



February 16, 2016 5:30 pm

1. Call to Order by Mayor Jan J. Moore
2. Invocation and Pledge of Allegiance by Councilman Phil Boyum
3. Public Comments (Agenda Item):
4. Consideration of a Motion to approve the Consent Agenda
 - A) Approval of Minutes
 - a) 02-02-2016 Council Minutes
 - b) 02-02-2016 Executive Session Council Minutes
 - c) 02-02-2016 Council Work Session Minutes
 - d) 02-08-2016 Called Council Minutes
 - d) 02-08-2016 Executive Session Council Minutes
5. Public Hearing and Consideration of a Motion to approve: **Application RZ 16-01-01:** ARCH Recovery, LLC requests a zoning map amendment for .21 acres of property located at 109 Broad Street from R6 (Single-Family Residential) zoning district to R4 (High Density Residential District) zoning district to allow for the utilization of the property as a group home (Tax Parcel # S29 000073 000).
6. Public Hearing and First reading of proposed **Ordinance 2016-02:** An Ordinance amending Chapter 18 of the Statesboro Code of Ordinance regarding Temporary Vendors.
7. Public Hearing and First reading of proposed **Ordinance 2016-03:** An Ordinance amending Chapter 6 of the Statesboro Code of Ordinance regarding Alcoholic Beverages.
8. Public Hearing and First reading of **Ordinance 2016-04:** An Ordinance Amending Article 2 (Authorities, Boards and Commissions) of Chapter 2 (Administration) of the Statesboro Code of Ordinances.
9. Discussion of proposed **Resolution 2016-11:** A Resolution establishing fees and fines for Chapter 6 of the City of Statesboro Code of Ordinances governing alcoholic beverages.
10. Consideration of a Motion to Adopt **Resolution 2016-10:** A Resolution accepting the right of way of Merchants Way, Hill Pond Lane, Bermuda Run, Brampton Avenue, and Arch Way as public streets to be owned and maintained by the City of Statesboro, Georgia.

11. Other Business from City Council

12. City Managers Comments

- a) "My Ranchero Mexican Grill" is applying for an alcohol license pending the background investigation. The owner will be Diana Johana Gonzalez Rojo.
- b) "Flash Foods LLC" is applying for an alcohol license pending the background investigation. The owners are Stephen J. Lattig, Evan W. Smith, and Tammy V. Floyd.

13. Public Comments (General)

- A) Craig Tremble request to comment on the community conditions on Johnson St., Denmark St. and W. Main St.

14. Consideration of a Motion to enter into Executive Session to discuss "Personnel Matters" and/or "Potential Litigation" in accordance with **O.C.G.A. §50-14-3 (2012)**

15. Consideration of a Motion to Adjourn



**CITY OF STATESBORO
Council Minutes
February 02, 2016**

A regular meeting of the Statesboro City Council was held on February 02, 2016 at 9:00 a.m. in the Council Chambers at City Hall. Present were Mayor Jan J. Moore, Council Members: Phil Boyum, Sam Lee Jones, Jeff Yawn, and John Riggs. Also present were Deputy City Manager Robert Cheshire, City Clerk Sue Starling, City Attorney Alvin Leaphart, Director of Public Works and Engineering Jason Boyles and Director of Planning and Development Mandi Cody. Absent was Councilman Travis Chance.

The meeting was called to order by Mayor Jan J. Moore

The Invocation and Pledge of Allegiance was given by Mayor Jan Moore

Recognitions/Public Presentations

- A) Presentation of the Arbor Day Proclamation. Accepting the proclamation will be Mr. Henry Clay, Wesley Parker as well as others from the Tree Board. Georgia Forestry Chief Ranger (Bulloch County) Doug Chassereau will present the Mayor and Tree Board with a Tree City USA flag and recognize the City of Statesboro for its participation in the Tree City USA Program**
- B) Presentation of the 2015 UCR Part 1 Crime Statistics.**
- C) City of Statesboro Recruitment Video**

Director of the Parks division, Robert Seamans stated they will be working with Mattie Lively School to plant approximately five trees around February 22, 2016. Mayor Moore read and presented the Arbor Day Proclamation to Henry Clay, from the Tree Board, Doug Chassereau from the Georgia Forestry Commission and Shawn Ditty from the Georgia Forestry Commission who also works with the Tree Board. A representative from the Forestry Commission presented Mayor Moore a flag for Tree City USA.

Interim Police Chief Rob Bryan updated Mayor and Council regarding the 2015 UCR Part 1 Crime Statistics stating that crime has gone down each year for the past couple of years.

Director of Human Resources, Jeff Grant, presented the City of Statesboro recruitment video to Mayor and Council.

Public Comments (Agenda Item): None

Consideration of a Motion to approve the Consent Agenda

- A) Approval of Minutes**
 - a) 01-19-2016 Work Session Minutes**
 - b) 01-19-2016 Council Minutes**
 - c) 01-19-2015 Executive Session Minutes**
- B) Consideration of a motion for the surplus and disposal of one 2006 Ford Crown Victoria from the Statesboro Police Department.**
- C) Consideration of a motion to approve Resolution 2016-06: A Resolution to adopt the third amendment to the Fiscal Year 2016 budget for each fund of the City of Statesboro, Georgia, appropriating the amount shown in each budget as expenditures/expenses, adopting the several items of revenue anticipations, and prohibiting expenditures or expenses from exceeding the actual funding appropriated.**
- D) Consideration of a motion to approve Resolution 2016-07: A Resolution authorizing the opening of a separate bank account for seized funds.**

Councilman Riggs made a motion, seconded by Councilman Jones to approve the consent agenda in its entirety. Councilman Boyum, Jones, Yawn and Riggs voted in favor of the motion. The motion carried by a 4-0 vote.

Administrative Hearing for alleged alcohol violations as pursuant to Chapter 6 of the City of Statesboro Alcohol Ordinance:

Enforcement from the Statesboro Police Department:

**Christopher Scott Springfield
Good Kung Fu LLC
DBA South City Tavern
1830 Chandler Road**

Mayor Moore conducted the hearing and all participants were sworn in by Mayor Moore.

Mr. Springfield, owner of South City Tavern waived his right to a hearing and agreed to the violation of furnishing alcohol to under age persons. Mayor Moore then asked for a motion and Mr. Springfield agreed that based on the evidence presented here today that Council finds that the licensee, his agents and or employees did violate Chapter 6 of the Code of Ordinances of the City of Statesboro in the twelve month period immediately preceding this hearing. Councilman Yawn made the motion seconded by Councilman Boyum to accept the guilty plea from Mr. Springfield. Councilman Boyum, Jones, Yawn and Riggs voted in favor of the motion. The motion carried by a 4-0 vote.

For the penalty of the violation, Councilman Boyum made a motion seconded by Councilman Jones to consider this a first offense with a warning. Councilman Boyum, Jones, Yawn and Riggs voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to approve Moratorium Ordinance 2016-01: Extending the Moratorium regarding fireworks as adopted August 04, 2015.

Councilman Jones made a motion, seconded by Councilman Riggs to approve Ordinance 2016-01: Extending the Moratorium regarding fireworks. Councilman Boyum, Jones, Yawn and Riggs voted in favor of the motion. The motion carried by a 4-0 vote.

Public Hearing and first reading of proposed Ordinance 2016-02: An Ordinance amending Chapter 18 of the Statesboro Code of Ordinance regarding Temporary Vendors.

Councilman Boyum made a motion, seconded by Councilman Yawn to open the public hearing. Councilman Boyum, Jones, Yawn and Riggs voted in favor of the motion. The motion carried by a 4-0 vote.

Director of Planning and Development Mandi Cody gave a brief overview of what this Ordinance entails. Ms. Cody explained the definition of a temporary vendor. This ordinance would give City staff a more formal and structured review process before issuing anyone a temporary vendor permit. It will allow the person applying for a permit to know the things that would be required of them.

Alan Gross spoke in favor of the ordinance.
There was no action taken regarding Ordinance 2016-02.

Consideration of a Motion to approve Resolution 2016-05: A Resolution calling for the Re-Establishment of the Downtown Statesboro Incentives Program.

Councilman Yawn made a motion, seconded by Councilman Riggs to approve Resolution 2016-05: A Resolution calling for the Re-establishment of the Downtown Statesboro Incentives Program. Councilman Boyum, Jones, Yawn and Riggs voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to approve Resolution 2016-08: A Resolution to amend the job position classification and compensation plan to approve the reclassification of four (4) APO positions to the rank of Corporal, and reclassification of one (1) APO position to the rank of Sergeant to staff the proposed Office of Professional Standards, and classifying the temporary Systems Administrator APO assignment to a permanent IT Specialist position within the police department.

Councilman Boyum made a motion, seconded by Councilman Jones to approve Resolution 2016-08: a Resolution to amend the job position classification and compensation plan to approve the reclassification of four (4) APO positions to the rank of Corporal, and reclassification of one (1) APO position to the rank of Sergeant to staff the proposed Office of Professional Standards, and classifying the temporary Systems Administrator APO assignment to a permanent IT Specialist position within the police department. Councilman Boyum, Jones, Yawn and Riggs voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to award a contract for the renovation of a fire training tower to C. Merrill Construction in the amount of \$205,000.00 originally, \$190,000.00 was budgeted under CIP# FD-70 in the 2013 SPLOST. If approved, the remaining \$15,000.00 will come from Surplus Funds remaining from the completed Phase 3 project on Fire Station 1.

Councilman Riggs made a motion, seconded by Councilman Yawn to award a contract for the renovation of a fire training tower to C. Merrill Construction in the amount of \$205,000.00. Councilman Boyum, Jones, Yawn and Riggs voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to enter into Executive Session to discuss “Personnel Matters” and/or “Potential Litigation” in accordance with O.C.G.A.§50-14-3 (2012)

At 10:45 am, Councilman Boyum made a motion, seconded by Councilman Riggs to enter into Executive Session to discuss “Personnel Matters” and/or “Potential Litigation” in accordance with O.C.G.A.§50-14-3 (2012). Councilman Boyum, Jones, Yawn and Riggs voted in favor of the motion. The motion carried by a 4-0 vote.

At 11:40 am, Councilman Riggs made a motion, seconded by Councilman Yawn to exit Executive Session. Councilman Boyum, Jones, Yawn and Riggs voted in favor of the motion. The motion carried by a 4-0 vote.

Mayor Moore called the regular meeting back to order with no action being taken.

Other Business from City Council

Mayor Moore gave an update on discussions regarding the Tax Allocation District. We are working with the County to come to an agreement for them to contribute their tax increment to the TAD as well as the Board of Education. A small committee has been formed with the County to work on this agreement. The Committee consists of Mayor Jan J. Moore, County Commissioner Chairman Garrett Nevil, County Attorney Jeff Akins, City Attorney Alvin Leaphart, County Manager Tom Couch and Acting City Manager Robert Cheshire. Bruce Young who is not associated with the City or the County will act as a mediator.

City Managers Comments

Acting City Manager Robert Cheshire stated he is promoting Van Collins to Director of Water/Wastewater starting February 3, 2016.

Public Comments (General): None

Consideration of a Motion to approve an employment agreement between the Mayor and City Council of Statesboro and W. Keith Barber for serving as the Judge of the Municipal Court of the City of Statesboro.

Councilman Riggs made a motion seconded by Councilman Boyum to approve an employment agreement between the Mayor and City Council of Statesboro and W. Keith Barber for serving as the Judge of the Municipal Court of the City of Statesboro. Councilman Boyum, Jones, Yawn and Riggs voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to Adjourn

Councilman Riggs made a motion, seconded by Councilman Boyum to adjourn the meeting. Councilman Boyum, Jones, Yawn and Riggs voted in favor of the motion. The motion carried by a 4-0 vote.

The meeting was adjourned at 12:05 pm.



**CITY OF STATESBORO
CITY COUNCIL WORK SESSION MINUTES
February 02, 2016**

A work session of the Statesboro City Council was held on February 02, 2016 at 5:00 pm in the Council Chambers at City Hall. Present were Mayor Jan Moore; Council Members: Phil Boyum, Sam Lee Jones, Jeff Yawn and John Riggs. Also present was City Clerk Sue Starling, City Attorney Alvin Leaphart.

Also present were City of Statesboro Department Heads as well as citizens and news media.

The meeting was called to order by Mayor Jan Moore.

The following topics were discussed.

A) Discussion of changes to Chapter 6 (Alcohol) of the Code of Ordinances

City Attorney Alvin Leaphart updated Council regarding proposed changes to the alcohol ordinance. Some of the topics for discussion were creating an alcohol advisory board and how to monitor an establishment for over 21 years of age after certain hours. The biggest discussion, which lasted one hour and 45 minutes, was whether or not to require an alcohol beverage service permit for a \$50.00 fee every 1 or 2 years and what kind of training would be required.

The Advisory Board would consist of 6 members who would serve a 2 year term. The members would be chosen by Mayor and Council.

Director of the DSDA, Allen Muldrew opened a discussion regarding Eagle Brewery and the option to have open containers at certain events in the downtown area.

The meeting was adjourned at 7:35pm.



**CITY OF STATESBORO
Called Council Minutes
February 08, 2016**

A called meeting of the Statesboro City Council was held on February 8th, 2016 at 4:00p.m in a classroom at GSU/City Campus. Present were Mayor Jan J. Moore, Council Members: Phil Boyum, Sam Lee Jones, Jeff Yawn, John Riggs and Travis Chance. Also present were Deputy City Manager Robert Cheshire, Assistant City Clerk Leah Harden, City Attorney Alvin Leaphart.

The meeting was called to order by Mayor Jan J. Moore.

Consideration of a Motion to enter into Executive Session to discuss “Personnel Matters” in accordance with O.C.G.A. §50-14-3(2012)

At 4:01 p.m. Councilman John Riggs made a motion seconded by Councilman Phil Boyum to enter into executive session. Councilman Boyum, Jones, Yawn Riggs and Chance voted in favor of the motion. The motion carried with a 5-0 vote

At 6:42 p.m. Councilman Travis Chance made a motion seconded by Councilman John Riggs to exit executive session. Councilman Boyum, Jones, Yawn Riggs and Chance voted in favor of the motion. The motion carried with a 5-0 vote

Consideration of a Motion to Adjourn.

Councilman Chance made a motion seconded by Councilman Riggs to adjourn the meeting. Councilman Boyum, Jones, Yawn Riggs and Chance voted in favor of the motion. The motion carried with a 5-0 vote

The meeting was adjourned at 6:43 p.m.



City of Statesboro – Department of Community Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
Statesboro, Georgia 30458

» (912) 764-0630
» (912) 764-0664 (Fax)

RZ 16-01-01
ZONING MAP AMENDMENT REQUEST
109 BROAD STREET

LOCATION: 109 Broad Street

REQUEST: Rezone from R6 (Single-Family Residential) to R4 (High Density Residential) to allow for the utilization of the property as a group home.

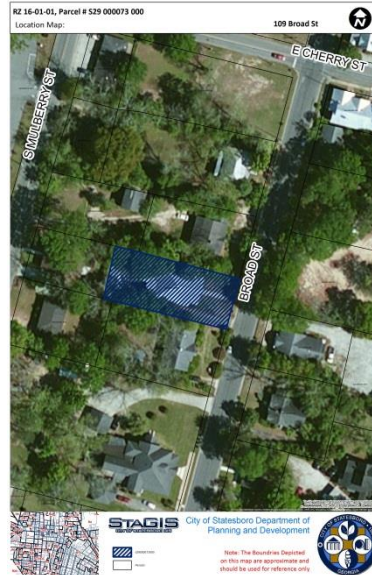
APPLICANT: ARCH Recovery, LLC

OWNER(S): Cartee Investments LLC

LAND AREA: 0.21 acres

PARCEL TAX MAP #s: S29 000073 000

COUNCIL DISTRICT: 2 (Jones)



PROPOSAL:

The property owner requests a zoning map amendment to allow for the utilization of the residential property located at 109 Broad Street to be occupied by more than three (3) unrelated adults for the use of a group home. The subject site is currently zoned R6 (Single Family Residential) which limits usage to single family residences. Section 201(11) provides that unless all members are related by blood, marriage or adoption, no such family shall contain over three (3) persons. (See **Exhibit A** – Location Map, **Exhibit B** – Photos of Subject Site)

BACKGROUND:

The 0.21 acre single lot contains a 2,524 square foot, four (4) bedroom residence and has had multiple rezoning requests (See **Exhibit C** – BC Property Tax & Zoning Information). The first request was in 2006 when the property was requested to be rezoned from R4 (High Density Residential District) to CBD (Central Business District). This request was for the purpose of allowing the operation of a daycare center at the location. This request was tabled by City Council in December of 2006 because the applicant had not received approval from the property owner to file the application and the request was never pursued.

In 2007 a zoning map amendment was submitted requesting that the property be rezoned from R4 (High Density Residential District) to R6 (Single Family Residential) for the purpose of preserving the property for single-family use. In April 2007, City Council approved the requested zoning map amendment. However, all but one (1) surrounding properties remained in the R4 (High Density Residential) zoning district.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R4 (High Density Residential)	Single Family Homes
SOUTH:	R4 (High Density Residential)	Single Family Homes
EAST:	R4 (High Density Residential)	Single Family Homes
WEST	R6 (Single Family Residential)	Single Family Homes

The subject property is located in a residential area with the property's boundaries surrounded by single family homes. The property is also located within the Downtown Statesboro Developmental Authority (DSDA) boundary as well as the Tax Allocation District (TAD) boundary.

COMPREHENSIVE PLAN:

The subject site lies within the "Urban Core/Downtown" character area as identified by the City of Statesboro 2014 Future Development Map within the City of Statesboro Updated 2014 Comprehensive Plan (**Exhibit D-2014 Future Development Map**).

Vision:

Downtown is the historic core of the city and should remain the activity and cultural hub of the region. In the Urban Core, Traditional development patterns of buildings along the sidewalk and a lively streetscape should be respected and promoted. Historic buildings should be protected from demolition or inappropriate restoration which can degrade the architectural details of the structures. Additional residential opportunities, especially in the form of lofts or other residential over retail, should be promoted. Street-level uses should be reserved for retail, entertainment, or similar high activity uses.

Appropriate Land Uses:

- Neighborhood services
- Range of housing styles & price points
- Multifamily Residential
- Loft, mixed use, and urban residential, including small lot single-family residential along secondary streets
- Multi-story buildings with retail on the street and office/residential above

Suggested Development & Implementation Strategies:

- Historic structures should be preserved or adaptively reused wherever possible.
- Encourage mixed-use infill and redevelopment. Uses should typically transition across the rear of properties instead of across the street to soften the transition and maintain appropriate streetscapes.
- Economic development strategies should continue to nurture thriving commercial activity.

Statesboro Updated 2015 Comprehensive Plan, Community Agenda page 14.

TAX ALLOCATION DISTRICT (TAD) REDEVELOPMENT PLAN:

The subject sites also fall within the boundaries of the Tax Allocation District (TAD). The goal of the TAD is to "encourage the private redevelopment of outmoded, highway-oriented commercial development into pedestrian friendly, mixed use centers to achieve the vision set forth in the 2011 Statesboro Downtown Master Plan and 2009 and 2014 Comprehensive Plans." The plan does not set forth suggestions specific to this subject site. The parcel has a tax value of \$132,364 and is listed in the TAD under Appendix B (page 45) (See **Exhibit E**—List of Parcels Included in the TAD).

DOWNTOWN STATESBORO DEVELOPMENT AUTHORITY (DSDA) MASTER PLAN:

The 2011 DSDA Locational Guidance for Redevelopment Initiatives Land Use Map places the subject site within zone 10 with targeted use/enhancements identified as residential, institutional and mixed use. This area is considered to be secondary as importance level, as it operates as a supportive element to downtown development. Implementation strategies recommend ensuring that residential and office uses continue with minimal conflict and that land use decisions and strategies contribute to neighborhood stabilization and the maintenance of housing stock. (See **Exhibit F**—Locational Guidance/Zone Implementation Table).

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

The subject site is currently served by city services including water, sewer, sanitation, and public safety. No significant impact is expected on city services as a result of this request.

ENVIRONMENTAL:

The subject property does not contain wetlands and is not located in a special flood hazard zone. There is no expected environmental impact associated with this request. Any potential issues will be brought forth and discussed during standard permitting and review procedures.

ANALYSIS:

The 0.21 acre site is currently zoned R6 (Single Family Residential). The site contains a 2,524 square foot, four-bedroom residential building that has been used in the past as a rental residence and is currently vacant. The surrounding properties are R4 (High Density Residential) District (See **Exhibit C**—Bulloch County Property Tax & Zoning Information).

A group home is generally defined as a home where a small number of unrelated people in need of support or supervision reside together. Group homes do not offer any personal services such as medical care, baths, etc. but may offer moral and residential support, transportation assistance, etc.

The Statesboro Zoning Ordinance defines “family” as one or more persons occupying a single dwelling unit, provided the dwelling is located in R-6, R-8, R-10, R-15, R-20, R-30, or R-40 district and provided that unless all members are related by blood, marriage or adoption no such family shall contain over three persons. In addition, a related family may have up to two unrelated individuals living with them. The term “family” does not include any organization or institutional group.

In this case, a group home is not a use permitted by right within the R6 (Single Family residential) zoning district; however, the *Statesboro Zoning Ordinance* lacks regulations providing guidance as to which zoning district for which this type of use is permissible. Implementation of the Statesboro Zoning Ordinance as a whole leads staff to the opinion that a group home is restricted to high density and industrial related districts; therefore, the proposed use by the applicant necessitates approval by the Mayor and City Council as for previous applicants.

Applicant originally filed an application for a variance request, but upon review, staff determined that a special exception was the appropriate request and processed the review accordingly. At the scheduled council meeting for review of the request, the applicant withdrew the application for a special exception and voiced his intention to seek a zoning map amendment. Staff understands that the applicant believes a zoning map amendment would better serve his needs as the definition of family and the restriction of no more than three (3) unrelated people does not apply in the R4 zoning district.

Additionally, the review of the special exception request previously filed by the applicant did raise the question of whether the property had been spot zoned. Spot zoning is the application of a zoning district to a single parcel where the immediate areas surrounding that parcel are governed by a different land use classification (zoning). Spot zoning is generally considered to be in contradiction of a City’s comprehensive plan (vision for its future) as well as the basic tenant of its zoning ordinance (separation of uses) and should be avoided without a showing of just cause.

Department files indicate that the property was previously zoned R4 and was zoned to its current R6 in 2007 in an effort to transition the neighborhood to single family zoning and have the zoning classification equate to the usage in the area. This did not happen and the neighborhood continues to be zoned R4- high density residential while primary usage continues as single family residential. This site, and the one immediately behind it, are the only ones in the area bearing the R6 zoning district.

Staff suggests that a zoning map amendment to R 4 would be appropriate here if Council were to make a finding that the requested rezone is in line with present conditions and the projected future needs of the City for this area as articulated within the land use plans applicable to the subject site.

Section 2007 of the Statesboro Zoning Ordinance requires that council consider the following criteria in a zoning change while “balancing the promotions of the public health, safety, morality [morals] and general welfare against the right of unrestricted use of property:”

- 1. Existing uses and zoning or [of] property nearby.**
 - The property is surrounded by R-4 (high density residential) zoning districts with the exception of the rear of the site which is zoned R6 (Single Family Residential).
 - Note: These parcels were originally a single parcel that was rezoned from R4 (High Density Residential) to R6 (Single Family Residential).
- 2. The extent to which property values are diminished by the particular zoning restrictions.**
- 3. The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.**
- 4. The relative gain to the public, as compared to the hardship imposed upon the property owner.**
- 5. The suitability of the subject property for the zoned purposes.**
 - The existing structure contains three bedrooms, plus a fourth room that could be converted to a bedroom.
- 6. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.**
 - The property is developed, but currently unoccupied.
- 7. The extent the proposed change would impact population density in the area, community facilities, living conditions in the area, traffic patterns and congestion, environmental aspects, existing and future land use patterns, and property values in adjacent areas.**
- 8. Consistency with other governmental land use, transportation, and development plans for the community.**

STAFF RECOMMENDATION:

Staff recommends approval of the requested zoning map amendment as the request is consistent with the land use and development plans for the area and would contribute to the removal of any spot zoning issues for the area.

PLANNING COMMISSION RECOMMENDATION:

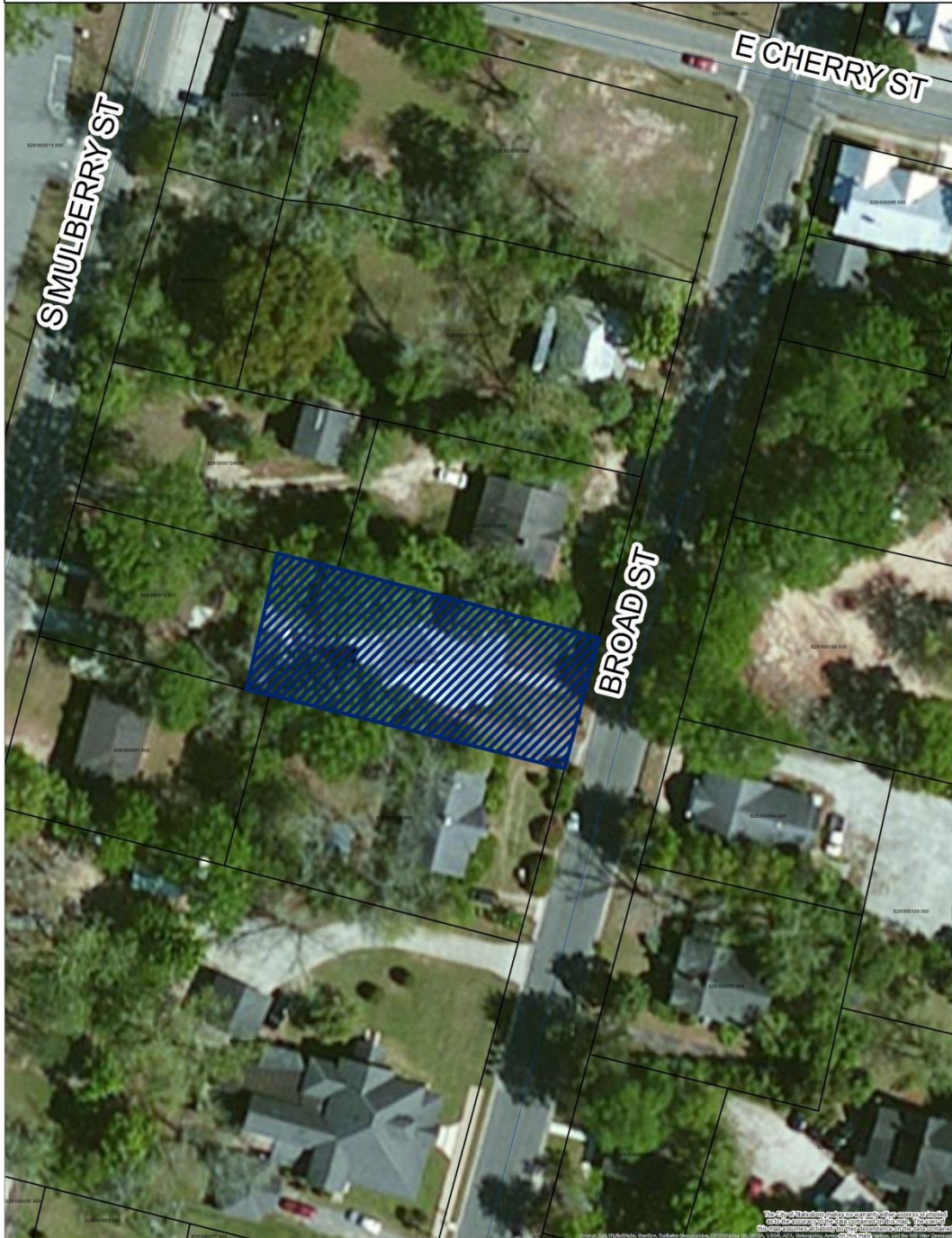
At its regular meeting, Tuesday, February 2, 2016, the Planning Commission voted, 5 to 1, to recommend approval of RZ 16-01-01.

EXHIBIT A: LOCATION MAP

RZ 16-01-01, Parcel # S29 000073 000

Location Map:

109 Broad St



STAGIS
CITY OF STATESBORO GIS

City of Statesboro Department of
Planning and Development



Note: The Boundries Depicted
on this map are approximate and
should be used for reference only

EXHIBIT B: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY.



Figure 1: The Subject Property from Broad Street



Figure 2: Property north of Subject Site on Broad Street.

EXHIBIT B: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY CONT'D



Figure 4: Property South of Subject Site on Broad Street.



Figure 4: Property across from Subject Site on Broad Street.

