



COUNCIL ITEM AGENDA REQUEST FORM

Department: Administration

Meeting Date: 06/05/2025

Staff Contact: Phillip Trocquet

Agenda Section: Old Business

Staff Report:

Item Description:

Consideration of a text amendment to Section 4-1 of Article VI of the Alcohol Ordinance regarding definitions.

Background/History:

In review of the Town's alcohol ordinance in conjunction with the requested modifications for parks and special events, it was found that the definitions section for Restaurant was particularly restrictive and not in keeping with the spirit of recent changes.

Findings/Current Activity:

Staff found that certain provisions regarding the minimum number of persons, layout of seating, and operating hours was overly prescriptive and not consistent with some existing restaurants currently in operation who have sought, had, or will potentially seek an alcohol license.

As such, this language was simplified to be more consistent with existing and potential future restaurant businesses.

Actions/Options/Recommendations:

Staff recommends approval of this text amendment.

Sec. 4-1. 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:

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

Alcoholic beverage means all alcohol, distilled spirits, beer, spirituous liquors, malt beverage, wine, or fortified wine as defined in this section.

Brown bag establishment means any restaurant, private club 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.

Brown bagging means the act of patrons entering any restaurant, private club, or other establishment providing food or entertainment in the normal course of business and bringing in and consuming the patrons' own alcoholic beverage.

Close corporation means a domestic corporation that does not:

- (1) Have more than five stockholders;
- (2) Have a corporation as a shareholder; or
- (3) Have more than one class of stock.

Distilled spirits or spiritous liquors means any alcoholic beverage obtained by distillation or containing more than 24 percent alcohol by volume including, but not limited to, all fortified wines, whiskey, rum, gin, brandy, vodka, tequila and all other alcoholic beverages of a similar nature and with similar alcoholic content.

Family means includes any person related to the holder of a license within the first degree of consanguinity or affinity as computed according to civil law.

Fortified wine means any alcoholic beverage containing more than 24 percent alcohol by volume made from fruits, berries or grapes either by natural fermentation or by natural fermentation with brandy added. The term "fortified wine" includes, but is not limited to, brandy.

Hotel means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential. To meet the definition of "hotel" under this chapter, the facility must have 50 or more rooms used for sleeping accommodations of such guests and one or more public dining rooms, with an adequate and sanitary kitchen and a seating capacity of at least 25 persons, where meals are regularly served to such guests. As used in this section, the term "seating" shall mean that no more than 25 percent of such seating shall be at a common table or counter area or shall be other than individual tables or booths designed for seating of at least two individuals. All sleeping accommodations and dining rooms must be conducted in the same building or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation. Motels meeting the qualifications set out herein for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operation of a restaurant in their premises, and the holder of such franchise shall be eligible for a license under the "hotel" classification. At least 55 percent of the receipts of the dining room or rooms shall come from the sale of food. To be included in the tabulation of receipts for the purpose of this calculation, are all receipts of all persons laboring in the dining room, including the services of all independent contractors, performers, servers, entertainers, or other non-employee personnel not to include, however, persons who are called in the dining room from other licensed businesses to perform services, repairs or construction on equipment or building premises. For purposes of this section, the calculations of receipts for alcoholic beverages shall be made pursuant to the

scheduling of pricing and the regulations contained therein as required by section 4-147. Receipts for room rentals shall not be included in the calculations.

Individual means a natural person.

Interest in license means an individual is deemed to have an interest in a license if:

- (1) He is the owner of the license.
- (2) He is the co-owner of the license.
- (3) He is a partner in any partnership that owns an interest in a license.
- (4) He is a stockholder holding more than five percent of the stock in any corporation and or is a stockholder in any corporation that has fewer than 25 stockholders, which owns an interest in a license.
- (5) He shares in any income or corpus of any trust fund having any interest in a license to sell at retail.

License representative. If a license representative is required, the license representative shall be a resident of the State of Georgia and a manager of the business who is on the premises on a regular basis.

Lounge/bar means a separate room connected with, a part of, and adjacent to, a restaurant or a room located in hotels as defined herein, and which serves no food. A lounge/bar shall not be permitted to sell or serve alcoholic beverages.

Malt beverage.

- (1) The term "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 14 percent alcohol by volume, and including, but not limited to, ale, porter, brown, stout, lager beer, malt liquor, small beer and strong beer.
- (2) The term "malt beverage" does not include sake, known as Japanese rice wine.

