

**AN ORDINANCE RELATED TO COVID-19
TO TEMPORARILY EASE RESTRICTIONS ON
OFF-PREMISE CONSUMPTION OF ALCOHOLIC BEVERAGES IN
SPECIFIC COMMERCIAL DISTRICTS**

WHEREAS, on March 14, 2020, Governor Brian Kemp declared that a public health emergency exists in the State of Georgia due to the spread of COVID-19 within Georgia; and

WHEREAS, on March 16, 2020, the Decatur City Commission declared a local state of emergency as a result of the COVID-19 pandemic; and

WHEREAS, the thriving and renowned Decatur restaurant scene is an integral part of the City of Decatur community and, as a result of the public health emergency, individual restaurants have experienced and will continue to experience severe revenue loss, which the City is working in various ways to mitigate, including the below-described additional temporary relaxation of alcoholic beverage regulation; and

WHEREAS, Public Health Emergency Order No. 1, issued by Mayor Patti Garrett on March 19, 2020 and later ratified by the Decatur City Commission, allowed restaurants that hold a current license issued by the City of Decatur to sell beer, wine, malt beverages and/or distilled spirits for on-premises consumption under Section 6-51 and/or Section 6-111 to sell temporarily such alcoholic beverages for off-premises consumption, between certain hours and in a sealed bottle or other sealed container; and

WHEREAS, the COVID-19 pandemic and the corresponding restrictions imposed by City and State emergency orders have adversely affected and are continuing to adversely affect restaurant operations within the City of Decatur since social distancing recommendations for the creation of physical space between individuals significantly reduces the ability of restaurants to operate at financially viable levels; and

WHEREAS, outdoor seating at many restaurants is limited by space, but opportunity for expanded seating is being made available in pedestrian zones of the public rights-of-way, in open parking lots, and on the City Square; and

WHEREAS, City of Decatur non-profits have successfully held events allowing open container for events such as the Arts Festival, Decatur Book Festival, Decatur Craft Beer Festival, West Ponce Music Stroll, ODD Ball, Wine Crawl and Wine Festival, each having been held in one of the listed business districts pursuant to a special event permit issued by the City Commission; and

WHEREAS, temporarily easing restrictions on off-premises consumption of alcoholic beverages will provide an economic boost to restaurants located within business districts of the City of Decatur.

NOW THEREFORE, BE IT ORDAINED, and it is hereby ordained, by the City Commission of the City of Decatur, Georgia, as follows:

1.

Off-premises possession and consumption of alcoholic beverages in open containers from Participating Restaurants is hereby temporarily allowed in the following commercial districts, subject to the requirements set forth in this Ordinance: Decatur Downtown Business District, as such boundaries are illustrated and defined in Exhibit “A”; Old Depot District, as such boundaries are illustrated and defined in Exhibit “B”; and West Ponce Business District, as such boundaries are illustrated and defined in Exhibit “C”; the East College Business District, as such boundaries are illustrated and defined in Exhibit “D”; and the Oakhurst Business District, as defined in Exhibit “E”.

2.

Off-premises possession and consumption of alcoholic beverages in open containers from Participating Restaurants is allowed temporarily on the public streets, sidewalks, and public plazas located within the boundaries of the listed business districts, as defined by Exhibits “A” through Exhibit “E”, so long as such alcoholic beverages are:

- 1) Purchased from a Participating Restaurant;
- 2) Contained in and consumed from an Approved Container;
- 3) Any person possessing or consuming an alcoholic beverage in such locations is of the legal drinking age; and
- 4) Any person possessing or consuming an alcoholic beverage is wearing the Approved Wristband.

3.

Participating Restaurants are authorized temporarily to engage in the sale of alcoholic beverages for off-premise consumption Fridays from 4:00 p.m. until 1:00 a.m. the following day, and on Saturday beginning at 3:00 p.m. through 1:00 a.m. the following day pursuant to the requirements set forth in this Ordinance.

4.

For purposes of this Ordinance, “Participating Restaurants” shall be defined as those restaurants located within the boundaries of the listed businesses districts, as defined by Exhibits “A” through Exhibit “E”, that are licensed by the City of Decatur to sell alcoholic beverages for consumption on the premises, and that comply with all requirements set forth by this Ordinance.

5.

Participating Restaurants that elect to sell alcoholic beverages in open containers for consumption off-premises shall serve such alcoholic beverages in the Approved Container and shall issue the Approved Wristband to purchasers verified as being 21 years of age or older.

6.

