

CHECKLIST FOR TRANSFERS OF ALCOHOL APPLICANTS

AN APPLICANT/ LICENSEE FOR A TRANSFER OF ALCOHOL MUST MEET THE FOLLOWING QUALIFICATIONS:

MUST BE AT LEAST 25 YEARS OLD _____
MUST LIVE IN GEORGIA FOR AT LEAST 1 YEAR _____
MUST PASS THE BACKGROUND CHECK _____ (SEE ORDINANCE)
IF RESIDENT ALIEN, CARD MUST BE VALID _____
MUST WORK AT LEAST 40 HOURS A WEEK _____

PLEASE COMPLETE THE FOLLOWING:

1.	COMPLETE ALCOHOL APPLICATION. (SEE ATTACHED)
2.	COMPLETE AFFIDAVIT VERIFYING STATUS AND SIGN IN THE PRESENCE OF A NOTARY. (SEE ATTACHED)
3.	PROVIDE BACKGROUND CHECK FROM SHERIFF'S OFFICE (SEE CONTACT LIST)
4.	PROVIDE 3 DETAILED REFERENCE LETTERS (SEE SAMPLE)
5.	PROVIDE A COPY OF DRIVER LICENSE AND RESIDENT CARD IF APPLICABLE
6.	READ THE ALCOHOL ORDINANCE (SEE ATTACHED)
7.	ATTEND RASS CLASS AND PROVIDE CERTIFICATE. (THIS HAS TO BE COMPLETED EVERY 2 YEARS. OCC TAX WILL PROVIDE YOU THE APPROVED VENDORS.) (SEE ATTACHED)
8.	AFTER OCC TAX CONTACTS YOU, PAY THE APP FEE OF 250.00 EACH FOR BEER/WINE/LIQ
9.	ONCE APPROVED, YOU WILL PAY 500.00 FOR EACH BEER OR WINE AND LIQUOR IS 5,000.00 TO OCC TAX AND THE LICENSE WILL BE ISSUED. THE LICENSE IS VALID THRU THE END OF THE YEAR AND MUST BE RENEWED BY THE LAST BUSINESS DAY OF THE YEAR. YOU MUST DISPLAY YOUR ALCOHOL LICENSE SO IT IS VISIBLE FOR ALL TO SEE.
10.	PROVIDE OCC TAX A COPY OF YOUR STATE LICENSE TO INCLUDE IN YOUR FILE. (SEE CONTACT LIST)
11.	IF YOU ARE A RESTAURANT AND SALE LIQUOR, REPORT EXCISE TAX BY THE DRINK TO OCC TAX BY THE 10 TH OF EACH MONTH AND PAY ACCORDINGLY (SEE ATTACHED FORM)

NOTE:

OCC TAX MUST HAVE THE COMPLETED PACKET BEFORE SUBMITTING FOR APPROVAL.

DOUGLAS COUNTY APPLICATION FOR ALCOHOL LICENSE

For Calendar Year _____

1. **APPLICATION FOR LICENSE TO:** (Check Applicable category)

Consumption on premises only:

_____ Sell Spirituous Liquors
_____ Sell Beer
_____ Sell Wine
_____ Brewpub

Retail package only:

_____ Sell Beer
_____ Sell Wine

2. **BUSINESS TRADE:**

Business Legal Name: _____

Trade name (d/b/a): _____

Location of business: _____ Phone # _____

3. **DISTANCE REQUIREMENTS:**

(A) **For Beer & Wine:** Is the business within 600 feet of a school, college or state-licensed daycare? _____

(B) Are you closer than 100 feet to any residential dwelling? _____ If so, a waiver must be attached from the property owner.

(C) **For Liquor:** Is the business within 600 feet of any school grounds or college campuses? _____

If this is a new location, a certified survey must be submitted showing distance requirements.

4. **INFORMATION ABOUT THE APPLICANT:**

Full Name of Applicant _____

Full Name of Spouse (if married) _____

Are you a citizen of the United States? _____

If no, a copy of Legal Alien card will be required and provide original with application.

Georgia Driver's License Number _____

Date of Birth _____ Place of Birth _____

Home Address: _____

City: _____ Are you a resident of Douglas County? _____

Previous Address: _____

Number of years at previous address: _____

Give name and date of birth of all persons living in your household:

1. _____ DOB _____

Relationship to applicant: _____

2. _____ DOB _____

Relationship to applicant: _____

3. _____ DOB _____

Relationship to applicant: _____

4. _____ DOB _____

Relationship to applicant: _____

5. _____ DOB _____

Relationship to applicant: _____

What has been your occupation for the past five (5) years? Give detailed list.

Please list name of business and complete address including phone number.

Has the applicant, spouse, or any individual having any interest either as owner, partner or stockholder ever been convicted entered a pleas of nolo within five years immediately prior to the filing of this application for any felony or misdemeanor? _____ (Yes) _____ (No). If you answered Yes, fill in below:

Date	Person Charged	Offense	Disposition
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Have you ever been cited for an illegal sale to a minor for alcohol beverages? If yes, please give jurisdiction and name of store.

Citations for sales to minors for alcohol beverages.

Date	Person Charged	Offense	Disposition
_____	_____	_____	_____

5. **OWNERSHIP OF BUSINESS PROPERTY:**

Do you own the property? _____ Date of Purchase: _____
Seller's name _____ Purchase Price _____
Is the Property Rented? _____ Agent or Owner _____
How is the proposed location zoned? _____
Does the proposed location meet the zoning requirement for adequate parking? _____

6. **IS THIS BUSINESS A SOLE PROPRIETOR, PARTNERSHIP, OR CORPORATION?**

If operating as a corporation, list all of the officers and directors and attach a copy of the Articles of Incorporation of Certificate of Good Standing.

NAME AND OFFICE	ADDRESS
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_____	_____
_____	_____
_____	_____
_____	_____

If operating as a corporation, list the stockholders and the amount of interest of each stockholder:

_____	%	_____
_____	%	_____
_____	%	_____
_____	%	_____

If operating as a partnership, list the following information **and** provide a copy of partnership agreement.

NAME	ADDRESS
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_____	_____
_____	_____

List any other individual or firms owning any interest or receiving any funds from the operation of this business:

NAME	ADDRESS
------	---------

_____	_____
_____	_____

7. **ADDITIONAL INFORMATION ABOUT APPLICANT:**

Do you, your spouse, any partner, or stockholder have any financial interest in any wholesale liquor business? If so, give details:

Has the applicant or spouse received any financial aid or assistance to include land, fixtures, or equipment from any manufacturer or wholesaler of alcoholic beverages? If yes, please explain:

List any persons, corporations, partnerships or associations, who presently receive or will receive financial gain from the operation of this business (Financial gain or payment of gain from any interest in the land or fixtures – to include juke boxes, cigarette machines, etc. – building, stock, and any other asset of the proposed operation under the license). If yes, explain:

In the event any corporation is listed as receiving an interest or income from this operation, show the names of the officers and directors of said corporation:

State whether or not applicant, partner, corporate officer, or stockholder holds an alcoholic beverage license in any other jurisdiction. If **yes**, give name and address of the business, and name and address of licensee:

Has any of the above ever applied for an alcoholic beverage license and been denied? Suspended? Or Revoked? If yes, give name and address of applicant:

If the license is granted, who will be the active manager of the business? Provide the following information about the manager:

Full legal name _____

Address including city and zip code _____

Date of Birth _____ Place of Birth _____

Has the proposed manager(s) ever been convicted or entered a plea of nolo within five (5) years immediately prior to the filing of this application for any felony or misdemeanor. If the answer is yes, fill in below: (All charges must be included even if they were dismissed).

Date	Person Charged	Offense	Disposition
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Do you, your spouse, or any of the other owners, partners, or stockholders have an interest in any liquor store? Yes _____ No _____ If yes, provide the names(s) of the interested party, and name and location of all liquor stores and give details:

8. **SALES:** (For liquor applications only)

Projected Annual Sales: Food _____ Beer _____ Wine _____ Liquor _____

Total Sales: _____

What method was used to compute the gross sale? _____

9. Do you agree to abide by such ordinances, laws and regulations? _____

STATE OF GEORGIA

COUNTY OF DOUGLAS

I, _____, being duly sworn according to law do swear that the facts and information stated by me in the above and foregoing answers to questions are true, and no false or fraudulent statement is made herein and such answers were made in order to procure the granting of such a license.

Printed name of Applicant

Signature of Applicant

Witnesses to above signature(s):

Printed name of Witness

Signature of Witness

State of _____

County of _____

On this _____ day of _____ before me appeared, _____

who is personally known to me, or produced identification representing the person(s) signing the above.

