

STATE OF GEORGIA

CITY OF SOCIAL CIRCLE

ORDINANCE NO. ORD-2021-13

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF SOCIAL CIRCLE, GEORGIA, CHAPTER 10 ALCOHOLIC BEVERAGES; TO AMEND PROVISIONS REGARDING SPECIAL USE AND CATERING LICENSES; TO AMEND PROVISIONS REGARDING ADMINISTRATION LICENSES; TO PROVIDE SEVERABILITY; 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 amend the downtown beer and wine amenity license ordinance;

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

**Section 1.** That Subsection (i), Section 10-28, Chapter 10 of the City Code is hereby deleted in its entirety and replaced with the following:

*“(i) Council to consider other factors if necessary. The city manager, or his or her designee, in his or her discretion, may consider any and all relevant circumstances which may reflect favorably or unfavorably on the applicant, application or proposed location of the business. If in his or her sole judgment, circumstances are such that the granting, suspension or revocation of the license would or would not be in the best interest of the general public, such circumstances may be grounds for the decision of the city.”*

**Section 1.** That Section 10-29, Chapter 10 of the City Code is hereby deleted in its entirety and replaced with the following:

“Sec. 10-29. - License application and submission requirements.

(a) *Expiration of licenses; re-application.* A retail malt beverage and wine license shall be valid only for the calendar year indicated thereon and such license may be renewed. A licensee who desires to continue in business during the next or subsequent calendar year must renew their application for such year on or before December 1 of the preceding year.

(b) *State requirements to be met.* In addition to the completion and submission of the application form as required by the city, each applicant shall attach thereto a completed form with all attachments and requirements for a state license.

(c) *Performance bond to be posted.* Before any malt beverage and wine license is granted, the applicant must post with the city, along with his application, a performance bond with an insurance company as surety. Said bond is to be conditioned requiring the faithful observance and performance by the licensee of the rules and regulations contained in this section. Upon violation

of any section herein, the amount of the bond to be forfeited will be determined by the seriousness of the violations as determined by the council. Said bond is to be approved by the city and shall be properly executed. Said bond shall be in the amount of \$2,500.00 for a wholesale license and \$500.00 for a retail license.”

**Section 2.** That Subsection (a), Section 10-30, Chapter 10 of the City Code is hereby deleted in its entirety and replaced with the following:

“(a) *License fees to be paid before processing application.* The annual fee for a retail malt beverage and wine license shall be determined by the mayor and council and shall be paid prior to the issuance of any license, said fee to accompany the application and be either in the form of cash or a bank certified check. A fee schedule shall be available at the offices the city clerk and open for public inspection. All licenses shall expire on December 31 of the year granted. No license fee shall be prorated.”

**Section 3.** That Section 10-53, Chapter 10 of the City Code is hereby deleted in its entirety and replaced with the following:

“Sec. 10-53. - Applications.

No malt beverages or wine shall be sold by the drink for consumption on the premises except under a pouring license granted by the city. Application for such license may be made only on behalf of restaurants located within the city and shall be made on forms provided by the city, subject to the following requirements:

- (1) All applications for a pouring license shall be presented in person.
- (2) Each applicant shall furnish a complete set of fingerprints which shall be forwarded to the Georgia Bureau of Investigation, who shall search the files of the Georgia Crime Information Center for any instance of criminal activity. The Georgia Bureau of Investigation shall also submit the fingerprints to the FBI under rules established by the U.S. Department of Justice for processing and identification of records. The federal record, if any, shall be obtained and returned to the city.
- (3) In addition to the completion and submission of the application form as required by the city, each applicant shall attach thereto a completed form with all attachments and requirements for a state license.
- (4) Before any pouring license is granted, the applicant must post with the city, along with his application, a cash bond or a performance bond with an insurance company as surety. Said bond is to be conditioned requiring the faithful observance and performance by the licensee of the rules and regulations contained herein. Upon the violation hereof, or any part thereof, the amount of the bond to be forfeited will be determined by the seriousness of the violation as determined by the mayor and council. Said bond is to be approved by the city and shall be properly executed. Said bond shall be in the amount of \$1,000.00 for a pouring license.
- (5) A pouring license shall be valid only for the calendar year indicated thereon and such license may be renewed. A licensee who desires to continue in business during the next calendar year must renew application for such year by December 1 of the preceding year.”

**Section 4.** That Section 10-55, Chapter 10 of the City Code is hereby deleted in its entirety and replaced with the following:

“Sec. 10-55. - Licensee qualifications.

