

**STATE OF GEORGIA  
COUNTY OF DEKALB  
CITY OF STONECREST**

**ORDINANCE \_\_\_\_ - \_\_\_\_\_**

1 **AN ORDINANCE TO AMEND CHAPTER 4 (ALCOHOLIC BEVERAGES) OF THE**  
2 **CITY OF STONECREST CODE OF ORDINANCES TO CHANGE THE TIME FOR THE**  
3 **SALE AND USE OF ALCOHOL WITHIN THE CITY OF STONECREST; TO PROVIDE**  
4 **FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN**  
5 **ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR**  
6 **OTHER LAWFUL PURPOSES.**

7 **WHEREAS**, the City of Stonecrest, Georgia (the “City”) is a municipal corporation  
8 created under the laws of the State of Georgia; and

9 **WHEREAS**, the duly elected governing authority of the City is the Mayor and Council  
10 (“City Council”) thereof; and

11 **WHEREAS**, the City Council shall have the authority to adopt and provide for the  
12 execution of such ordinances, resolutions, policies, rules, and regulations, which it shall deem  
13 necessary, expedient, or helpful for the peace, good order, protection of life and property, health,  
14 welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City  
15 of Stonecrest and may enforce such ordinances by imposing penalties for violation thereof; and

16 **WHEREAS**, CHAPTER 4 (ALCOHOLIC BEVERAGES) (“Alcohol Ordinance”) of the  
17 City of Stonecrest Code of Ordinances governs the compliance of the sale and use of alcohol  
18 within the City; and

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21           **WHEREAS**, the City desires to amend the time for the sale and use of alcohol throughout  
22 the City to align with the hours of operation for all businesses licensed to sell alcohol; and

23           **WHEREAS**, the health, safety, and welfare of the citizens of the city will be positively  
24 impacted by the adoption of this Ordinance.

25           **NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR**  
26 **AND COUNCIL OF THE CITY OF STONECREST, GEORGIA and by the authority**  
27 **thereof:**

28           **Section 1.** The Code of Ordinances, City of Stonecrest, Georgia is hereby amended by  
29 amending CHAPTER 4 (ALCOHOLIC BEVERAGES) OF THE CITY OF STONECREST  
30 CODE OF ORDINANCES TO CHANGE THE TIME FOR THE SALE AND USE OF  
31 ALCOHOL WITHIN THE CITY OF STONECREST adopting the provisions set forth in Exhibit  
32 A attached hereto and made a part by reference.

33           **Section 2.** That the amended ordinance be read and codified as follows with added text in **red**  
34 **font, bold and underlined** and deleted text in **red and strikethrough** font.

35           **Section 3.** The preamble of this Ordinance shall be considered to be and is hereby incorporated  
36 by reference as if fully set out herein.

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

40           (b) It is hereby declared to be the intention of the Mayor and Council that, to the  
41 greatest extent allowed by law, each and every section, paragraph, sentence, clause, or phrase of  
42 this Ordinance is severable from every other section, paragraph, sentence, clause, or phrase of this  
43 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the

44 greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance  
45 is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of this  
46 Ordinance.

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

56 **Section 5.** The City Clerk, with the concurrence of the City Attorney, is authorized to  
57 correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

58 **Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby expressly  
59 repealed to the extent of the conflict only.

60 **Section 7.** The effective date of this Ordinance shall be the date of its adoption by the  
61 Mayor and Council unless otherwise stated herein.

62 **Section 8.** The Ordinance shall be codified in a manner consistent with the laws of the  
63 State of Georgia and the City of Stonecrest.

64 **Section 9.** It is the intention of the governing body, and it is hereby ordained that the  
65 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of

66 Stonecrest, Georgia and the sections of this Ordinance may be renumbered to accomplish such  
67 intention.

**SO ORDAINED this \_\_\_\_ day of \_\_\_\_\_, 2024.**

**CITY OF STONECREST, GEORGIA**

\_\_\_\_\_  
**Jazzmin Cobble, Mayor**

**ATTEST:**

\_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

**EXHIBIT A**

## **TMOD 24-003 ALCOHOL HOURS**

### **CHAPTER 4 ALCOHOLIC BEVERAGES**

#### **ARTICLE I. IN GENERAL**

##### **Sec. 4.1.1. Purposes.**

The purposes of this chapter shall include, but not be limited to, the following:

- (a) Compliance with and effectuation of state law;
- (b) Promotion and effectuation of the city's land use and zoning policies/plans;
- (c) Prevention of the unlawful sale and use of alcohol;
- (d) Protection of schools, homes, churches, parks and other entities; and
- (e) Protection of the public health, safety and welfare.

##### **Sec. 4.1.1. Purposes.**

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- (d) Protection of schools, homes, churches, parks and other entities; and
- (e) Protection of the public health, safety and welfare.

(Ord. No. 2017-06-05, § 4.1.1, 6-5-2017)

##### **Sec. 4.1.2. Definitions.**

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

*Alcohol* means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

*Alcoholic beverage* means and includes all alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine.

*Alcoholic beverage caterer* means a person or entity possessing a valid off-premises alcoholic beverage catering license from the city or another local political subdivision.

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Bar means an establishment intended for a casual environment offering lower-to-premium beverages, short-order meals, louder music, boisterous patrons and below characteristics or requirements. Operating hours 12pm-12am.

- a) Alcoholic Consumption on Premises license.
- b) Party-like environment.
- c) Karaoke
- d) Smoke & Vape Free Environment.
- e) Condensed table and clustered bar seating.
- f) No live entertainment.
- g) Patrons 21+ years of age.

*Beer or malt beverage* means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops or any other similar product, or any combination of such products in water, containing not more than six percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer and strong beer. The term "beer" or "malt beverage" does not include sake, known as Japanese rice wine.

*Bottle club* means any restaurant, music hall, theater or other establishment providing food or entertainment in the normal course of business, and in which the owners or their agents knowingly allow patrons to bring in and consume the patrons' own alcoholic beverages.

*Craft beer market* means a retail package store for malt beverages to be consumed off-premises, where the primary means of delivery of the package is in growlers, as defined by this Code.

*Day* means a period from 12:00 midnight through 11:59 p.m.

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

Eating and drinking establishments mean those establishments whose primary purpose is to derive income from the sale of food and drink, including malt beverages, wine and/or distilled spirits consumed primarily within the principal building, and without a drive-in or drive-thru component where such establishment is open for use by patrons beyond 12:30 a.m. Entertainment shall be incidental thereto. 2022-01-02

*Employee* means any person who regularly performs any service on the alcoholic beverage licensed premises on a full-time, part-time, or contract basis, regardless of whether the person is denominated an owner, partner, member, employee, independent contractor, lessee, or otherwise. The term "employee" does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

*Family* means and includes any person related to the person indicated within the first degree of consanguinity or affinity, as determined according to civil law.

*Fixed salary* means the amount of compensation paid any member, officer, agent or employee of a bona fide private club as may be fixed by its members at a prior annual meeting or by the city council out of the general revenue of the club and shall not include a commission on any profits from the sale of alcoholic beverages. For the purpose of this definition, tips or gratuities that are added to the bills under club regulation shall not be considered as profits from the sale of alcoholic beverages.

*Full-service kitchen* means a kitchen consisting of a commercial sink and refrigerator and either a commercial stove, grill or microwave oven approved by the City manager or his designee.

*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 the partnership or corporation.

*Liter* means metric measurement currently used by the United States.

Lounges mean an establishment intended for social engagement, networking, soft or live music, relaxed upscale atmosphere offering complimentary amenities such as premium snacks and exquisite short order

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dining, alcohol, Wi-Fi, or a business center for working professionals with other characteristics or requirements of 20% of its sales from cigars. Operating hours 12pm-2am.

