Chapter 4 ALCOHOLIC BEVERAGES

ARTICLE I – ALCOHOLIC BEVERAGE COMMISSION

Sec. 4-1. Established.

The Chairperson, with approval of the Board of Commissioners, shall appoint a 5-member Alcoholic Beverage Commission, independent of the County Governing Authority. Other than the appointment of the initial Alcoholic Beverage Commission, each member appointed shall serve a 3-year term from the date of his appointment. If for any reason any member of the Alcoholic Beverage Commission is no longer serving his term, the Chairperson shall recommend to the Board of Commissioners a replacement to complete the remainder of the member's term.

The Chairperson, with approval of the Board of Commissioners, shall recommend one of the members of the Alcoholic Beverage Commission to serve as its Chair for the remainder of his term. The Chair shall moderate all meetings of the Alcoholic Beverage Commission during his term of office, but shall have no executive functions or powers greater than the other members of the Alcoholic Beverage Commission. The Chair shall serve as same for the remainder of his term upon the Alcoholic Beverage Commission and shall remain a voting member while holding this designation. A quorum of 3 members of the Alcoholic Beverage Commission shall be necessary at any meeting for the transaction of any business.

Sec. 4-2. Powers and duties.

(a) The Alcoholic Beverage Commission shall have all the powers, duties and responsibilities as are granted to them by the terms and provisions of this entire Chapter, and all other provisions of State law as may be applicable to the sale of alcoholic beverages. It is the intent of this article that all of the duties, responsibilities, and decisions pertaining to the granting of licenses, revoking the same, suspending same, and the like, and all other matters pertaining to the control of alcoholic beverages as provided under this Chapter shall be vested in said Board as herein provided.

(b) The Alcoholic Beverage Commission shall furnish a copy of the issuance of any license, license renewal, suspension, revocation, appeals, minutes of Alcoholic Beverage Commission meetings and such other documents as the Alcoholic Beverage Commission may designate to the Board of Commissioners, County Attorney and Planning Director.

(c) The Planning Office shall, upon the filing of any appeal, suspension or revocation of an alcoholic beverage license or any decision concerning same, document the date and time of the filing thereof and shall furnish a copy of same instanter to the Alcoholic Beverage Commission, County Attorney, Sheriff and Planning Director.

(d) The Alcoholic Beverage Commission shall meet no less than monthly at a designated and properly advertised time, date and location, and all meetings and other actions of the Alcoholic Beverage Commission shall otherwise comply with the State Open Meetings Act and State Open Records Act. Members of the Alcoholic Beverage Commission may be compensated for their service at a rate or amount established by the County Governing Authority.

Secs. 4-3—4-10. Reserved.

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ARTICLE II. IN GENERAL

Secs. 4-11. Definitions.

Unless the context or the specific provisions of this section demand otherwise, the words and terms used herein shall have the definitions and meanings ascribed to them under O.C.G.A. title 3 or other provisions of State law applicable to alcoholic beverages.

Board means Alcoholic Beverage Commission, unless otherwise specified.

Brewer means a manufacturer of malt beverages.

Brewery means a place where malt beverages are manufactured or brewed.

Business location means the location or proposed location of a retail or wholesale outlet that sells alcoholic beverages.

Clerk means the clerk of the Alcoholic Beverage Commission, unless otherwise specified.

Convenience store means a business whose primary function is the sale of food and related merchandise and the sale of beer and wine at retail is incidental to the operation thereof. All malt beverages and wine must be located within the interior of any such outlet; and no such beverages shall be opened or consumed either inside or outside on the premises. Nothing in this section nor any section contained herein shall prohibit the use of a drive-in window at a convenience store outlet.

Food service establishment means any public place selling prepared food for consumption to the public on the premises, containing a minimum of 1,200 square feet of heated space devoted to eating and food preparation with a minimum of 25 percent of any such area to be devoted to kitchen and food preparation area, which derives at least 51 percent of its total annual gross sales from the sale of prepared meals.

Growler means a container made of a material customary to the industry provided that the container is capable of being sealed with a tamper-proof cap, top or other seal for the purpose of complying with open container laws, and further provided that the container does not exceed 64 ounces and is filled by a licensee or employee of the licensed establishment with malt beverage drawn from a barrel, cask, tank, or keg.

Measured means the straight-line distance from the front door of the building in which the outlet or proposed outlet is located to the front door of the building of an involved institution or establishment, except as otherwise stated herein. The term "measured" means from the front door of the licensed facility to the nearest property line of the real property of a school.

Private Club means any nonprofit association organized under the laws of this state which 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; has at least 75 regular dues-paying members; owns, hires, or leases a building or space within a building for the reasonable use of its members, which building or space as suitable kitchen and dining room space and equipment; and is staffed with a sufficient number of employees for cooking, preparing, and serving meals for its members and guests; and 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, per O.C.G.A. 3-7-1(2).

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Retail means a business whose primary function is the sale of alcoholic beverages packaged to go and not for consumption on the premises and the sale of food and related merchandise is incidental to the operation thereof. All alcoholic beverages must be located within the interior of any such outlet; and no such beverages shall be opened or consumed either inside or outside on the premises. Nothing in this section nor any section contained herein shall prohibit the use of a drive-in window at a retail outlet.

Retail manager means the person who does or will actually manage or operate a licensed outlet on a day-to-day basis.

Wholesaler means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.

Sec. 4-12. Necessity for license.

It shall be unlawful to manufacture, sell or offer to sell at wholesale or retail, within the County, provision of any quantity of alcoholic beverages in exchange for any consideration whatsoever without a license. A "sale" is not limited to the direct exchange of money for alcoholic beverages.

Licenses granted under this division shall be a mere grant or privilege during the term of said license, subject to all the terms and conditions imposed by this ordinance and any other related laws of the State of Georgia and this Code.

