



Mayor & City Council

Workshop Session

~ Agenda ~

City of College Park
3667 Main Street
College Park, GA 30337

<http://www.collegeparkga.com>
404-669-3756 (Main)

Experience College Park
Georgia's Global City

Monday, April 19, 2021

6:00 PM

Council Chambers

1. Fulton County Schools update by Kimberly Dove, Vice President/Fulton Board of Education, District 6 and the Fulton Schools team. See memorandum dated April 14, 2021 from Interim City Manager Mercedes Miller. Also, see attached PowerPoint presentation prepared by Fulton County Schools. (20 minutes presentation/Q&A.)
2. Presentation by Jamelle McKenzie, CEO, of Adullam Ministries, Inc. Ignite Resource Center requesting funding for FY2021-2022. See memorandum dated April 14, 2021 from Interim City Manager Mercedes Miller. Also, see attached supporting documentation submitted by Ms. McKenzie. (15 minutes presentation/Q&A.)
3. Discussion on a proposed ordinance governing alcohol sales in the City of College Park between the hours of 12:00 noon and 10:00 p.m. at establishments that do not serve food. See memorandum dated April 14, 2021 from City Attorney Danielle Matricardi. (25 minutes presentation/Q&A.)



CITY OF COLLEGE PARK

P.O. BOX 87137 · COLLEGE PARK, GA 30337 · 404.767.1537

WORKSHOP AGENDA ITEM

DOC ID: 8762

DATE: April 14, 2021
TO: The Honorable Mayor and Members of City Council
FROM: Mercedes Miller, Interim City Manager
RE: Fulton Co. Board of Education Presentation

Kimberly Dove, Vice President/Fulton Board of Education, District 6 (serving areas in College Park, East Point, South Fulton, and Union City) and the Fulton Schools team (Gail Dean, Board Member, District 3; Dr. Mike Looney, Superintendent; Brian Noyes, Chief Communications Officer and Julie Baldwin, Executive Director of Board Services) are scheduled to present to the Mayor and City Council information on what they are doing relative to COVID-19, upcoming plans - especially the FOCUS plan to address learning loss - and answer any questions the City Council has following the presentation.

Please see attached PowerPoint presentation prepared by Fulton County Schools.

Thank you.

ATTACHMENTS:

- College Park 04-19-21 (PDF)

Review:

- Mercedes Miller Completed 04/09/2021 10:02 AM
- Rosyline Robinson Completed 04/14/2021 1:05 PM
- Mercedes Miller Completed 04/14/2021 1:37 PM
- Mayor & City Council Pending 04/19/2021 6:00 PM

City of College Park

Fulton County Schools Update
04-19-2021

FCS Project Vaccination 2021

Project Goal: Fully vaccinate all the FCS employees who want the vaccine by April 17, 2021

Updated Details

Dates	Location	Time	Vaccine	Current Registrants	Capacity Calibration
1 st Shot - Mar 22-27 2 nd Shot - Apr 12-14	MBS	9:30 -3:00	Pfizer	3574 @ 600 per day A number of employees found other ways to get vaccinated ahead of our mass vaccination event and there remains some level of hesitancy and disengagement <u>The reservation system will remain open thru next week.</u>	1400 per day Due to fewer employees actually registering for the vaccine, we will adjust the plan for the 2 nd dose to get all shots completed in 3 days, thus, <u>returning to F2F for April 15-16</u>

Information Sessions

Well Done!

1st - 382

2nd - 441


3rd - 75




Fulton County Schools Candid COVID-19 Conversations & COVID Vaccination Update

New Year of COVID: What We Need to Know
Topics: The webinar series will include information and updates on COVID-19, prevention strategies, vaccine key facts and safety, and post-vaccination implications.

FRIDAY, MARCH 12th (12 - 1 PM) KICK-OFF
The New Year of COVID-19 ... the State of the Pandemic




Dr. Kelley Carroll, Senior Vice President and Chief Ambulatory Officer, Grady Health System




Dr. Carlos del Rio, Executive Associate Dean, Emory School of Medicine & Grady Health System

MONDAY, MARCH 15th (12 - 1 PM)
What We Need to Know About the Vaccine – Special Considerations, Safety and Post Vaccination Implications




Dr. Yolanda Winokur, Senior Associate Dean of Clinical Affairs & Professor of Pediatrics, Morehouse School of Medicine




Dr. Kimberly D. Manning, Professor of Medicine & Associate Vice Chair of Diversity, Equity and Inclusion, Emory University

WEDNESDAY, MARCH 17th (12 - 1 PM)
Realities of Next Steps – The Path Forward / Q & A



Dr. David E. Heitland, Chief Clinical Officer for Medical and Preventive Services, Fulton County Board of Health



Dr. Yolanda Winokur, Senior Associate Dean of Clinical Affairs & Professor of Pediatrics, Morehouse School of Medicine

Fulton County Schools
Where Students Come First

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THANKS!
Board, Dr. Looney, ETF, Health Services, Communications, Safety & Security, Event Volunteers, FCBOH.

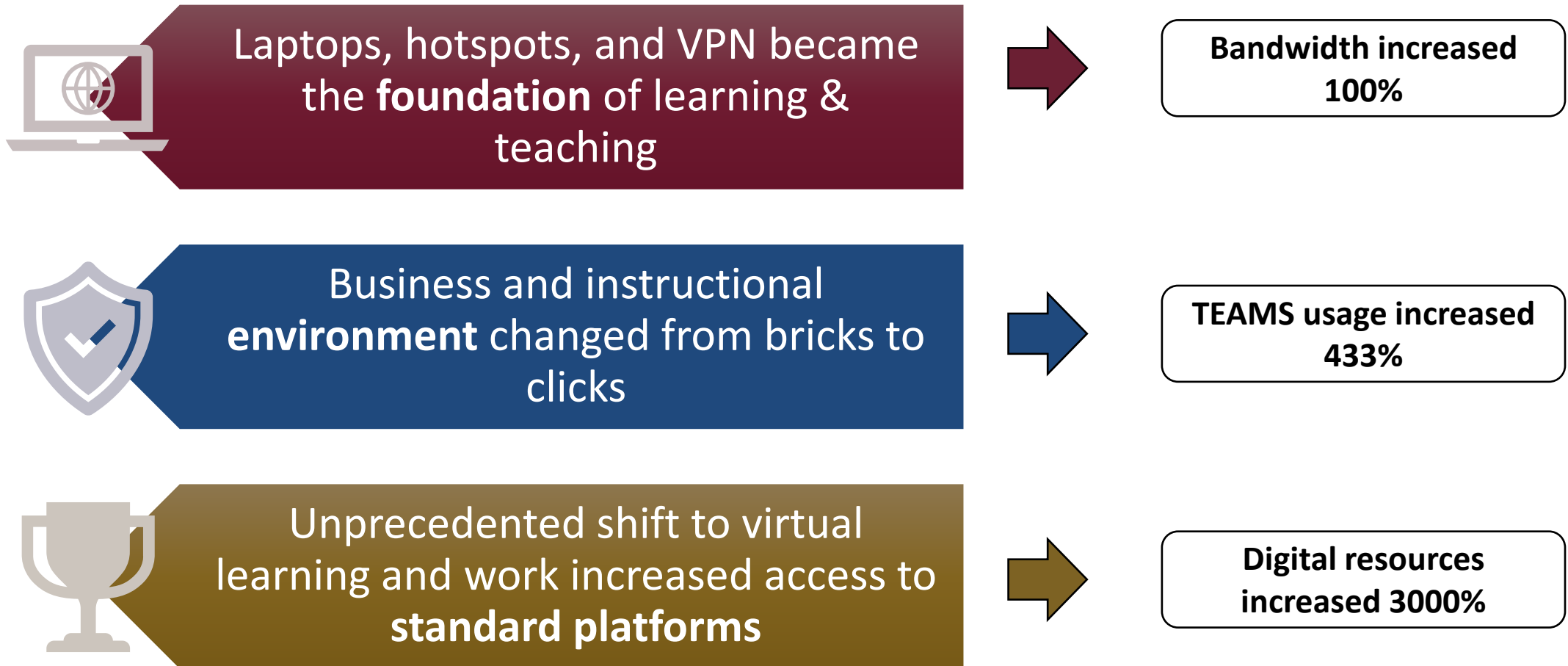


Budget

Budget items	Governor's Proposed Budget Adjustment	Potential Fulton County School Impact
Teacher Retirement System	\$57.3 million	\$3.3million
Training and Experience	\$96.6 million	\$1.2 million
QBE (enrollment)	(\$166) million	(\$20.1) million
Local Fair Share	(\$111.8) million	(\$19.9) million
Notables		
Charter System Grant	\$36.2 million	\$4.2 million

Capital Planning/IT Growth During COVID19

CP 2027 technology ask will reflect an increase due to increased usage and reliance on technology as a foundational component of high-quality learning and teaching.



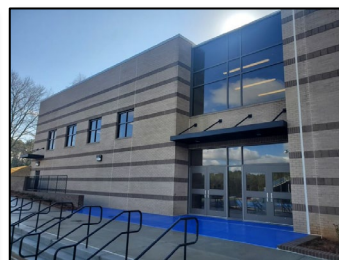
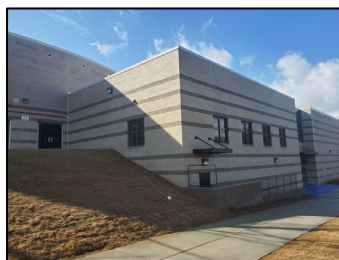
Capital Plan/Facilities

Promises Made Promises Kept

Opened this school year...

Renovations:

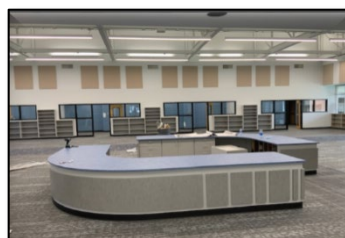
- Campbell ES (2nd Summer)
- Chattahoochee HS
- Seaborn Lee ES
- State Bridge Crossing ES
- Stonewall Tell ES



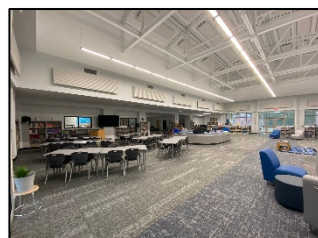
Chattahoochee HS Addition / Renovation

Media Center Projects

- Bear Creek MS
- Elkins Point MS
- Haynes Bridge MS
- Sandy Springs MS
- Woodland MS



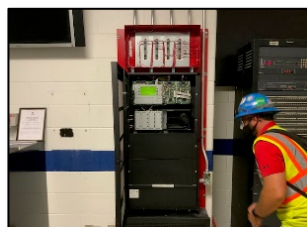
Elkins Point MS



Woodland MS

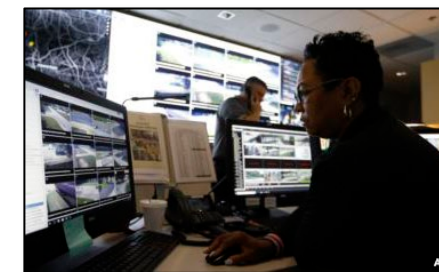
Fire Alarm Upgrades:

- North Springs HS
- Stonewall Tell ES



Security Camera Upgrades (14):

- Abbotts Hill ES
- Alpharetta ES
- Bethune ES
- Birmingham Falls ES
- Campbell ES
- Cliftondale ES
- Dunwoody Springs ES
- Hapeville ES
- Ison Springs ES
- Manning Oaks ES
- Northwood ES
- Oakley ES
- Randolph ES
- Roswell North ES



Roof Replacements:

- Hopewell MS
- Summit Hill ES



Turf Replacement:

- Langston Hughes HS



Capital Plan/Facilities

Promises Made Promises Kept / Recent Accomplishments

Opening this fall...

Innovation Academy – Alpharetta



Global Impact Academy – Fairburn



Capital Plan/Facilities

Promises Made Promises Kept / Recent Accomplishments

Opening this fall...

New Facility Projects*

Riverwood HS Final Phase
 South Transportation

Addition/Ren. Projects*

Centennial HS
 Roswell HS
 Tri-Cities HS

Roofing Replacements

Cogburn Woods ES
 High Point ES
 Manning Oaks ES

General Ren. Projects:

Admin Building HVAC/Roof
 Chattahoochee HS Bleacher Repl.
 Evoline C. West ES
 North Learning Center HVAC
 Shakerag ES
 Sweet Apple ES HVAC

Media Center Ren. Projects:

Autrey Mill MS
 Ridgeview MS
 River Trail MS
 Sandtown MS
 Taylor Road MS

Security Camera Upgrades *

Construct in 2021

Barnwell ES
 Cogburn Woods ES
 Dolvin ES
 Evoline C. West ES
 Hembree Springs ES
 High Point ES
 Hillside ES
 Liberty Point ES
 Mimosa ES
 Palmetto ES
 Renaissance ES
 River Eves ES
 Stonewall Tell ES
 Sweet Apple ES

Construct in 2022

Crabapple Xing ES
 Creek View ES
 Findley Oaks ES
 Lake Windward ES
 Medlock Bridge ES
 Mt Park ES
 New Prospect ES
 Ocee ES
 Shakerag ES
 Spalding Drive ES
 State Bridge Xing ES
 Summit Hill ES
 Woodland ES

** These projects occur during other portions of the year*

K-8 School Model

K-8 Model Characteristics

- ✓ Serves grades Pre-K – 8th on one campus
- ✓ Schools similar sized but smaller grade enrollments
- ✓ Slower pace of change for early teens
- ✓ Increased role model/leadership opportunities
- ✓ Increased continuity for students, families, teachers, and the wider community
- ✓ Less transition for students and parents results in greater community connection to the school

Interesting Facts

- K-8 is a standard model in
- Charter Schools,
 - Private Schools,
 - Public Urban Schools, and
 - European Schools.

Largest K-8 transition challenge for many traditional districts is funding for building configurations.

Quality instruction is still the greatest indicator of student success in any school setting.

Why We Believe in K-8

Extensive National Research

Baltimore: Students in K–8 schools scored higher than their middle school counterparts on standardized achievement measures in reading, language arts, and math.

Baltimore City Schools, Division of Research, Evaluation, and Accountability. (2001). An examination of K–5, 6–8 versus K–8 grade configurations.

Philadelphia: Students in the K–8 schools had higher academic achievement and surpassed middle school students in reading and science, with statistically higher gains in math.

Offenberg, R. M. (2001). The efficacy of Philadelphia's K-to-8 schools compared to middle grades schools. Middle School Journal, 32(4), 23–29.

Milwaukee: Students in the K–8 schools had higher academic achievement as measured by standardized test scores, especially in math.

Simmons, R. G., & Blyth, D. A. (1987). Moving into adolescence: The impact of pubertal change and school context. New York: Aldine de Gruyter

Long-Term Local Expertise

FCS has successfully managed K-8 Charters for over 15 years.

- Amana Academy (2005)
- The Main Street Academy (2010)
- Chattahoochee Hills Charter (2013)
- Rise Grammar and Prep Schools (2015)
- Fulton Academy of Science and Technology (2016)



Where Might FCS Employ K-8 Models?

School communities that feature the following characteristics would most benefit from the K-8 Model

Parents are interested in increased engagement

Community is addressing mobility challenges

Student populations would benefit from more focused instruction

Facility configuration opportunities exist which would support the learning model

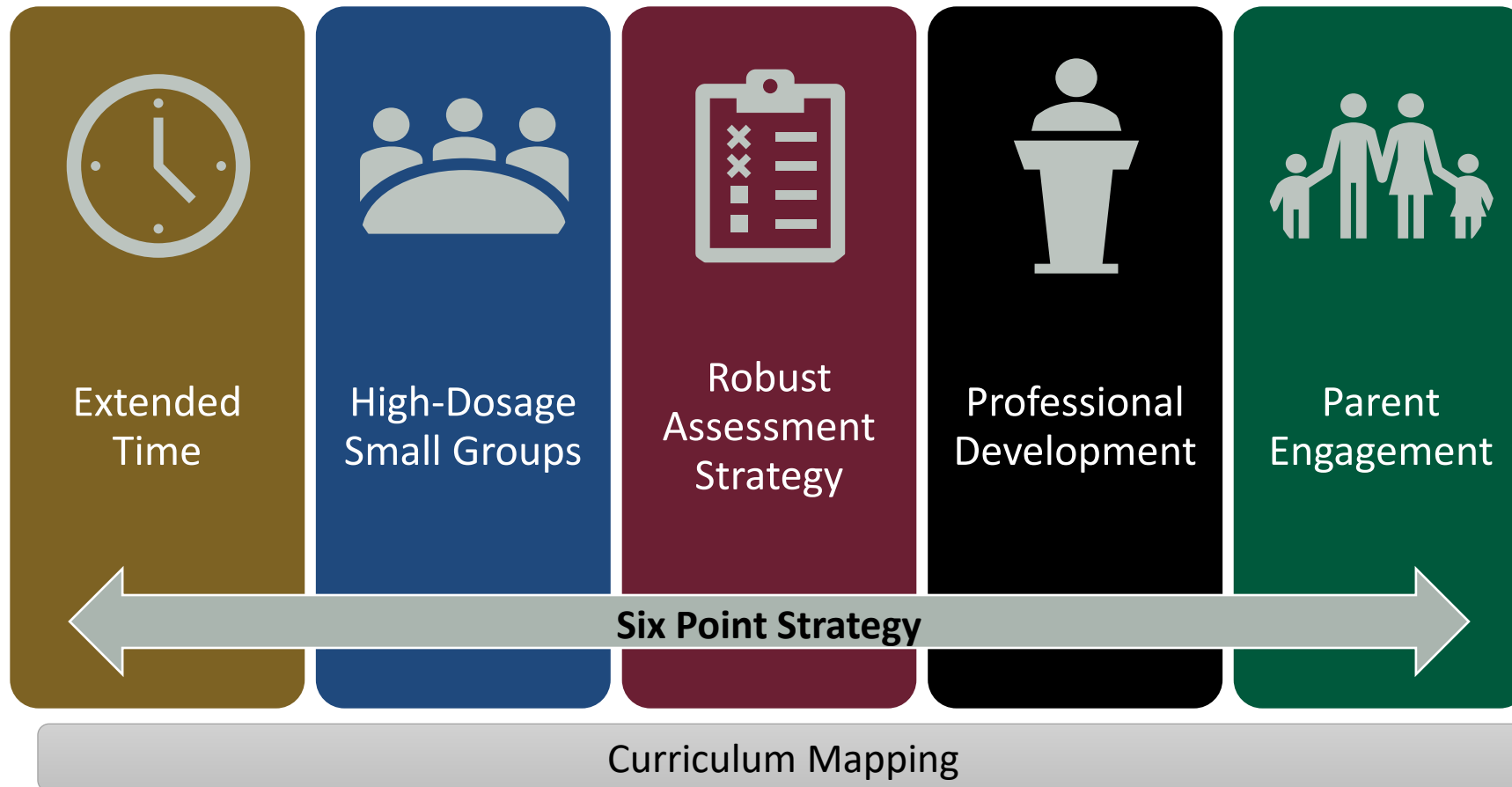
Learning Disruption

Student Impact

- Evidence suggests significant bias in the assessment scores for early elementary grades due to testing environment.
- Average losses appear to be higher in reading than in math, ranging from one to four and one-half months of learning in grades 5-8.
- Average losses are generally higher for students who qualify for FRL students than for students who do not.
- Hispanic students tend to experience larger learning losses than do either non-Hispanic White or Black students. Similarly, students who are English Learners (ELs) generally have larger losses than for non-EL students.
- Students with disabilities had less learning loss than their peers without disabilities.
- Learning loss is substantially greater for male students than for female students.
- Consistent with the multi-state evidence reported by Curriculum Associates, estimated learning losses were much greater among students taking the assessment at school.

Learning Disruption FCS Response

Create a systemic answer to learning loss that addresses the impact to student achievement through an equitable lens.



Summer School 2021 Overview

Registration opened March 12

		Dates	Student Hours	ESY Student Hours
Elementary (K-5)	K-5 targeted support in reading and math	Session 1: June 7 – 24	7:40 am – 11:40 am	12:00 pm – 4:00 pm
		Session 2: July 1 – 22		
Middle (6-8)	Accelerated “reboot” experience: previewing next grade level of science and social studies content through targeted ELA, Reading, and Math support.	Session 1 Only: June 7 – 24	8:55 am – 12:55 pm	1:10 pm – 4:10 pm
High (9-12)	Doubling courses offered to clear Incompletes	Session 1: June 7 – 24	8:20 am – 12:20 pm	12:40 pm – 4:10 pm
		Session 2: July 1 – 22		



CITY OF COLLEGE PARK

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WORKSHOP AGENDA ITEM

DOC ID: 8706

DATE: April 14, 2021

TO: The Honorable Mayor and Members of City Council

FROM: Mercedes Miller, Interim City Manager

RE: Ignite Resource Center Presentation

Presentation by Jamelle McKenzie, CEO, of Adullam Ministries, Inc. Ignite Resource Center requesting funding for FY2021-2022 in the amount of \$30,000 to continue to provide services to residents who are in need of resource information for support systems. Support systems include, but are not limited to, resource information concerning the need for food, clothing, utility and rent assistance, senior services, youth empowerment services, shelter information, job resource information, behavioral health counseling, and legal assistance.

