
NEW ALCOHOLIC BEVERAGE LICENSE INFORMATION & CHECK LIST

- ☐ A state license must be obtained before any alcoholic beverages can be served or sold in the City of Clarkston. Contact the Georgia Department of Revenue at (404) 417-4902.
- ☐ Review the City's Alcoholic Beverage Ordinance, located in Chapter 3 of the City of Clarkston's Code of Ordinances. A copy of Chapter 3 of the Code of Ordinance pertaining to Alcoholic Beverages is included at the end of this packet. Please note: *On November 7, 2024, the City increased the Alcoholic Beverage Fees, which are not yet reflected in Chapter 3 of the Code of Ordinances related to Alcoholic Beverages. To view the newly adopted FY 2025 City of Clarkston Fee Schedule, please visit <https://www.clarkstonga.gov/finance/budgets>.*
- ☐ If applicant is a new establishment you must also obtain an Occupational Tax Permit, please contact City Hall at (404) 296-6489.
- ☐ The following information will be required at the time of submittal of the application:
 - ☐ Completed Application Form (signed and notarized);
 - ☐ Must obtain or have an Occupational Tax Certificate;
 - ☐ Personnel Statements from owner, partners, officers, directors, and major stockholders of private corporations, and general manager with two current passport photographs
 - ☐ Fingerprint-based Criminal History Record Check must be obtained with Clarkston Police Department, 3921 Church St., Clarkston, GA 30021; (see Pages 5 and 12);
 - ☐ All individuals required to complete personnel statements must contact the Police Department at (404) 292-9465 for background check.
 - ☐ Cash or check for the license fee plus the administrative fee;
 - ☐ Evidence of Ownership of the building or copy of the lease, if applicant is leasing the building;
 - ☐ A survey showing the distance to the nearest school/school grounds, church, library, public park, alcohol treatment facility, adult entertainment;
 - ☐ If applicant represents a franchise, copy of the franchise agreement;
 - ☐ If applicant represents an eating establishment, submit a copy of the menu;
 - ☐ If applicant represents a partnership, submit copy of the partnership agreement;
 - ☐ If applicant represents a corporation, submit articles of incorporation and certificate of incorporation;
 - ☐ Project purchases/projected gross sales (if applying for distilled spirits consumption);
- ☐ Establishments holding an Alcohol Beverage License from the City of Clarkston must submit the following reports:

On-Premise Consumption

- ☐ Excise tax-reporting for Liquor Sales (to be submitted monthly). Due the 20th of each month;
- ☐ Quarterly Reporting of food/alcohol sales; due the last day of the month after each calendar quarter.

New Alcohol Beverage License Application

Instructions: This application must be typed or printed legibly and executed under oath. Each question must be fully answered. If space provided is not sufficient to answer the question please use a separate sheet of paper. Holding an alcohol beverage license with the City of Clarkston is a privilege.

☐ New ☐ Amendment

Date: _____

Contact Name: _____ Phone: _____

Business/Trade Name: _____

D/B/A: _____

Business Address: _____

Emergency Contact Name: _____ Phone: _____

TYPE OF BUSINESS

- ☐ Convenience Store
- ☐ Grocery Store
- ☐ Package Store
- ☐ Manufacturer
- ☐ Specialty Beverage Store
- ☐ Restaurant
- ☐ Wholesale
- ☐ Other: _____

TYPE OF LICENSE AND FEES

Retail Dealers On-Premise Consumption/Retail Dealers Package

- ☐ Beer/Malt Beverages: \$862
 - ☐ Wine: \$862
 - ☐ Beer/Wine/Malt Beverages: \$1,150
 - ☐ Distilled Spirits: \$2,875
 - ☐ Retail Dealer - Wholesale Wine/Beer/Malt Beverages: \$405
 - ☐ Retail Dealer - Wholesale Wine/Beer/Malt Beverages/ Distilled Spirits: \$3,278
 - ☐ Wholesale Beer/Wine/Malt Beverages: \$520
 - ☐ Wholesale Distilled Spirits (City): \$5,750; No location in City: \$450
 - ☐ Administrative (Investigative Application); Fee (applicable to all Licenses): \$260.00
- Employee Work Permit Initial/Renewal: \$50.00 (per employee); To apply, please contact the Clarkston Municipal Court Office at (404) 292-9465.

FOR OFFICE USE ONLY

Department	Date	Approve/Deny	Comments
City Clerk			
Planning & Economic Development			
Police Department			
Quality of Life Officer			
City Manager			

APPLICANT INFORMATION

Please submit a passport photograph of owner(s) with completed application.

Full Name: _____ Date of Birth: _____
Current Address: _____

Name of Agent or Representative (if different from Applicant): _____
Phone: _____
Address: _____

Address of Applicant (if different for the past 5 years):

Have you ever been arrested? ☐ Yes ☐ No (If yes, explain) _____

BUSINESS INFORMATION

Type of business entity: ☐ Sole Proprietorship ☐ Partnership ☐ Corporation ☐ Other

Has an Occupational Tax Certificate been obtained and paid for at said business? ☐ Yes ☐ No (If not issued by the City of Clarkston please include a copy with application.)

Federal Tax ID Number: _____ State Tax ID Number: _____

Do you own the property? ☐ Yes ☐ No (If no, please provide name, address, and contact number for the landlord. A copy of the Lease must be attached to this application.) _____

Name each person(s) having a financial interest in the Establishment.

Full Name	Position	Social Security Number	Address	% of Interest

Have you or anyone with interest in the establishment ever or do you currently hold an alcohol beverage license with any other municipality, county, or state? ☐ Yes ☐ No

If so, have you or anyone holding interest in the establishment ever been placed on probation or had your license revoked? ☐ Yes ☐ No (If yes, please explain on separate sheet of paper and attach hereto.)

Provide name, address, Social Security Number, and phone number for each Manager if different from owner. A passport photograph, Personnel Statement, and Background Check must be submitted for each manager.

Full Name	Position	Social Security Number	Address	% of Interest

If new application for Retail Sale, attach a surveyor's plat and state the straight line distance from property line of school, church, library, or public recreation area to the wall of the building where alcohol beverages are sold.

Church: _____ School: _____

Library: _____ Public Recreation: _____

VERIFICATION OF APPLICATION

I hereby make application for an Alcohol Beverage License for the City of Clarkston. I understand that holding this license is a privilege. I do hereby affirm and swear that the information provided herein is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I understand the City of Clarkston reserves the right to enforce any and all ordinances regardless of payment of license fee and further that it is my/our responsibility to conform with said ordinances in full. I hereby acknowledge that all requirements shall be adhered to. I can read the English language and I freely and voluntarily have completed this application. I understand that it is a felony to make false statements or writings to the City of Clarkston pursuant to O.C.G.A. §16-10-20.

Signature of Applicant or Agent

Print or Type Name

I certify that _____ (name of applicant) personally appeared before me, and that he signed his name to the foregoing statements and answers made therein, and under oath, has sworn that said statements and answers are true.

This _____ day of _____, 20____.

Notary Public

My commission expires on: _____

BACKGROUND CHECK OWNERS/MANAGERS

An Alcohol Permit Applications must include a background check for all owners, partners and managers.

Application must be made to the City of Clarkston Police Department, Municipal Courts, 3921 Church Street, Clarkston, GA 30021, (404) 292-9465

Hours: 9:00a.m. to 4:00p.m. Monday through Friday

Fees:

Owner/Manger Permits are \$50.00 which includes processing of Criminal History record

Payment Forms: Cash or Credit Card

Name: _____ Date: _____

Business: _____ Title: _____

Are you an Owner or Manager? ☐ Manager ☐ Owner ☐ Partner

If you are an Owner/ Manager have you obtained Personnel Statement from City Hall? ☐ Yes ☐ No

Do you consent to the Clarkston Police Department checking your criminal history? ☐ Yes ☐ No

Have you ever been convicted or has plead guilty or entered a plea of nolo contendere to any crime, misdemeanor, and/or felony involving moral turpitude, lottery, or illegal possession or sale of narcotics or liquors within a period of ten (10) years immediately prior to the filing of such application. ☐ Yes, Please Explain ☐ No

Are you currently serving probation? ☐ Yes, Please Explain ☐ No

For Official Use Only

City Hall:

Authorized By: _____ Date: _____ ID Paid: ☐ Yes ☐ No

Police Department:

Criminal History Record Checked? ☐ Yes ☐ No

Applicant is able to obtain Permit? ☐ Yes ☐ No, If no, please state reason for denial.

Permit No. _____

Signed By: _____ Date: _____ Name: _____
Please Print Name

ALCOHOLIC BEVERAGE PERSONNEL STATEMENT
OWNERS/MANAGERS/ASSISTANT MANAGERS

For Official Use Only

Type of License: _____

Business: _____

Address: _____

Telephone: _____

Instructions: This personnel statement must be executed under oath or affirmation by every person having any ownership or profit sharing interest in, or managing any place of business applying for license from the City of Clarkston, Georgia to sell or deal in alcoholic beverages or distilled spirits. Please type or print clearly in ink. If not legible, Statement will not be accepted. Each question must be fully answered. If the space provided is not sufficient, answer the question on a separate sheet and indicate in the space provided that such separate sheet is attached. A personnel statement, including two (2) passport-size photographs and two (2) fingerprint cards are required by Questions 31 and 32, for all owners/managers/assistant managers and must be submitted with every license application.

