

# **ALCOHOLIC BEVERAGES**

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## **COUNTY OF LAURENS, GEORGIA**

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This pamphlet is a reprint of Chapter 6, Alcoholic Beverages, of the Code of Ordinances, Laurens County, Georgia, published by order of the Board of Commissioners.

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MUNICIPAL CODE CORPORATION

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## Chapter 6

### ALCOHOLIC BEVERAGES\*

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**ARTICLE I. IN GENERAL****Sec. 6-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alcohol* means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

*Alcoholic beverage* means and includes all alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine.

*Beer or malt beverage* means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than six percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.

*Church* means any permanent building where persons regularly assemble for religious worship.

*Distance* means the measurement from building to building along the nearest practical street route.

*Distilled spirits or spirituous liquor* mean any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including, but not limited to, all fortified wines.

*Fortified wine* means any alcoholic beverage containing more than 21 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, brandy.

*Package* means a bottle, can, keg, barrel, or other original consumer container.

*Premises* means the definite closed or partitioned establishment, whether room, shop or building, wherein alcoholic beverages are sold or consumed. This shall not be a mobile home which can be moved, but will be a permanently emplaced structure with permanent foundation. This includes Butler buildings and those of a similar type. It shall also be in compliance with all laws, rules and regulations of the state, state and county health departments, EPA, Department of Human and Natural Resources and other state and county agencies.

*Private club* means a corporation organized and existing under the laws of the state actively in operation within the corporate limits of the county, and having members who regularly pay monthly, quarterly or semiannual dues.

*Private residence* means a house or dwelling wherein not less than one nor more than three families customarily reside and shall not include a mobile home, a boardinghouse where

there are five or more boarders or roomers, or any residence which has been unoccupied for a period of six consecutive months immediately prior to the filing of an application.

*Retail consumption dealer* means any person who sells alcoholic beverages for consumption on the premises at retail only to consumers and not for resale.

*Retailer or retail package dealer* means any person who sells alcoholic beverages, in unbroken packages, at retail only to consumers and not for resale.

*School* means only such state, county, city, church or other schools that teach the subjects commonly taught in the common schools of this state and shall not include private schools where only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

*Wholesaler or wholesale dealer* means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.

*Wine or vinous liquors* means any alcoholic beverage containing not more than 21 percent alcohol by volume made from fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this section.

(Ord. of 10-27-89, § 1.0)

**Cross reference**—Definitions generally, § 1-2.

### **Sec. 6-2. Applicability of chapter.**

All businesses, the applicant for the license, the agent in charge of the business, and the owner thereof shall observe and obey the following regulations prescribed by the board of commissioners in this chapter.

(Ord. of 10-27-89, § 7.0)

### **Sec. 6-3. Penalties for violation of chapter.**

(a) Upon conviction in the county magistrate court or superior court of any violation of any penal provision of this chapter, unless otherwise provided, the punishment shall be as set by the judge as allowed by section 1-11 of the county and the laws of the state.

(b) Any license issued under this chapter may be suspended for a period of time not exceeding six months or may be revoked by the county administrator or the board of commissioners by reason of any disturbance, acts of disorderly conduct, violence, gambling, or by reason of any conviction for violation of this chapter having occurred in the establishment or on the premises thereof, provided that when the license of any establishment has been revoked, no further license shall be issued under this chapter to any person at that location for a period of 12 months from the date of revocation.

(c) All owners or officers of establishments licensed under this chapter shall be criminally responsible for any violation of this chapter by an employee thereof, provided the court may only impose a just fine under this subsection.

(d) Any violation of the provisions of this chapter shall be treated as a misdemeanor and shall, upon conviction, be punished as provided in section 1-11.  
(Ord. of 10-27-89, §§ 19.0, 25.0)

**Sec. 6-4. Establishments open to inspection.**

Any establishment holding a license issued under this chapter shall at all times, during the period allowable by law for operation of the business, be open to inspection by any officer of the sheriff's department, any license inspector to the county or to any person designated by the sheriff or commissioners. In addition, if the premises are being used after hours by employees or the owners or their agents, there shall be on the premises at this time a sheriff's deputy of the county sheriff's department, any licensed inspector, or any person designated by the sheriff or the commissioners.

