



CITY OF CLAYTON

CODE OF ORDINANCES

Chapter 4

ALCOHOL

June 19, 2019

2019

CITY OF CLAYTON

AN ORDINANCE TO AMEND CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF CLAYTON, GEORGIA, REGARDING ALCOHOLIC BEVERAGES AND FOR OTHER PURPOSES.

THE MAYOR AND COUNCIL OF THE CITY OF CLAYTON HEREBY ORDAIN AS FOLLOWS:

Article I.

Chapter 4 of the Code of Ordinances is hereby amended by deleting Chapter 4 in its entirety and substituting with the following in lieu thereof:

SEE ATTACHED “EXHIBIT A” FOR THE COMPLETE TEXT OF CHAPTER 4 – ALCOHOLIC BEVERAGES

Article II.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Article III.

This ordinance shall take effect from and after its adoption by the Mayor and Council of the City of Clayton, Georgia.

FIRST READING. This 11th day of June 2019.

SECOND READING AND ADOPTED. This 18th day of June 2019.

CITY OF CLAYTON, GEORGIA

By: _____ (SEAL)

Jordan Green, Mayor

Attest: _____ (SEAL)

Rhonda Lunsford, City Clerk

EXHIBIT A

CHAPTER 4 – ALCOHOLIC BEVERAGES

ARTICLE I. - IN GENERAL

State Law reference— Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 *et seq.*; public drunkenness, O.C.G.A. § 16-11-41; furnishing alcoholic beverages to persons under 21 years of age, jurisdiction of municipal courts, O.C.G.A. § 36-32-10; driving under the influence of alcohol or drugs, O.C.G.A. § 40-6-391.

Sec. 4-1. - Definitions.

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

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

Alcohol distributor/wholesaler means any person, company or corporation licensed by the State of Georgia to sell alcoholic beverages to retail consumption dealers.

Alcoholic beverage means and includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine as defined in this section.

(AAAC) Allowable amount of alcohol dispensing without food consumption means the amount of alcohol that is allowed by Ordinance to be dispensed and consumed without food consumption in a 4-hour period. The amount varies with the type of alcohol consumed. The allowable limits are 6 ounces for distilled spirits, 8 ounces for the various forms of wine and 12 ounces for malted

beverages. These limits shall not be exceeded by ordinance. This provision shall only apply to non-eating establishment locations.

Barrel is the method of measurement used for alcohol production. A barrel is the equivalent of 31 gallons for malted alcohol and 51 gallons for distilled alcohol and 60 gallons for vinous or agricultural wine.

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

Brewery means a large or industrial scale manufacturer of alcoholic malt beverages for the purpose of wholesale distribution. Such use shall be connected to public water and sewer when possible and provide waste discharge interceptor(s) as required by the City. Such location shall also comply with Sec. 44-107 of the Code of Ordinances.

Consumption means the tasting, drinking, ingestion or to take into the body by different means an alcoholic beverage.

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

Distiller means a manufacturer of distilled spirits.

Distillery means a large or industrial scale manufacturer of alcoholic distilled spirits for the purpose of wholesale distribution. Such use must be connected to public water and sewer when possible and provide waste discharge interceptor(s) as required by the City. Such location shall also comply with Sec. 44-107 of the Code of Ordinances.

Eating establishment means any public place, including a place available for rental by the public, selling prepared food for consumption by the public on the premises with a full-service kitchen. A full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, refrigerator, grease-interceptor, vent hood(s) and the fire and safety equipment required (all of which must be approved by the health department and the Zoning Administrator). An eating establishment shall be prepared to serve food every hour they are open and derive at least 50% of its sales from the sale of prepared meals or food.

Event means something that occurs in a certain place during a particular interval of time; a planned public, private or social occasion.

Farm Winery Tasting Room means a location to sample or taste wines manufactured and produced in the State of Georgia and licensed by the Agriculture Commissioner to manufacture wine. The tasting room is an outlet for the promotion of those wines by providing samples of such wines to the public. A tasting room shall be required to be in an enclosed structure that is commercially zoned, complying with City Code's and a minimum of 400 square feet in area for the tasting area.

Food means a meal prepared consisting of one or more of the following items, including but not limited to an appetizer, a salad, a soup, an entrée, a dessert or any combination thereof. A combination of appetizers and/or snack foods such as pretzels, peanuts, crackers, corn chips, potato chips, pre-packaged sandwiches or similar products, when consumed together or separately shall not be considered a meal

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

Gift means a benefit, courtesy, or gratuity or anything of value, given without payment, compensation or requirement thereof.

Governing authority means the Mayor and Council of the City of Clayton.

Growler means a reusable, resealable, and professionally sanitized glass jug used to transport malt beverages or wine for off-premises consumption that is not to exceed sixty-four (64) ounces and is filled with malt beverages or wine from a keg by a licensee, or an employee of a licensee, with a malt beverage and/or wine license for consumption off premises issued by the City of Clayton.

Hotel means any facility, or any portion of a facility, where a room, rooms or lodgings are furnished for value to any person, persons or legal entity, including a hotel, inn, bed and breakfast, lodge, or any other place in which rooms, lodgings or accommodations are regularly furnished for value. For the purposes of this article, such hotel shall

maintain a minimum of seven (7) separate and distinct rooms available for hire. Inn's and bed and breakfast establishments meeting the qualifications set out in this definition for hotels shall be classified in the same category as hotels.

Indoor commercial recreational establishment means and is limited to an establishment which:

- (1) Regularly serves prepared food, with a full service kitchen (a full service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, refrigerator, grease-interceptor, vent hood(s) and the fire and safety required equipment all of which must be approved by the health department and the Zoning Administrator), prepared to serve food every hour they are open and shall derive at least fifty percent (50%) of its sales from the sale of prepared meals ; and
- (2) Wherein the sale of food and alcoholic beverages is incidental to its primary enterprise and activity on the premises.

The primary activity on the premises of the indoor commercial recreational establishment shall be family-oriented in nature, generally meaning a use which attracts a range of individuals from all age groups. Uses may specifically include, but are not limited to, dinner theatres, and other similar uses. Outdoor commercial recreation is not included, nor shall concession sales of alcoholic beverages be permitted. Nightclubs, taverns, adult entertainment and/or sexually related entertainment activities, and similar uses are specifically excluded from this definition of indoor commercial recreational establishments.

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

The sale of food and alcoholic beverages are incidental to its primary enterprise and activity on the premises. Indoor publicly owned civic and cultural centers may include any publicly owned building or facility where events or functions are held for the purpose of recognizing and advancing the civic, cultural, artistic and entertainment interests of the City of Clayton and Rabun County. Although food and alcoholic beverages are an incidental use, 70% of sales shall be from operational activities other than alcohol sales. The remaining shall be that of 50% food sales when alcoholic beverages are dispensed or served.

Large Gatherings means a meeting of people coming together as a group or assemblage for a distinct, particular or unique event that is advertised and promoted that exceeds ten (10) persons in number.

License means an authorization granted by the City to operate as a retail consumption dealer, retail package dealer, or wholesale dealer or manufacturer as outlined under this chapter.

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

Light Appetizers means a variety of small portions of foods such as sandwiches, "pig's in a blanket", meaty items, cheese, preparation of chopped or creamed items often served in a banquet fashion. Snack foods such as pretzels, peanuts, crackers, corn chips, potato chips or similar products shall not be considered as light appetizers but

may be used in modest quantities to supplement the entire light appetizer meal.

Liter means a metric measurement currently used by the United States.

Manufacturer means any maker, producer, or bottler of an alcoholic beverage. The term "manufacturer" also means in the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits; in the case of malt beverage, any brewer.

Micro-Brewery shall mean a manufacturer of malt beverages of up to fifteen thousand (15,000) barrels per year for the purpose of wholesale distribution of a majority of its product with incidental sales to the public either for on-site consumption or for package sales carryout not to exceed two hundred twenty-eight (288) ounces per person per day. (24 – 12 oz cans).

Such use shall be connected to public water and sewer when possible and provide waste discharge interceptor(s) as required by the City. Such location shall also comply with Sec. 44-107 of the Code of Ordinances.

Micro Distillery shall mean a producer of alcoholic distilled spirits of up to five hundred (500) barrels per year for the purpose of wholesale distribution with incidental retail sales to the public for on-site consumption.

Such use shall be connected to public water and sewer when possible and provide waste discharge interceptor(s) as required by the City. Such location shall also comply with Sec. 44-107 of the Code of Ordinances.

Outdoor Commercial Entertainment means an activity or event that is held in an outdoor venue that may require a fee or contribution.

Outdoor Publicly Owned Civic or Cultural Center means and is limited to publicly owned establishments that provides an outdoor venue location in which:

The sale of food and alcoholic beverages are incidental to its primary enterprise and activity on the premises. Outdoor publicly owned civic and cultural centers may include any publicly owned building or facility where events or functions are held for the purpose of recognizing and advancing the civic, cultural, artistic and entertainment interests of the City of Clayton and Rabun County. Although food and alcoholic beverages are an incidental use, 70% of sales shall be from operational activities other than alcohol sales. The remaining shall be that of 50% food sales when alcoholic beverages are dispensed or served.

Package means a bottle, can, keg, barrel, or other original consumer container. Retail package alcoholic beverages shall include all alcoholic beverages in their original container, sold at retail to the final consumer, and not for resale. Not to be consumed on premises.

Package Store means a location that sells unbroken packages, at retail, only to consumers and not for resale.

Person means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, limited liability company or other group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasipublic.

Pouring means to dispense, pour, furnish, distribute or provide an alcoholic beverage to be consumed.

Professionally or factory seal means a seal that cannot be altered, severed, detached, pulled, turned or removed without opening the container. The seal can be a plastic or metallic screw or “bottle cap”; a paper or plastic seal or strip; or a pull tab or opener placed on the top of the container that prevents a container from being opened and the contents accessed.

Restaurant, brewpub means any restaurant in which malt beverages are manufactured, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36. Barrels of malt beverages sold to licensed wholesale dealers for distribution or, to the public for consumption off the premises as authorized by State law shall not be used when determining the total annual gross food and beverage sales as required under this chapter. Such use shall be connected to public water and sewer when possible and provide waste discharge interceptor(s) as required by the City. Such location shall also comply with Sec. 44-107 of the Code of Ordinances.

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

Sample means a small part of a substance brewed, manufactured or distilled. This is intended to show the quality, style and nature of the product. Sample tasting for any individual shall not exceed 6 oz for distilled spirits, 8 oz for wines and 12 oz for malted beverages within a 4- hour period.

