

ORDINANCE _____

ORDINANCE TO AMEND CHAPTER 4 OF THE CODE OF THE CITY OF LAWRENCEVILLE, GEORGIA TO CREATE THE ALCOHOL LICENSING APPEALS BOARD AND FOR OTHER PURPOSES

The City Council of the City of Lawrenceville, Georgia hereby ordains that the Code of the City of Lawrenceville, Georgia shall be amended as follows:

Section 1:

That Sec. 4-2 Definitions, is hereby amended by inserting the following language after the definition of Alcohol but before Alcoholic beverage:

Alcohol Licensing Appeals Board means the administrative appeals board established under this chapter to hear appeals from final administrative decisions involving alcoholic beverage licenses, employee pouring permits, permits, approvals, suspensions, revocations, denials, administrative terminations, or other actions made under this chapter.

Section 2:

That Sec. 4-110 License revocation/suspension hearings, is hereby amended by deleting it in its entirety and replacing the language to read as follows:

Sec. 4-110. Denial, suspension, revocation, administrative action, and appeals.

- (a) Applicability. This section shall apply to any final administrative decision made under this chapter denying, suspending, revoking, administratively terminating, or refusing to renew any alcoholic beverage license, employee pouring permit, temporary permit, special event permit, catering permit, patio or outdoor service approval, or other permit or approval required under this chapter, unless another appeal procedure is expressly provided by this chapter.
- (b) Notice of administrative decision. No license, permit, or approval subject to this chapter shall be denied, suspended, revoked, administratively terminated, or refused renewal without written notice to the applicant, licensee, permit holder, or affected person. The notice shall state: (1) the administrative action taken or proposed; (2) the factual and legal grounds for the action; (3) the effective date of the action, if applicable; (4) the right to appeal the decision to the Alcohol Licensing Appeals Board; (5) the deadline for filing an appeal; and (6) the applicable appeal fee, if any.
- (c) Establishment of Alcohol Licensing Appeals Board. There is hereby established an Alcohol Licensing Appeals Board for the purpose of hearing appeals under this chapter.

- (d) Membership. The Alcohol Licensing Appeals Board shall consist of three voting members: the Code Enforcement Director; the City Clerk, or the City Clerk's designee; and the Assistant Finance Director - Operations. The City Attorney, or the City Attorney's designee, may serve as legal advisor to the Board and shall not vote. The City Attorney or designee may advise the Board regarding procedure, evidence, applicable law, deliberations, written findings, and the form of the Board's decision.
- (e) Alternates. If a Board member is unavailable, disqualified, or recused, the Assistant City Manager – Operations, Budget Director, or Risk Manager may serve for that appeal, provided the alternate had no involvement in the matter being appealed.
- (f) Disqualification and recusal. No person shall serve as a Board member for any appeal in which that person participated in the investigation, inspection, review, recommendation, enforcement action, denial, suspension, revocation, administrative termination, or other administrative decision being appealed. A Board member shall disclose any actual or potential conflict of interest before the hearing. If a conflict exists, the member shall be recused and replaced by an alternate appointed under subsection (e).
- (g) Filing of appeal. A person aggrieved by a final administrative decision subject to this section may file a written appeal with the City Clerk within 15 calendar days after the date of the written notice of decision. The written appeal shall identify the decision being appealed and shall state the grounds for appeal.
- (h) Appeal fee. The appeal fee shall be as established by the City's fee schedule. If the appeal concerns only the denial, suspension, revocation, or administrative action involving an employee pouring permit, the appeal fee shall be the reduced pouring-permit appeal fee established by the City's fee schedule.
- (i) Scheduling of hearing. Upon receipt of a timely appeal, the City shall schedule a hearing before the Alcohol Licensing Appeals Board. The hearing shall be held within 30 calendar days after receipt of the appeal unless continued for good cause by the Board, by agreement of the parties, or as otherwise required by law.
- (j) Notice of hearing. The City shall provide written notice of the hearing to the appellant at least ten calendar days before the hearing unless the appellant waives such notice. The notice shall state the date, time, location, and general purpose of the hearing.
- (k) Open meeting and record. Hearings of the Board shall be conducted in accordance with applicable law, including the Georgia Open Meetings Act, to the extent applicable. The City Clerk or designated records officer shall maintain the record of the proceedings, including notices, written submissions, exhibits, minutes, findings, and the final written decision of the Board.
- (l) Rights at hearing. At the hearing, the appellant may appear personally or through counsel, present testimony and evidence, cross-examine witnesses, and make argument. The City may present testimony, documents, records, inspection findings, criminal-history information to the extent lawfully considered, staff reports, or other evidence relevant to the administrative decision.

