

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO AMEND CHAPTER 6, ARTICLE II, SEC. 6-163 OF THE
CITY OF SANDY SPRINGS CODE OF ORDINANCES SO AS TO SET FORTH
SPECIFIC STANDARDS FOR ISSUANCE AND REVOCATION AND CLARIFY
APPLICATION OF SECTION TO RENEWALS, DENIALS, AND
REVOCATIONS.**

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 did not include in the section on pouring permits specific standards for issuance and revocation and did not clearly apply this section not only to applications, but also renewals, denials, and revocations of pouring permits;

NOW, THEREFORE, in order to accomplish the foregoing, the Mayor and City Council of the City, pursuant to their authority, do hereby amend Chapter 6, Article II, Sec. 6-163 of the City’s Code of Ordinances by adopting the following new Section 6-163, which shall replace the existing Section 6-163 in its entirety:

“Sec. 6-163. Pouring permit required.

- (a) An employee pouring permit shall be required for:
 - (1) Any employee of a consumption (1) on the premises licensee who dispenses, sells, serves, takes orders, mixes beverages, or serves in any managerial position; and
 - (2) Any employee of an alcoholic beverage caterer who is engaged in handling, selling, or serving alcoholic beverages; provided, however, employees whose duties are limited solely to those of busboy or cook or dishwasher shall be excluded.
- (b) No licensee shall employ any person required to have a pouring permit until such person has procured such permit.
- (c) Any person required to obtain a pouring permit shall apply to the city police department for such permit. Only one pouring permit per individual will be issued for employment at any and all establishments within the city. The permit will be valid for a period of one year and shall be renewed on or before its expiration. Persons applying for the permit or renewal shall make themselves available for photographing, fingerprinting, and such other investigation as may be required by the police department. The fee for a pouring permit shall be set by resolution of the city council and shall remain in effect until modified or amended by subsequent resolution adopted by the city council.
- (d) Any person required to obtain or renew a pouring permit shall complete and file with the city police department the provided application, which shall include, but not be limited to, name; residence address; date of birth; prior arrest record, if any, which shall be used for investigative purposes only; the name of the employer; and the address of the licensed establishment employment location for which the permit is sought.

ORDINANCE NO. 2009-11-56

- (e) When a person applies for a pouring permit, the chief of police or his designee shall have a complete and extensive search made to determine if there is a police record of such person. If there is a record of conduct prohibited by this chapter, issuance of a permit shall be denied.
- (f) A new search may be conducted on any person issued an employee pouring permit if the chief of police receives information which warrants such a new search. If the new search reveals evidence that warrants revocation of the card, the card may be revoked.
- (g) Should any of the information provided by the individual on the original application, or any renewal, change during the one year term of an issued pouring permit, including, by way of example only, employer, licensed establishment employment address, or residence address, the individual shall promptly notify the city police department of the change and provide the new information. The city police department shall then issue, at no charge to the individual, a new pouring permit for the remainder of the one year term. The chief of police or his designee is authorized to conduct a concurrent criminal history check at no charge to the individual.
- (h) A pouring permit shall not be issued if it appears that within a period of five years of the application date, the applicant has been convicted, pled guilty or entered a plea of nolo contendere to any felony, any misdemeanor involving moral turpitude, any sexual-related crime, or any criminal offense relating to alcoholic beverages, controlled substances, taxes, or gambling. A pouring permit shall not be issued if the applicant has not been released from any parole or probation prior to the filing of the application. This subsection shall apply with respect to the laws of this state, other states, the United States, and other countries. Sentencing as first offender status shall not be considered as a conviction if the sentence was successfully completed without any violation of probation and with no adjudication of guilt ever being entered.
- (i) A pouring permit shall not be issued if it is determined that the person falsified, concealed, or covered up any information requested by the police department in the application process.
- (j) A pouring permit issued through administrative error may be revoked by the chief of police.
- (k) The chief of police may revoke an employee's pouring permit and demand its return where the employee violates any of the provisions of this chapter.
- (l) Any conviction for violation of the provisions of this chapter or of the state's Alcoholic Beverage Code shall result in the automatic suspension of the pouring permit.
- (m) It shall be unlawful for an employee whose pouring permit has been revoked and upon whom demand for return of the card has been made to refuse to return the card or to alter, conceal, deface, or destroy the card.

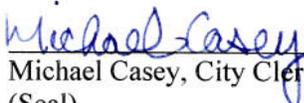
- (n) When any employee's pouring permit is denied or revoked, the chief of police shall issue to the applicant or permit holder a letter stating that the person does not meet the requirements of this chapter and the reason for the denial or revocation. Upon written request made by the employee within 30 days of the date of denial or revocation, the chief of police will refer the matter and any evidence the person cares to submit in his behalf to the city manager for consideration. If the person requests consideration by the city manager, the entire record will be sent. The city manager shall consider all matters presented and within 30 days of his receipt of the record, make a decision as to whether the person qualifies for a pouring permit under this chapter. In the event the city manager denies or revokes the permit, he shall provide written notice of the denial or revocation to the applicant or employee, which shall set forth the reason for the denial or revocation. The applicant shall have a right of review of the denial or revocation by filing a petition for writ of certiorari to the Superior Court of Fulton County, Georgia, within 30 days of the denial or revocation."

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

Approved:


Eva Galambos, Mayor

Attest:


Michael Casey, City Clerk
(Seal)

