

CHECK LIST FOR ALCOHOLIC BEVERAGE APPLICATION

(1) READ ALCOHOLIC BEVERAGE ORDINANCE:

(2) TO BE COMPLETED AND RETURNED WITH APPLICATION:

- () Application completed and notarized.
- () Building plans inside and outside.
- () Evidence of ownership of building or copy of lease.
- () If applicant is a franchise, then the applicant must attach copy of the franchise agreement or contract with the application.
- () The Building Inspector must give a final inspection and approval when the building is completed.
- () Certificate from a Registered Land Surveyor showing drawing of the location of the proposed business premises for which such license is sought, showing the compliance with all distance requirements contained in the ordinance.
- () Copy of completed application and requirements for a State license.
- () \$500.00 Application fee certified check, cashiers check, or cash payable to the City of Grayson.
- () Registered Agent Form completed. This person must be a resident of Gwinnett County, Georgia.
- () Valid Occupancy Permit.
- () Health Department/Health Permit
- () Authorization for Release of Personal Information and Criminal History Record completed and notarized.
- () Personnel Statement completed and notarized.

(3) * Payment of taxes and other debts to the City must be paid.

* City of Grayson Occupation Tax registration (including SAVE Affidavit and E-Verify Affidavit)

* Submit names, addresses, date of birth, and telephone numbers of all employees.

* Copy of Certificate of Incorporation, Secretary of State Business Services and Regulation, Suite 315 West Tower, 2 Martin Luther King, Jr. Drive, Atlanta, GA, 30334-1530.

(4) REVIEW ORDINANCES AND FOLLOWING NOTES:

1. In addition to the City license, a State license is required-contact the State of Georgia Revenue Department.
2. By Federal Law, a Federal Occupational Tax Stamp is required-contact the IRS District Office at 275 Peachtree Street, Atlanta, GA.

NON-CRIMINAL JUSTICE APPLICANT'S PRIVACY RIGHTS

As an applicant that is the subject of a Georgia only or a Georgia and Federal Bureau of Investigation (FBI) national fingerprint/biometric-based criminal history record check for a non-criminal justice purpose (such as an application for a job or license, immigration or naturalization, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification that your fingerprints/biometrics will be used to check the criminal history records maintained by the Georgia Crime Information Center (GCIC) and the FBI, when a federal record check is so authorized.
- If your fingerprints/biometrics are used to conduct a FBI national criminal history check, you are provided a copy of the Privacy Act Statement that would normally appear on the FBI fingerprint card.
- If you have a criminal history record, the agency making a determination of your suitability for the job, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The agency must advise you of the procedures for changing, correcting, or updating your criminal history record as set forth in Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a Georgia or FBI criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the agency denies you the job, license or other benefit based on information in the criminal history record.
- In the event an adverse employment or licensing decision is made, you must be informed of all information pertinent to that decision to include the contents of the record and the effect the record had upon the decision. Failure to provide all such information to the person subject to the adverse decision shall be a misdemeanor [O.C.G.A. § 35-3-34(b) and §35-3-35(b)].

You have the right to expect the agency receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of state and/or federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.

If the employment/licensing agency policy permits, the agency may provide you with a copy of your Georgia or FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, information regarding how to obtain a copy of your Georgia, FBI or other state criminal history may be obtained at the GBI website (<http://gbi.georgia.gov/obtaining-criminal-history-record-information>).

If you decide to challenge the accuracy or completeness of your Georgia or FBI criminal history record, you should send your challenge to the agency that contributed the questioned information. Alternatively, you may send your challenge directly to GCIC provided the disputed arrest occurred in Georgia. Instructions to dispute the accuracy of your criminal history can be obtained at the GBI website (<http://gbi.georgia.gov/obtaining-criminal-history-record-information>).

PRIVACY ACT STATEMENT

Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

CITY OF GRAYSON
COMPREHENSIVE APPLICATION FOR
LICENSE PERMITTING THE SALE OF ALCOHOLIC BEVERAGES

Every applicant for each type of license permitting the sale of alcoholic beverages within the City of Grayson must fully complete this application.

NOTE: Should additional space be required to fully answer any question in this application, please answer on additional paper, clearly identifying the part, subpart and question being responded to.

Date: _____

Type of License Requested by Applicant: _____

- (a) Beer for consumption on premises
- (b) Wine for consumption on premises
- (c) Beer & wine for consumption on premises
- (d) Distilled spirits for consumption on premises
- (e) Beer, wine & distilled spirits for consumption on premises
- (f) Beer in original package for consumption off premises
- (g) Wine in original package for consumption off premises
- (h) Beer & wine in original package for consumption off premises
- (i) Distilled spirits in original package for consumption off premises
- (j) Beer, wine & distilled spirits in original package for consumption off premises
- (k) Wine center

1. Applicant's Name: (if applicant is a corporation or partnership then indicate name of officer(s), member(s) or partner(s) entitled to act on behalf of or bind the corporation or partnership in business matters).

2. Address and Phone Number of Applicant: (if applicant is a corporation list the address of the headquarters or principal place of business of the corporation or if a partnership list the address(es) of the partner(s)).

3. Name proposed business to be operated under:

4. Address and Phone Number of proposed business (both mailing address and physical address are required):

Physical: _____

Mailing: _____

Phone number: _____

5. If proposed Licensee is a corporation, state where and when incorporated and list the officers of the corporation:

(a) Date incorporated: _____

(b) State where incorporated: _____

(c) President: _____

(d) Vice President: _____

(e) Secretary: _____

(f) Treasurer: _____

(g) Managing Member: _____

6. If proposed Licensee is a corporation, list the stockholders, if any, which own 10% or more of the outstanding stock of said corporation:

Name: _____ Ownership Percentage: _____

Name: _____ Ownership Percentage: _____

Name: _____ Ownership Percentage: _____

Name: _____ Ownership Percentage: _____

Name: _____ Ownership Percentage: _____

7. If proposed Licensee is a partnership or limited liability entity, list the name and interest of each partner or member:

Name: _____ Interest: _____

Name: _____ Interest: _____

Name: _____ Interest: _____

Name: _____ Interest: _____

8. List the name and address of any person, firm, partnership or corporation (other than those listed in Paragraphs 1-7 above) which has or will have any interest either directly or indirectly in the business for which the license is requested.

9. Describe the interest, if any, specified in Paragraph 8.

10. (a) Has the applicant, the Directors, or any of the shareholders, if the applicant is a corporation, or any partners/member, if the applicant is a partnership/limited liability entity, or any individual listed in Paragraph 8, been convicted or pled guilty or entered a plea of nolo contendere to a felony or misdemeanor of any state or of the United States, or any municipal ordinance, except minor traffic violations, within a period of ten (10) years prior to the date of the application? _____

(b) If yes, give details. _____

11. (a) Has applicant, whether an individual, corporation, partnership or other entity ever been or is presently the holder of a license permitting the sale of alcoholic beverages?

(b) If yes, please give the dates and places of such licenses and their current status.

12. (a) Has applicant, whether an individual, corporation, partnership or other entity, held any prior license permitting the sale of alcoholic beverages, that was suspended or revoked within a period of ten (10) years prior to the date of the application? _____

(b) If yes, give details including the identity and address of the governmental agency or political subdivision where such license was held and the name of the governing authority or political subdivision which suspended or revoked said license.

13. (a) If applicant is an individual, does the applicant or any member of applicant's family or any relative by blood or marriage have any interest in the alcoholic beverage business in Georgia or elsewhere? _____

(b) If yes, give details. _____

14. (a) Is applicant a citizen of the United States or an alien lawfully admitted for permanent residence?

(b) If applicant is a citizen of the United States by naturalization, list a certificate number, the date, place and court and petition number of applicant's naturalization.

(c) If applicant is an alien lawfully admitted for permanent residence, list applicant's alien registration number.

If applicant is a Corporation, partnership or other entity, questions 11, 12 and 14 above must be answered for each of the stockholders, joint venturers, principals or partners of applicant.

15. Please list any prior business interests of applicant for the past ten (10) years.

16. Please list the names, phone numbers and addresses of five persons who have known the applicant for the past ten (10) years. (If applicant is a corporation, partnership or other entity, then list 5 individuals who have conducted business with the principals of the corporation, partnership, or other entity for the ten (10) year period.)

<u>Name</u>	<u>Phone Number</u>	<u>Address</u>
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17. Date and place of birth of applicant. (Not applicable to corporate/partnership applicants)

18. (a) Has the applicant (if a corporation, the officers and principle shareholders, if a partnership, all partners, whether general or limited, if a limited liability entity, the members) received any type of discharge from any branch of the military service of the United States other than an honorable discharge? _____

(b) If yes, give specific details. _____

19. (a) Does the applicant (if a corporation, the officers and principle shareholders, if a partnership, all partners, whether general or limited) owe any outstanding taxes, fees, special assessments or other monies to the City of Grayson? _____

(b) If yes, give specific details. _____

20. (a) Does the City Administrator, his/her spouse or minor children or any member of the City Council, his/her spouse or minor children, have any whole, partial or otherwise beneficial interest in the license applied for herein? _____

(b) If yes, give specific details. _____

21. Type of business to be operated in conjunction with this license:

(a) Restaurant _____ (b) Hotel _____

(c) Convenience Store _____ (d) Grocery Store _____

(e) Package Store _____ (f) Other-specify _____

22. List the name and address of the owners of the building and land in and upon which the Licensee proposes to operate and the name and address of any Lessor and Sub-Lessor of the Licensee:

Name Address

(a) Building Owner: _____

(b) Land Owner: _____

(c) Lessor: _____

(d) Sub-Lessor: _____

Applicant shall attach hereto evidence of ownership of the building or proposed building or a copy of the lease for said building.

23. (a) Is there an existing agreement for the sale or transfer of this license, if granted, to another individual, corporation, partnership or other entity? _____

(b) If yes, give details. _____

24. Name the manager(s) of the business for which the application is sought.

25. All applicants must submit detailed plans of the completed building and outside premises within which the licensee proposes to operate. If the building is incomplete or not yet constructed, applicant shall attach proposed plans and specifications along with a copy of any building permit issued.

26. Applicant is required to obtain a survey of the proposed site of the licensed business and said survey is required to show compliance with all distance requirements contained in Chapter 6 of the Code of the City of Grayson, Georgia.

In that respect:

(a) Is the business proposed to be licensed hereunder located within a distance of One Hundred (100) yards of a church? (For the purpose of this question, distance will be measured as provided in Section 6-9 of the Code of the City of Grayson, Georgia)

(b) Is the business proposed to be licensed hereunder located within a distance of Two Hundred (200) yards of any school ground or college campus? (For the purpose of this question, distance will be measured as provided in Section 6-9 of the Code of the City of Grayson, Georgia)

(c) How many parking spaces are available at the site of the business? _____ Does this number meet the requirements number of parking spaces as provided for in the Grayson Zoning Ordinance of 2005, Article 13? _____

(d) Within what zoning district is the proposed licensed business to be operated? _____

27. List the name, phone number and address of the registered agent upon whom any process, notice or demand required or permitted by Section 6-8 of the Code of the City of Grayson, Georgia, may be served.

Name/Phone Number: _____

Address: _____

Please attach a completed registered agent consent form which will be provided to applicant upon request.

28. If applicant is a franchise or if the proposed license will be used as a part of a franchise business, applicant shall attach a copy of the franchise agreement or contract.
29. Applicant shall attach hereto a completed application form with all attachments and requirements for a state license.
30. List the bank(s), including branch, where applicant does business within the State of Georgia (if no banks are used within the State of Georgia, please list two financial institutions for reference presently used by applicant).

31. List the names, addresses and telephone numbers as well as the present place of employment of any clerk, server or any other person to be employed in connection with the proposed business, together with the length of their residence, if any, in Gwinnett County, Georgia.

32. Please state the total amount of capital that is or will be invested in the proposed business by any party or parties.

33. State total amount of funds invested by the owner/applicant:

34. If any capital is borrowed for the proposed licensed business, please detail the following:

<u>Name of Lender</u>	<u>Date</u>	<u>Amount</u>	<u>Interest Rate</u>

CERTIFICATION:

The undersigned hereby certifies that he/she is the _____ of _____ (authorized representative) and is authorized to sign this application. _____ (Name of business)

The undersigned further certifies that:

The City of Grayson Alcoholic Beverage Ordinance has been read and understood and a copy will be maintained on the premises, and each and every employee will be required to be familiar with said regulations;

All laws, rules and regulations of the United States, the State of Georgia and of the City of Grayson, now enforced or which may hereafter be promulgated or enacted, regulating and governing the sale of alcoholic beverages will be complied with; and

Any license issued shall cover the period of one year commencing the first day of January and expiring December 31, and that no license shall be assignable or transferrable, nor shall the holder thereof be entitled to a rebate of the license fee or any portion thereof by reason of the revocation of said license, or for any other reason.

I further understand that I am liable to penalties of the law (both fine and imprisonment) should any false or fraudulent statement or representation be made in connection with this application.

I solemnly swear that the facts stated in the above and foregoing application for a license in the City of Grayson, Georgia, are true and correct.

Sworn to and subscribed before me this ____ day of _____, 20____.

Applicant

Notary Public

REGISTERED AGENT FORM

CITY ADMINISTRATOR
CITY HALL
CITY OF GRAYSON
475 GRAYSON PARKWAY
GRAYSON, GEORGIA 30017
(770) 963-8017

Business Name

Business Location

City/State/Zip Code

I, _____, do hereby consent to serve as the registered agent for the licensee, owners, officers and/or directors and to perform all obligations of such agency under the provisions of the Ordinances of Grayson, Georgia. (Every establishment holding an alcoholic beverage license in the City must have a registered agent and this person must be a resident of Gwinnett County, Georgia.)

This _____ day of _____, 20_____.

Signature of Agent

Agent's Social Security Number

Type or Print Name of Agent

Birthdate

Agent's Home Address

Phone Number

City/State/Zip Code

APPROVED:

Signature of Licensee

Owner

Officer or Director (Title)

Officer or Director (Title)

Private Employer Affidavit Of Compliance Pursuant To O.C.G.A. § 36-60-6(d)

By executing this affidavit, the undersigned private employer verifies its compliance with O.C.G.A. § 36-60-6, stating affirmatively that the individual, firm or corporation employs more than ten employees and has registered with and utilizes the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-90. Furthermore, the undersigned private employer hereby attests that its federal work authorization user identification number and date of authorization are as follows:

Federal Work Authorization User Identification Number

Date of Authorization

Name of Private Employer

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, _____, 201__ in _____ (city), _____ (state).

Signature of Authorized Officer or Agent

Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME
ON THIS THE _____ DAY OF _____, 201__.

NOTARY PUBLIC

My Commission Expires:

O.C.G.A. § 50-36-1(e)(2) Affidavit

By executing this affidavit under oath, as an applicant for a(n) Alcohol License
[*type of public benefit*], as referenced in O.C.G.A. § 50-36-1, from
_____ [name of government entity], the undersigned applicant
verifies one of the following with respect to my application for a public benefit:

- 1) _____ I am a United States citizen.
- 2) _____ I am a legal permanent resident of the United States.
- 3) _____ I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency.

My alien number issued by the Department of Homeland Security or other federal immigration agency is: _____.

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.C.G.A. § 50-36-1(e)(1), with this affidavit.

The secure and verifiable document provided with this affidavit can best be classified as:

_____.

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20, and face criminal penalties as allowed by such criminal statute.

Executed in _____ (city), _____ (state).

Signature of Applicant

Printed Name of Applicant

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE
____ DAY OF _____, 20____

NOTARY PUBLIC
My Commission Expires:

CITY OF GRAYSON PERSONNEL STATEMENT

INSTRUCTIONS: This personnel statement must be executed under oath, by the licensee, all owners, managers, partners and officers and/or directors of the corporation of any place of business applying for an alcoholic beverage license. Each question must be fully answered. If space provided is not sufficient, answer the question on a separate sheet and indicate in the space provided that a separate sheet is attached. A personnel statement for all the above persons must be submitted with each license application.

1. Full Name _____

2. Full name and address of business of which this personnel statement is a part:

3. Position of applicant in business _____
State ownership or interest if any in this business _____
Salary or annual compensation _____

4. Do you have any financial interest, or are you employed in any wholesale or retail business engaged in distilling, bottling, rectifying or selling alcoholic beverages: _____

If yes, give names and locations and amount of interest in each _____

5. Have you ever had any financial interest in an alcoholic beverage business which was denied a license? _____ If yes, give details. _____

6. Has any alcoholic beverage business in which you hold, or have held, any financial interest, or are employed, or have been employed, ever been cited for any violation of the rules and regulations of the State Revenue Commissioner relating to the sale and distribution of alcoholic beverages? _____ If yes, give details. _____

7. If during the past ten years you have bought and sold any alcoholic beverage business give details (date, license number, persons and considerations involved). _____

8. Have you ever been denied bond by a commercial security company? _____

If yes, give details. _____

9. Are you a registered voter? _____ State? _____ County? _____

10. Other names used by applicant: Maiden name, names by former marriages, former names changed legally or otherwise, aliases, nicknames, etc. Specify which, and show dates used.

