

**ORDINANCE 2014-09**

**AN ORDINANCE OF THE CITY OF SMYRNA, GEORGIA, PROVIDING FOR THE AMENDMENT OF THE CODE OF ORDINANCES OF THE CITY OF SMYRNA, GEORGIA, CHAPTER 6, Article II, Section 6-78**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SMYRNA, GEORGIA:**

**Section 6-78 - Catering Permits in Conjunction with a Special Event.**

- (a) An applicant that does not have a current City of Smyrna alcoholic beverage license and is not a bona fide nonprofit civic organization who desires to sell or serve alcoholic beverages temporarily (no more than (3) consecutive days during the term of the license) for consumption on a non-licensed premises during a special event shall employ, use or contract with an Alcoholic Beverage Caterer as described in Sec 6-79 herein for such service.
- (b) If an existing alcoholic beverage licensee desires to sell or serve alcoholic beverages temporarily (no more than three (3) consecutive days during the term of the license) for consumption on a non-licensed premises, said licensee shall obtain an Off Premises Alcoholic Beverage Catering License pursuant to Section 3.2.5 of this chapter.
- (c) A bona fide nonprofit civic organization that desires to sell or serve alcoholic beverages temporarily (no more than three (3) consecutive days) for consumption on a non-licensed premises during a special event shall obtain a Non Profit Organization Alcohol Sales Permit authorizing the organization to sell or serve alcoholic beverages for consumption on the premises of the special event. No more than two (2) permits may be issued to an organization in any one (1) calendar year. The fee for each such permit shall be set by mayor and council. The organization shall hire an off-duty police officer of competent jurisdiction to be present during the event. For the purposes of this section, a bona fide “nonprofit civic organization” is defined as an organization which is an exempt organization under Section 501 (c) or (d) of the Internal Revenue Code of 1986, as amended.

**Section 6-79 – Alcoholic Beverage Caterers.**

(a) **Requirements-Resident Caterers.(Off Premises Alcohol Catering License)**

(1) Any alcoholic beverage retailer possessing a valid license from the City of Smyrna to sell malt beverages or wine by the drink at a fixed location within the city may apply for an Off-Premises Alcohol Catering License that authorizes sales at authorized catered event(s) or function(s).

(2) Each Off-Premises Alcohol Catering License as authorized herein shall be valid only for one month after the license is issued. The fee for each such license shall be set by mayor and council.

(3) It shall be unlawful for any person to engage in, carry on or conduct the sale or distribution of alcoholic beverages off-premises and in connection with a catered event or function without first having obtained a license as provided herein.

(b) **Permit Requirements-Nonresident Caterers.** (Special Event Alcohol Catering Permit)

Entities within the City that wish to host a special event using an alcoholic beverage caterer from another jurisdiction shall obtain a Special Event Alcohol Catering Permit from the community development department. The fee for each such permit shall be set by mayor and council. The applicant must possess a valid license to sell alcoholic beverages (Wine and Malt beverages) by the drink for on premises consumption issued by the jurisdiction in which the business is located. Each Special Event Alcohol Catering Permit shall be valid for one month after the license is issued. The application for the special event permit shall include:

(1) The name of the nonresident alcoholic beverage caterer desired;

(2) A copy of the alcoholic beverage license and catering license issued by the jurisdiction in which the business is located;

(3)

The quantity of alcoholic beverages to be transported from the licensee's primary location to the location of the authorized catered event(s) or function(s).

(4)

The original Special Event Alcohol Catering Permit shall be kept in the vehicle transporting the alcoholic beverages to the catered event(s) or function(s).

(5)

It shall be unlawful for a Non Resident licensed alcoholic beverage caterer to distribute or sell alcoholic beverages off-premises except as authorized by the Special Event Alcohol Catering Permit.

(c)

**[Limitation of License].** A licensed alcoholic beverage caterer may sell only that which is authorized by his alcoholic beverage license. For example, if the alcoholic beverage caterer possesses a valid license to sell malt beverages, he may sell only malt beverages at the authorized catered event or function.

(d)

**Sunday Sales.** An alcoholic beverage caterer wishing to cater an event or function on Sunday must possess a valid Sunday sales license and comply with the requirements of state law with respect to the service of alcoholic beverages on Sunday.