

CITY OF BYRON

APPLICATION FOR LICENSE TO SELL SPIRITOUS, DISTILLED, FERMENTED OR MALT BEVERAGES

1. Applicant: _____
2. Agent for (Name of Business): _____
3. Address of Business: _____
4. Beverage (Beer, Wine, Liquor): _____
5. Type of Sale (Retail or Consumption): _____
6. Amount Deposited (Full amount of fee): _____
7. Date Application Filed: _____
8. Police Chief Recommendation:
(Approved/ Disapproved) _____
Signature
9. Fire Chief Recommendation:
(Approved/ Disapproved) _____
Signature
10. Building Official Recommendation:
(Approved/ Disapproved) _____
Signature
11. Approval to Issue License:
(City Clerk) _____
Signature
12. Date License Issued: _____

This application must be presented "in person" at the Byron Municipal Complex no later than December 10th. Please review the city ordinance on alcohol licenses at www.byronga.com prior to returning this application. Answers to all questions on the following pages must be provided and all "recommendation signatures" must appear on application in order for the City Clerk to issue or renew a license.

**CITY OF BYRON
ALCOHOLIC BEVERAGE LICENSE CHECKLIST**

CITY CLERK APPROVAL **INITIAL**

Application-Notarized / Current color photo of applicant _____

Affidavit Verifying Status for City Public Benefits-Notarized
(Including a copy of Drivers License or other verifiable document) _____

Fee: Beer (\$300), Wine (\$150), Liquor (Pkg. to go \$3500), and
Mixed Drink (\$5000) _____

Certification from public accountant that 50% of gross revenue
is derived from sale of food and beverages other than alcoholic
beverages (Refers to consumption on the premises) _____

Affidavit from the publisher of the legal organ of the City of
Byron (The Leader Tribune) see sec. 4-49(b)(11) _____

Performance Bond: Liquor (\$1000) for pkg. stores and restaurants _____

BUILDING, PLANNING & ZONING APPROVAL

Proof of Building, Planning & Zoning Code Compliance _____

Building to be complete: attachment of evidence of ownership
or copy of lease to application; Legal description of property _____

Affidavit from land surveyor on distance requirements _____

POLICE CHIEF APPROVAL

Fingerprinting of applicant through the Byron Police Dept.
(\$50 processing fee required) _____

Security Camera Compliance Verified by: _____
(Retail sales/Packaged to go only) _____

Report of clearance from the Chief of Police. See sec. 4-49(b)(6) _____

FIRE CHIEF APPROVAL

Proof of Fire Safety Code Compliance _____

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The undersigned hereby applies for a license described herein at the location as described on oath says:

1. (a) Name and Address of applicant:

(b) Nationality of applicant: _____

Age: _____ Weight: _____ Height: _____ Sex: _____

Bona Fide resident of Georgia since: _____

(c) Approximate net worth of Applicant: \$ _____

(d) Are there any co-owners, partners or others financially interested, either directly or indirectly, in business for which license is sought? If yes, give name, address, nature and extent of interest of each person.

2. (a) Name and Home address of manager (if different from applicant)?

(b) Nationality of manager: _____ Age: _____ Weight: _____ Sex: _____

Bona Fide resident of Georgia since: _____

3. Are there any other licenses held by relatives, associates or employees of any person named in (1) above? If yes, give details.

4. If any of the persons named in 1 or 2 above have resided in Georgia less than five years, state name and give details of residence for five years preceding date of application.

5. What liquor, wine or beer licenses have been held by any person named in 1 or 2 above during the last five years?

6. Has any license to sell liquor, wine or beer held by any person named in 1 or 2 ever been suspended or revoked? If yes, give details including date and reason for suspension or revocation and place of business involved.

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7. Have any of the persons named in 1 and 2 above ever been convicted of any criminal offense (excluding traffic violations)? If yes, give details as to date, offense, court and sentence.

8. Who owns the building where the license is to be used?

9. If leased, state name(s) of lessor and lessee and terms of lease.

10. (Y/N) Have any licenses to sell liquor, wine or beer ever been suspended or revoked at this location?

11. _____ Initial that you agree to abide by all the laws of the State of Georgia, ordinances of the City of Byron and Rules and Regulations of the Public Safety Committee of the Byron City Council.

12. _____ Initial that you understand that your license, if granted, may be suspended or revoked for violation of any state or city law or regulation.

13. _____ Initial that you understand that answers to questions and statements made anywhere in this application are under oath and that the giving of false information or withholding of full statements will subject you not only to a revocation of any license, but may also subject you to prosecution for perjury.

Signature of Applicant

Signature of Partner (if any)

Personally appeared before the undersigned attesting officer, _____ (applicant) statements and answers given in this application are true and correct; and that nothing is withheld which the application requires to be divulged.

Signature of Applicant

Signature of Partner (if any)

Sworn to and subscribed before me
This _____ day of _____, 20____

Notary Public, Peach County, Georgia

**AFFIDAVIT VERIFYING STATUS FOR
CITY PUBLIC BENEFIT APPLICATION**

By executing this affidavit under oath, as an applicant for a City of Byron, Georgia Business License or Occupation Tax Certificate, Alcohol License, Taxi Permit or other public benefit as referenced in O.C.G.A. Section 50-36-1, I am stating the following with respect to my application for a City of Byron, Business License or Georgia Occupational Tax Certificate, Alcohol License, Taxi Permit or other public benefit (circle one) for _____ [Name of natural person applying on behalf of individual, business, corporation, partnership, or other private entity]

1) _____ I am a United States citizen

OR

2) _____ I am a legal permanent resident 18 years of age or older or I am an otherwise qualified alien or non-immigrant under the Federal Immigration and Nationality Act 18 years of age or older and lawfully present in the United States.*

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of Code Section 16-10-20 of the Official Code of Georgia.

Signature of Applicant: Date

Printed Name:

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE
__ DAY OF _____, 20__

* _____
Alien Registration number for non-citizens

Notary Public
My Commission Expires:

*Note: O.C.G.A. 50-36-1(e)(2) requires that aliens under the federal Immigration and Nationality Act, Title 8 U.S.C., as amended, provide their alien registration number. Because legal permanent residents are included in the federal definition of "alien", legal permanent residents must also provide their alien registration number. Qualified aliens that do not have an alien registration number may supply another identifying number below:

Private Employer Affidavit Pursuant To O.C.G.A. § 36-60-6(d)

By executing this affidavit under oath, the undersigned private employer verifies one of the following with respect to its application for a business license, occupational tax certificate, or other document required to operate a business as referenced in O.C.G.A. § 36-60-6(d):

Section 1. Please check only one:

(A) _____ On January 1st of the below-signed year, the individual, firm, or corporation employed more than ten (10) employees¹.

*** If you select Section 1(A), please fill out Section 2 and then execute below.

(B) _____ On January 1st of the below-signed year, the individual, firm, or corporation employed ten (10) or fewer employees.

