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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 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 *Alcohol 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 *Sidewalk café:* an area of tables located on public or private pedestrian right of way directly
257 adjacent to a restaurant.

258
259 *Violation:* Each and every act committed by a licensee or an employee, agent or representative of
260 a licensee that violates any provision of this Chapter.

261
262 *Wholesale or wholesale dealer:* Any person who sells alcoholic beverages to other wholesale
263 dealers, to retail dealers, or to retail consumption dealers.

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

273
274 **Sec. 6-4. – License and Permits—Required; classes; fees.**

275

276 (a) *License and Permits required.* It shall be unlawful to sell, dispense, pour or offer to sell,
277 dispense or pour any distilled spirits, alcoholic beverages, wine, beer or malt beverages as
278 defined by Georgia law within the corporate limits of the City of Statesboro without first
279 applying for and obtaining a license and/or permit therefor from the City of Statesboro.
280

281 (b) Licenses which may issue under this Chapter, including any combination of the following;
282 provided, such combination is not otherwise prohibited by applicable law, including but not
283 limited to Title 3 of the Official Code of Georgia Annotated, O.C.G.A. § 3-3-1, et. seq., as
284 amended, and Title 560, Subtitle 560-2 of the Administrative Code of Georgia, Ga. Comp. R. &
285 Regs. § 560-2-1-.01, et seq., as amended.
286

287 (c) *Classes.* The licenses shall be divided into the following classes:
288

- 289 (1) Class A, reserved;
- 290
- 291 (2) Class B, retail beer package;
- 292
- 293 (3) Class C, retail wine package;
- 294
- 295 (4) Class D, retail liquor by the drink;
- 296
- 297 (5) Class E, retail beer by the drink;
- 298
- 299 (6) Class F, retail wine by the drink;
- 300
- 301 (7) Class G, wholesale liquor;
- 302
- 303 (8) Class H, wholesale beer;
- 304
- 305 (9) Class I, wholesale wine;
- 306
- 307 (10) Class J, licensed alcoholic beverage caterer;
- 308
- 309 (11) Class K, brewer, manufacturer of malt beverages only;
- 310
- 311 (12) Class L, broker;
- 312
- 313 (13) Class M, importer;
- 314
- 315 (14) Class N, Hotel in-room service liquor, beer, and wine.
- 316
- 317 (15) Class O, manufacturer of wine only.
- 318

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

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

368 Class M, importer\$500.00

369

370 Class N, Hotel in-room service liquor, beer, and wine\$300.00

371

372 Class O, Manufacturer of wine only\$500.00

373

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

376

377 *Wine-tasting permit fee.* All licensees who engage in wine-tastings as permitted under Section 6-
378 6(e) shall pay, in addition to the above fees, a fee of \$300.00.

379

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

381

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

384

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

387

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

396

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

399

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

404

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

411

412 Additionally, each applicant for a new license shall submit to the City Clerk such information as
413 may be required by the Georgia Crime Information Center and by the Federal Bureau of

414 Investigation, including classifiable sets of fingerprints, and such fees as may be set by the
415 Georgia Crime Information Center and by the Federal Bureau of Investigation for a records
416 check comparison by the Georgia Crime Information Center and by the Federal Bureau of
417 Investigation. Application for a license under this chapter shall constitute consent for
418 performance of a records check comparison.

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

431
432 (d) *Additional data.*

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

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

457

458 (3) *Individual's requirements applicable to clubs.* In the case of a private club, fraternal
459 or veterans order, its chief officer and general manager shall meet the same requirements
460 that any individual applicant must meet and maintain.
461

462 (e) *Investigation.* The City Clerk or his or her designated representative shall investigate the
463 application. Each applicant authorizes the City of Statesboro and its agents to secure from any
464 court, law enforcement agency, or other public agency his or her criminal history and the
465 criminal history of all individuals required to be listed on the application, including but not
466 limited to sole proprietor, partners, members, corporate officers, stockholders, and managers, and
467 authorizes the City of Statesboro to use such information in determining whether the license
468 applied for shall be issued. Each applicant waives any right that he would otherwise have to
469 preclude the City of Statesboro or its agents from obtaining and using such information and each
470 applicant further waives any liability of the City of Statesboro or its agents for obtaining and
471 using such information, and agrees to indemnify and hold the City of Statesboro harmless against
472 the claims of any person listed by the applicant on the application and by doing so has authorized
473 the City of Statesboro to investigate. The City Clerk or his or her designee shall make an arrest
474 and conviction investigation concerning any applicants hereunder and all individuals required to
475 be listed on the application, including but not limited to sole proprietor, partners, LLC members,
476 corporate officers, corporate stockholders, and managers. The police department shall submit the
477 results of the investigation to the City Clerk or his or her designated representative within 30
478 days of submission.
479

480 (f) *Fire and Safety Inspection.* All businesses where alcohol is consumed on the premises, shall
481 satisfy all requirements of a fire and life safety inspection performed by the local fire official and
482 city building official or his or her designee. The proscribed inspection form shall be provided by
483 the city. In addition, all businesses where alcohol is consumed on the premises and the
484 occupancy load is 100 or more, shall provide the City Clerk with a signed fire safety report and
485 certificate of occupancy from the state fire marshal's office. The local fire official may cause to
486 be inspected any building or portion of any building licensed under this ordinance.
487

488 (g) *Offenses.* Any person making a false or misleading statement in any application for a license
489 or false statement in connection with renewal thereof, shall be subject to punishment as provided
490 by state law relating to false swearing, and further, a license, if previously granted or renewed,
491 may be revoked for the violation.
492

493 (h) *Duration; renewal.* All licenses are issued only on a fiscal-year basis and shall be eligible for
494 renewal each year following issuance if and only if the licensed premises has passed a fire safety
495 inspection within the 12 month period prior renewal of the license. Each licensee shall make a
496 written application for renewal on or before May first of each calendar year which shall swear to
497 the truthfulness of such information that is the same as the prior application and shall set forth
498 facts which are different from the prior year's application. The renewal application form shall be
499 approved by the City Clerk or his or her designated representative, and sworn to under oath by
500 the applicant. All fees shall be tendered with the application in the form of a cashier's check,
501 money order, or credit card.
502

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

506
507 After May 1—May 15 \$200.00

508 May 16—May 31 \$300.000

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

510

511

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

515

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

521

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

529

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

536

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

544

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

548

549 (o) *Application for Distance Waiver Permit for Restaurant.* The Mayor and City Council,
550 following application for a distance waiver permit for a restaurant, notice and hearing, may in its
551 discretion grant a distance waiver permit for restaurant authorizing the issuance of a Class D, E
552 or F license to a licensee of a restaurant notwithstanding the distance requirements in Section 6-
553 5(e) from school buildings, alcohol treatment centers, educational buildings on college campus,
554 churches and/or property lines of a private dwelling located in single-family residential zoning
555 district for locations that sell alcohol for consumption on the premises only. The application for
556 a distance waiver permit shall be obtained as provided in the rules and regulations of the
557 administration of this Chapter.

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

562
563 **Sec. 6-6. - When issuance prohibited.**

564
565 Issuance of licenses and permits required under this Chapter is limited as set forth below.

566
567 (a) *Restrictions.* No license defined herein shall be issued to a person:

568
569 (1) who is not a legal resident of the United States;

570
571 (2) who is not at least 21 years of age prior to the date of application;

572
573 (3) who owes any debt or obligation to the City of Statesboro, including but not limited
574 to excise taxes, occupational taxes, property taxes, or utility fees; or

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

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

588
589 (1) has been convicted within fifteen years immediately prior to the filing of the
590 alcoholic beverage application with the City Clerk of any felony or for whom outstanding
591 indictments, accusations or criminal charges exist charging such individual with any of
592 such offenses and for which no final disposition has occurred. If at the time of
593 application, the applicant is charged with any of the offenses prescribed in this

594 subsection, consideration of the application shall be suspended until entry of a plea or
595 verdict or dismissal;

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

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

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

627
628 (d) Except as provided in paragraph (e) below, for 24 consecutive months immediately
629 following the date of a citation for any violation for selling alcohol to underage persons within a
630 licensed premise, no application for change in ownership of the license at the same location
631 where the violation occurred shall be allowed unless there is a 100 percent change in ownership
632 and control between the old licensee and the new applicant. For purposes of this subparagraph,
633 100 percent change in ownership and control shall mean a 100 percent change in all individuals,
634 partners, officers, directors, shareholders, members, managers and/or all persons having any
635 whole, partial, beneficial or other interest in the business where the alcoholic beverage license is
636 located. 100 percent change in ownership and control shall not include a transfer in ownership
637 and control to any person in the immediate family of any individuals, partners, officers, directors,
638 shareholders, members, managers and/or any persons having any interest in the business where
639 the alcoholic beverage license is located. The application for the alcoholic beverage license must

640 be applied for and approved prior to the sale of the business. An alcoholic beverage license may
641 not be issued until the new owner has established that the sale of the business is bona fide. The
642 applicant for the new license must provide documentation concerning the sale, including but not
643 limited to documentation concerning ownership of and all business interests in the old license in
644 addition to documentation concerning the ownership of and all business interests in the new
645 license, as requested by the City Clerk.

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

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

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

662
663 (f) No person shall hold a license in any retail category hereunder and a license under any
664 wholesale category at the same time.

665
666 **Sec. 6-7. - General regulations pertaining to all licenses.**

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

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

676
677 (c) *Location.* None of the above licenses shall be issued except in the following zones as defined
678 in Appendix A (Zoning) of the Code of the City of Statesboro:

679
680 (1) CBD, Commercial Business District;

681
682 (2) CR, Commercial Retail District;

683
684 (3) HOC; Highway Oriented Commercial District

685

686 (4) LI; Light Industrial District

687

688 (d) *Proximity Requirements; Package sales for off-premises Consumption governed by O.C.G.A.*
689 *§ 3-3-21.*

690

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

694

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

702

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

705

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

711

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

716

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

722

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

727

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

731

732 (g) All licenses which are in existence and valid as of the date of passage of this chapter may
733 continue to be renewed hereunder even though they may be in violation of this subsection
734 regarding proximity requirements; furthermore, that location may continue to be licensed
735 hereunder so long as the premises are continuously used for the sale of alcoholic beverages
736 hereunder, even though not under the same owner. At such time as the license for this premises
737 is revoked, not renewed or is allowed to lapse, or a new license is not applied for the location
738 within 365 days of the expiration or termination of the previous license, this subsection and the
739 prohibitions herein shall apply to any new application for that location.

740

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

745

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

749

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

771

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

773

774 (1) Upon request of the City Clerk a licensee shall furnish within THIRTY (30) days
775 of the request certified financial statements and an affidavit from a Certified Public
776 Accountant showing the ownership interests in the licensed premises, total gross sales of
777 the licensed establishment, the gross sales of the licensed establishment derived from the

778 sale of alcohol, the gross sales of the licensed establishment derived from the sale of
779 prepared meals, the gross revenue derived from any other source in the operation of the
780 licensed establishment for any period of time in the last three (3) years.

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

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

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

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

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

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

822

823 (3) All licensed premises for the package sales of beer and wine for off-premises
824 consumption (Class B and C licenses) shall only engage in the sale of alcoholic beverages
825 between the hours of 6:00 a.m. and midnight current time, Monday through Saturday.
826

827 (4) Only licensed premises for the package sales of beer and wine for off-premises
828 consumption (Class B and C licenses) which maintain a valid Sunday Sales permit may
829 sell alcoholic beverages on Sunday from 12:30 p.m. through 11:30 p.m.
830

831 (n) *Time limit for clearing patrons from premises.* All licensed premises for the sale of retail
832 beer and/or wine by the drink (Class E and F) or retail liquor by the drink (Class D), shall be
833 closed to the public, and the premises shall be cleared of all persons except employees of the
834 licensed premises engaged in their employment duties within 45 minutes after the time set by
835 subsection (n) of this section for discontinuance of the sale of alcoholic beverages on the
836 premises. Thereafter all licensees shall remove or cause to be removed all alcoholic beverages
837 from the area of the premises utilized by customers, patrons, and invitees; all alcoholic beverages
838 shall be stored in original containers or storage containers on a shelf or cabinet; no alcoholic
839 beverages shall be furnished to, consumed by, or possessed by any person within the premises
840 45 minutes after the time set by subsection (n) of this section for discontinuance of the sale of
841 alcoholic beverages on the premises; and the premises shall remain closed for business until at
842 least 7:00 a.m.
843

844 (o) *Sales prohibited, limited on certain days.* All alcoholic beverages licensed hereunder shall
845 not be sold Sundays unless the licensee holds a valid Sunday Sales Permit. The sale of alcoholic
846 beverages on any election day shall be permitted in accordance with O.C.G.A. § 3-3-20.
847

848 (p) *Sales, etc., to persons under legal age.* It shall be unlawful to provide alcoholic beverages to
849 any persons under the age permitted by O.C.G.A. § 3-3-23.
850

851 (q) *Display of license.* Every licensee, its agents or employees, shall post the most current
852 alcoholic beverage license issued for the licensed premises in public view at eye level (an
853 approximate height of five feet from the floor) within 15 feet of the entrance to the licensed
854 premises.
855

856 (r) *Bringing beverages purchased elsewhere onto premises.* No licensee for the sale of malt
857 beverages, wine or distilled spirits shall authorize or permit any patron or customer to bring onto
858 the premises malt beverages, wine or distilled spirits purchased elsewhere. Further, no licensee
859 for the sale of malt beverages, wine or distilled spirits shall bring onto the premises any malt
860 beverages, wine or distilled spirits purchased from a retailer for the purpose of resale.
861

862 (s) Brown bagging and brown bag establishments are defined in Section 6-1 are prohibited
863 within the City of Statesboro.
864

865 (t) It shall be unlawful to permit on the premises so licensed any contest or form of
866 entertainment which consists of the wetting or soaking of the upper torso of a female or the
867 pelvic areas of a male or female.
868

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

870
871 (1) It shall be unlawful for any licensee to make delivery of any alcoholic
872 beverages licensed to be sold except within the premises or area licensed for sale thereof.
873 Drive-through sales are prohibited. **This prohibition shall not apply to the sale of**
874 **alcoholic beverages to patrons of a sidewalk cafés located in Downtown Development**
875 **Authority District, if such establishment is otherwise licensed to sell alcoholic beverages**
876 **under the applicable laws and ordinances in the City of Statesboro.**

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

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

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

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

897 6-7

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

904

905

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

907

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

909

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

914

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

919
920 (3) *Visibility of premises from public street.* No licensee for the sale of alcoholic
921 beverages by the package shall operate under the license, unless the front entrance to the
922 licensed premises is clearly visible from the public street; provided, however, that this
923 restriction shall not apply where the licensee is a motel, hotel, private club or is located in
924 a shopping center or multiple-story business building.

