



The City of Snellville has adopted ordinance No. 2023-04 permitting a license authorizing the sale of liquor by the package within city limits.

This application, unique to other alcohol licensing applications, is specific to a liquor license for a Package Store in accordance to Ordinance NO. 2023-04 with a specified date/time acceptance window.

Applications for package store licensure will be available to the public:

March 5, 2023

Interested applicants are encouraged to:

1. Thoroughly review Ordinance No. 2023-04; and
2. Follow the checklist provided in this application.

A sealed License Application (Package Store) AND \$200.00 non-refundable application fee payable to the City of Snellville will be accepted:

Through June 5, 2023 4 P.M.

For assistance, contact:

Department of Planning & Development
2342 Oak Road, 2nd Floor
Snellville, GA 30078
Phone: (770) 985-3513
Fax: (770) 985-3551
www.snellville.org

Please read the following directions before you complete the application.
Please note: Application packet must be complete with copies of ALL accompanying documentation.

GENERAL INFORMATION

- The City of Snellville Alcoholic Beverage Ordinance may be found under Article II of Chapter 6 of the Code of Ordinances, at https://library.municode.com/ga/snellville/codes/code_of_ordinances
 - A state license must be obtained before any alcoholic beverage can be served or sold in the City of Snellville. Please visit: <https://dor.georgia.gov/retail-package>. Contact the Alcohol & Tobacco Division of the Georgia Department of Revenue at (877) 423-6711 or <https://gtc.dor.ga.gov>
 - Read and understand the City's Alcoholic Beverage Ordinance. Licensees to maintain a copy of the Alcoholic Beverage Ordinance and employees shall be familiar with the terms and conditions of the ordinance.
 - Before any license can be issued, you must contact the following departments for your inspection and permit/license and Certificate of Occupancy:
 - (a). Gwinnett Co. Fire Marshal's Office (Life Safety Certificate of Occupancy): (678) 518-6000
 - (b). Gwinnett Co. Health Department (on premises consumption only): (770) 963-5132
 - (c). Georgia Department of Agriculture (retail package dealers only): (404) 656-3615
 - Where the applicant is a partnership or corporation and if the total number of locations engaged in the sale of alcoholic beverages that is owned by the partnership or corporation is greater than five (5), the district manager and store manager must jointly apply for a license on the corporation's behalf. If five (5) or fewer, then all the partners, officers, and individual stockholders with holdings of greater than 20% in the applicant business must jointly apply for a license on the company's behalf.
 - All licenses granted hereunder shall expire on December 31st of each year. Licenses shall continue in effect from December 31st until December 31st of subsequent years; provided the renewal procedures are followed pursuant to the terms of the ordinance. Applications for renewal must be filed no less than 60 days nor more than 90 days prior to expiration.
 - All licenses granted hereunder shall be for the calendar year. For an initial application, the license fee shall be prorated based on the quarter of the year in which the City receives the application, except for applications for a temporary license, which shall not be prorated. The four quarters of the year shall be deemed to start on the first of January, April, July and October. Any person renewing any license hereunder shall pay the required fee, or any portion thereof, after December 31st, shall, in addition to said annual fee and late charges, pay simple interest on the delinquent balance at the annual rate then charged by the IRS on unpaid federal income taxes.
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CHECKLIST- All relevant forms can be found within the Alcohol Beverage Licensing Application on the City of Snellville's Planning & Development website.

- Application form;
 - Premise/structure form;
 - Statement of personal history form;
 - Registered agent consent form- MUST BE FULL-TIME RESIDENT OF GWINNETT COUNTY;
 - Copy of Current Driver's License or State Identification Card for all individuals submitting a personal history statement and Registered Agent Consent form;
 - Copy of Legal Alien Card (if applicable) for all individuals submitting a personal history statement;
 - All individuals required to complete personal history statement must contact the Police Department at (770) 985-3560 for fingerprinting/background check. There will be a fee, payable in cash, Visa, MasterCard or money order made payable to the City of Snellville. Your wait time will be less if you visit Snellville Police on Tuesday, Wednesday, or Thursday;
 - Fees: \$200.00 application fee plus \$40.00 advertisement fee. If awarded, the license fee will be \$5,000.00 for retail distilled spirits and \$6,000.00 for retail beer, wine, and distilled spirits.
 - The building must be a minimum of 10,000 square feet on a minimum of a 0.5 acre parcel located on an arterial public Right of Way with access to a stop light (Section 6-48 (3) and (4)). Detailed plans of the building and outside premises must be submitted to and approved by the city;
 - Certified report of survey from registered land surveyor or professional engineer must be attached to this application;
 - A rendering of the proposed building must be attached to this application;
 - Provide a Certificate of Occupancy issued by the Gwinnett County Fire Marshall
 - A site plan must be attached to this application;
 - Certified scale drawing showing location and distance to closest school buildings, daycares who offer kindergarten programs, educational buildings, school grounds, colleges and/or any house of worship buildings must be attached to this application;
 - The proposed building shall comply with other ordinances of the city for zoning, storage, parking, buffers and other issues;
 - Applicant must attach evidence of ownership of the building/parcel or copy of the lease; if applicant is leasing the building/parcel;
 - Applicant must provide proof of comprehensive liability insurance, including liquor liability coverage, for the licensed premises with coverage of at least \$2,000,000.00 per occurrence, inclusive of personal injury, bodily injury, death, and property damage, and an umbrella policy with coverage of at least \$2,000,000.00 per occurrence.
 - If applicant is a franchise, copy of the franchise agreement or contract;
 - If applicant represents a partnership, submit copy of partnership agreement;
 - If applicant represents a corporation, include articles of incorporation; and certificate of corporation.
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Application Date:

INSTRUCTIONS: THIS APPLICATION MUST BE TYPED OR PRINTED LEGIBLY AND EXECUTED UNDER OATH. EACH QUESTION MUST BE FULLY ANSWERED. IF SPACE PROVIDED IS NOT SUFFICIENT, ANSWER ON A SEPARATE SHEET AND INDICATE IN THE SPACE PROVIDED THAT A SEPARATE SHEET IS ATTACHED.

APPLICANT INFORMATION

Full Legal Name of Applicant: _____

Applicant's Date of Birth: _____

Applicant's Social Security #: _____

Applicant's Home Address: _____

Applicant's Mobile Phone #: _____

Applicant's Home Phone #: _____

Applicant's Email Address: _____

AGENT INFORMATION

Full legal name of agent: _____

Agent's Date of Birth: _____

Agent's Social Security #: _____

Agent's Home Address: _____

Agent's Mobile Phone #: _____

Agent's Home Phone #: _____

Agent's Email Address: _____

BUSINESS INFORMATION

Entity Name (LLC, etc.): _____

Applicant's Ownership Interest %: _____

Entity DBA: _____

Proposed Name of Package Store: _____

Type of Business: Package Store

Proposed Business Location (Street Address or Parcel #)

OTHER OWNERSHIP INTEREST DISCLOSURE

List all applicant's ownership business interests within the City of Snellville (If not applicable, put N/A): _____

Business Name (#1): _____

Business Address: _____

Business Name (#2): _____

Business
Address: _____

**BUSINESS PARTNER(S) ASSOCIATED WITH ALCOHOL LICENSE
DISCLOSURE INFORMATION**

List any business partners via contractual arrangement or partner of any legal entity associated with this proposed establishment. _____

Business Partner (#1) Full Legal Name: _____

Date of Birth: _____

Social Security Number: _____

Home Address: _____

Mobile Phone #: _____

Home Phone #: _____

Email Address: _____

Business Partner (#2) Full Legal Name: _____

Date of Birth: _____

Social Security Number: _____

Home Address: _____

Mobile Phone #: _____

Home Phone #: _____

Email Address: _____

APPLICANT LICENSING INFORMATION

If you currently hold an alcohol license or have held an alcohol license in the past 5 years in the State of Georgia, please list license type, issuing agency, and status.

Type of Alcohol License	Issuing Government Agency	Status
1.		
2.		
3.		
4.		
5.		
6.		

As the applicant, have you ever submitted an alcohol license that was denied? If yes, please explain.

Yes

No

As the applicant, have you ever held an alcohol license that was suspended or revoked? If yes, please explain.

Yes

No

APPLICANT AND BUSINESS FINANCIAL DISCLOSURE

How will your package store be financed? Please explain and include in supporting documents (letter of credit from a lending institute or financial statements).

What are the anticipated costs to construct the business? _____

What are the anticipated costs to purchase inventory as outlined in Ordinance 2023-04?

What is the anticipated timeframe for achieving a Certificate of Occupancy?

CERTIFICATION

PLEASE NOTE: Before signing this statement, check all answers and explanations to see that you have answered all questions fully and correctly. This statement is to be executed under oath and subject to the penalties of false swearing, and it includes all attached sheets submitted herewith.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE EXAMINED THIS ALCOHOLIC BEVERAGE LICENSE APPLICATION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, IT IS TRUE, CORRECT AND COMPLETE. I UNDERSTAND THAT TO WILLFULLY PREPARE OR PRESENT A DOCUMENT THAT IS FRAUDULENT OR FALSE IS A CRIMINAL MISDEMEANOR UNDER O.C.G.A. § 48- 1-6.

