

Chapter 6

ALCOHOLIC BEVERAGES*

Article I. In General

- Sec. 6-1. Definitions.
- Sec. 6-2. Sales on election days.
- Sec. 6-3. Security cameras required for certain establishments selling alcoholic beverages; exemption; penalty.
- Secs. 6-4—6-30. Reserved.

Article II. Retail Package Sales of Malt Beverages and Wine

- Sec. 6-31. License required.
- Sec. 6-32. Applications to be made in person.
- Sec. 6-33. Completed application required.
- Sec. 6-34. Execution of application.
- Sec. 6-35. Resident of city.
- Sec. 6-36. Distances from certain uses.
- Sec. 6-37. Other criteria.
- Sec. 6-38. Application approval.
- Sec. 6-39. Licensing provision.
- Sec. 6-40. Payment of fees.
- Sec. 6-41. Search.
- Sec. 6-42. Display.
- Sec. 6-43. Transferability.
- Sec. 6-44. Term of license.
- Sec. 6-45. License fees.
- Sec. 6-46. Excise taxes.
- Sec. 6-47. Sale to minors.
- Sec. 6-48. Posting of notice to minors.
- Sec. 6-49. When sales prohibited.
- Sec. 6-50. Hours of operation.
- Sec. 6-51. Familiarity with article.
- Sec. 6-52. Grounds for suspension or revocation.
- Sec. 6-53. Action which may be taken.
- Sec. 6-54. Temporary revocation.
- Sec. 6-55. Time limitation on new licenses.
- Secs. 6-56—6-85. Reserved.

Article III. Retail Sales of Malt Beverages and Wine for On-Premises Consumption

- Sec. 6-86. Authorized.
- Sec. 6-87. Requirements, procedures.

***Cross references**—Alcoholic beverages restricted in pool and billiard establishments, § 10-33; businesses, ch. 22.

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

ARTICLE I. IN GENERAL**Sec. 6-1. 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.

Church building means a permanent building owned and operated exclusively by a religious organization and publicly designated a church where persons regularly assemble for religious worship. The minimum distance requirements for church buildings shall not apply to space in a shopping center or residences used for religious purposes.

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

Fortified wine means any alcoholic beverage containing more than 21 percent alcohol by volume made from fruits, berries or grapes, either by natural fermentation or by natural fermentation with brandy added. The term includes but is not limited to brandy.

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

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

Package store license means a license issued to a retail dealer for the sale of beer or wine, in sealed containers, for consumption off the premises, generally known as sale of beer or wine "to go."

Retail dealer means any person selling beer or wine directly to the consumers.

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

Wine means any alcoholic beverage containing not more than 21 percent alcohol by volume made from fruits, berries or grapes, either by natural fermentation or by natural fermentation with brandy added. 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

Secs. 6-4—6-30. Reserved.

ARTICLE II. RETAIL PACKAGE SALES OF MALT BEVERAGES AND WINE

Sec. 6-31. License required.

No malt beverages or wine shall be sold legally in the city except under license granted by the city as provided in this article. No malt beverages, wine or other alcoholic beverage shall

be given away, sold or otherwise distributed as part of any business or product promotion, or grand opening of any such business. This prohibition shall apply to all businesses and individuals in the city whether or not they are licensed to sell beer or wine.

(Ord. of 6-5-1989, § II(2.1))

Sec. 6-32. Applications to be made in person.

All applications for licenses for the sale of malt beverages or wine shall be filed in person by the applicant at the office of the city and shall consist of a completed form furnished for application purposes by the city.

(Ord. of 6-5-1989, § II(2.2))

Sec. 6-33. Completed application required.

All applications for licenses on the forms provided by the city shall be completely and fully executed, and each question on the application form shall be answered accurately. Failure of an applicant to furnish completed answers, as well as failure to comply with all other prerequisites as provided in this article shall be cause for denying the application with prejudice. The willful making of any false statement as to a material matter on any application for a license to sell malt beverages or wine which shall be found to be false shall constitute grounds for denying the license or for revocation of any license issued.

(Ord. of 6-5-1989, § II(2.3))

Sec. 6-34. Execution of application.

If the applicant for a license under this article is an individual, he shall sign the application personally. If the applicant is a firm or partnership, each member or partner shall execute it. If the applicant is a corporation, it shall be executed by at least two officers of the corporation.

(Ord. of 6-5-1989, § II(2.4))

Sec. 6-35. Resident of city.

An applicant for a license under this article must be a resident of the city for at least one year prior to application date. Corporations, however, must either be incorporated in the state or must have registered to do business in the state.

(Ord. of 6-5-1989, § II(2.5))

Sec. 6-36. Distances from certain uses.