Special events facility means a facility that meets all of the following criteria:

- a. Is regularly available for use to public or private groups or persons for a fee;
- b. Regularly is rented for a fee for special occasions such as weddings, meetings, social affairs, banquets, balls, catered events, parties or similar gatherings;
- c. Is located within either the boundary of the City of Clayton Towne Centre District, or a commercially designated location;
- d. Hosts a minimum of four (4) events for a fee per calendar year;
- e. Consists of a minimum of one thousand (1,000) square feet of rentable meeting and/or event space;
- f. Has adequate and accessible ADA compliant restroom facilities.

Special event means an event, festival, gala or other type of celebration that is approved and permitted by the City Council and shall occur in a specifically designated area, location, or facility and may provide for sale or gift alcoholic beverages (malt, wines, or distilled alcohol) for consumption; or may be distributed within factory/ professionally sealed containers.

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

Wine means any alcoholic beverage containing not more than twenty-four percent (24%) alcohol made from fruits, berries, grapes or other agricultural items either by natural fermentation or by natural

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

State Law reference— Similar provisions, O.C.G.A. § 3-1-2.

Sec. 4-2. - Penalties for violation of chapter.

Penalties for violation of this Article shall be at the discretion of the Municipal Judge who possesses the authority to fix punishment in accordance with the City Charter, Ordinances and State Law or by a Court of Competent Jurisdiction.

Sec. 4-3. - Sale in the City; license a privilege.

- (a) Alcoholic beverages may be sold in the City only under a license granted by the City Council upon the terms and conditions provided in this chapter.
- (b) All licenses in this chapter shall be a mere grant of privilege to carry on the business during the term of the license, subject to all terms and conditions imposed by this chapter and state law.
- (c) All licenses pursuant to this chapter shall have printed on the front these words: "This license is a mere privilege subject to be revoked and annulled and is subject to any further ordinances which may be enacted."

- (d) Any holder of a license issued pursuant to this chapter shall apply for and obtain an alcoholic beverage license from the state before any sales commence. Additionally, City licensees shall abide by all applicable state regulations and laws.

State Law reference— Permit or license from governing authority required for wholesale or retail sales of alcoholic beverages; due process guidelines; fingerprints, O.C.G.A. § 3-3-2.

Sec. 4-4. - Sale or possession for sale without license or beyond boundaries of premises covered by license.

It shall be unlawful for any person, corporation, partnership or other legal entity to sell, or possess for the purpose of sale at any business location any alcoholic beverage where the person does not have a license or permit granted by the City to sell these alcoholic beverages, or to sell or make deliveries beyond the boundaries of the premises covered by the license.

State Law reference— Licenses, § 3-3-3; violation of criminal provisions of title, § 3-1-4; dealing in alcoholic beverages declared privilege, § 3-3-1.; jurisdiction of municipal courts, § 36-32-1 *et. seq.*

Sec. 4-5. - Separate application and separate license for each location of sale.

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

Sec. 4-6 - Lapse of License; Application for Extension

All businesses issued licenses under this chapter must, within 90 days after the issuance of a City license, open for business.

Failure to open for business shall constitute forfeiture and cancellation of the issued licenses and no refund of license fees or business taxes shall be made. Any applicant unable to comply with the time limit of this section may make written request to the City Council for an extension of time not to exceed 90 days, and the City Council may, at their discretion, grant or deny the request.

Sec. 4-7– Payment of other taxes required for license issuance.

No license shall be issued under this Chapter unless the applicant has fully paid all license fees and taxes due under this Chapter as well as all other business taxes and ad valorem taxes, and any utility billing due to the City for the business location.

Sec. 4-8. - Application forms.

- (a) All persons desiring to sell alcoholic beverages shall make application on the forms prescribed by the City Clerk.
- (b) The application shall include, but shall not be limited to, the name and address of the applicant; the proposed business to be carried on; if a partnership, the names and residence address of the partners; if a limited liability company, the name and address of the manager(s) and the name of any person or legal entity owning at least twenty percent (20%) of the limited liability company; if a corporation, the names of the officers, the name and address of the registered agent for service of process, the name of the manager(s), and the name of all shareholders holding at least twenty percent (20%) of any class of corporate stock, or any other entity having a financial interest in each entity which is to own or operate the establishment for

which a license is sought. If the manager changes, the applicant must furnish the City Clerk the name and address of the new manager and other information as requested within ten (10) days of such change.

- (c) All applicants shall furnish data, fingerprints, financial responsibility and other records as required by the City Clerk or Chief of Police to ensure compliance with the provisions of this chapter. Failure to furnish data pursuant to such request shall automatically serve to dismiss the application with prejudice.
- (d) All applications shall be sworn to by the applicant before a notary public or other officer empowered by law to administer oaths.
- (e) In all instances in which an application is denied under the provisions of this chapter the applicant may not reapply for a license for at least one (1) year from the final date of such denial.
- (f) The City Clerk shall provide written notice to any applicant whose application is denied under the provisions of this chapter. Such written notification shall set forth in reasonable detail the reasons for such denial and be sent certified by U.S Mail.

Sec. 4-9. - Withdrawal of application.

Any license application made pursuant to this chapter may be withdrawn by the applicant at any time. If the application is withdrawn before the license is issued, any sums deposited as license fees will be refunded. After issuance of the license, no refunds will be made. No refunds shall be made under any circumstances for investigative and administrative expenses required under this chapter.

Sec. 4-10. – Partnership applicants.

If the applicant is a partnership, all members of the partnership must be qualified to obtain a license, one member of the partnership must be a resident of the county, and all members of the partnership must make sworn statements of those qualifications.

Sec. 4-11. – Corporate applicants

A license may be granted to a corporation existing under the laws of the State of Georgia or to a foreign corporation authorized to do business in the State; provided however, that any such corporation shall be required to designate a resident of the county as its local agent responsible for compliance with all the requirements of this chapter and authorize to accept all services of notice.

Sec. 4-12. - Licensing qualifications.

- (a) No license for the sale of alcoholic beverages shall be granted to any person who is not a citizen of the United States or an alien lawfully admitted for permanent residence.
- (b) All applicants must be at least 21 years of age at the time of filing application for license under this chapter.
- (b) Where the applicant is a partnership, limited liability company or corporation, the provisions of this section shall apply to all its partners, officers, manager(s) and majority stockholders. In the case of a corporation, the license shall be issued jointly to the corporation and the majority stockholder, if an individual. Where the majority stockholder is not an individual, the license shall be issued jointly to the corporation and its agent registered under the provisions of this subsection. In the case of a partnership,

the license will be issued to all the partners owning at least twenty percent (20%) of the partnership. If no partner owns twenty percent (20%) of the partnership, then the general partner, managing partner or the partner with the greatest ownership will be licensed. In the case of a limited liability company, the license will be issued jointly to the limited liability company and manager(s).

- (c) No person, firm, limited liability company or corporation shall be granted any alcoholic beverage license unless it shall appear to the satisfaction of the Chief of Police, City Clerk and the City Council that such person, manager(s), partners in the firm, or officers and directors of the corporation have not been convicted or pleaded guilty or entered a plea of nolo contendere to and have been released from parole or probation concerning any crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation of sodomy, or any sexually related crime within a period of ten (10) years immediately prior to the filing of such application. At the time an application is submitted for any alcoholic beverage license, the applicant shall, by a duly sworn affidavit, certify that neither the applicant, nor any of the other owners of the establishment, has been convicted or has pleaded guilty or entered a plea of nolo contendere to any crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal

possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation of sodomy, or any sexually related crime within a period of ten (10) years immediately prior to the filing of such application. Should any applicant, partner, shareholder, manager or officer instrumental in the sale or dispensing of any alcoholic beverage, after a license has been granted, be convicted or plead guilty or nolo contendere to a crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation of sodomy, or any sexually related crime, the license issued hereunder shall be immediately revoked and cancelled.

- (d) No applicant who has a criminal record (except minor traffic offenses) shall be granted a license. The plea of nolo contendere and the forfeiture of bond or collateral shall be considered a conviction for the purposes of this subsection. Additionally, no applicant who has been convicted of violating any ordinance of the City or any law or regulation of the State or any political subdivision thereof, governing the sale of any alcoholic beverage shall be granted a license.
- (e) No license for the sale of alcoholic beverages shall be granted to any person who has had any license issued under the City and previously revoked within five

(5) years prior to the filing of the application.

- (f) The City Council may decline to issue a license when any person having any ownership interest in the operation of such place of business or control over such place of business does not meet the same character, moral and financial requirements as set forth in this Article for the licensee.
- (g) All licensed establishments must have and continuously maintain in the City a registered agent upon whom any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee or owner may be served. This person must be a resident of the City or Rabun County or a licensed attorney practicing law that maintains an office in the City. The licensee shall file the name of such agent, along with the written consent of such agent, with the City Clerk and shall be in such form as he may prescribe.
- (h) A license application may be denied to any applicant for any alcoholic beverage license where it appears that the applicant would not have adequate financial participation in the proposed business to direct and manage its affairs, or where it appears that the application is intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.

State Law reference— Governing authority shall set forth ascertainable standards pertaining to the granting, refusal, suspension or revocation of alcoholic beverage permits or licenses, O.C.G.A. § 3-3-2.

Sec. 4-13. – Moral Character of Applicant and Employees.

- (a) All applicants for alcoholic beverage licenses shall be of good character, and all managers, clerks or other employees shall be of like character or the application will not be considered.
- (b) Ascertainable standards of good moral character of applicant that may be considered by the Mayor and Council in deciding if a license will be issued include, but are not limited to, the following:
 - (1) Present and prior compliance with City Ordinances;
 - (2) Prior supervision over employees and customers;
 - (3) Truthfulness in the submitted application and documents;
 - (4) Criminal and Civil Court records;
 - (5) Employment history;
 - (6) Corporate or firm applicants shall be of a good business reputation;
 - (7) Credit reports.

Sec. 4-14. – Factors for the Mayor and Council consideration.

The Mayor and Council in passing upon an initial application for a license under this Article shall be guided by the following factors as to whether to grant or deny the application:

- (1) The proximity of other establishments selling alcoholic beverages to the proposed location;
- (2) The character of the neighborhood immediately adjacent to the proposed location;

- (3) The proximity of churches, schools and playgrounds to the proposed location, an exception shall exist for establishments located in the Towne Centre District.
- (4) Whether the proposed location has adequate parking facilities or other parking available for its patrons.
- (5) Whether the location would tend to increase and promote traffic congestion and resulting hazards therefrom.
- (6) The feelings and attitudes of the citizens residing in the area adjacent to the proposed location;
- (7) The information set forth in the application;
- (8) Whether any malt or alcoholic beverage license previously issued for such location was ever revoked for cause by the City Council;
- (9) Whether the applicant has ever sold malt or alcoholic beverages illegally in the City.
- (10) If a considerable public outcry occurs in association with the licensing of a location, City Council may reconsider the approval of such license to be issued.