AUTHORIZED SIGNATURE	TITLE	DATE
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PRINT NAME	EMAIL ADDRESS	DAYTIME PHONE
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STATE OF _____, COUNTY OF _____

I HEREBY CERTIFY THAT _____ IS PERSONALLY KNOWN, OR VERIFIED BY ME, THAT THE APPLICANT SIGNED THIS APPLICATION AFTER STATING TO ME HIS OR HER PERSONAL KNOWLEDGE AND UNDERSTANDING OF ALL STATEMENTS AND, UNDER OATH ACTUALLY ADMINISTERED BY ME, HAS SWORN THAT THE STATEMENTS AND ANSWERS CONTAINED IN THIS APPLICATION ARE TRUE AND CORRECT.

THIS ____ DAY OF _____, 20 ____ .

NOTARY PUBLIC

FOR OFFICE USE ONLY

Reviewed for Completeness and complies with guideline: COMPLAINT/ NOT COMPLIANT (circle one) by: _____

Reason NOT COMPLIANT:

STATEMENT OF PERSONAL HISTORY

INSTRUCTIONS: THIS STATEMENT MUST BE TYPED OR PRINTED LEGIBLY AND EXECUTED UNDER OATH. EACH QUESTION MUST BE FULLY ANSWERED. IF SPACE PROVIDED IS NOT SUFFICIENT, ANSWER ON A SEPARATE SHEET AND INDICATE IN THE SPACE PROVIDED THAT A SEPARATE SHEET IS ATTACHED.

NOTE: Where the applicant is a partnership or corporation, then the following apply: (1) If the total number of locations engaged in the sale of alcoholic beverages that the applicant partnership or corporation owns is greater than five (5) nationally, the district manager and store manager must jointly apply for a license on the company's behalf, including completion of the Statement of Personal History and fingerprinting and background investigation. (2) If the total number of locations engaged in the sale of alcoholic beverages that the applicant partnership or corporation owns is five (5) or less nationally, then all the partners, officers, and individual stockholders with holdings of greater than 20% in the applicant corporation must jointly apply for a license on the company's behalf, including completion of the Statement of Personal History and fingerprinting and background investigation.

1. Name:

Last First Middle

Residence

Street Number Street Name

City State Zip Code Telephone Number

2. Applicant Relationship (please check):

Sole Owner/Proprietor

Partner:

General

Limited

Silent

Director

Principal Stockholder

(20% or more) District/Regional Manager
Store Manager

Officer: _____
Other: _____

3. Trade name of business for which this statement is for:

TRADE NAME OF BUSINESS:

LOCATION:

Street Number and Street Name

P. O. Box

City

State

Zip Code

Telephone Number

4. State the percentage of ownership or interest, if any, in this business: _____

5. State method of compensation, if any, directly or indirectly: _____

6. Date of Birth: _____ Place of Birth: _____

Sex: Male Female

Driver's License #: _____ State Issued: _____

Hair Color: _____ Eye Color: _____ Race: _____

7. U.S. Citizen Legal Alien Other (please explain): _____

8. Single Married Widowed Divorced Separated (If married or separated, complete information below):

STATEMENT OF PERSONAL HISTORY

9. Employment record for the past five (5) years. (List the most recent experience first):

<u>From</u> <u>(mo/yr)</u>	<u>To</u> <u>(mo/yr)</u>	<u>Employer</u> <u>Name</u>	<u>Title or</u> <u>Position</u>	<u>Reason for</u> <u>Leaving</u>
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10. List in reverse chronological order all of your residences for the past five (5) years:

<u>From</u>	<u>To</u>	<u>Street Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
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11. Do you have any financial interest, or are you employed in any other wholesale or retail business engaged in distilling, bottling, rectifying or selling alcoholic beverages? No Yes

If your answer is "yes" to number 14, give names, locations and amount of interest in each:

12. Have you ever had any financial interest in a business that applied for an alcoholic beverage license, which was denied a license? No Yes (explain): _____

13. Has any alcoholic beverage business in which you hold, or have held, any financial interest of, or employed, or have been employed, ever been cited for any violations of the rules and regulations of the state revenue commissioner relating to the sale and distribution of alcoholic beverages?

NO YES, If yes, explain.

STATEMENT OF PERSONAL HISTORY

14. If during the past ten years you have bought or sold any business associated with the selling and/or serving of alcohol, give details, including: (date, license number, persons and considerations involved):

15. Have you ever been denied bond by a commercial security company? No Yes (explain):

19. Are you a registered voter? No Yes, in what state? _____ in what county? _____

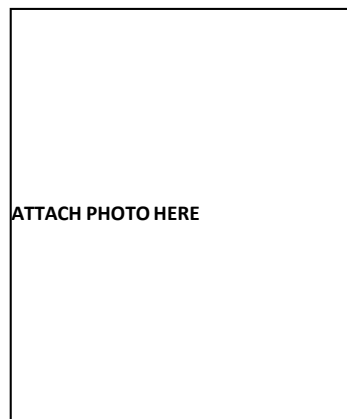
20. Have you ever been arrested, or held by federal, state or other law-enforcement authorities, for any violation of any federal law, state law, county or municipal law, regulation or ordinances? No Yes (do not include minor traffic violations. All other charges must be included even if they were dismissed. Give reason charged or held, date, place where charged and disposition. **If no arrest, write no arrest. After last arrest is listed, please write no other arrest**):