1. _____
Full Name of Applicant and Address

2. Social Security Number: _____

3. Driver's License Number: _____

4. Date of Birth: _____ Place of Birth: _____

5. U.S. Citizen A copy of verifiable identification must be provided at the time of application. Copy of driver's license or State photo ID card.

a. ☐ by birth

b. ☐ Naturalized

Date: _____ Place: _____ Court: _____

Petition Number: _____ Certificate Number: _____

Derived Parent Certificate Number(s) _____

Alien Registration Number: _____

Native Country: _____ Date of Port Entry: _____

6. How long have you been a legal resident of Georgia? _____ Years _____ Months

7. Marital Status ☐ Single ☐ Married ☐ Widowed ☐ Divorced ☐ Separated

8. If married, give spouse's full name _____

9. Physical Description of Applicant _____ Race _____ Sex _____ Height _____ Weight _____
_____ Age _____ Hair Color _____ Eyes _____

10. Education and training specific to restaurant/alcohol field. _____

11. Have you ever used or been known by any other name ☐ yes ☐ No

12. List maiden name, names by former marriages, former names changed legally or otherwise, aliases or nicknames. For each, list the period which you were known by this name. _____

13. Are you registered to vote in the state of Georgia ☐ yes ☐ No

County Registered _____ Number of years registered _____

14. For the last calendar year, did you file and pay any County property tax () yes () No

15. For the last calendar year, did you file and pay any City property tax () Yes () No

Name of City _____

16. Employment record for the past ten (10) years (Give most recent experience first, is self-employed give details)

From	To	Employer	Occupational Duties	Reason for Leaving
------	----	----------	---------------------	--------------------

a. _____

b. _____

c. _____

d. _____

e. _____

f. _____

g. _____

h. _____

17. List, with your most recent place of residence first, all of your residences for the past ten (10) years

Date From/To	Street	City	State
--------------	--------	------	-------

a. _____

b. _____

c. _____

d. _____

e. _____

18. Military Service () Yes () No List Serial Number _____ Branch of Service _____

Period of Service _____ Date of Discharge _____ Type of Discharge _____

19. Have you ever been convicted of a felony relating to violence, illegal substances, gambling, theft or alcohol use, or of a crime opposed to decency and morality, or who has been convicted of a crime involving violation of the ordinances of the city or any other city or county relating to the use, sale, taxability, or possession of malt beverages, wine or liquor, or violations of the laws of the state and federal government pertaining to the manufacture, possession, transportation or sale of malt beverages, wine or intoxicating liquors, or the taxability thereof within ten (10) years preceding this application? _____ Yes _____ No

20. Full name of dealer and trade name, if any, submitting application of which this personnel statement is a part.

21. Position of applicant in dealer's business. _____

22. Does applicant have any ownership/profit sharing interest in the business? () Yes () No

State annual salary of applicant or the estimated annual profit or compensation derived from this business.

23. Do you have any financial interest in any bar, lounge, tavern, restaurant, or other place of business where alcoholic beverages are sold and consumed on the business premises? () Yes () No if yes, explain _____

24. Do you have any financial or are you employed in any wholesale or retail liquor business other than the business submitting the license application of which this personnel statement is a part? () Yes () No if yes, give names and locations and amount of interest in each. _____

25. Do you have any financial interest or are you employed in any business engaged in distilling, bottling, rectifying or selling (wholesale, retail or manufacturing) alcoholic beverages in this state or outside this state which has not otherwise been disclosed in the statement. () Yes () No If yes, explain _____

26. Have you ever had any financial interest in an alcoholic beverage business which was denied a permit? () Yes () No if yes, explain _____

27. Has any alcoholic beverage business in which you hold or have held any financial interest or have been employed, ever been cited for any violation for the rules and regulations of the State Revenue Commission relating to the sale or distribution of distilled spirits? () Yes () No If yes, explain _____

28. Have you ever been denied a bond by a commercial surety company? () Yes () No if yes, explain _____

29. Are you related by blood, marriage or adoption to any persons engaged in any business handling alcoholic beverages, whiskeys or liquors in the State of Georgia. () Yes () No

30. Personal References. Give three (3) personal references, not relatives (i.e., former employees, fellow employees or school teachers who are responsible adults, business or professional men or women) who have known you well during the past five (5) years.

Name _____
Residence _____
Business Address _____
Telephone Number _____ Number of years known _____

Name _____
Residence _____
Business Address _____
Telephone Number _____ Number of years known _____

Name _____
Residence _____
Business Address _____
Telephone Number _____ Number of years known _____

31. Attach two (2) passport-size photographs (front view). Write name on back of photographs and also the name of dealer submitting a license application. Initial here if such photographs are attached. _____

32. There must be submitted with this personal statement the fingerprints of applicant on two (2) fingerprint cards, which will be furnished to the City of Clarkston. Initial here that such fingerprint cards are attached. _____

Verification

I, _____, applicant, do solemnly swear, subject to criminal penalties for false swearing, that the statements and answers made by me to the foregoing questions in this application for a City of Clarkston license as a dealer in alcoholic beverage and distilled spirits are true, and no false or fraudulent statements or answer is made therein to procure the granting of such license. I hereby submit for an Alcoholic Beverage Privilege License Personnel Statement for the City of Clarkston. I do hereby swear or affirm that the information provided herein is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this statement and any related application. I certify that neither I, nor any of the other owners of the retail or wholesale establishment, nor the manager of such establishment has been convicted or has plead guilty or entered a plea of nolo contendere to any crime, misdemeanor, and/or felony involving moral turpitude, lottery, or illegal possession or sale of narcotics or liquors within a period of ten (10) years immediately prior to the filing of such application. I understand the City of Clarkston reserves the right to enforce any and all ordinances regardless of payment of license fees and further that it is my/our responsibility to conform to said ordinance in full. I hereby acknowledge that all requirements shall be adhered to. I can read the English language and I freely and voluntarily have completed this application. I understand that it is a felony to make false statements or writings to the City of Clarkston pursuant to O.C.G.A. §16-10-20.

Applicant's Signature (full name in ink)

Applicant's Name (Print or Type)

I certify that _____ (name of applicant) personally appeared before me, and that he signed his name to the foregoing statements and answers made therein, and under oath, has sworn that said statements and answers are true.

This _____ day of _____, 20 _____.

Notary Public

Seal:



NON-CRIMINAL JUSTICE APPLICANT'S PRIVACY RIGHTS

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

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

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

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

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

PRIVACY ACT STATEMENT

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

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

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

APPLICANT SIGNATURE

DATE

NOTARY SIGNATURE

DATE

SEAL



I hereby authorize the Clarkston Police Department to conduct a fingerprint-based criminal history record check as part of my Alcoholic Beverage License application.

I understand that the Clarkston Police Department will use the Georgia Crime Information Center to search its criminal history files, as well as the Federal Bureau of Investigation for a federal record check, if authorized.

I acknowledge that the results of this fingerprint check will be electronically transmitted to the Clarkston Police Department, who will review them to assess my suitability for the position I have applied for. I further understand that the Clarkston Police Department will not retain a copy of my criminal record and complies with all confidentiality and security protocols for handling and disseminating state and federal criminal history information.

Fingerprint-based criminal history record checks are available for a fee of \$65.00 and are conducted by the Clarkston Police Department on Tuesdays and Thursdays, by appointment only. You must present a valid photo ID (e.g., driver's license or U.S. Passport) and a signed and notarized Non-Criminal Justice Applicant's Privacy Rights form. The Clarkston Police Department is located at 3921 Church St., Clarkston, GA 30021.

Name: _____

Signature: _____

Date: _____

Chapter 3 ALCOHOLIC BEVERAGES¹

ARTICLE I. IN GENERAL

¹Editor's note(s)—Ord. No. 264, adopted Nov. 5, 2002, amended former Ch. 3, Arts. I—III, in its entirety to read as herein set out. Former Ch. 3 pertained to similar subject matter and derived from the Code of 1968 and the following ordinances:

Ord. No.	Section	Date
38	1—27	12-15-70
41		12-18-70
43		2-10-71
53	1—26	3-5-73
60	2—7	4-1-74
64	1	2-3-75
66	1	5-5-75
Ord. No.	Section	Date
70	1	11-3-75
104	1	9-8-81
105	1	9-8-81
106	1	10-5-81
122	1	12-4-84
149		1-2-90

Cross reference(s)—Drinking in public, § 12-1; drinking in automobile, § 12-2; drinking in parks, § 13-2; transporting in taxicab, § 20-13; as to dives, see § 12-4.

State law reference(s)—Alcoholic beverages, O.C.G.A. § 3-1-1 et seq.

Sec. 3-1. Applicability of this article.

The provisions of this article [sections 3-1 through 3-28] shall apply to all types of alcoholic beverage licenses issued with the city.

