

ARTICLE VII. ENTERTAINMENT DISTRICT

Sec. 3-181. Creation of entertainment district boundaries.

The entertainment district shall comprise the area set forth in Exhibit A, which is attached hereto and incorporated by reference as if fully set forth herein. Generally speaking, the entertainment district shall be bounded by Broad Street to Hill Street and Tugalo Street (both sides) to Foreacre Street. All references herein to the "Entertainment District" shall refer to that area that is specifically set forth. These boundaries may be changed by a duly enacted ordinance of the Toccoa City Commission.

(Ord. of 1-24-2022(2) , § 1)

Sec. 3-182. Definitions.

(a) *Alcoholic beverage establishment* means an establishment with a license duly issued by the City of Toccoa to sell alcohol for consumption on the premises pursuant to the alcoholic beverage ordinances of the city. For the purposes of this ordinance an "alcoholic beverage establishment" also includes the licensed establishments further defined herein to-wit; brewpub, brewery or microbrewery, taproom and tasting room.

(1) *Brewpub* means any restaurant or eating establishment in which beer or malt beverages are manufactured or brewed as prescribed by the Code of Georgia.

(2) *Brewery or microbrewery* means a place where malt beverages are manufactured or brewed as authorized and licensed by regulation of the Georgia Department of Revenue prescribed by Georgia law.

(3) *A taproom* means an establishment whose primary purpose is in the retail sale of malt beverages and wine.

(4) *Tasting room* means an outlet for the promotion of a farm winery's wine which provides samples of wine to the public and for sale and as defined by the law of Georgia,

(b) A *specialty cup* is hereby defined as a clear, plastic 16 ounce cup to which a specialty sticker provided by the city is attached and which notes the date of use written by the providing business,

(Ord. of 1-24-2022(2) , § 1)

Sec. 3-183. Specialty cup required for consumption of alcoholic beverages off premises.

(a) Those persons desiring to possess or consume off premises any alcoholic beverage purchased from an alcoholic beverage establishment as defined above which is located within the entertainment district in accordance with the restrictions set forth herein are required to acquire and use as the container a specialty cup from the alcoholic beverage establishment within the entertainment district from whom said person purchased the alcoholic beverage.

(b) Only alcoholic beverage establishments who are authorized to sell alcoholic beverages within the entertainment district are authorized to issue said specialty cups.

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- (c) A person's display of a specialty cup does not relieve alcoholic beverage establishments of their responsibility to determine if a person has attained the age of 21 years before dispensing alcohol to that person in said specialty cup or otherwise.
 - (d) Said specialty cups are disposable and are intended for single use, to be determined by the date marked on the cup, which date is to be marked by the alcoholic beverage establishment.
 - (e) Said specialty cups may only be issued by a participating alcoholic beverage business establishment within the hours of 12:00 noon and 10:00 p.m. Monday through Saturday. On Sunday specialty cups may only be issued between the hours of 12:30 p.m. and 10:00 p.m.
 - (f) It shall be unlawful within the entertainment district for any person to drink, attempt to drink, or possess any alcoholic beverage in an unsealed can, glass, or metal container, on the streets, sidewalks, rights-of-way, and/or parking lots, whether public or private. This section shall not prohibit the possession of containers of alcoholic beverages with unbroken seals.

(Ord. of 1-24-2022(2) , § 1)

Sec. 3-184. Consumption of alcoholic beverages off premises.

- (a) Subject to the restrictions set forth herein and within the boundaries of said entertainment district, those persons who have attained the age of 21 years may be allowed to remove specialty cups containing alcoholic beverages from the alcoholic beverage establishment premises and may be allowed to possess and consume said alcoholic beverages anywhere within said entertainment district, including the premises of other alcoholic beverage establishment premises.
- (b) Each alcoholic beverage establishment within the entertainment district shall have the discretion to choose whether to issue specialty cups in order to allow persons to leave its premises with a specialty cup containing an alcoholic beverage.
- (c) Each alcoholic beverage establishment within the entertainment district shall have the discretion to choose whether to allow persons to enter its premises with a specialty cup containing alcoholic beverages.
- (d) Each alcoholic beverage establishment within the entertainment district choosing to allow persons to either leave its premises or to enter its premises with a specialty cup containing alcoholic beverages shall notify the city so that specialty cup stickers can be provided and so that the city will have knowledge as to which businesses are participating.
- (e) Those businesses without an alcoholic beverage license may choose to not allow individuals onto their premises with a specialty cup containing alcoholic beverages.
- (f) Persons are not allowed to possess a specialty cup containing an alcoholic beverage while in a motor vehicle.
- (g) Any licensed establishment that allows patrons to leave the establishment with an alcoholic beverage in a specialty cup as provided in this ordinance shall maintain posted inside all exit doors for clear public view a map of the current boundaries of the Entertainment District and a sign of at least 11-inches by 8½-inches that states the following;
 - (1) "All Patrons leaving this establishment with an alcoholic beverage in an open container do hereby assume full responsibility to consume such alcoholic beverage only if it has been served in a clear, plastic cup not to exceed 16 ounces in size and obtained from an establishment licensed to sell alcoholic beverages within the Entertainment District outlined on the map below. Any individual who leaves the Entertainment District with an alcoholic beverage in an open container is in violation of the City of Toccoa Code of Ordinances and may be subject to a citation, arrest, incarceration, and or fine pursuant to the Code of Ordinances."

(Ord. of 1-24-2022(2) , § 1)

Sec. 3-185. Suspension of food/alcohol ratio.

The existing ordinance requiring that any restaurant or eating establishment with an alcohol consumption license derive at least 30 percent of its annual gross food and beverage sales from the sale of prepared meals or foods shall be suspended for those alcoholic beverage establishments (to include taprooms, breweries, microbreweries and brewpubs) located within the downtown entertainment district electing to use specialty cups for off premises consumption within the boundaries of the Downtown Toccoa Entertainment District.

(Ord. of 1-24-2022(2) , § 1)

Sec. 3-186. Licensing; special events; operations.

Notwithstanding any provision to the contrary Main Street with approval of the City of Toccoa may from time to time waive the licensing requirements required herein, may modify or suspend the hours of operation in the entertainment district and may provide a temporary special event license for all businesses within the downtown area as defined by the Downtown Development Authority of the City of Toccoa.

(Ord. of 1-24-2022(2) , § 1)

Sec. 3-187. Inapplicability.

This article and the privileges allowed pursuant to this article will not be applicable during the following special events which occur in Toccoa, Georgia:

- (a) Harvest Festival;
- (b) Christmas Fest;
- (c) Christmas Parade; and
- (d) Such other times as may be designated pursuant to section 3-186 above.

(Ord. of 1-24-2022(2) , § 1)

Exhibit A

Entertainment District

