



Mayor & City Council

Workshop Session

~ Agenda ~

City of College Park
3667 Main Street
College Park, GA 30337

<http://www.collegeparkga.com>
404-669-3756 (Main)

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Monday, November 1, 2021

6:00 PM

Council Chambers

1. Continued discussion on proposed amendments to the alcoholic beverages ordinance. See memorandum from City Attorney Danielle Matricardi. Also, see attached supporting documentation.
2. Presentation on Establishing a Keep College Park Beautiful Organization. See attached memorandum dated October 25, 2021, from Director of Public Works Melissa Echevarria. Also, see attached presentation.
3. Presentation on Food Trucks from Ray Coleman. See memorandum dated October 19, 2021 from City Planner Nikki Washington. Also, see attached supporting documentation submitted by Mr. Coleman.



CITY OF COLLEGE PARK

P.O. BOX 87137 · COLLEGE PARK, GA 30337 · 404.767.1537

WORKSHOP AGENDA ITEM

DOC ID: 9211

DATE: October 26, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH: Mercedes Miller, Interim City Manager

FROM: Danielle Matricardi, City Attorney

RE: Discussion of Amendments to Alcoholic Beverages Ordinance

PURPOSE: Continued discussion on a proposed amendments to alcoholic beverages ordinance.

REASON: To become more competitive with neighboring jurisdictions and bring more businesses to College Park, City Staff desires to amend the City's Alcoholic Beverages Ordinance to allow certain businesses that do not serve food to sell alcoholic beverages by the drink for consumption on the premises. City Staff examined ordinances from other jurisdictions, which permit businesses such as art galleries, art studios, cigar shops, private dog parks, etc., to sell alcoholic beverages by the drink. While revising the ordinance to govern alcohol sales in the City of College Park at establishments that do not typically serve food, we also have made several other updates to the Code for the purposes of clarity, consistency, enforcement, and compliance with new state laws and regulations.

BACKGROUND: The City Council previously discussed this matter at the April 19th, May 3rd, May 17th, and June 7th workshop sessions. The City Attorney was requested to provide an ordinance that would enable the City to adopt a tier system for alcohol licenses, rather than having an individual license for each type of business. The Mayor, Councilman Clay, Interim City Manager, City Clerk, City Planner, and City Attorney, have met several times over the past few months to review and revise the Alcohol Code. The attached version of the Code is almost in its final form. We are conducting internal reviews for consistency and grammatical errors, but plan to have a final version for the City Council's consideration at the November 15, 2021 regular session meeting. This version, of course, would incorporate any changes recommended at the November 1st workshop session.

RECOMMENDATION: That Mayor and Council review the proposed amendments to the City Code, and provide direction to the City Attorney on how to proceed.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: N/A

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: College Park Code of Ordinances, Chapter 3 (Alcoholic Beverages)

REQUIRED CHANGES TO WORK PROGRAMS: N/A

STAFF: Business License Department; City Manager

ATTACHMENTS:

- REDLINE- College Park- Chapter_3___ALCOHOLIC_BEVERAGES(PDF)
- College Park- Chapter_3___ALCOHOLIC_BEVERAGES-10.26.21 (CLEAN COPY) (PDF)

Review:

- Danielle Matricardi Completed 10/26/2021 3:22 PM
- Shavala Moore Completed 10/27/2021 9:17 AM
- Nikki Washington Completed 10/27/2021 9:20 AM
- Sonya Harold Completed 10/27/2021 9:41 AM
- Mercedes Miller Completed 10/27/2021 10:38 AM
- Mayor & City Council Pending 11/01/2021 6:00 PM

Chapter 3 - ALCOHOLIC BEVERAGES

Footnotes:

~~—(1)—~~

~~**Editor's note**—Ord. No. 93-5, § 1, adopted April 19, 1993, amended Ch. 3, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Ch. 3 pertained to similar subject matter. See the Code Comparative Table for a detailed analysis of inclusion.~~

~~**Cross reference**—Dives, § 12-10.~~

ARTICLE I. - IN GENERAL

Sec. 3-1. - Definitions.

As used in this chapter, the following terms shall have the respective meanings ascribed to them:

- (1) ~~(4)~~— Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.
- (2) ~~(2)~~— Alcoholic beverage means and includes all alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine.
- (3) ~~(3)~~— Ancillary Retailer means - a for-profit commercial business or non-profit organization located within the City, including but not limited to a cigar bar, dog park, art gallery, museum, or theater, located within the Downtown Commercial District, Hospitality Campus District, Transit Oriented Development District, or Planned Development District that is licensed under this chapter to sell alcoholic beverages for consumption on its premises. Ancillary commercial retailer shall not mean any business that derives more than twenty (20) percent of its total annual gross revenues from the sale of alcoholic beverages.
- (4) Brewer means a manufacturer of malt beverages.
- (5) Brewpub means any eating establishment, as defined herein, in which malt beverages are manufactured, subject to the barrel limitation in O.C.G.A. § 3-5-36.
- (6) Complimentary Service means the gratis provision of malt beverages or wine served in connection with a service provided by a business, such as a salon, barbershop, or spa, to patrons for consumption on the premises pursuant to a complimentary service license issued under this chapter.
- (7) Craft Beer means a malt beverage produced at a brewery whose annual production is six million (6,000,000) barrels of beer or less (approximately three (3) percent of U.S. annual sales). Craft beer production is attributed to the rules of alternating proprietorships and the total beverage alcohol volume and flavor is derived from traditional or innovative brewing ingredients and their fermentation.

(8) *Craft Beer and Wine Market* means a retail establishment which derives at least 70% of its total annual gross sales from the sale of craft beers, hard cider, and/or wine.

~~(3)~~(9) *Distilled spirits* means any alcoholic beverage obtained by distillation or containing more than twenty-~~one~~ (24) per cent alcohol by volume, including, but not limited to, all fortified wines.

~~(10)~~(4) — *Distiller* means a manufacturer of distilled spirits.

(11) *Eating Establishment* means an establishment open to the public, with no cover charge or fee for entry, which is licensed to sell distilled spirits, malt beverages, and/or wines for consumption on the premises and which derives at least 50% of its total annual gross food and beverage sales from the sale of prepared meals or food as its principal business purpose. In order to be licensed for consumption of alcoholic beverages on the premises under this chapter, eating establishments are expected to keep and maintain regular days and hours of operation, at least four (4) days per week, as a convenience to the public, other than holidays, vacations, and periods when closed for repairs or remodeling. When determining the total annual gross food and beverage sales for eating establishments operating as a brewpub, barrels of malt beverages sold to licensed wholesale dealers, or packaged in bottles or growlers sold to the public for consumption off the premises, shall not be used. An eating establishment shall not mean a business that requires a cover charge or fee to gain entry into the premises; provided, however, eating establishments may hold a maximum of six (6) ticketed events, as defined herein, annually.

~~(4)~~(12) *Family* includes any person related to the holder of a license within the first degree of consanguinity or affinity as computed according to civil law.

~~(5)~~(13) ~~(4.1)~~ — *Farm winery* means a winery which makes at least forty (40) percent of its annual production from agricultural produce grown in the state where the winery is located and:

- a. ~~a.~~ Is located on premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the winery; or
- b. ~~b.~~ Is owned and operated by persons who are engaged in the production of a substantial portion of the agricultural produce used in its annual production.
- c. To the extent that the definition of "farm winery" in this subsection differs from the definition provided in O.C.G.A. § 3-6-21.1, the definition in O.C.G.A. § 3-6-21.1 controls.

~~(6)~~(14) ~~(4.2)~~ — *Farm winery tasting room* means an outlet for the promotion of a 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. To the extent that the definition of "farm winery tasting room" in this subsection differs from the definition provided in O.C.G.A. § 3-6-21.1, the definition in O.C.G.A. § 3-6-21.1 controls.

(15)~~(5)~~ — *Food* means all edible substances appropriate for human consumption as determined by the health department inspecting the city's eating establishments, which is sold or

provided to the public by a licensee. Food shall not be construed to mean: olives, cherries, limes, lemons, salt, pepper, pineapples, celery, tomato juice, or any other fruit, vegetable or dairy product such as ice cream, cream, yogurt, milk or soft drinks, water, tonic water, other non-alcoholic carbonated or non-carbonated beverages when such items are used in alcoholic beverages or mixed drinks as an essential part of the beverage, mixed drink, or as a garnish thereon.

(16) Growler means a bottle, container or vessel, with a capacity not exceeding 64 ounces that is designed for and especially intended to be filled with a craft beer or hard cider from a keg by a licensee or employee of a licensed brewpub or craft beer and wine market for off-premises consumption pursuant to this chapter. A refilled growler that has been properly sealed shall be considered an "unbroken package" for purposes of this chapter.

(17) Hard cider means an alcoholic beverage obtained by the fermentation of the juice of fruit, including, but not limited to, flavored or carbonated cider. For the purposes of this chapter, hard cider shall be deemed a malt beverage; provided, that it shall not contain more than seven (7) percent alcohol by volume.

~~(7)~~(18) Hotel means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential. To meet the definition of "hotel" under this chapter the facility must have fifty (50) or more rooms used for sleeping accommodations of such guests and one (1) or more public dining rooms, with an adequate and sanitary kitchen and a seating capacity of at least sixty (60) persons, where meals are regularly served to such guests. All sleeping accommodations and dining rooms must be conducted in the same building or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation. Motels meeting the qualifications set out herein for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operation of a lounge or ~~restaurant~~eating establishment in their premises, and the holder of such franchise shall be eligible for a license under the "hotel" classification.

~~(8)~~(19) ~~(6.1)~~—Interest in license exists if the person involved is the outright owner of the license, a co-holder of the license, a partner in a partnership which holds all or any part of a license, a stockholder in any corporation organized for pecuniary gain which holds all or any part of a license, an owner, lessee, sublessee or stockholder in any corporation organized for pecuniary gain owning or leasing any real estate which is occupied by an alcoholic beverage establishment or shares in any of the income or corpus of any trust fund or estate having any interest in an alcoholic beverage establishment. Provided, however, a stockholder shall not be deemed to have an interest in an alcoholic beverage establishment where such stockholder owns stock in a motel or hotel having two hundred (200) or more rooms with an alcoholic beverage establishment located on the premises of such motel or hotel and owned by such motel or hotel. And provided, further, that a stockholder holding no more than five (5) per cent stock in a publicly held corporation shall not be considered to hold an interest in an alcoholic beverage license.

~~(9)~~(20) ~~(6.1)~~—Licensee means the licensee for all businesses shall be at least 21 years of age, and one of the following individuals:

- a. ~~a.~~—The operator of the business, if that business is operated by an individual; or
- b. ~~b.~~— A partner of the partnership that operates the business, or an officer duly appointed by said partnership; or
- c. ~~c.~~— An officer of the corporation which operates the business; or
- d. ~~d.~~— Any individual named as a license representative of the business in accordance with this chapter.

~~(10)~~(21) ~~(6.2)~~—*License representative* means if a license representative is required, such license representative shall be a resident of Fulton, Clayton, Henry, Fayette, Walton, Douglas, Cobb, Paulding, Newton, Cherokee, Gwinnett, Forsyth, DeKalb, Rockdale, Bartow, Carroll, or Pickens counties and a manager of the business who is on the premises on a regular basis.

~~(11)~~(22) ~~(7)~~—*Lounge* means a separate room connected with, a part of, and adjacent to, ~~a restaurantan eating establishment~~ or a room located in ~~hotelsa hotel~~ as defined herein, with all booths, stools, and tables being open and unobstructed to the view of any other customers in such lounge, or the manager thereof. ~~All lounges shall be air conditioned and have a seating capacity of at least sixty (60) persons. A lounge, as defined herein, located in other than a hotel, which is operated on a different floor than a restaurant in the premises, or in a separate building, or is not connected to or adjacent to a restaurant shall be considered a separate establishment and shall pay an additional license fee therefor.~~

~~(12)~~(23) ~~(8)~~—*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 ~~six (6) per cent~~fourteen (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.

~~(13)~~(24) ~~(9)~~—*Manufacturer* means any maker, producer, or bottler of an alcoholic beverage. The term also means:

- a. ~~a.~~—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;
- b. ~~b.~~—In the case of malt beverages, any brewer; and
- c. ~~c.~~—In the case of wine, any vintner.

~~(14)~~(25) ~~(10)~~—*Metropolitan Atlanta area* includes only the counties of Fulton, Clayton, Henry, Fayette, Walton, Douglas, Cobb, Paulding, Newton, Cherokee, Gwinnett, Forsyth, DeKalb, Rockdale, Bartow, Carroll, and Pickens.

~~(26)~~*Microbrewery* means an establishment in which not more than 10,000 barrels of beer or malt beverages are manufactured or brewed on the licensed premises in a calendar year and in which such manufactured or brewed beer or malt beverages may be sold for consumption on the premises and consumption off premises, subject to the limitations prescribed in O.C.G.A. § 3-5-24.1) —. As used in this definition, the term "barrel" shall be defined as set forth in O.C.G.A. § 3-5-1.

(27) *Microdistillery* means an establishment in which not more than 10,000 barrels of distilled spirits are manufactured on the licensed premises in a calendar year and in which such manufactured distilled spirits may be sold for consumption on the premises and consumption off premises, subject to the limitations prescribed in O.C.G.A. § 3-4-24.2. As used in this definition, the term "barrel" shall be defined as set forth in O.C.G.A. § 3-4-1.

~~(15)~~(28) *New license* means a license under this chapter for which application is made either:

- a. ~~a.~~—For a premises regarding which no such license was issued the prior year; or
- b. ~~b.~~—By a person or entity to whom no license was issued the prior year for the premises that is the subject of the license application.

~~(16)~~(29) ~~(11)~~—*Package* means a bottle, can, keg, barrel, or other original consumer container.

(30)(42) — *Person* means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit.

(31) *Place of Worship* means a building, which is controlled by a religious organization or association and primarily utilized for religious services, ceremonies, or instruction.

~~(17)~~(32) *Private athletic club* means any club which is organized and operated exclusively as a recreational athletic facility and which is not generally open to the public, but restricted to the registered members of the club and the guests of members thereof, which athletic club has adopted rules and regulations for its membership. It shall not include any such athletic club which derives less than ninety-five (95) per cent of its gross monthly revenues from membership fees, fees for use of the athletic facilities and the sale of athletic and recreational equipment, pro shop inventory and goods on the premises, or which derives more than five (5) per cent of its gross monthly revenues from the sale of alcoholic beverages. ~~The restrictions contained in section 3-28(c) shall not apply to private athletic clubs.~~ All distance requirements as set forth in section 3-27(b) shall apply. A private athletic club organized or operated primarily for the selling or serving of alcoholic beverages by the drink shall not be licensed under this chapter, nor permitted to sell or serve such beverages at all.

~~(18)~~(33) ~~(13)~~—*Private club* means a corporation or association organized and existing under the laws of the state, actively in operation within the city at least eight (8) years prior to the application for a license hereunder, having at least two hundred (200) members regularly paying dues, for at least five (5) years prior to application for license, organized and operated exclusively for pleasure, recreation and other nonprofitable purposes, no part of the net earnings of which inures to the benefit of any shareholder or member, and owning, hiring or leasing a building or space therein for the reasonable use of its members with suitable kitchen and dining room space and equipment and maintaining and using a sufficient number of servants and employees for cooking, preparing and serving meals for its members and guests; provided that no member or officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation,

any profits from the sale of distilled spirits, wines, champagnes or malt beverages beyond the amount of such salary as may be fixed by its members at an annual meeting, or by its governing body, out of the general revenue of the club. For the purpose of this subsection, tips which are added to the bills under club regulations shall not be considered as profits hereunder. A private club ~~organized shall not include any entity, which derives 40 % or operated primarily for more of its total annual gross revenue from the selling or serving sale of alcoholic beverages by the drink. Such entities~~ shall not be licensed under this chapter, nor permitted to sell or serve such beverages at all. ~~The restrictions contained in section 3-28(c) shall not apply to private clubs.~~ All distance requirements as set forth in section 3-27(b) shall apply.

~~(19)~~(34) ~~(14)~~—*Private residence* means a house, dwelling or structure wherein not less than one (1), nor more than two (2) families reside and shall not include a mobile home court, an apartment house having facilities for housing more than two (2) families, nor a boarding or rooming house where there are five (5) or more boarders or roomers. Any building occupied as a residence located within an area zoned for business shall not be construed as a private residence.

~~(15)~~—*Restaurant* means any public place kept, used, maintained, advertised and held out to the public as a place where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen facilities and dining room (which shall not include any "outdoor patio" as that term is defined in section 3-3(b)) seating capacity of at least one hundred (100) persons, or at least sixty (60) persons in the Downtown Business District, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. At least two (2) meals, as hereinafter defined, per day, each with a minimum serving time open to the public of three (3) hours, shall be served at least five (5) days a week, with the exception of weeks including holidays, vacations and periods of redecorating, and the serving of such meals shall be the principal business conducted, with the serving of distilled spirits to be consumed on the premises as only incidental thereto; provided however, only one (1) meal per day, at least, must be served as described above for any restaurant that: 1) either; a) is included in the most recent listing of the top 50 Atlanta metro area restaurants by the Atlanta Journal-Constitution newspaper; or b) currently has an average rating for food, decor and service of at least twenty-two (22) by Zagat's survey; and 2) has at least sixty-five (65) percent of its gross receipts from sales of food. As used in this section, "meals" shall mean either a morning meal that is offered for at least any three-hour period between 5:00 a.m. and 10:30 a.m., a mid-day meal that is offered for at least any three-hour period between 11:00 a.m. and 3:00 p.m., or an evening meal that is offered for at least any three-hour period between 4:30 p.m. and 11:00 p.m. As used in this section, "seating capacity" shall mean that no more than twenty-five percent of such seating shall be at a common table or counter area or shall be other than individual tables or booths designed for seating of at least two (2) individuals. As used in this section, "principal business" shall mean that at least fifty-one (51) percent of the receipts of such business shall come from the sale of food. To be included in the tabulation of receipts for the purpose of this calculation, are all receipts of all persons laboring on the premises, including the services of all independent contractors, performers, servers, entertainers, or other non-employee personnel not to include, however, persons who are called to the premises from other licensed businesses to perform services, repairs or construction on equipment or building premises. For purposes of this section, the calculations of receipts for alcoholic beverages shall be made pursuant to the scheduling of pricing and the regulations contained therein as required by section 3-87.

~~(20)~~(35) ~~(16)~~—*Retailer or retail dealer* means Retail dealer means, except as to distilled spirits, any person who sells alcoholic beverages in unbroken packages at retail only to consumers for consumption at some location other than the licensed premises; retail sales

are not for resale-; examples of retail dealers include, but are not limited to grocery and convenience stores.

(36)(47) — Retail package liquor store means a retail business establishment owned by an individual, partnership, corporation, association or other business entity:

- a. Primarily engaged in the retail sale of distilled spirits, malt beverages, and wine in unbroken packages, not for consumption on the premises, except as otherwise authorized herein; and
- b. Which derives from such retail sale of 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.

(21)(37) Sales by the drink means any person who sells alcoholic beverages for consumption on the premises at retail only to consumers and not for resale.

(38)(48) — Ticketed Event. An event held at a licensed premises that requires patrons to purchase a ticket to gain entry to the licensed premises.

(22)(39) Wholesaler or wholesale dealer means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.

(23)(40) (19) — Wine means any alcoholic beverage containing not more than twenty-~~one~~ four (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 the section.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2000-10, § 1, 4-3-00; Ord. No. 2001-42, § 1, 12-17-01; Ord. No. 04-38, § 1, 12-6-04; Ord. No. 2004-39, § 1, 12-20-04; Ord. No. 05-05, § 1, 3-21-05; Ord. No. 2016-28, § 1, 9-19-16; Ord. No. 2017-03, § 1, 2-6-17)

Sec. 3-1.1 – Terms not expressly defined.

Except where the context clearly indicates a different meaning, any term in this chapter not expressly defined herein shall have the same meaning as when used in a comparable provision of the "Georgia Alcoholic Beverage Code," O.C.G.A. §§ 3-1-1 et seq.

Sec. 3-2. - Purpose of chapter.

This chapter has been enacted in accordance with a plan designed for the purposes, among others, of promoting the health and general welfare of the community, to establish reasonable standards for the regulation and control of the licensing and sales of alcoholic beverages, to protect and preserve schools and ~~churches~~places of worship, to give effect to existing land use and to preserve certain residential areas, with reasonable considerations, among others, to the

character of the areas and their peculiar suitability for particular uses, the congestion in the roads and streets, and with a general view of promoting desirable living conditions and sustaining stability of neighborhood and property values, ~~and to protect against the evils of concentration of ownership or control of the retail outlets for alcoholic beverages in one (1) family or to prevent undesirable persons from controlling the retail alcoholic beverage industry.~~

The business of manufacturing, distributing, selling, handling or otherwise dealing in or processing alcoholic beverages are privileges and not rights pursuant to O.C.G.A. § 3-3-1, and such privileges shall not be exercised within the city limits without full compliance with all applicable licensing, regulatory, and revenue requirements of local, state and federal rules, regulations, and laws, including this chapter.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-3. - Drinking in public or in public facilities.

- (a) (1) It shall be unlawful for any person to publicly drink, or publicly offer to any other persons within the city, an alcoholic beverage, or to drink or offer such beverage to any other person on any publicly owned property, or on any property open to the general public or open to members of the public by payment of admission charge, dues or other fees, unless such property is licensed for the sale of alcoholic beverages or covered by a catering permit, provided that this section shall not prohibit the drinking of such beverages by people legally entitled to drink the same privately in their homes with their guests or privately within their own place of business.
- (2) This section shall not prohibit the sale of alcoholic beverages at the Georgia International Convention ~~and Trade Center~~ and Gateway Arena, which sales shall be allowed subject to all requirements of this chapter.
- (3) This section shall not prohibit the sale of alcoholic beverages at the Gordon Morris Memorial Golf Course. Such sales shall be allowed subject to the following conditions:
- a. Adherence to all requirements of this chapter;
 - b. ~~All clubhouse sales shall accompany the purchase of~~ Food items must be available for purchase; and
 - c. All alcoholic beverages shall be consumed inside the clubhouse of the Gordon Morris Memorial Golf Course; provided, however, that the consumption of malt beverages on the golf course shall be permitted but only if such beverages are purchased on the golf course from a vendor approved by the city.
- (4) This section shall not prohibit the sale or consumption of alcoholic beverages at special events approved by the city held at ~~the city auditorium-owned or leased properties~~, subject to the following conditions:
- a. Adherence to all requirements of this chapter;
 - b. All alcoholic beverages shall be consumed ~~inside the auditorium~~indoors or upon the ~~auditorium~~grounds of the city-owned or leased property.

(b) It shall not be unlawful for a person to consume alcoholic beverages on an outdoor patio of ~~a restaurant~~ an eating establishment or parklet so long as such consumption otherwise complies with the local and state regulations governing the license or licenses held by the ~~restaurant~~ eating establishment. Alcohol consumption on a parklet is limited to alcoholic beverages legally sold and purchased at a ~~restaurant~~ eating establishment authorized to use the parklet.

- (1) For the purposes of this subsection, the term "*outdoor patio*" shall mean an outdoor area surrounded by fencing, not located on public property, not to exceed the square feet in the main building, and sharing a common boundary with a portion of at least one (1) wall of the ~~restaurant~~ eating establishment.
- (2) For the purposes of this subsection, the term "*parklet*" shall mean a city-owned public seating platform or area converted from a curbside parking space or sidewalk.

(Ord. No. 93-5, § 1, 4-19-93; 2001-42, § 2, 12-17-01; Ord. No. 04-08; Ord. No. 04-08, § 1, 4-19-04; Ord. No. 2004-09, § 1, 4-19-04; Ord. No. 2008-09, § 1, 7-21-08; Ord. No. 2013-02, § 7, 2-4-13; Ord. No. 2020-14, § 1, 10-5-20)

Sec. 3-4. - Drinking in public or in public facilities.

It shall be unlawful for any person to carry alcoholic beverages of any name or description into any building owned by the city or upon any recreational area owned by the city; provided that this section shall not apply to:

- (1) Lawful sales of alcoholic beverages at the Georgia International Convention ~~and Trade Center~~ and Gateway Arena as contemplated by section 3-3.
- (2) Lawful sales of alcoholic beverages at the Gordon Morris Memorial Golf Course as contemplated by section 3-3.
- (3) Lawful sale or consumption of alcoholic beverages at ~~the city~~ auditorium owned or leased properties as contemplated by section 3-3.
- (4) Lawful sale or consumption of alcoholic beverages at the city parklets as contemplated by section 3-3.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 04-08, § 2, 4-19-04; Ord. No. 2004-09, § 2, 4-19-04; Ord. No. 2008-09, § 2, 7-21-08; Ord. No. 2013-02, § 8, 2-4-13)

Sec. 3-5. - Furnishing to, purchase of, or possession by underage persons of alcoholic beverages; proper identification for sale of alcoholic beverages; dispensing, serving, etc., of alcoholic beverages by underage persons in the course of employment.

(a) It shall be a violation of this Code for any licensee or any agent, officer, or employee of a licensee to fail to check the identification of any patron when selling or otherwise providing any alcoholic beverage, which failure results in an underage person being sold or served, or to have in such underage person's possession while on the licensee's premises, any alcoholic beverages.

- (b) The prohibitions contained in subsection (a) of this section shall not apply with respect to the sale, purchase, or possession of alcoholic beverages for consumption:
- (1) For medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state;
 - (2) At a religious ceremony; or
 - (3) In the home with parental consent.
- (c) Reserved.
- (d) Notwithstanding any criminal prosecution which may result from a violation of this section, any licensee employing any officer, agent or employee who fails to comply with the provisions of subsection (a) above, which failure results in an underage person being sold or served, or to have in such underage person's possession while on the licensee's premises an alcoholic beverage, may have such licensee's license revoked.
- (e) If such conduct is not otherwise prohibited pursuant to O.C.G.A. section 3-3-24, nothing contained in this section shall be construed to prohibit any person under twenty-one (21) years of age from:
- (1) Dispensing, serving, selling, or handling alcoholic beverages as a part of employment in any licensed establishment;
 - (2) Being employed in any establishment in which alcoholic beverages are distilled or manufactured; or
 - (3) Taking orders for and having possession of alcoholic beverages as a part of employment in a licensed establishment.
- (f) Testimony by any underage person, when given in an administrative or judicial proceeding against another person for violation of any provision of this section, shall not be used in any administrative or judicial proceeding brought against such testifying underage person.
- (g) Nothing in this section shall be construed to modify, amend, or supersede Chapter 11 of Title 15 O.C.G.A.
- (h) For the purposes of this chapter the term "underage person" shall mean any person to whom the sale of alcoholic beverages is prohibited by state law because of age.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 99-08, § 1, 6-14-99; Ord. No. 2011-18, § 3, 8-1-11)

Sec. 3-6. ~~Underage persons frequenting~~ Sale of mixed drinks for off premises ~~of lounge~~ consumption.

(a) ~~No~~ For the purposes of this section, the term:

(1) *Approved container* means a tamper evident container that:

i. *Does not contain openings or straw holes;*

- ii. Is sealed in a manner visibly apparent if the container has been subsequently opened or tampered with; and
 - iii. Has an affixed label or marking that identifies the licensee hereunder shall allow any underage person that prepared and sold the mixed drink.
- (1)(2) Curbside pick-up means when a licensee furnishes purchased goods to be in, frequent or loiter about a customer's vehicle within a clearly designated pick-up area located within a paved parking area adjacent to the licensed premises of a lounge, unaccompanied by a parent or guardian.
- (3) (Ord. No. 93-5, § 1, 4-19-93) Food service establishment means any establishment holding a valid food service permit from its respective county health department.
- (4) Mixed drink means a beverage prepared by combining distilled spirits with nonalcoholic liquid or liquids and that:
 - i. Is prepared on the day of sale by an employee of the licensee;
 - ii. Contains no more than 3 ounces of distilled spirits; and
 - iii. Is sealed in an approved container.
- (b) Any food service establishment which is licensed to sell distilled spirits for consumption on the premises and is registered with the city clerk as required in subsection (d), may sell mixed drinks for off-premises consumption in approved containers, provided that such mixed drinks are:
 - (1) Sold to an individual 21 years of age or older who shall be limited to two mixed drinks per entree ordered;
 - (2) Accompanied by a food order and a sales receipt with a time stamp that indicates the date and time of such purchases;
 - (3) Sold for personal use and not for resale and 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; provided, however, that such individual customer shall not include a delivery service or third-party agent; and
 - (4) Furnished with the accompanying food order to the customer on the premises or by way of curbside pick-up.

- (c) 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.
- (d) No food service establishment shall sell mixed drinks for off-premises consumption unless said establishment annually registers with the city clerk.
- (e) The city clerk shall maintain a registry of all food service establishments located within the city that are authorized to sell mixed drinks for off-premises consumption under this section.
- (f) Sales of mixed drinks for off-premises consumption shall be taxed in accordance with Section 3-105.
- (g) Food service establishments shall comply with all rules and regulations promulgated by the state revenue commissioner regarding sales of mixed drinks for off-premises consumption.

Sec. 3-7. - Underage persons misrepresenting age, drinking or possessing alcoholic beverages.

- (a) It shall be unlawful for any underage person to falsely state or misrepresent such person's age in any manner whatsoever to a licensee hereunder or his agent.
- (b) It shall be unlawful for any underage person to drink or possess any alcoholic beverage on any licensed premises.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-8. - Deliveries of alcoholic beverages. (a) It shall be unlawful for any wholesaler or distributor to make deliveries of alcoholic beverages except to a location licensed for the retail sale of such beverages.

~~(b) It shall be unlawful for any retail dealer or person licensed to sell alcoholic beverages by the drink to make deliveries of such beverages to any location off the licensed premises, provided that caterers may deliver alcoholic beverages in accordance with the terms of their permits.~~

~~Secs. 3-9(b) Home delivery of alcohol is permitted as provided in O.C.G.A. § 3-3-10 (Georgia House Bill 879) and by regulations promulgated by the Georgia Department of Revenue, by an authorized package goods retailer as defined by said statute; provided such authorized package goods retailer as obtained the requisite additional license to deliver from the city.~~

- (1) Such "License to Deliver" shall be separate from the required underlying alcohol permit and shall require payment of a separate fee.
- (2) Applications for a "License to Deliver" shall only be made by the existing licensee for the business.
- (3) The fee for the "License to Deliver" shall be set from time to time by the city clerk.

Secs. 3-10—3-20. - Reserved.

ARTICLE II. - LICENSES

Sec. 3-21. - License required.

- (a) No person shall engage in the manufacture, sale or distribution of alcoholic beverages in the city without first having obtained a license therefor, provided that wholesalers and distributors maintaining no fixed place of business, warehouse or other facility in the city and possessing a valid state license may make sales and deliveries to licensed retailers and to persons licensed for the sale of alcoholic beverages for consumption on the premises without obtaining a city license.
- (b) Except as specifically authorized in this chapter, no person licensed for the sale of a particular class of alcoholic beverages may sell other classes of alcoholic beverages without obtaining the required license therefor.
- (c) A person licensed to sell distilled spirits for consumption on the premises shall have the right to serve wine and malt beverages by the drink on premises during the same hours as are permitted hereunder for the serving of distilled spirits by the drink.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-22. - Qualifications of applicants.

- (a) No license shall be granted under this chapter to any applicant (i) who is not a citizen or resident legal alien of the United States, (ii) who does not permanently reside in the Metropolitan Atlanta area, or (iii) who currently owes the city any past-due debt (of any kind whatsoever), any tax (current or past-due), any fee, any fine, any monetary penalty or any other moneys otherwise due to the city.
- (b) If an applicant does not permanently reside in the Metropolitan Atlanta area, that applicant may designate a license representative who does reside inside the Metropolitan Atlanta area. The license representative must be 21 years of age and a manager at the business location for which the applicant is seeking a license to serve alcohol. The license representative must also comply with any other requirements of applicants under subsection (a) above.
- (c) Corporations shall apply for a license in the name of the corporation, and the license shall be issued to the corporation or the corporation's license representative. Partnerships shall apply for a license in the name of one (1) of the partners, and the license shall be issued in the name of the applicant. In the case of corporate applicants whose primary business is the operation of an alcoholic beverage store, the majority stockholder must meet the requirements of individual applicants under this subsection at the time application is made and at all times during which the license is in effect. Where the applicant is a corporation whose primary business is other than the operation of an alcoholic beverage store, an officer of such corporation, or in lieu of an officer, an agent involved in the active management of the business to be licensed, or the officer's or agent's license representative, shall meet the requirements of individual applicants and licensed representatives under this subsection at the

time application is made and at all times during which the license is in effect. If the applicant is a partner in a partnership, the requirements of this section shall apply to all partners at the time of application, and at all times during which the license is in effect.