Sec. 4-13. Separate license for each outlet; non-transferability; surrender.

(a) A separate license shall be required for each outlet selling alcoholic beverages, and a separate application shall be made for each location.

(b) No license shall be transferable or assignable.

(c) Immediately upon the sale or closing of an outlet, it shall be the duty of the licensee to surrender his license to the County.

(d) A license issued under this Chapter shall be a mere grant or privilege during the term of said license subject to all the terms and conditions imposed by this article and division and any other related laws of the State of Georgia and this Code.

Sec. 4-14. Classification of licenses.

(a) *Generally*. Licenses under this article shall be classified as follows:

(1) *Retail Off-premises*. A store where alcoholic beverages are packaged to go and not for consumption on the premises.

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(2) *Retail On-premises*. A bona fide food service establishment that offers for sale alcoholic beverages for consumption on-premises, or packaged to go, or both, subject to limits and regulations under state law.

(3) *Wholesaler or wholesale dealer*. Any person or business who sells alcoholic beverages to other wholesale dealers or retailers.

(4) *Production*. Any maker, producer or bottler of an alcoholic beverage. The term also means:

(a) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits;

(b) In the case of malt beverages, any brewer including a microbrewery or brewpub; and

(c) In the case of wine, any vintner including a farm winery.

(5) *Sample*. A location permitted to allow customers to lawfully taste a sample of an alcoholic beverage in order to make a selection or determination of whether to purchase the item sampled in a sealed container for off-premises consumption.

(6) *Special Event*. Any organized activity sponsored by a business, organization, corporation, association or individual having as its purpose entertainment, recreation, and/or education, such as a festival or celebration, foot or vehicle race, parade or march, rally or assembly which takes place on a public street, sidewalk or right-of-way, or occurs on private property and impacts government services on public rights-of-way or streets. The term "special event" shall not include an occasional family celebration, party, wedding, anniversary or private gathering.

(7) *In room service*. Refer to Sec. 4-321.

(b) *Fee established*. The amount of the annual license fee for each class shall be as set forth in the alcoholic beverage license fee schedule approved by resolution by the Walker County Board of Commissioners.

(c) The annual license fee shall not be prorated for any portion of a year and shall remain the full amount when said fiscal year expires with regard to the time the application is made.

(d) All license fees required under this chapter shall be paid prior to the issuance of any license.

(e) All license applicants shall be required to possess a County business license before an alcoholic beverage license shall be issued.

Sec. 4-15. Initial license application.

Application for an alcoholic beverage license shall be made as follows: Each initial applicant shall make written application to the Board for the privilege of engaging in the sale (specifying whether retail, wholesale, or manufacturer) of distilled spirits, malt beverages or wine, such application using forms approved by the Clerk or Deputy Clerk.

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(1) The application shall be filed with the Planning Office along with a fee as set forth in the County fee schedule for a background check of the applicant and of the proposed location and processing of the application, which said fee is not refundable.

(2) The application shall state:

a. As to the applicant, full name, age, home address, business address, complete record of all convictions, guilty pleas and nolo contendere pleas for violations of all laws, local, State and Federal (except minor traffic violations).

b. As to the applicant's proposed outlet manager (if not the same as applicant), full name, age, home address, business address, complete record of all convictions, guilty pleas and pleas of nolo contendere for violations of all laws, local, State and Federal, (except minor traffic violations).

c. Exact location (street address) of proposed business outlet.

d. Name and address of owner or landlord and or resident manager of property proposed for the outlet location and whether or not there is a building proposed to be used already erected thereon.

e. Trade name (or proposed trade name) of proposed business outlet.

f. Such other information as may be required by the Board, Planning Office, Sheriff's Office or County Attorney from time to time.

(3) The application shall be sworn to.

(4) There shall be attached to the application a copy of applicant's application or proposed application for a license from the State of Georgia, if one is required.

Sec. 4-16. Action by Alcoholic Beverage Commission.

Within 7 days from the time the application is filed, the Clerk shall notify the Planning Director (or such other investigative officer as approved by the Board) and the Sheriff's Office, who shall conduct a criminal background check of the applicant and all aspects of the proposed outlet location and make a full report to the Board. The Clerk shall also refer said application, together with any objections filed, to the Board. The Board shall, after formal review of the applicant and proposed outlet location, direct the Clerk to issue or refuse the license for which application is made, upon payment of the appropriate fee. The Board shall either issue or refuse to issue the license for which application is made within 60 days from the time application is filed.

Sec. 4-17. Grounds for denial of license.

(a) *Prohibited location*. It shall be unlawful to grant a license for the sale of alcoholic beverages within the following areas of the County:

(1) Within a measured 300 feet of any church building, or of any public or private alcohol treatment center. The term “measured” is defined in Section 4-11. The term "building," as used herein, means a structure used, at the time the application for license is filed, for the purposes of a church, hospital, nursing rest home or alcohol treatment building. Additionally,

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for the purpose of this article, a church is hereby defined as an organization for the purpose of preaching the gospel and other related religious activities located within a permanent structure either owned or leased by such organization. Said organization must consist of at least 15 adult members on its official rolls that meet on a regularly scheduled basis of not less than 30 times per year. Such organization must also qualify under the rules of Internal Revenue Service as an organization to which contributions may be deducted for Federal income tax purposes.

(2) Within 300 feet, measured in a straight line, from the nearest property line of any school or schoolhouse to the front door of the building in which the outlet is to be operated.

(3) In any existing building or establishment having a history of or reputation for prostitution or other sex offenses; fighting, shooting, or other violence; gambling; illegal dealing of alcoholic beverages or drugs; or other violations of the law.

(4) At least 300 feet must separate the front doors of retail package license holders.

