

CITY OF FORT OGLETHORPE  
STATE OF GEORGIA

ORDINANCE NUMBER 2023-26  
AMENDED AUGUST 28, 2023

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF FORT OGLETHORPE AN ORDINANCE TO AMEND THE CODE OF THE CITY OF FORT OGLETHORPE, CHAPTER 6 – ALCOHOL, ARTICLE II, DIVISION 6 - PACKAGE SALES OF DISTILLED ALCOHOLIC BEVERAGES, BY ADDING A DEFINITION FOR "CONSTRUCTION" IN SEC. 6-135 AND BY PROVIDING A PROCEDURE FOR A HEARING IN THE REVOCATION OF AN APPLICANT'S APPLICATION UNDER SEC. 6-143; TO REGULATE THE GRANT, REFUSAL, SUSPENSION OR REVOCATION OF APPLICATIONS TO SELL OR DISPENSE PACKAGED DISTILLED ALCOHOLIC BEVERAGES IN THE CITY OF FORT OGLETHORPE; TO PROVIDE FOR PROVISIONS THEREIN AS AUTHORIZED BY STATE LAW; TO PROVIDE FOR MODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES OR PARTS THEREOF; TO PROVIDE FOR AN ADOPTION EFFECTIVE DATE; AND, FOR ALL OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the duly elected governing authority of the City of Fort Oglethorpe, Georgia, is authorized under Article IX, Section II, Paragraph III of the Constitution of the State of Georgia, the Official Code of Georgia Annotated Section 36-35-3, and the Charter of the City of Fort Oglethorpe, Georgia, to adopt reasonable ordinances to protect and improve the public health, safety, welfare, and aesthetics of the citizens of the City of Fort Oglethorpe, Georgia; and,

WHEREAS, the meaning of "construction" is not defined in Sec. 6-135 under the definition section of the original ordinance 2022-01, the same has created confusion, and requires clarification; and

WHEREAS, since the adoption date of Ordinance 2022-01 the economy has experienced significant supply chain issues which have significantly impacted the ability to initiate construction projects; and

WHEREAS, Sec. 6-143 provided an automatic suspension of the approved application without providing for a hearing process to an applicant who may have invested significant expenses and cost in obtaining a license and has been prevented from doing so due to negative supply chain issues or other issues; and

WHEREAS, the Mayor and Council find that an automatic suspension without a hearing on same could work a significant hardship on applicants who may have invested significant capital;

NOWHEREFORE, the City of Fort Oglethorpe Code of Ordinances, Chapter 6 – Alcohol, Article II, Division 6 - Package Sales Of Distilled Alcoholic Beverages, Sec. 6-135 And Sec. 6-143 are hereby amended as follows:

SEC. 6-135 – DEFINITIONS

“Construction” shall not only mean the process of building a physical structure but shall also include the process of development of plans, designs, obtaining permits, or other approvals necessary to begin erection of a physical structure.

SEC. 6-143- APPROVAL OF APPLICATIONS FOR SITES UNDER CONSTRUCTION.

An application for a retail package distilled spirits license may be approved by the Mayor and Council prior to the applicant obtaining an occupancy permit for a premise if the premises is currently, or will be, under construction.

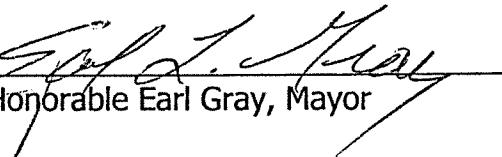
If the applicant fails to obtain an occupancy permit for the premises so constructed within twelve (12) months of the date of approval of the application to sell packaged distilled spirits at retail in the City, the Mayor and Council shall conduct a hearing on the record upon the issue of whether to revoke the application for failure to make significant progress toward obtaining a certificate of occupancy for the premises. Applications previously approved by the Mayor and Council on July 11, 2022, shall be required to show cause at a hearing before the Mayor and Council why their applications should not be revoked for failure to make significant progress toward obtaining a certificate of occupancy for the premises, before revoking those applications. (Amendment August 28, 2023)

Upon a finding by the Mayor and Council that sufficient evidence exists to support the revocation of the application for failure to make significant progress toward obtaining a certificate of occupancy for the premises, the Mayor and Council may revoke the application. The Mayor and Council shall notify the applicant of its decision as to applicant's failure to make significant progress toward obtaining a certificate of occupancy for said premises at such hearing or in writing no later than thirty (30) days after such hearing. Failure of the Mayor and Council to notify the licensee of its

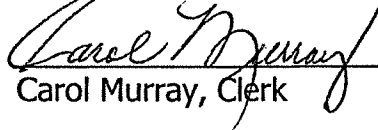
determination at such hearing or in writing no later than thirty (30) days after such hearing shall result in a dismissal of the revocation of the application.

Upon a finding by the Mayor and Council that sufficient evidence exists that the applicant has made significant progress toward obtaining a certificate of occupancy for the premises to be used for the retail sales of packaged distilled spirits, the Mayor and Council may establish a date certain that applicant must obtain said certificate of occupancy for the premises or suffer revocation of the application and/or establish a new hearing date upon the issue of whether to revoke the application for failure to make significant progress toward obtaining a certificate of occupancy for the premises.

So Ordained this 11th day of September, 2023

BY:   
Honorable Earl Gray, Mayor

ATTEST:

  
Carol Murray, Clerk

First Reading: 07/24/2023

Second Reading: 08/14/2023

Final Reading: 08/28/2023 plus Public Hearing  
Tabled until 09/11/2023

Fourth and Final Reading - 09/11/2023