Notary Public

Commission expires:

SEAL:

CONTACT LIST FOR NEW ALCOHOL APPLICANTS

DOUGLAS COUNTY OCCUPATIONAL TAX
8700 HOSPITAL DRIVE, 1ST FLOOR
DOUGLASVILLE, GA 30134
770-920-7351

DOUGLAS COUNTY SHERIFF'S OFFICE
8470 EARL D LEE BLVD.
DOUGLASVILLE, GA 30134
770-942-2121

GA DEPARTMENT OF REVENUE
ALCOHOL & TOBACCO
877-423-6711
<https://dor.georgia.gov/alcohol-tobacco>

RASS (RESPONSIBLE ALCOHOL SALES AND SERVICE) COMPANIES

T.I.R.V.
404-531-9237
EMAIL: SCOTT@TIRV.NET

OR

EVINDI
678-336-7207
KSTUMPE@TAYLORENGGLISH.COM

August 9, 2019

To Whom It May Concern

I have known [*applicant name*] for twenty years. For the time I've known them, they have been an upstanding, honest and trustworthy individual. I have learned a great deal from them. They always take pride in everything they do, and I am proud to offer a reference.

I understand this reference letter may be used in filing an application as Agent for Alcoholic Beverage License.

Please do not hesitate to contact me with any questions.

Thank you,

Name

Address

Phone Number

Chapter 3 ALCOHOLIC BEVERAGES¹

ARTICLE I. IN GENERAL

Sec. 3-1. Definitions.

For the purpose of this article, the following terms shall have the respective meanings ascribed to them:

- (a) *Alcoholic beverages*: As used in this article the term includes and is limited to wine, beer, malt beverages and liquor as follows:
 - (1) *Wine*: Any alcoholic beverage made from fruits, berries, or grapes whether by natural fermentation or by natural fermentation with brandy added as defined by O.C.G.A. § 3-1-2(25).
 - (2) *Malt beverages*: Any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, as defined by O.C.G.A. § 3-1-2(13).
 - (3) *Liquor*: Any spirituous liquor or distilled spirits which includes all beverages containing alcohol, obtained by distillation or containing more than twenty-one (21) percent of alcohol by volume, including fortified wines.
- (b) *Distilled spirits*: Any alcoholic beverage obtained by distillation or containing more than twenty-one (21) percent alcohol by volume, including, but not limited to all fortified wines.
- (c) *Governing authority*: The governing authority of the unincorporated area of the county is the board of commissioners of the county.
- (d) *Grocery store*: A retail establishment whose primary function is the sale of packaged or unprepared food and grocery items for consumption off the premises and whose annual gross sales of alcoholic beverages does not exceed fifty (50) percent of its total gross sales.
- (e) *Hotel*: A building(s) or other structures(s) kept, used, maintained, advertised and 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, which facility also serves food and has one (1) or more public dining rooms, with adequate and sanitary kitchen and a seating capacity of at least eighty (80) persons, where meals are regularly served to such guests and/or to the public at large. Sleeping accommodations and dining rooms shall be accommodated in the same building or in separate buildings or structures used in conjunction therewith that are on the same premises and are a part of the hotel operation. Motels

¹Editor's note(s)—An ordinance adopted Dec. 3, 1991, amended Ch. 3 to read as herein set out in Art. I, §§ 3-1—3-3 and Art. II, §§ 3-20—3-52. Prior to inclusion of said ordinance, Ch. 3, Art. I, §§ 3-1—3-19 and Art. II, §§ 3-20—3-47 pertained to similar subject matter and derived from an ordinance adopted April 2, 1985, §§ 62-101, 62-102(a)—(c)(1)—(4), (d)—(f), 62-103—62-105, 62-106(a)—(f), 62-107, 62-108(a)(1), (b)(3), (c), (d), 62-109(a)(1)—(4), (c), 62-110—62-114; an ordinance adopted Oct. 3, 1989; a resolution adopted July 17, 1990.

Cross reference(s)—Alcoholic beverages prohibited in amusement centers, § 4-12; intoxicated persons prohibited in amusement centers, § 4-13; taxes on alcoholic beverages additional to business license tax, § 12-15.

meeting the qualifications set out herein for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operation of a lounge, restaurant or nightclub in their premises; and the holder of such franchise shall be included in the definition of hotel hereunder.

- (f) *Key employee*: A full-time employee involved in the management of the store.
- (g) *Lounge*: A separate room connected with, a part of an adjacent to a restaurant (as defined herein) or located in a hotel (as defined herein), provided, that in no event shall the seating capacity of the lounge exceed that of its connected restaurant.
- (h) *Minor*: A person younger than eighteen (18) years of age.
- (i) *On-premises*: All enclosed space within the proprietor's building and any other areas outside the proprietor's building which are under the direct control of the proprietor.
- (j) *Restaurant*: Any public place, kept, used, maintained, advertised and held out to the public as a place where substantial meals are regularly and actually prepared and served, excluding periods for holidays, vacations and redecorating; having adequate and sanitary kitchen and dining room equipment and personnel and a minimum seating capacity of eighty (80) persons at tables or booths (excluding bar stools or similar seating); and wherein the principal business is the serving of such meals.
- (k) *School*: only such state, county, city, church, public, private, or other schools, including state licensed daycare facilities, that teach Georgia State accredited curriculum taught in the common public schools of this state.
- (l) *College*: public and private colleges and universities that offer associate, baccalaureate or post - baccalaureate degrees recognized by the University System of Georgia or a commonly recognized accrediting agency.
- (m) *Underage person*: A person who is less than twenty-one (21) years of age.

(Ord. of 12-3-91; Res. of 11-24-98; Ord. of 11-1-05; Ord. of 10-7-14, § 1; Ord. of 1-19-16, § 1)

Sec. 3-2. Purpose of chapter.

This chapter has been enacted for the purposes of promoting the health and general welfare of the community; and to establish reasonable and ascertainable standards for the regulation and control of the licensing and sales of alcoholic beverages in the county.

(Ord. of 12-3-91)

Sec. 3-3. Applicability of provisions to territory outside municipalities only.

The terms and provisions of this chapter shall apply only to the unincorporated areas of the county.

(Ord. of 12-3-91)

Secs. 3-4—3-19. Reserved.

ARTICLE II. LICENSING PROVISIONS

Sec. 3-20. License required for manufacture, sale.

No alcoholic beverage shall be manufactured or sold at wholesale or retail, in the original package or by the drink except under a license issued by the governing authority of the county.

(Ord. of 12-3-91)

Sec. 3-21. License a grant or privilege.

All licenses herein shall be a mere grant or privilege to carry on such business during the term of the license subject to all the terms and conditions imposed by the laws of the state, applicable provisions of this code and other ordinances and resolutions of the county relating to such businesses.

(Ord. of 12-3-91)

Sec. 3-22. License issued on approval of application.

Retail license for the sale of alcoholic beverages in the unincorporated areas of the county and permits for the wholesale distribution of the same will be granted by the governing authority upon proper application being filed and approved.

(Ord. of 12-3-91)

Sec. 3-23. License restricted to off-premises consumption, exceptions.

Alcoholic beverages sold in the unincorporated areas of this county shall be for off-premises consumption only subject to the following exceptions:

- (1) Hotels or motels as defined in section 3-1, Article I hereof may be granted an alcoholic beverage license for on-premises consumption; and
- (2) Any restaurant as defined in Article I, section 3-1 herein may be granted an alcoholic beverage license for on-premises consumption, provided that such on-premises consumption is incidental to the serving and consumption of meals.
- (3) Except in those instances where an establishment obtains a pouring license pursuant to article III of this chapter.

(Ord. of 12-3-91; Res. of 11-24-98)

Sec. 3-24. Reference of application to business license office; issuance of license on payment of fee.

All applications for alcoholic beverage license shall be presented to the business license office and forwarded to the governing authority for approval; and, if approved, the licenses shall be issued by the business license office upon the payment of the required fee.

(Ord. of 12-3-91)

Sec. 3-25. Separate license for each place of business.

Any person doing business at more than one (1) location or premises shall apply for a license for each such location as set forth in section 3-24 above.

(Ord. of 12-3-91)

Sec. 3-26. Violations and punishment.

Violations of this chapter will be punishable by a fine not to exceed one thousand dollars (\$1,000.00), imprisonment of not more than sixty (60) days or both.

(Ord. of 12-3-91)

Sec. 3-27. Standards for licenses.

