

ORDINANCE

#06-04

Alcohol

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF DUBLIN, GEORGIA BY: CHANGING AND CLARIFYING THE ELIGIBILITY OF CERTAIN PERSONS TO OBTAIN LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES; PROVIDING A BETTER HEARINGS AND APPEALS PROCESS IN LICENSING; CHANGING CERTAIN FEES, TAXES AND ASSESSMENTS; PROVIDING FOR SUSPENSION OF LICENSES FOR NONPAYMENT OF FEES; AND PROVIDING FOR NEW DISTANCE REQUIREMENTS IN THE DOWNTOWN AREA;

BE IT ORDAINED AND ESTABLISHED by the Mayor and City Council of the City of Dublin, Georgia as follows:

That existing Chapter 4, titled “Alcoholic Beverages,” of the Code of Ordinances, City of Dublin is amended as follows:

1.

Sec. 4-1. Definitions is hereby amended by changing the definition of distance to read as follows:

Distance, unless otherwise defined herein, shall mean the measurement in lineal feet from the property line of the proposed location to the nearest property line of a church, school ground or college campus or family residence, along a straight line connecting the shortest distance between the two (2) property lines.

2.

Sec. 4-2. Licenses and fees required, is amended by amending paragraph (c) (3) and (c) (4) as follows:

(3) Retail:

- a. Malt beverages . . . \$550.00
- b. Vinous liquors . . . \$225.00
- c. Spirituous liquors . . . \$3,000.00

(4) Consumption on the premises:

- a. Malt beverages . . . \$ 550.00
- b. Vinous liquors . . . \$225.00
- c. Spirituous liquors
 - 1. Restaurants and Hotels. \$ 3,000.00
 - 2. Private Clubs \$ 2,000.00
 - 3. Nightclubs \$ 4,000.00

3.

Sec. 4-2. Licenses and fees required, is further amended by changing paragraph (e) to read as follows:

(e) Licenses shall be issued only to natural persons, corporations or limited liability companies. Partnerships shall not be issued licenses in a partnership name, but partners may be licensed individually. Anyone issued any wholesale, retail malt beverage, wine or liquor license, or consumption on the premises license by the city shall be required to display said license in a prominent place on the licensed premises.

4.

Sec. 4-3. Applications for new license are amended by adding a new section to be called section (b), and re-numbering the other sections [existing (b) to become (c); existing (c) to become (d); existing (d) to become (e); existing (e) to become (f)]. The new section (b) to read as follows:

- (b) The “applicant” for a license hereunder shall be the actual owner of the proposed licensed business and may be a natural person, a corporation or a limited liability company.
 - 1) Where the applicant is a corporation, “applicant” shall be the president and secretary, and each officer must provide those items

required of applicants, and in addition the corporation shall present a letter of good standing from the Secretary of State.

- 2). Where the applicant is a limited liability company, “applicant” shall include all members and the manager, if the company is manager-managed, and each member and manager must provide those items required of applicants, and in addition shall present a letter of good standing from the Secretary of State.
- 3). Partnerships shall not be issued licenses in a partnership name, but partners may be licensed individually.

5.

Sec. 4-3. Applications for new license, is amended by amending paragraph (b) [which section (b) will be renumbered hereafter as (c) pursuant to paragraph 4 above] adding to said section a new sentence which shall read “All applicants for a new license (specifically excluding transfers or renewals) shall include with their application a new applicant fee of \$150.00” such that the section will read in its entirety as follows:

All approved applications for new licenses under this chapter 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. All applicants for a new license (specifically excluding transfers or renewals) shall include with their application a new applicant fee of \$150.00.

6.

Sec. 4-3. Applications for new license, is amended by raising the affidavit fee set in paragraph (c) (9) [which section (c) will be renumbered hereafter as (d) pursuant to paragraph 4 above] from \$75.00 to \$150.00.

7.

Sec. 4-3. Applications for new license, is amended by raising the bond set in paragraph (c) (10) [which section (c) will be renumbered hereafter as (d) pursuant to paragraph 4 above] from \$500.00 to \$1,000.00.

8.

Sec. 4-5, Age of licensee and employees is amended by changing the name of the section to “Age of applicants and employees” and by changing paragraph (a) to read as follows:

- (a) All applicants, including the officers of a corporate applicant, and the members (and manager if applicable) of a limited liability company applicant must be natural persons and be at least twenty-one (21) years of age.

9.

Sec. 4-6. Residency required; agents, paragraph (a) is amended by adding at the end of the last sentence the words “unless they comply with paragraph (b) as to a registered agent” making paragraph (a) now read as follows:

- (a) All applicants for licenses under this chapter and all actual owners of establishments for which licenses are sought shall be bona fide residents of Laurens County at the time of the filing of the applications and shall remain bona fide residents of Laurens County during all times that the licenses and renewals thereof are in effect, unless they comply with paragraph (b) as to a registered agent.

