

ORDINANCE NO. 2020-003

**AN ORDINANCE FOR THE REGULATION OF THE SALE, PURCHASE,
AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN THE MUNICIPAL LIMITS
OF PATTERSON; TO REPEAL AND REPLACE ANY PRIOR ORDINANCES
RELATING TO SAME; AND FOR OTHER PURPOSES.**

WHEREAS, the City Council desires to repeal and replace its existing Alcoholic Beverages ordinances to provide updated regulations relating to the sale, purchase, and consumption of alcoholic beverages;

WHEREAS, the City Council desires to remove from its existing Alcoholic Beverages ordinance Section 6-6 (1) "A person who is not a resident of the Pierce County, Georgia for a period of 12 months prior to such person's making application";

NOW THEREFORE, the City Council of Patterson hereby ordains that:

SECTION I. Repealer. Any prior ordinances relating to the sale, purchase, and consumption of alcoholic beverages within the municipal limits of Patterson are hereby repealed in their entirety.

SECTION II. Adoption of New Ordinance. The Council hereby adopts the following ordinance and the Code of Ordinances of the City of Patterson shall be updated to include these provisions. This ordinance shall be renumbered if necessary to fit within the existing Code of Ordinances.

Chapter 6 – Alcoholic Beverages

Sec. 6-1. - Definitions.

The definitions set forth in O.C.G.A. § 3-1-2 (Alcoholic Beverages; General Provisions; Definitions) under the "Georgia Alcoholic Beverage Code" shall be effective as definitions of the words, terms and phrases used in this chapter. All words, terms and phrases used herein, other than those specifically defined elsewhere in this chapter, shall have the respective meanings ascribed to them in O.C.G.A. § 3-12, and shall have the same scope and effect that the same words, terms and phrases have where used in O.C.G.A. § 3-1-2.

Sec. 6-2. - Retail license required; expiration; transfer

Each retail dealer of alcoholic beverages, as such term is defined under state law, who does business within this city shall be required to obtain a license from the city clerk in the manner specified in this chapter. A separate license shall be required for each location where alcoholic beverages are sold. All licenses granted hereunder shall expire on December 31st of each calendar year unless renewed as set forth hereunder. A license for the retail sale of malt beverages, wine or spirituous liquors shall not be transferable to another person or location without the expressed consent of the city council under the guidelines set forth under sections 6-4, 6-8 through 6-10, 6-14 and 6-21. The transfer of an existing license shall not require the payment of an additional license fee.

Sec. 6-3. – Types of Licenses.

A separate alcoholic beverages license is required for each type of business as listed below:

A separate alcoholic beverages license is required for each class of business as listed below:

- (1) Beer /Malt Beverage (Retail) — Retail sale of beer and/or malt beverages for off-premises consumption only..*
- (2) Beer/Malt Beverage/Wine/Distilled Spirits (Retail) – Retail sale of beer, malt beverages, wine, and/or distilled spirits for off-premises consumption only.*
- (3) Beer/Malt Beverage/Wine/Distilled Spirits (Pouring) – Pouring/serving of beer, malt beverages, wine and/or distilled spirits by individual servings for on-premises consumption only.*

Sec. 6-4. – Applications for License; renewal licenses; verification; fees — Required.

Each applicant for either a new or renewal license hereunder shall submit an application for license upon a form approved by the City Council. Said application shall be completed in every detail and shall be accompanied by the appropriate license fee. No license shall be issued hereunder unless the business premises described in the license application meets the distance requirements of O.C.G.A. § 3-3-21, as amended. If the application is for a new license, or transfer of an existing license to a new owner or a different location, the application shall be submitted to the clerk, who shall submit the same to council for consideration under the guidelines set forth under this chapter. The council shall consider the application at its next regular meeting. All renewal license applications with no change of ownership and no location change must be submitted to the clerk prior to December 1 of the year preceding the year for which the application is made. The clerk shall review said application and, if there are no changes in ownership or location, then the clerk shall issue a license for the coming calendar year to said applicant. All applications shall be accompanied by a signed verification of the business owner stating that all statements contained therein are true and correct under penalty of perjury. Any misstatement of fact, or concealment of a material fact in the application required by this chapter shall be grounds for the revocation of the license issued under this chapter. The annual fee of such licenses shall be as established by the city council from time to time. The City, at its discretion, may also charge an administrative fee, as established by the City Council, to defray administrative and investigative costs incurred by the City in reviewing applications. Any such license fees or administrative fees shall be paid in full by the applicant prior to issuance of such license.

Sec. 6-5. – Consideration of Applications.

The City Council shall make the ultimate decision whether to grant any application, and, in making such decision, will consider the following factors:

- (1) The proximity of other establishments selling malt beverages, wines or spirituous liquors to the proposed location;*
- (2) The character of the neighborhood immediately adjacent to the proposed location;*
- (3) The proximity of churches, schools and playgrounds to the proposed location;*
- (4) Whether the proposed location has adequate off-street parking facilities or other parking available for its patrons;*
- (5) Whether the location would tend to increase and promote traffic congestion and resulting hazards therefrom;*
- (6) Whether any similar license previously issued for such location was ever revoked for cause by the city council; and*
- (7) Whether the applicant has ever sold malt beverages, wine or spirituous liquors illegally.*

Sec. 6-6. - Licensee—Qualifications.

