

CITY OF LOGANVILLE

ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF LOGANVILLE, GEORGIA, ENTITLED ALCOHOLIC BEVERAGES, WITH REGARD TO ADDITIONAL APPLICATION REQUIREMENTS FOR RETAIL DEALERS IN DISTILLED SPIRITS BY THE PACKAGE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, on December 13, 2013, the Superior Court of Gwinnett County entered an Order Granting Petitioner's Petition for Writ of Certiorari and ordered the Mayor and Council of the City of Loganville to issue to Petitioner Ronald D. Harrison, Sr., a license for the retail sale of packaged distilled spirits, malt beverages, and wine, or to enter Petitioner in a lottery to receive a license for the retail sale of packaged distilled spirits, malt beverages, and wine within ten days of the date of the Order; and

WHEREAS, at a Called Meeting held on December 19, 2013, the Loganville City Council voted to comply with the Order of December 13, 2013, by issuing a license for the retail sale of packaged distilled spirits, malt beverages, and wine to Ronald D. Harrison, Sr.; and

WHEREAS, issuance of a license for the retail sale of packaged distilled spirits, malt beverages, and wine to Ronald D. Harrison requires amendment of Section 4-58 of the Loganville Code of Ordinances; and

WHEREAS, on January 3, 2014, the Superior Court of Gwinnett County extended the deadline for compliance with its December 13, 2013 Order up to and including February 14, 2014.

THE COUNCIL OF THE CITY OF LOGANVILLE HEREBY ORDAINS:

**Section 1.** That Section 4-58 of the Code of the City of Loganville, Georgia, shall be amended by deleting Section 4-58 in its entirety and inserting a new Section 4-58 to read as follows:

**Section 4-58. Additional application requirements for retail dealers in distilled spirits by the package.**

(a) Licensed premises' building requirements:

- (1) No license to sell distilled spirits by the package shall be effective until the building in which the business will be located is complete, detailed plans of the building and outside premises have been submitted to and approved by the City, and the City has issued a certificate of occupancy for the building. For initial qualification for a license, however, the applicant need not comply with Section 4-56(1)(2) if the building is not complete at the time application is made. In lieu of blueprints, the applicant must attach to his or her initial application a survey as required in Section 4-56(1)(3), a rendering of the proposed building, and a site plan. The proposed building shall be subject to final inspection and approval when completed by the building inspector, the fire marshal, the planning director,

and shall comply with other ordinances of the city for zoning, storage, parking, buffers and other issues. The proposed building also shall comply with all regulations of the state revenue commissioner and all the laws of the state.

- (2) 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 shall be readily visible at all times from the front of the street on which the building is located. The lighting shall reveal the inside retail area of the building and shall reveal all of the outside premises of the building.
  - (3) The licensed premises must be within a free-standing building completely and physically separate from any other business activities. The building must contain a minimum of 10,000 square feet of heated and air-conditioned space.
  - (4) The building in which the licensed premises is located shall be finished with brick and glass except for incidental metal trim.
  - (5) The licensed premises shall allow ingress and egress for customers and their purchases through a door opening to the outside and facing a public street or public pedestrian area.
  - (6) The building shall be owned or leased by the applicant for a license to sell distilled spirits by the package, and proof of ownership or lease is required.
  - (7) The licensee is required to install security cameras and otherwise to comply with Section 4-134 of this Chapter.
- (b) *Performance bond required:* Before any license to sell distilled spirits by the package is granted, the applicant must post with the city, along with his or her application, a performance bond on the construction with an insurance company as surety. This bond shall require 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 of this article, the amount of the bond to be forfeited will be determined by the seriousness of the violations as determined by the city. The bond is to be approved by the city and shall be properly executed. The bond is to be in the amount of \$100.00 for a wholesale license and \$2,500.00 for a retail license. A cash bond is acceptable. The money will be held in escrow. The applicant must fill out a bond letter, available at the Department of Planning and Development.
- (c) *Proof of insurance required:* The applicant for a license to sell distilled spirits by the package shall provide proof of comprehensive general liability insurance, including liquor liability coverage, for the licensed premises with coverage of at least \$2,000,000.00 per occurrence, inclusive of personal injury, bodily injury, death, and property damage, and an umbrella policy with coverage of at least \$2,000,000.00 per occurrence. At the time a license application is submitted, the City will accept as proof of insurance a quote from a reputable insurance company. The applicant may need to ask the insurance company for an extension of the quote. Prior to opening a package store, and thereafter at the time of renewing a license, a licensee must submit a Certificate of Insurance to the City Planning Department. Failure to do so is cause for revocation of a license.

- (d) *Proof of inventory required:* The applicant for a license to sell distilled spirits by the package shall provide proof that it will maintain a wholesale inventory valued at \$600,000.00. An affidavit of the applicant satisfies this requirement.
- (e) *Letter of Credit.* The applicant for a license to sell distilled spirits by the package shall furnish the City a letter of credit in the amount of at least \$2,000,000.00 per application.
- (f) *Number of package stores:*  
The City shall issue no more than three (3) licenses for the retail sale of distilled spirits by the package. Two licenses shall be available in the portion of the City located within Gwinnett County. One license shall be available in the portion of the City located within Walton County.
- (g) *Location.* For any retail dealer of distilled spirits, in addition to any business location restrictions imposed elsewhere in this ordinance, the licensee's premises cannot be located:
  - a. Within 500 yards of the property line of any other business licensed to sell package liquor at retail; or
  - b. Within 250 yards of the county line.
- (h) *No Sunday sales:* No retailer of distilled spirits by the package shall permit his place of business to be open for the sale of such beverages on Sundays or on days or times prohibited by state law.

**Section 2.** Should a court of competent jurisdiction deem any phrase, clause, sentence or section of this Ordinance unconstitutional, such determination shall not affect the remaining provisions of this Ordinance, which provisions shall remain in full force and effect.

**Section 3.** All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

**Section 4.** This ordinance shall be effective on the date of its adoption.

This \_\_\_\_\_ day of \_\_\_\_\_, 2013.

CITY OF LOGANVILLE

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Danny W. Curry  
Mayor

ATTEST:

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Bill Jones, City Manager