

Chapter 6

ALCOHOLIC BEVERAGES*

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State law references—Use of proceeds of alcoholic beverage tax for prevention, education and treatment, Ga. Const. art. 3, sec. 9, par. 6; Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.; furnishing to, purchase of or possession by persons under 21 years of age, use of false identification, O.C.G.A. § 3-3-23; public drunkenness, O.C.G.A. § 16-11-41; treatment of alcoholics and intoxicated persons, O.C.G.A. § 37-8-1 et seq.; driving under the influence of alcohol or drugs, O.C.G.A. § 40-6-391.

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ARTICLE I. IN GENERAL**Sec. 6-1. Definitions.**

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

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

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

Distilled spirits means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume including, but not limited to, all fortified wines.

Legal age is identical with the legal age provided in the acts of the legislature of the state relative to alcoholic beverages and as the same may from time to time be amended.

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

Manufacturer means any maker, producer, distiller, brewer, vintner, rectifier, blender or bottler of an alcoholic beverage.

Private club means an organization existing under the law of the state or a charter from a state or national parent organization, and having a tax-exempt status under Section 501 of the U.S. IRS Code, having at least 50 members regularly paying monthly, quarterly, semiannual or annual dues, organized and operated exclusively for pleasure, recreation and other nonprofitable purposes, owning, hiring or leasing a building or space therein for the reasonable use of its members; provided, that no member or officer, agent or employee of the club is paid or directly receives, in the form of salary or other compensation, any profits from the sale of alcoholic beverages to the club or its members or guests beyond the amount of such salary as may be fixed by its members at any annual meeting or by its governing board out of the general revenue of the club.

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

Retail package dealer means any person who sells alcoholic beverages packaged to be carried out and not for consumption on the premises of the sale.

Wholesaler means any person who sells alcoholic beverages to other wholesale dealers or retail 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. "Wine" 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 "wine" does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at the point in the manufacturing process when it conforms to the definition of wine contained in this section.

(Ord. of 5-1-88, § 1)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 6-2. Purposes.

This chapter has been enacted for the purpose of promoting the health and general welfare of the county; to establish reasonable and ascertainable standards for the regulation and control of the licensing and sale of alcoholic beverages; to protect and preserve schools, and churches; to give effect to existing land use; to preserve residential areas with reasonable consideration being given to the character of the area and their peculiar suitability for particular uses, the congestion in roads, and streets, and with a general view of promoting desirable living conditions, sustaining the stability of neighborhoods and property values; and to prevent an undesirable person from engaging in or having an interest in alcoholic beverages or the sale thereof in the county; to enhance the economic development of the county and to provide a medium that will encourage the development of the hospitality industry.

(Ord. of 5-1-88, § 2)

Sec. 6-3. Compliance required.

It shall be unlawful for any person to sell or offer for sale at wholesale or retain any alcoholic beverages which shall include malt beverages and wines within the unincorporated areas of the county without having first complied with the provisions of this chapter, but the properly licensed sale of same is hereby declared lawful.

(Ord. of 5-1-88, § 3)

Secs. 6-4—6-25. Reserved.

ARTICLE II. LICENSING

Sec. 6-26. Required; consideration and approval, issuance; conditional approval.

(a) No alcoholic beverages shall be manufactured or warehoused except under license granted by the board of commissioners as provided herein, but the properly licensed sale of same is hereby declared lawful.

(b) Each application provided for in this article shall be considered and passed upon the board of commissioners in regular or special session, legally assembled. Upon approval of the application and payment of the required license fee, the applicant shall be entitled to the

issuance of the license; provided, however, the board reserves the right to approve such issuance of the license or licenses conditioned upon full and final compliance by the licensee with all applicable county ordinances, regulations and state laws.

(Ord. of 5-1-88, § 4)

Sec. 6-27. Disqualification criteria.