- a) Walk-in humidors and air purification systems for non-smoky experience.
- b) Upscale furniture, fixed bars, private rooms with ambience.
- c) Membership or open to the public.
- d) Alcohol, Hookah, Cigars, Pipes, Small Plate dining, Meeting Spaces & VIP Rooms
- e) Patrons 21+ year of age
- f) Dress Code

*Manufacturer* means any maker, producer or bottler of an alcoholic beverage. The term "manufacturer" also means:

- (a) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits; provided, however, that a vintner that blends wine with distilled spirits to produce a fortified wine shall not be considered a manufacturer of distilled spirits.
- (b) In the case of malt beverages, any brewer.
- (c) In the case of wine, any vintner.

*Package* means a bottle, can, keg, barrel or other original consumer container.

*Nightclubs/Nightlife Establishments* means operating beyond 12am and required to be closed by 2:00am with the below characteristics or requirements. Operating hours 12 pm-2:00 am with an approved Special Land Use permit (SLUP.)

- a) Collecting Entry Fees.
- b) Live Entertainment
- c) DJ's
- d) Artists
- e) Musicians
- f) Party Promotions
- g) Concerts
- h) Comedy Shows
- i) Party's
- j) Mobile and Fixed bars.
- k) Dance Floors, VIP Sections, Private Rooms
- l) Valet Parking.
- m) Patrons 21+ years of age.
- n) Onsite security.

*Nightclub* means a place of entertainment open at night serving food and or liquor with all booths and tables unobstructed and open to view, dispensing alcoholic beverages and in which music, dancing or entertainment is conducted with or without a floor show. The principal business of a nightclub shall be entertaining, and the serving of alcoholic beverages shall be incidental thereto. (Adopted 2022-01-02)

*Private club* means any nonprofit association organized under the laws of this state that meets all of the following criteria:

- (a) Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this chapter.
- (b) Has at least 75 regular dues-paying members.



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- (c) Owns, hires or leases a building space within a building for the reasonable use of its members with all of the following:
    - (i) Full-service kitchen and dining room space and equipment.
    - (ii) A sufficient number of employees for cooking, preparing and serving meals for its members and guests.
  - (d) Has no member, officer, agent or employee directly or indirectly receiving, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.

*Restaurant* means any business whose primary function or operation is the preparation of food and/or drink for consumption on-premises, and whose gross profits are derived at 60 percent from the sale of food.

*Restaurant (Class A)* means a counter based Dine-In or To-Go or drive-thru establishment where meals are prepared to be consumed in a dining area or via drive-thru with the below characteristics or requirements. Operating hours 6am-12am.

- a) Fast-food, Café's, Coffee Shops, or buffet-style dining.
- b) Table and booth dining.
- c) Serves both breakfast and lunch.
- d) No alcoholic beverage served or license applicable.
- e) Valid business license.

*Restaurant (Class B)* means an establishment with full menus where patrons pay to sit and consume meals a that are prepared, served, and consumed with alcohol on the premises with the below characteristics or requirements. Operating hours 11:30 am-12:00am.

- a) Alcoholic beverage consumption on premises with valid alcohol license ONLY.
- b) Fixed bar and dining.
- c) Table and booth dining.
- d) Operational hours 11:30 pm-12:00 am.
- e) No smoking of any kind or type on premises.

*Retailer, retail dealer, retail licensee or retail outlet* means any person or other legal entity selling alcoholic beverages, either in unbroken packages or for consumption on the premises, retail only to consumers and not for resale.

*Smoking Lounge* means an establishment which sells tobacco and/or promotes the smoking of tobacco products or other any other substance on its premises. The term "smoking lounge" includes but is not limited to cigar lounges, hookah cafes, tobacco lounges, tobacco clubs, or tobacco bars. (Adopted 2022-01-02)

*Special events facility* means a building and/or premises used as a customary meeting or gathering place for personal social engagements or activities, where people assemble for parties, weddings, wedding receptions, reunions, birthday celebrations, other business purposes, or similar such uses for profit, in which food and beverages may be served to guests. (Adopted 2022-01-02)

1. *The term special evens facility shall not include places of worship.*
2. *Small Special Event Facility shall mean assembly and entertainment uses with a seating or occupant capacity or no more than 100 persons.*

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3. *Large Special Event Facility shall mean assembly and entertainment uses with a seating or occupant capacity of more than 100 persons.*

*Wine* means any alcoholic beverage containing not more than 21 percent alcohol by volume 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. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this section.

(Ord. No. 2017-06-05, § 4.1.2, 6-5-2017)

## **ARTICLE II. LICENSING**

### **Sec. 4.2.1. License required.**

- (a) Except as specifically authorized in this chapter, no person, entity and/or business shall engage in the manufacture, sale or distribution of alcoholic beverages in the city without first having obtained a license as provided under this article.
- (b) The city license shall not be valid without current state licenses.
- (c) A retail establishment shall not have alcoholic beverages on the sales floor or in cooler unless the establishment has a current city alcoholic beverage license.

(Ord. No. 2017-06-05, § 4.2.1, 6-5-2017)

### **Sec. 4.2.2. Sale in incorporated area of city; scope of license.**

- (a) Alcoholic beverages may be sold in the incorporated area of the city under a license granted by the city council upon the terms and conditions provided in this chapter.
- (b) The businesses of manufacturing, distributing, selling, handling and otherwise dealing in or processing alcoholic beverages are privileges and not rights pursuant to O.C.G.A. § 3-3-1, and such privileges shall not be exercised within the city limits without full compliance with all applicable licensing, regulatory, and revenue requirements of local, state and federal rules, regulations, and laws, including this chapter.
- (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 future ordinances which may be enacted."

(Ord. No. 2017-06-05, § 4.2.2, 6-5-2017)

### **Sec. 4.2.3. Separate license for each location.**

A separate application for an alcoholic beverage license must be made for each location and a separate license must be issued.

(Ord. No. 2017-06-05, § 4.2.3, 6-5-2017)

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#### **Sec. 4.2.4. Consumption sales only.**

Persons holding a license to sell distilled spirits for consumption on the premises shall not be permitted to sell liquor by the package or bottle, except as provided in this article.

(Ord. No. 2017-06-05, § 4.2.4, 6-5-2017)

#### **Sec. 4.2.5. Reserved.**

Ord. No. 2022-01-02 , § 1(Exh. A), adopted January 10, 2022, repealed § 4.2.5, which pertained to temporary permits and derived from Ord. No. 2017-06-05, § 4.2.5, June 5, 2017.

#### **Sec. 4.2.6. Off-premises alcoholic beverage catering license.**

- (a) Any person or entity that possesses a valid license from the city to sell or otherwise dispense malt beverages or wine by the glass may apply for an off-premises alcoholic beverage catering license to sell or otherwise dispense malt beverages or wine by the glass at an authorized catering function, using the form prescribed by the City Manager or his designee.
- (b) Any person or entity that possesses a valid license from the city to sell or otherwise dispense malt beverages, wine, or distilled spirits by the glass may apply for an off-premises alcoholic beverage catering license to sell or otherwise dispense malt beverages, wine, or distilled spirits, using the form prescribed by the City Manager or his designee.
- (c) The annual licensing fee for an off-premises alcoholic beverage catering license shall be set by the city council, provided that the total of the licensing fee shall not exceed \$5,000.00 for any one licensed location.
- (d) This license is an add-on service option to be combined with the local alcoholic beverage consumption on premises license. The fee shall not be prorated and will expire on December 31<sup>st</sup>; unless otherwise renewed with annual alcoholic beverage consumption on premises license.

