

STATE OF GEORGIA  
CITY OF SOCIAL CIRCLE

ORDINANCE NO. 2024- ORD-3

**AN ORDINANCE TO REVISE CHAPTER 10 ("Alcohol and Entertainment Regulations") OF THE CODE OF ORDINANCES, CITY OF SOCIAL CIRCLE, GEORGIA TO REVISE ALCOHOL ORDINANCE; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, the City has been reviewing its alcohol ordinance; and

**WHEREAS**, the Mayor and Council desired to make amendment to the alcohol ordinance, including regulations regarding distilled spirits sales in response to the referendum passed by the citizens of the City of Social Circle; and

**WHEREAS**, the Mayor and Council of the City of Social Circle, Georgia deem such amendment to be for the betterment and general welfare of the City of Social Circle and its inhabitants;

**NOW, THEREFORE, BE IT ORDANIED** by the Mayor and Council of the City of Social Circle, Georgia, and it is hereby ordained by authority of same, as follows:

**SECTION 1.** Chapter 10 of the Code of Ordinances of the City of Social Circle is hereby deleted in its entirety and replaced with the codes attached hereto as Exhibit "A".

**SECTION 2.** Except as provided otherwise herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 3.** Pursuant to the Section 2.25 of the City Charter, authority is hereby delegated to the City Clerk to cause this Ordinance to be numbered and codified in the City Code of Social Circle, Georgia, in such a way as to place this Ordinance in the Code in an organized and orderly sequence to maximize the organization of the Code. The City Clerk is authorized to designate to the City Attorney or to such other Mayor and Council approved contractors to assist in the effort to codify this provision provided the decision of the City Clerk is final as to the placement of this Ordinance within the City Code of Social Circle, Georgia. The goal of this authorization is to codify and number this Ordinance in the Code in such a way as to be clear and orderly.

**SECTION 4.** This ordinance shall become effective immediately.

**SECTION 5.** It is hereby declared that if any phrase, sentence, or paragraph hereof shall be found or declared unconstitutional or invalid by a court of competent jurisdiction, the remaining phrases, sentences and paragraphs hereof shall remain in full force and effect as if enacted without the phrase, sentence, or paragraph declared unconstitutional or invalid.




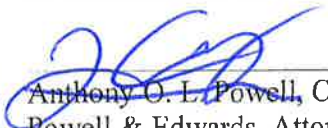
SO ORDAINED this 18th day of June 2024.

  
David Keener, Mayor

ATTEST:

  
Susan M. Roper, City Clerk

APPROVED AS TO FORM:

   
Anthony O. L. Powell, City Attorney  
Powell & Edwards, Attorneys at Law P.C.

Adopted by the City Council at a regular called meeting on June 18, 2024.

4 Council members voting in favor

0 Council members voting against

0 Council members abstaining



# EXHIBIT

“A”

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**Chapter 10 ALCOHOLIC BEVERAGE CONSUMPTION, LICENSING AND REGULATIONS<sup>1</sup>**

***ARTICLE I. GENERAL PROVISIONS***

***DIVISION 1. PURPOSE, ALCOHOL SALES LICENSED, DEFINITIONS***

**Sec. 10-1. Purpose.**

This article has been enacted for the purposes, among others, of promoting the health and general welfare of the community, to establish reasonable and ascertainable standards for the regulation and control for the licensing and sales of alcoholic beverages and retail package alcohol; to protect and preserve schools and churches; to give effect to existing land use; and to preserve certain residential areas, with reasonable considerations, among others, to the character of the areas and their peculiar suitability for particular uses, the congestion in the roads and streets, and with a general view of promoting desirable living conditions and sustaining the stability of neighborhoods and property values; and to prevent undesirable persons in engaging in or having any interest in alcoholic beverages.

**Sec. 10-2. Sales to be licensed; compliance with ordinance and state law required.**

It shall be unlawful for any person to sell or offer for sale at wholesale or retail any alcoholic beverages, or to offer for sale for consumption on the premises, or to offer free of charge as a promotional activity or incentive any alcoholic beverages within the city without having first complied with the provisions of this article. No person shall sell or possess for the purpose of sale any alcoholic beverage unless such person has a license from the city to sell or possess for sale alcoholic beverages, or sell or make deliveries beyond the boundaries of the premises covered by the license. The requirements and restrictions contained in O.C.G.A., Title 3, and regulations promulgated there under, which are not otherwise enumerated by this article are hereby expressly incorporated by reference.

**Sec. 10-3. Sale within the incorporated areas of the city; license a privilege.**

- (a) Alcoholic beverages may be sold within the incorporated areas of the city under an annual license granted by the city manager, or his designee, as governed by the terms and conditions hereafter provided.
- (b) All licenses herein shall be a mere grant of privilege to carry on the business during the term of the license subject to all terms and conditions imposed by the ordinances of the city and state law.

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- (c) All licenses hereunder shall have printed on the front a statement expressing that the license is a privilege, not a right and is subject to revocation, suspension and changes in ordinances.
- (d) Whenever in this chapter any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this chapter the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision shall be subject to prosecution in Social Circle Municipal Court and subject to the penalty provisions contained in section 1-5 of the City of Social Circle Ordinances and further the licensee shall be subject to suspension or revocation of their license issued under this chapter.

**Sec. 10-4. Definitions.**

As used in this article, defined words shall have the meaning specified unless the context in which the word or term is used clearly requires that a different meaning be used. For the purpose of this article the following definitions shall apply:

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

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

*Art shop* means a retail business in proper zoning class devoted exclusively to providing art education that is limited to instructing in painting, sculpture, and similar crafts; or to selling and displaying portraits, paintings, sculptures, and similar art work and crafts. An art shop may sell art supplies in addition to providing art education or to offering artwork for sale.

*Bar* or tavern means an establishment authorized to sell alcohol by the drink to be consumed on premises and such establishment deriving less fifty (50) percent of its total annual gross sales from the sale of prepared meals or food.

*Beer* or *malt beverage* means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other product, or any combination of such products in water containing not more than fourteen (14) percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer, strong beer, and hard cider as may be defined by state law. The term "malt beverage" does not include sake, known as Japanese rice wine.

*Brewer* means a manufacturer of beer or malt beverages.

*Brewery* means a physical facility in which malt beverages are manufactured subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-1.

*Brewery tour* means guided access to the manufacturing portion of the licensed premises of a brewer.

*Brewpub* is a restaurant in which beer or malt beverages are manufactured or brewed subject to state law barrel production limitations for retail sales directly to consumers.

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*Church* shall mean a permanent building where persons regularly assemble for religious worship.

*City manager* shall mean the person holding the official title of manager for the city.

*College* shall mean only such state, county, city, church, or other colleges that teach the subjects commonly taught in the common colleges of the state and shall not include private colleges where only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

*Commercial area* shall mean any area which is correspondingly zoned in accordance with the city zoning ordinance.

*Convenience store* shall mean a retail establishment or hotel store which offers for sale packaged or unprepared food and grocery items for consumption off of the premises which may sell fuel products, household items, or tobacco products and having five thousand (5,000) or less square feet of floor area as floor area.

*Craft beer market* means a licensed location which may fill growlers by tapped keg and sell samples of draft beer and pints of certain limited amounts as well. Craft beer markets are a subtype of bottle shops.

*Deli and food market* shall mean a retail establishment that sells food products prepared on site and may also engage in the selling of unprepared food products. Such establishment shall be authorized to sell unopened containers of wine or beer provided that the establishment derives no more than fifteen (15) percent of its gross sales from the sale of beer and wine. Unopened containers of wine or beer may only be sold in conjunction with the sale of food products prepared on site.

*Distillery* means a physical facility in which distilled spirits are manufactured subject to the barrel production limitation prescribed in O.C.G.A. § 3-4-1.

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

*Farm winery tasting room* means an outlet for the promotion of a farm winery's wine by providing samples of such wine to the public and for retail sale of such wine as provided by law. Samples of wine can be given complimentary or for a fee.

*Growler* means a container used to transport draft beer that is not to exceed sixty-eight (68) ounces and not less than twelve (12) ounces and is filled with beer from a keg or a tax-determined tank by a licensee, or an employee of a licensee with a license issued by the city.

*Hotel* shall mean a building or structure kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests whether transient, permanent or residential, in which fifty (50) or more rooms are used for the sleeping accommodations of such guests. Boarding houses or other similar facilities which have less than fifty (50) rooms used for sleeping accommodations for such guests are not classified as a hotel for the purposes of this article.

*Hours of operation* shall mean the hours during which a licensed establishment shall remain open for the purposes to include the sale of alcoholic beverages on or off premises.



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*License* shall mean the authorization by the clerk of the city to engage in the sale of alcoholic beverages.

*Licensee* means the individual to whom a license is issued or, in the case of a partnership, corporation or company, all partners, officers, members, managers, and directors of the partnership corporation or company.

*Liter* means the metric measurement currently used by the United States.

*Manufacturer* means any maker, producer, or bottler of an alcoholic beverage. The term also means:

- (1) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits;
- (2) In the case of malt beverages, any brewer; and
- (3) In the case of wine, any vintner

*Open area* means the area that is directly outside and adjacent to a licensed restaurant where a licensee may obtain an annual permit authorizing the consumption of alcoholic beverages. Smoking shall not be allowed in the permitted open areas.

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

*Package store* shall mean a geographic location within the city wherein a license may be issued for the sale of package alcoholic beverages. Such package store must be operated as a distinct business and cannot be operated in conjunction with or as a part of any other business, except only as provided in this article and/or by the laws of this state.

*Patio* shall be defined as that portion of an establishment which is outside the main structure but accessible from the main structure and is used for sales of food and/or beverages.

*Performing arts facility shall mean and is limited to an establishment:*

- (2) *Which has as its principal objective or business the presentation of live music, mainline dramatic arts, plays, theatre productions and stand-up comedy; and*
- (3) *Which does not feature, show, allow, promote or advertise adult businesses as defined and regulated in chapter 7, article XIV of this Code, including but not limited to adult dancing establishments, adult mini-motion picture theatres, adult motion picture theatres, adult motion picture arcades and erotic dance establishments.*

*Person* means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasi-public.

*Premises* shall mean the definite closed or partitioned-in facility including, but not limited to, a room, shop, building, restaurant, or club wherein alcoholic beverages are sold.

*Private club* shall mean any association organized under the laws of the state which has been in existence at least one (1) year prior to the filing of its application for a license to be issued hereunder; has at least seventy-five (75) regular dues paying members; owns, hires or

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leases a building or space within a building for reasonable use of its members with suitable kitchen and dining space and equipment for the serving of prepared meals for the members and guests; and does not compensate any member, officer, agent or employee directly or indirectly from the profits of the sale of distilled spirits beyond a fixed salary as established by its members at any annual meeting or by its governing board out of the general revenue of the club; except that for the purposes of this section, tips which are added to the bills under club regulation shall not be considered as profits from the sale of distilled spirits.

*Private residence* shall mean a house or dwelling where not less than one (1) or more than three (3) families customarily reside and shall not include an apartment house having facilities for housing four (4) or more families and any residence which has been unoccupied for a period of six (6) consecutive months immediately prior to the filing of any application hereunder.

*Registered agent* shall mean a natural person age twenty-one (21) years or older and residing in the state who is empowered to act for and represent the licensee in all matters with the city relating to an establishment licensed or making application for a license to sell alcohol upon whom any process, notice or demand required or permitted by law or under this article may be served.

*Restaurant* shall mean a public place kept, used, maintained, advertised and held out to the public as a place where meals are actually and regularly cooked and served to the public, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment, having employed therein a sufficient number and kind of employees to cook and serve suitable food for its guests. At least one (1) meal per day shall be cooked on the premises and served at least five (5) days a week, with the exception of holidays, vacations, and periods of redecorating, and the cooking and service of such meals shall be the principal business conducted by such establishment with such establishment deriving at least fifty (50) percent of its total annual gross sales from the sale of prepared meals or food.

*Retail sales* shall mean selling or offering for sale alcoholic beverages to any member of the public.

*Retailer or retail dealer* means any person who sells alcoholic beverages at retail only to consumers and not for resale.

*School building or educational building* shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state and are accredited by the state or federal government.

*Special events facility* shall mean any public place kept, used, maintained, advertised and held out to the public as a place where special events including, but not limited to, weddings, wedding receptions, private parties and similar events are held and which provides meals for food services in connection with such events. Any such facility shall be equipped with an adequate and sanitary kitchen and dining room facility, and shall be capable of preparing and cooking meals, or serving catered meals and other food products associated with its special events on site. Any such establishments shall derive at least seventy-five (75) percent of its total annual gross sales from rental for special events and the service of meal and food products in connection with such special events. The revenues received from alcohol sales shall never

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exceed twenty-five (25) percent of the total annual gross sales for any such facility. Any such facility open to the public for the service of at least one (1) meal per day for five (5) or more days per week, shall be considered a restaurant.

*Special events vendor* shall mean a vendor licensed by the state to sell alcoholic beverages for consumption. Before receiving a license as a special events vendor, the vendor shall have entered into a contractual agreement with the city for the sale of alcoholic beverages at special events approved by the city to be held on public property.

*Specialty gift shop* shall be defined as any retail gift shop that derives not more than fifteen (15) percent of its gross sales from the sale of package gift baskets containing non-alcohol related items such as flowers, plants, food or similar items which also contain unbroken containers of wine or malt beverages.

*Spirituuous liquors or distilled spirits* shall mean any alcoholic beverages containing alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, cordials, or other spirituuous liquors by whatever name called to include fortified wines, as defined by the Federal Alcohol Administration.

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

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

#### **Sec. 10-6. Inspection of licensed establishments.**

Sworn officers of the police department and the city manager or designee shall have the authority to inspect establishments licensed under the alcoholic beverage ordinances of the city during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and state law. This section is not intended to limit the authority of any other city officer to conduct inspections authorized by other provisions of law.

#### **Sec. 10-7. License to be exhibited.**

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

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- (b) All retail consumption dealers and retail dealers who sell at retail any alcoholic beverages for consumption on the premises shall post, in a conspicuous place, a sign that clearly reads: "Warning: Drinking alcoholic beverages during pregnancy can cause birth defects."
  - (c) Each retail business establishment which is licensed to sell alcoholic beverages of any kind shall post in a conspicuous place a notice which shall contain the provisions in the laws of this state which deal with the unlawful sale of such items to underage persons and the penalties for violating such laws.

**Sec. 10-8. Familiarity with ordinance provisions; responsibility of licensee for violations.**

Each licensee hereunder shall make this article available for review in the licensed premises and shall instruct any person working therein with respect to the terms hereof and each licensee, the licensee's agents and employees selling alcoholic beverages shall at all times be familiar with the terms hereof. The licensee shall be responsible for any acts of agents or employees which are in violation of this article or of the laws of the state or of the rules and regulations of the state revenue commissioner.

**Sec. 10-9. Production of records; audits.**

- (a) In conjunction with any application for license, or in conjunction with any license which has been issued under the terms hereof, or in conjunction with the revocation, suspension or cancellation of any license, or in conjunction with the payment or nonpayment of any excise tax levied or to be collected under this chapter, the city manager shall have the right to subpoena all or any part of the records, books, documents, electronic or magnetic media and associated software, reports or invoices of any licensee for the purpose of auditing the records of such licensee, securing compliance by such licensee with the provisions of this chapter, proving or disproving violation of any part of this chapter by any licensee, or showing payment or nonpayment of any taxes, fees, charges or the like due hereunder.
- (b) All licensed establishments must maintain the following records for a three-year period and make the original records or certified copies available for audit at the licensed premises:
  - (1) Monthly income or operating statements;
  - (2) Daily sales receipts showing liquor, beer, and wine separately;
  - (3) Daily cash register receipts such as Z tapes;
  - (4) Monthly Georgia Sales and Use Tax Reports; and
  - (5) Federal Income Tax Returns with all Form 1099's.

(Ord. of 8-13-12)

**Sec. 10-10. Invoices.**

- (a) Upon each and every delivery by a licensed wholesaler to a licensed retailer, an invoice in triplicate shall be prepared showing the quantities and brands of spirituous liquors, malt beverages and wine delivered, together with the price thereof and the excise tax due and

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collected thereon. The original of such invoice shall be delivered by the wholesaler to the retailer simultaneously with such delivery. The wholesaler shall retain the second copy of such invoice and shall keep it for a period of thirty-six (36) months after the date of delivery and during such 36-month period, such invoices shall be made available for inspection by the city manager or duly authorized representatives. The remaining copy of the invoice shall be distributed in accordance with Georgia law. Upon request of the city, a copy of such invoice shall be attached to any reports requested or required by the city.

- (b) Each retail licensee doing business in the city shall keep and maintain accurate and complete records regarding the purchases and sales made by such business including, but not limited to, the original invoice of each sale to him or purchase by him from a wholesaler of any alcoholic beverages and shall maintain such records for at least thirty-six (36) months after the date of such purchase. Such records shall reveal the gross sales from the operation of their business and the exact quantities of spirituous liquors, malt beverages and wines by size and type of container purchased by such retail dealer together with the dates of delivery of such shipments by wholesale dealers as well as the identity of each wholesale dealer from whom such licensee purchases alcoholic beverages. The city or its duly authorized representative shall have the right to inspect the records of each licensee and make a complete audit of the records of each licensee at any time. Failure of a licensee to maintain proper records showing receipt of alcoholic beverages, payment therefore, and payment of the taxes due thereon to the appropriate wholesaler, and records which clearly show the sales, the amount of sales, and the types of sales of each licensee may, at the discretion of the city manager, after a hearing as herein provided, result in the revocation or suspension of such license.