925
926 (b) *Growlers.* The sale of growlers is authorized for Class B licensees. The sale of growlers
927 shall comply with the rules and regulations for the administration of this chapter.

928
929 (c) *Brew Pubs.* Any restaurant holding a Class E license shall be allowed to operate as a brew
930 pub upon obtaining a brew pub license from the State of Georgia.

931
932 (d) By the drink sales for consumption on the premises.

933
934 (1) *Removal of Beverages Prohibited.* All alcoholic beverages sold by consumption-on-
935 the-premises licensees shall be consumed only on the licensed premises. It shall be
936 unlawful for any person to remove from the licensed premises any alcoholic beverages
937 sold for consumption-on-the-premises to any public streets, public or semi-public parking
938 lot, sidewalks or rights-of-way within the city. This prohibition shall not apply to the sale
939 of alcoholic beverages to patrons of a sidewalk café located in Downtown Development
940 Authority District, if such establishment is otherwise licensed to sell alcoholic beverages
941 under the applicable laws and ordinances in the City of Statesboro.

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

950
951 a. No more than six (6) permits may be issued to an organization in any one
952 calendar year pursuant to this paragraph.

953
954 b. Permits issued pursuant to this paragraph shall be valid only for the place
955 specified in the permit. No permit may be issued unless the sale of distilled spirits,
956 wine, or malt beverages is lawful in the place for which the permit is issued. The
957 zoning restrictions and distance restrictions contained in Section 6-5(c) shall not
958 apply.

959

960 c. Proof of such non-profit, tax-exempt status, such as a determination from the
961 Internal Revenue Service that the organization is exempt under Section 501-C of
962 the Internal Revenue Code must be provided.
963

964 (e) *Wine tastings.* Wine tastings are permitted as long as they comply with the following rules
965 and regulations:
966

967 (1) The applicant for a wine tasting must hold a valid current wine license in the state.
968

969 (2) Wine tastings may only be conducted in connection with an instructional or
970 educational promotion.
971

972 (3) All wines used for tasting purposes must have been purchased from a licensed state
973 wine wholesaler.
974

975 (4) Wine tastings must comply with all laws and regulations otherwise pertaining to the
976 sale and distribution of alcoholic beverages in the state.
977

978 (5) All applicants and permit holders must comply with all state statutes and sections of
979 this Code and other City of Statesboro ordinances concerning alcoholic beverages,
980 including but not limited to those dealing with hours of operation, zoning, and distance
981 requirements.
982

983 (f) *Requirements for caterers.*
984

985 (1) It shall be unlawful for any person to engage in, carry on or conduct the sale or
986 distribution of alcoholic beverages off-premises and in connection with a catered event or
987 function or to any location not licensed hereunder without first having obtained a caterer's
988 license and Catered Event Permit as provided herein.
989

990 (2) A licensed alcoholic beverage caterer may sell only that type of alcoholic beverage
991 which is authorized by his alcoholic beverage license.
992

993 (3) *Sunday sales.* An alcoholic beverage caterer wishing to cater an event or function on
994 Sunday must possess a valid Sunday sales license and comply with the requirements of
995 this ordinance and state law with respect to the service of alcoholic beverages on Sunday.
996

997 (g) *Rental of licensed premises for private functions.* Class D, E, and F licensees are permitted to
998 rent the licensed premises for private functions which have been scheduled in advance; provided
999 that the licensee, its agents, managers, and employees, shall retain complete control over the
1000 licensed premises and over selling, serving, or furnishing alcoholic beverages during the private
1001 function to the same extent required as if the function were open to the public. Nothing in this
1002 paragraph shall be deemed to waive any provisions of this chapter or state law governing the sale
1003 of alcoholic beverages on the licensed premises. The licensed premises shall remain open to all
1004 agents of the state and the City of Statesboro for law enforcement and inspection purposes during
1005 such private functions. No doors to the licensed premises shall be locked preventing egress or

1006 ingress during such functions. Nothing in this paragraph shall be deemed to waive the
1007 prohibition governing selling, furnishing, or delivering alcoholic beverages to underage persons
1008 by any other person within the licensed premises.
1009
1010

1011 **Sec. 6-9.-Minors and Persons under 21 years of age**
1012

1013 (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
1014 amended, which are hereby incorporated by reference herein, a licensee shall not allow a person
1015 under the age of 18 years old to enter or remain upon the premises of an establishment licensed
1016 to sell alcoholic beverages for consumption on the premises beyond 11:00 p.m., unless
1017 accompanied by a parent or legal guardian, and further provided that either the licensed
1018 establishment is a restaurant where at least 60% of the establishment's annual gross revenue is
1019 derived from the service of prepared meals and such establishment offers its full, unlimited menu
1020 until and after 11:00 p.m., or the licensed establishment derives no more than 10% of its annual
1021 gross revenue from the sale of alcoholic beverages.
1022

1023 (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
1024 amended, which are hereby incorporated by reference herein, a licensee shall not allow a person
1025 under the age of 21 years old to enter or remain upon the premises of an establishment licensed
1026 to sell alcoholic beverages for consumption on the premises where by name, common usage,
1027 knowledge and/or understanding the establishment constitutes a bar, night club, lounge or
1028 similar business. Indicia of such use include, but are not limited to:
1029

- 1030 (1) A limited menu or no food service, particularly after 12:00 a.m.;
- 1031
- 1032 (2) More than 50% of the premises is standing room only;
- 1033
- 1034 (3) The establishment derives more than 40% of its annual gross
1035 revenue from the sale of alcoholic beverages;
- 1036
- 1037 (4) Where a cover charge is imposed and collected by the licensee as a
1038 condition of gaining entry to the establishment and such a fee does
1039 not entitle the patron to a seat, whether by general admission or a
1040 particular designation;
- 1041
- 1042 (5) The establishment utilizes the services of security forces and/or
1043 door personnel;
- 1044
- 1045 (6) The establishment is open after midnight;
- 1046
- 1047 (7) The establishment provides a full service bar which is the primary
1048 location from which patrons directly obtain alcoholic beverages.
- 1049

1050 (c) The Director of Public Safety shall upon review of the license application, the renewal
1051 application, and/or the operation of the licensed establishment determine whether the licensed

1052 establishment is governed by subsection (a) or (b) of Section 6-9, and shall furnish the licensee
1053 in writing the reasons for the designation, and inform the licensee of the right of appeal provided
1054 for below.

1055
1056 (d) The licensee shall have five (5) days from receipt of the written finding of the Director of
1057 Public Safety to file a notice of appeal with the City Clerk. Failure to file a timely notice of
1058 appeal shall render the decision of the Director of Public Safety final. Upon filing of a notice of
1059 appeal the City Clerk shall schedule a hearing before the City Manager no later than ten (10)
1060 days from the filing of the Notice of Appeal. The City Manager may reverse the Director of
1061 Public Safety's decision only upon showing by clear and convincing evidence that the Public
1062 Safety Director's decision was clearly erroneous. The decision of the City Manager shall be the
1063 final decision of the City of Statesboro. Appeal of City Manager's final decision shall be by
1064 Petition for Certiorari to the Superior Court of Bulloch County.

1065
1066 **Sec. 6-10. - Employment Regulations for Licensees Selling Alcoholic Beverages for On**
1067 **Premises Consumption.**

1068
1069 (a) Every licensee that distributes or sells alcoholic beverages for on-premises consumption
1070 shall require all persons employed as managers, servers, bartenders, doorman, security personnel,
1071 or any other employee, agent or subcontractor with the responsibility for handling, serving,
1072 mixing or dispensing alcoholic beverages to complete a *Training for Intervention Procedures*
1073 alcohol course (see www.tipsalcohol.com), or other similar training approved by Mayor and City
1074 Council by resolution, and maintain on the premises evidence of current, valid training
1075 certification for each employee encompassed by this section. To each certification shall be
1076 attached a copy of a government-issued photo identification for the subject employee. The
1077 certification/photo identification packages shall be readily available for inspection upon the
1078 request of any Statesboro Police Department officer, City Code Enforcement officer, or the City
1079 Manager or his designee.

1080
1081 (b) No licensee shall employ managers, servers, bartenders, or any other employee, agent
1082 or subcontractor with the responsibility for handling, serving, mixing or dispensing alcoholic
1083 beverages who;

1084
1085 (1) within the previous five years has two or more convictions that involve providing
1086 alcohol to underage persons, to handle, serve, mix or dispense alcoholic
1087 beverages or for whom outstanding indictments, accusations or criminal charges
1088 exist charging such individual with any of such second offense and for which no
1089 final disposition has occurred.

1090
1091 (2) within the previous two years was convicted of, is currently on probation for, or
1092 currently under the supervision of a court under either a pre-trial diversion
1093 program or conditional discharge sentence for underage possession of alcohol, or
1094 for whom outstanding indictments, accusations or criminal charges exist charging
1095 such individual with such offense and for which no final disposition has
1096 occurred.

1097

1098 (c) No licensee shall allow any employee, agent, or subcontractor to serve as doorpersons or
1099 security personnel who;

1100
1101 (1) has been convicted within fifteen years of any felony or for whom outstanding
1102 indictments, accusations or criminal charges exist charging such individual with
1103 any of such offenses and for which no final disposition has occurred, or
1104

1105 (2) has been convicted within five years of any violation (i) of any state or federal
1106 crime involving physical violence; (ii) of any local, state or federal law pertaining
1107 to the manufacture, possession, transportation or sale of malt beverages, wine or
1108 intoxicating liquors, or other controlled substances and the taxability thereof (iii)
1109 of a crime involving moral turpitude; or (iv) of a crime involving soliciting for
1110 prostitution, pandering, gambling, letting premises for prostitution, keeping a
1111 disorderly place, the traffic offense of hit and run or leaving the scene of an
1112 accident, or any misdemeanor serious traffic offense as defined in O.C.G.A. § 40-
1113 6-390 et seq., but excluding any first conviction for reckless driving or driving
1114 under the influence of alcohol or drugs in the past 10 years as measured from the
1115 date of arrest, or for whom outstanding indictments, accusations or criminal
1116 charges exist charging such individual with any of such offenses and for which no
1117 final disposition has occurred.
1118

1119 (3) The term "conviction" as used in this paragraph shall include a finding or verdict
1120 of guilt, plea of guilty, a plea of nolo contendere including also anyone currently
1121 on probation or otherwise under a court's supervision for a term certain to avoid a
1122 judgment of guilt being entered under what is commonly referred to as "first
1123 offender" sentence or "pre-trial diversion program."
1124
1125

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

1128 (a) In conducting any hearing provided for in this Chapter the Mayor and City Council shall
1129 have the authority to hear evidence and subpoena witnesses and shall conduct the hearing in
1130 accordance with the requirements of due process as required by the United States Constitution
1131 and the Constitution of the State of Georgia and provide at a minimum that at the hearing the
1132 applicant may be represented by counsel, may offer testimony by witnesses or any other
1133 evidence and may cross-examine any opposing witnesses. The Mayor and City Council shall
1134 entertain any and all evidence relevant to the matter without regard to evidentiary rules regarding
1135 hearsay, or strict compliance with the Georgia Rules of Evidence as codified in Title 24 of the
1136 Official Code of Georgia as the Mayor and City Council are not a court of this state as
1137 contemplated by the Georgia Rules of Evidence.
1138

1139 (b) All parties to a hearing before the Mayor and City Council may compel the attendance of
1140 witnesses and/or the production of documents by subpoena issued by the City Clerk.
1141

1142 (c) A subpoena may be served by any sworn peace officer, sheriff, by his or her deputy, or by
1143 any other person not less than 18 years of age. Proof may be shown by return or certificate

1144 endorsed on a copy of the subpoena. Subpoenas may also be served by registered or certified
1145 mail or statutory overnight delivery, and the return receipt shall constitute prima-facie proof of
1146 service. Service upon a party may be made by serving his or her counsel of record.

1147
1148 (d) Failure to respond to such a subpoena shall be a violation of the this ordinance, and subject
1149 the offending party to the punishments allowed under section 5-3 of the Charter of the City of
1150 Statesboro, after hearing before the judge of Municipal Court.

1151
1152 (e) The City Clerk shall keep minutes of the hearing and shall keep records of examinations and
1153 other official actions, which shall be of public record. The record shall be an account of the
1154 proceedings, including a listing of all documents considered, a summary of testimony presented,
1155 and any rulings upon motions or objections raised. The applicant or any other party may have
1156 present an official court reporter, certified in the State of Georgia, at his or her expense to record
1157 the proceedings. In the absence of an official court reporter, the minutes of the City Clerk shall
1158 be the written record of the hearing.

