STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2009-__

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF DORAVILLE, GEORGIA, TO ADOPT CHAPTER 3 ALCOHOLIC BEVERAGES; TO PROVIDE SEVERABILITY; TO PROVIDE PENALTIES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the Mayor and Council of the City of Doraville find that alcoholic beverages are mind altering substances;

WHEREAS, pursuant to O.C.G.A. § 3-3-1, the businesses of manufacturing, distributing, selling, handling, storage and otherwise dealing in or possessing alcoholic beverages are declared to be privileges in Georgia and not rights;

WHEREAS, pursuant to O.C.G.A. § 3-3-1, the manufacturing, distributing and selling by wholesale or retail of alcoholic beverages shall not be conducted in any incorporated municipality of Georgia without a permit or license from the governing authority of the municipality;

WHEREAS, O.C.G.A. § 3-3-2 holds that local governments are fully empowered to adopt reasonable regulations licensing alcoholic beverages in their jurisdictions;

WHEREAS, the Official Code of Georgia Annotated ("O.C.G.A.") § 3-3-2, et seq. provides minimal procedures and regulations for the regulation of alcoholic beverages;

WHEREAS, each such local governing authority is given discretionary powers within the guidelines of due process set forth in O.C.G.A. § 3-3-2 et seq., as to the granting or refusal, suspension, or revocation of the permits or licenses;

WHEREAS, the duly elected governing authority of the City of Doraville, Georgia are the Mayor and Council thereof;

WHEREAS, historically places that sold alcoholic beverages and where such beverages were consumed were often havens for prostitution, gambling, sex offenses and felony crimes and as such, higher regulation and scrutiny of such facilities has been allowed under law;

WHEREAS, the business of alcoholic beverages is the business of sale, distribution, transport and manufacture of a mind altering substance and as such, the conviction, nolo plea or plea of guilty to any of the offenses set out in Section 3-14 are deemed by the Mayor and Council, after due consideration, to clearly be connected with the regulatory purpose of the license and the same offenses are clearly related to the use and sale of drugs or alcohol warranting particular consideration in the application process and in the maintenance of an issued license or permit;

WHEREAS, the City staff and Council regularly try to review and update ordinances as needed as cases and laws are issued;

WHEREAS, the Mayor and Council have deemed it appropriate to amend the ordinance in keeping with current statutes, regulations and case law;

WHEREAS, the Mayor and Council wish to clarify the City's local regulations on the alcoholic beverage industry as part of the regular and ongoing process of review and adjustment to local ordinances based on updated state laws; and

WHEREAS, the health, safety, welfare and aesthetics of the citizens of the City of Doraville shall be improved and protected by adoption and implementation of this Ordinance.

THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA HEREBY ORDAIN:

Section 1.

That the Code of Ordinances, City of Doraville, Georgia is hereby amended by adding a Chapter 3 Alcoholic Beverages to be numbered Section 3-1 through 3-69, which said section reads as follows:

"Chapter 3. Alcoholic Beverages.

Article I. In General.

Sec. 3-1. Definitions.

The following words, terms or phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Alcoholic beverage – means malt beverages, distilled spirits and wine for human consumption as further defined in this chapter.

Applicant – means any person who submits a complete and accurate application for an alcohol beverage license. The term is inclusive of both license and employee permit application filers.

Brown bagging - means possession of an open glass bottle, can, or other container containing an alcoholic beverage or consumption of an alcoholic beverage on premises:

1. *For which a consumption on the premises license has not been issued; or*
2. *Which occurs at a location different from where said alcoholic beverage was purchased.*

BYOB – means bring your own bottle and no such activity shall be allowed at any location which would require a license for the sale of alcoholic beverages.

Chief of Police – means the head of the City of Doraville, Georgia Police Department.

City – means the City of Doraville, Georgia.

City Clerk – means the appointed staff member of the City of Doraville responsible for the administration of this ordinance and/or their designee.

Corporation – means a limited liability company, and stockholder shall include a member.

Election day – means that period of time beginning with the opening of the polls and ending with the closing of the polls. As used in this section, the term "election" is defined as any statewide primary election and the statewide general election of any runoff held for such primary or general election. The term also includes "local elections" in which the citizens of the City or any portion thereof vote either as residents of the county or as residents of the City.

Employee permit – means an authorization issued by the City that allows persons to be employed by a licensee.