- (a) Where the applicant is a corporation, any registration for the sale of alcoholic beverages shall be applied for by and may only be issued to a person employed full-time working at least forty (40) hours per week in a management capacity at the business location.
- (b) Where the applicant is a partnership, any registration for the sale of alcoholic beverages shall be applied for by and may only be issued to the partnership if: (1) The managing general partner thereof is working at the location in a full-time capacity at least forty (40) hours per week or (2) a person employed full-time forty (40) hours per week by the partnership in a management capacity and working at the business location.
- (c) Where the applicant is the sole proprietor, any license for the sale of alcoholic beverages shall be applied for and shall be issued to the sole proprietor if he is working full-time in a management capacity on the premises, otherwise, to a person employed full-time by the sole proprietor in a managing capacity and working at the business location.
- (d) Each of said persons named in subsections (a), (b) and (c) of this section shall be a citizen of the United States or a legal alien; and must be twenty-five (25) years of age or older at the time of the application for a license.
- (e) No person named in subsections (a), (b) and (c) of this section shall have been convicted of a felony, or any laws of this state relating to the sale of alcoholic beverages, within five (5) years of the filing of this application.
- (f) New licenses. Effective January 1, 2003, any applicant seeking to obtain an alcoholic beverage license in the county must provide proof of attendance at, and completion of, a responsible alcohol sales and service (RASS) workshop that has been approved by the development services director. Such workshop shall be attended by the applicant prior to the issuance of any alcohol license and shall be at the applicant's expense. If, at the time the application is considered by the board of commissioners, the applicant has not provided evidence to the board that the applicant has successfully completed an approved RASS workshop, the license shall be denied. Once the license is granted, the licensee will be required to meet the remaining requirements set forth in this section.
- (g) Existing licenses. All licensees currently holding a valid county alcoholic beverage license at the time of this amendment, who have not attended an approved responsible alcohol sales and service (RASS) workshop, are required to attend and complete a RASS workshop that has been approved by the development services director by July 1, 2003. Such workshop shall be attended by the licensee at the licensee's expense. All licensees must provide proof of attendance and completion of such RASS workshop to the board of commissioners on or before July 1, 2003. Failure to abide by any of the provisions in this subsection may result in suspension or revocation of the licensee's alcoholic beverage license. Any change of ownership or

licensee will require a new license and will require compliance with the requirements of subsection (a) prior to issuance of any new license.

- (h) All alcoholic beverage licensees shall be required to attend and complete an approved responsible alcohol sales and service (RASS) workshop every two (2) years. Proof of attendance at, and completion of, an approved RASS workshop within the previous two (2) years must be attached to any renewal application. No alcoholic beverage license will be renewed or issued unless this requirement has been satisfied.
- (i) Effective January 8, 2019, the issuance of any new alcohol license, or prior to any alcohol license renewal, the licensee must provide proof that all employees and managers involved in the sale or service of alcoholic beverages have successfully taken an examination, approved by the director of development services. Employees and managers must complete such examination commencing work or being hired, whichever is shorter. Documentation of each employee's and manager's date of hire and proof of successful completion of the examination must be maintained on the premises, and posted in a prominent location and available for public inspection at all times during which the location is open for business and engaged in alcohol sales for off-premises consumption. Employees and managers who directly serve alcoholic beverages to patrons for on-premises consumption shall be required to keep their server badge on their person while at work.
- (j) If, at the time an alcohol beverage license application or renewal is considered by the county board of commissioners, the licensee has not provided evidence to the building permits office that the licensee has satisfied the requirements of subsections (a), (b) and (c) above, the application or renewal shall be denied.
- (k) If, at the time an alcoholic beverage license renewal is being considered, or at any other time more than sixty (60) days after the license has been issued, the licensee is unable to provide evidence to the building permits office and the board of commissioners that the employees and management of the licensed establishment have complied with the training requirements as set forth in subsection (d), the license may be suspended or revoked.
- (l) The occupational tax office shall not have authority to waive the workshop or training provisions set forth in this section.

(Ord. of 12-3-91; Ord. of 9-18-01; Ords. of 11-20-01; Ord. of 12-17-02; Ord. of 12-18-12, §§ 1, 2; Ord. of 1-8-19, § 1)

Sec. 3-28. Grounds for denial.

No application for any retail license hereunder shall be granted where the application, the investigation or the evidence on a hearing before the governing body shows any of the following conditions to exist:

- (1) If applicant has had any license issued under the police powers of any county or governmental subdivision previously suspended or revoked.
- (2) That the applicant, as a previous holder of a license to sell alcoholic beverages, had violated any law, regulation or ordinance relating to such business within a ten-year period immediately preceding the date of application.
- (3) Where there is evidence with respect to the proposed business location that, even though there is compliance with the minimum distances to schools and churches, the type and number of schools and churches in the vicinity causes minors to frequent the immediate area.
- (4) Where there is evidence that the location or type of structure could create a difficulty in police supervision.
- (5) Where in the opinion of the business license office there is evidence that the license in that location would be detrimental to traffic conditions or that there is a lack of sufficient parking spaces for automobiles. Sufficient parking shall mean not less than ten (10) parking spaces on the premises. A

licensee shall have sufficient parking on the premises so as to provide parking for such licensee's customers so as to prevent parking on the streets or adjoining property.

(Ord. of 12-3-91)

Sec. 3-29. Affidavits; application to partnerships and corporations.

- (a) The applicant shall make a signed, sworn statement of such applicant's qualifications according to the specifications set forth hereinabove and the same shall be placed on file with the governing authority before any license is issued.
- (b) If the application is made for a partnership, all members of the partnership must be qualified to obtain a license and must make signed, sworn statements of these qualifications, the same to be placed on file with the governing authority before any license is issued.
- (c) If the application is made for a corporation, all persons who shall have the supervision and control of the licensed premises must make signed, sworn statements of the qualifications set forth hereinabove and the same shall be placed on file with the governing authority before any license is issued.

(Ord. of 12-3-91)

Sec. 3-30. Plat requirement for new location applicant.

If the license for the sale of alcoholic beverages is made for a new location, the following must be submitted at time of application:

- (1) A current certified survey plat showing the distances to the nearest facilities as described in section 3-49; and
- (2) A diagram showing the dimensions of the proposed structure as well as the seating and exit arrangements for on-premise consumption only.

(Ord. of 12-3-91)

Sec. 3-31. Investigation of applicant.

All persons submitting applications required by this chapter shall be investigated by the law enforcement agencies of the county which shall submit a report and recommendation to the governing authority. A copy of such report shall be filed with the permit office.

(Ord. of 12-3-91)

Sec. 3-32. Applicant for retail license, requirement for advertisement.

- (a) All applicants for retail licenses hereunder shall give notice of the purpose of making such application by advertisement for at least four (4) consecutive issues in the newspaper published in the county in which legal advertisements of the county are carried, which notice shall contain a particular description of the location of the proposed business and shall give the name of the licensee; if a partnership, the names of the partners; and if a corporation, the names of the licensees; and date and time the governing authority will hear the application. The advertisement referred to herein shall be of type not smaller than ten-point and shall be at least one-inch column advertisement, and shall be prepaid by the applicant at time of application.

(b) Advertisement of the application may commence after the investigating law enforcement agency has filed its report with the permit office.

(c) The applicant shall cause to be placed on the location of the proposed business a minimum of two (2) signs stating the type of license applied for and the date of the hearing in the following form:

" _____ license applied for. A hearing before the Board of Commissioners of Douglas County shall be held on the _____ day of _____, 20____. All interested persons take notice."

The signs shall not be less than twenty-four (24) by thirty-six (36) inches, and shall be obtained from the county at a cost of ten dollars (\$10.00) per sign. One sign shall be placed adjacent to the main entrance of the business or in a window adjacent to the main entrance facing forward toward the public street and the second sign shall be placed on the front property line adjacent to the public street, sidewalk, or other public property so as to be clearly legible by persons using such public street or right-of-way. Both signs shall be posted for a two-week period (fourteen (14) days) immediately preceding the date of the hearing.

(Ord. of 12-3-91; Ord. of 5-20-03)

Sec. 3-33. Wholesale licenses.

Wholesale licenses shall be issued only to those persons who are licensed by the State of Georgia to sell and distribute wine or malt beverages at wholesale. Application shall be made with the governing authority, and the applicant shall present evidence to show that all laws and regulations pertaining to such activities in the county are understood by the applicant, and shall pay all fees assessed by the county.

(Ord. of 12-3-91)

Sec. 3-34. License period.

(a) License for the sale of alcoholic beverages shall be issued for the then calendar year. In case of a revocation or surrender of such license before the expiration of such calendar year, the holder thereof shall not be entitled to any refund of the license fee.

(b) The license hereunder granted shall be valid as to each licensee from the first day of January to the last day of December of the then calendar year. This rule applies to new licenses as well as renewals of licenses.

(Ord. of 12-3-91)

Sec. 3-35. Fees; delinquency penalty.

(a) In addition to any other business license fees that may be applicable under this Code, the following annual license fees shall be paid for the type of license being acquired as follows:

- (1) Application fee - nonrefundable\$250.00
- (2) Malt beverages:
 - a. Retail package malt beverage sale500.00
 - b. Malt beverage pouring license500.00
 - c. Wholesale malt beverage distributor500.00
 - d. Malt beverage manufacturer500.00
 - e. Brewpub1,000.00

(3) Wine:

- a. Retail package wine sale 500.00
- b. Wine pouring license 500.00
- c. Wholesale wine distributor 500.00
- d. Wine manufacturer 500.00

(4) Liquor: Liquor-pouring license 5,000.00

- (b) Delinquency penalty. Each license fee is due and payable on the second day of January of each year. Failure to pay such license fee on or before the second day of January of each year shall void the license and any further sales after that date shall be unlawful. A retail licensee who has failed to pay the annual license fee by January 2 shall be assessed a five hundred dollar (\$500.00) penalty in addition to the annual license fee before being permitted to sell alcoholic beverages under that license. A license in delinquent status for a period in excess of thirty (30) days shall be revoked. Further sale of alcoholic beverages under such revoked license shall subject the former licensee to the penalties of law set forth hereinbelow.

