
ARTICLE I. ALCOHOL LICENSES

DRAFT

DIVISION 1. GENERALLY

Sec. 3-1. Title.

This article shall be known as the "Alcohol License Ordinance."

Sec. 3-2. Purpose.

The purpose of this article is to provide procedures, rules and regulations governing the issuance of licenses for the sale of packaged malt beverages, wine and distilled spirits; for the sale of alcoholic beverages for consumption on the premises of restaurants and private clubs; for operation of brewpubs and farm winery tasting rooms; for general regulation of the sale of alcoholic beverages; and to provide for penalties for violations of this ordinance; for the operation of golf courses (hereinafter referred to collectively as "alcoholic beverages" unless the context clearly requires otherwise). This article is adopted pursuant to the authority of Title 3 of the Georgia Code and is imposed for the public health, safety and welfare, to properly regulate manufacture, distribution and sale of alcoholic beverages.

Sec. 3-4. Privilege.

Licenses related to the manufacture, distribution and sale, both retail package and consumption on the premises, of alcoholic beverages in the unincorporated area of the county may be issued by the Board of Commissioners of Monroe County pursuant to the rules and regulations set forth in this article. The holding of any such license or licenses is declared to be a privilege and not a right, and such privilege shall not be exercised except in accordance with the licensing, regulatory, and revenue requirements of this article and Title 3 of the Official Code of Georgia.

Sec. 3-5. Definitions.

Unless expressly defined below, all terms used in this article shall have that meaning ascribed to them by the Official Code of Georgia, and particularly O.C.G.A. § 3-1-2, as that statute may be from time to time amended. As used in this article, the term:

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

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

Board of Commissioners means Board of Commissioners of Monroe County or their successors in office being the governing authority of Monroe County.

Brewpub means any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36, for retail consumption on the premises and solely in draft form. Pursuant to O.C.G.A. § 3-5-36, brewpubs can also obtain licenses to sell to wholesalers, to consume commercially produced malt beverages, wine and distilled spirits on the premises and to have retail package sales of craft beer and growlers on the premises. See section 3-159.

Brown bagging means possession of an open glass bottle, can or other container containing an alcoholic beverage or consumption of an alcoholic beverage on the premises (1) of any business in the county and (2) occurs at a location different from where said alcoholic beverage was purchased.

Building official means the building official of Monroe County, or that official's designee.

Business license office means the Monroe County Manager or his or her designee.

Charitable organization means an organization exempt from federal taxes under 42 U.S.C. section 501(c)(3) or an any charitable, benevolent, philanthropic, patriotic, or charitable purpose for religion, health, education, social welfare, arts and humanities, environment, civic, or public interest.

County means Monroe County, Georgia.

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

Election day means that period of time beginning with the opening of the polls and ending with the closing of the polls. As used in this paragraph, the term "election" is defined as any statewide primary election and the statewide general election and any run-off held for such primary or general election. Said term also includes "county elections."

Employee means any person who performs any service for a licensee at the business location of the licensee whether for compensation or otherwise when the services performed directly relate to the sale of wine, malt beverages or distilled spirits.

Farm winery means a domestic winery that is licensed as a farm winery by the State of Georgia pursuant to O.C.G.A. § 3-6-21.1. Additionally, the State of Georgia defines a farm winery with the following requirements:

- At least 40 percent of its annual production from agricultural produce grown in the state where the winery is located.
- 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
- 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.
- May include a tasting room 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.

Festival permit means a one- to five-day permit for the sale of alcohol for consumption on the premises.

Financial or ownership interest means any involvement financially including loaning money, and any ownership interest in the business seeking the license, or a majority ownership interest in any entity that has an ownership interest in the business.

Fire chief means the Monroe County fire chief or that official's designee.

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

Golf course is defined as being a par sixty (60) or greater course and being a recognized member of the Georgia State Golf Association and United States Golf Association and may be issued an on-premises consumption license without meeting the requirement that fifty (50) percent of its gross annual sales be derived from the sale of prepared meals.

Governing authority means the board of commissioners of Monroe County.

Growler means a glass bottle not to exceed two liters (or not to exceed 68 ounces) and not less than one liter that is filled by a licensee or employee of a brewery or brewpub with beer that has been produced on the premises.

Interest means a financial or ownership interest, including any direct or indirect entitlement to the profits or responsibility for the losses of the business, holding any shares, being a member, partner or having any other ownership interest.

License official means that department or official designated by the Board of Commissioners to administer the provisions of this article.

Licensed alcoholic beverage caterer means the same as defined by O.C.G.A. § 3-11-1.

Malt beverage means beer and any alcoholic beverage obtained by any fermentation of any infusion or decoction of barley, malt, hops or any other similar product or any combination of such products in water containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager, beer, small beer or strong beer. The term does not include Sake, known as Japanese rice wine, but the term shall include, for purposes of this article, "hard cider" meaning an alcoholic beverage obtained by the fermentation of the juice of apples, containing not more than six percent alcohol by volume, including, but not limited to flavored or carbonated cider.

Minor means any person under the age of twenty-one (21) years as provided by state law.

Nonprofit private club means a corporation organized and existing under the laws of the State of Georgia or a fraternal or veterans organization associated with a part of a recognized national fraternal or veterans organization which is organized and operated exclusively for pleasure, recreation and other nonprofit purposes and which immediately prior to the application for a license hereunder has:

- (1) At least 75 members regularly paying dues; and
- (2) Tax exempt status under the provisions of 501(a) of the U.S. Internal Revenue Code; and
- (3) Owns or leases a building or space for the reasonable use of its members; and
- (4) No members or officers, agents or employees of the club receiving compensation directly or indirectly in the form of commissions or other compensation based on the amount of profits from the sale of alcoholic 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; and
- (5) No part of the net earnings inuring to the benefit of any shareholder or member; and
- (6) Been in continuous operation for at least one year prior to the application for a license hereunder.

Premises means the space or area owned, leased or controlled by the licensee and used by him for the purpose of operating under the license. It shall be limited to one location for each license and there shall be a separate license for each premises outlet.

Principal place of business means the primary office or location of a business, where such business is licensed and from where it operates.

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

Responsible resident means a person who resides in the county and has been named as the responsible resident pursuant to O.C.G.A. § 3-3-2 for a business whose owner does not reside in the county. Such person shall be responsible for any matter relating to the license and shall be subject to penalties and enforcement actions for violations of this article.

Restaurant. See section 3-148.

Retail package means sales of alcoholic beverages or wine in unbroken packages at retail only to consumers and not for resale, and not for consumption on the premises.

Sheriff means the sheriff of Monroe County or the sheriff's designee.

Special event permit means a one- or two-day permit for the sale of alcohol for consumption on the premises issued only to a nonprofit charitable organization as defined by section 501(c)(3) of the Internal Revenue Code.

Specified anatomical areas shall mean any of the following:

(1) Less than completely and opaquely covered human genitals or pubic region; cleft of the buttocks, or any portion of the female breast encompassed within an area falling below the horizontal line one would have to draw to intercept a point above the top of the areola, or any portion of the areola, or any simulation other of. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed, or

(2) Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities shall mean and include any of the following:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;

(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;

(3) Masturbation, actual or simulated;

(4) The displaying of the male or female pubic hair, anus, vulva or genitals; or

(5) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (4) above.

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 retail sale of such wine as provided by law. Samples of wine can be given complimentary or for a fee.

Veteran's organization means a veterans group duly certified by their national organization.

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

Wine means any alcoholic beverage containing not more than 21 percent alcohol by volume made from fruits, berries or grapes, either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this article.

Sec. 3-6. State-wide, centralized application and renewal process.

To the extent local license permitting requirements set forth in this article are preempted by regulations issued for state-wide, centralized application and renewal process for retailers pursuant to new Georgia law set forth in O.C.G.A. § 3-2-7.1 (adopted effective January 1, 2021), state law shall control. To the extent the local regulations set forth in this article are in addition to or more restrictive to state law, and are not expressly preempted by state law, they shall still apply.

Secs. 3-7

All holders of a license for the sale of distilled spirits, wine or malt beverages shall keep a copy of this chapter in his premises and shall be familiar with the terms of this chapter and shall instruct any person working there with respect to the terms herein, to be familiar with the terms of this chapter. It shall be unlawful to sell distilled spirits, wine or malt beverages without compliance to this chapter.

Secs. 3-8 Compliance with state and federal laws.

No licensee under this chapter shall engage in the sale of distilled spirits, wine or malt beverages in violation of any state or federal laws. No license for the sale of distilled spirits, wine or malt beverages shall be granted for any premise if such location is prohibited by O.C.G.A § 3-3-21, or any subsequent amendment thereof.

Secs. 3-9 – 3-60. Reserved.***DIVISION 2. LICENSES*****Sec. 3-61. General.**

- (a) No person shall engage in the business of manufacturing, wholesaling, retailing or otherwise providing alcoholic beverages of any kind in the unincorporated area of the county without first obtaining a license therefore under this article. The state laws and regulations relating to the sale and distribution of alcoholic beverages in this state are incorporated into and made a part of this article as if fully set out herein. Any violation of such state law or regulations shall be grounds for suspension or revocation of any license issued under this article.
- (b) Each licensee shall keep a copy of this article in the licensed premises and shall instruct any person employed by the licensee with respect to the terms of this article, and it is the responsibility of the licensee that his agents and employees be familiar with all of the terms of this article. The licensee is responsible for any acts of his agents or employees in violation of this article.
- (c) Each person holding a license issued pursuant to this article shall display the license prominently at all times on the premises for which the license is issued.
- (d) A wholesaler licensed by another county whose principal place of business is in another county, and whose sole activity in Monroe County is delivery of alcoholic beverages to a business that is licensed under this article, shall not be required to obtain a license. However, such wholesaler shall be required per state law to pay excise tax and shall be required to register.

Sec. 3-62. Classification.

Only the following classes of licenses shall be authorized:

- (1) Retail package.
 - a. Malt beverage only.
 - b. Wine only.

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- c. Combination malt beverage and wine.
 - d. Distilled spirits.
 - e. Combination malt beverage, wine and distilled spirits.
- (2) Consumption on the premises.
 - a. Malt beverage and wine.
 - b. Malt beverage, wine and distilled spirits.
 - c. Farm winery tasting room. (see section 3-153)
 - (3) Wholesale.
 - (4) Manufacturing.
 - (5) Special event.
 - (6) Festival.
 - (7) Brewpub (with various endorsements).
 - (8) Alcoholic beverage caterer

The holding of one license does not entitle the holder to any other type of license, each will be individually decided upon by the board of commissioners.