- (d) All applicants for licenses, whether for original or renewal, must attach to their applications evidence of their good character. No license, whether original or renewal, shall be issued to any person, partnership or corporation organized for pecuniary gain, or to the license representative of any such person, partnership or corporation, if any individual having an interest either as owner, partner, ~~or stockholder~~, manager, or operator, directly or indirectly, beneficial or absolute, or such person's spouse shall have been convicted of or shall have taken a plea of guilty or nolo contendere to, ~~once, within five (5) years immediately prior to filing, or twice, within ten (10) years immediately prior to filing of said application, of any felony or of any violation of any law regulating the sale, manufacture or distribution of alcoholic beverages, gambling or narcotics. Where the application, whether original or renewal, is for a license to sell alcoholic beverages for consumption on premises, conviction of an offense or the taking of the plea of guilty or nolo contendere once, within five (5) years immediately prior to filing, or twice, within ten (10) years immediately prior to the filing of said application, to any sex offense shall also disqualify the applicant for license under this section. No license, whether original or renewal, shall be issued to any person, partnership, corporation, or license representative where an individual having an interest as owner, partner or stockholder, directly or indirectly, beneficial or absolute, shall have been convicted of or shall have taken a plea of guilty or nolo contendere to, once within five (5) years immediately prior to the filing of said application, or twice within ten (10) years immediately prior to the filing of said application of the offense of driving a motor vehicle under the influence of intoxicating liquor or drugs.;~~

(1) Within the five (5) years immediately prior to filing:

- a. Any felony
- b. Any violation of any law regulating gambling, narcotics, driving under the influence, or sex offenses
- c. Three (3) violations of any law regulating the sale, manufacture, and/or distribution of alcoholic beverages
- d. Five (5) violations of any municipal ordinance, except traffic violations

(2) Within the ten (10) years immediately prior to filing:

- a. Two (2) felonies;
- b. Two (2) violations of any law regulating gambling, narcotics, driving under the influence, or sex offenses;
- c. Six (6) violations of any law regulating the sale, manufacture, and/or distribution of alcoholic beverages
- d. Ten (10) violations of any municipal ordinance, except traffic violations

The restrictions of this paragraph as to stockholders shall apply only to stockholders of privately owned corporations and to stockholders of publicly owned corporations who hold ~~an excess of at least~~ at least ten (10) ~~per cent~~percent of outstanding stock.

- (e) Alcoholic beverages by the drink, consumption on the premises licenses, shall be issued only to applicants who meet the definition of ~~a hotel, restaurant, lounge, private club or private athletic club. the entities listed as Class II and Class III licensees under Section 3-37.~~
- (f) Applicants or license representatives for renewal licenses must meet all qualifications of applicants for original licenses. Loss of qualifications during the term of a license shall be grounds for revocation or for denial of renewal.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 94-12, § 1, 11-21-94; Ord. No. 2012-07, § 2, 4-2-12; Ord. No. 2016-34, § 1, 12-5-16)

Sec. 3-23. - Personal interests in licenses.

- (a) No license holder or member of a license holder's family shall own, hold or control any interest whatsoever in more than one (1) license to engage in the business of selling distilled spirits at retail to the city. Not more than one (1) license to engage in the sale of distilled spirits at retail in the city shall be issued to any one (1) license holder or license representative, which shall include all members of a license holder's family.
- (b) The holder of a license or license representative for the sale of distilled spirits at retail shall be permitted to also hold, or designate a license representative to hold, a license for alcoholic beverage sales for consumption on the premises. The limitations imposed in subsection (a) upon any license holder, member of such license holder's family or corporation to own, hold or control any interest in more than one (1) license for the sale of distilled spirits shall not apply to any licensee engaged in the business of the sale of alcoholic beverages for on-premises consumption.
- (c) No license holder or member of a license holder's family, or license representative, shall own, hold or control any interest whatsoever in more than two (2) licenses to engage in the business of selling wine. Not more than two (2) licenses to engage in the sale of wine in the city shall be issued to any one license holder or license representative, which shall include all members of the license holder's family.
- (d) No license holder or member of a license holder's family, or license representative, shall own, hold or control any interest whatsoever in more than two (2) licenses to engage in the business of selling malt beverages. Not more than two (2) licenses to engage in the sale of malt beverages in the city shall be issued to any license holder or license representative, which shall include all members of the license holder's family.
- (e) No person, firm or corporation, or license representative of the same shall hold a retail or consumption on premises license if such person, firm or corporation also has any direct financial interest in any wholesale alcoholic beverage business.
- (f) It shall be unlawful for any elected or appointed official or employee of the city, or such person's spouse or minor children, to have any whole, partial or beneficial interest in any license to operate alcoholic beverage establishments in the city.
- (g) A licensee may take in partners or additional stockholders where it is determined that the additional capital furnished is to be used exclusively for additional inventory or expanding the facilities of the business or for building new facilities and where it appears that the licensee personally does not receive directly any of the additional capital invested. Under this section an additional partner or stockholder must be approved by the city as in the case of new license issuance, and, if approved, the business must obtain a new license.
- (h) The limitation of interests per holder shall not apply to licenses held in the name of corporations which are publicly owned. The phrase "member of a license holder's family" shall include all persons related within the second degree of consanguinity to an individual who holds a license, to any partner in a partnership which holds a license, or to any individual

stockholder, officer or agent of a corporation required to meet the requirements for licensing under this chapter.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2016-34, § 2, 12-5-16)

Sec. 3-24. - Maximum number of ~~distilled spirits~~-retail package liquor store licenses permitted.

- (a) The number of licenses for the retail sale of distilled spirits within the city shall not exceed one (1) license for each five thousand (5,000) citizens, but not including any fraction thereof, according to the United States Census of 2000, or any future census. Additionally, no new such license shall be issued for any location located within less than one (1) mile of any location to which an existing such license has been issued by the city.
- (b) Nothing in this chapter shall be deemed to prohibit the transfer of location or the issuance of a license to a location which was licensed on May 1, 1977. However, in no event shall the total number of licenses exceed the limit imposed by this chapter or the number of licenses outstanding on May 1, 1977, whichever is greater. The transfer of location of an existing license or the sale of an existing licensed business shall not be considered a new license under this chapter.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 04-10, § 1, 3-1-04)

Sec. 3-25. - Contents of application; change in relationship.

- (a) All applications for license, both original and renewal, must be accompanied by a full and complete statement under oath of information relative to all interests in alcoholic beverage licenses. This shall include the names and addresses of all persons interested in the ownership of the business of selling alcoholic beverages, together with any interest each person or any member of such person's immediate family has in any other alcoholic beverage establishment; the ownership of the land and building where such business is operated; the amount of rental paid for the land and building and the manner in which the same is determined and to whom and at what intervals it is paid; the names and addresses (by affidavit from the owner, lessee or sublessor and sublessee of such land and building) of all persons having any whole, partial, beneficial or other interest in and to the land and building on and in which said establishment is located; and any other information called for by the city.
- (b) Any change in any interest herein declared must be filed with the city clerk when such change is made, and failure to so file within a period of thirty (30) days after such change is made shall be grounds for revocation by the city.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-26. - Property survey to accompany application.

All applications for license shall include a certificate from a registered surveyor showing a scale drawing of the location of the proposed premises and the distance, measured as provided in section 3-27(h), from the proposed premises to the building and property line of the nearest

~~church~~place of worship, library, school and residence, and the nearest five (5) occupied commercial establishments.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-27. - Business locations near library, school, ~~church~~place of worship, private residence.

- (a) ~~Distilled spirits retailers.~~Retail package liquor store. No license shall be issued to any ~~distilled spirits retailer~~retail package liquor store where the place of business of the ~~licensee~~licensee is located within one hundred (100) yards of any public library; within one hundred (100) yards of any place of worship; or ~~unless the business of the proposed location is situated beyond~~within two hundred ~~fifty (250) yards from any church and beyond five hundred (500)~~200 yards from any property line of any school ground or college campus.
- (b) *Distilled spirits, malt beverages and wine by the drink.* No license shall be issued to any person to sell distilled spirits, malt beverages or wine by the drink ~~unless~~where the place of business of the licensee is located ~~beyond~~within two hundred (200) ~~feet~~yards from any school ground or college campus ~~and beyond; or within~~ fifty (50) ~~feet~~yards from any ~~church~~place of worship.
- (c) *Wine.* No license shall be issued to any wine retailer hereunder where the place of business of the licensee is located within one hundred (100) yards of any public library, ~~or unless the business of the proposed location is situated beyond;~~ within two hundred (200) yards ~~from~~of any ~~church and beyond two~~place of worship; or within one hundred (~~200~~100) yards from any property line of any school ground or college campus; provided, however, the distance requirement relative to ~~churches~~places of worship within the DB Downtown Business District, the VNC Virginia Avenue Neighborhood Commercial District or TSC Transit Station Commercial District shall be fifty (50) feet.
- (d) *Malt beverages.* No license shall be issued to any malt beverage retailer where the place of business of the license is located within one hundred (100) yards of any public library, or unless the business of the proposed location is situated beyond two hundred (200) yards from any ~~church~~place of worship and beyond one hundred (100) yards from any property line of any school ground or college campus; provided, however, the distance requirements relative to ~~churches~~places of worship within the DB Downtown Business District, the VNC Virginia Avenue Neighborhood Commercial District or TSC Transit Station Commercial District shall be fifty (50) feet.
- (e) *Schools applicable.* The schools or colleges referred to herein shall include only such state, county, city, ~~church~~place of worship or other schools as teach the subjects commonly taught in the common schools and colleges of this state, and shall not include private schools or colleges wherein only specialized subjects, such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.
- (f) *Reserved.*
- (g) *Private residences.* No retail licenses for the sale of distilled spirits, malt beverages or wine, or for the complimentary service of malt beverages or wine, shall be issued to any location which is within two hundred (200) feet of any private residence; provided, however, the distance requirement relative to retail sales of malt beverages or wine shall be fifty (50) feet

within the DB Downtown Business District, the VNC Virginia Avenue Neighborhood Commercial District ~~or~~, TSC Transit Station Commercial District ~~shall be fifty (50) feet.~~, TOD Transit Oriented Development District, and PD Planned Development District. Notwithstanding anything to the contrary herein, this provision shall not apply to Mixed-Use Developments, as defined in the Appendix A of the Zoning Code.

- (h) *Method of measuring.* Unless otherwise provided by O.C.G.A. § 3-3-21, all measurements to determine distances required by this section 3-27 for the issuance of alcoholic beverage licenses shall be measured in the following manner:
- (1) From the primary entrance of the structure from which the alcoholic beverage is sold or offered for sale;
 - (2) In a horizontal straight line to the nearest public sidewalk, walkway, street, road or highway;
 - (3) Along such public sidewalk, walkway, street, road or highway by the nearest route;
 - (4) To a point on the property line which is in a straight line from the primary entrance of the structure to the nearest public sidewalk, walkway, street, road or highway; and
 - (5) To the primary entrance of the structure.
- (i) *Additional restrictions for licensed premises adjacent to ~~churches~~ places of worship.* In the event that a premises licensed for the sale of alcoholic beverages by the drink for consumption on the premises meets the distance requirements from ~~churches~~ places of worship prescribed by subsection (b) but is situated on land physically adjacent to ~~church~~ place of worship property, no access to the public shall be provided from the licensed premises on the side of the licensee's establishment which runs along the common property line.
- (j) As to any location licensed by the city, if the distance requirements in this section are met at the time of issuance of any license, or if a license has not yet been issued, but the structure in which an establishment is to be located has commenced construction pursuant to a lawfully issued building permit, the subsequent opening and operation of a ~~church~~ place of worship or school within the distance prohibited herein shall not prevent the continuance of an existing license or the renewal thereof or the issuance of a new license to any owner of such property. Provided, however, that the distance requirements herein shall not apply to any location for which a new license is applied for if the sale of alcoholic beverages was lawful at such location at any time during the twelve (12) months immediately preceding such application.
- (k) For any new business establishment opening within the city limits seeking to obtain a license under this article, the distance requirements established herein shall apply to any and all residences, ~~churches~~ places of worship, schools, colleges, libraries or any other protected establishments without regard to whether such protected establishments are located within the city limits or within the applicable zoning district referenced in this article.
- (l) Any new business establishment opening within a mixed-use zoning district within the city limits seeking to obtain a license under this article may apply directly to the mayor and council to obtain a special exemption to the distance requirements to allow for reduced vertical separation between the proposed licensee and any ~~church~~ place of worship or residence.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 99-13, § 1, 8-23-99; Ord. No. 2000-07, §§ 1—3, 2-21-00; Ord. No. 2011-16, §§ 1—3, 10-17-11; Ord. No. 2013-02, §§ 2—6, 9, 10, 2-4-13)

Sec. 3-28. - Zoning requirements for business location.

- ~~(a) No license to engage in the sale of alcoholic beverages shall be issued within the areas described in this chapter unless the location has been zoned commercial or industrial under the zoning laws of the city.~~
- ~~(b) No license to engage in the retail sale of distilled spirits shall be issued unless the property lies within a package store area as follows:~~
- ~~(1) Property sites fronting on U.S. Highway 29 from north to south city limits lying within Fulton County.~~
 - ~~(2) Property sites fronting on E. Virginia from Main Street east to city limits.~~
 - ~~(3) Repealed.~~
 - ~~(4) Property sites fronting on Old National Highway from Sullivan Road southeast to city limits within Fulton County.~~
 - ~~(5) Property sites fronting on Camp Creek Parkway from Herschel Road west to city limits lying within Fulton County.~~
 - ~~(6) Repealed.~~
- ~~(c) No license to engage in the sale of alcoholic beverages for on-premises consumption shall be issued unless the property lies within an on-premises consumption area as follows:~~
- ~~(1) Property sites fronting on U.S. Highway 29 from north to south city limits.~~
 - ~~(2) Property sites fronting on East Virginia Avenue from Main Street east to city limits.~~
 - ~~(3) 1551 Phoenix Boulevard.~~
 - ~~(4) Property sites fronting on Old National Highway from Sullivan Road southeast to city limits.~~
 - ~~(5) Property sites fronting on Camp Creek Parkway from Herschel Road west to city limits.~~
 - ~~(6) Property sites fronting on Best Road from Sullivan Road north to West Point.~~
 - ~~(7) Property sites fronting on the south side of Sullivan Road for a distance of five hundred seventy-five (575) feet west of the west right-of-way of Interstate Highway I-85.~~
 - ~~(8) 1808 Phoenix Boulevard.~~
 - ~~(9) Sites fronting on the north side of Godby Road from Old National Highway east to Old National Parkway.~~
 - ~~(10) 2500 Godby Road.~~
 - ~~(11) Sites fronting upon the south side of Sullivan Road beginning at the intersection of Interstate I-285 and Sullivan Road and running thence east a distance of one thousand six hundred (1,600) feet.~~
 - ~~(12) A property site located on an eighty five foot by one hundred thirty foot tract located at 2110 Godby Road.~~
 - ~~(13) Property sites fronting on the west side of Southport Road beginning at its intersection with Embassy Drive and running south along the frontage of Southport Road a distance of five hundred ten (510) feet.~~
 - ~~(14) Property sites fronting on the south side of Godby Road beginning two hundred (200) feet east of its intersection with Old National Highway and running east along the frontage of Godby Road a distance of one hundred (100) feet.~~

~~(15) Sites fronting on both sides of Airport Boulevard from Riverdale Road to Sullivan Road.~~

~~(16) 1925 Sullivan Road.~~

~~(17) 2301 Sullivan Road.~~

~~(18) Gordon Morris Memorial Golf Course.~~

~~(19) Any property zoned Convention Center District as provided in Article XIV-K of Appendix A— Zoning of the Code of Ordinances of College Park.~~

~~(20) Sites fronting on the south side of Harvard Avenue between Washington Street and Jefferson Street.~~

~~(21) 2560 West Point Avenue.~~

~~(d) A property site "fronts" on a street or road if it shares a common boundary with the street or road right-of-way.~~

~~(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2000-07, § 4, 2-21-00; Ord. No. 2000-37, §§ 1—7, 9-5-00; Ord. No. 04-18, § 1, 4-19-04; Ord. No. 2008-11, § 1, 9-2-08; Ord. No. 2011-16, § 4, 10-17-11; Ord. No. 2012-04, § 1, 2-6-12) Refer to the City of College Park's Zoning Ordinance in Appendix A for detailed zoning requirements.~~

Sec. 3-29. - Annexed areas; continuance of business.

Where an alcoholic beverage establishment exists in an area outside the city limits, upon annexation of such area, the same may be continued and shall be subject to all remaining provisions of this chapter.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-30. - Fraud and misrepresentation by applicant.

- (a) Any person who acquires a license or a renewal of same in violation of this chapter by any misrepresentation or fraudulent statement shall be deemed guilty of an offense and upon conviction thereof shall be punished in accordance with section 1-8.
- (b) Any untrue or misleading information contained in, or material omission left out of, an original, renewal or transfer application for a license shall be cause for the denial thereof and, if any license has been granted under these circumstances, there shall be cause for the revocation of the same.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-31. - Investigation of application.

- (a) All applicants for new or renewal licenses shall be submitted to the city clerk who shall refer such applications to the police department for its review and recommendation. Upon receipt of the police department recommendation, the city clerk may request review by the city

attorney. The city clerk shall consolidate all reports and recommendations of reviewing departments and make an independent comprehensive review of each application.

- (b) All applicants for new or renewal licenses shall furnish to the police department and the city clerk all data, information and records requested of them by the police department or city clerk, and failure to furnish such data, information and records within thirty (30) days from the date of the request shall automatically serve to dismiss with prejudice the application of any such applicant failing to furnish such data, information and records.
- (c) Applicants, by filing for license to sell alcoholic beverages, agree to furnish the data, information and records as called for herein and also agree to submit under oath to interrogation by the police department and/or the city clerk as to any facts considered pertinent to such application. Applicants, by filing such application, also agree to produce for oral interrogation by the police department or the city clerk any persons requested by the police department or city clerk and considered as being important in the ascertainment of the facts relative to the license. Failure to produce such persons within thirty (30) days after being requested to do so shall result in the automatic dismissal with prejudice of any application for license.
- (d) An applicant whose application is dismissed with prejudice may file a written notice of appeal no later than ten (10) days from the date of dismissal. Such appeal shall be filed with the city clerk who shall set a time for hearing before the city manager and notify the appellant thereof. Procedures governing the hearing shall be the same as those provided for denial of license in section 3-32.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-32. - Issuance standards; denial; appeal.

- (a) All applications for new licenses or for transfers of locations shall be passed upon by the city clerk within sixty (60) days from the date of filing of a completed application.
- (b) Date of filing shall be the time and date that a properly completed and executed application form, along with the filing fee as required in section 3-37, is received by the city clerk.
- (c) The city clerk shall not accept an application for a ~~distilled spirits~~ retail package liquor store license for consideration when there is a previously filed and still pending application for a place of business for ~~distilled spirits~~ retail package liquor store license within one thousand (1,000) feet of applicant's proposed site.
- (d) All applications for alcoholic beverage licenses meeting the standards of this chapter shall be granted by the city clerk, unless some specific cause regarding suitability of premises by reason of location or otherwise, character of related activities on premises, reasonable requirements of the neighborhood, traffic conditions or environmental conditions justifies a refusal. In such event the applicant shall be entitled to file a new application of like kind for a different location without the loss of any part of the application fee.
- (e) In the event the city clerk denies an application for a license, the denial shall be transmitted to the applicant, in writing, with the reasons for that action specified. The applicant shall have the right to appeal the denial to the city manager. Such appeal shall be filed in writing no later than fourteen (14) days from the date of the city clerk's decision. A hearing shall be held not

more than thirty (30) days from the date of the written notice of appeal. Within thirty (30) days from the date of the conclusion of the hearing, the city manager shall notify the applicant, in writing, his recommendations and the reason therefor and the date such recommendation shall be presented to the mayor and council. The mayor and council shall vote to ratify or reject the city manager's recommendation as provided in section 3-46.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-33. - Issuance of license; payment of fee.

- (a) All licenses must be obtained and fees paid not later than two (2) weeks from the date of the approval of the application by the city and, if not so obtained, the permit granted by the city shall be void.
- (b) When a license has been approved and the applicant has deposited with the city clerk the required fee, the fee shall be paid to the municipal revenue collector and a license issued.
- (c) For applicants for new licenses, the following prorated portions of all fees for the year of initial application, and only that year, for the new licensers shall apply:
 - (1) For applications approved between January 1 and March 31, none of the initial fee shall be prorated;
 - (2) For applications approved between April 1 and June 30, the fee shall be three-quarters ($\frac{3}{4}$) of the initial fee;
 - (3) For applications approved between July 1 and September 30, the fee shall be one-half ($\frac{1}{2}$) of the initial fee; and
 - (4) For applications approved between October 1 and December 30, the fee shall be one-quarter ($\frac{1}{4}$) of the initial fee.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 04-38, § 2, 12-6-04; Ord. No. 2008-13, § 1, 11-3-08; Ord. No. 2010-07, § 1, 5-17-10)

Sec. 3-34. - Procedure when license denied by state.

In the event the applicant is denied a license by the state, upon the proof of such refusal such person shall be entitled to a refund of the license fee, less the investigative fee as required in section 3-37, plus an additional charge of twenty-five dollars (\$25.00) to cover the clerical costs of granting the license. Such refund may be made by the city clerk without the necessity of any action by the city.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-35. - Business opening within six months from license issuance required.

All holders of licenses shall, within six (6) months after the issuance of the license, open for business the establishment referred to in the license and begin the sale of the products authorized by the license. Failure to open the establishment and begin the sale as referred to above within

the six-month period shall serve as automatic forfeiture and cancellation of the unused license, and no refund of license fees shall be made to the license holder.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-36. - Effect of failure to operate business for six consecutive months.

Any holder of a license who shall begin the operation of the business and sale of the products as authorized in the license, but who shall, for a period of six (6) consecutive months thereafter, cease to operate the business and sale of the products authorized in the license, shall upon completion of the six-month period automatically forfeit the license, which license shall, by virtue of that failure to operate, be cancelled without the necessity of any further action of the city.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-37. Classification of Licenses

The following classes of licenses that may be issued under this chapter include:

(a) Class I- Package Sales (consumption off-premises):

- (1) Wholesaler;
- (2) Retail Package Liquor Store;
- (3) Retail Dealer;

(b) Class II- Sales by the Drink (consumption on-premises):

- (1) Eating Establishment;
- (2) Hotel;
- (3) Lounge;
- (4) Private Club;
- (5) Private Athletic Club;
- (6) Ancillary Retailer License;
- (7) Special Event License (Commercial and Non-Profit); and
- (8) Complimentary Service License

(c) Class III- Both Package Sales and Sales by the drink (consumption on and off premises)

- (1) Brewpub;
- (2) Microbrewery;
- (3) Microdistillery;
- (4) Craft Beer and Wine Market;
- (5) Farm Winery; and
- (6) Caterer

Sec. 3-38. - Annual license fee schedules—Class I (Off-premises consumption-).

~~(a) Distilled spirits.~~ The annual Class I license fee for the privilege of engaging in the business of selling ~~distilled spirits at retail~~alcoholic beverages as described herein shall be as follows:

<u>Class I: Off-Premises Consumption*</u>	<u>Annual Fee</u>
Wholesaler with principal place of business in the City	\$1,000
Wholesaler with principal place of business outside of the City	\$100
Retail Package Liquor Store—distilled spirits, wine, and malt beverages	\$4,000
Retail Dealer—wine	\$500
Retail Dealer—malt beverages	\$500
*The sum of two hundred fifty dollars (\$250.00) shall be paid at the time an original application is filed to cover investigative costs which shall be credited against the first annual license fee upon grant of a license. This fee is not refundable.	

~~(1) The sum of four thousand dollars (\$4,000.00) per annum.~~

~~(2) The sum of two hundred fifty dollars (\$250.00) shall be paid at the time an original application is filed, to cover investigative costs, which shall be credited against the first annual license fee upon grant of a license. This fee is not refundable.~~

~~(b) Wine. The annual license fee for the privilege of engaging in the business of selling wine at retail as described herein shall be as follows:~~

~~(1) The sum of five hundred dollars (\$500.00) per annum.~~

~~(2) The sum of seventy five dollars (\$75.00) shall be paid at the time an original application is filed, to cover investigative costs, which shall be credited against the first annual license fee upon grant of a license. This fee is not refundable.~~

~~(c) Malt beverages. The annual license fee for the privilege of engaging in the business of selling malt beverages described herein shall be as follows:~~

~~(1) The sum of five hundred dollars (\$500.00), provided that if the principal place of business of the licensee is outside of the city, the sum shall be one hundred dollars (\$100.00).~~

~~(2) The sum of seventy five dollars (\$75.00) shall be paid at the time an original application is filed, to cover investigative costs, which shall be credited against the first annual license fee upon grant of a license. This fee is not refundable.~~

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2001-37, § 1, 11-5-01; Ord. No. 2016-28, § 2, 9-19-16; Revised Ord. No. 2016-28, § 1, 10-17-16)

~~Sec. 3-38. Same—Manufacturers and wholesalers.~~39. Annual license fee schedules—Class II (on-premises consumption).

~~Manufacturer and wholesaler license fees shall be as follows:~~

~~(1) — Manufacturer, with location in city, per year\$5,000.00~~

~~provided, however, manufacturers who manufacture, distill or blend said liquor made wholly from products raised in the state, a license fee per year of3,000.00~~

~~(2) — Wholesaler, with location in city, per year1,000.00~~

~~(Ord. No. 93-5, § 1, 4-19-93)~~

~~Sec. 3-39. — Same — Sales by the drink.~~

~~(a) — The annual Class II license fee for the privilege of engaging in the business of selling alcoholic beverages by the drink as described herein shall be as follows:~~

<u>Class II: On-Premises Consumption*</u>	<u>Annual Fee</u>
Distilled spirits, wine, and/or malt beverages:	
Eating Establishment	\$4,000
Hotel	\$4,000
Hotel, where a license fee of \$4,000 has been paid for an eating establishment or lounge within the hotel	\$1,000
Lounge	\$4,000
Lounge within the same premises where a license fee of \$4,000 for an eating establishment has been paid	\$1,000
Private Club	\$250
Private Athletic Club	\$300
Special Event License- Commercial	Daily Fee: \$300
Special Event License- Non-Profit	Daily Fee: \$150
Wine, and/or malt beverages:	

Eating Establishment	\$2,500
Hotel	\$2,500
Hotel, where a license fee of \$2,500 has been paid for an eating establishment or lounge within the hotel	\$1,000
Lounge	\$2,500
Lounge within the same premises where a license fee for an eating establishment of \$2,500 has been paid	\$1,000
Private Club	\$250
Private Athletic Club	\$300
Ancillary Retailer License	\$1,000
Special Event License- Commercial	Daily Fee: \$250
Special Event License- Non-Profit	Daily Fee: \$125
Complimentary Service License	\$250
*The sum of two hundred fifty dollars (\$250.00) shall be paid at the time an original application is filed to cover investigative costs which shall be credited against the first annual license fee upon grant of a license. This fee is not refundable.	

- ~~(1) — Restaurant: The sum of four thousand dollars (\$4,000.00).~~
- ~~(2) — Lounge: The sum of four thousand dollars (\$4,000.00).~~
- ~~(3) — Lounge within the same premises where a license fee for a restaurant of four thousand dollars (\$4,000.00) has been paid: The license fee for each such lounge shall be the sum of one thousand dollars (\$1,000.00).~~
- ~~(4) — Private club: The sum of two hundred fifty dollars (\$250.00).~~
- ~~(5) — Private athletic club: The sum of three hundred dollars (\$300.00).~~
- ~~(6) — Hotel: The sum of four thousand dollars (\$4,000.00) if no restaurant or lounge license is held; the sum of one thousand dollars (\$1,000.00) if an existing restaurant or lounge license is held for a location within the hotel.~~

~~(b) The annual~~ Sec. 3-40. Annual license fee schedules—Class III (on-premises and off-premises consumption).

The annual Class III license fee for the privilege of engaging in the business of selling maltalcoholic beverages and/or wine by the drink shall be as described herein shall be as follows:

<u>Class III: On-Premises and Off-Premises Consumption*</u>	<u>Annual Fee</u>
Brewpub	\$5,000
Microbrewery	\$5,000
Microdistillery	\$5,000
Craft Beer and Wine Market	\$3,000
Farm Winery	\$2,000
Caterer (distilled spirits, wine, and/or malt beverages)	\$2,000
Caterer (wine and/or malt beverages)	\$1,000
*The sum of two hundred fifty dollars (\$250.00) shall be paid at the time an original application is filed to cover investigative costs which shall be credited against the first annual license fee upon grant of a license. This fee is not refundable.	

~~(1) Restaurant: The sum of two thousand five hundred dollars (\$2,500.00).~~

~~(2) Lounge: The sum of two thousand five hundred dollars (\$2,500.00).~~

~~(3) Lounge within the same premises where a license fee for a restaurant of two thousand five hundred dollars (\$2,500.00) has been paid: The license fee for each such lounge shall be the sum of one thousand dollars (\$1,000.00).~~

~~(4) Private club: The sum of two hundred fifty dollars (\$250.00).~~

~~(5) Private athletic club: The sum of three hundred dollars (\$300.00).~~

~~(6) Hotel: The sum of four thousand dollars (\$4,000.00) if no restaurant or lounge license is held; the sum of one thousand dollars (\$1,000.00) if an existing restaurant or lounge license is held for a location within the hotel.~~

~~(c) The sum of two hundred fifty dollars (\$250.00) shall be paid at the time an original application is filed to cover investigative costs which shall be credited against the first annual license fee upon grant of a license. This fee is not refundable.~~

~~(d) The payment provisions of section 3-33 of the City Code shall apply to the fees described in this section.~~

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2001-37, § 2, 11-5-01; Ord. No. 2006-09, § 1, 2-20-06; Ord. No. 2016-28, § 3, 9-19-16; Revised Ord. No. 2016-28, § 2, 10-17-16)

~~Sec. 3-40. Same—Caterer's licenses.~~

~~The annual license fee for the privilege of engaging in business as an alcoholic beverage caterer shall be one thousand dollars (\$1,000.00) for malt beverages and wine or two thousand dollars (\$2,000.00) for distilled spirits, with or without malt beverages and/or wine.~~

~~(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2001-37, § 3, 11-5-01)~~

~~Sec. 3-40a. Same—Farm winery licenses.~~

~~(a) The annual license fee for the sale of wine produced by a farm winery by that same farm winery at retail for off-premises consumption shall be in an amount to be determined by mayor and council, from time to time, by resolution.~~

~~(b) The annual license fee for the sale, by the drink, by a farm winery, of wine produced by that same farm winery shall be in an amount to be determined by mayor and council, from time to time, by resolution.~~

~~(c) The annual license fee for both the sale, by the drink and at retail for off-premises consumption, by a farm winery, of wine produced by that same farm winery shall be in an amount to be determined by mayor and council, from time to time, by resolution.~~

~~(d) A fee, in an amount to be determined by mayor and council, from time to time, by resolution, shall be paid at the time an original application is filed, to cover investigative costs, which shall be credited against the first annual license fee upon grant of a license. This fee is not refundable.~~

~~(e) A farm winery shall not be required to obtain separate licenses for off-premises consumption or sales by the drink under section 3-37 or 3-39.~~

~~(Ord. No. 2016-28, § 4, 9-19-16; Revised Ord. No. 2016-28, § 3, 10-17-16)~~

~~Sec. 3-41. - Same—Payment dates.~~

(a) All license fees for existing holders of licenses for manufacture and wholesale of alcoholic beverages ~~(section 3-38),₂~~ licenses for the sale of alcoholic beverages by the drink ~~(section 3-39),₂~~ licenses for catering of alcoholic beverages ~~(section 3-40),₂~~ and/or licenses for retail sale of beer or wine ~~(section 3-37),₂~~ wishing to continue the license into a succeeding year shall be due by the close of business on December 31 of the then-current year. If said license fees are not received on or before the close of business on that date, such licensee shall immediately cease the sale of alcohol on January 1 at 12:01 a.m. of the succeeding year. License fees paid after the due date shall be subject to a delinquent penalty of five (5) percent of the license fee for each thirty-day period the fee remains unpaid. If December 31 falls on a day in which the city is not open for business, including weekends or holidays, the due date for license fees shall be the immediately preceding business day.

(b) Except as provided in subsection (c), all license fees for existing license holders of licenses for retail sale of distilled spirits ~~(section 3-37)~~ wishing to continue the license into a succeeding

year shall be due by the close of business on December 31 of the then-current year. If said license fees are not received on or before the close of business on that date, such licensee shall immediately cease the sale of alcohol on January 1 at 12:01 a.m. of the succeeding year. Thereafter, if any licensee shall wish to continue to sell alcoholic beverages it must submit a new application for a license. Such new application must be approved by the city before the sale of alcohol may resume. Such application shall be treated as a new application and shall be approved only if the applicant can comply with all ordinances and statutes in effect at the time of submission of the application. If December 31 falls on a day in which the city is not open for business, including weekends or holidays, the due date for license fees shall be the immediately preceding business day.

- (c) If a business for which a license for the retail sale of distilled spirits (~~section 3-37~~) is required is to be sold between December 27 and December 31 of any year, the license of the existing licensee has not yet been renewed, the licensee has given written notice of such to the City Clerk, and the sale is not consummated by December 31 (or the immediately preceding business day if December 31 falls on a day in which the city is not open for business), the application for a license for the succeeding year may be filed on or before the close of business on January 10. If a license is filed on or before that date, then the reapplication limitations contained in subsection (b) shall not apply, and the application shall be reviewed as a license to continue, and not a new application. The fee shall be due five (5) business days after approval. If January 10 falls on a day in which the city is not open for business, including weekends or holidays, the due date for license fees shall be the immediately preceding business day. If the license fee is not paid by the due date, the renewal application process set forth in subsection (b) shall apply.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2006-09, § 2, 2-20-06; Ord. No. 2008-13, § 2, 11-3-08; Ord. No. 2010-07, § 2, 5-17-10; Ord. No. 2016-13, § 1, 4-18-16; Ord. No. 2016-24, § 1, 8-1-16)

Sec. 3-42. - Term of license.

