

MEMORANDUM

TO: Mayor and Council
CC: File – Code Updates
FROM: JLB
DATE: March 4, 2024
RE: Summary of Changes to Chapter 6

The following is a summary of all changes proposed to Chapter 6 of the City of Dalton Code of Ordinances in the draft circulated for review at the March 4, 2024 work session:

1. **Renumbering:** The code sections were renumbered to account for the addition of certain new sections and to address sections that were previously repealed and marked as “reserved.” We did this as consistently as possible with previous numbering for the benefit of those who refer to these code sections frequently, and we modified the reservations at the end of each section to leave room for additions.
2. **Cross references:** All cross references were deleted as many of these were out of date.
3. **Gender references:** Throughout chapter 6, “his” was replaced with “his or hers” or some other gender-neutral reference.
4. **6-1. Definitions:**
 - a. The definitions from the state code are incorporated into Chapter 6; therefore, some definitions were deleted so as not to conflict with state definitions.
 - b. There were previously definitions throughout the code. We moved all definitions to 6-1. This included moving the definitions of the following terms: drink, mixed drink, freight depot, monthly period, proper identification, purchase price, purchaser, return, and tax.
 - c. We changed the definition of the Code enforcement inspector to include “Authorized City Officer,” which is a defined term in Chapter 1 and includes anyone the mayor and council or city administrator appoints for these tasks.
 - d. The code previously had references to an “agent” without a clear definition. We created a definition of “Designated Agent” which is the person designated by the licensee in the application. “Designated Agent” is now used throughout the code instead of “agent.”
 - e. “Hotel” and “hotel lounge” were defined.

- f. The definition of “Licensee” was updated was updated to include certain language that was used in 106-31 regarding the hotel-motel tax.
 - g. “Lounge” was deleted as there had become ambiguity in its application. There is now a definition of “mall” and “mall lounge” which specifically contemplate and address indoor enclosed areas like the Mill. Additionally, there is a “hotel lounge” and a “restaurant lounge” with specific definitions.
 - h. The definition of “Person” was deleted because there had previously been a definition in 6-1 that referred to state law and the first paragraph of 6-1 incorporates all definitions from the state alcohol code.
 - i. Private club was previously an undefined type of license. It is now defined.
 - j. Public safety commission is now defined as the commission established by ordinance or resolution instead of by the old charter.
 - k. We made multiple changes to the definition of “Restaurant” in order to clarify what a restaurant really is and how a licensee is to prove that it complies with this definition.
 - l. The definition of “tavern” was deleted as it is not used.
5. **6-6:** This section was changed to add clarifying language and a reference to the new table of penalties in 6-233.
 6. **6-7:** This is a new section that places the authority to review initial applications and renewals in the mayor and council. Changes were made throughout the code to reflect this (e.g., 6-107).
 7. **6-8:** This is the old 6-7, which has deleted from the public safety commission the duty to review initial and renewal applications. We also made slight changes to make this section consistent with the rest of chapter 6.
 8. **6-10:** There is a change in subsection (a) to account for new numbering of 6-11. In subsection (c) the limitation on containers in public places was moved from 16 to 20 ounces; however, the volume of alcoholic beverage allowed in such containers is still 16 ounces.
 9. **6-19:** Hours of sale were changed so that alcohol may not be sold after 2:00a.m. Other changes were made to make this code section consistent with state law.
 10. **6-20 (previously 6-21):** This section was changed to provide that all patrons must be out of licensed establishments by 2:00 a.m. instead of 3:00 a.m.

11. **6-22 (previously 6-23):** This section addresses amusement machines. We deleted references to outdated machines (pinball and music boxes) and broadened the definition to include all electronic, COAM, or other amusement games.
12. **Old 6-25:** The prohibition on drive-in windows for sellers of distilled spirits was deleted in its entirety.
13. **6-24:** The prohibition on signs or other objects obscuring view in windows of retail packages stores was removed. The prohibition remains for doors.
14. **6-36:** This is a new section which contains detailed security camera requirements for licensees.
15. **6-70:** This section discusses businesses eligible for pouring licenses. We clarified that micro-breweries and micro-distilleries fall in this category. We also added hotel, mall, and restaurant lounges from the new definitions. A sentence was also added excluding micro-breweries and brewpubs from selling distilled spirits.
16. **6-104:** Added language to clarify those who are not eligible to apply for a license.
17. **6-106:** We changed the location of filing any changes relating to a license from the public safety commission to the clerk's office.
18. **6-112:** Brewpub was changed to one word here and throughout the code to be consistent with the state code reference and definition.
19. **6-209:** Clarifications consistent with other changes in the code.
20. **6-231:** Added language to the definition of due cause for suspension or revocation.
21. **6-233:** There is now a table of offenses and fines, which is consistent with state law.
22. **6-235:** The last sentence of subsection (a) regarding appeals of emergency suspensions was deleted because, in the unlikely event of an emergency suspension, that suspension only lasts until the next mayor and council meeting. Therefore, an appeal is not necessary.
23. **6-246:** Removed penalty language that conflicts with chart in 6-233.
24. **6-350:** Minor revisions to make consistent with the rest of Chapter 6.
25. **6-416:** All definitions here were moved to the definition section in 6-1.
26. **6-426:** For claims of overpayment of taxes, we added a provision requiring a report of a certified public accountant describing the payment in detail.