*** If you select Section 1(B), please skip Section 2 and execute below.

Section 2.

The employer has registered with and utilizes the federal work authorization program in accordance with the applicable provisions and deadlines established in O.C.G.A. § 36-60-6. The undersigned private employer also attests that its federal work authorization user identification number and date of authorization are as follows:

Name of Private Employer

Federal Work Authorization User Identification Number

Date of Authorization

I hereby declare under penalty of perjury that the foregoing is true and correct.
Executed on _____, ____, 20 __ in _____ (city), _____ (state).

Signature of Authorized Officer or Agent

Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME
ON THIS THE _____ DAY OF _____, 20 __.

NOTARY PUBLIC
My Commission Expires: _____

¹ To determine the number of employees for purposes of this affidavit, a business must count its total number of employees company-wide, regardless of the city, state, or country in which they are based, working at least 35 hours a week.

City of Byron Applicant Privacy Notification Policy

Standard Operation Procedure

Effective: **04/30/2019**

Notification

The City of Byron employs/licenses Alcohol License and as part of the process conducts fingerprint based background checks through the Georgia Crime Information Center. Prior to fingerprinting each individual must complete an application and receive a copy of both the Applicant Privacy Rights and the Privacy Act Statement. The City of Byron provides the applicant with the privacy rights via a copy is provided in the application packet.

Once the applicant has read and understands the Applicant Privacy Rights and the Privacy Act Statement they will sign the form stating the notification was received and maintain such document for no less than three years.

Record Challenge/Correction

If an applicant chooses to challenge the accuracy of the criminal history records or needs to correct or update the record they will be given thirty days to do so. The applicant is notified that the procedures for challenging an FBI record are set forth in 28 CFR 16.30 through 16.24 and the procedure for challenging a Georgia record can be found on the GBI website. The applicant will not be given a copy of the criminal history record.

Appeal Process

The applicant is provided an opportunity to appeal an adverse decision based on the criminal history record information provided from the fingerprint based background check by requesting a hearing by the mayor and council in writing.

NON-CRIMINAL JUSTICE APPLICANT'S PRIVACY RIGHTS

As an applicant that is the subject of a Georgia only or a Georgia and Federal Bureau of Investigation (FBI) national fingerprint/biometric-based criminal history record check for a non-criminal justice purpose (such as an application for a job or license, immigration or naturalization, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification that your fingerprints/biometrics will be used to check the criminal history records maintained by the Georgia Crime Information Center (GCIC) and the FBI, when a federal record check is so authorized.
- If your fingerprints/biometrics are used to conduct a FBI national criminal history check, you are provided a copy of the Privacy Act Statement that would normally appear on the FBI fingerprint card.
- If you have a criminal history record, the agency making a determination of your suitability for the job, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The agency must advise you of the procedures for changing, correcting, or updating your criminal history record as set forth in Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a Georgia or FBI criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the agency denies you the job, license or other benefit based on information in the criminal history record.
- In the event an adverse employment or licensing decision is made, you must be informed of all information pertinent to that decision to include the contents of the record and the effect the record had upon the decision. Failure to provide all such information to the person subject to the adverse decision shall be a misdemeanor [O.C.G.A. § 35-3-34(b) and §35-3-35(b)].

You have the right to expect the agency receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of state and/or federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.

If the employment/licensing agency policy permits, the agency may provide you with a copy of your Georgia or FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, information regarding how to obtain a copy of your Georgia, FBI or other state criminal history may be obtained at the GBI website (<http://gbi.georgia.gov/obtaining-criminal-history-record-information>).

If you decide to challenge the accuracy or completeness of your Georgia or FBI criminal history record, you should send your challenge to the agency that contributed the questioned information. Alternatively, you may send your challenge directly to GCIC provided the disputed arrest occurred in Georgia. Instructions to dispute the accuracy of your criminal history can be obtained at the GBI website (<http://gbi.georgia.gov/obtaining-criminal-history-record-information>).

PRIVACY ACT STATEMENT

Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

Chapter 4 - ALCOHOLIC BEVERAGES

Footnotes:

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Cross reference— *Businesses and business regulations, ch. 10; alcoholic beverages or illegal drugs on premises of amusements arcades, § 10-34; public intoxication, § 24-4.*

ARTICLE I. - IN GENERAL

Sec. 4-1. - Definitions.

Unless otherwise defined in this section, the definitions contained within O.C.G.A. title 3 shall be applicable to this chapter. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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

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

Establishment means any physical location or section thereof for the sale of alcoholic beverages.

Fortified wine means any alcoholic beverage containing more than 21 percent alcohol by volume made from fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, brandy.

License means the permit granted to a licensee for the operation of an establishment for the sale of alcoholic beverages.

Licensee means any person engaged in selling or conducting the sale, at retail or wholesale, of any alcoholic beverages.

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

(Code 1987, § 3-1; Ord. of 12-6-1999; Ord. of 4-13-2000; Ord. No. 2021-4, 3-8-2021)

Cross reference— Definitions generally, § 1-2.

Sec. 4-2. - Copy of chapter kept on premises.

All holders of a license for the sale of alcoholic beverages shall keep a copy of this chapter on the premises and shall instruct any person working there with respect to the terms of this chapter, and each licensee or his agents selling alcoholic beverages shall at all times be familiar with the terms of this chapter.

(Code 1987, § 3-2; Ord. of 12-6-1999; Ord. No. 2021-4, 3-8-2021)

Sec. 4-3. - Availability of investigation reports on applicants for license.

The applicant for a license under this chapter shall execute a consent statement that:

- (1) All necessary investigation reports on the applicant, including, but not limited to, credit reports and reports from law enforcement agencies, may be obtained;
- (2) Any information in these reports may be furnished to the city; and
- (3) The applicant will be responsible for the costs thereof.

(Code 1987, § 3-3; Ord. of 12-6-1999; Ord. of 4-13-2000; Ord. No. 2021-4, 3-8-2021)

Sec. 4-4. - Inspection and conduct of licensed premises.

All licenses issued under this chapter shall be subject to, and all licensees shall observe and obey, the following:

- (1) *Inspection.* The place of business shall at all times, during the period allowable by law for operation of the business, be open to inspection by the police department or any officer thereof and/or to any person designated by the chief of police or city administrator.
- (2) *Boisterous conduct.* No boisterous, noisy or disorderly conduct will be permitted in or about the place of business.
- (3) *Standing.* No licensee for the sale of alcoholic beverages can serve any customer who is not seated, it being the purpose of this chapter to prohibit being served while standing at the bar or while standing in any other part of the establishment.
- (4) *Adult entertainment.*
 - a. It shall be unlawful for any person maintaining, owning or operating a commercial establishment located within the city, at which alcoholic beverages are offered for sale for consumption on the premises, to:
 1. Suffer or permit any female person, while on the premises of such commercial establishment, to expose to the public view that area of the human breast at or including any part of the areola thereof.
 2. Suffer or permit any female person, while on the premises of such commercial establishment, to employ any device or covering which is intended to give the appearance of or simulate any portion of the human breast as described in subsection (4)a.1. of this section.
 3. Suffer or permit any person, while on the premises of such commercial establishment, to expose to public view his or her genitals, pubic area, buttocks, anus, anal cleft or cleavage.
 4. Suffer or permit any person, while on the premises of such commercial establishment, to employ any device or covering which is intended to give the appearance of or simulate the genital, pubic

area.

