

STATE OF GEORGIA
CITY OF RIVERDALE

Adopted by the Governing Body this 26th day of April 2010.

ORDINANCE NO. 05-2010

AN ORDINANCE TO AMEND CHAPTER 6, ALCOHOLIC BEVERAGES, ARTICLE II, "LICENSING" OF THE CODE OF ORDINANCES OF THE CITY OF RIVERDALE, GEORGIA, AS AMENDED, TO DELETE CHAPTER 6, ARTICLE II, IN ITS ENTIRETY, INCLUDING ANY AMENDMENTS THERETO, AND REPLACE IT WITH A NEW CHAPTER 6, ARTICLE II, "LICENSING;" TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

BE IT RESOLVED AND IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVERDALE AND BY THE AUTHORITY OF SAME THAT CHAPTER 6, ALCOHOLIC BEVERAGES, ARTICLE II, "LICENSING," OF THE CODE OF ORDINANCES OF THE CITY OF RIVERDALE, GEORGIA, BE AMENDED AS FOLLOWS:

Section 1: By deleting Chapter 6, Article II, "Licensing" in its entirety, including any amendments thereto, and replacing it with a new Chapter 6, Article II, "Licensing," a copy of which is attached hereto and labeled Exhibit A.

Section 2: All laws and ordinances, or parts thereof, which conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 3: This Ordinance shall become effective upon its approval by the Mayor and Council.

Section 4: In the event, any section, subsection, sentence, clause or phrase of this Ordinance or its attachment shall be declared or judged invalid or unconstitutional, such adjudication shall in no matter affect the other sections, subsections, sentences, clauses or phrases of this ordinance, which shall remain of full force and affect, as if the section, subsection, sentence, clause or phrase so declared or judged invalid or unconstitutional was not originally a part hereof.

CHAPTER 6 Alcoholic Beverages

ARTICLE II LICENSING

Sec. 6-31. License Required.

- (a) No malt beverage, wines, spirituous liquors or any other alcoholic beverage shall be stored for sale, delivered, sold or manufactured in the City except under a license issued pursuant to this Chapter and then only for the specific beverage and manner of sale provided in the license.
- (b) The requirements of this Chapter shall be in addition to any other requirements for business licenses under this Code and if other provisions of this Code conflict with this chapter then this Chapter shall control.
- (c) Licenses which may be issued under this Chapter and related business license fees are:
 - (1) Retail consumption dealer, including restaurants and other eating establishments, banquet facilities, hotels, motels, lounge, bona fide private club, wine shops, public buildings and outdoor spaces so designated by the City, etc.:
 - a. For distilled spirits, malt beverage and wine . . . \$5,000.00
 - b. For malt beverage only . . . 2,500.00
 - c. For wine only . . . 2,500.00
 - d. For malt beverage and wine only . . . 3,750.00
 - (2) Retail package dealer and/or wholesale dealer:
 - a. For distilled spirits, malt beverage and wine . . . 5,000.00
 - b. For malt beverage only . . . 2,500.00
 - c. For wine only . . . 2,500.00
 - d. For malt beverage and wine only . . . 3,750.00
 - (3) Any combination of the above at the same location provided no retail or wholesale licensee shall hold any consumption on the premises license for the same location . . . 5,000.00
- (d) If the wholesale dealer's principal place of business is located within the City, the City will levy a license fee in accordance with the classification into which the applicant falls. In addition to the general occupation tax, the wholesale dealer shall also pay a \$300.00 processing fee to cover the expenses of investigation and processing. The applications of wholesale dealers located within the city must be approved by the community development director or his/her designee.

- (e) No City business license or occupational tax permit shall become effective for persons or businesses required to obtain a license under this Chapter until each person or business that is required to obtain a license from the State has registered with the State, is in good standing with the State and has received such license.
- (f) A \$300.00 processing fee per alcoholic beverage license shall also be submitted to cover the costs of advertising, investigation and processing.

