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**VERSION A**

**LESS PERMISSIVE FOR THOSE UNDER 21 YEARS OF AGE**

**CHAPTER 6  
ALCOHOLIC BEVERAGES**

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**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

47 intent of promoting desirable living conditions and sustaining the stability of neighborhoods and  
48 property values. Further, this chapter is designed to permit the manufacture, distribution,  
49 dispensation and/or sale of alcoholic beverages by qualified persons within the corporate limits  
50 of the City of Statesboro as permitted by Title 3 of the Official Code of Georgia Annotated,  
51 O.C.G.A. § 3-3-1, *et. seq.*, as amended, and Title 560, Subtitle 560-2 of the Administrative Code  
52 of Georgia, Ga. Comp. R. & Regs. § 560-2-1-.01, *et seq.*, as amended, provided, however, that  
53 nothing in the Chapter shall be construed to permit any activity or conduct that is inconsistent  
54 with the provisions contained herein, or any other provisions of state, federal or local law that  
55 may otherwise apply to a licensee.

56

57 **Sec. 6-3. - Definitions.**

58

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

61

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

64

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

67

68 *Alcoholic Treatment Center*: Any privately owned, state owned or state operated hospital,  
69 community mental health center, or other facility utilized for the diagnosis, care, treatment, or  
70 hospitalization of persons who are alcoholics and any other hospital or facility within the State of  
71 Georgia approved for such purpose by the department.

72

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

76

77 *Brewer*: A manufacturer of malt beverages.

78

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

83

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

88

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

92

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

97  
98 *Church:* A permanent building owned and operated exclusively by a religious organization and  
99 publicly designated a church where persons regularly assemble for religious worship which is  
100 located on a parcel of property which the Bulloch County Tax Assessor has designated exempt  
101 from state ad valorem taxation pursuant to O.C.G.A. § 48-5-4(a)(2.1)(A) and (B). The  
102 minimum distance requirements from church buildings shall not apply to space in a shopping  
103 center or residences also used for religious purposes.

104  
105 *Crime of moral turpitude:* A crime which is contrary to justice, honesty, modesty, good morals or  
106 a person's duty to other people. Misdemeanors that are crimes of moral turpitude for the purpose  
107 of the chapter include but are not limited to theft, bad checks, shoplifting, making terroristic  
108 threats, giving false name to a police officer, false swearing, forgery, fraud or extortion.

109  
110 *Distilled spirits or liquor:* Any alcoholic beverage obtained by distillation or containing more  
111 than 21 percent alcohol by volume, including, but not limited to, all fortified wines.

112  
113 *Doorperson:* The employee of any Class D, E, or F licensee who has the responsibility for and  
114 duty of checking the identification of patrons entering the licensed premises for on-premises  
115 consumption of alcohol.

116  
117 *Drive-through sale:* The sale of alcoholic beverages by a Class B or C licensee where the  
118 customer remains in his vehicle and where the licensee consummates the sale through a drive-  
119 through window affixed to the licensed premises.

120  
121 *Election day:* That period of time beginning with the opening of the polls and ending with the  
122 closing of the polls.

123  
124 *Financial interest:* Includes, but is not limited to, holding any indebtedness or security interest in  
125 a business.

126  
127 *Growler:* means a properly sanitized reusable bottle made of glass that is capable of being sealed  
128 with a screw cap and with a plastic collar over the screw cap and is filled at the time of purchase  
129 by the customer, by the licensee or employee of the licensed establishment with beer from a keg  
130 for off premises consumption.

131  
132 *Hotel:* A building or other structure kept, used, maintained, advertised and held out to the public  
133 to be a place where sleeping accommodations are offered for adequate pay to travelers and  
134 guests, whether transient, permanent or residential, in which 50 or more rooms are used for the  
135 sleeping accommodations of such guests, such sleeping accommodations being conducted in the  
136 same building or in separate buildings or structures used in connection therewith that are on the  
137 same premises and are a part of the hotel operation. Motels meeting the qualifications set out in  
138 this definition for hotels shall be classified in the same category as hotels.

139

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

144

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

148

149 *In-room service*: Means:

150

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

156

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

162

163

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

167

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

169

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

174

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

183

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

185  
186 *Malt beverage*: Means any alcoholic beverage obtained by the fermentation of any infusion or  
187 decoction of barley, malt, hops, or any other similar product, or any combination of such  
188 products in water, containing not more than 14 percent alcohol by volume and including ale,  
189 porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake,  
190 known as Japanese rice wine.  
191  
192 *Manufacturer*: Any maker, producer, or bottler of an alcoholic beverage. The term also means:  
193  
194 (a) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending  
195 any distilled spirits; and  
196  
197 (b) In the case of any malt beverages, any brewer; and  
198  
199 (c) In the case of wine, any vintner.  
200  
201 *Manager*: A person who has responsibility for management of the operations, including sale of  
202 alcoholic beverages, at the location to be licensed or supervision of management of the  
203 operations, including sale of alcoholic beverages, at the location to be licensed and who is a full-  
204 time employee of the corporation, partnership, proprietor, or other ownership entity.  
205  
206 *Mixed drink*: Any distilled spirit served for consumption on the premises, whether or not diluted  
207 by water or any other substance.  
208  
209 *Package*: A bottle, can, keg, barrel, or other original consumer container.  
210  
211 *Person*: Any individual, firm, partnership, cooperative, nonprofit membership corporation, joint  
212 venture, association, company, corporation, agency, syndicate, estate, trust, business trust,  
213 receiver, fiduciary, or other entity or group or combination acting as a unit, body politic, or  
214 political subdivision, whether public, private, or quasi-public.  
215  
216 *Private club*: A corporation organized and existing under the laws of the State of Georgia, like  
217 fraternal or veterans' organizations, having bylaws and being a part of a national organization in  
218 existence for at least one year immediately prior to the application for any license hereunder,  
219 having at least 75 members, regularly paying monthly, quarterly or semiannual dues, organized  
220 and operated exclusively for fraternal brotherhood, pleasure, recreation and other non-profitable  
221 purposes, no part of the net earnings of which inures to the benefit of any stockholder or  
222 member, and owning, hiring or leasing a building or space therein for the reasonable use of its  
223 members with suitable kitchen and dining space and equipment, and maintaining and using a  
224 sufficient number of employees for cooking, preparing and serving meals for its members and  
225 guests; provided, that no member or officer, agent or employee of the club is paid, or directly or  
226 indirectly receive in the form of salary or other compensation, any profits from the sale of  
227 distilled spirits or any beverage licensed hereunder to the club or its members or guests beyond  
228 the amount of such salary as may be fixed by its members at any annual meeting or by its  
229 governing board out of the general revenue of the club.  
230

231 *Restaurant:* Any public place kept, used, maintained, and advertised and held out to the public as  
232 a place where meals are served and where meals are actually and regularly served, without  
233 sleeping accommodations, such place being provided with adequate and sanitary kitchen and  
234 dining room equipment, having employed a sufficient number of cooks and kinds of employees  
235 to prepare, cook, and serve suitable food at all times the place is open for business at tables with  
236 seating, and holding a certificate of inspection and approval from the county health department.  
237 At least one meal per day shall be served at least five days a week, with the exception of  
238 holidays, vacations, and periods of remodeling, and the serving of such meals shall be the  
239 principal business conducted, with the serving of alcoholic beverages to be consumed on the  
240 premises as only incidental thereto. A restaurant shall have 60 percent or more of its total annual  
241 gross sales of prepared meals from the sale of prepared meals. The sale of ice, garnishes, soft  
242 drinks, mixers or beverages of any kind shall not constitute the sale of prepared meals.

243  
244 *Retail consumption dealer:* Any person who sells alcoholic beverages for consumption on the  
245 premises only to consumers and not for resale.

246  
247 *Retailer or retail dealer:* Any person who sells alcoholic beverages, either in unbroken packages  
248 or for consumption on the premises, at retail only to consumers and not for resale.

249  
250 *School building or educational building on a college campus:* Governmental or church school  
251 buildings and such buildings at such other schools as teach the subjects commonly taught in the  
252 common schools and colleges of this state, and which are public schools or private schools as  
253 defined in subsection (b) of the official Code of Georgia annotated Section 20-2-690. Schools  
254 shall also be defined to include pre-schools and kindergartens.

255  
256 *Violation:* Each and every act committed by a licensee or an employee, agent or representative of  
257 a licensee that violates any provision of this Chapter.

258  
259 *Wholesale or wholesale dealer:* Any person who sells alcoholic beverages to other wholesale  
260 dealers, to retail dealers, or to retail consumption dealers.

261  
262 *Wine:* Any alcoholic beverage containing not more than 21 percent alcohol by volume made  
263 from fruits, berries or grapes either by natural fermentation or by natural fermentation with  
264 brandy added. The term includes, but is not limited to, all sparkling wines, champagnes,  
265 combinations of such beverages, vermouths, special natural wines, rectified wines and like  
266 products. The term does not include cooking wine mixed with salt or other ingredients so as to  
267 render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine  
268 at that point in the manufacturing process when it conforms to the definition of wine contained in  
269 this section.

270  
271 **Sec. 6-4. – License and Permits—Required; classes; fees.**

272  
273 (a) *License and Permits required.* It shall be unlawful to sell, dispense, pour or offer to sell,  
274 dispense or pour any distilled spirits, alcoholic beverages, wine, beer or malt beverages as  
275 defined by Georgia law within the corporate limits of the City of Statesboro without first  
276 applying for and obtaining a license and/or permit therefor from the City of Statesboro.

277  
278 (b) Licenses which may issue under this Chapter, including any combination of the following;  
279 provided, such combination is not otherwise prohibited by applicable law, including but not  
280 limited to Title 3 of the Official Code of Georgia Annotated, O.C.G.A. § 3-3-1, et. seq., as  
281 amended, and Title 560, Subtitle 560-2 of the Administrative Code of Georgia, Ga. Comp. R. &  
282 Regs. § 560-2-1-.01, et seq., as amended.

283  
284 (c) *Classes*. The licenses shall be divided into the following classes:

- 285  
286 (1) Class A, reserved;  
287  
288 (2) Class B, retail beer package;  
289  
290 (3) Class C, retail wine package;  
291  
292 (4) Class D, retail liquor by the drink;  
293  
294 (5) Class E, retail beer by the drink;  
295  
296 (6) Class F, retail wine by the drink;  
297  
298 (7) Class G, wholesale liquor;  
299  
300 (8) Class H, wholesale beer;  
301  
302 (9) Class I, wholesale wine;  
303  
304 (10) Class J, licensed alcoholic beverage caterer;  
305  
306 (11) Class K, brewer, manufacturer of malt beverages only;  
307  
308 (12) Class L, broker;  
309  
310 (13) Class M, importer;  
311  
312 (14) Class N, Hotel in-room service liquor, beer, and wine.  
313  
314 (15) Class O, manufacturer of wine only.

315  
316 *Sunday sales permits*. All licensees who engage in Sunday sales as permitted under 6-5(n) shall  
317 also be required to obtain a separate Sunday sales permit as provided in the Rules and  
318 Regulations for administration of the Chapter.

319  
320 *Wine-tasting permits*. All licensees who engage in wine-tastings as permitted under section 6-  
321 6(e) shall also be required to obtain a separate wine-tasting permit as provided in the Rules and  
322 Regulations for administration of the Chapter.

323  
324 *Distance waiver permit for restaurants.* Any licensee who operates a restaurant that does not  
325 meet all of the distance requirements in Section 6-5(e) shall also be required to obtain a distance  
326 waiver permit for the restaurant as provided for in Section 6-3(o) and in the Rules and  
327 Regulations for administration of the Chapter.  
328  
329 *Outdoor event permit.* The consumption of alcoholic beverages shall not be permitted at outdoor  
330 events unless an Outdoor Event Permit is obtained as provided in the Rules and Regulations for  
331 administration of the Chapter.  
332  
333 *Event Permit for Caterers.* Pursuant to O.C.G.A. § 3-11-3 in order to distribute or sell distilled  
334 spirits, malt beverages, or wine at a catered event, a licensed alcoholic beverage caterer shall be  
335 required to obtain a Catered Event Permit as provided in the Rules and Regulations for  
336 administration of the Chapter.  
337  
338 (d) *Fees.* The basic fees for each type of license listed in paragraph (b) hereinabove shall be as  
339 follows except that private clubs as defined in Section 6-1 shall pay 70 percent of the basic fee.  
340  
341 Class A, reserved.  
342  
343 Class B, retail beer package ..... \$825.00  
344  
345 Class C, retail wine package .....\$425.00  
346  
347 Class D, retail liquor by the drink ....\$2500.00  
348  
349 Class E, retail beer by the drink .....\$825.00  
350  
351 Class F, retail wine by the drink .....\$425.00  
352  
353 Class G, wholesale liquor .....\$1000.00  
354  
355 Class H, wholesale beer .....\$1000.00  
356  
357 Class I, wholesale wine .....\$1000.00  
358  
359 Class J, licensed alcoholic beverage caterer .....\$300.00  
360  
361 Class K, brewer, manufacturer of malt beverages only .....\$500.00  
362  
363 Class L, broker .....\$500.00  
364  
365 Class M, importer .....\$500.00  
366  
367 Class N, Hotel in-room service liquor, beer, and wine .....\$300.00  
368



369 Class O, Manufacturer of wine only .....\$500.00

370

371 *Sunday sales permit fee.* All licensees who engage in Sunday sales as permitted Section 6-5(n)  
372 shall pay, in addition to the above fees, a fee of \$300.00.

373

374 *Wine-tasting permit fee.* All licensees who engage in wine-tastings as permitted under Section 6-  
375 6(e) shall pay, in addition to the above fees, a fee of \$300.00.

376

377 *Outdoor Event Permit.* The fee for an Outdoor Event Permit shall be \$5000.00.

378

379 *Event Permit for Caterers.* The fee for an Event Permit for Caterers shall be \$15.00 per day per  
380 event.

381

382 (e) *Change of business.* A new owner or new location shall pay the base fee for his initial  
383 license.

384

385 (f) *Payment.* The fees referred to in this section shall be payable annually on a fiscal-year basis  
386 except for the initial year when they will be prorated for the number of quarters remaining in the  
387 calendar year at the time the license was purchased. If the license is purchased and is not used for  
388 the full calendar year or if the license is revoked or suspended following issuance thereof, there  
389 shall be no refunds for any portion of the fees. All new licenses must be paid and received by the  
390 business not later than 30 days from notification of approval. If payment is not received, the  
391 license granted shall be considered void and treated as if denied. Payment shall be made by  
392 means of a cashier's check or money order.

393

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

396

397 (a) *Generally.* The applicant for a license under this chapter shall make a written application  
398 under oath on the form as proscribed by the City Clerk or his or her designated representative.  
399 Except as otherwise provided by law, such application shall be a public record and open to  
400 public inspection at a reasonable time and place.

401

402 (b) *Application fee.* The applicant, upon turning in his complete application to the City Clerk, or  
403 his or her designated representative, at the same time shall provide a certified check, credit card  
404 payment or money order for \$100.00 made payable to the City of Statesboro for the application  
405 fee, plus any additional related fees required by any other governmental agencies or departments.  
406 A \$100.00 investigative fee must be paid for each additional investigation done during the year  
407 due to ownership or manager change. These fees are non-refundable.

408

409 Additionally, each applicant for a new license shall submit to the City Clerk such information as  
410 may be required by the Georgia Crime Information Center and by the Federal Bureau of  
411 Investigation, including classifiable sets of fingerprints, and such fees as may be set by the  
412 Georgia Crime Information Center and by the Federal Bureau of Investigation for a records  
413 check comparison by the Georgia Crime Information Center and by the Federal Bureau of

414 Investigation. Application for a license under this chapter shall constitute consent for  
415 performance of a records check comparison.

416  
417 (c) *Entities—Ownership.* All applicants other than individual persons shall list the names and  
418 addresses of all individual persons who have an ownership interest in such entity and the  
419 percentage ownership of each person, unless the corporate stock or other ownership interest is  
420 listed on the stock exchange or available for over the counter sales and subject to regulation by  
421 federal and state securities laws. If a named interest owner therein is another corporation or other  
422 entity, the same information shall be given for such corporation or entity. If during the life of the  
423 license, the identity of the interest owners or their percentage of ownership should change, that  
424 information shall be sent to the City Clerk or his or her designated representative for processing.  
425 A change in ownership shall require a new application. Corporations or limited liability  
426 companies must file a compliance copy from the office of the Secretary of State showing active  
427 status as an incorporated business.

428  
429 (d) *Additional data.*

430  
431 (1) *Corporate, partnership, sole proprietors, and limited liability company applications.*  
432 All corporate applicants shall list the names and addresses of the officers of the  
433 corporation. All sole proprietors shall apply in the name of the sole proprietor. All limited  
434 liability applicants shall provide the names and addresses of all members and managers  
435 of the limited liability company. In addition thereto, all applicants, including sole  
436 proprietors and partnerships if the sole proprietor or at least one partner is not working  
437 full-time in a managerial capacity on the premises, shall name a manager, whose name  
438 shall appear as such on the license issued to the corporation. The corporation, partnership,  
439 sole proprietor, or limited liability company shall provide the name and address of said  
440 manager, who shall be a full-time employee of the corporation, partnership, sole  
441 proprietorship, or limited liability company and who shall be the individual who does in  
442 fact have regular, managerial and supervisory authority over the business conducted on  
443 the licensed premises. In addition, the manager shall be an agent for service for the  
444 corporation, partnership, sole proprietorship, or limited liability company in addition to  
445 all other methods allowed for serving a corporation or other entity by the laws of  
446 Georgia. Any person who has been a manager of a corporation, partnership, sole  
447 proprietorship, or limited liability company whose license has been revoked is ineligible  
448 to act as manager for any licensee thereafter.

449  
450 (2) *Intention to provide adult entertainment.* Every application shall inquire if the  
451 applicant intends to provide live nude performances on the licensed premises or other  
452 forms of adult entertainment regulated under Article VII of Chapter 18 of the Code of the  
453 City of Statesboro. It is mandatory for this question to be answered by the applicant.

454  
455 (3) *Individual's requirements applicable to clubs.* In the case of a private club, fraternal  
456 or veterans order, its chief officer and general manager shall meet the same requirements  
457 that any individual applicant must meet and maintain.

458

459 (e) *Investigation.* The City Clerk or his or her designated representative shall investigate the  
460 application. Each applicant authorizes the City of Statesboro and its agents to secure from any  
461 court, law enforcement agency, or other public agency his or her criminal history and the  
462 criminal history of all individuals required to be listed on the application, including but not  
463 limited to sole proprietor, partners, members, corporate officers, stockholders, and managers, and  
464 authorizes the City of Statesboro to use such information in determining whether the license  
465 applied for shall be issued. Each applicant waives any right that he would otherwise have to  
466 preclude the City of Statesboro or its agents from obtaining and using such information and each  
467 applicant further waives any liability of the City of Statesboro or its agents for obtaining and  
468 using such information, and agrees to indemnify and hold the City of Statesboro harmless against  
469 the claims of any person listed by the applicant on the application and by doing so has authorized  
470 the City of Statesboro to investigate. The City Clerk or his or her designee shall make an arrest  
471 and conviction investigation concerning any applicants hereunder and all individuals required to  
472 be listed on the application, including but not limited to sole proprietor, partners, LLC members,  
473 corporate officers, corporate stockholders, and managers. The police department shall submit the  
474 results of the investigation to the City Clerk or his or her designated representative within 30  
475 days of submission.

476  
477 (f) *Fire and Safety Inspection.* All businesses where alcohol is consumed on the premises, shall  
478 satisfy all requirements of a fire and life safety inspection performed by the local fire official and  
479 city building official or his or her designee. The proscribed inspection form shall be provided by  
480 the city. In addition, all businesses where alcohol is consumed on the premises and the  
481 occupancy load is 100 or more, shall provide the City Clerk with a signed fire safety report and  
482 certificate of occupancy from the state fire marshal's office. The local fire official may cause to  
483 be inspected any building or portion of any building licensed under this ordinance.

484  
485 (g) *Offenses.* Any person making a false or misleading statement in any application for a license  
486 or false statement in connection with renewal thereof, shall be subject to punishment as provided  
487 by state law relating to false swearing, and further, a license, if previously granted or renewed,  
488 may be revoked for the violation.

489  
490 (h) *Duration; renewal.* All licenses are issued only on a fiscal-year basis and shall be eligible for  
491 renewal each year following issuance if and only if the licensed premises has passed a fire safety  
492 inspection within the 12 month period prior renewal of the license. Each licensee shall make a  
493 written application for renewal on or before May first of each calendar year which shall swear to  
494 the truthfulness of such information that is the same as the prior application and shall set forth  
495 facts which are different from the prior year's application. The renewal application form shall be  
496 approved by the City Clerk or his or her designated representative, and sworn to under oath by  
497 the applicant. All fees shall be tendered with the application in the form of a cashier's check,  
498 money order, or credit card.

499  
500 (i) *Penalty for filing renewal application and license fee payment after November first.* There  
501 shall be a penalty fee charged for filing alcoholic beverage renewal application and license fee  
502 payment after November first as follows:

503  
504 After May 1—May 15 \$200.00

505 May 16—May 31 \$300.000  
506 After June 1 20% of annual license fee but not less than \$500.00, whichever is greater.

507  
508

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

512

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

518

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

526

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

533

534 (m) *Applications for Sunday sales permit.* The licensee of a business engaged in the retail  
535 package sales of beer and/or wine, any restaurant as defined in this chapter, or any licensed  
536 establishment which derives at least 60 percent of its total annual gross income from the rental of  
537 rooms for overnight lodging, desiring the privilege to sell, furnish or otherwise dispense distilled  
538 spirits, malt beverages, or wine on Sunday in accordance with paragraph 6-5(n) shall, before  
539 dispensing such beverages on Sunday, obtain a Sunday Sales Permit as provided for in the rules  
540 and regulations of the administration of this Chapter.

541

542 (n) *Application for an Outdoor Event Permit.* Prior to the sale of alcoholic beverages at an  
543 outdoor event an Outdoor Event Permit shall be obtained as provided for in the rules and  
544 regulations of the administration of this Chapter.

545

546 (o) *Application for Distance Waiver Permit for Restaurant.* The Mayor and City Council,  
547 following application for a distance waiver permit for a restaurant, notice and hearing, may in its  
548 discretion grant a distance waiver permit for restaurant authorizing the issuance of a Class D, E  
549 or F license to a licensee of a restaurant notwithstanding the distance requirements in Section 6-  
550 5(e) from school buildings, alcoholic treatment centers, educational buildings on college campus,

551 churches and/or property lines of a private dwelling located in single-family residential zoning  
552 district for locations that sell alcohol for consumption on the premises only. The application for  
553 a distance waiver permit shall be obtained as provided in the rules and regulations of the  
554 administration of this Chapter.

555  
556 (p) *Application for Event Permit for Caterers.* Prior to the sale of alcoholic beverages at a  
557 catered event a Catered Event Permit shall be obtained as provided for in the rules and  
558 regulations of the administration of this Chapter.

559

560 **Sec. 6-6. - When issuance prohibited.**

561

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

563

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

565

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

567

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

569

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

572

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

577

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

585

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

593

594 (2) has been convicted within five years immediately prior to the filing of the alcoholic  
595 beverage application with the City Clerk of the violation (i) of any state or federal law  
596 pertaining to the manufacture, possession, transportation or sale of malt beverages, wine

597 or intoxicating liquors, or the taxability thereof; (ii) of a crime involving moral turpitude;  
598 or (iii) of a crime involving soliciting for prostitution, pandering, gambling, letting  
599 premises for prostitution, keeping a disorderly place, the traffic offense of hit and run or  
600 leaving the scene of an accident, or any misdemeanor serious traffic offense as defined in  
601 O.C.G.A. § 40-6-390 et seq., but excluding any first conviction for reckless driving or  
602 driving under the influence of alcohol or drugs in the past 10 years as measured from the  
603 date of arrest, or for whom outstanding indictments, accusations or criminal charges exist  
604 charging such individual with any of such offenses and for which no final disposition has  
605 occurred. If at the time of application, the applicant is charged with any of the offenses  
606 prescribed in this subsection, consideration of the application shall be suspended until  
607 entry of a plea or verdict or dismissal;

608  
609 (3) has been convicted of two violations of the ordinances of the City of Statesboro  
610 governing alcoholic beverages licensed hereunder within the last five years immediately  
611 prior to the filing of the licensee's application with the City Clerk, except as specifically  
612 provided in paragraph (c) below, concerning revocation of alcohol license, or paragraph  
613 (d) below, concerning selling alcohol to underage persons. If at the time of application,  
614 the applicant is charged with any of the offenses prescribed in this subsection,  
615 consideration of the application shall be suspended until entry of a plea or verdict or  
616 dismissal.

617  
618 (c) For 24 consecutive months immediately following the date of a license revocation, no person  
619 or any individual person having an ownership interest in the business whose license was revoked  
620 shall be eligible for renewal of or issuance of a license at the same location for which the  
621 previously revoked license was issued. Furthermore, during said 24-month period, no person or  
622 any individual person having an ownership interest in the business whose license was revoked  
623 shall be eligible to apply for any additional licenses.

624  
625 (d) Except as provided in paragraph (e) below, for 24 consecutive months immediately  
626 following the date of a citation for any violation for selling alcohol to underage persons within a  
627 licensed premise, no application for change in ownership of the license at the same location  
628 where the violation occurred shall be allowed unless there is a 100 percent change in ownership  
629 and control between the old licensee and the new applicant. For purposes of this subparagraph,  
630 100 percent change in ownership and control shall mean a 100 percent change in all individuals,  
631 partners, officers, directors, shareholders, members, managers and/or all persons having any  
632 whole, partial, beneficial or other interest in the business where the alcoholic beverage license is  
633 located. 100 percent change in ownership and control shall not include a transfer in ownership  
634 and control to any person in the immediate family of any individuals, partners, officers, directors,  
635 shareholders, members, managers and/or any persons having any interest in the business where  
636 the alcoholic beverage license is located. The application for the alcoholic beverage license must  
637 be applied for and approved prior to the sale of the business. An alcoholic beverage license may  
638 not be issued until the new owner has established that the sale of the business is bona fide. The  
639 applicant for the new license must provide documentation concerning the sale, including but not  
640 limited to documentation concerning ownership of and all business interests in the old license in  
641 addition to documentation concerning the ownership of and all business interests in the new  
642 license, as requested by the City Clerk.

643  
644 (e) For 24 consecutive months immediately following the date of a citation for any violation for  
645 selling alcohol to underage persons within a licensed premise, an application for less than 100  
646 percent change in ownership and control between the old licensee and the new application shall  
647 be allowed only if the following requirements are met:

648  
649 (1) The applicant for less than 100 percent change in ownership of the license at the  
650 same location where the violation occurred must agree as part of the application that any  
651 past violations for selling alcohol to underage persons within the licensed premise shall  
652 become part of the record of violations for the new business as if the new owners had  
653 been cited and found in violation. Such record of violations shall be taken into  
654 consideration in any future hearings against the new licensee.

