

Chapter 4 ALCOHOLIC BEVERAGES¹

ARTICLE I. IN GENERAL

Sec. 4-1. Sale in incorporated area of City; license a privilege.

- (a) Alcoholic beverages may be sold in the incorporated area of the City under a license granted by the mayor and council upon the terms and conditions hereafter provided.
- (b) All licenses herein shall be a mere grant of privilege to carry on the business during the term of the license subject to all terms and conditions imposed by the City Code and state law.
- (c) All licenses hereunder shall have printed on the front these words:
"This license is a mere privilege subject to be revoked and annulled, and is subject to any further ordinances which may be enacted."
- (d) Any holder of a license issued pursuant to this chapter is required to apply for and obtain an alcoholic beverage license from the state before any sales commence. Additionally, City licensees are required to abide by all applicable state regulations and laws.

(Code 1993, § 5.64.010; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Art shop. A retail business devoted exclusively to providing art education that is limited to instruction in painting, sculpture and similar crafts; or to selling and displaying portraits, paintings, sculptures, art supplies and similar art work and crafts.

Beer or malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other product, or any combination of such products in water containing not more than 14 percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer, hard cider and strong beer. Also included are beverages known as "non-alcoholic beer" which is made by fermentation of any infusion or decoction of barley, malt, hops, or other products, and containing less than three percent, but more than 0.1 percent alcohol by volume. The term "malt beverage" does not include sake, known as Japanese rice wine.

Brewery. A facility that manufactures malt beverages.

Brewpub. Any eating establishment in which malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36 for retail consumption on premises and sold in draft form.

¹State law reference(s)—Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.

Brown bagging. Brown bagging refers to the practice of customers, patrons, or guests bringing alcoholic beverages into an establishment that is open to the public; this practice is commonly referred to as "bring your own bottle." This practice is prohibited in Dacula except in the case of art shops that are licensed as an art shop under this chapter, which may allow customers to bring in a bottle or bottles of wine and/or malt beverages subject to the specific provisions governing the operation of an art shop.

City administrator means the City administrator of the City of Dacula or any person designated by the City administrator to perform such duties as required under this chapter.

City Core District means property within the external boundaries delineated by Sanjo Street, Harbins Road and McMillan Road, which include the City's new City Hall, amphitheater, green space, and parking deck.

City Core Park means the public areas within the City Core District, including the amphitheater and the adjacent gathering spaces. The City Core Park does not include Maple Creek Park across McMillan Road.

Distilled spirits. Any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume including, but not limited to, all fortified wines.

Distillery. A facility that manufactures distilled spirits.

Downtown Overlay District (DOD) means any parcels located within the Downtown Overlay District boundaries as defined in article IX, Section 917 of the Zoning Ordinance Resolution.

Downtown pub. A brewpub establishment not exceeding 2,000 gross square feet which is located within Downtown Overlay District, as defined in Article IX, Section 917, of the Zoning Resolution, and may sell malt beverages, wine, and/or distilled spirits with no minimum food sales requirement. A full-service kitchen is not required. See section 4-273 for further provisions.

Eating establishment means any public place, including a place available for rental by the public, selling prepared food for consumption by the public on the premises with a full-service kitchen (a full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and refrigerator, all of which must be approved by the health and fire departments), prepared to serve food every hour they are open and deriving at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of distilled spirits.

Growler means a reusable glass jug used to transport draft ***beer malt beverages*** for off-premises consumption that is not to exceed 68 ounces and not less than 12 ounces and is filled with ***beer malt beverages*** from a keg by a licensee or an employee of a licensee holding a license as a retail dealer of ***beer malt beverages*** sold in original packages for consumption off the premises from the City or holding a license as a growler shop subject to the provisions of section 4-292.

Indoor commercial recreational establishment.

- (1) The term "indoor commercial recreational establishment" is limited to establishments:
 - a. That regularly serve prepared food, with a full-service kitchen (a full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments), prepared to serve food every hour they are open and deriving at least 70 percent of its total annual gross sales from the sale of prepared meals or foods and recreation activities; and
 - b. Wherein the sale of food and alcoholic beverages is incidental to its primary enterprise and activity on the premises.
- (2) The primary activity on the premises of the indoor commercial recreational establishment shall be family-oriented in nature, generally to mean a use which attracts a range of individuals from all age groups. Uses may specifically include, but are not limited to, dinner theaters, bowling centers, and other similar uses. Outdoor commercial recreation is not included, nor shall concession sales of

alcoholic beverages be permitted. Bingo parlors, dance halls, night clubs, taverns, billiard parlors, video arcades, skating arenas, adult entertainment and/or sexually related entertainment activities, and similar uses are specifically excluded from this definition of indoor commercial recreational establishments, provided that no indoor commercial recreational establishment shall offer alcoholic beverages for sale during the time it is sponsoring events which primarily attract persons under the lawful drinking age in the state.

Indoor publicly owned civic and cultural center.

- (1) The term "indoor publicly owned civic and cultural center" is limited to publicly owned establishments:
 - a. That regularly serve food, with a full-service kitchen (a full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments), prepared to serve food every hour they are open deriving at least 70 percent of its total annual gross sales from the sale of prepared meals or foods and recreational, promotional or entertainment or operational activities; and
 - b. Wherein the sale of food and alcoholic beverages are incidental to its primary enterprise and activity on the premises.
- (2) The term "indoor publicly owned civic and cultural centers" may include renovated courthouses used as civic and cultural centers.

Indoor special event facility means a privately-owned commercial establishment which:

- (1) *Provides a gathering space for rental purposes for special events;*
- (2) *Serves prepared food at every event held at the facility at which alcohol is consumed and has a food or catering preparation area consisting of a sink and warming unit(s), where food is prepared and/or staged;*
- (3) *Charges a rental fee for use of the event facility for special events;*
- (4) *Has at least 2,000 square feet of enclosed heated space;*
- (5) *May allow professional, live, or musical entertainment to be performed on-site indoors during a private special event or a properly permitted special event; and*
- (6) *Does not allow sexually related adult entertainment as defined in Chapter 12, Article IX, of this Code to be performed in the event facility.*

License means an authorization granted by the City to operate as a retail consumption dealer, retail package dealer or wholesale dealer.

Licensee means the individual to whom a license is issued or, in the case of a partnership or corporation, all partners, officers, and directors of said partnership or corporation.

Liter means metric measurement currently used by the United States.

Manufacturer. Any maker, producer, or bottler of an alcoholic beverage. It would also include a brewer of malt beverages or distiller of distilled spirits.

Mixed drink. An alcoholic mixed drink which is a combination of one or more distilled spirits, malt beverages, and/or wine and mixed with other non-alcoholic ingredients such as soda, fruit juice, flavored syrup, cream, or similar.

Mobile food vendor-served eating establishment. A public place which is located within the Downtown Overlay District, as defined in Article 9, Section 917, of the Zoning Resolution that sells prepared food for consumption by the public where the food is prepared by one or more food trucks or similar mobile kitchen.

Minor. When used in this chapter, minor shall refer to any person or persons under the legal age for consumption or possession of alcoholic beverages as defined in O.C.G.A. § 3-3-23, and any subsequent amendment thereto.

Outdoor dining area. A space in which a licensee serves food and beverages as part of the operation of the licensed premises as a sidewalk cafe. An outdoor dining area must be located adjacent to the licensed restaurant and may only be separated from the licensee's premises by a sidewalk.

Person means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasi-public.

Pouring permit means an authorization granted by the City **or designee** to dispense, sell, serve, take orders, or mix alcoholic beverages in establishments licensed as a retail consumption dealer.

Retail package dealer means any person who sells unbroken packages, at retail only to consumers and not for resale.

Taproom. A room or establishment where alcoholic drinks are served over a counter.

Tasting room. An outlet operated by a licensee for the instructional or educational promotion of wine and/or malt beverages by providing complimentary samples or samples for sale to the public for the sale of retail inventory on hand.

Wholesaler or wholesale dealer. Any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.

Wine. Any alcoholic beverage containing not more than 24 percent alcohol made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. Wine includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term "wine" does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.

(Code 1993, § 5.64.020; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Note(s)—The definitions set forth in O.C.G.A. § 3-1-2 ("Alcoholic Beverages—General Provisions—Definitions"), shall be effective as definitions of the words, terms and phrases used in this chapter. All words, terms and phrases used herein, other than those specifically defined elsewhere in this chapter, shall have the respective meanings ascribed to them in O.C.G.A. § 3-1-2, and shall have the same scope and effect that the same words, terms and phrases have where used in O.C.G.A. § 3-1-2.

Sec. 4-3. Penalties.

Any person who violates any provisions of the sections in this chapter may, upon conviction, be punished by a fine of not less than \$500.00 for each offense and/or 30 days in the county jail, unless a different penalty is set out herein.

(Code 1993, § 5.64.030; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-4. Sale or possession for sale without license or beyond boundaries of premises covered by license.

It shall be unlawful for any person to sell, or possess for the purpose of sale, any alcoholic beverage where the person does not have a license granted by the City to sell or possess for sale these alcoholic beverages, or to sell or make deliveries beyond the boundaries of the premises covered by the license. Violations of this section shall result in a fine of not less than \$500.00 and/or 30 days in jail.

(Code 1993, § 5.64.040; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-5. Distance requirements.

- (a) No person may sell or offer to sell any alcoholic beverage in or within 100 yards of a church building or within 200 yards of any school building, educational building, or school grounds.
- (b) The school building or educational building referred to in this section shall apply only to state, county, City or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common school and colleges of this state, including pre-kindergarten schools which provide state-accredited pre-kindergarten programs of instruction and which are public schools or private schools as defined in O.C.G.A. § 20-2-690(b). The term "school building" includes only those structures in which instruction is offered.
- (c) The term "church building," as used herein, shall mean the main structure used by any religious organization for purposes of worship.
- (d) For the purposes of this section, distance shall be measured in a straight line from the main entrance of the school or church building in question to the main entrance of the establishment for the sale of alcoholic beverages in question.
- (e) No location which is licensed to sell alcoholic beverages on the effective date of the ordinance from which this chapter is derived shall be denied continued operation under an existing license, or denied any renewal of such license, nor shall any new owner of said location be denied a new license based upon the measurements set forth in this section.
- (f) As to any location licensed in the future, if the distance requirements herein are met at the time of issuance of any license, the subsequent opening and operation of a church or school within the distance prohibited herein shall not prevent the continuance of an existing license or the renewal thereof or the issuance of a new license to any subsequent owner of such property.

(Code 1993, § 5.64.050; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-6. Separate application and separate license for each location of sale.

Separate applications must be made for each location and separate licenses must be issued.

(Code 1993, § 5.64.060; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-7. Application forms.

- (a) All persons, firms or corporations desiring to sell alcoholic beverages shall make application on the form prescribed by the City administrator or his / her designee.
- (b) The application shall include, but shall not be limited to, the name and address of the applicant; the proposed business to be carried on; if a partnership, the names and residence addresses of the partners; if a corporation, the names of the officers, the name and address of the registered agent for service of process, the name of the manager, and the names of all shareholders holding more than 20 percent of any class of corporate stock, or any other entity having a financial interest in each entity which is to own or operate the establishment for which a license is sought. If the manager changes, the applicant must furnish the City administrator and the City marshal the name and address of the new manager and other information as requested within ten days of such change.
- (c) All applicants shall furnish data, fingerprints, financial responsibility and other records as required by the City administrator and to ensure compliance with the provisions of this article. Failure to furnish data pursuant to such request shall automatically serve to dismiss the application with prejudice.
- (d) All applications shall be sworn to by the applicant before a notary public or other officer empowered by law to administer oaths.
- (e) In all instances in which an application is denied under the provisions of this chapter the applicant may not reapply for a license for at least one year from the final date of such denial.
- (f) The City administrator shall provide written notice to any applicant whose application is denied under the provision of this chapter. Such written notification shall set forth in reasonable detail the reasons for such denial and shall advise the applicant of the right to appeal under the provisions of this chapter.

(Code 1993, § 5.64.070; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-8. Withdrawal of application.

Any license application made pursuant to this chapter may be withdrawn by the applicant at any time. If the application is withdrawn before the license is issued, any sums deposited as license fees will be refunded. After issuance of the license, no refunds will be made. No refunds shall be made under any circumstances for investigative and administrative expenses required herein.

(Code 1993, § 5.64.080; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-9. Licensing qualifications.

- (a) No license for the sale of alcohol shall be granted to any applicant who is not a citizen of the United States, a legal permanent resident eighteen (18) years of age or older, or a qualified alien or nonimmigrant under the federal Immigration and Nationality Act, Title 8 U.S.C., eighteen (18) years of age or older lawfully present in the United States.
- (b) Where the applicant is a partnership or corporation, the provisions of this section shall apply to all its partners, officers, and majority stockholders. In the case of a corporation, the license shall be issued jointly to the corporation and the majority stockholder, if an individual. Where the majority stockholder is not an individual, the license shall be issued jointly to the corporation and its agent registered under the provisions of this chapter. In the case of a partnership, the license will be issued to all the partners owning at least 20

percent of the partnership, or if no partner owns 20 percent of the partnership, then the general partner, managing partner or the partner with the greatest ownership will be licensed.

