

**ORDINANCE NO. 352**

**AN ORDINANCE TO AMEND CHAPTER 6 OF CODE OF ORDINANCES OF THE CITY OF HAMPTON, GEORGIA, WHICH PROVIDES FOR ALCOHOLIC BEVERAGES; TO AMEND ARTICLE II ENTITLED "ALCOHOL LICENSE REQUIRED"; TO AMEND ARTICLE IV ENTITLED "DISTILLED SPIRITS"; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**THE COUNCIL OF THE CITY OF HAMPTON HEREBY ORDAINS:**

**SECTION 1. Code section amended.** Article II of Chapter 6 of the Code of Ordinances of the City of Hampton entitled "Alcohol License Required" is hereby amended by amending Sec. 6-25 entitled "Annual license fees" to add a new subsection (c) thereunder to read as follows:

**Sec. 6-25. Annual license fees.**

- (c) A separate license is required for package sales of distilled spirits. The annual license fee for package sales of distilled spirits shall be \$5,000.00.

**SECTION 2. Code section created.** Article II of Chapter 6 of the Code of Ordinances of the City of Hampton entitled "Alcohol License Required" is hereby amended by creating a new Section 6-28 thereunder (previously reserved) entitled "Maximum number of distilled spirits package sales licenses permitted" which shall read as follows:

**Sec. 6-28. Maximum number of distilled spirits package sales licenses permitted.**

This chapter anticipates the issuance of a maximum of one (1) license for the sale of distilled spirits by the package. No additional licenses shall be authorized unless and until the population of Hampton reaches ten thousand (10,000), at which time one (1) additional license may be permitted. Afterwards, one (1) additional license may be permitted for each five thousand (5,000) population increase over the initial ten thousand (10,000) threshold.

In determining population, the city shall utilize the most recent population figures published by the Atlanta Regional Commission. In the absence of such figures, the city shall utilize the U. S. Census of 2000 or any future decennial census. This provision alone shall not bar the issuance of a license for applications submitted in accordance with this chapter as of the enactment date of this provision or renewals of licenses lawfully held as of the enactment date of this provision. Should an application submitted prior to the enactment of this ordinance be denied, then this provision shall apply to any subsequent application for the same location.

**SECTION 3. Code section created.** Article II of Chapter 6 of the Code of Ordinances of the City of Hampton entitled "Alcohol License Required" is hereby amended by creating a new Section 6-29 thereunder (previously reserved) entitled "Additional requirements for distilled spirits package sales licenses" which shall read as follows:

**Sec. 6-29. Additional requirements for distilled spirits package sales licenses.**

In additional to all other requirements of this Chapter, the Hampton City Code, the Hampton Zoning Ordinance, and applicable State laws and regulations, applicants for a distilled spirits package sales license must satisfy the following requirements:

- (a) The front entrance of all premises licensed to sell distilled spirits by the package shall be clearly visible from a public street; provided, however, that this restriction shall not apply where the premises are located in a shopping center or multiple-story business building.
- (b) No license for the sale of distilled spirits by the package shall be issued to any applicant whose building where the business will be conducted contains less than seven thousand five hundred (7,500) square of combined showroom and storage space.
- (c) In addition to the minimum square footage, retail dealers for the sale of distilled spirits by the package shall maintain a minimum inventory of at least four hundred fifty thousand dollars (\$450,000) in distilled spirits, beer, wine or a combination thereof available for sale.
- (d) Where applicant for a license to sell distilled spirits by the package is not the owner of the premises, a copy of applicant's lease with the premises owner must be submitted.

**SECTION 4. Code section amended.** Article IV of Chapter 6 of the Code of Ordinances of the City of Hampton entitled "Distilled Spirits" is hereby amended by amending Sec. 6-42 entitled "Levy of tax on sale of distilled spirits by the drink" by deleting said section in its entirety and substituting in lieu thereof a new subsection Sec. 6-42 entitled "Levy of tax on sale of distilled spirits by the drink or by the package" which shall read as follows:

**Sec. 6-42. Levy of tax on sale of distilled spirits by the drink or by the package.**

- (a) The tax on sale of distilled spirits by the drink shall be the maximum amount allowed by O.C.G.A. § 3-4-130.

- (b) The tax on sale of distilled spirits by the package, either wholesale or retail, shall be the maximum allowed by O.C.G.A. § 3-4-80.

**SECTION 5.** This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

**SECTION 6.**

A. It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

B. It is hereby declared to be the intention of the City 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 City 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.

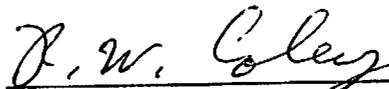
C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council 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 sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining Sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**SECTION 7. Repeal of Conflicting Provisions.** Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

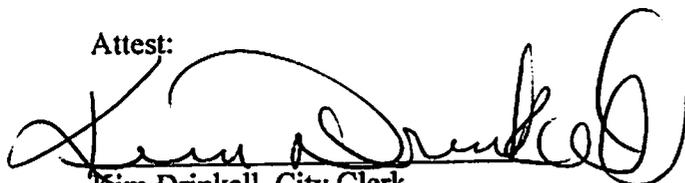
**SECTION 8. Effective Date.** This ordinance shall become effective ten (10) days after its adoption by the Mayor and City Council of the City of Hampton.

SO ORDAINED this 4<sup>th</sup> day of January, 2011.

CITY OF HAMPTON, GEORGIA

  
R. W. COLEY, MAYOR

Attest:

  
Kim Drinkall, City Clerk

(Seal)

FIRST READING: 12-7-10

SECOND READING/ADOPTION: 1-4-11