

ORDINANCE NO. 2021-08-16-1

AN ORDINANCE REPEALING THE EXISTING ALCOHOLIC BEVERAGES ORDINANCE; ADOPTING A NEW ORDINANCE FOR REGULATING THE SALE OF ALCOHOLIC BEVERAGES IN THE CORPORATE LIMITS OF THE CITY OF CAMILLA, GEORGIA; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HERewith; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and City Council of the City of Camilla desire to provide for the health, safety, and welfare of the citizens of the City; and

WHEREAS, the Mayor and City Council have determined it necessary to regulate the sale and manufacture of alcoholic beverages within the corporate limits of the City of Camilla to protect the public health, safety, and welfare; and

WHEREAS, the Mayor and City Council have further determined it in the best interest of the City of Camilla and its citizens to impose a specific tax and to establish licensing qualifications and fees, and other regulations in connection with the sale of alcoholic beverages within the corporate limits of the City of Camilla; and

WHEREAS, in order to enforce the provisions required for the regulation of alcoholic beverages it is necessary to repeal an existing alcoholic beverages ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Camilla, and it is hereby ordained by authority of the same, as follows:

Section 1. The existing alcoholic beverages ordinance is repealed.

Section 2 The Alcoholic Beverages Ordinance attached hereto as "Exhibit A" is hereby adopted.

Section 3. All ordinances or parts of ordinances in conflict herewith are repealed.

SO ORDAINED this 16th day of AUGUST, 2021.



CITY OF CAMILLA

By: [Signature]
Mayor, Kelvin Owens

Attest: [Signature]
Clerk, Cheryl Ford

FIRST READING: 07-19-2021
SECOND READING: 08-16-2021

Chapter 2 - ALCOHOLIC BEVERAGES

ARTICLE I. - IN GENERAL

Sec. 9-2-1. - Definitions.

- (a) 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:

Alcoholic beverage means and includes all alcohol, distilled spirits, beer, malt beverages, wine or, fortified wine.

Bar means any establishment (by whatever name it may be known including but not limited to bar, barroom, club, juke joint, honky-tonk, nightclub, pool hall, pool room, pub, recreation center and any other like or similar name describing the same or similar type of activity) which holds any consumption on premises alcoholic beverage license but which does not meet the requirements of restaurant, private club or licensed alcoholic beverage caterer as defined herein.

Brewpub means any bona fide food service establishment in which beer or malt beverages are manufactured or brewed subject to the barrel production limits and regulations under state law.

Brown bagging means the bringing of alcoholic beverages into business establishments licensed for the retail sale of malt beverages, wine or distilled spirits by the drink for the purpose of drinking such alcoholic beverages at any such establishment.

Church means any permanent building where persons regularly assemble for religious worship.

City means the City of Camilla and when used in a geographical sense means the territorial limits of the City of Camilla.

City clerk means the city clerk of the City of Camilla.

City council means the city council of the City of Camilla.

Distilled spirits means any alcoholic beverages obtained by distillation or containing more than 24 percent alcohol by volume, including, but not limited to, all fortified wines.

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

Food caterer means any person who prepares food for consumption off the premises.

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

Grocery store means a business which holds a grocery store retail business license issued by the city, and which:

- (1) Is engaged primarily in the retail sale of food and beverage items by the package designed for nonpremises consumption; and
- (2) Maintains at no time a retail inventory of alcoholic beverages which in more than 30 percent, valued at its retail sales price, of the total retail inventory of merchandise of such business, valued at its retail sales price.

Interest includes any pecuniary interest and any ownership interest, whether present or future, whole or partial, legal or beneficial, contingent or vested, direct or indirect, and any right, power, or authority of control.

Legal age means the age established by O.C.G.A. § 3-3-23, as amended from time to time, as the age below which alcoholic beverages may not lawfully be sold to, furnished to, purchased by or possessed by a person.

License means the authorization granted by the city to engage in the sale of specified alcoholic beverages upon the premises so licensed for a calendar year, or the remaining portion of a calendar year.

Licensed alcoholic beverage caterer means any retail dealer who has been licensed pursuant to article VI of this chapter.

Licensed premises includes not only the room wherein alcoholic beverages are sold or served but also the entire building in which such room is located, except that when such a room is located in a hotel, motel, or similar facility or in a shopping center only such room and any adjoining storage, office, toilet, and other similar rooms shall constitute the "licensed premises."

Licensee means a person holding a license issued pursuant the terms of this chapter.

License Holder means licensee.

Lounge means a separate room connected with a part of and adjacent to the premises of a restaurant or its adjacent lobby or reception area, with all booths, stools, and tables located therein being open to view only from within the lounge, with a seating capacity of at least 20 persons, and with all access and all exits to and from the lounge opening into such restaurant or the lobby or reception area adjoining such restaurant except for emergency exits or exits used solely as service doors.

Malt beverages means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt hops or any other similar product, or any combination of such products in water, containing not more than fourteen (14) percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer and strong beer provided that the term "malt beverage" does not include sake, also known as Japanese rice wine.

Malt beverage taproom means exception to Georgia providing a license to manufactured malt beverages granting the right to sell up to 3000 barrels of malt beverages per year produced at the licensed premise as governed by O.C.G.A. § 3-5-24.1.

Manager means the individual who supervises the regular operations of a business licensed under this chapter and who is physically present on site at such business (a) at least 35 hours per week, or (b) at least 90 percent of the hours such business is open to the public, whichever is less.

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

Premises means the space or area owned, leased, or controlled by the licensee and used by the licensee for the purpose of operating under the license and shall include that area circumscribed by the property lines of the property for which an alcoholic beverage license is issued by the city; except that in the case of hotels and motels, the term "premises" shall include only that portion of the property where alcoholic beverages are sold, delivered, or served.

Private club means a nonprofit organization which is organized under state law which meets each of the following requirements:

- (1) Has either a tax exempt status under section 501 of the United States Internal Revenue Code or operates pursuant to a charter from a state or national parent organization which has such tax exempt status;
- (2) Has been in existence at least one year prior to the filing of its application for an alcoholic beverage license to be issued pursuant to this chapter;
- (3) Has at least 50 members paying dues on a regular periodic basis;
- (4) Is organized and operated exclusively for the pleasure and recreation of its members and their guests or for other nonprofitable purposes;
- (5) Has facilities which are available for use only by the membership thereof and their guests and not by the general public;
- (6) Owns, rents or leases a building or space within a building for facilities for the use of its members and their guests;
- (7) Maintains kitchen and dining room space, equipment and items necessary to appropriately provide food service of full course meals for its members and their guests;
- (8) Is staffed with a sufficient number of employees for the preparation and service of meals for its members and their guests;
- (9) Has no member, officer, agent or employee directly or indirectly receiving, in the form of salary or other compensation, any profits, beyond a fixed salary, from the sale of alcoholic beverages to the club or to its members or their guests; and
- (10) Has such licenses as are required for the operation thereof.

Restaurant means a business kept, used, maintained, advertised and held out to the public as a place where meals are actually and regularly prepared and served for a period of at least five hours per day on at least five days per week with the exception of (i) holidays, (ii) vacations not exceeding two weeks duration, and (iii) periods of redecorating not exceeding 30 calendar days duration except to the extent extended by the city council in its discretion upon request therefor; and which meets all of the following requirements:

- (1) Meets all health and sanitation requirements for food service establishments required under applicable federal, state and local laws, codes, ordinances, rules and regulations;
- (2) Maintains upon the premises thereof in operative condition cooking and kitchen facilities and equipment appropriate to accommodate the preparation of meals for 20 food service customers at one time;
- (3) Maintains upon the premises thereof seating facilities, at booths or tables designed for food service, sufficient for at least 20 food service customers at one time, not including

seating provided by counters and stools, with booths and tables for purposes hereof being large enough to adequately accommodate at least two place settings of cutlery and dishes;

- (4) Maintains at all times such additional facilities, equipment and items as well as employees as shall be necessary for the cooking, preparation and service of meals for consumption at tables or booths located upon the premises for at least 20 food service customers at one time;
- (5) Is at all times during the hours of operation thereof prepared to serve full course meals with substantial entrees from a substantial variety of culinary choices, or substantial substitutes therefor, chosen by food service customers from a printed menu available to all food service customers at prices which are competitive with other restaurants in the community whether or not such other restaurants engage in the sale of alcoholic beverages; and
- (6) Derives at least 60 percent of its total gross food and beverage sales from the sale of full course meals prepared, served and consumed upon the premises thereof.

Retail sale means the sale or offer of sale of any alcoholic beverage to any member of the public.

Wine means any alcoholic beverage containing not more than 24 percent alcohol by volume made from fruits, berries or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, all sparkling wines, champagnes, combination of such beverages, vermouths, special natural wines, rectified wines and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this section.

- (b) As used in this chapter, the singular and the plural shall each include the other, the masculine and feminine shall each include the other, and any verb tense may include any other verb tense.
- (c) As used in this chapter, the term "may" is permissive and the term "shall" is mandatory.

Sec. 9-2-2. - Activities are privileges.

The manufacture, distribution, sale and possession of alcoholic beverages within the city are privileges and not rights with any privilege with respect thereto granted pursuant to this chapter to the holder of any alcoholic beverage license being held and enjoyed only for so long as the holder of such license issued pursuant to this chapter shall fully and completely comply with all provisions of this chapter.

Sec. 9-2-3. - Compliance required.

No person shall:

- (1) Distribute, sell, or offer to sell, either at retail or wholesale, any alcoholic beverage in the city except to the extent permitted pursuant to a current alcoholic beverage license issued by the city;

- (2) Distribute, handle, possess, sell, or offer to sell any alcoholic beverage in the city in violation of any provisions of this chapter or any provision of any law or regulation of the state relative to any alcoholic beverage;
- (3) Distribute, handle, possess, sell or offer to sell any alcoholic beverage in the city except in compliance with the provisions of this chapter.

Sec. 9-2-4. - Sales permitted.

The sale of malt beverages, wines and distilled spirits, subject to the provisions of this chapter, as this chapter may be amended from time to time, are permitted in the city.

Sec. 9-2-5. - Consumption in public places.

Except to the extent otherwise specifically permitted, no person shall consume any alcoholic beverage while such person is located in or upon any public street, road, alley, lane or sidewalk of the city or upon the premises of any building owned or leased by the city or upon the premises of any other property, either real or personal, owned or leased by the city. Functions sponsored by the city or any other governmental unit shall be exempt from this prohibition.

Sec. 9-2-6. - Open containers.

Except to the extent otherwise specifically permitted, no person shall have in such person's possession any package which contains an alcoholic beverage which has been opened or the seal of which has been broken while such person is located in or upon any public street, road, alley, lane, or sidewalk of the city or upon the premises of any building owned or leased by the city or upon the premises of any other property, either real or personal, owned or leased by the city.

Sec. 9-2-7. - False and misleading statements.

No person shall make, cause to be made, or present to the city any application for issuance, application for renewal, report, or other notification with respect to any alcoholic beverage license issued or sought to be issued or renewed by the city or any tax on alcoholic beverages due to the city which contains as of the date made or presented, any untrue or misleading statement or representation.

Sec. 9-2-8. - Brown-bagging prohibited.

It shall be unlawful for a licensee to allow customers to bring onto the licensed premises their own alcoholic beverages, which is known as "bring your own bottle" (BYOB) or "brown-bagging".

Sec. 9-2-9. - Knowledge of chapter.

The holder of any alcoholic beverage license as well as all employees, agents and servants of any business in which such alcoholic beverage license is utilized shall be conclusively presumed, for purposes of this chapter, to have at all times complete and full knowledge of all provisions of this chapter.

Sec. 9-2-10. - Notification to state revenue department of violations.

Upon determination of the existence of circumstances which are required pursuant to the provisions of O.C.G.A. § 3-3-21 to be reported to the state department of revenue, the City shall

promptly report the existence of such circumstances to the state department of revenue as required.

