STATE OF GEORGIA

CITY OF STOCKBRIDGE

ORDINANCE NO. OR 18-473

AN ORDINANCE TO PROVIDE FOR THE OPEN CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A CERTAIN DISTRICT; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Stockbridge is the Mayor and Council thereof;

WHEREAS, the governing authority of the City of Stockbridge, Georgia desires to adopt the regulations pertaining the open consumption of alcoholic beverages within a certain district of the City; and,

WHEREAS, the health, safety, and welfare of the citizens of Stockbridge, Georgia, will be positively impacted by the adoption of this Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

Section 1. That Title 9 of the Stockbridge Municipal Code is hereby amended by adding the following Section 9.04.595

"Section 9.04.595 Open Container District

(A) For the purposes of this section, the Open Container District is defined as the map shown on the attached Exhibit A to this ordinance which district may be changed from time to time by resolution of the Mayor and Council.

(B) One drink per person on-street limit. Within the Open Container District, any establishment licensed to sell alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic cup, or other container that is not a can, bottle, or glass, for removal from the premises; provided, however, that no person shall remove more than one such alcoholic beverage per person from the licensed premises at a time.

(C) Size limited to a maximum of sixteen (16) ounces. Within the Open Container District, no container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed sixteen (16) fluid ounces in size. No person shall hold in possession on the streets and sidewalks, or in other public places within the Open Container District any open alcoholic beverage container which exceeds sixteen (16) fluid ounces in size.

(D) Drinking from can, bottle, or glass prohibited. It shall be unlawful within the Open Container District for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass, or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and/or parking lots, whether public or private.

(E) Purchase from licensed premises within the Open Container District. Alcoholic beverages consumed pursuant to this provision must be purchased from a licensed premise within the Open Container District.

(F) Consumption limited to certain areas in the Open Container District. No alcoholic beverage purchased pursuant to this provision may be consumed outside of the Open Container District. It shall be unlawful to consume any alcoholic beverage within a parking lot, whether public or private. Nothing in this ordinance or any resolution enacting the Open Container District shall be construed as to allow the possession or consumption of alcoholic beverages in City parks or inside public buildings unless specifically authorized by the Mayor and Council.

(G) Consumption limited to lawful hours of operation. Unless authorized by Mayor and Council in the Resolution creating the Open Container District, no alcoholic beverage purchased within the Open Container District pursuant to this provision shall be consumed within the Open Container District on the streets, sidewalks, rights-of-way, and/or parking lots, whether public or private, prior to 11 A.M. or later than 12 A.M..

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5. Penalties in effect for violations of the City of Stockbridge at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 6. The effective date of this Ordinance shall be the date it is signed by the Mayor.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

ORDAINED this 10th day of September, 2018.

CITY OF STOCKBRIDGE, GEORGIA

Anthony S. Ford, Mayor

ATTEST:

Randi Rainey, Deputy City Clerk

APPROVED AS TO FORM:

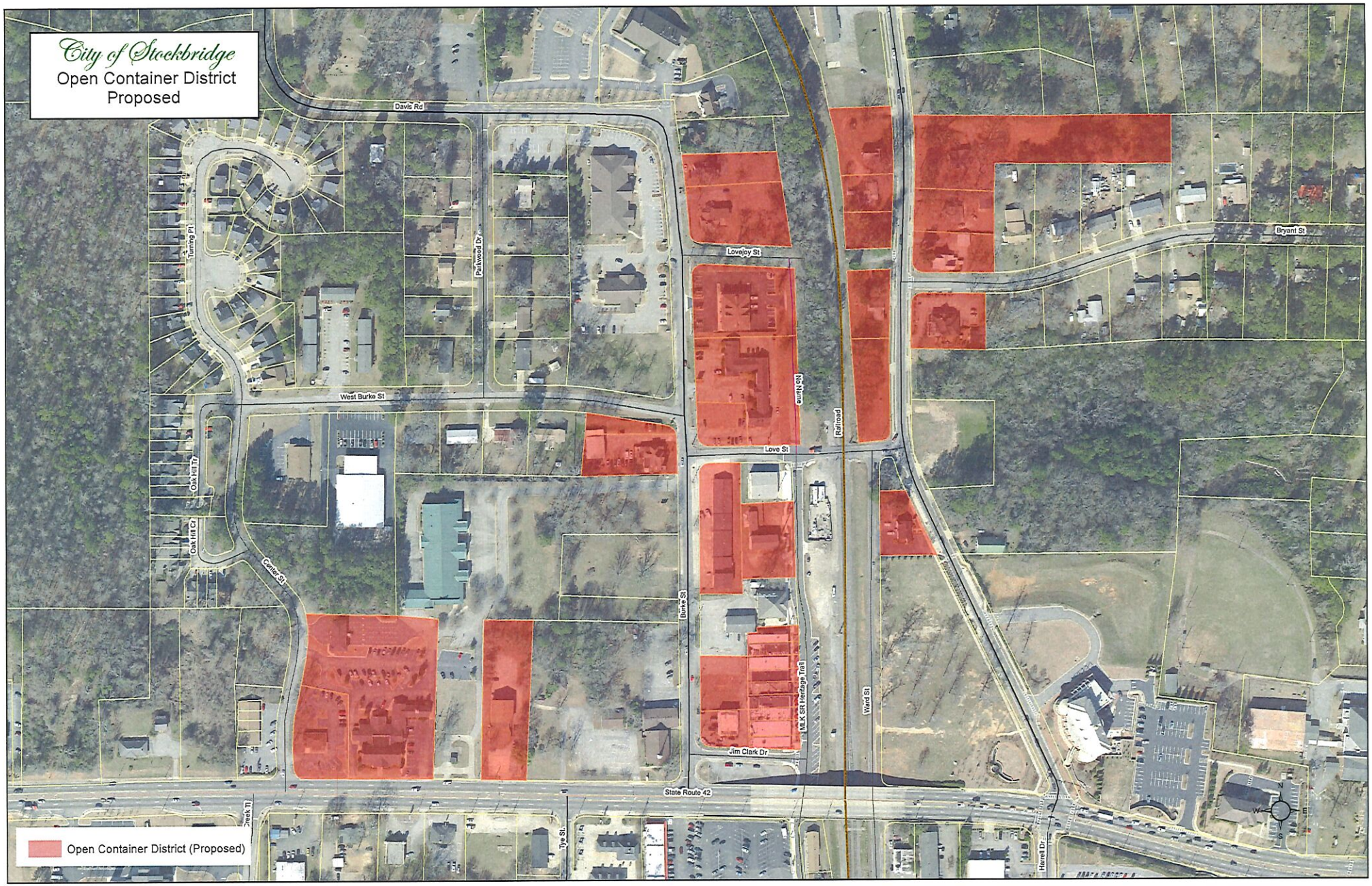
Michael Williams, City Attorney

Date Presented to Mayor: 9/12/2018

Date Received from Mayor: 9/18/2018

EXHIBIT A

OPEN CONTAINER DISTRICT MAP



Date: 9/17/2018