

**MINUTES**  
**CITY COUNCIL REGULAR MEETING**  
**JUNE 1, 2009**  
**7:00 P.M.**

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**CALL THE MEETING TO ORDER:** Mayor Cox called the meeting to order at 7:00 p.m.

**ROLL CALL:** Those present included Mayor Cox, Council Members Mike Wilson, Linda Grant, and Mike Sosebee. Jonathan Cox was absent. Staff present included Dana Miles, Kim Cornelison, and Russ Chambers.

**INVOCATION AND PLEDGE:** Invocation was led by Linda Grant, followed by the pledge.

**APPROVAL OF MINUTES:**

Council unanimously approved the minutes from the regular meeting held on May 4, 2009; motion by Linda Grant, second by Mike Wilson.

**NEW BUSINESS:**

Agenda Amendment: Council unanimously approved amending the agenda to include a sign variance request by Warren Pennington. Motion by Mike Sosebee; second by Linda Grant. The application was added to the last item under new business.

Proposed 2009 budget presentation: Kim Cornelison presented the preliminary budget for the full fiscal year stating the budget was compiled without assessing or incorporating property taxes. Council approved the budget unanimously; motion by Linda Grant; second by Mike Wilson.

Quotes on new mower: Mayor Cox explained that the Great Dane mower needed to be replaced; it has been worked on regularly and still remains a danger to be used. Staff has three quotes for a new zero radius mower. The quotes were as follows: Centerville Power Equipment - \$9,565.00; Terry's Tool and Equipment - \$9,299.00 minus \$1,000 trade in; and Southern Turf Equipment - \$12,259.00. Council awarded the purchases to Terry's Tool & Equipment at \$8,299.00 which included the trade-in of the Great Dane mower. Motion by Mike Sosebee, second by Linda Grant, motion passed unanimously.

Retired Flag Drop Box: Mayor Cox presented a proposal from the Vietnam Veterans local chapter to place a retired flag drop box at city hall. The drop box is an old U.S.P.S. mail drop they have refurbished, painted, and lettered. Flags deposited in the drop box will then be properly retired in an appropriate ceremony by local Boy Scout troops.

Council unanimously approved the drop box – motion by Linda Grant; second by Mike Wilson.

Alcoholic Beverage License Application: Mamma Business, Inc. by and through Moiz Punjwani, President, has made application for retail sales of beer at the BP Gas/Convenience Store located at 75 Hwy. 9 North, Dawsonville, Georgia. Kim Cornelison presented the application stating everything was in order.

Council unanimously approved the alcohol application for retail sales of beer at the BP Gas/Convenience Store. Motion by Mike Sosebee; second by Linda Grant.

Key Curbing Invoice: Mayor Cox presented an invoice in the amount of \$6,360.00 for approval to be paid to Key Curbing, Inc. for curb and guttering installed with the sidewalks along Howser Mill Road. Mike Sosebee made a motion to approve payment; Linda Grant seconded. The motion carried unanimously.

Sign Variance Request: Warrant Pennington asked the council to approve a sign variance for 273 Highway 136 West. The property is zoned R-1 which allows for signage up to ten square feet. Mr. Pennington is reusing a sign he had at his previous commercial location which is approximately 15 square feet.

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Dana Miles asked for any public input; there was none. Council unanimously approved the sign variance. Motion by Linda Grant; second by Mike Sosebee.

**PUBLIC HEARINGS:**

To hear an ordinance repealing the current parades and demonstrations ordinance of the City of Dawsonville, Georgia; adopting a new parade, public assembly, and public demonstration ordinance; adopting a permitting procedure for parades, public assemblies and public demonstrations; providing for definitions; providing for enforcement; providing for an effective date, and for other purposes. Second reading June 1, 2009.

Dana Miles presented the ordinance to the council stating that the update is necessitated by court decisions related to other jurisdictions that had ordinances similar to the City of Dawsonville's. They were struck as being unconstitutional. The revised ordinance now complies with all aspects of the law.

Mr. Miles opened the public hearing. There were approximate 11 people in attendance and no one spoke in favor or opposition. Mr. Miles closed the public hearing and turned the meeting back over to the Mayor.