(Ord. of 12-3-91; Ord. of 12-18-12, §§ 1, 2)

Sec. 3-36. Transfer of license; temporary license.

- (a) A license for the sale of alcoholic beverages shall not be transferable from one (1) location or premises to another without the express approval of the chairman.
- (b) The license may be transferred from one (1) person to another if the transferee-applicant is qualified as set forth in this article and the transfer is approved by the chairman. The transfer fee shall be as prescribed from time to time by the governing authority and shall be payable upon application being made for the transfer of license and shall be a nonrefundable fee.
- (c) In the event that a registration is surrendered, or revoked, or in the event a registrar severs his association with a registered establishment, or in the event a registered establishment applies for a transfer of the registration from one (1) person to another as provided in subsection (b), the establishment may continue to sell alcoholic beverages for a period of ninety (90) days from the date of surrender or from the date of revocation or from the date determined to be the date of severance or from the date of application for transfer under subsection (b); provided, no sale shall be authorized until such time as an application for a temporary registration is made. The establishment may file an application for a temporary registration in the name of an employee who is a qualified registrar pursuant to section 3-27 of this article as of the date of filing the application and said application shall include a sworn statement of these qualifications. The temporary registrar shall pay an administrative fee as prescribed from time to time by the governing authority and the fee shall be payable upon application being made for a temporary registration. Upon application being made for a temporary registration, the authorization to sell under the previous registration and the temporary registration shall be revoked by operation of law.

**AFFIDAVIT FOR APPLICATION OF TEMPORARY
REGISTRATION TO SELL ALCOHOLIC BEVERAGES**

BEFORE the undersigned attesting officer comes _____, who being duly sworn deposes and says that (s)he is a person of good moral character, is at least twenty-five (25) years of age, is a citizen of the United States, or a legal alien, and unless an honorably discharged member of the United States armed forces, a resident of the State of Georgia for a period of one (1) year immediately preceding the date of filing the application. Affiant further states that (s)he has not been convicted within five (5) years of the date of application, of a felony, or of any

violation of the laws of this state relating to the sale of alcoholic beverages, that (s)he is a person employed full-time working at least forty (40) hours per week in a management capacity at the business location.

This affidavit is made for the purpose of application for temporary registration to sell alcoholic beverages pursuant to the Code of Douglas County section 3-36(c).

(Affiant)

Sworn to and subscribed before me
this ____ day of _____, 20__.

Notary Public, Douglas County, Georgia

**AFFIDAVIT FOR APPLICATION OF
REGISTRATION TO SELL ALCOHOLIC BEVERAGES
FOR PARTNERSHIP OR CORPORATION**

BEFORE the undersigned attesting officer comes _____, who being duly sworn deposes and says that (s)he is a person of good moral character, is at least twenty-five (25) years of age, is a citizen of the United States, or a legal alien, and unless an honorably discharged member of the United States armed forces, a resident of the State of Georgia for a period of one (1) year immediately preceding the date of filing the application. Affiant further states that (s)he has not been convicted within five (5) years of the date of application, of a felony, or of any violation of the laws of this state relating to the sale of alcoholic beverages, that (s)he is a person employed full-time working at least forty (40) hours per week in a management capacity at the business location.

This affidavit is made for the purpose of application for temporary license to sell alcoholic beverages pursuant to the Code of Douglas County section 3-36(c).

(Affiant)

Sworn to and subscribed before me
this ____ day of _____, 20__.

Notary Public, Douglas County, Georgia

(Ord. of 12-3-91; Ord. of 11-20-01; Ord. of 11-1-05)

Sec. 3-37. Sale without license.

It shall be unlawful for any person to manufacture, sell, or possess for the purpose of sale, any alcoholic beverage where such person does not have a license from the county to sell or possess for sale such alcoholic beverage. The license is granted to an individual on behalf of a business for the purpose of authorizing the manufacture, sale or possession of alcoholic beverages at one (1) designated location.

(Ord. of 12-3-91)

Sec. 3-38. Excise taxes—Malt beverages.

- (a) In addition to the business fee, there is hereby levied and imposed upon each wholesale dealer selling malt beverages in bottles, cans or other containers within the county an excise tax in the amount of five cents (\$0.05) for each twelve (12) ounces or fractional part thereof.
- (b) All malt beverages sold in or from a barrel or bulk container and being commonly known as tap or draft beer shall not be subject to the excise tax provided for in subsection (a) of this section, but in lieu thereof, there is hereby imposed upon each wholesale dealer selling such malt beverages within the limits of the county an

excise tax of six dollars (\$6.00) for each barrel or bulk container having a capacity of fifteen and one-half (15½) gallons sold by such wholesale dealer within the county, and a like rate for fractional parts thereof.

- (c) No decal, stamp or other identifying marking shall be required on malt beverages sold within the county.
(Ord. of 12-3-91)

Sec. 3-39. Same—Wine.

In addition to the business license tax, there is hereby assessed an excise tax in the amount of twenty-two cents (\$0.22) per liter and a proportionate tax at the same rate on all fractional parts of a liter.

(Ord. of 12-3-91)

Sec. 3-40. Same—Payment.

The excise taxes shall be paid by the retail licensee and collected by the wholesale licensee at the time of delivery to the retail licensee. All assessments collected by the wholesale licensee shall be remitted on or before the tenth day of the month following the month of sale. The wholesale licensee shall be permitted to retain a sum not greater than two (2) percent of the assessments collected by said licensee to help defray the administration costs of collecting, accounting for and remitting the assessments collected by said licensee.

(Ord. of 12-3-91)

Sec. 3-41. Same—Additional to other taxes, etc.

The excise taxes provided for hereinabove shall be in addition to any license fee, tax or charge which may now or in the future be imposed upon the business of selling alcoholic beverages at retail or wholesale, within the limits of the county.

(Ord. of 12-3-91)

Sec. 3-42. Same—Reports; penalties for delinquency and false return.

- (a) Each wholesale dealer who sells alcoholic beverages or wine within the county shall file a report by the tenth of each month itemizing for the preceding calendar month the exact quantities of all such beverages by size and container for the month sold within the county.
- (b) The failure to make a timely report and remittance shall render a wholesale dealer liable for a penalty equal to fifteen (15) percent of the total amount due during the first thirty-day period following the date such report and remittance were due and a further penalty of twenty (20) percent of the amount of such remittance for each successive thirty-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 wholesale dealer making such report liable for a penalty equal to thirty (30) percent of the amount of the remittance which would be required under an accurate and truthful report.
- (c) Such failure to make a timely report or remittance, or the filing of a false or fraudulent report, shall also constitute grounds for the revocation of the business license by the county of said wholesale licensee or retail licensee.

(Ord. of 12-3-91)

Sec. 3-43. Storage of beverages.

All licensed retailers shall store all alcoholic beverages in their possession on the premises for which the license was issued, and at no other place except upon written permission from the governing authority upon written application therefor.

(Ord. of 12-3-91)

Sec. 3-44. Transportation and receipt of beverages.

- (a) Alcoholic beverages shall be received at or delivered to the premises of the retail licensee by no other means than by a conveyance owned and operated by a wholesale dealer with a permit from the county to make deliveries in said county.
- (b) Transportation of alcoholic beverages by any other means shall be grounds for revocation of retail license or wholesale permit.

(Ord. of 12-3-91)

Sec. 3-45. Sales on election day.

Sales of alcoholic beverages on election day is permitted only if the business selling the alcoholic beverage is more than two hundred fifty (250) feet from any polling place. Distances will be calculated from the front door of the business selling the alcoholic beverage to the outermost edge of any building within which a polling place is established.

(Ord. of 12-3-91; Ord. of 12-18-12, §§ 1, 2)

Sec. 3-46. Hours of operation.

- (a) Licensees for the sale of alcoholic beverages for consumption off the premises shall not engage in the sale of such beverages except from the hours of 6:00 a.m. to 11:55 p.m., Monday through Saturday; however, when the board of commissioners finds that special circumstances exist that make it reasonable to temporarily alter the hours that alcohol may be sold for on-premise consumption by licensed retailers, the board may effectuate such a temporary change through the adoption of a resolution at a regular or special called duly advertised meeting. The resolution shall specify the hours that alcoholic beverages may be sold for onsite consumption by licensed establishments and the date or dates that the temporary hours shall be in effect.
- (b) Licensees for the package sale, or sale for off premises consumption, of malt beverages and wine shall not engage in the sale of such beverages except between the hours of 12:00 a.m. Monday and 11:55 p.m. Saturday and between the hours of 11:00 a.m. and 11:55 p.m. on Sundays.