The following standards apply to all decisions pertaining to issuance or denial of licenses hereunder:

- (1) All applicants for a pouring license must show financial responsibility. The city may require all applicants to provide financial statements and other evidence of financial responsibility in conjunction with the application. The form of the application shall be set by the city manager, or his or her designee, and must be fully completed by the applicant and filed by applicant with the clerk.
- (2) No officials or employees of the city shall be eligible to receive a pouring license.
- (3) All applicants for a pouring license must be the owner or lessee of the premises to be used for the sale and consumption of malt beverages and wine, and must provide evidence of ownership of the premises in the form of a fully executed deed in recordable form, or, if applicant is leasing the premises, the applicant must provide a copy of the lease.
- (4) All applicants must be persons operating as the proposed licensed place of business a "restaurant" as defined in this section. No lounges shall be permitted.
- (5) All applicants for a pouring license must be of good character, and all operators, managers, clerks, or other employees shall be of good character. Furthermore, corporate or firm applicants shall also be of good business reputation.
- (6) A license may be denied to any applicant 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 applicant is intended to be a mere surrogate for a person who would not otherwise qualify for a license for any reason whatsoever.
- (7) The city manager, or his or her designee, in his or her discretion, may consider extenuating circumstances which may reflect favorably or unfavorably on the applicant, application or the proposed location of the business. If in the judgment of the city manager, or his or her designee, circumstances indicate the grant of a license would not be in the best interest of the general public, such circumstances may be grounds for denying the application.
- (8) A corporate license applicant shall appoint and designate to the city an agent authorized to receive service of process under the laws of Georgia. If no such designation is made, the city may serve or notify the applicant or license holder at any address of the applicant or license holder known to the city.
- (9) The city manager, or his or her designee, shall give notice in writing to the applicant of any decision to grant or deny an application. The notice shall give the reason(s) for the decision.
- (10) Whenever the city denies an application for a pouring license, the applicant shall have ten days following the date of notice of the denial to request a hearing before the mayor and council. The applicant shall be entitled at such a hearing to present evidence and cross-examine opposing witnesses.”

**Section 5.** That Section 10-66, Chapter 10 of the City Code is hereby deleted in its entirety and replaced with the following:

“Sec. 10-66. - Annual fees.

- (a) The annual fee for a malt beverage and wine pouring license shall be set by the mayor and council and shall be paid prior to the issuance of any license. A fee schedule shall be available at the offices the city clerk and open for public inspection. Said fee shall accompany the application and shall be either a cash payment or a bank certified check. No annual fee shall be prorated.”

**Section 6.** That Subsections (c)(1) and (c)(2) Section 10-85, Chapter 10 of the City Code is hereby deleted in its entirety and replaced with the following:

“(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 annual application filing fee will be charged as set by the mayor and council. A fee schedule shall be available at the offices the city clerk and open for public inspection. 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 city police department. An additional fee will be charged to the employee for the background check as set by the mayor and council. A fee schedule shall be available at the offices the city clerk and open for public inspection.”

**Section 7.** That Section 10-113, Chapter 10 of the City Code is hereby deleted in its entirety and replaced with the following:

“Sec. 10-113. - Applications.

No alcoholic beverages shall be sold for consumption on the premises except under a license by the city. Application for an alcohol (distilled spirits, beer, malt beverages, wine, and fortified wine) pouring license may be made only on behalf of restaurants located in Social Circle, and shall be made on forms provided by the city, subject to the following requirements:

- (1) An alcohol pouring license shall be valid only for the calendar year indicated thereon and such license may be renewed. A licensee who desires to continue in business during the next calendar year must renew application for such year on or before December 1 of the preceding year.

- (2) The owner and/or manager of each applicant shall be photographed, and shall furnish picture identification, a separate form of identification, and a complete set of fingerprints, which shall be forwarded to law enforcement, who shall institute a search of the files of the Georgia Crime Information Center for any instance of criminal activity within the ten-year period immediately preceding the date of such application. Law enforcement shall also submit the fingerprints to the

Federal Bureau of Investigation under rules established by the U.S. Department of Justice for processing and identification of records. The federal record, if any, shall be obtained and returned to the city. Law enforcement shall make such other investigations as are appropriate in the judgment of law enforcement. All new owners and/or managers shall also immediately undergo this procedure. As to entity applicants, including without limitation LLC's, corporations, and partnerships, the foregoing requirements, regarding no such convictions during the prior ten years, apply to any owners who own a 20 percent or more interest in the entity. All such owners, and all of applicant's managers, shall furnish picture identification and a complete set of fingerprints for state and federal law enforcement background check. The manager(s) shall also submit a complete set of fingerprints and will be photographed by the city.

(3) In addition to the completion and submission of the application form as required by the city, each applicant shall attach thereto a completed form with all attachments and requirements for a state license.

(4) Before a license is granted, the applicant must post with the city, along with his application, a performance bond with an insurance company as surety. Said bond is to be conditioned requiring the faithful observance and performance by the licensee of the rules and regulations contained in this article. Upon the violation of this article, or any part thereof, the amount of the bond to be forfeited will be determined by the seriousness of the violation as determined by the city. Said bond is to be approved by the city and shall be properly executed. Said bond shall be in the amount of \$2,500.00 for an alcohol pouring license.

