

Chapter 6: ALCOHOLIC BEVERAGES*

*Editor's note: Ord. No. 2008-11-26, § 3, adopted Dec. 1, 2008, enacted provisions intended for use as Ch. 7 of this Code. To preserve the style of this Code, and at the discretion of the editor, these provisions have been redesignated as Ch. 6 as set out herein. The former Ch. 6 which pertained to alcoholic beverages derived from Ord. No. 02006-12-20 and was saved from repeal at the time of this 2008 codification of the Johns Creek Code of Ordinances.

State law references: Alcoholic beverages, O.C.G.A. § 3-1-1 et seq.; local regulation of alcohol generally, O.C.G.A. § 3-3-1 et seq.

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ARTICLE I. IN GENERAL

Sec. 6-1. Purposes.

The purposes of this chapter shall include, without necessarily being limited to, the following:

- (a) Compliance with and effectuation of the general state law;
- (b) Prevention and control of the sale of alcoholic beverages by unfit persons;
- (c) The protection of schools, homes, churches, parks, and other institutions;
- (d) Promotion of appropriate land use and zoning and the effectuation of the city's land use and zoning policies;
- (e) Protection of the public health, safety, and welfare.

To the maximum extent possible under state and federal law, the business of selling alcoholic beverages shall under this chapter be considered to be a privilege to be accorded in conformity with the foregoing and other public policies of the city, rather than a right.

(Ord. No. 2008-11-26, § 3(art. 1, § 1), 12-1-2008)

Sec. 6-2. Definitions.

- (a) Unless a contrary intention is clearly apparent from the context, any term used in this chapter shall have the same meaning as when used in a comparable provision of the "Georgia Alcoholic Beverage Code," O.C.G.A. §§ 3-1-1--3-12-3.
- (b) As used in this chapter the singular and the plural shall each include the other, the masculine and feminine shall each include the other, and any verb tense may include any other verb tense.
- (c) As used in this chapter the term "may" is permissive and the term "shall" is mandatory.
- (d) Unless a contrary intention is clearly apparent from the context, the following terms used in this chapter shall have the following meanings:
Alcoholic beverage caterer means any retail dealer licensed pursuant to this chapter who provides alcohol at authorized events or functions, special events, or special events facilities.

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.

Chief of police means the Chief of Police of the City of Johns Creek.

Church means any permanent place of public religious worship.

City means the City of Johns Creek and when used in a geographical sense means the territorial limits of the City of Johns Creek.

Eating establishment means an establishment which is licensed to sell or otherwise dispense distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

Farm winery means a domestic winery that is licensed as a farm winery by the State of Georgia.

Food caterer means any person who prepares food for consumption off the premises.

Immediate family of a person means all persons related to such person by consanguinity or affinity within the first degree, as computed according to the law of Georgia.

Interest means and includes any pecuniary interest and any ownership interest, whether present or future, whole or partial, legal or beneficial, contingent or vested, direct or indirect, and any right, power, or authority of control.

Registered agent means that individual, who is a resident of Fulton County, Georgia and at least 21 years of age, required to be designated by a licensee to receive any process, notice, or demand required or permitted by law or under this chapter to be served upon a licensee or owner. (Ord. No. 2008-11-26, § 3(art. 1, § 2), 12-1-2008)

Secs. 6-3--6-10. Reserved.

ARTICLE II. LICENSING

Sec. 6-11. License required.

- (a) It shall be unlawful for any person to sell, offer for sale, or otherwise dispense any alcoholic beverages within the city except under a valid license issued under this chapter and in compliance with the provisions of this chapter.
- (b) All licenses issued pursuant to this chapter shall have printed on the front: "This license is a mere privilege subject to being revoked and annulled and is subject to the laws of Georgia and the existing and any further ordinances of the City of Johns Creek."
- (c) The applicant for a license or permit, for which provision is made in this chapter, shall be subject to all state laws and regulations and to all city ordinances and regulations dealing with general licensing and consumption on the premises of alcoholic beverages, except as may be otherwise specifically provided in this chapter.

(Ord. No. 2008-11-26, § 3(art. 2, § 1), 12-1-2008)

Sec. 6-12. Retail package licenses.

Applicants may apply for one or more of the following type retail licenses:

- (1) Package malt beverage license. Retail sale of malt beverages in the original package.
- (2) Package wine license. Retail sale of wine in the original package.
- (3) Package distilled spirits license. Retail sale of distilled spirits in the original package.

The application shall be accompanied by the requisite fee in an amount as set by resolution of the city council, which amount shall remain in effect until modified or amended by subsequent resolution adopted by the city council.

(Ord. No. 2008-11-26, § 3(art. 2, § 2), 12-1-2008)

Sec. 6-13. Retail consumption on the premises licenses.

Following are the classes of retail consumption on the premises licenses that are available. Unless otherwise specifically provided in this chapter, retail consumption on the premises licenses are available only to eating establishments.

- (1) One or more of the following type retail licenses:
 - a. Consumption on the premises of malt beverages license: retail sale of malt beverages by the drink, bottle or can.
 - b. Consumption on the premises of wine license: retail sale of wine by the drink or bottle.
 - c. Consumption on the premises of distilled spirits license: retail sale of distilled spirits by the drink.
- (b) Brewpub. See section 6-2(d) of this chapter.
- (c) Farm winery tasting room: See section 6-98 of this chapter.

The application shall be accompanied by the requisite fee in an amount as set by resolution of the city council, which amount shall remain in effect until modified or amended by subsequent resolution adopted by the city council. Sunday sales may be made, upon payment of an additional fee, as set by resolution of the city council, provided the licensee otherwise meets the qualifying requirements for Sunday sales. Service from more than one bar at a licensed location may be made upon payment of an additional fee per bar, as set by resolution of the city council. No additional fee shall be charged for portable bars or service bars accessible only to employees. (Ord. No. 2008-11-26, § 3(art. 2, § 3), 12-1-2008)

Sec. 6-14. Wholesale licenses.

- (a) Any wholesale dealer in alcoholic beverages who is licensed by the state and who does not have a place of business in the city shall be granted a license to distribute such beverages in the city upon application for such license to the city manager or designee, submittal of an annual renewal affidavit, and a statement that he understands the alcoholic beverage rules and regulations of the city and the conditions under which retail licenses are issued. Distributors whose principal place of business is a location other than the city 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).
- (b) Any wholesale dealer in alcoholic beverages who is licensed by the state and who has a place of business in the city shall procure a license under the same provisions applicable to retail licensees. The application for a resident wholesale dealer's license shall be accompanied by the requisite fee in an amount as set by resolution of the city council, which amount shall remain in effect until modified or amended by subsequent resolution adopted by the city council.

(Ord. No. 2008-11-26, § 3(art. 2, § 4), 12-1-2008)

Sec. 6-15. Alcoholic beverage caterers.

- (a) License requirements--Resident caterers.

- (1) Any caterer who possesses a valid city license from the city, to sell or otherwise dispense malt beverages, wine or distilled spirits by the drink for consumption on the premises within the city may apply for an off premises license that permits sales of the same off premises at authorized catered event(s) or function(s).
 - (2) Any caterer who possesses a valid license from the city, to sell malt beverages, wine or distilled spirits by the package for consumption off the premises within the city may apply for an off premise license that permits sales of the same class of alcoholic beverages by the drink off premises at authorized catered event(s) or function(s).
 - (3) 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 set by resolution of the city council, and this fee amount shall remain in effect until modified or amended by subsequent resolution adopted by the city council.
 - (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 city at no additional fee. The application shall include the name of the caterer, the date, address and time of the event, the caterer's license number and any other information the city deems necessary to review a request for such permit.
 - (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.
- (b) Permit requirements--Nonresident caterers.
- (1) A nonresident alcoholic beverage caterer shall submit an application for an off-premises event permit to the city manager or designee. The fee for each such permit shall be \$50.00 as authorized by O.C.G.A. § 3-11-3 (or such fee as may be authorized by any future amendment or revision thereto).
 - (2) An application for an off-premises event permit shall include the name of the caterer, the date, address, time, the licensed alcoholic beverage caterer's state and local license number and expiration date, and name of the event and the quantity and type of alcoholic beverages to be transported from the licensee's primary location to the location of the authorized catered event or functions.
 - (3) The original off-premises event permit shall be kept in the vehicle transporting the alcoholic beverages to the catered event or function.
 - (4) It shall be unlawful for a licensed alcoholic beverage caterer to distribute, sell, or otherwise dispense alcoholic beverages off-premises except as authorized by the off-premises event permit.
- (c) A licensed alcoholic beverage caterer may sell or otherwise dispense only that which is authorized by his alcoholic beverage license. For example, if the alcoholic beverage caterer possesses a valid license to sell malt beverages, he may sell or otherwise dispense only malt beverages at the authorized catered event or function.
- (d) Sunday sales. An alcoholic beverage caterer wishing to cater an event or function on Sunday must possess a valid Sunday sales license and comply with the requirements of state law with respect to the service of alcoholic beverages on Sunday.
- (e) Excise taxes are imposed upon the sale of alcoholic beverages by a resident caterer as provided in article VIII of this chapter.

