

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE 23-01

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF HOSCHTON, GEORGIA, AS AMENDED, TO REPEAL CHAPTER 40, "ALCOHOLIC BEVERAGES" AND ADOPT A NEW CHAPTER 40, "ALCOHOLIC BEVEERAGES"; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO ESTABLISH AN EFFECTIVE DATE, TO PROVIDE FOR CODIFICATION, AND FOR OTHER PURPOSES

IT IS ORDAINED by authority of the Hoschton City Council as follows:

Section 1.

Chapter 40, "Alcoholic Beverages" of the Code of Ordinances is hereby repealed. Any other ordinances or parts of ordinances in conflict herewith are repealed.

Section 2.

A new Chapter 40, "Alcoholic Beverages" adopted by reference and attached to this ordinance, is hereby adopted and made a part of the Code of Ordinances of the City of Hoschton.

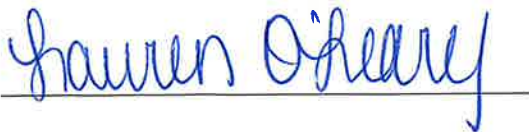
Section 3.

If any portion of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

Section 4.

The effective date of this ordinance shall be upon final approval by the Mayor of the City of the Hoschton pursuant to Section 2.14(b) of the City Charter.

So ORDAINED, this 20 day of March 2023.



Lauren O'Leary, Mayor

Ordinance 23-01, Chapter 40, Hoschton Alcoholic Beverages Code

This is to certify that I am City Clerk of the City of Hoschton. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:



Jennifer Kidd-Harrison, City Clerk

APPROVED AS TO FORM



Abbott S. Hayes, Jr., City Attorney

CHAPTER 40
HOSCHTON ALCHOLIC BEVERAGES CODE

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**ARTICLE 1
GENERAL PROVISIONS**

- Sec. 40-1-1. Short title.
- Sec. 40-1-2. Licenses required.
- Sec. 40-1-3. License required for each identifiable place.
- Sec. 40-1-4. Sale is a privilege not a right.
- Sec. 40-1-5. Purposes.
- Sec. 40-1-6. State law and administrative rules.
- Sec. 40-1-7. Fees.
- Sec. 40-1-8. Definitions.

Sec. 40-1-1. Short title.

This chapter shall be known and may be cited as the City of Hoschton Alcoholic Beverages Code.

Sec. 40-1-2. Licenses required.

- (a) Alcoholic beverages may be sold, manufactured, distributed and imported in the city only after the issuance of a license for such sale by the city and only in the manner permitted by said license, unless exempted by state law.
- (b) Alcoholic beverages may be sold, manufactured, distributed and imported in the city only by a licensee who complies with the rules and regulations of this chapter, and with the licensing, regulatory and revenue requirements of the State of Georgia.
- (c) Any holder of a local alcoholic beverage license issued pursuant to this chapter is required to apply for and obtain an alcoholic beverage license from the state before any sales commence.

Sec. 40-1-3. License required for each identifiable place.

Any premises outlets which cannot be determined as one identifiable place of business shall require additional licenses regardless of such establishments having the same trade name, ownership, or management.

Sec. 40-1-4. Sale is a privilege not a right.

Notwithstanding anything in this chapter to the contrary, the sale of alcoholic beverages in the city is a privilege and not a right, and the issuance of a license hereunder shall not create any property rights in the licensee.

Sec. 40-1-5. Purposes.

The purposes of this chapter include compliance with state law, prevention and control of the sale of alcoholic beverages, and protection of the public health, safety, and general welfare.

Sec. 40-1-6. State law and administrative rules.

- (a) This chapter is intended to comply with the provisions of the Georgia Alcoholic Beverages Code, O.C.G.A. § 3-1-1 *et. seq.*, which Code is incorporated by reference in its entirety into this chapter. Where any provision of this chapter is in conflict with any provision of the Georgia Alcoholic Beverages Code, the code shall control. Or where this chapter is incomplete in having failed to incorporate a provision necessarily required for the implementation of the Georgia Alcoholic Beverages Code, such provision of the code, so as to meet the mandate of the code, shall be fully complied with.
- (b) This chapter is intended to comply with rules and regulations promulgated by the commissioner pursuant to O.C.G.A. § 3-2-2 of the Georgia Alcoholic Beverages Code, which rules and regulations are incorporated by reference in their entirety into this chapter. Where any provision of this chapter is in conflict with any provision of the rules and regulations, the rules and regulations shall control. Or where this chapter is incomplete in having failed to incorporate a provision necessarily required for the implementation of the rules and regulations, such provision of the rules and regulations, so as to meet the mandate of the code, shall be fully complied with.

Sec. 40-1-7. Fees.

All fees for licenses, permits and other specified actions applicable to this chapter shall be established by resolution of Mayor and City Council from time to time.

Sec. 40-1-8. 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.

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

Alcoholic beverage caterer means any retail dealer who has been licensed by the city to sell alcoholic beverages by the drink or the unopened package.

Authorized catered event means an event at a location not otherwise licensed for consumption of alcoholic beverages by the drink at which alcoholic beverages are furnished, for consideration,

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and sold, dispensed or provided free of charge to persons present at the event, by the drink, pursuant to a permit obtained under this chapter.

Business means any person, corporation, partnership, or other legal entity which exerts substantial efforts within the city, engages in, causes to be engaged in, and/or represents or holds out to the public to be engaged in any occupation or activity with the object of gain or benefit, either directly or indirectly.

Brewery means a place where malt beverages are manufactured. In addition to manufacturing, malt beverages may be sold for consumption on the premises, and/or sold by the package for consumption off the premises in accordance with state law.

Brewpub means any eating establishment in which malt beverages are manufactured, subject to the barrel production limitation prescribed in O.C.G.A § 3-5-36. As used in this paragraph, the term “eating establishment” means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 60 percent of its total annual gross food and beverage sales from the sale of prepared meals or food; provided, however, that when determining the total annual gross food and beverage sales, barrels of malt beverages sold to licensed wholesale dealers, as authorized pursuant to subparagraph (D) of paragraph (2) of O.C.G.A § 3-5-36, or to the public for consumption off the premises, as authorized pursuant to subparagraph (D) of paragraph (2) and paragraph (4) of O.C.G.A § 3-5-36, shall not be used.

Broker means any person who purchases or obtains an alcoholic beverage from an importer, distillery, brewery, or winery and sells the alcoholic beverage to another broker, importer, or wholesaler without having custody of the alcoholic beverage or maintaining a stock of the alcoholic beverage.

BYOB or *brown bagging* means possession of an open glass bottle, can, or other container containing an alcoholic beverage or consumption of an alcoholic beverage on premises: For which a city business/occupation tax certificate has been issued; and which occurs at a location different from where said alcoholic beverage was purchased.

City. The City of Hoschton, Georgia.

City Council. The Mayor and City Council of the City of Hoschton, Georgia.

Church means a body of communicants gathered into church order: united under one (1) form of government by the profession of the same faith and the observance of the same ritual and ceremonies, place where persons regularly assemble in a facility for worship, congregation, or organization for religious purposes.

College campus means a collection of two (2) or more buildings used for educational purposes, on either one parcel or contiguous parcels that are under the same ownership by either a public or private institution of higher learning.

Commissioner means the state revenue commissioner.

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Department means the state Department of Revenue.

Distilled spirits means any alcoholic beverage obtained by distillation or containing more than 24 percent alcohol by volume.

Distillery means a facility that manufactures distilled spirits.

Eating establishment: see “restaurant.”

Establishment means any physical location or section thereof for the operation of a business.

Food caterer means any person who holds a valid business license and for consideration, prepares food for consumption off the premises.

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

Gallon or wine gallon means a United States gallon of liquid measure equivalent to the volume of 231 cubic inches or the nearest equivalent metric measurement.

Georgia farm winery means a farm winery which is licensed by the state to manufacture wine in Georgia.

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 Hoschton.

Hard cider means an alcoholic beverage obtained by the fermentation of the juice of apples, containing not more than 6 percent alcohol by volume, including, but not limited to, flavored or carbonated cider. For purposes of this chapter, hard cider shall be deemed a malt beverage. The term does not include “sweet cider.”

Importer means any person who imports an alcoholic beverage into this state from a foreign country and sells the alcoholic beverage to another importer, broker or wholesaler and who warehouses a stock of the alcoholic beverage.

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

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Licensee means any person who holds a license from the city to engage in the selling, manufacturing, distributing or importing at retail or wholesale, of any alcoholic beverages.

Lounge means a separate room connected with a part of and adjacent to a restaurant with all booths, stools and tables being unobstructed and open to view. All lounges shall be air conditioned and have a seating capacity of at least forty (40).

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

Managing agent means an individual that is at least twenty-one (21) years of age, is a U.S. citizen or an alien lawfully admitted for permanent residency, is a resident of the State of Georgia, has day-to-day managerial authority over the business conducted on the licensed premises including the sale of alcoholic beverages, and is employed full-time by the licensed business.

Manufacturer means any maker, producer or bottler of an alcoholic beverage. The term also means: in the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits; provided, however, that a vintner that blends wine with distilled spirits to produce a fortified wine shall not be considered a manufacturer of distilled spirits; in the case of malt beverages, any brewer; and in the case of wine, any vintner.

Minor means any person less than twenty-one (21) years of age.

Multi-use facility means a structure containing three (3) or more retail or office establishments and one (1) or more eating establishment, which has a court area for pedestrian use.

Non-profit, charitable and civic organization means a bona fide nonprofit civic organization which is exempt from federal income tax pursuant to the provisions of subsection (c), (d), or (e) of 26 U.S.C. Section 501.

Open air cafe means a premise located within the pedestrian court area and adjacent sidewalk of a multi-use facility where food is available for purchase during all hours of operation and where alcoholic beverages may be purchased from a restaurant contained within the multi-use facility for consumption within the open air cafe.

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

Person means any individual, firm, partnership, cooperative, nonprofit membership corporation, social club, joint venture, association, company, corporation, limited liability company, limited liability partnerships, agency, syndicate, estate, trust, business trust, receiver, fiduciary or other group or combination acting as a unit, body politic or political subdivision, the plural as well as the singular member, whether public, private or quasi-public.

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Premises means one (1) physically identifiable place of business operated by the same ownership and/or overall management consisting of one (1) or more contiguous rooms with only one (1) address registered as a single place of business with the local licensing authority and the state. "Premises" is further defined to include: outdoor areas or patios approved pursuant to this chapter, pedestrian court areas and sidewalks in front of a building.

Private club means any nonprofit association organized under the laws of this state which: has been in existence at least one (1) year prior to the filing of its application for a license to be issued pursuant to this chapter; has at least seventy-five (75) regular dues-paying members; owns, hires or leases a building or space within a building for the reasonable use of its members, which building or space has suitable kitchen and dining room space and equipment and is staffed with a sufficient number of employees for cooking, preparing and serving meals for its members and guests; and has no member, officer, agent or employee directly or indirectly receiving, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary as defined by state law.

Private function means any affair where attendance is by invitation only, where no business transactions are conducted during the private function and there is no cost to attend or to consume the food or alcohol either by donations or by any other means.

Residence means the act or fact of living or regularly staying at or in some place for the discharge of a duty or the enjoyment of a benefit or the place where one actually lives as distinguished from his domicile or place of temporary sojourn.

Resident means a person whose primary residence is within the territorial limits of the county.

Restaurant means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment, air conditioned, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests for every hour they are open. At least one (1) meal per day shall be served at least five (5) days a week, except that restaurants that open for business more than five (5) days a week, shall be required to serve at least one (1) meal per day each day that the restaurant is open, with the exception of holidays, vacation and periods of redecoration, and the serving of such meals shall be the principal business conducted, with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto. A restaurant shall provide at least thirty (30) seats for customers.

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

Retail package liquor store means a retail business establishment owned by an individual, partnership, corporation, association, or other business entity: primarily engaged in the retail sale of distilled spirits, malt beverages, and wine in unbroken packages, not for consumption on the premises, except as authorized under this chapter; and which derives from such retail sale of

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alcoholic beverages in unbroken packages at least 75 percent of its total annual gross sales from the sale of a combination of distilled spirits, malt beverages, and wine.