When contrary to the public interest and welfare, no original application shall be considered and no license to sell alcoholic beverages of any kind shall be issued by the board of commissioners to or for:

- (1) Any person, as determined by the board by reason of such person's business experience, financial standing, moral character, mental capacity, trade associations, personal associations, record of arrest, or reputation in any community in which he has resided, who is not likely to maintain the operation for which he is seeking a license in conformity with federal, state and local laws, rules and regulations.
- (2) Any person who has been convicted or who has entered a plea of nolo contendere, or forfeited a bond, to any felony within a period of ten years immediately prior to the filing of any such application, or to any misdemeanor within a period of five years immediately prior to the filing of any such application, for any felony or misdemeanor of any state, or of the United States, or any municipal ordinance except a traffic violation, particularly, but not limited to, those involving force or violence, prostitution, alcoholic beverages, gambling or tax law violations. The term "convicted" or "conviction" shall include an adjudication of guilt or plea of guilty, or a plea of nolo contendere or the forfeiture of a bond by a person charged with a crime. Notwithstanding this provision, the board, in its sole discretion and by a unanimous vote, may direct the issuance of a license to persons who have in the past been convicted of, or plead guilty to, or entered a plea of nolo contendere, or forfeited a bond on any crime, and the commission after a thorough investigation of all the facts, including parole or probation officer's reports, judge's recommendations, and any other evidence bearing on the character of the applicant have determined that such action is in keeping with the public good and ends of justice, or the public interest and welfare.
- (3) A location at which a previous alcoholic beverage license has been revoked or suspended, and wherever, in the judgment of the board, the problems which have arisen from the operation of an alcoholic beverage license at such location indicate that it is not in the interest of public health, safety, welfare or morals that the sale of alcoholic beverages be permitted at such location.
- (4) Any person who is an elected official (or that person's spouse, parent or child of) or employee (or that person's spouse, parent or child of) of the board of commissioners.

(Ord. of 5-1-88, § 5)

Sec. 6-28. Application; license not to issue under certain conditions.

(a) All applications for licenses under this article shall be made on forms furnished the applicant by the clerk of the board and shall indicate, along with all reasonable information necessary to complete the form, which of the following is to be considered for licensing of the applicant to conduct:

- (1) Retail package beer and wine.
- (2) Retail beer and wine—consumption on the premises.
- (3) Wholesale beer and wine.

(b) Upon approval by the board of commissioners of an original or renewal application for license of one or more of the above type sales of alcoholic beverages, such sales of alcoholic beverages may be made by the applicant after a license is issued for all or the remaining part of the calendar year in which the license is issued unless the license is revoked or suspended for due cause as provided in section 6-30. The month of December of the year of the most recent license is hereby allowed for filing of an application for renewal for a new license year. If application for renewal and payment of license fees are not received by the clerk before January 1 of such renewal year, all sales of such alcoholic beverages shall cease as of the last legal hour in December for such sales.

(c) Wholesale sales of permitted alcoholic beverages in the county by wholesalers licensed by the state are hereby declared legal, subject to the right of the board to charge a wholesaler for any violation of state law or regulation, and to request a hearing thereon before the state revenue commissioner.

(d) No person, or his or her spouse, parent or child, who has a direct financial interest in a license for the sale of alcoholic beverages at wholesale shall hold any license or have an interest in any other license issued under the terms of this article.

(e) The clerk of the board of commissioners shall cause an inquiry to be made into the tax records to determine if any applicant or other parties interested in an application have any outstanding taxes or special assessments that are delinquent or any other monies owing to the county. No license shall be issued nor shall a license be renewed until all such debts are paid in full.

(f) All applications required by this article shall be investigated by the county sheriff and the report of investigation presented to the board of commissioners for consideration with the application.

(Ord. of 5-1-88, § 6)

Sec. 6-29. Fees.

The following annual fees shall be paid the county before any license to sell alcoholic beverages is issued:

- (1) Retail package beer and wine..... \$ 300.00

- (2) Retail beer and wine:
 - a. Person—consumption on the premises (may also sell occasionally, packaged beer, with no beer to be consumed on the premises outside of the building) 1,000.00
 - b. Private club—consumption on the premises 300.00
 - (3) Wholesale beer and wine 300.00
 - (4) Upon filing an original application or reapplication (except renewals) with the clerk of the board of commissioners, the applicant shall deposit in cash or by check a processing fee of \$50.00, to cover the expenses of investigation and processing the application which fee shall not be refundable and shall apply against the fee of any license granted hereunder. There will be no investigation fee charged wholesalers licensed by the state.
 - (5) On all renewals filed and fee paid on or after January 1, 1989, and thereafter on or after January 5 of the license renewal year, there shall be paid a ten-percent delinquent penalty.
 - (6) When licenses are obtained during the license year, license fees shall be prorated quarterly (i.e., including the quarter in which the license is issued).
- (Ord. of 5-1-88, § 7)

Sec. 6-30. Suspension; revocation; denial of renewal or transfer.

