



CITY OF
Swainsboro
Crossroads of the Great South



GEORGIA

City Council Meeting

October 03, 2016

The regular meeting of the Mayor and City Council, held Monday, October 03, 2016 at 6:00 P.M. at Swainsboro City Hall.

Members Present: Stafford, Faulkner, Sconyers, Collins, Parker, & Bragg

Members Absent:

Prayer of Invocation: Rev. Eugene Davis

Motion to accept minutes from the previous meeting was made.

Motion: by Parker Seconded: by Bragg 6-0

A. Consensus Business

None

B. New Business

1. Council proposed a social hosting ordinance as follows:

CODE AMENDMENT

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF SWAINSBORO, GEORGIA, TO ADD A NEW ARTICLE XII, SOCIAL HOSTING, TO CHAPTER 18, OFFENSES; AND FOR OTHER PURPOSES ALLOWED BY LAW.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SWAINSBORO, GEORGIA:

Section 1 Enactment and Short Title.

WHEREAS, The City of Swainsboro, Georgia ("City"), through its Mayor and Council, has determined that to serve the needs of the community, specifically, the need to protect the citizens of the City, and especially its younger citizens, an amendment to The Code of the City of Swainsboro, Georgia ("Code") is required to regulate the serving or providing of alcoholic beverages in private residences to persons who are not legal adults; and,

WHEREAS, the City has considered both written and anecdotal information about the actual and potential dangers posed both to young people and adults when alcohol is furnished to persons who are not legal adults, or, in the alternative, alcoholic beverages are made available to them through negligence; and,

WHEREAS, the City, by and through its Mayor and Council, has considered and adopts the following as findings in support of this amendment:

(a)The 2007 "Surgeon General's Call to Action to Prevent and Reduce Underage Drinking"
[http://www.surgeongeneral.gov/topics/underage drinking/ calltoaction.pdf](http://www.surgeongeneral.gov/topics/underage%20drinking/calltoaction.pdf) (Call to Action).

(b)Persons who are under the age of 21 often possess or consume alcoholic beverages at social parties or gatherings held at or on private residences and other private property under the control of a person who either has provided the alcoholic beverages or who knew or reasonably should have known of such conduct, but failed to take steps to prevent it.

(c) Underage drinking creates secondhand effects that can put others at risk. Loud and unruly behavior, property destruction, unintentional injuries, violence, and even death because of underage alcohol use afflict innocent parties. For instance, about 45% of people who die in car crashes involving a drinking driver under the age of 21 are people other than the driver, according to the Call to Action.

(d) Law enforcement agency responses to disturbances involving underage consumption of alcoholic beverages at gatherings at or on dwelling units, private residences or other private property frequently require the use of extensive public resources, the cost of which should be borne by those responsible for the disturbances. Further, the ability of law enforcement personnel to effectively respond to such disturbances is adversely impacted by the absence of legislation by which adults providing alcoholic beverages to underage persons, directly or indirectly, may be held accountable, thus putting the community at large at risk.

Section 1 Enactment and Short Title

WHEREAS, it is the intent of the City that its law enforcement and Code enforcement officers be enabled to pursue and prosecute those responsible for furnishing alcoholic beverages to minors in social settings, either directly or indirectly; and,

WHEREAS, this amendment is necessary to further the general safety, health and welfare of the citizens of the City;

Now, therefore, the Mayor and Council of the City of Swainsboro, Georgia, hereby enact and adopt the following Amendment to The Code of the City of Swainsboro, Georgia.

Section 2 Amendment to Code Chapter 18 to add article XII, titled "Regulation of Social Hosting".

The Code of the City is hereby amended by reserving Sections 18-341 through 18-349 and by adding a new Article XII to Chapter 18 of the Code, to be titled "Regulation of Social Hosting" as follows:

"ARTICLE XII. REGULATION OF SOCIAL HOSTING Sec. 18-350. Definitions.

As used in this article, the following terms have the following meaning unless the context clearly requires otherwise:

Dwelling unit means, without limitations, any single or multi-family residence including, but not limited to, any apartment, cabin, condominium, townhouse, duplex, manufactured home, recreational vehicle or house and the land upon which it is located, whether owned, leased, rented, or occupied for no compensation by the occupant or occupants.

Gathering means an assembled group of two or more people for the purpose of a social occasion or activity.

Legal guardian means a person who is lawfully vested with the power and charged with the duty of taking care of an underage person.

Other private property includes the following locations when that location is occupied by one or more persons on a temporary or permanent basis; occupied as a temporary or permanent dwelling or residence for a gathering; or owned, leased, rented, or used with or without compensation for a gathering:

1. A hotel or motel room;
2. An assembly hall or meeting room;
3. A common room of a dwelling unit, when used for a gathering;
4. A site on a privately owned campground;
5. A privately owned vacant lot;
6. Privately owned land or real estate of any type.

Parent means any person who is a natural, biological, adoptive, or foster parent and such terms means a stepparent or a person who stands in *loco parentis*.

Person who has a right of possession includes, with respect to a private residence or other private property, the person who owns title to the property, the tenant or lessee, the landlord, the person or persons in charge of the dwelling unit, residence or other property, and the social host (as defined below).

Private residence means a dwelling unit occupied on a temporary or permanent basis when used for a gathering and any other part of the property upon which the dwelling unit is located, including, but not limited to garages,

pool houses, bodies of water and the like.