Sec. 9-2-11. - Criminal conviction not required.

Any proceeding or action which may be taken by the city with respect to the suspension or revocation of any alcoholic beverage license or the grant, denial or renewal of any such license shall be and are administrative in nature with respect to the privileges of the holder of such license and the right of such holder to continue to engage in the sale of alcoholic beverages in accordance with the provision of this chapter. No conviction, dismissal, acquittal, other plea or other disposition with respect to any criminal violation involving the sale, distribution or possession of alcoholic beverages or any other alleged criminal conduct shall be necessary for any action by the city pursuant to the provisions of this chapter relative to any such license or otherwise effect any action taken by the city relative thereto.

Sec. 9-2-12. - Violation and penalties.

- (a) It shall be unlawful for any person to violate any of the provisions of this chapter.
- (b) The following guidelines for the disposition of alcoholic beverage license violations are hereby adopted. It is emphasized that these are guidelines only and can be altered based upon the facts of any individual case. The guidelines for disposition of alcoholic beverage license violations are as follows:
 - (1) First offense within past two years: 30 days suspension and \$150.00 reinstatement fee;
 - (2) Second offense within past two years: 90 days suspension and \$250.00 reinstatement fee; unless
 - (3) Second offense within past 12 months: Revocation;
 - (4) Third offense within past two years: Revocation.

Secs. 9-2-13—9-2-29. - Reserved.

ARTICLE II. - MINIMUM AGE

Sec. 9-2-30. - Presence of persons not of legal age.

No person, who is the holder of any alcoholic beverage license issued by the city nor any agent, servant or employee of the business in which any such license is utilized, shall in connection with the operation of the business in which such license is utilized, permit or allow any person who has not attained legal age to be or remain upon the premises licensed if such business is a bar as defined herein.

Sec. 9-2-31. - Consumption by persons not of legal age.

No person, who is the holder of any alcoholic beverage license issued by the city nor any agent, servant or employee of the business in which any such license is utilized, shall in connection with the operation of the business in which such license is utilized, permit or allow any person who has not attained legal age to consume any alcoholic beverage upon the premises licensed.

Sec. 9-2-32. - Possession by persons not of legal age.

No person, who is the holder of any alcoholic beverage license issued by the city nor any agent, servant, or employee of any business in which any such license is utilized, shall in connection with the operations of the business in which such license is utilized, except as otherwise specifically provided in this chapter, permit or allow any person who has not attained legal age to possess any alcoholic beverage upon the premises licensed.

Sec. 9-2-33. - Furnishing to persons not of legal age.

No person, who is the holder of any alcoholic beverage license issued by the city nor any agent, servant or employee of the business in which any such license is utilized, shall in connection with the operation of the business in which such license is utilized sell, provide, give, furnish or distribute any alcoholic beverage to any person who has not attained legal age. Notwithstanding the foregoing, no person shall be in violation of the provisions hereof in the event that (i) such person has been furnished with identification showing that the person who is being furnished with alcoholic beverages has attained legal age and (ii) under the surrounding circumstances the person so furnished such identification could reasonably conclude that the person furnishing such identification had attained legal age. For purposes of this section, the term "identification" means any document issued by a governmental agency containing a description of the person such as the person's photograph or other written description of and providing the person's date of birth, and shall include, without being limited to, a passport, a military identification card, or a driver's license.

Sec. 9-2-34. - Acquiring for persons not of legal age.

No person, who is the holder of any alcoholic beverage license issued by the city nor any agent, servant or employee of the business in which any such license is utilized, shall in connection with the operation of the business in which such license is utilized purchase or acquire any alcoholic beverage for or on behalf of any person who has not attained legal age, or otherwise procure for or furnish to any person who has not attained legal age any alcoholic beverage.

Sec. 9-2-35. - Employment of persons not 18 years of age.

- (a) No holder of an alcoholic beverage license nor any agent, servant or employee of any business in which such license is utilized shall permit or allow any person who has not attained 18 years of age and who is employed by any business operated upon premises for which an alcoholic beverage license is issued by the city to engage in the sale, distribution, or acceptance of orders for alcoholic beverages; provided, however, that the provisions hereof shall not apply to nor prohibit persons who have not attained 18 years of age who are employed by a business in connection with the operation at such premises of a grocery store, as such term is defined in this chapter from engaging in the sale, distribution, and handling of alcoholic beverages at such premises in connection with employment in the operation of such business.
- (b) No holder of an alcoholic beverage license nor any agent, servant or employee of any business in which such license is utilized shall permit or allow any person who has not attained 18 years of age to be employed by any business operated upon premises for which a license for the consumption of alcoholic beverages upon such premises is issued by the city; provided, however, that the provisions of this subsection shall not apply to nor prohibit the employment of persons who have not attained 18 years of age in connection with the operation upon such premises of a restaurant, provided further, that persons who have not attained 18 years of age shall not engage in the sale, service, or acceptance of orders of alcoholic beverages in connection with the operation of any such restaurant.

Sec. 9-2-36. - Failure to check identification.

No person who is the holder of any alcoholic beverage license issued by the city nor any agent, servant or employee of the business in which any such license is utilized shall in connection with the operation of the business in which such license is utilized fail to require or check the identification of the person to whom any alcoholic beverage is sold or furnished prior to the sale, furnishing or distribution of any alcoholic beverage or any person who has not attained legal age. No person shall be in violation of the provisions hereof in the event that (i) such person has been furnished with identification showing that the person who is being furnished with alcoholic beverages has attained legal age and (ii) under the surrounding circumstances the person so furnished such identification could reasonably conclude that the person furnishing such identification had attained legal age. For purposes of this action, the term "identification" means any document issued by a governmental agency containing a description of the person such as the person's photograph or other written description and providing the person's date of birth, and shall include, without being limited to, a passport, a military identification card, or a driver's license.

Secs. 9-2-37—9-2-60. - Reserved.

ARTICLE III. - LICENSES

Sec. 9-2-61. - License required for sales.

No person shall sell or offer to sell any alcoholic beverages which is permitted to be sold in the city pursuant to the provisions of this chapter unless such sale is made or is to be made pursuant to the authority of a current effective alcoholic beverage license issued by the city pursuant to the provisions of this chapter.

Sec. 9-2-62. - Classification of licenses.

Alcoholic beverage licenses authorized to be issued by the city and required pursuant to the provisions of this chapter to be held for the sale of alcoholic beverages are classified as follows:

- (1) Wholesale malt beverage license;
- (2) Retail malt beverage package license;
- (3) Retail malt beverage consumption license;
- (4) Wholesale wine license;
- (5) Retail wine package license;
- (6) Retail wine consumption license; and
- (7) Wholesale distilled spirits license.
- (8) Retail distilled spirits package license.
- (9) Retail distilled spirits consumption license.
- (10) Brewpub or Taproom license.
- (11) Alcoholic beverage caterer (includes malt beverage, wine, and distilled spirits)
- (12) Special event permit.
- (13) One-day license for charitable organizations.

Sec 9-2-63 – Zoning requirements; exceptions.

No license for the sale of spirituous liquors or distilled spirits shall be granted for a business location in any district designated as R-1 residential, R-2 residential, and R-3 residential under the 2018 Zoning Ordinance for the City of Camilla, effective date of October 8, 2018. Private clubs, patriotic organizations, or fraternal organizations meeting all the requirements of section 9-2-89 are excepted if in compliance with such zoning regulations.

Sec. 9-2-64. - Qualifications for license.

No alcoholic beverage license required by the provisions of this chapter shall be issued to any person or for any location unless and until it has been successfully demonstrated to the satisfaction of the city council that:

- (1) Such person, or the person who shall actually and actively be in charge and management of the day to day operation of the business in which such license shall be utilized is a citizen of the United States of America;

- (2) Such person by reason of such person's business experience, financial standing, moral character, mental capacity, physical capacity, trade associations, record of arrest, and reputation in communities in which he has lived is, in the opinion of the city council, likely to operate the business in which the license will be utilized in conformity with federal, state and local laws, ordinances, rules, regulations, and requirements, including particularly the provisions of this chapter and the laws, rules and regulations of the state and the United States relative to the manufacture, sale, and distribution of alcoholic beverages, and, in making such determination, the city council shall, in addition to the other and further provisions of this section, consider all information that would be considered by the city council if this person was being denied a renewal license pursuant to the requirements of section 9-2-82 or, if this person was having his license suspended or revoked pursuant to the requirements of section 9-2-86; provided further that no license shall be issued to or for:
- a. Any person whose business in which the license will be utilized is conducted by a manager or agent unless such manager or agent possessed and meets all of the qualifications required hereunder for the holder of an alcoholic beverage license and would not be prohibited from being the holder of such a license;
 - b. A partnership unless all partners, members and managers of such partnership, as well as the manager of the business in which the license will be utilized, possess and meet all of the qualifications for the holder of an alcoholic beverage license and would not be prohibited from being the holder of such a license;
 - c. A corporation unless all officers thereof, all directors thereof and all shareholders thereof who shall either directly or beneficially as such word is defined and utilized in the Internal Revenue Code of the United States and regulations issued pursuant thereto own more than 20 percent of the outstanding shares of stock thereof, as well as the manager of the business in which the license will be utilized, possess and meet all of the qualifications for the holder of an alcoholic beverage license and would not be prohibited from being the holder of such a license;
 - d. Any person who has been convicted, has entered a plea of nolo contendere or has forfeited a bond with respect to any felony within ten years prior to the filing of any such application or with respect to any misdemeanor within five years prior to the filing of any such application including particularly but not being limited to those offenses involving force or violence, prostitution, gambling, or tax law violations in the event that such conviction, plea or bond forfeiture tends to indicate, in the opinion of the city council, that the applicant may not maintain or operate the business in which the alcoholic beverage license sought by the applicant would be utilized in conformity with federal, state or local laws, rules and regulations. The terms "felony" and "misdemeanor" as used in this subsection shall include the violation of any criminal law of the United States of America, the state, or any other state of the United States of America; provided that the term "misdemeanor" shall not include those violations which are commonly referred to as "traffic violations." The term "conviction" as used in this subsection shall include an adjudication of guilt, plea of guilty, a plea of nolo contendere or the forfeiture of a bond by a person charged with a crime. Notwithstanding the foregoing, the city council, in its sole discretion, may decide to authorize the issuance of a license to a

person who has in the past been convicted of, plead guilty to, entered a plea of nolo contendere to, or forfeited a bond on any crime when, after a thorough investigation of all the facts including parole or probation officer's reports, judge's recommendations, and any other evidence bearing on the character of the applicant, it has determined, in the sole discretion of the city council, that such action is in keeping with the ends of justice and the public interest and welfare;

- e. Any person who has been convicted of, has entered a plea of nolo contendere to, or forfeited a bond to any charge of violation of any state, federal, or local law involving the manufacture, sale, distribution, or possession of alcoholic beverages, contraband, or any "controlled substances" as such term is utilized under laws of the state, or any other substance, the control or possession of which is controlled or prohibited under laws of the state or the United States of America, or any other state of the United States. The term "conviction" shall include an adjudication of guilt, plea of guilty, a plea of nolo contendere or the forfeiture of a bond by a person charged with a crime. Notwithstanding the foregoing, the city council, in its sole discretion, may decide to authorize the issuance of a license to a person who has in the past been convicted of, plead guilty to, entered a plea of nolo contendere or forfeited a bond on any crime when, after a thorough investigation of all the facts including parole or probation officer's reports, judge's recommendations, and any other evidence bearing on the character of the applicant, it has determined, in the sole discretion of the city council, that such action is in keeping with the ends of justice and the public interest and welfare;
- f. Any person who as either the previous holder of any alcoholic beverage license issued by any authority, or as a party interested in any business in which any alcoholic beverage license issued by any authority was utilized, either conducted, or allowed the conduct of, the business with respect to which such license was issued in such a manner as to cause, in the opinion of the city council, greater than normal police activity, observation or inspection in order to prevent the violation of any law or regulation either relating to such license or the business associated therewith or in order to maintain public order;
- g. Any location not suitable therefor, in the opinion of the city council, because of either traffic congestion or the general character of the neighborhood or by reason of the effect which the utilization of such license at such location would have upon adjacent and surrounding properties or upon adjacent neighborhoods;
- h. Any location for which there is an unpaid or unsatisfied tax or other financial obligation due to the city which is not then the subject of appeal or litigation;
- i. Any person who has not attained the age of 21 years;
- j. Any person who either held any alcoholic beverage license issued by any authority which was revoked by such authority within a one-year period immediately prior to the date of the filing of an application or was a party interested in any business in which any alcoholic beverage license issued by any authority was revoked by such authority within the one-year period prior to the date of the filing of an application;