For purposes of this Ordinance, “Approved Container” and “Approved Wristband” shall be defined as uniformly colored plastic cups and wristbands, respectively, each approved and designated by the City of Decatur’s Downtown Program Manager, and obtained by the Participating Restaurant at a cost not to exceed \$.50 cents per cup and \$.25 cents per wristband from the Community and Economic Development Department during regular business hours, Monday-Friday, 8:00 a.m. - 5:00 p.m.

7.

Any Participating Restaurant that allows a person to exit its premises with an alcoholic beverage in an open container purchased from its establishment that is not contained in an Approved Container and who is not wearing the Approved Wristband shall be in violation of this Ordinance subject to citation by the Decatur Police Department, which violation may be punished by a fine not to exceed \$150.00.

8.

Any person that exits the premises of a Participating Restaurant with an alcoholic beverage in an open container purchased from its establishment and not contained in an Approved Container and who is not wearing the Approved Wristband shall be in violation of this Ordinance subject to citation by the Decatur Police Department, which violation may be punished by a fine not to exceed \$150.00.

9.

To the extent any of the provisions of City Code Sections 6-21 and/or 6-22 conflict with this Ordinance, such provisions are hereby suspended during the period this Ordinance is in effect and to the extent as outlined and permitted by this Ordinance.

10.

Participating Restaurants remain subject to all requirements of Georgia law, specifically including, but not limited to, applicable regulations regarding the sale of alcoholic beverages.

11.

A Participating Restaurant’s violation of the requirements of this Ordinance shall constitute grounds for suspension or revocation of the Participating Restaurant’s alcoholic beverage license under City Code Section 6-13.

FURTHER, BE IT ORDAINED, and it is hereby ordained, this Ordinance shall become effective on Friday, October 30, 2020 at 4:00 p.m. and shall expire at 1:00 a.m. on Sunday, January 3, 2021, unless terminated earlier or extended by further action of the City Commission.

APPROVED AND ADOPTED this 19th day of October, 2020.