(a) *Notice, hearing.* Any license which has been issued under this article or which may hereafter be issued by the county to any licensee may be denied, suspended or revoked or transfer refused, by the board of commissioners for due cause. Before the board of commissioners shall deny any application for a license or for the transfer of any license, or shall revoke or suspend any existing license, the applicant shall be given notice in writing from the clerk of the board to show cause before the board at a time and place specified therein not less than three days nor more than ten days from the date of service of the notice, why the application for, or renewal of, a license or for transfer of license should not be denied, or why the license should not be revoked or suspended, as the case may be, stating the grounds therefor, and at the appointed time and place the applicant or licensee shall have an opportunity to show cause, if any exist, why the application should not be denied or the license revoked or suspended, after which the board shall take such action as it, in its judgment and discretion, shall deem warranted under the facts. The hearing herein provided for need not be at a regular meeting of the board but may be at such time and place as shall be fixed in the notice. All decisions denying, suspending or revoking any license or application shall be in writing, with the reasons therefor stated, and mailed or delivered to the applicant. In addition, at any hearing as provided herein, the party afforded the hearing shall have the opportunity to present evidence, have an attorney, and have testimony recorded at his expense.

(b) *Due cause generally.*

- (1) "Due cause" for the suspension, revocation or denial of the renewal or transfer of any license shall consist of an act or omission found to be by the board, after a hearing as

provided above, a violation of any law or ordinance regulating such business, or violations of regulations made pursuant to authority granted for the purpose of regulating such business, or for the violation of any state or federal law, or for the violation of any county or city ordinances, other than traffic violations or ordinances, or failure of the licensee or his employee to promptly report to the sheriff's department any violation of the law or ordinance, breach or peace, disturbance or altercation, resulting in violence occurring inside the premises.

- (2) "Due cause" may also be found should the licensed establishment have become a trouble spot in the judgment of the board by reason of disturbances or acts of disorderly conduct or violence having occurred in the establishment or on the premises thereof; provided, that when the license of any establishment has been revoked or renewal of license denied because the establishment has become a trouble spot, no further license shall be issued under this article to any person at that location for a period of at least 12 months from the date of revocation.
- (3) "Due cause" shall also consist of the business or the operation or location thereof, or the owner or any person connected therewith, ceasing to meet any of the qualifications for the issuance of license as stated in this article.
- (4) "Due cause" may also be found upon the revelation of any false statement or material misrepresentation in any application hereunder. Any material omission from or untrue or misleading information which is contained in an original, renewal or transfer application for license hereunder shall be cause for the denial or refusal of a license, and if any license has previously been granted under such circumstances, the same shall constitute due cause for revocation of such license.
- (5) Failure to control operation resulting in public nuisance. If the failure to control the operation either inside the building or outside on the property results in controlled substance abuse, prostitution, gambling, flagrant indecent conduct or obscenity, fighting, excessive noise, loitering or illegal parking, to the number of times and extent that the commission, after proper hearing, should find the establishment to have become a public nuisance, then such failure may be declared to be due cause for suspension or revocation of the alcoholic beverage license for such establishment, or the denial or renewal application for same.

(c) *Emergency due cause; failure or refusal to cooperate with sheriff acting in line of duty.* On evidence of failure or refusal of the licensee or employee hereunder to cooperate with any sheriff or officer of the law on any reasonable request or action within such officer's duties, responsibilities or powers, including all police powers, rights and duties to investigate to determine any pertinent fact relating to the establishment, the licensee, any employees or corporate officers or partners, the sheriff shall immediately order all sales of any alcoholic beverages suspended until after a hearing as set out in the due cause hearing provided for in subsection (a) above, such hearing to be concerning such failure or refusal to cooperate.

(d) *No refund of license fee.* When a license is so revoked or suspended, the county shall not be required to refund any portion of the license fee.