Sec. 3-63. License fees.

- (a) *Retail package.* The applicant for a retail package license shall pay to the business license office at the time of application the following sums (depending on type of license) as an annual license fee for operation for one calendar year at one location where the product will be sold.
 - (1) Malt beverage only \$750.00
 - (2) Wine only \$750.00
 - (3) Combination malt beverage and wine \$1,000.00
 - (4) Distilled spirits only \$3,500.00
 - (5) Combination malt beverage, wine and distilled spirits \$4,300.00
- (b) *Consumption on the premises.* The applicant for a consumption on the premises license shall pay to the business license office at the time of application the following sums (depending on type of license) as an annual license fee for operation for one calendar year at one location where the product will be sold.
 - (1) Malt beverage and wine \$900.00
 - (2) Malt beverage, wine and distilled spirits \$1,500.00
 - (3) Farm winery tasting room \$500.00
- (c) *Wholesale.* Any wholesale dealer in malt beverages, wine, or distilled spirits, licensed by the State of Georgia, or the agent of such wholesale dealer, whose principal place of business is to be located in the county, may be granted a license upon payment of \$200.00 annually for wine, \$100.00 annually for malt beverages, and \$100.00 annually for distilled spirits. Distributors whose principal place of business is a location other than the unincorporated county shall pay a registration fee of \$100.00 as authorized by O.C.G.A. § 3-5-43 (or such fee as may be authorized by any future amendment or revision thereto). Delivery to unlicensed businesses,

persons or entities shall be prohibited. Wholesalers making deliveries only shall be required to pay excise tax under this article and state law.

- (d) *Manufacturing.* The applicant for a manufacturing license shall pay to the business license office at the time of application the sum of \$3,000.00 as an annual license fee for operation for one calendar year at one location where the product will be manufactured. All appropriate and pertinent parts of this article shall be applicable to any applicant for or holder of a manufacturing license to sell and/or distribute malt beverages, wine, and/or distilled spirits under this article. For operations where less than 15,000 liters are manufactured annually, the fee shall be \$1,000.00.
- (e) *Special event.* The applicant for a special event license shall not be charged a license fee for the sale for consumption on the premises only for one or two calendar days at one location where the special event will take place.
- (f) *Festival.* The applicant for a festival license shall pay the business license office at the time of application the sum of \$100.00 per day of the festival. Separate festivals shall require separate licenses.
- (g) *Brewpub.* A brewpub is a combination of a manufacturing facility, an eating establishment for consumption on the premises of the beer produced on the premises as well as commercially produced malt beverages, and potentially a retail package outlet for the craft beer produced. Some brewpubs also desire to sell their beer to wholesalers for distribution to other retailers. Brewpubs may also be authorized to sell wine and distilled spirits for consumption on the premises. Differing licenses and fees are required depending on what capability is required. The applicant for a brewpub license shall pay to the business license office at the time of application the following sums (depending on type of license) as an annual license fee for operation for one calendar year at one location where the product will be sold.
 - (1) Manufacturing plus consumption on the premises for malt beverages \$900.00
 - (2) Consumption on the premises for wine and distilled spirits endorsement, additional \$500.00
 - (3) Sales to wholesalers endorsement; additional \$200.00
 - (4) Retail package sales of beer and/or growlers endorsement on premises; additional \$500.00
- (h) *Alcoholic beverage caterers.* The applicant for an alcoholic beverage caterer's license shall pay the business license office at the time of application the sum of \$200.00. The caterer must first have a consumption on the premises or package license before seeking this license.
- (i) *[Refund; prorated fee.]* No refund shall be made to license holders whose license is suspended or revoked. Initial annual license fees shall be pro-rated for applicants whose businesses will operate for less than one calendar year, as follows. If the business is to commence, or ownership transfer, between January and March, 100 percent of the fee is due; if between April and June, 75 percent of the fee is due; if between July and September, 50 percent of the fee is due, and if between October and December, 25 percent of the fee is due. If a business is open only seasonally (such as only during summer) the fee may be prorated by quarter. For example, if the business opens during May and closes during August, the fee would be the fee for two quarters, or 50 percent. The investigative fee shall not be pro-rated.

Sec. 3-64. General application requirements and procedures.

The following requirements apply to all license applications, and renewals, unless otherwise noted.

- (1) All applications for licenses under this article shall be made by the applicant to the business license office in writing under oath and verified on forms furnished by the business license office, and all requested information thereon shall be provided. Any misstatement or concealment of fact in the application shall be grounds for denial or revocation of the license issued and shall make the applicant liable to prosecution for perjury under the laws of the state. An application containing false information

or false statements may result in disapproval, revocation, suspension or failure to renew the license applied for.

- (2) Pursuant to O.C.G.A. § 3-3-2, the applicant for a license shall be a resident of the county as a prerequisite of issuance of a license. However, if the applicant is not a resident of the county, the applicant shall designate a resident of the county who shall be responsible for any matter relating to the license (referred to herein as the "responsible resident"). Corporations, LLCs, partnerships and other business entities that are applying for a license shall designate an individual shareholder, member or partner as the applicant, and if said person is not a resident of the county, shall also designate a responsible resident. The requirement of designating a responsible resident shall not apply to wholesale delivery-only licenses for businesses whose principal place of business is in another county and who are licensed by that county. Pursuant to O.C.G.A. § 3-3-2, the responsible resident shall be responsible for any matter relating to the license, including being chargeable for violations of this article. The owner and responsible resident, by submitting an application, shall be deemed to have agreed to this responsibility and to have waived any defenses or objections to such actions.
- (3) In accordance with O.C.G.A. § 3-3-2(c), each applicant for a license shall furnish a complete set of fingerprints, which shall be forwarded to the Georgia Bureau of Investigation, which shall search the files of the Georgia Crime Information Center for any instances of criminal activity during the two years immediately preceding the date of such application. In the event of a non-resident applicant, the responsible resident shall likewise submit fingerprints. Fingerprints are only required to be submitted for an initial application, not any renewal, unless the applicant or responsible resident has changed. The Georgia Bureau of Investigation shall also submit such fingerprints to the Federal Bureau of Investigation under the rules established by the United States Department of Justice for processing and identification records. The federal record, if any, shall be obtained and returned to the county. Applicants shall appear at the Monroe County Sheriff's Office, at such times as are specified by that office for fingerprinting, and shall pay such fee as the sheriff requires for the service. The sheriff shall provide the prints to the GBI. The business license office may, at its discretion, also approve other fingerprinting agencies.
- (4) The following identification items shall be presented to the business license office by the applicant and responsible resident prior to an application or renewal being filed for all licenses issued pursuant to this article.
 - a. Naturalization documents or valid passport or birth certificate;
 - b. Valid driver's license or valid state identification card; or
 - c. Social Security card or work visa.
- (5) Upon completion of the application, the applicant must submit the application to the business license office for review. After review, if the submitted application is determined to be in proper order, the application will be presented to the Board of Commissioners for consideration.
- (6) Applications must be submitted not less than 45 days before such application is to be considered by the Board of Commissioners.
- (7) Each application for a license (except an application for a special event license) under this article shall be accompanied by a certified check or money order for the full amount of the license fee, plus an investigative fee in the amount of \$100.00 (\$50.00 for renewal of licenses where no changes have occurred) to defray investigative and administrative costs. Should the applicant be denied a license or should the applicant withdraw the application prior to its being submitted to the Board of Commissioners, no part of the fee is refundable.
- (8) All persons shall advertise their intention to make application to the board of commissioners for issuance of any license under this chapter and shall be responsible for paying the cost of the

advertisement. Such advertisement shall contain a statement of intention to apply for a license and the type of license applied for, shall show the location of the proposed business and the name of the applicant. Such advertisement shall follow generally the format furnished by the board of commissioners with the application. Such advertisement shall be published twice, in different editions in the official newspaper of the county in which legal advertisements are published. The applicant shall obtain an affidavit of publication and attach such affidavit to the application.

- (9) It shall be unlawful for any person to file an application for a license, or permit his name to be used in such application, where the application contains a nominal applicant for the purpose of avoiding the provisions of this article restricting applicants to persons of good character and without criminal records, or restricting economic interests in retail package stores, or for elusive purposes. It shall be unlawful for any person to permit his name to be used in an application for a license where such person will not be the de facto owner of the license. It shall be unlawful for any person to file an application for license containing his name as applicant when such person is not the de facto applicant. It shall be unlawful for any person to file, or permit to be filed, an application for a license wherein a sham applicant is named.
- (9) The applicant shall disclose whether the applicant, responsible resident or any person with any interest in the application or the business has made application previously for any alcoholic beverage license and the disposition of such application.
- (10) The applicant shall disclose whether the applicant, responsible resident, or any persons with any interest in the application or the business has ever been convicted under a federal, state or local statute, law, ordinance or regulation relating to a) theft, conversion or fraud; b) drugs or alcohol; c) taxes or d) alcoholic beverage license. The applicant shall be required to authorize a criminal background check through the Georgia Crime Information Center (GCIC) to confirm such assertions.
- (11) The applicant shall disclose whether a previous alcohol license issued to the applicant, responsible resident or any person with any interest in the application or the business has been revoked by any state or political subdivision thereof or by the federal government and the date and reason for said revocation.
- (12) The applicant shall be required to provide certification of compliance with all applicable regulations of the following: a) tax commissioner, including demonstrating no delinquent taxes owed; b) building inspections department; and c) health department. The applicant shall be required to provide such other information as is requested by the business license official.
- (13) If the applicant for a festival license applies for subsequent festival licenses, a resubmission of fingerprints shall not be required.

Sec. 3-65. Retail package or consumption on the premises licenses applications.

- (a) The application shall require the applicant to provide, the information requested on the application form, including, but not limited to, name, address, business name and address, interested persons in the business, and other information as listed on said form.
- (b) The applicant for an alcoholic beverage license shall attach to his application evidence of ownership of the business premises or a copy of the current lease for the premises upon which the license is to be effective.
- (c) Each application for a license shall be accompanied by a scale drawing showing the nearest church, school or college or shall have attached thereto an affidavit of a registered land surveyor that the proposed location of the licensed premises complies with the distance requirements of this article and any state or federal law.
- (d) Licensees shall only be permitted to sell distilled spirits by the drink within the dining area of the licensed premises. The board of commissioners reserves the rights to restrict the areas where distilled spirits shall be

sold and consumed so as to limit the likelihood that persons who are not customers of the license will be exposed to the sale and consumption of distilled spirits.

