

MEMORANDUM

To: Mayor and City Council

From: Karine Brooms, Finance Department

Date: July 11, 2016

Subject: **FIRST READ: Temporary Alcohol License Amendment and Update to Alcohol Fee Schedule**

ITEM DESCRIPTION

To amend the Chapter 4 Alcohol Beverage Ordinance to streamline the process by limiting the amount of redundancies, and approve a Resolution to establish fees for a temporary alcohol license to businesses that are currently in the process of an ownership change allowing them to continue operations at their establishment.

BACKGROUND

Currently, Chapter 4 ordinance states that temporary alcohol licenses should be reviewed and approved by the City Manager and/or the Police Chief. The alcohol establishments that request a temporary alcohol license are not paying an additional fee for the issuance of their temporary license. If an establishment meets the distance requirements listed in the City Ordinance, they are issued a temporary alcohol license if requested, in an effort to avoid disrupting business operations and causing any hardship on the business.

Research was done to poll neighboring cities and counties to determine if they offered temporary alcohol licenses and if so, what fees were charged. Cities/Counties Polled: Alpharetta, Brookhaven, Chamblee, Johns Creek, Peachtree Corners, Roswell, Sandy Springs, and DeKalb.

Municipality	Fee
Alpharetta, Brookhaven, Chamblee, DeKalb County	n/a
City of Johns Creek	COP Liquor: \$500.00; COP Beer/Wine: \$250.00; Package Beer/Wine: \$200.00
City of Peachtree Corners	COP Liquor/Beer/Wine: \$750.00; COP Liquor: \$500.00; COP Beer/Wine: \$250.00; Package Beer/Wine: \$200.00; Wholesale/Distributor: \$750.00
City of Roswell	\$300.00
City of Sandy Springs	COP Liquor: \$500.00; COP Beer/Wine: \$250.00; Package Beer/Wine: \$200.00; Wholesale/Distributor: \$750.00; no license for package liquor

RECOMMENDED ACTION

Staff recommends approval of the ordinance amendment that will streamline the alcohol process by allowing the Finance Department to fully handle the application and approval process. Staff also recommends the approval of a resolution to establish fees for issuing a temporary alcohol license.

**STATE OF GEORGIA
CITY OF DUNWOODY**

RESOLUTION 2016-XX-XX

A RESOLUTION AMENDING THE SCHEDULE OF FEES FOR ALCOHOL LICENSING IN THE CITY OF DUNWOODY, GEORGIA (SCHEDULE "A") BY ADDING FEES FOR TEMPORARY ALCOHOL LICENSES

WHEREAS, the Charter of the City of Dunwoody authorizes the City to provide for the general health, safety and welfare of the citizens of the City; and

WHEREAS, the Charter of the City of Dunwoody further authorizes the City to issue licenses for sale and pouring of alcoholic beverages, as well as collect all appropriate fees and taxes; and

WHEREAS, Chapter 4, Article 2, Section 4-35 of the Code of the City of Dunwoody authorizes the City to issue temporary permits for sale of alcohol for requesting applicants while the City reviews and investigates applications for a full license; and

WHEREAS, the City does not currently have any fees for said temporary licenses and the Council finds that temporary permit fees of \$500 for a temporary liquor license and \$250 for a temporary wine or malt beverage license are reasonably related to the cost of the City in regulating said licensing.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the City of Dunwoody, as follows:

SECTION 1. That the schedule of fees for Alcohol licenses is hereby amended as attached hereto and incorporated herein as Schedule "A", to include the additional fees of \$500.00 for temporary liquor licenses and \$250 for temporary wine and malt beverage licenses; and

SECTION 2. That the staff is hereby authorized and directed to implement the amended Schedule of Fees herein; and

SECTION 3. That Schedule "A" is hereby incorporated and made a part of this resolution as if fully set forth herein.

SO RESOLVED AND EFFECTIVE, this the ___ day of _____, 2016.

Attest:

Approved:

Sharon Lowery, City Clerk (Seal)

Denis L. Shortal, Mayor

**STATE OF GEORGIA
CITY OF DUNWOODY**

SCHEDULE "A"

CITY OF DUNWOODY ALCOHOL LICENSE FEES

The following fees are prorated:

Liquor	\$4,000.00	Consumption or package sales	(Mon thru Sat)
Beer only	\$600.00	Consumption or package sales	(Mon thru Sat)
Wine only	\$600.00	Consumption or package sales	(Mon thru Sat)
Beer & Wine Combination	\$900.00	Consumption or package sales	(Mon thru Sat)
Additional Fixed Bar	\$600.00	Consumption on premises only	(Mon thru Sat)
Additional Movable Bar	\$300.00	Consumption on premises only	(Mon thru Sat)
Sunday Sales Permit	\$1,100.00	Consumption on premises only	(Only one fee)

The following fees are not prorated:

Administrative/application fee = \$100.00 for beer and/or wine, plus \$200.00 for liquor.

Nonprofit Temporary = \$50.00 per day for beer and/or wine.
\$50.00 per day for liquor.

Nonprofit Annual = \$500.00 annual for beer and/or wine.
\$1,000.00 annual for liquor.

Wine Tasting Event = \$50 per day
Wine Tasting Annual = \$300 annual

Resident Catered Event = \$50 per day

Wholesalers = \$600.00 each for beer or wine, plus \$4,000.00 for liquor.

Employee Pouring Permit = \$40 per employee

Patio Sales Permit = \$50 per location

One-Time Sunday Sales = \$200

Temporary License (liquor) = \$500

Temporary License (Beer/Wine) = \$250

AN ORDINANCE AMENDING CHAPTER 4 OF THE CITY OF DUNWOODY CODE OF ORDINANCES BY REVISING ALCOHOL LICENSE APPLICATION REVIEW PROCEDURES

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’s Alcohol Beverages Ordinance, Chapter 4, currently requires that, once applications are submitted, they are routed by the City Manager through several departments as part of its review; and

WHEREAS, in order to streamline the process and limit the amount of redundancies that may develop as a result, the Mayor and City Council determine that the Finance Director and the Finance Department should be responsible from the time of submittal of the application for the review and approval process.

NOW, THEREFORE, the 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, Article II (Licensing), Section 4-35 (Procedure for Consideration of Application; temporary licenses) is hereby amended to read as follows:

Sec. 4-35. Procedure for Consideration of Application; temporary licenses

- (a) The Finance Director or designee shall promptly review the application and shall further have the responsibility and authority to request additional information as may be determined to be necessary in order for the application to be deemed complete prior to its approval or denial pursuant to section 4-36.
- (b) A temporary license for a full pouring license, a limited pouring license, package malt beverage license, package wine license, and package distilled spirits license may be issued by the Finance Director or designee for a period of up to 60 days, provided the Finance Director or designee is satisfied that the applicant substantially complies with the provisions of the applicable ordinances and meets required qualifications, and the denial of a temporary license would create undue hardship upon the applicant, such as the closing of an existing business or delaying of the opening of a new business. No right or property shall vest in any applicant by virtue of the issuance of such permit. The applicant shall sign an acknowledgment that the temporary license is a mere accommodation and may be revoked, with or without cause, by the Finance Director at any time.

- (c) The fee for issuance of a temporary license shall be set by resolution of the city council, and this fee amount shall remain in effect until modified or amended by subsequent resolution adopted by the city council.

Section 2: 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 _____, 2016.

Approved:

Denis L. Shortal, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk (Seal)

City Attorney