

CITY OF MORROW
STATE OF GEORGIA

ORDINANCE NO. 2014-06
CITY OF MORROW, GEORGIA
PREAMBLE AND FINDINGS

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MORROW, GEORGIA; TO AMEND TITLE 9, LICENSING AND REGULATION, CHAPTER 2, ALCOHOLIC BEVERAGES, SECTION 29, TYPES OF BUSINESSES TO BE LICENSED TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES, SUBJECT TO CERTAIN REQUIREMENTS, IN MOVIE THEATERS; TO AMEND TITLE 9, LICENSING AND REGULATION, CHAPTER 2, ALCOHOLIC BEVERAGES, TO ADD A NEW SECTION 34 THAT PROVIDES REQUIREMENTS TO BE ADHERED TO ENSURE THE PROTECTION OF MINORS WHEN SERVING ALCOHOLIC BEVERGES IN MOVIE THEATERS; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the governing authority of the City of Morrow, Georgia (the "City") are the Mayor and Council thereof; and

WHEREAS, the City has determined that to serve the needs of the community certain amendments are needed in the Alcoholic Beverages Ordinance; and

WHEREAS, the City has determined that such amendments to the Alcoholic Beverages Ordinance will increase economic opportunities and revenue to movie theater(s) within the City by attracting adult audiences and expanding entertainment offerings;

WHEREAS, the City realizes that minors will continue to be permitted access to such movie theater(s) that serve alcoholic beverages;

WHEREAS, the City, with full knowledge of these circumstances, desires to, through this ordinance amendment, restrict the exposure of minors to alcoholic beverages on such premises;

WHEREAS, these amendments are necessary to further the general health and welfare of the community; and

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF MORROW, GEORGIA:

Section One. The City's Code of Ordinances is hereby amended by deleting the currently existing Section 29 of Chapter 2 of Title 9, and adding a new Section 29 to read as follows:

“Alcoholic beverage licenses shall be issued only for the following classes of businesses:

- (1) Restaurant licenses for distilled spirits and/or malt beverages and wine, 40 percent alcoholic beverage to 60 percent food; provided that no food or beverage ratio is required to be maintained for restaurant licensees in the Olde Town Morrow District (other than on Sunday) so long as those restaurants have a kitchen which is staffed, equipped and supplied in order to provide to the public a menu of food which is cooked on the premises during those hours when the restaurant is open for business, nor does the 60/40 percent food/beverage ratio apply to the Morrow Conference Center.
- (2) A hotel which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging may operate a lounge and obtain a license to sell alcoholic beverages for consumption on the premises, only if the hotel meets the requirements of section 9-2-2(8).
- (3) Movie theater (cinema, motion picture theater): Any indoor facility or auditorium, open to the public, which is used primarily for and designed for the purpose of exhibiting films, live broadcasts or other similar performances by use of film projectors or digital cinema projection. This definition shall not include adult entertainment establishments of any kind. The ability of a movie theater to sell alcoholic beverages is subject to the requirements of Section 9-2-34 of the Code of Ordinances. For the purposes of this chapter, a movie theater shall be required to have the following:
 - a. At least 15 auditoriums for audience viewing of films or live broadcasts with a minimum of 75 permanently-affixed seats per auditorium and one permanently-affixed commercial screen, with dimensions of at least 17 feet tall by 27 feet wide, per auditorium; and
 - b. Films or live broadcasts must be shown at regularly scheduled and advertised times and shown during all times that the movie theater is open to the public.
- (4) *Package sales* of malt beverages and wine only are permitted in licensed businesses which meet the following requirements:
 - a. No retail dealer license shall be issued to any applicant whose business does not have at least \$15,000.00 inventory of food, household supplies and periodicals. Tobacco products may not be included for purposes of computing total inventory.
 1. The value of such items shall be the same as those indicated in the applicants' annual returns to the Clayton County Tax Commissioner for ad valorem tax purposes.
 2. The value so indicated shall be the cost of such item to the applicant and not the price which the applicant charges in retail sales.
 3. Automotive supplies and services shall not be considered or included in determining the inventory.

4. Provisions for inspection of inventories contained elsewhere in this chapter shall apply hereto and all other procedures shall be in accordance as hereinafter set forth.
 - b. No retail dealer license shall be issued to an applicant who cannot provide satisfactory proof that the sale of packaged alcoholic beverages shall not constitute more than 49 percent of total sales.
 - c. No retail dealer license shall be issued for other than package sales of malt beverages or wine and the package sale of alcoholic beverages other than malt beverages and wine is expressly prohibited by this chapter.
 - d. No retail dealer license shall be issued to a business engaged solely in the sale of automotive supplies and/or services.
 - e. No retail dealer license shall issue for the sale of any packaged malt beverages or wine in a container holding less than 32 ounces.
- (5) [*Combined licenses.*] No combined licenses i.e. on premises consumption/package sales, shall be permitted or issued.”

Section Two. The City’s Code of Ordinances is hereby amended by adding to the currently existing Chapter 2 of Title 9 a new Section 34 to read as follows:

“Protection of minors in movie theaters.

