



CITY OF DAHLONEGA

City Council Special Called Meeting - Amended Agenda

May 16, 2022, 4:30 PM

Gary McCullough Chambers, Dahlonaga City Hall

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 706-864-6133.

Vision - To be an open, honest, and responsive city, balancing preservation, and growth, and delivering quality services fairly and equitably by being good stewards of Dahlonaga's resources.

CALL TO ORDER AND WELCOME

APPROVAL OF AGENDA

NEW BUSINESS

1. Ordinances 2022-02, 2022-05, 2022-06, 2022-07 & Resolution 2022-05: To provide regulations for the package sale of distilled spirits.

Doug Parks, City Attorney

2. Executive Session - Personnel Matters

ADJOURNMENT



Ordinances and Resolutions

DATE: 04/25/2022 (Revised 05/11/2022)
TITLE: Ordinances 2022-02, 2022-05, 2022-06, 2022-07 & Resolution 2022-05: To provide regulations for the package sale of distilled spirits.
PRESENTED BY: Doug Parks, City Attorney

AGENDA ITEM DESCRIPTION: (Note: Alterations to the prior memo reviewed by council are highlighted in yellow. Reflected in the highlighted sections and the underlying documents are: (1) the amendment to the text regarding inventory made prior to the first reading of the primary ordinance; (2) several adjustments based upon the Tuesday afternoon May 10th review session; and (3) a new resolution identifying the commencement date of the first licensing cycle.)

The Mayor and Council as you know prior to the November election adopted a resolution calling a referendum for consideration by the City's electors. The issue presented on the referendum ballot was that of authorizing the City to issue licenses for the package sale of distilled spirits. The referendum was received favorably by the voters as the issue passed by a significant majority.

In response to the referendum election result, ordinances have been drafted that are intended to: (1) establish reasonable standards for the regulation and control of the licensing and sale of distilled spirits by the package; and (2) ensure suitability by placement of this type of commercial use within the B1 and B2 zoning districts.

The ordinances before you for consideration are:

- (1) Ordinance 2022-02 (Attachment A) entitled "An ordinance to provide regulations for the package sale of distilled spirits" has several sections as indicated below:
 - a. Section I: This Section establishes Class L as "retail distilled spirits package" and creates a base fee of \$5,000.00.
 - b. Section II: This Section establishes the hours for a Class L license holder. Hours of operation are between the hours of 8:00 a.m. and 11:45 p.m. Monday morning through Saturday night.
 - c. Section III:
 - i. Sub-Section (e) outlines regulations for the issuance of a license for distilled spirits package sales. Notable regulations in this Section are the retail dealer building and inventory requirements. The showroom for distilled spirits must have a minimum of 2500 contiguous square feet which may be located on multiple levels and a minimum inventory of \$500,000.00 (wholesale value – you may or

may not wish to change this to retail value) in distilled spirits available for sale. Additionally, no retail dealer for the sale of distilled spirits shall sell or offer for sale or display or keep in stock at their place of business where distilled spirits are offered for sale any other products or commodity except beer or wine, when properly licensed, beverages containing no alcohol but commonly used to dilute distilled spirits and cigars. To the extent compliant with DOR regulations also permitted are: packaged ice, ice chests, "koozies" (individual can and bottle coolers), paper, styrofoam, plastic cups, gift bags, gift certificates exclusively for use at the licensed establishment, single-serve snack items and bar supplies. Examples of prohibitions include: services such as money order sales and check cashing, sales of lottery games or tickets, cigarettes, chewing tobacco, alternative nicotine products, vapor products, snuff and cigarette papers. Also, no amusement machines, electronic game machines or gaming devices of any kind for customer use may be present on the premises.

- ii. Sub-Section (f) outlines the maximum number of distilled spirits retail licenses permitted among other limitations. No licenses for the retail sale of distilled spirits by the package shall be issued over the number of two during the first licensing period. The first licensing period will be divided into two licensing cycles. One license will be issued pursuant to each cycle. Each cycle will be conducted by a lottery system that will be overseen by a third-party firm. One additional license may be issued once the population of the city exceeds 13,500. Licenses may be issued thereafter for each 3500 person increase in population over 13,500.

- d. Section IV: This Section indicates that no distilled spirits package store license shall be issued to or for any person who has been convicted under any federal or state law of any felony within ten years immediately preceding the filing of an application for such license. Also disqualified from holding a license is any person convicted under any federal, state or local law of a misdemeanor involving alcoholic beverages, gambling or tax law violations if such conviction tends to indicate that the applicant will not maintain the operation for which he is seeking a license in conformity with federal, state or local laws, rules and regulations. New in this section also based upon comments made at the Tuesday session is the limitation that no application in each licensing cycle of the first licensing period will be accepted which identifies the same premises as a prior application filed during that cycle.

- (2) Ordinance 2022-05 (Attachment B) entitled "An ordinance to allow for distilled spirits package stores in the B-1 district" modifies the Zoning ordinance at Article XIV, Section 1402 to permit the use of distilled spirits package stores in the B-1 district.
- (3) Ordinance 2022-06 (Attachment C) entitled "An ordinance to allow for distilled spirits package stores in the B-2 district" modifies the Zoning ordinance at Article XV, Section 1502 to permit the use of distilled spirits package stores in the B-2 district.
- (4) Ordinance 2022-07 (Attachment D) entitled "An ordinance to provide for limiting the location of distilled spirits package stores to the B-1 and B-2 zoning districts" restricts distilled spirits package stores to the B-1 and B-2 zoning districts.
- (5) Resolution 2022-05 (Attachment E) entitled "A resolution in accordance with Ordinance 2022-02 regarding commencement of the first cycle of the initial licensing period regarding distilled

spirits package stores” lists the commencement date of the first licensing cycle as May 18, 2022. This licensing cycle shall conclude after sixty calendar days per Ordinance 2022-02.

