

1 STATE OF GEORGIA
2
3 CITY OF COLLEGE PARK

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6
7 ORDINANCE NO. 2016-34
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10 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF
11 COLLEGE PARK, GEORGIA, CHAPTER 3, ALCOHOLIC BEVERAGES, ARTICLE
12 II, LICENSES; TO PROVIDE SEVERABILITY; TO PROVIDE PENALTIES; TO
13 PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE AN
14 ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL
15 PURPOSES.

16 WHEREAS, the duly elected governing authority of the City of College Park,
17 Georgia is the Mayor and Council thereof; and

18 WHEREAS, the City desires to provide a convenient and efficient means of
19 better regulating the issuance of alcohol licenses within the City of College Park; and

20 WHEREAS, the amendments contained herein would benefit the health, safety,
21 morals and welfare of the citizens of the City of College Park.

22 BE IT AND IT IS HEREBY ORDAINED by the Mayor and Council of the
23 City of College Park, Georgia, and by the authority thereof:

24 Section 1. The City’s Code of Ordinances is hereby amended by deleting
25 in its entirety Section 3-22 (Qualifications of applicants), of Article II (Licenses) of
26 Chapter 3 (Alcoholic Beverages) and inserting the following text in lieu thereof, to read
27 and to be codified as follows:

- 28 (a) No license shall be granted under this chapter to any applicant (i) who is
29 not a citizen or resident legal alien of the United States, (ii) who does not
30 permanently reside in the Metropolitan Atlanta area, or (iii) who currently
31 owes the city any past-due debt (of any kind whatsoever), any tax (current
32 or past-due), any fee, any fine, any monetary penalty or any other moneys
33 otherwise due to the city.
- 34 (b) If an applicant does not permanently reside in the Metropolitan Atlanta
35 area, that applicant may designate a license representative who does reside
36 inside the Metropolitan Atlanta area. The license representative must be
37 21 years of age and a manager at the business location for which the
38 applicant is seeking a license to serve alcohol. The license representative
39 must also comply with any other requirements of applicants under
40 subsection (a) above.
- 41 (c) Corporations shall apply for a license in the name of the corporation, and
42 the license shall be issued to the corporation or the corporation's license
43 representative. Partnerships shall apply for a license in the name of one (1)
44 of the partners, and the license shall be issued in the name of the applicant.
45 In the case of corporate applicants whose primary business is the operation
46 of an alcoholic beverage store, the majority stockholder must meet the
47 requirements of individual applicants under this subsection at the time
48 application is made and at all times during which the license is in effect.
49 Where the applicant is a corporation whose primary business is other than
50 the operation of an alcoholic beverage store, an officer of such
51 corporation, or in lieu of an officer, an agent involved in the active
52 management of the business to be licensed, or the officer's or agent's
53 license representative, shall meet the requirements of individual applicants
54 and licensed representatives under this subsection at the time application is
55 made and at all times during which the license is in effect. If the applicant
56 is a partner in a partnership, the requirements of this section shall apply to
57 all partners at the time of application, and at all times during which the
58 license is in effect.
- 59 (d) All applicants for licenses, whether for original or renewal, must attach to
60 their applications evidence of their good character. No license, whether
61 original or renewal, shall be issued to any person, partnership or
62 corporation organized for pecuniary gain, or to the license representative
63 of any such person, partnership or corporation, if any individual having an
64 interest either as owner, partner, or stockholder, directly or indirectly,
65 beneficial or absolute, or such person's spouse shall have been convicted
66 of or shall have taken a plea of guilty or nolo contendere to, once, within
67 five (5) years immediately prior to filing, or twice, within ten (10) years
68 immediately prior to filing of said application, of any felony or of any
69 violation of any law regulating the sale, manufacture or distribution of
70 alcoholic beverages, gambling or narcotics. Where the application,
71 whether original or renewal, is for a license to sell alcoholic beverages for
72 consumption on premises, conviction of an offense or the taking of the
73 plea of guilty or nolo contendere once, within five (5) years immediately

74 prior to filing, or twice, within ten (10) years immediately prior to the
 75 filing of said application, to any sex offense shall also disqualify the
 76 applicant for license under this section. No license, whether original or
 77 renewal, shall be issued to any person, partnership, corporation, or license
 78 representative where an individual having an interest as owner, partner or
 79 stockholder, directly or indirectly, beneficial or absolute, shall have been
 80 convicted of or shall have taken a plea of guilty or nolo contendere to,
 81 once within five (5) years immediately prior to the filing of said
 82 application, or twice within ten (10) years immediately prior to the filing
 83 of said application of the offense of driving a motor vehicle under the
 84 influence of intoxicating liquor or drugs. The restrictions of this paragraph
 85 as to stockholders shall apply only to stockholders of privately owned
 86 corporations and to stockholders of publicly owned corporations who hold
 87 an excess of ten (10) per cent of outstanding stock.

- 88 (e) Alcoholic beverages by the drink, consumption on the premises licenses,
 89 shall be issued only to applicants who meet the definition of a hotel,
 90 restaurant, lounge, private club or private athletic club.
 91 (f) Applicants or license representatives for renewal licenses must meet all
 92 qualifications of applicants for original licenses. Loss of qualifications
 93 during the term of a license shall be grounds for revocation or for denial of
 94 renewal.

