

COPY

1st Reading: 9/12/24
2nd Reading: 10/10/24

Ordinance
of the
City of Ball Ground, Georgia

ORDINANCE NO. _____

AN ORDINANCE CREATING *SUBPART A. – GENERAL ORDINANCES; CHAPTER 4. – ALCOHOLIC BEVERAGES; ARTICLE III.- OPEN CONTAINER ALCOHOL DISTRICT*, OF THE CODE OF THE CITY OF BALL GROUND, GEORGIA TO ESTABLISH A GEOGRAPHICAL BOUNDARY FOR THE GENERAL PUBLIC TO CARRY OPEN CONTAINERS AND CONSUME ALCOHOLIC BEVERAGES IN PUBLIC SPACES; TO DEFINE RULES FOR THE OPEN CARRY AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN SAID DISTRICT; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the City Council does hereby find the following amendments to the Code of the City of Ball Ground, attached hereto as **Exhibit A**, to be a reasonable exercise of the City's police power, and in the best interests of the public health, safety, and welfare; and,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of Ball Ground, that Subpart A, Chapter 4, Article III. of the Code of the City of Ball Ground is hereby created to provide for a defined area in downtown Ball Ground where the public may carry open containers and consume alcoholic beverages.

SO RESOLVED, APPROVED, AND ADOPTED this 10th day of October 2024 by the Mayor and City Council of Ball Ground, Georgia.

CITY OF BALL GROUND, GEORGIA



A.R. Roberts, III, Mayor

Attest:



Karen Jordan, City Clerk
(Seal)

EXHIBIT A:
Proposed Rules for Open Container Alcohol District

Article III. Open Container Alcoholic Beverage District and Rules.

Sec. 4.235: District Boundaries Described

- A) The carrying of open container alcoholic beverages and the related consumption of such beverages on public property, as described and allowed herein, shall be permitted only within the boundaries of the City of Ball Ground's Open Container Alcoholic Beverage District (herein referred to as "the District") as described herein and presented on the adopted Open Container Alcoholic Beverage District map shown in Exhibit "B," which is attached hereto, and incorporated herein by reference.
- B) The District is generally defined as the publicly accessible and common pedestrian-use areas within the public right of way in the core of downtown Ball Ground, more specifically those areas along Gilmer Ferry Road between Old Canton Road and Civic Drive, Old Canton Road between Groover Street and Gilmer Ferry Road, Civic Drive between Groover Street and Gilmer Ferry Road and Old Dawsonville Road between Groover Street and Gilmer Ferry Road, and other areas as described herein.
- 1) Areas within the District where it is permissible for the public to carry and consume alcoholic beverages in open containers are:
 - a) Common pedestrian areas that are within the public rights of way of Gilmer Ferry Road, Old Dawsonville Road, Civic Drive, Old Canton Road, including sidewalks, greens, plazas, crosswalks and similar pedestrian spaces and thoroughfares, immediately adjacent to properties identified by Tax Identification Numbers 94N04 001 A, 94N04 001 B, 94N04 001 D, 94N04 001 E, 94N04 002, 94N04 004, 94N04 005, 94N04 006, 94N04 006 A, 94N04 007, 94N04 008, 94N04 009, 94N04 010, 94N04 020, 94N04 021, 94N04 022, 94N04 025, 94N04 026, 94N04 027, 94N04 028, 94N04 029, 94N04 030, 94N04 031, 94N04 032, 94N04 033, 94N04 034, 94N04 035, 94N04 036, 94N04 037, 94N04 041, 94N04 066, 94N04 067, 94N04 067 A, 94N04 067 B, 94N04 067 C, 94N04 069.
 - b) The confines of the City-owned parks commonly known as "the Pocket Park," "the Food Court," "City Connection Park," and "City Park" or officially identified by Tax Identification Number 94N04 009, 94N04 010, 94N04 029 and 94N04 030 and addresses 286 Gilmer Ferry Road and 177 Old Dawsonville Road.
 - 2) Areas that are not included in the District and where the carrying and consumption of alcoholic beverages in open containers on public property shall be prohibited are:
 - a) Vehicular travel lanes of roadways
 - b) Vehicular parking spaces and parking lots
 - c) Landscape islands, planter beds or similar landscaping structures
 - d) Any areas that are otherwise restricted, including, but not limited to, utility compounds, stormwater infrastructure and similar property.
 - e) The confines of City-owned park's commonly known as "Lions Field," "Calvin Farmer Park," "Valley Linear Park," "Roberts Lake Park," "City Gym," and "Botanical Garden." which shall include the playing field, the grandstands, the playgrounds, the sports courts, the pavilions, the pathways and the surrounding curtilage of these parks.
 - (l) A special event/use permit may be obtained from the City to serve alcohol on City owned properties, at the discretion of the City.
 - f) All other areas of the City not expressly permitted herein.