By: Patti Garrett
PATTI GARRETT, Mayor

Attest: Meredith Roark
MEREDITH ROARK, City Clerk



EXHIBIT A

Boundaries Inclusive of Downtown Decatur Business District

For purposes of Ordinance O-20-~~22~~ 15



EXHIBIT B

Boundaries Inclusive of Old Decatur Business District

For purposes of Ordinance O-20-~~72~~ 15

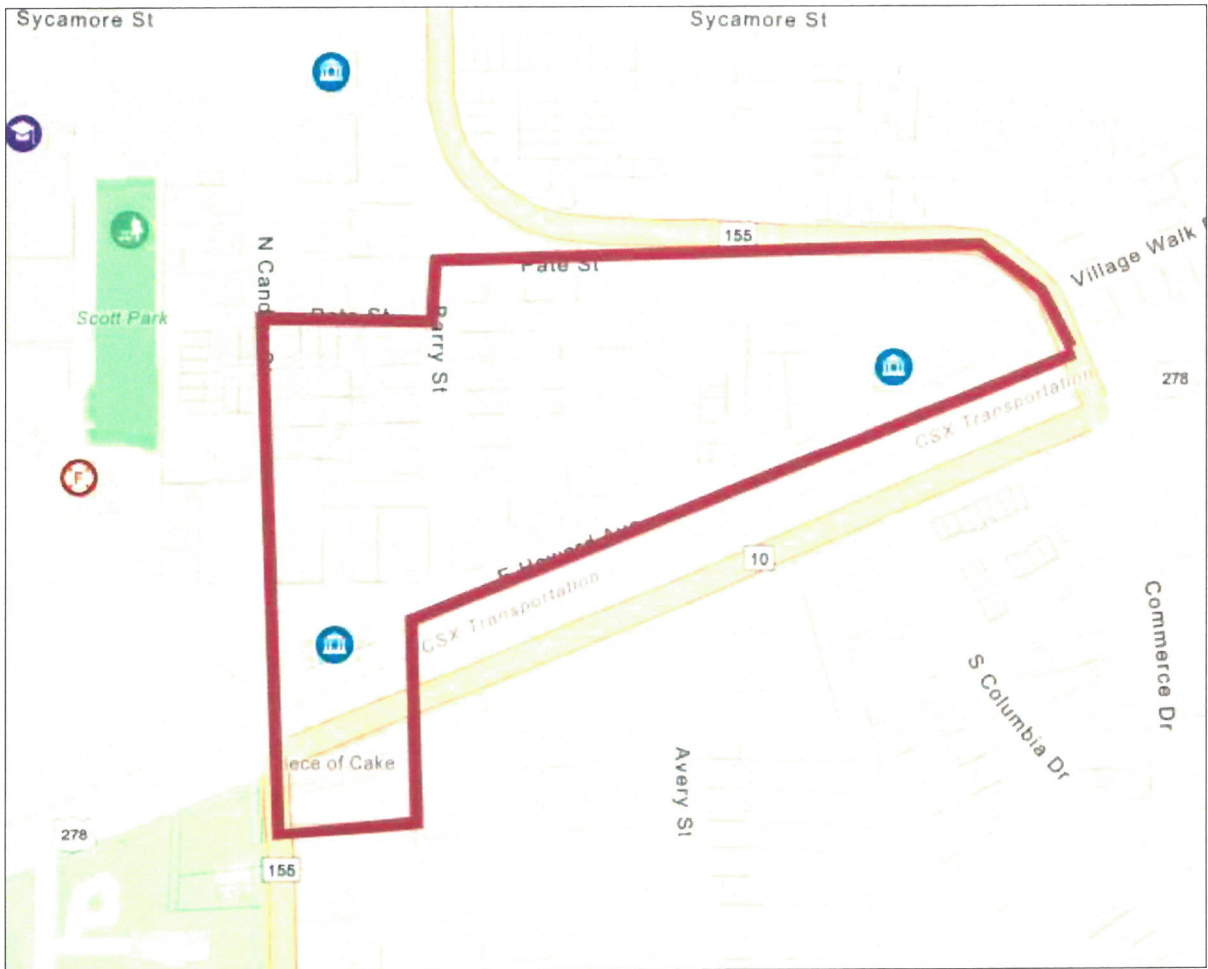


EXHIBIT C