Thank you.

ATTACHMENTS:

- Presentation for Workshop on Ignite Center 2020-21 (PDF)
- Adullam Contract Request CP 2021 (PDF)
- Adullam Ignite CP Presentation April 2021 Workshop Session (PPTX)

Review:

- Mercedes Miller Completed 04/09/2021 10:02 AM
- Rosyline Robinson Completed 04/09/2021 10:08 AM
- Finance Completed 04/13/2021 2:56 PM
- Mercedes Miller Completed 04/14/2021 1:37 PM
- Mayor & City Council Pending 04/19/2021 6:00 PM

From: [Jamelle McKenzie](#)
To: [Mercedes Miller](#); [Rosylene Robinson](#)
Subject: Presentation for Workshop on Ignite Center 2020-21
Date: Tuesday, March 16, 2021 7:17:02 PM
Attachments: [Adullam Contract Request CP 2021.pdf](#)
[Adullam Ignite CP Presentation March 2021.pdf](#)

Good evening, Mercedes:

As per our discussion today, I have attached a pdf of the PowerPoint Presentation for Adullam Ministries' Ignite Resource Center for a workshop session. In addition, I have attached a formal request letter for your review for funding for the Ignite Center for Fiscal Year 2021-22.

I look forward to hearing from regarding the Workshop Session and City Council meeting dates. Thank you for your assistance.

Regards,
Jamelle McKenzie
CEO, Adullam Ministries, Inc.



**Request for Renewal
Of
Professional Services Contract with the City of College Park, Georgia**

1. Adullam Ministries, Inc. will house the Ignite Resource Center College Park (the “Center”) for residents of the City of College Park, Georgia who are in need of resource information for support systems. Support systems are to include, but are not limited to, resource information concerning the need for food, clothing, utility and rent assistance, senior services, youth empowerment services, shelter information, job resource information, behavioral health counseling, and legal assistance.
2. The Center will be located at Adullam Ministries, Inc.’s College Park Office, located at 3707 Main Street, College Park Georgia 30337. The scheduled hours for the Center are to be 11:00 a.m. until 3:00 p.m. on Monday through Thursday.
3. Professional consultants will conduct seminars that are free to the public throughout the year on financial budgeting, healthcare, employment/training services and legal aid.
4. The Center will provide resource materials, a website, and a dedicated phone line wherein assistance calls can be received. The Center will coordinate with the COPS Division of the City of College Park Police Department, the United Way, the American Red Cross, and other local community organizations in the Tri-Cities area to serve as a one-stop shop to provide resource information for persons who are homeless due to life challenges or tragedies, unemployed or underemployed and in financial need, and in need of food or clothing. The Center will not provide all these resources but will assist persons in their efforts to locate critical resources.
5. The Center will be maintained by a Program Coordinator and an Assistant Coordinator who will be contracted on a part-time basis.
6. The requested amount from the City of College Park for the Center for Fiscal Year 2021-22 is \$30,000.00 to be administered as follows:
 - Part-time Program Coordinator - \$18,000 annual salary
 - Part-time Assistant Coordinator - \$11,000 annual salary
 - Community Resource Center Program operational expenses - \$1,000.00 annually



Adullam Ministries Inc Ignite Resource Center College Park

PRESENTED BY JAMELLE MCKENZIE ON APRIL 19, 2021

TO: COLLEGE PARK

2020 – 2021 Ignite Report



Resource Center 2019 - 2020

- u 4 Resource Specialists – Salaries \$ 34,270
- u Workshops - \$2145
- u Hours: Monday through Thursday 11 am – 4 pm
- u Received 2511 Calls at Center
- u Assisted 1038 Clients via in office phone
- u Volunteer Hours 2418 (57 volunteers)
- u Annual Rent: \$6000
- u Supplies, Phone and Digital Systems, Equipment, and Marketing \$6500

Resource Center 2020 – 2021

- u 4 Resource Specialists – Salaries \$ 43,200
- u Workshops – in-person and online - \$1025
- u Hours: Monday through Thursday 11 am – 3 pm
- u Received 2933 Calls at Center
- u In-person and online office visits - 1682
- u Volunteer Hours 2768 (62) volunteers)
- u Annual Rent: \$9300
- u Supplies, Phone and Digital Systems, Equipment, and Marketing \$5000

2020 Projects

- u Ward 2 Fire Victim (10 families) = \$3,500 in-kind
- u SkyHawks Community Game for 150 Children - \$1050
- u Financial Workshop February (23 attendees) - \$350
- u Family/Senior Grocery Delivery – 36,621 meals (Woodward, Open Hand, Atlanta Food Bank, Adullam, One Talent)
- u Drive –Up Resource Fair (September) Food for 600 families (\$46,500) Supplies and marketing (\$3500)
- u Community COVID19 Health online Workshops and In-Home health Visits (United Healthcare and local physicians)
- u School Partnerships = Facemasks, School Supplies for 1200 students
- u Teacher Incentive Program – Gifts and goodies for teachers \$300
- u Holiday Turkey Giveaway – Turkey's for 30 households and meals for 80 people
- u Holiday Projects – Served 123 families, 326 children and 41 seniors
- u Blanket project – for homeless 240 packets of blankets & Pillows
- u Utility Assistance Program - \$8100 in Utility bills (\$4500 from St John Episcopal)
- u COVID-19 Mask Project – 21,000 Facemasks given to Community (\$6500)

2021 Projects

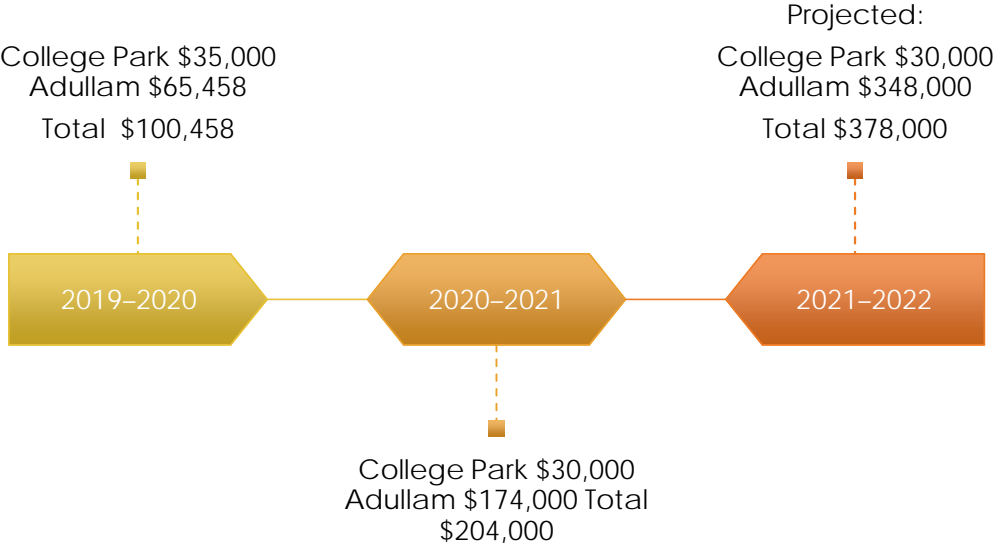
- u Harvard Avenue Fire Victim (8 families) = \$20,000 in cash, furniture, clothing, and food
- u College Park Women's Club Blanket Project – Blankets for 25 seniors (\$250 value)
- u Utility Assistance = \$1600
- u Rental Assistance = \$1800
- u Hotel Vouchers = \$250
- u School Partnership Program = \$2000
- u BirthRight 10-Month Teen Program = \$124,200 (18 students, \$6900 each)
- u Senior Dignity Program – COVID-19 PPE, Travel Vouchers for Vaccine Appts and 5 meals per week delivered for free = \$45,000
- u Drive-Up Resource Fair (June 2021) = Facemasks, Health Resources, Food for 600 families \$65,000
- u COVID-19 Community Health Initiative – 55,000 facemasks for children and adults, hand sanitizer for 1000 people \$15,000

Ignite Resource Center Services

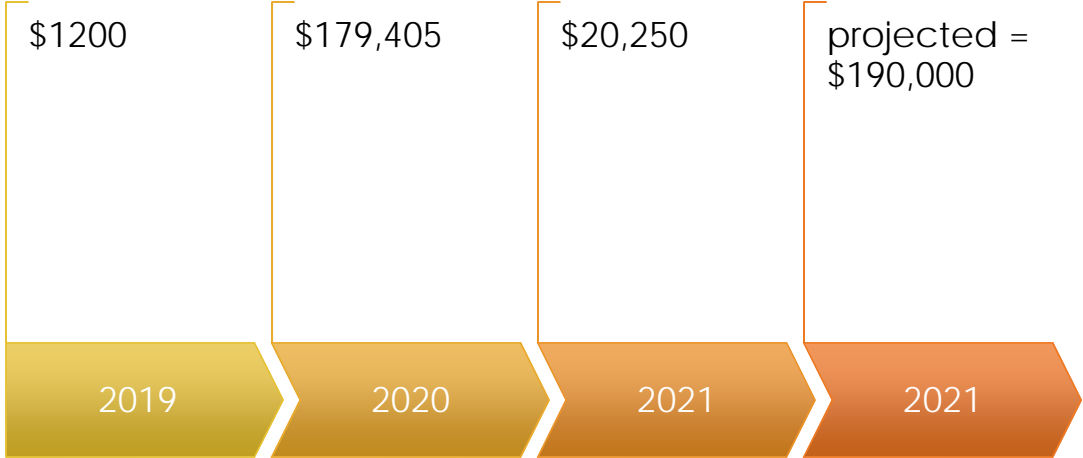
- u **Utility Bill Assistance & Referrals** (Partners - Adullam, St. John, Fulton Atlanta Action, Fulton County, College Park, Zion Hill CDC)
- u **Hotel Vouchers** (Partners – Adullam, Restoration Christian Church)
- u **Senior Health Resources** (Partners – United Health Care, Fulton-Dekalb Hospital)
- u **Behavioral Health Resources** (Partner – Odyssey Family Counseling)
- u **Clothing** (Partners Adullam, Episcopal Church, Donors, Clothing Closet at World Outreach)
- u **Senior Meal Delivery** (Partners Adullam, United Healthcare, the FDHA)
- u **Food Resources** (Partners Adullam, Fountain of Hope, City Bridges Food Pantry, New Life Presbyterian, Family Life Ministries)
- u **Youth Empowerment Services** (Partners Adullam, One Talent, Nouveau Restaurant, AGILE, Emergent Education Consulting)
- u **Rental & Homelessness Assistance** (Partners Adullam, FACA, DCA, Fulton County, Zion Hill, Right Hand Foundation)
- u **Emergency Assistance Services** (Partners – Red Cross, Adullam, Donors)
- u **Furniture Bank** (Adullam)
- u **Legal Aid Resources** (Partner – Fincher & Denmark)
- u **COVID19 Assistance** – Grant & Loan Programs, PPE, Vaccine Assistance

Program Budget & Expenses

(numbers do not reflect in-kind donations)



In-Kind 2019-2021





Q & A





CITY OF COLLEGE PARK

P.O. BOX 87137 · COLLEGE PARK, GA 30337 · 404.767.1537

WORKSHOP AGENDA ITEM

DOC ID: 8782

DATE: April 14, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH: Mercedes Miller, Interim City Manager

FROM: Danielle Matricardi, City Attorney

RE: Discussion of Amendments to Alcoholic Beverages Ordinance

PURPOSE: To discuss potential amendments to the City's Alcoholic Beverages Ordinance that would allow certain businesses that are not restaurants to sell alcoholic beverages by the drink for consumption on the premises.

REASON: To become more competitive with neighboring jurisdictions and bring more businesses to College Park, City Staff desires to amend the City's Alcoholic Beverages Ordinance to allow certain businesses that do not serve food to sell alcoholic beverages by the drink for consumption on the premises. City Staff has examined the attached ordinances from other jurisdictions, which permit businesses such as art galleries, art studios, cigar shops, private dog parks, etc., to sell alcoholic beverages by the drink.

RECOMMENDATION: That Mayor and Council discuss potential amendments to the City Code and provide direction to the City Attorney on how to proceed.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 4/19/2021; Review and Consideration of Ordinance Amendments on 5/3/2021.

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: College Park Code of Ordinances, Chapter 3 (Alcoholic Beverages)

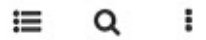
REQUIRED CHANGES TO WORK PROGRAMS: N/A**STAFF:** Business License Department; City Manager**ATTACHMENTS:**

- Alpharetta (PDF)
- East Point (PDF)
- Hapeville pt 1 (PDF)
- Hapeville pt 2 (PDF)

Review:

- Danielle Matricardi Completed 04/14/2021 12:00 PM
- Rosyline Robinson Completed 04/14/2021 12:22 PM
- City Clerk Completed 04/14/2021 12:26 PM
- Mercedes Miller Completed 04/14/2021 1:36 PM
- Mayor & City Council Pending 04/19/2021 6:00 PM

Code of Ordinances



Alpharetta, Georgia - Code of... / Chapter 4 - ALCOHOLIC B... / ARTICLE II. - ON-PREMISE... / Sec. 4-47. - Locations whe...



Alpharetta, GA Code of Ordinances

- CODE OF ORDINANCES CITY OF ALPHARETTA, GEORGIA
 - SUPPLEMENT HISTORY TABLE modified
- PART I - CHARTER AND RELATED LAWS
 - CHARTER COMPARATIVE TABLE - GEORGIA LAWS
- CHARTER COMPARATIVE TABLE - LEGISLATION
 - RELATED LAWS COMPARATIVE TABLE
- Chapter 1 - GENERAL PROVISIONS
- Chapter 2 - ADMINISTRATION
 - Chapter 3 - RESERVED
- ✓ Chapter 4 - ALCOHOLIC BEVERAGES
 - ARTICLE I. - IN GENERAL
 - ✓ ARTICLE II. - ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES
 - Sec. 4-47. - Locations where prohibited.
 - Sec. 4-48. - Hours of sale.
 - Sec. 4-49. - Consumption sales only.
 - Sec. 4-50. - Regulations as to employees; permit.
 - Sec. 4-51. - Open area, sidewalk, deck and patio sales.
 - Sec. 4-52. - Happy hour promotions prohibited.
 - Sec. 4-53. - Brown-bagging or BYOB prohibited; exceptions.
 - Sec. 4-54. - Removal of wine from restaurant by patron.
 - Sec. 4-55. - Cigar shop exception.

Code of Ordinances 4-56—4-81. - Reserved.



- ARTICLE III. - PRIVATE CLUBS
- ARTICLE IV. - PACKAGE LIQUOR
- ARTICLE V. - PACKAGE BEER, MALT BEVERAGES AND WINE
- ARTICLE VI. - WHOLESALER
- ARTICLE VII. - BREW PUBS
- ARTICLE VIII. - SPECIALTY GIFT SHOPS
- ARTICLE IX. - LICENSED ALCOHOLIC BEVERAGE CATERERS
- ARTICLE X. - PUBLICLY-OWNED FACILITIES
- ARTICLE XI. - ANNEXED AREAS
- ARTICLE XII. - SPECIAL EVENTS
- ARTICLE XIII. - PUBLIC ENTERTAINMENT FACILITY
- ARTICLE XIV. - ANCILLARY WINE TASTING LICENSE
- ARTICLE XV. - MISCELLANEOUS OFFENSES
- ARTICLE XVI. - SPECIAL PROVISIONS AND EXCEPTIONS WITHIN DOWNTOWN DISTRICT
- ARTICLE XVII. - BREWERIES
- ARTICLE XVIII. - SPECIAL PROVISIONS AND EXCEPTIONS WITHIN CERTAIN MIXED USE DEVELOPMENTS
- ARTICLE XIX. - DISTILLERIES

Chapter 5 - RESERVED

- Chapter 6 - ANIMALS

Chapter 7 - RESERVED

- Chapter 8 - BUILDINGS AND BUILDING REGULATIONS

Chapter 9 - RESERVED

- Chapter 10 - BUSINESSES AND BUSINESS REGULATIONS

Chapter 11 - RESERVED

Code of Ordinances - CEMETERIES



Chapter 13 - RESERVED

➤ Chapter 14 - CIVIL EMERGENCIES

Chapter 15 - RESERVED

➤ Chapter 16 - EMERGENCY SERVICES

Chapter 17 - RESERVED

➤ Chapter 18 - ENVIRONMENT

Chapter 19 - RESERVED

➤ Chapter 20 - FIRE PREVENTION AND PROTECTION

Chapter 21 - RESERVED

➤ Chapter 22 - HEALTH AND SANITATION

Chapter 23 - RESERVED

➤ Chapter 24 - IMPACT FEES

Chapter 25 - RESERVED

➤ Chapter 26 - NUISANCES

Chapter 27 - RESERVED

➤ Chapter 28 - OCCUPATIONAL LICENSES, TAXES AND REGULATIONS

Chapter 29 - RESERVED

➤ Chapter 30 - OFFENSES AND MISCELLANEOUS PROVISIONS

Chapter 31 - RESERVED

➤ Chapter 32 - PARKS AND RECREATION

Chapter 33 - RESERVED

➤ Chapter 34 - PERSONNEL

Chapter 35 - RESERVED

➤ Chapter 36 - PLANNING AND DEVELOPMENT

Code of Ordinances

Chapter 37 - RESERVED



➤ Chapter 38 - SOLID WASTE

Chapter 39 - RESERVED

➤ Chapter 40 - STREETS AND SIDEWALKS

Chapter 41 - RESERVED

➤ Chapter 42 - TAXATION

Chapter 43 - RESERVED

➤ Chapter 44 - TELECOMMUNICATIONS

Chapter 45 - RESERVED

➤ Chapter 46 - TRAFFIC AND VEHICLES

Chapter 47 - RESERVED

➤ Chapter 48 - VEHICLES FOR HIRE

CODE COMPARATIVE TABLE - 1989 CODE

CODE COMPARATIVE TABLE - LEGISLATION modified

STATE LAW REFERENCE TABLE modified

< Secs. 4-32—4-46. - Reserved.

ARTICLE III. - PRIVATE CLUBS >

ARTICLE II. - ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES

Sec. 4-47. - Locations where prohibited.

(a) No alcoholic beverages may be sold by the drink for consumption on the premises where sold except in:

(1) Eating establishments regularly serving prepared food, with a full-service kitchen consisting of a four-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the county health department and the city fire marshal, prepared to serve food every hour they are open;

(2) Supermarkets or wine bars, where these establishments are permitted to seat 45 or more

Code of Ordinances persons pursuant to applicable building, fire and safety codes in effect for the city;

- (3) Cigar shops;
- (4) Art galleries or art studios;
- (5) Hotels, motels or high-rise office and apartment buildings; or
- (6) Private dog parks.

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. Unless otherwise expressly exempted in this chapter from this requirement, establishments not located in hotels or motels shall derive a minimum of 50 percent of their total annual gross food and beverage sales from the sale of prepared meals or food (except that wine bars and dog parks shall derive a minimum of 40 percent). Hotels and motels containing such establishments shall derive a minimum of 50 percent of their total annual gross income from the sales of prepared meals or food and from the rental of rooms for overnight lodging. For the purposes of this chapter, the term "hotel" or the term "motel" means an establishment that contains not less than 35 separate rooms for overnight lodging.

(Code 1989, § 3-40; Ord. No. 218-A, § 1.025, 9-22-1986; Ord. No. 573, 9-6-2005; Ord. No. 659, § 1, 12-19-2011; Ord. No. 679, §§ 1, 9, 7-15-2013; Ord. No. 740, § 2, 5-16-2017; Ord. No. 795, § 2, 5-26-2020)

Sec. 4-48. - Hours of sale.

Alcoholic beverages shall not be sold for consumption on the premises except:

- (1) Monday through Saturday, between the hours of 9:00 a.m. and 2:00 a.m. of the following day; and
- (2) On Sunday from 11:00 a.m. until 2:00 a.m. on Monday in any licensed establishment which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food, or which derives a minimum of 50 percent of its total annual gross income from the rental of rooms for overnight lodging.

Notwithstanding the provisions of sections [4-401](#) and [4-452](#), permitting outside consumption of alcohol within the downtown district and certain mixed use developments, such sales and outside consumption are strictly prohibited on Sunday from 11:00 a.m. to 12:30 p.m.

(Code 1989, § 3-41; Ord. No. 218-A, § 1.026, 9-22-1986; Ord. No. 740, § 3, 5-16-2017; Ord. No. 768, § 1, 8-20-2018)

Sec. 4-49. - Consumption sales only.

- (a) Except as may be otherwise expressly provided in this chapter, establishments holding a license to sell alcoholic beverages for consumption on the premises shall not hold a license for the sale of alcoholic beverages by the package.

