

**CITY OF RINGGOLD  
STATE OF GEORGIA**

**ORDINANCE NO. 2022-0124-01**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF RINGGOLD, GEORGIA BY (A) AMENDING CHAPTER 6 CAPTIONED “ALCOHOLIC BEVERAGES” BY (i) STRIKING, DELETING AND REPEALING SECTION 6-3 IN ITS ENTIRETY AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 6-3; (ii) BY STRIKING, DELETING AND REPEALING SECTION 6-14 IN ITS ENTIRETY AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 6-14; (iii) BY STRIKING, DELETING AND REPEALING SECTION 6-15 IN ITS ENTIRETY AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 6-15; (iv) BY THE ADDITION OF A NEW SECTION 6-20 CAPTIONED “SANITARY REGULATIONS, IMMORAL CONDUCT; INSPECTION AND REPORT BY FIRE DEPARTMENT”; (v) BY THE ADDITION OF A NEW SECTION 6-21 CAPTIONED “SECURITY CAMERAS IN PACKAGE RETAIL ESTABLISHMENTS”; (vi) BY THE ADDITION OF A NEW SECTION 6-22 CAPTIONED “ACCESS OF POLICE OFFICERS AND PUBLIC OFFICIALS”; (vii) BY THE ADDITION OF A NEW SECTION 6-23 CAPTIONED “LISTING OF PRICES”; (viii) BY THE ADDITION OF A NEW SECTION 6-24 CAPTIONED “BUILDING AND INVENTORY REQUIREMENTS”; (ix) BY THE ADDITION OF A NEW SECTION 6-25 CAPTIONED “TASTING EVENTS” (x) BY STRIKING, DELETING AND REPEALING SECTION 6-40 IN ITS ENTIRETY AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 6-40; (xi) BY STRIKING, DELETING AND REPEALING SECTION 6-44 IN ITS ENTIRETY AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 6-44; (xii) BY STRIKING, DELETING AND REPEALING SECTION 6-49 IN ITS ENTIRETY AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 6-49; (xiii) BY THE ADDITION OF A NEW SECTION 6-55 CAPTIONED “CITY OFFICIALS AND EMPLOYEES”; (xiv) BY THE ADDITION OF A NEW SECTION 6-92 CAPTIONED “AUTOMATIC LICENSE FORFEITURE”; (xv) BY STRIKING, DELETING AND REPEALING SECTION 6-125(b) IN ITS ENTIRETY AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 6-125(b); (xvi) BY STRIKING, DELETING AND REPEALING SECTION 6-127 IN ITS ENTIRETY AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 6-127; (xvii) BY THE ADDITION OF A NEW SECTION 6-130 CAPTIONED “EXCISE TAX— PACKAGE SALES”; AND (B) AMENDING CHAPTER 46 CAPTIONED “OFFENSES AND MISCELLANEOUS PROVISIONS” BY THE ADDITION OF A NEW SECTION 46-3 CAPTIONED “PUBLIC INTOXICATION”; 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 striking, deleting and repealing Section 6-3 in its entirety and substituting in lieu thereof a new Section 6-3 which shall read as follows:

**Sec. 6-3. - Business hours of retail package dealers.**

Retail package dealers shall not (i) engage in the sale of malt beverages or wine except between the hours from 7:00 a.m. through 1:00 a.m. the following day on Mondays through Fridays; and 7:00 a.m. through 12:00 p.m. on Saturdays; and 12:30 p.m. through 11:30 p.m. on Sundays; or (ii) engage in the sale of distilled spirits except between the hours from 9:00 a.m. through 11:45 p.m. Mondays through Saturdays; and 12:30 p.m. through 11:30 p.m. on Sundays; however, retail package dealers shall not permit their outlets to sell malt/wine or distilled spirit beverages on Christmas Day or any other day on which they are required to be closed by the laws of the state. The sale of permitted alcoholic beverages on any local, state and federal election day is permitted.