(Ord. No. 2017-06-05, § 4.2.6, 6-5-2017)

#### **Sec. 4.2.7. Off-premises alcoholic beverage catering event permit.**

- (a) The City Manager or his designee shall be responsible for issuing off-premises alcohol catering event permits and shall develop rules and regulations governing all off-premises alcoholic beverage catering events.
- (b) Resident alcoholic beverage caterers. In order to sell or otherwise distribute distilled spirits, malt beverages, or wine at an authorized catering function within the corporate limits of the city, an alcoholic beverage caterer licensed by the city must apply for an event permit on the form prescribed by the City Manager or his designee. The application must include:
  - (i) The name of the caterer;
  - (ii) The date, address and time of the event; and
  - (iii) The licensed alcoholic beverage caterer's license number.
  - (iv) Payment of the \$200 fee for catering license and permit
- (c) Nonresident alcoholic beverage caterers. In order to sell or otherwise distribute distilled spirits, malt beverages, or wine at an authorized catering function within the corporate limits of the city, an alcoholic

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beverage caterer licensed by another local political subdivision must apply for an event permit on the form prescribed by the City Manager or his designee. The application must include:

- (i) The name of the caterer;
- (ii) The date, address and time of the event;
- (iii) The alcoholic beverage caterer's license from another jurisdiction; and
- (iv) An event permit fee in the amount established by action of the city council.
- (v) Alcoholic beverage state license;
- (vi) Total quantity of alcohol to be transported into the corporate limits of the city.
- (vii) Payment of the \$200 fee for catering license and permit.
- (d) An alcoholic beverage caterer must maintain the original event permit in the vehicle transporting the alcoholic beverages to the event at all times.
- (e) Excise taxes are imposed upon the sale of alcoholic beverages (liquor-by-the-drink) by an alcoholic beverage caterer licensed by the city as provided in article IV of this chapter and due by the 20<sup>th</sup> day of the following month.
- (f) Excise taxes are imposed upon the total of quantity of individual alcoholic beverage drinks brought into the corporate limits of the city by an alcoholic beverage caterer licensed by another local political subdivision in the amount provided in section 4.4.2 and shall be paid within 30 days of the conclusion of the event.
- (g) Sunday sales. An alcoholic beverage caterer wishing to cater an event on Sunday must possess a valid Sunday sales license and comply with the requirements of state law with respect to the service of alcoholic beverages on Sunday.
- (h) It is unlawful for a licensed alcoholic beverage caterer to employ any person under 21 years of age who, in the course of such employment, would dispense, serve, sell or handle alcoholic beverages.
- (i) The alcohol beverage caterer shall comply with all the general ordinances and the licensing and regulations for a consumption-on-the-premises establishment during the permitted event, with the exception of the full-service kitchen requirement and the employee alcoholic beverage permit and non-alcoholic beverage permit requirement.

(Ord. No. 2017-06-05, § 4.2.7, 6-5-2017)

#### **Sec. 4.2.8. Persons eligible for licensing.**

- (a) No license for the sale of alcoholic beverages shall be granted to any person or entity, where the majority of stock or partnership interests are controlled by individuals who are not citizens of the United States or aliens lawfully admitted for permanent residence. If an entity is owned by other entities, then this requirement shall apply to the majority stockholders of the other entities to ensure that a license is not granted to an ineligible person or entity.
- (b) No license for the sale of alcoholic beverages shall be granted to any person that has not attained the age of 18 years.
- (c) No license for the sale of alcoholic beverages shall be granted to any person or entity for alcoholic beverage sales at a "sexually oriented business," as defined in section 4.5.5(b) and chapter 15, as adopted by the City of Stonecrest.
- (d) Licenses for corporations shall be issued in the name of the corporation and applied for by and in the name of the majority stockholder, officer and/or employee primarily responsible for the operation of the licensed

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premises. Licenses for partnerships shall be issued in the name of the partnership and shall be applied for by and in the name of the partner and/or employee primarily responsible for the operation of the licensed premises.

- (i) Where the majority stockholder is not an individual, the license shall be issued to jointly to the corporation and local manager of the business.
  - (ii) In the case of a partnership, the license shall be issued to the partners with the highest ownership percentage. In the case of a sole proprietorship, the sole proprietor shall be the applicant and the licensee.
- (e) No license for the sale of alcoholic beverages shall be granted to any person who has been convicted under any federal, state or local law of any felony within the last ten years, has been on felony probation or parole within the last five years, or released from prison on felony charges within the last five years prior to filing an application. The term conviction includes any adjudication of guilt or a plea of guilty or nolo contendere. This subsection shall apply to any corporation or partnership where any stockholder with ownership of ten percent or more, all corporate officers, and all partners fails to meet these requirements.
- (f) No license for the sale of alcoholic beverages shall be granted to any person who has been convicted under any federal, state or local law of any misdemeanor involving moral turpitude within ten years prior to filing an application. The term "conviction" includes any adjudication of guilt or a plea of guilty or nolo contendere. The term "moral turpitude" shall include any violation that involves gambling, drugs, or a driving while intoxicated conviction in less than five years from a prior driving while intoxicated conviction, and sale of alcohol with the exception of any violations of section 4.5.7. This subsection shall apply to any corporation or partnership where any stockholder with ownership of ten percent or more, all corporate officers, and all partners fails to meet these requirements.
- (g) It is unlawful for any city employee of a department regulating alcoholic beverages, or the employee's spouse or minor children, to have any whole, partial or beneficial interest in any license to sell alcoholic beverages in the city.
- (h) No license for the sale of alcoholic beverages shall be granted to any person who has had any license issued in any jurisdiction revoked within two years prior to the filing of the application.

(Ord. No. 2017-06-05, § 4.2.8, 6-5-2017)

#### **Sec. 4.2.9. Application for alcoholic beverage license.**

- (a) All persons or entities desiring to sell alcoholic beverages shall make application on the form prescribed by the City Manager or his designee.
- (b) The application shall include:
  - (i) The Applicant's full name, birth date, residential addresses for the past five years, name and location of their employers for the last five years, spouse's name, both the applicant and their spouse's criminal history showing all arrests, convictions, guilty pleas and dispositions for alleged violations of any local, state and/or federal law for the last five years prior to the application, and, where applicable, the name of the partnership or corporation for whom they are applying, and any trade business and/or organizational name under which the licensed premises may operate;
  - (ii) The proposed business to be carried on;
  - (iii) If a partnership, the names and addresses of the partners;
  - (iv) If a corporation, the names and addresses of the officers;
  - (v) The name and address of the agent for service of process;

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- (vi) The name and address of the manager;
  - (vii) The names and addresses of all stockholders holding ten or more percent or 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; and
  - (viii) If the manager changes, the applicant must furnish the City Manager or his designee with the name and address of the new manager and other information as is requested within ten days of such change.
- (c) All applications for a package liquor license, both original and renewals, must be accompanied by a full and complete statement relative to any and all interest in retail liquor stores. This shall include names and addresses of all persons possessing a legal ownership in the subject establishment, together with any interest that each person or that any family member of each person has in any other retail liquor store located in the city or any other place; the ownership of the land and building where such retail business is operated; the amount of rental paid for the land and building, the manner in which such rental is determined, and to whom and at what intervals the rental is paid; the names and addresses, by affidavit from the owner, lessor or sub lessor of the land and building, of all persons having any whole, partial, beneficial or other legal interest in and to the land and building on and in which the retail liquor store is located; and any other information called for by the City Manager or his designee to ensure compliance with the provisions of this division. Any change in relationship herein declared must be filed when made with the City Manager or his designee and failure to so file within a period of ten days after this change is made shall be grounds for the city to cancel the license.
- (d) All applications shall be sworn to by the applicant before a notary public or other officer authorized to administer oaths.
- (e) Upon receipt of the application, it shall be forwarded to the City Manager, or his designee, for a background investigation of the applicant, and all other persons identified in the application as required by subsection (b) of this section. The investigation may include a check of any criminal history anywhere in the United States, a check of any other jurisdiction identified by the applicant where he has previously held an alcohol license of any kind, and any other factor deemed relevant by the City Manager, or his designee. As a prerequisite to the issuance of any such initial permit or license, the applicant shall furnish a complete set of fingerprints to be forwarded to the Georgia Bureau of Investigation, which shall search the files of the Georgia Crime Information Center for any instance of criminal activity during the two years immediately preceding the date of the application. The Georgia Bureau of Investigation shall also submit the fingerprints to the Federal Bureau of Investigation under the rules established by the United States Department of Justice for processing and identification of records.
- (f) In all instances in which an application is denied or dismissed with prejudice under the provisions of this section, the applicant may not reapply for a license for at least one year from the final date of such denial.
- (g) An alcoholic beverage license shall be granted unless an applicant fails to meet the qualifications for an alcoholic beverage license under this chapter. The City Manager or his designee shall provide written notice to any applicant whose application is denied under the provisions of this chapter within 30 days of filing a properly completed application or within 15 days of obtaining the criminal background check or records identified in subsection (e) of this section, whichever is later. An application for an alcoholic beverage license is complete when it contains the information required by this chapter and is accompanied by the license fee in the amount established by action of the city council. Such written notification shall set forth in reasonable detail the reasons for such denial and shall advise the applicant of the right to appeal to the alcohol beverage review board under the provisions of this division within 15 days from date of notice. If a license is not issued or denied within the time frame specified herein, the license shall be automatically approved.