Sec. 3-66. Wholesale license applications.

- (a) Any wholesaler of malt beverages, wine or distilled spirits licensed by the state or the agent of such wholesale dealer may be granted a [license to] operate a wholesale business in the county. Any wholesaler whose principal place of business is located in another county (and who is licensed in that county), and who desires only to deliver into the county shall not be required to obtain a license. Such deliveries shall be made only to businesses licensed under this article.
- (b) All appropriate and pertinent parts of this article shall be applicable to any applicant for or holder of a wholesale license or wholesale delivery license.
- (c) The application shall require the applicant to provide, the information requested on the application form, including, but not limited to, name, address, business name and address, interested persons in the business, and other information as listed on said form.

Sec. 3-67. Manufacturing license application.

- (a) Any manufacturer of malt beverages, wine or distilled spirits licensed by the state may be granted a license to manufacture such beverages in the county upon application for such license to the business license office.
- (b) All appropriate and pertinent parts of this article shall be applicable to any applicant or holder of a manufacturing license to sell and/or distribute malt beverages, wine, and/or distilled spirits under this article.
- (c) The application shall require the applicant to provide, the information requested on the application form, including, but not limited to, name, address, business name and address, interested persons in the business, and other information as listed on said form.

Sec. 3-68. Special event license applications.

- (a) Special event licenses are available for charitable groups and non-profit private clubs to authorize temporary sale of alcoholic beverages for consumption on the premises of the event. If the license is granted the event shall be subject to all relevant provisions of this article relating to the sale of malt beverages, wine and distilled spirits.
- (b) Special event licenses shall be held by individuals, who shall be responsible for the license and compliance with this article. If the special event is associated with a group or organization, that entity shall be disclosed on the application.
- (c) Special event licenses shall be valid only for the duration of the special event, not to exceed two days in duration. All other relevant provisions of this article, including hours of operation, shall be applicable. Special event premises may be outdoors, but access to the alcohol must be restricted or supervised so that minors may not obtain it.
- (d) The application for a special event license shall require the applicant to provide, at a minimum, the information requested on the application form, including, but not limited to, name, address, business name and address, interested persons in the business, and other information as listed on said form.
- (e) The applicant shall provide a list of any churches, schools or colleges within 500 yards of the proposed special event site.

Sec. 3-69. Festival licenses.

- (a) Festival licenses are available to authorize temporary sale of alcoholic beverages for consumption on the premises of the event. Package sales are not permitted. Festival licenses are intended to permit alcohol sales at temporary, typically outdoor, festival events. One license shall be required for each separate legal entity selling alcohol. For example, if one vendor is selling alcohol at multiple locations, only one license is required. If multiple vendors are selling, then all must have a festival license. If the license is granted the event shall be subject to all relevant provisions of this article relating to the sale of alcoholic beverages.
- (b) Festival licenses shall be held by individuals, who shall be responsible for the license and compliance with this article. If the festival is associated with a group or organization, that entity shall be disclosed on the application. The property owner of the property where the festival is to occur shall also be disclosed.
- (c) Festival licenses shall be valid only for the duration of the festival, not to exceed five days in duration. All other relevant provisions of this article, including hours of operation, shall be applicable. Festival premises may be outdoors, but access to the alcohol must be restricted or supervised so that minors may not obtain it.
- (d) The application for a festival license shall require the applicant to provide, at a minimum, the information requested on the application form, including, but not limited to, name, address, business name and address, interested persons in the business, and other information as listed on said form.
- (e) The applicant shall provide an approved "special event permit" from the Monroe County Manager or his or her designee.
- (f) The applicant shall provide a list of any churches, schools or colleges within 500 yards of the proposed festival site (measured from the property boundary line).
- (g) Section 3-163 shall not apply to festival licenses.

Sec. 3-70. Alcoholic beverage caterer's license.

- (a) Off-premises alcoholic beverage catering license.
 - (1) Any caterer who possesses a valid license from the county to sell or otherwise dispense malt beverages, wine or distilled spirits i) by the drink at a fixed location within the unincorporated area, or ii) by the package for consumption off the premises within the unincorporated area, may apply for an off-premises permit that permits sales of the same class of beverages by the drink for consumption at an authorized catered event or function.
 - (2) Each off-premises catering license, authorized herein, shall be valid through December 31 of the year for which they are issued. The fee for each license shall be \$200.00.
 - (3) It shall be unlawful for any person to engage in, carry on, or conduct the sale or distribution of alcoholic beverages off-premises and in connection with a catered event or function without first having obtained a license as provided herein.
 - (4) In order to distribute or sell malt beverages, wine or distilled spirits at an authorized catered function, a licensed alcoholic beverage caterer shall file an application for an off-premises event permit to the county. See section 3-75.
 - (5) It shall be unlawful for any person to engage in, carry on, or conduct the sale or distribution of alcoholic beverages off-premises and in connection with a catered event or function without first having obtained a license and event permit(s) as provided herein.

Sec. 3-71. License approval procedures.

- (a) Applicants for a license shall be required to consent to a fingerprint-based background check against state and FBI crime information databases.
- (b) Upon request of the County, applications for a license may be reviewed and investigated by the sheriff, county fire chief or other divisions of the County as deemed necessary or expedient by the County. Those officials may review the premises for compliance with all relevant ordinances and applicable safety regulations, and may provide a written report to the license official.
- (c) Upon receiving a completed application from the business license office, along with any reports from the officials conducting investigations, the Board of Commissioners shall, at the meeting of the Board of Commissioners, review such application for alcoholic beverages licenses and shall approve or deny said application. The public may be heard on any application and may present any relevant evidence at the hearing. The applicant shall have the right to present evidence and cross-examine any opponents. The applicant shall have the right to have counsel and have the hearing transcribed.
- (d) The Board of Commissioners shall make the decision based on the standards listed in sections 3-101 and 3-102 as well as other requirements of this article. No prohibited person, as defined in section 3-103, may be licensed. Approval shall be entered into the minutes. Any decision to deny shall be reduced to writing, with reasons given, within three days of the date of the Board of Commissioners' hearing and provided to the applicant via certified mail. The Board of Commissioners may table the application should additional information be required by the Board of Commissioners before acting upon said application or should the meeting of the Board of Commissioners be continued or rescheduled for any reason. If the application is tabled, or the meeting continued or rescheduled, the application shall be considered at such time and place as announced by the Board of Commissioners.

Sec. 3-72. Effective dates of licenses.

Initial licenses granted are effective as of the date and time of approval and expire at midnight on December 31 of the year of grant. Renewals approved in December of the preceding year are effective as of 12:01 a.m. on January 1 and expire at midnight on December 31. Late renewals approved after January 1 of the renewal year are effective as of the date and time of approval and expire at midnight on December 31. Any sales during a lapsed license period (i.e. before a late renewal) shall be a violation of this article.

Sec. 3-73. Renewal of licenses.

- (a) A licensee who desires to renew his license for a subsequent calendar year must file a renewal application with the business license office between November 1 and November 15 of the preceding year. All relevant information requested on the renewal application must be provided, including updated criminal background records checks and tax payment information. Payment by certified funds of license fees for renewal shall be made at the time of application and, upon approval of the renewal application by the Community Development Manager, the license will be issued. Applications for renewal of an existing license shall be acted on by the Board of Commissioners at the next regularly scheduled meeting of the Board of Commissioners following the filing of the renewal application, unless additional time is required by the Board of Commissioners to obtain additional information pertaining to said application.
- (b) Applications submitted between November 15 and December 1 are subject to a \$100.00 late fee. Applications submitted after December 1 are subject to a \$200.00 late fee. Late fees are in addition to regular fees. If the late application cannot be processed in time for the Board of Commissioners' December meeting, the business license office is authorized to grant a temporary renewal good through January 31 of the following year, to prevent a lapse in the ability to sell alcohol. The temporary renewal may only be granted if the renewal is

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otherwise proper and in order. The renewal shall come before the Board of Commissioners prior to January 31 of the following year and either be approved as an annual renewal or denied, pursuant to the standards of this article.

- (c) If the license official, sheriff, building official, fire chief or other County official reports any activity which constitutes probable cause for not renewing a license, renewal shall not be made and the matter shall be referred to the Board of Commissioners for consideration. The Board of Commissioners shall afford the licensee a public hearing where the licensee may be represented by counsel, present evidence and cross-examines witnesses. The hearing shall be recorded and may be transcribed at the cost to the applicant. In passing upon the application for renewal, the Board of Commissioners shall be guided by the standards listed in article VI for initial application. The Board of Commissioners' decision shall be issued in writing no later than three days after the hearing, and shall be sent to the applicant certified mail.
- (d) Failure to comply with mandatory provisions of this article, including but not limited to failure to submit required reports under section 3-163, shall be grounds for non-renewal of the license.

Sec. 3-74. Transfer of licenses; discontinuance; change of responsible resident or owner.

- (a) No license may be transferred from one person to another without approval of the Board of Commissioners pursuant to written application. Said transfers shall be considered in accordance with the same procedures set forth in this article for new applications, except as otherwise specifically provided in this subsection.
- (b) If the applicant or responsible resident ceases to be associated with such business, the business owner (or corporation, LLC, partnership, etc), within five days of such event, shall notify the business license office of said fact. Said owner shall, within 30 days of such event, submit an application for the transfer of the license to a new individual and/or responsible resident. Said application shall consist of completed portions of the application for an alcoholic beverage license which pertains to the new applicant along with a copy of the notice of change of interest required by the Georgia State Revenue Commissioner and a certified check in the nonrefundable amount of \$100.00, to defray investigative and administrative costs. In addition, the applicant shall cause to be published a notice of such change as provided in subsection 3-71(a). Said application shall be considered in accordance with the procedures set forth in this article for new applications, except as otherwise specifically provided in this subsection.
- (c) Upon the death of any license holder, his personal representative or heirs may continue to operate under the original license for the balance of the calendar year without payment of any fee, provided those persons requesting to continue said business are otherwise qualified as license holders.
- (d) Any licensee desiring to discontinue business at one location and commence business at another location must make a new application and pay all applicable fees.
- (e) Upon a change in ownership of the licensed business, the new owner shall comply with all provisions of this article prior to commencing business, including the payment of all applicable fees.