**Section 2.**

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by amending Chapter 6 captioned "Alcoholic Beverages" by striking, deleting and repealing Section 6-14 in its entirety and substituting in lieu thereof a new Section 6-14 which shall read as follows:

**Sec. 6-14. - Advertising.**

- (a) Package retailers must abide by current City of Ringgold Sign Ordinance, additionally, there shall be no signage placed in the windows or doors in a package retail establishment.
- (b) No holder of any package retail license issued by the city pursuant to this chapter shall at any time allow or permit any sign, signage or other visual media of any type or nature whatsoever upon any portion of the premises licensed relative to alcoholic beverages, the price thereof, the availability thereof, or the name, logo, trademark, or symbol of any brand of alcoholic beverage.
- (c) No licensed operating premises wherein package spiritous liquor, package wine or malt beverages are sold shall operate lighted electrical signs or devices except during the hours that such products are being offered for sale to the public. No outdoor advertising or signs with respect to the promotions of the sale of alcoholic beverages,

or the prices of such beverages, shall be permitted on the premises or in the windows of any permitted location that may be viewed from outside. Provided, however, there shall be no prohibition against utilizing signs showing the name of the establishment.

### **Section 3.**

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by amending Chapter 6 captioned "Alcoholic Beverages" by striking, deleting and repealing Section 6-15 in its entirety and substituting in lieu thereof a new Section 6-15 which shall read as follows:

#### **Sec. 6-15. - Opening of package and consumption on premises.**

No holder of a license only for the package sales of any alcoholic beverage nor any employee, agent, or servant of any business in which only a license for package sales is utilized shall knowingly allow or permit the breaking of any package containing any alcoholic beverage upon the premises where sold, or intentionally allow or permit the consumption of any of the contents of any package containing any alcoholic beverage upon the premises where sold. Both the person violating this section, the licensee and the employee allowing or permitting it to be done shall be guilty of an offense.

### **Section 4.**

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by amending Chapter 6 captioned "Alcoholic Beverages" by the addition of a new Section 6-20 captioned "Sanitary regulations, immoral conduct; inspection and report by fire department" which shall read as follows:

#### **Sec. 6-20. - Sanitary regulations, immoral conduct; inspection and report by fire department.**

- (a) All licensed premises shall be kept clean and in proper sanitary condition and in full compliance with the provisions and regulations governing the condition of premises used for storage and sale of food for human consumption as established by the board of health.
- (b) All premises licensed hereunder shall conform at all times with all fire regulations of the city. The fire department shall, upon request of the city clerk or his designee, inspect such premises and report its findings to the city clerk or his designee.

### **Section 5.**

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by amending Chapter 6 captioned "Alcoholic Beverages" by the addition of a new Section 6-21 captioned "Security cameras in package retail establishments" which shall read as follows:

#### **Sec. 6-21. - Security cameras in package retail establishments.**

- (a) Cameras meeting the requirements of this section must be capable of producing a retrievable image in film, tape, or digital format that can be made a permanent record and can be enlarged through projection or other means. Cameras meeting the requirements of this section shall be maintained in proper working order at all times and shall be subject to periodic inspection by the chief of police or designee. In addition, the location of all such cameras shall be approved or determined by the chief of police or designee.
- (b) Retail establishments required to install the camera security system shall be responsible for the maintenance and periodic check of said systems. It shall also be the responsibility of the establishments to have on hand at all times the correct film or tape type or other appropriate data storage device required to capture the video recording and batteries, other power backup device to ensure operation of all security cameras. These cameras will be required to display time and date on the video recording.
- (c) In the event a camera security system fails to work as normal, the establishment will be required to report it to the Ringgold Police Department within twelve (12) hours. In the event the system failure is not reported within this time period they will be found in violation of this section.
- (d) Security camera system failures will be corrected within seventy-two (72) hours by the establishment or be found in violation of this section.

#### **Section 6.**

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by amending Chapter 6 captioned "Alcoholic Beverages" by the addition of a new Section 6-22 captioned "Access of police officers and public officials" which shall read as follows:

#### **Sec. 6-22. - Access of police officers and public officials.**

No holder of any alcoholic beverage license nor any agent, servant or employee of any business in which any alcoholic beverage license is utilized shall at any time deny or prevent access to the licensed premises, or any portion thereof, to any police officer, to any state or federal or local law enforcement officer or to any local, state or federal building, zoning or fire inspector or official in connection with the conduct of such officer's, inspector's or official's duties or fail or obstruct any such officer, inspector or official in connection with the conduct of any investigation by any such officer, inspector or official with respect to the licensed premises or any activity or conduct upon the licensed premises involving alcoholic beverages.