EXHIBIT C: BULLOCH COUNTY PROPERTY TAX & ZONING INFORMATION

12/29/2015

qpublic7.qpublic.net/ga_display.php?county=ga_bulloch&KEY=S29 000073 000



[Recent Sales in Neighborhood](#) [Recent Sales in Area](#) [Previous Parcel](#) [Next Parcel](#) [Field Definitions](#) [Return to Main Search Page](#) [Bulloch Home](#)

Owner and Parcel Information

Owner Name	CARTEE INVESTMENTS LLC	Today's Date	December 29, 2015
Mailing Address	15 S MULBERRY ST	Parcel Number	S29 000073 000
	STATESBORO, GA 30458	Tax District	Statesboro TAD 29.046 (District 08)
Location Address	109 BROAD ST	2015 Millage Rate	
Legal Description	109 BROAD ST/LT 2/PAR B	Acres	0.21
Property Class(NOTE: Not Zoning Info)	R3-Residential	Neighborhood	000023
Zoning	R6	Homestead Exemption	No (S0)
ACC/DES	0 /	GMD	1209
		Parcel Map	Show Parcel Map

2015 Tax Year Value Information

Land Value	Improvement Value	Accessory Value	Total Value	Assessed Value
\$ 9,542	\$ 68,254	\$ 3,114	\$ 80,910	\$ 32,364

Land Information

Type	Description	Calculation Method	Frontage	Depth	Acres	Photo
RES	0023 - REGULAR - 1	Front Feet	65	142	0.21	NA

Improvement Information

Style	Heated Sq Ft	Interior Walls	Exterior Walls	Attic Area Sq Ft	Basement Area Sq Ft	Year Built	Photo
Other	2,524	Other	Alum/Vinyl	0	0	1945	Building Images
Roof Type	Flooring Type	Heating Type	Rooms Bedrooms/Bathrooms/Extra Plumbing	Value	Cond	Number Fire Pl	Sketch
Other	Other	CENT AIR-ELEC-WARM AIR	7/4/2.0/3	\$ 68,254	Good	2	Sketch Building 1

Accessory Information

Description	Year Built	Dimensions/Units	Value
Utility Shed, Frame	1993	18x21 0	\$ 1,181
Carport	1993	18x21 0	\$ 1,933

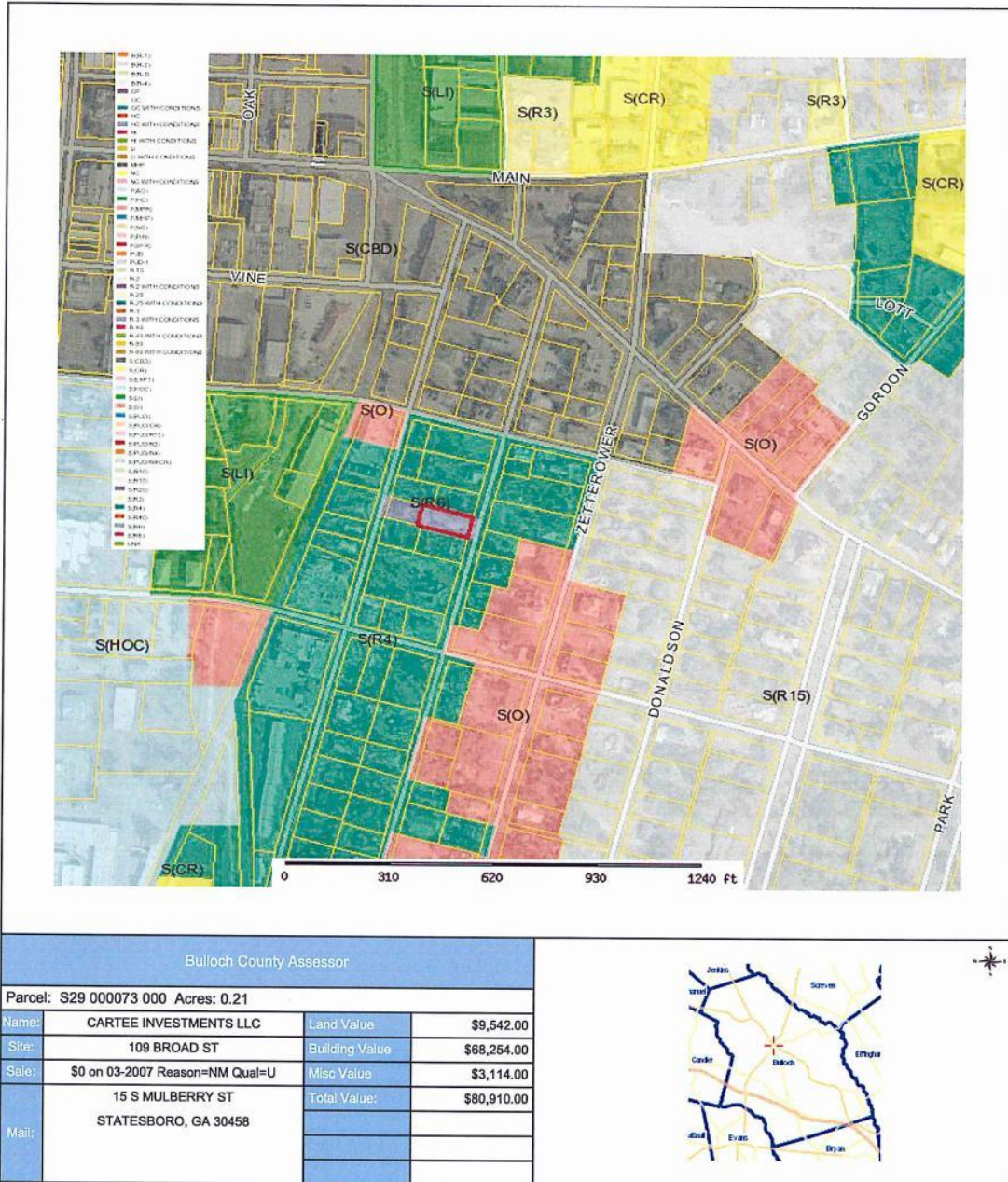
Sale Information

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
No sales information associated with this parcel.						

http://qpublic7.qpublic.net/ga_display.php?county=ga_bulloch&KEY=S29%20000073%20000

1/2

EXHIBIT C: BULLOCH COUNTY PROPERTY TAX & ZONING INFORMATION CONT'D



The Bulloch County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER BULLOCH COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS —THIS IS NOT A SURVEY—
Date printed: 12/31/15 : 08:51:46

EXHIBIT D: 2014 CITY OF STATESBORO FUTURE DEVELOPMENT MAP

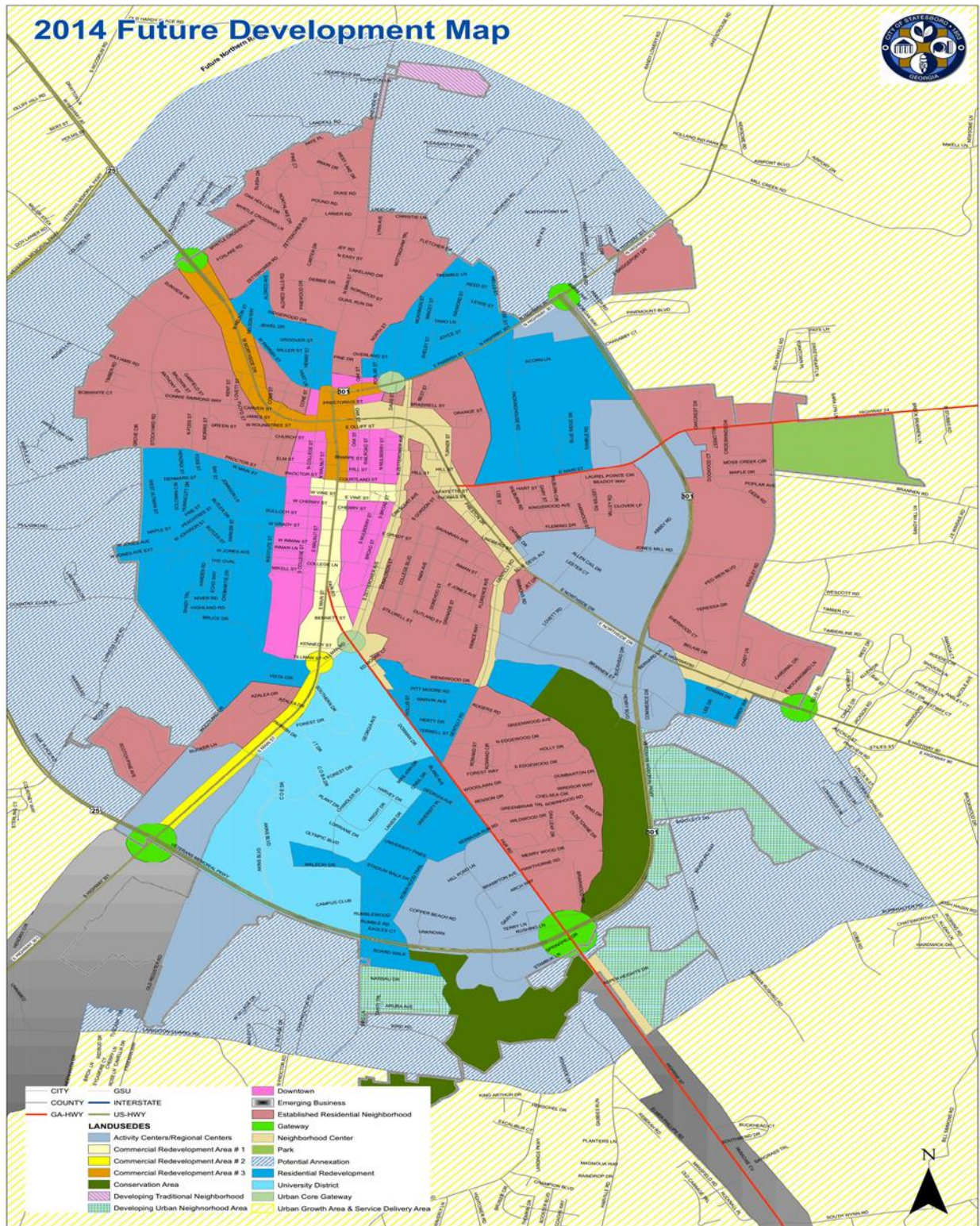


EXHIBIT E: TAX ALLOCATION DISTRICT (TAD) LIST OF PARCELS, PG. 45

City of Statesboro Tax Allocation District #1: South Main Redevelopment Plan

2014

GEOPIN	PARCEL_NO	Legal Description	DIG CLASS	TAXD ISTRIC	Appraised Vaue	Assessed Value	Tax Value
7878-58-1970	S29 000053 000	214 S MULBERRY ST/PT LT 20	R	1	71,542	28,617	28,617
7878-58-2512	S30 000036 000	225 BROAD ST	R	1	69,011	27,604	27,604
7878-58-2631	S29 000085 000	223 BROAD ST	R	1	58,355	23,342	23,342
7878-58-2659	S29 000084 000	221 BROAD ST	R	1	63,722	25,489	25,489
7878-58-2778	S29 000083 000	217 BROAD ST	R	1	93,214	37,286	37,286
7878-58-2896	S29 000082 000	215 BROAD ST/JOHNSON	R	1	56,125	22,450	22,450
7878-58-2909	S29 000054 000	212 S MULBERRY ST	R	1	54,117	21,647	21,647
7878-58-3925	S29 000081 000	213 BROAD ST	R	1	61,534	24,614	24,614
7878-59-0361	S29 000045 000	OFFICE/EAST GRADY STREET	E	1	75,700	30,280	0
7878-59-0888	S29 000028 001	0.22 AC/PAR B	E	1	83,575	33,430	0
7878-59-1568	S29 000009 000	MULBERRY & E GRADY	C	1	26,280	10,512	10,512
7878-59-2027	S29 000055 000	210 S MULBERRY ST	R	1	56,873	22,749	22,749
7878-59-2157	S29 000056 000	208 S MULBERRY ST	R	1	88,118	35,247	35,247
7878-59-2352	S29 000057 000	EAST GRADY STREET	E	1	33,500	13,400	0
7878-59-2701	S29 000010 000	111 S MULBERRY ST	R	1	53,756	21,502	21,502
7878-59-2717	S29 000011 000	109 S MULBERRY ST	R	1	53,712	21,485	21,485
7878-59-2844	S29 000012 000	107 MULBERRY ST	R	1	60,182	24,073	24,073
7878-59-2986	S29 000013 000	APTS/103 S MULBERRY ST	R	1	181,367	72,547	72,547
7878-59-3053	S29 000080 000	211 BROAD ST PART LT 18	R	1	53,147	21,259	21,259
7878-59-3173	S29 000079 000	207 BROAD ST	R	1	84,962	33,985	33,985
7878-59-3321	S29 000058 000	110 E GRADY STREET	R	1	11,054	4,422	4,422
7878-59-3409	S29 000060 000	HART/107 E GRADY /	R	1	112,128	44,851	44,851
7878-59-3478	S29 000059 000	109 E GRADY ST	R	1	54,126	21,650	21,650
7878-59-3794	S29 000061 000	110 MULBERRY ST/RENTAL	R	1	55,449	22,180	22,180
7878-59-4218	S29 000078 000	ROWSE EST/114 E GRADY ST	R	1	85,090	34,036	34,036
7878-59-4465	S29 000077 000	111 E GRADY ST	R	1	79,532	31,813	31,813
7878-59-4630	S29 000076 000	115 BROAD ST	R	1	150,053	60,021	60,021
7878-59-4789	S29 000073 000	109 BROAD ST/LT 2/PAR B	R	1	80,910	32,364	32,364
7878-59-4801	S29 000073 001		R	1	110,461	44,184	44,184
7878-59-4828	S29 000072A000	106 S MULBERRY ST	R	1	20,349	8,140	8,140
7878-59-4926	S29 000062 000	104 S MULBERRY ST	R	1	27,985	11,194	11,194
7878-59-5710	S29 000074 000	LT 3 BROAD ST	R	1	59,110	23,644	23,644
7878-59-5854	S29 000072 000	107 BROAD ST	R	1	45,456	18,182	18,182
7878-59-5953	S29 000071 000	105 BROAD ST/ADKINS	R	1	61,714	24,686	24,686
7878-86-3752	S53 000001 000	SALLY ZETTEROWER SCHOOL	E	1	2,846,200	1,138,480	0
7879-20-5083	S11 000116 000	130 BULLOCH ST	R	1	13,662	5,465	5,465
7879-20-6799	S18 000175 000	CLUB ZONE/1.37 AC	C	1	445,550	178,220	178,220
7879-20-7236	S18 000171A000	2.24 AC	E	1	94,080	37,632	0
7879-20-8033	S19 000115 000	126 BULLOCH ST	R	1	5,100	2,040	2,040
7879-20-8306	S18 000171 000	0.50 AC / PAR 2	C	1	22,885	9,154	9,154
7879-20-8584	S18 000172 000	1.13 AC / PAR 1	R	1	24,600	9,840	9,840

Appendices

45

EXHIBIT F: LOCATIONAL GUIDANCE/ZONE IMPLEMENTATION TABLE

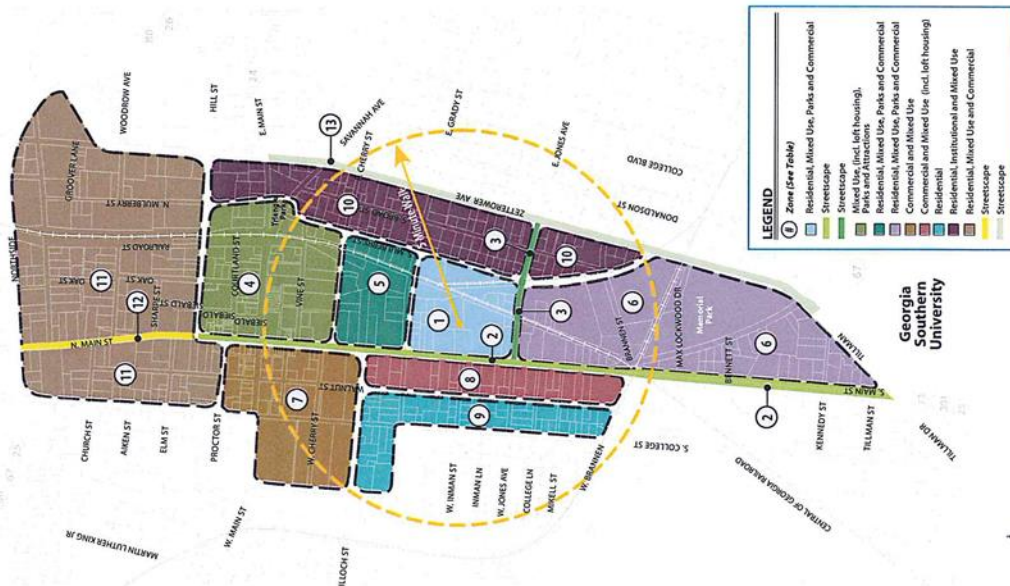
Locational Guidance for Redevelopment Initiatives

The primary purpose of this section is to provide a locational framework for implementing redevelopment initiatives as part of the master plan. This framework is intended to offer guidance and basic parameters related to the general location of redevelopment opportunities and enhancement projects within the DDA. Leveraging the existing assets of Statesboro's downtown and the community in an efficient, market-sensitive and contextual manner that will support a variety of redevelopment projects and initiatives are outlined below. Community assets include:

- Georgia Southern University
- The public and private realms of the downtown core
- Properties owned or controlled by the City of Statesboro and the DSDA
- Programmatic and Funding Elements (example: municipal events and functions, public funding strategies, existing initiatives and public/private partnerships, etc.)
- Vehicular and Pedestrian thoroughfares
- Property acquisition opportunities (i.e., vacant land, underdeveloped, unoccupied or substandard structures)

Based on the process utilized to create this master plan, a number of redevelopment opportunities are evident. These elements provide the basis for the locational framework and guidance identified herein.

- Georgia Southern University students and faculty are an important factor in shaping redevelopment opportunities downtown
- Parks, open space and public common areas are a primary consideration in programming new uses in the DDA
- Safe and efficient modes of pedestrian and bicycling circulation (including the potential for transit) are a critical component for evaluating the implementation of new projects within the DDA
- Developing elements that support local and regional destinations with respect to downtown Statesboro is a key redevelopment initiative



Locational / Zone Implementation

**An Ordinance Amending Chapter Eighteen of the Statesboro Code of Ordinances
(Temporary Vendors and Transient Merchants)**

WHEREAS, the Mayor and City Council have determined there is sufficient reason and need to amend Chapter 18 of the Code of Ordinances, City of Statesboro, Georgia to promote the general welfare of the citizens of Statesboro;

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Statesboro, Georgia, in regular session assembled as follows:

Section 1:

Chapter 18 of the Code of Ordinances, City of Statesboro, Georgia is hereby amended by adding the following pertaining to temporary vendors and transient merchants, including garage, yard, and stall sales, temporary businesses, and seasonal sales:

ARTICLE X. Temporary Vendors and Transient Merchants

Sec. 18-285. - Definitions.

As used herein, the following words or phrases shall have the following meaning:

Garage sale/yard sale means the display and offer for sale of any goods, wares or merchandise, on the premises of any residential lot within the city limits of the city, which goods, wares or merchandise are household furnishings or personal possessions of persons residing in the household upon which they are displayed and offered for sale, under circumstances where many such items are displayed upon the premises at the same time, and persons are invited to come upon the premises to view such items for the purpose of sale.

Nonprofit organization means a registered 501(c)(3) non-taxable organization or agency.

Permit means the privilege granted by the City to engage in business as a temporary Business within the corporate limits of the City of Statesboro. Evidence of such shall be in the form of a license document issued by the City.

Personal property means property which is owned, utilized, and maintained by an individual or members of his or her own residence and acquired in the normal course of living or in maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

Seasonal Sales shall mean a sale characteristic of a time that recurs or repeats over a year period and are generally associated with an event unique to that time of year. Seasonal Sales may include the Summer Produce Season, Fall Harvest, and Christmas.

Temporary business means the sale of goods or services by a person or business being operated out of a vehicle, trailer or tent/other similar temporary structure or in the open air for a specified period of time. A Temporary Business will generally NOT involve the erection of a permanent structure. A household selling its personal property at the residential location of that household is *not* a temporary business.

Tent means a portable shelter consisting of canvas or other material stretched over poles or other like devices attached to stakes or anything suggestive of a portable shelter.

Transient vendor means any person, firm or corporation whether as owner, agent or employee that sells, offers or exhibits for sale any goods, wares or services from private premises, but remains at one place for a temporary period only.

Sec. 18-286. - Temporary business; temporary vendor license and occupation tax certificate required.

Any person desiring to operate a temporary business within the City shall be required to obtain a Temporary Vendor Permit and shall be subject to all provisions set forth herein. It shall be unlawful for any person, agent, servant or employee of any person to engage in, carry on or conduct a temporary business without having first obtained a permit as provided herein.

Sec. 18-287. - Garage, yard, or stall sales; temporary vendor license and occupation tax certificate required.

Any person desiring to sell personal property of every kind and character, not at their own residence, shall obtain a Temporary Vendor Permit and shall be subject to all provisions set forth herein.

- (a.) It shall be unlawful for any person, agent, servant or employee of any person to engage in, carry on or conduct a garage, yard, or stall sale, not at their own residence, without having first obtained a permit as provided herein. All merchandise or items associated with any sale shall be removed immediately at the end of the sale.
- (b.) It shall be unlawful for any person to hold a garage sale except upon premises to which he has the right to possession and of which he is a member of the household. It shall be unlawful to hold a garage sale of longer duration than ~~three~~ two (2) consecutive days.
- (c.) Garage/yard sales, where permitted, shall not exceed two (2) consecutive days for each yard sale. A garage/yard sale on a particular property shall not occur more frequently than four (4) times annually. All merchandise must be the property of those holding the sale and not be purchased for the purpose of resale.

Sec. 18-288. - Application for temporary vendor permit required.

Any person required to procure a temporary vendor permit under the provisions of this Article shall submit an application for such permit to the City of Statesboro upon a form to be supplied by the City. The application shall include, but shall not be limited to the following information:

- (a.) Name under which business is to be conducted and the business's state of incorporation;
- (b.) Name of the applicant;

- (c.) Permanent residential address of applicant and length of time at such address;
- (d.) Address where business is to be conducted;
- (e.) Property owner's name, address, telephone number and email address;
- (f.) **Written consent of property owner for the use of the property in the nature of that applied for, or his agent and any conditions to lease agreement;**
- (g.) Nature of the business;
- (h.) Type of merchandise;
- (i.) Description and number of vehicles and/or tents to be used;
- (j.) Dates and times within which the temporary business or garage, yard or stall sale will be operated;
- (k.) Name and contact information of the person and/or persons who will be in direct charge of conducting the temporary business or garage, yard or stall sale.
- (l.) Site plan clearly demonstrating the property; the layout of any temporary structures; or parking; toilet facilities; ingress/egress; drive lanes; and any other proposed use of area including the division of property into "stalls" or other defined areas.

Sec. 18-289. - Fees.

Regulatory fees, administrative fees, and/or application fees for Temporary Vendor Permits shall be levied in accordance with the most recently adopted Schedule of Fees or as otherwise adopted by the City of Statesboro Mayor and City Council.

Sec. 18-290. - Exemptions.

The following shall be exempt from the provisions of this Article:

- (a.) Participants in any City or other governmental agency sanctioned event.
- (b.) Any nonprofit organization sanctioned event provided that:
 - (1.) No sale shall last more than two consecutive days.
 - (2.) All merchandise or items associated with any sale shall be removed immediately at the end of the sale.
 - (3.) No more than ~~two~~ four (4) events per property, per year, may be held.
- (c.) Any person desiring to sell personal property of their own and at their own residence provided that:
 - (1.) No sale shall last more than two consecutive days.
 - (2.) No more than two sales of own personal property at each own residence within a 30-day period; and no more than four times per year total.
 - (3.) All merchandise or items associated with any sale shall be removed immediately at the end of the sale.

Sec. 18-291. - Transfer of Temporary Vendor Permit.

A Temporary Vendor Permit issued hereunder shall not be transferable.

Sec. 18-292. - Location.

- (a.) Any Temporary Business which sells its goods or services from more than one location within the City shall submit a separate application for each location and pay a separate fee for each location.
- (b.) Any Business regulated hereunder which moves to another location after the expiration of the temporary period shall obtain a new Temporary Vendor Permit from the City and pay the required fees for such permit.
- (c.) Temporary Vendors may only locate in zones allowing commercial or industrial uses; Temporary Vendors and Transient Merchants shall not locate within the right-of-way.

Sec. 18-293. - Regulations.

- (a.) The premises where such Temporary Business is located shall be kept in a clean and sanitary condition. Premises shall be returned to their original state at the expiration of the Temporary permit.
- (b.) The Temporary vendor shall have sufficient parking on the premises to provide parking for the customers and must not allow parking on the streets or adjoining property. Parking plans and ingress/egress plans must be approved by the City Engineer for safety.
- (c.) The vendor may not sell any goods or services by means of any outcry, sound, speaker or amplifier of any kind.
- (d.) The Temporary Vendor Permit shall be posted in conspicuous location at the Temporary Business site. License shall be shown to any peace officer or agent of the City of Statesboro or State of Georgia requesting it.
- (e.) Any structures or mobile units utilized by the Vendor shall comply with all fire and life safety code provisions and any additional requirements established by the authority having jurisdiction.
- (f.) The vendor shall not be located within any public right of way.
- (g.) Any Temporary Vendor or Transient Merchant required to obtain health permits, bonds, certificates of qualification, certificates of competency, state licensing, zoning approval, fire approval, certificates of occupancy, or other regulatory matter, shall first, before the issuance of a Temporary Vendor Permit or Occupation Tax Certificate, show evidence of such qualification, if such is required.
- (h.) Any temporary business operating with duration of more than two consecutive days shall provide proper sanitary facilities consisting of one lavatory with running water for each ten thousand square feet of utilized site area. There shall be one or more hose connections to an adequate supply of water for each ten**

thousand square feet of utilized area and located so that all parts may be serviced by a hose. The Building Official shall approve such facilities.

(i.) Temporary Businesses shall not infringe upon the use or enjoyment of the public right of way or neighboring properties.

Section 18-294: Grounds for disapproval or revocation of Permit

(a) Temporary Permits may be suspended or revoked, or applications for such may be denied by the City of Statesboro upon a determination that the Temporary Business or the site upon which it is located is deemed a public nuisance or has become detrimental to surrounding businesses and/or the public.

(b) Conducting or proposing to conduct a Temporary Businesses in an unlawful manner, in violation of this chapter, or in any manner which constitutes a breach of the peace, or acts as a menace to the health, safety, or general welfare of the public shall constitute a public nuisance.

(h.) Notice of such a determination shall be delivered to the permit holder and posted at the site. Any suspension or revocation may be appealed to the City council by filing a written notice of appeal to the City Clerk within ten (10) days of the date of the revocation of suspension. The City Clerk shall schedule a hearing before the Mayor and City Council of the City of Statesboro within thirty (30) days of receipt of the Notice of Appeal.

Sec . 18-294. Seasonal Sales.

A person selling only seasonal merchandise associated with the following recognized seasons may qualify for a Seasonal Sales Permit, rather than a Temporary Vendor Permit: Summer Produce Season; Fall Harvest; and Christmas.

- a. For the purposes of this exception to this subsection seasonal merchandise does not include food, produce flowers balloons, and general retail items detailed with holiday accents, decorations, or other accessories.
- b. Seasonal Sales must abide by the same regulations of Temporary Vendors.
- c. Seasonal Sales may be permitted for a period of no more than 45 days immediately surrounding the season for which the permit is applied for.
- d. No Seasonal Sale vendor shall be issued more than two (2) Seasonal Sale Permits per calendar year.
- e. No property site shall be issued more than two (2) Seasonal Sale Permits per calendar year.

Sec. 18-294. - Signs.

Any signs erected in conjunction with the operation of a Temporary Business must be permitted in accordance with Statesboro Zoning Ordinance.

Sec. 18-____. — Toilet Facilities.

Any temporary business with a duration of more than two consecutive days shall provide proper sanitary facilities consisting of one lavatory with running water for each ten thousand square feet of utilized site area. There shall be one or more hose connections to an adequate supply of water for each ten thousand square feet of utilized area and located so that all parts may be serviced by a hose.

Sec. 19-296. - Penalties for operation without a Temporary Vendor Permit.

Any Temporary Business or Temporary Vendor which operates within the City without first registering with the City and obtaining a Temporary Vendor Permit as provided herein shall be charged with violation of this ordinance. Each day any violation of this article shall continue shall constitute a separate offense.

Sec. 18-297. - Revocation of a Temporary Vendor Permit.