Failure to comply with this section shall result in the lapse of the alcoholic beverage license.

Sec. 3-75. Event permits.

- (a) *Alcoholic beverage caterer licensed by the county.* In order to distribute malt beverages and/or wine at an authorized catered function, an alcoholic beverage caterer licensed by the county shall be required to:
 - (1) Apply for an event permit. The application shall include:
 - a. The name of the alcoholic beverage caterer, including the name of the specific representative of the caterer who will be responsible for, and present at, the catered function;

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- b. The date of the event;
 - c. The address of the event;
 - d. The time of the event;
 - e. The licensed alcoholic beverage caterer's license number; and
 - f. The name, address and phone number of the host of the catered function.

No event permit fee shall be charged.

- (2) Provide satisfactory reports to the state revenue commissioner on forms provided by that department, stating the quantity of any and all alcoholic beverages transported from the licensee's primary premises to the location of the authorized catered function and such other information as required by the Board of Commissioners.
 - (3) Maintain original local event permits and documents required by the state revenue department in the vehicle transporting the alcoholic beverages to the catered function at all times.
 - (4) Comply with all laws and ordinances regulating the sale and distribution of alcoholic beverages, and no permit will be issued to any alcohol beverage caterer on probation or with a suspended license.
- (b) *Alcoholic beverage caterer licensed by other jurisdictions.* In order to distribute malt beverages and/or wine at an authorized catered function, an alcoholic beverage caterer licensed by a subdivision of the state other than the county shall be required to:
- (1) Apply for an event permit. The application shall include:
 - a. The name of the alcoholic beverage caterer, including the name of the specific representative of the caterer who will be responsible for, and present at, the catered function;
 - b. The date of the event;
 - c. The address of the event;
 - d. The time of the event;
 - e. The name, address and phone number of the host of the catered function.
 - f. Caterers shall be exempt from any and all licensing fees.
 - (2) Pay an event permit fee of \$100.00;
 - (3) Pay local excise taxes that will be levied on the total quantity of alcoholic beverages brought into the county by the caterer, as calculated under this article, within 15 days of the conclusion of the catered event;
 - (4) Provide satisfactory reports to the state revenue commissioner on forms provided by that department, stating the quantity of any and all alcoholic beverages transported from the licensee's primary premises to the location of the authorized catered function and such other information as required by the Board of Commissioners; and
 - (5) Maintain original local event permits and documents required by the revenue department in the vehicle transporting the alcoholic beverages to the catered function at all times.
- (c) *Issuance of event permits.* The issuance of event permits is an administrative function of the county, and the county is permitted under this article to request additional information from the licensed alcoholic beverage caterer and/or host of the catered event in deciding whether to issue an event permit. However, no event permit will be issued:

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- (1) Where the requirements set forth under subsection (a), (b) or (c) of this section have not been met;
 - (2) Where the host or the alcoholic beverage caterer has violated any of the prohibitions set forth in this article; or
 - (3) To licensed alcoholic beverage caterers, where the total cost of alcohol at a catered event will exceed the total cost of food at an event. This subsection does not apply to qualified charitable organizations.

Secs. 3-76—3-100. Reserved.

DIVISION 3. QUALIFICATIONS FOR LICENSE HOLDERS

Sec. 3-101. General qualification requirements.

The following qualification requirements shall apply to all license applicants.

- (1) All applicants for license and all responsible residents shall be at least 21 years of age.
- (2) All owners who are residents of the county shall make application for a license in their own name. Where the owner is a corporation, partnership, association, or nonresident, the application shall be made in the name of an owner of the entity (shareholder, member, partner, etc.). If the applicant owner is not a resident of the county, a responsible resident shall also be named. All other owners, shareholders, members or partners shall be disclosed in the application, along with their interest in the entity.
- (3) Where an application for a license is submitted for a nonprofit private club, special charitable event or a veterans organization, the application shall be made in the name of the highest elected officer and/or the manager of said club or organization.
- (4) Applications for a license to sell alcoholic beverages (except special event licenses) shall be accompanied by a certification from the tax commissioner of Monroe County or his deputy that all ad valorem taxes owing to the county against any real and personal property pertaining to the business for which such application is made have been paid. Also said certification shall state that there are no delinquent taxes owing to the county against the applicants, owner and any party with a financial or ownership interest in the business for which such application is made. The county shall provide forms to the applicant for said certification.

Sec. 3-102. Standards for issuance.

The Board of Commissioners, in making a determination on an initial application for a license, shall be guided by the following factors as to whether or not to grant a license under this article. The following standards are meant to comply with the requirements of O.C.G.A. § 3-3-2, in providing ascertainable standards for licensing decisions:

- (1) Whether the applicant, responsible resident, or other owner of the business listed in the application has held any other licenses issued by any other jurisdiction that have been revoked, and the cause of such revocation.
- (2) Whether the applicant, responsible resident, or other owner of the business listed in the application holds or has held any other licenses for the sale of alcohol issued by the county, and the history of violations of this article under such licenses.
- (3) Whether the applicant, responsible resident, or other owner of the business listed in the application have a criminal records involving violation of any federal, state or local laws relating to drugs

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or alcohol, or theft, fraud or conversion; or any history of violations of this or other local government regulations of alcohol; or any record of nonpayment of federal, state, or county taxes.

- (4) Whether the use is consistent with the immediately adjacent properties and the general character of the neighborhood, including whether the adjacent neighborhood is predominantly residential, industrial, or business/commercial.
- (5) Whether the proposed use is consistent with the traffic patterns and congestion in the area, including whether it would cause an increase in negative traffic effects and hazards.
- (6) Whether the proposed use would have a negative effect on adjacent and surrounding property values.
- (7) Whether the number of other licenses granted for similar business in the trading area of the place for which the license is sought would result in this license having a negative effect on the character of the area or the public health, safety and welfare.
- (8) Whether the location or type of structure is likely to create difficulty in law enforcement, or is designed or configured such that it would create any safety hazards or fire hazards, or other threats to life or property.
- (9) Whether the building or establishment where licensee will operate has a history or reputation with regard to prostitution or other sex offenses, fighting, shooting, stabbing or other violence, gambling, illegal dealing in alcoholic beverages or drugs, and other violations of the law.
- (10) Whether any license for sale of alcoholic beverages previously issued for the location has been revoked for cause by the Board of Commissioners.
- (11) Whether the character of the area of the proposed use is such that would cause minors to frequent the immediate areas, or cause minors to congregate in the vicinity of the proposed location.
- (12) Whether the reports of the license official, sheriff, the building inspector, other county officials, and/or the fire chief contain any evidence of violations of law, regulation, or ordinance, or otherwise failure to comply with all applicable laws, regulations or ordinances, or otherwise indicate that grant of the license would be a serious threat to public health and safety.
- (13) Whether the application is complete and in compliance with all provisions of this article (including the building and location requirements of article VII).
- (14) Whether the application is in compliance with all other relevant ordinances of Monroe County.
- (15) For special event licenses, whether the event is for charitable or community purposes and whether the affiliated entity is a charitable organization or non-profit private club, or whether the special event is unrelated to those purposes and organizations, or conducted purely for business or commercial purposes.

Sec. 3-103. Prohibited persons.

No license shall be issued by the Board of Commissioners when the applicant or responsible resident is found to be one or more of the following:

- (1) A person who has been convicted under a federal, state or local statute, law, ordinance or regulation relating to i) theft, conversion or fraud; ii) drugs or alcohol; iii) taxes; or iv) alcoholic beverage licenses.
- (2) A person whose license under this article has been revoked for cause or who has had a license under this article revoked for cause.

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- (3) A person whose license under any other state, county or municipal alcoholic beverage ordinance has been revoked within the last five years preceding the application.
 - (4) A person who is under the age of 21 years.
 - (5) A person who is an official or employee of the county.

Secs. 3-104—3-125. Reserved.

DIVISION 4. BUILDING AND LOCATION REQUIREMENTS

Sec. 3-126. General building and location requirements.

- (a) No license shall issue for a location at which the operation of such a licensed business would violate the regulations of the county.
- (b) No license shall issue for a location where it would violate state or local law, rules, regulations or article.
- (c) License shall issue for any location in which the licensed premises contains a drive-in window for the sale of alcoholic beverages.
- (d) The licensed premises shall be subject to inspection by authorized personnel of the county at all times.
- (e) Licensees shall only be permitted to sell distilled spirits by the drink within the dining area of the licensed premises. The board of commissioners reserves the rights to restrict the areas where distilled spirits shall be sold and consumed so as to limit the likelihood that persons who are not customers of the license will be exposed to the sale and consumption of distilled spirits.

Sec. 3-127. Distance setbacks from other uses.

This section incorporates by reference state law (O.C.G.A. § 3-3-21) regarding distance setbacks. Pursuant to authority granted in that code section, the county sets the minimum distance for the sale of alcohol as at least 20 yards from a college campus and the distance for any "grocery store" as defined in O.C.G.A. § 3-3-21(a)(1)(B) to sell wine or malt beverage from any school building, school ground or college campus as at least 20 yards. Distances for purposes of this section shall be measured by the most direct route of travel by foot or vehicle on the ground from front door of the establishment selling alcohol to front door of the relevant use unless state law specifies otherwise.

Sec. 3-128. Outdoor service authorization.

An applicant for a license for consumption on the premises may seek as a part of that license an "outdoor service authorization." This is permission to serve alcohol outside the premises in adjacent outdoor areas controlled by the licensee. This can be patio area next to the licensed premises or a space as large as a golf course. The outdoor area must be separated from non-licensed property and public rights of way by a fence, barrier, vegetation or similar demarcation. The applicant will be required to demonstrate how the outdoor area is to be separated from the adjacent areas, how any nuisance towards adjacent properties will be mitigated, and how patrons will be prevented from leaving the permitted area with an alcoholic beverage. Sales through drive-thru windows or other windows or doors to the street, sidewalk or vehicles are prohibited.

Sec. 3-129. Package sale of distilled spirits distance restriction.