655  
656 (2) Such applications for less than 100 percent change in ownership shall be made prior  
657 to the sale of the business but after any pending citations for violations for selling alcohol  
658 to underage persons within the licensed premise are adjudicated.

659  
660 (f) No person shall hold a license in any retail category hereunder and a license under any  
661 wholesale category at the same time.

662  
663 **Sec. 6-7. - General regulations pertaining to all licenses.**

664  
665 (a) *License not transferable to another location.* Each license is issued for a specific location  
666 only and may not be transferred to another location. A new application is required for each  
667 licensed premise. No license may be issued to different licensees for the same location.

668  
669 (b) *Transfer of license to another person.* No alcoholic beverage license shall be transferred  
670 from one person to another during the year in which the license or permit was obtained, except in  
671 the case of the death of a person holding a license, in which event his personal representative  
672 may continue to operate under the license for six months from the date of his qualification.

673  
674 (c) *Location.* None of the above licenses shall be issued except in the following zones as defined  
675 in Appendix A (Zoning) of the Code of the City of Statesboro:

676  
677 (1) CBD, Commercial Business District;

678  
679 (2) CR, Commercial Retail District;

680  
681 (3) HOC; Highway Oriented Commercial District

682  
683 (4) LI; Light Industrial District

684  
685 (d) *Proximity Requirements; Package sales for off-premises Consumption governed by O.C.G.A.*  
686 *§ 3-3-21.*

687

688 (1) Class B and C licenses shall be issued for a location only if the location complies with  
689 the proximity requirements provided by O.C.G.A. § 3-3-21 as measured by the Rules  
690 and Regulations promulgated by the Georgia Department of Revenue.  
691

692 (2) Nothing in this subparagraph shall prohibit a grocery store licensed for the retail sale  
693 of only wine and malt beverages for consumption off the premises from selling wine or  
694 malt beverages within 100 yards of any college campus. As used in this subparagraph,  
695 the term "grocery store" means a retail establishment which has at least 85 percent of its  
696 total retail floor space reserved for the sale of food and other nonalcoholic items,  
697 conducts all of its sales inside the building containing its retail floor space, and meets all  
698 other criteria by this ordinance.  
699

700 (e) *Proximity Requirements; Sales for Consumption on the Premises; local regulation permitted*  
701 *per O.C.G.A. § 3-3-21(b)(3).*  
702

703 (1) Class D, Class E and Class F alcoholic beverage licenses shall not be issued for a  
704 location in which the nearest point on a wall of the building proposed as the licensed  
705 premises is closer than 100 yards in a straight line measurement to the nearest wall of a  
706 school building, an educational building on a college campus, or a church in existence at  
707 the time of the application for the initial license.  
708

709 (2) No licenses shall be issued under this chapter for any location in which the nearest  
710 point on a wall of the building proposed as the licensed premises is closer than 100  
711 yards in a straight line measurement to the nearest point of the property line of an  
712 alcoholic treatment center which is in existence at the time of the application for the  
713 initial license.  
714

715 (3) No licenses shall be issued under this chapter for any location in which the nearest  
716 point on a wall of the building proposed as the licensed premises is closer than 100  
717 yards in a straight line measurement to the nearest point of the property line of a private  
718 dwelling located within a single-family residentially zoned district which is in existence  
719 at the time of the application for the initial license.  
720

721 (4) The proximity requirements for Class D, Class E and Class F licenses shall be in  
722 effect for all districts in which such licenses are authorized, with the exception of any  
723 restaurant as defined in this chapter that is granted a distance waiver permit for a  
724 restaurant by the Mayor and City Council pursuant to subsection 6-3(o).  
725

726 (f) At the time of initial application, a plat from a registered surveyor shall be attached to the  
727 application which shall certify that all state and local distance requirements for the proposed  
728 location have been met.  
729

730 (g) All licenses which are in existence and valid as of the date of passage of this chapter may  
731 continue to be renewed hereunder even though they may be in violation of this subsection  
732 regarding proximity requirements; furthermore, that location may continue to be licensed  
733 hereunder so long as the premises are continuously used for the sale of alcoholic beverages



734 hereunder, even though not under the same owner. At such time as the license for this premises  
735 is revoked, not renewed or is allowed to lapse, or a new license is not applied for the location  
736 within 365 days of the expiration or termination of the previous license, this subsection and the  
737 prohibitions herein shall apply to any new application for that location.

738  
739 (h) After issuance of a license, no change in the location of the building or walls can be made  
740 that affects distance requirements so that the distance requirement would not be satisfied as a  
741 result of the change. The distance requirements must be met at all times during the term of the  
742 license.

743  
744 (i) *Interests of public employees and officials; prohibited.* No license shall be granted to any  
745 city, state or federal employee or official whose duties include the regulation or policing of  
746 alcoholic beverages or licenses or any tax-collecting activity.

747  
748 (j) *Inspection of books, accounts, ownership interests.* Upon demand by the City Clerk, or his or  
749 her designated representative, any person holding a license from the City of Statesboro, Georgia,  
750 shall open to the City Clerk, or his her designated representative, his place or places of business  
751 for the purpose of enabling the City Clerk or his representative to ascertain and gain such  
752 information as may be necessary for determination of compliance with applicable law, including  
753 but not limited to, this ordinance, Title 3 of the Official Code of Georgia Annotated, O.C.G.A. §  
754 3-3-1, et. seq., as amended, and Title 560, Subtitle 560-2 of the Administrative Code of Georgia,  
755 Ga. Comp. R. & Regs. § 560-2-1-.01, et seq., as amended. Upon demand by the City Clerk, or  
756 his or her designated representative, any person holding a license from the City of Statesboro  
757 shall furnish the City Clerk or his or her representative under an affidavit swearing that all books  
758 of account, invoices, papers, reports and memoranda containing entries showing amount of  
759 purchases, sale receipts, inventory and other information, ascertained including exhibition of  
760 bank deposit books, bank statements, and copies of sales tax reports, operating agreements,  
761 shareholder agreements and any other such documents the City of Statesboro may deem  
762 necessary to determine compliance with this Chapter are a true and complete copies of the  
763 requested documents. Said documents shall be furnished within TEN (10) days of such request  
764 by the City Clerk or his or her representative. Any person holding a license from the City of  
765 Statesboro shall secure, preserve, maintain and keep for a period of three years books of account,  
766 invoices, papers, reports and memoranda containing entries showing amount of purchases, sale  
767 receipts, inventory and other information, ascertained including exhibition of bank deposit  
768 books, bank statements, and copies of sales tax reports.

769  
770 (k) *Verification of Gross Sales Income, ownership interests, and other relevant financial data.*

771  
772 (1) Upon request of the City Clerk a licensee shall furnish within THIRTY (30) days  
773 of the request certified financial statements and an affidavit from a Certified Public  
774 Accountant showing the ownership interests in the licensed premises, total gross sales of  
775 the licensed establishment, the gross sales of the licensed establishment derived from the  
776 sale of alcohol, the gross sales of the licensed establishment derived from the sale of  
777 prepared meals, the gross revenue derived from any other source in the operation of the  
778 licensed establishment for any period of time in the last three (3) years.

779

780 (2) As a condition precedent to the renewal of any alcoholic beverage license the  
781 licensee shall furnish with the renewal application certified financial statements and an  
782 affidavit from a Certified Public Accountant showing the ownership interests in the  
783 licensed premises, total gross sales of the licensed establishment, the gross sales of the  
784 licensed establishment derived from the sale of alcohol, the gross sales of the licensed  
785 establishment derived from the sale of prepared meals, the gross revenue derived from  
786 any other source in the operation of the licensed establishment for the preceding fiscal 12  
787 months.

788  
789 (k) *Failure to open.* All holders of licenses issued hereunder must within forty-five (45) days  
790 after the issuance of such license open for business the establishment referred to in the license.  
791 Failure to open the licensed establishment as referred to within such period shall serve as a  
792 forfeiture and cancellation of the unused license and no refund of the license fee shall be made to  
793 the license holder.

794  
795 (l) *Adding to, refilling bottles, misrepresentations as to quantity, etc.* It shall be unlawful for a  
796 licensee hereunder, his employees, subcontractors or his agents, to add to the contents of a bottle  
797 or to refill an empty bottle or in any manner to misrepresent the quantity, quality or brand name  
798 of any beverage licensed hereunder. The prohibition against refilling empty bottles shall not  
799 apply to the lawful sale of growlers as provided for in this Chapter.

800  
801 (m) *Hours of operation.* The following hours of operation shall apply to the sale of alcoholic  
802 beverages licensed hereunder:

803  
804 (1) All licensed premises for the sale of retail beer and/or wine by the drink or retail  
805 liquor by the drink (Class D, E and F licenses) shall only engage in the sale and service of  
806 alcoholic beverages upon the licensed premises, at a permitted outdoor event, or a  
807 permitted catered event between the hours of 7:00 am and 1:00 am the following day  
808 Monday through Saturday. Sale and service of alcoholic beverages pursuant to this  
809 subsection that begins on Saturday may continue until 1:00 a.m. Sunday morning without  
810 a Sunday Sales Permit.

811  
812 (2) Only licensed premises for the sale of retail beer and/or wine by the drink or retail  
813 liquor by the drink (Class D, E and F licenses) which maintains a valid Sunday Sales  
814 Permit may begin the sale and service of alcoholic beverages on Sunday. All licensed  
815 premises for the sale of retail beer and/or wine by the drink or retail liquor by the drink  
816 (Class D, E and F licenses) which begins the sale and service of alcoholic beverages on  
817 Sundays shall only engage in the sale and service of alcoholic beverages upon the  
818 licensed premises, at a permitted outdoor event, or a permitted catered event between the  
819 hours of 12:30 p.m. and midnight on Sunday.

820  
821 (3) All licensed premises for the package sales of beer and wine for off-premises  
822 consumption (Class B and C licenses) shall only engage in the sale of alcoholic beverages  
823 between the hours of 6:00 a.m. and midnight current time, Monday through Saturday.

824

825 (4) Only licensed premises for the package sales of beer and wine for off-premises  
826 consumption (Class B and C licenses) which maintain a valid Sunday Sales permit may  
827 sell alcoholic beverages on Sunday from 12:30 p.m. through 11:30 p.m.  
828

829 (n) *Time limit for clearing patrons from premises.* All licensed premises for the sale of retail  
830 beer and/or wine by the drink (Class E and F) or retail liquor by the drink (Class D), shall be  
831 closed to the public, and the premises shall be cleared of all persons except employees of the  
832 licensed premises engaged in their employment duties within 45 minutes after the time set by  
833 subsection (n) of this section for discontinuance of the sale of alcoholic beverages on the  
834 premises. Thereafter all licensees shall remove or cause to be removed all alcoholic beverages  
835 from the area of the premises utilized by customers, patrons, and invitees; all alcoholic beverages  
836 shall be stored in original containers or storage containers on a shelf or cabinet; no alcoholic  
837 beverages shall be furnished to, consumed by, or possessed by any person within the premises  
838 45 minutes after the time set by subsection (n) of this section for discontinuance of the sale of  
839 alcoholic beverages on the premises; and the premises shall remain closed for business until at  
840 least 7:00 a.m.  
841

842 (o) *Sales prohibited, limited on certain days.* All alcoholic beverages licensed hereunder shall  
843 not be sold Sundays unless the licensee holds a valid Sunday Sales Permit. The sale of alcoholic  
844 beverages on any election day shall be permitted in accordance with O.C.G.A. § 3-3-20.  
845

846 (p) *Sales, etc., to persons under legal age.* It shall be unlawful to provide alcoholic beverages to  
847 any persons under the age permitted by O.C.G.A. § 3-3-23.  
848

849 (q) *Display of license.* Every licensee, its agents or employees, shall post the most current  
850 alcoholic beverage license issued for the licensed premises in public view at eye level (an  
851 approximate height of five feet from the floor) within 15 feet of the entrance to the licensed  
852 premises.  
853

854 (r) *Bringing beverages purchased elsewhere onto premises.* No licensee for the sale of malt  
855 beverages, wine or distilled spirits shall authorize or permit any patron or customer to bring onto  
856 the premises malt beverages, wine or distilled spirits purchased elsewhere. Further, no licensee  
857 for the sale of malt beverages, wine or distilled spirits shall bring onto the premises any malt  
858 beverages, wine or distilled spirits purchased from a retailer for the purpose of resale.  
859

860 (s) Brown bagging and brown bag establishments are defined in Section 6-1 are prohibited  
861 within the City of Statesboro.  
862

863 (t) It shall be unlawful to permit on the premises so licensed any contest or form of  
864 entertainment which consists of the wetting or soaking of the upper torso of a female or the  
865 pelvic areas of a male or female.  
866

867 (u) *Sales areas, activities, drive through sales.*  
868

869 (1) It shall be unlawful for any licensee to make delivery of any alcoholic beverages  
870 licensed to be sold except within the premises or area licensed for sale thereof. Drive-

871 through sales are prohibited. This prohibition shall not apply to the sale of alcoholic  
872 beverages to patrons of a sidewalk cafe, if such establishment is otherwise licensed to sell  
873 alcoholic beverages under the applicable laws and ordinances in the City of Statesboro.  
874

875 (2) No Class B or C licensee shall permit the consumption of alcohol sold by the  
876 package on the lot or premises where the licensed establishment is located, nor shall any  
877 individual consume the contents of such packages on the lots or premises where the  
878 licensed establishment is holding a Class B or C license.  
879

880 (v) *Possession of unlicensed beverages.* All licensees hereunder are forbidden to possess, keep,  
881 maintain or otherwise store or keep on the licensed premises any alcoholic beverages for which  
882 the licensee does not hold a license.  
883

884 (w) *Employee consumption during work hours.* It shall be unlawful for any employee of any  
885 licensee to consume alcoholic beverages on the premises of the licensee during such employee's  
886 working hours.  
887

888 (x) *Suspension of sales during civil emergency.* The Mayor or City Manager may, upon  
889 determining that there is an immediate danger of civil disorder or natural disaster or any other  
890 immediate threat to the public peace and order, by executive order, suspend the sales of all  
891 beverages licensed under this chapter until such danger or threat has passed and for a reasonable  
892 period of time thereafter.  
893

6-7  
894

895 **Sec. 6-8. - Regulations pertaining to certain classes of licenses only.**  
896

897 (a) *Retail beer and wine by the package.*  
898

899 (1) Retail beer and wine by the package (Class B and C) shall be permitted in food  
900 stores, grocery stores, supermarkets, convenience food stores and discount/general  
901 merchandise stores as an item incidental to the sale of foodstuffs, groceries, or other  
902 mercantile items.  
903

904 (2) Except as specifically provided for in paragraph (e) below concerning wine tastings,  
905 the original retail containers of any alcoholic beverage sold by a retail beer and wine by  
906 the package licensee hereunder shall not be opened on the lot or premises of the location  
907 licensed for the sale thereof.  
908

909 (3) *Visibility of premises from public street.* No licensee for the sale of alcoholic  
910 beverages by the package shall operate under the license, unless the front entrance to the  
911 licensed premises is clearly visible from the public street; provided, however, that this  
912 restriction shall not apply where the licensee is a motel, hotel, private club or is located in  
913 a shopping center or multiple-story business building.  
914

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

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(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) *Temporary license 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 \$50.00 by a bona-fide non-profit, tax-exempt civic organization, the City Clerk may issue a permit authorizing the organization to conduct a wine tasting event pursuant to Paragraph (c) below or 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) *Wine tastings.* Wine tastings are permitted as long as they comply with the following rules and regulations:

(1) The applicant for a wine tasting must hold a valid current wine license in the state.

(2) Wine tastings may only be conducted in connection with an instructional or educational promotion.

(3) All wines used for tasting purposes must have been purchased from a licensed state wine wholesaler.

963  
964 (4) Wine tastings must comply with all laws and regulations otherwise pertaining to the  
965 sale and distribution of alcoholic beverages in the state.  
966

967 (5) All applicants and permit holders must comply with all state statutes and sections of  
968 this Code and other City of Statesboro ordinances concerning alcoholic beverages,  
969 including but not limited to those dealing with hours of operation, zoning, and distance  
970 requirements.  
971

972 (f) *Requirements for caterers.*  
973

974 (1) It shall be unlawful for any person to engage in, carry on or conduct the sale or  
975 distribution of alcoholic beverages off-premises and in connection with a catered event or  
976 function or to any location not licensed hereunder without first having obtained a caterer's  
977 license and Catered Event Permit as provided herein.  
978

979 (2) A licensed alcoholic beverage caterer may sell only that type of alcoholic beverage  
980 which is authorized by his alcoholic beverage license.  
981

982 (3) *Sunday sales.* An alcoholic beverage caterer wishing to cater an event or function on  
983 Sunday must possess a valid Sunday sales license and comply with the requirements of  
984 this ordinance and state law with respect to the service of alcoholic beverages on Sunday.  
985

986 (g) *Rental of licensed premises for private functions.* Class D, E, and F licensees are permitted to  
987 rent the licensed premises for private functions which have been scheduled in advance; provided  
988 that the licensee, its agents, managers, and employees, shall retain complete control over the  
989 licensed premises and over selling, serving, or furnishing alcoholic beverages during the private  
990 function to the same extent required as if the function were open to the public. Nothing in this  
991 paragraph shall be deemed to waive any provisions of this chapter or state law governing the sale  
992 of alcoholic beverages on the licensed premises. The licensed premises shall remain open to all  
993 agents of the state and the City of Statesboro for law enforcement and inspection purposes during  
994 such private functions. No doors to the licensed premises shall be locked preventing egress or  
995 ingress during such functions. Nothing in this paragraph shall be deemed to waive the  
996 prohibition governing selling, furnishing, or delivering alcoholic beverages to underage persons  
997 by any other person within the licensed premises.  
998  
999

1000 **Sec. 6-9.-Minors and Persons under 21 years of age**  
1001

1002 (a) In additions to the prohibitions set forth at O.C.G.A. §§ 3-3-23, 3-3-23.1 and 3-3-24, as  
1003 amended, which are hereby incorporated by reference herein, a licensee shall not allow a person  
1004 under the age of 18 years old to enter or remain upon the premises of an establishment licensed  
1005 to sell alcoholic beverages for consumption on the premises beyond 11:00 p.m., unless  
1006 accompanied by a parent or legal guardian, and further provided that either the licensed  
1007 establishment is a restaurant where at least 60% of the establishment's annual gross revenue is  
1008 derived from the service of prepared meals and such establishment offers its full, unlimited menu

1009 until and after 11:00 p.m., or the licensed establishment derives no more than 10% of its annual  
1010 gross revenue from the sale of alcoholic beverages.

1011  
1012 (b) In additions to the prohibitions set forth at O.C.G.A. §§ 3-3-23, 3-3-23.1 and 3-3-24, as  
1013 amended, which are hereby incorporated by reference herein, a licensee shall not allow a person  
1014 under the age of 21 years old to enter or remain upon the premises of an establishment licensed  
1015 to sell alcoholic beverages for consumption on the premises where by name, common usage,  
1016 knowledge and/or understanding the establishment constitutes a bar, night club, lounge or  
1017 similar business. Indicia of such use include, but are not limited to:

- 1018
- 1019 (1) A limited menu or no food service, particularly after 12:00 a.m.;
  - 1020
  - 1021 (2) More than 50% of the premises is standing room only;
  - 1022
  - 1023 (3) The establishment derives more than 40% of its annual gross  
1024 revenue from the sale of alcoholic beverages;
  - 1025
  - 1026 (4) Where a cover charge is imposed and collected by the licensee as a  
1027 condition of gaining entry to the establishment and such a fee does  
1028 not entitle the patron to a seat, whether by general admission or a  
1029 particular designation;
  - 1030
  - 1031 (5) The establishment utilizes the services of security forces and/or  
1032 door personnel;
  - 1033
  - 1034 (6) The establishment is open after midnight;
  - 1035
  - 1036 (7) The establishment provides a full service bar which is the primary  
1037 location from which patrons directly obtain alcoholic beverages.
  - 1038

1039 (c) The Director of Public Safety shall upon review of the license application, the renewal  
1040 application, and/or the operation of the licensed establishment determine whether the licensed  
1041 establishment is governed by subsection (a) or (b) of Section 6-9, and shall furnish the licensee  
1042 in writing the reasons for the designation, and inform the licensee of the right of appeal provided  
1043 for below.

1044  
1045 (d) The licensee shall have five (5) days from receipt of the written finding of the Director of  
1046 Public Safety to file a notice of appeal with the City Clerk. Failure to file a timely notice of  
1047 appeal shall render the decision of the Director of Public Safety final. Upon filing of a notice of  
1048 appeal the City Clerk shall schedule a hearing before the City Manager no later than ten (10)  
1049 days from the filing of the Notice of Appeal. The City Manager may reverse the Director of  
1050 Public Safety's decision only upon showing by clear and convincing evidence that the Public  
1051 Safety Director's decision was clearly erroneous. The decision of the City Manager shall be the  
1052 final decision of the City of Statesboro. Appeal of City Manager's final decision shall be by  
1053 Petition for Certiorari to the Superior Court of Bulloch County.

1054

1055 **Sec. 6-10. - Employment Regulations for Licensees Selling Alcoholic Beverages for On**  
1056 **Premises Consumption.**

1057  
1058 (a) Every licensee that distributes or sells alcoholic beverages for on-premises consumption  
1059 shall require all persons employed as managers, servers, bartenders, doorman, security personnel,  
1060 or any other employee, agent or subcontractor with the responsibility for handling, serving,  
1061 mixing or dispensing alcoholic beverages to complete a *Training for Intervention Procedures*  
1062 alcohol course (see [www.tipsalcohol.com](http://www.tipsalcohol.com)), or other similar training approved by Mayor and City  
1063 Council by resolution, and maintain on the premises evidence of current, valid training  
1064 certification for each employee encompassed by this section. To each certification shall be  
1065 attached a copy of a government-issued photo identification for the subject employee. The  
1066 certification/photo identification packages shall be readily available for inspection upon the  
1067 request of any Statesboro Police Department officer, City Code Enforcement officer, or the City  
1068 Manager or his designee.

1069  
1070 (b) No licensee shall employ managers, servers, bartenders, or any other employee, agent  
1071 or subcontractor with the responsibility for handling, serving, mixing or dispensing alcoholic  
1072 beverages who;

1073  
1074 (1) within the previous five years has two or more convictions that involve providing  
1075 alcohol to underage persons, to handle, serve, mix or dispense alcoholic  
1076 beverages or for whom outstanding indictments, accusations or criminal charges  
1077 exist charging such individual with any of such second offense and for which no  
1078 final disposition has occurred.

1079  
1080 (2) within the previous two years was convicted of, is currently on probation for, or  
1081 currently under the supervision of a court under either a pre-trial diversion  
1082 program or conditional discharge sentence for underage possession of alcohol, or  
1083 for whom outstanding indictments, accusations or criminal charges exist charging  
1084 such individual with such offense and for which no final disposition has  
1085 occurred.

1086  
1087 (c) No licensee shall allow any employee, agent, or subcontractor to serve as doorpersons or  
1088 security personnel who;

1089  
1090 (1) has been convicted within fifteen years of any felony or for whom outstanding  
1091 indictments, accusations or criminal charges exist charging such individual with  
1092 any of such offenses and for which no final disposition has occurred, or

1093  
1094 (2) has been convicted within five years of any violation (i) of any state or federal  
1095 crime involving physical violence; (ii) of any local, state or federal law pertaining  
1096 to the manufacture, possession, transportation or sale of malt beverages, wine or  
1097 intoxicating liquors, or other controlled substances and the taxability thereof (iii)  
1098 of a crime involving moral turpitude; or (iv) of a crime involving soliciting for  
1099 prostitution, pandering, gambling, letting premises for prostitution, keeping a  
1100 disorderly place, the traffic offense of hit and run or leaving the scene of an



1101 accident, or any misdemeanor serious traffic offense as defined in O.C.G.A. § 40-  
1102 6-390 et seq., but excluding any first conviction for reckless driving or driving  
1103 under the influence of alcohol or drugs in the past 10 years as measured from the  
1104 date of arrest, or for whom outstanding indictments, accusations or criminal  
1105 charges exist charging such individual with any of such offenses and for which no  
1106 final disposition has occurred.

1107  
1108 (3) The term "conviction" as used in this paragraph shall include a finding or verdict  
1109 of guilt, plea of guilty, a plea of nolo contendere including also anyone currently  
1110 on probation or otherwise under a court's supervision for a term certain to avoid a  
1111 judgment of guilt being entered under what is commonly referred to as "first  
1112 offender" sentence or "pre-trial diversion program."

1113  
1114  
1115 **Sec. 6-11. - Conduct of Hearings Generally.**

1116  
1117 (a) In conducting any hearing provided for in this Chapter the Mayor and City Council shall  
1118 have the authority to hear evidence and subpoena witnesses and shall conduct the hearing in  
1119 accordance with the requirements of due process as required by the United States Constitution  
1120 and the Constitution of the State of Georgia and provide at a minimum that at the hearing the  
1121 applicant may be represented by counsel, may offer testimony by witnesses or any other  
1122 evidence and may cross-examine any opposing witnesses. The Mayor and City Council shall  
1123 entertain any and all evidence relevant to the matter without regard to evidentiary rules regarding  
1124 hearsay, or strict compliance with the Georgia Rules of Evidence as codified in Title 24 of the  
1125 Official Code of Georgia as the Mayor and City Council are not a court of this state as  
1126 contemplated by the Georgia Rules of Evidence.

1127  
1128 (b) All parties to a hearing before the Mayor and City Council may compel the attendance of  
1129 witnesses and/or the production of documents by subpoena issued by the City Clerk.

1130  
1131 (c) A subpoena may be served by any sworn peace officer, sheriff, by his or her deputy, or by  
1132 any other person not less than 18 years of age. Proof may be shown by return or certificate  
1133 endorsed on a copy of the subpoena. Subpoenas may also be served by registered or certified  
1134 mail or statutory overnight delivery, and the return receipt shall constitute prima-facie proof of  
1135 service. Service upon a party may be made by serving his or her counsel of record.

1136  
1137 (d) Failure to respond to such a subpoena shall be a violation of the this ordinance, and subject  
1138 the offending party to the punishments allowed under section 5-3 of the Charter of the City of  
1139 Statesboro, after hearing before the judge of Municipal Court.

1140  
1141 (e) The City Clerk shall keep minutes of the hearing and shall keep records of examinations and  
1142 other official actions, which shall be of public record. The record shall be an account of the  
1143 proceedings, including a listing of all documents considered, a summary of testimony presented,  
1144 and any rulings upon motions or objections raised. The applicant or any other party may have  
1145 present an official court reporter, certified in the State of Georgia, at his or her expense to record

1146 the proceedings. In the absence of an official court reporter, the minutes of the City Clerk shall  
1147 be the written record of the hearing.