(Ord. No. 264, 11-5-02)

Sec. 3-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult entertainment establishment means a business or establishment where persons, employees, or patrons appear nude or in such attire, costume or clothing as to expose specified anatomical areas or engage in specified sexual activities. This definition shall include, but not be limited to: adult bookstores; adult businesses; adult motion picture theaters; adult mini-motion picture theaters; adult motion picture arcades; adult video stores; erotic entertainment/dance establishments; escort bureaus; and introduction services. Where applicable, the definitions found in section 2.5-2 of this Code shall apply. However, the definition of adult entertainment establishments shall not include a performance establishment, which means a theater, movie theater, concert hall, museum, educational institution or similar establishment which regularly features live or other performances or showings which are not distinguished or characterized by an emphasis on the depiction, display or description or the featuring of specified anatomical areas or specified sexual activities in that the depiction, display, description, or featuring is incidental to the primary purpose of any performance.

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

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

Beer or malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other product, or any combination of such products in water, containing not more than six (6) percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term "malt beverage" does not include sake, known as Japanese rice wine.

Brown bag establishment means any restaurant, music hall, theater, or other establishment providing food or entertainment in the normal course of business, and in which the owners or their agents knowingly allow patrons to bring in and consume the patron's own alcoholic beverages.

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

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

Governing authority means the city council of the City of Clarkston, Georgia.

Licensee means the individual to whom a license is issued or, in the case of partnership limited liability company or corporation, all partners, officers, managers and directors of the partnership, limited liability company or corporation.

Liter means metric measurement, currently used by the United States.

Manager means the person who supervises the regular operations of businesses licensed under this chapter.

Manufacturer means any maker, producer, or bottler of an alcoholic beverage. The word "manufacturer" also means:

- (1) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits.
- (2) In the case of malt beverages, any brewer.

Microbrewery means an establishment primarily engaged in manufacturing (i.e., brewing) beer and/or malt beverage in an amount not to exceed two million (2,000,000) gallons per calendar year.

Minor means any person under the age of twenty-one (21) years.

Owner means any person or partner or stockholder or member owning any percentage of a business.

Package means a bottle, can, keg, barrel or other original consumer container.

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

Premises means the space or area owned, leased or controlled by the licensee and used by the licensee for the purpose of operating under the license including any public sidewalk or roadway adjacent to the premises which is used by the licensee to sell alcoholic beverages.

Private club means all social, business, fraternal, veteran, and recreational clubs, lodges, associations, and organizations not generally open to the public but restricted to the registered members of the club, lodge, association or organization, and the guests of members thereof, and which has adopted a constitution and bylaws for its operation and which elects annually or at regular intervals officers and directors responsible for the operation of the affairs of the organization. It shall not include a private club organized and functioning for the sale or serving of beer, malt beverages, wine or distilled spirits.

Public place means any place that the public is invited or permitted to go or congregate.

Purchaser means and includes any individual, partnership, corporation, limited liability company, or association purchasing alcoholic beverages from a licensee.

Restaurant means any public place kept, used, maintained, advertised and held out to the public as a place where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen. A restaurant must fill seventy-five (75) percent of the building's usable square footage, including patios which are immediately adjacent to and a part of the main licensed facility, with tables and chairs intended for dining. A restaurant must be staffed at all times that it is open to the public with a sufficient number and kind of employees to prepare, cook, and serve edible food to its guests. A restaurant must derive at least fifty-one (51) percent of its total annual gross sales from the sale of prepared meals and food.

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

School means any school building, school grounds, college campus, educational facility or educational building owned or run by or affiliated with a state, county, city or private or religious entity, any church school, day care, or kindergarten and to any building at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state. It shall not apply to home schools.

Wholesaler or *wholesale dealer* means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.

Wine means any alcoholic beverage containing not more than twenty-one (21) percent alcohol by volume made from fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added.

The term "wine" includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines and like products. The term "wine" does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this section.

(Ord. No. 264, 11-5-02; Ord. No. 12-368, § 1, 9-4-12; Ord. No. 431, § 1, 12-4-18)

Sec. 3-3. Penalty for violation of chapter.

Any person who violates any provision of this chapter shall, after trial and conviction in the mayor's or municipal court, be punished as provided in section 1-7 of this Code. Violation may also cause suspension or revocation of any license issued hereunder.

(Ord. No. 264, 11-5-02)

Sec. 3-4. License application; fees.

- (a) All persons desiring to sell alcoholic beverages shall make application to the city clerk on the forms prescribed by the city clerk. Each application shall state:
 - (1) The applicant's full name, birth date, present address and addresses for the past five (5) years, business address and business addresses of employers and their addresses for the last five (5) years, name of spouse, complete record of all arrests, convictions and guilty pleas for violations of all laws, city, counties, state and federal, and other cities, counties, and states of both applicant and spouse, and the disposition of all charges within the last five (5) years prior to the application.
 - (2) As to the applicant's location manager (if not the same as the applicant), the same information as required of the applicant in subsection (a) of this section.
 - (3) Exact location (street address and otherwise) of proposed business, including zoning district. The location must be properly identified.
 - (4) Name and address of the owner or landlord and/or resident manager of property proposed for location and whether or not there is a building proposed to be used already erected thereon.
 - (5) Trade name (or proposed trade name) of proposed business.
 - (6) Names and addresses of all persons having any financial interest in the outlet by way of ownership of building, property, or stock, receipt of income from the business or otherwise.
 - (7) Such other information as may be required by the city manager.
- (b) Except as hereinafter provided, each application for a license under this chapter shall be accompanied by a certified check for the full amount of the license fee, together with a separate check or cash in the amount of two hundred dollars (\$200.00) to defray investigative and administrative costs. If the applicant withdraws his application prior to its being submitted to the city council, or if the application is denied and the license refused, the deposit representing the license fee shall be refunded, but the two hundred dollars (\$200.00) paid for investigation and administrative costs shall be retained.
- (c) Oath. The application shall be sworn to.
- (d) Surveyor's certificate. All new applications shall be accompanied by a current certificate from a registered surveyor containing the following information:
 - (1) A scale drawing of the building or proposed building, as situated on the proposed lot.

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- (2) The proposed off street parking facilities available to the building and all outdoor lighting on the premises.
 - (3) The exact location of the business, including street address and DeKalb County tax map parcel number.
 - (4) Current zoning classification of the location.
 - (5) The distance in yards as measured in a straight line from nearest property line to nearest property line from each of the following: the nearest school building, school ground or college campus, and the nearest alcoholic treatment center owned and operated by the state or any county or municipal government therein.
 - (6) If a business has been licensed since July 1, 1981, or before, the survey shall be required however no license will be denied based upon a failure to meet the distance requirements as set forth under O.C.G.A. § 3-3-21.
- (e) False information. An application under this chapter containing known false information may result in the disapproval, revocation, suspension or failure to renew the license applied for and prosecution as a felony.
- (Ord. No. 264, 11-5-02; Ord. No. 368, § 2, 9-4-12)

Sec. 3-5. Moral character of license applicants.

- (a) No person shall be granted an alcoholic beverages license unless it shall appear to the satisfaction of the city council that such person, partners in the firm, officers, and directors of the corporation, or members and managers of the limited liability company shall be of good moral character. In no event shall any license be granted to any person or to officers, or directors or members or managers of any such entities who have been convicted under any federal, state, or local law or have pleaded guilty or entered a plea of nolo contendere to any crime, misdemeanor, or felony involving moral turpitude, lottery, or illegal possession or sale of narcotics or liquors within a period of ten (10) years immediately prior to the filing of such application, nor shall any such person sell or dispense alcoholic beverages.
- (b) At the time an application is submitted for an alcoholic beverage license, the applicant shall, by duly sworn affidavit, certify that neither he, nor any of the other owners of the retail or wholesale establishment, nor the manager of such establishment has been convicted or has plead guilty or entered a plea of nolo contendere to any crime, misdemeanor, and/or felony involving moral turpitude, lottery, or illegal possession or sale of narcotics or liquors within a period of ten (10) years immediately prior to the filing of such application. Should any applicant, partner, officer, manager, member or employee used in the sale or dispensing of alcoholic beverages after a license has been granted be convicted or plead guilty or nolo contendere to a crime involving moral turpitude or the violation of any laws regulating the sale of narcotics, liquor, wine or beer, or the lottery laws of this state, the license may be revoked by the city council.

(Ord. No. 264, 11-5-02)

Sec. 3-6. General licensing qualifications.

- (a) No license for the sale of alcoholic beverages shall be granted to any person who is not a citizen of the United States or an alien lawfully admitted for permanent residence and who shall not have been a resident of, or qualified to do business in, the State of Georgia for three (3) years prior to the year for which the application is made. Where the applicant is a corporation whose primary business is the operation of a hotel or motel, the officer or agent of such corporation who acts as an applicant on behalf of the corporation shall have been a resident of the state for the one-year period next preceding the year in which application is made.