(b) *Prohibited outlet building*. It shall be unlawful to grant a license for the sale of alcoholic beverages at retail stores which do not meet the requirements of section 4-20, except in cases where an outlet is adjacent to a freeway, or where the outlet is part of a campground, or private club from which visibility from a public street, road or highway would be impracticable.

(c) *Prohibited persons*. It shall be unlawful to grant a license for the sale of alcoholic beverages to:

(1) A person who has been convicted of or entered a plea of guilty or nolo contendere to either a felony, a crime of moral turpitude or an offense under O.C.G.A. title 3 related to alcoholic beverages within 10 years immediately prior to the filing of said application.

(2) A person whose license under this article has been revoked for cause or who has had a license of any type under this article revoked for cause within 2 years immediately prior to the filing of the application.

(3) A person, who at the time of application for renewal of any license issued hereunder, would not be eligible for such license upon first application.

(4) A person who is under the age of 21 years.

(5) An officer or employee of the County.

(6) Any partnership or corporation where an individual having the controlling interest, either as owner, partner, stockholder, director or officer, has been convicted of or entered a plea of guilty or nolo contendere to a felony, a crime of moral turpitude or an offense under O.C.G.A. title 3 related to alcoholic beverages within 10 years immediately prior to the filing of said application.

(d) *Additional considerations*. The Board in reaching its final determination on an initial application shall also be guided by the following factors as to whether to grant such license:

(1) The proximity of other outlets, giving due regard to the nature of the commercial area.

(2) The nature of the neighborhood immediately adjacent to the proposed outlet location, that is, whether the same is predominantly residential, industrial or commercial.

(3) The proximity of public parks and playgrounds.

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(4) Whether the proposed outlet location has adequate off-street parking facilities or other parking available for its patrons.

(5) Currently existing or future County zoning ordinances.

Sec. 4-18. Renewal of licenses; denial.

(a) All licenses shall be issued for a period of one year, the same to be the County's fiscal year running from October 1 through September 30 of the following calendar year and, provided the outlet continues to comply with the provisions of this article, shall be renewable as a matter of course upon payment of the appropriate fee.

(b) Each licensee shall make written application for renewal on or before August 1 of each year on forms approved by the Clerk. Upon receipt of request for renewal by the Clerk, the renewal applications will be presented to the Planning Director and the Sheriff's Office who will review the application and make their recommendations to renew or not to renew. If the recommendation is to renew, then the Clerk shall issue the renewal license upon payment of the license fee. In the event the recommendation is not to renew, the application shall be referred to the Board for their consideration of renewal or rejection.

(c) The Board shall grant the licensee a public hearing if the application for renewal is denied and the licensee shall be afforded complete due process of law on any hearing before the Board.

(d) At the public hearing, the Board may grant, or deny for cause, the renewal of any license issued hereunder.

(e) No license shall be issued for less than the 12-month fiscal year as herein provided, and in case of revocation or surrender of any license before the expiration of such County fiscal year, the holder thereof shall not be entitled to receive any refund whatsoever.

Sec. 4-19. Suspension and revocation of licenses.

(a) *Summary action.*

(1) If at any time during the holding of a license granted under this article, it should appear that the licensee has violated the provisions of this article, or the applicable laws of the State or any Federal laws, or if it should appear that the application contained known false information, or if it appears necessary for the public safety, health and welfare, the Sheriff or his deputies, the Planning Director or his assistants who are acting under his authority, or any officially designated license inspector, may request the Board to suspend or revoke said licensee's license to sell any alcoholic beverages within the County.

(2) The Board shall hold a hearing on such request for a suspension or revocation and after such hearing, the Board may suspend or revoke said license or place said licensee on probation.

(A) A probation or suspension issued by the Board may not exceed 3 months on first offense.

(B) A probation or suspension issued by the Board may not exceed 6 months on a second offense.

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(b) *Action by the Board*. The Board shall have full power and authority to revoke, refuse to renew, suspend or place on probation any license to sell or consume alcoholic beverages for a violation of this Chapter, or of the applicable State or Federal laws, or when said Board shall determine, after 5 days' notice and hearing that the operation of the licensed business is detrimental to the health, safety or welfare of the public. For the purpose of this section, it shall be sufficient if said notice is mailed, giving the time and place of the hearing by United States certified mail at the address of the licensee as shown in the application.

Sec. 4-20. Visibility and lighting of outlets.

Except as otherwise specifically excluded in this Chapter, no license shall be granted to a retailer under any provision or section of this chapter unless the front entrance to the outlet is clearly visible from a public street, road or highway, and the front of any said package sales outlet shall have a minimum window at least 3 feet by 4 feet, and no screen, blind, curtain, partition, article or things which shall prevent a clear view into the interior of the outlet shall be permitted in the window or upon the doors of any retail outlet. Each retail outlet shall be so lighted that the interior of the store or premises is visible day or night and all parking areas adjacent to or used in connection with said business shall be fully lighted and unobstructed. This section does not apply to state licensed farm wineries.

Sec. 4-21. No consumption on-premises.

The retail licenses authorized under this Chapter shall be for retail sales in package only and there shall be no consumption on the premises of any outlet of any distilled spirits, malt beverages or wine unless said outlet has obtained the appropriate license for on-premises consumption under Article VI.

Sec. 4-22. Intoxicated persons.

No alcoholic beverages shall be sold to any noticeably intoxicated person, nor shall any intoxicated person be allowed to remain upon the premises of any outlet.

Sec. 4-23. Employees, drinking on-premises.

No employee of any outlet shall work in said outlet while intoxicated and no employee shall drink any distilled spirits, malt beverages or wine whatsoever while working and employed in any outlet.

Sec. 4-24. Sale to and/or possession by minors.

No alcoholic beverages shall be sold to a minor under any conditions whatsoever. No minor may purchase or possess any alcoholic beverage. A minor, for the purposes of this Chapter, shall be considered to be any person under 21 years of age.