HISTORY/PAST ACTION:

A resolution was previously adopted calling a referendum for consideration by the City’s electors authorizing the City to issue licenses for the package sale of distilled spirits. The resulting referendum passed when presented to the voters. Ordinances 2022-02, 2022-05, 2022-06 and 2022-07 were drafted to implement the decision of the voters. Ordinances 2022-05, 2022-06 and 2022-07 pertaining to approved locations within zoning districts for distilled spirits package stores were presented to the public at the 4/5/22 Planning Commission meeting. Approval of these Ordinances was recommended by the Planning Commission. Subsequently the City Council held a Public Hearing on Ordinances 2022-05, 2022-06 and 2022-07. This occurred at the 4/18/22 City Council Public Hearing. Ordinance 2022-02 was passed as amended for the first reading at the 5/2/22 Council Meeting. Ordinances 2022/05, 2022-06 & 2022-07 passed at the 5/2/22 Council Meeting as well. Now these ordinances are before the Council for the second reading and final action. Upon passage of these Ordinances, Resolution 2022-05 shall be implemented to commence the first licensing cycle.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Recommendation to approve the second reading with any amended text of Ordinances 2022-02, 2022-05, 2022-06, 2022-07 and Resolution 2022-05. Precedent to adoption you should review the suggested changes and identify the final text to be adopted. A format for this will be provided at the meeting.

SUGGESTED MOTIONS:

Motion to approve second reading of Ordinances 2022-02, 2022-05, 2022-06, 2022-07 and Resolution 2022-05.

ATTACHMENTS:

Attachment A: Ordinance 2022-02

Attachment B: Ordinance 2022-05

Attachment C: Ordinance 2022-06

Attachment D: Ordinance 2022-07

Attachment E: Resolution 2022-05

Attachment A

Ordinance 2022-02

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF DAHLONEGA, GEORGIA,
CHAPTER 4: ALCOHOLIC BEVERAGES; ARTICLE II: LICENSING AND REGULATION BY
ADDING PROVISIONS PROVIDING FOR THE PACKAGE SALE OF DISTILLED SPIRITS;
AND FOR OTHER PURPOSES.**

(Note: Adjustments to the text are highlighted in yellow.)

First Reading: May 2, 2022

Result: Passed as amended

Second Reading: May 16, 2022

Result: _____

Ordinance 2022-02

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF DAHLONEGA, GEORGIA, CHAPTER 4: ALCOHOLIC BEVERAGES; ARTICLE II: LICENSING AND REGULATION BY ADDING PROVISIONS PROVIDING FOR THE PACKAGE SALE OF DISTILLED SPIRITS; AND FOR OTHER PURPOSES.

Short Title: "An ordinance to provide regulations for the package sale of distilled spirits."

WHEREAS, the Mayor and City Council on July 19, 2021, adopted a resolution calling a referendum for consideration by the City's electors to authorize the City to issue licenses for the package sale of distilled spirits; and

WHEREAS, pursuant to the vote of the electors of the City authorizing the sale of distilled spirits by the package and in accordance with a plan designed for the purposes, among others, of promoting the health, safety and general welfare of the citizens of the City, the Mayor and the City Council have considered an ordinance which is intended:

- (1) To establish reasonable standards for the regulation and control for the licensing and sale of distilled spirits by the package; and
- (2) To ensure suitability by placement of this type of commercial use within the B-1 and B-2 zoning districts.

NOW, THEREFORE, be it ordained, and it is so ordained by the authority of the City Council of Dahlonega, that the following Sections and Sub-Sections of the Code of the City of Dahlonega are hereby amended in the following particulars:

SECTION I:

BE IT ORDAINED by the City Council of Dahlonega, and it is ordained by authority of the same, that Chapter 4, Article II, Section 4-21, Sub-Sections (b) & (c) of the Code of the City of Dahlonega, Georgia, is hereby amended so that said Sub-Sections now read as follows in their entirety:

Sec. 4-21. License required; classes and fees.

- (b) *Classes*. The licenses shall be divided into the following classes:

- (1) Class B, retail beer package, eligible for an ancillary growler license as permitted under section 4-27.
 - (2) Class C, retail wine package, eligible for ancillary wine tasting permit if wine-only (pursuant to requirements and conditions set forth in section 4-32).
 - (3) Class D, retail liquor by the drink.
 - (4) Class E, retail beer by the drink.
 - (5) Class F, retail wine by the drink.
 - (6) Special wine tasting permits. A temporary wine tasting permit issued to certain types of charitable organizations and others under section 4-24(b)(2).
 - (7) Class H, wholesale beer.
 - (8) Class I, wholesale wine.
 - (9) Class J, licensed alcoholic beverage caterer.
 - (10) Class K, brewer, manufacturer of malt beverages or wine.
 - (11) Class L, retail distilled spirits package
- (c) *Fees.* Base fees, administrative fees, and other specific fees:
- (1) The base fees for each type of license listed in subsection (b) of this section shall be as follows:

