

STATE OF GEORGIA

First Reading: February 17, 2010

FULTON COUNTY

Second Reading: March 1, 2010

**ORDINANCE TO AMEND CHAPTER 3, ALCOHOLIC BEVERAGES, OF THE
CODE OF ORDINANCES OF THE CITY OF ROSWELL**

WHEREAS, the City of Roswell is a Georgia municipal corporation; and

WHEREAS, the Mayor and Council are the governing authority of the City of Roswell;
and

WHEREAS, the Mayor and Council of the City of Roswell are charged with the
protection of the public health, safety and welfare; and

WHEREAS, staff has reviewed proposed amendments to update **Chapter 3, *Alcoholic Beverages*** of the Code of Ordinances and recommended adoption of the revised sections of the ***Alcoholic Beverages*** Ordinance; and

WHEREAS, Mayor and Council have reviewed and considered such recommendation to
update and revise provisions of **Chapter 3, *Alcoholic Beverages*** of the Code of Ordinances to
reflect provisions pursuant to State law:

NOW, THEREFORE, the Mayor and Council of the City of Roswell, pursuant to their
authority, do hereby adopt the following Ordinance:

1.

Chapter 3, *Alcoholic Beverages*, of the Code of Ordinances of the City of Roswell, is
amended by deleting Chapter 3, Section 3.4.2 **Distance from churches, schools, etc** in its
entirety and substituting a new Section 3.4.2 to read as shown on **Exhibit "A"** attached hereto
and incorporated herein by reference.

2.

Chapter 3 is further amended by deleting Section 3.6.1 **Age Requirements, subsection
(c)** in its entirety and substituting therefor a new subsection **(c)** to read as shown on **Exhibit "B"**
attached hereto and incorporated herein by reference.

3.

Chapter 3 is further amended by deleting Section 3.2.14 **Application; Investigation
Consent, subsection (b)** in its entirety and substituting therefor a new subsection **(b)** to read as
shown on **Exhibit "C"** attached hereto and incorporated herein by reference.

4.

All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

5.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

6.

It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Roswell, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

7.

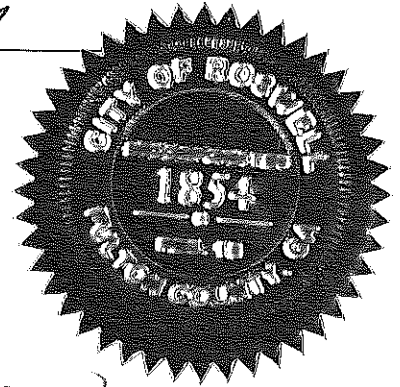
This Ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it.

The above Ordinance was read and approved by the Mayor and Council of the City of Roswell, Georgia, on the 1st day of March, 2010.

Attest:

Sue H. Creel
Sue H. Creel, City Clerk
(Seal)

Jere Wood
Jere Wood, Mayor



Jerry Orleans
Councilmember Jerry Orleans

Rebecca Wynn
Councilmember Rebecca Wynn

Betty Price
Councilmember Betty Price

Richard Dippolito
Councilmember Richard Dippolito

Kent Igleheart
Councilmember Kent Igleheart

Nancy Diamond
Councilmember Nancy Diamond

EXHIBIT "A"

Section 3.4.2 Distance from churches, schools, etc.

(a) No package malt beverage license, package wine license, or consumption on the premises license shall be issued for any place of business which is located within one hundred (100) yards of any school building, educational building, school grounds, or college campus.

(b) No package distilled spirits license shall be issued for any place of business which is located within one hundred (100) yards of any church building or alcoholic treatment center or which is located within two hundred (200) yards of a school building, educational building, school grounds, or college campus or which is located within 500 yards of another licensed package distilled spirits business.

(c) No package license shall be issued for any place of business which is located within two hundred (200) feet of a private single-family or two-family dwelling; provided, however, this prohibition shall not apply with respect to a private dwelling located in a zoning district in which alcoholic beverage outlets are authorized and which dwelling is on the same street as the premises for which a package license is applied.

(d) Unless otherwise provided by law for all retail package licenses, measurements to determine the distances referred to in this section shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:

- (1) In a straight line from the front door of the structure from which beverage alcohol is sold or offered for sale;
- (2) To the front door of the building of a church, government owned treatment center or a retail package store; or
- (3) To the nearest property line of the real property being used for school or educational purposes.

(e) Unless otherwise provided by law for all consumption on the premises licenses, measurements to determine the distances referred to in this section shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:

- (1) From the front door of the structure from which alcoholic beverages are sold or proposed to be sold;
- (2) In a straight line to the nearest public sidewalk, street, road or highway;
- (3) Along such public sidewalk, walkway, street, road, or highway by the nearest route; and
- (4) To the front door of the building or to the nearest portion of the grounds whichever is applicable under this chapter.

No license shall be revoked and no application for a license or renewal shall be denied by reason of the method of measurement set out in this subsection, if such license or license application or renewal application is for premises for which a license was granted prior to the enactment of this chapter in reliance on another method of measurement.

(f) No application for a license shall be approved which does not include, or have attached thereto, a current certificate from a registered surveyor which shows a scale drawing of the premises and the location at which the applicant desires to operate an alcoholic beverage outlet and which shows, with linear foot measurements where appropriate, such location's compliance or noncompliance with the provisions of this section, or a certificate from a registered surveyor which states that the subject alcoholic beverage outlet meets all of the location and distance requirements of this ordinance, and shows such location's compliance or noncompliance with linear foot measurements where appropriate or required.

(g) When a license application is for premises not yet constructed or not yet completed, a license may be issued if the application includes the plans for the premises and a surveyor's certificate, as required under subsection (e) of this section, clearly showing that the premises will when completed meet the requirements of this section.

EXHIBIT "B"

Section 3.6.1 Age Requirements.

(a) Except as provided in subsection (d) of this section, no wholesale dealer or package licensee shall allow any employee under the age of eighteen (18) years to dispense, sell, serve, take orders for, or handle alcoholic beverages.

(b) No consumption on the premises licensee shall allow any employee under the age of eighteen (18) years to dispense, sell, serve, take orders for, or handle alcoholic beverages.

(c) A licensed alcoholic beverage caterer shall not employ any person under eighteen (18) years of age who, in the course of such employment would dispense, serve, sell, or handle alcoholic beverages.

(d) This section shall not prohibit the employment of persons under the above ages on licensed premises where such persons do not dispense, sell, serve, take orders for, or handle alcoholic beverages.

(e) This section shall not prohibit persons sixteen (16) years of age or older from selling or handling alcoholic beverages in grocery stores or supermarkets. For purposes of this subsection, the term grocery stores or supermarkets shall not include convenience stores.

EXHIBIT "C"

(b) Each applicant shall be fingerprinted and have a complete background check provided to the City of Roswell. Instructions for this process are attached to the application.