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- (b) It shall be unlawful for any person to sell or possess for the purpose of sale any alcoholic beverage without a license from the city to sell or possess for sale alcoholic beverages, or to sell or make deliveries beyond the boundaries of the premises covered by the license.
 - (c) The city license shall not be valid without current state license(s).
 - (d) A retail establishment shall not have alcoholic beverages on the sales floor or in cooler unless the establishment has a current city alcoholic beverage license.
 - (e) All licenses herein shall be a mere grant or privilege to carry on the business during the term of the license subject to all terms and conditions imposed by this Code and state law.
 - (f) All licenses hereunder shall have printed on the front these words: "This license is a mere privilege subject to be revoked and annulled, and is subject to any future ordinances which may be enacted."
 - (g) Where the applicant is a partnership, limited liability company or corporation, the provisions of this section shall apply to all its partners, officers, members, managers and majority shareholders. In the case of a corporation, the license shall be issued jointly to the corporation and its majority shareholder, if an individual. In the case of limited liability company, the license shall be issued jointly to the company and to the holder of the largest economic interest in the company, if an individual. Where the majority stockholder or holder of the largest economic interest is not an individual, then the license shall be issued jointly to the corporation or company and its agent registered under the provisions of this chapter. In the case of a partnership, the license will be issued to one of the partners. No license for the sale of alcoholic beverages shall be granted to any person that has not attained the age of eighteen (18) years.
 - (h) No license for the sale of alcoholic beverages shall be granted to any person who has had any license issued under the police powers of the city previously revoked within the two (2) years prior to the filing of the application.
 - (i) No license for the sale of alcoholic beverages shall be granted to any person or entity that has violated this Code section within one year prior to the filing of the application for such license.
 - (j) The city council may decline to issue a license when any person having any interest in the operation of such place of business or control over such place of business does not meet the same character requirements as set forth in this section for the licensee.
 - (k) The city council may decline to issue a license when after reasonable effort the city clerk or chief of police is unable to verify any statement or information required to be disclosed or to adequately conduct a full investigation of any applicant due to foreign background, ties or interest or for any reason or may revoke a license previously granted.
 - (l) All licensed establishments must have and continuously maintain in DeKalb County a registered agent upon whom any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee or owner may be served. This person must be a resident of DeKalb County. The licensee shall file the name of such agent, along with the written consent of such agent with the city and shall be in such form as prescribed by the city clerk.

(Ord. No. 264, 11-5-02; Ord. No. 407, § 1, 3-7-17)

Sec. 3-7. Each location to have a separate license; transferability of alcoholic beverage licenses; fee required to change establishment owner, manager, partnership, stockholders or establishment name.

- (a) A separate application for an alcoholic beverage license must be made for each location and a separate license must be issued. Each application shall be accompanied by a survey from a registered land surveyor

showing that the establishment is not within the prohibited distance from any residence, school, library, church, public park, or adult entertainment establishment.

- (b) All alcoholic beverage licenses shall be personal to the licensee. No license for the sale of alcoholic beverages shall be transferable, except as otherwise provided in this section.
- (c) In the case of the death of a licensee, the establishment shall be allowed to continue to sell alcoholic beverages for a period of forty-five (45) days from the date of death or until expiration of the license or until approval of a new licensee, whichever shall first occur. No sale of alcoholic beverages shall be allowed until such time as a personal representative of the estate, appointed by a probate court of competent jurisdiction, shall make application for a new license with the city. Upon issuance of a new license, the authorization to sell under the previous license shall be revoked by operation of law. No additional license fees shall be required during the period for which the original license was issued.
- (d) If a licensee severs his association with a licensed establishment, the establishment may continue to sell alcoholic beverages for a period of forty-five (45) days from the date determined to be the date of severance. No such sale shall be authorized until such time as a new application for a license is made, and the application indicates that no change of ownership has occurred, except as provided in this section. Upon issuance of a new license, the authorizations to sell under the previous license shall be revoked by operation of law. No additional license fees shall be required during the period for which the original license fee was issued, but a transfer and administrative fee of twenty-five dollars (\$25.00) shall be due and payable at the time of application for the new license.
- (e) Nothing in this section, however, shall prohibit one (1) or more of the partners of the partnership holding a license to withdraw from the partnership in favor of one (1) or more partners who were partners at the time of the issuance of the license. Such a withdrawal shall not serve to bring any new ownership into the partnership. This section shall not prohibit transfer of stock between persons who held stock in the corporate ownership or ownership interests between existing members of a limited liability company at the time of issuance of the license, nor shall it prohibit transfers of stock or ownership interest to a third party which do not result in any person increasing his ownership to a total of ten (10) percent or more.
- (f) A new application for a license shall be made whenever there is a new owner, change in partnership, or change in stockholders or members holding an alcoholic beverage license issued by the city.
- (g) Any licensee who desires to transfer the location of any establishment licensed to sell alcoholic beverages within the city shall so notify the city clerk prior to any transfer of location. The request for transfer shall be accompanied by a survey as required by subsection (a) of this section. The city clerk shall determine whether the new location is in compliance with all provisions of this chapter. No change in location of a licensed establishment shall be permitted unless the new location complies with all provisions of this chapter. The city council shall have the authority to approve or deny the transfer of location in the same manner that it may approve or deny the issuance of a new license. An investigative fee of two hundred dollars (\$200.00) shall be paid by the licensee at the time that an application is made for the transfer of an establishment location. Should a transfer of location be approved, with no change of ownership of the business, the license fee paid for the old location shall be applied to the new location.
- (h) Any licensee who desires to change the name of an establishment licensed to sell alcoholic beverages within the city shall so notify the city clerk prior to any change of name, and the city clerk shall direct the issuance of a corrected license in replacement of the original license. A fee of twenty-five dollars (\$25.00) shall be paid by the licensee at the time that an application is made for the change of an establishment name.
- (i) Any licensee who changes the manager of an establishment licensed to sell alcoholic beverages within the city shall so notify the city clerk within three (3) days of the effective date of such change and shall file with the city clerk such information about the new manager as the city clerk may require. A fee of two hundred dollars (\$200.00) shall be paid at the time that an application is made for change of an establishment manager to defer the costs of investigation and administration.

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- (j) Except as provided in this section, any change in the ownership of any entity owning a licensed establishment shall be cause to cancel and revoke any license issued under this chapter.

(Ord. No. 264, 11-5-02)

Sec. 3-8. Nonprofit civic organizations eligible for issuance of temporary license.

Upon application by a nonprofit or charitable organization and approval by the city council, a temporary license for the retail sale of beer and wine may be issued to such nonprofit or charitable organization. Such temporary license shall be subject to such conditions as may be established by the city council, and no temporary license shall be granted for a period longer than three (3) days. The fee for a temporary license shall be fifty dollars (\$50.00).

(Ord. No. 264, 11-5-02)

Sec. 3-9. Issuance of alcoholic beverages licenses subject to state and local code requirements.

- (a) No license for the sale of alcoholic beverages shall be issued to any city elected official or an employee of any city department, or his spouse or minor children; nor shall any such person have any whole, partial or beneficial interest in any license to sell alcoholic beverages in the city.
- (b) No license for the sale of alcoholic beverages within the city shall be issued for a location that fails to meet all applicable state and local fire, life safety, building, health, and zoning codes. No license shall be issued to location in any zoning district except C-1, C-2, and C-3.
- (c) No new or renewal alcoholic beverage licenses shall be issued to any applicant who is delinquent in the payment of city taxes or fees, including, but not limited to, property taxes, alcoholic beverage excise taxes, business license fees, or any other taxes or fees which are owed to the city by the applicant.

(Ord. No. 264, 11-5-02)

Sec. 3-10. License may issue; sales prohibited in incomplete establishment.

Where a building intended for the sale of alcoholic beverages is at the time of the application for such license not in existence or not yet completed, a license may be issued for such location, provided the plans for the proposed building show clear compliance with all provisions of this chapter and applicable provisions of this Code. No sales shall be allowed in such establishment, however, until it has been completed in accordance with such plans, a certificate of occupancy issued, and is inspected by the city code enforcement officer to insure compliance with city codes.

(Ord. No. 264, 11-5-02)

Sec. 3-11. Establishment to open for business within three months of issuance of license; cessation of operation; automatic forfeiture of license for failure to open and remain open.

- (a) All holders of licenses under this chapter must open for business within three (3) months after issuance of the license at the establishment referred to in the license. Failure to open the licensed establishment within

such time shall automatically forfeit and cancel the unused license, and no refund of license fees shall be made to the licensee.

- (b) Any holder of a license under this chapter who shall begin the operation of the business as authorized in the license, but who shall cease to operate the business as authorized in the license for a period of three (3) consecutive months shall, upon completion of the three-month period, automatically forfeit his license. Such license shall, by virtue of such failure to operate, be cancelled by the city clerk.

(Ord. No. 264, 11-5-02)

Sec. 3-12. Expiration; renewal.

- (a) All licenses granted under this chapter shall expire on December 31 of each year. A licensee who desires to renew the license shall file application, with the requisite fee as hereinafter provided, with the city clerk on the form provided for renewal of the license for the ensuing year. All applications for renewal will be reviewed by the city clerk. Licensees do not have a right to automatic renewal and must be in compliance with all rules and regulations for the granting of licenses. Applications for renewal must be filed before November 30 of each year; otherwise, a penalty equal to twenty (20) percent of the annual license will be imposed. No renewal license shall be granted after December 31, but such application shall be treated as an initial application and the applicant shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been held.
- (b) Except for temporary licenses granted under section 3-8, all licenses granted under this chapter shall be for the full calendar year or for the number of months remaining in the calendar year. License fees shall be prorated based on the number of months remaining in the calendar year; partial months shall be counted as a full month. License fees are not refundable.
- (c) Failure to fully complete the renewal application, as required by the city clerk, will delay the renewal. The failure to furnish complete information within thirty (30) days after being requested shall result in automatic denial of the renewal.