Table 4-20 License Base Fees		
Class B	Retail beer package	\$1,200.00 for stores up to 10,000 sq. feet; \$1,800.00 for stores over 10,000 sq. feet
Class C	Retail wine package	\$1,200.00 for stores up to 10,000 sq. feet; \$1,800.00 for stores over 10,000 sq. feet
Class D	Retail liquor by the drink	\$2,400.00
Class E	Retail beer by the drink	\$1,200.00
Class F	Retail wine by the drink	\$1,200.00
Class H	Wholesale beer	\$1,000.00
Class I	Wholesale wine Wholesale License issued by any entity with a valid Manufacture's License	\$1,000.00 \$500.00
Class J	Licensed alcoholic beverage caterer	
	Resident caterer—beer/wine/liquor	\$75.00
	Resident caterer—beer/wine	\$50.00
	Resident caterer—liquor	\$50.00
	Nonresident caterer—beer/wine/liquor	\$75.00
	Nonresident caterer—beer/wine	\$50.00
	Nonresident caterer—liquor	\$50.00

Class K	Brewer, manufacturer of malt beverages or wine	\$1,000.00
Class L	Retail distilled spirits package	\$5,000.00

- (2) Temporary special event fees are established by the city.
- (3) Collection of fees or taxes; sums due. If any person shall fail to pay the sum due under this article, then the city council or the city council's designee shall issue an execution against the delinquent person and such person's property for the amount of the fee or tax and may, further, administratively act to discontinue city utilities to the premises of the applicant. The city may institute any other action in law or equity to collect any sum due under this article or to enforce any provision of this article.
- (4) Ancillary growler license fee. Any applicant for or holder of a valid Class B license shall be eligible for an ancillary growler license as permitted under section 4-27. In addition to the fees in this section, the licensee shall pay a fee as established by the city annually at the same time as the annual Class B license fee is paid.
- (5) Administrative and background check fees; deposits. New applications and annual background checks, which are required for renewal applications for any license under this article, shall be accompanied by a check for an administrative application fee to defray investigative and administrative costs. A deposit check for the license base fee shall also be provided. Should the applicant be denied a license, or should the applicant withdraw the application prior to its being submitted to the city council, the deposit representing the license base fee shall be refunded; however, the administrative application fee paid for administrative costs and investigation shall be retained. Administrative fees for investigation and administration costs are as established by the city.

SECTION II:

BE IT ORDAINED by the City Council of Dahlonge, and it is ordained by authority of the same, that Chapter 4, Article II, Section 4-23, Sub-Section (i), of the Code of the City of Dahlonge, Georgia, is hereby amended so that said Sub-Section now reads as follows in its entirety:

Sec. 4-23. General regulations pertaining to all licensees.

- (i) *Hours of operation.* The following hours of operation shall apply to the sale of alcoholic beverages licensed hereunder:
 - (1) Class B and C, retail package beer and/or wine—7:00 a.m. to 12:00 midnight, Monday through Saturday; Sunday sales between the hours of 12:30 p.m. and 11:30 p.m.;
 - (2) Class D, retail distilled spirits by the drink—Monday through Friday beginning at 10:00 a.m. until 1:00 a.m. the next day; Saturday from 10:00 a.m. until 1:00 a.m. Sunday morning, further on Sunday as otherwise provided pursuant to appropriate permit and consistent with state law;

- (3) Class E and F, retail malt beverages and/or wine by the drink—Monday through Friday beginning at 10:00 a.m. until 1:00 a.m. the next day; Saturday from 10:00 a.m. until 1:00 a.m. Sunday morning, further on Sunday as otherwise provided pursuant to appropriate permit and consistent with state law;
- (4) Class D, E, and F licenses for alcoholic beverages which also have a valid Sunday sales permit shall be authorized to sell, offer for sale, serve and/or permit the consumption of alcoholic beverages upon the licensed premises between the hours of 11:00 a.m. and 12:00 midnight on Sundays.
- (5) Class L, retail distilled spirits package sale licenses -- it shall be unlawful for any distilled spirits package dealer in the city to sell distilled spirits except between the hours of 8:00 a.m. and 11:45 p.m. Monday morning through Saturday night.

SECTION III:

BE IT ORDAINED by the City Council of Dahlonega, and it is ordained by authority of the same, that Chapter 4, Article II, Section 4-24, is hereby amended by adding Sub-Section (e) and Sub-Section (f) to the Code of the City of Dahlonega, Georgia, so that Sub-Section (e) and Sub-Section (f) shall read as follows:

(e) *License issuance for distilled spirits package sales – Retail dealer building and inventory requirements; other regulations*

- (1) In the event of conflict with other alcohol regulations of the City the regulations promulgated via this sub-section “e” shall govern.
- (2) All holders of licenses hereunder must open for business within eight months after issuance of said license; failure to do so shall serve as an automatic forfeiture and cancellation of such license unless an extension of the time is granted by the City Manager or the Manager’s designee before the expiration of the eight-month period for good cause shown. No refund of the license fee shall be made in the event of such forfeiture.
- (3) All premises licensed for the sale of alcoholic beverages shall provide to the City of Dahlonega Chief of Police and to the Sheriff of Lumpkin County contact information in the form of a telephone number and physical address other than the licensed premises at which the licensee may be contacted by law enforcement during the times at which the establishment is closed.
- (4) Each distilled spirits package dealer of alcoholic beverages shall conspicuously display within the interior of the licensed premises not less than two copies of a printed price list of the alcoholic beverages offered for sale or, in lieu thereof, shall place the price of each item on the container or on the shelf where the container is exhibited for sale.
- (5) Reserved.