Council unanimously approved the second reading and adoption of the parade and public assembly ordinance. Motion by Mike Sosebee; second by Mike Wilson. A copy of the approved ordinance is attached as Exhibit "A".

To hear an ordinance to amend the City of Dawsonville alcohol ordinance; to set annual license fees for caterers; to provide for catering of alcoholic beverages within the City of Dawsonville; to repeal conflicting ordinances; and for other purposes. Second reading June 1, 2009.

Dana Miles presented the ordinance to the council stating that the revision provides regulation and clarity to caterers who wish to pour at their events and provide that caterers can waive their event application fee provided they purchase their alcohol products from a licensed downtown retailer. It also clarifies procedures for alcohol poured at private events that is complimentary – that is there is no fee for the event or charges for the alcohol.

Mr. Miles opened the public hearing. There were approximate 11 people in attendance and no one spoke in favor or opposition. Mr. Miles closed the public hearing and turned the meeting back over to the Mayor.

Council unanimously approved the second reading and adoption of the parade and public assembly ordinance. Motion by Mike Sosebee; second by Linda Grant. A copy of the approved ordinance is attached as Exhibit "B".

To hear an ordinance of the City Council of Dawsonville, Georgia identifying and adopting those rules and regulations promulgated by the Georgia Department of Human Resources; identifying and adopting those rules and regulations enacted by the Dawson County Board of Health; providing for jurisdiction and enforcement of those rules and regulations in the Municipal Court of Dawsonville, Georgia and the Magistrate Court of Dawson County; providing for criminal penalties for violation thereof; and for other purposes, all for the protection and preservation of the public health, safety and welfare of the people of Dawsonville, Georgia. First reading June 1; Second reading July 6, 2009.

Dana Miles presented the ordinance to the council stating that the ordinance is related to the development of rules and regulations of the Department Human Resources. With assistance for DHR Director, Dr. Edith Parsons, the city has been requested to adopted these rules and regulations to provide uniform enforcement within the city and county. Enforcement of health codes are through the Health Department which are typically state wide mandates. The city has included web site references and directives on where a person can go to acquire the rules and regulations.

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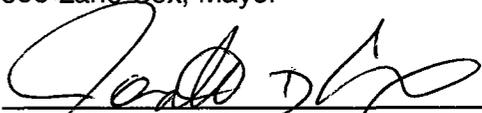
Council unanimously approved the first reading of the DHR Rules and Regulations ordinance. Motion by Mike Sosebee; second by Mike Wilson.

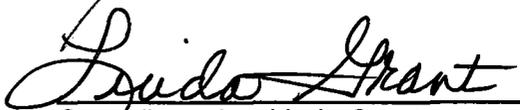
**MAYOR'S REPORT:**

Email from the Stuckey's regarding new sidewalks. Mayor Cox read an email from Mr. and Mrs. Stuckey, Howser Mill residents who stated their appreciation of the new sidewalk on Howser Mill Road. Attached as Exhibit "C".

**ADJOURNMENT:** There being no further business to attend to, Mike Sosebee made a motion to adjourn, seconded by Mike Wilson. Meeting adjourned at 7:30 p.m.

  
\_\_\_\_\_  
Joe Lane Cox, Mayor

  
\_\_\_\_\_  
Councilmember Jonathan Cox

  
\_\_\_\_\_  
Councilmember Linda Grant

  
\_\_\_\_\_  
Councilmember Mike Sosebee

  
\_\_\_\_\_  
Councilmember Mike Wilson

Attested:   
\_\_\_\_\_  
Kim Cornelison, City Clerk

FIRST READING May 4, 2009  
SECOND READING June 1, 2009  
PUBLISHED April 22 & 29/May 20 & 27, 2009

**PARADE, PUBLIC ASSEMBLY, AND PUBLIC DEMONSTRATION ORDINANCE**

**AN ORDINANCE REPEALING THE CURRENT PARADES AND DEMONSTRATIONS ORDINANCE OF THE CITY OF DAWSONVILLE, GEORGIA; ADOPTING A NEW PARADE, PUBLIC ASSEMBLY, AND PUBLIC DEMONSTRATION ORDINANCE; ADOPTING A PERMITTING PROCEDURE FOR PARADES, PUBLIC ASSEMBLIES AND PUBLIC DEMONSTRATIONS; PROVIDING FOR DEFINITIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES**