- (c) No person, firm or corporation shall be granted any alcoholic beverage license unless it shall appear to the satisfaction of the City administrator or his/her designee that such person, partners in the firm, officers and directors of the corporation have not been convicted or plead guilty or entered a plea of nolo contendere, and has been released from parole or probation, to any crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, solicitation of sodomy, or any sexually related crime within a period of ten years immediately prior to the filing of such application. At the time an application is submitted for any alcoholic beverage license, the applicant shall, by a duly sworn affidavit, certify that the applicant, nor any of the other owners of the establishment, has not been convicted or has pleaded guilty or entered a plea of nolo contendere and has not been released from parole or probation to any crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, solicitation of sodomy, or any sexually related crime within a period of ten years immediately prior to the filing of such application. An applicant's first-time conviction for illegal possession of alcohol as a misdemeanor or violation of a City ordinance shall not, by itself, make an applicant ineligible for an alcohol license. Should any applicant, partner, or officer used in the sale or dispensing of any alcoholic beverage, after a license has been granted, be convicted or plead guilty or nolo contendere to a crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, solicitation of sodomy, or any sexually related crime, the license shall be immediately revoked and cancelled.
- (d) No license for the sale of alcoholic beverages shall be granted to any person convicted under any federal, state or local law of any felony, within ten years prior to the filing of application for such license.
- (e) It shall be unlawful for any City employee directly involved in the issuance of alcoholic beverage licenses under this section, to have any whole, partial or beneficial interest in any license to sell alcoholic beverages in the City.
- (f) No license for the sale of alcoholic beverages shall be granted to any person who has had any license issued under the police powers of the county previously revoked within two years prior to the filing of the application.
- (g) The City administrator **or his / her designee** may decline to issue a license when any person having any ownership interest in the operation of such place of business or control over such place of business does not meet the same character requirements as herein set forth for the licensee.
- (h) All licensed establishments must have and continuously maintain in the county a registered agent upon whom any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee or owner may be served. This person must be a resident of the county. The licensee shall file the name of such agent, along with the written consent of such agent, with the City administrator or his/her designee and shall be in such form as he may prescribe.
- (i) All applicants for any alcoholic beverage license must be of good character, and all operators, managers, clerks, or other employees shall be of like character. Corporate or firm applicants shall be of good business reputation.
- (j) A license application may be denied to any applicant for any alcoholic beverage license where it appears that the applicant would not have adequate financial participation in the proposed business to direct and manage

its affairs, or where it appears that the application is intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.

- (k) The City administrator, in his/her discretion, may consider any extenuating circumstances which may reflect favorably or unfavorably on the applicant, application or the proposed location of the business. If, in his/her judgment, circumstances are such that granting of the license would not be in the best interest of the general public, such circumstances may be grounds for denying the application.
- (l) For purposes of this section, a conviction or plea of guilty or nolo contendere shall be ignored as to any offense for which the defendant was allowed to avail themselves of the Georgia First Offender Act (Ga. Laws 1968, p. 324), as amended. Except, however, that any such offense shall not be ignored where the defendant violated any term of probation imposed by the court granting first offender treatment or committed another crime and the sentencing court entered an adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender.

(Code 1993, § 5.64.090; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-10. Fee scale.

Before a license shall be granted, the applicant therefor shall comply with all rules and regulations adopted by the mayor and council regulating the sale of alcoholic beverages and each applicant shall pay a license fee in accordance with the scale fixed from time to time by the mayor and council contained in this chapter and kept on file in the office of the City administrator or his/her designee.

(Code 1993, § 5.64.100; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-11. Fees enumerated.

License and administrative fees applicable to this chapter are set out as follows:

- (1) Retail dealers of **beer malt beverages**, wine and distilled spirits to be consumed on the premises: \$6,000.00 per year for first fixed bar; **Sunday sales: \$1,500.00 per year additional.**
- (2) Retail dealers of distilled spirits to be consumed on the premises: \$4,800.00 per year for first fixed bar; **Sunday sales: \$1,000.00 per year additional.**
- (3) Retail dealers of **beer malt beverages** to be consumed on the premises: \$600.00 per year; **Sunday sales: \$250.00 per year additional.**
- (4) Retail dealers of wine to be consumed on the premises: \$600.00 per year; **Sunday sales: \$250.00 per year.**
- (5) Retail dealers of **beer malt beverages** and wine to be consumed on the premises: \$1,200.00 per year; **Sunday sales: \$500.00 per year.**
- (6) Retail dealers of **beer malt beverages** sold in original packages for consumption off the premises: \$600.00 per year; **Sunday sales: \$250.00 per year additional.**
- (7) Retail dealers of wine sold in original packages for consumption off the premises: \$600.00 per year; **Sunday sales: \$250.00 per year additional.**
- (8) Retail dealers of **beer malt beverages** and wine sold in original packages for consumption off the premises: \$1,200.00 per year; **Sunday sales: \$500.00 per year additional.**

- (9) Retail dealers of **beer malt beverages**, wine and distilled spirits sold in original packages for consumption off the premises: \$6,000.00 per year.
- (10) Wholesale dealers in **beer malt beverages**, whose principal place of business is in the City: \$750.00 per year.
- (11) Wholesale dealers in wine, whose principal place of business is in the City: \$750.00 per year.
- (12) Wholesale dealers in **beer malt beverages** and wine, whose principal place of business is in the City: \$1,500.00 per year.
- (13) Wholesale dealers in distilled spirits, whose principal place of business is in the City: \$2,000.00 per year.
- (14) Wholesale dealers in alcoholic beverages, whose principal place of business is not in the City: \$500.00 per year.
- (15) Any additional fixed bar at any previously licensed location for consumption of distilled spirits on the premises: \$750.00 per year.
- (16) Any movable bar at any previously licensed location for consumption of distilled spirits on the premises: \$250.00 per year.
- (17) Brewpub & Downtown pub: ~~\$1,000.00~~ \$750.00 per year.
- (18) Growler shops: \$500.00 per year.
- (19) Brewer's license: \$1,800.00 per year.
- (20) Distiller's license: \$2,000.00 per year.
- (21) Art shop license: \$1,200.00 per year.
- (22) Indoor special events facility license: \$1,200.00 per year.
- (23) Special event, off-site consumption permit filing fee: \$25.00 and permit fee of \$50.00 per day up to a maximum of \$1,000.00 (20 events).
- (24) Malt beverage/wine tasting permit: \$200.00 per year.
- (25) Off-premises licenses for caterer to sell alcoholic beverages Catering license: \$200.00 per year. Note: Caterer must hold an on-premises alcoholic beverage sales license from the City and meet the requirements of O.C.G.A. § 3-11-1 et seq.
- (26) ~~In addition to any authorizations provided by state law, on-premise permit holders may apply for a "home delivery license" to allow them to deliver alcohol under the provisions of O.C.G.A. § 3-3-10.~~
~~The fee for such home delivery license shall be \$125.00.~~
- (27) Investigative & administrative fee: \$500.00.

(Code 1993, § 5.64.110; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013; Ord. of 1-7-2021(1), § 1; Ord. of 2-4-2021(1), § 1; Ord. of 6-3-2021(1), § 2)

Sec. 4-12. Collections of sums due.

In the event any person, firm or corporation shall fail to pay the sum due under this chapter, the City administrator or his/her designee shall issue an execution against the person, firm or corporation so delinquent, and his or its property, for the amount of the delinquent fee or tax.

(Code 1993, § 5.64.120; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-13. Transferability of license.

- (a) No license for the sale of alcoholic beverages shall be transferable, except as otherwise provided herein.
- (b) In case of the death of a licensee, the establishment shall be allowed to continue to sell alcoholic beverages for a period of 45 days from the date of death or until expiration of the license or until approval of a new licensee, whichever shall first occur, provided that no sale of alcoholic beverages shall be allowed until such time as a personal representative of the estate, appointed by a probate court of competent jurisdiction, shall make application for authorization with the City administrator or his/her designee.
- (c) In the event that a license is surrendered, or a licensee severs his/her association with a licensed establishment, the establishment may continue to sell alcoholic beverages for a period of 45 days from the date of surrender, or from the date determined by the City administrator or his/her designee to be the date of severance, provided no such sale shall be authorized until such time as a new application for a license is made, said application indicating that no change of ownership has occurred, except as excepted herein. Upon issuance of a new license, the authorization to sell under the previous license shall be revoked by operation of law. No additional license fees shall be required during the period for which the original license was issued.
- (d) Nothing in this section, however, shall prohibit one or more of the partnership holding a license to withdraw from the partnership in favor of one or more of the partners who were partners at the time of the issuance of the license.
- (e) This section shall not prohibit transfer of stock between persons who held stock in the corporation at the time of issuance of the license nor shall it prohibit transfers of stock which do not result in any person increasing his stock holdings to a total of ten percent or more of any class of stock.
- (f) Except as provided above, any change in the ownership of any entity owning a licensed establishment shall cancel and revoke any license hereunder automatically, without the necessity of any hearing.
- (g) Violation of this section shall result in revocation of the license being used and a fine on the new ownership and the old ownership of not less than \$300.00 and/or 30 days in jail. No license will be issued to the old or the new owner in the county for one year from the date of the violation.
- (h) Should a licensee make application to the City administrator or his/her designee for a transfer of location and should such a transfer of a location be approved, with no change of ownership of the business, the license fee paid for the previous license shall be applied to the new location. Each applicant for a transfer of location shall pay a transfer fee in an amount as established by the City council from time to time.

(Code 1993, § 5.64.130; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-14. Display at place of business.

The City alcoholic beverage license shall at all times be kept plainly exposed to view, to the public, at the place of business of the licensee.

(Code 1993, § 5.64.140; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-15. Expiration; renewal.

- (a) All licenses granted hereunder shall expire on December 31 of each year. Licensees who desire to renew their license shall file application, with the requisite fee heretofore provided, with the City administrator or his/her designee on the form provided for renewal of the license for the ensuing year. Applications for renewal must be filed before November 30 of each year. Any renewal applications received after November 30 shall pay, in addition to said annual fee, a late charge of 20 percent. **If November 30 should fall on a Saturday or Sunday, this deadline shall be the following Monday.**
- (b) If a license application is received after January 1, such application shall be treated as an initial application and the applicant shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been held. If license application is received after January 1, investigative and administrative costs will be assessed
- (b-c) All licenses granted hereunder shall be for the calendar year and the full license fee must be paid for a license application filed prior to July 1 of the license year. One-half of a full license fee shall be paid for a license application filed after July 1 of the license year.
- (e-d) Any person renewing any license issued hereunder who shall pay the required fee, or any portion thereof, after January 1, shall, in addition to said annual fee and late charges, pay simple interest on the delinquent balance at the annual rate then charged by the Internal Revenue Service of the United States on unpaid federal income taxes.

(Code 1993, § 5.64.150; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-16. Automatic license forfeiture for nonuse.

Any holder of any license hereunder who shall, for a period of three consecutive months after the license has been issued, cease to operate the business and sale of the product or products authorized shall, after the said three-month period, automatically forfeit the license without the necessity of any further action.

(Code 1993, § 5.64.160; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-17. Suspension or revocation of license.

- (a) A license may be suspended or revoked by the City administrator or his/her designee where the licensee furnishes fraudulent or untruthful information in the application for a license and for failure to pay all fees, taxes or other charges imposed under the provisions of this chapter.
- (b) Whenever the state shall revoke any permit or license to sell alcoholic beverages, the City license shall thereupon be automatically revoked. The City marshal or his designee, upon notice of this revocation from the City administrator or his/her designee, shall take the necessary steps to see that signs are removed and that all alcoholic beverage sales cease.
- (c) Any licensed establishment that is found to be in violation of sections 4-35 and/or 4-41 shall be subject to immediate license revocation.
- (d) The City administrator or his/her designee shall revoke the license of any licensee whose license has been suspended three or more times in any consecutive 12-month period.