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- (b) The foregoing prohibition, however, shall not apply with respect to the following:
- (1) Supermarkets and brew pubs, as defined in [section 4-1](#); provided, however, no such license shall include or authorize the sale of distilled spirits by the package; and
 - (2) Eating establishments, as defined in [section 4-1](#), may sell wine by the package for off-premises consumption, provided that no more than ten percent of the interior floor area of the establishment is devoted to the display of package wine and no more than ten percent of the establishment's revenues derived from the sale of alcoholic beverages is derived from package wine sales. Notwithstanding the foregoing, the sales of wine by the package for off-premises consumption shall not be used in calculating the total annual gross food and beverage sales for the establishment for the purpose of determining whether the establishment constitutes an eating establishment as set forth in [section 4-1](#).
- (c) For the purposes of this chapter, where a person holds a license to sell alcoholic beverages by the package, including distilled spirits, at one establishment, and a license to sell alcoholic beverages for consumption on the premises at a contiguous establishment, and the licensed premises of each establishment are physically separate from the other, with the only interconnectivity between the establishments (if any) being an inside connecting service door or passageway, such establishments shall be considered separate and distinct establishments, provided that:
- (1) Each establishment operates under a trade name different from the other;
 - (2) All business transactions are kept separate;
 - (3) Each establishment must operate in compliance with all other provisions of this chapter and all other laws and regulations applicable to such business;
 - (4) Each establishment has a separate entrance for the public and the establishments share no common entrance;
 - (5) The inside connecting service door or passageway (if any) must be located behind the bar or service counter of each establishment or otherwise so situated or maintained as to be reasonably accessible only to the licensee or employees of the establishments, and only the licensee and employees of the establishments may use such door or passageway; and
 - (6) All other conditions required by state regulations applicable to such contiguous operations are met.

(Code 1989, § 3-42; Ord. No. 218-A, § 1.027, 9-22-1986; Ord. No. 679, § 10, 7-15-2013; Ord. No. 694, § 1, 9-15-2014; Ord. No. 701, § 1, 2-23-2015; Ord. No. 722, § 3, 3-21-2016; Ord. No. 740, § 4, 5-16-2017)

Sec. 4-50. - Regulations as to employees; permit.

The following regulations regarding employees shall apply to all establishments holding a license for consumption of alcoholic beverages on the premises:

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- (1) An employee shall meet the same character requirements as set forth in the general requirements of the licensee, except for the residency requirements.
- (2) No person shall be employed by an establishment holding a license hereunder until such person has been fingerprinted or cleared by the department of community development and a permit issued indicating that such person is eligible for this employment. The permit issued to a person under this section shall be either of the following:
 - a. Alcoholic beverage permit, which shall be issued only to a person who must be 21 years of age or older, and who sells, serves or dispenses alcoholic beverages;
 - b. Non-alcoholic beverage permit, which shall be issued to a person whose employment includes, but is not limited to, host, hostess, doorman and bouncer.
- (3) No permit shall be issued until such time as a signed application has been filed with the director of community development and a search of the criminal record of the applicant completed. Such application shall include, but shall not be limited to, the name, date of birth and prior arrest record of the applicant, though the fact of an arrest record shall be used for investigative purposes only, and shall give rise to no presumption or inference of guilt. Due to the inclusion of arrest information, these applications shall be regarded as confidential and shall not be produced for public inspection without a court order.
- (4) The director of community development shall have a complete and exhaustive search made relative to any police record of the person fingerprinted or cleared. In the event there is no record of a violation of this article, the director of community development shall issue a permit to the employee, stating that the person is eligible for employment. If it is found that the person fingerprinted or cleared is not eligible for employment, the director of community development shall notify the employer that this person is not eligible for employment.
- (5) It shall be the duty of all persons holding any license to sell alcoholic beverages to file with the director of community development the name of the establishment, the license number and a list of all employees, with their home addresses and home telephone numbers.
- (6) All permits issued through administrative error or through an error in completion of a background investigation can be terminated by the director of community development or the city clerk.
- (7) This section shall not be construed to include employees whose duties are limited solely to those of busboy, cook or dishwasher.
- (8) No licensee shall allow any employee required to hold a permit to work on the licensed premises unless the licensee has on file, on the premises, the current, valid permit of each such employee.
- (9) In the event that any permit holder leaves the employ of a licensed establishment, the

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licensee shall immediately surrender the permit to the city department of community development.

- (10) All permits issued hereunder remain the property of the city and shall be produced for inspection upon the demand of any officer of the city department community development.
- (11) Unless waived or modified by the director of community development, the provisions of this section relative to employees shall also apply to any of the licensee's volunteers or contractors engaged in the service of alcohol.

(Code 1989, § 3-43; Ord. No. 218-A, § 1.028, 9-22-1986; Ord. No. 622, § 1, 5-19-2008; Ord. No. 679, § 1, 7-15-2013; Ord. No. 784, § 1(Exh. A), 8-26-2019)

State Law reference— Age of employees, O.C.G.A. § 3-3-23; persons under 18 years of age not allowed or required to serve, sell, or take orders for alcoholic beverages, O.C.G.A. § 3-3-24.

Sec. 4-51. - Open area, sidewalk, deck and patio sales.

The consumption and/or sale of alcoholic beverages may be allowed in open areas, sidewalks, decks, patios or similar unenclosed spaces on or about the premises of an establishment licensed to sell alcohol for consumption on the premises if written application is made to and approved by the director of community development, or his designee, under such conditions as the director may deem appropriate for the protection of public health, safety and welfare, including, but not limited to, maximum capacity, ingress and egress.

(Code 1989, § 3-44; Ord. No. 218-A, § 1.029, 9-22-1986; Ord. No. 679, § 11, 7-15-2013; Ord. No. 784, § 1(Exh. A), 8-26-2019)

Sec. 4-52. - Happy hour promotions prohibited.

- (a) No licensee, or employee or agent of a licensee, shall engage in any of the following practices in connection with the sale or other disposition of alcoholic beverages for consumption on the premises:
 - (1) The giving away of any alcoholic beverage in conjunction with the sale of any other alcoholic beverage;
 - (2) The sale of two or more alcoholic beverages for a single price, including the sale of all such beverages a customer can or desires to drink at a single price;
 - (3) Selling, offering to sell or delivering to any person 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 by up to one-half the price customarily charged;
 - (4) Requiring or allowing the purchase of a second or subsequent alcoholic beverage at the

Code of Ordinances same time another alcoholic beverage is purchased or before the first such beverage has been consumed, by any one person;

- (5) Increasing the volume of alcoholic beverage contained in a drink without proportionately increasing the price customarily charged for such beverage.

It is the intent of this section to prohibit activities typically associated with promotions referred to as "happy hour."

- (b) As used in this section, the phrase "customarily charged" means the price regularly charged for such alcoholic beverage during the same calendar week.

(Code 1989, § 3-45; Ord. No. 218-A, § 1.030, 9-22-1986)

Sec. 4-53. - Brown-bagging or BYOB prohibited; exceptions.

- (a) It is prohibited for any person to bring his own alcoholic beverage (brown-bagging) into any retail establishment, without regard to whether such establishment is licensed to sell alcoholic beverages, for consumption on such premises.
- (b) Exceptions. The foregoing prohibition in subsection (a) of this section is subject to the following specific exceptions:
- (1) *Furnishing of wine by a patron of a restaurant.* Any restaurant which is licensed to sell wine for consumption on the premises may permit a patron to bring into the restaurant one unopened bottle of wine for consumption on the premises. In order for this provision to apply, the restaurant must establish a policy for permitting same and must charge a minimum corkage fee of \$10.00 per bottle. Nothing in this section shall be deemed to require a restaurant to establish such a policy. Any wine not consumed at a restaurant shall be disposed of at the premises and not carried out in an open container, unless the restaurant is able to reseal and repackage the opened bottle of wine in accordance with [section 4-54](#).
 - (2) *Patrons participating in cooking classes.* This section shall not prohibit any person who is participating in a cooking class offered by a retail establishment from bringing one unopened bottle of wine into the retail establishment to consume with the meal prepared as part of such class, provided:
 - a. The retail establishment has a policy permitting a patron participating in a cooking class to bring an unopened bottle of wine into the retail establishment for consumption on the premises by the patron;
 - b. The retail establishment does not charge a corking or other fee for same;
 - c. The price of a cooking class offered by the retail establishment does not vary based on whether class participants will be permitted to bring wine into the retail establishment for consumption on the premises;

Code of Ordinances d. No employee of the retail establishment under the age of 18 years shall be working in the establishment during the times such classes are offered; and

- e. The retail establishment has an established closing time of no later than 10:00 p.m. Any opened bottle of wine not consumed at the retail establishment during the cooking class shall be disposed of at the premises and not carried out in an open container. All other applicable state and city laws, regulations and ordinances which address the use and serving of alcoholic beverages shall apply to this subsection.

- (c) For the purposes of this section, the term "retail establishment" shall not include a private hotel room or similar guest room or a private club.

(Code 1989, § 3-46; Ord. No. 649, § 1, 5-16-2011; Ord. No. 679, § 12, 7-15-2013; Ord. No. 740, § 5, 5-16-2017)

Sec. 4-54. - Removal of wine from restaurant by patron.

Notwithstanding any other contrary provision of the ordinance from which this section derives, any restaurant which is licensed to sell wine for consumption on the premises may permit a patron to remove one unsealed bottle of wine per patron for consumption off the premises, if the patron has purchased a meal and consumed a portion of the bottle of wine with such meal on the restaurant's premises. A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employees before removal from the premises. The partially consumed bottle of wine shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the bottle of wine or corkage fee and meal shall be provided by the licensee and attached to the container. If transported in a motor vehicle, the container with the resealed bottle of wine shall be placed 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.

(Code 1989, § 3-47; Ord. No. 649, § 1, 5-16-2011; Ord. No. 679, § 13, 7-15-2013)

State Law reference— Removal of wine from restaurant by patron, O.C.G.A. § 3-6-4.

Sec. 4-55. - Cigar shop exception.

A cigar shop may obtain a license for the sale of alcoholic beverages for on-premises consumption, provided that it derives no more than ten percent of its total annual gross revenues from the sale of alcoholic beverages. For the purposes of this section only, annual gross revenues shall mean revenues from the sale of alcohol and the in-store sale of cigars. Such licensee shall meet the requirement of sections [4-47](#) through [4-50](#) except for providing a full-service kitchen and serving food.

(Ord. No. 733, § 2, 2-6-2017)

Secs. 4-56—4-81. - Reserved.

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< Secs. 4-32—4-46. - Reserved.

ARTICLE III. - PRIVATE CLUBS >

ARTICLE F. - LICENSE FOR ON PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES

Sec. 11-1400. - Definitions.

Hookah Bar
(IF Server Food)

For the purposes of this article only, the following terms shall have the meanings respectively ascribed to them, to wit:

Bar: An establishment having a minimum capacity of twenty-five (25) persons and a maximum capacity as determined by the City of East Point Fire Code that is primarily devoted to selling and dispensing alcoholic beverages by the drink for on-premises consumption. All bars shall meet the distance requirement as set forth in this ordinance where on premises consumption is approved.

Hotel or motel shall have that meaning ascribed to it in O.C.G.A. § 3-9-10. 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, in which fifty (50) or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms, where meals are regularly served to such guests, such sleeping accommodations and dining rooms being 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 hotel shall be classified in the same category as hotels.

Licensee shall mean a person, firm or corporation, association or establishment holding a license to engage in the retail sale of any and all alcoholic beverages by the drink for consumption on the licensed premises.

Nightclub: An establishment having a capacity of at least one hundred (100) persons, with all booths and tables unobstructed and open to view, dispensing alcoholic beverages and in which music, dancing or entertainment is conducted. All such establishments shall be equipped with air conditioning. The principal business of a nightclub shall be entertainment, and the serving of alcoholic beverages shall be incidental thereto. All nightclubs shall meet the distance requirement as set forth in this chapter where on premises consumption is approved.

Lounge shall mean a separate room connected with, a part of, and adjacent to a restaurant or located in hotels or motels as defined herein, or a separate establishment unrelated to the foregoing, with all booths, stools and tables being open and unobstructed to the view of any other customers of, and in such lounge or the manager thereof.

Premises shall mean the lot and building thereon, closed or partitioned-in locality, whether room, shop or building wherein distilled spirits, wine or malt beverages are sold by the drink, except to the extent that this meaning conflicts with the definition of a hotel or motel premises, in which case the definition of the terms hotel or motel shall govern.

Private club shall be defined as contained in the definition under Article A of this chapter.

Restaurant: Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment and seating capacity of at least forty (40) people, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. At least one (1) meal per day shall be served at least six (6) days per week, with the exception of holidays, vacations and periods of renovations. Said business must derive at least fifty-one (51) percent of its total annual gross income from food and non-alcoholic beverages as certified by an accountant.

Supper club shall mean those establishments having a seating capacity of at least one hundred fifty (150) persons with all booths and tables being open to unobstructed view, and providing a band and/or other professional entertainment, a minimum of twenty (20) days in each calendar month, each and every calendar month of a calendar year, with the exception of holidays, vacations and periods of redecorating. The principal business shall be the provision of food and have at least fifty-one (51) percent) of its total annual gross income from food sales as certified by an accountant.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1401. - License constituted grant or privilege.

Licenses hereunder shall be mere grants or privileges, and the city council of East Point shall have the discretion to approve, or deny any application for a license to sell distilled spirits by the drink, or to revoke the same.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1402. - Sale without license.

It shall be unlawful for any person to sell any alcoholic beverage or for use or consumption on the premises without the license required herein.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1403. - Special requirements.

Sale of alcoholic beverages for consumption on the premises shall be allowed only within the following described establishments:

- (1) *Bar*: An establishment having a minimum capacity of twenty-five (25) persons and a maximum capacity as determined by the City of East Point Fire Code that is primarily devoted to selling and dispensing alcoholic beverages by the drink for on-premises consumption.
- (2) *Brewpub*: Any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36 for retail consumption on the premises solely in draft form. As used herein, the term "eating premises" and "establishment" means a business which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least fifty-one (51) percent of its total annual gross food and beverage sales from the sale of prepared meals or food.
- (3) *College*: State, county, city, church or other colleges that teach the subjects commonly taught in the common colleges of this state and does not include private colleges where only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.
- (4) *Hotels or motels*: Hotels shall have the privilege of granting franchises for the operation of a lounge, restaurant or supper club in their premises and the holder of such franchise shall be included in the definition of hotel hereunder. The public dining room connected herewith shall not be confused or defined with the definition of separate lounges, restaurants, private clubs or supper clubs as may be contained further herein, but in this instance, must be a dining room 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. The seating capacity for these hotel-connected facilities shall not be fixed as may be contained in further definitions herein.

- (5) *Lounges*: Lounges operated on a different floor in the premises, or in a separate building, or not connected to or adjacent to a restaurant, shall be considered a separate establishment and shall pay an additional license fee therefore. All lounges shall be air conditioned, and have a seating capacity of at least one hundred fifty (150).
- (6) *Nightclub*: An establishment having a capacity of at least one hundred (100) persons, with all booths and tables unobstructed and open to view, dispensing alcoholic beverages and in which music, dancing or entertainment is conducted. All such establishments shall be equipped with air conditioning. The principal business of a nightclub shall be entertainment, and the serving of alcoholic beverages shall be incidental thereto.
- (7) *Outdoor dining area*: A space in which a license serves food and beverages as part of the operation. An outdoor dining area must be located directly in front of or on the side of a licensed restaurant and may only be separated from the licensee's premises by a sidewalk. No part of an outdoor dining area shall be located within a public right-of-way. The width of an outdoor dining area shall not exceed the width of the licensed premises and shall contain no more than fifty (50) percent of the premises' total seating capacity. The space within an outdoor dining area shall be enclosed within a clearly delineated area, which is surrounded by a continuous physical barrier no less than thirty-six (36) inches and no more than forty (40) inches in height. An outdoor dining area shall have a single point of ingress and egress that is controlled by the licensee. Music and/or live entertainment shall not be provided within an outdoor dining area. For the purpose of this ordinance decks that meet the above listed criteria shall be considered to be outdoor dining areas.
- (8) *Restaurant*: Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment and seating capacity of at least forty (40) people, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. At least one (1) meal per day shall be served at least six (6) days per week, with the exception of holidays, vacations and periods of renovations. Said business must derive at least fifty-one (51) percent of its total annual gross income from food and non-alcoholic beverages as certified by an accountant.
- (9) *Supper clubs*. All supper clubs shall be equipped with air conditioning, and shall maintain an adequate kitchen with a sufficient number of employees for cooking, preparing, and serving food and meals for their patrons, and shall regularly serve at least one (1) meal each day for six (6) days each calendar week; provided that supper clubs located in hotels or motels having dining room and kitchen facilities may be relieved from maintaining a kitchen in connection with such supper club. The principal business of such supper clubs shall be entertainment, and any serving of alcoholic beverages shall be incidental thereto. The principal business shall be the provision of food and have at least fifty-one (51) percent of its total annual gross income from food sales as certified by an accountant.
- (10) *Tasting room*: An establishment operated for the distribution and sale of wine by providing complimentary samples of such wine to the public and for the sale of such wine at retail.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1404. - Residence requirements of applicants.

Where the applicant for a license hereunder is a corporation, with an office and agent in this state, the license shall be issued to the corporation and its principal officer or agent who resides in the following counties: Fulton, DeKalb, Cobb, Clayton, Gwinnet, Cherokee, Douglas, Fayette, Coweta, Paulding, Henry or Forsyth. For the purposes of this article, the agent may be the manager of the business at the applied for location. The agent for service may be different than the licensed agent at the licensed location. If the applicant is a partnership, the requirements of this section shall apply to all of the partners.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1405. - City official, spouse, children prohibited from holding license.

It shall be unlawful for any elected or full or part time appointed employee or official of the state, county or city, or his or her spouse or minor child or children to hold any license hereunder.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1406. - Restrictions upon wholesalers of liquors.

No person shall hold a license hereunder who also has any direct financial interest in any wholesale liquor business. No financial aid or assistance to any licensee hereunder from any wholesaler or manufacturer of intoxicating liquors shall be permitted.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1407. - Effect of prior conviction of crime upon applicant.

No original license shall be issued to any person, partnership or corporation organized for pecuniary gain where any individual having an interest either as owner, partner or principal stockholder, directly or indirectly, beneficial or absolute, or his spouse, shall have been convicted, or shall have entered a plea of nolo contendere within ten (10) years immediately prior to the filing of said application, for any felony or misdemeanor of any state or of the United States or any municipal ordinance except traffic violations; the term "conviction" shall include an adjudication of guilty or a plea of guilty or nolo contendere or the forfeiture of a bond when charged with such a crime or violation.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1408. - Planning and zoning survey to accompany application for license.

In all applications for an original or new license the distance shall be measured by the planning and zoning department in accordance with the method of measurement set forth in Article A. The fee for measurement will be assessed by the planning and zoning department.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1409. - Registration of new applications for licenses.

New or original applications hereunder shall be dated with the time of filing with the police department, and shall be designated by an "S" for supper clubs, "R" for restaurants, "H" for hotels and motels and "O" for others, followed by a number to designate the order of filing, the numbers to begin anew with each calendar year; preference shall be given, in each category, whenever feasible, to the order in which the applications are filed.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1410. - License not to issue to applicant not meeting requirements.

No license shall issue to any applicant who does not meet the requirements of a restaurant, hotel, motel, private club, lounge, or supper club as defined herein.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1411. - Violation of article constitutes grounds for revocation of license.

Any violation of any provision of this article by the holder of a license hereunder or designee shall be subject to any penalties or sanctions set forth in this chapter and the Code.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1412. - Distance requirements from church, school, residence.

The distance requirements as contained in this chapter shall apply to licensees under this article, except as otherwise provided in O.C.G.A. § 3-3-21(b)(1).

(Ord. No. 031-13, 12-16-13)

Sec. 11-1413. - Prohibited activities.

No business under this article may promote, encourage or make available any gambling device or gambling place as those terms are defined in O.C.G.A. § 16-12-20.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1414. - Condition of premises.

All licensed premises shall be kept clean and in proper sanitary condition, and in full compliance with the provisions and regulations governing the conditions of premises used for the storage and sale of food for human consumption. It shall be unlawful to permit any disturbance of the peace, or obscenity or any lewd, immoral or improper entertainment, conduct, or practices on such premises.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1415. - Standards for prescribed sleeping or seating capacity; applicability of fire regulations.

Where a minimum sleeping or seating capacity is prescribed herein, the same shall be judged by existing ordinances, or by reasonable standards. The fire department shall, upon request of the police department, inspect such premises and report their findings to the police department. All premises licensed hereunder shall conform at all times to all fire

regulations of the city.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1416. - Service of drinks to be by employees only.

Drinks sold hereunder shall be served only by employees with a valid permit of the licensee hereunder.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1417. - Regulations to be posted, employees to be instructed as to contents thereof.