- k. (a) With regard to distilled spirits any location within 100 yards of any church building or within 200 yards of any school building, educational building, school grounds, or college campus.
- (b) With regard to wine or malt beverages any location within 100 yards of any school building, school grounds, or college campus. This provision shall not prohibit the sale of wine and malt beverages at a grocery store within 100 yards of any school building, school grounds, or college campus, provided that the grocery store has at least 10,000 square feet of floor space of which 85 percent is reserved for the sale of food.
- (c) Other restrictions as provided in O.C.G.A. § 3-3-21 are hereby adopted and made part of this ordinance.
- l. Any location at which the utilization of the licensee would cause or create any violation of the zoning ordinance of the city or of the building code or fire code of the city;
- m. Any location at which an alcoholic beverage license has previously been suspended or revoked by either the city or the state department of revenue and where, in the opinion of the city council, there exists the likelihood that the utilization of such license at such location would cause or necessitate greater than normal police activity, observation or inspection in order to either prevent violation of laws and regulations relating to such location or to maintain public order, due to the history of either (i) violations of the provisions of this chapter or of the laws, rules and regulations of the state relative to alcoholic beverages by the holder of the previous license at such location or agents, servants or employees thereof or (ii) activities or conduct of patrons of the business in which such previous license was utilized at such location, all as compared to the locations of other licenses, or would cause or tend to cause, in the opinion of the city, council, greater than normal community problems or conflict as compared to the locations of other licenses;
- n. Any location at which an alcoholic beverage license has previously been suspended or revoked by either the city or the state department of revenue and where, in the opinion of the city council, problems associated with the utilization of a prior alcoholic beverage license at such location were such that it would not be in the best interest of the public health, safety or welfare to grant any other alcoholic beverage license for such location;
- o. Any person or any location with respect to which the granting or utilization of a license would constitute a violation of laws, rules or regulations of the state; or
- p. Any person with respect to whom information is required under subsection 9-2-66(2), (3) or (4) who has not paid or satisfied any tax or other financial obligation due to the city which is not then the subject of appeal or litigation.

Sec. 9-2-65. - Location.

Notwithstanding any other provision of this article, the location with respect to which an alcoholic beverage license has been issued by the city shall remain eligible for issuance of alcoholic beverage licenses by the city notwithstanding subsequent changes which would

otherwise render the locations nonlicensable under subsection 9-2-64(2)k. for so long as an alcoholic beverage license remains issued for such location by the city and further provided that in the event of the termination of any such license issued with respect to such location the location itself shall thereafter remain eligible for the issuance of alcoholic beverage licenses if within six months following such termination an alcoholic beverage license is issued by the city for such location.

Sec. 9-2-66. - Applications.

Prior to the issuance of any alcoholic beverage license, the applicant therefor shall file with the city an application, in such form and substance as shall from time to time be determined by the city manager, and an application fee provided for in this article. Upon approval by the City Council, the applicant shall provide approved payment of the license fees and the license shall be issued. Applications for alcoholic beverage licenses shall be presented to the Planning and Zoning Department or designee, and shall be signed by the applicant if an individual, or by all partners if a partnership, or by a duly authorized agent if a corporation, shall be verified by oath or affidavit, shall contain the following statements and information and shall otherwise meet the following requirements:

- (1) In the case of an individual applicant who will actually and actively be in charge and management of the day to day operation of the business in which the license applied for will be utilized, then the name, age, sex, height, weight, birthdate, social security number, current residence address, business addresses, and all previous such addresses of the applicant within the last ten years;
- (2) In the case of an individual applicant who will not actually and actively be in charge and management of the day to day operation of the business in which the licensee applied for will be utilized, then the name, age, sex, height, weight, birthdate, social security number, current residence address, business addresses, and all previous such addresses within the last ten years of both the applicant and the person who will actively manage such business;
- (3) In the case of a partnership, then the name, date and location of formation, federal tax identification number, current principal business address, and all prior business addresses within the past ten years of such partnership as well as the name, age, sex, height, weight, birthdate, social security number, current business address, current residence address, and all prior such addresses within the past ten years of all partners, members and managers of such partnership and the manager or managers of the business in which the license applied for will be utilized;
- (4) In the case of a corporation, then the name, date and location of incorporation, federal tax identification number, current principal business address, name and address of registered agent in the state for service of process, and all prior business addresses within the last ten years of such corporation as well as the name, age, sex, height, weight, social security number, current business address, current residence address, and all prior such addresses within the last ten years of all officers thereof, all directors thereof, and all shareholders thereof who own either directly or beneficially, as such word is defined and utilized in the Internal Revenue Code of the United States and regulations issued pursuant thereto, more than 20 percent of the outstanding shares of

stock thereof, and of the manager or managers of the business, in which the license applied for will be utilized;

- (5) A statement with respect to whether the applicant or any person with respect to whom information is required under subsection (2), (3) or (4) of this section has made at any prior time any application to any governmental entity for any alcoholic beverage license of any nature and, if so, the circumstances thereof, including the disposition and current status thereof, all in sufficient detail to evaluate such application;
- (6) A statement with respect to whether the applicant or any person with respect to whom information is required under subsection (2), (3) or (4) of this section has ever held any alcoholic beverage license issued by any governmental entity, the circumstances thereof, and the present status of such license all in sufficient detail to evaluate such application;
- (7) A statement with respect to whether the applicant or any person with respect to whom information is required under subsection (2), (3) or (4) of this section has ever held any alcoholic beverage license issued by any governmental entity which has been suspended or revoked and, if so, the circumstances thereof, all in sufficient detail to evaluate such application;
- (8) A statement with respect to whether the applicant or any person with respect to whom information is required under subsection (2), (3) or (4) of this section has ever been convicted of, entered a plea or nolo contendere to, or forfeited a bond on, any crime other than traffic violations and, if so, the nature and circumstances thereof, all in sufficient detail to evaluate such application;
- (9) A statement with respect to whether any person or entity other than the applicant and those persons with respect to whom information is required under subsection (2), (3) or (4) of this section is or will be either directly or indirectly interested in the profits or losses of the business in which the license applied for will be utilized and, if so, the circumstances thereof, all in sufficient detail to evaluate such application;
- (10) The classification of license applied for;
- (11) The location with respect to which the license will be utilized and the name and nature of the business in which the license will be utilized, all in sufficient detail to evaluate such application;
- (12) A statement that both the applicant and all other person's with respect to whom information is required under subsection (2), (3) or (4) of this section are fully qualified in all respects under this chapter to be the holder of an alcoholic beverage license issued by the city and that all such persons are entitled to have the license requested issued in accordance with the provisions of this chapter;
- (13) A statement that the location with respect to which the licensee is sought meets all conditions, qualifications and criteria established in this chapter for the location of a business utilizing the alcoholic beverage license applied for;
- (14) Such other information and statements as shall from time to time be required by the city manager or the city council;

- (15) A Georgia government I.D., such as a state driver's license, taken within the past three years of the applicant and all persons with respect to whom information is required under subsection (2), (3) or (4) of this section; and
- (16) Written consents of the applicant and all persons with respect to whom information is required under subsections (2), (3) or (4) of this section that the city has the continuing permission and authority of all such persons to monitor the public records of the city, county, the state and of the United States to ensure on-going compliance with the statements set forth in subsections (7) and (8) of this section. Any license granted upon an application that does not contain such written consent shall automatically expire at midnight on December 31 of the year in which issued. Such license cannot be renewed under the provisions of sections 9-2-77 and 9-2-79. Rather, the city shall treat the request for renewal for such license as an application for a new license under section 9-2-66.

Sec. 9-2-67. - Designation of agent.

All applicants for alcoholic beverage licenses made by a corporation or a partnership shall name in the application one or more persons as the agent and representative for the corporation or partnership to receive all communications, notices, service of process or other papers or documents on behalf of the corporation or partnership in connection with any matter arising out of or connected with the issuance, holding, suspension, revocation or other action with respect to any such license. The application shall give the mailing address of such person, or persons, with the mailing of any notice to any such person at the address so furnished being sufficient notice to the corporation or partnership. If any such person shall cease to be the agent and representative of such corporation or partnership, another person shall immediately be appointed by the license holder and written notice shall be given the city stating the name and address of such new agent and representative.

Sec. 9-2-68. - Application fee.

The application for an alcoholic beverage license shall be accompanied by a city approved form of payment in the amount as set forth in the Master Fee Schedule on file in the office of the city clerk as an application fee to cover the cost of processing the application and conducting necessary investigations, which fee shall be nonrefundable upon denial of the application and shall not apply toward any licensee fee or excise tax payable by the licensee if the application is granted.

Sec. 9-2-69. - Investigation of application.

Upon receipt by the Planning and Zoning Department or designee of any application for an alcoholic beverage license, such application shall be forwarded to the chief of police for investigation, who, following such investigation, shall report his findings with respect thereto in writing.

Sec. 9-2-70. - Recommendation.

The Chief of Police shall conduct investigation and study with respect to an application for the issuance of an alcoholic beverage license as he shall deem necessary and shall report the investigation and study to the city manager together with his recommendation, if any, as to what

action should be taken with respect to the grant or denial of the application for such license and the city manager shall in turn conduct such additional investigation as he shall deem necessary and report the investigation to the city council with his recommendation as to what action should be taken with respect to the grant or denial of the application for such license.

Sec. 9-2-71. - Grant or denial of application.

(a) Following receipt by the city council of an application for an alcoholic beverage license together with the written report of the chief of police and the written recommendations relative thereto, the city council shall either:

- (1) Grant such application and direct issuance of a license in connection therewith subject to compliance with the provisions of this chapter; or
- (2) Table action on such application pending a hearing on such application as provided in this section.

If such application is so tabled by the council then the city manager shall cause a written notice to be issued to the applicant requiring such applicant to show cause, if any the applicant can, at a hearing at a time and place specified therein which shall not be less than five nor more than 30 days from the date of service of the notice by mail or otherwise upon the applicant as to why the application should not be denied as well as written notice of the findings of the chief of police, the recommendation of the City Clerk relative to such application, if any, and the recommendation of the city manager relative thereto.

- (b) The hearing provided for above, which need not be a regular meeting of the city council, may be continued by announcement at such time and place due to the lack of a quorum of the city council or request of the applicant or for good cause shown. At such hearing the applicant shall have the opportunity to show cause why the application should be granted and should not be denied and shall be entitled to the opportunity to present evidence, to present witnesses, to cross examine witnesses presenting evidence against granting of the application, to be represented by an attorney, and to have the proceedings transcribed or recorded at the applicant's expense, all in accordance with such rules and procedures as may be adopted from time to time by the city council relative thereto.
- (c) Following the conclusion of such hearing the city council shall, at a regular or called meeting thereof within 30 days of the date of such hearing, render its decision regarding the grant or denial of such application.
- (d) Upon the denial of such application, the city manager shall cause the applicant to be notified in writing within ten days of such decision of the nature of the decision and the reasons therefor and shall cause to be returned to the applicant the licensee fee tendered in connection with the application but not the application fee which shall be nonrefundable.
- (e) Upon the grant of such application the city manager shall promptly notify the applicant thereof and the Planning and Zoning Department shall promptly proceed to cause the license applied for to be issued.