Retailer or retail dealer means, except as to distilled spirits, any person who sells alcoholic beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale. With respect to distilled spirits, the term shall have the same meaning as the term “retail package liquor store.”

School means an organized source of education or training whether public or private for the teaching of children in which the traditional subjects and learning processes associated with the Pre-K—12 grades of school are taught.

Shipper means any person who ships an alcoholic beverage from outside this state.

Tasting room means an outlet for the promotion of a Georgia farm winery's wine by providing samples of such wine to the public and for the sale of such wine at retail for consumption on the premises and for sale in closed packages for consumption off the premises. Samples of wine can be given free of charge or for a fee.

Wholesaler or wholesale dealer means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers. This shall include any person that transports or delivers alcoholic beverages from a manufacturer for sale at retail by the package.

Wine tasting means an event as defined in the rules and regulations of the department of revenue.

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

**ARTICLE 2
PROHIBITIONS**

- Sec. 40-2-1. Actions without license.
- Sec. 40-2-2. Distance requirements for sale of distilled spirits.
- Sec. 40-2-3. Distance requirements for sale of any wine or malt beverages.
- Sec. 40-2-4. Sale or furnishing of alcoholic beverages to intoxicated persons.
- Sec. 40-2-5. Sales on election day.
- Sec. 40-2-6. Persons under 21 years of age.
- Sec. 40-2-7. Persons under 18 years of age.
- Sec. 40-2-8. Drinking of alcoholic beverages on retail package premises.
- Sec. 40-2-9. Off premise consumption.
- Sec. 40-2-10. Alcoholic beverage for which taxes not paid.
- Sec. 40-2-11. Prohibited noise from establishments.

Sec. 40-2-1. Actions without license.

- (a) No person shall manufacture, distribute, sell, handle, or possess for sale, or otherwise deal in, alcoholic beverages without obtaining all applicable licenses required by the Georgia Alcoholic Beverages Code. (Reference: O.C.G.A. § 3-3-3)
- (b) Except as otherwise provided for in this chapter, the manufacturing, distributing, and selling by wholesale or retail of alcoholic beverages shall not be conducted in the city without a license from the governing authority of the city. (Reference: O.C.G.A. § 3-3-2 and § 3-5-40(a))
- (c) It shall be unlawful for any alcoholic beverages to be served, stored, kept or consumed by any person on the premises of any business establishment for which a city business/ occupation tax certificate has been issued, excluding those businesses with a valid alcoholic beverage license or as otherwise exempted by this chapter.

Sec. 40-2-2. Distance requirements for sale of distilled spirits.

No person knowingly and intentionally may sell or offer to sell any distilled spirits:

- (a) In or within 100 yards of any church building; or
- (b) Within 200 yards of any school building, educational building, school grounds, or college campus. As used in this subsection, the term “school building” 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 and colleges of the state of Georgia and which are public schools or private schools as defined in subsection (b) of Code Section 20-2-690 of the Georgia Code. For purposes of this subsection, the term “college campus” shall include, but shall not be limited to, all buildings and grounds of any public or private technical school, vocational school, college, university, or other institution of postsecondary education; or

- (c) Within 100 yards of an alcoholic treatment center owned and operated by the state or any county or municipal government therein; or
- (d) Within 100 yards of any housing authority property. This subsection shall not apply at any location for which a new license is applied for if the sale of alcoholic beverages for consumption on the premises was lawful at such location at any time during the 12 months immediately preceding such application. As used in this subsection, the term “housing authority property” means any property containing 300 housing units or fewer owned or operated by a housing authority created by Georgia Code, Article 1 of Chapter 3 of Title 8, the “Housing Authorities Law.”
- (e) Nothing contained in this section shall prohibit the licensing of the sale or offer to sell of distilled spirits by bona fide private clubs, owning their own homes, subject to licensing under Chapter 7 of the Georgia Alcoholic Beverages Code.

For purposes of this section, distances shall be measured by the most direct route of travel on the ground. (Reference: O.C.G.A. § 3-3-21)

Sec. 40-2-3. Distance requirements for sale of any wine or malt beverages.

No person knowingly and intentionally may sell or offer to sell any wine, or malt beverages:

- (a) Within 100 yards of any school building, school grounds, or college campus. This subparagraph shall not apply at any location for which a new license is applied for if the sale of wine and beer was lawful at such location at any time during the 12 months immediately preceding such application. As used in this subsection, the term “school building” 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 and colleges of this state and which are public schools or private schools as defined in subsection (b) of Code Section 20-2-690 of the Georgia Code. For purposes of this subsection, the term “college campus” shall include, but shall not be limited to, all buildings and grounds of any public or private technical school, vocational school, college, university, or other institution of postsecondary education.
- (b) Nothing in this section shall prohibit a grocery store licensed for the retail sale of only wine and malt beverages for consumption off the premises from selling wine or malt beverages within 100 yards of any school building, or college campus. As used in this subsection, the term “grocery store” means a retail establishment which has a total retail floor space of at least 10,000 square feet of which at least 85 percent is reserved for the sale of food and other nonalcoholic items, and conducts all of its sales inside the building containing its retail floor space.

- (c) Nothing contained in this section shall prohibit the licensing of the sale or offer to sell of any wine or malt beverages by bona fide private clubs, owning their own homes, subject to licensing under Chapter 7 of the Georgia Alcoholic Beverages Code.

For purposes of this section, distances shall be measured by the most direct route of travel on the ground. (Reference: O.C.G.A. § 3-3-21)

Sec. 40-2-4. Sale or furnishing of alcoholic beverages to intoxicated persons.

No alcoholic beverage shall be sold, bartered, exchanged, given, provided, or furnished to any person who is in a state of noticeable intoxication. (Reference: O.C.G.A. § 3-3-22)

Sec. 40-2-5. Sales on election day.

No malt beverages, wine or distilled spirits will be sold within 250 feet of any polling place or of the outer edge of any building within which such polling place is established on primary or election days. As used in this section, the term “day” means that period of time beginning with the opening of the polls and ending with the closing of the polls.

Sec. 40-2-6. Persons under 21 years of age.

Except as otherwise authorized by law:

- (a) No person knowingly, directly or through another person, shall furnish, cause to be furnished, or permit any person in such person’s employ to furnish any alcoholic beverage to any person under 21 years of age;
- (b) No person under 21 years of age shall purchase, attempt to purchase, or knowingly possess any alcoholic beverage;
- (c) No person under 21 years of age shall misrepresent such person’s age in any manner whatsoever for the purpose of obtaining illegally any alcoholic beverage;
- (d) 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 21 years of age; or
- (e) No person under 21 years of age shall misrepresent his or her identity or use any false identification for the purpose of purchasing or obtaining any alcoholic beverage.
- (f) It shall be a violation of this chapter not to require and properly check identification to ensure that an underage person is not sold, served, or does not have in his possession alcoholic beverages while in a licensed establishment. Identification in this section shall mean any document issued by a governmental agency containing a description of the person, such person's photograph and giving such person's date of birth and shall include, without being limited to, a passport, military identification card, driver's license or state department of public safety identification card.

If such conduct is not otherwise prohibited pursuant to Section 40-2-6 of this code, nothing contained in this section shall be construed to prohibit any person under 21 years of age from: dispensing, serving, selling, or handling alcoholic beverages as a part of employment in any licensed establishment; being employed in any establishment in which alcoholic beverages are distilled or manufactured; or taking orders for and having possession of alcoholic beverages as a part of employment in a licensed establishment. (Reference: O.C.G.A. § 3-3-23)

Sec. 40-2-7. Persons under 18 years of age.

- (a) No person shall allow or require a person in his employment under 18 years of age to dispense, serve, sell, or take orders for any alcoholic beverages.
- (b) This section shall not prohibit persons under 18 years of age who are employed in supermarkets, convenience stores, breweries, or drugstores from selling or handling alcoholic beverages which are sold for consumption off the premises. (Reference: O.C.G.A. § 3-3-24)

Sec. 40-2-8. Drinking of alcoholic beverages on retail package premises.

- (a) Except as provided in this section or Chapter 15 of the Georgia Alcoholic Beverages Code, no retail package liquor store shall knowingly and intentionally allow or permit the breaking of any package or packages containing alcoholic beverages on the premises where sold or allow or permit the drinking of the contents of such package or packages on the premises where sold.
- (b) Nothing in this section shall be construed to prohibit a representative or salesperson of a manufacturer or wholesaler from opening a package of alcoholic beverages on the premises of a retail package liquor store or other retail dealer for the purpose of providing samples of such alcoholic beverage product to a retail dealer or its employees for consumption on the licensed premises, provided that all samples are provided and consumed in the presence of a representative or salesperson of the manufacturer or wholesaler in an office, storage room, or other area of the licensed premises of the retail dealer that is closed to the public; and such representative or salesperson of the manufacturer or wholesaler removes from the licensed premises any packages he or she brought onto such licensed premises in order to provide samples of alcoholic beverage products.
- (c) For purposes of this section, the term “sample” means a small amount of any malt beverage, wine, or distilled spirits.
- (d) The activities authorized in this section are subject to any and all applicable rules and regulations adopted by the commissioner. (Reference: O.C.G.A. § 3-3-26)

Sec. 40-2-9. Off premise consumption.

- (a) It is prohibited for customers to gather outside the boundary of any premises licensed to sell alcoholic beverages and consume alcoholic beverages.
- (b) This section shall not be construed to prevent consumption outdoors but within the boundary of an premises so licensed, as specifically authorized by this chapter.

Sec. 40-2-10. Alcoholic beverage for which taxes not paid.

- (a) Except as otherwise expressly provided for by law, no person knowingly and intentionally shall possess, sell, or purchase any distilled spirits upon which the taxes imposed by state law have not been paid. (Reference: O.C.G.A. § 3-3-29)
- (b) Except as otherwise specifically provided for by law, it is unlawful for any person to sell, possess, conceal, store, or convey any alcoholic beverage on which any tax or license fee imposed by Georgia Alcoholic Beverages Code has not been paid. (Reference: O.C.G.A. § 3-2-33).

Sec. 40-2-11. Prohibited noise from establishments.

It shall be unlawful for any establishment licensed under this chapter to make or cause to be made any loud, unnecessary or unusual sound or noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of others in the city or abutting town or unincorporated area of a county and that is audible to a person of normal hearing ability from the nearest property line of the business in question.

**ARTICLE 3
LICENSES AND PERMITS**

- Sec. 40-3-1. Types of licenses and event permits.
- Sec. 40-3-2. Qualifications for licensing.
- Sec. 40-3-3. State-wide centralized application process.
- Sec. 40-3-4. The application process.
- Sec. 40-3-5. Withdrawal of application.
- Sec. 40-3-6. Existing license continued pending renewal.
- Sec. 40-3-7. Local discretion and due process.
- Sec. 40-3-8. Grounds for denial of license application.
- Sec. 40-3-9. Hearing on denial, suspension or revocation or imposition of monetary administrative penalty.
- Sec. 40-3-10. Authorization via temporary permit.
- Sec. 40-3-11. Display of licenses.
- Sec. 40-3-12. Duration of license issuance.
- Sec. 40-3-13. Expiration of license.
- Sec. 40-3-14. Posting of laws.
- Sec. 40-3-15. Availability of this chapter at place of business.
- Sec. 40-3-16. Duty to remain current.
- Sec. 40-3-17. Amendment of an application.
- Sec. 40-3-18. Transfer of license.
- Sec. 40-3-19. Transfer of license due to change in agent.
- Sec. 40-3-20. Change in ownership or interest in the business.
- Sec. 40-3-21. Application for renewal.
- Sec. 40-3-22. Employee permits.

Sec. 40-3-1. Types of licenses and event permits.