- (f) Excise taxes are imposed upon the total of individual alcoholic beverage drinks served by a nonresident caterer in the amounts set forth in article VIII of this chapter and shall be paid within 30 days after the conclusion of the catered event or function.

(Ord. No. 2008-11-26, § 3(art. 2, § 5), 12-1-2008)

Sec. 6-16. Nonprofit civic organization temporary permit.

- (a) As used in this section, the term “bona fide nonprofit civic organization” means an entity which is exempt from federal income tax pursuant to the provisions of 26 U.S.C. Sections 501(c), 501(d), or 501(e).
- (b) To be eligible to apply for a temporary permit to sell alcoholic beverages at an authorized event, a bona fide nonprofit civic organization must be the applicant; a nonprofit authorization letter must be produced; any required event permit must be obtained; and the authorized event for which the event permit is issued must be associated with and benefit the cause of a charitable or civic organization.
- (c) Pursuant to state law, a temporary permit shall authorize the organization to sell alcoholic beverages for consumption on the premises or to sell wine at retail for off-premises consumption, or both, for a period not to exceed three days, subject to all laws and ordinances regulating the time for selling such beverages; the temporary permit shall be valid only for the place specified in the permit; and no more than six such permits may be issued to the applicant organization in any one calendar year.
- (d) Each application for such a temporary permit shall be accompanied by a nonrefundable fee in an amount as set by resolution of the city council, which amount shall remain in effect until modified or amended by subsequent resolution adopted by the city council.

(Ord. No. 2008-11-26, § 3(art. 2, § 6), 12-1-2008)

Sec. 6-17. Duration of licenses.

All licenses, except as otherwise indicated, issued under this chapter shall be issued on a calendar year basis, and all licenses shall expire at midnight on December 31 of the year for which they are issued. License fees shall be prorated as follows: New applications issued on and between January 1 and June 30 shall be assessed the full license fee. New applications issued on and between July 1 and December 31 shall be assessed one-half of the license fee.

(Ord. No. 2008-11-26, § 3(art. 2, § 7), 12-1-2008)

Sec. 6-18. Individual, business or association entities; named licensee.

- (a) A license issued to an individual shall be issued in the name of the individual. A license issued to a partnership shall be issued in the name of the partnership and in the name of the partner or employee primarily responsible for the operation of the licensed premises who shall be the named licensee. A license issued to a corporation shall be issued in the name of the corporation and in the name of the stockholder, officer of the corporation, or employee primarily responsible for the operation of the licensed premises who shall be the named licensee. A license issued to a purely nonprofit civic, fraternal, patriotic, private, or social club or corporation which is organized and conducted in the city solely as a mutual benefit membership group, shall be issued in the name of the club or corporation and in the name of the individual primarily responsible for the club or corporation's compliance with this chapter, and the named individual shall be named licensee.

- (b) The individual completing and presenting an application for a license, whether for himself, a partnership, a corporation, or a nonprofit organization shall meet the requirements of this chapter so as to be the named licensee.

(Ord. No. 2008-11-26, § 3(art. 2, § 8), 12-1-2008)

Sec. 6-19. Joint responsibility.

If a partnership, each partner shall be responsible for the actions of the named licensee and the conduct of the licensed business. If a corporation, the corporation, its officers and directors shall be responsible for the actions of the named licensee and the conduct of the licensed business. If a nonprofit organization, its officers, directors, or governing authority shall be responsible for the actions of the named licensee and the conduct of the licensed business.

(Ord. No. 2008-11-26, § 3(art. 2, § 9), 12-1-2008)

Sec. 6-20. Eligibility for license.

- (a) Every applicant shall, prior to applying for a license, read and familiarize himself with the provisions of this chapter, and the application shall constitute a certification that applicant has done so. Every licensee shall maintain a copy of this chapter on the licensed premises and shall instruct each employee engaged in the sale or handling of alcoholic beverages concerning the relevant provisions of this chapter.
- (b) An applicant shall be active in the operation of the licensed business and shall be personally present on the licensed premises sufficiently to assure compliance with the provisions of this chapter. For purposes, a licensee shall not be considered active unless he is an owner, stockholder, or fulltime employee of the licensed business and is present on the licensed premises a minimum of ten hours per week.
- (c) A licensee must be of good moral character and a citizen of the United States or an alien lawfully admitted for permanent residence. Any such alien shall have been lawfully admitted for permanent residence for at least one year prior to application.
- (d) In addition to the requirements of subsection (c), a licensee for the retail sale of distilled spirits in the original package must have been a resident of a county or municipality in the state, in which the retail sale of distilled spirits in the original package is legal, for one year immediately preceding the filing of the application for such license.
- (e) No person, including members of a retail dealer licensee's immediate family, shall be issued, nor shall have a beneficial interest in, more than two package distilled spirits licenses issued in this state.
- (f) A licensee shall not have been convicted within the ten years preceding his application of any felony, any misdemeanor involving moral turpitude, any sexually related crime, illegal possession or sale of controlled substances, illegal possession or sale of alcoholic beverages, or any criminal offense relating to taxes or gambling. This subsection shall apply with respect to the laws of this state, other states, the United States, and other countries. A guilty plea, plea of nolo contendere or the forfeiture of a bond shall be considered a conviction for purposes of this subsection. Sentencing as first offender status shall not be considered as a conviction if the sentence was successfully completed without any violation of probation and with no adjudication of guilt ever being entered.
- (g) A licensee shall not have had revoked, within the five years preceding his application, any license to sell alcoholic beverages issued by any governmental entity.

- (h) A licensee shall have, and continuously maintain, as a registered agent a resident of the county, upon whom may be served any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee or owner. The registered agent must be a resident of at least 21 years of age.

(Ord. No. 2008-11-26, § 3(art. 2, § 10), 12-1-2008)

Sec. 6-21. Alcohol awareness training certification required.

- (a) The applicant for a license under this article shall present to the city manager or designee current certification of attendance at an approved alcohol awareness training program. Such certification or approved alternative program shall be verified and signed off by the chief of police.
- (b) If the applicant lacks such training and certification, the applicant shall have 30 days from the date of the granting of the license to complete the training and submit certification to the city manager or designee. Upon due cause being shown, the city manager or designee may grant an extension of time, not to exceed 60 days, to complete said training. Failure to timely obtain such certification shall be grounds for revocation of the alcoholic beverage license.
- (c) Every applicant to whom a pouring permit is issued and all managerial staff of a licensee shall also complete an approved alcohol awareness training program within 30 days of being issued a pouring permit, being employed as a part of any managerial staff, or being issued a license in the case of the named individual licensee.

(Ord. No. 2008-11-26, § 3(art. 2, § 11), 12-1-2008)

Sec. 6-22. Application fee.

Each application for a license under this chapter shall be accompanied by a nonrefundable application fee in an amount as set by resolution of the city council, which amount shall remain in effect until modified or amended by subsequent resolution adopted by the city council. Application fees shall be paid at the time the application is filed and shall not be refunded under any circumstances.

(Ord. No. 2008-11-26, § 3(art. 2, § 12), 12-1-2008)

Sec. 6-23. Application; investigation consent.

- (a) All applications for licenses shall be made upon application forms provided by the city. All applications shall contain a full and complete sworn and notarized statement by each applicant of all material facts as determined by the city manager or designee to be relevant to the requirements of this chapter and further shall include, but not be limited to:
 - (1) If a partnership, the names and residence addresses of the partners and a copy of the partnership agreement;
 - (2) If a corporation, the names of the officers, the name of the manager, and the names of all shareholders holding more than 20 percent of any class of corporate stock and a copy of the articles of incorporation; and
 - (3) The name of any other entity having a financial interest in the establishment for which a license is sought.
- (b) Each applicant and licensee shall consent to and authorize a fingerprint analysis and investigation.

- (c) The application form shall be accompanied by a copy of the lease to the premises, or proof of ownership of the premises, or proof of other authorization for use of the premises.
- (d) Each applicant and licensee authorizes the city and its agents to secure from any court, law enforcement agency, or other public agency his criminal and civil history and to use such information in determining whether the license applied for shall be issued. Each applicant further authorizes the city and its agents to use such information in any public hearing with respect to the license applied for, either before or after the issuance of the license. Each applicant waives any right that he would otherwise have to preclude the city or its agents from obtaining and using such information to consider the application, and each applicant further waives any liability of the city or its agents for obtaining and using such information to consider the application.
- (e) Separate applications must be made for each location, and separate licenses must be issued for each location.