- b. It shall be unlawful for any female person, while on the premises of a commercial establishment located within the city, at which alcoholic beverages are offered for sale for consumption on the premises, to expose to public view that area of the human female breast at or below the areola thereof or to employ any device or covering which is intended to give the appearance or simulate such areas of the female breast as described in this subsection.
- c. It shall be unlawful for any person, while on the premises of a commercial establishment located within the city, at which alcoholic beverages are offered for sale for consumption on the premises, to expose to public view his or her genitals, pubic area, buttocks, anus or anal cleft or cleavage or to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus or anal cleft or cleavage.
- d. The provisions of this subsection will also apply to the outdoor or indoor areas adjacent to or in the vicinity of the premises.

(Code 1987, § 3-4; Ord. of 12-6-1999; Ord. No. 2021-4, 3-8-2021)

Sec. 4-5. - Off-premises sales prohibited.

No retailer shall sell or deliver any alcoholic beverage to any person except in the retailer's place of business.

(Code 1987, § 3-5; Ord. of 12-6-1999; Ord. No. 2021-4, 3-8-2021)

Sec. 4-6. - Maintenance of premises.

Each licensee under this chapter shall keep and maintain an orderly, respectable and sanitary place of business.

(Code 1987, § 3-6; Ord. No. 2021-4, 3-8-2021)

Sec. 4-7. - Signs of licensed retailers.

All signs of licensed alcoholic beverage retailers shall meet the requirements of the state department of revenue alcohol regulations.

(Code 1987, § 3-8; Ord. of 12-6-1999; Ord. No. 2021-4, 3-8-2021)

Sec. 4-8. - Identification check.

It shall be the duty of any person selling or otherwise furnishing alcoholic beverages to any person to request to see and to be furnished with proper identification in order to verify the age of such person. For purposes of this section, the term "proper 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 and includes without being limited to a passport, military identification card, driver's license, or an identification card authorized under O.C.G.A. §§ 40-5-100—40-5-105. The term "proper identification" shall not include a birth certificate and shall not include any traffic citation or complaint form.

(Code 1987, § 3-9; Ord. of 12-6-1999; Ord. of 4-13-2000; Ord. No. 2021-4, 3-8-2021)

Sec. 4-9. - Security cameras required for certain establishments selling alcoholic beverages; penalty.

- (a) Any licensee which sells any alcoholic beverage packaged to go, is hereby required to install a continuous video recording system dedicated to each register area with cameras and lens of a type, number and location approved by the chief of the police department. Such cameras must be capable of producing a retrievable and identifiable image on film or tape that can be made a permanent record and that can be enlarged through projection or other means.
- (b) Cameras meeting the requirements of this section shall be maintained in proper working order at all times and shall be in operation during all hours in which such establishment is opened for business. The camera shall be subject to monthly inspections by the chief of police and establishments must have immediate availability of a back-up camera system in the event the primary system becomes inoperable. If a crime occurs or an employee believes a crime has occurred, the police department shall be contacted immediately and the film retrieved by a designated police officer.
- (c) Violation of any provisions under this section shall constitute an offense and shall be punishable as follows:
 - (1) *First offense.* Minimum fine of \$250.00. In addition to such fine, the judge of municipal court may impose, at his discretion, a suspension of all city alcoholic beverage licenses at the establishment for a period of time not to exceed 30 days.
 - (2) *Second offense.* If within 12 months of the first offense: A minimum fine of \$350.00 and a suspension of all alcoholic beverage licenses at the establishment for a minimum of 60 days.

(Ord. No. 2012-8, 9-10-2012; Ord. No. 2021-4, 3-8-2021)

Secs. 4-10—4-40. - Reserved.

ARTICLE II. - LICENSE

Sec. 4-41. - General requirements; posting.

- (a) The license of every operator of any establishment for the retail sale of alcoholic beverages must be posted in a conspicuous place and in such a manner that it can be readily seen.
- (b) The provisions of this article shall apply to all holders of a license to sell alcoholic beverages.
- (c) All licensees shall at all times comply with federal and state laws, city ordinances and the rules and regulations of the state revenue commissioner, including licensing qualifications.

(Code 1987, § 3-31; Ord. of 12-6-1999; Ord. No. 2021-4, 3-8-2021)

Sec. 4-42. - License fee for sale of beer.

- (a) The annual fee for a retail license to sell beer for consumption on the premises and by the package shall be as prescribed by the schedule of fees and charges.
- (b) Such annual license fee may be issued initially or may be prorated on a quarterly basis upon payment of the number of quarters or parts of all quarters remaining in the calendar year.

(Code 1987, § 3-32; Ord. of 12-6-1999; Ord. No. 2021-4, 3-8-2021)

Sec. 4-43. - License fee for sale of wine.

- (a) The annual fee for a retail license to sell wine for consumption on the premises and by the package shall be as prescribed by the schedule of fees and charges.
- (b) Such annual license fee may be issued initially or may be prorated on a quarterly basis upon payment of the number of quarters or parts of all quarters remaining in the calendar year.

(Code 1987, § 3-33; Ord. of 12-6-1999; Ord. No. 2021-4, 3-8-2021)

Sec. 4-44. - License fee for sale of alcoholic beverages by wholesalers.

- (a) The annual fee for a wholesale license for the sale of alcoholic beverages shall be as prescribed by the schedule of fees and charges.
- (b) Such annual fee shall not be prorated.

(Code 1987, § 3-34; Ord. of 12-6-1999; Ord. No. 2021-4, 3-8-2021)

Sec. 4-45. - License fee for sale of distilled spirits.

The annual fee for a retail license to sell distilled spirits for consumption on the premises and by the package shall be as prescribed by the schedule of fees and charges.

(Code 1987, § 3-34.1; Ord. of 12-6-1999; Ord. No. 2021-4, 3-8-2021)

Sec. 4-46. - Separate license required for each place of business.

A separate retail alcoholic beverage license shall be required for each place of business.

(Code 1987, § 3-35; Ord. of 12-6-1999; Ord. No. 2021-4, 3-8-2021)

Sec. 4-47. - Expiration.

Alcoholic beverage licenses will expire on December 31.

(Code 1987, § 3-36; Ord. of 12-6-1999; Ord. No. 2021-4, 3-8-2021)

Sec. 4-48. - Renewal.