1159
1160 (f) Appeal of any final decision of the Mayor and City Council shall be by Petition for Certiorari
1161 to the Superior Court of Bulloch County.

1162
1163 **Sec. 6-12. – Duties of City Clerk Upon Application; Right to Deny License; Right to Appeal**
1164 **Denial.**

1165
1166 (a) Upon submission of a full and complete application and supporting documentation to the
1167 City Clerk, the City Clerk shall have thirty (30) days to complete an investigation of the
1168 application and supporting documentation.

1169
1170 (b) If the City Clerk upon review and investigation finds that the applicant is not prohibited from
1171 obtaining a license, the City Clerk shall set the matter down for a public hearing before the
1172 Mayor and City Council as provided in Section 6-14 of this Chapter.

1173
1174 (c) If the City Clerk upon review and investigation finds that the applicant is not prohibited from
1175 obtaining a license, the City Clerk shall have authority to grant the licensee a temporary alcohol
1176 license. The temporary alcohol license shall only be used by the licensee to apply for a State
1177 alcohol license. The temporary alcohol license shall not allow the licensee to sell, dispense, pour
1178 or offer to sell, dispense or pour any distilled spirits, alcoholic beverages, wine, beer or malt
1179 beverages as defined by Georgia law within the corporate limits of the City of Statesboro. The
1180 privilege to sell, dispense, pour or offer to sell, dispense or pour any distilled spirits, alcoholic
1181 beverages, wine, beer or malt beverages as defined by Georgia law within the corporate limits of
1182 the City of Statesboro shall only be granted to the licensee upon approval by the Mayor and City
1183 Council pursuant to below Section 6-14.

1184
1185 (d) If the City Clerk upon review and investigation finds that the applicant has not met all
1186 requirements to obtain a license, the City Clerk shall deny the license; shall furnish the applicant
1187 in writing the reasons for the denial of the grant of the license, and inform the applicant of the
1188 right of appeal provided for below.

1189

- 1190 (e) If the City Clerk denies the license, the applicant shall have THIRTY (30) days to file a
1191 Notice of Appeal.
1192
- 1193 (f) Failure to file an appeal of a denial of a license shall render the City Clerk’s decision final.
1194
- 1195 (g) Upon filing of a Notice of Appeal the City Clerk shall place the matter on the agenda for
1196 hearing at a regularly scheduled City Council meeting that occurs no later than SIXTY (60) days
1197 from the filing of the Notice of Appeal.
1198
- 1199 (h) Pursuant to O.C.G.A. § 3-3-2(b) the Mayor and City Council does not have the authority to
1200 grant a license to an applicant who does not meet the requirements provided for in this Chapter.
1201
- 1202 (i) The Mayor and City Council shall have authority to reverse the decision of the City Clerk
1203 and grant the relief to the applicant only upon showing by clear and convincing evidence that the
1204 City Clerk’s decision that the applicant failed to meet the minimum requirements for a license
1205 was clearly erroneous.
1206
- 1207 (j) Within SIXTY (60) days of hearing the aforesaid appeal, the Mayor and City Council shall
1208 rule upon the appeal and shall state upon the record in a regularly scheduled City Council
1209 meeting or by written order the reasons for said ruling.
1210

1211 **Sec. 6-13. - Approval by Mayor and City Council; Public Hearing.**
1212

- 1213 (a) No license to sell, dispense, pour or offer to sell, dispense or pour any distilled spirits,
1214 alcoholic beverages, wine, beer or malt beverages within the corporate limits of the City of
1215 Statesboro shall be issued or an existing license transferred until the application therefor has been
1216 approved by the Mayor and City Council after a public hearing.
1217
- 1218 (b) At least seven days prior to the date of the public hearing a sign shall be erected on the
1219 location for which the application is made in a conspicuous place which may be observed by
1220 pedestrian and motor vehicle traffic passing by such location and shall not be removed by the
1221 applicant prior to the conclusion of such public hearing. The sign shall specify the nature of the
1222 license being requested, that the application applies to the premises where the sign is posted, that
1223 a public hearing is scheduled to be conducted in the chambers of the Mayor and City Council, on
1224 the second floor at City Hall, at a designated time and date.
1225
- 1226 (c) In determining whether any alcoholic beverage license applied for shall be granted,
1227 transferred, or issued to a new person, entity or location the Mayor and City Council shall, in the
1228 interest of public safety and welfare, hear evidence at the public hearing relevant to the
1229 following:
1230
- 1231 (1) *Reputation.* The reputation, character, trade and business associations, and past
1232 business ventures of the applicant, owner, designated manager or any other person
1233 associated with the business.
1234

1235 (2) *Previous violations of alcoholic beverage laws.* If the applicant, owner, designated
1236 manager and any other person associated with the business is a previous holder of a
1237 license to sell alcoholic beverages, whether the applicant, owner, designated manager or
1238 any other person associated with the business has violated any law, regulation, or
1239 ordinance relating to such business.

1240
1241 (3) *Manner of conducting prior alcoholic beverage business.* If the applicant, owner,
1242 designated manager or any other person associated with the business is a current or
1243 previous holder of a license to dispense alcoholic beverages, the manner in which the
1244 applicant, owner, designated manager and any other person associated with the business
1245 conducted the prior business, especially as to the necessity of unusual police observation
1246 and inspection in order to prevent the violation of any law, regulation, or ordinance
1247 relating to such business.

1248
1249 (4) *Location.* The location for which the license is sought, as to traffic congestion,
1250 general character of the neighborhood, and the effect such an establishment would have
1251 on the adjacent and surrounding property values.

1252
1253 (5) *Number of licenses in trading area.* The number of licenses already granted for
1254 similar businesses in the trading area of the place for which the license is sought.

1255
1256 (6) *Previous revocation of license.* If the applicant, owner, designated manager or any
1257 other person associated with the business is a current or previous holder of a license to
1258 dispense alcoholic beverages license issued under the police powers of any governing
1259 authority, and has had corrective action taken against said license including, but not
1260 limited to, suspension or revocation.

1261
1262 (7) *Previous denial or revocation for location.* The denial of an application or the
1263 revocation of a license which was based on the qualifications of the proposed location.

1264
1265 (8) *Prior incidents at location.* Evidence that a substantial number of incidents requiring
1266 police intervention have occurred within a square city block of the proposed location
1267 during any 12 month period in which the location was licensed to sell alcohol.

1268
1269 (9) The applicant, owner, designated manager or any other person associated with the
1270 business is not compliant with all matters bearing upon the conduct of any business
1271 venture within the City, including but not limited to zoning, permitting, taxes, code
1272 compliance, licensing and fees;

1273
1274 (10) Evidence that the type and number of schools, religious institutions, libraries, public
1275 recreation areas or other circumstances in the vicinity of the premises cause minors to
1276 frequent the immediate area even though in compliance with the minimum proximity
1277 requirements provided in this Chapter and in state law.

1278
1279

1280 (d) In considering the application, the Mayor and City Council may impose conditions, to the
1281 extent necessary, to minimize any adverse effects the proposed licensed premises may have on
1282 public safety and welfare if after considering all of the evidence, the Mayor and City Council
1283 decides such conditions can reduce such adverse impacts on public safety and welfare to an
1284 acceptable and reasonable level. Violations of such conditions shall be a violation of this
1285 Chapter and the terms of the license.

1286
1287 (e) If the application is denied or conditions are placed on the license, the Mayor and City
1288 Council shall cause a written opinion to be prepared and approved by Mayor and City Council
1289 showing the reason or reasons for the denial of the license or placement of conditions on the
1290 license. Upon adoption by the Mayor and City Council the opinion shall be the final decision of
1291 the Mayor and City Council. The City Clerk who shall notify the applicant of the final decision
1292 of the Mayor and City Council within five days of the adoption of the final decision by the
1293 Mayor and City Council.

1294
1295 (f) Appeal of the final decision of the Mayor and City Council shall be by Petition for Certiorari
1296 to the Superior Court of Bulloch County.

1297
1298 **Sec. 6-14.—Order Required; Disorderly Conduct Prohibited.**

1299
1300 (a) *Order required within establishment.* Owners, managers, and employees of a licensed
1301 business shall be responsible for keeping an orderly place and shall not permit any employee,
1302 patron, or other person to cause a disturbance or engage in unlawful, loud, boisterous, lewd, or
1303 obscene conduct or practice within the establishment.

1304
1305 (b) *Order required outside establishment.* The owner and manager of any alcoholic beverage
1306 establishment shall be responsible for monitoring parking lots and other outside areas around the
1307 establishment and prohibiting patrons and other persons associated with the establishment from
1308 standing, sitting, mingling, or assembling outside the licensed premises in a manner which
1309 causes or contributes to disturbances and/or illegal acts.

1310
1311 (c) *Disorderly conduct while intoxicated prohibited.* It shall be unlawful for any person
1312 within the corporate limits of the city, while intoxicated by alcohol or other drugs on the
1313 sidewalks, parks, squares, streets, public buildings, other public places, or in the curtilage of any
1314 private residence not his own other than by invitation of the owner or lawful occupant, to be
1315 disorderly which condition is made manifest by boisterousness, by indecent condition or act, by
1316 vulgar, profane, loud or unbecoming language, or by acting in such a way as to endanger his or
1317 her life or safety or that of any other person or persons.

1318
1319 **Sec. 6-15. - Dive defined; prohibited; penalty for violation.**

1320
1321 (a) *Term defined.* As used in this section, the term "dive" shall mean any place or establishment
1322 where illegal drugs are found, possessed, kept or sold; or where any person possesses or
1323 consumes any illegal or unlicensed alcoholic beverage or possesses or uses any illegal drug; or
1324 where any person commits any illegal sexual act; or where any person engages in gambling
1325 activities.

1326
1327 (b) *Prohibition.* It shall be unlawful for any person or organization or group of persons to have,
1328 operate or maintain any place or establishment defined as a dive.
1329

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

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

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

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

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

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

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

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

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

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

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

1366 a. Involves the drinking of alcoholic beverages or the awarding of alcoholic
1367 beverages as the prize; or

1368 b. Has as its primary purpose the increasing of the consumption of alcoholic
1369 beverages on the premises.
1370

1371 (9) Sell, offer to sell, or give away any coupons, tokens, tickets, receipts or other devices
1372 authorizing the serving of any alcoholic beverage drinks either on the current or
1373 subsequent day.

1374
1375 (10) Sell, offer to serve, or deliver any alcoholic beverage to be inserted into the mouth
1376 of a customer in any manner by anyone other than by the customer.

1377
1378 (11) Charge any minimum charge, cover charge, admission charge, or any other non-
1379 food or non-alcoholic beverage charge based on gender, race, creed, color or national
1380 origin.

1381
1382 (c) There shall be no advertisement or promotion in any way, whether within or without the
1383 licensed premises, of any of the practices prohibited under this section.

1384
1385 (d) No provision of this section shall be construed to prohibit licensees from offering free food
1386 or entertainment at any time; provided all patrons or customers are allowed equal access to such
1387 free food or entertainment, or to prohibit licensees from including an alcoholic beverage as a part
1388 of a meal package, or to prohibit the sale or delivery of wine by bottle or carafe when sold with
1389 meals or to more than one person, or to prohibit any hotel or motel from offering room services
1390 to registered guests.

1391
1392 (e) This section shall not limit or expand any privilege granted by the Commissioner of the
1393 Georgia Department of Revenue to a brewer licensed to manufacture malt beverages authorizing
1394 said brewer to conduct educational and promotional brewery tours pursuant to O.C.G.A. § 3-5-
1395 38

1396
1397 **Sec. 6-17. - Open containers; Sales and Service in Public Areas**

1398
1399 (a) *"Open container" defined.* The term "open container", as used in this chapter, means any
1400 bottle, can, glass, cup or other vessel which contains an alcoholic beverage not in its original
1401 container. The term "open container" shall also mean the original container of an alcoholic
1402 beverage and which contains an alcoholic beverage on which the seal has been broken or which
1403 is otherwise ready for consumption.

1404
1405 (b) *"Semipublic parking facility" defined.* The term "semipublic parking facility" shall include
1406 any privately owned area wherein motor vehicles may be parked by the public in conjunction
1407 with any business, enterprise, commercial establishment, office building, church, school, or
1408 multiple-family residential building.

1409
1410 (c) *Possession of open container prohibited.* Unless otherwise provided for by this Chapter, it
1411 shall be unlawful for any person to have in his or her possession any alcoholic beverages in any
1412 open container while on the public streets, sidewalks, alleyways or rights-of-way, or in any
1413 public or semipublic parking facility including areas of ingress and egress within the City of
1414 Statesboro, Georgia.

1415

1416 (d) *Exemptions to open container prohibition.* Only the Executive Director of the Downtown
1417 Statesboro Development Authority shall have standing to request, and only the Mayor and City
1418 Council shall have authority to grant exemptions from the prohibitions contained in 6-18(c) for
1419 events sponsored by the Downtown Statesboro Development Authority. Any exemption shall be
1420 by resolution and clearly define the date, time and boundary area for such an exemption, and
1421 shall include any and all terms conditions deemed appropriate by the Mayor and City Council to
1422 maintain public safety and welfare. Exemptions granted pursuant to this subsection shall also
1423 exempt the Downtown Statesboro Development Authority from obtaining or paying the fee for
1424 an Outdoor Event Permit as provided in Section 6-4.

1425
1426 (e) *Application to property owned by Board of Regents.* This prohibition shall not apply to any
1427 property owned by the Board of Regents of the State of Georgia.