Any Temporary Vendor Permit issued to conduct a Temporary Business may be revoked by the City Clerk due to the failure of the vendor, his agent or employees to comply with the provisions herein; fraud, misrepresentation or false statement contained in the application for license; **or for any violation of any other ordinance of the City or of any state or federal law.**

Sec. 18-298. - Duration

Any Temporary Vendor Permit issued to a Temporary Business shall be valid for the dates stated upon the Temporary Vendor Permit or 30 consecutive days, whichever is shorter.

Sec. 18-299. - Limits of issuance.

~~(a.) No Temporary Vendor or Transient Merchant shall be issued more than three (3) Temporary Vendor Permits per calendar year.~~

~~No property site shall be issued more than three Temporary Vendor Permits per calendar year.~~

~~(b.) r.~~

~~—No Temporary Business nor any property site shall be issued Temporary Vendor Permits for more than ninety (90) days in any calendar year.~~

OR

~~(a)~~ Any Temporary Business or Temporary Vendor, as defined by this ordinance, ~~in existence-~~ licensed by the City of Statesboro at the time of adoption of this Ordinance which violates or does not conform to the provisions hereof (hereafter, a “pre-existing, non-conforming Temporary Business or Temporary Vendor”) shall conform to the provisions of this Ordinance within a period of ~~three (3)~~ two (2) years from said adoption of this Ordinance.

~~(b)~~ The City Council may grant an extension of time for continued operation after the conclusion of the amortization grace period if the owner of the pre-existing non – conforming Temporary Business proves that he is unable to recoup his investment in such enterprise by that date. In order to secure an extension of time, the Temporary Business or Temporary Vendor must submit a written request for such extension at least sixty (60) days prior to the expiration of the three year amortization grace period.

Sec. 18-300 – 305. - Reserved.

Section 2. All other sections of the Code of Ordinances, City of Statesboro, Georgia not expressly amended here remain in full force and effect.

Section 3. Should any section, subsection, or provision of this ordinance be rendered invalid by a court of competent jurisdiction, then all other sections, subsections, and provisions of this ordinance shall remain in full force and effect.

Section 4. Except as modified herein, City of Statesboro Code of Ordinances, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter.

Section 5. This ordinance shall be and remain in full force and effect from and after its adoption on two separate readings.

____ First Reading: ~~June 2, 2015~~

Second Reading: ~~June 16, 2015~~

The Mayor and City Council of the City of Statesboro, Georgia

By: Jan J. Moore, Mayor

Attest: Sue Starling, City Clerk

Ordinance #2016-03
An Ordinance Amending Chapter 6 of the Statesboro Code of Ordinances
(Alcoholic Beverages)

WHEREAS, the City has previously adopted an ordinance regulating alcoholic beverages; and

WHEREAS, the Mayor and City Council has determined there is sufficient reason and need to amend Chapter 6 (Alcoholic Beverages) of the Code of Ordinances, City of Statesboro, Georgia;

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Statesboro, Georgia, in regular session assembled as follows:

SECTION 1:

Chapter 6 (Alcoholic Beverages) to the Code of Ordinances of the City of Statesboro is hereby amended in its entirety and shall read as follows:

Sec. 6-1.- Privilege, Not a Right

Sec. 6-2.- Purpose; Intent

Sec. 6-3.- Definitions.

Sec. 6-4.- License and Permits—Required; classes; fees.

Sec. 6-5.- Application procedure; contents of application; contents to be furnished under oath.

Sec. 6-6. - When issuance prohibited.

Sec. 6-7. - General regulations pertaining to all licenses.

Sec. 6-8. - Regulations pertaining to certain classes of licenses only.

Sec. 6-9.- Minors and Persons under 21 years of age

Sec. 6-10. -Employment Regulations for Licensees Selling Alcoholic Beverages for On Premises Consumption.

Sec. 6-11. - Conduct of Hearings Generally.

Sec. 6-12. – Duties of City Clerk Upon Application; Right to Deny License; Right to Appeal Denial.

Sec. 6-13 - Approval by Mayor and City Council; Public Hearing.

Sec. 6-14- Order Required; Disorderly Conduct Prohibited.

Sec. 6-15. - Dive defined; prohibited; penalty for violation.

Sec. 6-16. - Alcohol promotions; pricing of alcoholic beverages.

Sec. 6-17. - Open containers; Sales and Service in Public Areas.

Sec. 6-18. - Furnishing alcoholic beverages in violation of state law.

Sec. 6-19. - Compliance; violations; penalties.

Sec. 6-20. – Excise Tax on Distilled Spirits sold by the drink.

Sec. 6-21. – Excise Tax on the Wholesale of Malt Beverages, Wine, and Distilled Spirits.

Sec. 6-22. – Adoption of Rules and Regulations for the Administration of this Chapter

Sec. 6-1.-Privilege, Not a Right

Nothing in this Chapter shall be construed as giving a person a right to sell or otherwise deal in alcoholic beverages. Manufacture, distribution and sale of alcoholic beverages are declared to be privileges in the City of Statesboro, and not rights.

Sec. 6-2.-Purpose; Intent

This chapter is enacted for the purposes of establishing reasonable and ascertainable standards for the regulation and control of alcoholic beverages in a manner designed to promote the health, safety and general welfare of the community while giving effect to zoning and land use plans, preserving residential areas with reasonable consideration for their character and with the general intent of promoting desirable living conditions and sustaining the stability of neighborhoods and property values. Further, this chapter is designed to permit the manufacture, distribution, dispensation and/or sale of alcoholic beverages by qualified persons within the corporate limits of the City of Statesboro as permitted by Title 3 of the Official Code of Georgia Annotated, O.C.G.A. § 3-3-1, *et. seq.*, as amended, and Title 560, Subtitle 560-2 of the Administrative Code of Georgia, Ga. Comp. R. & Regs. § 560-2-1-.01, *et seq.*, as amended, provided, however, that nothing in the Chapter shall be construed to permit any activity or conduct that is inconsistent with the provisions contained herein, or any other provisions of state, federal or local law that may otherwise apply to a licensee.

Sec. 6-3. - Definitions.

These words and terms shall have the following meanings and, where applicable, be subject to the limitations set forth within such definitions, when used in this Chapter:

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

Alcoholic beverage: Includes all alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine.

Alcohol Treatment Center: Any privately owned, state owned or state operated hospital, community mental health center, or other facility utilized for the diagnosis, care, treatment, or hospitalization of persons who are alcohol dependent and any other hospital or facility within the State of Georgia approved for such purpose by the department.

Bouncer: an individual primarily performing duties related to verifying age for admittance, security, maintaining order, or safety, or a combination thereof as provided for in O.C.G.A. § 3-3-24.1(a)

Brew pub: Any restaurant in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36 for retail consumption on the premises and solely in draft form.

Brewer: A manufacturer of malt beverages.

Broker: Means any person who purchases or obtains an alcoholic beverage from an importer, distillery, brewery, or winery and sells the alcoholic beverage to another broker, importer, or wholesaler without having custody of the alcoholic beverage or maintaining stock of the alcoholic beverage.

Brown bag establishment: Any private club, restaurant, music hall, theater, bowling alley or any other establishment providing food or entertainment in the normal course of business in which the owners or their employees or agents knowingly allow patrons to bring in and consume on the premises the patrons' own alcoholic beverages.

Brown bagging: The act of a patron or patrons entering any private club, restaurant, music hall, theater, bowling alley, or other establishment providing food or entertainment in the normal course of business and bringing in and consuming the patrons' own alcoholic beverages.

Catered Event: An event where alcoholic beverages are served by a licensed caterer for a particular function (i.e. retirement dinner, wedding reception, private party) to which the general public is not admitted where food is served, and the total cost of the food exceeds the cost of alcohol.

Church: A permanent building owned and operated exclusively by a religious organization and publicly designated a church where persons regularly assemble for religious worship which is located on a parcel of property which the Bulloch County Tax Assessor has designated exempt from state ad valorem taxation pursuant to O.C.G.A. § 48-5-4(a)(2.1)(A) and (B). The minimum distance requirements from church buildings shall not apply to space in a shopping center or residences also used for religious purposes.

Crime of moral turpitude: A crime which is contrary to justice, honesty, modesty, good morals or a person's duty to other people. Misdemeanors that are crimes of moral turpitude for the purpose of the chapter include but are not limited to theft, bad checks, shoplifting, making terroristic threats, giving false name to a police officer, false swearing, forgery, fraud or extortion.

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

~~*Doorperson:* The employee of any Class D, E, or F licensee who has the responsibility for and duty of checking the identification of patrons entering the licensed premises for on-premises consumption of alcohol.~~

Drive-through sale: The sale of alcoholic beverages by a Class B or C licensee where the customer remains in his vehicle and where the licensee consummates the sale through a drive-through window affixed to the licensed premises.

Election day: That period of time beginning with the opening of the polls and ending with the closing of the polls.

Financial interest: Includes, but is not limited to, holding any legal or equitable interest in business in indebtedness or security interest in a business.

Growler: means a properly sanitized reusable bottle made of glass that is capable of being sealed with a screw cap and with a plastic collar over the screw cap and is filled at the time of purchase by the customer, by the licensee or employee of the licensed establishment with beer from a keg for off premises consumption.

Hotel: A building or other structure 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 50 or more rooms are used for the sleeping accommodations of such guests, such sleeping accommodations being conducted in the same building or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation. Motels meeting the qualifications set out in this definition for hotels shall be classified in the same category as hotels.

Immediate family: Means any person related to the holder of an alcoholic beverage license within the first degree of consanguinity or affinity as determined according to canon law, which shall include a person's spouse, parents, stepparents, parents-in-law, brothers and sisters, stepbrothers and stepsisters, brothers-in-law and sisters-in-law, children, stepchildren, and children-in-law.

Importer: Means any person who imports an alcoholic beverage into this state from a foreign country and sells the alcoholic beverage to another importer, broker, or wholesaler and who maintains a stock of the alcoholic beverage.

In-room service: Means:

- (a) The delivery of alcoholic beverages in unbroken packages by an employee of a hotel to a registered guest's room or to a registered guest at any location in the same building as the hotel when such alcoholic beverages have been ordered by the guest and when the guest shall be billed for the cost of such alcoholic beverages at the time of delivery and when the sale of such alcoholic beverages is completed at the time of delivery; and
- (b) The provision of a cabinet or other facility located in a hotel's guest room which contains alcoholic beverages and which is provided upon written request of the guest and which is accessible by a lock and key only to the guest and for which the sale of the alcoholic beverages contained therein is deemed to be final at the time except for a credit which may be given to the guest for any unused portion.

Legal alien: A foreign national who possesses a valid United States government-issued I-551 card. An application for I-551 status does not meet the legal alien definition. Any other status which allows a person to enter the United States does not comply with this definition.

Legal resident: A United States citizen or a legal alien.

Licensed alcoholic beverage caterer: Any restaurant that holds a class D, E, or F alcoholic beverage license issued under this chapter and who otherwise qualifies with the provisions set forth in O.C.G.A. Title 3, Chapter 11 regarding caterers who also obtains a Class J alcoholic beverage license.

Licensed premises: Includes all the space or area owned, leased and/or controlled by the licensee and used for the purpose of operating under the license, including but not limited to all rooms wherein alcoholic beverages are sold, furnished, served, or consumed, except when such a room is located in a hotel, motel, shopping center, or a similar facility in which case only such room and any adjoining storage, office, toilet, and other similar rooms shall constitute the licensed premises. For Class D, E, or F licenses, such premises include adjoining patios, decks, porches or sidewalk cafes. A floor plan for each licensed premise as defined herein must be submitted with each application for a license under this chapter.

Licensee: The person to whom a license under this chapter is issued.

Malt beverage: Means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.

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

- (a) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits; and
- (b) In the case of any malt beverages, any brewer; and
- (c) In the case of wine, any vintner.

Manager: A person who has responsibility for management of the operations, including sale of alcoholic beverages, at the location to be licensed or supervision of management of the operations, including sale of alcoholic beverages, at the location to be licensed and who is a full-time employee of the corporation, partnership, proprietor, or other ownership entity.

Mixed drink: Any distilled spirit served for consumption on the premises, whether or not diluted by water or any other substance.

Package: A bottle, can, keg, barrel, or other original consumer container.

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

Private club: A corporation organized and existing under the laws of the State of Georgia, like fraternal or veterans' organizations, having bylaws and being a part of a national organization in existence for at least one year immediately prior to the application for any license hereunder, having at least 75 members, regularly paying monthly, quarterly or semiannual dues, organized and operated exclusively for fraternal brotherhood, pleasure, recreation and other non-profitable purposes, no part of the net earnings of which inures to the benefit of any stockholder or member, and owning, hiring or leasing a building or space therein for the reasonable use of its members with suitable kitchen and dining space and equipment, and maintaining and using a sufficient number of employees for cooking, preparing and serving meals for its members and guests; provided, that no member or officer, agent or employee of the club is paid, or directly or indirectly receive in the form of salary or other compensation, any profits from the sale of distilled spirits or any beverage licensed hereunder to the club or its members or guests beyond the amount of such salary as may be fixed by its members at any annual meeting or by its governing board out of the general revenue of the club.

Restaurant: Any public place kept, used, maintained, and advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment, having employed a sufficient number of cooks and kinds of employees to prepare, cook, and serve suitable food at all times the place is open for business at tables with seating, and holding a certificate of inspection and approval from the county health department. At least one meal per day shall be served at least five days a week, with the exception of holidays, vacations, and periods of remodeling, and the serving of such meals shall be the principal business conducted, with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto. A restaurant shall have 50 percent or more of its total annual gross sales of from the sale of prepared meals. The sale of ice, garnishes, soft drinks, mixers or beverages of any kind shall not constitute the sale of prepared meals.

Retail consumption dealer: Any person who sells alcoholic beverages for consumption on the premises only to consumers and not for resale.

Retailer or retail dealer: Any person who sells alcoholic beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale.

School building or educational building on a college campus: Governmental or church school buildings and such buildings at such other schools as teach the subjects commonly taught in the common schools and colleges of this state, and which are public schools or private schools as defined in subsection (b) of the official Code of Georgia annotated Section 20-2-690. Schools shall also be defined to include pre-schools and kindergartens.

Sidewalk café: an area of tables located on public, private pedestrian right of way, or the curtilage directly adjacent to a restaurant.

Violation: Each and every act committed by a licensee or any act committed by an employee, agent or representative of a licensee acting within the scope of their employment, agency or representation of the licensee that violates any provision of this Chapter.

Wholesale or wholesale dealer: Any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.

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

Sec. 6-4. – License and Permits—Required; classes; fees.

(a) *License and Permits required.* It shall be unlawful to sell, dispense, pour or offer to sell, dispense or pour any distilled spirits, alcoholic beverages, wine, beer or malt beverages as defined by Georgia law within the corporate limits of the City of Statesboro without first applying for and obtaining a license and/or permit therefor from the City of Statesboro.

(b) Licenses which may issue under this Chapter, including any combination of the following; provided, such combination is not otherwise prohibited by applicable law, including but not limited to Title 3 of the Official Code of Georgia Annotated, O.C.G.A. § 3-3-1, et. seq., as amended, and Title 560, Subtitle 560-2 of the Administrative Code of Georgia, Ga. Comp. R. & Regs. § 560-2-1-.01, et seq., as amended.

(c) *Classes.* The licenses shall be divided into the following classes:

- (1) Class A, reserved;
- (2) Class B, retail beer package;
- (3) Class C, retail wine package;
- (4) Class D, retail liquor by the drink;
- (5) Class E, retail beer by the drink;
- (6) Class F, retail wine by the drink;
- (7) Class G, wholesale liquor;
- (8) Class H, wholesale beer;
- (9) Class I, wholesale wine;

- (10) Class J, licensed alcoholic beverage caterer;
- (11) Class K, brewer, manufacturer of malt beverages only;
- (12) Class L, broker;
- (13) Class M, importer;
- (14) Class N, manufacturer of wine only.

Sunday sales permits. All licensees who engage in Sunday sales as permitted under 6-7(o) shall also be required to obtain a separate Sunday sales permit as provided in the Rules and Regulations for administration of the Chapter.

Distance waiver permit for restaurants. Any licensee who operates a restaurant that does not meet all of the distance requirements in Section 6-7(e) shall also be required to obtain a distance waiver permit for the restaurant as provided for in Section 6-5(p) and in the Rules and Regulations for administration of the Chapter.

Outdoor event permit. The consumption of alcoholic beverages shall not be permitted at outdoor events unless an Outdoor Event Permit is obtained as provided in the Rules and Regulations for administration of the Chapter.

Event Permit for Caterers. Pursuant to O.C.G.A. § 3-11-3 in order to distribute or sell distilled spirits, malt beverages, or wine at a catered event, a licensed alcoholic beverage caterer shall be required to obtain a Catered Event Permit as provided in the Rules and Regulations for administration of the Chapter.

(d) *Fees.* The fees for each type of license and permit listed in paragraph (c) hereinabove, as well as any other fee described in this Chapter, shall initially be set by resolution, and from time to time amended by Mayor and City Council by incorporating and amending the Schedule of Fines and Fees of adopted by the Mayor and City Council except that private clubs as defined in Section 6-3 shall pay 70 percent of the applicable fees.

(e) *Change of business.* If a licensed premises changes ownership or changes its location a new alcohol application must be filed, and the fee for the license shall be the same as if the application was for an original or new alcohol license. An alcohol license is non-transferrable when there is a change in ownership, or a change in location.

(f) *Payment.* The fees referred to in this section shall be payable annually on a fiscal-year basis except for the initial year when they will be prorated for the number of quarters remaining in the calendar year at the time the license was purchased. If the license is purchased and the premises **fails to open within forty-five (45) days of issuance, the license shall be automatically, and there shall be no refunds for any portion of the fees.** All new licenses must be paid and received by the

business not later than 30 days from notification of approval. If payment is not received, the license granted shall be considered void and treated as if denied. Payment shall be made by means of a cashier's check or money order.

Sec. 6-5. - Application procedure; contents of application; contents to be furnished under oath.

(a) *Generally.* The applicant for a license or permit under this chapter shall make a written application under oath on the form as proscribed by the City Clerk or his or her designated representative. A floor plan for each licensed premise as defined herein must be submitted with each application for a license under this chapter. At the time of initial application, a plat from a registered surveyor shall be attached to the application which shall certify that all state and local proximity requirements for the proposed location have been met. Except as otherwise provided by law, such application shall be a public record and open to public inspection at a reasonable time and place.

(b) *Application fee.* The applicant, upon turning in his complete application to the City Clerk, or his or her designated representative, at the same time shall provide a certified check, credit card payment or money order for the application fee made payable to the City of Statesboro for the application fee, plus any additional related fees required by any other governmental agencies or departments. An investigative fee must be paid for each additional investigation done during the year due to ownership or manager change. These fees are non-refundable.

Additionally, each applicant for a new license shall submit to the City Clerk such information as may be required by the Georgia Crime Information Center and by the Federal Bureau of Investigation, including classifiable sets of fingerprints, and such fees as may be set by the Georgia Crime Information Center and by the Federal Bureau of Investigation for a records check comparison by the Georgia Crime Information Center and by the Federal Bureau of Investigation. Application for a license under this chapter shall constitute consent for performance of a records check comparison.

(c) *Private Entities—Ownership.* Private entities other than individual persons shall list the names and addresses of all individual persons who have an ownership interest in such entity and the percentage ownership of each person, unless the corporate stock or other ownership interest is listed on the stock exchange or available for over the counter sales and subject to regulation by federal and state securities laws. If a named interest owner therein is another corporation or other entity, the same information shall be given for such corporation or entity. If during the life of the license, the identity of the interest owners or their percentage of ownership should change, that information shall be sent to the City Clerk or his or her designated representative for processing. A change in ownership shall be considered a new license and require a new application. Corporations, limited liability companies or other business entities required to register with the Secretary of State must file a compliance copy from the office of the Secretary of State showing active status as an incorporated business.

(d) *Additional data.*

(1) *Corporate, partnership, sole proprietors, and limited liability company applications.* All corporate applicants shall list the names and addresses of the officers of the corporation. All sole proprietors shall apply in the name of the sole proprietor. All limited liability applicants shall provide the names and addresses of all members and managers of the limited liability company. In addition thereto, all applicants, including sole proprietors and partnerships if the sole proprietor or at least one partner is not working full-time in a managerial capacity on the premises, shall name a manager, whose name shall appear as such on the license issued to the corporation. The corporation, partnership, sole proprietor, or limited liability company shall provide the name and address of said manager, who shall be a full-time employee of the corporation, partnership, sole proprietorship, or limited liability company and who shall be the individual who does in fact have regular, managerial and supervisory authority over the business conducted on the licensed premises. In addition, the manager shall be an agent for service for the corporation, partnership, sole proprietorship, or limited liability company in addition to all other methods allowed for serving a corporation or other entity by the laws of Georgia. Any person who has been a manager of a corporation, partnership, sole proprietorship, or limited liability company whose license has been revoked is ineligible to act as manager for any licensee thereafter. A change of managers shall not require a new license application.

(2) *Intention to provide adult entertainment.* Every application shall inquire if the applicant intends to provide live nude performances on the licensed premises or other forms of adult entertainment regulated under Article VII of Chapter 18 of the Code of the City of Statesboro. It is mandatory for this question to be answered by the applicant.

(3) *Individual's requirements applicable to clubs.* In the case of a private club, fraternal or veterans order, its chief officer and general manager shall meet the same requirements that any individual applicant must meet and maintain.

(e) *Investigation.* The City Clerk or his or her designated representative shall investigate the application. Each applicant authorizes the City of Statesboro and its agents to secure from any court, law enforcement agency, or other public agency his or her criminal history and the criminal history of all individuals required to be listed on the application, including but not limited to sole proprietor, partners, members, corporate officers, stockholders, and managers, and authorizes the City of Statesboro to use such information in determining whether the license applied for shall be issued. Each applicant waives any right that he would otherwise have to preclude the City of Statesboro or its agents from obtaining and using such information and each applicant further waives any liability of the City of Statesboro or its agents for obtaining and using such information, and agrees to indemnify and hold the City of Statesboro harmless against the claims of any person listed by the applicant on the application and by doing so has authorized the City of Statesboro to investigate. The City Clerk or his or her designee shall make an arrest and conviction investigation concerning any applicants hereunder and all individuals required to be listed on the application, including but not limited to sole proprietor, partners, LLC members, corporate officers, corporate stockholders, and managers.

(f) *Fire and Safety Inspection.* All businesses where alcohol is consumed on the premises, shall satisfy all requirements of a fire and life safety inspection performed by the local fire official and

city building official or his or her designee. The local fire official may cause to be inspected any building or portion of any building licensed under this ordinance.

(g) *Offenses.* Any person making a false or misleading statement in any application for a license or false statement in connection with renewal thereof, shall be subject to punishment as provided by state law relating to false swearing, and further, a license, if previously granted or renewed, may be revoked for the violation.

(h) *Duration; renewal.* All licenses are issued only on a fiscal-year basis and shall be eligible for renewal each year following issuance if and only if the licensed premises has passed a fire safety inspection within the 12 month period prior renewal of the license. Each licensee shall make a written application for renewal on or before May first of each calendar year which shall swear to the truthfulness of such information that is the same as the prior application and shall set forth facts which are different from the prior year's application. The renewal application form shall be approved by the City Clerk or his or her designated representative, and sworn to under oath by the applicant. All fees shall be tendered with the application in the form of a cashier's check, money order, or credit card.

(i) *Penalty for filing renewal application and license fee payment after May first.* There shall be a penalty fee charged for filing alcoholic beverage renewal application and license fee payment after November first as follows:

After May 1—May 15 \$200.00

May 16—May 31 \$300.000

After June 1 20% of annual license fee but not less than \$500.00, whichever is greater.

If an alcoholic beverage license renewal application and license fee have not been filed with the City Clerk by the last business day in June of each year, the license shall be declared to be abandoned and any relicensing shall require a new application.

(j) *Taxes, Fees, and Fines.* All taxes, fees and fines due to the City of Statesboro, including without limitation all ad valorem taxes due to the City of Statesboro as well as any fine imposed by the Municipal Court, by any individual, entity seeking an alcoholic beverage license, or an individual having an ownership interest in an entity seeking an alcohol license must be paid prior to an alcoholic beverage license being issued to or renewed by said individual or entity.

(k) *State license; forfeiture for failure to comply; revocation of state license.* A state alcoholic beverage license must be obtained by the applicant in order for the license issued by the City of Statesboro to be valid. Failure of the licensee to obtain a state license before beginning operation of the premises shall be an automatic forfeiture and cancellation of the license issued by the City of Statesboro, and no refund of license fees shall be made to the licensee. If a state alcoholic beverage license is revoked by the state, then the license issued by the City of Statesboro shall automatically be revoked and void effective as of the date of such revocation.

(l) *Licenses or permits constitute grant of privilege.* All alcoholic beverage licenses or permits issued hereunder constitute a mere grant of privilege to carry out such business during the term of the license subject to all terms and conditions imposed by this chapter including the rules and regulations for the administration of this chapter as well as related State and Federal laws and other ordinances of the City of Statesboro relating to such business, as amended from time to time by the Mayor and City Council.

(m) *Applications for Sunday sales permit.* The licensee of a business engaged in the retail package sales of beer and/or wine, any restaurant as defined in this chapter, or any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging, desiring the privilege to sell, furnish or otherwise dispense distilled spirits, malt beverages, or wine on Sunday in accordance with paragraph 6-7(o) shall, before dispensing such beverages on Sunday, obtain a Sunday Sales Permit as provided for in the rules and regulations of the administration of this Chapter.

(n) *Application for an Outdoor Event Permit for Class D, E, and/or F Licensees.* Prior to the sale of alcoholic beverages at an outdoor event by Class D, E, and/or F Licensees an Outdoor Event Permit shall be obtained as provided for in the rules and regulations of the administration of this Chapter.

(o) *Application for Distance Waiver Permit for Restaurant.* The Mayor and City Council, following application for a distance waiver permit for a restaurant, notice and hearing, may in its discretion grant a distance waiver permit for restaurant authorizing the issuance of a Class D, E or F license to a licensee of a restaurant notwithstanding the distance requirements in Section 6-7(e) from school buildings, alcohol treatment centers, educational buildings on college campus, churches and/or property lines of a private dwelling located in single-family residential zoning district for locations that sell alcohol for consumption on the premises only. The application for a distance waiver permit shall be obtained as provided in the rules and regulations of the administration of this Chapter.

(p) *Application for Event Permit for Caterers.* Prior to the sale of alcoholic beverages at a catered event a Catered Event Permit shall be obtained as provided for in the rules and regulations of the administration of this Chapter.

(q) *Application for Hotel in-room service, beer, and wine Permit.* Prior to the in-room sale of alcoholic beverages an in-room service, beer and wine permit shall be obtained as provided for in the rules and regulations of the administration of this Chapter.

Sec. 6-6. - When issuance prohibited.

Issuance of licenses and permits required under this Chapter is limited as set forth below.

(a) *Restrictions.* No license defined herein shall be issued to a person:

(1) who is not a citizen or legal resident of the United States;

(2) who is not at least 21 years of age prior to the date of application;

(3) who owes any debt or obligation to the City of Statesboro, including but not limited to excise taxes, occupational taxes, property taxes, or utility fees; or other fines.

(4) who indicates on the license application an intention to provide live nude performances on the premises or any other form of adult entertainment on the premises that requires an adult entertainment license pursuant to Article VII of Chapter 18 of the Code of Ordinances.

(b) *Convictions; Pending violations.* The term "conviction" as used in this paragraph shall include a finding or verdict of guilt, plea of guilty, or a plea of nolo contendere including also anyone currently on probation or otherwise currently under a court's supervision to avoid a judgment of guilt being entered under what is commonly referred to as "first offender sentence" or "pre-trial diversion program." No license for the sale of alcoholic beverages shall be issued to any person or applicant where the applicant or any individual person having an ownership interest in the business:

(1) has been convicted within fifteen years immediately prior to the filing of the alcoholic beverage application with the City Clerk of any felony or for whom outstanding indictments, accusations or criminal charges exist charging such individual with any of such offenses and for which no final disposition has occurred. If at the time of application, the applicant is charged with any of the offenses prescribed in this subsection, consideration of the application shall be suspended until entry of a plea or verdict or dismissal;

(2) has been convicted within five years immediately prior to the filing of the alcoholic beverage application with the City Clerk of the violation (i) of any state or federal law pertaining to the manufacture, possession, transportation or sale of malt beverages, wine or intoxicating liquors, or the taxability thereof except a first conviction of selling alcohol to underage persons; (ii) of a crime involving moral turpitude; or (iii) of a crime involving soliciting for prostitution, pandering, gambling, letting premises for prostitution, keeping a disorderly place, the traffic offense of hit and run or leaving the scene of an accident, or any misdemeanor serious traffic offense as defined in O.C.G.A. § 40-6-390 et seq., but excluding any first conviction for reckless driving or driving under the influence of alcohol or drugs in the past 10 years as measured from the date of arrest, or for whom outstanding indictments, accusations or criminal charges exist charging such individual with any of such offenses and for which no final disposition has occurred. If at the time of application, the applicant is charged with any of the offenses prescribed in this subsection, consideration of the application shall be suspended until entry of a plea or verdict or dismissal;

(3) has been convicted of two violations of the ordinances of the City of Statesboro governing alcoholic beverages licensed hereunder within the last five years immediately prior to the filing of the licensee's application with the City Clerk, except as specifically provided in paragraph (c) below, concerning revocation of alcohol license, or paragraph (d) below, concerning selling alcohol to underage persons. If at the time of application, the applicant is charged with any of the offenses prescribed in this subsection, consideration of the application shall be suspended until entry of a plea or verdict or dismissal.