Sec. 4-25. Minors on premises of retail package store selling distilled spirits.

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Minors shall not be allowed to congregate or loiter on the premises of any retail store outlet selling distilled spirits.

Sec. 4-26. Licenses, posting.

All licenses required under this Chapter must be posted in a conspicuous place within the outlet, as required by law, and if said license is not so posted, the outlet shall not be authorized to continue business until the license is posted.

Sec. 4-27. Signage.

(a) All licensees hereunder shall post, in a manner which complies with O.C.G.A. § 3-1-5 in a conspicuous place, a sign which clearly reads: "Warning: Drinking Alcoholic Beverages during pregnancy can cause birth defects."

(b) Any licensee who fails or refuses to post such sign as required by this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed $100.00 for each violation.

(c) All other signage shall be otherwise governed by applicable federal, state, or local law, if any, and or applicable provisions of the Code of Walker County.

Sec. 4-28. Compliance with rules and regulations of health authorities and other ordinances.

All retail licensees under this article are hereby required to comply with all rules and regulations and requirements of the County Board of Health, State Board of Health and any and all other State, Federal and local authorized public health authorities. In addition, all retail licensees under this article are also required to comply at all times with any and all applicable ordinances of the County.

Sec. 4-29. Possession for the purpose of sale or resale.

It shall be unlawful for any person, firm or corporation to sell or possess for the purpose of sale or resale of any alcoholic beverages where such person, firm or corporation does not have a license from the County to sell or possess for sale or resale such beverages.

Sec. 4-30. Receipt of any delivery to retail licensee.

Alcoholic beverages shall be received at or delivered to the premises of the retail licensee by no other means than by a conveyance owned and operated by a wholesale dealer with a permit from the County to make deliveries. Receipt of alcoholic beverages by any other means by a retail licensee shall be grounds for revocation of a retail license.

Sec. 4-31. Manager of outlet; requirement for registration of manager.

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If the person to whom any license under this Chapter is issued does not personally manage the outlet, the name of the manager of the outlet must also be registered with the Board, and the manager of the outlet must meet all the requirements of a person to whom a license could be granted hereunder. If such licensed outlet is not managed directly by the holder of the license, or there is no manager registered as provided thereunder who meets all the requirements hereunder, then said license may be suspended or revoked. If such a manager is changed, the holder of the license must notify the Clerk no later than 10 days from the date of the change of such manager and all information required hereunder with regard to managers shall also be furnished to the Clerk at said time.

Sec. 4-32. Package sales prohibited in certain establishments; exceptions.

The sale of alcoholic beverages by the package to be carried off the premises shall be prohibited in any restaurant, cafe, eating place, private club or in any establishment other than in a retail store, a grocery store or a state licensed farm winery owning a retail license for the sale of alcoholic beverages to be consumed off the premises, except for the removal of partially consumed bottles of wine as permitted by O.C.G.A. § 3-6-4.

Sec. 4-33. - Familiarity with chapter.

It shall be the duty of each licensee to maintain a copy of this Chapter on the premises, and to instruct each employee as to the terms thereof; and each licensee and employee shall at all times be familiar with this Chapter.

Sec. 4-34—4-99. Reserved.

ARTICLE III. EXCISE TAX

Sec. 4-100. Taxation.

In addition to the annual license fees required under this Chapter, there is hereby levied and imposed an excise tax which shall be paid to the County, as provided by Georgia laws, on all alcoholic beverages sold by each wholesale dealer within the area of the County. That excise tax shall be the maximum allowed by State law unless a lower tax rate is adopted by County resolution.

Sec. 4-101. Method of tax payment.

Unless otherwise specified by State law, tax shall be paid to the County by each wholesale dealer on all alcoholic beverages sold within the County not later than the 10th day of each month, based upon the units of alcoholic beverage sold during the previous calendar month by said wholesalers to retailers in the County.

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Sec. 4-102. Payment of tax, report.

The wholesale dealer shall keep true and correct records of all sales and shipments and shall render a sworn statement of the name accompanying the monthly report to the Clerk and said report shall show the exact quantities of alcoholic beverages sold, by size and type of container and the amount of excise tax collected.

Sec. 4-103. County's right of audit.

The County shall have the right to audit, and to require production of records from each wholesaler supplying retailers in the area of the County, and also from each retailer so supplied.

Sec. 4-104. Failure to make a timely report and payment; penalty.

The failure to make a timely report and remittance of aforesaid taxes shall render a wholesale dealer liable for a penalty equal to 10 percent of the total amount due, in addition to the amount due; and additionally, if said report is not filed or if said taxes are not remitted and paid within 30 days from the date that the same are due, the County shall have the right to suspend and/or revoke any wholesale license, and further to prohibit said wholesaler from making any deliveries of any type whatsoever within the area of the County.

Sec. 4-105. Sale prohibited when tax not paid.

It shall be unlawful for any person to sell at retail or otherwise dispense beverages within the County on which the tax required in this division has not been paid to the wholesaler or distributor or to the County.

Secs. 4-106—4-199. Reserved.

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ARTICLE IV. RETAIL PACKAGE SALES OF DISTILLED SPIRITS

Secs. 4-200. Limitation on number of licenses

(a) It is the policy of the Board of Commissioners of Walker County that licensed establishments for the retail package sale of distilled spirits be regulated in such a way as to avoid their over-accumulation within one commission district and within Walker County as a whole.

(b) As provided herein, no license shall be issued for retail package sales of distilled spirits unless the number of active retail distilled spirit licenses issued in Walker County is less than five (5) licenses per County Commission District. As an additional requirement, no license shall

be issued for the retail package sales of distilled spirits unless the number of active retail distilled spirit licenses issued within the same County Commission District is less than five (5).