(Ord. No. 2017-06-05, § 4.2.9, 6-5-2017)

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#### **Sec. 4.2.10. Issuance of license and employee permits; employee permit fees.**

- (a) All employees of any licensed establishment must hold an employee permit. The conditions and procedures governing the issuance of alcohol permits for employees are set forth in this section.
- (b) An employee permit shall be issued unless the applicant fails to meet the qualifications for an employee permit under this chapter. Any employee permit identified in this chapter will be issued or the issuance of an employee permit will be denied within 30 days after submission of a properly completed application or within 15 days of the records in subsection (d) of this section, whichever is later. An application for an employee permit is complete when it contains the information required by this chapter and is accompanied by the permit fee in the amount established by action of the city council. A permit shall be valid for 12 months from the date of issuance. If a permit is not issued or denied within the time frame specified herein, the permit shall be automatically approved.
- (c) No person requiring a permit may be employed by or work in an establishment, as defined in this chapter, until such person has filed an application, paid the fee for and obtained a work permit from the City Manager or his designee. No person shall be issued a permit who has been convicted in this city, county, state, or in any federal court within five years immediately prior to the application for employment for soliciting for prostitution, keeping a disorderly place, illegally dealing in narcotics, sex offenses or any charge relating to the manufacture or sale of intoxicating liquors or any felony or misdemeanor of moral turpitude.
- (d) An application for a permit shall include the applicant's legal name, all of the applicant's aliases and/or any other name by which the applicant has ever been known, mailing address, written proof of age (in the form of a driver's license, a picture identification document containing the applicant's date of birth issued by a governmental agency, or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency), and a list of all prior criminal convictions. The City Manager or his designee shall make a complete search relative to any police record of the applicant. As a prerequisite to the issuance of any such initial permit or license, the employee shall furnish a complete set of fingerprints to be forwarded to the Georgia Bureau of Investigation, which shall search the files of the Georgia Crime Information Center for any instance of criminal activity during the two years immediately preceding the date of the application. The Georgia Bureau of Investigation shall also submit the fingerprints to the Federal Bureau of Investigation under the rules established by the United States Department of Justice for processing and identification of records.
- (e) Any permit for employment issued hereunder shall expire 12 months from the date of issuance unless earlier revoked or suspended. The City Manager or his designee may prescribe reasonable fees for certifying the eligibility for employment.
- (f) An employee holding a permit issued pursuant to this chapter shall at all times during his working hours have the permits available for inspection at the premises.
- (g) An employee shall provide his employer with a legible copy of his permit which copy shall be maintained by the employer as part of its business records.

(Ord. No. 2017-06-05, § 4.2.10, 6-5-2017)

#### **Sec. 4.2.11. Expiration; renewal.**

- (a) All licenses granted under this article shall expire on December 31 of each year. A licensee who desires to renew the license shall file application, with the requisite fee heretofore provided, with the City Manager or his designee on the form provided for renewal of the license for the ensuing year. All applications for renewal will be reviewed by the City Manager or his designee. Licensees do not have a right to automatic renewal and must ~~follow~~ be in compliance with all rules and regulations for the granting of licenses.

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Applications for renewal must be filed before November 30 of each year; ~~in addition to all monthly excise taxes paid; otherwise a 10% penalty penalties and interest will be assessed. No renewal license shall be granted after December 31, but 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.~~

~~(b) No renewal license shall be granted after December 31, but 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.~~

~~(b)(c)~~ All licenses granted under this division shall be for the full calendar year or for the number of months remaining in the calendar year. License fees shall not be prorated. ~~based on the number of months remaining in the calendar year; partial months shall be counted as a full month.~~ License fees are not refundable.

~~(c) Any person renewing any license issued under this chapter who pays the required fee or any portion thereof after the date set by law for such payment shall pay, in addition to the annual fee, a late payment penalty in addition to an assessment of interest at the rate of ten percent of the amount annual fee for the failure to renew; and an additional penalty of 25 percent of the amount due shall be assessed for any fraud or intent to evade.~~

(d) Failure to fully complete the renewal application, as required by the City Manager or his designee will delay the renewal. The failure to furnish complete information within 30 days after being requested shall result in automatic denial of the renewal.

(Ord. No. 2017-06-05, § 4.2.11, 6-5-2017)

#### **Sec. 4.2.12. Transferability.**

- (a) No license for the sale of alcoholic beverages shall be transferable, except as otherwise provided in this section.
- (b) In case of the death of the licensee, the establishment shall be allowed to continue to sell alcoholic beverages for a period of 30 days from the date of death, or until expiration of the license, or until approval of a new license, whichever occurs first; provided, however, that the City Manager or his designee must be notified of the licensee's death within ten days of the death or the license shall automatically terminate on the 11th day following the death of the licensee.
- (c) If a license is surrendered, or a licensee severs the association with the licensed establishment, the establishment may continue to sell alcoholic beverages for a period of 30 days from the date of surrender, or from the date determined to be the date of severance; provided, however, that the City Manager or his designee must be notified of the change within ten days of the severance or the license shall automatically terminate on the 11th day following the date of the severance. 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 shall prohibit one or more of the partners in 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. This section shall not prohibit transfer of stock between persons who held stock in the corporate owner at the time of issuance of the license; nor shall it prohibit transfers of stock which do not result in any person increasing stock holdings to a total of ten or more percent of any class of corporate stock, or any other entity having a financial interest in the entity.



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- (e) Should a transfer of location be approved, with no change of ownership of the business, the license fee paid for the old location shall be applied to the new location.
  - (f) Except as provided in this section, any change in the ownership of any entity owning a licensed establishment shall cancel and revoke any license issued under this division automatically, without the necessity of a hearing.

Violation of this section shall result in revocation of the license being used and a fine of \$1,000.00 each on the new ownership and the old ownership. No license will be issued to the old or the new owner in the city for one year from the date of the violation.

(Ord. No. 2017-06-05, § 4.2.12, 6-5-2017)

#### **Sec. 4.2.13. Display.**

The city alcoholic beverage license shall at all times be kept plainly exposed to view at the place of business of the licensee. The finance director or designee shall ensure that all licenses for on-premises consumption of alcoholic beverages show:

- (i) Any special land use permit conditions imposed by the city council for the establishment;
- (ii) The allowed hours of operation for the location; and
- (iii) Written notice to the licensee that the license with the hours of operation must be posted in a public and conspicuous place within the licensee's establishment.