(Ord. of 10-27-89, § 8.0)

**Sec. 6-5. Open containers prohibited on premises; exception.**

No bottle or other container of alcoholic beverages shall be opened or consumed by any person on the premises upon which the place of business is conducted and licensed under this chapter, whether the bottle or other container so opened or consumed was bought or obtained at the place of business or elsewhere, unless the premises is licensed for consumption on the premises under this chapter. The owner or proprietor of any store or place of business who violates these provisions of this section shall, upon conviction, be punished as provided in section 1-11.

(Ord. of 10-27-89, § 9.0)

**Sec. 6-6. Legal hours of sale and purchase.**

(a) All licensees under this chapter holding licenses classified retail malt beverages: consumption on premises or retail wine: consumption on premises shall close the premises between the hours of 2:00 a.m. and 6:00 a.m. and shall not allow any person other than an owner or manager to be present on the premises between such hours.

(b) No person who is not an owner or manager shall be present on the premises of an establishment licensed under this chapter for consumption on the premises between the hours of 2:00 a.m. and 6:00 a.m.

(c) Beer and wine consumption on premises. It shall be unlawful for any licensee or person employed by a licensee to sell, to offer for sale, transfer, or offer to transfer to others any wine, beer or other alcoholic beverage to be consumed on the premises between the hours of 12:00 midnight on Saturday and 6:00 a.m. on the following Monday and between the hours of 3:00 a.m. and 6:00 a.m. on the other days of the week. It shall be unlawful for any person to purchase, receive or offer to receive from a licensee or other person employed by a

licensee any wine, beer or other alcoholic beverage to be consumed on the premises between the hours of 12:00 midnight on Saturday and 6:00 a.m. on the following Monday and between the hours of 3:00 a.m. and 6:00 a.m. on the other days of the week. No one will sell alcoholic beverages under the provisions of this chapter on a Sunday. Sales will cease midnight Saturday, and may not be resumed until 6:00 a.m. Monday. Customers must vacate the premises after sales cease at midnight by 3:00 a.m. on Sunday.

(Ord. of 10-27-89, § 10.0)

**Sec. 6-7. Legal hours for drinking.**

It shall be unlawful for any person owning or operating a place of business licensed under this chapter for consumption on the premises to permit any person to drink any wine, beer or other alcoholic beverage upon the business premises between the hours of 12:00 midnight Saturday and 6:00 a.m. on the following Monday and between the hours of 3:00 a.m. and 6:00 a.m. on the other days of the week. It shall be unlawful for any person to drink any wine, beer or other alcoholic beverage while upon or within any vehicle upon the streets, sidewalks, parks, public places of the county or upon or within any vehicle upon the premises of any business establishment holding a license issued pursuant to this chapter in the county between the hours of midnight Saturday and 6:00 a.m. on the following Monday and between the hours of 3:00 a.m. and 6:00 a.m. on the days of the week.

(Ord. of 10-27-89, § 11.0)

**Sec. 6-8. Possession of glass container, opened bottle or other opened container of beer, wine or other alcoholic beverages when prohibited.**

It shall be unlawful for any person owning or operating a place of business licensed under this chapter for consumption on the premises to permit any glass containing any alcoholic beverage, any opened and unemptied bottle or other opened container of any alcoholic beverage to remain in or on the premises of the place of business at any time between the hours of 3:00 a.m. Sunday and 6:00 a.m. on the following Monday and between the hours of 3:00 a.m. and 6:00 a.m. on the other days of the week. It shall be unlawful for any customer or other person to have in his possession any opened bottle containing any alcoholic beverage in any place of business licensed under this chapter at any time between the hours of 3:00 a.m. Sunday and 6:00 a.m. on the following Monday and between 3:00 a.m. and 6:00 a.m. on the other days of the week. It is the purpose and intent of this section to assist in the enforcement of the regulations against drinking beer, wine, and other alcoholic beverages between the hours set forth in this section. The board of commissioners find that the regulations imposed in this section are necessary for the proper regulation of the sale of alcoholic beverages.

