

**STATE OF GEORGIA
CITY OF LAWRENCEVILLE**

ORDINANCE NO. 2011-XX

AN ORDINANCE TO AMEND THE CODE OF LAWRENCEVILLE, GEORGIA, CHAPTER 34, GOVERNING ALCOHOL, TO ESTABLISH LICENSING QUALIFICATIONS

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

WHEREAS, the City of Lawrenceville desires to amend Chapter 34 of the Code of Lawrenceville, Georgia, governing alcohol; and

WHEREAS, the amendments contained herein are made pursuant to the authority granted in the Charter of the City of Lawrenceville for the convenience and general welfare of the City of Lawrenceville and its inhabitants.

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF LAWRENCEVILLE, GEORGIA, and by the authority thereof:

That Chapter 34 of the City Code is hereby deleting Section 34-103 in its entirety and replacing same with the following:

34-103 License Application, Form and Contents and Advertising Requirements

- (a) All persons desiring to sell alcoholic beverages shall make application on the form prescribed by the City Clerk. Separate applications must be made for each location and separate licenses must be issued.
- (b) The application shall include but shall not be limited to the name and address of the applicant; the proposed business to be carried on; if a partnership, the names and residence address of the partners; if a corporation, the names of the officers; the names and address of the registered agent for service of process; the name and address of the manager(s); and the name of all shareholders holding more than ten (10) percent of any class of corporate stock, or any other entity having a financial interest in each entity which is to own or operate the establishment for which a license is sought.

(c) All applicants shall furnish data, fingerprints, financial responsibility and other records as required by the City Clerk and to ensure compliance with the provisions of this chapter. Failure to furnish data pursuant to such request shall automatically serve to dismiss the application with prejudice.

(d) All applications shall be sworn to by the applicant before a notary public or other officer empowered by law to administer oaths. No alcoholic beverage license shall be issued to any person unless the building in which the business will be located is complete and detailed plans of the building and outside premises are attached to the application, or unless proposed plans and specifications and a building permit of a proposed building to be built are attached to the application. The completed building or the proposed building shall comply with Ordinances of the City, applicable county regulations, the state revenue commissioner and the state. The proposed building shall also be subject to final inspection and approval when completed by the building inspector. Each building in which the business will be located shall contain sufficient lighting so that the building itself and the premises on all sides of the building are visible. Each applicant for an alcoholic beverage license shall attach to the application evidence of ownership of the building or proposed building, or a copy of the lease if the applicant is leasing the building. If the applicant is a franchisee, then such applicant shall attach a copy of the franchise agreement or contract with the application. All premises for which an alcoholic beverage license shall be issued shall afford therein adequate sanitary toilet facilities and shall be adequately illuminated so that all hallways, passage ways and open areas may be clearly seen by the customers therein.

(e) Licensing qualifications:

1. 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.
2. Where the applicant is a partnership or corporation, the provisions of this section shall apply to all partners, officers 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 chapter. In the case of a partnership, the license will be issued to all the partners owning at least 10% (ten percent) of the partnership; or if the no partner owns 10% (ten percent) then the general partner, managing partner or the partner with the greatest ownership will be licensed.
3. No person shall be granted any alcoholic beverage license unless it shall appear to the satisfaction of the City Clerk or the Clerks' designee that such person, partners, partners in the firm, officers, and directors of the corporation and on-site managers have not been convicted or pled guilty or entered a plea of nolo contendere to any felony or any crime involving moral turpitude, illegal gambling, or illegal possession or sale of controlled substances or the illegal sale or possession of alcoholic beverages , keeping a place of prostitution, solicitation of sodomy, or any sexual related crime within a period of ten years prior to the date of application or the applicant remains on parole or probation

for a violation of such a crime or any felony. Completed sentences under the Georgia First Offender Act shall not apply to such consideration. A person's first time conviction for illegal possession of alcohol as a misdemeanor or violation of a City or county Ordinance shall not, by itself, make a person ineligible for an alcohol license. An applicant who is found to have falsified an application or any information therein shall be denied a permit.

4. Any licensee who is convicted or pleads guilty or pleads no lo contender to a felony or any crime involving moral turpitude, illegal gambling, or illegal possession or sale of controlled substances or the illegal sale or possession of alcoholic beverages, keeping a place of prostitution, solicitation of sodomy, or any sexual related crime shall have the license immediately revoked and cancelled.

5. It shall be unlawful for any City employee involved in the issuance of alcoholic beverage licenses under this article or elected City Official to have any whole, partial or beneficial interest in any license to sell alcoholic beverages in the City.

6. No license for the sale of alcoholic beverages shall be granted to any person who has had any City license revoked within two years prior to the filing of the application.

7. The City Clerk 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 licensing qualifications set forth in this section.