1428
1429 (f) *Application to sidewalk cafes.* The prohibition in subsection (c) above shall not apply to
1430 patrons of a **sidewalk café located in Downtown Development Authority District**, if such
1431 establishment is otherwise licensed to sell alcoholic beverages under the applicable laws and
1432 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:

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1552

- 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

1553 contain a place, date and time certain and shall be served on responding party more than
1554 five days before any scheduled hearing.

1555
1556 (8) The notice of administrative hearing shall be served by certified mail return/receipt
1557 requested; or by leaving a copy thereof at the licensed business location with an
1558 employee working therein, or by personal service on the responding party, or on an agent
1559 authorized by law or by appointment to receive service of process. Said notice shall also
1560 be sent by regular mail to the agent set out on the license or listed on the license
1561 application. The City Clerk shall also forward a copy of this notice to the Special Agent
1562 in Charge of the Savannah Regional Office of the Alcohol and Tobacco Division of the
1563 Georgia Department of Revenue.

1564
1565 (9) The standard for an action against a licensee is preponderance of the evidence.

1566
1567 (10) In considering the term of suspension, whether to permanently revoke the license or
1568 whether to impose terms of probation on the license, the Mayor and City Council shall
1569 consider the following factors:

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

1578
1579 (11) The Mayor and City Council may promulgate any rules of procedure for the
1580 administrative hearing not in conflict with this ordinance or other law.

1581
1582 (12) If action is taken against the licensee the Mayor and City Council shall cause a
1583 written opinion to be prepared by Mayor and Council showing the reason or reasons for
1584 the revocation, suspension or probation of the license. Upon adoption by the Mayor and
1585 City Council the opinion shall be the final decision of the Mayor and City Council. The
1586 City Clerk shall notify the applicant of the final decision of the Mayor and City Council
1587 within five days of the adoption of the final decision by the Mayor and City Council.
1588 Pursuant to O.C.G.A. § 3-3-2.1 the City Clerk shall forward a copy of this final decision
1589 to the Special Agent in Charge of the Savannah Regional Office of the Alcohol and
1590 Tobacco Division of the Georgia Department of Revenue.

1591
1592 (13) Appeal of the final decision of the Mayor and City Council shall be by Petition for
1593 Certiorari to the Superior Court of Bulloch County.

1594
1595 (d) *Temporary Suspension by City Manager Permitted.* Notwithstanding the foregoing, and
1596 upon determining it is in the interest of public safety the City Manager, upon a written
1597 recommendation of the Director of Public Safety and with the approval of the Mayor, may
1598 temporarily suspend any license provided for in this Chapter pending an administrative hearing

1599 and action by the Mayor and City Council in accordance with this Chapter. The City Manager
1600 shall issue a written administrative order stating the reasons for the temporary suspension. If a
1601 license is temporarily suspended by the City Manager, the Mayor shall call a special meeting of
1602 the City Council to hold an administrative hearing pursuant to this Chapter as soon as practically
1603 possible, but no later than 10 days from the day the license is temporarily suspended.
1604

1605 **Sec. 6-20. – Excise Tax on Distilled Spirits sold by the drink.**
1606

1607 (a) There is imposed upon the sale of any drink containing distilled spirits sold by the drink for
1608 consumption on the premises in the city a tax in the amount of three percent (3%) of the purchase
1609 price of the mixed drink containing distilled spirits to the consumer. Each licensee shall be
1610 allowed a deduction of three percent of the amount of taxes collected as reimbursement for
1611 collection of such taxes; provided that such tax is not delinquent at the time of payment. A record
1612 of each sale will be made in writing and maintained for inspection by any authorized agent of the
1613 city.
1614

1615 (b) Every consumption-on-the-premises licensee shall collect the tax imposed by this chapter
1616 from purchasers of any drink containing distilled spirits sold by the drink. The licensee shall
1617 furnish such information as may be required by the City Clerk to facilitate the collection of the
1618 tax. In all cases where the purchase is by deferred payment or credit, the licensee becomes liable
1619 for the collection and payment of the tax at the time of delivery of the drink containing distilled
1620 spirits sold by the drink.
1621

1622 (c) On or before January 20th, April 20th, July 20th and October 20th of each calendar year,
1623 licensees shall be required to file with the city clerk an excise tax report showing the licensee's
1624 gross receipts from the sale of drinks containing distilled spirits; the amount of taxes collected or
1625 coming due thereon for the previous three months, and shall pay over the amount due of taxes
1626 collected under this chapter to the City at the same time the excise tax report is filed.
1627

1628 **Sec. 6-21. – Excise Tax on the Wholesale of Malt Beverages, Wine, and Distilled Spirits**
1629

1630 (a) There is imposed by the city an excise tax on the first sale or use of malt beverages in the
1631 city, as follows:
1632

1633 (1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a
1634 barrel or bulk container, a tax of \$6.00 on each container containing not more than 15½
1635 gallons and a proportionate tax at the same rate on all fractional parts of 15½ gallons;
1636

1637 (2) Where malt beverages are sold in bottles, cans or other containers, except barrel or
1638 bulk containers, a tax of \$0.05 per 12 ounces and a proportionate tax at the same rate on
1639 all fractional parts of 12 ounces.
1640

1641 (b) There is imposed by the city an excise tax on the first sale or use of wine in the city at a rate
1642 of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.
1643

1644 (c) There is imposed by the city an excise tax on the first sale or use of distilled spirits in the city
1645 at the rate of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a
1646 liter.

1647
1648 (d) The excise taxes provided for in this section shall be imposed upon and paid by the licensed
1649 wholesale dealer. Such taxes shall be paid on or before the 20th day of the month following the
1650 month in which the alcoholic beverages are sold or disposed of by the wholesaler within the city.
1651

1652 **Sec. 6-22. – Adoption of Rules and Regulations for the Administration of this Chapter**

1653
1654 (a) The Mayor and City Council may adopt any rules and regulations for the administration of
1655 the Chapter not in conflict with this Chapter or other law.

1656
1657 (b) The rules and regulations adopted by the Mayor and City Council for the administration of
1658 the Chapter shall be kept on file with the City Clerk for review by the public during the regular
1659 business hours of City Hall.

1660
1661 (c) A copy of these rules and regulations shall be furnished to each licensee upon the grant of an
1662 alcohol license.

1663
1664 (d) The Mayor and City Council may, from time to time, amend these rules and regulations.
1665 Upon amendment a copy of the amended rules and regulations shall be mailed to all licensees via
1666 first class mail.

1667
1668 (e) Violation of any rule or regulations adopted by the Mayor and City Council shall constitute a
1669 violation of this Chapter.

1670
1671

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 numbered 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**

551

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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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.

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

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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 *Alcohol 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.

184
185 *Malt beverage*: Means any alcoholic beverage obtained by the fermentation of any infusion or
186 decoction of barley, malt, hops, or any other similar product, or any combination of such
187 products in water, containing not more than 14 percent alcohol by volume and including ale,
188 porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake,
189 known as Japanese rice wine.
190
191 *Manufacturer*: Any maker, producer, or bottler of an alcoholic beverage. The term also means:
192
193 (a) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending
194 any distilled spirits; and
195
196 (b) In the case of any malt beverages, any brewer; and
197
198 (c) In the case of wine, any vintner.
199
200 *Manager*: A person who has responsibility for management of the operations, including sale of
201 alcoholic beverages, at the location to be licensed or supervision of management of the
202 operations, including sale of alcoholic beverages, at the location to be licensed and who is a full-
203 time employee of the corporation, partnership, proprietor, or other ownership entity.
204
205 *Mixed drink*: Any distilled spirit served for consumption on the premises, whether or not diluted
206 by water or any other substance.
207
208 *Package*: A bottle, can, keg, barrel, or other original consumer container.
209
210 *Person*: Any individual, firm, partnership, cooperative, nonprofit membership corporation, joint
211 venture, association, company, corporation, agency, syndicate, estate, trust, business trust,
212 receiver, fiduciary, or other entity or group or combination acting as a unit, body politic, or
213 political subdivision, whether public, private, or quasi-public.
214
215 *Private club*: A corporation organized and existing under the laws of the State of Georgia, like
216 fraternal or veterans' organizations, having bylaws and being a part of a national organization in
217 existence for at least one year immediately prior to the application for any license hereunder,
218 having at least 75 members, regularly paying monthly, quarterly or semiannual dues, organized
219 and operated exclusively for fraternal brotherhood, pleasure, recreation and other non-profitable
220 purposes, no part of the net earnings of which inures to the benefit of any stockholder or
221 member, and owning, hiring or leasing a building or space therein for the reasonable use of its
222 members with suitable kitchen and dining space and equipment, and maintaining and using a
223 sufficient number of employees for cooking, preparing and serving meals for its members and
224 guests; provided, that no member or officer, agent or employee of the club is paid, or directly or
225 indirectly receive in the form of salary or other compensation, any profits from the sale of
226 distilled spirits or any beverage licensed hereunder to the club or its members or guests beyond
227 the amount of such salary as may be fixed by its members at any annual meeting or by its
228 governing board out of the general revenue of the club.
229

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

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

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

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

272
273 **Sec. 6-4. – License and Permits—Required; classes; fees.**

274

275 (a) *License and Permits required.* It shall be unlawful to sell, dispense, pour or offer to sell,
276 dispense or pour any distilled spirits, alcoholic beverages, wine, beer or malt beverages as
277 defined by Georgia law within the corporate limits of the City of Statesboro without first
278 applying for and obtaining a license and/or permit therefor from the City of Statesboro.
279

280 (b) Licenses which may issue under this Chapter, including any combination of the following;
281 provided, such combination is not otherwise prohibited by applicable law, including but not
282 limited to Title 3 of the Official Code of Georgia Annotated, O.C.G.A. § 3-3-1, et. seq., as
283 amended, and Title 560, Subtitle 560-2 of the Administrative Code of Georgia, Ga. Comp. R. &
284 Regs. § 560-2-1-.01, et seq., as amended.
285

286 (c) *Classes.* The licenses shall be divided into the following classes:
287

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

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

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

Distance waiver permit for restaurants. Any licensee who operates a restaurant that does not meet all of the distance requirements in Section 6-5(e) shall also be required to obtain a distance waiver permit for the restaurant as provided for in Section 6-3(o) and in the Rules and Regulations for administration of the Chapter.

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

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

(d) *Fees.* The basic fees for each type of license listed in paragraph (b) hereinabove shall be as follows except that private clubs as defined in Section 6-1 shall pay 70 percent of the basic fee.

- Class A, reserved.
- Class B, retail beer package \$825.00
- Class C, retail wine package\$425.00
- Class D, retail liquor by the drink\$2500.00
- Class E, retail beer by the drink\$825.00
- Class F, retail wine by the drink\$425.00
- Class G, wholesale liquor\$1000.00
- Class H, wholesale beer\$1000.00
- Class I, wholesale wine\$1000.00
- Class J, licensed alcoholic beverage caterer\$300.00
- Class K, brewer, manufacturer of malt beverages only\$500.00
- Class L, broker\$500.00

367 Class M, importer\$500.00

368

369 Class N, Hotel in-room service liquor, beer, and wine\$300.00

370

371 Class O, Manufacturer of wine only\$500.00

372

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

375

376 *Wine-tasting permit fee.* All licensees who engage in wine-tastings as permitted under Section 6-
377 6(e) shall pay, in addition to the above fees, a fee of \$300.00.

378

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

380

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

383

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

386

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

395

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

398

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

403

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

410

411 Additionally, each applicant for a new license shall submit to the City Clerk such information as
412 may be required by the Georgia Crime Information Center and by the Federal Bureau of

413 Investigation, including classifiable sets of fingerprints, and such fees as may be set by the
414 Georgia Crime Information Center and by the Federal Bureau of Investigation for a records
415 check comparison by the Georgia Crime Information Center and by the Federal Bureau of
416 Investigation. Application for a license under this chapter shall constitute consent for
417 performance of a records check comparison.
418

419 (c) *Entities—Ownership.* All applicants other than individual persons shall list the names and
420 addresses of all individual persons who have an ownership interest in such entity and the
421 percentage ownership of each person, unless the corporate stock or other ownership interest is
422 listed on the stock exchange or available for over the counter sales and subject to regulation by
423 federal and state securities laws. If a named interest owner therein is another corporation or other
424 entity, the same information shall be given for such corporation or entity. If during the life of the
425 license, the identity of the interest owners or their percentage of ownership should change, that
426 information shall be sent to the City Clerk or his or her designated representative for processing.
427 A change in ownership shall require a new application. Corporations or limited liability
428 companies must file a compliance copy from the office of the Secretary of State showing active
429 status as an incorporated business.
430

431 (d) *Additional data.*
432

433 (1) *Corporate, partnership, sole proprietors, and limited liability company applications.*
434 All corporate applicants shall list the names and addresses of the officers of the
435 corporation. All sole proprietors shall apply in the name of the sole proprietor. All limited
436 liability applicants shall provide the names and addresses of all members and managers
437 of the limited liability company. In addition thereto, all applicants, including sole
438 proprietors and partnerships if the sole proprietor or at least one partner is not working
439 full-time in a managerial capacity on the premises, shall name a manager, whose name
440 shall appear as such on the license issued to the corporation. The corporation, partnership,
441 sole proprietor, or limited liability company shall provide the name and address of said
442 manager, who shall be a full-time employee of the corporation, partnership, sole
443 proprietorship, or limited liability company and who shall be the individual who does in
444 fact have regular, managerial and supervisory authority over the business conducted on
445 the licensed premises. In addition, the manager shall be an agent for service for the
446 corporation, partnership, sole proprietorship, or limited liability company in addition to
447 all other methods allowed for serving a corporation or other entity by the laws of
448 Georgia. Any person who has been a manager of a corporation, partnership, sole
449 proprietorship, or limited liability company whose license has been revoked is ineligible
450 to act as manager for any licensee thereafter.
451

