

**MINUTES**  
**CITY COUNCIL REGULAR MEETING**  
**G.L. Gilleland Council Chambers on 2<sup>nd</sup> Floor**  
**Monday, October 7, 2019**  
**5:30 P.M.**

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1. **CALL TO ORDER:** Mayor Mike Eason called the meeting to order at 5:30 pm.
2. **ROLL CALL:** Present were Councilmember Jason Power, Councilmember Mark French, Councilmember Caleb Phillips, City Attorney Kevin Tallant, Assistant City Attorney Alex Myers, City Manager Bob Bolz, City Clerk Beverly Banister, Public Works Director Trampas Hansard, Planning Director Robbie Irvin, and Human Resource Manager Donna Blanton. Councilmember Stephen Tolson was absent.
3. **INVOCATION AND PLEDGE:** Invocation and Pledge were led by Councilmember Jason Power.
4. **ANNOUNCEMENTS:** Mayor Eason announced Customer Appreciation Week is taking place this week, October 7<sup>th</sup> – October 11<sup>th</sup> with prizes and food throughout the week. He also announced the next Food Truck night will be on Friday, November 1, 2019.
5. **APPROVAL OF THE AGENDA:** Motion to amend the agenda by adding item #15 Bond Redemption Resolution made by C. Phillips; second by M. French. Vote carried unanimously in favor.  
  
Motion to approve the agenda as amended made by J. Power; second by M. French. Vote carried unanimously in favor.
6. **PUBLIC INPUT:**
  - Cheryl Wood, Po Box 81 Dahlenega, GA – She stated she owns the Dawsonville Distillery and wanted to thank the Council for working with her and for the communication.
7. **CONSENT AGENDA:** Motion to approve the consent agenda for the following items (a) made by C. Phillips; second by J. Power. Vote carried unanimously in favor.
  - a. Approve Minutes
    - Work Session and Regular Meeting held September 23, 2019
8. **ANX-C2000024 and ZA-C2000024:** The City of Dawsonville has petitioned to annex into the city limits of Dawsonville the property known as TMP 080 036 003, located at 1000 Cleve Wright Road and consisting of 32.68 acres, with a request to rezone from County Zoning of RA (Residential Exurban/Agricultural)) to City Zoning of INST (Institutional). Public Hearing Dates: Planning Commission on September 16, 2019 and City Council on September 23, 2019. City Council for a decision on October 7, 2019.  
  
Planning Director Irvin read the annexation and zoning request. Motion to approve the annexation and zoning request as presented made by J. Power; second by M. French. Vote carried unanimously in favor.
9. An Ordinance To Amend The Alcohol Ordinances Of The City By Repealing The Existing Chapter Three-Alcoholic Beverages Of The Code Of The City Of Dawsonville In Its Entirety And Enacting A New Chapter Three-Alcoholic Beverages; And For Other Purposes. (First Reading: September 23, 2019; Second Reading and Adoption: October 7, 2019)  
  
Attorney Myers presented and read the second reading of the ordinance amendment. Motion to approve the ordinance as presented made by C. Phillips; second by J. Power. Councilmember French cited several sections of the ordinance in which he felt were in conflict with each other and other sections which he opposed and felt needed to be changed. Councilmember Phillips stated he'd prefer to pass the ordinance as submitted and consider these changes at a later date when there was sufficient time to research the information. Vote carried two in favor (Phillips and Power) with one opposed (French). (Exhibit "A")
10. An Ordinance To Amend Section 2-110 To Provide For Proper References To Chapter Three; To Provide New Fees For Various Alcoholic Beverage Licenses And Permits; To Correct The Fee Associated With Insurers To Comply With State Law; And For Other Purposes. (First Reading: September 23, 2019; Second Reading and Adoption: October 7, 2019)

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Attorney Myers presented and read the second reading of the ordinance amendment. Motion to approve the ordinance as submitted made by J. Power; second by C. Phillips. Vote carried unanimously in favor. (Exhibit "B")

- 11. DESIGN GUIDELINE COMMITTEE APPOINTMENT(S):** Motion to appoint Tasha Howell, from the DDA, and Linda Hudson, a city business owner, to the Design Guideline Committee made by C. Phillips; second by J. Power. Vote carried unanimously in favor.
- 12. SOLID WASTE COLLECTION SERVICE CHARGE:** Motion to set the 2020 Solid Waste Service Charge at \$15.50 (baseline plus administrative and capital costs) per can, per month made by C. Phillips; second by J. Power. Vote carried two in favor (Phillips, Power) with one opposed (French).
- 13. MAIN STREET PARK RESTROOM BID RECOMMENDATION:** City Manager Bolz recommended selection of the lowest bid with the anticipation of change orders to reduce the cost. Motion to approve Everlast Construction in the amount of \$550,259.69 to be paid out of general fund reserves and to be paid back by SPLOST VI if funds become available made by C. Phillips; second by J. Power. Vote carried unanimously in favor.
- 14. PERMIT WAIVER:** Motion to waive the city fees of \$800 for a new development permit for Elliott Field, parcel #069-006 made by J. Power; second by C. Phillips. Vote carried unanimously in favor.
- 15. BOND REDEMPTION RESOLUTION:** Motion to approve the bond redemption resolution made by M. French; second by J. Power. Vote carried unanimously in favor. (Exhibit "C")

**ADJOURNMENT:**

At 6:00 p.m. a motion to adjourn the meeting was made by C. Phillips; second by J. Power. Vote carried unanimously in favor.

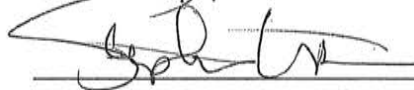
By: CITY OF DAWSONVILLE



Mike Eason, Mayor



Caleb Phillips, Councilmember Post 1



Stephen Tolson, Councilmember Post 2

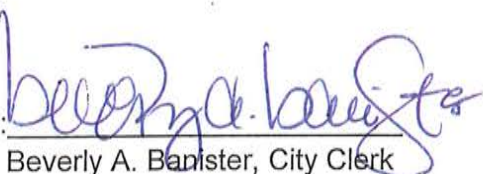


Jason Power, Councilmember Post 3



Mark French, Councilmember Post 4

Attested:



Beverly A. Banister, City Clerk

First Reading: 09/23/2019

Second Reading: 10/07/2019

Passed: 10/07/2019

**AN ORDINANCE TO AMEND THE ALCOHOL ORDINANCES OF THE CITY BY REPEALING THE EXISTING CHAPTER THREE-ALCOHOLIC BEVERAGES OF THE CODE OF THE CITY OF DAWSONVILLE IN ITS ENTIRETY AND ENACTING A NEW CHAPTER THREE-ALCOHOLIC BEVERAGES; AND FOR OTHER PURPOSES.**

WHEREAS, the Mayor and City Council of the City of Dawsonville find that the adoption of a revised alcohol ordinance that is consistent with other current ordinances and the needs of the City to be in the best interest of the citizens of the City of Dawsonville;

WHEREAS, the revision of the alcohol ordinance will streamline and make more effective the operation of the government of the City of Dawsonville; and

WHEREAS, the Mayor and City Council desire to adopt such alcohol ordinance amendment.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF DAWSONVILLE HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.**

Chapter 3 of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing existing Chapter 3 and replacing it in its entirety with a new Chapter 3 as follows:

**CHAPTER 3 – ALCOHOLIC BEVERAGES**

**ARTICLE I. – IN GENERAL**

**DIVISION 1. – GENERAL**

**Sec. 3-1. – Definitions.**

All words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Whenever a definition includes, or looks to, a federal, state, or local law for any portion of its definition or meaning, and said law is hereafter amended, the federal, state, or local law, as amended, shall control. All words, terms, and phrases, when not defined by this section shall have the common meaning attributed to them. The following words, terms, and phrases shall be defined as follows:

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

*Alcoholic beverage.* Includes all alcohol, distilled spirits, beer, malt beverage, wine, mead, or fortified wine as defined in this section.



*Art shop.* A retail business devoted exclusively to providing art education that is limited to instruction in painting, sculpture, and similar crafts, or to selling and displaying portraits, paintings, sculptures, art supplies, and similar art work and crafts. An art shop shall not allow activities that would cause the business to be an "adult entertainment business" as defined in this Code.

*Authorized catered function.* An event at a location not otherwise licensed for consumption of alcoholic beverages by the drink at which alcoholic beverages are furnished, for consideration, and sold, dispensed, or provided free of charge to persons present at the event, by the drink, pursuant to a permit obtained under this Chapter.

*Adult entertainment business.* A business as defined in Chapter 8 of the City Code that provides adult entertainment or sells adult novelties or devices that are primarily oriented toward sex.

*Beer and/or Wine Amenity permit.* A permit issued which allows a licensee to provide, free of charge, beer and/or wine to customers as an act of hospitality where the primary purpose and business of the licensee is to provide goods or services other than beer and/or wine. A beer and/or wine amenity permit may not be issued to an eating establishment or an adult entertainment business.

*Beer or malt beverage.* Any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other product, or any combination of such products in water containing not more than ten (10) percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer, and strong beer. 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 (3) percent, but more than point one (0.1) percent alcohol by volume. The term "malt beverage" does not include sake, otherwise known as Japanese rice wine.

*Brewery.* A facility that manufactures beer or malt beverages.

*Brewpub.* An eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-33, and sold at retail in coordination with the eating establishment for on-premises consumption in draft form, as well as in closed packages for off-premises consumption.

*Brown bagging.* The practice of customers, patrons, or guests bringing alcoholic beverages into an establishment that is open to the public; a practice more commonly referred to as "bring your own bottle." This practice is prohibited in the city except in the case of art shops that are licensed under this Chapter, which may allow customers to bring in wine and/or beer subject to the specific provisions governing the operation of an art shop.

*Church building.* The main structure used by any religiously affiliated organization for purposes of worship.

*City Special Event.* A City-sponsored event that is approved and/or sanctioned by the city, occurring on city or public property, or in which the city's personnel oversees such event.

*City Manager.* The City Manager of the City of Dawsonville or his/her designee.

*Cocktail Room.* A room or establishment operated by a licensed distilled spirits manufacturer where distilled spirits manufactured on the premises are served by the drink.

*Distilled spirits.* Any alcoholic beverage obtained by distillation or containing more than twenty-four (24) percent alcohol by volume including, but not limited to, all fortified wines.

*Distillery.* A facility that manufactures distilled spirits.

*Eating establishment or restaurant.* Any public place, including a place available for rental by the public, selling prepared food for consumption by the public on the premises. An eating establishment shall derive at least fifty (50) percent of gross receipts annually from the sale of prepared meals or food.

*Farm Winery.* A type of winery as defined, and licensed with the state of Georgia, by O.C.G.A. § 3-6-21.1 *et seq.*

*Fixed salary.* The amount of compensation paid any member, officer, agent, or employee of a bona fide private club as may be fixed by its members at a prior annual meeting or by the governing body out of the general revenue of the club and shall not include 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 regulation, shall not be considered as profits from the sale of alcoholic beverages.

*Food caterer.* Any person who holds a valid occupational tax certificate and, for consideration, prepares food for consumption off the premises.

*Fortified wine.* Any alcoholic beverage containing more than twenty-one (21) percent alcohol by volume that is made from fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added. "Fortified wine" includes, but is not limited to, brandy.

*Full-service kitchen.* A full-service kitchen shall, at minimum, 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.

*Gender.* For convenience in construction, the masculine pronouns "he" or "his" may sometimes be used; however, such usage shall, where appropriate, imply the feminine gender and may be construed as "she," "her," or any other feminine usage as may be necessary.

*Governing authority.* Governing authority refers to the city council of Dawsonville, Georgia.

*Grocery store.* A retail establishment which has a total retail floor space of at least ten thousand (10,000) square feet of which at least eighty-five (85) percent is reserved for the sale of food and other nonalcoholic items, conducts all of its sales inside the building containing its retail floor space, and meets such other criteria as may be required by the local governing authority of the county or municipality.

*Growler.* The term growler shall mean a multiple serving glass, ceramic, or plastic bottle or container that is filled by a licensee or employee of a licensee with beer from a keg and securely sealed for off-premises consumption. Growlers may only be filled from kegs procured by the licensee from a duly licensed wholesaler.

*Hotel and motel.* Any structure or any portion of a structure, including any lodging house, rooming house, dormitory, Turkish bath, bachelor hotel, studio, hotel, motel, motor hotel, auto court, inn, public club or private club, containing guest rooms and which is occupied, or is intended or designed for occupancy by guests, whether rent is paid in money, goods, labor or otherwise. Such term does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention center or other buildings in which human beings are housed and detained under legal restraint. Said structure shall be kept, used, maintained, advertised, and held out to the public as a place where sleeping accommodations are offered for pay to travelers and guests, whether transient, permanent or residential. Such hotels shall have fifty (50) or more rooms used for the sleeping accommodations of such guest and one (1) or more public dining rooms that include a seating capacity of at least twenty (20) guests. The sleeping accommodations and dining rooms may be constructed in the same building or in separate buildings or structures used in connection therewith, which shall be considered to be on the same premises and part of the same operation. The hotel or motel has the privilege of granting franchises for the operation of an eating establishment in their premises and the holder of the franchise shall be included in the definition.

*Identification or proper identification.* 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 issued ID card. Said term shall not include a birth certificate.

*In-room service.* The provision of a cabinet or other facility located in a hotel-motel guestroom which contains alcoholic beverages and which is provided upon written request of the guest and which is accessible by lock and key only to the guest and for which the sale contained therein is final at the time requested.

*Indoor commercial recreational establishment.* An establishment that is limited to regularly serving prepared food, with a full-service kitchen, and deriving at least seventy (70) percent of its total annual gross sales from the sale of prepared meals or foods and recreation activities; and 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 is family oriented in nature, which attracts a range of individuals from all age groups. Uses include, but are not limited to, bowling centers, and other similar uses. Outdoor commercial recreation is not included in this definition, nor shall concession sales of alcoholic beverages be permitted. Bingo parlors, dance halls, night clubs, 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.

*Instruction.* Subjects commonly taught in the schools and colleges of this state.

*License and permit.* Authorization granted by the City to engage in conduct and/or activities authorized by this Chapter.