It shall be the duty of the licensee hereunder to maintain a copy of this article on such premises, and to instruct each and every employee of the terms hereof.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1418. - Prohibited activities by employees.

It shall be unlawful for an employee of a supper club or lounge to dance or sit with customers in the premises, or for any customer to be permitted to purchase food or drink for such employees in such premises.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1419. - Employment of minors.

No licensee hereunder shall employ a minor in his establishment except under the conditions as provided in Articles A and B of this chapter; provided that musicians and other entertainers eighteen (18) years of age may provide professional entertainment upon the premises of the licensee.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1420. - Purchases by licensees from wholesalers.

The holders of licenses hereunder may purchase from wholesalers licensed by the city alcoholic beverages in containers of sizes of one-fifth 1/5 of a gallon or larger unless a particular brand is not packaged in these size containers, and then the license holders may purchase the brand in the nearest size to the size containers.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1421. - Serving drinks on trains, airplanes.

Nothing herein shall prohibit the serving of distilled spirits by the drink on dining or club cars of trains or on airplanes in transit on regular schedules.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1422. - Authority of licensee to serve malt beverages.

Licenses hereunder shall have the right to serve malt beverages by the drink on the premises during the same hours as are permitted hereunder for the serving of distilled spirits, wines, or champagnes by the drink. Nothing hereunder is intended to repeal the hours of selling malt beverages in any other type establishment not covered under licenses authorized by this article.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1423. - Sale to minors or incapacitated persons; loitering about premises.

No licensee hereunder shall allow any persons under twenty-one (21) years of age or incapacitated persons to be in, frequent or loiter about the licensed premises of a supper club or lounge; provided, however, persons under twenty-one (21) years of age may frequent or be in such supper clubs or lounges if they are accompanied by a parent or legal guardian.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1424. - Misrepresentation of age, possession, consumption by minors.

- (a) It shall be unlawful for any person under twenty-one (21) years of age to falsely misrepresent his age in any manner whatsoever to a licensee hereunder.
- (b) It shall be unlawful for any person under twenty-one (21) years of age to drink or possess any alcoholic or distilled spirits as defined herein on any licensed premises.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1425. - Package sales by licensees.

Licenses hereunder shall not permit the sale of distilled spirits by the bottle or package. Such persons holding such licenses shall have the right to sell wines, champagnes or malt beverages to the public by the bottle or package for consumption on the premises without the issuance of a separate retail license therefore.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1426. - Opened original packages on licensed premises prohibited.

It shall be unlawful for any person except a licensee, his manager or agent in charge of any licensed premises hereunder or an employee of the licensee to carry into or have in his possession on any licensed premises, any alcoholic beverage in the original package the seal of which has been broken or the original package opened.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1427. - Misrepresenting quantity, quality of bottle.

It shall be illegal for licensees hereunder to add to the contents of a bottle, or to refill empty bottles, or in any other manner to misrepresent the quantity, quality or brand name of any alcoholic beverages.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1428. - Service in back rooms prohibited.

The sale of alcoholic beverage for consumption by persons in any room which is not open to general public use is prohibited, except that private parties or conventions, which have been scheduled in advance, may be served in public or private dining rooms or meeting rooms; and provided further, that this prohibition shall not apply to private clubs hereunder, or to the sale of alcoholic beverage for consumption hereunder to the registered guest of any hotel or motel in their designated and private rooms.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1429. - Sales outside premises.

It shall be unlawful for any sales to be made outside of the premises on the lot on which such business is licensed for such sale, except as permitted herein.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1430. - Acts prohibited unless licensed.

Unless included in the definition of a private club, as hereinafter defined, it shall be illegal and an offense against the ordinances of the city for any person, firm, corporation, association, society, union, institution, private club, or other form of organization, or any combination thereof, without having applied for, and obtained an annual license to sell retail distilled spirits by the drink for consumption on the premises where such sale occurs, to engage or continue in any of the following activities or conduct, relating to distilled spirits retail sales for consumption on the premises where sold:

- (1) Selling distilled spirits at retail by the drink for consumption on the premises where sold for such consumption;
- (2) Selling at retail distilled spirits for consumption by the drink on the premises where such retail sale occurs;
- (3) Controlling or processing distilled spirits for retail sale by the drink for consumption on the premises where controlled or possessed for such retail sale;
- (4) Offering distilled spirits for sale at retail by the drink for consumption on the premises where offered;
- (5) Furnishing distilled spirits, to be served by the drink, at retail for consumption on the premises where so furnished;
- (6) Storing or keeping, or permitting the storage or keeping of broken or unsealed packages of distilled spirits of members for consumption thereof by the owners of such liquors on the premises where so stored or kept;
- (7) Acquiring, delivering, receiving or accepting distilled spirits by any one at or on any premises other than his or her bona fide home for consumption therein, if no city license for the retail sale of such beverage at such place by the drink is in effect;
- (8) Providing a room, place, or premises for keeping or storage, of sealed and unopened, or opened or unsealed containers or bottles of distilled spirits for sale at retail, or for consumption thereof on such premises when no valid city license to retail distilled spirits by the drink for consumption on such premises shall be in force;

- (9) Evading any provision of this or any other valid ordinance of this city relating to the retail sale of distilled spirit drink for consumption on the premises where sold, served, or furnished for consumption on such premises whatever false schedule, trick or device may be employed;
- (10) Making gratuitous gifts or donations of spurious memberships in an alleged private, regular, dues-paying members club, or including enough not specified in the price charged for purchases of merchandise or privileges, other than distilled spirits, to cover membership dues, shall be held an evasion, and shall not be treated as a bona fide donation or gift;
- (11) Aiding, abetting, counseling, advising, or assisting in the violation of this or any other applicable valid city ordinance relating to the sale at retail of any distilled spirits by the drink for consumption on the premises where sold.

(Ord. No. 031-13, 12-16-13)

Sec. 11-1431. - Restrictions on private clubs.

- (a) It shall be unlawful for private clubs licensed hereunder to fail to meet the following requirements:
 - (1) No member shall be limited or restricted in his or her authority, control, or power within three (3) months from the date he or she becomes such a member;
 - (2) All private clubs shall make and keep a correct and true printed or typewritten list of all of its members open to inspection of the city license inspector, mayor, all members of the city council, the city manager, and any member of the police department of the city, at all times of day and night when the club is open to its members);
 - (3) All private clubs shall confine membership to persons over twenty-one (21) years of age;
 - (4) All private clubs shall restrict their patronage to their bona fide regular dues-paying members;
 - (5) All private clubs shall derive a majority of their income from their bona fide regular membership dues, sales and service of meals, and private dances by such members and their immediate families, or other lawful activities not related to or involving the sale or use of alcoholic beverages;
 - (6) Private clubs shall not derive a majority of their income from the sale of alcoholic beverages;
 - (7) No private club shall be organized or operated primarily for the selling or serving of alcoholic beverages by the drink;
 - (8) All private clubs shall have at least one hundred (100) members regularly paying dues, organized and operated exclusively for pleasure, recreation and other non-profitable purposes, no part of the net earnings of which inure to the benefit of any shareholder or member and owning, hiring or leasing a building or space therein for the reasonable use of its members with suitable kitchen and dining room space and equipment and maintaining and using a sufficient number of employees for cooking, preparing and serving meals for its members and guests; provided that no member or officer, agent or employee, is paid or directly or indirectly receives in any form of salary or other compensation any profits from the sale of distilled spirits, wines, champagnes, or malt beverages beyond the amount of such salary as may be fixed by its members at an annual meeting, or by its governing body, out of the general revenue of the club. For the purposes of this subsection, tips which are added to the bill under club regulations shall not be considered as profits hereunder.
- (b) The prohibitions contained in section 11-1430 shall specifically apply herein.

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(Ord. No. 031-13, 12-16-13)

Secs. 11-1432—11-1499. - Reserved,

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Chapter 5 - ALCOHOLIC BEVERAGES

Footnotes:

-- (1) --

Editor's note— Ord. No. 2017-04, § 1, adopted March 21, 2017, repealed the former ch. 5, §§ 5-2-1—5-2-3, 5-3-1—5-3-16, 5-4-1—5-4-19, 5-5-1—5-5-19, 5-6-1—5-6-23, 5-6.1-1, 5-6.2-1, 5-6.3-1—5-6.3-17, 5-6.4-1—5-6.4-18, 5-7-1—5-7-18, 5-8-1, and 5-8-2, and enacted a new ch. 5 as set out herein. The former ch. 5 pertained to similar subject matter and derived from Ord. No. 2002-14, adopted October 1, 2002; Ord. No. 2002-17, adopted November 12, 2002; Ord. No. 2004-01, adopted January 6, 2004; Ord. No. 2004-02, adopted January 27, 2004; Ord. No. 2004-24, adopted December 21, 2004; Ord. No. 2005-09, adopted October 4, 2005; Ord. No. 2006-08, adopted June 13, 2006; Ord. No. 2006-08A, adopted July 11, 2006; Ord. No. 2007-05, adopted May 1, 2007; Ord. No. 2007-13, adopted July 17, 2007; Ord. No. 2007-15, adopted October 2, 2007; Ord. No. 2007-17, adopted October 1, 2007; Ord. No. 2008-16, adopted October 21, 2008; Ord. No. 2009-04, adopted April 7, 2009; Ord. No. 2009-14, adopted 10-6-2009; Ord. No. 2011-14, adopted 12-6-2011; Ord. No. 2011-15, adopted December 6, 2011; Ord. No. 2013-14, adopted January 21, 2014; Ord. No. 2014-01, adopted May 6, 2014; Ord. No. 2014-04, adopted April 15, 2014; Ord. No. 2014-06, adopted June 3, 2014; Ord. No. 2015-02, adopted May 5, 2015; Ord. No. 2015-07, adopted May 5, 2015; Ord. No. 2015-12, adopted August 4, 2015; Ord. No. 2016-14, adopted June 21, 2016; Ord. No. 2016-23, adopted September 20, 2016; and Ord. No. 2016-36, adopted 12-14-2016.

ARTICLE 1. - LICENSING GENERALLY

Beer & Cider
Garden

Sec. 5-1-1. - Purposes.

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

- (1) Compliance with and effectuation of state law;
- (2) Promotion and effectuation of the city's land use and zoning policies/plans;
- (3) Prevention of the unlawful sale and use of alcohol;
- (4) Protection of schools, homes, churches, parks and other entities; and
- (5) Protection of the public health, safety and welfare.

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.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-1-2. - Licenses 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) Except as specifically authorized in this chapter, no person, entity and/or business licensed for the sale of a particular class of alcoholic beverages may sell other classes of alcoholic beverages without obtaining a separate license required therefore.
- (c) Generally, no entity may hold more than two licenses total. The two licenses may be in a single class. Hotels may hold up to five licenses total as long as each licensed entity or facility is physically located or operated within one building.
- (d) All licensees hereunder must, within a six-month period after the issuance of a license, open for

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establishment referred to in the license and begin the sale of the product or products authorized by the license. Failure to open the establishment and begin the sale of such products within the six-month period shall serve as automatic forfeiture and cancellation of the unused license pursuant to the provisions of this chapter. No refund of a license fee shall be made to the licensee upon any forfeiture, abandonment, revocation, suspension, or cancellation of a license. Notwithstanding the provisions of this chapter, an alcohol license fee may be refunded on a pro-rata basis by vote of the mayor and council, upon an applicant's showing of good cause. All requests for refunds shall be made at least 90 days in advance of the date on which the applicant seeks for such license to cease, terminate and/or expire.

- (e) Immediately upon the sale or closing of a business licensed under this chapter, it shall be the duty of the licensee to surrender such license to the city clerk. The failure to surrender such license within 30 days of the sale or closing of a business shall be a violation of this chapter.
- (f) Any licensee who is a designated representative, partner and/or employee of a corporation, and thereafter severs such relationship with the licensed business, whether he resigns, retires or is fired, shall immediately file notice of such with the city clerk, in writing. If such person is no longer the designated licensed representative for the establishment due to such separation, he shall immediately surrender his license to the clerk. Failure to surrender a license, upon the licensees' separation from the establishment, and the continued manufacture and/or sale of alcohol at such location, shall constitute violations of this chapter and shall be punishable as provided by law.
- (g) Any license holder/applicant shall promptly notify the city manager, in writing, of any change in the interests in or ownership of the licensed business, the licensee and/or any change in the information stated in the original application for license. Any such change shall be subject to the requirements of this chapter and shall require the city manager's approval. A license holder/applicant's failure to notify the city manager of any such change within 30 days of the change shall be a violation of this chapter and grounds for suspension and/or revocation. Upon filing timely notice of such change, the licensee may continue to operate under the license until a decision is rendered by the city.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-1-3. - Regulatory classes.

The following regulatory classes are established:

- (1) Retail beer/wine store;
- (2) Retail package stores, distilled spirits;
- (3) On-premises:
 - a. On-premises consumption;
 - b. On-premises arts;
 - c. Off premises and special event;
 - d. Regulation of on-premises consumption establishments under 2,000 square feet;
 - e. Alcoholic beverage caterer;
 - f. Ancillary wine tasting;
 - g. Bed and breakfast;
- (4) Growler;
- (5) Microbrewery;

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- (6) Manufacturing; and
- (7) Wholesale.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-1-4. - General application requirements.

- (a) *Applicant.* License for corporations shall be issued in the name of the corporation and applied for by and in the name of the designated stockholder, officer and/or employee primarily responsible for the operation of the licensed premises. License 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.
- (b) *Corporation partnership.* A change in a corporation or partnership's named representative may be permitted if his/her replacement meets the requirements of new license applicants. A corporation or partnership shall promptly file notice of any change in its named representative with the city clerk, and failure to do so within a period of 30 days after such change shall be grounds for revocation by the city. Upon filing timely notice of such change, the licensee may continue to operate under the license until a decision is rendered by the city. All other license shall be applied for and issued in the name of the person and/or employee primarily responsible for the operation of the licensed premises.
- (c) *Contents of application.* The applicant shall submit to the city clerk an application containing the following:
 - (1) 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.
 - (2) The type of license under this chapter for which the applicant is applying.
 - (3) Exact location of the proposed business location, including complete street address, suite number (if applicable), county tax parcel ID, zoning district and nearest intersection).
 - (4) A copy of the lease to the premises, and/or proof of ownership of the premises, and/or proof of other authorization for use of the premises.
 - (5) Name and address of all persons having any financial interest in the outlet by way of ownership of building, property, or stock, receipt of income from the business or otherwise.
 - (6) Name and address of all persons having any financial interest in the outlet by way of ownership of building, property, or stock, receipt of income from the business or otherwise.
 - (7) Photographs of location. Applicants shall submit front, side and rear photographs of the alcohol beverage license desired location as part of the application process. If the location is located in another building, such as a hotel, pictures of the exterior building located on a city street may be submitted.
 - (8) The application shall be accompanied with a fee as set out in the fee schedule under article 11.
 - (9) Local bonding requirements. A performance and tax liability bond payable to the city in the amount of \$5,000.00 must be posted and filed with the city, along with the application, for the first five years an applicant seeks an alcohol beverage license under this chapter. In addition, all applicants who have been found to be in violation of any state regulation relating to the sale and distribution of alcoholic beverages as promulgated by the state department of revenue or any provision of this chapter must post and file with the

city, along with the application, a performance and tax liability bond payable to the city in the amount of \$5,000.00 for the five years immediately following the violation. The bond shall be conditioned upon the faithful observance and performance by the applicant of the rules and regulations contained in this chapter, and upon the payment of any taxes, license fees, or other sums due to the city pursuant to this chapter. Upon violation of this chapter, or any part thereof, the amount of the bond to be forfeited will be determined based on the nature of the violation after a hearing is provided in accordance with the provisions of this chapter. Forfeiture of any bond pursuant to this section may be in addition to any other action that may be taken against a licensee for violations of this chapter.

- (10) Surveyor's certificate. All applicants seeking a retail package or beer/wine store license shall be required to submit a current certificate from a registered surveyor with their application. All other applicants shall be required to submit such certificate upon request by the city manager. The surveyor's certificate shall contain the following information:
- a. A scale drawing of the building and/or proposed building, as situated on the proposed lot.
 - b. The proposed off street parking facilities available to the building and all outdoor lighting on the premises.
 - c. The exact location of the business, including street address, ward, and county tax map number.
 - d. Current zoning classification of the location.
 - e. The distance from the business to each of the following: the nearest school building, school ground or college campus, and the nearest alcoholic treatment center owned and operated by the state or any county or municipal government therein.
 - f. A survey shall be required for businesses licensed July 1, 1981, or before, however no such license will be denied based upon a failure to meet the distance requirements as set forth under O.C.G.A. § 3-3-21.
- (11) Advertisement; proof thereof. After the application is filed, the applicant shall advertise his application for license at his own expense in the city's designated legal organ once a week for two weeks. Advertisements shall not be required for renewals. The advertisement shall contain the name of the applicant, the purpose of the application, the proposed location of the business, and its owner's name, and the name of the proposed location manager. An advertisement shall run for each initial application. An application will not be deemed complete until the applicant has filed with the clerk a copy of the advertisement together with affidavits from the newspaper evidencing such publication as required. The applicant's failure to promptly file a copy of the advertisement together with affidavits may result in dismissal of the application.
- (12) Required training. The applicant, and its named designated representative(s), seeking a license under this article shall submit with the application a certificate of attendance from an approved alcohol awareness training program. The chief of police shall maintain a list of approved alcohol awareness programs.
- (13) Completed applications. All applications under this chapter shall not be deemed completed until all required information is accurately submitted, all criminal background checks are returned and attached to the application, all surveys are attached and such application has been reviewed and stamped complete by the alcohol beverage clerk or his/her designee. No time frame designated hereunder shall begin to run until an application is deemed complete. Premature or incomplete submission of an application may result in the city's refusal to accept the same until the application is complete.
- (14) In addition to any other notice requirements set forth under this chapter, all notices under this chapter required to be submitted to the city, and/or any of the city's officials or employees, shall be submitted in writing and in a manner evidencing the city's receipt, to be valid.

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(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-1-5. - Transferability of licenses.

Licenses to engage in the business of selling alcoholic beverages shall not be transferable to any other person or location. If a licensee seeks to relocate the licensed premises to another location within the city, an application shall be made as for an original license, provided however a new license fee shall not be required for the remainder of the license year.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-1-6. - Issuance and display of license.

- (a) Licenses are issued on a calendar-year basis; however, such license may be abandoned, suspended, probated, or revoked as set forth in this chapter. Licenses may be issued at any time during a calendar year for the remainder of the calendar year.
- (b) New businesses starting after the beginning of the calendar year shall pay monthly license fees prorated on the basis of the annual license fee.
- (c) The sale or conveyance of an alcohol beverage sale licensed business requires a new license application, license, and all associated fees.
- (d) All holders of local and state alcohol beverages licenses shall prominently display the same at the licensed location in an area accessible to city personnel. State licenses need not be displayed if the state prohibits such display.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-1-7. - Election day sales.

The sale of alcoholic beverages on election days is authorized, in accordance with state law.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-1-8. - Conduct prohibited, generally.

The following conduct is prohibited upon any premises in the city licensed to sell, serve or disperse alcohol beverages:

- (1) *Improper attire.* The employment or use of any person, in any capacity, in the sale or service of alcohol beverages while such person is unclothed or in such attire, costume or clothing, as to expose to view any portion of the female breast below the top of the areola or any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva and genitals.
- (2) *Lewd acts.* Live entertainment where any person appears in the manner described in paragraph (a) of this subsection or where such persons (or person) perform(s) acts of or acts which simulate any of the following:
 - a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual act which is prohibited by law.
 - b. The touching, caressing or fondling of the breasts, buttocks, anus or genitals.
 - c. The displaying of the male or female pubic hair, anus, vulva or genitals.
- (3) *Contests and promotions prohibited.* The holding, promotion, sponsoring or allowance of any contest,

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promotion, special night, event or any other activity where patrons of the licensed establishment are encouraged or allowed to engage in any of the conduct prohibited under this chapter.