Meal or regular meal.

- (1) The term "meal" or "regular meal" means a meal which is prepared on the premises according to the order of the patron or customer given to a waiter or waitress at the table, booth or counter area where the customer is seated and served by the waiter or waitress at said table, booth or counter area.
- (2) The term "meal" or "regular meal" does not include food served in a specialty shop; nor food served over the counter; nor "short order meals" such as sandwiches, hot dogs or hamburgers; nor prepackaged, individual meals.

Minor means any person under the age of 21 years.

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

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.

Premises/outlet means a definite enclosed area or other outside area with controlled ingress and egress wherein spirituous liquors, alcoholic beverages, malt beverages, or wine is sold and consumed, or sold therein by the package to be consumed elsewhere.

Private club.

- (1) The term "private club" means any nonprofit association organized under the laws of the state which:

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- 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;
 - c. Owns, hires, or leases a building or space within a building for the reasonable use of its members, which building or space:
 1. Has suitable kitchen and dining room space and equipment; and
 2. Is staffed with a sufficient number of employees for cooking, preparing, and serving meals for its members and guests; and
 - 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.
- (2) A private club organized or operated primarily for the selling or serving of alcoholic beverages by the drink shall not be licensed under this chapter, nor permitted to sell or serve such beverages at all. All distance requirements as set forth in this chapter shall apply.

Private residence means a house, dwelling or structure wherein not less than one, nor more than two families reside and shall not include a mobile home court, an apartment house having facilities for housing more than two families, nor a boardinghouse or roominghouse where there are five or more boarders or roomers. Any building occupied as a residence located within an area zoned for business shall not be construed as a private residence.

~~*Restaurant* means any public place kept, used, maintained, advertised and held out to the public as a place where meals are actually and regularly served, but not including short order or quick or fast food shops, such place being provided with adequate and sanitary kitchen and dining room seating of at least 25 persons, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. Meals shall be served at least six days a week, with the exception of weeks including holidays, vacations and periods of renovation, and the serving of such meals shall be the principal business conducted, with the serving of distilled spirits, malt beverages and wines to be consumed on the premises as only incidental thereto. As used in this definition, the term "seating" means that no more than 25 percent of such seating shall be at a common table or counter area or shall be other than individual tables or booths designed for seating of at least two individuals. As used in this definition, the term "principal business" shall mean that at least 55 percent of the receipts of such business shall come from the sale of food. "Restaurant" means any public establishment where meals are regularly prepared and served to the public, primarily for on-premises consumption. The establishment must have adequate kitchen facilities and employ sufficient staff to prepare, cook, and serve meals. To qualify as a restaurant under this ordinance, the establishment must derive at least 55% of its revenue from the sale of prepared meals or food. The service of alcoholic beverages shall be incidental to the service of food. - To be included in the tabulation of receipts for the purpose of this calculation, are all receipts of all persons laboring on the premises, including the services of all independent contractors, performers, servers, entertainers, or other non-employee personnel not to include, however, persons who are called to the premises from other licensed businesses to perform services, repairs or construction on equipment or building premises. For purposes of this definition, the calculations of receipts for alcoholic beverages shall be made pursuant to the scheduling of pricing and the regulations contained therein as required by section 4-147.~~

Retail consumption dealer means any person who sells alcoholic beverages for consumption on the premises at retail.

Retail package dealer means any person who sells malt beverages and/or wine in unbroken packages for consumption off the premises at retail. Such sales must be in connection with sales of other products.

Sales by the drink means any person who sells distilled spirits, malt beverages and/or wine for consumption on the premises at retail only to consumers and not for resale.

Wholesale or *wholesale dealer* means any person who sells alcoholic beverages to other wholesale dealers, to retail package dealers, or to retail consumption dealers.

Wine means any alcoholic beverage containing not more than 24 percent alcohol by volume made from fruits, berries, grapes, or other natural products either by natural fermentation or by natural fermentation with brandy added. The term "wine" includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, sake, 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.

(Code 1984, § 2-8-2; Ord. No. 2013-06, § 1, 3-7-2013; Ord. No. 2020-02, § 1, 5-21-2020)

State law reference(s)—Similar provisions, O.C.G.A. § 3-1-2.