- (a) All alcoholic beverage licenses in this article may be renewed by payment of the required fees, provided that:

- (1) Applications for renewal of existing licenses are made in person by the applicants at the office of the city clerk between December 1 and December 15 of each year for the succeeding year, and the prescribed license fee paid at the time of filing.

Prior to renewal, the licensee's criminal history shall be reviewed and cleared by the chief of police to verify that there have been no criminal convictions since the last date of licensee's letters of clearance and that no criminal charges are currently pending.

- (2) The licensee and location remain the same.
 - (3) The licensee's circumstances would enable him to qualify for a license if the renewal were a new application.
 - (4) The licensee is still in compliance with the requirements of state and city laws and regulations pertaining to the original issuance of the license and pertaining to the operation of the business under the license at the time of application for renewal.
- (b) If a complaint is received as to the licensee's alleged violation of state or city law or regulation before December 31 of the license year or 30 days after the application for renewal is received, whichever date is later, the license shall not be renewed but shall be referred to the city council for a decision as to whether renewal shall be granted as follows:
- (1) The city council shall conduct a hearing after giving the licensee reasonable notice of the time and place of such hearing, as well as the purpose thereof.
 - (2) The licensee may remain open for business until a decision by the city council is made and shall have a period of three days following that decision in which to pay the required fees if the decision of city council is to permit renewal of the license.

(Code 1987, § 3-37; Ord. of 12-6-1999; Ord. No. 2009-4, 8-10-2009; Ord. No. 2021-4, 3-8-2021)

Sec. 4-49. - Application.

- (a) No license for the sale of alcoholic beverages at retail shall be granted until the application, accompanied by a certified check or cash in the amount required for the license, setting forth the name of the owner, the business and its location, shall have been approved by the city clerk. The application must be cleared by the chief of police, the fire chief, the building inspector and the zoning enforcement officer for compliance to applicable requirements prior to submission to the city clerk. If upon consideration of the application, the city clerk determines that the application meets the requirements as set forth in this chapter, the city clerk shall issue the license. No person shall sell or attempt to sell alcoholic beverages at wholesale or retail until he has received the city and state licenses authorizing them to do so.
- (b) The city application shall be a photostatic or other copy of all the appropriate state applications and forms along with a city supplemental application form attached along with the following:
 - (1) Proof of planning and zoning compliance.
 - (2) Proof of building code compliance.
 - (3) A legal description of the property upon which the premises are located.
 - (4) A current photograph of the applicant.
 - (5) Fingerprints of the applicant to be taken by the police department.
 - (6) A report of clearance from the chief of police, or his designee, indicating that the applicant has no criminal charges pending in the record, and/or that the applicant has no convictions in the record of any felony in the federal and/or superior courts in the past ten years; or any misdemeanor convictions, other than traffic violations, in any court in the past two years.
 - (7) Reserved.
 - (8) An affidavit from a state-registered land surveyor or the city engineer stating that the establishment

complies with the distance requirements contained in this chapter.

- (9) A personal performance bond conditioned upon the applicant and the applicant's employees at the licensed establishment complying with all laws, ordinances, rules and regulations of the city governing the issuance and control of alcoholic beverage licenses. The bond shall remain in force as long as the license and its renewals are valid and subsisting and shall be for the following amounts:
 - a. For a spirituous liquor retail or consumption on the premises license, \$1,000.00; or
 - b. Such bond may be declared forfeited by the city council, in whole or part, for a violation of this chapter.
- (10) Sufficient financial information shall be provided to the city concerning the applicant's financial status.
- (11) An affidavit from the publisher of the legal organ of the county showing that the applicant has advertised his intention to make application to the city clerk for the issuance of a license. Such advertisement shall be in such form as the city may from time to time prescribe, and shall be published in said legal organ, once a week for two consecutive weeks prior to submitting the final application to the city clerk. Such advertisement shall contain a statement showing the type of license applied for, the location of the proposed business, and the name and address of the applicant. When the advertisement required by this section has been published, the applicant shall obtain an affidavit of publication and attach it to the application.
- (c) The application shall also contain a form of oath providing that the information disclosed in the application is true and correct and providing, further, that the applicant will abide by, observe and conduct his or her other business according to the rules and regulations prescribed by the city and all applicable state and federal laws and regulations. The oath shall be taken by the applicant and the agent in charge of the establishment if different from or additional to the applicant, and the oath shall be taken by the true owners.
- (d) The age and residence requirements for a retail liquor license, the responsibility of the licensee and general requirements for the application are as follows:
 - (1) No license for the sale of beer, malt beverages, wine or distilled spirits shall be granted to any person unless the person is 21 years of age prior to filing an application for the license.
 - (2) No license for the sale of beer, malt beverages, wine or distilled spirits for consumption on the premises shall be granted to any person unless the licensee derives at least 50 percent of their gross revenue from the sale of food and beverages other than alcoholic beverages. Applicants for a license for the sale of beer, malt beverages, wine or distilled spirits for consumption on the premises shall complete an application form and affidavit furnished by the city clerk. Applicants shall submit to the city clerk a certification by a public accountant that the applicant meets the requirements set out in this subsection. This certification shall be based upon a review of the applicant's total gross annual income for the licensed location during the 12 months immediately preceding the application for a license under this section. If the applicant has been in business for less than 12 months at the proposed location for Sunday sales, such certification shall be for the time that the applicant has been in business, annualized. If the applicant is filing an application for a new business, a certification from a public accountant will not be required for the initial application, but instead the applicant must certify under oath that the person applying for the alcohol license intends to meet the requirements set out in this subsection. A certification from a public accountant will be required upon each renewal thereafter.

Notwithstanding the foregoing, there shall be no requirement to derive gross revenues from the sale of food or beverages other than alcoholic beverages for those retail wine establishments that permit wine tasting in connection with its retail sales. Each such establishment shall however, be required to purchase a consumed on the premises license as well as a retail sales license. Wine tasting shall be defined as providing a sample or samples of wine available for sale in an amount not to exceed one ounce per sample and not to exceed eight samples per person.

