

MINUTES
CITY COUNCIL REGULAR MEETING
April 23, 2018
7:00 P.M.

CALL TO ORDER: Mayor Michael Eason called the meeting to order at 7:00 p.m.

ROLL CALL: Present were Councilmember Jason Power, Councilmember Mark French, Councilmember Caleb Phillips, Councilmember Stephen Tolson, City Attorney Dana Miles, City Manager Bob Bolz, City Clerk Beverly Banister, Public Works Operations Manager Trampas Hansard and Planning Director Casey Majewski.

INVOCATION AND PLEDGE: Invocation and pledge was led by Mayor Eason.

APPROVAL OF THE AGENDA: Motion to approve the agenda as presented made by J. Power/M. French. Vote carried unanimously in favor.

1. **APPROVAL OF THE MINUTES:** Motion to approve the minutes from the Regular Meeting and the Executive Session held on 04/09/2018 made by S. Tolson/J. Power. Vote carried unanimously in favor.
2. **ANNEXATION/REZONE FEE WAIVER REQUEST:** Motion to waive the annexation and rezone fee for John and Dayle DeLong made by J. Power/M. French. Vote carried unanimously in favor.
3. **RESOLUTION – GEORGIA CITIES WEEK APRIL 22 -28, 2018:** Mayor Eason read the resolution. Motion to approve the resolution made by M. French/C. Phillips. Vote carried unanimously in favor. (Exhibit “A”)

NEW BUSINESS

4. **An Ordinance to Amend Chapter 3 Alcoholic Beverages of the Code of Ordinances for the City of Dawsonville; and Other Purposes. Public Hearing Dates: April 9, 2018 and April 23, 2018**

The public hearing was unanimously opened by C. Phillips/M French. Mayor Eason conducted the public hearing. City Attorney Dana Miles presented and discussed the amendment to the ordinance. No one spoke in favor or opposition. A motion to close the public hearing was made by S. Tolson/J. Power. Vote carried unanimously in favor.

Motion to approve the ordinance amendment as presented made by C. Phillips/M. French. Vote carried unanimously in favor. (Exhibit “B”)

PUBLIC HEARINGS

5. **CU-032018: Lake Laurel Associates, LLC has requested a Conditional Use Permit for the purpose of constructing and operating a RV/Boat Storage Facility at 0 Hwy 53 West on TMP D01 051 and a portion of D01 051.001. Public Hearing Dates: Planning Commission on April 9, 2018 and City Council April 23, 2018**

The public hearing was unanimously opened by J. Power/C. Phillips. Mayor Eason conducted the public hearing. Planning Director Majewski presented the conditional use permit request and informed Council that Planning Commission recommends approval of the request. Graham McKinnon, attorney for the applicant spoke in favor of the request

MINUTES
CITY COUNCIL REGULAR MEETING
April 23, 2018
7:00 P.M.

citing he was there for any questions that needed to be answer. No one spoke in opposition to the request. A motion to close the public hearing was made by M. French/J. Power. Vote carried unanimously in favor.

Motion to approve the conditional use permit made by C. Phillips/M. French. Vote carried unanimously in favor.

The public hearing was unanimously opened to hear items #6 through #33 by J. Power/C. Phillips. The annexations and rezones were presented and read. No one spoke in favor or opposition. Motion to close the public hearing made by J. Power/S. Tolson. Vote carried unanimously in favor. All rezones were approved by the Planning Commission on April 9, 2018.

The second reading and final vote will be held on May 7, 2018 at 7:00 pm.

6. **ANX C8-00089 and ZA C8-00089**: Voranath Chanthavong has petitioned to annex into the city limits of Dawsonville the 8 acre tract known as TMP 082 005, located at 295 Burt Creek Road, with a request to rezone from County Zoning of RA (Residential Exurban/Agriculture) to City Zoning of R1 (Single Family Residential). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018
7. **ANX C8-00099 and ZA C8-00099**: Dorsey E. Wallace Sr. has petitioned to annex into the city limits of Dawsonville the less than 1 acre tract known as TMP D05 023, located at 776 Hwy 9 North, with a request to rezone from County Zoning of VCR (Vacation Cottage Restricted) to City Zoning of CBD (Central Business District). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018
8. **ANX C8-00100 and ZA C8-00100**: Morris Harris has petitioned to annex into the city limits of Dawsonville the less than 1 acre tract known as TMP D05 030, located at 125 Robinson Road, with a request to rezone from County Zoning of C-CB (Community Business Commercial) to City Zoning of HB (Highway Business). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018
9. **ANX C8-00018 and ZA C8-00018**: Janice Nix has petitioned to annex into the city limits of Dawsonville the 1 acre tract known as TMP 090 072, located at 18 Nugget Lane, with a request to rezone from County Zoning of RPC (Residential Planned Community) to City Zoning of PUD/R2 (Planned Unit Development/Single Family Residential). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018
10. **ANX C8-00048 and ZA C8-00048**: Michael Adams has petitioned to annex into the city limits of Dawsonville the less than 1 acre tract known as TMP 090 069, located at 0 Prospector Court, with a request to rezone from County Zoning of RPC (Residential Planned Community) to City Zoning of PUD/R2 (Planned Unit Development/Single Family Residential). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018

MINUTES
CITY COUNCIL REGULAR MEETING
April 23, 2018
7:00 P.M.

11. **ANX C8-00049 and ZA C8-00049**: Juanita Blankenship has petitioned to annex into the city limits of Dawsonville the 1 acre tract known as TMP 090 123, located at 148 Gold Leaf Terrace, with a request to rezone from County Zoning of RPC (Residential Planned Community) to City Zoning of PUD/R2 (Planned Unit Development/Single Family Residential). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018
12. **ANX C8-00050 and ZA C8-00050**: Donnie F. East Sr. has petitioned to annex into the city limits of Dawsonville the less than 1 acre tract known as TMP 090 087, located at 48 Gold Leaf Terrace, with a request to rezone from County Zoning of RPC (Residential Planned Community) to City Zoning of PUD/R2 (Planned Unit Development/Single Family Residential). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018
13. **ANX C8-00051 and ZA C8-00051**: Marilyn Sanvi Self Directed IRA LLC has petitioned to annex into the city limits of Dawsonville the less than 1 acre tract known as TMP 090 101, located at 0 Miners Way, with a request to rezone from County Zoning of RPC (Residential Planned Community) to City Zoning of PUD/R2 (Planned Unit Development/Single Family Residential). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018
14. **ANX C8-00052 and ZA C8-00052**: M & S Properties of Dawsonville LLC has petitioned to annex into the city limits of Dawsonville the less than 1 acre tract known as TMP 090 116, located at 0 Gold Leaf Terrace, with a request to rezone from County Zoning of RPC (Residential Planned Community) to City Zoning of PUD/R2 (Planned Unit Development/Single Family Residential). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018
15. **ANX C8-00053 and ZA C8-00053**: Marilyn Sanvi Self Directed IRA LLC has petitioned to annex into the city limits of Dawsonville the less than 1 acre tract known as TMP 090 049, located at 0 Gold Creek Drive, with a request to rezone from County Zoning of RPC (Residential Planned Community) to City Zoning of PUD/R2 (Planned Unit Development/Single Family Residential). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018
16. **ANX C8-00054 and ZA C8-00054**: Edward and Patricia Holton have petitioned to annex into the city limits of Dawsonville the less than 1 acre tract known as TMP 090 110, located at 0 Gold Bullion Drive West, with a request to rezone from County Zoning of RPC (Residential Planned Community) to City Zoning of PUD/R2 (Planned Unit Development/Single Family Residential). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018
17. **ANX C8-00055 and ZA C8-00055**: Marcus and Hannah Stowers have petitioned to annex into the city limits of Dawsonville the less than 1 acre tract known as TMP 090 048, located at 16 Gold Creek Court, with a request to rezone from County Zoning of RPC (Residential Planned Community) to City Zoning of PUD/R2 (Planned Unit Development/Single Family Residential). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018

MINUTES
CITY COUNCIL REGULAR MEETING
April 23, 2018
7:00 P.M.

18. **ANX C8-00056 and ZA C8-00056**: Bruce and Edith Banta have petitioned to annex into the city limits of Dawsonville the 1 acre tract known as TMP 090 102, located at 81 Miners Way, with a request to rezone from County Zoning of RPC (Residential Planned Community) to City Zoning of PUD/R2 (Planned Unit Development/Single Family Residential). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018
19. **ANX C8-00057 and ZA C8-00057**: Steve Sanvi has petitioned to annex into the city limits of Dawsonville the less than 1 acre tract known as TMP 090 045, located at 87 Gold Creek Court, with a request to rezone from County Zoning of RPC (Residential Planned Community) to City Zoning of PUD/R2 (Planned Unit Development/Single Family Residential). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018
20. **ANX C8-00071 and ZA C8-00071**: Ricky L. Tatum has petitioned to annex into the city limits of Dawsonville the less than 1 acre tract known as TMP 090 064, located at 108 Gold Bullion Drive West, with a request to rezone from County Zoning of RPC (Residential Planned Community) to City Zoning of PUD/R2 (Planned Unit Development/Single Family Residential). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018
21. **ANX C8-00072 and ZA C8-00072**: Thomas A. French has petitioned to annex into the city limits of Dawsonville the less than 1 acre tract known as TMP 090 042, located at 37 Gold Creek Court, with a request to rezone from County Zoning of RPC (Residential Planned Community) to City Zoning of PUD/R2 (Planned Unit Development/Single Family Residential). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018
22. **ANX C8-00073 and ZA C8-00073**: Jerome and Theresa Tragesser have petitioned to annex into the city limits of Dawsonville the less than 1 acre tract known as TMP 090 062, located at 44 Gold Bullion Drive West, with a request to rezone from County Zoning of RPC (Residential Planned Community) to City Zoning of PUD/R2 (Planned Unit Development/Single Family Residential). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018
23. **ANX C8-00074 and ZA C8-00074**: Jan and Charles Hudgins Jr. have petitioned to annex into the city limits of Dawsonville the 1 acre tract known as TMP 090 111, located at 255 Gold Leaf Terrace, with a request to rezone from County Zoning of RPC (Residential Planned Community) to City Zoning of PUD/R2 (Planned Unit Development/Single Family Residential). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018
24. **ANX C8-00017 and ZA C8-00017**: William Carl Tribble Sr. has petitioned to annex into the city limits of Dawsonville the less than 1 acre tract known as TMP 090 053, located at 718 Gold Creek Drive, with a request to rezone from County Zoning of RPC (Residential Planned Community) to City Zoning of PUD/R2 (Planned Unit Development/Single Family Residential). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018

MINUTES
CITY COUNCIL REGULAR MEETING
April 23, 2018
7:00 P.M.

