

AN ORDINANCE

AMENDING the City of Marietta Code of Ordinances Section 10-4-070, Drinking Prohibited.

WHEREAS, the City desires to allow the sale and consumption of beer and wine in Atherton Square, which has previously been declared a City park.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA:

Section 1: The City of Marietta Code of Ordinances amending Section 10-4-070, Drinking Prohibited.

10-4-070- Drinking Prohibited

- A. Drinking of alcoholic beverages upon the premises of any city owned or operated parks, buildings, recreation centers, or upon the streets and sidewalks to those premises is prohibited.
- B. It is unlawful for any person at any time to drink any whiskey, wine, beer or other alcoholic beverages upon or within any parked vehicle upon parking lots and streets adjacent to city owned or operated parks and recreation centers.
- C. The prohibition set forth in Subsections A. and B. as it pertains to Glover Park and Atherton Square, may be waived by action of the council after petition therefore for a bona fide charitable eleemosynary or civic cause, and the council may require special conditions and stipulations as it may deem appropriate if it so grants said waiver.
- D. The prohibition set forth in Subsection A. as it pertains to the premises of city owned buildings is hereby waived for the City Club, Marietta and the Marietta Conference Center and Resort provided consumption is restricted to customers of the facilities.
- E. Notwithstanding any provision of this Code to the contrary, the city council may permit the consumption of beer, wine, and liquor in Glover Park and the sale of beer and wine adjacent to Glover Park, or within Atherton Square, pursuant to the following conditions:
 1. The permit may only be granted by council for a bona fide charitable, eleemosynary or civic cause; or, for a city sanctioned event;
 2. Such permit may only be granted to the holder of an alcoholic beverage pouring license;
 3. If there are more eligible applications for such permits than there are permits to be granted for any particular event, such permit shall be awarded pursuant to a nondiscriminatory selection process; and
 4. As used in this subsection, Glover Park shall mean that area of the park lying within the fenced perimeter.

- F. Notwithstanding any provision of this Code to the contrary, the prohibitions set forth in this section regulating the sale of beer and wine in the area of the Square as defined on the map (exhibit A) attached to Ordinance No. 6660, is automatically waived for all city sanctioned events pursuant to the following conditions:
1. Businesses with a valid beer and wine license on one side of their establishment during the event. The sale of beer and wine must not impede the efficiency of the pedestrian path and shall not block or restrict the passageway to less than four feet in width or block the ingress/egress to any building. In areas of congested pedestrian activity, the parks and recreation director is authorized to modify the location of the sales area for protection and welfare of the public and/ or to improve ingress/egress to adjacent businesses. The distribution of beer, wine, or liquor in glass containers to customers is prohibited unless seated at a permitted outdoor dining restaurant.
 2. Notwithstanding any provision of the code to the contrary, beer and wine may be sold in Atherton Square if it is part of a City of Marietta sanctioned event as set forth in Section G. below.
- G. A City of Marietta sanctioned event is one which is conducted by any department agency, board or commission of the City of Marietta, the Downtown Marietta Development Authority, the Marietta Welcome Center, or as specifically approved by city council hereinafter referred to as an approved host.


Council may prescribe such others conditions and stipulations as it may deem appropriate with regard to the granting of any such permit.

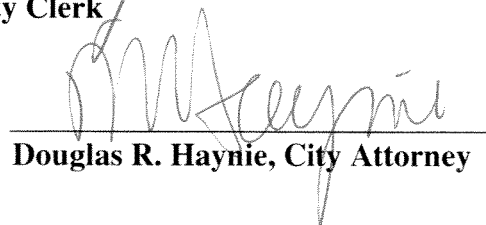
Section 2: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, phrases and words are severable, and if any section, paragraph, clause, phrase or word of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, clauses, phrases or words of this Ordinance.

Section 3: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 4: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

DATE: May 8, 2013 APPROVED: 
R. Steve Tumlin, Mayor

ATTEST: 
Stephanie Guy, City Clerk

APPROVED AS TO FORM: 
Douglas R. Haynie, City Attorney