(5) At the time an application is made for a license, the city clerk shall give notice to the applicant of the date on which the city shall consider the application. The city clerk shall then give notice of the making of such an application by advertisement, once a week for two consecutive weeks prior to the date of consideration by the city manager, or his or her designee, on such application, in the newspaper in which legal advertisements for the county are published. The notice shall state the address of the proposed business, give the name of the applicant, and if a partnership, the names of all partners, and if a corporation or LLC, the names of the officers and stockholders or members therein, and the day and time the city manager, or his or her designee, will consider such application.”

**Section 8.** That Section 10-125, Chapter 10 of the City Code is hereby deleted in its entirety and replaced with the following:

“Sec. 10-125. - Annual fees.

The fee for a license shall be set by the mayor and council and shall be paid prior to the issuance of any license. A fee schedule shall be available at the offices the city clerk and open for public inspection. Said fee shall accompany the application and shall be either a cash payment or a bank check. No annual fee shall be prorated. Wholesalers shall be exempt from said fee unless payment of said fee is required under O.C.G.A. § 48-5-354.

**Section 9.** That Subsection (c), Section 10-145, Chapter 10 of the City Code is hereby amended as follows:

(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. The fee for a license shall be set by the mayor and council and shall be paid prior to the issuance of any license. A fee schedule shall be available at the offices the city clerk and open for public inspection. A separate permit shall be required for each separate business location where the employee serves alcohol.

**Section 10.** That Subsection (b) and (c), Section 10-151, Chapter 10 of the City Code is hereby deleted in its entirety and replaced with the following:

“(b) Notwithstanding any other provision of this article to the contrary, a nonprofit organization which has at least 75 members regularly paying monthly, quarterly, semiannual or annual dues and has received and has maintained approval from the United States Internal Revenue Service as a bona fide 501(c)(3) organization, and has not applied for a license otherwise, may apply for a temporary three-day special event license for consumption of malt beverages and wine (not distilled spirits, except one single day event, one time per year, upon approval of the city manager, or his or her designee, using as criteria all applicable standards and requirements; applicant shall then comply with all applicable liquor serving requirements). In addition to the city requirements below, such organizations must file an application with and receive approval and issuance of the state license. No more than six licenses may be issued to an organization in any one calendar year pursuant to this section. It shall be unlawful for a licensee to distribute or sell alcohol during any hours in which the sale of alcoholic beverages by the drink for consumption only on the premises is not permitted in the jurisdiction. It shall be unlawful for a licensee to employ any person under 18 years of age who, in the course of such employment, would dispense, serve, sell, or handle alcoholic beverages. To make application for such license, the organization must comply with all the following:

(1) Make application at least 14 days prior to the proposed license date(s);

(2) The fee for a license shall be set by the mayor and council and shall be paid prior to the issuance of any license. A fee schedule shall be available at the offices the city clerk and open for public inspection.

(3) Not hold more than 18 days and/or nights of such sales per calendar year. A license shall only be granted for a period not to exceed three days and/or nights per event;

(4) All sales of alcohol must be for fundraising, or to directly further the purpose of the organization, or made in conjunction with service of a meal;

(5) All sections of this article must be complied with except sections 10-113, 10-115, 10-116, 10-118, 10-125 and 10-152;

(6) Only one such license shall be issued for any one location within the incorporated limits of the city, and such location shall be stated in the application. Licenses issued pursuant to this section shall be valid only for the place specified in the license;

(7) All applicants for a license must be of good character, as evidenced by no conviction within the last ten years of misdemeanors involving moral turpitude or felonies, and all operators, managers, clerks or other employees shall be of such good character, and corporate or LLC or firm applicants shall also be of good business reputation, with all officers and members being of such good character; the application shall be sent within five business days of receipt to law enforcement for investigation of the applicants, employees, officers and members, then law enforcement shall timely present a written investigation report to the city;

(8) Whenever the city shall deny an application for a license, the applicant shall have ten days following the date of notice of denial to request a hearing before the mayor and council; the applicant shall be entitled at such a hearing to present evidence and cross-examine opposing witnesses; and

(9) No license under this section shall be transferable or assignable to any person or other location. Under no circumstances will the temporary license fee be refunded to the organization.

(10) A person who willfully, knowingly, and unlawfully sells, furnishes, or serves alcoholic beverages to a person who is not of lawful drinking age, knowing that such person will soon be driving a motor vehicle, or who knowingly sells, furnishes, or serves alcoholic beverages to a person who is in a state of noticeable intoxication, knowing that such person will soon be driving a motor vehicle, may become liable for injury or damage caused by or resulting from the intoxication of such minor or person when the sale, furnishing, or serving is the proximate cause of such injury or damage.

(c) A temporary permit may be issued to any person, firm or corporation, for a period not to exceed three days for an approved small or special event, and no more than six such permits may be issued to the applicant organization in any one calendar year.

(1) The fee for a license shall be set by the mayor and council and shall be paid prior to the issuance of any license. A fee schedule shall be available at the offices the city clerk and open for public inspection.”

**Section 11.** This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Social Circle.

**Section 12.**

(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 14.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.


SO ORDAINED this 2nd day of December 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 meeting on December 2, 2021.

- 4 Council members voting in favor
- 0 Council members voting against
- 0 Council members abstaining