No license shall issue for less than the remainder of the calendar year. In case of the revocation or surrender of such license before the expiration of such year period, the holder thereof shall not be entitled to receive any refund whatsoever.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2008-13, § 3, 11-3-08; Ord. No. 2010-07, § 3, 5-17-10)

Sec. 3-43. - Transferability of licenses.

- (a) Licenses to engage in the business of selling alcoholic beverages shall not be transferable, except as otherwise provided herein.
- (b) In case of the death of any individual holding such a license, or any interest therein, the same may, in the discretion of the city clerk, be transferred to the administrator, executor or the lawful heirs of the deceased person. In the case of a corporation for which one (1) or more stockholders, officers or agents are required to meet the requirements of this chapter for licensing, the death of any such person shall be treated as the death of an individual holding an interest in the license.

- (c) Nothing in this section, however, shall prohibit one (1) or more of the partners in a partnership holding a license to withdraw from the partnership in favor of one (1) or more of the partners who were partners at the time of the issuance of the license. Such withdrawal shall not, however, serve to bring any new ownership into the partnership.
- (d) Should a transfer of a location be approved, there shall be no pro rata return of any license fee, and the new location shall be required to obtain a new license hereunder.
- (e) All applications for transfer of locations shall comply with the provisions herein set forth governing new licenses.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-44. - Notice of transfer of business; affect of disciplinary action.

Should any alcoholic beverage license holder withdraw from, sell or otherwise transfer such holder's interest in any ongoing alcoholic beverage business, the city clerk shall be notified in writing of such withdrawal, sale or transfer within seven (7) days. Conduct of the licensed business may be continued for a period of no more than sixty (60) days following the sale of a license holder's interest therein, upon application of the purchaser for a new license and with approval of the city clerk, provided the initial license holder is under management contract with the purchaser of the business to supervise and remain responsible for the conduct of such business during the time investigation of the new application is underway; and provided further, that no disciplinary proceedings are pending against the initial license holder or the licensed premises concerning established or alleged violations of this chapter. In the event disciplinary proceedings have been concluded against the initial license holder and such license holder is under a probationary period, the remainder of any such probationary period shall be applied to the new license holder for such ongoing business. In the event disciplinary proceedings have been concluded against the initial license holder and such license holder's license is under suspension, the city clerk shall not accept any alcohol beverage license application for such ongoing business until such time as the suspension of the original license has or would have ended. For purposes of this section, "on going alcoholic beverage business" shall mean any business enterprise that continues to operate at the same location or premises and engages in the sale of alcoholic beverages, irrespective of the corporate structure or ownership of such business enterprise.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2008-14, § 1, 11-3-08)

Sec. 3-45. - Display of license.

Every person, firm or corporation issued a license pursuant to this chapter shall be required to display this license in a prominent place on the premises.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-46. — Denial, Suspension or revocation of license.

- (a) ~~Whenever the~~ Effect of Suspension or Revocation by State. The State of Georgia's suspension or revocation of any state shall revoke any permit or license, the city license to ~~deal~~sell

~~any alcoholic beverage shall result in such products shall thereupon be automatically revoked the automatic corresponding suspension or revocation of a license issued under this chapter, without any action by the City or any municipal officer.~~

- (b) ~~Hearings shall be conducted by the city manager. At any hearing the licensee shall have the right to represent himself or be represented by counsel, may cross-examine all witnesses offered by the city, and may present evidence in his own behalf. Formal rules of evidence shall not apply to hearings under this section, although the fact finder shall have the right to exclude evidence which carries no indicia of reliability. All testimony shall be offered under oath or affirmation. Both the city and the licensee shall have the right to subpoena witnesses.~~ **Due Cause for Denial, Suspension, or Revocation.** A license may be denied, suspended, or revoked by the City:

- (1) ~~(c) (1)~~ A license may be suspended or revoked by the city for ~~For any violation of this chapter; for any violation of by the licensed business and/or licensee of local, state and/or federal laws and/or regulations relating to alcoholic beverages; for any material misrepresentation or omission in the application for the~~, including but not limited to the sale of alcoholic beverages to any person under the age of twenty-one (21);
- (2) For any act by the licensed business and/or licensee of encouraging or condoning the violation by the licensed business' employees of local, state and/or federal laws and/or regulations relating to alcoholic beverages;
- ~~(1)~~(3) Evidence of fraudulent, false, omitted, and/or misleading information provided by the applicant, licensee, and/or their employees in securing, renewing and/or maintaining the alcohol license;
- ~~(2)~~(4) ~~or~~ If the licensee or the licensed business ceases to meet the eligibility requirements for licensure, including but not limited to failing to maintain the required percentage of annual food sales in the preceding 4 (four) quarters or the requirements listed in Section 3-22;
- (5) ~~(2)~~ If, within a period of five (5) years, the licensee, licensed business, or ~~employee of such licensee is any of the licensed businesses' employees, agents or contractors, has been convicted for the first time of violating O.C.G.A. § 3-3-21 or of, or plead guilty or Nolo Contendere to, four (4) or more violations of local, state and/or federal laws and/or regulations occurring at the licensed premises.~~
- (6) If any licensee, in a period of five (5) years immediately preceding the date of revocation, has been convicted of, or plead guilty or Nolo Contendere to, four (4) or more violations of any provision of the International Property Maintenance Code or Section 5-15 of this Code, relating to the sale of for any commercial location in the City.
- (7) If any licensee continues to sell, distribute, or manufacture alcoholic beverages to any person under twenty one (21) years of age, the following penalties during a period in which its license is suspended or otherwise violates the terms of its suspension.

- (c) **Procedure for revocation or suspension.** Except as otherwise provided herein, no license which has been issued or which hereafter may be issued pursuant to this chapter shall apply. ~~For purposes of this paragraph, a plea of nolo contendere or the forfeiture of bond shall constitute a conviction~~ be denied, suspended or revoked except for due cause and after a hearing.

- a. ~~Server or handler. Upon the first offense, a server or handler~~ Notice of Hearing. The City Clerk may initiate proceedings under this section by providing alcoholic beverage to

~~an individual under twenty one (21) years of age shall be subject to a court appearance, a civil penalty of five hundred dollars (\$500.00), and suspension or revocation of such individual's handling permit for one (1) year;~~

~~A second offense within five (5) years will subject the server or handler to court appearance, a fine of written notice to the licensee, at least five hundred dollars (\$500.00), but not more than one thousand dollars (\$1,000.00), and suspension or revocation of his handling permit for three (3) years;~~

~~A third offense within ten (10) years will subject the server or handler to court appearance, a fine of at least five hundred dollars (\$500.00), but not more than one thousand dollars (\$1,000.00), and permanent forfeiture of the right to sell or serve alcoholic beverages in a licensed establishment in College Park.~~

- ~~b. Underage purchaser. Upon the first offense an underage person in possession of, or attempting to purchase alcoholic beverages shall be subject to mandatory court appearance and a fine of two hundred fifty dollars (\$250.00); and~~

~~A second offense: A mandatory court appearance, a fine from two hundred fifty dollars (\$250.00) to five hundred dollars (\$500.00), and possible court ordered counseling; and~~

~~A third offense: A mandatory court appearance, a fine from five hundred dollars (\$500.00) to one thousand dollars (\$1,000.00), mandatory court ordered counseling and possible time in jail.~~

- ~~c. Licensee. Upon the first offense, the licensee whose establishment provides alcoholic beverage to an individual under the age of twenty one (21) shall be subject to suspension of his alcoholic beverage license for a minimum of five (5) to ten (10) consecutive business days or revocation of his alcoholic beverage license, and a one thousand dollar (\$1,000.00) civil penalty.~~

~~A second offense within twenty four (24) months: A minimum license suspension of ten (10) to fifteen (15) consecutive business days or revocation of his alcoholic beverage license, and a civil penalty from two thousand five hundred dollars (\$2,500.00) to ten thousand dollars (\$10,000.00); and~~

~~A third offense within twenty four (24) months: A minimum license prior to the date of the suspension of thirty (30) to sixty (60) consecutive business days or /revocation of his alcoholic beverage license, and a civil penalty of ten thousand dollars (\$10,000.00) to twenty thousand dollars (\$20,000.00).~~

~~Nothing in this paragraph shall preclude the city from suspending a license for a period of time exceeding sixty (60) days, or from revoking such license if the city, in its discretion, determines such is necessary.~~

- ~~(1) d. Prior to suspending or revoking a license, the city shall give at least ten (10) days' prior written notice to the licensee hearing, stating specifically the grounds for denial/suspension/revocation and proposed length of any requested suspension. The notice shall advise the licensee of the time, place, and purpose of the hearing at which such suspension or revocation will be considered.~~

- ~~(1)(2) Service. Service of such notice shall be by personal service by a city police officer or code enforcement officer at the licensed premises on the named licensee or an employee of the licensee by a city police officer or code enforcement officer or by certified mail, return receipt requested, to the address listed in the license application. If personal service or certified mail fails, ~~taeking~~affixing a copy of the notice to the front~~

door of the licensed premises and mailing the original to the named licensee at the licensed premises with a copy mailed to any other address of the named licensee contained in the most recent license application on file ~~with the city,~~ shall suffice ~~as receipt of the notice.~~

~~(d) Reserved.~~

- ~~(3) (e) The city manager's~~ Hearing. At the hearing, the licensee shall have the right to represent himself/herself or be represented by counsel, may cross-examine all witnesses offered by the City, and may present evidence in his/her own behalf. Formal rules of evidence shall not apply to hearings under this section and all testimony shall be offered under oath or affirmation. At the hearing, the City shall have the burden of proof by a preponderance of the evidence that the suspension or revocation was proper. Within five (5) business days of the date of the hearing, unless otherwise waived by the licensee and the City, the City Manager shall make a written recommendation ~~shall be transmitted to the mayor and council and~~ to the Mayor and City Council with respect to the request for suspension or revocation, and shall concurrently send a copy of said written recommendation to the licensee by certified mail.
- ~~(4)~~ Review by City Council. The City Manager's recommendation shall be placed on the agenda of the next regular meeting ~~or of a meeting specially of the City Council or set for a special called for that purpose meeting to occur within thirty (30) days of such recommendation.~~ At such meeting, the City Manager shall outline the evidence heard, and ~~the basis for his or her recommendation as to action to be taken.~~ The ~~mayor and~~ City Council shall vote to ratify, amend, or reject the City Manager's recommendation. ~~In the event the mayor and council rejects the recommendation of the city manager, they shall~~ The City Council may, if the City Council finds incomplete issues of fact, direct the City Manager to rehear the matter ~~or on~~ such portion, not later than thirty (30) days after the City Council Meeting. The procedure for notice and conduct of said hearing shall follow the same requirements of this section as the original hearing.
- ~~(5)~~ Appeal from decision of City Council. The decision of the City Council to ratify or reject the City Manager's recommendation shall be final. If the City Council votes to ratify the City Manager's recommendation, the licensee shall have the right to appeal said decision by appealing to the appropriate court of jurisdiction.
- ~~(2)(6)~~ No Supersedeas. The filing of an appeal from a suspension or revocation shall not ipso facto act as is at issue and present new recommendations at such time a supersedeas; provided, however, this restriction shall not be construed to prohibit a court of appropriate jurisdiction to grant a supersedes upon such terms and conditions as they establish ~~may seem reasonable and proper.~~
- ~~(7) (f) In~~ Effect of no appeal or ratification. If the ~~event of~~ suspension or revocation, is ratified (or not appealed):
- i. No refund of any portion of the license shall be paid ~~;~~ and
 - ii. ~~(g) Appeals from In the decision event of the city manager may be taken to the mayor and council. All appeals revocation, licensee shall be filed, in writing, no later than the tenth day following remove all alcohol from its premises; or.~~

iii. In the event of suspension lasting thirty (30) or more days, licensee shall remove all alcohol from its premises, and the Chief of Police shall cause for a sign and/or notice to be posted on the premises notifying the city manager's decision. Appeals shall be public of said suspension. The sign and/or notice shall remain on the record, with no additional evidence heard; provided premises for the mayor and council may direct duration of the suspension. Notwithstanding anything to the contrary herein, retail package liquor stores shall not be obligated to remove alcohol from the premises in the event of suspension.

(d) Penalties for due cause finding by the City Council

(1) With respect to existing licenses for retail package liquor stores, mandatory minimum penalties for due cause findings by the City Council shall be as follows:

- i. First violation—Minimum of five (5) days to a maximum of ninety (90) days suspension of license and a minimum \$1,000.00 fine;
- ii. Second violation—Minimum of thirty (30) days to a maximum of one hundred eighty (180) days suspension of license and a minimum \$1,000.00 fine;
- iii. Third violation—License revocation.

(2) With respect to existing licenses, mandatory minimum penalties for due cause findings by the City Council with respect to licensees holding a license to sell alcoholic beverages for on-premises consumption of alcoholic beverages shall be as follows:

- i. First violation—Minimum of five (5) days to a maximum of ninety (90) days suspension of license and a minimum \$2,500.00 fine;
- ii. Second violation—Minimum of 30 days to a maximum of one hundred eighty (180) days suspension of license and a minimum \$2,500.00 fine;
- iii. Third violation—License revocation.

(3) Notwithstanding anything to the contrary herein, the above penalties constitute mandatory minimums only. The City Council has the discretion to revoke any license upon a first violation if said violation is of such a nature that revocation is necessary to protect the health, safety, and welfare of the public.

(4) The time period considered for number of violations shall be five (5) years from the date of the most recent violation.

Section 3-46.1.- Emergency Suspension of License

(a) The chief of police shall notify the city manager that such a situation exists that constitutes a significant, present threat to public safety or public order, which is likely to continue and that requires the immediate suspension of a license;

(b) The decision to immediately suspend a license shall be jointly made by the city manager and shall be justified when any of the criteria set forth in section 3-46(b) is present and at least one

(1) identifiable aggravating circumstance exists that the city manager to reopen his finds requires an emergency suspension. The following factors shall be considered to determine whether aggravating circumstances exist:

- (1) Consistency of penalties mandated by this chapter and those previously set;
- (2) Likelihood of deterring future wrongdoing;
- (3) Impact of the offense(s) on the community;
- (4) History of prior suspensions and/or revocations of licensee and of warnings of violations to licensee;
- (5) Disorderly conduct at the establishment;
- (6) Presence of illegal drugs at the establishment;
- (7) Violence at the establishment;
- (8) Gambling at the establishment;
- (9) Any public safety implications of failing to immediately suspend the subject license; and
- (10) Whether the situation in question is a violation of a suspension previously imposed.

(a)(c) At least within 24 hours of said decision, the city manager or the city manager's designee shall issue a show cause order notifying licensee of the decision to immediately suspend said license; notifying licensee of a time, date, and place of the hearing for the purpose of investigating issues brought to be conducted before it. The city manager no later than ten (10) days from the date of the emergency suspension; and directing licensee to show cause why said license should not be subject to further suspension or revocation; both licensee and the chief of police shall receive a copy of the show cause order.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2011-18, § 1, 8-1-11)

(d) Except as otherwise provided in this section, the provisions in section 3-46 shall apply to emergency suspension proceedings.

Sec. 3-47. - Employees; qualifications; permits; records filed with city; investigations.

(a) ~~(2)~~ Eligibility.

(1) No licensee shall employ in any premises licensed for the retail sale of malt beverages and/or wine, any person who, once within the immediately preceding six (6) months, twice within the immediately preceding twelve (12) months, or three (3) times within the immediately preceding five (5) years, has been convicted of, or entered a plea of guilty or nolo contendere to, any city, state or federal offense relating to alcoholic beverages, or who, within the immediately preceding ten (10) years has been convicted of or entered a plea of guilty or nolo contendere to any felony.

(1)(2) No licensee shall employ in any premises licensed for the retail sale of distilled spirits, any person who, once within the immediately preceding one (1) year, twice

within the immediately preceding two (2) years, or three (3) times within the immediately preceding ten (10) years, has been convicted of, or entered a plea of guilty or nolo contendere to, any city, state or federal offense relating to alcoholic beverages, narcotics or gambling, or who, within the immediately preceding ten (10) years has been convicted of or entered a plea of guilty or nolo contendere to any felony.

~~(2)(3)~~ ~~(3)~~ No licensee shall employ in any premises licensed for the sale of alcoholic beverages for consumption on the premises, any person, who, once within the immediately preceding one (1) year, twice within the immediately preceding two (2) years, or three (3) times within the immediately preceding ten (10) years, has been convicted of, or entered a plea of guilty or nolo contendere to, any city, state or federal offense relating to alcoholic beverages, narcotics, gambling, or sex offense, including but not limited to prostitution, solicitation of prostitution or keeping a disorderly house, or who, within the immediately preceding ten (10) years, has been convicted of, or entered a plea of guilty or nolo contendere to, any felony.

~~(3)(4)~~ ~~(4)~~ Paragraphs (1) through (3) above shall only apply to those employees hired for the purpose of or actively engaged in the dispensing, serving, selling or other handling of alcoholic beverages.

~~(4)(5)~~ ~~(5)~~ In the event an employee of a licensed alcoholic beverage establishment is convicted of or enters a plea of guilty or nolo contendere to any offense which would preclude his or her initial employment under paragraphs (1) to (3) above, such employee shall be placed on probationary status for a period of twelve (12) months. Any subsequent conviction or plea to such an offense during the probationary period shall result in the employee's disqualification from further eligibility for employment in a capacity which involves the dispensing, serving, selling or other handling of alcoholic beverages in an alcoholic beverage establishment in the city for a period of five (5) years; provided that nothing in this subsection shall be construed to require a license holder to continue the employment of such an employee nor shall the provisions of this subsection be construed to prohibit dismissal of such an employee as a condition of maintaining the alcoholic beverage license where the conduct of the employee is of an egregious nature or shows a total disregard for the laws and regulations pertaining to the sale of alcoholic beverages.

(b) Employees who are involved in the sale and/or dispensing of alcoholic beverages are required to register with the police department on a form provided by the police department for that purpose. All such employees shall be subject to such investigative rules and regulations as may be deemed necessary from time to time by the police department of the city. A dispensing permit with a photograph of the permit holder affixed and clearly printed expiration date will be issued and a fee will be charged to all applicants for the same. Such fee may be changed from time to time by resolution of the mayor and council. Reregistration shall be accomplished every two (2) years on the two-year anniversary of initial registration in the same manner as previously stated. Such permits allow an employee who dispenses or sells alcoholic beverages to work in any retail consumption establishment in the city. Such permits must be worn, clearly visible to the public, at all times when the holder of the permit is engaged in the dispensing and/or sale of alcoholic beverages.

~~(c)~~ ~~Reserved.~~

- (d) The licensee shall acquaint all employees engaged in the sale of alcoholic beverages with the requirements of this chapter and state law regulating the handling, sale or dispensing of such beverages, and shall obtain from each such employee a signed acknowledgment that the employee has read the provisions of this chapter and state law regulating the handling, sale or dispensing of alcoholic beverages. Such signed acknowledgment shall be retained in the business office of the licensed premises during the employment period for each such employee, and shall be available for inspection during business hours at the request of the city manager, chief of police, or any city law enforcement officer.
- (ed) Minors under eighteen (18) years of age may be employed in or about places of business where alcoholic beverages are sold, provided such minors shall not be allowed or required to dispense, serve, sell, deliver or take orders for such alcoholic beverages or in any manner aid or assist in the dispensing, serving, sale, delivery or taking orders for same. Persons under eighteen (18) years of age who are employed in supermarkets, convenience stores, breweries or drug stores may handle the stocking or storage of alcoholic beverages which are sold for consumption off the premises, but may not assist in the sale thereof.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2006-20, §§ 1, 2, 5-15-06; Ord. No. 2010-07, § 4, 5-17-10)

Sec. 3-48. - Conditions of on-site tastings.

- (a) The holder of a retail package liquor store license issued under section 3-37(b), ~~3-37(c) or both sections 3-37(b) and 3-37(c)~~ shall be eligible for an ancillary tasting license to provide samples of wine ~~or~~, malt beverages, or distilled spirits offered for sale to customers under the conditions set forth in this section. ~~No tasting license shall be issued for the tasting of distilled spirits.~~ No tasting license shall be required for farm winery tasting rooms.
- (b) Tastings shall be on limited ~~occasions when a customer requests a sample of a beverage offered for sale within the premises~~ to four (4) tasting events per calendar year, or in conjunction with education classes and sampling designed to promote ~~wine~~ alcoholic beverage appreciation and education.
- (c) Tasting for customers shall only be conducted at a counter area constituting no more than ten (10) percent of the entire floor area of the premises.
- (d) Samples shall not exceed two (2) ounces, and no customer shall consume more than eight (8) ounces in any one-hour period.
- (e) Beverages shall only be opened ~~only by the licensee or an employee, and~~ and samples shall ~~only~~ be poured by the licensee, an employee, and/or an employee alcoholic beverage brand ambassador.
- (f) Sampling and tasting is only permitted within the premises.
- ~~(g) No open containers shall be removed from the licensed premises.~~
- (g) Complimentary food shall be made available for customers during each sampling and tasting
- (h) Not more than one time per week for a period of not to exceed two (2) consecutive hours, the holder of an ancillary tasting license may conduct sampling educational classes ~~and~~

~~sampling for classes~~. All conditions of sampling set forth in this section shall apply to such classes, except for the limitation on floor area where the classes can be conducted.

- (i) Holders of an ancillary wine tasting permit shall not charge for individual samples or tastings, but may impose a charge for educational classes or certain special tasting events.
- (j) The annual fee for an ancillary wine tasting license shall be one hundred dollars (\$100.00), which fee may be revised from time to time by resolution of the mayor and council.

(k) The licensee shall provide at least thirty (30) days' notice to the city clerk prior to the tasting event.

(Ord. No. 2013-02, § 1, 2-4-13; Ord. No. 2016-28, § 5, 9-19-16)

Sec. 3-49. - Farm winery licenses.

- (a) A farm winery shall sell, at retail and by the drink, only wine produced in its facilities. In no event shall a farm winery sell wine produced by other farm wineries, distilled spirits or malt beverages.
- (b) There shall be no specified or required ratio of wine sales to any other income for farm winery operations.
- (c) On Sundays, a farm winery shall be permitted to sell its wine only during the hours of 12:30 p.m. until 12:00 a.m. of the following day.
- (d) Farm wineries shall be subject to all qualifications and regulations of this chapter, except as otherwise specifically provided in this section.
- (e) Any applicant for a license for the sale of wine by a farm winery shall pay the applicable annual license fee and a one-time administrative/investigative fee established by mayor and council, by resolution, from time to time.
- (f) The license created in accord with this section shall be limited to farm winery tasting rooms licensed by the State of Georgia in ~~accord~~accordance with O.C.G.A. § 3-6-21.1, *et seq.*, and the licensee shall be permitted to perform only acts allowed in accord with such statutes. No license is hereby created authorizing any other use. All consumption of wine by the drink shall be in farm winery tasting rooms.
- (g) All applications for renewal of a farm winery license shall be accompanied by a copy of the current state license. Failure to present a valid copy of a current and valid state license will result in a refusal to renew the license.
- (h) A farm winery may only apply for licenses for sales by the drink of wine and off premises consumption wine sales.

(Ord. No. 2016-28, § 6, 9-19-16; Revised Ord. No. 2016-28, § 4, 10-17-16)

Sec. 3-50.- Craft Beer and Wine Market License

- (a) No person shall be permitted to own or operate a craft beer and wine market without first obtaining a license from the city clerk or his/her designee pursuant to the same procedures as are set forth in this chapter, and each craft beer and wine market license holder shall comply with all other applicable state and local requirements.
- (b) A craft beer and wine market shall offer a minimum of twenty-five (25) craft beer and/or wine selections.
- (c) Sales of craft beers and wines (including growlers), shall be limited to package sales for consumption off the premises; provided, however, a craft beer and wine market may hold four (4) events per calendar year where on-premise consumption shall be permissible as long as (i) food is available for purchase at the premises during the event and (ii) the licensee provides at least thirty (30) days' notice to the city clerk prior to the event.
- (d) The sale and/or consumption of distilled spirits is strictly prohibited at such locations.
- (e) Craft beer and wine markets shall meet all distance requirements for a consumption on the premises license.
- (a) Licensees or employees of a craft beer and wine market shall be authorized to offer samples of draft beer or wine to patrons over the age of 21; provided that samples shall not exceed three (3) ounces and all patrons are limited to four (4) samples during a single days' operating hours.

Sec. 3-51.- Ancillary Retailer License

- (a) A for-profit commercial entity or non-profit organization located within the Downtown Commercial, the Hospitality Campus District, or within the Planned Development District may be issued a license to sell or offer complimentary alcoholic beverages for consumption only on the premises.
- (b) An ancillary licensee shall not:
 - (1) Serve alcoholic beverages past 9:00 p.m.;
 - (2) Allow any alcoholic beverages to be consumed outside the facility;
 - (3) Engage in any exterior advertising concerning the consumption of alcoholic beverages on the premises; or
 - (4) Derive more than twenty (20) percent of its total annual gross revenues from the sale of alcoholic beverages.
- (c) An ancillary commercial licensee shall:
 - (1) During all hours of operation, provide food available for purchase and/or utilize one or more food trucks, which shall be located on the grounds of the licensed premises or within twenty-five (25) feet of the licensed premises;
 - (2) Comply with all ordinance regulations dealing with general licensing and consumption on the premises' establishments;
 - (3) Comply with all local, state and federal licensing and operational requirements; and
 - (4) Submit all reports to the city as required under this chapter.

Sec. 3-53.- Brewpub License

- (a) No individual shall be permitted to own or operate a brewpub without first obtaining a proper license from the commissioner in the manner provided in this title, and each brewpub licensee shall comply with all other applicable state and local license requirements;
- (b) A brewpub license authorizes the holder of such license to:
- (1) Manufacture on the licensed premises not more than 10,000 barrels of malt beverages in a calendar year solely for retail sale;
 - (2) Operate an eating establishment that shall be the sole retail outlet for such malt beverages;
 - (3) Operate an eating establishment that may offer for sale for consumption on the premises any other alcoholic beverages produced by other manufacturers which are authorized for retail sale under this title, including wine, distilled spirits, and malt beverages, provided that such alcoholic beverages are purchased from a licensed wholesaler; and, provided, further, that in addition to draft beer manufactured on the premises, each brewpub licensee shall offer for sale commercially available canned or bottled malt beverages from licensed wholesalers; and
 - (4) Notwithstanding any other provision of this paragraph, sell up to a maximum of 5,000 barrels annually of such malt beverages to licensed wholesale dealers. Under no circumstances shall such malt beverages be sold by a brewpub licensee to any person holding a retail consumption dealer's license or a retailer's license for the purpose of resale;
- (c) A brewpub licensee shall:
- (1) Pay all state and local license fees and excise taxes applicable to individuals licensed by this state as manufacturers, retailers, and, where applicable, wholesalers under this chapter;
 - (2) Measure malt beverages manufactured on the premises and otherwise comply with applicable rules and regulations respecting excise and enforcement tax determination of such malt beverages as required by state and local law.
- (d) To the extent the provisions of this section conflict with O.C.G.A. § 3-5-36, the provisions of O.C.G.A. § 3-5-36 shall control.

Sec. 3-54.- Special Event Alcohol License

- (a) Establishments duly licensed by the city to sell alcoholic beverages for consumption on the premises must submit an application and site plan to the city clerk to engage in outdoor special events.
- (b) A special event temporary permit, if approved by the mayor and council under Section 3-84, shall authorize the licensee to sell alcoholic beverages for consumption on the premises for a period not to exceed the hours otherwise specified in this chapter.

- (c) The applicant must meet the following requirements:
- (1) The licensed establishment must have an existing license for the sale of alcoholic beverages for consumption on the premises.
 - (2) The entrances and exits to the event must be through controlled entry points which allow for easy monitoring of patrons entering and leaving the event.
 - (3) A site plan must be submitted to and approved by the city planner and city fire marshal.
 - (4) If the site plan provides for an area to accommodate more than 25 persons, a crowd control and security plan must be submitted to the city for approval. The community development department and city fire marshal must approve any temporary structures.
 - (5) A signed and notarized letter from the property owner authorizing the use of the property for the event.
 - (6) The outside event shall not exceed three (3) days.
 - (7) All outside events for an individual licensed establishment will be restricted to three (3) events per year.
 - (8) A non-refundable fee of \$100.00 (Commercial) or \$50.00 (Non-Profit) must be paid at the time of filing of the application.
 - (9) The completed application must be submitted to the city clerk no less than thirty (30) days prior to the scheduled event.
- (d) Nothing in this section shall be construed to waive or appeal any other requirements ordained under this Code.
- (e) The licensee or the licensee's employee shall supervise all aspects of the special event pertaining to the handling and storage of alcoholic beverages and the distribution of alcoholic beverages to consumers.
- (f) The licensee shall be responsible for compliance with all aspects of this chapter and state law, and liable for infractions thereof.

Sec. 3-55. – Complimentary Service License

- (a) Businesses that derive zero percent of their gross revenue from the sale of alcoholic beverages may apply for a complimentary service license.
- (b) Holders of a complimentary service license may provide limited amounts of malt beverages or wine to patrons upon the licensed premises. The provision of complimentary distilled spirits is strictly prohibited.
- (c) Holders of a complimentary service license may not receive present or future consideration for the provision of an alcoholic beverage; alcoholic beverages may only be provided gratis.
- (d) Complimentary service of malt beverages to an individual shall be limited to no more than 24 fluid ounces in a 24-hour period.

- (e) Complimentary service of wine to an individual shall be limited to no more than 12 fluid ounces in a 24-hour period.
- (f) Only the licensee or an employee shall open and handle unpackaged malt beverages or wine.
- (g) No open containers shall be removed from the licensed premises.
- (h) Notwithstanding anything to the contrary herein, licensee and its employees shall not pour any alcoholic beverages from a keg, growler, box, or bottle. Complimentary service shall be limited to the opening of packaged malt beverages that do not exceed twelve (12) ounces and packaged wines that do not exceed six (6) ounces.

3-56. -Microbrewery License

- (a) No individual shall be permitted to operate a microbrewery without first obtaining a proper license from the city in the manner provided in this chapter. Each holder of a microbrewery license shall comply with the provisions of this chapter and all applicable state statutes, including rules and regulations promulgated by the department of revenue.
- (b) Subject to compliance with the terms and conditions of O.C.G.A. § 3-5-24.1, holders of a microbrewery license may sell up to six thousand (6,000) barrels of malt beverages in each calendar year to individuals who are on the brewer's licensed premises for: (1) consumption on the premises; and (2) consumption off the premises, provided that such sales for consumption off the premises shall not exceed a maximum of 288 ounces of malt beverage per consumer per day.
- (c) A brewer may sell malt beverages pursuant to subsection (b) of this section on all days and at all times that sales of malt beverages by retailers are lawful, including, but not limited to Sundays.
- (d) A brewer engaging in sales of malt beverages pursuant to subsection (b) of this section shall remit all sales, use, and excise taxes to the proper tax collecting authority.

3-57.- Microdistillery License

- (e) No individual shall be permitted to operate a microdistillery without first obtaining a proper license from the city in the manner provided in this chapter. Each holder of a microdistillery license shall comply with the provisions of this chapter and all applicable state statutes, including rules and regulations promulgated by the department of revenue.
- (f) Subject to compliance with the terms and conditions of O.C.G.A. § 3-4-24.2, holders of a microdistillery license may sell up to 750 barrels of distilled spirits per calendar year to individuals who are on such distiller's licensed premises for: (1) consumption on the premises; and (2) consumption off the premises, provided that such sales for consumption off the premises shall not exceed a maximum of 4,500 milliliters of distilled spirits per consumer per day.

- (g) A distiller may sell distilled spirits pursuant to subsection (b) of this section on all days and at all times that sales of distilled spirits by retailers and retail consumption dealers are lawful, including, but not limited to Sundays.
- (h) A distiller shall not sell any distilled spirits for consumption off the premises pursuant to subsection (b) of this section at a price less than the price at which a person licensed to sell distilled spirits by the package is permitted to sell distilled spirits pursuant to O.C.G.A § 3-4-26(b).
- (i) Any distiller engaging in sales of distilled spirits pursuant to subsection (b) of this section shall remit all sales, use, and excise taxes to the proper tax collecting authority.

Secs. 3-~~50~~58 – 3-60. – Reserved.

ARTICLE III. - REGULATION OF PACKAGE SALES

Sec. 3-61. - Business hours and days.

- (a) Retail ~~dealers~~Package Liquor Stores or other authorized retailers engaged in the sale of distilled spirits shall not engage in, and shall not cause any other person to engage in, the sale of such beverages except between the hours of 8:00 a.m. and 11:45 p.m. on weekdays and shall not permit their places of business to be opened for the sale of distilled spirits on Christmas Day. Business hours of wholesale dealers shall be from sunup to sundown.
- (b) Retail Dealers in other alcoholic beverages shall not engage in, nor cause any other person to engage in, the sale of such beverages except between the hours of 8:00 a.m. and 11:45 p.m. on weekdays and shall not engage in, nor cause any other person to engage in the sale of such beverages on Christmas Day.
- (c) Business hours of wholesale dealers in alcoholic beverages shall be from sunup to sundown.
- (d) The sale of alcoholic beverages on election days is permitted within the city.
- (e) Retailers possessing a valid license from the city authorizing the package sale of malt beverages, wine, and/or distilled spirits shall be authorized to sell packages of malt beverages, wine, and/or distilled spirits on Sundays between the hours of 12:30 p.m. and 11:30 p.m.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 98-10, § 1, 4-20-98; Ord. No. 2011-06, § 2, 6-6-11)

Sec. 3-62. - Exterior advertisement of brand and price of distilled spirits prohibited.