- 1. _____
- 2. _____
- 3. _____
- 4. _____

21. Have you had any license under the regulatory powers of the City of Snellville or Gwinnett County denied, suspended or revoked within two (2) years prior to the filing of this application? No Yes (explain):

22. Attach photograph (front view) taken within the last year.

Date of picture: _____



STATEMENT OF PERSONAL HISTORY

PLEASE NOTE: Before signing this statement, check all answers and explanations to see that you have answered all questions fully and correctly. This statement is to be executed under oath and subject to the penalties of false swearing, and it includes all attached sheets submitted herewith.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE EXAMINED THIS ALCOHOLIC BEVERAGE LICENSE APPLICATION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, IT IS TRUE, CORRECT AND COMPLETE. I UNDERSTAND THAT TO WILLFULLY PREPARE OR PRESENT A DOCUMENT THAT IS FRAUDULENT OR FALSE IS A CRIMINAL MISDEMEANOR UNDER O.C.G.A. § 48-1-6.

FURTHER, AS PART OF THE PROCESS RESULTING FROM MY APPLICATION FOR BACKGROUND INVESTIGATION, FOR AN ALCOHOLIC BEVERAGE LICENSE. I HEREBY AUTHORIZE PERSONNEL OF THE CITY OF SNELLVILLE POLICE DEPARTMENT TO RECEIVE, VERIFY, AND DISSEMINATE ANY CRIMINAL HISTORY INFORMATION WHICH MAY BE IN THE FILES OF ANY LOCAL, STATE, OR FEDERAL CRIMINAL JUSTICE AGENCY FOR INVESTIGATIVE PURPOSES, DENIAL, OR APPEALS.

AUTHORIZED SIGNATURE

TITLE

DATE

PRINT NAME

EMAIL ADDRESS

DAYTIME PHONE

STATE OF _____, COUNTY OF _____

I HEREBY CERTIFY THAT _____ IS PERSONALLY KNOWN, OR VERIFIED BY ME, THAT THE APPLICANT SIGNED THIS APPLICATION AFTER STATING TO ME HIS OR HER PERSONAL KNOWLEDGE AND UNDERSTANDING OF ALL STATEMENTS AND, UNDER OATH ACTUALLY ADMINISTERED BY ME, HAS SWORN THAT THE STATEMENTS AND ANSWERS CONTAINED IN THIS APPLICATION ARE TRUE AND CORRECT.

THIS _____ DAY OF _____, 20_____.

NOTARY PUBLIC

SURVEYOR'S AFFIDAVIT

I, _____, a Georgia registered land survey or professional engineer, Registration No. _____, do hereby certify that I am familiar with the business: _____ located: _____ and that it is in compliance with the Sec. 3-2 of the City of Snellville Alcoholic Beverage Ordinance set out below.

Beer and Wine

No malt beverage and/or wine shall be offered for sale, sold, or dispensed within 100 yards of any house-of-worship or 130 yards of any school grounds. This restriction on selling alcoholic beverages shall be a zero (0) yard restriction within the Town Center Overlay District.

Distilled Spirits

No distilled spirits shall be offered for sale, sold, or dispensed within 100 yards of any house-of-worship or 130 yards of any school grounds. This restriction on selling alcoholic beverages shall be a zero (0) yard restriction within the Town Center Overlay District.

The undersigned understands and applied the following criteria in making said determinations:

1. House of Worship: means the main structure used by any religious organization for purposes of worship.
2. Schools: "School building" or "educational building" shall apply only to state, county, city, or house-of-worship school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state and which are public schools or private schools as defined in O.C.G.A. § 20-2-690(b). The term "school building" includes only the structures in which instruction is offered.

Distance shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:

- (a) From the main entrance of the establishment from which alcoholic beverages are sold or offered for sale;
- (b) In a straight line to the nearest public sidewalk, walkway, street, road or highway;
- (c) Along such public sidewalk, walkway, street road or highway by the nearest route;
- (d) To the main entrance of the house-of-worship, or to the nearest portion of the school grounds.

Provide survey results below. Attach a scaled drawing if within 200 yards of the proposed alcohol establishment.

_____ yards from the main entrance of the establishment from which alcoholic beverages are sold or offered for sale, to the main structure used by the closest religious organization/house-of-worship identified as: _____

AND

_____ yards from the main entrance of the establishment from which alcoholic beverages are sold or offered for sale, to the school grounds of the closest school identified as: _____

REGISTERED LAND SURVEYOR/PROFESSIONAL ENGINEER CERTIFICATION:

In my opinion, the distances listed above are true and correct.