(c) For 24 consecutive months immediately following the date of a license revocation, no person or any individual person having an ownership interest in the business whose license was revoked shall be eligible for renewal of or issuance of a license at the same location for which the previously revoked license was issued. Furthermore, during said 24-month period, no person or any individual person having an ownership interest in the business whose license was revoked shall be eligible to apply for any additional licenses.

(d) Except as provided in paragraph (e) below, for 24 consecutive months immediately following the date of a citation for any violation for selling alcohol to underage persons within a licensed premise, no application for change in ownership of the license at the same location where the violation occurred shall be allowed unless there is a 100 percent change in ownership and control between the old licensee and the new applicant. For purposes of this subparagraph, 100 percent change in ownership and control shall mean a 100 percent change in all individuals, partners, officers, directors, shareholders, members, managers and/or all persons having any whole, partial, beneficial or other interest in the business where the alcoholic beverage license is located. 100 percent change in ownership and control shall not include a transfer in ownership and control to any person in the immediate family of any individuals, partners, officers, directors, shareholders, members, managers and/or any persons having any interest in the business where the alcoholic beverage license is located. The application for the alcoholic beverage license must be applied for and approved prior to the sale of the business. An alcoholic beverage license may not be issued until the new owner has established that the sale of the business is bona fide. The applicant for the new license must provide documentation concerning the sale, including but not limited to documentation concerning ownership of and all business interests in the old license in addition to documentation concerning the ownership of and all business interests in the new license, as requested by the City Clerk.

(e) For 24 consecutive months immediately following the date of a citation for any violation for selling alcohol to underage persons within a licensed premise, an application for less than 100 percent change in ownership and control between the old licensee and the new application shall be allowed only if the following requirements are met:

(1) The applicant for less than 100 percent change in ownership of the license at the same location where the violation occurred must agree as part of the application that any past violations for selling alcohol to underage persons within the licensed premise shall become part of the record of violations for the new business as if the new owners had been cited and found in violation. Such record of violations shall be taken into consideration in any future hearings against the new licensee.

(2) Such applications for less than 100 percent change in ownership shall be made prior to the sale of the business but after any pending citations for violations for selling alcohol to underage persons within the licensed premise are adjudicated.

(f) No person shall hold a license in any retail category hereunder and a license under any wholesale category at the same time.

(g) For twelve (12) consecutive months immediately following the revocation an alcoholic beverage license for a licensed premises, no alcoholic beverage license shall issue for the location of that licensed premises.

Sec. 6-7. - General regulations pertaining to all licenses.

(a) *License not transferable to another location.* Each license is issued for a specific location only and may not be transferred to another location. A new application is required for each licensed premise. No license may be issued to different licensees for the same location.

(b) *Transfer of license to another person.* No alcoholic beverage license shall be transferred from one person to another during the year in which the license or permit was obtained, except in the case of the death of a person holding a license, in which event his personal representative may continue to operate under the license for six months from the date of his qualification.

(c) *Location.* None of the above licenses shall be issued except in the following zones as defined in Appendix A (Zoning) of the Code of the City of Statesboro:

(1) CBD, Commercial Business District;

(2) CR, Commercial Retail District;

(3) HOC; Highway Oriented Commercial District

(4) LI; Light Industrial District

(d) *Proximity Requirements; Package sales for off-premises consumption governed by O.C.G.A. § 3-3-21.*

(1) Class B and C licenses shall be issued for a location only if the location complies with the proximity requirements provided by O.C.G.A. § 3-3-21 as measured by the Rules and Regulations promulgated by the Georgia Department of Revenue.

(2) 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 college campus. As used in this subparagraph, the term "grocery store" shall, as provided in O.C.G.A. § 3-3-21(a)(1)(B), mean 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 and meets all other criteria by this ordinance.

(3) As further provided in O.C.G.A. § 3-3-21(a)(1)(B) the above proximity requirements shall not apply at any location for which a license has been issued prior to July 1, 1981, nor to the renewal of such license. Nor shall the above proximity requirements apply at any location for which a new license is applied for if the sale of wine and beer was lawful

at such location at any time during the twelve (12) months immediately preceding such application.

(e) *Proximity Requirements; Sales for Consumption on the Premises; local regulation permitted per O.C.G.A. § 3-3-21(b)(3).*

(1) Class D, Class E and Class F alcoholic beverage licenses shall not be issued for a location in which the nearest point on a wall of the building proposed as the licensed premises is closer than 100 yards in a straight line measurement to the nearest wall of a school building, an educational building on a college campus, or a church in existence at the time of the application for the initial license.

(2) No licenses shall be issued under this chapter for any location in which the nearest point on a wall of the building proposed as the licensed premises is closer than 100 yards in a straight line measurement to the nearest point of the property line of an alcohol treatment center which is in existence at the time of the application for the initial license.

(3) No licenses shall be issued under this chapter for any location in which the nearest point on a wall of the building proposed as the licensed premises is closer than 100 yards in a straight line measurement to the nearest point of the property line of a private dwelling located within a single-family residentially zoned district which is in existence at the time of the application for the initial license.

(4) The proximity requirements for Class D, Class E and Class F licenses shall be in effect for all districts in which such licenses are authorized, with the exception of any restaurant as defined in this chapter that is granted a distance waiver permit for a restaurant by the Mayor and City Council pursuant to subsection 6-5(o).

(f) At the time of initial application, a plat from a registered surveyor shall be attached to the application which shall certify that all state and local proximity requirements for the proposed location have been met.

(g) All licenses which are in existence and valid as of the date of passage of this chapter may continue to be renewed hereunder even though they may be in violation of this subsection regarding proximity requirements unless such renewal is in derogation of state or federal law, in particular, O.C.G.A. § 3-3-21; furthermore, that location may continue to be licensed hereunder so long as the premises are continuously used for the sale of alcoholic beverages hereunder, even though not under the same owner. At such time as the license for this premises is revoked, not renewed or is allowed to lapse, or a new license is not applied for the location within 365 days of the expiration or termination of the previous license, this subsection and the prohibitions herein shall apply to any new application for that location.

(h) After issuance of a license, no change in the location of the building or walls can be made that affects distance requirements so that the distance requirement would not be satisfied as a result of the change. The distance requirements must be met at all times during the term of the license.

(i) *Interests of public employees and officials; prohibited.* No license shall be granted to any city, state or federal employee or official whose duties include the regulation or policing of alcoholic beverages or licenses or any tax-collecting activity.

(j) *Inspection of books, accounts, ownership interests.* Upon demand by the City Clerk, or his or her designated representative, any person holding a license from the City of Statesboro, Georgia, shall open to the City Clerk, or his her designated representative, his place or places of business for the purpose of enabling the City Clerk or his representative to ascertain and gain such information as may be necessary for determination of compliance with applicable law, including but not limited to, this ordinance, Title 3 of the Official Code of Georgia Annotated, O.C.G.A. § 3-3-1, et. seq., as amended, and Title 560, Subtitle 560-2 of the Administrative Code of Georgia, Ga. Comp. R. & Regs. § 560-2-1-.01, et seq., as amended. Upon demand by the City Clerk, or his or her designated representative, any person holding a license from the City of Statesboro shall furnish the City Clerk or his or her representative under an affidavit swearing that all books of account, invoices, papers, reports and memoranda containing entries showing amount of purchases, sale receipts, inventory and other information, ascertained including exhibition of bank deposit books, bank statements, and copies of sales tax reports, operating agreements, shareholder agreements and any other such documents the City of Statesboro may deem necessary to determine compliance with this Chapter are a true and complete copies of the requested documents. Said documents shall be furnished within TEN (10) days of such request by the City Clerk or his or her representative. Any person holding a license from the City of Statesboro shall secure, preserve, maintain and keep for a period of three years books of account, invoices, papers, reports and memoranda containing entries showing amount of purchases, sale receipts, inventory and other information, ascertained including exhibition of bank deposit books, bank statements, and copies of sales tax reports.

(k) *Verification of Gross Sales Income, ownership interests, and other relevant financial data.*

Upon request of the City Clerk a licensee shall furnish within THIRTY (30) days of the request certified financial statements and an affidavit from a Certified Public Accountant showing the ownership interests in the licensed premises, total gross sales of the licensed establishment, the gross sales of the licensed establishment derived from the sale of alcohol, the gross sales of the licensed establishment derived from the sale of prepared meals, the gross revenue derived from any other source in the operation of the licensed establishment for any period of time in the last three (3) years.

(k) *Failure to open.* All holders of licenses issued hereunder must within forty-five (45) days after the issuance of such license open for business the establishment referred to in the license. Failure to open the licensed establishment as referred to within such period shall serve as a forfeiture and cancellation of the unused license and no refund of the license fee shall be made to the license holder.

(l) *Adding to, refilling bottles, misrepresentations as to quantity, etc.* It shall be unlawful for a licensee hereunder, his employees, subcontractors or his agents, to add to the contents of a bottle or to refill an empty bottle or in any manner to misrepresent the quantity, quality or brand name

of any beverage licensed hereunder. The prohibition against refilling empty bottles shall not apply to the lawful sale of growlers as provided for in this Chapter.

(m) *Hours of operation.* The following hours of operation shall apply to the sale of alcoholic beverages licensed hereunder:

(1) All licensed premises for the sale of retail beer and/or wine by the drink or retail liquor by the drink (Class D, E and F licenses) shall only engage in the sale and service of alcoholic beverages upon the licensed premises, at a permitted outdoor event, or a permitted catered event between the hours of 7:00 am and 1:00 am the following day Monday through Saturday. Sale and service of alcoholic beverages pursuant to this subsection that begins on Saturday may continue until 1:00 a.m. Sunday morning without a Sunday Sales Permit.

(2) Only licensed premises for the sale of retail beer and/or wine by the drink or retail liquor by the drink (Class D, E and F licenses) which maintains a valid Sunday Sales Permit may begin the sale and service of alcoholic beverages on Sunday. All licensed premises for the sale of retail beer and/or wine by the drink or retail liquor by the drink (Class D, E and F licenses) which begins the sale and service of alcoholic beverages on Sundays shall only engage in the sale and service of alcoholic beverages upon the licensed premises, at a permitted outdoor event, or a permitted catered event between the hours of 12:30 p.m. and midnight on Sunday.

(3) All licensed premises for the package sales of beer and wine for off-premises consumption (Class B and C licenses) shall only engage in the sale of alcoholic beverages between the hours of 6:00 a.m. and midnight current time, Monday through Saturday.

(4) Only licensed premises for the package sales of beer and wine for off-premises consumption (Class B and C licenses) which maintain a valid Sunday Sales permit may sell alcoholic beverages on Sunday from 12:30 p.m. through 11:30 p.m.

(n) *Time limit for clearing patrons from premises.* All licensed premises for the sale of retail beer and/or wine by the drink (Class E and F) or retail liquor by the drink (Class D), shall be closed to the public, and the premises shall be cleared of all persons except employees of the licensed premises engaged in their employment duties within 45 minutes after the time set by subsection (m) of this section for discontinuance of the sale of alcoholic beverages on the premises. Thereafter all licensees shall remove or cause to be removed all alcoholic beverages from the area of the premises utilized by customers, patrons, and invitees; all alcoholic beverages shall be stored in original containers or storage containers on a shelf or cabinet; no alcoholic beverages shall be furnished to, consumed by, or possessed by any person within the premises 45 minutes after the time set by subsection (m) of this section for discontinuance of the sale of alcoholic beverages on the premises; and the premises shall remain closed for business until at least 7:00 a.m.

(o) *Sales prohibited, limited on certain days.* All alcoholic beverages licensed hereunder shall not be sold Sundays unless the licensee holds a valid Sunday Sales Permit. The sale of alcoholic beverages on any election day shall be permitted in accordance with O.C.G.A. § 3-3-20.

(p) *Sales, etc., to persons under legal age.* It shall be unlawful to provide alcoholic beverages to any persons under the age permitted by O.C.G.A. § 3-3-23.

(q) *Display of license.* Every licensee, its agents or employees, shall post the most current alcoholic beverage license issued for the licensed premises in public view at eye level (an approximate height of five feet from the floor) within 15 feet of the entrance to the licensed premises.

(r) *Bringing beverages purchased elsewhere onto premises.* No licensee for the sale of malt beverages, wine or distilled spirits shall authorize or permit any patron or customer to bring onto the premises malt beverages, wine or distilled spirits purchased elsewhere. Further, no licensee for the sale of malt beverages, wine or distilled spirits shall bring onto the premises any malt beverages, wine or distilled spirits purchased from a retailer for the purpose of resale.

(s) Brown bagging and brown bag establishments are defined in Section 6-1 are prohibited within the City of Statesboro.

(t) It shall be unlawful to permit on the premises so licensed any contest or form of entertainment which consists of the wetting or soaking of the upper torso of a female or the pelvic areas of a male or female.

(u) *Sales areas, activities, drive through sales.*

(1) It shall be unlawful for any licensee to make delivery of any alcoholic beverages licensed to be sold except within the premises or area licensed for sale thereof. Drive-through sales are prohibited. This prohibition shall not apply to the sale of alcoholic beverages to patrons of a sidewalk cafés located in Downtown Development Authority District, if such establishment is otherwise licensed to sell alcoholic beverages under the applicable laws and ordinances in the City of Statesboro.

(2) Except for hotels holding a Class B or Class C license holding an In Room Service Permit, no Class B or Class C licensee shall permit the consumption of alcohol sold by the package on the premises, or curtilage of the premises where the licensed establishment is located. Except for guests of a hotel holding a Class B or Class C license holding an In Room Service Permit, it shall be unlawful for individuals to consume the contents of such packages in or on the premises, or curtilage of the licensed establishment holding a Class B or C license.

(v) *Possession of unlicensed beverages.* All licensees hereunder are forbidden to possess, keep, maintain or otherwise store or keep on the licensed premises any alcoholic beverages for which the licensee does not hold a license.

(w) *Employee consumption during work hours.* It shall be unlawful for any employee, agent, or representative of any licensee to consume alcoholic beverages on the licensed premises of the licensee during such time that the employee, agent, or representative is acting within the scope of their employment, agency, or representation of the licensee.

(x) *Suspension of sales during civil emergency.* The Mayor or City Manager may, upon determining that there is an immediate danger of civil disorder or natural disaster or any other immediate threat to the public peace and order, by executive order, suspend the sales of all beverages licensed under this chapter until such danger or threat has passed and for a reasonable period of time thereafter.

Sec. 6-8. - Regulations pertaining to certain classes of licenses only.

(a) *Retail beer and wine by the package.*

(1) Retail beer and wine by the package (Class B and C) shall be permitted in food stores, grocery stores, supermarkets, convenience food stores and discount/general merchandise stores as an item incidental to the sale of foodstuffs, groceries, or other mercantile items.

(2) Except as specifically provided for in paragraph (b) below concerning growlers, the original retail containers of any alcoholic beverage sold by a retail beer and wine by the package licensee hereunder shall not open on the lot or premises of the location licensed for the sale thereof.

(3) *Visibility of premises from public street.* No licensee for the sale of alcoholic beverages by the package shall operate under the license, unless the front entrance to the licensed premises is clearly visible from the public street; provided, however, that this restriction shall not apply where the licensee is a motel, hotel, private club or is located in a shopping center or multiple-story business building.

(b) *Growlers.* The sale of growlers is authorized for Class B licensees. The sale of growlers shall comply with the rules and regulations for the administration of this chapter.

(c) *Brew Pubs.* Any restaurant holding a Class E license shall be allowed to operate as a brew pub upon obtaining a brew pub license from the State of Georgia.

(d) By the drink sales for consumption on the premises.

(1) *Removal of Beverages Prohibited.* All alcoholic beverages sold by consumption-on-the-premises licensees shall be consumed only on the licensed premises. It shall be unlawful for any person to remove from the licensed premises any alcoholic beverages sold for consumption-on-the-premises to any public streets, public or semi-public parking lot, sidewalks or rights-of-way within the city. This prohibition shall not apply to the sale of alcoholic beverages to patrons of a sidewalk cafe, if such establishment is otherwise licensed to sell alcoholic beverages under the applicable laws and ordinances in the City of Statesboro.

(2) *Special event permit for bona-fide non-profit, tax-exempt civic organization.* Upon the filing of an application as required by the City Clerk and payment of a fee of established by the Mayor and City Council by a bona-fide non-profit, tax-exempt civic organization, the City Clerk may issue a special permit authorizing the organization pursuant to Paragraph (e) below to sell

alcoholic beverages for consumption only on the premises for a period not to exceed one day, subject to provisions of this chapter regulating the time for selling such beverages.

- a. No more than six (6) permits may be issued to an organization in any one calendar year pursuant to this paragraph.
- b. Permits issued pursuant to this paragraph shall be valid only for the place specified in the permit. No permit may be issued unless the sale of distilled spirits, wine, or malt beverages is lawful in the place for which the permit is issued. The zoning restrictions and distance restrictions contained in Section 6-5(c) shall not apply.
- c. Proof of such non-profit, tax-exempt status, such as a determination from the Internal Revenue Service that the organization is exempt under Section 501-C of the Internal Revenue Code must be provided.

(e) Requirements for caterers.

(1) It shall be unlawful for any person to engage in, carry on or conduct the sale or distribution of alcoholic beverages off-premises and in connection with a catered event or function or to any location not licensed hereunder without first having obtained a caterer's license and Catered Event Permit as provided herein.

(2) A licensed alcoholic beverage caterer may sell only that type of alcoholic beverage which is authorized by his alcoholic beverage license.

(3) *Sunday sales.* An alcoholic beverage caterer wishing to cater an event or function on Sunday must possess a valid Sunday sales license and comply with the requirements of this ordinance and state law with respect to the service of alcoholic beverages on Sunday.

(f) Rental of licensed premises for private functions. Class D, E, and F licensees are permitted to rent the licensed premises for private functions which have been scheduled in advance; provided that the licensee, its agents, managers, and employees, shall retain complete control over the licensed premises and over selling, serving, or furnishing alcoholic beverages during the private function to the same extent required as if the function were open to the public. Nothing in this paragraph shall be deemed to waive any provisions of this chapter or state law governing the sale of alcoholic beverages on the licensed premises. The licensed premises shall remain open to all agents of the state and the City of Statesboro for law enforcement and inspection purposes during such private functions. No doors to the licensed premises shall be locked preventing egress or ingress during such functions. Nothing in this paragraph shall be deemed to waive the prohibition governing selling, furnishing, or delivering alcoholic beverages to underage persons by any other person within the licensed premises.

Sec. 6-9.-Minors and Persons under 21 years of age

(a) In additions to the prohibitions set forth at O.C.G.A. §§ 3-3-23, 3-3-23.1, 3-3-24, and 3-3-24.1 as amended, which are hereby incorporated by reference herein, a licensee shall not allow a patron under the age of 18 years old to enter or remain upon the premises of an establishment licensed to sell alcoholic beverages for consumption on the premises beyond 11:00 p.m. unless accompanied by a parent or legal guardian, and either the licensed establishment is a restaurant where at least 50% of the establishment's annual gross revenue is derived from the service of prepared meals and such establishment offers its full, unlimited menu until and after 11:00 p.m., or the licensed establishment derives no more than 10% of its annual gross revenue from the sale of alcoholic beverages.

(b) In additions to the prohibitions set forth at O.C.G.A. §§ 3-3-23, 3-3-23.1, 3-3-24, and 3-3-24.1 as amended, which are hereby incorporated by reference herein, a licensee shall not allow a patron under the age of 21 years old to enter or remain upon the premises or part of a premises of an establishment licensed to sell alcoholic beverages for consumption on the premises where by name, common usage, knowledge and/or understanding the establishment or part of the establishment constitutes or operates as a bar, night club, lounge or similar business. Indicia of such use include, but are not limited to, some or all of the following:

- (1) A limited menu or no food service, particularly after 12:00 a.m.;
- (2) More than 50% of the premises is standing room only;
- (3) The establishment derives more than 40% of its annual gross revenue from the sale of alcoholic beverages;
- (4) Where a cover charge is imposed and collected by the licensee as a condition of gaining entry to the establishment and such a fee does not entitle the patron to a seat, whether by general admission or a particular designation;
- (5) The establishment utilizes the services of security forces and/or door personnel;
- (6) The establishment is open after midnight;
- (7) The establishment provides a full service bar which is the primary location from which patrons directly obtain alcoholic beverages.

(c) The entry and remaining on premises prohibitions contained in Section 6-9(b) shall apply to patrons of the licensed establishment, and not to employees of the establishment who are over the age of 18 years old, and employed by the licensed establishment to dispense, serve, sell or take orders of alcoholic beverages as allowed by O.C.G.A. § 3-3-24(a).

(d) The Chief of Police, or his designee, shall upon review of the license application, the renewal application, and/or review of the operation of the licensed establishment determine whether the licensed establishment is governed by subsection (a) or (b) of Section 6-9. The

Chief of Police, or his designee, shall have the authority to proscribe that a licensed establishment be governed by Section 6-9(a) on certain days and at certain times, and by Section 6-9(b) on certain days and at certain times. The Chief of Police, or his designee, shall have the authority to proscribe that certain rooms or sections of the licensed establishment shall be governed by be governed by Section 6-9(a) on certain days and at certain times, and by Section 6-9(b) on certain days and at certain times. The Chief of Police shall furnish the licensee in writing the reasons for the designation, and inform the licensee of the right of appeal provided for below.

(e) The licensee shall have five (5) days from receipt of the written finding of the Police Chief to file a notice of appeal with the City Clerk. Failure to file a timely notice of appeal shall render the decision of the Chief of Police final. Upon filing of a notice of appeal the City Clerk shall schedule a hearing before the City Manager no later than ten (10) days from the filing of the Notice of Appeal. The City Manager may reverse the Police Chief's decision only upon showing by clear and convincing evidence that the Police Chief's decision was clearly erroneous. The City Manager shall furnish the licensee and the Police Chief in writing the reason for the decision. The licensee and the Police Chief shall have five (5) days from the receipt of the written decision of the City Manager to file a notice of appeal with the City Clerk. Failure to file a timely notice of appeal shall render the decision of the City Manager final. Upon filing of a timely notice of appeal the City Clerk shall schedule a hearing before the Mayor and City Council of Statesboro as soon as reasonably possible, but not later than THIRTY (30) days from the date of the filing of the notice of appeal. The Mayor and City Council may reverse the City Manager's decision only upon showing by clear and convincing evidence that the decision of the City Manager was clearly erroneous. The decision of the Mayor and City Council shall be the final decision of the City of Statesboro. Appeal of the Mayor and City Council's final decision shall be by Petition for Certiorari to the Superior Court of Bulloch County.

(f) *Posting of Notice Regarding Age Restrictions:* All establishments licensed to sell alcoholic beverages for consumption on the premises shall, when governed by subsection (b) of Section 6-9, conspicuously post outside of every public entry point to the establishment, or, if applicable, every public entry point into the room or section to the establishment governed by subsection (b) of Section 6-9, a notice which states that no patron under the age of 21 years of age may either enter or remain upon the premises governed by subsection (b) of Section 6-9, or, if applicable, enter or remain in the room or section of a premises governed by subsection (b) of Section 6-9.

(g) It shall be unlawful for any patron under the age of 21 years of age to either enter or remain upon the premises governed by subsection (b) of Section 6-9, or enter or remain in a room or section of a premises governed by subsection (b) of Section 6-9.

Sec. 6-10. - Employment Regulations for Licensees Selling Alcoholic Beverages for On Premises Consumption.

(a) Every licensee that distributes or sells alcoholic beverages for on-premises consumption shall require all persons employed as managers, servers, bartenders, or bouncers, or any other employee, agent or subcontractor with the responsibility for handling, serving, mixing, dispensing alcoholic beverages, verifying the age of patrons, or providing security within or on

the curtilage the licensed establishment to obtain and maintain a valid Alcoholic Beverage Service Permit issued by the City of Statesboro pursuant to the Rules and Regulations that govern the administration of this Chapter.

(b) Every licensee that distributes or sells alcoholic beverages for on-premises consumption shall maintain on the premises evidence of a valid and appropriate Alcoholic Beverage Service Permit for each employee encompassed by this section. To each certification shall be attached a copy of a government-issued photo identification for the subject employee. The certification/photo identification packages shall be readily available for inspection upon the request of any Statesboro Police Department officer, City Code Enforcement officer, or the City Manager or his designee.

(c) It shall be unlawful for any person within the City of Statesboro to work as a manager, server, bartender, or bouncer, either as an employee, agent, or subcontractor whose responsibilities include handling, serving, mixing, dispensing alcoholic beverages, verifying the age of patrons, or providing security in an establishment that is licensed to sell alcoholic beverages for on-premises consumption without obtaining and maintaining a valid and appropriate Alcoholic Beverage Service Permit issued by the City of Statesboro pursuant to the Rules and Regulations that govern the administration of this Chapter.

(d) Any person within the City of Statesboro who works as a manager, server, bartender, or bouncer, either as an employee, agent, or subcontractor whose responsibilities include handling, serving, mixing, dispensing alcoholic beverages, verifying the age of patrons, or providing security in an establishment that is licensed to sell alcoholic beverages for on-premises consumption shall have their Alcoholic Beverage Service Permit on their person at all times while acting as an employee, agent or subcontractor of the licensee. An Alcoholic Beverage Service Permit shall be readily available for inspection upon the request of any Statesboro Police Department officer, City Code Enforcement officer, or the City Manager or his designee.

(e) Alcoholic Beverage Service permits shall be subject to suspension, revocation, or non-renewal pursuant to the Rules and Regulations that govern the administration of the Chapter.

Sec. 6-11. - Conduct of Hearings Generally.

(a) In conducting any hearing provided for in this Chapter, or in the Rules and Regulations that govern this Chapter, the Mayor and City Council, or the city official responsible for conducting the hearing, shall have the authority to hear evidence and subpoena witnesses and shall conduct the hearing in accordance with the requirements of due process as required by the United States Constitution and the Constitution of the State of Georgia and provide, at a minimum, that at the hearing the applicant may be represented by counsel, may offer testimony by witnesses or any other evidence and may cross-examine any opposing witnesses or evidence. Any and all evidence relevant to the matter without regard to evidentiary rules regarding hearsay, or strict compliance with the Georgia Rules of Evidence as codified in Title 24 of the Official Code of Georgia may be considered.

(b) All parties to a hearing may compel the attendance of witnesses and/or the production of documents by subpoena issued by the City Clerk.

(c) A subpoena may be served by any sworn peace officer, sheriff, by his or her deputy, or by any other person not less than 18 years of age. Proof may be shown by return or certificate endorsed on a copy of the subpoena. Subpoenas may also be served by registered or certified mail or statutory overnight delivery, and the return receipt shall constitute prima-facie proof of service. Service upon a party may be made by serving his or her counsel of record.

(d) Failure to respond to such a subpoena shall be a violation of this ordinance, and subject the offending party to the punishments allowed under section 5-3 of the Charter of the City of Statesboro, after hearing before the judge of Municipal Court.

(e) The City Clerk, or her designee, shall keep minutes of the hearing and shall keep records of examinations and other official actions, which shall be of public record. The record shall be an account of the proceedings, including a listing of all documents considered, a summary of testimony presented, and any rulings upon motions or objections raised. The applicant or any other party may have present an official court reporter, certified in the State of Georgia, at his or her expense to record the proceedings. In the absence of an official court reporter, the minutes of the City Clerk shall be the written record of the hearing.

(f) Appeal of any final decision shall be by Petition for Certiorari to the Superior Court of Bulloch County.

Sec. 6-12. – Duties of City Clerk Upon Application; Right to Deny License; Right to Appeal Denial.

(a) Upon submission of a full and complete application and supporting documentation to the City Clerk, the City Clerk shall have thirty (30) days to complete an investigation of the application and supporting documentation.

(b) If the City Clerk upon review and investigation finds that the applicant is not prohibited from obtaining a license, the City Clerk shall set the matter down for a public hearing before the Mayor and City Council as provided in Section 6-14 of this Chapter.