**Sec. 10-11. Penalties established for failure to keep records.**

- (a) In the event that any wholesale dealer or retail dealer licensed under this article shall fail to keep and maintain records required to be kept of sales by this article or in the event that the right of audit is refused to persons duly authorized by the city to conduct such audits, the license of such dealer shall be subject to suspension or revocation as provided for under this article.
- (b) In the event that an audit of the records required to be kept by wholesale and retail dealers under the terms of this article are found to vary from the monthly reports required to be furnished by the wholesale dealers to the city and such discrepancies are not explained to the satisfaction of the city manager, the license of such wholesale dealers shall be subject to suspension or revocation as provided for under the ordinances of the city. If it appears to the city manager that any retail dealer participated in or conspired with any wholesale dealer to falsify or keep and maintain incorrect records of such sales in order to avoid payment of the taxes imposed by this article, all licenses of the licensees involved in such scheme shall be subject to suspension or revocation as provided for under this article.

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**Sec. 10-12. Duration of licenses.**

All licenses, except as otherwise indicated, issued under this chapter shall be issued on an annual basis, and all licenses shall expire at midnight on December 31 of each year, regardless of issue date.

**Sec. 10-13. Distance requirements.**

- (a) For the purposes of this code section, distance shall be measured by the most direct route of travel on the ground from the front door of the structure from which alcoholic beverages are sold or offered for sale, to the nearest public right of way, along the right of way to the closest point on the right of way to the front door of the building of a church, government owned treatment center or a retail package store or to the nearest property line of any private residence, or any real property being used for school or educational purposes, and then to the front door of that structure.
- (b) No license permitting the sale of malt beverages or wine or both for retail by the package shall be issued for any proposed location which is:
  - (1) Within a distance of one hundred (100) yards of any school building, educational building, school grounds or college campus; or
- (c) No license permitting the sale of any distilled spirits or spirituous liquors for retail by the package shall be issued for any proposed location which is:
  - (1) Within a distance of fifty (50) yards of any private residence unless such residence is located in a commercially zoned (OI or BUS) district;
  - (2) Within a distance of one hundred (100) yards of any church building;
  - (3) Within a distance of one hundred (100) yards of any public library or branch thereof;
  - (4) Within a distance of one hundred (100) yards of a public park;
  - (5) Within a distance of two hundred (200) yards of any school building, educational building, school grounds or college campus; or
  - (6) Within a distance of five hundred (500) yards of any business licensed to sell package spirituous liquors pursuant to this article unless other such business is a hotel.

**Sec. 10-14. Hours of operation.**

- (a) *Consumption on the premises.*
  - (1) Consumption on the premises licensees shall sell alcoholic beverages only between the hours of 9:00 a.m. and 2:00 a.m. on the following day, Monday through Saturday. The sale of beer and/or wine for consumption on the premises is permitted on Sundays from 12:30 p.m. until 11:00 p.m. in any licensed establishment which derives a minimum of fifty (50) percent of its total annual gross sales from the sale of prepared meals or food and in any licensed establishment which derives at least as much of its total annual gross income from the rental of rooms for overnight lodging.

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- (b) *Retail package spirituous liquor.* No retail license holder holding a license under the ordinance from which this chapter is derived shall furnish, sell, or offer for sale any spirituous liquor or distilled spirits by the package except between the hours of 9:00 a.m. to 11:00 p.m. Monday through Saturday. No retail license holder shall furnish, sell, or offer for sale any spirituous liquor or distilled spirits by the package at any time in violation of state law, local ordinance or regulation, or special order of the city manager, city manager or their designee.
  - (c) *Retail package malt beverage and wine.* Retail licensees shall not engage or permit in the sale of alcoholic beverages except between the hours of 7:00 a.m. and 12:00 midnight Monday through Saturday and between the hours of 12:30 p.m. and 12:00 midnight on Sunday. No retail license holder shall furnish, sell, or offer for sale any beer/malt beverage or wine at any time in violation of state law, local ordinance or regulation, or special order of the city manager, city manager or their designee.
  - (d) *Wholesale dealer.* The hours during which the sale of alcoholic beverages may be conducted in the city by any wholesale dealer licensed hereunder shall be from 6:00 a.m. to 11:00 p.m., exclusive of Sunday.
  - (e) *Alcohol sales on election day.* The sale of alcoholic beverages shall be legal on any election day. This authorization is approved by the city pursuant to the provisions of Georgia Laws, 1985, page 1508. Notwithstanding any other provisions of this article, it shall be unlawful for any person to sell alcoholic beverages within eighty-four (84) yards (two hundred fifty (250) feet) of any polling place or of the outer edge of any building within which such polling place is established on primary or election days.

#### **Sec. 10-15. - Downtown Entertainment District.**

The provisions of this section are intended to set forth certain exceptions to the outdoor possession and consumption of alcoholic beverages in the area herein referred to as the "Downtown Entertainment District" and to benefit businesses that hold licenses to sell alcoholic beverages for consumption on the premises which are located in the Downtown Entertainment District. Except as specifically set forth in this section to the contrary, all such licensees remain subject to all other provisions of the Code of Ordinances.

- (1) *Downtown Entertainment District* is defined as the area of public space, streets, sidewalks, open areas, and all parcels and tracts of real property in the area of the city shown on Exhibit "A" attached to Ord. No. 2019-3 and incorporated herein.
- (2) Outside consumption of alcoholic beverages shall be permitted within the Downtown Entertainment District under the following conditions:
  - A. Any licensee who desires to sell alcoholic beverages for outside consumption within the Downtown Entertainment District must possess a validly issued and current alcoholic beverage licenses for on premises consumption in good standing with the City of Social Circle and the State of Georgia.

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- B. Any establishment licensed to sell alcoholic beverages by the drink for consumption on the premises is authorized to dispense alcoholic beverages in a clear plastic cup bearing a special City of Social Circle sticker allowing the consumption of the alcohol outside of the premises (“Specialty Stickers”). Dispensing beer and/or wine in a can, bottle, or glass container for consumption outside in the designated area(s) is prohibited.
  - C. Specialty Stickers shall be available for purchase from the City of Social Circle at City Hall during regular business hours only by licensed Downtown Business that qualify for to sell in the Downtown Entertainment District. Special Stickers are not transferrable and shall not be distributed or sold by the licensed establishments except in compliance with this ordinance. Violation of this provision is grounds for revocation of the alcohol license of the establishment.
  - D. At the time of sale of an alcoholic beverage eligible for the benefits of this provision, the licensed establishment shall affix a Specialty Sticker to an approved cup and fill the establishment’s name where the drink was purchased, the server initials, and the date of purchase.
  - E. Alcoholic Beverages served under this exception must be serve in a “Specialty Cup”. A Specialty Cup shall be clear, plastic variety not exceeding a 16-ounce size which is disposable and shall be disposed of after one serving.
  - F. Specialty Cups can only be sold by participating licensed establishments between the opening of said business and the establishment’s close of business day. No alcoholic beverages shall be sold and/or consumed outside and within the Downtown Entertainment District except within the authorized hours of sale of the licensed establishment.
  - G. No alcohol purchased outside of the Downtown Entertainment District is allowed to be consumed under this ordinance. Drinks must be purchased from the participating establishments that are permitted to serve alcohol by the drink in the Downtown Entertainment District.
  - H. Consumption of alcohol by the drink in the Downtown Entertainment District is not allowed inside a truck, car or on a motorcycle, scooter, golf cart or any other type of motorized vehicle.
  - I. Establishments within the Downtown Entertainment District are not required to allow Specialty Cups on their premises and may ban patrons from entering their establishment by posting a sign indicating their wishes. The exceptions of this ordinance shall not apply inside any premises that are clearly marked that the owner is not participating.
  - J. Nothing in this section shall relieve applicants from complying with all other provisions of this chapter and state law.

**Sec 10-16 through Sec 10-19 reserved.**



***ARTICLE II. APPLICATION, TRAINING, LICENSES AND FEES***

***DIVISION I. APPLICATION REQUIREMENTS***

**Sec. 10-20. Application forms.**

All persons, firms or corporations desiring to sell alcoholic beverages within the city shall make application on the forms prescribed by the appropriate authorities of the city to the city manager and must follow the applicable procedures, hereinafter set forth.

**Sec. 10-21. Procedure for considering application.**

The city manager shall not consider any application for a license until the application provided for herein shall have been made, the application fee paid, the plat required herein filed and the fingerprinting and investigation of all persons as required under this article is completed by the police department. The chief of police shall, upon completion of the investigation, file a report of the results of such investigation, which report shall be attached to said application and form a part of the permanent city record. Upon the completion of all of the foregoing the application, together with all data, shall be submitted to the city manager for consideration pursuant to this article.

**Sec. 10-22. Application; data; information; requirement for.**

The appropriate officials, depending upon the type of license or permit involved, shall have authority to prescribe forms for new or renewal applications which are required under this article. Applicants are required to complete all aspects of all prescribed forms required under this article. The failure to provide all information required by such forms may result in denial of any application under this article. All applicants shall furnish all data requested of them by the city manager or the chief of police and failure to furnish such data, information and records within thirty (30) days from the date of such request shall automatically serve to dismiss, with prejudice, the application. The applicants, by filing an application for a license permitted under this article, agree to produce, for oral interrogation, any person or persons requested by the city manager or the chief of police, considered by either as being important in ascertaining the facts relative to such application and/or licenses issued under this article. The failure to produce such person or persons within thirty (30) days after being requested to do so shall result in the automatic dismissal, with prejudice, of any application pending under this article. The application form and all data requested by the city manager or the chief of police shall be subscribed by the applicant(s) under oath before a notary public or other officer authorized to administer oaths. Any untrue or misleading information contained in, or material statement omitted from, an original, renewal or transfer application for a license shall be cause for the denial or revocation thereof.

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**Sec. 10-23. Citizenship; residence requirements; corporate licensees.**

No license for the sale of alcohol shall be granted to any applicant who is not a citizen of the United States, a legal permanent resident eighteen (18) years of age or older, or a qualified alien or nonimmigrant under the federal Immigration and Nationality Act, Title 8 U.S.C., eighteen (18) years of age or older lawfully present in the United States.

Where the applicant is a corporation or other business entity other than an individual, any stockholder or principal owning more than a ten (10) percent financial interest must meet the requirements contained herein and, in the event any license provided for hereunder shall be issued, such license shall be issued in the name of the corporation or business entity and the principal stockholder or principal behind such business entity. If the applicant is a partnership, the requirements contained herein shall be met by all partners, whether general or limited partners.

**Sec. 10-24. Application; form; content; process; deposit.**

- (a) All persons desiring to engage in the sale or distribution of alcoholic beverages within the city shall make an application to the city manager for such privilege upon the forms provided by the city manager. The application shall include but shall not be limited to: the name and address of the applicant; the proposed business to be carried on; the name and address of the registered agent for service of process; the name and address of the manager; if a partnership, the names and addresses of the partners, and, if a corporation or other entity, the names and addresses of the officers and the names and addresses of all stockholders holding more than ten (10) percent of any class of corporate stock or more than a ten (10) percent financial interest in the business or in any other entity having a financial interest in the business. The applicant shall also disclose whether the applicant (its partners if a partnership; its officers, manager, and stockholders having more than ten (10) percent of any class of corporate stock if a corporation) has:
- (1) Been convicted of or plead guilty or nolo contendere to any felony, misdemeanor, or a violation of any municipal ordinance within a period of five (5) years prior to the license application; and
  - (2) Has any interests in a license to sell spirituous liquors by the package at retail within the state. The application form and all data requested by the city manager or the chief of police shall be subscribed by the applicant(s) under oath before a notary public or other officer authorized to administer oaths. Any untrue or misleading information contained in, or material statement omitted from, an original, renewal or transfer application for a license shall be cause for the denial or revocation thereof.

The application form and all data requested by the city manager or the chief of police shall be subscribed by the applicant(s) under oath before a notary public or other officer authorized to administer oaths. Any untrue or misleading information contained in, or material statement omitted from, an original, renewal or transfer application for a license shall be cause for the denial or revocation thereof.

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- (b) No license hereunder shall be issued to any applicant unless information is provided as required in the application concerning the business location and building construction. The completed building or the proposed building shall comply with the ordinances of the city; regulations of the state revenue commissioner; the laws of the state; and all other pertinent laws. The proposed building shall also be subject to final inspection and approval when finished by the building inspector. Each building in which the business is to be located shall contain sufficient lighting so that the building itself and the premises on all sides of the building are readily visible at all times from the front of the street on which the building is located so as to reveal all of the outside premises of such building. All premises for which a license shall be issued shall afford therein adequate sanitary toilet facilities and shall be adequately illuminated so that all hallways, passageways and open areas may be clearly seen by the customers therein.
  - (c) Each applicant seeking a license under this section shall submit proof of ownership of the building in which the applicant will conduct its business. If the applicant is the owner of such building, the applicant shall provide a certified copy of the deed conveying ownership to the applicant. If the applicant is not the owner of such building, the applicant shall provide a copy of the current lease.
  - (d) Each applicant surveyor shall, upon request by the city manager, submit a survey by a design professional showing compliance with all distance requirements contained herein. If the business address location was licensed at any time during the twelve (12) months immediately preceding the filing of the new alcohol application, the location is grandfathered and a new survey is not required.
  - (e) A license granted under this chapter is expressly contingent upon the licensee obtaining and maintaining an appropriate state alcohol sales license.
  - (f) In the case of corporate or limited partnership applicants, the applicant must be a business in good standing with the secretary of state.
  - (g) Each application for a license under this article shall be accompanied by payment of an administrative fee in the amount shown on the city fee schedule, which will be updated from time to time by the Mayor and Council. The fee provided for herein is to be used to defray the investigative and administrative costs and expenses of investigating and considering the application. If the application is denied and the license refused or if the applicant withdraws his application after submission to the city manager, the fee provided for herein shall not be refundable.
  - (h) Each application shall contain a certification stating that the applicant (its partners if a partnership; its officers, manager, and stockholders having more than ten (10) percent of any class of corporate stock if a corporation) and registered agent have read this article.
  - (i) Upon notice by the city manager of the approval of the application for a license, an applicant shall have thirty (30) days to provide payment of the full licensing fee for the respective license(s) approved by the city manager.
  - (j) The city shall require not less than fifteen (15) nor more than thirty (30) days for processing any application for license permitting the sale of alcoholic beverages for consumption on

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the premises after a complete application, including all additional information requested, has been submitted.

**Sec. 10-25. Fingerprints of applicants.**

As a prerequisite to the issuance of a license permitting the sale of alcoholic beverages, applicants for a license shall provide a set of fingerprints as part of their application, which fingerprints may be forwarded to the appropriate investigative agencies of both the state and federal governments who shall search the appropriate files for any instance of criminal activity as provided for by O.C.G.A. § 3-3-2.

**Sec. 10-26. Advertisement of intent to engage in business; signs posted.**

(a) All applicants desirous of obtaining a license for the sale of alcohol shall cause to be placed upon at their expense upon the location of the proposed business no later than ten (10) days following submission of the application, a sign or signs stating the following: “

(b) "AN APPLICATION HAS BEEN FILED WITH THE CLERK OF THE CITY OF SOCIAL CIRCLE FOR A LICENSE TO SELL ALCOHOL. A DECISION ON WHETHER OR NOT TO GRANT OR DENY SUCH A LICENSE WILL BE MADE BY THE CLERK OF THE CITY OF SOCIAL CIRCLE NO LATER THAN THIRTY (30) DAYS FROM THE DATE THE FILED APPLICATION IS DETERMINED TO BE COMPLETE. MEMBERS OF THE PUBLIC ARE INVITED TO NOTE ANY OBJECTIONS, IN WRITING, THAT THEY MAY HAVE TO THE GRANTING OF SUCH A LICENSE BY FILING SAID WRITTEN OBJECTIONS WITH THE CLERK OF THE CITY OF SOCIAL CIRCLE."

(b) The sign or signs required by subsection (a) shall be constructed of wood or metal and shall be placed with the base of the sign not more than three (3) feet from the ground and shall be not less than forty-eight (48) inches by forty-eight (48) inches in size and shall face toward a public street adjoining the proposed location. The statement above shall be printed or painted on the sign in the English language. Such signs shall be placed where they can be easily seen and the statement above easily read from all public properties adjoining the proposed location. Said sign shall not be required to comply with the requirements of article 6 of the Unified Development Code pertaining to signs.

(c) The advertising requirements of this section shall not be required in cases where the location of the proposed business has previously served as a location where alcoholic beverage sales have been licensed within five (5) years of the date of the application for license.

**Sec. 10-27. Separate application and separate license for each location of sale.**

Separate applications must be made for each location and separate licenses obtained except as hereinafter set forth.

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**Sec. 10-28. Annexation of licensed businesses.**

Any person, persons, establishment, partnership, corporation or other entity which holds a license from a county for the retail sale of package malt beverages and wine and which is located in an area annexed by the city, shall have thirty (30) days from the effective date of the annexation to apply for the appropriate licenses and permits under this chapter. However, all applicable fees and costs for the equivalent license(s) in the city shall be waived for the year of annexation.

**Sec. 10-29. Other licenses.**

The licenses and taxes provided for in this chapter are not levied in lieu of any other license fees or taxes that may be levied upon licensees, but are in addition thereto.

