

CITY OF HAPEVILLE, GEORGIA
MEETING OF MAYOR AND COUNCIL

February 4, 2014

AGENDA

6:00 PM Work Session

1. Call to Order

2. Roll Call

Mayor Alan Hallman
Alderman at Large Ann Ray
Councilman at Large Michael Randman
Councilman Ward 1 Joshua Powell
Councilman Ward 2 Diane Dimmick

3. Informal discussion of Agenda Items

4. Update by Department

5. Adjournment

7:00 PM Council Session

1. Call to Order

2. Roll Call

Mayor Alan Hallman
Alderman at Large Ann Ray
Councilman at Large Michael Randman
Councilman Ward 1 Joshua Powell
Councilman Ward 2 Diane Dimmick

3. Welcome

4. **Pledge of Allegiance**

5. **Invocation**

6. **Presentation**

A. State of the City

7. **Approval of Minutes January 7, 9, and 21, 2014**

8. **Public Comments on Agenda Items**

9. **Administrative**

A. Appointments

a. Official Organ

b. Assistant City Recorder

10. **Old Business**

A. 1st Reading, as amended, Ordinance 2014-01 Art Gallery Alcohol Permit

Summary and Background

This Ordinance amends the Hapeville Code of Ordinances to allow and establish regulations for a person or entity operating an art gallery to offer complimentary alcoholic beverages to patrons for consumption within the premises by obtaining an art gallery alcohol permit.

B. Motion to Adopt Ordinance 2014-02 Noise, Alcohol-Related

Summary and Background

This Ordinance amends the Hapeville Code of Ordinances to provide a separate offense under the City's noise ordinance where the prohibited noise is accompanied by the use of alcohol. This Ordinance further clarifies that a violation of this new subsection may also provide a basis for revocation, refusal to renew, suspension, or probation of an alcohol beverage license under section 5-6-21(b) of the City's alcohol ordinance.

C. Discussion of Depot Plaza.

11. **Public Comments**

12. **Mayor and Council Comments**

13. **Executive Session** - purpose of legal matters

14. **Adjournment**

STATE OF GEORGIA
CITY OF HAPEVILLE

ORDINANCE 2014-01

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO AMEND CHAPTER 5, ALCOHOL BEVERAGES BY ADDING ARTICLE 8 (ART GALLERY ALCOHOL PERMIT); TO PROVIDE SEVERABILITY; TO PROVIDE PENALTIES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, alcohol beverage sales are regulated by local governments in the State of Georgia pursuant to the Official Code of Georgia Annotated (O.C.G.A.) 3-3-2 et seq.; and

WHEREAS, the Alcohol Review Board of the City of the Hapeville has recommended updates and regulatory changes to improve efficiency and fairness in the reasonable regulation of the local alcohol beverage industry;

WHEREAS, this Ordinance reflects a number of changes deemed necessary by the Mayor and Council to streamline the alcohol beverage regulatory process and to clarify applicable standards; and

WHEREAS, the health, safety, and welfare of the people of the City of Hapeville shall be preserved, enhanced, and guarded by the adoption of this Ordinance.

BE IT, AND IT IS HEREBY ORDAINED by the Mayor and Council of the City of Hapeville and under the authority thereof that:

Section 1

The Code of Ordinances, City of Hapeville, Georgia is hereby amended by adding Chapter 5, Article 8 to read as follows.

“ARTICLE 8. ART GALLERY ALCOHOL PERMIT.

Sec. 5-8-1. – Applicability.

A person or entity operating an art gallery may offer complimentary alcoholic beverages to patrons for consumption within the premises by obtaining an art gallery alcohol permit, which shall be renewed annually. The cost of the permit shall be \$50.00 for the calendar year.

As used herein, “art gallery” means an establishment whose primary purpose is to exhibit:

- (1) A work of visual art such as a painting, sculpture, drawing, mosaic, or photograph;
- (2) A work of calligraphy;
- (3) A work of graphic art such as an etching, a lithograph, an offset print, a silk screen, or any other work of similar nature;
- (4) A craft work in materials, including but not limited to clay, textile, fiber, wood, metal, plastic, or glass; or
- (5) A work in mixed media such as collage or any combination of the art media set forth in this subsection.

Sec. 5-8-2. – Regulations.

(a) An art gallery alcohol permittee shall not, directly or indirectly:

- (1) sell alcoholic beverages;
- (2) charge an entrance fee or cover charge for the offering of complimentary alcoholic beverages;
- (3) serve alcoholic beverages for more than four hours in any one day;
- (4) allow any alcoholic beverages to be consumed outside the facility;
- (5) allow BYOB; or
- (6) engage in any exterior or interior advertising concerning the consumption of alcoholic beverages on the permitted premises.

(b) An art gallery alcohol permittee’s building shall meet all requirements of the building inspector, the fire marshal, the traffic engineer, and planning and zoning coordinator and shall comply with other ordinances of the city for zoning, storage, parking, buffers and other issues.

(c) An art gallery alcohol permit may be revoked, non-renewed, suspended, or placed on probation in accordance with section 5-6-21(b).

Section 2.

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, 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 3.

All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

Section 4.

This Ordinance shall become effective upon its adoption by the Mayor and Council.

Section 5.

The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Hapeville.

Section 6.

It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Hapeville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

First Reading: February 4, 2014 (as amended)

Adoption:

This Ordinance having been properly considered and adopted by the City Council of the City of Hapeville, Georgia, the same is hereby APPROVED this _ day of _____, 2014.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

Jennifer Elkins, City Clerk

APPROVED AS TO FORM:

Paul R. Koster, City Attorney

STATE OF GEORGIA
CITY OF HAPEVILLE

ORDINANCE 2014-02

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO AMEND SECTION 26-2-17 (NOISES PROHIBITED); TO PROVIDE SEVERABILITY; TO PROVIDE PENALTIES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the health, safety, and welfare of the people of the City of Hapeville shall be preserved, enhanced, and guarded by the adoption of this Ordinance;

BE IT, AND IT IS HEREBY ORDAINED by the Mayor and Council of the City of Hapeville and under the authority thereof that:

Section 1

The Code of Ordinances, City of Hapeville, Georgia is hereby amended by amending section 26-2-17 to read as follows.

“Sec. 26-2-17. - Noises prohibited.

- (a) It shall be unlawful for any person willingly to make, continue or cause to be made or continued, or to allow to continue after warning, any loud, unnecessary, unusual or excessive noise between the hours of 10:00 p.m. and 7:00 a.m., or at any time in residential areas, which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of a normal sensitiveness residing in the area. Such noise sensitiveness shall be deemed breached by evidence of noise in excess of 70 decibels.
- (b) In the event such prohibited noise is accompanied by the use of alcohol, a separate violation shall be committed pursuant to this subsection 26-2-17(b). In addition to the penalties authorized by section 1-1-8, a violation of this subsection 26-2-17(b) may also provide a basis for revocation, refusal to renew, suspension, or probation of an alcohol beverage license under subsection 5-6-21(b).”

Section 2.

- 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, 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 3.

All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

Section 4.

This Ordinance shall become effective upon its adoption by the Mayor and Council.

Section 5.

The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Hapeville.

Section 6.

It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Hapeville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

First Reading: January 21, 2014

Adoption: _____

This Ordinance having been properly considered and adopted by the City Council of the City of Hapeville, Georgia, the same is hereby APPROVED this ____ day of _____, 2014.

CITY OF HAPEVILLE, GEORGIA

ATTEST:

Alan Hallman, Mayor

Jennifer Elkins, City Clerk

APPROVED AS TO FORM:

Paul R. Koster, City Attorney