- (6) Distilled spirits by the package shall be sold at retail only in stores which are duly licensed by the State of Georgia to sell distilled spirits by the package and which are devoted exclusively to the sale of alcoholic beverages in the original container. A retail package licensee of distilled spirits shall not permit the breaking of a package containing any alcoholic beverage or the drinking of any alcoholic beverage on the licensed premises.
- (7) No retail dealer for the sale of distilled spirits shall sell or offer for sale or display or keep in stock at their place of business where distilled spirits are offered for sale, any other products or commodity except the following: beer or wine, when properly licensed, beverages containing no alcohol commonly used to dilute distilled spirits and cigars. Food shall not be consumed on the premises. To the extent compliant with DOR regulations also permitted are: packaged ice, ice chests, individual can and bottle coolers, paper, styrofoam, plastic cups, gift bags, gift certificates for use exclusively at the licensed establishment, single-serve snack items and bar supplies. Unless specifically permitted above no sales or services are permitted on the premises. For the avoidance of doubt it is noted that the following are not permitted: services such as money order sales and check cashing, sales of lottery games or tickets, cigarettes, chewing tobacco, alternative nicotine products, vapor products, snuff and cigarette papers. Also no amusement machines, electronic game machines or gaming devices of any kind for customer use may be present on the premises.
- (8) No retail dealer license for the sale of distilled spirits shall be issued to any applicant whose building where the business will be conducted does not include a showroom for distilled spirits with a minimum of 2500 contiguous square feet which may be located on multiple levels. For the purposes of this ordinance, spaces such as offices, mechanical rooms, janitorial rooms, breakrooms and bathrooms shall not count towards the minimum square footage requirements. In addition to the minimum square footage, retail dealers for the sale of distilled spirits shall maintain a minimum inventory of at least \$500,000.00 in distilled spirits available for sale.* Monthly reporting of inventory shall be required by the City of Dahlonega with the licensee providing monthly inventory reports on forms provided by the City. Failure to file the proper forms and to maintain the required inventories may result in a suspension or revocation of the license after hearing before the administrative hearing officer pursuant to Section 4-31.
- (9) No premises shall be licensed for the sale of distilled spirits by the package:
- (i) which is located within 1500 feet of any other business licensed to sell distilled spirits by the package as outlined by OCGA 3-4-47(a).
 - (ii) which is located within 300 feet of any church building, alcoholic treatment center as defined by OCGA 3-3-21(a)(1)(c), or a housing authority property as defined in OCGA 3-3-2(e)(1) and (2).

*Wholesale value.

- (iii) which is located within 600 feet of any school building, educational building, school grounds, or college campus.
 - (iv) which is located within 300 feet of a detached single family dwelling unit located within one of the City's residential zoning districts;
 - (v) All distances shall be measured by the most direct route of travel on the ground, from front door to front door.
- (10) No person, group, or entity with similar members, including family members, shall have an interest in more than one license for the package sale of distilled spirits issued by the city.
- (11) It shall be unlawful for any person to open or consume any alcoholic beverages on premises licensed for the sale of distilled spirits by the package.
- (12) It shall be unlawful for any person to sell or offer for sale distilled spirits by the package within the city by means of drive-through sale. For purposes of the section, the term "drive-through sale" means the sale of distilled spirits by the package by any means that allows the customers to remain in their motor vehicles.
- (13) Each application for a package distilled spirits license shall be accompanied by a non-refundable administrative application fee in the amount of \$500.00 together with a deposit in the amount of the license base fee.
- (14) The license base fee for a retail sales of distilled spirits package license shall be \$5000.00 annually. To add a retail sales of package malt beverage license the fee shall be an additional \$1200.00 annually; and to add a retail sales of package wine license the fee shall be an additional \$1200.00 annually.
- (15) There is imposed by the city an excise tax on the first sale or use of distilled spirits in the city at the rate of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.
- (16) When contrary to the public interest and welfare, no distilled spirits package store license shall be issued to or for:
 - i. Any person who has been convicted under any federal or state law of any felony within ten (10) years immediately preceding the filing of application for such license.
 - ii. Any person convicted under any federal, state or local law of a misdemeanor involving alcoholic beverages, gambling or tax law violations if such conviction tends to indicate that the applicant will not maintain the operation for which he is seeking a license in conformity with federal, state or local laws, rules and regulations.

- (17) No retail license for the sale of distilled spirits by the package shall be granted under this chapter unless the premises to be licensed are at the time the application approved by the city council and located under the zoning ordinance of the city in a B1 or B2 zoning district subject to specific limitations of the respective districts. Additionally, no licensee for the package sale of distilled spirits shall be permitted to utilize a lighted and/or portable sign outside the building. In addition all city sign regulations shall apply.**
- (18) Each applicant shall provide a copy of a deed showing the applicant to be the owner of the premises for which the license is sought or a copy of a lease of the premises sought to be used by the applicant for the business for which the license is sought. In the discretion of the city manager legal options, pending contracts or similar evidence may also be accepted. No application in each licensing cycle of the first licensing period will be accepted which identifies the same premises as a prior application filed during that cycle.
- (19) Each applicant shall provide a consent form releasing the City to obtain criminal background history of each person listed on the application and proof of U.S. Citizenship or alien status.
- (20) Each applicant shall provide a ten-year driver history which can be obtained from the Georgia Department of Public Safety/State Patrol, or as directed by the city staff.
- (21) Each applicant, who, within the last ten-year period, has resided or does reside in a state other than Georgia, must furnish a certified copy of a driver history and criminal background history from the state or states in which he/she has resided or resides to the City of Dahlonega, or as directed by city staff.
- (22) Each licensee must identify a licensee's representative who will be the person upon whom notices or service of papers shall be served. If the same person is serving as the licensee and the license representative, he/she shall submit to the City of Dahlonega an affidavit certifying that he/she is at least twenty-one (21) years of age and a manager of the business.
- (23) If the licensee is not also serving as the license representative, an affidavit from the license representative certifying that he/she is at least twenty-one (21) years of age and a manager of the business must be provided to the City of Dahlonega.