**Sec. 10-30. Restriction upon transfers.**

- (a) Licenses permitting the sale of alcoholic beverages shall not be transferable except as otherwise provided for in this section.
- (b) In case of the death of any person owning a license, or any interest greater than ten (10) percent therein, the license may, with the approval of the city manager and subject to the terms of this article, be transferred to the administrator, executor or personal representative of the deceased person, or the lawful heirs of the deceased person, if such heirs make application and meet all of the other qualifications contained herein. The license of such deceased person shall be held by the administrator, executor or personal representative of such deceased person only for the time necessary to complete execution of his estate and dispose of the license or his interest therein, but in no event to exceed eight (8) months. In the event of the bankruptcy or in the event that any applicant shall have a receiver appointed by any court of competent jurisdiction, such license shall be transferable to such receiver or trustee in bankruptcy for such period of time as may be granted by the city manager for the proper liquidation of such assets and stock and goods of alcoholic beverages or both.
- (c) Nothing in this section, however, shall prohibit one (1) or more of the partners in a partnership holding a license to withdraw from the partnership and to assign his/her interest in such partnership to one (1) or more of the partners who were partners at the time of the issuance of the license. Such a withdrawal shall not, however, serve to bring any new ownership into the partnership, unless all provisions of this article are fully complied with, and then only upon the approval of the city manager. This section shall not prohibit transfer of stock to persons who held more than ten (10) percent of any class of stock in the corporate owner at the time of issuance of the license.
- (d) A licensee may take in partners or additional stockholders where it is determined that additional capital furnished is to be used exclusively for additional inventory or expanding the facilities of the business or for building new facilities and where it appears that the licensee himself will directly receive none of the additional capital investment. Under this section an additional partner or new stockholder must be approved by the city manager.

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This subsection only applies to corporations when the new stockholder obtains ten (10) percent or more of the common stock or financial interest in the business entity.

- (e) Should a transfer of the license be approved, there shall be no prorated return of any license fee and the new licensee shall meet all requirements for a new license to be issued hereunder, except payment of license fees.
- (f) Except as provided above, any change in the ownership of any entity owning a licensed establishment shall be cause for immediate suspension of any license issued hereunder pending a revocation hearing as provided for under this article.

**Sec. 10-31. Time limit for commencement of business in licen'ee's establishment; forfeiture for non-use.**

- (a) All holders of licenses permitting the sale of alcoholic beverages must within twelve (12) months after the issuance of said license, open for business the establishment referred to in the license. Failure to open the licensed establishment within twelve (12) months after the issuance of such license shall serve as cause for the revocation of such license and no refund of license fees shall be made to the license holder. A six-month extension to the 12-month period may be granted by the city manager in the case of a license authorizing the sale of alcoholic beverages for consumption on the premises.
- (b) Failure to operate the business authorized by a license under this article for a period of six (6) consecutive months after the licensee has begun operation under a license, shall serve as cause for the revocation of such license and no refund of license fees shall be made to the license holder.

**Sec. 10-32. Annual renewal.**

All licensees holding licenses permitting the sale of alcoholic beverages shall be required to file their application to renew their licenses by December 1 of each year on forms prescribed by the city manager. Any person licensed hereunder shall be required to submit a complete application to renew his/her license on the forms prescribed by the city manager on or before December 1 of each year. Further, those renewal applicants who fail to submit a complete application and license fee prior to the December 1 deadline may not receive the new license prior to the expiration of the old license. A minimum of seven (7) days shall be required for review prior to issuance of a renewed license. Unlicensed sales of alcohol are prohibited. Any license holder who fails to submit a complete application for a license renewal prior to December 31 of each year shall be required to undergo the application process as a new license applicant. Unlicensed sales of alcohol are prohibited.

**Secs. 10-33 through Sec. 10-39 Reserved.**

*DIVISION 3. CONSIDERATION OF LICENSE APPLICATIONS*

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**Sec. 10-40. Considerations for granting a license permitting the sale of alcoholic beverages.**

- (a) The sale of alcoholic beverages provided for by this article is purely a privilege and the city manager shall have discretionary powers to grant or refuse to grant any such application for license hereunder; however, it shall be proper for the city manager to consider the following matters in connection with any application for license hereunder, which considerations are deemed to be in the public interest and welfare, as follows:
- (1) That the applicant for a license for retail sales or consumption on the premises is related to any distributor or wholesaler of alcoholic beverages or employees thereof within the first degree of consanguinity or affinity as computed according to the laws of the state;
  - (2) That the applicant for a wholesaler license is related to any retailer of alcoholic beverages or employees thereof within the first degree of consanguinity or affinity as computed according to the laws of the state;
  - (3) That the applicant, or any person having a direct or indirect beneficial interest in the issuance of the license, has had any license issued by the city or by any other city in the state, or by any other licensing authority in the state relating to the manufacture, distribution or sale of alcohol or malt beverages suspended within the past five (5) years or revoked within the past ten (10) years;
  - (4) That any applicant for a license to sell spirituous liquor or package beer and wine is related to any distributor or wholesaler of alcoholic beverages or employees thereof within the first degree of consanguinity or affinity as computed according to the laws of the state;
  - (5) That any applicant for a license to sell spirituous liquor or package beer and wine, or any person having a direct or indirect beneficial interest in the issuance of the license, has had any license issued by the city or by any other city in the state, or by any other licensing authority in the state relating to the manufacture, distribution or sale of alcohol or malt beverages suspended within the past five (5) years or revoked within the past ten (10) years;
  - (6) That the applicant or any person owning a direct or indirect beneficial interest in the license for which application is made does not have sufficient mental capacity to conduct the business for which the application is made, or who has been dishonorably discharged from the armed services of the United States, or fails to demonstrate financial stability;
  - (7) That the applicant is not twenty-one (21) years of age or older;
  - (8) That the applicant is not a citizen of the United States, a legal permanent resident eighteen (18) years of age or older, or a qualified alien or nonimmigrant under the federal Immigration and Nationality Act, Title 8 U.S.C., eighteen (18) years of age or older and lawfully present in the United States.

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- (9) The location of the premises from which the proposed sale of alcoholic beverages shall be conducted does not meet the distance restrictions;
  - (10) That any licensee, owner, or manager has not obtained a valid alcohol handling permit as required by this chapter;
  - (11) Failure to meet any other criteria specified by this article;
  - (12) The applicant's reputation, character, mental and physical capacity to conduct the business proposed to be conducted;
  - (13) That applicant, or any person who shall have a direct or indirect beneficial interest in the license, as a previous holder of a license to sell any type of alcoholic beverages has been found to have violated any law, regulation or ordinance relating to such business within a ten-year period, immediately preceding the date of the application for license hereunder;
  - (14) If applicant is a previous holder of a license to sell any type of alcoholic beverages, the manner in which he or she conducted the business under such license and as to the necessity for any unusual police observation and inspection of such prior business in order to prevent the violation of any law, regulation or ordinance relating to such business;
  - (15) If applicant has had a prior license, whether or not any such prior license for the sale of any type of alcoholic beverages has been previously suspended or revoked or whether or not hearings have been held for the revocation or suspension of any such license regardless of whether or not any such license was revoked or suspended as a result of such hearing;
  - (16) The location of the premises from which the proposed sale of alcoholic beverages shall be conducted;
  - (17) That corporate or other business entity applicants are of bad business reputation;
  - (18) That applicant, or any person who shall have a direct or indirect beneficial interest in the license, has had any city license revoked within two (2) years prior to the filing of the application;
  - (19) Any other matters which the city manager in his/her sole discretion, may choose to consider;
  - (20) That the facility where the business entity applicants propose to sell alcoholic beverages does not meet city zoning requirements;
  - (21) When applying for a package store license, the applicant shall not be an employee of the City of Social Circle.
- (b) All applicants for any alcoholic beverage license must be of good character, and all operators, managers, clerks, or other employees shall be of like character.
  - (c) A license may be denied to any applicant for any alcoholic beverage license where it appears that the applicant would not have adequate financial participation in the proposed business to direct and manage its affairs, or where it appears that the application is intended



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to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.

- (d) The city manager has discretionary authority to consider any extenuating circumstances which may reflect favorably or unfavorably on the applicant, application, or the proposed location of the business. If in the judgment of the city manager circumstances are such that granting the license would not be in the best interest of the general health, safety, and public welfare, such circumstances may be grounds for denying the application.
- (e) All decisions of the city manager denying a license application shall be stated in writing and a copy of such statement shall be provided to the applicant either personally or by certified mail.
- (f) Whenever the city manager shall deny an application for a license permitting the sale of alcoholic beverages for consumption on the premises, the applicant shall be notified of the right to a hearing under this article upon timely application.

**Sec. 10-41. Moral character criminal record of owners, officers and shareholders.**

- (a) Where the applicant is a corporation or other business entity other than an individual, the provisions of this section shall apply to all its stockholders or principals owning more than a ten (10) percent financial interest, and all partners and officers.
- (b) No person shall be granted any alcoholic beverage license unless it shall appear to the satisfaction of the city manager that such person, partners in the firm, or officers and directors of the corporation are of good moral character and reputation. In no event shall any license be granted to any applicant when a person to whom this section applies has been convicted or has pleaded guilty or entered a plea of nolo contendere to any felony or any crime of another state or jurisdiction which would be a felony in Georgia within a period of five (5) years immediately prior to the filing of such application. No person shall be granted an alcohol license when such person has had any license or permit relating to the sale, manufacture or distribution of alcohol revoked by any jurisdiction within a period of five (5) years immediately prior to the filing of such application. No person shall be granted an alcohol license when that person has been convicted, pleaded guilty or entered a plea of nolo contendere to two offenses of driving under the influence of alcohol in this state or any other state, or in any country, within a period of five (5) years immediately prior to the filing of the license application. At the time an application is submitted for any alcoholic beverage license, the applicant shall, by duly sworn affidavit, certify that the applicant, other owners of the establishment and the manager of such establishment satisfy the criminal history prerequisites set forth in this chapter. Should any person to whom this section applies, after a license has been granted, be convicted or plead guilty or nolo contendere to any of the crimes enumerated above, the license shall be suspended pending a revocation hearing as provided for under this article.
- (c) For purposes of this article, a conviction or plea of guilty or nolo contendere shall be ignored as to any offense to which defendant was allowed to avail themselves of the Georgia First Offender Act (Ga. Laws 1968, P. 324) as amended. Except, however, that any such offense shall not be ignored where the defendant violated any term of probation

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imposed by the court granting first offender treatment or committed another crime and the sentencing court entered an adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender.

- (d) A licensee denied a license under subsection (b) of this section may reapply for such license upon the expiration of one (1) calendar year from the date of the original application.

**Sec. 10-42. Payment of taxes and other debts to the city.**

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

**Sec. 10-43. Limitation on number of licenses within a family and/or corporation.**

No application for a retail license to sell spirituous liquors in the package at retail shall be granted where the person applying for such license and/or members of such person's immediate family and/or corporation is already holding two (2) interests in a license to sell spirituous liquors by the package at retail within the state.

**Sec. 10-44. Change in relationships and/or ownership interest.**

Any change in any of the relationships and/or ownership interest contained on the application must be filed with the city manager within thirty (30) days after such change is made and the failure to do so shall be grounds for immediate suspension or revocation of an alcohol license as provided for under this article or for the immediate denial of any application for such a license.

**Sec. 10-45. Completion of proposed licensed premises.**

Where a building in which an applicant proposes to operate under a license permitting the sale of alcoholic beverages is at the time of the application for such license not in existence, or not yet completed, a license may be issued for such location providing the plans and specifications for the proposed building are filed with the city manager and show clear compliance with the other provisions of this article and other applicable ordinances of the city. No sales shall be allowed in such establishment until it has been completed in accordance with said plans and specifications and is in conformity with all other provisions of this article and other applicable ordinances of the city and an occupancy permit has been issued.

**Sec. 10-46. Application for new license in existing license location.**

An application for a new license in an existing license location shall meet and qualify under all requirements of this article for granting of a new license except as provided in section 3-206.

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**Sec. 10-47. Managers and employees; responsibilities.**

- (a) It shall be the duty of all licensees who sell alcoholic beverages to file one (1) submittals annually; on or before December 1 with the office of the city manager. Such submittal shall include the name of the establishment, the license number and the following information regarding; (1) all licensees, owners, and managers, and, (2) all employees working on the premises and connected with the sale of alcoholic beverages: name; birth date; social security number; home address; home telephone number; race; gender; place of birth (if outside the United States, Alien Registration Number); driver's license number and state of issuance; height; weight; hair color; eye color; and alias used presently or in the past.
- (b) No licensee shall allow any manager or employee required under this section to hold a permit to work on the licensed premises beyond five (5) days after their first work unless the licensee has on file, on the premises, the current, valid alcohol handling permit of each such manager or employee. An individual working on the premises beyond five (5) days after their first work in an establishment holding a license to sell alcoholic beverages without the required permit shall be considered in violation of this article and the employee and licensee punishable as provided elsewhere in this article.
- (c) The licensee is responsible for the conduct and action of his/her employees while in his/her employment.

**Sec. 10-48. Employment of persons with certain prior convictions prohibited.**

- (a) No licensee shall employ in connection with the sale of alcoholic beverages any person, who has been convicted of a felony or of any crime in another state or jurisdiction which would be a felony in Georgia within five (5) years immediately prior to the application for employment. No licensee shall employ in connection with the sale of alcoholic beverages any person, who has had any license or permit relating to the sale, manufacture or distribution of alcohol revoked by any jurisdiction within a period of five (5) years immediately prior to the application for employment. No licensee shall employ in connection with the sale of alcoholic beverages any person, who has been convicted of two (2) or more offenses of driving under the influence of alcohol in this state or any other state, or in any country, within the five-year period immediately prior to the application for employment. For purposes of this article, a bond forfeiture or a plea of guilty or nolo contendere shall be considered a conviction.
- (b) For purposes of this article, a conviction or plea of guilty or nolo contendere shall be ignored as to any offense to which defendant was allowed to avail themselves of the Georgia First Offender Act (Ga. Laws 1968, P. 324) as amended. Except, however, that any such offense shall not be ignored where the defendant violated any term of probation imposed by the court granting first offender treatment or committed another crime and the sentencing court entered an adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender. The city manager or designee shall be authorized to run additional criminal background checks to verify that no violation of probation has occurred.

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**Sec. 10-49. Criminal history checks for pending charges.**

If an applicant for a license or permit has a pending criminal charge at the time of application, the city manager and/or their designee shall be authorized to run additional searches of the applicant's criminal records to verify that no conviction is entered that would impact eligibility for a license or permit.

**Sec. 10-50 through Sec. 10-59 Reserved.**

*DIVISION 4. ALCOHOL HANDLING PERMIT*

**Sec. 10-60. Licensees, owners, managers, and employees; permitting.**

- (a) All licensees, owners, and managers must make application for and obtain an alcohol handling permit prior to being granted a license to sell alcoholic beverages. In addition, all persons employed to work on the premises in connection with the sale of alcoholic beverages shall, within five (5) days after the date of their first work beyond in an establishment holding a license to sell alcoholic beverages, file a signed application as well as provide an authorization for release of personal information and criminal history record information to the city manager, chief of police or authorized representative. Said application shall include, but shall not be limited to, the name, date of birth, and prior arrest record of the applicant. The licensee shall also be noted. Any arrest record shall be used for investigative purposes only, and shall give rise to no presumption or inference of guilt. Due to the inclusion of arrest information, these applications shall be regarded as confidential and shall not be produced for public inspection without a court order. No permit shall be issued until such time as a search of the criminal record of the applicant has been completed. The applicant must also certify that he or she has read and understands the legal restrictions on alcohol handling and sales and the potential penalties that may apply if such requirements are not met.
- (b) All licensees, or employees, seeking handling permit must complete ServeSafe alcohol training and deliver a copy of the certification to the city manager prior to issuance of the handling permit.
- (c) The city manager, chief of police or their designee shall have a criminal background history made relative to any police record of the person to be cleared. No alcohol handling permit may be issued to any person who has been convicted of a felony or of any crime in another state or jurisdiction which would be a felony in Georgia within five (5) years immediately prior to the application. No alcohol handling permit may be issued to any person who has had any license or permit relating to the sale, manufacture or distribution of alcohol revoked by any jurisdiction within a period of five (5) years immediately prior to the filing of such application. No alcohol handling permit may be issued to any person who has been convicted of two (2) or more offenses of driving under the influence of alcohol in this state or any other state, or in any country, within the five-year period immediately prior to the application. For purposes of this section, a bond forfeiture or a plea of guilty or nolo

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contendere shall be considered a conviction. In the event there is no record of a violation of this article, the city manager may issue a temporary permit to the applicant which shall be specific as to the licensee. The city manager may prescribe reasonable fees for processing such permits which shall be paid at the time application is made. If it is found that the person to be cleared is not eligible for a permit, the city manager shall notify the applicant, and in the case of manager or employee applicants, the applicant's employer, that this person is not eligible for a permit. The applicant who is denied an alcohol handling permit may appeal such ruling to the alcoholic beverage review board.

- (d) For purposes of this article, a conviction or plea of guilty or nolo contendere shall be ignored as to any offense to which defendant was allowed to avail themselves of the Georgia First Offender Act (Ga. Laws 1968, P. 324) as amended. Except, however, that any such offense shall not be ignored where the defendant violated any term of probation imposed by the court granting first offender treatment or committed another crime and the sentencing court entered an adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender. The city manager or designee shall be authorized to run additional criminal background checks to verify that no violation of probation has occurred.
- (e) All permits issued hereunder remain the property of the city and shall be produced for inspection upon the demand of the chief of police, the city manager, or an agent designated by either. Such permit shall be present on the premises at all times while the permittee is working. All permits issued through administrative error or through an error in completion of a background investigation may be terminated by the chief of police or the city manager.
- (f) No person shall be issued a alcohol handling permit and it shall be considered a violation of this article if it is determined that the person knowingly and willfully falsified, concealed, or covered up any material fact by any device, trick, or scheme while making application to the city manager for an alcohol handling permit under this article.
- (g) Wholesalers owners, managers, employees are exempt from alcohol training and permitting requirements.