(c) When additional licenses for the retail package sale of distilled spirits become available, new complete applications for licenses for retail package sales of distilled spirits shall be given priority in the order in which they are received. No applications shall be accepted or held at any time while the number of active licenses for retail package sales of distilled spirits exceeds the number of active licenses allowed for Walker County or for the Commission District where the applicant's business would be located. Any such license application inadvertently accepted shall be returned as incomplete in accordance with this Chapter.

(d) In the event there are multiple new simultaneously submitted valid applications for retail package sales of distilled spirits within a particular commission district such that if all were granted the total number of licensed establishments would exceed the limits imposed by subsection (b), priority shall be granted based in descending order beginning with the application whose proposed premises is the greater distance from the nearest other existing establishment within the same commission district. Nothing in this subsection shall be construed to allow new applications to be granted in such a way as to exceed the limits of subsection (b).

(e) A separate license shall be required for each location selling distilled spirits and a separate application shall be made for each outlet.

Sec. 4-201. - Type of retail establishment where permitted.

(a) No distilled spirits shall be sold at retail except in establishments maintaining at least 90 percent of the floor space and storage area in a manner which is devoted principally to the retail sale of products that are alcoholic and located in zoning districts that are permitted for such use. This section shall not be applicable to locations that are distilleries or micro-distilleries.

(b) No license shall be issued for the retail sale of distilled spirits at any establishment licensed and operating self-service motor fuel dispensing pumps.

(c) Tobacco products and lottery tickets may not be sold at a business that sells distilled spirits.

(d) Each building must meet International Building Code standards and be a minimum of 1,500 square feet.

(e) If the building is attached to another commercial business, the walls on either side must be solid with no access to each other.

Sec. 4-202. When sales are permitted.

(a) It shall be unlawful for any licensee or person employed by a licensee for retail package sales of distilled spirits, to sell, purchase, or transfer to others, any distilled spirits at any time on Sunday before the hour of 12:30 p.m. or after 11:30 p.m. or at any time before the hour of 8:00 a.m. or after 12:00 midnight on Monday, Tuesday, Wednesday, Thursday, Friday or Saturday of each week;

(b) Pursuant to the provisions of O.C.G.A. § 3-3-20, and subject to the provisions of subsection (a), the sale of alcoholic beverages shall be permitted on election days as the same are defined in the Official Code of Georgia Annotated; provided, however, that it

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shall nonetheless be unlawful for any person to sell alcoholic beverages within 300 feet of any polling place or of the outer edge of any building within which such polling place is established on primary or election days.

Sec. 4-203. Price tags and labels.

Licensees shall plainly indicate the price of all distilled spirits exposed for sale by tags or labels on the bottles or containers or on the shelf immediately below as such containers are placed. It shall be unlawful for any person to have in his possession, custody or control any distilled spirits for retail sale unless the container shall have firmly affixed thereto a label on which there is stated in plain words or figures, the true alcoholic content by volume of the alcoholic beverage.

Sec. 4-204. Visibility.

(a) Adequate visibility must be provided and maintained of the store front so that all activities within the store can be seen from the road or parking lot.

(b) All shelving must be perpendicular to the storefront from visibility except for the furthest most shelf from the front window.

(c) Interior lighting shall be fluorescent of LED and be at least 100 foot-candles in intensity; and the interior shall be so lighted that it is visible day or night.

(d) In addition to visibility requirements in Section 4-20, no advertising, screen, blind, curtain, partition, article of thing which shall prevent a clear view into the interior shall be permitted in the window or upon the doors, and no booth, screen, partition, or other obstructions shall be permitted within the interior.

Secs. 4-205—4-219. Reserved.

ARTICLE V. RETAIL PACKAGE SALES OF MALT BEVERAGES AND WINE

Sec. 4-220. License required.

(a) A separate license shall be required for each location selling malt beverages or wine, and a separate application shall be made for each outlet.

(b) Licenses are issued individually by beverage classification.

(1) A separate license is required for the sale of malt beverages by the package

(2) A separate license is required for the sale of wine by the package.

(3) A distilled spirits licensee who desires to also sell wine also needs a wine license.

(4) A distilled spirits licensee who desires to also sell malt beverages also needs a malt beverage license.

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Sec. 4-221. When sales are permitted.

(a) Licensees for package sales of malt beverages or wine may engage in sales Monday through Saturday 24 hours per day and Sunday from 12:30 p.m. through 11:30 p.m.; provided they do not also hold a license for packaged distilled spirits. If the licensee holds both a malt beverage and distilled spirits license or a wine and distilled spirits license, refer to section 4-202 for hours of operation.

(b) There shall be no sales of alcoholic beverages on any day on which sales of alcoholic beverages are prohibited by the laws of the State of Georgia.

(c) Pursuant to the provisions of O.C.G.A. § 3-3-20, and subject to the provisions of subsection (a), the sale of alcoholic beverages shall be permitted on elections days as the same are defined in the Official Code of Georgia Annotated; provided, however, that it shall nonetheless be unlawful for any person to sell alcoholic beverages within 300 feet of any polling place or of the outer edge of any building within which such polling place is established on primary or election days.

Secs. 4-222—4-229. Reserved.

ARTICLE VI. RETAIL SALES OF ALCOHOLIC BEVERAGES FOR ON PREMISES CONSUMPTION

Sec. 4-230. License issuance authorized.

Licenses for the sale of malt beverages, wine and distilled spirits for on-premises consumption shall be a mere grant or privilege during the term of said license, subject to all the terms and conditions imposed by this article and division, and any other related laws of the State of Georgia and this Code. A license for on-premises consumption may be issued as provided in this article.

Sec. 4-231. Business hours of outlets.

