

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF CHAMBLEE, GEORGIA, CHAPTER 6, "ALCOHOLIC BEVERAGES" AND FOR ALL OTHER LAWFUL PURPOSES**

BE IT ORDAINED AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHAMBLEE, GEORGIA that the provisions of Chapter 6 shall be amended as follows:

**PART I**

Chapter 6, Article II. – LICENSING, Sec. 6-49. – Transfer of license shall be amended by deleting said section in its entirety and inserting in lieu thereof a new section entitled "Sec. 6-49. – Transfer of license", which shall read as follows:

Sec. 6-49. – Transfer of license.

- (a) No license for the sale of alcoholic beverages shall be transferable, except as otherwise provided in this section.
- (a) In case of the death of the licensee, the establishment shall be allowed to continue to sell alcoholic beverages for a period of thirty (30) days from the date of death, or until expiration of the license, or until approval of a new license, whichever occurs first, provided however that the city must be notified of the licensee's death within ten (10) days of the death or the license shall automatically terminate on the eleventh day following the death of the licensee.
- (b) If a license is surrendered, or a licensee severs the association with the licensed establishment, the establishment may continue to sell alcoholic beverages for a period of thirty (30) days from the date of surrender, or from the date determined to be the date of severance, provided however that the city must be notified of the change within ten (10) days of the severance or the license shall automatically terminate on the eleventh day following the date of the severance. Upon issuance of a new license, the authorization to sell under the previous license shall be revoked by operation of law. No additional license fees shall be required during the period for which the original license was issued.
- (c) Nothing in this section shall prohibit one (1) or more of the partners in the partnership holding a license to withdraw from the partnership in favor of one (1) or more of the partners who were partners at the time of the issuance of the license. This section shall not prohibit transfer of stock between persons who held stock in the corporate owner at the time of issuance of the license; nor shall it prohibit transfers of stock which do not

result in any person increasing stock holdings to a total of ten (10) or more percent of any class of corporate stock, or any other entity having a financial interest in the entity.

- (d) Should a transfer of location be approved, with no change of ownership of the business, the license fee paid for the old location shall be applied to the new location.
- (e) Except as provided above, any change in the ownership of any entity owning a licensed establishment shall cancel and revoke any license issued under this division automatically, without the necessity of a hearing.
- (f) Violation of this section shall result in revocation of the license being used, and the new ownership and the old ownership shall be punishable as provided in section 1-6. No license will be issued to the old or the new owner in the city for one year from the date of the violation.

## **PART II**

Chapter 6, Article II. – LICENSING, Sec. 6-54. – Temporary permit for nonprofit organizations shall be amended by deleting said section in its entirety and inserting in lieu thereof a new section entitled “Sec. 6-54. – Nonprofit civic organization temporary permit”, which shall read as follows:

Sec. 6-54. - Nonprofit civic organization temporary permit.

- (a) To be eligible to apply for a temporary permit to sell alcoholic beverages at an authorized event, a bona fide non-profit organization must be the applicant; a nonprofit authorization letter (Federal Form 501-C) must be produced; any required event permits must be obtained; and the authorized event for which the event permit is issued must be associated with and benefit the cause of a charitable or civic organization.
- (b) Pursuant to state law, a temporary permit shall authorize the organization to sell alcoholic beverages for consumption only on the premises for a period not to exceed three days, subject to all laws and ordinances regulating the time for selling such beverages; the temporary permit shall be valid only for the place specified in the permit; and no more than six such permits may be issued to the applicant organization in any one calendar year.
- (c) Each application for such a temporary permit shall be accompanied by a nonrefundable fee in an amount as set by resolution of the city council, which amount shall remain in effect until modified or amended by subsequent resolution adopted by the city council.

### **PART III**

Chapter 6, Article II. – LICENSING shall be amended by inserting a new section entitled “Sec. 6-56. – Sales and consumption on public property”, which shall read as follows:

Sec. 6-56. - Sales and consumption on public property.