Sec. 6-32. Eligibility for retail consumption and time limits on opening

- (a) *Eligibility for retail consumption.* No retail consumption license shall be issued to any applicant whose establishment does not meet the requirements of a restaurant or other eating establishment, banquet facility, hotel, motel, lounge, bona fide private club, wine shop or public building and/or outdoor space so designated by the City.
- (b) *Time limits on opening and continuing business.*
 - (1) All persons and/or businesses issued licenses under this Chapter must, within 90 days after the issuance of the City license under this Chapter, open for business. Failure to open for business shall constitute a forfeiture and cancellation of the issued licenses and no refund of license fees or business taxes shall be made. Any applicant unable to comply with the time limit of this section may make written request to the community development director for an extension of time not to exceed 90 days; and the community development director at his or her discretion may grant or deny the request.
 - (2) Any license issued under this Chapter shall automatically be null and void where the licensed person and/or business has not operated or been open to the public for six consecutive months. Any applicant unable to comply with the time limit of this section may make written request to the community development director for an extension of time not to exceed 90 days; and the community development director at his or her discretion may grant or deny the request.

Sec. 6-33. Restrictions

- (a) No person who has any direct financial interest in a license for the sale of alcoholic beverages at wholesale shall hold any other license or an interest in any other license under the terms of this chapter unless otherwise allowed by State law.

- (b) No person shall have an interest in more than two City-issued retail consumption licenses or more than one retail dealer distilled spirits license.
- (c) No further retail dealer licenses for the sale of distilled spirits shall be issued when the total number of such licenses issued and in effect would number more than one for each 2,500 persons residing in the City. It is the intent of this provision to require a population of 2,500 for each license issued. Example: (1) population = 7,500, then three licenses may be issued; (2) population = 9,000, then three licenses; (3) population = 10,000, then four licenses. If a licensee shall go out of business or if a license is revoked and the number of such licenses in effect shall continue to exceed the limit prescribed herein, such license may not be reinstated. The population shall be determined from the most-current official statistics, including official estimates, as prepared by the Bureau of Census, U.S. Department of Commerce. There is no similar restriction on the number of licenses issued to other types of businesses selling alcohol, including retail consumption dealers, restaurants, etc.

Sec. 6-34. Business location.

(a) Rules governing C-1 and C-2 zoning classifications:

- (1) Unless the following uses of property are preexisting, nonconforming uses under the City's zoning regulations, licenses shall not be issued to authorize the sale of alcoholic beverages either through a retail package or retail consumption license at any location which does not meet or exceed the following minimum distance separation requirements from the following establishments:
 - a. For retail consumption dealers, the licensee's premises cannot be located:
 - 1. In or within 100 yards of any church grounds;
In or within 50 yards of any structure used as a residences at the time of application;
 - 3. In or within 200 yards of any school; or
 - 4. In or within 100 yards of any public library which is on the same side of the street as the proposed location
 - b. For retail dealer and/or wholesale dealer, the licensee's premises cannot be located:
 - 1. In or within 200 yards of any church grounds;
In or within 200 yards of any structure used as a residences at the time of application;
 - 3. In or within 200 yards of any school; or