Sec. 4-15. - Distance requirements.

- (a) Except for those licensees located in the City of Clayton Towne Centre District (TCD) as defined herein;
- (b) No person shall sell any alcoholic beverage for on premises consumption or package sales in or within one hundred (100) yards of a church building, school, school grounds, college campus, public housing or an alcohol or drug treatment center.

- (c) As used in this section, the term "school building," "school," "school grounds" or "educational building" shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools, universities and colleges of this state and which are public schools or private schools as defined in O.C.G.A. § 20-2-690(b). The term "school building" and "educational building" includes only those structures in which instruction is offered. The term "school grounds" shall apply only to the parcel or parcels of land on which a school, school building or educational building is located.
- (d) The term "church building" as used in this section shall mean the main structure used by any religious organization for purposes of worship.
- (e) For purposes of this section, distance shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:
 - (1) From the main physical entrance (i.e. the front door) of the establishment from which alcoholic beverages are sold or offered for sale;
 - (2) In a straight line, regardless of obstructions, to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
 - (3) Along such public sidewalk, walkway, street, road or highway by the nearest route;
 - (4) To the main physical entrance (i.e. the front door) of the church building, school building or college campus.

- (f) No location which is licensed to sell alcoholic beverages on the effective date of the ordinance from which this section is derived shall be denied continued operation under an existing license, or denied any renewal of such license, nor shall any new owner of the location be denied a new license based upon the measurements set forth in this section.
- (g) As to any location licensed in the future, if the distance requirements in this section are met at the time of issuance of any license, the subsequent opening and operation of a church or school within the distance prohibited herein shall not prevent the continuance of an existing license or the renewal thereof or the issuance of a new license to any subsequent owner of such property; provided, however, that the distance requirements herein shall not apply at any location for which a new license is applied for if the sale of alcoholic beverages was lawful at such location at any time during the six (6) months immediately preceding such application.

State Law reference— Sales of alcoholic beverages near churches, schools or college campus, O.C.G.A. § 3-3-21.

Sec. 4-16. - License fee scale.

Before a license shall be granted, the applicant therefor shall comply with all rules and regulations adopted by the mayor and city council regulating the sale of alcoholic beverages and each applicant shall pay a license fee in accordance with the scale fixed, amended from time to time, by the Mayor and City Council contained in Section 4-17 and kept on file with the City Clerk.

Sec. 4-17. - Fees enumerated.

License fees applicable to this chapter shall be as follows:

- (1) Restaurant, poured distilled spirits to be consumed on the premises, per year; \$2025.00
- (2) Restaurant, poured beer and wine to be consumed on the premises, per year; Licensing shall be calculated by the percentage of total combined alcohol dispensed during the previous calendar year:

Previous year total alcohol dispensed:	
0-5 % of sales	\$150
5.01 – 10% of sales	\$300
10.01- 15% of sales	\$450
15.01- 20% of sales	\$650
20.01 and above of sales	\$800

- (3) Restaurant, Brewpub, for manufacture, brewing, retail sales and consumption on the premises, \$1500 per year;
- (4) Package Store, distilled spirits, \$5000 per year;
- (5) Package Store, beer and wine, \$500 per year;
- (6) Hotel “in-room” alcohol service, \$150 per year;
- (7) Distillery or micro-distillery, distilling, wholesale, retail sales and onsite consumption, \$6500 per year;
 - a) Distillery/Micro-distillery (production/wholesale only) \$5000 per year;
- (8) Brewery or micro-brewery, brewing, wholesale, retail sales and

pouring with onsite consumption, \$1500 per year;

- (9) Pouring and consumption at an event venue, distilled spirits, \$250 per event;
- (10) Pouring and consumption at an event venue, beer and wine, \$150 per event;
- (11) Business, occupationally licensed, gift/complementary drinks, beer and wine, \$10 per event;

Sec. 4-18. – Term of License, Renewal; Fees

- (a) All licenses to manufacture and distribute alcoholic beverages shall expire at midnight on December 31 of the year in which issued. All applications for renewal of licenses to manufacture or distribute alcoholic beverages shall be submitted to the City on or before December 1 of the year in which the license was issued, and the reapplication must be approved or disapproved within 30 days of December 1 of that year.
- (b) Applicants shall be required to provide the previous 4 months of daily sales receipts showing liquor, beer, wine and food sales separately.
- (c) The amount of the fees associated with licenses authorized by this chapter shall be as set forth in the City fee schedule. The license fee shall be due and payable upon submission of the application to the City. Payment may be made only by certified check. If the Mayor and Council fails to approve the application, the license fee shall be refunded.

- (d) An applicant for any license under this chapter who makes application at any time after January 1 and before July 1 shall pay the full annual license fee. An applicant for any license under this chapter who makes application on or after July 1 shall pay one-half the annual license fee.

Sec. 4-19. -Lapse in Renewal of License

Any individual, company or partnership that fails to renew their existing license within the time period specified by this Article, shall be required to apply for a new license and submit a newly completed application containing all required documentation for licensing. Such application shall comply with the provisions outlined in Sec. 4-4 through 4-13 as required for all new alcoholic licenses. Applicant shall be required to comply with revisions, adoptions and amendments to the City of Clayton Code of Ordinances to include adopted codes and the rules and regulations of the City.

Sec. 4-19. - Collection of fee or tax sums due.

If any person shall fail to pay any sums due under this chapter, the City Clerk or designee shall issue an execution against the person so delinquent and his property, for the amount of the delinquent fee or tax.

Sec. 4-20. – Temporary License during Application Process

- (a) The City Clerk shall be authorized to issue a temporary beer and wine license after the applicant has tentatively qualified regarding a

check of criminal records. The temporary license shall be effective while the applicant’s fingerprints are checked by appropriate State and Federal authorities and while State licensure is pending.

- (b) No later than 60 days after the issuance of a temporary license, the Mayor and Council shall consider the issue of the granting of a permanent license, considering all factors as may be relevant, including those delineated in Section 4-9 through Section 4-15. Any such granting of a permanent license by the Mayor and Council shall be contingent upon approval by appropriate State and Federal authorities.

Sec. 4-21. – Change of Location; Transfer.

A license issued under provisions of this article shall permit the manufacture, distribution and selling of alcoholic beverages at wholesale or retail only on premises described in the application. No City license may be transferred from one person to another or from one location to another without permission and approval of the Mayor and City Council upon written application made. Approvals as to any change shall be at the discretion of the Mayor and City Council. Any licensee desiring to discontinue business at one location and commence business at other location must make a completed new application for such new location.

Sec. 4-22. - Display of license at place of business.

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

Sec. 4-23. - Automatic license forfeiture for nonuse.

Any holder of any license hereunder who shall for a period of three (3) consecutive months after the license has been issued cease to operate the business and sale of the product or products authorized shall after the said three-month period automatically forfeit the license without the necessity of any further action.

Sec. 4-24. - Suspension or revocation of license.

- (a) A license may be suspended or revoked by the City Clerk where the licensee furnishes fraudulent or untruthful information in the application for a license and for failure to pay all fees, taxes or other charges imposed under the provisions of this chapter, or for a failure to provide required documentation to the City Clerk monthly upon forms provided by that office.
- (b) Whenever the State shall revoke any permit or license to sell alcoholic beverages, the City license issued hereunder shall thereupon be automatically revoked. The chief of police, upon notice of this revocation from the City Clerk, shall take the necessary steps to see that signs are removed and that all alcoholic beverage sales cease.
- (c) Any licensed establishment or permitted event that is found to be in violation of section 4-37, 4-38, 4-39, 4-40, 4-41, 4-42 and 4-43(c and d)4-424(d),4-425(d),4-426(d),4-427(d) or any other violation that the City Council shall deem a serious breach of this Chapter and a hazard to public safety shall be subject to immediate action including disciplinary action, fine and/or potential license revocation.

- (d) The City Clerk shall revoke the license of any licensee whose license has been suspended two (2) or more times in any consecutive twelve-month period.
- (e) The City Clerk shall revoke the license for any premises where alcoholic beverages have been sold or distributed during a period of suspension.
- (f) The City Clerk may suspend or revoke the license of any establishment which does not meet the licensing qualifications set forth in this chapter at any time such knowledge becomes known to him/her.
- (g) An act or omission of a licensee, owner of more than twenty percent (20%) interest in the licensed establishment, or employee of the licensee or licensed establishment willingly or knowingly performed which constitutes a violation of federal or state law relating to alcoholic beverages or of any provision of this chapter, will subject the licensee to suspension or revocation of its license in accordance with the provisions of this chapter, when the City Clerk determines to his/her own satisfaction that the act or omission did occur, regardless of whether any criminal prosecution or conviction ensues; provided, however, in the case of an employee, the City Clerk must determine that the acts of the employee were known to or under reasonable circumstances should have been known to the licensee, were condoned by the licensee, or where the licensee has not established practices or procedures to prevent the violation from occurring.
- (h) Whenever it can be shown that a licensee under this chapter no longer maintains adequate financial responsibility upon which issuance of the license was conditioned, or whenever the licensee has defaulted in any

obligation of any kind whatsoever, lawfully owing to the City, the license shall be revoked.

- (i) Wherever this chapter permits the City Clerk to suspend any license issued under this chapter but does not mandate the period of such suspension, such discretion shall be exercised within the guidelines of this subsection.
- (1) No suspension shall be for a period of time longer than the time remaining on such license.
- (2) The following factors shall be considered on any revocation or suspension as set out above:
 - (a) Consistency of penalties mandated by this chapter.
 - (b) Likelihood of deterring future wrongdoing.
 - (c) Impact of the offense on the community.
 - (d) Any mitigating circumstances or remedial or corrective steps taken by the licensee.
 - (e) Any aggravating circumstances or failure by the licensee to take remedial or corrective steps.

Sec. 4-25. - Hearings.

- (a) No license shall be denied, suspended or revoked without the opportunity for a hearing as hereinafter provided.
- (b) The City Clerk shall provide written notice to the applicant or licensee of the order to deny, suspend or revoke the license. Such written notification shall set forth in reasonable detail the reasons for such action and shall notify the applicant or licensee of the right to appeal under the provisions of this chapter. Any applicant or licensee who is

aggrieved or adversely affected by a final action of the City Clerk may have a review thereof by appeal to the Mayor and City Council. Such appeal shall be by written petition, filed in the office of the City Clerk within fifteen (15) days after the final order and, in order to defray administrative costs, must be accompanied by a filing fee of Three Hundred Dollars (\$300.00). The City Clerk, at his/her discretion, may waive or reduce the filing fee amount if it is determined the fee would create a hardship on the individual filing said appeal. The mayor and city council may, at the request of the appellant, refund the filing fee by a majority vote.

