

Subject Matter: Amendment of Chapter 10 of Code:
Alcoholic Beverages, including authorization of
licensing the sale of distilled spirits by the drink.
Date of Legal Advertisement in the Times-Herald:
Date First Reading: **July 11, 2011**
Date of Public Hearing before Town
Council: **August 1, 2011**
Date of Adoption and Second Reading at a
Public Hearing: **August 1, 2011**

**TOWN OF SHARPSBURG
COUNTY OF COWETA
STATE OF GEORGIA**

ORDINANCE NUMBER 11-08

**TOWN OF SHARPSBURG, GEORGIA
PREAMBLE AND FINDINGS**

WHEREAS, the Town of Sharpsburg's Mayor and Town Council desire to amend the Town's Alcohol Beverage Ordinance to delete the requirement for the licensee and/or license representative from being a resident of the Town; and

WHEREFORE, BE IT AND IT IS HEREY ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF SHARPSBURG, GEORGIA, AND BY THE AUTHORITY THEREOF:

ARTICLE ONE

The Town of Sharpsburg Alcohol Beverage Ordinance as codified at Chapter 10 of the Town's Code of Ordinances is hereby amended by deleting the stricken language (~~stricken language~~) and adding the double underlined (double underlined) language as follows:

Sec. 10-40. Supporting documents to be filed with application.

Those applying for a license shall submit in support of the application for license the following documents:

- (1) A certificate from a Georgia registered land surveyor showing a scale drawing of the location of the proposed premises and the distance, as calculated in this Ordinance from the licensed premises to the any residence, church building, alcoholic treatment center building, school building educational building, school,

college building or college campus located within a radius of 300 yards of the premises.

- (2) Fingerprint card and approval to conduct a background check of each person whose name appears on an application for a license, pursuant to section 10-38 of this chapter, ensuring that each person has not, within five years prior to the date of the application, been convicted of or entered a plea of guilty or nolo contendere to any felony, misdemeanor, or other charge relating to the sale, manufacture, distribution, taxability, possession or use of alcoholic beverages or illegal drugs including the offense of driving a motor vehicle under the influence of alcohol or drugs; has not entered a plea of guilty or nolo contendere or been convicted of a felony or a misdemeanor of a crime opposed to decency and morality. Provided, however, that a person designated as a registered agent of a close corporation or a limited liability corporation on an application shall not be required to submit the affidavit required by this subsection unless such person is also designated as the licensee or license representative on such application.
- (3) A copy of a deed showing the applicant to be the owner of the premises for which the license is sought or a copy of a lease showing any interest the owner of the premises has in the business for which the license is sought.
- (4) Inspections of the premises by the following:
 - (a) Fire Marshall;
 - (b) Building Department;
 - (c) Health Department; or
 - (d) Planning Department.
- (5) Notification from the Coweta County Sheriff's Department certifying that each person named in an application pursuant to section 10-38 of this chapter has been investigated and found not to have been convicted of nor have entered a plea of guilty or nolo contendere to any felony, misdemeanor, or other charge relating to the sale, manufacture, distribution, taxability, possession or use of alcoholic beverages or illegal drugs within five years prior to the date of the application for the license; has not entered a plea of guilty or nolo contendere or been convicted of a felony or a misdemeanor of a crime opposed to decency and morality. For those applicants who, within the last five year period, have resided or do reside in a state other than Georgia, the applicant must furnish a certified copy of a driver history and criminal background history from the state or states in which he or she has resided or resides to the Coweta County Sheriff's Department. A person designated as a registered agent of a close corporation or a limited liability corporation on an application, however, shall not be required to submit a certificate from the Coweta County Sheriff's Department unless such person is also designated as the licensee or license representative on such application.

- (6) If the same person is serving as the licensee and the license representative, he/she shall submit an affidavit certifying that he/she is at least 21 years of age, ~~a resident of the Town~~ and a manager of the business.
- (7) If the licensee is not the license representative, an affidavit from the license representative certifying that he/she is at least 21 years of age, ~~a resident of the Town~~ and a manager of the business.

ARTICLE TWO

This Ordinance shall be codified at Chapter 10 of the Town's Code of Ordinances.

ARTICLE THREE

Any ordinance or any part of any ordinance in conflict herewith is hereby repealed.

ARTICLE FOUR

If any section, subsection, sentence, clause, phrase, or other portion of this ordinance for any reason is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

ARTICLE FIVE

The repeal of any stricken or deleted language of this ordinance of the now former language of the Town of Sharpsburg ("Former Language") shall not be construed or held to repeal the Former Language as to any offense committed against such Former Language or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the Former Language, or in any way whatever to any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the herein newly enacted language ("New Language") takes effect, save only that proceedings thereafter shall conform to the New Language, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of the New Language, such provision may be, by the consent of the party affected, applied to any judgment announced after the New Language takes effect.

[signatures on the next page]

APPROVED BY THE MAYOR AN COUNCIL OF THE TOWN OF SHARPSBURG, at a regular meeting of the Mayor and Council on the ___ day of _____, 2011, by the following voting for adoption:

APPROVED BY:

Wendell L. Staley, Mayor

L. Gordy Anderson, Council Member

Celene D. Davenport, Council Member

D. Keith Rhodes, Council Member

Connie F. Turner, Council Member

Attest:

Donna M. Camp, Town Clerk