Entertainment facility – means an establishment with all booths and tables unobstructed and open to view, depriving its primary income from the sales of alcoholic beverages and providing to its patrons recorded music, televised events or a band and/or other professional live entertainment performed on site, including, but not limited to, music, comedy, readings, dancing or acting and having seating facilities for not less than one hundred (100) patrons. All such entertainment facilities shall be equipped with air conditioning and shall maintain an adequate kitchen with a sufficient number of servants and employees for cooking, preparing and serving food and meals for their patrons.

Food – means all edible substances appropriate for human consumption as determined by the health department inspecting the City's restaurants as sold or provided to the public in a restaurant as defined in this chapter. Food shall not be construed to mean: olives, cherries, limes, lemons, salt, pepper, pineapples, celery, tomato juice, or any other fruit, vegetable or

dairy product such as ice cream, cream, yogurt, milk or soft drinks, water, tonic water, other non-alcoholic carbonated or non-carbonated beverages when such items are used in alcoholic beverages or mixed drinks as an essential part of the beverage, mixed drink, or as a garnish thereon.

High-rise apartment of office buildings – means structures in excess of three (3) stories, containing apartments, rooms, suites or offices where business is conducted or which contain rooms or suites offered to the general public for use as apartment residences.

Hotel or motel – means an establishment offering to the general public rooms for overnight lodging, for a general rate, offering no less than fifty (50) rooms which is continuously operating and licensed by the City as a hotel or motel, and providing services incidental to the operating of overnight lodging for the comfort and convenience of its guests such as are commonly and customarily offered by hotels and motels.

Licensee – means a holder of a current City of Doraville alcohol license.

Lounges in restaurants, hotels, motels, high-rise apartment buildings and high-rise office buildings – means a lounge or place where distilled spirits, malt beverages or wine or other intoxicants are offered for sale, by the drink, to patrons for consumption on the premises located within or adjacent to or physically adjoining a restaurant, hotel, motel, high-rise office or apartment building, and which lounge is operated incident to and is owned and operated by the restaurant, hotel, motel, high-rise office or apartment building, or the owners or management thereof. When a lounge is located within such an establishment, every entrance to the lounge shall be from a public lobby, hallway, mall or other publicly used interior portion of the primary use establishment or structure.

Malt beverage – means any alcoholic beverage obtained by any fermentation of any infusion or decoction of barley, malt, hops or any other similar product or any combination of such products in water containing not more than six percent (6%) alcohol by volume and including ale, porter, brown, stout, lager, beer, small beer and strong beer. The terms do not include sake, known as Japanese rice wine.

Mayor and Council – means the duly elected governing authority of the City. This term shall be used synonymously with the City, City Council or Council.

On duty – means all time spent working at a licensed establishment.

Partnership – means limited partnerships and limited liability limited partnerships.

Person – means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary or other group or combination acting as a unit, body politic or political subdivision, whether public, private or quasipublic. This term shall also include applicant, licensee, permittee and Resident Manager as defined in this chapter.

Premises – means the space or area owned, leased or controlled by the licensee and used by him for the purpose of operating under a license. It shall be limited to one location for each license and there shall be a separate license for each premises outlet, except that in the case of hotels and motels, "premises" shall include only the portion of the property where alcoholic beverages are sold, and except that in the case of private clubs, "premises" shall include any swimming pool, which is in the immediate vicinity of the main building of the private club and which is open to members only and their guests and not the general public. Such swimming pool must have a minimum of 2,500 square feet of water surface and have required lifeguards. The term "premises" is further defined as one physically identifiable place of business consisting of

one room, or two or more contiguous rooms operating under the same trade name where alcoholic beverages are sold. Any premises outlet which cannot be determined as one identifiable place of business shall require additional licenses regardless of such establishments having the same trade name, ownership, or management; provided nothing herein shall require additional licenses for service bars, or portable bars used exclusively for the purpose of fixing or preparing alcoholic beverages when such bars are accessible only to employees of the licensed establishment and from which malt beverages or wine are prepared to be served in the licensed premises. Where a golf course is located adjacent to and contiguous with a restaurant, "premises" shall include the playing area of the golf course.

Proper identification – means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth, and includes, without being limited to, a passport, military identification card, driver's license, or an identification card authorized under O.C.G.A. § 40-5-100, et seq. "Proper identification" shall not include a birth certificate.