Licensees for the retail sale of distilled spirits conducting tastings at retail package liquor stores pursuant to O.C.G.A. § 3-15-2 shall submit notification of tasting events to the chief of police and code enforcement officer a minimum of one week in advance of the event. Such notice shall be signed by the licensee and shall identify which type of alcoholic beverage is being served (distilled spirits or malt beverages or wine), as well as the hours, date, and exact location within the licensed establishment where the event will be held. Such notice shall further attest that the licensee will hold the tasting event in accordance with the requirements of state law, including, but not limited to:

- a. That the event will only be held during times at which such alcoholic beverages may be lawfully sold on such licensed premises;
- b. That only one tasting event will be held that day on the licensed premises and such tasting event shall not exceed four hours;
- c. That only one type of alcoholic beverage will be served at a tasting event, either malt beverages, wine, or distilled spirits; provided, however, that more than one brand of such type of alcoholic beverage may be offered so long as not more than four packages are open at any one time;
- d. That if the tasting event is for malt beverages, a consumer shall not be served more than eight ounces of malt beverages during such tasting event. If the tasting event is for wine, a consumer shall not be served more than five ounces of wine during such tasting event. If the tasting event is for distilled spirits, a consumer shall not be served more than one and one-half ounces of distilled spirits during such event;
- e. That only alcoholic beverages that the licensee is licensed to sell on the licensed premises will be offered as part of a tasting event, and such alcoholic beverages shall be part of the licensee's inventory;
- f. That only food that is lawful to sell on the licensed premises, under state law may be served as part of a tasting event and that such food shall be offered at no cost to the consumer;
- g. That any operator or employee of the licensee may refuse to provide any brand, type, or quantity of alcoholic beverage to any consumer;
- h. That any broken package containing alcoholic beverages on the licensed premises that is not licensed for retail sales for consumption on the premises shall be kept locked in a secure room or cabinet by the operator of the licensed premises except when in use during the event;
- i. That representatives and salespersons of manufacturers or wholesalers shall not host the event, pour any alcoholic beverage, or provide anything of value to any consumer or to the licensee or an employee of a licensee; and
- j. That such event will not constitute more than the 52nd such event within a one-year period of time.

The city may, but is not required to, promulgate a form for use by licensees providing notice to the city by any licensee desiring to hold such an event.

- (3) The licensee shall be responsible for the management and operation of the business for which the license is granted.
- (4) The applicant shall make a sworn statement of his qualifications according to subsections (d)(1) through (3) of this section and shall place it on file with the clerk before any license is issued.
- (5) If the application covers a partnership, all members of the partnership must be qualified to obtain a license, one member of the partnership must be a resident of Georgia, and all members of the partnership must make sworn statements of those qualifications.
- (6) A license may be granted to a corporation existing under the law of the state or to a foreign corporation authorized to do business in the state; provided, however, that any such corporation shall be required to designate a resident of Georgia as its local agent responsible for compliance with all the requirements of this chapter and authorized to accept all services of notice.
- (7) All applications for licenses shall be made in person.
- (8) All applications for licenses under this chapter and all actual owners of establishments for which licenses are sought shall be bona fide residents of Georgia at the time of the filing of the application and shall remain bona fide residents of Georgia during all times that the licenses and renewals thereof are in effect.

(e) Any statement on an application for a license to sell alcoholic beverages which shall later be found to be false or any omission of facts shall subject the applicant to prosecution for perjury under the laws of this state.

(Code 1987, § 3-38; Ord. of 12-6-1999; Ord. of 4-3-2000; Ord. of 4-13-2000; Ord. No. 2004-3, § 3-39, 12-29-2004; Ord. No. 2005-1, § 3-38, 3-1-2005; Ord. No. 2008-13, 10-13-2008; Ord. No. 2009-4, 8-10-2009; Ord. No. 2021-4, 3-8-2021)

Sec. 4-50. - Issuance of license to persons with prior convictions prohibited.

No license under this chapter shall be issued, renewed or transferred to any person where any individual having an interest either as owner, partner, principal stockholder, directly or indirectly, beneficial or absolute, shall have been convicted or shall have taken a plea of nolo contendere within ten years immediately prior to the filing of the application for any felony or conviction of two or more misdemeanors of any state or of the United States or violation of any municipal ordinance except traffic violations within two years. The term "conviction" shall include an adjudication of guilt or a plea of guilty or nolo contendere or the forfeiture of a bond in part or in whole when charged with a crime.

(Ord. No. 2009-4, 8-20-2009; Ord. No. 2021-4, 3-8-2021)

Editor's note— Ord. No. 2009-4, adopted Aug. 10, 2009, amended § 4-50 in its entirety to read as herein set out. Former § 4-50 pertained to character of applicant and employees, and derived from the Code of 1987, § 3-39; and an ordinance adopted Dec. 6, 1999.

Sec. 4-51. - Grounds for denial.

- (a) No license shall be granted to any person for the operation of an establishment offering the sale of alcoholic beverages in any area prohibited by law or by the zoning regulations for the city. No license shall be issued

unless the applicant complies with all other applicable licensing requirements of this chapter.

- (b) No further retail dealer licenses for the sale of distilled spirits shall be issued when the total number of such licenses issued and in effect would number more than one for each 500 persons residing in the city. It is the intent of the subsection to require a population of 500 for each license issued. For example, if the population equals 2,500, five licenses may be issued; if the population equals 3,000, six licenses may be issued. If a licensee shall go out of business or if a license is revoked and the number of such licenses in effect shall continue to exceed the limit prescribed in this subsection, such license may not be reinstated. The population shall be determined by the most current official statistics, including official estimates, as prepared by the Bureau of Census, U.S. Department of Commerce.

(Code 1987, § 3-40; Ord. of 12-6-1999; Ord. No. 2002-15, 12-9-2002; Ord. No. 2009-4, 8-10-2009; 2009-6, 11-9-2009; Ord. No. 2021-4, 3-8-2021)

Sec. 4-52. - Building to be complete; attachment of evidence of ownership or copy of lease to application.

No alcoholic beverage license shall be issued to any person unless the building in which the establishment will be located is complete, and every applicant for a retail license shall attach to his application evidence of ownership or a copy of a lease/rental agreement if the applicant is leasing or renting the building.

(Code 1987, § 3-41; Ord. of 12-6-1999; Ord. No. 2021-4, 3-8-2021)

Sec. 4-53. - Compliance with chapter required.

No person shall operate an establishment involving the sale of alcoholic beverages without having first complied with the provisions of this chapter.

(Code 1987, § 3-42; Ord. of 12-6-1999; Ord. No. 2021-4, 3-8-2021)

Sec. 4-54. - Proximity of premises to churches, school buildings or other sites.

- (a) *Distilled spirits.* No new license shall be issued for the sale of any distilled spirits for a location, nor shall any existing license be transferred to a new location, that does not meet the proximity requirements of O.C.G.A. § 3-3-21.

- (b) *Wine or malt beverages.*

- (1) No new license shall be issued for the sale of any wine or malt beverages for a location, nor shall any existing license be transferred to a new location, that does not meet the proximity requirements of O.C.G.A. § 3-3-21.
- (2) Notwithstanding subsection (b)(1) of this section, any location licensed for wine or malt beverages as of December 6, 1999, shall be grandfathered. Any grandfathered location that is unlicensed for any period of 12 months or more shall lose its grandfathered status and shall be licensed as a new location.
- (3) Nothing in this subparagraph shall prohibit a grocery store licensed for the retail sale of only wine and malt beverages for consumption off the premises from selling wine or malt beverages within 100 yards of any school building, or college campus, where so permitted by resolution or ordinance of the county or municipality. As used in this subparagraph, the term "grocery store" means a retail establishment which

has a total retail floor space of at least 10,000 square feet, of which at least 85 percent is reserved for the sale of food and other nonalcoholic items, and conducts all of its sales inside the building containing its retail floor space.

