

ORDINANCE NO. 2014-12

AN ORDINANCE BY THE CITY OF SMYRNA, GEORGIA, PROVIDING FOR THE AMENDMENT OF THE CODE OF ORDINANCES OF THE CITY OF SMYRNA, GEORGIA, OF CHAPTER 6, ARTICLE II, SECTION 6-51 (F), TO BE AMENDED AS FOLLOWS:

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SMYRNA, GEORGIA:

Sec. 6-51. Issuance of photo permit for employees

(a) All employees involved in either the dispensing, serving or sale of alcoholic beverages are required to obtain a photo permit from the city police department.

(b) Employees subject to this provision shall, within 14 days of their first day of work in an establishment holding a license to sell alcoholic beverages, report to the city police department for the purpose of applying for photo permit on such forms as shall be required by the police department. No person may remain employed by any establishment holding an alcoholic beverage license unless the provisions of these sections have been complied with.

(c) Photo permits are transferable from one licensed premise to another within the corporate city limits. A photo permit shall be valid for a period of two years from the date of issue. At expiration, a new photo permit must be applied for. Photo permits must be made available for inspection upon request by the governing body, police department or city marshal at any time. In case of lost, altered or mutilated photo permits, a replacement must be obtained immediately. If the original photo permit is found after a replacement is issued, then it must be turned in to the permits section at the police department; possession of more than one photo permit is a violation of this section.

(d) A processing fee is payable to the city upon application for a photo permit. In the event of a lost or mutilated photo permit, a replacement fee shall be payable to the city.

(e) The city shall have a complete and exhaustive search made relative to any police record of the person applying for the photo permit. No photo permit shall be issued to any person if the following is shown to exist:

- (1) That employee as a previous or current employee, or as a previous alcoholic beverage licensee, has been convicted of violating any laws, ordinances, or regulations regulating such business if such conviction or arrest occurred within a five-year period immediately preceding the date of application. The term "conviction" shall include an adjudication of guilt, a plea of guilty or nolo contendere or the forfeiture of bond when charged with a crime. If there is an arrest and charges are still pending, then action shall be postponed until the charges are adjudicated;

- (2) That employee within a five-year period preceding the date of application shall have been convicted for any felony charged under any of the laws of the several states or of the United States. The term "conviction" shall include an adjudication of guilt, a plea of guilty or nolo contendere or the forfeiture of bond when charged with a crime. If there is an arrest and charges are still pending, then action shall be postponed until the charges are adjudicated;
- (3) That employee has been convicted of more than one misdemeanor, including traffic violations, involving the use or abuse of any alcoholic beverage, opiate or drug, within the three years preceding the application. The term "conviction" shall include an adjudication of guilt, a plea of guilty or nolo contendere or the forfeiture of bond when charged with a crime. If there is an arrest and charges are still pending, then action shall be postponed until the charges are adjudicated; or
- (4) That employee is on parole from any state or federal prison or work camp; provided that, in the event employee is on active probation or parole, a signed letter must be submitted with the application for a photo permit from the applicant's parole or probation officer, such letter must be on official stationary, and such letter must state that the employee has been authorized by the probation officer to maintain employment in an alcoholic establishment.

In the event there is a criminal record discovered that would exclude the issuance of a photo permit, the designated agent of the police department shall issue a letter to the person fingerprinted, to the city clerk, and to the employer, stating that the person is ineligible for employment.

- (5) That employee has any outstanding arrest warrants for whom no service has been perfected.
- (f) Any employee excluded from receiving or holding a photo permit under the terms under the terms of this section shall have the right to appeal such exclusion initially to the License and Variance Board, and then to the governing body, either of whom may in their discretion approve the issuance of a photo permit.
- (g) The failure of an employee to get a photo permit will not prohibit the employee from applying for and receiving one if all other conditions of this section are otherwise met. (Ord. No. 95-03, § 3-3-23, 5-1-95; Ord. No. 97-16, 12-1-97; Ord. No. 2004-27, 8-2-04)

Approved by Mayor and Council this 2nd day of September, 2014

A. Max Bacon, Mayor

Attest:

**Terri Graham, City Clerk
City of Smyrna**

Approved as to form:

Scott Cochran, City Attorney