Private club – means any bonafide nonprofit association organized under the laws of the state which:

1. *Has been in existence at least one (1) year prior to the filing of its application for a license to be issued pursuant to this article.*
2. *Has at least 75 regular dues-paying members.*
3. *Owns, hires, or leases a building or space within a building for the reasonable use of its members.*

4. *Has no other member, officer, agent, or employee directly or indirectly receiving, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.*

5. *Has a full kitchen in its facility, space or building.*

6. *Has dining facilities onsite.*

7. *Is staffed as necessary to prepare meals for its members and guests.*

8. *Has a minimum membership age of 21.*

9. *Provides to the City Manager a complete and up-to-date membership list whenever such private club is open to its members.*

10. *Has tax-exempt status under section 501(c), (d) or (e) of the United States Internal Revenue Code.*

11. *Does not have the primary purpose of its organization or operation the service of beer or wine to its members and guests.*

12. *Includes fraternal organizations and lodges whose memberships are comprised of persons with common political, social or cultural ideals and goals and whose facilities are not open to regular patronage by the public.*

Private clubs associated with any golf course, apartment development or any private club permitted within a planned development as authorized by the City's zoning ordinance include clubs or social organizations whose membership is not open to the general public, which are organized and operated in conjunction with, and incidental to a golf course, apartment development, or private club permitted within a planned development authorized by the City's zoning ordinance, as amended from time to time.

Residence – means the act or fact of living or regularly staying at or in some place for discharge of duty or the enjoyment of a benefit or the place where one actually lives as distinguished from his domicile or place of temporary sojourn.

Resident – means a person whose primary residence is within the territorial limits of the City.

Resident Manager – means any person as defined in Section 3-1 who has continuous residency in the City of Doraville, Georgia who shall be at least 21 years of age, a U.S. citizen or an alien lawfully admitted for permanent residency upon whom any process, notice, or demand required or permitted by law or under this chapter to be served upon the licensee may be served; who may make application on forms furnished by the City and in connection therewith who shall, under oath, answer all questions, supply all information, and furnish all certificates, affidavits, bonds, and other supporting data relating to the manufacture, distribution, sale, or storage of alcoholic beverages and who shall be responsible for any matter relating to a license granted under this chapter.

Restaurant – means an eating establishment open to the general public, advertised and represented to be an establishment where prepared meals are regularly prepared and served to guests, where at least one (1) meal per day is served at least six (6) days per week (Sundays, holidays and days when such establishments are closed for business being excluded), with the exception of federally recognized holidays, vacations of the Resident Manager of the restaurant not exceeding fourteen (14) days, and periods of redecoration, repair or remodeling, not exceeding fourteen (14) days total in a single calendar year; three (3) days written notice sent to the City Clerk shall be required before any repair, redecoration or remodeling occurs, deriving at least sixty percent (60%) of its gross revenues from the sale of prepared meals to the general

public, maintaining a full-service, functional and sanitary kitchen where meals are regularly prepared for service to guests, maintaining chairs, tables and counters to seat and serve meals to fifty (50) or more persons, and which employs personnel to prepare, cook and serve meals to the patrons of the establishment. Additionally, such establishment must be located in a zoning district in which such uses are permitted and shall be in full and complete compliance with all state, county and City regulations governing restaurants. The maximum number of persons which any facility may service shall be the occupancy load as may be determined by the DeKalb County fire marshal. The serving of such meals shall be the principal business conducted, with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto.

Retail package – means sales of malt beverages or wine packaged to go and not for consumption on the premises.

Sales – means for purposes of this chapter, the words "sale," "sell," or "sold" shall also include the transfer of wine, malt or distilled beverages for any consideration, or in exchange for anything of value, directly or indirectly.

Wine – means any alcoholic beverage containing not more than 21 percent (21%) alcohol by volume made from fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this chapter.

Year – means a calendar period beginning January 1 and ending December 31.

Article II. License and Permit Applications.

Sec. 3-2. License – issuance; privilege.

Wholesale, retail, storage, consumption on the premises and manufacturing for the sale of alcoholic beverage licenses within the corporate limits of the City will be issued by the Mayor and City Council pursuant to rules and regulations set forth in this chapter. Holding any said license is declared to be a privilege, not a right.

Sec. 3-3. License – required.

