



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** April 8, 2014

FROM: John McDonough, City Manager

AGENDA ITEM: Proposed amendments to Section 6-60 and Section 6-163 of the City of Sandy Springs ("City") Code of Ordinances relating to alcoholic beverages ("Ordinance")

MEETING DATE: For Submission onto the April 15, 2014, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Ordinance

APPROVAL BY CITY MANAGER: JMM APPROVED

PLACED ON AGENDA FOR: 4/15/2014

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: [Signature]

REMARKS:



To: Honorable Mayor and City Council Members
From: Wendell K. Willard
Date: For submission onto the April 15, 2014 City Council Regular Meeting Agenda
Agenda Item: Proposed amendments to Section 6-60 and Section 6-163 of the City of Sandy Springs ("City") Code of Ordinances relating to alcoholic beverages ("Ordinance")

City Attorney's Recommendation:

The City Attorney's Office recommends that the City Council adopt the amendments relating to alcoholic beverages proposed and indicated on the attached Ordinance amendment.

Background and Discussion:

The eligibility requirements for an alcohol license and a pouring permit were amended on December 18, 2012 so that a single offense of Driving Under the Influence would not disqualify an applicant from obtaining a license or a pouring permit under Sections 6-60 and 6-163 of the Ordinance. Since that time, the City's Police Department ("SSPD") has noted that numerous additional misdemeanor alcohol offenses still disqualify an applicant from obtaining a license or a pouring permit. SSPD also noted that a single misdemeanor controlled substance conviction would not prevent an individual from obtaining a pouring permit, but that it would prevent one from obtaining an alcohol license.

The proposed changes to Sections 6-60 and 6-163 would prohibit anyone with more than one (1) conviction of "any misdemeanor criminal offense relating to alcoholic beverages including, but not limited to, illegal possession, sale, or use of alcoholic beverages" from receiving an alcohol license or a pouring permit. This would not prohibit an individual from obtaining a license or a pouring permit for a single past transgression for a misdemeanor conviction related to alcohol.

The additional proposed change to Section 6-60 would prohibit an individual with more than one (1) conviction for "any misdemeanor criminal offense relating to controlled substances including, but not limited to, illegal possession, sale, or use of any controlled substance" from obtaining an alcohol license. Currently, a single conviction would prohibit an individual from obtaining an alcohol license. A similar provision is already contained in Section 6-163. This would not prohibit an individual from obtaining an alcohol license for a single past transgression for a misdemeanor controlled substance conviction.

Both changes are recommended by the SSPD as revisions to the Ordinance.

Alternative:

The alternative is to leave the Ordinance in its current state.



Financial Impact:

The proposed amendments should not have a financial impact to the City.

Attachment:

An Ordinance to Amend the Code of Ordinances, City of Sandy Springs, Georgia, to Revise the Eligibility Requirements for Alcohol Licenses; to Revise the Eligibility Requirements for Alcohol Pouring Permits; and to Provide for Other Lawful Purposes.

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF SANDY SPRINGS, GEORGIA, TO REVISE THE ELIGIBILITY REQUIREMENTS FOR ALCOHOL LICENSES; TO REVISE THE ELIGIBILITY REQUIREMENTS FOR ALCOHOL POURING PERMITS; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES

WHEREAS, the City of Sandy Springs is charged with providing for the health, safety and welfare of the citizens of the City;

WHEREAS, the City is authorized to regulate the issuance of alcohol licenses and pouring permits in the City; and

THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA, HEREBY ORDAIN as follows:

Section 1:

That Chapter 6 (*Alcoholic Beverages*), Article II (*Vendors*), Division 2 (*License*), of the Code of Ordinances, City of Sandy Springs, Georgia, is hereby amended as follows:

1. Paragraph (f) of Section 6-60 (*Eligibility for license*) is hereby deleted in its entirety and a new paragraph (f) is inserted in lieu thereof, which shall read as follows:

“(f) A licensee shall not have been convicted within the ten years preceding his application of any felony, any misdemeanor involving moral turpitude, any sexual-related crime, or any criminal offense relating to alcoholic beverages, taxes or gambling, except as otherwise provided herein. A licensee shall not have more than one conviction within the ten years preceding his application of any misdemeanor criminal offense related to alcoholic beverages including, but not limited to, illegal possession, sale, or use of alcoholic beverages, or more than one conviction for any misdemeanor criminal offense relating to the illegal possession, sale, or use of any controlled substance. This subsection shall apply with respect to the laws of this state, other states, the United States, and other countries. A plea of nolo contendere or the forfeiture of a bond shall be considered a conviction for purposes of this subsection. 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.”

All remaining provisions of Section 6-60 (*Eligibility for license*) shall remain unchanged and in full force and effect.

2. Paragraph (h) of Section 6-163 (*Pouring permit required*) is hereby deleted in its entirety and a new paragraph (h) is inserted in lieu thereof, which shall read as follows:

“(h) A pouring permit shall not be issued if within a period of five years of the application date, the applicant has been convicted of any felony, any misdemeanor involving moral turpitude, any sexual-related crime, or any criminal offense relating to alcoholic beverages, taxes or gambling, except as otherwise provided herein. A pouring permit shall not be issued if within a period of five years of the application date, the applicant has more than one conviction for any misdemeanor criminal offense relating to alcoholic

beverages including, but not limited to, the illegal possession, sale or use of alcoholic beverages, or more than one conviction for any misdemeanor criminal offense relating to the illegal possession, sale or use of any controlled substance. 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. A plea of nolo contendere or the forfeiture of a bond shall be considered a conviction for purposes of this subsection. 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.”

All remaining provisions of Section 6-163 (*Pouring permit required*) shall remain unchanged and in full force and effect.

Section 2:

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 3:

It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code Ordinances, City of Sandy Springs, Georgia and the sections of this Ordinance may be amended to accomplish such intention.

APPROVED AND ADOPTED this the _____ day of _____, 2014.

Approved:

Rusty Paul, Mayor

Attest:

Michael Casey, City Clerk

(Seal)