11. Home Address _____
Home Phone _____
Business Address _____
Business Phone _____

12. Social Security Number _____

13. Place of Birth _____ Date of Birth _____ U.S. Citizen _____
Naturalized _____ Date, Place and Court _____
Certificate No. _____ Petition No. _____
Derived Parents Certificate No. _____
Alien Register No. _____ Native Country _____
Date and Port of Entry _____

14. Single _____ Married _____ Widowed _____ Divorced _____ Separated _____

15. If married or separated, complete the below requested information on spouse:
Full Name of Spouse _____ S.S.No. _____
Maiden Name _____ Date of Birth _____
Name of Spouse's Employer _____

16. Employment Record for the past ten years (Give most recent experience first):

From		To		Occupation and Description of Duties Performed	Salaries Received	Employers	Reason for Leaving
mo	yr	mo	yr				

17. List in reverse chronological order all of your residences for the past ten years:

Dates		Street	City	State
From	To			

18. Have you ever been arrested, or held by Federal, State or other law-enforcement authorities, for any violation of any federal law, state law, county or municipal law, regulation or ordinances? (Include any and all drug or alcohol related offenses or arrests. Do not include minor traffic violations. All other charges must be included even if they were dismissed. Give reason charged or held, date, place where charged and disposition. If no arrest, write no arrest. After last arrest listed, please write no other arrest.)

19. Race _____ Sex _____ Height _____ Weight _____

Age _____ Hair Color _____ Eye Color _____

20. Attach Photograph (front view) taken within the past year.

[Attach Photo Here]

NOTE: Before signing this statement, check all answers and explanations to see that you have answered all questions fully and correctly. This statement is to be executed under oath and subject to the penalties of false swearing, and it includes all attached sheets submitted herewith.

State of Georgia, _____ County.

I _____ do solemnly swear, subject to the penalties of false swearing, that the statements and answers made by me as the applicant in the foregoing personnel statement are true and correct.

Applicant's Signature

I hereby certify that _____ signed his/her name to the foregoing application stating to me that he/she knew and understood all statements and answers made therein, and, under oath actually administered by me, has sworn that said statements and answers are true and correct.

This ___ day of _____, 20__.

Notary Public
[Notarial Seal]

City of Grayson
475 Grayson Highway
Grayson, GA 30017
(770) 963-8017

Authorization for Release of
Personal Information and
Criminal History Record
Information

I, _____, do hereby authorize the review and full disclosure of all records concerning myself to any duly authorized agents of the City of Grayson, whether the said records are of a public, private, or confidential nature.

The intent of this authorization is to give my consent for full and complete disclosure of the records of educational institutions; financial or credit institutions; including records of commercial or retail credit agencies (including credit reports and/or ratings); and other financial statements wherever filed; medical and psychiatric treatment and/or consultation; including hospitals, clinics, private practitioners, and the United States Veterans Administration, employment and pre-employment records, including internal investigations, reports, background reports, polygraph exam results, efficiency or fit-for-duty reports, complaints, or grievances filed by or against me; and the records, recollections of attorney's at law, or other counsel, whether representing me or another person in any case, either criminal or civil, in which I presently have or have has an interest; and any other document or article of information deemed pertinent for the purposes of assessing my suitability for a Grayson City License.

I understand that any information obtained by a personal history background investigation, which is developed directly or indirectly - in whole or in part, upon this release authorization will be considered in determining my suitability as a candidate for a License issued by the City of Grayson. I also certify that any person(s) who may furnish such information concerning me shall not be held accountable for giving this; and hereby specifically release them from any liability which may be incurred as a result of furnishing such information.

I hereby authorize the Gwinnett County Police Department to receive any criminal history record information and driver's history information pertaining to me which may be in the files of any criminal justice agency.

A photocopy of this release form will be as valid as an original thereof, even though the said photocopy does not contain any original writing of my signature.

Applicant's Signature: _____

Race: _____ Sex: _____ Date of Birth: _____ SSN: _____

Address: _____

Sworn to me and subscribed in my presence, this _____ day of _____, 20____.

Notary Public's Signature: _____

Place Commission Information and Seal:

4. BEER/WINE/LIQUOR-BY-THE-DRINK AND DISTILLED SPIRITS PACKAGES SALES

Application Fee: \$500.00

1. Retail dealers of beer to be consumed on the premises \$1,000.00/year.
2. Retail dealers of wine to be consumed on the premises \$1,000.00/year
3. Retail dealers of beer and wine to be consumed on the premises \$1,500.00/year.
4. Retail dealers of beer sold in original packages for consumption off the premises \$1,000.00/year
5. Retail dealers of wine sold in original packages for consumption off the premises \$1,000.00/year.
6. Retail dealers of beer and wine sold in original packages for consumption off the premises \$1,500.00/year.
7. Retail dealers of distilled spirits by the drink to be consumed on the premises \$1,500.00/year.
8. Retail dealers of beer, wine and distilled spirits by the drink to be consumed on the premises \$2,500.00/year.
9. Retail sales of beer, wine and distilled spirits in original packages for consumption off the premises \$6,000.00/year.
10. Retail sales of distilled spirits in original packages for consumption off the premises \$5,000.00/year.
11. Beer/Wine Tasting Permit for Retail dealers of Beer/Wine sold in packages for consumption off the premises \$200.00/year;
12. Growler Permit \$500/year

NOTE: The Permit Fee is paid annually. If an application is submitted after July 1st, the Permit Fee is ½.

5. SANITATION

(This space is reserved for a future sanitation fee structure.)

6. MISC.

Open Records Request- Guidelines and allowable costs per O.C.G.A. §50-18-70 et seq. (After the first 15 minutes charges will be assessed at the hourly fee of the lowest paid person that is qualified to search and retrieve requested documents).

Copies of paper documents as a response to the open records request will be charged at \$0.10/Page.

Zoning Ordinance \$15.00

Zoning & F.L.U. Maps \$2.00

7. SOIL EROSION AND SEDIMENT CONTROL FEES FOR LAND DISTURBANCE

Application Fee \$80.00 per acre (\$40.00 to City of Grayson and \$40.00 to EPD)

Chapter 6 - ALCOHOLIC BEVERAGES

ARTICLE I. - IN GENERAL

Sec. 6-1. - Sale in incorporated area of city; license a privilege.

- (a) Alcoholic beverages may be sold in the incorporated area of the city under a license granted by the city council upon the terms and conditions hereafter provided.
- (b) All licenses herein shall be a mere grant of privilege to carry on the business during the term of the license subject to all terms and conditions imposed by this chapter and state law.
- (c) All licenses hereunder shall have printed on the front these words: "This license is a mere privilege subject to be revoked and annulled, and is subject to any further ordinances which may be enacted."
- (d) Any holder of a license issued pursuant to this chapter is required to apply for and obtain an alcoholic beverage license from the state before any sales commence. Additionally, city licensees are required to abide by all applicable state regulations and laws.

(Ord. of 11-4-1996(3), § 7-2001)

Sec. 6-2. - Permitted sales.

- (a) The city permits the sale of beer and wine by the package, as set forth in this chapter.
- (b) The city permits the sale of beer and wine for consumption only on the premises, as set forth in this chapter.
- (c) The city permits the sale of distilled spirits by the drink for consumption only on the premises, as set forth in this chapter.
- (d) The city permits the sale of beer for consumption only on the premises and wine in a wine center, as set forth in this chapter.
- (e) The city permits the sale of distilled spirits by the package, as set forth in this chapter.

(Ord. of 4-19-2010; Ord. of 11-21-2011)

Editor's note— Ord. of April 19, 2010, repealed the former § 6-2, and enacted a new § 6-2 as set out herein. The former § 6-2 pertained to similar subject matter and derived from Ord. of 11-4-1996 and Ord. of 12-18-2006.

Sec. 6-3. - Jurisdiction.

The city grants jurisdiction to the recorder's court of the county to hear cases concerning alleged violations of this chapter, citations for which have been issued within the city.

(Ord. of 11-4-1996(3), § 7-2001.75)

Sec. 6-4. - Definitions.

- (a) For purposes of this chapter, the definitions set forth in O.C.G.A. § 3-1-2 regarding alcoholic beverages are adopted by reference in this section as if set out fully herein.

- (b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to the subsection, 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 as defined in this subsection.

Beer or malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer, strong beer, and hard cider as may be defined by state law. Also included are beverages known as nonalcoholic beer, which is made by fermentation of any infusion or decoction of barley, malt, hops, or other products, and containing less than three percent, but more than 0.1 percent alcohol by volume. The term "malt beverage" does not include sake, known as Japanese rice wine.

Brewer means a manufacturer of beer or malt beverages.

Brewery means a building or establishment for brewing beer or other malt liquors, especially the building where the brewing is done.

Brewpub is a restaurant in which beer or malt beverages are manufactured or brewed subject to state law barrel production limitations for retail sales directly to consumers.

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

Distillery means a building or establishment for the manufacturing of distilled spirits or spirituous liquor, especially the building where the distillation is done.

Eating establishment means any public place, including a place available for rental by the public, selling prepared food for consumption by the public on the premises with a full service kitchen (a full service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and refrigerator all of which must be approved by the health and fire departments), prepared to serve food every hour they are open and deriving at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of alcoholic beverages.

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

Governing authority means the City Council of the City of Grayson.

Growler means a container used to transport draft beer that is not to exceed 68 ounces and not less than 12 ounces and is filled with beer from a keg or a tax-determined tank by a licensee, or an employee of a licensee with a license issued by the city.

Hotel means any building or other structure providing sleeping accommodations for hire to the general public either transient, permanent or residential. Such hotels shall maintain a minimum of 50 rooms available for hire and have one or more public dining rooms with adequate kitchen. Motels meeting the qualifications set out herein for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operation of any licensed establishment herein and the holder of such franchise shall be included in the definition of a hotel hereunder.

Indoor commercial recreational establishment is limited to establishments:

- (1) Regularly serving prepared food, with a full service kitchen (a full service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator all of which must be approved by the health and fire departments), prepared to serve food every hour they are open and deriving at least 70 percent of its total annual gross sales from the sale of prepared meals or foods and recreation activities; and
- (2) Wherein the sale of food and alcoholic beverages is incidental to its primary enterprise and activity on the premises.

The primary activity on the premises of the indoor commercial recreational establishment shall be family oriented in nature, generally to mean a use which attracts a range of individuals from all age groups. Uses may specifically include, but not be limited to, dinner theaters, bowling centers, and other similar uses. Outdoor commercial recreation is not included, nor shall concession sales of alcoholic beverages be permitted. Bingo parlors, dancehalls, nightclubs, taverns, billiard parlors, video arcades, skating arenas, adult entertainment and/or sexually related entertainment activities, and similar uses are specifically excluded from this definition of indoor commercial recreational establishments. Provided that no indoor commercial recreational establishment shall offer alcoholic beverages for sale during the time it is sponsoring events which primarily attract persons under the lawful drinking age in the state.

Indoor publicly owned civic and cultural center is limited to publicly owned establishments:

- (1) Regularly serving food, with a full service kitchen (a full service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments), prepared to serve food every hour they are open deriving at least 70 percent of its total annual gross sales from the sale of prepared meals or foods and recreational, promotional or entertainment or operational activities; and
- (2) Wherein the sale of food and alcoholic beverages are incidental to its primary enterprise and activity on the premises. Indoor publicly owned civic and cultural centers may include renovated courthouses used as civic and cultural centers.

License means an authorization granted by the city to operate as a retail consumption dealer, retail package dealer or wholesale dealer.

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

Liter means metric measurement currently used by the United States.

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

- (1) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits, 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.

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

Outdoor entertainment district means the area or areas of the city, designated by the city council, in which growler shops, restaurants and tasting rooms are an acceptable land use, and where alcoholic beverages may be carried outside of the premises covered by a license, in accordance with the requirements of this chapter.

Package means a bottle, can, keg, barrel, *growler* 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 quasipublic.

Pouring permit means an authorization granted by the city to dispense, sell, serve, take orders, or mix alcoholic beverages in establishments licensed as a retail consumption dealer.

Retail consumption dealer means any person who sells alcoholic beverages for consumption on the premises at retail only to consumers and not for resale.

Retail package dealer means any person who sells unbroken packages, at retail, only to consumers and not for resale.

Vintner means a manufacturer of wine.

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 made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term "wine" includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term "wine" does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this subsection.

Winery means a building or establishment for the manufacture of wines; especially the building where the wine making is done.

(Ord. of 11-4-1996(3), §§ 7-2002, 7-2003; Ord. of 6-17-2019)

Sec. 6-5. - Sale or possession for sale without license or beyond boundaries of premises covered by license.

It shall be unlawful for any person to sell or possess for the purpose of sale any alcoholic beverage where the person does not have a license granted by the city to sell or possess for sale these alcoholic beverages, or to sell or make deliveries beyond the boundaries of the premises covered by the license. Violations of this section shall result in a fine not to exceed \$1,000.00 plus costs, six months imprisonment or both, to be determined in the discretion of the presiding judge.

(Ord. of 11-4-1996(3), § 7-2004; Ord. of 12-18-2006)

Sec. 6-6. - Separate application and separate license for each location of sale.

Separate applications must be made for each location and separate licenses must be issued.

(Ord. of 11-4-1996(3), § 7-2005)

Sec. 6-7. - Application forms.

- (a) All persons, firms or corporations desiring to sell alcoholic beverages shall make application on the form prescribed by the city administrator.
- (b) The application shall include, but not be limited to, the name and address of the applicant; the proposed business to be carried on; if a partnership, the names and residence address of the partners; if a corporation, the names of the officers, the names and address of the registered agent for service of process, the name of the manager, and the names of all shareholders holding more than ten percent of any class of corporate stock, or any other entity having a financial interest in each entity which is to own or operate the establishment for which a license is sought. If the manager changes, the applicant must furnish the city administrator or designee the name and address of the new manager and other information as requested within ten days of such change.
- (c) All applicants shall furnish data, fingerprints, financial responsibility and other records as required by the city administrator or designee and ensure compliance with the provisions of this article. Failure to furnish data, pursuant to such request shall automatically serve to dismiss the application with prejudice.
- (d) All applications shall be sworn to by the applicant before a notary public or other officer empowered by law to administer oaths.
- (e) In all instances in which an application is denied under the provisions of this section, the applicant may not reapply for a license for at least two years from the final date of such denial.
- (f) The city administrator shall provide written notice to any applicant whose application is denied under the provision of this section. Such written notification shall set forth in reasonable detail the reasons for such denial and shall advise the applicant of the right to appeal under the provisions of this chapter.

(Ord. of 11-4-1996(3), § 7-2006)

Sec. 6-8. - Licensing qualifications.

- (a) No license for the sale of alcoholic beverages shall be granted to any person unless that person is a citizen of the United States or an alien lawfully admitted for permanent residence.

- (b) Where the applicant is a partnership or corporation, the provisions of this section shall apply to all its partners and majority stockholders. In the case of a corporation, the license shall be issued jointly to the corporation and its majority stockholder, if an individual. Where the majority stockholder is not an individual, the license shall be issued jointly to the corporation and its agent registered under the provisions of this chapter. In the case of a partnership, the license will be issued to all the partners owning at least ten percent of the partnership or if no partner owns at least ten percent of the partnership then the general partner, managing partner or the partner with the greatest ownership shall be licensed.
- (c) No person, firm or corporation shall be granted any alcoholic beverage license unless it shall appear to the satisfaction of the city or designee that such person, partners in the firm, officers and directors of the corporation have not been convicted or plead guilty or entered a plea of nolo contendere, and has been released from parole or probation, to any crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation of sodomy or any sexual related crime within a period of ten years immediately prior to the filing of such application. At the time an application is submitted for any alcoholic beverage license, the applicant shall, by a duly sworn affidavit, certify that the applicant, nor any of the other owners of the establishment, has been convicted or has pleaded guilty or entered a plea of nolo contendere and has been released from parole or probation to any crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation of sodomy, or any sexually related crime within a period of ten years immediately prior to the filing of such application. An applicant's first time conviction for illegal possession of alcohol as a misdemeanor or violation of a county ordinance shall not, by itself, make an applicant ineligible for an alcohol license. Should any applicant, partner, or officer used in the sale or dispensing of any alcoholic beverage, after a license has been granted, be convicted or plead guilty or nolo contendere to a crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation of sodomy, or any sexual related crime, the license shall be immediately suspended in accordance with the procedures as set forth in this chapter.
- (d) No license for the sale of alcoholic beverages shall be granted to any person convicted under any federal, state or local law of any felony, within ten years prior to the filing of application for such license.
- (e) It shall be unlawful for any city employee directly involved in the issuance of alcoholic beverage licenses under this chapter, to have any whole, partial or beneficial interest in any license to sell alcoholic beverages in the city.
- (f) No license for the sale of alcoholic beverages shall be granted to any person who has had any license revoked within two years prior to the filing of the application.
- (g) The city administrator may decline to issue a license when any person having any ownership interest in the operation of such place of business or control over such place of business does not meet the same character requirements as herein set forth for the licensee.