Pursuant to O.C.G.A. § 3-4-47, the county shall not authorize the location of a new retail package liquor licensed place of business or the relocation of an existing retail package liquor licensed place of business engaged in

the retail package sales of distilled spirits within 500 yards of any other business licensed to sell package liquor at retail, whether within the unincorporated area or within a municipality. Distance shall be measured by the most direct route of travel on the ground, provided however that this limitation shall not apply to any hotel. This section intends to incorporate the state law by reference and to the extent the state law is amended in the future, this section shall likewise be automatically amended.

Secs. 3-130—3-140. Reserved.

DIVISION 5. REQUIRED REPORTS AND NOTICES

Sec. 3-141. Required reports and notices.

The following report and notice requirements shall apply to all license holders:

- (1) The licensee must report to the Board of Commissioners, within five days, any change in any interests in the licensee's business including but not limited to:
 - a. Any change in the division of ownership of the licensed business;
 - b. Any change in the ownership of any lease or building or land used in such business;
 - c. Any change in the ownership of stock or any corporation that has an interest in the licensed business except for the sale of stock over the counter or through a recognized stock exchange.

- (2) Once an application for the sale of distilled spirits, wine or malt beverages is made, the applicant has three (3) days to post a sign at least twenty-four (24) inches by thirty-six (36) inches with letters at least four (4) inches in height on the front door of the premises proposed for the location of the business to be licenses and upon a prominent place on the lot where the business for which the license is proposed is located, to be no more than ten (10) feet from the public street on which said business faces, which sign shall state:

"Application Pending for this location for license to sale Distilled Spirits, Wine and/or Malt Beverages" whichever is applicable.

This sign shall remain in place until the application is acted upon by the board of commissioners.

- (3) The holder of any license for the sale of distilled spirits, wine and/or malt beverages by package or by the drink shall post in a conspicuous place in his place of business a notice with letters not less than four (4) inches in height which shall be clearly visible to all customers entering the establishment as follows: "Sales of any alcoholic beverages to minors are strictly prohibited."
- (4) The Board of Commissioners shall notify the licensee within ten days of the receipt of said information required by subsection (1) of any objections to the changes reported. Upon receipt of the objections, if any, from the Board of Commissioners, the licensee shall have 30 days to satisfy said objections. Failure to report said changes or to satisfy said objections may result in the suspension or revocation of all licenses held by said licensee.
- (5) The report reflecting the change in interest shall be on a form provided by the Board of Commissioners and shall be an amendment to the licensee's permanent license application which shall remain on file with the business license office. The report shall be under oath and verified.
- (6) Any licensee under this article who removes his residence from the county, or otherwise becomes a "prohibited person" as defined in section 3-103, shall, within five days of the event, make the fact known to the business license office and shall surrender his license upon demand by the business license office in such case.

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- (7) The licensee shall report promptly to the sheriff's department any violation of law, regulation, resolution, ordinance or breach of the peace, disturbance, or altercation occurring on the premises.
 - (8) The licensee shall report to the business license office within one business day any violation of this article or any other law, regulation or local ordinance relating to regulation of alcoholic beverages occurring on the premises.
 - (9) The licensee shall report to the business license office within three business days any conviction, revocation or suspension of any other license for alcoholic beverages held by the licensee.

Secs. 3-142—3-145. Reserved.

DIVISION 6. REGULATIONS FOR OPERATION OF BUSINESS

Sec. 3-146. Eligibility for license.

- (a) A consumption on the premises license may be granted only to the establishments described in this article and subject to the specified conditions.
- (b) Full-service kitchen as used in this division shall mean a kitchen with a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the county health department and county fire department.

Sec. 3-147. Hotel and hotel room service.

- (a) In order to be eligible for a consumption on the premises license, a hotel must:
 - (1) Be used and held out to the public as a place where food is served and consumed and sleeping accommodations are offered to guests for adequate pay;
 - (2) Contain 50 or more rooms used for the sleeping accommodations of guests; and
 - (3) Contain one or more public dining rooms, with adequate and sanitary full-service kitchen facilities.
- (b) A hotel may consist of a single building or may consist of two or more buildings located on the same premises and used in connection with the hotel operation.
- (c) A facility which is styled as a motel, motor lodge, inn, or other similar appellation may be licensed as a hotel if it meets the requirements of this section.
- (d) Hotels with full service restaurants and/or taverns can obtain a consumption on the premises license for the entire premises.
- (e) Notwithstanding any other provisions of this article to the contrary, any hotel (as the term "hotel" is commonly used and without regard to the requirements of this section), inn, or other establishment which offers overnight accommodations to the public for hire, may provide in-room service of alcoholic beverages if such establishment:
 - (1) Holds a valid county package license or a valid county consumption on the premises license or both; and
 - (2) Has been authorized to provide in-room service by the state revenue commissioner.
- (f) For purposes of this section, "in-room service" consists of:
 - (1) The delivery of alcoholic beverages in unbroken packages by an employee of the hotel to a registered guest's room when such alcoholic beverages have been ordered by the guest and when the guest shall

be billed for the cost of such alcoholic beverages at the time of delivery and when the sale of such alcoholic beverages is completed at the time of delivery; and

- (2) The provision of a cabinet or other facility located in a hotel's guest room which contains alcoholic beverages and which is provided upon request of the guest and which is accessible by lock and key only to the guest and for which the sale of alcoholic beverages contained therein is final at the time requested except for a credit which may be given to the guest for any unused portion.
- (g) Except as otherwise provided in this section, in-room service of alcoholic beverages shall be subject to all restrictions and limitations in this article relative to the sale of alcoholic beverages. In-room service sales shall be authorized only on such days and only during such hours as the sale of alcoholic beverages is otherwise authorized.
- (h) Distilled spirits sold pursuant to this section shall not be sold in packages containing less than 50 milliliters each.
- (i) All alcoholic beverages sold pursuant to this section shall be purchased from a licensed wholesale dealer and shall be subject to all taxes imposed under this chapter, including the excise tax on the retail sale by the drink of alcoholic beverages containing distilled spirits.

Sec. 3-148. Restaurants.

A "restaurant" as used in this article is an establishment where meals and refreshments may be purchased. In order to be eligible for a consumption on the premises license, a restaurant must:

- (1) Be used and held out to the public as a place where meals are regularly served to the public for adequate pay;
- (2) Contain one or more public dining rooms, with adequate and sanitary full-service kitchen facilities and staff to prepare, cook, and serve suitable food for its guests; and
- (3) Have at least 50 percent of its total annual gross sales be from the sale of prepared meals or food.

Sec. 3-149. Tavern.

A "tavern" as used in this article is an establishment for the sale of malt beverage, wine and/or distilled spirits to be consumed on the premises, sometimes also serving food (also known as a lounge or bar). In order to be eligible for a consumption on the premises license, a tavern must:

- (1) Operate in a licensed premises, where the front of the premises is clearly visible from a public street;
- (2) Be designed such that any rooms in which alcohol is served are at least 500 square feet.
- (3) Have at least 50 percent of its total annual gross sales be the sale of the sale of prepared meals or food.

Sec. 3-150. Theaters.

A theater or other performance venue designed for the performance of plays, music or motion pictures may obtain a consumption on the premises license. To qualify as a theater the premises must contain at least one space for the performance of plays, music or motion pictures containing at least 50 seats organized in rows facing the stage or screen. In addition, the primary purpose of the premises must be as a theater.

Sec. 3-151. Private clubs.

- (a) In order to be eligible for a consumption on the premises license, a private club must be a nonprofit association which is organized under the laws of the state and which:
 - (1) Has been in existence at least one year prior to the filing of its application for a license;
 - (2) Has at least 75 regular dues-paying members;
 - (3) Is organized and operated exclusively for pleasure, recreation, and other nonprofit purposes;
 - (4) Owns, hires, or leases a building or space within a building for the reasonable use of its members, which building or space:
 - a. Has suitable kitchen and dining room space and equipment;
 - b. Is staffed with a sufficient number of employees for cooking, preparing, and serving meals for its members and guests; and
 - c. Has no member, officer, agent, or employee directly or indirectly receiving in the form of salary or other compensation any profits from the sale of alcoholic beverages beyond a fixed salary.
- (b) For purposes of subsection (a)(4)c of this section, a "fixed salary" means the amount of compensation paid any member, officer, agent, or employee of a private club as may be fixed for him by its members at a prior annual meeting or by the governing body out of the general revenue of the club and shall not include any commission or any profits from the sale of alcoholic beverages. Tips or gratuities added to the bills under club regulations shall not be considered profits from the sale of alcoholic beverages.
- (c) No alcoholic beverage license shall be granted to a private club organized or operated primarily for the selling or serving of alcoholic beverages.
- (d) Veterans' organizations, fraternal organizations, and other nonprofit organizations currently having tax exempt status under either the United States Internal Revenue Code or the state income tax law shall not be required to operate a food establishment serving prepared food; provided, however, any such organization selling or dispensing alcoholic beverages shall be subject to all ordinance regulations dealing with general licensing and consumption on the premises establishments.

Sec. 3-152. Special events facility.

In order to be eligible for a consumption on the premises license, a special events facility must:

- (1) Be available to public or private groups of persons;
- (2) For monetary consideration on a rental, fee, percentage, or similar basis, be used primarily for special occasions, including but not limited to, receptions, meetings, banquets, conventions, parties, catered events, or similar gatherings; and
- (3) Be open to or attended by invited or selected guests or paying patrons.

Sec. 3-153. Farm winery tasting room.

- (a) There is hereby created a license for the business of operating a Georgia farm winery tasting room in conformance with the laws of the state and the county. Under this section, the licensee shall be authorized to carry on the business of operating a farm winery tasting room in the licensed premises.
- (b) Farm wineries may obtain a license for sale of wines produced on any winery in this county at tasting rooms located on the premises of the winery or on property located contiguous to the winery and owned by the

winery or by an affiliate of the winery. Farm wineries may also make sales of distilled spirits, malt beverages, and wines not produced by a farm winery for consumption in its tasting rooms and at facilities located on the premises of the winery or on property located contiguous to the winery and owned by the winery or by an affiliate of the winery, provided that any alcoholic beverages sold pursuant to this paragraph shall be purchased by the winery from a licensed wholesaler at wholesale prices.