(Ord. No. 2017-06-05, § 4.2.13, 6-5-2017)

#### **Sec. 4.2.14. Suspension or revocation.**

The City Manager or his designee is entitled, in its sole discretion, to either suspend or revoke any license upon a finding by the City Manager or his designee, of any violation by the licensee, of any other person required under this division to meet the qualifications required for the issuance of the license, or by any majority stockholder, general or managing partner, or employee, agent, or servant of the licensee or the business in which such license is utilized, of any of the following:

- (a) Any federal or state law, rule or regulation relative to the manufacture, sale, distribution or possession of alcoholic beverages;
- (b) Any provision, condition, requirement, or limitation contained in this division;
- (c) Any other ordinance of the city;
- (d) Any ordinance, rule, regulation or law of any governmental entity otherwise regulating the business in which such license is utilized;
- (e) Any criminal law which is classified as a felony;
- (f) Any criminal law involving moral turpitude;
- (g) Any documented negative impact to adjacent property owners for which the owner or tenant has failed to remedy through good faith efforts;
- (h) Failure to maintain parking lot of property in such a manner as to prevent littering, loitering, acts of disorderly conduct, excessive demand for public safety resources, and ongoing disturbance of adjacent property owners;

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- (i) If the licensee furnishes fraudulent or untruthful information in the original, renewal or transfer application for a license or omits information required in the original, renewal or transfer application for a license;
  - (j) Failure of the licensee or any other person required under this division to meet the qualifications required for the issuance of the license, to meet, as of the time of the notice of hearing relative thereto, the requirements established in this division for the initial issuance of such license;
  - (k) Failure of the licensee or any employee or agent of the business in which the license is utilized to promptly report to the City Manager or his designee:
    - (i) Any violation of this division;
    - (ii) Any other violation of law;
    - (iii) Any other violation of any other city ordinance; or
    - (iv) Any breach of the peace, disturbance or altercation which occurs within or upon the premises of the business in which such license is utilized;
  - (l) Repeated failure of the licensee or the employees, agent and servants of the business in which the license is utilized to promptly control and prevent within or upon the premises of such business any of the following activities or conduct:
    - (i) Fighting;
    - (ii) Disorderly conduct;
    - (iii) Utilization of controlled substances;
    - (iv) Gambling;
    - (v) Indecent conduct;
    - (vi) Excessive noise; or
  - (m) Failure of the licensee or any other person required under this division to meet the qualifications required for the issuance of the license to promptly pay and satisfy all taxes and other financial obligations due the city which are not the subject of appeal or litigation; or
  - (n) Failure to allow unrestricted access to the City Manager or his designee for inspections.

(Ord. No. 2017-06-05, § 4.2.14, 6-5-2017)

#### **Sec. 4.2.15. Inspection of premises.**

The community development department, and/or the City Manager or his designee may inspect establishments licensed under the alcoholic beverage ordinances of the city during the establishment's hours of operation. Such inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and state law.

(Ord. No. 2017-06-05, § 4.2.15, 6-5-2017)

#### **Sec. 4.2.16. Agent for service of process.**

All establishments licensed under this chapter 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

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shall file the name of such agent, along with the written consent of such agent, with the city in such form as the city prescribes.

(Ord. No. 2017-06-05, § 4.2.16, 6-5-2017)

**Sec. 4.2.17. Collection of delinquent sums.**

If any person fails to pay the sum due under this chapter, the City Manager or his designee shall issue an execution against the person so delinquent and such person's property for the amount of the delinquent fee or tax.

(Ord. No. 2017-06-05, § 4.2.17, 6-5-2017)

**Sec. 4.2.18. Audits.**

If the City Manager or his designee deems it necessary to conduct an audit of the records and books of a licensee under the provisions of this article, it shall so notify the licensee of the date, time and place of the audit.

(Ord. No. 2017-06-05, § 4.2.18, 6-5-2017)

**ARTICLE V. OPERATIONAL RULES FOR RETAILERS**

*DIVISION 1. GENERALLY*

**Sec. 4.5.1. Posting of regulations.**

- (a) All licensees under this article shall post in a prominent location on licensed premises, in a manner whereby it may be easily viewed by patrons, an approved sign setting forth or summarizing the laws of the city and the state in regard to the sale of alcoholic beverages to underage or intoxicated persons.
- (b) Each such sign shall be of a size and configuration approved by the City Manager or his designee, and shall include either the language of the applicable sections, or summaries approved by the City Manager or his designee.
- (c) The City Manager or his designee may design and have printed approved signs, which shall be made available to licensees at a price to be established by the City Manager or his designee.

(Ord. No. 2017-06-05, § 4.5.1, 6-5-2017)

**Sec. 4.5.2. Location restrictions.**

~~(a) No person knowingly and intentionally may sell or offer to sell at retail, except as allowed under subsection (b) of this section:~~

~~(1) Any wine or malt beverages within 100 yards of any school, school grounds, educational facility, college campus.~~

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~~(2) Any distilled spirits in or within 200 yards of any residence or church or within 200 yards of any school, school grounds, educational facility, college campus.~~

~~(3) Any distilled spirits, wine or malt beverages within 200 yards of an alcoholic treatment center owned and operated by this city, this state, or any county or municipal government therein.~~

~~(b) No person knowingly and intentionally may sell or offer to sell for consumption on the premises, except as allowed under subsection (f) of this section:~~

~~(1) Any wine or malt beverages within 100 yards of any school, school grounds, educational facility or college campus;~~

~~(2) Any distilled spirits in or within 200 yards of any church or within 200 yards of any school building, school grounds, educational facility or college campus;~~

~~(3) Any distilled spirits, wine or malt beverages within 200 yards of an alcoholic treatment center owned and operated by this city, this state, or any county or municipal government therein.~~

~~(c) The school building, school grounds, college campus, educational facility or educational building referred to in this section applies only to state, county, city, parochial school, daycare, kindergarten or buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state; provided this shall not apply to private universities and colleges.~~

~~(d) For the purpose of this section, distance shall be measured by the most direct route of travel on the ground. Every license application shall include a scale drawing of the location of the proposed premises, showing the distance of the uses described in this section and a certificate of a registered land surveyor or professional engineer that the location complies with these distance requirements.~~

~~(e) No license in effect as of April 30, 1998, shall be revoked before its date of expiration or renewal or transfer denied by reason of the method of measurement set out in this section, if the license was granted in reliance on another method of measurement. No application for a license shall be denied by reason of the method of measurement set out in this section if a prior license for the same location was in effect on April 30, 1998. No application for a license or renewal shall be denied by reason of the method of measurement set out in this section, if such application is pending on April 30, 1998.~~

~~(f) Where an existing licensed location is interfered with by government action under the power of eminent domain, and not by a voluntary act of the licensee, the licensed use may relocate elsewhere on the property, and the new building site will be treated as an existing nonconforming use eligible for license renewal for the purposes of the distance requirements of this section.~~

~~(Ord. No. 2017-06-05, § 4.5.2, 6-5-2017)~~

(1) No person knowingly and intentionally may sell or offer to sell:

(A) Any distilled spirits in or within 100 yards of any church building or within 200 yards of any school building, educational building, school grounds, or college campus;

(B) Any wine or malt beverages within 100 yards of any school building, school grounds, or college campus. This subparagraph shall not apply at any location for which a license has been issued prior to July 1, 1981, nor to the renewal of such license. Nor shall this subparagraph apply at any location for which a new license is applied for if the sale of wine and beer was lawful at such location at any time during the 12 months immediately preceding such application. Nothing in this subparagraph shall prohibit a grocery store licensed for the retail sale of only wine and malt beverages for consumption off the premises from selling wine or malt beverages within 100 yards of any school building or college campus, where so permitted by resolution or ordinance of the county or municipality. As

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used in this subparagraph, the term "grocery store" means a retail establishment which has a total retail floor space of at least 10,000 square feet of which at least 85 percent is reserved for the sale of food and other nonalcoholic items, conducts all of its sales inside the building containing its retail floor space, and meets such other criteria as may be required by the local governing authority of the county or municipality; or

(C) Any distilled spirits, wine, or malt beverages within 100 yards of an alcoholic treatment center owned and operated by this state or any county or municipal government therein. This paragraph shall not apply to any business having a license in effect on July 1, 1981.