- (h) All licensed establishments shall have and continuously maintain in the county a registered agent who may with any process, notice, or demand required or permitted by law or under this chapter to be served upon the owner. The registered agent shall be a resident of the county. The licensee shall file the name of such agent with the written consent of such agent, with the city administrator and shall be in such form as he or she may prescribe.
- (i) All applicants for any alcoholic beverage license must be of good character, and all operators, managers, clerks or other employees shall be of like character. Corporate or firm applicants shall be of good business reputation.
- (j) A license application may be denied to any applicant for any alcoholic beverage license where it appears that the applicant would not have adequate financial participation in the proposed business to direct and manage its affairs, or where it appears that the application is intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.
- (k) The city administrator, in her discretion, may consider any extenuating circumstances which may reflect favorably or unfavorably on the applicant, application or the proposed location of the business. If in her judgment circumstances are such that granting of the license would not be in the best interest of the general public, such circumstances may be grounds for denying the application.
- (l) For purposes of this section, a conviction or plea of guilty or nolo contendere shall be ignored as to any offense for which defendant who was allowed to avail themselves of the Georgia First Offender Act (O.C.G.A. § 42-8-60 et seq.). Except, however, that any such offense shall not be ignored where the defendant violated any term of probation imposed by the court granting first offender treatment or committed another crime and the sentencing court entered an adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender.

(Ord. of 11-4-1996(3), § 7-2007; Ord. of 11-21-2005(1))

Sec. 6-9. - Distance requirements.

- (a) No person may sell or offer to sell any distilled spirits in or within 100 yards of a church building or within 200 yards of any school building, educational building, schools grounds, or college campus, with the exception of those institutions which educate children ages five and younger, in which case no person may sell or offer to sell any alcoholic beverages within 20 feet of such institution.
- (b) No person may sell or offer to sell any malt beverage or wine in or within 100 yards of any school building, schools grounds, or college campus, with the exception of those institutions which educate children ages five and younger, in which case no person may sell or offer to sell any alcoholic beverages within 20 feet of such institution.
- (c) No person may sell or offer to sell any alcoholic beverages in or within 100 yards of an alcoholic treatment center owned or operated by the State of Georgia or any county or municipal government.
- (d) The term "school building" or "educational building" as used herein shall apply only to state, county, city or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common school and colleges of this state. These terms include only those structures in which instruction is offered.
- (e) The term "church building" as used herein shall mean the main structure used by any religious organization for purposes of worship.

- (f) For the purposes of this section, distance shall be measured in a straight line from the main entrance of the church building in question to the main entrance of the establishment for the sale of alcoholic beverages in
- (g) As to any location licensed in the future, if the distance requirements herein are met at the time of issuance of any license, the subsequent opening and operation of a church or school within the distance prohibited herein shall not prevent the continuance of an existing license or the renewal thereof or the issuance of a new license to any subsequent owner of such property.

(Ord. of 11-4-1996(3), § 7-2008; Ord. of 11-21-2011)

Sec. 6-10. - Fee scale.

Before any license shall be granted under this chapter, the applicant shall pay a license fee in accordance with the scale as fixed, from time to time, by the city council contained in section 2-2 and kept on file in the office of the city administrator. This license fee shall be in addition to any application or administrative fees otherwise required by this chapter.

(Ord. of 11-4-1996(3), § 7-2009; Ord. of 12-18-2006)

Sec. 6-11. - Display at place of business.

The city alcoholic beverage license shall at all times be kept plainly exposed to view, to the public, at the place of business of the licensee.

(Ord. of 11-4-1996(3), § 7-2010)

Sec. 6-12. - Transferability of license.

- (a) No license for the sale of alcoholic beverages shall be transferable, except as otherwise provided herein.
- (b) In case of the death of a licensee, the establishment shall be allowed to continue to sell alcoholic beverages for a period of 45 days from the date of death or until expiration of the license or until approval of a new licensee, whichever shall first occur. Provided that no sale of alcoholic beverages shall be allowed until such time as a personal representative of the estate, appointed by a probate court of competent jurisdiction, shall make application for authorization with the city administrator.
- (c) In the event that a license is surrendered, or a licensee severs his association with a licensed establishment, the establishment may continue to sell alcoholic beverages for a period of 45 days from the date of surrender, or from the date determined by the city administrator to be the date of severance. Provided no such sale shall be authorized until such time as a new application for a license is made, said application indicating that no change of ownership has occurred, except as excepted herein. Upon issuance of a new license, the authorization to sell under the previous license shall be revoked by operation of law. No additional license fees shall be required during the period for which the original license was issued.
- (d) Nothing in this section, however, shall prohibit one or more of the partnership holding a license to withdraw from the partnership in favor of one or more of the partners who were partners at the time of the issuance of the license.
- (e) This section shall not prohibit the transfer of stock between persons who held stock in the corporation at

the time of issuance of the license nor shall it prohibit transfers of stock which do not result in any person increasing his stock holdings to a total of ten percent or more of any class of stock.

- (f) Except as provided above, any change in the ownership of any entity owning a licensed establishment shall be cause for immediate revocation as provided for in this chapter.
- (g) Violation of this section shall result in revocation of the license being used as provided for in this section and a fine on the new ownership and the old ownership of not more than \$1,000.00 and/or 60 days in jail. No license will be issued to the old or the new owner in the city for one year from the date of the violation.
- (h) Should a licensee make application to the city administrator for a transfer of location and should such a transfer of a location be approved, with no change of ownership of the business, the license fee paid for the previous license shall be applied to the new location. Each applicant for a transfer of location shall pay a transfer fee in the amount of \$500.00.

(Ord. of 11-4-1996(3), § 7-2011)

Sec. 6-13. - Automatic license forfeiture for nonuse.

Any holder of any license hereunder who shall for a period of three consecutive months after the license has been issued cease to operate the business and sale of the product or products authorized shall after the said three month period automatically forfeit the license without the necessity of any further action.

(Ord. of 11-4-1996(3), § 7-2012)

Sec. 6-14. - Expiration; renewal.

- (a) All licenses granted hereunder shall expire on December 31 of each year. Licensees who desire to renew their license shall file application, with the requisite fee heretofore provided, with the city administrator on the form provided for renewal of the license for the ensuing year. Applications for renewal must be filed before November 30 of each year. Any renewal applications received after November 30 shall pay in addition to said annual fee a late charge of 20 percent. If the license application is received after January 1, such application shall be treated as an initial application and the applicant shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been held. If the license application is received after January 1, investigative and administrative costs will be assessed.
- (b) All licenses granted hereunder shall be for the calendar year and the full license fee must be paid for a license application filed prior to July 1 of the license year. One-half of a full license fee shall be paid for a license application filed after July 1 of the license year except for applications for temporary licenses under article IV of this chapter which shall not be halved.
- (c) Any person renewing any license issued hereunder who shall pay the required fee, or any portion thereof, after January 1 shall, in addition to said annual fee and late charges, pay simple interest on the delinquent balance at the annual rate then charged by the Internal Revenue Service of the United States on unpaid federal income taxes.

(Ord. of 11-4-1996(3), § 7-2013)

Sec. 6-15. - Advertising; location requirements; signs.

- (a) *Sign limitations.* Retail package licensees shall indicate plainly by tags or labels on the bottles or containers, shelf immediately below where the containers are placed, the price of an alcoholic beverage exposed or off sale.
- (b) *Single units.* In establishments permitted to sell beer, wine, or distilled spirits for consumption on the premises, alcoholic beverages may not be priced on signs, menus or any place else allowed by this chapter except as to single units. Wine centers, as defined in article XI, are exempt from this provision.
- (c) *Unbroken packages.* In establishments permitted to sell package beer, wine, or distilled spirits, alcoholic beverages may not be priced on signs, menus or any such applicant shall attach a copy of the franchise agreement or contract with the application. All premises for which an alcoholic beverage license shall be issued shall afford therein adequate sanitary toilet facilities and shall be adequately illuminated so that all hallways, passageways and open areas may be clearly seen by the customers therein.
- (d) It shall be unlawful to sell or dispense any alcoholic beverages from or at a drive-in, drive-thru, drive-up, or service bay, window or other facility. Further, curb service is expressly prohibited.

(Ord. of 4-19-2010; Ord. of 11-21-2011)

Editor's note— Ord. of April 19, 2010, repealed the former § 6-15, and enacted a new § 6-15 as set out herein. The former § 6-15 pertained to similar subject matter and derived from Ord. of 11-4-1996 and Ord. of 12-18-2006.

Sec. 6-16. - Audits.

- (a) In the event the city administrator deems it necessary to conduct an audit of the records and books of the licensee, he shall notify the licensee of the date, time and place of the audit. The city administrator may designate the city's auditor or other designated person to perform any audit authorized in this chapter. The licensee shall cooperate with the audit or forfeit any licenses issued hereunder.
- (b) All licensed establishments must maintain the following records for a three-year period and make them available for audit at the licensed premises:
 - (1) Monthly income or operating statements.
 - (2) Daily sales receipts showing liquor, beer, wine and food sales separately (this requirement does not apply to package beer and wine licensees).
 - (3) Daily cash register receipts such as Z tapes or guest tickets.
 - (4) Monthly state sales and use tax reports.
 - (5) Federal income tax return with all Form 1099's.
 - (6) Wholesale invoices for all food and beverages, including alcoholic beverages.
- (c) The city administrator can waive all or some of the requirements of the foregoing sentence if the city administrator finds that no such records exist and it is not financially practical based on the net income of the licensed establishment to require them to keep such records.

(Ord. of 11-4-1996(3), § 7-2015)

Sec. 6-17. - Collections of sums due.

In the event any person, firm or corporation shall fail to pay the sum due under this chapter, the city administrator or designee shall issue an execution against the person, firm or corporation so delinquent, and his or its property, for the amount of the delinquent fee or tax.

(Ord. of 11-4-1996(3), § 7-2016)

Sec. 6-18. - Retailer to purchase from licensed wholesaler only.

- (a) No retailer shall purchase alcoholic beverages from any person, firm or corporation other than a wholesaler licensed under this chapter. No wholesaler shall sell any alcoholic beverage to anyone other than a retailer licensed under this chapter. Provided, however, that this section shall not prohibit the purchase by one retailer of another retailer's entire stock in a bona fide purchase of an ongoing business.
- (b) The city administrator or designee may request, from time to time, information concerning purchases and sales of alcoholic beverages from retailers and wholesalers.

(Ord. of 11-4-1996(3), § 7-2017)

Sec. 6-19. - Retail consumption dealers to store inventory only on premises.

No retail consumption dealer licensed hereunder shall keep any beer, wine or other alcoholic beverages at any place except the licensed place of business. No retail consumption dealer shall be permitted to enter into any type of arrangement whereby alcoholic beverages ordered by a licensee are stored by a licensed wholesaler.

(Ord. of 11-4-1996(3), § 7-2018)

Sec. 6-20. - No adding to contents.

No one shall add to or permit the adding to any alcoholic beverage or refill any alcoholic beverage manufacturer's container in any manner.

(Ord. of 11-4-1996(3), § 7-2019)

Sec. 6-21. - Poured alcohol to be transported by employees.

Poured alcoholic beverages will be transported from point of dispensing to the customer by permitted employees only.

(Ord. of 11-4-1996(3), § 7-2020)

Sec. 6-22. - Licensees to maintain a copy of this chapter; employees to be familiar with terms; licensee responsible for violations.

Each licensed alcoholic beverage dealer hereunder shall keep a current copy of this chapter in the licensed premises and shall instruct any person working there with respect to the terms hereof; and each licensee, the licensee's agents and employees selling alcoholic beverages shall at all times be familiar with the terms thereof.

(Ord. of 11-4-1996(3), § 7-2021)

Sec. 6-23. - Employment of underage persons prohibited; exceptions.

- (a) No person shall allow or require a person in his/her employment under 18 years of age to dispense, serve, sell or take orders for any alcoholic beverage.
- (b) The provisions of this section shall not prohibit persons under 18 years of age who are employed in supermarkets or convenient stores from selling or handling alcoholic beverages which are sold for consumption off the premises.
- (c) It is unlawful for any person under the age of 18 years to work as an entertainer in any establishment licensed hereunder without written consent from parents or guardian.

(Ord. of 11-4-1996(3), § 7-2022)

Sec. 6-24. - Failure to require and properly check identification.

It shall be a violation not to require and properly check identification to ensure an underage person is not sold, served or have in his possession alcoholic beverages while in a licensed establishment. The term "identification" shall mean any document issued by a governmental agency containing a description of the person, such person's photograph and giving such person's date of birth and shall include, without being limited to, a passport, military ID card, driver's license or state department of public safety ID card.

(Ord. of 11-4-1996(3), § 7-2023)

Sec. 6-25. - Sales to underage person prohibited.

- (a) No holder or employee of the holder of a license authorizing the sale of alcoholic beverages shall do any of the following upon the licensed premises:
 - (1) a. Sell or offer to sell any distilled spirits, wines, malt beverages, or any other alcoholic beverage to any person under the age of 21 years.
 - b. The prohibition in subsection (a)(1)a of this section shall not apply with respect to the sale of alcoholic beverages to a person when such person has furnished proper identification showing that the person to whom the alcoholic beverages are being sold is 21 years of age or older. For the purpose of this subsection, the term "proper identification" means any document issued by a government agency containing a description of the person, such person's photograph or both, and giving such person's date of birth, including but not limited to a passport, military identification card, driver's license, or identification card authorized under an act to require the department of public safety to issue identification cards to persons who do not have a motor vehicle driver's license. Proper identification shall not include a birth certificate.
- (2) Sell or offer to sell any alcoholic beverages to any person who is noticeably intoxicated, or who is of unsound mind, or who is a habitual drunkard whose intemperate habits are known to said licensee or his employees.
- (3) Sell alcoholic beverages upon the licensed premises or permit alcoholic beverages to be consumed thereon, on any day or at any time when the sale or consumption is prohibited by law.
- (4) No person who holds a license to sell alcoholic beverages by the drink shall allow any minors to be

in, frequent or loiter about the licensed premises of the establishment or lounge unless such minors are accompanied by a parent, legal guardian or custodian, provided however, that such minors shall be permitted in eating establishments, indoor commercial recreational establishments or private clubs as defined in this chapter without being accompanied by a parent, legal guardian, or custodian and provided further that this section shall not apply to minors who are employees under the terms of this chapter.

- (b) The penalty for violation of this section by an individual shall be as follows:
 - (1) For the first offense, a minimum fine of \$500.00.
 - (2) For the second offense and subsequent violations within one year, a minimum fine of \$750.00.
- (c) Any licensed establishment where three or more violations of this section, or O.C.G.A. § 3-3-23 have occurred within any 36-month period shall be punished as follows:
 - (1) For the third offense within any 36-month period, suspension of licenses for a period not to exceed 90 days.
 - (2) For the fourth and any subsequent violation within any 36-month period, suspension of licenses for a period not to exceed one year.
- (d) As to the penalties in subsection (c) of this section, if there is a change in a majority of the licensed establishment's owners, partners or shareholders, the violations under the old ownership shall not count against the new owners; however, a different corporation, partnership or other association will be charged with the violations of its predecessors if a majority of the owners, partners or shareholders are the same.

(Ord. of 11-4-1996(3), § 7-2024)

Sec. 6-26. - Purchase or possession of alcoholic beverages by underage persons.

- (a) No person under the age of 21 years shall purchase or possess any alcoholic beverage.
- (b) No person under the age of 21 years shall attempt to purchase any alcoholic beverage or misrepresent his/her age in any manner whatsoever for the purpose of obtaining alcoholic beverages.

(Ord. of 11-4-1996(3), § 7-2025)

Sec. 6-27. - Regulations for employees and managers.