- (c) The Mayor and City Council shall determine all issues under this appeal process by a majority vote.
- (d) A hearing shall be conducted on each appeal within forty-five (45) days of the date of filing with the City Clerk unless a continuance of such date is agreed to by the appellant and the City Clerk. The appellant at such hearing shall have the right to be represented by an attorney, at the expense of the appellant, and to present evidence and cross examine witnesses. Should the appellant desire an official transcript of the appeal proceedings, then such request must be made at least three days prior to such hearing. The appellant shall have the burden of proof on any such appeal. Before hearing an appeal, each member of the city council shall sign an affidavit to be part of the record that he is not related to any owner of the licensed establishment in question in the appeal being considered and that he has no financial interest in the outcome of the appeal. Should any council member be unable to sign such an affidavit, that member shall not serve on that appeal

and the case shall be heard by the remaining members of the City Council.

- (e) The findings of the Mayor and City Council shall be forwarded to the City Clerk within fifteen (15) days after the conclusion of the hearing, and it shall be the duty of the City Clerk to notify the appellant of the decision of the Mayor and City Council.
- (f) The findings of the City Council shall be final unless appealed within thirty (30) days of the date of said finding by writ of certiorari to the Superior Court of Rabun County pursuant to O.C.G.A. § 5-4-3.

Sec. 4-26. - Notice.

For the purpose of this chapter, notice shall be deemed delivered three (3) days after the date of deposit to the United States Postal Service by certified mail or statutory overnight delivery.

Sec. 4-27. - Advertising; location requirements; signs and exterior lighting.

- (a) Any and all signage permitted hereunder must be displayed in compliance with the City of Clayton Zoning Ordinance as currently enacted or hereafter amended.
- (b) The exterior of each building in which alcoholic beverages are sold shall contain sufficient lighting so that all sides of the building and all entrances thereto are clearly visible at all times when the premises are open for business.

Sec. 4-28. - Audits of licensees.

- (a) If the City Manager or City Clerk deems it necessary to conduct an audit of the records and books of the licensee, he/she shall notify the licensee of the

date, time and place of the audit. The City Manager or City Clerk may designate the City's internal auditor or other designated person to perform any audit authorized in this chapter. The licensee shall cooperate with the audit or forfeit any license(s) issued under this chapter and this shall be an accepted term by the licensee for the privilege of licensing of the distribution of alcohol within this City.

- (b) All licensed establishments must maintain the following records for a three-year period and make them available for audit at the licensed premises or provide them for review at an alternate location:

- (1) Monthly income or operating statements;
 - (2) Daily sales receipts showing liquor, beer, wine and food sales separately (this requirement does not apply to package beer and wine licensees) upon forms provided by the City Clerk;
 - (3) Daily cash register receipts such as Z tapes or guest tickets;
 - (4) Monthly state sales and use tax reports;
 - (5) Any and all documents, reports, receipts, ledgers or computer generated files or documents required to perform the audit.
- (c) Audits of retailers shall be performed quarterly or at any time an audit shall be perceived to be in order.

Sec. 4-29. - Retailer to purchase from licensed wholesaler only.

- (a) No retailer shall purchase alcoholic beverages from any person other than a wholesaler licensed under this chapter. No wholesaler shall sell any alcoholic

beverage to anyone other than a retailer licensed under this chapter; provided, however, that this section shall not prohibit the purchase by one retailer of another retailer's entire stock in a bona fide purchase of an ongoing business.

- (b) The City Clerk or his/her designee may request, from time to time, information concerning purchases and sales of alcoholic beverages from retailers and wholesalers.

Sec. 4-30. - Retail consumption dealers to store inventory only on premises.

No retail consumption dealer licensed under this chapter shall keep any alcoholic beverages at any place except the licensed place of business. No retail consumption dealer shall be permitted to enter into any type of arrangement whereby alcoholic beverages owned by a licensee are stored by a licensed wholesaler.

Sec. 4-31. - Bring your own bottle (brown bagging) prohibited.

Except where allowed in this chapter in regard to corkage services in section 4-109 and special event facilities in Article VII, no person shall bring his or her own alcoholic beverage, into any establishment either licensed or unlicensed to serve alcoholic beverages.

Sec. 4-32. - Addition to contents of alcoholic beverages prohibited.

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

Sec. 4-33. - Poured alcohol to be transported by employees.

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

Sec. 4-34. - Licensees to maintain a copy of this chapter; employees to be familiar with terms; licensee responsible for violations.

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

Sec. 4-35. - Employment of underage persons prohibited; exceptions.

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

Sec. 4-36. – Selling, dispensing alcohol to a person under 21

It shall be a violation of this chapter to sell, dispense or allow the consumption of alcohol by anyone under the age of 21. If the licensee, server or employee feels that a person to which they are serving has not attained the required age of 21 it is their responsibility to properly check an

identification card issued by a governmental agency that provides a photograph and the persons date of birth.

Sec. 4-37. - Prohibited Actions of Licensees; Penalties.

(a) No licensee or employee of a licensee under this chapter, shall do any of the following upon the licensed premises:

- (1) Sell any distilled spirits, wines, malt beverages, or any other alcoholic beverage to any person under the age of twenty-one (21) years.
 - (2) Sell or offer to sell any alcoholic beverages to any person who is noticeably intoxicated whose intemperate habits are known to the licensee or his employees.
 - (3) Sell alcoholic beverages upon the licensed premises or permit alcoholic beverages to be consumed thereon, on any day or at any time when the sale or consumption is prohibited by law.
- (b) No person who holds a license to sell alcoholic beverages by the drink shall allow any minors to be in, frequent or loiter about the licensed premises of the establishment unless such minors are accompanied by a parent, legal guardian, or custodian; provided, however, that such minors shall be permitted in eating establishments and indoor commercial recreational establishments as defined in this chapter without being accompanied by a parent, legal guardian, or custodian and provided further that this section shall not apply to minors who are employees under this chapter.

(c) Any licensed establishment where two (2) or more violations of this section, or O.C.G.A. § 3-3-23 have occurred within any 24-month period shall be punished as follows:

- (1) For the second violation within any 24-month period, suspension of said license(s) for a period not to exceed ninety (90) days.
- (2) For the third and any subsequent violation within any 24-month period, suspension of license(s) for a period not to exceed one (1) year.

State Law reference— Furnishing to, purchase of, or possession by persons under twenty-one (21) years of age of alcoholic beverages; use of false identification; proper identification for sale of alcoholic beverages; dispensing, serving, etc., of alcoholic beverages by persons under twenty-one (21) years of age in the course of employment; seller's duty to request proper identification, O.C.G.A. § 3-3-23.

Sec. 4-38. - Purchase or possession of alcoholic beverages by underage persons.

Except as otherwise authorized by law:

- (a) No person under twenty-one (21) years of age shall purchase, attempt to purchase, or knowingly possess any alcoholic beverage;
- (b) No person under twenty-one (21) years of age shall misrepresent such person's age in any manner whatsoever for the purpose of obtaining illegally any alcoholic beverage;
- (c) No person knowingly or intentionally shall act as an agent to purchase or acquire any alcoholic

beverage for or on behalf of a person under twenty-one (21) years of age; and,

- (d) No person under twenty-one (21) years of age shall misrepresent his identity or use any false identification for the purpose of purchasing or obtaining any alcoholic beverage.

State Law reference— Similar provisions, O.C.G.A. § 3-3-23.

Sec. 4-39. - Regulations as to employees and managers.

The following regulations shall apply to all establishments, events, or celebrations holding a license for consumption of alcoholic beverages on the premises:

- (a) Any licensee for consumption on the premises of alcohol shall require that at least one (1) employee/individual that holds and possesses a required server certification that will monitor the dispensing of alcohol and the consumers at that location for the signs of intoxication or drunkenness and shall have the ability to remedy such event. This will occur at all times that alcohol is dispensed, served or consumed. A server certification shall require the proper training from a third-party vendor approved by the City. Personnel required for this task shall be certified no later than 90 days from the adoption of this chapter and shall continue as required. The licensee or the employee of the licensee shall pay a fee as provided for by the third-party vendor for such server certification.
- (b) The City may select one or more designated third-party vendors

approved for the issuance of server certifications. A list of designated vendors shall be kept by and made available to licensees by the City Clerk.

- (c) Any person who has been convicted of a violation of a law, ordinance or regulation governing the sale of alcoholic beverages, a violent crime or possession of illegal drugs (excluding misdemeanor cannabis use or possession) in the three (3) years immediately preceding the date of the certification shall not be eligible to receive a server certification.
- (d) Licensees found to be in violation of this section shall be subject to penalties as set forth in section 4-2.
- (e) All licensees shall maintain on the licensed premises a written log of all employees, a copy of a government issued photo identification of each employee and proof of those employees that have obtained server certification. Upon the request of a City of Clayton Police Officer, the City Clerk or Zoning Administrator, the licensee or manager on duty must present a manifest indicating employees on duty required to hold such certification. Such records and manifests may also be kept by a third-party vendor who shall provide access to the server certifications to the City upon request.
- (f) All persons required to maintain server certification under this section shall keep proof of the same on their person at all times while working in any licensed establishment and shall display the same upon the request of any police officer or Zoning Administrator of the City.

- (g) Any person required to maintain server certification under this section who is cited for a violation of this chapter or any state law governing dispensing of alcohol and who either enters a plea of guilty or nolo contendere or is convicted of such violation shall no longer be eligible for server certification for a period of three (3) years from the date of said plea or conviction.

Sec. 4-40. - Open area /deck/ patio sales.

- (a) Alcoholic beverage sales can be made by a licensed on-premises consumption establishment in an open area/deck/patio type environment if the establishment has been approved to do so by the Zoning Administrator.
- (b) The open area/deck/patio shall be enclosed by some structure or stanchions providing for the ease of the customer to determine the confines of the open area/deck/patio area and stay located within the same.
- (c) The height of such structure shall be a minimum of two (2) feet above ground level. It does not have to be solid nor does it have to restrict visibility into or out of the open area/deck/patio. It must be permitted and approved by the Zoning Administrator or his/her designee.
- (d) If a licensee desires a patio/open sales area plans will be reviewed and approved on an individual basis by the Zoning Administrator. Interior type patio/open sales areas must also meet the requirements of the City Codes and requirements to include fire and safety codes.
- (e) Nothing contained in this section shall prohibit a hotel or motel with an on the premises consumption license from making sales and allowing consumption

of alcoholic beverages in ballrooms, meeting rooms, reception rooms, or patio areas of such hotel, provided such functions are catered by a food establishment providing the required "food" as defined in Sec.4-1 of this Chapter in connection with a meeting, conference, convention or similar type gathering at such hotel.

