

STATE OF GEORGIA

CITY OF HIRAM

ORDINANCE NO. 2022-05

AN ORDINANCE AMENDING HIRAM CITY CODE AND CREATING A NEW SECTION 6-117.3 CREATING AN ON-PREMISES CONSUMPTION ALCOHOL LICENSE FOR CIGAR SPECIALTY SHOPS UNDER CERTAIN LIMITED CONDITIONS; AND FOR OTHER PURPOSES.

WHEREAS, the City Council is committed to ensuring business growth and economic opportunity for the citizens and businesses of the City of Hiram while also protect their general welfare; and

WHEREAS, the City Council is authorized pursuant to Section 1.3(35) of the Charter of the City of Hiram to regulate the sale of alcohol; and

WHEREAS, the City Council, in its ongoing effort to both preserve and grow the historic downtown Hiram area, is open to creating new opportunities for businesses to increase their respective draws to and expand their customer base, including in this case, by creating the cigar specialty shop licensing category to allow the service of alcohol under certain limited conditions.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council as follows:

1.

The Code of Ordinances, City of Hiram, Georgia, is hereby amended by adding a new section to be numbered 6-117.3, entitled "Cigar specialty shop" which section shall read as set forth in full on the attached Exhibit A, which exhibit is incorporated herein by reference.

2.

This ordinance shall be effective as of the date of its passage.

3.

The sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining section, subsections, paragraphs, sentences, clauses and phrases of this ordinance.

4.

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

5.

All other aspects of the Code of Ordinance, City of Hiram, Georgia shall remain in full force and effect.

SO ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HIRAM THIS

3rd DAY OF May, 2022.

Frank Moran
Mayor Frank Moran

Teresa Philyaw
Mayor Pro Tem Teresa Philyaw, Post 1

Kathy Bookout
Councilperson Kathy Bookout, Post 2

Melissa Bayardelle
Councilperson Melissa R. Bayardelle, Post 3

Derrick Battle
Councilperson Derrick Battle, Post 4

Doris Devey
Councilperson Doris Devey, Post 5

Attest: Melissa Chosewood
Melissa Chosewood, City Clerk



EXHIBIT A

Sec. 6-117.3. - Cigar specialty shop.

- (a) As used in this section, the term “cigar specialty shop” means a retail establishment that:
- (1) Maintains on the premises and offers for sale a variety of cigars from not less than ten manufacturers or importers or any combination thereof and has a walk-in humidor of at least 130 square feet in floor space;
 - (2) Is in a location whose total interior floor area does not exceed 4,000 square feet;
 - (3) Maintains a total inventory of at least 1,000 cigars; provided however, that any inventory which is depleted to less than 750 cigars must be replenished to at least 1,000 cigars within 15 days of the date that the city learns that the inventory has fallen below 750 cigars;
 - (4) Does not sell, or permit the use of, (i) vape products such as electronic smoking devices, component parts or e-liquids, or (ii) hookah products such as hookahs, glass pipes or bongs or, glass pipes or water pipes; and
 - (5) Is located within the Hiram Downtown Historic Overlay District.
- (b) A cigar specialty shop may obtain a license for the sale of alcoholic beverages for on-premises consumption only, provided that it derives no more than 40 percent of its gross revenue from the sale of alcoholic beverages. For the purposes of this section only, gross revenue shall mean revenue from the in-store sales only and shall not include sales made online.
- (c) The holder of a cigar specialty shop license for the sale of alcoholic beverages for on-premises consumption shall not be authorized to sell or dispense alcohol on Sundays.
- (d) Except as otherwise provided by Section 6-7(e), no alcoholic beverages shall be removed from the licensed premises.
- (e) On or before the 20th day of the month following each quarterly period, the licensee shall file with the city a return for the preceding quarterly period in such form as the Occupational Tax Certificate & Permit Clerk may prescribe.
- (f) All returns shall show, as to the preceding quarter, the total gross revenue of the licensed business and the gross revenue from the sale of alcoholic beverages sold as well as such other information as may be required by the Occupational Tax Certificate & Permit Clerk.