Regulations apply to all establishments holding a license for consumption of alcoholic beverages, including beer, wine, or distilled spirits on the premises:

- (1) No persons shall be employed to dispense, sell, serve, take orders for, or mix alcoholic beverages, or be employed in any managerial position by an establishment holding a license under this chapter until such person has been fingerprinted and a background check on said person has been performed by the county police department and the county police department has provided the city clerk with a letter indicating that the person is eligible to hold a pouring permit.
- (2) This section shall not construed to include employees whose duties are limited to solely of busboy, cook, or dishwasher and are never allowed to dispense, sell, serve, take orders for, mix alcoholic beverages or in any way be associated with the sale or serving of alcoholic beverages.

- (3) A pouring permit shall be issued until such time as a signed application has been filed with the county department and the appropriate fee which has been established by the county police department has search of the criminal record of the person completing the application shall be conducted by the county department. The application shall include, but shall not be limited to, the name, date of birth, and prior to the person though the fact of an arrest shall be used for investigative purposes only, and shall not give presumption or inference of guilt. Due to the inclusion of arrest information, these applications shall be confidential, and shall not be produced for public inspection unless required by state law or court order.
- (4) The county police department or its designee shall have a complete and exhaustive search made relative to any police record of the person submitting the application for a pouring license. In the event that the person is eligible for a pouring license under this chapter, the county police department shall issue a letter to the city administrator that the permit has been issued to the person, and stating that the person is eligible for employment. If it is found that the person is not eligible for the pouring permit, the county police department shall notify the city administrator that the person is not eligible, and the reasons why the person is not eligible, and the city administrator shall notify the person in writing that they are not eligible for the permit, the cause for the denial of the permit, and the person's right to appeal the denial.
- (5) No person shall be granted a pouring permit unless it appears to the satisfaction of the county police department and the city administrator that such person has not been convicted or pled guilty or entered a plea of nolo contendere to any crime involving moral turpitude, illegal gambling, illegal possession or sale of controlled substances, illegal sale or possession of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation of sodomy, or any other sexually related crime within a period of five years of the date of the application. No person shall be granted a pouring permit who has been convicted, pled guilty, or entered a plea of nolo contendere to any federal, state or local law which constitutes a felony within five years of the date the application. For purposes of this chapter, a conviction or plea of guilty or nolo contendere shall be ignored as to any offense for which the defendant was allowed to avail themselves of the Georgia First Offender Act as amended, however, any such offense shall not be ignored if the defendant violated any terms of probation imposed by the court granting first offender treatment or committed another crime and the court entered an adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender.
- (6) A pouring permit shall be issued for a period of one year from the date of the original application. The pouring permit must be in the possession of the employee while the employee is working at the licensed establishment, and must be available for inspection by members of the county police department or the city administrator or their designee.
- (7) No person shall be issued a pouring permit if it is determined that the person falsified, concealed, or covered up any material facts by any device, trick, or scheme while making application for the pouring permit. If a permit is denied or revoked under the provisions of this section, no application from the same person shall be accepted for a period of at least six months.
- (8) All pouring permits issued through administrative error are considered void and may be terminated and seized by the city administrator, the county police department or their designee.
- (9) All permits issued hereunder remain the property of the city and shall be produced for inspection

- upon demand by any county police officer or the city administrator or their designee. New employees shall receive a receipt issued by the city administrator or county police department which may be used for a maximum of 30 days from the date of its issue. Replacement permits will be issued within 30 days of the original date of issuance upon payment of one-half of the normal fee for a pouring permit. After 30 days from the original issuance date, a new application and fee must be submitted in order to obtain a replacement permit.
- (10) It shall be the duty of all persons holding a license under the terms of this chapter to file with the city administrator the names of all employees working on the premises and connected with the sale or other disposition of alcoholic beverages along with the employee's date of birth, home address, home phone number and places of employment. Changes in the list of employees must be filed with the city administrator upon the hiring of a new employee. Copies of these filings shall be provided to the county police department for use in random inspections.
- (11) It shall be the duty of all persons holding a license under this chapter to inspect and verified that each employee has obtained a valid pouring permit and that the permit is in their possession at all times while working at the licensed establishment. Allowing an employee to work in the licensed establishment without possession of a valid pouring permit shall constitute a violation of this chapter, and both the employee and the licensee shall be subject to penalty for such violation.
- (12) Any person or licensee convicted of a violation of the section shall received a minimum fine of \$500.00.

(Ord. of 11-4-1996(3), § 7-2027; Ord. of 12-18-2006)

Sec. 6-28. - Open area and patio sales.

- (a) Alcoholic beverage sales can be made by a licensed consumption on premises establishment in a patio/open area type environment if the establishment has been approved to do so by the city administrator.
- (b) The requirement for approval is that the patio/open area be enclosed by some structure providing for public ingress/egress only through the main licensed premises. The purpose of this requirement is to prevent a customer from leaving the outside sales area with an open drink without the licensee's knowledge.
- (c) The height of such structure shall be a minimum of 3.5 feet above ground level. It does not have to be solid nor does it have to restrict visibility into or out of the patio/open sales area. It must be permitted and approved by the city's building inspection department and the county's fire department as required by their governing regulations or codes.
- (d) The only exit from this type of area is to be through the licensed establishment's main premises and through an approved fire exit (not for general public use unless an emergency exists). The fire exit should be of the type that sounds an alarm so that the establishment will be alerted in the event of unauthorized use when no emergency exists.
- (e) In the event that a licensee desires a patio/open sales area inside an existing structure, plans will be reviewed and approved on an individual basis by the city administrator or designee. Interior type patio/open sales areas must also meet the requirements of the city's development and fire codes.

- (f) Nothing contained herein shall prohibit a hotel or motel with a consumption on the premises license from r sales and allowing consumption of alcoholic beverages in ballrooms, meeting rooms, reception rooms, or p. of such hotel or motel provided such functions are catered in connection with a meeting, conference, conve similar type gathering at such hotel or motel. The term "patio areas," as that term is used herein, do not hav conform to the standards in this section.

(Ord. of 11-4-1996(3), § 7-2028)

Sec. 6-29. - No outside consumption.

- (a) It is prohibited for customers to leave the premises with open alcoholic beverages and it is the licensee's responsibility to ensure that no open beverages are sold and carried out. However, nothing herein shall be construed to prohibit the carrying out of wine or malt beverages for consumption at a publicly owned or privately owned golf course.
- (b) It is prohibited for customers to gather outside an alcoholic beverage establishment and consume alcoholic beverages.
- (c) It is prohibited for the manager or any employee to allow persons to gather outside an alcoholic beverage establishment and consume alcoholic beverages.

(Ord. of 11-4-1996(3), § 7-2029)

Sec. 6-30. - Specifications of premises.

- (a) No alcoholic beverage license for the sale of any alcoholic beverage shall be issued to any person unless the building in which the business will be located is complete and detailed plans of said building and outside premises are attached to the application, or unless proposed plans and specifications and a building permit of a proposed building to be built are attached to the application, except as modified in paragraph (b). The completed building or the proposed building shall comply with ordinances of the city, and regulations of the state revenue commissioner and the state. The proposed building shall also be subject to final inspection and approval when completed by the building inspector. Each building in which the business will be located shall contain sufficient lighting so that the building itself and the premises on all sides of the building are readily visible at all times so as to reveal all of the outside premises of such building. Each applicant for an alcoholic beverage license shall attach to the application evidence of ownership of the building or proposed building, or a contractual right to purchase the land/building or proposed building or a copy of the lease if the applicant is leasing the building. If the applicant is a franchisee, then such applicant shall attach a copy of the franchise agreement or contract with the application. All premises for which an alcoholic beverage license shall be issued shall afford therein adequate sanitary toilet facilities and shall be adequately illuminated so that all hallways, passageways and open areas may be clearly seen by the customers therein.
- (b) No alcoholic beverage license for the retail sale of package distilled spirits shall be issued to any person unless the completed building or the proposed building shall comply with ordinances of the city, and regulations of the state revenue commissioner and the state. The proposed building shall also be subject to issuance of final inspection and approval when completed by the building inspector. Each building in which the business will be located shall contain sufficient lighting so that the building itself and the premises on all sides of the building are readily visible at all times from the front of the street on which

the building is located so as to reveal all of the outside premises of such building. Each applicant for an alcoholic beverage license shall attach to the application evidence of ownership or a contractual right to purchase the land and/or the building or proposed building or a copy of the lease if the applicant is leasing the building. With respect to the retail sale of package distilled spirits, the applicant shall attach to the license application a copy of the site plan, survey stamped by a registered surveyor with all distances appropriately marked and a rendering of the proposed building. Interior plans, floor plans and detailed plans of the building are not required or requested at the time of application. If the applicant is a franchisee, then such applicant shall attach a copy of the franchise agreement or contract with the application. All premises for which an alcoholic beverage license shall be issued shall be adequately illuminated so that all hallways, passageways and open areas may be clearly seen by the customers therein.

- (c) It shall be unlawful to sell or dispense any alcoholic beverages from or at a drive-in, drive-thru, drive-up, or service bay, window or other facility. Further, curb service is expressly prohibited.

(Ord. of 11-4-1996(3), § 7-2030; Ord. of 12-19-2011)

Sec. 6-31. - Solicitation prohibited.

No retail consumption dealers licensed hereunder shall require, permit, suffer, encourage or induce any employee or person to solicit in the licensed premises for herself/himself, or for any person other than the patron and guest of the patron, the purchase by the patron of any drink; whether alcoholic beverage or nonalcoholic beverage or money with which to purchase the same; nor shall any licensee pay a commission or any other compensation to any person frequenting his/her establishment or to his/her agent or manager to solicit for herself/himself or for others, the purchase by the patron of any drink; whether alcoholic beverage or nonalcoholic beverage or money with which to purchase the same.

(Ord. of 11-4-1996(3), § 7-2031)

Sec. 6-32. - Noise from establishments prohibited.

Noise will not be allowed that can be heard outside the physical boundaries of establishments licensed under this chapter.

(Ord. of 11-4-1996(3), § 7-2032)

Sec. 6-33. - Types of entertainment, attire and conduct prohibited.

- (a) Chapter 10, article II of this Code, adult entertainment establishments, is incorporated herein as if set forth verbatim.
- (b) No licensee under this chapter shall allow on the premises any gambling, lottery, video poker machines, pusher machines, and other similar machines or games that simulate casino, blackjack, poker, slot and other games of skill or chance. This provision shall not be interpreted to prevent any games officially sanctioned by the Georgia Lottery Corporation. Further, this provision shall not be interpreted to prevent any vending machines, juke boxes, or video arcade games (ex. Ms. Pacman, Galaga, Donkey Kong).
- (c) No licensee under this chapter shall allow on the premises any billiard table or pool table unless said

licensee meets the limitations and requirements related to the percentage of total annual gross revenues from the sale of products or services other than from the sale of alcoholic beverages as established by the Georgia General Assembly in O.C.G.A. § 43-8-2, as said code section exists now or hereafter may be amended.

(Ord. of 11-4-1996(3), § 7-2033; Ord. of 11-21-2011)

Sec. 6-34. - Inspection of licensed establishments by the city administrator or designee.

Sworn officers of the city administrator or designee shall have the authority to inspect establishments licensed under this chapter during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and state law. This section is not intended to limit the authority of any other county or city officer to conduct inspections authorized by other provisions of city ordinances.

(Ord. of 11-4-1996(3), § 7-2034)

Sec. 6-35. - Establishment can be closed in cases of emergency.

The city administrator or designee may immediately close an establishment licensed under this chapter in case of emergency, for the safety of the public or to investigate a crime, for a period of time not to exceed 24 hours.

(Ord. of 11-4-1996(3), § 7-2035)

Sec. 6-36. - Sale on election days.

Pursuant to the delegation of authority granted to this governing authority by O.C.G.A. § 3-3-20(b)(2)(B), the sale by wholesale and retail of alcoholic beverages shall be lawful during the polling hours of any election; provided, however, nothing herein shall authorize the sale of alcoholic beverages within 250 feet of a polling place during such time as the polls are open.

(Ord. of 11-4-1996(3), § 7-2036)

Sec. 6-37. - Suspension or revocation of license.

- (a) A license may be suspended or revoked in accordance with the procedures outlined in this chapter by the city administrator where the licensee furnishes fraudulent or untruthful information in the application for a license and for failure to pay all fees, taxes or other charges imposed under the provisions of this chapter.
- (b) Whenever the state shall revoke any permit or license to sell alcoholic beverages, the city license shall thereupon be automatically revoked. The city administrator or designee shall take the necessary steps to see that signs are removed and that all alcoholic beverage sales cease.
- (c) Any licensed establishment that is found to be in violation of sections 6-31, 6-33 and/or 6-36 shall be subject to immediate license revocation in accordance with the procedures outlined in this chapter.
- (d) The city administrator shall revoke the license of any licensee whose license has been suspended three or more times in any consecutive 12-month period in accordance with the procedures outlined in this

chapter.

- (e) The city administrator shall revoke the license for any premises as outlined in this chapter where alcoholic beverages have been sold or distributed during a period of suspension.
- (f) The city administrator may suspend or revoke the license of any establishment which does not meet the licensing qualifications set forth in this chapter any time such knowledge becomes known in accordance with the procedures outlined in this chapter.
- (g) An act or omission of a licensee, owner of more than ten percent interest in the licensed establishment, or employee of the licensee or licensed establishment willingly or knowingly performed, which constitutes a violation of federal or state law or of any provision of this chapter will subject the licensee to suspension or revocation of its license in accordance with the provisions of this chapter, when the city administrator determines that the act or omission did occur, regardless of whether any criminal prosecution or conviction ensues. Provided, however, in the case of an employee, the city administrator or designee must determine that the acts of the employee were known to or under reasonable circumstances should have been known to the licensee, were condoned by the licensee, or where the licensee has not established practices or procedures to prevent the violation from occurring.
- (h) Whenever it can be shown that a licensee hereunder no longer maintains adequate financial responsibility upon which issuance of the license was conditioned or whenever the licensee has defaulted in any obligation of any kind whatsoever lawfully owing to the city, such license may be suspended or revoked in accordance with the procedures in this chapter.
- (i) Wherever this chapter permits the city administrator to suspend any license issued hereunder but does not mandate the period of such suspension, such discretion shall be exercised within the guidelines of this subsection.
 - (1) No suspension shall be for a period of time longer than the time remaining on such license.
 - (2) The following factors shall be considered on any revocation or suspension as set out above:
 - a. Consistency of penalties mandated by this chapter and those set by the city administrator.
 - b. Likelihood of deterring future wrongdoing.
 - c. Impact of the offense on the community.
 - d. Any mitigating circumstances or remedial or corrective steps taken by the licensee.
 - e. Any aggravating circumstances or failure by the licensee to take remedial or corrective steps.

(Ord. of 11-4-1996(3), § 7-2037)

Sec. 6-38. - Hearings.

- (a) No license shall be denied, suspended or revoked without the opportunity for a hearing as hereinafter provided. This provision does apply to pouring permits for employees.
- (b) The city administrator shall provide written notice to the applicant or licensee of the order to deny, suspend or revoke the license. Such written notification shall set forth in reasonable detail the reasons for such action and shall notify the applicant or licensee of the right to appeal under the provisions of this chapter. Any applicant or licensee who is aggrieved or adversely affected by a final action of the city administrator may have a review thereof by appeal to the city council. Such appeal shall be by written petition, filed in the office of the city administrator within 15 days after the final order or action of the city

administrator, and in order to defray administrative costs, must be accompanied by a filing fee of \$250.00. The city administrator, at her discretion, may waive or reduce the filing fee amount if its determined the fee would create a hardship on the individual filing said appeal. The city council may, at the request of the appellant, refund the filing fee by a majority vote.

- (c) Should the city council be unable to reach a decision by majority vote, the action taken by the city administrator shall be upheld automatically. Any three members constitute a quorum.
- (d) A hearing shall be conducted on each appeal within 30 days of the date of filing with the city administrator unless a continuance of such date is agreed to by the appellant and the city administrator. The appellant at such hearing shall have the right to be represented by an attorney, at the expense of the appellant, and to present evidence and cross examine witnesses. Should the appellant desire an official transcript of the appeal proceedings, then such request must be made at least three days prior to such hearing. The appellant shall have the burden of proof on any such appeal. Before hearing an appeal, each member of the city council shall sign an affidavit to be part of the record that the member is not related to or personal friends with any owner of the licensed establishment in question in the appeal being considered and that such member has no financial interest in the outcome of the appeal. Should any member be unable to sign such an affidavit, that member shall not serve on that appeal and the case shall be heard by the remaining members of the city council.
- (e) The findings of the city council shall be forwarded to the city administrator within 15 days after the conclusion of the hearing, and it shall be the duty of the city administrator to notify the appellant of the action of the city council.
- (f) The findings of the city council shall not be set aside unless found to be contrary to law or ordinances, unsupported by substantial evidence on the records as a whole, or unreasonable.
- (g) The findings of the city council shall be final unless appealed within 30 days of the date of said finding by certiorari to the superior court of the county.