(f) *Maximum number of distilled spirits retail licenses permitted; other limitations.*

** This provision is being adopted after completion of appropriate zoning procedures in conjunction with the approval by the Council of Ordinance 2022-07.

- (1) Subject to subsection (2)-(5) below, the city will not accept any applications for the retail sale of distilled spirits by the package, and no licenses for the retail sale of distilled spirits by the package shall be issued over the number of two (2) during this first licensing period.
- (2) If at any time and for whatever reason, the number of active licenses for the retail sale of distilled spirits by the package falls below two after the conclusion of this first licensing period, then the city shall accept applications for and issue such additional licenses for the retail sale of distilled spirits by the package so as to bring the total number of active licenses for the retail sale of distilled spirits by the package to two.
- (3) The provisions of subsection (2) notwithstanding, one (1) additional license may be issued once the population of the city exceeds 13,500. In this regard, additional licenses may be issued in the future for each 3500 person increase in population over 13,500. In determining population, the city shall utilize the U.S. Census of 2020 or any future decennial census.
- (4) If the total number of permitted licenses has increased pursuant to subsection (3) above, and if at any time and for whatever reason thereafter, the number of active licenses for the retail sale of distilled spirits by the package falls below the number then permitted, then the city shall accept applications for and issue such additional licenses for the retail sale of distilled spirits by the package so as to bring the total number of active licenses for the retail sale of distilled spirits by the package to the total number then permitted.
- (5) The first licensing period shall be divided into two licensing cycles. One license shall be issued pursuant to each cycle. The City Council shall by separate resolutions or ordinances identify the dates of the first and second independent licensing cycles. During each cycle if the city receives more conforming applications than allotted licenses to be issued under these regulations which applications comply with the standards for the issuance of licenses for the sale of package distilled spirits set forth in these regulations, then the selection of the successful application for that cycle shall be conducted by a lottery system overseen by an independent third party firm. Applications shall be drawn by lottery until all applications are ranked by the number in which they were drawn. The applications drawn from the lottery system shall then be presented to the city council for action on the approval of the license to be issued for that cycle. Applications ranked beneath the first drawn shall be held in reserve and notified in their ranking order should a default occur in the ability of the application first drawn to meet the requirements of these regulations during that cycle. The bifurcation of licensing periods into multiple cycles shall be used for the first licensing period only. Applications from the first licensing cycle are exclusive to that cycle and do not in any way carry forward to the second licensing cycle.
- (6) Applications for the initial issuance of licensees will not be accepted until the effective date of this ordinance. The effective date of the ordinance shall coincide with the commencement date of the first cycle of the initial licensing period identified by council resolution. Acceptance of applications for the initial licenses, or any future allocation of

licenses, will remain open for a period of sixty (60) calendar days before review and consideration of such applications in accordance with subsection (5) above.

- (7) No person shall be or have a beneficial interest in the holder of more than one distilled spirits package store license within the city regardless of the degree of such interest.
 - a. For purposes of these regulations, a person shall be or be deemed to have a beneficial interest in the holder of a distilled spirits package store license when he or she has any ownership interest, whether legal, equitable or other, in or control over the holder of a distilled spirits package store license.
- (8) No person, group, or entity with similar members, including family members, shall have an interest in more than one license for the package sale of distilled spirits issued. And no application may be transferred or assigned.
- (9) Under the de minimis concept, a person who owns less than five percent of the shares of a corporation which has more than 35 shareholders or whose stock is publicly traded shall not, on the fact of stock ownership alone be deemed to have a beneficial interest in a license held by a corporation.
- (10) No person shall have, own or enjoy any ownership interest in, share in the profits from, or otherwise participate in the business of a distilled spirits package store license unless a full description of such interest shall be furnished to the city at the time of making application for the license. It shall be the continuing duty of a distilled spirits package store licensee to report to the city clerk in writing within ten days any change in any interest in such licensee's business. Failure to report such change in interest shall be ground for suspension or revocation of the license.
- (11) In addition to the general prohibitions contained elsewhere herein, no officer, employee or elected official of the City serving at the adoption of this regulation or serving as an elected official during the time the referendum regarding distilled spirits package stores was presented to the voters of the City shall be eligible to hold or have a beneficial interest in the holder of a distilled spirits package store license. The term elected official shall include persons appointed by the City to serve in a position normally occupied by an elected official.
- (12) In the event of conflict with other alcohol regulations of the City the regulations promulgated via this sub-section "f" shall govern.

SECTION IV:

BE IT ORDAINED by the City Council of Dahlonega, and it is ordained by authority of the same, that Chapter 4, Article III, Section 4-55, Sub-Section (1) of the Code of the City of Dahlonega, Georgia, is hereby amended to read as follows:

- (1) When contrary to the public interest and welfare, no distilled spirits package store license shall be issued to or for:

- a. Any person who has been convicted under any federal or state law of any felony within ten (10) years immediately preceding the filing of application for such license.
- b. Any person convicted under any federal, state or local law of a misdemeanor involving alcoholic beverages, gambling or tax law violations, if such conviction tends to indicate that the applicant will not maintain the operation for which he is seeking a license in conformity with federal, state or local laws, rules and regulations.