(Ord. of 12-3-91; Res. of 12-19-95; Ord. of 12-17-02; Ord. of 12-18-12, §§ 3, 4; Ord. of 9-15-20, § 1)

Sec. 3-47. Illegal acts on licensed premises.

No holder of a license authorizing the sale of alcoholic beverages at retail in the unincorporated areas of the county, nor any agent or employee of the licensee, nor any employer of the licensee shall do any of the following upon the licensed premises:

- (1) Sell alcoholic beverages to an underage person;

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- (2) Sell alcoholic beverages to any person while such person is in an intoxicated condition;
 - (3) Sell alcoholic beverages upon the licensed premises on any day or at any time when such sale is prohibited by law, or permit alcoholic beverages to be consumed thereon at any time without an on-premises consumption license;
 - (4) Permit on the licensed premises any disorderly conduct, breach of peace, or any lewd, immoral or improper entertainment, conduct or practices;
 - (5) Allow a nonemployee to have control or supervision of the licensed premises;
 - (6) Permit any employee who is a minor to have control or supervision of the licensed premises;
 - (7) Permit the sale of alcoholic beverages in the licensed premises in the absence from the licensed premises of the licensee or a responsible employee over the minimum age prescribed by state law, except to the extent authorized by state law. No person shall allow or require a person in such person's employment under eighteen (18) years of age to dispense, serve, sell or take orders for any alcoholic beverages. This provision shall not prohibit persons under eighteen (18) years of age who are employed in supermarkets, convenience stores, breweries or drug stores from selling or handling alcoholic beverages which are sold for consumption off the premises.

(Ord. of 12-3-91; Amd. of 12-21-99)

Sec. 3-48. Sale outside of building.

It shall be unlawful for any licensee, or any agent or employee of the licensee, or any employer of the licensee, to sell alcoholic beverages through facilities known customarily as "drive-in windows" or other such means. All purchases shall be made within the building of any licensed business premises.

(Ord. of 12-3-91)

Sec. 3-49. Distance limitations—Off-premises consumption.

- (a) No alcoholic beverages shall be sold closer than six hundred (600) feet to a school building, educational building, school grounds, or college campus, or state-licensed child care facility. The aforesaid distance may be three hundred (300) feet when the alcoholic beverages are sold in a grocery store having at least twenty-two thousand (22,000) square feet of usable floor space. All measurements shall be made by the most direct legal route of travel on the ground. The measurement shall start at the front door of the licensee, down the closest drive or sidewalk to the nearest travelled road, street, or highway leading to the school, college or state-licensed child care facility, down the drive or walk to the street or sidewalk and then:
 - (1) If the school, college or state-licensed child care facility is on the opposite side of the street than the licensee, or on another street than the licensee, then down the right-of-way to the nearest crosswalk or intersection and then back up the public right-of-way to the school, college, school grounds or state-licensed daycare facility; or
 - (2) If the school, college or state-licensed child care facility is on the same side of the same street as the licensee, then down the right-of-way to nearest drive or walk to the college, school, school grounds or state-licensed child care facility.
- (b) No alcoholic beverages shall be sold closer than one hundred (100) feet to a residential dwelling, as measured from the corner of the building of the licensee to the closest property line of the residential dwelling. The aforesaid distance requirements may be waived with the written consent of all property owners adjoining the licensee.

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- (c) Nothing contained in this Code section shall prohibit the licensing of the sale or distribution of alcoholic beverages by licensees for the retail sale of alcoholic beverages for consumption on the premises.

(Ord. of 10-7-14, § 3; Ord. of 1-19-16, § 2)

Editor's note(s)—An ordinance adopted Oct. 7, 2014, repealed the former § 3-49, and enacted a new section as set out herein. The former § 3-49 pertained to distance limitations and derived from an ord. adopted Dec. 3, 1991; and a res. adopted Jan. 21, 1997.

Sec. 3-50. Illegal acts by underage persons.

- (a) It shall be unlawful for an underage person to attempt to purchase, to purchase, or for any other person to purchase alcoholic beverages for an underage person.
- (b) It shall be unlawful for an underage person to exhibit faked, forged or borrowed credentials in an effort to obtain alcoholic beverages.
- (c) It shall be unlawful for an underage person to loiter in an establishment selling alcoholic beverages at retail.
- (d) It shall be unlawful for an underage person not in active employment of the licensed establishment to have alcoholic beverages in his or her possession.

(Ord. of 12-3-91)

Sec. 3-51. Violations.

- (a) Notwithstanding any other penalties contained in this article, if any person should violate the terms and provisions of this article for which penalties are not stated, such person shall be punished as provided in section 1-8 of this Code and the license may be suspended or revoked as provided herein. Violations of section 3-47(1) may result in a civil penalty imposed against the licensee.
- (b) In addition, the board of commissioners may require that the licensee re-attend an approved responsible alcohol sales and service (RASS) workshop at the licensee's expense prior to return of the license. The board of commissioners may consider mitigating and aggravating circumstances in considering sanctions. These include but are not limited to the following:
- (1) Evidence of written policies and procedures for the responsible sale of alcoholic beverages that were implemented prior to the incident as well as evidence that such written procedures have been implemented subsequent to the violation;
 - (2) Evidence of comprehensive formalized education and/or training for ownership licensee, management and employees;
 - (3) The type and content of training for ownership, licensees, management and employees, and the frequency of such training;
 - (4) Evidence of prior violations or lack thereof;
 - (5) Evidence of action taken by management prior and subsequent to the violation regarding the sale of alcoholic beverages so as to prevent future violations;
 - (6) Evidence of the implementation of procedures, their content, and the measures to monitor staff compliance (for example, self-monitoring through the use of mystery shopping or similar services).

(Ord. of 12-3-91; Ord. of 12-17-02; Ord. of 11-1-05)

Sec. 3-52. Revocation and suspension of license; imposition of civil penalty; hearing.

- (a) The governing authority, on the basis of citations issued by the head of the business license department, zoning officer, law enforcement officer, other authorized representative of the county or Georgia Department of Revenue officer, shall have the right to suspend and/or revoke any license issued under this chapter whenever the licensee shall violate any county code, rule, regulation, or ordinance or any state or federal code, rule, regulation, ordinance or statute, pertaining to such business. In the case of a violation of section 3-47(1), the governing authority shall have the right to impose a civil penalty up to \$_____ for each violation.
- (b) Any person alleged to have violated the provisions of this chapter shall be given written notice of such violation by a representative of the county and shall be entitled to have a hearing on any proposed suspension, revocation or civil penalty. At the hearing, the licensee shall be entitled to legal representation and shall have the right to present witnesses and to cross-examine any witnesses presented by the county. No hearing provided for herein shall be conducted sooner than ten (10) days from the date of the issuance of the said written notice.
- (c) Notwithstanding all other provisions of this article, the governing authority shall have sole discretion to suspend the license and place of operation of the sale of alcoholic beverages from any operations involving alcoholic beverage sales for the violation of any ordinance of Douglas County or law or rule or regulation of the state of Georgia or its agencies charged with supervision of the sale of alcoholic beverages; further, the governing authority may set such terms and conditions for suspension of the license or to place on a probationary period, the licensee for a period of time during which the sale of alcoholic beverages may be sold. During the period of such probation as established after hearing by the governing authority, in the event of any subsequent violation of county ordinances or State of Georgia rules and regulations the governing authority may thereafter either suspend, continue the period of probation or revoke licenses for the sale of alcoholic beverages.

(Ord. of 12-3-91; Ord. of 11-1-05)

Sec. 3-53. Temporary alcohol permits authorized.