25. **ANX C8-00078 and ZA C8-00078**: John and Teresa Kerr have petitioned to annex into the city limits of Dawsonville the less than 1 acre tract known as TMP 090 113, located at 224 Gold Leaf Terrace, with a request to rezone from County Zoning of RPC (Residential Planned Community) to City Zoning of PUD/R2 (Planned Unit Development/Single Family Residential). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018
26. **ANX C8-00079 and ZA C8-00079**: James H. Gray has petitioned to annex into the city limits of Dawsonville the less than 1 acre tract known as TMP 090 105, located at 14 Miners Way, with a request to rezone from County Zoning of RPC (Residential Planned Community) to City Zoning of PUD/R2 (Planned Unit Development/Single Family Residential). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018
27. **ANX C8-00080 and ZA C8-00080**: Michael Hendrix has petitioned to annex into the city limits of Dawsonville the 1 acre tract known as TMP 090 126, located at 128 Gold Leaf Terrace, with a request to rezone from County Zoning of RPC (Residential Planned Community) to City Zoning of PUD/R2 (Planned Unit Development/Single Family Residential). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018
28. **ANX C8-00081 and ZA C8-00081**: Richard Todd Buckner has petitioned to annex into the city limits of Dawsonville the less than 1 acre tract known as TMP 090 088, located at 369 Gold Bullion Drive West, with a request to rezone from County Zoning of RPC (Residential Planned Community) to City Zoning of PUD/R2 (Planned Unit Development/Single Family Residential). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018
29. **ANX C8-00085 and ZA C8-00085**: Juanita Scarborough has petitioned to annex into the city limits of Dawsonville the less than 1 acre tract known as TMP D05 020, located at 922 Perimeter Road, with a request to rezone from County Zoning of VCR (Vacation Cottage Restricted) to City Zoning of R-2 (Single Family Residential). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018
30. **ANX C8-00086 and ZA C8-00086**: Michael and Amy Mulberry have petitioned to annex into the city limits of Dawsonville the less than 1 acre tract known as TMP 090 091, located at 441 Gold Bullion Drive West, with a request to rezone from County Zoning of RPC (Residential Planned Community) to City Zoning of PUD/R2 (Planned Unit Development/Single Family Residential). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018
31. **ANX C8-00101 and ZA C8-00101**: Chris Moore has petitioned to annex into the city limits of Dawsonville the less than 1 acre tract known as TMP 090 043, located at 55 Gold Creek Court, with a request to rezone from County Zoning of RPC (Residential Planned Community) to City Zoning of PUD/R2 (Planned Unit Development/Single Family Residential). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018

MINUTES
CITY COUNCIL REGULAR MEETING
April 23, 2018
7:00 P.M.

32. **ANX C8-00102 and ZA C8-00102**: Toivo and Mary Ratasepp have petitioned to annex into the city limits of Dawsonville the less than 1 acre tract known as TMP 090 096, located at 583 Gold Bullion Drive West, with a request to rezone from County Zoning of RPC (Residential Planned Community) to City Zoning of PUD/R2 (Planned Unit Development/Single Family Residential). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018
33. **ANX C8-00103 and ZA C8-00103**: Michael and Kelley Dasinger have petitioned to annex into the city limits of Dawsonville the less than 1 acre tract known as TMP 090 093, located at 501 Gold Bullion Drive West, with a request to rezone from County Zoning of RPC (Residential Planned Community) to City Zoning of PUD/R2 (Planned Unit Development/Single Family Residential). Public Hearing Dates: Planning Commission April 9, 2018 and City Council April 23, 2018. City Council Agenda for a decision on May 7, 2018

WORK SESSION

No items for discussion

EXECUTIVE SESSION

At 7:39 p.m. the Council motioned to close regular session and go into executive session for the purposed of Pending or Potential Litigation, Real Estate Acquisition and Personnel made by M. French/J. Power. Vote carried unanimously in favor.

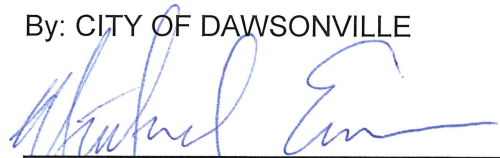
Let the record reflect Councilmember Phillips left the meeting before a motion was made to close the executive session.

At 8:41 p.m. a motion to close executive session and resume regular session was made by S. Tolson/J. Power. Vote carried 3 in favor (Tolson, Power, French) Councilmember Phillips was not present for the vote.

ADJOURNMENT

With there being no further business to attend to, a motion was made to adjourn the meeting at 8:42 p.m. by S. Tolson/M French. Vote carried 3 in favor (Tolson, Power, French) Councilmember Phillips was not present for the vote.

By: CITY OF DAWSONVILLE

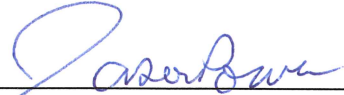


Michael Eason, Mayor



Caleb Phillips, Councilmember

MINUTES
CITY COUNCIL REGULAR MEETING
April 23, 2018
7:00 P.M.



Jason Power, Councilmember

ABSENT

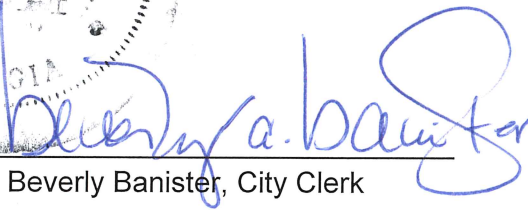
Stephen Tolson, Councilmember



Mark French, Councilmember



Attested:


Beverly Banister, City Clerk

STATE OF GEORGIA
COUNTY OF DAWSON

AFFIDAVIT OF THE CITY OF DAWSONVILLE MAYOR AND COUNCIL

Mayor Michael Eason, Councilmember Jason Power, Councilmember Caleb Phillips, Councilmember Stephen Tolson, and Councilmember Mark French; being duly sworn, state under oath that the following is true and accurate to the best of their knowledge and belief:

1. The City of Dawsonville Council met in a duly advertised meeting on the April 23, 2018.
2. During such meeting, the Board voted to go into closed session.
3. The executive session was called to order at 7:31 p.m.
4. The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law: (check all that apply)

Consultation with the City Attorney or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the City or any officer or employee or in which the City or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

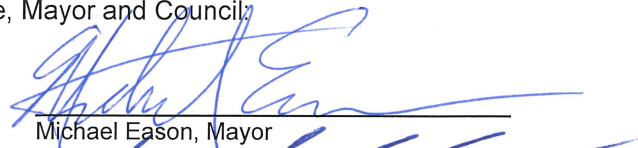
Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and _____;

Discussion of future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a City officer or employee as provided in O.C.G.A. § 50-14-3(6);

Other _____ as provided in: _____.

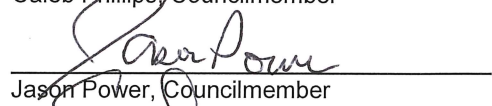
This 23rd day of April 2018; By the City of Dawsonville, Mayor and Council:



Michael Eason, Mayor



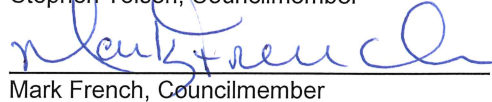
Caleb Phillips, Councilmember



Jason Power, Councilmember

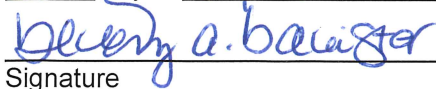


Stephen Tolson, Councilmember



Mark French, Councilmember

Sworn to and subscribed before me this
23 day of April, 2018.



Signature

Notary Public
My Commission expires:

02.18.2020



Beverly A. Banister
NOTARY PUBLIC
Dawson County, Georgia
My Commission Expires
February 18, 2020

**A RESOLUTION OF THE CITY OF DAWSONVILLE
RECOGNIZING GEORGIA CITIES WEEK, APRIL 22-28, 2018,
AND ENCOURAGING ALL CITIZENS TO SUPPORT THE
CELEBRATION AND CORRESPONDING ACTIVITIES.**

WHEREAS, city government is the closest to most citizens, and the one with the most direct daily impact upon its residents; and

WHEREAS, city government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and

WHEREAS, city government officials and employees share the responsibility to pass along their understanding of public services and their benefits; and

WHEREAS, Georgia Cities Week is a very important time to recognize the important role played by city government in our lives; and

WHEREAS, this week offers an important opportunity to spread the word to all the citizens of Georgia that they can shape and influence this branch of government which is closest to the people; and

WHEREAS, the Georgia Municipal Association and its member cities have joined together to teach students and other citizens about municipal government through a variety of different projects and information; and

WHEREAS, Georgia Cities Week offers an important opportunity to convey to all the citizens of Georgia that they can shape and influence government through their civic involvement.

