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THE LOCAL BAR & GRILL SERVER PACKET

Sec. 4-9. - Sale unlawful at certain times.

It shall be unlawful for any person to sell any malt beverage and wine and distilled spirits on any Christmas Day or on any day prior to 6:00 a.m. or after 12:00 p.m., unless specifically provided for herein. Additionally, it shall be unlawful for any person to sell by package distilled spirits on Thanksgiving Day.

(Ord. No. 81-05, § I, 10-6-05; Ord. No. 07-06, § 1, 3-2-06; Ord. No. 23-11, § 2, 12-1-11)

Sec. 4-13. - Licensees to keep copy of article on-premises; employees to be familiar with terms; responsibility of licensee for violations.

Each pouring licensee shall keep a copy of this article in the licensed premises and shall instruct any person working there with respect to the terms hereof and each licensee, the licensee's agents and employees selling, pouring and serving distilled spirits shall at all times be familiar with the terms hereof. The licensee shall be responsible for any acts of agents or employees which are in violation of this article or of the laws of the state or the rules and regulations of the state revenue commissioner.

(Ord. No. 81-05, § I, 10-6-05)

Sec. 4-16. - Sales to certain persons prohibited.

No malt beverage and wine and/or distilled spirits licensee or employee thereof shall give, sell or offer to sell, pour or serve any distilled spirits to any person who is noticeably intoxicated, or who is of unsound mind, or who is a habitual drunkard whose intemperate habits are known to the pouring licensee or employee thereof.

(Ord. No. 81-05, § I, 10-6-05)

Sec. 4-21. - Purchase by or sales to underaged persons.

- (a) No license holder and/or employee of a package outlet, pouring outlet, or other licensed establishment shall knowingly furnish, sell or offer for sale any malt beverages, wine or distilled spirits to a person under twenty-one (21) years of age. This prohibition shall not apply with respect to the sale of any malt beverages, wine or distilled spirits to a person when such person has furnished proper identification showing that the person to whom the malt beverages, wine and distilled spirits are being sold is twenty-one (21) years of age or older. In this subsection, "proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph or both, and giving such person's date of birth, including, but not limited to, a passport, military identification card, driver's license, or identification card authorized under an act to require the state department of public safety to issue identification cards to handicapped persons who do not have a motor vehicle driver's license. "Proper identification" does not include a birth certificate.
- (b) Subsection (a) shall not apply to the following:
 - (1) Whenever a malt beverage, wine or distilled spirits is purchased for medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in the state;
 - (2) Whenever malt beverages or wine are purchased for consumption at a religious ceremony.
- (c) The licensee shall post in the most conspicuous place in his establishment a sign for each license printed in letters at least four (4) inches high containing the following language for each license issued.

"SALE OF MALT BEVERAGES, WINE OR DISTILLED SPIRITS TO MINORS STRICTLY PROHIBITED."

- (d) It shall be unlawful for any minor to falsely misrepresent his age in any manner whatsoever. It shall be unlawful for any minor to drink, or possess any alcoholic beverages, except as stated in subsection (a) of this section, or except as provided in O.C.G.A. § 3-3-23.
- (e) The municipal court, in accordance with O.C.G.A. § 36-32-10, is granted jurisdiction to try and dispose of a first offense violation of O.C.G.A. § 3-3-23, relating to furnishing alcoholic beverages to, and purchase and possession of alcoholic beverages by, a person under twenty-one (21) years of age, if the offense occurred within the corporate limits of the city. O.C.G.A. § 36-32-10 is incorporated herein by reference.

(Ord. No. 81-05, § I, 10-6-05)

Sec. 4-151. - Employee identification cards.

- (a) Any person, including the licensee, who works in a pouring outlet or package wine outlet shop which provides wine samples selling, pouring, serving alcoholic beverages or providing samples shall apply to the police department for a distilled spirits and/or malt beverage and wine employee identification card, which card shall expire on the person's birthday and be renewable on or before that time. The fee for the initial card shall be twenty-five dollars (\$25.00). The fee for a replacement card shall be twenty-five dollars (\$25.00). The fee for renewal of such card shall be ten dollars (\$10.00). In the event that a renewal of such card is late, an additional fee of twenty-five dollars (\$25.00) will be assessed for all renewals after the renewal date for each individual. Fees shall be paid to the City of Cartersville Police Department.
- (b) While on duty in a pouring outlet or package wine shop, every person required to hold an employee identification card under subsection (a), shall visibly wear his employee identification card on their person at all times.
- (c) Pouring outlet or package wine shop employees shall make themselves available for photographing, fingerprinting and such other investigating as may be required by the police department.
- (d) The police department shall investigate the employee applicants. A distilled spirits and beer/wine pouring employee or package wine outlet employee identification card shall not be issued to any person who has pled guilty to, or has been convicted of a felony within the last five (5) years; shall not have been convicted, within five (5) years of the date of the application, of a felony or any violation of the laws of this state or any other state relating to the sale of alcoholic liquor or malt beverages; in an establishment that sells, serves, or distributes alcoholic beverages, after being issued a license any charge for selling/pricing alcoholic beverages to a minor; and shall not have had revoked, for cause, such as a violation of regulations or improper operation, within five (5) years next preceding his application, any license issued to him by any state, county or municipality to sell alcoholic liquor or malt beverages of any kind. The police department shall report any other detrimental information about an application to the alcohol control board, and may prohibit the issuance of a distilled spirits and beer/wine pouring identification card where the applicant's record indicates such employment would adversely affect the public health, safety or welfare, or violate the law.
- (e) No licensee under the provisions of this article shall hire any person, nor any person to work or assist in a pouring outlet or package wine outlet until such person has procured a distilled spirits and/or malt beverage and wine employee identification card.
- (f) The police department may provisionally grant an identification to an applicant, pending investigation and report. Where the report, when reviewed, is unfavorable as set out in subsection (d), the department may revoke the card and demand its return.
- (g) The police department may, after reasonable notice and hearing (unless waived), revoke an identification card and demand its surrender where the employee violates the provisions of this article, or becomes one who adversely affects the public health, safety and welfare.
- (h) It shall be unlawful for an employee whose card has been revoked, and upon whom demand for surrender of a card has been made, to refuse to so surrender, or to alter, conceal, deface or destroy the card.