Sec. 9-2-72. - Issuance of license.

Upon the approval of an application for an alcoholic beverage license by the city council, the Planning and Zoning Department, or designee, shall cause to be issued to the applicant the license applied for with respect to the location listed in the application upon payment of all fees and charges required therefor and subject to the conditions and limitations imposed in this chapter relative thereto.

Sec. 9-2-73. - Conditions and limitation of license.

The grant and issuance of an alcoholic beverage license to an applicant shall be conditioned upon:

- (1) Payment of all fees, charges and taxes applicable thereto;
- (2) Obtaining and maintenance of a license issued by the state department of revenue to the applicant for the location listed in the application for the same type activity which is authorized in the alcoholic beverage license issued by the city;
- (3) Obtaining and maintaining a business license issued by the city with respect to the business in which such alcoholic beverage license is to be utilized;
- (4) All statements, representations and information contained in the application for such license and all renewal and amended applications relative thereto continuing to remain materially unchanged except to the extent contained in amended application which have been granted pursuant to the provisions of section 9-2-88; and
- (5) Compliance with all requirements and provisions of this chapter and all laws, rules and regulations of the state relative to the sale, distribution and possession of alcoholic beverages.

Sec. 9-2-74. - License fees.

- (a) In addition to all other charges, taxes, and fees relative thereto, annual alcoholic beverage license fees as set forth in the schedule of fees and charges on file in the office of the city manager are imposed (which, consistent with city policy, are set by the city council) and shall be paid prior to the issuance of or renewal of any alcoholic beverage license;
- (b) License fees for the sale of alcoholic beverages are due and payable immediately upon issuance thereof and immediately as of the date of renewal thereof;
- (c) Any license issued at any time during a calendar year shall be due and payable as shown on the Master Fee Schedule; and
- (d) All license fees payable under this section shall be paid either in lawful currency of the United States of America or by a city approved form of payment payable to the city.

Sec. 9-2-75. - Duration.

No alcoholic beverage license shall be issued for a period of time less than the remainder of such calendar year. In the event of the revocation, suspension, termination, lapse or surrender of a license before the expiration of a calendar year there shall not be any refund therefor.

Sec. 9-2-76. - Expiration.

All alcoholic beverage licenses shall expire at midnight on December 31 of the year in which issued with all applications for a renewal of the license for the ensuing year to be treated as applications for new licenses except to the extent otherwise provided in this chapter.

Sec. 9-2-77. - Application for renewal.

The holder of any alcoholic beverages license who desires to renew such license shall annually file with the Planning and Zoning Department, or designee, an application therefor in such form and content as shall be determined from time to time by the city manager on or before 12:00 noon on October 15 of the year preceding the year for which the application for renewal is made. Failure of any holder of any alcoholic beverage license to file such application for renewal by such time and to pay together therewith the required applicable annual license fee for the ensuing year shall render the license void, lapsed, and nonrenewed effective as of the last minute of December 31 of that year. Annual license fee shall not be paid until renewal application is approved by Council.

Sec. 9-2-78. - Lapse of license.

- (a) If the holder of any alcoholic beverage license fails to timely file an application for renewal or to pay such annual license fee, then such license shall automatically become nonrenewed and lapsed.
- (b) In such event, in order to obtain an alcoholic beverage license, such former licensee shall be required to file an application for another alcoholic beverage license in accordance with the provisions of this chapter.
- (c) In such event, pending receipt of other such alcoholic beverage license, such former licensee shall not be entitled to engage in the sale of the alcoholic beverages formerly authorized pursuant to such lapsed license and shall immediately cease and desist in conducting such sales.

Sec. 9-2-79. - Operation pending renewal.

Upon the timely filing of an application for renewal of any alcoholic beverage license and the payment of the required license fee therefor pursuant to the provisions of section 9-2-77, the holder of such license shall be entitled to continue to engage in the activity authorized pursuant to the license issued for the previous year, subject to the provisions of this article, pending action on the application for renewal of such license.

Sec. 9-2-80. - Review of application for renewal.

All applications for renewal of alcoholic beverage licenses shall be reviewed by the city manager and/or his designees prior to the November regular meeting of the city council. Those applications for renewal that have had:

- (1) A change in new application or management; and/or
- (2) Any event that could trigger any ground for denial of renewal set for in section 9-2-82 of this Code

shall be submitted by the city manager to city council along with a written recommendation with respect to the renewal or nonrenewal of each such alcoholic beverage license. Recommendations for renewal may be summary in form and may be collective; however, any recommendation for nonrenewal shall be made individually and shall specify the reasons for recommendation for nonrenewal.

Sec. 9-2-81. - Grant or denial of renewal.

- (a) On or before the regular January meeting thereof, the city council shall with respect to each application for renewal coming to it pursuant to subsection 9-2-80(b) of this Code either:
 - (1) Grant such application for renewal; or
 - (2) Table action on such application pending a hearing on such application for renewal as provided in this section.
- (b) If an application for renewal is so tabled then the city manager shall cause a written notice to be issued to the applicant requiring the applicant to show cause why the application for renewal should be granted at a hearing at a time and place specified therein which shall not be less than five days nor more than 30 days from the date of service of the notice by mail or otherwise upon the applicant as well as written notice of the recommendation and reasons of the city manager relative to nonrenewal of such license or the recommendation of the city manager for renewal of such license, as the case may be.
- (c) The hearing provided for in subsection (b) of this section, which meeting need not be a regular meeting of the council, may be continued by announcement at such time and place due to the lack of a quorum of the city council or at the request of the applicant or for good cause shown. At such hearing the applicant shall have the opportunity to show cause why the application for renewal should be granted and shall be entitled to the opportunity to present evidence, to present witnesses, to cross examine witnesses presenting evidence against granting the application for renewal, to be represented by an attorney, and to have the proceeding transcribed or recorded at the applicant's expense, all in accordance with such rules and procedures as may be adopted from time to time by the city council relative thereto.
- (d) Following the conclusion of such hearing the city council shall, at a regular or called meeting thereof within 30 days of the date of such hearing, render its decision regarding the granting or denial of such application for renewal.
- (e) Upon the denial of such application the city manager shall cause the applicant to be notified in writing within ten days of such decision of the nature of such decision and the grounds therefor and shall cause to be returned to the applicant the license fee tendered in connection with the application for renewal whereupon, effective 30 days following notification by the city manager to the applicant thereof, all rights of the applicant to operate under the license for the preceding year shall lapse and terminate and the applicant shall cease and desist from all activity authorized under the prior alcoholic beverage license sought to be renewed.
- (f) Upon the grant of such application for renewal the city manager shall promptly notify the applicant thereof and the Planning and Zoning Department shall promptly proceed to cause the license applied for to be renewed.

Sec. 9-2-82. - Grounds for denial of new applications and renewal applications.

The city council shall be entitled to deny any new or renewal alcoholic beverage license upon a finding by the city council, following the hearing prescribed in connection therewith, of the existence, in the opinion of the city council, of any of the following:

- (1) Any violation by the holder of the alcoholic beverage license or by any other person required under this chapter in connection with such license to meet the qualifications required for the issuance of such license of any of the following:
 - a. Any federal or state law, rule or regulation relative to the manufacture, distribution, sale or possession of alcoholic beverages;
 - b. Any provision, condition, requirement or limitation contained in this chapter;
 - c. Any criminal law which is classified as a felony; or
 - d. Any criminal law involving moral turpitude;
- (2) Any violation by the holder of the alcoholic beverage license or by any employee, agent, or servant of the holder of such license or the business in which such license is utilized, in connection with the maintenance or operation of any business in which an alcoholic beverage license issued by the city is utilized, of any of the following:
 - a. Any federal or state law, rule or regulation relative to the manufacture, sale, distribution or possession of alcoholic beverages;
 - b. Any provision, condition, requirement, or limitation contained in this chapter;
 - c. Any other ordinance of the city; or
 - d. Any ordinance, rule, regulation or law of any governmental entity otherwise regulating the business in which such alcoholic beverage license is utilized;
- (3) The initial application for issuance of such alcoholic beverage license, any application for renewal thereof, or any amended application relative thereto contained, as of the time made, material false or misleading statements or information or was otherwise misrepresentative or misleading;
- (4) Failure of the applicant for renewal, or any other person required under this chapter in connection with such license to meet the qualifications required for the issuance of such license, to meet, as of the time of the application for renewal, the requirements established in this chapter for the initial issuance of such license;
- (5) Suspension or revocation during the period of time that the alcoholic beverage license issued by the city has been issued for such location by the state department of revenue of any alcoholic beverage license issued for the location of the business in which alcoholic beverage license issued by the city is utilized;
- (6) Failure of the holder of the license or any employee or agent of the business in which such license is utilized to promptly report to the police department of the city:
 - a. Any violation of this chapter;
 - b. Any other violation of law;

- c. Any violation of any other city ordinance; or
 - d. Any breach of the peace, disturbance or alteration which occurs upon the premises of the business in which such alcoholic beverage license is utilized;
- (7) Repeated failure of the holder of the license or the employees, agent and servants of the business in which such license is utilized to promptly control and prevent upon the premises of such business any of the following activities or conduct:
- a. Fighting;
 - b. Disorderly conduct;
 - c. Utilization of controlled substances;
 - d. Gambling;
 - e. Indecent conduct;
 - f. Excessive noise; or
- (8) Failure of the holder of the license or any other person required under this chapter in connection with such license to meet the qualifications required for the issuance of such license to promptly pay and satisfy all taxes and other financial obligations due to the city which are not the subject of appeal or litigation.

Sec. 9-2-83. - Transfer of licenses.

- (a) All alcoholic beverage licenses issued by the city shall be personal to the person to whom issued and are applicable only to the location for which application therefor is made and accordingly no license shall be transferable to any person or entity or to any other location.
- (b) Notwithstanding the provisions of subsection (a) of this section, in the event of the death of any person holding a license, or any interest therein, then upon application and approval by the city manager subject to the terms of this section, an alcoholic beverage license may be utilized by the administrator, executor or personal representative of such deceased person, or by the heirs at law of the deceased person, in the event that such administrator, executor, personal representative or heirs meet all of the qualifications contained in this chapter for the issuance of such alcoholic beverage license, with the license of such deceased person to be so utilized by the administrator, executor, personal representative, or heirs of such deceased person only for the time necessary to complete administration of the estate of such deceased person, but in no event longer than six months from the date of the death of such deceased person, with such license to lapse upon the earlier of such six-month period, completion of such administration, or December 31 of the year in which death shall occur.
- (c) Notwithstanding the provisions of subsection (a) of this section, in the event that the person to whom an alcoholic beverage license is issued certifies under oath in writing to the city manager that the business served by such alcoholic beverage license is relocating to another physical location within the city, the city manager may, upon payment to the city of an application amendment fee, provide for an amended license specific to the new location if such new location meets all of the requirements of this chapter. In no event shall any holder of an alcoholic beverage license operate under that license at more than one location at any time.

- (d) Notwithstanding any other provision of this chapter, any change in the ownership interests of a partnership or corporation which holds any alcoholic beverage license, as reflected in the initial application for such license, shall cause the immediate cessation of sales of any alcoholic beverages and no sales of alcoholic beverages shall be made until such change in the ownership interests is approved by the city council based upon the qualification of all persons then interested therein in accordance with the provisions hereof or until the issuance of another license to such corporation or partnership upon a new application therefor; provided, however, that this provision shall not apply in a situation in which one or more individuals who have existing interest in the entity which holds the license cease to have such interest and the remaining ownership interest in such entity remains unchanged except as to the division of the remaining interests therein.

Sec. 9-2-84. - Emergency suspension.