(Ord. No. 2008-11-26, § 3(art. 2, § 13), 12-1-2008)

Sec. 6-24. Procedure for consideration of application; temporary licenses.

- (a) During the process of considering the application pursuant to section 6-23, a temporary license for consumption on the premises of malt beverages, wine and/or distilled spirits or package malt beverage and/or wine license may be issued by the city manager or designee for a period of up to 60 days provided the city manager or designee is satisfied that the applicant substantially complies with the provisions of the applicable ordinances and meets required qualifications and the denial of a temporary license would create undue hardship upon the applicant, such as the closing of an existing business or delaying of the opening of a new business. The applicant shall sign an acknowledgment that the temporary license is a mere accommodation and may be revoked, with or without cause, by the city manager or designee at any time. The city manager or designee may extend the issued temporary permit for an additional 60 days should the city council defer the decision on an application or license pursuant to section 6-42.
- (b) The fee for issuance of a temporary license shall be set by resolution of the city council, and this fee amount shall remain in effect until modified or amended by subsequent resolution adopted by the city council.

(Ord. No. 2008-11-26, § 3(art. 2, § 14), 12-1-2008)

Sec. 6-25. Decision; Denial of Application; Withdrawal.

- (a) Within 60 days of the filing of a new completed application with the city, the city manager or designee shall make a decision to either issue an alcoholic beverage license to the applicant or deny an application.
- (b) Should the city manager or designee deny an application, written notice of the denial shall be provided to the applicant by the city manager or designee and shall set forth the reason(s) for the denial, and advise the applicant of the right to appeal.
- (c) Any decision by the city manager or designee denying an application shall be final unless the applicant files a notice of appeal with the city manager or designee within 30 days of receiving notice of such denial. Any such appeal shall be subject to de novo review and shall be in accordance with section 6-42. A hearing before the city council shall be

scheduled within 60 days following the receipt by the city manager or designee of the applicant's notice of appeal.

- (d) In all instances in which an application is denied, the applicant may not reapply for a license for at least one year from the final date of the denial.
- (e) Any license application made pursuant to this chapter may be withdrawn by the applicant at any time. If the application is withdrawn before the license is issued, any sums deposited as license fees shall be refunded. After issuance of the license, no refunds shall be made. No refunds shall, however, be made under any circumstances for investigative and administrative expenses required to be paid in this chapter.

(Ord. No. 2008-11-26, § 3(art. 2, § 15), 12-1-2008)

Sec. 6-26. Transferability of license.

- (a) Except as provided in this section, no license shall be transferable to any other person or location. All applications seeking a transfer of a license in any respect shall be made upon application forms provided by the city manager or designee and shall be accompanied by a nonrefundable fee in an amount as set by resolution of the city council, which amount shall remain in effect until modified or amended by subsequent resolution adopted by the city council.
- (b) If a licensee seeks to move his place of business from the licensed premises to another place within the city, application shall be made as for an original license, provided however a new license fee shall not be required for the remainder of the license year.
- (c) In the case of death of an owner of a license, no sale of alcoholic beverages shall be allowed until such time as a personal representative of the estate, appointed by a probate court of competent jurisdiction, shall apply to the city manager or designee for authorization. The establishment shall then be allowed to continue to operate for a period of 60 days from the date of death, until expiration of the license, or until the approval of a new license, whichever shall first occur.
- (d) A change in ownership status of the licensed establishment that does not change the actual ownership interest shall be eligible to apply for a transfer of license as provided herein. By way of example, a sole proprietor who decides to incorporate and be the sole shareholder of the new corporation, although in such circumstances information required from a corporation in an original application shall be provided.
- (e) Nothing in this section shall prohibit one or more partners in a partnership from retiring therefrom in favor of one or more of the other partners; provided, such withdrawal shall not introduce any new partner or result in any new person acquiring an interest in the licensed business without application for and issuance of a new license.
- (f) Where a license is issued to a corporation having as its principal business an activity other than the sale of alcoholic beverages, a change in the named individual licensee may be permitted by the city manager or designee if the new named licensee meets the requirements of new license applicants. Change in shareholders of a corporation does not constitute a change in ownership.
- (g) In the circumstances described in subsections (d) and (e), the license may be revoked if the city manager or designee determines that the change results in a failure to meet requirements of this chapter.

(Ord. No. 2008-11-26, § 3(art. 2, § 16), 12-1-2008)

Sec. 6-27. Sale or disposition of licensed business; temporary license.

- (a) If any licensee withdraws from, sells, or otherwise transfers the licensee's interest in the licensed business, the licensee shall immediately notify the city manager or designee.
- (b) In the case of such a withdrawal, transfer, or sale, the city manager or designee may issue a temporary license as provided in section 6-24 to the successor in interest, if the successor in interest has properly completed an application and paid the appropriate fee. The temporary license shall be valid for up to 60 days or until the application for a permanent license is granted or denied by the city manager or designee, whichever first occurs.

(Ord. No. 2008-11-26, § 3(art. 2, § 17), 12-1-2008)

Sec. 6-28. License renewal.

- (a) An application for renewal shall be in the form of a sworn and notarized statement by the named licensee, on a form provided by the city manager or designee, stating that there have been no changes in any of the information contained in the original application. If there have been any substantive changes, the application for renewal shall be in the same form as an original application.
- (b) An application for renewal shall be filed by November 15 and shall be accompanied by the requisite license and application fees in the amount as set by resolution of the city council, which amount shall remain in effect until modified or amended by subsequent resolution adopted by the city council.
- (c) Renewal applications and payments not received by November 15 shall incur a late fee. Renewal applications and payments received between November 16 and December 15 are subject to a ten percent late fee. Businesses failing to apply for renewal of their licenses by December 15 must reapply for a license.
- (d) Businesses required to reapply for a license, as provided in subsection (c), and filing this application for a new license after January 1 shall pay at the time of filing the required application fee, the annual fee, and the ten percent late fee.
- (e) Within 60 days of the filing of a renewal application with the city, the city manager or designee shall approve or deny said application. Should the renewal application be neither approved nor denied within 60 days, the renewal is deemed approved.
- (f) Any decision by the city manager or designee denying an application shall be final unless the applicant files a notice of appeal with the city manager or designee within 30 days of receiving notice of such denial. Any such appeal shall be subject to de novo review and shall be in accordance with section 6-42. A hearing before the city council shall be scheduled within 60 days following the receipt by the city manager or designee of the applicant's notice of appeal.

(Ord. No. 2008-11-26, § 3(art. 2, § 18), 12-1-2008)

Sec. 6-29. Notice.

Except as may otherwise be specifically provided in this chapter, any required notice may be delivered by hand or posted by certified and first class mail, in which event delivery shall be deemed to take place on the third day following the date of deposit in the United States mail.

(Ord. No. 2008-11-26, § 3(art. 2, § 19), 12-1-2008)

Sec. 6-30. Collection of sums due.

As to any failure to pay any sum due for fees or taxes under this chapter, the city may issue an execution against the licensee and his property for the amount of the delinquent fee or tax in addition to any other remedies the city may have.

(Ord. No. 2008-11-26, § 3(art. 2, § 20), 12-1-2008)

Secs. 6-31--6-40. Reserved.

ARTICLE III. SUSPENSION OR REVOCATION OF LICENSE; HEARING

Sec. 6-41. Suspension or revocation of license.

- (a) A license may be suspended or revoked by the city manager or designee for any violation of this chapter; for any violation of state laws and regulations relating to alcoholic beverages; for any material misrepresentation or omission in the application for the license, which shall subject the license to revocation; or if the licensee or the licensed business ceases to meet the eligibility requirements for licensure, which shall subject the license to revocation. Revocation of the license shall result in the inability of the licensee to obtain a license from the city for a term of three years from the date of revocation.
- (b) When suspension of a license is permitted under this chapter, but no specific period of suspension is mandated by this chapter or state law, the following guidelines shall apply:
 - (1) First suspension in a 12-month period of time shall not exceed 30 days.
 - (2) Second suspension in a 12-month period of time shall not exceed 60 days.
 - (3) Third suspension in a 12-month period of time shall cause revocation of the license and result in the inability of the licensee to obtain a license from the city for a term of three years from the date of revocation.
- (c) Prior to the suspension or revocation of a license by the city manager or designee, the city manager or designee shall give written notice to the licensee at least ten days prior to an administrative hearing of the time, place, purpose of the hearing, and a statement of the charge(s) upon which the administrative hearing before the city manager or designee shall be held in accordance with section 6-42 hereafter. Service of such notice shall be delivered by hand or posted by certified and first class mail to the registered agent at the address provided and to the named licensee at the licensed premises. Delivery shall be deemed to take place on the third day following deposit in the United States mail.

