

ORDINANCE NO. 22/ _____

AN ORDINANCE BY THE CITY OF TRENTON, GEORGIA, TO AMEND CHAPTER 6, ARTICLE I, OF THE TRENTON CITY CODE, ENTITLED “ALCOHOLIC BEVERAGES,” TO ENACT A NEW SECTION PROVIDING FOR AN APPEAL PROCEDURE FOR THE DENIAL OF ALCOHOLIC BEVERAGE LICENSES; TO PROVIDE FOR SEVERABILITY; TO REPEAL ANY AND ALL CONFLICTING ORDINANCES AND PARTS OF ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Commission, as the governing authority of the City of Trenton, Georgia, (“the City”) is empowered to regulate the manufacturing, distributing, and selling of alcoholic beverages and to grant or deny licenses for the same under O.C.G.A. § 3-3-2;

WHEREAS, the Commission seeks to amend Chapter 6 of the Trenton City Code so as to adopt procedures governing the appeal of the denial of such licenses;

BE IT ORDAINED, and **IT IS ORDAINED** as follows:

1.

Chapter 6, Article I of the Trenton City Code is hereby amended by adding a new Section 6-5 to read as follows:

Sec. 6-5. – Appeal procedures for the denial of alcoholic beverage licenses.

- (a) After reviewing an application for an alcoholic beverage license under this Chapter, the City Clerk, or a designee, shall provide written notice to the alcoholic beverage license applicant of the decision to deny an alcoholic beverage license application. Such written notification shall set forth in reasonable detail the reasons for such action and shall notify the applicant of the right to appeal under the provisions of this Section.
- (b) An applicant may appeal the denial of an alcoholic beverage license application by providing written notification to the City Clerk at City Hall within ten calendar days of the denial of the alcoholic beverage license application. The written notification shall include the factual and legal basis upon which the applicant’s appeal is based. The appeal shall entitle the license applicant to an administrative hearing before the Commission.

- (c) In order to defray administrative costs associated with the appeal process, the appeal must be accompanied by a filing fee of \$250.00. If, following the administrative hearing, an alcoholic beverage license is issued to the applicant, then the \$250.00 filing fee shall be applied towards the cost of the alcoholic beverage license.
- (d) The City Clerk or a designee shall set an administrative hearing date that shall occur within 30 calendar days of the filing of the appeal request. Notice of the administrative hearing shall be mailed to the alcoholic beverage license applicant at the address shown on the alcoholic beverage license applicant's application.
- (e) At the administrative hearing, the alcoholic beverage license applicant is entitled to be heard and present evidence on their behalf. The license applicant is also entitled to an opportunity to cross-examine any opposing witnesses. The Commission shall then determine whether the denial of the alcoholic beverage license application is justified using a preponderance of the evidence standard.
- (f) The Commission shall consider the following factors in determining whether to uphold or reverse a denial of an application:
 - (1) Compliance with the requirements of this Chapter;
 - (2) Compliance with all criminal history requirements;
 - (3) The history and facts related to any previous violations of this Chapter by the applicant;
 - (4) The history and facts related to any non-alcoholic beverage related violations of the Trenton City Code;
 - (5) Violations of Title 3 of the Official Code of Georgia Annotated or of Subtitle 560-2 of the Georgia Regulations pertaining to the alcohol and tobacco tax division of the Georgia Department of Revenue;
 - (6) Documents efforts at avoiding violations of this Chapter, the Trenton City Code, or state law;
 - (7) Community involvement; and
 - (8) Any other objective and relevant factors.

(g) The Commission, after hearing evidence, shall have the authority to uphold, modify, or overturn the previous decision. The decision of the Commission shall be final. The Commission shall issue a written decision on appeal within 30 calendar days of the date of the administrative hearing. All decisions by the Commission shall be mailed to the alcoholic beverage license applicant at the address set forth in the license application.

4.

If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding will in no way effect the validity of the remaining portions of this ordinance.

5.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

6.

This ordinance is effective immediately upon its adoption by the City Commission.

SO ORDAINED, this _____ day of April, 2022.

CITY OF TRENTON, GEORGIA

Joseph A. Case
MAYOR OF THE CITY OF TRENTON, GEORGIA

ATTEST:

April D. Keith
CLERK OF THE CITY OF TRENTON, GEORGIA