(Ord. No. 81-05, § I, 10-6-05; Ord. No. 59-06, § 1, 8-3-06; Ord. No. 08-10, § 19, 3-18-10)

Sec. 4-120. - Pouring outlets.

The following provisions shall apply to pouring outlets:

- (1) The building or proposed building where pouring will take place shall meet all requirements of the city building inspector.
- (2) No percentage leases of buildings for pouring shall be permitted.
- (3) No pouring shall be permitted between the hours of 1:30 a.m. Sunday and 11:00 a.m. Sunday, or between the hours of 12:30 a.m. and 10:00 a.m. Monday through Thursday and/or between the hours of 1:30 a.m. and 10:00 a.m. Friday and Saturday except as provided in subsection (9) herein.
- (4) No wine or malt beverages or distilled spirits may be consumed on the premises of the pouring outlet between the hours of 2:00 a.m. Sunday and 11:00 a.m. Sunday, or between the hours of 12:30 a.m. and 10:00 a.m. Monday through Thursday and/or between the hours of 2:00 a.m. and 10:00 a.m. Friday and Saturday except as provided in subsection (9) herein.
- (5) In no event shall wine or malt beverages or distilled spirits be sold or delivered during the prohibited hours, set forth in subsections (3) and (4), based upon any devise or scheme, including the timely sale of tickets, chits and decanters.
- (6) It shall be unlawful to employ knowingly in any pouring outlet in any capacity whatsoever, including that of performer, entertainer or musician, any person who has pleaded guilty to or been convicted of any felony involving moral turpitude, or any crime relating to the manufacture or sale of intoxicating beverages within the last five (5) years.
- (7) It shall be the duty of the management of a pouring outlet to maintain a copy of this division at the outlet and to instruct each employee on the terms thereof.
- (8) As permitted by the City of Cartersville Code of Ordinances, outdoor pouring shall be allowed at sidewalk, or right-of-way cafes.
- (9) On New Year's Eve only, the pouring hours shall be extended to 1:30 a.m., and the hours of consumption shall be extended until 2:00 a.m.

(Ord. No. 52-08, § 1, 12-4-08; Ord. No. 15-10, §§ 1—3, 6-3-10; Ord. No. 32-19, § 1.B., 8-15-19)

Editor's note— Ord. No. 52-08, § 1, adopted Dec. 4, 2008, deleted the former § 4-120, and enacted a new § 4-120 as set out herein. The former § 4-120 pertained to similar subject matter. See the Code Comparative Table for complete derivation.



**THE LOCAL BAR & GRILL'S
NEW SERVER NOTICE AND ACKNOWLEDGMENT OF
CITY ORDINANCES PERTAINING TO SELLING ACOHOL TO MINORS,
PENALTIES FOR VIOLATING ORDINACES, &
WORK RELATED PENALTIES**

By signing this document, the undersigned, a server at the Local Bar & Grill has been provided a new server packet which contains all relevant ordinances concerning the sale of alcohol to minors. Further, undersigned server has been provided and reviewed these ordinances, as well as, the ordinances that pertain to employee identification cards, noticeably intoxicated individuals and pouring/closing times.

The undersigned also acknowledges that should they serve alcoholic beverage(s) to a minor can be criminally prosecuted. Undersigned server further acknowledges that should they violate any ordinance that relates to the license holder, or any of the ordinances expressly provided to them in their packet, said server shall be terminated immediately, and should the license holder face any fines as a result of the server's actions, shall be required to reimburse the license holder for the fine imposed.

By signing this document the undersigned server acknowledges, understands and consents to the terms expressed herein, and that they have reviewed and are aware of the ordinances provided in the packet, as well as, any and all penalties they may face should they violate said ordinances.

Lastly said server acknowledges that they were shown and had an opportunity to read through the Local's city ordinance binder containing all relevant ordinances to the sale and pouring of alcoholic beverages.

Said server acknowledges, understands and consents on this __ day of _____, 20__.

(signature) (SEAL)

(print name)