(c) If the City Clerk upon review and investigation finds that the applicant is not prohibited from obtaining a license, the City Clerk shall have authority to grant the licensee a provisional alcohol license. The provisional alcohol license shall only be used by the licensee to begin the application process with Georgia Department of Revenue for their state alcohol license. The provisional alcohol license shall not allow the licensee to sell, dispense, pour or offer to sell, dispense or pour any distilled spirits, alcoholic beverages, wine, beer or malt beverages as defined by Georgia law within the corporate limits of the City of Statesboro. The privilege to sell, dispense, pour or offer to sell, dispense or pour any distilled spirits, alcoholic beverages, wine, beer or malt beverages as defined by Georgia law within the corporate limits of the City of Statesboro shall only be granted to the licensee upon approval by the Mayor and City Council pursuant to below Section 6-13.

(d) If the City Clerk upon review and investigation finds that the applicant has not met all requirements to obtain a license, the City Clerk shall deny the license; shall furnish the applicant in writing the reasons for the denial of the grant of the license, and inform the applicant of the right of appeal provided for below.

(e) If the City Clerk denies the license, the applicant shall have THIRTY (30) days to file a Notice of Appeal.

(f) Failure to file an appeal of a denial of a license shall render the City Clerk's decision final.

(g) Upon filing of a Notice of Appeal the City Clerk shall place the matter on the agenda for hearing at a regularly scheduled City Council meeting that occurs no later than THIRTY (30) days from the filing of the Notice of Appeal.

(h) Pursuant to O.C.G.A. § 3-3-2(b) the Mayor and City Council does not have the authority to grant a license to an applicant who does not meet the requirements provided for in this Chapter.

(i) The Mayor and City Council shall have authority to reverse the decision of the City Clerk and grant the relief to the applicant only upon showing by clear and convincing evidence that the City Clerk's decision that the applicant failed to meet the minimum requirements for a license was clearly erroneous.

(j) Within SIXTY (60) days of hearing the aforesaid appeal, the Mayor and City Council shall rule upon the appeal and shall state upon the record in a regularly scheduled City Council meeting or by written order the reasons for said ruling.

Sec. 6-13. - Approval by Mayor and City Council; Public Hearing.

(a) No new alcoholic beverage license to sell, dispense, pour or offer to sell, dispense or pour any distilled spirits, alcoholic beverages, wine, beer or malt beverages within the corporate limits of the City of Statesboro shall be issued to a new owner or new location until the application has been approved by the Mayor and City Council after a public hearing.

(b) At least seven days prior to the date of the public hearing a sign shall be erected on the location for which the application is made in a conspicuous place which may be observed by pedestrian and motor vehicle traffic passing by such location and shall not be removed by the applicant prior to the conclusion of such public hearing. The sign shall specify the nature of the license being requested, that the application applies to the premises where the sign is posted, that a public hearing is scheduled to be conducted in the chambers of the Mayor and City Council, on the second floor at City Hall, at a designated time and date.

(c) In determining whether any alcoholic beverage license applied for shall be granted, transferred, or issued to a new owner, entity or location the Mayor and City Council shall, in the interest of public safety and welfare, hear evidence at the public hearing relevant to the following:

(1) *Reputation.* The reputation, character, trade and business associations, and past business ventures of the applicant, owner, designated manager or any other person associated with the business.

(2) *Previous violations of alcoholic beverage laws.* If the applicant, owner, designated manager and any other person associated with the business is a previous holder of a license to sell alcoholic beverages, whether the applicant, owner, designated manager or any other person associated with the business has violated any law, regulation, or ordinance relating to such business.

(3) *Manner of conducting prior alcoholic beverage business.* If the applicant, owner, designated manager or any other person associated with the business is a current or previous holder of a license to dispense alcoholic beverages, the manner in which the applicant, owner, designated manager and any other person associated with the business conducted the prior business, especially as to the necessity of unusual police observation and inspection in order to prevent the violation of any law, regulation, or ordinance relating to such business.

(4) *Location.* The location for which the license is sought, as to traffic congestion, general character of the neighborhood, and the effect such an establishment would have on the adjacent and surrounding property values.

(5) *Number of licenses in trading area.* The number of licenses already granted for similar businesses in the trading area of the place for which the license is sought.

(6) *Previous revocation of license.* If the applicant, owner, designated manager or any other person associated with the business is a current or previous holder of a license to dispense alcoholic beverages license issued under the police powers of any governing authority, and has had corrective action taken against said license including, but not limited to, suspension or revocation.

(7) *Previous denial or revocation for location.* The denial of an application or the revocation of a license which was based on the qualifications of the proposed location.

(8) *Prior incidents at location.* Evidence that a substantial number of incidents requiring police intervention have occurred within a square city block of the proposed location during any 12 month period in which the location was licensed to sell alcohol.

(9) The applicant, owner, designated manager or any other person associated with the business is not compliant with all matters bearing upon the conduct of any business venture within the City, including but not limited to zoning, permitting, taxes, code compliance, licensing and fees;

(10) Evidence that the type and number of schools, colleges, religious institutions, libraries, public recreation areas or other circumstances in the vicinity of the premises

cause minors or those under 21 years of age to frequent the immediate area even though in compliance with the minimum proximity requirements provided in this Chapter and in state law.

(d) In considering the application, the Mayor and City Council may impose conditions on the exercise of the privilege granted by the license, to the extent necessary, to minimize any adverse effects the proposed licensed premises may have on public safety and welfare if, after considering all of the evidence, the Mayor and City Council decides such conditions can reduce such adverse impacts on public safety and welfare to an acceptable and reasonable level. Violations of such conditions shall be a violation of this Chapter and the terms of the license.

(e) If the application is denied or conditions are placed on the license, the Mayor and City Council shall cause a written opinion to be prepared and approved by Mayor and City Council showing the reason or reasons for the denial of the license or placement of conditions on the license. Upon adoption by the Mayor and City Council the opinion shall be the final decision of the Mayor and City Council. The City Clerk who shall notify the applicant of the final decision of the Mayor and City Council within five days of the adoption of the final decision by the Mayor and City Council. In the absence of a formal written opinion, the minutes from the meeting shall constitute the written opinion.

(f) Appeal of the final decision of the Mayor and City Council shall be by Petition for Certiorari to the Superior Court of Bulloch County.

(g) The City Clerk may approve all applications for renewal of an existing license upon payment of all charges due, and the renewal application shows no change of ownership or location. If there has been a change of ownership or location the application must be approved by Mayor and City Council.

Sec. 6-14.—Order Required; Disorderly Conduct Prohibited.

(a) *Order required within establishment.* Owners, managers, and employees of a licensed business shall be responsible for keeping an orderly place and shall not permit any employee, patron, or other person to cause a disturbance or engage in unlawful, loud, boisterous, lewd, or obscene conduct or practice within the establishment.

(b) *Order required outside establishment.* The owner and manager of any alcoholic beverage establishment shall be responsible for monitoring parking lots and the curtilage around the establishment and prohibiting patrons and other persons associated with the establishment from standing, sitting, mingling, or assembling outside the licensed premises in a manner which causes or contributes to disturbances and/or illegal acts.

(c) *Disorderly conduct while intoxicated prohibited.* It shall be unlawful for any person within the corporate limits of the city, while intoxicated by alcohol or other drugs on the sidewalks, parks, squares, streets, public buildings, other public places, or in the curtilage of any private residence not his own other than by invitation of the owner or lawful occupant, to be disorderly which condition is made manifest by boisterousness, by indecent condition or act, by

vulgar, profane, loud or unbecoming language, or by acting in such a way as to endanger his or her life or safety or that of any other person or persons.

Sec. 6-15. - Dive defined; prohibited; penalty for violation.

(a) *Term defined.* As used in this section, the term "dive" shall mean any place or establishment where illegal drugs are found, possessed, kept or sold; or where any person possesses or consumes any illegal or unlicensed alcoholic beverage or possesses or uses any illegal drug; or where any person commits any illegal sexual act; or where any person engages in gambling activities.

(b) *Prohibition.* It shall be unlawful for any person or organization or group of persons to have, operate or maintain any place or establishment defined as a dive.

Sec. 6-16. - Alcohol promotions; pricing of alcoholic beverages.

(a) Unless otherwise stated, this section shall be construed to cover, include and apply to every type of alcoholic beverage licensed to be sold in the City of Statesboro.

(b) It shall be unlawful for any licensee or employee or agent of such licensee to engage in or allow any of the following practices in connection with the sale or other disposition of alcoholic beverages:

(1) Offer or deliver any free alcoholic beverage to the general public. This subsection shall not apply to events conducted in accordance with the grant of a special event permit granted pursuant to this Chapter, or to samples of beer offered in conjunction with the sale of growlers as provided for in Section 6-8(b).

(2) Sell, offer to sell, or deliver to any person or group of persons any alcoholic beverage at a price less than \$1.00.

(3) Sell, offer to sell, or deliver to any person or group of persons two or more alcoholic beverages during any set period of time at a fixed price.

(4) Sell, offer to sell, or deliver alcoholic beverages after 11:00 p.m. to any person or group of persons at reduced prices less than the normal retail price of the establishment for that alcoholic beverage charged the general public on that day.

(5) Increase the volume of alcohol contained in a drink without increasing proportionately the price regularly charged for such alcoholic beverage.

(6) Sell two or more alcoholic beverages for a price substantially the same as is charged for one such alcoholic beverage.

(7) Require or encourage the purchase of a second or subsequent alcoholic beverage at the same time another alcoholic beverage is purchased.

(8) Sponsor, conduct, encourage or allow on the licensed premises any game or contest or promotion which either:

- a. Involves the drinking of alcoholic beverages or the awarding of alcoholic beverages as the prize; or
- b. Has as its primary purpose the increasing of the consumption of alcoholic beverages on the premises.

(9) Sell, offer to sell, or give away any coupons, tokens, tickets, receipts or other devices authorizing the serving of any alcoholic beverage drinks either on the current or subsequent day.

(10) Sell, offer to serve, or deliver any alcoholic beverage to be inserted into the mouth of a customer in any manner by anyone other than by the customer.

(11) Charge any minimum charge, cover charge, admission charge, or any other non-food or non-alcoholic beverage charge based on gender, race, creed, color or national origin.

(c) There shall be no advertisement or promotion in any way, whether within or without the licensed premises, of any of the practices prohibited under this section.

(d) No provision of this section shall be construed to prohibit licensees from offering free food or entertainment at any time; provided all patrons or customers are allowed equal access to such free food or entertainment, or to prohibit licensees from including an alcoholic beverage as a part of a meal package, or to prohibit the sale or delivery of wine by bottle or carafe when sold with meals or to more than one person, or to prohibit any hotel or motel from offering room services to registered guests.

(e) This section shall not limit or expand any privilege granted by the Commissioner of the Georgia Department of Revenue to a brewer licensed to manufacture malt beverages authorizing said brewer to conduct educational and promotional brewery tours pursuant to O.C.G.A. § 3-5-38

Sec. 6-17. - Open containers; Sales and Service in Public Areas

(a) *"Open container" defined.* The term "open container", as used in this chapter, means any bottle, can, glass, cup or other vessel which contains an alcoholic beverage not in its original container. The term "open container" shall also mean the original container of an alcoholic beverage and which contains an alcoholic beverage on which the seal has been broken or which is otherwise ready for consumption.

(b) *"Semipublic parking facility" defined.* The term "semipublic parking facility" shall include any privately owned area wherein motor vehicles may be parked by the public in conjunction with any business, enterprise, commercial establishment, office building, church, school, or multiple-family residential building.

(c) *Possession of open container prohibited.* Unless otherwise provided for by this Chapter, it shall be unlawful for any person to have in his or her possession any alcoholic beverages in any open container while on the public streets, sidewalks, alleyways or rights-of-way, or in any public or semipublic parking facility including areas of ingress and egress.

(d) *Exemptions to open container prohibition.*

(1) The Executive Director of the Downtown Statesboro Development Authority shall have standing to request, and only the Mayor and City Council shall have authority to grant exemptions from the prohibitions contained in 6-18(c) for events sponsored by the Downtown Statesboro Development Authority. Any exemption shall be by resolution and clearly define the date, time and boundary area for such an exemption, and shall include any and all terms conditions deemed appropriate by the Mayor and City Council to maintain public safety and welfare. Exemptions granted pursuant to this subsection shall also exempt the Downtown Statesboro Development Authority from obtaining or paying the fee for an Outdoor Event Permit as provided in Section 6-4.

(2) A Class K (brewer, manufacturer of malt beverages only) license holder shall have standing to request, and only the Mayor and City Council shall have authority to grant exemptions from the prohibitions contained in 6-18(c) for events held in connection with the exercise of the privilege granted by the Commissioner of the Georgia Department of Revenue to a brewer licensed to manufacture malt beverages authorizing said brewer to conduct educational and promotional brewery tours pursuant to O.C.G.A. § 3-5-38. Any exemption shall be by resolution and clearly define the date, time and boundary area for such an exemption, and shall include any and all terms conditions deemed appropriate by the Mayor and City Council to maintain public safety and welfare. Exemptions granted pursuant to this subsection shall also exempt the brewer from obtaining or paying the fee for an Outdoor Event Permit as provided in Section 6-4.

(e) *Application to property owned by Board of Regents.* This prohibition shall not apply to any property owned by the Board of Regents of the State of Georgia.

(f) *Application to sidewalk cafes.* The prohibition in subsection (c) above shall not apply to patrons of a sidewalk café located in Downtown Development Authority District, if such establishment is otherwise licensed to sell alcoholic beverages under the applicable laws and ordinances in the City of Statesboro.

(g) *Possession in automobiles prohibited.* See O.C.G.A. § 40-6-253.

(h) *Posting of notice by establishments.* All licensed alcohol establishments are hereby required to post in a conspicuous location inside such establishment a notice informing patrons that open containers are prohibited on the public streets, sidewalks or right-of-ways, or in any public or semipublic parking facility within the City of Statesboro.

(i) It shall be unlawful to furnish or dispense alcoholic beverages through kegs, barrels, cylinders or other portable receptacles containing tap or pump-type devices in which the flow of

contents is controlled by the operator in a public place and facility, public streets, sidewalks, alleyways or rights-of-way, or in any public or semipublic parking facility including areas of ingress and egress. When receptacles are found in violation of this section and the person maintaining the receptacle cannot be identified, the receptacle shall be confiscated and held for 30 days by the city police. The receptacle may be claimed by the owner or lessor, but will be disposed of at the end of 30 days if unclaimed. Nothing in this section shall prohibit persons holding licenses pursuant to this chapter from dispensing through kegs, barrels, cylinders or other such receptacles inside an appropriately licensed premises.

Sec. 6-18. - Furnishing alcoholic beverages in violation of state law.

It shall be unlawful for any licensee, by himself or through another, to obtain, furnish or cause to be obtained or furnished, or permit any other person in his employ to obtain or furnish, distilled spirits, wines, malt beverages, or any other alcoholic beverages in a manner that is a violation of state law.

Sec. 6-19. - Compliance; violations; penalties.

(a) Violations; penalties.

- (1) It shall be unlawful for any person to violate any provision of this Chapter. Upon conviction for the violation thereof each person shall be subject to the punishments allowed under section 5-3 of the Charter of the City of Statesboro, after hearing before the judge of municipal court.
- (2) Unless otherwise provided in the Schedule of Fines and Fees, the minimum fine for a first conviction for violating any provisions of this Chapter in the last five years, as measured from the date of previous offense to the date of the current offense, shall not be less than \$300.00 per citation.
- (3) Unless otherwise provided in the Schedule of Fines and Fees, the minimum fine for a second or subsequent convictions for violating any provisions of this Chapter in the last five years, as measured from the date of previous offense to the date of the current offense, shall not be less than \$725.00 per citation.

(b) Duty of Municipal Court Clerk; Duty of City Clerk.

- (1) Upon filing of any citation(s), accusation(s) or warrant(s) in the Municipal Court of Statesboro that alleges a violation of this Chapter by a licensee, or an employee, agent or representative of a licensee, the Clerk of the Municipal Court shall forward copies of the citation(s), accusation(s), or warrant(s) to the City Clerk, and to the Special Agent in Charge of the Savannah Regional Office of the Alcohol and Tobacco Division of the Georgia Department of Revenue as required by O.C.G.A. §3-3-2.1.
- (2) Upon conviction of a licensee or an employee, agent or representative of a licensee, of any provision of this Chapter or paragraph (1) of subsection (a) of Code Section 3-3-23, prohibiting the furnishing of alcoholic beverages to underage persons, the Clerk of

the Municipal Court shall forward certified copies of the conviction to the Special Agent in Charge of the Savannah Regional Office of the Alcohol and Tobacco Division of the Georgia Department of Revenue as required by O.C.G.A. §3-3-2.1. The term "conviction" as used in this paragraph shall include a finding or verdict of guilt, plea of guilty, or a plea of nolo contendere.

(3) Upon receipt of copies of any accusation(s), citation(s) or warrant(s) from the Clerk of the Municipal Court alleging a violation of this Chapter by a licensee, or an employee, agent or representative of a licensee the City Clerk shall notify the Mayor, the City Manager, the City Attorney and the Chief of Police.

(c) Probation, suspension, revocation of license; administrative hearing, administrative hearing fee.

(1) The Mayor and City Council shall have exclusive jurisdiction over any action brought against any licensee holding a license issued pursuant to this Chapter seeking to revoke, suspend or place the licensee on probation. Said action may be brought by the City Solicitor, the City Manager, or the Police Chief, or their respective designees.

(2) The Mayor and City Council may suspend, revoke, or impose terms and conditions of probation on the licensee, or any combination of suspension and terms and conditions of probation for one or more of the following reasons:

a. The violation by the licensee, or licensee's employees or agents of any state or federal law or regulation or any provision of this Chapter or other ordinance of the City of Statesboro, at any time adopted, relating to the sale, use, possession, or distribution of alcoholic beverages.

b. The violation by the licensee, or licensee's employees or agents of any federal or state law or of any local ordinance of the City of Statesboro, which is related to building codes, fire codes, smoking, excise tax, property tax, health, solid waste disposal, illegal gambling, or controlled substances.

c. The operation of the licensee's business in such a manner as to constitute a threat to public safety, welfare or health or in such a manner as to constitute a nuisance, or the operation of a licensed business where violations of federal, state, or local laws or ordinances frequently or regularly occur.

d. The making of any untrue or misleading statement in the application for a license or any renewal thereof or the omission from such application or renewal of any information required in the application.

e. Permitting any person to engage in any activity on the premises for which the license is issued or within the place of business, which is in violation

of the laws or regulations of any federal or state law or of any local ordinance of the City of Statesboro, which is related to building codes, fire codes, smoking, excise tax, property tax, health, solid waste disposal, illegal gambling, alcohol, or other controlled substances.

(5) Any person holding any license issued pursuant to this Chapter or any employee, agent, or representative of a licensee who violates any provision of this Chapter while acting within the scope of their employment, agency, or representation of the licenses, or directs, consents to, permits, or acquiesces in such violation either directly or indirectly shall, by such conduct, subject the license to suspension, revocation or probation upon conditions.

(6) For purposes of administrative action against a licensee, any act committed by an employee, agent or representative of a licensee in their capacity as an employee, agent or representative of the licensee that violates any provision of this chapter shall be deemed to be an act of the licensee.

(7) In order to take administrative action against a licensee, a hearing before the Mayor and City Council shall be held on a date and time certain which shall be reflected on the summons of administrative hearing issued by the City Clerk or any other person specifically authorized by this Chapter or other law to issue such summons to appear before the Mayor and City Council. The summons of administrative hearing shall contain a place, date and time certain of the administrative hearing and shall be served on responding party more than five days before any scheduled hearing.

(8) The notice of administrative hearing shall be served by certified mail return/receipt requested; or by leaving a copy thereof at the licensed business location with an employee working therein, or by personal service on the responding party, or on an agent authorized by law or by appointment to receive service of process. Said notice shall also be sent by regular mail to the agent set out on the license or listed on the license application. The City Clerk shall also forward a copy of this notice to the Special Agent in Charge of the Savannah Regional Office of the Alcohol and Tobacco Division of the Georgia Department of Revenue.

(9) The evidentiary standard for an action against a licensee is preponderance of the evidence.

(10) In considering the term of suspension, whether to permanently revoke the license or whether to impose terms and conditions of probation on the license, the Mayor and City Council shall consider the following factors:

- a. The gravity of the violation;
- b. Any previous violations within the past five years period as measured from the date of previous offense to the date of the current offense;
- c. Actions of the licensee, its employees, subcontractors or agents in connection with the violation.

(11) The Mayor and City Council may promulgate any rules of procedure for the administrative hearing not in conflict with this ordinance or other law.

(12) If action is taken against the licensee the Mayor and City Council shall cause a written opinion to be prepared by Mayor and Council showing the reason or reasons for the revocation, suspension or probation of the license. The written opinion can be the minutes of the hearing kept by the City Clerk showing the evidence considered and the ruling issued. Upon adoption by the Mayor and City Council the opinion shall be the final decision of the Mayor and City Council. The City Clerk shall notify the applicant of the final decision of the Mayor and City Council within five days of the adoption of the final decision by the Mayor and City Council. Pursuant to O.C.G.A. § 3-3-2.1 the City Clerk shall forward a copy of this final decision to the Special Agent in Charge of the Savannah Regional Office of the Alcohol and Tobacco Division of the Georgia Department of Revenue.

(13) Appeal of the final decision of the Mayor and City Council shall be by Petition for Certiorari to the Superior Court of Bulloch County.

(d) *Temporary Suspension by City Manager Permitted.* Notwithstanding the foregoing, and upon determining it is in the interest of public safety the City Manager, upon a written recommendation of the Police Chief, or acting head of the Statesboro Police Department, and approval of the Mayor, may temporarily suspend any license provided for in this Chapter pending an administrative hearing and action by the Mayor and City Council in accordance with this Chapter. The City Manager shall issue a written administrative order stating the reasons for the temporary suspension. If a license is temporarily suspended by the City Manager, the Mayor shall call a special meeting of the City Council to hold an administrative hearing pursuant to this Chapter as soon as practically possible, but no later than 10 days from the day the license is temporarily suspended.

Sec. 6-20. – Excise Tax on Distilled Spirits sold by the drink.

(a) There is imposed upon the sale of any drink containing distilled spirits sold by the drink for consumption on the premises in the city a tax in the amount of three percent (3%) of the purchase price of the mixed drink containing distilled spirits to the consumer. Each licensee shall be allowed a deduction of three percent of the amount of taxes collected as reimbursement for collection of such taxes; provided that such tax is not delinquent at the time of payment. A record of each sale will be made in writing and maintained for inspection by any authorized agent of the city.

(b) Every consumption-on-the-premises licensee shall collect the tax imposed by this chapter from purchasers of any drink containing distilled spirits sold by the drink. The licensee shall furnish such information as may be required by the City Clerk to facilitate the collection of the tax. In all cases where the purchase is by deferred payment or credit, the licensee becomes liable for the collection and payment of the tax at the time of delivery of the drink containing distilled spirits sold by the drink.

(c) On or before January 20th, April 20th, July 20th and October 20th of each calendar year, licensees shall be required to file with the city clerk an excise tax report showing the licensee's gross receipts from the sale of drinks containing distilled spirits; the amount of taxes collected or coming due thereon for the previous three months, and shall pay over the amount due of taxes collected under this chapter to the City at the same time the excise tax report is filed.

Sec. 6-21. – Excise Tax on the Wholesale of Malt Beverages, Wine, and Distilled Spirits

(a) There is imposed by the city an excise tax on the first sale or use of malt beverages in the city, as follows:

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

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

(b) There is imposed by the city an excise tax on the first sale or use of wine in the city at a rate of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.

(c) There is imposed by the city an excise tax on the first sale or use of distilled spirits in the city at the rate of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.

(d) The excise taxes provided for in this section shall be imposed upon and paid by the licensed wholesale dealer. Such taxes shall be paid on or before the 20th day of the month following the month in which the alcoholic beverages are sold or disposed of by the wholesaler within the city.

Sec. 6-22. – Adoption of Rules and Regulations for the Administration of this Chapter

(a) The Mayor and City Council may adopt any rules and regulations for the administration of the Chapter not in conflict with this Chapter or other law.

(b) The rules and regulations adopted by the Mayor and City Council for the administration of the Chapter shall be kept on file with the City Clerk for review by the public during the regular business hours of City Hall.

(c) A copy of these rules and regulations shall be furnished to each licensee upon the grant of an alcohol license.

(d) The Mayor and City Council may, from time to time, amend these rules and regulations.

(e) Violation of any rule or regulations adopted by the Mayor and City Council shall constitute a violation of this Chapter.

SECTION 2. All other sections of the Code of Ordinances not here expressly amended here remain in full force and effect.

SECTION 3. As provide in Section 6-22 of the above ordinance attachment A of this ordinance is adopted as the Rules and Regulations for the administration of Chapter 6 (Alcoholic Beverages) of the Code of Ordinances of the City of Statesboro, and shall become effective at the stroke of midnight on June 30, 2016, and remain if full force and effect unless and until amended or repealed by further action by the City Council.

SECTION 4. Should any section, subsection, or provision of this ordinance be ruled invalid by a court of competent jurisdiction, then all other sections, subsections, and provisions of this ordinance shall remain in full force and effect.

SECTION 5. This ordinance shall become effective at the stroke of midnight on June 30, 2016, and remain if full force and effect unless and until amended or repealed by further action by the City Council.

THE MAYOR AND CITY COUNCIL OF THE CITY OF STATESBORO, GEORGIA

By: Jan J. Moore, Mayor

Attest: Sue Starling, City Clerk

ATTACHMENT "A"
OF ORDINANCE NO.: _____

**RULES AND REGULATIONS FOR THE ADMINISTRATION OF CHAPTER 6 OF
THE CITY OF STATESBORO CODE OF ORDIANCES--ALCOHOL**

1.1 PURPOSE

The purpose of this Section is to provide rules and regulations for the Administration of Chapter 6 of the Code of Ordinances of the City of Statesboro.

1.2. PROCEDURE FOR ISSUANCE OF PERMITS; RIGHT OF APPEAL OF DENIAL.

- 1.2.1 If the city official responsible for issuing any permit upon review the application finds that the applicant has met all requirements to obtain the requested permit, the city official shall grant the permit.
- 1.2.2 If the city official upon review finds that the applicant has not met all requirements to obtain a requested permit, the city official shall deny the grant of the requested permit; shall furnish the applicant in writing the reasons for the denial of the grant of the permit within FIVE (5) days of the denial.
- 1.2.3 If the city official revokes or suspends any permit, the city official shall furnish the applicant the reason for the suspension or revocation of the permit within FIVE (5) days of the suspension or revocation of the permit.
- 1.2.4 If the city official denies the grant of the requested permit, or revokes or suspends the permit, the applicant shall have FIVE (5) days to file a Notice of Appeal with the City Clerk.
- 1.2.5 Failure to file a timely appeal of a denial to grant the permit shall render the city official's decision final.
- 1.2.6 Upon filing of a Notice of Appeal the City Clerk shall schedule a hearing before the City Manager, or their designee, no later than TEN (10) days from the filing of the Notice of Appeal.
- 1.2.7 The City Manager, or their designee, may reverse the city official's decision only upon showing by clear and convincing evidence that the city official's decision was clearly erroneous.
- 1.2.8 The decision of the City Manager, or their designee, shall be the final decision of the City of Statesboro.
- 1.2.9 Appeal of this final decision shall be by Petition for Certiorari to the Superior Court of Bulloch County.

1.3 SUNDAY SALES PERMITS

1.3.1: The licensee of a business engaged in the retail package sales of beer and/or wine, or any restaurant as defined in this chapter which qualifies as an “eating establishment” as defined in O.C.G.A. § 3-3-7(h)(2), or any hotel which derives at least 60 percent of its total annual gross income from the rental of rooms for overnight lodging desiring the privilege to sell, furnish or otherwise dispense distilled spirits, malt beverages, or wine on Sunday in accordance with Chapter 6 of the Code of Ordinances of the City of Statesboro shall and Title 3 of Official Code of Georgia, before dispensing such beverages on Sunday, shall make a written application under oath on the form as provided by the City Clerk or his or her designated representative certifying that:

(A) such establishment holds or has applied for a current City of Statesboro occupation tax certificate for a business engaged in the retail package sales of beer and/or wine, or a restaurant which qualifies as an “eating establishment” as defined in O.C.G.A. § 3-3-7(h)(2) eating establishment, and, as applicable, or

(B) such restaurant, if an existing business, derived at least 50 percent of its gross sales income from the sale of prepared meals during the preceding calendar year and qualifies as an “eating establishment” as defined in O.C.G.A. § 3-3-7(h)(2); or if a new business, fully intends and expects to derive at least 50 percent of its total annual gross sales income from the sale of prepared meals during the remainder of the current calendar year and qualifies as an “eating establishment” as defined in O.C.G.A. § 3-3-7(h)(2). Such an affidavit may be submitted at any time the above stated conditions are met, and must be submitted annually with such establishment's alcoholic beverage license renewal application if Sunday sales authorization is to be continued, or.