**Sec. 10-61. Alcohol handling permit; renewal.**

- (a) Any permit issued hereunder shall expire two (2) years from the date of issuance unless earlier canceled by the city manager or chief of police. All individuals (if still employed in such establishment) holding alcohol handling permits shall be required to submit an application to renew their permits in advance of the expiration date on forms prescribed by the city manager. A minimum of seven (7) days shall be required for review prior to issuance of a renewed permit. If such renewal application is not made prior to the expiration date a penalty of fifty (50) percent of the renewal fee shall be imposed. If the permit expiration date falls on a weekend or holiday, no penalty shall be imposed so long as the renewal application is filed with the office of the city manager before 5:00 p.m. on the next business day. Handling alcohol without a valid permit is expressly prohibited.

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- (b) The penalty for an individual being convicted or pleading guilty or entering a plea of nolo contendere for a violation of this article shall be punished by a fine of up to but not more than one thousand dollars (\$1,000.00) unless otherwise stated.

**Secs. 10-62 through 10-69. Reserved.**

*DIVISION 5. CONSUMPTION ON PREMISES; LICENSING REQUIREMENTS, REGULATION  
AND TYPES OF LICENSES*

**Sec. 10-70. License permitting the sale of alcoholic beverages on the premises for consumption on the premises.**

- (a) Reserved.
- (b) No license permitting the sale of alcoholic beverages for consumption on the premises shall be granted unless such person, business or proposed business falls under one (1) of the following categories, in accordance with the definitions and regulations set forth in this chapter:
- (1) Restaurant.
  - (2) Private club.
  - (3) Special events facility.
  - (4) Performing arts facility.
  - (5) Hotel.
  - (6) Lounge.
  - (7) Alcoholic beverage caterer.
  - (8) Grocery store.
  - (9) Ancillary alcohol sales.
  - (10) Temporary special event.
- (c) No license permitting the sale of alcoholic beverages for consumption on the premises shall be granted unless the business or proposed business is located in the appropriate zoning classifications.

**Sec. 10-71. Nonprofit or civic organization.**

- (a) Nonprofit civic groups may be granted a three-day special event license permitting the sale of alcoholic beverages for consumption on the premises or to sell wine at retail for off premises consumption. Nonprofit civic organizations applications must be submitted at least twenty (20) days prior to the planned nonprofit special event. Such organizations are not exempt from the temporary or annual alcohol permit fees or the permit fees for pouring

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alcoholic beverages. However, nonprofit civic groups shall pay a handling fee in accordance with the city fee schedule.

- (b) To be eligible to apply for a temporary permit to sell alcoholic beverages at an authorized event, a bona fide nonprofit organization must be the applicant; a nonprofit authorization letter (i.e. Federal Form 501-C3) 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.

As used in this article, a "nonprofit" civic group or organization means an entity which is exempt from federal income tax pursuant to the provisions of subsection (c), (d), or (e) of 26 U.S.C. Section 501.

- (c) Pursuant to state law, a temporary permit shall authorize the organization to sell alcoholic beverages for consumption only on the premises or to sell wine at retail for off premises consumption for a period not to exceed three (3) days. Should the event be held on any city or public property, the event producer or business owner shall provide one Social Circle Police Officer or other security personnel as approved by the city manager for every three hundred (300) patrons to prevent alcohol from being removed from premises. 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 (6) such permits may be issued to the applicant organization in any one (1) calendar year.

**Sec. 10-72. Special event temporary permit for profit.**

- (a) An alcohol licensee may apply for a special event temporary permit. A special temporary for profit application must be submitted at least twenty (20) days prior to the planned profit special event. This temporary permit shall authorize the alcohol licensee to sell alcoholic beverages for consumption on the premises for a period not to exceed extension of the hours of operation specified in section 10-14.
- (b) No more than six (6) such permits may be issued to any location in any one (1) calendar year. A for profit desiring to sell alcoholic beverages must apply and submit completed forms furnished by the commissioner of the state department of revenue and a permit from the commissioner authorizing the organization to sell or distribute alcoholic beverages as provided in rule 560-2-2-43 of the rules and regulations of the state department of revenue. Should the event be held on any city or public property, the event producer or business owner shall provide one Social Circle Police Officer or other security personnel as approved by the city manager for every three hundred patrons to prevent alcohol from being removed from premises.
- (c) Each application for such a temporary permit shall be accompanied by a nonrefundable fee as stated in the city fee schedule. The city manager may issue a permit authorizing the organization to sell alcoholic beverages. The licensee or the licensee's employees shall supervise all aspects of the special event pertaining to the handling and storage of alcoholic beverages and the distribution of alcoholic beverages. The licensee shall be responsible for compliance with all aspects of this article and state law and be liable for infractions thereof.

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**Sec. 10-73. Restaurants.**

- (a) An establishment may be licensed to sell alcohol for consumption on the premises as a restaurant where the establishment meets all other applicable requirements under this chapter and:
- (1) Is a public place kept, used, maintained, advertised and held out to the public as a place where meals are actually and regularly cooked and served to the public, without sleeping accommodations.
  - (2) Is equipped with adequate and sanitary kitchen and dining room equipment, having employed therein a sufficient number and kind of employees to cook and serve suitable food for its guests.
  - (3) At least one (1) meal per day shall be cooked on the premises and served at least five (5) days a week, with the exception of holidays, vacations, and periods of redecorating, and the cooking and service of such meals shall be the principal business conducted by such establishment.
  - (4) Derives from the licensed establishment at least fifty (50) percent of its total annual gross sales from the sale of prepared meals or food.

**Sec. 10-74. Performing arts facility.**

- (a) Alcohol may be sold and/or dispensed at a performing arts facility only where the facility meets the definition for a performing arts facility set forth in section 3-103; has its principal objective or business the presentation of live music, mainline dramatic arts, plays, theatre productions and stand-up comedy; and does not feature, show, allow, promote or advertise adult businesses as defined and regulated in Division 2 of this Chapter (Adult Entertainment Prohibited), including but not limited to adult dancing establishments, adult mini-motion picture theatres, adult motion picture theatres, adult motion picture arcades and erotic dance establishments.
- (b) A business meeting the definition of a performing arts facility under this Code shall be eligible to apply for and be considered for an annual license to allow alcohol consumption on the premises from the city manager in the same manner as set forth in division 3 of this chapter.
- (c) A business granted a performing arts facility license for consumption of alcohol on the premises shall be required to obtain all required licenses from the state and to follow all state and local laws, ordinances and rules governing the consumption of alcohol on the premises.
- (d) Alcohol may also be sold and/or dispensed at a performing arts facility as defined in section 10-4 of this Code by a licensed caterer in the same manner set forth in section 10-75 of this Code without the need for the facility or the caterer to obtain a performing arts facility license.



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- (e) Alcohol may be sold or dispensed at a performing arts facility only at a bar, or location under control of an employee of the performing arts facility, located in the lobby area of the facility or by a waiter or waitress serving patrons within the facility on days where a performance will take place in the facility.
  - (f) In addition to the hours of sale requirements set out in section 10-14 of this division alcohol may not be dispensed at a performing arts facility earlier than one (1) hour before the start of a performance or later than one (1) hour after the performance has ended.

**Sec. 10-75. Alcoholic beverage caterers.**

- (a) License requirements for resident caterers shall be the following:
  - (1) Any resident caterer who possesses a valid license from the city to sell or otherwise dispense malt beverages, wine or distilled spirits by the drink at a fixed location within the city may apply for an off-premises permit authorizing sales at authorized catered events or functions.
  - (2) Each off-premises catering permit, authorized herein, shall be valid only for the event for which the license is 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. 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 permit and paid a permit fee of fifteen dollars (\$15.00) per event as provided herein. Excise taxes are imposed upon the sale of alcoholic beverages by a resident caterer as provided in article IV of this chapter.
- (b) License requirements for nonresident caterers.
  - (1) A nonresident alcoholic beverage caterer shall submit an application for an off-premises event permit to the city manager. The fee for each such permit is listed on the city's fee schedule on file with the city manager. Excise taxes are imposed upon the total of individual alcoholic beverage drinks served by a nonresident caterer in the amounts set forth in article IV of this chapter and shall be paid within thirty (30) days after the conclusion of the catered event or function.
  - (2) Permit requirements for resident and nonresident caterers. Applications must be submitted at least five (5) days prior to the planned catered event. An application for an event permit shall include the name of the caterer, the date, address, time, 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 function.
- (c) Generally applicable requirements for caterers.

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- (1) While transporting alcoholic beverages in connection with an authorized catered event, the licensee or the employee of the licensed alcoholic beverage caterer shall have in their possession:
    - a. A copy of the caterer's valid state alcoholic beverage license;
    - b. A copy of the caterer's valid local alcoholic beverage catering license;
    - c. A copy of the caterer's valid local alcoholic beverage catering event permit.
  - (2) Employees of licensed caterer must be twenty-one (21) years of age or older in order to handle alcoholic beverages at any authorized catered event. 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 event permit.
  - (3) 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.
  - (4) Except as set forth above in this section, an off-premises permit holder must comply with all other provisions set forth in this chapter.
  - (5) No catering permit shall be issued without evidence that the applicant caterer has general liability insurance in an amount of at least one million dollars (\$1,000,000.00) to cover their catering activities.

**Sec. 10-76. Consumption sales by the drink only.**

Other than where specifically authorized in this chapter, persons holding a license to sell alcoholic beverages for consumption on the premises shall not sell alcoholic beverages by the package.

**Sec. 10-77. Solicitation prohibited.**

No retail consumption dealer licensed to sell alcoholic beverages hereunder shall require, permit, suffer, encourage or indulge any employee or person to solicit in the licensed premises for himself or for any person other than the patron and guest of the patron, the purchase by the patron of any drink, whether alcoholic or non-alcoholic, or money with which to purchase the same; nor shall any licensee pay any commission or any other compensation to any person frequenting his establishment or to his agents or manager to solicit for himself or for others, the purchase by the patron of any drink, whether alcoholic or non-alcoholic.

**Sec. 10-78. Prohibited promotions and sales.**

- (a) No licensee or employee or agent of a licensee, in connection with the sale or other disposition of alcoholic beverages for consumption on the premises shall:

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- (1) Offer or deliver any free alcoholic beverage to any person or group of persons.
  - (3) Sell, offer to sell, or deliver unlimited alcoholic beverages during any set period of time for a fixed price, except at private functions not open to the public or special events permitted by the city.
  - (4) Sell, offer to sell, or deliver alcoholic beverages to any person or group of persons on any one (1) day at prices less than those charged to the general public on that day, except at private functions not opened to the public.
  - (5) Encourage or permit on the licensed premises any game or contest which involves the drinking of alcoholic beverages or the awarding of alcoholic beverages as a prize.
  - (6) Require or allow the purchase of a second or subsequent alcoholic beverage at the same time another alcoholic beverage is purchased or before the previous alcoholic beverage has been consumed or otherwise discarded.
- (b) Each licensee shall maintain a schedule of the prices charged for all alcoholic beverages to be served and consumed on the licensed premises or in a room or part thereof including outdoor or patio sales where permitted. The schedule of prices shall be posted in a conspicuous manner so as to be in view of the paying public.
  - (c) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under subsection (a).

(Ord. of 8-13-12; Ord. of 3-11-13, § 1; Ord. No. O-2019-18 , § 4, 8-12-19)

**Sec. 10-79. Ancillary alcohol sales license.**

- (a) The city manager may grant a license for ancillary alcohol sales where it is determined that the sale, service or consumption of alcohol is not the primary business of the licensed establishment.
- (b) An ancillary alcohol sales license permits the licensee to sell a patron either two (2) six (6) ounce glasses of wine or two (2) twelve (12) ounce serving of beer or other malt beverage per day.
- (c) In no event shall a licensee's total annual gross alcohol revenue exceed ten (10) percent of the licensee's gross annual revenues.
- (d) Ancillary alcohol sales licensees shall be required to obtain a state alcohol license for consumption on the premises and except as expressly provided for herein, shall be subject to all state and local laws, rules and requirements, including licensing requirements and the other provisions of this chapter related to the sale of alcohol for consumption on the premises. Notwithstanding the foregoing, ancillary sales licensees shall not be required as a condition of their license to post signs as required by section 3-206(c) and (d) of this chapter.
- (e) Notwithstanding other provisions in this chapter regarding penalties for violation of this chapter, upon a determination that a holder of an ancillary sales license has violated any provision of this chapter the license shall be revoked and the holder shall be ineligible to

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obtain an ancillary sales license for a period of five (5) years following the effective date of the revocation.

**Sec. 10-80. 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 (1) year prior to the filing of its application for a license;
  - (2) Has at least seventy-five (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 a fixed salary.
- (b) For purposes of subsection (a)(4)c of this section, the term "fixed salary" means the amount of compensation paid any member, officer, agent, or employee of a private club as may be fixed for him by its members at a prior annual meeting or by the governing body out of the general revenue of the club and shall not include any commission or any profits from the sale of alcoholic beverages. Tips or gratuities added to the bills under club regulations shall not be considered profits from the sale of alcoholic beverages.
- (c) No alcoholic beverage license shall be granted to a private club organized or operated primarily for the selling or serving of alcoholic beverages.
- (d) Veterans' organizations, fraternal organizations, and other nonprofit organizations currently having tax exempt status under either the United States Internal Revenue Code or the state income tax law shall not be required to operate a food establishment serving prepared food; provided, however, any such organization selling or dispensing alcoholic beverages shall be subject to all ordinance regulations dealing with general licensing and consumption on the premises establishments.

**Sec. 10-81. Art shop license.**

- (a) The city manager may grant an art shop license to an establishment which meets each of the following criteria:
- (1) The business is located in the proper zoning district;

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(2) The sale, service or consumption of alcohol is not the primary business of the licensed establishment;

(3) The establishment meets the definition of an art shop set forth in section 3-103 of this chapter;

(4) The individuals applying for the license on behalf of the business meet all application requirements set forth in this chapter.

(b) No customer of an art shop shall consume more than two (2) six (6) ounce servings of wine or two (2) twelve (12) ounce servings of beer during a three-hour period or four (4) six (6) ounce servings of wine or four (4) twelve (12) ounce servings of beer within a single business day.

(c) An art shop licensed under this section shall be subject to the other provisions of this Code and state law. An art shop shall prohibit any one to consume alcohol who is under twenty-one (21) years of age or who is intoxicated.

(d) Art shops licensed under this section shall not be permitted to allow patrons to consume alcohol on the premises on Sundays.

#### **Sec. 10-82. Special event facilities.**

An establishment licensed as a special event facility may be exempt from the prohibitions of section 3-342 ("brown bagging") in conjunction with a private function where the following criteria are met:

- (1) Attendance is by invitation of the party renting the special events facility only and not open to the public;
- (2) All alcoholic beverages served at the private function shall be supplied to invited guests free of charge;
- (3) The costs of the alcoholic beverage(s) served at a private function are to be paid for by the host renting the special events facility;
- (4) There is no cost for guests to attend the private function by admission fee, donation, or any other means;
- (5) Alcohol may be served only in conjunction with the service of meal and food products;
- (6) Alcohol must be served by a trained alcohol server, who holds either an alcohol handling permit issued by the City of Social Circle or another local government jurisdiction; and
- (7) Alcohol may not be brought onto the premises of a special events facility by a host renting the facility where there is a charge to guests for admission or for food or alcohol. In instances where a charge is required for guests at a special events facility a caterer must be used to supply and serve the alcohol and all applicable ordinances governing catering, including excise tax collection and reporting shall apply.

( Ord. of 3-9-15, pt. III )

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**Secs. 10-83 through 10-89. Reserved.**

*DIVISION 6. PACKAGE MALT BEVERAGE AND WINE; LICENSE REQUIREMENTS AND REGULATIONS*

**Sec. 10-90. License permitting the retail sale of package malt beverages and wine.**

- (a) The sale of package malt beverages or wine or both is prohibited except under a license granted by the city manager, as provided in this article.
- (b) Except as expressly provided herein, no license permitting the retail sale of package malt beverages or wine or both shall be granted unless the applicant falls under one (1) of the following categories, in accordance with the definitions and regulations set forth in this chapter:
  - (1) Specialty gift shop.
  - (2) Grocery store.
  - (3) Convenience store.
  - (4) Deli and food market.
- (c) Except as expressly provided herein, no license permitting the retail sale of package malt beverages or wine or both shall be granted to any applicant hereunder unless the proposed premises is located in the appropriate zoning districts.

*DIVISION 7. PACKAGE SPIRITUOUS LIQUOR; LICENSE REQUIREMENTS AND REGULATION*

**Sec. 10-100. Applicability of ordinance to those businesses operating both the retail sale of spirituous liquors and package malt beverages and wine.**

For licensees who wish to operate a business which conducts both the retail sale of spirituous liquors and package malt beverages and wine, in the case of conflict, the provisions of this article regulating the sale of spirituous liquors shall prevail, and compliance with those provisions, rather than the provisions applicable to the license permitting the sale of package malt beverages and wine, is required. The applicant shall be required to complete the application under this article.