No sign of any kind, painted or electric, advertising any brand or price of distilled spirits shall be permitted on the exterior, or in the window, of any licensed premises. No placard or sign of any kind which is visible from the exterior of the licensed premises shall make reference to the price of any distilled spirits sold therein; provided, however, that tags showing the prices of individual bottles or containers may be affixed to each such bottle or container or to the edge of the shelf whereon such bottles or containers are located.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-63. - Price lists or tags required.

- (a) Each licensee shall have conspicuously displayed within the interior of the licensed premises not less than four (4) copies of a printed price list of the alcoholic beverages offered for sale and one (1) printed copy of the penal sections of this chapter; provided, that a licensee, in lieu of having four (4) copies of a printed price list, may have the price placed on the bottles or on the bottom of the shelf where alcoholic beverages are exhibited for sale.
- (b) All licensees hereunder shall display in prominent places their current prices of alcoholic beverages.
- (c) The licensee shall file a copy of same with the investigating officer of the police department and shall furnish to any customer that so desires an itemized bill of charges which shall not exceed the price list furnished to the police department. Upon any increase or decrease of prices, a new list must be filed with the police department.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-64. - Lighted electric advertising signs on wine or malt beverage establishments.

No licensee operating premises wherein wine or malt beverages are sold shall operate lighted electrical signs or devices advertising such liquors except during the hours that such products are being offered for sale to the public.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-65. - Sanitary regulations, immoral conduct, etc.; inspection and report by fire department.

- (a) All licensed premises shall be kept clean and in proper sanitary condition and in full compliance with the provisions and regulations governing the condition of premises used for the storage and sale of food for human consumption. It shall be unlawful to permit any disturbance of the peace, obscenity, or public indecency on the premises.
- (b) The fire department shall, upon request of the city clerk, inspect such premises and report its findings to the city clerk. All premises licensed hereunder shall conform at all time with all fire regulations of the city.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-66. - Physical requirements of applicant's premises.

- (a) No license shall be granted to a retailer under the provision of this chapter, unless the front entrance to the premises is clearly visible from a public street; provided, however, that this restriction shall not apply where the licensee is a hotel, motel, or private club, or has a location in a shopping center or multiple-story business building.
- (b) Where a building in which a retailer intends to operate under the provisions of this chapter is at the time of the application for such license not in existence or not yet completed, license

may be issued for such location provided the plans for the proposed building show clearly a compliance with the other provisions of this chapter.

- (c) No sales shall be made from such establishment until it has been completed in accordance with said plans and is in conformity with all of the other provisions of this chapter.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-67. - Interior visibility required.

No screen, blind, curtain, partition, article or thing which shall prevent a clear view into the interior shall be permitted in the window or opening of any door of any retail alcoholic beverage store, and no booth, screen, partition or other obstruction shall be permitted within the interior of any such store. Each such retail store shall be so lighted that the interior of the store is visible day and night.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-68. ~~Reserved~~ Operation of video games.

~~Editor's note— Ord. No. 2012-05, § 2, adopted February 20, 2012, repealed the former section 3-68 in its entirety, which pertained to slot machines, etc., prohibited on premises, and derived from Ord. No. 93-5, § 1, adopted April 19, 1993, and Ord. No. 2011-12, § 2, adopted September 19, 2011.~~ (a) No retail package liquor store under this article shall allow, maintain or operate on the licensed premises more than three (3) video games. This provision does not include or pertain to musical machines or juke boxes.

(b) Except as specified herein, the provision of this Code regarding the regulation and licensing of coin-operated amusement machines shall apply and be of full force and effect.

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Sec. 3-69. - Package sales of certain container.

- (a) Wine sold in containers of less than seven hundred fifty (750) milliliters shall only be sold in packages of at least four (4) containers.
- (b) Malt beverages sold in containers of less than sixteen (16) ounces shall only be sold in packages of at least (4) containers.
- (c) The provisions of subsections (a) and (b) above shall not apply to (i) convenience stores licensed under the provisions of chapter 11, article XXIV of the Code of Ordinances or (ii) any other business entity that voluntarily complies with the provisions of chapter 11, article XXIV of the Code of Ordinances, and such compliance has been verified by the city. The chief building inspector is authorized to issue a certification to any business entity that has been inspected for voluntary compliance with chapter 11, article XXIV of the Code of Ordinances.

(Ord. No. 03-09, § 1, 3-3-03; Ord. No. 2012-05, § 4, 2-20-12; Ord. No. 2012-07, § 1, 4-2-12)

Sec. 3-70. - Convenience stores.

- (a) Convenience stores maintaining alcohol licenses pursuant to this chapter of the Code shall also be subject to the regulations contained in chapter 11, article XXIV, as if said provisions were fully incorporated herein.
- (b) Condoning of loitering prohibited. It shall be unlawful for the owner, manager and/or operator of a convenience store licensed to sell alcohol under this chapter to allow any person to loiter on or about the licensed premises as prohibited by chapter 12, article I, section 12-16 of the Code, without taking prompt action to cause for such loiterer to be removed from the premises. The unlawful loitering of a person at a convenience store for a period of more than thirty (30) minutes shall constitute prima facie evidence that the owner, manager and/or operator of the establishment is unlawfully condoning such prohibited conduct.
- (c) Prominent display of loitering prohibition. Convenience stores maintaining alcohol licenses pursuant to this chapter shall cause for the following language to be prominently displayed, in no less than forty-eight-inch font, in a manner which is visible to the general public on the exterior and interior of the licensed establishment:

Loitering Prohibited:

This establishment is required to prohibit loitering, pursuant to Chapter 3, Article III, Sec. 3-70, of the College Park Code of Ordinances.

- (d) Penalties. In addition to other penalties and sanctions authorized by state law and the Code, the violation of this section by owners, managers and/or operators of convenience stores shall subject the convenience store to termination, revocation and/or suspension of its license to sell alcoholic beverages.

(Ord. No. 2011-12, § 2, 9-19-11; Ord. No. 2016-30, § 1, 11-7-16)

Sec. 3-71. - Growlers

- (a) Licensees or employees of a licensed brewpub or craft beer shop may fill or refill properly sanitized growlers with draft craft beer or hard cider from a keg at the licensed premises as provided in this chapter.
- (b) Growlers shall not have a capacity exceeding 64 ounces.
- (c) Growlers may only be filled from kegs procured by the licensee from a duly licensed wholesaler.
- (d) The filling of growlers by means of a tapped keg shall not constitute the breaking of a package as contemplated by O.C.G.A. § 3-3-26 or other provisions of this chapter, provided that after the growler is filled, the growler must be sealed on the licensed premises

with a tamper-proof plastic cap and may not thereafter be opened or consumed on the premises.

Secs. 3-~~7172~~—3-80. - Reserved.

ARTICLE IV. - REGULATION OF SALES BY THE DRINK

Sec. 3-81. - Prohibited hours of operation.

No license holder shall sell, give away, or otherwise dispense alcoholic beverages by the drink between the hours of 2:00 a.m. and 11:00 a.m. Sunday, 12:00 a.m. and 7:00 a.m. on Monday, or 2:00 a.m. and 7:00 a.m. on other days.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 98-10, § 2, 4-20-98; Ord. No. 99-08, § 2, 6-14-99; Ord. No. 2018-05, § 5, 8-6-18, election of 11-6-18)

Sec. 3-82. - Service to be by employees only.

Alcoholic beverages by the drink shall be served by employees of the establishment only.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-83. - Standards to determine sleeping or seating capacity; inspections; compliance with fire requirements.

Where a minimum sleeping ~~or~~ seating capacity is prescribed in this chapter, the same shall be judged by existing ordinances of the county or state regulations or by reasonable standards. The fire department, shall, upon request of the city clerk, inspect such premises and report its findings to the city clerk. All premises licensed hereunder shall conform at all times to all fire regulations of the city, county and state.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-84. - Sales ~~outside of~~outdoors at the licensed premises- Special Events.

- (a) It shall be unlawful for any sale to be made outside of the enclosed building, premises or place of business licensed for such sale except as otherwise permitted by~~in this section and section 3-85~~chapter.
- (b) The mayor and council may authorize special events no more than ~~two (2)~~fifteen (15) times per year per licensee during which the use of contiguous structures, such as tents, may be utilized by a licensee in the conduct of his business. All such special events shall be limited to ~~forty-eight (48)~~seventy-two (72) hours in duration. Activities in contiguous structures shall cease no later than 10:30 p.m. of each day. Use of contiguous structures shall be permitted only where a sufficient number of parking spaces to meet the zoning ordinance remain after erection of the structure.

- (c) The mayor and council, in granting a special event permit, may attach conditions to the permit to protect the appropriate use of neighboring properties.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-85. - Alcoholic beverage caterers.

- (a) For the purpose of this section the following definitions shall apply:
- (1) *Food caterer* means any person who, for consideration, prepares food for consumption off the premises.
 - (2) *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.
 - (3) *Authorized catered function* 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, and sold, dispensed or provided free of charge to persons present at the event, by the drink, pursuant to a permit obtained under this section.
- (b) Licenses may be obtained for the purpose of selling or dispensing alcoholic beverages by the drink on premises at which authorized catered functions are to be held. Such licenses shall be annual licenses and may be obtained only by those persons, firms or corporations already licensed by the city for the sale of alcoholic beverages at retail or by the drink. The procedures for securing such licenses and the terms thereof, including license fees, shall be as provided in Article II of this chapter.
- (c) Before a licensed alcoholic beverage caterer may sell or dispense alcoholic beverages at any authorized catered function, such caterer shall obtain a permit. The application for permit shall include the name of the alcoholic beverage caterer, the caterer's license number, and the date, address and time of the event. No permit fee shall be charged for the alcoholic beverage caterers licensed by the city. For caterers licensed by jurisdictions other than College Park, a fee of fifty dollars (\$50.00) per event permit shall be charged. No permit shall be issued to any person under this section who does not hold an alcoholic beverage caterer's license from a local jurisdiction in the State of Georgia. The permit shall be kept in the vehicle used to transport alcoholic beverage to the event at all times during which the permit is in effect.
- (d) Caterers licensed by a jurisdiction other than College Park shall maintain a record of all alcoholic beverages transported into the city for the event, and shall pay an excise tax to the city covering all such beverages at the rates provided by Article V of this chapter. Failure to report and remit the tax within seven (7) days of the conclusion of the event shall be grounds for denial of subsequent permits to that caterer for similar events.
- (e) Caterers licensed by College Park shall maintain a record of all alcoholic beverages transported for each event, by event, and shall make report and remittance of such taxes with their regular monthly reports to the city.

- (f) No alcoholic beverages shall be transported, distributed or sold to other than licensed locations in the city, except to authorized catered functions, unless otherwise authorized by this chapter or by state law.
- (g) The hours and days of sale or distribution of alcoholic beverages under this section shall be the same as provided for sale by the drink.
- (h) No licensed alcoholic beverage caterer shall employ any person under eighteen (18) years of age to dispense, serve, sell or handle alcoholic beverages at authorized catered functions.
- (i) As a condition of permit issuance, alcoholic beverage caterers licensed by jurisdictions other than College Park shall be provided a copy of the city's alcoholic beverages ordinances, and shall indicate, by signature, that they have received such ordinances and acknowledge the applicability of such ordinances to their operations.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2010-07, § 5, 5-17-10)

~~Sec. 3-86. -Operation of video games.~~

- ~~(a) No licensee under this article shall allow, maintain or operate on the licensed premises more than three (3) video games. This provision does not include or pertain to musical machines or juke boxes.~~
- ~~(b) Other provisions of this Code specifying license fees for the use of video games notwithstanding, licensees under this article shall pay a license fee of one hundred dollars (\$100.00) per year, payable annually in advance, for the use of any allowed number of video games on the licensed premises.~~
- ~~(c) Except as specified herein, the provision of this Code regarding the regulation and licensing of coin-operated amusement machines shall apply and be of full force and effect.~~

~~(Ord. No. 93-5, § 1, 4-19-93)~~

~~Sec. 3-87. -Reserved.~~

~~Editor's note — Ord. No. 2019-16, § 1, adopted October 7, 2019, repealed § 3-87, which pertained to pricing and derived from Ord. No. 93-5, § 1, 4-19-93.~~

~~Sec. 3-88. - Hotel in-room service.~~

Licenses obtained by hotels shall include the right to serve alcoholic beverages by the drink to registered guests in their hotel rooms as well as to deliver alcoholic beverages in unbroken and/or unopened packages to registered guests' rooms when such beverages have been ordered by such guests and/or to provide a cabinet or other facility in a hotel guest's room which contains alcoholic beverages for which licensed, and which is provided upon written request of the guest, and which is accessible by lock and key only to the guest, and for which the sale of the alcoholic beverages contained therein is final at the time requested, except for a credit which may be given to the guest for any unused and unopened portion. Additionally, a hotel shall be entitled to sell alcoholic beverages by the drink to registered guests in unbroken and/or unopened packages at the hotel's front desk, gift shop or similar sundry goods shop, ~~provided that such sales may only be made by charging the sale to the registered guest's room.~~ All alcoholic beverages sold or distributed

under this section shall be obtained by the hotel directly from a licensed wholesaler or distributor and shall be stored on the premises of the hotel until sold or served.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2011-18, § 2, 8-1-11)

Sec. 3-~~8987~~. - Maintenance of premises; improper conduct; nudity.

- (a) All licensed premises shall be kept clean and in proper sanitary condition and in full compliance with provisions and regulations of the city, county and state governing the conditions of premises used for the storage and sale of food for human consumption.
- (b) For purposes of this section:
 - (1) *Alcoholic beverage establishment* shall mean any ~~restaurant~~eating establishment or lounge holding a license under this chapter for the sale of alcoholic beverages for consumption on the premises.
 - (2) *Substantially nude* shall mean dressed or undressed in a manner so as to plainly expose to view any portion of a male's or female's pubic hair, anus, cleft of the buttocks, vulva, or genitals, or any portion of the female breasts below the top of the areola.
- (c)
 - (1) No person shall appear substantially nude in any alcoholic beverage establishment or in advertisements for events held at an alcoholic beverage establishment, and no owner or manager of an alcoholic beverage establishment shall permit any person to appear substantially nude on the licensed premises.
 - (2) No owner or manager of an alcoholic beverage establishment shall permit any person to perform acts of, or acts which constitute or simulate:
 - a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, or any sexual acts which are prohibited by law.
 - b. The touching, caressing or fondling of the breast, buttocks, anus or genitals; provided that random acts of patrons or employees, whose actions do not constitute actions taken pursuant to encouragement or acquiescence of the management of the establishment and are not for the purposes of entertainment, promotion, publicity, or notoriety shall not constitute violations of this section.
- (d) The restrictions of subsection (c) shall apply only to persons physically present on the licensed premises, and shall apply regardless of whether such persons are categorized as owners, agents, employees, patrons, independent contractors or otherwise.
- (e) In addition to prosecution of any person for violation of this section, the business license of any premises upon which a violation of this section occurs shall be subject to suspension or revocation. Any such revocation or suspension action shall follow the procedures outlined in section 3-46 of the City Code of Ordinances. Any conviction or plea of guilty or nolo contendere in the city court to a charge of violation of this section shall be admissible in a license suspension or revocation proceeding.
- (f) Should any provision of this section be found to be unconstitutional or otherwise illegal and unenforceable, it is the intent and desire of the mayor and council that such portion be stricken

from this Code and that the remaining portions remain in full force and effect and enforceable as otherwise allowed by law.

(Ord. No. 93-5, § 1, 4-19-93)

Secs. 3-~~9088~~—3-100. - Reserved.

ARTICLE V. - EXCISE TAXES

Sec. 3-101. - Excise tax on distilled spirits sales.

There is hereby imposed and levied an excise tax upon the wholesale or retail package sale of distilled spirits. The amount of such excise tax shall be computed on the basis of twenty-two cents (\$0.22) per liter, and a proportionate tax at the same rate on all fractional parts of a liter.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2001-37, § 4, 11-5-01)

Sec. 3-102. - Levy on wine sales.

There is hereby imposed and levied an excise tax upon the first sale or use of wine by the package. The amount of such excise tax shall be computed on the basis of twenty-two cents (\$0.22) per liter, and a proportionate tax at the same rate on all fractional parts of a liter.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2001-37, § 5, 11-5-01)

Sec. 3-103. - Levy on malt beverage sales.

There is hereby imposed and levied upon wholesale dealers engaged in the city in the business of selling malt beverages an excise tax on malt beverages to be based, computed and collected as follows:

- (1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of six dollars (\$6.00) on each container sold containing not more than fifteen and one-half (15½) gallons and a proportionate tax at the same rate on all fractional parts of fifteen and one-half (15½) gallons.
- (2) Where malt beverages are sold in bottles, cans, or other containers, except barrel or bulk containers, a tax of five cents (\$0.05) per twelve (12) ounces and a proportionate tax at the same rate on all fractional parts of twelve (12) ounces.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-104. - Dealers required to collect; monthly reports.

Wholesale dealers in alcoholic beverages are hereby required to remit the taxes imposed in sections 3-101 through 3-103. Wholesale dealers and distributors of said products shall make reports to the city clerk on or before the tenth day of the month next succeeding the calendar month of the total gallons of such products sold or distributed within the city limits during the

previous month, and shall accompany the report with payment of the tax due at the above rate based upon the quantities of such product so sold the previous month. Each monthly report shall be accompanied by a sworn statement that the report is a true and correct report of all sales and shipments made within the city. Reports shall include all sales to any retail dealer in the city and street addresses of said retail dealers, whether delivered to the retail dealer's place of business in the city or elsewhere for resale in the city.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-105. - Sales by the drink—Levy of tax.

There is hereby imposed and levied upon every sale of an alcoholic beverage purchased by the drink in the city a tax in the amount of three (3) ~~per cent~~percent of the purchase price of said beverage.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-106. - Same—Itemized billing by licensee; liability for payment.

Every licensee licensed for the sale of alcoholic beverages by the drink operating a place of business in the city, shall, at the time of collecting for food and drinks served, give to the purchaser a receipt on which the price of alcoholic beverages served shall be itemized separately. Where the charges for food and drink are satisfied by credit or deferred payment, the payment of the tax to the licensee may be deferred in a like manner; however, the licensee shall be liable therefor at the time and to the extent that such credits are incurred.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-107. - Same—Collection; information to city.

Every licensee or licensee's agent is hereby authorized and directed to collect the tax herein imposed from purchasers of alcoholic beverages by the drink sold under the license. Such licensee or agent shall furnish such information as may be requested by the city to facilitate the collection of this tax.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-108. - Same—Payment; collection fee.

- (a) *Due date.* All taxes collected by any licensee or agent hereunder shall be due and payable to the city monthly on or before the twentieth day of every month next succeeding each respective monthly period, as set forth herein. Returns postmarked on or before said due date shall be accepted as paid on time.
- (b) *Return; time of filing, persons required to file, execution.* On or before the twentieth day of the month following each monthly period, a return for the preceding monthly period shall be

filed with the city clerk in such form as the city may prescribe by every licensee or agent liable for the payment of tax hereunder.

- (c) *Contents of return.* All returns shall show the gross receipts from the sale of alcoholic beverages by the drink, amount of tax collected or authorized due for the related period, and such other information as may be required by the city.
- (d) *Delivery of return and remittance.* The person required to file the return shall deliver the return, together with the remittance of the net amount of tax due to the city clerk, City Hall, ~~City of~~ 3667 Main Street, College Park, Georgia 30337.
- (e) *Collection fee allowed operators.* Operators 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 said amount is not delinquent at the time of payment. In the event that any operator collecting the tax is delinquent for any period of time, such operator shall not be entitled to the collection fee authorized under this section. The rate of the deduction shall be the same rate authorized for deductions from state tax under Chapter 8 of Title 48, O.C.G.A., as amended.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2010-07, §§ 6, 7, 5-17-10)

Sec. 3-109. - Same—Deficiency determinations.

- (a) *Recomputation; authority to make, basis.* If the city clerk is not satisfied with any return of the tax or the amount of the tax required to be paid to the city by any person, the clerk may compute and determine the amount required to be paid upon the basis of any information within the clerk's possession or that may come into such clerk's possession. One (1) or more than one (1) deficiency determination may be made of the amount due for one (1) or more than one (1) monthly period.
- (b) *Interest on deficiency.* The amount of the determination, exclusive of penalties, shall bear interest at the rate of one (1) per cent per month, or fraction thereof, from the twentieth day after the close of the monthly period for which the amount or any portion thereof should have been returned, until the date of payment.
- (c) *Offsetting of overpayments.* In making a determination the city clerk may offset overpayments for a period or periods, against underpayments for another period or periods, against penalties, and against the interest on underpayments. The interest on underpayments shall be computed in the manner set forth in section 3-110(c).
- (d) *Penalty for negligence or disregard of rules and regulations.* If any part of the deficiency for which a deficiency determination has been made is due to gross negligence or disregard of rules and regulations, a penalty of fifteen (15) per cent of the amount of such deficiency shall be added thereto.
- (e) *Penalty for fraud or intent to evade.* If any part of the deficiency for which a deficiency determination is made due to fraud or an intent to evade any provision of this article or other authorized rules and regulations, a penalty of twenty-five (25) per cent of the deficiency shall be added thereto.

- (f) *Notice of city clerk's determination; service of.* The city clerk, or the clerk's designated representative, shall give to the licensee written notice of the clerk's determination. The notice may be served personally or by mail; if by mail such service shall be addressed to the licensee at licensee's address as it appears in the records of the city clerk. In the case of service by mail of any notice required by this article, the service is complete at the time of deposit in the United States post office.
- (g) *Time within such notice of deficiency determination to be mailed.* Except in the case of fraud, intent to evade this article or authorized rules or regulations, or failure to make a return, every notice of a deficiency determination shall be mailed within three (3) 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 (3) years after the return is filed, whichever period should last expire.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-110. - Same—Determination if no return made.

- (a) *Estimate of gross receipts.* If any licensee fails to make a return, the city clerk shall make an estimate of the amount of the gross receipts of the licensee, or as the case may be, of the amount of the total sales in the city which are subject to the tax. The estimate shall be made for the period or periods in respect to which the licensee failed to make the return and shall be based upon any information which is or may come into the possession of the city clerk. Upon the basis of this estimate, the city clerk shall compute and determine the amount required to be paid to the city, adding to the sum thus determined a penalty equal to fifteen (15) per cent thereof. One (1) or more determinations may be made for one (1) or for more than one (1) period.
- (b) *Manner of computation; offsets; interest.* In making a determination, the city clerk may offset overpayments for a period or periods, against penalties and the interest on the underpayments. The interest on underpayments shall be computed in the manner set forth in subsection (c) hereof.
- (c) *Interest on amount found due.* The amount of the determination, exclusive of penalties, shall bear interest at the rate of one (1) per cent per month, or fraction thereof, from the twentieth day of the month following the monthly period, for which the amount or portion thereof should have been returned, until the date of payment.
- (d) *Payment for fraud or intent to evade.* If the failure of any person to file a return is due to fraud or an intent to evade this article or rules and regulations, a penalty of twenty-five (25) per cent of the amount required to be paid by the person, exclusive of penalties, shall be added thereto in addition to the fifteen (15) per cent penalty provided in section 3-111.
- (e) *Giving of notice; manner of service.* Promptly after making the determination, the city clerk shall give the person written notice to be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-111. - Same—Penalties and interest for failure to pay tax.

- (a) Any person who fails to pay the tax herein imposed to the city, within the time required, shall pay a penalty of fifteen (15) percent of the tax, in addition to the tax, plus interest on the unpaid tax or any portion thereof as set forth in subsection 3-110(c).
- (b) Upon payment of any delinquent taxes, the payment shall first be applied to the penalty and any interest due. The remainder of any payment shall then be applied to the tax.
- (c) Any person who fails to pay the tax herein imposed by the city and who remains delinquent in such payment for a period in excess of ninety (90) days shall be cited for violating the provisions of this chapter, and such nonpayment of taxes shall be reported to the state.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2010-07, § 8, 5-17-10)

Sec. 3-112. - Same—Collection of delinquent tax by city; duty of assignees to withhold taxes; liability; offsetting erroneous collections.

- (a) *Action for tax; time for.* At any time within three (3) years after any tax becomes due and payable, and at any time within three (3) years after the delinquency of any tax, the city may bring an action in the courts of this state, or any other state, or of the United States, to collect the amount delinquent, together with penalties and interest, court fees, filing fees, attorneys' fees, and other legal fees incident thereto.
- (b) *Duty of successors or assignees of operator to withhold tax from purchase money.* If any licensee liable for any amount under this article sells out such business or quits the business, such licensee's successors or assigns shall withhold sufficient of the purchase price to cover such amount until the former owner produces a receipt from the city clerk showing that such licensee has paid the tax, or a certificate stating that no amount is due.
- (c) *Liability for failure to withhold; certificate of notice of amount due; time to enforce successor's liability.* If the purchaser of a business fails to withhold the necessary amount from the purchase price as heretofore required, such purchaser becomes personally liable for the payment of the amount required to be withheld to the extent of the purchase price, valued in money. Within thirty (30) days after receiving a written request from the purchaser for a certificate, the city clerk shall either issue the certificate or mail notice to the purchaser at the purchaser's address as it appears on the records of the city of the amount that must be paid as a condition of issuing the certificate. The time within which the obligation of a successor may be enforced shall begin at the time the licensee sells the business or at the time that the determination against the licensee becomes final, whichever event occurs the later.
- (d) *Tax credit, penalty or interest paid more than once, or illegally collected.* Whenever the amount of any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected or received by the city under this article, it may be offset as provided in section 3-109. If the licensee determines that such licensee has overpaid or paid more than once, which fact has not been determined by the city clerk, such licensee will have three (3) years from the date of payment to file a claim in writing stating the specific ground upon which claim is founded. The claim shall be audited. If the claim is approved by the city, the

excess amount paid to the city may be credited on any amounts then due and payable from the licensee by whom it was paid, or such licensee's administrators or executors.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-113. - Same—Administration; enforcement; rules; records; confidentiality of reports.

- (a) *Authority of city clerk.* The city clerk shall administer and enforce the provisions of this article for the levy and collection of the tax imposed by this article.
- (b) *Rules and regulations.* The city clerk shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with this article or other laws of the city and the state, or the constitution of this state or the United States for the administration and enforcement of the provisions of this article and the collection of the taxes hereunder.
- (c) *Records required from licensee; form.* 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 clerk may require.
- (d) *Examination of records; audits.* The city clerk or any person authorized in writing by the city may examine the books, papers, records, financial reports, equipment and other facilities of any licensee liable for the tax, in order to verify the accuracy of any return made, or if no return is made by the licensee, to ascertain and determine the amount required to be paid. The city clerk or any person authorized in writing by the city may also examine such records to ascertain or determine whether such licensee remains eligible for such license based on an annual percentage of gross food and/or alcoholic beverage sales or other applicable revenue producing sales. In the event an audit reveals that a licensee is no longer eligible to the license under which it had been authorized to operate and sales substantially deviate from the required percentage of annual sales under this chapter, the evidence and conclusions contained in the audit shall constitute due cause for the suspension, revocation, or denial of the licensee's license to sell alcoholic beverages.
- (e) *Authority to require reports; contents.* In the administration of the provisions of this article, the city clerk may require the filing of reports by any person or class of persons having in any of such persons' possession or custody, information relating to sales of alcoholic beverages which are subject to the tax. The reports shall be filed with the city clerk and shall set forth the price charged for each sale, the dates of sales, and such other information as the city clerk may require.
- (f) *Disclosure of business of operators, etc.; limitation on rule.* The city clerk, or any person having an administrative duty under this article, shall not make known in any manner the business affairs, operations or information obtained by an audit of books, papers, records, financial reports, equipment or other facilities of any licensee or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person not having such administrative duty under this article, except in the case of judicial proceeding or other proceedings necessary to collect the tax hereby levied and assessed. Successors, receivers, trustees, executors, administrators, assignees and guarantors,

if directly interested, upon satisfactory proof of interest, may be given information as to the items included in the measure and amounts of unpaid tax, interest and penalties.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-114. - Additional to other taxes.

Excise taxes imposed by this article shall be in addition to any other taxes on licenses now imposed against such dealers.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-115. - Failure to make reports or collect taxes.

If any manufacturer or holder of a license fails or refuses to make reports required in this chapter and to collect and transmit taxes to the city, the city shall notify that party in writing, and if the report is not made within five (5) days after the date of the notice, or the taxes not remitted, the city may withdraw from the wholesale dealer or license holder, the privilege of doing business in the city.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-116. - Reserved.

Sec. 3-117. - Sale of distilled spirits at a private club.

There is hereby imposed and levied an excise tax upon the sale of distilled spirits by private clubs. The amount of such excise tax shall be computed on the basis of twenty-two cents (\$0.22) per liter.

(Ord. No. 2001-37, § 7, 11-5-01)

Sec. 3-118. - Sale of mixed drinks at a private club.

There is hereby imposed and levied an excise tax upon the sale of mixed drinks by private clubs. The amount of such excise tax shall be three (3) per cent of the sale price.

(Ord. No. 2001-37, § 8, 11-5-01)

Chapter 3 - ALCOHOLIC BEVERAGES

ARTICLE I. - IN GENERAL

Sec. 3-1. - Definitions.

As used in this chapter, the following terms shall have the respective meanings ascribed to them:

- (1) *Alcohol* means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.
- (2) *Alcoholic beverage* means and includes all alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine.
- (3) *Ancillary Retailer* means - a for-profit commercial business or non-profit organization located within the City, including but not limited to a cigar bar, dog park, art gallery, museum, or theater, located within the Downtown Commercial District, Hospitality Campus District, Transit Oriented Development District, or Planned Development District that is licensed under this chapter to sell alcoholic beverages for consumption on its premises. Ancillary commercial retailer shall not mean any business that derives more than twenty (20) percent of its total annual gross revenues from the sale of alcoholic beverages.
- (4) *Brewer* means a manufacturer of malt beverages.
- (5) *Brewpub* means any eating establishment, as defined herein, in which malt beverages are manufactured, subject to the barrel limitation in O.C.G.A. § 3-5-36.
- (6) *Complimentary Service* means the gratis provision of malt beverages or wine served in connection with a service provided by a business, such as a salon, barbershop, or spa, to patrons for consumption on the premises pursuant to a complimentary service license issued under this chapter.
- (7) *Craft Beer* means a malt beverage produced at a brewery whose annual production is six million (6,000,000) barrels of beer or less (approximately three (3) percent of U.S. annual sales). Craft beer production is attributed to the rules of alternating proprietorships and the total beverage alcohol volume and flavor is derived from traditional or innovative brewing ingredients and their fermentation.
- (8) *Craft Beer and Wine Market* means a retail establishment which derives at least 70% of its total annual gross sales from the sale of craft beers, hard cider, and/or wine.
- (9) *Distilled spirits* means any alcoholic beverage obtained by distillation or containing more than twenty-four (24) per cent alcohol by volume, including, but not limited to, all fortified wines.
- (10) *Distiller* means a manufacturer of distilled spirits.
- (11) *Eating Establishment* means an establishment open to the public, with no cover charge or fee for entry, which is licensed to sell distilled spirits, malt beverages, and/or wines for consumption on the premises and which derives at least 50% of its total annual gross food

and beverage sales from the sale of prepared meals or food as its principal business purpose. In order to be licensed for consumption of alcoholic beverages on the premises under this chapter, eating establishments are expected to keep and maintain regular days and hours of operation, at least four (4) days per week, as a convenience to the public, other than holidays, vacations, and periods when closed for repairs or remodeling. When determining the total annual gross food and beverage sales for eating establishments operating as a brewpub, barrels of malt beverages sold to licensed wholesale dealers, or packaged in bottles or growlers sold to the public for consumption off the premises, shall not be used. An eating establishment shall not mean a business that requires a cover charge or fee to gain entry into the premises; provided, however, eating establishments may hold a maximum of six (6) ticketed events, as defined herein, annually.

- (12) *Family* includes any person related to the holder of a license within the first degree of consanguinity or affinity as computed according to civil law.
- (13) *Farm winery* means a winery which makes at least forty (40) percent of its annual production from agricultural produce grown in the state where the winery is located and:
- a. Is located on premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the winery; or
 - b. Is owned and operated by persons who are engaged in the production of a substantial portion of the agricultural produce used in its annual production.
 - c. To the extent that the definition of "farm winery" in this subsection differs from the definition provided in O.C.G.A. § 3-6-21.1, the definition in O.C.G.A. § 3-6-21.1 controls.
- (14) *Farm winery tasting room* means an outlet for the promotion of a 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. To the extent that the definition of "farm winery tasting room" in this subsection differs from the definition provided in O.C.G.A. § 3-6-21.1, the definition in O.C.G.A. § 3-6-21.1 controls.
- (15) *Food* means all edible substances appropriate for human consumption as determined by the health department inspecting the city's eating establishments, which is sold or provided to the public by a licensee. Food shall not be construed to mean: olives, cherries, limes, lemons, salt, pepper, pineapples, celery, tomato juice, or any other fruit, vegetable or dairy product such as ice cream, cream, yogurt, milk or soft drinks, water, tonic water, other non-alcoholic carbonated or non-carbonated beverages when such items are used in alcoholic beverages or mixed drinks as an essential part of the beverage, mixed drink, or as a garnish thereon.
- (16) *Growler* means a bottle, container or vessel, with a capacity not exceeding 64 ounces that is designed for and especially intended to be filled with a craft beer or hard cider from a keg by a licensee or employee of a licensed brewpub or craft beer and wine market for off-premises consumption pursuant to this chapter. A refilled growler that has been properly sealed shall be considered an "unbroken package" for purposes of this chapter.