- (4) *Unauthorized alcohol use in city owned buildings and facilities.* It shall be unlawful for any person to serve, possess and/or consume any alcoholic beverage within any city building or facility unless prior written authorization of the city manager is first obtained. Service of alcoholic beverages within a city building or facility shall not require an alcohol beverage license under this chapter provided it is in accordance with the requirements of this section, however a license shall be required for and alcohol sales on such premises. As used herein, city building or facility shall mean any and all city parks and any building owned or leased by the city.
- (5) *On duty consumption.* Unless otherwise permitted in this chapter, it shall be unlawful for the licensee or any manager or employee thereof of a license premise to consume any intoxicating beverage while on duty at the same, or to be on duty at the same in an intoxicated condition. "Intoxication" shall be defined as when a licensee's, manager's, or employee's alcohol concentration is 0.08 grams or more at any time while on duty as defined below. For purposes of this section, any licensee, or interest holder thereof, manager, or employee of a licensee who is on the establishment's premises shall be presumed to be "on duty" if he is:
- a. Being paid any salary, wage or remuneration of any kind for his services rendered during the time he is on the premises;
 - b. On the establishment's premises for the benefit of or at the direction of the establishment or its management (other than as a customer, patron or guest);
 - c. Engaging in the sale, directly or indirectly, of any food or beverage; or
 - d. Taking a break during periods of on-duty employment.
- (6) a. *Furnishing of alcohol to persons underage.* It shall be a violation of this chapter for any person:
1. Under 21 years of age to purchase and/or possess any alcoholic beverage;
 2. To serve, provide and/or sale an underage person an alcoholic beverage;
 3. To fail to check the identification of any person so to result in an underage person being sold, served, and/or provided an alcoholic beverage.
- b. The prohibitions contained in this section with respect to underage persons shall not apply with respect to the sale, purchase, or possession of alcoholic beverages for consumption:
1. For medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state;
 2. At a religious ceremony; or
 3. In the home with parental consent.
- c. Additionally, where such conduct is not otherwise prohibited by state law, nothing contained in this section shall be construed to prohibit any underage person from:
1. Dispensing, serving, selling, or handling alcoholic beverages as a part of employment in any licensed establishment;
 2. Being employed in any establishment in which alcoholic beverages are distilled or manufactured; or
 3. Taking orders for and having possession of alcoholic beverages as a part of employment in a licensed establishment.
- d. The municipal court, in accordance with O.C.G.A. § 36-32-10, is granted jurisdiction to try and dispose of a first offense violation of O.C.G.A. § 3-3-23, pertaining to furnishing alcoholic beverages to, and purchase

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and possession of alcoholic beverages by, a person under 21 years of age, if the offense occurs within the corporate limits of the city. O.C.G.A. § 36-32-10 is incorporated in this section by reference.

- (7) *Sale of alcohol beverages where firearms and weapons are sold.* It shall be unlawful for any person to sell, or offer for sale, firearms, knives or other weapons and intoxicating beverages at the same business establishment.
- (8) *Sham applicant; de facto applicant or location manager.*
- a. It shall be unlawful for any person to file, or permit to be filed, an application for license with the city wherein a sham applicant or a sham location manager is named.
 - b. It shall be unlawful for any person to file an application for license containing his name as applicant, or the name of a location manager, when such person is not the de facto applicant or the de facto location manager, as the case may be.
 - c. It shall be unlawful for any person to permit his name to be used on an application for license where such person will not be the de facto owner of the license or the de facto location manager, as the case may be.
 - d. It shall be unlawful for any person to file an application for license, or permit his name to be used in such application, where the application contains a nominal applicant or nominal location manager for the purpose of avoiding the provisions of this article restricting applicants or managers to persons without criminal records, or restricting economic interests in outlets, or for any other elusive purpose.
- (9) *Surveyor's certificate containing false information.*
- a. It shall be unlawful for any applicant under this article to submit with his application any surveyor's certificate containing known false information and/or measurements.
 - b. It shall be unlawful for any surveyor to submit, or allow to be submitted, a certificate containing known false information.
 - c. A violation of subsection (b) may result in prosecution as for a felony offense.
 - d. Substantial errors in measured distances, as determined by the city engineer, shall be prima facie evidence that the distances submitted are known to be false.
- (10) *Prohibited persons.* It shall be prohibited for the following persons to obtain an alcohol license with the city:
- a. A person who does not comply with any residency requirements under state law.
 - b. A person who has been convicted of a felony relating to violence, illegal substances, gambling, theft, or alcohol use, or of a crime opposed to decency and morality, or who has been convicted of a crime involving violation of the ordinances of the city or any other city or county relating to the use, sale, taxability or possession of malt beverages, wine or liquor, or violations of the laws of the state and federal government pertaining to the manufacture, possession, transportation or sale of malt beverages, wine or intoxicating liquors, or the taxability thereof within five years preceding the application.
 - c. A person whose license under this chapter has been revoked for cause.
 - d. A person who is under 18 years of age or who is not of sound mind and memory.

Any licensee under this chapter who becomes a "prohibited person" as defined in this chapter, shall, within three days of the event, make the fact known to the city manager and shall surrender his license, such surrender being appealable to the city council.

- (11) *Back or side room sales.* The sale of alcoholic beverages for consumption by persons in any back room or side room which is not open to general public use is prohibited, except that private parties or conventions, which have been scheduled in advance, may be served in public or private dining rooms or meeting rooms,

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and, provided further that this prohibition shall not apply to the sale of alcoholic beverages for consumption hereunder to the registered guests of any hotel in their designated rooms.

- (12) No drive-in windows for the sale of alcoholic beverages in the city shall be allowed.
- (13) *Inadequate parking area lighting.* The open parking area of any establishment licensed under this chapter shall have an average maintained footcandle intensity of at least one footcandle with a minimum allowable intensity of three-tenths of a footcandle. The covered parking area of any building or proposed building to house a retail outlet shall have an average maintained footcandle intensity of at least two footcandles with a minimum allowable intensity of five-tenths footcandle.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-1-9. - Discontinuance of business.

Any licensee hereunder who shall begin the operation of the business and sale of product or products as authorized in the license, but who shall, for a period of six consecutive months thereafter, cease to operate the business and sale of the product or products authorized in the license, shall upon completion of the six-month period automatically forfeit his license, which license shall by virtue of failure to operate, be cancelled without the necessity of any further action of the city. Provided, however, that where a business temporarily ceases operation solely to make substantial improvements or substantially refurbish the existing improvements which will enhance the taxable value of the property on which the business is located, and where there is no change in the licensee or interest holders thereof any business and/or alcoholic beverage license may be reissued routinely upon application therefore and payment of required fees when the business is ready to resume operations; provided, however, said cease of operations shall not exceed six consecutive months from the expiration date of the license then in existence at the time the operations cease. In order for an applicant's license to be reissued, the licensee must submit a written request to the city manager. Upon good cause shown by the applicant, the city manager may recommend reissuance of the license or an additional six-month extension of the unused license to the mayor and council.

(Ord. No. 2017-04, § 1, 3-21-2017; Ord. No. 2018-07, § 1, 7-17-2018)

Sec. 5-1-10. - Exception of operating prior to July 1, 1981.

Restrictions in this chapter on the sale of alcoholic beverages near alcoholic treatment centers owned and operated by any city, any county, or the state shall not apply to any hotel or business licensed for sales of wine or malt beverages, if such license was in effect on July 1, 1981.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-1-11. - Violations.

Any person violating any of the provisions of this article shall be deemed guilty of an offense and, upon conviction thereof, shall be punished as provided in accordance with the city Charter. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this article is committed, continued or permitted by such person and shall be punished accordingly. Additionally, all persons, firms, partnerships, entities, and corporations engaged in the sale or distribution of alcoholic beverages shall observe all laws, rules and regulations of the state as they pertain to the operation of their respective businesses and any violation of the same shall be determined to be a violation of this section and punishable in accordance with state law and this chapter.

(Ord. No. 2017-04, § 1, 3-21-2017)

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Sec. 5-1-12. - Changes of circumstances.

Unless expressly provided otherwise herein, licensees and applicants shall file written notice with the city clerk notice any changes in their initial alcohol license application, within ten days of any such change.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-1-13. - Renewal, suspension and/or revocation.

- (a) All licenses under this article shall be issued on a calendar-year basis and may be renewable upon payment of the appropriate fee; however, the same may be suspended or revoked at any time by the city manager, in writing and with the reasons set out thereon, as set forth in this chapter.
- (b) Each licensee shall file a written application for renewal with the city clerk on or before October 15 of each year on forms approved by the clerk, and the license fee shall be paid in full no later than December 15 of each year.
- (c) The application shall be referred to the city manager.
- (d) The city manager shall grant, or deny for cause, the renewal of any license issued under this article, and shall provide the reasons for such decision to the applicant in writing. Any decision rendered by the city manager to suspend and/or revoke a license, and/or deny a request for renewal, shall be final unless the applicant files a notice of appeal with the city clerk to the city council within 14 days of the applicant's receipt of such decision by the city manager. A hearing before the city council shall be held not more than 30 days from the date of filing of the applicant's notice of appeal, where the city council may vote to ratify or reject the city manager's decision.

(Ord. No. 2017-04, § 1, 3-21-2017; Ord. No. 2018-07, § 1, 7-17-2018)

Sec. 5-1-14. - Brown-bag, "BYOB" prohibitions and exemptions.

It shall be unlawful for any person to bring in his own alcoholic beverage (BYOB) in any retail establishment, without regard to whether such establishment is licensed to serve alcoholic beverages. This section shall not prohibit any person dining at an establishment licensed to sell wine for consumption on the premises from bringing an unopened bottle of beer or wine for consumption into said establishment, where the establishment's policies permit the same. For purposes of this paragraph, the term retail establishment shall not include a private hotel room or other similar guest room.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-1-15. - Number of package stores.

The number of package stores selling malt beverages, wine, and liquor shall be limited based upon population. Population shall be determined by the U.S. decennial census. The census in effect for establishing enforcement of this section shall be the U.S. census in effect at the adoption of this chapter until such time as a new U.S. census is established. There shall be no more than one package store outlet selling malt beverages, wine, and liquor per 1,500 residents of the city according to the U.S. census.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-1-16. - Consumption on city streets prohibited; limited in certain areas.

- (a) *Drinking alcohol on city streets prohibited.* Except as permitted otherwise in this chapter, it shall be unlawful for any licensed establishment to dispense any alcoholic beverage in an open container for removal from the

premises, and it shall be unlawful for any person to remove from an alcoholic beverage establishment any open container of alcoholic beverage or to drink or attempt to drink any alcoholic beverage from any open container or to possess in any open container any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private, within the corporate limits of the city.

- (b) *Outside consumption of alcoholic beverages at city sponsored events; number and size limited.* From time to time, the city council may approve city sponsored special events at which the outside consumption of alcohol may be permitted during set time periods and at designated locations. The following regulations shall apply during any such city sponsored events:
- (1) *One drink limit.* Any establishment licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can or bottle, for removal from the premises; provided, however, that no establishment shall dispense to any person more than one such alcoholic beverage at a time for removal from the premises, and no person shall remove at one time more than one such alcoholic beverage from the licensed premises.
 - (2) *Size limited to 16 ounces.* No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 16 fluid ounces in size. No person shall hold in possession on the streets and sidewalks, in parks and squares, or in other public places within the defined area any open alcoholic beverage container which exceeds 16 fluid ounces in size.
 - (3) *Volunteers.* The licensed establishment shall provide the city manager with a list, at least three days in advance of the city sponsored event, of all persons who will serve as volunteers for the licensed establishment at the event. The licensed establishment shall provide all such volunteers with wristbands identifying the establishment, which shall be worn by any such volunteer at all times during his/her service as a volunteer for the establishment at the event.
- (c) *Outside consumption of alcoholic beverages in the arts alley.* Any establishment in the arts alley licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic cup, or other container, other than a can or bottle, for removal from such premises for outside consumption throughout the arts alley. The arts alley shall consist of the brick paved, or brick thermoplastic covered, courtyard, pathway and sidewalk area identified on the arts alley map adopted by the city council with this ordinance, and which map may be amended from time to time. A copy of the official map designating the arts alley may be retrieved from the city clerk. Notwithstanding any other requirements in this chapter, the following additional regulations shall apply to the arts alley:
- (1) *Off-premise traverse limitation.* The outside and off-premise consumption and/or carrying of an open container of alcohol shall be limited to the brick paved and/or brick thermoplastic covered surfaces within the arts alley, although persons may walk within the arts alley in a direct path from the entrance of a licensed establishment to reach the brick paved/marked pathway. Traverse with an open container is not permitted in any parking lot and/or parking space within the arts alley, with the exception that persons may walk across the brick paved and/or brick marked portions of the parking lot within the arts alley.
 - (2) *One drink on-street limit.* No establishment shall dispense to any person more than one such alcoholic beverage at a time for removal from the premises, and no person shall remove at one time more than one such alcoholic beverage from the licensed premises.
 - (3) *Size limited to 16 ounces.* No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 16 fluid ounces in size. No person shall hold in their possession on the streets and sidewalks, in parks and squares, or in other public places within the defined area any open alcoholic beverage container which exceeds 16 fluid ounces in size.

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- (4) *Proof required.* The licensed establishment shall provide all customers requesting to carry an alcoholic beverage premises with a wristband evidencing the beverage's date of purchase. No person shall consume and/or carry a container of alcohol within the arts alley, without carrying on their person a wristband from the licensed establishment evidencing that such beverage was purchased on the date carried.
- (5) *Business hours limitation.* The outside and off-premise consumption and/or carrying of an open container of alcohol shall be allowed from the opening of the licensed establishment each day through midnight.
- (d) *Drinking from can or bottle prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can or bottle to possess in an open can or bottle any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private.
- (e) *Drinking alcohol in parked motor vehicle prohibited.* It shall be unlawful for any person to consume any alcoholic beverages while in the confines of a motor vehicle when the vehicle is parked on any city street, alley, way or parking lot.
- (f) *Open container of alcohol in moving vehicle prohibited.* It shall be unlawful for any person to possess an open container of an alcoholic beverage while operating a vehicle in the city or while a passenger in or on a vehicle being operated in the city.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-1-17. - Permits required for handlers of alcoholic beverages.

- (a) Any person, manager, or employee whose responsibility is the service of alcoholic beverages in restaurants, on-premise consumption establishments, hotels, or lounges or who handles alcoholic beverages or who works as a security guard or as a security employee in any location licensed under this chapter, whether or not such person is an employee of such licensee, shall apply to the city manager for an alcoholic beverage handler permit, which shall be renewed annually upon the anniversary date of original issuance. The fee for the permit shall be set forth under article 11. The licensed establishment shall maintain at the licensed premise, copies of all handler permits for persons required to have such permit under this paragraph. No person shall perform the above listed duties at the licensed establishment until their permit is on file at the establishment.
- (b) Alcoholic beverage handlers shall make themselves available for photographing, fingerprinting and such other identification as may be required by the police department in accordance with state and local law.
- (c) The police chief, and his/her designee within the police department, shall investigate handler permit applications and issue and/or deny the same. An alcoholic beverage handler permit shall not be issued to any person who has pled guilty to, or has been convicted of a felony involving violence, gambling, theft, use of alcohol, or use of illegal substances, or of a crime opposed to decency and morality or who has been convicted of a crime involving violation of the ordinances of the city or other jurisdictions relating to the use, sale, taxability or possession of malt beverages, wine or liquor, or violations of the laws of the state and federal government pertaining to the manufacture, possession, transportation or sale of malt beverages, wine or intoxicating liquors, or the taxability thereof, or who has pled guilty to or who has been guilty of multiple felonies involving violence, use of alcohol, theft, gambling, or use of controlled substances, or of a crime opposed to decency and morality unless five years shall have elapsed between the date of the applicant's most recent conviction and the date of issuance of the handler permit, provided that a handler permit shall not be issued to any person who is then serving probation of a felony sentence from any felony described above. The police department may deny the same where the applicant's record indicates such issuance would adversely affect the public health, safety or welfare or violate the law, and may require surrender of a person's handler permit where such person violates the provisions of

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this chapter. All employees who serve alcoholic beverages must be at an age authorized by state law to do the same. Decisions of the police chief, and his/her designee, with respect to handler permits may be appealed to the mayor and council.

- (d) No package store licensee under the provisions of this chapter shall hire any person, nor permit any person to work or assist in a licensed business, until such person has procured an alcoholic beverage handler permit as prescribed in this section.
- (e) It shall be unlawful for a handler whose permit has been revoked, and upon whom demand for surrender of a permit has been made, to refuse to so surrender, or to alter, conceal, deface or destroy the permit, with such action being punishable in accordance with the city Charter.
- (f) One permit is required for each location where a handler is employed.
- (g) Handler permit fees are found in article 11.

(Ord. No. 2017-04, § 1, 3-21-2017)

ARTICLE 2. - DEFINITIONS APPLICABLE TO ALL CLASSES

Sec. 5-2-1. - 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 and includes all alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine.

Alcoholic beverage caterer means any retail dealer licensed pursuant to this chapter who provides alcohol at an authorized catered event.

Authorized catered event means a one day event which is not open to the general public, such as a private wedding, reception and/or business function, occurring at a location not otherwise licensed for consumption of alcoholic beverages by the drink at which alcoholic beverages are furnished, for consideration, and sold, dispensed or provided free of charge to persons present at the event, by the drink, pursuant to a permit obtained under this chapter. An authorized catered event shall not include functions where persons must purchase a ticket and/or pay a cover charge to enter into the event.

Bed and breakfast means a facility used for accommodating travelers as guests for a charge or donation where at least one meal is served, excluding churches and nonprofit soup kitchens.

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

Booth means a seating area with a table for use by the public.

Bottle means a generic term for all alcoholic beverages whether or not the same are in a glass container including beer, wine, and hard liquor.

Brewery means any establishment where malt beverages are manufactured.

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Brewpub means any eating establishment in which malt beverages are manufactured. For purposes of this paragraph, the term "eating establishment" means an establishment which is licensed to sell distilled spirits, beer, malt beverages, or wines and which derives at least 40 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

Business location means the site of an alcohol sales business or proposed site.

BYOB means "bring your own bottle" and/or "bring your own beer."

Cashier's cage means any area where money or other things of value are exchanged for goods or services in an enclosed area located within another facility the purpose of which is security and/or separation of the operator of the establishment from customers.

Caterer means any person who, for consideration, prepares food for consumption off the premises.

Church means a building, which is controlled by a religious organization or association and primarily utilized for religious services, ceremonies, or instruction.

Contiguity means a premises connected by open hallways or rooms without doors or dividers.

Distilled spirits or spirituous liquor means any alcoholic beverage obtained by distillation or containing the percent of alcohol by volume sufficient to constitute a distilled spirit as defined by state law.

Election day means one hour before the polls open to one hour after the polls close.

Food means all edible substances appropriate for human consumption as determined by the health department inspecting the city's restaurants and lounges as sold or provided to the public in a restaurant as defined in this chapter. Food shall not be construed to mean: olives, cherries, limes, lemons, salt, pepper, pineapples, celery, tomato juice, or any other fruit, vegetable or dairy product such as ice cream, cream, yogurt, milk or soft drinks, water, tonic water, other non-alcoholic carbonated or non-carbonated beverages when such items are used in alcoholic beverages or mixed drinks as an essential part of the beverage, mixed drink, or as a garnish thereon.

Growler means a container that is filled by a licensee or employee of a licensee with beer or wine from a barrel, keg, or cask for off premises consumption.

His or her means a word importing male or female, which shall be applied to either sex interchangeably in this chapter.

Home-brew special event is an event held pursuant to O.C.G.A. § 3-5-4(c) in which malt beverages brewed pursuant to O.C.G.A. § 3-5-4 may be consumed by participants and judges of the home-brew special event.

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 conducted in the same building or in a separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation:

- (1) Which maintains 50 or more rooms used for the sleeping accommodations of such guests;
- (2) Which maintains an adequate and sanitary kitchen and dining room equipment to serve food as required therein;
- (3) Which operates one or more public dining rooms (excluding banquet rooms) with a combined seating capacity of at least 50, where meals are regularly served to guests; provided that consistent with the definition of "lounge" in this section, in no event shall the seating capacity of the lounge exceed that of such public dining room;

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- (4) Which employs sufficient personnel to serve food as required in this chapter; and
- (5) Which derives at least as much gross income from the sale of such meals prepared, served, and consumed in the hotel as it does from its sale of alcoholic beverages.

Individual means a natural person.

Intoxication means a condition where the licensee's, manager's, or employee's alcohol concentration is 0.08 grams or more at any time while on duty.

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

Licensed alcoholic beverage caterer means any person licensed for the sale of alcoholic beverages by the state and who possesses a license by a local government in the state authorizing such person to sell or dispense alcoholic beverages by the drink off licensed premises and in connection with an authorized catered function.

Lounge means a separate room connected with, a part of, and adjacent to, a restaurant or room located in a hotel as defined herein with all booths, stools, and tables being open and unobstructed to the view of any other customers in such lounge, or the manager thereof.

Malt beverage. See "Beer."

Manufacturer means any maker, and/or producer, of bottled alcoholic beverage. The term also means:

- (1) 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;
- (2) In the case of malt beverages, any brewer; and
- (3) In the case of wine, any vintner.

Manager means the person who does or will actually manage or operate the premises on a day-to-day basis.

Method of measuring. Unless otherwise provided by the Georgia Alcoholic Beverage Code, all measurements to determine distances required for the issuance of alcoholic beverage licenses shall be measured in the following manner:

- (1) From the primary entrance of the structure from which the alcoholic beverage is sold or offered for sale;
- (2) In a straight line to the nearest public sidewalk, walkway, street, road or highway;
- (3) Along such public sidewalk, walkway, street, road or highway by the nearest reasonable travel route;
- (4) To a point on the property line which is in a straight line from the primary entrance of the structure to the nearest public sidewalk, walkway, street, road or highway; or to the nearest property line of school grounds.

