

**STATE OF GEORGIA**

**CITY OF HAPEVILLE**

**ORDINANCE NO.**

AN ORDINANCE TO EXTEND TEMPORARY ALCOHOL RELATED AMENDMENTS WITHIN CHAPTERS 5 AND 26, OF THE CODE OF ORDINANCES FOR THE CITY OF HAPEVILLE, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, the duly elected governing authority of the City of Hapeville, Georgia (the “City”) is the Mayor and Council thereof;

**WHEREAS**, the Georgia Alcoholic Beverage Code (O.C.G.A. § 3-1-1 et al.) regulates state-wide alcoholic beverage related activities in the State of Georgia;

**WHEREAS**, Chapter 5, Alcoholic Beverages, and Chapter 26, Offenses and Miscellaneous Provisions, of the City of Hapeville Code of Ordinances, further regulate alcoholic beverage related activities within the City;

**WHEREAS**, the Mayor and Council are in the process of implementing a comprehensive review of the City's alcohol related regulations with respect the Georgia Alcoholic Beverage Code and the changing needs of the City; and

**WHEREAS**, the Mayor and Council find it desirable and in the interest of the health, safety, and welfare of the citizens of the City to temporarily amend certain provisions of the City’s alcohol ordinances to address the immediate needs of the City while its comprehensive review is underway.

**BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAPEVILLE, GEORGIA, and by the authority thereof:**

**Section 1. That the City Code, Chapter 5, Alcohol Beverages, Article 6.3, Growlers, Sec. 5-6.3-2, General Regulations, is hereby amended by adding a new subsection (j) to read as follows:**

(j) Temporary Exemption. Nothing within this chapter shall prohibit a licensed growler store from selling beer and wine by the glass, on premises, in a manner which is expressly permitted by the state of Georgia under the Georgia Alcoholic Beverage Code. This exemption shall remain in effect until December 31, 2016 or until the effective date of the City's pending comprehensive update of Chapter 5 of the City's Alcohol Beverages Code, whichever occurs sooner.

**Section 2. That the City Code, Chapter 26, Offenses and Miscellaneous Provisions, Article 2, Personal Conduct, Sec. 26-2-20, Brown-bagging, is hereby amended by adding a new subsection (d) to read as follows:**

(d) Temporary Exemption. Nothing within this section shall prohibit a licensed establishment from engaging in alcohol related activities in a manner which is expressly permitted by the state of Georgia under the Georgia Alcoholic Beverage Code. This exemption shall remain in effect until December 31, 2016 or until the effective date of the City's pending comprehensive update of Chapter 5 of the City's Alcohol Beverages Code, whichever occurs sooner.

**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 Zoning Ordinance of the City of Hapeville 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 of adoption unless otherwise specified herein.

**ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF HAPEVILLE, GEORGIA**

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**ALAN HALLMAN**, Mayor

**ATTEST:**

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**JENNIFER ELKINS**, City Clerk

**APPROVED AS TO FORM:**

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**STEVE FINCHER**, City Attorney