- (e) The City administrator or his/her designee shall revoke the license for any premises where alcoholic beverages have been sold or distributed during a period of suspension.
- (f) The City administrator or his/her designee may suspend or revoke the license of any establishment which does not meet the licensing qualifications set forth in this chapter any time such knowledge becomes known to him/her.
- (g) An act or omission of a licensee, owner of more than 20 percent interest in the licensed establishment, or employee of the licensee or licensed establishment willingly or knowingly performed, which constitutes a violation of federal or state law or of any provision of this chapter will subject the licensee to suspension or revocation of its license in accordance with the provisions of this chapter, when the City administrator or his/her designee determines to their own satisfaction that the act or omission did occur, regardless of whether any criminal prosecution or conviction ensues; provided, however, in the case of an employee, the City administrator or his/her designee or their designee must determine that the acts of the employee were known to or under reasonable circumstances should have been known to the licensee, were condoned by the licensee, or where the licensee has not established practices or procedures to prevent the violation from occurring.
- (h) A license may be suspended or revoked by the City administrator or his/her designee whenever it can be shown that a licensee hereunder no longer maintains adequate financial responsibility upon which issuance of the license was conditioned or whenever the licensee has defaulted in any obligation of any kind whatsoever, lawfully owing to the City.
- (i) Wherever this chapter permits the City administrator or his/her designee to suspend any license issued hereunder but does not mandate the period of such suspension, such discretion shall be exercised within the guidelines of this subsection.
 - (1) No suspension shall be for a period of time longer than the time remaining on such license.
 - (2) The following factors shall be considered on any revocation or suspension as set out above:
 - a. Consistency of penalties mandated by this chapter and those set by the City administrator or his/her designee.
 - b. Likelihood of deterring future wrongdoing.
 - c. Impact of the offense on the community.
 - d. Any mitigating circumstances or remedial or corrective steps taken by licensee.
 - e. Any aggravating circumstances or failure by the licensee to take remedial or corrective steps.

(Code 1993, § 5.64.170; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-18. Hearings.

- (a) No license shall be denied, suspended or revoked without the opportunity for a hearing as hereinafter provided. This provision does apply to pouring permits for employees.
- (b) The City administrator or his/her designee shall provide written notice to the applicant or licensee of his order to deny, suspend or revoke the license. Such written notification shall set forth in reasonable detail the reasons for such action and shall notify the applicant or licensee of the right to appeal under the provisions of this chapter. Any applicant or licensee who is aggrieved or adversely affected by a final action of the City administrator or his/her designee may have a review thereof by appeal to the mayor and council. Such appeal shall be by written petition, filed in the office of the City administrator or his/her designee within 15 days after the final order or action of the City administrator or his/her designee and, in order to defray

administrative costs, must be accompanied by a filing fee that will be in an amount as established by the City council from time to time; the filing fee for appeals relating only to pouring permits for employees shall also be in an amount as established by the City council from time to time. The City administrator or his/her designee, at his discretion, may waive or reduce the filing fee amount if its determined the fee would create a hardship on the individual filing said appeal. The mayor and council may, at the request of the appellant, refund the filing fee by a majority vote.

- (c) A hearing shall be conducted on each appeal within 30 days of the date of filing with the City administrator or his/her designee unless a continuance of such date is agreed to by the appellant and the City administrator or his/her designee. The appellant at such hearing shall have the right to be represented by an attorney, at the expense of the appellant, and to present evidence and cross examine witnesses. Should the appellant desire an official transcript of the appeal proceedings, then such request must be made at least three days prior to such hearing. The appellant shall have the burden of proof on any such appeal. Before hearing an appeal, each member of the mayor and council shall sign an affidavit to be part of the record that he is not related to or personal friends with any owner of the licensed establishment in question in the appeal being considered and that he has no financial interest in the outcome of the appeal. Should any member be unable to sign such an affidavit, that member shall not serve on that appeal and the case shall be heard by the remaining members of the mayor and council.
- (d) The findings of the mayor and council shall be forwarded to the City administrator or his/her designee within 15 days after the conclusion of the hearing, and it shall be the duty of the City administrator or his/her designee to notify the appellant of the action of the mayor and council.
- (e) The findings of the mayor and council shall not be set aside unless found to be:
 - (1) Contrary to law or ordinances;
 - (2) Unsupported by substantial evidence on the records as a whole; or
 - (3) Unreasonable.
- (f) The findings of the mayor and council shall be final unless appealed within 30 days of the date of said finding by certiorari to the superior court of the county.

(Code 1993, § 5.64.180; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-19. Notice.

For the purpose of this chapter, notice shall be deemed delivered when personally served by certified mail, within three days after the date of deposit in the United States mail.

(Code 1993, § 5.64.190; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-20. Advertising; location requirements; signs.

- (a) No outdoor advertising or signs with respect to the promotions of the sale of alcoholic beverages, or the prices of such beverages, shall be permitted on the exterior of any retail package outlet, on the premises consumption dealer or in the windows of any such establishment that may be viewed from outside.
- (b) No signs shall be erected anywhere in the incorporated area of the City advertising or promoting the sale of alcoholic beverages, except that a store displaying its merchandise may, in the same manner as such other merchandise is displayed, erect a sign or signs indicating the counter on which the merchandise is displayed,

provided the lettering of such signs does not exceed in size the lettering of signs on other counters where other products are sold. The name, brand or type of alcoholic beverage served and the price per serving may be provided to customers on a regular printed menu.

- (c) Retail package licensees shall indicate plainly by tags or labels on the bottles or containers or on the shelf immediately below where the containers are placed, the price of an alcoholic beverage exposed or offered for sale. No other sign may be exposed prominently within or without the retail establishment showing prices or indicating that alcoholic beverages are for sale on the premises.
- (d) Alcoholic beverages may not be priced on signs, menus or any place else allowed by this Code except as to single units or unbroken package quantities.

(Code 1993, § 5.64.200; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-21. Audits.

- (a) In the event the City administrator or his/her designee deems it necessary to conduct an audit of the records and books of the licensee, he shall notify the licensee of the date, time and place of the audit. The City administrator or his/her designee may designate the county's internal auditor or other designated person to perform any audit authorized in this Code. The licensee shall cooperate with the audit or forfeit any license issued hereunder.
- (b) All licensed establishments must maintain the following records for a three-year period and make them available for audit at the licensed premises:
 - (1) Monthly income or operating statements;
 - (2) Daily sales receipts showing liquor, **beer malt beverages**, wine and food sales separately (this requirement does not apply to package **beer malt beverages** and wine licensees);
 - (3) Daily cash register receipts such as Z tapes or guest tickets;
 - (4) Monthly state sales and use tax reports;
 - (5) Federal income tax return with all Form 1099s. The City administrator or his/her designee can waive all or some of the requirements of the foregoing sentence if the City administrator or his/her designee finds that no such records exist and it is not financially practical based on the net income of the licensed establishment to require them to keep such records.

(Code 1993, § 5.64.210; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-22. Retailer to purchase from licensed wholesaler only.

- (a) No retailer shall purchase alcoholic beverages from any person, firm or corporation other than a wholesaler licensed under this chapter. No wholesaler shall sell any alcoholic beverage to anyone other than a retailer licensed under this chapter; provided, however, that this section shall not prohibit the purchase by one retailer of another retailer's entire stock in a bona fide purchase of an ongoing business.
- (b) The City administrator or his/her designee may request from time to time information concerning purchases and sales of alcoholic beverages from retailers and wholesalers.

(Code 1993, § 5.64.220; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-23. Retail consumption dealers to store inventory only on premises.

No retail consumption dealer licensed hereunder shall keep any **beer malt beverages** or wine or other alcoholic beverages at any place except the licensed place of business.

(Code 1993, § 5.64.230; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-24. No adding to contents.

No one shall add to or permit the adding to any alcoholic beverage or refill any alcoholic beverage manufacturer's container in any manner.

(Code 1993, § 5.64.240; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-25. Poured alcohol to be transported by employees.

Poured alcoholic beverages will be transported from point of dispensing to the customer by permitted employees only.

(Code 1993, § 5.64.250; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-26. Licenses to maintain a copy of this chapter; employers to be familiar with terms; licensee responsible for violations.

Each licensed alcoholic beverage dealer hereunder shall keep a current copy of this chapter 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 alcoholic beverages shall at all times be familiar with the terms hereof.

(Code 1993, § 5.64.260; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-27. Employment of underage persons prohibited; exceptions.

- (a) No person shall allow or require a person in his employment under 18 years of age to dispense, serve, sell, or take orders for any alcoholic beverage.
- (b) The provisions of this section shall not prohibit persons under 18 years of age who are employed in supermarkets or convenient stores or drugstores from selling or handling alcoholic beverages which are sold for consumption off the premises.
- (c) It is unlawful for any person under the age of 18 years of age to work as an entertainer in any establishment licensed hereunder without written consent from parents or guardian.

(Code 1993, § 5.64.270; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-28. Failure to require and properly check identification.

It shall be a violation not to require and properly check identification to ensure an underage person is not sold, served, or has in his possession, alcoholic beverages while in a licensed establishment. The term "identification" in this section shall mean any document issued by a governmental agency containing a description of the person, such person's photograph and giving such person's date of birth and shall include, without being limited to, a U.S. passport, U.S. military ID card, U.S. driver's license or state department of public safety identification card.

(Code 1993, § 5.64.280; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-29. Sales to underage person prohibited.

No holder or employee of the holder of a license authorizing the sale of alcoholic beverages shall do any of the following upon the licensed premises:

- (1) Sell or offer to sell any distilled spirits, wines, malt beverages, or any other alcoholic beverage to any person under the age of 21 years.
- (2) The prohibition in subsection (1) of this section shall not apply with respect to the sale of distilled spirits to a person when such person has furnished proper identification showing that the person to whom the distilled spirits are being sold is 21 years of age or older. For the purpose of this subsection, the term "proper identification" means any document issued by a government 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 U.S. passport, U.S. military identification card, U.S. driver's license, or U.S. identification card authorized under an Act to require the department of public safety to issue identification cards to persons who do not have a motor vehicle driver's license. Proper identification shall not include a birth certificate.
- (3) Sell or offer to sell any alcoholic beverages 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 said licensee or his employees.
- (4) Sell alcoholic beverages upon the licensed premises or permit alcoholic beverages to be consumed thereon on any day or at any time when the sale or consumption is prohibited by law.
- (5) No person who holds a license to sell alcoholic beverages by the drink shall allow any minors to be in, frequent or loiter about the licensed premises of the establishment or lounge unless such minors are accompanied by a parent, legal guardian, or custodian; provided, however, that such minors shall be permitted in eating establishments, or indoor commercial recreational establishments, as defined in this chapter, without being accompanied by a parent, legal guardian, or custodian and, provided, further, that this section shall not apply to minors who are employees under the terms of this chapter.
- (6) The penalty for violation of this section by an individual shall be as follows:
 - a. For the first offense, a minimum fine of \$250.00.
 - b. For the second offense and subsequent violations within one year, a minimum fine of \$500.00.
- (7) Any licensed establishment where three or more violations of this section or section 3-3-23 of Georgia Alcoholic Beverage Laws and Regulations have occurred within any 36-month period shall be punished as follows:

- a. For the third offense within any 36-month period, suspension of license for a period not exceed 90 days.
- b. For the fourth and any subsequent violation within any 36-month period, suspension of license for a period not to exceed one year.
- c. As to the penalties in this subsection (7), if there is a change in a majority of the licensed establishment's owners, partners or shareholders, the violations under the old ownership shall not count against the new owners; however, a different corporation, partnership or other association will be charged with the violations of its predecessor if a majority of the owners, partners or shareholders are the same.

(Code 1993, § 5.64.290; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-30. Purchase or possession of alcoholic beverages by underage persons.

- (a) No person under the age of 21 shall purchase or possess any alcoholic beverage.
- (b) No person under the age of 21 years shall attempt to purchase any alcoholic beverage or misrepresent his age in any manner whatever for the purpose of obtaining alcoholic beverages.

(Code 1993, § 5.64.300; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-31. Regulations as to employees and managers.

