

**CITY OF LITHONIA  
STATE OF GEORGIA**

**ORDINANCE NO. 2020-05-18**

AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF LITHONIA, GEORGIA TO AMEND SECTION 5-1007 (“ELIGIBILITY FOR LICENSE”) OF THE CODE OF ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER LAWFUL PURPOSES.

**WHEREAS**, the duly elected governing body of the City of Lithonia, Georgia (the “City”) is the Mayor and Council thereof; and

**WHEREAS**, the City currently has various licensing regulatory ordinances that prescribe eligibility requirements to obtain licenses such as alcohol, business, and building permits; and

**WHEREAS**, the Mayor and City Council desire to add additional requirements for license eligibility by prohibiting any applicant who owes the City any taxes or fees from obtaining licenses or permits unless the past-due amount is paid; and

**WHEREAS**, the amendments contained herein would benefit the health, safety, morals, and welfare of the citizens of the City.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF LITHONIA**, and by the authority thereof:

**Section 1. Section 5-1007 (Eligibility for License) of Chapter 10 (Liquor) of the City of Lithonia Code is hereby revised to read as follows:**

**Sec. 5-1007. Eligibility for License.**

No license for the sale of liquors shall be granted to any applicant who is not a citizen of the United States and who has not resided continuously or maintained

daily a place of business within DeKalb County for the one year period next preceding the year for which application is made. The applicant shall have been a resident of or qualified to do business in the State three (3) years prior to the year for which the application is made. When the applicant is a corporation whose primary business is the operation of a liquor store, the majority stockholder must meet said requirements and a license shall be issued jointly to the corporation and the majority stockholder. Where the applicant is a corporation whose primary business is other than the operation of a liquor store, the license shall be issued to the corporation and an officer or agent of such corporation who meets the above requirements. If the applicant is a partnership, the same requirements pertaining to a corporation shall apply. Where the applicant is a corporation whose primary business is the operation of a hotel or motel, the officer or agent of such corporation who acts as an applicant on behalf of the corporation, shall have been a resident of the State for the one (1) year period next preceding the year for which application is made. A license under this Chapter shall only be issued if the applicant is not overdue on payment to DeKalb County for any taxes or to the City for any taxes, fees, fines, or penalties assessed against, or imposed on, the applicant.

**Section 2. Section 5-1208 (Licenses Discretionary with City; Revocation Authorized), Article B (Licenses) of Chapter 12 (Malt Beverages and Wine) of the City of Lithonia Code is hereby revised to read as follows:**

**Sec. 5-1208. Licenses Discretionary with City; Revocation Authorized.**

All licenses issued by the Mayor and City Council for the sale of malt beverages are issued at the pleasure of the Mayor and City Council and subject to revocation by appropriate action at any time. No licenses under this Article may be issued to any applicant that is overdue on payment to DeKalb County for any taxes or to the City for taxes, fees, fines, or penalties assessed against, or imposed on, the applicant.

**Section 3. Section 5-401 (Annual License Fee) of Chapter 4 (Businesses and Occupations) of the City of Lithonia Code is hereby revised by adding new subsection (q) to read as follows:**

**Sec. 5-401. Annual License Fee.**

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....

- (q) No applicant may be granted a license under this Chapter unless such applicant is not overdue on payment to DeKalb County for any taxes or to

the City for taxes, fees, fines, or penalties assessed against, or imposed on, the applicant.

**Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 5.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

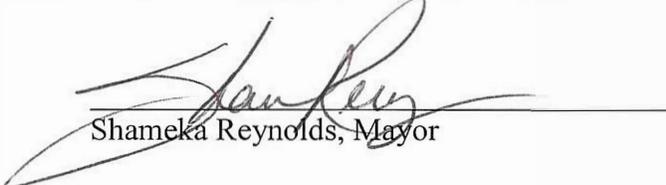
**Section 6.** Penalties in effect for violations of the Code of Ordinances, City of Lithonia, Georgia at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

**Section 7.** The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

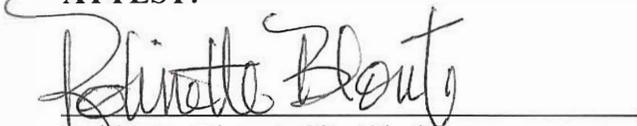
ORDAINED this 15<sup>TH</sup> day of JUNE, 2020.



CITY OF LITHONIA, GEORGIA

  
Shameka Reynolds, Mayor

ATTEST:

  
Robinette Blount, City Clerk

APPROVED BY:

  
City Attorney