**WHEREAS**, parades, public assemblies, demonstrations, road closings and rallies can interfere with the movement of emergency vehicles and other traffic and thereby endanger public safety; and

**WHEREAS**, unregulated parades, public assemblies, demonstrations, road closings and rallies have been known to be accompanied by civil unrest and disturbance, accompanied in some cases by significant public injuries and property damage; and

**WHEREAS**, courts have recognized the right of municipalities to enact reasonable time, place and manner restrictions related to parades, public assemblies, demonstrations, rallies, road closings, and similar activities such as those established hereby, while respecting and protecting in a content-neutral fashion the Free Speech rights of groups and individuals wishing to express their views by such methods; and

**WHEREAS**, the City of Dawsonville, Georgia is empowered to enact ordinances concerning the subject matter of this ordinance pursuant to its Charter at § 1.12(16)(29)(31)(34)(36)(42)(43) and (49).

**WHEREAS**, it is reasonable and appropriate for the City of Dawsonville, Georgia, to enact the regulations hereinafter provided to ensure the delivery of critical emergency services, protect public safety, maintain the orderly and safe flow of traffic, and ensure the safety of individuals and property while also respecting and ensuring Free Speech rights; and

**AND WHEREAS**, to properly protect the right of the public to engage in free speech, while balancing the City's need to have reasonable time, place and manner regulations on the same, it is necessary to repeal the current version of the Parades and Demonstrations Ordinance and adopt a new Parade, Public Assembly, and Public Demonstration Ordinance.

**NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DAWSONVILLE HEREBY ORDAIN AS FOLLOWS:**

**Section One. Repeal of Prior Ordinance and Adoption of New Ordinance**

That ordinance of the City of Dawsonville adopted on June 6, 1989, governing Parades and Demonstrations and the like is hereby repealed in its entirety, and in its place is adopted a new Parade, Public Assembly and Public Demonstration Ordinance of the City of Dawsonville, as hereinafter set forth below.

**Section Two. Purpose**

- a. The Purpose of this ordinance is to establish an application and permitting procedure for every organization, group of persons, or entity which wishes to use public property, sidewalks, or public roads within the municipal limits of the City for an unofficial purpose or purposes in holding a parade, demonstration, rally, road closing or other such activity.
- b. Nothing in this Article shall be construed to limit, restrict, inhibit, reduce, or otherwise impact the right of the City or its Authorities to schedule, authorize, oversee, or otherwise facilitate any parade, public assembly, demonstration, rally, road closing or other such event, if such events violate other laws, ordinances, or regulations of the City or the State of Georgia.

**Section Three. Definitions**

- a. Demonstration: a meeting or gathering of an organization, group of persons, or entity for a public display or for exhibiting feelings or concerns towards a person or a cause.
- b. Public Assembly: a meeting or gathering of an organization, group of persons, or entity to hold a meeting or an address.
- c. Spontaneous Speech: that speech which, because of the immediacy of the concern and the need for swift or immediate action cannot be expected to comply with the permitting process because prompt speech is required and/or application is not possible due to the unavailability of City officials or the City application process (i.e. unavailability resulting from business hours, weekends or holidays).
- d. Organization, Group of Persons, or Entity shall mean any collection of persons, greater than twenty in number, who act together or as a unit.
- e. Parade: a procession of an organization, group of persons, or entity.

- f. Rally: the public coming together of an organization, group of persons, or entity for an effort or a cause.
- g. Road Closing: an activity of an organization, group of persons, or entity which requires, even for a brief time, the closure of a public way.
- h. Unofficial Purpose: an unofficial purpose shall be any purpose not commanded or directed by statute, ordinance, or other regulation to be performed by the state, county, city, or other governmental entity.