(C) such hotel, if an existing business, derived at least 60 percent of its total annual gross income from the rental of rooms for overnight lodging during the preceding calendar year and qualifies for a Sunday sales permit; or if a new business, fully intends and expects to derive at least 60 percent of its total annual gross income from the rental of rooms for overnight lodging during the remainder of the current calendar year and to qualify for Sunday sales under this Chapter. Such an affidavit may be submitted at any time the above-stated conditions are met, and must be submitted annually with such establishment's alcoholic beverage license renewal application if Sunday sales authorization is to be continued.

1.4 OUTDOOR EVENT PERMITS FOR CLASS D, E, AND/OR F LICENSEES

1.4.1: Prior to the sale of alcoholic beverages at an outdoor event the producer of the event must obtain a Class D, E, and/or F Outdoor Event Permit as provided below as well as comply with the below requirements:

(A) A producer is any person, group of persons, organization, association, club, or other entity responsible for planning, producing and conducting a Class D, E, and/or F Outdoor Event. The producer of an event, if a group or organization, shall be fully identified on the application. However, a Class D, E, and/or F Outdoor Event Permit shall be issued

only to an individual person, who may be the actual producer or a designated agent of the producer, and such individual person shall be solely and fully responsible for compliance with all provisions, including all financial requirements, of this chapter and other applicable laws.

(B) A producer seeking a Class D, E, and/or F Outdoor Event Permit shall make application at the office of the City Clerk on a form prescribed by the City Clerk. Application forms may be obtained from the office of the City Clerk.

(C) An application for a Class D, E, and/or F Outdoor Event Permit should be filed at least 45 days prior to the date the event is scheduled to occur. Failure to file a timely application shall be grounds for denial of the permit. However, no application shall be accepted earlier than one year prior to the date of the event. A nonrefundable application fee of \$25.00 shall be paid at the time of application.

(D) The application for a Class D, E, and/or F Outdoor Event Permit shall include, in addition to the map identifying the outermost boundaries of the event, a map no smaller than $8\frac{1}{2} \times 11$ inches in size, clearly identifying the area where the consumption of alcoholic beverages is proposed.

(E) The application for a Class D, E, and/or F Outdoor Event Permit shall include a description of the area, including the size and the maximum number of persons for such area. The application also shall contain a description of the method and structures that will be used to secure and separate such area from other public areas. The structure shall be inspected by the Fire Chief, or his designee, to determine compliance with applicable fire and safety codes. Unless approved by the Fire Chief no Outdoor Event Permit shall be issued.

(F) The City Clerk or his or her designee shall cause the application to be circulated to each government department and/or other agency whose services would be affected by the nature and activities of the proposed event. Each department of the government reviewing an application may recommend in writing certain conditions or restrictions as deemed necessary to facilitate the event, to comply with other laws or regulations, and/or to ensure the safety, health and welfare of the community. In reviewing the recommendations of the departments, the City Clerk may impose such conditions or restrictions as a part of the permit and such special conditions so imposed shall be construed to have the full force and effect of law as a provision of this chapter. A violation of such conditions or restrictions shall be deemed a violation of this chapter.

(G) After considering all comments and conditions of the reviewing departments and agencies as well as other information pertaining to the proposed event as described on the application, and with the consent of the Chief of Police, and upon payment of all applicable fees the City Clerk is authorized to approve and issue a Class D, E, and/or F Outdoor Event Permit.

(H) Prior to the issuance of a permit for the event, the proposed licensee shall sign a statement of understanding and agreement to the terms and conditions imposed on the event. Such a statement shall become a part of the conditions of the permit for the event.

(I) The producer shall provide, at his/her own expense, a sufficient number of security personnel at any outdoor event issued a Class D, E, and/or F Outdoor Event Permit. The Director of Public Safety shall determine what number of security personnel is sufficient.

(J) The producer shall be required to provide temporary outdoor toilet facilities. The number of toilets and their locations shall be determined by the Director of Public Works or his or her designee.

(K) The consumption of alcoholic beverages at outdoor events pursuant to a Class D, E, and/or F Outdoor Event Permit shall occur within the delineated boundaries of the event.

(L) The delineated boundaries of the event shall be securely enclosed on all sides by a fence, barricade or other similar such structure approved by the Fire Chief, or his or her designee, so as to completely separate that area from the areas in which alcoholic beverages are not permitted.

(M) The dispensing of alcoholic beverages under a Class D, E, and/or F Outdoor Event Permit shall be restricted to those persons having a valid business license and valid Class D, E, or F licenses issued by the City of Statesboro, and the dispensing of the alcoholic beverages shall only occur within the boundaries of the licensed premises. The name of each licensee who will dispense alcoholic beverages to be consumed by patrons within the delineated boundaries of the outdoor event shall be required as a part of the application for a Class D, E, and/or F Outdoor Event Permit.

(N) Patrons within the delineated boundaries of the a Class D, E, and/or F Outdoor Event Permit are exempt from the restrictions regarding open containers contained in Chapter 6 of the Code Ordinances of the City of Statesboro.

(O) The delineated boundaries of the event shall be conspicuously posted at all times at each point of entrance/exit with signs stating the following: "The possession of alcoholic beverages beyond this point is prohibited." The letters of such signs shall not be less than three inches in height and one-half inch in width and shall be in black letters on a contrasting light background.

(P) It shall be unlawful for patrons of any area within the delineated boundaries of a Class D, E, and/or F Outdoor Event Permit to bring into or take outside the designated area(s) any alcoholic beverage or to furnish any alcoholic beverage to any person outside the designated area where alcoholic beverages are permitted.

(Q) No permit issued under this chapter shall be valid prior to or past the date of the outdoor event for which it is issued.

(R) The safety, health, welfare and good order of all citizens and the community shall be first and foremost and every outdoor event shall be conducted in such manner. The Chief of Police may terminate any activity, whether a part of or the entire event, which does not meet this community standard. Upon notification to the event producer in person by the Chief of Police to cease any activity, it shall be unlawful for such producer and/or any participants to permit such activity to continue.

(S) Notwithstanding the provisions of this section, any person dispensing and/or consuming alcoholic beverages in accordance with this section shall comply with all other laws and ordinances pertaining to the sale, possession and consumption of alcoholic beverages.

1.6 DISTANCE WAIVER PERMITS FOR RESTAURANTS

1.6.1 The Mayor and Council, following application for a distance waiver permit for restaurant, notice and hearing, may in its discretion grant a distance waiver permit for a restaurant authorizing the issuance of a Class D, E or F license to a licensee of a restaurant notwithstanding the distance requirements in Section 6-5(c) from school buildings, alcoholic treatment centers, educational buildings on college campus, churches and/or property lines of a private dwelling located in single-family residential zoning district for locations that sell alcohol for consumption on the premises only. The application for distance waiver permit shall be obtained as provided below:

(A) An application for a distance waiver permit for a restaurant shall be on a form prescribed by the City Clerk and submitted simultaneously to the City Clerk with an application for an alcoholic beverage license. The applicant shall describe the proposed business in detail, including whether or not the business will have outdoor seating or amplified music, and shall be permitted to submit documentation supporting its application. A permit application fee of \$300.00 shall be submitted with the application. The City Clerk shall give the applicant written notice of the date that such distance permit application will be heard by the Mayor and City Council, which date shall be no more than six months from the date of the application. The hearing required by this paragraph shall not be set until the City Clerk determines that excluding the distance requirements under application for waiver, all other requirements of this Chapter for the type of alcoholic beverage license under consideration have been met. If all other requirements have been met, the City Clerk will notify the applicant of the date set for the hearing in time for the applicant to meet the notice requirements below.

(B) The applicant shall cause notice of such application containing the same information as required below for the sign to be advertised in the county legal organ for three consecutive weeks within the 30 days preceding the hearing date. The applicant shall cause the property designated for the operation of the business to be posted for 30 days preceding the date of the hearing with a sign reading as follows:

NOTICE OF APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE DISTANCE WAIVER PERMIT FOR RESTAURANT

This establishment has applied to the City of Statesboro for an alcoholic beverage license authorizing it to sell _____ (state the appropriate types of alcoholic beverages) for on-premises consumption at this location and for an associated distance waiver permit for a restaurant, which will waive distance requirements otherwise provided for in the Code of the City of Statesboro for distances from school buildings, educational buildings on college campus, churches, alcoholic treatment centers and/or property lines of a private dwelling located in single-family residential zoning district.

The Mayor and City Council of The City of Statesboro will consider the applicant's request for a distance waiver permit for restaurant _____/_____/_____,
20_____ at _____ .m. at Council Chambers on the Second Floor of City Hall, 50 East Main Street, Statesboro, Georgia. A copy of the application may be reviewed in the Office of the City Clerk, First Floor, City Hall, 50 East Main Street, Statesboro, Georgia.

A qualified interpreter for the hearing impaired is available upon request at least ten days in advance of this meeting. Please call (912) 555-1212, [TDD (912) 555-5252] to request an interpreter or for more information.

This _____ day of _____, 20_____.

Legal Name of applicant and d/b/a if applicable

Address of applicant

(C) The size of the sign to be posted on the property shall be no smaller than 18 inches by 24 inches. The size of the copy on the sign shall be large enough to be visible to pedestrians and motorists. The sign is to be conspicuously displayed on that portion of the property most visible to the public and shall not be removed prior to the conclusion of the public hearing. At the hearing the applicant shall provide proof to the Mayor and City Council that the notice has been published as required herein and that the sign has been posted as required herein.

(D) In determining whether a distance waiver permit for a restaurant applied for hereunder shall be granted or renewed, the following factors shall be considered by the Mayor and City Council at the hearing in the public interest and welfare:

a. *Character of the location.* The location for which the license is sought, as to traffic congestion, noise, general character of neighborhood, and the effect such an establishment would have on the use and property values of the adjacent and surrounding property.

b. *Number of licenses in trading area.* The number of licenses already granted for similar businesses in the trading area of the place for which the license is sought.

c. *Congregation of minors.* Any circumstances which may cause minors or those under 21 years of age to congregate in the vicinity of the proposed location.

d. *Prior incidents.* Evidence that a substantial number of incidents requiring police intervention have occurred within a square city block of the proposed location during the 12 months immediately preceding the date of application, or a substantial number of incidents requiring police intervention have occurred within a square city block of the proposed location during any time period when an establishment held an alcoholic beverage license operated at the proposed location.

e. *Manner of conducting prior alcoholic beverage business.* If the applicant is a previous holder of an alcoholic beverage license, the manner in which the applicant conducted the prior business, especially as to the necessity of unusual police observation and inspection in order to prevent the violation of any law, regulation, or ordinance relating to such business.

f. *Failure to satisfy notice requirements.* If the applicant has failed to satisfy the notice provisions required hereinabove, the Mayor and City Council shall deny the distance waiver permit.

(E) Hearings on the application for a distance waiver permit for restaurants shall be conducted informally, but in such a manner as to preserve decorum at all times. The parties may compel the attendance of witnesses by subpoena. The City Clerk shall keep minutes of the hearing showing the vote of each Councilman upon each application, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, which shall be of public record. The minutes of the City Clerk shall be the written record of the hearing. The record shall be an account of the proceedings, including a listing of all documents considered, a summary of testimony presented, and any rulings upon motions or objections raised. The applicant or any other party to the proceeding may have a verbatim transcript prepared by an official court reporter, certified in the State of Georgia, at his or her own expense; provided, however, a copy of the transcript shall be filed with the City Clerk and copies made available to other parties at actual cost. The hearing on the application for a distance waiver permit for a restaurant shall follow rules of procedure adopted by the Mayor and City Council that provide at a minimum that at the hearing the applicant may be represented by counsel, may offer testimony by witnesses or any other evidence and may cross-examine any opposing witnesses. The City Clerk, the Chief of Police, and the Director of Planning shall provide to the Mayor and City Council a staff report regarding the application for a distance waiver permit and make a recommendation to approve, approve with conditions, or to deny based on the factors listed above.

The applicant shall have the right to appear before the Mayor and City Council and present evidence in accordance with such rules of procedure. Following the hearing, the Council may approve the application, approve the application with conditions, or deny the application.

(F) In considering a distance waiver permit for a restaurant, the Council may impose conditions, to the extent necessary, to minimize any adverse effects the proposed restaurant may have on the adjoining properties if after considering all of the factors required, the Council decides certain conditions can reduce such adverse impacts upon adjoining properties to an acceptable and reasonable level. If the application is denied, the Council shall cause a written report to be prepared and signed by the Mayor showing the reason or reasons for the denial. The Council shall return the application showing its denial, together with the written report, to the City Clerk who shall notify the applicant of the denial within five days of the denial. The decision of the Mayor and City Council shall be the final decision of the City of Statesboro with respect to the application.

1.6.2 The holder of a distance waiver permit for a restaurant shall apply for renewal of said permit each year upon application for renewal of the alcoholic beverage license on a form prescribed by the City Clerk and submitted simultaneously to the City Clerk with an application for an alcoholic beverage license, as provided below:

(A) A permit application fee set by the Mayor and City Council shall be submitted with the application. At the time of application, the applicant shall cause to be posted on the property notice of the application for renewal of the distance waiver permit as follows:

**"NOTICE OF APPLICATION FOR RENEWAL OF ALCOHOLIC BEVERAGE LICENSE
DISTANCE WAIVER PERMIT FOR A RESTAURANT**

This establishment has applied to the Mayor and City Council of The City of Statesboro for renewal of the distance waiver permit for a restaurant, which waives distance requirements otherwise provided for in the Code of the City of Statesboro for distances from school buildings, educational buildings on college campus, churches, alcoholic treatment centers and/or property lines of a private dwelling located in a single-family residential zoning district for this establishment to hold an alcoholic beverage license. The distance waiver permit shall be renewed if the alcoholic beverage license is renewed and if no objections to the renewal to the distance waiver permit for a restaurant are filed with the City Clerk of the City of Statesboro in writing on or before _____[insert date at least 30 days from date of posting of sign for objections to be filed]. If objections are filed on or before this date, then a hearing on the application for a distance waiver permit for a restaurant will be held before the Mayor and City Council and notice of said hearing will be advertised in the legal organ of the City of Statesboro and posted on this property.

Written objections should be mailed to:

City Clerk

[address]

This _____ day of _____, 20_____.

Legal Name of applicant and d/b/a if applicable

Address of applicant"

(B) The size of the sign to be posted on the property shall be no smaller than 18 inches by 24 inches. The size of the copy on the sign shall be large enough to be visible to pedestrians and motorists. The sign is to be conspicuously displayed on that portion of the property most visible to the public and shall not be removed prior to the last date for written objections to be filed. The applicant shall provide proof in its application that the sign has been posted as required herein.

(C) If a written objection is filed, then the City Clerk shall notify the applicant by providing copies of all written objections to the applicant. A hearing shall be held pursuant to the requirements of 1.4.1 (E) and (F) above. In the event that no objection is filed, then the City Clerk is authorized to issue the renewal distance waiver permit without a hearing if all other requirements of this Chapter for the type of alcoholic beverage license under consideration have been met.

- 1.6.3 Each distance waiver permit for a restaurant is issued for a specific location and the specific restaurant use only and may not be transferred to another location or another type of use at the same location. A new application is required for each licensed premise.
- 1.6.4 No distance waiver permit for a restaurant shall be transferred from one person to another during the year in which the license was obtained, except in the case of the death of a person holding the permit, in which event his personal representative may continue to operate under the license for six months from the date of his qualification.
- 1.6.5 If the application is denied, the Mayor and City Council shall cause a written opinion to be prepared and approved by Mayor and Council showing the reason or reasons for the denial of the permit. Upon adoption by the Mayor and City Council the opinion shall be final decision of the Mayor and City Council. The City Clerk who shall notify the applicant of the final decision of the Mayor and City Council within five days of the adoption of the final decision by the Mayor and City Council.
- 1.6.6 Appeal of the final decision of the Mayor and City Council shall be by Petition for Certiorari to the Superior Court of Bulloch County

1.7 GROWLERS

- 1.7.1 The sale of growlers is authorized for Class B licensees if said sales comply with the following rules and regulations:

- 1.7.2 Growlers must be filled from kegs procured from a duly licensed wholesaler. Each growler must be securely sealed and removed from the premises of the licensed establishment in its sealed condition.
- 1.7.3 The licensee must comply with all federal and state laws and regulations regarding packaging and labeling alcoholic malt beverages.
- 1.7.4 The licensee must comply with Georgia Department of Agriculture's General Rules 40-7-1-.40 requiring a "contamination free" transfer process for beverages and the use of washed, rinsed and sanitized growler fill tubes, which must be cleaned between each use.
- 1.7.5 The licensee must comply with the Georgia Department of Agriculture Best Management Practices for Growler Refilling.
- 1.7.6 A licensee selling growlers with a Class B alcohol license may provide samples of beer for consumption on the premises without a Class E license only if the samples of beers are from a tap, and no more than 16 ounces of samples are provided to any one individual in any 24 hour period.

1.8 CATERED EVENT PERMIT

- 1.8.1 An application for a Catered Event Permit should be filed at least 30 days prior to the date the event is scheduled to occur. Failure to file the application in a timely manner is grounds for denial of the permit.
- 1.8.2 Prior to the sale of alcoholic beverages at a catered event a licensed alcoholic beverage caterer shall make a written application under oath on the form as provided by the City Clerk or his designated representative that provides, at least, the following minimum information:
 - (A) The location of the catered event;
 - (B) The duration of the catered event and the times during which alcoholic beverages shall be provided or sold;
 - (C) The person or entity hiring the caterer;
 - (D) The nature of the function being catered, i.e. retirement dinner, wedding reception, private party;
 - (E) The number of expected guests at the catered event.
 - (F) The estimated total cost of the food expected to be served.
 - (G) The estimated total cost of the alcohol expected to be served.
- 1.8.3 As part of the application the licensed alcoholic beverage caterer shall swear and affirm under oath that the event is a bona fide catered event where alcoholic beverages are served for a particular function (i.e. retirement dinner, wedding reception, private party) food exceeds the cost of alcohol.

- 1.8.4 The licensed alcoholic beverage caterer shall maintain in their files receipts and documentation showing the actual total costs of food served at the event and the actual total costs of the alcohol served at the event. Upon request of the City Clerk these receipts and documentation shall be furnished to the City Clerk along with a sworn statement under oath that the receipts and documentation are a true and accurate reflection of the total costs of food and alcohol served at the catered event.
- 1.8.5 For purposes of calculating the total cost of food the sale of ice, garnishes, soft drinks, mixers or beverages of any kind for use or consumption on the premises with or in an alcoholic beverage shall not constitute the sale of food.
- 1.8.6 As part of the City Clerk's review, the City Clerk shall submit the application to the Statesboro Fire Department to review any life safety issues with the proposed venue of the catered event. If the City Clerk upon review the application finds that the applicant has met all requirements to obtain a Catered Event Permit, the City Clerk shall grant the license.

1.9. IN ROOM SERVICE PERMIT

1.9.1 Prior to a hotel engaging in the practice of in room service of beer and wine in conjunction with any privilege granted by a Class B or Class C license, an in room service permit must be obtained.

1.9.2 The hotel shall make a written application under oath on the form as provided by the City Clerk or his designated representative that provides, at least, the following minimum information:

(A) That the applicant meets the definition of hotel contained in Chapter 6 of the Code of Ordinances;

(B) That the applicant has a valid Class B and/or Class C license;

(C) That the applicant understands that in room service permit only allows:

(a) The delivery of alcoholic beverages in unbroken packages by an employee of a hotel to a registered guest's room or to a registered guest at any location in the same building as the hotel when such alcoholic beverages have been ordered by the guest and when the guest shall be billed for the cost of such alcoholic beverages at the time of delivery and when the sale of such alcoholic beverages is completed at the time of delivery; and

(b) The provision of a cabinet or other facility located in a hotel's guest room which contains alcoholic beverages and which is provided upon written request of the guest and which is accessible by a lock and key only to the guest and for which the sale of the alcoholic beverages contained therein is deemed to be final at the time except for a credit which may be given to the guest for any unused portion.

1.11 ALCOHOLIC BEVERAGE SERVICE PERMITS

1.11.1 A written application made under oath for shall be filed with the Statesboro Police Department on a form provided by the Chief of Police or his designee.

1.11.2 The Chief of Police or his designee shall investigate all applications for ABC Service Permits, and may require the applicant to furnish fingerprints, and consent to a state and federal criminal background check.

1.11.3 There shall be two categories of Alcoholic Beverage Service Permits.

- (A) Class I ABS Permit is required by all persons employed as managers, servers, or bartenders, or any other employee, agent or subcontractor with the responsibility for handling, serving, mixing, dispensing alcoholic beverages, verifying the age of patrons within or on the curtilage of the licensed establishment.
- (B) Class II ABS Permit is required by all persons employed as a bouncer within or on the curtilage of the licensed establishment, or any agent or subcontractor working on behalf of the licensee as a bouncer within or on the curtilage of the licensed establishment.

1.11.4 The Chief of Police or their designee and shall refuse to issue a Class II ABS Service permit to any applicant who:

- (A) Fails to meet the age and any other requirements found in the general laws of the State of Georgia to work as a bouncer.
- (B) has been convicted within ten years of any felony or for whom outstanding indictments, accusations or criminal charges exist charging such individual with any of such offenses and for which no final disposition has occurred, or for whom outstanding indictments, accusations or criminal charges exist charging such individual with any of such offenses and for which no final disposition has occurred, or
- (B) has been convicted within five years of any violation (i) of any state or federal crime involving physical violence; (ii) of any local, state or federal law pertaining to the manufacture, possession, transportation or sale of malt beverages, wine or intoxicating liquors, or other controlled substances and the taxability thereof other than a first conviction for furnishing alcohol to a person underage (iii) of a crime involving moral turpitude; or (iv) of a crime involving soliciting for prostitution, pandering, gambling, letting premises for prostitution, keeping a disorderly place, or for whom outstanding indictments, accusations or

criminal charges exist charging such individual with any of such offenses and for which no final disposition has occurred, or

- (C) has been convicted within the past seven years of any serious traffic offense as defined in O.C.G.A. § 40-6-390 et seq., but excluding any first lifetime conviction for reckless driving that results from a guilty plea from an original charge of driving under the influence of alcohol or drugs, or any first lifetime conviction for driving under the influence of alcohol or drugs, or for whom outstanding indictments, accusations or criminal charges exist charging such individual with any of such offenses and for which no final disposition has occurred, or,
- (D) within the previous five years has two or more convictions that involve providing alcohol to underage persons, or for whom outstanding indictments, accusations or criminal charges exist charging such individual with any of such second offense and for which no final disposition has occurred, or,
- (E) is currently on probation for, or currently under the supervision of a court under either a pre-trial diversion program or conditional discharge sentence for underage possession of alcohol, or for whom outstanding indictments, accusations or criminal charges exist charging such individual with such offense and for which no final disposition has occurred.
- (F) The term "conviction" as used in this paragraph shall include a finding or verdict of guilt, plea of guilty, a plea of nolo contendere, a bond forfeiture, and also include anyone currently on probation or otherwise under a court's supervision for a term certain to avoid a judgment of guilt being entered under what is commonly referred to as "first offender" sentence or "pre-trial diversion program."
- (G) Measurement of the time between convictions shall be from the date of arrest or date of issuance of the citation of the offense to the date of arrest or date of issuance of the citation for the subsequent offense.

1.11.5 The Chief of Police or their designee and shall refuse to issue a Class I ABS Service permit to any applicant who:

- (A) within the previous five years has two or more convictions that involve providing alcohol to underage persons, or for whom outstanding indictments, accusations or criminal charges exist charging such

individual with any of such second offense and for which no final disposition has occurred, or,

- (B) is currently on probation for, or currently under the supervision of a court under either a pre-trial diversion program or conditional discharge sentence for underage possession of alcohol, or for whom outstanding indictments, accusations or criminal charges exist charging such individual with such offense and for which no final disposition has occurred.
- (C) The term "conviction" as used in this paragraph shall include a finding or verdict of guilt, plea of guilty, a plea of nolo contendere, a bond forfeiture, and also include anyone currently on probation or otherwise under a court's supervision for a term certain to avoid a judgment of guilt being entered under what is commonly referred to as "first offender" sentence or "pre-trial diversion program."
- (D) Measurement of the time between convictions shall be from the date of arrest or date of issuance of the citation of the offense to the date of arrest or date of issuance of the citation for the subsequent offense.

1.11.6 The Chief of Police, or his designee may refuse to issue an ABC Service Permit to any applicant whose background indicates employment in the alcoholic beverage industry would adversely affect the health, safety or welfare of the applicant or community. If an ABC permit is denied on these grounds, the Chief of Police, or designee shall state in writing the specific evidence and reasons for the denial of the ABC Service Permit.

1.11.7 In order to obtain an ABC Service Permit all applicants must complete a *Training for Intervention Procedures* alcohol course (see www.tipsalcohol.com), or other similar training approved by Chief of Police, and furnish proof of such training to the Chief of Police or his designee.

1.11.8 Upon the filing of an application and review of the initial application for an ABC permit the Chief of Police or his designee may issue a provisional Alcoholic Beverage Service permit that is valid for no more than THIRTY (30) days in order to provide the Chief of Police or his designee time to complete the background investigation, and to provide the applicant time to complete their required training. This provisional permit may be revoked at any time the Chief of Police or his designee.

1.11.9 Upon recommendation by the Chief of Police or his designee, the Prosecuting Attorney for the Municipal Court or an Assistant Prosecuting Attorney for the Municipal Court may revoke or suspend an ABC Service Permit for the following reasons:

- (A) The permit holder provided false or misleading information in their ABC Service Permit Application;
- (B) The permit holder no longer meets the eligibility requirements in section 1.10.3.
- (C) The permit holder's employment in the alcoholic beverage industry is determined to adversely affect the health, safety or welfare of the applicant pursuant to Section 1.10.6.
- (D) If the permit holder is charged with any crime listed in section 1.10.4 or 1.10.5, as applicable, the ABC Service Permit may be suspended until the charge is adjudicated in court, and the permit holders continued eligibility under Section 1.10.4 and 1.10.5 can be determined.
- (E) If the permit holder is convicted of a first violation in five years of Chapter 6 of the Code or Ordinances of the City of Statesboro, or a crime involving furnishing alcohol to persons under age, or for whom outstanding indictments, accusations or criminal charges exist charging such individual with any of such offense and for which no final disposition has occurred the ABC Service Permit may be suspended up to 120 days.
- (F) If the permit holder is convicted of second offense within the previous five years for violating Chapter 6 of the Code of Ordinance of the City of Statesboro or a crime that involves providing alcohol to underage persons, or for whom outstanding indictments, accusations or criminal charges exist charging such individual with any of such second offense and for which no final disposition has occurred, the ABC Permit may be revoked.
- (G) The term "conviction" as used in this paragraph shall include a finding or verdict of guilt, plea of guilty, a plea of nolo contendere, a bond forfeiture, and also include anyone currently on probation or otherwise under a court's supervision for a term certain to avoid a judgment of guilt being entered under what is commonly referred to as "first offender" sentence or "pre-trial diversion program."
- (H) Measurement of the time between convictions shall be from the date of arrest or date of issuance of the citation of the offense to the date of arrest or date of issuance of the citation for the subsequent offense.

1.11.10 Any applicant who is denied a ABC Service Permit, or any ABC Service Permit holder whose permit is suspended or revoked shall have right to appeal the denial ,suspension or revocation as provided in Section 1.2 of these Rules and Regulations.

1.12 SEVERABILITY

If any section, subsection, sentence, clause or phrase of these rules and regulations are for any reason held to be unlawful or unconstitutional, such decision shall not affect the validity of the remaining portions of the rules and regulations.

DRAFT

Ordinance #2016-04

An Ordinance Amending Article 2 (Authorities, Boards and Commissions) of Chapter 2
(Administration) of the Statesboro Code of Ordinances

WHEREAS, the City has previously adopted an ordinances creating certain Authorities, Boards and Commissions; and

WHEREAS, the Mayor and City Council has determined there is sufficient reason and need to amend certain sections of Article 2 (Authorities, Boards and Commissions) of Chapter 2 (Administration) of the Code of Ordinances, City of Statesboro, Georgia to add Division 5 to create an Alcohol Advisory Board

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Statesboro, Georgia, in regular session assembled as follows:

SECTION 1:

Article 2 (Authorities, Boards and Commissions) of Chapter 2 (Administration) of the Code of Ordinances, City of Statesboro, Georgia is hereby amended to add a Division 5 and shall read as follows:

DIVISION 5. ALCOHOL ADVISORY BOARD

Sec. 2-101. Establishment; appointment; terms; compensation; removal.