(e) *Effect of revocation by state.* Whenever the state shall revoke any permit or license to sell any alcoholic beverage at retail, the county license to deal in such product shall thereupon be automatically revoked without any action by the board of commissioners. If the state has suspended the license or placed the same on probation, the county license is automatically suspended or probated, as the case may be.

(f) *Emergency situation.* The county administrator is the delegated authority to suspend any license hereunder in any emergency situation, and such suspension may be made effective immediately and remain in force until the next regular or called meeting of the board. In addition, in any emergency situation, the sheriff is hereby authorized to cause the business in question to close temporarily until he decides the emergency or possible riotous situation to be at an end, or until such decision is made by the board at its regular meeting, whichever occurs first.

(Ord. of 5-1-88, § 8)

Sec. 6-31. Transfers; changes of ownership, location.

(a) Licenses under this article shall not be transferable except as otherwise provided in this section.

(b) In case of the death of any person owning a license, or any interest therein, with the approval of the board of commissioners and subject to the terms of this section, the license may be transferred to the administrator, executor or personal representative of the deceased person, or to the heir at law of the deceased person, if such administrator, executor, personal representative or heir meet all of the other qualifications contained herein. The license of such deceased person or personal representative of such deceased person shall be valid only for the time necessary to complete execution of his estate and disposition of the license or his interest therein, but in no event to exceed six months.

(c) Nothing in this section, however, shall prohibit one or more of the partners in a partnership holding a license from withdrawing from the partnership and assigning his interest in such partnership to one or more of the partners who were partners at the time of the issuance of the license. Such withdrawal shall not, however, serve to bring any new ownership into the partnership, unless all provisions of this section are fully complied with, and then only upon the approval of the board.

(d) Any change in the ownership interests contained on the application shall cause the immediate cessation of sales of any alcoholic beverages and no sales of alcoholic beverages shall be made until any such change or changes in the ownership interests are approved by the board, provided, however, that this provision shall not apply in a situation where one or more individuals who have ownership interests in the license cease to have such ownership interest, but the remaining ownership interest remains unchanged except as to the division of the remaining interests.

(e) Should a transfer of the location be desired, the location shall meet all requirements of a new license to be issued hereunder, except payment of the license fee. The investigation fee will accompany the application and the unearned portion of the license fee may be transferred to the new location in the event the transfer of location is approved by the board.

(f) An application for a new license on an existing licensed location shall meet all requirements of a new license to be issued hereunder except payments of license fee shall be waived only in the case of a purchaser of a business where an existing license remains valid. The investigation fee will accompany the application and the unearned portion of the license fee may be transferred to the new license in the event the transfer or issuance of a new license on an existing licensed location is approved by the board.

(Ord. of 5-1-88, § 9)

Sec. 6-32. Hours of sale.

(1) *Packaged beer or wine locations.*

- a. It shall be unlawful for any licensee licensed to sell packaged beer or wine under this article to permit the sale or engage in the sale of such beer or wine except from 5:00 a.m. to 12:00 midnight, Monday through Saturday. For security purposes, if any work is needed to be done during legally closed hours, the sheriff's department must be notified at least two hours in advance.
- b. Hotels, motels, grocery stores, service stations and restaurants shall not be required to close unrelated functions and activities not licensed under this chapter or customarily operated at hours other than the foregoing specified hours, but all alcoholic beverages of any nature must be and remain in the custody and control of the licensee or his employees, and may not be dispensed in any manner, and the licensee is hereby required to evict any other person possessing any of the above.

(2) *Beer or wine on-the-premises consumption.*

- a. It shall be unlawful for any licensee licensed to sell beer or wine to permit the sale or engage in the sale of such beer or wine except from 5:00 a.m. to 12:00 midnight on Monday through Thursday and Saturday. All customers will clear the premises no later than 1:00 a.m. on such weekdays and Sunday and all owners and employees shall vacate the premises before 2:00 a.m. on such weekdays and Sunday except as set forth herein. It shall be unlawful for any licensee to sell beer or wine except during the hours of 5:00 a.m. on Friday to 1:00 a.m. on Saturday. All customers will clear the premises no later than 2:00 a.m. on Saturday and all owners and employees shall vacate the premises before 3:00 a.m. on Saturday. For security purposes, if any work is needed to be done during legally closed hours, the police department must be notified at least one hour in advance.
- b. Hotels, motels grocery stores, service stations, and restaurants shall not be required to close unrelated functions and activities not licensed under this

chapter or customarily operated at hours other than the foregoing specified hours, but all alcoholic beverages of any nature must be and remain in the custody and control of the licensee or his employees, and may not be dispensed in any manner, and the licensee is hereby required to evict any other person possessing any of the above.