- (c) *Other package liquor retailers.* No new license shall be issued for the retail sales of package liquor for a location, nor shall any existing license be transferred to a new location in or within 1,500 feet of any other business licensed to sell package liquor at retail.
- (d) *Measurement of distance; definitions.* For the purpose of this section, distance shall be measured by the most direct route of travel on the ground. Each application for a license shall show the location of the proposed building and the distance to the nearest church building, school building, educational building, school grounds and alcohol treatment center. The term "building" or "educational building" referred to in this section shall apply only to state, county, city or church school buildings and to such other buildings at such other schools as teach the subjects commonly taught in the common schools and colleges of this state.

(Code 1987, § 3-43; Ord. of 12-6-1999; Ord. of 4-3-2000; Ord. No. 2001-11, 6-19-2001; Ord. No. 2008-9, 7-14-2008; Ord. No. 2021-4, 3-8-2021; Ord. No. 2021-13, 12-6-2021)

Sec. 4-55. - Legal hours and requirements for sales and purchases.

- (a) *Applicability.* This section shall be applicable to every alcoholic beverage licensee, agent, servant and employee and any and all other persons affected, and all shall be equally guilty of a violation of any of the provisions contained in this section, each such person being charged with responsibility for the acts of his officers, agents, servants and employees.
- (b) *General closing hours.* Except as otherwise provided in this section, it shall be unlawful for any licensee or any other person to sell, offer for sale, transfer or offer to transfer to others any alcoholic beverages between the hours of 2:00 a.m. and 8:00 a.m. on weekdays or between the hours of 12:00 midnight on Saturday until 8:00 a.m. on Monday.
- (c) *[Package sales.]*
- (1) *Beer and wine by the package.* Licensees whose only sales of alcoholic beverages consist of beer and/or wine by the package may sell such beverages at any time except between 12:00 midnight on Saturday and 12:30 p.m. on Sunday and 11:30 p.m. on Sunday and 12:00 midnight on Sunday.
- (2) *Beer, wine and distilled spirits by the package.* Licensees whose sales of alcoholic beverages consist of beer and/or wine by the package and distilled spirits by the package may sell such beverages at any time except between 12:00 midnight on Saturday and 12:30 p.m. on Sunday and between 11:30 p.m. on Sunday and 8:00 a.m. on Monday, and except between the hours of 2:00 a.m. and 8:00 a.m. on weekdays.
- (d) *Establishments selling beer, malt beverages, wine and distilled spirits for consumption on-premises.* Licensees for the sale of beer, malt beverages, wine and distilled spirits for consumption on the premises shall not keep such establishments open for the sale of beer, malt beverages, wine and distilled spirits between the hours of 12:00 midnight and 8:00 a.m. on any day of the week. Licensees shall not sell beer, malt beverages, wine and distilled spirits between 12:00 midnight on Saturday and 12:30 p.m. on Sunday and 12:00 midnight and 8:00 a.m. on Monday. Such licensees shall be subject to compliance with subsection 4-49(d)(2).
- (e) *Election day.* Pursuant to the authority granted under O.C.G.A. § 3-3-20, the city authorizes the sale or

offering for sale of alcoholic beverages on election day by persons otherwise licensed by the city to sell alcoholic beverages; provided, however, nothing in this subsection shall authorize the sale of alcoholic beverages within 250 feet of any polling place or of the outer edge of any building within which such polling place is established during such time as the polls are opened.

- (f) *Sales on Sunday and Christmas Day.* Except as otherwise provided in this article, no licensee shall sell or offer for sale any alcoholic beverages at any time on Sunday or on Christmas Day. Licensees of food and restaurant establishments and stores open on Sunday and Christmas Day will be responsible to ensure that alcoholic beverages on display are plainly marked with a sign stating "not for sale."
- (g) *Alcohol percent labels.* It shall be unlawful for any person to have in his possession, custody or control any spirituous liquor for retail sale unless the container shall have firmly affixed thereto a label on which there is stated in plain words or figures the true alcoholic content by volume of the alcoholic beverage.
- (h) *Selling beer to unauthorized persons.* Licensee shall not give, sell or offer for sale any alcoholic beverage to any person who is noticeably intoxicated or who is of unsound mind or who is a drunkard whose intemperate habits are known to the license holder or any of their agents or employees.

(Code 1987, § 3-44; Ord. of 12-6-1999; Ord. of 4-13-2000; Ord. No. 2011-4, 8-8-2011; Ord. No. 2011-5, 8-8-2011; Ord. No. 2021-4, 3-8-2021)

Sec. 4-56. - Brown bagging.

It shall be unlawful for a licensee under this article or any other commercial establishment to allow customers to bring with them their own alcoholic beverages, which is known as BYOB or brown bagging.

(Code 1987, § 3-45; Ord. of 12-6-1999; Ord. No. 2021-4, 3-8-2021)

Sec. 4-57. - Storage of inventory or stock.

No licensed retailer shall keep any alcoholic beverage stored in any warehouse in the city, nor shall he enter into any type of arrangement whereby alcoholic beverages ordered by him are stored for him by any licensed wholesaler. A retailer shall keep no inventory or stock or alcoholic beverage at any place except at his licensed place of business and within his licensed place of business. The storage space for alcoholic beverage shall be:

- (1) Immediately adjacent to the room in which it is licensed to do business; and
- (2) There shall be but one entrance to the storage area, and this shall be through the retail store area.

(Code 1987, § 3-46; Ord. of 12-6-1999; Ord. No. 2021-4, 3-8-2021)

Sec. 4-58. - Open container possession.

- (a) It shall be unlawful for any person to drink or have in his possession an open container of any alcoholic beverage while:
 - (1) On any public street, sidewalk, park, or other public place within the city or upon or within any motor vehicle while on the streets, sidewalks, parks and public places of the city.
 - (2) On private property, open to public view, without the express permission of the owner, agent or person in lawful possession thereof.

- (3) On the premises upon which a place of business is conducted and licensed under this article, whether the bottle or other container so opened or consumed is bought or obtained at that place of business or elsewhere, unless the establishment is licensed for the consumption on the premises of that particular classification of alcoholic beverage.
- (b) This section shall not be deemed to prohibit the drinking of alcoholic beverages by passengers in passenger vehicles. For purposes of this subsection, a passenger vehicle shall mean a vehicle designed to carry ten or more passengers and used to carry passengers for profit or hire.

(Code 1987, § 3-47; Ord. of 12-6-1999; Ord. No. 2021-4, 3-8-2021)

Sec. 4-59. - Posting of certain signs required.