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 96 **Section 2.** The City's Code of Ordinances is hereby amended by deleting in its
 97 entirety Section 3-23 (Personal interests in licenses), of Article II (Licenses) of Chapter 3
 98 (Alcoholic Beverages) and inserting the following text in lieu thereof, to read and to be
 99 codified as follows:

- 100 (a) No license holder or member of a license holder's family shall own, hold
 101 or control any interest whatsoever in more than one (1) license to engage
 102 in the business of selling distilled spirits at retail to the city. Not more than
 103 one (1) license to engage in the sale of distilled spirits at retail in the city
 104 shall be issued to any one (1) license holder or license representative,
 105 which shall include all members of a license holder's family.
 106 (b) The holder of a license or license representative for the sale of distilled
 107 spirits at retail shall be permitted to also hold, or designate a license
 108 representative to hold, a license for alcoholic beverage sales for
 109 consumption on the premises. The limitations imposed in subsection (a)
 110 upon any license holder, member of such license holder's family or
 111 corporation to own, hold or control any interest in more than one (1)
 112 license for the sale of distilled spirits shall not apply to any licensee
 113 engaged in the business of the sale of alcoholic beverages for on-premises
 114 consumption.

- 115 (c) No license holder or member of a license holder's family, or license
 116 representative, shall own, hold or control any interest whatsoever in more
 117 than two (2) licenses to engage in the business of selling wine. Not more
 118 than two (2) licenses to engage in the sale of wine in the city shall be
 119 issued to any one license holder or license representative, which shall
 120 include all members of the license holder's family.
- 121 (d) No license holder or member of a license holder's family, or license
 122 representative, shall own, hold or control any interest whatsoever in more
 123 than two (2) licenses to engage in the business of selling malt beverages.
 124 Not more than two (2) licenses to engage in the sale of malt beverages in
 125 the city shall be issued to any license holder or license representative,
 126 which shall include all members of the license holder's family.
- 127 (e) No person, firm or corporation, or license representative of the same shall
 128 hold a retail or consumption on premises license if such person, firm or
 129 corporation also has any direct financial interest in any wholesale
 130 alcoholic beverage business.
- 131 (f) It shall be unlawful for any elected or appointed official or employee of
 132 the city, or such person's spouse or minor children, to have any whole,
 133 partial or beneficial interest in any license to operate alcoholic beverage
 134 establishments in the city.
- 135 (g) A licensee may take in partners or additional stockholders where it is
 136 determined that the additional capital furnished is to be used exclusively
 137 for additional inventory or expanding the facilities of the business or for
 138 building new facilities and where it appears that the licensee personally
 139 does not receive directly any of the additional capital invested. Under this
 140 section an additional partner or stockholder must be approved by the city
 141 as in the case of new license issuance, and, if approved, the business must
 142 obtain a new license.
- 143 (h) The limitation of interests per holder shall not apply to licenses held in the
 144 name of corporations which are publicly owned. The phrase "member of a
 145 license holder's family" shall include all persons related within the second
 146 degree of consanguinity to an individual who holds a license, to any
 147 partner in a partnership which holds a license, or to any individual
 148 stockholder, officer or agent of a corporation required to meet the
 149 requirements for licensing under this chapter.

151 **Section 3.** The preamble of this Ordinance shall be considered to be and is

152 hereby incorporated by reference as if fully set out herein.

153 **Section 4.** This Ordinance shall be codified in a manner consistent with the laws
 154 of the State of Georgia and the City of College Park.

155 **Section 5.** (a) It is hereby declared to be the intention of the Mayor and Council
156 that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were,
157 upon their enactment, believed by the Mayor and Council to be fully valid, enforceable
158 and constitutional.

159 (b) It is hereby declared to be the intention of the Mayor and Council that, to the
160 greatest extent allowed by law, each and every section, paragraph, sentence, clause or
161 phrase of this Ordinance is severable from every other section, paragraph, sentence,
162 clause or phrase of this Ordinance. It is hereby further declared to be the intention of the
163 Mayor and Council that, to the greatest extent allowed by law, no section, paragraph,
164 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
165 section, paragraph, sentence, clause or phrase of this Ordinance.

166 (c) In the event that any phrase, clause, sentence, paragraph or section of this
167 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or
168 otherwise unenforceable by the valid judgment or decree of any court of competent
169 jurisdiction, it is the express intent of the Mayor and Council that such invalidity,
170 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not
171 render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases,
172 clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent
173 allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the
174 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

175 **Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby
176 expressly repealed.

177 **Section 7.** Penalties in effect for violations of Chapter 1 of the Code of
178 Ordinances, City of College Park, Georgia at the time of the effective date of this
179 Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in
180 full force and effect.

181 **Section 8.** The effective date of this Ordinance shall be the date of adoption
182 unless otherwise stated herein.

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187 **ORDAINED** this 5 day of December, 2016.

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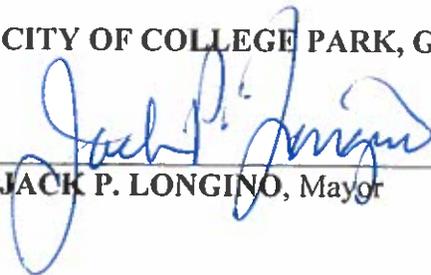
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CITY OF COLLEGE PARK, GEORGIA



JACK P. LONGINO, Mayor

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ATTEST:

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MELISSA BROOKS, City Clerk

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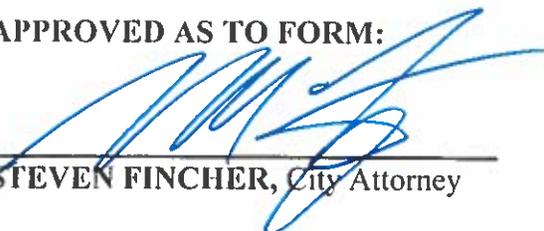
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APPROVED AS TO FORM:

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STEVEN FINCHER, City Attorney

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