(Ord. No. 2008-11-26, § 3(art. 3, § 1), 12-1-2008)

Sec. 6-42. Hearings.

- (a) Prior to the suspension or revocation of a license by the city manager or designee, the licensee shall be afforded an administrative hearing before the city manager or designee to be heard and present evidence. The procedure for administrative hearings under this Chapter shall be set forth by the city manager. The city manager or designee shall reach a decision on the matter before them within ten days following the close of the hearing and give written notice of said decision. The decision of the city manager or designee shall be final unless the applicant, licensee or permit holder files a notice of appeal to the city manager or designee within 30 days of receiving notice of said decision.
- (b) The city council shall hear appeals to decisions by the city manager or designee to deny applications for licenses or permits, as well as appeals to decisions by the city manager or designee to suspend or revoke such licenses or permits.

- (c) Any denial of any such license or permit shall be appealable to the city council by the applicant's filing a notice of appeal with the city manager or designee within 30 days of receiving notice of such denial. Any such appeal shall be subject to de novo review and shall be in accordance with subsections (d), (e) and (f). A hearing before the city council shall be scheduled within 60 days following the receipt by the city manager or designee of the applicant's notice of appeal.
- (d) The city council shall have the authority to defer a decision on an application one time and continue the hearing to the next regularly scheduled council meeting, but in any case no later than 30 days from the date of deferral.
- (e) Applicants, licensees, or permit holders shall be given written notice of the date, time, place, and purpose when the matter at issue will be heard. The applicant, licensee, or permit holder shall be afforded the opportunity to be heard and present evidence. Ten days' notice shall be deemed reasonable.
- (f) The procedure for hearings of the City Council under this Chapter shall conform to the Administrative Hearings Procedure as passed by Resolution of the City Council. Upon close of the public hearing, the city council shall reach a decision on the matter before it, and the decision of the city council shall be final unless the applicant, licensee, or permit holder applies to the county superior court by filing a petition for writ of certiorari within 30 days of the decision rendered by the city council.

(Ord. No. 2008-11-26, § 3(art. 3, § 2), 12-1-2008)

Secs. 6-43--6-50. Reserved.

ARTICLE IV. LOCATION OF SALES

Sec. 6-51. Distance from churches, schools, etc.

- (a) No person may sell or offer to sell:
 - (1) Any distilled spirits in or within 100 yards of any church building or government owned and operated alcoholic treatment center or within 200 yards of any school building, educational building, school grounds, or college campus.
 - (2) Any wine or malt beverages within 100 yards of any school building, school grounds, or college campus.
- (b) No package distilled spirits license shall be issued for any place of business which is located within 500 yards of another licensed package distilled spirits business.
- (c) No package license shall be issued for any place of business which is located within 200 feet of a private single-family or two-family dwelling in a zoning district that permits single and/or two-family dwellings; provided, however, this prohibition shall not apply with respect to a private dwelling located in a zoning district in which alcoholic beverage outlets are authorized or which dwelling is on the same street as the premises for which a package license is applied.
- (d) No consumption on the premises license may be located within 1,000 feet of a licensed sexually oriented business.
- (e) Unless otherwise provided by law, all measurements to determine the distances referred to in this section shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:

- (1) In a straight line from the front door of the structure from which beverage alcohol is sold or offered for sale;
- (2) To the front door of the building of a church, government-owned treatment center or a retail package store; or
- (3) To the nearest property line of the real property being used for school or educational purposes.

No license shall be revoked and no application for a license or renewal shall be denied by reason of the method of measurement set out in this subsection, if such license or license application or renewal application is for premises for which a license was granted prior to the enactment of this chapter in reliance on another method of measurement.

- (f) No application for a license shall be approved which does not include, or have attached thereto, a current certificate from a registered surveyor which shows a scale drawing of the premises and the location at which the applicant desires to operate an alcoholic beverage outlet and which shows, with linear foot measurements where appropriate, such location's compliance or noncompliance with the provisions, or a certificate from a registered surveyor which states that the subject alcoholic beverage outlet meets all of the location and distance requirements of this chapter, and shows such location's compliance or noncompliance with linear foot measurements where appropriate or required. This provision shall not apply where not required subject to subsection (h).
- (g) When a license application is for premises not yet constructed or not yet completed, a license may be issued if the application includes the plans for the premises and a surveyor's certificate, as required under subsection (f), clearly showing that the premises will, when completed, meet the requirements.
- (h) If the distance requirements are met at the time a license is issued, the subsequent opening and operation of a church, school or treatment center within the prohibited distance shall not prevent the continuance of an existing license or the issuance of a new license to a subsequent business owner; provided, however, that as to any new license, the prior license must have been lawful and validly issued at the location at any time during the 12 months immediately preceding the application for the new license.
- (i) As used in this section, the term "school building" or "educational building" shall apply only to state, county, city or church school buildings and to such buildings at any other schools in which are taught subjects commonly taught in the schools and colleges of this state and which are public schools and private schools as defined in O.C.G.A. § 20-2-690(b). The term "school building" includes only those structures in which instruction is offered. The term "church building" as used in this section shall mean the main structure used by any religious organization for purposes of worship.

(Ord. No. 2008-11-26, § 3(art. 4, § 1), 12-1-2008)

Sec. 6-52. Sales and consumption on public property.

- (a) Except as provided in subsection (b), it shall be unlawful for any person to sell, serve, or otherwise dispense any alcoholic beverage in a street, alley, or parking lot commonly used by the public or in any other public place or on public property.
- (b) Private parties and organizations may apply for a special event alcohol permit from the city manager or his designee to serve, sell, or otherwise dispense alcoholic beverages on property owned or leased by the city, subject to the city having otherwise expressly allowed, by resolution or pursuant to its own policies and rules, for the selling or

dispensing of alcohol on such property. The issuance or denial of such a permit shall be subject to all other laws and regulations, including those provisions of the city zoning ordinance regarding special event permits, as well as section 6-15 of this chapter.

(Ord. No. 2008-11-26, § 3(art. 4, § 2), 12-1-2008)

Sec. 6-53. Open area and patio sales.

- (a) Except as provided in subsection (b), it shall be unlawful for any person to sell, serve, or otherwise dispense alcoholic beverages outside the licensed premises structure.
- (b) A consumption licensee may sell, serve, or otherwise dispense alcoholic beverages in a patio/open area type environment if approved by the city manager or designee to do so. To be considered for approval, the patio/open area shall be directly adjacent and contiguous to the licensed premises and must meet the following requirements:
 - (1) Has the same address of the licensed premises;
 - (2) Is owned, leased or managed and exclusively controlled by the retail consumption dealer;
 - (3) Is not public domain nor is the area only nominally under the exclusive control of the retail consumption dealer;
 - (4) Is served from the same bar or serving location that permanently services the licensed premises;
 - (5) Partially enclosed by some structure providing for public ingress/egress through the licensed premises main structure and/or one other opening in the enclosure structure. The opening may not exceed 48 inches in width. Where the patio/open area directly exits to a public area, the licensee shall post a sign on the inside of such structure in the following form: "No alcoholic beverages beyond this point." Such sign shall be in uniform letters not less than one inch in height, and shall be no larger than one square foot in size.
 - (6) The height of such enclosing structure shall be a minimum of three feet above ground level, although it does not have to be solid or restrict visibility into or out of the patio/open area. The structure must be approved by the city's community development and fire departments.
 - (7) The only additional exit(s) from the patio/open area, not included in subsection [(b)(5)], are to be through an approved fire exit, not for general public use unless an emergency exists. The fire exit shall sound an alarm when used.
- (c) Nothing contained in this section shall prohibit a hotel or motel with a consumption on the premises license from making sales and allowing consumption of alcoholic beverages in ballrooms, meeting rooms, reception rooms, or patio areas, provided such functions are catered in connection with a meeting, conference, convention, or similar type gathering at such hotel or motel.

(Ord. No. 2008-11-26, § 3(art. 4, § 3), 12-1-2008)

Secs. 6-54--6-60. Reserved.

ARTICLE V. BUSINESS REGULATIONS

Sec. 6-61. Display of license.

Each license issued under this chapter shall at all times be kept in the public area plainly exposed to view upon the licensed premises.

(Ord. No. 2008-11-26, § 3(art. 5, § 1), 12-1-2008)

Sec. 6-62. Purchase and sales records.