- (m) Rules of evidence. The Board shall not be bound by the strict rules of evidence applicable in courts of law. The Board may consider evidence of a type commonly relied upon by reasonably prudent persons in the conduct of serious administrative affairs. The Board may exclude irrelevant, immaterial, unduly repetitious, or unreliable evidence.
- (n) Burden of proof and standard of review. The appellant shall bear the burden of proof. The Board shall affirm the administrative decision unless the appellant establishes by a preponderance of the evidence that the decision was contrary to this chapter or other applicable law, unsupported by substantial evidence, arbitrary or capricious, an abuse of discretion, or otherwise affected by a material procedural error.
- (o) Authority of Board. After hearing the appeal, the Board may affirm the administrative decision; reverse the administrative decision; modify the administrative decision; reduce or modify a suspension or other administrative sanction; remand the matter to the appropriate City official for further review, investigation, or findings; direct issuance or reinstatement of a license, permit, or approval if authorized by this chapter and applicable law; or impose lawful conditions consistent with this chapter.
- (p) Written decision. The Board shall issue a written decision stating the action taken and the basis for the decision. The written decision shall be served on the appellant by personal delivery, certified mail, electronic mail if consented to by the appellant, or other method reasonably calculated to provide notice.
- (q) Final decision. The decision of the Alcohol Licensing Appeals Board shall constitute the final administrative decision of the City.
- (r) Judicial review. Judicial review of a final decision of the Alcohol Licensing Appeals Board shall be by petition for review in accordance with O.C.G.A. Title 5, Chapter 3, as amended, and any other applicable law. Filing a petition for review shall not automatically stay the decision of the Board unless a stay is granted by the reviewing court or by the Board.
- (s) Failure to appeal. Failure to file a timely appeal shall constitute waiver of the right to administrative appeal, and the administrative decision shall become final.

Section 3:

That subsection (d) of Sec. 4-145, related to denial of pouring permit required, is hereby amended by deleting subsection (d) of Sec. 4-145 in its entirety and replacing the language to read as follows:

Sec. 4-145. - Pouring permit required.

- (d) Any person denied an employee pouring permit shall be provided written notice stating the cause for denial and advising the person of the right to appeal the denial to the Alcohol Licensing Appeals Board in accordance with Section 4-110. The appeal shall be

filed within fifteen calendar days after the date of the written notice of denial. Appeals involving only an employee pouring permit shall be subject to the reduced pouring-permit appeal fee established by the City's fee schedule. Filing an appeal shall not authorize the applicant to sell, serve, dispense, or handle alcoholic beverages unless and until the employee pouring permit is issued.

Section 4:

Except as specifically amended as set forth above, all other sections, subsections, sub-subsections, etc. of Chapter 4 shall remain unchanged and in full force and effect.

Section 5:

All ordinances, regulations, or parts of the same in conflict with this ordinance are hereby rescinded to the extent of said conflict and only to the extent of said conflict.

Section 6:

If any section, article, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 7:

This ordinance shall become effective upon its adoption by City Council.

IT IS SO ORDAINED this 27th day of July, 2026.

David R. Still, Mayor

Attest:

Karen Pierce, City Clerk