10.

Sec. 4-6. Residency required; agents, paragraph (b) is amended by adding after the words “Laurens County in the first sentence the words “as the registered agent of the license holder. Such person shall be the representative “ and by adding at the end of

the fourth sentence the words “named as agent” making paragraph (b) now read as follows:

- (b) All applications for licenses under this chapter shall name in the application one (1) or more natural persons who reside in Laurens County as the registered agent of the license holder. Such person shall be the representative of the license holder who shall be responsible for any matter relating to the license. Such person shall receive all communications, notices, services of process or other papers or documents on behalf of the license holder in connection with any matter arising out of or connected with the issuance, holding, suspension, revocation or other action with respect to any City of Dublin license. The application shall give the physical and mailing address of the person named as agent. The mailing to any such person at their mailing address of any notice required to be given under this chapter or any other law shall be sufficient notice to the license holder. If any such person named as agent shall cease to be a resident of Laurens County, another person shall immediately be appointed, in writing, in his or her place; and written notice shall be given to the clerk, stating the name and address of the new agent. The registered agent shall provide those personal items required in Sec 4-3.

11.

Sec. 4-7. Approval of required, is amended to read as follows:

All applications shall be approved or disapproved by the chief of police or a designee thereof as a condition of the issuance of a license. The chief of police or his designee shall review the application and make an investigation of the applicant. In the event that the chief of police determines that the application is not in order, in view of the requirements of federal law, state law, this Code or his police department investigation, he shall so notify the city clerk. The city clerk shall notify the applicant of pursuant to this chapter.

12.

Sec. 4-9. Denial of license application, is amended by adding a new paragraph (c), which shall read as follows:

- (c) All decisions approving, denying, suspending, or revoking the permits or licenses shall be in writing, with the reasons therefore stated, and shall be mailed or delivered to the applicant.

13.

Sec. 4-10. Appeals, is amended by adding a new last sentence, to read in full as follows:

All appeals of the outcome of the licensing procedure will be made to the municipal court of the City of Dublin. Application for appeal shall be in writing and filed with the clerk of the Municipal Court of Dublin within 15 days of the denial of the license. Upon filing of an appeal the court shall schedule a hearing at which the applicant shall have the opportunity to present evidence and cross-examine opposing witnesses.

14.

Sec. 4-20. Transfer of licenses; fees, paragraph (c) is amended by raising the fee for filing the application for a transfer from \$150.00 to \$300.00.

15.

Sec. 4-21. Fines, suspension and revocation of license, is amended by adding a new paragraph (e), which shall read as follows:

- (e) The license of any entity that has not paid a fine or fee imposed for any reason shall be void and immediately surrendered to the city if the fine or fee is not paid within 30 days of imposition.

16.

Sec. 4-24. Distance requirements, is amended by adding thereto a new paragraph, (f), to read as follows:

- (f) Notwithstanding anything to the contrary herein, no church which becomes located within the central business district after May 1, 2006, shall prevent the licensing and location of a restaurant serving alcohol within the prohibited distance of such church, if such restaurant location fronts:
- (i) on the north or south side of Jackson Street between Monroe and South Washington Streets,
 - (ii) on the North or South Side of Madison Street between Monroe and South Washington Streets,
 - (iii) on any of the connecting streets south of Jackson and north of Madison in the area described above: or
 - (iv) on either side of Jefferson Street from Jackson Street south to the railroad right of way.

17.

Sec. 4-58. Imposition and rate of tax, is hereby amended to clarify the amount of tax owed, by changing the second sentence to read “The rate of sales tax collected shall be three percent (3%).” The section is amended to read in its entirety as follows:

There is hereby imposed and levied upon every sale of a mixed drink purchased in the city a tax on the purchase price of said drink. The rate of sales tax collected shall be three percent (3%). Every licensee is hereby authorized and directed to collect the tax herein imposed from the purchaser of mixed drinks sold within licensee's licensed premises. Such licensee shall furnish such information as may be requested by the city treasurer to facilitate the collection of this tax.

18.

Sec. 4-63. Penalty for delinquency ,paragraph (b)is amended by changing the word “business” to “Alcohol.” Paragraph (b) shall now read in its entirety as follows:

- (b) Such failure to make a timely report or remittance, or the filing of a false or fraudulent report shall also constitute grounds for the revocation of the Alcohol license issued by the city to said licensee.

SO ORDAINED this 6th day of April 2006, by a vote of (6) FOR and (0) AGAINST.

PHIL BEST, MAYOR

ATTEST:

JOE KINARD, CITY CLERK