(a) *Distilled spirits.* No new license shall be issued for the sale of any distilled spirits for a location nor shall any existing license be transferred to a new location which will be in or within 100 yards of any church building, or within 200 yards of any school building, educational building, school grounds, or college campus, or within 100 yards of any alcohol treatment center owned or operated by the state or any county or municipal government therein.

Sec. 6-38. Application approval.

After receipt of the application and all other prerequisites as set out in this article, the city clerk shall consider the application and shall cause an appropriate investigation to be made into the persons named and the information given on the application form. The city clerk shall cause the fingerprinting process, as required by O.C.G.A. § 3-3-2 to be completed. The city clerk shall then cause the matter to be placed on the agenda for a regular meeting of the mayor and council, at which time the mayor and council may grant or deny the application or continue the process, pending further investigation.

(Ord. of 6-5-1989, § III(3.3))

Sec. 6-39. Licensing provision.

All establishments licensed under this article shall be closed between the hours of 12:00 midnight Sunday until 7:00 a.m. Monday, with the following exception: If 75 percent of the gross sales of such establishment is derived from the sale of nonalcoholic merchandise, such establishment may remain open on Sunday. The responsibility for keeping records which determine the percentage of gross sales shall lie upon the holders of the business license, and such records are subject to audit.

(Ord. of 6-5-1989, § III(3.4))

Sec. 6-40. Payment of fees.

No license under this article shall be issued unless the applicant fully paid all license fees and ad valorem taxes due to the city.

(Ord. of 6-5-1989, § IV(4.1))

Sec. 6-41. Search.

The acceptance by any licensee of any license or permit issued under the authority of this article shall authorize the search, without warrant or other writ, by any police officer of the city, and by the operator, agent or officer of the state revenue commissioner, and by any operator, agent or officers of the alcohol control section, not only of the whole of the licensed location of such licensee, but also his dwelling house and its curtilage.

(Ord. of 6-5-1989, § IV(4.2))

Sec. 6-42. Display.

Every license and permit granted and issued under and by this article shall be prominently displayed by the licensee on the interior wall of the licensed location.

(Ord. of 6-5-1989, § IV(4.3))

Sec. 6-43. Transferability.

No license issued under this article shall be assignable or transferable; and if a licensed business is moved, sold or closed or no longer directly operated by the licensee, the licensee shall immediately surrender his license to the city clerk. All licenses shall be issued to specific persons and for a specific location.

(Ord. of 6-5-1989, § IV(4.4))

Sec. 6-44. Term of license.

All licenses under this article shall be issued on a calendar year basis and shall expire, regardless of the date of issuance, December 31 of each year.

(Ord. of 6-5-1989, § IV(4.5))

Sec. 6-45. License fees.

(a) License fee for a retail package store license in malt beverages is \$200.00.

(b) License fee for a retail package store license in wine is \$100.00.

(c) For each wholesaler making delivery within the city, the annual license fee shall be \$100.00. This fee shall include malt beverages and wine.

(d) The applicant for a license shall pay to the city at the time his license is issued the sum of the license fee for operation for one year beginning on January 1 or half this amount if the license is issued during the last three months of the license year.

(Ord. of 6-5-1989, § IV(4.6))

Sec. 6-46. Excise taxes.

(a) In addition to the excise taxes imposed by the state, there is imposed an excise tax on the sale of malt beverages as follows:

(1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6.00 on each container sold containing not more than 15½ gallons and a proportionate tax at the same rate on all fractional parts of 15½ gallons.

(2) Where malt beverages are sold in bottles, cans or other containers, except barrel or bulk containers, a tax of \$0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.

(b) There is imposed an excise tax on the sale of wine of \$0.80 per gallon or \$0.22 per liter, or proportionately, so as to prorate the tax on bottles and containers of various sizes.

Sec. 6-52. Grounds for suspension or revocation.

The following shall be considered just cause for suspension or revocation of any license issued under this article:

- (1) The performance of any action prohibited by this article or the failure to perform any act required by this article, as well as the violations of any state, local or federal law, particularly but not limited to those involving alcoholic beverages, if such violation tends to indicate that the licensee will not maintain the operation of the business licensed in conformity with state, local or federal laws. If such act, omission or violation is done by any agent, servant, employee or officer of the licensee, the lack of knowledge on the part of the licensee or the lack of authorization for such act or omission or violation shall be no defense.
- (2) The entry of a plea of guilty or nolo contendere, or the conviction of any licensee, partner or any officer of a licensee corporation with respect to a charge or violation of any of the laws of the state or the United States or any locality, particularly but not limited to those involving alcoholic beverages, if such violation tends to indicate that the licensee will not maintain the operation of the business licensed in conformity with state, local or federal laws.