#### **Section Four. Permit required.**

- a. Every organization, group of persons, or entity who wishes to use public property, sidewalks, or public roads within the municipal limits of the City for an unofficial purpose or purposes of holding a parade, public assembly, demonstration, rally, road closing, or other such activity is hereby required to have a permit from the City for the privilege of engaging in any such activity within the City, unless such a permit is prohibited under state law or the activity is otherwise exempted by law, ordinance, or other valid regulation.
- b. During the course of any permitted parade, public assembly, demonstration, rally, road closing, or other such event, there must at all times be some individual, authorized by the permit recipient, who possesses either the permit or a true copy thereof, and has such permit or copy available at the event for inspection on demand by persons authorized to enforce this Article, and has the authority to speak on behalf of and bind the permit recipient.

#### **Section Five. Duties of the City.**

The City shall have, among others, the following duties:

- a. To prepare and provide the necessary forms for the application for a permit and for the submission of any required information as may be necessary to properly administer and enforce the provisions of this article.
- b. To review the application for completeness and collect whatever application fee may be required; to designate or coordinate sites and set time schedules; to coordinate with the appropriate authorities on all matters concerning such activities; and, where appropriate, to receive input from the department of transportation, state highway patrol, police chief, and the sheriff, or any other necessary public officer, for the requested activity.
- c. To forward application material to appropriate public safety entities or individuals for their collective input as to the impact the proposed parade, demonstration, rally, road closing, or other such activity shall have, if any, on the public's health, safety, and welfare. This assessment should include, but not be limited to the impact of the requested activity on the free flow of vehicular traffic, the free flow of pedestrian traffic, and the free movement of

emergency vehicles.

- d. To consider, process, and decide whether to issue permits upon applications submitted pursuant to this ordinance within ten (10) days or less of the acceptance by the City, of a completed application.

### **Section Six. Application Process**

- a. Every applicant for a permit under the provisions of this article shall submit an application for the permit to the City, which application shall conform to the requirements of this section in addition to any other provisions of this article.
- b. Unless otherwise provided herein, each application shall be a written statement upon forms provided by the City and submitted within a reasonable time prior to the event, at least ten (10) days prior to the planned activity for security checks, verifications, and arrangements to be made, as well as for input to be received from affected local and state entities.
  - i. While ten (10) days is expressed as a minimum requirement for submission of an application under this ordinance, the City reserves its right to implement content-neutral time, place, and manner restrictions on First Amendment Activities, or to deny an application if insufficient time is available for the City to properly plan or prepare for the event requested in the application, if such inability creates one or more of the situations or conditions described in § 7(b)(4), below.
  - ii. While ten (10) days is expressed as a minimum requirement for submission of an application under this ordinance, all applicants for whom it is possible to submit an application under this ordinance prior to an event shall do so, even if the application will be submitted within ten (10) days of the event at issue. In such circumstances, the City will endeavor with all deliberate speed to process and make a decision on the application prior to the date of the event at issue. Nothing contained herein waives the City's authority to implement content-neutral time, place, and manner restrictions on First Amendment Activities, or to deny an application if insufficient time is available for the City to properly plan or prepare for the event requested in the application, if such inability creates one or more of the situations or conditions described in § 7(b)(4), below.
  - iii. While ten (10) days is expressed as a minimum requirement for submission of an application under this ordinance, the City has no intention of suppressing spontaneous free speech activities which, because of their nature and/or need for immediate action, cannot conform to the application process. The foregoing notwithstanding, any spontaneous free speech activities must be preceded by at least twenty-four hours advance notice to the Dawson County Sheriff's Office. Nothing contained in this subsection shall be construed to limit, restrict, inhibit,

reduce, or otherwise impact the right of the City or its authorities to enforce other local laws and/or the laws of the state of Georgia if such spontaneous speech activities violate said laws.

- d. The City shall respond with a decision on the application within ten (10) days or less, if possible, of the receipt of the completed application, such time being necessary to process the application and obtain needed input from affected local and state agencies as hereinafter described.
- e. Each application shall contain the following information:
  - 1. Applicant Information: the following information shall be collected only for the purpose of processing the application, and shall not otherwise be released unless required by law.
    - i. Name and home address of the applicant, or home office address if a corporation or partnership, and telephone where the applicant may be contacted;
    - ii. Names and home addresses of the partners, if a partnership;
    - iii. Names and home addresses of the officers and directors, if a corporation;
    - iv. Identification of all prior parade, public assembly and demonstration permits applied for by the applicant for a parade, public assembly or demonstration within the City.
  - 2. Event Information
    - i. Date, time, and place where the proposed activity is to be carried on, including proposed routes of passage of parades or other proceedings;
    - ii. Type and class of activity to be carried on, such as parade, rally, etc.;
    - iii. Information on the number of expected participants, the length of the requested activity, a physical description of the materials to be distributed, if any, and how, if at all, participants intend to interact with the general public.
- d. Each application shall be signed and sworn to by the applicant, said signature to be by a partner if for a partnership, or by an officer if for a corporation.