- (a) Every licensee shall keep and preserve records of all alcoholic beverages purchased and sold or otherwise dispensed by the licensee. All consumption on the premises licensees shall keep and preserve records of all food and nonalcoholic beverages purchased and sold or otherwise dispensed by them. Such records, more specifically described in subsection (c), shall at all times be open for inspection by the city manager or designee. These records shall be maintained for a period of at least three years unless the city manager or designee determines that no such records exist and it is not financially practical based on the net income of the licensee to require the keeping of such records.
- (b) If the city manager or designee deems it advisable to conduct an audit of the records of a licensee, the city manager or designee shall notify the licensee of the date, time, and place of the audit. The city manager may designate the city's finance director or other person to perform the audit, and the licensee shall cooperate with the audit or be subject to having his license(s) suspended or revoked.
- (c) At the request of the city manager or designee, the licensee shall make available the following records required to be kept for at least three years:
 - (1) Monthly income or operating statements;
 - (2) Daily sales receipts showing liquor, beer, wine, and food sales separately (this requirement does not apply to package beer and wine licensees);
 - (3) Daily cash register receipts such as Z tapes or guest tickets;
 - (4) Monthly state sales and use tax reports; and
 - (5) Federal income tax returns with all Form 1099s.

(Ord. No. 2008-11-26, § 3(art. 5, § 2), 12-1-2008)

Sec. 6-63. Sale to, purchase or possession by underage person.

- (a) Except as otherwise provided in this section:
 - (1) No person, directly or through another person, shall furnish, cause to be furnished, or permit any person in such person's employ to furnish any alcoholic beverage to any person under 21 years of age.
 - (2) No person under 21 years of age shall purchase or possess any alcoholic beverage.
 - (3) No person under 21 years of age shall misrepresent such person's age in any manner whatever for the purpose of obtaining unlawfully any alcoholic beverage.
 - (4) No person shall act as an agent to purchase or acquire any alcoholic beverage for or on behalf of a person under 21 years of age.
 - (5) No person under 21 years of age shall misrepresent his identity or use any false identification for the purpose of purchasing or obtaining any alcoholic beverage.
- (b) The prohibitions contained in subsections (a)(1), (2), and (4) shall not apply with respect to the sale, purchase, or possession of alcoholic beverages for consumption:
 - (1) For medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state; or
 - (2) At a religious ceremony.

- (c) The prohibitions contained in subsections (a)(1), (2), and (4) shall not apply when the parent or guardian of the underage person gives the alcoholic beverage to the underage person and when possession is in the home of the parent or guardian and such parent or guardian is present.
- (d) The prohibition contained in subsection (a)(1) shall not be violated when a person has been furnished with proper identification showing that the person to whom the alcoholic beverage is sold is 21 years of age or older. For purposes of this subsection, the term "proper identification" means any document issued by a governmental agency containing a description of the person, the person's photograph, and the person's date of birth. Proper identification includes, without being limited to, a passport, military identification, driver's license, or an identification card authorized under O.C.G.A., §§ 40-5-100--40-5-104. "Proper identification" shall not include a birth certificate.
- (e) This section shall not prohibit employment of a person under 21 years of age in a licensed premises if such employment is lawful under section 6-81 of this chapter.
- (f) In any case where a reasonable or prudent person could doubt whether or not the person to whom an alcoholic beverage is to be sold or otherwise furnished is 21 years of age or older, the person selling or otherwise furnishing such alcoholic beverage shall request to see and be furnished with proper identification as provided in subsection (d). The failure to make such request and verification in any case where the person to whom the alcoholic beverage is sold or otherwise furnished is less than 21 years of age may be considered by the trier of fact in determining whether the person selling or otherwise furnishing such alcoholic beverage did so in violation of subsection (a)(1).
- (g) In any case where a person selling or otherwise furnishing alcoholic beverages checks for a proper identification, such person shall carefully inspect such identification. If a reasonably prudent person could determine that such identification has been altered and if such person sells or otherwise furnishes alcoholic beverages to the holder of such altered identification, then such may be considered by the trier of fact in determining whether the person selling or otherwise furnishing such alcoholic beverage did so in violation of subsection (a)(1).
- (h) For purposes of the prohibitions set forth in this section, a plea of nolo contendere or the forfeiture of bond shall constitute a conviction.
- (i) With reference to the prohibitions set forth in this section, if there is a change in a majority of a licensee's owners, partners, or shareholders, the offenses under the old ownership shall not count against the new owners; provided, however, a different corporation, partnership, or other association shall be charged with the offenses of the predecessor if a majority of the owners, partners, or shareholders are the same.

(Ord. No. 2008-11-26, § 3(art. 5, § 3), 12-1-2008)

Sec. 6-64. Days when sales unlawful.

- (a) No licensee shall permit the sale of alcoholic beverages on any day or during any time of day when such sales are prohibited by state law. For example, the sale of alcoholic beverages is permitted on any election day, holidays, and Sundays as limited by O.C.G.A. § 3-3-7 and O.C.G.A. § 3-3-20.
- (b) No licensee shall permit the sale of alcoholic beverages on Sunday unless such licensee is a bona fide eating establishment, caterer, private club, or special events facility as defined in this chapter and any requisite fee for Sunday sales is paid, the amount of which shall

be set by resolution of the city council, which amount shall remain in effect until modified or amended by subsequent resolution adopted by the city council.

(Ord. No. 2008-11-26, § 3(art. 5, § 4), 12-1-2008)

Sec. 6-65. Hours of operation.

- (a) Package licensees shall not engage in the sale of alcoholic beverages except between the hours of 8:00 a.m. and 11:45 p.m. Monday through Saturday. Package licensees shall not permit their places of business to be open except between the hours of 8:00 a.m. and 11:45 p.m. Monday through Saturday, except that where the primary business of a malt beverage package licensee or wine package licensee is other than the sale of alcoholic beverages, such restrictive hours shall apply only with respect to the sale of malt beverages or wine.
- (b) Consumption on the premises licensees shall engage in the sale of alcoholic beverages only between the following hours and days of the week:
 - (1) Monday through Saturday between the hours of 9:00 a.m. and 2:00 a.m. of the following day.
 - (2) Sunday between the hours of 12:30 p.m. and 2:00 a.m. on Monday in eating establishments as defined in section 6-2 of this chapter or in any licensed establishment that derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging.
 - (3) In addition to the other requirements set forth in this section, the licensed premises for the sale of alcoholic beverages shall comply with the following:
 - a. All licensed premises, except for the premises of hotels and country clubs, shall close their premises to the public and clear the premises of patrons within 30 minutes after the time set in this section for discontinuance of the sale of alcoholic beverages on the premises.
 - b. The sale of alcoholic beverages shall not be permitted within 250 feet of any polling place on primary or election days.
 - c. The licensed premises shall offer to its patrons prepared food and meals during all hours it is open.
 - (4) This section shall not apply to private clubs.
- (c) The business hours of wholesale dealers shall be between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday. There shall be no sales on Sunday.

(Ord. No. 2008-11-26, § 3(art. 5, § 5), 12-1-2008)

Sec. 6-66. Prohibited acts, sexual display on licensed premises.

- (a) No licensee shall permit the sale of alcoholic beverages to any person who is in a state of noticeable intoxication or allow persons who are noticeably intoxicated to congregate on licensed premises.
- (b) No licensee shall permit any gambling, betting, lottery, or other device for the hazarding of any money or other thing of value on the licensed premises, except that this prohibition shall not apply with respect to a properly licensed bingo game or the state lottery.
- (c) No licensee shall permit on the licensed premises any: disorderly conduct; breach of the peace; lewd, immoral, or improper entertainment, conduct, or practices; or noise which is disturbing to the surrounding neighborhood.

- (d) No licensee shall use any person, in any capacity, in the sale or service of alcoholic beverages while such person is unclothed or in such attire, costume or clothing, as to expose to view any portion of the female breast below the top of the areola or of any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva, and genitals.
 - (e) No licensee shall allow live entertainment where any person appears in the manner described in subsection (d), or where such persons (or person) perform(s) acts of or acts which simulate any of the following:
 - (1) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual act prohibited by law;
 - (2) The caressing or fondling of the breast, buttocks, anus, or genitals;
 - (3) The displaying of the male or female pubic hair, anus, vulva, or genitals.
 - (f) No licensee shall allow the use of artificial devices or inanimate objects to perform, simulate, or depict any of the prohibited conduct or activities described above in subsection (e).
 - (g) No licensee shall allow the holding, promotion, or sponsoring of any contest, promotion, special night, event, or any other activity where patrons of the licensed establishment are encouraged or allowed to engage in any of the conduct described in subsections (d) or (e) above.
 - (h) No licensee shall allow to be shown, displayed, or exhibited any film, still picture, electronic reproduction, or image of any act or conduct described above in subsection (e).
- (Ord. No. 2008-11-26, § 3(art. 5, § 6), 12-1-2008)

Sec. 6-67. Delivery and storage.