The following licenses, permits, and event permits are available under this chapter:

- (a) Malt beverages and wine package sales (Article 4 of this chapter).
- (b) Distilled spirits package sales (liquor stores) (Article 5 of this chapter).
- (c) Combined licenses for malt beverages, wine and distilled spirits package sales (Articles 4 and 5 of this chapter).
- (d) Malt beverages and wine for consumption only on the premises (Article 6 of this chapter).
- (e) Distilled spirits for consumption only on the premises (Article 6 of this chapter).
- (f) Combined licenses for malt beverages, wine and distilled spirits for consumption only on the premises (Article 6 of this chapter).
- (g) Malt beverage manufacturer (brewery) license (Article 9 of this chapter).

- (h) Distilled spirits manufacturer (distillery) license (Article 9 of this chapter).
- (i) Temporary special event; event permit for malt beverages or wine; caterers.
- (j) Wine tasting license.
- (k) Malt beverage (home brew) event permit.

Sec. 40-3-2. Qualifications for licensing.

To qualify for an alcoholic beverage license, an applicant shall meet the following:

- (a) **Designation of managing agent.** Designate a managing agent that meets the qualifications specified in this article. In the case of a non-profit private club, the managing agent may be an officer of the non-profit private club in lieu of a full-time employee if the individual is otherwise qualified.
- (b) **Maintenance of registered agent.** All licensed establishments must have and continuously maintain in Jackson County 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. The registered agent must be a resident of Jackson County. The licensee shall file the name of such agent, along with the written, notarized consent of such agent with the city in such form as may be prescribed.
- (c) **Certificate of occupancy.** Have a certificate of occupancy that has been issued by the city for the premises for which an alcoholic beverage license is sought.
- (d) **Issuance.** Where the application is made on behalf of a corporation, partnership, limited liability corporation, limited liability partnership or sole proprietorship, the license shall be issued jointly to the organization and an individual that meets the qualifications of a managing agent.

Sec. 40-3-3. State-wide centralized application process.

- (a) The state department of revenue has developed and implemented a state-wide, centralized application process for initial applications and renewals for licenses and permits for retailers in order to provide for uniform and streamlined practices with respect to such application and renewal process that both the department and the city that issues licenses or permits to retailers shall be required to use.
- (b) Such process shall provide for such licenses and permits for retailers that may be issued by the department and by the city to be applied for and renewed online.
- (c) The state-wide, centralized application process shall ensure that any initial application or renewal is sent simultaneously upon completion to the department and the city; provided,

however, that the state department of revenue may require that a valid local license or permit be issued prior to granting a license or permit. (Reference: O.C.G.A. § 3-2-7.1)

- (d) The state-wide, centralized application process shall provide for the remittance and reporting of all fees for initial applications and renewals for licenses and permits for retailers and may do so by requiring the applicant to pay the state department of revenue and the city separately at the time the initial application or renewal is submitted. (Reference: O.C.G.A. § 3-2-7.1)

Sec. 40-3-4. The application process.

Unless inconsistent with the state-wide centralized application process, the following are required for the issuance of a license under the terms of this chapter. In the event that city requirements exceed those of the state-wide, centralized application process, the requirements of the city shall be met with the local application.

- (a) **Application.** Any person desiring to obtain an alcoholic beverage license in the city shall submit a written and signed application on forms provided by city and in connection therewith, shall, under oath, answer all questions, supply all information, and furnish all certificates, affidavits, bonds and other supporting data as required by the city. The written application for the license shall be a permanent record, and the licensee must maintain current and accurate information within said application as required by this chapter.
- (b) **In-person application.** In addition to any online application procedure for state-wide centralized permitting, all applications for licenses to sell alcoholic beverages of any kind shall be made in person by the applicant to the city manager or designee and shall contain but not be restricted to the following statements and information:
1. The name, age, address and length of residency of applicant. Residency by an applicant within the city issuing the license is not be a requirement because the applicant is required to designate a resident of the county who shall be responsible for any matter relating to the license. (Reference: O.C.G.A. § 3-3-2)
 2. The name of the corporation, partnership, sole proprietorship, or other organization applying for the license. Said name shall include the legal name as well as the trade name of the business.
 3. A statement of whether the applicant or any person with an interest in the application has made application at any previous time for any alcoholic beverage license and the disposition of such application.
 4. Whether the applicant or any person with an interest in the application has ever been convicted of a crime, other than for traffic violations.

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5. Whether a previous license issued to the applicant or any person with interest in the application has been revoked by any state or subdivision thereof or by the federal government and the reason therefor.
 6. The identity of any other person interested directly or indirectly in the profits or losses or both of the proposed business.
 7. The physical address and detailed plans of such building and outside premises, and evidence of ownership of the building, or a document that evidences the right of the applicant to use the premises, including but not limited to a deed, lease, sublease, management agreement, concession agreement, shall be attached to the application.
 8. Every new application for a package license hereunder shall be accompanied by a drawing to scale, showing the nearest church, school or college or by the affidavit of a registered surveyor that the proposed location of the business complies with the distance requirements as specified in this chapter. Applications for renewal of licenses, or for premises that have been licensed in the preceding twelve (12) months, are exempted from this subsection.
- (c) **Fingerprinting.** As provided in O.C.G.A. § 3-3-2, as a prerequisite to the issuance of any such initial permit or license only, the applicant/owner shall furnish a complete set of fingerprints to be forwarded to the Georgia Bureau of Investigation, which shall search the files of the Georgia Crime Information Center for any instance of criminal activity during the two years immediately preceding the date of the application. The Georgia Bureau of Investigation shall also submit the fingerprints to the Federal Bureau of Investigation under the rules established by the United States Department of Justice for processing and identification of records. The federal record, if any, shall be obtained and returned to the governing authority submitting the fingerprints.
- (d) **License fees.** The license fees as required by the city are due and payable upon the filing of the application. Any person who is doing business on or after the first day of January shall pay the full annual license fee without proration; provided, however, that if an application is filed after July 1st, the license fee shall be one-half (½) of the annual license fee for such calendar year. All new applications for alcoholic beverage licenses shall be accompanied either by lawful money of the U.S., or by a certified check, cashier's check or money order, payable to the city for the proper amount of the license fee. If the application is denied or if the applicant withdraws the application prior to its being issued, the license fee shall be refunded, less a one hundred fifty dollar (\$150.00) administrative fee which shall be retained by the city. The annual license fee to be charged by the city pursuant to this chapter shall not be more than \$5,000.00 for each license. (Reference: O.C.G.A. § 3-4-48)
- (e) **Fee for late application.** Any person holding any license issued pursuant to the Georgia Alcoholic Beverages Code and this chapter who fails to file a proper application for a similar license for the following year, with the proper fee accompanying the application, on or before the renewal date specified and who files an application after such renewal

date shall be required to pay, in addition to the license taxes imposed by the Georgia Alcoholic Beverages Code and this chapter, an additional amount equal to one-half the amount required for the license for which application is made. (Reference: O.C.G.A. § 3-2-7)

- (f) **Criminal background check.** Upon receipt by the city manager or designee of any application for an alcoholic beverage license, or for the transfer of any license, each person listed on the application shall consent to a criminal background check on the forms supplied by the city manager or designee.
- (g) **Approval.** All applications for alcoholic beverage licenses shall require approval by the city manager or designee. Decisions shall be made in accordance with the standards and criteria specified in this article.

Sec. 40-3-5. Withdrawal of application.

Any license application made pursuant to this chapter may be withdrawn by the applicant at any time prior to issuance. No refunds will be made if an application is withdrawn.

Sec. 40-3-6. Existing license continued pending renewal.

Any licensee making proper application, with all supporting documents, for a license to operate during the following year and having filed the application prior to the renewal date specified in this article shall be permitted to continue to operate pending final approval or disapproval of the licensee's application for the following year if final approval or disapproval is not granted prior to the day in which the license is set to expire. (Reference O.C.G.A. § 3-2-7)

Sec. 40-3-7. Local discretion and due process.

Per authority of O.C.G.A. § 3-3-2, the city may exercise discretionary powers and make discretionary decisions pertaining to the granting or refusal, suspension, or revocation of permits or licenses pursuant to this chapter; provided, however, the city shall comply with the following guidelines for due process:

- (a) All such decisions shall be based on ascertainable standards.
- (b) All decisions approving, denying, suspending, or revoking the permits or licenses shall be in writing, with the reasons therefor stated, and shall be mailed or delivered to the applicant.

Sec. 40-3-8. Grounds for denial of license application.

- (a) The following shall be sufficient cause for the denial of an application:
 - 1. Failure of the applicant to meet the qualifications for licensing as set forth in this chapter.

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2. The making of any untrue or misleading statement in the application for an alcoholic beverage license.
 3. Failure to meet distance requirements of this chapter.
 4. Where it appears that the applicant would not have adequate 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.
- (b) When contrary to the public interest and welfare, no license to sell alcoholic beverages of any kind shall be issued to or for:
1. Any person by reason of such person's business experience, trade associations, personal associations, record of arrest, or reputation in any community in which he has resided, who is not likely to maintain the operation for which he is seeking a license in conformity with federal, state or local laws, rules and regulations.
 2. Any person who has been convicted under any federal, state or local law of any felony involving moral turpitude.
 3. Any person who has been convicted under any federal, state or local law of any felony not involving moral turpitude within 10 years immediately preceding the filing of application for such license.
 4. Any person convicted under any federal, state or local law of a misdemeanor, particularly, but not limited to, those involving alcoholic beverages, gambling or tax law violations, if such conviction tends to indicate that the applicant will not maintain the operation for which he is seeking a license in conformity with federal, state or local laws, rules and regulations.
 5. A location not suitable in the judgment and discretion of the city because of traffic congestion, general character of the neighborhood, or by reason of the effect which such an establishment would have on the adjacent and surrounding properties or on the neighborhood.
 6. A location within an area where, in the judgment of the city manager, the number of alcoholic beverage licenses already granted makes it contrary to the public interest or welfare.
 7. A location at which the operation of the proposed business would be in violation of the City's zoning ordinance.
 8. A location at which a previous alcoholic beverage license has been revoked or suspended, and where, in the judgment of the city manager, the problems which have

arisen from the operation of an alcoholic beverage license at such location indicate that it is not in the interest of public health, safety, welfare or morals that the sale of alcoholic beverages be permitted at such location.

9. A person or location which the granting of such license would constitute a violation of state law or regulations.
 10. The operation of a distilled spirits package business licensed hereunder by any person already holding two such licenses.
 11. Any person who is as close kin as brothers or sisters, by blood or marriage, to one already holding two distilled spirits package licenses under this chapter.
 12. Any trustee or director of a private club, if disqualified under this chapter.
- (c) Upon timely application, any applicant aggrieved by a decision of the city regarding a permit or license shall be afforded a hearing with an opportunity to present evidence and cross-examine opposing witnesses.

Sec. 40-3-9. Hearing on denial, suspension or revocation or imposition of monetary administrative penalty.

- (a) Before the denial of any application, including a renewal application, for an alcoholic beverage license or for the transfer of any alcoholic beverage license, or the revocation or suspension of any existing alcoholic beverage license, or for the imposition of a monetary administrative penalty against a licensee, the applicant or licensee, as the case may be, shall be given notice in writing from the city manager or designee to show cause before the City Council at a time and place specified therein not less than three days nor more than 30 days from the date of service of the notice, why such application for license or for transfer of license should not be denied, or why such license should not be revoked or suspended as the case may be, or why a monetary administrative penalty should not be imposed, stating the grounds therefor, and at the appointed time and place the applicant or licensee shall have an opportunity to show cause, if any exist, why such application should not be denied or such license revoked or suspended or a monetary administrative penalty imposed after which the City Council shall take such actions as it in its judgment and discretion, shall deem warranted under the facts.
- (b) The decision of the City Council shall be final unless appealed by certiorari to the Superior Court of Jackson County.
- (c) In all instances of a denial of any application for an alcoholic beverage license or the revocation of any existing alcoholic beverage license, the applicant, licensee or any person(s) with 25 percent or more interest, shall not reapply for a license for at least one year from the final date of the denial or revocation.