- e. False statements in any application for a permit shall be grounds for immediate revocation of the permit, and/or denial of the application.
- f. Omissions of required information in the application shall automatically disqualify any application, but such disqualification will not by itself bar any later application, be it for the same or a different activity.
- g. Application Fee: To offset time, material, and administrative costs, including personnel costs, of processing the application, no application shall be accepted without an accompanying check or money order for fifty dollars (\$50.00) as an Application Fee. In the event that the applicant cannot afford the Application Fee, a pauper's affidavit may be filed by the applicant, seeking to be excused from the fee. Decision on whether the Application and Permit Fee is to be waived shall be made concurrently with the decision on the Application itself, and shall be contemporaneously communicated to the applicant.

**Section Seven. Procedure for issuance.**

- a. *Review and recommendation.* When this article provides for the review of an application for a permit by the City, a copy of the application shall be forwarded to those persons or entities from whom input is needed to assess the propriety of the requested event.
  - 1. The persons or entities from whom input is requested on any parade or demonstration application may include, but are not necessarily limited to the following:
    - i. The Georgia Department of Transportation
    - ii. The Georgia State Patrol
    - iii. The Dawson County Sheriff's Department
    - iv. Dawson County Emergency Services
    - v. Any other public officer or entity whose input would bear on the propriety of issuing the requested permit.
  - 2. Each person or entity from whom input is sought shall make a recommendation thereon, favorable or otherwise, and shall be requested to return the recommendation to the City within seven (7) days after receiving a copy of the application.
- b. *Action by City.*
  - 1. The City, via the City Administrator or its designee, shall take action upon the application by either approving or denying the permit no later than ten (10) days (fewer if possible) after receiving the completed application, such time being necessary to process the application and obtain needed

input from affected local and state agencies. If no action is taken by the City within ten (10) days of the submission of a completed application, the permit is deemed to be granted.

2. **Form of Action:** The decision of the City shall be reflected on the face of the application itself in a space provided therefore. Any decision adverse to the applicant must be in writing and explain the reasons for denial. If the application is approved by the City, the City shall issue a permit to the applicant no later than ten (10) days after the submission of a completed application, which permit shall state the nature of the activity authorized and shall bear the date of issuance and the signature of the City Administrator or its designee.
3. **Authority to set sites, routes, schedules, or cancel.**
  - i. Where more than one permit is sought for the same date or where the proposed route would result in interference with the orderly and free flow of traffic, including pedestrian traffic and emergency vehicles, the City shall have authority to designate reasonable sites and/or routes and set time schedules for the beginning and ending of the activity. The City shall have authority to cancel the permit where the activity fails to begin within a reasonable time after the time set for it to begin based on other activities for which permits have been granted or based on the unreasonable interference caused by such delay with the public welfare, peace, safety, health, and good order.
  - ii. Where the parade or demonstration may impact traffic on a State Route, the Georgia Department of Transportation shall be notified of the potential impact, and input from the Georgia Department of Transportation shall be sought.
4. **Criteria for approval.** Unless one or more of the following situations or circumstances exists, the permit shall be granted:
  - i. the proposed activity will create some compelling interference with the rights of nonparticipant citizens, such compelling interference to be expressly noted in the denial of the application;
  - ii. the proposed activity will unreasonably disrupt the orderly flow of traffic, be it vehicular or pedestrian;
  - iii. the proposed activity would create an endangerment to citizens of the City, such endangerment to be expressly noted in the denial of the application;
  - iv. the application is incomplete or contains a material falsehood or misrepresentation;
  - v. the City or one of its Authorities is sponsoring an event, or a permit has been granted to an earlier applicant, for the same time and

place, and no reasonable accommodations can be made to provide for both activities which will not trigger one or more of the other reasons for denying a permit;

- vi. there is other compelling interference with the public welfare, peace, safety, health, and good order, such compelling interference to be expressly noted in the denial of the application.
- c. Restrictions relative to County Courthouse. In no event shall any individual, organization, or group of persons be permitted to bring signs, banners, posters, leaflets, handbills, or any other printed material of any size or shape containing any message intended to influence any judge, juror, witness, or other officer in the discharge of his duty within one hundred (100) feet of the County Courthouse, unless those materials are to be used in a Court of Law for the purposes of judicial proceedings or functions.

