

1 STATE OF GEORGIA  
2  
3 CITY OF COLLEGE PARK

4  
5 ORDINANCE NO. 2016-24

6  
7 AN ORDINANCE AMENDING SECTION 3-41, SAME—PAYMENT DATES, OF ARTICLE  
8 II, LICENSES, OF CHAPTER 3, ALCOHOLIC BEVERAGES; TO PROVIDE FOR  
9 SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN  
10 EFFECTIVE DATE; AND FOR OTHER PURPOSES.

11 WHEREAS, the duly elected governing authority of the City of College Park (“City”) is  
12 the Mayor and Council thereof; and

13 WHEREAS, the City desires to amend Section 3-41 of its Code of Ordinances to clarify  
14 language dealing with payment dates for alcohol license fees; and

15 WHEREAS, the health, safety, and welfare of the citizens of College Park, Georgia, will  
16 be positively impacted by the adoption of this Ordinance.

17 BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF  
18 THE CITY OF COLLEGE PARK, GEORGIA, and by the authority thereof:

19 Section 1: The Code of Ordinances, City of College Park, Georgia, is hereby amended  
20 by striking the existing text of Section 3-41, Same—Payment Dates, of Article II, Licenses, of  
21 Chapter 3, Alcoholic Beverages, and, in lieu thereof, inserting the following:

22 “Sec. 3-41. – Same—Payment dates.

- 23  
24 (a) All license fees for existing holders of licenses for manufacture and  
25 wholesale of alcoholic beverages (Sec. 3-38), licenses for the sale of  
26 alcoholic beverages by the drink (Sec. 3-39), licenses for catering of  
27 alcoholic beverages (Sec. 3-40), and/or licenses for retail sale of beer or  
28 wine (Sec. 3-37), wishing to continue the license into a succeeding year  
29 shall be due by the close of business on December 31 of the then-current

30 year. If said license fees are not received on or before the close of  
31 business on that date, such licensee shall immediately cease the sale of  
32 alcohol on January 1 at 12:01 a.m. of the succeeding year. License fees  
33 paid after the due date shall be subject to a delinquent penalty of five (5)  
34 percent of the license fee for each 30-day period the fee remains unpaid.  
35 If December 31 falls on a day in which the city is not open for business,  
36 including weekends or holidays, the due date for license fees shall be the  
37 immediately preceding business day.

38 (b) Except as provided in subsection (c), all license fees for existing license  
39 holders of licenses for retail sale of distilled spirits (Sec. 3-37) wishing to  
40 continue the license into a succeeding year shall be due by the close of  
41 business on December 31 of the then-current year. If said license fees are  
42 not received on or before the close of business on that date, such licensee  
43 shall immediately cease the sale of alcohol on January 1 at 12:01 a.m. of  
44 the succeeding year. Thereafter, if any licensee shall wish to continue to  
45 sell alcoholic beverages it must submit a new application for a license.  
46 Such new application must be approved by the city before the sale of  
47 alcohol may resume. Such application shall be treated as a new  
48 application and shall be approved only if the applicant can comply with all  
49 ordinances and statutes in effect at the time of submission of the  
50 application. If December 31 falls on a day in which the city is not open  
51 for business, including weekends or holidays, the due date for license fees  
52 shall be the immediately preceding business day.

53 (c) If a business for which a license for the retail sale of distilled spirits (Sec.  
54 3-37) is required is to be sold between December 27 and December 31 of  
55 any year, the license of the existing licensee has not yet been renewed, the  
56 licensee has given written notice of such to the City Clerk, and the sale is  
57 not consummated by December 31 (or the immediately preceding business  
58 day if December 31 falls on a day in which the city is not open for  
59 business), the application for a license for the succeeding year may be  
60 filed on or before the close of business on January 10. If a license is filed  
61 on or before that date, then the reapplication limitations contained in  
62 subsection (b) shall not apply, and the application shall be reviewed as a  
63 license to continue, and not a new application. The fee shall be due five  
64 (5) business days after approval. If January 10 falls on a day in which the  
65 city is not open for business, including weekends or holidays, the due date  
66 for license fees shall be the immediately preceding business day. If the  
67 license fee is not paid by the due date, the renewal application process set  
68 forth in subsection (b) shall apply.

69        **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby  
70 incorporated by reference as if fully set out herein.

71        **Section 3.** This Ordinance shall be codified in a manner consistent with the laws of the  
72 State of Georgia and the City.

73        **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all  
74 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their  
75 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

76        (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest  
77 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this  
78 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this  
79 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the  
80 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this  
81 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase  
82 of this Ordinance.

83        (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance  
84 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise  
85 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the  
86 express intent of the Mayor and Council that such invalidity, unconstitutionality or  
87 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional  
88 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or  
89 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,  
90 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,  
91 enforceable, and of full force and effect.

92        **Section 5.** All ordinances and parts of ordinances in conflict herewith are hereby  
93 expressly repealed.

94        **Section 6.** The effective date of this Ordinance shall be the date of adoption unless  
95 otherwise stated herein.

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97        **ORDAINED** this   1st   day of   August  , 2016.

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[SIGNATURES CONTAINED ON NEXT PAGE]

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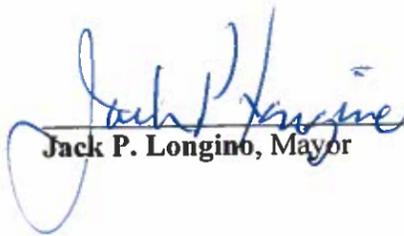
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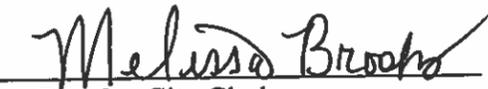
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CITY OF COLLEGE PARK, GEORGIA

  
\_\_\_\_\_  
Jack P. Longino, Mayor

ATTEST:

  
\_\_\_\_\_  
Melissa Brooks, City Clerk

APPROVED BY:

  
\_\_\_\_\_  
Steven M. Fincher, City Attorney

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