4. In or within 100 yards of any public library which is on the same side of the street as the proposed location
 - c. For bona fide private club, the licensee's premises cannot be located:
 1. In or within 100 yards of any church grounds;
In or within 100 yards of any structure used as a residences at the time of application;
 3. In or within 200 yards of any school; or
 4. In or within 100 yards of any public library which is on the same side of the street as the proposed location
- (2) No person shall sell alcohol, distilled spirits, wine or malt beverages in or within 100 yards of any alcoholic treatment center owned and operated by the State or any county or municipal government therein.
- (3) All distances shall be measured in the following manner:
 - a. From the front door of the structure or partial building unit from which beverage alcohol is sold or offered for sale; thence,
 - b. In a straight line, regardless of obstructions, to the nearest public sidewalk, walkway, street, road or highway; thence,
 - c. Along such public sidewalk, walkway, street, road or highway by the nearest route;
 - d. To the front door of the building, or to the nearest portion of the grounds, whichever is applicable.
- (4) For the purposes of this section, the term "non-accessory structure" shall mean any structure located on the school ground, college campus, residential lot, library or alcoholic treatment center which would not be considered an accessory use under the appropriate interpretations of the City zoning ordinance.
- (5) Applications will not be considered for a retail dealer of distilled spirits whose proposed business location is within 500 feet of an existing retail dealer of distilled spirits sales location.
- (6) Notwithstanding anything to the contrary herein, no church that becomes located within or expands into the central business district after July 1, 2006, shall be entitled to object to the location of a licensee and no license shall be denied because it is within the prohibited footage as set forth above when such footage is applied to a church that became located within or expands into the central business district after July 1, 2006. In addition, no license shall be denied because the location is within the prohibited footage of a temporary church.

- (b) Rules governing TCMU, RMX and MPMUD zoning classifications.

There are no minimum distance separation requirements for retail consumption or retail package dealers in these zoning classifications.

Sec. 6-35. Zoning district

No license shall be issued under this Chapter unless the applicant's place of business is located in an area of the City that is zoned as a C-1, C-2, C-3 TCMU, RMX or MPMUD, as such districts are designated in the City's zoning rules and regulations.

Sec. 6-36. Application

- (a) *Application required.*

- (1) Every person desiring a license required by this Chapter shall make an application therefore. Such forms necessary for such application shall be furnished by the City.
- (2) Each application shall be accompanied by a nonrefundable investigation fee as set forth in the schedule of fees and charges.

- (b) *Types of applicants.*

- (1) Business applicant.
 - a. The applicant applying on behalf of a business shall be the owner of the proposed business if the business is solely owned or the co-owner if a partnership or firm. If a proposed licensee is a corporation, the applicant may be the president, a vice-president, secretary or treasurer of the corporation or the corporation's general manager at the particular business location. Otherwise, no other individual may qualify as an applicant on behalf of a business.
 - b. Corporate applicants must either be incorporated in the state or must have registered to do business in the State through the secretary of state's office.
- (2) Hotel or motel applicant. Hotel and motel corporations and their franchise restaurant corporations operating as contemplated in these regulations are authorized to apply for and to hold a retail consumption license in their corporate names. They shall name on such application an agent and/or manager actively employed in the operation of such hotel, motel or franchise restaurant who shall be

responsible for operation under such license and who shall qualify in all respects under these regulations. Should such manager and/or agent leave the employment of the hotel or motel corporation or its franchise restaurant corporation in the City, a new agent and/or manager shall be named and the City notified by the licensee within ten days thereafter.

(3) Individual applicant.

- a. The applicant applying for a license under this Chapter on behalf of an individual shall list the following on the application and, if issued, the license shall indicate the following as licensees:
 1. The business operation;
The owner if the business is solely owned;
 3. Each co-owner if the business is a partnership or firm;
and
 4. The general manager of the particular business location.
- b. Each individual licensee shall be a citizen of the United States or a permanent resident alien as defined by the immigration and nationality laws of the United States.
- c. Each licensee shall have been and continue to be a resident of the State for the period of three years immediately preceding the date of application.
- d. No licensee shall have been convicted nor have entered a plea of nolo contendere within the ten years immediately preceding the date of application for any felony or crime involving moral turpitude. In those instances involving corporations, this prohibition shall also apply to the corporation's president, vice-president, secretary, treasurer and all stockholders owning 20 percent or more of the corporation's stock.

(4) Government applicant.

- a. The applicant applying on behalf of a government entity or one of its agencies or boards shall be the highest ranking official of the entity such as the Mayor, Chairman of the Board, etc.
- b. Government applicants must be either the State of Georgia, Clayton County or the City of Riverdale, Georgia or one of their agencies or boards.