- (a) ~~No license for the sale of alcoholic beverages shall be granted to any person who is not a citizen of the United States or an alien lawfully admitted for permanent residence.~~
- (b) ~~Where the applicant is a partnership, limited liability company or corporation, the provisions of this section shall apply to all its partners, officers, managers and majority stockholders. In the case of a corporation, the license shall be issued jointly to the corporation and the majority stockholder, if an individual. Where the majority stockholder is not an individual, the license shall be issued jointly to the corporation and its agent registered under the provisions of this subsection. In the case of a partnership, the license will be issued to all the partners owning at least 20 percent of the partnership. If no partner owns 20 percent of the partnership, then the general partner, managing partner or the partner with the greatest ownership will be licensed. In the case of a limited liability company, the license will be issued jointly to the limited liability company and managers.~~
- (c) ~~No person, firm, limited liability company or corporation shall be granted any alcoholic beverage license unless it shall appear to the satisfaction of the City or its designee that such person, managers, partners in the firm, or officers and directors of the corporation have not been convicted or plead guilty or entered a plea of nolo contendere to and have been released from parole or probation concerning any crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation, or any related crime of a sexual nature within a period of ten years immediately prior to the filing of such application. At the time an application is submitted for any alcoholic beverage license, the applicant shall, by a duly sworn affidavit, certify that neither the applicant nor any of the other owners of the establishment has been convicted or has pleaded guilty or entered a plea of nolo contendere to any crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a~~

~~manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation, or any related crime of a sexual nature within a period of ten years immediately prior to the filing of such application. An applicant's first conviction for illegal possession of alcohol as a misdemeanor or violation of a county ordinance shall not, by itself, make an applicant ineligible for an alcohol license. Should any applicant, partner, or officer instrumental in the sale or dispensing of any alcoholic beverage, after a license has been granted, be convicted or plead guilty or nolo contendere to a crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation, or any related crime of a sexual nature, the license shall be immediately revoked and cancelled.~~

- ~~(d) No license for the sale of alcoholic beverages shall be granted to any person convicted under any federal, state or local law of any felony within ten years prior to the filing of application for such license.~~
- ~~(e) It shall be unlawful for any City employee directly involved in the issuance of alcoholic beverage licenses under this chapter to have any whole, partial or beneficial interest in any license to sell alcoholic beverages in the City.~~
- ~~(f) No license for the sale of alcoholic beverages shall be granted to any person who has had any license issued under the police powers of the City or Gwinnett County previously revoked within two years prior to the filing of the application.~~
- ~~(g) The City or its designee may decline to issue a license when any person having any ownership interest in the operation of such place of business or control over such place of business does not meet the same character requirements as set forth in this section for the licensee.~~
- ~~(h) All licensed establishments must have and continuously maintain in Gwinnett County or any county contiguous to Gwinnett County, a registered agent upon whom any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee or owner may be served. This person must be a resident of said county. The licensee shall file the name of such agent, along with the written consent of such agent, with the City or its designee and shall be in such form as it may prescribe.~~
- ~~(i) All applicants for any alcoholic beverage license must be of good character, and all operators, managers, clerks, or other employees shall be of like character. Corporate or firm applicants shall be of good business reputation.~~
- ~~(j) A license application may be denied to any applicant for any alcoholic beverage license where it appears that the applicant would not have adequate financial participation in the proposed business to direct and manage its affairs, or where it appears that the application is intended to be a mere surrogate for a person who would not otherwise qualify for a license for any reason whatsoever.~~
- ~~(k) For purposes of this chapter, a conviction or plea of guilty [or] nolo contendere shall be ignored as to any offense for which a defendant who was allowed to avail themselves of the Georgia First Offender Act (1968 Ga. Laws, page 324), as amended. Except, however, that any such offense shall not be ignored where the defendant violated any term of probation imposed by the court granting first offender treatment or committed another crime and the sentencing court entered an adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender.~~

~~(Code 1993, § 5-64.310; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013; Ord. of 10-3-2024(1), § 4)~~

Sec. 4-32. Open area and patio sales.

- (a) Alcoholic beverage sales can be made by a licensed consumption-on-the-premises establishment in a patio/open area type environment if the establishment has been approved to do so by the City administrator or his/her designee.
- (b) The requirement for approval is that the patio/open area be enclosed by some structure providing for public ingress/egress only through the main licensed premises. The purpose of this requirement is to prevent a customer from leaving the outside sales area with an open drink without the licensee's knowledge.
- (c) The height of such structure shall be a minimum of 3½ feet above ground level. It does not have to be solid nor does it have to restrict visibility into or out of the patio/open sales area. It must be permitted and approved by the City's building inspection department and the county's fire department as required by their governing regulations or codes.
- (d) The only entrance or exit from this type of area is to be through the licensed establishment's main premises and through an approved fire exit (not for general public use unless a public safety emergency exists). The fire exit should be of the type that sounds an alarm so that the establishment will be alerted in the event of unauthorized use when no emergency exists.
- (e) In the event that a licensee desires a patio/open sales area inside an existing structure, plans will be reviewed and approved on an individual basis by the City administrator or his/her designee. Interior type patio/open sales areas must also meet the requirements of the county's development and fire codes.
- (f) Nothing contained herein shall prohibit a hotel or motel with a consumption-on-the-premises license from making sales and allowing consumption of alcoholic beverages in ballrooms, meeting rooms, reception rooms, or patio areas of such hotel or motel, provided such functions are catered in connection with a meeting, conference, convention or similar type gathering at such hotel or motel. Patio areas, as that term is used herein, do not have to conform to the standards in this section.

(Code 1993, § 5.64.320; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-33. ~~No outside~~ Outside consumption.

- ~~(a) It is prohibited for customers to leave the premises with open alcoholic beverages and it is the licensee's responsibility to ensure that no open beverages are sold and carried out.~~
- ~~(b) It is prohibited for customers to gather outside an alcoholic beverage establishment and consume alcoholic beverages.~~
- ~~(c) It is prohibited for the manager or any employee to allow persons to gather outside an alcoholic beverage establishment and consume alcoholic beverages.~~
- (a) **Other than specifically provided for in this section, it is prohibited for customers to leave alcoholic beverage establishment premises with open alcoholic beverages and it is the licensee's responsibility to ensure that no open alcoholic beverages are carried out. However, nothing in this section shall be construed to prohibit the carrying out of wine or malt beverages for consumption at a golf course.**
- (b) **Outside consumption in the Downtown Overlay District shall be limited to the City Core Park and the City Core District. Individuals may purchase alcoholic beverages for consumption in the City Core District, including City Core Park, under the following conditions:**

- (1) The alcoholic beverage has been purchased from a licensed eating establishment, brewery, downtown pub, and/or authorized mobile vendor-served establishment located in the City Core District.
- (2) The alcoholic beverage is served in a clear, non-glass container from a licensed establishment within the City Core District.
- (c) It is prohibited for customers to gather outside an alcoholic beverage establishment and consume alcoholic beverages unless such consumption takes place within the City Core District during hours and under the rules established herein.
- (d) It is prohibited for the manager or any employee of an alcoholic beverage establishment to allow persons to gather outside an alcoholic beverage establishment and consume alcoholic beverages unless such consumption takes place within the City Core District during permitted hours of sale and under the rules established herein. Outside consumption shall be limited to the City Core District.

(Code 1993, § 5.64.330; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-34. Specifications of premises.

- (a) No alcoholic beverage license for the sale of any alcoholic beverage shall be issued to any person unless the building in which the business will be located is complete and detailed plans of said building and outside premises are attached to the application, or unless proposed plans and specifications and a building permit of a proposed building to be built are attached to the application. The completed building or the proposed building shall comply with ordinances of the City, and regulations of the state revenue commissioner and the state. The proposed building shall also be subject to final inspection and approval when completed by the building inspector. Each building in which the business will be located shall contain sufficient lighting so that the building itself and the premises on all sides of the building are readily visible at all times so as to reveal all of the outside premises of such building. Each applicant for an alcoholic beverage license shall attach to the application evidence of ownership of the building or proposed building, or a contractual right to purchase the land/building or proposed building or a copy of the lease if the applicant is leasing the building. If the applicant is a franchisee, then such applicant shall attach a copy of the franchise agreement or contract with the application. All premises for which an alcoholic beverage license shall be issued shall afford therein adequate sanitary toilet facilities and shall be adequately illuminated so that all hallways, passageways and open areas may be clearly seen by the customers therein.
- (b) No alcoholic beverage license for the retail sale of package distilled spirits shall be issued to any person unless the completed building or the proposed building shall comply with ordinances of the City, and regulations of the state revenue commissioner and the state. The proposed building shall also be subject to issuance of final inspection and approval when completed by the building inspector. Each building in which the business will be located shall contain sufficient lighting so that the building itself and the premises on all sides of the building are readily visible at all times from the front of the street on which the building is located so as to reveal all of the outside premises of such building. Each applicant for an alcoholic beverage license shall attach to the application evidence of ownership or a contractual right to purchase the land and/or the building or proposed building or a copy of the lease if the applicant is leasing the building. With respect to the retail sale of package distilled spirits, the applicant shall attach to the license application a copy of the site plan, survey stamped by a registered surveyor with all distances appropriately marked and a rendering of the proposed building. Interior plans, floor plans and detailed plans of the building are not required or requested at the time of application. If the applicant is a franchisee, then such applicant shall attach a copy of the franchise agreement or contract with the application. All premises for which an alcoholic

beverage license shall be issued shall afford therein adequate sanitary toilet facilities and shall be adequately illuminated so that all hallways, passageways and open areas may be clearly seen by the customers therein. The proposed building shall be a stand-alone structure not attached to any other structure.

(c) It shall be unlawful to sell or dispense any alcoholic beverages from or at a drive-in, drive-thru, drive-up, or service bay, window or other facility. Further, curb service is expressly prohibited.

(Code 1993, § 5.64.340; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-35. Solicitation prohibited.

No retail consumption dealers licensed hereunder shall require, permit, suffer, encourage, or induce any employee or person to solicit in the licensed premises for himself, or for any person other than the patron and guest of the patron, the purchase by the patron of any drink, whether alcoholic beverage or non-alcoholic beverage or money with which to purchase the same; nor shall any licensee pay a commission or any other compensation to any person frequenting his establishment or to his agent or manager to solicit for himself or for others, the purchase by the patron of any drink, whether an alcoholic beverage or nonalcoholic beverage or money with which to purchase the same.

(Code 1993, § 5.64.350; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-36. Noise from establishments prohibited.

It shall be unlawful for any establishment licensed under this chapter to make or cause to be made any loud, unnecessary or unusual sound or noise which unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of others in the City, and which is audible to a person of normal hearing ability from the nearest property line of the business in question. In no event, however, shall any such loud, unnecessary or unusual sound or noise be made by an establishment licensed under this chapter between the hours of **10:00** **11:00** p.m. and 8:00 a.m.

(Code 1993, § 5.64.360; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-37. Inspection of licensed establishments by the City marshal.

Sworn officers of the county police department and the City marshal shall have the authority to inspect establishments licensed under the alcoholic beverage ordinances of the City during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and state law. This section is not intended to limit the authority of any other City officer to conduct inspections authorized by other provisions of the county code.

(Code 1993, § 5.64.370; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-38. Establishment can be closed in cases of emergency.

The City marshal or his designee, or the county police department, may immediately close an establishment licensed under this chapter in case of emergency, for the safety of the public or to investigate a crime, for a period of time not to exceed 24 hours.

(Code 1993, § 5.64.380; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-39. Sale on election days.

Pursuant to the delegation of authority granted to this governing authority by O.C.G.A. § 3-3-20(b)(2)(B), the sale by wholesale and retail of alcoholic beverages shall be lawful during the polling hours of any election; provided, however, nothing herein shall authorize the sale of alcoholic beverages within 250 feet of a polling place during such time as the polls are open.

(Code 1993, § 5.64.390; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-40. Bring your own bottle, "brown bagging" prohibited.

It is prohibited for any person to bring in his own alcoholic beverage (brown bag) in any establishment either licensed or unlicensed to serve alcoholic beverages **except in the case of art shops that are licensed as an art shop under this chapter, which may allow customers to bring in a bottle or bottles of wine and/or malt beverages subject to the specific provisions governing the operation of an art shop.**

(Code 1993, § 5.64.400; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-41. Types of entertainment, attire and conduct prohibited.

(a) Preamble and purpose.

- (1) Based upon the experiences of other urban counties and municipalities, including, but not limited to, Atlanta and Fulton County, Georgia; Gwinnett County, Georgia; DeKalb County, Georgia; Austin, Texas; Seattle and Renton, Washington; New York, New York; Los Angeles, California; and Ft. Lauderdale and Palm Beach, Florida; which experiences the mayor and council believe are relevant to the problems faced by the City and based upon the evidence and testimony of the citizens and experts who have appeared before such bodies, the mayor and council take note of the notorious and self-evident conditions attendant to the commercial exploitation of human sexuality, which do not vary greatly among generally comparable communities within our country.
- (2) Moreover, it is the finding of the mayor and council that public nudity and semi-nudity, under certain circumstances, particularly circumstances relating to the sale and consumption of alcoholic beverages in so-called "nude bars" or establishments offering so-called "nude entertainment," "adult entertainment," or "erotic entertainment" begets criminal behavior and tends to create undesirable community conditions. Among the acts of criminal behavior identified with nudity and alcohol are disorderly conduct, prostitution, and drug trafficking and use. Among the undesirable community conditions identified with nudity and alcohol are depression of property values in the surrounding neighborhoods, increased expenditure for and allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior herein above described, and acceleration of community blight by the concentration of such establishments in particular areas. Therefore, the limitation of nude or semi-nude conduct in establishments licensed to sell alcohol for consumption on the premises is in the public welfare and is a matter of governmental interest and concern to prevent the occurrence of criminal behavior and undesirable community conditions normally associated with establishments which serve alcohol and also allow and/or encourage nudity or semi-nudity.

(b) *Prohibited.* Any establishment licensed under the provisions of this chapter is prohibited from permitting, or engaging in, the following activities:

- (1) The employment or use of any person, in any capacity, in the sale or service of alcoholic beverages while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals;
- (2) Live entertainment which provides or features nude or semi-nude or erotic dancing, or the performance of obscene acts or acts which simulate:
 - a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
 - b. The touching, caressing or fondling of the breast, buttock, anus or genitals; or
 - c. The displaying of the pubic hair, anus, vulva or genitals;
- (3) The showing of any film, still pictures, electronic reproduction or other visual reproductions depicting any of the acts described in subsection (b)(2) of this section which are obscene under state law; or
- (4) The holding, promotion or allowance of any contest, promotion, special night or any other activity where patrons of the licensed establishment are encouraged or allowed to engage in any of the above-prohibited conduct.

