

**AN ORDINANCE TO AMEND ARTICLE I, IN GENERAL,
OF CHAPTER 3 ALCOHOLIC BEVERAGES OF THE CODE OF ORDINANCES
OF THE CITY OF NEWNAN, GEORGIA BY ADDING PROVISIONS PROVIDING FOR
THE PACKAGE SALE OF DISTILLED SPIRITS; AND FOR OTHER PURPOSES**

WHEREAS, the Mayor and City Council on June 15, 2021, adopted a resolution calling for a special election referendum for consideration by the City's electors authorizing the City of Newnan, Georgia to issue licenses for the package sale of distilled spirits within the City limits; and

WHEREAS, pursuant to the vote of the electors of the City authorizing the sale of distilled spirits by the package and in accordance with a plan designed for the purposes, among others, of promoting the health, safety and general welfare of the citizens of the City, the Mayor and City Council have considered an ordinance which is intended:

(1) To establish reasonable standards for the regulation and control of the licensing and sale of distilled spirits by the package; and

(2) To protect and preserve schools, churches, and similar places of public assembly; and

(3) To preserve residential areas regarding, among other things, the character of the areas, their particular suitability for particular uses and the congestion in the surrounding roads and streets, with a general view of promoting desirable living conditions, and sustaining the stability of neighborhood and property values.

NOW, THEREFORE, BE IT ORDAINED AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NEWNAN AS FOLLOWS:

Section 1: Article I, In General, of Chapter 3 Alcoholic Beverages of the City's Code of Ordinances is hereby amended by deleting and reserving Section 3-3, Sale of Package Distilled Spirits Prohibited.

Section 2: Article I, In General, of Chapter 3 Alcoholic Beverages of the City's Code of Ordinances is hereby amended by adding a new Sec. 3-68 License issuance for distilled spirits package sales-Retail dealer building and inventory requirements, a new Sec. 3-69 Maximum number of distilled spirits retail licenses permitted, and a new Sec. 3-70 Time for sales distilled spirits package sales to read as follows:

Sec. 3-68. License issuance for distilled spirits package sales – Retail dealer building and inventory requirements

(a) General regulatory and licensing procedures of distilled spirits package sales shall conform to Article I, Article II, and Article V of Chapter 3 Alcoholic Beverages of the City's Code of Ordinances.

(b) No retail dealer license for the sale of distilled spirits shall be issued to any applicant whose building where the business will be conducted (a) is not "free standing"

(i.e., is part of a larger building or structure) and (b) does not include a showroom with a minimum of 5,000 square feet and an additional storage area of at least 500 square feet. For distilled spirits retail dealers desiring to sell malt beverages and wine in addition to distilled spirits, at least an additional 500 square feet of showroom, and at least an additional 500 square feet of storage area is required over and above the minimum square feet for the establishment set forth above. For the purposes of this ordinance, cooler space shall be considered storage area and spaces such as offices, mechanical rooms, janitorial rooms, breakrooms and bathrooms shall not count towards the minimum square footage requirements. In addition to the minimum square footage, retail dealers for the sale of distilled spirits shall maintain a minimum inventory of at least \$750,000.00 in distilled spirits available for sale. Retail dealers selling malt beverages and wine in addition to distilled spirits shall maintain a minimum of \$35,000.00 inventory in malt beverages and wine.

(c) No retail license for the sale of distilled spirits by the package shall be granted under this chapter unless the premises to be licensed are, at the time the application is approved by the city council, located under the planning and zoning ordinance of the city in a CGN, CCS, or PDC zoning district subject to the specific limitations of the respective districts.

(d) No premises shall be licensed for the sale of distilled spirits by the package without complying with the distance requirements as set forth below:

1. which is located within 1,500 feet of any other business licensed to sell distilled spirits by the package.
2. which is located within 300 feet of any church building, alcoholic treatment center as defined by OCGA 3-3-21(a)(1)(c), or a housing authority property as defined in OCGA 3-3-2(e)(1) and (2).
3. which is located within 600 feet of any school building, educational building, school grounds, or college campus.
4. which is located within 300 feet of a detached single family dwelling unit located within one of the City's residential zoning districts;
5. All measurements shall be measured by the most direct route of travel on the ground, from front door to front door.

(e) No person, group, or entity with similar members, including family members, shall have an interest in more than one license for the package sale of distilled spirits issued by the city.

(f) It shall be unlawful for any person to open or consume any alcoholic beverages on premises licensed for the sale of distilled spirits by the package.

(g) It shall be unlawful for any person to sell or offer for sale distilled spirits by the package within the city by means of drive-through sale. For purposes of the section, the term "drive-through sale" means the sale of distilled spirits by the package by any means that allows the customer to remain in their motor vehicles.

(h) Each application for a package distilled spirits license shall be accompanied by a non-refundable application fee in the amount of \$500.00.

