

STATE OF GEORGIA
COUNTY OF GORDON
CITY OF CALHOUN

ORDINANCE NO. 996

AN ORDINANCE TO AMEND, STRIKE OR CHANGE CERTAIN SECTIONS OF PART II - CODE OF ORDINANCES, CHAPTER 6 - ALCOHOLIC BEVERAGES; ARTICLE II: LICENSE; TO PROVIDE SEVERABILITY, TO REPEAL OR AMEND CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE FOR ENACTMENT; AND TO PROVIDE FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing authority of the City of Calhoun, a municipal corporation of the State of Georgia (hereinafter "the City") is the Mayor and Council thereof; and

WHEREAS, the City has the legislative power to adopt local code provisions, ordinances and regulations promoting the public health, safety and welfare of its citizenry granted pursuant to Article IX, Section II of the Constitution of the State of Georgia, O.C.G.A. § 36-35-1 *et seq.*, and the Charter of the City of Calhoun, Georgia, as approved by local act of the Georgia General Assembly on April 8, 1983 (Ga. L. 1983, p. 4710); and

WHEREAS, the governing authority of the City has determined that there is need to amend the current provisions of Sections 6-34 and 6-40 to better accommodate economic growth and development by broadening the geographic residential location requirements for those holding municipal alcohol licenses; and

WHEREAS, the governing authority of the City has determined that in the application and used of the current ordinance provisions it has been shown to be necessary to better accommodate providers and proprietors possessing multiple locations seeking to do business within the municipal limits with the sale of alcohol for consumption on or off the premises, including but not limited to, national or regional chain dining establishments, retail vendors, etc.;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CALHOUN THAT THE CALHOUN CODE OF ORDINANCES, PART II, CHAPTER 6 - ALCOHOLIC BEVERAGES; ARTICLE II: LICENSE SHALL BE MODIFIED, AMENDED OR CHANGED AS FOLLOWS:

SECTION ONE: CHAPTER 6 - ALCOHOLIC BEVERAGES; ARTICLE II: LICENSE, SECTION 6-34. *Designation of store manager*, shall be amended to strike same in its entirety and replace the section of the ordinance with the following:

“ **Sec. 6-34. Designation of store manager.**

(a) When a license for the sale of any alcoholic beverage is applied for by any domestic or foreign legal entity lawfully registered and doing business under the laws of the state, the applicant shall also name an individual manager, or an individual member of the management team, who shall be responsible for managing and overseeing the proposed business of selling alcoholic beverages.

(1) The manager must meet and maintain all requirements of an individual licensee as prescribed by this chapter; provided, however, any domestic corporation or legal entity lawfully registered and doing business under the laws of the state, or any foreign corporation or legal entity lawfully registered under the laws of another state and authorized by the secretary of state to do business in the state, which seeks to obtain any class of license under this chapter shall be required to designate a resident of the county or an adjacent county as a store manager, or an individual member of the management team, for purposes of the initial application and all annual renewals.

(2) Should the corporation have a change of management, or should the designated manager relocate so as to no longer be a resident of the county or an adjacent county after the initial application, but prior to the annual renewal, the corporate licensee shall immediately notify the city through the city clerk, city administrator or police chief of such change in writing no less than five business days from said change. For the duration of the time prior to the annual renewal, the corporation shall be permitted to provide the city the name of its authorized agent, who must be a natural person and resident of the state, authorized to receive notice of any violation of its license privileges or receive service of citation or service of process under the laws of the state. At no time shall the designated agent be a corporation, limited liability company, partnership, or other form of business entity. The authorization described herein shall be delivered in writing with all other elements of the required application.

(3) The corporation shall be required to designate an individual manager, or an individual member of the management team, who is a resident of Gordon County, or an adjacent county prior to the annual renewal of any license issued pursuant to this chapter.

(b) Failure of a corporation or legal entity holding a retail alcoholic beverage license to immediately notify the city administrator or police chief of such a change in its authorized agent shall be grounds for suspension or revocation of the licensee's license, and shall be effective immediately upon notice having been provided by the city in writing.

(c) If such a named authorized agent should cease to possess or maintain all of the qualifications and requirements as are required of an individual license holder for the sale of similar alcoholic beverages, except the county residency requirement, the license of the legal entity or corporation responsible for the authorized agent may be suspended until the corporation or legal entity names an authorized agent who does meet and possess all such qualifications and requirements.

(d) When a license for the sale of alcoholic beverages is applied for by an individual person or partnership comprised of individual persons, the applicant shall also name a store manager who will be responsible for managing and overseeing the proposed business of selling alcoholic beverages. The manager must meet and maintain all requirements of an individual licensee as prescribed in this chapter, and must be a resident of the city or county or an adjacent county.”

SECTION TWO: CHAPTER 6 - ALCOHOLIC BEVERAGES; ARTICLE II: LICENSE, SECTION 6-40. *Citizenship and residency requirements*, shall be amended to strike same in its entirety and replace the section of the ordinance with the following:

“ **Sec. 6-40. - Citizenship and residency requirements.**

No license for the sale of alcoholic beverages shall be granted to an applicant unless such applicant is:

(1) An individual at least 21 years of age who lawfully resides in the United States and a resident of Gordon County, Georgia or an adjacent county; provided, however, that residency in the county shall not be a requirement if the applicant designates a resident of the county as store manager and such designee is over the age of 21 and lawfully resides in the United States, who shall be responsible for all matters relating to the license;

(2) A corporation organized under the laws of the state or authorized to do business therein, provided that said corporation shall be required to designate a manager in accordance with the provisions of section 6-34; or

(3) A partnership, all of whose partners are at least 21 years of age and residents of the state for at least one year preceding the date of application.”

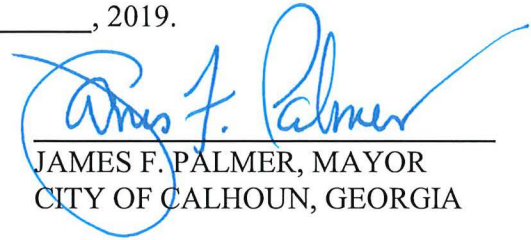
SECTION THREE: This ordinance shall become effective immediately following enactment by the Mayor and Council of the City of Calhoun, Georgia, the public health, safety, and welfare requiring it.

SECTION FOUR: All ordinances or parts of ordinances in conflict herewith are hereby

repealed.

SECTION FIVE: It is hereby declared to be the intention of the Mayor and Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any section, paragraph, sentence, clause, or phrase shall be declared unconstitutional, or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases herein.

SO ADOPTED, this the 26 day of August, 2019.


JAMES F. PALMER, MAYOR
CITY OF CALHOUN, GEORGIA

ATTEST:


SHARON NELSON, CITY CLERK

Date of First Reading: 7/22/2019
Date of Second Reading: 8/12/2019
Date of Public Hearing: 8/26/2019