Sec. 2-102. Chairman; rules of procedure and bylaws; meetings.

Sec. 2-103. Scope of Authority.

Secs. 2-105—2-120 Reserved.

Sec. 2-101. - Establishment; appointment; terms; compensation; removal.

There is hereby created a board to be known as the Alcohol Advisory Board. The Alcohol Advisory Board shall consist of six (6) members who shall be residents of Bulloch County. The Mayor and each City Councilmember shall each have authority to appoint one member to the Alcohol Advisory Board. The term of office of each appointed member of the Alcohol Advisory Board shall be two years, and the term shall begin on July 1st, and end at the stroke of midnight on June 30th. The initial term for initial members of the Alcohol Advisory Board shall end on June 30, 2018. The initial members of the Alcohol Advisory Board shall be appointed at the time this chapter takes effect shall hold office for the balance of their terms then remaining, and their successors shall be appointed by the Mayor and each City Councilmember for a term of two years. Vacancies on the Alcohol Advisory Board occurring other than by expiration of term shall be filled by an interim appointment for the unexpired term by the Mayor or Councilmember who appointed the member who vacated the seat. The Mayor and City Council shall have the authority to remove any member of the Alcohol Advisory Board appointed by it by a majority

vote for cause, on written charges, after a public hearing. All members shall serve without compensation.

Sec. 2-102. - Chairman; rules of procedure and bylaws; meetings; records.

- a. The Alcohol Advisory Board shall elect a chairman from among its members who shall serve for a term of one year and who shall be eligible for re-election as chairman.
- b. The Alcohol Advisory Board shall make its own bylaws and rules of procedure and shall determine its time and place of meetings.
- c. The transactions of the Alcohol Advisory Board are governed by the Georgia Open Meetings Act O.C.G.A. §§ 50-14-1 et. seq., and it shall be the joint and several responsibility of the members to comply with the Georgia Open Meetings Act.

Sec. 2-103. – Scope of Authority.

The Alcohol Advisory Board shall have the authority to prepare studies and reports for the purpose of informing the governing body on policy matters related to the licensing and sale of alcoholic beverages within the corporate limits of the City of Statesboro.

SECTION 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3: This ordinance shall become effective immediately upon its adoption by the City Council.

SO ORDAINED, this ____day of _____ 2016 in Statesboro, Georgia.

Jan J. Moore, in his capacity as Mayor of
Statesboro, Georgia.

ATTEST:

Sue Starling, in her capacity as City Clerk of
Statesboro, Georgia.

RESOLUTION 2016-11

ESTABLISHING FEES AND FINES FOR IN CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF STATESBORO GOVERING ALCOHOLIC BEVERAGES

WHEREAS, the Mayor and City Council of Statesboro have amended Chapter 6 of the Code of Ordinances of the City of Statesboro governing Alcoholic Beverages;

WHEREAS, Section 6-4(d) of the above ordinance provides he fees for each type of license and permit listed, as well as any other fee described in this Chapter 6, shall initially be set by resolution, and from time to time amended by Mayor and City Council by incorporating and amending the Schedule of Fines and Fees of adopted by the Mayor and City Council;

WHEREAS, the Mayor and City Council adopt this resolution to initially establish the fees for each type of license and permit provided for in the Alcoholic Beverage ordinance adopted _____, 2016;

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Statesboro, Georgia as follows:

Section 1. The fees for each type of license and permit listed in Section 6-4(c) of Code of Ordinances of the City of Statesboro governing Alcoholic Beverages are established as follows except that private clubs as defined in Section 6-3 of the Alcoholic Beverage Ordinance shall pay 70 percent of the applicable fees.

Class A, reserved.

Class B, retail beer package: \$ 875.00

Class C, retail wine package: \$ 875.00

Class D, retail liquor by the drink: \$ 1425.00

Class E, retail beer by the drink: \$ 1425.00

Class F, retail wine by the drink: \$ 1425.00

Class G, wholesale liquor: \$ 1500.00

Class H, wholesale beer: \$ 1500.00

Class I, wholesale wine: \$ 1500.00

Class J, licensed alcoholic beverage caterer: \$ 200.00

Class K, brewer, manufacturer of malt beverages only:	\$ 1750.00
Class L, broker:	\$ 1750.00
Class M, importer:	\$ 1750.00
Class N, Manufacturer of wine only:	\$ 1750.00
Application fee:	\$ 200.00
Investigative fee:	\$20.00 per additional person other than applicant.
Special event permit:	\$ 50.00
In room service permit:	\$150.00
Distance waiver application fee:	\$ 150.00
Sunday sales permit:	\$ 300.00
Outdoor Event Permit for Class D, E, and/or F Licensees.	\$5500.00
Event Permit for Caterers.	\$15.00 per day per event.
Alcohol Beverage Control Service Permit	\$50.00

Section 2. That this Resolution shall be and remain effective from and after its date of adoption until amendment by the Mayor and City of Council of Statesboro.

Section 3. The City Clerk is directed to assess the fees set herein for alcohol license and permit applications for licenses and permits to issue for fiscal year 2016 as provided in Ordinance No: 2016—XX which shall take effect at the stroke of midnight on June 30, 2016.

Adopted this ____st day of ____, 2016

CITY OF STATESBORO, GEORGIA

By: Jan J. Moore, Mayor

Attest: Sue Starling, City Clerk

Resolution 2016-10: A RESOLUTION ACCEPTING RIGHT OF WAY OF MERCHANTS WAY, HILL POND LANE, BERMUDA RUN, BRAMPTON AVENUE AND ARCH WAY AS PUBLIC STREETS TO BE OWNED AND MAINTAINED BY THE CITY OF STATESBORO, GEORGIA.

WHEREAS, Market District Property Owners Association, Inc. is the owner of street segments known as Merchants Way, Hill Pond Lane, Bermuda Run, and Brampton Avenue, and previously owned Arch Way, and wishes to convey said streets to the City of Statesboro; and

WHEREAS, with the planned growth of the surrounding area, the City believes it is in the best interest of the public for those roads to be public streets, owned and maintained by the City;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Statesboro, Georgia, in regular session assembled this _____ day of _____, 2016, as follows:

Section 1. That Merchants Way, Hill Pond Lane, Bermuda Run, Brampton Avenue and Arch Way is hereby formally accepted by dedication to the City of Statesboro as public streets and rights of way to be owned and maintained by the City of Statesboro.

Section 2. That this Resolution authorize and direct the Mayor of the City of Statesboro, Georgia to accept the dedication of the following described property by virtue of a right of way deed.

Section 3. All those certain lots, tracts or parcels of land lying, situate and being in the 1209th G.M. District of Bulloch County, Georgia, being all 60' rights-of-way in The Market District, i.e., Merchants Way and Hill Pond Lane and any portions of Bermuda Run and Brampton Avenue not previously conveyed to Grantee, as more particularly shown on a plat prepared by John A. Dotson, Surveyor, dated March 21, 2005, revised August 8, 2006, recorded in Plat Book 63, Page 177, Bulloch County Records. Said plat above referred to is by reference incorporated herein and made a part of this description. Also conveyed herewith is the 60' right-of-way for of Arch Way more particularly identified as Tract 1-C containing .47 of an acre, more or less, on that plat prepared for Polestar Georgia Statesboro (Fair), LLC, dated September 18, 2014, recorded in Plat Book 65, Page 596, Bulloch County records.

The above referenced plat and description thereon are by reference incorporated herein for all purposes of this description.

Section 4. That this Resolution shall be and remain in full force and effect from and after its date of adoption.

Passed and adopted this _____ day of _____, 2016.

THE CITY OF STATESBORO, GEORGIA.

By: _____
Mrs. Jan J. Moore, Mayor

Attest: _____
Ms. Sue Starling, City Clerk



MEMORANDUM

To: Alvin Leaphart, City Attorney

From: Brad Deal, PE, City Engineer *BD*

Re: Street Dedication Requests for The Market District

Date: January 25, 2016

Over the last couple of years, our office found that some streets and portions of streets within the Market District which were intended to be City streets have never formally been deeded to the City, although they have been functioning as City streets and have been maintained by the City for several years. According to our records, these streets include Hill Pond Lane, Merchant's Way, and a portion of Bermuda Run Road (a 60-foot right of way near the intersection with Brampton Avenue). As a result, the City has been pursuing a resolution to this issue with the Market District Property Owners Association. Attached for your review are Requests for Street Dedication forms, a Right of Way Deed, Quitclaim Deed, and plat of the referenced streets. These documents also include Arch Way, which has already been deeded to the City, and Brampton Avenue for good measure. The City is already maintaining these streets, and no corrective work is needed for acceptance. This is basically being done as a formality so that the City can officially accept these streets. If everything in these attachments looks good, we would then place on Council Agenda for acceptance of these streets. Please let me know if you have any questions.

Cc: Robert Cheshire, PE, Interim City Manager
Jason Boyles, Director of Public Works and Engineering

Attachments: Requests for Street Dedication, Right of Way deed, Quitclaim Deed, and plat of Market District Streets

DAN R. TAULBEE
STEPHEN T. RUSHING
DANIEL B. SNIPES (GA & SC)
LAURA TAULBEE MARSH
WESLEY C. TAULBEE
SCOTT A. HODGIN
CHRISTOPHER GOHAGAN (GA & SC)
LESLIE H. CUSHNER

LAW OFFICES
**TAULBEE, RUSHING, SNIPES,
MARSH & HODGIN, LLC**

12 SIEBALD STREET
POST OFFICE BOX 327
Statesboro, Georgia 30458
912 764-9055

FAX 912 764-8687

www.statesborolawgroup.com

1209 MERCHANTS WAY
SUITE 201
STATESBORO, GEORGIA 30458
FAX 912 871-5020

April 3, 2015

Mr. Brad Deal
City of Statesboro
50 East Main Street
Statesboro, Georgia 30458

RE: Streets Dedication Requests for The Market District

Dear Brad:

Enclosed for your review and consideration, please find a proposed Right-of-Way Deed for the remaining roads in The Market District along with a proposed Quitclaim Deed from Market District, LLC, to ensure that the City receives any interest it may still have in the above roads. Also enclosed for your review and consideration are five (5) Request for Street Dedication forms for Arch Way, Merchants Way and Hill Pond Lane in the Market District as well as any remaining interest in Brampton Avenue and Bermuda Run. It is the desire of the Members of The Market District, LLC and related property owners association, that all remaining roads in The Market District be conveyed to the City of Statesboro, including any portions of Bermuda Run and Brampton Avenue not previously deeded to the City. Please review the enclosed and let me know if additional information or documentation will be necessary in connection with your consideration.

Yours Very Truly,

Taulbee, Rushing, Snipes, Marsh & Hodgin, LLC



Laura T. Marsh

LTM/lf

Cc: Bryan Burke
Andy Burns
Douglas Lambert
Donald Nesmith

REQUEST FOR STREET DEDICATION

The undersigned owner(s)/developer(s)/authorized agent(s) requests to dedicate to the City of Statesboro the STREET described below:

Street Name: Hill Pond Lane

Starting at Point: See Attached Plat

Ending at Point: See Attached Plat

Length (in feet): 349.69' C

Width of Right-of-Way (in feet): 60.0'

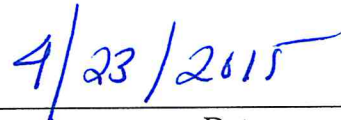
Name of Subdivision: Market District

Plat Book Number and Page Number (for final subdivision plat): Plat Book 63, Page 177

I fully understand and agree that the street described above becomes a City maintained street only after the City approves my dedication request and declares to accept it as part of the City street system.



Laura T. Marsh as Agent for Market District Property
Owners Association, Inc. and Market District, LLC



Date

REQUEST FOR STREET DEDICATION

The undersigned owner(s)/developer(s)/authorized agent(s) requests to dedicate to the City of Statesboro the STREET described below:

Street Name: Merchants Way

Starting at Point: See Attached Plat

Ending at Point: See Attached Plat

Length (in feet): 319.99'

Width of Right-of-Way (in feet): 60.0'

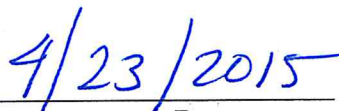
Name of Subdivision: Market District

Plat Book Number and Page Number (for final subdivision plat): Plat Book 63, Page 177

I fully understand and agree that the street described above becomes a City maintained street only after the City approves my dedication request and declares to accept it as part of the City street system.



Laura T. Marsh as Agent for Market District Property
Owners Association, Inc. and Market District, LLC



Date

REQUEST FOR STREET DEDICATION

The undersigned owner(s)/developer(s)/authorized agent(s) requests to dedicate to the City of Statesboro the STREET described below:

Street Name: Brampton Avenue

Starting at Point: See Attached Plat

Ending at Point: See Attached Plat

Length (in feet): See Attached Plat

Width of Right-of-Way (in feet): 60.0'

Name of Subdivision: Market District

Plat Book Number and Page Number (for final subdivision plat): Plat Book 63, Page 177

I fully understand and agree that the street described above becomes a City maintained street only after the City approves my dedication request and declares to accept it as part of the City street system.

Laura T. Marsh

Laura T. Marsh as Agent for Market District Property
Owners Association, Inc. and Market District, LLC

4/23/2015

Date

NO. 03-05-044 RE
C:\DATA\W\WARKOST.CRD WARKOST.PL

[illegible]

GRID NORTH GEORGIA EAST ZONE

[illegible]

- [illegible]

- NOTES:
- 1) EACH NEW HAMPSHIRE PLANNED EASEMENT HEREON SHALL BE AGRANTED AND ACCEPTED BY THE CITY OF STRATFORD.
 - 2) THE CITY OF STRATFORD HAS TAKEN 20' FROM ALL FRONT AND REAR PROPERTY LINES AND 15' ON ALL SIDE PROPERTY LINES.
 - 3) THE CITY OF STRATFORD HAS TAKEN 10' FROM ALL CORNER LOTS LOCATED WITHIN THIS DEVELOPMENT. THE DISTANCE EASEMENTS SHOWN HEREON ARE TO BE.
 - 4) ESTABLISHED BY THE CITY OF STRATFORD SHOULD BE TO BE CREATED IN CONJUNCTION WITH THE PLAT AND ON TRANSFER OF PARCELS.
 - 5) THE CITY OF STRATFORD HAS TAKEN 10' FROM ALL CORNER LOTS LOCATED ADJACENT TO THE FRONT PROPERTY LINES OF ALL PARCELS AS NOTED FOR.
 - 6) THE CITY OF STRATFORD HAS TAKEN 10' FROM ALL CORNER LOTS LOCATED ADJACENT TO THE FRONT PROPERTY LINES OF ALL PARCELS AS NOTED FOR.
 - 7) THE CITY OF STRATFORD HAS TAKEN 10' FROM ALL CORNER LOTS LOCATED ADJACENT TO THE FRONT PROPERTY LINES OF ALL PARCELS AS NOTED FOR.
 - 8) THE CITY OF STRATFORD HAS TAKEN 10' FROM ALL CORNER LOTS LOCATED ADJACENT TO THE FRONT PROPERTY LINES OF ALL PARCELS AS NOTED FOR.
 - 9) THE CITY OF STRATFORD HAS TAKEN 10' FROM ALL CORNER LOTS LOCATED ADJACENT TO THE FRONT PROPERTY LINES OF ALL PARCELS AS NOTED FOR.
 - 10) THE CITY OF STRATFORD HAS TAKEN 10' FROM ALL CORNER LOTS LOCATED ADJACENT TO THE FRONT PROPERTY LINES OF ALL PARCELS AS NOTED FOR.
- ANDREY A. BURNS
DONALD P. NESMITH
- STRAITSBORO HMA, INC.
- PARCEL 1 1.027 ACRES
PARCEL 2 1.027 ACRES
PARCEL 3 1.027 ACRES
PARCEL 4 1.027 ACRES
PARCEL 5 1.027 ACRES
PARCEL 6 1.027 ACRES
PARCEL 7 1.027 ACRES
PARCEL 8 1.027 ACRES
PARCEL 9 1.027 ACRES
PARCEL 10 1.027 ACRES
PARCEL 11 1.027 ACRES
PARCEL 12 1.027 ACRES
PARCEL 13 1.027 ACRES
PARCEL 14 1.027 ACRES
PARCEL 15 1.027 ACRES
PARCEL 16 1.027 ACRES
PARCEL 17 1.027 ACRES
PARCEL 18 1.027 ACRES
PARCEL 19 1.027 ACRES
PARCEL 20 1.027 ACRES
PARCEL 21 1.027 ACRES
PARCEL 22 1.027 ACRES
PARCEL 23 1.027 ACRES
PARCEL 24 1.027 ACRES
PARCEL 25 1.027 ACRES
PARCEL 26 1.027 ACRES
PARCEL 27 1.027 ACRES
PARCEL 28 1.027 ACRES
PARCEL 29 1.027 ACRES
PARCEL 30 1.027 ACRES
PARCEL 31 1.027 ACRES
PARCEL 32 1.027 ACRES
PARCEL 33 1.027 ACRES
PARCEL 34 1.027 ACRES
PARCEL 35 1.027 ACRES
PARCEL 36 1.027 ACRES
PARCEL 37 1.027 ACRES
PARCEL 38 1.027 ACRES
PARCEL 39 1.027 ACRES
PARCEL 40 1.027 ACRES
PARCEL 41 1.027 ACRES
PARCEL 42 1.027 ACRES
PARCEL 43 1.027 ACRES
PARCEL 44 1.027 ACRES
PARCEL 45 1.027 ACRES
PARCEL 46 1.027 ACRES
PARCEL 47 1.027 ACRES
PARCEL 48 1.027 ACRES
PARCEL 49 1.027 ACRES
PARCEL 50 1.027 ACRES
PARCEL 51 1.027 ACRES
PARCEL 52 1.027 ACRES
PARCEL 53 1.027 ACRES
PARCEL 54 1.027 ACRES
PARCEL 55 1.027 ACRES
PARCEL 56 1.027 ACRES
PARCEL 57 1.027 ACRES
PARCEL 58 1.027 ACRES
PARCEL 59 1.027 ACRES
PARCEL 60 1.027 ACRES
PARCEL 61 1.027 ACRES
PARCEL 62 1.027 ACRES
PARCEL 63 1.027 ACRES
PARCEL 64 1.027 ACRES
PARCEL 65 1.027 ACRES
PARCEL 66 1.027 ACRES
PARCEL 67 1.027 ACRES
PARCEL 68 1.027 ACRES
PARCEL 69 1.027 ACRES
PARCEL 70 1.027 ACRES
PARCEL 71 1.027 ACRES
PARCEL 72 1.027 ACRES
PARCEL 73 1.027 ACRES
PARCEL 74 1.027 ACRES
PARCEL 75 1.027 ACRES
PARCEL 76 1.027 ACRES
PARCEL 77 1.027 ACRES
PARCEL 78 1.027 ACRES
PARCEL 79 1.027 ACRES
PARCEL 80 1.027 ACRES
PARCEL 81 1.027 ACRES
PARCEL 82 1.027 ACRES
PARCEL 83 1.027 ACRES
PARCEL 84 1.027 ACRES
PARCEL 85 1.027 ACRES
PARCEL 86 1.027 ACRES
PARCEL 87 1.027 ACRES
PARCEL 88 1.027 ACRES
PARCEL 89 1.027 ACRES
PARCEL 90 1.027 ACRES
PARCEL 91 1.027 ACRES
PARCEL 92 1.027 ACRES
PARCEL 93 1.027 ACRES
PARCEL 94 1.027 ACRES
PARCEL 95 1.027 ACRES
PARCEL 96 1.027 ACRES
PARCEL 97 1.027 ACRES
PARCEL 98 1.027 ACRES
PARCEL 99 1.027 ACRES
PARCEL 100 1.027 ACRES

[illegible]

LEGEND:

- REF = REBAR FOUND
- IRP = IRON PIPE FOUND
- CON = CONCRETE FOUND
- SPS = IRON PIPE SET
- PC = CONCRETE
- 1/2" REBAR SET (RES) WITH RED CAPS ON INTERMEDIATE POINTS
- 1/2" REBAR SET (RES) WITH YELLOW CAPS ON INTERMEDIATE POINTS

PARCEL 9
DETENTION BASIN
3.351 ACRES

PARCEL 8
1.000 ACRE

PARCEL 7
1.000 ACRE

PARCEL 6
1.000 ACRE

PARCEL 5
1.000 ACRE

PARCEL 4
1.000 ACRE

PARCEL 3
1.000 ACRE

PARCEL 2
1.000 ACRE

PARCEL 1
1.000 ACRE

PARCEL 0
1.000 ACRE

PARCEL -1
1.000 ACRE

PARCEL -2
1.000 ACRE

PARCEL -3
1.000 ACRE

PARCEL -4
1.000 ACRE

PARCEL -5
1.000 ACRE

PARCEL -6
1.000 ACRE

PARCEL -7
1.000 ACRE

PARCEL -8
1.000 ACRE

PARCEL -9
1.000 ACRE

PARCEL -10
1.000 ACRE

PARCEL -11
1.000 ACRE

PARCEL -12
1.000 ACRE

PARCEL -13
1.000 ACRE

PARCEL -14
1.000 ACRE

PARCEL -15
1.000 ACRE

PARCEL -16
1.000 ACRE

PARCEL -17
1.000 ACRE

PARCEL -18
1.000 ACRE

PARCEL -19
1.000 ACRE

PARCEL -20
1.000 ACRE

PARCEL -21
1.000 ACRE

PARCEL -22
1.000 ACRE

PARCEL -23
1.000 ACRE

PARCEL -24
1.000 ACRE

PARCEL -25
1.000 ACRE

PARCEL -26
1.000 ACRE

PARCEL -27
1.000 ACRE

PARCEL -28
1.000 ACRE

PARCEL -29
1.000 ACRE

PARCEL -30
1.000 ACRE

PARCEL -31
1.000 ACRE

PARCEL -32
1.000 ACRE

PARCEL -33
1.000 ACRE

PARCEL -34
1.000 ACRE

PARCEL -35
1.000 ACRE

PARCEL -36
1.000 ACRE

PARCEL -37
1.000 ACRE

PARCEL -38
1.000 ACRE

PARCEL -39
1.000 ACRE

PARCEL -40
1.000 ACRE

PARCEL -41
1.000 ACRE

PARCEL -42
1.000 ACRE

PARCEL -43
1.000 ACRE

PARCEL -44
1.000 ACRE

PARCEL -45
1.000 ACRE

PARCEL -46
1.000 ACRE

PARCEL -47
1.000 ACRE

PARCEL -48
1.000 ACRE

PARCEL -49
1.000 ACRE

PARCEL -50
1.000 ACRE

PARCEL -51
1.000 ACRE

PARCEL -52
1.000 ACRE

PARCEL -53
1.000 ACRE

PARCEL -54
1.000 ACRE

PARCEL -55
1.000 ACRE

PARCEL -56
1.000 ACRE

PARCEL -57
1.000 ACRE

PARCEL -58
1.000 ACRE

PARCEL -59
1.000 ACRE

PARCEL -60
1.000 ACRE

PARCEL -61
1.000 ACRE

PARCEL -62
1.000 ACRE

PARCEL -63
1.000 ACRE

PARCEL -64
1.000 ACRE

PARCEL -65
1.000 ACRE

PARCEL -66
1.000 ACRE

PARCEL -67
1.000 ACRE

PARCEL -68
1.000 ACRE

PARCEL -69
1.000 ACRE

PARCEL -70
1.000 ACRE

PARCEL -71
1.000 ACRE

PARCEL -72
1.000 ACRE

PARCEL -73
1.000 ACRE

PARCEL -74
1.000 ACRE

PARCEL -75
1.000 ACRE

PARCEL -76
1.000 ACRE

PARCEL -77
1.000 ACRE

PARCEL -78
1.000 ACRE

PARCEL -79
1.000 ACRE

PARCEL -80
1.000 ACRE

PARCEL -81
1.000 ACRE

PARCEL -82
1.000 ACRE

PARCEL -83
1.000 ACRE

PARCEL -84
1.000 ACRE

PARCEL -85
1.000 ACRE

PARCEL -86
1.000 ACRE

PARCEL -87
1.000 ACRE

PARCEL -88
1.000 ACRE

PARCEL -89
1.000 ACRE

PARCEL -90
1.000 ACRE

PARCEL -91
1.000 ACRE

PARCEL -92
1.000 ACRE

PARCEL -93
1.000 ACRE

PARCEL -94
1.000 ACRE

PARCEL -95
1.000 ACRE

PARCEL -96
1.000 ACRE

PARCEL -97
1.000 ACRE

PARCEL -98
1.000 ACRE

PARCEL -99
1.000 ACRE

PARCEL -100
1.000 ACRE

PARCEL -101
1.000 ACRE

PARCEL -102
1.000 ACRE

PARCEL -103
1.000 ACRE

PARCEL -104
1.000 ACRE

PARCEL -105
1.000 ACRE

PARCEL -106
1.000 ACRE

PARCEL -107
1.000 ACRE

PARCEL -108
1.000 ACRE

PARCEL -109
1.000 ACRE

PARCEL -110
1.000 ACRE

PARCEL -111
1.000 ACRE

PARCEL -112
1.000 ACRE

PARCEL -113
1.000 ACRE

PARCEL -114
1.000 ACRE

PARCEL -115
1.000 ACRE

PARCEL -116
1.000 ACRE

PARCEL -117
1.000 ACRE

PARCEL -118
1.000 ACRE

PARCEL -119
1.000 ACRE

PARCEL -120
1.000 ACRE

PARCEL -121
1.000 ACRE

PARCEL -122
1.000 ACRE

PARCEL -123
1.000 ACRE

PARCEL -124
1.000 ACRE

PARCEL -125
1.000 ACRE

PARCEL -126
1.000 ACRE

PARCEL -127
1.000 ACRE

PARCEL -128
1.000 ACRE

PARCEL -129
1.000 ACRE

PARCEL -130
1.000 ACRE

PARCEL -131
1.000 ACRE

PARCEL -132
1.000 ACRE

PARCEL -133
1.000 ACRE

PARCEL -134
1.000 ACRE

PARCEL -135
1.000 ACRE

PARCEL -136
1.000 ACRE

PARCEL -137
1.000 ACRE

PARCEL -138
1.000 ACRE

PARCEL -139
1.000 ACRE

PARCEL -140
1.000 ACRE

PARCEL -141
1.000 ACRE

PARCEL -142
1.000 ACRE

PARCEL -143
1.000 ACRE

WETLAND COVARIANT AREAS

POINT	BEARING	DISTANCE
1	N 87°17'15" W	300.00'
2	S 81°52'30" W	230.00'
3	S 82°32'30" E	176.33'
4	S 12°43'10" E	35.26'
5	S 82°32'30" E	44.32'
6	S 12°43'10" E	13.11'
7	S 82°32'30" E	175.95'
8	S 12°43'10" E	35.26'
9	S 81°52'30" W	230.00'
10	S 87°17'15" E	62.14'
11	S 87°17'15" E	117.25'
12	S 82°32'30" E	117.25'
13	S 82°32'30" E	92.32'
14	N 8°16'10" E	61.52'
15	S 82°32'30" E	61.52'
16	S 82°32'30" E	61.52'
17	S 82°32'30" E	61.52'
18	S 82°32'30" E	61.52'
19	S 82°32'30" E	61.52'
20	S 82°32'30" E	61.52'
21	S 82°32'30" E	61.52'
22	S 82°32'30" E	61.52'
23	S 82°32'30" E	61.52'
24	S 82°32'30" E	61.52'
25	S 82°32'30" E	61.52'
26	S 82°32'30" E	61.52'
27	S 82°32'30" E	61.52'
28	S 82°32'30" E	61.52'
29	S 82°32'30" E	61.52'
30	S 82°32'30" E	61.52'
31	S 82°32'30" E	61.52'
32	S 82°32'30" E	61.52'
33	S 82°32'30" E	61.52'
34	S 82°32'30" E	61.52'
35	S 82°32'30" E	61.52'
36	S 82°32'30" E	61.52'
37	S 82°32'30" E	61.52'
38	S 82°32'30" E	61.52'
39	S 82°32'30" E	61.52'
40	S 82°32'30" E	61.52'
41	S 82°32'30" E	61.52'
42	S 82°32'30" E	61.52'

WETLAND COVENANT AREAS		DISTANCE	
COURSE	BEARING		
1	N 35°23.9' E	170.35	
2	S 12°41.0' E	35.38	
3	S 12°41.0' E	35.38	
4	S 87°59.0' W	44.32	
5	S 87°59.0' W	44.32	
6	S 74°34.2' W	13.11	
7	S 16°23.1' E	175.35	
8	S 16°23.1' E	175.35	
9	S 11°14.8' E	32.59	
10	S 67°01.3' E	62.14	
11	S 67°01.3' E	62.14	
12	S 26°29.5' E	112.25	
13	S 26°29.5' E	92.32	
14	S 8°18.0' E	52.53	
15	S 8°18.0' E	52.53	
16	S 64°31.5' E	26.617	
17	S 50°47.5' E	35.24	
18	S 16°45.0' E	30.43	
19	S 16°45.0' E	30.43	
20	S 19°09.4' E	45.76	
21	S 19°09.4' E	22.51	
22	S 45°00.7' E	37.07	
23	S 45°00.7' E	37.07	
24	S 37°00.9' E	31.69	
25	S 37°00.9' E	31.69	
26	S 32°41.9' E	18.07	
27	N 56°37.4' E	81.02	
28	N 56°37.4' E	81.02	
29	N 72°00.1' E	43.26	
30	S 36°05.1' E	20.13	
31	S 36°05.1' E	20.13	
32	S 45°04.2' W	50.79	
33	S 45°04.2' W	50.79	
34	S 32°29.0' W	45.11	
35	S 32°29.0' W	45.11	
36	S 15°14.1' W	22.94	
37	S 15°14.1' W	22.94	
38	S 15°14.1' W	63.16	
39	N 02°03.3' W	248.39	
40	N 02°03.3' W	248.39	
41	N 53°02.3' E	111.23	
42	N 53°02.3' E	146.61	
43	N 07°28.2' E	13.72	

REQUEST FOR STREET DEDICATION

The undersigned owner(s)/developer(s)/authorized agent(s) requests to dedicate to the City of Statesboro the STREET described below:

Street Name: Bermuda Run

Starting at Point: See Attached Plat

Ending at Point: See Attached Plat

Length (in feet): See Attached Plat

Width of Right-of-Way (in feet): 60.0'

Name of Subdivision: Market District

Plat Book Number and Page Number (for final subdivision plat): Plat Book 63, Page 177

I fully understand and agree that the street described above becomes a City maintained street only after the City approves my dedication request and declares to accept it as part of the City street system.