(Ord. of 10-27-89, § 12.0)

**Sec. 6-9. Sales on election days.**

Subject to the provisions of sections 6-6, 6-7, and 6-8, the sale of alcoholic beverages on any election day is authorized.

(Res. of 5-21-85)

**State law reference**—Sale of alcoholic beverages on election days, O.C.G.A. § 3-3-20.

**Sec. 6-10. Alcohol percent labels.**

It shall be unlawful for any person to have in his possession, custody or control any spirituous liquor for retail sale, unless the container shall have firmly affixed thereto a label on which there is stated in plain words or figures the true alcoholic content by volume of the alcoholic beverage.

(Ord. of 10-27-89, § 13.0)

**Sec. 6-11. Minors; prohibited practices.**

(a) *Purchase.* It shall be unlawful for any person under 21 years of age to buy or allow to be bought for him any alcoholic beverage from any place. It shall be unlawful for any person in charge of or employed in any place of business where alcoholic beverages are kept to permit any person under 21 years of age to buy or to allow to be bought for a person under 21 years of age any alcoholic beverages in or from the place of business. It shall be unlawful for any person under 21 years of age when on the premises of a drive-in restaurant, whether in or outside of a motor vehicle, to have in his possession or under his control any alcoholic beverage. Any attempt to commit any act made unlawful by this section shall be itself unlawful and subject to punishment in the county magistrate court or superior court.

(b) *Misrepresentation of age.* It shall be unlawful for any person under 21 years of age to falsely misrepresent his age, in any manner whatever, for the purpose of illegally obtaining any alcoholic beverages.

(c) *Dispensing, serving, selling; exception.* It shall be unlawful for any person to allow or require a person in his employment under 19 years of age to dispense, serve, sell or take orders for any alcoholic beverage; provided, however, that the provisions of this section shall not prohibit persons under 21 years of age who are employed in supermarkets, convenience stores or drugstores from selling or handling alcoholic beverages which are sold for consumption off the premises.

(d) *Possession in unincorporated areas.* It shall be unlawful for any person who is under the age of 21 years, to have in his possession, or under his control, at any place whatever in the unincorporated areas of the county, any alcoholic beverage.

(e) *Signs required in licensee's premises.* It shall be unlawful for a licensee not to post in a conspicuous place in his establishment a sign printed with letters at least four inches high reading as follows: "Sale of alcoholic beverage to persons under 21 years of age strictly prohibited."

(f) *Violation of section.* Violation of any provisions of this section shall constitute an offense under this chapter and shall be punishable in the county magistrate court or superior court, provided violation of this section by persons who have not yet reached the age of 17 years shall be handled as provided by the state juvenile court code.

(Ord. of 10-27-89, § 14.0)



**Sec. 6-12. Sales in proximity to school property.**

No person shall sell or offer for sale beer, malt beverages, or wine within 400 yards from school property. The distance shall be measured from the main entrance of the location where the malt beverages or wine is sold or offered for sale by way of the nearest traveled road, street or highway to the nearest school property.

(Ord. of 10-27-89, § 21.0)

**Sec. 6-13. Proximity of sales to churches.**

No person shall sell malt beverages or wine at any place within 400 yards of a church.

(Ord. of 10-27-89, § 22.0)

**Sec. 6-14. Club restaurants required to obey closing hours.**

If any club licensed to sell alcoholic beverages under the provisions of this chapter maintains restaurant facilities which would remain open after the closing hours outlined in sections 6-6, 6-7 and 6-8 or on Sunday, no alcoholic beverages of any nature or description will be sold, purchased, consumed or present on the premises after hours or on Sunday. The restaurant facility may only sell food or nonalcoholic beverages during these times. Any violation of this section shall be treated as a misdemeanor committed by the licensee, club manager, or any patron buying or consuming such alcoholic beverages.