(Ord. of 6-5-1989, § V(5.1))

Sec. 6-53. Action which may be taken.

In addition to the rules and regulations set out in this article, each licensee doing business in the city shall comply with all state and federal laws; and the violation of any of such laws and/or this article shall subject the licensee to the immediate revocation of his license.

(Ord. of 6-5-1989, § V(5.2))

Sec. 6-54. Temporary revocation.

If any license under this article is temporarily revoked by any officer of the city, including the police chief, the license shall be turned over to the city clerk immediately; and the licensee shall appear before the mayor and council at a regular meeting for consideration of permanent revocation or reinstatement.

(Ord. of 6-5-1989, § V(5.3))

Sec. 6-55. Time limitation on new licenses.

When a license has been suspended or revoked under the provisions of this article, no application for a new license for the same location will be received for a period of 12 months thereafter; and no application for a new license for a different location from the licensee involved shall be received for a period of 24 months.

(Ord. of 6-5-1989, § V(5.4))

Secs. 6-56—6-85. Reserved.

one meal per day shall be served at least six days a week with the exception of holidays and vacations; and the serving of such meals shall be the principal business conducted with the serving of malt beverages and wine to be consumed on the premises as only incidental to the serving of meals. The sale of snack-type foods or quick-order type foods shall not qualify.

(b) Once an application is approved by the mayor and council and a license is received, the licensee shall continue to comply with all of the requirements of this section and all other provisions of this article.

(Ord. of 12-6-1993, § 3)

Sec. 6-89. License required.

No wine or malt beverages shall be sold by the drink without a license granted by the city. Any such sale without first complying with the rules and regulations in this article or heretofore established shall be unlawful. Violators of this article shall, upon conviction, be punished as provided in section 1-12. Violations of this article may result in the revocation of the license after a due process hearing.

(Ord. of 12-6-1993, § 4)

Sec. 6-90. Conformity with city ordinances and state laws required.

Each holder of a wine and malt beverages pouring license shall ensure that the privileges allowed by the license shall be exercised under the ordinances of the city and the laws of the state.

(Ord. of 12-6-1993, § 5)

Sec. 6-91. License fee.

The fee for a wine and malt beverages pouring license shall be \$400.00 per year or any fraction of a year, due and payable on January 1 of each year. Should an applicant apply for a license at any time other than the beginning of the year, the full fee will be tendered with application for the partial year remaining.

(Ord. of 12-6-1993, § 6)

Sec. 6-92. Posting of license.

A license under this article shall be posted in the place of business and be readily accessible for inspection at any time by the city or any law enforcement officials.

(Ord. of 12-6-1993, § 7)

Sec. 6-93. Employment of underage persons.

No employees of a business licensed under this article under the age of 18 shall handle wine or malt beverages in any manner.

(Ord. of 12-6-1993, § 8)

Sec. 6-128. Prerequisites for issuance.

(a) Any applicant for a liquor pouring license must show the following before such a license may be issued:

- (1) The applicant's establishment shall have an indoor seating capacity of 50 or more people.
- (2) The applicant's establishment shall derive 60 percent or more of its gross revenues from serving food which may be consumed on the premises.
- (3) The sale of liquor shall be for consumption of such beverages within the dining area on the premises, which shall include seated dining at tables on porches and seating dining at table on patios provided such patios are essentially shielded from all adjacent sidewalks, streets and alleys.
- (4) The applicant must operate a restaurant, which shall mean 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, such place being provided with adequate and sanitary kitchen and dining room equipment and seating capacity as stated in subsection (a)(1) of this section and having employed a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. At least one meal per day shall be served at least six days a week with the exception of holidays and vacations; and the serving of such meals shall be the principal business conducted, with the serving of liquor to be consumed on the premises as only incidental to the serving of meals. The sale of snack-type foods or quick-order type foods shall not qualify.

(b) Once an application is approved by the mayor and council and a license is received, the licensee shall continue to comply with all of the requirements of this section as well as all other provisions of this article and the original "Beer and Wine Ordinance" of the city.

(Ord. of 11-10-1997(1), § 3)

Sec. 6-129. Required.

No liquor shall be sold by the drink without a license granted by the city. Any such sale without first complying with the rules and regulations in this article or heretofore established shall be unlawful. Violators of this article shall, upon conviction, be punished as provided in section 1-12. Violations of this article may result in the revocation of the license after a due process hearing.

(Ord. of 11-10-1997(1), § 4)

Sec. 6-130. Conformity with city ordinances, state laws required.

Each holder of a liquor pouring license shall ensure that the privileges allowed by the license shall be exercised under the ordinances of the city and the laws of the state.

(Ord. of 11-10-1997(1), § 5)

Chapters 7—9

RESERVED