

**STATE OF GEORGIA
COUNTY OF CHEROKEE**

RESOLUTION NO. 2023-R-041

A RESOLUTION OF THE CHEROKEE COUNTY BOARD OF COMMISSIONERS TO ADOPT AN ADMINISTRATIVE POLICY FOR THE REVIEW, ACCEPTANCE, AND ISSUANCE OF LICENSES FOR RETAIL DISTILLED SPIRITS AND ALCOHOL IN CONJUNCTION WITH THE PROVISIONS OF CHAPTER 6 ARTICLE II OF THE CHEROKEE COUNTY CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations; and

WHEREAS, O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety, and welfare of the population of the unincorporated areas of the County; and

WHEREAS, on November 8, 2022, a referendum was conducted in Cherokee County to establish the package sales of distilled spirits in unincorporated Cherokee County, with the question, “Shall the issuance of licenses for the package sale of distilled spirits be approved?”; and

WHEREAS, the package sale of distilled spirits referendum received approval from the voters of Cherokee County by 79.2%; and

WHEREAS, in order to implement the requirements and regulations regarding the issuance of such licenses for retail distilled spirits, on or about June 6, 2023, the Cherokee County Board of Commissioners adopted an ordinance update to Chapter 6 of the Cherokee County Code of Ordinances regarding Alcoholic Beverages to permit such licensure; and

WHEREAS, in addition, in order to process the first batch of applications for such licensure, an Administrative Policy has been proposed in order to outline the acceptance of applications, the opening and closing date for such applications, and the requirements for the opening of any new district or application period for retail distilled spirit licensure; and

WHEREAS, the aforementioned Administrative Policy has been attached hereto as Exhibit A and is herein incorporated by reference; and

WHEREAS, any amendments to the attached Administrative Policy attached hereto as Exhibit A shall require the approval and consideration of the Cherokee County Board of Commissioners; and

WHEREAS, the Administrative Policy attached hereto as Exhibit A will benefit the interest of public health, safety, and welfare.

NOW, THEREFORE, BE IT RESOLVED THAT the Cherokee County Board of Commissioners, and it is hereby so resolved by the authority of the same, that the Cherokee County Board of Commissioners hereby approves the Administrative Policy attached hereto as Exhibit A regarding the initial acceptance and issuance of licenses for the retail sale of distilled spirits.

SO RESOLVED, APPROVED, AND ADOPTED this 6th day of June, 2023.

By:



HARRY B. JOHNSTON, Chairman

Attest:



CHRISTY BLACK, Clerk

(SEAL)



Chairman
Harry B. Johnston

County Manager
Geoffrey E. Morton, P.E.



Commissioners
Steve West, District 1
Richard Weatherby, District 2
Benny Carter, District 3
Corey Ragsdale, District 4

BOARD OF COMMISSIONERS

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**ADMINISTRATIVE POLICY FOR IMPLEMENTATION OF CHAPTER 6, ARTICLE II
OF THE CHEROKEE COUNTY CODE OF ORDINANCES RELATED TO DISTILLED
SPIRITS**

The following administrative process shall apply following the Board of Commissioner's adoption on June 6, 2023, of Chapter 6, Article II of the Cherokee County Code of Ordinances, providing for the issuance of retail distilled spirit alcohol licenses (hereinafter referred to as the "Distilled Spirits Ordinance").

I. Initial Advertisement of Acceptance of Applications

The Administrator and county staff (as those terms are used in the Distilled Spirits Ordinance) shall cause an advertisement to be placed in the legal organ of Cherokee County that shall run at least one time in the first week of July of 2023, and one time in the first week of August of 2023, providing notice that applications for a retail distilled spirits license will be accepted by Cherokee County as of September 1, 2023, and providing sufficient information to advise a potential applicant of the general requirements to apply for a license by reference to the Distilled Spirits Ordinance.

II. Initial Opening of Acceptance of Applications

Applications may be submitted to Cherokee County as of 9:00 a.m. on September 1, 2023, by appearing in person and submitting an application in accordance with the requirements of the Distilled Spirits Ordinance to the Development Services Center of the Community Development Agency, so designated by the Marshal's Office to receive applications. Applications will continue to be accepted in person as indicated herein for a period of sixty (60) days, through and including October 31, 2023, by no later than 5:00 p.m.



III. Closing Date of Applications

The initial round of Applications will cease to be accepted as of 5:00 p.m. on October 31, 2023.

IV. Completion of Compliance Review by Administrator and County Staff

The Administrator and County Staff will review applications as they are submitted for purposes of determining whether a Preliminary Certificate of Compliance may be issued for each application. As soon as reasonably possible following the closing of applications on October 31, 2023, the Administrator and County Staff shall complete all compliance reviews and issue any Preliminary Certificates of Compliance as may be appropriate.

V. Continuation of Ordinance Procedures

Upon the completion of the compliance reviews, Section 6-85 shall be followed through the issuance of a retail distilled spirits alcohol license.

VI. Announcement of Opening of New District or Acceptance of New Applications

Following the initial process set forth above, should Cherokee County determine to open a new district or to accept new applications due to a Successful Finalist (as that term is defined in the Distilled Spirits Ordinance) failing to secure a retail distilled spirits alcohol license or a Successful Finalist losing an issued retail distilled spirits alcohol license through revocation or other means, the Cherokee County Board of Commissioners shall announce at a duly advertised, regularly scheduled meeting of the Board of Commissioners that the County intends to open a new district or accept new applications, as applicable. As part of such public announcement, the Board of Commissioners shall direct the running of an advertisement for the first week in two consecutive months in the legal organ of Cherokee County, which shall commence the process again as detailed above.

VII. Amendment to Administrative Policy

This Administrative Policy may be amended from time to time by official action of the Board of Commissioners as deemed to be necessary for the efficient operation of the County in administration of Chapter 6, Article II of the Cherokee County Code of Ordinances and otherwise in the best interests of the public health, safety, and welfare.