Sec. 40-3-10. Authorization via temporary permit.

- (a) Persons making initial applications for licenses issued pursuant to the Georgia Alcoholic Beverages Code, after properly filing all required documents, including a valid local license, may be authorized by the commissioner to operate pursuant to a temporary permit which shall be issued under such regulations and in such form as the commissioner may deem appropriate.
- (b) No right or property shall vest in any applicant by virtue of the issuance of such permit.
- (c) The commissioner may impose a prelicense investigative fee upon persons making initial application for licenses issued pursuant to this chapter, which fee shall not exceed \$100.00. No such fee shall be refundable. (Reference O.C.G.A. § 3-2-7)

Sec. 40-3-11. Display of licenses.

- (a) Each person holding a state license issued pursuant to state law shall display the license prominently at all times on the premises for which the license is issued. (Reference O.C.G.A. § 3-3-3)
- (b) Each person holding a local license issued pursuant to this chapter shall display the license prominently at all times on the premises for which the license is issued. (Reference O.C.G.A. § 3-3-3)

Sec. 40-3-12. Duration of license issuance.

The effective date and the expiration date of the license shall be clearly marked on the license. Licenses issued pursuant to the Georgia Alcoholic Beverages Code shall be issued for a 12 month period to be determined by the commissioner and provided by regulation.

Sec. 40-3-13. Expiration of license.

Unless otherwise specified in the license, and except as otherwise specifically provided in this chapter or the Georgia Alcoholic Beverages Code, the city license issued shall be valid for the calendar year indicated thereon and shall expire at midnight on the last day of the year. (Reference O.C.G.A. § 3-2-7)

Sec. 40-3-14. Posting of laws.

- (a) Each retail business establishment which is licensed to sell alcoholic beverages of any kind shall post in a conspicuous place or places a notice which shall contain the provisions of the laws of the state which deal with the unlawful sale of such items to underage persons and the penalties for violating such laws.

- (b) Said notice shall be that which is required to be prepared, printed, and distributed by the state department of revenue. (Reference O.C.G.A. § 3-3-24.2)

Sec. 40-3-15. Availability of this chapter at place of business.

The holder of every alcoholic beverage license issued under the terms of this chapter shall have available in his place of business at all times a copy of this chapter and shall be responsible for compliance herewith by all persons on the premises.

Sec. 40-3-16. Duty to remain current.

- (a) It is the duty and responsibility of the licensee to notify the city manager or designee of any changes to the information contained in the original application.
- (b) Failure to maintain a current application shall be grounds for revocation of the license.

Sec. 40-3-17. Amendment of an application.

Any amendments to the original application shall be made in writing on forms provided by the city manager or designee and shall be under oath and verified as otherwise required of license applications.

Sec. 40-3-18. Transfer of license.

- (a) No city license may be transferred from one (1) person or from one (1) location to another without permission and approval of the city manager or designee upon receipt of a written application made. Approvals as to any change shall be at the discretion of the city manager or designee.
- (b) In the event of a change in the managing agent of a licensee, the city license shall remain in effect pending approval or denial of the transfer provided:
 1. The licensee notifies the city manager or designee within ten (10) days of the change of the managing agent;
 2. The licensee submits a proper written application for approval thereof;
 3. The licensee pays a transfer fee as required by the city;
 4. The transferee meets all qualifications of a managing agent as required by this chapter; and
 5. There has been no change of ownership, location or operation of the business.
- (c) Any licensee desiring to discontinue business at one location and commence business at some other new location must make a complete change of location application for such new location. Upon proper application and provided that there has been no change of

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ownership or interest in the business, the city manager or designee may permit the license to be transferred upon payment of a fee required for a change of location, provided that the licensee and the new location meet all qualifications required by this chapter. The fee for a change of location shall be in addition to the original license fee paid by the licensee for the calendar year.

- (d) Upon the sale of an existing business, the city license issued for that business location shall remain in effect pending approval or denial of a new application by the city manager or designee, provided that the buyer or transferee meets all the qualifications of a managing agent as required by this chapter, and provided that the buyer or transferee has immediately upon the date of sale or prior to the date of sale made proper written application and has paid the original license fee required by the city.

Sec. 40-3-19. Transfer of license due to change in agent.

- (a) In the event the “managing agent” either ceases to be employed by or ceases to have day-to-day managerial oversight of alcoholic beverage sales, the licensee shall notify the city within five days of the change and must follow applicable requirements to transfer the license to a new managing agent.
- (b) In the event the “registered agent” changes, the licensee shall notify the city within ten days of the change and must submit written information on forms provided by the city. A fee as required by the city will be charged for the processing of a change in the “registered agent.”

Sec. 40-3-20. Change in ownership or interest in the business.

- (a) No person shall have, own or enjoy any ownership, interest in, share in the profits from, or otherwise participate in the business of any alcoholic beverage licensee in the city unless a full description of such interest is furnished to the city manager or designee at the time such interest arises. It shall be the duty of the licensee to report to the city manager or designee, within 20 days, any change in any interest in such licensee's business including but not limited to:
 1. Any division of the profits;
 2. Any division of net or gross sales for any purpose whatsoever;
 3. Any change in the payment of rents or leases;
 4. Any change in the ownership of any lease or building or land used in such business;
 5. Any change in the ownership of any corporation that has any interest in such business or the change of management of such corporation.

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- (b) After receipt of notice required in this article, the city manager or designee shall notify such person within 30 days of any objection to the ownership or interest set forth therein, based on the interest holder's ability to qualify as a licensee under this chapter. In the event such interest is not disposed of in accordance with the objections set forth by the city manager or designee within 30 days after the mailing of the notice by the city manager or designee, or in the event no objections are mailed to the licensee within such 30-day period, or in the event such person fails to notify the city manager or designee of the transfer of any such interest within 20 days after the acquisition thereof, then the license as provided for herein may be subject to suspension or revocation by the city manager or designee.
- (c) The licensee shall make all reports required by this section in the form required by the city manager or designee, and such reports shall be an amendment to the licensee's permanent license application on file with the city and as such shall be under oath and verified as otherwise required of license applications.

Sec. 40-3-21. Application for renewal.

- (a) A licensee that desires to continue in business during the next or subsequent calendar year must make application for renewal for such year, on or before November 1st of the preceding year. The application for renewal shall be made annually on or before November 1. (Reference O.C.G.A. § 3-2-7)
- (b) Applications for renewal of licenses for retailers and retail dealers shall be made not less than 60 nor more than 90 days prior to expiration. (Reference O.C.G.A. § 3-2-7)
- (c) License fees for such year shall be submitted on or before December 15 of the preceding year. Any license fee submitted after the due date of December 15th, shall be considered delinquent and assessed a penalty in the amount of ten (10) percent of the fees due. Interest on delinquent fees shall be assessed at one (1) percent for each month or fraction thereof of delinquency.
- (d) The city manager or designee may approve all applications for renewal of an existing license upon payment of the license fees for renewal of licenses, where no objections have been raised by the city manager or designee and the application clearly shows no change in the ownership, managing agent, location, or operation of the business.
- (e) If objections have been raised by the city manager or designee due to previous violations of this chapter or if there have been any changes in the ownership, managing agent, location, or operation of the business, a new application must be submitted to the city manager or designee.

Sec. 40-3-22. Employee permits.

- (a) No person shall be employed to dispense, sell, serve, take orders, or mix alcoholic beverages, or be in any managerial position, by an establishment holding a license for the

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sale of distilled spirits by the package or for consumption on premises or an establishment holding a license for malt beverage or wine for consumption on premises unless such person has been approved by the city manager or designee. The individual named on the alcoholic beverage license as the managing agent for such establishment shall be exempt from obtaining an employee permit.

- (b) Upon approval by the city manager or designee, such person shall be issued an employee permit which shall contain the name, expiration date, fingerprint and photograph of such employee. Such employee permit shall remain the property of the city and shall be in the possession of the employee at any time he or she is working at any licensed establishment, and shall be produced upon the request of any law enforcement officer of the city.
- (c) No permit shall be issued until such time as a signed application has been filed with the city manager or designee and upon the payment of the non-refundable fee established by the city. The applicant shall furnish, at the time of presenting the application, two forms of valid, current identification. Such application shall contain the following information: Applicant's name, date of birth, height, weight, race, sex, address, telephone number, and disclosure of arrest record. The applicant must give permission to obtain and inspect any criminal history on such applicant which is in the possession of any law enforcement agency.
- (d) No person shall be granted an employee permit that has been convicted, pled guilty, or entered a plea of nolo contendere to any crime involving the sale or furnishing of alcoholic beverages to an underage person or any felony within three years of the date of the application.
- (e) No person shall be granted an employee permit if he or she has been the holder of an alcoholic beverage license or employee permit which has been revoked within five years of the date of the application.
- (f) An employee permit shall be valid for three years from the date of issue. At the expiration of three years, the employee permit may be renewed upon the submission of a renewal application, the payment of the appropriate fee, and upon determination that such individual remains qualified under this chapter.
- (g) The employee permit is non-transferable and is valid only for the individual named on the permit. Such permit is valid for the individual named while employed in any establishment licensed in the city.
- (h) An employee permit may be suspended or revoked by the city manager if it is determined that the individual has violated any provision of this chapter or committed any offense which would make him or her ineligible to hold such a permit.
- (i) Falsifying or failing to disclose any information required by this chapter shall be grounds for denial or revocation of the employee permit.

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- (j) Notification of any denial, suspension, or revocation of an employee permit shall be in writing and served either in person or by certified mail and shall contain the reasons for such action and the notice of the right to appeal the decision.
1. Decisions of the city manager that adversely affect or aggrieve any applicant, certificate holder, or permit holder under this chapter may be appealed to the City Council, as provided in this chapter. All appeals shall be submitted in writing to the city manager within 10 calendar days after notification of the adverse decision.
 2. A hearing shall be conducted on each appeal within 30 days of the date of the filing of the written appeal, unless a continuance of such hearing is agreed to by the appellant and the city manager, or unless the hearing is rescheduled by the City Council. 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.
 3. The appellant shall be notified in writing of the date and time of the hearing at least three calendar days prior to the date of the hearing.
 4. The findings of the City Council shall be final unless appealed within 30 days of the date of the finding by certiorari to the Superior Court of Jackson County.
- (k) No licensee shall allow any employee or manager required to hold an employee permit to work on the premises unless the employee or manager has in their possession a current valid employee permit. Provided, however, that an individual may be employed for a period of time not to exceed 14 days pending the submission of the application to and the approval of the permit by the police department.

ARTICLE 4
RETAIL PACKAGE SALES OF MALT BEVRAGES AND WINE

- Sec. 40-4-1. No consumption on premises.
- Sec. 40-4-2. Growler sales.
- Sec. 40-4-3. Hours of sale.
- Sec. 40-4-4. Delivery of malt beverages and wine by package goods retailers.

Sec. 40-4-1. No consumption on premises.

- (a) It shall be unlawful for any person to consume any alcoholic beverage on the premises licensed for the sale of malt beverages or wine by the package and it shall be unlawful for any licensee by the package to open for, or break the package for, a purchaser and/or permit the consumption of alcoholic beverages on said premises.
- (b) This section shall not apply for the holder of a temporary limited license as provided for in this chapter during the hours for which the temporary limited license is valid.

Sec. 40-4-2. Growler sales.

Package malt beverage licensees or wine licensees, who are not also licensed to sell distilled spirits by the package, may fill growlers with malt beverages and/or wine at the licensed location subject to the following requirements:

- (a) At least 90 percent of the licensee's total gross sales are from packaged sale of malt beverages and/or wine or the licensee's premises have a minimum of 400 square feet of floor space dedicated to the display of malt beverages and/or wine offered for sale.
- (b) 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. Only professionally sanitized and sealed growlers may be filled and made available for retail sale.
- (c) Each growler must be securely sealed and removed from the premises in its original sealed condition.
- (d) Samples of tap malt beverages may be made available. No individual shall be allowed to sample more than a total of forty-eight (48) ounces of malt beverages per day. Samples of wine may be made available. No individual shall be allowed to sample more than a total of twenty-four (24) ounces per day. Individuals may sample both beer and wine, however no individual shall be allowed to sample a total combination of more than forty-eight (48) ounces per day.
- (e) A licensee may charge a fee for samples of tap malt beverages or wine.

