

AN ORDINANCE TO FURTHER AMEND THE CODE OF ORDINANCES OF THE CITY OF BROOKHAVEN, GEORGIA, CHAPTER 4, “ALCOHOLIC BEVERAGES,” 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 amended the City’s alcohol beverage code to allow for outdoor consumption of alcoholic beverages in certain areas and during certain times; and

WHEREAS, the Mayor and City Council have determined that further 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. The Dresden Entertainment District shall be further defined to include the areas shown on the map attached hereto as an exhibit and incorporated herein.

PART 2

Chapter 4 “Alcoholic Beverages,” Article III (Conditions of Operation Pursuant to Alcoholic Beverage License), Section 4-203(g) (Application for license; applicant; contents of application; temporary alcohol permit), shall be amended as follows:

- (g) An alcoholic beverage license shall be granted unless an applicant fails to meet the qualifications for an alcoholic beverage license under this chapter. The finance department shall provide written notice to any applicant whose application is denied under the provisions of this chapter within 30 days of filing a properly completed application. The finance department, subject to the review of the community development department, may waive any requirements for a license for an establishment in the Dresden Entertainment District that seeks to sell alcoholic beverages for removal and outdoor consumption off premises pursuant to Code Section 4-305(b). An application for an alcoholic beverage license is complete when it contains the information required by this chapter and is accompanied by the license fee in the amount established by action of the city council. Such written notification shall follow the requirements of section 4-212 of this chapter. If notice of denial of the application is not transmitted within the time required by this subsection, the application shall be deemed granted.

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.

SO ORDAINED this ____ day of September, 2023.

John Arthur Ernst, Jr.
Mayor

STATE OF GEORGIA
CITY OF BROOKHAVEN

ORD 2023-____

ATTEST:

APPROVED AS TO FORM

Sandra Bryant
City Clerk

Jeremy Berry
City Attorney