Notwithstanding any other provision of this chapter:

- (1) The chief of police shall be authorized, upon concurrence with respect thereto by the city manager, to suspend the right of the holder of any alcoholic beverage license to sell or otherwise distribute any alcoholic beverage, and to close the business in which such license is utilized, for such period of time as shall be determined to be necessary, but in no event in excess of 24 hours duration, in the event of:
- a. Any national, state or local emergency;
 - b. Any riotous or violent circumstances either with respect to such location only or the community generally; or
 - c. Any circumstances which require such action in order to prevent conditions which are contrary to public health, welfare or safety.
- (2) The city council may, in its sole discretion, and either with or without notice or hearing, suspend the right of the holder of any alcoholic beverage license to sell or otherwise distribute any alcoholic beverage for such period of time as it may deem necessary, but in no event in excess of 30 days duration, in the event of:
- a. Any national, state or local emergency;
 - b. Any riotous or violent circumstances either with respect to such location only or the community generally; or
 - c. Any circumstances which require such action in order to prevent conditions which are contrary to public health, welfare or safety; provided, however, that in no event shall such period of suspension exceed ten days duration without an opportunity to be heard being afforded to the holder of such license in connection with the continuance thereafter of such emergency suspension, with notice thereof and such hearing hereon being the same as provided in section 9-2-85 for suspension of alcoholic beverage licenses generally.

Sec. 9-2-85. - Suspension or revocation of license.

- (a) Upon a preliminary determination by the city manager that a ground or grounds exist for the suspension or revocation of an alcoholic beverage license pursuant to the provisions of this chapter, then the city manager shall cause a written notice to be issued to the holder of

such license requiring such holder to show cause, if any such holder can, at a hearing before the city council at a time and place specified therein which shall not be less than five days nor more than 30 days from the date of service of the notice, by mail or otherwise, upon such holder as well as written notice of the reasons believed by the city manager to authorize possible suspension or revocation of such license.

- (b) The hearing provided for in subsection (a) of this section, which need not be a regular meeting of the council, may be continued by announcement at such time and place due to the lack of a quorum of the city council or at the request of the license holder or for good cause shown for a period of not longer than ten days. At such hearing the holder of the license shall have the opportunity to show cause why the license should not be suspended or revoked and shall be entitled to the opportunity to present evidence, to present witnesses, to cross examine witnesses presenting evidence in favor of suspension or revocation, to be represented by an attorney, and to have the proceeding transcribed or recorded at the license holder's expense, all in accordance with such rules and procedures as may be adopted from time to time by the city council relative thereto.
- (c) Following the conclusion of such hearing the city council shall, at a regular or called meeting thereof within 30 days of the date of such hearing, render its decision regarding whether the license in issue should be suspended or revoked and, if suspended, then the duration of such suspension and the amount of license reinstatement fee which amount shall not be in excess of \$250.00, if any, as the city council shall in its sole discretion determine to be appropriate under the circumstances, which license reinstatement fee shall be paid as a condition to reinstatement of the license following suspension.
- (d) Upon the suspension or revocation of such license then the city manager shall cause the license holder to be notified in writing within ten days of such decision of the nature of such decision and the grounds therefor and thereupon the license shall immediately become suspended or terminated in accordance with such decision. The license holder shall immediately upon receipt of such notice cease and desist from all activity authorized under such alcoholic beverage license in accordance with such decision and physically surrender such license to the Planning and Zoning Department.
- (e) If the city council determines that grounds do not exist to suspend or terminate such license or decides to not suspend or terminate such license notwithstanding the existence of grounds therefor then the city manager shall promptly notify the license holder thereof.

Sec. 9-2-86. - Grounds for suspension or revocation.

The city council shall be entitled, in its sole discretion, to either suspend or revoke any alcoholic beverage license upon a finding by the city council, following the hearing prescribed in connection therewith, of the existence of any of the following:

- (1) Any violation by the holder of the alcoholic beverage license or by any other person required under this chapter in connection with such license to meet the qualifications required for the issuance of such license and of the following:
 - a. Any federal or state law, rule or regulation relative to the manufacture, distribution, sale or possession of alcoholic beverages;
 - b. Any provision, condition, requirement or limitation contained in this chapter;

- c. Any criminal law which is classified as a felony; or
 - d. Any criminal law involving moral turpitude;
- (2) Any violation by the holder of the alcoholic beverage license or by any other person required under this chapter in connection with such license to meet the qualifications required for the issuance of such license or by any employee, agent, or servant of the holder of such license or the business in which such license is utilized, all in connection with the maintenance or operation of any business in which an alcoholic beverage license issued by the city is utilized, of any of the following:
- a. Any federal or state law, rule or regulation relative to the manufacture, sale, distribution or possession of alcoholic beverages;
 - b. Any provision, condition, requirement, or limitation contained in this chapter;
 - c. Any other ordinance of the city; or
 - d. Any ordinance, rule, regulation or law of any governmental entity otherwise regulating the business in which such alcoholic beverage license is utilized;
- (3) The initial application for issuance of such alcoholic beverage license, any application for renewal thereof, or any amended application relative thereto contained, as of the time made, material false or misleading statements or information or was otherwise misrepresentative or misleading;
- (4) Failure of the holder of such license or any other person required under this chapter in connection with such license to meet the qualifications required for the issuance of such license, to meet, as of the time of the notice of hearing relative thereto, the requirements established in this chapter for the initial issuance of such license;
- (5) Suspension or revocation during the period of time that the alcoholic beverage license issued by the city has been issued for such location by the state department of revenue of any alcoholic beverage license issued for the location of the business in which the alcoholic beverage license issued by the city is utilized;
- (6) Failure of the holder of the license or any employee or agent of the business in which such license is utilized to promptly report to the police department of the city:
- a. Any violation of this chapter;
 - b. Any other violation of law;
 - c. Any other violation of any other city ordinance; or
 - d. Any breach of the peace, disturbance or alteration which occurs within or upon the premises of the business in which such alcoholic beverage license is utilized;
- (7) Repeated failure of the holder of the license or the employees, agent and servants of the business in which such license is utilized to promptly control and prevent within or upon the premises of such business any of the following activities or conduct:
- a. Fighting;
 - b. Disorderly conduct;
 - c. Utilization of controlled substances;

- d. Gambling;
 - e. Indecent conduct;
 - f. Excessive noise; or
- (8) Failure of the holder of the license or any other person required under this chapter in connection with such license to meet the qualifications required for the issuance of such license to promptly pay and satisfy all taxes and other financial obligations due to the city which are not the subject of appeal or litigation.

Sec. 9-2-87. - Termination.

All rights and privileges of the holder of an alcoholic beverage license issued by the city shall terminate upon the first to occur of the following:

- (1) Death of the holder of such license, except to the extent on any right to continue to utilize such license as provided in subsection 9-2-83(b);
- (2) Dissolution of a corporation or partnership which are holder of such license;
- (3) The filing of any voluntary bankruptcy proceedings under the bankruptcy code by the holder of such license or the failure of the holder of such license to, within 60 days of the date of filing thereof, obtain dismissal of and involuntary proceeding filed under the bankruptcy code against the holder of such license;
- (4) Lapse of such license pursuant to the provisions of this chapter;
- (5) Denial by the city council of an application for renewal of such license;
- (6) Revocation thereof by the city council;
- (7) Surrender thereof by the licensee to the city;
- (8) Automatically without any action on the part of the city upon revocation by the state department of revenue of any alcoholic beverage license issued by the state department of revenue to the holder of the license in issue with respect to such location; or
- (9) The licensee ceases to be engaged in the sale of alcoholic beverages permitted with such license.

Sec. 9-2-88. - Amended applications.

In the event that either (i) the business in which any alcoholic beverage license is utilized cease to be actively managed or operated on a day-to-day basis by the person so designated with respect thereto in the latest application relative to such license whether an initial, amended or renewal application; or (ii) any other material change occurs in any of the statements, representations or other information contained in any application relative to such license whether in an initial, amended or renewal application which has not otherwise been modified pursuant to an amended application previously granted pursuant to the provisions of this section, then:

- (1) Within 30 calendar days of such occurrence the licensee shall file with the Planning and Zoning Department an amended application with respect to such license, in such form and of such content as shall from time to time be prescribed therefore by the city manager, disclosing, in sufficient detail to evaluate the application, the nature and

extent of such changes and, in the case of the cessation of management of such business as reflected in the latest such application, the full details and particulars relative to the person who is then actively managing or operating such business on a day-to-day basis, all to the same extent as required in an initial application;

- (2) An amended application shall be accompanied by payment to the city by check or cash of an amended application processing fee which shall be nonrefundable regardless of the ultimate decision relative to such amended application;
- (3) Upon receipt of an amended application, city officials shall conduct such investigations as shall be appropriate relative thereto and shall make recommendations relative thereto as in the case of an initial application;
- (4) Upon receipt of recommendations relative thereto the city council shall proceed to act on such amended application as in the case of an initial application utilizing the same qualifications and criteria relative thereto as for an initial application and utilizing the same procedures with respect thereto;
- (5) Grant or denial of an amended application shall be based upon a finding by the city council that, as of the date of the determination thereof by the city council, the amended application either meets or fails to meet the requirements, criteria and qualifications contained in this chapter which are necessary for the initial issuance of such alcoholic beverage license;
- (6) Approval of an amended application by the city council shall constitute, effective as of the date of such approval, an amendment of the initial application;
- (7) The licensee shall, following determination thereof by the city council, be notified by the city manager of such decision as in the case of an initial application; and
- (8) Effective 15 days following notification by the city manager of denial of an amended application for such longer period of time as the city manager in his sole discretion determines appropriate under the circumstances, but in no event later than 30 days from the date of such notification: (i) such license shall lapse due to the failure of the licensee to continue to meet the qualifications, requirements and criteria for the grant of such license; (ii) all privileges relative to such license shall cease and terminate; (iii) such former licensee shall not be entitled to engage in the sale of the alcoholic beverages formerly authorized pursuant to such lapsed license; (iv) such former licensee shall immediately cease and desist from conducting such sales; and (v) in order to be authorized thereafter to engage in the sale of such alcoholic beverages the former licensee shall be required to file an application for another alcoholic beverage license and obtain approval thereof, all in accordance with the provisions of this chapter.

Sec. 9-2-89. - Waiting period before reapplication.

Notwithstanding any of the provisions of this article, any unsuccessful applicant must wait 90 days from the date of final decision before reapplying.

Sec. 9-2-90. - One-day license for charitable organizations.

(a) *Definitions.*

- (1) To qualify as a "charitable organization" as used herein, an organization must:

- a. Either be incorporated as a nonprofit corporation, or must be formally organized, with a constitution and bylaws, and with a central governing body such as a board of trustees or directors to be directly responsible for the one-day license; and
 - b. Said organization must also have been granted approved tax exempt status by United States Internal Revenue Service.
- (2) The term "charitable purposes" as used herein shall include the following: Relief of the indigent, medical research, provision of medical equipment, education, including youth education; historical preservation, preservation and encouragement of the fine arts; crime prevention and rehabilitation; libraries; zoos; scientific research and development; community development; industrial and commercial recruitment; and recreation.
- (3) The term "proceeds" as used herein means the gross proceeds from the event in connection with which the license is issued after payment of all of the expenses of the event.
- (b) *License; fee.* In addition to the other alcoholic beverage licenses provided for in this chapter, the city council may issue a consumption license valid for one day only to any charitable organization, authorizing the holder to dispense, at one location only, malt beverages, wine, and distilled spirits, by the drink for consumption only on the premises; provided, that:
 - (1) The proceeds from the event shall be used only for charitable purposes; and
 - (2) The city has permitted the event consistent with the event permit requirements of section 9-2-175 of this chapter; and
 - (3) No alcoholic beverages are sold at the event, i.e., open bar only as an emolument of the donation or fund raising ticket received by the charitable organization.

If alcoholic beverages are to be sold at the event, then this section shall not apply.