Sec. 40-4-3. Hours of sale.

The hours of sale of malt beverages and wine at retail and not for consumption on premises are from 7:00 a.m. to 11:45 p.m. on Monday through Saturday and from 12:30 p.m. to 11:30 p.m. on Sunday.

Sec. 40-4-4. Delivery of malt beverages and wine by package goods retailers.

Notwithstanding any other provision of law, a packaged goods retailer may deliver malt beverages and wine in unbroken packages lawfully sold to and purchased by an individual for personal use and not for resale to an address designated by such individual, subject to terms and conditions specified in O.C.G.A. § 3-3-10. (Reference: O.C.G.A. § 3-3-10)

ARTICLE 5
RETAIL PACKAGE SALES OF DISTILLED SPIRITS (LIQUOR STORES)

- Sec. 40-5-1. Separation of liquor stores by physical distance.
- Sec. 40-5-2. No consumption on premises.
- Sec. 40-5-3. Hours of sale.
- Sec. 40-5-4. Sufficient lighting required.

Sec. 40-5-1. Separation of liquor stores by physical distance.

A new retail package liquor licensed place of business or the relocation of an existing retail package liquor licensed place of business engaged in the retail package sales of distilled spirits shall not be located within 500 yards of any other business licensed to sell package liquor at retail. For purposes of this section, distances shall be measured in the same manner as provided in Article 2 of this chapter.

Sec. 40-5-2. No consumption on premises.

It shall be unlawful for any person to consume any alcoholic beverage on the premises licensed for the sale of distilled spirits by the package and it shall be unlawful for any licensee by the package to open for, or break the package for, a purchaser and/or permit the consumption of alcoholic beverages on said premises.

Sec. 40-5-3. Hours of sale.

- (a) The hours of sale of distilled spirits at retail and not for consumption on premises are from 8:00 a.m. to 11:45 p.m. on Monday through Saturday and from 12:30 p.m. to 11:30 p.m. on Sunday.
- (b) No retail dealer of distilled spirits shall be in, or permit others to be in, its place of business Monday through Saturday any time prior to 6:00 a.m. or 30 minutes past the closing time. No retail dealer of distilled spirits shall be in, or permit others to be in, its place of business on Sundays prior to 10:30 a.m. or 30 minutes past the closing time.

Sec. 40-5-4. Sufficient lighting required.

The building in which each retail dealer of distilled spirits in the unbroken package is located shall contain sufficient lighting so that the building itself, the premises and all entrances are readily visible at all times from the street on which the building is located so as to reveal the inside retail area of the building and so as to reveal all of the outside premises of such building.

ARTICLE 6
CONSUMPTION ON PREMISES OF ALCOHOLIC BEVERAGES
(BEER, WINE, AND LIQUOR BY THE DRINK)

- Sec. 40-6-1. Restaurants and food volume ratio.
- Sec. 40-6-2. Brewpubs.
- Sec. 40-6-3. Private clubs.
- Sec. 40-6-4. Nonprofit organizations with facilities.
- Sec. 40-6-5. Hours of sale.
- Sec. 40-6-6. Brown bagging prohibited.
- Sec. 40-6-7. Happy hour and other promotions or circumstances prohibited.
- Sec. 40-6-8. Posting of warning regarding pregnancy.
- Sec. 40-6-9. Patio/open area, on-premises consumption.
- Sec. 40-6-10. Off-premise consumption.
- Sec. 40-6-11. Off-premises consumption within a downtown dining district.
- Sec. 40-6-12. Carry out of partially consumed bottle of wine.
- Sec. 40-6-13. Sale by restaurants of mixed drinks for off-premises consumption.

Sec. 40-6-1. Restaurants and food volume ratio.

Restaurants are eligible to obtain a license for consumption on premises of alcoholic beverages, subject to the following regulations:

- (a) Restaurants (private clubs exempted) shall maintain at least 50 percent of their business volume from the sale of food. Food sales shall include all consumable items sold on the premises except alcoholic beverages. The 50 percent ratio shall be determined on a calendar quarter basis by review of the monthly report submitted by each licensee.
- (b) Monthly reports for the preceding month's alcohol and food sales shall be submitted on forms provided by the city on or before the 20th day of the month.
- (c) In the event food sales fall below 50 percent of the business volume of the licensee for any two consecutive quarters, then the city manager or designee may request a hearing for the suspension or revocation of such license in accordance with this chapter. Nothing herein provided shall prevent the city manager or designee from suspending or revoking such license for any other violations of this chapter.
- (d) Authorized officials of the city may examine the records of businesses licensed hereunder at any reasonable time to ascertain that the requirements of this and other provisions of this chapter are met.

Sec. 40-6-2. 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, and the regulations of this section.

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(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 that 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 or bottled 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 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) Unless the context clearly indicates otherwise, a brewpub licensee shall be subject to all sections of this chapter.

Sec. 40-6-3. Private clubs.

- (a) Private clubs, meeting the definition of this chapter, are eligible to apply for a license for consumption on premises of alcoholic beverages.
- (b) No license shall be issued or renewed for the sale of alcoholic beverages prior to the furnishing of evidence, satisfactory to the city, that such private club has been approved as a tax exempt entity by the Internal Revenue Service.

Sec. 40-6-4. Nonprofit organizations with facilities.

- (a) Non-profit organizations meeting the criteria of subsection (b) of this section may obtain a consumption on premises license, provided that: the sale of alcoholic beverages shall be clearly incidental to the primary function of the non-profit organization on the premises;

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and no alcoholic beverages shall be served on Sunday except as provided by O.C.G.A. § 3-3-7.

- (b) To qualify for a consumption on premises license, the nonprofit organization must be exempt from federal income taxes pursuant to section 501(c), (d) or (e) of the Internal Revenue Code and must have a building, facility or grounds that is primarily used for public education, research, conservation and enjoyment, or that serves as a repository for a collection of literary, natural, or scientific objects of interest, or works of art where such facility or building is arranged, intended, designed and open to be viewed by members of the public with or without an admission fee.

Sec. 40-6-5. Hours of sale.

- (a) The hours of sale for consumption by the drink on the premises where sold are from 8:00 a.m. to 1:30 a.m. on Monday through Friday, from 8:00 a.m. on Saturday through 1:30 a.m. on Sunday, and from and 12:30 p.m. on Sunday to 1:30 a.m. on Monday.
- (b) All alcoholic beverages shall be removed from the area of the premises utilized by customers or patrons within 45 minutes after the closing time for the sale of alcoholic beverages.

Sec. 40-6-6. Brown bagging prohibited.

It shall be unlawful for a licensee or any other business that has been issued a business occupation tax certificate to allow customers to bring with them their own alcoholic beverages, a practice commonly referred to as “BYOB” or “brown bagging.”

Sec. 40-6-7. Happy hour and other promotions or circumstances prohibited.

- (a) Except as specifically exempted in this section, the following selling or giving away of alcoholic beverages is prohibited. As used in this section, the term “drink” means a single portion beverage which contains any alcoholic beverage.
- (b) Offering all you can drink for a set price during a set time.
- (c) Serving multiple drinks for a single price unless the drinks are part of a variety sampler of which no more than a total of 16 ounces can be served as part of the sampler and which sampler shall be comprised of at least four different varieties of malt beverages or wine or three different mixes containing distilled spirits.
- (d) Making a single price the basis for a required purchase of two or more servings.
- (e) Serving alcoholic beverages by the pitcher, except to two or more persons at any one time.

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- (f) Offering reduced-price drinks to any segment of the population for any period of time as an inducement to patronize the premises; except between the hours of 4:00 p.m. and 8:00 p.m. on Monday through Saturday, drinks may be sold at a reduced price which is no less than half the price usually charged.
- (g) Selling alcoholic beverages for less than half the normal retail price, or selling alcoholic beverages in pitchers or in jumbo sizes for less than half the normal retail price. Nothing contained in this subsection shall be construed to prohibit the dispensing of drinks in pitchers or in jumbo sizes, provided that such pitchers or jumbo sizes shall be available at all times that the licensee is open for business.
- (h) Using coupons or other special promotional items as an inducement to purchase alcoholic beverages.
- (i) Sponsoring, conducting or allowing contests or other promotions which have as their primary purpose increasing the consumption of alcoholic beverages.
- (j) Offering or delivering any free alcoholic beverages to the general public except as otherwise allowed by law.
- (k) The prohibitions and restrictions in the foregoing subsection which apply to licensees or agents or employees of licensees shall not: apply at private functions; prohibit the offering of free food or entertainment at any time; prohibit including drinks as part of the price of a hotel, travel, entertainment, or meal package; Prohibit the sale, offer to sell, or delivery of wine or malt beverage by the bottle, pitcher or carafe; or prohibit any motel or hotel from offering room service to registered guests.

Sec. 40-6-8. Posting of warning regarding pregnancy.

- (a) All retail consumption dealers and retail dealers who sell at retail any alcoholic beverages for consumption on the premises shall post, in a conspicuous place, a sign which clearly reads: "Warning: Drinking alcoholic beverages during pregnancy can cause birth defects."
- (b) The state department of revenue shall make such warning signs available to such retailers of alcoholic beverages and shall promulgate rules and regulations with respect to the form and the posting of said signs. A fee may be charged by the department to cover printing, postage, and handling expenses.
- (c) Any person who fails or refuses to post the sign as required in this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed \$100.00 for each violation. (Reference: O.C.G.A. § 3-1-5)

Sec. 40-6-9. Patio/open area, on-premises consumption.

An establishment licensed for on premises consumption of alcohol is authorized to allow consumption in a patio/open area type environment (i.e., no roof or building walls) if such area is within the boundaries of the licensed premises, subject to the following regulations:

- (a) The patio/open area must be enclosed by some structure providing for public ingress/egress only through the main licensed premises. The only exception to this would be a fire exit as required by building and fire codes. Such fire exit would not be for general public use unless an emergency exists and would be of the type which sounds an alarm so that the establishment would be alerted of unauthorized use if no emergency exists. The height of such structure shall be a minimum of 3.5 feet above the patio floor. The structure is not required to be solid, nor does it have to restrict visibility into or out of the patio/open area.
- (b) The patio/open area shall be used merely as an extension of the interior seating area. Service in the patio/open area shall be only by waiter or waitress or by customer self-service at an interior selling location; i.e. no outside bar or service window.
- (c) Patio/open area plans must be reviewed and approved on an individual basis by the city manager or designee and permitted and approved by the city's building inspector and county fire district as being in accordance with applicable codes.

Sec. 40-6-10. Off-premise consumption.

A consumption on premises licensee shall not permit a purchaser to remove from the premises any alcoholic beverage from the premises, and it is the licensee's responsibility to ensure that no beverages are sold and carried out, except as specifically otherwise authorized by this article. Consumption of alcoholic beverages outside the boundary of a premise licensed for consumption on premises of alcoholic beverages shall be unlawful except as specifically provided otherwise in this article, and the following:

- (a) For events that are sponsored or organized by the City where the alcohol is obtained from a participating business within any city designated area, and is contained in and consumed from an approved, clear plastic container.
- (b) Where the city council through a resolution has permitted otherwise.
- (c) Within public rights of ways by a restaurant that has obtained a valid sidewalk cafe permit, and provided that all outdoor activities are contained within the boundary of the permitted sidewalk cafe. Sidewalk cafés with a valid permit are not subject to the requirements for outdoor, on-premises consumption requirements of this article.
- (d) Within a downtown dining district as defined by this chapter.

Sec. 40-6-11. Off-premises consumption within a downtown dining district.

Off-premises consumption of alcoholic beverages shall be permitted within a downtown dining district, in accordance with the requirements of this section.