- (a) *Outdoor or special events.*
 - (1) No alcohol may be served and/or sold at any outdoor or special event location unless the owner or operator of the location has an alcohol license or unless the host receives a temporary alcohol license. If the outdoor or special event is utilizing a facility or location where an alcohol license has already been issued and that license is currently active, the host must utilize the services of the on-site license holder for purposes of serving/selling alcohol. No additional temporary alcohol permits will be issued.
 - (2) If the outdoor or special event host is utilizing a facility with no current county issued alcohol license, the applicant shall complete and submit a temporary alcohol permit application with a temporary event permit application. The temporary alcohol permit application and temporary event permit application must be submitted at least thirty (30) days in advance of the event.
 - (3) The occupational tax department will forward a recommendation to the chairman of the board of commissioners for approval or denial of the application. no temporary alcohol permit will be approved unless the associated temporary event permit application is first approved by planning and zoning, the county department of transportation, the county sheriff's department, and the county fire department.
- (b) *Fees, duration and other requirements.*

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- (1) The fee for a temporary alcohol license fee shall be twenty-five dollars (\$25.00) per event where alcohol (beer, wine, and/or distilled spirits) is served, for applicants that are non-profit organizations. Applications for such temporary permit must include a copy of an official document such as a nonprofit certification by the Internal Revenue Service, or constitution and bylaws of the organization, or corporate charter which clearly states the purpose of the organization as being charitable or nonprofit. The maximum number of temporary alcohol permits in any calendar year for any organization is four (4).
 - (2) For all other applicants, the temporary alcohol license fee shall be fifty dollars (\$50.00) for beer or wine; fifty dollars (\$50.00) for distilled spirits; one-hundred dollars (\$100.00) for beer and wine; and one-hundred fifty dollars (\$150.00) for beer and wine and distilled spirits. The fees are per event where alcohol is served. The maximum number of events in any calendar year for any organization or individual is four (4).
 - (3) The maximum number of temporary alcohol licenses for any one (1) location is four (4). The owner of any one (1) location desiring additional alcohol licenses will be required to obtain regular alcohol license(s) and pay the associated fees.
 - (4) The applicant must obtain a license to serve alcohol at the outdoor or special event from the state, and must supply the county with a copy of said license no later than three (3) business days prior to the outdoor event.
 - (5) No location that has had an alcoholic beverage sales license suspended shall be approved as a permitted location under the provisions of this article during the period of such suspension.
 - (6) No organization or individual that has had an alcoholic beverage sales license suspended shall be approved for a temporary alcoholic beverage permit under the provisions of this article during the period of such suspension.
 - (7) Any applicant seeking to obtain an alcoholic beverage license in the county must provide proof of attendance at, and completion of, a responsible alcohol sales and service (RASS) workshop that has been approved by the development services director. Such workshop shall be attended by the applicant prior to the issuance of any alcohol license and shall be at the applicant's expense. If, at the time the application is considered by the county, the applicant has not provided evidence to the board that the applicant has successfully completed an approved RASS workshop, the license shall be denied. Once the license is granted, the licensee will be required to meet the remaining requirements set forth in this section. RASS certification must be renewed every two (2) years.

(Ord. of 4-4-17, § 1)

Secs. 3-54—3-59. Reserved.

ARTICLE III. CONSUMPTION ON THE PREMISES

Sec. 3-60. Definitions.

All words which have been previously defined in this Chapter of the Code of Ordinance of Douglas County, Georgia are hereby declared to be applicable to this article and all persons applying for or holding any license issued under this article. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Brewpub means an establishment as provided in O.C.G.A. section 3-5-20 et seq. authorized to manufacture, pour and wholesale malt beverage as provided therein.

Director means the director of the building and occupational tax department of the city.

Erotic dance establishment means a nightclub, theater, cafe or other establishment which offers live performances by topless and/or bottomless dancers, go-go dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Licensee means a person holding any class of license issued under the terms of this chapter.

Pour means sell for beverage purposes, "sell for consumption on the premises," "sell by the drink, and "allow patrons to bring their own liquor, wine or malt beverages for the purposes of mixing drinks and/or consuming same on the premises." The sale of "mixes or set-ups" or advertising to "bring your own" or the possession by patrons in the premises of liquor, wine or malt beverages, shall be prima facie evidence of pouring.

Pouring license means a license issued by the board of commissioners that authorizes on premises consumption of alcoholic beverages.

Pouring outlet means any place where liquor, wine and/or malt beverages are poured or proposed to be poured and shall mean only a restaurant, hotel, private club or lounge.

(Res. of 11-24-98)

Sec. 3-61. Necessity for license.

It shall be unlawful to pour or offer to pour any distilled spirits, within the unincorporated limits of the county without first having obtained a pouring license, or to carry on such activity in violation of the terms of such license or this article.

(Res. of 11-24-98)

Sec. 3-62. Violations.

- (a) Any person violating any of the provisions of this article shall be deemed guilty of an offense and, upon conviction thereof, shall be punished as provided in section 1-8 of the Code of Ordinances. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the chapter is committed, continued, or permitted by such person, and shall be punished accordingly. Any licensee or any other person who fails to furnish any return required to be made, or fails or refuses to supplement return or other date required by the county, who renders a false or fraudulent return, shall be deemed guilty of an offense and, upon conviction thereof, shall be punished as provided in this section.
- (b) Any default or delinquency of the tax levied under this article shall constitute cause for suspension or revocation of license.
- (c) Should the board of commissioners determine that a person holding a pouring licensee has been chronically delinquent or chronically in default in the payment of taxes authorized under this article, the board of commissioners may, when considering the application of such licensee for renewal, consider such delinquency as grounds for nonrenewal.

(Res. of 11-24-98)

Sec. 3-63. Separate license for each outlet; license not transferable; surrender of license.

- (a) *License for each location.* A separate license shall be required for each pouring outlet, and separate application shall be made for each place of business.
- (b) *Transferability.* Licenses under this section shall be transferable only upon proper application and prior approval by the board of commissioners and upon payment of ten (10) percent of the amount of the license fee.
- (c) *Death of licensee.* In case of the death of any person holding such a license, or any interest therein, the same may, in the discretion of the board of commissioners, be transferred to the administrator, executor of the lawful heirs of the deceased person.
- (d) *Withdrawal of partner.* Nothing in this section shall prohibit one (1) or more of the partners in a partnership holding a license from withdrawing from the partnership in favor of one (1) or more of the partners who were partners at the time of the issuance of such license. Such a withdrawal shall not, however, serve to bring any new ownership into the partnership.
- (e) *Transfer of location.* Should a transfer of a location be approved, there shall be no pro rata return or refund of any license fee, and the new location shall require a new license under this article.
- (f) *Addition of partners, stockholders.* However, a licensee may take in partners or additional stockholders where it is determined by the board of commissioners that the additional capital furnished is to be used exclusively for additional inventory or expanding the facilities of the business, or for building new facilities and were it appears that neither the licensee himself, nor any partner or stockholder therein receives, directly or indirectly, any of the additional capital invested. Under this section an additional partner or new principal stockholder must be approved by the board of commissioners.
- (g) *Transfer from agent to agent; name change.* Where licenses are held by agents, upon the resignation or removal of any agent holding a pouring license for a particular location, the partners, owners or stockholders of the business entity shall immediately appoint a new agent to hold a pouring license, which agent shall apply to the board of commissioners for the reissuance of the pouring license for the stated location in his name. Upon a completion of the law enforcement background check and investigation as required herein, a recommendation to the board of commissioners for the approval or disapproval of the transfer of agent shall be made by county staff. In such transfer, it will be required that a new investigation fee be paid for the investigation of the new agent. In those instances which only the name of the establishment holding a pouring license is to change, with no change in the ownership or agent holding the license, the partners, owners or stockholders shall notify the occupation tax office of the change of name, which notation shall be made on the records. No charge will be made for this name change.
- (h) *Sale or closing of business.* Immediately upon the sale or the closing of a pouring outlet, it shall be the duty of the licensee to notify the board of commissioners and to surrender license upon demand.

(Res. of 11-24-98)

Sec. 3-64. Considerations and guidelines for granting or denying license.

The board of commissioners, in making its final determination upon an initial application, may be guided by the following factors as whether or not to grant such license:

- (1) The nature of the neighborhood immediately adjacent to the proposed location, that is, whether the same is predominately residential, industrial or business.
- (2) The proximity of churches, hospitals, schools, public parks, community centers, and the like.

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- (3) Whether the proposed location has adequate off-street parking facilities.
 - (4) Whether the proposed location would tend to increase and promote traffic congestion and resulting hazards therefrom.
 - (5) The criminal record of the applicant and outlet manager and their general good character and reputation and their financial responsibility; provided that nonpayment of state, county or city taxes shall be prima facie evidence as to lack of financial responsibility.
 - (6) Report of the director.
 - (7) Consideration of information required in the application and whether requirements as to notice and advertisement have been met.
 - (8) Such other evidence as may be presented to the board of commissioners.
 - (9) Whether any previous license issued for the applicant, outlet manager or for the location has been suspended or revoked.
 - (10) Whether the applicant holds any other license for the sale of alcohol.
 - (11) The history or reputation of the proposed location of the outlet for gambling, illegal sex acts, fighting or other acts of violence, and/or violations of the law.

(Res. of 11-24-98)

Sec. 3-65. Grounds for denial of license.

- (a) *Prohibited locations.* It shall be unlawful to grant a pouring license for sale of liquor within the following unincorporated areas of the county:

In an existing building or establishment having a history of or reputation for prostitution or other sex offenses; fighting, shooting, stabbing or other violence; gambling; illegal dealing in alcoholic beverages or drugs; other violations of the law.

