

ORDINANCE 01 6808

**AN ORDINANCE TO AMEND ORDINANCE NUMBER 95-2, AN ORDINANCE TO TAX THE SALE OF CERTAIN ALCOHOLIC BEVERAGES SOLD BY THE DRINK AND SOLD IN PACKAGES AT RETAIL.**

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL, CITY OF SKY VALLEY, STATE OF GEORGIA, that the aforementioned ordinance be Amended as follows:

SECTION I. Section I of the aforementioned Ordinance shall be Amended as follows, the former Section I having no further force or effect:

An annual license fee for the sale of intoxicating liquors in the City as follows:

Intoxicating Liquors, on premises consumption	-	\$ <u>1000<sup>00</sup></u>
Intoxicating Liquors, wholesale dealers	-	\$ <u>1000<sup>00</sup></u>
Intoxicating Liquors, retail package	-	\$ <u>1000<sup>00</sup></u>
Beer/Wine - on premises consumption	-	\$ <u>100<sup>00</sup></u>
Beer/Wine - wholesale dealers	-	\$ <u>200<sup>00</sup></u>
Beer/Wine - retail package	-	\$ <u>200<sup>00</sup></u>

SECTION III. Section III of the aforementioned Ordinance shall be Amended as follows, the former Section III having no further force or effect:

It shall be unlawful, and a violation of this Ordinance, for any person or entity to fail to purchase any license, to pay any tax, or for any wholesaler to fail to collect any tax, as prescribed by this Ordinance. It shall be a continuing violation of this Ordinance for any person or entity to continue to sell any alcoholic beverage without having purchased any license, or without paying any tax due under this Ordinance. In addition to any other penalties allowed by law, any person or entity found to be in violation of any provision of this Ordinance shall be guilty of a misdemeanor, and shall be incarcerated for no more than 30 days in jail, and shall pay a fine of no less that \$500.00 and no more that \$5,000.00. Each day of a continuing violation of this Ordinance shall be a separate offense under this Ordinance. Further, upon any person or entities' receipt of a citation for the violation of this Ordinance, The City of Sky Valley may enter upon the premises where such violation has occurred and order all operations thereon, whether connected to the sale of alcoholic beverages or not, closed until all licenses, taxes and fines are paid in full.

SECTION V. Section V of the aforementioned Ordinance shall be Amended as follows, the former Section V having no further force or effect:

The license issued pursuant to the payment of the license fee as set forth herein shall be purchased and held by the owner of the business engaged in selling alcohol, after such owner makes application to The City of Sky Valley for such license on such forms as The City prescribes, whether such owner is a natural person, or a corporation. All such owners shall be subject to a background check including but not limited to the verification of the applicants name,

address, social security number, and a criminal background check. The City of Sky Valley reserves the right to deny a license to any person or entity not in compliance with all state and local laws, or who has a history of criminal activity, or for other reasons which in the opinion of The Sky Valley City Council would render their ownership of such a license a threat to the health, welfare or safety of the people of The City.

After written application is made, such application will be taken under consideration by The Sky Valley City Council, and The Council will either grant or deny such license within 90 days of the making of the application. Any applicant who is denied a license shall be entitled, upon request, to a written explanation for such denial, and may request a hearing in front of The Council so long as such hearing is requested within 30 days of the denial. At such hearing, The City Council will reconsider the application and render a vote in support of the denial, or approve the applicant for a license.

Should any applicant be a corporation, the information required in the application form shall be provided for a majority of the owners, or shareholders, or by the chief operating officer, and the license will be issued in the name of that person or those persons for whom the information is given.

No license provided for in this Ordinance shall be transferable. No license provided for in this Ordinance may be held in the name of any other person or entity other than that person or entity which owns the operation engaged in the business of selling alcohol.

The City reserves the right to require any person or entity holding a license under this Ordinance to subject themselves to a new background check at any time after the first year that such license is issued.

THIS ORDINANCE READ AND ADOPTED by the Mayor of The City of Sky Valley, Georgia at the regular meeting of said council on the 5 day of Sept., 2001.

The effective date of this ordinance shall be the 5 day of Sept., 2001.

SO ORDAINED, this the 5 day of Sept., 2001.

Attested:

Jessie S. Henson  
City Clerk

Approved:

[Signature]  
President, City Council

[Signature]  
Councilperson

[Signature]  
Councilperson

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Councilperson

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