(2) As used in this subsection, the term "school building" or "educational building" 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 schools and colleges of this state and which are public schools or private schools as defined in subsection (b) of Code Section 20-2-690.

(b) Nothing contained in this Code section shall prohibit the licensing of the sale or distribution of alcoholic beverages by:

(1) Hotels of 50 rooms or more which have been in continuous operation for a period of at least five years preceding July 1, 1981;

(2) Bona fide private clubs, owning their own homes, subject to licensing under Chapter 7 of this title;

(3) Licensees for the retail sale of alcoholic beverages for consumption on the premises only who shall be subject to regulation as to distances from churches, schools, and college campuses by counties and municipalities;

(4) Licensees for retail sale packages of alcoholic beverages for consumption off the premises who shall be subject to regulation as to distances from college campuses by counties and municipalities; provided, however, that such distances may be less restrictive than those provided in this Code section but shall not be more restrictive; and provided, further, that if such licensees are not regulated as to distances from college campuses by a county or municipality, then the distances set forth in this Code section shall govern such licensees; and

(5) Licensees for retail sale packages of wine and malt beverages for consumption off the premises who shall be subject to regulation as to distances from school grounds by counties and municipalities; provided, however, that if such licensees are not regulated as to distances from school grounds, then the distances set forth in this Code section shall govern such license.

For purposes of this subsection, the term "college campus" shall include, but shall not be limited to, all buildings and grounds of any public or private technical school, vocational school, college, university, or other institution of postsecondary education.

(c) For purposes of this Code section, distances shall be measured by the most direct route of travel on the ground.

(d) Reserved.

(e)

(1) As used in this subsection, the term "housing authority property" means any property containing 300 housing units or fewer owned or operated by a housing authority created by Article 1 of Chapter 3 of Title 8, the "Housing Authorities Law."

(2) No person knowingly and intentionally may sell any alcoholic beverages for consumption on the premises within 100 yards of any housing authority property. This subsection shall not apply at any location for which a license has been issued prior to July 1, 2000, nor to the renewal of such license. Nor shall this subsection apply at

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any location for which a new license is applied for if the sale of alcoholic beverages for consumption on the premises was lawful at such location at any time during the 12 months immediately preceding such application.

**Sec. 4.5.8. Retailer to purchase from licensed wholesaler only.**

No retailer shall purchase alcoholic beverages from any person 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.

(Ord. No. 2017-06-05, § 4.5.8, 6-5-2017)

**Sec. 4.5.9. Happy hour promotions.**

- (a) No licensee under this chapter or employee or agent of a licensee shall, in connection with the sale or other disposition of alcoholic beverages for consumption on the premises, engage in selling, offering to sell, or delivering to any person or persons any alcoholic beverage at a price less than one-half the price customarily charged for such alcoholic beverage, provided nothing contained herein shall be construed to prohibit reducing the price of a drink or drinks by up to one-half the price customarily charged.
- (b) In this section, the term "customarily charged" means the price regularly charged for such alcoholic beverage during the same calendar week.

(Ord. No. 2017-06-05, § 4.5.9, 6-5-2017)

**Sec. 4.5.10. Locations where sales by the drink permitted; entrance to establishment.**

No distilled spirits may be sold by the drink for consumption on the premises where sold except in eating establishments regularly serving prepared food, with a full-service kitchen prepared to serve food every hour they are open. When 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.

(Ord. No. 2017-06-05, § 4.5.10, 6-5-2017)

**Sec. 4.5.11. Certain organizations exempt from food establishment requirements.**

Veterans' organizations, fraternal organizations and other nonprofit organizations currently having tax-exempt status under either the United States Internal Revenue Code or O.C.G.A. § 48-71-1 et seq. shall not be required to operate a food establishment serving prepared food. However, any such organization selling or dispensing alcoholic beverages shall be subject to all ordinance regulations dealing with general licensing and consumption-on-the-premises establishments.

(Ord. No. 2017-06-05, § 4.5.11, 6-5-2017)

***DIVISION 2. ESTABLISHMENTS LICENSED FOR ON-PREMISES CONSUMPTION OF  
DISTILLED SPIRITS***

**Sec. 4.5.12. Hours of sale and operation.**

- (a) Distilled spirits shall be sold and delivered to the customer for consumption on the premises during the following hours:
  - (i) Monday through Friday hours are from 9:00 a.m. until ~~3:55~~ 12 a.m. of the following day.
  - (ii) Saturday hours are from 9:00 a.m. until ~~2:55-12~~ a.m. on Sunday.
  - (iii) Sunday hours are from 11:00 a.m. until 12:00 a.m. midnight on Monday as permitted by section 4.5.15.
- (b) Sales and deliveries during all other hours are prohibited. All licensed establishments must close their premises to the public and clear their premises of patrons by ~~3:30~~ 11:30 p.m. and shall not reopen their premises to the public until 9:00 a.m. or thereafter.

(Ord. No. 2017-06-05, § 4.5.12, 6-5-2017; Ord. No. 2018-08-02 , § 5, 9-5-2018)

**Sec. 4.5.13. Sales and deliveries during all other hours are prohibited.**

There shall be no consumption on the premises after prohibited hours have been in effect for one-half hour. All licensed establishments must close their premises to the public and clear their premises of patrons within one hour after the time set by this chapter for discontinuance of the sale of alcoholic beverages on the premises and shall not reopen their premises to the public until 9:00 a.m. or thereafter.

(Ord. No. 2017-06-05, § 4.5.13, 6-5-2017)

**Sec. 4.5.15. Sunday sales.**

- (a) Licensed establishments deriving a minimum of 60 percent of their total annual gross food and beverage sales from the sale of prepared meals or food, or licensed establishments deriving at least 60 percent of their total annual income from the rental of rooms for overnight lodging, are authorized to apply for a Sunday sales permit to sell and serve alcoholic beverages, malt beverages and wine by the drink from 11:00 a.m. on Sunday until 12:00 a.m. midnight of the following Monday.
- (b) Applicants for a Sunday sales permit shall complete a form and affidavit furnished by the City Manager or his designee. The City Manager or his designee may, at any time, require that the licensee obtain an audit prepared by a certified public accountant, at the licensee's expense, to ensure compliance. If an audit reveals that incorrect, incomplete or misleading information was submitted on and/or with the Sunday sales form and/or affidavit, then, the permit shall be automatically revoked by the City Manager or his designee. No later than March 31 of the license year, licensee shall submit a report on monthly sales by category for the prior calendar year.

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- (c) All annual permit renewals shall be filed with the City Manager or his designee not later than November 30 of the year preceding the license year for which the permit is to be issued. All renewals are subject to audit prior to being renewed to ensure compliance with this chapter.
  - (d) Sunday sales permits may be granted for the full calendar year or for the number of months remaining in the calendar year. The permit fee shall be prorated based on the number of months remaining in the calendar year; partial months shall be counted as a full month. Fees are not refundable and permits shall not be transferable.
  - (e) Establishments which qualify for a Sunday sales license are authorized to apply for a temporary Sunday sales permit if they desire to open for special events or holidays. The temporary permit shall be valid for one calendar month and partial months shall be counted as a full month. Licensees must apply 30 days in advance of the issuance date.

(Ord. No. 2017-06-05, § 4.5.15, 6-5-2017; Ord. No. 2018-08-02, § 5, 9-5-2018)

#### **Sec. 4.5.16. Open area and patio sales.**

No consumption and/or sale of distilled spirits shall be allowed in open areas and patios unless first permitted and approved by the City Manager or his designee. The department shall prepare such appropriate regulations as to ensure the safe and orderly operation of these establishments, including, but not limited to, regulations pertaining to maximum capacity, ingress and egress.