1148  
1149 (f) Appeal of any final decision of the Mayor and City Council shall be by Petition for Certiorari  
1150 to the Superior Court of Bulloch County.

1151  
1152 **Sec. 6-12. – Duties of City Clerk Upon Application; Right to Deny License; Right to Appeal**  
1153 **Denial.**

1154  
1155 (a) Upon submission of a full and complete application and supporting documentation to the  
1156 City Clerk, the City Clerk shall have thirty (30) days to complete an investigation of the  
1157 application and supporting documentation.

1158  
1159 (b) If the City Clerk upon review and investigation finds that the applicant is not prohibited from  
1160 obtaining a license, the City Clerk shall set the matter down for a public hearing before the  
1161 Mayor and City Council as provided in Section 6-14 of this Chapter.

1162  
1163 (c) If the City Clerk upon review and investigation finds that the applicant is not prohibited from  
1164 obtaining a license, the City Clerk shall have authority to grant the licensee a temporary alcohol  
1165 license. The temporary alcohol license shall only be used by the licensee to apply for a State  
1166 alcohol license. The temporary alcohol license shall not allow the licensee to sell, dispense, pour  
1167 or offer to sell, dispense or pour any distilled spirits, alcoholic beverages, wine, beer or malt  
1168 beverages as defined by Georgia law within the corporate limits of the City of Statesboro. The  
1169 privilege to sell, dispense, pour or offer to sell, dispense or pour any distilled spirits, alcoholic  
1170 beverages, wine, beer or malt beverages as defined by Georgia law within the corporate limits of  
1171 the City of Statesboro shall only be granted to the licensee upon approval by the Mayor and City  
1172 Council pursuant to below Section 6-14.

1173  
1174 (d) If the City Clerk upon review and investigation finds that the applicant has not met all  
1175 requirements to obtain a license, the City Clerk shall deny the license; shall furnish the applicant  
1176 in writing the reasons for the denial of the grant of the license, and inform the applicant of the  
1177 right of appeal provided for below.

1178  
1179 (e) If the City Clerk denies the license, the applicant shall have THIRTY (30) days to file a  
1180 Notice of Appeal.

1181  
1182 (f) Failure to file an appeal of a denial of a license shall render the City Clerk's decision final.

1183  
1184 (g) Upon filing of a Notice of Appeal the City Clerk shall place the matter on the agenda for  
1185 hearing at a regularly scheduled City Council meeting that occurs no later than SIXTY (60) days  
1186 from the filing of the Notice of Appeal.

1187  
1188 (h) Pursuant to O.C.G.A. § 3-3-2(b) the Mayor and City Council does not have the authority to  
1189 grant a license to an applicant who does not meet the requirements provided for in this Chapter.

1190

1191 (i) The Mayor and City Council shall have authority to reverse the decision of the City Clerk  
1192 and grant the relief to the applicant only upon showing by clear and convincing evidence that the  
1193 City Clerk’s decision that the applicant failed to meet the minimum requirements for a license  
1194 was clearly erroneous.

1195  
1196 (j) Within SIXTY (60) days of hearing the aforesaid appeal, the Mayor and City Council shall  
1197 rule upon the appeal and shall state upon the record in a regularly scheduled City Council  
1198 meeting or by written order the reasons for said ruling.

1199  
1200 **Sec. 6-13. - Approval by Mayor and City Council; Public Hearing.**

1201  
1202 (a) No license to sell, dispense, pour or offer to sell, dispense or pour any distilled spirits,  
1203 alcoholic beverages, wine, beer or malt beverages within the corporate limits of the City of  
1204 Statesboro shall be issued or an existing license transferred until the application therefor has been  
1205 approved by the Mayor and City Council after a public hearing.

1206  
1207 (b) At least seven days prior to the date of the public hearing a sign shall be erected on the  
1208 location for which the application is made in a conspicuous place which may be observed by  
1209 pedestrian and motor vehicle traffic passing by such location and shall not be removed by the  
1210 applicant prior to the conclusion of such public hearing. The sign shall specify the nature of the  
1211 license being requested, that the application applies to the premises where the sign is posted, that  
1212 a public hearing is scheduled to be conducted in the chambers of the Mayor and City Council, on  
1213 the second floor at City Hall, at a designated time and date.

1214  
1215 (c) In determining whether any alcoholic beverage license applied for shall be granted,  
1216 transferred, or issued to a new person, entity or location the Mayor and City Council shall, in the  
1217 interest of public safety and welfare, hear evidence at the public hearing relevant to the  
1218 following:

1219  
1220 (1) *Reputation.* The reputation, character, trade and business associations, and past  
1221 business ventures of the applicant, owner, designated manager or any other person  
1222 associated with the business.

1223  
1224 (2) *Previous violations of alcoholic beverage laws.* If the applicant, owner, designated  
1225 manager and any other person associated with the business is a previous holder of a  
1226 license to sell alcoholic beverages, whether the applicant, owner, designated manager or  
1227 any other person associated with the business has violated any law, regulation, or  
1228 ordinance relating to such business.

1229  
1230 (3) *Manner of conducting prior alcoholic beverage business.* If the applicant, owner,  
1231 designated manager or any other person associated with the business is a current or  
1232 previous holder of a license to dispense alcoholic beverages, the manner in which the  
1233 applicant, owner, designated manager and any other person associated with the business  
1234 conducted the prior business, especially as to the necessity of unusual police observation  
1235 and inspection in order to prevent the violation of any law, regulation, or ordinance  
1236 relating to such business.

1237  
1238 (4) *Location.* The location for which the license is sought, as to traffic congestion,  
1239 general character of the neighborhood, and the effect such an establishment would have  
1240 on the adjacent and surrounding property values.  
1241  
1242 (5) *Number of licenses in trading area.* The number of licenses already granted for  
1243 similar businesses in the trading area of the place for which the license is sought.  
1244  
1245 (6) *Previous revocation of license.* If the applicant, owner, designated manager or any  
1246 other person associated with the business is a current or previous holder of a license to  
1247 dispense alcoholic beverages license issued under the police powers of any governing  
1248 authority, and has had corrective action taken against said license including, but not  
1249 limited to, suspension or revocation.  
1250  
1251 (7) *Previous denial or revocation for location.* The denial of an application or the  
1252 revocation of a license which was based on the qualifications of the proposed location.  
1253  
1254 (8) *Prior incidents at location.* Evidence that a substantial number of incidents requiring  
1255 police intervention have occurred within a square city block of the proposed location  
1256 during any 12 month period in which the location was licensed to sell alcohol.  
1257  
1258 (9) The applicant, owner, designated manager or any other person associated with the  
1259 business is not compliant with all matters bearing upon the conduct of any business  
1260 venture within the City, including but not limited to zoning, permitting, taxes, code  
1261 compliance, licensing and fees;  
1262  
1263 (10) Evidence that the type and number of schools, religious institutions, libraries, public  
1264 recreation areas or other circumstances in the vicinity of the premises cause minors to  
1265 frequent the immediate area even though in compliance with the minimum proximity  
1266 requirements provided in this Chapter and in state law.  
1267  
1268  
1269 (d) In considering the application, the Mayor and City Council may impose conditions, to the  
1270 extent necessary, to minimize any adverse effects the proposed licensed premises may have on  
1271 public safety and welfare if after considering all of the evidence, the Mayor and City Council  
1272 decides such conditions can reduce such adverse impacts on public safety and welfare to an  
1273 acceptable and reasonable level. Violations of such conditions shall be a violation of this  
1274 Chapter and the terms of the license.  
1275  
1276 (e) If the application is denied or conditions are placed on the license, the Mayor and City  
1277 Council shall cause a written opinion to be prepared and approved by Mayor and City Council  
1278 showing the reason or reasons for the denial of the license or placement of conditions on the  
1279 license. Upon adoption by the Mayor and City Council the opinion shall be the final decision of  
1280 the Mayor and City Council. The City Clerk who shall notify the applicant of the final decision  
1281 of the Mayor and City Council within five days of the adoption of the final decision by the  
1282 Mayor and City Council.

1283  
1284 (f) Appeal of the final decision of the Mayor and City Council shall be by Petition for Certiorari  
1285 to the Superior Court of Bulloch County.  
1286

1287 **Sec. 6-14.—Order Required; Disorderly Conduct Prohibited.**  
1288

1289 (a) *Order required within establishment.* Owners, managers, and employees of a licensed  
1290 business shall be responsible for keeping an orderly place and shall not permit any employee,  
1291 patron, or other person to cause a disturbance or engage in unlawful, loud, boisterous, lewd, or  
1292 obscene conduct or practice within the establishment.  
1293

1294 (b) *Order required outside establishment.* The owner and manager of any alcoholic beverage  
1295 establishment shall be responsible for monitoring parking lots and other outside areas around the  
1296 establishment and prohibiting patrons and other persons associated with the establishment from  
1297 standing, sitting, mingling, or assembling outside the licensed premises in a manner which  
1298 causes or contributes to disturbances and/or illegal acts.  
1299

1300 (c) *Disorderly conduct while intoxicated prohibited.* It shall be unlawful for any person  
1301 within the corporate limits of the city, while intoxicated by alcohol or other drugs on the  
1302 sidewalks, parks, squares, streets, public buildings, other public places, or in the curtilage of any  
1303 private residence not his own other than by invitation of the owner or lawful occupant, to be  
1304 disorderly which condition is made manifest by boisterousness, by indecent condition or act, by  
1305 vulgar, profane, loud or unbecoming language, or by acting in such a way as to endanger his or  
1306 her life or safety or that of any other person or persons.  
1307

1308 **Sec. 6-15. - Dive defined; prohibited; penalty for violation.**  
1309

1310 (a) *Term defined.* As used in this section, the term "dive" shall mean any place or establishment  
1311 where illegal drugs are found, possessed, kept or sold; or where any person possesses or  
1312 consumes any illegal or unlicensed alcoholic beverage or possesses or uses any illegal drug; or  
1313 where any person commits any illegal sexual act; or where any person engages in gambling  
1314 activities.  
1315

1316 (b) *Prohibition.* It shall be unlawful for any person or organization or group of persons to have,  
1317 operate or maintain any place or establishment defined as a dive.  
1318

1319 **Sec. 6-16. - Alcohol promotions; pricing of alcoholic beverages.**  
1320

1321 (a) Unless otherwise stated, this section shall be construed to cover, include and apply to every  
1322 type of alcoholic beverage licensed to be sold in the City of Statesboro.  
1323

1324 (b) It shall be unlawful for any licensee or employee or agent of such licensee to engage in or  
1325 allow any of the following practices in connection with the sale or other disposition of alcoholic  
1326 beverages:  
1327

- 1328 (1) Offer or deliver any free alcoholic beverage to the general public. This subsection  
1329 shall not apply to wine tastings conducted in accordance with Section 6-6(e) where wine  
1330 is offered in a quantity only to taste the product, or to samples of beer offered in  
1331 conjunction with the sale of growlers as provided for in Section 6-6(b).  
1332
- 1333 (2) Sell, offer to sell, or deliver to any person or group of persons any alcoholic beverage  
1334 at a price less than \$2.00.  
1335
- 1336 (3) Sell, offer to sell, or deliver to any person or group of persons two or more alcoholic  
1337 beverages during any set period of time at a fixed price.  
1338
- 1339 (4) Sell, offer to sell, or deliver alcoholic beverages after 11:00 p.m. to any person or  
1340 group of persons at reduced prices less than the normal retail price of the establishment  
1341 for that alcoholic beverage charged the general public on that day.  
1342
- 1343 (5) Increase the volume of alcohol contained in a drink without increasing  
1344 proportionately the price regularly charged for such alcoholic beverage.  
1345
- 1346 (6) Sell two or more alcoholic beverages for a price substantially the same as is charged  
1347 for one such alcoholic beverage.  
1348
- 1349 (7) Require or encourage the purchase of a second or subsequent alcoholic beverage at  
1350 the same time another alcoholic beverage is purchased.  
1351
- 1352 (8) Sponsor, conduct, encourage or allow on the licensed premises any game or contest  
1353 or promotion which either:  
1354
- 1355 a. Involves the drinking of alcoholic beverages or the awarding of alcoholic  
1356 beverages as the prize; or  
1357 b. Has as its primary purpose the increasing of the consumption of alcoholic  
1358 beverages on the premises.  
1359
- 1360 (9) Sell, offer to sell, or give away any coupons, tokens, tickets, receipts or other devices  
1361 authorizing the serving of any alcoholic beverage drinks either on the current or  
1362 subsequent day.  
1363
- 1364 (10) Sell, offer to serve, or deliver any alcoholic beverage to be inserted into the mouth  
1365 of a customer in any manner by anyone other than by the customer.  
1366
- 1367 (11) Charge any minimum charge, cover charge, admission charge, or any other non-  
1368 food or non-alcoholic beverage charge based on gender, race, creed, color or national  
1369 origin.  
1370
- 1371 (c) There shall be no advertisement or promotion in any way, whether within or without the  
1372 licensed premises, of any of the practices prohibited under this section.  
1373

1374 (d) No provision of this section shall be construed to prohibit licensees from offering free food  
1375 or entertainment at any time; provided all patrons or customers are allowed equal access to such  
1376 free food or entertainment, or to prohibit licensees from including an alcoholic beverage as a part  
1377 of a meal package, or to prohibit the sale or delivery of wine by bottle or carafe when sold with  
1378 meals or to more than one person, or to prohibit any hotel or motel from offering room services  
1379 to registered guests.

1380  
1381 (e) This section shall not limit or expand any privilege granted by the Commissioner of the  
1382 Georgia Department of Revenue to a brewer licensed to manufacture malt beverages authorizing  
1383 said brewer to conduct educational and promotional brewery tours pursuant to O.C.G.A. § 3-5-  
1384 38

1385  
1386 **Sec. 6-17. - Open containers; Sales and Service in Public Areas**

1387  
1388 (a) *"Open container" defined.* The term "open container", as used in this chapter, means any  
1389 bottle, can, glass, cup or other vessel which contains an alcoholic beverage not in its original  
1390 container. The term "open container" shall also mean the original container of an alcoholic  
1391 beverage and which contains an alcoholic beverage on which the seal has been broken or which  
1392 is otherwise ready for consumption.

1393  
1394 (b) *"Semipublic parking facility" defined.* The term "semipublic parking facility" shall include  
1395 any privately owned area wherein motor vehicles may be parked by the public in conjunction  
1396 with any business, enterprise, commercial establishment, office building, church, school, or  
1397 multiple-family residential building.

1398  
1399 (c) *Possession of open container prohibited.* Unless otherwise provided for by this Chapter, it  
1400 shall be unlawful for any person to have in his or her possession any alcoholic beverages in any  
1401 open container while on the public streets, sidewalks, alleyways or rights-of-way, or in any  
1402 public or semipublic parking facility including areas of ingress and egress within the City of  
1403 Statesboro, Georgia.

1404  
1405 (d) *Exemptions to open container prohibition.* Only the Executive Director of the Downtown  
1406 Statesboro Development Authority shall have standing to request, and only the Mayor and City  
1407 Council shall have authority to grant exemptions from the prohibitions contained in 6-18(c) for  
1408 events sponsored by the Downtown Statesboro Development Authority. Any exemption shall be  
1409 by resolution and clearly define the date, time and boundary area for such an exemption, and  
1410 shall include any and all terms conditions deemed appropriate by the Mayor and City Council to  
1411 maintain public safety and welfare. Exemptions granted pursuant to this subsection shall also  
1412 exempt the Downtown Statesboro Development Authority from obtaining or paying the fee for  
1413 an Outdoor Event Permit as provided in Section 6-4.

1414  
1415 (e) *Application to property owned by Board of Regents.* This prohibition shall not apply to any  
1416 property owned by the Board of Regents of the State of Georgia.

1417

1418 (f) *Application to sidewalk cafes.* The prohibition in subsection (c) above shall not apply to  
1419 patrons of a sidewalk cafe, if such establishment is otherwise licensed to sell alcoholic beverages  
1420 under the applicable laws and ordinances in the City of Statesboro.

1421  
1422 (g) *Possession in automobiles prohibited.* See O.C.G.A. § 40-6-253.

1423  
1424 (h) *Posting of notice by establishments.* All licensed alcohol establishments are hereby required  
1425 to post in a conspicuous location inside such establishment a notice informing patrons that open  
1426 containers are prohibited on the public streets, sidewalks or right-of-ways, or in any public or  
1427 semipublic parking facility within the City of Statesboro.

1428  
1429 (i) It shall be unlawful to furnish or dispense alcoholic beverages through kegs, barrels,  
1430 cylinders or other portable receptacles containing tap or pump-type devices in which the flow of  
1431 contents is controlled by the operator in a public place and facility. When receptacles are found  
1432 in violation of this section and the person maintaining the receptacle cannot be identified, the  
1433 receptacle shall be confiscated and held for 30 days by the city police. The receptacle may be  
1434 claimed by the owner or lessor, but will be disposed of at the end of 30 days if unclaimed.  
1435 Nothing in this section shall prohibit persons holding licenses pursuant to this chapter from  
1436 dispensing through kegs, barrels, cylinders or other such receptacles inside an appropriately  
1437 licensed premises.

1438  
1439 **Sec. 6-18. - Furnishing alcoholic beverages in violation of state law.**

1440  
1441 It shall be unlawful for any licensee, by himself or through another, to obtain, furnish or cause to  
1442 be obtained or furnished, or permit any other person in his employ to obtain or furnish, distilled  
1443 spirits, wines, malt beverages, or any other alcoholic beverages in a manner that is a violation of  
1444 state law.

1445  
1446 **Sec. 6-19. - Compliance; violations; penalties.**

1447  
1448 (a) *Violations; penalties.*

1449  
1450 (1) It shall be unlawful for any person to violate the provisions of this Chapter. Upon  
1451 conviction for the violation thereof each person shall be subject to the punishments  
1452 allowed under section 5-3 of the Charter of the City of Statesboro, after hearing before  
1453 the judge of municipal court.

1454  
1455 (2) The minimum fine for a first conviction for violating any provisions of this Chapter  
1456 in the last five years, as measured from the date of previous offense to the date of the  
1457 current offense, shall not be less than \$300.00 per citation.

1458  
1459 (3) The minimum fine for a second or subsequent convictions for violating any  
1460 provisions of this Chapter in the last five years, as measured from the date of previous  
1461 offense to the date of the current offense, shall not be less than \$725.00 per citation.

1462  
1463 (b) *Duty of Municipal Court Clerk; Duty of City Clerk.*



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(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 Director of Public Safety.

*(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 Director of Public Safety.

(2) The Mayor and City Council may suspend, revoke, or place a licensee on probation, or any combination of suspension and 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.

- 1509 c. The operation of the licensee's business in such a manner as to constitute a  
1510 threat to public safety, welfare or health or in such a manner as to  
1511 constitute a public nuisance or the operation of a licensed business where  
1512 violations of federal, state, or local laws or ordinances frequently or  
1513 regularly occur.  
1514
- 1515 d. The making of any untrue or misleading statement in the application for a  
1516 license or any renewal thereof or the omission from such application or  
1517 renewal of any information required in the application.  
1518
- 1519 e. Permitting any person to engage in any activity on the premises for which  
1520 the license is issued or within the place of business, which is in violation  
1521 of the laws or regulations of any federal or state law or of any local  
1522 ordinance of the City of Statesboro, which is related to building codes, fire  
1523 codes, smoking, excise tax, property tax, health, solid waste disposal,  
1524 illegal gambling, alcohol, or other controlled substances.  
1525  
1526
- 1527 (5) Any person holding any license issued pursuant to this chapter or any employee or  
1528 agent of such person who violates any provision of this chapter, or directs, consents to,  
1529 permits, or acquiesces in such violation either directly or indirectly shall, by such  
1530 conduct, subject the license to suspension, revocation or probation upon conditions.  
1531
- 1532 (6) For purposes of administrative action against a licensee, any act committed by an  
1533 employee, agent or representative of a licensee that violates any provision of this chapter  
1534 shall be deemed to be an act of such licensee.  
1535
- 1536 (7) In order to take administrative action against a licensee, a hearing before the Mayor  
1537 and City Council shall be held on a date and time certain which shall be reflected on the  
1538 summons of administrative hearing issued by the City Clerk or any other person  
1539 specifically authorized by this Chapter or other law to issue such summons to appear  
1540 before the Mayor and City Council. The summons of administrative hearing shall  
1541 contain a place, date and time certain and shall be served on responding party more than  
1542 five days before any scheduled hearing.  
1543
- 1544 (8) The notice of administrative hearing shall be served by certified mail return/receipt  
1545 requested; or by leaving a copy thereof at the licensed business location with an  
1546 employee working therein, or by personal service on the responding party, or on an agent  
1547 authorized by law or by appointment to receive service of process. Said notice shall also  
1548 be sent by regular mail to the agent set out on the license or listed on the license  
1549 application. The City Clerk shall also forward a copy of this notice to the Special Agent  
1550 in Charge of the Savannah Regional Office of the Alcohol and Tobacco Division of the  
1551 Georgia Department of Revenue.  
1552
- 1553 (9) The standard for an action against a licensee is preponderance of the evidence.  
1554

1555 (10) In considering the term of suspension, whether to permanently revoke the license or  
1556 whether to impose terms of probation on the license, the Mayor and City Council shall  
1557 consider the following factors:

1558  
1559 a. The gravity of the violation;

1560  
1561 b. Any previous violations within the past five years period as measured from  
1562 the date of previous offense to the date of the current offense;

1563  
1564 c. Actions of the licensee, its employees, subcontractors or agents in connection  
1565 with the violation.  
1566

1567 (11) The Mayor and City Council may promulgate any rules of procedure for the  
1568 administrative hearing not in conflict with this ordinance or other law.  
1569

1570 (12) If action is taken against the licensee the Mayor and City Council shall cause a  
1571 written opinion to be prepared by Mayor and Council showing the reason or reasons for  
1572 the revocation, suspension or probation of the license. Upon adoption by the Mayor and  
1573 City Council the opinion shall be the final decision of the Mayor and City Council. The  
1574 City Clerk shall notify the applicant of the final decision of the Mayor and City Council  
1575 within five days of the adoption of the final decision by the Mayor and City Council.  
1576 Pursuant to O.C.G.A. § 3-3-2.1 the City Clerk shall forward a copy of this final decision  
1577 to the Special Agent in Charge of the Savannah Regional Office of the Alcohol and  
1578 Tobacco Division of the Georgia Department of Revenue.  
1579

1580 (13) Appeal of the final decision of the Mayor and City Council shall be by Petition for  
1581 Certiorari to the Superior Court of Bulloch County.  
1582

1583 (d) *Temporary Suspension by City Manager Permitted.* Notwithstanding the foregoing, and  
1584 upon determining it is in the interest of public safety the City Manager, upon a written  
1585 recommendation of the Director of Public Safety and with the approval of the Mayor, may  
1586 temporarily suspend any license provided for in this Chapter pending an administrative hearing  
1587 and action by the Mayor and City Council in accordance with this Chapter. The City Manager  
1588 shall issue a written administrative order stating the reasons for the temporary suspension. If a  
1589 license is temporarily suspended by the City Manager, the Mayor shall call a special meeting of  
1590 the City Council to hold an administrative hearing pursuant to this Chapter as soon as practically  
1591 possible, but no later than 10 days from the day the license is temporarily suspended.  
1592

1593 **Sec. 6-20. – Excise Tax on Distilled Spirits sold by the drink.**  
1594

1595 (a) There is imposed upon the sale of any drink containing distilled spirits sold by the drink for  
1596 consumption on the premises in the city a tax in the amount of three percent (3%) of the purchase  
1597 price of the mixed drink containing distilled spirits to the consumer. Each licensee shall be  
1598 allowed a deduction of three percent of the amount of taxes collected as reimbursement for  
1599 collection of such taxes; provided that such tax is not delinquent at the time of payment. A record

1600 of each sale will be made in writing and maintained for inspection by any authorized agent of the  
1601 city.

1602  
1603 (b) Every consumption-on-the-premises licensee shall collect the tax imposed by this chapter  
1604 from purchasers of any drink containing distilled spirits sold by the drink. The licensee shall  
1605 furnish such information as may be required by the City Clerk to facilitate the collection of the  
1606 tax. In all cases where the purchase is by deferred payment or credit, the licensee becomes liable  
1607 for the collection and payment of the tax at the time of delivery of the drink containing distilled  
1608 spirits sold by the drink.

1609  
1610 (c) On or before January 20th, April 20th, July 20th and October 20th of each calendar year,  
1611 licensees shall be required to file with the city clerk an excise tax report showing the licensee's  
1612 gross receipts from the sale of drinks containing distilled spirits; the amount of taxes collected or  
1613 coming due thereon for the previous three months, and shall pay over the amount due of taxes  
1614 collected under this chapter to the City at the same time the excise tax report is filed.

1615  
1616 **Sec. 6-21. – Excise Tax on the Wholesale of Malt Beverages, Wine, and Distilled Spirits**

1617  
1618 (a) There is imposed by the city an excise tax on the first sale or use of malt beverages in the  
1619 city, as follows:

1620  
1621 (1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a  
1622 barrel or bulk container, a tax of \$6.00 on each container containing not more than 15½  
1623 gallons and a proportionate tax at the same rate on all fractional parts of 15½ gallons;

1624  
1625 (2) Where malt beverages are sold in bottles, cans or other containers, except barrel or  
1626 bulk containers, a tax of \$0.05 per 12 ounces and a proportionate tax at the same rate on  
1627 all fractional parts of 12 ounces.

1628  
1629 (b) There is imposed by the city an excise tax on the first sale or use of wine in the city at a rate  
1630 of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.

1631  
1632 (c) There is imposed by the city an excise tax on the first sale or use of distilled spirits in the city  
1633 at the rate of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a  
1634 liter.

1635  
1636 (d) The excise taxes provided for in this section shall be imposed upon and paid by the licensed  
1637 wholesale dealer. Such taxes shall be paid on or before the 20th day of the month following the  
1638 month in which the alcoholic beverages are sold or disposed of by the wholesaler within the city.

1639  
1640 **Sec. 6-22. – Adoption of Rules and Regulations for the Administration of this Chapter**

1641  
1642 (a) The Mayor and City Council may adopt any rules and regulations for the administration of  
1643 the Chapter not in conflict with this Chapter or other law.

1644

1645 (b) The rules and regulations adopted by the Mayor and City Council for the administration of  
1646 the Chapter shall be kept on file with the City Clerk for review by the public during the regular  
1647 business hours of City Hall.

1648  
1649 (c) A copy of these rules and regulations shall be furnished to each licensee upon the grant of an  
1650 alcohol license.