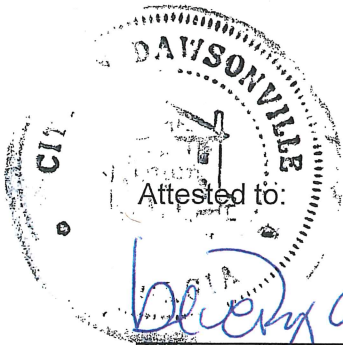
NOW, THEREFORE, be it resolved that the City of Dawsonville declares April 22-28, 2018 as **GEORGIA CITIES WEEK**. Be it further resolved that the City of Dawsonville encourages all citizens, city government officials, and employees to do everything possible to ensure that this week is recognized and celebrated accordingly.

SO RESOLVED, ADOPTED AND APPROVED, this 23rd day of April, 2018.

CITY OF DAWSONVILLE

By: _____

Michael Eason
Mayor, City of Dawsonville



Beverly A. Banister

Beverly Banister
City Clerk, City of Dawsonville

ORDINANCE #2018-02

AN ORDINANCE TO AMEND CHAPTER 3 ALCOHOLIC BEVERAGES OF THE CODE OF ORDINANCES FOR THE CITY OF DAWSONVILLE; AND OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Dawsonville have adopted and enacted a Code of Ordinances for the City of Dawsonville, Georgia in order to promote the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of the City of Dawsonville; and

WHEREAS, Chapter 3 Alcoholic Beverages of the Code of Ordinance provides rules, regulations, requirements and standards for the sale and distribution of alcoholic beverages; and

WHEREAS, the Mayor and Council of the City of Dawsonville find that Chapter 3 Alcoholic Beverages of the Code of Ordinance regulating the licensing of an establishment to sell and/or distribute alcoholic beverages and establishing the rules governing such establishments serves to promote the health, safety, morals, convenience, order, prosperity or the general welfare of the present and future inhabitants of the City of Dawsonville; and other purposes; and

WHEREAS, the Mayor and Council are desirous of amending Chapter 3 Alcoholic Beverages of the Code of Ordinances for consistency with Georgia Senate Bill 85 which was enacted in 2017 and to provide for uses including performance facilities, mobile food vendor-served establishments, breweries, and distilleries as appropriate; and

WHEREAS, the Mayor and Council seek to restructure the existing Chapter 3 to provide for administrative clarity; and

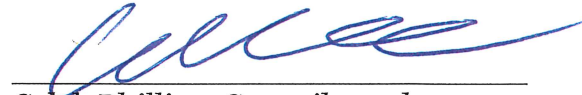
WHEREAS, the Mayor and Council find that the existing Chapter 3 Alcoholic Beverages should be repealed in its entirety and replaced by the attached Chapter 3 Alcoholic Beverages in the Code of the City of Dawsonville.


NOW THEREFORE, be it ordained and resolved and it is hereby ordained and resolved

by the Mayor and Council of the City of Dawsonville this the 23rd day of April, 2018 that the City of Dawsonville Chapter 3 Alcoholic Beverages of the Code of Ordinances is deleted and replaced in its entirety with the attached which is hereby incorporated by reference.

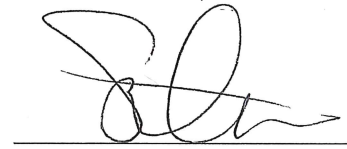
CITY OF DAWSONVILLE, GEORGIA


Mike Eason, Mayor


Caleb Phillips, Councilmember


Jason Power, Councilmember


Mark French, Councilmember


Stephen Tolson, Councilmember



Attest:


Beverly Banister, City Clerk

(seal)

Chapter 3 - ALCOHOLIC BEVERAGES

ARTICLE I. - IN GENERAL

Sec. 3-1. - Definitions.

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

Alcohol. 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 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 section.

Amenity Permit. A permit issued which allows a business establishment to provide free of charge beer and/or wine to customers as an act of hospitality where the primary purpose and business of the establishment is to provide goods or services other than beer and/or wine. An Amenity Permit may not be issued to an Eating Establishment or an Adult Entertainment Business.

Adult Entertainment Business. A business as defined in Section 3-379 that provides adult entertainment or sells adult novelties or devices that are primarily oriented toward sex.

Bed and breakfast. Any establishment where rooms used for sleeping accommodations are offered for pay to guests, which regularly prepares and serves breakfast, where there exists one or more dining rooms serving prepared meals, whether public or for the use of guests, with a seating capacity of at least ten, and with a kitchen that has been approved by the health and fire departments.

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 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 percent, but more than 0.1 percent alcohol by volume. The term "malt beverage" does not include sake, known as Japanese rice wine.

Brewery. A facility that manufactures beer or malt beverages.

Brewpub. Any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-33 for retail consumption on premises and sold in draft form.

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

Distilled spirits. Any alcoholic beverage obtained by distillation or containing more than 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 50 percent of gross receipts annually from the sale of prepared meals or food.

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 21 percent alcohol by volume 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.

Growler. The term growler shall mean a 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 building or other structure or combination of buildings or structures, which is 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 50 or more rooms used for the sleeping accommodations of such guest and one or more public dining rooms that include seating capacity of at least 20 guests. The sleeping accommodations and dining rooms being conducted in the same building or in separate buildings or structures used in connection therewith are considered to be on the same premises and are a part of the operation. The establishment 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.

Indoor commercial recreational establishment. An establishment that is limited to regularly serving prepared food, with a full service kitchen, and deriving at least 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, 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. Provided, that no indoor commercial recreational establishment shall offer alcoholic beverages for sale during the time it is sponsoring events which primarily attract persons under the lawful drinking age in the state.

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

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

Licensee. A person, as defined herein, holding any class of license issued under this article.

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

Manager. Any person who supervises the regular operations of a business licensed under this chapter.

Manufacturer. Any maker, producer, or bottler of an alcoholic beverage. It would also include a brewer of beer or malt beverages or distiller of distilled spirits.

Mobile Food Vendor-Served Eating Establishment. A public place which is located within the Town Center District that sells prepared food for consumption by the public where the food is prepared by one or more food trucks or similar mobile kitchen.

Minor. When used in this chapter, minor shall refer to 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 in which a licensee serves food and beverages as part of the operation of the licensed premises as a

sidewalk cafe. An outdoor dining area must be located adjacent to the licensed 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 spirituous liquors. 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 Georgia law.

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 to ticketed patrons, except that no performance facility may feature, show, allow, promote, or advertise adult entertainment as defined and regulated in the Dawsonville City Code of Ordinances and by Georgia 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 the license; 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. 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 for consumption on the premises at retail only to consumers and not for resale.

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

Taproom. A room or establishment where alcoholic drinks are served over a counter.

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 24 percent alcohol made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. 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.

Sec. 3-2. - Types of Licenses

(a) Retail Sale of Beer and/or Wine for On-Premise Consumption -Administrative License

- (1) The City Manager or his/her designee may issue an alcoholic beverage license to the following establishments for the on-premise consumption of beer and/or wine only.
- (2) Unless otherwise specified here within, any establishment which sells beer and/or wine for on- premise consumption must derive at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.
- (3) The following uses are eligible for an administrative license:
 - i. Eating Establishment with Full Service Kitchen.
Any public place, including a place available for rental by the public, selling prepared food for consumption by the public on the premises that has been prepared in a full service kitchen.

ii. Brewpub.

1. Any eating establishment in which beer or malt beverages are manufactured or brewed for retail consumption on the premises. The term "eating establishment" as used in this section means any public place, including a place available for rental by the public, selling prepared food for consumption by the public on the premises that has been prepared in a full service kitchen.
2. A brewpub license also authorizes the holder of such license to manufacture on the licensed premises beer for retail sale on the premises and in draft form. The maximum numbers of barrels of beer manufactured in a calendar year will be the quantity authorized under O.C.G.A. § 3-5-33, as now written or hereafter amended.
3. The revenue from the retail sale of packaged beer for off-premise consumption shall not be included in the calculations of gross receipts relative to food sales.

iii. Brewery with Taproom

1. A brewer may manufacture and sell malt beverages to individuals at the brewer's licensed premises for:
 - a. Consumption of beer and/or wine on the premises in a taproom or similar; and
 - b. Consumption of packaged product off the premises, in compliance with Georgia Code Title 3, Alcoholic Beverages, as now written or hereafter amended.
2. 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-premise fixed or full service kitchen.
3. Smoking of any type, including cigarettes, cigars, vaping, or similar, is prohibited within the premises of a brewery, including any exterior patio or similar.
4. Alcoholic beverages for on-premise consumption at breweries shall only be sold from 12:30 p.m. until 11:59 p.m. on Sundays and 11:00 a.m. until 11:59 p.m. on the other days of the week.
5. The licensee may engage in the retail sale of packaged beer products for off-premise consumption from 12:30 p.m. until 11:30 p.m. on Sundays and 7:00 a.m. until 11:59 p.m. on the other days of the week.
6. No gaming devices, including coin-operated amusement machines, as defined and regulated by Georgia law are permitted in breweries.

iv. Hotel-motel in-room service.

In-room service means 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. 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. There is no minimum food sales associated with beer and wine provided by an in-room service cabinet.

v. Private club. Any association organized under the laws of this state which:

1. Has been in existence at least six 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:
 - a. 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;
 - b. A sufficient number of employees for cooking, preparing and serving meals for its members and guests; and
 - c. Has no member, officer, agent or employee directly or indirectly receiving in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.
 4. 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 such license fees and taxes that are required.
 5. 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 dealing with general licensing and consumption on the premises establishments.
- vi. 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.
1. To qualify for an alcoholic beverage consumption license, a sports club must have been actively in operation within the city at least six 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 or the serving of alcoholic beverages is to take place on the golf course premises.
 2. 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.
 3. Unless otherwise indicated, a sports club licensee shall comply with all other requirements imposed upon retail consumption dealers.
 4. 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.
- vii. Indoor commercial recreational establishment.
1. Indoor commercial recreational establishments shall sell food on the premises prepared in a full service kitchen.
 2. An indoor commercial recreational establishment must derive at least 70 percent of gross receipts

annually from the sale of prepared meals or food and recreation activities.