- (c) Farm winery tasting rooms may be authorized on premises other than the premises where the farm wine is produced if the Board of Commissioners approves an application to designate the requested location as a special entertainment district pursuant to O.C.G.A. § 3-6-21.2. Under this subsection, the farm winery must own an active farm winery whose products must be for sale at the off-site farm winery tasting room. The Board of Commissioners shall hold a public hearing prior to granting such designation and shall be empowered to impose conditions on the license.
- (d) The farm winery tasting room created by this section is limited to farm wineries licensed by the state and allows the licensee to deal in its farm winery products pursuant to state law. No license is created by this section authorizing any other person to deal in any other alcoholic beverage.

Sec. 3-154. Breweries and distilleries.

Breweries and distilleries are permitted to obtain local licenses for consumption on the premises and package sales without selling through wholesalers as permitted by state law.

Sec. 3-155. Purchase of alcoholic beverages by licensee.

Licensees under this chapter shall purchase distilled spirits in sizes of three-fourths (0.750) of a liter or larger, except for single-serve bottles, unless a particular brand is not packaged in these size containers, in which case the licensee may purchase such brand in the next smallest size to such size containers.

Sec. 3-156. Package sales prohibited.

Except as may be otherwise specifically provided hereafter, it shall be unlawful for any distilled spirits and/or malt beverages to be sold by the package from premises licensed for consumption on the premises. Wine and/or package may, however, be sold by the package from premises licensed for consumption on the premises, provided that package wine and/or malt beverage licenses are also obtained.

Sec. 3-157. Ancillary wine tasting license.

- (a) The holder of a wine package license, with or without a package malt beverage license, shall be eligible for an ancillary wine tasting license to provide samples of wine offered for sale to customers under the conditions set forth in this section.
- (b) Wine sampling shall be on limited occasions when a customer requests a sample of a wine offered for sale within the premises, or in conjunction with wine education classes and sampling designed to promote wine appreciation and education.
- (c) Wine tasting for customers shall only be conducted at a wine counter area constituting no more than ten percent of the entire floor area of the premises.
- (d) Wine sampling for customers shall be limited to no more than one time per day for a period of not to exceed two consecutive hours. Samples shall not exceed two ounces, and no customer shall consume more than eight ounces in any two-hour period.

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- (e) Wine bottles shall be opened only by the licensee or an employee, and samples shall only be poured by the licensee and/or an employee.
 - (f) No open containers of wine shall be removed from the licensed premises.
 - (g) Not more than two times per week for a period of not to exceed two consecutive hours, the holder of an ancillary wine tasting license may conduct 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 areas where the classes can be conducted.
 - (h) Holders of an ancillary wine tasting permit shall not charge for samples or tastings, but may accept donations for a charitable organization of their choice.
 - (i) Wine sampling and tasting is only permitted within the enclosed portion of the premises.
 - (j) The annual fee for an ancillary wine tasting license shall be \$100.00.

Sec. 3-158. Growlers.

- (a) The sale of growlers is authorized in establishments authorized to sell malt beverages and wine by the package.
- (b) 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 this section.
- (c) Growlers may only be filled from kegs procured by the licensee from a duly licensed wholesaler.
- (d) Only professionally sanitized and sealed growlers may be filled and made available for retail sale.
- (e) Each growler must be securely sealed and removed from the premises in its original sealed condition.
- (f) Consumption on the premises is strictly prohibited; however, samples of beers available for sale in a growler may be made available, but shall not exceed one ounce nor shall any one individual be offered more than three samples within a calendar day.

Sec. 3-159. Ancillary growler malt beverage tasting license.

- (a) The holder of a package malt beverage license, with or without a package wine license, shall be eligible for an ancillary growler malt beverage tasting license to provide samples of growler malt beverages offered for sale to customers under the conditions set forth in this section.
- (b) Growler malt beverage sampling shall be on limited occasions when a customer requests a sample of a growler malt beverage offered for sale within the premises, or in conjunction with growler malt beverage education classes and sampling designed to promote growler malt beverage appreciation and education.
- (c) Growler malt beverage tasting for customers shall only be conducted at a counter area constituting no more than ten percent of the entire floor area of the premises.
- (d) Growler malt beverage sampling for customers shall be limited to no more than one time per day per customer. Samples shall not exceed two ounces, and no customer shall consume more than eight ounces in any two-hour period.
- (e) Only the licensee or an employee shall open, handle, and serve, and samples shall only be poured by the licensee and/or an employee.
- (f) No open growler containers shall be removed from the licensed premises.
- (g) Not more than two times per week for a period of not to exceed two consecutive hours, the holder of an ancillary growler malt beverage tasting license may conduct educational classes and sampling for class

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

- (h) Holders of an ancillary growler malt beverage tasting license shall not charge for samples or tastings, but may accept donations for a charitable organization of their choice.
- (i) Growler malt beverage sampling and tasting is only permitted within the designated interior portion of the premises.
- (j) The annual fee for an ancillary growler malt beverage tasting license shall be \$100.00.

Sec. 3-160. Brewpubs.

- (a) A brewpub license authorizes the holder of such license to:
 - (1) Manufacture on the licensed premises not more than 10,000 barrels of beer in a calendar year solely for retail sale on the premises;
 - (2) Operate an eating establishment that shall be the sole retail outlet for such beer and may offer for sale 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 for consumption on the premises only; 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
 - (3) Notwithstanding any other provision of this paragraph, sell up to a maximum of 5,000 barrels annually of such beer to licensed wholesale dealers for distribution to retailers and retail consumption dealers;
- (b) Possession of a brewpub license shall not prevent the holder of such license from obtaining a retail package license endorsement for the same premises. A brewpub license does not authorize the holder of such license to sell alcoholic beverages by the package for consumption off the premises unless such retail package endorsement is obtained.
- (c) A brewpub licensee shall not offer or permit any free sampling of beer by its customers on the premises of a brewpub. The eating establishment must satisfy the regulations applicable to a restaurant as set forth in section 3-148.
- (d) A brewpub licensee shall:
 - (1) Pay all local excise taxes applicable to individuals licensed by this state as manufacturers, retailers, and, where applicable, wholesalers under this article.
 - (2) Measure beer manufactured on the premises and otherwise comply with applicable regulations respecting excise and enforcement tax determination of such beer as required by this title.
- (e) Every brewpub located within the unincorporated county shall file a monthly report with the county, no later than the 20th day of each month, on such forms as the county may prescribe, setting forth all malt beverages produced during such preceding calendar month, to include the beginning and ending inventories. Such report shall also indicate the total production of malt beverages during the report period and the proper tax remittance for such production. Failure to properly complete or submit the required reports shall subject the licensee to a late filing penalty set forth herein.

Sec. 3-161. Adult entertainment establishments

(Ord. of 2-6-2024)

The board of commissioners of the county based upon the experiences of other counties in the state, takes note of the notorious and self-evident conditions and secondary effects attendant to the commercial exploitation of human sexuality, particularly the problems of crime, blight, and deterioration which are brought about by alcohol and live nudity. It is the finding of the board that prohibiting public nudity (either partial or total) under circumstances related to the sale and consumption of alcoholic beverages is in the best interest of the public welfare by furthering legitimate governmental interest, such as reducing criminal activity, protecting against property devaluation and deterioration, and eliminating undesirable community conditions normally associated with establishments which serve alcohol and allow and/or encourage nudity, and that such prohibition will not infringe upon the protected constitutional rights of freedom of speech.

Sec. 3-161. Hours of sales and operation.

- (a) Hours of operation permitted for service (i.e. pouring) of alcoholic beverages at premises licensed for consumption on the premises shall be no more than as follows:

Monday 10:00 a.m. till 12:30 a.m. on Tuesday

Tuesday 10:00 a.m. till 12:30 a.m. on Wednesday

Wednesday 10:00 a.m. till 12:30 a.m. on Thursday

Thursday 10:00 a.m. till 1:30 a.m. on Friday

Friday 10:00 a.m. till 1:30 a.m. on Saturday

Saturday 10:00 a.m. till midnight on Sunday

Sunday 12:30 p.m. until 11:30 pm. On Sunday

- (b) Hours of operation permitted for sales of packaged alcoholic beverages at premises licensed for retail package sales shall be no more than as follows:

Monday 8:00 a.m. till 12 midnight

Tuesday 8:00 a.m. till 12 midnight

Wednesday 8:00 a.m. till 12 midnight

Thursday 8:00 a.m. till 12 midnight

Friday 8:00 a.m. till 12 midnight

Saturday 8:00 a.m. till midnight on Sunday

Sunday 12:30 p.m. until 11:30 pm. On Sunday

Grocery stores, convenience stores and other stores that carry a variety of products besides alcoholic beverages may be open earlier or stay open later than the hours shown but sales of alcoholic beverages shall not be permitted at times other than the hours shown.

- (c) In the event that a licensed business is open for less than the hours stated in the preceding paragraphs, the sales of alcoholic beverages shall be restricted to those regular store hours. However, in no event shall sales be made during hours other than described in the preceding paragraphs.

Sec. 3-162. Minors.

License holders may not allow or require a person in his employment under 18 years of age to dispense, serve, sell, or take orders for any alcoholic beverages. This shall not prohibit persons under 18 years of age who are employed in supermarkets, convenience stores, breweries, or drugstores from selling or handling alcoholic beverages which are sold for consumption off the premises. Persons aged 18 or more may dispense, serve, sell, take orders or handle any alcoholic beverages as a part of employment in a licensed establishment.

Sec. 3-163. Gross sales reporting requirements.

- (a) Alcoholic licenses may be revoked or not renewed if required annual gross sales percentages are not met.
- (b) License holders are required to maintain records demonstrating annual gross sales of alcoholic beverages versus prepared meals or food and to produce those to the county upon application for renewal of the license.
- (c) Failure to submit requested documents shall result in late fees as follows: \$50.00 for each calendar day the report is late. If all requested documents are not submitted within 30 days of the date the request is submitted, the license shall be authorized to be suspended by action of the Board of Commissioners.

Sec. 3-164. Election day.

Alcoholic beverages may not be sold on any election day, subject to all other provisions of this chapter; provided however, it shall be unlawful for any person to sell alcoholic beverages within 250 feet of any polling place or of the outer edge of any building within which such polling place is established on election days.

Sec. 3-165. Miscellaneous regulations.

The following miscellaneous regulations shall apply to all license holders.