- (a) Alcoholic beverages shall be delivered to and received at licensed premises in the original container and in a conveyance owned and operated by a state licensed wholesale dealer (or a licensed common carrier acting for a wholesaler). Alcoholic beverages shall be sold at retail only on the licensed premises.
- (b) A retail licensee shall store alcoholic beverages only on the licensed premises and at no other place. All stock shall be available at all times for inspection by any authorized agent of the city. Any alcoholic beverages found in any retail licensee's stock which were not received from a wholesaler licensed to make deliveries in the city shall be subject to immediate confiscation.

(Ord. No. 2008-11-26, § 3(art. 5, § 7), 12-1-2008)

Sec. 6-68. On-premises consumption unlawful.

It shall be unlawful for any person to consume any alcoholic beverages on premises licensed for the sale of alcoholic beverages by the package. It shall be unlawful for any package licensee to open or break the package of any alcoholic beverages for a purchaser or to permit the consumption of alcoholic beverages on the licensed premises. This section shall not apply with respect to sales pursuant to a license for consumption on the premises.

(Ord. No. 2008-11-26, § 3(art. 5, § 8), 12-1-2008)

Sec. 6-69. Regulation of signs and lighting.

- (a) Signs advertising, promoting the use of, or otherwise related to alcoholic beverages may not be placed in exterior windows for view from the public right-of-way.

- (b) The exterior of each building in which alcoholic beverages are sold for consumption on the premises shall contain sufficient lighting so that all sides of the building and all entrances thereto are clearly visible at all times when the premises are open for business. (Ord. No. 2008-11-26, § 3(art. 5, § 9), 12-1-2008)

Sec. 6-70. Condition of premises requirements.

All licensed premises shall be kept clean and in proper sanitary condition and in full compliance with all regulations governing the condition of premises used for the storage and sale of food for human consumption. All licensed premises shall be open at all times for inspection by the chief of police, the fire chief, and other authorized agents of the city and the county health department. (Ord. No. 2008-11-26, § 3(art. 5, § 10), 12-1-2008)

Sec. 6-71. Change of ownership, profit distribution report required.

A licensee shall file with the city manager or designee a written, sworn report of any of the following changes:(1) Any change in any legal relationship between any parties named in the application for the license;(2) Any change in the payment of rent for leased premises or any change in the ownership of the licensed business;(3) Any change for any purpose in division of net or gross sales of the licensed business; and(4) Any change in any material facts contained in the application for the license.

Such report shall be filed within five days after the date the change occurs.

(Ord. No. 2008-11-26, § 3(art. 5, § 11), 12-1-2008)

Secs. 6-72--6-80. Reserved.

ARTICLE VI. EMPLOYMENT RESTRICTIONS AND HANDLING REQUIREMENTS

Sec. 6-81. Age requirements.

- (a) Except as provided in subsection (d), no wholesale dealer or package licensee shall allow any employee under the age of 18 years to dispense, sell, serve, take orders for, or handle alcoholic beverages.
- (b) No consumption on the premises licensee shall allow any employee under the age of 18 years to dispense, sell, serve, take orders for, or handle alcoholic beverages.
- (c) A licensed alcoholic beverage caterer shall not employ any person under 21 years of age who, in the course of such employment would dispense, serve, sell, or handle alcoholic beverages.
- (d) This section shall not prohibit the employment of persons under the above ages on licensed premises where such persons do not dispense, sell, serve, take orders for, or handle alcoholic beverages.
- (e) This section shall not prohibit persons 16 years of age or older from selling or handling alcoholic beverages in grocery stores or supermarkets. For purposes of this subsection, the term grocery stores or supermarkets shall not include convenience stores.

(Ord. No. 2008-11-26, § 3(art. 6, § 1), 12-1-2008)

Sec. 6-82. "Handling" not to include bagging and carrying out.

For the purposes of this article, the bagging or carrying out of wine or malt beverages in the original package in the course of employment by a grocery store, convenience store, or similar establishment shall not constitute the handling of alcoholic beverages.

(Ord. No. 2008-11-26, § 3(art. 6, § 2), 12-1-2008)

Sec. 6-83. Pouring permit required.

- (a) An employee pouring permit shall be required for:
 - (1) Any employee of a consumption on the premises licensee who dispenses, sells, serves, takes orders, mixes beverages, or serves in any managerial position; and
 - (2) Any employee of an alcoholic beverage caterer who is engaged in handling, selling, or serving alcoholic beverages; provided, however, employees whose duties are limited solely to those of busboy(s), cook(s) or dishwasher(s) shall be excluded.
- (b) No licensee shall employ any person required to have a pouring permit until such person has procured such permit. For new employees, a receipt issued by the city manager or designee may be used for a maximum of 30 days from the date of its issue. Licensees are required by this chapter to inspect and verify that each employee, required to have a valid city alcohol pouring permit, has in his/her possession the required permit.
- (c) Any person required to obtain a pouring permit shall apply to the city manager or designee for such permit. Only one pouring permit per individual will be issued for employment at any and all establishments within the city. The permit will be valid for a period of one year from the date in which the application is received by the city and shall be renewed on or before its expiration. Persons applying for the permit shall make themselves available for photographing and such other investigation as may be required by the city. The fee for a pouring permit shall be set by resolution of the city council and shall remain in effect until modified or amended by subsequent resolution adopted by the city council.
- (d) Replacement permit(s) shall be issued upon payment of one-half of the fee(s) charged for alcohol pouring permits.
- (e) The city manager or designee may revoke an employee's pouring permit and demand its return where the employee violates the provisions of this chapter or becomes one who adversely affects the public health, safety, or welfare.
- (f) Any conviction for violation of the provisions of this chapter or of the state alcoholic beverage code shall result in the automatic suspension of the pouring permit.
- (g) It shall be unlawful for an employee whose pouring permit has been revoked and upon whom demand for return of the card has been made to refuse to return the card or to alter, conceal, deface, or destroy the card.
- (h) An applicant for a pouring permit shall not have been convicted within the five years preceding his application of any felony, any misdemeanor involving moral turpitude, any sexually related crime, illegal possession or sale of controlled substances, illegal possession or sale of alcoholic beverages, or any criminal offense relating to taxes or gambling. This subsection shall apply with respect to the laws of this state, other states, the United States, and other countries. A guilty plea, plea of nolo contendere or the forfeiture of a bond shall be considered a conviction for purposes of this subsection. Sentencing as first offender status shall not be considered as a conviction if the sentence

was successfully completed without any violation of probation and with no adjudication of guilt ever being entered.

- (i) A new search may be conducted on any person issued an employee pouring permit if the city manager or designee receives information which warrants such a new search. If the new search reveals evidence that warrants revocation of the card, the card may be revoked following notice and a hearing.
- (j) When any employee's pouring permit is denied or revoked, the city manager or designee shall issue to the applicant or permit holder a letter setting forth the reasons for denial or revocation, and the letter shall notify the applicant of his or her right to an administrative hearing before the city manager or designee, which hearing shall be held in accordance with section 6-42. The decision of the city manager or designee shall be final unless the applicant or permit holder files a notice of appeal to the city manager or designee within 30 days of receiving notice of said decision. Appeals to the decision set forth by the city manager or designee shall be heard by the city council in accordance with section 6-42. Following a hearing by city council, the applicant shall have a right of review of any denial by filing a petition for writ of certiorari to the county superior court within 30 days of the denial.
- (k) It shall be the duty of all licensees authorized to sell alcoholic beverages for consumption on the premises to file with the city manager or designee the name of the establishment, the state and local license number(s), and a list of all employees required to hold an alcohol pouring permit with their city alcohol pouring permit number, twice annually during the months of June and December.

(Ord. No. 2008-11-26, § 3(art. 6, § 3), 12-1-2008)

Sec. 6-84. Licensee to report disciplinary action.

Any licensee who has any disciplinary action taken against him or any of his employees who sell, take orders for, deliver, or handle alcoholic beverages by any governmental authority (municipal, county, state, or federal) shall notify the city manager or designee of such action within five days of such action. The following shall be considered to be disciplinary action: any arrest; the issuance of any citation; any indictment, presentment, or accusation; any conviction, including the acceptance of a plea of nolo contendere; any penalty imposed by any regulatory agency; and any other written charge or reprimand against the licensee or any of his employees. The provisions shall not apply with respect to citations for traffic offenses.

(Ord. No. 2008-11-26, § 3(art. 6, § 4), 12-1-2008)

Secs. 6-85--6-90. Reserved.

ARTICLE VII. REQUIREMENTS FOR CONSUMPTION ON-PREMISES LICENSES

Sec. 6-91. 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 article shall mean a kitchen with at least a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the county health and city fire departments.