- (1) *Purpose.* The purpose of this section is to protect minors and to protect against underage drinking in movie theaters licensed for on-premises consumption.
- (2) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 - a. *Adequate security measures* means security measures that are adequate for the policing and enforcement of this section. Movie theaters licensed to serve alcoholic beverages shall:
 1. Ensure that the bar areas are adequately lit so as to ensure compliance under this subsection;
 2. Segregate bar areas, which areas are limited to persons 21 years of age and above. Bar areas must be physically separated from non-bar areas by a partition or wall sufficient to control access, and access points to licensed areas must be controlled by management in a manner sufficient to exclude persons under the legal drinking age from admittance;
 3. Require every person who requests to purchase an alcoholic beverage to present identification;
 4. Utilize a distinctive set of translucent cups in which alcoholic beverages are sold;
 5. Require servers of alcoholic beverages to be at least 21 years of age;
 6. Provide a course of instruction for its servers of alcohol that must include subjects dealing with alcoholic beverages as follows:

- a. The importance of not selling or serving alcoholic beverages to underage customers or visibly intoxicated persons.
 - b. Classification of alcohol as a depressant and its effect on the human body, particularly on the ability to drive a motor vehicle.
 - c. Effects of alcohol when taken with commonly used prescription and non-prescription drugs.
 - d. Guidelines for recognizing underage customers or visibly intoxicated persons.
 - e. Guidelines for checking and verifying age identification, and for recognizing false or altered identification.
 - f. Guidelines for refusing sales of alcoholic beverages to underage customers and visibly intoxicated persons.
 - g. State of Georgia laws and regulations regarding the sale and service of alcoholic beverages.
 - h. City of Morrow ordinances and regulations regarding the sale and service of alcoholic beverages.
7. Provide an alcohol server management course for managers. The course must include subjects on alcoholic beverages as follows:
- a. State of Georgia laws and regulations and City of Morrow ordinances and regulations governing the service of alcoholic beverages and the operation of establishments serving alcoholic beverages.
 - b. Development of standard operating procedures for dealing with under-aged customers and visibly intoxicated persons.
 - c. Development of standard operating procedures for reporting to law enforcement customers and employees who use or distribute illegal drugs at the licensed premises.
 - d. Methods of assisting employees in dealing with underaged customers and visibly intoxicated persons, and in maintaining records that relate to such incidents.
 - e. Development of standard operating procedures for recognizing underage customers and visibly intoxicated persons.
 - f. Development of guidelines for checking and verifying age identification, and for recognizing false or altered identification.
8. Require each nonmanagerial employee who is employed to serve alcoholic beverages to complete the employee training course specified in subsection (6) within 30 days after commencing employment. The licensee must provide for the supervision of such an employee in the service of alcoholic beverages until the employee has received such training.
9. Require each managerial employee to complete the managerial training course specified in subsection (7) within 15 days after commencing employment.
10. Require all employees who handle or serve alcoholic beverages to attend at least one meeting every four months that must include the dissemination of information covering the applicable subjects specified in this section and an explanation of the licensee's policies and procedures relating to those subjects.

11. Maintain employment records of the applications, acknowledgements, and training of its employees required by this section.
 12. Post signs on the licensed premises informing customers of the licensee's policy against serving alcoholic beverages to under-aged persons and informing customers that the purchase of alcoholic beverages by an under-aged person will result in ejection from the premises and prosecution.
 - b. *Adequately lit* means ambient lighting that is adequate for the purposes of observing the operation of or patrons within the bar area. A bar area is to be adequately lit at all times that alcoholic beverages are being sold, served and consumed.
 - c. *Bar area* means a discrete area, that is within the same building as and that is under common ownership or, possession, and control of a movie theater, from which alcoholic beverages are dispensed and sold to customers of a movie theater for on-premises consumption.
- (3) *Movie theaters to take adequate security measures.* All movie theater licensees shall ensure that adequate security measures are employed to prevent the unlawful sale to or possession of alcoholic beverages by a person under the legal drinking age throughout the movie theater, including the bar areas.
- (4) *Pre-approval of premises.*
- a. The chief of police, or his designee, is authorized to require any movie theater to submit for approval plans evidencing compliance with the provisions of this section which includes plans regarding adequate security measures. In such event, failure to follow or operate in accordance with the approved plans shall constitute a violation of this section.
 - b. A movie theater may request of the chief of police, or his designee, a pre-approval of plans evidencing compliance with the provisions of this section which includes regarding adequate security measures. In such event, failure to follow or operate in accordance with the approved plans shall constitute a violation of this section.
- (5) *Preservation of alcoholic beverage laws.* Nothing in this section shall be construed to allow activity which is contrary to state or local alcoholic beverage control laws.”

Section Three. (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 this Ordinance and that, to the greatest extent allowed by law, all remaining

ORDINANCE 2014-06

phrases, clauses, sentences, paragraphs and sections of this Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

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

Section Five. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

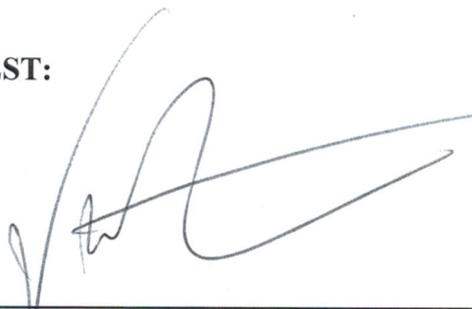
ORDAINED this 24 day of June, 2014.

CITY OF MORROW, GEORGIA



JB Burke, Mayor

ATTEST:



Viet Tran, City Clerk

**First reading on June 10, 2014
Second reading and adopted on June 24, 2014**

(Seal)