Microbrewery is the term used in this chapter to collectively refer to breweries and brewpubs.

Monthly means on the basis of whole months.

Motel means facilities meeting the qualifications set out in this definition for hotels shall be also classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operation of a lounge, or restaurant in their premises, and the holder of such franchise shall be included in the definition of "hotel."

On duty means any licensee, manager, or employee located on the premises while being remunerated in any way for services rendered; who is on the premises for the benefit or at the direction of the outlet or its management; who is engaging in the sale, directly or indirectly, of any food or beverage; or is taking a break during a precise work period.

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Open container means any container which is immediately capable of being consumed from, or of which the seal has been broken.

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.

Pour means sell for beverage purposes, sell for consumption on the premises, sell by the drink, and the process of patrons bringing their own liquor, wine or malt beverages for the purposes of mixing drinks and/or consuming same on the premises. The sale of mixes or setups or advertising to "bring your own" or the possession by patrons on the premises of liquor, wine or malt beverages, not purchased at the licensed facility shall be prima facie evidence of pouring and shall be prohibited.

Premises means areas with dual or more: cash registers, menus, trade names, seating, counter space, cooking facilities or some combination of these elements shall be considered prima facie evidence of a separate facility requiring a separate license. However evidence of contiguity may be presented to rebut the presumption of separateness.

Principle [principal] business means that at least 30 percent of the receipts of such business shall come from the sale of food in lounges and restaurants. 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 nonemployee 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.

Private club means any nonprofit association organized under the laws of this state which:

- (1) 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;
- (2) Has at least 75 regular dues-paying members;
- (3) Owns, hires, or leases a building or space within a building for the reasonable use of its members, which building or space:
 - a. Has suitable kitchen and dining room space and equipment; and
 - b. Is staffed with a sufficient number of employees for cooking, preparing, and serving meals for its members and guests; and
- (4) 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. As used herein, a "fixed salary" means the amount of compensation paid any member, officer, agent, or employee of a private club as may be fixed for him by its members at a prior annual meeting or by the governing body out of the general revenue of the club and shall not include any commission or any profits from the sale of alcoholic beverages. For the purpose of this definition, tips or gratuities which are added to the bill under club regulations shall not be considered profits from the sale of alcoholic beverages.

Redecorate shall not include repair nor freshening, change of theme or scheme, or work of any kind which is incident to a repair.

Restaurant means any public place kept, used, maintained, advertised and held out to the public as a place where meals are actual and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room seating capacity of at least 50 persons, including patios which are immediately adjacent to and a

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part of the main licensed facility and wherein the same services are offered as inside the main licensed facility, with said seating capacity complying with the Code; and having employed therein a sufficient number and kind of employees to prepare, cook, and serve edible food to its guests.

Retail beer/wine store means any location which sells malt beverages, wine or malt beverages and wine in unbroken packages at retail only to consumers and not for resale, such as, but not limited to, convenience and grocery stores, beer shops, and wine shops. Additionally, retail beer and/or wine stores shall be referred to as "retail beer/wine stores." Likewise, the words "beer" and "malt beverage" shall be synonymous.

Sham means any information provided for an application which is not true, accurate, or is spurious, or deceitful.

State law means the laws, rules, regulations and/or policies promulgated by the state of Georgia and/or its departments and/or agencies, including the Official Code of Georgia.

Taxpayer means any person made liable by law to file a return or to pay tax.

Underage person pertains to and includes any person to whom the sale of alcoholic beverages is prohibited by state law because of age.

Wholesaler or wholesale dealer means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to on-premises consumption locations.

Wine means any alcoholic beverage made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added, and containing the percent of alcohol by volume sufficient to constitute a wine as defined by state law. The term 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 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 wine at the point in the manufacturing process when it conforms to the condition of wine contained in this Code section.

(Ord. No. 2017-04, § 1, 3-21-2017; Ord. No. 2016-36, § 1, 12-14-2016; Ord. No. 2018-07, § 1, 7-17-2018; Ord. No. 2018-18, § 1, 12-4-2018)

Sec. 5-2-2. - Terms not expressly defined.

Except where the context clearly indicates a different meaning, any term in this chapter not expressly defined herein shall have the same meaning as when used in a comparable provision of the "Georgia Alcoholic Beverage Code," O.C.G.A. §§ 3-1-1 et al.

(Ord. No. 2017-04, § 1, 3-21-2017)

ARTICLE 3. - REVIEW AND INVESTIGATION OF ALCOHOL LICENSE APPLICATIONS

Sec. 5-3-1. - Review of applications by city manager.

The city manager, and any city administrative staff at the direction of the city manager, shall have the sole responsibility for verification and review of all applications for alcoholic beverage license and renewals in the city.

(Ord. No. 2017-04, § 1, 3-21-2017; Ord. No. 2018-07, § 1, 7-17-2018)

Sec. 5-3-2. - Files and records associated with alcohol license applications.

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The city clerk or his/her designee shall be responsible for all files and records, the in-take of completed and supplemented applications, and other such tasks as designated by the city manager.

(Ord. No. 2017-04, § 1, 3-21-2017; Ord. No. 2018-07, § 1, 7-17-2018)

Sec. 5-3-3. - Investigation of application, issuance, denial and appeal.

- (a) All applications for new licenses, and accompanying fees, shall be submitted to the city clerk who shall, upon subsequent receipt of proof of advertising from the applicant, promptly refer such applications to the city manager for review and recommendation from city administrative staff. The city manager shall then make an independent review of each application and any city administrative staff recommendation.
- (b) Applicants for new or renewal licenses shall furnish all data, information and records considered pertinent to such application to the city clerk, and the failure to furnish such data, information and records within 30 days from the date of the request may subject the applicant to dismissal of the application.
- (c) The city manager shall submit a recommendation on applications for new licenses to the applicant, city clerk and city council with respect to applications for new licenses, permits, renewals and transfers of locations within 60 days from the date of the filing of a completed application. The 60 day period under this section shall be tolled during period where the city manager has requested and is awaiting receipt from the applicant of supplemented information pertinent to the application. Absent the foregoing, if the city manager does not submit a recommendation with respect to the application within 60 days from the date of the filing of a completed application, subject to any time tolled, the application shall be considered approved until revoked and/or a recommendation by the city manager on the application is submitted, whichever occurs first.
- (d) The city manager shall recommend approval for all applications for alcoholic beverage licenses meeting the standards of this chapter. The city manager's recommendation under this subsection is for the purpose of aiding the city council on whether to grant and/or deny a pending application, and does not grant the applicant a license.
- (e) The city clerk shall schedule for an application for an alcohol beverage license to be heard before the city council within 30 days of the city manager's recommendation on the application. The applicant will have the opportunity to be heard and present evidence at such hearing. At such hearing, the city council shall vote to approve and/or deny the application, using the standards set forth under this chapter. The approval of an application under this article shall expire after 90 days from the date of such approval, unless the applicant has procured, and paid the fee for, the approved license. If the application is approved and all fees paid, the license shall lapse if no action is taken on the license by the applicant within six months of issuance. The city manager may extend expiration period up to 90 days for good cause shown, such as fire, flood, war, and other uncontrollable occurrences, provided that a written request for extension is submitted to the city clerk by the application within the original 90-day period.
- (f) In the event the city approves, denies, revokes, suspends, refuses to renew and/or renders an unfavorable decision with respect to an alcohol license or permit, such decision shall be transmitted to the applicant, in writing, with the reason(s) for such action. All appeals from a decision of the city and/or mayor and council under this chapter shall be taken by writ of certiorari to the appropriate superior court.
- (g) In all instances in which an application or license is revoked, suspended or denied, the applicant may not reapply for an alcohol license for at least six months from the date of such decision, whichever occurs later.
- (h) Either the city manager or the city council, or both, may defer action upon any application, the subject matter of which is substantially the same as the subject matter of litigation then pending in the city, state, or federal courts

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until such time as the litigation is resolved.

(Ord. No. 2017-04, § 1, 3-21-2017; Ord. No. 2018-07, § 1, 7-17-2018)

Sec. 5-3-4. - Standards for approval, denial, renewal, suspension, or revocation.

The city manager and the city council in making determinations and recommendations on an alcohol license application, request, revocation, suspension and/or renewal, shall be guided by the following factors:

- (1) The nature of the neighborhood immediately adjacent to the subject location, that is, whether the same is predominantly residential, industrial or business.
- (2) The proximity of school grounds, school buildings, college campuses, and alcoholic treatment centers owned and operated by the state or any county or municipal government therein.
- (3) Whether the subject location has adequate off street parking facilities or other parking available for its patrons.
- (4) Whether the location would tend to increase and promote traffic congestion and resulting hazards therefrom.
- (5) The criminal record and financial responsibility of the licensee, applicant and their named representatives, provided that nonpayment of federal, state, county or city taxes shall be prima facie evidence of lack of financial responsibility.
- (6) The reports of the city manager and any city administrative staff relating to the use or sale of alcohol at the subject location.
- (7) The applicant, business or licensee's meeting of the requirements of this chapter and state, federal and local laws, including as such pertains to notice and distance requirements, fire codes, building, zoning, parking, storage, sanitation codes, parking buffers, lighting and other matters relating to public welfare and safety and the use or sale of alcohol at the proposed location.
- (8) Evidence presented to the city manager relating to the sale or use of alcohol at the subject location.
- (9) Whether or not the granting of the application or request is in the best interest of the health, safety, and welfare of the city.
- (10) Whether any license for sale of beer or wine or alcohol previously issued for the subject location or applicant has been revoked for cause by the city.
- (11) The history or reputation of the building or establishment (proposed for business) for prostitution or other sex offenses; fighting, shooting, stabbing or other violence; gambling; illegal dealing in alcoholic beverages or drugs; or other violations of the law relating to the sale or use of alcohol at the proposed location; or the overtaxing of existing city infrastructure and personnel. Such determination of overtaxing will be made based upon reports of members and associated departments of the city administration, as well as reports of crimes and emergencies reported and responses made to the site when compared to similarly situated establishments.
- (12) Whether or not the applicant, licensee or subject location is in violation of other local ordinances or state laws relating to misconduct, nuisances or crimes as related to the sale or use of alcohol at the subject location.
- (13) Whether or not the applicant, licensee or their named representatives have violated other jurisdiction's laws regarding alcohol beverage licensing.
- (14) Evidence of fraudulent, false, omitted, and/or misleading information provided by the applicant, licensee,

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and/or their employees in securing, renewing and/or maintaining the alcohol license.

(Ord. No. 2017-04, § 1, 3-21-2017; Ord. No. 2018-07, § 1, 7-17-2018)

Sec. 5-3-5. - Effect of revocation by state.

The state's revocation of any state license to sell any alcoholic beverage shall result in the automatic revocation of a license issued under this chapter without any action by the city.

(Ord. No. 2017-04, § 1, 3-21-2017; Ord. No. 2018-07, § 1, 7-17-2018)

Sec. 5-3-6. - Periodic inspection and audits.

The city manager and his/her designees shall have the authority to inspect establishments and their financial records licensed under the alcoholic beverage ordinances of the city during the hours in which the premises are open for business. The inspections shall be made for the purpose of verifying compliance with the requirements of this chapter.

(Ord. No. 2017-04, § 1, 3-21-2017; Ord. No. 2018-07, § 1, 7-17-2018)

ARTICLE 4. - RETAIL BEER/WINE STORES

Sec. 5-4-1. - Classification of licenses.

Licenses under this article shall be classified as: Retail beer/wine store, which shall permit only the sale of malt beverages and/or wine in packages at retail.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-4-2. - Retail beer/wine stores, regulations generally.

The following regulations shall apply to licensed retail beer/wine establishments:

- (1) No screen, partition or thing which prevents a clear view into the interior of a retail sale of beer/wine store by the package from the street, nor any booth within, shall be permitted. Additionally, each such retail store shall be so lighted that the interior and exterior of the store is visible day and night.
- (2) No sale of malt beverage and/or wine by the package shall be permitted between the hours of 2:00 a.m. and 8:00 a.m. In addition, no sale of malt beverages and/or wine by the package shall be permitted on Sundays before 12:30 p.m. and after 11:30 p.m., or any other days or times prohibited by state law.
- (3) The state regulations relating to the sale and distribution of malt beverages and/or wine by the package, as revised, promulgated by the state revenue department, are hereby incorporated into and made a part of this chapter as if fully set out in this section.
- (4) Each retail beer/wine store shall install and maintain in a secure location security cameras in the outlet of a type and number approved by the chief of police. Such cameras:
 - a. Shall be placed in the outlet to record activities in the checkout or cash register area(s).
 - b. Shall be capable of producing a retrievable image on film, tape, or any readable medium that can be made a permanent record and enlarged through projection or other means.
- (5) Each retail outlet shall post at least four copies of its complete price list or, in lieu thereof, place a price on

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each package for sale.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-4-3. - Prohibited locations.

Prohibited locations. It shall be prohibited to obtain a license for the sale of malt beverages within the following areas of the city:

- (1) Within any residential zoning district or other prohibited zoning district established in the zoning ordinance.
- (2) Within a measured 100 yards of any alcoholic treatment center owned and operated by the state or any county or municipal government therein.
- (3) Within a measured 100 yards of any school building, school ground, or college campus.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-4-4. - No broken packages.

The licensee and the retail package stores, retail beer/wine stores, or other businesses licensed for the sale of packages of alcoholic beverages, and the employees thereof, shall not engage in or allow for the pouring or opening of any alcoholic beverage packages (i.e., opening or breaking the seal) of any alcoholic beverage on the premises of such establishment. The licensee and the retail package stores, retail beer/wine stores, or other businesses licensed for the sale of packages of alcoholic beverages, and the employees thereof, may, however, sell individual bottles of alcoholic beverages (i.e., distilled spirits, beer, malt beverages, wine or fortified wine) provided the establishment collects and remits the applicable city, state and federal taxes on each sale. This prohibition shall not be construed to apply to establishments with an on-premises consumption license.

(Ord. No. 2017-04, § 1, 3-21-2017; Ord. No. 2018-21, § 1, 12-4-2018)

Sec. 5-4-5. - Convenience stores.

- (a) *Definition.* For purposes of this chapter, "convenience store" means any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space. Convenience store does not include any business where there is no retail floor space accessible to the public.
- (b) *Condoning of loitering prohibited.* It shall be unlawful for the owner, manager and/or operator of a convenience store licensed to sell alcohol under this chapter to allow any person to loiter on or about the licensed premises as prohibited by chapter 26, article 2, section 26-2-19 of the Code, without taking prompt action to cause for such loiterer to be removed from the premises. The unlawful loitering of a person at a convenience store for a period of more than 30 minutes shall constitute prima facie evidence that the owner, manager and/or operator of the establishment is unlawfully condoning such prohibited conduct.
- (c) *Prominent display of loitering prohibition.* Convenience stores maintaining alcohol licenses pursuant to this chapter shall cause for the following language to be prominently displayed, in no less than 48-inch font, in a manner which is visible to the general public on the exterior and interior of the licensed establishment:

Loitering Prohibited:

This establishment is required to prohibit loitering, pursuant to Chapter 5, Article IV, Sec. 5-4-5, of the Hapeville Code of Ordinances.

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- (d) *Penalties.* In addition to other penalties and sanctions authorized by state law and the Code, the violation of this section by owners, managers and/or operators of convenience stores shall subject the convenience store to termination, revocation and/or suspension of its license to sell alcoholic beverages.

(Ord. No. 2017-15, § 1, 8-1-2017)

ARTICLE 5. - RETAIL PACKAGE STORES, DISTILLED SPIRITS

Sec. 5-5-1. - Classification of licenses.

Licenses under this article shall be classified as: retail package store, which shall permit only the sale of liquor in packages at retail.

(Ord. No. 2017-04, § 1, 3-21-2017; Ord. No. 2018-07, § 1, 7-17-2018)

Sec. 5-5-2. - Additional application requirements.

In addition to the general application requirements set forth under article 1, applicants under this article shall:

- (1) Show within the initial license application their compliance with O.C.G.A. § 3-4-23 when the applicant has been a resident of the city for less than 12 months immediately preceding the submission of their application.
- (2) Within three days after filing the initial license application, identify the proposed location by posting a sign not less than 24 inches by 36 inches in size, with letters of at least two and one-half inches on the front door of the building proposed to be used (if facing the right-of-way of the city street upon which the building fronts; otherwise, within three feet of the right-of-way), or upon a prominent place on the lot where the building is proposed to be constructed, facing the street. The sign shall be captioned "Liquor License Application Pending" and shall designate the name and address of the applicant, the type of license and the date of the application, and no other advertisement or wording. The sign shall remain posted until final action on the license application by the city manager, or city council, if appealed. An application will not be deemed completed until an applicant has filed with the clerk a photograph of the sign erected pursuant to this section.

(Ord. No. 2017-04, § 1, 3-21-2017; Ord. No. 2018-07, § 1, 7-17-2018)

Sec. 5-5-3. - Retail package stores, regulations generally.

The following regulations shall apply to retail package stores licensed to sell distilled spirits:

- (1) The building or proposed building to house a retail outlet for the sale of liquor by the package shall comply with all applicable state, federal and local laws and regulations, including ordinances of the city for zoning, storage, parking and buffers.
- (2) No screen, partition or thing which prevents a clear view into the interior of a retail outlet from the street, nor any booth within, shall be permitted. Additionally, each such retail store shall be so lighted that the interior and exterior of the store is visible day and night.
- (3) No sale of distilled spirits shall be permitted between the hours of 12:00 a.m. and 8:00 a.m. In addition, no sale of distilled spirits shall be permitted on Sundays before 12:30 p.m. and after 11:30 p.m., or on any other days or times prohibited by state law.

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- (4) Each retail outlet shall post at least four copies of its complete price list or, in lieu thereof, place a price on each package for sale.
- (5) The state regulations relating to the sale and distribution of distilled spirits, as revised, promulgated by the state department of revenue, are hereby incorporated into and made a part of this article as if fully set out in this section.
- (6) Each location for a package store shall install and maintain security cameras in a secure location in the package store of a type and number approved by the chief of police. Such cameras:
 - a. Shall be placed in the outlet to record activities in the checkout or cash register area(s).
 - b. Shall be capable of producing a retrievable image on film, tape, or any readable medium that can be made a permanent record and enlarged through projection or other means.

Such cameras shall be maintained in proper working order at all times and shall be subject to periodic inspection by the chief of police or his designee. If a robbery or other felony occurs in such outlet, the film or tape recording of such event shall immediately be made available to the chief of police or his designee.

(Ord. No. 2017-04, § 1, 3-21-2017; Ord. No. 2018-07, § 1, 7-17-2018)

Sec. 5-5-4. - Prohibited locations.

It shall be prohibited to obtain a license for a package store within the following areas of the city:

- (1) Within any residential zoning district or other prohibited zoning district as set out in the zoning ordinance.
- (2) Within a measured 100 yards of any church building.
- (3) Within a measured 100 yards of any alcoholic treatment center owned and operated by the state or any county or municipal government therein.
- (4) Within a measured 200 yards of any school building, school ground, or college campus.

(Ord. No. 2017-04, § 1, 3-21-2017; Ord. No. 2018-07, § 1, 7-17-2018)

Sec. 5-5-5. - No broken packages.

The licensee and the retail package stores, retail beer/wine stores, or other businesses licensed for the sale of packages of alcoholic beverages, and the employees thereof, shall not engage in or allow for the pouring or opening of any alcoholic beverage packages (i.e., opening or breaking the seal) of any alcoholic beverage on the premises of such establishment. The licensee and the retail package stores, retail beer/wine stores, or other businesses licensed for the sale of packages of alcoholic beverages, and the employees thereof, may, however, sell individual bottles of alcoholic beverages (i.e., distilled spirits, beer, malt beverages, wine or fortified wine) provided the establishment collects and remits the applicable city, state and federal taxes on each sale. This prohibition shall not be construed to apply to establishments with an on-premises consumption license.

(Ord. No. 2017-04, § 1, 3-21-2017; Ord. No. 2018-07, § 1, 7-17-2018; Ord. No. 2018-21, § 2, 12-4-2018)

ARTICLE 6. - ON-PREMISES CONSUMPTION

Sec. 5-6-1. - Required.

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It shall be unlawful for any person to pour or offer to pour any distilled spirits, wine or malt beverages within the corporate limits of the city without having an on-premises consumption license, or to carry on such activity in violation of the terms of such license or this chapter. Additionally, applicants under this article shall show within the initial application their compliance with O.C.G.A. § 3-4-23 when the applicant has been a resident of the city for less than 12 months immediately preceding the submission of their application.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-6-2. - License for on-premises consumption.