Surveyor/Prof. Engineer Signature

Reg. Number

AFFIX
SEAL
HERE

REGISTERED AGENT CONSENT FORM

Business Trade Name (d/b/a)

Location Address

I, _____, do hereby consent to serve as the Registered Agent for the licensee, owners, officers, and/or directors and to perform all obligations of such agency under the Alcoholic Beverage Ordinance of the City of Snellville. I understand the basic purpose is to have and continuously maintain in Gwinnett County a Registered Agent upon which any process, notice, or demand required or permitted by law or under said Ordinance to be served upon the licensee or owner may be served.

I understand that the Registered Agent must be a resident of Gwinnett County, Georgia.

This _____ day of _____, 20_____.

Signature of Agent Print Name of Agent

Agent's Home Address

Attach Copy of Georgia DL or ID Card

Daytime Telephone Number _____

I HEREBY CERTIFY THAT _____ SIGNED HIS/HER NAME TO THE FOREGOING APPLICATION STATING TO ME THAT HE/SHE KNEW AND UNDERSTOOD ALL STATEMENTS AND ANSWERS MADE THEREIN, AND, UNDER OATH ACTUALLY ADMINISTERED BY ME, HAS SWORN THAT SAID STATEMENTS AND ANSWERS ARE TRUE AND CORRECT.

THIS _____ DAY OF _____, 20_____.

NOTARY PUBLIC SIGNATURE

SECTION IV – PREMISE AND STRUCTURE CERTIFICATION

INSTRUCTIONS: THIS CERTIFICATION MUST BE TYPED OR PRINTED LEGIBLY AND EXECUTED UNDER OATH. EACH QUESTION MUST BE FULLY ANSWERED. IF SPACE PROVIDED IS NOT SUFFICIENT, ANSWER ON A SEPARATE SHEET AND INDICATE IN THE SPACE PROVIDED THAT A SEPARATE SHEET IS ATTACHED.

1. Is this location within a commercial Zoning District (“BG”, or “HSB”) No Yes

2. Does the completed building or the proposed building comply with the ordinances of the City of Snellville, Gwinnett County, regulations of the State Revenue Commissioner and the laws of the State of Georgia? No Yes

3. Does the building in which the business is to be located contain sufficient lighting so that the building and premises are readily visible on all sides and at all times from the front of the street on which the building is located? No Yes

4. Does the interior of the building contain sufficient lighting so that all hallways, passage ways and open areas may be clearly seen by the customer? No Yes

If the answer is “NO” to questions 1-4, please explain why and proposed methods to rectify the issue.

5. Attach copies of the following information as it applies to this application:
- A certified scale drawing of the proposed premises by a registered land surveyor or professional engineer, showing the distance from schools and houses-of-worship.
 - A certificate by a registered land surveyor or professional engineer, showing that the location complies with the distance requirement from schools and houses-of-worship.
 - Evidence of ownership of the building or proposed building or copy of the lease.
 - Building Plans: Provide copy of floor plan.

CITY OF SNELLVILLE
ALCOHOL LICENSE APPLICATION- PACKAGE STORE- SALE OF DISTILLED
SPIRITS

CITY OF SNELLVILLE

STATE OF GEORGIA

ORDINANCE NO. 2023-04

AN ORDINANCE TO AMEND PORTIONS OF CHAPTER SIX OF THE CODE OF ORDINANCES OF THE CITY OF SNELLVILLE TO ALLOW FOR THE ISSUANCE OF LICENSES TO SELL DISTILLED SPIRITS BY THE PACKAGE PURSUANT TO THE REFERENDUM VOTE CONDUCTED NOVEMBER 8, 2022, TO REPEAL CONFLICTING ORDINANCES, AND FOR OTHER PURPOSES

WHEREAS, a referendum pursuant to O.C.G.A. 3-4-41 was conducted during the November 8, 2022 special called election and the majority of voters were in favor of allowing retail package sales of distilled spirits in the City of Snellville, Georgia; and

WHEREAS, the Mayor and the Council of the City of Snellville, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government; and,

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SNELLVILLE, GEORGIA, and by the authority thereof:

Section 1. Article I of Chapter 6 of the Code of Ordinances of the City of Snellville is hereby amended by adding the following definition:

Sec. 6-1. – Definitions.

Package store (distilled spirits) means a retail business establishment that sells unbroken sealed bottles or other sealed containers of alcoholic beverages, malt beverages (beer), wine and distilled spirits (liquor) only at retail to consumers and not for resale for off-premises consumption:

1. Which derives from such retail sale of alcoholic beverages in unbroken packages at least 75 percent of its total annual gross sales from the sale of a combination of distilled spirits, malt beverages, and wine; and
2. That is not a beverage store, bottle shop, convenience store, drug store, grocery store, or growler shop, or other retail outlet that is not permitted to sell distilled spirits for off-premises consumption.