Boundaries Inclusive of West Ponce Business District

For purposes of Ordinance O-20-~~32~~ 15

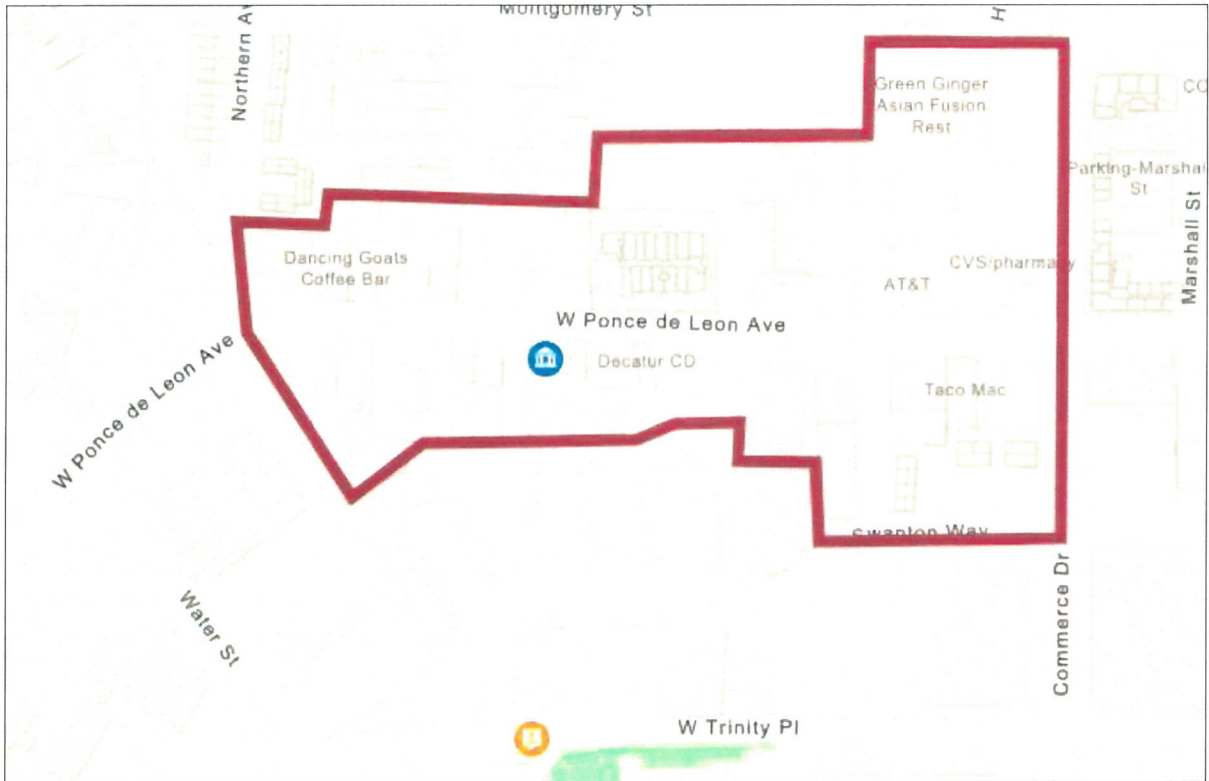


EXHIBIT D

Boundaries Inclusive of East College Business District

For purposes of Ordinance O-20-~~Z~~ 15

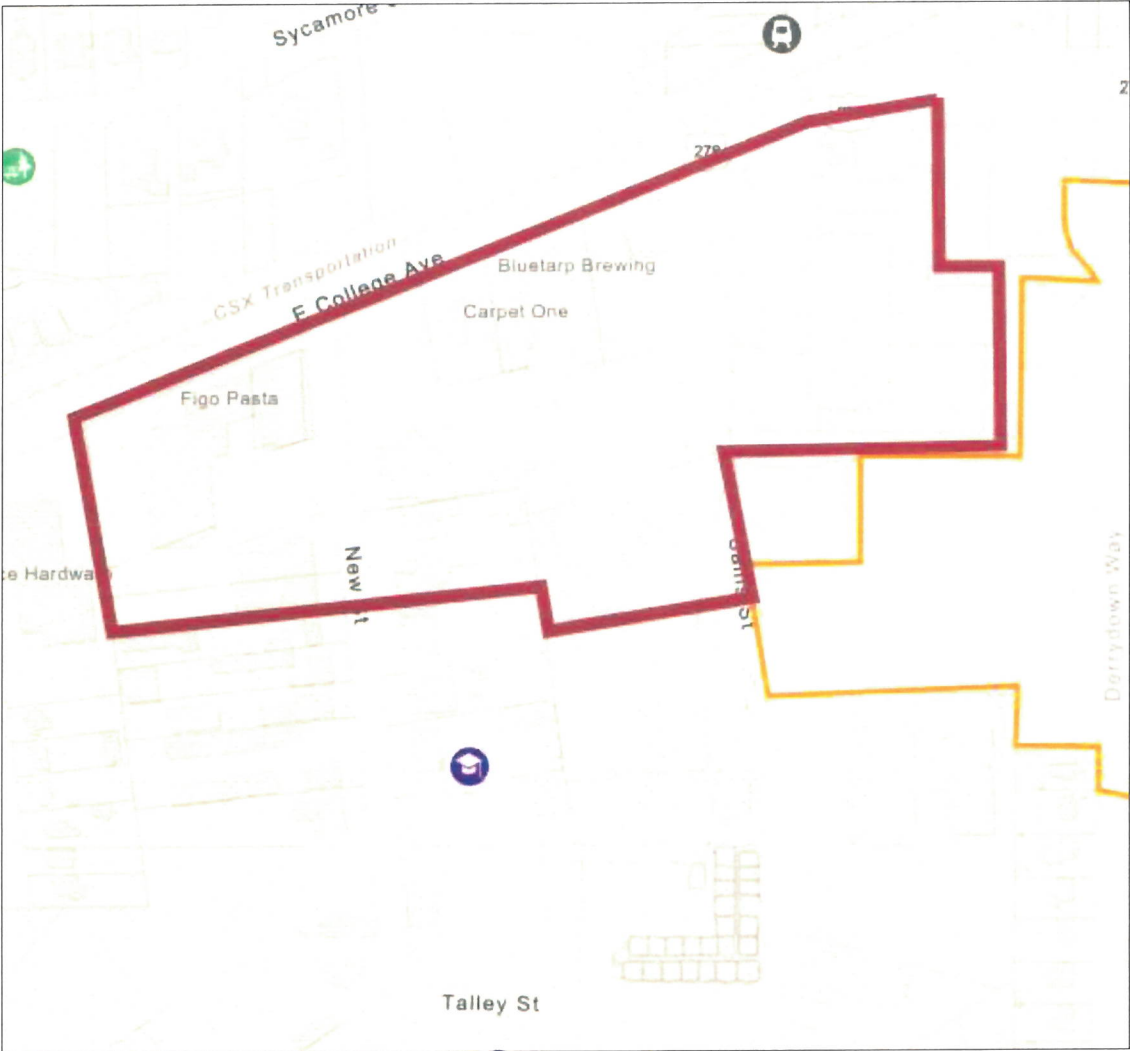


EXHIBIT E

Boundaries Inclusive of Oakhurst Business District

For purposes of Ordinance O-20-~~ZZ~~ 15