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

*Licensee.* A person, as defined herein, holding any class of license and/or permit issued under this Chapter. Additionally, the term *permittee* shall be synonymous and interchangeable with the term licensee.

*Liter.* A metric measurement currently used by the United States.

*Manager.* Any person who supervises the regular operations of a business, establishment, organization, or premises licensed under this chapter.

*Manufacturer.* Any maker, producer, or bottler of an alcoholic beverage. It shall include, but in no way be limited to, a brewer of beer or malt beverages or distiller of distilled spirits.

*Mobile food vendor.* A mobile seller of food that is lawfully located in a public place within the Town Center District and sells prepared food for consumption by the public where the food is prepared by one or more food trucks or similar mobile kitchen(s).

*Minor.* Any person or persons under the legal age for consumption or possession of alcoholic beverages as defined in O.C.G.A. § 3-3-23, and any subsequent amendment thereto.

*Outdoor dining area.* A space/area in which a licensee serves food and beverages as part of the operation of the licensed premises that is outside of the enclosed building structure and is open to the air and weather. Said term shall include, but in no way be limited to, a sidewalk café or patio.. An outdoor dining area must be located immediately adjacent to the licensed enclosed restaurant.

*Package.* A bottle, can, keg, barrel, box, or other original consumer container. Retail package alcoholic beverages shall include all alcoholic beverages in their original container, sold at retail to the final consumer, and not for resale.

*Package store.* A building within the city for which a license may be issued for the sale of packaged alcoholic beverages. A package store must be operated as a distinct business and cannot be operated in conjunction with or as a part of any other business, except as allowed by state law or this Chapter.

*Performance Facility.* A facility where the principal objective or business is the presentation of live music, mainline dramatic arts, plays, theatre productions, stand-up comedy, and/or similar ticketed events, except that no performance facility may feature, show, allow, promote, or advertise adult entertainment as defined and regulated in the Code of Dawsonville, Georgia, and by state law.

*Person or entity.* Any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, limited liability company, agency, syndicate, estate, trust, business trust, receiver, fiduciary, sole proprietorship, or other group or combination acting as a unit, whether such entity operates for profit or non-profit.

*Premises.* The space or area owned, leased, and/or controlled by a licensee and used for the purpose of operating under a license issued under this Chapter; except in the case of hotels and motels. A premise is further defined as one physically identifiable place of business consisting of one room, or two or more contiguous rooms operating under the same trade name. This would also include parking areas, outdoor eating areas, or patios. Any premises outlets which cannot be determined as one identifiable place of business shall require additional licenses regardless of such establishment having the same trade name, ownership, or management.

*Retail consumption dealer.* Any person who sells alcoholic beverages at retail for on-premises consumption to consumers and not for resale.

*Retail package dealer.* Any person who sells unbroken packages at retail only to consumers and not for resale.

*School building.* State, county, city or church school buildings. Said term shall include only those structures in which instruction is offered.

*Sports club.* 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.

*Structure.* An area that can be contained by a secured, contiguous structure, including walls, sturdy fencing, or other similar approved structures. Metal stakes or fence posts are not permitted to make a fence. The structure should be erected without driving stakes, poles, fence post, or any other object into the ground. The structure must be approved by the City Manager.

*Taproom.* A room or establishment operated by a licensed brewery where beer is served by the drink.

*Tasting room.* An outlet operated by a licensee for the instructional or educational promotion of wine and/or beer by providing complimentary samples or samples for sale to the public for the sale of retail inventory on hand.

*Town Center District.* That certain geographic area consisting of the City Hall complex and parking area and the City Farmer's Market and City Park located directly adjacent to City Hall. All property within the Town Center District is owned or leased by the city.

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

*Wine.* Any alcoholic beverage containing not more than twenty-four (24) percent alcohol by volume and is made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term wine shall also include mead. 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.

*Winery.* A facility that manufactures wine or mead.

### **Sec. 3-2. – Penalties.**

Any person who violates any provision(s) of this chapter may, upon conviction, be punished as provided by this Code, or as provided by state law.

### **Secs. 3-3–3-5. – Reserved.**



**DIVISION 2. – LICENSES AND PERMITS OFFERED; REGULATIONS FOR CERTAIN LICENSES AND PERMIT**

**3-6. – Types of licenses and permits offered.**

All licenses/permits are subject to the regulations of this Chapter and shall be issued by the City Manager or his/her designee unless specifically provided to the contrary. The fees for all licenses/permits are set forth in Section 2-110 of the City Code. The greater shall include the lesser: For example, a fee for a Distillery with Cocktail Room and Package Sales includes the right to manufacture distilled spirits and sell them both by the drink and by package as provided and regulated by this Chapter. The applicant in that example would not have to buy a license to manufacture, a license to sell by the drink and a license to sell by package because all three are included in the license fee for a Distillery with Cocktail Room and Package Sales. The following types of licenses may be applied for and obtained pursuant to this Chapter:

- (a) Manufacturing Licenses:
  - (1) Beer or Malt Beverage
  - (2) Wine
  - (3) Distilled Spirits
- (b) Wholesale Dealer Licenses:
  - (1) Beer or Wine
  - (2) Beer and Wine
  - (3) Distilled Spirits
  - (4) Beer, Wine, and Distilled Spirits
- (c) Retail Consumption Dealer:
  - (1) Beer or Wine
  - (2) Beer and Wine
  - (3) Distilled Spirits
  - (4) Beer, Wine, and Distilled Spirits
- (d) Retail Package Dealer:
  - (1) Beer or Wine
  - (2) Beer and Wine
  - (3) Distilled Spirits

- (4) Beer, Wine, and Distilled Spirits
- (5) Retail Package Dealer Wine and/or Beer Tasting Permit
- (e) Special Licenses/Permits:
  - (1) Brewpub License
  - (2) Brewery with Taproom and Package Sales
  - (3) Winery/Farm Winery with Tasting Room and Package Sales
  - (4) Distillery with Cocktail Room and Package Sales
  - (5) Alcoholic Beverage Caterer License
  - (6) Alcoholic Beverage Caterer Event Permit
  - (7) Art Shop Alcohol Permit
  - (8) Beer and/or Wine Amenity Permit
  - (9) Temporary On-Premises Consumption Permit
  - (10) Special Event Alcohol Permit
  - (11) Hotel-Motel In Room Service Permit
  - (12) Private Club Permit
  - (13) Sports Club Permit
  - (14) Indoor Commercial Recreational Establishment Permit
  - (15) Performance Facility
  - (16) Mobile Food Vendor Permit

**Sec. 3-7. – General licensing regulations.**

(a) All persons, business, organizations, or entities desiring to manufacture, wholesale, distribute, sell at retail, or dispense alcoholic beverages within the City shall first apply for the applicable licenses and/or permits required by this Division, prior to engaging in such activity.

(b) A person, business, organization, or entity shall be required to comply with any specific regulations regarding application and/or operation for a license/permit as provided in this Chapter.

(c) Unless otherwise specified within this Chapter, any licensee authorized to engage in manufacturing activities shall also be authorized to sell its products, as produced and/or manufactured on the licensed premises, to a wholesale dealer and/or distributor for resale.

(d) Unless otherwise specified within this Chapter, any licensee authorized to engage in wholesale activities shall be authorized to only sell alcoholic beverages, in closed packaged, to other wholesale dealers or to retail consumption dealers and/or retail package dealers for resale. Wholesale dealers shall not be authorized to sell alcoholic beverages directly to consumers.

(e) Unless otherwise specified within this Chapter:

(1) Any establishment and/or licensee which sells beer, wine, and/or distilled spirits for on-premises consumption must derive at least fifty (50) percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

(2) Any establishment and/or licensee which sells beer, wine, and/or distilled spirits for on-premises consumption must acquire, purchase, and/or obtain its products from a licensed and/or authorized wholesale dealer and/or distributor.

(f) Unless otherwise specified within this Chapter, any establishment and/or licensee which sells beer, wine, and/or distilled spirits in closed packages for off-premises consumption must acquire, purchase, and/or obtain its products from a licensed and/or authorized wholesale dealer and/or distributor.

### **Sec. 3-8. – Manufacturing license.**

(a) An individual or entity desiring to engage in the manufacture of alcoholic beverages shall, prior to engaging in such activities, apply for a license to manufacture:

(1) Beer or malt beverages

(2) Wine

(3) Distilled spirits

(b) A manufacturing licensee is authorized to engage in manufacturing activities to produce and/or manufacture beer, wine, or distilled spirits on its licensed premises.

(c) A manufacturing licensee is authorized to sell its products, produced or manufactured on its licensed premises, to a wholesale dealer and/or distributor for resale.

### **Sec. 3-9. – Wholesale dealer license.**

(a) An individual or entity desiring to engage in the wholesale distribution of alcoholic beverages within the City shall, prior to engaging in such activities, apply for a license to sell at wholesale:

(1) Beer or wine

- (2) Beer and wine
- (3) Distilled spirits
- (4) Beer, wine, and distilled spirits.

(b) Any person desiring to sell at wholesale any alcoholic beverages in the city shall be licensed by the state and maintain on file with the City Manger a copy of their current state wholesaler license.

(c) A wholesale dealer licensee is authorized to sell beer, wine, and/or distilled spirits in closed packages to other wholesale dealers, as well as retail consumption dealers and/or retail package dealers for resale.

(d) A wholesale dealer licensee shall not sell alcoholic beverage directly to consumers.

(e) Unless otherwise authorized and/or provided for in this Chapter, 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 sell at wholesale within the city limits.

(f) Unless otherwise authorized and/or provided for in this Chapter, no wholesaler shall sell any alcoholic beverage to any person other than a retailer licensed under this chapter.

(g) Unless otherwise authorized and/or provided for in this Chapter, all deliveries of alcoholic beverages to retail consumption dealers and/or retail package dealers within the City shall be delivered by a duly licensed wholesale dealer or distributor with the State of Georgia. The name of said wholesale dealer or distributor shall be clearly marked on the delivery vehicle transporting the alcoholic beverages for delivery.

(h) Licensees authorized to engage in the wholesale and/or distribution of alcoholic beverages within the City shall not engage in such conduct and/or activity except between 7:00 a.m. and 3:00 p.m., Mondays through Saturdays. There shall be no wholesale and/or distribution of alcoholic beverages on Sundays.

### **Sec. 3-10. – Retail consumption dealer license.**

(a) An individual or entity desiring to sell alcoholic beverages for on-premises consumption shall, prior to engaging in such activities, apply for a license to sell, for on-premises consumption:

- (1) Beer or wine
- (2) Beer and wine
- (3) Distilled spirits
- (4) Beer, wine, and distilled spirits

(b) Unless otherwise specified in this Chapter, a retail consumption dealer licensee is authorized to sell alcoholic beverages purchased from an authorized wholesale dealer and/or distributor for final sale directly to consumers for on-premises consumption.

(c) Alcoholic beverages for on-premise consumption shall only be sold from 12:30 p.m. until 11:30 p.m. on Sundays and 11:00 a.m. until 11:30 p.m. on the other days of the week.

**Sec. 3-11. – Retail package dealer license.**

(a) An individual or entity desiring to sell alcoholic beverages in closed packages for off-premises consumption shall, prior to engaging in such activities, apply for a license to sell, for off-premises consumption:

- (1) Beer or wine
- (2) Beer and wine
- (3) Distilled spirits
- (4) Beer, wine, and distilled spirits

(b) Unless otherwise specified in this Chapter, a retail package dealer licensee is authorized to sell alcoholic beverages purchased from an authorized wholesale dealer and/or distributor for final sale directly to consumers for on-premises consumption.

(c) Unless otherwise provided for in this Chapter, the retail sale of alcoholic beverages in closed packages directly to consumers shall only occur between the hours of 7:00 a.m. and 11:30 p.m., Mondays through Saturdays, and 12:30 p.m. and 11:30 p.m. on Sundays. Notwithstanding the previous, the retail sale of alcoholic beverages in closed packages directly to consumers shall not occur at any time in violation of any local ordinance or regulation, or any special order of the Mayor and City Council.

(d) Retail package dealer licensees shall indicate plainly, by tags or labels on alcohol containers or the shelf immediately below where such containers are placed, the prices of all beer, wine, and/or distilled spirits exposed and/or offered for sale.

(e) Retail package dealer licensees may sell alcoholic beverages in closed packages by single or group cans, bottles, or other container packages.

**Sec. 3-12. – Retail package dealer wine and/or tasting permit.**

(a) An entity possessing a duly issued retail package dealer license for off-premises consumption shall be eligible to apply for a wine and/or beer tasting permit.

(b) An eligible licensee may petition the city for a wine and/or beer tasting permit provided it meets all the applicable requirements in this Chapter and maintains a valid retail package dealer license.

(c) A tasting permit shall allow the license holder to offer or sell wine and/or beer samples in connection with an instructional or educational promotion.



(d) All tasting operations shall be conducted only during the normal business and operating hours of the licensee during which sale of alcoholic beverages is permitted.

(e) A tasting permit is intended to allow such activity on a limited basis and shall not be part of the core operations of such establishment or occur on a daily basis.

(f) Wine and/or beer tasting shall be limited to a confined, enclosed area with a single means of ingress and egress into such area. The applicant's proposed measures to segregate the wine and/or beer tasting area along with proposed staffing and oversight shall be submitted and approved by the City Manager.

(g) The tasting permit shall be renewed with the retail dealer license and shall be automatically renewed upon renewal of the permittee's retail dealer license and payment of the Package Dealer Wine/Beer Tasting permit annual fee as set forth in Section 2-110. Notwithstanding the previous, the City may revoke or suspend such tasting permit and/or impose such conditions on its operation at the city's discretion for violations of this Chapter or in furtherance of the health, safety, and welfare of the city's inhabitants. Any tasting permit that is not renewed at the time that the licensee's retail dealer license is also renewed shall expire at the end of said permit term. If a licensee wishes to renew or apply for a tasting permit after their retail dealer license has been renewed, the application for the tasting permit shall be treated as an initial tasting permit application, as if no prior tasting permit existed.

(h) All initial tasting permit applications shall be subject to an application administrative fee as set forth in Section 2-110.