(3) *Wholesalers.* The business hours of any wholesaler licensed hereunder shall be from sunrise to sunset, exclusive of Sunday.

(Ord. of 5-1-88, § 10; Ord. of 12-20-88)

Sec. 6-33. Persons under legal age.

(a) *Furnishing.* It shall be unlawful and punishable as a misdemeanor for any person holding any alcoholic beverage license, or any other person, or his or her agent or employee, to sell or give away, or permit the sale or gift of any alcoholic beverage to any person under legal age, except for medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state, or in the home with parental consent. No person shall be convicted under this section if such person has been furnished with proper identification showing that the person who is being furnished alcoholic beverages is of legal age or over. For purposes of this section, the term "proper identification" means any document issued by a government agency containing a description of the person, with the person's photograph, and giving the person's date of birth, and includes, without being limited to, a passport, military identification card, driver's license, or Georgia identification card. The licensee shall cause all persons who appear to be near the legal age to exhibit, and the licensee or his employee shall inspect, one of the means of identification allowed above.

(b) *Consumption, possession.* Except as hereinafter provided, it shall be unlawful and punishable as provided herein, for any person under legal age to purchase or possess any alcoholic beverage except for medical purposes pursuant to the prescription of a physician duly authorized to practice medicine in this state, or in the home with parental consent.

(c) *Attempting to purchase or possess alcoholic beverage.* It shall be unlawful for any person under legal age to attempt to purchase or possess any alcoholic beverage.

(d) *Use of fake, etc., credentials.* It shall be unlawful for any person under legal age to exhibit fake, forged or borrowed credentials in an effort to obtain alcoholic beverages to which he is not entitled.

(e) *Underage persons on licensed premises.* No person who holds an alcoholic beverage license allowing on-the-premises consumption, or his agent or employee, shall allow any person who has but not attained legal age to be in, frequent, or loiter about the licensed premises unless such person is accompanied by a parent or legal guardian, or unless such person is an employee of the license holder; provided, however, that such person shall be permitted in restaurants or other places serving food without being accompanied by a parent or legal guardian. The provisions of this section shall not apply to a person in the military service who has reached the age of 18 years and who has on his person a valid military identification card.

(f) *Employment of persons under legal age.* Nothing contained in this section shall be construed as prohibiting any person under legal age from:

- (1) Dispensing, serving, selling, taking orders or handling alcoholic beverages as a part of employment in any licensed establishment.
- (2) Being employed in any establishment in which alcoholic beverages are distilled or manufactured.
- (3) The provisions of this section shall not prohibit persons under legal 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.

(Ord. of 5-1-88, § 11)

Sec. 6-34. Fingerprinting of beer and wine license applicants and certain employees; fees.

(a) Each applicant for a license to sell beer or wine in the county, who has not heretofore been licensed by the county to sell beer or wine at retail, shall be required to submit to a complete fingerprinting record and test, pursuant to the rules and regulations established by the board of commissioners from time to time, the same being used by the county to supplement the information contained on the application and to make available to the board any records of criminal offenses, either federal or state, from other jurisdictions. Each new applicant (not renewals) shall pay an investigation fee of \$50.00.

(b) The county administrator, within his own discretion, from time to time, may require employees working in an establishment selling beer or wine to submit information for purposes of supplementing any information available to the city with respect to employees. Each such employee shall pay a fee of \$10.00 for local records check and I.D. card to be worn while so employed.

(Ord. of 5-1-88, § 12)

Sec. 6-35. Employment of persons with prior convictions.