Section 2. Article II of Chapter 6 of the Code of Ordinances of the City of Snellville is hereby amended by adding the following:

Section 6-48 Additional Application Requirements for Retail Dealers in Distilled Spirits by Package:

(a) Licensed premises' building requirements:

(1) No license to sell distilled spirits by the package shall be effective until the building in which the business will be located is complete, detailed plans of the building and outside premises have been submitted to and approved by the city, and the city has issued a certificate of occupancy for the building. For initial qualification for a license, the applicant must attach to his or her initial application a survey, a rendering of the proposed building, and a site plan. The proposed building shall be subject to final inspection and approval when completed by the building inspector, the fire marshal, the planning director, and shall comply with other ordinances of the city for zoning, storage, parking, buffers and other issues. The proposed building also shall comply with all regulations of the state revenue commissioner and all the laws of the state.

(2) Each building in which the business will be located shall contain sufficient lighting so that the building itself and the premises on all sides of the building shall be readily visible at all times from the front of the street on which the building is located. The lighting shall reveal the inside retail area of the building and shall reveal all of the outside premises of the building.

(3) The licensed premises shall only be allowed in the following zoning classes: General Business (BG) and Highway Service Business (HSB).

(4) The licensed premises shall not be within 500 yards of another licensee authorized to sell distilled spirits by the package, 100 yards of a house of worship building or 130 yards of any school building, school grounds, or college campus as described in Section 6-72(b) of this Ordinance. Distances shall be measured consistent with Section 6-72(d) of this Ordinance.

(5) The licensed premises must contain a minimum of 10,000 square feet of heated and air-conditioned space, must be a free-standing building, and it must be located on property that is a minimum of one-half acre in size with a minimum of 100 feet of road frontage on a Principal Arterial or within 350 feet of the Principal Arterial public right-of-way, as classified by the latest update of The Gwinnett County Long Range Road Classification Map.

(6) The licensed premises shall allow ingress and egress for customers and their purchases through a door opening to the outside and facing a public street or public pedestrian area.

(7) The licensed premises must have access to a traffic light either directly from the licensed premises parking lot or through access easements through adjacent properties.

(8) Deliveries shall be made at the rear of the store building and all loading areas, dumpsters, recycling bins, and compactors shall be screened from ground view.

(9) Licensed premises shall not sell lottery tickets, magazines, or cigarettes, cigarette-like devices, or vaping products. Premium cigars and pipes, pipe tobacco and other pipe products are allowed.

(10) The building shall be owned or leased by the applicant, and proof of ownership or lease is required.

(b) *Proof of insurance required:* The applicant for a license to sell distilled spirits by the package shall provide proof of comprehensive general liability insurance, including liquor liability coverage, for the licensed premises with coverage of at least \$2,000,000.00 per occurrence, inclusive of personal injury, bodily injury, death, and property damage, and an umbrella policy with coverage of at least \$2,000,000.00 per occurrence. At the time a license application is submitted, the city will accept as proof of insurance a quote from a reputable insurance company. The applicant may need to ask the insurance company for an extension of the quote. Prior to opening a package store, and thereafter at the time of renewing a license, a licensee must submit a certificate of insurance to the Department of Planning and Development. Failure to do so is cause for revocation of a license.

(c) *Number of licenses to be determined by population:* The city shall issue no more than two license for the retail sale of distilled spirits, until such time as the number of city residents reaches 30,000, as found in the most recent population estimates published by the United States Bureau of the Census or American Community Survey, at which time the city may issue an additional license or licenses so long as thereafter the number of licenses in operation within the city limits at any one time shall not exceed one license to sell packaged distilled spirits for each 10,000 city residents as found in the most recent population estimates published by the United States Bureau of the Census or American Community Survey.

Sec. 6-49. – Application Approval Process for Retail Dealers in Distilled Spirits by Package

(1) Upon action of the Mayor and Council, the city shall publish notice of availability of any license(s) to sell distilled spirits by the package in a newspaper of general circulation in the city and state the deadline for filing an application. Such notice shall be published at least once a week for two consecutive weeks. The application deadline shall be at least 20 business days after publication. All applications for a license to sell distilled spirits by the package shall be submitted during business hours to the city manager or his/her designee, who shall mark the application with the time and date received.

(2) Upon the filing of an application, the city manager or his/her designee shall have five business days to review the application and to send a copy of the application to all affected departments of city government to determine compliance with city regulations and laws. Each department notified shall submit a report within 20 business days of receipt of the application to the city manager which states whether there are any objections to the application.