(Ord. of 11-4-1996(3), § 7-2038)

Sec. 6-39. - Notice.

For the purpose of this chapter, notice shall be deemed delivered when personally served by certified mail, within three days after the date of deposit in the United States mail.

(Ord. of 11-4-1996(3), § 7-2039)

Sec. 6-40. - Penalties.

Any person who violates any provisions of this chapter may, upon conviction, be punished by a fine not to exceed \$1,000.00 plus costs, imprisonment not to exceed six months, or both at the discretion of the presiding judge, unless a different penalty is set out herein.

(Ord. of 11-4-1996(3), § 7-2040; Ord. of 12-18-2006)

Sec. 6-41. - Withdrawal of application.

Any license application made pursuant to this chapter may be withdrawn by the applicant at any time. If the application is withdrawn before the license is issued, any sums deposited as license fees shall not be refunded. After issuance of the license, no refunds will be made. No refunds shall be made under any circumstances for investigative and administrative expenses required herein.

(Ord. of 11-4-1996(3), § 7-2041)

Sec. 6-42. - Outdoor entertainment districts.

The city will permit certain locations within the city to be designated as "outdoor entertainment districts" in accordance with the provision of this chapter. Notwithstanding any provisions of the alcoholic beverage ordinance to the contrary, individuals may carry and consume alcoholic beverages within an outdoor entertainment district subject to the rules and requirements of this chapter.

- (1) Outdoor entertainment districts will be established, amended or modified in the following manner:
 - a. A proposed outdoor entertainment district may only be created as a part of a planned unit development (PUD) development proposal, in accordance with the processes set for the establishment of PUDs as outlined in city zoning ordinance.
 - b. As a part of the PUD development proposal, the applicants must file a special use permit for the creation of an outdoor entertainment district and include all such exhibits, documents and supporting information as required by the zoning ordinance.
 - c. The area in the planned unit development project designated to be an outdoor entertainment district will be included in the information filed with the special use permit application.
 - d. If an outdoor entertainment district is created as a part of an approved PUD proposal, the city administrator will keep copies of drawings and exhibits indicating the extent, boundaries and coverage of the approved outdoor entertainment district for reference for licensing and enforcement purposes.
 - e. Any person, entity or group wishing to modify the boundaries of an established outdoor entertainment district must file an application to change the conditions of the special use permit attached to the PUD development proposal in accordance with the requirements set forth in the zoning ordinance.
- (2) Within any area of the city designated as an "outdoor entertainment district," as approved as a special use permit to a PUD, the following regulations shall apply:
 - a. It shall be lawful within the boundaries of an outdoor entertainment district to carry and consume an alcoholic beverage in a paper cup marked with the city logo, or similarly approved logo, and in no other type of open container, provided, however, that no establishment shall dispense to any person more than one such open container of alcoholic beverage at one time. The city will provide the businesses in the outdoor entertainment district with the specifications of the cup to be used for open container uses.
 - b. No person shall remove at one time more than one open container of alcoholic beverage from the licensed premises.
 - c. No open container in which an alcoholic beverage is dispensed and removed from the licensed

premises within an outdoor entertainment district shall exceed 16 fluid ounces in size.

- d. No person shall hold in possession on the streets and sidewalks, in parks and squares, or in other public places within an outdoor entertainment district any open container of alcoholic beverage that exceeds 16 fluid ounces in size; and
 - e. The beverage cannot be carried into an establishment that does not serve alcohol.
- (3) 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 within the corporate limits of the city.
 - (4) No alcoholic beverage purchased pursuant to this provision may be consumed outside the boundaries of an outdoor entertainment district or within an outdoor entertainment district on any parcel used as a church, day care center, or school, as designated by such facility's certificate of occupancy.
 - (5) Within a designated outdoor entertainment district, open containers may be consumed between the hours of 4:00 p.m. and 9:00 p.m. Monday through Thursday; between 4:00 p.m. and 11:00 p.m. on Friday; between noon and 11:00 p.m. on Saturdays and between noon and 9:00 p.m. on Sundays.
 - (6) Any licensed establishment that allows patrons to leave the establishment with an alcoholic beverage in an open container as provided in this section shall maintain posted inside all exit doors for clear public view a map of the current boundaries of the outdoor entertainment district and a sign of at least 11-inches by 8½ inches that states the following:
"All patrons leaving this establishment with an alcoholic beverage in an open container do hereby assume full responsibility to consume such alcoholic beverage only if it has been served in a specially designated paper cup not to exceed 16 ounces in size and obtained from an establishment licensed to sell alcoholic beverages within the outdoor entertainment district outlined on the map below. Any individual who leaves the entertainment district with an alcoholic beverage in an open container is in violation of the Code of Ordinances, City of Grayson, Georgia and may be subject to a citation, arrest, incarceration, and/or fine."
 - (7) The provisions of this section shall not be deemed to abrogate or otherwise impact any state law or local ordinance pertaining to public drunkenness, disorderly conduct, driving with an open container or under the influence of alcohol, or similar laws or ordinances.
 - (8) No establishment licensed to sell or serve alcohol within an outdoor entertainment district will be required to offer open containers of alcohol for sale to its customers or to allow patrons to enter the establishment with open containers of alcohol purchased or obtained from outside the establishment.

(Ord. of 6-17-2019)

Secs. 6-43—6-70. - Reserved.

ARTICLE II. - BEER AND WINE CONSUMPTION LICENSING AND REGULATIONS

Sec. 6-71. - Type of retail establishments.

- (a) No beer or wine shall be sold for consumption on the premises where sold except:
- (1) In eating establishments having a full service kitchen (a full service kitchen will consist of a three compartment sink, a stove or grill permanently installed, a refrigerator, all of which must be approved by the health and fire departments). Additionally, any such eating establishment must be prepared to serve food every hour it is open and must derive a minimum of 60 percent of its total annual gross sales from the sale of prepared meals or food;
 - (2) In indoor commercial recreation establishments;
 - (3) In an indoor publicly owned civil and cultural center capable of serving prepared food, with a full service kitchen (a full service kitchen will consist of a three compartment sink, a stove or grill permanently installed, a refrigerator, all of which must be approved by the health and fire departments), prepared to serve food every hour they are open and deriving at least 70 percent of its total annual gross sales from the sale of prepared meals or food and recreation activities; or
 - (4) At a publicly owned a golf course.
- (b) These eating establishments must be located in zoning districts which permit restaurants as conforming uses or where these eating establishments are incidental to a hotel or motel.

(Ord. of 11-4-1996(3), § 7-2050; Ord. of 12-18-2006)

Sec. 6-72. - License fee and amount to defray investigative and administrative costs to accompany application.

Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate check or cash in the amount of \$500.00 to defray investigative and administrative costs. If the application is denied and the license refused, or if the applicant withdraws his application prior to its being issued, the license fee shall be refunded; but the \$500.00 cost paid for investigation shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this Code. Any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article shall pay no investigative and administrative costs.

(Ord. of 11-4-1996(3), § 7-2051)

Sec. 6-73. - Hours and days of sale.

- (a) Beer and/or wine shall not be sold for consumption on the premises except between the hours of 9:00 a.m. and 12:00 midnight Monday through Saturday.
- (1) As provided in section 516 of the Grayson Zoning Ordinance of 2005, no business shall be open between the hours of 12:00 midnight and 5 a.m. In order to serve beer and/or wine for consumption on the premises between the hours of 12:00 midnight and 1:55 a.m. Tuesday through Sunday, the licensee shall meet the requirements of section 516 of the Grayson Zoning Ordinance of 2005 and shall obtain a special use permit in accordance with section 1807 of the Grayson Zoning Ordinance of 2005.
- (b) No beer and/or wine shall be sold for consumption at any time in violation of any local ordinance or

regulation or of any special order of the governing authority.

- (c) The sale of beer and/or wine for consumption on the premises is permitted on Sundays from 11:00 a.m. until 12:00 midnight in any licensed establishment which derives a minimum of 60 percent of its total annual gross sales from the sale of prepared meals or food and in any licensed establishment which derives at least as much of its total annual gross income from the rental of rooms for overnight lodging.
- (d) Beer and/or wine may be sold for consumption on the premises from 12:00 midnight to 1:55 a.m. on any Monday which is New Year's Day, January 1, of any year if granted a special use permit as required by subsection (a) above.

(Ord. of 11-06-2018, § 1)

Editor's note— Ord. of November 6, 2018, repealed the former § 6-73, and enacted a new § 6-73 as set out herein. The former § 6-73 pertained to similar subject matter and derived from Ord. of Ord. of 1-15-2007.

Sec. 6-74. - Applicability of other articles of this chapter.

All sections included in articles I, V, and IX of this chapter shall apply to the licenses and authorizations granted by this article. Any inconsistencies between the sections included in this article and articles I, V, and IX of this chapter shall be resolved by the language of this article taking precedence over the language of articles I, V, and IX.

(Ord. of 11-21-2011)

Sec. 6-75. - Sale of growlers.

- (a) No person shall be permitted to own or operate a growler shop without first obtaining a growler shop license from the city clerk pursuant to the same procedures as are set forth in this article, and each growler shop license holder shall comply with all other applicable state and local requirements. The sale of package malt beverages in growlers shall be allowed in an establishment licensed for the sale of growlers located in the C-2, C-3 and PUD districts. The sale of package malt beverages in growlers may not be sold at any establishment engaged in the sale of distilled spirits.
- (b) The filling of growlers by means of a tapped keg shall not constitute the breaking of a package as contemplated by O.C.G.A. § 3-3-26 or other provisions of this article, provided that after the growler is filled the growler must be sealed on the licensed premises with a tamper-proof plastic cap and may not thereafter be opened or consumed on the premises. Licensees or employees of the licensed establishment may fill or refill growlers with draft beer at a licensed location for retail package sales as provided herein in a growler not smaller than 12 ounces in volume and not to exceed 68 ounces in volume.
- (c) Establishments licensed to sell malt beverages in growlers under this section shall be authorized to sell or offer without charge samples of draft beer to patrons over the age of 21 years. Samples shall not exceed four ounces in volume nor shall any one individual be offered more than four samples within a 24-hour period.
- (d) Nothing in this section shall prohibit a growler shop from serving food or other non-alcoholic products, provided that it meets all of the requirements provided in this Code and is properly permitted by the city.

(Ord. of 6-17-2019)

Secs. 6-76—6-100. - Reserved.

ARTICLE III. - PRIVATE CLUB LICENSING AND REGULATIONS

Sec. 6-101. - Definitions.

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

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

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 article;
- (2) Has at least 30 regular dues paying members;
- (3) Owns, hires or leases a building or space within a building for the reasonable use of its members with:
 - a. Suitable kitchen and dining room space and equipment; and
 - b. A sufficient number of employees for cooking, preparing and serving meals for its members and guests; and
 - c. 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.

Sports club means an association or corporation organized and existing under the laws of the state, organized and operated primarily to provide a location for the patrons thereof to engage in sporting events. To qualify for an alcoholic beverage consumption dealer's license, a sports club must have been actively in operation within the city at least two years prior to an application for a license hereunder. Provided, however the two-year operational requirement shall not apply to golf club associations or golf club corporations where the selling or the serving of alcoholic beverages is to take place on the golf course premises. A sports club organized or operated primarily for the serving of alcoholic beverages shall not qualify for licensing under this article, and accordingly shall not be permitted to serve alcoholic beverages at any time. Unless otherwise indicated, a sports club licensee shall comply with all other requirements imposed upon retail consumption dealers.

(Ord. of 11-4-1996(3), § 7-2053)

Sec. 6-102. - Regulation of sale of alcoholic beverages.

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

(Ord. of 11-4-1996(3), § 7-2054)

Sec. 6-103. - Certain organizations exempt from food establishment.

Veterans organizations, fraternal organizations and other nonprofit organizations currently having tax exempt status under either the United States Internal Revenue Code or the Georgia Income Tax Law shall not be required to operate a food establishment serving prepared food. However, any such organization selling or dispensing alcoholic beverages shall be subject to all ordinance regulations dealing with general licensing and consumption on the premises establishments.

(Ord. of 11-4-1996(3), § 7-2055)

Sec. 6-104. - Investigative and administrative costs.

Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate check or cash in the amount of \$500.00 for beer and/or wine to defray investigative and administrative costs. If the application is denied and the license refused, or if the applicant is denied a state license, the deposit representing the license fee shall be refunded; but the \$500.00 cost paid for investigation and administrative cost shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this chapter. Any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article shall pay no investigative and administrative costs.

(Ord. of 11-4-1996(3), § 7-2056)

Sec. 6-105. - Hours and days of sale.

- (a) Alcoholic beverages shall not be sold for consumption on the premises except between the hours of 9:00 a.m. and 12:00 midnight Monday through Saturday.
 - (1) As provided in section 516 of the Grayson Zoning Ordinance of 2005, no business shall be open between the hours of 12:00 midnight and 5 a.m. In order to serve alcoholic beverages for consumption on the premises between the hours of 12:00 midnight and 1:55 a.m. Tuesday through Sunday, the licensee shall meet the requirements of section 516 of the Grayson Zoning Ordinance of 2005 and shall obtain a special use permit in accordance with section 1807 of the Grayson Zoning Ordinance of 2005.
- (b) No alcoholic beverages shall be sold for consumption at any time in violation of any local ordinance or regulation or of any special order of the governing authority.
- (c) The sale of alcoholic beverages for consumption on the premises is permitted on Sundays from 11:00 a.m. until 12:00 midnight in any licensed establishment which derives a minimum of 60 percent of its total annual gross sales from the sale of prepared meals or food and in any licensed establishment which

derives at least as much of its total annual gross income from the rental of rooms for overnight lodging.

- (d) Alcoholic beverages may be sold for consumption on the premises from 12:00 midnight to 1:55 a.m. on any Monday which is New Year's Day, January 1, of any year if granted a special use permit as required by subsection (a) above.

(Ord. of 11-06-2018, § 2)

Editor's note— Ord. of November 6, 2018, repealed the former § 6-105, and enacted a new § 6-105 as set out herein. The former § 6-105 pertained to similar subject matter and derived from Ord. of 1-15-2007.

Sec. 6-106. - Applicability of other articles of this chapter.

All sections included in articles I, V, and IX of this chapter shall apply to the licenses and authorizations granted by this article. Any inconsistencies between the sections included in this article and articles I, V, and IX of this chapter shall be resolved by the language of this article taking precedence over the language of articles I, V, and IX.

(Ord. of 11-21-2011)

Secs. 6-107—6-130. - Reserved.

ARTICLE IV. - TEMPORARY AND SPECIAL EVENT LICENSES

Footnotes:

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Editor's note— Ord. of April 19, 2010, repealed the former article IV, § 6-131, and enacted a new article IV as set out herein. The former article pertained to nonprofit organizations temporary permit and derived from Ord. of 11-4-1996(3).

Sec. 6-131. - Eligible for issuance of temporary license.

Any nonprofit organization may be issued a temporary permit for a period not to exceed ten days in any one year. The nonprofit organization must make application and pay the fee that may be required by ordinance. Such organizations shall be required to comply with all the general ordinances and the licensing and regulations for consumption on the premises establishment with the exception of the full service kitchen requirement.

(Ord. of 4-19-2010)

Sec. 6-132. - Special event licenses.

- (a) Nonprofit civic groups may be granted a special event license (hereinafter "special event license") permitting the sale of malt beverages and wine for consumption on the premises. The nonprofit civic group applicant for and/or holder of a special event license shall be exempt from the requirements of sections 6-8(h) (registered agent), 6-19 (inventory on premises), 6-27 (regulations for employees and managers), 6-28 (Open area and patio sales), 6-30 (specifications of premises) and shall not be required to have or have access to a full service kitchen. As used in this section, nonprofit civic groups shall mean

entities that have obtained 501(c)(3) status from the Internal Revenue Service ("IRS") and are listed in IRS Publication 78 or are a governmental entity, board, or agency (ex. a municipality, downtown development authority, etc.).

- (b) A special event license shall be limited to no more than a two-day license; shall be limited to one special event license per nonprofit civic group per year; shall only permit the sale of malt beverages and/or wine for consumption on the premises; and shall permit sales only at locations in Grayson Community Park approved at the discretion of the city administrator and in accordance with the provisions of this chapter.
- (c) A special event license shall be granted to nonprofit civic groups in conjunction with a person or business possessing a current alcoholic beverage license permitting consumption of malt beverages and wine on the premises ("for-profit licensee") from the City of Grayson or another local jurisdiction in the State of Georgia. If the for-profit licensee has an alcoholic beverage license permitting consumption of malt beverages and wine on the premises from another jurisdiction, said for-profit licensee shall submit an application fee of \$50.00. The for-profit licensee or the licensee's employees shall supervise all aspects of the special event pertaining to the handling and storage of alcoholic beverages and the distribution of alcoholic beverages to consumers. Both the nonprofit licensee and the for-profit licensee shall be responsible for compliance with all aspects of this article and state law and shall be liable for infractions thereof.