3. 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.
4. 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.

(b) Retail Sale of Distilled Spirits for On-Premise Consumption - City Council Review and Approval

- (1) An alcohol beverage license for the on-premise consumption of distilled spirits requires review and approval by the City Council in accordance with the requirements set forth in this chapter.
- (2) Unless otherwise specified here within, any establishment which sells distilled spirits for on-premise consumption must derive at least 50 percent of gross receipts annually from the sale of prepared meals or food. Indoor commercial recreational establishment must derive at least 70 percent of gross receipts quarterly from the sale of prepared meals or food and recreation activities.
- (3) The following uses are permitted upon review and approval by the City Council:
 - i. Any establishment defined in section 3-2(a) that wishes to sell distilled spirits for on-premise consumption.
 - ii. Distillery with Taproom
 1. A distiller may manufacture and sell distilled spirits to individuals at the distiller's licensed premises for:
 - a. Consumption on the premises in a taproom; and
 - b. Consumption of packaged product off the premises, in compliance with Georgia Code Title 3, Alcoholic Beverages, as now written or hereafter amended.
 2. Food sales or service is permitted in a distillery, but is not required. There is no minimum required revenue for food sales, nor a requirement for an on-premise fixed kitchen.
 3. Smoking of any type, including cigarettes, cigars, vaping, or similar, is prohibited within the premises of a distillery, including any exterior patio or similar.
 4. Alcoholic beverages for on-premise consumption 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.
 5. The licensee may engage in the retail sale of packaged products for off-premise consumption from 12:30 p.m. until 11:59 p.m. on Sundays and 7:00 a.m. until 11:59 p.m. on the other days of the week.
 6. No gaming devices, including coin-operated amusement machines, as defined and regulated by Georgia law are permitted in distilleries.

(c) Retail Sale of Alcoholic Beverages for On-Premise Consumption -Special Review & Analysis by City Council Required

(1) By nature of the potential for concerns with noise, late night activity, parking, traffic management, and other factors that are unique to the type of establishments provided in subsection (3) below, the City Council shall review and analyze the location and operations plan for the following establishments before approving a license for the on-premise consumption of beer, wine, and/or distilled spirits. Such factors and criteria utilized by City Council shall include:

- i. location;
- ii. proximity to low density residential;
- iii. consistency with comprehensive plan/city vision;
- iv. floor plan and size of space;
- v. hours of operation;
- vi. proposed decibels/noise impact;
- vii. occupancy load;
- viii. outdoor seating;
- ix. traffic and parking management plan;
- x. sanitation management plan; security plan; and
- xi. type of entertainment, number of entertainers, and frequency of entertainment acts, as applicable.

(2) The City finds that the criteria set forth above promotes the health, safety, and welfare of the City's inhabitants and is 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.

(3) The following uses are permitted upon special review, analysis, and approval by the City Council:

i. Performance Facility

- 1. Beer, wine, and/or distilled spirits may be sold and/or dispensed at a performance facility as defined in this chapter.
- 2. 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 were a performance will take place in the facility.
- 3. 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 (1) hour before the start of a performance or later than one (1) hour after the performance has ended.
- 4. Alcohol may be sold or dispensed at a performance facility by a Citylicensed 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.
- 5. 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.

ii. Mobile Food Vendor-Served Eating Establishment

1. Mobile food vendor-served establishments are only permitted to sell alcohol within the Town Center District.
2. A mobile food vendor-served eating establishment must derive at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.
3. Alcohol may be sold or dispensed at a mobile food vendor establishment only at a fixed bar or by a server to patrons within the establishment.
4. 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.
5. Smoking of any type, including cigarettes, cigars, vaping, or similar, is prohibited within the premises, including any exterior patio or similar.
6. 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.
7. No gaming devices, including coin-operated amusement machines, as defined and regulated by Georgia law are permitted.

(d) Off-Premise Consumption

- (1) The City Manager or his/her designee may issue an alcoholic beverage license for the off premise consumption of beer and/or wine only.
- (2) An alcohol beverage license for the off-premise consumption of distilled spirits requires review and approval by the City Council in accordance with therequirements set forth in this chapter.
- (3) The following types of uses may be approved for the sale of alcohol for off-premise consumption.
 - i. Retail Package Dealer: To sell unbroken packages at retail only to consumers and not for resale.
 - ii. Brewpub: To sell malt beverages produced on site at retail only to consumers and not for resale.
 - iii. Brewery: To sell malt beverages produced on site at retail only to consumers and not for resale.
 - iv. Distillery: To sell distilled spirits produced on site at retail only to consumers and not for resale.
 - v. Wine and/or beer tasting - Retail package storelicense
 1. An entity possessing a duly issued retail package store license (off premises consumption) shall be eligible to apply for a wine and/or beer tasting permit.
 2. 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 store license.
 3. 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.
 4. 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.

5. 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 or designee.
6. The tasting permit need only be applied for once and shall automatically renew when the retail license is renewed, provided, however that 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.

(e) Other Licenses

The City Manager or his/her designee may issue an alcoholic beverage license to the following uses for the service of beer and/or wine only.

(1) Beer and/or wine amenity permit.

- i. 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.
- ii. An 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.
- iii. The 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.
- iv. The initial amenity permit application shall include a background check. An administrative fee as set in Sections 2-110 and 3.38 shall be charged to cover this administrative process.

(2) Art shop

- i. An art shop established under this section may allow customers to bring in a bottle or bottles of wine and/or beer to be consumed on the premises.
- ii. The customer must remove any unconsumed wine and/or beer from the premises before leaving the premises.
- iii. The brown-bagging of wine and/or beer in an art shop shall be subject to this chapter and to state law; including but not limited to the prohibition of consumption by one who is under 21 years of age or intoxicated.
- iv. An art shop may serve food provided it meets all federal, state and local requirements.

(3) Temporary permit.

Any organization, maintaining an alcohol beverage license in good standing with the State of Georgia, may be issued a temporary permit to sell and dispense alcoholic beverages for a period not to exceed ten days in any one year. The organization must complete an application and pay the fee required by this chapter. Such organizations will be required to comply with the ordinances and the licensing and regulations for a consumption on the premises establishment with the exception of the full service kitchen requirement.

(4) Permit for special event sales at city facilities.

- i. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
 1. Special event. An event approved and sanctioned by the city occurring on city or public property, or an event in which the city's personnel oversees such event.
 2. 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 or designee.
- ii. Any entity maintaining an alcohol beverage license in good standing with the State of Georgia may obtain a temporary special event permit for the sale of alcoholic beverages at a city special event under the following terms and conditions:
 1. Such applicant must complete in a timely manner, the respective application and submit the respective fee as set forth in the license fee schedule. The applicant shall submit, as may be required by the City Manager or designee, a plan or rendering which details operational matters.
 2. The application must be reviewed and duly approved by the City Manager or designee.
 3. 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.
 4. Unless otherwise approved, no more than one entity/organization shall be allowed to sell beer or wine during the course of any one event. The city reserves the right to permit or to refuse any permit for a special event, as deemed in the best interest of the city.
 5. The city may allow during permitted events, alcoholic beverages to be sold by licensed establishments and taken outside of normal dining areas into the Town Center District.
 6. The possession of any open glass container for the consumption of any beverage is prohibited.
 7. The City Manager or designee shall be authorized to suspend or terminate a special event at any time, if he/she determines that it is necessary for the health, safety and welfare of the residents of the city.
 8. Notwithstanding the provisions of subsections (ii)(1) thru (b)(7) above, nothing in this section shall relieve applicants from complying with all other provisions of this chapter and state law.

(5) Sales; off premises for catered functions.

- i. Licenses may be obtained for the purpose of selling or dispensing alcoholic beverages by the drink on premises at which authorized catered functions are to be held.
 1. Such licenses may be obtained only by those persons, firms, or corporations with a valid local beverage alcohol license and a valid state retail dealer license.
 2. Such licenses shall only authorize the caterer to sell those alcoholic beverages for which he/she is licensed.

- ii. 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 or designee at least ten working days prior to the event.
 - 1. 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.
 - 2. A permit fee shall be charged as set in Sections 2-110 and 3-38.
 - 3. The permit shall be good for the specific event at the specific address and times set forth in the application.
 - 4. 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.
 - 5. 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.
 - 6. 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.
- iii. The hours and days of sale or distribution of alcoholic beverages under this section shall be the same as section 3-181.
- iv. No licensed alcoholic beverage caterer shall employ any person under 21 years of age to dispense, serve, sell or handle alcoholic beverages at authorized catered functions.
- v. Except as set forth above in the section, an off-premises permit holder must comply with all other provisions set forth in this chapter.

Sec. 3-3. - Penalties.

Any person who violates any provisions of the sections in this chapter may, upon conviction, be punished as provided by Sections 3-50 et seq. or as provided by Georgia law.

Secs. 3-4 through 3-30. - Reserved.

ARTICLE II. - LICENSE REQUIREMENTS

DIVISION 1. -APPLICATION AND REVIEW PROCESS

Sec. 3-31. - Sale in incorporated area of city; license a privilege.

(a) Alcoholic beverages may be sold in the incorporated area of the city under a license granted by the City of Dawsonville upon the terms and conditions provided in this chapter.

(b) All licenses in this chapter shall be a mere grant of privilege to carry on the business during the term of the license 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 an off premises consumption license for the same business, except that breweries, brewpubs, and distilleries may sell retail packages of alcohol produced on-site.

(d) All licenses under this chapter shall have printed on the front these words: "This license is a mere privilege subject to being revoked and annulled, and is subject to any further ordinances which may be enacted."