The provisions of section 9-2-74 of this chapter shall apply with respect to license fees.

- (c) *Application.* Any charitable organization desiring to obtain a one-day alcoholic beverage license shall make application with sufficient evidence to satisfy the city council that the organization is a nonprofit charitable organization and that the proceeds will be used for charitable purposes. The organization shall designate one person who is a resident of the city who shall be responsible for the lawful and proper conduct of the alcoholic beverage license, giving the name, address and other information sufficient to identify such person.
- (d) *Excise tax not applicable.* The excise tax imposed by article V of this chapter shall not be applicable to the one-day license inasmuch as the sale of alcoholic beverages is not involved.
- (e) *Final report.* Within 30 days after the conclusion of the event, the license holder shall file a final report and accounting with the city council, said report and accounting to include a statement of the gross receipts, the amount of expenses paid, the net proceeds remaining, and how and to whom and for what purpose said net proceeds are to be distributed. Failure to comply with this reporting requirement shall make such charitable organization ineligible for the issuance of any subsequent license.

- (f) *Suspension or revocation.* The city manager shall have the right at any time to suspend or revoke the one-day license on any ground which constitutes a ground for suspension or revocation of licenses generally under sections 9-2-85 and 9-2-86 of this chapter. Any aggrieved organization shall have the right of appeal to the city council.
- (g) *Applicability of chapter.* Except as otherwise provided in this section, the remaining provisions of this chapter shall be applicable to the one-day license. The charitable organization and the responsible person identified pursuant to subsection (c) hereinabove shall be in charge and responsible for the event and shall be subject to the laws of the State of Georgia and the City of Camilla with respect to any violation of any license or permit issued by the City of Camilla.
- (h) If a one-day alcoholic beverage license is issued following the full application review process involving the decision of city council, such qualified charitable organization may submit an application for an annual event renewal one-day alcoholic beverage license to the city manager or his designee who shall either grant such license or recommend denial. A staff recommendation to deny a renewal one-day alcoholic beverage license shall be reviewed and decided by city council.

Secs. 9-2-91—9-2-120. - Reserved.

ARTICLE IV. - OPERATIONAL REGULATIONS

Sec. 9-2-121. - Hours of operation.

- (a) Retail dealers of malt beverages, wine and distilled spirits shall not engage in the sale of such beverages except during the following hours of lawful operation:
 - Mondays 6:00 a.m. to Tuesdays 1:30 a.m.
 - Tuesdays 6:00 a.m. to Wednesdays 1:30 a.m.
 - Wednesdays 6:00 a.m. to Thursdays 1:30 a.m.
 - Thursdays 6:00 a.m. to Fridays 1:30 a.m.
 - Fridays 6:00 a.m. to Saturdays 1:30 a.m.
 - Saturday 6:00 a.m. to Saturday 11:55 p.m.
 - Sunday 12:30 p.m. to Sunday 11:30 p.m. (packaged malt beverages and wine only)
- (b) Establishments having an on-premises consumption license issued pursuant this chapter and realizing less than 50 percent of the business, as measured by gross receipts, from the sale of food shall not permit their places of business to be opened for any reason after 2:00 a.m. on weekdays or anytime on Sundays, Christmas day or any other days on which the sale of alcoholic beverages is prohibited by state law.

Sec. 9-2-122. - Hours during which other activities prohibited.

Neither any holder of any alcoholic beverage license nor any employee of any business in which such license is utilized shall allow or permit any alcoholic beverage to be handled in any manner upon the premises of the business in which such license is utilized or any alcoholic beverage to be located upon any table, counter, or other such customer service area upon such premises, either in the form of the original container therefor or otherwise, from one hour after the last time permitted to sell an alcoholic beverage as set forth in section 9-2-121 of this chapter until such time as alcoholic beverages may again be sold as set forth in section 9-2-121 of this chapter.

All premises licensed to engage in such sales by the drink may remain open for a period of time not to exceed 15 minutes beyond the time that the last alcoholic beverage can be lawfully located upon the table, counter or other customer service area of the licensed premises as set forth hereinabove at which time all customers and patrons must leave the licensed premises. Following such mandatory closing time, up to four employees of the business located upon the licensed premises may remain for up to an additional hour to handle all post-closing duties. If, because of special circumstances, additional time is needed by the employees for post-closing duties, the holder of the alcoholic beverage license at such licensed premises may contact the police for additional time for which permission shall not be unreasonably withheld.

Sec. 9-2-123. - Election days; sale of malt beverages and/or wine.

Alcoholic beverages which are licensed for sale in the city may be sold on all election days during normal business hours established by this Code and regulation of sales of alcoholic beverages by ordinance.

Sec. 9-2-124. - Advertising.

No holder of any alcoholic beverage license shall allow or permit any advertising to be placed or run in any media or by any other means with respect to the availability of alcoholic beverages at the location licensed except to the extent permitted by state law and rules and regulations relative thereto.

Sec. 9-2-125. - Consumption prohibited upon premises of package licensee.

No holder of a license only for the package sales of any alcoholic beverage nor any employee, agent or servant of any business in which only a license for package sales is utilized shall knowingly allow or permit the breaking of any package containing any alcoholic beverage upon the premises where sold, or intentionally allow or permit the consumption of any of the contents of any package containing any alcoholic beverage upon the premises where sold.

Sec. 9-2-126. - Sales prohibited beyond premises.

No holder of any alcoholic beverage license or any employee, agent or servant of any business in which any alcoholic beverage license is utilized (herein collectively referred to as "licensee") shall sell or distribute any alcoholic beverage at any location other than within the interior of the building located upon premises so licensed in which such sales are authorized or upon the patio or deck (whether under roof or not) adjoining the licensed premises. The licensee shall not be authorized to sell or distribute any alcoholic beverage at any other location upon or within the licensed premises (hereinafter referred to as "open areas") including, but not limited to, the parking lot of such location unless any such open areas are set apart by a rope, fence or other similar access control mechanism that has been approved by the police department in the interest of public safety and the promotion of law enforcement; and, further provided that such licensee must continually supervise any and all such open areas to prevent non-customers from gaining access.

Sec. 9-2-127. - Furnishing alcoholic beverages to intoxicated person.

Notwithstanding any other provisions of this chapter, no person who is the holder of any alcoholic beverage license issued by the city nor any agent, servant or employee of any business in which any alcoholic beverage license is utilized shall sell, give, provide, distribute, or furnish any alcoholic beverage to any person who is then in an obvious state of intoxication.

Sec. 9-2-128. - Assisting other in violations.

No person who is the holder of any alcoholic beverage license issued by the city nor any agent, servant or employee of any business in which any alcoholic beverage license is utilized shall promote, encourage, or assist any other person in conducting or engaging in any activity or action which is in violation of any provision of this chapter.

Sec. 9-2-129. - Misrepresentation of beverages.

No person who is the holder of any alcoholic beverage license issued by the city, nor any agent, servant or employee of any business in which any alcoholic beverage license is utilized shall add to or otherwise adulterate the contents of a package or refill any empty package, or in any other manner misrepresent the quantity, quality or brand name of any alcoholic beverage.

Sec. 9-2-130. - Specific rules for consumption on premises.

- (a) *Rules applicable to all alcoholic beverages.* No person who is the holder of any alcoholic beverage license issued by the city or any agent, servant or employee of any business in which any alcoholic beverage license is utilized shall sell or distribute alcoholic beverages for consumption upon the premises under any of the following circumstances:
- (1) Serve multiple servings for a single price or offer all a person can drink for a set price;
 - (2) Make a single price the basis for a required purchase of two or more servings;
 - (3) Selling or furnishing alcoholic beverages at reduced prices based upon redemption or surrender of coupons, receipts, or other devices authorizing the serving of alcoholic beverage drinks on a subsequent day;
 - (4) Require or encourage the purchase of a second or subsequent alcoholic beverage at the same time another alcoholic beverage is purchased or before the first such beverage is consumed;
 - (5) Allow or permit any unconsumed alcoholic beverage sold for consumption on the premises to be removed from the licensed premises;
 - (6) For purposes of this section, the term "special events days" shall mean those certain days generally recognized nationwide as festive or celebratory and specifically approved in advance in writing as such by the chief of police and set forth on a list made available to all holders of on premises consumption alcoholic beverage licenses. For purposes of this section, the term "normal retail price" shall mean the price charged during the majority of the business hours, excluding the hours of 4:00 p.m. to 8:00 p.m., of such business for that particular alcoholic beverage during the preceding seven-day period of time.
 - a. Except for special events days, sell or furnish any alcoholic beverage prior to 4:00 p.m. or after 8:00 p.m. at a price less than the normal retail price of the business in which the associated alcoholic beverage license is utilized.
 - b. Except for special events days, sell or furnish any alcoholic beverage between the hours of 4:00 p.m. and 8:00 p.m. for less than one-half of the normal retail price.
 - c. On special events days only, alcoholic beverages may be sold or furnished at any time that the business and, as applicable to distilled spirits, the restaurant is open at any price set by the business so long as such price is not less than one-half of the normal retail price.
 - (7) Nothing contained in this section shall be construed to prohibit the dispensing of malt beverages in pitchers or in jumbo sizes which are available at all times that the business in which the alcoholic beverage license is utilized is open for business at the usual, customary or established retail price therefor.
- (b) *Rules applicable to distilled spirits.* In addition to the rules set forth in subsection (a) of this section, these rules shall likewise apply to the on premises consumption of distilled spirits:
- (1) Sponsor, conduct, allow or permit contests or promotions which have as their primary purpose the increasing of the consumption of distilled spirits on the premises.

- (2) Sell or furnish distilled spirits at any time that the restaurant or private club to which such license is attached is closed.

Sec. 9-2-131. - Operation only by licensee or designated manager.

Notwithstanding any other provisions of this chapter, no holder of any alcoholic beverage license issued by the city shall permit or allow any business in which such license is utilized to be managed or operated for any period of time longer than 15 days by any person except to the extent otherwise specifically provided in this chapter who is not listed upon the initial application for such license, upon the most recent application for renewal thereof, on an amended application relative thereto which has been approved by the city council, or upon a then pending and unacted upon amended application relative thereto.

Sec. 9-2-132. - Display of license.

The holder of every alcoholic beverage license issued by the city shall post and prominently display in a conspicuous place upon the premises licensed all alcoholic beverages licenses by the city and by the state department of revenue.

Sec. 9-2-133. - Posting of laws regulating sales.

The holder of every alcoholic beverage license issued by the city shall post and prominently display in a conspicuous place upon the premises licensed all notices required by state law relative to the sale of alcoholic beverages as well as such other notice or notices relative to the sale of alcoholic beverages pursuant to license issued by the city as shall from time to time be prescribed by the city manager of such form, size and content as shall be prescribed by the city manager.

Sec. 9-2-134. - Obstruction of view of interior of premises and lighting of premises.

- (a) For the safety of law enforcement personnel and other public officials, every business in which an alcoholic beverage license is utilized shall provide a door, window or other opening through which the interior of the premises licensed for the sale of alcoholic beverages shall be visible from the exterior. Neither the holder of any alcoholic beverage license nor any agent, servant or employee of any business in which such alcoholic beverage license is utilized shall obstruct, block, or obscure the view through any door, window or other opening of the interior of the premises licensed for the sale of alcoholic beverages.
- (b) Both the exterior and interior of all premises licensed by the city for the sale of alcoholic beverages shall be so arranged as to afford an unobstructed view from the outside thereof of the interior portion of the premises which is utilized for the sale of alcoholic beverages.
- (c) The exterior of all premises licensed by the city for the sale of alcoholic beverages shall at all times be illuminated with sufficient light intensity so as to allow a complete view of all portions of the exterior thereof.
- (d) The exterior of all premises licensed by the city for the sale of alcoholic beverages shall at all times be illuminated with sufficient light intensity so as to allow a complete view of the interior of such premises which is utilized for the sale of alcoholic beverages by a person standing on the inside of the entrance of such premises.

