

**ORDINANCE #2007-22: AN ORDINANCE AMENDING THE
STATESBORO MUNICIPAL CODE REGARDING ALCOHOLIC BEVERAGES**

THAT WHEREAS, the City has previously adopted an ordinance regulating the sale of alcoholic beverages; and

WHEREAS, the City Attorney and City Manager have proposed an amendment to address several issues that have arisen regarding the imposition of penalties, and the Mayor and City Council wish to incorporate these changes into the Statesboro Municipal Code;

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Statesboro, Georgia in regular session assembled that Chapter 6, Alcoholic Beverages, of the Code of Ordinances of the City of Statesboro is hereby amended as follows:

Section 1. Amend Sec. 6-35 to read as follows: “(a) A license may be suspended or revoked by the mayor and city council for any violation of this chapter or other city ordinances, for any material misrepresentation or omission in the application for the license, or if the licensee or the licensed business ceases to meet the eligibility requirements for license. The city clerk shall schedule a due process hearing before the alcohol control board for any license holder alleged to have violated any provision of this chapter, by sending at least 14 days prior to the date of the due process hearing, a certified letter to the license holder containing the date, time, and location of the hearing, the date and nature of the allegations, and the license holder’s right to be represented by an attorney and to present evidence. In lieu of a certified letter, the city clerk may elect to have service perfected by personal service by a city police officer.

(b) The alcohol control board shall conduct the hearing in accordance with the provisions of OCGA 3-3-2, et seq, and forward its written recommendation on the matter to the mayor and city council.

(c) Upon receipt of the written recommendations, the city clerk shall schedule a due process hearing before the mayor and city council for any license holder alleged to have violated any provision of this chapter, by sending at least 14 days prior to the date of the due process hearing, a certified letter to the license holder containing the date, time, and location of the hearing, the date and nature of the allegations, and the license holder’s right to be represented by an attorney and to present evidence. In lieu of a certified letter, the city clerk may elect to have service perfected by personal service by a city police officer.

(d) The mayor and city council shall conduct the hearing in accordance with the provisions of OCGA 3-3-2, et seq, and shall make written findings of fact and reason(s) for its decision.

(e) The mayor and city council are authorized to suspend the sale of alcoholic beverages under any license for any emergency situation such that they deem such suspension necessary for the protection of the public health, safety or welfare. Such suspension may be made effective immediately and may remain in force until they determine that the emergency is over.”

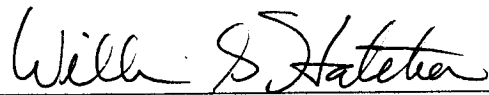
Section 2. Should any section, subsection, or provision of this ordinance be ruled invalid by a court of competent jurisdiction, then all other sections, subsections, and provisions of this ordinance shall remain in full force and effect.

Section 3. That this Ordinance shall be and remain in full force and effect from and after its adoption on two separate readings.

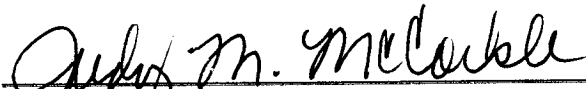
First Reading: August 21, 2007

Second Reading: September 5, 2007

MAYOR AND CITY COUNCIL OF STATESBORO, GEORGIA



By: William S. Hatcher, Mayor



Attest: Judy M. McCorkle, City Clerk