



# City of Winder

## ENTERTAINMENT DISTRICT

### W-1-24 CH 3 Ordinance Amendment / Alcoholic Beverages

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AN ORDINANCE TO ADOPT AN AMENDMENT TO CHAPTER THREE-ALCOHOLIC BEVERAGES, ARTICLE ONE-GENERAL, OF THE CODE OF ORDINANCES FOR THE CITY OF WINDER TO CREATE AN ENTERTAINMENT DISTRICT; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

It is hereby ordained by the City Council of the City of Winder, Georgia, that Chapter Three-Alcoholic Beverages, Article One-General, of the Code of Ordinances of the City of Winder, Georgia is hereby amended as follows:

#### **SECTION I:**

Section 3-1 is hereby amended by adding the definitions as follows:

*Open Container* means any container of an alcoholic beverage which is immediately capable of being consumed from, or the seal of which has been broken.

*Approved Container* means a clear plastic cup, not to exceed 16 ounces, with the participating businesses logo on the exterior of the cup in the form of a sticker or similarly affixed, designating that it is authorized for outside consumption in the Entertainment District.

#### **SECTION II:**

Section 3-22 is hereby amended by deleting Section 3-22 in its entirety and inserting in lieu thereof a new Section 3-22 to read as follows:

#### **Section 3-22. – Signs.**

- (a) The city shall provide for all retail licensees under this article a decalcomania sign to post on the premises of their places of business. Licensees shall not post more than one (1) authorized sign at their places of business and shall not display outside signs or signs in their windows of any other type which advertise either brand, product, or price.
- (b) The city shall provide any licensed establishment within the designated "Entertainment District" that allows patrons to leave the establishment with an alcoholic beverage in an Approved Container as provided in Section 3-38 a map of the current boundaries of the Entertainment District and a sign of at least 11 inches by 8 ½ inches that states the following:

"All patrons leaving this establishment with an alcoholic beverage in an open container do hereby assume full responsibility to consume such alcoholic beverage only if it has been served in an Approved Container not to exceed 16 ounces in size and obtained from an establishment licensed to sell alcoholic beverages within the Entertainment District outlined on the map below. Any individual who leaves the Entertainment District with an alcoholic beverage in an open container is in violation of the Code of Ordinances, City of Winder, Georgia and may be subject to a citation, arrest, incarceration, and/or fine."

### **SECTION III:**

Section 3-26 is hereby amended deleting Section 3-26 in its entirety and inserting in lieu thereof a new Section 3-26 to read as follows:

#### **Section 3-26. – Unlawful possession of open containers.**

- (a) It shall be unlawful for any person to carry about on any street or public place in the city, either upon his/her person or in any vehicle operated or owned by him/her, or occupied by him/her, any open containers of alcoholic beverages or to possess such beverages in an open container on the premises but outside any establishment holding a permit for the sale thereof, except as otherwise provided hereunder including Section 3-38.
- (b) Except as provided in Section 3-35 and 3-38, no alcoholic beverages shall be sold, possessed, or consumed by any person in any city park.

### **SECTION IV:**

Section 3-35(b) is hereby amended by deleting Section 3-35(b) in its entirety and inserting in lieu thereof a new Section 3-35(b) to read as follows:

- (b) In the event that the city council does enact a resolution excepting a specific event from the provisions of ordinance section 3-26, the following provisions shall control in that instance:
  - (1) **Two-drink on-street limit.** Any establishment licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense beer or wine only ( and not distilled spirits) in a paper or plastic cup, or other container other than a can, bottle, or glass, away from or for removal from the premises; provided, however, that no establishment shall dispense to any person more than two (2) such alcoholic beverages at a time away from or for removal from the premises, and no person shall possess or remove at one (1) time more than two (2) such alcoholic beverages from the licensed premises. Employees of licensed establishments, if on duty and not consuming alcoholic beverages, may exceed this limit during the performance of their duties, if allowed by the resolution .
  - (2) **Size limited to sixteen ounces for single beverage.** No container in which beer or wine is dispensed pursuant to this section shall exceed sixteen (16) fluid ounces in size for a single drink. No person shall hold in his or her possession on the streets and sidewalks, in parks and squares, or in other public places within the defined area any open alcoholic beverage container which exceeds the restrictions contained in this section.

- (3) *Drinking from can, bottle, or glass prohibited.* It shall be unlawful 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 parking lots, whether public or private.

**SECTION V:**

Chapter 3, Article 1. of the Code of Ordinances is hereby amended by adding a new Section 3-38 to read as follows:

**Section 3-38. Consumption of alcohol, entertainment districts.**

- (a) Except as provided in Section 3-35 and subsection (c) below, it shall be unlawful for any establishment licensed to sell or serve alcohol within the City of Winder to dispense any alcoholic beverage in an Open Container for removal from the premises.
- (b) Except as provided in Section 3-35 and subsection (c) below, it shall be unlawful for any person to remove from any establishment licensed to sell or serve alcohol within the City of Winder any Open Container of alcoholic beverage or to drink or attempt to drink any alcoholic beverage from any Open Container or to possess in any Open Container any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private, within the corporate limits of the city.
- (c) Within any area of the City of Winder designated as an "Entertainment District," as depicted on the map attached and incorporated into this ordinance by reference hereto, the following regulations shall apply:
  - (1) Any establishment within the boundaries of an Entertainment District licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in an Approved Container, and in no other type of Open Container, for removal from the premises: provided, however, that no establishment shall dispense to any person more than two (2) such Approved Containers of alcoholic beverages at a time for removal from the premises.
  - (2) A person's display of an Approved Container does not relieve an establishment licensed to dispense alcoholic beverages by the drink for consumption of their responsibility to determine if a person has attained the age of 21 years before dispensing alcohol to that person in said Approved Container or otherwise.
  - (3) No person shall remove at one time more than two (2) Approved Containers of alcoholic beverages from the licensed premises.
  - (4) No Approved Container dispensed and removed from the licensed premises within an Entertainment District shall exceed 16 fluid ounces in size.
  - (5) No person shall hold in possession on the streets and sidewalks, in parks and squares, or in other public places within an Entertainment District any Approved Container of alcoholic beverage that exceeds 16 fluid ounces in size.

(6) **Entertainment District two-drink on-street limit.** Any establishment licensed to dispense alcoholic beverages by the drink for consumption on the premises and is 3 within the entertainment district boundaries is authorized to dispense, beer, wine, and distilled spirits in an Approved Container, away from or for removal from the premises; provided however, that no establishment shall dispense to any person more than two (2) such alcoholic beverages at a time away from or for removal from the premises, and no person shall possess or remove at one (1) time more than two (2) such alcoholic beverages from the licensed premises. Employees of licensed establishments, if on duty and not consuming alcoholic beverages, may exceed this limit during the performance of their duties.

- (d) It shall be unlawful for any person to consume any alcoholic beverages while in the confines of a motor vehicle when the vehicle is parked on any city street, alleyway, or parking lot within the corporate limits of the city.
- (e) It shall be unlawful for any person to carry about on any street or public place in the city upon his/her person any open containers of alcoholic beverages or to possess such beverages in an open container not purchased from a licensed premises within the established Entertainment District boundaries.
- (f) No alcoholic beverage purchased pursuant to this provision may be consumed outside the boundaries of an Entertainment District or within an Entertainment District on any parcel used as a church, day care center, or school, as designated by such facility's certificate of occupancy.
- (g) The distance requirements set forth in Section 3-21 shall not apply to establishments licensed to sell or serve alcohol within an Entertainment District as defined in this section.
- (h) Establishments licensed to sell or serve alcohol in Approved Containers within an Entertainment District may allow the removal of such Approved Containers from the premises between the hours of 12:00 p.m. until 10:00 p.m. Sunday through Thursday, and 12:00 p.m. until midnight (12:00 a.m.) Friday through Saturday.
- (i) Hours for consumption off premises shall be between the hours of 12:00 p.m. until 10:00 p.m. Sunday through Thursday, and 12:00 p.m. until midnight (12:00 a.m.) Friday through Saturday. No person shall consume or possess an alcoholic beverage in an Approved Container except between these hours.
- (j) Any licensed establishment that allows patrons to leave the establishment with an alcoholic beverage in an Approved Container as provided in this section shall maintain posted inside an exit door for clear public view a map of the current boundaries of the Entertainment District and a sign of at least 11 inches by 8 ½ inches, provided by the City, that states the following:

"All patrons leaving this establishment with an alcoholic beverage in an open container do hereby assume full responsibility to consume such alcoholic beverage only if it has been served in an Approved Container not to exceed 16 ounces in size and obtained from an establishment licensed to sell alcoholic beverages within the Entertainment District outlined on the map below. Any individual who leaves the Entertainment District with an alcoholic beverage in an 4 u open container is in violation of the Code of Ordinances, City of Winder, Georgia and may be subject to a citation, arrest, incarceration, and/or fine."

- (k) The provisions of this section shall not be deemed to abrogate or otherwise impact any state law or local ordinance pertaining to public drunkenness, disorderly conduct, driving with an Open Container or under the influence of alcohol, or similar laws or ordinances.
- (l) No establishment, including those licensed to sell or serve alcohol, within an Entertainment District will be required to offer Approved Containers of alcohol for sale to its customers or to allow patrons to enter the establishment with Open Containers and/or Approved Containers of alcohol purchased or obtained from outside the establishment.
- (m) This ordinance and the privileges allowed pursuant to this ordinance will be applicable during city sponsored events unless prohibited by Council resolution.
- (n) The boundaries of any Entertainment District within the City of Winder shall be established by the Mayor and Council and may be amended from time to time by the Mayor and Council under the procedures set out in the City Charter for amending an ordinance.
- (o) Map of Entertainment District.



**SECTION VI:**

This Ordinance adopted hereby shall be codified and certified in a manner consistent with the laws of the State of Georgia and the City.

**SECTION VII:**

It is hereby declared to be the intention of the Mayor and Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the Mayor and Council without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION XIII:**

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

**SECTION IX:**

This Ordinance shall take effect immediately upon its adoption the public health, safety and welfare requiring same. This ordinance after adoption by the City Council and upon approval by the Mayor shall become effective 12:00 a.m., June 1, 2024.

IT IS SO ORDAINED this 7<sup>th</sup> day of May, 2024.

CITY OF WINDER

By: Jimmy Terrell  
Mayor

Attest: Ana K.  
City Clerk