No person shall engage in the business of wholesaling, retailing, storing, consumption on the premises or manufacturing for sale, handling, service or otherwise providing for sale alcoholic beverages of any kind within the corporate limits of the City without first obtaining a license and/or employee permit, as relevant, therefor under this chapter.

Sec. 3-4. License – prominently displayed.

All licenses and employee permits under this chapter shall be prominently displayed in a publicly accessible location.

Sec. 3-5. License – classifications.

The following classes of licenses shall be authorized.

1. *Malt beverage:*
   - a. *Wholesale;*
   - b. *Retail package;*
   - c. *Consumption on the premises.*
2. *Wine:*
   - a. *Wholesale;*
   - b. *Retail package;*
   - c. *Consumption on the premises.*
3. *Distilled spirits:*
   - a. *Wholesale;*
   - b. *Retail package;*

c. Consumption on the premises.

4. Combination malt beverage and wine:

a. Malt beverage and wine wholesale;
b. Malt beverage and wine retail package;
c. Malt beverage and wine for consumption on the premises.

5. Combination malt beverage, wine and distilled spirits:

a. Malt beverage, wine and distilled spirits wholesale;
b. Malt beverage, wine and distilled spirits retail package;
c. Malt beverage, wine and distilled spirits for consumption on the premises.

6. Manufacturing of malt beverages, wine and/or distilled spirits for sale.

7. Temporary off-premise and special event.

Sec. 3-6. License application.

(c) No license for the sale of alcoholic beverages shall be issued to any person or establishment until such person or establishment has made application to the City Clerk on a form prescribed by the Clerk and may contain, but not be restricted to the following:

1. The name of the applicant.

2. The name of the corporation, partnership, sole proprietorship, or other organization applying for the license. Said name shall include the legal name as well as the trade name of the business.

3. The address, street number and city and county of the applicant's principal residence or principal place of business.

4. The home telephone number of the applicant. The cell phone number of applicant, if applicable.

5. The e-mail address of applicant, if applicable.

6. The place of employment of the applicant, his address, job title and telephone number.

7. *The names, ages and addresses and residence and business telephone numbers of all persons who will serve in a capacity of manager(s) in charge of the establishment including the Resident Manager.*

8. *The proposed address of the business which intends to sell alcoholic beverages.*

9. *The name, address, business and home telephone numbers, place of employment and occupation of each person who has any ownership interest in the establishment for which the application is being made, or the owner of the establishment.*

10. *The business form including, but not limited to, sole proprietorship, corporation, partnership or other form.*

11. *If the owners of the establishment, or the applicant and any person with any ownership interest in the establishment, is a corporation or partnership, then the applicant shall state further:*

    A. *The correct name of the corporation or partnership.*

    B. *The date and place of incorporation or partnership agreement.*

    C. *The names and addresses of employment of each current officer and director of the corporation or partnership, and their business and residence telephone numbers.*

    D. *The principal place of business of the corporation or partnership.*

    E. *The principal type of business activity conducted by the business.*

F. *The names, addresses and places of employment of each and every shareholder of the corporation or partnership, together with their percentage of ownership therein.*

G. *The names of all parent affiliates, or subsidiary corporations, if any, and if so, all information listed in subsections 11(A) – (I) for each such parent affiliate, or subsidiary corporation shall be furnished.*

H. *The names, residence and business addresses and telephone number of each person which has any financial interest in the establishment or ownership thereof or which has made any loan, either in property or cash, to the establishment or to the owner thereof for the operation of the establishment.*

I. *The names, residence and business addresses and telephone numbers of all persons who participate in any way it the profits or losses of the establishment including spouses, children or other family members.*

J. *All applications for a license required by this article, both original and renewal, must be accompanied by a full and complete statement, under oath, of information relative to any and all interest any business to be licensed. This statement shall include names and addresses of all persons interested in the ownership of the sale of any alcoholic beverages, together with any interest each*

person or any immediate relative has in any other alcoholic beverage business located in the county or any other place.

K. The ownership of the land and building where such retail business is operated; the amount of rental paid for such land and building and the manner in which the same is determined and to whom and at what intervals it is paid, the names and addresses (by affidavit form the owner, lessor or sublessor of such land and building) of all persons having any whole, partial, beneficial or other interest in and to the land and building on and in which such retail alcoholic beverage sales location is to be located.