**Sec 10- 101. Additional Licensing requirements.**

- (1) No license to sell distilled spirits by the package shall be effective until the building in which the business will be located is complete, detailed plans of the building and outside premises have been submitted to and approved by the city, and the city has issued a certificate of occupancy for the building. For initial qualification for a

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license, the applicant must attach to his or her initial application a survey, a rendering of the proposed building, and a site plan. The proposed building shall be subject to final inspection and approval when completed by the building inspector, the fire marshal, the planning director, and shall comply with other ordinances of the city for zoning, storage, parking, buffers and other issues. The proposed building also shall comply with all regulations of the state revenue commissioner and all the laws of the state.

(2) Each building in which the business will be located shall contain sufficient lighting so that the building itself and the premises on all sides of the building shall be readily visible at all times from the front of the street on which the building is located. The lighting shall reveal the inside retail area of the building and shall reveal all of the outside premises of the building.

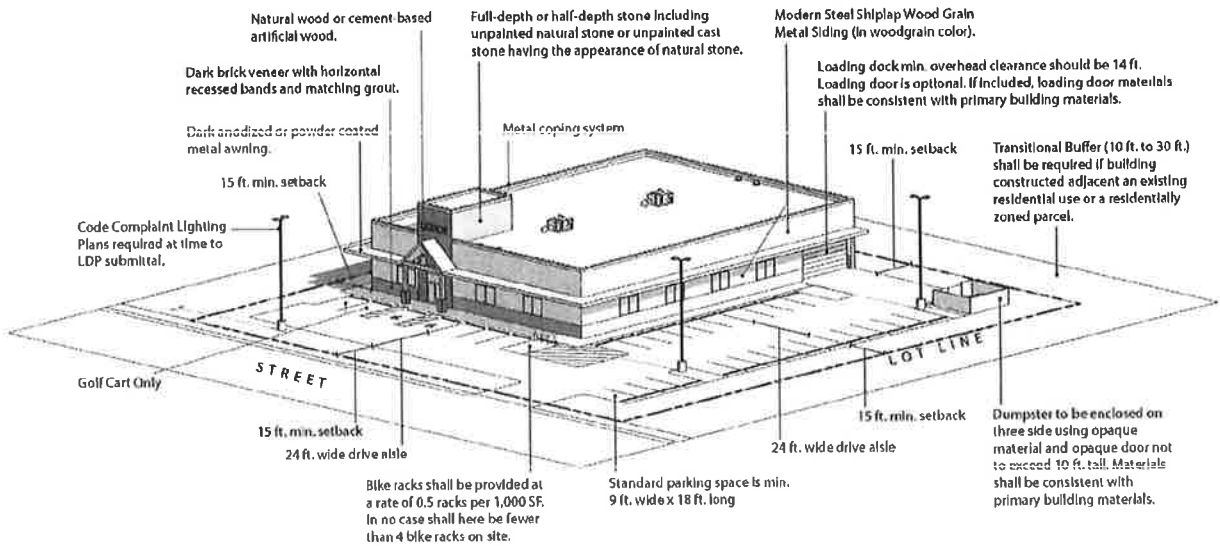
(4) The licensed premises shall not be within 500 yards of another licensee authorized to sell distilled spirits by the package, 100 yards of a house of worship or 130 yards of any school grounds.

(5) The licensed premises cannot be in the Downtown Overlay.

(6) The licensed premises must contain a minimum of 8,000 square feet of heated and air-conditioned space, must be a free-standing building, and it must be located on property that is a minimum of one-half acre in size with a minimum of 100 feet of frontage.

(7) The licensed premises must be in conformity with the elevation plans shown below. Any variation from the elevation plans must be approved by the mayor and council.

- GENERAL NOTES:**
- Building shall provide minimum gross floor area of 8,000 SF.
  - Total Impervious Surfaces (ISR) shall not exceed 75% of the lot.
  - Parking shall be provided at the rate of 3 spaces per 1,000 SF. In no case shall there be fewer than 24 spaces on site.
  - Not less than 50% of the total area of each street facing wall shall consist of clear glass windows that are recessed at three inches into the wall.
  - Incorporate Golf Cart Only space.



(8) The licensed premises shall allow ingress and egress for customers and their purchases through a door opening to the outside and facing a public street or public pedestrian area. The licensed premises shall not have a drive-thru window.

(9) Deliveries shall be made at the rear of the store building and all loading areas, dumpsters, recycling bins, and compactors shall be screened from ground view.

(10) Licensed premises shall not sell lottery tickets, magazines, or cigarettes, cigarette-like devices, or vaping products. Premium cigars and pipes, pipe tobacco and other pipe products are allowed.

(11) The building shall be owned or leased by the applicant, and proof of ownership or lease is required.

(b) *Proof of insurance required:* The applicant for a license to sell distilled spirits by the package shall provide proof of comprehensive general liability insurance, including liquor liability coverage, for the licensed premises with coverage of at least



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\$2,000,000.00 per occurrence, inclusive of personal injury, bodily injury, death, and property damage, and an umbrella policy with coverage of at least \$2,000,000.00 per occurrence. At the time a license application is submitted, the city will accept as proof of insurance a quote from a reputable insurance company. The applicant may need to ask the insurance company for an extension of the quote. Prior to opening a package store, and thereafter at the time of renewing a license, a licensee must submit a certificate of insurance to the city manager. Failure to do so is cause for revocation of a license.

(c) *Number of licenses to be determined by population:* The city shall issue no more than one license for the retail sale of distilled spirits, until such time as the number of city residents reaches 15,000, as found in the most recent population estimates published by the United States Bureau of the Census or American Community Survey, at which time the city may issue an additional license or licenses so long as thereafter the number of licenses in operation within the city limits at any one time shall not exceed one license to sell packaged distilled spirits for each 15,000 city residents as found in the most recent population estimates published by the United States Bureau of the Census or American Community Survey.

**Sec. 10-102. – Application Approval Process for Retail Dealers in Spiritous Liquors by Package**

(1) Upon action of the Mayor and Council, the city shall publish notice of availability of any license(s) to sell distilled spirits by the package in the legal organ for Walton and Newton counties and state the deadline for filing an application. Such notice shall be published at least once a week for two consecutive weeks. The application deadline shall be at least 60 business days after publication. All applications for a license to sell distilled spirits by the package shall be submitted during business hours to the city manager or his/her designee, who shall mark the application with the time and date received.

(2) Upon the filing of an application, the city manager or his/her designee shall have ten business days to review the application and to send a copy of the application to all affected departments of city government to determine compliance with city regulations and laws. Each department notified shall submit a report within 30 business days of receipt of the application to the city manager which states whether there are any objections to the application.

(3) Within 30 business days from the date the city manager or his/her designee receives all department notifications, the city manager shall render a written determination as to whether the application complies with the requirements of this chapter.

(4) The written determination shall be sent by certified mail to the applicant whose application was considered.

(5) If the decision of the city manager is to deny the requested license, then the letter to the applicant shall set forth in reasonable detail the grounds upon which the license is being denied. The letter shall further advise the applicant of the right to appeal

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the decision to the mayor and city council within 30 business days of the date on which the written decision of the city manager is sent by certified mail.

(6) The city manager or his designee may deny a city license or renewal thereof under this article on any of the following grounds:

- a. Failure to meet state requirements for state license;
- b. Failure to pay all required fees and taxes;
- c. Failure to provide complete and valid information, documents and the like required by this article;
- d. False information in the application or attached documents;
- e. Improper residency of applicant, owner or registered agents;
- f. Failure to post and maintain proper signs and advertisements required in this article;
- g. Failure to meet distance, location or number of business requirements;
- h. Prior convictions as herein provided; or
- i. Failure to meet any other requirements in this article for a license or any other requirement in any other provision of this Code or the Charter.

(7) If the city manager determines that the applicant meets the criteria for a license to sell distilled spirits by the package within the Social Circle city limits, but there are more qualified applicants than available licenses, then the city manager shall send a letter by certified mail to the applicant notifying him or her that a licensee or licensees to sell distilled spirits by the package shall be selected by lottery at a meeting of the city council and of the date, time and place of said meeting. The Mayor and Council shall appoint an independent third party that resides outside the city limits to conduct the lottery.

(8) the applicant awarded the license must own and run the business for a minimum of two (2) years from the issuance of the license. If the business is sold or transferred within the two (2) year period, the city may revoke the license and open the application process back up.

### **Sec. 10-103. Consumption prohibited.**

It shall be unlawful for any person to consume any alcoholic beverage on premises licensed for the sale of package liquor. For the purpose of this section "premises" shall include the parking area immediately adjoining the premises licensed for the sale package liquor and available for the use of the customers of the licensed premises, whether or not the same are owned or leased by the licensed holder. It shall be unlawful for any licensee to permit the consumption of alcoholic beverages on said premises or to sell unsealed (broken) package liquor. If such licensee shall also have a license to sell malt beverages or wine, it shall likewise be unlawful for any such items to be consumed on the premises or to sell unsealed (broken) malt beverages or wine where the sale of alcoholic beverages is license.

(Ord. of 8-13-12)

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**Sec. 10-104. Restrictions on other mercantile establishments.**

A licensee of a retail establishment permitted to sell spirituous liquors under this article shall not operate such business in connection with any other mercantile establishment, except a retail store selling package malt beverages and wine and then only if such package malt beverages and wine store sells only malt beverages, wine and items of convenience normally associated with the retail sale of package malt beverages, and then only if such package malt beverages and wine is sold only for carry out purposes. No such retailer shall sell, offer for sale, display or keep stocked at his or her place of business where package spirituous liquors are offered for sale any other product or commodity except:

- (1) Wine (if licensed);
- (2) Beverages containing no alcohol and commonly used to dilute distilled spirits, but no beverages of any kind may be opened and/or consumed in said place of business;
- (3) Supplies such as cups, glasses, tools and utensils commonly used to prepare and consume alcoholic beverages
- (4) Premium cigars and pipes, pipe tobacco and other pipe products are allowed.
- (5) Malt beverages and beer (if licensed); and
- (6) Package ice, snacks and supplies as permitted by law.

(Ord. of 8-13-12)

**Sec. 10-105. Sale or delivery off premises.**

A retail establishment permitted to sell liquors hereunder shall be allowed to make deliveries of any alcoholic beverages by the package in accordance with O.C.G.A § 3-3-10. All definitions and regulation of O.C.G.A § 3-3-10 are hereby incorporated into the Section of the ordinance. Any violation of the regulations found in O.C.G.A § 3-3-10 may be enforced by the City in accordance with state law.

**Secs. 10-106 through 10-109. Reserved.**

*DIVISION 8. LICENSING REQUIREMENTS AND REGULATIONS WHOLESALERS*

**Sec. 10-110. Requirements of wholesalers generally.**

All wholesale dealers or distributors shall be licensed by the state revenue department and shall comply with all laws and regulations of the state revenue department before they sell or deliver any alcoholic beverages in the city. Deliveries and sales shall be made only to retailers licensed under the provisions of this article and all deliveries shall be made in conveyances owned and operated by such wholesale dealers or distributors.

(Ord. of 8-13-12)

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**Sec. 10-111. Wholesale licensees prohibited from interest in other licenses.**

No person who has any direct financial interest in a license for the sale of alcoholic beverages at wholesale shall hold or have an interest in a license issued permitting the sale of alcoholic beverages for consumption on the premises issued under the terms of this and other city alcohol beverage ordinances.

(Ord. of 8-13-12)

**Sec. 10-112. Other licenses.**

The licenses and taxes provided for in this article are not levied in lieu of any other license fees or taxes that may be levied upon licensees, but are in addition thereto.

(Ord. of 8-13-12)

**Sec. 10-113. Wholesalers sales within the city limits.**

Wholesale dealers or distributors shall not sell nor make deliveries of alcoholic beverages, malt beverages or wine within the city to retailers except those licensed by the state revenue department.

**Sec. 10-114. Issuance of licenses limited to designated area.**

No license permitting the wholesale distribution of alcohol shall be granted to any applicant proposing to locate within the city unless the premises is located in an area of the city which is appropriately zoned.

**Sec. 10-115. Annual renewal.**

All licensees holding licenses permitting the wholesale distribution of alcohol shall be required to file their application to renew their licenses by December 1 of each year on forms prescribed by the city manager.

**Sec. 10-116. Regulations governing retail storage.**

All licensed retailers shall store all alcoholic beverages on the premises for which the license was issued and at no other place. No wholesaler shall store for any retail dealer those alcoholic beverages which have been ordered or purchased.

(Ord. of 8-13-12)

**Sec. 10-117. Minimum legal container.**

No wholesale dealer may sell to a holder of a license for sale of alcohol for consumption on the premises spirituous liquors in containers smaller than seven hundred fifty (750) milliliters.

(Ord. of 8-13-12)

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**Sec. 10-118. Consumption prohibited.**

It shall be unlawful for any person to consume any alcoholic beverage on premises located within the city licensed for the wholesale or retail sale of alcohol. For the purpose of this section "premises" shall include the parking area immediately adjoining the premises licensed for the sale package liquor and available for the use of the customers of the licensed premises, whether or not the same are owned or leased by the licensed holder. It shall be unlawful for any licensee to permit the consumption of alcoholic beverages on said premises or to sell unsealed (broken) alcoholic beverages.

*DIVISION 9. FEES*

**Sec. 10-120. Classification of licenses; fees.**

All fees associated with licenses are shown on the city fee schedule kept on file with the city manager and may be updated from time to time by the Mayor and City Council.

**Sec. 10-121. Annual fees.**

- (a) All annual license fees herein shall be paid in advance, on or before December 1 of each year and any new license granted hereunder during a calendar year shall pay the full license fee without proration.
- (b) Any person licensed hereunder shall be required to submit a complete application to renew his/her license on the forms prescribed by the city manager on or before December 1 of each year. Further, those renewal applicants who fail to submit a complete application and license fee prior to the December 1 deadline may not receive the new license prior to the expiration of the old license. A minimum of seven (7) days shall be required for review prior to issuance of a renewed license. Unlicensed sales of alcohol are prohibited.
- (c) Any license holder who fails to submit a complete application for a license renewal prior to December 31 of each year shall be required to undergo the application process as a new license applicant. Unlicensed sales of alcohol are prohibited.

***ARTICLE III. PROHIBITED ACTS, STORAGE AND LABELING OF ALCOHOL***

***DIVISION 1. DRIVE-IN SERVICE, ALCOHOL IN PUBLIC PLACES, BROWN-BAGGING***

**Sec. 10-130. Drive-in window or curb service.**

It shall be unlawful to sell and dispense alcoholic beverages from a "drive-in" or "service" window.

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**Sec. 10-131. Alcoholic beverages in public places.**

- (a) Except where expressly authorized to do so in this chapter, it shall be unlawful for any person to consume any alcoholic beverage while in or upon public streets, alleys, sidewalks, parking lots, or other public ways or property.
- (b) No person shall be in possession of any open container containing alcoholic beverages on any thoroughfare, street, sidewalk, alley, parking lot or any other public way or property unless it is an authorized container under Sec. 10-15.
- (c) No person, firm or corporation licensed to sell alcoholic beverages shall permit any person to remove from such premises, any alcoholic beverage in any open container, unless permitted to do so, as in section 10-15.
- (d) No person shall have in his or her possession an open container containing alcoholic beverages while within or on a motor vehicle, including motorcycles, while parked or standing on a public street or public parking lot in the city, or while such vehicle is in motion.
- (e) This section does not apply to nor shall it affect the lawful sale of alcoholic beverages for consumption by licensees operating under a valid license issued under the terms of the city alcoholic beverage consumption ordinance.
- (f) This section shall not apply to nor shall it affect the sale of or possession of a partially consumed bottle of wine furnished by a patron to a restaurant purchased with a meal from a restaurant and resealed as permitted by O.C.G.A. §§ 3-6-4 and 40-6-253(2).
- (i) This section shall not apply to events where the public consumption of alcohol is permitted for downtown events or in the downtown entertainment district pursuant to section 10-15 of this chapter.

**Sec. 10-132. Bring your own bottle "brown bagging" prohibited.**

- (a) It shall be unlawful for any person to bring his or her own alcoholic beverage (brown bag) into any establishment which is subject to any of the occupational tax provisions of the city or elsewhere, or specifically exempted from occupational taxes as provided for in the city occupational tax ordinance, whether or not such establishment is licensed or unlicensed to serve alcoholic beverages.
- (b) It shall be unlawful for any corporation, partnership, individual or other entity who maintains a business which is subject to any of the occupational tax provisions of the city, or elsewhere, or specifically exempted from occupational taxes as provided for in the city occupational tax ordinance, to permit, allow or suffer the consumption or possession of any alcoholic beverages within any such premises. Subpart (b) of this section shall not apply to nor shall it affect the lawful sale of alcoholic beverages for consumption by licensees operating under a valid license issued under the terms of this or other ordinances providing for consumption of alcoholic beverages on the premises.

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- (c) Notwithstanding the foregoing provisions, a licensed art shop which operates in accordance with this chapter shall be authorized to allow customers to bring wine and/or beer to the art shop in accordance with the provisions governing an art shop.
  - (d) Notwithstanding the foregoing provisions, a licensed special events facility shall be authorized to allow customers to bring alcohol on premises on the day of their scheduled event under the provisions of section 3-275.

**Secs. 10-133—10-199. Reserved.**

*DIVISION 2. ADULT ENTERTAINMENT PROHIBITED*

Sec. 10-201. - Findings, public purposes.

- (a) *Findings.* Based on experiences of other counties and municipalities, which experiences are relevant to problems faced by the city the council notes the conditions and occurrences generally associated with adult entertainment establishments. It is the finding of the council that adult entertainment establishments, particularly where alcoholic beverages are served, result in an increase in criminal behavior and create undesirable community conditions. An increase in disorderly conduct, public drunkenness, prostitution, drug trafficking and loitering of individuals with criminal histories has been the experience of other counties and municipalities that permit adult entertainment establishments, particularly those in which alcoholic beverages are served.

