

STATE OF GEORGIA

CITY OF SOCIAL CIRCLE

ORDINANCE NO. 2021-3

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF SOCIAL CIRCLE, GEORGIA, CHAPTER 10 ALCOHOLIC BEVERAGES; TO PROVIDE CLARITY ON BACKGROUND CHECKS OF ALCOHOL LICENSEES EMPLOYEES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing authority of the City of Social Circle, Georgia is the Mayor and Council thereof; and

WHEREAS, the Code of Ordinances, City of Social Circle, provides for rules and procedures governing the sale of alcoholic beverages; and

WHEREAS, Mayor and Council desire to clarify inconsistencies in their alcohol ordinance;

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SOCIAL CIRCLE, GEORGIA AS FOLLOWS:

Section 1. That Section 10-85, Chapter 10 of the City Code is hereby deleted in its entirety and replaced with the following:

“10-85. – Employees.

(a) No licensee shall employ, require or permit a person under 18 years of age to sell or take orders for malt beverage or wine.

(b) No licensee shall employ a person who has been convicted of or plead nolo contendere to a felony, misdemeanor involving moral turpitude, or any crime relating to the sale or use of alcohol in this state within ten (10) years preceding the employee's employment.

(c) All employees who are involved in the pouring and/or dispensing of alcoholic beverages for a licensee holding a pouring license shall each year file an application and obtain an annual permit to dispense and/or sell alcoholic beverages within 30 days after becoming an employee of an establishment licensed under this chapter.

(1) The application for the permit required by this section shall be in such form as prescribed by the city. A \$20.00 annual application filing fee will be charged. A separate permit shall be required for each separate business location where the employee serves alcohol.

(2) As part of the application, the employee must submit to a Georgia background check with the Social Circle Police Department. An additional \$20.00 fee will be charged to the employee for the background check.

(3) After ascertaining that all requested forms have been completed and filed and payment of an annual permit fee has been made, the chief of police, or his designee shall approve the application and issue a permit with a photograph affixed and with pertinent information thereon.

(4) In the event that an employee provides false information in the application or attached documents, fails to pass review by the chief of police, or has convicted of or plead nolo contendere to an act described in subsection (b) of this section, the chief of police, or his representative, may deny the application and shall notify the employee and employer in writing that the employee is ineligible for a permit. In the event the chief of police refuses to issue a permit, or in the event that a permit is surrendered pursuant to the provisions of this chapter, the applicant

or permit holder shall have an absolute right of appeal to the city manager according to the procedures set forth herein. The appeal shall be perfected by filing with the chief of police a notice of appeal to the city manager, together with copies of all papers upon which action was taken. Thereafter, the city manager shall set a date for hearing on the matter within 30 days after receipt by the chief of police of the notice of appeal. Moreover, the chief of police shall notify the applicant in writing of the date, time and place when the matter shall be heard.

(5) Employers must maintain the permit of each employee which is required by this section on the premises of the establishment licensed by this chapter. It shall be the duty of the employer to assure that there is compliance with the provisions of this section.

(6) Any person violating this section shall, upon conviction, be subject to a fine not to exceed \$500.00 for each violation. In addition to the other penalty provided for herein, employers may be subject to suspension or revocation of a license held hereunder.

(c) Every licensee under this section shall maintain at all times on the premises for which the license has been issued a list of all persons currently employed by licensee at such premises, which list shall show the current full legal name, alias, date of birth, current address, current home telephone number and social security number of each employee.

(d) The employee list shall be available during reasonable hours for inspection by any law enforcement person or city official or his designee.”

Section 2. That Section 10-145, Chapter 10 of the City Code is hereby deleted in its entirety and replaced with the following:

“10-145. – Employees.

(a) No licensee shall employ, require or permit a person under 18 years of age to sell or take orders for malt beverage or wine.

(b) No licensee shall employ a person who has been convicted of or plead nolo contendere to a felony, misdemeanor involving moral turpitude, or any crime relating to the sale or use of alcohol in this state within ten (10) years preceding the employee's employment.

(c) All employees who are involved in the pouring and/or dispensing of alcoholic beverages for a licensee holding a pouring license shall each year file an application and obtain an annual permit to dispense and/or sell alcoholic beverages within 30 days after becoming an employee of an establishment licensed under this chapter.

(1) The application for the permit required by this section shall be in such form as prescribed by the city. A \$20.00 annual application filing fee will be charged. A separate permit shall be required for each separate business location where the employee serves alcohol.

(2) As part of the application, the employee must submit to a Georgia background check with the Social Circle Police Department. An additional \$20.00 fee will be charged to the employee for the background check.

(3) After ascertaining that all requested forms have been completed and filed and payment of an annual permit fee has been made, the chief of police, or his designee shall approve the application and issue a permit with a photograph affixed and with pertinent information thereon.

(4) In the event that an employee provides false information in the application or attached documents, fails to pass review by the chief of police, or has been convicted of or plead nolo contendere to an act described in subsection (b) of this section, the chief of police, or his representative, may deny the application and shall notify the employee and employer in writing that the employee is ineligible for a permit. In the event the chief of police refuses to issue a permit, or in the event that a permit is surrendered pursuant to the provisions of this chapter, the applicant

or permit holder shall have an absolute right of appeal to the city manager according to the procedures set forth herein. The appeal shall be perfected by filing with the chief of police a notice of appeal to the city manager, together with copies of all papers upon which action was taken. Thereafter, the city manager shall set a date for hearing on the matter within 30 days after receipt by the chief of police of the notice of appeal. Moreover, the chief of police shall notify the applicant in writing of the date, time and place when the matter shall be heard.

(5) Employers must maintain the permit of each employee which is required by this section on the premises of the establishment licensed by this chapter. It shall be the duty of the employer to assure that there is compliance with the provisions of this section.

(6) Any person violating this section shall, upon conviction, be subject to a fine not to exceed \$500.00 for each violation. In addition to the other penalty provided for herein, employers may be subject to suspension or revocation of a license held hereunder.

(c) Every licensee under this section shall maintain at all times on the premises for which the license has been issued a list of all persons currently employed by licensee at such premises, which list shall show the current full legal name, alias, date of birth, current address, current home telephone number and social security number of each employee.

(d) The employee list shall be available during reasonable hours for inspection by any law enforcement person or city official or his designee.”

Section 3. That Section 10-79- Police Records, Section 10-123- Certain employees prohibited, Section 10-138- No employees with criminal records, which are all found in Chapter 10 of the City Code is hereby deleted in their entirety in order to provide consistency and clarity throughout the Code.

Section 4. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Social Circle.

Section 5. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

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

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

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

SO ORDAINED this 16th day of March 2021.



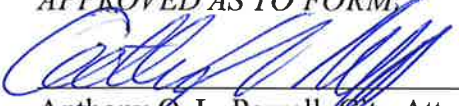
David Keener, Mayor

ATTEST:



Susan M. Roper, City Clerk

APPROVED AS TO FORM:



Anthony O. L. Powell, City Attorney
Powell & Edwards

Adopted by the City Council at a regular called meeting on March 16, 2021.

3 Council members voting in favor

0 Council members voting against

0 Council members abstaining