

AN ORDINANCE OF THE CITY OF DUNWOODY TO INCREASE THE NUMBER OF MEMBERS SERVING ON THE ALCOHOL LICENSE REVIEW BOARD

WHEREAS, The Charter of the City of Dunwoody ("City") grants the City power to establish boards and commissions;

WHEREAS, Pursuant to its power under the Charter, the Mayor and Council of the City adopted an Ordinance that establishes an Alcohol License Review Board and sets the number of its members at five; and

WHEREAS, The Mayor and Council have determined that two additional members of the Alcohol License Review Board are needed to assist with the operation of said Board and to increase the effectiveness of said Board.

NOW, THEREFORE, the Mayor and City Council of the City of Dunwoody, Georgia, hereby Ordain as follows:

Section 1: Section 4-70 of Chapter 4 (Alcoholic Beverages), Article III ("Suspension or Revocation of License; Hearing") of The City of Dunwoody, Georgia, Code of Ordinances is hereby repealed in its entirety and is replaced by the following:

Sec. 4-70. - License review board; hearings.

- (a) There is hereby established a license review board consisting of seven members appointed by the mayor and subject to approval by the council. Each member shall serve a term of three years, except that upon appointment of the initial members of the board, the initial terms may be staggered.
- (b) The board shall have the following duties:
 - (1) To hear deferred applications or appeals from administrative decisions by the city manager with regard to issuance, suspensions, or revocation of licenses, transfers, renewals, change of ownership, or other matters affecting such licenses or decisions by the city manager pursuant to this chapter;
 - (2) To hear appeals with regard to issuance or renewal of employee work permits;
 - (3) To hear any matter involving revocation or suspension of a license or other disciplinary action against a licensee or employee under a work permit;
 - (4) To consider and act upon any other matter specifically delegated to the board by city ordinance, resolution, or action of the council.
- (c) Applicants or licensees shall be given written notice of the date, time and place when the board will consider the respective matter. The applicant and interested parties shall be afforded the opportunity to be heard by the board and present evidence to the board prior to making its decision. Except as may be otherwise specifically provided, no alcoholic beverage license having been issued shall be

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suspended or revoked except for due cause, as defined in this section, until after a hearing and upon written notice to the holder of such license of the time, place, purpose of the hearing, and a statement of the charge upon which the hearing shall be held. Ten days' notice shall be deemed reasonable, but shorter or longer periods of notice shall be authorized as the board may deem the circumstances to justify. Due cause for the suspension or revocation of license shall consist of the violation of any laws or ordinances regulating the business; the violation of any state or federal law; any reason which would authorize the city to refuse the issuance of a license; or any violation of this chapter. Further, the police department shall notify the city manager if the licensee or anyone in the employ of a licensee is:

- (1) Being charged with or arrested for selling alcoholic beverages:
 - a. To an underage person;
 - b. On Sunday without necessary Sunday sales license; or
- (2) Being convicted of selling alcoholic beverages to an intoxicated person pursuant to O.C.G.A. § 3-3-22 during the current license year.

Once the city manager becomes aware of such charge, charges, arrest, or conviction, he shall place the matter before the board for hearing. The board, at said hearing and after receiving evidence, may order the license to sell or serve alcoholic beverages be suspended or revoked if the evidence so warrants. All decisions of the board shall be in writing, and a copy shall be furnished to the applicant or licensee.

- (d) The board shall have the authority to hear or determine any matter set forth in this chapter unless specifically prohibited therefrom.
- (e) Upon close of the public hearing, the board shall reach a decision on the matter before it, and the decision of the board shall be final unless the applicant, licensee, or permit holder appeals the decision to the city council within ten days of the date of its written decision. The appeal shall be in writing and filed with the city clerk. Within 30 days of the filing of the appeal and at a regularly scheduled meeting, the council shall conduct a de novo hearing to hear evidence and, at the conclusion of such hearing, shall render a decision to uphold the decision made by the board, reverse the decision made by the board, or in its discretion, modify the decision made by the board.
- (f) The decision of the council as rendered on an appeal under this article shall be final unless the applicant, licensee or permit holder applies to the county superior court by filing a petition for writ of certiorari within 30 days of the decision rendered by the council.
- (g) The board shall meet at such times as necessary as determined by the board and shall render its decisions within 30 days after the close of a hearing on any matter. Such meeting shall not be scheduled later than 30 days from the time a matter is filed for hearing or appealed to the board.
- (h) The board shall select one of its members to serve as chair and one member to serve as secretary, both to serve at the pleasure of the board. Minutes and

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records of all proceedings shall be kept and maintained in the office of the city manager.

Section 2: If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of the Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Dunwoody to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

Section 3: All ordinances in conflict with the terms of this Ordinance are hereby repealed to the extent of the conflict.

Section 4: This Ordinance shall be effective when signed by the mayor of the City of Dunwoody.

SO ORDAINED and effective this ____ day of _____, 2024.

Approved By:

Lynn P. Deutsch, Mayor

Attest:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(SEAL)

City Attorney