

**CITY OF LOOKOUT MOUNTAIN, GEORGIA**

**ORDINANCE NO. 285**

AN ORDINANCE to amend Ordinance No. 69 of the City of Lookout Mountain, Georgia, to provide for the issuance of special events alcohol permits, to establish application and locational requirements for such permits, and for other purposes.

BE IT ORDAINED by the Council of the City of Lookout Mountain, Georgia, and it is hereby ordained:

SECTION 1. Article I, Section 2 of the City of Lookout Mountain, Georgia's Controlled Beverages Ordinance (Ordinance No. 69, as amended) is hereby amended by the addition thereto of the following definitions:

- 2.19 "Special Event" means an event lasting no longer than three (3) consecutive days conducted for charitable or civic purposes (including but not limited to fund raisers to benefit schools or charitable organizations) or which are otherwise of significant benefit to the Lookout Mountain community.
- 2.20 "Existing Licensee" means a person or entity which holds a current, valid license, issued by a municipality in the Chattanooga metropolitan area, to sell beer and wine for consumption on the premises.

SECTION 2. The City of Lookout Mountain, Georgia's Controlled Beverages Ordinance (Ordinance No. 69, as heretofore amended) is amended by the addition thereto of the following new Article V, and the remaining articles of the City of Lookout Mountain, Georgia's Controlled Beverages Ordinance shall be renumbered in sequence as Articles VI, VII, etc. New Article V shall read as follows:

ARTICLE V  
SPECIAL EVENT PERMITS

SECTION 1. PERMIT AUTHORIZED. Subject to the provisions of this Ordinance, a person or organization may apply to the City Council for, and the City Council may issue, a permit authorizing the person or organization to sell beer and/or wine at a Special Event. A Special Event permit authorizes the person or organization to sell beer and/or wine only for the limited time period and at the specific location specified in the permit. The time period for which the permit will be issued will be limited to three (3) consecutive days, and the permit will only be valid for the single event specified in the permit.

SECTION 2. UNLAWFUL ACTIVITIES. No person or organization shall engage in the dispensation or sale of beer or wine at a Special Event without first complying with the rules and regulations set out in this Article V. Any Person violating the rules and regulations set forth herein shall be subject to immediate revocation of any permit issued hereunder and punishment as prescribed by the City. In addition to the rules and regulations herein set forth, each permittee shall comply with all laws of the State of Georgia, Federal laws, and rules and regulations of the State Revenue Commission relating to the sale and distribution of Controlled Beverages in Georgia, and any violation of same shall subject said permittee to immediate suspension or revocation of any permit issued hereunder and shall also subject said permittee to criminal prosecution by the proper authority as provided by law and the Ordinances of the City.

SECTION 3. CONDUCT OF EVENT. All persons who are provided beer or wine at a Special Event must be of legal age, and the individuals conducting the Special Event will be responsible for obtaining proof of age from each person who is sold or otherwise provided beer or wine. If the Special Event is conducted on City Property, each person who purchases or is otherwise provided beer or wine must wear a wrist band to verify that proof of age has been provided and must sign a waiver of liability and indemnity agreement in a form provided by the City.

SECTION 4. THE APPLICANT.

4.1 Qualifications. Any applicant for a permit to dispense or sell beer and/or wine at a Special Event within the City shall have the qualifications set forth in Section 2.1 of Article II of this Ordinance, which qualifications are specifically incorporated herein by reference.

4.2 Joint or Corporate Applicants. If the application covers a partnership or limited liability company, all members of the partnership or limited liability company must meet the qualifications herein set forth, and if the application is in the name of a

corporation, all officers of said corporation must possess the qualifications herein set forth.

4.3 Organization as Applicant. A charitable or other nonprofit organization may be an applicant for a permit to dispense or sell beer and/or wine at a Special Event. In this case, however, a minimum of two (2) individuals holding positions of authority in the organization must meet the qualifications herein set forth and must agree in writing, on a form provided by the City, to be personally responsible for the conduct of the event.

## SECTION 5. THE APPLICATION.

5.1 Form of Application. An application for a permit to dispense or sell beer and/or wine at a Special Event within the City shall be made on forms furnished by the City and shall be presented and processed in person by the Applicant and shall be accompanied by the documents required by Section 3.1 (a), (b) and (e) of Article II of this Ordinance along with the required permit fee in cash or certified check. Proof of liability insurance providing coverage for injuries relating to the sale of alcohol shall also be provided. If the Special Event is conducted on City Property, such insurance shall be in an amount not less than One Million Dollars (\$1,000,000) and shall name the City of Lookout Mountain and its agents and officials as additional insureds.