Licensees for on-premises consumption of malt beverages, wine, and/or distilled spirits shall not engage in the sale of same except between the hours of 8:00 a.m. through 12:00 midnight on Monday through Thursday and 8:00 a.m. through 1:00 a.m. on Friday and Saturday and 11:00 a.m. through 12:00 midnight on Sunday.

Sec. 4-232. License.

An applicant for an on-premises consumption license shall be required to submit an application as is set forth in this article and pursuant to the requirements of O.C.G.A. § 3-3-2. An application for a license may be denied upon the grounds as is set forth in Article II.

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Sec. 4-233. Laws and regulations adopted.

The State laws and regulations as they now exist or as they may be changed from time to time, relating to the sale and distribution of alcoholic beverages in Georgia, as revised and promulgated by the General Assembly of the State and by the State Revenue Department, and especially as they relate to wholesale, retail package sales, and retail sales for consumption on the premises, are hereby incorporated into and made a part of this article as if fully set out herein. Said laws and regulations are made applicable to all portions of this article, including this division.

Sec. 4-234. Business application.

(a) Except as otherwise specifically provided for in this article, no retail consumption license shall be issued to any person unless the business or proposed business to be licensed hereunder is a bona fide food service establishment or a bona fide private club, as defined in Section 4-11.

(b) Applicants possessing all of the necessary qualifications for the issuance of a license for the sale of malt beverages, wine and/or distilled spirits for consumption on the premises shall be required to possess a County business license and the appropriate State, County, and County Health Department certificates for the sale and service of food and beverages to the general public with a seating capacity of not less than 50 people. It shall be further required of applicants as a condition to the issuance of a license for the sale of alcoholic beverages for consumption on the premises, that said sale of alcoholic beverages shall be ancillary to the primary business of the serving of food and that the service of food shall consist of at least 51 percent of the gross receipts of the business applying for said license. The licensee shall be required at all reasonable times and places as designated by the Alcoholic Beverage Commission, to produce financial records and documentation as may be required by the Alcoholic Beverage Commission. The requirements contained herein shall not apply to a farm winery or sample license described in Article VII.

Sec. 4-235. Open area and patio sales.

The consumption and/or sale of alcoholic beverages by outlets possessing a license for on-premises consumption shall be allowed in open areas and patios, provided that such open areas and patios are separated from areas in which consumption of alcoholic beverages is prohibited by a physical barrier, fence, rail or similar structure sufficient to prevent ingress and egress by a person except through a controlled access point and, further provided that the licensee is in compliance with all other appropriate regulations as to the safe and orderly operation of such establishment, including, but not limited to, regulations pertaining to maximum capacity, ingress and egress. If the designated area is separated from the licensee's premises so that it is necessary to traverse public property to get from one location to another, it shall be unlawful for alcoholic beverages to be carried from the premises to the designated area or vice versa by anyone except the licensee or the licensee's employees.

Sec. 4-236. Sale of mixed drinks for off-premises consumption.

(a) Food service establishments licensed to sell distilled spirits for consumption on the premises are allowed to sell mixed drinks for off-premises consumption in approved containers under certain conditions, per O.C.G.A. § 3-3-11.

(b) *Approved container* means a tamper evident container that:

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(1) Does not contain openings or straw holes;

(2) Is sealed in a manner that is visibly apparent if the container has been subsequently opened or tampered with;

(3) Has an affixed label or marking that identifies the licensee that prepared and sold the mixed drink.

(c) *Curbside pick-up* means when a licensee furnishes purchased goods to a customer's vehicle within a clearly designated pick-up area located within a paved parking area adjacent to the licensed premises.

(d) *Mixed drink* means a beverage prepared by combining distilled spirits with nonalcoholic liquid or liquids and that:

(1) Is prepared on the day of sale by an employee of the licensee;

(2) Contains no more than 3 ounces of distilled spirits;

(3) Is sealed in an approved container.

(4) Is sold to an individual 21 years of age or older who shall be limited to two mixed drinks per entree ordered;

(5) Accompanied by a food order and a sales receipt with a timestamp that indicates the date and time of such purchases;

(6) Sold for personal use and not for resale and picked up in person by the same individual customer to whom the mixed drinks and entrees were sold and from whom the food service establishment received payment; provided, however, that such individual customer shall not include a delivery service or third-party agent; and

(7) Furnished with the accompanying food order to the customer on the premises or by way of curbside pick-up.

(8) If transported in a motor vehicle, the customer shall place the mixed drink in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

(9) Sales of mixed drinks for off-premises consumption shall be taxed in accordance with O.C.G.A. § 3-4-130 through 3-4-133.

Sec. 4-237. Special event beverage license.

(a) Notwithstanding any provisions to the contrary, the Alcoholic Beverage Commission shall have authority to issue a special event license for the sale of alcoholic beverages. The issuance of a special event license for alcohol sales shall be conditioned upon obtaining a separate additional special event permit approved by the Planning Commission Office and compliance with other county ordinances, state laws and such other terms as the Board may require in its discretion.

(b) The applicant for any special event license shall be responsible for the provision of local law enforcement and sanitation services within the boundaries of the event, and for the grant of the license privilege, the Planning Director, Public Works Director, the Sheriff, and the Fire Chief shall approve the impacted government services. In addition, each department of the government reviewing an application may recommend in writing certain recommendations or restrictions as deemed necessary to facilitate the event, to comply with other laws or

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regulations and or to ensure the safety, health and welfare of the community. Applicants shall further be responsible for compliance with all laws at a special event, including, but not limited to, preventing underage consumption of alcoholic beverages.

(c) The Planning Director, Sheriff or Fire Chief or their representative or their respective designee, may terminate any activity, whether a portion of or the entire event, which does not meet the requirements upon which the special event license was issued. Upon notification to the applicant to cease any activity, the activity so ordered to be ceased shall immediately be terminated and the continuation of said unauthorized activity shall be unlawful and may subject the applicant to criminal and civil sanctions.

