



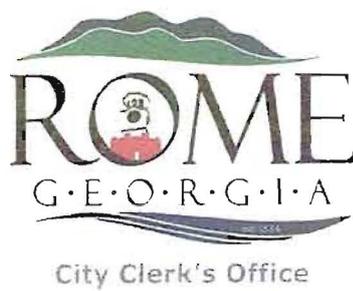
**ALCOHOL CONTROL COMMISSION**

**Monday, August 15, 2016**

**5:00 P.M.**

1. Roll Call
2. Minutes – July 18, 2016
3. Old Business: None
4. New Business:
  - A) Issue a New Beer, Wine, and Liquor Package License at KCD Package, 1400 Dean Street, to Kevin C. Evans.
  - B) Issue a New Beer, Wine, and Liquor Pouring License at KCD Restaurant, 1400 Dean Street, to Kevin C. Evans.
  - C) Issue a new Beer and Wine Pouring License at Rome Downtown Tennis Center, 329 W. 3<sup>rd</sup> Street and the Rome Tennis Center at Berry College, 100 Match Point Way, to Thomas J. Daglis.
5. Other: \*
  - A) Proposed Ordinance Amendment – Section 3-180 (b)(9) Prohibited Persons.
6. Police Report:
7. Adjourn.

**Joseph F. Smith**  
Secretary



TO: Alcohol Control Commission  
FROM: Joe Smith, City Clerk *Joe*  
DATE: August 11, 2016  
Subject: Alcohol Ordinance Amendment

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I would like for the ACC to discuss and consider the merits of an amendment to our Alcohol Ordinance. Specifically Section 3-180(b)(9) regarding persons prohibited from holding a City pouring license or liquor package. From the attachment, you will see that "an officer or employee of the city or of the county, or members of their immediate families" is prohibited from holding this license. Stonebridge Golf Course was exempted from the restriction over 20 years ago in order to allow a City of Rome employee to hold the pouring license at Stonebridge Golf Course.

With the City of Rome now operating the old West 3<sup>rd</sup> Street Tennis Center and the new Rome Tennis Center at Berry College, and wanting the facilities pour beer and wine, it will be necessary to amend this section of the code to allow that to happen. We need to exempt these tennis facilities as we exempted Stonebridge Golf Course.

While we are discussing this code section, we need to also consider amending the restriction regarding the prohibition of family members of County employees.

commission may extend the approval up to 90 days for cause, provided the request therefor is made within the original 90-day period. (Code 1959, § 4-32.2; Code 1981, § 9-2033)

**Sec. 3-178. Substantially same application not to be resubmitted or entertained within six months of previous application; deferral of action on application subject matter of which is being litigated.**

(a) No applicant under this division may submit, and the alcohol control commission shall not act upon, an application which is substantially the same as an application submitted within the previous six months, unless directed by the commission.

(b) Either the alcohol control commission or the city commission, or both, may defer action upon any application, the subject matter of which is substantially the same as the subject matter of litigation then pending in the state or federal courts until such time as the litigation is resolved. (Code 1959, § 4-32.3; Code 1981, § 9-2034)

**Sec. 3-179. Considerations and guidelines for granting or denying license.**

The considerations and guidelines for granting or denying a liquor license shall be the same as for malt beverages, as set out in section 3-77.

**Sec. 3-180. Grounds for denial of license.**

(a) *Prohibited locations.* The requirements pertaining to prohibited locations of liquor establishments shall be the same as for malt beverages except that the distances from school grounds or college campuses shall be 600 feet; provided, that no new retail liquor package establishment nor the relocation of any existing retail package establishment shall be located within 500 yards of any other business licensed to sell package liquor at retail, as measured by the most direct route of travel on the ground; provided, however, that this limitation shall not apply to any hotel license under this chapter; provided, further, that this restriction shall not apply to any location for which a license has been issued prior to July 1, 1997, nor to the renewal of such license. The

restriction of this section shall also not apply to any location to which a new license is applied for if the sale of distilled spirits was lawful at such location at any time during the 12 months immediately preceding such application.