(c) *Mainstream activity excluded.* Notwithstanding the prohibitions in subsection (b) of this section, nothing in this chapter shall, or is intended to, apply to theatrical or motion picture performance houses, museums, or the like where the consumption or service of alcohol is not a primary purpose or mainstream activity of such establishment.

(Code 1993, § 5.64.410; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Secs. 4-42—4-70. Reserved.

ARTICLE II. RETAIL SALES OF DISTILLED SPIRITS *FOR CONSUMPTION ON THE PREMISES*

Sec. 4-71. Type of retail establishments.

- (a) **The City Administrator or his/her designee may issue an alcoholic beverage license to the following establishments for the on-premises consumption of malt beverages and/or wine only.**
- (b) **Unless otherwise specified here within, any establishment which sells malt beverages and/or wine for on-premises consumption must derive at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.**
- (ac) **~~No distilled spirits may be sold by the drink for consumption on the premises where sold except: The following uses are eligible for an administrative license:~~**
 - (1) **~~In-Eating establishments regularly serving prepared food, with a full-service kitchen (a full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments), regularly serving food~~**

~~every hour they are open and deriving at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of distilled spirits.~~

(2) ~~In~~ Indoor recreation establishments

- a. ~~The term "indoor commercial recreational establishment" is limited to establishments:~~
 1. ~~That regularly serve prepared food, with a full-service kitchen (a full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments), prepared to serve food every hour they are open and deriving at least 70 percent of its total annual gross sales from the sale of prepared meals or foods and recreation activities; and~~
 2. ~~Wherein the sale of food and alcoholic beverages is incidental to its primary enterprise and activity on the premises.~~
- b. ~~The primary activity on the premises of the indoor commercial recreational establishment shall be family-oriented in nature, generally to mean a use which attracts a range of individuals from all age groups. Uses may specifically include, but are not limited to, dinner theaters, bowling centers, and other similar uses. Outdoor commercial recreation is not included, nor shall concession sales of alcoholic beverages be permitted. Bingo parlors, dance halls, night clubs, taverns, billiard parlors, video arcades, skating arenas, adult entertainment and/or sexually related entertainment activities, and similar uses are specifically excluded from this definition of indoor commercial recreational establishments, provided that no indoor commercial recreational establishment shall offer alcoholic beverages for sale during the time it is sponsoring events which primarily attract persons under the lawful drinking age in the state.~~

(3) ~~In an~~ Indoor publicly owned civic and cultural centers ~~capable of serving prepared food, with a full-service kitchen (a full-service kitchen will consist of three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments), prepared to serve food every hour they are open and deriving at least 70 percent of its total annual gross sales from the sale of prepared meals or foods and recreation activities. When eating establishments are located in hotels, motels and high-rise office and apartment buildings, every entrance to the establishment shall be from a public lobby, hallway, mall or other publicly used interior portion of the primary use structure.~~

(4) **Brewery or distillery with a taproom**

(5) **Indoor special event facilities**

(d) ***The following uses require review and approval from the City council:***

- (1) **Downtown pubs of less than 2,000 s.f. (see section 4-273).**

(be) No licensee under this article shall allow on the premises any gambling, lottery, video poker machines, pusher machines, and other similar machines or games that simulate casino, blackjack, poker, slot and other games of skill or chance. This provision shall not be interpreted to prevent any games officially sanctioned by the Georgia Lottery Corporation. Further, this provision shall not be interpreted to prevent any vending machines, juke boxes, or video arcade games (ex. Ms. Pacman, Galaga, Donkey Kong).

(ef) No licensee under this article shall allow on the premises any billiard table or pool table unless said licensee meets the limitations and requirements related to the percentage of total annual gross revenues from the sale of products or services other than from the sale of alcoholic beverages as established by the Georgia General Assembly in O.C.G.A. § 43-8-2, as said code section exists now or hereafter may be amended.

(Code 1993, § 5.64.420; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-72. Investigative and administrative costs.

Each application for a license under this article shall be accompanied by a ~~certified~~ check for the full amount of the license fee, together with a separate check or cash in an amount as established by the City council from time to time to defray investigative and administrative costs. If the applicant is denied a state license, the deposit representing the license fee shall be refunded, but the cost paid for investigation and administrative cost shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the larger of the investigative and administrative fees authorized under this Code. Any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article shall pay no investigative and administrative costs.

(Code 1993, § 5.64.421; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-73. Advertising in official gazette of the county.

A notice of each application to sell distilled spirits for consumption on and off premises shall be advertised in the official gazette of the county, once a week for two weeks immediately preceding consideration of the application. Cost of which shall be paid by the applicant.

(Code 1993, § 5.64.422; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-74. Hours and days of sale.

- (a) Distilled spirits shall not be sold for consumption on the premises except between the hours of 9:00 a.m. until 1:55 a.m. Monday through Saturday (Midnight—1:55 a.m. Sunday).
- (b) The sale of distilled spirits for consumption on the premises is permitted on Sundays from 11:00 a.m. until 12:00 midnight. ~~in any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental rooms for overnight lodging.~~
- (c) Distilled spirits may be sold for consumption on the premises from 12:00 midnight to 2:00 a.m. on any Monday which is New Year's Day, January 1, of any year.
- (d) No distilled spirits shall be sold for consumption at any time in violation of any local ordinance or regulation or of any special order of the governing authority.

(Code 1993, § 5.64.423; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013; Ord. of 12-6-2019(1), § 1)

Sec. 4-75. Consumption sales only.

Persons holding a license to sell distilled spirits for consumption on the premises shall not be permitted to sell any alcoholic beverage by the package or bottle.

(Code 1993, § 5.64.424; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Secs. 4-76—4-80.93. Reserved.

ARTICLE IV. RETAIL SALES OF MALT BEVERAGES AND WINE FOR CONSUMPTION ON THE PREMISES

Sec. 4-81. ~~135~~. Type of retail establishments.

- (a) The City Administrator or his/her designee may issue an alcoholic beverage license to the following establishments for the on-premises consumption of malt beverages and/or wine only.
- (b) Unless otherwise specified here within, any establishment which sells malt beverages and/or wine for on-premises consumption must derive at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.
- (c) ~~No beer or wine shall be sold for consumption on the premises where sold except: The following uses are eligible for an administrative license:~~
 - (1) ~~In Eating establishments having a full-service kitchen (a full-service kitchen will consist of a three-compartment sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments), prepared to serve food every hour they are open.~~
 - (2) ~~Indoor commercial recreation establishments capable of serving prepared food, with a full-service kitchen (a full-service kitchen will consist of a three-compartment sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments), prepared to serve food every hour they are open and deriving at least 70 percent of its total annual gross sales from the sale of prepared meals or foods and recreation activities.~~
 - (3) ~~In an indoor Indoor publicly owned civic and cultural centers capable of serving prepared food, with a full-service kitchen (a full-service kitchen will consist of a three-compartment sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments), prepared to serve food every hour they are open and deriving at least 70 percent of its total annual gross sales from the sale of prepared meals or foods and recreation activities.~~
 - (4) Breweries or distilleries with a taproom
 - (5) Brewpubs
 - (6) Art shops
 - a. An art shop established under this section may allow customers to bring in a bottle or bottles of wine and/or malt beverages to be consumed on the premises.
 - b. The customer must remove any unconsumed wine and/or malt beverages from the premises before leaving the premises.
 - c. The brown-bagging of wine and/or malt beverages in an art shop shall be subject to this chapter and to state law; including, but not limited to, the prohibition of consumption by one who is under 21 years of age or intoxicated.
 - d. An art shop may serve food provided it meets all federal, state and local requirements.

(7) Indoor special event facilities

(d) *The following uses require review and approval from the City council:*

(1) Downtown pubs of less than 2,000 s.f. (see section 4-273).

(b) ~~These eating establishments must be located in zoning districts which permit restaurants and drive-in restaurants as conforming uses or where these eating establishments are incidental to a hotel or motel.~~

(e) No licensee under this article shall allow on the premises any gambling, lottery, video poker machines, pusher machines, and other similar machines or games that simulate casino, blackjack, poker, slot and other games of skill or chance. This provision shall not be interpreted to prevent any games officially sanctioned by the Georgia Lottery Corporation. Further, this provision shall not be interpreted to prevent any vending machines, juke boxes, or video arcade games (ex. Ms. Pacman, Galaga, Donkey Kong).

(f) No licensee under this article shall allow on the premises any billiard table or pool table unless said licensee meets the limitations and requirements related to the percentage of total annual gross revenues from the sale of products or services other than from the sale of alcoholic beverages as established by the Georgia General Assembly in O.C.G.A. § 43-8-2, as said code section exists now or hereafter may be amended.

Sec. 4-82. Investigative and administrative costs.

Each application for a license under this article shall be accompanied by a check for the full amount of the license fee, together with a separate check or cash in an amount as established by the City council from time to time to defray investigative and administrative costs. If the applicant is denied a state license, the deposit representing the license fee shall be refunded, but the cost paid for investigation and administrative cost shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the larger of the investigative and administrative fees authorized under this Code. Any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article shall pay no investigative and administrative costs.

(Code 1993, § 5.64.421; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013

Sec. 4-84. Hours and days of sale.

(a) Malt beverages and wine shall not be sold for consumption on the premises except between the hours of 9:00 a.m. until 1:55 a.m. Monday through Saturday (Midnight—1:55 a.m. Sunday).

(b) Malt beverages and wine for consumption on the premises is permitted on Sundays from 11:00 a.m. until 12:00 midnight.

(c) Malt beverages and wine may be sold for consumption on the premises from 12:00 midnight to 2:00 a.m. on any Monday which is New Year's Day, January 1, of any year.

(d) Malt beverages and wine shall be sold for consumption at any time in violation of any local ordinance or regulation or of any special order of the governing authority.

(Code 1993, § 5.64.423; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013; Ord. of 12-6-2019(1), § 1)

Sec. 4-85. Consumption sales only.

Persons holding a license to sell distilled spirits, malt beverages, and/or wine for consumption on the premises shall not be permitted to sell any alcoholic beverage by the package or bottle.

(Code 1993, § 5.64.424; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Secs. 4-86—4-93. Reserved.**ARTICLE IV.III. RETAIL SALES OF DISTILLED SPIRITS, MALT BEVERAGES, AND WINE CONSUMED OFF THE PREMISES****Sec. 4-94. License for retail sale of package distilled spirits.**

In addition to the requirements of this chapter, a license for the retail sale of package distilled spirits upon the terms and conditions provided in this article shall be granted by the City council and evidenced by a written approval executed by the majority of the members of the City council. Upon the compliance with the foregoing provision and at the direction of the City council, the City administrator or his/her designee shall issue a license.

(Code 1993, § 5.64.430; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-95. Location of retail establishment of distilled spirits.

No distilled spirits shall be sold at retail except in establishments with a special use permit approved by the City Council located in the following zoning classification: C-2, C-3, **M-1, and M-2.**

(Code 1993, § 5.64.431; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-96. Package store limit.

- (a) At no time shall the number of licenses issued by the City permitting the retail sale of package distilled spirits within the City limits exceed the number found as a result of dividing the total population of the City, as found in the most recent population estimates published by the United States Bureau of the Census, by the whole number 5,000.
- (b) If the number resulting from the division required by subsection (a) of this section is a number other than a whole number (for example 1.75) then said number will be adjusted downward to the next whole number where it will remain until the population increases to such an extent which would cause said number to equal or exceed the next higher whole number. Notwithstanding the foregoing, the number of licenses permitted by this section shall never be less than one.
- (c) The language contained in subsections (a) and (b) of this section can be expressed in the mathematical formula, as follows: $Y \div 5,000 = X$. "Y" is the total population (as defined in subsection (a) of this section) of the City. "X" is the total number of licenses that can be issued (this number, if not whole, is adjusted downward in accordance with subsection (b) of this section).

(Code 1993, § 5.64.432; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-97. Both retail sale of package malt beverages and wine and package distilled spirits.

For licensees who wish to operate a business which conducts both the retail sale of package distilled spirits and the retail sale of package malt beverages and wine, in the case of conflict, the provisions of this article regulating the retail sale of package distilled spirits shall prevail, and compliance with those provisions, rather than the provisions applicable to the license permitting the retail sale of package malt beverages and wine, is required.

(Code 1993, § 5.64.433; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-98 License for retail sale of distilled spirits, malt beverages and wine.