Sec. 4-238. Private clubs.

Private clubs that meet State requirements under O.C.G.A. § 3-7-2 and other State law requirements may be licensed for the sale of alcoholic beverages, including distilled spirits, by the drink for consumption on the premises. The Board may issue a license for all activities authorized by State law, unless otherwise prohibited by this article.

Sec. 4-239. Caterers.

Caterers may be issued additional alcoholic beverage licenses as allowed by State law. State law currently provides caterers that hold alcoholic beverage licenses may obtain additional alcoholic beverage licenses from the same local government that grants their on-premises license for off-premises sales and be charged an additional license fee, provided that the combined license fees do not exceed $5,000.00 annually (O.C.G.A. § 3-11-2).

Caterers engaging in off-premises catered special events outside of their primary licensing authority may be charged a permit fee in an amount to be determined by the Board of Commissioners per event, as well as excise taxes by the local government into which the alcoholic beverages have been brought (O.C.G.A. § 3-11-3). Caterers may only serve alcoholic beverages at catered events that are legal to be sold in the jurisdiction where the event is held. Caterers may not employ anyone under the age of 21 to sell or serve alcohol.

Sec. 4-240. Indemnification of County/liability.

As a condition of issuance of any license under any article of this chapter, the approved applicant shall indemnify, hold harmless, release and defend the County, County officials, and officers and employees from and against any and all liability, loss, suits, claims, damages, cost, judgments and expenses including attorney's fees and cost of litigation which in whole or in part result from, or arise out of, or are claimed to result from or to arise out of any acts, negligence, errors, or omissions of applicant, applicant's employees, representatives, contractors, subcontractors, or other agents whatsoever, and without limitations.

Secs. 4-241—4-299. Reserved.

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ARTICLE VII. FARM WINERIES, BREWPUBS, BREWERIES AND DISTILLERIES AND GROWLER SALES

Sec. 4-300. License required.

(a) No person shall be permitted to operate a farm winery, brewpub, brewery, micro-brewery, distillery, or micro-distillery without first obtaining an applicable license from the State of Georgia and the County pursuant to this Chapter.

(b) All licensees under this article shall pay all state and local license fees and excise taxes applicable to individuals licensed

Sec. 4-301. Farm wineries.

Farm wineries are domestic manufacturers of wine located on the premises where agricultural products are cultivated for use in the making of the wine sold. These locations may sell their wine on the premises, provided that they have a State and local license. Farm wineries are subject to local license fees and excise taxes (O.C.G.A. § 3-6-21.1 et seq.).

Sec. 4-302. Brewpubs.

(a) A brewpub license authorizes the holder of such license to:

(1) Manufacture on the licensed premises not more than 10,000 barrels of malt beverage in a calendar year solely for retail sale.

(2) Operate an eating establishment complying with all requirements of the definition of "*food service establishment*" as defined in section 4-11, and shall be the sole retail outlet for such malt beverage and may offer for sale for consumption on-premises any other alcoholic beverages produced by other manufacturers which are authorized for retail sale under this chapter, provided that such alcoholic beverages are purchased from a licensed wholesale dealer.

(3) Sell up to a maximum of 5,000 barrels annually of such malt beverage to licensed wholesale dealers. Under no circumstances shall such malt beverages be sold by a brewpub licensee to any person holding a retail consumption dealer's license or a retailer's license for the purpose of resale.

(4) Sell malt beverages manufactured on the premises by the package at retail for consumption off the premises. This includes the filling of growlers 64 ounces or less.

(b) Possession of a brewpub license shall not prevent the holder of such license from obtaining any other license available under this chapter for the same premises.

Sec. 4-303. Breweries and Micro-breweries.

(a) A licensed brewery or micro-brewery is authorized to manufacture malt beverages for sale primarily to wholesale dealers.

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(b) A licensed brewery or micro-brewery shall comply with O.C.G.A. § 3-5-24.1 relating to the limited sale of malt beverages to the public for onsite consumption or offsite package sales and may sell on all days and at all times that sales of malt beverages by retailers are lawful within the county. No additional local license is required for the limited sale of malt beverages produced at the micro-brewer's licensed premises.

(d) A brewery or micro-brewery shall not dispense more than 24 ounces of malted beverages brewed and consumed onsite within a four-hour period to any individual except when food is being provided by a third-party vendor, the consumer or the licensee; or as may be permitted by state law.

(e) During events, concerts, celebrations or large gatherings representing a special purpose or event, the brewer shall ensure that food is provided by a third-party vendor or the group in attendance.

(g) Except as set forth in this section, a brewery or micro-brewery licensee shall be subject to all other provisions of this chapter.

Sec. 4-304. Distilleries and Micro-distilleries.

(a) A licensed distillery or micro-distillery is authorized to manufacture distilled spirits for sale to wholesale dealers and consumers.

(b) A licensed distillery or micro-distillery shall comply with O.C.G.A. § 3-4-24.2 relating to the limited sale of distilled spirits to the public for onsite consumption and may sell on all days and at times that sales of distilled spirits by retailers are lawful within the county. No additional local license is required for the limited sale of distilled spirits produced at the distillery's licensed premises.

(c) A distillery or micro-distillery shall not dispense more than six ounces of distilled spirits manufactured and consumed onsite within a four-hour period to any individual except when food is provided by a third-party vendor, the consumer or the licensee; or as may be permitted by state law.

(d) A distillery or micro-distillery shall not be permitted at a location that is not properly zoned for that use.

(e) During events, concerts, celebrations or large gatherings representing a special purpose or event the distiller shall ensure that food is provided by a third-party vendor or the group in attendance.

(f) Except as set forth in this section, a distillery licensee shall be subject to all other provisions of this chapter.

Sec. 4-305. Growler sales.