- (a) The holder of a license to sell alcoholic beverages shall post in the most conspicuous place in his establishment a sign printed in letters at least four inches high reading: "Sale of alcoholic beverages to persons under 21 years of age strictly prohibited."
- (b) All retail consumption dealers and retail dealers in this city who sell at retail any alcoholic beverages for consumption on the premises shall post, in a conspicuous place, a sign which clearly reads: "Warning: Drinking alcoholic beverages during pregnancy can cause birth defects." Such signs shall contain letters at least as big as the letters on the warning signs concerning drinking of alcoholic beverages furnished by the state department of revenue.

(Code 1987, § 3-48; Ord. of 12-6-1999; Ord. No. 2021-4, 3-8-2021)

Sec. 4-60. - Reserved.

Editor's note— Ord. No. 2021-4, adopted Mar. 8, 2021, repealed § 4-60, which pertained to persons under age of 21, and derived from the Code of 1987, § 3-49; and an ordinance adopted Dec. 6, 1999.

Sec. 4-61. - Revocation or suspension.

- (a) No license which has been issued or which may be issued by the city under this article shall be suspended or revoked, except for due cause as provided in this section.
- (b) The license provided for under this article may be revoked by the city upon:
- (1) Failure of the licensee to comply with the terms, provisions, requirements and responsibilities of this chapter;
 - (2) The failure of the licensee to timely pay the annual license fee called for in this article;
 - (3) The violation by the licensee of any law regulating the sale of alcoholic beverages;
 - (4) The conviction of the licensee of any felony, aggravated misdemeanor or drug-related conviction;
 - (5) The licensee's permitting or maintaining a breach of the peace at the licensee's establishment; or
 - (6) The existence of any other condition which would make the continued operation of the licensee's establishment detrimental, harmful or undesirable to the community.
- (c) Upon information concerning any of the provisions outlined in subsection (b) of this section, the city shall serve notice upon the licensee, by mail addressed to the licensee's establishment, requiring him to appear before the city council or a hearing officer designated by the city council and show cause why his license

should not be suspended or revoked. This hearing shall not be held sooner than three days from the receipt of this notice, and the notice shall set forth the date, time and place of the hearing on the matter; this notice shall also state the condition alleged which could, if sustained, result in revocation of the licensee's license.

- (d) Within five working days following the hearing on this matter, the city council or a hearing officer designated by the city council shall render a decision on the matter, notifying the licensee in writing of the decision by mail or by personally delivering it to the licensee. If the license is revoked, no refund shall be made on any portion of any license fee paid, and the establishment will cease to operate upon notification.

(Code 1987, § 3-50; Ord. of 12-6-1999; Ord. No. 2021-4, 3-8-2021)

Sec. 4-62. - Sale of business.

It shall be unlawful and shall call for immediate revocation of all licenses involved, both of the seller and purchaser, for any retail alcoholic beverage licensee to purchase the business of any other licensee and attempt to operate the purchased business with the seller's license. If a bona fide sale of any licensed retail business under this chapter is made to persons other than licensed dealers, full disclosure of the persons involved, the purchase price, and such other information as is required by this chapter for a new license shall be filed with the city clerk as a condition to any sale. In addition to the revocation of the license of any person violating this section, the person shall be subject to punishment as provided by the city Charter.

(Code 1987, § 3-51; Ord. of 12-6-1999; Ord. No. 2009-4, 8-10-2009; Ord. No. 2021-4, 3-8-2021)

Sec. 4-63. - Transferability; surrender of license upon sale, closing of business or death of owner.

No license issued under this chapter shall be transferable or assignable without the express permission of the city clerk considering all standards and provisions in this chapter. If a licensed business is sold or closed, it shall be the duty of the licensee to immediately surrender his license to the city clerk where there is no express permission of the proposed transfer or assignment.

Any transferee or assignee must file an application as if he were initially applying for an alcoholic beverage license. However, if a license holder dies, his heirs or estate, if otherwise qualified, shall be permitted to operate the establishment or his heirs or estate may transfer the license to another qualified individual upon approval of the city clerk for a ten percent transfer fee for the remainder of the calendar year.

(Code 1987, § 3-52; Ord. of 12-6-1999; Ord. No. 2009-4; 8-10-2009; Ord. No. 2021-4, 3-8-2021)

Secs. 4-64—4-95. - Reserved.

ARTICLE III. - EXCISE TAXES

Footnotes:

— (2) —

Cross reference— Taxation, ch. 36.

Sec. 4-96. - Levied.

(a) *Retail liquor.* An excise tax on retail liquor is levied as follows:

- (1) In addition to the annual retail liquor license fee required, there is hereby levied an excise tax computed at the rate of \$0.22 per liter which shall be paid to the city on all liquor sold, displayed or stored in the city. The tax shall be paid to the city by the wholesale distributor on all liquors sold to retailers in the city as follows: Each wholesale distributor selling, shipping, or in any way delivering liquor to any retailer shall collect the excise tax at the time of delivery and shall remit the tax together with a summary of all deliveries to each retailer on or before the tenth day of the month following. The \$0.22 per liter shall be prorated according to size so that each bottle or each individual size container shall be taxed on the basis of \$0.22 per liter. It shall be unlawful for any wholesale distributor to sell, ship or deliver in any manner any liquor to a retailer without having collected the tax. It shall be unlawful for any retailer to possess, own, hold, store, display or sell any liquor on which such tax has not been paid.
- (2) Each wholesale distributor shall furnish to the city a summary of all purchase invoices for liquor delivered to all retailers in the city and shall remit to the city clerk in unimpeachable funds or cash the total tax prescribed by law. The report and payment shall be made by the tenth day of each month following such purchases.

(b) *Beer.* An excise tax on beer shall be levied as follows:

- (1) In addition to the licenses and taxes assessed and levied for the year upon dealers in beer, there is hereby levied and imposed upon all wholesale dealers selling beer in the city a specific excise tax, as set by O.C.G.A. § 3-5-80, of \$0.04166 per ounce. Taxes levied are as follows:

Size of Container	Tax per Container
7 ounces	\$0.0292
8 ounces	0.0333
12 ounces	0.0500
14 ounces	0.0583
16 ounces	0.0667
32 ounces	0.1333
½ barrel (15½ gallons)	6.00
1 barrel (31 gallons)	12.00