(e) Any holder of a license issued pursuant to this chapter is required to apply for and obtain an alcoholic beverage license from the state before any sales commence and are required to abide by all applicable state regulations and laws.

Sec. 3-32 . - License application forms.

(a) All persons desiring to sell alcoholic beverages shall complete the application forms prescribed by the City Manager or designee.

(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; 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) If the establishment manager changes, the applicant must furnish the City Manager or designee, the name and address of the new manager within ten days of such change.

(d) All applications shall be sworn to by the applicant before a notary public or other officer empowered by law to administer oaths.

(e) All applicants shall furnish data, fingerprints and other records as required by the City Manager or designee to ensure compliance with the provisions of this chapter. Failure to furnish such data, fingerprints and other records within 30 days from the date of such request shall automatically serve to dismiss the application with prejudice.

(f) In instances in which an application is denied under the provisions of this chapter, the applicant may not reapply for a license for at least two years from the final date of such denial. The City Manager or designee shall provide written notice to any applicant whose application is denied under the provision of this chapter. Such written notification shall set forth the reasons for such denial and shall advise the applicant of their appeal rights under the provisions of this chapter.

Sec. 3-33. - Investigative and administrative costs.

(a) Each application for a license under this chapter shall be accompanied by a fee as set in Section 2-110 and 3-38 for investigative and administrative costs.

(b) The fee shall not be refundable if the license is denied or if the licensee withdraws the application.

(c) Anyone applying for more than one license shall pay only one investigative and administrative fee.

(d) Any applicant for a new license under this chapter that already holds an existing license, shall have the investigative and administrative fee waived.

Sec. 3-34. - Licensing qualifications.

(a) No license for the sale of alcoholic beverages 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 for the sale of alcoholic beverages shall be granted to any person convicted under any federal, state or local law of any felony, within ten years prior to the filing of application for such license.

(d) Should any applicant, partner, or officer used in the sale or dispensing of any alcoholic beverages, after a license 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 under this chapter, to have any whole, partial or beneficial interest in any license to sell alcoholic beverages in the city.

(f) No license for the sale of alcoholic beverages shall be granted to any person who has had any license issued by the city previously revoked within two years prior to the filing of the application.

(g) Any written notice or demand required by the City of Dawsonville, permitted by law or under this chapter, will be served by hand delivery to the establishment and signed for by the licensee or manager on duty. If the licensee or manager are not onsite to be served by hand delivery, service may be perfected by certified mail to the licensee.

(h) A license application may be denied to any applicant for any alcoholic beverage license where it appears that the applicant would not have adequate financial participation in the proposed business to direct and manage its affairs, or where it appears that the application is intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.

(i) The City Manager or designee, at 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 judgment, circumstances are such that granting of the license would not be in the best interest of the general public, such circumstances may be grounds for denying the application.

(j) 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 for the sale of alcoholic beverages may be issued for a location prior to the completion of the building or tenant space indicated on the license application, provided no alcoholic beverages may be sold under the license until said building or space is completed as determined by the city planning and inspection department.

(k) 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 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.

(l) Payments for new or renewal alcoholic beverage license that is returned by a financial institution will be considered a non-payment and the alcoholic beverage license will be invalid. The licensee has seven 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 days, the license will be invalid. Once a license is invalid, the licensee would need to re-apply for a new license.

Sec. 3-35. - Compliance with rules and regulations; license fee.

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 sale of alcoholic beverages and each applicant shall pay a license fee in accordance with the fee scale adopted by the city council contained in section 3-34 and kept on file in the office of the City Manager.

Sec. 3-36. -Public hearing required.

Each application to sell distilled spirits or for a license requiring special review by the City Council shall be included on the City Council's public hearing and meeting 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. 3-37. - Multiple locations for sale of alcohol.

Separate applications must be made for each location and separate licenses must be issued for the sale of alcoholic beverages.

Sec. 3-38. - Fees enumerated.

License fees applicable to this chapter are set out in City Ordinance Sec. 2-110 and are repeated here for convenience. These fees are prospective only and any current license holder will not be responsible for any increase or receive any refund:

(a) Retail dealers of alcohol to be consumed on the premises:

- (1) Beer or wine: \$500.00 per year
- (2) Beer and wine: \$1,000.00 per year
- (3) Distilled spirits: \$4,000.00 per year

- (4) Distilled spirits, beer and wine: \$4,500.00 per year
- (b) Retail dealers of alcohol sold in original packages to be consumed off premises:
 - {1} Beer or wine: \$500.00 per year
 - (2) Beer and wine: \$1,000.00 per year
 - (3) Distilled spirits: \$4,000.00 per year
 - (4) Distilled spirits, beer and wine: \$4,500.00 per year
 - (5) Distillery, brewery, or brewpub that also holds a license for on-premise consumption: \$1,000.00 per year
- (c) Wholesale dealers are exempt from license fees.
- (d) Temporary license for organizations are \$100.00 per day, maximum ten days per year.
- (e) Art shop license for allowing customers to bring in a bottle or bottles of wine and/or beer to be consumed on the premises \$100.00 per year.
- [f] Licensed alcoholic beverage caterer: \$500.00 per year.
- [g] License fees are pro-rated the first year that the license is issued based on the date issued as follows:
 - {1} January 1 to June 30: The full amount of the license fee designated is due.
 - (2) July 1 to December 31: One-half of the full amount of the license fee designated is due.
- [h] License Application Investigation and Administrative Fee: \$100.00.
 - [i] Beer and/or wine amenity permit: \$250.00 per year; not subject to proration.
 - [j] Initial amenity permit application administrative fee: \$50.00.
 - [k] Alcoholic beverage caterer permit fee:
 - licensed by the City: \$25.00 per event.
 - licensed by jurisdictions other than the city: \$50.00 per event.
 - [l] Appeal fee: \$300.00. License Transfer (allowed by Section 3-84) Administrative fee: \$150.00

Sec. 3-39. - Withdrawal of application.

Any license application made pursuant to this chapter may be withdrawn by the applicant at any time. If the application is withdrawn before the license is issued, any sums deposited as an administrative processing fee shall not be refunded. After issuance of the license, no refunds will be made.

Secs. 3-40 through-3-49. - Reserved.

DIVISION 2. - LICENSE DENIAL, SUSPENSION, OR REVOCATION

Sec. 3-50. - Notice of denial, suspension or revocation.

For the purpose of this chapter, notice of denial, suspension or revocation of an alcoholic beverage license shall be deemed delivered when personally served by hand delivery of said notice by a member of the city staff to the establishment or by overnight delivery via nationally recognized carrier.

Sec. 3-51. - Suspension or revocation of license.

- (a) A license may be denied, suspended or revoked by the City Manager or designee:
 - (1) When the licensee furnishes fraudulent or untruthful information in the application for a license or omits information required in the application for a license, or for failure to pay all fees, taxes or other charges imposed under the provisions of this chapter.
 - (2) Whenever the state shall revoke any permit or license of any licensee to sell at wholesale or retail any alcoholic beverages, the city license to sell alcoholic beverages shall thereupon be automatically revoked.
 - (3) Any licensed establishment that is found to be in violation of any of the following sections shall be subject to

immediate license revocation:

- i. 3-125 (Noise)
 - ii. 3-240 (Employment of underage persons)
 - iii. 3-241 (Failure to require and properly check identification)
 - iv. 3-242 (Sales to underage person)
 - v. 3-188 (Solicitation)
- (4) Where the establishment has been found in violation of employment of underage persons to dispense, serve, sell or take orders for any alcoholic beverage.
 - (5) Where the establishment has been found in violation of sales to underage persons.
 - (6) Where alcoholic beverages have been sold or distributed during a period of suspension.
 - (7) When any establishment which does not meet the licensing qualifications set forth in this chapter any time such knowledge becomes known to the City.
 - (8) By an act or omission by a licensee, owner of more than ten percent interest in the licensed establishment, willingly or knowingly performed, which constitutes a violation of federal or state law or of any provision of this chapter.
 - (9) By 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.
- (b) A license may be revoked by the City Manager or designee if a license has been suspended two or more times in any consecutive 12-month period.
 - (c) An application for renewal of a license may be denied by the City Manager or designee when a licensee has been chronically delinquent or chronically in default in monthly excise tax reporting and remittance. Chronically is deemed to be four months of the same 12 month calendar.
 - (d) A license may be suspended by the City Manager or designee 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 totaling three or more of the following occurrences within any 30-day period shall constitute prima facie evidence as to constitute a nuisance:
 - (1) Breach of the peace, disturbance or altercation resulting in violence occurring on the premises.
 - (2) Permitting the solicitation of patrons on the licensed premises for prostitution or any other unlawful act where the license holder or the license holder's employee knew or should have known of such conduct.
 - (3) The selling or serving of any alcoholic beverage to any person that the license holder or the license holder's employee knew or should have known to be in a state of intoxication.
 - (4) The violation of any state law or regulation governing the manufacture, sale, distribution or transportation of alcoholic beverages.
 - (e) Whenever a license is suspended or revoked, a cease and desist notification shall be delivered to the licensed premise by the City Manager or designee. This notification will include the reasons for suspension or revocation, outlined the licensee rights to a hearing, and detail the dates of suspension or revocation. The City Manager or designee shall take the necessary steps to see that signs are removed and that all alcoholic beverage sales cease as outlined in the cease and desist notification letter.
 - (f) Wherever this chapter permits the City Manager or designee to suspend any license issued under this chapter but does not mandate the period of such suspension the suspension period shall be 14 days (two weeks).
- Sec. 3-52. - Hearings.
- (a) No license to sell alcoholic beverages shall be denied, suspended or revoked without the opportunity for a hearing.
 - (b) The City Manager or designee shall provide written notice to the applicant or licensee of the decision to deny, suspend or revoke the license. Such written notification shall set forth the reasons for such action and shall notify the applicant or licensee of the right to appeal under the provisions of this chapter.
 - (c) Any applicant or licensee may choose to appeal the decision to deny, suspend, or revoke the license to the City Council.