(b) *Prohibited persons.* It shall be unlawful for any person to grant a license for the sale of liquor to:

- (1) A person who is not a resident of the county for at least one year immediately preceding the filing of the application; provided that such prohibition as to the length of residency in the county shall not apply to an individual who:
  - a. Has been, for at least one year, a regular employee of a corporation which operates, or proposes to operate, the licensed business.
  - b. Shall not otherwise be a prohibited person under this section or state law.
- (2) A person who is not of good character and reputation in the community in which he resides.
- (3) A person who has been convicted of a felony, or of a crime opposed to decency and morality, or who has been convicted of a crime involving violation of the ordinances of the city relating to the use, sale, taxability or possession of malt beverages, wine or liquor, or violations of the laws of the state or federal government pertaining to the manufacture, possession, transportation or sale of malt beverages, wine or intoxicating liquors, or taxability thereof.
- (4) A corporation.
- (5) A partnership, unless all partners qualify.
- (6) A person whose license under this chapter has been revoked for cause.
- (7) Reserved.
- (8) A person who is under the age of 21 years or who is not of sound mind and memory.
- (9) An officer or employee of the city or of the county, or members of their immediate

families. This prohibition shall not apply to malt beverage pouring license at Stonebridge Golf Course.

(10) A person who already holds a class W license or a license in the classification applied for.

(Code 1959, § 4-34; Ord. No. 78-5, § 2, 10-17-77; Ord. No. 87-9-1, § 1, 9-8-87; Code 1981, § 9-2036; Ord. No. 92-9-3, § I, 9-21-92; Ord. No. 98-2-3, § I, 2-16-98; Ord. No. 00-85, § I, 8-21-00; Ord. No. 01-1-1, § 1, 1-2-01; Ord. No. 01-2-1, § I, 2-5-01)

**Sec. 3-181. Removing residence from county or otherwise becoming a prohibited person.**

Any licensee under this division who removes his residence from the county, or otherwise becomes a "prohibited person" as defined in section 3-180(b), shall, within ten days of the event, make the fact known to the alcohol control commission and shall surrender his license upon demand by the alcohol control commission in such case.

(Code 1959, § 4-34.1; Code 1981, § 9-2037)

**Sec. 3-182. Renewal; denial of renewal.**

(a) All licenses under this division shall be issued on a calendar year basis and shall be renewable as a matter of course upon payment of the appropriate fee, unless adverse information shall have come to the knowledge of the alcohol control commission or unless the chief of police makes a report as is set out in subsection (d).

(b) Each licensee shall make written application for renewal of his license on or before November 15 of each year on forms provided by the secretary, and the license fee shall be paid in full on or before December 31 of each year.

(c) The application shall be referred to the chief of police, who shall report on the licensee's activity, if any, and upon activity at the location of the licensed business, if any, during the year.

(d) If the chief of police reports any activity which constitutes probable cause for not renewing a license, the renewal shall not be made, and the matter shall be referred to the alcohol control commission for its consideration.

(e) The alcohol control commission shall afford the licensee a public hearing and make findings of fact, which shall be referred to the city commission. In passing upon the application for renewal, the city commission shall be guided by the following factors applicable to an initial application: subsections (5), (6), (8), (9), (10) and (12) of section 3-77 and section 3-181. The city commission may grant, or deny for cause, the renewal of any license issued under this division.

(Code 1959, § 4-35; Code 1981, § 9-2038)

**Sec. 3-183. Suspension, revocation, and monetary sanction—Generally.**

(a) *Summary action.* There shall be no summary seizure of licenses under this division, unless there exists in the city a state of emergency duly declared; after any such seizure, a hearing shall be held as soon as practicable.

(b) *Action by city commission.* The alcohol control commission may recommend to the city commission to suspend, refuse to renew, place on probation, or revoke a license to sell liquor, and to impose a monetary sanction not to exceed \$2,000.00, under the conditions set forth in this section. Then the city commission shall have full power and authority to suspend, refuse to renew, place on probation, or revoke a license to sell liquor, and to impose a monetary sanction not to exceed \$2,000.00 under the conditions set forth in this section. Before taking any such action except suspending a license for failure to pay an imposed monetary sanction when due, the city commission shall require a hearing, either before it or the alcohol control commission, at least five days' notice of which hearing shall have been given to the affected licensee. Sufficient grounds for the suspension, refusal to renew, probation, revocation of a license, or imposition of a monetary sanction include, but are not limited to, the following:

- (1) A licensee has failed to open a business within six months after approval of the license.
- (2) A licensee has ceased to operate the business for a period of three consecutive months.