(Ord. No. 264, 11-5-02)

Sec. 3-13. Denial, suspension and revocation of alcoholic beverages licenses.

- (a) Whenever the state shall revoke any permit or license of any licensee to sell at wholesale or retail any alcoholic beverages, the city license to sell alcoholic beverages shall thereupon be automatically revoked. The chief of police, upon notice of this revocation, shall take the necessary steps to insure that alcoholic beverage sales cease.
- (b) A license may be suspended or revoked by the city council when the licensee furnishes fraudulent or untruthful information in the application for a license or omits information required in the application for a license or for failure to pay all fees, taxes or other charges imposed under the provisions of this chapter.
- (c) The city council may suspend or revoke the license of any licensee where the establishment has been found in violation of the specified days or hours of operation or sales as stipulated in this chapter.
- (d) The city council may revoke the license of any licensee whose license has been suspended three (3) or more times in any consecutive twelve-month period.
- (e) The city council may revoke the license for any premises where alcoholic beverages have been sold or distributed during a period of suspension.

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- (f) The city council may suspend or revoke the license of any establishment which does not meet the licensing qualifications set forth in this chapter at any time such knowledge becomes known.
 - (g) An act of omission of a licensee, owner of more than a ten (10) percent interest in the licensed establishment, or employee of the licensee or licensed establishment willingly or knowingly performed, which constitutes a violation of federal or state law or of any provision of this chapter will subject the licensee to suspension or revocation its license in accordance with the provisions of this chapter, when the city council determines to its own satisfaction that the act or omission did occur, regardless of whether any criminal prosecution or conviction ensues; provided, however, that in the case of an employee, the city council must determine that the acts of the employee were known to or under reasonable circumstances should have been known to the licensee, were condoned by the licensee, resulted from a lack of supervision by the licensee, or that the licensee had not established practices or procedures to prevent the violation from occurring.
 - (h) Any license may be revoked or suspended by the city council for good cause after hearing upon five (5) days' written notice to the holder of such license of the time, place, and purpose of the hearing and a general statement of the charges to be considered. Good cause for the suspension or revocation of any such license shall consist of the violation of any laws or ordinances regulating such businesses; violation of this chapter or other regulations made pursuant to authority granted for the licensing of such businesses; for the violation of any city ordinance, rule or regulation other than traffic ordinances; or for irregularities, omissions, or untruths in the application for a license.
 - (i) In addition to all other authority to deny, revoke or suspend a license, any application for a license may be denied and any existing license may be revoked or suspended by the city council in order to protect the health, safety and welfare of the community. In making such a determination, the city council shall assess the extent to which the granting of the license or the continued holding of the license would contribute to the following problems:
 - (1) Littering in the area of the establishment.
 - (2) Loitering in the area of the establishment.
 - (3) The public consumption of alcoholic beverages in the area of the establishment.
 - (4) The exposure of minors to the sale of alcoholic beverages because of the number of minors who frequent the establishment.

(Ord. No. 264, 11-5-02)

Sec. 3-14. Employee regulations.

- (a) Certain employee regulations shall apply to all establishments holding an alcoholic beverage license issued by the city.
- (b) An employee shall meet the same character requirements as set forth in the general ordinances for the licensee.
- (c) No person shall be employed to engage in the sale of alcoholic beverages by an establishment holding a license under this chapter unless such person first certifies in writing, on a form provided by the police department, that he is eligible to obtain a work permit. Licensees shall make a good faith effort to insure that such employees file applications for work permits as soon as practicable. In no case shall a licensee allow any employee to engage in the sale of alcoholic beverages when such employee has failed to apply for a work permit within five (5) days of the date of their regular employment.

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- (d) All employees who work for a business licensed to sell alcoholic beverages within the city who are actually engaged in the sale of alcoholic beverages shall be required to apply for and obtain a work permit from the police department for each location at which the employee is working. All work permits issued to employees who sell alcoholic beverages within the city shall have on the work permit the person's name and address, and the name and address of the establishment. No work permit is required of employees who are employed in a grocery store or convenience store where less than ten (10) percent of the store sales arise from the sale of alcoholic beverages.
 - (e) No work permit shall be issued to any applicant until such time as a signed application has been filed with the police department and a search of the criminal record of the applicant completed. The application shall include, but shall not be limited to, the name, date of birth, address, Social Security number, and prior arrest record of the applicant, though the fact of any arrest record shall be used for investigative purposes only, and shall give rise to no presumption or inference of guilt. Because of the inclusion of arrest information and social security number, these applications shall be regarded as confidential and shall not be produced for public inspection without a court order. The police chief, or his designee, shall have a search made relative to any police record of the applicant. If there is no record of violation of this chapter, or of any similar ordinance in another jurisdiction, the police chief shall issue a work permit to the employee, stating he or she is eligible for employment. If it is found that the person is not eligible for employment, the police chief shall so notify the employer.
 - (f) Work permits shall expire at midnight on December 31 of the calendar year for which they are issued.
 - (g) It shall be the duty of the licensee to file with the police chief the name of the establishment, the license number and a list of all employees, with their home addresses and phone numbers twice annually on or before June 1 and on or before December 1.
 - (h) All work permits issued through administrative error or through an error in the background investigation may be revoked by the police chief.
 - (i) This section shall not be construed to include employees whose duties are limited solely to those of busboys, cooks, dishwashers, grocery bag boys or similar jobs that do not involve selling or serving or controlling the selling or serving of alcoholic beverages.
 - (j) Except as provided in this section, no licensee shall allow any employee required to hold a work permit to work on the licensed premises unless the licensee has on file, on the premises, the current, valid work permit of each such employee.
 - (k) If any work permit holder leaves the employ of a licensed establishment, the licensee shall immediately surrender the work permit to the police department.
 - (l) All work permits issued under this chapter remain the property of the city and shall be produced for inspection upon the demand of any city police officer.
 - (m) Any employee engaged in selling or serving or controlling the selling or serving of alcoholic beverages shall be eighteen (18) years of age or older.

(Ord. No. 264, 11-5-02; Ord. No. 407, § 2, 3-7-17)

Sec. 3-15. Inspection of licensed establishments by the police department.

Sworn police officers of the city shall have the authority to inspect establishments licensed under this chapter during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and state law. This section is not intended to limit the authority of any other city officer to conduct inspections authorized by other provisions of this Code or state law.

(Ord. No. 264, 11-5-02)

Sec. 3-16. License and certain Code provisions to be posted.

- (a) All alcoholic beverage licenses issued by the city shall include a statement as to the type of license issued, the name of the licensee, the name of the licensed establishment, and the address of the licensed establishment. All licenses issued shall, at all times, be kept plainly exposed to view within the premises.
- (b) All licensees shall post in a prominent location on the licensed premises, in a manner whereby it may be easily viewed by patrons, an approved sign setting forth or summarizing the laws of the city and the state in regard to the sale of alcoholic beverages to underage or intoxicated persons.
- (c) Each such sign shall be of a size and configuration approved by the chief of police, and shall include either the language of the applicable Code sections, or summaries approved by the chief of police.
- (d) The city clerk is authorized to design and have printed approved signs, which shall be made available to licensees at a price to be established by the city clerk.
- (e) All licenses herein shall be a mere grant of privilege to carry on the business during the term of the license subject to all terms and conditions imposed by the ordinances of the city and state law.
- (f) All licenses hereunder shall have printed on the front these words: "THIS LICENSE IS A MERE PRIVILEGE SUBJECT TO BEING REVOKED AND ANNULLED, AND IS SUBJECT TO ANY FUTURE ORDINANCES WHICH MAY BE ENACTED."

(Ord. No. 264, 11-5-02; Ord. No. 368, § 2, 9-4-12)

Sec. 3-17. Application of chapter provisions to minors generally.

- (a) No person under twenty-one (21) years of age shall be employed in or about the premises of any establishment licensed to sell distilled spirits at retail in original packages.
- (b) It shall be unlawful for a person under twenty-one (21) years of age to attempt to purchase or for any other person to purchase alcoholic beverages for a person under twenty-one (21) years of age.
- (c) It shall be unlawful for a person under twenty-one (21) years of age to exhibit faked, forged, or borrowed credentials in an effort to obtain alcoholic beverages to which he is not legally entitled.
- (d) It shall be unlawful for a person under twenty-one (21) years of age, other than a licensed employee working in a licensed establishment, to have an open container of any alcoholic beverage in his possession.
- (e) It shall be unlawful for any licensee, his agent, or employee to allow any person under twenty-one (21) years of age, other than a licensed employee of a licensed establishment, to enter a licensed premises; provided, however, that this section does not apply to properly licensed restaurants, food or convenience stores, or private clubs.
- (f) It shall be a violation not to require and properly check identification to ensure that a person under twenty-one (21) years of age is not sold, served, or has in his possession alcoholic beverages while in a licensed establishment, except that a licensed employee working in a licensed establishment may have in his possession alcoholic beverages for the purpose of selling or serving such alcoholic beverages. The term "identification" as used in this section, shall mean any document issued by a governmental agency containing a description of the person, a photograph, and giving such person's date of birth, and includes, without being limited to, a passport, military identification card, driver's license or state department of public safety identification card.

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(Ord. No. 264, 11-5-02)

Sec. 3-18. Acts prohibited by retailers generally.