#### **Section 7.**

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by amending Chapter 6 captioned "Alcoholic Beverages" by the addition of a new Section 6-23 captioned "Listing of prices" which shall read as follows:

**Sec. 6-23. - Listing of prices.**

Package sales licensees shall indicate plainly by tag or labels on the bottles or containers, or on the shelf immediately below where the bottles or containers are placed, the prices of all distilled spirits exposed for sale. The licensee shall not display prices or brand names in such a way as to be visible from the outside of the establishment.

**Section 8.**

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by amending Chapter 6 captioned "Alcoholic Beverages" by the addition of a new Section 6-24 captioned "Building and Inventory Requirements" which shall read as follows:

**Sec. 6-24. – Building and Inventory Requirements.**

Distilled spirits package retail establishments must comply with following:

- (a) Must meet International Building Code;
- (b) Eighty (80) percent of the front of the building must be plate glass;
- (c) Building shall follow current City of Ringgold façade ordinance;
- (d) Interior lighting shall be fluorescent or LED (Light-Emitting Diode) and be at least one hundred (100) footcandles in intensity;
- (e) The building shall be detached and free-standing;
- (f) Must be a minimum of 4,000 square feet; and
- (g) Must maintain a minimum inventory of \$300,000.00;
- (h) Shall not have a drive-in window;
- (i) No screen, blind, curtain, partition, article or thing which shall prevent a clear view into the interior shall be permitted in the window or upon the doors, and no booth, screen, partition or other obstruction shall be permitted within the interior; and
- (j) Premises shall be so lighted that its interior is visible day and night.

**Section 9.**

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by amending Chapter 6 captioned "Alcoholic Beverages" by the addition of a new Section 6-25 captioned "Tasting Events" which shall read as follows:

**Sec. 6-25. – Tasting Events.**

Distilled spirits package retail establishments shall be authorized to conduct up to 52 tasting events per calendar year, subject to the terms and conditions set forth in O.C.G.A. § 3-15-2

**Section 10.**

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by amending Chapter 6 captioned “Alcoholic Beverages” by striking, deleting, and repealing Section 6-40 in its entirety and substituting in lieu thereof a new Section 6-40 which shall read as follows:

**Sec. 6-40. - License required to sell alcoholic beverages.**

- (a) It shall be unlawful to sell alcoholic beverages within the city without the appropriate alcohol beverage license.
- (b) All licenses issued in this article shall constitute a mere grant of a privilege to carry on such business during the term of the license subject to all the terms and conditions imposed by this chapter and related laws, applicable provisions of this Code, and other ordinances and resolutions of the city relating to such business.
- (c) Both the licensee and the designated agent shall be the authorized and duly constituted agent for service of all notices and processes required to be served on or given under this article for any action or proceeding or uses of any nature whatsoever permitted under the provisions of this chapter or under any other provisions of this Code.
- (d) Distilled spirits package retail establishment:
  - (1) There shall be no more than two issued licenses for a distilled spirits package retail establishment. One license for placement of 350 zone and one license for placement of 348 zone, unless further approved by council and designated the zone of placement in which the license can be established.
  - (2) Distilled spirits package retail establishments by approved special use license are allowed in zoning areas of C-1, C-2, & C-3.

**Section 11.**

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by amending Chapter 6 captioned “Alcoholic Beverages” by striking, deleting and repealing Section 6-44 in its entirety and substituting in lieu thereof a new Section 6-44 which shall read as follows:

**Sec. 6-44. - Prohibited locations.**

- (a) No license shall be issued pursuant to this article for the sale of:
- (1) Any distilled spirits in or within 100 yards of any church building or within 200 yards of any school building, educational building, school grounds, or college campus;
  - (2) Any spiritous liquor, wine or malt beverages within 100 yards of any school building, school grounds, or college campus. This subparagraph shall apply at any location for which a new license is applied for if the sale of spiritous liquor, wine and beer was lawful at such location at any time during the 12 months immediately preceding such application;
  - (3) Any distilled spirits, wine, or malt beverages within 100 yards of an alcoholic treatment center ; or
  - (4) Any distilled spirits, wine, or malt beverages for consumption on the premises within 100 yards of any property containing 300 housing units or fewer owned or operated by a housing authority created by O.C.G.A. tit. 8, ch. 3, art. 1, the Georgia "Housing Authorities Law." This subsection shall apply at any location for which a new license is applied for if the sale of alcoholic beverages for consumption on the premises was lawful at such location at any time during the 12 months immediately preceding such application.
- (b) The distances referred to in subsection (a) of this section shall be measured by the most direct route of travel on the ground.
- (c) No license will be issued where the location for the business is zoned residential or not zoned for commercial purposes.
- (d) No license will be issued where the location for the business is inspected and not approved by the city building inspector and the fire marshal.
- (e) No license will be issued if the applicant is past due on any taxes or other sums owed to the city.
- (f) Package retail establishments must be a minimum of 2,500 feet from other package retail establishments, and shall be measured by the most direct route of travel on the ground.

### **Section 12.**

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by amending Chapter 6 captioned "Alcoholic Beverages" by striking, deleting and repealing Section 6-49 in its entirety and substituting in lieu thereof a new Section 6-49 which shall read as follows:

**Sec. 6-49. - License transferability.**

- (a) Individuals. In the event of a change of ownership of a business for which an individual has been issued a license, the new owner, if desiring a license, must complete a transfer application, meet the qualifications of this article, and tender with the application all administrative and investigatory fees, as well as any license transfer fee that may be due.
- (b) Partnerships or corporations. In the event of a change of any ownership interest in a business that is owned or operated by a partnership or corporation and for which a license has been issued, the licensee shall report such change to the director in writing within ten days. "Change of ownership interest" as used herein includes, but is not limited to, any change in:
  - (1) Division of profits and/or losses;
  - (2) Division of net gross or sales;
  - (3) Members of a partnership or LLC;
  - (4) Stockholders of corporate stock owning more than 20 percent; and
  - (5) Senior management.

The city manager will determine based upon the nature of the change in ownership interest whether a transfer application is required, and shall so inform the licensee in writing. If, as a result of any change of ownership interest, the licensee would not qualify under other provisions of this article for the issuance of a license, then the license issued to the licensee shall be subject to revocation and shall not be subject to renewal.

- (c) Designated agents. In the event of a change in the designated agent designated by an applicant under this article, the licensee must submit the name of a new designated agent, must complete a transfer application, meet the qualifications of this article, and tender with the application all administrative and investigatory fees as provided in this article, as well as any license transfer fee that may be due.
- (d) Transfers generally. After receipt of a transfer application, the director shall process the transfer application in the same manner as a new application is processed, and shall notify the applicant within 30 days of any objection to the transfer, and shall thereafter schedule the transfer request to come before the city manager for a decision. The license shall remain in effect pending approval or disapproval of the transfer. If the transfer is approved, the license shall be transferred for the remainder of the license term. If the transfer is not approved, then the transfer fee will be refunded, but the administrative and investigatory fee will not be refunded.



- (e) Forms. Transfer applications will be on such forms as are provided by the city manager for that purpose.
- (f) Death of licensee. Upon the death of a licensee, the executor or administrator of the licensee's estate may continue to operate under the license for the balance of the calendar year without payment of any additional fee or may delegate the operation of the business to another person if the person operating under the license, whether the executor, administrator, or delegate, would otherwise be qualified as a licensee under the provisions of this article.
- (g) Transfer of business location. In the event a licensee under this article desires to transfer the location of the licensee's business to a different location for which there is not already a license issued, the licensee shall pay an administrative fee and complete a transfer application on forms to be provided by the city manager. The transfer application shall be approved or rejected by the city manager. No investigatory fee will be required for this type of transfer.

### **Section 13.**

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by amending Chapter 6 captioned "Alcoholic Beverages" by the addition of a new Section 6-55 captioned "City Officials and employees" which shall read as follows:

#### **Sec. 6-55. – City Officials and employees.**

It shall be unlawful for any Elected City Official or City employee, to have any whole, partial or beneficial interest in any license to sell alcoholic beverages in the City.