- (a) Except as provided in subsections (b) and (c) of this section, it shall be unlawful for any person to sell, serve, or otherwise dispense any alcoholic beverage in a street, alley, or parking lot commonly used by the public or in any other public place or on public property.
- (b) Private parties and organizations may secure a permit from the city manager to serve, sell, or otherwise dispense alcoholic beverages on property owned or leased by the city.
- (c) An outdoor festival host holding a special event permit may allow or prohibit alcohol consumption at the outdoor festival and shall have the right to require that alcohol consumed at the outdoor festival be purchased or obtained from an official outdoor festival vendor. Such authorization and/or limitations shall be set forth on the application for the special event permit.

Secs. 6-57 – 6-75. – Reserved.

### **PART IV**

Chapter 6, Article XI. – LICENSED CATERERS, Sec. 6-251 – Exception for licensed caterers, shall be amended by deleting said section in its entirety and inserting in lieu thereof a new section entitled “Sec. 6-251. – Exception for licensed caterers”, which shall read as follows:

Sec. 6-251. - Exception for licensed caterers.

Notwithstanding any other provision of this chapter to the contrary, any licensed alcoholic beverage caterer, as that term is defined pursuant to O.C.G.A. § 3-114(2), as amended, who possesses a valid license from the City of Chamblee or another city or county in Georgia and possesses a valid license from the State of Georgia to sell malt beverages, wine or distilled spirits by the drink and/or by the package at a fixed location, may be issued by the city a catered event permit authorizing such sales off-premises and in connection with a duly authorized catered event or function.

## PART V

Chapter 6, Article II. – LICENSING, Sec. 6-252, - Event permit and application, shall be amended by inserting a new section entitled “Sec. 6-252. – Caterer’s event permit and application”, which shall read as follows:

Sec 6-252. – Catered event permit and application.

- (a) All licensed alcoholic beverage caterers desiring to engage in activities permitted by this section, shall make written application to the city clerk for the appropriate off-premises permit on forms prescribed by the city clerk. The application shall include the name, address and telephone number of the applicant, the date, address and times of the proposed catered event and the licensed alcoholic beverage caterer's state license number. All applications shall be sworn to by the applicant before a notary public or other officer authorized to administer oaths.
- (b) The catered event permit fee shall be \$50.00 per catered event for those caterers located outside the City of Chamblee; the event permit fee shall be waived for those caterers located inside the City of Chamblee.
- (c) If such off-premises permit is granted by the city clerk, it shall be good only for the specific event at the specified address and times set forth in the application.
- (d) Any untrue or misleading information contained in, or material statement omitted from, an application for an off-premises permit shall be cause for the denial or revocation thereof.
- (e) A licensed alcoholic beverage caterer may only sell that which is authorized by his alcoholic beverage license. For example, if the alcoholic beverage caterer possesses a valid license to sell malt beverages, he may only sell malt beverages at the authorized catered event or function.
- (f) The original catered event permit for the specific event shall be kept in the vehicle transporting the alcoholic beverages to the catered event or function, and shall be available for inspection at the catered event or function during the duration of such event or function.
- (g) It is unlawful for any licensed alcoholic beverage caterer to engage in, carry on or conduct the sale or distribution of alcoholic beverages off-premises and in connection with a catered event or function without first having obtained a permit, as provided herein.

(h) Except as set forth above in this section, an off-premises permit holder must comply with all other provisions set forth in this chapter.

**PART VI**

It is hereby declared to be the intention of the Mayor and City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

The foregoing was proposed by Council member \_\_\_\_\_ with a motion that the same be adopted. Said motion was seconded by Council member \_\_\_\_\_. Same was then put to a vote and \_\_\_\_\_ Council members voted in favor of the ordinance, and \_\_\_\_\_ Council members voted against the ordinance. Said motion was thereupon declared passed and duly adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Emmie Niethammer  
City Clerk, City of Chamblee, Georgia

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
The Honorable R. Eric Clarkson  
Mayor, City of Chamblee, Georgia

Approved as to form: \_\_\_\_\_  
Joe Fowler, City Attorney

First reading: \_\_\_\_\_

Second reading: \_\_\_\_\_