- (2) The tax is to be paid as follows: Each wholesale dealer selling beer in the city shall file a report by the tenth of each month showing for the preceding calendar month the exact quantities of beer, by size and type of container constituting a beginning and ending inventory for the month, sold in the city. Each such wholesale dealer shall file the report in the city on the tenth day of the month next succeeding the calendar month in which such sales were made and shall pay the amount of excise tax due in accordance with this subsection.
 - (3) The excise tax provided for in this subsection will be in addition to any license fee, tax or charge which may be imposed upon the business of selling beer at retail or wholesale in the city.
- (c) *Wine.* An excise tax is levied on wine as follows:
- (1) In addition to the license fee and taxes levied upon dealers at retail in wines, there is levied and shall be collected upon every dealer at retail of wine an excise tax of \$0.22 per liter and a pro rata tax upon fractional cases.
 - (2) The tax levied in this subsection shall be paid by the retailer to the wholesaler at the time of delivery of such beverages to the retailer. It shall be the duty of each such retailer to pay, and it shall be the duty of each wholesaler of such beverages to receive, the proper amount of the tax hereby levied upon each case delivered by a wholesaler to a retailer. It shall further be the duty of all persons selling wine at wholesale or making delivery of wine in the city to remit by the tenth of each calendar month, without deduction of any kind, all sums collected by such wholesaler during the preceding calendar month and to furnish a summary of all purchase invoices for wine delivered to the retailers. Such remittance and report shall be to the city clerk.
 - (3) It shall be unlawful for any retailer of wine to receive and retain any such beverage unless such retailer shall have paid the case tax thereon. It shall be unlawful for any wholesaler of wine to sell or deliver any such beverage to any retailer thereof unless such wholesaler shall concurrently with such delivery collect the tax imposed by this subsection. It shall be unlawful for any wholesaler of wine to fail or omit to remit to the city promptly when due the taxes levied by this subsection and collected by such wholesaler. It shall be unlawful for any person engaged as a retailer of wine to receive any such beverage from another retailer unless the tax imposed in this subsection has been paid. It shall be further unlawful for any retailer of wine to receive and retain such beverages from another retail store, whether such store shall be owned by the receiving retailer or not, or whether such other store is located within the city or not, unless the tax imposed in this subsection shall have been paid and remitted to the city clerk.
- (d) *Distilled spirits by the drink.* An excise tax is levied on distilled spirits by the drink as follows:
- (1) In addition to the license fees and taxes assessed and levied for the year upon licensees of distilled spirits for consumption on the premises, there is imposed and levied upon such licensees a tax on the sale of distilled spirits by the drink, which tax shall be equal to three percent of the charge to the public for such drink.
 - (2) The tax imposed by this subsection shall be paid monthly by the licensee to the city clerk, with payment due on the tenth day of the month following the month for which such tax is to be paid. A report showing the calculations for the tax remitted shall be filed with the remittance.
 - (3) The failure to make a timely report and remittance shall render a licensee under this subsection liable for a penalty equal to ten percent of the total amount due during the first 30-day period following the date such report and remittance were due and a further penalty of ten percent of the amount of such

remittance for each successive 30-day period or any portion thereof during which such report and remittance are not filed. The filing of a false or fraudulent report shall render the licensee making such report liable for a penalty equal to 25 percent of the amount of the remittance which would be required under an accurate and truthful report.

- (4) Licensees collecting the tax for the sale of distilled spirits by the drink shall be reimbursed in the form of a deduction in submitting, reporting and payment of the amount due, if the amount is not delinquent at the time of payment. The rate of deduction shall be three percent of the gross tax or \$25.00, whichever is less.

(Code 1987, § 3-71; Ord. of 12-6-1999; Ord. of 4-13-2000; Ord. No. 2021-4, 3-8-2021)

Sec. 4-97. - Payment.

The taxes levied in this article, other than the excise tax on distilled spirits by the drink, shall be paid by the retailer to the wholesaler at the time of delivery of these beverages to the retailer. It shall be the duty of each retailer to pay and it shall be the duty of each wholesaler to receive the proper amount of tax levied upon each case delivered. It shall further be the duty of all persons selling these beverages at wholesale or making delivery of them in the city to remit by the tenth of the calendar month all sums collected by the wholesaler during the preceding calendar month. These remittances shall be made to the city clerk.

(Code 1987, § 3-72; Ord. of 12-6-1999; Ord. of 4-13-2000; Ord. No. 2021-4, 3-8-2021)

Sec. 4-98. - Examination of books and records.

The books and records of all wholesalers selling or delivering the beverages mentioned in this article and all retailers thereof in the city shall be subject to inspection and audit by the city agents to ensure compliance with this article. It shall be unlawful for any person to deny to any authorized city agent reasonable access to his books and records, and it shall be the duty of each person to keep accurate records of payments and collections of the tax and remittances.

(Code 1987, § 3-73; Ord. of 12-6-1999; Ord. No. 2021-4, 3-8-2021)

Sec. 4-99. - Penalties.

- (a) The failure by a wholesaler to make the timely report and remittance required pursuant to this article shall render a wholesaler liable for a penalty equal to ten percent of the total amount due during the first 30-day period following the date the report and remittance were due and a further penalty of ten percent of the amount of this remittance for each successive 30-day period or any portion thereof during which the report and the remittance were not filed.
- (b) The filing of a false or fraudulent report shall render the wholesale dealer making the report liable for a penalty equal to 25 percent of the amount of the remittance which would be required under an accurate and truthful report.
- (c) Any person, wholesaler or retailer who shall violate the provisions of this article shall, upon conviction, be punished as prescribed by law.

(Code 1987, § 3-74; Ord. of 12-6-1999; Ord. of 4-13-2000; Ord. No. 2021-4, 3-8-2021)

Sec. 4-100. - Taxes collected upon delivery.

- (a) It shall be unlawful for any retailer of alcoholic beverages to receive and retain the beverages mentioned in this article unless he shall have paid the tax thereon.
- (b) It shall be unlawful for any wholesaler of alcoholic beverages to sell or deliver these beverages to any retailer thereof unless he shall concurrently with this delivery collect the tax imposed.
- (c) It shall be unlawful for any wholesaler of alcoholic beverages to fail to remit to the city when promptly due the taxes levied and collected by the wholesaler. It shall be unlawful for any person engaged as a retailer of these beverages to receive these beverages from another retailer unless the tax has been paid.
- (d) It shall further be unlawful for any retailer of alcoholic beverages to receive and retail these beverages from another retail store, whether the other store shall be owned by the receiving retailer or not, or whether the other store is located within the corporate city limits or not, unless the tax shall have been paid and remitted to the city clerk.

(Code 1987, § 3-75; Ord. of 12-6-1999; Ord. No. 2021-4, 3-8-2021)

Sec. 4-101. - Unpaid taxes.

Alcoholic beverages on which city excise taxes have not been paid are subject to seizure and may be destroyed or sold by public sale as provided by law.

(Code 1987, § 3-76; Ord. of 12-6-1999; Ord. No. 2021-4, 3-8-2021)

SCHEDULE OF ALCOHOL LICENSE FEES

Annual fee, beer for consumption on the premises	\$ 300.00
Annual fee, beer by the package	\$ 300.00
Annual fee, wine for consumption on the premises	\$ 150.00
Annual fee, wine by the package	\$ 150.00
Annual fee, wholesale license for the sale of alcohol beverages	\$ 100.00
Annual fee, distilled spirits for consumption on the premises	\$5,000.00
Annual fee, distilled spirits by the package	\$3,500.00