- (a) The business services director or his/her designee may issue an alcoholic beverage license for the off-premises consumption of malt beverage and/or wine only.
- (b) An alcohol beverage license for the off-premises consumption of distilled spirits requires review and approval by the city council in accordance with the requirements set forth in this chapter.
- (c) The following types of uses may be approved for the sale of alcohol for off-premises consumption.
 - (1) *Retail package dealer:* To sell unbroken packages at retail only to consumers and not for resale.
 - (2) *Brewpub:* To sell malt beverages produced on site at retail only to consumers and not for resale.
 - (3) *Brewery:* To sell malt beverages produced on site at retail only to consumers and not for resale.
 - (4) *Distillery:* To sell distilled spirits produced on site at retail only to consumers and not for resale.
 - (5) *Wine and/or beer tasting.*
 - 1. An entity possessing a duly issued retail wine and/or beer license (off-premises consumption) shall be eligible to apply for a wine and/or beer tasting permit.
 - 2. An eligible licensee may petition the city for a wine and/or beer tasting permit provided it meets all the applicable requirements in this chapter and maintains a valid retail wine and/or beer license.
 - 3. A tasting permit shall allow the license holder to offer or sell wine and/or beer samples in connection with an instructional or educational promotion.
 - 4. A tasting permit is intended to allow such activity on a limited basis and shall not be part of the core operations of such establishment.
 - 5. The tasting permit need only be applied for once and shall automatically renew when the retail license is renewed, provided, however that the city may revoke or suspend such tasting permit and/or impose such conditions on its operation at the city's discretion for violations of this chapter or in furtherance of the health, safety, and welfare of the city's inhabitants.

Sec. 4-99. License, administrative, and investigative fee—Investigative & Administrative Costs

Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate check or cash in an amount as established by the City council from time

to time to defray investigative and administrative costs. If the application is denied and the license refused, or if the applicant withdraws the application prior to its being issued, the license fee shall be refunded; but the cost paid for investigation shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fees shall be the largest of the investigative and administrative fees authorized under this Code. Any applicant for a license under this article who is in existence at the time of making the new application and has an existing valid license under this chapter shall pay no investigative and administrative costs.

(Code 1993, § 5.64.434; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-100. Hours and days of sale.

- (a) Retail package licenses shall not engage in the sale of distilled spirits except between the hours of 9:00 a.m. and 12:00 midnight, Monday through Saturday, and 12:30 p.m. until 11:30 p.m. on Sundays. The hours within which business may be carried on shall be determined by the standard time in force at the time of the sale thereof.
- (b) **Retail package licensees shall not engage in the sale of malt beverages and/or wine except between the hours of 9:00 a.m. and midnight, Monday through Saturday, and 12:30 p.m. until 11:30 p.m. on Sundays. The hours within which business may be carried on shall be determined by the standard time in force at the time of the sale thereof.**
- (c) Retail package distilled spirits, **malt beverages, and/or wine** shall not be sold at any time in violation of any local ordinance or regulations or of any special order of the governing authority.

(Code 1993, § 5.64.435; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-101. Consumption prohibited.

It shall be unlawful for any person to consume any alcoholic beverage on a premises licensed for the sale of package distilled spirits. For the purpose of this section, the term "premises" shall include the parking area immediately adjoining the premises licensed for the sale of package distilled spirits and available for the use of the customers of the licensed premises, whether or not the same are owned or leased by the licensed holder. It shall be unlawful for any licensee to permit the consumption of alcoholic beverages on said premises or to sell unsealed (broken) package distilled spirits. If such licensee shall also have a license to sell malt beverages or wine, it shall likewise be unlawful for any such items to be consumed on the premises or to sell unsealed (broken) malt beverages or wine, unless the license holder has obtained a proper malt beverage/wine tasting permit from the City pursuant to section 4-291.

(Code 1993, § 5.64.436; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-102. Use of tags or labels to indicate prices.

Retailers shall indicate plainly by tags or labels on the bottles or containers or on the shelf immediately below where the containers are placed the prices of all distilled spirits exposed or offered for sale.

(Code 1993, § 5.64.437; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-103. Window obstruction.

All glass surfaces forming the exterior walls of the premises shall remain unobstructed and shall provide a clear line of sight into the interior of the premises that is licensed to sell package distilled spirits and no signs, window coverings, or other material shall be placed on or within ten feet of any exterior glass surfaces, except as follows:

- (1) One sign, which may be illuminated, not to exceed 4½ square feet in area; and
- (2) The sign permitted in subsection (1) of this section and any additional signs on the property and premises shall also comply with all applicable provisions of article XII of the City zoning resolution.

Sec. 4-104. Quantity sale requirements.

Single cans or bottles or other containers of alcoholic beverages may be sold.

Sec. 4-105. Advertising in the official legal organ of the county.

A notice of each application to sell distilled spirits for consumption off premises shall be advertised in the official legal organ of the county, once a week for two weeks immediately preceding consideration of the application. Cost of which shall be paid by the applicant.

(Code 1993, § 5.64.438; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-103. Excise taxes.

(a) ~~In addition to all other taxes or license fees heretofore or hereafter imposed upon retailers, dealers, or wholesalers engaged in the City and the business of selling distilled spirits, there is imposed and levied upon all here and after described retailers, dealers, or wholesalers within the City an excise tax to be computed and collected as hereinafter set forth. The taxes imposed by this section shall not be levied with respect to fortified wine.~~

(b) ~~There is levied an excise tax computed at the rate of \$0.22 per liter or \$0.0065 per ounce which shall be paid to the governing authority on all distilled spirits sold by wholesalers to retailers in the City. Such tax shall be paid to the City administrator or his/her designee by the wholesale distributor on all distilled spirits sold to those licensed to sell package distilled spirits in the City as follows: Each wholesaler selling, shipping, or in any way delivering distilled spirits to any licensee hereunder shall collect the excise tax at the time of delivery and shall remit the same, together with a summary of all deliveries to each licensee on or before the tenth day of the month following. Excise taxes received by the City administrator or his/her designee after the 20th day of the month shall be charged a ten percent penalty. The \$0.22 per liter or \$0.0065 per ounce shall be prorated so that all containers of distilled spirits shall be taxed on the basis of \$0.22 per liter or \$0.0065 per ounce. It shall be unlawful and a violation of this section for any wholesaler to sell, ship, or deliver in any manner any distilled spirits to any retail dealer or licensee without collecting said tax. It shall be unlawful and a violation of this section for any retail dealer or licensee to possess, own, hold, store, display, or sell any distilled spirits on which such tax has not been paid. Wholesalers collecting the tax authorized herein shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if the amount is not delinquent at the time~~

~~of payment. The rate of the deduction shall be at the same rate authorized for deductions from state tax under O.C.G.A. § 48-8-50, and any amendment thereto.~~

(Code 1993, § 5.64.439; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

~~Secs. 106—4-192 135. Reserved.~~

(Code 1993, § 5.64.440; Ord. of 8-28-2003, § 1; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

~~Sec. 4-136. License fee and amount to defray investigative and administrative costs to accompany application.~~

~~Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate check or cash in an amount sufficient to defray investigative and administrative costs. If the application is denied and the license refused, or if the applicant withdraws his application prior to its being issued, the license fee shall be refunded; but the cost paid for investigation shall be retained. However, that any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this Code. Any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article shall pay no investigative and administrative costs. The investigative and administrative fees shall be in amounts as established by the City council from time to time.~~

~~(Code 1993, § 5.64.450; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)~~

~~Sec. 4-137. Hours and days of sale.~~

- ~~(a) Malt beverages and/or wine shall not be sold for consumption off on the premises except between the hours of 9:00 a.m. and 1:55 a.m. Monday through Saturday (Midnight—1:55 a.m. Sunday).~~
- ~~(b) The sale of malt beverages and/or wine for consumption on the premises is permitted on Sundays from 11:00 a.m. until 12:00 midnight in any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental rooms for overnight lodging.~~
- ~~(c) Malt beverages and/or wine may be sold for consumption on the premises from 12:00 midnight to 2:00 a.m. on any Monday which is New Year's Day, January 1, of any year.~~
- ~~(d) No malt beverages and/or wine shall be sold for consumption at any time in violation of any local ordinance or regulation or of any special order of the governing authority.~~

~~(Code 1993, § 5.64.460; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010;~~

~~Secs. 4-138—4-157. Reserved.~~

~~ARTICLE V. RETAIL PACKAGE SALES OF MALT BEVERAGES AND WINE~~

Sec. 4-158. Type of retail establishment.

~~No malt beverages and/or wine shall be sold at retail except in establishments maintaining 50 percent of the floor space and storage area in a manner which is devoted principally to the retail sale of grocery products and located in zoning districts in which these establishments are permitted as a conforming use or in districts where an existing establishment exists as a nonconforming use.~~

~~(Code 1993, § 5.64.470; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)~~

Sec. 4-159. Hours and days of sale.

- ~~(a) Retail package licensees shall not engage in the sale of malt beverages and/or wine except between the hours of 9:00 a.m. and 12:00 midnight Monday through Saturday, and 11:00 a.m. until 11:30 p.m. on Sundays. The hours within which business may be carried on shall be determined by the standard time enforce at the time of the sale thereof.~~
- ~~(b) Retail package malt beverages and/or wine shall not be sold at any time in violation of any local ordinance or regulation or of any special order of the governing authority.~~

~~(Code 1993, § 5.64.480; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013; Ord. of 12-6-2019(1), § 3)~~

Sec. 4-160. Use of tags or labels to indicate prices.

~~Retailers shall indicate plainly by tags or labels on the bottles or containers or on the shelf immediately below where the containers are placed the prices of all malt beverages and wine exposed or offered for sale.~~

~~(Code 1993, § 5.64.490; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)~~

Sec. 4-162. License fee and amount to defray investigative costs to accompany application.

~~Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate check or cash in an amount as established by the City council from time to time to defray investigative and administrative costs. If the application is denied and the license refused, or if the applicant withdraws his application prior to its being issued, the license fee shall be refunded; but the cost paid for investigation and administrative cost shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this Code. As to any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article, there shall be no investigative and administrative fee.~~

~~(Code 1993, § 5.64.510; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)~~

Secs. 4-163 - 4-192. Reserved.

ARTICLE VI. WHOLESALERS

Sec. 4-193. Special provisions applicable to wholesale purchases.

- (a) Any person desiring to sell at wholesale any alcoholic beverages in the incorporated areas of the City shall make application to the City administrator or his/her designee for a license to do so, which application shall be in writing on the prescribed forms, and pay any license fee as set by the mayor and council.
- (b) No person who has any direct financial interest in any license for the retail sale of any alcoholic beverages in the City shall be allowed to have any interest or ownership in any wholesale alcoholic beverage license issued by the City.
- (c) No retailer shall purchase any alcoholic beverage from any person other than a wholesaler licensed under this article. No wholesaler shall sell any alcoholic beverage to any person other than a retailer licensed under this article; provided, however, that this section shall not prohibit the purchase by one retailer of another retailer's entire stock in a bona fide purchase of an ongoing business.
- (d) No alcoholic beverage shall be delivered to any retail sales outlet in the City except by a duly licensed wholesaler. The name of the wholesale distributor shall be clearly marked on the delivery vehicle.

(Code 1993, § 5.64.520; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-194. Hours and days of sale.

Wholesalers shall not engage in the sale of alcoholic beverages except between 7:00 a.m. and 6:00 p.m. Monday through Saturday. There shall be no sales of alcoholic beverages on Sunday.

(Code 1993, § 5.64.530; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-195. Audit and penalties.

- (a) In the event the City administrator or his/her designee deems it necessary to conduct an audit of the records and books of the licensee, he shall notify the licensee of the date, time and place of the audit.
- (b) Any licensee who violates any provisions of this article may, upon conviction, be punished by a fine of not less than \$300.00 for each offense and/or 30 days in the common jail of the county and the license may be suspended or revoked.

(Code 1993, § 5.64.540; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Secs. 4-196—4-213. Reserved.

ARTICLE VII. HAPPY HOUR

Sec. 4-214. Promotion and sales.