### **Sec. 3-13. – Brewpub license.**

(a) Any person, business, or entity desiring to operate a brewpub within the City shall apply for a brewpub license prior to engaging in such activities.

(b) Unless otherwise provided in this Chapter, a licensee engaging in any manufacturing, wholesale, distribution, retail on-premises consumption sales, and/or retail package sales authorized by a brewpub license shall comply all regulations of the applicable general manufacturing, wholesale dealer, retail consumption dealer, and/or retail package dealer licenses provided for in this Article.

(c) A brewpub licensee is authorized to manufacture beer or malt beverages on the licensed premises and sell its products, as produced or manufactured on the licensed premises, at retail in an on-premises eating establishment for on-premises consumption, in accordance and compliance with state law.

(d) A brewpub licensee is authorized to sell at retail, for on-premises consumption, wine and other beer and/or malt beverages not produced or manufactured by the licensee pursuant to O.C.G.A. § 3-5-36, as now written or hereafter amended.

(e) A brewpub license shall not authorize a brewpub licensee to sell distilled spirits at retail for on-premises consumption. However, nothing in this section shall be interpreted or construed as prohibiting or precluding a brewpub licensee from applying for an additional alcohol license/permit authorizing such activity, provided that the grant of such license is in no way guaranteed.

(f) A brewpub licensee is authorized to sell its products, as produced or manufactured on the licensed premises, to wholesale dealers and/or distributors as authorized by state law and at retail in closed packages for off-premises consumption directly to consumers.

(g) A brewpub licensee is authorized to, and shall, operate an eating establishment on the licensed premises that is in compliance with all applicable state and local regulations.

**Sec. 3-14. – Brewery with taproom and package sales license.**

(a) Any person, business, or entity desiring to operate a brewery with taproom and package sales within the City shall apply for a brewery with taproom and package sales license prior to engaging in such activities.

(h) Unless otherwise provided in this Chapter, a brewery licensee engaging in any manufacturing, wholesale, distribution, retail on-premises consumption sales, and/or retail package sales authorized by a brewery with taproom and package sales license shall comply all regulations of the applicable general manufacturing, wholesale dealer, retail consumption dealer, and/or retail package dealer licenses provided for in this Article.

(b) A brewery licensee is authorized to manufacture beer or malt beverages on its licensed premises and sell its products, produced or manufactured by the licensee on the licensed premises, to wholesale dealers and/or distributors or at retail to individuals on the brewery's licensed premises for:

(1) On-premises consumption in a taproom or similar facility located on the licensed premises; and

(2) Off-premises consumption in closed packages, in compliance with O.C.G.A. § 3-5-1 *et seq.*, as now written or hereafter amended.

(c) Food sales or service is permitted in a brewery, but is not required. There is no requirement for minimum revenue for food sales or for an on-premises fixed or full-service kitchen.

(d) A brewery licensee is authorized to sell beer or malt beverages, as produced and/or manufactured by the licensee on the licensed premises, at retail for on-premises consumption on Friday, Saturday, and Sunday, along with Federal Holidays from 12:30 p.m. until 11:30 p.m. In addition, upon application and approval by the City Manager, a licensee may be authorized to sell beer or malt beverages, as produced and/or manufactured by the licensee on the licensed premises, at retail for on-premises consumption on other dates for special events, pursuant to a temporary on-premises consumption permit.

(e) Smoking of any type, including cigarettes, cigars, vaping, or similar, is prohibited within the premises of a brewery, including any exterior patio or similar.

(f) No gaming devices, including coin-operated amusement machines, as defined and regulated by the state law are permitted in breweries.

**Sec. 3-15. – Winery/farm winery with tasting room and package sales license.**

(a) Any person, business, or entity desiring to operate a winery/farm winery with tasting room and package sales within the City shall apply for a winery/farm winery with tasting room and package sales license prior to engaging in such activities.

(b) Unless otherwise provided in this Chapter, a winery/farm winery licensee engaging in any manufacturing, wholesale, distribution, retail on-premises consumption sales, and/or retail package sales authorized by a winery/farm winery with tasting room and package sales license shall comply all regulations of the applicable general manufacturing, wholesale dealer, retail consumption dealer, and/or retail package dealer licenses provided for in this Article.

(c) A winery/farm winery licensee is authorized to manufacture wine and/or mead on its licensed premises and sell its products, produced or manufactured by the licensee on the licensed premises, to wholesale dealers and/or distributors or at retail in closed packages for off-premises consumption directly to consumers, in compliance with state law.

(d) A winery/farm winery licensee is authorized to offer, for free, samples of its products, as produced and/or manufactured by the licensee on the licensed premises, to customers as a promotion for package sales. Samples shall be limited to one (1) ounce pours and shall be limited to no more than eight (8) pours per customer, per day. Samples shall only be offered during normal business and/or operating hours of the licensee during which the sale of alcoholic beverages is permitted.

(e) A winery/farm winery licensee is authorized to sell wine and/or mead, as produced and/or manufactured by the licensee on the licensed premises, at retail for on-premises consumption on Friday, Saturday, and Sunday, along with Federal Holidays from 12:30 p.m. until 11:30 p.m. In addition, upon application and approval by the City Manager, a winery/farm winery licensee may be authorized to sell wine and/or mead, as produced and/or manufactured by the licensee on the licensed premises, at retail for on-premises consumption on other dates for special events, pursuant to a temporary on-premises consumption permit.

(f) Smoking of any type, including cigarettes, cigars, vaping, or similar, is prohibited within the premises of a distillery, including any exterior patio or similar.

(g) No gaming devices, including coin-operated amusement machines, as defined and regulated by the state law are permitted in distilleries.

### **Sec. 3-16. – Distillery with cocktail room and package sales license.**

(a) Any person, business, or entity desiring to operate a distillery with cocktail room and package sales within the City shall apply for a distillery with cocktail room and package sales license prior to engaging in such activities.

(b) Unless otherwise provided in this Chapter, a distillery licensee engaging in any manufacturing, wholesale, distribution, retail on-premises consumption sales, and/or retail package sales authorized by a distillery with cocktail room and package sales license shall comply all regulations of the applicable general manufacturing, wholesale dealer, retail consumption dealer, and/or retail package dealer licenses provided for in this Article.

(c) A distillery licensee is authorized to manufacture distilled spirits on its licensed premises and sell its products, produced or manufactured by the licensee on the licensed premises, to wholesale dealers and/or distributors or at retail in closed packages for off-premises consumption directly to consumers, in compliance with state law.

(d) A distillery licensee is authorized to offer, for free, samples of its products, as produced and/or manufactured by the licensee on the licensed premises, to customers as a promotion for package sales. Samples shall be limited to one-half (1/2) ounce pours and shall be limited to no more than five (5) pours per customer, per day. Samples shall only be offered during normal business and/or operating hours of the licensee during which the sale of alcoholic beverages is permitted.

(e) A distillery licensee is authorized to sell distilled spirits, as produced and/or manufactured by the licensee on the licensed premises, at retail for on-premises consumption on Friday, Saturday, and Sunday, along with Federal Holidays from 12:30 p.m. until 11:30 p.m. In addition, upon application and approval by the Mayor and City Council, a distillery with cocktail room licensee may be authorized to sell distilled, as produced and/or manufactured by the licensee on the licensed premises, at retail for on-premises consumption on other dates for special events, pursuant to a Temporary On-premises Consumption Permit.

(f) Smoking of any type, including cigarettes, cigars, vaping, or similar, is prohibited within the premises of a distillery, including any exterior patio or similar.

(g) No gaming devices, including coin-operated amusement machines, as defined and regulated by the state law are permitted in distilleries.

### **Sec. 3-17. – Alcoholic beverage caterer license.**

A person, business, or entity desiring to operate as an alcohol beverage caterer within the City of Dawsonville to sell and/or dispense alcoholic beverages by the drink for on-premises consumption at location where authorized catered functions are to be held, shall, prior to engaging in such activity shall apply for an alcoholic beverage caterer license.

(a) Such licenses may be obtained only by those persons, businesses, or entities that hold and maintain a valid local and state alcohol license.

(b) If the person, business, or entity is a licensed alcohol beverage caterer by another jurisdiction, said person, business, or entity shall not be required to obtain an alcohol beverage caterer license from the City, provided that their activities within the City as an alcohol beverage caterer do not exceed three (3) events.

(c) An alcohol beverage caterer license shall only authorize the caterer to sell those alcoholic beverages for which he/she/it is otherwise licensed locally and through the state.

(d) All alcoholic beverages served by a licensed alcohol beverage caterer must be purchased from a licensed retail dealer located within the city limits in order to ensure that proper excise tax is paid.

### **Sec. 3-18. – Alcoholic beverage caterer event permit.**

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 Manager at least ten (10) business days prior to the event.

- (a) The application for a permit shall include the name of the alcoholic beverage caterer, the caterer's license number, and the date, address and time of the event.
- (b) A permit fee shall be charged as set in section 2-110. No investigative or administrative fee shall be charged for an event permit.
- (c) The permit shall be good for the specific event at the specific address and times set forth in the application.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) The hours and days of sale or distribution of alcoholic beverages under this section shall be the same as for retail sales of alcoholic beverages sold at retail for on-premises consumption.
- (h) No licensed alcoholic beverage caterer shall employ any person under twenty-one (21) years of age to dispense, serve, sell or handle alcoholic beverages at authorized catered functions.
- (i) Except as set forth above in the section, a permit holder must comply with all other provisions set forth in this chapter.

**Sec. 3-19. – Art shop alcohol permit.**

- (a) A person, business, or entity desiring to operate an art shop within the City of Dawsonville, and allow patrons to bring closed packages of wine and/or beer onto the licensed premises for the purpose of consuming said wine and/or beer on-premises, may apply for an art shop alcohol permit.
- (b) An art shop permitted under this section may allow customers to each bring in one container of wine or no more than three containers of beer in closed packages for the purpose of on-premises consumption.
- (c) The customers must pour out or otherwise dispose of any unconsumed wine and/or beer from the licensed premises before leaving the licensed premises.
- (d) The limited exception of brown-bagging wine and/or beer in an art shop shall be subject to all other provisions of this Chapter and state law, including, but not limited to, the



prohibition of consumption of alcohol by one who is under twenty-one (21) years of age or intoxicated.

- (e) An art shop may serve food provided it meets all federal, state and local requirements.
- (f) All art shop alcohol permit applications shall be subject to an application administrative fee as set forth in Section 2-110.

**Sec. 3-20. – Beer and/or wine amenity permit.**

- (a) A non-eating establishment that offers beer and/or wine as an act of hospitality, where it is clearly a secondary function of the business, shall be eligible to apply for a beer and/or wine amenity permit. Eating establishments and adult entertainment businesses shall not be eligible for a beer and/or wine amenity permit.
- (b) A beer and/or wine amenity permit shall allow the permit holder to offer beer and/or wine as an act of hospitality and shall not be part of the core operations of such establishments.
- (c) A beer and/or wine amenity permit may be renewed annually. Provided, however that the city may revoke or suspend such amenity permit and/or impose such conditions on its operation at the city's discretion for violations of this chapter or in furtherance of the health, safety, and welfare of the city's inhabitants.
- (d) All beer and/or wine amenity permit applications shall be subject to an application administrative fee as set forth in Section 2-110.

**Sec. 3-21. – Temporary on-premises consumption permit.**

- (a) Any person, organization, or entity, maintaining an alcohol beverage license in good standing with the state, may be issued a temporary permit to sell and/or dispense alcoholic beverages for a period not to exceed ten (10) days in any one (1) calendar year.
- (b) By way of example, the person, organization, or entity may submit one application for a ten-day event, or several applications that, in totality, do not exceed ten days.
- (c) Said permit shall not be subject to any investigative and administrative fee requirement.
- (d) Such persons, organizations, and/or entities will be required to comply with all ordinances and regulations of this Chapter, with the exception of the full-service kitchen requirement.
- (e) Any person, organization, or entity that is exempt for state licensure shall not be required to obtain and/or maintain a state license. Proof of said person's, organization's, or entity's status as exempt from state licensing requirements shall suffice.

**Sec. 3-22. – City Special Event alcohol permit**

Any person, business, organization, or entity maintaining an alcohol beverage license in good standing with the state may obtain a City Special Event permit to sell and dispense alcoholic beverages at a City Special Event under the following terms and conditions:

- (a) The applicant shall submit, as may be required by the City Manager, a plan or rendering which details operational matters.
- (b) The application for any City Special Event alcohol permit shall be reviewed and must be duly approved by the City Manager prior to issuance of said permit.
- (c) When safety consideration and/or effective traffic circulation issues exist, it may be deemed necessary by the city to require enclosed structures providing restricted public ingress/egress.
- (d) Upon request by the applicant and specific approval by the City Council, alcoholic beverages may be sold by licensed establishments during permitted City Special Events and taken outside of normal dining areas into the Town Center District.
- (e) The possession of any open glass container for the consumption of any beverage is prohibited during a City Special Event
- (f) The City Manager shall be authorized to suspend or terminate a City Special Event Permit or any alcohol sales at any time, if he/she determines that it is necessary for the health, safety and welfare of the residents of the city.
- (g) Notwithstanding the provisions of this section, nothing in this section shall relieve applicants from complying with all other provisions of this chapter and state law.
- (h) Said permit shall not be subject to any investigative and administrative fee requirement.
- (i) Any person, organization, or entity that is exempt for state licensure shall not be required to obtain and/or maintain a state license. Proof of said person's, organization's, or entity's status as exempt from state licensing requirements shall suffice.

**Secs. 3-23—3-29. – Reserved.**

**DIVISION 3. – APPLIATION AND OPERATION REGULATIONS FOR CERTAIN ESTABLISHMENT TYPES**

**Sec. 3-30. – Purpose of division**

- (a) The purpose of this Division is to provide regulations for the application for a license/permit under this Chapter or for the operation of a business pursuant to a license/permit issued under this Chapter for particular establishment and/or business types.
- (b) This Division in no way creates any additional license/permit that a person, business, organization, or entity may apply for.
- (c) All establishments falling under this Division must apply for and be issued the appropriate license/permit under Division 2 of this Article prior to engaging in the conduct desired.