(Ord. of 10-27-89, § 23.0)

**Secs. 6-15–6-35. Reserved.**

**ARTICLE II. LICENSING**

**Sec. 6-36. License required; time limit for commencement of operation.**

(a) No malt beverage, vinous liquors, spirituous liquors or any other alcoholic beverage shall be sold or manufactured in the county except under a license issued under this article by the county administrator at the direction of the board of commissioners.

(b) The requirements of this article shall be in addition to any other requirements for business licenses under this Code and if other provisions of this Code conflict with this article, then this article shall control. This shall apply to the unincorporated limits of the county.

(c) Licenses which may be issued under this article include:

(1) Manufacturing alcoholic beverages.

(2) Wholesale:

- a. Malt beverages.
- b. Vinous liquors.
- c. Spirituous liquors.

- (3) Retail:
  - a. Malt beverages.
  - b. Vinous liquors.
  - c. Spirituous liquors.
- (4) Consumption on the premises:
  - a. Malt beverages.
  - b. Vinous liquors.
- (5) Any combination of the licenses listed in this subsection, provided no retail or wholesale spirituous liquor licensee shall hold any consumption on the premises license for the same location.

(d) All businesses issued licenses under this article must, within 90 days after the issuance of a county license, open for business. Failure to open for business shall constitute a forfeiture and cancellation of the issued licenses, and no refund of license fees or business taxes shall be made. Any applicant unable to comply with the time limit of this section may make written request to the board of commissioners for an extension of time not to exceed 90 days, and they may, at their discretion, grant or deny the request.

(Ord. of 10-27-89, § 2.0)

#### **Sec. 6-37. Applications for new license.**

The provisions of this Code on general business licensing shall apply in addition to the following:

- (1) All approved applications for new licenses under this article shall be accompanied by a payment in cash or by certified check for all the minimum fees and business taxes provided for in this Code for the classification into which the applicant falls. A schedule of license fees is on file in the county administrator's office and will be made available to all applicants. The annual license fees may be changed by majority vote of the board of commissioners. The period of time during which the license is in effect will be the calendar year between January 1 and December 31, at which time it must be renewed.
- (2) Any new applicant requesting a license for less than one-half of the first year will only be required to pay one-half of the normal license fee. He will be required to pay the full license fee for succeeding years.
- (3) Attached to the county application shall be a photostatic or other copy of all the appropriate state applications and forms along with a county supplemental application form attached along with the following:
  - a. A legal description of the property upon which the premises are located;
  - b. A current photograph of the applicant;
  - c. Fingerprints of the applicant to be taken by the sheriff's department;

- d. An affidavit from the county sheriff stating that the establishment complies with the distance requirement contained in this chapter; the county will charge a fee of \$75.00 for this affidavit;
  - e. A publisher's affidavit from the newspaper in which the sheriff's advertisements or notices are placed showing the name and address of the applicant, the location for which the license is sought, the type of license applied for and the time and place the county administrator shall act on the application.
- (4) The application shall also contain a form of oath providing that the information disclosed in the application is true and correct, and providing further that the applicant will abide by, observe and conduct his other business according to the rules and regulations prescribed by the board of commissioners, the Georgia Alcoholic Beverage Code (O.C.G.A. § 3-1-1 et seq.), and the rules and regulations of the state department of revenue in respect thereto. The oath shall be taken by the applicant and the agent in charge of the establishment if different from or additional to the applicant, and the oath shall be taken by the true owners.
- (5) Any false statement or material misrepresentation in any application pursuant to this section shall be grounds for the revocation of any license granted pursuant to this section.

(Ord. of 10-27-89, § 3.0)

**Sec. 6-38. Residency required for applicants; exception.**

(a) All applicants for licenses under this article shall be bona fide residents of the county for a minimum of six months prior to the time of the filing of the applications and shall remain bona fide residents of the county during all times that the licenses and renewals thereof are in effect. Applicants may be owners or managers of the business. Corporations may apply for the license to be issued in their corporate names and, in this case, residency requirements may be waived by majority vote of the board of commissioners.

(b) All applications shall be approved or disapproved by the county sheriff or a designee thereof as a condition to action thereon and issuance of a license by the county administrator. If the sheriff determines that the application is not in order, in view of the requirements of federal or state law or this Code and any sheriff's department investigation, the county administrator shall then notify the applicant of the reasons for not issuing the license to the applicant.