- (17) *Hard cider* means an alcoholic beverage obtained by the fermentation of the juice of fruit, including, but not limited to, flavored or carbonated cider. For the purposes of this chapter, hard cider shall be deemed a malt beverage; provided, that it shall not contain more than seven (7) percent alcohol by volume.
- (18) *Hotel* means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential. To meet the definition of "hotel" under this chapter the facility must have fifty (50) or more rooms used for sleeping accommodations of such guests and one (1) or more public dining rooms, with an adequate and sanitary kitchen and a seating capacity of at least sixty (60) persons, where meals are regularly served to such guests. All sleeping accommodations and dining rooms must be conducted in the same building or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation. Motels meeting the qualifications set out herein for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operation of a lounge or eating establishment in their premises, and the holder of such franchise shall be eligible for a license under the "hotel" classification.
- (19) *Interest in license* exists if the person involved is the outright owner of the license, a co-holder of the license, a partner in a partnership which holds all or any part of a license, a stockholder in any corporation organized for pecuniary gain which holds all or any part of a license, an owner, lessee, sublessee or stockholder in any corporation organized for pecuniary gain owning or leasing any real estate which is occupied by an alcoholic beverage establishment or shares in any of the income or corpus of any trust fund or estate having any interest in an alcoholic beverage establishment. Provided, however, a stockholder shall not be deemed to have an interest in an alcoholic beverage establishment where such stockholder owns stock in a motel or hotel having two hundred (200) or more rooms with an alcoholic beverage establishment located on the premises of such motel or hotel and owned by such motel or hotel. And provided, further, that a stockholder holding no more than five (5) per cent stock in a publicly held corporation shall not be considered to hold an interest in an alcoholic beverage license.
- (20) *Licensee* means the licensee for all businesses shall be at least 21 years of age, and one of the following individuals:
- a. The operator of the business, if that business is operated by an individual; or
 - b. A partner of the partnership that operates the business, or an officer duly appointed by said partnership; or
 - c. An officer of the corporation which operates the business; or
 - d. Any individual named as a license representative of the business in accordance with this chapter.
- (21) *License representative* means if a license representative is required, such license representative shall be a resident of Fulton, Clayton, Henry, Fayette, Walton, Douglas, Cobb, Paulding, Newton, Cherokee, Gwinnett, Forsyth, DeKalb, Rockdale, Bartow,

Carroll, or Pickens counties and a manager of the business who is on the premises on a regular basis.

- (22) *Lounge* means a separate room connected with, a part of, and adjacent to, an eating establishment or room located in a hotel as defined herein with all booths, stools, and tables being open and unobstructed to the view of any other customers in such lounge, or the manager thereof.
- (23) *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 fourteen (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.
- (24) *Manufacturer* means any maker, producer, or bottler of an alcoholic beverage. The term also means:
- a. 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;
 - b. In the case of malt beverages, any brewer; and
 - c. In the case of wine, any vintner.
- (25) *Metropolitan Atlanta area* includes only the counties of Fulton, Clayton, Henry, Fayette, Walton, Douglas, Cobb, Paulding, Newton, Cherokee, Gwinnett, Forsyth, DeKalb, Rockdale, Bartow, Carroll, and Pickens.
- (26) *Microbrewery* means an establishment in which not more than 10,000 barrels of beer or malt beverages are manufactured or brewed on the licensed premises in a calendar year and in which such manufactured or brewed beer or malt beverages may be sold for consumption on the premises and consumption off premises, subject to the limitations prescribed in O.C.G.A. § 3-5-24.1. As used in this definition, the term "barrel" shall be defined as set forth in O.C.G.A. § 3-5-1.
- (27) *Microdistillery* means an establishment in which not more than 10,000 barrels of distilled spirits are manufactured on the licensed premises in a calendar year and in which such manufactured distilled spirits may be sold for consumption on the premises and consumption off premises, subject to the limitations prescribed in O.C.G.A. § 3-4-24.2. As used in this definition, the term "barrel" shall be defined as set forth in O.C.G.A. § 3-4-1.
- (28) *New license* means a license under this chapter for which application is made either:
- a. For a premises regarding which no such license was issued the prior year; or
 - b. By a person or entity to whom no license was issued the prior year for the premises that is the subject of the license application.
- (29) *Package* means a bottle, can, keg, barrel, or other original consumer container.

- (30) *Person* means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit.
- (31) *Place of Worship* means a building, which is controlled by a religious organization or association and primarily utilized for religious services, ceremonies, or instruction.
- (32) *Private athletic club* means any club which is organized and operated exclusively as a recreational athletic facility and which is not generally open to the public, but restricted to the registered members of the club and the guests of members thereof, which athletic club has adopted rules and regulations for its membership. It shall not include any such athletic club which derives less than ninety-five (95) per cent of its gross monthly revenues from membership fees, fees for use of the athletic facilities and the sale of athletic and recreational equipment, pro shop inventory and goods on the premises, or which derives more than five (5) per cent of its gross monthly revenues from the sale of alcoholic beverages. All distance requirements as set forth in section 3-27(b) shall apply. A private athletic club organized or operated primarily for the selling or serving of alcoholic beverages by the drink shall not be licensed under this chapter, nor permitted to sell or serve such beverages at all.
- (33) *Private club* means a corporation or association organized and existing under the laws of the state, actively in operation within the city at least eight (8) years prior to the application for a license hereunder, having at least two hundred (200) members regularly paying dues, for at least five (5) years prior to application for license, organized and operated exclusively for pleasure, recreation and other nonprofitable purposes, no part of the net earnings of which inures to the benefit of any shareholder or member, and owning, hiring or leasing a building or space therein for the reasonable use of its members with suitable kitchen and dining room space and equipment and maintaining and using a sufficient number of servants and employees for cooking, preparing and serving meals for its members and guests; provided that no member or officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation, any profits from the sale of distilled spirits, wines, champagnes or malt beverages beyond the amount of such salary as may be fixed by its members at an annual meeting, or by its governing body, out of the general revenue of the club. For the purpose of this subsection, tips which are added to the bills under club regulations shall not be considered as profits hereunder. A private club shall not include any entity, which derives 40 % or more of its total annual gross revenue from the sale of alcoholic beverages. Such entities shall not be licensed under this chapter, nor permitted to sell or serve such beverages at all. All distance requirements as set forth in section 3-27(b) shall apply.
- (34) *Private residence* means a house, dwelling or structure wherein not less than one (1), nor more than two (2) families reside and shall not include a mobile home court, an apartment house having facilities for housing more than two (2) families, nor a boarding or rooming house where there are five (5) or more boarders or roomers. Any building occupied as a residence located within an area zoned for business shall not be construed as a private residence.
- (35) *Retail dealer* means, except as to distilled spirits, any person who sells alcoholic beverages in unbroken packages at retail only to consumers for consumption at some

location other than the licensed premises; retail sales are not for resale; examples of retail dealers include, but are not limited to grocery and convenience stores.

- (36) *Retail package liquor store* means a retail business establishment owned by an individual, partnership, corporation, association or other business entity:
- a. Primarily engaged in the retail sale of distilled spirits, malt beverages, and wine in unbroken packages, not for consumption on the premises, except as otherwise authorized herein; and
 - b. Which derives from such retail sale of 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.
- (37) *Sales by the drink* means any person who sells alcoholic beverages for consumption on the premises at retail only to consumers and not for resale.
- (38) *Ticketed Event*. An event held at a licensed premises that requires patrons to purchase a ticket to gain entry to the licensed premises.
- (39) *Wholesaler or wholesale dealer* means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.
- (40) *Wine* means any alcoholic beverage containing not more than twenty-four (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 the section.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2000-10, § 1, 4-3-00; Ord. No. 2001-42, § 1, 12-17-01; Ord. No. 04-38, § 1, 12-6-04; Ord. No. 2004-39, § 1, 12-20-04; Ord. No. 05-05, § 1, 3-21-05; Ord. No. 2016-28, § 1, 9-19-16; Ord. No. 2017-03, § 1, 2-6-17)

Sec. 3-1.1 – Terms not expressly defined.

Except where the context clearly indicates a different meaning, any term in this chapter not expressly defined herein shall have the same meaning as when used in a comparable provision of the "Georgia Alcoholic Beverage Code," O.C.G.A. §§ 3-1-1 *et seq.*

Sec. 3-2. - Purpose of chapter.

This chapter has been enacted in accordance with a plan designed for the purposes, among others, of promoting the health and general welfare of the community, to establish reasonable standards for the regulation and control of the licensing and sales of alcoholic beverages, to protect and preserve schools and places of worship, to give effect to existing land use and to preserve certain residential areas, with reasonable considerations, among others, to the character

of the areas and their peculiar suitability for particular uses, the congestion in the roads and streets, and with a general view of promoting desirable living conditions and sustaining stability of neighborhood and property values.

The business of manufacturing, distributing, selling, handling or otherwise dealing in or processing alcoholic beverages are privileges and not rights pursuant to O.C.G.A. § 3-3-1, and such privileges shall not be exercised within the city limits without full compliance with all applicable licensing, regulatory, and revenue requirements of local, state and federal rules, regulations, and laws, including this chapter.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-3. - Drinking in public or in public facilities.

- (a) (1) It shall be unlawful for any person to publicly drink, or publicly offer to any other persons within the city, an alcoholic beverage, or to drink or offer such beverage to any other person on any publicly owned property, or on any property open to the general public or open to members of the public by payment of admission charge, dues or other fees, unless such property is licensed for the sale of alcoholic beverages or covered by a catering permit, provided that this section shall not prohibit the drinking of such beverages by people legally entitled to drink the same privately in their homes with their guests or privately within their own place of business.
- (2) This section shall not prohibit the sale of alcoholic beverages at the Georgia International Convention Center and Gateway Arena, which sales shall be allowed subject to all requirements of this chapter.
- (3) This section shall not prohibit the sale of alcoholic beverages at the Gordon Morris Memorial Golf Course. Such sales shall be allowed subject to the following conditions:
- a. Adherence to all requirements of this chapter;
 - b. Food items must be available for purchase; and
 - c. All alcoholic beverages shall be consumed inside the clubhouse of the Gordon Morris Memorial Golf Course; provided, however, that the consumption of malt beverages on the golf course shall be permitted but only if such beverages are purchased on the golf course from a vendor approved by the city.
- (4) This section shall not prohibit the sale or consumption of alcoholic beverages at special events approved by the city held at city-owned or leased properties, subject to the following conditions:
- a. Adherence to all requirements of this chapter;
 - b. All alcoholic beverages shall be consumed indoors or upon the grounds of the city-owned or leased property.
- (b) It shall not be unlawful for a person to consume alcoholic beverages on an outdoor patio of an eating establishment or parklet so long as such consumption otherwise complies with the local and state regulations governing the license or licenses held by the eating establishment.

Alcohol consumption on a parklet is limited to alcoholic beverages legally sold and purchased at a eating establishment authorized to use the parklet.

- (1) For the purposes of this subsection, the term "*outdoor patio*" shall mean an outdoor area surrounded by fencing, not located on public property, not to exceed the square feet in the main building, and sharing a common boundary with a portion of at least one (1) wall of the eating establishment.
- (2) For the purposes of this subsection, the term "*parklet*" shall mean a city-owned public seating platform or area converted from a curbside parking space or sidewalk.

(Ord. No. 93-5, § 1, 4-19-93; 2001-42, § 2, 12-17-01; Ord. No. 04-08; Ord. No. 04-08, § 1, 4-19-04; Ord. No. 2004-09, § 1, 4-19-04; Ord. No. 2008-09, § 1, 7-21-08; Ord. No. 2013-02, § 7, 2-4-13; Ord. No. 2020-14, § 1, 10-5-20)

Sec. 3-4. - Drinking in public or in public facilities.

It shall be unlawful for any person to carry alcoholic beverages of any name or description into any building owned by the city or upon any recreational area owned by the city; provided that this section shall not apply to:

- (1) Lawful sales of alcoholic beverages at the Georgia International Convention Center and Gateway Arena as contemplated by section 3-3.
- (2) Lawful sales of alcoholic beverages at the Gordon Morris Memorial Golf Course as contemplated by section 3-3.
- (3) Lawful sale or consumption of alcoholic beverages at city owned or leased properties as contemplated by section 3-3.
- (4) Lawful sale or consumption of alcoholic beverages at the city parklets as contemplated by section 3-3.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 04-08, § 2, 4-19-04; Ord. No. 2004-09, § 2, 4-19-04; Ord. No. 2008-09, § 2, 7-21-08; Ord. No. 2013-02, § 8, 2-4-13)

Sec. 3-5. - Furnishing to, purchase of, or possession by underage persons of alcoholic beverages; proper identification for sale of alcoholic beverages; dispensing, serving, etc., of alcoholic beverages by underage persons in the course of employment.

- (a) It shall be a violation of this Code for any licensee or any agent, officer, or employee of a licensee to fail to check the identification of any patron when selling or otherwise providing any alcoholic beverage, which failure results in an underage person being sold or served, or to have in such underage person's possession while on the licensee's premises, any alcoholic beverages.
- (b) The prohibitions contained in subsection (a) of this section shall not apply with respect to the sale, purchase, or possession of alcoholic beverages for consumption:
 - (1) For medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state;

- (2) At a religious ceremony; or
 - (3) In the home with parental consent.
- (c) Reserved.
- (d) Notwithstanding any criminal prosecution which may result from a violation of this section, any licensee employing any officer, agent or employee who fails to comply with the provisions of subsection (a) above, which failure results in an underage person being sold or served, or to have in such underage person's possession while on the licensee's premises an alcoholic beverage, may have such licensee's license revoked.
- (e) If such conduct is not otherwise prohibited pursuant to O.C.G.A. section 3-3-24, nothing contained in this section shall be construed to prohibit any person under twenty-one (21) years of age from:
- (1) Dispensing, serving, selling, or handling alcoholic beverages as a part of employment in any licensed establishment;
 - (2) Being employed in any establishment in which alcoholic beverages are distilled or manufactured; or
 - (3) Taking orders for and having possession of alcoholic beverages as a part of employment in a licensed establishment.
- (f) Testimony by any underage person, when given in an administrative or judicial proceeding against another person for violation of any provision of this section, shall not be used in any administrative or judicial proceeding brought against such testifying underage person.
- (g) Nothing in this section shall be construed to modify, amend, or supersede Chapter 11 of Title 15 O.C.G.A.
- (h) For the purposes of this chapter the term "underage person" shall mean any person to whom the sale of alcoholic beverages is prohibited by state law because of age.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 99-08, § 1, 6-14-99; Ord. No. 2011-18, § 3, 8-1-11)

Sec. 3-6. - Sale of mixed drinks for off premises consumption.

- (a) For the purposes of this section, the term:
- (1) *Approved container* means a tamper evident container that:
 - i. Does not contain openings or straw holes;
 - ii. Is sealed in a manner visibly apparent if the container has been subsequently opened or tampered with; and
 - iii. Has an affixed label or marking that identifies the licensee that prepared and sold the mixed drink.

- (2) *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.
 - (3) *Food service establishment* means any establishment holding a valid food service permit from its respective county health department.
 - (4) *Mixed drink* means a beverage prepared by combining distilled spirits with nonalcoholic liquid or liquids and that:
 - i. Is prepared on the day of sale by an employee of the licensee;
 - ii. Contains no more than 3 ounces of distilled spirits; and
 - iii. Is sealed in an approved container.
- (b) Any food service establishment which is licensed to sell distilled spirits for consumption on the premises and is registered with the city clerk as required in subsection (d), may sell mixed drinks for off-premises consumption in approved containers, provided that such mixed drinks are:
- (1) Sold to an individual 21 years of age or older who shall be limited to two mixed drinks per entree ordered;
 - (2) Accompanied by a food order and a sales receipt with a time stamp that indicates the date and time of such purchases;
 - (3) Sold for personal use and not for resale and 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; provided, however, that such individual customer shall not include a delivery service or third-party agent; and
 - (4) Furnished with the accompanying food order to the customer on the premises or by way of curbside pick-up.
- (c) 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.
- (d) No food service establishment shall sell mixed drinks for off-premises consumption unless said establishment annually registers with the city clerk.

- (e) The city clerk shall maintain a registry of all food service establishments located within the city that are authorized to sell mixed drinks for off-premises consumption under this section.
- (f) Sales of mixed drinks for off-premises consumption shall be taxed in accordance with Section 3-105.
- (g) Food service establishments shall comply with all rules and regulations promulgated by the state revenue commissioner regarding sales of mixed drinks for off-premises consumption.

Sec. 3-7. - Underage persons misrepresenting age, drinking or possessing alcoholic beverages.

- (a) It shall be unlawful for any underage person to falsely state or misrepresent such person's age in any manner whatsoever to a licensee hereunder or his agent.
- (b) It shall be unlawful for any underage person to drink or possess any alcoholic beverage on any licensed premises.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-8. - Deliveries of alcoholic beverages. (a) It shall be unlawful for any wholesaler or distributor to make deliveries of alcoholic beverages except to a location licensed for the retail sale of such beverages.

- (b) Home delivery of alcohol is permitted as provided in O.C.G.A. § 3-3-10 (Georgia House Bill 879) and by regulations promulgated by the Georgia Department of Revenue, by an authorized package goods retailer as defined by said statute; provided such authorized package goods retailer as obtained the requisite additional license to deliver from the city.
 - (1) Such "License to Deliver" shall be separate from the required underlying alcohol permit and shall require payment of a separate fee.
 - (2) Applications for a "License to Deliver" shall only be made by the existing licensee for the business.
 - (3) The fee for the "License to Deliver" shall be set from time to time by the city clerk.

Secs. 3-10—3-20. - Reserved.

ARTICLE II. - LICENSES

Sec. 3-21. - License required.

- (a) No person shall engage in the manufacture, sale or distribution of alcoholic beverages in the city without first having obtained a license therefor, provided that wholesalers and distributors maintaining no fixed place of business, warehouse or other facility in the city and possessing

a valid state license may make sales and deliveries to licensed retailers and to persons licensed for the sale of alcoholic beverages for consumption on the premises without obtaining a city license.

- (b) Except as specifically authorized in this chapter, no person licensed for the sale of a particular class of alcoholic beverages may sell other classes of alcoholic beverages without obtaining the required license therefor.
- (c) A person licensed to sell distilled spirits for consumption on the premises shall have the right to serve wine and malt beverages by the drink on premises during the same hours as are permitted hereunder for the serving of distilled spirits by the drink.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-22. - Qualifications of applicants.

- (a) No license shall be granted under this chapter to any applicant (i) who is not a citizen or resident legal alien of the United States, (ii) who does not permanently reside in the Metropolitan Atlanta area, or (iii) who currently owes the city any past-due debt (of any kind whatsoever), any tax (current or past-due), any fee, any fine, any monetary penalty or any other moneys otherwise due to the city.
- (b) If an applicant does not permanently reside in the Metropolitan Atlanta area, that applicant may designate a license representative who does reside inside the Metropolitan Atlanta area. The license representative must be 21 years of age and a manager at the business location for which the applicant is seeking a license to serve alcohol. The license representative must also comply with any other requirements of applicants under subsection (a) above.
- (c) Corporations shall apply for a license in the name of the corporation, and the license shall be issued to the corporation or the corporation's license representative. Partnerships shall apply for a license in the name of one (1) of the partners, and the license shall be issued in the name of the applicant. In the case of corporate applicants whose primary business is the operation of an alcoholic beverage store, the majority stockholder must meet the requirements of individual applicants under this subsection at the time application is made and at all times during which the license is in effect. Where the applicant is a corporation whose primary business is other than the operation of an alcoholic beverage store, an officer of such corporation, or in lieu of an officer, an agent involved in the active management of the business to be licensed, or the officer's or agent's license representative, shall meet the requirements of individual applicants and licensed representatives under this subsection at the time application is made and at all times during which the license is in effect. If the applicant is a partner in a partnership, the requirements of this section shall apply to all partners at the time of application, and at all times during which the license is in effect.
- (d) All applicants for licenses, whether for original or renewal, must attach to their applications evidence of their good character. No license, whether original or renewal, shall be issued to any person, partnership or corporation organized for pecuniary gain, or to the license representative of any such person, partnership or corporation, if any individual having an interest either as owner, partner, stockholder, manager, or operator, directly or indirectly,

beneficial or absolute, or such person's spouse shall have been convicted of or shall have taken a plea of guilty or nolo contendere to:

- (1) Within the five (5) years immediately prior to filing:
 - a. Any felony
 - b. Any violation of any law regulating gambling, narcotics, driving under the influence, or sex offenses
 - c. Three (3) violations of any law regulating the sale, manufacture, and/or distribution of alcoholic beverages
 - d. Five (5) violations of any municipal ordinance, except traffic violations
- (2) Within the ten (10) years immediately prior to filing:
 - a. Two (2) felonies;
 - b. Two (2) violations of any law regulating gambling, narcotics, driving under the influence, or sex offenses;
 - c. Six (6) violations of any law regulating the sale, manufacture, and/or distribution of alcoholic beverages
 - d. Ten (10) violations of any municipal ordinance, except traffic violations

The restrictions of this paragraph as to stockholders shall apply only to stockholders of privately owned corporations and to stockholders of publicly owned corporations who hold at least ten (10) percent of outstanding stock.

- (e) Alcoholic beverages by the drink, consumption on the premises licenses, shall be issued only to applicants who meet the definition of the entities listed as Class II and Class III licensees under Section 3-37.
- (f) Applicants or license representatives for renewal licenses must meet all qualifications of applicants for original licenses. Loss of qualifications during the term of a license shall be grounds for revocation or for denial of renewal.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 94-12, § 1, 11-21-94; Ord. No. 2012-07, § 2, 4-2-12; Ord. No. 2016-34, § 1, 12-5-16)

Sec. 3-23. - Personal interests in licenses.

- (a) No license holder or member of a license holder's family shall own, hold or control any interest whatsoever in more than one (1) license to engage in the business of selling distilled spirits at retail to the city. Not more than one (1) license to engage in the sale of distilled spirits at retail in the city shall be issued to any one (1) license holder or license representative, which shall include all members of a license holder's family.
- (b) The holder of a license or license representative for the sale of distilled spirits at retail shall be permitted to also hold, or designate a license representative to hold, a license for alcoholic beverage sales for consumption on the premises. The limitations imposed in subsection (a) upon any license holder, member of such license holder's family or corporation to own, hold or control any interest in more than one (1) license for the sale of distilled spirits shall not apply to any licensee engaged in the business of the sale of alcoholic beverages for on-premises consumption.

- (c) No license holder or member of a license holder's family, or license representative, shall own, hold or control any interest whatsoever in more than two (2) licenses to engage in the business of selling wine. Not more than two (2) licenses to engage in the sale of wine in the city shall be issued to any one license holder or license representative, which shall include all members of the license holder's family.
- (d) No license holder or member of a license holder's family, or license representative, shall own, hold or control any interest whatsoever in more than two (2) licenses to engage in the business of selling malt beverages. Not more than two (2) licenses to engage in the sale of malt beverages in the city shall be issued to any license holder or license representative, which shall include all members of the license holder's family.
- (e) No person, firm or corporation, or license representative of the same shall hold a retail or consumption on premises license if such person, firm or corporation also has any direct financial interest in any wholesale alcoholic beverage business.
- (f) It shall be unlawful for any elected or appointed official or employee of the city, or such person's spouse or minor children, to have any whole, partial or beneficial interest in any license to operate alcoholic beverage establishments in the city.
- (g) A licensee may take in partners or additional stockholders where it is determined that the additional capital furnished is to be used exclusively for additional inventory or expanding the facilities of the business or for building new facilities and where it appears that the licensee personally does not receive directly any of the additional capital invested. Under this section an additional partner or stockholder must be approved by the city as in the case of new license issuance, and, if approved, the business must obtain a new license.
- (h) The limitation of interests per holder shall not apply to licenses held in the name of corporations which are publicly owned. The phrase "member of a license holder's family" shall include all persons related within the second degree of consanguinity to an individual who holds a license, to any partner in a partnership which holds a license, or to any individual stockholder, officer or agent of a corporation required to meet the requirements for licensing under this chapter.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2016-34, § 2, 12-5-16)

Sec. 3-24. - Maximum number of retail package liquor store licenses permitted.

- (a) The number of licenses for the retail sale of distilled spirits within the city shall not exceed one (1) license for each five thousand (5,000) citizens, but not including any fraction thereof, according to the United States Census of 2000, or any future census. Additionally, no new such license shall be issued for any location located within less than one (1) mile of any location to which an existing such license has been issued by the city.
- (b) Nothing in this chapter shall be deemed to prohibit the transfer of location or the issuance of a license to a location which was licensed on May 1, 1977. However, in no event shall the total number of licenses exceed the limit imposed by this chapter or the number of licenses outstanding on May 1, 1977, whichever is greater. The transfer of location of an existing license or the sale of an existing licensed business shall not be considered a new license under this chapter.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 04-10, § 1, 3-1-04)

Sec. 3-25. - Contents of application; change in relationship.

- (a) All applications for license, both original and renewal, must be accompanied by a full and complete statement under oath of information relative to all interests in alcoholic beverage licenses. This shall include the names and addresses of all persons interested in the ownership of the business of selling alcoholic beverages, together with any interest each person or any member of such person's immediate family has in any other alcoholic beverage establishment; the ownership of the land and building where such business is operated; the amount of rental paid for the land and building and the manner in which the same is determined and to whom and at what intervals it is paid; the names and addresses (by affidavit from the owner, lessee or sublessor and sublessee of such land and building) of all persons having any whole, partial, beneficial or other interest in and to the land and building on and in which said establishment is located; and any other information called for by the city.
- (b) Any change in any interest herein declared must be filed with the city clerk when such change is made, and failure to so file within a period of thirty (30) days after such change is made shall be grounds for revocation by the city.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-26. - Property survey to accompany application.

All applications for license shall include a certificate from a registered surveyor showing a scale drawing of the location of the proposed premises and the distance, measured as provided in section 3-27(h), from the proposed premises to the building and property line of the nearest place of worship, library, school and residence, and the nearest five (5) occupied commercial establishments.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-27. - Business locations near library, school, place of worship, private residence.

- (a) *Retail package liquor store.* No license shall be issued to any retail package liquor store where the place of business of the licensee is located within one hundred (100) yards of any public library; within one hundred (100) yards of any place of worship; or within two hundred (200) yards from any property line of any school ground or college campus.
- (b) *Distilled spirits, malt beverages and wine by the drink.* No license shall be issued to any person to sell distilled spirits, malt beverages or wine by the drink where the place of business of the licensee is located within two hundred (200) yards from any school ground or college campus; or within fifty (50) yards from any place of worship.
- (c) *Wine.* No license shall be issued to any wine retailer hereunder where the place of business of the licensee is located within one hundred (100) yards of any public library; within two hundred (200) yards of any place of worship; or within one hundred (100) yards from any property line of any school ground or college campus; provided, however, the distance

requirement relative to places of worship within the DB Downtown Business District, the VNC Virginia Avenue Neighborhood Commercial District or TSC Transit Station Commercial District shall be fifty (50) feet.

- (d) *Malt beverages.* No license shall be issued to any malt beverage retailer where the place of business of the license is located within one hundred (100) yards of any public library, or unless the business of the proposed location is situated beyond two hundred (200) yards from any place of worship and beyond one hundred (100) yards from any property line of any school ground or college campus; provided, however, the distance requirements relative to places of worship within the DB Downtown Business District, the VNC Virginia Avenue Neighborhood Commercial District or TSC Transit Station Commercial District shall be fifty (50) feet.
- (e) *Schools applicable.* The schools or colleges referred to herein shall include only such state, county, city, place of worship or other schools as teach the subjects commonly taught in the common schools and colleges of this state, and shall not include private schools or colleges wherein only specialized subjects, such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.
- (f) *Reserved.*
- (g) *Private residences.* No retail licenses for the sale of distilled spirits, malt beverages or wine, or for the complimentary service of malt beverages or wine, shall be issued to any location which is within two hundred (200) feet of any private residence; provided, however, the distance requirement relative to retail sales of malt beverages or wine shall be fifty (50) feet within the DB Downtown Business District, the VNC Virginia Avenue Neighborhood Commercial District, TSC Transit Station Commercial District, TOD Transit Oriented Development District, and PD Planned Development District. Notwithstanding anything to the contrary herein, this provision shall not apply to Mixed-Use Developments, as defined in the Appendix A of the Zoning Code.
- (h) *Method of measuring.* Unless otherwise provided by O.C.G.A. § 3-3-21, all measurements to determine distances required by this section 3-27 for the issuance of alcoholic beverage licenses shall be measured in the following manner:
 - (1) From the primary entrance of the structure from which the alcoholic beverage is sold or offered for sale;
 - (2) In a horizontal straight line to the nearest public sidewalk, walkway, street, road or highway;
 - (3) Along such public sidewalk, walkway, street, road or highway by the nearest route;
 - (4) To a point on the property line which is in a straight line from the primary entrance of the structure to the nearest public sidewalk, walkway, street, road or highway; and
 - (5) To the primary entrance of the structure.
- (i) *Additional restrictions for licensed premises adjacent to places of worship.* In the event that a premises licensed for the sale of alcoholic beverages by the drink for consumption on the premises meets the distance requirements from places of worship prescribed by subsection (b) but is situated on land physically adjacent to place of worship property, no access to the public

shall be provided from the licensed premises on the side of the licensee's establishment which runs along the common property line.

- (j) As to any location licensed by the city, if the distance requirements in this section are met at the time of issuance of any license, or if a license has not yet been issued, but the structure in which an establishment is to be located has commenced construction pursuant to a lawfully issued building permit, the subsequent opening and operation of a place of worship or school within the distance prohibited herein shall not prevent the continuance of an existing license or the renewal thereof or the issuance of a new license to any owner of such property. Provided, however, that the distance requirements herein shall not apply to any location for which a new license is applied for if the sale of alcoholic beverages was lawful at such location at any time during the twelve (12) months immediately preceding such application.
- (k) For any new business establishment opening within the city limits seeking to obtain a license under this article, the distance requirements established herein shall apply to any and all residences, places of worship, schools, colleges, libraries or any other protected establishments without regard to whether such protected establishments are located within the city limits or within the applicable zoning district referenced in this article.
- (l) Any new business establishment opening within a mixed-use zoning district within the city limits seeking to obtain a license under this article may apply directly to the mayor and council to obtain a special exemption to the distance requirements to allow for reduced vertical separation between the proposed licensee and any place of worship or residence.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 99-13, § 1, 8-23-99; Ord. No. 2000-07, §§ 1—3, 2-21-00; Ord. No. 2011-16, §§ 1—3, 10-17-11; Ord. No. 2013-02, §§ 2—6, 9, 10, 2-4-13)

Sec. 3-28. - Zoning requirements for business location.

Refer to the City of College Park's Zoning Ordinance in Appendix A for detailed zoning requirements.

Sec. 3-29. - Annexed areas; continuance of business.

Where an alcoholic beverage establishment exists in an area outside the city limits, upon annexation of such area, the same may be continued and shall be subject to all remaining provisions of this chapter.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-30. - Fraud and misrepresentation by applicant.

- (a) Any person who acquires a license or a renewal of same in violation of this chapter by any misrepresentation or fraudulent statement shall be deemed guilty of an offense and upon conviction thereof shall be punished in accordance with section 1-8.

- (b) Any untrue or misleading information contained in, or material omission left out of, an original, renewal or transfer application for a license shall be cause for the denial thereof and, if any license has been granted under these circumstances, there shall be cause for the revocation of the same.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-31. - Investigation of application.

- (a) All applicants for new or renewal licenses shall be submitted to the city clerk who shall refer such applications to the police department for its review and recommendation. Upon receipt of the police department recommendation, the city clerk may request review by the city attorney. The city clerk shall consolidate all reports and recommendations of reviewing departments and make an independent comprehensive review of each application.
- (b) All applicants for new or renewal licenses shall furnish to the police department and the city clerk all data, information and records requested of them by the police department or city clerk, and failure to furnish such data, information and records within thirty (30) days from the date of the request shall automatically serve to dismiss with prejudice the application of any such applicant failing to furnish such data, information and records.
- (c) Applicants, by filing for license to sell alcoholic beverages, agree to furnish the data, information and records as called for herein and also agree to submit under oath to interrogation by the police department and/or the city clerk as to any facts considered pertinent to such application. Applicants, by filing such application, also agree to produce for oral interrogation by the police department or the city clerk any persons requested by the police department or city clerk and considered as being important in the ascertainment of the facts relative to the license. Failure to produce such persons within thirty (30) days after being requested to do so shall result in the automatic dismissal with prejudice of any application for license.
- (d) An applicant whose application is dismissed with prejudice may file a written notice of appeal no later than ten (10) days from the date of dismissal. Such appeal shall be filed with the city clerk who shall set a time for hearing before the city manager and notify the appellant thereof. Procedures governing the hearing shall be the same as those provided for denial of license in section 3-32.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-32. - Issuance standards; denial; appeal.