(Ord. No. 2008-11-26, § 3(art. 7, § 1), 12-1-2008)

Sec. 6-92. 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
- (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.
- (d) A hotel may grant permission for the operation of a lounge, restaurant, or supper club on its premises; such an operation may be granted a consumption on the premises license if it meets the other applicable requirements of this chapter.
- (e) Notwithstanding any other provisions of this chapter to the contrary, any hotel (as the term "hotel" is commonly used and without regard to the requirements), 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 city package license or a valid city 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 chapter], "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 chapter 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.

(Ord. No. 2008-11-26, § 3(art. 7, § 2), 12-1-2008)

Sec. 6-93. Restaurant.

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;
- (3) Serve at least one meal per day at least five days per week, with the exception of holidays, vacations, and periods of redecoration; and
- (4) Have at least 50 percent of its total food and beverage sales be the sale of food and nonalcoholic beverages consumed on the premises, exclusive of sales from vending machines. For this purpose, if a restaurant makes a minimum charge or cover charge, the amount so charged shall not be counted in computing total food and beverage sales.
- (5) Brewpubs, as defined in section 6-2(d) of this chapter and O.C.G.A. § 3-1-2(3) shall be allowed in eating establishments.

(Ord. No. 2008-11-26, § 3(art. 7, § 3), 12-1-2008)

Sec. 6-94. Lounge.

- (a) A lounge is a separate room that has a seating capacity, at tables of at least 50 persons and which is:
 - (1) Connected with, a part of, and adjacent to a restaurant; or
 - (2) Located in a hotel.
- (b) In order to be eligible for a consumption on the premises license, a lounge must be arranged and maintained such that all booths, stools, and tables are open and unobstructed to the view of other customers in the lounge.
- (c) A lounge which is operated on a different floor, or in a separate building, from, or which is not connected or adjacent to, another licensed facility shall be considered a separate establishment from such other licensed facility and shall pay a separate annual license fee.

(Ord. No. 2008-11-26, § 3(art. 7, § 4), 12-1-2008)

Sec. 6-95. Supper club.

In order to be eligible for a consumption on the premises license, a supper club must:

- (1) Have a seating capacity, at tables, of at least 100 persons;
- (2) Have adequate and sanitary full service kitchen facilities and staff to prepare, cook, and serve suitable food for its patrons, except that this requirement shall not apply to a supper club which is located in a hotel having separate kitchen facilities of which the supper club makes use;
- (3) Provide a band or other professional entertainment a minimum of 20 days in each calendar month, each and every calendar month of the calendar year, with the exception of holidays, vacations, and periods of redecorating;
- (4) Be arranged and maintained such that all booths and tables are open and unobstructed to the view of other persons in the facility;
- (5) Serve at least one meal per day at least five days per week, with the exception of holidays, vacations, and periods of redecoration; and
- (6) Have as at least 50 percent of its total sales the sale of food and nonalcoholic beverages consumed on the premises, exclusive of sales from vending machines; and for this purpose, if a supper club makes a minimum charge or cover charge,

the amount so charged shall not be counted in computing total sales and shall not be counted as a food or beverage sale.

(Ord. No. 2008-11-26, § 3(art. 7, § 5), 12-1-2008)

Sec. 6-96. 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 this 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., 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.

(Ord. No. 2008-11-26, § 3(art. 7, § 6), 12-1-2008)

Sec. 6-97. 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; or
- (4) Be a multi-sport complex situated on at least 20 acres and in conformance with the city's zoning ordinances.

(Ord. No. 2008-11-26, § 3(art. 7, § 7), 12-1-2008)

Sec. 6-98. Farm winery tasting room.

(a) As used in this section, the following definitions shall apply:

Farm winery means a domestic winery that is licensed by the state as a farm winery.

Special entertainment district means a certain area within the city designated by mayor and council pursuant to O.C.G.A. § 3-6-21.2 solely for the purpose of allowing Sunday sales in a farm winery tasting room.

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.

(b) There is hereby created a license for the business of operating a Georgia farm winery tasting room in conformance with state and city laws.

(c) Under this section, the licensee shall be authorized to carry on the business of operating a farm winery tasting room in the licensed premises. For the purposes of this chapter, upon application, a certain location may be designated by the mayor and council as a special entertainment district pursuant to O.C.G.A. § 3-6-21.2. Such designation is made solely for the purpose of allowing Sunday sales in a farm winery tasting room.

(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.

(Ord. No. 2008-11-26, § 3(art. 7, § 8), 12-1-2008)

Sec. 6-99. Physical requirements of premises.

All lounge and restaurant areas, including all tables, booths, and other areas where customers are served and including all passageways for customers, shall be sufficiently well illuminated so that they may be viewed by those inside the premises. The sale or dispensing of alcoholic beverages in any back room or side room that is not open to the general public is prohibited, except that this prohibition shall not apply with respect to:

- (1) Private parties which have been scheduled in advance;
- (2) Sales to hotel guests in their hotel rooms;
- (3) Private clubs; or
- (4) Special events facilities.

(Ord. No. 2008-11-26, § 3(art. 7, § 9), 12-1-2008)

Sec. 6-100. Employees of supper club or lounge not to mingle with customers.

It shall be unlawful for an employee of a supper club or lounge to dance or sit with customers on the premises. It shall be unlawful for any customer to purchase food or drink for an employee of a lounge or supper club on the licensed premises.

(Ord. No. 2008-11-26, § 3(art. 7, § 10), 12-1-2008)

Sec. 6-101. Live music and dancing.

Bands or orchestras and patron dancing shall be permitted at facilities licensed for consumption on the premises sales only where:

- (1) Adequate space exists;
- (2) All fire and safety regulations are met;
- (3) Prior approval of the chief of police and the fire chief has been obtained.

(Ord. No. 2008-11-26, § 3(art. 7, § 11), 12-1-2008)

Sec. 6-102. Package sales prohibited.

It shall be unlawful for any alcoholic beverages to be sold by the package from premises licensed for consumption on the premises. This section shall not apply with respect to sales pursuant to a license for sales by the package.

(Ord. No. 2008-11-26, § 3(art. 7, § 12), 12-1-2008)

Sec. 6-103. Carry-out of alcoholic beverage unlawful.

- (a) All alcoholic beverages sold or otherwise dispensed by consumption on the premises licensees shall be consumed only on the licensed premises. It shall be unlawful for any person to remove from the licensed premises any alcoholic beverages sold for consumption on the premises, and it shall be unlawful for the licensee to permit any person to remove from the licensed premises any alcoholic beverages sold for consumption on the premises in any type of container, except as provided for in subsection (b).
- (b) Any restaurant which is licensed to sell alcoholic beverages for consumption on the premises may permit a patron to remove one unsealed bottle of wine per patron for consumption off premises as authorized in O.C.G.A. § 3-6-4.
- (c) Each consumption on the premises licensee shall post in a prominent place at each exit from the licensed premises a sign in substantially the following form:
"No alcoholic beverages beyond this point." Such sign shall be in uniform letters not less than one inch in height, and shall be no larger than one square foot in size.
- (d) It shall be unlawful for customers to gather outside the licensed premises of a consumption on the premises licensee and consume alcoholic beverages, unless otherwise authorized by this chapter.
- (e) It shall be unlawful for the manager or any employee of a consumption on the premises licensee to allow persons to gather outside the licensed premises and consume alcoholic beverages, unless otherwise authorized by this chapter.

(Ord. No. 2008-11-26, § 3(art. 7, § 13), 12-1-2008)

Sec. 6-104. Brown-bag, "BYOB" prohibited.

It is prohibited for any person to bring in his own alcoholic beverage (brown-bag) in any retail establishment without regard to whether such establishment is licensed to serve alcoholic beverages. This section shall not apply to any person dining at an establishment licensed to sell wine for consumption on the premises from bringing an unopened bottle of wine into said establishment. For purposes, the term retail establishment shall not include a private hotel room or other similar guest room or a private club.

(Ord. No. 2008-11-26, § 3(art. 7, § 14), 12-1-2008)

Sec. 6-105. "Happy hour" discounts; other unlawful practices.

- (a) No consumption on the premises licensee shall engage in any of the following practices:
 - (1) The sale of alcoholic beverages during any special period of the day at prices lower than those customarily charged during the remainder of the day;
 - (2) The giving away of any alcoholic beverages in conjunction with the sale of any other alcoholic beverages;

- (3) The sale of two or more alcoholic beverages for a single price or the sale of all the alcoholic beverages a customer can or desires to drink; provided, however, nothing herein shall prohibit a licensee from offering a sampler of no more than four types of malt beverages or wine in containers not exceeding four ounces each;
 - (4) The sale or serving of two or more alcoholic beverages at substantially the same price customarily charged for one alcoholic beverage;
 - (5) Requiring or encouraging the purchase of a second or subsequent alcoholic beverage at the same time another alcoholic beverage is purchased or before the first such beverage has been consumed;
 - (6) Increase the volume of alcohol contained in a drink without increasing proportionately the price regularly charged for such alcoholic beverage;
 - (7) Sponsoring, conducting, or allowing contests or promotions which have as their primary purpose the increasing of the consumption of alcoholic beverages on the premises.
- (b) This section shall not apply with respect to private functions not open to the public with respect to which the licensee has agreed to the use of the licensee's establishment by a person, firm, or organization for a set period of time for a valuable consideration.
(Ord. No. 2008-11-26, § 3(art. 7, § 15), 12-1-2008)

Secs. 6-106--6-120. Reserved.