Laura T. Marsh

Laura T. Marsh as Agent for Market District Property
Owners Association, Inc. and Market District, LLC

4/23/2015

Date

LANIER & ASSOCIATES, INC.
1200 N. GAST STREET
SUITE 100
STANFORD, GA 30304
770-224-1211



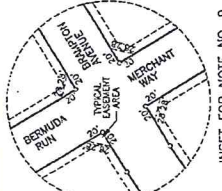
FINAL PLAN
OF
MARKET DISTRICT
PREPARED FOR
MARKET DISTRICT, LLC
LOCATED IN THE 1209TH G.D., BULLOCH COUNTY,
CITY OF STATESBORO, GEORGIA

DATE: MARCH 21, 2005 * SCALE 1" = 100'

FILE NO. 03-05-044 RE
C:\DATA\LANIER\03-05-044.DWG

FILED
COUNTY CLERK
BULLOCH COUNTY, GEORGIA
DATE: MARCH 21, 2005
FILED
COUNTY CLERK
BULLOCH COUNTY, GEORGIA

REMOVED AUGUST 9, 2008 TO SHOW ADDITIONAL OCCUPANCY ON PARCEL 31.



INSET FOR NOTE NO. 9

- NOTES:
- 1) ALL LOTS AND INTERESTS THEREIN, WHETHER OWNED BY INDIVIDUALS OR CORPORATIONS, ARE SUBJECT TO THE CITY OF STATESBORO'S ZONING ORDINANCES AND ANY OTHER ORDINANCES THAT MAY BE ADOPTED BY THE CITY OF STATESBORO.
 - 2) THE CITY OF STATESBORO HAS THE RIGHT TO REVOKE ANY PERMIT GRANTED HEREUNDER IF THE DEVELOPER FAILS TO COMPLY WITH THE CONDITIONS OF THE PERMIT.
 - 3) THE CITY OF STATESBORO HAS THE RIGHT TO REVOKE ANY PERMIT GRANTED HEREUNDER IF THE DEVELOPER FAILS TO MAINTAIN THE LOT IN ACCORDANCE WITH THE ZONING ORDINANCES.
 - 4) THE CITY OF STATESBORO HAS THE RIGHT TO REVOKE ANY PERMIT GRANTED HEREUNDER IF THE DEVELOPER FAILS TO MAINTAIN THE LOT IN ACCORDANCE WITH THE ZONING ORDINANCES.
 - 5) THE CITY OF STATESBORO HAS THE RIGHT TO REVOKE ANY PERMIT GRANTED HEREUNDER IF THE DEVELOPER FAILS TO MAINTAIN THE LOT IN ACCORDANCE WITH THE ZONING ORDINANCES.
 - 6) THE CITY OF STATESBORO HAS THE RIGHT TO REVOKE ANY PERMIT GRANTED HEREUNDER IF THE DEVELOPER FAILS TO MAINTAIN THE LOT IN ACCORDANCE WITH THE ZONING ORDINANCES.
 - 7) THE CITY OF STATESBORO HAS THE RIGHT TO REVOKE ANY PERMIT GRANTED HEREUNDER IF THE DEVELOPER FAILS TO MAINTAIN THE LOT IN ACCORDANCE WITH THE ZONING ORDINANCES.
 - 8) THE CITY OF STATESBORO HAS THE RIGHT TO REVOKE ANY PERMIT GRANTED HEREUNDER IF THE DEVELOPER FAILS TO MAINTAIN THE LOT IN ACCORDANCE WITH THE ZONING ORDINANCES.
 - 9) THE CITY OF STATESBORO HAS THE RIGHT TO REVOKE ANY PERMIT GRANTED HEREUNDER IF THE DEVELOPER FAILS TO MAINTAIN THE LOT IN ACCORDANCE WITH THE ZONING ORDINANCES.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

PLAT FOR ROBERT D. WARD
DATED JANUARY 18, 1992.

REQUEST FOR STREET DEDICATION

The undersigned owner(s)/developer(s)/authorized agent(s) requests to dedicate to the City of Statesboro the STREET described below:

Street Name: Arch Way

Starting at Point: See Attached Plat

Ending at Point: See Attached Plat

Length (in feet): 341.24

Width of Right-of-Way (in feet): 60.0'

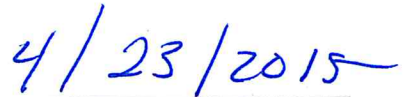
Name of Subdivision: Market District

Plat Book Number and Page Number (for final subdivision plat): Plat Book 65, Page 596

I fully understand and agree that the street described above becomes a City maintained street only after the City approves my dedication request and declares to accept it as part of the City street system.



Laura T. Marsh as Agent for Market District Property
Owners Association, Inc. and Market District, LLC



Date

ADJACENT OWNERS

1. THE MARKET DISTRICT LLC
1101 MARKET DISTRICT
STATIONERS, GA 30106

2. THE MARKET DISTRICT LLC
1101 MARKET DISTRICT
STATIONERS, GA 30106

3. THE MARKET DISTRICT LLC
1101 MARKET DISTRICT
STATIONERS, GA 30106

4. THE MARKET DISTRICT LLC
1101 MARKET DISTRICT
STATIONERS, GA 30106

5. THE MARKET DISTRICT LLC
1101 MARKET DISTRICT
STATIONERS, GA 30106

6. THE MARKET DISTRICT LLC
1101 MARKET DISTRICT
STATIONERS, GA 30106

7. THE MARKET DISTRICT LLC
1101 MARKET DISTRICT
STATIONERS, GA 30106

8. THE MARKET DISTRICT LLC
1101 MARKET DISTRICT
STATIONERS, GA 30106

9. THE MARKET DISTRICT LLC
1101 MARKET DISTRICT
STATIONERS, GA 30106

10. THE MARKET DISTRICT LLC
1101 MARKET DISTRICT
STATIONERS, GA 30106

PROPERTY OWNER

THE MARKET DISTRICT LLC
1101 MARKET DISTRICT
STATIONERS, GA 30106

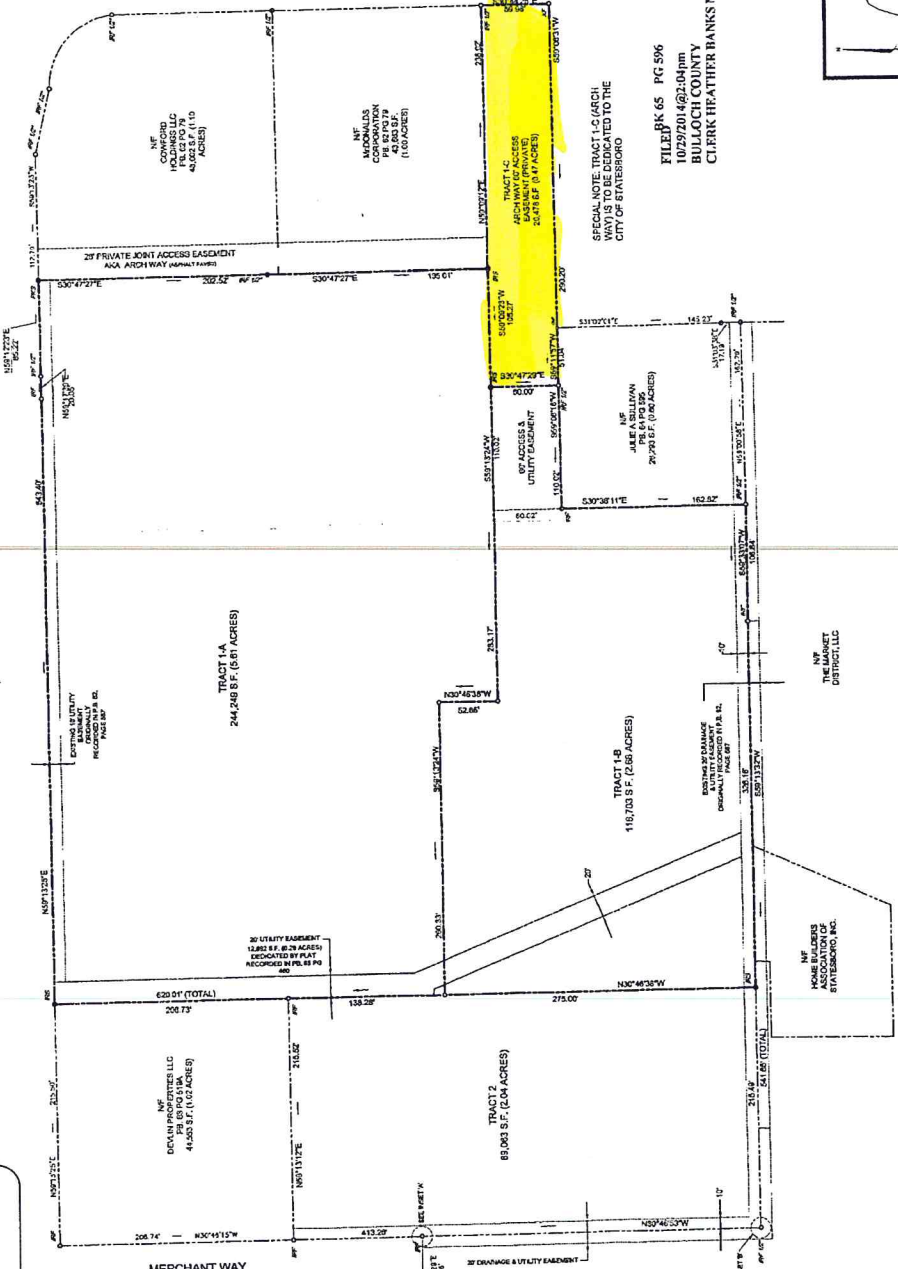
BRAMPTON AVENUE 60' RW
(ASPHALT PAVED)

MERCHANT WAY
60' RW

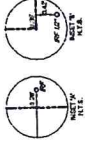
STATE ROUTE #67
AKA FAIR ROAD
(ASPHALT PAVED)

FILE # 65 PG 596
10/29/2014 02:04pm
BULLOCH COUNTY
CLERK HEATHER BANKS MCNEAL

SPECIAL NOTE: TRACT 1C (ARCH
WAY) IS DEED TO THE
CITY OF STATESBORO



- NOTES:**
1. TOTAL SITE AREA = 8.76 ACRES
 2. BASED ON MY OBSERVATION, THIS LOT IS LOCATED IN ZONE X, AND IS NOT IN A FLOOD HAZARD AREA. THE FLOOD HAZARD AREA IS DETERMINED BY THE FLOOD INSURANCE RATE MAP, COMMUNITY NO. 10002, AND THE FLOOD HAZARD AREA IS AS FOLLOWS:
 3. BACKSIGHTS AND FORESIGHTS ARE AS FOLLOWS:
BACKSIGHTS: 15
FORESIGHTS: 15



LEGEND:

1. 0.00 ACRES
2. 0.00 ACRES
3. 0.00 ACRES
4. 0.00 ACRES
5. 0.00 ACRES
6. 0.00 ACRES
7. 0.00 ACRES
8. 0.00 ACRES
9. 0.00 ACRES
10. 0.00 ACRES



COMMERCIAL SUBDIVISION PLAT OF A 8.76 ACRE PORTION OF THE MARKET DISTRICT LOCATED IN THE 1209TH G.M. DISTRICT STATESBORO, BULLOCH COUNTY, GEORGIA Prepared for POLSTAR GA STATESBORO (FAIR), LLC		PROJECT NO. 143204 DRAWN BY: JML CHECKED BY: JML DATE: 10/29/2014 SHEET 1 OF 1
EMC ENGINEERING 1000 N. WILSON ROAD SUITE 100 STATESBORO, GA 30106 (912) 764-1224 (912) 764-1225 FAX (912) 764-1226 EMAIL: info@emc-engineering.com		NO. REVISION DESCRIPTION BY DATE 1. 10/29/2014

City of Statesboro
Planning Department
DEC 2 2 2014
Received

PREPARED BY - AFTER RECORDING PLEASE RETURN TO

Laura T. Marsh
Taulbee, Rushing, Snipes, Marsh & Hodgins, LLC
P.O. Box 327
Statesboro, GA 30459

STATE OF GEORGIA]
]
COUNTY OF BULLOCH]

QUITCLAIM DEED

THIS INDENTURE, made this _____ day of _____, 201⁶, between MARKET DISTRICT, LLC, a Georgia limited liability company, as party of the first part, and THE MAYOR AND CITY COUNCIL OF THE CITY OF STATESBORO, GEORGIA, as parties of the second part:

WITNESSETH:

That the part of the first part, for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars, in hand paid, and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, has bargained, sold and by these presents does remise, release and forever quitclaim to the parties of the second part, their successors, heirs and assigns, all the right, title, interest, claim or demand the part of the first part has or may have had in and to the following described property, to wit:

All those certain lots, tracts or parcels of land lying, situate and being in the 1209th G. M. District of Bulloch County, Georgia, being all 60' rights-of-way in The Market District, i.e., Merchants Way and Hill Pond Lane and any portions of Bermuda Run and Brampton

Avenue not previously conveyed to Grantee, as more particularly shown on a plat prepared by John A. Dotson, Surveyor, dated March 21, 2005, revised August 8, 2006, recorded in Plat Book 63, Page 177, Bulloch County Records. Said plat above referred to is by reference incorporated herein and made a part of this description.

Also conveyed herewith is the 60' right-of-way for of Arch Way more particularly identified as Tract 1-C containing .47 of an acre, more or less, on that plat prepared for Polestar Georgia Statesboro (Fair), LLC, dated September 18, 2014, recorded in Plat Book 65, Page 596, Bulloch County records.

The above referenced plat and description thereon are hereby incorporated by reference.

EASEMENT RESERVATION: Grantors reserve a utility easement for water, sewage, electricity, cable television, gas and other utility purposes in said 60' rights-of-way.

SUBJECT TO easements granted for water, electricity, sewerage, telephone, cable television, and other utilities, if any.

TO HAVE AND HOLD the said described premises unto the said parties of the second part, their successors and assigns, so that neither first party, nor any other person or persons claiming under first party shall at any time, by any means or ways, has, claim, or demand any right, title or interest in or to the aforescribed premises or its appurtenances, or any rights thereof.

IN WITNESS WHEREOF, the said first party has signed and sealed this deed the day and year above written.

Signed, sealed and delivered in the presence of:

WITNESS

NOTARY

MARKET DISTRICT, LLC

By: _____
DONALD P. NESMITH, MANAGER

By: _____
ANDREW A. BURNS, MANAGER

By: _____
REMER D. CLIFTON, MANAGER

PREPARED BY - AFTER RECORDING PLEASE RETURN TO

Laura T. Marsh
Taulbee, Rushing, Snipes, Marsh & Hodgins, LLC
P.O. Box 327
Statesboro, GA 30459

STATE OF GEORGIA]
]
COUNTY OF BULLOCH]

RIGHT-OF-WAY DEED

THIS INDENTURE, made this ____ day of _____, 201~~7~~⁶, between MARKET DISTRICT PROPERTY OWNERS ASSOCIATION, INC., a Georgia corporation, as party of the first part, hereinafter called "Grantor," and THE MAYOR AND CITY COUNCIL OF THE CITY OF STATESBORO, GEORGIA, as party of the second part, hereinafter called "Grantee," (the words "Grantor" and "Grantee" to include their respective heirs, successors, and assigns where the context requires or permits):

WITNESSETH that: Grantor, for and in consideration of the sum of One Dollar (\$1.00) in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, all the following described property, to wit:

All those certain lots, tracts or parcels of land lying, situate and being in the 1209th G. M. District of Bulloch County, Georgia, being all 60' rights-of-way in The Market District, i.e., Merchants Way and Hill Pond Lane and any portions of Bermuda Run and Brampton Avenue not previously conveyed to Grantee, as more particularly shown on a plat prepared by John A. Dotson, Surveyor, dated March 21, 2005, revised August 8, 2006, recorded in Plat Book 63, Page 177, Bulloch County Records. Said plat above referred to is by reference incorporated herein and made a part of this description.

Also conveyed herewith is the 60' right-of-way for of Arch Way more particularly identified as Tract 1-C containing .47 of an acre, more or less, on that plat prepared for Polestar Georgia Statesboro (Fair), LLC, dated September 18, 2014, recorded in Plat Book 65, Page 596, Bulloch County records.

The above referenced plat and description thereon are hereby incorporated by reference.

EASEMENT RESERVATION: Grantors reserve a utility easement for water, sewage, electricity, cable television, gas and other utility purposes in said 60' rights-of-way.

SUBJECT TO easements granted for water, electricity, sewerage, telephone, cable television, and other utilities, if any.

TO HAVE AND HOLD the said tracts or parcels of land with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining to the only property use, benefit and behoof of said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year set forth above.

**MARKET DISTRICT PROPERTY OWNERS
ASSOCIATION, INC.**

BY: _____ (SEAL)
BRYAN BURKE, PRESIDENT

ATTEST:
BY: _____ (SEAL)
DOUGLAS LAMBERT, SECRETARY

Signed, sealed and delivered in the
presence of:

WITNESS

NOTARY

The above-referenced Right-of-Way Deed is hereby accepted by the Mayor and City Council of Statesboro, Bulloch County, Georgia, this ____ day of _____, 2018.

Signed, sealed and delivered in the presence of:

WITNESS

NOTARY

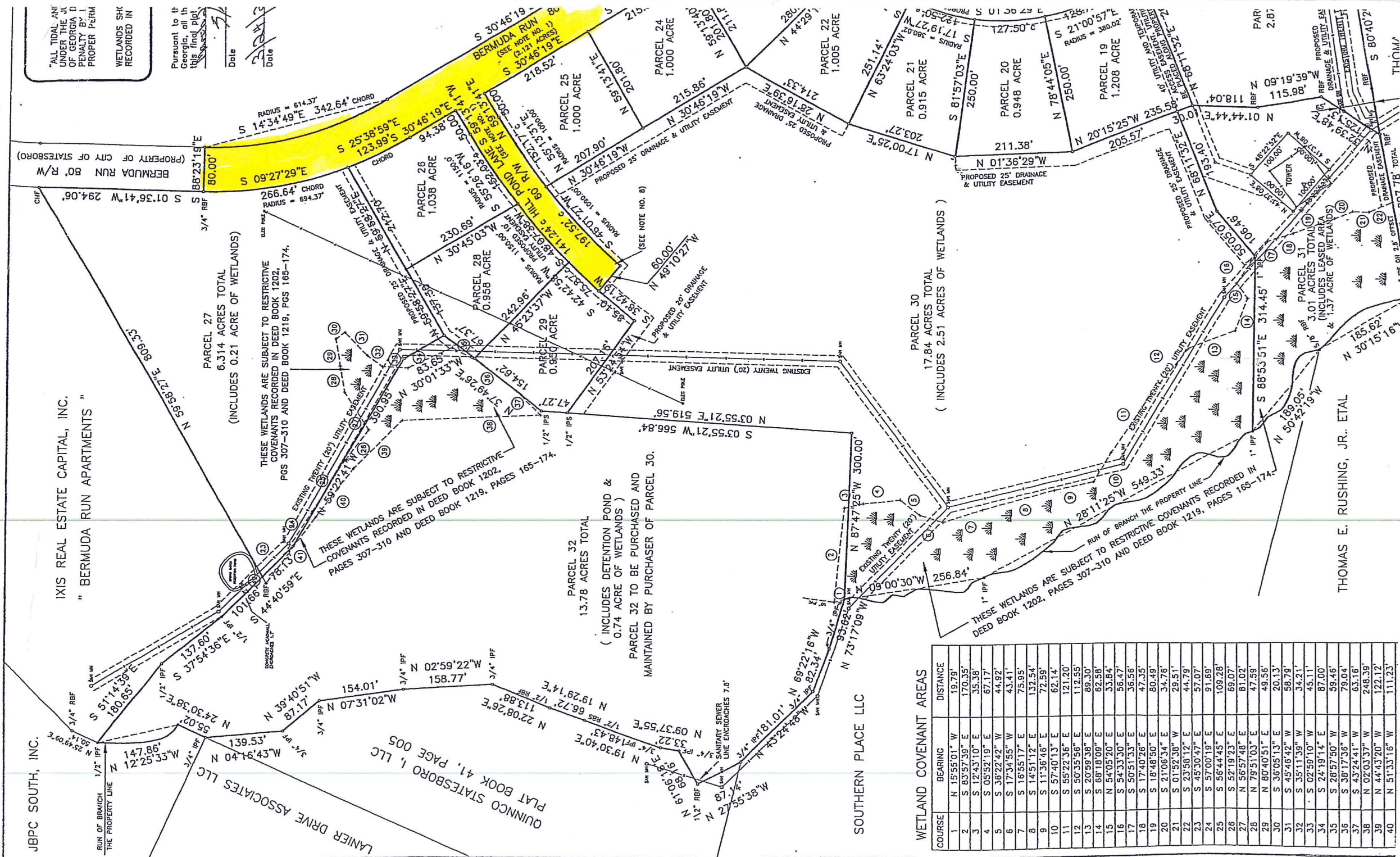
_____(SEAL)
Mayor

ATTEST:

Clerk

"ALL TIDAL AND
UNDER THE J
OF GEORGIA D
PENALTY BY I
PROPER PERM
WETLANDS SHI
RECORDED IN

Pursuant to th
Consolidated
this file
Date
Date



WETLAND COVENANT AREAS

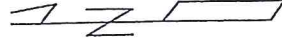
COURSE	BEARING	DISTANCE
1	N 15°55'01" W	19.79'
2	S 83°57'39" E	170.35'
3	S 12°43'10" E	35.36'
4	S 05°52'19" E	67.17'
5	S 36°22'42" W	44.92'
6	S 17°34'55" W	43.41'
7	S 16°55'17" E	75.95'
8	S 14°51'12" E	132.54'
9	S 11°36'46" E	72.59'
10	S 57°40'13" E	62.14'
11	S 55°22'36" E	121.20'
12	S 50°35'58" E	112.55'
13	S 20°59'38" E	89.30'
14	S 68°18'09" E	62.58'
15	N 54°05'20" E	33.84'
16	S 54°33'30" E	56.47'
17	S 50°51'33" E	36.56'
18	S 17°40'28" E	47.35'
19	S 18°48'50" E	80.49'
20	S 21°06'34" E	34.76'
21	S 01°52'36" W	29.51'
22	S 23°50'12" E	44.79'
23	S 45°30'47" E	57.07'
24	S 57°00'19" E	91.69'
25	S 56°44'45" E	109.28'
26	S 52°19'23" E	69.07'
27	N 56°57'48" E	81.02'
28	N 79°51'03" E	47.59'
29	N 80°40'51" E	49.56'
30	S 36°05'13" E	20.13'
31	S 45°46'42" W	58.79'
32	S 35°11'39" W	34.21'
33	S 02°50'10" W	45.11'
34	S 24°19'14" E	87.00'
35	S 28°57'50" W	59.46'
36	S 38°17'36" W	79.04'
37	S 43°24'41" W	63.16'
38	N 02°03'37" W	248.39'
39	N 44°43'20" W	122.12'
40	N 51°33'16" W	111.23'

BERMUDA RUN 80' R/W
S 01°36'41"W 294.06'
S 88°23'19"E 80.00'
3/4" REF

"ALL TIDAL AND NON-TIDAL INJURIES, MINOR AND MAJOR, UNDER THE JURISDICTION OF THE CORPS OF ENGINEERS AND/OR THE STATE OF GEORGIA DEPARTMENT OF NATURAL RESOURCES. OWNERS ARE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE OF THESE PROTECTED AREAS WITHOUT PROPER PERMIT APPLICATION AND APPROVAL FROM THOSE AGENCIES."

WETLANDS SHOWN ON PARCELS 27, 30, 31 & 32 ARE UNDER RESTRICTIVE COVENANTS RECORDED IN DEED BOOK 1202, PAGES 307-310 AND DEED BOOK 1219, PAGES 165-174.

GRID NORTH GEORGIA EAST 2



MARKET DIS
LOCATED IN THE 1209TH
CITY OF STATESBORO
DATE: MARCH 21, 2005
PRECISION DATA
E.O.G. FIELD 1 / 42976 TO 1 / 10
ERROR PER ANGLE 00' 00" 00" TO 1
ADJ. METHOD LEAST SQUARES
E.O.G. PLAT 1 / 80122 TO 1 / 8252
FIELD SURVEY COMPLETED 03-

Pursuant to the Subdivision Regulations of the City of Statesboro, Georgia, all the requirements for Approval having been fulfilled, this final plat was given Approval by the City of Statesboro on 3/24/2005.

Date 3/24/2005
Mayor [Signature]

Date 3/24/2005
Planning Director [Signature]

NOTES:

- 1) ARCH WAY, BERMUDA RUN, BRAMPTON AVENUE, HILL POND LANE AND MERCHANT WAY AS SHOWN ON THIS SURVEY HAVE NOT BEEN DEDICATED AND OR ACCEPTED BY THE CITY OF STATESBORO.
- 2) BUILDING SETBACKS ARE 25' FROM ALL FRONT AND REAR PROPERTY LINES.
- 3) AND 15' ON ALL SIDE PROPERTY LINES.
- 4) THE CITY OF STATESBORO OWNS AND MAINTAINS GAS, WATER AND SEWER MAINS LOCATED WITHIN THIS DEVELOPMENT. THE DRAINAGE EASEMENTS SHOWN HEREON ARE TO BE MAINTAINED BY THE CITY OF STATESBORO.
- 5) EASEMENTS SHOWN ON THIS PLAT AS PROPOSED ARE TO BE CREATED IN CONJUNCTION WITH THIS PLAT AND OR TRANSFER OF PARCELS.
- 6) DEVELOPERS RESERVE, TO THE CITY OF STATESBORO, A TEN (10') UTILITY EASEMENT ADJACENT TO THE FRONT PROPERTY LINES OF ALL PARCELS AS NEEDED FOR FOR UTILITY INSTALLATION AND MAINTENANCE.
- 7) NO IRIGATION WELLS ARE ALLOWED IN THIS SUBDIVISION. MOREOVER, NO PUMPING FROM DETENTION PONDS FOR IRRIGATION IS ALLOWED.
- 8) DEVELOPER OF PARCELS 10-13 SHALL PROVIDE A U-TURN FOR TRAFFIC MOVEMENT WHERE MERCHANT WAY RIGHT-OF-WAY ENDS.
- 9) DEVELOPER OF PARCEL 30 SHALL PROVIDE A U-TURN FOR TRAFFIC MOVEMENT WHERE HILL POND LANE RIGHT-OF-WAY ENDS.
- 10) EASEMENT TO CITY OF STATESBORO THAT PROHIBITS PLACEMENT OF LANDSCAPING OR STRUCTURES THAT WILL OBSTRUCT VIEW OR INTERFERE WITH UTILITY INSTALLATION. (SEE INSET)



GRAPHIC SCALE - FEET
0 100 200 300