(a) No licensee shall employ in any premises for the sale of alcoholic beverage any person in any capacity found to have been convicted of, or who shall have entered a plea of nolo contendere to, any felony within a period of ten years immediately prior to the filing of any such application, or to any misdemeanor within a period of five years immediately prior to the filing of any such application, for any felony or misdemeanor of any state, or of the United States, or any municipal ordinance except a traffic violation. The term "conviction" shall include an adjudication of guilt or plea of guilty, or a plea of nolo contendere or the forfeiture of a bond by a person charged with a crime.

(b) Notwithstanding the provisions of subsection (a) of this section, the board of commissioners in its sole discretion may direct the issuance of a letter of eligibility to persons who have in the past been convicted of, or plead guilty to, or entered a plea of nolo contendere, or forfeited a bond on any crime not involving force or violence, and the board after a thorough

investigation of all facts, including parole or probation officer's reports, judge's recommendations, and any other evidence bearing on the character of the applicant have determined that such action is in keeping with the public good and ends of justice, or the public interest and welfare.

(Ord. of 5-1-88, § 13)

Sec. 6-36. Distance provisions; allowable proximities to schools, churches, residences.

(a) *Distance from residential property.*

- (1) *Beer and wine consumption on premises.* No license hereunder shall be granted to any proposed location which is within 50 feet of any private residence. The distance for the purpose of this section shall be measured in all directions from the nearest wall enclosing the proposed store where alcoholic beverages are sold to the nearest point of any residential property line.
- (2) *Private clubs.* Distance requirements of subsection (a)(1) are not applicable for private clubs that were in operation prior to January 1, 1985, operating as a corporation organized and existing under the laws of the state as defined herein.

(b) *General distance provisions.*

- (1) *All beer and/or wine sales; exceptions.* No beer or wine may be sold at any location within 300 feet of any church, school building, school grounds, college campus or alcoholic treatment center owned and operated by any branch of government. No beer or wine shall be sold for on premises consumption at any location within 1,000 feet of any church, school building, school grounds, college campus or alcoholic treatment center owned and operated by any branch of government. The school building or educational building referred to herein shall apply only to state, county, city or church school buildings and to such buildings at such other schools in which subjects commonly taught in the common schools of this state are taught.
- (2) *Exceptions for the licensing of certain hotels or motels and certain private clubs.* Nothing contained in this section shall prohibit the licensing of the sale of alcoholic beverages by:
 - a. Hotels or motels of 50 guestrooms or more.
 - b. Bona fide private clubs licensed under the provisions for licensing liquor pouring in such clubs.
- (3) *Distance measurement methods.* Unless otherwise provided in this chapter, all measurements to determine distances for the requirements of subsections (b)(1) and (2) shall be measured by the most direct unimpeded route of travel on the ground and shall be measured in the following manner:
 - a. From the front door of the structure from which alcoholic beverages are sold or offered for sale.

- b. In a straight line to the nearest public sidewalk, walkway, street, road or highway.
- c. Along such public sidewalk, walkway, street, road or highway by the nearest route.
- d. To the front door of the building, or the nearest portion of the grounds, whichever is applicable to the language of subsections (b)(1) and (2).

(Ord. of 5-1-88, § 14)

Sec. 6-37. Consumption-on-premises establishments.

(a) *Offstreet parking.* The requirements of offstreet parking for this section are that sufficient offstreet parking shall be available so that patrons shall not be required to park within the right-of-way of any adjoining roadway.

(b) *Visibility; shrubbery.* On any premises occupied by a license holder hereunder, the immediate proximity of the building shall be maintained so as to keep vegetation low and vision unobstructed. Failure to comply with the provision shall be grounds for suspension or revocation of consumption-on-premises licenses, or denial or renewal of such licenses.

(c) *Prohibited consumption-on-premises.* No licenses hereunder shall permit consumption of alcoholic beverages except inside portions of the building legal for such consumption.

(d) *Premises to be well-lighted.* The exterior of each building in which alcoholic beverages are sold for consumption on the premises shall have sufficient lighting so that all entrances and parking areas are clearly visible at all times when the premises are open for business. Also, the lounge and restaurant areas, if any, and all tables, booths and other areas where customers are served, and all passageways for customers shall be sufficiently well-illuminated so that they may be viewed by those in such areas.

