

ORDINANCE 19-06

To Amend Chapter 6 Of The 2001 Revised Code Of The City Of Dalton, Georgia Captioned “Alcoholic Beverages”; By Amending Section 6-105 Captioned “Citizenship and Residency Requirements” By Striking, Repealing, And Deleting Section 6-105 In Its Entirety And Substituting In Lieu Thereof A New Section 6-105; To Provide For Age Requirements To Obtain An Alcohol License; To Provide For An Effective Date; To Provide For The Repeal Of Conflicting Ordinances; To Provide For Severability; And For Other Purposes.

BE IT ORDAINED by the Mayor and Council of the City of Dalton and by the authority of the same, **IT IS HEREBY ORDAINED** as follows:

Section 1.

Amend Chapter 6 of the 2001 Revised Code of the City of Dalton, Georgia, captioned “Alcoholic Beverages” by striking, repealing and deleting Section 6-105 captioned “Citizenship and Residency Requirements” in its entirety, including the caption thereof, and substituting in lieu thereof a Section 6-105, which shall read as follows:

Section 6-105. Citizenship, age, and residency requirements.

Citizenship, age, and residency requirements for an applicant for a license to engage in the sale of alcoholic beverages shall be as follows:

- (1) If an individual, the person shall be a United States citizen or an alien lawfully admitted for permanent residence, a resident of the city, and at least 21 years of age; provided, however, the individual applicant need not be a city resident if the applicant designates a resident of the city or county who is at least 21 years of age as his or her agent who shall be responsible for any matter relating to the license.
- (2) If a partnership, corporation, limited liability company, or other entity, this section shall apply to all its partners, officers, managers and principal owners as defined in section 6-108(a). If a corporation or limited liability company, the license shall be issued to the corporation or limited liability company. Where the principal owner or member is not a resident of the city or county, the corporation or limited liability company shall designate an individual as its agent who must be a resident of the city or county at least 21 years of age who shall be responsible for any matter relating to the license. For a partnership, the

license shall be issued to one of the partners. If a partner is not a resident of the city or county, the partnership must designate a city or county resident at least 21 years of age as the partnership agent who shall be responsible for any matter relating to the license.

(3) Notwithstanding anything in this section to the contrary, an applicant for a license to sell packaged distilled spirits must have been a bona fide resident of the city for at least 12 months immediately preceding the application.

Section 2.

This Ordinance shall be effective upon the posting of this Ordinance in two (2) public places in the City of Dalton for five (5) consecutive days following its enactment by the Mayor and Council, the public health, safety, and welfare requiring it.

Section 3.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4.

It is hereby declared to be the intention of the Mayor and Council of the City of Dalton that the section, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

SO ORDAINED this ____ day of _____, 2019.

The foregoing Ordinance received its first reading on _____ and a second reading on _____. Upon second reading a motion for passage of the ordinance was made by Councilmember _____, second by Councilmember _____ and upon the question the vote is ____ ayes, ____ nays and the Ordinance is adopted.

ATTEST:

CITY CLERK

MAYOR

A true copy of the foregoing Ordinance has been published in two public places within the City of Dalton for five (5) consecutive days following passage of the above-referenced Ordinance as of _____.

CITY CLERK, CITY OF DALTON