

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 30

AN ORDINANCE

Regulating the sale of malted beverages and wines within the City of Lookout Mountain, Georgia.

BE IT ORDAINED by the City Council of the City of Lookout Mountain, Georgia, and it is hereby ordained:

Section 1. Date:

That from and after the 2nd day of December, 1970, retail licenses for the sale of (i) fermented beverages made from malt in whole or in part, or any similar beverages, and (ii) domestic and foreign wines other than fortified wines as fortified wines are defined by Georgia Code Annotated 58-1058, in the City of Lookout Mountain will be granted by the Mayor and City Council of the City, upon proper application being filed and approved.

Section 2. Retail License Qualifications:

The retail licensee must be a person of good moral character and a citizen of the United States, and must meet the following qualifications:

(1) The licensee shall not have been convicted within ten (10) years of the date of his application of felony, or any violation of the laws of this state, or any other state, relating to the sale of alcoholic beverages.

(2) The licensee shall not have had revoked, for cause, such as a violation of regulations, or improper operation, within three (3) years next preceding his application, any license issued to him by the County of Walker, the State of Georgia, or any other state or county, to sell alcoholic beverages of any kind.

(3) The licensee shall be the owner, operator or manager of the premises for which the license is held.

(4) The licensee shall be active in, and solely

responsible for, the management and operation of the business for which the license is granted.

(5) The applicant shall make a sworn statement of his qualifications according to the above and shall place same on file with the Clerk of the City before any license is issued.

(6) If the application covers a co-partnership, all members of the co-partnership must be qualified to obtain a license and must make a sworn statement of these qualifications.

(7) If the application is in the name of a corporation, all officers of said corporation must possess the qualifications necessary to obtain a license, and the person who applies for the license in the name of the corporation must make a sworn statement setting out the names and addresses of all officers of said corporation and must include in such sworn statement the fact that said persons do possess the qualifications to obtain such a license.

(8) No person shall be granted a license to engage in the sale of either malt beverages or wines at retail unless it shall appear to the satisfaction of the Mayor and City Council that such person, or the officers of any corporation, shall be of good moral character. In no event shall any such license be granted to any person or to any corporation where the person or officers of the corporation have been convicted or have pleaded guilty or entered a plea of nolo contendere to any crime involving turpitude, within a period of ten (10) years immediately prior to the date of application for such license.

(9) Any misstatement or concealment of fact in the application shall be grounds for revocation of the license issued and shall make the applicant liable to prosecution for perjury under the laws of the State of Georgia.

### Section 3. Regulations:

(1) It shall be unlawful for any person to sell beer or any other malt beverage or wine to a person who is under the age of twenty-one years.

(2) It shall be unlawful for any person to sell beer

or any other malt beverage or wine to any person who is in an intoxicated condition.

(3) It shall be unlawful for any person to sell beer or other malt beverage or wine on any day or at any time when such sale is prohibited by any law or regulation of the State of Georgia or of the City of Lookout Mountain, Georgia.

(4) It shall be unlawful for any person to commit any breach of the peace, any disorderly conduct or to act in any lewd, immoral or improper manner or to allow any lewd, improper or immoral entertainment, conduct or practice upon the premises wherein beer or malt beverages or wine are sold under a license issued by the City of Lookout Mountain, Georgia.

(5) Unless the license granted by the City clearly indicates that it is intended to permit on the premises consumption of malt beverages and wines, or either of them, it shall be unlawful for any one to open, drink, or otherwise consume any beer or malt beverage or wine upon the premises wherein such beverages are sold under a license issued by the City of Lookout Mountain, Georgia.

(6) It shall be unlawful for any minor to purchase any malt beverage or wine in the City of Lookout Mountain, Georgia.

(7) It shall be unlawful for any person, including any parent, to buy any malt beverage or wine and to furnish or give same to a minor for consumption.

(8) It shall be unlawful for any person to sell any malt beverage or wine to any one known to be a habitual drunkard or to any one known to be of unsound mind.

(9) Except for wholesalers delivering to licensed retailers in the City, it shall be unlawful for any person to manufacture, sell or possess for the purpose of sale any malt beverage or wine within the City of Lookout Mountain, Georgia, unless such person shall have a license from the City of Lookout Mountain, Georgia, to sell or possess for sale such malt beverages or wines.

