



ALCOHOL CONTROL COMMISSION
Monday, February 15, 2021
5:00 P.M.
Live Meeting – City Hall, 601 Broad Street

1. Roll Call
2. Minutes – October 19, 2020 (No meeting in November, December, or January)
3. New Business:
 - * A) Issue a New Beer and Wine Package and Pouring License at Newby Farm and Vinyard, 411 Broad Street, to William Newby.
 - * B) Issue a New Beer and Wine Package and Pouring License at Olea Olive Oil and Wines, 424 Broad St., Suite 100, to Elizabeth Kieler.
 - * C) Issue a New Beer Package License at Tops Corner Food Mart, 1105 Calhoun Ave., to Mary Jo Vice.
 - D) Issue a New Beer Package License at the Maple Food Shop, 2031 Maple Ave., to Sanjib Dhakal.
 - * *License approved earlier – First in person ACC meeting since October*
4. Other:
 - A) Alcohol Sales Permit Appeal – Danja Ann Turley
Malinda Lee Smith
Harkirat Singh
 - B) Alcohol Ordinance Amendments –
 - * 1) Debt/Obligation Payment Requirement
 - * 2) Home Delivery of Alcohol
5. Police Report:
6. Adjourn:

Joseph F. Smith
Secretary

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ROME, GEORGIA, AND PARTICULARLY TO AMEND CHAPTER 3, ARTICLE II THEREOF, BY AMENDING SECTION 3-34; TO REQUIRE PAYMENT OF ALL DEBTS OR OBLIGATIONS TO THE CITY OF ROME PRIOR TO THE ISSUANCE OR RENEWAL OF AN ALCOHOL SALES PERMIT; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the Rome City Commission finds it to be in the public interest and welfare to require all applicants for alcohol sales permits and current permittees to timely pay any and all debts and obligations owed to the City of Rome, Georgia to be eligible to receive or renew an alcohol sales permit; and

WHEREAS, the City of Rome, within its inherent authority to regulate the sale of alcohol within the limits of the City, has the ability to require payment of debts and obligations by alcohol sales permittees for the privilege of acquiring or maintaining an alcohol sales permit;

NOW, THEREFORE, the Rome City Commission hereby adopts this Ordinance as follows:

SECTION I:

BE IT ORDAINED by the Rome City Commission, and it is ordained by authority of the same, that Chapter 3, Article II, Section 3-34 of the Code of the City of Rome, Georgia, entitled "Wearing of alcohol sales permits; application to alcohol control commission; fingerprinting, photographing and other investigation by the police department; employment of person without card; expiration on employee's birthday," is hereby amended by revising sub-section (d) thereto, which shall read as follows:

- (d) The City of Rome police department shall review the application and investigate permit applicants. The police department shall issue and renew an alcohol sales permit to applicants who complete the necessary applications and paid the applicable fees, unless the applicant:
- (1) Has been convicted of or pled guilty to any state or federal felony offense involving violence within the preceding ten years of the application date;
 - (2) Has been convicted of or pled guilty to any state or federal felony offense within the preceding three years;
 - (3) Has been convicted of or pled guilty to any state or federal misdemeanor offense involving forgery, identity theft, credit card fraud or theft within the preceding three years;
 - (4) Has been convicted or pled guilty to two or more offenses of selling, serving or providing alcohol to a minor within a twelve-month period, provided that the most recent conviction or guilty plea occurred within the preceding 12 months;

(5) Is ineligible to serve or sell alcohol under the laws of the State of Georgia, or has an overdue debt or obligation to the City of Rome as described in article I, section 3-7 of this chapter.

SECTION II:

BE IT ORDAINED by the Rome City Commission, and it is ordained by authority of the same, that all ordinances or parts of ordinances in conflict herewith be, and the same are hereby, repealed.

ADOPTED, this ____ day of _____, 2021.

CITY OF ROME, GEORGIA

By: _____
Craig McDaniel, Mayor

Attest: _____
Joe Smith, Secretary
Rome City Commission

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ROME, GEORGIA, AND PARTICULARLY TO AMEND CHAPTER 3, ARTICLES I AND II THEREOF, BY ADOPTING NEW SECTIONS 3-7, 3-8, AND 3-9 AND AMENDING SECTION 3-33; TO ALLOW FOR THE HOME DELIVERY OF ALCOHOLIC BEVERAGES BY LICENSEES IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF STATE LAW; TO REQUIRE PAYMENT OF ALL DEBTS OR OBLIGATIONS TO THE CITY OF ROME PRIOR TO THE ISSUANCE OR RENEWAL OF AN ALCOHOL LICENSE; TO PERMIT THE SUSPENSION OF AN ALCOHOL LICENSE FOR FAILURE TO PAY DEBTS OR OBLIGATIONS TO THE CITY; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, during its 2020 session, the General Assembly of Georgia adopted House Bill No. 879, 2020 Ga. Laws 615-629, §§ 1-8, which among other things, allows alcohol licensees to make home deliveries of alcoholic beverages subject to certain terms and conditions; and