1651  
1652 (d) The Mayor and City Council may, from time to time, amend these rules and regulations.  
1653 Upon amendment a copy of the amended rules and regulations shall be mailed to all licensees via  
1654 first class mail.

1655  
1656 (e) Violation of any rule or regulations adopted by the Mayor and City Council shall constitute a  
1657 violation of this Chapter.

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**FOR VERSION A**

**LESS PERMISSIVE FOR THOSE UNDER 21 YEARS OF AGE**

**ATTACHMENT "A"  
OF ORDINANCE NO.: \_\_\_\_\_**

**RULES AND REGULATIONS FOR THE ADMINISTRATION OF CHAPTER 6 OF THE  
CITY OF STATESBORO CODE OF ORDINANCES--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 SUNDAY SALES PERMITS**

1.2.1: 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 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, 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, a restaurant/eating establishment or for a hotel, motel or other establishment for rental of rooms for overnight lodging; and, as applicable,

(B) such restaurant, if an existing business, derived at least 60 percent of its gross sales income from the sale of prepared meals during the preceding calendar year and qualifies as a restaurant as defined in this Chapter; or if a new business, fully intends and expects to derive at least 60 percent of its total annual gross sales income from the sale of prepared meals during the remainder of the current calendar year and to qualify as a restaurant as defined in 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.

46  
47 (C) such hotel, motel, or other establishment for rental of rooms for overnight lodging, if  
48 an existing business, derived at least 60 percent of its total annual gross income from the  
49 rental of rooms for overnight lodging during the preceding calendar year and qualifies for  
50 a Sunday sales permit; or if a new business, fully intends and expects to derive at least 60  
51 percent of its total annual gross income from the rental of rooms for overnight lodging  
52 during the remainder of the current calendar year and to qualify for Sunday sales under  
53 this Chapter. Such an affidavit may be submitted at any time the above-stated conditions  
54 are met, and must be submitted annually with such establishment's alcoholic beverage  
55 license renewal application if Sunday sales authorization is to be continued.  
56

57 1.2.2 If the City Clerk upon review the application finds that the applicant has met all  
58 requirements to obtain a Sunday Sales Permit, the City Clerk shall grant the permit.  
59

60 1.2.3 If the City Clerk upon review finds that the applicant has not met all requirements to  
61 obtain a Sunday Sales Permit, the City Clerk shall deny the grant of the Sunday Sales  
62 Permit; shall furnish the applicant in writing the reasons for the denial of the grant  
63 of the Sunday Sales Permit within FIVE (5) days of the denial.  
64

65 1.2.4 If the City Clerk denies the grant of the Sunday Sales Permit, the applicant shall have  
66 FIVE (5) days to file a Notice of Appeal with the City Clerk.  
67

68 1.2.5 Failure to file a timely appeal of a denial to grant the permit shall render the City Clerk's  
69 decision final.  
70

71 1.2.6 Upon filing of a Notice of Appeal the City Clerk shall schedule a hearing before the  
72 City Manager no later than TEN (10 ) days from the filing of the Notice of Appeal.  
73

74 1.2.7 The City Manager may reverse the City Clerk's decision only upon showing by clear and  
75 convincing evidence that the City Clerk's decision that the applicant failed to meet the  
76 requirements for the grant of the permit was clearly erroneous.  
77

78 1.2.8 The decision of the City Manager shall be the final decision of the City of Statesboro.  
79

80 1.2.9 Appeal of this final decision shall be by Petition for Certiorari to the Superior Court of  
81 Bulloch County.  
82

### 83 **1.3 OUTDOOR EVENT PERMITS** 84

85 1.3.1: Prior to the sale of alcoholic beverages at an outdoor event the producer of the event must  
86 obtain an Outdoor Event Permit as provided below as well as comply with the below  
87 requirements:  
88

89 (A) A producer is any person, group of persons, organization, association, club, or other  
90 entity responsible for planning, producing and conducting an Outdoor Event. The

91 producer of an event, if a group or organization, shall be fully identified on the  
92 application. However, an Outdoor Event Permit shall be issued only to an individual  
93 person, who may be the actual producer or a designated agent of the producer, and such  
94 individual person shall be solely and fully responsible for compliance with all provisions,  
95 including all financial requirements, of this chapter and other applicable laws.  
96

97 (B) A producer seeking an Outdoor Event Permit shall make application at the office of  
98 the City Clerk on a form prescribed by the City Clerk. Application forms may be  
99 obtained from the office of the City Clerk.  
100

101 (C) An application for an Outdoor Event Permit should be filed at least 45 days prior to  
102 the date the event is scheduled to occur. Failure to file a timely application shall be  
103 grounds for denial of the permit. However, no application shall be accepted earlier  
104 than one year prior to the date of the event. A nonrefundable application fee of \$25.00  
105 shall be paid at the time of application.  
106

107 (D) The application for an Outdoor Event Permit shall include, in addition to the map  
108 identifying the outermost boundaries of the event, a map no smaller than  $8\frac{1}{2} \times 11$  inches  
109 in size, clearly identifying the area where the consumption of alcoholic beverages is  
110 proposed.  
111

112 (E) The application for an Outdoor Event Permit shall include a description of the area,  
113 including the size and the maximum number of persons for such area. The application  
114 also shall contain a description of the method and structures that will be used to secure  
115 and separate such area from other public areas. The structure shall be inspected by the  
116 Director of Public Safety, to determine compliance with applicable fire and safety codes.  
117 Unless approved by the Director of Public Safety no Outdoor Event Permit shall be  
118 issued.  
119

120 (F) The City Clerk or his or her designee shall cause the application to be circulated to  
121 each government department and/or other agency whose services would be affected by  
122 the nature and activities of the proposed event. Each department of the government  
123 reviewing an application may recommend in writing certain conditions or restrictions as  
124 deemed necessary to facilitate the event, to comply with other laws or regulations, and/or  
125 to ensure the safety, health and welfare of the community. In reviewing the  
126 recommendations of the departments, the City Clerk may impose such conditions or  
127 restrictions as a part of the permit and such special conditions so imposed shall be  
128 construed to have the full force and effect of law as a provision of this chapter. A  
129 violation of such conditions or restrictions shall be deemed a violation of this chapter.  
130

131 (G) After considering all comments and conditions of the reviewing departments and  
132 agencies as well as other information pertaining to the proposed event as described on the  
133 application, and with the consent of the Director of Public Safety, and upon payment of  
134 all applicable fees the City Clerk is authorized to approve and issue an Outdoor Event  
135 Permit.



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(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 an Outdoor Event Permit. The Director of Public Safety shall determine what number of security personnel is sufficient.

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

(K) The consumption of alcoholic beverages at outdoor events pursuant to an 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 Director of Public Safety, 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 an 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 an Outdoor Event Permit.

(N) Patrons within the delineated boundaries of the 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 an 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.

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

182  
183 (R) The safety, health, welfare and good order of all citizens and the community shall  
184 be first and foremost and every outdoor event shall be conducted in such manner. The  
185 Director of Public Safety may terminate any activity, whether a part of or the entire  
186 event, which does not meet this community standard. Upon notification to the event  
187 producer in person by the Director of Public Safety to cease any activity, it shall be  
188 unlawful for such producer and/or any participants to permit such activity to continue.

189  
190 (S) Notwithstanding the provisions of this section, any person dispensing and/or  
191 consuming alcoholic beverages in accordance with this section shall comply with all  
192 other laws and ordinances pertaining to the sale, possession and consumption of alcoholic  
193 beverages.

194  
195 1.3.2 If the City Clerk upon review finds that the applicant has not met all requirements to  
196 obtain this permit, the City Clerk shall deny the grant of the permit; shall furnish the  
197 applicant in writing the reasons for the denial of the grant of the permit within FIVE (5)  
198 days of the denial.

199  
200 1.3.3 If the City Clerk denies the grant of the permit, the applicant shall have FIVE (5) days to  
201 file a Notice of Appeal with the City Clerk.

202  
203 1.3.4 Failure to file a timely appeal of a denial to grant the permit shall render the City Clerk's  
204 decision final.

205  
206 1.3.5 Upon filing of a Notice of Appeal the City Clerk shall schedule a hearing before the  
207 City Manager to occur no later than TEN (10) days from the filing of the Notice of  
208 Appeal.

209  
210 1.3.6 The City Manager shall have authority to reverse the decision of the City Clerk only upon  
211 showing by clear and convincing evidence that the City Clerk's decision that the  
212 applicant failed to meet the requirements for the grant of the permit was clearly  
213 erroneous.

214  
215 1.3.7 The decision of the City Manager shall be the final decision of the City of Statesboro.

216  
217 1.3.8 Appeal of this final decision shall be by Petition for Certiorari to the Superior Court of  
218 Bulloch County.

219  
220 **1.4 DISTANCE WAIVER PERMITS FOR RESTARUANTS**

221  
222 1.4.1 The Mayor and Council, following application for a distance waiver permit for restaurant,  
223 notice and hearing, may in its discretion grant a distance waiver permit for a restaurant  
224 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.

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

273  
274 This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

275  
276 Legal Name of applicant and d/b/a if applicable

277  
278 Address of applicant

279  
280

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

288

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

292

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

297

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

300

301 c. *Congregation of minors.* Any circumstances which may cause minors to  
302 congregate in the vicinity of the proposed location.

303

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

311

312 e. *Manner of conducting prior alcoholic beverage business.* If the applicant is a  
313 previous holder of an alcoholic beverage license, the manner in which the  
314 applicant conducted the prior business, especially as to the necessity of unusual

315 police observation and inspection in order to prevent the violation of any law,  
316 regulation, or ordinance relating to such business.

317  
318 f. *Failure to satisfy notice requirements.* If the applicant has failed to satisfy the  
319 notice provisions required hereinabove, the Mayor and City Council shall deny  
320 the distance waiver permit.

321  
322 (E) Hearings on the application for a distance waiver permit for restaurants shall be  
323 conducted informally, but in such a manner as to preserve decorum at all times. The City  
324 Attorney may administer oaths and compel the attendance of witnesses by subpoena. The  
325 City Clerk shall keep minutes of the hearing showing the vote of each Councilman upon  
326 each application, or if absent or failing to vote, indicating such fact, and shall keep  
327 records of its examinations and other official actions, which shall be of public record. The  
328 minutes of the City Clerk shall be the written record of the hearing. The record shall be  
329 an account of the proceedings, including a listing of all documents considered, a  
330 summary of testimony presented, and any rulings upon motions or objections raised. The  
331 applicant or any other party to the proceeding may have a verbatim transcript prepared by  
332 an official court reporter, certified in the State of Georgia, at his or her own expense;  
333 provided, however, a copy of the transcript shall be filed with the City Clerk and copies  
334 made available to other parties at actual cost. The hearing on the application for a  
335 distance waiver permit for a restaurant shall follow rules of procedure adopted by the  
336 Mayor and City Council that provide at a minimum that at the hearing the applicant may  
337 be represented by counsel, may offer testimony by witnesses or any other evidence and  
338 may cross-examine any opposing witnesses. The City Clerk, the Director of Public  
339 Safety, and the Director of Planning shall provide to the Mayor and City Council a staff  
340 report regarding the application for a distance waiver permit and make a recommendation  
341 to approve, approve with conditions, or to deny based on the factors listed above.

342  
343 The applicant shall have the right to appear before the Mayor and City Council and  
344 present evidence in accordance with such rules of procedure. Following the hearing, the  
345 Council may approve the application, approve the application with conditions, or  
346 deny the application.

347  
348 (F) In considering a distance waiver permit for a restaurant, the Council may impose  
349 conditions, to the extent necessary, to minimize any adverse effects the proposed  
350 restaurant may have on the adjoining properties if after considering all of the factors  
351 required, the Council decides certain conditions can reduce such adverse impacts upon  
352 adjoining properties to an acceptable and reasonable level. If the application is denied, the  
353 Council shall cause a written report to be prepared and signed by the Mayor showing the  
354 reason or reasons for the denial. The Council shall return the application showing its  
355 denial, together with the written report, to the City Clerk who shall notify the applicant of  
356 the denial within five days of the denial. The decision of the Mayor and City Council  
357 shall be the final decision of the City of Statesboro with respect to the application.

359 1.4.2 The holder of a distance waiver permit for a restaurant shall apply for renewal of said  
360 permit each year upon application for renewal of the alcoholic beverage license on a form  
361 prescribed by the City Clerk and submitted simultaneously to the City Clerk with an  
362 application for an alcoholic beverage license, as provided below:  
363

364 (A) A permit application fee of \$300.00 shall be submitted with the application.  
365 At the time of application, the applicant shall cause to be posted on the property  
366 notice of the application for renewal of the distance waiver permit as follows:  
367

368 "NOTICE OF APPLICATION FOR RENEWAL OF ALCOHOLIC BEVERAGE LICENSE  
369 DISTANCE WAIVER PERMIT FOR A RESTAURANT  
370

371 This establishment has applied to the Mayor and City Council of The City of Statesboro for  
372 renewal of the distance waiver permit for a restaurant, which waives distance requirements  
373 otherwise provided for in the Code of the City of Statesboro for distances from school buildings,  
374 educational buildings on college campus, churches, alcoholic treatment centers and/or property  
375 lines of a private dwelling located in a single-family residential zoning district for this  
376 establishment to hold an alcoholic beverage license. The distance waiver permit shall be renewed  
377 if the alcoholic beverage license is renewed and if no objections to the renewal to the distance  
378 waiver permit for a restaurant are filed with the City Clerk of the City of Statesboro in writing on  
379 or before \_\_\_\_\_ [insert date at least 30 days from date of posting of sign for objections to  
380 be filed]. If objections are filed on or before this date, then a hearing on the application for a  
381 distance waiver permit for a restaurant will be held before the Mayor and City Council and notice  
382 of said hearing will be advertised in the legal organ of the City of Statesboro and posted on this  
383 property.  
384

385 Written objections should be mailed to:

386  
387 City Clerk

388  
389 [address]

390  
391 This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

392  
393 Legal Name of applicant and d/b/a if applicable

394  
395 Address of applicant"  
396

397 (B) The size of the sign to be posted on the property shall be no smaller than 18  
398 inches by 24 inches. The size of the copy on the sign shall be large enough to be  
399 visible to pedestrians and motorists. The sign is to be conspicuously displayed on  
400 that portion of the property most visible to the public and shall not be removed  
401 prior to the last date for written objections to be filed. The applicant shall provide  
402 proof in its application that the sign has been posted as required herein.  
403

404 (C) If a written objection is filed, then the City Clerk shall notify the applicant by  
405 providing copies of all written objections to the applicant. A hearing shall be held  
406 pursuant to the requirements of 1.4.1 (E) and (F) above. In the event that  
407 no objection is filed, then the City Clerk is authorized to issue the renewal  
408 distance waiver permit without a hearing if all other requirements of this Chapter  
409 for the type of alcoholic beverage license under consideration have been met.  
410

411 1.4.3 Each distance waiver permit for a restaurant is issued for a specific location and the  
412 specific restaurant use only and may not be transferred to another location or another type  
413 of use at the same location. A new application is required for each licensed premise.  
414

415 1.4.4 No distance waiver permit for a restaurant shall be transferred from one person to another  
416 during the year in which the license was obtained, except in the case of the death of a  
417 person holding the permit, in which event his personal representative may continue to  
418 operate under the license for six months from the date of his qualification.  
419

420 1.4.5 If the application is denied, the Mayor and City Council shall cause a written opinion to  
421 be prepared and approved by Mayor and Council showing the reason or reasons for the  
422 denial of the permit. Upon adoption by the Mayor and City Council the opinion shall be  
423 final decision of the Mayor and City Council. The City Clerk who shall notify the  
424 applicant of the final decision of the Mayor and City Council within five days of the  
425 adoption of the final decision by the Mayor and City Council.  
426

427 1.4.6 Appeal of the final decision of the Mayor and City Council shall be by Petition for  
428 Certiorari to the Superior Court of Bulloch County  
429

## 430 **1.5 GROWLERS**

431

432 1.5.1 The sale of growlers is authorized for Class B licensees if said sales comply with the  
433 following rules and regulations:  
434

435 1.5.2 Growlers must be filled from kegs procured from a duly licensed wholesaler. Each  
436 growler must be securely sealed and removed from the premises of the licensed  
437 establishment in its sealed condition.

438 1.5.3 The licensee must comply with all federal and state laws and regulations regarding  
439 packaging and labeling alcoholic malt beverages.

440 1.5.4 The licensee must comply with Georgia Department of Agriculture's General Rules  
441 40-7-1-.40 requiring a "contamination free" transfer process for beverages and the use of  
442 washed, rinsed and sanitized growler fill tubes, which must be cleaned between each use.

443 1.5.5 The licensee must comply with the Georgia Department of Agriculture Best  
444 Management Practices for Growler Refilling.

445 1.5.6 A licensee selling growlers with a Class B alcohol license may provide samples of beer  
446 for consumption on the premises without a Class E license only if the samples of beers  
447 are from a tap, and no more than 16 ounces of samples are provided to any one  
448 individual in any 24 hour period.

449 **1.6 CATERED EVENT PERMIT**

450 1.6.1 An application for a Catered Event Permit should be filed at least 30 days prior to the  
451 date the event is scheduled to occur. Failure to file the application in a timely manner is  
452 grounds for denial of the permit.

453 1.6.2 Prior to the sale of alcoholic beverages at a catered event a licensed alcoholic  
454 beverage caterer shall make a written application under oath on the form as  
455 provided by the City Clerk or his designated representative that provides, at least,  
456 the following minimum information:

457 (A) The location of the catered event;

458 (B) The duration of the catered event and the times during which alcoholic  
459 beverages shall be provided or sold;

460 (C) The person or entity hiring the caterer;

461 (D) The nature of the function being catered, i.e. retirement dinner, wedding  
462 reception, private party;

463 (E) The number of expected guests at the catered event.

464 (F) The estimated total cost of the food expected to be served.

465 (G) The estimated total cost of the alcohol expected to be served.

466 1.6.3 As part of the application the licensed alcoholic beverage caterer shall swear and affirm  
467 under oath that the event is a bona fide catered event where alcoholic beverages are  
468 served for a particular function (i.e. retirement dinner, wedding reception, private party)  
469 food exceeds the cost of alcohol.

470 1.6.4 The licensed alcoholic beverage caterer shall maintain in their files receipts and  
471 documentation showing the actual total costs of food served at the event and the actual  
472 total costs of the alcohol served at the event. Upon request of the City Clerk these  
473 receipts and documentation shall be furnished to the City Clerk along with a sworn  
474 statement under oath that the receipts and documentation are a true and accurate  
475 reflection of the total costs of food and alcohol served at the catered event.

476 1.6.5 For purposes of calculating the total cost of food the sale of ice, garnishes, soft drinks,  
477 mixers or beverages of any kind for use or consumption on the premises with or in an  
478 alcoholic beverage shall not constitute the sale of food.



- 479 1.6.6 As part of the City Clerk’s review, the City Clerk shall submit the application to the  
480 Statesboro Fire Department to review any life safety issues with the proposed venue of  
481 the catered event. If the City Clerk upon review the application finds that the applicant  
482 has met all requirements to obtain a Catered Event Permit, the City Clerk shall grant  
483 the license.
- 484 1.6.7 If the City Clerk upon review finds that the applicant has not met all requirements to  
485 obtain a Catered Event Permit, the City Clerk shall deny the grant of the a Catered Event  
486 Permit; shall furnish the applicant in writing the reasons for the denial of the grant of the  
487 Catered Event Permit within FIVE (5) days of the denial
- 488 1.6.8 If the City Clerk denies the grant of the Catered Event Permit, the applicant shall have  
489 FIVE (5) days to file a Notice of Appeal with the City Clerk.
- 490 1.6.9 Failure to file an appeal of a denial to grant this permit shall render the City Clerk’s  
491 decision final.
- 492 1.6.10 Upon filing of a Notice of Appeal the City Clerk shall schedule a hearing before the  
493 City Manager, to occur no later than TEN (10 ) days from the filing of the Notice of  
494 Appeal.
- 495 1.6.11 The City Manager shall have authority to reverse the decision of the City Clerk only upon  
496 showing by clear and convincing evidence that the City Clerk’s decision that the  
497 applicant failed to meet the requirements for the grant of the permit was clearly  
498 erroneous.
- 499 1.6.12 The decision of the City Manager shall be the final decision of the City of Statesboro.
- 500 1.6.13 Appeal of this final decision shall be by Petition for Certiorari to the Superior Court of  
501 Bulloch County.

502 **1.7 WINE TASTING PERMIT**

- 503 1.7.1 Prior to wine tastings a written application under oath on the form as provided by the City  
504 Clerk or his or her designated representative shall be filed certifying that
- 505 (A) The applicant holds a valid current wine license in the state;
- 506 (B) The wine tastings shall only be conducted in connection with an instructional  
507 or educational program;
- 508 (C) All wines used for tasting purposes have been purchased from a licensed  
509 state wine wholesaler;
- 510 1.7.2 If the City Clerk upon review of the application finds that the applicant has met all  
511 requirements to obtain a Wine Tasting Permit, the City Clerk shall grant the license.
- 512 1.7.3 If the City Clerk upon review finds that the applicant has not met all requirements to  
513 obtain a Wine Tasting Permit, the City Clerk shall deny the grant of the a Wine Tasting

514 Permit, and shall furnish the applicant in writing the reasons for the denial of the grant of  
515 the Wine Tasting Permit within FIVE (5) days of the denial

516 1.7.4 If the City Clerk denies the grant of the Wine Tasting Permit, the applicant shall have  
517 FIVE (5) days to file a Notice of Appeal with the City Clerk.

518 1.7.5 Failure to file an appeal of a denial to grant this permit shall render the City Clerk's  
519 decision final.

520 1.7.6 Upon filing of a Notice of Appeal the City Clerk shall schedule a hearing before the  
521 City Manager to occur no later than TEN (10 ) days from the filing of the Notice of  
522 Appeal.

523 1.7.7 The City Manager, shall have authority to reverse the decision of the City Clerk only upon  
524 showing by clear and convincing evidence that the City Clerk's decision that the  
525 applicant failed to meet the requirements for the grant of the permit was clearly  
526 erroneous.

527 1.7.8 The decision of the City Manager shall be the final decision of the City of Statesboro.

528 1.7.9 Appeal of this final decision shall be by Petition for Certiorari to the Superior Court of  
529 Bulloch County.

530

## 531 **1.8 SEVERABILITY**

532

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

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**VERSION B**

**MORE PERMISSIVE FOR THOSE UNDER 21 YEARS OF AGE**

**CHAPTERCHAPTER 6  
ALCOHOLIC BEVERAGES**

**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

47 property values. Further, this chapter is designed to permit the manufacture, distribution,  
48 dispensation and/or sale of alcoholic beverages by qualified persons within the corporate limits  
49 of the City of Statesboro as permitted by Title 3 of the Official Code of Georgia Annotated,  
50 O.C.G.A. § 3-3-1, *et. seq.*, as amended, and Title 560, Subtitle 560-2 of the Administrative Code  
51 of Georgia, Ga. Comp. R. & Regs. § 560-2-1-.01, *et seq.*, as amended, provided, however, that  
52 nothing in the Chapter shall be construed to permit any activity or conduct that is inconsistent  
53 with the provisions contained herein, or any other provisions of state, federal or local law that  
54 may otherwise apply to a licensee.

55

56 **Sec. 6-3. - Definitions.**

57

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

60

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

63

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

66

67 *Alcoholic Treatment Center*: Any privately owned, state owned or state operated hospital,  
68 community mental health center, or other facility utilized for the diagnosis, care, treatment, or  
69 hospitalization of persons who are alcoholics and any other hospital or facility within the State of  
70 Georgia approved for such purpose by the department.

71

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

75

76 *Brewer*: A manufacturer of malt beverages.

77

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

82

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

87

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

91

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

96  
97 *Church:* A permanent building owned and operated exclusively by a religious organization and  
98 publicly designated a church where persons regularly assemble for religious worship which is  
99 located on a parcel of property which the Bulloch County Tax Assessor has designated exempt  
100 from state ad valorem taxation pursuant to O.C.G.A. § 48-5-4(a)(2.1)(A) and (B). The  
101 minimum distance requirements from church buildings shall not apply to space in a shopping  
102 center or residences also used for religious purposes.

103  
104 *Crime of moral turpitude:* A crime which is contrary to justice, honesty, modesty, good morals or  
105 a person's duty to other people. Misdemeanors that are crimes of moral turpitude for the purpose  
106 of the chapter include but are not limited to theft, bad checks, shoplifting, making terroristic  
107 threats, giving false name to a police officer, false swearing, forgery, fraud or extortion.

108  
109 *Distilled spirits or liquor:* Any alcoholic beverage obtained by distillation or containing more  
110 than 21 percent alcohol by volume, including, but not limited to, all fortified wines.

111  
112 *Doorperson:* The employee of any Class D, E, or F licensee who has the responsibility for and  
113 duty of checking the identification of patrons entering the licensed premises for on-premises  
114 consumption of alcohol.

115  
116 *Drive-through sale:* The sale of alcoholic beverages by a Class B or C licensee where the  
117 customer remains in his vehicle and where the licensee consummates the sale through a drive-  
118 through window affixed to the licensed premises.

119  
120 *Election day:* That period of time beginning with the opening of the polls and ending with the  
121 closing of the polls.

122  
123 *Financial interest:* Includes, but is not limited to, holding any indebtedness or security interest in  
124 a business.

125  
126 *Growler:* means a properly sanitized reusable bottle made of glass that is capable of being sealed  
127 with a screw cap and with a plastic collar over the screw cap and is filled at the time of purchase  
128 by the customer, by the licensee or employee of the licensed establishment with beer from a keg  
129 for off premises consumption.

130  
131 *Hotel:* A building or other structure kept, used, maintained, advertised and held out to the public  
132 to be a place where sleeping accommodations are offered for adequate pay to travelers and  
133 guests, whether transient, permanent or residential, in which 50 or more rooms are used for the  
134 sleeping accommodations of such guests, such sleeping accommodations being conducted in the  
135 same building or in separate buildings or structures used in connection therewith that are on the  
136 same premises and are a part of the hotel operation. Motels meeting the qualifications set out in  
137 this definition for hotels shall be classified in the same category as hotels.

138

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

143

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

147

148 *In-room service:* Means:

149

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

155

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

161

162

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

166

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

168

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

173

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

182

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

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*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.

230 *Restaurant:* Any public place kept, used, maintained, and advertised and held out to the public as  
231 a place where meals are served and where meals are actually and regularly served, without  
232 sleeping accommodations, such place being provided with adequate and sanitary kitchen and  
233 dining room equipment, having employed a sufficient number of cooks and kinds of employees  
234 to prepare, cook, and serve suitable food at tables with seating, and holding a certificate of  
235 inspection and approval from the county health department. At least one meal per day shall be  
236 served at least five days a week, with the exception of holidays, vacations, and periods of  
237 remodeling, and the serving of such meals shall be the principal business conducted, with the  
238 serving of alcoholic beverages to be consumed on the premises as only incidental thereto. A  
239 restaurant shall have 60 percent or more of its total annual gross sales of prepared meals from the  
240 sale of prepared meals. The sale of ice, garnishes, soft drinks, mixers or beverages of any kind  
241 shall not constitute the sale of prepared meals.