### **Section 14.**

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by amending Chapter 6 captioned "Alcoholic Beverages" by the addition of a new Section 6-92 captioned "Automatic License Forfeiture" which shall read as follows:

#### **Sec. 6-92. - Automatic License Forfeiture**

- (a) Any holder of any license hereunder who shall, for a period of three consecutive months after the license has been issued, cease to operate the business and sale of the product or products authorized, submit accurate tax information, shall after said three-month period, automatically forfeit the license with approval of city manager.
- (b) With construction of a new building to a new license owner, a grace period of twelve months is granted, before the automatic forfeiture and city manager or designee removes license from holder. Under no circumstances, will license fees be refunded for nonuse.

- (c) Furthermore, a license issued under this article shall be automatically revoked by operation of law if:
- (1) The licensee's state alcoholic beverage license is revoked.
  - (2) Payment of the annual license fee is not received by the city within 14 days after notification that the issuance of a license has been approved by the city manager.
  - (3) Operation of the licensed activity is not commenced within three months after the license is issued unless extended by the city manager for good cause.
  - (4) Operation of the licensed activity is commenced and then discontinued for a period of 30 days unless extended by the city manager for good cause.
  - (5) The licensed business declares bankruptcy or receivership, is the subject or levy of legal process, or fails to properly account for, file, report and pay any excise tax levied under this chapter.
  - (6) The licensed business fails to properly account for, file, report and maintain any records or remit any license fee imposed or taxes required under this chapter.
  - (7) Payment of the annual renewal license fee is not received by the city within the time prescribed in Section 6-54.
  - (8) The named licensee is convicted of a felony by a court of competent jurisdiction.
- (d) Prior to the automatic 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. 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.

### **Section 15.**

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by amending Chapter 6 captioned "Alcoholic Beverages" by striking, deleting and repealing Section 6-125(b) in its entirety and substituting in lieu thereof a new Section 6-125(b) which shall read as follows:

- (b) The amount of a deficiency determination shall bear interest at the rate of ten percent (10%) per month, or fraction thereof, from the due date of the taxes until paid, in addition to any other penalties which may be imposed.

### **Section 16.**

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by amending Chapter 6 captioned "Alcoholic Beverages" by striking, deleting and repealing Section 6-127 in its entirety and substituting in lieu thereof a new Section 6-127 which shall read as follows:

#### **Sec. 6-127. - Penalty and interest.**

Any licensee who fails to pay to the city within the time required any amount required to be paid under this article shall pay in addition to the principal unpaid amount, penalty at the rate of fifteen percent (15%) of the tax due and interest at the rate of ten percent (10%) per month or fraction thereof from the date the tax payment was last due until payment.

### **Section 17.**

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by amending Chapter 6 captioned "Alcoholic Beverages" by the addition of a new Section 6-130 captioned "Excise Tax--Package sales" which shall read as follows:

#### **Sec. 6-130. - Excise Tax--Package sales.**

There is imposed by the city an excise tax on package sales of alcoholic beverages in the city, as follows:

- (a) Distilled Spirits: \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter
- (b) Wine: \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter
- (c) Malt Beverage: \$0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces. Malt beverage sold in barrel or bulk container, a tax of \$6.00 on each container sold containing not more than 15½ gallons and a proportionate tax at the same rate on all fractional parts of 15½ gallons

### **Section 18.**

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by amending Chapter 46 captioned "Offenses and Miscellaneous Provisions" by the addition of a new Section 46-3 captioned "Public Intoxication" which shall read as follows:

#### **Sec. 46-3. – Public Intoxication.**

- (a) It shall be unlawful for any person:

- (1) To be drunk in any street, avenue, alley, or in any public place or building in the city;
  - (2) To be drunk in any private place in the city when said person is disturbing others:
  - (3) To be drinking any intoxicating beverage while that person is in any street, avenue, alley or in any public place or building in the city, except in city designated and/or permitted area approved by the city manager.
- (b) Any person who shall violate any subsection of this section may be charged with the offense of public intoxication and, on conviction thereof, may be found guilty of public intoxication.

**Section 19.**

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

**Section 20.**

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 21.**

The adoption date of this Ordinance shall be January 24, 2022. The effective date of this Ordinance shall be its adoption date

SO ORDAINED, this 24<sup>th</sup> day of January 2022.

CITY OF RINGGOLD, GEORGIA



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NICK MILLWOOD, MAYOR

ATTEST:

  
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NICKI SUNDEN  
CITY CLERK