Sec. 4-41. - No consumption outside premises.

- (a) Except as otherwise permitted in this chapter, it is prohibited for customers to leave a licensed premise with open alcoholic beverages.
- (b) Except as otherwise permitted in this chapter, it is prohibited for customers to gather outside an alcoholic beverage establishment and consume alcoholic beverages.
- (c) Except as otherwise permitted in this chapter, it is prohibited for the manager or any employee to permit persons to gather outside an alcoholic beverage establishment and consume alcoholic beverages.

Sec. 4-42. - Specifications of premises.

- (a) No alcoholic beverage license shall be issued to any person unless the building in which the business will be located is complete and detailed plans of the building and outside premises are attached to the application, or unless proposed plans and specifications and a building permit of a proposed building to be built are attached to the application. The completed building or the proposed building shall comply with ordinances of the City, regulations of the state revenue commissioner and the State. The proposed building shall also be subject to final

inspection and approval when completed by the Zoning Administrator. Each building in which the business will be located shall contain sufficient lighting so that the building itself and the premises on all sides of the building are readily visible at all times from the front of the street on which the building is located so as to reveal all of the outside premises of such building. Each applicant for an alcoholic beverage license shall attach to the application evidence of ownership of the building or proposed building, or a copy of the lease if the applicant is leasing the building. All premises for which an alcoholic beverage license shall be issued shall afford therein adequate sanitary and accessible toilet facilities available for use by the public and shall be adequately illuminated so that all hallways, passageways and open areas may be clearly seen by the customers therein.

- (b) All premises used for the sale or manufacture of alcohol shall be kept in a safe and sanitary condition as required by the Ordinances of this City and the laws of this State. To ensure compliance with this section and other regulations of this Article, premises operated under the provisions of this Article shall be open to inspection by authorized personnel of the City at all times.

Sec. 4-43. – City of Clayton Towne Centre District

- (a) The provisions of this section are intended to set forth certain exceptions

and provisions applicable only to licensees whose eating establishments or permittable businesses located within the City of Clayton Towne Centre District (TCD) (presently the downtown CBD district) (as hereinafter defined) holding licenses to sell alcoholic beverages for consumption on the premises. Except as specifically set forth in this section to the contrary, all such licensees remain subject to all other provisions of this chapter.

- (b) As used in this chapter, the term “City of Clayton Towne Centre District (TCD)” shall be defined as: All the area of public space, streets, sidewalks, open areas, and all parcels and tracts of real property in the area of the City bound as follows: on the North at the southern intersection of Main Street and Smith Street , on the South by Scotts Creek, on the East at the intersection of East Savannah Street and Earl Street, and on the West by Holden Street, including all parcels and tracts of real property that have road frontage on West Savannah Street to the intersection of Holden Street. The Zoning Administrator shall maintain an official map of the City of Clayton Towne Centre District in his or her office at all times.
- (c) Outside consumption of alcoholic beverages by the drink shall not be permitted within the City of Clayton Towne Centre District except in those areas that comply with Sec. 4-40 for outdoor patio service areas or events approved and permitted by the City of Clayton.
- (d) Food must be served at all times that alcoholic beverages are dispensed, consumed or served. A licensed food establishment shall

derive at least 50% of its sales from the sale of prepared meals or food.

- (e) Nothing in this section shall relieve licensees from complying with all other provisions of this chapter and state law.

Sec.4-44.- Farm Winery Tasting Rooms and Licensure.

- (a) It is unlawful to operate a farm winery tasting room within the City for any domestic wine manufactured in a farm winery or otherwise without having the appropriate license. Such licenses may be issued pursuant to this Article;
- (b) A license issued under this subsection authorizes the holder to carry on the business of operating a farm winery tasting room, which includes retail sales of wine produced at the farm winery by the package, retail sales of wine by the glass, and complimentary samples of wine, within the licensed tasting room premises, so long as the location of the tasting room is in compliance with City Codes and requirements and appropriate zoning requirements as on the date of issuance of the license;
- (c) A license issued under this subsection may be issued only to farm wineries licensed by this State allowing the licensee to deal in its farm winery products pursuant to State law.
- (d) Only complimentary samples of poured wine by the glass may be consumed on the premises. Packaged wine may not be consumed on the premises.
- (e) A farm winery tasting room shall only dispense 8 ounces of wine to be

consumed onsite in a 4-hour period unless food is catered to the location that complies with the definition of “food” found in Sec. 4-1 of this Chapter.

Sec. 4-45. - Eligibility for issuance of a temporary special event license.

- (a) A temporary license may be issued to any person, firm or corporation, for a period not to exceed three (3) days for any one (1) event for an approved special event. The person, person(s) or entity that shall provide and distribute the alcohol shall possess an active and existing alcohol license with the City of Clayton for the use proposed and require an employee/individual/volunteer that holds and possess a required server certification that will monitor the dispensing of alcohol and the consumers for the signs of intoxication or drunkenness and shall have the ability to remedy such event. The person, firm or cooperation shall make application and pay fee(s) that are required by this chapter and shall be required to comply with all the general_ordinances and regulations for an on-premises consumption establishment with the exception of the full-service kitchen requirement. Said temporary licenses may be applied for and issued to any one (1) person, firm or corporation up to fourteen (14) times per calendar year. The applicant seeking a temporary license must also obtain a state-issued temporary special event permit.
- (b) The special event must meet the following criterion prior to the issuance of a license to sell alcoholic beverages:
 - (1) The special event must receive approval from the city police department on crowd control and security measures.

Additionally, this may require the permittee to hire additional law enforcement at their expense to provide for adequate public safety.

- (2) They provide adequate assurance to the City Council that no underage persons will be served through an appropriate program of identification and restriction of the area of service;
- (3) No alcoholic beverages may be brought into the area of the event for consumption and no opened alcoholic beverages shall be removed from the area of service by the consuming public; Vendors shall be permitted to provide free or “gift” samples to attendees for consumption at home in professionally or factory sealed containers;
- (4) A special event shall limit the dispensing and consumption of alcohol to no more than 6 ounces of distilled spirits, 8 ounces of wine or 12 ounces of beer/ malted beverages in a 4-hour period unless food is catered to the event that complies with the definition of “*food*” in Sec. 4-1, and in such case no consumption limits shall exist.
- (4) The City Council approves the closure of public right-of-way for the purposes of holding the event; with a plan approved by City Council. The area shall be provided with a barrier to restrict access/egress.
- (5) The location at which the special event is to take place must be properly zoned and approved by the Zoning Administrator.

- (c) At least one (1) employee / volunteer of the special event licensee shall be required to obtain server certification pursuant to Section. 4-40 and shall be in a position of monitoring the dispensing of alcohol and the consumers at that location for the signs of intoxication or drunkenness and shall have the ability to remedy such event.
- (d) The City Clerk, Chief of Police, Police Officer or the Zoning Administrator or his designee may immediately revoke any temporary license for a special event if it is determined continued alcohol sales may endanger the health, welfare or safety of the public.
- (e) As a condition on the issuance of a temporary special event license, the licensee shall indemnify the City and provide general liability insurance in the amount of not less than \$1,000,000.00 for the specific event.

Sec. 4-46. - Solicitation prohibited.

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

Sec. 4-47. - Inspection of licensed establishments by City Officials.

Sworn officers of the police department and the Zoning Administrator or his/her designee shall have the authority to inspect establishments licensed under this chapter during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and state law. This section is not intended to limit the authority of the Zoning Administrator or any other city officer to conduct inspections authorized by other provisions of this code and this shall be an accepted term by the licensee for the privilege of licensing for the distribution of alcohol within this City.

Sec. 4-48. - Establishment can be closed in cases of emergency.

The Chief of Police or the Zoning Administrator, or their designee, may immediately close an establishment licensed under this chapter in case of emergency, for the safety of the public or to investigate a crime, for a period of time not to exceed twenty-four (24) hours.

Sec. 4-49. - Types of entertainment, attire and conduct prohibited.

(a) *Preamble and purpose.*

- (1) Based upon the experiences of other counties and municipalities, including, but not limited to, Atlanta and Fulton County, Georgia; DeKalb County, Georgia; Gwinnett County, Georgia; Austin, Texas; Seattle and Renton, Washington; New York, New York; Los Angeles, California; and Ft. Lauderdale and Palm Beach, Florida, which experiences the city council believes are relevant to the problems faced by the City and based upon the

evidence and testimony of the citizens and experts who have appeared before such bodies, the city council takes note of the notorious and self-evident conditions attendant to the commercial exploitation of human sexuality, which do not vary greatly among generally comparable communities within our country.

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

and concern to prevent the occurrence of criminal behavior and undesirable community conditions normally associated with establishments which serve alcohol and also allow and/or encourage nudity or semi-nudity.

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

- (1) The employment or use of any person, in any capacity, in the sale or service of alcoholic beverages while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals;
- (2) Live entertainment which provides or features nude or semi-nude or erotic dancing, or the performance of obscene acts which simulate:
 - a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
 - b. The touching, caressing or fondling of the breast, buttock, anus or genitals; or
 - c. The displaying of the pubic hair, anus, vulva or genitals;
- (3) The showing of any film, still pictures, electronic reproduction or other visual reproductions depicting any of the acts described in subsection (b)(2) of this section, which are obscene under state law; or

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

(c) ***Mainstream activity excluded.*** Notwithstanding the prohibitions in subsection (b) of this section, nothing in this chapter shall or is intended to apply to theatrical or motion picture performances, or the like where the consumption or service of alcohol is not a primary purpose or mainstream activity of such establishment.

**Sec. 4-50 Licensed business location
Providing “gift or complementary alcohol.**

The City Council recognizes that a licensed business may desire to provide “gift” or complimentary drinks to customers at locations that are not customarily a location that would qualify for an alcohol license. A non-eating establishment may offer by the drink beer or wine as an act of hospitality and shall be eligible to provide “gift” drinks provided the following conditions are met:

- (a) Businesses must comply with all application procedures set forth for an alcoholic license as set forth in Article I of this Chapter.
- (b) The business location shall comply with all requirements of this Chapter except those that establish requirements for food and equipment.
- (c) Business establishments are restricted to serving beer and wine by the drink during the period(s) they provide “gift” or complementary drinks.
- (d) No purchase of any good or service shall be required as a condition of serving beer or wine by the drink.
- (e) Business establishments shall limit the service of beer and wine by the

drink to no more than 8 ounces of wine or 12 ounces of beer within a 4-hour period.

