New Business #14

COUNTY AGENDA REQUEST

Department:	Code Enforcement	Presenter(s):	Officer Kathy Hobbs
Meeting Date:	Tuesday, March 11, 2014	Type of Request:	New Business

Wording for the Agenda:

Consideration of staff's recommendation to adopt Ordinance 2014-03 revising provisions pertaining to alcoholic beverages, identification cards for employees of licensees, and to days and hours of operations.

Background/History/Details:

Fayette County's Alcohol Ordinance was passed before the referendum on Sunday sales for on-premises was passed. Passage of Ordinance 2014-03 will update the hours that are allowed for the on-premises, Sunday sales of alcohol.

This ordinance also will replace the requirement for the owner to furnish photo identification by requiring identification badges, and it provides for violations for not wearing the ID badge while working.

What action are you seeking from the Board of Commissioners?

Consideration of staff's recommendation to adopt Ordinance 2014-03 revising provisions pertaining to alcoholic beverages, identification cards for employees of licensees, and to days and hours of operations.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*	Yes	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval			

Staff Notes:

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2014-____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO REVISE PROVISIONS PERTAINING TO ALCOHOLIC BEVERAGES; TO REVISE PROVISIONS PERTAINING TO IDENTIFICATION CARDS FOR EMPLOYEES OF LICENSEES; TO REVISE PROVISIONS PERTAINING TO DAYS AND HOURS OF OPERATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO OPERATING REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES (ARTICLE III OF CHAPTER 3), BE AMENDED AS FOLLOWS:

Section 1. By deleting Subsection (c) of Section 3-42, pertaining to "Employees; investigation; fees", of Article III of Chapter 3, in its entirety, and by replacing it with a new Subsection (c) in Section 3-42 of Article III of Chapter 3, to be numbered and read as follows:

(c) At the time of application each employee of the licensee will be issued an Employee's Identification Card by Code Enforcement. In addition, each time the

licensee hires a new employee, said employee will be issued an Employee's Identification Card by Code Enforcement. The Employee's Identification Card must be worn by the employee at all times while working as an employee of the licensee. If the card is lost, the employee must replace the card by submitting a replacement fee of ten dollars ($10.00) to Code Enforcement. No employee shall be permitted to work for a licensee without wearing an Employee's Identification Card issued by the County.

Section 2. By deleting Subsection (b) of Section 3-43, pertaining to "Days and hours of operation", of Article III of Chapter 3, in its entirety, and by replacing it with a new Subsection (b) in Section 3-43 of Article III of Chapter 3, to be numbered and read as follows:

(b) No holder of a license for sales of alcoholic beverages for on-premises consumption shall operate his/her place of business at any time prior to 8:00 a.m. or after 11:30 p.m. on Monday through Saturday. In addition, the sale of alcoholic beverages for consumption on the premises shall be permitted on Sundays from 12:30 p.m. until 11:30 p.m. in any licensed establishment which derives at least fifty (50%) percent of its total annual gross sales from the sale of prepared meals or food in all the combined retail outlets of the individual establishment where food is served and any licensed establishment which derives at least fifty (50%) percent of its total annual gross income from the rental of rooms for overnight lodging. In all establishments licensed to sell alcoholic beverages for on-premises consumption, tables shall be cleared of all drinks containing alcohol by not later than thirty (30) minutes following the latest time at which alcoholic beverages may be legally sold.

Section 3. This ordinance shall become effective immediately upon its adoption by the Board of Commissioners for Fayette County.

Section 4. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5. In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SO ENACTED this _____ day of _____, 2014.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY

By:_____
Steve Brown, Chairman

(SEAL)

ATTEST:

_____
Floyd Jones, County Clerk

Approved as to form:

_____
County Attorney