- (a) No licensee or employee or agent of a licensee, in connection with the sale or other disposition of alcoholic beverages for consumption on the premises, shall:
 - (1) Offer or deliver any free alcoholic beverage to any person or group of persons;
 - (2) Deliver more than one alcoholic beverage to one person at a time; however, nothing herein shall prohibit a brewpub or growler shop from offering a sampler of malt beverages in containers not exceeding three ounces. Each sampler shall not exceed four different types of malt beverages;
 - (3) Sell, offer to sell, or deliver to any person or group of persons any alcoholic beverage at a price less than the price regularly charged for such alcoholic beverage during the same calendar week, except at private functions not open to the public;
 - (4) Sell, offer to sell, or deliver to any person or group of persons an unlimited number of alcoholic beverages during any set period of time for a fixed price, except at private functions not open to the public;
 - (5) Sell, offer to sell, or deliver alcoholic beverages to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the public;
 - (6) Sell, offer to sell, or deliver alcoholic beverages, including malt beverages, in any container which holds more than 32 fluid ounces (0.947 liters), except to two or more persons at any one time;
 - (7) Increase the volume of alcohol contained in a drink without increasing proportionately the price regularly charged for such alcoholic beverage during the same calendar week;
 - (8) Encourage or permit on the licensed premises any game or contest which involves the drinking of alcoholic beverages or the awarding of alcoholic beverages as a prize.
- (b) Each licensee shall maintain a schedule of the price charged for all alcoholic beverages to be served and consumed on the licensed premises or in any room or part thereof. The licensee shall not vary the schedule of prices from day to day or from hour to hour within a single day. The schedule of prices shall be posted in a conspicuous manner so as to be in view of the paying public and said schedule shall be effective for not less than one calendar week.
- (c) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under subsection (a) of this section.
- (d) No provision of this section shall be construed to prohibit licensees from offering free food or entertainment at any time, or to prohibit licensees from including an alcoholic beverage as part of a meal package, or to prohibit the sale or delivery of wine by the bottle or carafe when sold with meals or to more than one person.
- (e) It is the intent of this section to prohibit activities typically associated with promotions referred to as "Happy Hour" or similarly designated promotions.
- (f) The City marshal shall have responsibility for the enforcement of this article.
- (g) No licensee may require the purchase of any alcoholic beverage as a part of or prerequisite to the purchase of any other product or service. If alcoholic beverages are included as part of a package of other goods and/or services, the alcoholic beverage must be priced separately and all customers must be allowed to purchase the remaining goods and services without the alcoholic beverage at a price from which the full price of the alcoholic beverage has been deducted.

(h) Any person deemed guilty of violating this section may be punished by a fine not to exceed \$200.00 and/or by imprisonment not to exceed 60 days in the common jail of the county. Licensees may further be subject to revocation proceedings.

(Code 1993, § 5.64.550; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Secs. 4-215—4-236. Reserved.

ARTICLE VII. EXCISE TAXES²

Sec. 4-237. Excise tax and bond required on wholesalers.

(a) There is hereby levied an excise tax computed at the rate of \$0.22 per liter or \$0.0065 per ounce which shall be paid to the governing authority on all distilled spirits and wine sold by wholesalers to retailers in the City. Such tax shall be paid to the City administrator or his/her designee by the wholesale distributor on all distilled spirits and wine sold to the licensees for the sale of distilled spirits and wine in the City as follows: Each wholesaler selling, shipping, or in any way delivering distilled spirits and wine to any licensees hereunder shall collect the excise tax at the time of delivery and shall remit the same, together with a summary of all deliveries to each licensee on or before the tenth day of the month following. Excise taxes received in the City administrator's office after the 20th day of the month shall be charged a ten percent penalty. The \$0.22 per liter or \$0.0065 per ounce shall be prorated so that all containers of distilled spirits and wine shall be taxed on the basis of \$0.22 per liter or \$0.0065 per ounce. It shall be unlawful and a violation of this article for any wholesaler to sell, ship or deliver in any manner any distilled spirits and wine to a retail dealer without collecting said tax. It shall be unlawful and a violation of this ordinance for any retail dealer to possess, own, hold, store, display or sell any distilled spirits and wine on which such tax has not been paid. Each wholesaler shall be paid three percent of the amount of taxes collected as reimbursement for collection of the said tax.

(b) There is hereby levied an excise tax on all beer and malt beverages sold by wholesalers to retailers in the City at the rate of \$0.05 per 12-ounce container and \$6.00 for each container of tap or draft beer or malt beverage of 15½ gallons and in similar proportion for bottles, cans and containers of various sizes as follows:

| <i>Size of Container</i> | <i>Tax Per Container</i> |
|--------------------------|--------------------------|
| 7 ounces | \$ 0.0291 |
| 8 ounces | \$0.0333 |
| 12 ounces | \$0.0500 |
| 14 ounces | \$0.0583 |
| 16 ounces | \$0.0666 |
| 32 ounces | \$0.1333 |
| ½ barrel (15½ gallons) | \$6.00 |
| 1 barrel (31 gallons) | \$12.00 |

²State law reference(s)—Local excise tax on sale of distilled spirits, O.C.G.A. § 3-4-80 et seq.; local excise tax on sales of distilled spirits by the drink, O.C.G.A. § 3-4-130 et seq.; local excise tax on sale of malt beverages, O.C.G.A. § 3-5-80 et seq.; local excise tax on wine, O.C.G.A. § 3-6-60 et seq.

All provisions as to excise tax in this section shall apply to this tax on beer and malt beverages except the tax rate which is set out in this subsection and the reimbursement of three percent of the taxes collected which shall not apply to beer and malt beverages wholesalers.

- (c) Each wholesale dealer prior to commencement of any business operation within the City shall post a performance bond with the City administrator or his/her designee equal to 1½ times the estimated highest monthly payment to be made in a calendar year of the excise tax based on sales collected by the wholesaler dealer from the retailers to secure the payments for the tax imposed herein. These bonds shall be secured by cash which shall bear no interest, or a surety bond executed by a surety company licensed to do business in this state and approved by the City administrator or his/her designee.
- (d) A wholesaler may be excused from posting the performance bond as provided herein after demonstrating full and satisfactory compliance with the provisions herein for a period of 12 months subsequent to the commencement of business operations within the City. Continued exemption from the requirement of posting the performance bond shall be conditioned upon continued compliance with the terms of this article and the payments of all sums as required by the provisions herein.

(Code 1993, § 5.64.560; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Sec. 4-238. Per drink excise tax.

- (a) Every purchaser of distilled spirits by the drink shall be liable for a tax thereon at the rate of three percent of the retail price or charge for such drink. Such taxes shall be collected by the licensee hereunder and such licensee shall remit the same to the City on or before the tenth day of the succeeding month along with a summary of the licensee's gross sales derived from the sale of distilled spirits by the drink, excluding malt beverages. Gross sales shall include all credit card sales and shall be reported and taxes collected thereon shall be submitted to the City administrator or his/her designee to the same extent as required of cash sales. Each licensee shall be allowed a deduction equal to that rate authorized for deductions from state tax under Part V of the "Georgia Retailer's and Consumer's Sale and Use Tax Act," O.C.G.A. § 48-8-50, as now written or hereafter amended, provided that said tax is not delinquent at the time of payment. It shall be the duty of every such licensee required to make a report and pay any tax levied hereunder, to keep and preserve suitable records of the sales taxable hereunder, and such other books or accounts as may be necessary to determine the amount of tax due; and it shall be the duty of every licensee to keep and preserve such records for a period of three years.
- (b) Excise taxes received by the City administrator or his/her designee after the 20th day of the month shall be charged a ten percent penalty.
- (c) In the event the City administrator or his/her designee deems it necessary to conduct an audit of the records and books of the licensee, he will notify the licensee of the date, time and place of the audit.
- (d) Any licensee who violates any provision of this article may, upon conviction, be punished by a fine of not less than \$500.00 for each offense and/or 30 days in jail and the license of such location may be suspended or revoked.

(Code 1993, § 5.64.561; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Secs. 4-239—4-269. Reserved.

ARTICLE VIII IX. BREWPUBS, BREWERIES, DISTILLERIES, & DOWNTOWN PUBS

Sec. 4-270. Brewpub ~~definition~~, regulation, ~~excise tax~~ and administration.

- (a) ~~The term "brewpub" means any eating establishment in which beer or malt beverages are manufactured or brewed for retail consumption on the premises. The term "eating establishment," as used herein, means any public place, including a place available for rental by the public, selling prepared food for consumption by the public on the premises with a full-service kitchen prepared to serve food every hour they are open and deriving at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of distilled spirits.~~
- (b) ~~No person, firm or corporation shall be issued a brewpub license without first obtaining a retail consumption license.~~
- (c) ~~A brewpub license authorizes the holder of such license to manufacture on the licensed premises not more than 1,500 barrels of beer in a calendar year solely for retail sale on the premises and solely in draft form.~~
- (d) ~~Distribution of any wine produced by a brewpub licensed under this article to any wholesaler is prohibited.~~
- (b) ~~A brewpub license also authorizes the holder of such license to manufacture on the licensed premises beer for retail sale on the premises and in draft form. The maximum numbers of barrels of beer manufactured in a calendar year will be the quantity authorized under O.C.G.A. § 3-5-36, as now written or hereafter amended.~~
- (e) ~~The revenue from the retail sale of packaged beer for off-premises consumption shall not be included in the calculations of gross receipts relative to food sales.~~
- (f) ~~There is hereby levied an excise tax on all beer and wine produced by a brewpub at the rate of \$6.00 per one-half barrel (15½ gallons) and \$12.00 per barrel (31 gallons). Such tax shall be paid to the City administrator or his/her designee no later than the 20th day of each month for the preceding month's production. A late payment penalty not to exceed ten percent of the tax otherwise due shall be added to the amount due for any payment not received by the due date.~~
- (g) ~~Administration.~~
 - (1) ~~The City administrator or his/her designee is authorized to establish procedures for administering all provisions of this article to include, but not be limited to, reporting forms and requirements, or establishing procedures and schedules for conducting financial audits or inspections of the books or records of any establishment licensed under this section.~~
 - (2) ~~Every brewpub located within the incorporated City shall file a monthly report with the City administrator or his/her designee, no later than the 20th day of each month, on such forms as the City administrator or his/her designee may prescribe, setting forth all wine produced during such preceding calendar month, to include beginning and ending inventories. Such report shall also indicate the total production of wine during the report period and the proper tax remittance for such production. Failure to properly complete or submit the required reports shall subject the licensee to a late filing penalty not to exceed \$25.00 for each deficient reporting period.~~

(Code 1993, § 5.64.570; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013)

Secs. 4-271. Brewery with Taproom

- (a) ~~A brewer may manufacture and sell malt beverages to individuals at the brewer's licensed premises for:~~
 - (1) ~~Consumption of malt beverages and/or wine on the premises in a taproom or similar; and~~

- (2) Consumption of packaged product off the premises, in compliance with Georgia Code Title 3, Alcoholic Beverages, as now written or hereafter amended.
- (b) Food sales or service is permitted in a brewery, but is not required. There is no requirement for minimum revenue for food sales or for an on-premises fixed or full-service kitchen.
- (c) Smoking of any type, including cigarettes, cigars, vaping, or similar, is prohibited within the premises of a brewery, including any exterior patio or similar.
- (d) Alcoholic beverages for on-premises consumption at breweries shall only be sold from 11:00 a.m. until 11:00 p.m. on Sundays through Thursdays and from 9:00 a.m. until 1:55 a.m. on Fridays and Saturdays.
- (e) The licensee may engage in the retail sale of packaged malt beverages products for off-premises consumption from 12:30 p.m. until 11:30 p.m. on Sundays and 9:00 a.m. until midnight Monday through Saturday.

Secs. 4-272 Distillery with Taproom

- (a) A distiller may manufacture and sell distilled spirits to individuals at the distiller's licensed premises for:
 - (1) Consumption on the premises in a taproom; and
 - (2) Consumption of packaged product off the premises, in compliance with Georgia Code Title 3, Alcoholic Beverages, as now written or hereafter amended.
- (b) Licenses require review and approval from City council prior to issuance.
- (c) Food sales or service is permitted in a distillery, but is not required. There is no minimum required revenue for food sales, nor a requirement for an on-premises fixed kitchen.
- (d) Smoking of any type, including cigarettes, cigars, vaping, or similar, is prohibited within the premises of a distillery, including any exterior patio or similar.
- (e) Alcoholic beverages for on-premises consumption at breweries shall only be sold from 11:00 a.m. until 11:00 p.m. on Sundays through Thursdays and from 9:00 a.m. until 1:55 a.m. on Fridays and Saturdays.
- (f) The licensee may engage in the retail sale of packaged products for off-premises consumption from 12:30 p.m. until 11:30 p.m. on Sundays and 9:00 a.m. until 11:59 p.m. on the other days of the week.
- (g) Distilleries with taproom require a Special Use Permit (see Article IX of the Zoning Resolution for requirements).

Sec. 4-273. Downtown Pub

- (a) Malt beverages, wine, and/or distilled spirits may be served at an establishment not exceeding 2,000 gross square feet which is located within the Downtown Overlay District, as defined in Section 4-2.
- (b) Location require review and approval from City Council prior to issuance. The Council shall consider the following:
 - (1) By nature of the potential for concerns with noise, late night activity, parking, traffic management, and other factors that are unique to downtown pubs provided below, the city council shall review and analyze the location and operations plan for the following establishments before approving a license for the on-premises consumption of beer, wine, and/or distilled spirits. Such factors and criteria utilized by city council shall include:
 - a. Location;
 - b. Access to pedestrian infrastructure;

- c. Consistency with comprehensive plan/downtown overlay district/city vision;
- d. Floor plan and size of space;
- e. Hours of operation;
- f. Occupancy load;
- g. Outdoor seating;
- h. Sanitation management plan; and
- i. Security plan.

(2) The city finds that the criteria set forth above promotes the health, safety, and welfare of the city's inhabitants and is necessary to prevent congestion on streets; to secure safety from fire, flood and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to facilitate the adequate provisions of multi-modal infrastructure, water, sewerage, parks and other public requirements; to preserve the natural environment; and to encourage the most appropriate use of land.