The council also finds that the increase in criminal behavior which accompanies adult entertainment establishments causes undesirable community conditions. Conditions experienced in other counties and municipalities are depression of property values in neighborhoods surrounding the adult entertainment establishment, community blight, an increased burden on and expenditure for law enforcement, and an increase in the criminal case load in the judicial system due to a greater number of arrests because of the above mentioned crime problems.

- (b) *Purposes.* The purpose of this article is to regulate adult entertainment establishments to prevent increases in criminal activity and undesirable community conditions.

(Former § 10-003(1.))

Sec. 10-202. - Definitions.

*Adult bookstore* is herein defined as:

- (1) An establishment having as a substantial or significant portion of its stock in trade, books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or
- (2) An establishment with a segment or section, comprising five percent or more of its total floor space, devoted to the sale or display of such materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

*Adult motion picture theater* means an enclosed building with a capacity of 50 or more persons used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

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*Adult motion picture mini-theater* means an enclosed building with a capacity of less than 50 persons used for commercially presenting material distinguished or characterized by an emphasis on matters depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

*Adult motion picture arcade* means any place to which the public is permitted or invited wherein coins or slug-operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

*Adult video store* means:

- (1) An establishment having as its stock in trade, video tapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas;
- (2) An establishment with a segment or section, comprising five percent or more of its total floor space, devoted to the sale or display of such material; or
- (3) An establishment which derives more than five percent of its net sales from videos or movies or other reproductions which are characterized or distinguished by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas.

*Erotic dance establishment* means a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, go-go dancers, strippers or similar entertainers, where such performances are distinguished or characterized by the performance of specified sexual activities or the display or exposure of specified anatomical areas.

*Escort bureau/introduction service* means any business, agency or person(s) who, for a fee, commission, hire, reward or profit, furnish or offer to furnish names of persons, or who introduce, furnish or arrange for persons who may accompany other persons to or about social affairs, entertainment or places of amusement, or who may consort with others about any place of public resort or within any private quarters.

*Good moral character* means a person is of good moral character if that person has not been convicted of a felony, or a misdemeanor involving moral turpitude, in the five years prior to the date of application for a license or permit under this article. The city may take into account the length of time since any conviction of a felony or a crime involving moral turpitude, efforts by the applicant or employee to rehabilitate himself, number of such convictions by applicant or employee and status of any sentence or probation imposed upon applicant or employee for any such felony or crime involving moral turpitude. Conviction shall include pleas of nolo contendere or bond forfeiture.

*Governmental building* means a building owned by any local, state or federal government.

*Library* means a building open to the general public which contains a collection of books.

*License* means authorization by the city to operate an adult entertainment establishment. This license is sometimes referred to as an adult entertainment establishment license.

*Licensing officer* means the employee in charge of granting, denial or suspension of licenses and permits under this article.

*Licensee* means a holder of a current, valid adult entertainment establishment license.

*Minor* means any person who has not attained the age of 18 years of age.



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*Permit* means authorization by the city after approval by the licensing officer for a person to be an employee of an adult entertainment establishment.

*Public playground* means an open space or courtyard for recreation that is open to the general public.

*Public park* means a large piece of ground, with grass and trees, for recreation that is open to the general public.

*School* means a building, publicly or privately owned, used for teaching or giving instruction in any subject to pupils.

*Specified sexual activities* shall include the following:

- (1) Activities of the following nature which are actual or simulated: sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, the use of excretory functions in the context of a sexual relationship, anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism or zoerasty;
- (2) Clearly depicting human genitals in a state of sexual stimulation, arousal or tumescence;
- (3) Human or animal ejaculation, sodomy, oral copulation, coitus or masturbation;
- (4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast;
- (5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
- (6) Erotic or lewd touching, fondling or other sexual contact with an animal by a human being; or
- (7) Human excretion, urination, menstruation, vaginal or anal irrigation.

*Specified anatomical areas* shall include any of the following:

- (1) Less than completely and opaquely covered human genitals or pubic region; buttock; or female breast below a point immediately above the top of the areola, or
- (2) Human male genitalia in a discernible turgid state, even if completely and opaquely covered.

(Former § 10-003(2.))

Sec. 10-203. - Erotic dance establishment regulations.

- (a) *Advertising without a license.* No person, firm, partnership, corporation or other entity shall advertise or cause to be advertised an erotic dance establishment without a valid adult entertainment establishment license issued per this article.
- (b) *Gross receipts report.* No later than March first of each year, an erotic dance establishment licensee shall file a verified report with the license officer showing the licensee's gross receipts and amounts paid to dancers for the preceding calendar year.
- (c) *Employee list.* A licensee shall maintain a list of the names, addresses and ages of all persons employed as dancers. Said list shall be subject to inspection by authorized city or state officials or employees upon reasonable notice. Ex-employee's names shall not be removed from the list until two years have elapsed from the last date of employment.

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- (d) *Dancers under age 18 prohibited.* No licensee shall employ or contract with a person to be a dancer who is under the age of 18 years or a person not licensed pursuant to this article.
- (e) *Admission of minors prohibited.* No person under 18 years shall be admitted to an adult entertainment establishment.
- (f) *Operating hours.* An erotic dance establishment may be open only between the hours of 10:00 a.m. and 11:00 p.m. Monday through Saturday. No licensee shall permit his place of business to be open on any Sunday nor on Christmas Day.
- (g) *Consumption of alcoholic beverages prohibited.* No licensee shall serve, sell, distribute or suffer the consumption or possession of any alcoholic beverage or controlled substance upon the premises of the licensee.
- (h) *Display of licenses required.* A licensee shall conspicuously display all licenses required by this article.
- (i) *Height requirements for dancing platforms.* All dancing shall occur on a platform used solely for dancing which is raised at least two feet from the level of the floor.
- (j) *Distance from patrons to be maintained.* No dancing shall occur closer than ten feet to any patron.
- (k) *Fondling and caressing prohibited.* No dancer at any erotic dance establishment shall fondle or caress any patron, and no patron shall fondle or caress any dancer.
- (l) *Gratuities prohibited.* No patron at any erotic dance establishment shall directly pay or give any gratuity to any dancer.
- (m) *Soliciting of gratuities prohibited.* No dancer shall solicit any pay or gratuity from a patron.
- (n) *Lighting requirements.* All areas of an establishment licensed hereunder shall be fully lighted at all times patrons are present. Full lighting shall mean illumination equal to three and five-tenths foot candles per square foot.

(Former § 10-003(3.))

Sec. 10-204. - Prohibited activities.

No person, firm, partnership, or other entity shall publicly display or expose or permit the public display or exposure, with less than a full opaque covering, of any portion of a person's genitals, pubic area or buttocks in a lewd and obscene fashion.

(Former § 10-003(4.))

Sec. 10-205. - Licensing.

- (a) *License required.* In or upon any premises within the city, it shall be unlawful for any person, association, entity, partnership or corporation to engage in, conduct or carry on any of the adult entertainment establishments defined in this article without a license to do so. No license so issued shall condone or make legal any activity thereunder if the same is deemed illegal or unlawful under the laws of the state or the United States. The fee for the annual license shall be \$1,000.00. A new license must be applied for and purchased annually. Such license is a privilege, not a right.

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- (b) *Operation of unlicensed premises.* It shall be unlawful for any person to operate an adult bookstore, adult motion picture theater, adult motion picture mini-theater, adult motion picture arcade, escort bureau, introduction service or erotic dance establishment unless such business has a current, valid license, which license shall not be under suspension or permanently or conditionally revoked.

(Former § 10-003(5.))

Sec. 10-206. - Admission, sales to minors.

- (a) *Admission of minors.* It shall be unlawful for any person, association, entity, partnership or corporation to admit or permit the admission of minors within an adult entertainment establishment.
- (b) *Sales to minors.* It shall be unlawful for any person to sell, barter or give or to offer to sell, barter or give to any minor any service, material, device or thing sold or offered for sale by an adult bookstore, adult motion picture theater, adult motion picture mini-theater, exotic dance establishment or any other adult entertainment establishment defined in this article.

(Former § 10-003(6.))

Sec. 10-207. - Location requirements.

- (a) *Location requirements specified.* No adult entertainment establishment shall be located:
- (1) Within 1,000 feet of any parcel of land which is either zoned or used for residential uses or purposes;
  - (2) Within 1,000 feet of any parcel of land upon which a church, school, governmental building, library, civic center, public park or playground is located;
  - (3) Within 1,000 feet of any parcel of land upon which another adult entertainment establishment regulated or defined hereunder is located;
  - (4) Within 1,000 feet of any parcel of land upon which any establishment selling alcoholic beverages is located; and
  - (5) On less than three acres of land or on any parcel containing less than 100 feet of road frontage.
- (b) *How to measure distances.* For the purpose of this subsection, distance shall be by airline measurement between property lines, using the closest property lines of the parcels of land involved. The term "parcel of land" means any quantity of land capable of being described by location and boundary, designated and used or to be used as a unit.

(Former § 10-003(7.))

Sec. 10-208. - Adult entertainment employees.

- (a) *Qualifications.* Employees of an adult entertainment establishment shall not be less than 18 years of age. Every employee must be of good moral character as defined in this article. Any employee who is convicted of a felony or a misdemeanor involving moral turpitude while employed as an adult entertainment establishment employee shall not thereafter work at any adult entertainment

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establishment for a period of five years from the date of such conviction, unless a longer time is ordered by a court of competent jurisdiction. The term "convicted" shall include an adjudication of guilt or a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime. The terms "employed at the adult entertainment establishment premises" and "work at any adult entertainment establishment premises" shall include work done or services performed while in the scope of employment by an adult entertainment establishment off the premises of the adult entertainment establishment.

- (b) *Approval for employment.* Before any person may work at an adult entertainment establishment, he/she shall file a notice with the licensing officer of the intended employment on forms supplied by the licensing officer and must receive approval for such employment from the licensing officer. The prospective employee shall supply such information as the licensing officer requires, including a set of fingerprints, on regular city or United States Department of Justice forms. The notice of intended employment shall be accompanied by an investigation fee of \$50.00 or a receipt of the licensing officer evidencing the payment of such fee at the time the notice is filed. Upon the issuance of a permit showing approval, the employee may begin working on the licensed premises. Approval and a permit shall be granted if the qualifications defined in subsection (a) above are met. Approval shall be denied if said qualifications are not met. An appeal from such decision shall be governed by section 10-187.
- (c) *Permit suspension, permit revocation.* Violation of this article, any other sections of the Code, any other ordinances of the city, and/or laws and regulations of the state, shall subject an employee to permit suspension or permit revocation. An appeal from such a decision shall be governed by section 10-187.
- (d) *Independent contractors.* For the purpose of this section, independent contractors of adult entertainment establishments shall be considered employees, and must comply with employee permit requirements, regardless of the business relationship with the owner or licensee of any adult entertainment establishment.

(Former § 10-003(8.))

Sec. 10-209. - Application for license.

- (a) *Application requirements.* Any person, association, partnership, limited liability company, or corporation desiring to obtain a license to operate, engage in, conduct or carry on any adult entertainment establishment shall make application to the licensing officer. Prior to submitting such application, a non-refundable fee of \$50.00 shall be paid to the clerk to defray, in part, the cost of investigation and report required by this article. The city manager shall issue a receipt showing that such application fee has been paid. The receipt or a copy thereof shall be supplied to the city manager at the time such application is submitted.
- (b) *Application is not a license.* The application for a license does not authorize the engaging in, operation of, conduct of or carrying on of any adult entertainment establishment.
- (c) *Application contents.* Each application for an adult entertainment establishment license shall contain the following:
  - (1) The applicant's true full name and any other names ever used by the applicant;
  - (2) The applicant's present address and telephone number;
  - (3) The applicant's previous addresses and the dates of residence at each address for a period of

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five years immediately prior to the date of the application;

- (4) Acceptable written proof that the applicant is at least 18 years of age;
- (5) The applicant's height, weight, eye and hair color; and date and place of birth;
- (6) Two color photographs of the applicant at least two inches by two inches taken within the last six months, which clearly show the applicant's face;
- (7) A statement of the business, occupation or employment history of the applicant for the five years immediately preceding the date of the application, and of any and all partners in a partnership, members of a limited liability company, directors and officers of a corporation and, if a corporation, all shareholders holding more than five percent of the shares of corporate stock outstanding;
- (8) A statement of the business license history of the applicant and of any and all partners in a partnership, members of a limited liability company, directors and officers of a corporation and, if a corporation, all shareholders holding more than five percent of the shares of corporate stock outstanding, and whether said persons or the corporate applicant, in previous operations in this or any other city, state or territory has had a license or permit for an adult entertainment business or similar type of business revoked or suspended, the reasons therefore, and the business activity(ies) or occupation(s) subsequent to such action of suspension or revocation;
- (9) If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter, together with the place and date of incorporation, and the names and addresses of each of its current officers and directors, and each stockholder holding more than five percent of the stock in the corporation. The same type of information should be set forth for a limited liability company. If the applicant is a partnership, the applicant shall set forth the name, residence address and dates of birth of the partners, including limited partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership filed with the county clerk. If one or more of the partners is a corporation or limited liability company, the provisions of this subsection (9) pertaining to corporations and limited liability companies shall apply. The applicant entity shall designate one of its officers, members or general partners to act as its responsible managing officer. Such designated persons shall complete and sign all application forms required of an individual applicant under this article, but only one application fee shall be charged;
- (10) The names and addresses of the owner(s) and/or lessor(s) of the real property upon which the business is to be conducted and a copy of the lease or rental agreement;
- (11) Such other identification and information as is required in order to discover the truth of the matters hereinbefore specified as required to be set forth in the application;
- (12) If the applicant, any partners of a partnership or any of the officers of a corporation or stockholders holding more than five percent of the outstanding shares of the corporation, or the directors of the applicant if the applicant is a corporation, or the members of a limited liability company have ever been convicted of a felony or a misdemeanor involving moral turpitude in the past five years, a complete description of any such crime must be provided including date of violation, date of conviction, jurisdiction and any disposition, including any fine or sentence imposed and whether terms of disposition have been fully completed;
- (13) The city shall require individual applicants to furnish the applicant's fingerprints;
- (14) If the applicant is a person doing business under a trade name, a copy of the properly recorded trade name must be provided. If the applicant is a corporation, the applicant must

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provide a copy of authority to do business in Georgia, including articles of incorporation, trade name affidavit, if any, and last annual report, if any. The same type of information should be set forth for a limited liability company;

- (15) At least three character references from individuals who are in no way related to the applicant or individual shareholders, officers, members or directors of the corporation or limited liability company and who are not or will not benefit financially in any way from the application if the license is granted and who have not been convicted of any felony or misdemeanor involving moral turpitude in the past five years. The licensing officer shall prepare forms consistent with the provisions of this subsection for the applicant, who shall submit all character references on such forms;
  - (16) Addresses of the premises to be licensed;
  - (17) Whether the premises are owned or rented and, if the applicant has a right to legal possession of the premises, copies of those documents giving such legal rights;
  - (18) A plat by a registered engineer, licensed by the state, showing the acreage of the proposed site, the location of the proposed adult entertainment establishment in relation to the neighborhood, the surrounding zoning, its proximity to the closest church, school, public park, governmental building or site or other business hereunder regulated; and
  - (19) Each application for an adult entertainment establishment license shall be verified and acknowledged under oath to be true and correct by:
    - a. If the applicant is an individual, the individual;
    - b. If by a partnership, by the managing or general partner;
    - c. If a corporation, by the president of the corporation;
    - d. If any other organization or association, by the chief administrative official.
- (d) *Applicant to appear.* The applicant, if an individual, or designated responsible managing officer, if a partnership or corporation or limited liability company or other organization, shall personally appear before the licensing officer of the city and produce proof that a non-refundable application fee in the amount of \$50.00 has been paid and shall present the application containing the aforementioned and described information.

(Former § 10-003(9.))

Sec. 10-210. - Investigation.

- (a) *Time limits.* The city shall have 60 days to investigate the application and the background of the applicant.
- (b) *Findings for granting a license.* Upon completion of the investigation, the council may grant a license if it finds:
  - (1) The required fee has been paid;
  - (2) The application complies in all respects with the requirements of this article;
  - (3) The applicant has not knowingly made a material misrepresentation in the application;
  - (4) The applicant has fully cooperated in the investigation of his application;

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- (5) The applicant, if an individual, or any of the stockholders of the corporation, any officers or directors, if the applicant is a corporation, or any of the members if the applicant is a limited liability company or other organization, or any of the partners, including limited partners, if the applicant is a partnership, has/have not been convicted of a felony or of a misdemeanor involving moral turpitude or convicted in any state of any offense which if committed or attempted in this state, would have been punishable as one or more of the above mentioned offenses;
- (6) As of the date of the application, the applicant has not had an adult entertainment establishment license or other similar license or permit denied, suspended or revoked for cause by this city or any other city, county, state or territory;
- (7) The building, structure, equipment or location of such business would comply with all applicable laws, ordinances and regulations including but not limited to health, zoning, distance, fire and safety requirements and standards;
- (8) The applicant is at least 21 years of age;
- (9) The applicant, if an individual, or any of the stockholders of a corporation, any officers or directors, if the applicant is a corporation, or any of the members if the applicant is a limited liability company or other organization, or any of the partners, including limited partners, if the applicant is a partnership, has/have not within five years of the date of the application, knowingly allowed or permitted any of the specified sexual activities as defined in this article to be committed in violation of this Code or any city ordinances and/or the laws of the state and/or the United States;
- (10) That on the date the business for which a license is required herein commences, and thereafter, there will be a person of good moral character on the premises to act as manager at all times during which the business is open;
- (11) That the proposed premises are not located in violation of the requirements of this article;
- (12) That the grant of such license will not cause a violation of this article or any other laws, ordinances, codes, or regulations of the city, state or the United States; and
- (13) That any other inquiry deemed necessary by the city to insure the health, safety and welfare of the citizens of the city and the preservation of its neighborhoods has been made and the results of the inquiry demonstrate the granting of the permit will not threaten the health, safety or welfare of the citizens of the city or the preservation of its neighborhoods.