(3) Within 20 business days from the date the city manager or his/her designee receives all department notifications, the city manager shall render a written determination as to whether the application complies with the requirements of this chapter.

(4) The written determination shall be sent by certified mail to the applicant whose application was considered.

(5) If the decision of the city manager is to deny the requested license, then the letter to the applicant shall set forth in reasonable detail the grounds upon which the license is being denied. The letter shall further advise the applicant of the right to appeal the decision to the mayor and city council within 20 business days of the date on which the written decision of the city manager is sent by certified mail.

(6) The city manager or his designee may deny a city license or renewal thereof under this article on any of the following grounds:

- a. Failure to meet state requirements for state license;
- b. Failure to pay all required fees and taxes;
- c. Failure to provide valid information, documents and the like required by this article;
- d. False information in the application or attached documents;
- e. Improper residency of applicant, owner or registered agents;
- f. Failure to post and maintain proper signs and advertisements required in this article;
- g. Failure to meet distance, location or number of business requirements;
- h. Prior convictions as herein provided; or
- i. Failure to meet any other requirements in this article for a license or any other requirement in any other provision of this Code or the Charter.

(7) If the city manager determines that the applicant meets the criteria for a license to sell distilled spirits by the package within the Snellville city limits, but there are more qualified applicants than available licenses, then the city manager shall send a letter by certified mail to the applicant notifying him or her that a licensee or licensees to sell distilled spirits by the package shall be selected by lottery at a meeting of the city council and of the date, time and place of said meeting. The Mayor and Council shall appoint an independent third party that resides outside the city limits to conduct the lottery.

(8) The letter shall further advise the applicant of the right to appeal the decision to the mayor and city council within 20 business days of the date on which the lottery takes place.

Sec. 6-50. - Both retail sale of package malt beverages and wine and package distilled spirits.

For licensees who wish to operate a business which conducts both the retail sale of package distilled spirits and the retail sale of package malt beverages and wine, in the case of conflict, the provisions of this article regulating the retail sale of package distilled spirits shall prevail, and compliance with those provisions, rather than the provisions applicable to the license permitting the retail sale of package malt beverages and wine, is required

Section 3. Article II of Chapter 6 of the Code of Ordinances of the City of Snellville is hereby amended as follows:

Section 6-36 - Requirement to publish notice of application to sell distilled spirits by consumption on-premises, is hereby amended by deleting the Section in its entirety and replacing the deleted language with the following:

Section 6-36 - Requirement to publish notice of application to sell distilled spirits by package or consumption on-premises,

A notice of each application to sell distilled spirits, whether by a retail package dealer or by consumption on-premises, shall be advertised in the official newspaper of the city, once a week for two weeks immediately preceding consideration of the application.

Section 4. Article II of Chapter 6 of the Code of Ordinances of the City of Snellville is hereby amended by deleting the following language:

Sec. 6-43. - License fee and amount to defray investigative costs to accompany application to sell packages of malt beverages and wine for off-premises consumption.

and replacing the deleted language with the following:

Sec. 6-43. - License fee and amount to defray investigative costs to accompany application to sell packages of distilled spirits, malt beverages and wine for off-premises consumption.

Section 5. Article VII of Chapter 6 of the Code of Ordinances of the City of Snellville is hereby amended as follows:

Section 6-231 - Type of retail establishment, is hereby amended by deleting the following language:

No beer or wine shall be sold at retail except in establishments located in zoning districts in which these establishments are permitted as a conforming use or in districts where an existing establishment exists as a nonconforming use.

and replacing the deleted language with the following:

No distilled spirits, beer or wine shall be sold at retail except in establishments located in zoning districts in which these establishments are permitted as a conforming use or in districts where an existing establishment exists as a nonconforming use.

Section 6. Article VII of Chapter 6 of the Code of Ordinances of the City of Snellville is hereby amended as follows:

Section 6-233 - Hours and days of sale, is hereby amended by deleting the following language:

(a) No retail license holder holding a license under this article for sale of beer/malt beverages, wine, or both shall furnish, sell or offer for sale any beer/malt beverage or wine except between the hours of 7:00 a.m. until 12:00 midnight Monday through Saturday and 12:30 p.m. until 11:30 p.m. on Sunday.

(b) No retail license holder shall furnish, sell, or offer for sale any beer/malt beverage or wine at any time in violation of state law, local ordinance or regulation, or special order of the mayor and council.

and replacing the deleted language with the following:

(a) No retail license holder holding a license under this article for sale of beer/malt beverages, wine, or both shall furnish, sell or offer for sale any beer/malt beverage or wine except between the hours of 7:00 a.m. until 12:00 midnight Monday through Saturday and 12:30 p.m. until 11:30 p.m. on Sunday.