#### **Section Eight. Financial responsibility and Insurance.**

- a. Nothing in this article shall relieve any person, or persons, or organization from responsibility for any injuries or damages to persons or property, private or public, occasioned by their acts or omissions arising from the activity for which any permit under this article was issued.
- b. Based upon review of the Application, the City may require that the Applicant be responsible for trash cleanup of affected areas littered during the activity for which a permit is sought, the provision of sufficient parking and storage areas for a large influx of motor vehicles occasioned by the permitted activity, provision of temporary toilet facilities, and other similar special and extraordinary items determined to be necessary for the permitted activity based upon the Application's contents. In no event shall the City require individuals, organizations or groups of persons to provide personnel for normal governmental functions, such as traffic control, police protection, or other expenses associated with the maintenance of public order. If additional requirements are placed on applicants in accordance with this subsection, and those requirements are not met despite assurances by the applicant, then failure to comply with the aforementioned requirements shall be grounds for revocation of the issued permit and/or denial of any subsequent permit requested by the applicant. The City shall be entitled to recover against the applicant the sums expended by the City for those extraordinary expenses agreed to but not provided by the applicant.
- c. Every applicant for a parade, demonstration, rally, road closing, or other such activity, for which primary attendance (that is, attendance primarily for said parade, demonstration, rally, road closing, or other such activity, and not attendance which is the result of another event) is reasonably expected to meet or exceed five thousand (5,000) persons, shall provide the City with a copy of the declarations page of the applicant's liability insurance in place to

cover the event set forth in the permit application. For such events the City shall be added as a named insured for the event on the declarations page by the insurance carrier. Minimum policy limits shall be \$1 million per person per incident, \$2 million aggregate for the entire event. All costs for the insurance and adding the City as an additional named insured shall be borne by the applicant. The insurance shall be such as to protect the City from any and all claims of damages to property and/or bodily injury.

### **Section Nine. Appeals.**

- a. Right of appeal. Any applicant whose application for a permit under this article is denied may appeal such denial to the Mayor and City Council, which shall consider such appeal at the next regularly scheduled meeting following the receipt of the applicant's appeal.
- b. Consideration of appeal. The Mayor and City Council shall consider the appeal and require the City Administrator to explain why the permit was denied. Unless the aforementioned explanation shows that the decision on the application was properly made in conformance with Section 7(b)(4) above, the appeal shall be granted and the permit issued. The applicant shall have a right to be heard during this hearing, and shall have the right to be represented by counsel. After hearing the appeal the Mayor and City Council shall state the reason for granting or denying the appeal in writing within five (5) days of the appeal hearing. This requirement shall not be construed to limit the power of the Mayor and Council to announce its decision at the conclusion of the appeal hearing, so long as the writing requirement is subsequently satisfied.

### **Section Ten. Violations and penalties.**

Any person or organization convicted of a violation of the terms of this article shall be guilty of a misdemeanor and punished by a fine not to exceed \$500.00, or by confinement in the jail or correctional institution utilized by the City for a period of time not to exceed thirty days, or both, in the discretion of the Municipal Court Judge.

### **Section Eleven. Defense to prosecution.**

It shall not be a defense to any prosecution under this article for failure to obtain a permit before engaging in any activity described in this article that a permit has in fact been issued unless, at trial (1) the accused produces in court a valid permit or a certified copy thereof, and (2) the permit or a true copy thereof was present at the event for inspection.

### **Section Twelve. Severability**

If any section, provision or clause of any part of this Ordinance shall be

declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this Ordinance would have been adopted had such invalid portion not been included herein.