(Ord. of 4-19-2010)

Sec. 6-133. - Outside temporary events.

- (a) A special event licensee or a city sanctioned/sponsored event shall be eligible to sell malt beverages and/or wine for consumption on the premises in approved temporary outdoor areas if an application is submitted to and approved by the city administrator and the following requirements are met:
 - (1) The only entrance and exit to the event must be through a controlled entry point which allows for easy monitoring of patrons entering and leaving the event.
 - (2) The outside event must be enclosed by a temporary fence or an enclosed tent. The fence shall be a minimum of three and one-half feet in height.
 - (3) The temporary fence or tent must have two emergency exits with an alarm that sounds so that the licensee will be alerted of unauthorized use of an emergency exit when no emergency exists. A uniformed off duty police officer or security guard may be stationed at each emergency exit instead of a gate and alarm.
 - (4) The temporary fence or tent must be installed and inspected at least one day prior to the event. Should the event fall on a Sunday, the installation of the fence must be completed no later than noon (12:00 p.m.) on the Friday prior to the event. Alcohol sales will not be approved for the event without inspection and approval of the temporary fence or tent by the city.
 - (5) A site plan must be submitted to the city administrator's office for approval. If the site plan provides for an area to accommodate more than 25 persons, a crowd control and security plan must be submitted to the city for approval. The department of planning and development must approve any temporary structures, such as tents, within the fenced area.
 - (6) A signed and notarized letter from the property owner must be submitted to the city administrator's office authorizing the use of the property for the event.

- (7) All points/locations of sale of beer or wine must be licensed and the required fees, if any, paid. The out not exceed two days.
 - (8) A nonrefundable fee of \$50.00 per event must be paid at the time of filing of the application.
 - (9) Completed application must be submitted to the city administrator's office 15 days prior to the scheduled event.
 - (10) Nothing in this subsection shall be construed to waive or repeal any other requirements ordained under this article.
- (b) Any event sanctioned by the city through official action of the governing authority and held in the Grayson Community Park shall only be subject to the requirements set forth in subsection (a) above, and all statutes, laws, rules, regulations and licensing requirements of the State of Georgia.

(Ord. of 4-19-2010)

Sec. 6-134. - Applicability of other articles of this chapter.

All sections included in articles I, V, and IX of this chapter shall apply to the licenses and authorizations granted by this article. Any inconsistencies between the sections included in this article and articles I, V, and IX of this chapter shall be resolved by the language of this article taking precedence over the language of articles I, V, and IX.

(Ord. of 11-21-2011)

Secs. 6-135—6-160. - Reserved.

ARTICLE V. - BROWNBAGGING

Sec. 6-161. - Bring your own bottle "brown bagging" prohibited.

It is prohibited for any person to bring in his own alcoholic beverage (brown bag) in any establishment either licensed or unlicensed to serve alcoholic beverages.

(Ord. of 11-4-1996(3), § 7-2059)

Secs. 6-162—6-190. - Reserved.

ARTICLE VI. - PACKAGE BEER AND WINE LICENSING AND REGULATIONS

Sec. 6-191. - Type of retail establishment.

No beer and/or wine shall be sold at retail except in establishments located in zoning districts in which these establishments are permitted as a conforming use or in districts where an existing establishment exists as a nonconforming use.

(Ord. of 11-4-1996(3), § 7-2060)

Sec. 6-192. - Hours and days of sale.

- (a) Retail package licensees shall not engage in the sale of beer and/or wine except between the hours of 7:00 a.m. until 12:00 midnight Monday through Saturday and 12:30 p.m. until 11:30 p.m. on Sunday. The hours within which business may be carried on shall be determined by the standard time in force at the time of the sale thereof
- (b) Retail package beer and/or wine shall not be sold at any time in violation of state law, local ordinance or regulation, or special order of the governing authority.

(Ord. of 11-4-1996(3), § 7-2061; Ord. of 8-15-2011, § 1)

Sec. 6-193. - Use of tags or labels to indicate prices.

Retailers shall indicate plainly by tags or labels on the bottles or containers or on the shelf immediately below where the containers are placed the prices of all beer and wine exposed or offered for sale.

(Ord. of 11-4-1996(3), § 7-2062)

Sec. 6-194. - Quantity sales.

Single cans or bottles or other containers of alcoholic beverages may be sold.

(Ord. of 11-4-1996(3), § 7-2063)

Sec. 6-195. - License fee and amount to defray investigative costs to accompany application.

Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate check or cash in the amount of \$500.00 to defray investigative and administrative costs. If the application is denied and the license refused, or if the applicant withdraws his application prior to its being issued, the license fee shall be refunded; but the \$500.00 cost paid for investigation and administrative cost shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this Code. As to any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article, there shall be no investigative and administrative fee.

(Ord. of 11-4-1996(3), § 7-2064)

Sec. 6-196. - Applicability of other articles of this chapter.

All sections included in articles I, V, and VIII of this chapter shall apply to the licenses and authorizations granted by this article. Any inconsistencies between the sections included in this article and articles I, V, and VIII of this chapter shall be resolved by the language of this article taking precedence over the language of articles I, V, and VIII.

(Ord. of 11-21-2011)

Sec. 6-197. - Wine/beer tasting license.

- (a) A wine/beer tasting license for the purposes of this section shall be limited to entities possessing a duly

issued and valid retail wine license, retail beer license or both. Those entities shall be eligible to apply for a wine/beer tasting license to provide samples of wine and/or beer offered for sale at retail in the establishment to customers under the conditions set forth in this section. A license may only be granted for the specific type or types of samples (wine only, beer only, wine and beer) for which the applicant holds a valid retail license from the city.

- (b) Wine and/or beer sampling shall be on limited occasions, shall not be part of the core operations of the establishment, and shall be offered in conjunction with education classes and sampling designed to promote wine or beer appreciation and education.
- (c) Samples shall not exceed two ounces and no customer shall consume more than eight ounces in any two-hour period.
- (d) The educational classes shall not exceed two consecutive hours. All conditions of sampling set forth in this section shall apply to such classes.
- (e) Wine and beer bottles shall be opened by the licensee or an employee only, and samples shall be poured only by the licensee or an employee.
- (f) No open containers of wine or beer shall be removed from the licensed premises.
- (g) Such sampling and tasting is permitted within the enclosed portion of the premises only.
- (h) The annual fee for a wine/beer tasting license shall be \$200.00. Said tasting license need only be applied for once and shall automatically renew when said retail wine license or retail beer license is renewed, provided, however, that the city may revoke or suspend such tasting license and/or impose such conditions on its operation at the city's discretion for violations of this Code or in furtherance of the health, safety, and welfare of the city's inhabitants.
- (i) Wine and beer tastings on Sundays are prohibited.

(Ord. of 4-20-2015(1))

Secs. 6-198—6-220. - Reserved.

ARTICLE VII. - DISTILLED SPIRITS, BEER AND/OR WINE WHOLESALER LICENSING AND REGULATIONS

Sec. 6-221. - Special provisions applicable to wholesale purchases.

- (a) Any person desiring to sell at wholesale any alcoholic beverages in the incorporated areas of the city shall make application to the city administrator for a license to do so, which application shall be in writing on the prescribed forms, and pay any license as set by the city council.
- (b) No person who has any direct financial interest in any license for the retail sale of any alcoholic beverages in the city shall be allowed to have any interest or ownership in any wholesale alcoholic beverage license issued by the city.
- (c) No retailer shall purchase any alcoholic beverage from any person other than a wholesaler licensed under this article. No wholesaler shall sell any alcoholic beverage to any person other than a retailer licensed under this chapter. Provided, however, that this section shall not prohibit the purchase by one retailer of another retailer's entire stock in a bona fide purchase of an ongoing business.
- (d) No alcoholic beverage shall be delivered to any retail sales outlet in the city except by a duly licensed

wholesaler. The name of the wholesaler/distributor shall be clearly marked on the delivery vehicle.

(Ord. of 11-4-1996(3), § 7-2065)

Sec. 6-222. - Excise tax and bond required on wholesalers.

- (a) In addition to all other taxes or license fees heretofore or hereafter imposed upon retailers, dealers, or wholesalers engaged in the city and the business of selling alcoholic beverages, distilled spirits, malt beverages and/or wine, there is imposed and levied upon all here and after described retailers, dealers, or wholesalers within the city an excise tax to be computed and collected as hereinafter set forth. The taxes imposed by this section shall not be levied with respect to the following:
 - (1) Wine sold to and used by established and recognized churches and synagogues for use in sacramental services only;
 - (2) Any sale of wine which is exempt from taxation by the state under the Constitution of the United States;
 - (3) Wine sold to persons outside this state for resale or consumption outside of the state;
 - (4) Wines which contain less than one-half of one percent by volume.
- (b) There is levied an excise tax computed at the rate of \$0.22 per liter or \$0.0065 per ounce which shall be paid to the governing authority on all distilled spirits or wine sold by wholesalers to retailers in the city. Such tax shall be paid to the city administrator by the wholesale distributor on all distilled spirits or wine sold to the licensees for the sale of distilled spirits or wine in the city as follows: Each wholesaler selling, shipping, or in any way delivering distilled spirits or wine to any licensees hereunder shall collect the excise tax at the time of delivery and shall remit the same together with a summary of all deliveries to each licensee on or before the tenth day of the month following. Excise taxes received by the city administrator after the twentieth day of the month shall be charged a ten percent penalty. The \$0.22 per liter or \$0.0065 per ounce shall be prorated so that all containers of distilled spirits or wine shall be taxed on the basis of \$0.22 per liter or \$0.0065 per ounce. It shall be unlawful and a violation of this section for any wholesaler to sell, ship, or deliver in any manner any distilled spirits or wine to any retail dealer or licensee without collecting said tax. It shall be unlawful and a violation of this section for any retail dealer or licensee to possess, own, hold, store, display, or sell any distilled spirits or wine on which such tax has not been paid. Wholesalers collecting the tax authorized herein shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if the amount is not delinquent at the time of payment. The rate of the deduction shall be at the same rate authorized for deductions from state tax under O.C.G.A. § 48-8-50, and any amendment thereto.
- (c) There is levied an excise tax on all beer and malt beverages sold by wholesalers to retailers in the city at the rate of \$0.05 per 12-ounce container and \$6.00 for each container of tap or draft beer or malt beverage of 15½ gallons and in similar proportion for bottles, cans, and containers of various sizes as follows:

Size of Container	Tax per Container
7 ounce	\$0.0291

8 ounce	\$0.0333
12 ounce	\$0.0500
14 ounce	\$0.0583
16 ounce	\$0.0666
32 ounce	\$0.1333
½ barrel (15½ gallons)	\$6.00
1 barrel (31 gallons)	\$12.00

The \$0.05 per 12-ounce container and \$6.00 per container of tap or draft beer or malt beverage of 15½ gallons shall be prorated so that all containers of beer or malt beverages shall be taxed on the basis of \$0.05 per 12-ounce container and \$6.00 per container of tap or draft beer or malt beverage of 15½ gallons. All provisions as to excise tax in this section shall apply to this tax on beer and malt beverages except the tax rate which is set at in this subsection and the reimbursement of three percent of taxes collected which shall not apply to beer and malt beverage wholesalers.

- (d) Each wholesale dealer prior to commencement of any business operation within the city shall post a performance bond with the city administrator equal to one and one-half times the estimated highest monthly payment to be made in a calendar year of the excise tax based on sales collected by the wholesale dealer from the retailers to secure the payment for the tax imposed herein. These bonds shall be secured by cash which shall bear no interest or a surety bond executed by a surety company licensed to do business in this state and approved by the city administrator.
- (e) A wholesaler may be excused from posting the performance bond as provided herein after demonstrating full and satisfactory compliance with the provisions herein for a period of 12 months subsequent to the commencement of business operations within the city. Continued exemption from the requirement of posting the performance bond shall be conditioned upon continued compliance with the terms of this article and the payments of all sums as required by the provisions herein.

(Ord. of 11-4-1996(3), § 7-2066; Ord. of 12-18-2006; Ord. of 11-21-2011)

State Law reference— Similar provisions, O.C.G.A. § 3-6-60.

Sec. 6-223. - Hours and days of sale.

Wholesalers shall not engage in the sale of alcoholic beverages except between 7:00 a.m. and 6:00 p.m., Monday through Saturday. There shall be no sales of alcoholic beverages on Sunday.

(Ord. of 11-4-1996(3), § 7-2067)

Sec. 6-224. - Audit and penalties.

- (a) In the event the city administrator deems it necessary to conduct an audit of the records and books of the licensee, the city administrator shall notify the licensee of the date, time and place of the audit.
- (b) Any licensee who violates any provisions of this article may, upon conviction, be punished by a fine of not less than \$1,000.00 for each offense and/or 60 days in the common jail of the county and the license may be suspended or revoked.

(Ord. of 11-4-1996(3), § 7-2068)

Secs. 6-225—6-250. - Reserved.

ARTICLE VIII. - HOTEL-MOTEL IN-ROOM SERVICE

Sec. 6-251. - In-room service license.

- (a) The term "in-room service" is the provision of a cabinet or other facility located in a hotel-motel guestroom which contains beer, wine, and/or distilled spirits. In-room service shall only be provided upon written request of the guest and shall be accessible by lock and key only to the guest.
- (b) Any hotel-motel that acquires this in-room service shall also be required to obtain a consumption on the premises license and meet the requirements of this chapter.
- (c) No hotel-motel shall be authorized to provide in-room service until it has been issued a special license to do so. A license fee of \$500.00 shall be imposed to provide only beer and/or wine by in-room service. A license fee of \$1,500.00 shall be imposed to provide beer, wine, and/or distilled spirits by in-room service.
- (d) The sale of beer, wine, and/or distilled spirits by in-room service shall be subject to all restrictions and limitations relative to the retail sale of any alcoholic beverages, except as provided otherwise in this article.
- (e) Keys for in-room service shall only be sold to guests between the hours of 7:00 a.m. until 12:00 midnight, Monday through Saturday.

(Ord. of 11-4-1996(3), § 7-2069; Ord. of 11-21-2011)

Secs. 6-252—6-280. - Reserved.

ARTICLE IX. - HAPPY HOUR

Sec. 6-281. - Promotion and sales.

- (a) No licensee or employee or agent of a licensee, in connection with the sale or other disposition of alcoholic beverages for consumption on the premises, shall:
 - (1) Offer or deliver any free alcoholic beverage to any person or group of persons;
 - (2) Deliver more than one alcoholic beverage to one person at a time;

- (3) Sell, offer to sell, or deliver to any person or group of persons any alcoholic beverage at a price less than the regularly charged for such alcoholic beverage during the same calendar week, except at private functions not open to the public;
 - (4) Sell, offer to sell, or deliver to any person or group of persons 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;
 - (5) Sell, offer to sell, or deliver alcoholic beverages to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the public;
 - (6) Sell, offer to sell, or deliver alcoholic beverages, including malt beverages, in any container which holds more than 32 fluid ounces (0.947 liters), except to two or more persons at any one time;
 - (7) Increase the volume of alcohol contained in a drink without increasing proportionately the price regularly charged for such alcoholic beverage during the same calendar week;
 - (8) Encourage or permit on the licensed premises any game or contest which involves the drinking of alcoholic beverages or the awarding of alcoholic beverages as a prize.
- (b) Each licensee shall maintain a schedule of the price charged for all alcoholic beverages to be served and consumed on the licensed premises or in any room or part thereof. The licensee shall not vary the schedule of prices from day-to-day or from hour-to-hour within a single day. The schedule of prices shall be posted in a conspicuous manner in view of the paying public and said schedule shall be effective for not less than one calendar week.
 - (c) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under subsection (a) of this section.
 - (d) No provision of this section shall be construed to prohibit licensees from offering free food or entertainment at any time, or to prohibit licensees from including an alcoholic beverage as 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 more than one person.
 - (e) It is the intent of this section to prohibit activities typically associated with promotions referred to as "happy hour" or similarly designated promotions.
 - (f) The city administrator or designee shall have responsibility for the enforcement of this article.
 - (g) No licensee may require the purchase of any alcoholic beverage as a part of or prerequisite to the purchase of any other product or service. If alcoholic beverages are included as part of a package of other goods and/or services, the alcoholic beverages must be priced separately and all customers must be allowed to purchase the remaining goods and services without the alcoholic beverages at a price from which the full price of the alcoholic beverages has been deducted.
 - (h) Any person deemed guilty of violating this section may be punished by a fine not to exceed \$1,000.00 and/or by imprisonment not to exceed 60 days in the common jail of the county. Licensees may further be subject to revocation proceedings.

