CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council   **DATE:**   November 30, 2012

FROM: John McDonough, City Manager

AGENDA ITEM: Consideration of Amending Criteria for Alcoholic Beverage
Permittees

MEETING DATE: For Submission onto the December 4, 2012, City Council Work
Session Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum

APPROVAL BY CITY MANAGER: _____ *APPROVED*

PLACED ON AGENDA FOR: __12/4/2012__

CITY ATTORNEY APPROVAL REQUIRED: (   ) YES   (✓) NO

CITY ATTORNEY APPROVAL: _____

REMARKS:

TO: Mayor and Council

FROM: John McDonough, City Manager

DATE: December 3, 2012

ITEM: Alcohol Permit requirements regarding First DUI Conviction

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Background:

The City's policy regarding the issuance of Alcohol Permits to those having one DUI has come into question. As a policy matter, this agenda item is being presented to the Mayor and Council to receive feedback regarding the current permit requirements and the potential changes.

Discussion:

The change which is under consideration is to make a change in the City's Alcohol Ordinance to disqualify alcohol permit holders from having a permit upon conviction of a second DUI. The ordinance currently provides for disqualification on the conviction for the first DUI.

Alternatives:

As a policy decision, the requirement is in the discretion of the Mayor and City Council.

Financial Impact:

Minimal Permit Fees.

Attachments:

None.

City Manager

STATE OF GEORGIA
COUNTY OF FULTON   ORDINANCE 2012-XX-XX

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; and
>
> **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 Section 6-60, Chapter 6 (Alcoholic Beverages) of the Code of Ordinances, City of Sandy Springs, Georgia, is hereby amended to read as follows:

"Chapter 6. Alcoholic Beverages.

. . .

Sec. 6-60. – Eligibility for license.

(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; or any criminal offense relating to alcoholic beverages except any Driving While Intoxicated, Driving Under the Influence or any similar such offense; or any second criminal offense for Driving While Intoxicated, Driving Under the Influence or any similar such offense. . . .

. . .

Sec. 6-163. – Pouring permit required.

(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, plead 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 controlled substances, ~~alcoholic beverages,~~ taxes,~~,~~ or gambling; or any criminal offense relating to alcoholic beverages except any Driving While Intoxicated, Driving Under the Influence or any similar such offense; or any second criminal offense for Driving While Intoxicated, Driving Under the Influence or any similar such offense. . . ."

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.

      SO ORDAINED, this ___ day of _____, 2012.

Approved:

_____
Eva Galambos, Mayor

ATTEST:

_____(SEAL)
Michael Casey, City Clerk

APPROVED AS TO FORM:

_____
Wendell Willard, City Attorney