- (a) For purposes of this section, “downtown dining district” is defined as follows: a specifically authorized and pedestrian oriented area of the city as established by resolution of city council that allows those establishments with a valid alcohol license within such area to dispense and/or serve an alcoholic beverage for carry out purposes, provided all other laws, rules and ordinances are followed.
- (b) Within a downtown dining district, any establishment licensed to sell alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a clear plastic cup; provided, however, that no person shall remove more than two (2) such alcoholic beverage from the licensed premises at a time.
- (c) Within a downtown dining district, no unsealed container in which an alcoholic beverage is carried and consumed shall exceed 16 fluid ounces in size.
- (d) It shall be unlawful within a downtown dining district for any person to drink, attempt to drink or possess any alcoholic beverage in an unsealed can, glass or metal container, on the streets, sidewalks, rights-of-way, and/or parking lots, whether public or private. This section shall not prohibit the possession of containers of alcoholic beverages with unbroken seals.
- (e) No alcoholic beverage purchased pursuant to this provision may be consumed outside of the downtown dining district, or upon any private property, without the express consent of the private property owners.
- (f) Unless authorized by the city council in the resolution creating the downtown dining district, no alcoholic beverage purchased within the downtown dining district pursuant to this provision shall be consumed within the downtown dining district on the streets, sidewalks, rights-of-way, and/or parking lots, whether public or private, prior to 12:00 p.m. or later than 12:00 a.m.

Sec. 40-6-12. Carry out of partially consumed bottle of wine.

- (a) Any restaurant which is licensed to sell alcoholic beverages for consumption on the premises may permit a patron to remove one unsealed bottle of wine per patron for consumption off premises, if the patron has purchased a meal and consumed a portion of the bottle of wine which has been purchased on the premises with such meal on the restaurant's premises.
- (b) A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employees before removal from the premises.

- (c) The partially consumed bottle of wine shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the bottle of wine and meal shall be provided by the licensee and attached to the container.
- (d) If transporting in a motor vehicle, the container with the resealed bottle of wine shall be placed in a locked glove compartment, a lock trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

Sec. 40-6-13. Sale by restaurants of mixed drinks for off-premises consumption.

- (a) **Authorization.** Notwithstanding any other contrary provision of law any food service establishment (restaurant) which is licensed to sell distilled spirits for consumption on the premises may sell mixed drinks for personal use and not for resale, for off-premises consumption, subject to compliance with the provisions of this section.
- (b) **Age of buyer and use.** Buyers are limited to individuals 21 years of age or older for personal use and not for resale.
- (c) **Mixed drink defined.** For purpose of this section, “mixed drink” means a beverage prepared by combining distilled spirits with nonalcoholic liquid or liquids and that is prepared on the day of sale by an employee of the licensee; contains no more than 3 ounces of distilled spirits; and is sealed in an approved container.
- (d) **Container.** Such mixed drinks shall be in a tamper evident container that: does not contain openings or straw holes; is sealed in a manner that is visibly apparent if the container has been subsequently opened or tampered with; and has an affixed label or marking that identifies the licensee that prepared and sold the mixed drink.
- (e) **Food order.** The sale of mixed drinks per this section shall be accompanied by a food order and a sales receipt with a time stamp that indicates the date and time of such purchases.
- (f) **Number of mixed drinks limited.** The mixed drinks order shall be limited to two mixed drinks per entree ordered.
- (g) **Pick-up.** The mixed drinks shall be furnished with the accompanying food order to the customer on the premises or by way of curbside pick-up or picked up in person by the same individual customer to whom the mixed drinks and entrees were sold and from whom the food service establishment received payment. Such individual customer shall not include a delivery service or third-party agent.
- (h) **Curbside pick-up defined.** For purposes of this section, “curbside pick-up” means when a licensee furnishes purchased goods to a customer’s vehicle within a clearly designated pick-up area located within a paved parking area adjacent to the licensed premises.

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- (i) **Storage in vehicle.** If transported in a motor vehicle, the customer shall place the mixed drink in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.
- (j) **Taxation.** Sales of mixed drinks for off-premises consumption shall be taxed in accordance with O.C.G.A. § 3-4-130 through § 3-4-133.
- (k) **Additional rules.** The actions or activities authorized in this section are subject to any additional, applicable rules and regulations adopted by the commissioner. (Reference: O.C.G.A. § 3-3-11)

ARTICLE 7
EXCISE TAXES ON MIXED DRINKS

- Sec. 40-7-1. Definitions.
- Sec. 40-7-2. Imposition and rate of tax.
- Sec. 40-7-3. Collection of tax.
- Sec. 40-7-4. Determination, returns and payments.
- Sec. 40-7-5. Deficiency determinations.
- Sec. 40-7-6. Determination if no return made.
- Sec. 40-7-7. Penalty for nonpayment.
- Sec. 40-7-8. Action for collection.
- Sec. 40-7-9. Overpayment.
- Sec. 40-7-10. Purchasers or successors of business.
- Sec. 40-7-11. Licensee records subject to examination; reporting.
- Sec. 40-7-12. Violations.

Sec. 40-7-1. Definitions.

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

Agent means the person designated by the licensee in its application for permit to sell alcoholic beverages by the drink.

Drink or *mixed drink* shall include any distilled spirits served for consumption on the premises, which may or may not be diluted by water or other substance in solution.

Licensee means any person who holds a license from the city to engage in the sale of distilled spirits by the drink for consumption on the premises.

Monthly period means the calendar months of any year.

Purchase price means the consideration received for the sale of distilled spirits by the drink valued in money, whether received in cash or otherwise, including receipts, cash, credit, property or services of any kind or nature, and also the amount for which credit is allowed by the licensee to the purchaser, without any deduction therefrom whatsoever.

Purchaser means any person who orders and gives present or future consideration for any distilled spirits by the drink.

Return means any return filed or required to be filed as herein provided.

Tax means the tax imposed by this section.

Sec. 40-7-2. Imposition and rate of tax.

There is hereby imposed and levied upon every purchaser of distilled spirits purchased by the drink within this city a tax in the amount provided in the tax schedule of the city.

Sec. 40-7-3. Collection of tax.

- (a) Every licensee or his agent is hereby authorized and directed to collect the tax imposed herein from purchasers of distilled spirits by the drink within the licensed premises. Such licensee or agent shall furnish such information as may be required by the city to facilitate the collection of the tax.
- (b) In all cases where the collection of food and drinks is by deferred payment or credit, the licensee is liable at the time of and to the extent that such credits are incurred in accordance with the rate of tax owing on the amount thereof. The city shall have authority to adopt rules and regulations prescribing methods and schedules for the collection and payment of the tax.

Sec. 40-7-4. Determination, returns and payments.

- (a) The tax imposed by this article shall become due and payable from the purchaser at the time of purchase of any mixed drink in this city. All amount of such taxes collected by the licensee shall be due and payable to the city monthly on or before the 20th day of every month next succeeding each respective monthly period for which this tax is imposed; provided, however, that upon a proper showing that the tax imposed will not be collected until after a regular billing period of the collecting agent, then the collection of the tax may be deferred by the city for an additional period not exceeding 30 days.
- (b) On or before the 20th day of the month following each monthly period, a return for the preceding monthly period shall be filed with the city in such form as the city may prescribe by every licensee liable for the payment of tax hereunder. All returns shall show the gross receipt of the sale of distilled spirits by the drink and the amount of the tax collected on such drinks.
- (c) Licensees collecting the tax shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if such amount is not delinquent at the time of payment. The rate of the deduction shall be the same rate authorized for deductions from state tax under state law.

Sec. 40-7-5. Deficiency determinations.

- (a) If the city has cause to believe that the return or returns of the tax or the amount of the tax required to be paid to the city by any person 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 more monthly period.

- (b) The amount of the determination shall bear interest at the rate of three-fourths of one percent per month, or fraction thereof from the due date of taxes.
- (c) The city or its designated representatives shall give to the licensee written notice of this determination. The notice may be served personally or by mail; if by mail, such service shall be addressed to the licensee at his address as it appears in the records of the city. Service by mail is complete when delivered by certified mail with a receipt signed by the addressee.
- (d) Except in the case of failure to make a return, every notice of a deficiency determination shall be mailed within three years after the twentieth day of the calendar month following the monthly period for which the amount is proposed to be determined, or within three years after the return is filed, whichever period should last expire.

Sec. 40-7-6. Determination if no return made.

- (a) If any person fails to make a return, the city shall make an estimate of the amount of the gross receipts of the person, 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 person 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 in section 40-7-5(c) of this article.
- (b) The amount of the determination shall bear interest at the rate of three-fourths of one percent per month, or fraction thereof, from the due date of taxes.

Sec. 40-7-7. Penalty for nonpayment.

Any person 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 or amount of the tax, in addition to the tax or amount of the tax plus interest on the unpaid tax or any portion thereof at the rate of three-fourths of one percent per month, or fraction thereof, from the due date of taxes.

Sec. 40-7-8. Action for collection.

- (a) At any time within three years after any tax or any amount of tax required to be collected becomes due and payable and at any time within three years after the delinquency of any tax or any amount of tax required to be collected, the city may bring an action in the courts of this state, any other state, or of the United States in the name of the city to collect the amount delinquent together with penalties and interest, court fees, filing fees, attorney's fees and other legal fees incident thereto.

- (b) Whenever the amount of any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected or received by the city under this chapter, it may be offset against any future liability for the tax.

Sec. 40-7-9. Overpayment.

If the licensee determines that it has overpaid or paid more than once, which fact has not been determined by the city, the licensee will have three years from the date of payment to file claim in writing with the city manager stating the specific ground upon which claim is founded. The claim shall be audited. If the claim is approved, the excess amount paid the city may be credited on any amounts then due and payable from the person by whom it was paid, or from his administrators or administrators.

Sec. 40-7-10. Purchasers or successors of business.

- (a) If any licensee liable for any amount under this chapter sells out his business or quits the business, his successors or assigns shall withhold sufficiently from the purchase price to cover such amount until the former owner produces from the city either a receipt reflecting full payment or a certificate stating that no amount is due.
- (b) If the purchaser of a business fails to withhold purchase as required, he shall be personally liable for the payment of the amount required to be withheld by him to the extent of the purchase price.

Sec. 40-7-11. Licensee records subject to examination; reporting.

- (a) Every licensee for the sale of alcoholic beverages by the drink in the city shall keep such records, receipts, invoices and other pertinent papers in such form as the city may require.
- (b) The city or any person authorized in writing by the city may examine the books, papers, records, financial reports, equipment and other facilities of any licensee for sale of distilled spirits by the drink and any licensee liable for the tax in order to verify the accuracy of any return made, or if no return is made by the licensee, to ascertain and determine the amount required to be paid.
- (c) In administration of the provisions of this subsection, the city may require the filing of reports by any person or class of persons having in such person's or persons' possession or custody information relating to purchases which are subject to the tax. Reports shall be filed with the city when required by the city and shall set forth the purchase price for each purchase, the date or dates of purchase, and such other information as the city may require.

Sec. 40-7-12. Violations.

- (a) Any person violating any of the provisions of this chapter shall be deemed guilty of an offense and upon conviction thereof shall be punished as provided by the Hoschton City Code relating to violations of city ordinances. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the subsection is committed, continued or permitted by such person, and shall be punished accordingly. Any licensee or any other person who fails to furnish any return required to be made, or fails or refuses to furnish a supplemental return or other data required by the city or who renders a false or fraudulent return shall be deemed guilty of an offense and upon conviction thereof shall be punished as aforesaid.

- (b) Any person violating any of the provisions of this article may, in addition to the other penalties and liabilities provided for herein, have his license or permit revoked as provided in this chapter.

ARTICLE 8
EXCISE TAX REQUIRED OF WHOLESALE DEALERS

Sec. 40-8-1. Imposition of tax.

Sec. 40-8-2. Payment of taxes.

Sec. 40-8-1. Imposition of tax.

There is hereby levied and imposed upon each wholesale dealer and manufacturer distributing malt beverages, wine or distilled spirits within the city an excise tax in the amount provided in the tax schedule of the city.