- (c) *Residency required.* All applicants for licenses under this Chapter shall be bona fide residents of the State at the time of the filing of the application and shall remain a bona fide resident of the State during all times that the

license and any renewal thereof is in effect. All applicants and all registered agents shall be at least 18 years of age.

(d) *Registered agent required.*

- (1) All applications for licenses under this Chapter shall nominate and name in the application one or more residents of the State, as the registered agent and representative of the applicant to receive all communications, notices, services or process or other papers or documents, on behalf of the applicant in connection with any matter arising out of or connected with the issuance, holding, suspension, revocation or other action with respect to any City license. The applicant shall give the mailing address of such registered agent, and the mailing to any registered agent at that address of any notice required to be given under this chapter or any other law shall be sufficient notice to the applicant/licensee.
- (2) Such registered agent shall be a representative of the licensee and must be approved by the community development director or his/her designee. The community development director shall refuse to approve any registered agent who is not a bona fide resident of the state or who has been convicted, within the ten years preceding his/her nomination, of any felony of any kind or any misdemeanor relating to an alcoholic beverage business or any state law or county or municipal ordinance violation relating to any alcoholic beverage business.
- (3) If any registered agent shall cease to be a representative of the licensee or shall cease to be a resident of the State or in any manner ceases to meet the requirements of this section, the licensee shall notify the community development director in writing of such event and shall nominate a new registered agent within five days after such event occurs. Such new registered agent shall meet the requirements of this section and must be approved by the city manager or his/her designee. The City shall charge a fee of \$200.00 for a change of the licensee's registered agent; provided, however, that if the licensee fails to notify the City and nominate a new registered agent within said five-day period, then the City shall charge a fee of \$400.00 for a change of the licensee's registered agent and/or revoke the licensee's license.

(e) *Application contents.*

- (1) The application for a license under this Chapter for businesses, corporations, government entities, individuals or any other type of

applicant shall contain, under oath, the following information and documents:

- a. Name and address of each applicant and each person who would have an interest in the license, however including only those stockholders owning 20 percent or more of the corporation's stock;
- b. Name and the address for the past ten years of each individual licensee, including registered agent where necessary;
- c. A current photograph of the applicant;
- d. Fingerprints of the applicant to be taken by the city police department;
- e. Description of the business operation, its location and facilities;
- f. Blueprint or scale drawing of the business facilities;
- g. Survey indicating the location of the business and the distance to the nearest residence, school, church, library and alcoholic treatment center; and
- h. Such other information and documents as may be required by the license department.

- (2) The application shall also contain a form of oath providing that the information disclosed in the application is true and correct, and providing further that the applicant will abide by, observe and conduct his or her business according to the rules and regulations prescribed by the City, the acts of the general assembly, known as the Georgia Alcoholic Beverage Laws And Regulations 1986 Edition, as now or hereafter amended, and the rules and regulations of the state department of revenue in respect thereto. The oath shall be taken by the applicant and the agent in charge of the establishment if different from or additional to the applicant.

(f) *Misleading, omitting or proving obsolete information.*

- (1) Any untrue or misleading information contained in or material omission left out of an original or renewal application for an alcoholic beverage license shall be cause sufficient for the denial thereof.
- (2) Any information that changes or otherwise becomes obsolete shall be reported immediately.
- (3) When any license that is issued on the basis of an application containing misleading or untrue information or omitted or unreported changed material information, such circumstances shall be cause for revocation of same.

Sec. 6-37. Licenses

(a) *License department.*

- (1) The license department shall review all applications for an alcoholic beverage license for compliance with this Chapter. All applicants shall furnish upon request all data, information and records necessary for a complete investigation.
- (2) The license department shall also have authority to prescribe such forms as it deems necessary for the proper administration of this Chapter.