- (f) All beer and wine provided by the business must be accompanied by complimentary light appetizers.
- (g) The business shall not allow the dispensing, serving or consumption of alcohol any later than 8pm the day of the licensed event.
- (h) All dispensing or consumption of alcohol shall be maintained to the interior of the building or structure.
- (i) Business establishments are restricted to one event per 90-day period and shall require a permit to be issued at \$10 cost to the business owner.
- (j) The business location shall be in compliance with fire and safety, occupancy load and ADA requirements prior to the event.

Sec. 4-51 Exemption Clause

The adoption of this Chapter shall not affect or impair any remedy that has been previously granted and approved by the City Council under a previous Ordinance. Remedy or relief granted under previous Ordinances shall continue under such terms until any of the elements of Sec. 4-19, Sec. 4-21, Sec. 4-23 or Sec. 4-24 are satisfied by the licensee.

Sec. 4-52 Severability

If any phrase, clause, sentence, paragraph, section or article of this Chapter shall be declared invalid or unconstitutional for any reason by a Court of Competent jurisdiction, it shall not affect the validity of the remaining parts of this Chapter. The City Council hereby declares that it would have adopted each part of this Chapter irrespective of the validity of any other part.

Secs. 4-53—4-60. - Reserved.

ARTICLE II. – ENFORCEMENT

Sec. 4-61 Investigations Incident to Disciplinary Action.

The City Council shall have the right to make such inquiry or investigation as it may find to be reasonably necessary to determine the licensee’s compliance or non-compliance with this chapter. Such investigation may consist, among other actions, of calling licensees for examination under oath, obtaining evidence under oath from other persons, the procurement of documents and records including records of the licensee, and inspection and examination of records and documents from whatever source obtainable.

Sec. 4-62 Suspension and Revocation

(a) *Grounds.* The following shall be grounds for the suspension or revocation of a license to manufacture and distribute alcoholic beverages, and the existence of such grounds exists shall be determined by the City Council in its sole discretion:

- (1) The violation by the license holder or an employee of any State or Federal law or regulation, or any Ordinance of this City other than minor traffic violations; provided that the determination of whether any such violation has occurred shall be made by the Mayor and City Council and an actual conviction in a court for such offense shall not be necessary.
- (2) The failure of the license holder or an employee to report promptly to the police department any violation of the law or a municipal ordinance, breach of peace, disturbance or altercation resulting in violation occurring inside the premise.

- (3) Any conduct on the part of the license holder or an employee contrary to the public welfare, safety, health and morals.
- (4) Operating or conducting the business in a manner contrary to the public welfare, safety, health or morals, or in such manner as to constitute a nuisance.
- (5) The violation of any State law, City ordinance or regulation pertaining to alcoholic beverages.
- (6) The failure to submit timely reports as required in this chapter.
- (7) The revocation of the licensee's State license.

(b) Hearing

- (1) When, in the opinion of the Mayor and City Council, City Manager or the City Clerk grounds for the suspension or revocation of the license may exist, the licensee shall be served by the Chief of Police.

Secs. 4-63 – 4-70. - Reserved

ARTICLE III. – EXCISE TAX

Sec. 4-71 Supplementary to license fee.

The excise tax provided for in addition to any license fee, tax or charge which may now or in the future be imposed upon the business of selling malt beverages or wine or retail or wholesale, within the City.

Sec. 4-72. Levied

- (a) **Wine Wholesalers.** There is hereby set and levied on the sale of wine an excise tax in the sum of \$0.22 per liter and proportionate tax at the same rate on all fractional parts of a liter. The wine excise tax shall be paid by each licensed wholesale dealer in wine in the City.

- (b) **Farm Wineries.** There is hereby set and levied on the first sale or use of wine by the package and wine sold for consumption on the premises an excise tax in the sum of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter. The wine excise tax shall be paid by each licensed farm winery tasting room licensee in wine in the City.

- (c) **Malt Beverages.** A malt beverage excise tax is levied against and shall be paid by each licensed wholesale dealer in malt beverages in the City as follows:

- (1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6.00 on each container sold containing not more than 15 ½ gallons and a proportionate tax at the same rate on all fractional parts of 15 ½ gallons.
- (2) Where malt beverages are sold in bottles, cans, or other containers, except barrel or bulk containers. A tax of \$0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.

(d) Distilled Spirits

- (1) **Package sales.** There is hereby set and levied on the sale of distilled spirits by the package, an excise tax in the sum of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter. The distilled spirits excise tax of this subsection shall be paid by each licensed wholesaler dealer in distilled spirits in the City.
- (2) **By the drink.** There is hereby set and levied on the purchase of distilled spirits for beverage

purposes by the drink an excise tax equal to three percent of the purchase price. The distilled spirits by the drink excise tax shall be paid by each purchaser at the time of collection for beverages served.

Sec. 4-73 Failure to furnish required report

- (a) Upon the failure of any person, company, corporation or limited liability company selling alcoholic beverages to furnish promptly to the City, when due, any report required by the ordinances of the City or to pay any tax due the City for the sale of such commodities, there shall be assessed a penalty of 25 percent of the amount of tax due or that shown due by any such report. The penalty shall be in addition to any such tax. Failure to furnish said report may result in suspension or revocation of license.

Sec. 4-74 Deficiencies

- (a) **Determination.** If the City has cause to believe that the report of the tax or the amount of the tax to be paid the City by any person, corporation or limited liability company is not proper, it may compute and determine the amount required to be paid upon the basis of any information that is within or may come into its possession. One or more deficiency determinations may be made of the amount due for one or monthly periods.
- (b) **Interest.** The amount of the determination shall bear interest at the rate of one percent per month, or fraction thereof from the due date of taxes.

- (c) **Notice of Determination and Service.** The City shall give to the person, corporation or limited liability company written notice of the determination. The notice may be serviced personally or by mail; if by mail, such service shall be addressed to the person, corporation, or limited liability company at that address as it appears in the records of the City. Service by mail is complete when mailed with a certificate of service stamped thereon and a copy retained in City files or when delivered by certified mail and a receipt signed by the addressee.

- (d) **Time Within Which Notice of Deficiency Determined 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 20th day of the month following the calendar month for which the amount is proposed to be determined, or within three years after the return is filed, whichever period should last expire.

Sec. 4-75. Determination if no return is made.

- (a) **Estimates of Receipts.** If any licensee fails to make a return, the City shall make an estimate of the amount of the gross receipts of the licensee, or as the case may be, of the amount of the total sales in this City which are subject to the tax. The estimate shall be made for the period or periods in respect to which the licensee failed to make the return and shall be based upon any information which is in possession of or may come into the possession of the City Official. Written notice shall be given in the manner prescribed above in Section 4-74(c).

- (b) **Interest on amount found due.** The amount of the determination shall bear interest at the rate of one percent per month, or fraction thereof, from the 20th day of the month following the calendar month or which the amount or any portion thereof would have been returned, until the date of payment.
- (c) **Penalty for Non-Payment.** Any licensee who fails to pay the tax herein imposed or fails to pay any amount of the tax required to be collected and paid to the City within the time required shall pay a penalty of 25 percent of the tax owed in addition to interest as set forth above.

Secs. 4-76 – 4-80. – Reserved

ARTICLE IV. - RETAIL SALES OF DISTILLED SPIRITS FOR CONSUMPTION ON THE PREMISES

State Law reference— Retail sales of distilled spirits by the drink, O.C.G.A. § 3-4-90 *et. seq.*

Sec. 4-81. - Locations where permitted.

No distilled spirits may be sold by the drink for consumption on the premises where sold except:

- (1) At an eating establishment having an active on premises consumption license for the proper variety of alcoholic beverages served and serving prepared food, with a full-service kitchen. A full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, grease interceptor(s), vent hood(s), refrigerator and the fire and safety equipment required all of which must be approved by the health department and the Zoning Administrator.

Such eating establishment will serve food every hour they are open and derive at least 50% of its sales from the sale of prepared meals or food except for those locations excluded elsewhere in this Chapter.

- (2) An indoor or outdoor commercial recreation establishment that provides food as outlined with an eating establishment as provided in Sec. 4-1 and Sec. 4-106 (2)
- (3) In an indoor publicly owned Civic or Cultural Center deriving at least seventy percent (70%) of its sales from operational activities other than alcohol sales. The remaining 30% must be that of 50% food sales.
- (4) Otherwise as permitted in this chapter (*i.e.* public accommodations in room service, special events/festivals etc.).
- (5) Such location shall be in compliance with all codes, regulations and requirements of the State of Georgia and this Chapter.

Sec. 4-82. - Investigative and administrative costs.

Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate certified check or cash in the amount of \$250.00 to defray investigative and administrative costs. If the application is denied and the license refused, or if the applicant withdraws his/her application prior to it being issued the deposit representing the license fee shall be refunded; those costs associated with investigation and administrative purposes shall not be returned. However, any person applying for more than one (1) license shall pay only one (1) fee to defray investigative and administrative

expenses, which fee shall be the largest of the investigative and administrative fees authorized under this chapter shall be retained. Any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article shall pay no investigative and administrative costs.

Sec. 4-83. - Advertising in official gazette of county.

A notice of each new application to sell distilled spirits shall be advertised in the official gazette of the county, such notice shall be published at least once during the 30 days immediately preceding the filing of the application for license. Such notice shall comply with the requirements of § O.C.G.A. 3-4-27

Sec. 4-84. - Hours and days of sale.

- (a) Distilled spirits shall not be sold for consumption on the premises except between the hours of 8:00 a.m. until 12 a.m. midnight Monday through Saturday.
- (b) Distilled spirits shall not be sold for consumption at any time in violation of state law or any local ordinance or regulation.
- (c) The sale of distilled spirits for consumption on the premises is permitted on Sundays from 12:30 p.m. until 12:00 a.m. midnight.
- (d) Distilled spirits may be sold for consumption on the premises from 12:00 midnight to 1:55 a.m. on any New Year's Day, January 1, of any year.

Sec. 4-85 Sale on Election Days

As authorized by O.C.G.A. § 3-3-20, licensees at all locations where alcoholic beverages are sold may open their places of business for such sales on all election days.

Secs. 4-86—4-105. - Reserved.

ARTICLE VI. - RETAIL SALES OF MALT BEVERAGES AND WINE FOR CONSUMPTION ON THE PREMISES

Sec. 4-106. - Type of retail establishment where permitted.

No beer or wine shall be sold for consumption on the premises except:

(1) At an eating establishment having an active City of Clayton on premises consumption license for the proper variety of alcoholic beverages served and serving prepared food, with a full-service kitchen. A full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, grease interceptor(s), vent hood(s), refrigerator and the fire and safety equipment required all of which shall be approved by the health department and the Zoning Administrator. Such eating establishment shall serve food every hour they are open and derive at least 50% of its sales from the sale of prepared meals or food except for those locations excluded elsewhere in this Chapter.