8. All applicants for an alcoholic beverage license must be of good character and all operators, managers, clerks, or other employees shall be of like good character. Corporate or firm applicants shall be of a good business reputation.
9. 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 applicant is intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.
10. The City Clerk may in the Clerk's discretion consider extenuating circumstances which may reflect favorably or unfavorably upon the applicant, application or the proposed location of the business. If in the Clerk's judgment the circumstances are such that granting the license would not be in the best interest of the general public, such circumstances may be grounds for denying the application.

(f) In all instances in which an application is denied under the provisions of this chapter the applicant may not reapply for a license for at least one year from the final date of such denial.

(g) All licensees shall list in their application their home address, home telephone number and places of employment. Thereafter, if any person other than the one listed in the application as manager shall be employed as manager, the name, address and telephone numbers of the new

manager shall be filed with the City Clerk within three (3) days of the date of such employment.

(h) Each application for license under this chapter shall be accompanied by a certified check for the full amount of the license fee, together with a separate check or cash in the amount of \$300.00 to defray investigative and administrative cost.

The Chief of Police shall have a complete search made of any police record of the applicant based on the information given in the application. Any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this Code.

(i) Advertisement of intent to engage in business; signs posted. All applicants desirous of obtaining a license for the sale of alcohol shall give notice at their expense of the making of an application by advertisement at least twice a week for two (2) consecutive weeks, said advertisement to begin no later than ten (10) days following submission of the application required by section 34-103, application; form; content; process; deposit. The advertisement shall be published in the newspaper in which the legal advertisements of the city are published. The advertisement referred to herein shall be of type not smaller than ten-point capital in lower case and shall be at least a two-inch, one-column advertisement in size. Said notice shall contain a complete description of the location of the proposed business and shall give the name of the applicant and if a partnership, the names of the partners, whether limited or general, and if a corporation, the names of the officers and all stockholders having more than ten (10) percent of any class of corporate stock therein, and the date the application was

filed with the city clerk. The advertisement shall contain the following additional statement:

"AN APPLICATION HAS BEEN FILED ON (date) WITH THE CLERK OF THE CITY OF LAWRENCEVILLE FOR A LICENSE TO OPERATE _____ AT THE ABOVE LOCATION. A DECISION ON WHETHER OR NOT TO GRANT OR DENY SUCH A LICENSE WILL BE MADE BY THE CLERK OF THE CITY OF LAWRENCEVILLE NO LATER THAN THIRTY (30) DAYS FROM THE DATE THE FILED APPLICATION IS DETERMINED TO BE COMPLETE. MEMBERS OF THE PUBLIC ARE INVITED TO NOTE ANY OBJECTIONS, IN WRITING, THAT THEY MAY HAVE TO THE GRANTING OF SUCH A LICENSE BY FILING SAID WRITTEN OBJECTIONS WITH THE CLERK OF THE CITY OF LAWRENCEVILLE."

1. Tear sheets and a publisher's affidavit shall be furnished to the city by the applicant(s) prior to the applicant's application being considered complete.

2. The applicant shall cause to be placed at their expense upon the location of the proposed business no later than ten (10) days following submission of the application, a sign or signs stating the following: AN APPLICATION HAS BEEN FILED ON (date) WITH THE CLERK OF THE CITY OF LAWRENCEVILLE FOR A LICENSE TO SELL _____ . A DECISION ON WHETHER OR NOT TO GRANT OR DENY SUCH A LICENSE WILL BE MADE BY THE CLERK OF THE CITY OF LAWRENCEVILLE NO LATER THAN THIRTY (30) DAYS FROM THE DATE THE FILED APPLICATION IS DETERMINED TO BE COMPLETE. MEMBERS OF THE PUBLIC ARE INVITED TO NOTE ANY OBJECTIONS, IN WRITING, THAT THEY MAY HAVE TO THE

GRANTING OF SUCH A LICENSE BY FILING SAID WRITTEN OBJECTIONS WITH THE CLERK OF THE CITY OF LAWRENCEVILLE."

3. The sign or signs required by subsection (c) shall be constructed of wood or metal and shall be placed with the base of the sign not more than three (3) feet from the ground and shall be not less than forty-eight (48) inches by forty-eight (48) inches in size and shall face toward all public streets, alleys, sidewalks or other public property adjoining the proposed location. The statement above shall be printed or painted on the sign in the English language. Such signs shall be placed where they can be easily seen and the statement above easily read from all public properties adjoining the proposed location. Said sign shall not be required to comply with the requirements of Article 10 of the zoning ordinance pertaining to signs.

4. The advertising requirements of this section shall not be required for license renewals or in cases where the location of the proposed business has previously served as a location where alcoholic beverage sales have been licensed within five years of the date of the application for license.