L. Any other information called for by the City Clerk to ensure compliance with the provisions of this chapter.

M. Any change in relationship herein declared must be filed when made with the City Clerk and failure to so file within a period of thirty (30) days after such change is made shall be grounds for the City Clerk to recommend cancellation of the license by the City Council.

12. If the owners of the establishment, the applicant and any person with any ownership interest in the establishment who is not a corporation or partnership, then the applicant shall state further:

A. The names, residence and business addresses and telephone numbers of each person who has any financial interest in the establishment or ownership thereof or who has made any loan,

either in property or cash, to the establishment or to the owner thereof for the operation of the establishment.

B. The names, residence and business addresses and telephone numbers of all persons who participate, in any way, in the profits or losses of the establishment.

13. The name, address, and work and home numbers of the owner of the land and building where the building is to be operated.

14. The amount of rental paid for the land and building and the manner in which the rent is determined and to whom and in what manner and intervals it is paid.

15. Photograph of the applicant, or, if a partnership, a photograph of all partners, or, if a corporation, a photograph of the principal officers.

16. A set of fingerprints of all persons with any interest in the ownership of the business. These fingerprints must be processed through and found negative by the Georgia Crime Information Center (GCIC) and the National Crime Information Center (NCIC).

17. A statement of whether the applicant or any person with an interest in the application has made application at any previous time for any alcoholic beverage license and the disposition of such application.

18. Whether the applicant or any person with an interest in the application has ever been convicted of a crime as set out in Section 3-14.

19. Whether a previous license issued to the applicant or any person with interest in the application has been revoked by any state or subdivision thereof, city or by the federal government and the reason therefor.

20. A survey created by a registered surveyor showing the location of the business and the measured distances as set out in Sec. 3-20 to the locations listed in the section.

21. A site plan of the facility showing area of ingress/egress for traffic and pedestrian entry into the facility, all parking, the interior divisions, any seating (if applicable), the location of all bars (if applicable), the location of restrooms, the location of a cashier's cage or other cashier's area.

(b) Each applicant for a license shall fully complete an application under oath or affirmation.

(c) Each applicant for an employee permit shall fully complete an application under oath or affirmation.

(d) No application shall be deemed complete until the City Clerk has determined that all required information has been submitted, including any background check. No time frame set out in this application shall begin to run until the application is deemed complete by the City Clerk. Applicants may appeal the Clerk's decision of completeness pursuant to Sec. 3-19.

(e) Renewals may use the form described in (a) above or another form as provided by the City Clerk. New surveys will not be required; however, a letter from a registered surveyor noting that no substantial change in condition triggering any distance prohibition in Sec. 3-20 has occurred shall be required.

(f) Upon receipt by the City Clerk of any application for an alcoholic beverage license or employee permit, he shall forward the same to the Chief of Police for investigation who, following such investigation, shall attach thereto the entire police record of every person named in the application. The City Clerk shall then submit a complete application with such report to the City Council. If the City Clerk determines an application is not complete, the City Clerk shall notify the applicant in writing of any deficiencies within ten (10) business days. Appeals from a decision of incompleteness may be appealed as set out in Sec. 3-19.

(g) It shall be unlawful for any person to hold an alcoholic beverage license (package or consumption) who also has any direct financial interest in any wholesale alcoholic beverage business. It shall be unlawful for the holder of any alcoholic beverage license (package of consumption) to accept or receive financial aid or assistance from the holder of any alcoholic beverage manufacturer's or wholesale dealer's license.

(h) A license will entitle the licensee to sell alcoholic beverages at one location only, and only in the original and unopened manufacturer's container, and shall not permit the opening of containers in the package store where sold.

(i) A consumption on the premises license will entitle the licensee to sell wine, malt beverages or distilled spirits only and only poured or served from the manufacturer's original container.

(j) A wholesaler's or manufacturer's license will entitle the licensee to sell alcoholic beverages at one location only, and only in the original and unopened container.

(k) All alcoholic beverages for sale shall be stored only on the premises for which the license is issued.

Sec. 3-7. License Fees.

(a) Fees are paid on a calendar year, January 1 to December 31 basis. No fee shall be prorated. Applicants who apply after January 1 in each calendar year shall pay the entire fee. No fee shall be returned if a license is surrendered via closure or disciplinary action prior to December 31 in each calendar year. Temporary licenses shall be issued only for a limited duration as shown on the license.