(i) The license fee for a retail sales of distilled spirits package license shall be \$5000.00 annually. To add a retail sales of package malt beverage license the fee shall be an additional \$500.00 annually; and to add a retail sales of package wine license the fee shall be an additional \$500.00 annually.

(j) There is imposed by the city an excise tax on the first sale or use of distilled spirits in the city at the rate of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.

Sec. 3-69 Maximum number of distilled spirits retail licenses permitted.

(a) Subject to subsection (b)-(e) below, the city will not accept any applications for the retail sale of distilled spirits by the package, and no licenses for the retail sale of distilled spirits by the package shall be issued over the number of three (3).

(b) If at any time and for whatever reason, the number of active licenses for the retail sale of distilled spirits by the package falls below three, then the city shall accept applications for and issue such additional licenses for the retail sale of distilled spirits by the package so as to bring the total number of active licenses for the retail sale of distilled spirits by the package to three.

(c) The provisions of subsection (b) notwithstanding, one (1) additional license may be issued once the population of the city exceeds 50,000. In this regard, additional licenses may be issued in the future for each 12,500 person increase in population over 50,000. In determining population, the city shall utilize the most recent population figures published by the Atlanta Regional Commission. In the absence of such figures, the city shall utilize the U.S. Census of 2020 or any future decennial census.

(d) If the total number of permitted licenses has increased pursuant to subsection (c) above, and if at any time and for whatever reason thereafter, the number of active licenses for the retail sale of distilled spirits by the package falls below the number then permitted, then the city shall accept applications for and issue such additional licenses for the retail sale of distilled spirits by the package so as to bring the total number of active licenses for the retail sale of distilled spirits by the package to the total number then permitted.

(e) If the city receives more applications than allotted licenses to be issued under this section which applications comply with the standards for the issuance of licenses for the sale of package distilled spirits set forth in this Chapter, then the selection of the successful application(s) shall be conducted by a lottery system overseen by an independent thirty party firm. The applications drawn from the lottery system shall then be presented to the city council for action on the approval of the initial licenses to be issued under this Chapter.

(f) Applications for the initial issuance of licensees will not be accepted until the effective date of this ordinance. Acceptance of applications for the initial licenses,

or any future allocation of licenses, will remain open for a period of sixty (60) days before review and consideration of such applications in accordance with subsection (e) above.

Sec. 3-70. Time for sales distilled spirits package sales.

- (a) It shall be unlawful for any distilled spirits package dealer in the city to sell distilled spirits except between the hours of 8:00 a.m. and 11:45 p.m. Monday morning through Saturday night.

Section 3. Repealer. All ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Constitutionality. Should any phrase, clause, sentence of this Ordinance be deemed unconstitutional by a Court of competent jurisdiction, such determination shall not affect the remaining provisions of this Ordinance which provisions shall remain in full force and effect.

Section 5. Adoption of this Ordinance does not create any additional right or benefit, substantive or procedural, enforceable in law or in equity by any party against the City of Newnan, its departments, agencies, officials, employees, agents or other person or entity.

Section 6. Effective Date/Termination Date. This Ordinance shall be effective immediately upon certification of the November 2, 2021 election results by the Coweta County Election Superintendent.

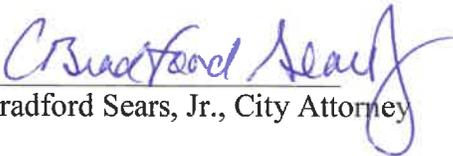
DONE, RATIFIED AND PASSED in regular session, on second reading this the 24th day of August 2021.

ATTEST:


Megan Shea, City Clerk

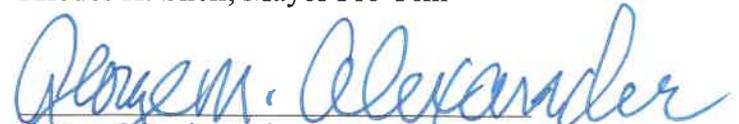

L. Keith Brady, Mayor

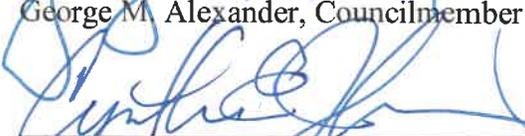
REVIEWED AS TO FORM:


C. Bradford Sears, Jr., City Attorney


Cleatus Phillips, City Manager


Rhodes H. Shell, Mayor Pro Tem


George M. Alexander, Councilmember


Cynthia E. Jenkins, Councilmember


Raymond F. DuBose, Councilmember


(NAY)
Dustin Koritko, Councilmember


Paul Guillaume, Councilmember

DONE, RATIFIED, AND PASSED, by the City Council of the City of Newnan, Georgia, this 12th day of AUGUST, 2021.

ATTEST:

Megan Shea
Megan Shea, City Clerk

L. Keith Brady
L. Keith Brady, Mayor

Rhodes H. Shell
Rhodes H. Shell, Mayor Pro-Tem

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