

## AN ORDINANCE

### **AN ORDINANCE TO AMEND THE CITY OF DACULA CODE OF ORDINANCES REGARDING LICENSES TO SELL AND SERVE ALCOHOLIC BEVERAGES; AND FOR OTHER PURPOSES.**

WHEREAS, the City has adopted a comprehensive Chapter in the City Code regarding the sale and service of alcoholic beverages; and

WHEREAS, certain administrative procedures have changed warranting an amendment to the City Code; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens and businesses within the City of Dacula to amend the City Code to update the provisions of the City Code for licenses and administrative requirements related to the sale and service of alcoholic beverages;

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DACULA HEREBY ORDAINS that the City Code be amended as follows:

#### SECTION 1

The existing Section 4-2 related to “Pouring Permits” is amended by deleting the existing definition and substituting the following in its place:

*Pouring permit* means an authorization granted by the City to dispense, sell, serve, take orders, or mix alcoholic beverages in establishments licensed as a retail consumption dealer. Pouring permits are issued in cooperation with Gwinnett County, and application should be made through the Gwinnett County Permitting Unit.

#### SECTION 2

The existing Section 4-11 is amended to add the following as a new subsection:

Section 4-11(23)-- Retail dealers of beer, wine and distilled spirits sold in original packages for consumption off the premises: \$6,000.00 per year. Sunday sales: \$1,500 per year additional.

### SECTION 3

The existing Subsection 4-18(a) is deleted and the following is substituted in its place:

Section 4-18 (a) No license shall be denied, suspended or revoked without the opportunity for a hearing as hereinafter provided. This provision does not apply to pouring permits for employees.

### SECTION 4

Subsection 4-31 is deleted and the following is substituted in its place:

#### 4-31 Regulations as to Employees and Managers

- (a) No license for the sale of alcoholic beverages shall be granted to any person who is not a citizen of the United States or an alien lawfully admitted for permanent residence.
- (b) Where the applicant is a partnership, limited liability company or corporation, the provisions of this section shall apply to all its partners, officers, managers and majority stockholders. In the case of a corporation the license shall be issued jointly to the corporation and the majority stockholder, if an individual. Where the majority stockholder is not an individual, the license shall be issued jointly to the corporation and its agent registered under the provisions of this subsection. In the case of a partnership the license will be issued to all the partners owning at least 20 percent of the partnership. If no partner owns 20 percent of the partnership, then the general partner, managing partner or the partner with the greatest ownership will be licensed. In the case of a limited liability company, the license will be issued jointly to the limited liability company and managers.
- (c) No person, firm, limited liability company or corporation shall be granted any alcoholic beverage license unless it shall appear to the satisfaction of the City or its designee that such person, managers, partners in the firm, or officers and directors of the corporation have not been convicted or plead guilty or entered a plea of nolo contendere to and have been released from parole or probation concerning any crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation, or any related crime of a sexual nature within a period of ten years immediately prior to the filing of such application. At the time an application is submitted for any alcoholic beverage license, the applicant shall, by a duly sworn affidavit, certify that neither the applicant nor any of the other owners of the establishment has been convicted or has pleaded guilty or entered

a plea of nolo contendere to any crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation, or any related crime of a sexual nature within a period of ten years immediately prior to the filing of such application. An applicant's first conviction for illegal possession of alcohol as a misdemeanor or violation of a county ordinance shall not, by itself, make an applicant ineligible for an alcohol license. Should any applicant, partner, or officer instrumental in the sale or dispensing of any alcoholic beverage, after a license has been granted, be convicted or plead guilty or nolo contendere to a crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation, or any related crime of a sexual nature, the license shall be immediately revoked and cancelled.

- (d) No license for the sale of alcoholic beverages shall be granted to any person convicted under any federal, state or local law of any felony within ten years prior to the filing of application for such license.
- (e) It shall be unlawful for any City employee directly involved in the issuance of alcoholic beverage licenses under this chapter to have any whole, partial or beneficial interest in any license to sell alcoholic beverages in the City.
- (f) No license for the sale of alcoholic beverages shall be granted to any person who has had any license issued under the police powers of the City or Gwinnett County previously revoked within two years prior to the filing of the application.
- (g) The City or its designee may decline to issue a license when any person having any ownership interest in the operation of such place of business or control over such place of business does not meet the same character requirements as set forth in this section for the licensee.
- (h) All licensed establishments must have and continuously maintain in Gwinnett County or any county contiguous to Gwinnett County, a registered agent upon whom any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee or owner may be served. This person must be a resident of said county. The licensee shall file the name of such agent, along with the written consent of such agent, with the City or its designee and shall be in such form as it may prescribe.
- (i) All applicants for any alcoholic beverage license must be of good character, and all operators, managers, clerks, or other employees shall be of like character. Corporate or firm applicants shall be of good business reputation.

- (j) A license application may be denied to any applicant for any alcoholic beverage license where it appears that the applicant would not have adequate financial participation in the proposed business to direct and manage its affairs, or where it appears that the application is intended to be a mere surrogate for a person who would not otherwise qualify for a license for any reason whatsoever.
  
- (k) For purposes of this chapter, a conviction or plea of guilty of nolo contendere shall be ignored as to any offense for which a defendant who was allowed to avail themselves of the Georgia First Offender Act (1968 Ga. Laws, page 324), as amended. Except, however, that any such offense shall not be ignored where the defendant violated any term of probation imposed by the court granting first offender treatment or committed another crime and the sentencing court entered an adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender.

SECTION 5

The City Administrator and Assistant City Administrator are further authorized to correct typographical errors in the text of the existing Code of Ordinances and to produce and publish a final codified version of the City Code with the amendments and revisions outlined herein.

SECTION 6

In the event any Court of competent jurisdiction determines that any portion of the foregoing amendment is invalid, unconstitutional or otherwise illegal, such rulings shall not impair the validity of the rest and remainder of this amendment.

SECTION 7

All laws and parts of laws in conflict with this Ordinance are hereby repealed.

SECTION 8

This Ordinance and the amendment outlined herein shall be effective immediately upon adoption by the Mayor and City Council.

SO ORDAINED by the governing authority of the City of Dacula, this \_\_\_\_\_ day of October, 2024.

AYES: \_\_\_\_

NAYES: \_\_\_\_

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HUGH D. KING, III  
MAYOR, CITY OF DACULA

ATTEST:

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BRITNI NIX, CITY ADMINISTRATOR