SECTION V:

Repealer. All ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION VI:

Constitutionality. Should any phrase, clause, sentence of this Ordinance be deemed unconstitutional by a Court of competent jurisdiction, such determination shall not affect the remaining provisions of this Ordinance which provisions shall remain in full force and effect.

SECTION VII:

Adoption of this Ordinance does not create any additional right or benefit, substantive or procedural, enforceable in law or in equity by any part against the City of Dahlonega, its departments, agencies, officials, employees, agents or other person or entity.

SECTION VIII:

Effective Date. This Ordinance shall be effective May 18, 2022. A resolution commencing the opening of the first cycle of the initial licensing period is being executed simultaneously with the adoption of this ordinance.

Except as modified herein, The Code of the City of Dahlonega, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter. The City Attorney is directed and authorized to direct the codifier to make necessary minor, non-substantive corrections to the provisions of this Code, including but not limited to, the misspelling of words, typographical errors, duplicate pages, incorrect references to state or federal laws, statutes, this Code, or other codes or similar legal or technical sources, and other similar amendments, without necessity of passage of a corrective ordinance or other action of the Mayor and Council. The City Clerk shall, upon the written advice or recommendation of the city attorney and without the necessity of further council action, alter, amend or supplement any non-codified ordinance, resolution or other record filed in his or her office as necessary to effect similar non-substantive changes or revisions and ensure that such public records are correct, complete and accurate.

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed including but not limited to ancillary wine tasting.

SO ORDAINED, this 16th day of May, 2022.

Approved: _____
JoAnne Taylor, Mayor

ATTEST:

_____(SEAL)
Mary Csukas, City Clerk

Attachment B

Ordinance 2022-05

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF DAHLONEGA, GEORGIA,
SUBPART B: LAND USE AND LAND DEVELOPMENT; APPENDIX B: ZONING; ARTICLE
XIV: B-1, NEIGHBORHOOD BUSINESS DISTRICT; SECTION 1402: PERMITTED USES**

First Reading: May 2, 2022
Result: Passed
Second Reading: May 16, 2022
Result: _____

Ordinance 2022-05

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF DAHLONEGA, GEORGIA, SUBPART B: LAND USE AND LAND DEVELOPMENT; APPENDIX B: ZONING; ARTICLE XIV: B-1, NEIGHBORHOOD BUSINESS DISTRICT; SECTION 1402: PERMITTED USES

Short Title: "An ordinance to allow for distilled spirits package stores in the B-1 district."

WHEREAS, the City Council of Dahlonega, Georgia desires to permit the use of distilled spirits package stores in the B-1 district.

NOW, THEREFORE, be it ordained, and it is so ordained by the authority of the City Council of Dahlonega, that Subpart B, Appendix B, Article XIV, Section 1402, shall be amended in its entirety to read as follows:

Sec. 1402. - Permitted uses.

1. Accessory uses and structures normally incidental to principal permitted uses and structures.
2. Antique shops.
3. Art and school supply stores.
4. Automated car washes, as accessory to convenience stores with retail gasoline sales.
5. Bake shops and bakeries, but not including wholesale.
6. Banks and financial institutions, including drive-in, drive-through and automatic teller facilities as accessory or principal uses, not to exceed 10,000 square feet of gross floor area.
7. Barber shops and beauty shops.
8. Book or stationary stores.
9. Churches, temples, synagogues and places of worship, and their customary accessory uses and structures, including cemeteries.
10. Clubs, lodges, fraternal institutions and other places of public assembly for membership groups, non-profit or for profit, not to exceed 10,000 square feet of gross floor area.
11. Clothes pressing, repair, sale and rental, but not including department stores.
12. Convenience food and retail stores with or without retail gasoline sales.
 - 12.1. Cultural facility.
13. Day care centers.
 - 13.1. Distilled spirits package stores (Prohibited in all zones except where expressly permitted.)
14. Dressmaking, millinery, sewing and tailor shops.
15. Drug stores.
16. Dry-cleaners and laundromats not exceeding 2,500 square feet of total floor area.
17. Electronic equipment sales.
18. Food and grocery stores.
19. Food catering establishments.

20. Florist shops.
21. Gift shops.
22. Hardware stores.
23. Hobby shops.
24. Ice cream and yogurt shops.
25. Instructional studios, such as music, dance, gymnastics aerobics and martial arts.
26. Interior decorating shops.
27. Jewelry stores.
28. Libraries, museums and art galleries.
29. Locksmith shops.
30. Music stores.
31. Offices, business, medical, professional, insurance and real estate, and general.
32. Paint stores.
33. Photocopying, printing and reproduction services not exceeding 2,500 square feet of total floor area.
34. Photography shops and studios.
35. Public and semi-public buildings and uses.
36. Radio and television repair and sales stores.
37. Record, tape, and video rental and sales stores.
38. Recycling collection centers, but not including processing of recyclable materials.
39. Residences, single-family detached, but not including mobile homes. Home occupations are permitted as accessory uses.
40. Restaurants, but not including drive-in or drive-through facilities.
41. Schools, public elementary, middle and secondary, and public and private colleges and universities.
42. Schools, parochial, private vocational, technical & others, non-profit or operated for profit.
43. Small appliance repair shops.
44. Snack and sandwich shops, but not including drive-in or drive-through facilities.
45. Sporting goods stores.
46. Toy stores.
47. Travel agencies.
48. Watch and clock sales and repair shops.