(d) If there is a conflict between the regulations of this Division or any other provision of this Chapter, the regulations of this Division shall control.

**Sec. 3-31. – Hotel-motel In-room Service.**

(a) Hotel-motel in-room alcohol service shall require a permit and be limited to beer and/or wine from a cabinet or refrigerator.

(b) The sale of beer and/or wine 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 section.

(c) No minimum food sales requirement is associated with beer and wine provided by an in-room service cabinet or refrigerator.

**Sec. 3-32. – Private Clubs.**

(a) Any association organized under the laws of this state which:

(1) Has been in existence at least six (6) months 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:

(i) Suitable full-service kitchen and dining room space and equipment as approved by the Dawson County Environmental Health Department with adequate water and sewer/septic service;

(ii) A sufficient number of employees for cooking, preparing and serving meals for its members and guests; and

(iii) 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.

(b) In order to serve alcoholic beverages, private clubs must apply for and obtain a Private Club Permit.

(c) Private clubs shall sell food prepared on the premises. 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 the permit fee and sales and excise taxes that are required.

(d) 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 be considered and regulated as a private club, but 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 of this Chapter applicable to general licensing requirements and the provisions of this section.

**Sec. 3-33. – Sports Clubs.**

(a) To qualify for a Sports Club Permit, a sports club must have been actively in operation within the city at least six (6) months prior to an application for license under this Chapter. However, the six-month operational requirement shall not apply to golf club associations or golf club corporations where the selling and/or serving of alcoholic beverages is to take place on the golf course premises.

(b) A sports club organized or operated primarily for serving of alcoholic beverages shall not qualify for licensing under this chapter, and accordingly shall not be permitted to serve alcoholic beverages at any time.

(c) In order to serve alcoholic beverages, a sports clubs must apply for and obtain a Sports Club Permit. Unless otherwise indicated, a sports club shall comply with all other requirements imposed upon retail consumption dealers.

(d) Sports clubs shall sell food on the premises prepared in a full-service kitchen and have dining room space and equipment as approved by the Dawson County Environmental Health Department with adequate water and sewer/septic service.

**Sec. 3-34. – Indoor Commercial Recreational Establishment.**

(a) In order to qualify for an Indoor Commercial Recreational Establishment Permit, the establishment must sell food on the premises prepared in a full-service kitchen.

(b) An indoor commercial recreational establishment must derive at least seventy (70) percent of gross receipts annually from the sale of prepared meals or food and recreation activities.

(c) In order to serve alcoholic beverages, an indoor commercial recreational establishment must apply for and obtain a Indoor Commercial Recreational Establishment Permit. The sale of food and alcoholic beverages is incidental to the primary enterprise and activity on the premises. The primary activity on the premises of the indoor commercial recreational establishment is family oriented in nature, which attracts a range of individuals from all age groups.

(d) 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.

**Sec. 3-35. – Performance Facility.**

(a) Beer, wine, and/or distilled spirits may be sold and/or dispensed at a performance facility as defined in this chapter upon proper application for and issuance of a Performance Facility Permit.

(b) Alcohol may be sold or dispensed at a performance facility only at a bar located in the lobby area of the facility or by a server within the facility on days where a performance will take place in the facility.

(c) In addition to the hours of sale requirements set forth in this chapter, alcohol may not be dispensed at a performance facility earlier than one hour before the start of a performance or later than one hour after the performance has ended.

(d) Alcohol may be sold or dispensed at a performance facility by a city licensed alcohol caterer in the same manner set forth within this chapter without the need for the facility or the caterer to obtain a performance facility license.

(e) Performance facilities may serve food, but it does not have to be prepared in a full-service kitchen. Furthermore, there is no minimum revenue threshold for food sales relative to the sale of alcoholic beverages.

(f) All Performance Facility Permits for the sale or serving of alcoholic beverages require special review, analysis, consideration, and approval by the City Council prior to issuance of a license.

### **Sec. 3-36. – Mobile Food Vendor.**

(a) Mobile food vendors are only permitted to sell alcohol within the Town Center District upon proper application for and issuance of a Mobile Food Vendor Permit.

(b) A mobile food vendor must derive at least fifty (50) percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

(c) Alcohol may be sold or dispensed at a mobile food vendor only at a fixed bar or by a server to patrons within the establishment.

(d) The food trucks/mobile food vendors must be located/parked within the Town Center District or at a location specifically designated by resolution of the City Council.

(e) Smoking of any type, including cigarettes, cigars, vaping, or similar, is prohibited within the premises, including any exterior patio or similar.

(f) Alcoholic beverages shall only be sold from 12:30 p.m. until 11:00 p.m. on Sundays and 11:00 a.m. until 11:00 p.m. on the other days of the week.

(g) No gaming devices, including coin-operated amusement machines, as defined and regulated by state law are permitted.

(h) All Mobile Food Vendor Permits for the sale or serving of alcoholic beverages require special review, analysis, consideration, and approval by the City Council prior to issuance of a license.

### **Secs. 3-37—3-39. – Reserved.**

## **ARTICLE II. – LICENSE REQUIREMENTS**



## **DIVISION 1. – APPLICATION AND REVIEW PROCESS**

### **Sec. 3-40. – Alcoholic beverage activity within incorporated area of city; license/permit a privilege.**

- (a) In order to engage in conduct requiring authorization under this Chapter within the incorporated area of the City under a license and/or permit as set forth in this Chapter, a proper application must be filed by the applicant and approved by the City Manager or if otherwise provided by the City Council.
- (b) All licenses and permit issued pursuant to this Chapter are a mere grant of privilege to carry on the business allowed pursuant to such licenses and/or permit and is subject to all terms and conditions imposed by the City ordinances and state law
- (c) No applicant shall be allowed to hold both an on-premises consumption and off-premises consumption license for the same business, except as otherwise expressly provided for in this Chapter.
- (d) All licenses under this Chapter shall have printed on their front the following: “This license is a mere privilege subject to being revoked and annulled, and is subject to any further ordinances which may be enacted and/or amended.”

### **Sec. 3-41. – License application forms.**

- (a) The City Manager or his/her designee shall prepare application forms consistent with this Chapter and all applicants shall complete an application form in order to be considered for a license or permit.
- (b) The application shall include, but shall not be limited to, the name and address of the applicant; the proposed business to be carried on; location of the proposed business; the name and address of the manager(s) of the business; if a partnership, the names and residence addresses of the partners; if a corporation, the names of the officers, the names of the managers, and the names of all shareholders holding more than ten percent of any class of corporate stock; if a limited liability company (LLC) the names of all managers, members holding more than ten percent of any units; 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.
- (c) All applications shall be sworn to by the applicant before a notary public or other officer empowered by law to administer oaths.

### **Sec. 3-42. – Fingerprint requirements for applications**

- (a) All applicants shall furnish data, fingerprints and other records as required by the City Manager to ensure compliance with the provisions of this chapter. Failure to furnish such data, fingerprints and other records within thirty (30) days from the date of such request shall automatically serve to dismiss the application with prejudice.
- (b) Fingerprints shall be required for all initial applications, unless otherwise provided for in this Chapter or waived by the City Manager. Furthermore, fingerprints, unless otherwise

required or waived by the City Manager, shall be required in all renewal applications in even numbered years.

**Sec. 3-43. – Costs and fees to accompany applications.**

(a) Unless otherwise specified, any person, organization, business, or entity applying for a license and/or permit under this Chapter, whether an initial or renewal application shall submit with his application the appropriate fee(s) as set forth in Section 2-110, including:

(1) The applicable license/permit annual fee

(2) The general investigative and administrative fee set out in section 2-110, to cover investigative and administrative costs, or some other license/permit specific investigative and/or administrative fee.

(b) Anyone applying for more than one license shall pay only one investigative and administrative fee. If an applicant is applying for more than one licenses/permits with differing investigative and/or administrative fees, the higher fee shall be assessed and submitted with the application.

**Sec. 3-44. – Licensing qualifications.**

(a) No license/permit authorized by this Chapter shall be granted to any person who is not a citizen of the United States or to any person who cannot provide documentation of their ability to be lawfully employed in the United States.

(b) Where the applicant is a partnership or corporation, the provisions of this section shall apply to all its partners, officers, managers, and majority stockholders. In the case of a corporation, the license shall be issued jointly to the corporation and the majority stockholder; where the majority stockholder, is not an individual, then the license shall be issued jointly to the corporation and its license applicant under the provisions of this chapter. In the case of a partnership the license will be issued to one of the partners owning at least ten percent of the partnership. If no partner owns ten percent of the partnership then the general partner, managing partner or the partner with the greatest ownership will be licensed.

(c) No license/permit authorized by this Chapter shall be granted to any person convicted under any federal, state or local law of any felony, within ten (10) years prior to the filing of application for such license.

(d) Should any applicant, partner, or officer, after a license/permit has been granted, be convicted under any federal, state or local law of any felony, the license shall be immediately revoked and canceled by the city.

(e) It shall be unlawful for any city employee directly involved in the issuance of alcoholic beverage licenses/permits under this Chapter, to have any whole, partial, or beneficial interest in any license/permit issued under this Chapter.

(f) No license/permit authorized by this Chapter shall be granted to any person who has had any pervious license/permit issued by the city revoked within two (2) years prior to the filing of the application.

(g) No new or renewal license for the sale of alcoholic beverages within the city shall be issued for a location that fails to meet all applicable state and local fire, life safety, building, health, and zoning codes. A license/permit authorized by the Chapter may be issued for a location prior to the completion of the building or tenant space indicated on the license/permit application, provided activities authorized by said license/permit may be undertaken or engaged in until said building or space is completed as determined by the city planning and zoning department.

(h) No new or renewal alcoholic beverage license shall be issued to any applicant who is delinquent in the payment of city taxes or fees, including, but not limited to utility fees, property taxes, alcoholic beverage excise taxes, occupational tax certificate fee, hotel/motel excise taxes, or any other taxes or fees which are owed to the city by the applicant.

**Sec. 3-45. – Returned payments for application fees.**

If a payments for initial or renewal license/permit application is returned by a financial institution, it will be considered a non-payment and the license/permit will be invalid. The licensee shall have seven (7) days from the date the payment was returned by the financial institution to provide payment by cash or certified check. If the appropriate payment is not received within seven (7) days, the license will be invalid. After the seven-day period, if a license/permit is still invalid, it shall be voided and the applicant will be required to re-apply for a new license/permit.

**Sec. 3-46. – Compliance with rules and regulations required.**

Before a license shall be granted under this Chapter, the applicant shall comply with all rules and regulations adopted by the city council regulating the manufacturing, wholesale, distribution, sale at retail, and/or dispensing of alcoholic beverages to consumers.

**Sec. 3-47. – Public hearing required.**

A public hearing shall be required for all applications requiring special review by the City Council. All applications requiring a public hearing shall be included on the City Council's public hearing agenda for consideration. A notice of each application and said hearing date shall be advertised on the city's website and in the city's legal organ once a week for two weeks immediately preceding the initial consideration of the application.

**Sec. 3-48. – Administrative approval versus City Council approval.**

(a) All alcohol licenses, unless otherwise specified or provided for in this Chapter, may be administratively approved by the City Manager.

(b) All licenses issued pursuant to this chapter which require approval of the City Council shall comply with the procedures set forth in this Article II.

**Sec. 3-49. –Special review by City Council defined.**

(a) By nature of the potential for concerns with noise, late night activity, parking, traffic management, and other factors that are unique to certain types of establishments, the City Council shall specially review and analyze the location and operations plan for the certain types

of establishments, as provided for within this Chapter, before approving a license for the on-premise consumption of beer, wine, and/or distilled spirits.

(b) The factors and criteria utilized and considered during this special review by the City Council, include the following:

- (1) Location;
- (2) Proximity to low density residential;
- (3) Consistency with comprehensive plan/city vision;
- (4) Floor plan and size of space;
- (5) Hours of operation;
- (6) Proposed decibels/noise impact;
- (7) Occupancy load;
- (8) Outdoor seating;
- (9) Traffic and parking management plan;
- (10) Sanitation management plan; security plan; and
- (11) Type of entertainment, number of entertainers, and frequency of entertainment acts, as applicable.

(c) The city finds that the criteria set forth above to promote the health, safety, and welfare of the city's inhabitants and are necessary to prevent congestion on streets; to secure safety from fire, flood and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to facilitate the adequate provisions of transportation, water, sewerage, parks, and other public requirements; to preserve the natural environment; and to encourage the most appropriate use of land.

### **Sec. 3-50. – Multiple locations for sale of alcohol.**

Each license is for a single location/licensed premises. A separate application must be made, and a separate license must be issued, for each separate premises to be licensed for the manufacturing, wholesale, distribution, sale at retail, or dispensing of alcoholic beverages.

### **Sec. 3-51. – Withdrawal of application; refund of fees.**

(a) Any license/permit application made pursuant to this Chapter may be withdrawn by the applicant at any time prior to the initial official decision on said application by either the City Manager or City Council, whichever decision maker is applicable.

(b) If a license/permit application is withdrawn prior to such decision, only the applicable annual license fee shall be refunded. Administrative and/or investigative fees shall not be

refunded. No funds shall be refunded if an application is withdrawn after the initial decision of the City Manager or City Council, whichever is applicable.

**Sec. 3-52. – Expansion or upgrade of license or permit during calendar year.**

(e) If a licensee wishes or desires to expand the scope of its operations during a calendar year in which it has a valid license/permit with the City, said licensee may apply for a new license/permit with expanded scope and/or authorization or an additional license/permit authorizing the desired conduct.

(f) A licensee applying for a new license/permit, which includes both the conduct or activity authorized by the licensee's current license/permit and the desired expanded operations shall pay the difference between the applicable license/permit fee of the licensee's current license/permit and the license/permit fee of the license/permit applied for. By way of example, if a licensee holds a license to manufacture distilled spirits and wish to expand its operations to include retail sale for on-premises and off-premises consumption, the licensee may apply for a distillery with cocktail room and package sales license. Under such example, the licensee shall only pay the difference between the two license fees.

