

AN ORDINANCE AMENDING CHAPTER 4 OF THE CITY OF DUNWOODY CODE OF ORDINANCES BY AMENDING THE LICENSE DENIAL PROCESS; AMENDING CERTAIN OUTDOOR EVENT PERMIT PROVISIONS; AND FOR OTHER PURPOSES

WHEREAS, the City of Dunwoody is charged with protecting the health, safety and welfare of the citizens of the City; and

WHEREAS, the City of Dunwoody has heretofore adopted an ordinance for Alcohol Beverages, as set forth in Chapter 4 of the Code of the City of Dunwoody (the "Code"); and

WHEREAS, the provisions of Chapter 4 currently have different administrative processes for approvals/denials of alcohol licenses and permits and suspensions and revocations of the licenses and permits; and

WHEREAS, the current provisions of Chapter 4 permit outdoor festival permits to only be issued for City Parks and the City Council has determined that it may be appropriate to amend Chapter 4 to allow permitting of outdoor festivals in other publicly accessible areas within the City; and

WHEREAS, the Mayor and City Council have further determined that it may be appropriate to amend Chapter 4 to make the denial/approval process more uniform with the suspension/revocation process.

THEREFORE, Mayor and City Council of the City of Dunwoody hereby ordain as follows:

Section 1: Alcohol Beverages, Chapter 4 of the City of Dunwoody Code of Ordinances, Article II, Section 13(a), Procedure for Consideration of Application; Temporary Licensing, is hereby amended to read as follows:

- (a) The City Manager shall promptly refer a copy of each application to the Chief of Police or his designee for a thorough investigation. The Chief of Police or his designee shall report his findings to the City Manager. Such finding shall include a recommendation as to the qualifications of the applicant. The City Manager shall further have the responsibility and authority to request additional information as may be determined to be necessary in order for the City Manager to accept the application as complete prior to its approval or denial pursuant to Section 14 of this Article ~~submission to the City Council~~.

Section 2: Alcohol Beverages, Chapter 4 of the City of Dunwoody Code of Ordinances, Article II, Section 14, Denial of Application, shall be amended to read as follows:

Section 14: Denial of Application

- (a) ~~A license may be denied by the City for any violation of this Chapter; for any violation of State laws and regulations relating to alcohol beverages; for any material misrepresentation or omission in the application for the license; or if the licensee or the licensed business ceases to meet the eligibility requirements for licensure. After a hearing, should the City Council deny an application, written notice of the denial shall be provided to the applicant by the City Manager, shall set forth the reason(s) for the denial, and advise the applicant of the right to appeal.~~
- (b) ~~A license may be denied by the City Manager pursuant to subsection (a) above. The City Manager shall notify the licensee of the denial in writing by certified letter detailing the effective date of the denial and the reason for said denial. The denial letter shall also give the licensee ten (10) days in which to appeal the administrative decision to the Alcohol License Review Board. If the licensee desires to appeal the City Manager's decision, the licensee shall notify the City Manager of same in writing within ten days of receipt of the denial letter. The City Manager shall set a date for hearing of the licensee's denial within thirty (30) days of the licensee's written notice of appeal to the City Manager and the City Manager shall notify the licensee in writing no later than ten (10) days prior to such hearing of the date of such hearing pursuant to Section 2 of this Article. Service of such notice shall be by personal service on the Registered Agent. If personal service fails, the notice shall be mailed by certified mail to the Registered Agent at the address provided and to the named licensee at the licensed premises. Delivery shall be deemed to take place on the third (3rd) day following deposit in the United States mail.~~
- (c) Any decision by the ~~City Council~~Alcohol License Review Board denying an application shall be final unless the applicant applies to the Superior Court of DeKalb County by filing a Petition for Writ of Certiorari within thirty (30) days of the decision rendered by the ~~City Council~~Alcohol License Review Board.
- (d) In all instances in which an application is denied, the applicant may not reapply for a license for at least one year from the final date of the denial.

Section 3: Alcohol Beverages, Chapter 4 of the City of Dunwoody Code of Ordinances, Article IV, Section 2(c), Sale and Consumption on Public Property, is hereby amended to read as follows:

- (c) An outdoor festival host holding a special event permit may allow or prohibit alcohol consumption at the outdoor festival ~~in a City Park~~ and shall have the right to require that alcohol consumed at the outdoor festival be purchased or obtained from an official outdoor festival vendor. Such authorization and/or limitations shall be set forth on the application for the special event permit.

Section 4: This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this ____ day of _____, 2009.

Approved:

Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk (Seal)

Brian Anderson, City Attorney