

ORD 2023-08-05

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF BROOKHAVEN, GEORGIA, CHAPTER 4, “ALCOHOLIC BEVERAGES,” AND TO AMEND SECTION 4-305 REGARDING DRINKING ALCOHOLIC BEVERAGES IN A PUBLIC PLACE, AND FOR ALL OTHER LAWFUL PURPOSES

WHEREAS, the City of Brookhaven is charged with providing for the health, safety, and welfare of the citizens of the city; and

WHEREAS, the city regulates the sale of alcoholic beverages through Chapter 4 of the Brookhaven Code; and

WHEREAS, the city desires to amend its code of ordinances to promote increased social activities and pedestrian traffic along the Dresden Drive corridor; and

WHEREAS, the Mayor and City Council have determined that amending the city’s alcoholic beverage ordinance is in the best interest of the public’s health, safety, and welfare.

NOW THEREFORE, the Mayor and City Council of the City of Brookhaven, in an open and public meeting hereby ordain that Chapter 4, “Alcoholic Beverages,” shall be amended as follows:

PART 1

Chapter 4 “Alcoholic Beverages,” Article I (General), Section 4-103 (Definitions), shall be amended as follows:

Dresden Entertainment District means the portion of Dresden Drive from Peachtree Road to Camille Drive, including all sidewalks along Dresden Drive from Peachtree Road to Camille Drive.

PART 2

Chapter 4 “Alcoholic Beverages,” Article III (Conditions of Operation Pursuant to Alcoholic Beverage License), Section 4-305 (Consumption of alcohol in public places.), shall be amended as follows:

- (a) Except as permitted in the Dresden Entertainment District pursuant to section 4-305(b), it shall be unlawful for any person to possess an alcoholic beverage in an open container, either on their person, in a motor vehicle or otherwise on the streets, sidewalks, parks, squares or other public places within the City of Brookhaven, except when consumed under a valid license or permit issued by the city.

(b) Outdoor consumption of alcoholic beverages shall be permitted in the Dresden Entertainment District as follows:

- (1) *Prohibited hours.* Between 10:00 p.m. and 9:00 a.m., it shall be unlawful for any person on the public streets, sidewalks, plazas, rights-of-way, public or private parking lots, or any other public outdoor place in the Dresden Entertainment District to possess any open alcoholic beverage container. After 10:00 p.m., it shall be unlawful for any person to remove, from the premises of an alcohol-licensed establishment, any alcoholic beverage sold for consumption on the premises. After 10:00 p.m. it shall be unlawful for a licensee to permit any person to remove from the licensed premises any alcoholic beverages sold for consumption on the premises. The licensee shall be responsible for ensuring that no person violates this subpart.
- (2) *Required container.* An establishment located in the Dresden Entertainment District that is licensed to sell alcoholic beverages for consumption on the premises is authorized to dispense an alcoholic beverage in a clear plastic cup for removal from the premises. The clear plastic cup shall bear the establishment's name or logo and shall be affixed with a sticker or similar mark prescribed by the finance director designating that the drink is authorized for outdoor consumption in the Dresden Entertainment District ("Dresden Alcohol Cup").
 - a. It shall be unlawful to dispense distilled spirits into a Dresden Alcohol Cup that exceeds 12 fluid ounces in size.
 - b. It shall be unlawful to dispense malt beverage or wine into a Dresden Alcohol Cup that exceeds 16 fluid ounces in size.
 - c. It shall be unlawful for a licensee in the Dresden Entertainment District to permit any person to remove from the licensed premises any open container containing an alcoholic beverage other than a Dresden Alcohol Cup.
- (3) *Possession regulated.* It shall be unlawful to possess any alcoholic beverage in any public outdoor place in the Dresden Entertainment District in any open container unless the container is a Dresden Alcohol Cup, and the alcoholic beverage therein was purchased from an establishment within the District holding a consumption on premises alcohol license.
- (4) *Hours allowed; regulations during same.* In the Dresden Entertainment District, between 9:00 a.m. and 10:00 p.m., it shall be unlawful for any person on the public streets, sidewalks, plazas, rights-of-way, public or private parking lots, or any other public outdoor place to possess any open alcoholic beverage container, except as follows: a person who is 21 years old or older may possess one alcoholic beverage in a Dresden Alcohol Cup if the drink was purchased from an alcohol-licensed establishment located in the District.

- (5) No alcoholic beverage purchased pursuant to this chapter may be possessed or consumed upon any private property without the consent of the property owner.
- (6) *Signage.* Any licensed establishment that allows patrons to leave the establishment with an alcoholic beverage as regulated in this section shall have an 11-inch by 17-inch sign posted at the front door within public view so that a patron entering or exiting the establishment can read the statement. Such statement shall state “Patrons leaving this establishment with an alcoholic beverage are required by law to dispose of the beverage before 10:00 p.m. (unless in an approved container) and before leaving the Dresden Entertainment District. Any person who possesses an open alcoholic beverage outside the District, or after 10:00 p.m. within the District, or in an unauthorized container, is in violation of the City Code and may be subject to a citation and/or fine.”
- (7) The provisions of this section shall not be deemed to abrogate or otherwise affect any state law or local ordinance pertaining to public drunkenness, disorderly conduct, driving with an open container, driving under the influence of alcohol, or similar law.

PART 3

This Ordinance shall become effective on October 1, 2023.

PART 4

Severability - To the extent any portion of this Ordinance is declared to be invalid, unenforceable, or non-binding, that shall not affect the remaining portions of this Ordinance.

PART 5

Repeal of Conflicting Provisions – All City Resolutions and Ordinances inconsistent with this Ordinance shall be repealed.

STATE OF GEORGIA
CITY OF BROOKHAVEN

ORD 2023-08-05

SO ORDAINED this ____ day of August 2023.

John Arthur Ernst, Jr.
Mayor

ATTEST:

APPROVED AS TO FORM

Sandra Bryant
City Clerk

Jeremy Berry
City Attorney