(10) It shall be unlawful for any person to sell any

malt beverage or wine on any Sunday, on any day in which an election is being held within the corporate limits of the City of Lookout Mountain, Georgia, or on any day prior to nine o'clock A.M. or after twelve o'clock P.M.

(11) Any person convicted of violating any section or sub-section of this Ordinance shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). If the person so convicted shall be the holder of any retail license to sell malt beverages or wines within the City of Lookout Mountain, then such person shall automatically forfeit such retail license and same shall be revoked.

Section 4. Restrictions:

(1) No license shall be issued to anyone where the place of business of the licensee is located within one hundred (100) yards of any church, school ground or college campus.

(2) The distance set out in the preceding section shall be measured by straight line measurements from the property ascertained by measuring the distance along the route that a person ordinarily walks going directly from the entrance of the building of the licensee to the nearest church, school ground or college campus.

(3) A license shall be a mere grant or privilege to carry on business during the term of the license, subject to all terms and conditions imposed by this Ordinance, or any future Ordinance, and subject to revocation with or without cause, and with or without notice or hearing. In case of revocation, the licensee shall not be entitled to a return of the unearned license fee. All such licenses shall have printed on the front these words:

"This license is a mere privilege, subject to be revoked and annulled by the Mayor and City Council of Lookout Mountain, with or without cause, and with or without notice on hearing."

Section 5. License Fees:

(1) The applicant for a retail license shall pay to the Clerk of the City of Lookout Mountain at the time his license

is received the sum of \$250.00 as an annual license fee, provided that if the permit is applied for after the first day of August of any year the fee shall be prorated based upon the number of months remaining in the year, including the month in which the permit is granted, whether or not a full month.

(2) All licensed retailers shall store all malt beverages and wines in their possession on the premises for which the license was issued, and at no other place or places except upon written permission from the Mayor of the City of Lookout Mountain upon written application therefor.

Section 6. Administration:

(1) If the Mayor and City Council approve the application, the City Clerk shall issue an annual retail license to the applicant upon the payment of the license fee.

(2) Licenses to engage in the business of selling malt beverages or wines, or both, at retail shall not be transferable, except that in the case of the death of any person holding such a license, or any interest therein, the same may, in the discretion of the Mayor and City Council, be transferred to the Administrator, Executor, or lawful heirs of the deceased person.

(3) It shall not be necessary for any dealer to make application for a permit for the renewal of an existing license. It shall be necessary, however, when there is any change of any kind in the ownership of any interest in the business.

(4) A copy of the Ordinance shall be given to all applicants for licenses upon filing their applications with the City Clerk. Each applicant whose application has been approved by the Mayor and City Council shall be required to comply with the provisions of this Ordinance upon beginning operation of the establishment.

Section 7. Repealer:

All Ordinances and/or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 8. Effective Date.

This Ordinance shall be effective ten (10) days after

its adoption and approval by at least three members of the Council of this City after two readings at least one week apart.

Approved on first reading on November 19, 1970.

Joseph A. McGinnis  
Member of City Council of Lookout Mountain, Ga.

Jesse B. Sims  
Member of City Council of Lookout Mountain, Ga.

John A. [Signature]  
Member of City Council of Lookout Mountain, Ga.

John A. [Signature]  
Member of City Council of Lookout Mountain, Ga.

Member of City Council of Lookout Mountain, Ga.

Sherwood D. Dudley  
Mayor of Lookout Mountain, Georgia

Approved and adopted on second reading on December 2, 1970, 1970.

Member of City Council of Lookout Mountain, Ga.

Jesse B. Sims  
Member of City Council of Lookout Mountain, Ga.

John A. [Signature]  
Member of City Council of Lookout Mountain, Ga.

John A. [Signature]  
Member of City Council of Lookout Mountain, Ga.

Member of City Council of Lookout Mountain, Ga.

Sherwood D. Dudley  
Mayor of Lookout Mountain, Georgia

ATTEST:

[Signature]  
City Clerk of Lookout Mountain, Georgia

(SEAL)