**Section Thirteen. Repeal of Conflicting Ordinances**

All Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section Fourteen. Effective Date**

This ordinance shall become effective upon adoption, the public good demanding the same.

**SO ADOPTED** by the City Council of Dawsonville, Georgia, this 15<sup>th</sup> day of June, 2009.

**MAYOR AND DAWSONVILLE CITY COUNCIL**

By: Joe Lane Cox  
Joe Lane Cox, Mayor

Mike Sosebee  
Mike Sosebee, Council Member

Linda Grant  
Linda Grant, Council Member

ATTESTED TO BY:

Kim H. Cornelison  
Kim Cornelison, City Clerk

Mike Wilson  
Mike Wilson, Council Member



Jonathan Cox, Council Member

FIRST READING May 4, 2009

SECOND READING June 1, 2009

PUBLISHED April 22 & 29/May 20 & 27, 2009

PASSED June 1, 2009

**AN ORDINANCE TO AMEND THE CITY OF DAWSONVILLE ALCOHOL ORDINANCE; TO SET ANNUAL LICENSE FEES FOR CATERERS; TO PROVIDE FOR CATERING OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF DAWSONVILLE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council of the City of Dawsonville, Georgia is authorized and empowered pursuant to O.C.G.A. § 3-3-2, et. seq., to regulate the sale of malt beverages, wine and distilled spirits within the geographical confines of said municipality; and,

**WHEREAS**, the Council previously enacted the City of Dawsonville Alcohol Ordinance, on April 2, 2007, the same being codified at Chapter 3, Article 1 of the Code of Dawsonville, Georgia; and

**WHEREAS**, the City of Dawsonville has determined that it is in the best interests of the City of Dawsonville to amend its Alcohol code to revise its code to adequately provide for the licensing of caterers domiciled in Dawsonville and for other purposes.

**NOW THEREFORE**, pursuant to the authority granted to the City of Dawsonville by its Charter and the authority referenced above, the Council of the City of Dawsonville hereby ordains as follows:

**SECTION 1. AMENDMENT OF CATERING LICENSE FEES PROVISION**

Section 3-12 (a)(17)-(20) of Chapter 3, Article 2 of the Code of Dawsonville Georgia, is repealed in its entirety and the new Section 3-12 (a)(17)-(20) set forth below is inserted. All other remaining sub-sections of Section 3-12 and sections of the Alcohol Ordinance not specifically amended by this ordinance shall remain in full force and effect. Section 3-12 (a) (17)-(20) shall now read as follows:

- (17) Malt beverages catering (no more than 100 event days per year), \$250.00 per year;
- (18) Wine catering (no more than 100 event days per year), \$250.00 per year;
- (19) Malt beverage and wine catering (no more than 100 event days per year), \$500.00 per year;
- (20) Distilled spirits catering (no more than 100 event days per year), \$500.00 per year;

**SECTION 2. AMENDMENT OF ALCOHOL BEVERAGE CATERING PROVISION**

Section 3-64 of Chapter 3, Article 7 of the Code of Dawsonville Georgia, is repealed in its entirety. In place of the repealed Section 3-64 of Chapter 3, Article 7 of the Code of Dawsonville Georgia, the following shall be inserted as a new § 3-64 of Chapter 3, Article 7 of the Code of Dawsonville Georgia:

**§3-64 License for Caterers to serve Alcoholic Beverages.**

- (a) *Catering License.* Caterers desiring to serve alcoholic beverages at catered events shall purchase such alcoholic beverages from retail package stores licensed by the City of Dawsonville or the caterers shall obtain catering licenses annually, which shall be renewed in accordance with terms of this Chapter. Such licenses

shall allow no more than 100 catered events per year. In the event a Caterer desires to cater more than 100 events per year, the Caterer must obtain a by the drink for consumption on the premises license in the amount set forth in §3-12. Caterers may not sell alcoholic beverages by the drink; rather, they may only sell by the bottle to be included along with the food cost billed to their customer. All alcoholic beverages served by a caterer must be served by an individual holding a valid pouring permit as set forth in §3-31.