ARTICLE VIII. EXCISE TAX

Sec. 6-121. Tax imposed on sale of drinks containing distilled spirits.

There is imposed upon the retail sale of drinks containing distilled spirits in the city a tax in the amount of three percent of the purchase price of the drink to the consumer. A record of each sale shall be made in writing and maintained for inspection by any authorized agent of the city.

(Ord. No. 2008-11-26, § 3(art. 8, § 1), 12-1-2008)

Sec. 6-122. Licensee to collect and remit.

Every consumption on the premises licensee shall collect the tax imposed by this article from purchasers of drinks containing distilled spirits. The licensee shall furnish such information as may be required by the city revenue division to facilitate the collection of the tax.

(Ord. No. 2008-11-26, § 3(art. 8, § 2), 12-1-2008)

Sec. 6-123. Customer receipts; credit sales.

If requested by the purchaser, a consumption on the premises licensee shall give to the purchaser a receipt on which the purchase price and the tax imposed by this article shall be itemized separately. In all cases where the purchase is by deferred payment or credit, the licensee becomes liable for the collection and payment of the tax at the time of delivery of the drink to the purchaser.

(Ord. No. 2008-11-26, § 3(art. 8, § 3), 12-1-2008)

Sec. 6-124. Payment and returns by licensee.

- (a) Each licensee shall pay over the amount of taxes collected and coming due under this article in any calendar month to the city not later than the 20th day of the following calendar month.
- (b) On or before the 20th day of each month, a return for the preceding month shall be filed with the city revenue division by each licensee liable for the payment of tax under this article. Returns shall be in such form as the city may specify and shall show the licensee's gross receipts from the sale of drinks containing distilled spirits and the amount of taxes collected or coming due thereon.

Any amounts collected in excess of three percent of the taxable sales shall be reported and paid to the city.

- (c) Licensees shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due, if said amount is not delinquent at the time of payment. The rate of deduction shall be the same rate authorized for deductions from state sales and use tax under O.C.G.A. § 48-8-50.

(Ord. No. 2008-11-26, § 3(art. 8, § 4), 12-1-2008)

Sec. 6-125. Excise tax--Wholesalers.

- (a) There is imposed by the city an excise tax on the first sale or use of malt beverages in the city, as follows:
 - (1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6.00 on each container sold containing not more than 15½ gallons and a proportionate tax at the same rate on all fractional parts of 15½ gallons;
 - (2) Where malt beverages are sold in bottles, cans or other containers, except barrel or bulk containers, a tax of five cents per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.
- (b) There is imposed by the city an excise tax on the first sale or use of wine in the city at a rate of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.
- (c) There is imposed by the city an excise tax on the first sale or use of distilled spirits in the city at the rate of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.
- (d) The excise taxes provided for in this section shall be imposed upon and paid by the licensed wholesale dealer. Such taxes shall be paid on or before the tenth day of the month following the month in which the alcoholic beverages are sold or disposed of by the wholesaler within the city. Remittances shall be accompanied by completed forms as prescribed or authorized by the city revenue division, or in accordance with O.C.G.A. § 3-5-81 for wholesale dealers of malt beverages.

(Ord. No. 2008-11-26, § 3(art. 8, § 5), 12-1-2008)

Sec. 6-126. Deficiency assessment.

- (a) If the city has cause to believe that a return or the amount of tax paid to the city by a licensee is not proper, the city may compute and determine the amount due on the basis of any information available. One or more deficiency determinations may be made of the amount due for any month.

- (b) The amount of a deficiency determination shall bear interest at the rate of one percent per month, or fraction thereof, from the due date of the taxes until paid, in addition to any other penalties which may be imposed.
 - (c) The city shall give notice of a deficiency determination to the licensee. The notice may be served personally or by mail. Service by mail shall be addressed to the named licensee at the licensed premises, shall be made by certified mail, and is complete when delivered with a receipt signed by the addressee or by the receipt of mailing from the United States Postal Service.
 - (d) Except in the case of fraud, intent to evade this chapter, or failure to make a return, every notice of a deficiency determination shall be mailed within three years after the twentieth 20th day of the month following the month for which the amount is proposed to be determined or within three years after the return is filed, whichever is later.
- (Ord. No. 2008-11-26, § 3(art. 8, § 6), 12-1-2008)

Sec. 6-127. Failure to file return.

- (a) If a licensee fails to make a return, the city shall make an estimate of the amount of the tax due for the period or periods for which a return was not filed. Such estimate may be based on any information available to the city. Written notice of the estimate shall be given to the licensee in the manner specified by subsection 6-126(c).
 - (b) If the failure to file a return is due to fraud or an intent to evade this chapter, a penalty of 25 percent of the amount required to be paid by the licensee shall be added to the estimate of the amount due in addition to any other penalties which may be imposed.
- (Ord. No. 2008-11-26, § 3(art. 8, § 7), 12-1-2008)

Sec. 6-128. Penalty and interest.

Any licensee who fails to pay to the city within the time required any amount required to be paid under this article shall pay in addition to the principal unpaid amount, penalty at the rate of 15 percent of the tax due and interest at the rate of one percent per month or fraction thereof from the date the tax payment was last due until payment.

(Ord. No. 2008-11-26, § 3(art. 8, § 8), 12-1-2008)

Sec. 6-129. Actions for collection; overpayment.

- (a) At any time within three years after the delinquency of any amount due under this article, the city may bring an action in the courts of this state, any other state, or the United States in the name of the city to collect the amount delinquent, together with penalties, interest, court fees, filing fees, attorneys' fees, and other legal fees incident thereto.
 - (b) Whenever any tax, penalty, or interest has been paid more than once or has been erroneously or illegally collected or received by the city, it may be offset against any future liability for the tax.
 - (c) If the licensee determines that he has overpaid or paid more than once and such fact has not yet been determined by the city, the licensee shall have three years from the date of payment to file a claim with respect to such overpayment or double payment. Such claim shall be in writing and shall state the specific grounds upon which it is based. The claim shall be audited. If the city approves the claim, the excess amount paid may be credited against any other amounts due from the licensee or refunded.
- (Ord. No. 2008-11-26, § 3(art. 8, § 9), 12-1-2008)

Sec. 6-130. Administration and enforcement of article.

- (a) The city revenue division shall administer and enforce the provisions of this article.
- (b) The city manager or designee may promulgate rules and regulations for the enforcement of this article.
- (c) Every licensee engaging in the sale of mixed drinks shall keep such records, receipts, invoices, and other pertinent papers in such form as may be required by the city.
- (d) The city revenue division may examine the books, papers, records, financial reports, equipment, and facilities of any licensee, person or business engaging in the sale of any alcoholic beverage, retail or wholesale, in order to verify the accuracy of any return, or if no return is made to ascertain the amount of tax due.
- (e) In the administration of the provisions of this article, the city revenue division may require the filing of reports by any person or class of persons having in their possession or custody any information relating to purchases subject to taxation under this article.

(Ord. No. 2008-11-26, § 3(art. 8, § 10), 12-1-2008)

Sec. 6-131. Severability.

In the event that any one or more of the provisions contained in this chapter shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions of this chapter, and this chapter shall be construed as if such invalid, illegal, or unenforceable provisions had never been contained herein.

(Ord. No. 2008-11-26, § 3(art. 8, § 11), 12-1-2008)

Secs. 6-131--6-140. Reserved.

ARTICLE IX. PENALTIES FOR VIOLATION

Sec. 6-141. General penalty.

Except as may otherwise be provided in this chapter, any person who violates this chapter may, upon conviction, be punished by a fine of up to \$1,000.00 for each offense and/or up to six months incarceration. Should the violation and conviction be of a state law, the punishment shall be by a fine of not less than \$1,000.00 and/or up to 12 months incarceration.

(Ord. No. 2008-11-26, § 3(art. 9, § 1), 12-1-2008)

SO ORDAINED this 27th day of July, 2009.

APPROVED:

Michael E. Bodker, Mayor

ATTEST:

APPROVED AS TO CONTENT AND FORM:

Joan C. Jones, City Clerk

William F. Riley, Jr., City Attorney