(Ord. of 11-4-1996(3), § 7-2071)

ARTICLE X. - DISTILLED SPIRITS FOR CONSUMPTION ONLY ON THE PREMISES

Sec. 6-300. - Permitted locations.

- (a) No distilled spirits may be sold by the drink for consumption on the premises except where sold in eating establishments regularly serving prepared food with a full service kitchen. A full service kitchen shall consist of a three compartment sink, a stove or grill permanently installed, a refrigerator, all of which shall be approved by the health and fire departments. Additionally, any such eating establishment must be prepared to serve food every hour it is open and must derive a minimum of 60 percent of its total annual gross sales from the sale of prepared meals or food. Any eating establishment that sells distilled spirits by the drink for consumption only on the premises must have a seating capacity, at tables, of at least 50 persons.
- (b) These eating establishments must be located in zoning districts which permit restaurants as conforming uses or where these eating establishments are incidental to a hotel or motel.
- (c) In a distillery as permitted by O.C.G.A. § 3-4-24.2.

(Ord. of 12-18-2006; Ord. of 6-17-2019)

Sec. 6-301. - License, administrative, and investigative fee.

Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate check or cash in the amount of \$500.00 to defray investigative and administrative costs. If the application is denied and the license refused, or if the applicant withdraws his application prior to its being issued, the license fee shall be refunded; but the \$500.00 cost paid for investigation shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fees shall be the largest of the investigative and administrative fees authorized under this Code. Any applicant for license under this article who has been in existence at the time of making the new application and has an existing valid license under this article shall pay no investigative and administrative costs.

(Ord. of 12-18-2006)

Sec. 6-302. - Package sales prohibited.

Persons holding a license to sell distilled spirits for consumption only on the premises shall be prohibited from selling distilled spirits or liquor by the package or bottle.

(Ord. of 12-18-2006)

Sec. 6-303. - Hours of sale.

- (a) No one holding a license under this article shall furnish, sell, or offer for sale any distilled spirits for consumption only on the premises at any time except between the hours of 9:00 a.m. and 12:00 midnight Monday through Saturday.
 - (1) As provided in section 516 of the Grayson Zoning Ordinance of 2005, no business shall be open between the hours of 12:00 midnight and 5 a.m. In order to serve distilled spirits for consumption

on the premises between the hours of 12:00 midnight and 1:55 a.m. Tuesday through Sunday, the licensee shall meet the requirements of section 516 of the Grayson Zoning Ordinance of 2005 and shall obtain a special use permit in accordance with section 1807 of the Grayson Zoning Ordinance of 2005.

- (b) No license holder shall serve distilled spirits for consumption only on the premises at any time in violation of any local ordinance or regulations or of any special order of the governing authority.
- (c) The sale of alcoholic beverages for consumption on the premises is permitted on Sundays from 11:00 a.m. until 12:00 midnight in any licensed establishment which derives a minimum of 60 percent of its total annual gross sales from the sale of prepared meals or food and in any licensed establishment which derives at least as much of its total annual gross income from the rental of rooms for overnight lodging.
- (d) Distilled spirits for consumption only on the premises may be sold from 12:00 midnight to 1:55 a.m. on any Monday which is New Year's Day, January 1, of any year if granted a special use permit as required by subsection (a) above.

(Ord. of 11-06-2018, § 3)

Editor's note— Ord. of November 6, 2018, repealed the former § 6-303, and enacted a new § 6-303 as set out herein. The former § 6-303 pertained to similar subject matter and derived from Ord. of Ord. of 1-15-2007.

Sec. 6-304. - Bring your own bottle prohibited.

It shall be unlawful for any person to bring his own alcoholic beverage (brown bag) in any establishment either licensed or unlicensed to be consumed in said establishment. Further, it shall be unlawful to any establishment to serve or allow to be served any alcoholic beverage brought into the establishment by a patron.

(Ord. of 12-18-2006)

Sec. 6-305. - Promotion and sales (happy hour).

- (a) No licensee or employee or agent of a licensee, in connection with the sale or other disposition of alcoholic beverages for consumption on the premises, shall:
 - (1) Offer or deliver any free alcoholic beverage to any person or group of persons;
 - (2) Deliver more than one alcoholic beverage to any person at a time;
 - (3) Sell, offer to sell, or deliver to any person or group of persons any alcoholic beverage at a price less than the price regularly charged for such alcoholic beverage during the same calendar week, except that private functions not open to the public;
 - (4) Sell, offer to sell, or deliver to any person or group of persons 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;
 - (5) Sell, offer to sell, or deliver alcoholic beverages to any person or group of persons on any one day at prices less than those charged to the general public on that day, except at private functions not open to the public;
 - (6) Sell, offer to sell, or deliver alcoholic beverages, including malt beverages, in any container which holds more than 32 fluid ounces (0.947 liters), except to two or more persons at any one time;

- (7) Increase the volume of alcohol contained in a drink without increasing proportionately the price regular such alcoholic beverage during the same calendar week;
 - (8) Encourage or permit on the licensed premises any game or contest which involves the drinking of alcoholic beverages or the awarding of alcoholic beverages as a prize.
- (b) Each licensee shall maintain a schedule of the price charged for all alcoholic beverages to be served and consumed on the licensed premises or in any room or part thereof. The licensee shall not vary the schedule of prices from day-to-day or from hour-to-hour within a single day. The schedule of prices shall be posted in a conspicuous manner in view of the paying public and said schedule shall be effective for not less than one calendar week.
 - (c) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under subsection (a) of this section.
 - (d) No provision of this section shall be construed to prohibit licensees from offering free food or entertainment at any time, or to prohibit licensees from including an alcoholic beverage as 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 more than one person.
 - (e) It is the intent of this section to prohibit activities typically associated with promotions referred to as "happy hour" or similarly designated promotions.
 - (f) No licensee may require the purchase of any alcoholic beverage as a part of or prerequisite to the purchase of any other product or service. If alcoholic beverages are included as part of a package of other goods and/or services, the alcoholic beverages must be priced separately and all customers must be allowed to purchase the remaining goods and services without the alcoholic beverages at a price from which the full price of the alcoholic beverages has been deducted.
 - (g) Any person that deemed a guilty of violating of this section may be punished by a fine not to exceed \$1,000.00 and/or by imprisonment not to exceed six months days in the common jail of the county. Licensees may further be subject to suspension or revocation proceedings.
 - (h) The city administrator or designee shall have responsibility for the enforcement of this article.

(Ord. of 12-18-2006)

Sec. 6-306. - Excise tax on sale of distilled spirits by the drink.

- (a) In addition to all other taxes or license fees imposed upon retail dealers engaged in the sale of distilled spirits by the drink there is imposed an excise tax upon the sale of said drinks in the amount of three percent of the total cost of such drink which is charged to the public. Such taxes shall be collected by the licensee under this chapter and any such licensees shall remit the same to the city administrator on or before the tenth day of the succeeding month along with the appropriate returns showing a summary of the licensee's gross sales derived from the sale of distilled spirits by the drink. Gross sales shall include all credit card sales and those sales shall be reported and taxes collected thereon shall be submitted to the city administrator to the same extent as required of cash sales. It shall be duty of each licensee required to make a report and pay any tax levied hereunder to keep and preserve suitable records of the sales taxable under this section, and such other books or accounts as may be necessary to determine the amount of the tax due. It shall be the duty of every licensee to keep and preserve such records for a period of three years and to provide such returns and reports as may be required by the city

administrator. Licensees collecting the tax provided for in this section shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if the amount is not delinquent at the time of payment. The rate of deduction should be the same rate authorized for deductions from sale tax under Chapter 8 of Title 48 as provided in O.C.G.A. § 3-4-133. The city administrator is hereby authorized to create such reports and returns as may be necessary to adequately provide for the collection of the excise tax provided in this section.

- (b) In the event the city administrator deems it necessary to verify the excise tax submitted to the city administrator pursuant to this section, for any month, he or she shall notify the licensee of such need for verification and the licensee shall submit a verified comprehensive report to the city administrator, prepared by an auditor, reflecting all sales under this section by the licensee and the taxes submitted to the city. The licensee shall have 30 days to submit such a report to the city administrator following such a request.

(Ord. of 12-18-2006)

Sec. 6-307. - Applicability of general provisions of this chapter.

All sections included in article I of this chapter shall apply to the licenses and authorizations granted by this article. Any inconsistencies between the sections included in this article and article I of this chapter shall be resolved by the language of this article taking precedent over the language of article I.

(Ord. of 12-18-2006)

Sec. 6-308. - Distilled spirits tasting license.

- (a) A distilled spirits tasting license for purpose of this section shall be limited to entities possessing a duly issued and valid state license for consumption on the premises.
- (b) No distilled spirits tasting shall be conducted at any location where distilled spirits are sold by the package. If the tasting location is located adjacent to an establishment with a license for the retail sale of package distilled spirits, there shall be no means of internal ingress/egress between the two establishments. The two establishments must have separate and distinct entrances and exits.
- (c) An eligible licensee may petition the city for a distilled spirits tasting license under the provisions of this section. A distilled spirits tasting license shall allow the license holder to offer or sell distilled spirits samples only if offered or sold in connection with an instructional or educational promotion and subject to all conditions set forth in this section and other provisions of Chapter 6 of the Code.
- (d) A distilled spirits tasting license is intended to allow such activity on a limited basis and shall not occur more often than one time per calendar week. A distilled spirits tasting license shall be subjected to all other laws, rules and regulations of the city and state, including rules and regulations of the Georgia Department of Revenue and is subject to license revocation for violation thereof.
- (e) Samples shall not exceed one ounce and no customer shall consume more than four ounces in any two-hour period. No customer shall be allowed to attend more than one tasting (wine, beer and/or distilled spirits) within a consecutive 24 hour period.
- (f) The appreciation and education classes shall not exceed two consecutive hours. All conditions of

sampling set forth in this section shall apply to such classes.

- (g) Bottles shall be opened by the licensee or an employee only, and samples shall be poured only by the licensee or an employee.
- (h) No open containers of any alcoholic beverage of any kind shall be removed from the licensed premises.
- (i) The annual fee for a distilled spirits tasting license shall be \$200.00. Said distilled spirits tasting license shall be subject to annual renewal. The city may revoke or suspend such distilled spirits tasting license and/or impose such conditions on its operation at the city's discretion for violations of this Code or in furtherance of the health, safety, and welfare of the city's inhabitants.
- (j) Distilled spirits tastings on Sundays are prohibited.

(Ord. of 6-19-2017)

Secs. 6-309—6-330. - Reserved.

ARTICLE XI. - WINE CENTER

Sec. 6-331. - Wine center permitted locations; requirements.

- (a) A wine center may be established and granted a license to sale beer for consumption only on the premises, to sale wine for consumption on the premises, to sale wine by the package for carryout purposes, and to operate a wine tasting room ("wine center license") if the wine center meets the following requirements:
 - (1) Is located in a permissible zoning classification and has obtained the necessary special use and other permits required under the city's zoning ordinance;
 - (2) Has a full service kitchen consisting of a three compartment sink, a stove or grill permanently installed, a refrigerator, all of which shall be approved by the health and fire departments;
 - (3) Is prepared to serve food every hour it is open;
 - (4) Derives a minimum of 60 percent of its total annual gross sales from the sale of goods/services other than from beer and wine by the drink for consumption on the premises; and
 - (5) Has actual seating of at least 60 persons.

(Ord. of 4-19-2010)

Sec. 6-332. - Wine tasting room.

- (a) A wine tasting room shall be limited to entities possessing a duly issued and valid wine center license and a valid current wine license issued by the state.
- (b) No wine tasting shall be conducted on the premises of any place of business licensed to sell distilled spirits in the unbroken container.
- (c) Wine tastings may only be conducted in connection with an instructional or educational promotion.
- (d) An eligible licensee may petition the city for a wine tasting room license provided it meets all present requirements of the city's alcohol beverage ordinance and presently maintains a valid license as required above. A wine tasting room license shall be subjected to all other laws, rules and regulations of the city

and state, including Rule 560-2-5-05 of the Georgia Department of Revenue, Alcohol and Tobacco Division, and is subject to license revocation for violation thereof.

- (e) Said tasting room license need only be applied for once and shall automatically renew when said wine center license is renewed, provided, however, that the city may revoke or suspend such tasting room license and/or impose such conditions on its operation at the city's discretion for violations of this code or in furtherance of the health, safety, and welfare of the city's inhabitants.

(Ord. of 4-19-2010)

Sec. 6-333. - Use of tags or labels to indicate prices.

The prices of all wine exposed or offered for sale shall be indicated plainly by tags or labels on the bottles or containers or on the shelf immediately below where the bottles or containers are placed.

(Ord. of 4-19-2010)

Sec. 6-334. - Hours and days of sale.

- (a) Beer and wine shall not be sold for consumption on the premises except between the hours of 9:00 a.m. until 12:00 midnight Monday through Saturday.
- (1) As provided in section 516 of the Grayson Zoning Ordinance of 2005, no business shall be open between the hours of 12:00 midnight and 5:00 a.m. In order to serve beer and wine for consumption on the premises between the hours of 12:00 midnight and 1:55 a.m. Tuesday through Sunday, the licensee shall meet the requirements of section 516 of the Grayson Zoning Ordinance of 2005 and shall obtain a special use permit in accordance with section 1807 of the Grayson Zoning Ordinance of 2005.
- (b) Retail packages of wine shall not be sold except between the hours of 7:00 a.m. until 12:00 midnight Monday through Saturday and 12:30 p.m. until 11:30 p.m. on Sunday.
- (c) Retail packages of wine shall not be sold at any time in violation of state law, local ordinance or regulation, or special order of the governing authority.
- (d) The sale of beer and wine for consumption on the premises is permitted on Sundays from 11:00 a.m. until 12:00 midnight in any licensed wine center which derives a minimum of 60 percent of its total annual gross sales from the sale of prepared meals or food.
- (e) Beer and wine may be sold for consumption on the premises from 12:00 midnight to 1:55 a.m. on Monday which is New Year's Day, January 1, of any year, if granted a special use permit as required by subsection (a) above.

(Ord. of 11-06-2018, § 4)

Editor's note— Ord. of November 6, 2018, repealed the former § 6-334, and enacted a new § 6-334 as set out herein. The former § 6-334 pertained to similar subject matter and derived from Ord. of Ord. of 4-19-2010 and Ord of 8-15-2011, § 2.

Sec. 6-335. - Prohibition on package sales.

- (a) A wine center shall not sell wine by the package for carryout purposes at any time when the sale of

package wine is otherwise prohibited by law.

- (b) A wine center shall not sell wine by the package for carryout purposes at any location which is within distances to grounds or buildings where the sale of package wine for carryout purposes is otherwise prohibited by law.

(Ord. of 4-19-2010; Ord. of 8-15-2011, § 3)

Sec. 6-336. - License, administrative, and investigative fee.

Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee established in section 6-10, together with a separate check or cash in the amount of \$500.00 to defray investigative and administrative costs. If the application is denied and the license refused, or if the applicant withdraws the application prior to its being issued, the license fee shall be refunded; but the \$500.00 cost paid for investigation shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fees shall be the largest of the Investigative and administrative fees authorized under this code. Any applicant for a license under this article who is in existence at the time of making the new application and has an existing valid license under this chapter shall pay no investigative and administrative costs.

(Ord. of 4-19-2010)

Sec. 6-337. - Applicability of other articles of this chapter.

All sections included in articles I, V, and IX of this chapter shall apply to the licenses and authorizations granted by this article. Any inconsistencies between the sections included in this article and articles I, V, and IX of this chapter shall be resolved by the language of this article taking precedence over the language of articles I, V, and IX.

(Ord. of 4-19-2010)

Secs. 6-338—6-350. - Reserved.

ARTICLE XII. - PACKAGE DISTILLED SPIRITS LICENSING AND REGULATIONS

Sec. 6-351. - License for retail sale of package distilled spirits.

In addition to the requirements of this chapter, a license for the retail sale of package distilled spirits upon the terms and conditions provided in this chapter shall be granted by the city council and evidenced by a written approval executed by the majority of the members of the city council. Upon the compliance with the foregoing provision and at the direction of the city council, the city administrator shall issue a license.

(Ord. of 11-21-2011)

Sec. 6-352. - Location of retail establishment.

No distilled spirits shall be sold at retail except in establishments located in the following zoning classification: Light industry (M-1).

(Ord. of 11-21-2011)

Sec. 6-353. - Package store limit.