(b) *Catered Event Permit.* Catered events serving alcohol may be held on the caterer's site or off-site within the City, but all catered events serving alcoholic beverages must be permitted as set forth in this section. A private party for non-commercial purposes where alcoholic beverages are purchased directly by the host, served for no charge to the attendees and that does not involve the provision of food or beverages by a caterer, restaurant or other commercial food/beverage establishment is not considered a catered event and does not require a Catered Event Permit. Other than as set forth hereinbefore, all catered events where alcoholic beverages are sold by the bottle to the host for provision to the guests without charge must obtain a Catered Event Permit. All caterers or any establishments or persons holding licenses for alcohol consumption on the premises, issued by Dawsonville or another jurisdiction, desiring to sell alcoholic beverages to the host of a catered event, must apply to the City Clerk on such forms as provided by the City Clerk for a Catering Event Permit for each catered event within the City. The application for a Catered Event Permit shall include:

- 1) the date, address, and time of the event;

- 2) the licensed alcoholic beverage caterer's license number, a sworn statement that a caterer's license is not necessary because the alcoholic beverages are being purchased from a licensed establishment located in the City or the on-premises consumption license number; and
- 3) the fee set forth in §3-12 (21) or (22) as applicable unless the event is for a non-profit charitable entity in which case the fee may be waived in the discretion of the Mayor.

If the event does not conflict with any other provision of the chapter and the application complies with this Chapter, the City Clerk will issue a catering event permit authorizing the serving of alcohol at the catered event. The permit shall be prominently displayed at the authorized catered event.

(c) *Taxes.* All applicable local excise taxes on alcoholic beverages brought into the City of Dawsonville shall also be assessed in accordance with this chapter.

### **SECTION 3. INCORPORATION AND REPEALING CLAUSE.**

All portions of Chapter 3 of the Code of Dawsonville Georgia not expressly repealed are reaffirmed and incorporated herein it being the intent of the City Council to reaffirm its Alcohol Ordinance as amended by this ordinance. Any other ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

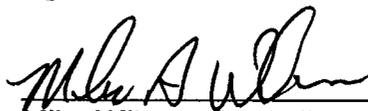
### **SECTION 4. EFFECTIVE DATE.**

This Ordinance shall become effective upon its approval by the City Council of the City of Dawsonville, Georgia.

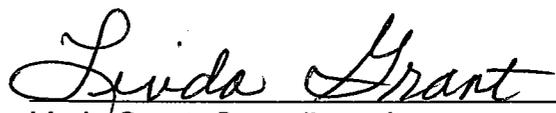
APPROVED this 15<sup>th</sup> day of June, 2009 by the Mayor  
and Council of the City of Dawsonville, Georgia.

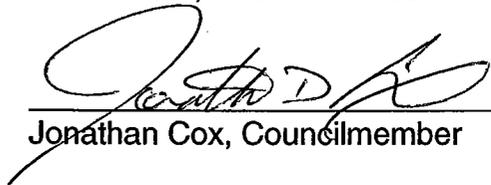
**DAWSONVILLE CITY COUNCIL**

By:   
Joe Lane Cox, Mayor

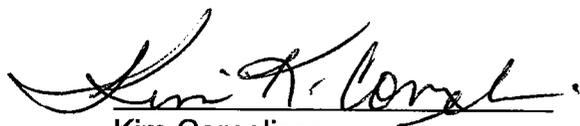
  
Mike Wilson, Councilmember

  
Mike Sosebee, Councilmember

  
Linda Grant, Councilmember

  
Jonathan Cox, Councilmember

Attest:

  
Kim Cornelison  
City Clerk

**Joe Lane Cox**

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**From:** Charlie & Jane Stuckey [cjstuckey@windstream.net]  
**Sent:** Tuesday, May 26, 2009 4:26 PM  
**To:** mayor@dawsonville.com  
**Subject:** Sidewalk to Howser Mill

We want to add our thanks for the sidewalk connecting Howser Mill to the sidewalk at Dollar General. We have talked about how great it would be to have a sidewalk that we could use to walk to historic downtown Dawsonville, and we have already used it several times. We thought maybe this could be done along with the Dollar General project but really thought we were only dreaming. Thanks for making our dream a reality. p.s. We have been in Dawsonville two years and love it.

Charles & Jane Stuckey  
267 River Mill Lane

Exhibit "C"

5/27/2009