452 (2) *Intention to provide adult entertainment.* Every application shall inquire if the
453 applicant intends to provide live nude performances on the licensed premises or other
454 forms of adult entertainment regulated under Article VII of Chapter 18 of the Code of the
455 City of Statesboro. It is mandatory for this question to be answered by the applicant.
456

457 (3) *Individual's requirements applicable to clubs.* In the case of a private club, fraternal
458 or veterans order, its chief officer and general manager shall meet the same requirements
459 that any individual applicant must meet and maintain.
460

461 (e) *Investigation.* The City Clerk or his or her designated representative shall investigate the
462 application. Each applicant authorizes the City of Statesboro and its agents to secure from any
463 court, law enforcement agency, or other public agency his or her criminal history and the
464 criminal history of all individuals required to be listed on the application, including but not
465 limited to sole proprietor, partners, members, corporate officers, stockholders, and managers, and
466 authorizes the City of Statesboro to use such information in determining whether the license
467 applied for shall be issued. Each applicant waives any right that he would otherwise have to
468 preclude the City of Statesboro or its agents from obtaining and using such information and each
469 applicant further waives any liability of the City of Statesboro or its agents for obtaining and
470 using such information, and agrees to indemnify and hold the City of Statesboro harmless against
471 the claims of any person listed by the applicant on the application and by doing so has authorized
472 the City of Statesboro to investigate. The City Clerk or his or her designee shall make an arrest
473 and conviction investigation concerning any applicants hereunder and all individuals required to
474 be listed on the application, including but not limited to sole proprietor, partners, LLC members,
475 corporate officers, corporate stockholders, and managers. The police department shall submit the
476 results of the investigation to the City Clerk or his or her designated representative within 30
477 days of submission.
478

479 (f) *Fire and Safety Inspection.* All businesses where alcohol is consumed on the premises, shall
480 satisfy all requirements of a fire and life safety inspection performed by the local fire official and
481 city building official or his or her designee. The proscribed inspection form shall be provided by
482 the city. In addition, all businesses where alcohol is consumed on the premises and the
483 occupancy load is 100 or more, shall provide the City Clerk with a signed fire safety report and
484 certificate of occupancy from the state fire marshal's office. The local fire official may cause to
485 be inspected any building or portion of any building licensed under this ordinance.
486

487 (g) *Offenses.* Any person making a false or misleading statement in any application for a license
488 or false statement in connection with renewal thereof, shall be subject to punishment as provided
489 by state law relating to false swearing, and further, a license, if previously granted or renewed,
490 may be revoked for the violation.
491

492 (h) *Duration; renewal.* All licenses are issued only on a fiscal-year basis and shall be eligible for
493 renewal each year following issuance if and only if the licensed premises has passed a fire safety
494 inspection within the 12 month period prior renewal of the license. Each licensee shall make a
495 written application for renewal on or before May first of each calendar year which shall swear to
496 the truthfulness of such information that is the same as the prior application and shall set forth
497 facts which are different from the prior year's application. The renewal application form shall be
498 approved by the City Clerk or his or her designated representative, and sworn to under oath by
499 the applicant. All fees shall be tendered with the application in the form of a cashier's check,
500 money order, or credit card.
501

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

505
506 After May 1—May 15 \$200.00

507 May 16—May 31 \$300.000

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

509
510

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

514

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

520

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

528

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

535

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

543

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

547

548 (o) *Application for Distance Waiver Permit for Restaurant.* The Mayor and City Council,
549 following application for a distance waiver permit for a restaurant, notice and hearing, may in its
550 discretion grant a distance waiver permit for restaurant authorizing the issuance of a Class D, E
551 or F license to a licensee of a restaurant notwithstanding the distance requirements in Section 6-
552 5(e) from school buildings, alcohol treatment centers, educational buildings on college campus,
553 churches and/or property lines of a private dwelling located in single-family residential zoning
554 district for locations that sell alcohol for consumption on the premises only. The application for
555 a distance waiver permit shall be obtained as provided in the rules and regulations of the
556 administration of this Chapter.

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

561
562 **Sec. 6-6. - When issuance prohibited.**

563
564 Issuance of licenses and permits required under this Chapter is limited as set forth below.

565
566 (a) *Restrictions.* No license defined herein shall be issued to a person:

- 567
568 (1) who is not a legal resident of the United States;
569
570 (2) who is not at least 21 years of age prior to the date of application;
571
572 (3) who owes any debt or obligation to the City of Statesboro, including but not limited
573 to excise taxes, occupational taxes, property taxes, or utility fees; or
574
575 (4) who indicates on the license application an intention to provide live nude
576 performances on the premises or any other form of adult entertainment on the premises
577 that requires an adult entertainment license pursuant to Article VII of Chapter 18 of the
578 Code of Ordinances.

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

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

593 subsection, consideration of the application shall be suspended until entry of a plea or
594 verdict or dismissal;

595
596 (2) has been convicted within five years immediately prior to the filing of the alcoholic
597 beverage application with the City Clerk of the violation (i) of any state or federal law
598 pertaining to the manufacture, possession, transportation or sale of malt beverages, wine
599 or intoxicating liquors, or the taxability thereof; (ii) of a crime involving moral turpitude;
600 or (iii) of a crime involving soliciting for prostitution, pandering, gambling, letting
601 premises for prostitution, keeping a disorderly place, the traffic offense of hit and run or
602 leaving the scene of an accident, or any misdemeanor serious traffic offense as defined in
603 O.C.G.A. § 40-6-390 et seq., but excluding any first conviction for reckless driving or
604 driving under the influence of alcohol or drugs in the past 10 years as measured from the
605 date of arrest, or for whom outstanding indictments, accusations or criminal charges exist
606 charging such individual with any of such offenses and for which no final disposition has
607 occurred. If at the time of application, the applicant is charged with any of the offenses
608 prescribed in this subsection, consideration of the application shall be suspended until
609 entry of a plea or verdict or dismissal;

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

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

626
627 (d) Except as provided in paragraph (e) below, for 24 consecutive months immediately
628 following the date of a citation for any violation for selling alcohol to underage persons within a
629 licensed premise, no application for change in ownership of the license at the same location
630 where the violation occurred shall be allowed unless there is a 100 percent change in ownership
631 and control between the old licensee and the new applicant. For purposes of this subparagraph,
632 100 percent change in ownership and control shall mean a 100 percent change in all individuals,
633 partners, officers, directors, shareholders, members, managers and/or all persons having any
634 whole, partial, beneficial or other interest in the business where the alcoholic beverage license is
635 located. 100 percent change in ownership and control shall not include a transfer in ownership
636 and control to any person in the immediate family of any individuals, partners, officers, directors,
637 shareholders, members, managers and/or any persons having any interest in the business where
638 the alcoholic beverage license is located. The application for the alcoholic beverage license must

639 be applied for and approved prior to the sale of the business. An alcoholic beverage license may
640 not be issued until the new owner has established that the sale of the business is bona fide. The
641 applicant for the new license must provide documentation concerning the sale, including but not
642 limited to documentation concerning ownership of and all business interests in the old license in
643 addition to documentation concerning the ownership of and all business interests in the new
644 license, as requested by the City Clerk.

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

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

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

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

664
665 **Sec. 6-7. - General regulations pertaining to all licenses.**

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

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

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

678
679 (1) CBD, Commercial Business District;

680
681 (2) CR, Commercial Retail District;

682
683 (3) HOC; Highway Oriented Commercial District

684

685 (4) LI; Light Industrial District
686

687 (d) *Proximity Requirements; Package sales for off-premises Consumption governed by O.C.G.A.*
688 *§ 3-3-21.*
689

690 (1) Class B and C licenses shall be issued for a location only if the location complies with
691 the proximity requirements provided by O.C.G.A. § 3-3-21 as measured by the Rules
692 and Regulations promulgated by the Georgia Department of Revenue.
693

694 (2) Nothing in this subparagraph shall prohibit a grocery store licensed for the retail sale
695 of only wine and malt beverages for consumption off the premises from selling wine or
696 malt beverages within 100 yards of any college campus. As used in this subparagraph,
697 the term "grocery store" means a retail establishment which has at least 85 percent of its
698 total retail floor space reserved for the sale of food and other nonalcoholic items,
699 conducts all of its sales inside the building containing its retail floor space, and meets all
700 other criteria by this ordinance.
701

702 (e) *Proximity Requirements; Sales for Consumption on the Premises; local regulation permitted*
703 *per O.C.G.A. § 3-3-21(b)(3).*
704

705 (1) Class D, Class E and Class F alcoholic beverage licenses shall not be issued for a
706 location in which the nearest point on a wall of the building proposed as the licensed
707 premises is closer than 100 yards in a straight line measurement to the nearest wall of a
708 school building, an educational building on a college campus, or a church in existence at
709 the time of the application for the initial license.
710

711 (2) No licenses shall be issued under this chapter for any location in which the nearest
712 point on a wall of the building proposed as the licensed premises is closer than 100 yards
713 in a straight line measurement to the nearest point of the property line of an alcohol
714 treatment center which is in existence at the time of the application for the initial license.
715

716 (3) No licenses shall be issued under this chapter for any location in which the nearest
717 point on a wall of the building proposed as the licensed premises is closer than 100
718 yards in a straight line measurement to the nearest point of the property line of a private
719 dwelling located within a single-family residentially zoned district which is in existence
720 at the time of the application for the initial license.
721

722 (4) The proximity requirements for Class D, Class E and Class F licenses shall be in
723 effect for all districts in which such licenses are authorized, with the exception of any
724 restaurant as defined in this chapter that is granted a distance waiver permit for a
725 restaurant by the Mayor and City Council pursuant to subsection 6-3(o).
726

727 (f) At the time of initial application, a plat from a registered surveyor shall be attached to the
728 application which shall certify that all state and local distance requirements for the proposed
729 location have been met.
730

731 (g) All licenses which are in existence and valid as of the date of passage of this chapter may
732 continue to be renewed hereunder even though they may be in violation of this subsection
733 regarding proximity requirements; furthermore, that location may continue to be licensed
734 hereunder so long as the premises are continuously used for the sale of alcoholic beverages
735 hereunder, even though not under the same owner. At such time as the license for this premises
736 is revoked, not renewed or is allowed to lapse, or a new license is not applied for the location
737 within 365 days of the expiration or termination of the previous license, this subsection and the
738 prohibitions herein shall apply to any new application for that location.

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

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

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

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

772
773 (1) Upon request of the City Clerk a licensee shall furnish within THIRTY (30) days
774 of the request certified financial statements and an affidavit from a Certified Public
775 Accountant showing the ownership interests in the licensed premises, total gross sales of
776 the licensed establishment, the gross sales of the licensed establishment derived from the

777 sale of alcohol, the gross sales of the licensed establishment derived from the sale of
778 prepared meals, the gross revenue derived from any other source in the operation of the
779 licensed establishment for any period of time in the last three (3) years.
780

781 (2) As a condition precedent to the renewal of any alcoholic beverage license the
782 licensee shall furnish with the renewal application certified financial statements and an
783 affidavit from a Certified Public Accountant showing the ownership interests in the
784 licensed premises, total gross sales of the licensed establishment, the gross sales of the
785 licensed establishment derived from the sale of alcohol, the gross sales of the licensed
786 establishment derived from the sale of prepared meals, the gross revenue derived from
787 any other source in the operation of the licensed establishment for the preceding fiscal 12
788 months.
789

790 (k) *Failure to open.* All holders of licenses issued hereunder must within forty-five (45) days
791 after the issuance of such license open for business the establishment referred to in the license.
792 Failure to open the licensed establishment as referred to within such period shall serve as a
793 forfeiture and cancellation of the unused license and no refund of the license fee shall be made to
794 the license holder.
795

796
797 (l) *Adding to, refilling bottles, misrepresentations as to quantity, etc.* It shall be unlawful for a
798 licensee hereunder, his employees, subcontractors or his agents, to add to the contents of a bottle
799 or to refill an empty bottle or in any manner to misrepresent the quantity, quality or brand name
800 of any beverage licensed hereunder. The prohibition against refilling empty bottles shall not
801 apply to the lawful sale of growlers as provided for in this Chapter.
802

803 (m) *Hours of operation.* The following hours of operation shall apply to the sale of alcoholic
804 beverages licensed hereunder:
805

806 (1) All licensed premises for the sale of retail beer and/or wine by the drink or retail
807 liquor by the drink (Class D, E and F licenses) shall only engage in the sale and service of
808 alcoholic beverages upon the licensed premises, at a permitted outdoor event, or a
809 permitted catered event between the hours of 7:00 am and 1:00 am the following day
810 Monday through Saturday. Sale and service of alcoholic beverages pursuant to this
811 subsection that begins on Saturday may continue until 1:00 a.m. Sunday morning without
812 a Sunday Sales Permit.
813

814 (2) Only licensed premises for the sale of retail beer and/or wine by the drink or retail
815 liquor by the drink (Class D, E and F licenses) which maintains a valid Sunday Sales
816 Permit may begin the sale and service of alcoholic beverages on Sunday. All licensed
817 premises for the sale of retail beer and/or wine by the drink or retail liquor by the drink
818 (Class D, E and F licenses) which begins the sale and service of alcoholic beverages on
819 Sundays shall only engage in the sale and service of alcoholic beverages upon the
820 licensed premises, at a permitted outdoor event, or a permitted catered event between the
821 hours of 12:30 p.m. and midnight on Sunday.
822