(b) The license fee imposed by subsection (a) above shall be paid by each calendar year upon submission of license application and by November 15 for each renewal application. Interest shall accrue on late payments at the rate of nine percent (9%) per annum.

1. *Licensees shall keep true and correct records of all sales and shipments, and shall render a sworn statement of the same accompanying the monthly report to the City Clerk.*
2. *Licensees shall post a performance bond with the City Clerk equal to one and one-half (1 ½) times the estimated highest monthly payment made in a calendar year of the prorated license fees based on sales. The bond provided for in this subsection shall be secured by cash which shall bear no interest, or a surety bond executed by a surety company licensed to do business in this state and approved by the City Clerk.*
3. *Each person licensed to do business in the City shall submit his books and records for such audit thereof as may be requested by the City Clerk at any reasonable time during normal City business hours.*

Sec. 3-8. License schedule of fees.

(a) Each licensee under this article shall pay a license fee in an amount determined by the City Council and listed in the schedule of fees and charges.

Administrative fee for application for license or renewal - $100

Administrative fee for application for employee permit - $100

Background check fee - $100 plus.

Malt Beverage:

1. *Wholesale - $1,000*
2. *Retail package - $1,000*
3. *Consumption on the premises - $1,500*

Wine:

1. *Wholesale - $1,000*
2. *Retail package - $1,000*
3. *Consumption on the premises - $1,500*

Distilled Spirits:

1. *Wholesale - $3,000*
2. *Retail package - $3,000*
3. *Consumption on the premises - $3,000*

Combination malt beverage, wine and/or distilled spirits:

1. *Malt beverage and wine - $2,000*
2. *Malt beverage and distilled spirits - $4,000*
3. *Malt beverage, wine and distilled spirits - $5,000*
4. *Wine and distilled spirits - $4,000*

Retail:

1. *Malt beverage and wine - $2,000*
2. *Malt beverage and distilled spirits - $4,000*
3. *Malt beverage, wine and distilled spirits - $5,000*

Consumption on the premises:

1. *Malt beverage and wine - $2,000*

2. *Malt beverage and distilled spirits - $4,000*
3. *Malt beverage, wine and distilled spirits - $5,000*
4. *Wine and distilled spirits - $4,000*

Temporary off-premises and special event licenses: $300

Sec. 3-9. Unlicensed sales prohibited.

It shall be unlawful for any person to sell or possess for the purpose of sale any malt beverages, wine or distilled spirits in the City limits where such person does not have a license from the City to sell or possess for sale such malt beverages, wine or distilled spirits.

Sec. 3-10. Resident manager.

No alcoholic beverage license shall be granted to any applicant who has not designated a citizen of the United States who has been a United States citizen or an alien lawfully admitted for permanent residency for a period of three (3) continuous years prior to the date of the application as Resident Manager. The Resident Manager shall be responsible for the license. Each Resident Manager must have resided continuously in the City of Doraville for six (6) months prior to the issuance of the license. Each applicant's Resident Manager must have resided continuously for a period of three (3) years in the State of Georgia prior to making application for such license. Where the applicant is a corporation or partnership, the license shall be issued in the name of the corporation, its majority shareholder and the Resident Manager, or in the name of the partnership, each of its partners and the Resident Manager. In all instances, all establishments licensed hereunder must have and continuously maintain in DeKalb County and the City of Doraville a Registered Manager upon whom any process, notice or demand required or permitted by law or under this chapter to be served on upon the licensee or owner may be served. The applicant and/or licensee shall file the name of such Resident

Manager, along with a written consent of such Resident Manager with the City in such form as the City prescribes.

Sec. 3-11. Places of sale restricted.

No malt beverages, wine or distilled spirits shall be sold at retail except in:

1. *Retail establishments devoted to the retail sale of malt beverages, wine or distilled spirits by the package;*
2. *Establishments licensed for consumption of malt beverages, wine and/or distilled spirits by the drink.*

Sec. 3-12. Separate license for separate locations.

A separate application must be made for a license required by this article for each location of sale, except as otherwise provided in this chapter.

Sec. 3-12. Employee permits.

(a) No person shall be employed to dispense, sell, serve, stock, handle, take orders or mix alcoholic beverages, or in any managerial position, by an establishment holding an alcoholic beverage license unless such person has been investigated by the Chief of Police or his designee.