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

- (1) Sell any alcoholic beverage to a person under twenty-one (21) years of age.
- (2) Sell any alcoholic beverage to any person while such person is in an intoxicated condition.
- (3) Sell any alcoholic beverage on any day or at any time when such sale is prohibited by law.
- (4) Allow any person to consume any alcoholic beverage on the premises of an establishment not licensed for on-premises consumption.

(Ord. No. 264, 11-5-02)

Sec. 3-19. Purchase from and sales to other than license holders.

No retailer shall purchase any alcoholic beverage from any person other than a wholesaler licensed under this chapter. No wholesaler shall sell any alcoholic beverages to any person other than a retailer licensed under this chapter.

(Ord. No. 264, 11-5-02)

Sec. 3-20. Unlawful conduct on licensed premises.

- (a) It shall be unlawful for the holder of any license issued under the provisions of this chapter to permit any disturbance of the peace, any obscenity, or any lewd, immoral or improper behavior, conduct or practices in the licensed premises, or to operate the business carried on the licensed premises in such a manner as to create a nuisance.
- (b) It shall be unlawful for any licensee, his agent or employee, to fail to report to the police department any disturbance which occurs immediately outside their premises or in their parking facilities of which they have knowledge.
- (c) It shall be unlawful for any licensed establishment to employ any person who has been convicted of, entered a plea to, or has otherwise been found guilty of a felony or misdemeanor involving moral turpitude or alcoholic beverage violations.
- (d) It shall be the duty and responsibility of the licensee, his agent, or employee to report to the police department any usage or possession of illegal drugs or narcotics and to report any unlawful conduct of any nature which occurs on the licensed premises.
- (e) It shall be unlawful for any licensee, his agent or employee, to fail to assist any law enforcement officer in the performance of his duty while the officer is on a licensed premise.

(Ord. No. 264, 11-5-02)

Sec. 3-21. Sale of alcoholic beverages on election days.

Licensees may sell alcoholic beverages on election days, provided that such sale is not within two hundred fifty (250) feet of any polling place or of the outer edge of any building within which such polling place is

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established on primary or election days. The limitations imposed by this section shall be in effect beginning with the opening of the polls and ending with the closing of the polls.

(Ord. No. 264, 11-5-02)

Sec. 3-22. Open area and patio sales.

Consumption or sale of beer or wine in open areas or on decks or patios is not permitted unless an establishment holding a license for consumption of beer or wine on the premises complies with the following regulations:

- (1) The open area, patio or deck must be enclosed in a manner that directs ingress and egress by the public through a single entrance only through the main licensed premises. The purpose of this requirement is to prevent a customer from leaving the outside sales area with an open drink without the licensee's knowledge.
- (2) The open area, patio or deck shall be enclosed by a structure at least forty-two (42) inches in height as measured from the floor of the open area, patio or deck. Such structure must meet all building code requirements of the city.
- (3) Any license holder desiring to obtain approval for open area, patio or deck sales must submit to the city a complete set of plans that will be reviewed and approved on an individual basis by appropriate members of the city staff. All plans and final construction pursuant to such plans shall meet the requirements of this chapter, the health code, the fire code and any other codes applicable to such structures. Only upon satisfactory completion of all final inspections will the city approve of any open area, patio or deck sales.
- (4) Any structure or area set aside for open area, patio or deck sales shall not contain a number of square feet that represents an amount greater than forty (40) percent of the existing seating area of the establishment.
- (5) Loudspeakers or other amplifiers of sound shall not be permitted on open areas, patios or decks.

(Ord. No. 264, 11-5-02; Ord. No. 368, § 2, 9-4-12)

Sec. 3-23. Open containers and brown bag establishments prohibited.

- (a) It shall be unlawful for any person to drink any alcoholic beverages or other intoxicating beverage at any public place within the city, or for any person to have in his possession any unsealed or opened container with such intoxicating beverage in it at any public place within the city, except as provided under the terms and conditions of special permits issued by the city council.
- (b) It shall be unlawful for any person to drink or possess any alcoholic beverage upon real property of the city that is used as a public park, playground or school.
- (c) It shall be unlawful for any person to drink any alcoholic beverages in any automobile on the streets of the city, whether such automobile shall be moving or parked.
- (d) Brown bag establishments shall be prohibited within the city.

(Ord. No. 264, 11-5-02; Ord. No. 368, § 2, 9-4-12)

Sec. 3-24. Signs and advertising.

- (a) No outdoor advertising promoting the sale or consumption of alcoholic beverages shall be permitted on the exterior of any establishment that is licensed for wholesale or retail sales of alcoholic beverages, any establishment where alcoholic beverages may be consumed on the premises, or at any other place within the city.
- (b) No sign, show window, advertising or display promoting the sale or consumption of alcoholic beverages shall be visible from the exterior of any wholesale or retail establishment that is licensed under this chapter, any establishment where alcoholic beverages may be consumed on the premises, or at any other place within the city.

(Ord. No. 264, 11-5-02)

Sec. 3-25. Prohibited types of entertainment, attire and conduct.

- (a) The following types of entertainment, attire and conduct are prohibited upon any premises licensed to sell, serve or disperse alcoholic beverages:
 - (1) The employment or use of any person, in any capacity, in the sale or service of alcoholic beverages while such person is unclothed or in such attire, costume or clothing as to expose to view less than completely and opaquely covered human genitals or pubic region, buttocks, or female breasts below a point immediately above the top of the areola, human male genitalia in a discernibly turgid state, even if completely or opaquely covered.
 - (2) Live entertainment where any person appears in the manner described in subsection (a) of this section or where such person(s) perform(s) or simulates any of the following:
 - a. Sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, sapphism, zoerasty; or
 - b. Clearly depicts human genitals in a state of sexual stimulation, arousal or tumescence; or
 - c. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
 - d. Fondling or touching of nude human genitals, pubic regions, buttocks, or female breasts; or
 - e. Masochism, erotic or sexually-oriented torture, beating or the infliction of pain; or
 - f. Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or
 - g. Human excretion, urination, menstruation, vaginal or anal irrigation.
 - (3) The holding, promotion, sponsoring, or allowance of any contest, promotion, special night, event, or any other activity where patrons or employees of the licensed establishment participate in activities or conduct described in subsections (a) and (b) above; provided however, that nothing contained in this section shall apply to a traditional or mainstream performance establishment which derives less than ten (10) percent of its gross annual income from the sale of alcoholic beverages.
- (b) Gross annual income from the sale of alcoholic beverages for the purposes of this section shall be based on the gross income from the sale of alcoholic beverages for the twelve-month period immediately preceding the licensed year for which an alcohol license is to be issued. In the event the establishment has not been

licensed to sell alcoholic beverages for a twelve-month period immediately preceding the year for which an alcoholic beverage license is sought, gross annual income shall be based on the average monthly gross income for the preceding months during which the establishment has an alcoholic beverage license. In the event that an applicant is a new establishment, it shall complete a form and an affidavit furnished by the city clerk showing projected anticipated gross income and anticipated gross income from the sale of alcoholic beverages. A temporary license for no more than two (2) months shall be issued by the city clerk for such establishments if such establishments otherwise qualify for a license under the provisions of this chapter. At the expiration of the temporary license period, said establishment must demonstrate gross income of less than ten (10) percent in the preceding two (2) months from the sale of alcoholic beverages. In the event that such business establishes the gross income from the sale of alcoholic beverages is as required under this section, and otherwise meets all qualifications for a license, a new temporary license will be issued for the remainder of the calendar year.

- (c) The city clerk may, at any time, require that a licensed mainstream performance establishment obtain an audit prepared by a certified public accountant at the licensee's expense, to ensure compliance. If an audit reveals incorrect, incomplete, or misleading information was submitted, then the permit issued pursuant to this section shall be automatically revoked by the city clerk.

(Ord. No. 264, 11-5-02)

Sec. 3-26. Happy hour promotions.

- (a) No licensee under this chapter or employee or agent of a licensee shall engage in any of the following practices in connection with the sale or other disposition of alcoholic beverages for consumption on the premises:
 - (1) The giving away of any alcoholic beverage in conjunction with sale of any other alcoholic beverage.
 - (2) The sale of two (2) or more alcoholic beverages for a single price, including the sale of all such beverages a customer can or desires to drink at a single price.
 - (3) Selling, offering to sell, or delivering to any person or persons any alcoholic beverage at a price less than one-half ($\frac{1}{2}$) the price customarily charged for such alcoholic beverage, provided nothing contained herein shall be construed to prohibit reducing the price of a drink or drinks by up to one-half ($\frac{1}{2}$) the price customarily charged.
 - (4) Requiring or allowing the purchase of a second or subsequent alcoholic beverage at the same time another alcoholic beverage is purchased or before the first such beverage has been consumed by any one (1) person.
 - (5) Increasing the volume of alcohol contained in drink without proportionately increasing the price customarily charged for such beverage.
 - (6) Selling, offering to sell, or delivering to any person or persons, any alcoholic beverage containing more than three (3) ounces of distilled spirits.
 - (7) Selling, offering to sell, or delivering any person, any beer or wine in a container of more than twelve (12) ounces or its metric equivalent.
- (b) It is the intent of this section to prohibit activities typically associated with promotions referred to as "happy hour."
- (c) In this section, "customarily charged" means the price regularly charged for such alcoholic beverage during the same calendar week.