(g) A licensee applying for an additional license/permit, which includes only the desired expanded conduct or activity shall pay the full amount of the additional license/permit. By way of example, if a licensee holds a license to brewpub and wish to expand its operations to include retail sale of distilled spirits on-premises consumption (an activity not authorized by a brewpub license), the licensee may apply for a retail consumption dealer license for distilled spirits. Under such example, the licensee shall pay the full license fee for the additional license.

(h) This section shall in no way apply to applications for renewal of a license/permit or applications for a new or additional license/permit for a subsequent calendar year.

**Secs. 3-53–3-59. – Reserved.**

**DIVISION 2. – LICENSE DENIAL, SUPENSION, OR REVOCATION**

**Sec. 3-60. – Denial of license/permit application.**

(a) An initial application or application for renewal of a license/permit may be denied:

(1) When a licensee furnishes fraudulent or untruthful information in the application for a license/permit or omits information required in the application for a license/permit, or for failure to pay all fees, taxes, or other charges imposed under the provisions of this Chapter or otherwise owed to the City.

(2) When the State revokes any permit or license of any licensee to sell at wholesale or retail any alcoholic beverages. Upon such occurrence, the city license to sell alcoholic beverages shall thereupon be automatically revoked.

(3) When a licensee has been found in violation of any federal or state law or provision of this Chapter concerning the manufacture, wholesale, distribution, sale at retail, dispensing, or transportation of alcoholic beverages.



(4) 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/permit for any reason whatsoever.

(5) The City Manager or City Council, at their sole 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 their judgment, circumstances are such that granting of the license/permit would not be in the best interest of the general public, such circumstances may be grounds for denying the application.

(b) An application for renewal of a license may be denied by the City Manager when a licensee has been chronically delinquent or chronically in default in monthly excise tax reporting and remittance. A licensee shall be deemed chronically delinquent/in default when said licensee has been delinquent or in default in their monthly excise tax reporting and remittance obligations at least three (3) months in a calendar year.

(c) In instances in which an application is denied under the provisions of this Chapter, the applicant may not reapply for a license/permit for at least two (2) consecutive years from the final date of such denial.

**Sec. 3-61. – Notice of denial of license/permit application.**

(a) Applicants and licensees under this Chapter are entitled to notice of any denial of an initial application or renewal application for a license/permit.

(b) Said notice shall outline the reason(s) and/or rationale for such denial, inform the applicants and/or licensee of his/her/its right to appeal the decision, and include the date of the denial.

(c) Said notice shall be deemed delivered when personally served by hand delivery to the applicant and/or licensee, by a member of the city staff, or when served to the same by overnight delivery via a nationally recognized carrier.

**Sec. 3-62. – Suspension or revocation of license/permit generally.**

A license/permit may be suspended or revoked by the City Manager, at his/her discretion, upon any of the following:

(a) When a licensee furnishes fraudulent or untruthful information in the application for a license/permit or omits information required in the application for a license/permit, or for failure to pay all fees, taxes, or other charges imposed under the provisions of this Chapter or otherwise owed to the City.

(b) When the State revokes any permit or license of any licensee to sell at wholesale or retail any alcoholic beverages. Upon such occurrence, the city license to sell alcoholic beverages shall thereupon be automatically revoked.

- (c) When a licensee has been found in violation of provisions of state and/or local law prohibiting the employment of underage persons to dispense, serve, sell, or take orders for any alcoholic beverage.
- (d) When a licensee has been found in violation of provisions of state and/or local law prohibiting sales of alcoholic beverages to underage persons.
- (e) When a licensee has been found to be engaging in conduct authorized by his license/permit during a period of license/permit suspension.
- (f) When any licensed/permitted establishment does not meet the licensing qualifications set forth in this Chapter, any time such knowledge becomes known to the city.
- (g) When an act or omission by a licensee, owner of more than ten (10) percent interest in the licensed/permitted establishment, is willingly or knowingly performed, which constitutes a violation of federal or state law or of any provision of this Chapter.
- (h) When an act of omission by an employee of a licensee, where such acts of the employee were known to or under reasonable circumstances should have been known to the licensee, which constitutes a violation of federal or state laws or of any provision of this Chapter.
- (i) When a licensee has been delinquent or in default in their monthly excise tax reporting and remittance obligations at least three (3) months in a calendar year.
- (j) When a licensee is found to have violated any provision of this Chapter.

**Sec. 3-63. – Suspension of license/permit for public welfare, safety, health, or a nuisance.**

A license/permit may be suspended by the City Manager, at his/her discretion, when he/she deems a business to be operating or conducting business in a manner contrary to the public welfare, safety, health, or in such a manner as to constitute a nuisance. Any combination of the following, totaling at least three (3) occurrences within any sixty (60) day period, shall constitute prima facie evidence a nuisance:

- (a) Breach of the peace, disturbance, or altercation resulting in violence occurring on the licensed premises.
- (b) Permitting the solicitation of patrons on the licensed premises for prostitution or any other unlawful act where the licensee, or the licensee, knew or should have known of such conduct.
- (c) The selling or serving of any alcoholic beverage to any person that the licensee, or the licensee, knew or should have known to be in a state of intoxication.
- (d) The violation of any state law or regulation governing the manufacture, wholesale, distribution, sale at retail, dispensing, or transportation of alcoholic beverages.

**Sec. 3-64. – Revocation of license/permit for prior suspensions.**

A license/permit may be revoked by the City Manager if a license/permit has been suspended two (2) or more times in any consecutive twelve (12) month period.

**Sec. 3-65. – Default period of suspension or revocation; effect of revocation.**

(a) Wherever this Chapter permits the City Manager to suspend any license/permit issued under this Chapter, but does not mandate the period of such suspension, the suspension period shall be fourteen (14) calendar days from the date of delivery of said notice. During the suspension period, no activities authorized by the subject license/permit may take place. Following the expiration of the suspension period, the license/permit shall automatically be reinstated.

(b) Whenever this Chapter permits the City Manager to revoke any license/permit issued under this Chapter, but does not define the period of such revocation, the revocation period shall be two (2) consecutive years from the date of revocation. During the revocation period, no activities authorized by the subject license/permit may take place and the licensee may not submit an application for a license/permit under this Chapter.

(c) Following the expiration of the revocation period, the license/permit shall not automatically be reinstated, the licensee shall be required to reapply for said license/permit, if the licensee so desires, and said application shall be treated as an initial application.

**Sec. 3-66. – Notice and enforcement of suspension/revocation of license/permit.**

(a) Whenever a license is suspended or revoked, the City Manager shall cause a cease and desist notification to be delivered to the licensed premise.

(b) Said notice shall be deemed delivered when personally served by hand delivery to the applicant and/or licensee, by a member of the city staff, or when served to the same by overnight delivery via a nationally recognized carrier.

(c) This notification shall include the reason(s) and/or rationale for suspension or revocation, outline the licensee rights to an appeal hearing, and detail the dates of suspension or revocation.

(d) The City Manager shall take the necessary steps to see that signs are removed and that all alcoholic beverage activities authorized by the subject license/permit cease as outlined in the cease and desist notification letter.

(e) Upon suspension or revocation of a license/permit under this Chapter, licensee shall not be entitled to a refund of any portion of any license/permit fees, excise taxes, or any other fees or taxes paid to the City.

**Sec. 3-67. – Right to appeal denial, suspension, or revocation; appeal procedure.**

(a) Any applicant and/or licensee may choose to appeal the decision to deny an application for a license/permit or to suspend or revoke a license/permit to the city council. Such appeal

shall be by written petition, filed in the office of the City Manager within ten (10) calendar days after delivery of the written notice provided by the City Manager.

(b) In order to defray administrative costs, the written petition must be accompanied by a filing fee as set forth in section 2-110. If the filing fee is not submitted with the written petition, the petition shall not be considered to be filed. The city council may, at the request of the appellant, refund the filing fee by a majority vote.

(c) A hearing shall be conducted on each appeal within fifteen (15) calendar days of the date of filing of the licensee's written petition with the office of the City Manager unless a continuance of such date is agreed to by the appellant and the City Manager.

(d) The appellant at the 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, such request must be made at least three (3) days prior to such hearing and appellant must pay for the cost of the transcript. The appellant shall have the burden of proof on any such appeal.

(e) The decision of the city council shall be forwarded to the appellant by hand delivery to the applicant by a member of the city staff or served upon applicant by overnight delivery via a nationally recognized carrier within seven (7) calendar days after the conclusion of the hearing.

(f) The decision to deny an application or suspend or revoke a license/permit shall not be set aside unless found to be:

- (1) Contrary to law or ordinances;
- (2) Unsupported by evidence on the record as a whole; or
- (3) Unreasonable.

(g) The findings of the city council shall be final, unless appealed within thirty (30) days of the date of such finding by certiorari to the Dawson County Superior Court.

**Sec. 3-68. – Stay/reinstatement of denial, suspension, or revocation period upon appeal; final date of denial.**

(a) Upon the proper filing of an appeal to a denial of an application for a license/permit under this Chapter, the denial period shall be stayed. If after appeal, the City Council determines to uphold the denial of the application for a license/permit, the denial period shall be reinstated and run from the final date of denial.

(1) The final date of denial, when no appeal is taken, shall be from the date noted as the date of denial in the notice informing the applicant that his/her/its application for a license/permit has been denied.

(2) The final date of denial, when an appeal is taken and the City Council does not grant the appeal shall be the date of the City Council's decision.

(b) Upon the proper filing of an appeal to suspension/revocation of a license/permit under this Chapter, the suspension/revocation period shall be stayed. If after appeal, the City Council determines to uphold the suspension/revocation of a license/permit, the denial period shall be reinstated and run from the date of delivery of the notice informing the licensee of the decision of the City Council.

**Secs. 3-69—3-79. – Reserved.**

**DIVISION 3. – OPERATIONS AFTER ISSUANCE OF LICENSE/PERMIT**

**Sec. 3-80. – Display of license/permit at place of business.**

A licensee shall, at all times, display its license/permit on the licensed premises and in plain view, so as it may be easily viewed by patrons.

**Sec. 3-81. – Engaging in conduct under this Chapter without license or beyond boundaries of premises covered by license.**

It shall be unlawful for any person to engage in conduct requiring authorization under this Chapter where the person does not have a license granted by the city to engage in said conduct, or to engage in said conduct beyond the boundaries of the premises covered by a license/permit issued under this Chapter, except for authorized deliveries by wholesale dealers and/or distributors.

**Sec. 3-82. – Expiration and renewal of licenses/permits.**

(a) All licenses/permits granted under this chapter shall be valid from the date issued until December 31<sup>st</sup> of the license/permit year. All licenses/permits granted under this chapter shall expire on December 31<sup>st</sup> of each year.

(b) Renewal packages will be sent to all current licensees by November 1<sup>st</sup> of each year. It is the licensee's responsibility to return renewal paperwork to the City Manager by November 20<sup>th</sup> of each year. A renewal application may be submitted after November 20<sup>th</sup>; however, the City does not guarantee that such application will be reviewed, processed, and approved prior to December 31<sup>st</sup>.

(c) Any licensee who has not submitted the renewal application and the required fee(s) before 4:00 p.m. on November 20<sup>th</sup>, and does subsequently submit a renewal application after 4:00 p.m. on November 20<sup>th</sup>, shall pay, in addition to the annual license/permit fee, a late charge of twenty (20) percent of the applicable license/permit fee. Additionally, all alcohol sales shall be suspended until the renewal license/permit is issued, if the renewal license/permit is not issued by 11:59 p.m. on December 31<sup>st</sup>.

(d) Any renewal paperwork received after 4:00 p.m. on December 31<sup>st</sup> 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/permits as if no previous license/permit had been held. This will include a reassessment of investigative and administrative fees and no activity authorized by the subject license/permit will be permitted during the reapplication process. If December 31<sup>st</sup> should fall on a Saturday or Sunday, this deadline shall be the last Friday in the month of December.

**Sec. 3-83. – Transferability of licenses/permits.**

- (a) No license/permit under this Chapter shall be transferable, except as otherwise provided in this section.
- (b) All license/permit transfers are subject to an administrative fee only, as set forth in section 2-110.
- (c) In the case of the death of a licensee, the establishment shall be allowed to continue to engage in the activity authorized by its license/permit for a period of ninety (90) days from the date of the death of the licensee. During the 90-day period, a personal representative of the estate, appointed by a probate court of competent jurisdiction, shall make application for a new license/permit with the city. After said application has been made, the establishment shall be allowed to continue to engage in the activity authorized by its license/permit until such time that the estate is settled and a new application has been filed or, ownership is transferred, and a new license/permit has been issued. No additional license/permit fees shall be required during the period for which the original license/permit was issued.
- (d) If a licensee terminates his association with a licensed establishment, the establishment shall be allowed to continue to engage in the activity authorized by its license/permit for a period of ninety (90) days from the date of termination. During the 90-day period, a new application for a license/permit is required. No additional license/permit fees shall be required during the period for which the original license/permit was issued.
- (e) Nothing in this section, however, shall prohibit one or more of the partners holding a license/permit 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/permit. Such a withdrawal shall not serve to bring any new ownership into the partnership. This section shall neither prohibit transfer of stock between persons who held stock in the corporation at the time of issuance of the license/permit nor shall it prohibit transfers of stock, which does not result in any person increasing his stock holdings to a total of ten (10) percent or more of any class of stock.
- (f) Any licensee who desires to transfer the location of a business with a licensed premises under a license/permit authorized by this Chapter within the City shall notify the City Manager prior to any transfer of location. The City Manager shall determine whether the new location is in compliance with all provisions of this Chapter and other city ordinances. No change in the location of a licensed premises shall be permitted unless the new location complies within all provisions of this Chapter. The City shall have the authority to approve or deny the transfer of location in the same manner that it may approve or deny issuance of a new license/permit. Should a transfer of location be approved, with no change of ownership in the business, the license/permit fee paid for the old location shall be applied to the new location.
- (g) Any licensee who desires to change the name of a business licensed under this Chapter within the city shall so notify the City Manager prior to any change of name, and the City Manager shall direct the issuance of a corrected license in replacement of the original license. No administrative fee is required for a change in name.

(h) Any licensee who changes the manager(s) of a licensee within the city shall so notify the City Manager within five (5) days of the effective date of such change and shall file, with the City Manager, the change in manager form, which includes a background check on the new manager.