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(Former § 10-003(10.))

Sec. 10-211. - Persons prohibited as licensees.

- (a) *Specific persons prohibited.* No license provided for by this article shall be issued to or held by:
- (1) An applicant who has not paid all required fees and taxes or property taxes for the business at that location;
  - (2) Any person who is not of good moral character;
  - (3) Any corporation, any of whose officers, directors or stockholders holding over five percent of the outstanding issued shares of capital stock are not of good moral character;
  - (4) Any limited liability company or other organization, partnership or association, any of whose officers or members holding more than five percent interest therein are not of good moral character;
  - (5) Any person employing, assisted by or financed in whole or in part by any person not of good moral character; and
  - (6) Any applicant who is not qualified to hold a business license and/or conduct a business according to the laws of the United States, the state or the city.
- (b) *Other conditions.* Should there be a sufficient number of current licenses to meet the needs and desires of the inhabitants of the city, no new licenses shall be issued.

(Former § 10-003(11.))

Sec. 10-212. - Appeal of applicant from license or permit refusal.

- (a) *Clerk to notify applicant of denial.* If the city, following investigation of the applicant, deems that the applicant does not fulfill the requirements as set forth in this article, it shall notify the clerk of denial of the license. The clerk shall within ten days notify the applicant by certified mail of such denial. Any applicant who is denied a license or permit may appeal such denial to the council by filing a written appeal within 30 days of receipt of the notice of denial.
- (b) *Appeal to contain certain information.* The appeal shall be delivered to the clerk and shall specify the subject matter of the appeal, the date of any original and amended application or requests, the date of the denial and the date of receipt of notice thereof, the basis of the appeal, the action requested of the council and the name and address of the appellant.
- (c) *Appeal to appear on council agenda.* The clerk shall place the appeal on the agenda of the next regular council meeting occurring not less than five nor more than 35 days after receipt of the appeal.
- (d) *Initial council action.* When an appeal is placed on the council agenda, the clerk shall give the appellant certified mail notice of placement of the hearing on the agenda. The council may in its discretion appoint a hearing officer to preside over the hearing in a judicial capacity. The clerk shall publish notice of the hearing as may be required by law.
- (e) *Council to hear appeal; render decision.* When the clerk has scheduled an appeal before the council, at the scheduled time and date the council shall receive all relevant testimony and evidence



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from the appellant and from competent witnesses. The council may sustain, overrule or modify the decision appealed from. The action of the council shall be final, unless the appellant appeals to the superior court within 30 days of the decision of the council.

- (f) *Hearing officer.* Any hearing officer appointed per the discretionary procedure set out in this article may receive and rule on admissibility of evidence, hear testimony under oath and call witnesses as the hearing officer may deem advisable.

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- (g) *Rules of evidence.* The council, and any hearing officer, shall not be bound by the traditional rules of evidence in hearings conducted under this article.
- (h) *Hearing officer recommendation.* Within a time not to exceed 30 days from the date such hearing is completed, any hearing officer shall submit a written recommendation to the council. Such recommendation shall contain a brief summary of the evidence considered and state findings, conclusions, and recommendations. Such recommendation shall be filed with the clerk and shall be considered a public record. A copy shall be forwarded by certified mail to the appellant within one business day after it is filed with the clerk. Copies shall be given to the city manager and the Walton County Sheriff or a representative of the city department of public safety.
- (i) *Council to consider any recommendation of the hearing officer.* The clerk shall place any such recommendation on the agenda of the next regular council meeting occurring not less than ten days after the recommendation is filed, and shall notify the appellant of the date of such meeting at least ten days prior to the meeting, unless the appellant stipulates to a shorter notice period.
- (j) *Council to act on hearing officer's recommendation.* The council may adopt or reject the hearing officer's recommendation in its entirety, or may modify the proposed recommendation. If the council does not adopt the hearing officer's recommendation, it shall decide the case upon a review of the entire record.

(Former § 10-003(12.))

Sec. 10-213. - Annual license.

Licenses for adult entertainment establishments shall be applied for annually. The licensee must meet all requirements of this article. The fee for the adult entertainment establishment license shall be \$1,000.00.

(Former § 10-003(13.))

Sec. 10-214. - Non-transferability of license.

- (a) *Sale, transfer of licenses prohibited.* No adult entertainment establishment license may be sold, transferred or assigned by a licensee or by operation of law. Any purported sale, transfer or assignment or attempted sale, transfer or assignment shall constitute a voluntary surrender of such license, and such license shall thereafter be null and void.
- (b) *Exceptions in partnership arrangements.* If the licensee is a partnership and one or more of the partners should die, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner or partners without effecting a surrender or termination of such license, and in such case the license, upon notification to the city manager shall be placed in the name of the surviving partner.
- (c) *Corporations and limited liability companies.* An adult entertainment establishment license issued to a corporation or limited liability company shall be deemed terminated and void if any of the outstanding stock or membership interests thereof is/are sold, transferred or assigned after the issuance of a license or if any of the stock or membership interests authorized but not issued at the time of the granting of a license is thereafter issued or sold, transferred or assigned.

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(Former § 10-003(14.))

Sec. 10-215. - Location and/or name change.

- (a) *Location change.* No adult entertainment establishment shall move from the location specified on its license until a change of location fee of \$100.00 has been deposited with the clerk and approval has

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been obtained from the city manager and the building inspector. Such approval shall not be given unless all requirements and regulations contained in all city ordinances, laws and regulations have been met.

- (b) *Name change.* No licensee shall operate, conduct, manage, engage in or carry on an adult entertainment establishment under any name other than the licensee's name and the name of the business as specified on his license.
- (c) *Building expansions.* Any application for an extension or expansion of a building or other place of business where an adult entertainment establishment is located shall require an investigation as provided for by section 10-185 and shall comply with all other provisions and regulations of this article.

(Former § 10-003(15.))

Sec. 10-216. - Appeal of licensee or employee from adverse decision other than subsection 10-187.

- (a) *Appeal to be submitted within ten days.* The licensee or employee shall, within ten days after he has been notified of an adverse determination, submit a notice of appeal to the clerk.
- (b) *Appeal to contain certain information.* The appeal shall be delivered to the clerk and shall specify the subject matter of the appeal, the date of the adverse action and the date of receipt of notice thereof, the basis of the appeal, the action requested of the Council and the name and address of the appellant.
- (c) *Appeal to appear on council agenda.* The clerk shall place the appeal on the agenda of the next regular council meeting occurring not less than five nor more than 35 days after receipt of the appeal.
- (d) *Initial mayor and council action.* When an appeal is placed on the council agenda, the clerk shall give the appellant certified mail notice of placement of the hearing on the agenda. The council may in its discretion appoint a hearing officer to preside over the hearing in a judicial capacity. The clerk shall publish notice of the hearing as may be required by law.
- (e) *Council to hear appeal; render decision.* When the clerk has scheduled an appeal before the council, at the scheduled time and date the council shall receive all relevant testimony and evidence from the appellant and from competent witnesses. The council may sustain, overrule or modify the decision appealed from. The action of the council shall be final, unless the appellant appeals to the superior court within 30 days of the decision of the council.
- (f) *Hearing officer.* Any hearing officer appointed per the discretionary procedure set out in this article may receive and rule on admissibility of evidence, hear testimony under oath and call witnesses as the hearing officer may deem advisable.
- (g) *Rules of evidence.* The council and any hearing officer shall not be bound by the traditional rules of evidence in hearings conducted under this article.
- (h) *Hearing officer recommendation.* Within a time not to exceed 30 days from the date such hearing is completed, any hearing officer shall submit a written recommendation to the council. Such recommendation shall contain a brief summary of the evidence considered and state findings, conclusions, and recommendations. Such recommendation shall be filed with the clerk and shall be considered a public record. A copy shall be forwarded by certified mail to the appellant within one business day after it is filed with the clerk. Copies shall be given to the city manager and the Walton

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County Sheriff or a representative of the city department of public safety.

- (i) *Council to consider any recommendation of the hearing officer.* The clerk shall place any such recommendation on the agenda of the next regular council meeting occurring not less than ten days after the recommendation is filed, and shall notify the appellant of the date of such meeting at least ten days prior to the meeting, unless the appellant stipulates to a shorter notice.
- (j) *Council to act on hearing officer's recommendation.* The council may adopt or reject the hearing officer's recommendation in its entirety, or may modify the proposed recommendation. If the council does not adopt the hearing officer's recommendation, it shall decide the case upon a review of the entire record.

(Former § 10-003(16.))

Sec. 10-217. - Violations and penalties.

- (a) *General.* Any person violating this article shall be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000.00 per violation or by imprisonment for a period not to exceed six months, or by both. In addition to such fine or imprisonment, violation of this article shall also be grounds for immediate suspension or revocation of any license issued hereunder.
- (b) *Unlawful operation declared nuisance.* Any adult entertainment establishment operated, conducted or maintained contrary to this article shall be and the same is hereby declared to be unlawful and a public nuisance. The city may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for abatement, removal or enjoinder thereof in the manner provided by law. The city may take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such adult entertainment establishment and restrain and enjoin the operation of an adult entertainment establishment contrary to the provisions of this article. In addition, violation of any provision of this article shall be grounds for suspension or revocation of a license or permit granted hereunder.
- (c) *Self-inspection of licensed premises.* The licensee or licensee's designated representative shall make sanitary inspections of the licensed premises at least once a month and shall record the findings of the inspections on a form supplied by the licensing officer. All licensed premises shall post and maintain in a readily accessible place a schedule for maintaining the sanitation of the premises.

(Former § 10-003(17.))

*DIVISION 3. UNDERAGE PERSONS*

**Sec. 10-230. Age requirements on licensed premises.**

- (a) *Age requirements for employees.*
  - (1) *Package retail and wholesale licensees.* Except as provided in this subsection, no wholesale dealer or package licensee shall allow any employee under the age of eighteen (18) years to dispense, sell, serve, take orders for, or handle alcoholic beverages.

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- a. The provisions of this section shall not prohibit persons under eighteen (18) years of age who are employed in grocery stores supermarkets, convenience stores, breweries or drug stores from selling or handling alcoholic beverages which are sold for consumption off the premises; however, the licensee shall ensure that said person under eighteen (18) years of age shall be under direct supervision of a person who shall be both employed by said establishment and who shall be over the age of twenty-one (21) years of age and shall be on site at all times during which the underage employee is working.
- (2) *Consumption on the premises licensees and caterers.* No consumption on the premises licensee shall allow any employee under the age of eighteen (18) years to dispense, sell, serve, take orders for, or handle alcoholic beverages. No licensed caterer shall allow any employee under the age of twenty-one (21) years to dispense, sell, serve, take orders for, or handle alcoholic beverages at an authorized catered event.
- a. The subsection 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.
- b. This section shall not apply to those employees who clear tableware between customers, also known as "busboys," nor shall it apply to those employees who are cooks or dishwashers.
- c. Those employees of a consumption on the premises licensee who are eighteen (18) years of age but younger than twenty-one (21) years of age shall be under direct supervision of a person who shall be both employed by said establishment and who shall be over the age of twenty-one (21) years of age and shall be on site at all times during which the underage employee is working. Such employee shall be trained and supervised periodically with respect to the procedure for requesting proper age identification and declining to sell alcoholic beverages to those under twenty-one (21) years of age failing to produce proper identification.
- (b) *Entertainers at licensed establishments.* It is unlawful for any person under the age of eighteen (18) years of age to work as an entertainer in any establishment licensed hereunder without a written notarized consent form from parents or guardian.
- (c) *Loitering at licensed establishments.* No licensee shall permit any person under twenty-one (21) to be in, frequent or loiter about the licensed premises unless such person is accompanied by a parent, legal guardian or custodian; provided, however, that this section shall not apply to persons who are employees under the terms of this chapter.
- (Ord. of 8-13-12; Ord. No. O-2023-11 , § VI, 3-13-23)

**Sec. 10-231. Furnishing of alcoholic beverages to underage persons.**

It shall be unlawful for any person to purchase for, attempt to purchase for, or to furnish any alcoholic beverages to any person who has not attained twenty-one (21) years of age.

(Ord. of 8-13-12)

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**Sec. 10-232. Purchase, sale to, consumption or possession by or for underage persons.**

- (a) It shall be unlawful for any person under twenty-one (21) years of age to purchase, drink or possess any alcoholic beverages within the city unless otherwise authorized by law.
- (b) It shall be unlawful for any person to keep or maintain a place where any person under twenty-one (21) years of age is allowed or permitted to come and purchase, drink or possess an alcoholic beverage.
- (c) It shall be unlawful for any parent or other person to buy alcoholic beverages and furnish the same to persons under twenty-one (21) years of age for consumption unless the parent or guardian 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 prohibitions contained in paragraphs (a), (b), and (c) of this section shall not apply with respect to the sale, purchase, or possession of alcoholic beverages for consumption:
  - (1) For medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state; or
  - (2) At a religious ceremony.

(Ord. of 8-13-12)

**Sec. 10-233. Misrepresentation of age by persons under twenty-one (21) years of age.**

It shall be unlawful for any person under twenty-one (21) years of age to falsely misrepresent his or her age in any manner whatsoever for the purpose of obtaining illegally any alcoholic beverage.

(Ord. of 8-13-12)

**Sec. 10-234. Sales to underage or intoxicated persons prohibited.**

- (a) No licensee hereunder shall serve or sell alcoholic beverages to:
  - (1) Any person under the age of twenty-one (21) years of age; or
  - (2) To any person in an intoxicated condition.
- (b) No licensee or employee thereof shall sell alcoholic beverages upon the licensed premises or permit alcoholic beverages to be consumed thereon on any day or at any time when the sale or consumption is prohibited by law.
- (c) It shall be a violation not to require and properly check identification to ensure an underage person is not sold, served, or has in his or her possession alcoholic beverages while in a licensed establishment. For the purpose of this subsection "identification" means any document issued by a governmental agency containing a description of the person, such person's photograph or both, and giving such person's date of birth, including but not limited to a passport, military identification card, driver's license, or identification card

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authorized under an act to require the department of public safety to issue identification cards to persons who do not have a motor vehicle driver's license.

- (d) The penalty for an individual found in violation of this section shall be as follows:
- (1) For the first offense in a 36-month period, a fine of no more than five hundred dollars (\$500.00) and the permit holder who violated this section shall be required to re-take the City of Social Circle Mandatory Alcohol Awareness Training class within sixty (60) days of receipt of the notice sent by the city.
    - a. The failure of the permit holder to complete the required alcohol awareness training set forth in this subsection within the time prescribed by the city manager shall constitute a violation of this Code and may result in the revocation or suspension of the alcohol handling permit.
  - (2) For the second offense within a 36-month period, a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00). In addition, the individual's alcohol handling permit shall be suspended for a period of up to one (1) year by the city manager.
  - (3) For the third offense within a 36-month period, a fine of one thousand dollars (\$1,000.00). In addition, the individual's alcohol handling permit shall be revoked by the city manager.
- (e) Any licensee who has an establishment where a violation of this section or O.C.G.A. § 3-3-23 has occurred by employees, managers, or owners of a licensee shall be subject to a suspension of their license by the city manager for a period of one (1) to thirty (30) days.
- (1) For the third violation of this section or O.C.G.A. § 3-3-23 within any 36-month period, the establishment's alcohol license shall be revoked.
- (f) As to the penalties in this subsection, if there is a complete change in the licensed establishment's owners, or a change in partners or stockholders representing seventy-five (75) percent of the outstanding stock or shares of the firm owning the licensed establishment, the violations under the old ownership shall not count against the new owners.
- (g) For purposes of this subsection, a single event resulting in the issuance of citations to more than one (1) individual shall be counted as one (1) violation.
- (h) Any licensee who has been suspended under subsection (e) above shall be required to post signs, to be provided by the city manager, on the exterior doors of the establishment which contain the following language: "An employee or owner of this store has violated state law and City of Social Circle Ordinances by selling alcoholic beverages to a minor" for the period of the suspension imposed in subsection (e).
- (i) Any licensed establishment where a second violation of this section or O.C.G.A. § 3-3-23 has occurred by employees, managers, or owners within any 36-month period shall not be used as a vendor by the city for any purchases by the city until such time as there are no violations within the previous 36-month period.



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- (j) The city manager may relieve the licensee of any penalties that otherwise may be assessed under subsections (d), (e) or (f) of this section if it can be shown to the city manager's satisfaction that such licensee freely and of its own volition reported such specific violations for which it may be charged to the chief of police or city manager prior to such violation coming to the attention of the authorities. Such a report must have been specific and not speculative or general in nature. Documented evidence of such activities shall include, but shall not be limited to, written evidence that the licensee has promptly reported such violations or attempted violations of this chapter. In addition, the licensee must have fully cooperated with authorities in correcting such violations and participating in the prosecution of any other violators.
  - (k) The city manager or chief of police, in accordance with O.C.G.A. § 3-3-2.1, shall notify the state department of revenue of any violation (violation being defined as a conviction or entry of a plea of guilty or nolo contendere) of this section or O.C.G.A. § 3-3-23 by any licensee.
  - (l) The provisions of this section shall apply to any violation which has not been fully adjudicated at the time of the effective date of its adoption.

