



Commission Meeting

July 18, 2023

Probation, Suspension, or Revocation of Alcohol/ Business License

Department:	Planning & Development Department
Presenter:	Julietta H. Walton, Business License & Customer Service Manager
Caption:	<p>Discussion: Consider probation of the Business License, Alcohol License, and Dance License for Samantha Moses d/b/a Suz Lounge 2.0, LLC, located at 3243 B Deans Bridge Rd, for violating the Occupation Tax Ordinance, Augusta Alcohol Ordinance, and the Dance Ordinance.</p> <p>(See attached Sheriff's Office Letter)</p>
Background:	<p>The owner of Suz Lounge has a business license to operate a Bar/Lounge, Alcohol License and Dance to serve Liquor, Beer & Wine. On May 12th at approximately 0430 in the morning officers were dispatched to the 3200 block of Deans Bridge Rd in reference to an assault.</p> <p>(See attached Sheriff's Office Letter)</p>
Analysis:	<p>The Sheriff's Office is requesting that the Commission take action against the license holder's License. The Business License and the Alcohol License can be suspended, revoked or placed on probation pursuant to the following.</p>

OCCUPATION TAX CODE

Sec. 2-1-38. Right to deny, suspend, or revoke a business tax certificate.

- (a) A Business Tax Certificate under this Chapter may be denied, suspended, or revoked if one or more of the following exists:
- (3) The applicant or holder of the certificate intends to violate or has violated any federal or state law, or local ordinance or any ordinance or resolution regulating such business or intends to violate any regulation made pursuant to authority granted for regulating such business.
- (6) The applicant or holder of the certificate fails to adequately supervise and monitor the conduct of the employees, patrons and others on the subject premises, or on any property owned or leased by the applicant or holder, including but not limited to parking lots and parking areas, or on any parking lots or areas which may be lawfully used by patrons of the establishment of the applicant or holder, in order to protect the safety and well-being of the general public and of those using the properties.

Sec. 6-2-74. Probation, Suspension & Revocation (Alcohol License).

Any license issued under this Ordinance may be put on probation, suspended and/or revoked by the Augusta- Commission after a finding of due cause. Due cause for the probation, suspension or revocation of a license shall include but shall not be limited to, the following:

(a) A violation of this Ordinance or any State or federal law governing the manufacture, transport, or sale of alcoholic beverages by the licensee or any person in his employ or in the employ of the establishment for which the license was issued.

Sec. 6-2-21. Premises to be kept in orderly manner, with outside gatherings of patrons restricted.

(a) Owners and/or applicant, managers and employees shall be responsible for keeping an orderly place, and no patron shall cause a disturbance of any kind; nor shall any patron be allowed to stand, sit, mingle or assemble outside the building, in parking lots or autos, and drink alcoholic beverages except as provided in subparagraph (b) hereof.

ALCOHOL CODE

Sec. 6-2-32. Violations; unlawful activities.

(a) Any person holding any license issued pursuant to this Ordinance or any employee or agent of such person who violates any provision of this Ordinance, or directs, consents to, permits, or acquiesces in such violation, either directly or indirectly shall, by such conduct, subject the license to suspension or revocation. For purposes of administering and enforcing this Ordinance, any act committed by an employee, agent or representative of a licensee shall be deemed to be an act of such licensee.

(b) It shall be a violation of this Ordinance for any licensee to permit any person to engage in any activity on the premises for which the license is issued or within the place of business, which is in violation of the laws or regulations of any federal, state, county or municipal governing authority or regulatory agency. With respect to any such activity, it shall be rebuttably presumed that the same was done with the knowledge or consent of the licensee; provided however, that such presumption may be rebutted only by evidence which precludes every other reasonable hypothesis save that such licensee did not know, assist or aid in such occurrence, or in the exercise of full diligence could not have discovered or prevented such activity.

DANCE CODE

Sec. 6-6-43. Dance.

(g) Right of suspension by Planning & Development Department. The Planning & Development Department shall have the right to suspend any business tax certificate issued under this chapter whenever a person, firm or

corporation doing business shall deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code as set forth by the Planning & Development Department, Augusta- Sheriff's Office or Augusta-Richmond County Health Department or violates any law or ordinance of the United States, or the State or Augusta-Richmond County, in pursuance of such business conducted under such business tax certificate.

HOURS OF SALE.

Sec. 6-2-14.

(a)Generally. Any and all holders of licenses under the authority of this Ordinance shall observe the following schedule of hours of operation, which shall be determined by Eastern Standard Time or daylight savings time, whichever is in effect:

(1) Holders of Class A, C, E, G H, I, J, K, L, M, and N licenses (on-premises consumption of Beer, Wine and Liquor, Brewpubs, Brewery, Micro Brewery, Nano Brewery, Pico Brewery, Distillery, Nano Distillery, and Pico Distillery) shall not open for business earlier than 8:00 a.m. Monday through Friday and may serve any authorized alcoholic beverage until 2:30 a.m. on the next following day; provided, further that said premises shall be vacated of all persons, including employees, by no later than 3:00 a.m. On Saturday, consumption on-premises license holders shall not open for business earlier than 8:00 a.m. and may serve authorized alcoholic beverages until 11:55 p.m. on Saturdays and the two (2) hours immediately following such time; provided, further, that said premises shall be vacated of all persons, including employees, by no later than 2:30 a.m. on Sunday. Where the sale of alcoholic beverages is in conjunction with the sale of food, the aforesaid hours of sale shall be applicable only to the sale of alcoholic beverages and not applicable to the sale of food; provided, however, no alcoholic beverage shall be allowed to remain on any bars, tables, or be in possession of patrons after 3:00 a.m. Tuesday through Saturday and 2:30 a.m. Sunday, and the inventory of alcoholic beverages must be secured as described in section 6-2-17 of this Ordinance.

Financial Impact: N/A

Alternatives: Do not take action against the Business License, Alcohol License and Dance License.

Recommendation: Place the establishment's Business License, Alcohol License and Dance License on **Probation**.

Funds are available in the following accounts: N/A

REVIEWED AND
APPROVED BY: N/A