(Ord. of 10-27-89, § 4.0)

**Sec. 6-39. Issuance of license to persons with prior convictions.**

No license under this article shall be issued, renewed or transferred to any person where any individual having an interest either as owner, partner, principal stockholder, directly or indirectly, beneficial or absolute, shall have been convicted or shall have taken a plea of nolo contendere within ten years immediately prior to the filing of the application for any felony or conviction of two or more misdemeanors of any state or of the United States or any municipal

ordinance except traffic violations within two years. The term "conviction" shall include an adjudication of guilt or a plea of guilty or nolo contendere or the forfeiture of a bond in part or in whole when charged with a crime.

(Ord. of 10-27-89, § 5.0)

**Sec. 6-40. Denial of license application; granting.**

The board of commissioners may deny or suspend a county license under this article on any of the following grounds:

- (1) Failure to meet state requirements for state licenses.
- (2) Failure to pay required fees and taxes, including garbage collection fees, within 30 days of the due date.
- (3) Failure to provide required valid information, documents and the like.
- (4) False information in the application or attached documents.
- (5) Failure to pass review by the sheriff.
- (6) Improper residency.
- (7) Prior convictions as provided in section 6-39.
- (8) Failure to meet any other requirements in this article for a license of the class applied for.
- (9) The proposed premises is a trouble spot in the judgment of the board of commissioners by reason of disturbances or acts of disorderly conduct, violence or gambling having occurred in or about the premises.
- (10) The existence of dangerous traffic conditions at the proposed premises or a determination by the board of commissioners that the granting of a license would cause dangerous traffic conditions.
- (11) A determination by the board of commissioners that the granting of the license would adversely affect the neighborhood or cause a substantial diminution in value of the immediately adjacent and surrounding property.

(Ord. of 10-27-89, § 6.0)

**Sec. 6-41. Suspension or revocation of license.**

(a) Any license issued under this article may be suspended for a definite time or may be revoked if the licensee or any employee of licensee has been convicted of the violation of any act prohibited by this article, of failure to perform any act required by this article, or is convicted of the violation of any other ordinance of the county or any state or federal law relating to the sale of alcoholic beverages. The forfeiture of bond or collateral or a plea of nolo contendere shall be considered a conviction for the purposes of this subsection.

(b) Any license issued under this article may be suspended for a definite time or revoked if the county magistrate court judge has determined that there is probable cause to believe that the licensee or an employee of the licensee has violated a state or federal law relating to the sale of alcoholic beverages. The procedure for making such determination shall be:

- (1) The sheriff, after obtaining reliable information that such a violation has been committed, shall cite the licensee to appear for a hearing on a day certain before the county magistrate court and shall advise the licensee of the law believed to have been violated.
- (2) The county magistrate court judge, after hearing evidence, shall make a determination whether there is probable cause to believe the alleged violation has been committed. If the hearing results in a determination that probable cause does exist, the findings shall be reduced to writing and filed with the county administrator, who shall report such findings to the board of commissioners at the next regular meeting thereof.

(c) Any violation of the reasons given to deny a license under this article shall be grounds for revocation or suspension of the license by the county administrator or the board of commissioners. In addition, if the owner or manager of the licensed business violates any other terms and provisions of this article or knowingly allows others to violate them while in the licensed establishment or its parking lot, then this shall also be grounds for suspension or revocation of the license.

(Ord. of 10-27-89, § 15.0)

#### **Sec. 6-42. Notice and hearing; appeal.**

No licenses issued under this article may be suspended or revoked unless the licensee has been afforded the opportunity for a hearing before the county administrator. The licensee shall be given at least five days' written notice delivered to the licensee in person or by certified mail of the time, place and purpose of the hearing and the grounds for suspension or revocation. At such hearing, the licensee shall have the right to appear in person and by attorney and to have witnesses appear in his behalf. All witnesses shall be sworn or shall make affirmation and shall be subject to reasonable cross examination. If a license be suspended or revoked by the county administrator, such suspension or revocation may be appealed by the licensee to the board of commissioners by filing a notice of appeal in the commissioners' office with the county administrator within a period of ten days following the date of the order of the county administrator suspending or revoking such license. The decision of the board of commissioners on any such appeal shall be final. The reasons for suspension or revocation, whether by the county administrator or the board of commissioners, shall be specifically stated in writing and delivered to the licensee.