Licenses under this article shall be classified as follows:

- (1) *Liquor pouring.* Location for pouring liquor, which shall permit only the sale of liquor by the drink for consumption on the premises.
- (2) *Wine pouring.* Location for pouring wine, which shall permit only the sale of wine by the drink for consumption on the premises.
- (3) *Malt beverage pouring.* Location for pouring malt beverages, which shall permit only the sale of malt beverages by the drink for consumption on the premises.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-6-3. - **On-premises consumption regulations generally.**

The following regulations shall apply to licensed on-premises consumption establishments:

- (1) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under this article.
- (2) No pouring of liquor, malt beverages, or wine, or any other on-premises alcohol service shall be permitted between the hours of 12:00 a.m. and 8:00 a.m. for licensed establishments whose property lines abut an area zoned residential, and 2:00 a.m. and 8:00 a.m. for all others. Except for bed and breakfasts and hotels, all patrons shall vacate such licensed establishments whose property lines abut an area zoned residential no later than 12:45 a.m., and 2:45 a.m. for all others. For purposes of this subsection, "residential" shall mean any parcel of land designated for use as a single or multifamily dwelling and duplexes.
- (3) No pouring of liquor, malt beverages, or wine, or any other on-premises alcohol service shall be permitted on Sundays between the hours of 8:00 a.m. and 11:00 a.m.
- (4) In no event shall drinks be mixed or sold, nor malt beverages sold, during the prohibited hours, based upon the timely sale of tickets, chits, decanters or other devices.
- (5) On-premises consumption licensees may sell malt beverages by the pitcher, or wine by the bottle or decanter.
- (6) Hotels shall have the privilege of granting franchises for the operation of a lounge or restaurant in their premises, provided the hotel and the franchisee meet all the requirements of this chapter.
- (7) No provision of this section shall be construed to prohibit a licensee from offering free food or entertainment at any time; or to prohibit the licensee from including an alcoholic beverage as a part of a meal package; or to prohibit the sale or delivery of wine by the bottle or carafe when sold with meals; or to prohibit any bed and breakfast, hotel or motel from offering room service or a complimentary social hour to its registered guests.
- (8) It shall be unlawful for any person to employ knowingly in any pouring outlet in any capacity whatsoever,

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including performers, entertainers and musicians, any person who has plead guilty or has been convicted of soliciting for prostitution, pandering, letting premises for prostitution, keeping a disorderly place, illegally dealing in drugs, sex offenses or for any charge relating to the manufacture or sale of intoxicating liquors, other alcohol related offenses or for violations of local other jurisdictions ordinances regarding alcoholic beverages within the last five years prior to the application.

- (9) The state law and regulations relating to the sale of beer, wine, and distilled spirits, as revised, promulgated by the state department of revenue, and especially as related to retail sale for consumption on premises are hereby incorporated into and made a part of this article as if fully set out in this section.
- (10) All on-premises consumption licenses shall collect and pay a tax of three percent on the sale of alcoholic beverages by the drink in the city in accordance with chapter 17, article 6 of the Hapeville Code of Ordinances.
- (11) No licensee or employee or agent of a licensee shall engage in any of the following practices in connection with the sale or other disposition of alcoholic beverages for consumption on the premises:
- a. The giving away of any alcoholic beverage in conjunction with the sale of any other alcoholic beverage;
 - b. The sale of two or more alcoholic beverages for a single price, including the sale of all such beverages a customer can or desires to drink at a single price;
 - c. The sale or serving of two or more alcoholic beverages at substantially the same price customarily charged for one such alcoholic beverage;
 - d. Requiring or allowing the purchase of a second or subsequent alcoholic beverage at the same time another alcoholic beverage is purchased or before the first such beverage has been substantially consumed, by any one person;
 - e. The sale or delivery to any person or group of persons of an unlimited number of alcoholic beverages during any set period of time for a fixed price, except at private functions not open to the public; or
 - f. Increase the volume of alcohol contained in a drink without increasing proportionately the price regularly charged for such alcoholic beverage.
- (12) *Bucket sales.*
- a. For the purpose of this subsection, a "bucket" shall be defined as a vessel in which malt beverages, in their original packaging, are sold to multiple persons at one table in a licensed restaurant establishment.
 - b. Notwithstanding any other provisions of this chapter, bucket sales in a licensed on-premises consumption establishment are authorized as follows:
 1. The bucket may not contain more malt beverages than the number of consuming individuals that are being served on a given restaurant ticket in a given sitting, with a maximum of six malt beverages per bucket being served at a time.
 2. The malt beverages being served in a bucket must be less than 13 fluid ounces each and be the same exact brand of malt beverage.

(Ord. No. 2017-04, § 1, 3-21-2017; Ord. No. 2018-06, § 1, 6-19-2018; Ord. No. 2018-20, § 1, 12-4-2018)

Sec. 5-6-4. - Sales outside of licensed premises.

It shall be unlawful for any person to sell alcoholic beverages on the streets or sidewalks within the city, or elsewhere, outside of the building, premises, or place of business licensed for such sale, except that businesses with licenses to dispense alcoholic beverages by the drink for consumption on the premises may serve such beverages only within the

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confines of the licensed building structure; provided, however, that any business with such license which has an outside patio area on private property or on privately leased public property that is actually and permanently attached to the main building may serve alcoholic beverages in an defined and enclosed patio area. The structure must be approved by the city's community development and fire departments, but does not have to be solid or restrict visibility into or out of the patio/open area. No bar, whether permanent or temporary, may be set up in such outside areas. Businesses with licenses to dispense alcoholic beverages by the drink for consumption on the premises within the city may also apply for a special use permit to sale alcoholic beverages at temporary events specifically authorized by the city for outside sales. Outside sales under this section shall be limited to the Downtown Development Zone and other areas as may be approved by the city council from time to time.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-6-5. - Food truck collaborations.

An on-premises licensee collaborating with a licensed food truck establishment to meet food sales requirements under this chapter shall only be permitted to sell alcohol within two hours of the time period that the food truck is offering the sale and service of food.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-6-6. - Regulation of lounges; reporting food sales.

All lounges shall submit a quarterly report to the city manager. As used in this section, lounges must prove that at least 40 percent of the receipts of such business shall come from the sale of food.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-6-7. - Regulations of restaurants; reporting food sales.

- (a) A restaurant holding an alcohol beverage license must (i) be open to the public at least six hours per day, serving at least two meals per day, with a minimum serving time of three hours per meal; and (ii) serve meals at least six days a week with the exception of weeks including holidays, vacations, and periods of redecorating. Before any repair, redecorating or any period of closure other than nationally recognized or religious holidays, vacations or emergencies, the details of such repair or redecorating shall require approval by the city manager who shall first submit such information to the city manager for review and recommendation. Where closure is the result of a catastrophic emergency, post closure review can be applied for; however, such review request must be applied for by the license holder no later than 30 days post closure or the same closure may be prosecuted as a violation of this section and may result in administrative proceedings as well.
- (b) Serving of alcoholic beverages at off-premises locations shall not be the principal business of the restaurant and consumption on the premises shall only be incidental thereto.
- (c) As used in this section, seating capacity 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.
- (d) The restaurant, including its front facing exterior windows and doors, shall be designed in a manner which affords police and public safety personnel a clear view into the restaurant's interior.
- (e) The principle business of a restaurant shall be the sale of food. As used in this section, principal business shall mean that at least 30 percent of the receipts of such business shall come from the sale of food. While a separate

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license shall be required for each food establishment within a hotel, the food and alcohol sales percentages for a hotel shall be calculated as an aggregate number for the hotel and not based on each individually licensed establishment.

(Ord. No. 2017-04, § 1, 3-21-2017; Ord. No. 2018-07, § 1, 7-17-2018)

Sec. 5-6-8. - Entertainment at pouring outlets.

- (a) Bands, orchestras, pool tables, musical entertainment and/or patron dancing shall be permitted at alcohol licensed on-premises consumption establishment if the following conditions are met:
- (1) Adequate space exists after consideration of required NFPA occupancy and seating;
 - (2) All fire and safety regulations are met;
 - (3) The appropriate license fee has been fully paid.
 - (4) The location installs and maintains security cameras in a secure location of a type and number approved by the chief of police. Such cameras:
 - a. Shall be capable of producing a retrievable image on film, tape, or any readable medium that can be made a permanent record and enlarged through projection or other means.
 - b. Shall be maintained in proper working order at all times and shall be subject to periodic inspection by the chief of police or his designee. If a robbery or other crime occurs in such outlet, the film or tape recording of such event shall immediately be made available to the chief of police or his designee.
 - (5) No more than six pool tables are located in the establishment;
 - (6) The musical entertainment at the establishment may not be heard from a distance of more than 100 feet from the front and/or back doors of the establishment.
- (b) Alcohol licensed on-premises consumption establishments which offer patron dancing and musical entertainment shall have at least two paid security officers, who are certified, registered and/or licensed by the state to provide security services, on duty during all times in which the establishment is open for business.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-6-9. - Private clubs.

- (a) Private clubs shall be subject to the requirements for on-premises consumption licenses as set out in this chapter, except as otherwise provided.
- (b) Private clubs shall not be subject to section 5-6-1 and [subsection] 5-6-5(a).
- (c) Private clubs may sell alcoholic beverages only to their members. At least 40 percent of the receipts of such business shall come from the sale of food. Private clubs shall further be required to submit monthly reports to the city manager clearly indicating its sales receipts for food and its sales receipts for alcoholic beverages pursuant to this article attesting that they have at least 75 regular dues-paying members.
- (d) No alcoholic beverage license shall be granted to a private club organized or operated primarily for the selling or serving of alcoholic beverages.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-6-10. - Off-premises and special event licenses.

- (a) Notwithstanding any other provision of this Code, the city manager may grant a license to permit the off-

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premises pouring of malt beverages, wine, and liquor under the following terms and conditions:

- (1) An off-premises license may only be issued to licensees who hold in good standing an alcohol pouring license issued by the city, and no such licensee shall be permitted to pour any alcoholic beverage off-premises which cannot be lawfully poured on the licensee's premises.
- (2) An application for an off-premises pouring license shall contain the following information:
 - a. Name of licensee.
 - b. Address of licensee.
 - c. Type of on-premises pouring license held by licensee.
 - d. Type of off-premises license required by licensee.
- (b) Notwithstanding any other provision of this Code, it shall be unlawful for an off-premises licensee to pour any malt beverages, wine, or liquor at any off-premises location without first obtaining an off-premises pouring permit. Such permit may be issued by the city manager for any period up to three days. Any permit for a period longer than three days must be approved by the city council. An off-premises permit may be issued in accordance with the following:
 - (1) No permit for a particular off-premises location shall be issued if the requested building is a "prohibited location" as set forth in this chapter or state law, or fails to meet all requirements of this chapter and state law for an on-premises pouring outlet.
 - (2) Unless specifically permitted by the city otherwise, for events such as gallery crawls, it shall be unlawful for any off-premises licensee to sell liquor at an off-premises location unless food is served at the event.
 - (3) Unless otherwise provided for in this section, all regulations of this code controlling the pouring of alcoholic beverages on premises shall govern the pouring of alcoholic beverages off premises.
 - (4) The amount of sales sold off premises shall be included in the licensee's gross income figures for the purpose of establishing the amount of the mixed drink taxes due from the licensee to the city.
- (c) The city manager may approve up to three special event licenses for an applicant in a single calendar year. Each special event license shall allow alcohol beverage sales for up to 12 days in a single calendar year and can be used no more than two consecutive days per calendar year up to the 12-day limit. In order to qualify to receive such license, the applicant must comply with the following terms and conditions:
 - (1) The applicant must be licensed for sale of alcoholic beverages by the state;
 - (2) The application must provide the information requested under subsection (a)(2) above;
 - (3) All distances and hours of operation requirements set forth for on-premises consumption must be obeyed;
 - (4) All identification badge requirements must be met; and
 - (5) An annual license fee, as set out in this chapter, must be paid in full.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-6-11. - On-premises arts licenses.

- (a) An on-premises arts license may be issued to a nonprofit arts organization whose primary purpose is to present productions or performances of an artistic or cultural nature.
- (b) An on-premises arts license permits the licensee to sell alcoholic beverages only to patrons of the productions or performances for consumption inside the licensed premises in connection with the productions or performances.

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- (c) No licensee or employee or agent of a licensee under this section shall permit any exterior or interior advertising concerning the sale of alcoholic beverages on the licensed premises.
- (d) No licensee or employee or agent of a licensee under this section shall engage in any of the following practices in connection with the sale or other disposition of alcoholic beverages:
 - (1) The giving away of any alcoholic beverage in conjunction with the sale of any other alcoholic beverage;
 - (2) The sale of two or more alcoholic beverages for a single price, including the sale of all such beverages a customer can or desires to drink at a single price;
 - (3) The sale or serving of two or more alcoholic beverages at substantially the same price customarily charged for one such alcoholic beverage;
 - (4) Requiring or allowing the purchase of a second or subsequent alcoholic beverage at the same time another alcoholic beverage is purchased or before the first such beverage has been substantially consumed, by any one person;
 - (5) The sale or delivery to any person or group of persons of an unlimited number of alcoholic beverages during any set period of time for a fixed price, except at private functions not open to the public; or
 - (6) Increase the volume of alcohol contained in a drink without increasing proportionately the price regularly charged for such alcoholic beverage.
- (e) No licensee or employee or agent of a licensee under this section shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under this article.
- (f) The building or proposed building shall meet all requirements of the building inspector, the fire marshal, the traffic engineer, and planning and zoning coordinator and shall comply with other ordinances of the city for zoning, storage, parking, buffers and other issues.
- (g) All on-premises arts licensees shall collect and pay a tax of three percent on the sale of distilled spirits by the drink in the city in accordance with chapter 17, article 6 of the Hapeville Code of Ordinances.
- (h) The state regulations relating to the sale and distribution of distilled spirits, as revised, promulgated by the state department of revenue, are hereby incorporated into and made a part of this article as if fully set out in this section.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-6-12. - Regulation of on-premises consumption establishments under 2,000 square feet.

- (a) This article applies only to on-premises consumption establishments under 2,000 square feet (including any outside serving area).
- (b) Only on-premises consumption establishments under 2,000 square feet (including any outside serving area) may obtain an on-premises consumption under 2,000 square feet license.
- (c) All general provisions set forth in article six shall apply fully to on-premises consumption under 2,000 square feet licensees, except such licensees shall only be required to:
 - (1) Serve one meal per day;
 - (2) Be open for service five days a week; and
 - (3) Have at least 40 percent of its receipts come from the sale of food.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-6-13. - Alcoholic beverage caterers.

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It shall be unlawful for any person to engage in, carry on, or conduct the sale or distribution of alcoholic beverages at a location not licensed for the sale of alcohol and in connection with a catered event without first having obtained a permit as provided herein.

(1) *Permit requirements for resident caterers.*

- a. Any caterer who possesses a valid license from the city to sell or otherwise dispense malt beverages, wine or distilled spirits by the drink at a fixed location within the city may apply to the city manager for an off-premises permit that allows for alcohol sales at an authorized catered event. The application for the permit shall include the name of the licensee, the date(s), address(es), time(s), and name of the event(s) and the quantity and type of alcoholic beverages to be served at the event(s).
- b. Each off-premises catering permit shall be valid only for the event(s) for which the permit is issued. A resident caterer shall be limited to a maximum of 36 authorized catered events in a one year period. The fee for each permit shall be as set forth in article 11.

(2) *Permit requirements for nonresident caterers.*

- a. A nonresident alcoholic beverage caterer shall submit an application for an off-premises event permit to the city manager. The fee for each permit shall be as set forth in article 11. A non-resident caterer shall be limited to a maximum of 12 authorized catered events in a one year period.
- b. The application for the permit shall include the name of the caterer, a copy of the caterer's current alcohol license issued from an outside jurisdiction, the date(s), address(es), time(s), and name of the event(s) and the quantity and type of alcoholic beverages to be transported from the licensee's primary location to the location of the catered event(s).
- c. The original event permit shall be kept in the vehicle transporting the alcoholic beverages to the catered event.

(3) *Limitation on permit.* A permitted alcoholic beverage caterer may sell and/or otherwise dispense at the authorized catered event only that which is authorized by their alcoholic beverage license. For example, if the alcoholic beverage caterer possesses a valid license to sell malt beverages, he may sell or otherwise dispense only malt beverages at the authorized catered event.

(4) *Sunday sales.* An alcoholic beverage caterer wishing to cater an event on Sunday must comply with the requirements of state law with respect to the service of alcoholic beverages at such event.

(5) *Tax on sales by resident caterers.* Excise taxes are imposed upon the sale of alcoholic beverages by a resident caterer as provided in article 11 of this chapter.

(6) *Tax on drinks served by nonresident caterers.* Excise taxes are imposed upon the total of individual alcoholic beverage drinks served by a nonresident caterer in the amounts set forth in article 11 of this chapter and shall be paid within 30 days after the conclusion of the catered event.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-6-14. - Ancillary wine tasting license.

- (a) The holder of a wine license 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.

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- (c) Wine tasting for customers shall only be conducted at a wine counter area constituting no more than ten percent of entire floor area of the premises.
- (d) Wine sampling for customers shall be limited to no more than one time per day for a period of 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.
- (f) No open containers of wine shall be removed from the licensed premises.
- (g) Not more than two 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.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-6-15. - Bed and breakfast license.

- (a) A bed and breakfast desiring to sell alcohol on premises shall first obtain a bed and breakfast alcohol license. Such license shall be limited to the sale of beer and wine.
- (b) A bed and breakfast licensed under this article shall:
 - (1) Comply with all local, state and federal licensing and operational requirements, and shall have all licenses and permits required of bed and breakfasts by the same;
 - (2) Have a full-service kitchen at the licensed location approved by local health and fire departments;
 - (3) Restrict its sale of alcohol to overnight customers staying on the premises and its customers who are served food that is to be consumed on the premises while dining or attending a culinary class. More than one bottle of wine shall not be sold to any customer in a three-day period. A bed and breakfast shall not allow customers to take alcoholic beverages in any form away from the licensed premises, except that overnight customers may be permitted to remove one unsealed bottle of wine per patron for consumption off premises at the end of their overnight stay;
 - (4) Submit reports to the city manager as required under this article.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-6-16. - Reports, required.

- (a) All reports required under this article shall clearly indicate the sales receipts of the licensed establishment for food and the sales receipts for alcoholic beverages. The report shall be post marked on or before the last day of the calendar month after the calendar quarter.
- (b) The report, required annually, shall identify, by name and nature of service provided, 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.
- (c) The failure of a licensed establishment to submit a report required under this article shall be considered cause

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for probation, suspension, revocation or other appropriate action. The reports described herein shall be in a form recognized by certified public accountants and shall utilize common and generally recognized accounting principles and shall be submitted under oath. Those submitting the reports shall be prosecuted for fraudulent statements under O.C.G.A. § 16-10-20 in a court of competent jurisdiction, if such reports are not true.

- (d) For the purposes of determining whether a licensed establishment is qualified to operate under the license during December and on January 1 of each year, the preceding quarter's receipts shall be utilized on making such determination, unless such business is new and had not been open long enough to provide the quarterly reports required herein. Where the business has not been open long enough to provide quarterly reports, then such reports as are available shall be used by the city manager to determine if the business shall be allowed to operate in December and on January 1 each year. If no quarterly reports are available, whatever sales receipts for daily sales from the outset of the business will be submitted to the city manager for review in order to make the determination. In such cases, suspension, probations, revocations, or other actions based solely on food sales receipts will not occur until after three months of receipts have been submitted. However, nothing in this section shall prohibit actions under this chapter for other violations of state, federal or local laws.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-6-17. - Extended Sunday alcohol sales.

Notwithstanding any other provisions of this chapter to the contrary, the sale of alcoholic beverages for consumption on the premises, including the sale of wine and/or malt beverages and the sale of distilled spirits, may be sold on Sundays between the hours of 11:00 a.m. and 12:00 a.m. midnight in any licensed establishment which derives

- (1) At least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served; or
- (2) At least 50 percent of its total annual gross income from the rental of rooms for overnight lodging.

(Ord. No. 2018-12, § 5, 8-21-2018; Ord. No. 2018-20, § 2, 12-4-2018)

Sec. 5-6-18. - Home-brew special events.

- (a) *Permits.* No home-brew special event shall be held in the city except pursuant to a permit issued in advanced by the city manager and pursuant to O.C.G.A. § 3-5-4(e).
- (1) No person or entity shall engage in, participate in, or sponsor a home-brew special event unless a home-brew special event permit is first obtained from the city.
 - (2) Any person seeking a home-brew special event permit from the city shall file a permit application at least three business days in advance of the beginning of the event. The application shall be in letter form, or on a form created by the city, and shall be presented to the city clerk or city manager.
 - (3) All home-brew special event permit applications shall contain the name of the sponsor(s) of the event, the name of the organizer(s) of the event, the exact date, time, and place of the event, the approximate number of persons involved in the event, the location of the event, a general description of the event, and a description of the prizes or awards to be offered. No home-brew special event may be held at a facility otherwise licensed for the production or sale of alcoholic beverages.
 - (4) The city shall charge a fee in the amount of \$50.00, and the city manager may issue a home-brew special event permit allowing for up to six home-brew special events per calendar year.
 - (5) The city manager shall determine whether the home-brew special event permit should be granted by

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considering: (1) whether the event is being held in compliance with this chapter and state and municipal laws, (2) whether the event is likely to endanger the safety of the event participants and/or citizens of the city, and (3) whether the event is likely to result in violations of state law or the city's ordinances, including laws relating to public intoxication.

