORDINANCE OF THE TOWN OF BRASELTON TO AMEND SECTIONS 31-107, 32-201 AND 4-102 OF THE TOWN OF BRASELTON CODE OF ORDINANCES TO ALLOW THE MANUFACTURE AND SALE OF ALCOHOLIC BEVERAGES AS PERMITTED BY THE TOWN COUNCIL; TO PROVIDE RULES, REGULATIONS, AND LICENSE REQUIREMENTS FOR THE SALE OF ALCOHOLIC BEVERAGES; TO PROVIDE FOR THE LEVY AND COLLECTION OF EXCISE TAXES ON THE SALE OF ALCOHOLIC BEVERAGES; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, it has been determined by the Mayor and Town Council that it is necessary and desirable to amend Sections 32-201 of the Town of Braselton Code of Ordinances, to provide the Town Council with the authority to permit the manufacture and sale of alcoholic beverages; to regulate the sale and use of alcoholic beverages in the Town of Braselton; and to provide for the levy and collection of excise taxes on the sale of alcoholic beverages; and WHEREAS, the Mayor and Council of the Town of Braselton have authority to adopt and amend ordinances for the general welfare of the citizens of the Town;

NOW, THEREFORE, THE MAYOR AND TOWN COUNCIL HEREBY ORDAIN AND IT IS HEREBY ORDAINED BY AUTHORITY OF SAME: Section 1. The Town of Braselton Code of Ordinances Sections 32-201 (30.) and (31.) is hereby amended by of said Code in their entirety. Section 32-201 (32.) is deleted in its entirety.

### **32-201**

**30. Temporary permit for special events.** (a) Upon the filing of an application and payment of a filing fee of \$25.00 and a minimum fee of \$50 per day, up to a maximum of \$2,000.00, and after investigation by the Town Manager or designee, the Town Manager or designee may issue a permit to an individual or organization for the sale of alcoholic beverages for consumption during a special event under the following conditions:

(1) The applicant must already hold an annual license for the sale of alcoholic beverages for on-premises consumption. Any applicant for a special event permit who does not already hold an annual license for the sale of alcoholic beverages for on premises consumption must obtain approval by the Mayor and Council and will be subject to and consent to a background investigation.

(2) The permit will allow the sale of alcoholic beverages beyond the premises described in the annual license only in the area specifically described in the application and only during the special event named.

(3) The application for such permit must have been filed with the Town Manager or designee not less than 30 days nor more than 90 days prior to the date of the special event. Exceptions may only be granted by the Town Manager.

(4) The application for a special event permit shall set forth information as deemed necessary by the Town Manager or designee to include but not limited to:

(A) The name, address and telephone number of the applicant seeking to conduct the special event;

(B) If the special event is proposed to be conducted for, on behalf of or by an organization, the name, address, and telephone number of the headquarters of the organization, and of the authorized and responsible heads of this organization;

(C) The name, address and telephone number of the person who will be the special event chairman of the event and who will be responsible for its conduct;

(D) The date when the special event is to be conducted, and whether the special event will extend over a series of days;

(E) The hours when the special event will start and terminate;

(F) The estimated number of people who will attend the event;

(G) If the special event is to be held by, and on behalf of or for, any person other than the applicant, the applicant for the permit shall file with the Town Clerk a written authorization from the person proposing to hold the special event, authorizing the applicant to apply for the permit on the applicant's behalf; and

(H) A reasonably detailed description of the event, together with all location of which alcohol will be consumed;

(I) Any additional information which the Town Manager or designee shall find reasonably necessary to a fair determination as to whether a permit should be issued.

(5) The hours of any such special event must be between 9:00 a.m. and 11:00 p.m. Monday through Saturday. Alcoholic beverages may be sold on Sundays pursuant to this Ordinance between the hours of 12:30 p.m. and 11:00 p.m.

(6) Each special event shall last a maximum of seven consecutive days, and no more than two special event permits shall be issued to an applicant who does not hold an annual alcohol license in any calendar year.

(8) The Town Manager or designee shall issue a permit as provided for in this Ordinance when, from a consideration of the application and from such other information as may otherwise be obtained, the Town Manager or designee find that:

(A) The conduct of the special event will not substantially interrupt the safe and orderly conduct of other patrons of the public places in which it will be held.

(B) The special event will not divert or disrupt police protection.

(C) The conduct of the special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.

(D) The applicants for permit have not violated the terms of any previous special event permit granted to them or any terms of this Ordinance and have not caused undue traffic congestion and police problems under any previous special event permit.

(9) The Town Manager or designee shall act upon the application for a special permit within 30 days after the filing thereof. If the Town Manager or designee or Mayor and Council disapprove the application, the Town Clerk or designee shall mail to the applicant a statement of the reasons for the denial of the permit. Any person aggrieved shall have the right to appeal the denial of a special events permit to the Mayor and Town Council. The appeal shall be filed within five days after notice of denial.

### **31. Sales; off premises for catered functions.**

A. Licenses may be obtained for the purpose of selling or dispensing alcoholic beverages by the drink on premises at which private catered functions are to be held.

(1) Such licenses shall be annual licenses and may be obtained only by those persons, firms, or corporations with a valid local (Town) alcohol beverage license and a valid state alcohol beverage license. An annual permit fee of \$200 shall be charged.

(2) The procedures for securing such licenses and the terms thereof shall be made in person by the applicant to the Town Manager or designee signed by the applicant.

(3) Such licenses shall only authorize the caterer to sell those alcoholic beverages for which he/she holds an annual license.

B. Before a licensed alcoholic beverage caterer may sell or dispense alcoholic beverages at any authorized private catered function, such caterer shall obtain a permit from the Town Manager or designee at least ten working days prior to the event.

(1) The application for a permit shall include the name of the alcoholic beverage caterer applicant, and the date, address and time of the event.

(2) For caterers licensed by the Town, a permit fee of \$25.00 per event shall be charged for events inside the Town.

(3) For caterers licensed by jurisdictions other than the Town, a permit fee of \$100.00 per event shall be charged. A copy of the annual alcoholic beverage license from the applicable jurisdiction and the State of Georgia must be provided for such applications.

(4) If such off-premises permit is granted, it shall be good only for the specific event at the specific address and times set forth in the application. (

5) As a condition of permit issuance, alcoholic beverage caterers licensed by jurisdictions other than the Town shall be provided a copy of the Town's alcoholic beverages ordinances and acknowledge the applicability of such ordinances to their operations.

(6) The permit shall be kept in the vehicle used to transport alcoholic beverages to the event at all times during which the permit is in effect.

(7) Caterers licensed by the Town or any other jurisdiction shall maintain any records of alcoholic beverages transported for each event as may be required by state law.

C. No alcoholic beverages shall be transported, distributed, or sold to other than licensed locations in the Town, except to authorized catered functions, unless otherwise authorized by this chapter or by state law.

D. The hours and days of sale or distribution of alcoholic beverages under this section shall be the same as those for consumption of alcohol on the premises.

E. No licensed alcoholic beverage caterer shall employ any person under 21 years of age to dispense, serve, sell or handle alcoholic beverages at authorized catered functions.

F. No permit will be granted for any location that has been denied or revoked any alcohol license or has failed to comply with the requirements of this chapter within the past 12 months. G. Except as set forth above in section 32-201.36, an off-premises permit holder must comply with all other provisions set forth in Section 32-201.