Except as modified herein, The Code of the City of Dahlonega, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter. The City Attorney is directed and authorized to direct the codifier to make necessary minor, non-substantive corrections to the provisions of this Code, including but not limited to, the misspelling of words, typographical errors, duplicate pages, incorrect references to state or federal laws, statutes, this Code, or other codes or similar legal or technical sources, and other similar amendments, without necessity of passage of a corrective ordinance or other action of the Mayor and Council. The City Clerk shall, upon the written advice or recommendation of the city attorney and without the necessity of further

council action, alter, amend or supplement any non-codified ordinance, resolution or other record filed in his or her office as necessary to effect similar non-substantive changes or revisions and ensure that such public records are correct, complete and accurate.

SO ORDAINED, this 16th day of May, 2022.

Approved: _____
JoAnne Taylor, Mayor

ATTEST:

_____(SEAL)
Mary Csukas, City Clerk

Attachment C

Ordinance 2022-06

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF DAHLONEGA, GEORGIA,
SUBPART B: LAND USE AND LAND DEVELOPMENT; APPENDIX B: ZONING; ARTICLE
XV: B-2, HIGHWAY BUSINESS DISTRICT; SECTION 1502: PERMITTED USES**

First Reading: May 2, 2022
Result: Passed
Second Reading: May 16, 2022
Result: _____

Ordinance 2022-06

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF DAHLONEGA, GEORGIA, SUBPART B: LAND USE AND LAND DEVELOPMENT; APPENDIX B: ZONING; ARTICLE XV: B-2, HIGHWAY BUSINESS DISTRICT; SECTION 1502: PERMITTED USES

Short Title: "An ordinance to allow for distilled spirits package stores in the B-2 district."

WHEREAS, the City Council of Dahlonega, Georgia desires to permit the use of distilled spirits package stores in the B-2 district.

NOW, THEREFORE, be it ordained, and it is so ordained by the authority of the City Council of Dahlonega, that Subpart B, Appendix B, Article XV, Section 1502, shall be amended in its entirety to read as follows:

Sec. 1502. - Permitted uses.

1. Any use permitted in the B-1, Neighborhood Business District as enumerated in [Section 1402](#) and any use permitted in the CBD Central Business District as enumerated in [Section 1702](#) of these regulations, but not subject to any specified square footage limitations except as provided in Article XX or in regard to distilled spirits package stores which are subject to the City's alcohol regulations as to square footage.
2. Accessory uses and structures normally incidental to permitted principal uses.
3. Agricultural implement and equipment sales, service, rental and repair.
4. Amphitheaters and stadiums.
5. Animal hospitals and veterinary clinics.
6. Assembly halls, auditoriums and meeting halls.
7. Automobile, boat, truck, motorcycle, bicycle and other vehicle rental, repair, service and sales.
8. Automobile, boat, truck, motorcycle, bicycle and other vehicle parts sales.
9. Automobile car washes, including automated, full-service or self-service.
10. Banks and financial institutions.
- 10.1. Banquet Hall.
11. Billiard halls, poolrooms and amusement/video arcades.
12. Blueprinting establishments.
13. Bowling alleys.
14. Building materials sales and lumber yards.
15. Bus passenger stations, terminals.
16. Cabinet shops.
17. Camper and recreational vehicle sales, service and repair.

18. Christmas tree sales.
- 18.1. Conference/Convention Center.
19. Contractor's establishments, building, electrical and plumbing.
20. Convalescent homes, nursing homes, group homes, rehabilitation centers, sanitariums and similar institutionalized residential facilities involving professional care and treatment.
21. Department stores.
- 21.1. Distilled spirits package stores (Prohibited in all zones except where expressly permitted.)
22. Dry-cleaning establishments, laundromats and laundries.
23. Equipment rental, sales and service.
- 23.1. Event Center.
24. Exterminators and pest control businesses.
25. Firearms sales and service, including gun clubs and indoor shooting ranges.
26. Firewood sales.
27. Flea markets.
28. Floor covering stores.
29. Funeral homes, mortuaries and mausoleums.
30. Furniture, fixtures and home furnishing stores, including rental, finishing, repair and sales but not manufacturing.
31. Garden supply centers, greenhouses and landscaping services.
32. Golf courses, golf driving ranges, miniature golf courses, and baseball batting cages.
33. Health clubs and spas.
34. Heliports and helistops.
35. Hospitals and clinics.
36. Hotels, motels, and bed and breakfast inns.
37. Kennels.
38. Lawn mower rental, repair and sales and service shops.
39. Machine shops.
40. Mini-warehouses and mini-storage facilities, where no individual storage stall or compartment exceeds 500 square feet of total floor area.
41. Mobile home and mobile building sales, but not including residential occupancy of mobile homes.
42. Monument sales establishments.
43. Palm reading and fortune telling establishments.
44. Parking garages and parking lots.
45. Pawn shops.
46. Pet stores and grooming establishments.
47. Printing establishments.
48. Private clubs operated for profit.
49. Race tracks for animals or motor-driven vehicles, provided the site contains a minimum of fifteen (15) acres.
50. Radio and television studios, and cable television stations, including broadcasting towers and satellite receiving antennas as accessory uses.
51. Recycling collection centers, but not including the processing of recyclable materials.

- 52. Repair of household appliances.
- 53. Research and scientific laboratories.
- 54. Residences, single-family detached, attached, duplexes, townhouses, condominiums and apartments. Townhouses and condominiums are subject to all provisions of [Section 1004](#) and [Section 1005](#), respectively.
- 55. Restaurants, including drive-in and drive-through facilities.
- 56. Sign fabrication and painting shops, occupying not more than 2,500 square feet of floor area.
- 57. Skating rinks.
- 58. Tattoo Parlors.
- 59. Taxi-cab and limousine services.
- 60. Taxidermist shops.
- 61. Theaters, indoor and outdoor.
- 62. Truck stops and truck terminals.
- 63. Welding shops.