- (6) Each permit shall state the date, location, and starting and ending time of the home-brew special event. If the city manager imposes any additional restrictions or conditions on the event in order to ameliorate any of the potential adverse factors listed in subsection (5), all such restrictions and conditions shall be listed on the permit.
- (7) Permit holders are required to comply with all permit restrictions and conditions, and abide by all laws and ordinances.
- (8) The permit shall be posted in the event premises at all times during the home-brew special event.

(Ord. No. 2018-18, § 2, 12-4-2018)

ARTICLE 7. - GROWLERS

Sec. 5-7-1. - Growler license.

- (a) The retail sale of growlers is authorized for establishments licensed pursuant to this article.
- (b) A growler license may be obtained only by establishments engaged in the retail sale of growlers.
- (c) In addition to the retail sale of growlers, a growler licensee is permitted to engage in the retail sale of beer and/or wine by the package, and by the glass for consumption on premises.
- (d) Growlers may only be filled with beer or wine from kegs or barrels procured by the licensee from a duly licensed wholesaler.
- (e) After a growler is filled at the licensed premises, it must be securely sealed and removed from the premises in its original condition and cannot be opened or consumed on the premises.
- (f) Only professionally sanitized and sealed growlers may be filled and made available for retail sale.
- (g) A growler licensee shall be authorized to offer samples of draft beer or wine to patrons over the age of 21.
- (h) Growler licensees and employee thereof shall be permitted to taste draft beer and wine at the licensed growler premises for quality control or educational purposes only. At no time however, shall a growler licensee or employee become intoxicated at the licensed premises.
- (i) No food purchased at an establishment possessing a growler license may be consumed on premises.
- (j) A growlers license shall constitute a pouring license for the purpose of city approved events.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-7-2. - Growlers license, regulations generally.

The following regulations shall apply to licensed growler establishments:

- (1) No screen, partition or thing which prevents a clear view into the interior of a growler store from the street, nor any booth within, shall be permitted.
- (2) No sale of beer or wine shall be permitted between the hours of 2:00 a.m. and 8:00 a.m. In addition, no sale of beer or wine shall be permitted on Sundays before 12:30 p.m. and after 11:30 p.m., or any other days or

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times prohibited by state law.

- (3) The state regulations relating to the sale and distribution of beer and/or wine, as revised, promulgated by the state revenue department, are hereby incorporated into and made a part of this chapter as if fully set out in this section.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-7-3. - Prohibited locations.

Prohibited locations. It shall be prohibited to obtain a growler license within the following areas of the city:

- (1) Within any residential zoning district or other prohibited zoning district established in the zoning ordinance.
- (2) Within any area prohibited by state law.

(Ord. No. 2017-04, § 1, 3-21-2017)

ARTICLE 8. - MICROBREWERIES

Sec. 5-8-1. - Microbrewery license, regulations generally.

The following regulations shall apply to licensed microbrewery establishments:

- (1) A microbrewery license may be obtained only by establishments operating as a brewery or a brewpub.
- (2) A microbrewery licensee, or employee thereof, shall be permitted a limited exception under this article to taste draft beer and wine at the licensed premises for quality control or educational purposes only. At no time however, shall a growler licensee or employee become intoxicated at the licensed premises.
- (3) An individual applying for a microbrewery license shall indicate on their application whether he or she intends to open and operate a brewery or brewpub.
- (4) All operations by a microbrewery shall be conducted within an enclosed building.
- (5) No screen, partition or thing which prevents a clear view into the interior of a microbrewery from the street, nor any booth within, shall be permitted.
- (6) The state regulations relating to the manufacture, sale, and distribution of beer, as revised from time to time, promulgated by the state revenue department, are hereby incorporated into and made a part of this chapter as if fully set out in this section.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-8-2. - Provisions applicable to breweries only.

- (a) A microbrewery licensee operating a brewery shall be authorized to provide guided tours of said brewery, during which a "free tasting" of malt beverages or beer may be conducted by the brewery. Said tours and tastings shall be permitted in accordance with the Official Code of Georgia, as amended from time to time.
- (b) No "free tasting" of beer or malt beverages shall be permitted between the hours of 12:00 a.m. and 8:00 a.m. any day of the week. In addition, no pouring or tasting of beer or malt beverages shall be permitted on Sundays before 12:30 p.m. and after 11:30 p.m., or on any other days or times prohibited by state law. Promotional or educational tours of a brewery facility shall also only be permitted within these allowed timeframes.
- (c) All malt beverages or beer provided at the "free tasting" shall be served by a state licensed representative of the

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brewery and shall be malt beverages or beer brewed on-site by said brewery.

- (d) The licensed brewery may elect to provide non-alcoholic food or beverages at no charge to customers or tour-attendees, either directly or indirectly.
- (e) No person who is a participant in an educational or promotional tour may bring alcoholic beverages obtained off the premises of the licensed brewery to said brewery under any circumstances.
- (f) Souvenirs may be provided by a brewery, including souvenir containers that may be used in "free tastings" sponsored by the brewery, in compliance with O.C.G.A. § 3-5-38, as amended from time to time. No brewery providing free souvenirs pursuant to this section shall provide, directly or indirectly, more than one souvenir to the same individual in one calendar day. An individual shall be 21 years of age or older to receive a free souvenir or "free tasting."
- (g) Except as set forth in this section, a microbrewery licensee operating a brewery shall be subject to all sections of this chapter.
- (h) Operation of a brewery shall prohibit a microbrewery licensee from obtaining any other category of alcohol beverage license available under this chapter for the same premises.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-8-3. - Provisions applicable to brewpubs only.

- (a) A microbrewery licensee operating a brewpub shall be authorized to operate an eating establishment that shall be the sole retail outlet for such malt beverages and that may offer for sale for consumption on the 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 wholesaler and, provided further, in addition to malt beverages manufactured on the premises, each brewpub licensee shall offer for sale commercially available canned or bottled malt beverages purchased from a licensed wholesale dealer.
- (b) Should a microbrewery licensee operating a brewpub offer for sale other alcoholic beverages produced by other manufacturers on the premises of the brewpub, the licensee shall also be required to obtain an on-premises consumption license.
- (c) The holder of a microbrewery license who is operating a brewpub shall not be entitled by virtue of said microbrewery license to sell alcoholic beverages by the package for consumption off the premises.
- (d) A microbrewery licensee operating a brewpub shall pay all state and local license fees and excise taxes applicable to individuals licensed under this chapter as manufacturers, retailers and, where applicable, wholesale dealers.
- (e) Except as set forth in this section, a microbrewery licensee operating a brewpub shall be subject to all sections of this chapter.
- (f) Brewpubs may not pour or serve malt beverages between the hours of 12:00 a.m. and 8:00 a.m. any day of the week. In addition, no sale or pouring of malt beverages or wine shall be permitted on Sundays before 12:30 p.m. and after 11:30 p.m., or on any other days or times prohibited by state law. Where in conflict with the operating hours permitted for other establishments offering on-premises consumption, the operating hours of this subsection shall control for brewpubs.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-8-4. - Prohibited locations.

Prohibited locations. It shall be prohibited to obtain a microbrewery license within the following areas of the city:

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- (1) Any area not authorized for the location and operation of microbreweries pursuant to article 28, "A-D Zone (Art: Overlay)" of chapter 93, "Zoning," of the City Code. Any microbrewery not in compliance with said provisions of chapter 93 shall not receive a license from the city and shall not open or operate.
- (2) Within any area prohibited by state law.

(Ord. No. 2017-04, § 1, 3-21-2017)

ARTICLE 9. - ART GALLERY ALCOHOL LICENSE

Sec. 5-9-1. - Applicability.

A person or entity operating an art gallery may offer complimentary alcoholic beverages to patrons for consumption within the premises by obtaining an art gallery alcohol permit, which shall be renewed annually. As used herein, "art gallery" means an establishment whose primary purpose is to exhibit:

- (1) A work of visual art such as a painting, sculpture, drawing, mosaic, or photograph;
- (2) A work of calligraphy;
- (3) A work of graphic art such as an etching, a lithograph, an offset print, a silk screen, or any other work of similar nature;
- (4) A craft work in materials, including but not limited to clay, textile, fiber, wood, metal, plastic, or glass; or
- (5) A work in mixed media such as collage or any combination of the art media set forth in this subsection.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-9-2. - Art gallery license, regulations generally.

- (a) An art gallery alcohol permittee shall not, directly or indirectly:
 - (1) Sell alcoholic beverages;
 - (2) Charge an entrance fee or cover charge in connection with the offering of complimentary alcoholic beverages;
 - (3) Serve alcoholic beverages for more than four hours in any one day;
 - (4) Serve alcoholic beverages more than 15 days in any calendar year;
 - (5) Allow any alcoholic beverages to be consumed outside the facility;
 - (6) Engage in any exterior or interior advertising concerning the consumption of alcoholic beverages on the permitted premises.
- (b) An art gallery alcohol permittee shall provide the city at least 15 days written notice prior to any art gallery exhibit or display at which alcoholic beverages will be complimentary offered.
- (c) An art gallery alcohol permittee's building shall meet all requirements of the building inspector, the fire marshal, the traffic engineer, and planning and zoning coordinator and shall comply with other ordinances of the city for zoning, storage, parking, buffers and other issues.

(Ord. No. 2017-04, § 1, 3-21-2017)

ARTICLE 10. - MANUFACTURING/WHOLESALE ESTABLISHMENTS

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Sec. 5-10-1. - Classification of licenses.

Manufacturing and/or wholesale licenses under this article shall be classified as follows:

- (1) Manufacturer of malt beverages/wines, which shall permit only the manufacture, bottling and packaging of malt beverages and/or wine.
- (2) Manufacturer of distilled spirits, which shall permit only the manufacture, bottling and packaging of distilled spirits.
- (3) Wholesale malt beverage/wine distributor, which shall permit only the sale of malt beverages and/or wine at wholesale.
- (4) Wholesale distilled spirits distributor, which shall permit only the sale of distilled spirits at wholesale.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-10-2. - Manufacturing/wholesale establishments, regulations generally.

The following regulations shall apply to manufacturing and wholesale establishments:

- (1) No screen, partition or thing which prevents a clear view into the interior of a manufacturing and/or wholesale establishment shall be permitted.
- (2) No sale of alcohol shall be permitted between the hours of 2:00 a.m. and 8:00 a.m. In addition, no sale of alcohol shall be permitted on Sundays before 12:30 p.m. and after 11:30 p.m., or any other days or times prohibited by state law.
- (3) The state regulations relating to wholesalers and manufacturers promulgated by the state revenue department are hereby incorporated into and made a part of this chapter as if fully set out in this article.
- (4) Each manufacturing and/or wholesale establishment store shall install and maintain in a secure location security cameras in the outlet of a type and number approved by the chief of police. Such cameras:
 - a. Shall be placed in the outlet to record activities in the checkout or cash register area(s).
 - b. Shall be capable of producing a retrievable image on film, tape, or any readable medium that can be made a permanent record and enlarged through projection or other means.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-10-3. - Additional application requirements.

In addition to the general application requirements set forth under article 1, applicants seeking a manufacturing and/or wholesale license under this article shall:

- (1) Show within the initial license application their compliance with O.C.G.A. § 3-4-23 when the applicant has been a resident of the city for less than 12 months immediately preceding the submission of their application.
- (2) Within three days after filing the initial license application, identify the proposed location by posting a sign not less than 24 inches by 36 inches in size, with letters of at least 2½ inches on the front door of the building proposed to be used (if facing the right-of-way of the city street upon which the building fronts; otherwise, within three feet of the right-of-way), or upon a prominent place on the lot where the building is proposed to be constructed, facing the street. The sign shall be captioned "Liquor License Application Pending" and shall designate the name and address of the applicant, the type of license and the date of the application, and no

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other advertisement or wording. The sign shall remain posted until final action on the license application by the city manager, or city council, if appealed. An application will not be deemed completed until an applicant has filed with the clerk a photograph of the sign erected pursuant to this section.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-10-4. - Exception for licensees with no fixed place of business within city.

Wholesalers and manufacturers maintaining no fixed place of business, warehouse or other facility in the city and possessing a valid state license may make sales and deliveries to licensed retailers and to persons licensed for the sale of alcoholic beverages for consumption on the premises without obtaining a city license.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-10-5. - Prohibited locations.

Prohibited locations. It shall be prohibited to obtain a license for a manufacturing and/or wholesale establishment within the following areas of the city:

- (1) Within any residential zoning district or other prohibited zoning district as set out in the zoning ordinance.
- (2) Within a measured 100 yards of any church building.
- (3) Within a measured 100 yards of any alcoholic treatment center owned and operated by the state or any county or municipal government therein.
- (4) Within a measured 200 yards of any school building, school ground, or college campus.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-10-6. - No broken packages.

No manufacturing and/or wholesale establishment may sell single alcoholic beverages from an ice chest, tub, or cooler. Packages of alcoholic beverages may not be broken for individual sale.

(Ord. No. 2017-04, § 1, 3-21-2017)

ARTICLE 11. - FEES, TAXES AND REPORTS

Sec. 5-11-1. - Fee chart depending upon the licenses sought.

All the fees established throughout this chapter shall be as set forth in the chart below, which may be amended by the city from time to time. No license issued under this chapter shall be valid until the licensee pays the annual license fee as established and set forth under this chapter. Some fees may be cumulative depending upon the licenses sought. Where no fee is specifically provided for in this chapter, the fee shall be \$1,000.00. This fee schedule is subject to change by ordinance adopted by the mayor and council. The most current duly adopted change in the fees shall supersede any fee provision in this chapter.

Beer/wine/liquor—Retail, wholesale, manufacturer, restaurant, lounge, hotel	\$5,000.00
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Beer/wine only—Retail, wholesale, manufacturer, restaurant, lounge, hotel	\$3,150.00
Bed and breakfast license	\$250.00
Liquor only—On-premises under 2000 square feet	\$1,600.00
Beer only—On-premises under 2000 square feet	\$750.00
Wine only—On-premises under 2000 square feet	\$750.00
Microbrewery license	\$1,600.00
Growler license	\$1,600.00
On-premises arts license	\$250.00
Art gallery license	\$50.00
Alcohol beverage caterer permit (resident licensee, per event)	\$25.00
Alcohol beverage caterer permit (non-resident, per event)	\$75.00
Ancillary wine tasting	\$100.00
Administration fee	\$200.00
Off-premises and special events	\$50.00 annually
Handler permit fee	\$35.00 per employee, \$60.00 per manager/owner
Late fee	15% penalty for failure to pay amount when due and payable to city and interest at rate of 1% per month until paid

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-11-2. - Rate of taxation for malt beverages.

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In addition to the annual license fees required by this chapter, there is hereby levied upon each wholesale dealer selling malt beverages within the city an excise tax, on such malt beverages so sold, as follows:

- (1) Where malt beverages are sold in bottles, cans, or other containers, except barrel or bulk containers, a tax of five cents per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.
- (2) All malt beverages sold in or from a barrel or bulk container, and being commonly known as tap or draft beer, shall not be subject to the excise tax provided for in subsection (1), but in lieu thereof there is hereby imposed upon each wholesale dealer selling such malt beverages within the city an excise tax of \$6.00 for each barrel or bulk container having a capacity of 15½ gallons sold by such wholesale dealer within the city and at a like rate for fractional parts thereof.
- (3) This tax shall apply to all malt beverages except as except under O.C.G.A. § 3-5-90.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-11-3. - Method of payment.

The tax levied under this article shall be paid to the city by each wholesale dealer on all malt beverages sold within the city as follows: Each wholesale dealer selling, shipping or in any way delivering malt beverages to a retailer in the city shall collect the excise tax at the time of delivery and shall remit the same together with a summary of all such deliveries on or before the tenth day of the month next succeeding the calendar month in which such sales are made.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-11-4. - Payment of tax; report.

The summary report made by each wholesale dealer to the city shall show the exact quantities of malt beverages, by size and type of container, and the amount of excise tax collected.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-11-5. - Right to audit.

The city shall have the right to audit, and to require production of records from each wholesaler of malt beverages supplying retailers in the city, and each retailer so supplied.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-11-6. - Failure to make timely report; penalty.

- (a) The failure to make a timely report and remittance under this article shall render a wholesale dealer liable for a penalty equal to ten percent of the total amount due during the first 30-day period following the date such report and remittance were due and a further penalty of 25 percent of the amount of such remittance for each successive 30-day period or any portion thereof during which such report and remittance are not filed. The filing of a false or fraudulent report shall render the wholesale dealer making such report liable for a penalty equal to 50 percent of the amount of the remittance which would be required under an accurate and truthful report and prosecution for a felony offense.
- (b) Such failure to make a timely report or remittance, or the filing of a false or fraudulent report, shall also constitute grounds for the revocation of the license issued by the city to the wholesale dealer and prosecution

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for a felony offense.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-11-7. - Payment of fee to wholesaler; payment revocable.

The city may pay to each wholesaler for the service of computing and remitting the taxes collected from retailers under this article a fee of three percent of such remittances, such payment to be revocable by the city at any time. Such payment shall be forfeited if any report or payment of tax under this article is not submitted to the city by the time required in this article.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-11-8. - Sale prohibited when tax not paid.

It shall be unlawful for any person to sell at retail or otherwise within the city any malt beverage on which the tax required in this article has not been paid to the wholesaler or distributor or the city.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-11-9. - Rate of taxation for liquor.

In addition to the annual retail liquor license fee required by this chapter, there is hereby levied an excise tax computed at the rate of \$0.22 per liter, which shall be paid to the city on all liquor sold, displayed or stored in the city. The \$0.22 per liter shall be prorated down on miniatures, half pints, pints, fifths, half gallons and other quantities and on liquor gallons so that each bottle shall be taxed on the basis of \$0.22 per liter.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-11-10. - Method of payment.

The tax levied under this article shall be paid to the city by the wholesale distributor on all liquor sold to retailers in the city as follows: Each wholesale distributor selling, shipping or in any way delivering liquor to any such retailer shall collect the excise tax at the time of delivery and shall remit the same together with a summary of all deliveries to each retailer on or before the tenth day of the month following.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-11-11. - Summary of purchase invoices.

Each wholesale distributor of liquor shall furnish to the city a summary of all purchase invoices for liquor sold to each retailer in the city on or before the tenth of each month following such purchases. Such invoices shall show the amount of excise tax paid.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-11-12. - Right to audit, failure to timely report; penalty.

The city shall have the right to audit, and to require production of records from, each wholesaler of liquor supplying retailers in the city and each retailer so supplied. The same penalties shall apply for failure to timely and accurately report and remit as are set out in section 5-9-6.

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(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-11-13. - Payment of fee to distributor; payment revocable.

The city may pay to each wholesale distributor for the service of computing and remitting the taxes collected from retailers under this article a fee of three percent of the remittances, the payment to be revocable by the city at any time. Such payment shall be forfeited if any report or payment under this article is not submitted to the city by the time required in this article.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-11-14. - Rate of taxation for wine.

- (a) In addition to the annual retail wine license fee required by this chapter, there is hereby levied an excise tax computed at the rate of \$0.22 per liter which shall be paid to the city on all wine sold, displayed or stored in the city. The \$0.22 per liter tax rate shall be proportionally applied to smaller and larger quantities of wine so that each container shall be taxed on the basis of \$0.22 per liter.

- (b) This tax shall apply to all wine except as exempt under O.C.G.A. § 3-6-70.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-11-15. - Method of payment.

The tax levied under this article shall be paid to the city by each wholesale distributor on all wine sold to retailers in the city as follows: Each wholesale distributor selling, shipping or in any way delivering wine to any such retailer shall collect the excise tax at the time of delivery and shall remit the same together with a summary of all deliveries to each retailer on or before the tenth day of the month following.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-11-16. - Summary of purchase invoices.

Each wholesale distributor of wine shall furnish to the city a summary of all purchase invoices for wine sold to each retailer in the city on or before the tenth of each month following such purchases. Such invoices shall show the amount of excise tax paid.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-11-17. - Right to audit, failure to timely report; penalty.

The city shall have the right to audit, and to require production of records from each wholesaler of wine supplying retailers in the city, and each retailer so supplied. The same penalties shall apply for failure to timely and accurately report and remit as are set out in section 5-9-6.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-11-18. - Payment of fee to wholesaler; payment revocable.

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The city may pay to each wholesaler for the service of computing and remitting taxes collected from retailers under this article a fee of three percent of such remittances, such payment to be revocable by the city at any time. Such payment shall be forfeited if any payment of tax under this article is not submitted to the city by the time required herein.

(Ord. No. 2017-04, § 1, 3-21-2017)

Sec. 5-11-19. - Tax on alcoholic beverages on-premises for consumption.

Chapter 17, article 6 (section 17-6-1 through section 17-6-10 of this Code) shall govern taxes on the sale of alcoholic beverages by the drink.

(Ord. No. 2017-04, § 1, 3-21-2017)