(i) Except as provided in this section, any change in the ownership of any entity owning a licensed business under this Chapter shall be cause to cancel and revoke any license issued under this Chapter. The establishment shall be allowed to continue to engage in the activity authorized by the license/permit for a period of ninety (90) days from the date of change, provided that a new application for a license/permit is filed prior to the commencement of said 90-day period. Said 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/permits as if no previous license/permit had been held. This will include a reassessment of investigative and administrative fees; however, the activity authorized by the license/permit may be engaged in as described herein.

### **Sec. 3-84. – Automatic license/permit forfeiture for nonuse.**

Any holder of any license/permit under this Chapter who shall for a period of six (6) consecutive months after the license/permit has been issued, cease to engage in the activity authorized by said license/permit shall after the six-month period automatically forfeit the license/permit without the necessity of any further action. This shall not apply to a license/permit that was issued prior to the construction of the licensed premises being completed.

### **Sec. 3-85. – Audit of records of licensee.**

(a) If the City Manager deems it necessary to conduct an audit of the records and books of a licensee, the licensee shall be notified and an agreed upon date, time, and place of the audit shall be arranged. The City Manager may designate the City's auditor or another person to perform any audit authorized in this Chapter. The licensee shall cooperate with the audit or forfeit any license/permit issued under this Chapter. Failure to arrange an agreed upon date within thirty (30) calendar days of an audit request will be deemed an uncooperative act and the licensee will forfeit any licenses/permits issued.

(b) All licensees must maintain the following records for a period of three (3) years and make them available for audit at the licensed premises:

- (1) Monthly income or operating statements.
- (2) Daily sales receipts showing food sales separate from liquor, beer and/or wine sales. This requirement applies only to licenses/permits which authorize the sale of alcoholic beverages for on-premises consumption, if minimum food sales are required by such license/permit.
- (3) Daily cash register receipts such as "Z" tapes or guest tickets.
- (4) Monthly state sales and use tax reports, and excise tax reports.
- (5) Federal income tax returns, with all 1099-S forms. The City Manager can waive all or some of the requirements of this requirement if the City Manager finds that no

such records exist and it is not financially practical based on the net income of the licensee to require the licensee to keep such records.

(c) If a licensee is unable to provide the records, or does not meet the required food consumption percentage, another audit shall be performed within ninety (90) days. If after two consecutive audits a licensee is unable to provide the records, or does not meet the required food consumption percentage, the licensee's license/permit shall be suspended for thirty (30) days. During the 30-day suspension period, the licensee shall not engage in the activity authorized by the subject license/permit.

(d) If, after an audit, it is determined that a licensee has not paid the proper amount of excise tax for alcohol sales, then the licensee's license/permit shall be suspended for thirty (30) days, or until all outstanding excise taxes are paid in full based upon the audited amount of alcohol sales. If the outstanding amount of excise tax is not paid in full during the 30-day suspension period, the license/permit shall be revoked.

### **Sec. 3-86. – Inspection of licensed premises.**

The City shall have the authority to inspect the licensed premises of a licensee under this Chapter during the hours in which the licensed premises is 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 state, county, or city officer to conduct inspections authorized by other provisions of this chapter or state or federal law.

### **Sec. 3-87. – Closure of licensed establishments in cases of emergency.**

(a) The City Manager, may immediately close the licensed premises of a licensee 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 twenty-four (24) hours.

(b) Additionally, the mayor is authorized to suspend any license/permit issued under this Chapter for any emergency situation such as civil disorder or natural disasters, or for any situation that the mayor deems such immediate suspension necessary to effectuate the protection of the health and welfare of the citizens of the city. Such suspension may be made effective immediately and shall remain in force until the city council determines the emergency is over at the next regular meeting of the city council or at a special meeting called prior to the next regular meeting.

### **Sec. 3-88—3-99. – Reserved.**

## **ARTICLE III. – GENERAL BUSINESS REGULATIONS**

### **DIVISION 1. – BUILDING AND LOCATION REQUIREMENTS**

#### **Sec. 3-100. – Building requirements.**

(a) No license/permit under this Chapter shall be issued to any person, business, organization, or entity unless the building in which, or location where, the activity authorized will be located/take place is complete and detailed plans of such building/location and outside premises are attached to the application, or, if the building or location is not complete at the time



of applying, unless the proposed plans and specifications and a building permit of a proposed building to be built, if applicable, are attached to the application. The completed or proposed building/location must comply with city ordinances, as well as county and state regulations. The proposed building/location shall also be subject to final inspection and approval by the building inspector, if applicable.

(b) Each building and/or location in which the activity authorized by a license/permit issued under this Chapter will be located shall contain sufficient lighting so that the building/location itself and the premises on all sides of the building/location are readily visible at all times from the front of the street on which the building/location is located so as to reveal all of the outside premises of such building/location.

(c) All premises for which a license/permit authorized under this Chapter shall be issued shall afford adequate sanitary toilet facilities and shall be adequately illuminated so that all hallways, passageways, and open areas may be clearly seen by its customers.

### **Sec. 3-101. – Distance requirements.**

(a) A license/permit authorized under this Chapter shall not be granted to any establishment within three hundred (300) feet of any church building, or on any property owned or leased to a church or any school building, educational building, school grounds, or college campus, or on any property owned or leased to a public or private school or school board for elementary or secondary education, provided, however, that any premises licensed premises, as of the effective date of this article, that is located within such proximity of any church building, school building, educational building, school grounds, or college campus shall be allowed to continue operating within such proximity so long as said licensee remains in compliance with all other provisions of this Chapter and the use of the premises to sell alcoholic beverages remains ongoing and continuous. If the sale of alcoholic beverages is discontinued, the grandfather entitlement under this paragraph shall be forfeited.

(b) Nothing in this section shall prohibit a grocery store, licensed for the retail sale of only wine and/or malt beverages for off-premises consumption, from selling wine and/or malt beverages within three hundred (300) feet of any church building, or on any property owned or leased to a church or any school building, educational building, school grounds, or college campus, or on any property owned or leased to a public or private school or school board for elementary or secondary education.

(c) No person shall knowingly and intentionally sell or offer to sell alcoholic beverages within the distances set forth in this section.

(d) A retail package dealer license for the closed package sale at retail of distilled spirits shall not be issued to any applicant with a premises to be licensed that is within two hundred (200) feet of any residence.

(e) A retail package dealer license for the closed package sale at retail of distilled spirits shall not be issued to any applicant with a premises to be licensed that is within twenty-five hundred (2,500) feet of another package store located either within or outside the city limits.

(f) For the purposes of this section, distance shall be measured in a straight line from the front door of the structure activities authorized by a license/permit under this Chapter, to the

front door of the building of a church, government-owned treatment center, school, or retail package store.

(g) As to any location licensed in the future, if the distance requirements in this section are met at the time of issuance of any license, the subsequent opening and operation of a church or school within the distance prohibited in this section 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.

**Secs. 3-103—109. – Reserved.**

**DIVISION 2. – SALE FOR ON-PREMISES CONSUMPTION**

**Sec. 3-110. – On-premises consumption of distilled spirits at certain eating establishments.**

When eating establishments are located in hotels, motels, and high-rise office and apartment buildings, every entrance to the area serving distilled spirits shall be from a public lobby, hallway, mall, or other publicly used interior portion of the primary use structure.

**Sec. 3-111. – Sale and open container consumption in Town Center District.**

(a) In event the city sponsors an event in the Town Center District and the City Council specifically approves sale and open container consumption during the event, entities that are licensed/permitted for retail sales of alcohol for on-premises consumption within the Town Center District and/or permitted by the City for retail sales of alcohol at a city sponsored event in the Town Center District may sell alcoholic beverages that can be carried about and consumed within the Town Center District or such smaller area with the Town Center District as may be designated by the City Council.

(b) The city finds that its Town Center District is contemplated as the central commercial and entertainment center of the city where ample parking, infrastructure, an amphitheater, nearby residential uses, etc. are present to allow the sale and open container consumption of alcohol at city sponsored events that may not be appropriate in other areas in the city. The city believes that this regulation will further the vitality of this area and attract additional businesses where the location in other areas may be harmful or detrimental. The city further finds that this advances a legitimate end of government and such regulations are reasonably related to these goals.

**Sec. 3-112. – Open area and patio sales.**

(a) Alcoholic beverage sales for on-premises consumption can be made on a properly licensed premises in a patio/open area type environment if the licensee has been approved to do so by the City Manager or City Council.

(b) The patio/open area type environment must 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 container drink without the licensee's knowledge.

(c) The height of the structure required by this section to enclose a patio/open area type environment shall be a minimum of three and one-half (3½) feet above ground level. Said structure does not have to be solid or restrict visibility into or out of the patio/open area type environment. Said structure must be permitted and approved by the city's planning and zoning and building inspection departments and the county's fire department as required by their governing regulations or codes.

(d) The only exit from this type area is to be through the licensed establishment's main premises or through an approved fire exit (not for general public use unless as an emergency exist). The fire exit should be of the type that sounds an alarm so that the licensee will be alerted in the event of unauthorized use when no emergency exists.

(e) If a licensee desires a patio/open area type environment inside an existing structure, plans will be reviewed and approved on an individual basis by the City Manager or his/her designee. Interior type patio/open area environments must also meet the requirements of the city's building, development and fire codes.

(f) Nothing contained in this section shall prohibit a hotel or motel with a retail consumption dealer license from making sales and allowing consumption of alcoholic beverages in ballrooms, meeting rooms, reception rooms, or patio areas of such hotel or motel provided such functions are catered in connection with a meeting, conference, convention, or similar type gathering at such hotel or motel. "Patio areas," as that term is used in this subsection, do not have to conform to the standards in this section.

(g) Approved sidewalk cafes within the Town Center District, may be exempt from the requirements of this section upon approval be the City Council.

### **Sec. 3-113. – Outside consumption.**

(a) Other than as specifically provided for in this Article, no customer shall leave the premises of a licensee authorized to sell alcoholic beverages for on-premises consumption, nor shall such licensee allow a customer to leave its licensed premises, with open alcohol containers. It shall be the licensee's responsibility to ensure that no open alcohol containers are carried out.

(b) Customers shall not gather outside the premises of a licensee authorized to sell alcoholic beverages for on-premises consumption and consume alcoholic beverages.

(c) Nothing in this section shall be construed to prohibit the carrying out of wine and/or malt beverages for consumption at or on a golf course.

(d) The prohibitions of this section shall not apply to licensee's and licensed premises within the Town Center District, during hours and under the rules set forth in this Chapter.

(e) If approved by the City Council as set forth in this Article, licensed entities during a city sponsored event located in the Town Center District may sell individual alcoholic beverages for open container consumption to persons authorized to possess or consume alcoholic beverages in the Town Center District.

### **Sec. 3-130. – Noise from establishments.**

It shall be unlawful for any licensee under this Chapter to make or cause to be made any loud, unnecessary, or unusual sound or noise that unreasonably annoys, disturbs, inures, or endangers the comfort, repose, health, peace, or safety of others in the city and that is audible to a person of normal hearing ability from the nearest property line of the licensee's licensed premises in question. In no event, however, shall any such loud, unnecessary or unusual sound or noise be made by a licensee under this Chapter after the hour of 11:59 p.m.

**Sec. 3-131. – Order required.**

- (a) Owners, managers, and employees of a licensee shall be responsible for keeping an orderly place and shall not permit any employee, patron, or other person to cause a disturbance or engage in loud, boisterous, lewd, or obscene conduct or practice within the licensed premises.
- (b) The owner and manager of any licensee shall be responsible for monitoring parking lots and other outside areas around the onsite establishment and prohibiting patrons and other persons associated with the licensee from standing, sitting, mingling, or assembling outside the licensed premises in a manner which causes or contributes to disturbances and/or illegal acts.

**Sec. 3-132. – Solicitation prohibited.**

- (a) No licensee authorized to sell alcoholic beverages for the purpose of on-premises consumption shall require, permit, suffer, encourage, or induce any employee or person to solicit, while in/on the licensed premises, the patron or his/her guest to purchase any drink, whether an alcoholic beverage or nonalcoholic beverage, or for money with which to purchase the same. Said prohibition shall apply when the solicitor is acting for the licensee or for any person other than the patron and guest of the patron.
- (b) No licensee shall pay a commission or any other compensation to any person frequenting his establishment or to the licensee's manager to solicit for themselves or for others, the purchase of any drink, whether alcoholic beverage or nonalcoholic beverage, or money with which to purchase the same.

**Sec. 3-133. – Prohibited conduct by employees and managers concerning on-premises consumption.**

No licensee or employee of the licensee authorized to sell alcoholic beverages, shall do any of the following at the licensed premises:

- (a) Sell or offer to sell any alcoholic beverages to any person who is noticeably intoxicated, who is of unsound mind, or who is a habitual drunkard whose intemperate habits are known to the licensee or his employees.
- (b) Consume alcoholic beverages while on duty. For purposes of this section, any licensee or employee of an establishment who is on the premises shall be presumed on duty if he is:
  - (1) Being paid a salary or wage of any kind while on the licensed premises;
  - (2) Is on the premises for the benefit of the establishment (not as a customer, patron, or guest);

- (3) Engaging in the direct or indirect sale of food or beverage;
- (4) Taking a break during a period of on-duty employment.

**Sec. 3-134. – Adult entertainment.**

(a) Based upon the experiences of other counties and municipalities, including, but not limited to, Atlanta and Fulton County, Georgia; DeKalb County, Georgia; Austin, Texas; Seattle and Renton, Washington; New York, New York; Los Angeles, California; and Ft. Lauderdale and Palm Beach, Florida, which experiences the city council believes are relevant to the problems faced by this city, the city council takes note of the notorious and self-evident conditions attendant to the commercial exploitation of human sexuality, which do not vary greatly among generally comparable communities within our country.