(Ord. of 10-27-89, § 16.0)

#### **Sec. 6-43. Duration and renewal of license.**

(a) Duration and renewal of licenses under this article shall be as for business licenses generally, and no licensee shall have any vested right to the renewal of any county license.

Licenses will be renewed on January 1 or as soon thereafter as possible. No license will be renewed unless the license fee is paid by February 1 and all other regulations contained in this article are complied with by the holder of the license.

(b) No licenses under this article may be renewed if the licensee could be denied a new license under this article.

(Ord. of 10-27-89, § 17.0)

**Sec. 6-44. Transfer of licenses.**

(a) Licenses under this article may be transferred to another person, provided that person makes application to the county as for a new license and pays as a transfer fee ten percent of the license fee and any other appropriate fees. Business or transfer taxes must be paid and that person must otherwise meet the requirements under this article for a new license.

(b) A transfer of location shall be allowed for any license under this article, provided the licensee files with the county administrator the following on the new location:

- (1) A legal description of the property upon which the new premises is located.
- (2) An affidavit from the sheriff stating that the establishment complies with any distance or location requirements contained in this article.
- (3) A publisher's affidavit from the newspaper in which the sheriff's advertisements or notices are placed showing the name and address of the applicant, the location for which the license is sought, the type of license applied for and the time and place the county administrator shall act on the application.

(c) Any transfer allowed under this section may be denied or revoked on the same basis as for an application or license under this article.

(Ord. of 10-27-89, § 18.0)

**Sec. 6-45. Outstanding licenses; compliance assumed.**

(a) All licensees holding valid licenses issued under this article as of October 1, 1989, shall be deemed to have complied with all requirements as to the application and issuance of a license under this article. Renewals and transfers of licenses at the same location shall also be deemed in compliance. Transfers to new locations must comply with all requirements as set forth in this article.

(b) Any new license, location, or owner transfers issued after the date given in subsection (a) of this section must comply with all requirements as set forth in this article.

(Ord. of 10-27-89, § 20.0)

**Secs. 6-46--6-65. Reserved.**

**ARTICLE III. SEXUALLY ORIENTED ENTERTAINMENT**

**Sec. 6-66. Penalty for violation of article.**

(a) Violation of any provision of this article shall constitute an offense under this article with maximum punishment which shall not exceed a fine of \$1,000.00 or imprisonment for 60 days, or both.

(b) Jurisdiction over violations of this article shall be in the county magistrate court, and procedures for enforcement shall be as provided in O.C.G.A. § 15-10-60 et seq. (Ord. of 2-16-93, § 3)

**Sec. 6-67. Prohibited entertainment, attire and conduct.**

The following types of entertainment, attire and conduct are prohibited upon any premises licensed to sell, serve or dispense alcohol beverages for consumption on such premises within the unincorporated area of the county.

- (1) The employment or use of any person, in any capacity, in the sale or service of alcohol beverages while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of areola or of any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva or genitals.
- (2) Live entertainment where any person appears in the manner described in subsection (1) of this section or where such person performs acts of or acts which simulate any of the following:
  - a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual act which is prohibited by law.
  - b. The caressing or fondling of the breasts, buttocks, anus or genitals.
  - c. The displaying of the male or female pubic hair, anus, vulva or genitals.
- (3) The holding, promotion, sponsoring or allowance of any contest, promotion, special night, event or any other activity where patrons of the licensed establishment are encouraged or allowed to engage in any of the conduct described in subsections (1) or (2) of this section; provided, however, that nothing contained in this section shall apply to the premises of any mainstream performance house, museum or theater which derives less than 20 percent of its gross annual income from the sale of alcohol beverages.

(Ord. of 2-16-93, § 2)

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