(b) Upon investigation by the Chief of Police and approval by the City Clerk or his designee, such person shall be issued an employee permit that shall contain the name, expiration date, fingerprint, and photograph of such employee. Such employee permit shall remain the property of the City and shall be in the possession of the employee at any time he is working at any licensed establishment, and shall be produced upon the request of any law or Quality of Life Officer of the City. The permit shall be worn by the employee on their person while working.

(c) No permit shall be issued until such time as a signed application has been filed with the City. The applicant shall furnish at the time of presenting the application two forms of valid, current identification. Such application shall contain, but not be restricted to, the following information: applicant's name, date of birth, height, weight, race, sex, address, telephone number, Social Security number, disclosure of arrest record and other names or aliases every used, and place of employment where the license is held. Applicant must give permission to the Police Department to obtain and inspect any criminal history on such applicant which is in the possession of any law enforcement agency.

(d) While on duty (as defined in section 3-1) every person required to hold an employee permit under subsection (a), whether or not an employee of the business, shall have their employee permit displayed on their person at all times. The card must be displayed in such a manner as to be clearly visible to any authorized City official observing the same. Upon request by the Resident Manager, employee permits may be issued in duplicate. However, no more than two permits shall be issued for any handler per any location. The purpose of the second permit shall be solely for the Resident Manager's convenience as a backup if the employee fails to arrive at work with a permit.

(e) Employees who require permits shall make themselves available for photographing, fingerprinting and such other investigating as may be required by the Police Department in accordance with state law and local ordinance.

(f) No person shall be granted an employee permit if he has been the holder of an alcoholic beverage license or employee permit which has been revoked within five (5) years of the date of the application.

(g) Falsifying or failing to disclose any information required by this chapter shall be grounds for denial or revocation of the employee permit.

(h) An employee permit shall be valid for one (1) year. The employee permit may be renewed upon the submission of a renewal application, the payment of any applicable fee, and upon determination that such individual remains qualified under this chapter.

(i) An employee permit may be suspended, probated, or revoked by the City Clerk if it is determined, using the standards set out above, that the individual has violated any provision of this chapter or committed any offense which would make him ineligible to hold such a permit as set out in this chapter.

(j) Notification of any denial, suspension or revocation of any employee permit shall be in writing and served either in person or by mail and shall contain the reasons for action and the notice of the right to appeal the decision.

(k) Decisions of the City Clerk that adversely affect or aggrieve any applicant or permit holder under this chapter may be appealed to the City Council pursuant to Sec. 3-19.

(l) It shall be unlawful for a handler whose card has been revoked, and upon whom demand for surrender of said permit is made, to fail to surrender the permit and/or to use the permit after revocation.

(m) No licensee shall allow any employee or manager required to hold an employee permit to work on the premises unless the employee or manager has in their possession a current valid employee permit.

(n) It shall be the duty of the alcoholic beverage license holder to file with the City on a monthly basis a report which lists all employees currently employed in a capacity which would require an employee permit. such report shall include the name and date of birth of all such

individuals, as well as the same information on all such individuals who have terminated employment during the reporting period. Failure to submit said report to the City Clerk by the tenth day of each month shall be a violation of this Code.

(o) If said employee's employment terminates for any reason, he shall destroy the employee identification permit or return the same to City Hall within 24 hours of discharge.

Sec. 3-14. Qualifications of applicants for licenses and permits.

(a) Any applicant for a license or employee permit shall give written permission or get permission from any person as needed to the City and execute such other documentation as the City may require to acquire a ten-year criminal history on any person necessary in the processing of the application. The applicant shall prepay all costs incidental thereto or make such initial deposit as may be required so the City may obtain a criminal history for a ten-year period prior to the date of such application. The criminal history may be in any of the following forms or combinations thereof, but the histories must cover the entire required ten years:

1. *An NCIC report certified by a federal or state law enforcement agency;*
2. *A GCIC report if the applicant has resided in the State of Georgia for any portion of the ten-year period (or a similar report of other state agencies if the applicant resided in other states during the ten-year period);*
3. *An exemplified copy of the applicant's criminal history from every foreign country in which the applicant resided;*
4. *A certified copy of the applicant's criminal history furnished by Interpol; and*
5. *First offender status will be recognized only upon satisfactory completion of the terms of any sentence which may be imposed.*