Such appeal shall be by written petition, filed in the office of the City Manager within ten days after receipt of the written notice provided by the City Manager or designee. In order to defray administrative costs, the written petition must be accompanied by a filing fee set forth in Sections 2-110 and 3-38. 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.

- (d) A hearing shall be conducted on each appeal within 45 days of the date of filing of the licensee's written petition with the office of the City Manager or designee unless a continuance of such date is agreed to by the appellant and the City Manager or designee.
- (e) 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 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.
- (f) The decision of the City Council shall be forwarded to the appellant by the City Manager or designee within 15 days after the conclusion of the hearing.
- (g) The decision of the City Council 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.
- (h) The findings of the City Council shall be final unless appealed within 30 days of the date of such finding by certiorari to the Superior Court of Dawson County.

Secs. 3-52 through 3-79. - Reserved.

DIVISION 3. - OPERATIONS AFTER ISSUANCE OF LICENSE

Sec. 3-80. - Display at place of business.

The city alcoholic beverage license shall at all times be kept plainly in view at the premise whereby it may be easily viewed by patrons.

Sec. 3-81. - Licensees to maintain a copy of this chapter; employees to be familiar with terms.

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

Sec. 3-82. - Sale or possession for sale without license or beyond boundaries of premises covered by license.

It shall be unlawful for any person to sell or possess for the purpose of sale any alcoholic beverage where the person does not have a license granted by the city to sell or possess for sale these alcoholic beverages, or to sell or make deliveries beyond the boundaries of the premises covered by the license.

Sec. 3-83. - Expiration and renewal.

- (a) All licenses granted under this chapter shall be valid from the date issued until December 31 of the license year.
- (b) All licenses granted under this chapter shall expire on December 31 of each year. Renewal packages will be sent to all current licensees by November 1. It is the licensee's responsibility to return renewal paperwork to the City Manager or designee by November 20 of each year. Any licensee who has not submitted the renewal application and the required fee before 4:00 p.m. on December 31 shall pay, in addition to the annual fee, a late charge of 20 percent. Additionally, all alcohol sales will be suspended until the renewal license is issued. If December 31 should fall on a Saturday or Sunday, this deadline shall be the last Friday in the month of December.
- (c) Any renewal paperwork received after 4:00 p.m. on December 31 shall be treated as an initial application and the applicant shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been held. This will include a reassessment of investigative and administrative fees and no alcohol sales will be permitted during the reapplication process.

Sec. 3-84. - Transferability of license.

- (a) No license for the sale of alcoholic beverages shall be transferable, except as otherwise provided in this section.
- (b) All transferred licenses, noted below, are subject to an administrative fee only as set forth in Sections 2-110 and 3-38.

- (c) In the case of the death of a licensee, the establishment shall be allowed to continue to sell alcoholic beverages for a period of 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 with the City. After said application has been made, the establishment shall be allowed to continue to sell alcoholic beverages until such time that the estate is settled and a new application has been filed or ownership is transferred and a new license has been issued. No additional license fees shall be required during the period for which the original license was issued.
- (d) If a licensee severs his association with a licensed establishment, the establishment shall be allowed to continue to sell alcoholic beverages for a period of 90 days from the date of surrender. During the 90 day period, a new application for a license is required. No additional license fees shall be required during the period for which the original license was issued.
- (e) Nothing in this section, however, shall prohibit one or more of the partners holding a license to withdraw from the partnership in favor of one or more of the partners who were partners at the time of the issuance of the license. Such a withdrawal shall not serve to bring any new ownership into the partnership. This section shall not prohibit transfer of stock between persons who held stock in the corporation at the time of issuance of the license nor shall it prohibit transfers of stock, which does not result in any person increasing his stock holdings to a total of ten percent or more of any class of stock.
- (f) Any licensee who desires to transfer the location of an establishment licensed to sell alcoholic beverages within the city shall notify the City Manager or designee prior to any transfer of location. The City Manager or designee 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 establishment 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. Should a transfer of location be approved, with no change of ownership of the business, the license fee paid for the old location shall be applied to the new location.
- (g) Any licensee who desires to change the name of an establishment licensed to sell alcoholic beverages within the city shall so notify the City Manager or designee prior to any change of name, and the City Manager or designee 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 of an establishment licensed to sell alcoholic beverages within the city shall so notify the City Manager or designee within five days of the effective date of such change and shall file, with the City Manager or designee, 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 establishment shall be cause to cancel and revoke any license issued under this chapter. The establishment shall be allowed to continue to sell alcoholic beverages for a period of 90 days from the date of change. No such transfer period shall be authorized until such time as a new application for a license is made. Upon authorization of a new licensee, all applicable license fees are required.

Sec. 3-85. -Automatic license forfeiture for nonuse.

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

Sec. 3-83. - Audits.

- (a) If the City Manager or designee deems it necessary to conduct an audit of the records and books of the licensee, the licensee shall be notified and an agreed upon date, time and place of the audit shall be arranged. The City Manager or designee may designate the city's auditor or other designated person to perform any audit authorized in this chapter. The licensee shall cooperate with the audit or forfeit any license issued under this chapter. Failure to arrange an agreed upon date within two months of an audit request will be deemed as an uncooperative act and the licensee will forfeit any licenses issued.
- (b) All licensed establishments must maintain the following records for a three-year period and make them available for audit at the licensed premises:
 - (1) Monthly income or operating statements.
 - (2) Daily sales receipts showing food sales separate from liquor, beer and wine sales. This requirement applies to retail consumption on premises licensees only.
 - (3) Daily cash register receipts such as "Z" tapes or guest tickets.
 - (4) Monthly state sales and use tax reports.
 - (5) Federal income tax return with all form 1099s. The City Manager or designee can waive all or some of the requirements

of this requirement if the City Manager or designee finds that no such records exist and it is not financially practical based on the net income of the licensed establishment to require them to keep such records.

- (c) If a licensed establishment is unable to provide the records, or does not meet the required food consumption percentage, another audit shall be performed within 90 days. If after two, or more, consecutive audits a licensed establishment is unable to provide the records, or does not meet the required food consumption percentage, the licensed establishment's license will be suspended for 30 days. During the 30 day suspension period, no alcoholic beverages will be allowed on the premise.
- (d) If a licensed establishment has not paid the proper amount of excise tax for alcohol sales, then the licensed establishment's license shall be suspended for at least 30 days and shall not be reinstated until all excise taxes are paid in full based upon the audited amount of alcohol sales. If the proper amount of excise tax is not paid in full during the 30 day suspension, the alcohol license shall be revoked.
- (e) Suspension or revocation of an alcohol license under this Audit Section shall be subject to the appeal rights set forth in Section 3-50 et seq. When a license is suspended or revoked, the city shall not be required to refund any portion of the license fee or excise tax to the holder of such suspended or revoked license.

Sec. 3-87. - Inspection of licensed establishments.

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

Sec. 3-88. - Closure of licensed establishments in cases of emergency.

- (a) The City Manager or his designee, may immediately close an establishment licensed under this chapter in case of emergency, for the safety of the public or to investigate a crime, for a period of time not to exceed 24 hours.
- (b) Additionally, the Mayor is authorized to suspend any license issued under this chapter for any emergency situation such as civil disorders or natural disasters or in any situation that the Mayor deems such immediate suspension necessary for the protection of the health and welfare of the citizens of the city, and such suspension may be made effective immediately and shall remain in force until the City Council determines the emergency is over or until the next regular meeting of the City Council or at a meeting called prior to the next regular meeting. When a license is suspended or revoked, the city shall not be required to refund any portion of the license fee or excise tax to the holder of such suspended or revoked license.

Secs. 3-89-3-119. - Reserved.

ARTICLE 111.-SALES AND SERVICE REQUIREMENTS FOR ON-PREMISE CONSUMPTION DIVISION 1. - BUILDING AND LOCATION REQUIREMENTS

Sec. 3-120. - Building requirements.

- (a) No alcoholic beverage license shall be issued to any person unless the building in which the business will be located is complete and detailed plans of such building and outside premises are attached to the application, or unless proposed plans and specifications and a building permit of a proposed building to be built are attached to the application. The completed building or the proposed building shall comply with city ordinances, regulations of the state board of commissioners and the state. The proposed building shall also be subject to final inspection and approval by the building inspector.
- (b) Each building in which the business will be located shall contain sufficient lighting so that the building itself and the premises on all sides of the building are readily visible at all times from the front of the street on which the building is located so as to reveal all of the outside premises of such building.
- (c) All premises for which an alcoholic beverage license 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. 3-121. - Permitted locations.

Alcoholic beverages sold by the drink for consumption on the premises are permitted only at the following locations, with the noted limitations:

- (a) In locations detailed in Section 3-2 for on-premise consumption.
- (b) 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.

- (c) At a golf course.
- (d) In the Town Center District, entities that are licensed for retail sales of alcohol for on-premise consumption and permitted by the City for alcohol sales at a City permitted event in the Town Center District may sell alcoholic beverages that can be carried about and consumed within the Town Center District.
- (e) 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 permitted 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. 3-122. - Distance requirements.