- (b) *Prohibited persons.* It shall be unlawful to grant a license for the sale of liquor to:

- (1) A person who does not meet the residency requirements as set forth in section 3-27 of this chapter.
- (2) A person who is not of good character and reputation in the community in which he resides.
- (3) A person who has been, within the preceding five (5) years, convicted of a felony, or of a crime opposed to decency and morality, or who has been convicted of a crime involving violation of the Code of Ordinances of the county relating to the use, sale, taxability or possession of beer, wine or liquor, or violations of the laws of the state and federal government pertaining to the manufacture, possession, transportation or sale of beer, wine or intoxicating liquors, or taxability thereof.
- (4) A person whose license under this article has been revoked for cause or who has had a license under this article revoked for cause.
- (5) A person who is under the age of twenty-one (21) years or who is not of sound mind and memory.
- (6) An officer or employee of the county, or any person who resides in the officer or employee's household.
- (7) A person who already holds a license in the classification applied for or a wholesale license.

(Res. of 11-24-98; Ord. of 10-7-14, § 4)

Sec. 3-66. License for pouring; license fee.

- (a) Licenses under this article shall be classified as follows:
 - (1) *Liquor pouring.* Outlet for pouring liquor, which shall permit only the sale of liquor by the drink for consumption on the premises.
 - (2) *Wine and malt beverage pouring.* Outlet for pouring wine and malt beverage, which shall permit only the sale of wine and malt beverages by the drink for consumption on the premises as provided under article I and II of this chapter.
 - (3) *Brewpub.* Outlet for pouring malt beverages, which shall permit only the manufacture, sale at wholesale and pouring of malt beverages as provided at O.C.G.A. sections 3-5-20 et seq.
- (b) The amount of the license fee for each class is specified in section 3-35:
 - (1) Retail liquor sale for consumption on premises;
 - (2) Brewpub.
- (c) The license fee for any license granted under section 3-68 of this article shall be prorated by the length of time that such license is in existence on a monthly basis with each month, or any part thereof, being equal to one-twelfth (1/12), as multiplied by the appropriate license fee under this article. In no event shall an interim fee be less than one-twelfth (1/12) of the license fee for a particular interim license which is granted.

(Res. of 11-24-98; Ord. of 12-18-12, §§ 1, 2)

Sec. 3-67. Application and qualification for license.

- (a) Applications for a pouring license or a brewpub license shall include the same requirements as are applicable to the sale of beer and wine, as set forth in sections 3-21, 3-22, 3-24, 3-27, 3-28, 3-30, 3-31, and 3-32 of this Chapter; as well as all provisions of this article. Additionally, each applicant for a license authorized under this article shall pay an applicant fee of two hundred fifty dollars (\$250.00) for the investigation and processing the application.
- (b) No application shall be considered from nor any pouring license granted to any applicant whose business location for a pouring outlet is anything other than a restaurant, hotel, private club or lounge. Sale of distilled spirits (liquor) for consumption on the premises by restaurants, hotels, private clubs and lounges shall be permitted only if lawfully operating under the Code of Ordinances of the county.
- (c) It is the intention of this article that liquor and malt beverage by the drink be sold only in bona fide restaurants, hotels, lounge, and private clubs under the restrictions herein set out and not sold at walk-in bars or sham establishments.

(Res. of 11-24-98)

Sec. 3-68. Reserved.

Editor's note(s)—An ordinance of December 17, 2002, amended the Code by repealing former § 3-68 in its entirety. Former § 3-68 pertained to interim licenses, terms and conditions; and derived from a resolution of November 24, 1998.

Sec. 3-69. Renewal, suspension and revocation of licenses.

The provisions set forth in sections 3-47, 3-48, 3-50, 3-51, and 3-52 relating to the renewal, suspension and revocation of licenses shall be fully applicable in the renewal, suspension and revocation of licenses for brewpubs and pouring licenses issued under this article.

(Res. of 11-24-98)

Sec. 3-70. Additional requirements applicable to pouring outlets.

The following regulations shall apply to pouring outlets:

- (1) The building or proposed building where pouring will take place shall meet all requirements of the chief county building official and county fire marshal.
- (2) No percentage leases of buildings for pouring shall be permitted.
- (3) Hours:
 - a. Alcoholic beverages by the drink for on premises consumption shall not be sold except between the hours of 6:00 a.m. of one day and 2:55 a.m. of the next day, on Monday through Saturday; and between the hours of 11:00 a.m. and 11:30 p.m. on Sunday.
 1. Pursuant to O.C.G.A. 3-3-7(m), alcoholic beverages by the drink for on premises consumption may be poured until 2:55 a.m. on any Sunday which falls on a January 1; and
 2. Alcoholic beverages by the drink for on premises consumption liquor may be poured from 12:01 a.m. until 2:55 a.m. on any Monday which falls on a January 1.
 - b. Malt beverages and wine for on premises consumption shall not be sold except between the hours of 6:00 a.m. of one day and 2:55 a.m. of the next day, on Monday through Saturday; and between the hours of 11:00 a.m. and 11:30 p.m. on Sunday.
 1. Pursuant to O.C.G.A. 3-3-7(m), malt beverages and wine may be poured until 2:55 a.m. on any Sunday which falls on a January 1; and
 2. Malt beverages and wine may be poured from 12:01 a.m. until 2:55 a.m. on any Monday which falls on a January 1.
 - c. The business hours of any wholesaler licensed under this chapter shall only be from sunup to sundown each day, Monday through Saturday.
 - d. Should lounges keep their doors open to the public, or allow members of the public to remain on the premises, beyond the prohibited hours of consumption, such conduct shall constitute prima facie evidence that liquor, wine and/or malt beverages are being consumed on the premises in violation of this chapter.
 - e. In no event shall drinks be mixed or sold, nor malt beverages sold, during the prohibited hours, based upon the timely sale of tickets, chits, or other devices.
 - f. All sales of any alcoholic beverage as authorized by this article shall be sold only by an employee of the licensee which holds a valid alcohol beverage employee identification card.
 - g. No manager, nor other employee of any pouring outlet, shall permit any violation of the above sub-sections.

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- (4) Pouring licensees shall not sell, or permit the sale of liquor beverages by the package, for consumption on the premises.
 - (5) Hotels shall have the privilege of granting franchises for the operation of a lounge or restaurant in their premises, provided the hotel and the franchisee meet all the requirements of this article.
 - (6) It shall be unlawful to employ knowingly in any pouring outlet in any capacity whatsoever, any person, including performers, entertainers and musicians, who has plead guilty or been convicted of soliciting for prostitution, pandering, letting premises for prostitution, keeping a disorderly place, illegally dealing in drugs, sex offenses, or for any charge relating to the manufacture or sale of intoxicating liquors.
 - (7) No signs, advertising sale by the drink or soliciting patrons to bring their own or to "brown bag", may be affixed to the premises nor appearing therein shall be permitted; provided, however, there shall be no prohibition against utilizing signs showing the name of the pouring outlet.
 - (8) It shall be the duty of the management of a pouring outlet to maintain a copy of this article at the outlet and to instruct each employee on the contents of this article and the terms therein.
 - (9) The state laws and regulations relating to the sale and distribution of distilled spirits in this state, as revised, promulgated by the state revenue department, and especially as relate to retail sale of consumption, are hereby incorporated into and made a part of this article.
 - (10) A pouring licensee shall make an immediate report to, and receive approval by, the director of any change in the interests in or ownership of the pouring outlet and/or any change in the information as stated in the original application for license, including the list of employees.
 - (11) No person already holding a wine or malt beverage license shall be granted a pouring license without obtaining a pouring license under this article.
 - (12) No pouring license shall be issued to any amusement establishment. An amusement establishment shall include but not be limited to motion picture theaters, skating rinks, health spas and game rooms or similar establishments, including pinball, electronic or video games.
 - (13) The county prohibits the sale, serving or use of alcoholic beverages in or on the premises of any billiard room or any place operated in connection therewith unless the principal business of the establishment is the serving of meals which, excluding the sale of alcoholic beverages, account for at least fifty-one (51) percent of the gross revenue and meets all other requirements of a restaurant. Additionally, billiard halls, pool rooms and other similar establishments as defined by O.C.G.A. § 43-8-1 that sell alcoholic beverages by the drink for consumption on the premises shall comply with all the rules and regulations set forth in this article unless such rules and regulations are specifically prohibited by the provisions of O.C.G.A. § 43-8-1 et seq.

(Res. of 11-24-98; Ord. of 12-18-12, §§ 1, 2; Ord. of 12-18-18, § 1)

Sec. 3-71. Entertainment at pouring outlets.

- (a) Bands or orchestras and patron dancing shall be permitted at pouring outlets unless:
 - (1) Adequate space does not exist;
 - (2) All fire and safety codes are not met; and
 - (3) The appropriate license fee and all applicable taxes have not been fully paid.
- (b) No adult dancing establishment, adult entertainment establishment, or adult motel as said terms are defined in chapter 12, article XII, of the Code of Ordinances of Douglas County, Georgia nor an erotic dance

establishment licensee shall serve, distribute, or suffer consumption or possession of any alcoholic beverages or controlled substances upon the premises of the licensee.

- (c) The board of commissioners may require a pouring outlet providing music and dancing to provide security or security personnel to be in attendance and provide such protection as, in the discretion of the sheriff, is adequate to meet the needs of the public's safety.