(Ord. No. 2017-06-05, § 4.5.16, 6-5-2017)

### *DIVISION 3. ESTABLISHMENTS LICENSED FOR ON-PREMISES CONSUMPTION OF BEER AND WINE*

#### **Sec. 4.5.17. Types of retail establishments.**

- (a) No beer or wine shall be sold at retail except in establishments licensed to sell beer and/or wine in the original package, as applicable, which are located in zoning districts in which these establishments are permitted as a conforming use or when such establishment currently exists in the zoning district as a nonconforming use, as defined in chapter 27.
- (b) In cases where a hotel or motel is allowed to sell liquor by the package for the purposes of room service, beer and wine sales by the package shall also be permitted for the purposes of room service to guests of the hotel or motel.

(Ord. No. 2017-06-05, § 4.5.17, 6-5-2017)

#### **Sec. 4.5.18. Hours of sale and operation.**

Beer and/or wine shall be sold and delivered to the customer for consumption on the premises only during the following hours:

- (a) Monday through Friday hours are from 9:00 a.m. until ~~3:55~~ 12 a.m. of the following day.
- (b) Saturday hours are from 9:00 a.m. until ~~2:55~~ 12 a.m. on Sunday.
- (c) Sunday hours are from 11:00 a.m. on Sunday until 12:00 a.m. midnight on Monday as permitted by section 4.5.21.



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Sales and deliveries during all other hours are prohibited. All licensed establishments must close their premises to the public and clear their premises of patrons by ~~3:30~~ 12 a.m. and shall not reopen their premises to the public until 9:00 a.m. or thereafter.

(Ord. No. 2017-06-05, § 4.5.18, 6-5-2017; Ord. No. 2018-08-02 , § 6, 9-5-2018)

#### **Sec. 4.5.19. Sales and deliveries during all other hours are prohibited.**

There shall be no consumption on the premises after prohibited hours have been in effect for one-half hour. All licensed establishments must close their premises to the public and clear their premises of patrons within one hour after the time set by this chapter for discontinuance of the sale of alcoholic beverages on the premises and shall not reopen their premises to the public until 9:00 a.m. or thereafter.

(Ord. No. 2017-06-05, § 4.5.19, 6-5-2017)

#### **Sec. 4.5.21. Sunday sales.**

- (a) Licensed establishments deriving a minimum of 60 percent of their total annual gross food and beverage sales from prepared meals or food, or licensed establishments deriving at least 60 percent of their total annual gross income from the rental of rooms for overnight lodging, are authorized to apply for a Sunday sales permit to sell and serve alcoholic beverages by the drink from 11:00 a.m. on Sunday until 12:00 a.m. midnight of the following Monday.
- (b) Applicants for a Sunday sales permit shall complete a form and affidavit furnished by the City Manager or his designee. The City Manager or his designee may, at any time, require that the licensee obtain an audit prepared by a certified public accountant, at the licensee's expense, to ensure compliance. If an audit reveals that incorrect, incomplete or misleading information was submitted on and/or with the Sunday sales form and/or affidavit, then, the permit shall be automatically revoked by the City Manager or his designee. No later than March 31 of the license year, licensee shall submit a report on monthly sales by category for the prior calendar year.
- (c) All annual permit renewals shall be filed with the City Manager or his designee not later than November 30 of the year preceding the license year for which the permit is to be issued. All renewals are subject to audit prior to being renewed to ensure compliance with this chapter.
- (d) Sunday sales permits may be granted for the full calendar year or for the number of months remaining in the calendar year. The permit fee shall be prorated based on the number of months remaining in the calendar year; partial months shall be counted as a full month. Fees are not refundable and permits shall not be transferable.
- (e) Establishments which qualify for a Sunday sales license are authorized to apply for a temporary Sunday sales permit if they desire to open for special events or holidays. The temporary permit shall be valid for one calendar month and partial months shall be counted as a full month. Licensees must apply 30 days in advance of the issuance date.

(Ord. No. 2017-06-05, § 4.5.21, 6-5-2017; Ord. No. 2018-08-02 , § 6, 9-5-2018)

#### **Sec. 4.5.22. Open area and patio sales.**

No consumption and/or sale of beer and wine shall be allowed in open areas and patios unless first permitted and approved by the City Manager or his designee. The department shall prepare such appropriate

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regulations as to ensure the safe and orderly operation of these establishments, including, but not limited to, regulations pertaining to maximum capacity, ingress and egress.

(Ord. No. 2017-06-05, § 4.5.22, 6-5-2017)

## *DIVISION 4. PRIVATE CLUBS*

### **Sec. 4.5.23. Generally.**

Private clubs may sell and dispense alcoholic beverages upon compliance with all applicable ordinances and regulations of the city governing the sale of such beverages and upon payment of such license fees and taxes as may be required by the existing ordinances, rules and regulations of the city.

(Ord. No. 2017-06-05, § 4.5.23, 6-5-2017)

### **Sec. 4.5.24. Hours of sale and operation.**

Alcoholic beverages shall be sold and delivered to patrons for consumption on the premises only during the following hours:

- (a) Monday through Friday hours are from 9:00 a.m. until ~~3:55~~ 12 a.m. of the following day.
- (b) Saturday hours are from 9:00 a.m. until ~~2:55~~ 12 a.m. on Sunday.
- (c) Sunday hours are from 11:00 a.m. on Sunday until 12:00 a.m. midnight on Monday as permitted by section 4.5.26.

Sales and deliveries during all other hours are prohibited. All licensed establishments must close their premises and clear their premises of patrons within one hour after the time set by this chapter for discontinuance of the sale of alcoholic beverages on the premises and shall not reopen their premises to the public until 9:00 a.m. or thereafter.

(Ord. No. 2017-06-05, § 4.5.24, 6-5-2017; Ord. No. 2018-08-02 , § 7, 9-5-2018)

### **Sec. 4.5.26. Sunday sales.**

- (a) Licensed establishments deriving a minimum of 60 percent of their total annual gross food and beverage sales from prepared meals or food, or licensed establishments deriving at least 60 percent of their total annual income from the rental of rooms for overnight lodging, are authorized to apply for a Sunday sales permit to sell and serve alcoholic beverages, malt beverages and wine by the drink from 11:00 a.m. on Sunday until 12:00 a.m. midnight of the following Monday. No later than March 31 of the license year, licensee shall submit a report on monthly sales by category for the prior calendar year.
- (b) Applicants for a Sunday sales permit shall complete a form and affidavit furnished by the City Manager or his designee. An audit may be required at any time to ensure compliance. If an audit reveals that incorrect, incomplete or misleading information was submitted on and/or with the Sunday sales form and/or affidavit, then, the permit shall be automatically revoked by the City Manager or his designee.
- (c) All annual permit renewals shall be filed with the City Manager or his designee not later than November 30 of the year preceding the license year for which the permit is to be issued. All renewals are subject to audit prior to being renewed to ensure compliance with this chapter.

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- (d) Sunday sales permits may be granted for the full calendar year or for the number of months remaining in the calendar year. The permit fee shall be prorated based on the number of months remaining in the calendar year; partial months shall be counted as a full month. Fees are not refundable and permits shall not be transferable.
  - (e) Establishments which qualify for a Sunday sales license are authorized to apply for a temporary Sunday sales permit if they desire to open for special events or holidays. The temporary permit shall be valid for one calendar month and partial months shall be counted as a full month. Licensees must apply 30 days in advance of the issuance date.

(Ord. No. 2017-06-05, § 4.5.26, 6-5-2017; Ord. No. 2018-08-02, § 7, 9-5-2018)

#### **Sec. 4.5.27. Open area and patio sales.**

No consumption and/or sale of distilled spirits or beer or wine shall be allowed in open areas and patios of private clubs unless first permitted and approved by the City Manager or his designee. The department shall prepare such appropriate regulations as to ensure the safe and orderly operation of these establishments, including, but not limited to, regulations pertaining to maximum capacity, ingress and egress.