Except as modified herein, The Code of the City of Dahlonega, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter. The City Attorney is directed and authorized to direct the codifier to make necessary minor, non-substantive corrections to the provisions of this Code, including but not limited to, the misspelling of words, typographical errors, duplicate pages, incorrect references to state or federal laws, statutes, this Code, or other codes or similar legal or technical sources, and other similar amendments, without necessity of passage of a corrective ordinance or other action of the Mayor and Council. The City Clerk shall, upon the written advice or recommendation of the city attorney and without the necessity of further council action, alter, amend or supplement any non-codified ordinance, resolution or other record filed in his or her office as necessary to effect similar non-substantive changes or revisions and ensure that such public records are correct, complete and accurate.

SO ORDAINED, this 16th day of May, 2022.

Approved: _____
JoAnne Taylor, Mayor

ATTEST:

_____(SEAL)
Mary Csukas, City Clerk

Attachment D

Ordinance 2022-07

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF DAHLONEGA, GEORGIA, CHAPTER 4: ALCOHOLIC BEVERAGES; ARTICLE II: LICENSING AND REGULATIONS; SECTION 4-24: REGULATIONS PERTAINING TO CERTAIN CLASSES OF LICENSES ONLY, BY AMENDING SUB-SECTION (e): LICENSE ISSUANCE FOR DISTILLED SPIRITS PACKAGE SALES – RETAIL DEALER BUILDING AND INVENTORY REQUIREMENTS, BY ADDING CLAUSE (17) THAT RESTRICTS THE LOCATION OF DISTILLED SPIRITS PACKAGE STORES TO THE B1 AND B2 ZONING DISTRICTS.

First Reading: May 2, 2022
Result: Passed
Second Reading: May 16, 2022
Result: _____

Ordinance 2022-07

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF DAHLONEGA, GEORGIA, CHAPTER 4: ALCOHOLIC BEVERAGES; ARTICLE II: LICENSING AND REGULATIONS; SECTION 4-24: REGULATIONS PERTAINING TO CERTAIN CLASSES OF LICENSES ONLY, BY AMENDING SUB-SECTION (e): LICENSE ISSUANCE FOR DISTILLED SPIRITS PACKAGE SALES – RETAIL DEALER BUILDING AND INVENTORY REQUIREMENTS, BY ADDING CLAUSE (17) THAT RESTRICTS THE LOCATION OF DISTILLED SPIRITS PACKAGE STORES TO THE B1 AND B2 ZONING DISTRICTS.

Short Title: “An ordinance to provide for limiting the location of distilled spirits package stores to the B1 and B2 zoning districts.”

WHEREAS, the Mayor and City Council deem it necessary to provide for permitted zoning districts for the sale of distilled spirits by the package.

NOW, THEREFORE, BE IT ORDAINED by the Dahlonega City Council, and it is ordained by authority of the same, that Chapter 4, Article II, Section 4-24, Sub-Section (e) is hereby amended by adding a Clause (17) which reads as follows:

(17) No retail license for the sale of distilled spirits by the package shall be granted under this chapter unless the premises to be licensed are at the time the application approved by the city council and located under the zoning ordinance of the city in a B1 or B2 zoning district subject to specific limitations of the respective districts. Additionally, no licensee for the package sale of distilled spirits shall be permitted to utilize a lighted and/or portable sign outside the building. In addition all city sign regulations shall apply.

Except as modified herein, The Code of the City of Dahlonega, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter. The City Attorney is directed and authorized to direct the codifier to make necessary minor, non-substantive corrections to the provisions of this Code, including but not limited to, the misspelling of words, typographical errors, duplicate pages, incorrect references to state or federal laws, statutes, this Code, or other codes or similar legal or technical sources, and other similar amendments, without necessity of passage of a corrective ordinance or other action of the Mayor and Council. The City Clerk shall, upon the written advice or recommendation of the city attorney and without the necessity of further council action, alter, amend or supplement any non-codified ordinance, resolution or other record filed in his or her office as necessary to effect similar non-substantive changes or revisions and ensure that such public records are correct, complete and accurate.

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

SO ORDAINED, this 16th day of May, 2022.

Approved: _____
JoAnne Taylor, Mayor

ATTEST:

_____(SEAL)
Mary Csukas, City Clerk

Attachment E

Resolution 2022-05

**A RESOLUTION IN ACCORDANCE WITH ORDINANCE 2022-02 REGARDING
COMMENCEMENT OF THE FIRST CYCLE OF THE INITIAL LICENSING PERIOD
REGARDING DISTILLED SPIRITS PACKAGE STORES**

RESOLUTION 2022-05

**A RESOLUTION IN ACCORDANCE WITH ORDINANCE 2022-02
REGARDING COMMENCEMENT OF THE FIRST CYCLE OF
THE INITIAL LICENSING PERIOD REGARDING DISTILLED
SPIRITS PACKAGE STORES**

WHEREAS, Ordinance 2022-02 requires the City Council to designate the commencement days of each of the cycles comprising the initial licensing period;

NOW THEREFORE, be it resolved and it is so resolved by the City Council of Dahlonega that the first cycle of the initial licensing period shall commence on the 18th day of May, 2022, and shall conclude pursuant to the terms of said Ordinance.

Adopted this 16th day of May, 2022.

JoAnne Taylor, Mayor

Attest:

Mary Csukas, City Clerk