(e) *Fire and safety; maximum occupancy provisions.* All drinking establishments licensed or to be considered for licensing for consumption on the premises of any alcoholic beverages shall be measured as to the net usable floor area, and publicly visible posters stating the maximum number of persons allowable inside the building where such beverages are consumed shall be posted by fire or safety officials. The maximum allowable floor space per occupancy in the net usable floor area shall be 15 square feet. The alcoholic beverage licensee will be responsible for seeing that the established occupancy limits are not exceeded and the violation of this provision shall be due cause for suspension or revocation of the alcoholic beverage license by the board of commissioners after proper hearing.

(Ord. of 5-1-88, § 15)

Sec. 6-38. Location requirements: signs.

(a) No beer or wine shall be sold at retail except in retail establishments devoted principally to the retail sale of groceries and food products.

(b) No sign shall be erected anywhere within the county advertising or promoting the sale of beer or wine except at a retail food store displaying its merchandise on counters where signs are erected displaying the merchandise may, in the same manner as such other merchandise is displayed, erect a sign or signs indicating the counter on which beer or wine is sold; provided the lettering on such signs does not exceed in size the lettering of signs on other counters where other products are sold; provided further, that eating establishments providing its customers with a regular printed menu may print on such menu the name, brand or type of beer or wine served and the price per serving.

(Ord. of 5-1-88, § 16)

Sec. 6-39. Automatic forfeiture for nonuse.

Any holder of any license under this article who shall for a period of three consecutive months after the license has been issued cease to operate the business and sale of the products authorized, shall after the three-month period automatically forfeit the license without the necessity of any further action.

(Ord. of 5-1-88, § 17)

Secs. 6-40—6-60. Reserved.

ARTICLE III. EXCISE TAXES*

DIVISION 1. GENERALLY

Secs. 6-61—6-70. Reserved.

DIVISION 2. MALT BEVERAGES

Sec. 6-71. Amount.

(a) Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6.00 on each container sold containing not more than 15½ gallons and a proportionate tax at the same rate on all fractional parts of 15½ gallons;

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

(Ord. of 5-1-88, § 18)

State law reference—Excise tax on malt beverages, O.C.G.A. § 3-5-80.

***Cross reference**—Taxation, ch. 48.

Sec. 6-72. Monthly reports; payments.

Each wholesale dealer selling malt beverages within the county shall file a report with the clerk of the board of commissioners by the 15th day of each month showing for the preceding calendar month the exact quantities of malt beverages, by size and type of container, sold by him within the unincorporated areas of the county. Each such wholesale dealer shall remit to the county not later than the 15th day of the month next succeeding the calendar month in which such sales were made, the amount of excise tax due in accordance with section 6-71. (Ord. of 5-1-88, § 19)

Sec. 6-73. Additional to other taxes or license fees.

The excise tax provided for in this division 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 wholesale within the county. (Ord. of 5-1-88, § 20)

Sec. 6-74. Penalty, accrued interest on late reports and delinquent payments; clerk to issue execution.

The failure to make a timely report and remittance pursuant to this division shall render a wholesale dealer liable for a penalty equal to ten percent of the total amount due, plus interest accrued at the rate of 12 percent per annum. The clerk of the board shall issue an execution against the wholesale dealer, firm or corporation so delinquent on his or its property, for the amount of the excise tax due and delinquent, plus penalty and interest accrued, and shall proceed to collect same in the same manner as is done in the case of executions issued for collection of county ad valorem property taxes. (Ord. of 5-1-88, § 21)

Sec. 6-75. False reports or nonpayment declared grounds for revocation of licenses of wholesale dealers.

At any time it is found that false and fraudulent reports have been made by the wholesale dealer, his agents, officers or employees, and upon which payment of malt beverages excise tax was reported or paid to the county, and at any time the monthly report and payment required hereunder is past due over 30 days, the wholesale licensee shall be given not less than three days' nor more than ten days' notice of hearing before the board of commissioners to show cause why his license to sell malt beverages in the county should not be suspended or revoked because of such false and fraudulent reports, or nonpayment of taxes past due more than 30 days. (Ord. of 5-1-88, § 22)

Sec. 6-76. Sale of malt beverages upon which tax was not paid prohibited; penalties.