(Res. of 11-24-98; Ord. of 9-18-01)

Sec. 3-72. Taxation.

- (a) There is hereby imposed and levied upon every purchase of an alcoholic beverage for beverage purposes by the drink within the county a tax in the amount of three (3) percent of the purchase price of such beverage.
- (1) As used in this section, "alcoholic beverage" means any beverage containing alcohol obtained by distillation, including and distilled or fermented liquid containing consumable alcohol, mixed with water or any other substance in solution, and included brandy, rum, whiskey, gin, vodka, cordials, or other spirituous liquors by whatever name called, including fortified wines, but shall not include nonfortified wines, beer, ale or malt liquors.
- (2) As used in this section, "purchase price" means the consideration received for the sale of alcoholic beverages by the drink valued in money, whether received in cash or otherwise, including receipts, credit, property or services of any kind whatsoever, and also the amount for which credit is allowed by the licensee to the purchaser, without any deduction therefrom whatsoever.
- (b) Every licensee or his agent is authorized and directed to collect tax imposed in this section from the purchaser of alcoholic beverages by the drink within the licensed premises. Such licensee or his agent shall furnish such information as may be requested by the director, or his designee, the sheriff, or county manager to facilitate the collection of the tax.
- (c) The tax imposed by this section shall become due and payable from the purchaser at the time of purchase of any alcoholic beverage sold under this article. All amounts of such tax collected shall be due and payable to the county each month. This amount shall be payable on or before the tenth day of each month next succeeding the preceding monthly period for which the taxes were collected. A "monthly period", as used in this subsection, shall mean once a month for each calendar month within any year.
- (d) On or before the tenth day of the month following each monthly period, a return for the preceding monthly period shall be filed with the director, or his designee, in such form as may be prescribed by every licensee liable for payment of tax under this section. All returns shall show the gross receipts of the sale of alcoholic beverages by the drink and the amount of tax collected on such drinks.
- (e) Licensees collecting the tax imposed by this section shall be allowed a percentage of the tax accounted for and due. The amount shall be reimbursed to the licensee in the form of a deduction from the amount reported and submitted to the director. Provided, however, the percentage deduction allowed each licensee will not be allowed where the taxes submitted are delinquent. The rate of the deduction for this tax shall be the same rate as authorized for deduction from state tax under the provisions of O.C.G.A. § 3-4-130.
- (f) The tax imposed under this section shall be paid by brewpub operators in addition to annual licenses fees and other applicable fees. There is hereby levied and imposed upon each brewpub selling malt beverages at wholesale within Douglas County and excise tax is six dollars (\$6.00) for each barrel or bulk container having capacity of fifteen and one-half (15½) gallons sold by such brewpub operator within the county and at a like rate for fractional parts thereof.

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- (g) In addition to any annual license fee required, there is hereby levied an excise tax computed at the rate of twenty-two cents (\$0.22) per liter or fractional portion thereof, which shall be paid to the director on all liquor sold, displayed or stored in the county.
- (1) This excise tax shall be paid by the wholesale distributor on all liquor sold to any retailer in the unincorporated county. Each wholesale distributor selling, shipping or in any way delivering liquor to any such retailer shall collect the excise tax at the time of delivery, and shall remit the same together with a summary of all deliveries to each retailer on or before the tenth day of the month following.
- (2) Each wholesale distributor shall furnish to this county on or before the tenth of each month following such purchase. The invoices shall show the amount of excise tax paid.

(Res. of 11-24-98)

Sec. 3-73. Deficiency determinations, penalties; action for collection.

- (a) *Computation of deficiency.* If the director has cause to believe or is not satisfied with the return or returns of the tax or the amount of the tax required to be paid to the county by any person is not proper, the director may compute and determine the amount required to be paid upon the basis of any information that is within or may come into its possession. One (1) or more deficiency determinations may be made of the amount due for one (1) or more monthly periods.
- (b) *Interest on deficiency.* The amount of the determination shall bear interest at the rate of one (1) percent per month, or fraction thereof from the due date of taxes.
- (c) *Notice of determination; service.* The director, or his designee, shall give to the licensee written notice of his determination. The notice may be served personally or by mail; such service shall be addressed to the licensee at this address as it appears on the application or renewal application as filed with the county. Service by mail is complete when delivered by certified mail with a receipt signed by the addressee.
- (d) *Determination if no tax return is made.* If any licensee fails to make a return, the director shall make an estimate of the amount of the gross receipts of the licensee, or as the case may be, of the amount of the total sales in this county which are subject to the tax. The estimate shall be made for the period or periods in respect to which the licensee failed to make the return and shall be based upon any information which is in possession of or may come into the possession of the director. Written notice shall be given in the manner prescribed in subsection (c) of this section.
- (e) *Interest on amount found due.* The amount of the determination shall bear interest at the rate of one (1) percent per month, or fraction thereof, from the twentieth day of the month following the monthly period, for which the amount or any portion thereof would have been returned, until the date of payment.
- (f) *Penalty for nonpayment.* Any person who fails to pay the tax herein imposed or fails to pay any amount of the tax required to be collected and paid to the county within the time required shall pay a penalty of twenty-five (25) percent of the tax or amount of the tax, in addition to the tax or amount of the tax plus interest on the unpaid portion thereof.

(Res. of 11-24-98)

Sec. 3-74. Administration.

- (a) *Authority of director.* The director, or his designee, shall administer and enforce the provisions of this article.
- (b) *Records required from licensee; form.* Every licensee for the sale of alcoholic beverages by the drink in this county shall maintain such records, receipts, invoices documents and papers which are related to or

pertinent to transactions authorized by this article in such form and condition with on site availability for review as the director may require.

- (c) *Examination of records; audits.* The director, or his designee, or any person authorized in writing by the director may examine the books, papers, records, financial reports, equipment and other facilities of any licensee which sells alcoholic beverages by the drink and any licensee liable for the tax in order to verify the accuracy of any return made, or, if no return is made by the licensee, to ascertain and determine the amount required to be paid.
- (d) *Authority to require reports; contents.* In administration of the provisions of this article, the director may require the filing of reports by any person or class of persons having in such person's or persons' possession or custody information relating to purchases which are subject to the tax. Reports shall be filed with the director when required by the director, and shall set forth the purchase price for each purchase, the date or dates of purchase, and such other information as the director may require.

(Res. of 11-24-98)

Sec. 3-75. Employee identification; alcohol employee identification card.

- (a) Any person who serves or works in the serving area of a restaurant, hotel, private club or lounge that has a pouring license for the sale of liquor, wine and/or malt beverages shall be at least eighteen (18) years of age, and all such persons shall apply to the director for an alcohol beverage employee identification card, which card shall expire twelve (12) months after issuance and shall be renewable on or before that time. An alcoholic beverage employee identification card shall be valid for such work at any location having a valid pouring license within the unincorporated areas of the county.
- (b) Alcohol beverage employees shall make themselves available for photographing, fingerprinting and such other investigating as may be required by the director.
- (c) The director will, upon the request of the director, or his designee, investigate all employee applications made pursuant to this section and report any detrimental information to the director. The director may refuse to issue an employee identification card to any proposed employee who has been convicted of a felony within a period of five (5) years immediately prior to the date upon which the application for an employee identification card was made, or who any application who has been convicted in two (2) or more misdemeanors within five (5) years immediately preceding the applicant's application for an employee identification card, or who has been convicted within a period of five (5) years immediately preceding the application of any of the following offenses:
 - (1) D.U.I.;
 - (2) Pandering, prostitution or soliciting prostitution;
 - (3) Gambling;
 - (4) Illegal sale of controlled substance or narcotic; or
 - (5) Where the record indicates such employee would adversely affect the public health, safety or welfare, or violate the law.
- (d) No licensee under the provisions of this article shall hire any person, nor permit any person to work or assist in an outlet which is subject to the provisions of this section, until such person has procured an alcohol beverage employee identification card as above prescribed.
- (e) The director may provisionally grant an identification card to an applicant, pending investigation and report. Where the report, when received, is unfavorable as set out in subsection (c) of this section, the director may revoke the card and demand its return.

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- (f) The director may revoke an identification card should the employee violate any provision of this article, furnish false or misleading information in the employee's application card or commit conduct adversely affecting the public health, safety or welfare.
 - (g) It shall be unlawful for an employee whose card has been revoked, when demand for surrender of a card has been made, to refuse to so surrender, or to alter, conceal, deface or destroy such card.
 - (h) Each employee shall pay a fee of twenty-five dollars (\$25.00) for the identification card. Each employee shall also obtain a background check from the county sheriff's office and submit to the occupational tax department.

(Res. of 11-24-98; Ord. of 12-18-12, §§ 1, 2)

Sec. 3-76. Validity.

If any section, paragraph, clause, phrase, or provision of this article shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this article.

(Res. of 11-24-98)