(b) *Licensing considerations.*

- (1) In determining whether or not any application shall be granted and a license issued under this Chapter, the license department shall consider the following information in the public interest and welfare:
 - a. If the applicant and/or licensee has ever violated any federal, state, county or municipal law or regulation regarding alcoholic beverages, its sale, distribution or manufacture;
 - b. The manner in which the applicant and/or licensee has conducted any business within the City as to the necessity for unusual police observation and inspection in order to prevent the violation of any law, regulation or ordinance or as to the necessity for city action to compel the applicant's and/or licensee's adherence to any City law, regulation or ordinance;
 - c. The location for which the license is sought as to traffic congestion, public safety, and general character of the neighborhood; and
 - d. Whether the applicant and/or licensee has ever had an alcoholic beverage or business license suspended or revoked by the State or any political subdivision thereof.
- (2) The license department may require in addition to the licensee, fingerprinting and background investigation of any person interested in the application, including any person with a financial interest, such as stockholders, partners or employees, and any sibling of any person with a financial interest, and the nominated registered agent of any corporate applicant. Should the applicant fail to produce such persons within 30 days of the request, the application may be denied.

- (3) Applicants by filing an application agree to produce for interview any person or persons requested by the City and considered as being important in the ascertainment of the facts relative to such license. The failure to produce those persons within 30 days after being requested to do so may result in a denial of the application.
 - (4) The City may require up to 45 days for processing any application for a license required under this Chapter. For investigative purposes and according to the licensee's compliance, the City may extend the processing period up to an additional 45 days.
- (c) *Notice of application.* The applicant shall cause to be placed upon the location of the proposed premises to be licensed, signs of a size, number and form prescribed by the community development director or his/her designee, stating the names of owners and address of the applicant, type of license applied for and the business name and location applied for. Said signs shall be posted at the location within five days of submission of the application and must remain in place until a final determination has been made on the license.
- (d) *Grant or denial of license.*
- (1) The community development director or his/her designee is charged with reviewing all license applications and granting or denying same.
 - (2) The community development director or his/her designee may deny a city license under this Chapter on any of the following grounds:
 - a. Failure to meet state requirements for state license;
 - b. Failure to pay required all fees and taxes;
 - c. Failure to provide valid information, documents and the like required by this Chapter;
 - d. False information in the application or attached documents;
 - e. Improper residency of applicant, owner, or registered agents;
 - f. Failure to pass review by the City;
 - g. Failure to post and maintain proper signs and advertisements required in this chapter;
 - h. Failure to meet distance, location or number of business requirements;
 - i. Prior convictions as herein provided; or
 - j. Failure to meet any other requirements in this Chapter for a license or any other requirement in any other provision of the Riverdale City Code or Charter.

- (3) The community development director or his/her designee may but is not required to grant a city license under this chapter if all of the prerequisites are met.
- (e) *Appeal of an adverse decision.*
- (1) *Appeal to city manager.* If the community development director denies an application for a license or renewal for a license, the applicant shall have the right to appeal such decision to the city manager. Such appeal must be filed in writing with the city manager within 20 days of the decision by the community development director. The city manager, in his/her discretion, will decide whether to grant the license based upon his/her best judgment and on all the information obtained in the application process.
 - (2) *Appeal to city council.*
 - a. If the city manager denies an application for a license or renewal for a license, the applicant shall have the right to appeal such decision to the mayor and council within 20 days of the decision by the city manager. The standards to be applied by the mayor and city council, acting in its judicial capacity to grant or deny a license, shall include whether, in the best judgment of the mayor and council, the applicant, based on all information obtained in the application process, possesses the qualities of sound judgment and discretion necessary for one who dispenses alcoholic beverages to the public generally.
 - b. In addition to the foregoing standards, should any license representative of the applicant fail to attend a meeting at which it is considered before the mayor and city council regarding a new license, a request to change a licensee or a license representative, or a request to relocate the business of a licensee, the mayor and city council may consider such application or request to have been withdrawn by the applicant. The application fee is nonrefundable.
 - c. In determining whether or not any application shall be granted and a license issued, the mayor and city council shall consider the following information in the public interest and welfare:
 - 1. If the license representative or any individual listed on the application or partner has ever violated any federal, state, city or county law or regulation

regarding alcoholic beverages and illegal drugs, their sale, consumption, distribution or manufacture;