823 (3) All licensed premises for the package sales of beer and wine for off-premises
824 consumption (Class B and C licenses) shall only engage in the sale of alcoholic beverages
825 between the hours of 6:00 a.m. and midnight current time, Monday through Saturday.
826

827 (4) Only licensed premises for the package sales of beer and wine for off-premises
828 consumption (Class B and C licenses) which maintain a valid Sunday Sales permit may
829 sell alcoholic beverages on Sunday from 12:30 p.m. through 11:30 p.m.
830

831 (n) *Time limit for clearing patrons from premises.* All licensed premises for the sale of retail
832 beer and/or wine by the drink (Class E and F) or retail liquor by the drink (Class D), shall be
833 closed to the public, and the premises shall be cleared of all persons except employees of the
834 licensed premises engaged in their employment duties within 45 minutes after the time set by
835 subsection (n) of this section for discontinuance of the sale of alcoholic beverages on the
836 premises. Thereafter all licensees shall remove or cause to be removed all alcoholic beverages
837 from the area of the premises utilized by customers, patrons, and invitees; all alcoholic beverages
838 shall be stored in original containers or storage containers on a shelf or cabinet; no alcoholic
839 beverages shall be furnished to, consumed by, or possessed by any person within the premises
840 45 minutes after the time set by subsection (n) of this section for discontinuance of the sale of
841 alcoholic beverages on the premises; and the premises shall remain closed for business until at
842 least 7:00 a.m.
843

844 (o) *Sales prohibited, limited on certain days.* All alcoholic beverages licensed hereunder shall
845 not be sold Sundays unless the licensee holds a valid Sunday Sales Permit. The sale of alcoholic
846 beverages on any election day shall be permitted in accordance with O.C.G.A. § 3-3-20.
847

848 (p) *Sales, etc., to persons under legal age.* It shall be unlawful to provide alcoholic beverages to
849 any persons under the age permitted by O.C.G.A. § 3-3-23.
850

851 (q) *Display of license.* Every licensee, its agents or employees, shall post the most current
852 alcoholic beverage license issued for the licensed premises in public view at eye level (an
853 approximate height of five feet from the floor) within 15 feet of the entrance to the licensed
854 premises.
855

856 (r) *Bringing beverages purchased elsewhere onto premises.* No licensee for the sale of malt
857 beverages, wine or distilled spirits shall authorize or permit any patron or customer to bring onto
858 the premises malt beverages, wine or distilled spirits purchased elsewhere. Further, no licensee
859 for the sale of malt beverages, wine or distilled spirits shall bring onto the premises any malt
860 beverages, wine or distilled spirits purchased from a retailer for the purpose of resale.
861

862 (s) Brown bagging and brown bag establishments are defined in Section 6-1 are prohibited
863 within the City of Statesboro.
864

865 (t) It shall be unlawful to permit on the premises so licensed any contest or form of
866 entertainment which consists of the wetting or soaking of the upper torso of a female or the
867 pelvic areas of a male or female.
868

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

870
871 (1) It shall be unlawful for any licensee to make delivery of any alcoholic
872 beverages licensed to be sold except within the premises or area licensed for sale
873 thereof. Drive- through sales are prohibited. **This prohibition shall not apply to the sale**
874 **of alcoholic beverages to patrons of a sidewalk cafés located in Downtown Development**
875 **Authority District, if such establishment is otherwise licensed to sell alcoholic beverages**
876 **under the applicable laws and ordinances in the City of Statesboro.**

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

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

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

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

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

902
903 **Sec. 6-8. - Regulations pertaining to certain classes of licenses only.**

904
905 (a) *Retail beer and wine by the package.*

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

911
912 (2) Except as specifically provided for in paragraph (e) below concerning wine tastings,
913 the original retail containers of any alcoholic beverage sold by a retail beer and wine by

914 the package licensee hereunder shall not be opened on the lot or premises of the location
915 licensed for the sale thereof.

916
917 (3) *Visibility of premises from public street.* No licensee for the sale of alcoholic
918 beverages by the package shall operate under the license, unless the front entrance to the
919 licensed premises is clearly visible from the public street; provided, however, that this
920 restriction shall not apply where the licensee is a motel, hotel, private club or is located in
921 a shopping center or multiple-story business building.

922
923 (b) *Growlers.* The sale of growlers is authorized for Class B licensees. The sale of growlers
924 shall comply with the rules and regulations for the administration of this chapter.

925
926 (c) *Brew Pubs.* Any restaurant holding a Class E license shall be allowed to operate as a brew
927 pub upon obtaining a brew pub license from the State of Georgia.

928
929 (d) By the drink sales for consumption on the premises.

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

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

947
948 a. No more than six (6) permits may be issued to an organization in any one
949 calendar year pursuant to this paragraph.

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

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

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(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.
- (4) Wine tastings must comply with all laws and regulations otherwise pertaining to the sale and distribution of alcoholic beverages in the state.
- (5) All applicants and permit holders must comply with all state statutes and sections of this Code and other City of Statesboro ordinances concerning alcoholic beverages, including but not limited to those dealing with hours of operation, zoning, and distance requirements.

(f) *Requirements for caterers.*

- (1) It shall be unlawful for any person to engage in, carry on or conduct the sale or distribution of alcoholic beverages off-premises and in connection with a catered event or function or to any location not licensed hereunder without first having obtained a caterer's license and Catered Event Permit as provided herein.
- (2) A licensed alcoholic beverage caterer may sell only that type of alcoholic beverage which is authorized by his alcoholic beverage license.
- (3) *Sunday sales.* An alcoholic beverage caterer wishing to cater an event or function on Sunday must possess a valid Sunday sales license and comply with the requirements of this ordinance and state law with respect to the service of alcoholic beverages on Sunday.

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

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

(a) In additions to the prohibitions set forth at O.C.G.A. §§ 3-3-23, 3-3-23.1 and 3-3-24, as amended, which are hereby incorporated by reference herein, a licensee shall not allow a person under the age of 18 years old to enter or remain upon the premises of an establishment licensed to sell alcoholic beverages for consumption on the premises beyond 11:00 p.m., unless accompanied by a parent or legal guardian, and further provided that either the licensed establishment is a restaurant where at least 60% of the establishment’s annual gross revenue is derived from the service of prepared meals and such establishment offers its full, unlimited menu until and after 11:00 p.m., or the licensed establishment derives no more than 10% of its annual gross revenue from the sale of alcoholic beverages.

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

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

(c) A licensee may allow persons under the age of 21 years old, but in no case under the age of 18 years old, to enter or remain upon the premises of an establishment licensed to sell alcoholic beverages for consumption on the premises where by name, common usage, knowledge and/or understanding the establishment constitutes a bar, night club, lounge or similar business as

1051 provided in Section 6-9(b) if, and only, if the licensee obtains an Under 21 Permit as provided in
1052 the Rules and Regulations for administration of the Chapter.

1053
1054 (d) The Director of Public Safety shall upon review of the license application, the renewal
1055 application, and/or the operation of the licensed establishment determine whether the licensed
1056 establishment is governed by subsection (a) or (b) of Section 6-9, and shall furnish the licensee
1057 in writing the reasons for the designation, and inform the licensee of the right of appeal provided
1058 for below.

1059
1060 (e) The licensee shall have five (5) days from receipt of the written finding of the Director of
1061 Public Safety to file a notice of appeal with the City Clerk. Failure to file a timely notice of
1062 appeal shall render the decision of the Director of Public Safety final. Upon filing of a notice of
1063 appeal the City Clerk shall schedule a hearing before the City Manager no later than ten (10)
1064 days from the filing of the Notice of Appeal. The City Manager may reverse the Director of
1065 Public Safety's decision only upon showing by clear and convincing evidence that the Public
1066 Safety Director's decision was clearly erroneous. The decision of the City Manager shall be the
1067 final decision of the City of Statesboro. Appeal of City Manager's final decision shall be by
1068 Petition for Certiorari to the Superior Court of Bulloch County.

1069
1070 **Sec. 6-10. - Employment Regulations for Licensees Selling Alcoholic Beverages for On**
1071 **Premises Consumption.**

1072
1073 (a) Every licensee that distributes or sells alcoholic beverages for on-premises consumption
1074 shall require all persons employed as managers, servers, bartenders, doorman, security personnel,
1075 or any other employee, agent or subcontractor with the responsibility for handling, serving,
1076 mixing or dispensing alcoholic beverages to complete a *Training for Intervention Procedures*
1077 alcohol course (see www.tipsalcohol.com), or other similar training approved by Mayor and City
1078 Council by resolution, and maintain on the premises evidence of current, valid training
1079 certification for each employee encompassed by this section. To each certification shall be
1080 attached a copy of a government-issued photo identification for the subject employee. The
1081 certification/photo identification packages shall be readily available for inspection upon the
1082 request of any Statesboro Police Department officer, City Code Enforcement officer, or the City
1083 Manager or his designee.

1084
1085 (b) No licensee shall employ managers, servers, bartenders, or any other employee, agent
1086 or subcontractor with the responsibility for handling, serving, mixing or dispensing alcoholic
1087 beverages who;

1088
1089 (1) within the previous five years has two or more convictions that involve providing
1090 alcohol to underage persons, to handle, serve, mix or dispense alcoholic
1091 beverages or for whom outstanding indictments, accusations or criminal charges
1092 exist charging such individual with any of such second offense and for which no
1093 final disposition has occurred.

1094
1095 (2) within the previous two years was convicted of, is currently on probation for, or
1096 currently under the supervision of a court under either a pre-trial diversion

1097 program or conditional discharge sentence for underage possession of alcohol, or
1098 for whom outstanding indictments, accusations or criminal charges exist charging
1099 such individual with such offense and for which no final disposition has
1100 occurred.

1101
1102 (c) No licensee shall allow any employee, agent, or subcontractor to serve as doorpersons or
1103 security personnel who;

1104
1105 (1) has been convicted within fifteen years of any felony or for whom outstanding
1106 indictments, accusations or criminal charges exist charging such individual with
1107 any of such offenses and for which no final disposition has occurred, or
1108

1109 (2) has been convicted within five years of any violation (i) of any state or federal
1110 crime involving physical violence; (ii) of any local, state or federal law pertaining
1111 to the manufacture, possession, transportation or sale of malt beverages, wine or
1112 intoxicating liquors, or other controlled substances and the taxability thereof (iii)
1113 of a crime involving moral turpitude; or (iv) of a crime involving soliciting for
1114 prostitution, pandering, gambling, letting premises for prostitution, keeping a
1115 disorderly place, the traffic offense of hit and run or leaving the scene of an
1116 accident, or any misdemeanor serious traffic offense as defined in O.C.G.A. § 40-
1117 6-390 et seq., but excluding any first conviction for reckless driving or driving
1118 under the influence of alcohol or drugs in the past 10 years as measured from the
1119 date of arrest, or for whom outstanding indictments, accusations or criminal
1120 charges exist charging such individual with any of such offenses and for which no
1121 final disposition has occurred.

1122
1123 (3) The term "conviction" as used in this paragraph shall include a finding or verdict
1124 of guilt, plea of guilty, a plea of nolo contendere including also anyone currently
1125 on probation or otherwise under a court's supervision for a term certain to avoid a
1126 judgment of guilt being entered under what is commonly referred to as "first
1127 offender" sentence or "pre-trial diversion program."

1128
1129

1130 **Sec. 6-11. - Conduct of Hearings Generally.**

1131
1132 (a) In conducting any hearing provided for in this Chapter the Mayor and City Council shall
1133 have the authority to hear evidence and subpoena witnesses and shall conduct the hearing in
1134 accordance with the requirements of due process as required by the United States Constitution
1135 and the Constitution of the State of Georgia and provide at a minimum that at the hearing the
1136 applicant may be represented by counsel, may offer testimony by witnesses or any other
1137 evidence and may cross-examine any opposing witnesses. The Mayor and City Council shall
1138 entertain any and all evidence relevant to the matter without regard to evidentiary rules regarding
1139 hearsay, or strict compliance with the Georgia Rules of Evidence as codified in Title 24 of the
1140 Official Code of Georgia as the Mayor and City Council are not a court of this state as
1141 contemplated by the Georgia Rules of Evidence.