- (1) License holders shall not sell alcoholic beverages to any person who is in an intoxicated condition.
- (2) License holders shall not permit any disorderly conduct or breach of the peace on the licensed premises.
- (3) License holders shall not sell, offer for sale, possess or permit the consumption on the licensed premises of any kind of alcoholic beverage for which a license holder is not authorized to sell under his license. The license holder shall not allow "brown bagging" on the licensed premises.
- (4) Alcoholic beverages shall not be sold or offered for sale through vending machines on the licensed premises.
- (5) Tasting events are permitted as set forth in O.C.G.A. § 3-15-2.
- (6) Reserved.
- (7) Delivery of alcoholic beverages is permitted only in compliance with state law (O.C.G.A. § 3-3-10) and regulations promulgated thereunder, including state regulations applying to certification and training of delivery drivers.
- (8) All licensees shall store all alcoholic beverages in their possession only on the premises for which the license was issued.
- (9) License holders of retail package licenses shall require that the alcoholic beverages purchased be placed in an opaque container before being removed from the store; provided, however, that this subparagraph shall not apply to the purchase of a 12-pack or larger container.
- (10) Every license holder shall have available on the licensed premises a copy of this article and shall be responsible for compliance with said article by all persons on the premises.

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- (11) No licensee under this article shall sell or permit to be sold or otherwise furnish any distilled spirits, wine and/or malt beverages to any person who is physically or mentally handicapped due to the consumption of any alcoholic beverage or drugs or has any other type of mental handicap.
 - (12) All licensees for the sale of distilled spirits, wine and/or malt beverages shall separate the stock of such from other nonalcoholic merchandise by a partition at least five (5) feet in height, by storing the distilled spirits, wine and/or malt beverages in coolers which can be locked, or by storing same in a separate room so that such stock may be closed off and locked at all times when the sale is prohibited, and the same shall be closed off and locked at such times.

Sec. 3-166. Prohibited products.

No license holder under this chapter shall sell, offer for sale, display, lend, rent, lease, give, exchange, keep in stock, possess with intent to sell, or otherwise distribute to any person, at any place of business licensed hereunder any of the following products:

- (1) Any scheme or device involving the hazarding of money or any other thing of value including but not limited to:
 - a. Gambling;
 - b. Betting;
 - c. Operating games of chance;
 - d. Punchboards;
 - e. Slot Machines;
 - f. Lotteries; and/or
 - g. Tickets of chance.
- (2) Any "drug paraphernalia" or "drug related object" as defined by O.C.G.A. § 16-13-32(a)(1), as amended:
- (3) Any "drug paraphernalia" or "drug related object" which are further defined as including, but not limited to, objects used or intended for use in ingesting, inhaling or otherwise introducing marijuana or a controlled substance in the human body. For the purposes of this article, the following objects are found to be drug related objects, regardless of the purpose for which the object is marketed:
 - a. Metal, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
 - b. Water pipes; carburetion tubes and devices; smoking and carburetion masks.
 - c. Roach clips; meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
 - d. Miniature cocaine spoons and cocaine vials.
 - e. Chamber pipes; carburetor pipes; electric pipes; air-driven pipes.
 - f. Chillums; bongs; ice pipes or chillers.
 - g. Digital or postal scales.

(Ord. of 2-6-2024)

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- (4) "Controlled substance" is defined for purposes of this chapter, as that definition stated in O.C.G.A. § 16-13-21, as amended.

Sec. 3-167. Ancillary to retail use.

A retail use including a retail store or shop and a grocery store may seek a license for consumption on the premises as an ancillary use to the main retail use. For grocery stores this shall be a separate license in addition to a retail package license. The area devoted to sales for consumption on the premises must not exceed ten percent of the floor space and the revenue from consumption on the premises must not exceed ten percent of the store's gross annual sales. A "grocery store" for purposes of this section is a use of at least 15,000 square feet primarily engaged in retailing a general line of food, such as packaged, canned and frozen foods; fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry. Any use selling alcohol by the package, other than grocery stores, brewpubs, breweries and distilleries, may not receive an ancillary license for consumption on the premises (for example, convenience stores and package stores).

Sec. 3-168. Licensed establishments with food trucks/mobile food service units.

A licensed establishment may partner with one or more food trucks/mobile food service units to satisfy the percentage of food sales requirements of this ordinance or state law by complying with the terms of this section. The food trucks/mobile food service units may also serve to satisfy the requirement of having a full-service kitchen. The food trucks/mobile food service vendors must be:

- (1) Licensed and permitted by the Monroe County Board of Health as a mobile food service unit;
- (2) Located on the same private property premises as the licensed establishment;
- (3) Generally incorporated into the operation of the licensed establishment; and
- (4) Available, open and prepared to serve food every hour that alcoholic beverages are offered for sale from any portion of the premises.
- (5) If the alcoholic beverages are to be consumed outside, the establishment shall need an outdoor service authorization under section 3-128.

Sec. 3-169. Beer garden.

A "beer garden" is an establishment with an open-air area in which beer, wine and/or distilled spirits may be served, along with food. A beer garden may obtain consumption on the premises licenses by satisfying the following requirements:

- (1) Have at least 50 percent of its total annual gross sales be the sale of prepared meals or food, if it permits Sunday alcohol sales; if it does not permit Sunday alcohol sales, a beer garden is not required to meet a minimum sales percentage for food. A beer garden can have an on-site kitchen or can use the provisions of section 3-168 to satisfy this requirement;
- (2) Have an open-air area (roofed or unroofed) to provide alcohol service and (if desired) food service. The beer garden may also have an indoor service area (if desired, no smaller than 500 square feet). A beer garden shall have an associated permanent structure on-site to provide restrooms, secure storage of alcohol, refrigeration and waste-disposal facilities;
- (3) The open-air area must be separated from non-licensed property and public rights-of-way by a fence, barrier, vegetation or similar demarcation. The applicant will be required to demonstrate how the open-air area is to be separated from the adjacent areas, how any nuisance towards adjacent properties will be mitigated, and how patrons will be prevented from leaving the permitted area with an alcoholic

beverage. Sales through drive-thru windows or other windows or doors to the street, sidewalk or vehicles are prohibited.

- (4) Location restrictions. The alcohol service area of any beer garden must be located 100 feet or more from residentially used parcel. If entertainment in the form of music, bands, groups, amplification systems or loud noise of any kind is offered in a beer garden, the alcohol service area shall be located 250 feet or more from a residentially used property. Distances shall be measured from the point of the beer garden area closest to a residential property to the closest property line of that residential property.
- (5) Roofing or enclosing the open-air area with a tent may require inspection and approval from the state or local fire marshal. Applicants are advised to consult with the appropriate official.

Secs. 3-170—3-190. Reserved.

DIVISION 7. REVOCATION OR SUSPENSION OF LICENSE

Sec. 3-191. Grounds for revocation or suspension.

The following shall be grounds for the suspension or revocation of an alcoholic beverage license. The existence of such grounds shall be determined by the Board of Commissioners based upon the preponderance of evidence, following a hearing, to wit:

- (1) Violation by the licensee of any state or federal law or regulation relating to the use and sale of drugs or alcoholic beverages, or violation by the licensee or any employee of this article; or
- (2) The failure of the licensee or his employees to report promptly to the sheriff's department any violation of law, regulation, resolution, ordinance or breach of the peace, disturbance, or altercation occurring on the premises; or
- (3) Any conduct on the part of the licensee or his employees contrary to the public welfare, safety, health and morals; or
- (4) Operating or conducting the licensed business in a manner contrary to the public welfare, safety, health or morals or in such a manner as to constitute a nuisance; or
- (5) The violation by a license holder of any state or federal law or regulation, municipal or county resolution or ordinance pertaining to alcoholic beverages, specifically including any violation of any provision of this article, including failure to pay any fee or tax due under this article; or
- (6) The violation by the licensee of the Georgia Controlled Substances Act; or
- (7) The violation by the licensee of any federal, state or local law prohibiting the sale of pornographic materials; or
- (8) Failure of the licensee to furnish to the business license office any report required by this article or any reasonable reports requested in writing by the business license office; or
- (9) Allowing a person to work in the licensed business who has had an alcoholic beverage license revoked by any jurisdiction for violation of its laws or rules within a period of five years immediately preceding the filing of an application for a license, or the renewal thereof, under this article; or
- (10) Allowing a person to work in the licensed business who has violated the provisions of this article or any law of the United States or any state law pertaining to the sale of alcoholic beverages within the past five years from the date of filing an application for a license, or the renewal thereof, under this article; or

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- (11) Permitting a person to work in the licensed business who has violated any state or federal law or regulation, municipal or county resolution or ordinance pertaining to alcoholic beverages, specifically including any provision of this article; or,
 - (12) Sales by the licensee or any employee of alcoholic beverages to a minor; or,
 - (13) Submitting an application containing false information or false statements; or
 - (14) Any activity on the premises by the licensee or any employee involving marketing or selling drug paraphernalia, drug related objects, or otherwise violating section 3-166 of this article;
 - (15) Any crimes against the person (battery, assault, theft, etc) committed against any customer of the business by the license holder or any employee of the business, on the premises; or
 - (16) Failure to submit affidavits, sales forms or reports required by section 3-163 or to pay any late fees assessed in section 3-163; or
 - (17) The occurrence on three (3) or more occasions within any 12-month period on the licensed premises of fights, disorderly conduct, drunkenness, breach of the peace and other similar conduct, whether the same be committed by the licensee or by customers or by others.
 - (18) The employment or use of any person live, in any capacity, in the sale or service of alcoholic beverages or food while such person is unclothed or in such attire, costume or clothing, as to expose any portion or his or her specified anatomical areas.
 - (19) Live entertainment where any person appears unclothed or in such attire, costume or clothing as to expose any portion of his or her specified anatomical areas or where such person performs acts or specified sexual activities or acts which simulate specified sexual activity, as defined herein.
 - (20) The holding, promotion, sponsoring or allowance of any contest, promotion, special night, event or any other activity where live patrons of the licensed establishment are encouraged or allowed to engage in any or the conduct proscribed above.

Sec. 3-192. Hearings.