Sec. 4.236: District Regulations

A) General

- 1) Members of the public may not carry nor consume alcoholic beverages from open containers on public property except as provided herein.
- 2) Only permanent commercial establishments licensed to sell and serve alcoholic beverages by the drink for consumption on their premises are eligible to dispense “to go” alcoholic beverages as described herein.
 - a) Permanent establishments are those characterized by a fixed location within the City limits, those that pay property taxes, those that possess an officially assigned address and similar.
 - (l) Temporary establishments are those such as booths, food trucks and similar which may not sell or serve to-go alcoholic beverages for public possession or consumption within the Open Container Alcohol District.
 - (i) These temporary establishments may apply for a Temporary Use/Event permit with the City in order to sell alcohol temporarily at a defined location.
- 3) An establishment shall make an application to the City requesting the privilege to serve “to go” alcohol and once deemed eligible by staff, the mandatory completion of training with the City’s police department and other City staff is required.
 - a) Upon completion of training and verification that all other requirements have been met, a license may be issued for serving alcoholic beverages for off-premise consumption.
- 4) The Chief of Police or City Manager may temporarily suspend any and all City-issued alcohol licenses for no more than 30 days if it is determined that open container alcohol related incidents present a nuisance or hazard to the City.

B) Beverage Container

- 1) General
 - a) The licensed business intending to sell alcoholic beverages for consumption off premises may only serve alcoholic beverages in containers that are approved by City staff
- 2) Container Size
 - a) No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 16 fluid ounces in size.
 - (l) No person shall hold in their possession on the public streets and sidewalks, plazas, in parks and/or any other public place within an approved district any open alcoholic beverage container which exceeds 16 fluid ounces in size, or any open alcoholic beverage that has not been dispensed and removed from a licensed premise.
- 3) Container Design
 - a) All cups must be made of clear plastic or similar material
 - b) All cups must have at least one logo as determined by the City from time to time
 - (l) This logo may be no smaller than one inch by one inch.
- 4) Except as specifically set forth herein, it shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, glass, cup, or container, on the public streets, sidewalks, plazas, rights-of-way, and public or private parking lots within the city.

C) Purchase from licensed premises within the Open Container District.

- 1) Alcoholic beverages purchased in accordance with this chapter may only be consumed in the District except as specifically prohibited in this section.
- 2) Alcoholic beverages consumed pursuant to this provision must be purchased from a licensed establishment authorized to sell alcoholic beverages for consumption on the premises and must be located within the approved district.

- 3) Establishments must be fully licensed to serve alcohol within the City and shall only be permitted to serve from their approved premises as approved on their alcohol license and shall not serve from temporary locations upon the premises unless specifically allowed by issuance of a special event permit.
- D) Consumption is limited to certain areas in approved districts.
- 1) No alcoholic beverage purchased pursuant to this provision may be carried and/or consumed in public areas outside the boundary of the approved district.
- E) Regulated times
- 1) The public carrying and consumption of open container alcoholic beverages within the District shall only be permitted between the hours of 4:00PM and 9:00PM on Fridays and between the hours of 12:00PM and 9:00PM on Saturdays. The carrying and consumption of alcoholic beverages as provided herein is prohibited on all other days and times.
 - 2) The carrying of open container alcoholic beverages, as described herein, is prohibited the entire day for the following child-focused City events: the annual Christmas parade, the annual Halloween Spooktacular festival, the annual Touch-a-Truck event, and any other events as determined by the City Council.
- F) Signage
- 1) Any licensed establishment that allows patrons to leave an establishment with an alcoholic beverage as regulated herein shall have a minimum 11-inch by eight and one-half inch sign posted at the door for public view whereas a patron exiting the establishment can view the district map and read the following:
 - a) "All patrons leaving this establishment with an alcoholic beverage do hereby take full responsibility to only carry and consume an alcoholic beverage served in a clear plastic cup not to exceed 16 ounces in size and obtained by an establishment licensed to sell alcoholic beverages in the entertainment district boundary outlined on the map below. Any individual that leaves the permitted area with an alcoholic beverage in an open container is in violation of city code and may be subject to a citation and/or fine."
 - 2) Posted signage must have a legible copy of the District map.
- G) No abrogation of other laws
- 1) The provisions of this article 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.
- H) Penalties
- 1) The Ball Ground Police Department may inspect licensed businesses that sell alcoholic beverages for off-premise consumption for compliance with this ordinance.
 - 2) Any person or establishment found to be in violation of any portion of this ordinance may be subject to a suspension of any and all City-issued alcohol permits and/or a \$1000 fine.
- I) Effective Date
- 1) This ordinance shall take effect January 1, 2025.

EXHIBIT B:
District Map

BALL GROUND OPEN CONTAINER ALCOHOL DISTRICT

Drink Responsibly. Don't Litter. Use Crosswalks.