- (a) A license to sell any alcoholic beverages shall not be granted to any establishment within 300 feet of a church or within 300 feet of any school building nor shall a person knowingly and intentionally sell or offer to sell such beverages within these distances. Provided, however, the requirement for minimum distance from a church or school building shall not apply to a new license for the retail sale of alcoholic beverages for consumption on the premises. Nothing in this subparagraph shall prohibit a grocery store licensed for the retail sale of only wine and malt beverages for consumption off the premises from selling wine or malt beverages within 100 yards of any school building, school grounds, or college campus. As used in this subparagraph, the term "grocery store" means a retail establishment which has a total retail floor space of at least 10,000 square feet of which at least 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;
- (b) A license to sell retail package distilled spirits, a package store, shall not be issued to any establishment within 200 feet of any residence in addition to the distance requirements set forth in this section for churches and schools.
- (c) A license to sell retail package distilled spirits, a package store, shall not be issued to any establishment within 1,500 feet of another package store located either within or outside the city limits.
- (d) The term "school building" referred to in this section shall apply only to state, county, city or church school buildings. It includes only those structures in which instruction is offered. The term "instruction" refers to subjects commonly taught in the schools and colleges of this state.
- (e) The term "church building" referred to in this section shall mean the main structure used by any religiously affiliated organization for purposes of worship.
- (f) For the purposes of this section, distance shall be measured in a straight line from front door of the structure from which alcoholic beverages are sold or offered for sale, to the front door of the building of a church, government-owned treatment center or a retail package store.
- (g) Any location licensed to sell alcoholic beverages on the effective date of the ordinance from which this chapter is derived, shall not be denied continued operation under an existing license, denied any renewal of such license or no new owner of such location may be denied a new license based upon the measurements set forth in this section.
- (h) 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.

Sec. 3-123. - Open area and patio sales.

- (a) Alcoholic beverage sales can be made by a licensed, consumption on premises, establishment in a patio/open area type environment if the establishment has been approved to do so by the City Manager or designee.
- (b) The requirement for approval of a patio/open area type environment is that the patio/open area be enclosed by some structure

providing for public ingress/egress only through the main licensed premises. The purpose of this requirement is to prevent a customer from leaving the outside sales area with an open drink without the licensee's knowledge.

- (c) The height of the structure required in subsection (b) of this section shall be a minimum of three and one-half feet above ground level. It does not have to be solid nor does it have to restrict visibility into or out of the patio/open sales area. It must be permitted and approved by the city's building inspection department and the county's fire department as required by their governing regulations or codes.
- (d) The only exit from this type area is to be through the licensed establishment's main premises or through an approved fire exit (not for general public use unless an emergency exists). The fire exit should be of the type that sounds an alarm so that the establishment will be alerted in the event of unauthorized use when no emergency exists.
- (e) If a licensee desires a patio/open sales area inside an existing structure, plans will be reviewed and approved on an individual basis by the City Manager or designee. Interior type patio/open sales areas 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 consumption on the premises 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 subsections (b) through (e) of this section upon approval by the City Council.

Sec. 3-124. - Outside consumption.

- (a) Other than specifically provided for in this section or Section 3-121, it is prohibited for customers to leave alcoholic beverage establishment premises, with open alcoholic beverages and it is the licensee's responsibility to ensure that no open alcoholic beverages are carried out. However, nothing in this section shall be construed to prohibit the carrying out of wine or malt beverages for consumption at a golf course. Licensed entities during a City permitted event located in the Town Center District may sell individual alcoholic beverages for consumption to persons authorized to possess or consume alcoholic beverages in the Town Center District.
- (b) It is prohibited for customers to gather outside an alcoholic beverage establishment and consume alcoholic beverages unless such consumption takes place within the Town Center District during hours and under the rules established herein.
- (c) It is prohibited for the manager or any employee of an alcoholic beverage establishment to allow persons to gather outside an alcoholic beverage establishment and consume alcoholic beverages unless such consumption takes place within the Town Center District during hours and under the rules established herein.

Sec. 3-125. - Noise from establishments.

It shall be unlawful for any establishment licensed under this chapter to make or cause to be made any loud, unnecessary or unusual sound or noise that unreasonably annoys, disturbs, injures 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 business in question. In no event, however, shall any such loud, unnecessary or unusual sound or noise be made by an establishment licensed under this chapter after the hour of 11:59 p.m.

Sec. 3-126. - Order required.

- (a) Owners, managers, and employees of a licensed business 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 establishment.
- (b) The owner and manager of any alcoholic beverage establishment shall be responsible for monitoring parking lots and other outside areas around the establishment and prohibiting patrons and other persons associated with the establishment from standing, sitting, mingling, or assembling outside the licensed premises in a manner which causes or contributes to disturbances and/or illegal acts.

Sec. 3-127. -Adult entertainment.

- a) Preamble and purpose: 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.

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 establishment 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:
 - a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts that are prohibited by law;
 - b. The touching, caressing or fondling of the breast, buttock, anus or genitals; or
 - c. 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 establishment are encouraged or allowed to engage in any of the above-prohibited conduct.
 5. Knowingly permitting of 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 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 be 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 nudity" means as follows: places provided or set apart for traditional family oriented naturism including nudist parks, clubs, and resorts chartered by the American Association for Nude Recreation or affiliated with the Naturists Society or by traditional family-oriented naturists groups.

Secs. 3-128 through 3-149. - Reserved.

DIVISION 2. - PURCHASE AND INVENTORY

Sec. 3-150. - Retailer to purchase from licensed wholesaler only.

- (a) No retailer shall purchase alcoholic beverages from any person, firm or corporation other than a wholesaler licensed by the State of Georgia. No wholesaler shall sell any alcoholic beverage to anyone other than a retailer licensed under this chapter. However, this section shall not prohibit the purchase by one retailer of another retailer's entire stock in a bona fide purchase of an ongoing business.
- (b) The City Manager or designee 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 or other alcoholic beverages at any place except the licensed place of business.

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

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

Secs. 3-153 through 3-179. - Reserved.

DIVISION 3. -SERVICE FOR ON-PREMISE CONSUMPTION

Sec. 3-180. - Minimum revenue from sale of food

Licensed establishments, as detailed in Section 3-2, must meet the following annual revenue thresholds regarding food sales relative to alcoholic beverage sales for on-premise consumption:

Type of Establishment	Food Sales Required
Eating Establishment with Full Service Kitchen Brewpub Private Club Sports Club Mobile Food Vendor-Served Eating Establishment	50% food minimum 50% alcohol maximum
Brewery with Taproom	No minimum, but food sales permitted
Distillery with Taproom	No minimum, but food sales permitted
Performance Facility	No minimum, but food sales permitted
Hotel-Motel In-Room Service	No minimum, but food sales permitted
Veterans organizations, fraternal organizations, and other nonprofit organizations	No minimum, but food sales permitted
Indoor commercial recreational establishment	70% food minimum 30% alcohol maximum

Sec. 3-181. - Hours and days of sale for on-premise consumption.

Unless otherwise specified within this chapter, alcoholic beverages may be sold during the following times:

(a) Hours and days of sale for on-premise consumption

{1} Monday, Tuesday, Wednesday, Thursday, Friday, Saturday: 9:00 a.m. until 11:59 p.m.

(2) Sunday: 12:30 p.m. until 11:59 p.m.

(b) Alcoholic beverages shall not be sold for consumption at any time in violation of any local ordinance or regulation or of any special order of the mayor and city council.

Sec. 3-182. - Sale on election days.

Licensees may sell alcoholic beverages on election days, provided that such sale is not within 250 feet of any polling place or the limitations imposed by this section shall be in effect beginning with the opening of the polls and ending with the closing of the polls.

Sec. 3-183. - Poured alcohol transported by employees.

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

Sec. 3-184. - Brown bagging.

It is prohibited for any person to bring in his own alcoholic beverage into any establishment either licensed or unlicensed to serve alcoholic beverages except as otherwise allowed by this Chapter.

Sec. 3-185. - Removal of partially consumed bottles of alcohol.

Partially consumed bottles of alcohol may be removed from the premises as authorized under state law, as now written or hereafter amended, and in accordance with the following:

(a) Bottles of wine sold in a restaurant: Any restaurant which is licensed to sell wine for consumption on premises may permit a patron to remove one unsealed bottle of wine per patron for consumption off premises under the following conditions:

- (1) The patron has purchased a meal from the restaurant and consumed a portion of the bottle of wine which has been purchased on the premises with such meal.
- (2) The partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee before removal from the premises.
- (3) The partially consumed bottle of wine shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently tampered with or opened.
- (4) A dated receipt for the meal and the purchase of the bottle of wine shall be provided by the licensee and attached to the container.

(b) Bottles of distilled spirits sold in a distillery: Any distillery which is licensed to sell alcohol for consumption on the premises may permit a patron to remove one unsealed bottle of distilled spirits per patron for consumption off premises under the following conditions:

- (1) The patron has purchased the distilled spirits from the licensee and consumed a portion of the alcohol on the premises.
- (2) Before removal from the premises, the licensee must securely reseal the partially consumed bottle of distilled spirits and place it in a bag or other container so that it is secured in such a manner that it is visibly apparent if the container has been subsequently tampered with or opened.
- (3) A dated receipt for the purchase of the distilled spirits shall be provided by the licensee and attached to the container.

Sec. 3-183. - Consumption on premises sales only.

Persons holding a license to sell alcohol for consumption on the premises shall not be permitted to sell any alcoholic beverage by the package or bottle unless licensed as a brewpub, brewery or distillery with a separate license for retain consumption off the premises.

Sec. 3-187. - Regulations as to employees and managers.

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

- (1) 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.

- (2) 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:
- a. Being paid a salary or wage of any kind while on the premises;
 - b. Is on the premises for the benefit of the establishment (not as a customer, patron or guest);
 - c. Engaging in the direct or indirect sale of food or beverage;
 - d. Taking a break during periods of on-duty employment.

Sec. 3-188. - Solicitation prohibited.

- (a) No retail consumption dealers licensed under this chapter shall require, permit, suffer, encourage, or induce any employee or person to solicit in the licensed premises for the licensee, or for any person other than the patron and guest of the patron, the purchase by the patron of any drink, whether alcoholic beverage or nonalcoholic beverage or money with which to purchase the same.
- (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.

Secs. 3-189 through 3-239. - Reserved.

ARTICLE IV. -MINORS

Sec. 3-240. - Employment of underage persons.

