

# AN ORDINANCE 24 113

## ENTITLED

**AN ORDINANCE AMENDING SECTION 6-13(b) and (c) OF CHAPTER 6 ALCOHOLIC BEVERAGES SO AS TO PROVIDE FOR TAKE OUT ALCOHOL RESTAURANTS; IMPOSING CONDITIONS FOR OPEN CONTAINERS; REPEALING PRIOR ORDINANCES IN CONFLICT AND FOR OTHER PURPOSES.**

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Albany, Georgia and it is hereby ordained by authority of same:

SECTION 1. Sec. 6-13(b) and (c) of Article I of Chapter 6 of the Code of Ordinances of the City of Albany is hereby amended to read as follows:

### **Sec. 6-13. Open containers.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the following meaning, except where the context clearly indicates a different meaning:

*Open container* means any container which is immediately capable of being consumed from, or the seal of which has been broken.

*Semi-public parking facility* means any privately owned area wherein motor vehicles may be parked by the public in conjunction with any business, enterprise, commercial establishment, office building, church, school, or multifamily residential building.

(b) *Policy.* The following shall be the policies for open containers:

- (1) It shall be unlawful for any person to have in such person's possession any alcoholic beverages in an open container while on the public streets, sidewalks or rights-of-way, or in any public or semi-public parking facility within the City of Albany, Georgia.
- (2) It is unlawful and punishable, as provided in this section, for any person to possess an open container of an alcoholic beverage while operating a vehicle on the public streets, rights-of-way or other public property in the city or while a passenger in or on a vehicle being operated on the public streets, rights-of-way or other public property in the city.
- (3) It is permitted for an open container or package to be located in the trunk of the motor vehicle or kept in a locked glove compartment or in some other area of the vehicle not normally occupied by the driver or passengers; a container or package shall be deemed open when

the original seal is broken, and any receptacle with an open top or with a straw shall be classified as an open container or package.

(c) *Exceptions.* The prohibition announced in subsection (b) of this section shall not apply to:

- (1) Any events to which permission for outdoor consumption of an alcoholic beverage license has been granted by the board of city commissioners.
- (2) Any property owned by the board of regents of the state.
- (3) Patrons of a sidewalk cafe as defined in the applicable zoning ordinance, if such establishment is otherwise licensed to sell alcoholic beverages.
- (4) Nothing herein shall be construed to prevent the sale of mixed drinks by an on-premises licensee in an approved container for carryout in compliance with the requirements of O.C.G.A. § 3-3-11

(d) *Notice requirements.* All licensed alcoholic beverage establishments are hereby requested to post, in a conspicuous location inside such establishment, a notice informing patrons that open containers are prohibited on the public streets, sidewalks, rights-of-way, or in any public or semi-public parking facility within the City of Albany, Georgia.

(e) *Violation.* Violation of the provisions of this section by any person shall constitute an offense punishable as provided in sections 1-17 and 1-18.

SECTION 3. City Code Sec. 6-13 shall become effective upon adoption of this Ordinance.

  
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MAYOR PRO TEM

ATTEST:

  
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CITY CLERK

Adopted: July 23, 2024