Sec. 9-2-135. - Restrictions on compensation.

No holder of any alcoholic beverage license nor any agent, servant or employee of any business in which any such alcoholic beverage license is utilized shall permit or allow any agent, servant or employee of such business who is not the owner of an interest in such business to either directly or indirectly, receive or obtain in any manner any salary or other compensation of any nature whatsoever which is based solely upon the volume of alcoholic beverages sold upon such premises either by or as a result of the efforts of such agent, servant or employee individually or of such business generally or which is based solely upon the profit derived by such business from the sale of any alcoholic beverages.

Sec. 9-2-136. - Restrictions on premises rental fees.

It shall be unlawful for an alcoholic beverage license holder to enter into any agreement whereby the rental paid for the licensed premises is based in whole or in part upon the volume of alcoholic beverages sold upon such premises or based in whole or in part upon the profit derived by such business utilizing the alcoholic beverage license.

Sec. 9-2-137. - Restrictions upon activities of employees.

No holder of any alcoholic beverage license nor any agent, servant or employee of any business in which any alcoholic beverage license is utilized shall permit or allow any agent, servant or employee of such business or license holder upon the premises licensed during any period of time that such agent, servant or employee is acting for the benefit of or on behalf of such business or license or is otherwise in the employ of such business or licensee to:

- (1) Dance with any customer or patron of such business;
- (2) Dance upon any bar, counter or table; and
- (3) Consume any alcoholic beverage purchased by a customer or patron of such business.

Sec. 9-2-138. - Access of police officers and public officials.

No holder of any alcoholic beverage license nor any agent, servant or employee of any business in which any alcoholic beverage license is utilized shall at any time deny or prevent access to the licensed premises, or any portion thereof, to any police officer, to any state or federal or local law enforcement officer or to any local, state or federal building, zoning or fire inspector or official in connection with the conduct of such officer's, inspector's or official's duties or fail or obstruct any such officer, inspector or official in connection with the conduct of any investigation by any such officer, inspector or official with respect to the licensed premises or any activity or conduct upon the licensed premises involving alcoholic beverages.

Sec. 9-2-139. - Noise control.

The holder of any alcoholic beverage license shall not allow or permit any customer, patron or other person upon the licensed premises to make, continue or cause to be made any noise that can be heard beyond the property boundary of the licensed premises that unreasonably or unnecessarily annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the city. Moreover, the holder of any alcoholic beverage license shall comply with the noise control provisions of Title 11-Chapter 1-Section 11-1-4 of this Code.

Secs. 9-2-140—9-2-160. - Reserved.

ARTICLE V. - EXCISE TAXES

Sec. 9-2-161. - Excise tax—Malt beverages.

- (a) *[Rate of levy.]* There is hereby levied and imposed upon all wholesale dealers selling malt beverages within the city a specific excise tax in the amount of \$0.05 per 12-ounce container or any portion thereof so as to graduate the tax on bottles, cans, and containers of various sizes of malt beverages sold by each wholesale dealer within the city, and an excise tax on tap or draft beer in the amount of \$6.00 for each container sold, as hereinafter specified, containing not more than 15½ gallons and at a like rate for fractional parts, where the beverage is sold in or from a barrel or bulk container, such beverage being commonly known as tap or draft beer.
- (b) *Against whom levied.* The malt beverage excise tax is levied against and shall be paid by each licensed wholesale dealer in malt beverages in the city.
- (c) *Due date and required report.* The malt beverage excise tax shall be paid on or before the tenth day of the month following the calendar month in which the beverages are sold or disposed of, and payment shall be accompanied by a report itemizing the exact quantities of malt beverages sold for the preceding calendar month by size and type of container.

Sec. 9-2-162. - Excise tax—Wine.

- (a) *Rate of levy.* There is hereby set and levied on the sale of wine, excluding fortified wine, an excise tax in the sum of \$0.22 per wine gallon and in similar proportion for bottles and containers of various sizes.
- (b) *Against whom levied.* The wine excise tax shall be paid by each licensed wholesale dealer in wine in the city.
- (c) *Due date and required report.* The wine excise tax shall be paid on or before the tenth day of the month following the calendar month in which the beverages are sold or disposed of, and payment shall be accompanied by a report itemizing the exact quantities of wine sold for the preceding calendar month by size of container.

Sec. 9-2-163. - Excise tax—Distilled spirits.

- (a) *Rate of levy.* There is hereby levied and imposed upon all wholesale dealers selling distilled spirits within the city an excise tax in the amount of \$0.22 per liter or portion thereof for each liter of distilled spirits or part thereof sold within the city.
- (b) *[Due date and required report.]* The tax on distilled spirits is levied upon and shall be paid by the licensed wholesale dealer making the sale on or before the twentieth day of the calendar month following the calendar month in which the beverage is sold or disposed of, and payment shall be accompanied by a report itemizing the exact quantities of distilled spirits sold during the preceding calendar month.

Sec. 9-2-164. - Monthly reports and payment.

Each holder of a wholesale alcoholic beverage license shall file a monthly report by the tenth day of each calendar month itemizing for the preceding calendar month the exact quantities of all alcoholic beverages, by nature and by size and type of container, sold within the city and at such time shall remit to the city the amount of excise tax due to the city in accordance with the provisions of this chapter.

Sec. 9-2-165. - Examination of books and records.

The books and records of all wholesalers selling or delivering these beverages and all retailers thereof in the city shall be subject to inspection and audit by the agents of the city to ensure compliance herewith. It shall be unlawful for any person to deny to any authorized agent of the city reasonable access to its books and records and shall be the duty of each person to keep accurate records of payments and collections of the case tax and remittances.

Sec. 9-2-166. - Penalties.

- (a) The failure to make a timely report and remittance required shall render a wholesaler liable for a penalty equal to 25 percent of the total due during the first 30-day period following the date the report and remittance were due and a further penalty of 50 percent of the amount of this remittance for each successive 30-day period or any portion thereof during which the report and the remittance were not filed,
- (b) The filing of a false or fraudulent report shall render the wholesale dealer making the report liable to a penalty equal to 100 percent of the amount of the remittance which would be required under an accurate and truthful report.
- (c) Any person, wholesaler or retailer that shall violate the provisions hereof shall, upon conviction, be punished as prescribed by the municipal court and may in addition be subject to suspension or revocation of the license to sell such beverages.

Sec. 9-2-167. - Taxes collected upon delivery.

- (a) It shall be unlawful for any retailer of alcoholic beverages to receive and retain these beverages unless he shall have paid the tax thereon.
- (b) It shall be unlawful for any wholesaler of alcoholic beverages to sell or deliver these beverages to any retailer thereof unless he shall concurrently with this delivery collect the tax imposed.
- (c) It shall be unlawful for any wholesaler of alcoholic beverages to fail to remit to the city, when promptly due, the taxes levied, and collected by the wholesaler. It shall be unlawful for any person engaged as a retailer of these beverages to receive these beverages from another retailer unless tax has been paid.
- (d) It shall further be unlawful for any retailer of alcoholic beverages to receive and retail these beverages from another retail store, whether the other store shall be owned by the receiving retailer or not, or whether the other store is located within the corporate limits of the city or not, unless the tax shall have been paid and remitted to the city clerk.

Sec. 9-2-168. - Tax on sale of distilled spirits by the drink.

- (a) *Definitions.* The following words, terms and phrases shall, for the purposes of this section and except where the context clearly indicates a different meaning, be defined as follows:

City means the City of Camilla and, variously, the incorporated areas of Camilla, wherein the City of Camilla is empowered to impose this tax by O.C.G.A. § 3-4-130.

Due date means [the] 20th day after the close of the monthly period for which the tax is to be computed.

Licensee means any person holding a license to serve distilled spirits by the drink from the city.

Monthly period means the calendar months of any year.

Person means an individual, firm, partnership, joint adventure (venture), association, social club, fraternal organization, joint stock company, corporation, cooperative, estate, trust, receiver, trustee, syndicate, or any other group or combination acting as a unit, the plural as well as the singular number, excepting the United States, the state and any instrumentality of either thereof upon which the city is without power to impose the tax.

Tax means the sales tax on distilled spirits by the drink imposed by this article.

- (b) *Imposition; rate of tax.* There is hereby imposed, and there shall be paid, a tax of three percent on the sale of distilled spirits by the drink in the city.
- (c) *Collection by licensee.* Every licensee shall collect a tax of three percent on the sale of distilled spirits by the drink at his pouring outlet.
- (d) *Determination generally; returns; payments.*
- (1) *Due date of taxes.* All amounts of such taxes shall be due and payable to the finance director monthly on or before the twentieth day of every month next succeeding each respective monthly period.
- (2) *Penalty and interest for failure to pay tax by due date.* A specific penalty of 15 percent is imposed for failure to pay any amount of tax when due and payable to the city. Delinquent amounts shall bear interest at the rate of one percent per month, or fraction thereof, until paid.
- (3) *Return; time of filing; persons required to file; contents.* On or before the twentieth day of the month following each monthly period, a return for the preceding monthly period shall be filed by every licensee with the City Clerk showing the gross sales of distilled spirits by the drink and the amount of tax collected or otherwise due for the period, and such other information as may be required by the City Clerk.
- (4) *Collection fee allowed licensees.* Licensees collecting the tax 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 the same rate authorized for deductions from state tax under the Georgia Retailer and Consumers' Sales and Use Tax Act, as now and hereafter amended.

- (e) *Deficiency determinations.*
 - (1) *Recomputation of tax; authority to make; basis of recomputation.* If the City Clerk is not satisfied with the return or returns of the tax or the amount of the tax required to be paid to the city by any person, she may compute and determine the amount required to be paid upon the basis of any information within her possession or that may come into her possession. One or more deficiency determinations may be made of the amount due for one or more monthly periods.
 - (2) *Penalty and interest for failure to pay tax.* A specific penalty of 10 percent is imposed upon the amount of any determination. Additionally, the amount of any determination shall bear interest at the rate of one percent per month, or a fraction thereof, from the due date of taxes until the date of payment.
 - (3) *Notice of determination; service of.* The City Clerk shall give to the licensee written notice of her determination. The notice may be served personally or by mail; if by mail, such service shall be addressed to the licensee at his address as it appears in the records of the city. Service by mail is complete when delivered by certified mail with a receipt signed by addressee or postal certification that such mail was refused.
 - (4) *Time within which notice of deficiency determination to be mailed.* Except in the case of failure to make a return, every notice of a deficiency determination shall be mailed within three years after the twentieth day of the calendar month following the monthly period for which the amount is proposed to be determined, or within three years after the return is filed, whichever period should last expire.
- (f) *Determination of no return made.*
 - (1) *Estimate of gross receipts.* If any person fails to make a return, the City Clerk shall make an estimate of the amount of the gross receipts of the licensee from the sale of distilled spirits by the drink, or as the case may be, of the amount of total such receipts in this city which are subject to the tax. The estimate shall be made for the period or periods in respect to which the person failed to make the return and shall be based upon any information which is or may come into the possession of the City Clerk. Written notice shall be given in the manner prescribed in subsection (e)(3).
 - (2) *Penalty and interest for failure to pay tax.* A specific penalty of 10 percent is imposed upon the amount of any determination. Additionally, the amount of any determination shall bear interest at the rate of one percent per month, or a fraction thereof, from the due date of taxes until the date of payment.
- (g) *Collection of tax by city.*
 - (1) *Action for delinquent tax; time for.* At any time within three years after any tax or any amount of tax required to be collected becomes due and payable and at any time within three years after the delinquency of any tax or any amount of tax required to be collected, the City Clerk may bring an action in a court of competent jurisdiction in the name of the city to collect the amount delinquent together with penalty, interest, court fees, filing fees, attorney's fees and other legal fees incident thereto.
 - (2) *Duty of successors or assignees of licensee to withhold tax from purchase money.* If any licensee liable for any amount under this section sells out his business or quits the

business, his successors or assigns shall withhold sufficiently from the purchase price to cover such amount until the former owner produces from the City Clerk either a receipt reflecting full payment or a certificate stating that no amount is due.

