



Resolution No. 2023-42

A RESOLUTION TEMPORARILY SUSPENDING THE CRIMINAL-RECORD SEARCH REQUIREMENT FOR ALCOHOL SALES PERMITS FOR EMPLOYEES OF LICENSED BUSINESSES; TEMPORARILY MODIFYING THE ISSUANCE PROCEDURE AND THE ASSESSMENT OF FEES; AND PROVIDING AN EFFECTIVE DATE AND A SUNSET DATE.

The Bryan County Board of Commissioners, having duly noticed and held a lawful meeting of the public body, hereby temporarily suspend certain requirements required under Chapter 4 of the Bryan County Code of Ordinances as provided in the following Resolution:

WHEREAS, the Bryan County Board of Commissioners (the “Board of Commissioners”) adopted the Bryan County Alcohol Ordinance codified as Bryan County Code of Ordinances § 4-1-1 *et seq.* on or about September 13, 2022; and

WHEREAS, the Bryan County Alcohol Ordinance imposed, among other restrictions, regulations, and requirements, an obligation upon certain employees of businesses to obtain an alcohol sales permit and, as a condition to the issuance of such a permit, required that such employees submit themselves to a search of the employees’ criminal record performed by the Bryan County Sherriff’s Office; and

WHEREAS, the Bryan County Alcohol Ordinance required that certain fees be tendered for the processing of an alcohol sales permit and for the processing of a criminal record search; and

WHEREAS, the Board of Commissioners and staff for the County have considered concerns that the process for initiating the criminal record search has caused inefficiencies and may be impractical given the current availability of services and, having considered the scope of available services and the burdens imposed by the regulation, believe that there is cause for reassessment of the criminal search requirements and/or the procedure for required employees to obtain a alcohol sales permit; and

WHEREAS, it is necessary for the continuation of commerce in the County and the competitiveness of the County’s workforce for the issuance of alcohol sales permits not to be halted until such reassessment can be had; and

WHEREAS, the Board of Commissioners believes that the temporary suspension of criminal record searches as currently required by the Bryan County Alcohol Ordinance is in the best interests of the County and that such temporary suspension does not pose a threat to the health, safety, public welfare, and morality of the County and its citizens; and

NOW, THEREFORE, BE IT RESOLVED BY THE BRYAN COUNTY BOARD OF COMMISSIONERS, this Resolution and the findings, suspensions, and restrictions contained herein become effective immediately upon its lawful adoption and execution by the Chairman of the Board of Commissioners after a lawful public vote on the matter (hereinafter, the “Effective Date”) and shall be effective for one-hundred and twenty (120) days thereafter (the “Sunset Date”);

BE IT FURTHER RESOLVED that the requirements for the “complete search made relative to any criminal record of the employee-applicant” as required by Bryan County Code of Ordinances § 4-1-9(d) shall be temporarily suspended and that such suspension shall remain in effect until the Sunset Date;

BE IT FURTHER RESLOVED that the Community Development Department, by and through its Department Head or her assignees, shall modify its procedures such that all applicants required to obtain alcohol sales permits from the Effective Date until the Sunset Date may be permitted to apply for an alcohol sales permit without obtaining a criminal record search, provided, however, that the application requirements under the Bryan County Alcohol Ordinance shall not change, including the requirement that the applicant disclose all prior arrests and alcohol license revocations or denials;

BE IT FURTHER RESLOVED that any obligation to pay fees associated with an application for said permit and for a search of the applicant’s criminal record shall be temporarily suspended for applications submitted between the Effective Date and the Sunset Date;

BE IT FURTHER RESOLVED that any application submitted between the Effective Date and the Sunset Date that, other than the requirement for obtaining a criminal record search, is eligible for obtaining an alcohol sale permit shall receive a temporary and conditional alcohol sales permit (a “Temporary and Conditional Permit”);

BE IT FURTHER RESOLVED that any Temporary and Conditional Permit shall only be effective until thirty (30) days after the Sunset Date and, thereafter, the employee holding a Temporary and Conditional Permit shall be required to obtain and pay the associated costs for a criminal record search and provide the same to the Community Development Department; the Community Development Department, upon receiving and reviewing such a criminal record search, shall either issue an alcohol sales permit without condition as provided in the Bryan County Alcohol Ordinance, or, should the employee be deemed ineligible for an alcohol sales permit according to Bryan County Code of Ordinances § 4-1-9(d) or any other applicable law, have the Temporary and Conditional Permit revoked and the application denied;

BE IT FURTHER RESOLVED that the provisions of this Resolution are severable, and should any section subsection, recital, resolution, or any portion of this Resolution be held by a court of

competent jurisdiction to be the unconstitutional or invalid, the remainder of the Resolution shall not be affected.

IN WITNESS HEREOF, I have hereunto set my hand and caused this seal to be affixed,

This the 11th day of July, 2023.


CARTER INFINGER

Chairman, Bryan County Board of Commissioners


Attest: LORI TYSON, County Clerk

[Affix County Seal]