- (a) No person shall allow or require a person in employment under 18 years of age to dispense, serve, sell, or take orders for any alcoholic beverage.
- (b) The provisions of this section shall not prohibit persons under 18 years of age who are employed in supermarkets or convenient stores from selling or handling alcoholic beverages which are sold for consumption off the premises.

Sec. 3-241. - Failure to require and properly check identification.

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

Sec. 3-242. - Sales to underage person prohibited.

- (a) No holder or employee of the holder of a license authorizing the sale of alcoholic beverages, shall do any of the following upon the licensed premises:
 - (1) Sell or offer to sell any distilled spirits, wines, malt beverages, or any other alcoholic beverage to any person under the age of 21 years.
 - (2) The prohibition in subsection (1) of this section shall not apply with respect to the sale of distilled spirits to a person when such person has furnished proper identification showing that the person to whom the distilled spirits are being sold is 21 years of age or older. For the purpose of this subsection, the term "proper identification" in this section shall mean any document issued by a governmental agency containing a description of the person, such person's photograph and giving such person's date of birth shall include, without being limited to, a passport, military ID card, driver's license, or state issued ID card. Proper identification shall not include a birth certificate.
 - (3) Sell alcoholic beverages upon the licensed premises or permit alcoholic beverages to be consumed thereon, on any day or at any time when the sale or consumption is prohibited by law.
 - (4) No person who holds a license to sell alcoholic beverages by the drink shall allow any minors to be in, frequent or loiter about the licensed premises of the establishment or lounge unless such minors are accompanied by a parent, legal guardian, or custodian. 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; and, provided further, this subsection shall not apply to minors who are employees under the terms of this chapter.

- (b) The penalty for violation of this section by an individual shall be as set forth in this Code and as provided by state law.
- (c) Any licensed establishment where three or more violations of this section, or O.C.G.A. § 3-3-23 have occurred within any 33-month period shall be punished as follows:
 - (1) For the third offense within any 33-month period, a minimum 30-day suspension.
 - (2) For the fourth and any subsequent violation within any 33-month period, a minimum 90-day suspension.
 - (3) For the fifth offense within any 33-month period, the license will be revoked.
- (d) If there is a change in a majority of the licensed establishment's owners, partners or shareholders, the violations under the old ownership shall not count against the new owners; however, a different corporation, partnership or other association will be charged with the violations of its predecessor(s) if a majority of the owners, partners or shareholders are the same.

Sec. 3-243. - Purchase or possession of alcoholic beverages by underage persons.

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

Secs. 3-244-3-259. - Reserved.

ARTICLE V. -PACKAGE STORE LICENSING

Sec. 3-230. - Type of retail establishment.

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

Sec. 3-231. - Hours and days of sale.

- (a) Retail package licensees may engage in the sale of alcoholic beverages between the hours of 7:00 a.m. Monday through 11:59 p.m. Saturday.
- (b) Retail alcoholic beverages shall not be sold at any time in violation of any local ordinance or regulation or of any special order of the mayor and city council.
- (c) Retail package licensees may engage in the sale of alcoholic beverages on Sundays between the hours of 12:30 p.m. and 11:30 p.m.

Sec. 3-232. - Use of tags or labels to indicate prices.

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

Sec. 3-233. - Quantity sale requirements.

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

Secs. 3-234 through 3-299. - Reserved.

ARTICLE VI. - WHOLESALER LICENSING

Sec. 3-300. - Special provisions applicable to wholesale purchases.

- (a) Any person desiring to sell at wholesale any alcoholic beverages in the city shall be licensed by the State of Georgia and maintain on file with the City Manager or designee a copy of their current state wholesaler license.
- (b) No person who has any direct financial interest in any license for the retail sale of any alcoholic beverages in the city shall be allowed to sell at wholesale within the city limits.
- (c) No wholesaler shall sell any alcoholic beverage to any person other than a retailer licensed under this chapter. Provided, however,

this section shall not prohibit the purchase by one retailer of another retailer's entire stock in a bona fide purchase of an ongoing business.

- (d) No alcoholic beverage shall be delivered to any retail sales outlet in the city except by a duly State of Georgia licensed wholesaler. The name of the wholesale distributor shall be clearly marked on the delivery vehicle.

Sec. 3-301. - Hours and days of sale.

Wholesalers shall not engage in the sale of alcoholic beverages except between 7:00 a.m. and 3:00 p.m., Monday through Saturday. There shall be no sales of alcoholic beverages on Sunday.

Sec. 3-302. - Audit and penalties.

If the City Manager or designee deems it necessary to conduct an audit of the records and books of the wholesaler selling within the city limits, the wholesaler shall be notified and an agreed upon, date, time and place of the audit will be arranged. Failure to arrange an agreed upon date within three months of an audit request will be deemed as an uncooperative act and the wholesaler will forfeit any right to sell within the city limits.

Secs. 3-303 through-3-319. - Reserved.

ARTICLE VII. - EXCISE TAXES

Sec. 3-320. - Per drink excise tax on distilled spirits

- (a) There is hereby levied and imposed a specific excise tax on the sale of distilled spirits in the amount of three percent of the charge to the public for the beverage; this does not include any sales tax.
- (b) The excise tax imposed in this subsection 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 or fermentation with brandy or any similar fermented beverage.
- (c) The excise taxes provided for in this section shall be imposed upon and shall be paid by the licensee of distilled spirits by the drink.
- (d) Each licensee selling distilled spirits by the drink within the city shall file a report with the city by the 20th day of each month showing the preceding calendar month summary of the licensee's gross sales derived from the sale of distilled spirits sold by the drink during the month.
- (e) Each such licensee shall remit to the city by the 20th day of the month next succeeding the calendar month in which such sales were made the amount of excise tax due in accordance with this section.
- (f) Each licensee collecting the tax authorized by this section shall be allowed a percentage of the tax due and account 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; (currently the rate of deduction as authorized under O.C.G.A. § 48-8-50 is three percent of the total amount due).
- (g) Excise taxes received after the 20th day of the month shall be charged a ten percent penalty.
- (h) If the City Manager or designee deems it necessary to conduct an audit of the records and books of the licensee, he/she will notify the licensee and an agreed upon date and time will be arranged.
- (i) Failure to properly complete or submit the required reports shall subject the licensee to a late filing penalty of \$25.00 for each deficient reporting period in addition the 10% penalty on any excise taxes owed as set forth in sub-section (g) above.

Sec. 3-321. - Excise tax on alcohol produced by brewpubs, breweries, and distilleries.

- (a) Every brewpub, brewery, and distillery located within the city shall file a monthly report with the City Manager or designee no later than the twentieth day of each month, on such forms as the City Manager or designee may prescribe, setting forth all alcohol produced during such preceding calendar month, to include beginning and ending inventories. Such report shall also indicate the total production of alcohol during the report period and the proper tax remittance for such production. Failure to properly complete or submit the required reports shall subject the licensee to a late filing penalty of \$25.00 for each deficient reporting period along with a ten percent penalty of the tax then due as set forth in sub-section (d) below..

- (b) There is levied an excise tax on all beer and malt beverages produced by a brewpub or brewery at the rate of \$3.00 per half barrel (15½ gallons) and \$12.00 per barrel (31 gallons).
- (c) There is levied an excise tax on all distilled spirits produced by a distillery at the rate of \$0.22 per liter or \$0.0035 per ounce.
- (d) Such tax shall be paid to the City no later than the twentieth day of each month for the preceding month's production. A late payment penalty of ten percent of the tax otherwise due shall be added to the amount due for any payment not received by the due date.

Sec. 3-322. - Excise tax required on wholesalers.

- (a) There is levied an excise tax computed at the rate of \$0.22 per liter or \$0.0035 per ounce which shall be paid to the City on all distilled spirits and wine sold by wholesalers to retailers in the City.
- (b) Such tax shall be paid to the City by the wholesale distributor on all distilled spirits and wine sold in the city as follows:
 - (1) Each wholesaler selling, shipping, or in any way delivering distilled spirits or wine 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 20th day of the following month.
 - (2) Excise taxes received after the 20th day of the month shall be charged a ten percent penalty.
 - (3) It shall be unlawful and a violation of this chapter for any wholesaler to sell, ship or deliver in any manner any distilled spirits or wine to a retail dealer without collecting such tax.
 - (4) It shall be unlawful and a violation of this chapter for any retail dealer to possess, own, hold, store, display or sell any distilled spirits or wine on which such tax has not been paid. Wholesalers collecting the tax authorized in this section shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due, if the amount is not delinquent at the time of payment. The rate of the deduction shall be at the same rate authorized for deductions from state tax under O.C.G.A. § 48-8-50, and any amendment thereto.
- (c) There is levied an excise tax on all beer and malt beverages sold by wholesalers to retailers in the city at the rate of \$0.05 per 12-ounce container and \$3.00 for each container of tap or draft beer or malt beverage of 15½ gallons and in similar proportion for bottles, cans and containers of various sizes as follows:

Size of Container	Tax Per Container
7-ounce	\$0.0291
8-ounce	0.0333
12-ounce	0.0500
14-ounce	0.0583
13-ounce	0.0333
32-ounce	0.1333
Half barrel (15½ gallons)	3.00
One barrel (31 gallons)	12.00

All provisions as to excise tax in this section shall apply to this tax on beer and malt beverages except the tax rate which is set out in this subsection and the reimbursement of three percent of the taxes collected which shall not apply to beer and malt beverage wholesalers.

Sec. 3-323. - Tax delinquent on 21st day.

The tax imposed under this chapter shall, for each month, become delinquent on the 21st day of each succeeding month. Any such delinquent tax shall bear interest at the rate of one percent per month, or fraction thereof, and a penalty of ten percent

of such delinquent tax shall be added and attached to the total amount of the fee. The City Manager or designee 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. 3-324 through 3-350. - Reserved.