

**DEKALB COUNTY**

ITEM NO.
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**BOARD OF COMMISSIONERS**

HEARING TYPE Preliminary
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**BUSINESS AGENDA / MINUTES**  
**MEETING DATE: December 16, 2008**

ACTION TYPE Ordinance
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SUBJECT: Revisions to Chapter 4: Alcoholic Beverages

DEPARTMENT: Board of Commissioners
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PUBLIC HEARING:	YES	XX NO
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ATTACHMENT:    x <input type="checkbox"/> YES <input type="checkbox"/> No
PAGES: <input type="text" value="3"/>

INFORMATION CONTACT:	Commissioner Jeff Rader
PHONE NUMBER:	404=371-2863

PURPOSE:

To clarify grounds for revocation or suspension of an alcohol license

NEED/IMPACT:

On November 18, 2008, the BOC adopted a late night ordinance. The subject item is a modification to Chapter 4 which specifies enforcement, providing the manner in which an alcohol license may be cancelled.

RECOMMENDATION(S):

Adopt attached ordinance.

**AN ORDINANCE**

**AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA,  
CHAPTER 4 PERTAINING TO ALCOHOLIC BEVERAGES  
AND FOR OTHER PURPOSES.**

**WHEREAS**, the Governing Authority of DeKalb County is tasked with the protection of the County's public health, safety, and general welfare.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Authority DeKalb County, Georgia, and it is hereby ordained by the authority of same, that Chapter 4 of the Code of DeKalb County, Georgia, is amended to read as follows:

**PART I. ENACTMENT**

*Section 4-54 and 4-55(e), are amended by deleting these sections in their entirety and by replacing them with new sections 4-54, 4-55 (e) (l) and (m) to read as follows:*

**Sec. 4-54. Display.**

The county alcoholic beverage license shall at all times be kept plainly exposed to view at the place of business of the licensee. The finance director or designee shall ensure that all licenses for on premises consumption of alcoholic beverages show (1) any special land use permit conditions imposed by the board of commissioners for the establishment, (2) the allowed hours of operation for the location and (3) written notice to the licensee that the license with the hours of operation must be posted in a public and conspicuous place within the licensee's establishment.

**Sec. 4-55. Suspension or Revocation.**

\* \* \*

- (e) The finance department shall revoke the license of any licensee where the licensee has sold alcoholic beverages at a time other than the time permitted by the license. The finance department shall revoke the license of any licensee where the licensee has allowed consumption of alcoholic beverages on the premises 31 minutes after the time set by this chapter for discontinuance of the sale of alcoholic beverages on the premises.

\* \* \*

- (l) The finance department shall revoke the license of any licensee if any person is convicted of a felony or misdemeanor involving a physical altercation or violence occurring anywhere within the property lines of the premises of the licensed establishment including any parking area used by the employees or patrons of the licensed establishment.
  
- (m) The finance department shall suspend and/or revoke the license of any licensee who is convicted of violating any provision of this code, including but not limited to violations of the building code, the zoning code, the noise ordinance, the fire safety code and rules, and the loitering ordinance in the following manner:
  - (1) the first conviction shall result in a license suspension for a period of not less than fourteen (14) days which shall be scheduled to include two Fridays and two Saturdays.
  
  - (2) the second conviction in a twenty four month period measured from the date of conviction for the first violation shall result in a license suspension for a period of not less than thirty (30) days which shall be scheduled to begin on a Friday.
  
  - (3) The third conviction in a twenty four month period measured from the date of conviction for the first violation shall result in license revocation.

In the event any provision of this code provides a stricter penalty than imposed by this subsection, that penalty shall govern in lieu of the penalties provided in this subsection.

- (n) After adoption of this subsection on \_\_\_\_\_, if a licensee is operating a legal nonconforming late night establishment at a particular location pursuant to chapter 27 of this code, and such license is revoked, upon revocation, the legal nonconforming status of the licensee at that particular location shall be terminated.

## **PART II. EFFECTIVE DATE**

This ordinance shall become effective after adoption by the Board of Commissioners and approval by the Chief Executive Officer.

August 19, 2008

**PART III. SEVERABILITY**

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole nor any part thereof other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

**ADOPTED** by the DeKalb County Board of Commissioners, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
**KATHIE GANNON**  
Presiding Officer  
Board of Commissioners  
DeKalb County, Georgia

**APPROVED** by the Chief Executive Officer of DeKalb County, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
**VERNON JONES**  
Chief Executive Officer  
DeKalb County, Georgia

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**MICHAEL BELL**  
Ex-Officio Clerk to the  
Board of Commissioners and  
Chief Executive Officer

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**WILLIAM J. LINKOUS, III**  
County Attorney  
DeKalb County, Georgia