- (c) Smoking of any type, including cigarettes, cigars, vaping, or similar, is prohibited within the premises, including any exterior patio or similar.
- (d) Alcoholic beverages for on-premises consumption at Downtown Pubs shall not be sold for consumption on the premises except between the hours of 12:00 p.m. until 11:55 PM Sunday through Thursday, and 11 a.m. until 1:55 a.m. Friday through Saturday (Midnight—1:55 a.m. Sunday).
- (e) The days that alcoholic beverages may be sold shall be governed by state law, as now written or hereafter amended.
- (f) Downtown pubs may serve food. Food served does not have to be prepared in a full-service kitchen. Furthermore, there is no minimum revenue threshold for food sales relative to the sale of alcoholic beverages.

Sec. 4-274.—4-290. Reserved.

ARTICLE X. SPECIALTY SALES

Sec. 4-291. Wine and/or beer malt beverages tasting permitted use; retail package store license.

- (a) An entity possessing either a duly issued retail wine and/or malt beverages license (off-premises consumption) shall be eligible to apply for a wine and/or malt beverages tasting permit.
- (a-b) An entity possessing a duly issued retail package store license (off-premises consumption) shall be eligible to apply for a wine and/or beer malt beverages tasting permit.
- (b-c) An eligible licensee may petition the City for a wine and/or beer malt beverages tasting permit, provided it meets all the applicable requirements in this chapter and maintains a valid retail package store license.
- (e-d) A tasting permit shall allow the license holder to offer or sell wine and/or beer malt beverages samples in connection with an instructional or educational promotion.

- (e) A tasting permit is intended to allow such activity on a limited basis (i.e., one time per week, not to exceed 52 weeks per year) and shall not be part of the core operations of such establishment or occur on a daily basis.
- (f) Wine and/or beer tasting shall be limited to a confined, enclosed area with a single means of ingress and egress into such area. The applicant's proposed measures to segregate the wine and/or ~~beer malt beverages~~ tasting area along with proposed staffing and oversight shall be submitted and approved by the City marshal.
- (g) The tasting permit shall be applied for once and shall renew when the retail license is renewed; provided, however, that the City may revoke or suspend such tasting permit and/or impose such conditions on its operation at the City's discretion for violations of this chapter or in furtherance of the health, safety and welfare of the City's inhabitants.
- (h) Said tasting permit shall require a nonrefundable fee of \$200.00 per year.

(Code 1993, § 5.64.600; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013; Ord. of 5-1-2014)

Sec. 4-292. Growler shop.

- (a) No person shall be permitted to own or operate a growler shop without first obtaining a growler shop license from the City administrator or his/her designee pursuant to the same procedures as are set forth in this chapter, and each growler shop license holder shall comply with all other applicable state and local requirements.
- (b) A growler shop shall be located in the City's C1, C2 or C3 zoning district and shall be engaged only in the sale of growlers. Growlers may not be sold at any establishment engaged in the sale of distilled spirits.
- (c) The filling of growlers by means of a tapped keg shall not constitute the breaking of a package as contemplated by O.C.G.A. § 3-3-26 or other provisions of this chapter, provided that after the growler is filled, the growler must be sealed on the licensed premises with a tamper-proof plastic cap and may not thereafter be opened or consumed on the premises. Licensees or employees of the growler shop may fill or refill growlers with draft beer at a growler shop as provided herein in a growler not smaller than 12 ounces in volume and not to exceed 68 ounces in volume.
- (d) A growler shop shall be authorized to sell samples of draft beer to patrons over the age of 21 years. Samples shall not exceed three ounces in volume nor shall any one individual be offered more than four samples within a 24-hour period.
- (e) Nothing in this section shall prohibit a growler shop from serving food or other non-alcoholic products, provided it meets all of the requirements provided in the City Code and is properly permitted by the City.

(Code 1993, § 5.64.610; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013; Ord. of 5-1-2014)

Sec. 4-293. Special event; off-site consumption.

- (a) Upon the filing of an application and payment of a filing fee and a permit fee per day, up to a maximum of \$2,000.00, and after investigation by the City administrator or his/her designee, the City administrator or his/her designee may issue a permit to an individual or organization for the sale of alcoholic beverages for consumption on the premises in the City only during a special event under the following conditions:

- (1) The applicant must already hold an annual license for the sale of alcoholic beverages for on-premises consumption and/or utilize a caterer holding said license for the sale of alcoholic beverages for on-premises consumption.
- (2) The permit will allow sale of alcoholic beverages beyond the premises described in the annual license only in the area specifically described in the application and only during the special event named.
- (3) The application for such permit must have been filed with the City administrator or his/her designee at least 30 days prior to the date of the special event.
- (4) The hours of any such special event must be between 9:00 a.m. and 11:00 p.m. Monday through Saturday. Alcoholic beverages may be sold on Sundays pursuant to this article between the hours of 11:00 a.m. and 11:00 p.m. in public stadiums, auditoriums and restaurants.
- (5) **Outside events must be enclosed by a temporary fence of rigid material construction or an enclosed tent. The fence shall be a minimum of three and one half feet in height.**

(b) The application for a special event permit shall set forth the following information:

- (1) The name, address and telephone number of the person seeking to conduct the special event;
- (2) If the special event is proposed to be conducted for, on behalf of or by an organization, the name, address, and telephone number of the headquarters of the organization, and of the authorized and responsible heads of the organization;
- (3) The name of the alcoholic beverage caterer and the caterer's license number (all caterers conducting business within the City shall be in compliance with O.C.G.A. §§ 3-11-1 through 3-11-5).
- (4) The name, address and telephone number of the person who will be the special event chairman of the event and who will be responsible for its conduct;
- (5) The date when the special event is to be conducted, and whether the special event will extend over a series of days;
- (6) The hours when the special event will start and terminate;
- (7) The estimated number of people who will attend the event;
- (8) If the special event is to be held by, and on behalf of or for, any person other than the applicant, the applicant for the permit shall file with the City administrator or his/her designee a written authorization from the person proposing to hold the special event, authorizing the applicant to apply for the permit on the applicant's behalf;
- (9) A reasonably detailed description of the event, together with all locations of which alcohol will be consumed; and
- (10) Any additional information which the City administrator or his/her designee shall find reasonably necessary to make a fair determination as to whether a permit should be issued.

(c) The City administrator or his/her designee shall issue a permit as provided for in this article when, from a consideration of the application and from such other information as may otherwise be obtained, the City administrator or his/her designee finds that:

- (1) The conduct of the special event will not substantially interrupt the safe and orderly conduct of other patrons of the public places in which it will be held.
- (2) The special event will not divert or disrupt police protection.
- (3) The conduct of the special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.

- (4) The applicants for permit have not violated the terms of any previous special event permit granted to them or any terms of this article and have not caused undue traffic congestion and police problems under any previous special event permit.
- (d) The City administrator or his/her designee shall act upon the application for a special permit at the first meeting after the filing thereof. If the City administrator or his/her designee disapproves the application, he shall mail to the applicant, within 20 days after the date upon which the application was filed, a statement of the reasons for the denial of the permit.
- (e) Any person aggrieved shall have the right to appeal the denial of a special events permit to the mayor and council. The appeal shall be filed within five days after notice of denial, pursuant to section 4-18.
- (f) A special event permit may be immediately revoked by the City administrator or his/her designee for a violation of this article which results in an emergency situation in which continued operation of the premises by the licensee endangers the health, welfare or safety of the public.

(Code 1993, § 5.64.620; Ord. of 10-3-2002, exh. A (part); Ord. of 8-28-2003; Ord. of 2-4-2010; Ord. of 12-1-2011; Ord. of 12-6-2012; Ord. of 10-3-2013; Ord. of 11-7-2013; Ord. of 12-6-2019(1), § 4)

Sec. 4-294. Home delivery of alcohol.

- (a) ~~For all purposes of this section, a "packaged goods retailer" shall have the same meaning as provided in O.C.G.A. § 3-3-10.~~
- (b) ~~No packaged goods retailer, restaurant or other licensees with only an "on-premise" permit shall be permitted to engage in delivery operations without first obtaining a proper home delivery license from the City pursuant to the procedures set forth in section 4-11.~~

~~(Ord. of 2-4-2021(1), § 1)~~

Sec. 4-294. 5. Indoor special event facilities; on-site consumption.

- (a) In an indoor special event facility pursuant to a license issued by the City Administrator or his/her designee setting forth specific operational requirements and restrictions for the facility that control consumption at the facility. Alcohol may only be served at an indoor special events facility by a licensed caterer or by the owner of the indoor special events facility with a special events facility license in compliance with all applicable sections of this chapter. If the indoor special events facility is located outside of the City Core District, in order to serve or allow alcohol to be consumed on the premises, the following additional requirements shall apply:
 - (1) Minimum square footage of 2,000 square feet.
 - (2) All events with alcohol sold, served, or consumed must end by 10:00 p.m. and attendees must vacate the premises. Nothing in this provision shall prevent the owner or event organizer from staying past event closing time to clean facility and/or prepare for other events.
 - (3) All events must provide on-site security for safety and noise control with at least one security off-duty officer per 75 attendees.
 - (4) All parking areas serving the facility shall be well lit.
 - (5) No loitering shall be permitted outside of or in the parking lot of the facility and shall be enforced by the security personnel required above.

(a) Upon the filing of an application, payment of an administrative fee and a license fee of \$1,200.00 per year, plus \$500.00 for Sunday sales, compliance with the other application requirements of chapter 4, and after investigation by the City administrator or his/her designee, the City administrator or his/her designee may issue a license to an individual or organization for the sale of alcoholic beverages for consumption on the premises in the City only with a special event permit under the following conditions:

- (1) The applicant must already hold a current business license from the City.
- (2) The permit will allow sale of alcoholic beverages beyond the premises described in the area specifically described in the application and only during the special event named.
- (3) The application for such permit must have been filed with the City administrator or his/her designee at least 30 days prior to the date of the special event.
- (4) The hours of any such special event must be between 9:00 a.m. and 11:00 p.m. Monday through Saturday. Alcoholic beverages may be sold on Sundays pursuant to this article between the hours of 11:00 a.m. and 11:00 p.m. in public stadiums, auditoriums and restaurants.
- (5) No more than one permit for special events shall be granted for the same location once every 90 calendar days.

(b) The application for a special event permit shall set forth the following information:

- (1) The name, address and telephone number of the person seeking to conduct the special event;
- (2) If the special event is proposed to be conducted for, on behalf of or by an organization, the name, address, and telephone number of the headquarters of the organization, and of the authorized and responsible heads of the organization;
- (3) If utilizing a caterer, include the name of the alcoholic beverage caterer and the caterer's license number (all caterers conducting business within the City shall be in compliance with O.C.G.A. §§ 3-11-1 through 3-11-5);
- (4) The name, address and telephone number of the person who will be the special event chair or coordinator of the event and who will be responsible for its conduct;
- (5) The date when the special event is to be conducted;
- (6) The hours when the special event will start and terminate;
- (7) The estimated number of people who will attend the event;
- (8) If the special event is to be held by, and on behalf of or for, any person other than the applicant, the applicant for the permit shall file with the City administrator or his/her designee a written authorization from the person proposing to hold the special event, authorizing the applicant to apply for the license on the applicant's behalf;
- (9) A reasonably detailed description of the event, together with all locations of which alcohol will be served and consumed; and
- (10) Any additional information requested by the City administrator or his/her designee reasonably necessary to make a fair determination as to whether a permit should be issued.

(c) The City administrator or his/her designee shall issue a permit as provided for in this article when, from a consideration of the application and from such other information as may otherwise be obtained, the City administrator or his/her designee finds that:

- (1) The conduct of the special event will not substantially interrupt the safe and orderly conduct of other patrons of the public places in which it will be held and neighboring property owners.

(2) The special event will not divert or disrupt public safety and law enforcement protection.

(3) The conduct of the special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.

(4) The applicants for permit have not violated the terms of any previous special event permit granted to them or any terms of this article and have not caused undue traffic congestion and police problems under any previous special event license.

(d) The City administrator or his/her designee shall act upon the application for a special license after the filing thereof. If the City administrator or his/her designee disapproves the application, he shall mail to the applicant, within 20 days after the date upon which the application was filed, a statement of the reasons for the denial of the license.

(e) Any person aggrieved shall have the right to appeal the denial of a special events license to the mayor and council. The appeal shall be filed within five days after notice of denial, pursuant to section 4-18.

(f) A special event license may be immediately revoked by the City administrator or his/her designee for a violation of this article which results in an emergency situation in which continued operation of the premises by the licensee endangers the health, welfare or safety of the public.

(Ord. of 6-3-2021(1), § 1)

Editor's note(s)—An ordinance adopted June 3, 2021, set out provisions intended for use as § 4-294. Inasmuch as there were already provisions so designated, said section has been codified herein as § 4-295 at the discretion of the editor.