242  
243 *Retail consumption dealer:* Any person who sells alcoholic beverages for consumption on the  
244 premises only to consumers and not for resale.

245  
246 *Retailer or retail dealer:* Any person who sells alcoholic beverages, either in unbroken packages  
247 or for consumption on the premises, at retail only to consumers and not for resale.

248  
249 *School building or educational building on a college campus:* Governmental or church school  
250 buildings and such buildings at such other schools as teach the subjects commonly taught in the  
251 common schools and colleges of this state, and which are public schools or private schools as  
252 defined in subsection (b) of the official Code of Georgia annotated Section 20-2-690. Schools  
253 shall also be defined to include pre-schools and kindergartens.

254  
255 *Violation:* Each and every act committed by a licensee or an employee, agent or representative of  
256 a licensee that violates any provision of this Chapter.

257  
258 *Wholesale or wholesale dealer:* Any person who sells alcoholic beverages to other wholesale  
259 dealers, to retail dealers, or to retail consumption dealers.

260  
261 *Wine:* Any alcoholic beverage containing not more than 21 percent alcohol by volume made  
262 from fruits, berries or grapes either by natural fermentation or by natural fermentation with  
263 brandy added. The term includes, but is not limited to, all sparkling wines, champagnes,  
264 combinations of such beverages, vermouths, special natural wines, rectified wines and like  
265 products. The term does not include cooking wine mixed with salt or other ingredients so as to  
266 render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine  
267 at that point in the manufacturing process when it conforms to the definition of wine contained in  
268 this section.

269  
270 **Sec. 6-4. – License and Permits—Required; classes; fees.**

271  
272 (a) *License and Permits required.* It shall be unlawful to sell, dispense, pour or offer to sell,  
273 dispense or pour any distilled spirits, alcoholic beverages, wine, beer or malt beverages as  
274 defined by Georgia law within the corporate limits of the City of Statesboro without first  
275 applying for and obtaining a license and/or permit therefor from the City of Statesboro.



276  
277 (b) Licenses which may issue under this Chapter, including any combination of the following;  
278 provided, such combination is not otherwise prohibited by applicable law, including but not  
279 limited to Title 3 of the Official Code of Georgia Annotated, O.C.G.A. § 3-3-1, et. seq., as  
280 amended, and Title 560, Subtitle 560-2 of the Administrative Code of Georgia, Ga. Comp. R. &  
281 Regs. § 560-2-1-.01, et seq., as amended.

282  
283 (c) *Classes*. The licenses shall be divided into the following classes:

- 284  
285 (1) Class A, reserved;  
286  
287 (2) Class B, retail beer package;  
288  
289 (3) Class C, retail wine package;  
290  
291 (4) Class D, retail liquor by the drink;  
292  
293 (5) Class E, retail beer by the drink;  
294  
295 (6) Class F, retail wine by the drink;  
296  
297 (7) Class G, wholesale liquor;  
298  
299 (8) Class H, wholesale beer;  
300  
301 (9) Class I, wholesale wine;  
302  
303 (10) Class J, licensed alcoholic beverage caterer;  
304  
305 (11) Class K, brewer, manufacturer of malt beverages only;  
306  
307 (12) Class L, broker;  
308  
309 (13) Class M, importer;  
310  
311 (14) Class N, Hotel in-room service liquor, beer, and wine.  
312  
313 (15) Class O, manufacturer of wine only.

314  
315 *Sunday sales permits*. All licensees who engage in Sunday sales as permitted under 6-5(n) shall  
316 also be required to obtain a separate Sunday sales permit as provided in the Rules and  
317 Regulations for administration of the Chapter.

318  
319 *Wine-tasting permits*. All licensees who engage in wine-tastings as permitted under section 6-  
320 6(e) shall also be required to obtain a separate wine-tasting permit as provided in the Rules and  
321 Regulations for administration of the Chapter.

322  
323 *Distance waiver permit for restaurants.* Any licensee who operates a restaurant that does not  
324 meet all of the distance requirements in Section 6-5(e) shall also be required to obtain a distance  
325 waiver permit for the restaurant as provided for in Section 6-3(o) and in the Rules and  
326 Regulations for administration of the Chapter.  
327  
328 *Outdoor event permit.* The consumption of alcoholic beverages shall not be permitted at outdoor  
329 events unless an Outdoor Event Permit is obtained as provided in the Rules and Regulations for  
330 administration of the Chapter.  
331  
332 *Event Permit for Caterers.* Pursuant to O.C.G.A. § 3-11-3 in order to distribute or sell distilled  
333 spirits, malt beverages, or wine at a catered event, a licensed alcoholic beverage caterer shall be  
334 required to obtain a Catered Event Permit as provided in the Rules and Regulations for  
335 administration of the Chapter.  
336  
337 (d) *Fees.* The basic fees for each type of license listed in paragraph (b) hereinabove shall be as  
338 follows except that private clubs as defined in Section 6-1 shall pay 70 percent of the basic fee.  
339  
340 Class A, reserved.  
341  
342 Class B, retail beer package ..... \$825.00  
343  
344 Class C, retail wine package .....\$425.00  
345  
346 Class D, retail liquor by the drink ....\$2500.00  
347  
348 Class E, retail beer by the drink .....\$825.00  
349  
350 Class F, retail wine by the drink .....\$425.00  
351  
352 Class G, wholesale liquor .....\$1000.00  
353  
354 Class H, wholesale beer .....\$1000.00  
355  
356 Class I, wholesale wine .....\$1000.00  
357  
358 Class J, licensed alcoholic beverage caterer .....\$300.00  
359  
360 Class K, brewer, manufacturer of malt beverages only .....\$500.00  
361  
362 Class L, broker .....\$500.00  
363  
364 Class M, importer .....\$500.00  
365  
366 Class N, Hotel in-room service liquor, beer, and wine .....\$300.00  
367

368 Class O, Manufacturer of wine only .....\$500.00

369

370 *Sunday sales permit fee.* All licensees who engage in Sunday sales as permitted Section 6-5(n)  
371 shall pay, in addition to the above fees, a fee of \$300.00.

372

373 *Wine-tasting permit fee.* All licensees who engage in wine-tastings as permitted under Section 6-  
374 6(e) shall pay, in addition to the above fees, a fee of \$300.00.

375

376 *Outdoor Event Permit.* The fee for an Outdoor Event Permit shall be \$5000.00.

377

378 *Event Permit for Caterers.* The fee for an Event Permit for Caterers shall be \$15.00 per day per  
379 event.

380

381 (e) *Change of business.* A new owner or new location shall pay the base fee for his initial  
382 license.

383

384 (f) *Payment.* The fees referred to in this section shall be payable annually on a fiscal-year basis  
385 except for the initial year when they will be prorated for the number of quarters remaining in the  
386 calendar year at the time the license was purchased. If the license is purchased and is not used for  
387 the full calendar year or if the license is revoked or suspended following issuance thereof, there  
388 shall be no refunds for any portion of the fees. All new licenses must be paid and received by the  
389 business not later than 30 days from notification of approval. If payment is not received, the  
390 license granted shall be considered void and treated as if denied. Payment shall be made by  
391 means of a cashier's check or money order.

392

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

395

396 (a) *Generally.* The applicant for a license under this chapter shall make a written application  
397 each under oath on the form as proscribed by the City Clerk or his or her designated  
398 representative. Except as otherwise provided by law, such application shall be a public record  
399 and open to public inspection at a reasonable time and place.

400

401 (b) *Application fee.* The applicant, upon turning in his complete application to the City Clerk, or  
402 his or her designated representative, at the same time shall provide a certified check, credit card  
403 payment or money order for \$150.00 made payable to the City of Statesboro for the application  
404 fee, plus any additional related fees required by any other governmental agencies or departments.  
405 A \$150.00 investigative fee must be paid for each additional investigation done during the year  
406 due to ownership or manager change. These fees are non-refundable.

407

408 Additionally, each applicant for a new license shall submit to the City Clerk such information as  
409 may be required by the Georgia Crime Information Center and by the Federal Bureau of  
410 Investigation, including classifiable sets of fingerprints, and such fees as may be set by the  
411 Georgia Crime Information Center and by the Federal Bureau of Investigation for a records  
412 check comparison by the Georgia Crime Information Center and by the Federal Bureau of

413 Investigation. Application for a license under this chapter shall constitute consent for  
414 performance of a records check comparison.

415  
416 (c) *Entities—Ownership.* All applicants other than individual persons shall list the names and  
417 addresses of all individual persons who have an ownership interest in such entity and the  
418 percentage ownership of each person, unless the corporate stock or other ownership interest is  
419 listed on the stock exchange or available for over the counter sales and subject to regulation by  
420 federal and state securities laws. If a named interest owner therein is another corporation or other  
421 entity, the same information shall be given for such corporation or entity. If during the life of the  
422 license, the identity of the interest owners or their percentage of ownership should change, that  
423 information shall be sent to the City Clerk or his or her designated representative for processing.  
424 A change in ownership shall require a new application. Corporations or limited liability  
425 companies must file a compliance copy from the office of the Secretary of State showing active  
426 status as an incorporated business.

427  
428 (d) *Additional data.*

429  
430 (1) *Corporate, partnership, sole proprietors, and limited liability company applications.*  
431 All corporate applicants shall list the names and addresses of the officers of the  
432 corporation. All sole proprietors shall apply in the name of the sole proprietor. All limited  
433 liability applicants shall provide the names and addresses of all members and managers  
434 of the limited liability company. In addition thereto, all applicants, including sole  
435 proprietors and partnerships if the sole proprietor or at least one partner is not working  
436 full-time in a managerial capacity on the premises, shall name a manager, whose name  
437 shall appear as such on the license issued to the corporation. The corporation, partnership,  
438 sole proprietor, or limited liability company shall provide the name and address of said  
439 manager, who shall be a full-time employee of the corporation, partnership, sole  
440 proprietorship, or limited liability company and who shall be the individual who does in  
441 fact have regular, managerial and supervisory authority over the business conducted on  
442 the licensed premises. In addition, the manager shall be an agent for service for the  
443 corporation, partnership, sole proprietorship, or limited liability company in addition to  
444 all other methods allowed for serving a corporation or other entity by the laws of  
445 Georgia. Any person who has been a manager of a corporation, partnership, sole  
446 proprietorship, or limited liability company whose license has been revoked is ineligible  
447 to act as manager for any licensee thereafter.

448  
449 (2) *Intention to provide adult entertainment.* Every application shall inquire if the  
450 applicant intends to provide live nude performances on the licensed premises or other  
451 forms of adult entertainment regulated under Article VII of Chapter 18 of the Code of the  
452 City of Statesboro. It is mandatory for this question to be answered by the applicant.

453  
454 (3) *Individual's requirements applicable to clubs.* In the case of a private club, fraternal  
455 or veterans order, its chief officer and general manager shall meet the same requirements  
456 that any individual applicant must meet and maintain.

457

458 (e) *Investigation.* The City Clerk or his or her designated representative shall investigate the  
459 application. Each applicant authorizes the City of Statesboro and its agents to secure from any  
460 court, law enforcement agency, or other public agency his or her criminal history and the  
461 criminal history of all individuals required to be listed on the application, including but not  
462 limited to sole proprietor, partners, members, corporate officers, stockholders, and managers, and  
463 authorizes the City of Statesboro to use such information in determining whether the license  
464 applied for shall be issued. Each applicant waives any right that he would otherwise have to  
465 preclude the City of Statesboro or its agents from obtaining and using such information and each  
466 applicant further waives any liability of the City of Statesboro or its agents for obtaining and  
467 using such information, and agrees to indemnify and hold the City of Statesboro harmless against  
468 the claims of any person listed by the applicant on the application and by doing so has authorized  
469 the City of Statesboro to investigate. The City Clerk or his or her designee shall make an arrest  
470 and conviction investigation concerning any applicants hereunder and all individuals required to  
471 be listed on the application, including but not limited to sole proprietor, partners, LLC members,  
472 corporate officers, corporate stockholders, and managers. The police department shall submit the  
473 results of the investigation to the City Clerk or his or her designated representative within 30  
474 days of submission.

475  
476 (f) *Fire and Safety Inspection.* All businesses where alcohol is consumed on the premises, shall  
477 satisfy all requirements of a fire and life safety inspection performed by the local fire official and  
478 city building official or his or her designee. The proscribed inspection form shall be provided by  
479 the city. In addition, all businesses where alcohol is consumed on the premises and the  
480 occupancy load is 100 or more, shall provide the City Clerk with a signed fire safety report and  
481 certificate of occupancy from the state fire marshal's office. The local fire official may cause to  
482 be inspected any building or portion of any building licensed under this ordinance.

483  
484 (g) *Offenses.* Any person making a false or misleading statement in any application for a license  
485 or false statement in connection with renewal thereof, shall be subject to punishment as provided  
486 by state law relating to false swearing, and further, a license, if previously granted or renewed,  
487 may be revoked for the violation.

488  
489 (h) *Duration; renewal.* All licenses are issued only on a fiscal-year basis and shall be eligible for  
490 renewal each year following issuance if and only if the licensed premises has passed a fire safety  
491 inspection within the 12 month period prior renewal of the license. Each licensee shall make a  
492 written application for renewal on or before May first of each calendar year which shall swear to  
493 the truthfulness of such information that is the same as the prior application and shall set forth  
494 facts which are different from the prior year's application. The renewal application form shall be  
495 approved by the City Clerk or his or her designated representative, and sworn to under oath by  
496 the applicant. All fees shall be tendered with the application in the form of a cashier's check,  
497 money order, or credit card.

498  
499 (i) *Penalty for filing renewal application and license fee payment after November first.* There  
500 shall be a penalty fee charged for filing alcoholic beverage renewal application and license fee  
501 payment after May first as follows:

502  
503 After May 1—May 15 \$200.00

504 May 16—May 31 \$300.000  
505 After June 1 20% of annual license fee but not less than \$500.00, whichever is greater.

506  
507  
508 If an alcoholic beverage license renewal application and license fee have not been filed with the  
509 City Clerk by the last business day in June of each year, the license shall be declared to be  
510 abandoned and any relicensing shall require a new application.

511  
512 (j) *Taxes, Fees, and Fines.* All taxes, fees and fines due to the City of Statesboro, including  
513 without limitation all ad valorem taxes due to the City of Statesboro as well as any fine imposed  
514 by the Municipal Court, by any individual, entity seeking an alcoholic beverage license, or an  
515 individual having an ownership interest in an entity seeking an alcohol license must be paid prior  
516 to an alcoholic beverage license being issued to or renewed by said individual or entity.

517  
518 (k) *State license; forfeiture for failure to comply; revocation of state license.* A state alcoholic  
519 beverage license must be obtained by the applicant in order for the license issued by the City of  
520 Statesboro to be valid. Failure of the licensee to obtain a state license before beginning operation  
521 of the premises shall be an automatic forfeiture and cancellation of the license issued by the City  
522 of Statesboro, and no refund of license fees shall be made to the licensee. If a state alcoholic  
523 beverage license is revoked by the state, then the license issued by the City of Statesboro shall  
524 automatically be revoked and void effective as of the date of such revocation.

525  
526 (l) *Licenses or permits constitute grant of privilege.* All alcoholic beverage licenses or permits  
527 issued hereunder constitute a mere grant of privilege to carry out such business during the term  
528 of the license subject to all terms and conditions imposed by this chapter including the rules and  
529 regulations for the administration of this chapter as well as related State and Federal laws and  
530 other ordinances of the City of Statesboro relating to such business, as amended from time to  
531 time by the Mayor and City Council.

532  
533 (m) *Applications for Sunday sales permit.* The licensee of a business engaged in the retail  
534 package sales of beer and/or wine, any restaurant as defined in this chapter, or any licensed  
535 establishment which derives at least 60 percent of its total annual gross income from the rental of  
536 rooms for overnight lodging, desiring the privilege to sell, furnish or otherwise dispense distilled  
537 spirits, malt beverages, or wine on Sunday in accordance with paragraph 6-5(n) shall, before  
538 dispensing such beverages on Sunday, obtain a Sunday Sales Permit as provided for in the rules  
539 and regulations of the administration of this Chapter.

540  
541 (n) *Application for an Outdoor Event Permit.* Prior to the sale of alcoholic beverages at an  
542 outdoor event an Outdoor Event Permit shall be obtained as provided for in the rules and  
543 regulations of the administration of this Chapter.

544  
545 (o) *Application for Distance Waiver Permit for Restaurant.* The Mayor and City Council,  
546 following application for a distance waiver permit for a restaurant, notice and hearing, may in its  
547 discretion grant a distance waiver permit for restaurant authorizing the issuance of a Class D, E  
548 or F license to a licensee of a restaurant notwithstanding the distance requirements in Section 6-  
549 5(e) from school buildings, alcoholic treatment centers, educational buildings on college campus,

550 churches and/or property lines of a private dwelling located in single-family residential zoning  
551 district for locations that sell alcohol for consumption on the premises only. The application for  
552 a distance waiver permit shall be obtained as provided in the rules and regulations of the  
553 administration of this Chapter.

554  
555 (p) *Application for Event Permit for Caterers.* Prior to the sale of alcoholic beverages at a  
556 catered event a Catered Event Permit shall be obtained as provided for in the rules and  
557 regulations of the administration of this Chapter.

558

559 **Sec. 6-6. - When issuance prohibited.**

560

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

562

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

564

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

566

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

568

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

571

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

576

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

584

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

592

593 (2) has been convicted within five years immediately prior to the filing of the alcoholic  
594 beverage application with the City Clerk of the violation (i) of any state or federal law  
595 pertaining to the manufacture, possession, transportation or sale of malt beverages, wine

596 or intoxicating liquors, or the taxability thereof; (ii) of a crime involving moral turpitude;  
597 or (iii) of a crime involving soliciting for prostitution, pandering, gambling, letting  
598 premises for prostitution, keeping a disorderly place, the traffic offense of hit and run or  
599 leaving the scene of an accident, or any misdemeanor serious traffic offense as defined in  
600 O.C.G.A. § 40-6-390 et seq., but excluding any first conviction for reckless driving or  
601 driving under the influence of alcohol or drugs in the past 10 years as measured from the  
602 date of arrest, or for whom outstanding indictments, accusations or criminal charges exist  
603 charging such individual with any of such offenses and for which no final disposition has  
604 occurred. If at the time of application, the applicant is charged with any of the offenses  
605 prescribed in this subsection, consideration of the application shall be suspended until  
606 entry of a plea or verdict or dismissal;

607  
608 (3) has been convicted of two violations of the ordinances of the City of Statesboro  
609 governing alcoholic beverages licensed hereunder within the last five years immediately  
610 prior to the filing of the licensee's application with the City Clerk, except as specifically  
611 provided in paragraph (c) below, concerning revocation of alcohol license, or paragraph  
612 (d) below, concerning selling alcohol to underage persons. If at the time of application,  
613 the applicant is charged with any of the offenses prescribed in this subsection,  
614 consideration of the application shall be suspended until entry of a plea or verdict or  
615 dismissal.

616  
617 (c) For 24 consecutive months immediately following the date of a license revocation, no person  
618 or any individual person having an ownership interest in the business whose license was revoked  
619 shall be eligible for renewal of or issuance of a license at the same location for which the  
620 previously revoked license was issued. Furthermore, during said 24-month period, no person or  
621 any individual person having an ownership interest in the business whose license was revoked  
622 shall be eligible to apply for any additional licenses.

623  
624 (d) Except as provided in paragraph (e) below, for 24 consecutive months immediately  
625 following the date of a citation for any violation for selling alcohol to underage persons within a  
626 licensed premise, no application for change in ownership of the license at the same location  
627 where the violation occurred shall be allowed unless there is a 100 percent change in ownership  
628 and control between the old licensee and the new applicant. For purposes of this subparagraph,  
629 100 percent change in ownership and control shall mean a 100 percent change in all individuals,  
630 partners, officers, directors, shareholders, members, managers and/or all persons having any  
631 whole, partial, beneficial or other interest in the business where the alcoholic beverage license is  
632 located. 100 percent change in ownership and control shall not include a transfer in ownership  
633 and control to any person in the immediate family of any individuals, partners, officers, directors,  
634 shareholders, members, managers and/or any persons having any interest in the business where  
635 the alcoholic beverage license is located. The application for the alcoholic beverage license must  
636 be applied for and approved prior to the sale of the business. An alcoholic beverage license may  
637 not be issued until the new owner has established that the sale of the business is bona fide. The  
638 applicant for the new license must provide documentation concerning the sale, including but not  
639 limited to documentation concerning ownership of and all business interests in the old license in  
640 addition to documentation concerning the ownership of and all business interests in the new  
641 license, as requested by the City Clerk.



642  
643 (e) For 24 consecutive months immediately following the date of a citation for any violation for  
644 selling alcohol to underage persons within a licensed premise, an application for less than 100  
645 percent change in ownership and control between the old licensee and the new application shall  
646 be allowed only if the following requirements are met:

647  
648 (1) The applicant for less than 100 percent change in ownership of the license at the  
649 same location where the violation occurred must agree as part of the application that any  
650 past violations for selling alcohol to underage persons within the licensed premise shall  
651 become part of the record of violations for the new business as if the new owners had  
652 been cited and found in violation. Such record of violations shall be taken into  
653 consideration in any future hearings against the new licensee.

654  
655 (2) Such applications for less than 100 percent change in ownership shall be made prior  
656 to the sale of the business but after any pending citations for violations for selling alcohol  
657 to underage persons within the licensed premise are adjudicated.

658  
659 (f) No person shall hold a license in any retail category hereunder and a license under any  
660 wholesale category at the same time.

661  
662 **Sec. 6-7. - General regulations pertaining to all licenses.**

663  
664 (a) *License not transferable to another location.* Each license is issued for a specific location  
665 only and may not be transferred to another location. A new application is required for each  
666 licensed premise. No license may be issued to different licensees for the same location.

667  
668 (b) *Transfer of license to another person.* No alcoholic beverage license shall be transferred  
669 from one person to another during the year in which the license or permit was obtained, except in  
670 the case of the death of a person holding a license, in which event his personal representative  
671 may continue to operate under the license for six months from the date of his qualification.

672  
673 (c) *Location.* None of the above licenses shall be issued except in the following zones as defined  
674 in Appendix A (Zoning) of the Code of the City of Statesboro:

675  
676 (1) CBD, Commercial Business District;

677  
678 (2) CR, Commercial Retail District;

679  
680 (3) HOC; Highway Oriented Commercial District

681  
682 (4) LI; Light Industrial District

683  
684 (d) *Proximity Requirements; Package sales for off-premises Consumption governed by O.C.G.A.*  
685 *§ 3-3-21.*

686

687 (1) Class B and C licenses shall be issued for a location only if the location complies with  
688 the proximity requirements provided by O.C.G.A. § 3-3-21 as measured by the Rules  
689 and Regulations promulgated by the Georgia Department of Revenue.  
690

691 (2) Nothing in this subparagraph shall prohibit a grocery store licensed for the retail sale  
692 of only wine and malt beverages for consumption off the premises from selling wine or  
693 malt beverages within 100 yards of any college campus. As used in this subparagraph,  
694 the term "grocery store" means a retail establishment which has at least 85 percent of its  
695 total retail floor space reserved for the sale of food and other nonalcoholic items,  
696 conducts all of its sales inside the building containing its retail floor space, and meets all  
697 other criteria by this ordinance.  
698

699 (e) *Proximity Requirements; Sales for Consumption on the Premises; local regulation permitted*  
700 *per O.C.G.A. § 3-3-21(b)(3).*  
701

702 (1) Class D, Class E and Class F alcoholic beverage licenses shall not be issued for a  
703 location in which the nearest point on a wall of the building proposed as the licensed  
704 premises is closer than 100 yards in a straight line measurement to the nearest wall of a  
705 school building, an educational building on a college campus, or a church in existence at  
706 the time of the application for the initial license.  
707

708 (2) No licenses shall be issued under this chapter for any location in which the nearest  
709 point on a wall of the building proposed as the licensed premises is closer than 100  
710 yards in a straight line measurement to the nearest point of the property line of an  
711 alcoholic treatment center which is in existence at the time of the application for the  
712 initial license.  
713

714 (3) No licenses shall be issued under this chapter for any location in which the nearest  
715 point on a wall of the building proposed as the licensed premises is closer than 100  
716 yards in a straight line measurement to the nearest point of the property line of a private  
717 dwelling located within a single-family residentially zoned district which is in existence  
718 at the time of the application for the initial license.  
719

720 (4) The proximity requirements for Class D, Class E and Class F licenses shall be in  
721 effect for all districts in which such licenses are authorized, with the exception of any  
722 restaurant as defined in this chapter that is granted a distance waiver permit for a  
723 restaurant by the Mayor and City Council pursuant to subsection 6-3(o).  
724

725 (f) At the time of initial application, a plat from a registered surveyor shall be attached to the  
726 application which shall certify that all state and local distance requirements for the proposed  
727 location have been met.  
728

729 (g) All licenses which are in existence and valid as of the date of passage of this chapter may  
730 continue to be renewed hereunder even though they may be in violation of this subsection  
731 regarding proximity requirements; furthermore, that location may continue to be licensed  
732 hereunder so long as the premises are continuously used for the sale of alcoholic beverages

733 hereunder, even though not under the same owner. At such time as the license for this premises  
734 is revoked, not renewed or is allowed to lapse, or a new license is not applied for the location  
735 within 365 days of the expiration or termination of the previous license, this subsection and the  
736 prohibitions herein shall apply to any new application for that location.

737

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

742

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

746

747 (j) *Inspection of books, accounts, ownership interests.* Upon demand by the City Clerk, or his or  
748 her designated representative, any person holding a license from the City of Statesboro, Georgia,  
749 shall open to the City Clerk, or his her designated representative, his place or places of business  
750 for the purpose of enabling the City Clerk or his representative to ascertain and gain such  
751 information as may be necessary for determination of compliance with applicable law, including  
752 but not limited to, this ordinance, Title 3 of the Official Code of Georgia Annotated, O.C.G.A. §  
753 3-3-1, et. seq., as amended, and Title 560, Subtitle 560-2 of the Administrative Code of Georgia,  
754 Ga. Comp. R. & Regs. § 560-2-1-.01, et seq., as amended. Upon demand by the City Clerk, or  
755 his or her designated representative, any person holding a license from the City of Statesboro  
756 shall furnish the City Clerk or his or her representative under an affidavit swearing that all books  
757 of account, invoices, papers, reports and memoranda containing entries showing amount of  
758 purchases, sale receipts, inventory and other information, ascertained including exhibition of  
759 bank deposit books, bank statements, and copies of sales tax reports, operating agreements,  
760 shareholder agreements and any other such documents the City of Statesboro may deem  
761 necessary to determine compliance with this Chapter are a true and complete copies of the  
762 requested documents. Said documents shall be furnished within TEN (10) days of such request  
763 by the City Clerk or his or her representative. Any person holding a license from the City of  
764 Statesboro shall secure, preserve, maintain and keep for a period of three years books of account,  
765 invoices, papers, reports and memoranda containing entries showing amount of purchases, sale  
766 receipts, inventory and other information, ascertained including exhibition of bank deposit  
767 books, bank statements, and copies of sales tax reports.