It shall be a violation of this division for any person to sell at retail or otherwise within the county any malt beverage on which the tax as set out in this division has not been paid to the

wholesaler for the county as above provided. In addition to the penalties provided for by ordinance, the violation of this article shall be deemed a sufficient ground for the revocation of the license of any retail or wholesale dealer holding a license or permit to sell malt beverages within the county.

(Ord. of 5-1-88, § 23)

Secs. 6-77—6-85. Reserved.

DIVISION 3. WINE

Sec. 6-86. Levied on retail dealers.

There is hereby levied and imposed upon all retail dealers selling wine or other alcoholic beverages within the county a specific excise tax computed on the basis of \$0.83 per gallon or metric equivalent of wine or other alcoholic beverages sold by each retail dealer within the county.

(Ord. of 5-1-88, § 24)

Sec. 6-87. Collection, custody of taxes.

At any time of delivery of wine or other alcoholic beverages to any retail dealer, the wholesaler shall collect from the retail dealer the excise taxes imposed herein and hold the same in trust for the county until said tax is remitted to the county as hereinafter provided.

(Ord. of 5-1-88, § 25)

Sec. 6-88. Additional to other taxes or license fees.

The excise tax provided for in this division 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 at retail wine or other alcoholic beverages within the county.

(Ord. of 5-1-88, § 26)

Sec. 6-89. Invoices; required records kept by wholesaler and retailer.

Upon each and every delivery by a licensed wholesaler to a licensed retailer, an invoice in duplicate shall be prepared showing the number and size of each container of wine and other alcoholic beverages delivered, together with the price therefor and the excise taxes due and collected thereon. The original of such invoice shall be delivered by the wholesaler to the retailer simultaneously with such delivery, and the second copy of such invoice shall be retained by the wholesaler. Each retailer or wholesaler shall keep said invoices or copies for a period of 12 months after the date of delivery, and during such 12-month period, such invoices shall be made available for inspection by a representative of the county.

(Ord. of 5-1-88, § 27)

Sec. 6-90. Monthly reports; payments.

Each wholesale dealer selling wines or other alcoholic beverages within the county shall file a report with the clerk of the board of commissioners by the 15th day of each month which shall correctly show the name of each retail dealer to whom a delivery was made during the preceding calendar month, the quantities of wine and other alcoholic beverages delivered to each dealer, the amount of excise tax collected under the terms herein, and such other reasonable information as may be required by the county. Such report shall be accompanied by remittance made payable to the county for all taxes collected or due, as shown on the report. (Ord. of 5-1-88, § 28)

Sec. 6-91. Penalty, accrued interest on late reports and delinquent payments; clerk to issue execution.

The failure to make a timely report and remittance shall render a wholesale dealer liable for a penalty equal to ten percent of the total amount due, plus interest accrued at the rate of 12 percent per annum. The clerk of the board of commissioners shall issue an execution against the wholesale dealer, firm or corporation so delinquent on his or its property, for the amount of the excise tax due and delinquent, plus penalty and interest accrued, and shall proceed to collect same in the same manner as is done in the case of executions issued for collection of county ad valorem property taxes. (Ord. of 5-1-88, § 29)

Sec. 6-92. Noncompliance, false reports or nonpayment declared grounds for revocation of licenses.

At any time it is found that a wholesale dealer has not complied with the terms imposed in this division, or that a wholesale dealer has made a false and fraudulent report to the county upon which excise taxes were reported or paid to the county, or at any time the monthly report and payment called for in section 6-90 is past due over 30 days, the wholesale licensee shall be given not less than three days' nor more than ten days' notice of a hearing before the board of commissioners to show cause why his license to sell wine or other alcoholic beverages in the county should not be suspended or revoked because of such noncompliance, or false and fraudulent reports, or nonpayment of taxes past due more than 30 days. (Ord. of 5-1-88, § 30)

Sec. 6-93. Sale of wine or other alcoholic beverages upon which tax was not paid prohibited; penalties.

It shall be a violation of this division for any person to sell at retail or otherwise within the county any wine or other alcoholic beverages on which the tax as set out in this division has not been paid to the wholesaler for the county as above provided. In addition to the penalties provided herein, the violation of this division shall be deemed a sufficient ground for the revocation of the license of any retail or wholesale dealer holding a license or permit to sell wine or other alcoholic beverages within the county. (Ord. of 5-1-88, § 31)