Reasonable steps mean steps that include, but not limited to:

- (1) Controlling access to alcoholic beverages;
- (2) Controlling the quantity of alcoholic beverages;
- (3) Verifying the age of persons at a gathering by inspecting government issued identification cards, such as a driver's license; and,
- (4) Supervising and monitoring the activities of underage persons at a gathering.

Social host means the person or persons who organize, supervise, officiate, conduct or control a gathering at or on a dwelling unit, private residence, or other private property owned, leased, or otherwise controlled by that person or those persons; and shall include any person or persons receiving money or any other type of consideration for granting access to a gathering at a dwelling unit, a private residence, or other private property owned, leased or otherwise controlled by that person or persons.

Under age person means any person who is under 21 years of age.

Sec. 18-351. Prohibition.

(a) *It is* a violation of this article for a social host or any person to knowingly host, permit, or allow a gathering to take place or continue at or on any dwelling unit, private residence, or other private property if any underage persons at that gathering possesses or consumes any alcoholic beverage and the social host or person knows or should have known, of such possession or consumption after taking all reasonable steps to prevent alcoholic beverage possession or consumption by underage persons.

(b) It is a violation of this article for the parent or legal guardian of an underage person to knowingly allow that person to attend a gathering if the parent or legal guardian knows or reasonably should have known that the underage person will possess or consume any alcoholic beverage at that gathering, except as may otherwise be permitted by state law.

{c) It is a violation of this article for any person to fail to take all reasonable steps to prevent the possession or consumption of alcoholic beverages by any underage person at a gathering.

Sec. 18-352. Protected activities.

(a) Activities which are otherwise legally protected by state or federal law are exempt from the prohibitions set out in Sec. 18-281 above, specifically, but not limited to, those activities protected pursuant to the provisions of O.C.G.A §3-3-23.

(b) The exemptions for protected activities set out above shall no longer apply if an underage person leaves the private residence intoxicated and is found in public.

Sec. 18-353. Separate violation for each incident.

Each incident in violation of this article shall constitute a separate offense.

Sec. 18-354. Enforcement authority.

Citations for violation of the activities prohibited in this article may be written by officers of the City Police Department, any City Code Enforcement Officer, the City Manager, the City Attorney or any other person designated and authorized by the Mayor and Council of the City and shall be prosecuted in the City Municipal Court.

Sec. 18-355. Penalties.

Any person violating any provision of this article shall be punished as provided in Sec. 1-6 of this Code."

Section 3 Repealer. All ordinances or parts of ordinances in conflict with the amended ordinance are hereby repealed to the extent of such conflict.

Section 4 Effective Date. This Amendment shall be effective upon its adoption by the Mayor and Council.

Motion was made to consider the proposed ordinance.

Motion: by Parker Seconded: by Sconyers 6-0

C. Old Business

1. Adm. Lawson presented the proposed 2017 budget as printed in the newspaper. Mayor Schwabe announce this was a public hearing and asked if anyone would like to speak for or against the budget. Brandon Frix, representing the Swainsboro Police Department, read a prepared statement from the personnel of the department. He read some concerns the personnel have. Mayor then asked the Police Committee to get together and address these issues. Councilperson Bragg then made a motion to discuss the issues now. Council then discussed the two major issues. First if the insurance premium was being taken away and second if the take home cars were being done away with. Council assured the officers that neither of these issues were going to take place. The statement also addressed raises. Mayor Schwabe asked the Police Committee to look into this and get back with council at a later date.

Motion was then made to adopt the 2017 budget as presented.

Motion: by Bragg Seconded: by Faulkner 5-1
Parker opposed

2. Council heard the alcoholic beverage license application from Mr. Tavis Smith dba T's Place on 229 South Main St. for retail Beer & Wine Consumption. Mayor Schwabe announced this was a public hearing and asked if anyone was here to speak for or against the budget. Motion was made to grant.

Motion: by Parker Seconded: by Faulkner 6-0

D. Committee Reports

Recreation: Councilperson Parker handed out the minutes from the Recreation Department Board Meeting. He reported Director Mangieri has met with Barb Moore with the Humane Society to help plan the dog park. They are considering using SPLOST money to fund this project.

He reported the Circus would be at the Rec. Center on Dec. 02, 2016.

Water and Waste Water: Councilperson Sconyers everything routine.

Police: Councilperson Stafford presented the Police report.

Council asked questions to Police Chief Ellison about the safety of the city.

Councilperson Parker announced a neighborhood meeting in the DeAlva Park area on Sunday October 09, 2016 at 5:00pm

Public Works: Councilperson Faulkner reported the public works department had been very busy after the storm.

Administrative: Councilperson Collins reported everything routine.

Administrator Lawson reported the city was considering a change in the way payroll would be done and the city employees could vote on the options.

Fire: Councilperson Bragg reported the Fire Dept had received two reimbursement grants for Haz-Mat material and a generator for the Fire Headquarters.

Airport: No Report

Executive: No Report

Downtown Development: DDA Director Lynn Brinson asked council to consider the closure of Roger Shaw St. on October 27, 2016 from 5:00 pm to 9:00pm for the Fall Festival. Motion was made to close the streets as requested.

Motion: by Parker Seconded: by Bragg 6-0

Building Inspection: No Report

Mayor: Mayor Schwabe presented a Proclamation for Retired Teachers Month to Carol Bray.

Councilperson Faulkner invited everyone to the old Swainsboro High School Gym on Saturday October 08, 2016 at 10:00 for a fund raiser for the Gumlog Gym Project.

Meeting was Adjourned

Submitted: Al L Lawson, City Administrator