WHEREAS, the Rome City Commission finds it to be in the public interest and welfare to require all applicants for alcohol licenses and current licensees to timely pay any and all debts and obligations owed to the City of Rome, Georgia to be eligible to receive, renew, or hold an alcohol license; and

WHEREAS, the City of Rome, within its inherent authority to regulate the sale of alcohol within the limits of the City, has the ability to require payment of debts and obligations by alcohol licensees for the privilege of acquiring or maintaining an alcohol license;

NOW, THEREFORE, the Rome City Commission hereby adopts this Ordinance as follows:

SECTION I:

BE IT ORDAINED by the Rome City Commission, and it is ordained by authority of the same, that Chapter 3, Article I, of the Code of the City of Rome, Georgia, is hereby amended by the adoption of the following Section 3-7, which shall be entitled "Overdue Debts or Obligations to the City of Rome," and which shall read as follows:

Sec. 3-7. – Overdue Debts or Obligations to the City of Rome.

- (a) No person shall be issued a license to sell or manufacture alcoholic beverages, whether by the package or for consumption on the premises, if that person has any overdue debt or obligation to the City of Rome. Notwithstanding any other provision of this Chapter, having an overdue debt or obligation to the City of Rome shall be sufficient grounds for denial of a license application.

- (b) No person shall be entitled to renewal of his or her license to sell or manufacture alcoholic beverages, whether by the package or for consumption on the premises, if that person has any overdue debt or obligation to the City of Rome. Notwithstanding any other provision of this Chapter, having an overdue debt or obligation to the City of Rome shall be sufficient grounds to deny the renewal of a license.
- (c) If a person accumulates \$1,000.00 or more of overdue debts and obligations to the City of Rome, whether due to a single debt or obligation or several, his or her alcohol license may be automatically suspended as described in section 3-8. Unless and until the licensee completely pays or satisfies the overdue debt(s) or obligation(s) to the City of Rome, the license shall remain suspended until its expiration.
- (d) For the purposes of this Article, a “debt” or “obligation” shall mean any payment that a licensee is required to make to the City of Rome, whether such payment be imposed under the laws of the State of Georgia, the Code of the City of Rome, any ordinance or resolution of the City of Rome, any federal, state, or local law, rule, or regulation, or any contract or agreement between the City of Rome and the licensee. This term shall include, but not necessarily be limited to, fees, fines, civil penalties, excise taxes, occupational taxes, and utility bills.
- (e) For the purposes of this Article, a debt or obligation shall be “overdue” when it is not completely paid or satisfied by the deadline set forth within the laws of the State of Georgia, the Code of the City of Rome, any ordinance or resolution of the City of Rome, any federal, state, or local law, rule, or regulation, the order or judgment of any court or other tribunal of competent jurisdiction, any demand for payment based upon a final adjudication in a court or other tribunal of competent jurisdiction, or any contract or agreement between the City of Rome and the licensee.
- (f) This code section shall be construed to apply to any license for the sale (at retail or wholesale) of alcoholic beverages or the manufacture thereof, including licenses for the sale or manufacture of malt beverages as described in Article III of this Chapter, licenses for the sale or manufacture of liquor as described in Article IV of this Chapter, licenses for the sale or storage of wine as described in Article V of this Chapter, and licenses for the sale of malt beverages, liquor, or wine for consumption on the premises as described in Article VI of this Chapter.
- (g) This code section shall not be construed to provide an exclusive remedy for an overdue debt or obligation, and the City of Rome may pursue any other administrative, legal, or equitable remedies available under this Code and the laws of the State of Georgia to recoup or recover any overdue debt or obligation.

SECTION II:

BE IT ORDAINED by the Rome City Commission, and it is ordained by authority of the same, that Chapter 3, Article I, of the Code of the City of Rome, Georgia, is hereby amended by the

adoption of the following Section 3-8, which shall be entitled “Notice of Overdue Debt or Obligation; Suspension of License; Hearing,” and which shall read as follows:

Section 3-8. – Notice of Overdue Debt or Obligation; Suspension of License; Hearing.