768

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

770

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

778

779 (2) As a condition precedent to the renewal of any alcoholic beverage license the  
780 licensee shall furnish with the renewal application certified financial statements and an  
781 affidavit from a Certified Public Accountant showing the ownership interests in the  
782 licensed premises, total gross sales of the licensed establishment, the gross sales of the  
783 licensed establishment derived from the sale of alcohol, the gross sales of the licensed  
784 establishment derived from the sale of prepared meals, the gross revenue derived from  
785 any other source in the operation of the licensed establishment for the preceding fiscal 12  
786 months.

787  
788 (k) *Failure to open.* All holders of licenses issued hereunder must within forty-five (45) days  
789 after the issuance of such license open for business the establishment referred to in the license.  
790 Failure to open the licensed establishment as referred to within such period shall serve as a  
791 forfeiture and cancellation of the unused license and no refund of the license fee shall be made to  
792 the license holder.

793  
794  
795 (l) *Adding to, refilling bottles, misrepresentations as to quantity, etc.* It shall be unlawful for a  
796 licensee hereunder, his employees, subcontractors or his agents, to add to the contents of a bottle  
797 or to refill an empty bottle or in any manner to misrepresent the quantity, quality or brand name  
798 of any beverage licensed hereunder. The prohibition against refilling empty bottles shall not  
799 apply to the lawful sale of growlers as provided for in this Chapter.

800  
801 (m) *Hours of operation.* The following hours of operation shall apply to the sale of alcoholic  
802 beverages licensed hereunder:

803  
804 (1) All licensed premises for the sale of retail beer and/or wine by the drink or retail  
805 liquor by the drink (Class D, E and F licenses) shall only engage in the sale and service of  
806 alcoholic beverages upon the licensed premises, at a permitted outdoor event, or a  
807 permitted catered event between the hours of 7:00 am and 1:00 am the following day  
808 Monday through Saturday. Sale and service of alcoholic beverages pursuant to this  
809 subsection that begins on Saturday may continue until 1:00 a.m. Sunday morning without  
810 a Sunday Sales Permit.

811  
812 (2) Only licensed premises for the sale of retail beer and/or wine by the drink or retail  
813 liquor by the drink (Class D, E and F licenses) which maintains a valid Sunday Sales  
814 Permit may begin the sale and service of alcoholic beverages on Sunday. All licensed  
815 premises for the sale of retail beer and/or wine by the drink or retail liquor by the drink  
816 (Class D, E and F licenses) which begins the sale and service of alcoholic beverages on  
817 Sundays shall only engage in the sale and service of alcoholic beverages upon the  
818 licensed premises, at a permitted outdoor event, or a permitted catered event between the  
819 hours of 12:30 p.m. and midnight on Sunday.

820  
821 (3) All licensed premises for the package sales of beer and wine for off-premises  
822 consumption (Class B and C licenses) shall only engage in the sale of alcoholic beverages  
823 between the hours of 6:00 a.m. and midnight current time, Monday through Saturday.  
824

825 (4) Only licensed premises for the package sales of beer and wine for off-premises  
826 consumption (Class B and C licenses) which maintain a valid Sunday Sales permit may  
827 sell alcoholic beverages on Sunday from 12:30 p.m. through 11:30 p.m.  
828

829 (n) *Time limit for clearing patrons from premises.* All licensed premises for the sale of retail  
830 beer and/or wine by the drink (Class E and F) or retail liquor by the drink (Class D), shall be  
831 closed to the public, and the premises shall be cleared of all persons except employees of the  
832 licensed premises engaged in their employment duties within 45 minutes after the time set by  
833 subsection (n) of this section for discontinuance of the sale of alcoholic beverages on the  
834 premises. Thereafter all licensees shall remove or cause to be removed all alcoholic beverages  
835 from the area of the premises utilized by customers, patrons, and invitees; all alcoholic beverages  
836 shall be stored in original containers or storage containers on a shelf or cabinet; no alcoholic  
837 beverages shall be furnished to, consumed by, or possessed by any person within the premises  
838 45 minutes after the time set by subsection (n) of this section for discontinuance of the sale of  
839 alcoholic beverages on the premises; and the premises shall remain closed for business until at  
840 least 7:00 a.m.  
841

842 (o) *Sales prohibited, limited on certain days.* All alcoholic beverages licensed hereunder shall  
843 not be sold Sundays unless the licensee holds a valid Sunday Sales Permit. The sale of alcoholic  
844 beverages on any election day shall be permitted in accordance with O.C.G.A. § 3-3-20.  
845

846 (p) *Sales, etc., to persons under legal age.* It shall be unlawful to provide alcoholic beverages to  
847 any persons under the age permitted by O.C.G.A. § 3-3-23.  
848

849 (q) *Display of license.* Every licensee, its agents or employees, shall post the most current  
850 alcoholic beverage license issued for the licensed premises in public view at eye level (an  
851 approximate height of five feet from the floor) within 15 feet of the entrance to the licensed  
852 premises.  
853

854 (r) *Bringing beverages purchased elsewhere onto premises.* No licensee for the sale of malt  
855 beverages, wine or distilled spirits shall authorize or permit any patron or customer to bring onto  
856 the premises malt beverages, wine or distilled spirits purchased elsewhere. Further, no licensee  
857 for the sale of malt beverages, wine or distilled spirits shall bring onto the premises any malt  
858 beverages, wine or distilled spirits purchased from a retailer for the purpose of resale.  
859

860 (s) Brown bagging and brown bag establishments are defined in Section 6-1 are prohibited  
861 within the City of Statesboro.  
862

863 (t) It shall be unlawful to permit on the premises so licensed any contest or form of  
864 entertainment which consists of the wetting or soaking of the upper torso of a female or the  
865 pelvic areas of a male or female.  
866

867 (u) *Sales areas, activities, drive through sales.*  
868

869 (1) It shall be unlawful for any licensee to make delivery of any alcoholic beverages  
870 licensed to be sold except within the premises or area licensed for sale thereof. Drive-

871 through sales are prohibited. This prohibition shall not apply to the sale of alcoholic  
872 beverages to patrons of a sidewalk cafe, if such establishment is otherwise licensed to sell  
873 alcoholic beverages under the applicable laws and ordinances in the City of Statesboro.  
874

875 (2) No Class B or C licensee shall permit the consumption of alcohol sold by the  
876 package on the lot or premises where the licensed establishment is located, nor shall any  
877 individual consume the contents of such packages on the lots or premises where the  
878 licensed establishment is holding a Class B or C license.  
879

880 (v) *Possession of unlicensed beverages.* All licensees hereunder are forbidden to possess, keep,  
881 maintain or otherwise store or keep on the licensed premises any alcoholic beverages for which  
882 the licensee does not hold a license.  
883

884 (w) *Employee consumption during work hours.* It shall be unlawful for any employee of any  
885 licensee to consume alcoholic beverages on the premises of the licensee during such employee's  
886 working hours.  
887

888 (x) *Suspension of sales during civil emergency.* The Mayor or City Manager may, upon  
889 determining that there is an immediate danger of civil disorder or natural disaster or any other  
890 immediate threat to the public peace and order, by executive order, suspend the sales of all  
891 beverages licensed under this chapter until such danger or threat has passed and for a reasonable  
892 period of time thereafter.  
893

894 (y) *Open to Inspection.* Any licensee shall be open to inspection by any officer of the  
895 Statesboro Police Department, the Statesboro Fire Department, Statesboro Code Enforcement,  
896 the City Manager or his designee during any period allowable by for operation of the business,  
897 and any period where patrons, employees or agents of the licensee are present in the licensed  
898 premises.  
899

900 **Sec. 6-8. - Regulations pertaining to certain classes of licenses only.**  
901

902 (a) *Retail beer and wine by the package.*  
903

904 (1) Retail beer and wine by the package (Class B and C) shall be permitted in food  
905 stores, grocery stores, supermarkets, convenience food stores and discount/general  
906 merchandise stores as an item incidental to the sale of foodstuffs, groceries, or other  
907 mercantile items.  
908

909 (2) Except as specifically provided for in paragraph (e) below concerning wine tastings,  
910 the original retail containers of any alcoholic beverage sold by a retail beer and wine by  
911 the package licensee hereunder shall not be opened on the lot or premises of the location  
912 licensed for the sale thereof.  
913

914 (3) *Visibility of premises from public street.* No licensee for the sale of alcoholic  
915 beverages by the package shall operate under the license, unless the front entrance to the  
916 licensed premises is clearly visible from the public street; provided, however, that this

917 restriction shall not apply where the licensee is a motel, hotel, private club or is located in  
918 a shopping center or multiple-story business building.

919  
920 (b) *Growlers*. The sale of growlers is authorized for Class B licensees. The sale of growlers  
921 shall comply with the rules and regulations for the administration of this chapter.

922  
923 (c) *Brew Pubs*. Any restaurant holding a Class E license shall be allowed to operate as a brew  
924 pub upon obtaining a brew pub license from the State of Georgia.

925  
926 (d) By the drink sales for consumption on the premises.

927  
928 (1) *Removal of Beverages Prohibited*. All alcoholic beverages sold by consumption-on-  
929 the-premises licensees shall be consumed only on the licensed premises. It shall be  
930 unlawful for any person to remove from the licensed premises any alcoholic beverages  
931 sold for consumption-on-the-premises to any public streets, public or semi-public parking  
932 lot, sidewalks or rights-of-way within the city. This prohibition shall not apply to the sale  
933 of alcoholic beverages to patrons of a sidewalk cafe, if such establishment is otherwise  
934 licensed to sell alcoholic beverages under the applicable laws and ordinances in the City  
935 of Statesboro.

936  
937 (2) *Temporary license for bona-fide non-profit, tax-exempt civic organization*. Upon the  
938 filing of an application as required by the City Clerk and payment of a fee of \$50.00 by a  
939 bona-fide non-profit, tax-exempt civic organization, the City Clerk may issue a permit  
940 authorizing the organization to conduct a wine tasting event pursuant to Paragraph (c)  
941 below or to sell alcoholic beverages for consumption only on the premises for a period  
942 not to exceed one day, subject to provisions of this chapter regulating the time for selling  
943 such beverages.

944  
945 a. No more than six (6) permits may be issued to an organization in any one  
946 calendar year pursuant to this paragraph.

947  
948 b. Permits issued pursuant to this paragraph shall be valid only for the place  
949 specified in the permit. No permit may be issued unless the sale of distilled spirits,  
950 wine, or malt beverages is lawful in the place for which the permit is issued. The  
951 zoning restrictions and distance restrictions contained in Section 6-5(c) shall not  
952 apply.

953  
954 c. Proof of such non-profit, tax-exempt status, such as a determination from the  
955 Internal Revenue Service that the organization is exempt under Section 501-C of  
956 the Internal Revenue Code must be provided.

957  
958 (e) *Wine tastings*. Wine tastings are permitted as long as they comply with the following rules  
959 and regulations:

960  
961 (1) The applicant for a wine tasting must hold a valid current wine license in the state.

962

963 (2) Wine tastings may only be conducted in connection with an instructional or  
964 educational promotion.

965  
966 (3) All wines used for tasting purposes must have been purchased from a licensed state  
967 wine wholesaler.

968  
969 (4) Wine tastings must comply with all laws and regulations otherwise pertaining to the  
970 sale and distribution of alcoholic beverages in the state.

971  
972 (5) All applicants and permit holders must comply with all state statutes and sections of  
973 this Code and other City of Statesboro ordinances concerning alcoholic beverages,  
974 including but not limited to those dealing with hours of operation, zoning, and distance  
975 requirements.

976  
977 (f) *Requirements for caterers.*

978  
979 (1) It shall be unlawful for any person to engage in, carry on or conduct the sale or  
980 distribution of alcoholic beverages off-premises and in connection with a catered event or  
981 function or to any location not licensed hereunder without first having obtained a caterer's  
982 license and Catered Event Permit as provided herein.

983  
984 (2) A licensed alcoholic beverage caterer may sell only that type of alcoholic beverage  
985 which is authorized by his alcoholic beverage license.

986  
987 (3) *Sunday sales.* An alcoholic beverage caterer wishing to cater an event or function on  
988 Sunday must possess a valid Sunday sales license and comply with the requirements of  
989 this ordinance and state law with respect to the service of alcoholic beverages on Sunday.

990  
991 (g) *Rental of licensed premises for private functions.* Class D, E, and F licensees are permitted to  
992 rent the licensed premises for private functions which have been scheduled in advance; provided  
993 that the licensee, its agents, managers, and employees, shall retain complete control over the  
994 licensed premises and over selling, serving, or furnishing alcoholic beverages during the private  
995 function to the same extent required as if the function were open to the public. Nothing in this  
996 paragraph shall be deemed to waive any provisions of this chapter or state law governing the sale  
997 of alcoholic beverages on the licensed premises. The licensed premises shall remain open to all  
998 agents of the state and the City of Statesboro for law enforcement and inspection purposes during  
999 such private functions. No doors to the licensed premises shall be locked preventing egress or  
1000 ingress during such functions. Nothing in this paragraph shall be deemed to waive the  
1001 prohibition governing selling, furnishing, or delivering alcoholic beverages to underage persons  
1002 by any other person within the licensed premises.

1003  
1004 **Sec. 6-9.-Minors and Persons under 21 years of age**

1005  
1006 (a) In additions to the prohibitions set forth at O.C.G.A. §§ 3-3-23, 3-3-23.1 and 3-3-24, as  
1007 amended, which are hereby incorporated by reference herein, a licensee shall not allow a person  
1008 under the age of 18 years old to enter or remain upon the premises of an establishment licensed



1009 to sell alcoholic beverages for consumption on the premises beyond 11:00 p.m., unless  
1010 accompanied by a parent or legal guardian, and further provided that either the licensed  
1011 establishment is a restaurant where at least 60% of the establishment's annual gross revenue is  
1012 derived from the service of prepared meals and such establishment offers its full, unlimited menu  
1013 until and after 11:00 p.m., or the licensed establishment derives no more than 10% of its annual  
1014 gross revenue from the sale of alcoholic beverages.

1015  
1016 (b) In additions to the prohibitions set forth at O.C.G.A. §§ 3-3-23, 3-3-23.1 and 3-3-24, as  
1017 amended, which are hereby incorporated by reference herein, and unless a licensee complies  
1018 with Section 6-9 (c), a licensee shall not allow a person under the age of 21 years old to enter or  
1019 remain upon the premises of an establishment licensed to sell alcoholic beverages for  
1020 consumption on the premises where by name, common usage, knowledge and/or understanding  
1021 the establishment constitutes a bar, night club, lounge or similar business. Indicia of such use  
1022 include, but are not limited to:

- 1023  
1024 (1) A limited menu or no food service, particularly after 12:00 a.m.;
- 1025  
1026 (2) More than 50% of the premises is standing room only;
- 1027  
1028 (3) The establishment derives more than 40% of its annual gross  
1029 revenue from the sale of alcoholic beverages;
- 1030  
1031 (4) Where a cover charge is imposed and collected by the licensee as a  
1032 condition of gaining entry to the establishment and such a fee does  
1033 not entitle the patron to a seat, whether by general admission or a  
1034 particular designation;
- 1035  
1036 (5) The establishment utilizes the services of security forces and/or  
1037 door personnel;
- 1038  
1039 (6) The establishment is open after midnight;
- 1040  
1041 (7) The establishment provides a full service bar which is the primary  
1042 location from which patrons directly obtain alcoholic beverages.

1043  
1044 (c) A licensee may allow persons under the age of 21 years old, but in no case under the age of  
1045 18 years old, to enter or remain upon the premises of an establishment licensed to sell alcoholic  
1046 beverages for consumption on the premises where by name, common usage, knowledge and/or  
1047 understanding the establishment constitutes a bar, night club, lounge or similar business as  
1048 provided in Section 6-9(b) if, and only, if the licensee obtains an Under 21 Permit as provided in  
1049 the Rules and Regulations for administration of the Chapter.

1050  
1051 (d) The Director of Public Safety shall upon review of the license application, the renewal  
1052 application, and/or the operation of the licensed establishment determine whether the licensed  
1053 establishment is governed by subsection (a) or (b) of Section 6-9, and shall furnish the licensee

1054 in writing the reasons for the designation, and inform the licensee of the right of appeal provided  
1055 for below.

1056  
1057 (e) The licensee shall have five (5) days from receipt of the written finding of the Director of  
1058 Public Safety to file a notice of appeal with the City Clerk. Failure to file a timely notice of  
1059 appeal shall render the decision of the Director of Public Safety final. Upon filing of a notice of  
1060 appeal the City Clerk shall schedule a hearing before the City Manager no later than ten (10)  
1061 days from the filing of the Notice of Appeal. The City Manager may reverse the Director of  
1062 Public Safety's decision only upon showing by clear and convincing evidence that the Public  
1063 Safety Director's decision was clearly erroneous. The decision of the City Manager shall be the  
1064 final decision of the City of Statesboro. Appeal of City Manager's final decision shall be by  
1065 Petition for Certiorari to the Superior Court of Bulloch County.

1066  
1067 **Sec. 6-10. - Employment Regulations for Licensees Selling Alcoholic Beverages for On**  
1068 **Premises Consumption.**

1069  
1070 (a) Every licensee that distributes or sells alcoholic beverages for on-premises consumption  
1071 shall require all persons employed as managers, servers, bartenders, doorman, security personnel,  
1072 or any other employee, agent or subcontractor with the responsibility for handling, serving,  
1073 mixing or dispensing alcoholic beverages to complete a *Training for Intervention Procedures*  
1074 alcohol course (see [www.tipsalcohol.com](http://www.tipsalcohol.com)), or other similar training approved by Mayor and City  
1075 Council by resolution, and maintain on the premises evidence of current, valid training  
1076 certification for each employee encompassed by this section. To each certification shall be  
1077 attached a copy of a government-issued photo identification for the subject employee. The  
1078 certification/photo identification packages shall be readily available for inspection upon the  
1079 request of any Statesboro Police Department officer, City Code Enforcement officer, or the City  
1080 Manager or his designee.

1081  
1082 (b) No licensee shall employ managers, servers, bartenders, or any other employee, agent  
1083 or subcontractor with the responsibility for handling, serving, mixing or dispensing alcoholic  
1084 beverages who;

1085  
1086 (1) within the previous five years has two or more convictions that involve providing  
1087 alcohol to underage persons, to handle, serve, mix or dispense alcoholic  
1088 beverages or for whom outstanding indictments, accusations or criminal charges  
1089 exist charging such individual with any of such second offense and for which no  
1090 final disposition has occurred.

1091  
1092 (2) within the previous two years was convicted of, is currently on probation for, or  
1093 currently under the supervision of a court under either a pre-trial diversion  
1094 program or conditional discharge sentence for underage possession of alcohol, or  
1095 for whom outstanding indictments, accusations or criminal charges exist charging  
1096 such individual with such offense and for which no final disposition has  
1097 occurred.

1098

1099 (c) No licensee shall allow any employee, agent, or subcontractor to serve as doorpersons or  
1100 security personnel who;

1101  
1102 (1) has been convicted within fifteen years of any felony or for whom outstanding  
1103 indictments, accusations or criminal charges exist charging such individual with  
1104 any of such offenses and for which no final disposition has occurred, or  
1105

1106 (2) has been convicted within five years of any violation (i) of any state or federal  
1107 crime involving physical violence; (ii) of any local, state or federal law pertaining  
1108 to the manufacture, possession, transportation or sale of malt beverages, wine or  
1109 intoxicating liquors, or other controlled substances and the taxability thereof (iii)  
1110 of a crime involving moral turpitude; or (iv) of a crime involving soliciting for  
1111 prostitution, pandering, gambling, letting premises for prostitution, keeping a  
1112 disorderly place, the traffic offense of hit and run or leaving the scene of an  
1113 accident, or any misdemeanor serious traffic offense as defined in O.C.G.A. § 40-  
1114 6-390 et seq., but excluding any first conviction for reckless driving or driving  
1115 under the influence of alcohol or drugs in the past 10 years as measured from the  
1116 date of arrest, or for whom outstanding indictments, accusations or criminal  
1117 charges exist charging such individual with any of such offenses and for which no  
1118 final disposition has occurred.  
1119

1120 (3) The term "conviction" as used in this paragraph shall include a finding or verdict  
1121 of guilt, plea of guilty, a plea of nolo contendere including also anyone currently  
1122 on probation or otherwise under a court's supervision for a term certain to avoid a  
1123 judgment of guilt being entered under what is commonly referred to as "first  
1124 offender" sentence or "pre-trial diversion program."  
1125

1126  
1127 **Sec. 6-11. - Conduct of Hearings Generally.**  
1128

1129 (a) In conducting any hearing provided for in this Chapter the Mayor and City Council shall  
1130 have the authority to hear evidence and subpoena witnesses and shall conduct the hearing in  
1131 accordance with the requirements of due process as required by the United States Constitution  
1132 and the Constitution of the State of Georgia and provide at a minimum that at the hearing the  
1133 applicant may be represented by counsel, may offer testimony by witnesses or any other  
1134 evidence and may cross-examine any opposing witnesses. The Mayor and City Council shall  
1135 entertain any and all evidence relevant to the matter without regard to evidentiary rules regarding  
1136 hearsay, or strict compliance with the Georgia Rules of Evidence as codified in Title 24 of the  
1137 Official Code of Georgia as the Mayor and City Council are not a court of this state as  
1138 contemplated by the Georgia Rules of Evidence.  
1139

1140 (b) All parties to a hearing before the Mayor and City Council may compel the attendance of  
1141 witnesses and/or the production of documents by subpoena issued by the City Clerk.  
1142

1143 (c) A subpoena may be served by any sworn peace officer, sheriff, by his or her deputy, or by  
1144 any other person not less than 18 years of age. Proof may be shown by return or certificate

1145 endorsed on a copy of the subpoena. Subpoenas may also be served by registered or certified  
1146 mail or statutory overnight delivery, and the return receipt shall constitute prima-facie proof of  
1147 service. Service upon a party may be made by serving his or her counsel of record.  
1148

1149 (d) Failure to respond to such a subpoena shall be a violation of the this ordinance, and subject  
1150 the offending party to the punishments allowed under section 5-3 of the Charter of the City of  
1151 Statesboro, after hearing before the judge of Municipal Court.  
1152

1153 (e) The City Clerk shall keep minutes of the hearing and shall keep records of examinations and  
1154 other official actions, which shall be of public record. The record shall be an account of the  
1155 proceedings, including a listing of all documents considered, a summary of testimony presented,  
1156 and any rulings upon motions or objections raised. The applicant or any other party may have  
1157 present an official court reporter, certified in the State of Georgia, at his or her expense to record  
1158 the proceedings. In the absence of an official court reporter, the minutes of the City Clerk shall  
1159 be the written record of the hearing.  
1160

1161 (f) Appeal of any final decision of the Mayor and City Council shall be by Petition for Certiorari  
1162 to the Superior Court of Bulloch County.  
1163

1164 **Sec. 6-12. – Duties of City Clerk Upon Application; Right to Deny License; Right to Appeal**  
1165 **Denial.**  
1166

1167 (a) Upon submission of a full and complete application and supporting documentation to the  
1168 City Clerk, the City Clerk shall have thirty (30) days to complete an investigation of the  
1169 application and supporting documentation.  
1170

1171 (b) If the City Clerk upon review and investigation finds that the applicant is not prohibited from  
1172 obtaining a license, the City Clerk shall set the matter down for a public hearing before the  
1173 Mayor and City Council as provided in Section 6-14 of this Chapter.  
1174

1175 (c) If the City Clerk upon review and investigation finds that the applicant is not prohibited from  
1176 obtaining a license, the City Clerk shall have authority to grant the licensee a temporary alcohol  
1177 license. The temporary alcohol license shall only be used by the licensee to apply for a State  
1178 alcohol license. The temporary alcohol license shall not allow the licensee to sell, dispense, pour  
1179 or offer to sell, dispense or pour any distilled spirits, alcoholic beverages, wine, beer or malt  
1180 beverages as defined by Georgia law within the corporate limits of the City of Statesboro. The  
1181 privilege to sell, dispense, pour or offer to sell, dispense or pour any distilled spirits, alcoholic  
1182 beverages, wine, beer or malt beverages as defined by Georgia law within the corporate limits of  
1183 the City of Statesboro shall only be granted to the licensee upon approval by the Mayor and City  
1184 Council pursuant to below Section 6- 14.  
1185

1186 (d) If the City Clerk upon review and investigation finds that the applicant has not met all  
1187 requirements to obtain a license, the City Clerk shall deny the license; shall furnish the applicant  
1188 in writing the reasons for the denial of the grant of the license, and inform the applicant of the  
1189 right of appeal provided for below.  
1190

- 1191 (e) If the City Clerk denies the license, the applicant shall have THIRTY (30) days to file a  
1192 Notice of Appeal.  
1193  
1194 (f) Failure to file an appeal of a denial of a license shall render the City Clerk’s decision final.  
1195  
1196 (g) Upon filing of a Notice of Appeal the City Clerk shall place the matter on the agenda for  
1197 hearing at a regularly scheduled City Council meeting that occurs no later than SIXTY (60) days  
1198 from the filing of the Notice of Appeal.  
1199  
1200 (h) Pursuant to O.C.G.A. § 3-3-2(b) the Mayor and City Council does not have the authority to  
1201 grant a license to an applicant who does not meet the requirements provided for in this Chapter.  
1202  
1203 (i) The Mayor and City Council shall have authority to reverse the decision of the City Clerk  
1204 and grant the relief to the applicant only upon showing by clear and convincing evidence that the  
1205 City Clerk’s decision that the applicant failed to meet the minimum requirements for a license  
1206 was clearly erroneous.  
1207  
1208 (j) Within SIXTY (60) days of hearing the aforesaid appeal, the Mayor and City Council shall  
1209 rule upon the appeal and shall state upon the record in a regularly scheduled City Council  
1210 meeting or by written order the reasons for said ruling.  
1211

1212 **Sec. 6-13. - Approval by Mayor and City Council; Public Hearing.**  
1213

- 1214 (a) No license to sell, dispense, pour or offer to sell, dispense or pour any distilled spirits,  
1215 alcoholic beverages, wine, beer or malt beverages within the corporate limits of the City of  
1216 Statesboro shall be issued or an existing license transferred until the application therefor has been  
1217 approved by the Mayor and City Council after a public hearing.  
1218  
1219 (b) At least seven days prior to the date of the public hearing a sign shall be erected on the  
1220 location for which the application is made in a conspicuous place which may be observed by  
1221 pedestrian and motor vehicle traffic passing by such location and shall not be removed by the  
1222 applicant prior to the conclusion of such public hearing. The sign shall specify the nature of the  
1223 license being requested, that the application applies to the premises where the sign is posted, that  
1224 a public hearing is scheduled to be conducted in the chambers of the Mayor and City Council, on  
1225 the second floor at City Hall, at a designated time and date.  
1226  
1227 (c) In determining whether any alcoholic beverage license applied for shall be granted,  
1228 transferred, or issued to a new person, entity or location the Mayor and City Council shall, in the  
1229 interest of public safety and welfare, hear evidence at the public hearing relevant to the  
1230 following:  
1231  
1232 (1) *Reputation.* The reputation, character, trade and business associations, and past  
1233 business ventures of the applicant, owner, designated manager or any other person  
1234 associated with the business.  
1235

1236 (2) *Previous violations of alcoholic beverage laws.* If the applicant, owner, designated  
1237 manager and any other person associated with the business is a previous holder of a  
1238 license to sell alcoholic beverages, whether the applicant, owner, designated manager or  
1239 any other person associated with the business has violated any law, regulation, or  
1240 ordinance relating to such business.