- (a) A license holder shall be entitled to a hearing before the Board of Commissioners concerning any alleged violation that could lead to revocation or suspension of the license.
- (b) Upon the report of any violation of this article, the license official shall give notice to the license holder in writing to show cause before the Board of Commissioners why the license should not be revoked or suspended.
- (c) A written notice from the license official shall specify the nature of the violation and the time and place for the hearing, which shall not be less than three business days nor more than 14 business days from the date of service of the notice. Service shall be deemed completed three business days after mailing to the licensee's address listed on the application.
- (d) The Board of Commissioners shall have the power to suspend any license under this article for a period of time not to exceed 17 business days pending the hearing on the question of whether or not the license shall be further suspended or revoked for cause.
- (e) At the hearing, the licensee shall have the opportunity to show cause why the license should not be suspended or revoked.
- (f) Hearings shall be conducted consistent with rules applied in administrative proceedings which shall ensure that each party may present evidence, cross-examine witnesses, and be represented by legal counsel. All testimony shall be sworn. The hearing shall be recorded and transcription may be provided at cost to the applicant.
- (g) The Board of Commissioners shall hear all relevant evidence as to the alleged violation of the article.

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- (h) The hearing need not be at a regular meeting of the Board of Commissioners, but may be at such time and place as shall be fixed in the notice.
 - (i) Within three business days from the date of the hearing, the Board of Commissioners shall render a decision in writing and furnish a copy of the decision to the licensee via certified mail. A decision of the Board of Commissioners shall be effective immediately.

Sec. 3-193. Penalties.

- (a) The Board of Commissioners, after a hearing and finding of any license holder to be in violation of any provision of this article, may take one or more of the following actions depending on the severity of the violation: revocation of license; suspension of license for a period of time; fine the license holder; place the license holder on suspension; warn the license holder; take no action.
- (b) If a fine is imposed, the fine may be up to \$1,000.00 for a first offence, and up to \$3,000.00 for subsequent offenses. Suspensions may be up to 180 days. Probation may be for up to three years. Probation means that any further violation of this article during the probation period shall result in revocation of the license.
- (c) Whenever a fine is imposed by the Board of Commissioners, and such fine is not paid within 30 days from the date the fine is imposed, the license shall automatically lapse and be invalid pending payment of the fine and reapplication, along with all reapplication fees.
- (d) All penalties assessed against a license holder may also or instead be assessed against the responsible resident.

Sec. 3-194. Automatic revocation of license.

A license shall be automatically revoked by operation of law if:

- (1) The licensee's state alcoholic beverage license is revoked.
- (2) Operation of the licensed activity is not commenced within nine months after the license is issued;
- (3) Operation of the licensed activity is commenced and then voluntarily suspended for a period of 30 days or more;
- (4) The licensed business fails to properly account for and pay any excise tax levied under this chapter.

Sec. 3-195. Reporting of violations.

The county shall, pursuant to O.C.G.A. § 3-3-2.1, notify the Department of Revenue any citation or arrest arising out of the violation of any provision of any state law or this ordinance relating to the manufacture, distribution, sale, or possession of alcoholic beverages against a licensee, an employee of a licensee, or any person holding a financial interest in the license of the licensee on the premises or place of business of any licensee. Such notice shall be provided within 45 days.

Secs. 3-196—3-210. Reserved.

DIVISION 8. TAXES

Sec. 3-211. Distilled spirits excise tax.

- (a) There is hereby an excise tax computed at the rate of three percent of the charge to the public on sales of distilled spirits by the drink made pursuant to license under this article. This tax shall not apply to the sale of fermented beverages made in whole or in part from malt or any similar fermented beverage. Such tax shall be paid to the governing authority by the licensee on all distilled spirits sold to customers by the drink in the unincorporated county on or before the tenth day of the month following such sales. It shall be unlawful for any licensee to fail to pay such excise tax. Licensees collecting the excise tax authorized in this subsection shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if the amount is not delinquent at the time of payment. The rate of the deduction shall be the same rate authorized for deduction from state tax under O.C.G.A. Title 48, Ch. 8 [§§ 48-8-1 et seq.]

Sec. 3-212. Malt beverage excise taxes.

- (a) Except as provided in subsection (b), there is hereby levied and imposed upon each wholesale dealer selling malt beverages within the unincorporated county, an excise tax in the amount of \$0.004166 per ounce of malt beverages sold by such wholesale dealer within the unincorporated county.
- (b) Malt beverages sold in or from a barrel or bulk container, and commonly known as tap or draft beer, shall not be subject to the excise tax provided in subsection (a); but in lieu thereof there is hereby imposed upon each wholesale dealer selling such malt beverages within the unincorporated county an excise tax of \$6.00 for each barrel or bulk container having a capacity of 15½ gallons sold by such wholesale dealer within the unincorporated county, and at a like rate for fractional parts thereof.
- (c) The excise taxes provided for in this section shall be in addition to any license fee, tax or charge which may now or in the future be imposed upon the business of selling malt beverages at retail or wholesale, within the unincorporated county.
- (d) Failure to make a timely report or remittance, or the filing of a false or fraudulent report shall also constitute grounds for the revocation of the business license issued by the county to the wholesale dealer.
- (e) Malt beverages which contain less than one-half of one percent alcohol by volume shall not be subject to any tax levied under this article.

Sec. 3-213. Wine excise tax.

- (a) In addition to the annual retail wine license fee required, there is hereby levied an excise tax computed at the rate of \$0.22 per liter on all wine sold, displayed, or stored in the unincorporated county. Such tax shall be prorated on miniatures, half-pints, fifths, half-gallons, and other quantities, so that each bottle shall be taxed on the basis of \$0.22 per liter.
- (b) The tax shall be paid to the county by each wholesale distributor on all wine sold to retailers in the unincorporated county as follows: Each wholesale distributor selling, shipping or in any way delivering wine to any such retailer shall collect the excise tax at the time of delivery and shall remit the same together with a summary of all deliveries to each retailer on or before the tenth day of the month following.
- (c) Each wholesale distributor shall furnish to the unincorporated county a summary of all purchase invoices for wine sold to each retailer in the unincorporated county on or before the tenth of each month following such purchases. The invoices shall show the amount of excise tax paid.

Sec. 3-214. Additional provisions; penalties.

- (a) The excise taxes provided for in this section shall be in addition to any license fee, tax or charge which may now or in the future be imposed upon the business of selling alcoholic beverages at retail or wholesale, within the unincorporated limits of the county.
- (b) Failure to make a timely remittance of the taxes imposed in this section shall render a wholesale dealer liable for a penalty equal to 25 percent of the total amount due during the first 30-day period following the date such remittance was due and a further penalty of one percent of the total amount due for each successive 30-day period or any portion thereof, during which such remittance is not filed. The filing of a false or fraudulent report required by state law shall render the wholesale dealer making such report liable for a penalty equal to 50 percent of the amount of the remittance which would be required under an accurate and truthful report.
- (c) Failure to make a timely report or remittance, or the filing of a false or fraudulent report shall also constitute grounds for the revocation of the business license issued by the county to the wholesale dealer.
- (d) The county shall have the right to audit, and to require production of records from, each wholesaler supplying retailers in the unincorporated county and each retailer so supplied.

Sec. 3-215. Exemptions.

The taxes imposed by this provision shall not be levied with respect to any sales of wine or beer that are exempt from taxation by federal or state law.

Secs. 3-216—3-230. Reserved.

DIVISION 9. MISCELLANEOUS PROVISIONS

Sec. 3-231. General miscellaneous provisions.

- (a) No person shall knowingly and intentionally act as agent to purchase or acquire any alcoholic beverage for or on behalf of a person who is under the minimum age to purchase alcoholic beverages, as defined by Georgia Law, except for medical purposes upon the written prescription of a duly licensed physician under the laws of the State of Georgia.
- (b) It shall be unlawful for any person who is under the minimum age to purchase alcoholic beverages, as provided by Georgia Law, to falsely misrepresent his or her age in any manner whatsoever in violation of this article or any other applicable laws.
- (c) It shall be unlawful for any person who is under the minimum age to purchase alcoholic beverages, as provided by Georgia law, to purchase, drink or possess any alcoholic beverage as defined herein in the unincorporated area of Monroe County.
- (d) It shall not be considered a violation of this article for a person who is under the minimum age to purchase alcoholic beverages, as provided by Georgia law, to purchase or possess any alcoholic beverage if such person is at the time bona fide acting for and on behalf of law enforcement agencies conducting investigations of license holders and/or their employees.
- (e) Any forms, not otherwise provided, required by this article shall be printed by Monroe County and furnished to applicants and license holders.

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- (f) A copy of Article I of Chapter 3 of the Code of Monroe County shall be furnished to each license holder by the county.
 - (g) The use of the singular tense includes the plural tense and the plural tense includes the singular tense. The use of any gender includes all genders.

Sec. 3-232. Violations.

In addition to penalties faced by the license holder including revocation and suspension (see division 7), any firm, person or corporation who shall do anything prohibited by this article as the same exists or as it may hereafter be amended or which shall fail to do anything required by this article as the same exists or as it may hereafter be amended shall be guilty of a misdemeanor, amenable to the process of the Magistrate Court of Monroe County and, upon conviction, shall be punished by a fine not to exceed \$1,000.00 or by confinement in the county jail not to exceed 60 days, or both, in the discretion of the court. In lieu of, or in addition to, any fine or incarceration, community service may be ordered by the court as punishment for a violation of this article. Said community service shall be not less than 20 hours but not more than 250 hours, which must be performed within one year from the date of conviction for a violation of this article. Any person placed on community service, or otherwise placed on probation, for a violation of this ordinance shall pay such supervisory fees as may be authorized by law. A responsible resident is also subject to any enforcement action for violations by the business.

Sec. 3-233. Remedies.

In the event any provision of this article has been violated or is being violated, in addition to, or in lieu of, any other remedies under this article, the county, through the county attorney or other designated attorney, may institute injunction, mandamus, or other appropriate action or proceeding to prevent or abate such violation, or to otherwise enforce the purposes and provisions of this article. Such action may seek the fees and fines available under this article, and the county shall be entitled to its attorney's fees in the event the action succeeds in obtaining relief. Any violation of this article is declared to be a nuisance. In addition to any other relief provided by this article, the county attorney or other designated attorney may apply to a court of competent jurisdiction for any injunction to prohibit the continuation of any violation of this section. The application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

Sec. 3-234. Severability.

Should any section or provision of this article be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the article as a whole or any part thereof other than the part so declared to be unconstitutional or invalid. It is the intent that any provision declared unconstitutional shall be severed from the article and the remainder of the article remain in effect.

Secs. 3-235—3-250. Reserved.