- (a) At no time shall the number of licenses issued by the city permitting the retail sale of package distilled spirits within the city limits of the city exceed the number found as a result of dividing the total population of the city, as found in the most recent population estimates published by the United States Bureau of the Census, by the whole number 10,000.
- (b) If the number resulting from the division required by subsection (a) above is a number other than a whole number (for example 1.75) then said number will be adjusted downward to the next whole number where it will remain until the population increases to such an extent which would cause said number to equal or exceed the next higher whole number. Notwithstanding the foregoing, the number of licenses permitted by this section shall never be less than one.
- (c) The language contained in subsections (a) and (b) of this section can be expressed in the mathematical formula, as follows:
$$Y \div 10,000 = X.$$

Y is the total population (as defined in subsection (a) above) of the City of Grayson. X is the total number of licenses that can be issued (this number, if not whole, is adjusted downward in accordance with subsection (b) above).

(Ord. of 11-21-2011)

Sec. 6-354. - Both retail sale of package malt beverages and wine and package distilled spirits.

For licensees who wish to operate a business which conducts both the retail sale of package distilled spirits and the retail sale of package malt beverages and wine, in the case of conflict, the provisions of this article regulating the retail sale of package distilled spirits shall prevail, and compliance with those provisions, rather than the provisions applicable to the license permitting the retail sale of package malt beverages and wine, is required.

(Ord. of 11-21-2011)

Sec. 6-355. - License, administrative, and investigative fee.

Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee established in section 6-10, together with a separate check or cash in the amount of \$500.00 to defray investigative and administrative costs. If the application is denied and the license refused, or if the applicant withdraws the application prior to its being issued, the license fee shall be refunded; but the \$500.00 cost paid for investigation shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fees shall be the largest of the investigative and administrative fees authorized under this code. Any applicant for a license under this article who is in existence at the time of making the new application and has an existing valid license under this chapter shall pay no investigative and administrative costs.

(Ord. of 11-21-2011)

Sec. 6-356. - Hours of sale.

- (a) Retail package licensees shall not engage in the sale of distilled spirits except between the hours of 9:00 a.m. to 12:00 midnight Monday through Saturday and 12:30 p.m. until 11:30 p.m. on Sunday. The hours within which may be carried on shall be determined by the standard time in force at the time of the sale thereof.
- (b) Retail package distilled spirits shall not be sold at any time in violation of state law, local ordinance or regulation, or special order of the governing authority.

(Ord. of 11-21-2011; Ord. of 9-17-2012)

Sec. 6-357. - Consumption prohibited.

It shall be unlawful for any person to consume any alcoholic beverage on a premises licensed for the sale of package distilled spirits. For the purpose of this section "premises" shall include the parking area immediately adjoining the premises licensed for the sale of package distilled spirits and available for the use of the customers of the licensed premises, whether or not the same are owned or leased by the licensed holder. It shall be unlawful for any licensee to permit the consumption of alcoholic beverages on said premises or to sell unsealed (broken) package distilled spirits. If such licensee shall also have a license to sell malt beverages or wine, it shall likewise be unlawful for any such items to be consumed on the premises or to sell unsealed (broken) malt beverages or wine.

(Ord. of 11-21-2011)

Sec. 6-358. - Use of tags or labels to indicate prices.

Retailers shall indicate plainly by tags or labels on the bottles or containers or on the shelf immediately below where the containers are placed the prices of all distilled spirits exposed or offered for sale.

(Ord. of 11-21-2011)

Sec. 6-359. - Window obstruction.

All glass surfaces forming the exterior walls of the premises shall remain unobstructed and shall provide a clear line of sight into the interior of the premises that is licensed to sell package distilled spirits and no signs, window coverings, or other material shall be placed on or within ten feet of any exterior glass surfaces, except as follows:

- (1) One sign, which may be illuminated, not to exceed 4.5 square feet in area; and
- (2) The sign permitted in paragraph (1) above and any additional signs on the property and premises shall also comply with all applicable provisions of article XIV of the Grayson Zoning Ordinance.

(Ord. of 11-21-2011)

Sec. 6-360. - Excise taxes.

- (a) In addition to all other taxes or license fees heretofore or hereafter imposed upon retailers, dealers, or wholesalers engaged in the city and the business of selling distilled spirits, there is imposed and levied upon all here and after described retailers, dealers, or wholesalers within the city an excise tax to be computed and collected as hereinafter set forth. The taxes imposed by this section shall not be levied with respect to fortified wine.
- (b) There is levied an excise tax computed at the rate of \$0.22 per liter or \$0.0065 per ounce which shall be

paid to the governing authority on all distilled spirits sold by wholesalers to retailers in the city. Such tax shall be paid to the city administrator by the wholesale distributor on all distilled spirits sold to those licensed to sale package distilled spirits in the city as follows: Each wholesaler selling, shipping, or in any way delivering distilled spirits to any licensees hereunder shall collect the excise tax at the time of delivery and shall remit the same together with a summary of all deliveries to each licensee on or before the tenth day of the month following. Excise taxes received by the city administrator after the twentieth day of the month shall be charged a ten percent penalty. The \$0.22 per liter or \$0.0065 per ounce shall be prorated so that all containers of distilled spirits shall be taxed on the basis of \$0.22 per liter or \$0.0065 per ounce. It shall be unlawful and a violation of this section for any wholesaler to sell, ship, or deliver in any manner any distilled spirits to any retail dealer or licensee without collecting said tax. It shall be unlawful and a violation of this section for any retail dealer or licensee to possess, own, hold, store, display, or sell any distilled spirits on which such tax has not been paid. Wholesalers collecting the tax authorized herein shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if the amount is not delinquent at the time of payment. The rate of the deduction shall be at the same rate authorized for deductions from state tax under O.C.G.A. § 48-8-50, and any amendment thereto.

(Ord. of 11-21-2011)

Sec. 6-361. - Applicability of other articles of this chapter.

All sections included in articles I, V, and VIII of this chapter shall apply to the licenses and authorizations granted by this article. Any inconsistencies between the sections included in this article and articles I, V, and VIII of this chapter shall be resolved by the language of this article taking precedence over the language of articles I, V, and VIII.

(Ord. of 11-21-2011)

Sec. 6-362. - Wine/beer tasting license.

- (a) A wine/beer tasting license for purpose of this section shall be limited to entities possessing a duly issued and valid retail wine license, retail beer license or both. Those entities shall be eligible to apply for a wine/beer tasting license to provide samples of wine and/or beer offered for sale at retail in the establishment to customers under the conditions set forth in this section. A license may only be granted for the specific type or types of sample (wine only, beer only, wine and beer) for which the applicant holds a valid retail license from the city.
- (b) No wine and/or beer tasting shall be conducted at any location where distilled spirits are sold by the package. Any wine and/or beer tasting occurring on the premises of a business possessing a retail wine license or retail beer license shall be limited to a confined area with single means of ingress and egress into such area. The applicant's proposed measures to segregate the wine/beer tasting area along with proposed staffing and oversight shall be submitted to and approved by the city clerk.
- (c) An eligible licensee may petition the city for a wine/beer tasting license provided it meets all present requirements of the city's alcohol beverage ordinance and presently maintains a valid retail wine license or retail beer license or both. A wine/beer tasting license shall allow the license holder to offer or sell wine and/or beer samples only if offered or sold in connection with an instructional or educational promotion.

- (d) A wine/beer tasting license is intended to allow such activity on a limited basis and shall not be part of the operations of such establishment or occur on a daily basis. A wine/beer tasting license shall be subjected to laws, rules and regulations of the city and state, including wine tasting rules of the Georgia Department of Revenue and is subject to license revocation for violation thereof.
- (e) Samples shall not exceed two ounces and no customer shall consume more than eight ounces in any two-hour period.
- (f) The appreciation and education classes shall not exceed two consecutive hours. All conditions of sampling set forth in this section shall apply to such classes.
- (g) Wine and beer bottles shall be opened by the licensee or an employee only, and samples shall be poured only by the licensee or an employee.
- (h) No open containers of wine or beer shall be removed from the licensed premises.
- (i) Such sampling and tasting is permitted within the enclosed and separate portion of the premises only.
- (j) The annual fee for a wine/beer tasting license shall be \$200.00. Said tasting license need only be applied for once and shall automatically renew when said retail wine license or retail beer license is renewed, provided, however, that the city may revoke or suspend such tasting license and/or impose such conditions on its operation at the city's discretion for violations of this Code or in furtherance of the health, safety, and welfare of the city's inhabitants.
- (k) Wine and beer tastings on Sundays are prohibited.

(Ord. of 4-20-2015(1))

Secs. 6-363—6-380. - Reserved.

ARTICLE XIII. - CATERER

Sec. 6-381. - Alcoholic beverages caterer permit.

- (a) Licenses may be obtained for the purpose of selling or dispensing alcoholic beverages by the drink on premises at which authorized catered functions are to be held.
 - (1) Such licenses may be obtained only by those persons, firms, or corporations with a valid local beverage alcohol license and a valid state retail dealer license.
 - (2) Such licenses shall only authorize the caterer to sell those alcoholic beverages for which he/she is licensed.
 - (3) Such licenses shall only be valid for the specific event, date, time and location stated on the permit issued in accordance with this article.
 - (4) It shall be unlawful for any person to engage in, carry on, or conduct the sale or distribution of alcoholic beverages off-premises and in connection with a catered event or function without first obtaining a permit as provided in this article.
- (b) Before a licensed alcoholic beverage caterer may sell or dispense alcoholic beverages at any authorized catered function, such caterer shall obtain a permit from the city administrator or designee at least ten business days prior to the event.

- (1) The application for a permit shall include the name of the alcoholic beverage caterer; the caterer's license date, address, time and name of the event; and the quantity and type of alcoholic beverages to be transported from the licensee's primary location to the location of the authorized catered event.
 - (2) No permit fee shall be charged for a caterer's license if the applicant has a current, valid alcohol license issued by the city.
 - (3) For caterers licensed by jurisdictions other than the city, a permit fee of \$50.00 per event shall be charged.
 - (4) The permit shall be good only for the specific event at the specific address, date and times set forth in the application.
 - (5) As a condition of the permit, alcoholic beverage caterers licensed by jurisdictions other than the city shall be provided a copy of the city's alcoholic beverages ordinances and acknowledge the applicability of such ordinances to their operations.
 - (6) The permit and a copy of the state license shall be kept in the vehicle used to transport alcoholic beverages to the event at all times during which the permit is in effect.
 - (7) Caterers licensed by the city or any other jurisdiction shall maintain records of alcoholic beverages transported for each event as may be required by state law.
- (c) The hours and days of sale or distribution of alcoholic beverages under this section shall be the same as section 6-73 of this chapter.
- (d) Excise taxes are imposed upon the sale of alcoholic beverages in the amounts set forth in article VII and section 6-360 of this chapter.
- (e) No licensed alcoholic beverage caterer shall employ any person under 21 years of age to dispense, serve, sell or handle alcoholic beverages at authorized catered functions.
- (f) Except as set forth above in the section, an alcohol beverages caterer permit holder must comply with all other provisions set forth in this chapter.

(Ord. of 3-16-2015(1))

Secs. 6-382—6-400, - Reserved.

ARTICLE XIV. - MANUFACTURING OF BEER WINE AND DISTILLED SPIRITS

Sec. 6-401. - Brewer/brewery.

- (a) A brewer licensed under this article shall be permitted to manufacture beer and malt beverages with the right to sell the product of the brewer for resale within and outside of the limits of the State of Georgia.
- (b) The right to sell the manufactured product of the brewer for resale within the city and the State of Georgia may be revoked separately from the right to manufacture and sell the product for resale outside of this state.
- (c) In accordance with Georgia law, a licensed brewer may sell up to 3,000 barrels of malt beverages per year produced at the brewer's licensed premises to individuals who are present on such premises for:
 - (1) Consumption on the premises; and

- (2) Consumption off the premises, provided that such sales for consumption off the premises shall not exceed a maximum of 288 ounces of malt beverages per consumer per day.
- (d) A licensed brewer shall be subject to the provisions related to hours and days of sale as set forth in Section 6-192 of this chapter based upon the category of activity being performed; (i.e. a brewer shall be governed by Section 6-73 when engaged in selling alcohol for consumption on the premises).
- (e) A licensed brewer shall submit excise taxes to the city on a monthly basis and comply with excise tax record keeping and reporting practices in accordance with O.C.G.A. §§ 3-5-24.1 and Section 6-360 of this chapter.
- (f) A licensed brewer shall abide by all federal, state and local law, regulation or rules. The failure to comport with such law, regulation or rules may serve as a basis for revocation of the license issued under this article.

(Ord. of 6-17-2019)

Sec. 6-402. - Brewpub licenses.

- (a) Brewpub is a restaurant in which beer or malt beverages are manufactured or brewed subject to state law barrel production limitations for retail sales directly to consumers. No person shall be permitted to own or operate a brewpub without first obtaining a brewpub license and a license authorizing consumption of alcohol on the premises from the city clerk pursuant to the same procedures as are set forth in [this chapter], and each brewpub license holder shall comply with all other applicable state and local license requirements.
- (b) A brewpub license authorizes the holder of such license to:
- (1) Manufacture on the licensed premises not more than 10,000 barrels of beer in a calendar year solely for retail sales directly to consumers;
 - (2) Operate a restaurant that shall be the sole retail outlet for such beer. Such outlet may offer for sale any other alcoholic beverages produced by other manufacturers which are separately authorized for consumption on the premises by this article, including wine, distilled spirits, and malt beverages, provided that such alcoholic beverages are purchased from a licensed wholesaler for consumption on the premises only; and, provided, further, that in addition to draft beer manufactured on the premises, each brewpub licensee shall offer for sale commercially available canned or bottled malt beverages from licensed wholesalers for consumption on the premises only;
 - (3) Notwithstanding any other provision of this section, sell up to a maximum of 5,000 barrels annually of such beer to licensed wholesale dealers for distribution to retailers and retail consumption dealers;
 - (4) Notwithstanding any other provision in this chapter, sell growlers of malt beverages manufactured on the licensed premises directly to consumers; and
 - (5) Notwithstanding any other provision in this chapter, neither barrels of beer sold to licensed wholesaler dealers, as authorized pursuant to O.C.G.A. § 3-5-36(2)(D), or growler sales shall be used when determining the total annual gross food and beverage sales.
- (c) Possession of a brewpub license shall not prevent the holder of such license from obtaining another license authorized under Section 6-72 for consumption on the premises) for the same premises.

- (d) A brewpub licensee shall pay all state and local license fees and excise taxes applicable to individuals license manufacturers, retailers, and, where applicable, wholesalers.
- (e) A brewpub licensee shall measure all beer manufactured on the premises and otherwise comply with applicable regulations respecting excise and enforcement tax determination of such beer as required. There is hereby levied an excise tax on all beer and malt beverage produced by a brewpub as set forth in Section 6-222 of this chapter.
- (f) Except as set forth above in this section, a brewpub license holder shall be subject to all provisions of this article.

(Ord. of 6-17-2019)

Sec. 6-403. - Distilleries.

- (a) A distiller shall be permitted to manufacture distilled spirits with the right to sell the product of the distiller for resale within and outside of the limits of the State of Georgia.
- (b) A licensed distiller may sell up to 500 barrels of distilled spirits per year produced at the distiller's licensed premises to individuals who are present on such premises for consumption on the premises.
- (c) A licensed distiller shall be subject to the provisions related to hours and days of sale as set forth in Section 6-356 of this chapter.
- (d) A licensed distiller shall submit excise taxes to the city on a monthly basis in accordance with O.C.G.A. §§ 3-4-24.2 and 3-4-61 and Section 6-360 of this chapter.
- (e) A licensed distiller shall abide by all federal, state and local laws, regulations or rules. The failure to comport with such laws, regulations or rules may serve as a basis for revocation of the license issued by the city.

(Ord. of 6-17-2019)

Sec. 6-404. - Wineries.

- (a) A vintner shall be permitted to manufacture wine with the right to sell the product of the vintner for resale within and outside of the limits of the State of Georgia.
- (b) A licensed vintner may sell up to 500 barrels of wine per year produced at the vintner's licensed premises to individuals who are present on such premises for consumption on the premises.
- (c) A licensed vintner shall be subject to the provisions related to hours and days of sale as set forth in Section 6-334 of this chapter.
- (d) A licensed vintner shall submit excise taxes to the city on a monthly basis in accordance with O.C.G.A. §§ 3-6-50 and 3-6-60 and Section 6-222 of this chapter.
- (e) A licensed vintner shall abide by all federal, state and local laws, regulations or rules. The failure to comport with such laws, regulations or rules may serve as a basis for revocation of the license issued by the city.

(Ord. of 6-17-2019)