(1) Moreover, it is the finding of the city council that public nudity and semi-nudity, under certain circumstances, particularly circumstances relating to the sale and consumption of alcoholic beverages in so-called "nude bars" or establishments offering so-called "nude entertainment" or "erotic entertainment," begets criminal behavior and tends to create undesirable community conditions. Among the acts of criminal behavior identified with nudity and alcohol are disorderly conduct, prostitution, and drug trafficking and use. Among the undesirable community conditions identified with nudity and alcohol are depression of property values in the surrounding neighborhoods, increased expenditure for and allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior herein described, and acceleration of community blight by the concentration of such establishments in particular areas. Therefore, the limitation of nude or semi-nude conduct in establishments licensed to sell alcohol for consumption on the premises is in the public welfare, and is a matter of governmental interest and concern to prevent the occurrence of criminal behavior and undesirable community conditions normally associated with establishments that serve alcohol and also allow and/or encourage nudity or semi-nudity.

(b) *Prohibited activities.* Any premises licensed under the provisions of this Chapter is prohibited from permitting or engaging in the following activities:

(1) The employment or use of any person in any capacity in the sale or service of alcoholic beverages while such person is unclothed or in such attire, costume, or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals.

(2) Live entertainment that provides or features nude or semi-nude or erotic dancing or the performance of obscene acts that simulate:

(i) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts that are prohibited by law;

(ii) The touching, caressing or fondling of the breast, buttock, anus or genitals;  
or

(iii) The displaying of the pubic hair, anus, vulva or genitals.

(3) The showing of any film, still pictures, electronic reproduction, or other visual reproductions depicting any of the acts described in subsection (2), above or which are obscene under state law.

(4) The holding, promotion, or allowance of any contest, promotion, special night, or any other activity where patrons of the licensed premises are encouraged or allowed to engage in any of the above-prohibited conduct.

(5) Knowingly permitting any person in the licensed premises to view from the licensed premises, by glass partition or other artifice, any of the above-prohibited conduct performed on a premises other than the licensed premises.

(6) Knowingly permitting any person to remove any alcoholic beverage sold or dispensed on the licensed premises to adjacent or other premises for the purpose of view any of the above-prohibited conduct; provided, however, that this code section shall not be applicable to a person who removes an alcoholic beverage to his home or place of abode.

(7) The employment, encouragement, allowance, or assistance of any person to engage in the above-prohibited conduct.

(c) *Mainstream activity excluded.* Notwithstanding the prohibitions in subsection (b), nothing in this chapter shall, or is intended to, apply to theatrical or motion picture performance houses, museums, or to restaurants or places set apart for traditional family-oriented naturism where the consumption or service of alcohol is not a primary purpose or the mainstream activity of such establishment. The phrase "places provided or set apart for traditional family-oriented naturism" includes nudist parks, clubs, and resorts chartered by the American Association for Nude Recreation or affiliated with the Naturist Society or by traditional family-oriented naturist groups.

**Secs. 3-135—3-149. – Reserved.**

**DIVISION 4. – PURCHASE AND INVENTORY**

**Sec. 3-150. – Purchasing and selling alcoholic beverages for inventory.**

(a) No licensee holding a retail consumption dealer license or selling any other alcoholic beverage in addition to that alcoholic beverage that they produce and/or manufacture themselves on the licensed premise shall purchase alcoholic beverages from any person, firm, or corporation other than a wholesale dealer or distributor licensed by the state.

(b) No wholesale dealer or distributor shall sell any alcoholic beverage to anyone other than a retailer licensed under this chapter, excepted as otherwise provided by this Chapter.

(c) Nothing in 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) The City Manager may request, information concerning purchases and sales of alcoholic beverages from retailers and wholesalers.

**Sec. 3-151. – Retail consumption dealers to store inventory only on-premises.**

No retail consumption dealer licensed under this Chapter shall keep any beer, wine, distilled spirits, and/or other alcoholic beverages at any place except the licensee's licensed premises.

**Sec. 3-152. – No adding to contents.**

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

**Secs. 3-153—3-179. – Reserved.**

**ARTICLE IV. – MINORS**

**Sec. 3-180. – Employment of underage persons.**

(a) No person shall allow, or require, a person in employment under eighteen (18) years of age to manufacture, transport, distribute, dispense, serve, sell, or take orders for any alcoholic beverage.

(b) The provisions of this section shall not prohibit persons under eighteen (18) years of age who are employed in supermarkets or convenience stores from selling or handling alcoholic beverages which are sold at retail for off-premises consumption.

**Sec. 3-181. – Failure to require and properly check identification.**

It shall be a violation not to require and properly check identification of patrons to ensure that a person under the age of twenty-one (21) years is not sold, served, or has in his/her possession, any alcoholic beverages while in/on the licensed premises.

**Sec. 3-182. – Sales to underage person prohibited.**

(a) No holder or employee of the holder of a license/permit authorizing the sale of alcoholic beverages at retail directly to consumer for either on-premises or off-premises consumption, shall do any of the following upon the licensed premises:

(1) Sell or offer to sell any beer, wine, distilled spirits, and/or any other alcoholic beverages to any person under the age of twenty-one (21) years. Notwithstanding the previous, this prohibition shall not apply to the retail sale of distilled spirits to a consumer, when such consumer has furnished proper identification showing that the person to whom the distilled spirits are being sold is 21 years of age or older.

(2) 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.

(3) Allow any minors to be in, frequent, or loiter about the licensed premises unless such minors are accompanied by a parent, legal guardian, or custodian. However, 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. In addition, this subsection shall not apply to minors who are employees under the terms of this Chapter.

(b) Any licensed establishment where three (3) or more violations of this section, or O.C.G.A. § 3-3-23 have occurred within any thirty-three (33) month period shall be punished as follows:

(1) For the third (3<sup>rd</sup>) offense within any thirty-three (33) month period, a minimum thirty (30) day suspension of the licensee's license/permit.

(2) For the fourth (4<sup>th</sup>) violation within any thirty-three (33) month period, a minimum ninety (90) day suspension of the licensee's license/permit.

(3) For the fifth (5<sup>th</sup>), or any subsequent, offense within any thirty-three (33) month period, the license/permit shall be revoked.

(c) If there is a change in a majority of the licensee's owners, partners, or shareholders, the violations under the old ownership shall not count against the new owners. Notwithstanding the previous, a different licensee shall be charged with the violations of its predecessor(s) if a majority of the owners, partners, or shareholders are the same as said licensee's predecessor.

**Sec. 3-183. – Purchase or possession of alcoholic beverages by underage persons.**

(a) No person under the age of twenty-one (21) years shall purchase or possess any alcoholic beverage.

(b) No person under the age of twenty-one (21) years shall attempt to purchase any alcoholic beverage or misrepresent their age in any manner for the purpose of obtaining alcoholic beverages.

**Secs. 3-184–3-199. – Reserved.**

**ARTICLE V. – EXCISE TAXES**

**Sec. 3-200. – Per drink excise tax on distilled spirits.**

(a) There is hereby levied and imposed a specific excise tax on the sale of distilled spirits for on-premises consumption in the amount of three (3) percent of the charge to the public for the beverage. The amount taxed shall not include any sales tax imposed on the purchase.

(b) The excise tax imposed under this section does not apply to the sale of fermented beverages made in whole or in part from malt or any similar fermented beverages made in whole or in part from fruit, berries, or grapes either by natural fermentation, fermentation with brandy or any other similar fermented beverage.

(c) The excise taxes provided for in this section shall be imposed upon and shall be paid by the licensee selling distilled spirits at retail directly to consumers for on-premises consumption.

**Sec. 3-201. – Excise tax on wholesalers.**



(a) There is levied an excise tax computed at the rate of twenty-two cents (\$0.22) per liter and a proportionate tax at the same rate on all fractional parts thereof, which shall be paid to the city, on all distilled spirits and wine sold at wholesale to retailers in the city. Said tax shall be paid as follows:

(1) Each licensee selling, shipping, or in any way delivering distilled spirits and/or wine at wholesale to any licensees under this Chapter, shall collect the excise tax at the time of delivery and shall remit the same to the city together with a summary of all deliveries to each licensee on or before the tenth (10<sup>th</sup>) day of the following month.

(2) Excise taxes received after the tenth (10<sup>th</sup>) day of the month shall be charged a ten percent penalty.

(3) It shall be unlawful, and a violation of this Chapter, for any licensee to sell, ship, or in any way deliver at wholesale any distilled spirits and/or wine to a retailer without collecting such tax.

(4) It shall be unlawful, and a violation of this Chapter, for any retailer to possess, own, hold, store, display, or sell any distilled spirits and/or wine on which such tax has not been paid.

(b) There is levied an excise tax on all beer and malt beverages sold by wholesalers to retailers in the city at the rate of five cents (\$0.05) per twelve (12) ounces, \$6.00 for each barrel or bulk container of tap or draft beer or malt beverage with no more than fifteen and one-half (15.5) gallons, and proportionate tax at the same rate on all fractional parts thereof.

### **Sec. 3-202. – Payment of excise tax.**

(a) Unless otherwise provided for in this Article or in state law, each licensee required to pay excise taxes shall file a report with the city by the twentieth (20<sup>th</sup>) day of each month showing a summary of the licensee's gross sales derived from the sale of alcoholic beverages and/or amount of alcoholic beverages produced for the preceding calendar month and shall remit to the city the excise taxes due in accordance with this Article.

(b) In calculating alcoholic beverages produced, the licensee shall submit a report showing the beginning and ending inventories of the licensee.

(c) Unless otherwise provided for in this Article or under state law, each licensee collecting the taxes authorized by this Article 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 deduction amount authorized will be the rate authorized under O.C.G.A. § 48-8-50, as now written or hereafter amended.

(d) Excise taxes received after the twentieth (20<sup>th</sup>) day of the month shall be charged a ten (10) percent penalty.

(e) Failure to properly complete or submit the required reports shall subject the licensee to a late filing fee of twenty-five dollars (\$25.00) for each deficient reporting period in addition to any ten (10) percent penalty on any excise taxes owed as set forth in this Article.

**Sec. 3-203. – Tax delinquent.**

(a) All taxes imposed under this Chapter, except excise taxes on licensee selling alcoholic beverages at wholesale, shall, for each month, become delinquent on the twenty-first (21<sup>st</sup>) day of each succeeding month. Excise taxes on licensees selling alcoholic beverages at wholesale shall, for each month, become delinquent on the eleventh (11<sup>th</sup>) day of each succeeding month.

(b) Any such delinquent tax shall incur a late filing fee of twenty-five dollars (\$25.00), bear interest at the rate of one (1) percent per month, or fraction thereof, and a penalty of ten (10) percent of such delinquent tax shall be added and attached to the total amount of the fee. The City Manager is empowered to pursue any remedy or right of collection and payment of taxes lawfully levied by the city, as may be allowed under the laws of the state and the ordinances of the city.

**Secs. 3-204–3-249. – Reserved.**

**SECTION 2.**

If any section, provision or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this Ordinance would have been adopted had such invalid portion not been included herein.

**SECTION 3.**

All Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

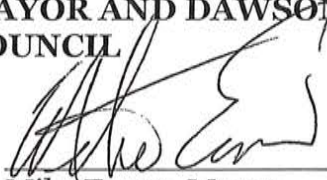
**SECTION 4.**

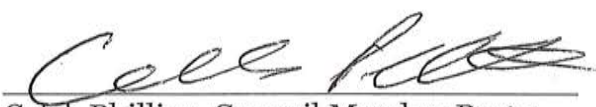
This ordinance shall become effective upon adoption, the public good demanding the same.

**SO ADOPTED AND ORDAINED** by the City Council of Dawsonville, Georgia, this 7 day of October, 2019.

**MAYOR AND DAWSONVILLE CITY  
COUNCIL**

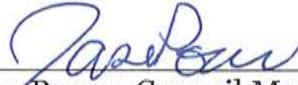
By:

  
Mike Eason, Mayor

  
Caleb Phillips, Council Member Post 1

ABSENT

Stephen Tolson, Council Member Post 2

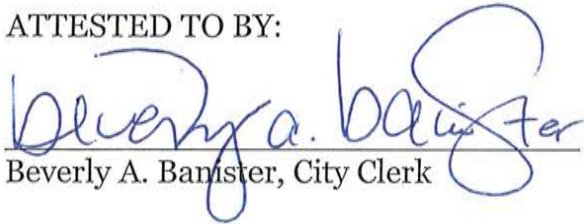


Jason Power, Council Member Post 3

OPPOSED - DID NOT SIGN

Mark French, Council Member Post 4

ATTESTED TO BY:



Beverly A. Banister, City Clerk

First Reading: 09/23/2019

Second Reading: 10/07/2019

Passed: 10/07/2019

**AN ORDINANCE TO AMEND SECTION 2-110 TO PROVIDE FOR PROPER REFERENCES TO CHAPTER THREE; TO PROVIDE NEW FEES FOR VARIOUS ALCOHOLIC BEVERAGE LICENSES AND PERMITS; TO CORRECT THE FEE ASSOCIATED WITH INSURERS TO COMPLY WITH STATE LAW; AND FOR OTHER PURPOSES.**

WHEREAS, the revision of the fee schedule will provide proper references to the newly adopted Chapter 3 relating to alcoholic beverages;

WHEREAS, the Mayor and City Council desire to amend various licensing and permitting fees associated with alcoholic beverages;

WHEREAS, the Mayor and City Council desire to correct licensing fees associated with insurers and comply with state law; and

WHEREAS, the Mayor and City Council desire to adopt such fee schedule amendment.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF DAWSONVILLE HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.**

Section 2-110 of Chapter 2, Article IV of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing existing subsection 2-110(A) and replacing it in its entirety with a new subsection 2-110(A) as follows:

**A. ALCOHOLIC BEVERAGES (CHAPTER 3):**

|  |          |
|--|----------|
| 3-6(a)(1). Beer or Malt Beverage Manufacturing, per year               | \$500.00 |
| 3-6(a)(2). Wine Manufacturing, per year                                | \$500.00 |
| 3-6(a)(3). Distilled Spirits Manufacturing, per year                   | \$500.00 |
| 3-6(b)(1). Beer or Wine Wholesale Dealer, per year                     | \$500.00 |
| 3-6(b)(2). Beer and Wine Wholesale Dealer, per year                    | \$500.00 |
| 3-6(b)(3). Distilled Spirits Wholesale Dealer, per year                | \$500.00 |
| 3-6(b)(4). Beer, Wine and Distilled Spirits Wholesale Dealer, per year | \$500.00 |



|   |            |
|---|------------|
| 3-6(c)(1). Retail consumption dealer of beer or wine for on-premises consumption, per year                      | \$500.00   |
| 3-6(c)(2). Retail consumption dealer of beer and wine for on-premises consumption, per year                     | \$1,000.00 |
| 3-6(c)(3). Retail consumption dealer of distilled spirits for on-premises consumption, per year                 | \$2,000.00 |
| 3-6(c)(4). Retail consumption dealer of beer, wine, and distilled spirits for on-premises consumption, per year | \$3,000.00 |
| 3-6(d)(1). Retail package dealers of beer or wine for off-premises consumption, per year                        | \$1,000.00 |
| 3-6(d)(2). Retail package dealers of beer and wine for off-premises consumption, per year                       | \$1,500.00 |
| 3-6(d)(3). Retail package dealers of distilled spirits for off-premises consumption, per year                   | \$3,000.00 |
| 3-6(d)(4). Retail package dealers of beer, wine, and distilled spirits for off-premises consumption, per year   | \$4,000.00 |
| 3-6(d)(5). Retail Package Dealer Wine and/or Beer Tasting permit fee, per year                                  | \$500.00   |
| 3-6(e)(1). Brewpub, per year  | \$1,000.00 |
| 3-6(e)(2). Brewery with taproom and package sales, per year   | \$1,000.00 |
| 3-6(e)(3). Winery/farm winery with tasting room and package sales, per year                                     | \$1,000.00 |
| 3-6(e)(4). Distillery with cocktail room and package sales, per year  | \$1,000.00 |
| 3-6(e)(5). Alcoholic Beverage Caterer license, per year   | \$500.00   |
| 3-6(e)(6). Alcoholic beverage caterer permit when licensed by the City, per event                               | \$25.00    |
| 3-6(e)(6). Alcoholic beverage caterer permit when licensed by a jurisdiction other than the City, per event     | \$50.00    |
| 3-6(e)(7). Art shop alcohol permit, per year  | \$100.00   |
| 3-6(e)(8). Beer and/or wine amenity permit, per year  | \$250.00   |
| 3-6(e)(9). Temporary on-premises consumption permit, per day, maximum of ten days per year                      | \$100.00   |

|  |            |
|--|------------|
| 3-6(e)(10). Special Event Alcohol Permit fee, per event  | \$50.00    |
| 3-6(e)(11). Hotel-Motel In Room Service Permit, per year   | \$500.00   |
| 3-6(e)(12). Private Club Permit, per year  | \$3,000.00 |
| 3-6(e)(13). Sports Club Permit, per year   | \$3,000.00 |
| 3-6(e)(14). Indoor Commercial Recreational Establishment Permit, per year                            | \$3,000.00 |
| 3-6(e)(15). Performance Facility Permit, per year  | \$3,000.00 |
| 3-6(e)(16). Mobile Food Vendor Permit, per year  | \$500.00   |
| 3-12(h). Package Dealer Wine/Beer Tasting permit application administrative fee                      | \$50.00    |
| 3-19(f). Art shop permit application administrative fee  | \$50.00    |
| 3-20(d). Beer and/or Wine Amenity permit application administrative fee                              | \$50.00    |
| 3-43(a)(2). General license/permit application investigation and administrative fee, per application | \$100.00   |
| 3-68(c). Appeal fee  | \$300.00   |
| 3-84(b). Alcoholic beverage license transfer fee   | \$150.00   |

**SECTION 2.**

Chapter 2, Article II, Section 2-110(D) of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing the existing row "8-271. Insurers license fee, per year, per separate business location" and replacing it in its entirety with a new row as follows:

|   |         |
|---|---------|
| 8-271. Insurers license fee, per year, per separate business location | \$40.00 |
|---|---------|

**SECTION 3.**

If any section, provision or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this Ordinance would have been adopted had such invalid portion not been included herein.

**SECTION 4.**

All Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 5.**

This ordinance shall become effective upon adoption, the public good demanding the same.

**SO ADOPTED AND ORDAINED** by the City Council of Dawsonville, Georgia, this 7 day of October, 2019.

**MAYOR AND DAWSONVILLE CITY COUNCIL**

By:

  
Mike Eason, Mayor

  
Caleb Phillips, Council Member Post 1

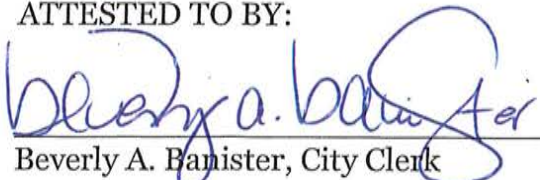
ABSENT

Stephen Tolson, Council Member Post 2

  
Jason Power, Council Member Post 3

  
Mark French, Council Member Post 4

ATTESTED TO BY:

  
Beverly A. Banister, City Clerk

**BUSINESS RESOLUTION**  
**NO. \_\_\_\_\_**

**RESOLUTION TO AUTHORIZE DIRECTING THE REDEMPTION OF THE DOWNTOWN DEVELOPMENT AUTHORITY OF DAWSONVILLE, GEORGIA REVENUE BONDS (DAWSONVILLE WATER AND SEWER FACILITIES PROJECT), SERIES 2014; AND FOR OTHER RELATED PURPOSES:**

**WHEREAS**, pursuant to resolution of the Downtown Development Authority of Dawsonville, Georgia (the “Issuer” or the “Authority”) adopted on June 3, 2013, and a supplemental bond resolution of the Issuer adopted on April 2, 2014 (collectively, the “Prior Resolution”), the Issuer and Regions Bank (the “Trustee”) heretofore entered into that certain Trust Indenture, dated as of April 1, 2014 (the “2014 Indenture”), pursuant to which the Issuer issued and sold \$4,675,000 in aggregate principal amount of Revenue Bonds (Dawsonville Water and Sewer Facilities Project), Series 2014 (the “Series 2014 Bonds”), dated April 24, 2014, bearing interest from date as set forth below, all interest payable August 1, 2014, and semi-annually thereafter on February 1 and August 1 in each year, and the principal maturing on February 1 in the years and amounts, as follows:

| Year | Amount    | Rate  | Year | Amount    | Rate  |
|------|-----------|-------|------|-----------|-------|
| 2015 | \$225,000 | 2.00% | 2025 | \$245,000 | 2.60% |
| 2016 | 200,000   | 3.00  | 2026 | 250,000   | 2.70  |
| 2017 | 205,000   | 3.00  | 2027 | 255,000   | 2.80  |
| 2018 | 210,000   | 3.00  | 2028 | 265,000   | 2.90  |
| 2019 | 220,000   | 1.40  | 2029 | 270,000   | 3.00  |
| 2020 | 220,000   | 1.75  | 2030 | 280,000   | 3.15  |
| 2021 | 225,000   | 2.00  | 2031 | 290,000   | 3.25  |
| 2022 | 230,000   | 2.20  | 2032 | 300,000   | 3.35  |
| 2023 | 235,000   | 2.40  | 2033 | 310,000   | 3.50  |
| 2024 | 240,000   | 2.50  |      |           |       |

of which there is now outstanding \$3,615,000 principal amount thereof, maturing in the years 2020 through 2033, inclusive, as set forth above; and

**WHEREAS**, the Authority owns certain facilities comprising the water and sewer system of the City of Dawsonville, Georgia (the “City”) (said facilities being hereinafter referred to collectively as the “System”), which the Authority leased to the City under the terms of that certain Lease Agreement, dated as of April 1, 2014 (the “2014 Lease Agreement”); and

**WHEREAS**, the System is comprised of land, interests in land, buildings, facilities and other improvements and furniture, fixtures and equipment used on and in connection therewith, all located within the downtown development area of the Authority and all operated as a water and sewer system which is useful and necessary for trade, commerce and industry and creates directly and indirectly employment opportunities within the downtown development area of the Authority; and



**WHEREAS**, the Authority acquired the System from the City and has agreed to sell the System to the City and terminate said 2014 Lease Agreement; and

**WHEREAS**, the Authority previously issued its \$4,675,000 Revenue Bonds (Dawsonville Water and Sewer Facilities Project), Series 2014 (the “Series 2014 Bonds” or the “Series 2014 Bonds”), now outstanding in the principal amount of \$3,615,000 and the proceeds of which bonds were used by the City to refinance certain facilities of the System; and

**WHEREAS**, to obtain debt service savings and achieve other benefits the City has requested that the Issuer assist in refunding all of the Series 2014 Bonds by the issuance of the Downtown Development Authority of Dawsonville, Georgia Tax-Exempt Revenue Bond (City of Dawsonville Facilities Project), Series 2019 (the “Series 2019 Bond”) (said proposed refunding being hereinafter referred to as the “Refunding”); and

**WHEREAS**, the City has determined that the Refunding should be accomplished by making provision for (1) the redemption on or before November 15, 2019 of the entire principal amount of the Series 2014 Bonds now outstanding, (2) the payment of any interest due on said Series 2014 Bonds, and (3) the payment of some or all expenses incident to accomplishing the foregoing; and

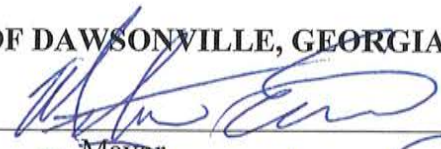
**WHEREAS**, the City has determined that the issuance of the Series 2019 Bond by the Issuer for the purpose of financing the Refunding will achieve a lawful and valid public purpose for the benefit of the citizens of the City of Dawsonville and the inhabitants thereof; and


**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Dawsonville, Georgia, and it is **HEREBY RESOLVED**, as follows:

1. The City hereby authorizes and approves the redemption of the Series 2014 Bonds, conditional upon issuance of the Series 2019 Bond. The date of redemption of said bonds shall be November 15, 2019.
2. Pursuant to Section 8.7 of the 2014 Lease Agreement, the City hereby exercises its option to make the prepayment of a portion of the payments due under Section 5.2 of the 2014 Lease Agreement, and in connection therewith, directs the Issuer and the Trustee to redeem all of the \$3,615,000 aggregate principal amount of Series 2014 Bonds maturing February 1, 2020 and thereafter, conditional upon the issuance of the Series 2019 Bond.
3. The Mayor of the City and the proper officers, agents and employees of the City be and are hereby authorized and directed to execute any documents or instruments necessary to direct the Issuer and the Trustee to call the Series 2014 Bonds for redemption.
4. The notice of redemption of the Series 2014 Bonds shall be substantially as the form of notice attached hereto as **Exhibit “A.”**

**RESOLVED, ADOPTED AND APPROVED**, this 7th day of October, 2019.

**CITY OF DAWSONVILLE, GEORGIA**

By:   
Mayor

Attest:   
City Clerk

(CORPORATE SEAL)



**EXHIBIT "A"**

**[Form of Redemption Notice – Series 2014 Bonds]**

**Notice of Call for Redemption Pertaining to  
\$4,675,000  
Downtown Development Authority of Dawsonville, Georgia  
Revenue Bonds (Dawsonville Water and Sewer Facilities Project), Series 2014,  
dated April 24, 2014 (the "Series 2014 Bonds")**

**NOTICE IS HEREBY** given to the holders of the above described Series 2014 Bonds of the Downtown Development Authority of Dawsonville, Georgia (the "Issuer") that said Series 2014 Bonds maturing February 1, 2020 and thereafter have been called for redemption on November 15, 2019 (the "Redemption Date"). The Series 2014 Bonds called for redemption are now outstanding in the aggregate principal amount of 3,615,000, bear interest from date as set forth below, all interest payable semi-annually on August 1 and February 1 in each year, and the principal of the Series 2014 Bonds called for redemption matures on February 1 in the years and amounts, as follows:

| Year | Amount    | Rate  | Cusip No. | Year | Amount    | Rate  | Cusip No. |
|------|-----------|-------|-----------|------|-----------|-------|-----------|
| 2020 | \$220,000 | 1.75% | 239455AF5 | 2027 | \$255,000 | 2.80% | 239455AN8 |
| 2021 | 225,000   | 2.00  | 239455AG3 | 2028 | 265,000   | 2.90  | 239455AP3 |
| 2022 | 230,000   | 2.20  | 239455AH1 | 2029 | 270,000   | 3.00  | 239455AQ1 |
| 2023 | 235,000   | 2.40  | 239455AJ7 | 2030 | 280,000   | 3.15  | 239455AR9 |
| 2024 | 240,000   | 2.50  | 239455AK4 | 2031 | 290,000   | 3.25  | 239455AS7 |
| 2025 | 245,000   | 2.60  | 239455AL2 | 2032 | 300,000   | 3.35  | 239455AT5 |
| 2026 | 250,000   | 2.70  | 239455AM0 | 2033 | 310,000   | 3.50  | 239455AU2 |

The Issuer proposes to issue the Downtown Development Authority of Dawsonville, Georgia Tax-Exempt Revenue Bond (City of Dawsonville Facilities Project), Series 2019 (the "Series 2019 Bond"). A portion of the proceeds of the Series 2019 Bond will be used by the City of Dawsonville Georgia to redeem the Series 2014 Bonds on the Redemption Date. The redemption of the Series 2014 Bonds is conditioned upon the issuance of the Series 2019 Bond and the receipt by Regions Bank, Atlanta, Georgia (the "Trustee") prior to or on the Redemption Date of amounts equal to the redemption price of the Series 2014 Bonds to be redeemed. In the event that the Series 2019 Bond is not issued, the redemption will be rescinded and a notice cancelling the redemption will be given. Holders of the Series 2014 Bonds will receive payment of the redemption price and accrued interest to which they are entitled upon presentation and surrender of their Bonds to the Trustee. Interest on the above described Series 2014 Bonds designated for redemption shall cease to accrue after November 15, 2019.

Neither the Issuer nor Trustee shall be responsible for the use of the CUSIP number(s) selected, nor is any representation made as to their correctness indicated in the notice or as printed on any Bond. They are included solely for the convenience of the bondholders.

**REGIONS BANK, AS TRUSTEE**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Dated: \_\_\_\_\_, 2019