The manner in which the license representative or any individual listed on the application or partner has conducted any business within the city as to the necessity for unusual law enforcement observation and inspection in order to prevent the violation of any law, regulation or ordinance or as to the necessity for city action to compel the applicant's and/or licensee's adherence to any city law, regulation or ordinance;

3. The location for which the license is sought as to traffic congestion, public safety, the general character of the neighborhood and the effect of such an operation on surrounding property values; and
4. Whether the license representative or any individual listed on the application or partner has ever had an alcoholic beverage or business license suspended or revoked by the State or any political subdivision thereof.

- (d) Whenever an application for license is denied by mayor and council, the reasons for such denial shall be stated and entered in writing upon the minutes. Upon denial, the applicant may not re-apply for a license for 24 months after the date of the denial.

Sec. 6-38. License terms.

(a) *Calendar-year term.*

- (1) All licenses issued under this Chapter shall remain in effect for the calendar-year of issuance (i.e. for all licenses granted between January 1 and December 31 of a given calendar year, the license shall remain in effect until the close of business on December 31 of that same calendar year). No license shall extend from one calendar year to the next.
- (2) All renewal applications, containing all information required in Section 6-36(e), and applicable fees are due on or before November 15 of the year in which the license expires, and no licensee shall have any vested right to the renewal of any city license. Renewal applications made after November 15 shall be subject to a 20 percent penalty on the applicable license fee and one percent interest per month delinquent.
- (3) No license under this Chapter may be renewed if the licensee could be denied a new license under this Chapter.

(b) *Transfers.*

(1) *Transfer of location.*

- a. Any person business taxable under this Chapter that moves from one location in the City to another location in the City shall notify the community development director of the move and the new address in writing on a form provided by the community development department and pay a \$500.00 administrative fee for each license that must be transferred no later than the day of moving for the purposes of ensuring that all other code requirements have been met. This \$500.00 administrative fee shall be separate and in addition to the occupation tax or alcohol license fee.
- b. In addition to the transfer fee, the person shall pay a \$100.00 processing fee for each alcoholic beverage license to cover the expenses of investigation and approval. The business license can only be valid at the new location if the new location conforms to the zoning regulations of the City and any other location transfer requirements of this Code. The change of location must be approved by the community development director or his/her designee.

(2) *Transfer of ownership.*

- a. The transfer of ownership of a business requiring an alcohol license shall be considered in the same manner as the termination of the business and the establishment and application of a new business. In the event that the owner of a business requiring an alcohol license desires to transfer the same, or in the event that any interest in the business for which the license was issued is sold or otherwise transferred, then the purchaser or transferee of such license or interest shall apply to the city as if for an original license on or before the date on which such sale or transfer is made.
 1. Notwithstanding the foregoing, in the case of a corporation, a new alcohol license shall not be required as herein provided unless a change in stock ownership in the corporation results in ownership of more than 50 percent of the outstanding corporate stock, voting or otherwise, by persons or combinations of persons not owners of such stock at the time the license was issued. "Any interest" is defined as being an ownership of stock or control of 50 percent or more of the partnership or corporation.

2. Notwithstanding the foregoing, one or more partners in a partnership holding a license may withdraw in favor of one or more of the existing partners.
- b. A processing fee of \$100.00 for each request for transfer of alcoholic beverage license shall be paid in addition to the new general business license fees.
- c. The transfer of ownership of a business shall not affect the distance requirements previously approved by the City.
- d. Upon the sale or other transfer of any interest in the business for which the license was issued, the purchaser or transferee of such interest shall be entitled to continue to operate such business for a period of no more than 60 days, pending the issuance of a new license, but only if such purchaser or transferee has filed an application with the City as required in subsection a.
- e. In case of the death of any natural person holding a City alcohol license, or any interest therein, the license may be transferred to the administrator, executor of the lawful heir or devisee of the deceased person by filing a new application with the city for the change in license ownership within 75 days of such death. The business involved may continue to operate until disposition of the application. No additional fees or business taxes shall be charged above what would be due if the business, or portion thereof, remained under the deceased person's ownership.