Sec. 40-8-2. Payment of taxes.

- (a) Payment of excise taxes for the distribution of malt beverages, wine or distilled spirits shall be remitted by the 10th day of each month following the month in which deliveries were made.
- (b) Copies of the “summary of sales” showing delivery by each supplier to retailers and/or consumption on the premises licensees shall be furnished to city manager with each monthly payment.

**ARTICLE 9
MANUFACTURERS**

- Sec. 40-9-1. Malt beverage (brewery license).
- Sec. 40-9.2. Wine.
- Sec. 40-9-3. Distilled spirits (distillery license).

Sec. 40-9-1. Malt beverage (brewery license).

No individual shall be permitted to own or operate a brewery without first obtaining a proper brewery license from the city. A licensed brewery shall comply with state law relating to the limited sale of malt beverages to the public and may sell on all days and at all times that sales of malt beverages by retailers are lawful within the city.

Sec. 40-9.2. Wine.

A Georgia farm winery may engage in retail package sales of wine in a tasting room or the retail consumption sales on premises of its wine and the wine of any other Georgia farm winery in a tasting room. Such activity shall be subject to the requirement to obtain a wine tasting permit as specified in this chapter or a license for retail consumption on the premises, as applicable.

Sec. 40-9-3. Distilled spirits (distillery license).

No individual shall be permitted to own or operate a distillery without first obtaining a proper distillery license from the city. A licensed distillery shall comply with state and federal law relating to the manufacture and limited sale of distilled spirits to the public and may sell on all days and at all times that sales of distilled spirits by retailers are lawful within the city.

**ARTICLE 10
EVENT PERMITS**

- Sec. 40-10-1. Non-profit special temporary event permit.
- Sec. 40-10-2. For-profit special temporary event permit.
- Sec. 40-10-3. Temporary limited license.
- Sec. 40-10-4. Catered event permit.
- Sec. 40-10-5. Wine tasting.
- Sec. 40-10-6. Home brew special events.

Sec. 40-10-1. Non-profit special temporary event permit.

- (a) Bona fide non-profit charitable and civic organizations, colleges and universities desiring to sell alcoholic beverages may apply to the city manager or designee for a special temporary event permit authorizing the organization to sell or distribute alcoholic beverages for a period not to exceed three days as provided in rules 560-2-11-.02 and 560-2-11-.03 of the rules and regulations of the state department of revenue as amended from time to time.
- (b) The non-refundable permit fees as required by the city are due and payable upon the filing of the application for a special temporary event permit.
- (c) Bona fide non-profit charitable and civic organizations, colleges and universities, if approved for a temporary event, may sell distilled spirits and malt beverages for consumption on premises only. Wine may be sold for consumption on the premises and by the unopened package subject to O.C.G.A. §§ 3-9-3, 3-9-4 and 3-9-5 and subject to distance requirements for package sales as outlined in this chapter. If the temporary event is a wine tasting, then the event shall also be subject to the provisions of this article for wine tasting.
- (d) Holders of a special temporary event permit shall be considered the same as any other licensee and subject to all laws, rules and regulations and other applicable sections of this chapter relating thereto.
- (e) No more than six permits may be issued to the same organization in any one calendar year pursuant to this section.
- (f) Permits issued pursuant to this section shall be valid only for the place specified in the permit.
- (g) Applicants under this section do not have to obtain alcohol bonds.

Sec. 40-10-2. For-profit special temporary event permit.

- (a) A for-profit organization desiring to sell alcoholic beverages may apply to the city manager or designee for a special temporary event permit which, if issued, licenses the event for alcohol sales by the drink.
- (b) A for-profit organization desiring to obtain a special temporary event permit, must possess a valid consumption on premises license for malt beverage, wine or distilled spirits or a valid malt beverage, wine, and distilled spirits package license issued by the city.
- (c) The non-refundable permit fees as required by the city are due and payable upon the filing of the application for a special temporary event permit.
- (d) Provided a special temporary permit has been issued to a for-profit organization, said organization shall be subject to all laws, rules and regulations and other applicable sections of this chapter relating thereto.
- (e) Permits issued pursuant to this section shall be valid only for the place specified in the application.
- (f) The licensee for a permitted special temporary event shall designate and clearly mark, by the use of ropes, barricades, stanchions or similar devices, a specific area within which alcoholic beverages may be consumed.
- (g) Applicants desiring to sell distilled spirits must obtain an alcohol bond as required by the city.

Sec. 40-10-3. Temporary limited license.

- (a) A retail dealer that is licensed to sell alcohol for consumption on the premises or a retail dealer licensed to sell only malt beverages and/or wine by the package 75 percent of total annual retail sales of the business are from beer or wine sales by the package and/or from charges for samples of beer or wine, may apply for a temporary limited license to allow for the sale of alcohol by the drink for consumption on the premises. Applications for the temporary limited license shall be made by the licensee with the city manager or designee on forms provided by the city. Payment of the non-refundable license fee as required by the city shall be paid at the time the application is submitted.
- (b) If issued, the temporary limited license shall allow for outdoor consumption on the premises during an event and shall be valid for one calendar day for the specific event as set forth in the application. For the purposes of this section, a calendar day for which the temporary limited license is granted will extend to 1:30 a.m.

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- (c) The hours and day of sale or distribution of alcoholic beverages at a licensed event shall be from 8:00 a.m. to 1:30 a.m. on Monday through Friday, from 8:00 a.m. on Saturday through 1:30 a.m. on Sunday, and from and 12:30 p.m. on Sunday to 1:30 a.m. on Monday.
- (d) Any licensed retail dealer shall not be granted more than 30 temporary limited licenses per calendar year and any licensed retail dealer shall not be granted more than four per calendar month.
- (e) Any retailer dealer receiving a temporary limited license under this section shall comply with all other provisions of this chapter not in conflict with this section.

Sec. 40-10-4. Catered event permit.

- (a) Annual licenses to cater alcoholic beverages by the drink on premises at authorized catered events may be obtained only by those persons, firms or corporations currently licensed by the city for the sale of alcoholic beverages by the drink or for sales of alcohol in the unbroken package.
- (b) Any licensee desiring to obtain a license to be an alcoholic beverage caterer in the city shall submit, in person, a written and signed application on forms provided by the city. Only a licensed alcoholic beverage caterer may distribute or sell alcoholic beverages by the drink at an authorized catered event, after the application and issuance of a catered event permit.
- (c) Before a licensed alcoholic beverage caterer may sell or dispense alcoholic beverages at any authorized catered function, such caterer shall apply for a catered event permit from the city manager or designee at least ten working days prior to the event. The application for a catered event permit shall include the name of the alcoholic beverage caterer, the caterer's license number, and the date, address and time of the event. If the catered event permit is granted, it shall be valid only for the specific event at the specified address and times set forth in the application, unless otherwise stated by city council by resolution. The permit shall be kept in the vehicle used to transport alcoholic beverages to the event at all times during which the permit is in effect.
- (d) Caterers licensed by the city shall maintain a record of all alcoholic beverages transported for each event, and shall make a report and remittance of such taxes with their regular monthly reports to the city.
- (e) No alcoholic beverages shall be transported, distributed, or sold to other than licensed locations in the city, except to permitted catered events, unless otherwise authorized by this chapter or by state law.
- (f) No licensed alcoholic beverage caterer shall employ any person under twenty-one (21) years of age to dispense, serve, sell or handle alcoholic beverages at authorized catered functions.

- (g) The hours and days of sale or distribution of alcoholic beverages at an authorized catered event, except for private functions, shall be subject to the limitations established in this chapter. Except as set forth above in this section, an off-premises permit holder must comply with all other provisions set forth in this chapter.

Sec. 40-10-5. Wine tasting.

- (a) A request to conduct a wine tasting may be approved by the city manager or designee when such request is made in writing on an application furnished by the city manager or designee, and a non-refundable fee required by the city is submitted. A wine tasting must comply with all local and state laws and regulations pertaining to the sale and distribution of alcoholic beverages in the state and the city. No wine tasting may be conducted on the premises of any place of business licensed to sell distilled spirits in the unbroken package or container at retail.
- (b) A bona fide non-profit charitable and civic organization that seeks to conduct a wine tasting shall comply with all requirements set forth in O.C.G.A. §§ 3-9-3, 3-9-4, and 3-9-5 and must make application 25 days prior to the proposed event on forms supplied by the city.
- (c) A for-profit organization that seeks to conduct a wine tasting and is not licensed shall comply with all requirements set forth in O.C.G.A. § 3-6-20 and must make application 25 days prior to the proposed event on forms supplied by the city, and shall obtain the wine secured for the wine tasting through a wholesale dealer possessing a valid license to distribute wine issued by the city.
- (d) Licensees that are licensed to sell wine in the unbroken package are exempt from the requirement to make application for a wine tasting if sixty (60) percent or greater of the total malt beverage and/or wine sales is derived from the sale of wine. Samples of wine may be made available for consumption on the premise provided no individual shall be allowed to sample more than a total of 24 ounces per day. A licensee may charge a fee for samples of wine.

Sec. 40-10-6. Home brew special events.

- (a) Home brewed malt beverages for purposes of this section shall be limited to malt beverages produced by an individual(s) pursuant to the provisions of O.C.G.A. § 3-5-4 and any applicable rules and regulations of the Georgia Department of Revenue.
- (b) A home brew special event may be conducted on the premises of any place of business licensed under this chapter for the sale, storage, or distribution of alcoholic beverages by the package or for consumption on the premises, or may be conducted at locations not otherwise licensed under this chapter.

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- (c) All applications for a home brew special event shall be submitted in writing to the city manager or designee, on forms provided by the city, along with a payment of a non-refundable fee as required by the city.
- (d) At a minimum, applicants shall provide the following information in their application:
 - 1. Name, address, and contact number of the applicant;
 - 2. Location of the event;
 - 3. Date and times at which the event will be held;
 - 4. Estimated number of participants in the event.
- (e) Home brew special events shall be subject to the following regulations:
 - 1. Events shall only be held during legal hours for drinking on premises as specified in this chapter.
 - 2. Consumption of alcoholic beverages at the event shall be limited solely to home brewed malt beverages produced pursuant to O.C.G.A. § 3-5-4. Consumption of other alcoholic beverages shall be prohibited.
 - 3. Consumption of home brewed malt beverages shall be limited solely to participants in and judges of the special event. For the purpose of this section, participants shall be either individuals submitting home brewed malt beverages to the event or individuals admitted to the event by the sponsor without having to submit a home brew.
 - 4. At the event, home brewed malt beverages shall not be sold, offered for sale, or made available for consumption by the general public.
 - 5. A home brew special event permittee shall not allow any person to take an open container of alcoholic beverage from the designated event area.
- (f) A home brew special event permittee shall be subject to all laws, rules and regulations of the city and state, including the rules and regulations of the Georgia Department of Revenue and shall be subject to permit revocation for violation thereof.

Sec. 40-10-7. City-sponsored event exception.

Whenever the City Council shall determine that the public interest would be served by such action, the Council may designate by resolution that the provisions of ordinance shall not apply to city-sponsored events at such place, at such time and in such manner as specifically designated by resolution; provided, however, that no such action shall be inconsistent with state law.

**ARTICLE 11
ADMINISTRATION AND ENFORCEMENT**

- Sec. 40-11-1. Administration and interpretation by city manager.
- Sec. 40-11-2. Maintenance of records.
- Sec. 40-11-3. Inspection of licensed establishments.
- Sec. 40-11-4. Audit.
- Sec. 40-11-5. Suspension or revocation of license or imposition of penalty.
- Sec. 40-11-6. State license invalid upon revocation of local license.
- Sec. 40-11-7. Local license invalid upon revocation of state license.
- Sec. 40-11-8. Temporary closure of location.
- Sec. 40-11-9. Active engagement required; Surrender of license for inactivity.
- Sec. 40-11-10. Violations generally.
- Sec. 40-11-11. Disciplinary action for licensees.
- Sec. 40-11-12. Seizure and disposition of contraband alcoholic beverages.