1241  
1242 (3) *Manner of conducting prior alcoholic beverage business.* If the applicant, owner,  
1243 designated manager or any other person associated with the business is a current or  
1244 previous holder of a license to dispense alcoholic beverages, the manner in which the  
1245 applicant, owner, designated manager and any other person associated with the business  
1246 conducted the prior business, especially as to the necessity of unusual police observation  
1247 and inspection in order to prevent the violation of any law, regulation, or ordinance  
1248 relating to such business.

1249  
1250 (4) *Location.* The location for which the license is sought, as to traffic congestion,  
1251 general character of the neighborhood, and the effect such an establishment would have  
1252 on the adjacent and surrounding property values.

1253  
1254 (5) *Number of licenses in trading area.* The number of licenses already granted for  
1255 similar businesses in the trading area of the place for which the license is sought.

1256  
1257 (6) *Previous revocation of license.* If the applicant, owner, designated manager or any  
1258 other person associated with the business is a current or previous holder of a license to  
1259 dispense alcoholic beverages license issued under the police powers of any governing  
1260 authority, and has had corrective action taken against said license including, but not  
1261 limited to, suspension or revocation.

1262  
1263 (7) *Previous denial or revocation for location.* The denial of an application or the  
1264 revocation of a license which was based on the qualifications of the proposed location.

1265  
1266 (8) *Prior incidents at location.* Evidence that a substantial number of incidents requiring  
1267 police intervention have occurred within a square city block of the proposed location  
1268 during any 12 month period in which the location was licensed to sell alcohol.

1269  
1270 (9) The applicant, owner, designated manager or any other person associated with the  
1271 business is not compliant with all matters bearing upon the conduct of any business  
1272 venture within the City, including but not limited to zoning, permitting, taxes, code  
1273 compliance, licensing and fees;

1274  
1275 (10) Evidence that the type and number of schools, religious institutions, libraries, public  
1276 recreation areas or other circumstances in the vicinity of the premises cause minors to  
1277 frequent the immediate area even though in compliance with the minimum proximity  
1278 requirements provided in this Chapter and in state law.

1279  
1280

1281 (d) In considering the application, the Mayor and City Council may impose conditions, to the  
1282 extent necessary, to minimize any adverse effects the proposed licensed premises may have on  
1283 public safety and welfare if after considering all of the evidence, the Mayor and City Council  
1284 decides such conditions can reduce such adverse impacts on public safety and welfare to an  
1285 acceptable and reasonable level. Violations of such conditions shall be a violation of this  
1286 Chapter and the terms of the license.

1287  
1288 (e) If the application is denied or conditions are placed on the license, the Mayor and City  
1289 Council shall cause a written opinion to be prepared and approved by Mayor and City Council  
1290 showing the reason or reasons for the denial of the license or placement of conditions on the  
1291 license. Upon adoption by the Mayor and City Council the opinion shall be the final decision of  
1292 the Mayor and City Council. The City Clerk who shall notify the applicant of the final decision  
1293 of the Mayor and City Council within five days of the adoption of the final decision by the  
1294 Mayor and City Council.

1295  
1296 (f) Appeal of the final decision of the Mayor and City Council shall be by Petition for Certiorari  
1297 to the Superior Court of Bulloch County.

1298  
1299 **Sec. 6-14.—Order Required; Disorderly Conduct Prohibited.**

1300  
1301 (a) *Order required within establishment.* Owners, managers, and employees of a licensed  
1302 business shall be responsible for keeping an orderly place and shall not permit any employee,  
1303 patron, or other person to cause a disturbance or engage in unlawful, loud, boisterous, lewd, or  
1304 obscene conduct or practice within the establishment.

1305  
1306 (b) *Order required outside establishment.* The owner and manager of any alcoholic beverage  
1307 establishment shall be responsible for monitoring parking lots and other outside areas around the  
1308 establishment and prohibiting patrons and other persons associated with the establishment from  
1309 standing, sitting, mingling, or assembling outside the licensed premises in a manner which  
1310 causes or contributes to disturbances and/or illegal acts.

1311  
1312 (c) *Disorderly conduct while intoxicated prohibited.* It shall be unlawful for any person  
1313 within the corporate limits of the city, while intoxicated by alcohol or other drugs on the  
1314 sidewalks, parks, squares, streets, public buildings, other public places, or in the curtilage of any  
1315 private residence not his own other than by invitation of the owner or lawful occupant, to be  
1316 disorderly which condition is made manifest by boisterousness, by indecent condition or act, by  
1317 vulgar, profane, loud or unbecoming language, or by acting in such a way as to endanger his or  
1318 her life or safety or that of any other person or persons.

1319  
1320 **Sec. 6-15. - Dive defined; prohibited; penalty for violation.**

1321  
1322 (a) *Term defined.* As used in this section, the term "dive" shall mean any place or establishment  
1323 where illegal drugs are found, possessed, kept or sold; or where any person possesses or  
1324 consumes any illegal or unlicensed alcoholic beverage or possesses or uses any illegal drug; or  
1325 where any person commits any illegal sexual act; or where any person engages in gambling  
1326 activities.

1327  
1328 (b) *Prohibition.* It shall be unlawful for any person or organization or group of persons to have,  
1329 operate or maintain any place or establishment defined as a dive.

1330  
1331 **Sec. 6-16. - Alcohol promotions; pricing of alcoholic beverages.**

1332  
1333 (a) Unless otherwise stated, this section shall be construed to cover, include and apply to every  
1334 type of alcoholic beverage licensed to be sold in the City of Statesboro.

1335  
1336 (b) It shall be unlawful for any licensee or employee or agent of such licensee to engage in or  
1337 allow any of the following practices in connection with the sale or other disposition of alcoholic  
1338 beverages:

1339  
1340 (1) Offer or deliver any free alcoholic beverage to the general public. This subsection  
1341 shall not apply to wine tastings conducted in accordance with Section 6-6(e) where wine  
1342 is offered in a quantity only to taste the product, or to samples of beer offered in  
1343 conjunction with the sale of growlers as provided for in Section 6-6(b).

1344  
1345 (2) Sell, offer to sell, or deliver to any person or group of persons any alcoholic beverage  
1346 at a price less than \$2.00.

1347  
1348 (3) Sell, offer to sell, or deliver to any person or group of persons two or more alcoholic  
1349 beverages during any set period of time at a fixed price.

1350  
1351 (4) Sell, offer to sell, or deliver alcoholic beverages after 11:00 p.m. to any person or  
1352 group of persons at reduced prices less than the normal retail price of the establishment  
1353 for that alcoholic beverage charged the general public on that day.

1354  
1355 (5) Increase the volume of alcohol contained in a drink without increasing  
1356 proportionately the price regularly charged for such alcoholic beverage.

1357  
1358 (6) Sell two or more alcoholic beverages for a price substantially the same as is charged  
1359 for one such alcoholic beverage.

1360  
1361 (7) Require or encourage the purchase of a second or subsequent alcoholic beverage at  
1362 the same time another alcoholic beverage is purchased.

1363  
1364 (8) Sponsor, conduct, encourage or allow on the licensed premises any game or contest  
1365 or promotion which either:

- 1366  
1367 a. Involves the drinking of alcoholic beverages or the awarding of alcoholic  
1368 beverages as the prize; or  
1369 b. Has as its primary purpose the increasing of the consumption of alcoholic  
1370 beverages on the premises.

1371



1372 (9) Sell, offer to sell, or give away any coupons, tokens, tickets, receipts or other devices  
1373 authorizing the serving of any alcoholic beverage drinks either on the current or  
1374 subsequent day.

1375  
1376 (10) Sell, offer to serve, or deliver any alcoholic beverage to be inserted into the mouth  
1377 of a customer in any manner by anyone other than by the customer.

1378  
1379 (11) Charge any minimum charge, cover charge, admission charge, or any other non-  
1380 food or non-alcoholic beverage charge based on gender, race, creed, color or national  
1381 origin.

1382  
1383 (c) There shall be no advertisement or promotion in any way, whether within or without the  
1384 licensed premises, of any of the practices prohibited under this section.

1385  
1386 (d) No provision of this section shall be construed to prohibit licensees from offering free food  
1387 or entertainment at any time; provided all patrons or customers are allowed equal access to such  
1388 free food or entertainment, or to prohibit licensees from including an alcoholic beverage as a part  
1389 of a meal package, or to prohibit the sale or delivery of wine by bottle or carafe when sold with  
1390 meals or to more than one person, or to prohibit any hotel or motel from offering room services  
1391 to registered guests.

1392  
1393 (e) This section shall not limit or expand any privilege granted by the Commissioner of the  
1394 Georgia Department of Revenue to a brewer licensed to manufacture malt beverages authorizing  
1395 said brewer to conduct educational and promotional brewery tours pursuant to O.C.G.A. § 3-5-  
1396 38

1397

1398 **Sec. 6-17. - Open containers; Sales and Service in Public Areas**

1399

1400 (a) *"Open container" defined.* The term "open container", as used in this chapter, means any  
1401 bottle, can, glass, cup or other vessel which contains an alcoholic beverage not in its original  
1402 container. The term "open container" shall also mean the original container of an alcoholic  
1403 beverage and which contains an alcoholic beverage on which the seal has been broken or which  
1404 is otherwise ready for consumption.

1405

1406 (b) *"Semipublic parking facility" defined.* The term "semipublic parking facility" shall include  
1407 any privately owned area wherein motor vehicles may be parked by the public in conjunction  
1408 with any business, enterprise, commercial establishment, office building, church, school, or  
1409 multiple-family residential building.

1410

1411 (c) *Possession of open container prohibited.* Unless otherwise provided by this Chapter, it shall  
1412 be unlawful for any person to have in his or her possession any alcoholic beverages in any open  
1413 container while on the public streets, sidewalks, alleyways or rights-of-way, or in any public or  
1414 semipublic parking facility including areas of ingress and egress within the City of Statesboro,  
1415 Georgia.

1416

1417 (d) *Exemptions to open container prohibition.* Only the Executive Director of the Downtown  
1418 Statesboro Development Authority shall have standing to request, and only the Mayor and City  
1419 Council shall have authority to grant exemptions from the prohibitions contained in 6-18(c) for  
1420 events sponsored by the Downtown Statesboro Development Authority. Any exemption shall be  
1421 by resolution and clearly define the date, time and boundary area for such an exemption, and  
1422 shall include any and all terms conditions deemed appropriate by the Mayor and City Council to  
1423 maintain public safety and welfare. Exemptions granted pursuant to this subsection shall also  
1424 exempt the Downtown Statesboro Development Authority from obtaining or paying the fee for  
1425 an Outdoor Event Permit as provided in Section 6-4.

1426  
1427 (e) *Application to property owned by Board of Regents.* This prohibition shall not apply to any  
1428 property owned by the Board of Regents of the State of Georgia.

1429  
1430 (f) *Application to sidewalk cafes.* The prohibition in subsection (c) above shall not apply to  
1431 patrons of a sidewalk cafe, if such establishment is otherwise licensed to sell alcoholic beverages  
1432 under the applicable laws and ordinances in the City of Statesboro.

1433  
1434 (g) *Possession in automobiles prohibited.* See O.C.G.A. § 40-6-253.

1435  
1436 (h) *Posting of notice by establishments.* All licensed alcohol establishments are hereby required  
1437 to post in a conspicuous location inside such establishment a notice informing patrons that open  
1438 containers are prohibited on the public streets, sidewalks or right-of-ways, or in any public or  
1439 semipublic parking facility within the City of Statesboro.

1440  
1441 (i) It shall be unlawful to furnish or dispense alcoholic beverages through kegs, barrels,  
1442 cylinders or other portable receptacles containing tap or pump-type devices in which the flow of  
1443 contents is controlled by the operator in a public place and facility. When receptacles are found  
1444 in violation of this section and the person maintaining the receptacle cannot be identified, the  
1445 receptacle shall be confiscated and held for 30 days by the city police. The receptacle may be  
1446 claimed by the owner or lessor, but will be disposed of at the end of 30 days if unclaimed.  
1447 Nothing in this section shall prohibit persons holding licenses pursuant to this chapter from  
1448 dispensing through kegs, barrels, cylinders or other such receptacles inside an appropriately  
1449 licensed premises.

1450  
1451 **Sec. 6-18. - Furnishing alcoholic beverages in violation of state law.**

1452  
1453 It shall be unlawful for any licensee, by himself or through another, to obtain, furnish or cause to  
1454 be obtained or furnished, or permit any other person in his employ to obtain or furnish, distilled  
1455 spirits, wines, malt beverages, or any other alcoholic beverages in a manner that is a violation of  
1456 state law.

1457  
1458 **Sec. 6-19. - Compliance; violations; penalties.**

1459  
1460 (a) *Violations; penalties.*

1461

1462 (1) It shall be unlawful for any person to violate the provisions of this Chapter. Upon  
1463 conviction for the violation thereof each person shall be subject to the punishments  
1464 allowed under section 5-3 of the Charter of the City of Statesboro, after hearing before  
1465 the judge of municipal court.

1466  
1467 (2) The minimum fine for a first conviction for violating any provisions of this Chapter  
1468 in the last five years, as measured from the date of previous offense to the date of the  
1469 current offense, shall not be less than \$300.00 per citation.

1470  
1471 (3) The minimum fine for a second or subsequent convictions for violating any  
1472 provisions of this Chapter in the last five years, as measured from the date of previous  
1473 offense to the date of the current offense, shall not be less than \$725.00 per citation.

1474  
1475 (b) *Duty of Municipal Court Clerk; Duty of City Clerk.*

1476  
1477 (1) Upon filing of any citation(s), accusation(s) or warrant(s) in the Municipal Court of  
1478 Statesboro that alleges a violation of this Chapter by a licensee, or an employee, agent or  
1479 representative of a licensee, the Clerk of the Municipal Court shall forward copies of  
1480 the citation(s), accusation(s), or warrant(s) to the City Clerk, and to the Special Agent  
1481 in Charge of the Savannah Regional Office of the Alcohol and Tobacco Division of the  
1482 Georgia Department of Revenue as required by O.C.G.A. §3-3-2.1.

1483  
1484 (2) Upon conviction of a licensee or an employee, agent or representative of a licensee,  
1485 of any provision of this Chapter or paragraph (1) of subsection (a) of Code Section 3-3-  
1486 23, prohibiting the furnishing of alcoholic beverages to underage persons, the Clerk of  
1487 the Municipal Court shall forward certified copies of the conviction to the Special Agent  
1488 in Charge of the Savannah Regional Office of the Alcohol and Tobacco Division of the  
1489 Georgia Department of Revenue as required by O.C.G.A. §3-3-2.1. The term  
1490 "conviction" as used in this paragraph shall include a finding or verdict of guilt, plea of  
1491 guilty, or a plea of nolo contendere.

1492  
1493 (3) Upon receipt of copies of any accusation(s), citation(s) or warrant(s) from the Clerk  
1494 of the Municipal Court alleging a violation of this Chapter by a licensee, or an employee,  
1495 agent or representative of a licensee the City Clerk shall notify the Mayor, the City  
1496 Manager, the City Attorney and the Director of Public Safety.

1497  
1498 (c) *Probation, suspension, revocation of license; administrative hearing, administrative hearing*  
1499 *fee.*

1500  
1501 (1) The Mayor and City Council shall have exclusive jurisdiction over any action  
1502 brought against any licensee holding a license issued pursuant to this Chapter seeking to  
1503 revoke, suspend or place the licensee on probation. Said action may be brought by the  
1504 City Solicitor, the City Manager, or the Director of Public Safety.

1505  
1506 (2) The Mayor and City Council may suspend, revoke, or place a licensee on probation,  
1507 or any combination of suspension and probation for one or more of the following reasons:

- 1508  
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1553
- 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 public 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 or agent of such person who violates any provision of this chapter, 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 that violates any provision of this chapter shall be deemed to be an act of such 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 and shall be served on responding party more than five (5) days before any scheduled hearing.

1554  
1555 (8) The notice of administrative hearing shall be served by certified mail return/receipt  
1556 requested; or by leaving a copy thereof at the licensed business location with an  
1557 employee working therein, or by personal service on the responding party, or on an agent  
1558 authorized by law or by appointment to receive service of process. Said notice shall also  
1559 be sent by regular mail to the agent set out on the license or listed on the license  
1560 application. The City Clerk shall also forward a copy of this notice to the Special Agent  
1561 in Charge of the Savannah Regional Office of the Alcohol and Tobacco Division of the  
1562 Georgia Department of Revenue.

1563  
1564 (9) The standard for an action against a licensee is preponderance of the evidence.

1565  
1566 (10) In considering the term of suspension, whether to permanently revoke the license or  
1567 whether to impose terms of probation on the license, the Mayor and City Council shall  
1568 consider the following factors:

- 1569
- 1570 a. The gravity of the violation as shown by the evidence presented at the hearing;
  - 1571
  - 1572 b. Any previous violations within the past five years period as measured from
  - 1573 the date of previous offense to the date of the current offense;
  - 1574
  - 1575 c. Actions of the licensee, its employees, subcontractors or agents in connection
  - 1576 with the violation.
  - 1577

1578 (11) However, if a licensee possesses an Under 21 Permit as provided in Section 6-9(c)  
1579 and directly or through another person, furnishes or causes to be furnished, or any person  
1580 in the licensee's employ furnishes any alcoholic beverage to any person under 21 years of  
1581 age, the following minimum penalties shall apply:

- 1582
- 1583 a. For a first violation in a 24 month period, as measured from the date of
  - 1584 previous offense to the date of the current offense, the license shall be suspended
  - 1585 at least 72 consecutive hours, and such suspension shall begin on the next
  - 1586 Thursday after the hearing at 2:01 a.m. and end on the following Sunday at 2:01
  - 1587 a.m.
  - 1588
  - 1589 b. For a second violation in a 24 month period, as measured from the date of
  - 1590 previous offense to the date of the current offense, the license shall be suspended
  - 1591 for at least two periods of 72 consecutive hours in two consecutive weeks
  - 1592 beginning on the next Thursday after the hearing with each period of two periods
  - 1593 of 72 hours of suspension beginning on a Thursday at 2:01 a.m. and ending on the
  - 1594 following Sunday at 2:01 a.m.
  - 1595
  - 1596 c. For a third violation in a 24 month period, as measured from the date of
  - 1597 previous offenses to the date of the current offense, the license shall be
  - 1598 suspended for at least three periods of 72 consecutive hours in three consecutive
  - 1599 weeks beginning on the next Thursday after the hearing with each period of 72

1600 hours of suspension beginning on a Thursday at 2:01 p.m. and ending the  
1601 following Sunday at 2:01 a.m.

1602  
1603 d. For a fourth violation in a 24 month period, as measured from the date of  
1604 previous offenses to the date of the current offense, the license shall be revoked.

1605  
1606 (12) The Mayor and City Council may promulgate any rules of procedure for the  
1607 administrative hearing not in conflict with this ordinance or other law.

1608  
1609 (13) If action is taken against the licensee the Mayor and City Council shall cause a  
1610 written opinion to be prepared by Mayor and Council showing the reason or reasons for  
1611 the revocation, suspension or probation of the license. Upon adoption by the Mayor and  
1612 City Council the opinion shall be the final decision of the Mayor and City Council. The  
1613 City Clerk shall notify the applicant of the final decision of the Mayor and City Council  
1614 within five days of the adoption of the final decision by the Mayor and City Council.  
1615 Pursuant to O.C.G.A. § 3-3-2.1 the City Clerk shall forward a copy of this final decision  
1616 to the Special Agent in Charge of the Savannah Regional Office of the Alcohol and  
1617 Tobacco Division of the Georgia Department of Revenue.

1618  
1619 (14) Appeal of the final decision of the Mayor and City Council shall be by Petition for  
1620 Certiorari to the Superior Court of Bulloch County.

1621  
1622 (d) *Temporary Suspension by City Manager Permitted.* Notwithstanding the foregoing, and  
1623 upon determining it is in the interest of public safety the City Manager, upon a written  
1624 recommendation of the Director of Public Safety and with the approval of the Mayor, may  
1625 temporarily suspend any license provided for in this Chapter pending an administrative hearing  
1626 and action by the Mayor and City Council in accordance with this Chapter. The City Manager  
1627 shall issue a written administrative order stating the reasons for the temporary suspension. If a  
1628 license is temporarily suspended by the City Manager, the Mayor shall call a special meeting of  
1629 the City Council to hold an administrative hearing pursuant to this Chapter as soon as practically  
1630 possible, but no later than 10 days from the day the license is temporarily suspended.

1631  
1632 **Sec. 6-20. – Excise Tax on Distilled Spirits sold by the drink.**

1633  
1634 (a) There is imposed upon the sale of any drink containing distilled spirits sold by the drink for  
1635 consumption on the premises in the city a tax in the amount of three percent (3%) of the purchase  
1636 price of the mixed drink containing distilled spirits to the consumer. Each licensee shall be  
1637 allowed a deduction of three percent of the amount of taxes collected as reimbursement for  
1638 collection of such taxes; provided that such tax is not delinquent at the time of payment. A record  
1639 of each sale will be made in writing and maintained for inspection by any authorized agent of the  
1640 city.

1641  
1642 (b) Every consumption-on-the-premises licensee shall collect the tax imposed by this chapter  
1643 from purchasers of any drink containing distilled spirits sold by the drink. The licensee shall  
1644 furnish such information as may be required by the City Clerk to facilitate the collection of the  
1645 tax. In all cases where the purchase is by deferred payment or credit, the licensee becomes liable

1646 for the collection and payment of the tax at the time of delivery of the drink containing distilled  
1647 spirits sold by the drink.

1648  
1649 (c) On or before January 20th, April 20th, July 20th and October 20th of each calendar year,  
1650 licensees shall be required to file with the city clerk an excise tax report showing the licensee's  
1651 gross receipts from the sale of drinks containing distilled spirits; the amount of taxes collected or  
1652 coming due thereon for the previous three months, and shall pay over the amount due of taxes  
1653 collected under this chapter to the City at the same time the excise tax report is filed.

1654  
1655 **Sec. 6-21. – Excise Tax on the Wholesale of Malt Beverages, Wine, and Distilled Spirits**

1656  
1657 (a) There is imposed by the city an excise tax on the first sale or use of malt beverages in the  
1658 city, as follows:

1659  
1660 (1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a  
1661 barrel or bulk container, a tax of \$6.00 on each container containing not more than 15½  
1662 gallons and a proportionate tax at the same rate on all fractional parts of 15½ gallons;

1663  
1664 (2) Where malt beverages are sold in bottles, cans or other containers, except barrel or  
1665 bulk containers, a tax of \$0.05 per 12 ounces and a proportionate tax at the same rate on  
1666 all fractional parts of 12 ounces.

1667  
1668 (b) There is imposed by the city an excise tax on the first sale or use of wine in the city at a rate  
1669 of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.

1670  
1671 (c) There is imposed by the city an excise tax on the first sale or use of distilled spirits in the city  
1672 at the rate of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a  
1673 liter.

1674  
1675 (d) The excise taxes provided for in this section shall be imposed upon and paid by the licensed  
1676 wholesale dealer. Such taxes shall be paid on or before the 20th day of the month following the  
1677 month in which the alcoholic beverages are sold or disposed of by the wholesaler within the city.

1678  
1679 **Sec. 6-22. – Adoption of Rules and Regulations for the Administration of this Chapter**

1680  
1681 (a) The Mayor and City Council may adopt any rules and regulations for the administration of  
1682 the Chapter not in conflict with this Chapter or other law.

1683  
1684 (b) The rules and regulations adopted by the Mayor and City Council for the administration of  
1685 the Chapter shall be kept on file with the City Clerk for review by the public during the regular  
1686 business hours of City Hall.

1687  
1688 (c) A copy of these rules and regulations shall be furnished to each licensee upon the grant of an  
1689 alcohol license.

1690

1691 (d) The Mayor and City Council may, from time to time, amend these rules and regulations.  
1692 Upon amendment a copy of the amended rules and regulations shall be mailed to all licensees via  
1693 first class mail.

1694  
1695 (e) Violation of any rule or regulations adopted by the Mayor and City Council shall constitute a  
1696 violation of this Chapter.

1697  
1698

DRAFT



1 FOR VERSION B

2 MORE PERMISSIVE FOR PATRONS UNDER 21 YEARS OF AGE

3  
4  
5  
6 **ATTACHMENT "A"**  
7 **OF ORDINANCE NO.:** \_\_\_\_\_

8  
9 **RULES AND REGULATIONS FOR THE ADMINISTRATION OF CHAPTER 6 OF THE**  
10 **CITY OF STATESBORO CODE OF ORDINANCES--ALCOHOL**

11  
12  
13  
14 **1.1 PURPOSE**

15  
16 The purpose of this Section is to provide rules and regulations for the Administration of Chapter  
17 6 of the Code of Ordinances of the City of Statesboro.