(b) No retail license holder holding a license under this article for sale of distilled spirits shall furnish, sell or offer for sale distilled spirits, or any other alcoholic beverages, except between the hours of 9:00 a.m. until 10:00 p.m. Monday through Saturday and 12:30 p.m. until 7:00 p.m. on Sunday.

(c) No retail license holder shall furnish, sell, or offer for sale any distilled spirits/beer/malt beverage or wine at any time in violation of state law, local ordinance or regulation, or special order of the mayor and council.

Section 7. Article IV of Chapter 6 of the Code of Ordinances of the City of Snellville is hereby amended by deleting the following section in its entirety:

Section 6-123 - Excise tax requirements for distilleries selling packaged distilled spirits directly to consumers

There is hereby levied an excise tax computed at the rate of \$0.22 per, excluding fortified wine, and a proportionate tax at the same rate on all fractional parts of a liter, which shall be paid to the governing authority on all packaged distilled spirits sold by distilleries directly to consumers in the City of Snellville. Such tax shall be paid to the planning and development department with a summary of all retail sales on or before the tenth day of the month following. Excise taxes received in the planning and development department after the 20th day of the month shall be charged a ten percent penalty. It shall be unlawful and a violation of this chapter for any distillery to sell or deliver in any manner any distilled spirits to a consumer without collecting said tax.

and replacing the deleted language with the following:

Section 6-123 - Excise tax requirements for retail package sellers and distilleries selling packaged distilled spirits directly to consumers,

There is hereby levied an excise tax computed at the rate of \$0.22 per liter, excluding fortified wine, and a proportionate tax at the same rate on all fractional parts of a liter, which shall be paid to the governing authority on all packaged distilled spirits sold by retail package sellers or distilleries directly to consumers in the City of Snellville. Such tax shall be paid to the planning and development department with a summary of all retail sales on or before the tenth day of the month following. Excise taxes received in the planning and development department after the 20th day of the month shall be charged a ten percent penalty. It shall be unlawful and a violation of this chapter for any retail package sellers or distillery to sell or deliver in any manner any distilled spirits to a consumer without collecting said tax.

Section 8. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 9. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

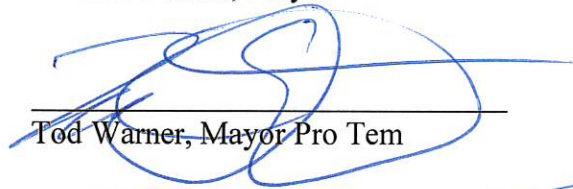
Section 10. This Ordinance was adopted Feb. 27, 2023. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

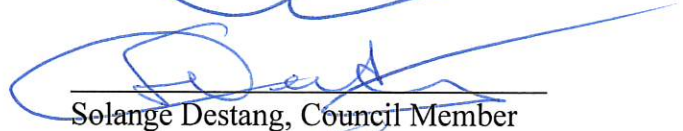
ORDAINED this 21 day of Feb., 2023.



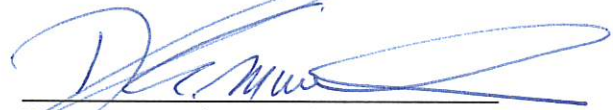
Barbara Bender, Mayor



Tod Warner, Mayor Pro Tem

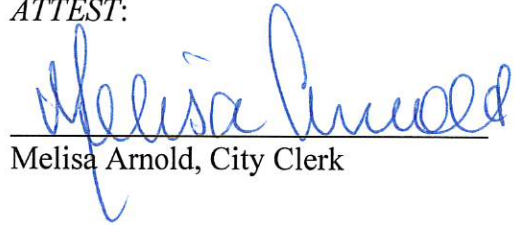


Solange Destang, Council Member



Dave Emanuel, Council Member

ATTEST:

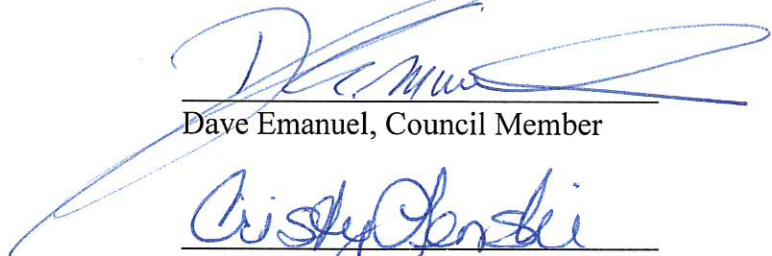


Melisa Arnold, City Clerk

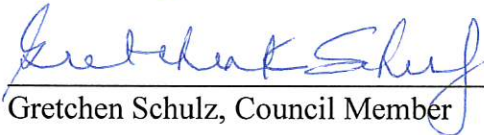
APPROVED AS TO FORM:



W. Charles Ross, City Attorney
Powell & Edwards, P.C.



Cristy Lenski, Council Member



Gretchen Schulz, Council Member