

CITY COUNCIL WORKSHOP

MAYOR

Shirley Sessions

CITY COUNCIL

Barry Brown, Mayor Pro Tem

John Branigin

Jay Burke

Nancy DeVetter

Spec Hosti

Monty Parks



CITY MANAGER

Dr. Shawn Gillen

CLERK OF COUNCIL

Jan LeViner

CITY ATTORNEY

Edward M. Hughes

CITY OF TYBEE ISLAND

**CITY COUNCIL WORKSHOP
AGENDA
October 29, 2020 at 6:30 PM**

Call to Order

Items for Consideration

- 1 Discussion of how to proceed with proposed Alcohol Ordinance 2020-21 and formation of Study Committee to assess alternatives

Adjournment

Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to contact Jan LeViner at 912.472.5080 promptly to allow the City to make reasonable accommodations for those persons.

File Attachments for Item:

Discussion of how to proceed with proposed Alcohol Ordinance 2020-21 and formation of Study Committee to assess alternatives

ORDINANCE NO. 2020-21___

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF TYBEE ISLAND SO AS TO REVISE PROVISIONS PROHIBITING CONSUMPTION OF ALCOHOL OR POSSESSION OF ALCOHOL BEVERAGES IN OPEN CONTAINERS IN CERTAIN DESIGNATED LOCATIONS AND TO REPEAL INCONSISTENT OR CONFLICTING ORDINANCES, TO RECOGNIZE THE ADOPTION OF CIVIL PENALTIES FOR OFFENSES, TO ESTABLISH AN EFFECTIVE DATE AND TO AUTHORIZE THE ENFORCEMENT THEREOF

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of Tybee Island, Georgia, and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof; and

WHEREAS, the governing authority desires to adopt ordinances under its police and home rule powers; and

WHEREAS, the control of consumption of alcoholic beverages or possession of alcoholic beverages in open containers in certain locations is necessary for the peace and wellbeing of residents and visitors to the City; and

WHEREAS, open consumption of alcoholic beverages is inconsistent with the culture the City wishes to promote for well being of residents and visitors alike; and

WHEREAS, consumption of alcoholic beverages on certain public property has led to an increase in litter not only on the beach but other public lands; and

WHEREAS, there is concern that permitting unrestricted consumption of alcohol can lead to abuse to such extent as to put persons and law enforcement in danger; and

WHEREAS, the restricting of consumption of alcohol in certain locations would promote public safety; and

WHEREAS, the City of Tybee Island has previously adopted administrative procedures for civil penalties for certain Code violations which could include unlawful consumption of alcohol in restricted areas;

NOW THEREFORE, it is hereby ordained by the governing authority of the City of Tybee Island duly assembled as follows:

SECTION I

Existing Tybee Code Sections identified as Article 1 of Chapter 6 “Consumption of Alcoholic Beverages in Public” Section 6-8 is hereby revised and suspended in its entirety and is temporarily replaced with the Code Section hereinafter set forth below, from January 1, 2021 until August 31, 2021 unless extended or modified by action of the Mayor and Council.

ARTICLE 1, CHAPTER 6

Sec. 6-8. – Consumption of Alcoholic Beverages in Public Areas.

(a) Except as set forth below, alcoholic beverages may be consumed in public areas from a metal can or a non-glass cup with a capacity of 25.4 fluid ounces or less.

(b) The consumption of alcoholic beverages or possession of an open container of alcohol is strictly prohibited in the following area (“Prohibited Open Container Area”) defined as: 1) The festival area previously adopted and codified at Section 54-72(b) but also specifically 14th St to the mean low water line of the Atlantic Ocean and proceeding south encompassing the beach and land area west to Butler Ave to Chatham Ave AND the Back River beach areas to and including Alley 3, including all public parking lots, parking places, boat or launch ramps, rights of way, streets, sidewalks , open areas, beaches and adjacent waters.

Or

The council may approve a map of the area.

The following exceptions exist to this prohibition:

1) This prohibition does not impact the ability of Chatham County or its designated vendor to sell alcoholic beverages on the Walter Parker Pier, nor of patrons thereof to consume such beverages while on the Pier.

2) Any business located in the Prohibited Open Container Area, which holds a valid license for the sale of alcoholic beverages and has a permit allowing service to customers on the adjacent public sidewalk, may serve alcoholic beverages to its customers in open containers on the sidewalk. However, any such alcoholic beverage served in the approved sidewalk area may not be removed out of the sidewalk and must be consumed on the sidewalk adjacent to the businesses' premises.

3) Alcoholic beverages may be consumed or possessed in open containers pursuant to any event properly organized and permitted as set forth in the provisions of Article III of Chapter 54.

c) Any person violating any provisions, rules or regulations of this article, upon conviction, shall be subject to punishment as provided in Section 1-8 and as provided by law. (Code 1983, §9-2-9; Ord. No. 12-2013-D, §1, 4-11-2013) or as is provided in any ordinance providing administrative/civil penalties for unlawful consumption of alcoholic beverages.

SECTION II

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

SECTION III

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become effective and be made a part of the Code of Ordinances, City of Tybee

Island, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION IV

Following adoption by the Mayor and Council pursuant to The Code of the City of Tybee Island, Georgia, this ordinance shall be effective on January 1, 2021. This ordinance shall expire at midnight on August 31, 2021 unless extended as provided for by law.

This Ordinance shall become effective on _____ day of _____, 2020.

ADOPTED THIS ____ DAY OF _____, 2020.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____