18  
19 **1.2 SUNDAY SALES PERMITS**

20  
21 1.2.1: The licensee of a business engaged in the retail package sales of beer and/or wine, any  
22 restaurant as defined in this chapter, or any licensed establishment which derives at least  
23 60 percent of its total annual gross income from the rental of rooms for overnight lodging,  
24 desiring the privilege to sell, furnish or otherwise dispense distilled spirits, malt  
25 beverages, or wine on Sunday in accordance with Chapter 6 of the Code of Ordinances of  
26 the City of Statesboro shall, before dispensing such beverages on Sunday, shall make a  
27 written application under oath on the form as provided by the City Clerk or his or her  
28 designated representative certifying that:

29  
30 (A) such establishment holds or has applied for a current City of Statesboro occupation  
31 tax certificate for a business engaged in the retail package sales of beer and/or wine, a  
32 restaurant/eating establishment or for a hotel, motel or other establishment for rental of  
33 rooms for overnight lodging; and, as applicable,

34  
35 (B) such restaurant, if an existing business, derived at least 60 percent of its gross sales  
36 income from the sale of prepared meals during the preceding calendar year and qualifies  
37 as a restaurant as defined in this Chapter; or if a new business, fully intends and expects  
38 to derive at least 60 percent of its total annual gross sales income from the sale of  
39 prepared meals during the remainder of the current calendar year and to qualify as a  
40 restaurant as defined in this Chapter. Such an affidavit may be submitted at any time the  
41 above stated conditions are met, and must be submitted annually with such  
42 establishment's alcoholic beverage license renewal application if Sunday sales  
43 authorization is to be continued.  
44

45 (C) such hotel, motel, or other establishment for rental of rooms for overnight lodging, if  
46 an existing business, derived at least 60 percent of its total annual gross income from the  
47 rental of rooms for overnight lodging during the preceding calendar year and qualifies for  
48 a Sunday sales permit; or if a new business, fully intends and expects to derive at least 60  
49 percent of its total annual gross income from the rental of rooms for overnight lodging  
50 during the remainder of the current calendar year and to qualify for Sunday sales under  
51 this Chapter. Such an affidavit may be submitted at any time the above-stated conditions  
52 are met, and must be submitted annually with such establishment's alcoholic beverage  
53 license renewal application if Sunday sales authorization is to be continued.  
54

55 1.2.2 If the City Clerk upon review the application finds that the applicant has met all  
56 requirements to obtain a Sunday Sales Permit, the City Clerk shall grant the permit.  
57

58 1.2.3 If the City Clerk upon review finds that the applicant has not met all requirements to  
59 obtain a Sunday Sales Permit, the City Clerk shall deny the grant of the Sunday Sales  
60 Permit; shall furnish the applicant in writing the reasons for the denial of the grant  
61 of the Sunday Sales Permit within FIVE (5) days of the denial.  
62

63 1.2.4 If the City Clerk denies the grant of the Sunday Sales Permit, the applicant shall have  
64 FIVE (5) days to file a Notice of Appeal with the City Clerk.  
65

66 1.2.5 Failure to file a timely appeal of a denial to grant the permit shall render the City Clerk's  
67 decision final.  
68

69 1.2.6 Upon filing of a Notice of Appeal the City Clerk shall schedule a hearing before the  
70 City Manager no later than TEN (10 ) days from the filing of the Notice of Appeal.  
71

72 1.2.7 The City Manager may reverse the City Clerk's decision only upon showing by clear and  
73 convincing evidence that the City Clerk's decision that the applicant failed to meet the  
74 requirements for the grant of the permit was clearly erroneous.  
75

76 1.2.8 The decision of the City Manager shall be the final decision of the City of Statesboro.  
77

78 1.2.9 Appeal of this final decision shall be by Petition for Certiorari to the Superior Court of  
79 Bulloch County.  
80

### 81 **1.3 OUTDOOR EVENT PERMITS** 82

83 1.3.1: Prior to the sale of alcoholic beverages at an outdoor event the producer of the event must  
84 obtain an Outdoor Event Permit as provided below as well as comply with the below  
85 requirements:  
86

87 (A) A producer is any person, group of persons, organization, association, club, or other  
88 entity responsible for planning, producing and conducting an Outdoor Event. The  
89 producer of an event, if a group or organization, shall be fully identified on the

90 application. However, an Outdoor Event Permit shall be issued only to an individual  
91 person, who may be the actual producer or a designated agent of the producer, and such  
92 individual person shall be solely and fully responsible for compliance with all provisions,  
93 including all financial requirements, of this chapter and other applicable laws.  
94

95 (B) A producer seeking an Outdoor Event Permit shall make application at the office of  
96 the City Clerk on a form prescribed by the City Clerk. Application forms may be  
97 obtained from the office of the City Clerk.  
98

99 (C) An application for an Outdoor Event Permit should be filed at least 45 days prior to  
100 the date the event is scheduled to occur. Failure to file a timely application shall be  
101 grounds for denial of the permit. However, no application shall be accepted earlier  
102 than one year prior to the date of the event. A nonrefundable application fee of \$25.00  
103 shall be paid at the time of application.  
104

105 (D) The application for an Outdoor Event Permit shall include, in addition to the map  
106 identifying the outermost boundaries of the event, a map no smaller than  $8\frac{1}{2} \times 11$  inches  
107 in size, clearly identifying the area where the consumption of alcoholic beverages is  
108 proposed.  
109

110 (E) The application for an Outdoor Event Permit shall include a description of the area,  
111 including the size and the maximum number of persons for such area. The application  
112 also shall contain a description of the method and structures that will be used to secure  
113 and separate such area from other public areas. The structure shall be inspected by the  
114 Director of Public Safety, to determine compliance with applicable fire and safety codes.  
115 Unless approved by the Director of Public Safety no Outdoor Event Permit shall be  
116 issued.  
117

118 (F) The City Clerk or his or her designee shall cause the application to be circulated to  
119 each government department and/or other agency whose services would be affected by  
120 the nature and activities of the proposed event. Each department of the government  
121 reviewing an application may recommend in writing certain conditions or restrictions as  
122 deemed necessary to facilitate the event, to comply with other laws or regulations, and/or  
123 to ensure the safety, health and welfare of the community. In reviewing the  
124 recommendations of the departments, the City Clerk may impose such conditions or  
125 restrictions as a part of the permit and such special conditions so imposed shall be  
126 construed to have the full force and effect of law as a provision of this chapter. A  
127 violation of such conditions or restrictions shall be deemed a violation of this chapter.  
128

129 (G) After considering all comments and conditions of the reviewing departments and  
130 agencies as well as other information pertaining to the proposed event as described on the  
131 application, and with the consent of the Director of Public Safety, and upon payment of  
132 all applicable fees the City Clerk is authorized to approve and issue an Outdoor Event  
133 Permit.  
134

135 (H) Prior to the issuance of a permit for the event, the proposed licensee shall sign a  
136 statement of understanding and agreement to the terms and conditions imposed on the  
137 event. Such a statement shall become a part of the conditions of the permit for the event.  
138

139 (I) The producer shall provide, at his/her own expense, a sufficient number of security  
140 personnel at any outdoor event issued an Outdoor Event Permit. The Director of Public  
141 Safety shall determine what number of security personnel is sufficient.  
142

143 (J) The producer of an outdoor event shall be required to provide temporary outdoor  
144 toilet facilities. The number of toilets and their locations shall be determined by the  
145 Director of Public Safety or his or her designee.  
146

147 (K) The consumption of alcoholic beverages at outdoor events pursuant to an Outdoor  
148 Event Permit shall occur within the delineated boundaries of the event.  
149

150 (L) The delineated boundaries of the event shall be securely enclosed on all sides by a  
151 fence, barricade or other similar such structure approved by the Director of Public Safety,  
152 or his or her designee, so as to completely separate that area from the areas in which  
153 alcoholic beverages are not permitted.  
154

155 (M) The dispensing of alcoholic beverages under an Outdoor Event Permit shall be  
156 restricted to those persons having a valid business license and valid Class D, E, or F  
157 licenses issued by the City of Statesboro, and the dispensing of the alcoholic beverages  
158 shall only occur within the boundaries of the licensed premises. The name of each  
159 licensee who will dispense alcoholic beverages to be consumed by patrons within the  
160 delineated boundaries of the outdoor event shall be required as a part of the application  
161 for an Outdoor Event Permit.  
162

163 (N) Patrons within the delineated boundaries of the Outdoor Event Permit are exempt  
164 from the restrictions regarding open containers contained in Chapter 6 of the Code  
165 Ordinances of the City of Statesboro.  
166

167 (O) The delineated boundaries of the event shall be conspicuously posted at all times at  
168 each point of entrance/exit with signs stating the following: "The possession of alcoholic  
169 beverages beyond this point is prohibited." The letters of such signs shall not be less than  
170 three inches in height and one-half inch in width and shall be in black letters on a  
171 contrasting light background.  
172

173 (P) It shall be unlawful for patrons of any area within the delineated boundaries of an  
174 Outdoor Event Permit to bring into or take outside the designated area(s) any alcoholic  
175 beverage or to furnish any alcoholic beverage to any person outside the designated area  
176 where alcoholic beverages are permitted.  
177

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

180  
181 (R) The safety, health, welfare and good order of all citizens and the community shall  
182 be first and foremost and every outdoor event shall be conducted in such manner. The  
183 Director of Public Safety may terminate any activity, whether a part of or the entire  
184 event, which does not meet this community standard. Upon notification to the event  
185 producer in person by the Director of Public Safety to cease any activity, it shall be  
186 unlawful for such producer and/or any participants to permit such activity to continue.  
187

188 (S) Notwithstanding the provisions of this section, any person dispensing and/or  
189 consuming alcoholic beverages in accordance with this section shall comply with all  
190 other laws and ordinances pertaining to the sale, possession and consumption of alcoholic  
191 beverages.  
192

193 1.3.2 If the City Clerk upon review finds that the applicant has not met all requirements to  
194 obtain this permit, the City Clerk shall deny the grant of the permit; shall furnish the  
195 applicant in writing the reasons for the denial of the grant of the permit within FIVE (5)  
196 days of the denial.  
197

198 1.3.3 If the City Clerk denies the grant of the permit, the applicant shall have FIVE (5) days to  
199 file a Notice of Appeal with the City Clerk.  
200

201 1.3.4 Failure to file a timely appeal of a denial to grant the permit shall render the City Clerk's  
202 decision final.  
203

204 1.3.5 Upon filing of a Notice of Appeal the City Clerk shall schedule a hearing before the  
205 City Manager to occur no later than TEN (10 ) days from the filing of the Notice of  
206 Appeal.  
207

208 1.3.6 The City Manager shall have authority to reverse the decision of the City Clerk only upon  
209 showing by clear and convincing evidence that the City Clerk's decision that the  
210 applicant failed to meet the requirements for the grant of the permit was clearly  
211 erroneous.  
212

213 1.3.7 The decision of the City Manager shall be the final decision of the City of Statesboro.  
214

215 1.3.8 Appeal of this final decision shall be by Petition for Certiorari to the Superior Court of  
216 Bulloch County.  
217

#### 218 **1.4 DISTANCE WAIVER PERMITS FOR RESTARUANTS**

219

220 1.4.1 The Mayor and Council, following application for a distance waiver permit for restaurant,  
221 notice and hearing, may in its discretion grant a distance waiver permit for a restaurant  
222 authorizing the issuance of a Class D, E or F license to a licensee of a restaurant  
223 notwithstanding the distance requirements in Section 6-5(c) from school buildings,  
224 alcoholic treatment centers, educational buildings on college campus, churches and/or

225 property lines of a private dwelling located in single-family residential zoning district for  
226 locations that sell alcohol for consumption on the premises only. The application for  
227 distance waiver permit shall be obtained as provided below:  
228

229 (A) An application for a distance waiver permit for a restaurant shall be on a form  
230 prescribed by the City Clerk and submitted simultaneously to the City Clerk with an  
231 application for an alcoholic beverage license. The applicant shall describe the proposed  
232 business in detail, including whether or not the business will have outdoor seating or  
233 amplified music, and shall be permitted to submit documentation supporting its  
234 application. A permit application fee of \$300.00 shall be submitted with the application.  
235 The City Clerk shall give the applicant written notice of the date that such distance permit  
236 application will be heard by the Mayor and City Council, which date shall be no more  
237 than six months from the date of the application. The hearing required by this paragraph  
238 shall not be set until the City Clerk determines that excluding the distance requirements  
239 under application for waiver, all other requirements of this Chapter for the type of  
240 alcoholic beverage license under consideration have been met. If all other requirements  
241 have been met, the City Clerk will notify the applicant of the date set for the hearing in  
242 time for the applicant to meet the notice requirements below.  
243

244 (B) The applicant shall cause notice of such application containing the same information  
245 as required below for the sign to be advertised in the county legal organ for three  
246 consecutive weeks within the 30 days preceding the hearing date. The applicant shall  
247 cause the property designated for the operation of the business to be posted for 30 days  
248 preceding the date of the hearing with a sign reading as follows:  
249

250 NOTICE OF APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE DISTANCE  
251 WAIVER PERMIT FOR RESTAURANT  
252

253 This establishment has applied to the City of Statesboro for an alcoholic beverage license  
254 authorizing it to sell \_\_\_\_\_ (state the appropriate types of alcoholic beverages) for on-  
255 premises consumption at this location and for an associated distance waiver permit for a  
256 restaurant, which will waive distance requirements otherwise provided for in the Code of the City  
257 of Statesboro for distances from school buildings, educational buildings on college campus,  
258 churches, alcoholic treatment centers and/or property lines of a private dwelling located in single-  
259 family residential zoning district.  
260

261 The Mayor and City Council of The City of Statesboro will consider the applicant's request for a  
262 distance waiver permit for restaurant \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_,  
263 20\_\_\_\_\_ at \_\_\_\_\_,m. at Council Chambers on the Second Floor  
264 of City Hall, 50 East Main Street, Statesboro, Georgia. A copy of the application may be  
265 reviewed in the Office of the City Clerk, First Floor, City Hall, 50 East Main Street, Statesboro,  
266 Georgia.  
267

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

271  
272 This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

273  
274 Legal Name of applicant and d/b/a if applicable

275  
276 Address of applicant

277  
278  
279 (C) The size of the sign to be posted on the property shall be no smaller than 18 inches  
280 by 24 inches. The size of the copy on the sign shall be large enough to be visible to  
281 pedestrians and motorists. The sign is to be conspicuously displayed on that portion of  
282 the property most visible to the public and shall not be removed prior to the conclusion of  
283 the public hearing. At the hearing the applicant shall provide proof to the Mayor and City  
284 Council that the notice has been published as required herein and that the sign has been  
285 posted as required herein.

286  
287 (D) In determining whether a distance waiver permit for a restaurant applied for  
288 hereunder shall be granted or renewed, the following factors shall be considered by the  
289 Mayor and City Council at the hearing in the public interest and welfare:

290  
291 a. *Character of the location.* The location for which the license is sought, as to  
292 traffic congestion, noise, general character of neighborhood, and the effect such  
293 an establishment would have on the use and property values of the adjacent and  
294 surrounding property.

295  
296 b. *Number of licenses in trading area.* The number of licenses already granted for  
297 similar businesses in the trading area of the place for which the license is sought.

298  
299 c. *Congregation of minors.* Any circumstances which may cause minors to  
300 congregate in the vicinity of the proposed location.

301  
302 d. *Prior incidents.* Evidence that a substantial number of incidents requiring  
303 police intervention have occurred within a square city block of the proposed  
304 location during the 12 months immediately preceding the date of application, or a  
305 substantial number of incidents requiring police intervention have occurred within  
306 a square city block of the proposed location during any time period when an  
307 establishment held an alcoholic beverage license operated at the proposed  
308 location.

309  
310 e. *Manner of conducting prior alcoholic beverage business.* If the applicant is a  
311 previous holder of an alcoholic beverage license, the manner in which the  
312 applicant conducted the prior business, especially as to the necessity of unusual

313 police observation and inspection in order to prevent the violation of any law,  
314 regulation, or ordinance relating to such business.

315  
316 f. *Failure to satisfy notice requirements.* If the applicant has failed to satisfy the  
317 notice provisions required hereinabove, the Mayor and City Council shall deny  
318 the distance waiver permit.

319  
320 (E) Hearings on the application for a distance waiver permit for restaurants shall be  
321 conducted informally, but in such a manner as to preserve decorum at all times. The City  
322 Attorney may administer oaths and compel the attendance of witnesses by subpoena. The  
323 City Clerk shall keep minutes of the hearing showing the vote of each Councilman upon  
324 each application, or if absent or failing to vote, indicating such fact, and shall keep  
325 records of its examinations and other official actions, which shall be of public record. The  
326 minutes of the City Clerk shall be the written record of the hearing. The record shall be  
327 an account of the proceedings, including a listing of all documents considered, a  
328 summary of testimony presented, and any rulings upon motions or objections raised. The  
329 applicant or any other party to the proceeding may have a verbatim transcript prepared by  
330 an official court reporter, certified in the State of Georgia, at his or her own expense;  
331 provided, however, a copy of the transcript shall be filed with the City Clerk and copies  
332 made available to other parties at actual cost. The hearing on the application for a  
333 distance waiver permit for a restaurant shall follow rules of procedure adopted by the  
334 Mayor and City Council that provide at a minimum that at the hearing the applicant may  
335 be represented by counsel, may offer testimony by witnesses or any other evidence and  
336 may cross-examine any opposing witnesses. The City Clerk, the Director of Public  
337 Safety, and the Director of Planning shall provide to the Mayor and City Council a staff  
338 report regarding the application for a distance waiver permit and make a recommendation  
339 to approve, approve with conditions, or to deny based on the factors listed above.

340  
341 The applicant shall have the right to appear before the Mayor and City Council and  
342 present evidence in accordance with such rules of procedure. Following the hearing, the  
343 Council may approve the application, approve the application with conditions, or  
344 deny the application.

345  
346 (F) In considering a distance waiver permit for a restaurant, the Council may impose  
347 conditions, to the extent necessary, to minimize any adverse effects the proposed  
348 restaurant may have on the adjoining properties if after considering all of the factors  
349 required, the Council decides certain conditions can reduce such adverse impacts upon  
350 adjoining properties to an acceptable and reasonable level. If the application is denied, the  
351 Council shall cause a written report to be prepared and signed by the Mayor showing the  
352 reason or reasons for the denial. The Council shall return the application showing its  
353 denial, together with the written report, to the City Clerk who shall notify the applicant of  
354 the denial within five days of the denial. The decision of the Mayor and City Council  
355 shall be the final decision of the City of Statesboro with respect to the application.



357 1.4.2 The holder of a distance waiver permit for a restaurant shall apply for renewal of said  
358 permit each year upon application for renewal of the alcoholic beverage license on a form  
359 prescribed by the City Clerk and submitted simultaneously to the City Clerk with an  
360 application for an alcoholic beverage license, as provided below:

361  
362 (A) A permit application fee of \$300.00 shall be submitted with the application.  
363 At the time of application, the applicant shall cause to be posted on the property  
364 notice of the application for renewal of the distance waiver permit as follows:

365  
366 "NOTICE OF APPLICATION FOR RENEWAL OF ALCOHOLIC BEVERAGE LICENSE  
367 DISTANCE WAIVER PERMIT FOR A RESTAURANT  
368

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

382  
383 Written objections should be mailed to:

384  
385 City Clerk

386  
387 [address]

388  
389 This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

390  
391 Legal Name of applicant and d/b/a if applicable

392  
393 Address of applicant"  
394

395 (B) The size of the sign to be posted on the property shall be no smaller than 18  
396 inches by 24 inches. The size of the copy on the sign shall be large enough to be  
397 visible to pedestrians and motorists. The sign is to be conspicuously displayed on  
398 that portion of the property most visible to the public and shall not be removed  
399 prior to the last date for written objections to be filed. The applicant shall provide  
400 proof in its application that the sign has been posted as required herein.  
401

(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.

1.4.3 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.

1.4.4 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.

1.4.5 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.

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

**1.5 GROWLERS**

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

1.5.2 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.

1.5.3 The licensee must comply with all federal and state laws and regulations regarding packaging and labeling alcoholic malt beverages.

1.5.4 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.

1.5.5 The licensee must comply with the Georgia Department of Agriculture Best Management Practices for Growler Refilling.

443 1.5.6 A licensee selling growlers with a Class B alcohol license may provide samples of beer  
444 for consumption on the premises without a Class E license only if the samples of beers  
445 are from a tap, and no more than 16 ounces of samples are provided to any one  
446 individual in any 24 hour period.

447 **1.6 CATERED EVENT PERMIT**

448 1.6.1 An application for a Catered Event Permit should be filed at least 30 days prior to the  
449 date the event is scheduled to occur. Failure to file the application in a timely manner is  
450 grounds for denial of the permit.

451 1.6.2 Prior to the sale of alcoholic beverages at a catered event a licensed alcoholic  
452 beverage caterer shall make a written application under oath on the form as  
453 provided by the City Clerk or his designated representative that provides, at least,  
454 the following minimum information:

455 (A) The location of the catered event;

456 (B) The duration of the catered event and the times during which alcoholic  
457 beverages shall be provided or sold;

458 (C) The person or entity hiring the caterer;

459 (D) The nature of the function being catered, i.e. retirement dinner, wedding  
460 reception, private party;

461 (E) The number of expected guests at the catered event.

462 (F) The estimated total cost of the food expected to be served.

463 (G) The estimated total cost of the alcohol expected to be served.

464 1.6.3 As part of the application the licensed alcoholic beverage caterer shall swear and affirm  
465 under oath that the event is a bona fide catered event where alcoholic beverages are  
466 served for a particular function (i.e. retirement dinner, wedding reception, private party)  
467 food exceeds the cost of alcohol.

468 1.6.4 The licensed alcoholic beverage caterer shall maintain in their files receipts and  
469 documentation showing the actual total costs of food served at the event and the actual  
470 total costs of the alcohol served at the event. Upon request of the City Clerk these  
471 receipts and documentation shall be furnished to the City Clerk along with a sworn  
472 statement under oath that the receipts and documentation are a true and accurate  
473 reflection of the total costs of food and alcohol served at the catered event.

474 1.6.5 For purposes of calculating the total cost of food the sale of ice, garnishes, soft drinks,  
475 mixers or beverages of any kind for use or consumption on the premises with or in an  
476 alcoholic beverage shall not constitute the sale of food.

- 477 1.6.6 As part of the City Clerk’s review, the City Clerk shall submit the application to the  
 478 Statesboro Fire Department to review any life safety issues with the proposed venue of  
 479 the catered event. If the City Clerk upon review the application finds that the applicant  
 480 has met all requirements to obtain a Catered Event Permit, the City Clerk shall grant  
 481 the license.
- 482 1.6.7 If the City Clerk upon review finds that the applicant has not met all requirements to  
 483 obtain a Catered Event Permit, the City Clerk shall deny the grant of the a Catered Event  
 484 Permit; shall furnish the applicant in writing the reasons for the denial of the grant of the  
 485 Catered Event Permit within FIVE (5) days of the denial
- 486 1.6.8 If the City Clerk denies the grant of the Catered Event Permit, the applicant shall have  
 487 FIVE (5) days to file a Notice of Appeal with the City Clerk.
- 488 1.6.9 Failure to file an appeal of a denial to grant this permit shall render the City Clerk’s  
 489 decision final.
- 490 1.6.10 Upon filing of a Notice of Appeal the City Clerk shall schedule a hearing before the  
 491 City Manager, to occur no later than TEN (10 ) days from the filing of the Notice of  
 492 Appeal.
- 493 1.6.11 The City Manager shall have authority to reverse the decision of the City Clerk only upon  
 494 showing by clear and convincing evidence that the City Clerk’s decision that the  
 495 applicant failed to meet the requirements for the grant of the permit was clearly  
 496 erroneous.
- 497 1.6.12 The decision of the City Manager shall be the final decision of the City of Statesboro.
- 498 1.6.13 Appeal of this final decision shall be by Petition for Certiorari to the Superior Court of  
 499 Bulloch County.

500 **1.7 WINE TASTING PERMIT**

- 501 1.7.1 Prior to wine tastings a written application under oath on the form as provided by the City  
 502 Clerk or his or her designated representative shall be filed certifying that
- 503 (A) The applicant holds a valid current wine license in the state;
- 504 (B) The wine tastings shall only be conducted in connection with an instructional  
 505 or educational program;
- 506 (C) All wines used for tasting purposes have been purchased from a licensed  
 507 state wine wholesaler;
- 508 1.7.2 If the City Clerk upon review of the application finds that the applicant has met all  
 509 requirements to obtain a Wine Tasting Permit, the City Clerk shall grant the license.
- 510 1.7.3 If the City Clerk upon review finds that the applicant has not met all requirements to  
 511 obtain a Wine Tasting Permit, the City Clerk shall deny the grant of the a Wine Tasting

512 Permit, and shall furnish the applicant in writing the reasons for the denial of the grant of  
513 the Wine Tasting Permit within FIVE (5) days of the denial

514 1.7.4 If the City Clerk denies the grant of the Wine Tasting Permit, the applicant shall have  
515 FIVE (5) days to file a Notice of Appeal with the City Clerk.

516 1.7.5 Failure to file an appeal of a denial to grant this permit shall render the City Clerk's  
517 decision final.

518 1.7.6 Upon filing of a Notice of Appeal the City Clerk shall schedule a hearing before the  
519 City Manager to occur no later than TEN (10 ) days from the filing of the Notice of  
520 Appeal.

521 1.7.7 The City Manager, shall have authority to reverse the decision of the City Clerk only upon  
522 showing by clear and convincing evidence that the City Clerk's decision that the  
523 applicant failed to meet the requirements for the grant of the permit was clearly  
524 erroneous.

525 1.7.8 The decision of the City Manager shall be the final decision of the City of Statesboro.

526 1.7.9 Appeal of this final decision shall be by Petition for Certiorari to the Superior Court of  
527 Bulloch County.

## 528 **1.8 UNDER 21 PERMIT**

529 1.8.1 In order for a licensee to obtain an Under 21 Permit as provided for in Section 6-9(c) of  
530 the Code of Ordinances of the City of Statesboro the licensee must comply with the following  
531 rules and regulations.

532 1.8.2 The licensee shall not derive more than 50% of its annual gross revenue from the sale of  
533 alcoholic beverages.

534 1.8.3 The licensee shall require that a government issued photo identification be presented to  
535 enter the establishment.

536 1.8.4 The licensee shall band every patron under the age of 21 years old with a distinct wrist  
537 band.

538 1.8.5 The licensee shall band every patron over the age of 21 years old with a wrist band distinct  
539 from the wrist band of patrons under the age of 21 years old.

540 1.8.6 The licensee shall require that government issued photo identification be presented to the  
541 server or bartender for the purchase of each and every alcoholic beverage.

542 1.8.7 The licensee shall serve all beverages to patrons under the age of 21 years old in clear  
543 plastic or glass containers that are visibly distinct from the containers in which alcoholic  
544 beverages are served.

545 1.8.7 The licensee shall be subject to the mandatory minimum license suspensions provided for  
546 in Section 6-20(c)(11) of the Code of Ordinances of the City of Statesboro.

547 1.8.8 The licensee shall make a written application under oath on the form as provided by the  
548 City Clerk or his or her designated representative certifying that:

549

550 **1.9 SEVERABILITY**

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

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