- (3) *Liability for failure to withhold.* If the purchaser of a business fails to withhold purchase as required, he shall be personally liable for the payment of the amount required to be withheld by him to the extent of the purchase price.
 - (4) *Credit for tax, penalty or interest paid more than once or erroneously or illegally collected.* Whenever the amount of any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected or received by the city, it may be offset by the City Clerk. If the operator or person determines that he has overpaid or paid more than once, which fact has not been determined by the City Clerk, such person shall have three years from the date of payment to file a claim in writing stating the specific ground upon which the claim is founded. The claim shall be audited. If the claim is approved by the City Clerk, the excess amount paid the city may be credited on any amounts then due and payable from the person by whom it was paid.
- (h) *Administration of ordinance; recordkeeping.*
- (1) *Authority of City Clerk.* The City Clerk shall administer and enforce the provisions of this section for the collection of the tax.
 - (2) *Records required from licensees, etc.; form.* Every licensee shall preserve, for a minimum of three years, all records, receipts, invoices and such other documents as the City Clerk may prescribe, and in such form as she may require.
 - (3) *Examination of records, audits.* The City Clerk or any person authorized in writing by her may examine the books, papers, records, financial reports, inventory, equipment and other facilities of any licensee liable for the tax, in order to verify the accuracy of any return made, or if no return is made, to ascertain and determine the amount required to be paid.
 - (4) *Authority to require reports; contents.* In administration of the provisions of this section, the City Clerk may require the filing of reports by person or class of persons having in their possession or custody information relating to the sale of distilled spirits by the drink. The reports shall be filed with the City Clerk when required by said official, and shall set forth the gross sales from the sale of distilled spirits by the drink, the amount of tax collection thereon, or such other information as the City Clerk may prescribe.
- (i) *Violations.* Any person violating any of the provisions of this section shall be deemed guilty of an offense and, upon conviction thereof, shall be punished as provided in section 1-13 of the city code of ordinances. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this section is committed, continued or permitted by such person, and shall be punished accordingly. Any licensee who fails to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the City Clerk, or who renders a false or fraudulent return, shall be deemed guilty of an offense and, upon conviction thereof, shall be punished as aforesaid.

Sec. 9-2-169. - Delinquency.

If after 45 days any excise tax imposed by this division is not paid by any holder of a wholesale alcoholic beverage license, then the excise tax assessed against such license holder shall become delinquent and all of the provisions of this Code relative to the collection of delinquent taxes shall be applicable for the collection of such excise tax. Alcoholic beverages on which city taxes have not been paid are subject to seizure and may be destroyed or sold by public sale as provided by law.

Secs. 9-2-170—9-2-174. - Reserved.

ARTICLE VI. - CATERING

Sec. 9-2-175. - Sale off-premises for catering purposes.

- (a) Licensed alcoholic beverage caterer. An alcoholic beverages licensee that is also a food caterer may become a licensed alcoholic beverage caterer by meeting all of the following five requirements:
- (1) Complying with all provisions of O.C.G.A. tit. 3, ch. 11 (sales off-premises for catered functions); and by
 - (2) Meeting the requirement that at least 60 percent of the gross income for such business comes from the sale of prepared foods as set forth in subsection 6-64(3)b. of this chapter; and by
 - (3) Applying for an off-premises catering license on the form prescribed by the city; and by
 - (4) Paying an annual fee to the city for such a license, with such fee being shown upon a schedule of fees maintained in the office of the City Clerk; and by
 - (5) Obtaining an event permit, as hereinafter defined and provided, for each and every such authorized catered function to which such alcoholic beverage caterer license shall be applicable.

A licensed alcoholic beverage caterer is eligible to sell or furnish only those types of alcoholic beverages as he can sell or furnish pursuant to his underlying alcoholic beverage license.

- (b) An event permit, issued by the city manager or his designee, is required before an otherwise licensed alcoholic beverage caterer can sell or furnish alcoholic beverages off premises, i.e., at any location other than the licensed premises utilizing the underlying alcoholic beverage license. In order to obtain an event permit, the licensed alcoholic beverage caterer shall be required to submit a fully accurate and completed application on the form prescribed by the city which shall include the following information:
- (1) Name of caterer;
 - (2) Date of event;
 - (3) Time (hours) of event;
 - (4) Location (address) of event;
 - (5) Host or sponsor of event;
 - (6) Estimated number of persons to attend the event that are of legal age;
 - (7) Estimated number of persons to attend the event that are not of legal age;
 - (8) Whether "open bar" or "cash bar" of alcoholic beverages at event;
 - (9) Estimated quantities of malt beverages, wine and/or distilled spirits (to extent authorized by license) to be served at event;
 - (10) Whether facility is private or public;

- (11) Whether location is within 100 yards of a church or school building;
 - (12) A plat or sketch shall be submitted showing the service area where alcoholic beverages will be served indicating whether said area is within the building or in an open area;
 - (13) An event fee in an amount shown upon a schedule of fees, not to exceed the amount provided by state law, maintained in the office of the City Clerk shall be submitted along with the application;
 - (14) Comply with the reporting provisions of O.C.G.A. § 3-11-3;
 - (15) Provide security and parking enforcement plans and personnel as required by the city.
- (c) An event permit cannot be obtained unless the event permit application referenced in subsection (b) hereinabove is accurately completed in full and submitted to the city manager or his designee at least 14 calendar days prior to the scheduled date of the event or function. Notwithstanding the foregoing, the city manager in his sole and sound discretion may issue an event permit within a shorter time frame if the event permit applicant has been previously approved and if the proposed event location has been previously approved.
- (d) An event permit may be refused by the city manager or his designee for any one of the following reasons:
- (1) Inadequate parking or enforcement personnel at the facility designated;
 - (2) Criminal record of host or caterer permit holder;
 - (3) Previous complaints on location or of applicant;
 - (4) Previous damage to facility by applicant or permit holder.
- (e) The city reserves the right to define and/or restrict the service area for serving of alcoholic beverages.
- (f) The city shall control the dispensing of alcohol in all of its facilities by requiring the use of a licensed alcoholic beverage caterer if alcohol is furnished at any such facility. Consistent with this article, alcohol may also be dispensed by a licensed alcoholic beverage caterer who has been issued an event permit at facilities of any local, state or federal public entity.
- (g) Violation.
- (1) It shall be unlawful for any food caterer or person to distribute or sell distilled spirits, malt beverages or wine off the premises of the food caterer's business without a license issued pursuant to this section.
 - (2) It shall be unlawful for any licensed alcoholic beverage caterer licensed under this section to distribute or sell distilled spirits, malt beverages or wine off-premises except in connection with an authorized catered function for which an event permit has been obtained.

Sections 9-2-176—9-2-179 Reserved.

ARTICLE IX. - CRAFT MANUFACTURING

Sec. 9-2-180. - Brewpub license.

- (a) For purposes of this Chapter, the terms "brewpub" and "eating establishment" shall have the same definitions as provided in O.C.G.A. § 3-1-2. No person or entity shall be eligible to obtain a brewpub license unless that person certifies in writing that the premises to be licensed will operate as an eating establishment. Any brewpub license shall be subject to revocation if, at any time, the licensed premises ceases operating as an eating establishment.
- (b) The percentage of gross food and beverage sales shall be calculated and verified as follows:
 - (1) Brewpub licensees that have been in operation for more than six months as of the date in which the licensee applies to renew its licenses under this Chapter for the succeeding calendar year shall submit a return, as part of its renewal application, showing its gross sales for the twelve complete calendar months immediately preceding the date of application; or, for each complete calendar month of operations preceding the date of application in which the licensee has been in operation, and demonstrating that its sales of prepared meals or food equal or exceed fifty percent of all gross sales of food and beverage items over the period covered by such return, as set out in O.C.G.A. § 3-1-2.
 - (2) The Office of Business Development, or its successor office, shall be authorized to prepare a return form upon which calculations of percentages of gross food and beverage sales shall be presented; and such office shall further be authorized to require that all such returns be submitted on the prepared form.
 - (3) In the event that a brewpub applying for renewal under this Section cannot demonstrate that its sales of prepared meals or food equal or exceed fifty percent of all gross sales of food and beverage items over the period covered by such return, as set out in O.C.G.A. § 3-1-2, then it shall not be permitted to renew its brewpub license. However, such business may instead obtain either a license for the manufacture of malt beverages; or licenses for retail sale of alcoholic beverages, but not both, by paying the appropriate license fees for the desired licenses.
- (c) Any licensee holding a brewpub license shall be authorized to do the following:
 - (1) Manufacture on the licensed premises not more than 10,000 barrels of malt beverages in a calendar year solely for retail sale;
 - (2) Operate an eating establishment that shall be the sole retail outlet for such malt beverages, and which eating establishment may sell such malt beverages by the drink for consumption on-premises, or by the package for consumption off-premises;
 - (3) Provided that the licensee offers for sale for consumption on-premises at least one variety of commercially available canned or bottled malt beverage that is manufactured off-premises and purchased from a licensed wholesaler, exercise all rights afforded to holders of licenses to sell malt beverages or wine by the drink for consumption on-premises, and exercise all rights afforded to holders of licenses to sell malt beverages or wine by the package for consumption off-premises;

- (4) Sell alcoholic beverages pursuant to this Section on all days and at all times that sales of alcoholic beverages by retailers are lawful under this Chapter, including, but not limited to, Sundays;
- (5) Notwithstanding any other provision of this paragraph, sell up to a maximum of 5,000 barrels annually of such malt beverages to licensed wholesale dealers. Under no circumstances shall such malt beverages be sold by a brewpub licensee to any person holding a retail consumption dealer's license or a retailer's license for the purpose of resale; and
- (6) Notwithstanding any other provision of this Chapter, sell growlers of malt beverages manufactured on the licensed premises directly to consumers..
- (d) No person or entity may hold a brewpub license and a license for the sale of distilled spirits by the package for consumption off-premises at the same time.
- (e) Brewpub licensees may separately obtain and hold licenses for alcoholic beverage caterer; catered or special event permit; or retail sale of distilled spirits by the drink for consumption of [off-] premises, provided they meet all applicable qualifications for each such license applied for.

Sec. 9-2-181. - Malt beverage taproom license.

- (a) For purposes of this Chapter, "malt beverage taproom" shall refer to business establishments operating pursuant to O.C.G.A. § 3-5-24.1, as amended from time to time.
- (b) Any licensee holding a malt beverage taproom license shall be authorized to do the following:
 - (1) Manufacture any quantity of malt beverages and sell any quantity of such malt beverages to licensed malt beverage wholesalers for distribution;
 - (2) Sell up to 3,000 barrels of malt beverages produced at the licensed premises to individuals who are on such premises:
 - a. For consumption on-premises; and
 - b. Packaged to go, provided that such sales of malt beverages packaged to go shall not exceed a maximum of 288 ounces of malt beverages per consumer per day.
 - (3) Sell malt beverages pursuant to this Section on all days and at all times that sales of malt beverages by retailers are lawful under this Chapter, including, but not limited to, Sundays.
- (c) Any licensee operating a malt beverage taproom shall be responsible for remitting all state and local sales, use, and excise taxes arising from its operations to the proper tax collecting authority.
- (d) No person holding a malt beverage taproom license and no entity operating a malt beverage taproom shall be eligible to hold any other manufacturing, wholesale, retail, or caterer's license for the sale of alcoholic beverages while such malt beverage taproom license remains valid.

- (e) No person holding a malt beverage taproom license and no entity operating a malt beverage taproom shall be permitted to sell any alcoholic beverages other than the malt beverages produced on such licensee's premises.