(Ord. No. 264, 11-5-02)

Sec. 3-27. Sales by the drink permitted only at bona fide restaurants.

- (a) No beer, malt beverages, wine or distilled spirits may be sold by the drink for consumption on the premises where sold except at a properly licensed bona fide restaurant as defined in this section. In order to qualify as a bona fide restaurant, a restaurant must meet each of the requirements of this section, including the meal service requirements of this subsection and the dining seating area and food receipts requirements set out below.
 - (1) A bona fide restaurant must serve two (2) meals per day. As used in this section, a "meal" is either breakfast, lunch or dinner, which are defined as follows:
 - (i) *Breakfast* is any meal that is ready to be served at all times during the period between 7:00 a.m. and 10:00 a.m.;
 - (ii) *Lunch* is any meal that is ready to be served for at least three (3) hours between the hours of 10:00 a.m. and 3:00 p.m.; and
 - (iii) *Dinner* is any meal that is ready to be served for at least three (3) hours between the hours of 4:00 p.m. and 10:00 p.m.
 - (2) A bona fide restaurant must serve two (2) meals per day on at least six (6) days a week, with the exception of weeks including holidays, notified closings, vacations, and periods of redecorating.
 - (3) A restaurant may not serve alcohol on any day on which it does not serve two (2) meals as defined above.
- (b) No more than twenty-five (25) percent of the dining seating area required by this chapter shall be at a common table or counter area.
- (c) The principle business of a restaurant shall be the sale of food. As used in this section, principal business shall mean that at least fifty-one (51) percent of the receipts of such business shall come from the sale of food. To be included in the tabulation of receipts for the purpose of this calculation, are all receipts of all persons laboring on the premises, including the services of all independent contractors, performers, servers, entertainers, or other non-employee personnel not to include, however, persons who are called to the premises from other licensed businesses to perform services, repairs or construction on equipment or building premises. The calculation of receipts for alcoholic beverages shall be made pursuant to the regulations contained in this chapter. All restaurants shall submit quarterly reports to the city clerk as required by this chapter. Such reports shall clearly indicate the sales receipts of the restaurant for food and the sales receipts for alcoholic beverages. The report shall be post marked on or before the last day of the calendar month after the calendar quarter. For the purposes of reporting, food shall be defined as all edible substances appropriate for human consumption as determined by the health department inspecting the city's restaurants and lounges as sold or provided to the public in a restaurant as defined in the Code. Food shall not be construed to include olives, cherries, limes, lemons, salt, pepper, pineapples, celery, tomato juice, or any other fruit, vegetable or dairy product such as ice cream, cream, yogurt, milk or soft drinks, water, tonic water, other non-alcoholic carbonated or non-carbonated beverages when such items are used in alcoholic beverages or mixed drink as a essential part of the beverage, mixed drink, or as a garnish thereon.
- (d) If a restaurant fails to report food sales receipts of at least fifty-one (51) percent as calculated herein and as defined herein after one-quarter (¼) of a calendar year of reporting such failure shall be considered cause for suspension, probation, revocation or other appropriate action under this chapter.
- (e) The reports described herein shall be in a form recognized by certified public accountants and shall utilize common and generally recognized accounting principles and shall be submitted under oath. Those

submitting the reports shall be prosecuted for fraudulent statements under O.C.G.A. § 16-10-20 by a court of competent jurisdiction, if such reports are not true.

- (f) Suspension, probations, revocations, or other actions based solely on food sales receipts will not occur until after three months receipts have been submitted. However, nothing in this section shall prohibit actions under this chapter or for other violations of local ordinances or state or federal law.

(Ord. No. 264, 11-5-02; Ord. No. 368, § 2, 9-4-12; Ord. No. 448, § 1, 12-3-19)

Sec. 3-28. Measurement of distances.

Unless otherwise provided by law, all measurements, to determine distances as required by the provisions of this chapter relating to the issuance of alcoholic beverage licenses, shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:

- (1) From the front door of the structure from which alcoholic beverages are sold or offered for sale;
- (2) In a straight line to the nearest public sidewalk, walkway, street, road or highway;
- (3) Along such public sidewalk, walkway, street, road or highway by the nearest route;
- (4) To the front door of the building, or to the nearest portion of the grounds, whichever is more appropriate under the applicable section.

(Ord. No. 264, 11-5-02)

Sec. 3-29. Hours of operation for package retailers; hours of sale for consumption on premises.

- (a) The retail package sale of alcoholic beverages shall only be permitted within the city between the hours of 9:00 a.m. and 12:00 midnight Monday through Saturday and between the hours of 12:30 p.m. and 11:30 p.m. on Sunday.
- (b) The sale of alcoholic beverages for consumption on the premises shall only be permitted within the city Monday through Thursday from 9:00 a.m. until 1:55 a.m. the following day, Friday and Saturday from 9:00 a.m. until 2:50 a.m. the following day, and on Sunday from 11:00 a.m. until 1:55 a.m. on Monday morning.
- (c) There shall be no consumption on the premises after prohibited hours have been in effect for one-half (½) hour.
- (d) All licensed restaurants must close their premises to the public and clear the premises of patrons within one (1) hour after the time set in this section for discontinuance of the sale of alcoholic beverages on the premises.

(Ord. No. 346, § 2, 8-4-10; Ord. No. 11-366, § 1, 12-6-11; Ord. No. 368, § 2, 9-4-12; Ord. No. 429-A, § 1, 11-14-18)

Sec. 3-30. Visibility.

- (a) Each facility that sells any alcoholic beverage shall have a clearly marked point(s) of entry.
- (b) The point(s) of entry must be clearly visible from a public street; however, this requirement shall not apply to hotels or where the location of the point of entry is in a shopping center or multiple-story business building.

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- (c) At all points of entry, clear windows & clear doors are required in all facilities licensed hereunder. If a facility contains a cashier's cage or other internally enclosed facility, clear windows and clear doors must also be utilized except as set out below.
 - (d) All businesses licensed hereunder, including those entirely enclosed in another building such as a restaurant located in a hotel, must keep all windows, doors, etc., free of visual obstructions so that persons outside the facility may clearly see inside the facility. No tinting, shades or other devices shall be used to obstruct the view into the facility. Shades, curtains, blinds, etc., may be used to reduce sun glare so long as such measures do not impede visual access to the facility's interior.
 - (e) All businesses licensed hereunder must keep a level of lighting internally adequate to provide visual access and safety to law enforcement or other emergency responders twenty-four (24) hours a day seven (7) days a week. External lighting cannot be solely used to meet the standards required herein.
 - (f) Offices which do not contain cash registers within a facility may be excluded from subsections (c) and (d).
- (Ord. No. 12-368, § 3, 9-4-12)

Sec. 3-31. Completeness of application; denial; appeal; resubmittal.

- (a) No application shall be considered until the city clerk deems the same complete as set forth in this chapter.
 - (b) If the application is denied, the same or substantially same application cannot be resubmitted for six months after the date of denial.
 - (c) Appeal of any decision by the city council regarding an application pursuant to this chapter shall be by writ of certiorari to the superior court of DeKalb County.
- (Ord. No. 12-368, § 3, 9-4-12)

Sec. 3-32. Production of records; audits.

- (a) In conjunction with any application for license, or in conjunction with any license which has been issued under the terms hereof, or in conjunction with the revocation, suspension or cancellation of any license, or in conjunction with the payment or nonpayment of any excise tax levied or to be collected under this chapter, the city clerk shall have the right to subpoena all or any part of the records, books, documents, electronic or magnetic media and associated software, reports or invoices of any licensee for the purpose of auditing the records of such licensee, securing compliance by such licensee with the provisions of this chapter, proving or disproving violation of any part of this chapter by any licensee, or showing payment or nonpayment of any taxes, fees, charges or the like due hereunder.
- (b) All licensed establishments must maintain the following records for a three-year period and make the original records or certified copies available for audit at the licensed premises:
 - (1) Monthly income or operating statements;
 - (2) Daily sales receipts showing liquor, beer, and wine separately;
 - (3) Daily cash register receipts such as Z tapes;
 - (4) Monthly Georgia Sales and Use Tax Reports; and
 - (5) Federal Income Tax Returns with all Form 1099's.

(Ord. No. 12-368, § 3, 9-4-12)

Sec. 3-33. Sale without license prohibited.

Beer, malt beverages, wine and/or distilled spirits shall not be distributed, sold or possessed for the purposes of sale without a license granted by the city council. A separate application must be made and a separate license to sell beer, malt beverages, wine and/or distilled spirits must be obtained for each location where the same is sold at retail or by the drink.

(Ord. No. 405, § 1, 12-6-16)

Sec. 3-34. Reserved.

Ord. No. 21-471, § 1, adopted June 29, 2021, repealed former § 3-34 in its entirety which pertained to late night alcohol sales for consumption on premises and derived from Ord. No. 433, § 1, adopted Feb. 5, 2019.

Secs. 3-35—3-49. Reserved.***ARTICLE II. BEER, MALT BEVERAGES AND WINE*****Sec. 3-50. Authority to sell by the drink; license required.**

Beer, malt beverages and/or wine may be sold by the drink at bona fide restaurants in the incorporated limits of the city only under a license granted by the city council, upon terms and conditions provided by this article. No person may hold a license for the sale of beer, malt beverages or wine to be sold by the drink at the same location where alcohol is sold in the original packages.