**Sec. 10-235. Employment of bouncers under the age of twenty one.**

- (a) As used in this subsection, the term "bouncer" means an individual primarily performing duty related to verifying age for admittance, security, maintaining order, or safety, or a combination thereof.
- (b) No person shall allow or require an individual under the age of twenty-one (21) to serve as a bouncer on a premises or in an establishment where alcoholic beverages are dispensed, served, or sold pursuant to a license issued under this title.

**Secs. 10-236 through 10-239. Reserved.**

*DIVISION 4. PURCHASE FROM LICENSED WHOLESALERS; PACKAGE VOLUME*

**Sec. 10-240. Retailers to purchase from licensed wholesalers only; minimum legal container.**

- (a) No licensed retail consumption dealer shall buy, arrange to buy, accept deliveries or in any way affect the transfer of any alcoholic beverages except from a wholesaler licensed by the state revenue department.
- (b) No retail consumption dealer may purchase spirituous liquors in containers smaller than seven hundred fifty (750) milliliters. The sale of alcoholic beverages by the licensee hereunder in unbroken packages or in any quantity for other than consumption on the premises is expressly prohibited.

**Secs. 10-241 through 10-249. Reserved.**

*DIVISION 5. STORAGE AND LABELING OF ALCOHOL*

**Sec. 10-250. Storage on unlicensed premises.**

It shall be unlawful for any person or corporation not holding an alcoholic beverage license granted by the city to store any alcoholic beverages on the grounds of any retail establishment excluding alcoholic beverages for personal consumption in accordance with all applicable provisions of law.

**Sec. 10-251. Keeping or storing without appropriate license.**

It shall be unlawful for any person operating under a license for the sale of malt beverages or wine or both to store or have therein any spirituous liquors without an appropriate license.

**Sec. 10-252. Regulations governing retail storage.**

- (a) No licensee shall be permitted to enter any type of arrangement whereby alcoholic beverages ordered by licensee are stored by licensed wholesaler.
- (b) All alcoholic beverages shall be available at all times for inspection by the chief of police of the city, or duly authorized representatives. Any alcoholic beverages found in any retailer's stock that is sold or distributed by a wholesaler who is not licensed in accordance with the laws of the state to make sales and deliveries in the city shall be subject to immediate confiscation and disposal in accordance with applicable law.

**Sec. 10-253. Misrepresentation of alcoholic beverages.**

- (a) Except as expressly provided for in this chapter, it shall be unlawful for licensees or their agents to add to the contents of a bottle or to refill empty bottles except for licensed growlers or in any manner misrepresent the quantity, quality, or brand names of any alcoholic beverage.

***ARTICLE IV. TAXES***

**Sec. 10-260. Tax levied, amount, payment; duties of dealers and wholesalers.**

- (a) *Scope of section.* In addition to all other taxes or license fees heretofore or hereafter imposed upon retail dealers engaged in the city in the business of selling alcoholic beverages, malt beverages and/or wine, there is imposed and levied upon all hereinafter

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described dealers within the city an excise tax to be computed and collected as hereinafter set forth. The taxes imposed by this section shall not be levied with respect to the following:

- (1) Wine sold to and used by established and recognized churches and synagogues for use in sacramental service only;
- (2) Any sale of wine which is exempt from taxation by the state or under the Constitution of the United States;
- (3) Wine sold to persons outside the state for resale or consumption outside the state; or
- (4) Wines or malt beverages which contain less than one-half of one (0.5) percent alcohol by volume.

(b) *Basis for computation of tax.*

- (1) The tax levied hereunder shall be computed on the basis of twenty-two cents (\$0.22) per liter for spirituous liquors and wine sold or delivered as hereinafter set forth. The twenty-two cents (\$0.22) per liter shall be pro-rated down on fractional parts of liters, so that each bottle or each individual size container shall be taxed on the basis of twenty-two cents (\$0.22) per liter. It shall be unlawful and a violation of this article for any such licensee to possess, own, hold, store, display or sell any liquor or wine on which such tax has not been paid.
- (2) Where malt beverages, commonly known as tap or draft beer, are sold from a barrel or bulk container, the tax levied hereunder shall be computed at the rate of six dollars (\$6.00) on each container sold containing not more than fifteen and one-half (15½) gallons and a proportionate tax at the same rate on all fractional parts of fifteen and one-half (15½) gallons; where malt beverages are sold in bottles, cans or other containers except barrel or bulk containers, a tax of five cents (\$0.05) per twelve (12) ounces and a proportionate tax at the same rate on all fractional parts of twelve (12) ounces shall be imposed.

(c) *Computations, payment, duties of wholesale dealer and distributor.* The tax imposed shall be computed and payable monthly. Each wholesale dealer or distributor selling, shipping, or delivering spirituous liquors or wine and/or malt beverages to any retail dealer in the city shall, as a condition to the privilege of conducting said business in the city:

- (1) Keep and maintain true and correct records of all sales, shipments or deliveries of spirituous liquors and wine and malt beverages to each retail dealer in the city. Such records are to be preserved for a period of not less than one (1) year and made available on request for the inspection of any duly authorized representative of the city.
- (2) Collect from each retail dealer in the city at time of delivery of spirituous liquors or wine or malt beverages, the amount of tax due under the terms of this section and hold the same in trust for the city until such tax is remitted to the city as herein provided.
- (3) On or before the tenth day of each calendar month, each wholesaler shall make a verified and comprehensive report to the city which shall correctly show and reflect all sales and deliveries of alcoholic beverages to or for retail dealers in the city for the calendar month immediately preceding the date of said report. Said report shall show

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the name and address of each retail dealer, the quantities delivered to each retail dealer, the amount of excise tax collected under the terms of this section, and such other reasonable information as may be requested by the city. Said report shall be accompanied by remittance payable to the city for all taxes collected or due, as shown on said report.

- (4) The excise tax levied in this section is hereby levied upon the retailer licensed to do business in the city and it is the intent of this article to so levy this tax as to require the payment of the tax at the time of delivery by the retailer to the wholesaler, who shall have the responsibility of remitting the tax to the city on behalf of the retailer on or before the tenth day of each calendar month, as hereinbefore required. Interest calculations that apply to late alcoholic beverage tax payments will be based on an annual calculation of the federal prime rate, plus three (3) percent. Interest rate will change when the federal reserve announces the new bank prime loan rate each January.

A five (5) percent penalty will be assessed after one hundred twenty (120) days with an additional five (5) percent assessed after each successive one hundred twenty (120) days, to a maximum of twenty (20) percent of the principal amount due until all taxes are collected by the city.

- (d) *Noncompliance by wholesale dealer; distributor.* If any wholesale dealer or distributor fails or refuses to make the reports required herein, the city shall notify such dealer or distributor in writing and if the reports are not made and the taxes are not remitted within five (5) days from the date of such notice, such wholesale dealer or distributor shall be prohibited from making any further deliveries in the city and the retail licenses served by such wholesale dealer or distributor for whom the taxes have not been paid shall be subject to having their license suspended or revoked as herein provided.
- (e) *Unlawful retail sales.* It shall be a violation of this article for any person, firm or corporation to sell at retail within the city alcoholic beverages, malt beverages or wine on which the taxes herein provided for have not been paid.
- (f) *Unlawful deliveries.* It shall be unlawful and a violation of this article for any wholesale dealer or distributor to deliver any alcoholic beverages, malt beverages or wine to any retail dealer in report and pay any tax levy hereunder to keep and preserve suitable records of the sales taxable under this section.
- (g) *Violations and penalties.* Any person violating any of the provisions of this article or who shall assist any retail dealer in alcoholic beverages in the city to evade or avoid the payment of the taxes herein provided for shall be guilty of a violation of this section and on conviction thereof in the municipal court shall be punished by a fine) and/or sentenced as provided by this Code and any such person so convicted shall also be subject to having his license suspended or revoked.

#### **Sec. 10-261. Excise tax on sale of distilled spirits by the drink.**

- (a) In addition to all other taxes or license fees imposed upon retail dealers engaged in the sale of distilled spirits by the drink there is imposed an excise tax upon the sale of said drinks in

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the amount of three (3) percent of the total cost of such drink which is charged to the public. Such taxes shall be collected by the licensee under this chapter and any such licensees shall remit the same to the clerk of the city on or before the tenth day of the succeeding month along with the appropriate returns showing a summary of the licensee's gross sales derived from the sale of distilled spirits by the drink. Gross sales shall include all credit card sales and those sales shall be reported and taxes collected thereon shall be submitted to the city manager to the same extent as required of cash sales. It shall be duty of each licensee required to make a report and pay any tax levy hereunder to keep and preserve suitable records of the sales taxable under this section, and such other books or accounts as may be necessary to determine the amount of the tax due. It shall be the duty of every licensee to keep and preserve such records for a period of three (3) years and to provide such returns and reports as may be required by the city manager. Licensees collecting the tax provided for in this section shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if the amount is not delinquent at the time of payment. The rate of deduction should be the same rate authorized for deductions from state tax under chapter 8 of title 48 as provided in O.C.G.A. § 3-4-133. The city manager is hereby authorized to create such reports and returns as may be necessary to adequately provide for the collection of the excise tax provided in this section.

- (b) In the event the city manager deems it necessary to verify the excise tax submitted to the city pursuant to this section, for any month, he or she shall notify the licensee of such need for verification and the licensee shall submit a verified comprehensive report to the city manager, prepared by an auditor, reflecting all sales under this section by the licensee and the taxes submitted to the city. The licensee shall have thirty (30) days to submit such a report to the city manager following such a request.
- (c) The failure of a licensee to remit excise taxes due and payable to the city or to submit any report/return to the city as set forth in this section shall be a violation of this Code for which they may be cited and subjected to:
  - (1) License suspension or revocation;
  - (2) The general penalties as set forth in section 3-917; and
  - (3) The penalties and interest as set forth in subsection 3-900(c)(4) of this Code.

(Ord. of 8-13-12; Ord. of 7-11-16 , pt. II; Ord. No. O-2023-11 , § VIII, 3-13-23)

**Secs. 10-262 through 10-268. Reserved.**

#### ***ARTICLE V. LICENSE AND PERMIT SUSPENSION OR REVOCATION***

##### **Section 10-269. Alcohol review board.**

- (A) The mayor and council hereby create an alcohol review board to handle violation of this chapter by licensees.

- (B) Composition. The alcohol review board shall be composed of three members: the city manager and two other staff members selected by the city manager and approved by the mayor and council. The city manager is not allowed to choose anyone from the police department.
- (C) Term. Each member of the alcohol review board shall serve a one-year term starting January 1 of each year. If a vacancy occurs, then the City manager may select another staff member in accordance with subsection (B).
- (D) Quorum. A majority of actual board members establishes a quorum. Any action taken requires a majority of affirmative votes of the quorum present.

**Sec. 10-270. Suspension or revocation; notice of hearing; refund.**

- (a) Any license or permit permitting the sale or handling of alcoholic beverages which has been issued or which may hereafter be issued by the city to any licensee or permit holder may be revoked, suspended, or conditioned upon additional alcohol awareness training by the alcohol review board for due cause as hereinafter defined beginning thirty (30) days after notification without a hearing unless the licensee appeals such suspension as provided for in this article within fifteen (15) days after such notification.
- (b) The alcohol review board is hereby authorized to suspend any license issued hereunder for any emergency situation such as civil disorders or natural disasters or in any situation that the alcohol review board deems such immediate suspension necessary for the protection of the health and welfare of the citizens of the city, and such suspension may be made effective immediately and shall remain in force until the license is reinstated by the alcohol review board or the mayor determines that the emergency is over or until the next regular meeting of the mayor and council or a meeting called prior to the next regular meeting at which time such suspension may be ended by a majority vote of the city council.
- (c) Where a license or permit identified in subsection (a), is suspended, or revoked, the city shall not be required to refund any portion of the license or permit fee to the holder of such suspended or revoked license.

**Sec. 10-271. Suspension/revocation of license; causes.**

- (a) Due cause for the suspension or revocation of the licenses identified in section 10-270 (Suspension or revocation; notice of hearing; refund), shall include a violation of any laws or ordinances regulating such business; or violation of regulations made pursuant to authority granted for the purpose of regulating such business; or for the violation of any state or federal law; or for the violation of any city ordinances other than traffic ordinances or failure of licensee or employees to report promptly to the police department any violation of the law or ordinance, breach of the peace, disturbance or altercation resulting in violence occurring inside the premises; or for any other legal and sufficient cause.

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- (b) The violation of any term, condition or provision of this article in any particular, or as to any detail whatsoever, shall be cause for the suspension or revocation of any license as provided for in this article.
  - (c) Whenever the state shall revoke any permit or license to manufacture or sell, at wholesale or retail, any alcoholic beverages, or suspend or revoke a state retail consumption dealer's license, said action shall automatically serve to suspend the applicable city license issued under the terms of this article pending a revocation as provided for in this article.
  - (d) Any material omission from or untrue or misleading information which is contained in an original, renewal or transfer application for a license permitting the consumption of alcohol on the premises hereunder shall be cause for the denial or refusal of a license, and if any license has previously been granted under such circumstances, the same shall constitute due cause for revocation of such license. Any failure to notify of the change in any relationship as specified in section 10-44 (change in relationships and/or ownership interest) within thirty (30) days within such change is made shall likewise constitute due cause for cancellation, revocation or suspension of a license issued hereunder. Further, failure to pay all fees, taxes or other charges imposed under the provisions of this article shall constitute due cause for cancellation, revocation or suspension of a license issued hereunder.
  - (f) The alcohol review board may take action to revoke the license of any licensee whose license has been suspended three (3) or more times in any consecutive 36-month period.
  - (g) The alcohol review board shall take action to revoke the license for any premises where alcoholic beverages have been sold or distributed during a period of suspension.
  - (h) The alcohol review board may suspend or revoke the license of any establishment which does not meet the licensing qualifications set forth in this article any time such knowledge becomes known to him or her as provided for in this article.
  - (i) In the case of an act of an employee, rather than the licensee, which presents cause for the suspension or revocation of a license, in determining whether to initiate such suspension or revocation hearings, the alcohol review board may take into consideration any documented evidence that the licensee has, on prior occasions, undertaken proactive efforts to promote compliance with the provisions of this chapter, including the provisions of this chapter prohibiting the sale or serving of alcohol to minors. Documented evidence of such activities shall include, but shall not be limited to, written evidence that the licensee has promptly reported freely and of its own volition violations or attempted violations of this article.

**Sec. 10-273. Acceptance and consideration of application after rejection or revocation.**

When any application, license or permit authorizing the sale or handling of alcohol on the premises is revoked, the alcohol review board shall not accept and/or consider any application from the same applicant for a license or permit within two (2) years from the time of such revocation.

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**Sec. 10-274. Hearings.**

- (a) No license or permit shall be denied, suspended, or revoked without the opportunity for a hearing as hereinafter provided.
- (b) A hearing shall be conducted on matter within sixty (60) days of the violation or other cause for a hearing, unless a continuance of such date is agreed to by the appellant and the city manager. The appellant at such hearing shall have the right to be represented by an attorney, at the expense of the appellant, and to present evidence and cross examine witnesses. All testimony shall be sworn.
- (c) The written findings of the alcoholic beverage review board shall be forwarded to the city manager by a member designated by the alcoholic beverage review board after the conclusion of the hearing and it shall be the duty of the city manager to notify the appellant of the action of the alcoholic beverage review board.
- (e) The alcohol review board shall provide written notice to the applicant, licensee or employee of his or her order or decision to deny, suspend, or revoke the license or permit. Such written notification shall set forth in reasonable detail the reasons for such action and shall notify the applicant, licensee, or employee of the right to appeal under the provisions of this article. Any applicant, licensee, or employee who is aggrieved or adversely affected by a final action of the alcohol review board may have a review thereof by appeal to the mayor and council. Such appeal shall be by written petition, filed in the office of the city manager within thirty (30) days after the final order or action of the city manager and in order to defray administrative costs must be accompanied by a filing fee of five hundred dollars (\$500.00). At the request of the appellant, the mayor and council, by majority vote, may refund the filing fee.
- (d) In hearings as set forth in this section, the city bears the burden of proof by a preponderance of the evidence. The findings of the alcohol review board shall not be set aside unless the alcoholic beverage review board finds them to be:
  - (1) Contrary to law or ordinances; or
  - (2) Unsupported by substantial evidence on the record as a whole; or
  - (3) Unreasonable.

**Sec. 10-275. Notice.**

Notice shall be deemed delivered the date when personally served or by the date three (3) days following the date of deposit in the United States mail when such deposit is by registered mail and/or certified mail.

**Sec. 10-276. Enforcement.**

This article shall be enforced by the city manager, the clerk's designee, the city police department, city code compliance officials, or by any other agency or duly sworn individual designated by mayor and council.



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**Sec. 10-277. Penalties.**

- (a) Any person violating any of the provisions of this article shall be subject to a fine and/or imprisonment upon conviction in the city municipal court. A fine imposed for violation of this article shall be no less than two hundred fifty dollars (\$250.00) and no greater than one thousand dollars (\$1,000.00) per offense. A sentence of imprisonment shall not exceed sixty (60) days per offense. At the discretion of the municipal court judge, any sentence may be probated, altered or amended.
- (b) In addition to the penalties set forth in subsection (a) any person violating the provisions of this article shall be subject to license or permit suspension or revocation as set forth herein.