(Ord. No. 2017-06-05, § 4.5.27, 6-5-2017)

### *DIVISION 5. DISTILLED SPIRIT PACKAGE STORES*

#### **Sec. 4.5.28. Types of establishments where retail sale permitted.**

- (a) No distilled spirits by the package shall be sold at retail except in the following:
  - (1) Retail establishments devoted exclusively to the retail sale of alcoholic beverages by the package.
  - (2) Retail establishments in which space has been set aside devoted exclusively to the retail sales of distilled spirits by the package, with ingress and egress provided directly to and only to the exterior of the building in which the facility is located and not to any other enclosed part of the building in which the facility is located, except as provided in subsection (a)(3) of this section.
  - (3) In hotels, motels and high-rise office buildings where every public entrance to this use shall be from a lobby, hallway, or other interior portion of the primary use structure.
  - (4) In hotels and motels with a restaurant holding a consumption-on-the-premises license, as part of room service for guests of the hotel or motel.
- (b) Nothing in this section shall prohibit the retail sale within these establishments of liquid commodities and mixes normally used in the preparation and serving of distilled spirits.

(Ord. No. 2017-06-05, § 4.5.28, 6-5-2017)

#### **Sec. 4.5.30. Hours of sale.**

Retailers shall not engage in the sale of spirituous liquors except between the hours of ~~8:00~~ **10** a.m. and 12:00 ~~noon~~ **a.m.** on Monday through Saturday. The hours within which this business may be carried on shall be determined by the standard time in force at the time of the sale thereof. Retailers shall not engage in the sale of spirituous liquors except between the hours of 12:30 p.m. and 11:00 p.m. on Sunday.

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(Ord. No. 2017-06-05, § 4.5.30, 6-5-2017)

**Sec. 4.5.32. Location of retail liquor package stores.**

No new retail establishment selling distilled spirits by the package shall be located within 1,000 yards of an existing retail establishment selling distilled spirits by the package. This prohibition shall not apply to a hotel or a motel with a restaurant holding a consumption on the premises license which sells package liquor to its guests as part of room service.

(Ord. No. 2017-06-05, § 4.5.32, 6-5-2017)

*DIVISION 6. BEER AND WINE PACKAGE STORES*

**Sec. 4.5.34. Hours of sale; Sunday sales.**

Retail package licensees shall not engage in the sale of beer and/or wine except between the hours of ~~8:00~~ **10** a.m. and 12:00 midnight, Monday through Saturday. 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. Retail package licensees shall not engage in the sale of beer and/or wine except between the hours of 12:30 p.m. and 11:00 p.m. on Sunday.

(Ord. No. 2017-06-05, § 4.5.34, 6-5-2017)

**Sec. 4.5.35. 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 beer and wine exposed or offered for sale.

(Ord. No. 2017-06-05, § 4.5.35, 6-5-2017)

**Sec. 4.5.36. Ancillary wine tasting license.**

- (a) The holder of a package wine license, with or without a package malt beverage license, but in no event with a package distilled spirits license, with licensed premises having a minimum of 200 square feet of floor space dedicated to the display of wine offered for sale, shall be eligible for an ancillary wine tasting license to provide samples of wine offered for sale to customers under the conditions set forth in this section.
- (b) Wine sampling shall be on limited occasions when a customer requests a sample of a wine offered for sale within the premises, or in conjunction with wine education classes and sampling designed to promote wine appreciation and education.
- (c) Wine tasting for customers shall only be conducted at a wine counter area constituting no more than ten percent of the entire floor area of the premises.
- (d) Wine sampling for customers shall be limited to no more than one time per day per customer for a period not to exceed two consecutive hours. Samples shall not exceed two ounces, and no customer shall consume more than eight ounces in any two-hour period.
- (e) Wine bottles shall be opened only by the licensee or an employee, and samples shall only be poured by the licensee and/or an employee.

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- (f) No open containers of wine shall be removed from the licensed premises.
  - (g) Not more than three times per week for a period of not to exceed two consecutive hours, the holder of an ancillary wine tasting license may conduct educational classes and sampling for classes. All conditions of sampling set forth in this section shall apply to such classes, except for the limitation on floor areas where the classes can be conducted.
  - (h) Holders of an ancillary wine tasting permit shall not charge for samples or tastings, but may accept donations for a charitable organization of their choice.
  - (i) Wine sampling and tasting is only permitted within the enclosed portion of the premises.
  - (j) The annual fee for an ancillary wine tasting license shall be set and may be revised by resolution of the city council.

(Ord. No. 2017-06-05, § 4.5.36, 6-5-2017)

### **Sec. 4.6.3. Audit.**

The city shall have the right to audit each wholesale dealer licensed to do business in the city.

(Ord. No. 2017-06-05, § 4.6.3, 6-5-2017)

### **Sec. 4.6.4. Hours of sale.**

**Wholesalers shall not engage in the sale of alcoholic beverages except between ~~6-10-00~~ a.m. and 11:00 p.m., Monday through Saturday.**

(Ord. No. 2017-06-05, § 4.6.4, 6-5-2017)

## ***ARTICLE VII. CONSUMPTION OF ALCOHOL NOT PURCHASED ON THE PREMISES***

### **Sec. 4.7.1. Brown bagging prohibited.**

Except as provided in section 4.7.2, no owner, operator, or agent of any restaurant, music hall, theatre, or any other business licensee of the city shall knowingly allow patrons to bring in and consume any alcoholic beverage that is not purchased on the premises pursuant to a license under this chapter.

(Ord. No. 2017-06-05, § 4.7.1, 6-5-2017)

### **Sec. 4.7.2. Corkage.**

(a) At the sole discretion of the licensee, establishments having both a full service kitchen and a license for on-premises consumption of alcoholic beverages may allow patrons to carry or otherwise take wine onto the premises for consumption during the service of meals only subject to the following:

- (1) Only one bottle per patron of legal drinking age at a table or booth shall be allowed;
- (2) Before opening, the wine must be sealed in the original seal;

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- (3) The bottle must be commercially manufactured;
  - (4) The bottle may not exceed 1,000 mL in volume;
  - (5) The bottle must be given to the licensee or its designee either before or as the patron is seated; and
  - (6) A partially consumed bottle of wine may be returned to the patron after the licensee or its designee re-corks the bottle in a manner to make the cork flush with the top of the bottle. The licensee shall place the re-corked bottle in a bag or other container that is secured in such a manner that is visibly apparent if the container has been subsequently opened or tampered with
- (b) A licensee who allows patrons to carry or otherwise take wine onto the premises for consumption in accordance with subsection (a) of this section may charge a fee to patrons for this service, at the licensee's discretion.

(Ord. No. 2017-06-05, § 4.7.2, 6-5-2017)

## **ARTICLE VIII. TRANSITION PERIOD**

### **Sec. 4.8.1. Existing license.**

Any legal, validly issued existing license or permit issued by DeKalb County within the incorporated boundaries of the City of Stonecrest shall be valid within the City of Stonecrest for the calendar year of 2017. Any such licensee or permit holder shall be required to comply with the requirements of this chapter, including article IV and article V. At the expiration of 2017, any such licensee or permit holder shall be required to comply with section 4.2.9 and section 4.2.10, or any other section regarding the application of an initial permit, as if no previous license or permit had been held.

Nothing in this subsection should be construed as creating a right, vested or otherwise, to the license or permit originally issued by DeKalb County, or the renewal or issuance of said permit or license for any subsequent years by the City of Stonecrest.

(Ord. No. 2017-06-05, § 4.8.1, 6-5-2017)

### **Sec. 4.8.2. Transition departments.**

During the period of transition and startup of the City of Stonecrest, and until the City notifies DeKalb County of its intention to take over alcohol permitting, any duties required by this chapter shall be fulfilled by DeKalb County or any other designee of the City Manager.

(Ord. No. 2017-06-05, § 4.8.2, 6-5-2017)