- (a) All applications for new licenses or for transfers of locations shall be passed upon by the city clerk within sixty (60) days from the date of filing of a completed application.
- (b) Date of filing shall be the time and date that a properly completed and executed application form, along with the filing fee as required in section 3-37, is received by the city clerk.
- (c) The city clerk shall not accept an application for a retail package liquor store license for consideration when there is a previously filed and still pending application for a place of

business for retail package liquor store license within one thousand (1,000) feet of applicant's proposed site.

- (d) All applications for alcoholic beverage licenses meeting the standards of this chapter shall be granted by the city clerk, unless some specific cause regarding suitability of premises by reason of location or otherwise, character of related activities on premises, reasonable requirements of the neighborhood, traffic conditions or environmental conditions justifies a refusal. In such event the applicant shall be entitled to file a new application of like kind for a different location without the loss of any part of the application fee.
- (e) In the event the city clerk denies an application for a license, the denial shall be transmitted to the applicant, in writing, with the reasons for that action specified. The applicant shall have the right to appeal the denial to the city manager. Such appeal shall be filed in writing no later than fourteen (14) days from the date of the city clerk's decision. A hearing shall be held not more than thirty (30) days from the date of the written notice of appeal. Within thirty (30) days from the date of the conclusion of the hearing, the city manager shall notify the applicant, in writing, his recommendations and the reason therefor and the date such recommendation shall be presented to the mayor and council. The mayor and council shall vote to ratify or reject the city manager's recommendation as provided in section 3-46.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-33. - Issuance of license; payment of fee.

- (a) All licenses must be obtained and fees paid not later than two (2) weeks from the date of the approval of the application by the city and, if not so obtained, the permit granted by the city shall be void.
- (b) When a license has been approved and the applicant has deposited with the city clerk the required fee, the fee shall be paid to the municipal revenue collector and a license issued.
- (c) For applicants for new licenses, the following prorated portions of all fees for the year of initial application, and only that year, for the new licensers shall apply:
 - (1) For applications approved between January 1 and March 31, none of the initial fee shall be prorated;
 - (2) For applications approved between April 1 and June 30, the fee shall be three-quarters ($\frac{3}{4}$) of the initial fee;
 - (3) For applications approved between July 1 and September 30, the fee shall be one-half ($\frac{1}{2}$) of the initial fee; and
 - (4) For applications approved between October 1 and December 30, the fee shall be one-quarter ($\frac{1}{4}$) of the initial fee.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 04-38, § 2, 12-6-04; Ord. No. 2008-13, § 1, 11-3-08; Ord. No. 2010-07, § 1, 5-17-10)

Sec. 3-34. - Procedure when license denied by state.

In the event the applicant is denied a license by the state, upon the proof of such refusal such person shall be entitled to a refund of the license fee, less the investigative fee as required in section 3-37, plus an additional charge of twenty-five dollars (\$25.00) to cover the clerical costs of granting the license. Such refund may be made by the city clerk without the necessity of any action by the city.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-35. - Business opening within six months from license issuance required.

All holders of licenses shall, within six (6) months after the issuance of the license, open for business the establishment referred to in the license and begin the sale of the products authorized by the license. Failure to open the establishment and begin the sale as referred to above within the six-month period shall serve as automatic forfeiture and cancellation of the unused license, and no refund of license fees shall be made to the license holder.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-36. - Effect of failure to operate business for six consecutive months.

Any holder of a license who shall begin the operation of the business and sale of the products as authorized in the license, but who shall, for a period of six (6) consecutive months thereafter, cease to operate the business and sale of the products authorized in the license, shall upon completion of the six-month period automatically forfeit the license, which license shall, by virtue of that failure to operate, be cancelled without the necessity of any further action of the city.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-37. Classification of Licenses

The following classes of licenses that may be issued under this chapter include:

(a) **Class I-** Package Sales (consumption off-premises):

- (1) Wholesaler;
- (2) Retail Package Liquor Store;
- (3) Retail Dealer;

(b) **Class II-** Sales by the Drink (consumption on-premises):

- (1) Eating Establishment;
- (2) Hotel;
- (3) Lounge;
- (4) Private Club;
- (5) Private Athletic Club;
- (6) Ancillary Retailer License;
- (7) Special Event License (Commercial and Non-Profit); and

(8) Complimentary Service License

(c) **Class III-** Both Package Sales and Sales by the drink (consumption on and off premises)

- (1) Brewpub;
- (2) Microbrewery;
- (3) Microdistillery;
- (4) Craft Beer and Wine Market;
- (5) Farm Winery; and
- (6) Caterer

Sec. 3-38. - Annual license fee schedules—Class I (Off-premises consumption).

The annual Class I license fee for the privilege of engaging in the business of selling alcoholic beverages as described herein shall be as follows:

<u>Class I: Off-Premises Consumption*</u>	<u>Annual Fee</u>
Wholesaler with principal place of business in the City	\$1,000
Wholesaler with principal place of business outside of the City	\$100
Retail Package Liquor Store—distilled spirits, wine, and malt beverages	\$4,000
Retail Dealer—wine	\$500
Retail Dealer—malt beverages	\$500
*The sum of two hundred fifty dollars (\$250.00) shall be paid at the time an original application is filed to cover investigative costs which shall be credited against the first annual license fee upon grant of a license. This fee is not refundable.	

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2001-37, § 1, 11-5-01; Ord. No. 2016-28, § 2, 9-19-16; Revised Ord. No. 2016-28, § 1, 10-17-16)

Sec. 3-39. Annual license fee schedules—Class II (on-premises consumption).

The annual Class II license fee for the privilege of engaging in the business of selling alcoholic beverages as described herein shall be as follows:

<u>Class II: On-Premises Consumption*</u>	<u>Annual Fee</u>
Distilled spirits, wine, and/or malt beverages:	
Eating Establishment	\$4,000
Hotel	\$4,000
Hotel, where a license fee of \$4,000 has been paid for an eating establishment or lounge within the hotel	\$1,000
Lounge	\$4,000
Lounge within the same premises where a license fee of \$4,000 for an eating establishment has been paid	\$1,000
Private Club	\$250
Private Athletic Club	\$300
Special Event License- Commercial	Daily Fee: \$300
Special Event License- Non-Profit	Daily Fee: \$150
Wine, and/or malt beverages:	
Eating Establishment	\$2,500
Hotel	\$2,500
Hotel, where a license fee of \$2,500 has been paid for an eating establishment or lounge within the hotel	\$1,000
Lounge	\$2,500
Lounge within the same premises where a license fee for an eating establishment of \$2,500 has been paid	\$1,000
Private Club	\$250
Private Athletic Club	\$300

Ancillary Retailer License	\$1,000
Special Event License- Commercial	Daily Fee: \$250
Special Event License- Non-Profit	Daily Fee: \$125
Complimentary Service License	\$250
*The sum of two hundred fifty dollars (\$250.00) shall be paid at the time an original application is filed to cover investigative costs which shall be credited against the first annual license fee upon grant of a license. This fee is not refundable.	

Sec. 3-40. Annual license fee schedules—Class III (on-premises and off-premises consumption).

The annual Class III license fee for the privilege of engaging in the business of selling alcoholic beverages as described herein shall be as follows:

<u>Class III: On-Premises and Off-Premises Consumption*</u>	<u>Annual Fee</u>
Brewpub	\$5,000
Microbrewery	\$5,000
Microdistillery	\$5,000
Craft Beer and Wine Market	\$3,000
Farm Winery	\$2,000
Caterer (distilled spirits, wine, and/or malt beverages)	\$2,000
Caterer (wine and/or malt beverages)	\$1,000

*The sum of two hundred fifty dollars (\$250.00) shall be paid at the time an original application is filed to cover investigative costs which shall be credited against the first annual license fee upon grant of a license. This fee is not refundable.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2001-37, § 2, 11-5-01; Ord. No. 2006-09, § 1, 2-20-06; Ord. No. 2016-28, § 3, 9-19-16; Revised Ord. No. 2016-28, § 2, 10-17-16)

Sec. 3-41. - Same—Payment dates.

- (a) All license fees for existing holders of licenses for manufacture and wholesale of alcoholic beverages, licenses for the sale of alcoholic beverages by the drink, licenses for catering of alcoholic beverages, and/or licenses for retail sale of beer or wine, wishing to continue the license into a succeeding year shall be due by the close of business on December 31 of the then-current year. If said license fees are not received on or before the close of business on that date, such licensee shall immediately cease the sale of alcohol on January 1 at 12:01 a.m. of the succeeding year. License fees paid after the due date shall be subject to a delinquent penalty of five (5) percent of the license fee for each thirty-day period the fee remains unpaid. If December 31 falls on a day in which the city is not open for business, including weekends or holidays, the due date for license fees shall be the immediately preceding business day.
- (b) Except as provided in subsection (c), all license fees for existing license holders of licenses for retail sale of distilled spirits wishing to continue the license into a succeeding year shall be due by the close of business on December 31 of the then-current year. If said license fees are not received on or before the close of business on that date, such licensee shall immediately cease the sale of alcohol on January 1 at 12:01 a.m. of the succeeding year. Thereafter, if any licensee shall wish to continue to sell alcoholic beverages it must submit a new application for a license. Such new application must be approved by the city before the sale of alcohol may resume. Such application shall be treated as a new application and shall be approved only if the applicant can comply with all ordinances and statutes in effect at the time of submission of the application. If December 31 falls on a day in which the city is not open for business, including weekends or holidays, the due date for license fees shall be the immediately preceding business day.
- (c) If a business for which a license for the retail sale of distilled spirits is required is to be sold between December 27 and December 31 of any year, the license of the existing licensee has not yet been renewed, the licensee has given written notice of such to the City Clerk, and the sale is not consummated by December 31 (or the immediately preceding business day if December 31 falls on a day in which the city is not open for business), the application for a license for the succeeding year may be filed on or before the close of business on January 10. If a license is filed on or before that date, then the reapplication limitations contained in subsection (b) shall not apply, and the application shall be reviewed as a license to continue, and not a new application. The fee shall be due five (5) business days after approval. If January 10 falls on a day in which the city is not open for business, including weekends or holidays, the due date for license fees shall be the immediately preceding business day. If the license

fee is not paid by the due date, the renewal application process set forth in subsection (b) shall apply.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2006-09, § 2, 2-20-06; Ord. No. 2008-13, § 2, 11-3-08; Ord. No. 2010-07, § 2, 5-17-10; Ord. No. 2016-13, § 1, 4-18-16; Ord. No. 2016-24, § 1, 8-1-16)

Sec. 3-42. - Term of license.

No license shall issue for less than the remainder of the calendar year. In case of the revocation or surrender of such license before the expiration of such year period, the holder thereof shall not be entitled to receive any refund whatsoever.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2008-13, § 3, 11-3-08; Ord. No. 2010-07, § 3, 5-17-10)

Sec. 3-43. - Transferability of licenses.

- (a) Licenses to engage in the business of selling alcoholic beverages shall not be transferable, except as otherwise provided herein.
- (b) In case of the death of any individual holding such a license, or any interest therein, the same may, in the discretion of the city clerk, be transferred to the administrator, executor or the lawful heirs of the deceased person. In the case of a corporation for which one (1) or more stockholders, officers or agents are required to meet the requirements of this chapter for licensing, the death of any such person shall be treated as the death of an individual holding an interest in the license.
- (c) Nothing in this section, however, shall prohibit one (1) or more of the partners in a partnership holding a license to withdraw from the partnership in favor of one (1) or more of the partners who were partners at the time of the issuance of the license. Such withdrawal shall not, however, serve to bring any new ownership into the partnership.
- (d) Should a transfer of a location be approved, there shall be no pro rata return of any license fee, and the new location shall be required to obtain a new license hereunder.
- (e) All applications for transfer of locations shall comply with the provisions herein set forth governing new licenses.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-44. - Notice of transfer of business; affect of disciplinary action.

Should any alcoholic beverage license holder withdraw from, sell or otherwise transfer such holder's interest in any ongoing alcoholic beverage business, the city clerk shall be notified in writing of such withdrawal, sale or transfer within seven (7) days. Conduct of the licensed business may be continued for a period of no more than sixty (60) days following the sale of a license holder's interest therein, upon application of the purchaser for a new license and with approval of the city clerk, provided the initial license holder is under management contract with the purchaser of the business to supervise and remain responsible for the conduct of such business during the time investigation of the new application is underway; and provided further, that no disciplinary

proceedings are pending against the initial license holder or the licensed premises concerning established or alleged violations of this chapter. In the event disciplinary proceedings have been concluded against the initial license holder and such license holder is under a probationary period, the remainder of any such probationary period shall be applied to the new license holder for such ongoing business. In the event disciplinary proceedings have been concluded against the initial license holder and such license holder's license is under suspension, the city clerk shall not accept any alcohol beverage license application for such ongoing business until such time as the suspension of the original license has or would have ended. For purposes of this section, "on going alcoholic beverage business" shall mean any business enterprise that continues to operate at the same location or premises and engages in the sale of alcoholic beverages, irrespective of the corporate structure or ownership of such business enterprise.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2008-14, § 1, 11-3-08)

Sec. 3-45. - Display of license.

Every person, firm or corporation issued a license pursuant to this chapter shall be required to display this license in a prominent place on the premises.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-46. – Denial, Suspension or revocation of license.

- (a) **Effect of Suspension or Revocation by State.** The State of Georgia's suspension or revocation of any state license to sell any alcoholic beverage shall result in the automatic corresponding suspension or revocation of a license issued under this chapter, without any action by the City.
- (b) **Due Cause for Denial, Suspension, or Revocation.** A license may be denied, suspended, or revoked by the City:
- (1) For any violation by the licensed business and/or licensee of local, state and/or federal laws and/or regulations relating to alcoholic beverages, including but not limited to the sale of alcoholic beverages to any person under the age of twenty-one (21);
 - (2) For any act by the licensed business and/or licensee of encouraging or condoning the violation by the licensed business' employees of local, state and/or federal laws and/or regulations relating to alcoholic beverages;
 - (3) Evidence of fraudulent, false, omitted, and/or misleading information provided by the applicant, licensee, and/or their employees in securing, renewing and/or maintaining the alcohol license;
 - (4) If the licensee or the licensed business ceases to meet the eligibility requirements for licensure, including but not limited to failing to maintain the required percentage of annual food sales in the preceding 4 (four) quarters or the requirements listed in Section 3-22;
 - (5) If, within a period of five (5) years, the licensee, licensed business, or any of the licensed businesses' employees, agents or contractors, has been convicted of, or plead

guilty or Nolo Contendere to, four (4) or more violations of local, state and/or federal laws and/or regulations occurring at the licensed premises.

- (6) If any licensee, in a period of five (5) years immediately preceding the date of revocation, has been convicted of, or plead guilty or Nolo Contendere to, four (4) or more violations of any provision of the International Property Maintenance Code or Section 5-15 of this Code, for any commercial location in the City.
 - (7) If any licensee continues to sell, distribute, or manufacture alcoholic beverages during a period in which its license is suspended or otherwise violates the terms of its suspension.
- (c) **Procedure for revocation or suspension.** Except as otherwise provided herein, no license which has been issued or which hereafter may be issued pursuant to this chapter shall be denied, suspended or revoked except for due cause and after a hearing.
- (1) *Notice of Hearing.* The City Clerk may initiate proceedings under this section by providing written notice to the licensee, at least ten (10) days prior to the date of the suspension/revocation hearing, stating specifically the grounds for denial/suspension/revocation and proposed length of any requested suspension. The notice shall advise the licensee of the time, place, and purpose of the hearing,
 - (2) *Service.* Service of such notice shall be by personal service by a city police officer or code enforcement officer at the licensed premises on the named licensee or an employee of the licensee or by certified mail, return receipt requested, to the address listed in the license application. If personal service or certified mail fails, affixing a copy of the notice to the front door of the licensed premises and mailing the original to the named licensee at the licensed premises with a copy mailed to any other address of the named licensee contained in the most recent license application on file, shall suffice as receipt of the notice.
 - (3) *Hearing.* At the hearing, the licensee shall have the right to represent himself/herself or be represented by counsel, may cross-examine all witnesses offered by the City, and may present evidence in his/her own behalf. Formal rules of evidence shall not apply to hearings under this section and all testimony shall be offered under oath or affirmation. At the hearing, the City shall have the burden of proof by a preponderance of the evidence that the suspension or revocation was proper. Within five (5) business days of the date of the hearing, unless otherwise waived by the licensee and the City, the City Manager shall make a written recommendation to the Mayor and City Council with respect to the request for suspension or revocation, and shall concurrently send a copy of said written recommendation to the licensee by certified mail.
 - (4) *Review by City Council.* The City Manager's recommendation shall be placed on the agenda of the next regular meeting of the City Council or set for a special called meeting to occur within thirty (30) days of such recommendation. At such meeting, the City Manager shall outline the evidence heard, and the basis for his or her recommendation. The City Council shall vote to ratify, amend, or reject the City Manager's recommendation. The City Council may, if the City Council finds incomplete issues of fact, direct the City Manager to rehear the matter on such portion, not later than thirty (30) days after the City Council Meeting. The procedure for notice

and conduct of said hearing shall follow the same requirements of this section as the original hearing.

- (5) *Appeal from decision of City Council.* The decision of the City Council to ratify or reject the City Manager's recommendation shall be final. If the City Council votes to ratify the City Manager's recommendation, the licensee shall have the right to appeal said decision by appealing to the appropriate court of jurisdiction.
- (6) *No Supersedeas.* The filing of an appeal from a suspension or revocation shall not ipso facto act as a supersedeas; provided, however, this restriction shall not be construed to prohibit a court of appropriate jurisdiction to grant a supersedeas upon such terms and conditions as may seem reasonable and proper.
- (7) *Effect of no appeal or ratification.* If the suspension or revocation is ratified (or not appealed):
 - i. No refund of any portion of the license shall be paid; and
 - ii. In the event of revocation, licensee shall remove all alcohol from its premises; or.
 - iii. In the event of suspension lasting thirty (30) or more days, licensee shall remove all alcohol from its premises, and the Chief of Police shall cause for a sign and/or notice to be posted on the premises notifying the public of said suspension. The sign and/or notice shall remain on the premises for the duration of the suspension. Notwithstanding anything to the contrary herein, retail package liquor stores shall not be obligated to remove alcohol from the premises in the event of suspension.

(d) Penalties for due cause finding by the City Council

- (1) With respect to existing licenses for retail package liquor stores, mandatory minimum penalties for due cause findings by the City Council shall be as follows:
 - i. First violation—Minimum of five (5) days to a maximum of ninety (90) days suspension of license and a minimum \$1,000.00 fine;
 - ii. Second violation—Minimum of thirty (30) days to a maximum of one hundred eighty (180) days suspension of license and a minimum \$1,000.00 fine;
 - iii. Third violation—License revocation.
- (2) With respect to existing licenses, mandatory minimum penalties for due cause findings by the City Council with respect to licensees holding a license to sell alcoholic beverages for on-premises consumption of alcoholic beverages shall be as follows:
 - i. First violation—Minimum of five (5) days to a maximum of ninety (90) days suspension of license and a minimum \$2,500.00 fine;
 - ii. Second violation—Minimum of 30 days to a maximum of one hundred eighty (180) days suspension of license and a minimum \$2,500.00 fine;
 - iii. Third violation—License revocation.
- (3) Notwithstanding anything to the contrary herein, the above penalties constitute mandatory minimums only. The City Council has the discretion to revoke any license

upon a first violation if said violation is of such a nature that revocation is necessary to protect the health, safety, and welfare of the public.

- (4) The time period considered for number of violations shall be five (5) years from the date of the most recent violation.

Section 3-46.1.- Emergency Suspension of License

- (a) The chief of police shall notify the city manager that such a situation exists that constitutes a significant, present threat to public safety or public order, which is likely to continue and that requires the immediate suspension of a license;
- (b) The decision to immediately suspend a license shall be jointly made by the city manager and shall be justified when any of the criteria set forth in section 3-46(b) is present and at least one (1) identifiable aggravating circumstance exists that the city manager finds requires an emergency suspension. The following factors shall be considered to determine whether aggravating circumstances exist:
- (1) Consistency of penalties mandated by this chapter and those previously set;
 - (2) Likelihood of deterring future wrongdoing;
 - (3) Impact of the offense(s) on the community;
 - (4) History of prior suspensions and/or revocations of licensee and of warnings of violations to licensee;
 - (5) Disorderly conduct at the establishment;
 - (6) Presence of illegal drugs at the establishment;
 - (7) Violence at the establishment;
 - (8) Gambling at the establishment;
 - (9) Any public safety implications of failing to immediately suspend the subject license;
and
 - (10) Whether the situation in question is a violation of a suspension previously imposed.
- (c) At least within 24 hours of said decision, the city manager or the city manager's designee shall issue a show cause order notifying licensee of the decision to immediately suspend said license; notifying licensee of a time, date, and place of the hearing to be conducted before the city manager no later than ten (10) days from the date of the emergency suspension; and directing licensee to show cause why said license should not be subject to further suspension or revocation; both licensee and the chief of police shall receive a copy of the show cause order.
- (d) Except as otherwise provided in this section, the provisions in section 3-46 shall apply to emergency suspension proceedings.

Sec. 3-47. - Employees; qualifications; permits; records filed with city; investigations.

(a) *Eligibility.*

- (1) No licensee shall employ in any premises licensed for the retail sale of malt beverages and/or wine, any person who, once within the immediately preceding six (6) months, twice within the immediately preceding twelve (12) months, or three (3) times within the immediately preceding five (5) years, has been convicted of, or entered a plea of guilty or nolo contendere to, any city, state or federal offense relating to alcoholic beverages, or who, within the immediately preceding ten (10) years has been convicted of or entered a plea of guilty or nolo contendere to any felony.
 - (2) No licensee shall employ in any premises licensed for the retail sale of distilled spirits, any person who, once within the immediately preceding one (1) year, twice within the immediately preceding two (2) years, or three (3) times within the immediately preceding ten (10) years, has been convicted of, or entered a plea of guilty or nolo contendere to, any city, state or federal offense relating to alcoholic beverages, narcotics or gambling, or who, within the immediately preceding ten (10) years has been convicted of or entered a plea of guilty or nolo contendere to any felony.
 - (3) No licensee shall employ in any premises licensed for the sale of alcoholic beverages for consumption on the premises, any person, who, once within the immediately preceding one (1) year, twice within the immediately preceding two (2) years, or three (3) times within the immediately preceding ten (10) years, has been convicted of, or entered a plea of guilty or nolo contendere to, any city, state or federal offense relating to alcoholic beverages, narcotics, gambling, or sex offense, including but not limited to prostitution, solicitation of prostitution or keeping a disorderly house, or who, within the immediately preceding ten (10) years, has been convicted of, or entered a plea of guilty or nolo contendere to, any felony.
 - (4) Paragraphs (1) through (3) above shall only apply to those employees hired for the purpose of or actively engaged in the dispensing, serving, selling or other handling of alcoholic beverages.
 - (5) In the event an employee of a licensed alcoholic beverage establishment is convicted of or enters a plea of guilty or nolo contendere to any offense which would preclude his or her initial employment under paragraphs (1) to (3) above, such employee shall be placed on probationary status for a period of twelve (12) months. Any subsequent conviction or plea to such an offense during the probationary period shall result in the employee's disqualification from further eligibility for employment in a capacity which involves the dispensing, serving, selling or other handling of alcoholic beverages in an alcoholic beverage establishment in the city for a period of five (5) years; provided that nothing in this subsection shall be construed to require a license holder to continue the employment of such an employee nor shall the provisions of this subsection be construed to prohibit dismissal of such an employee as a condition of maintaining the alcoholic beverage license where the conduct of the employee is of an egregious nature or shows a total disregard for the laws and regulations pertaining to the sale of alcoholic beverages.
- (b) Employees who are involved in the sale and/or dispensing of alcoholic beverages are required to register with the police department on a form provided by the police department for that purpose. All such employees shall be subject to such investigative rules and

regulations as may be deemed necessary from time to time by the police department of the city. A dispensing permit with a photograph of the permit holder affixed and clearly printed expiration date will be issued and a fee will be charged to all applicants for the same. Such fee may be changed from time to time by resolution of the mayor and council. Reregistration shall be accomplished every two (2) years on the two-year anniversary of initial registration in the same manner as previously stated. Such permits allow an employee who dispenses or sells alcoholic beverages to work in any retail consumption establishment in the city. Such permits must be worn, clearly visible to the public, at all times when the holder of the permit is engaged in the dispensing and/or sale of alcoholic beverages.

- (c) The licensee shall acquaint all employees engaged in the sale of alcoholic beverages with the requirements of this chapter and state law regulating the handling, sale or dispensing of such beverages, and shall obtain from each such employee a signed acknowledgment that the employee has read the provisions of this chapter and state law regulating the handling, sale or dispensing of alcoholic beverages. Such signed acknowledgment shall be retained in the business office of the licensed premises during the employment period for each such employee, and shall be available for inspection during business hours at the request of the city manager, chief of police, or any city law enforcement officer.
- (d) Minors under eighteen (18) years of age may be employed in or about places of business where alcoholic beverages are sold, provided such minors shall not be allowed or required to dispense, serve, sell, deliver or take orders for such alcoholic beverages or in any manner aid or assist in the dispensing, serving, sale, delivery or taking orders for same. Persons under eighteen (18) years of age who are employed in supermarkets, convenience stores, breweries or drug stores may handle the stocking or storage of alcoholic beverages which are sold for consumption off the premises, but may not assist in the sale thereof.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2006-20, §§ 1, 2, 5-15-06; Ord. No. 2010-07, § 4, 5-17-10)

Sec. 3-48. - Conditions of on-site tastings.

- (a) The holder of a retail package liquor store license issued under section 3-37(a) shall be eligible for an ancillary tasting license to provide samples of wine, malt beverages, or distilled spirits offered for sale to customers under the conditions set forth in this section. No tasting license shall be required for farm winery tasting rooms.
- (b) Tastings shall be on limited to four (4) tasting events per calendar year, or in conjunction with education classes and sampling designed to promote alcoholic beverage appreciation and education.
- (c) Tasting for customers shall only be conducted at a counter area constituting no more than ten (10) percent of the entire floor area of the premises.
- (d) Samples shall not exceed two (2) ounces, and no customer shall consume more than eight (8) ounces in any one-hour period.
- (e) Beverages shall only be opened and samples poured by the licensee, an employee, and/or an alcoholic beverage brand ambassador.

- (f) Sampling and tasting is only permitted within the premises. No open containers shall be removed from the licensed premises.
- (g) Complimentary food shall be made available for customers during each sampling and tasting
- (h) Not more than one time per week for a period of not to exceed two (2) consecutive hours, the holder of an ancillary tasting license may conduct sampling educational classes . All conditions of sampling set forth in this section shall apply to such classes, except for the limitation on floor area where the classes can be conducted.
- (i) Holders of an ancillary wine tasting permit shall not charge for individual samples or tastings, but may impose a charge for educational classes or certain special tasting events.
- (j) The annual fee for an ancillary wine tasting license shall be one hundred dollars (\$100.00), which fee may be revised from time to time by resolution of the mayor and council.
- (k) The licensee shall provide at least thirty (30) days' notice to the city clerk prior to the tasting event.

(Ord. No. 2013-02, § 1, 2-4-13; Ord. No. 2016-28, § 5, 9-19-16)

Sec. 3-49. - Farm winery licenses.

- (a) A farm winery shall sell, at retail and by the drink, only wine produced in its facilities. In no event shall a farm winery sell wine produced by other farm wineries, distilled spirits or malt beverages.
- (b) There shall be no specified or required ratio of wine sales to any other income for farm winery operations.
- (c) On Sundays, a farm winery shall be permitted to sell its wine only during the hours of 12:30 p.m. until 12:00 a.m. of the following day.
- (d) Farm wineries shall be subject to all qualifications and regulations of this chapter, except as otherwise specifically provided in this section.
- (e) Any applicant for a license for the sale of wine by a farm winery shall pay the applicable annual license fee and a one-time administrative/investigative fee established by mayor and council, by resolution, from time to time.
- (f) The license created in accord with this section shall be limited to farm winery tasting rooms licensed by the State of Georgia in accordance with O.C.G.A. § 3-6-21.1, *et seq.*, and the licensee shall be permitted to perform only acts allowed in accord with such statutes. No license is hereby created authorizing any other use. All consumption of wine by the drink shall be in farm winery tasting rooms.
- (g) All applications for renewal of a farm winery license shall be accompanied by a copy of the current state license. Failure to present a valid copy of a current and valid state license will result in a refusal to renew the license.
- (h) A farm winery may only apply for licenses for sales by the drink of wine and off premises consumption wine sales.

(Ord. No. 2016-28, § 6, 9-19-16; Revised Ord. No. 2016-28, § 4, 10-17-16)

Sec. 3-50.- Craft Beer and Wine Market License

- (a) No person shall be permitted to own or operate a craft beer and wine market without first obtaining a license from the city clerk or his/her designee pursuant to the same procedures as are set forth in this chapter, and each craft beer and wine market license holder shall comply with all other applicable state and local requirements.
- (b) A craft beer and wine market shall offer a minimum of twenty-five (25) craft beer and/or wine selections.
- (c) Sales of craft beers and wines (including growlers), shall be limited to package sales for consumption off the premises; provided, however, a craft beer and wine market may hold four (4) events per calendar year where on-premise consumption shall be permissible as long as (i) food is available for purchase at the premises during the event and (ii) the licensee provides at least thirty (30) days' notice to the city clerk prior to the event.
- (d) The sale and/or consumption of distilled spirits is strictly prohibited at such locations.
- (e) Craft beer and wine markets shall meet all distance requirements for a consumption on the premises license.
- (a) Licensees or employees of a craft beer and wine market shall be authorized to offer samples of draft beer or wine to patrons over the age of 21; provided that samples shall not exceed three (3) ounces and all patrons are limited to four (4) samples during a single days' operating hours.

Sec. 3-51.- Ancillary Retailer License

- (a) A for-profit commercial entity or non-profit organization located within the Downtown Commercial, the Hospitality Campus District, or within the Planned Development District may be issued a license to sell or offer complimentary alcoholic beverages for consumption only on the premises.
- (b) An ancillary licensee shall not:
 - (1) Serve alcoholic beverages past 9:00 p.m.;
 - (2) Allow any alcoholic beverages to be consumed outside the facility;
 - (3) Engage in any exterior advertising concerning the consumption of alcoholic beverages on the premises; or
 - (4) Derive more than twenty (20) percent of its total annual gross revenues from the sale of alcoholic beverages.
- (c) An ancillary commercial licensee shall:
 - (1) During all hours of operation, provide food available for purchase and/or utilize one or more food trucks, which shall be located on the grounds of the licensed premises or within twenty-five (25) feet of the licensed premises;

- (2) Comply with all ordinance regulations dealing with general licensing and consumption on the premises' establishments;
- (3) Comply with all local, state and federal licensing and operational requirements; and
- (4) Submit all reports to the city as required under this chapter.

Sec. 3-53.- Brewpub License

- (a) No individual shall be permitted to own or operate a brewpub without first obtaining a proper license from the commissioner in the manner provided in this title, and each brewpub licensee shall comply with all other applicable state and local license requirements;
- (b) A brewpub license authorizes the holder of such license to:
 - (1) Manufacture on the licensed premises not more than 10,000 barrels of malt beverages in a calendar year solely for retail sale;
 - (2) Operate an eating establishment that shall be the sole retail outlet for such malt beverages;
 - (3) Operate an eating establishment that may offer for sale for consumption on the premises any other alcoholic beverages produced by other manufacturers which are authorized for retail sale under this title, including wine, distilled spirits, and malt beverages, provided that such alcoholic beverages are purchased from a licensed wholesaler; and, provided, further, that in addition to draft beer manufactured on the premises, each brewpub licensee shall offer for sale commercially available canned or bottled malt beverages from licensed wholesalers; and
 - (4) Notwithstanding any other provision of this paragraph, sell up to a maximum of 5,000 barrels annually of such malt beverages to licensed wholesale dealers. Under no circumstances shall such malt beverages be sold by a brewpub licensee to any person holding a retail consumption dealer's license or a retailer's license for the purpose of resale;
- (c) A brewpub licensee shall:
 - (1) Pay all state and local license fees and excise taxes applicable to individuals licensed by this state as manufacturers, retailers, and, where applicable, wholesalers under this chapter;
 - (2) Measure malt beverages manufactured on the premises and otherwise comply with applicable rules and regulations respecting excise and enforcement tax determination of such malt beverages as required by state and local law.
- (d) To the extent the provisions of this section conflict with O.C.G.A. § 3-5-36, the provisions of O.C.G.A. § 3-5-36 shall control.

Sec. 3-54.- Special Event Alcohol License

- (a) Establishments duly licensed by the city to sell alcoholic beverages for consumption on the premises must submit an application and site plan to the city clerk to engage in outdoor special events.
- (b) A special event temporary permit, if approved by the mayor and council under Section 3-84, shall authorize the licensee to sell alcoholic beverages for consumption on the premises for a period not to exceed the hours otherwise specified in this chapter.
- (c) The applicant must meet the following requirements:
 - (1) The licensed establishment must have an existing license for the sale of alcoholic beverages for consumption on the premises.
 - (2) The entrances and exits to the event must be through controlled entry points which allow for easy monitoring of patrons entering and leaving the event.
 - (3) A site plan must be submitted to and approved by the city planner and city fire marshal.
 - (4) If the site plan provides for an area to accommodate more than 25 persons, a crowd control and security plan must be submitted to the city for approval. The community development department and city fire marshal must approve any temporary structures.
 - (5) A signed and notarized letter from the property owner authorizing the use of the property for the event.
 - (6) The outside event shall not exceed three (3) days.
 - (7) All outside events for an individual licensed establishment will be restricted to three (3) events per year.
 - (8) A non-refundable fee of \$100.00 (Commercial) or \$50.00 (Non-Profit) must be paid at the time of filing of the application.
 - (9) The completed application must be submitted to the city clerk no less than thirty (30) days prior to the scheduled event.
- (d) Nothing in this section shall be construed to waive or appeal any other requirements ordained under this Code.
- (e) The licensee or the licensee's employee shall supervise all aspects of the special event pertaining to the handling and storage of alcoholic beverages and the distribution of alcoholic beverages to consumers.
- (f) The licensee shall be responsible for compliance with all aspects of this chapter and state law, and liable for infractions thereof.