5.2 Notice of Hearing on Application. Notice of the hearing on each application shall be advertised in an official newspaper of the City once a week for two weeks immediately preceding the meeting of the Council of the City at which the application is to be considered.

5.3 Expedited Application Process. Notwithstanding the foregoing, the City Council may, in its sole discretion, issue a Special Event permit to an Existing Licensee without requiring the Existing Licensee to post a personal performance bond and without the requirement of an advertised public hearing. An Existing Licensee wishing to utilize the expedited application process must provide the City Clerk with proof of the existing license, proof of financial responsibility, and proof of insurance, all supported by such documentation as the City in its sole discretion may require.

5.4 Falsification of Application. The making of any statement on an application for a Special Event permit which shall be false or later found to be false shall constitute grounds for denial of or revocation of any permit.

## SECTION 6. LOCATIONAL AND SITING CONSIDERATIONS.

6.1 Location. No permit for sale of beer and wine at a Special Event shall be issued to any person unless the entire Premises of the proposed location is situated within the Community Convenience Commercial District or the Tourist-Oriented Commercial District; provided, however, that a permit for the sale of beer and wine at a Special Event in the Single-Family District may, in the sole discretion of the City Council, be issued for events which are determined to be of particular benefit to the Lookout Mountain

community, including but not limited to fundraisers for the City and for community schools.

6.2 Number of Locations. A permit for the sale of beer and/or wine at a Special Event shall be issued for only one Premises.

SECTION 7. COMPLIANCE WITH OTHER PROVISIONS OF THIS ORDINANCE. Each permittee under this Article shall be subject to all provisions of this Ordinance applicable to sales of Controlled Beverages for Consumption on Premises and shall pay the fees for the permit from time to time established by the Council of the City.

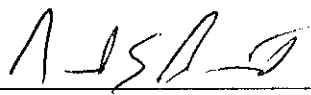
SECTION 3. Savings Clause. If any of the sections, subsections, sentences, clauses or phrases of this Ordinance are for any reason held to be unconstitutional or invalid, the validity of the remaining portions of this Ordinance shall not be thereby affected since it is the express intent of the Council of the City to pass each section, phrase, paragraph and word separately.

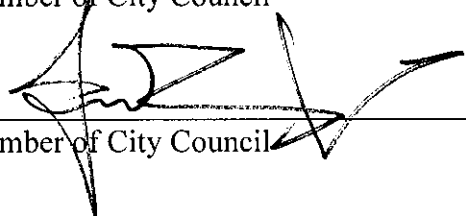
SECTION 4. Repealer. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

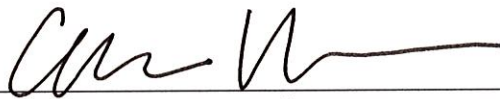
SECTION 5. Part of Code of Ordinances. It is the intention of the Council of the City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City, and the Sections of this Ordinance may be renumbered to accomplish such intention.

SECTION 6. Effective Date. This Ordinance shall be effective ten (10) days after its adoption and approval by at least three (3) members of the Council of the City of Lookout Mountain, Georgia, after two (2) readings at least one (1) week apart.

APPROVED on first reading on March 19, 2015.

  
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Member of City Council

  
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Member of City Council



Member of City Council



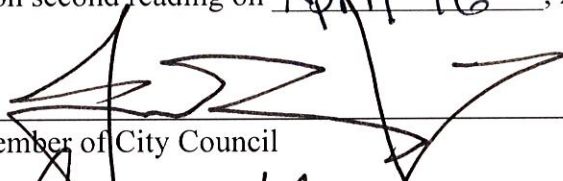
Member of City Council

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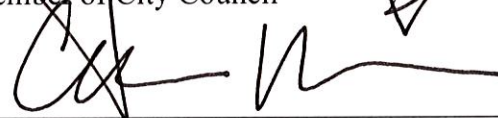


Mayor of Lookout Mountain, Georgia

APPROVED AND ADOPTED on second reading on April 16, 2015.



Member of City Council



Member of City Council

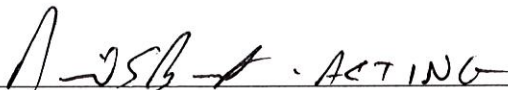


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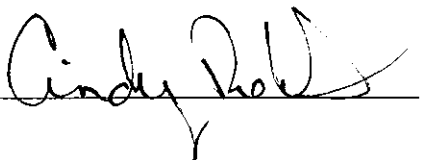
Member of City Council



Mayor of Lookout Mountain, Georgia

ATTEST:

City Clerk

A handwritten signature in black ink, appearing to read "Cindy Bell", written over a horizontal line.