Businesses licensed to sell malted beverages by the package may also fill growlers with malt beverages at the licensed location subject to the following requirements:

(1) At least 90 percent of the licensee's total sales from alcohol sales are from packaged sale of malt beverages or wine and the licensee's premises have a minimum of 400 square feet of floor space dedicated to the display of packaged malt beverages or wine offered for sale.

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(2) A growler shall not exceed 64 ounces. Growlers may only be filled from kegs or barrels procured by the licensee from a duly licensed wholesaler or brewpub.

(3) Only professionally sanitized and sealed growlers may be filled and made available for retail sale. The filled growler must be securely sealed on the premises with a tamper-proof cap and seal. Each filled growler must be removed from the premises in a securely sealed condition. No open growler container shall be removed from the licensed premises.

Sec. 4-306. Samples of wine or malt beverages on tap for purchase in sealed containers for off-premises consumption.

(a) A license for the sampling of package malt beverages or wine may be issued to give or sell samples of tap malt beverages for growlers or wine offered for purchase in sealed containers for off-premises consumption. The fee for said license is set forth in the alcoholic beverage license fee schedule and said license shall be subject to the application and all other requirements of this article.

(b) A sample shall not exceed 3 ounces, nor shall an individual be offered more than 3 samples within a 24-hour period.

(c) The intent of the sample license is to permit customers to lawfully taste a sample of a tap malt beverage or wine on-premises in order to make a selection or determination of whether to purchase the malt beverage or wine sampled in a sealed container for off-premises consumption.

(d) The licensee shall comply with all state, federal and local packaging and labeling laws regarding alcoholic beverages.

Secs. 4-307-319. Reserved.

ARTICLE VIII. HOTEL IN-ROOM SERVICE

Sec. 4-320. License.

(a) Any hotel as defined in O.C.G.A § 3-9-10 may provide in-room service of alcoholic beverages after obtaining proper state and local licensure for the same in accordance with the terms of this chapter.

(b) The sale of alcoholic beverages by in-room service shall be subject to all restrictions and limitations imposed by this chapter and shall be authorized only on such days and only during such hours as the sale of alcoholic beverages with the exception that in-room delivery of alcoholic beverages to guests may extend to 1:00 a.m.

Sec. 4-321 In-room service.

(a) For purposes of this chapter, "in-room service" consists of:

(1) The delivery of alcoholic beverages by an employee of the hotel to a registered guest's room when such alcoholic beverages have been ordered by the guest and when the guest

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shall be billed for the cost of such alcoholic beverages at the time of delivery and when the sale of such alcoholic beverages is completed at the time of delivery; or

(2) The provision of a cabinet, refrigerator, mini-bar or other facility located in a hotel guest room which contains alcoholic beverages, and which is accessible only to the guest and for which the sale of alcoholic beverages contained therein is final at the time requested except for a credit which may be given to the guest for any unused portion.

(b) In order to be eligible for an in-room service license, a hotel must:

(1) Be used and held out to the public as a place where sleeping accommodations are offered to guests for adequate pay, and meet other standards and conditions of a "hotel" as defined in this chapter or other codes of the county; and

(2) Contain six or more separate and distinct rooms used for the sleeping accommodations of guests.

(c) A hotel may consist of a single building or may consist of two or more buildings located on the same premises and used in connection with the hotel operation.

(d) A facility which is styled as an inn, bed and breakfast or other similar appellation may be licensed as a hotel if it meets the requirements of this article.

Sec. 4-322. General provisions.

All alcoholic beverages sold pursuant to this article shall be purchased from a licensed wholesale dealer and shall be subject to all taxes imposed under this chapter and county code, including the excise tax on the retail sale by the drink of alcoholic beverages.

Secs. 4-323-399. Reserved.

ARTICLE IX. THE CIVIC CENTER AND ANY OTHER COUNTY FACILITY

Sec. 4-400. Applicability of section.

All other sections of this article not inconsistent with this Chapter shall apply. In the event of a conflict between any other provisions of this article and the provisions of this Chapter, the provisions of this article shall control unless otherwise stated. Not withstanding the above, no provision of this Article shall be in effect if it is in violation of a County ordinance or State law.

Sec. 4-401. License authorized and required.

A person is required to apply for and to obtain a license to sell or pour any alcoholic beverages for on-premises consumption within the confines of the Civic Center or another County facility. The costs of such licenses shall be the same as the costs for a special event as provided in Section 4-14(a)(6). Any third party (whether caterer or otherwise) desiring to sell alcoholic beverages for on-premises consumption at the Civic Center or another County facility shall first be required to obtain a special event alcoholic beverage license.

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Sec. 4-402. Minimum policy guidelines.

The following shall be the minimum policy guidelines the Civic Center and any other County facility shall use in regulating the consumption and sale of alcoholic beverages on the premises of the Civic Center and any other County facility:

(1) No alcoholic beverage shall be sold, dispensed or given away at youth-oriented events. The Civic Center or other facility management, in its sole discretion, will determine whether an event is youth oriented.

(2) No alcoholic beverage shall be sold, dispensed or given away to anyone under 21 years of age. It shall be the policy of the County to ensure that identification of those who purchase or consume alcoholic beverages are checked to determine whether the person is 21 years of age or older.

(3) The selling and dispensing of alcoholic beverages shall be curtailed a minimum of 30 minutes prior to the conclusion of a public event.

(4) Only designated areas shall be used for selling or dispensing or consuming alcoholic beverages. These areas are to be designated by the facility management.

(5) Alcoholic beverages shall not be permitted to be taken outside the Civic Center building or outside the premises of any other County facility.

(6) Only a licensee possessing the appropriate license is be permitted to sell or dispense alcoholic beverages.

(7) Food must be served and/or offered for sale during any period of time that alcoholic beverages are served at either the Civic Center or any other County facility.

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