

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO AMEND CHAPTER 6, ARTICLE II, SEC. 6-71 OF THE CITY OF SANDY SPRINGS CODE OF ORDINANCES SO AS TO STRIKE SUBSECTION (B) ON HEARINGS AND ADOPT A NEW SECTION 6-72 TO BE ENTITLED HEARINGS; TO AMEND THE EXISTING PROVISIONS ON HEARINGS SO AS TO STRIKE THE PROVISION THAT THE CITY COUNCIL SHALL HEAR ALL MATTERS RELATING TO POURING PERMITS; TO PROVIDE THAT THE CITY COUNCIL SHALL CONSIDER ALL MATTERS RELATING TO LICENSES; TO SPECIFY THE NUMBER OF DAYS IN WHICH COMPLETE APPLICATIONS SHALL BE HEARD; AND TO PROVIDE FOR COUNCIL'S DECISION TO BE ENTERED IN THE MINUTES.

WHEREAS, the City of Sandy Springs (the "City") previously enacted an ordinance covering and entitled Alcoholic Beverages (the "Ordinance"), effective September 18, 2007; and

WHEREAS, at the time of enactment of the Ordinance, the City included the provisions for Hearings under the section on Suspensions and Revocations; provided the City Council would hear all matters relating to pouring permits, while at the same time providing the City Manager would consider all matters relating to pouring permits; and did not specify the number of days in which complete applications for licenses would be heard; and

NOW, THEREFORE, in order to allow the hearings provisions to be more easily and readily located, to resolve the conflict regarding pouring permits, to specify the number of days in which complete applications for licenses shall be heard, and to otherwise clarify the conduct of a hearing, the Mayor and City Council of the City, pursuant to their authority, do hereby amend Chapter 6, Article II, Sec. 6-71 of the City's Code of Ordinances by striking subsection (b) in its entirety and adopting the following new Section 6-72, which shall replace the existing Section 6-71(b) in its entirety:

"Section 6-72. Hearings

- (a) The city council shall hear applications for licenses, as well as all matters relating to such licenses or otherwise under this chapter, including, but not being limited to, suspensions, revocations, transfers, renewals, changes of ownership, and any other matters affecting such licenses. All applications, whether for an original license, renewal license, or otherwise, must be complete in all requirements of law to be scheduled and heard by the city council.
- (b) The city council shall have the authority to defer a decision and continue hearings to the next regularly scheduled council meeting, when necessary.
- (c) Applicants and licensees shall be given written notice of the date, time, place, and purpose when the matter at issue will be heard. The applicant or licensee shall be afforded the opportunity to be heard and present evidence. Ten days' notice shall be deemed reasonable, but a shorter or longer period of notice shall be authorized as the city manager deems the circumstances to justify; provided, however, that the initial hearing is scheduled to take place not later than forty-five (45) days from the date the matter comes

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before the city manager for scheduling. Service of notice shall be in accordance with Sec. 6-71(a)(3).

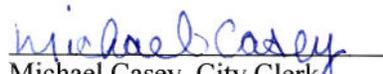
- (d) Upon close of the public hearing, the city council shall reach a decision on the matter before it. The decision of the city council shall be spread upon and entered in the city council minutes and shall be final unless the applicant or licensee applies to the Superior Court of Fulton County by filing a petition for writ of certiorari within 30 days of the decision rendered by the city council.”

SO ORDAINED, this the 17th day of November, 2009.

Approved:


Eva Galambos, Mayor

Attest:


Michael Casey, City Clerk
(Seal)