1142

1143 (b) All parties to a hearing before the Mayor and City Council may compel the attendance of
1144 witnesses and/or the production of documents by subpoena issued by the City Clerk.
1145

1146 (c) A subpoena may be served by any sworn peace officer, sheriff, by his or her deputy, or by
1147 any other person not less than 18 years of age. Proof may be shown by return or certificate
1148 endorsed on a copy of the subpoena. Subpoenas may also be served by registered or certified
1149 mail or statutory overnight delivery, and the return receipt shall constitute prima-facie proof of
1150 service. Service upon a party may be made by serving his or her counsel of record.
1151

1152 (d) Failure to respond to such a subpoena shall be a violation of the this ordinance, and subject
1153 the offending party to the punishments allowed under section 5-3 of the Charter of the City of
1154 Statesboro, after hearing before the judge of Municipal Court.
1155

1156 (e) The City Clerk shall keep minutes of the hearing and shall keep records of examinations and
1157 other official actions, which shall be of public record. The record shall be an account of the
1158 proceedings, including a listing of all documents considered, a summary of testimony presented,
1159 and any rulings upon motions or objections raised. The applicant or any other party may have
1160 present an official court reporter, certified in the State of Georgia, at his or her expense to record
1161 the proceedings. In the absence of an official court reporter, the minutes of the City Clerk shall
1162 be the written record of the hearing.
1163

1164 (f) Appeal of any final decision of the Mayor and City Council shall be by Petition for Certiorari
1165 to the Superior Court of Bulloch County.
1166

1167 **Sec. 6-12. – Duties of City Clerk Upon Application; Right to Deny License; Right to Appeal**
1168 **Denial.**
1169

1170 (a) Upon submission of a full and complete application and supporting documentation to the
1171 City Clerk, the City Clerk shall have thirty (30) days to complete an investigation of the
1172 application and supporting documentation.
1173

1174 (b) If the City Clerk upon review and investigation finds that the applicant is not prohibited from
1175 obtaining a license, the City Clerk shall set the matter down for a public hearing before the
1176 Mayor and City Council as provided in Section 6-14 of this Chapter.
1177

1178 (c) If the City Clerk upon review and investigation finds that the applicant is not prohibited from
1179 obtaining a license, the City Clerk shall have authority to grant the licensee a temporary alcohol
1180 license. The temporary alcohol license shall only be used by the licensee to apply for a State
1181 alcohol license. The temporary alcohol license shall not allow the licensee to sell, dispense, pour
1182 or offer to sell, dispense or pour any distilled spirits, alcoholic beverages, wine, beer or malt
1183 beverages as defined by Georgia law within the corporate limits of the City of Statesboro. The
1184 privilege to sell, dispense, pour or offer to sell, dispense or pour any distilled spirits, alcoholic
1185 beverages, wine, beer or malt beverages as defined by Georgia law within the corporate limits of
1186 the City of Statesboro shall only be granted to the licensee upon approval by the Mayor and City
1187 Council pursuant to below Section 6- 14.
1188

1189 (d) If the City Clerk upon review and investigation finds that the applicant has not met all
1190 requirements to obtain a license, the City Clerk shall deny the license; shall furnish the applicant
1191 in writing the reasons for the denial of the grant of the license, and inform the applicant of the
1192 right of appeal provided for below.

1193
1194 (e) If the City Clerk denies the license, the applicant shall have THIRTY (30) days to file a
1195 Notice of Appeal.

1196
1197 (f) Failure to file an appeal of a denial of a license shall render the City Clerk's decision final.

1198
1199 (g) Upon filing of a Notice of Appeal the City Clerk shall place the matter on the agenda for
1200 hearing at a regularly scheduled City Council meeting that occurs no later than SIXTY (60) days
1201 from the filing of the Notice of Appeal.

1202
1203 (h) Pursuant to O.C.G.A. § 3-3-2(b) the Mayor and City Council does not have the authority to
1204 grant a license to an applicant who does not meet the requirements provided for in this Chapter.

1205
1206 (i) The Mayor and City Council shall have authority to reverse the decision of the City Clerk
1207 and grant the relief to the applicant only upon showing by clear and convincing evidence that the
1208 City Clerk's decision that the applicant failed to meet the minimum requirements for a license
1209 was clearly erroneous.

1210
1211 (j) Within SIXTY (60) days of hearing the aforesaid appeal, the Mayor and City Council shall
1212 rule upon the appeal and shall state upon the record in a regularly scheduled City Council
1213 meeting or by written order the reasons for said ruling.

1214
1215 **Sec. 6-13. - Approval by Mayor and City Council; Public Hearing.**

1216
1217 (a) No license to sell, dispense, pour or offer to sell, dispense or pour any distilled spirits,
1218 alcoholic beverages, wine, beer or malt beverages within the corporate limits of the City of
1219 Statesboro shall be issued or an existing license transferred until the application therefor has been
1220 approved by the Mayor and City Council after a public hearing.

1221
1222 (b) At least seven days prior to the date of the public hearing a sign shall be erected on the
1223 location for which the application is made in a conspicuous place which may be observed by
1224 pedestrian and motor vehicle traffic passing by such location and shall not be removed by the
1225 applicant prior to the conclusion of such public hearing. The sign shall specify the nature of the
1226 license being requested, that the application applies to the premises where the sign is posted, that
1227 a public hearing is scheduled to be conducted in the chambers of the Mayor and City Council, on
1228 the second floor at City Hall, at a designated time and date.

1229
1230 (c) In determining whether any alcoholic beverage license applied for shall be granted,
1231 transferred, or issued to a new person, entity or location the Mayor and City Council shall, in the
1232 interest of public safety and welfare, hear evidence at the public hearing relevant to the
1233 following:

1234

- 1235 (1) *Reputation.* The reputation, character, trade and business associations, and past
1236 business ventures of the applicant, owner, designated manager or any other person
1237 associated with the business.
1238
- 1239 (2) *Previous violations of alcoholic beverage laws.* If the applicant, owner, designated
1240 manager and any other person associated with the business is a previous holder of a
1241 license to sell alcoholic beverages, whether the applicant, owner, designated manager or
1242 any other person associated with the business has violated any law, regulation, or
1243 ordinance relating to such business.
1244
- 1245 (3) *Manner of conducting prior alcoholic beverage business.* If the applicant, owner,
1246 designated manager or any other person associated with the business is a current or
1247 previous holder of a license to dispense alcoholic beverages, the manner in which the
1248 applicant, owner, designated manager and any other person associated with the business
1249 conducted the prior business, especially as to the necessity of unusual police observation
1250 and inspection in order to prevent the violation of any law, regulation, or ordinance
1251 relating to such business.
1252
- 1253 (4) *Location.* The location for which the license is sought, as to traffic congestion,
1254 general character of the neighborhood, and the effect such an establishment would have
1255 on the adjacent and surrounding property values.
1256
- 1257 (5) *Number of licenses in trading area.* The number of licenses already granted for
1258 similar businesses in the trading area of the place for which the license is sought.
1259
- 1260 (6) *Previous revocation of license.* If the applicant, owner, designated manager or any
1261 other person associated with the business is a current or previous holder of a license to
1262 dispense alcoholic beverages license issued under the police powers of any governing
1263 authority, and has had corrective action taken against said license including, but not
1264 limited to, suspension or revocation.
1265
- 1266 (7) *Previous denial or revocation for location.* The denial of an application or the
1267 revocation of a license which was based on the qualifications of the proposed location.
1268
- 1269 (8) *Prior incidents at location.* Evidence that a substantial number of incidents requiring
1270 police intervention have occurred within a square city block of the proposed location
1271 during any 12 month period in which the location was licensed to sell alcohol.
1272
- 1273 (9) The applicant, owner, designated manager or any other person associated with the
1274 business is not compliant with all matters bearing upon the conduct of any business
1275 venture within the City, including but not limited to zoning, permitting, taxes, code
1276 compliance, licensing and fees;
1277
- 1278 (10) Evidence that the type and number of schools, religious institutions, libraries, public
1279 recreation areas or other circumstances in the vicinity of the premises cause minors to

1280 frequent the immediate area even though in compliance with the minimum proximity
1281 requirements provided in this Chapter and in state law.

1282
1283

1284 (d) In considering the application, the Mayor and City Council may impose conditions, to the
1285 extent necessary, to minimize any adverse effects the proposed licensed premises may have on
1286 public safety and welfare if after considering all of the evidence, the Mayor and City Council
1287 decides such conditions can reduce such adverse impacts on public safety and welfare to an
1288 acceptable and reasonable level. Violations of such conditions shall be a violation of this
1289 Chapter and the terms of the license.

1290

1291 (e) If the application is denied or conditions are placed on the license, the Mayor and City
1292 Council shall cause a written opinion to be prepared and approved by Mayor and City Council
1293 showing the reason or reasons for the denial of the license or placement of conditions on the
1294 license. Upon adoption by the Mayor and City Council the opinion shall be the final decision of
1295 the Mayor and City Council. The City Clerk who shall notify the applicant of the final decision
1296 of the Mayor and City Council within five days of the adoption of the final decision by the
1297 Mayor and City Council.

1298

1299 (f) Appeal of the final decision of the Mayor and City Council shall be by Petition for Certiorari
1300 to the Superior Court of Bulloch County.

1301

1302 **Sec. 6-14.—Order Required; Disorderly Conduct Prohibited.**

1303

1304 (a) *Order required within establishment.* Owners, managers, and employees of a licensed
1305 business shall be responsible for keeping an orderly place and shall not permit any employee,
1306 patron, or other person to cause a disturbance or engage in unlawful, loud, boisterous, lewd, or
1307 obscene conduct or practice within the establishment.

1308

1309 (b) *Order required outside establishment.* The owner and manager of any alcoholic beverage
1310 establishment shall be responsible for monitoring parking lots and other outside areas around the
1311 establishment and prohibiting patrons and other persons associated with the establishment from
1312 standing, sitting, mingling, or assembling outside the licensed premises in a manner which
1313 causes or contributes to disturbances and/or illegal acts.

1314

1315 (c) *Disorderly conduct while intoxicated prohibited.* It shall be unlawful for any person
1316 within the corporate limits of the city, while intoxicated by alcohol or other drugs on the
1317 sidewalks, parks, squares, streets, public buildings, other public places, or in the curtilage of any
1318 private residence not his own other than by invitation of the owner or lawful occupant, to be
1319 disorderly which condition is made manifest by boisterousness, by indecent condition or act, by
1320 vulgar, profane, loud or unbecoming language, or by acting in such a way as to endanger his or
1321 her life or safety or that of any other person or persons.

1322

1323 **Sec. 6-15. - Dive defined; prohibited; penalty for violation.**

1324

1325 (a) *Term defined.* As used in this section, the term "dive" shall mean any place or establishment
1326 where illegal drugs are found, possessed, kept or sold; or where any person possesses or
1327 consumes any illegal or unlicensed alcoholic beverage or possesses or uses any illegal drug; or
1328 where any person commits any illegal sexual act; or where any person engages in gambling
1329 activities.

1330
1331 (b) *Prohibition.* It shall be unlawful for any person or organization or group of persons to have,
1332 operate or maintain any place or establishment defined as a dive.

1333
1334 **Sec. 6-16. - Alcohol promotions; pricing of alcoholic beverages.**

1335
1336 (a) Unless otherwise stated, this section shall be construed to cover, include and apply to every
1337 type of alcoholic beverage licensed to be sold in the City of Statesboro.

1338
1339 (b) It shall be unlawful for any licensee or employee or agent of such licensee to engage in or
1340 allow any of the following practices in connection with the sale or other disposition of alcoholic
1341 beverages:

1342
1343 (1) Offer or deliver any free alcoholic beverage to the general public. This subsection
1344 shall not apply to wine tastings conducted in accordance with Section 6-6(e) where wine
1345 is offered in a quantity only to taste the product, or to samples of beer offered in
1346 conjunction with the sale of growlers as provided for in Section 6-6(b).

1347
1348 (2) Sell, offer to sell, or deliver to any person or group of persons any alcoholic beverage
1349 at a price less than \$2.00.

1350
1351 (3) Sell, offer to sell, or deliver to any person or group of persons two or more alcoholic
1352 beverages during any set period of time at a fixed price.

1353
1354 (4) Sell, offer to sell, or deliver alcoholic beverages after 11:00 p.m. to any person or
1355 group of persons at reduced prices less than the normal retail price of the establishment
1356 for that alcoholic beverage charged the general public on that day.

1357
1358 (5) Increase the volume of alcohol contained in a drink without increasing
1359 proportionately the price regularly charged for such alcoholic beverage.

1360
1361 (6) Sell two or more alcoholic beverages for a price substantially the same as is charged
1362 for one such alcoholic beverage.

1363
1364 (7) Require or encourage the purchase of a second or subsequent alcoholic beverage at
1365 the same time another alcoholic beverage is purchased.

1366
1367 (8) Sponsor, conduct, encourage or allow on the licensed premises any game or contest
1368 or promotion which either:

1369

- 1370 a. Involves the drinking of alcoholic beverages or the awarding of alcoholic
1371 beverages as the prize; or
1372 b. Has as its primary purpose the increasing of the consumption of alcoholic
1373 beverages on the premises.
1374

1375 (9) Sell, offer to sell, or give away any coupons, tokens, tickets, receipts or other devices
1376 authorizing the serving of any alcoholic beverage drinks either on the current or
1377 subsequent day.
1378

1379 (10) Sell, offer to serve, or deliver any alcoholic beverage to be inserted into the mouth
1380 of a customer in any manner by anyone other than by the customer.
1381

1382 (11) Charge any minimum charge, cover charge, admission charge, or any other non-
1383 food or non-alcoholic beverage charge based on gender, race, creed, color or national
1384 origin.
1385

1386 (c) There shall be no advertisement or promotion in any way, whether within or without the
1387 licensed premises, of any of the practices prohibited under this section.
1388

1389 (d) No provision of this section shall be construed to prohibit licensees from offering free food
1390 or entertainment at any time; provided all patrons or customers are allowed equal access to such
1391 free food or entertainment, or to prohibit licensees from including an alcoholic beverage as a part
1392 of a meal package, or to prohibit the sale or delivery of wine by bottle or carafe when sold with
1393 meals or to more than one person, or to prohibit any hotel or motel from offering room services
1394 to registered guests.
1395

1396 (e) This section shall not limit or expand any privilege granted by the Commissioner of the
1397 Georgia Department of Revenue to a brewer licensed to manufacture malt beverages authorizing
1398 said brewer to conduct educational and promotional brewery tours pursuant to O.C.G.A. § 3-5-
1399 38
1400

1401 **Sec. 6-17. - Open containers; Sales and Service in Public Areas**
1402

1403 (a) *"Open container" defined.* The term "open container", as used in this chapter, means any
1404 bottle, can, glass, cup or other vessel which contains an alcoholic beverage not in its original
1405 container. The term "open container" shall also mean the original container of an alcoholic
1406 beverage and which contains an alcoholic beverage on which the seal has been broken or which
1407 is otherwise ready for consumption.
1408

1409 (b) *"Semipublic parking facility" defined.* The term "semipublic parking facility" shall include
1410 any privately owned area wherein motor vehicles may be parked by the public in conjunction
1411 with any business, enterprise, commercial establishment, office building, church, school, or
1412 multiple-family residential building.
1413

1414 (c) *Possession of open container prohibited.* Unless otherwise provided by this Chapter, it shall
1415 be unlawful for any person to have in his or her possession any alcoholic beverages in any open

1416 container while on the public streets, sidewalks, alleyways or rights-of-way, or in any public or
1417 semipublic parking facility including areas of ingress and egress within the City of Statesboro,
1418 Georgia.