No license shall be issued to the following:

- (1) A person who is not a citizen of the United States.*
- (2) A partnership, unless all partners qualify hereunder.*
- (3) A corporation, if any officer, manager or director thereof, or any stockholder owning 25 percent or more of the stock of such corporation would not be eligible to receive an alcoholic beverage license hereunder..*
- (4) A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications as a licensee.*
- (5) Any law enforcing public official or employee or elected public official of the city.*
- (6) Any person, or officer or director of any such corporation, who has been convicted or has plead guilty or entered a plea of nolo contendere to any crime involving moral turpitude, violation of lottery law, or Violation of Georgia Controlled Substances Act (VGCSA) or other federal drug laws, within a period of ten (10) years immediately prior to the filing of such application.*

Sec. 6-7. - Qualifications of Manager or Agent of Applicant..

The manager or agent of any place of business shall be required to possess the same qualifications as a licensee; and the licensee shall be responsible for the manager or agent making application on a form furnished by the city and being approved before beginning such duties.

Sec. 6-8. - Consumption on the Premises.

It is prohibited for customers to leave the premises with open alcoholic beverages, and it is the licensee's responsibility to ensure that no open beverages are sold and carried out.

Sec. 6-9. - Number of licenses available.

It shall be in the sole discretion of the City Council as to the number of licenses granted hereunder on an annual basis. Any applications received shall be considered in chronological order as they are submitted to the city clerk.

Sec. 6-10. - Hours of sale; no Sunday sales.

It shall be unlawful to sell, or offer for sale, any alcoholic beverages between the hours of 12:00 AM and 6:00 AM; provided, however, that any premises which is licensed for on-premises consumption shall be allowed to remain open until 2:00 AM on Saturday. It shall be unlawful to sale any alcoholic beverages on Sunday.

Sec. 6-11. - Suspension and Revocation of Licenses.

A suspension or revocation of any alcoholic beverage license shall be as follows:

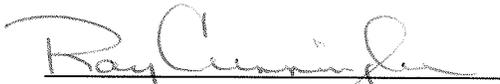
- (1) Whenever the police chief or assistant police chief has knowledge of a violation of this chapter or any state or federal law on the part of an employee or licensee, this information shall be immediately brought to the attention of the city clerk and to the attention of the mayor.
- (2) The chief of police or assistant chief of police with concurrence of the city clerk or the mayor must as soon as possible advise the licensee of the time and place of a hearing before the council to determine whether the license involved shall be suspended pending the outcome of the case in court. Said licensee shall be notified in writing at least 24 hours prior to said hearing. Said notice shall specify the charges against said licensee. Said licensee may be represented by counsel at the hearing.
- (3) If for any reason a quorum of the council is not available to convene promptly for a hearing, then the city clerk and mayor may suspend the license involved pending the hearing, which shall be held at the earliest possible time, and in any event no later than five days, excluding Saturdays, Sundays and legal holidays.
- (4) At a hearing before the council, all parties shall present any evidence or facts they deem necessary. The appearance of the licensee at the hearing shall be entirely voluntary on such licensee's part. From the facts and information submitted without attempting to determine a verdict of guilty or not guilty the council shall decide what will or will not be done regarding the suspension of the license pending the outcome of the case in court. The licensee shall have the right to present witnesses on such licensee's behalf and the right to cross examine other witnesses.
- (5) The council, no later than its regular meeting, shall decide if the license involved shall be restored, revoked or remain in suspension, and if the suspension is continued, for what length of time.
- (6) A pleas of guilty or nolo contendere by any licensee to a crime involving moral turpitude, or the violation of any lottery laws, VGCSA, or drug or alcohol laws, whether state or federal, shall result in the automatic revocation of any license granted hereunder.
- (7) For the purpose of this chapter and this section, the term "licensee" includes all partners in a partnership that holds a license, as well as all shareholders, officers and directors of a corporation which holds a license.

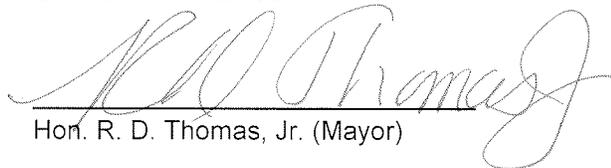
SECTION III. Effective Date. This Ordinance shall become effecting on the date of its approval at a second reading by the City Council.

Adopted this 10 day of December, 2020 by the affirmative vote of a majority of the councilmembers present at an official meeting of the Council of the City of Patterson.

ATTEST:

CITY OF PATTERSON


Ray Cunningham (City Clerk)


Hon. R. D. Thomas, Jr. (Mayor)

Date of 1st Reading: 11-12-2020

Date of 2nd Reading and Approval: 12-10-2020