Sec. 3-55. – Complimentary Service License

- (a) Businesses that derive zero percent of their gross revenue from the sale of alcoholic beverages may apply for a complimentary service license.
- (b) Holders of a complimentary service license may provide limited amounts of malt beverages or wine to patrons upon the licensed premises. The provision of complimentary distilled spirits is strictly prohibited.

- (c) Holders of a complimentary service license may not receive present or future consideration for the provision of an alcoholic beverage; alcoholic beverages may only be provided gratis.
- (d) Complimentary service of malt beverages to an individual shall be limited to no more than 24 fluid ounces in a 24-hour period.
- (e) Complimentary service of wine to an individual shall be limited to no more than 12 fluid ounces in a 24-hour period.
- (f) Only the licensee or an employee shall open and handle unpackaged malt beverages or wine.
- (g) No open containers shall be removed from the licensed premises.
- (h) Notwithstanding anything to the contrary herein, licensee and its employees shall not pour any alcoholic beverages from a keg, growler, box, or bottle. Complimentary service shall be limited to the opening of packaged malt beverages that do not exceed twelve (12) ounces and packaged wines that do not exceed six (6) ounces.

3-56. -Microbrewery License

- (a) No individual shall be permitted to operate a microbrewery without first obtaining a proper license from the city in the manner provided in this chapter. Each holder of a microbrewery license shall comply with the provisions of this chapter and all applicable state statutes, including rules and regulations promulgated by the department of revenue.
- (b) Subject to compliance with the terms and conditions of O.C.G.A. § 3-5-24.1, holders of a microbrewery license may sell up to six thousand (6,000) barrels of malt beverages in each calendar year to individuals who are on the brewer's licensed premises for: (1) consumption on the premises; and (2) consumption off the premises, provided that such sales for consumption off the premises shall not exceed a maximum of 288 ounces of malt beverage per consumer per day.
- (c) A brewer may sell malt beverages pursuant to subsection (b) of this section on all days and at all times that sales of malt beverages by retailers are lawful, including, but not limited to Sundays.
- (d) A brewer engaging in sales of malt beverages pursuant to subsection (b) of this section shall remit all sales, use, and excise taxes to the proper tax collecting authority.

3-57.- Microdistillery License

- (e) No individual shall be permitted to operate a microdistillery without first obtaining a proper license from the city in the manner provided in this chapter. Each holder of a microdistillery license shall comply with the provisions of this chapter and all applicable state statutes, including rules and regulations promulgated by the department of revenue.
- (f) Subject to compliance with the terms and conditions of O.C.G.A. § 3-4-24.2, holders of a microdistillery license may sell up to 750 barrels of distilled spirits per calendar year to individuals who are on such distiller's licensed premises for: (1) consumption on the premises;

and (2) consumption off the premises, provided that such sales for consumption off the premises shall not exceed a maximum of 4,500 milliliters of distilled spirits per consumer per day.

- (g) A distiller may sell distilled spirits pursuant to subsection (b) of this section on all days and at all times that sales of distilled spirits by retailers and retail consumption dealers are lawful, including, but not limited to Sundays.
- (h) A distiller shall not sell any distilled spirits for consumption off the premises pursuant to subsection (b) of this section at a price less than the price at which a person licensed to sell distilled spirits by the package is permitted to sell distilled spirits pursuant to O.C.G.A § 3-4-26(b).
- (i) Any distiller engaging in sales of distilled spirits pursuant to subsection (b) of this section shall remit all sales, use, and excise taxes to the proper tax collecting authority.

Secs. 3-58 – 3-60 Reserved.

ARTICLE III. - REGULATION OF PACKAGE SALES

Sec. 3-61. - Business hours and days.

- (a) Retail Package Liquor Stores or other authorized retailers engaged in the sale of distilled spirits shall not engage in, and shall not cause any other person to engage in, the sale of such beverages except between the hours of 8:00 a.m. and 11:45 p.m. on weekdays and shall not permit their places of business to be opened for the sale of distilled spirits on Christmas Day. Business hours of wholesale dealers shall be from sunup to sundown.
- (b) Retail Dealers in other alcoholic beverages shall not engage in, nor cause any other person to engage in, the sale of such beverages except between the hours of 8:00 a.m. and 11:45 p.m. on weekdays and shall not engage in, nor cause any other person to engage in the sale of such beverages on Christmas Day.
- (c) Business hours of wholesale dealers in alcoholic beverages shall be from sunup to sundown.
- (d) The sale of alcoholic beverages on election days is permitted within the city.
- (e) Retailers possessing a valid license from the city authorizing the package sale of malt beverages, wine, and/or distilled spirits shall be authorized to sell packages of malt beverages, wine, and/or distilled spirits on Sundays between the hours of 12:30 p.m. and 11:30 p.m.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 98-10, § 1, 4-20-98; Ord. No. 2011-06, § 2, 6-6-11)

Sec. 3-62. - Exterior advertisement of brand and price of distilled spirits prohibited.

No sign of any kind, painted or electric, advertising any brand or price of distilled spirits shall be permitted on the exterior, or in the window, of any licensed premises. No placard or sign of any kind which is visible from the exterior of the licensed premises shall make reference to the price of any distilled spirits sold therein; provided, however, that tags showing the prices of individual bottles or containers may be affixed to each such bottle or container or to the edge of the shelf whereon such bottles or containers are located.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-63. - Price lists or tags required.

- (a) Each licensee shall have conspicuously displayed within the interior of the licensed premises not less than four (4) copies of a printed price list of the alcoholic beverages offered for sale and one (1) printed copy of the penal sections of this chapter; provided, that a licensee, in lieu of having four (4) copies of a printed price list, may have the price placed on the bottles or on the bottom of the shelf where alcoholic beverages are exhibited for sale.
- (b) All licensees hereunder shall display in prominent places their current prices of alcoholic beverages.
- (c) The licensee shall file a copy of same with the investigating officer of the police department and shall furnish to any customer that so desires an itemized bill of charges which shall not exceed the price list furnished to the police department. Upon any increase or decrease of prices, a new list must be filed with the police department.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-64. - Lighted electric advertising signs on wine or malt beverage establishments.

No licensee operating premises wherein wine or malt beverages are sold shall operate lighted electrical signs or devices advertising such liquors except during the hours that such products are being offered for sale to the public.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-65. - Sanitary regulations, immoral conduct, etc.; inspection and report by fire department.

- (a) All licensed premises shall be kept clean and in proper sanitary condition and in full compliance with the provisions and regulations governing the condition of premises used for the storage and sale of food for human consumption. It shall be unlawful to permit any disturbance of the peace, obscenity, or public indecency on the premises.
- (b) The fire department shall, upon request of the city clerk, inspect such premises and report its findings to the city clerk. All premises licensed hereunder shall conform at all time with all fire regulations of the city.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-66. - Physical requirements of applicant's premises.

- (a) No license shall be granted to a retailer under the provision of this chapter, unless the front entrance to the premises is clearly visible from a public street; provided, however, that this restriction shall not apply where the licensee is a hotel, motel, or private club, or has a location in a shopping center or multiple-story business building.

- (b) Where a building in which a retailer intends to operate under the provisions of this chapter is at the time of the application for such license not in existence or not yet completed, license may be issued for such location provided the plans for the proposed building show clearly a compliance with the other provisions of this chapter.
- (c) No sales shall be made from such establishment until it has been completed in accordance with said plans and is in conformity with all of the other provisions of this chapter.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-67. - Interior visibility required.

No screen, blind, curtain, partition, article or thing which shall prevent a clear view into the interior shall be permitted in the window or opening of any door of any retail alcoholic beverage store, and no booth, screen, partition or other obstruction shall be permitted within the interior of any such store. Each such retail store shall be so lighted that the interior of the store is visible day and night.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-68. - Operation of video games.

- (a) No retail package liquor store under this article shall allow, maintain or operate on the licensed premises more than three (3) video games. This provision does not include or pertain to musical machines or juke boxes.
- (b) Except as specified herein, the provision of this Code regarding the regulation and licensing of coin-operated amusement machines shall apply and be of full force and effect.

Sec. 3-69. - Package sales of certain container.

- (a) Wine sold in containers of less than seven hundred fifty (750) milliliters shall only be sold in packages of at least four (4) containers.
- (b) Malt beverages sold in containers of less than sixteen (16) ounces shall only be sold in packages of at least (4) containers.
- (c) The provisions of subsections (a) and (b) above shall not apply to (i) convenience stores licensed under the provisions of chapter 11, article XXIV of the Code of Ordinances or (ii) any other business entity that voluntarily complies with the provisions of chapter 11, article XXIV of the Code of Ordinances, and such compliance has been verified by the city. The chief building inspector is authorized to issue a certification to any business entity that has been inspected for voluntary compliance with chapter 11, article XXIV of the Code of Ordinances.

(Ord. No. 03-09, § 1, 3-3-03; Ord. No. 2012-05, § 4, 2-20-12; Ord. No. 2012-07, § 1, 4-2-12)

Sec. 3-70. - Convenience stores.

- (a) Convenience stores maintaining alcohol licenses pursuant to this chapter of the Code shall also be subject to the regulations contained in chapter 11, article XXIV, as if said provisions were fully incorporated herein.
- (b) Condoning of loitering prohibited. It shall be unlawful for the owner, manager and/or operator of a convenience store licensed to sell alcohol under this chapter to allow any person to loiter on or about the licensed premises as prohibited by chapter 12, article I, section 12-16 of the Code, without taking prompt action to cause for such loiterer to be removed from the premises. The unlawful loitering of a person at a convenience store for a period of more than thirty (30) minutes shall constitute prima facie evidence that the owner, manager and/or operator of the establishment is unlawfully condoning such prohibited conduct.
- (c) Prominent display of loitering prohibition. Convenience stores maintaining alcohol licenses pursuant to this chapter shall cause for the following language to be prominently displayed, in no less than forty-eight-inch font, in a manner which is visible to the general public on the exterior and interior of the licensed establishment:

Loitering Prohibited:

This establishment is required to prohibit loitering, pursuant to Chapter 3, Article III, Sec. 3-70, of the College Park Code of Ordinances.

- (d) Penalties. In addition to other penalties and sanctions authorized by state law and the Code, the violation of this section by owners, managers and/or operators of convenience stores shall subject the convenience store to termination, revocation and/or suspension of its license to sell alcoholic beverages.

(Ord. No. 2011-12, § 2, 9-19-11; Ord. No. 2016-30, § 1, 11-7-16)

Sec. 3-71. - Growlers

- (a) Licensees or employees of a licensed brewpub or craft beer shop may fill or refill properly sanitized growlers with draft craft beer or hard cider from a keg at the licensed premises as provided in this chapter.
- (b) Growlers shall not have a capacity exceeding 64 ounces.
- (c) Growlers may only be filled from kegs procured by the licensee from a duly licensed wholesaler.
- (d) The filling of growlers by means of a tapped keg shall not constitute the breaking of a package as contemplated by O.C.G.A. § 3-3-26 or other provisions of this chapter, provided that after the growler is filled, the growler must be sealed on the licensed premises

with a tamper-proof plastic cap and may not thereafter be opened or consumed on the premises.

Secs. 3-72—3-80. - Reserved.

ARTICLE IV. - REGULATION OF SALES BY THE DRINK

Sec. 3-81. - Prohibited hours of operation.

No license holder shall sell, give away, or otherwise dispense alcoholic beverages by the drink between the hours of 2:00 a.m. and 11:00 a.m. Sunday, 12:00 a.m. and 7:00 a.m. on Monday, or 2:00 a.m. and 7:00 a.m. on other days.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 98-10, § 2, 4-20-98; Ord. No. 99-08, § 2, 6-14-99; Ord. No. 2018-05, § 5, 8-6-18, election of 11-6-18)

Sec. 3-82. - Service to be by employees only.

Alcoholic beverages by the drink shall be served by employees of the establishment only.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-83. - Standards to determine sleeping or seating capacity; inspections; compliance with fire requirements.

Where a minimum sleeping or seating capacity is prescribed in this chapter, the same shall be judged by existing ordinances of the county or state regulations or by reasonable standards. The fire department, shall, upon request of the city clerk, inspect such premises and report its findings to the city clerk. All premises licensed hereunder shall conform at all times to all fire regulations of the city, county and state.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-84. - Sales outdoors at the licensed premises- Special Events.

- (a) It shall be unlawful for any sale to be made outside of the enclosed building, premises or place of business licensed for such sale except as otherwise permitted in this chapter.
- (b) The mayor and council may authorize special events no more than fifteen (15) times per year per licensee during which the use of contiguous structures, such as tents, may be utilized by a licensee in the conduct of his business. All such special events shall be limited to seventy-two (72) hours in duration. Activities in contiguous structures shall cease no later than 10:30 p.m. of each day. Use of contiguous structures shall be permitted only where a sufficient number of parking spaces to meet the zoning ordinance remain after erection of the structure.
- (c) The mayor and council, in granting a special event permit, may attach conditions to the permit to protect the appropriate use of neighboring properties.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-85. - Alcoholic beverage caterers.

- (a) For the purpose of this section the following definitions shall apply:
- (1) *Food caterer* means any person who, for consideration, prepares food for consumption off the premises.
 - (2) *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.
 - (3) *Authorized catered function* 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, and sold, dispensed or provided free of charge to persons present at the event, by the drink, pursuant to a permit obtained under this section.
- (b) Licenses may be obtained for the purpose of selling or dispensing alcoholic beverages by the drink on premises at which authorized catered functions are to be held. Such licenses shall be annual licenses and may be obtained only by those persons, firms or corporations already licensed by the city for the sale of alcoholic beverages at retail or by the drink. The procedures for securing such licenses and the terms thereof, including license fees, shall be as provided in Article II of this chapter.
- (c) Before a licensed alcoholic beverage caterer may sell or dispense alcoholic beverages at any authorized catered function, such caterer shall obtain a permit. The application for permit shall include the name of the alcoholic beverage caterer, the caterer's license number, and the date, address and time of the event. No permit fee shall be charged for the alcoholic beverage caterers licensed by the city. For caterers licensed by jurisdictions other than College Park, a fee of fifty dollars (\$50.00) per event permit shall be charged. No permit shall be issued to any person under this section who does not hold an alcoholic beverage caterer's license from a local jurisdiction in the State of Georgia. The permit shall be kept in the vehicle used to transport alcoholic beverage to the event at all times during which the permit is in effect.
- (d) Caterers licensed by a jurisdiction other than College Park shall maintain a record of all alcoholic beverages transported into the city for the event, and shall pay an excise tax to the city covering all such beverages at the rates provided by Article V of this chapter. Failure to report and remit the tax within seven (7) days of the conclusion of the event shall be grounds for denial of subsequent permits to that caterer for similar events.
- (e) Caterers licensed by College Park shall maintain a record of all alcoholic beverages transported for each event, by event, and shall make report and remittance of such taxes with their regular monthly reports to the city.
- (f) No alcoholic beverages shall be transported, distributed or sold to other than licensed locations in the city, except to authorized catered functions, unless otherwise authorized by this chapter or by state law.
- (g) The hours and days of sale or distribution of alcoholic beverages under this section shall be the same as provided for sale by the drink.

- (h) No licensed alcoholic beverage caterer shall employ any person under eighteen (18) years of age to dispense, serve, sell or handle alcoholic beverages at authorized catered functions.
- (i) As a condition of permit issuance, alcoholic beverage caterers licensed by jurisdictions other than College Park shall be provided a copy of the city's alcoholic beverages ordinances, and shall indicate, by signature, that they have received such ordinances and acknowledge the applicability of such ordinances to their operations.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2010-07, § 5, 5-17-10)

Sec. 3-86. - Hotel in-room service.

Licenses obtained by hotels shall include the right to serve alcoholic beverages by the drink to registered guests in their hotel rooms as well as to deliver alcoholic beverages in unbroken and/or unopened packages to registered guests' rooms when such beverages have been ordered by such guests and/or to provide a cabinet or other facility in a hotel guest's room which contains alcoholic beverages for which licensed, and which is provided upon written request of the guest, and which is accessible by lock and key only to the guest, and for which the sale of the alcoholic beverages contained therein is final at the time requested, except for a credit which may be given to the guest for any unused and unopened portion. Additionally, a hotel shall be entitled to sell alcoholic beverages by the drink to registered guests in unbroken and/or unopened packages at the hotel's front desk, gift shop or similar sundry goods shop. All alcoholic beverages sold or distributed under this section shall be obtained by the hotel directly from a licensed wholesaler or distributor and shall be stored on the premises of the hotel until sold or served.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2011-18, § 2, 8-1-11)

Sec. 3-87. - Maintenance of premises; improper conduct; nudity.

- (a) All licensed premises shall be kept clean and in proper sanitary condition and in full compliance with provisions and regulations of the city, county and state governing the conditions of premises used for the storage and sale of food for human consumption.
- (b) For purposes of this section:
 - (1) *Alcoholic beverage establishment* shall mean any eating establishment or lounge holding a license under this chapter for the sale of alcoholic beverages for consumption on the premises.
 - (2) *Substantially nude* shall mean dressed or undressed in a manner so as to plainly expose to view any portion of a male's or female's pubic hair, anus, cleft of the buttocks, vulva, or genitals, or any portion of the female breasts below the top of the areola.
- (c)
 - (1) No person shall appear substantially nude in any alcoholic beverage establishment or in advertisements for events held at an alcoholic beverage establishment, and no owner or manager of an alcoholic beverage establishment shall permit any person to appear substantially nude on the licensed premises.
 - (2) No owner or manager of an alcoholic beverage establishment shall permit any person to perform acts of, or acts which constitute or simulate:

- a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, or any sexual acts which are prohibited by law.
 - b. The touching, caressing or fondling of the breast, buttocks, anus or genitals; provided that random acts of patrons or employees, whose actions do not constitute actions taken pursuant to encouragement or acquiescence of the management of the establishment and are not for the purposes of entertainment, promotion, publicity, or notoriety shall not constitute violations of this section.
- (d) The restrictions of subsection (c) shall apply only to persons physically present on the licensed premises, and shall apply regardless of whether such persons are categorized as owners, agents, employees, patrons, independent contractors or otherwise.
- (e) In addition to prosecution of any person for violation of this section, the business license of any premises upon which a violation of this section occurs shall be subject to suspension or revocation. Any such revocation or suspension action shall follow the procedures outlined in section 3-46 of the City Code of Ordinances. Any conviction or plea of guilty or nolo contendere in the city court to a charge of violation of this section shall be admissible in a license suspension or revocation proceeding.
- (f) Should any provision of this section be found to be unconstitutional or otherwise illegal and unenforceable, it is the intent and desire of the mayor and council that such portion be stricken from this Code and that the remaining portions remain in full force and effect and enforceable as otherwise allowed by law.

(Ord. No. 93-5, § 1, 4-19-93)

Secs. 3-88—3-100. - Reserved.

ARTICLE V. - EXCISE TAXES

Sec. 3-101. - Excise tax on distilled spirits sales.

There is hereby imposed and levied an excise tax upon the wholesale or retail package sale of distilled spirits. The amount of such excise tax shall be computed on the basis of twenty-two cents (\$0.22) per liter, and a proportionate tax at the same rate on all fractional parts of a liter.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2001-37, § 4, 11-5-01)

Sec. 3-102. - Levy on wine sales.

There is hereby imposed and levied an excise tax upon the first sale or use of wine by the package. The amount of such excise tax shall be computed on the basis of twenty-two cents (\$0.22) per liter, and a proportionate tax at the same rate on all fractional parts of a liter.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2001-37, § 5, 11-5-01)

Sec. 3-103. - Levy on malt beverage sales.

There is hereby imposed and levied upon wholesale dealers engaged in the city in the business of selling malt beverages an excise tax on malt beverages to be based, computed and collected as follows:

- (1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of six dollars (\$6.00) on each container sold containing not more than fifteen and one-half (15½) gallons and a proportionate tax at the same rate on all fractional parts of fifteen and one-half (15½) gallons.
- (2) Where malt beverages are sold in bottles, cans, or other containers, except barrel or bulk containers, a tax of five cents (\$0.05) per twelve (12) ounces and a proportionate tax at the same rate on all fractional parts of twelve (12) ounces.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-104. - Dealers required to collect; monthly reports.

Wholesale dealers in alcoholic beverages are hereby required to remit the taxes imposed in sections 3-101 through 3-103. Wholesale dealers and distributors of said products shall make reports to the city clerk on or before the tenth day of the month next succeeding the calendar month of the total gallons of such products sold or distributed within the city limits during the previous month, and shall accompany the report with payment of the tax due at the above rate based upon the quantities of such product so sold the previous month. Each monthly report shall be accompanied by a sworn statement that the report is a true and correct report of all sales and shipments made within the city. Reports shall include all sales to any retail dealer in the city and street addresses of said retail dealers, whether delivered to the retail dealer's place of business in the city or elsewhere for resale in the city.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-105. - Sales by the drink—Levy of tax.

There is hereby imposed and levied upon every sale of an alcoholic beverage purchased by the drink in the city a tax in the amount of three (3) percent of the purchase price of said beverage.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-106. - Same—Itemized billing by licensee; liability for payment.

Every licensee licensed for the sale of alcoholic beverages by the drink operating a place of business in the city, shall, at the time of collecting for food and drinks served, give to the purchaser a receipt on which the price of alcoholic beverages served shall be itemized separately. Where the charges for food and drink are satisfied by credit or deferred payment, the payment of the tax to the licensee may be deferred in a like manner; however, the licensee shall be liable therefor at the time and to the extent that such credits are incurred.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-107. - Same—Collection; information to city.

Every licensee or licensee's agent is hereby authorized and directed to collect the tax herein imposed from purchasers of alcoholic beverages by the drink sold under the license. Such licensee or agent shall furnish such information as may be requested by the city to facilitate the collection of this tax.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-108. - Same—Payment; collection fee.

- (a) *Due date.* All taxes collected by any licensee or agent hereunder shall be due and payable to the city monthly on or before the twentieth day of every month next succeeding each respective monthly period, as set forth herein. Returns postmarked on or before said due date shall be accepted as paid on time.
- (b) *Return; time of filing, persons required to file, execution.* On or before the twentieth day of the month following each monthly period, a return for the preceding monthly period shall be filed with the city clerk in such form as the city may prescribe by every licensee or agent liable for the payment of tax hereunder.
- (c) *Contents of return.* All returns shall show the gross receipts from the sale of alcoholic beverages by the drink, amount of tax collected or authorized due for the related period, and such other information as may be required by the city.
- (d) *Delivery of return and remittance.* The person required to file the return shall deliver the return, together with the remittance of the net amount of tax due to the city clerk, City Hall, 3667 Main Street, College Park, Georgia 30337.
- (e) *Collection fee allowed operators.* Operators 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 said amount is not delinquent at the time of payment. In the event that any operator collecting the tax is delinquent for any period of time, such operator shall not be entitled to the collection fee authorized under this section. The rate of the deduction shall be the same rate authorized for deductions from state tax under Chapter 8 of Title 48, O.C.G.A., as amended.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2010-07, §§ 6, 7, 5-17-10)

Sec. 3-109. - Same—Deficiency determinations.

- (a) *Recomputation; authority to make, basis.* If the city clerk is not satisfied with any return of the tax or the amount of the tax required to be paid to the city by any person, the clerk may compute and determine the amount required to be paid upon the basis of any information within the clerk's possession or that may come into such clerk's possession. One (1) or more than one (1) deficiency determination may be made of the amount due for one (1) or more than one (1) monthly period.
- (b) *Interest on deficiency.* The amount of the determination, exclusive of penalties, shall bear interest at the rate of one (1) per cent per month, or fraction thereof, from the twentieth day

after the close of the monthly period for which the amount or any portion thereof should have been returned, until the date of payment.

- (c) *Offsetting of overpayments.* In making a determination the city clerk may offset overpayments for a period or periods, against underpayments for another period or periods, against penalties, and against the interest on underpayments. The interest on underpayments shall be computed in the manner set forth in section 3-110(c).
- (d) *Penalty for negligence or disregard of rules and regulations.* If any part of the deficiency for which a deficiency determination has been made is due to gross negligence or disregard of rules and regulations, a penalty of fifteen (15) per cent of the amount of such deficiency shall be added thereto.
- (e) *Penalty for fraud or intent to evade.* If any part of the deficiency for which a deficiency determination is made due to fraud or an intent to evade any provision of this article or other authorized rules and regulations, a penalty of twenty-five (25) per cent of the deficiency shall be added thereto.
- (f) *Notice of city clerk's determination; service of.* The city clerk, or the clerk's designated representative, shall give to the licensee written notice of the clerk's determination. The notice may be served personally or by mail; if by mail such service shall be addressed to the licensee at licensee's address as it appears in the records of the city clerk. In the case of service by mail of any notice required by this article, the service is complete at the time of deposit in the United States post office.
- (g) *Time within such notice of deficiency determination to be mailed.* Except in the case of fraud, intent to evade this article or authorized rules or regulations, or failure to make a return, every notice of a deficiency determination shall be mailed within three (3) 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 (3) years after the return is filed, whichever period should last expire.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-110. - Same—Determination if no return made.

- (a) *Estimate of gross receipts.* If any licensee fails to make a return, the city clerk shall make an estimate of the amount of the gross receipts of the licensee, or as the case may be, of the amount of the total sales in the city which are subject to the tax. The estimate shall be made for the period or periods in respect to which the licensee failed to make the return and shall be based upon any information which is or may come into the possession of the city clerk. Upon the basis of this estimate, the city clerk shall compute and determine the amount required to be paid to the city, adding to the sum thus determined a penalty equal to fifteen (15) per cent thereof. One (1) or more determinations may be made for one (1) or for more than one (1) period.
- (b) *Manner of computation; offsets; interest.* In making a determination, the city clerk may offset overpayments for a period or periods, against penalties and the interest on the underpayments. The interest on underpayments shall be computed in the manner set forth in subsection (c) hereof.

- (c) *Interest on amount found due.* The amount of the determination, exclusive of penalties, shall bear interest at the rate of one (1) per cent per month, or fraction thereof, from the twentieth day of the month following the monthly period, for which the amount or portion thereof should have been returned, until the date of payment.
- (d) *Payment for fraud or intent to evade.* If the failure of any person to file a return is due to fraud or an intent to evade this article or rules and regulations, a penalty of twenty-five (25) per cent of the amount required to be paid by the person, exclusive of penalties, shall be added thereto in addition to the fifteen (15) per cent penalty provided in section 3-111.
- (e) *Giving of notice; manner of service.* Promptly after making the determination, the city clerk shall give the person written notice to be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-111. - Same—Penalties and interest for failure to pay tax.

- (a) Any person who fails to pay the tax herein imposed to the city, within the time required, shall pay a penalty of fifteen (15) percent of the tax, in addition to the tax, plus interest on the unpaid tax or any portion thereof as set forth in subsection 3-110(c).
- (b) Upon payment of any delinquent taxes, the payment shall first be applied to the penalty and any interest due. The remainder of any payment shall then be applied to the tax.
- (c) Any person who fails to pay the tax herein imposed by the city and who remains delinquent in such payment for a period in excess of ninety (90) days shall be cited for violating the provisions of this chapter, and such nonpayment of taxes shall be reported to the state.

(Ord. No. 93-5, § 1, 4-19-93; Ord. No. 2010-07, § 8, 5-17-10)

Sec. 3-112. - Same—Collection of delinquent tax by city; duty of assignees to withhold taxes; liability; offsetting erroneous collections.

- (a) *Action for tax; time for.* At any time within three (3) years after any tax becomes due and payable, and at any time within three (3) years after the delinquency of any tax, the city may bring an action in the courts of this state, or any other state, or of the United States, to collect the amount delinquent, together with penalties and interest, court fees, filing fees, attorneys' fees, and other legal fees incident thereto.
- (b) *Duty of successors or assignees of operator to withhold tax from purchase money.* If any licensee liable for any amount under this article sells out such business or quits the business, such licensee's successors or assigns shall withhold sufficient of the purchase price to cover such amount until the former owner produces a receipt from the city clerk showing that such licensee has paid the tax, or a certificate stating that no amount is due.
- (c) *Liability for failure to withhold; certificate of notice of amount due; time to enforce successor's liability.* If the purchaser of a business fails to withhold the necessary amount from the purchase price as heretofore required, such purchaser becomes personally liable for the payment of the amount required to be withheld to the extent of the purchase price, valued in

money. Within thirty (30) days after receiving a written request from the purchaser for a certificate, the city clerk shall either issue the certificate or mail notice to the purchaser at the purchaser's address as it appears on the records of the city of the amount that must be paid as a condition of issuing the certificate. The time within which the obligation of a successor may be enforced shall begin at the time the licensee sells the business or at the time that the determination against the licensee becomes final, whichever event occurs the later.

- (d) *Tax credit, penalty or interest paid more than once, or illegally collected.* Whenever the amount of any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected or received by the city under this article, it may be offset as provided in section 3-109. If the licensee determines that such licensee has overpaid or paid more than once, which fact has not been determined by the city clerk, such licensee will have three (3) years from the date of payment to file a claim in writing stating the specific ground upon which claim is founded. The claim shall be audited. If the claim is approved by the city, the excess amount paid to the city may be credited on any amounts then due and payable from the licensee by whom it was paid, or such licensee's administrators or executors.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-113. - Same—Administration; enforcement; rules; records; confidentiality of reports.

- (a) *Authority of city clerk.* The city clerk shall administer and enforce the provisions of this article for the levy and collection of the tax imposed by this article.
- (b) *Rules and regulations.* The city clerk shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with this article or other laws of the city and the state, or the constitution of this state or the United States for the administration and enforcement of the provisions of this article and the collection of the taxes hereunder.
- (c) *Records required from licensee; form.* 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 clerk may require.
- (d) *Examination of records; audits.* The city clerk or any person authorized in writing by the city may examine the books, papers, records, financial reports, equipment and other facilities of any licensee liable for the tax, in order to verify the accuracy of any return made, or if no return is made by the licensee, to ascertain and determine the amount required to be paid. The city clerk or any person authorized in writing by the city may also examine such records to ascertain or determine whether such licensee remains eligible for such license based on an annual percentage of gross food and/or alcoholic beverage sales or other applicable revenue producing sales. In the event an audit reveals that a licensee is no longer eligible to the license under which it had been authorized to operate and sales substantially deviate from the required percentage of annual sales under this chapter, the evidence and conclusions contained in the audit shall constitute due cause for the suspension, revocation, or denial of the licensee's license to sell alcoholic beverages.
- (e) *Authority to require reports; contents.* In the administration of the provisions of this article, the city clerk may require the filing of reports by any person or class of persons having in any of such persons' possession or custody, information relating to sales of alcoholic beverages

which are subject to the tax. The reports shall be filed with the city clerk and shall set forth the price charged for each sale, the dates of sales, and such other information as the city clerk may require.

- (f) *Disclosure of business of operators, etc.; limitation on rule.* The city clerk, or any person having an administrative duty under this article, shall not make known in any manner the business affairs, operations or information obtained by an audit of books, papers, records, financial reports, equipment or other facilities of any licensee or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person not having such administrative duty under this article, except in the case of judicial proceeding or other proceedings necessary to collect the tax hereby levied and assessed. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, upon satisfactory proof of interest, may be given information as to the items included in the measure and amounts of unpaid tax, interest and penalties.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-114. - Additional to other taxes.

Excise taxes imposed by this article shall be in addition to any other taxes on licenses now imposed against such dealers.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-115. - Failure to make reports or collect taxes.

If any manufacturer or holder of a license fails or refuses to make reports required in this chapter and to collect and transmit taxes to the city, the city shall notify that party in writing, and if the report is not made within five (5) days after the date of the notice, or the taxes not remitted, the city may withdraw from the wholesale dealer or license holder, the privilege of doing business in the city.

(Ord. No. 93-5, § 1, 4-19-93)

Sec. 3-116. - Reserved.

Sec. 3-117. - Sale of distilled spirits at a private club.

There is hereby imposed and levied an excise tax upon the sale of distilled spirits by private clubs. The amount of such excise tax shall be computed on the basis of twenty-two cents (\$0.22) per liter.

(Ord. No. 2001-37, § 7, 11-5-01)

Sec. 3-118. - Sale of mixed drinks at a private club.

There is hereby imposed and levied an excise tax upon the sale of mixed drinks by private clubs. The amount of such excise tax shall be three (3) per cent of the sale price.

(Ord. No. 2001-37, § 8, 11-5-01)



CITY OF COLLEGE PARK

P.O. BOX 87137 · COLLEGE PARK, GA 30337 · 404.767.1537

WORKSHOP AGENDA ITEM

DOC ID: 9195

DATE: October 25, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH: Mercedes Miller, Interim City Manager

FROM: Melissa Echevarria, Director of Public Works

RE: Presentation on Establishing a Keep College Park Beautiful Organization

To see if Mayor and Council are interested in establishing a Keep College Park Beautiful Organization.