1419
1420 (d) *Exemptions to open container prohibition.* Only the Executive Director of the Downtown
1421 Statesboro Development Authority shall have standing to request, and only the Mayor and City
1422 Council shall have authority to grant exemptions from the prohibitions contained in 6-18(c) for
1423 events sponsored by the Downtown Statesboro Development Authority. Any exemption shall be
1424 by resolution and clearly define the date, time and boundary area for such an exemption, and
1425 shall include any and all terms conditions deemed appropriate by the Mayor and City Council to
1426 maintain public safety and welfare. Exemptions granted pursuant to this subsection shall also
1427 exempt the Downtown Statesboro Development Authority from obtaining or paying the fee for
1428 an Outdoor Event Permit as provided in Section 6-4.

1429
1430 (e) *Application to property owned by Board of Regents.* This prohibition shall not apply to any
1431 property owned by the Board of Regents of the State of Georgia.

1432
1433 (f) *Application to sidewalk cafes.* The prohibition in subsection (c) above shall not apply to
1434 patrons of a **sidewalk café located in Downtown Development Authority District**, if such
1435 establishment is otherwise licensed to sell alcoholic beverages under the applicable laws and
1436 ordinances in the City of Statesboro.

1437
1438 (g) *Possession in automobiles prohibited.* See O.C.G.A. § 40-6-253.

1439
1440 (h) *Posting of notice by establishments.* All licensed alcohol establishments are hereby required
1441 to post in a conspicuous location inside such establishment a notice informing patrons that open
1442 containers are prohibited on the public streets, sidewalks or right-of-ways, or in any public or
1443 semipublic parking facility within the City of Statesboro.

1444
1445 (i) It shall be unlawful to furnish or dispense alcoholic beverages through kegs, barrels,
1446 cylinders or other portable receptacles containing tap or pump-type devices in which the flow of
1447 contents is controlled by the operator in a public place and facility. When receptacles are found
1448 in violation of this section and the person maintaining the receptacle cannot be identified, the
1449 receptacle shall be confiscated and held for 30 days by the city police. The receptacle may be
1450 claimed by the owner or lessor, but will be disposed of at the end of 30 days if unclaimed.
1451 Nothing in this section shall prohibit persons holding licenses pursuant to this chapter from
1452 dispensing through kegs, barrels, cylinders or other such receptacles inside an appropriately
1453 licensed premises.

1454
1455 **Sec. 6-18. - Furnishing alcoholic beverages in violation of state law.**

1456
1457 It shall be unlawful for any licensee, by himself or through another, to obtain, furnish or cause to
1458 be obtained or furnished, or permit any other person in his employ to obtain or furnish, distilled
1459 spirits, wines, malt beverages, or any other alcoholic beverages in a manner that is a violation of
1460 state law.

1461

1462 **Sec. 6-19. - Compliance; violations; penalties.**

1463

1464 (a) *Violations; penalties.*

1465

1466 (1) It shall be unlawful for any person to violate the provisions of this Chapter. Upon
1467 conviction for the violation thereof each person shall be subject to the punishments
1468 allowed under section 5-3 of the Charter of the City of Statesboro, after hearing before
1469 the judge of municipal court.

1470

1471 (2) The minimum fine for a first conviction for violating any provisions of this Chapter
1472 in the last five years, as measured from the date of previous offense to the date of the
1473 current offense, shall not be less than \$300.00 per citation.

1474

1475 (3) The minimum fine for a second or subsequent convictions for violating any
1476 provisions of this Chapter in the last five years, as measured from the date of previous
1477 offense to the date of the current offense, shall not be less than \$725.00 per citation.

1478

1479 (b) *Duty of Municipal Court Clerk; Duty of City Clerk.*

1480

1481 (1) Upon filing of any citation(s), accusation(s) or warrant(s) in the Municipal Court of
1482 Statesboro that alleges a violation of this Chapter by a licensee, or an employee, agent or
1483 representative of a licensee, the Clerk of the Municipal Court shall forward copies of
1484 the citation(s), accusation(s), or warrant(s) to the City Clerk, and to the Special Agent
1485 in Charge of the Savannah Regional Office of the Alcohol and Tobacco Division of the
1486 Georgia Department of Revenue as required by O.C.G.A. §3-3-2.1.

1487

1488 (2) Upon conviction of a licensee or an employee, agent or representative of a licensee,
1489 of any provision of this Chapter or paragraph (1) of subsection (a) of Code Section 3-3-
1490 23, prohibiting the furnishing of alcoholic beverages to underage persons, the Clerk of
1491 the Municipal Court shall forward certified copies of the conviction to the Special Agent
1492 in Charge of the Savannah Regional Office of the Alcohol and Tobacco Division of the
1493 Georgia Department of Revenue as required by O.C.G.A. §3-3-2.1. The term
1494 "conviction" as used in this paragraph shall include a finding or verdict of guilt, plea of
1495 guilty, or a plea of nolo contendere.

1496

1497 (3) Upon receipt of copies of any accusation(s), citation(s) or warrant(s) from the Clerk
1498 of the Municipal Court alleging a violation of this Chapter by a licensee, or an employee,
1499 agent or representative of a licensee the City Clerk shall notify the Mayor, the City
1500 Manager, the City Attorney and the Director of Public Safety.

1501

1502 (c) *Probation, suspension, revocation of license; administrative hearing, administrative hearing*
1503 *fee.*

1504

1505 (1) The Mayor and City Council shall have exclusive jurisdiction over any action
1506 brought against any licensee holding a license issued pursuant to this Chapter seeking to

1507 revoke, suspend or place the licensee on probation. Said action may be brought by the
1508 City Solicitor, the City Manager, or the Director of Public Safety.

1509
1510 (2) The Mayor and City Council may suspend, revoke, or place a licensee on probation,
1511 or any combination of suspension and probation for one or more of the following reasons:

- 1512
- 1513 a. The violation by the licensee, or licensee's employees or agents of any
1514 state or federal law or regulation or any provision of this Chapter or other
1515 ordinance of the City of Statesboro, at any time adopted, relating to the
1516 sale, use, possession, or distribution of alcoholic beverages.
 - 1517
 - 1518 b. The violation by the licensee, or licensee's employees or agents of any
1519 federal or state law or of any local ordinance of the City of Statesboro,
1520 which is related to building codes, fire codes, smoking, excise tax,
1521 property tax, health, solid waste disposal, illegal gambling, or
1522 controlled substances.
 - 1523
 - 1524 c. The operation of the licensee's business in such a manner as to constitute a
1525 threat to public safety, welfare or health or in such a manner as to
1526 constitute a public nuisance or the operation of a licensed business where
1527 violations of federal, state, or local laws or ordinances frequently or
1528 regularly occur.
 - 1529
 - 1530 d. The making of any untrue or misleading statement in the application for a
1531 license or any renewal thereof or the omission from such application or
1532 renewal of any information required in the application.
 - 1533
 - 1534
 - 1535 e. Permitting any person to engage in any activity on the premises for which
1536 the license is issued or within the place of business, which is in violation
1537 of the laws or regulations of any federal or state law or of any local
1538 ordinance of the City of Statesboro, which is related to building codes, fire
1539 codes, smoking, excise tax, property tax, health, solid waste disposal,
1540 illegal gambling, alcohol, or other controlled substances.

1541
1542 (5) Any person holding any license issued pursuant to this chapter or any employee or
1543 agent of such person who violates any provision of this chapter, or directs, consents to,
1544 permits, or acquiesces in such violation either directly or indirectly shall, by such
1545 conduct, subject the license to suspension, revocation or probation upon conditions.

1546
1547 (6) For purposes of administrative action against a licensee, any act committed by an
1548 employee, agent or representative of a licensee that violates any provision of this chapter
1549 shall be deemed to be an act of such licensee.

1550
1551 (7) In order to take administrative action against a licensee, a hearing before the Mayor
1552 and City Council shall be held on a date and time certain which shall be reflected on the

1553 summons of administrative hearing issued by the City Clerk or any other person
1554 specifically authorized by this Chapter or other law to issue such summons to appear
1555 before the Mayor and City Council. The summons of administrative hearing shall
1556 contain a place, date and time certain and shall be served on responding party more than
1557 five (5) days before any scheduled hearing.
1558

1559 (8) The notice of administrative hearing shall be served by certified mail return/receipt
1560 requested; or by leaving a copy thereof at the licensed business location with an
1561 employee working therein, or by personal service on the responding party, or on an agent
1562 authorized by law or by appointment to receive service of process. Said notice shall also
1563 be sent by regular mail to the agent set out on the license or listed on the license
1564 application. The City Clerk shall also forward a copy of this notice to the Special Agent
1565 in Charge of the Savannah Regional Office of the Alcohol and Tobacco Division of the
1566 Georgia Department of Revenue.
1567

1568 (9) The standard for an action against a licensee is preponderance of the evidence.
1569

1570 (10) In considering the term of suspension, whether to permanently revoke the license or
1571 whether to impose terms of probation on the license, the Mayor and City Council shall
1572 consider the following factors:
1573

1574 a. The gravity of the violation as shown by the evidence presented at the hearing;
1575

1576 b. Any previous violations within the past five years period as measured from
1577 the date of previous offense to the date of the current offense;

1578
1579 c. Actions of the licensee, its employees, subcontractors or agents in connection
1580 with the violation.
1581

1582 (11) However, if a licensee possesses an Under 21 Permit as provided in Section 6-9(c)
1583 and directly or through another person, furnishes or causes to be furnished, or any person
1584 in the licensee's employ furnishes any alcoholic beverage to any person under 21 years of
1585 age, the following minimum penalties shall apply:
1586

1587 a. For a first violation in a 24 month period, as measured from the date of
1588 previous offense to the date of the current offense, the license shall be suspended
1589 at least 72 consecutive hours, and such suspension shall begin on the next
1590 Thursday after the hearing at 2:01 a.m. and end on the following Sunday at 2:01
1591 a.m.
1592

1593 b. For a second violation in a 24 month period, as measured from the date of
1594 previous offense to the date of the current offense, the license shall be suspended
1595 for at least two periods of 72 consecutive hours in two consecutive weeks
1596 beginning on the next Thursday after the hearing with each period of two periods
1597 of 72 hours of suspension beginning on a Thursday at 2:01 a.m. and ending on the
1598 following Sunday at 2:01 a.m.

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c. For a third violation in a 24 month period, as measured from the date of previous offenses to the date of the current offense, the license shall be suspended for at least three periods of 72 consecutive hours in three consecutive weeks beginning on the next Thursday after the hearing with each period of 72 hours of suspension beginning on a Thursday at 2:01 p.m. and ending the following Sunday at 2:01 a.m.

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

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

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

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

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

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

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

1645
1646 (b) Every consumption-on-the-premises licensee shall collect the tax imposed by this chapter
1647 from purchasers of any drink containing distilled spirits sold by the drink. The licensee shall
1648 furnish such information as may be required by the City Clerk to facilitate the collection of the
1649 tax. In all cases where the purchase is by deferred payment or credit, the licensee becomes liable
1650 for the collection and payment of the tax at the time of delivery of the drink containing distilled
1651 spirits sold by the drink.

1652
1653 (c) On or before January 20th, April 20th, July 20th and October 20th of each calendar year,
1654 licensees shall be required to file with the city clerk an excise tax report showing the licensee's
1655 gross receipts from the sale of drinks containing distilled spirits; the amount of taxes collected or
1656 coming due thereon for the previous three months, and shall pay over the amount due of taxes
1657 collected under this chapter to the City at the same time the excise tax report is filed.

1658
1659 **Sec. 6-21. – Excise Tax on the Wholesale of Malt Beverages, Wine, and Distilled Spirits**

1660
1661 (a) There is imposed by the city an excise tax on the first sale or use of malt beverages in the
1662 city, as follows:

1663
1664 (1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a
1665 barrel or bulk container, a tax of \$6.00 on each container containing not more than 15½
1666 gallons and a proportionate tax at the same rate on all fractional parts of 15½ gallons;

1667
1668 (2) Where malt beverages are sold in bottles, cans or other containers, except barrel or
1669 bulk containers, a tax of \$0.05 per 12 ounces and a proportionate tax at the same rate on
1670 all fractional parts of 12 ounces.

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

1674
1675 (c) There is imposed by the city an excise tax on the first sale or use of distilled spirits in the city
1676 at the rate of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a
1677 liter.

1678
1679 (d) The excise taxes provided for in this section shall be imposed upon and paid by the licensed
1680 wholesale dealer. Such taxes shall be paid on or before the 20th day of the month following the
1681 month in which the alcoholic beverages are sold or disposed of by the wholesaler within the city.

1682
1683 **Sec. 6-22. – Adoption of Rules and Regulations for the Administration of this Chapter**

1684
1685 (a) The Mayor and City Council may adopt any rules and regulations for the administration of
1686 the Chapter not in conflict with this Chapter or other law.

1687
1688 (b) The rules and regulations adopted by the Mayor and City Council for the administration of
1689 the Chapter shall be kept on file with the City Clerk for review by the public during the regular
1690 business hours of City Hall.

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

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

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

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