(2) An indoor or outdoor commercial recreation establishment that provides food as outlined with an eating establishment as provided in Sec. 4-106 (2).

- (3) In an indoor publicly owned civic or cultural center deriving at least seventy percent (70%) of its sales from operational activities other than alcohol sales. The remaining 30% sales must be that of 50% food sales.
- (4) Otherwise as permitted in this chapter (i.e. Public accommodations in room service, special events/festivals etc.)
- (5) Such location shall be in compliance with all codes, regulations and requirements of the State of Georgia and the City of Clayton

Sec. 4-107. - Investigative and Administrative costs.

Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate certified check or cash in the amount of \$250.00 to defray investigative and administrative costs. If the application is denied and the license refused, or if the applicant withdraws his/her application prior to its being issued the deposit representing the license fee shall be refunded; those costs associated with investigation and administration shall be retained. Any person applying for more than one (1) license shall pay only one (1) fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this chapter shall be retained. Any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article shall pay no investigative and administrative costs.

Sec. 4-108. - Hours and days of sale.

- (a) Beer or wine shall not be sold for consumption on the premises except between the hours of 8:00 a.m. and 12 a.m. midnight, Monday through Saturday.
- (b) No beer or wine shall be sold for consumption at any time in violation of state law or any local ordinance or regulation.
- (c) The sale of beer or wine on the premises is permitted on Sundays from 12:30 p.m. until 12:00 am midnight.
- (d) Beer and/or wine may be sold for consumption on the premises from 12:00 midnight to 1:55 a.m. on any New Year's Day, January 1, of any year.

Sec. 4-109. - Corkage services.

- (a) An eating establishment that possesses a valid license for the retail sale of beer or wine for consumption on premises may permit patrons to bring, possess and consume bottles of wine that are owned by the patron and brought unopened onto the premises under the following conditions:
 - (1) No more than Seven Hundred Fifty (750) milliliters of wine, per patron over the age of twenty-one (21), per meal, shall be permitted to be uncorked.
 - (2) Only patrons dining at the food establishment shall be permitted to consume wine that has been provided by the patron.
 - (3) Patron provided wine may only be consumed by individuals who order and are served a meal by the licensee.
 - (4) Every bottle of wine brought onto the premises by a patron must be opened by the licensee's personnel.

- (5) A patron shall not remove the unconsumed portion of wine from the eating establishment.
- (b) Eating establishments may at their discretion charge corkage fees for such services.

Secs. 4-110—4-135. - Reserved.

ARTICLE VII. - RESERVED

Secs. 4-136 – 4-300. – Reserved.

ARTICLE VIII. - RETAIL PACKAGE SALES OF MALT BEVERAGES AND WINE

State Law reference— License requirements, O.C.G.A. §§ 3-5-42, 3-6-40.

Sec. 4-301. - Type of retail establishment where permitted.

No beer or wine shall be sold at retail except in establishments maintaining at least ninety percent (90%) of the floor space and storage area in a manner which is devoted principally to the retail sale of products that are alcoholic and located in zoning districts that are permitted for such use.

Sec. 4-302. - Hours and days of sale.

- (a) Retail package licensees shall not engage in the sale of beer or wine except between the hours of 8:00 a.m. and 12:00 midnight Monday through Saturday and 12:30 p.m. and 12:00 a.m.
- (b) Retail package beer or wine shall not be sold at any time in violation of any state law, local ordinance or regulation.

Sec. 4-303. - Use of tags or labels to indicate prices.

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

Sec. 4-304. - Quantity sale requirements.

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

Sec. 4-305. - Investigative and Administrative costs.

Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate certified check or cash in the amount of \$250.00 to defray investigative and administrative costs. If the application is denied and the license refused, or if the applicant withdraws his application prior to its being issued, the license fee shall be refunded; those costs associated with investigation and administration shall be retained. However, any person applying for more than one (1) license shall pay only one (1) fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this chapter shall be retained. As to any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article, there shall be no investigative and administrative fee.

Secs. 4-306-4-332. - Reserved.

ARTICLE IX. ORGANIZATIONS

Sec. 4-333. - Certain organizations exempt from food establishment requirements.

Veterans' organizations shall not be required to operate a food establishment

serving prepared food while operating within a structure owned by that organization. However, any such organization selling or dispensing alcoholic beverages shall be subject to all other ordinance regulations dealing with general licensing and on-premise consumption.

Sec. 4-334. - Investigative and administrative costs.

Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate certified check or cash in the amount of \$250.00 to defray investigative and administrative costs. If the application is denied and the license refused, the deposit representing the license fee shall be refunded; those costs associated with investigation and administration shall be retained. However, any person applying for more than one (1) license shall pay only one (1) fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this chapter shall be retained. Any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article shall pay no investigative and administrative costs.

Sec. 4-335. - Hours and days of sale.

- (a) No alcoholic beverages shall be sold for consumption on the premises of a veteran's organization except between the hours of 8:00 a.m. and 12:00 a.m. midnight. Monday through Saturday.
- (b) Alcoholic beverages shall not be sold for consumption at any time in violation of any state law or local ordinance or regulation.
- (c) The sale of alcoholic beverages for consumption on the premises is

permitted on Sundays from 12:30 p.m. until 12:00 a.m. midnight.

- (d) Alcoholic beverages may be sold for consumption on the premises from 12:00 midnight to 1:55 a.m. on any New Year's Day, January 1, of any year.

Secs. 4-336—4-350. - Reserved.

ARTICLE X. SPECIAL EVENT VENUES

Sec. 4-351. – Preamble and Purpose.

The City recognizes the valuable economic impact of special event venues being located throughout the city's downtown or business districts. The distribution and consumption of alcoholic beverages at special event venues are attendant with the normal and customary types of events held at such facilities, i.e., weddings, meetings, social affairs, banquets, balls, catered events, parties or similar gatherings. To encourage such economic impact of these venue's while ensuring the safety, health and general welfare of the public, special events must obtain a license to sell or dispense alcoholic beverages at said venues and must provide at least one individual/employee/volunteer that holds and possesses a required server certification that will monitor the dispensing of alcohol and the consumers at that location for the signs of intoxication or drunkenness and shall have the ability to remedy such event.

Sec. 4-352. – Sale without a license prohibited.

Any special event that wishes to sell or dispense alcoholic beverages for consumption on premises shall be required to first obtain the appropriate state license and shall additionally provide at least one

individual/employee/volunteer that shall hold and possess a required server certification that will monitor the dispensing of alcohol and the consumers at that location for the signs of intoxication or drunkenness and shall have the ability to remedy such event.

Sec. 4-353. – Registration required.

Any special event that does not sell alcoholic beverages for consumption on premises but that allows alcoholic beverages to be consumed at said venue or location by private guests attending a private event must first register with the City on forms prepared by the City Clerk and pay a registration fee of \$150.00 per event. Said registration fee shall be paid upon initial registration.

Sec. 4-354. – Investigative and administrative costs.

Each application seeking a license to sell alcoholic beverages or seeking registration of a special event as required herein shall be accompanied by a certified check for the full amount of the license or registration fee, together with a separate certified check or cash in the amount of \$250.00 to defray investigative and administrative costs. If the application is denied and the license refused, or if the applicant withdraws his/her application prior to it being issued the deposit representing the license fee shall be refunded; those costs associated with investigation and administration shall be retained. However, any person applying for more than one (1) license shall pay only one (1) fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this chapter. Any applicant for a license or registration under this article who has in existence at the time of making

the new application an existing license or active registration under this article shall pay no investigative and administrative costs.

Sec. 4-355. – Alcoholic beverages must be purchased from retailer.

Any alcoholic beverage consumed at a special event by private guests attending a private event must be purchased from a package retailer.

Sec. 4-356. – Licensed Alcoholic Beverage Caterer.

Any retail dealer licensed under this Article and State law for the sale of malt beverages, distilled spirits, liquors and wines shall be eligible to make an application for an off-premises license pursuant to O.C.G.A. § 3-11-2 for any licensed location and provided that the caterer shall provide at least one (1) individual/employee that holds and possesses a required server certification as provided in Sec. 4-39(a) to monitor the dispensing and consumption of alcohol.

Sec. 4-357. – Facility must be approved.

A special event venue or other location must first be approved by the Zoning Administrator prior to conducting operations at such special event.

Sec. 4-358. – Timing of Sales or Consumption.

All sales of alcoholic beverages or consumption of alcoholic beverages at special event shall comply in all respects to the time restrictions found in sections 4-84 and 4-108 herein.

Secs. 4-359—4-400. - Reserved.

ARTICLE XI. – HOTEL IN-ROOM SERVICE

State Law reference— In-room sales by hotels and motels, O.C.G.A. § 3-9-10 et seq.

Sec. 4-401. - License.

- (a) Any hotel as defined herein may provide in-room service of alcoholic beverages after obtaining proper licensure for the same in accordance with the terms of this Chapter.
- (b) The sale of alcoholic beverages by in-room service shall be subject to all restrictions and limitations imposed by this Chapter and shall be authorized only on such days and only during such hours as the sale of alcoholic beverages is otherwise authorized.

Sec. 4-402 – In-Room Service.

- (a) For purposes of this chapter, "in-room service" consists of:
 - (1) The delivery of alcoholic beverages by an employee of the hotel to a registered guest's room when such alcoholic beverages have been ordered by the guest and when the guest shall be billed for the cost of such alcoholic beverages at the time of delivery and when the sale of such alcoholic beverages is completed at the time of delivery or,
 - (2) The provision of a cabinet, refrigerator, mini-bar or other facility located in a hotel guest room which contains alcoholic beverages, and which is accessible only to the guest and for which the sale of alcoholic beverages contained

therein is final at the time requested except for a credit which may be given to the guest for any unused portion.

- (b) In order to be eligible for an in-room service license, a hotel must:
 - (1) Be used and held out to the public as a place where sleeping accommodations are offered to guests for adequate pay, and meet other standards and conditions of a "hotel" as defined in this Chapter or other Codes of the City; and;
 - (2) Contain seven (7) or more separate and distinct rooms used for the sleeping accommodations of guests.
- (c) A hotel may consist of a single building or may consist of two (2) or more buildings located on the same premises and used in connection with the hotel operation.
- (d) A facility which is styled as an inn, bed and breakfast or other similar appellation may be licensed as a hotel if it meets the requirements of this article.

Sec. 4-403. - Investigative and administrative costs.

Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate certified check or cash in the amount of \$250.00 to defray investigative and administrative costs. If the application is denied and the license refused, or if the applicant withdraws his/her application prior to it being issued the deposit representing the license fee shall be refunded; those costs associated with investigation and administration shall be retained. However, any person applying for more than one (1) license shall pay only one (1) fee to defray investigative and administrative expenses, which fee shall be the largest of the

investigative and administrative fees authorized under this chapter shall be retained. Any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article shall pay no investigative and administrative costs.

Sec. 4-404. – General Provisions.

All alcoholic beverages sold pursuant to this article shall be purchased from a licensed wholesale dealer and shall be subject to all taxes imposed under this Chapter and City Code, including the excise tax on the retail sale by the drink of alcoholic beverages.

Secs. 4-405—4-420. - Reserved.

**ARTICLE XII. – BREWPUBS,
BREWERIES AND DISTILLERIES
AND GROWLER SALES**

State Law reference— Limited exception, cocktail rooms; O.C.G.A. § 3-4-24.2; limited exception, malt beverage taprooms, O.C.G.A. § 3-5-24.1.

Sec. 4-421. - License Required.

No person shall be permitted to operate a brewpub, brewery, micro-brewery, distillery or micro-distillery without first obtaining a license from the State of Georgia and the City pursuant to this chapter.

Sec. 4-422. – Investigative and Administrative Costs.

Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate certified check or cash in the amount of \$250.00 to defray

investigative and administrative costs. If the application is denied and the license refused, or if the applicant withdraws his/her application prior to it being issued the deposit representing the license fee shall be refunded: those costs associated with investigation and administration shall be retained. However, any person applying for more than one (1) license shall pay only one (1) fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this chapter shall be retained. Any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article shall pay no investigative and administrative costs.

Sec. 4-423. – Brewpubs.

- (a) No individual shall be permitted to own or operate a brewpub without first obtaining a proper brewpub license from the City. Each brewpub licensee shall comply with all other applicable State and local license requirements.
- (b) A brewpub license authorizes the holder of such license to:
 - (1) Manufacture on the licensed premises not more than ten thousand (10,000) barrels of malt beverage in a calendar year solely for retail sale.
 - (2) Operate an eating establishment complying with all requirements of the definition of “eating establishment” as defined in Sec. 4-1 , and shall be the sole retail outlet for such malt beverage and may offer for sale for consumption on premises any

- other alcoholic beverages produced by other manufacturers which are authorized for retail sale under this chapter, provided that such alcoholic beverages are purchased from a licensed wholesale dealer and, provided further, in addition to malt beverages manufactured on the premises, each brew pub licensee shall offer for sale commercially available canned, bottled or tap malt beverages purchased from a licensed wholesale dealer.
- (3) Sell up to a maximum of five thousand (5,000) barrels annually of such malt beverage 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.
 - (4) Sell malt beverages manufactured on the premises by the package at retail for consumption off the premises.
- (c) Possession of a brewpub license shall not prevent the holder of such license from obtaining any other license available under this chapter for the same premises.
 - (d) A brewpub licensee shall pay all state and local license fees and excise taxes applicable to individuals licensed under this chapter as manufacturers, retailers and, where applicable, wholesale dealers.
 - (e) Except as set forth in this section, a brewpub licensee shall be subject to all other provisions of this chapter.

Sec. 4-424. – Breweries.

- (a) No individual shall be permitted to own or operate a brewery without first obtaining a proper brewery license from the City. Each brewery licensee shall comply with City Code, adopted codes, rules and regulations of the City and applicable State law and requirements. A brewery shall be exempted from the requirements pertaining to food sales and required cooking and kitchen equipment except those pertaining to sewage and waste discharge requirements or others that are expressed in this Section.
- (b) A licensed brewery is authorized to manufacture malt beverages for wholesale sale primarily to wholesale dealers.
- (c) A licensed brewery shall comply with O.C.G.A. § 3-5-24.1 relating to the limited sale of malt beverages to the public for onsite consumption or offsite package sales and may sell on all days and at all times that sales of malt beverages by retailers are lawful within the City.
- (d) A brewery shall not dispense more than 12 ounces of malted beverages to be consumed onsite within a 4-hour period to any individual except when food is being provided by a third-party vendor as expressed in Sec.4-1 "AAAC"
- (e) A brewery licensee shall pay all state and local license fees and excise taxes applicable to individuals licensed under

this chapter as manufacturers, retailers and, where applicable, wholesale dealers.

- (f) Breweries shall not be permitted at a location that is not properly zoned for that use.
- (g) During events, concerts, celebrations or large gatherings representing a special purpose or event the brewer shall provide food by third-party vendors.
- (h) Except as set forth in this section, a brewery licensee shall be subject to all other provisions of this chapter and State law.

Sec. 4-425. – Distilleries.

- (a) No individual shall be permitted to own or operate a distillery without first obtaining a proper distillery license from the City. Each distillery licensee shall comply with City Code, adopted codes, rules and regulations of the City and applicable State law and requirements. A distillery shall be exempted from the requirements pertaining to food sales and required cooking and kitchen equipment except those pertaining to sewage and waste discharge requirements or others that are expressed in this Section.
- (b) A licensed distillery is authorized to manufacture distilled spirits for sale to wholesale dealers and consumers.
- (c) A licensed distillery shall comply with O.C.G.A. § 3-4-24.2 relating to the limited sale of distilled spirits to the public for onsite consumption and may sell on all days and at times that sales of distilled spirits by retailers are lawful within the City.

- (d) A distillery shall not dispense more than 6 ounces of distilled spirits manufactured and consumed onsite within a 4-hour period to any individual except when food is provided by a third-party vendor as expressed in Sec. 4-1 “AAAC”.
- (e) A distillery licensed under this chapter shall pay all state and local license fees and excise taxes applicable to individuals licensed under this chapter as manufacturers, retailers and, where applicable, wholesale dealers.
- (f) Distilleries shall not be permitted at a location that is not properly zoned for that use
- (g) During events, concerts, celebrations or large gatherings representing a special purpose or event the distiller shall provide food by third-party vendors.

Sec. 4-426. – Micro-Breweries.

- (a) No individual shall be permitted to own or operate a micro-brewery without first obtaining a proper micro-brewery license from the City. Each micro-brewery licensee shall comply with City Code, adopted codes, rules and regulations of the City and applicable State law and requirements. A micro-brewery shall be exempted from the requirements pertaining to food sales and required cooking and kitchen equipment except those pertaining to sewage and waste discharge requirements or others that are expressed in this Section.
- (b) A licensed micro-brewery is authorized to manufacture malt beverages for sale primarily to wholesale dealers.
- (c) A licensed micro-brewery shall comply with O.C.G.A. § 3-5-24.1 relating to the

limited sale of malt beverages to the public for onsite consumption or offsite package sales and may sell on all days and at all times that sales of malt beverages by retailers are lawful within the City.

- (d) A micro-brewery shall not dispense more than 12 ounces of malted beverages to be consumed onsite within a 4-hour period to any individual except when food is being provided by a third-party vendor as expressed in Sec. 4-1 "AAAC".
- (e) A micro-brewery licensee shall pay all state and local license fees and excise taxes applicable to individuals licensed under this chapter as manufacturers, retailers and, where applicable, wholesale dealers.
- (f) During events, concerts, celebrations or large gatherings representing a special purpose or event the brewer shall provide food by third-party vendors.
- (g) Except as set forth in this section, a micro-brewery licensee shall be subject to all other provisions of this chapter.

Sec. 4-427. - Micro-Distilleries.

- (a) No individual shall be permitted to own or operate a micro-distillery without first obtaining a proper micro-distillery license from the City. Each micro-distillery shall comply with City Code, adopted codes, rules and regulations of the City and applicable State law and requirements. A micro-distillery shall be exempted from the requirements pertaining to food sales and required cooking and kitchen equipment except those pertaining to sewage and waste

discharge requirements or others that are expressed in this Section..

- (b) A licensed micro-distillery is authorized to manufacture distilled spirits for sale primarily to wholesale dealers.
- (c) A licensed micro-distillery shall comply with O.C.G.A. § 3-4-24.2 relating to the limited sale of distilled spirits to the public for onsite consumption and may sell at all times that sales of distilled spirits by retailers are lawful within the City.
- (d) A micro-distillery shall not dispense more than 6 ounces of distilled spirits to be consumed onsite within a 4-hour period to any individual except when food is being provided by a third-party vendor as expressed in Sec. 4-1 "AAAC".
- (e) A micro-distillery licensee shall pay all state and local license fees and excise taxes applicable to individuals licensed under this chapter as manufacturers, retailers and, where applicable, wholesale dealers.
- (f) During events, concerts, celebrations or large gatherings representing a special purpose or event the distiller shall provide food by a third-party vendor.
- (g) Except as set forth in this section, a micro-distillery licensee shall be subject to all other provisions of this chapter.

Sec. 4-429. - Growler sales.

Businesses licensed to sell malted beverages by the package may fill growlers with malt beverages at the licensed location subject to the following requirements:

- (1) At least ninety percent (90%) of the licensee's total sales from

alcohol sales are from packaged sale of malt beverages or wine and the licensee's premises have a minimum of four hundred (400) square feet of floor space dedicated to the display of packaged malt beverages or wine offered for sale.

- (2) A growler shall not exceed sixty-four (64) ounces. Growlers may only be filled from kegs or barrels procured by the licensee from a duly licensed wholesaler.
- (3) Only professionally sanitized and sealed growlers may be filled and made available for retail sale. The filled growler must be securely sealed on the premises with a tamper-proof cap and seal. Each filled growler must be removed from the premises in its securely sealed condition. No open growler container shall be removed from the licensed premises.
- (4) Each growler must be securely sealed and removed from the premises in its original sealed condition.
- (5) Licensees may fill growlers only with draft beer that is defined as craft beer at the licensee's location from kegs lawfully procured by the license.
- (6) A licensee authorized to fill growlers under this ordinance may make available samples of tap malt beverages, provided that no individual shall be allowed to sample more than a total of 12 ounces which shall be comprised of combined varieties of malt beverages within a 4-hour period. A licensee may charge a fee for samples of tap malt beverages.

- (7) The licensee shall comply with all State, Federal and local Packaging and labeling laws regarding alcoholic beverages.

Secs. 4-429—4-600. - Reserved.

ARTICLE XIII. - WHOLESALERS

Sec. 4-601. - Special provisions applicable to wholesale purchases.

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

Sec. 4-602. - Audit and penalties.

- (a) If the City Manager or City Clerk deems it necessary to conduct an audit of the records and books of the wholesale licensee, he/she shall notify the licensee of the date, time and place of the audit.

Secs. 4-603—4-700. - Reserved