Sec. 6-39. Completion of premises proposed to be licensed

Where a building in which any person intends to operate under the provisions of this Chapter is, at the time of the application for the license, not in existence or not yet completed, a license may be issued for the location provided the plans for the proposed building show clearly a compliance with the other provisions of this Chapter. No sales or consumption shall be allowed in the establishment until it has been completed in accordance with the plans and is in conformity with all of the other provisions of this Chapter and the City Code.

Sec. 6-40. Violations and revocations.

- (a) *Punishment for violations.* It is declared that a violation of any provision of this Chapter shall constitute a violation of the City Code and, upon conviction in municipal court, the punishment shall be as follows:

- (1) In addition to any specific fine or other punishment set forth in individual sections of this Chapter, the person convicted shall be subject to the provisions of Section 1-12.
 - (2) In addition to any specific fine or other punishment ordered by the municipal court judge, conviction of a violation of any provision of this Chapter may subject the licensee to suspension or revocation of the alcohol license. The decision as to the suspension or revocation of the license shall be made in writing by the municipal court judge after a hearing pursuant to section 23 of the City Charter.
- (b) *Periodic inspection.* Sworn officers of the police department or code enforcement officers of the City shall have the authority to inspect establishments licensed under this Chapter during the hours in which the premises are open for business. The inspections shall be made for the purpose of verifying compliance with the requirements of this Chapter.
 - (c) *Automatic revocation.* Whenever the State shall revoke any permit or license to sell alcoholic beverages, the City license to deal in such products, issued pursuant to this Chapter, shall thereupon be automatically revoked without any action by the City being necessary.
 - (d) *Investigations.* The mayor and city council shall have the right to make such inquiry or investigation as it may find to be reasonably necessary to determine compliance with this Chapter. Such investigation may consist, among other actions, of calling licensees for examination under oath, obtaining evidence under oath from other persons; the procurement of documents and records including records of the licensee, and inspection and examination of records and documents from whatever source obtainable.
 - (e) *Grounds for suspension or revocation of license.*
 - (1) The following shall be considered just cause for the suspension or revocation of a license issued under this Chapter:
 - a. The performance of any act prohibited by this Chapter or the failure to perform any act required by this Chapter as well as the violation of any law, state or federal, relating to the business of the licensee, including failure to pay the required alcohol excise tax to the City. If such act, omission or violation is done by an agent, servant, employee, or officer of the licensee, the lack of knowledge on the part of the licensee or the lack of authorization for such act or omission or violation shall be no defense.

- b. The entry of a plea of guilty or nolo contendere, or the conviction of any licensee, partner, or any officer, director or stockholder of a licensee corporation with respect to a charge of violation of any of the laws of the United States or of the state relating to alcohol control, narcotics or gambling.
 - c. Any course of conduct or activity on the premises with respect to the operation of a business licensed hereunder which the City shall find to be contrary to the public interest, and of sufficient duration to constitute a nuisance or which shall render the licensee or the business location unfit for the continued operation of the business.
- (2) In addition to the matters enumerated in subsection (a) of this Section, the following shall be considered just cause for suspension or revocation of a license for retail consumption on the premises: The occurrence on two or more occasions within any 12-month period of fights, disorderly conduct, drunkenness, breach of the peace, and other similar conduct whether the same be committed by the licensee or by customers or others.
- (f) *No new license to be issued after revocation.* When a license has been revoked under the provisions of this Article, no application for a new alcoholic beverage license for the same location will be received for a period of 24 months and no application for a new license from the licensee involved shall be received for a period of 24 months.
- (g) *Refunds.* If a license issued under this Chapter is suspended or revoked, the licensee shall not be entitled to a refund of any portion of the application, license or other fees previously remitted.