

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 6-341 OF THE CODE OF CANTON, GEORGIA TO MAKE CHANGES TO REGULATIONS AS TO OFF-PREMISES PERMITS FOR LICENSED ALCOHOLIC BEVERAGE CATERERS

WHEREAS, O.C.G.A. Sec. 3-11-2 authorizes the City to issue off-premises permits to any licensed alcoholic beverage caterer who holds a valid City license to sell malt beverages and wine by the drink, a valid City license to sell distilled spirits by the drink, or a valid City license to sell malt beverages and wine by the package; and

WHEREAS, the Code presently allows only those locations who hold a valid city license to sell malt beverages and wine by the drink to obtain an off-premises permit;

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF CANTON as follows:

1. Section 6-341 is deleted in its entirety and the following substituted therefor:

Sec. 6-341- Off-premises permit available

Notwithstanding any other section of this chapter to the contrary, an off-premises permit is available to licensed alcoholic beverage caterers as follows:

(a) *A licensed alcoholic beverage caterer who holds a valid city license authorizing the licensee to sell distilled spirits by the drink for consumption on the premises may be issued an off-premises permit authorizing such licensed alcoholic beverage caterer to sell distilled spirits by the drink off the premises and in connection with an authorized catered event.*

(b) *A licensed alcoholic beverage caterer who holds a valid city license authorizing the licensee to sell malt beverages or wine by the drink for consumption on the premises may be issued an off-premises permit which authorizes such licensed beverage caterer to sell malt beverages or wine by the drink off the premises and in connection with an authorized catered event.*

(c) *A licensed alcoholic beverage caterer who holds a valid city license authorizing the licensee to sell malt beverages or wine by the package and is also located in Historic Downtown Canton (as defined in Sec. 6-211(4)) may be issued an off-premises permit which authorizes such licensed beverage caterer to sell malt beverages or wine by the drink off the premises and in connection with an authorized catered event.*

3. If any portion of this Ordinance be declared invalid or unconstitutional by any court or competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid. It is hereby declared to be the intent of the City Council to provide for separable and divisible parts and does hereby adopt any and all parts hereof as may not be held invalid for any reason.

4. This Ordinance shall become effective on the date the Mayor signs the ordinance indicating approval, ten days after the adoption of the ordinance if the Mayor has not signed nor vetoed, or immediately upon an affirmative vote of the City Council after the Mayor's veto, whichever shall first occur.

Attest:

Susan C. Stanton
CITY CLERK

Gene Hobgood, MAYOR
Date:

Approved as to form:

Robert M. Dyer, City Attorney

ORDINANCE NO. _____

First Reading _____

Adopted by Council _____

Approved by Mayor _____

Veto by Mayor _____

Second Vote by Council _____

Effective Date _____

Susan C. Stanton, City Clerk