

**AN ORDINANCE TO EXTEND
A TEMPORARY ORDINANCE FOR THE TAKING OF MEASURES
TO ENCOURAGE BUSINESS WITHIN A PORTION OF THE CITY'S CENTRAL
BUSINESS DISTRICT AND OTHER BUSINESS LOCATIONS RELATED TO COVID-19
ADOPTED MAY 26, 2020; AND FOR OTHER PURPOSES**

WHEREAS, the Mayor and City Council on May 26, 2020 adopted a temporary ordinance for the taking of measures to encourage business within a portion of the City's Central Business District related to COVID-19; and

WHEREAS, certain emergency measures adopted and extended by the Governor of the State of Georgia in view of stopping the spread of the coronavirus continues to impact businesses within the City of Newnan; and

WHEREAS, the Charter of the City of Newnan provides the governing authority of the City with the authority to take actions deemed necessary to deal with such an emergency for the protection of the safety, health, and well-being of the citizens of the City; and

WHEREAS, the Mayor and City Council have determined that it is in the best interest of the businesses in the City's Central Business District to extend the temporary ordinance adopted on May 26, 2020 granting temporary relief from certain City regulations as described in the Temporary Ordinance for the Central Business District and other business locations;

NOW, THEREFORE, BE IT ORDAINED AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NEWNAN AS FOLLOWS:

Section 1. During the term of this temporary business encouragement ordinance, the City Manager shall have the authority to temporarily waive certain regulations outlined in the City's ordinances to permit certain businesses within the City's Central Business District as depicted on Exhibit A to occupy and use the City's sidewalks, alleys, parking spaces, and other public spaces without prior council approval in such a manner, under such reasonable terms and conditions and for such periods of time as deemed appropriate by the City Manager. Such expanded use of the sidewalks, alleys, parking spaces and other public spaces shall include but not be limited to outside sales of retail items and placement of tables and chairs for outside seating by restaurants. The offices of Business Development and Main Street shall assist in receiving permit applications from businesses desiring to participate in the expanded use of such spaces. There shall be no permit fee for this application. In the event that the application seeks use of the sidewalk, alley, parking space, or other public space adjacent to, along or in front of another business establishment, the applicant must obtain written permission from the affected property owner or tenant before the application will be considered.

Section 2. During the term of this temporary business encouragement ordinance the following revisions or additions to Chapter 3 – Alcoholic Beverages of the Code of Ordinances are hereby adopted and shall apply:

Sec. 25 – Consumption and Sales on public Property; Sec. 25-Consumption and Sales on Public Property. Sec. 26-Sidewalk Sales; Sec. 27-City Sponsored Events:

(a) Notwithstanding the regulations of the consumption of alcoholic beverages on public property set out in the above referenced sections of Chapter 3 – Alcoholic Beverages; From the hours of 12:00 noon to 12:00 midnight on Monday through Saturday alcoholic beverages purchased from a licenses establishment for on premises consumption may permit a person and that person may exit the establishment and possess and consume an alcoholic beverage on the public sidewalks and alleys and streets where permitted with in the City’s Central Business District as depicted on Exhibit A attached hereto, provided that the beverage is contained in a metal, paper or plastic container as set out in Sec. 3-27 (b) and said container has the sticker described in this Sec. 2(b) affixed thereto.

(b) Any open container described in Sec. 2 (a) must have a sticker affixed to the container. The sticker will be provided to the establishment by the City. If the establishment runs out of stickers, it shall notify the City Manager’s Office immediately and a new supply of stickers will be furnished.

Section 3. During the term of this temporary business encouragement ordinance, the following revisions or additions to Chapter 3-Alcoholic Beverages, of the Code of Ordinances are hereby adopted and shall apply:

(a) Sec. 3-67 Growlers: An establishment licensed to serve malt beverages in a growler and licenses for package sales of malt beverages and wine is permitted to offer for sale to a single person up to 32 ounces of malt beverages for consumption on the premises and elsewhere as provided in this temporary ordinance in a single day and only in a metal, paper or plastic container with a sticker affixed as described in Section 2 (a) and (b) of this temporary business encouragement ordinance.

Section 4. During the term of this temporary business encouragement ordinance, the following revisions or additions to Chapter 3-Alcoholic Beverages, of the Code of Ordinances are hereby adopted and shall apply:

Sec. 3-20 – Permitted location for special events at which alcoholic beverages are served; Sec. 3-21. Special events permit.

Notwithstanding the regulations for special events of a permitted location, at a location, premises or building for which an on-premises consumption license which location, premise or building is located outside the City’s Central Business District shown on Exhibit “A”, such licensed establishment may submit an application for a special event permit to the City Manager for use of a portion of the licensed establishment’s parking lot for tented outside seating for service of food and alcoholic beverages under such terms and conditions and for such periods of time as deemed appropriate by the City Manager. There shall be no permit fee for this application.

Section 5. Compliance with State and Federal Guidelines.

The City strongly urges all citizens to review and comply with:

13.1 CDC Guidelines for Coronavirus, as they may evolve during the course of the COVID-19 Pandemic, found at <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>;and;

13.2 The President's Coronavirus Guidelines for America, as they may evolve during the course of the COVID-19 Pandemic, found at https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf; and

13.3 State of Georgia Guidelines for Coronavirus through the Georgia Department of Public Health, as they may evolve during the course of the COVID-19 Pandemic, found at <https://dph.georgia.gov/novelcoronavirus>.

Section 6. Constitutionality.

Should any phrase, clause, sentence, or section of this Ordinance be deemed unconstitutional by a Court of competent jurisdiction, such determination shall not affect the remaining provisions of this Ordinance which provisions shall remain in full force and effect.

Section 7.

Adoption of this ordinance does not create any additional right or benefit, substantive or procedural, enforceable in law or in equity by any party against the City of Newnan, its departments, agencies, officials, employees, agents or other person or entity.

Section 8. Effective Date/Termination Date.

This Ordinance shall be effective immediately upon adoption and shall terminate at 11:59 pm (midnight) Saturday, August 1, 2021 unless extended or terminated by the Mayor and City Council prior to that date.

DONE, RATIFIED, and PASSED by the City Council of the City of Newnan, Georgia this _____ day of _____, 2020.

ATTEST:

Della Hill, City Clerk

REVIEWED AS TO FORM:

C. Bradford Sears, Jr., City Attorney

Cleatus Phillips, City Manager

L. Keith Brady, Mayor

George M. Alexander, Mayor Pro-Tem

Cynthia E. Jenkins, Councilmember

Raymond F. DuBose, Councilmember

Rhodes H. Shell, Councilmember

Dustin Koritko, Councilmember

Paul Guillaume, Councilmember