- (a) *Written notice of overdue debt or obligation.* If an alcohol licensee accumulates overdue debts or obligations to the City of Rome totaling \$1,000.00 or more, then the City Clerk, or a person authorized by the City Clerk, may mail written notice to said licensee at the licensee’s last-known address, or may provide written notice through any other means reasonably calculated to provide sufficient notice to the licensee, which contains the following information:
- (1) The licensee has an overdue debt or obligation to the City of Rome;
 - (2) The total amount of the overdue debt or obligation as of the date of the notice;
 - (3) The type or source of each overdue debt or obligation constituting the total amount;
 - (4) Failure to pay the overdue debt or obligation within fourteen (14) days of the notice shall cause the licensee’s alcohol license to be automatically suspended; and
 - (5) The licensee may request a hearing before the alcohol control commission on whether the suspension is proper.
- (b) *Request for hearing.* A licensee may request a hearing before the alcohol control commission regarding the pending suspension of his or her alcohol license for overdue debts or obligations. The licensee must request such a hearing by submitting a written request to the City Clerk within fourteen (14) days from the date of the notice. Upon scheduling the hearing, the City Clerk, or a person authorized by the City Clerk, shall provide notice to the licensee of the date, time, and place of the hearing at least five (5) days before the hearing. The suspension of the license shall be stayed until the conclusion of the hearing before the alcohol control commission and the alcohol control commission’s determination on the issue(s) presented.
- (c) *Hearing before the alcohol control commission.* At a hearing before the alcohol control commission, the licensee must show, by a preponderance of the evidence, that suspension for an overdue debt or obligation is improper because:
- (1) All overdue debts or obligations are no longer outstanding and have been completely paid or satisfied;
 - (2) None of the debts or obligations are overdue pursuant to the applicable law, applicable contractual terms, or applicable order, judgment, or adjudication of a proper court or tribunal; or
 - (3) The factual basis for suspension of the license for an overdue debt or obligation is not true and correct or is substantially inaccurate in all relevant and material aspects.

The hearing before the alcohol control commission shall be solely for the limited purpose of determining whether to suspend a license, and the alcohol control commission shall not have the authority or purview to determine the sufficiency of the underlying debt or obligation. A finding that a specific debt or obligation is not overdue shall not serve to

make a suspension improper if there are other debts or obligations listed in the written notice to the licensee that are overdue.

- (d) *Suspension after a hearing.* If the licensee fails to meet his or her burden as set forth herein, then the alcohol control commission must affirm the suspension of the license, and the suspension shall become effective immediately upon the conclusion of the hearing and the alcohol control commission's affirmance.

SECTION III:

BE IT ORDAINED by the Rome City Commission, and it is ordained by authority of the same, that Chapter 3, Article I, of the Code of the City of Rome, Georgia, is hereby amended by the adoption of the following Section 3-9, which shall be entitled "Home Deliveries of Alcoholic Beverages," and which shall read as follows:

Section 3-9. – Home Deliveries of Alcoholic Beverages.

- (a) For the purposes of this code section, "packaged goods retailer" shall have the same meaning as set forth in O.C.G.A. § 3-3-10.
- (b) Packaged goods retailers authorized to sell malt beverages for consumption off the premises under Article III of this Chapter shall be allowed to deliver malt beverages subject to all the terms and conditions within O.C.G.A. § 3-3-10.
- (c) Packaged goods retailers authorized to sell liquor for consumption off the premises under Article IV of this Chapter shall be allowed to deliver liquor subject to all the terms and conditions within O.C.G.A. § 3-3-10.
- (d) Packaged goods retailers authorized to sell wine for consumption off the premises under Article V of this Chapter shall be allowed to deliver wine subject to all the terms and conditions within O.C.G.A. § 3-3-10.
- (e) In addition to any authorization under state law, any person who has a license to pour malt beverages and wine for consumption on the premises under Article VI of this Chapter shall be allowed to deliver malt beverages and wine subject to all the terms and conditions within O.C.G.A. § 3-3-10. Any such licensee seeking to deliver malt beverages or wine must provide a letter of intent to the City Clerk at least ten (10) days before it commences such deliveries. It shall be a violation of this code section to commence delivering malt beverages or wine without providing a letter of intent as set forth herein.
- (f) For violations of the terms and conditions of O.C.G.A. § 3-3-10, the City of Rome may assess fines and suspend the right deliver malt beverages, liquor, or wine. Any such fines or suspensions shall not exceed the fine amounts or number of suspension days set forth in O.C.G.A. § 3-3-10. Prior to issuing a fine or suspending a license, the city commission shall require a hearing, either before it or the alcohol control commission, in the same manner as set forth in sections 3-81, 3-183, 3-240, and 3-306.

SECTION IV:

BE IT ORDAINED by the Rome City Commission, and it is ordained by authority of the same, that Chapter 3, Article II, Section 3-33 of the Code of the City of Rome, Georgia, entitled "Powers and duties" is hereby amended by adding a new sub-section (11) thereto, which shall read as follows:

- (11) *Hearings on overdue debts or obligations.* To hold a hearing on the proposed suspension of a license for failure to pay an overdue debt or obligation as described in section 3-8.

SECTION V:

BE IT ORDAINED by the Rome City Commission, and it is ordained by authority of the same, that all ordinances or parts of ordinances in conflict herewith be, and the same are hereby, repealed.

ADOPTED, this ____ day of _____, 2021.

CITY OF ROME, GEORGIA

By: _____
Craig McDaniel, Mayor

Attest: _____
Joe Smith, Secretary
Rome City Commission