

**CITY OF RINGOLD  
STATE OF GEORGIA**

**ORDINANCE NO. 2020 – 1109-01**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF RINGGOLD, GEORGIA BY AMENDING CHAPTER 6 CAPTIONED “ALCOHOLIC BEVERAGES” BY AMENDING ARTICLE I CAPTIONED “IN GENERAL” BY THE ADDITION OF A NEW SECTION 6-18 CAPTIONED “APPROVED ALCOHOL AWARENESS TRAINING REQUIRED, VIOLATION, GROUNDS FOR SUSPENSION OF LICENSE”; BY DELETING, STRIKING, AND REPEALING DIVISION 2 OF ARTICLE II CAPTIONED “POURING PERMITS” IN ITS ENTIRETY; BY DELETING, STRIKING, AND REPEALING DIVISION 3 OF ARTICLE III CAPTIONED “SUSPENSION OR REVOCATION OF LICENSE OR PERMIT; HEARING” IN ITS ENTIRETY AND SUBSTITUTING IN LIEU THEREOF AN NEW DIVISION 3 OF ARTICLE III CAPTIONED “SUSPENSION OR REVOCATION OF LICENSE; HEARING”; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.**

**WHEREAS**, the duly elected governing authority of the City of Ringgold, Georgia is authorized under Article IX, Section II, Paragraph III of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, welfare, and aesthetics of the citizens of the City of Ringgold, Georgia; and

**WHEREAS**, the duly elected governing authority of the City of Ringgold, Georgia is the Mayor and Council thereof;

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF RINGGOLD, GEORGIA AS FOLLOWS:**

**Section 1.**

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by amending Chapter 6 captioned “Alcoholic Beverages” by amending Article I captioned “In General” by the addition of a new Section 6-18 captioned “Approved alcohol awareness training required, violation, grounds for suspension of license” which shall read as follows:

**Sec. 6-18. - Approved alcohol awareness training required, violation, grounds for suspension of license.** A certification of completion of an approved alcohol awareness training program is required of every person who pours or dispenses alcoholic beverages. The city manager shall maintain a current list of approved alcohol awareness training programs for public inspection. If a person who will be pouring or dispensing alcoholic beverages lacks such training and certification upon employment, that person shall have 30 days from the date of employment to complete the training. Upon due cause being shown, the city manager or designee may grant an extension of time, not to exceed 60 days, to complete said training. The pouring or dispensing of

alcoholic beverages by a person who does not have a current certification from an approved alcohol awareness training program shall be a violation of this Chapter and shall be grounds for suspension of the alcoholic beverage licenses of the employer of such person. Each establishment shall maintain an updated list of employees who have completed an approved alcohol awareness training program along with copies of each of the employee's completion certificate and shall produce said list and/or certificates for inspection by the city upon request. Persons holding a valid pouring permit as of the effective date of the ordinance shall be allowed to continue working under the pouring permit through its expiration date after which such persons shall be required to possess a certification of completion of an approved alcohol awareness training program.

### **Section 2.**

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by amending Chapter 6 captioned "Alcoholic Beverages" by deleting, striking, and repealing Division 2 of Article II captioned "Pouring Permits" in its entirety.

### **Section 3.**

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by amending Chapter 6 captioned "Alcoholic Beverages" by deleting, striking, and repealing Division 3 of Article III captioned "Suspension or revocation of license or permit; hearing" and substituting in lieu thereof a new Division 3 of Article III captioned "Suspension or revocation of license or permit" which shall read as follows:

## **DIVISION 3. - SUSPENSION OR REVOCATION OF LICENSE; HEARING**

### **Sec. 6-90. - Suspension or revocation of license.**

(a) A license may be suspended or revoked by the city manager or designee for any violation of this chapter; for any violation of state laws and regulations relating to alcoholic beverages; for any material misrepresentation or omission in the application for the license, which shall subject the license to revocation; or if the licensee or the licensed business ceases to meet the eligibility requirements for licensure, which shall subject the license to revocation. Revocation of the license or shall result in the inability of the licensee to obtain a license from the city for a term of three years from the date of revocation.

(b) When suspension of a license is permitted under this chapter, but no specific period of suspension is mandated by this chapter or state law, the following guidelines shall apply:

- (1) First suspension in a 12-month period of time shall not exceed 30 days.
- (2) Second suspension in a 12-month period of time shall not exceed 60 days.

(3) Third suspension in a 12-month period of time shall cause revocation of the license and result in the inability of the licensee obtain a license from the city for a term of three years from the date of revocation.

(c) Prior to the suspension or revocation of a license by the city manager or designee, the city manager or designee shall give written notice to the licensee at least ten days prior to an administrative hearing of the time, place, purpose of the hearing, and a statement of the charge(s) upon which the administrative hearing before the city manager or designee shall be held in accordance with section 6-91 hereafter. Service of such notice shall be delivered by hand or posted by certified mail to the licensee or at the address provided. Delivery shall be deemed to take place on the third day following deposit in the United States mail.

### **Sec. 6-91. - Hearings.**

(a) At the administrative hearing before the city manager or designee the licensee may be heard and present evidence. The procedure for administrative hearings shall be set forth by the city manager. The city manager or designee shall reach a decision on the matter within ten days following the close of the hearing and give written notice of said decision. The decision of the city manager or designee shall be final unless the applicant or licensee or files a notice of appeal to the city manager or designee within 30 days of receiving notice of said decision.

(b) The city council shall hear appeals to decisions by the city manager or designee to deny applications for licenses, as well as appeals to decisions by the city manager or designee to suspend or revoke such licenses.

(c) Any denial of any such license shall be appealable to the city council by the filing a notice of appeal with the city manager or designee within 30 days of receiving notice of such denial. Any such appeal shall be subject to de novo review and shall be in accordance with subsections (d), (e) and (f). A hearing before the city council shall be scheduled within 60 days following the receipt by the city manager or designee of the applicant's notice of appeal.

(d) The city council shall have the authority to defer a decision on an application one time, but in any case, no later than 30 days from the date of deferral.

(e) Applicants or licensees shall be given written notice of the date, time, place, and purpose when the matter at issue will be heard. The applicant or licensee shall be afforded the opportunity to be heard and present evidence. Ten days' notice shall be deemed reasonable.

(f) Upon close of the public hearing, the city council shall reach a decision on the matter before it, and the decision of the city council shall be final unless the appellant, licensee applies to the county superior court by filing a petition for writ of certiorari within 30 days of the decision rendered by the city council.

**Section 4.**

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

**Section 5.**

It is hereby declared to be the intention of the Mayor and Council of the City of Ringgold that the section, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

**Section 6.**

The adoption date of this Ordinance shall be November 9, 2020. The effective date of this Ordinance shall be its adoption date.

**SO ORDAINED**, this 9<sup>th</sup> day of November, 2020.

**CITY OF RINGGOLD, GEORGIA**

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**NICK MILLWOOD, MAYOR**

**ATTEST:**

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**CITY CLERK**