Establishing a Keep College Park Beautiful Organization to focus on citywide litter prevention, improve recycling, environmental education and overall beautification of College Park. If this program is established we can focus on city wide litter prevention, cigarette litter prevention, graffiti, stream clean ups, flowerbed maintenance and environmental education awareness by changing behaviors and exposing residents to community involvement opportunities to enhance the beautification of College Park..

ATTACHMENTS:

- Establishing a Keep College Park Beautiful Organization (PDF)

Review:

- Melissa Echevarria Completed 10/21/2021 1:47 PM
- Sonya Harold Completed 10/22/2021 10:38 AM
- Mercedes Miller Completed 10/25/2021 4:32 PM
- Mayor & City Council Pending 11/01/2021 6:00 PM

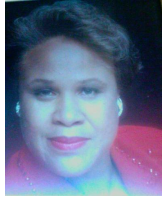


Establishing Keep College Park Beautiful

Roadways
Streams
Grounds
Litter CleanUp

KAB affiliates engage residents to take greater responsibility for their community and environment. Affiliates seek to change behaviors and improve the Community through litter prevention on land and water, waste reduction and beautification.

Presented by Frances Kennedy



Frances A. Kennedy

Ms. Frances A. Kennedy received her BA degree in Biology and Chemistry from Alabama State University. She is a consultant with over 40 years of experience in environmental materials, program implementation, education and event planning. Professional skills include: programming in solid waste, recycling and water resource planning, implementation and education on the national, state and local levels; development of individual plans and goal setting strategies for governments, businesses and non-profit organizations; development and implementation of educational opportunities from the classroom setting to industry conferences.

Ms. Kennedy worked the last 16 years as the Executive Director of Keep East Point Beautiful a 501C3 non-profit organization. Prior to becoming the Executive Director Ms. Kennedy served on the programs board at many stages throughout its' first 25 years of existence. There she implemented many environmental programs/activities such as Rivers Alive, Storm Drain Stenciling, Stream CleanUps, Community CleanUps, the Great American CleanUp, Water Festival for Children, Community Shred and Electronic Days in conjunction with America Recycles Day, Plogging (walking/jogging while picking up litter and many other environment projects in conjunction with programs from Keep Georgia Beautiful Foundation and Keep America Beautiful. Programs served as a major part in the City of East Point receiving their designation a a Water First community.

Prior to coming to Keep East Point beautiful Ms. Kennedy worked for 17 years as an Environmental Consultant for Tetra Pak, a manufacturer of aseptic packaging. During her tenure there she managed the educational programming for the South Eastern and Mid Central US which consisted of 26 states. She developed, implemented and monitored for efficiency the first award winning program in recycling involving aseptic and gable top containers in city, county and institutional settings. She marketed value-added qualities of the packaging and partner with material processors in change management presentations.

Ms. Kennedy's environmental work began in government in 1976 with the City of Atlanta Water Bureau in the water treatment laboratories both biological and chemical. She trained new employees and provided customer service in the field to citizens experiencing water quality problems and concerns. She later transitioned to the Georgia departments of Natural Resources and later the Community Affairs.


With DNR, she assisted in the development of the States Solid Waste Management Plan, Developed the Land Protection Newsletter, prepared and presented workshops, speeches, press releases and other public information documents. Managed Georgia's only EPA Waste to Energy facility.

After leaving DNR, she moved to DCA where she initiated, developed and facilitated the 1st major resource recovery and recycling conference in the southeast, currently 30 plus yrs. strong and known as the Southeast Recycling Conference. Created the Georgia Recycling Directory, and was involved in many other environmental adventures in the State of Georgia.

Rivers Alive

Rivers Alive

GEORGIA'S ANNUAL WATERWAY VOLUNTEER CLEAN UP
SAT | APR. 17 | 9:30AM - 1PM
3608 CHARLES DRIVE | EAST POINT, GA
EMAIL: KEPB1977@GMAIL.COM TO VOLUNTEER



Water and Sewer Department
The City of EAST POINT
"Home of Excellence"

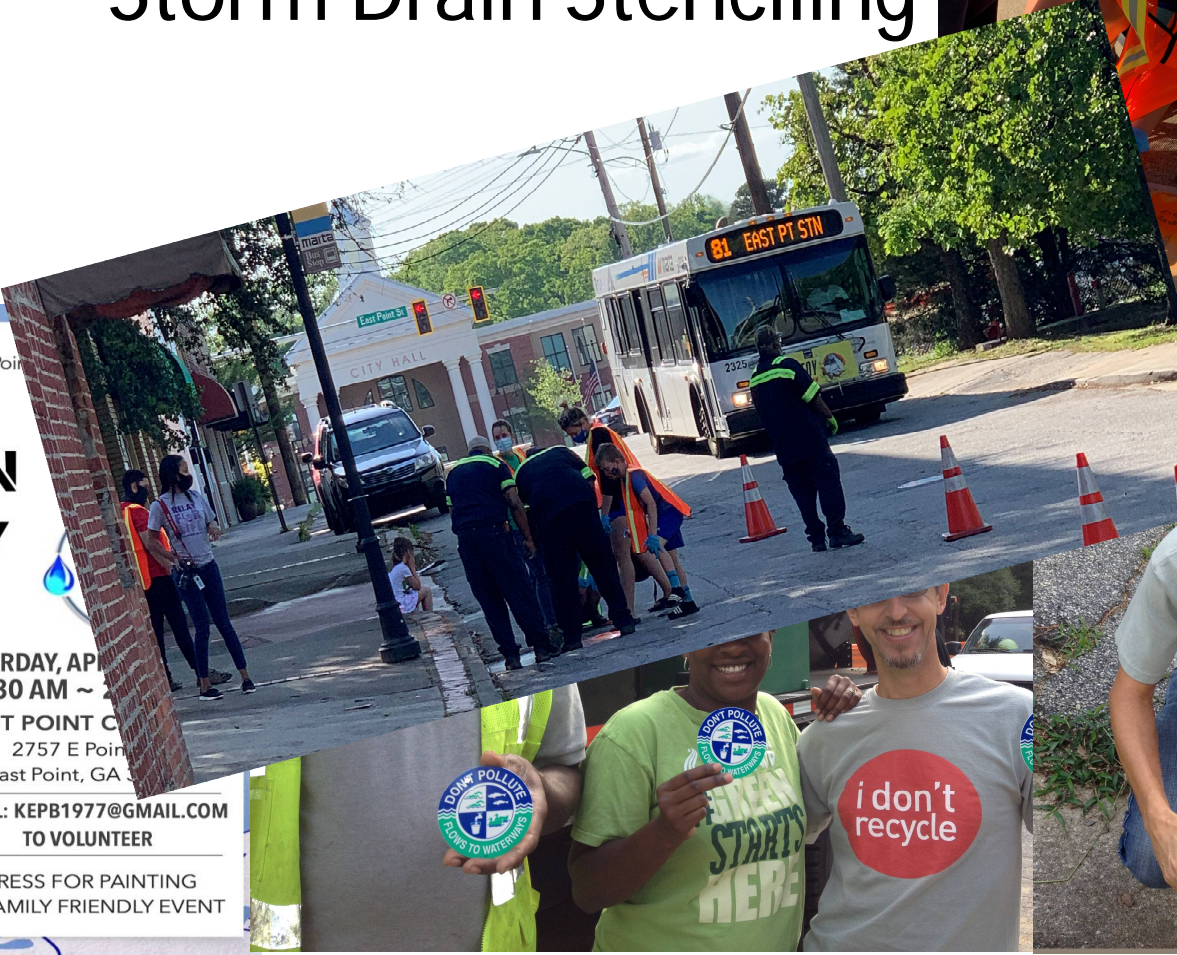
- DRESS FOR WATER & DIRT EXPOSURE
- ARRIVE AT 9:30 AM FOR REGISTRATION

Rivers Alive is Georgia's annual volunteer waterways clean up event. The mission of Rivers Alive is to create awareness of and involvement in the preservation of Georgia's water resources.

LET'S CLEAN UP EAST POINT'S WATERWAYS



Storm Drain Stenciling



Join Keep East Point Beautiful and the City of East Point Water & Sewer Department to paint pollution prevention messages on our storm drains

STORM DRAIN STENCILING DAY



SATURDAY, APRIL 11
9:30 AM ~ 12:00 PM
EAST POINT CITY HALL
2757 E Point Ave
East Point, GA 30344

EMAIL: KEPB1977@GMAIL.COM
TO VOLUNTEER

- DRESS FOR PAINTING
- FAMILY FRIENDLY EVENT



Litter Enforcement Workshop

Litter Enforcement Workshop

Funded By: Keep Georgia Beautiful

Hosted By: AACIDs Keep Us Beautiful Campaign



WHO SHOULD ATTEND

- Law enforcement officers, including sheriffs, police officers, DNR law enforcement rangers and highway patrol
- Code enforcement officers
- Other interested parties including civic leaders, business owners and city officials

FEATURING

Scott Carroll
423 Law Enforcement
Georgia Dept. of Natural Resource

21 Oct 2021
8:00 AM - 12:30 PM

Impact Church
2323 Sylvan Road
East Point, GA 30344

RSVP or Questions
Krystal Harris
Program Director, AACIDs
kharris@aacids.com
404-349-2211







—KEEP GEORGIA—
BEAUTIFUL



423

LAW ENFORCEMENT
CONCEPTS • TACTICS • TRAINING

Foundation

KEEP AMERICA BEAUTIFUL AFFILIATE

Consider our waterways before you litter.

#reconsiderlitter
www.kgbf.org






Recycling



Keep East Point Beautiful FREE SHREDDING EVENT

**SATURDAY,
APRIL 24, 2021**

10 a.m. - 2 p.m.

**East Point Commons
2757 Main Street
East Point, GA**



- Bulk Document Shredding
- Easy Drive-Up & Drop-Off
- Protect Your Identity & the Planet!



www.keepeastpointbeautiful.org



Away From Home Recycling: Parks, Events etc.



**DR PEPPER
SNAPPLE**
**KEEP AMERICA
BEAUTIFUL**

\$20,000 Grant
In Bins for Parks

2015 Dr Pepper Snapple-KAB Park Recycling Bin

Green Space CleanUp/Beautiful



KAB - Great American
CleanUp Grant -\$20,000



Cigarette Litter Prevention Program



Keep America Beautiful
Secured a \$20,000 Grant
Grants are available through KAB and
offered each year

TERRACYCLE
CIGARETTE RECYCLING PROGRAM
INSTRUCTIONS



STEP 1 **Sign Up:** Go to www.terracycle.com to create a TerraCycle account and sign up for the free Cigarette Waste Recycling Program. From our website, you may also purchase cigarette waste receptacles to facilitate your collections.

STEP 2 **Collect:** Place receptacles, ashtrays, or other collection apparatuses in areas where regular smoking occurs. Accepted cigarette waste includes: Extinguished cigarettes, cigarette filters, loose tobacco pouches, outer plastic packaging, inner foil packaging, rolling paper, and ash. Once collection receptacle is full empty the cigarette waste contents into a durable and sealable plastic bag for collection and storage.

STEP 3 **Pack for Shipping:** Transfer the bagged cigarette waste into an appropriately sized box for shipping. If you are using your own collection bin please do not put loose cigarette waste directly in box without bagging first. Securely seal your shipping box with packaging tape.

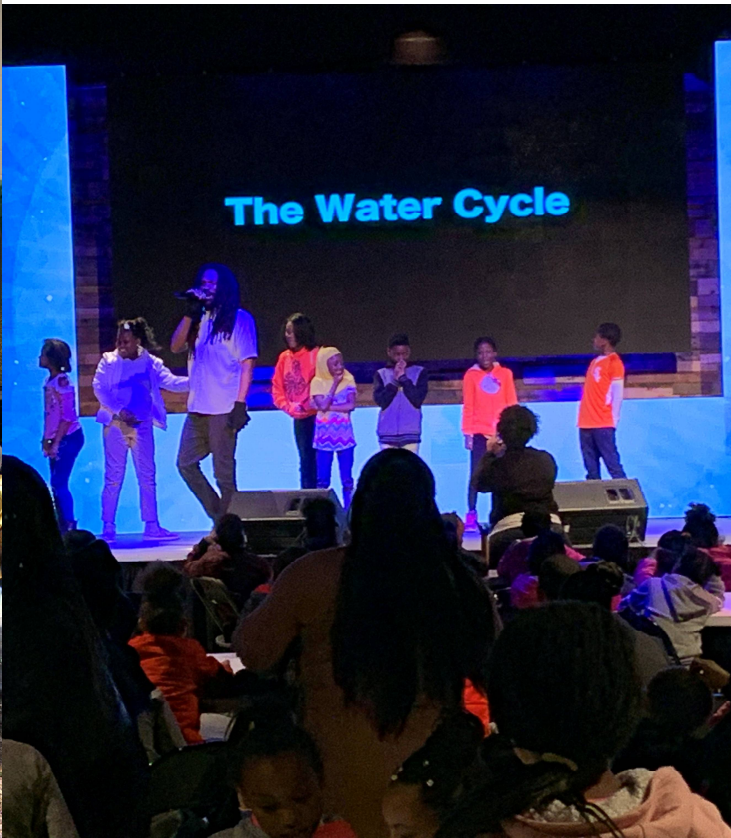
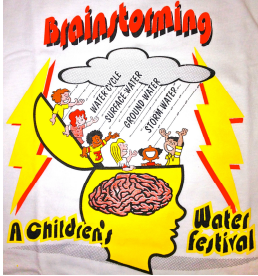
STEP 4 **Ship to TerraCycle:** Download and Print a free prepaid UPS shipping label from your TerraCycle website account and affix it to your box. Have your shipment picked up or dropped off for UPS servicing.

Processing and Conversion
TerraCycle sterilizes the waste and then shreds and separates it by material type. Tobacco and paper are composted and filters are turned into plastic pellets. These pellets can then be used in a variety of industrial applications including the creation of new plastic products like ashtrays, shipping pallets, or plastic lumber.



Lisa Pellegrino
Strategic Partnerships Manager
litter@terracycle.com

Children's Water Festival



Environmental Litter Education Campaign

Current State Litter campaign can be adapted to be put in place locally.



All KAB affiliate programs support MS4 NPDES Permit Education Element; and Precautionary Principles programming goals

Rivers Alive is a program event designated to occur one or more days out of the year, usually in October, where organizations across the state of Georgia clean up rivers, streams, lakes, and ponds. This clean up is very vital as this is the same water we drink and bath with every single day.

The water we have now is all the water we ever have!

Children's Water Festival This educational event is open to all 4th graders. The Water Festival explores water through interactive activities.

This event brings the topics of drinking water, groundwater, watersheds, surface water and water quality alive for students. Participants have an opportunity to understand their water supply and realize what a precious resource it truly is. Keeping it pollution free is the key. The activities met Georgia Performance Standards in the areas of Earth Science, Life Science, Physical Science and Social Studies. Water Resources supported the classroom activity of Journey through a Storm Drain, educating students and teaches.

Becoming A Keep America Beautiful Affiliate

What is Keep America Beautiful's formula for success? Since 1953, our organization has provided a replicable framework for community education and hands-on stewardship that seeks to End Littering, Improve Recycling and Beautify America's Communities. Using the fundamentals of the field-tested, time-proven Keep America Beautiful Behavior Change System, our affiliates reach deep into communities to effect meaningful, positive and lasting change by delivering innovative, locally-focused programs that address their community's needs.

By engaging volunteers and promoting collective local action, our dynamic network helps unlock every community's potential.

Why become an affiliate?

Among our affiliates' top reasons for affiliating with our organization are:

National Credibility; Powerful National Network of Peers; Training Opportunities; Tools, Resources & Programs; Community Impact Grants; and Self-Determination



CITY OF COLLEGE PARK

P.O. BOX 87137 · COLLEGE PARK, GA 30337 · 404.767.1537

WORKSHOP AGENDA ITEM

DOC ID: 9192

DATE: October 20, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH: Mercedes Miller, Interim City Manager

FROM: Nikki Washington, City Planner

RE: Presentation on Food Truck Park from Ray Coleman

PURPOSE: Presentation on Food Trucks from Ray Coleman.

REASON: Presentation on Food Trucks from Ray Coleman.

BACKGROUND: The applicant would like the Council to consider allowing Food Trucks at his property on at 2525 Roosevelt Hwy. He is requesting feedback on his proposal in order to consider moving forward. Mr. Coleman indicated that he did not want to pay for a site plan to be completed without approval from Mayor and Council.

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: An ordinance or conditional use permit would be needed to allow this use.

STAFF: Nikki Washington

ATTACHMENTS:

- ATL Pro Landscaping - Business Plan Overview (PDF)

Review:

- Nikki Washington Completed 10/26/2021 11:54 AM
- Sonya Harold Completed 10/26/2021 11:57 AM
- Mercedes Miller Completed 10/26/2021 11:58 AM
- Mayor & City Council Pending 11/01/2021 6:00 PM

BUSINESS PLAN OVERVIEW

Prepared Exclusively for
Main Street Truck Park & Raw Materials Yard

PREPARED BY:
RAY COLEMAN
CHIEF OPERATING OFFICER
OFF. (404) 793-7799 EXT.2021
FAX. (404) 301-3202
WWW.PROLANDSCAPINGATL.COM



Confidentiality Agreement

The undersigned reader of ATL Pro Landscaping's Business Plan Overview hereby acknowledges that the information provided is completely confidential and therefore the reader agrees not to disclose anything found in the business plan overview without the express written consent of ATL Pro Landscaping.

It is also acknowledged by the reader that the information to be furnished in this business plan overview is in all aspects confidential in nature, other than information that is in the public domain through other means and that any disclosure or use of the same by the reader may cause serious harm and or damage to

ATL Pro Landscaping

Upon request this business plan overview document will be immediately returned to
ATL Pro Landscaping.

This is a business plan overview. It does not imply an offer of any securities.



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Executive Statement

Main Street Truck Park & Raw Materials Yard, an enhanced community experience, will provide a unique combination of excellent food at value pricing with a fun and entertaining atmosphere in addition to an affordable supplies option for the community. Main Street Truck Park & Raw Materials is the answer to an increasing demand. The public (1) wants value for everything that it purchases, (2) is not willing to accept anything that does not meet its expectations, and (3) wants entertainment with its dining experience.

In today's highly competitive environment, it is becoming increasingly more difficult to differentiate one restaurant concept from another. Main Street Truck Park does this by being the only food truck park within a 20-mile radius with diverse offerings and entertainment. The Main Street Truck Park will add to the social and entertainment dining landscape in the East Point and College Park area by providing an open and controlled environment for dining, fun and connection.

Additionally, the Main Street Raw Materials Yard will add an affordable option for the East Point and College Park community for construction material, supplies, and general hardware store items.

This community food park and raw material yard's business plan overview is prepared to obtain financing for the initial launch of this concept. The financing is required to begin work on site selections architectural updates, manuals, equipment purchases, and to cover expenses in the first year of business. Additional financing will need to be secured for site growth that is anticipated in November of Year 2. Our positive cash flow will help to offset some of this burden.

The financing, in addition to the capital contributions from the owners, will allow Main Street Truck Park & Raw Materials Yard to successfully open and maintain operations through year one. The initial capital investment will allow Main Street Truck Park & Raw Materials Yard to provide its customers with a value driven, entertaining dining experience, and an affordable construction and hardware option. A unique and innovative environment is required to provide the vendors and customers with an atmosphere that will induce middle America to bring family and friends to dine and socialize, and aide with home and business projects. Successful operation through year three will provide adequate cash flow to be self-sufficient in year four.

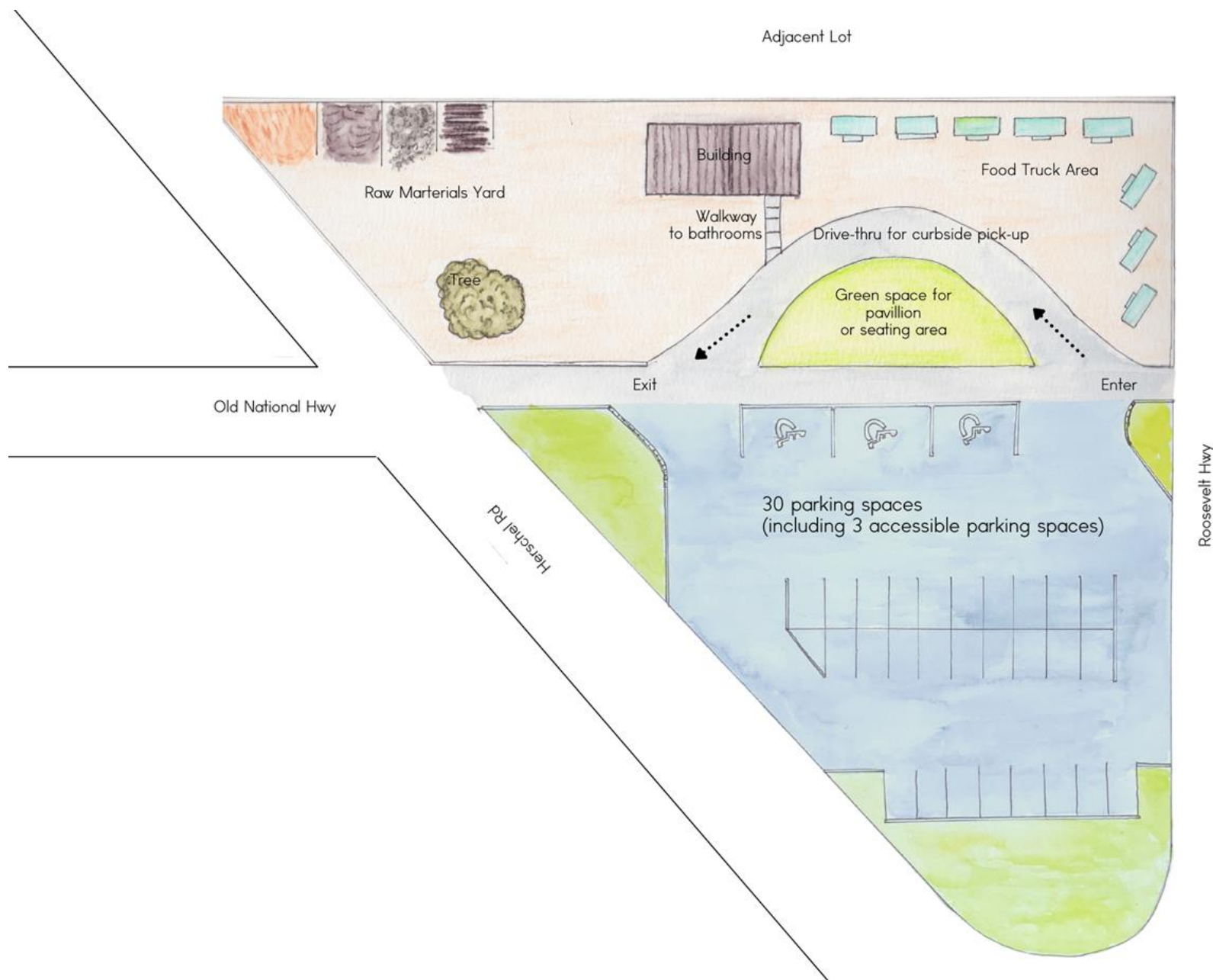


Main Street Truck Park & Raw Materials Yard

Layout: October 2021

The Main Street Truck Park & Raw Materials Yard will be located on 2.75 acres at the intersection of Herschel Road and Old National Highway in College Park, Georgia.

This space, as shown in the diagram, will provide all amenities, parking and functionality for both businesses.



Main Street Food Truck Park: Business Overview

Main Street Truck Park will strive to be the premier food truck park in the local marketplace. We want our consumers to have the total experience when visiting Main Street Truck Park. Not only will they receive a great meal, they will also be provided with an enjoyable atmosphere. We will be doing unique things that will set us apart from the competition, and want the entire experience to be as pleasing to the senses as it is to the palate.

Our main focus will be providing quality food options at a great value by featuring 8 options daily that are full of flavor and zest at an unbelievable price! Customer satisfaction is paramount. We will strive for broad appeal, and we want to be the location of choice for everyone: families and singles, young and old, male or female.

Partnership welfare with all of our vendors will be equally important to our success. All will be treated fairly with the utmost respect, as we want our vendors to feel a part of the success of Main Street Truck Park.

We will combine menu variety, atmosphere and ambiance to create a sense of "place" in order to reach our goal of over-all value in the dining/entertainment experience.

- **Opportunity:** . Main Street Truck Park will be the only food truck park within a 20-mile radius with diverse offerings and entertainment. The Main Street Truck Park will add to the social and entertainment dining landscape in the East Point and College Park area by providing an open and controlled environment for dining, fun and connection.
- **Product overview:** Main Street Truck Park will be providing quality food options at a great value by featuring 8 options daily that are full of flavor and zest at an unbelievable price
- **Key participants:** Key strategic partner for success, aside from our investment partners, will be the variety of food truck partners who will be featured daily.
- **Pricing:** The competitive vendor rates of only \$75 per day provide an affordable option for operations. This daily rate includes full support from our management in addition to access to our location, facilities and market. More so, this fee is inclusive of all marketing and promotional access at no additional charges.



Main Street Food Truck Park: Market Analysis

Main Street Truck Park is faced with the exciting opportunity of being the first mover in the diverse food truck park concept in East Point and College Park. The consistent popularity of open, outdoor experiences, combined with a value price point of food truck offerings, has proven to be a winning concept in other markets and will produce the same results in this market.

Looking at our market analysis, we have defined the following groups as targeted segments.

Below are our targeted market segments:

- **Age** -- Seniors, Baby-Boomers, young married couples with children, and blue-collar workers of all ages.
- **Family Unit** -- We will appeal to young families with new babies or mature families with children under the driving age.
- **Gender** -- We will equally target both sexes
- **Income** -- We will appeal to all income brackets, but specifically targeting low- to middle-income households
- **Occupation** -- We will target the blue-collar worker, young professionals with a family, and most of mid-America.
- **Education** – All education levels, but particularly high school graduates, or individuals with some college.

By our definition, we will have very broad appeal for our concept. It is our goal to be the restaurant of choice for the largest dining audience in America.



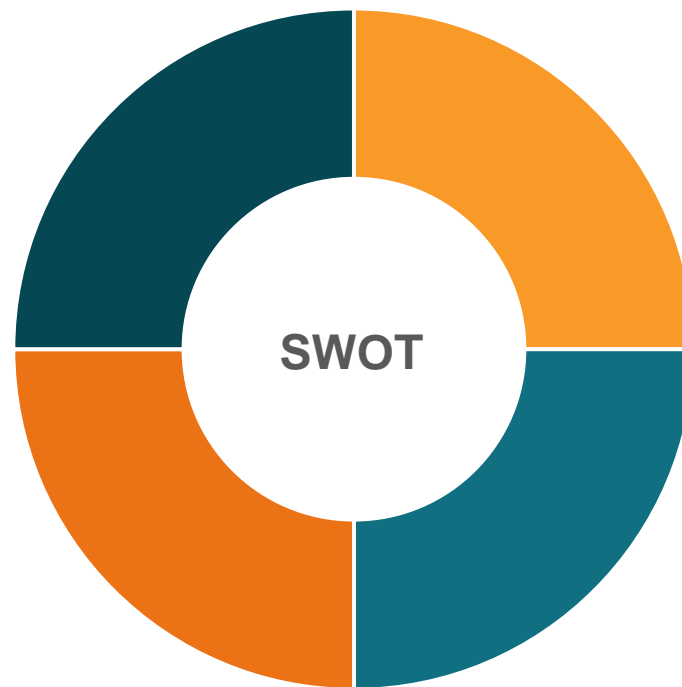
Main Street Food Truck Park: SWOT Analysis

STRENGTHS

- Secured Market
- Diverse Offering
- Space
- Family Centered Experiences

OPPORTUNITIES

- Enhancing Market
- Job Opportunities
- Added Social and Family Experiences
- Growth in Experience and Ambiance Offerings



WEAKNESSES

- Unknown Platform
- Start-Up Challenges and Growth
- Facing Climate Challenges

THREATS

- Environmental Effects
- Market Demands
- Economy Movement
- Competitor Actions
- Early Development Obstacles



Main Street Raw Materials Yard: Business Overview

Main Street Raw Materials Yard will strive to be the premier local marketplace for all raw materials, and we will be doing unique things that will set us apart from the competition.

Our main focus will be providing affordable raw materials for professional and personal use. Customer satisfaction is paramount, and we will strive for broad appeal to become the location of choice for everyone.

Partnership welfare with all of our vendors will be equally important to our success. All will be treated fairly with the utmost respect, as we want our vendors to feel a part of the success of the Main Street Raw Materials Yard.

We will combine a variety of material options with affordable pricing in order to reach our goal of over-all value in the local material and hardware marketplace.

- **Opportunity:** . Main Street Raw Materials Yard will serve as the primary raw materials yard in the East Point and College Park area by providing an affordable variety of options for professional and personal use.
- **Product overview:** Main Raw Materials Yard will be providing raw material and supplies for professional and personal use.
- **Key participants:** Key strategic partner for success, aside from our investment partners, will be a variety of material vendors and wholesalers



Main Street Raw Materials Yard: Market Analysis

Main Street Truck Park is faced with the exciting opportunity of being the local marketplace for raw materials and supplies in East Point and College Park. Providing affordable supplies and knowledgeable direction has proven to be a winning concept in other markets, particularly in a time with increasing pricing, and will produce the same results in this market.

Looking at our market analysis, we have defined the following groups as targeted segments.

Below are our targeted market segments:

- **Age** – Homeowners, renters, entrepreneurs, contractors and blue-collar workers of all ages
- **Gender** -- We will equally target both sexes
- **Income** -- We will appeal to all income brackets, but specifically targeting low- to middle-income households
- **Occupation** -- We will target construction workers, landscapers, farmers, blue-collar workers, young professionals, and most of mid-America.
- **Education** – All education levels, but particularly high school graduates, or individuals with some college.

By our definition, we will have very broad appeal for our concept.



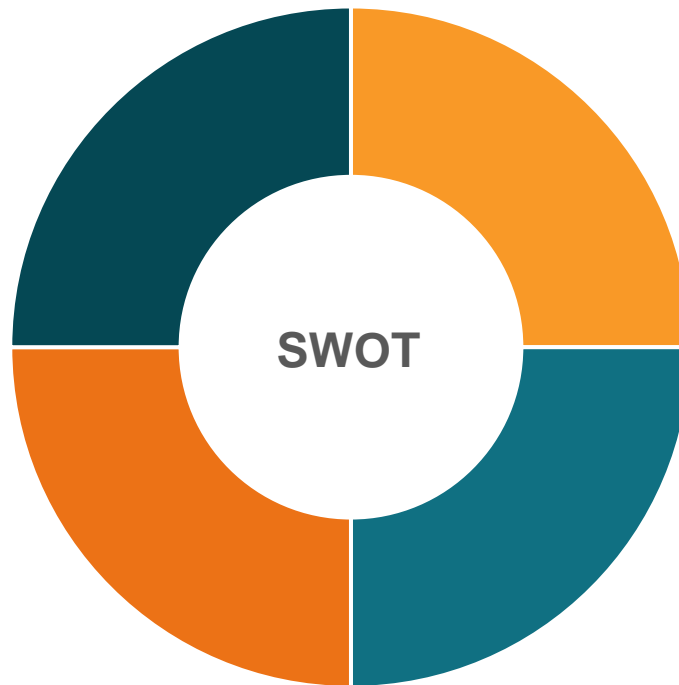
Main Street Raw Materials Yard: SWOT Analysis

STRENGTHS

- Secured Market
- Diverse Offering
- Space
- Product Variety

OPPORTUNITIES

- Enhancing Market
- Job Opportunities
- Growth in Experience and Offerings



WEAKNESSES

- Unknown Platform
- Start-Up Challenges and Growth
- Facing Climate Challenges

THREATS

- Environmental Effects
- Market Demands
- Economy Movement
- Competitor Actions
- Early Development Obstacles



Marketing and Sales Plan

A combination of local store marketing and a heavy influx of social media programs will be utilized as the key marketing strategy. Local store marketing is most effective, followed by social media. We believe, however, that the best form of advertising is still "word-of-mouth." By providing an entertaining environment, with unbeatable quality at an unbelievable price we will be the talk of the town, and a consistent trend on social media platforms such as Instagram and TikTok. Therefore, the execution of our concept is the most critical element of our plan.

- **Key messages:** Diverse offerings for a diverse crowd centered around affordability, assistance, entertainment and connection will be a key highlight. Additionally, safety, security and family friendly will be essential highlights to attract impactful crowds
- **Marketing activities:** The following will be weekly essentials in our marketing strategy:
 - Media advertising (newspaper, magazine, television, radio)
 - Direct mail
 - Seminars or business conferences
 - Joint advertising with other companies
 - Word of mouth or fixed signage
 - Digital marketing such as social media, email marketing, or SEO



Financial Plan

This community food park and raw material yard's business plan is prepared to obtain financing for the initial launch of this concept. The financing is required to begin work on site selections architectural updates, manuals, equipment purchases, and to cover expenses in the first year of business. Additional financing will need to be secured for site growth that is anticipated in November of Year 2. Our positive cash flow will help to offset some of this burden. Below is a projected breakdown of our start-up costs as well as projected profit and loss.

The following slides highlight the projected start-up costs as well as profit and loss for the first year. This projection is based on the estimated needs for a successful start-up and sustainability with the support of the requested ask.



THANK YOU!