Sec. 40-11-1. Administration and interpretation by city manager.

- (a) The city council designates the city manager as the administrator of this chapter. The city manager or designee shall have the administrative authority conferred by this chapter.
- (b) The city manager or designee shall be responsible for the interpretation of the requirements, standards, definitions, or any other provision of this chapter.
- (c) Any powers granted to or duties imposed upon the city manager may be delegated by the city manager to other city personnel.
- (d) Interpretations of the city manager or designee may be appealed as provided by this chapter.

Sec. 40-11-2. Maintenance of records.

- (a) Each manufacturer, importer, wholesale dealer, retail dealer, and retail consumption dealer shall keep and preserve, as prescribed by the state revenue commissioner, records of all alcoholic beverages manufactured, purchased, or sold by him.
- (b) The records shall be kept for a period of three years from the date of manufacture, purchase, or sale and shall at all times be open to inspection by the commissioner or any authorized agent or employee of the state revenue commissioner. (Reference: O.C.G.A. § 3-3-6)

Sec. 40-11-3. Inspection of licensed establishments.

- (a) The city manager or designee and sworn officers of the city police department shall have the authority to inspect and may enter upon the premises operated by establishments licensed under this chapter during the hours in which the premises are open for business.
- (b) These inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and state law.
- (c) This section is not intended to limit the authority of any other city officer to conduct inspections authorized by other provisions of this Code.

Sec. 40-11-4. Audit.

In the event the city manager deems it necessary to conduct an audit of the records and books of a licensee, the manager shall notify the licensee of the date, time, and place of the audit. The city manager may designate the city's internal auditor or other designated person to perform any audit authorized in this code. The licensee shall cooperate with the audit or forfeit any license issued under this chapter.

Sec. 40-11-5. Suspension or revocation of license or imposition of penalty.

For the purposes of this section, the definition of an employee shall include any agent or independent contractor that is working for hire on the licensed premises. The city manager or designee, with an order from the Municipal Court and/or City Council, shall have the right to suspend any alcoholic beverage license pending a hearing as provided for in this chapter where in the judgment of the city manager or designee such action is necessary to protect the public health, safety, welfare or morals. The following may be grounds for the suspension and/or revocation of an alcoholic beverage license or for the imposition of a monetary administrative penalty against the licensee:

- (a) The violation by the licensee of any state or federal law or regulation, except misdemeanors or any ordinance of the city, other than traffic violations. The determination of whether any such violation has occurred shall be made by the administrative hearing officer and an actual conviction in a court for such offense shall not be necessary in order to suspend or revoke the license or issue a monetary administrative penalty.
- (b) The failure of the licensee or his employee to report promptly to the police department any violation of law or municipal ordinance, breach of the peace, disturbance or altercation resulting in violence, occurring on the premises.
- (c) Any conduct on the part of the owner of the business, the licensee or his employee contrary to the public welfare, safety, health or morals. While not to be considered a comprehensive or exhaustive listing of prohibited behavior, specific instances of

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prohibited behavior by the owner, the licensee and/or his employee include, but are not limited to, the following:

1. Consumption or being under the influence of alcoholic beverage while working or on duty;
 2. Breach of the peace, disturbance or altercation resulting in violence;
 3. The conviction of any felony reasonably related to the ability of the licensee to operate and maintain the premises in a proper manner;
 4. The violation of any state law or regulation governing the manufacture, sale, distribution or transportation of alcoholic beverages;
 5. The violation of any section of O.C.G.A. § 10-1-370 et seq., known as the Uniform Deceptive Trade Practices Act, reasonably related to the operation of licensed establishments;
 6. The conviction of the owner or the licensee of driving under the influence of alcoholic beverages and/or drugs on two or more occasions;
 7. Permitting the solicitation of patrons on the licensed premises for prostitution or any other unlawful act where the licensee or the licensee's employee or agent knew or should have known of such conduct;
 8. The selling or serving of any alcoholic beverage to any person that the licensee or the licensee's employee or agent knew or should have known to be in a state of intoxication;
 9. The failure to comply with any and all federal, state or municipal tax laws and regulations applicable to the operation of establishments licensed to sell alcoholic beverages;
 10. Failure by the licensee to adequately supervise and monitor the conduct of the employees, patrons and others on the licensed premises or on any property owned or leased by the owner or licensee, including but not limited to parking lots and parking areas, or on any parking lots or areas which may be lawfully used by patrons of a licensed establishment, in order to protect the safety and well-being of the general public and of those utilizing the premises.
- (d) 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. Any combination totaling three or more of the following occurrences within any 30 day period shall constitute prima facie evidence that the licensee is operating or conducting an alcoholic beverage business in a manner which is contrary to the public welfare, safety, health or morals, or in such manner as to constitute a nuisance: Three or more violations of law, violations of

municipal ordinances, breach of the peace, disturbance or altercation resulting in violence, all occurring on the premises. The business license holder shall, upon suspension for violations of this section, have the burden of proving such occurrences were beyond his control and not related to the operation of his business.

- (e) The violation of any provision contained in this chapter or in the Georgia Alcoholic Beverages Code.

In the case of the revocation of an alcoholic beverage license before expiration, the holder thereof shall not be entitled to receive any refund or fees paid to the city regarding the license to sell alcoholic beverages.

Sec. 40-11-6. State license invalid upon revocation of local license.

When a city license issued pursuant to this chapter is revoked by the governing authority of the city, any similar license issued to the same person by the commissioner pursuant to the Georgia Alcoholic Beverages Code shall automatically become invalid. (Reference O.C.G.A. § 3-5-40)

Sec. 40-11-7. Local license invalid upon revocation of state license.

When any state license issued pursuant to the Georgia Alcoholic Beverages Code is revoked by the commissioner, any similar malt beverage license issued to the same person by the city shall automatically become invalid. (Reference O.C.G.A. § 3-5-40)

Sec. 40-11-8. Temporary closure of location.

The city manager or designee, chief of police or any police department officer on duty at the time may close any location holding an alcoholic beverage license for a period not in excess of 24 hours in the event there shall occur on the premises any violation of law or municipal ordinance, breach of the peace, disturbance or altercation resulting in violence, or other occurrence which is contrary to the public health, welfare, safety or morals, when in the judgment of the city manager or designee, chief of police or police officer such action is necessary to protect the public health, welfare, safety or morals.

Sec. 40-11-9. Active engagement required; Surrender of license for inactivity.

All licenses issued pursuant to this chapter shall be valid only so long as the licensee is actively engaged in such business, with the exception of holidays, vacations, and periods of redecoration, and in the event the licensee shall cease to be actively engaged in such business such license shall be invalid and the licensee of such business shall immediately notify the city manager or designee and return his license thereto.

Sec. 40-11-10. Violations generally.

The violation of any of the provisions of this chapter by a holder of an alcoholic beverage license, or his agent, or employee, shall be unlawful, and shall be punishable as provided for

violations of municipal ordinances as provided in the Hoschton city code, and shall also subject the holder of such license to suspension or revocation of such license or monetary administrative penalty, or any combination thereof as the city manager or designee deems proper.

Sec. 40-11-11. Disciplinary action for licensees.

- (a) Any disciplinary action taken by the city against a licensee shall be reported to the state department of revenue within 45 days of any officer, department, agency, or instrumentality of the city taking such disciplinary action.
- (b) The city shall follow the state revenue commissioner's format for the reporting of disciplinary actions and rules and regulations promulgated by the state revenue commissioner as to the implementation and use of such reporting method.
- (c) As used in this section, "disciplinary action" means any citation or arrest arising out of the violation of any law, rule, regulation, resolution, or ordinance of a governmental entity relating to the manufacture, distribution, sale, or possession of alcoholic beverages against a licensee, an employee of a licensee, or any person holding a financial interest in the license of the licensee on the premises or place of business of any licensee.
- (d) As used in this section "licensee" means any person issued a license pursuant to this title by a governmental entity to operate a bar. (Reference: O.C.G.A. § 3-3-2.1)

Sec. 40-11-12. Seizure and disposition of contraband alcoholic beverages.

- (a) Any peace officer or authorized agent of the commissioner shall declare as contraband any alcoholic beverage: not reported for collection of taxes under a reporting system established by the commissioner; found in any county, municipality, or unincorporated area of any county where the sale of alcoholic beverages is not lawful when the alcoholic beverage is intended for use or sale contrary to law; or sold, conveyed, or possessed, concealed, stored, or held for sale by any person who has not first obtained all licenses required by this chapter or the Georgia Alcoholic Beverages Code.
- (b) Except as otherwise provided in Georgia Alcoholic Beverages Code, all contraband alcoholic beverages seized shall be immediately delivered to the commissioner or to persons designated by him to receive the contraband alcoholic beverages. (Reference: O.C.G.A. § 3-2-33)

10
RESOLUTION 2023-~~33~~
CITY OF HOSCHTON, GEORGIA
ALCOHOLIC BEVERAGE TAX AND FEE SCHEDULE
TO IMPLEMENT ORDINANCE O-2023-01

The following application fees and excise taxes are hereby assessed:

Type of Application/Action (annual fee except as noted)	Fee (\$)
Change of managing agent	100.00
Change of registered agent	25.00
Transfer of approved license	100.00
Change in ownership or interest	25.00
Brewery (beer manufacturer) or brewpub license	3,700.00
Distilled spirits manufacturer (distillery) license	3,700.00
Distilled spirits (liquor): retail package sales license	5,000.00
Distilled spirits (liquor): consumption on premises license	3,000.00
Malt beverage (beer): retail package sales license	1,000.00
Malt beverage (beer): consumption on premises license	1,000.00
Wine: retail package sales license	1,000.00
Wine tasting license	1,400.00
Wine: consumption on premises license	1,000.00
Non-profit organization consumption on premises license	250.00
Non-profit special temporary event permit (per event)	35.00
Alcoholic beverage caterer license	500.00
Catered event permit (per event)	50.00
Temporary limited license	50.00
Temporary special event permit	50.00
Home brew special event	50.00
Employee permit	35.00
Refund of any license application denied	Application fee, minus 150.00
License application filed late	Application fee + 50% of application fee

Applications filed after July 1st shall be prorated at ½ the amount listed

EXCISE TAXES

For malt beverages sold in or from a barrel or bulk container (commonly known as tap or draft beer) a tax of six dollars (\$6.00) on each container sold containing not more than fifteen and one-half (15½) gallons and a proportionate tax on the same rate on all fractional parts of fifteen and one-half (15½) gallons.

For malt beverages sold in bottles, cans or other containers, except barrel or bulk containers, a tax of five cents (\$0.05) cents per twelve (12) ounces and a proportionate tax at the same rate of all fractional parts of twelve (12) ounces.

The excise tax imposed on wine sold by wholesalers to retailers shall be in the amount of twenty-two cents (\$0.22) per liter or \$0.65 per ounce and a proportionate tax at the same rate of all fractional parts of a liter.

The excise tax on distilled spirits sold by wholesalers to retailers imposed shall be in the amount of twenty-two cents (\$0.22) per liter or \$0.65 per ounce and a proportionate tax at the same rate of all fractional parts of a liter.

The distilled spirits excise tax imposed for mixed drinks consumed on premises shall be in the amount of three (3) percent of the purchase price of the beverage.

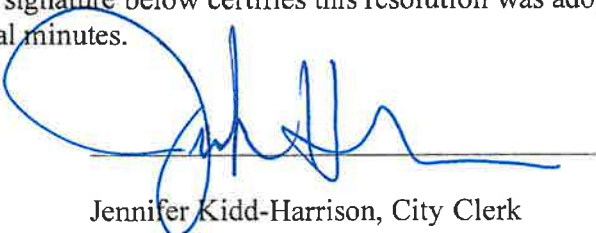
So RESOLVED this 15 DAY OF MAY, 2023.



Lauren O'Leary, Mayor

This is to certify that I am City Clerk of the City of Hoschton. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:



Jennifer Kidd-Harrison, City Clerk

Approved as to Form:



Abbott S. Hayes, Jr., City Attorney