(Ord. No. 264, 11-5-02; Ord. No. 405, § 2, 12-6-16)

Sec. 3-51. License fees.

Before any license for the retail sale of beer, malt beverages and/or wine by the package or by the drink shall be granted or renewed, the applicant therefore shall comply with all applicable regulations adopted by the city council and shall pay a license fee in an amount to be set by resolution of the city council and maintained as a public document by the city clerk.

(Ord. No. 264, 11-5-02; Ord. No. 368, § 2, 9-4-12; Ord. No. 405, § 3, 12-6-16)

Sec. 3-52. Excise taxes on malt beverages and wine.

- (a) There is hereby levied and imposed upon each wholesale dealer selling beer and malt beverages within the city, an excise tax as follows:

Containers	Containers per Case	Case Rate	Draft	Rate
6 oz.	56	\$1.20	1⅞ gal.	\$.436
7 oz.	48	1.40	2½ gal.	.841
8 oz.	36	1.20	⅞ BBL.	1.50
10 oz.	30	1.00	¼ BBL.	3.00
12 oz.	24	1.20	½ BBL.	6.00

14 oz.	24	1.40		
16 oz.	24	1.60		
32 oz.	12	1.60		

- (b) In addition to the license fees, there is hereby levied an excise tax on the sale of wine in the city in the following amounts: Eight cents (\$0.08) per liter. The tax shall be prorated on less than liter quantities.
- (c) Each wholesale dealer who has sold beer or malt beverages or wine within the city shall file a report by the tenth day of each month itemizing for the preceding calendar month the exact quantities of all beer, malt beverages and wine, by size and type of container, for the month, sold within the city. Each such wholesale dealer shall remit to the city on the tenth day of the month next succeeding the calendar month in which such sales were made, the amount of excise tax due in accordance with this article. Interest shall accrue on late payments at the rate of one (1) percent per month, or fraction thereof, and a penalty of ten (10) percent of such unpaid tax shall be added and attached to the total amount of the tax.
- (d) The wholesale dealers shall keep true and correct records of all sales and shipment. The city retains the right to audit each wholesale dealer licensed to do business in the city to determine compliance with all applicable provisions of this section.

(Ord. No. 264, 11-5-02)

Sec. 3-53. Authority to sell by the package; license required; new licenses prohibited with certain exceptions.

- (a) Beer, malt beverages and/or wine may be sold at retail in the package within the incorporated limits of the city only under a license granted by the city council, upon terms and conditions provided by this article. No person may hold a license for the sale of beer, malt beverages and/or wine at retail in the original packages and a license for the sale of beer, malt beverages and/or wine for consumption on the premises at the same location.
- (b) Effective July 3, 2016, the City no longer issues new licenses for the package sale of beer, malt beverages and/or wine for package stores, convenience stores, other similar businesses, or for any business other than those specifically identified in section 3-58 of this article. Licensees holding a City license for retail package beer, malt beverages and/or wine sales other than those pursuant to section 3-58, or a DeKalb County license in the case of subsequently annexed locations, may renew and/or transfer such licenses only in strict conformance with the terms of section 3-54 of this article.

(Ord. No. 264, 11-5-02; Ord. No. 405, § 4, 12-6-16)

Sec. 3-54. Grandfathered licenses.

Licensees licensed for retail package beer, malt beverage and/or wine sales other than pursuant to section 3-58 may renew such license annually pursuant to the terms of this chapter so long as they comply with the following terms and conditions:

- (a) Such licenses may only be renewed for the same location;
- (b) A grandfathered licensee may not expand the area of its retail space dedicated to package alcohol for sale;
- (c) A grandfathered licensee may not add a type of alcoholic beverage for sale for which it was not licensed on July 3, 2016; and

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- (d) Prior to January 1, 2023, a grandfathered license may be transferred to a new qualified licensee, at the same location only, pursuant to section 3-7 of this chapter. After such date, grandfathered licenses to sell beer, malt beverages and/or wine by the package may not be transferred to another licensee.

(Ord. No. 405, § 5, 12-6-16)

Sec. 3-55. Proximity of establishment to school ground, church, library, public park or adult entertainment establishment.

- (a) No license shall be issued where an entrance to a place of business for the wholesale sale of beer, malt beverages or wine is located within one hundred (100) yards of the property line of any school ground.
- (b) No license shall be issued where an entrance to a place of business for the retail sale of beer, malt beverages or wine in original packages is located within two hundred (200) yards of the property line of a school, school ground or public park, or the entrance to any church or library, or the entrance to an existing establishment licensed for the retail sale of beer, malt beverages or wine in original packages. The provisions of this subsection shall not prevent the renewal of a license existing on July 3, 2016, at such location.
- (c) No license shall be issued where any entrance to a place of business for the retail sale of beer, malt beverages or wine for consumption on the premises is located within one hundred (100) yards of a school, school ground or public park, or the entrance to any church or library.
- (d) No license shall be issued where any entrance to a place of business for the retail sale of beer, malt beverages or wine for consumption on the premises is located within one hundred sixty-six (166) yards of the entrance to any adult entertainment establishment.
- (e) No license shall be issued where an entrance to a place of business for the retail sale of beer, malt beverages or wine is located within fifty (50) yards of a single-family residence.
- (f) The city council may, in their discretion, issue or deny any license for the sale of beer, malt beverages or wine where there is evidence that the type and number of schools in the vicinity causes minors to frequent the immediate area, even though there is compliance with minimum distance from schools.

(Ord. No. 264, 11-5-02; Ord. No. 405, § 6, 12-6-16)

Sec. 3-56. Wholesaler's delivery to retail outlets; marking of vehicles.

No beer, malt beverages or wine shall be delivered to any retail sales outlet in the city except by a duly licensed wholesaler in licensed vehicles. The name of the wholesale distributor shall be clearly marked on the vehicle.

(Ord. No. 264, 11-5-02)

Sec. 3-57. Machines operated for amusement purposes on retail premises.

No retail dealer in packaged beer, malt beverages or wine shall permit on his premises any slot machines or mechanical music boxes or pinball machines or any form of electronic or mechanical game machine or coin-operated device which might be used for entertainment or amusement purposes. However, this section shall not apply to any "Class A machine" nor any "Class B machine" as defined by O.C.G.A. § 50-27-70.

(Ord. No. 12-368, § 3, 9-4-12; Ord. No. 395, § 1, 6-7-16)

Sec. 3-58. New licenses permitted for certain designated businesses.

After July 3, 2016, new licenses for the retail sale by the package of beer, malt beverages and/or wine may be obtained only for businesses that qualify as a "growler shop," "specialty wine shop," "grocery store" "retail delivery shop" as defined in section and meet the other criteria for a license set forth in this Chapter. "Retail delivery shops" may not obtain or renew such license(s) after December 31, 2022. As used in this section, the following terms shall have the following meanings:

- (a) *Growler* means a reusable glass jug, sized 32—64 ounces, used to transport beer for off-premises consumption. The container shall be sealed, on-premises, with a tamper-proof plastic cap.
- (b) *Growler shop* means a business engaged primarily in the sale of growlers of beer. A growler shop must offer at least twelve (12) varieties of beer from at least six (6) beer manufacturers for sale by the growler. A growler shop may dedicate up to forty-nine (49) percent of its sales floor space to beer sold by the bottle or can.
- (c) *Specialty wine shop* means a business engaged primarily in the sale of wine by the bottle. A specialty wine shop shall offer at least fifty (50) varieties of wine from at least twenty-five (25) wine manufacturers. A specialty wine shop may dedicate up to twenty-five (25) percent of its sales floor space to beer for sale by the bottle or can.
- (d) *Grocery store* means a retail establishment which is primarily engaged in the sale of uncooked food, has a total retail floor space of at least ten thousand (10,000) square feet of which at least eighty-five (85) percent is reserved for the sale of food and other nonalcoholic items and conducts all of its sales inside the building containing its retail floor space.
- (e) *Retail delivery shop* means a retail establishment which is engaged in the retail sale of food products, household goods and other sundry items, for delivery only, that has a total interior floor area of not more than ten thousand (10,000) square feet and does not admit the general public to its facility.

(Ord. No. 405, § 7, 12-6-16; Ord. No. 465, § 1, 5-4-21)

Sec. 3-59. License available for defined qualified convenience stores.

- (a) The term "Qualified Convenience Store," as used in this section, shall mean a convenience store that meets each of the following criteria:
 - (1) It obtained a land-disturbance permit from the city for development of the store on or before December 6, 2016; and
 - (2) It obtained a business license from the city to operate a convenience store on or before September 21, 2017; and
 - (3) The store has been continuously operating as a convenience store from September 21, 2017 through the date of the adoption of the ordinance from which this section derives.
- (b) Notwithstanding the provisions of City Code § 3-53(b) a new license for the package sale of beer, malt beverages and/or wine shall be issued for a "qualified convenience stores" location if the applicant for a license otherwise satisfies the applicable regulations and criteria of Chapter 3 of the City Code.
- (c) A license issued pursuant to this section shall be considered a "grandfathered license" pursuant to section 3-54 and may be renewed and/or transferred only in strict conformance with the terms of City Code section 3-54.

(Ord. No. 420, § 1, 4-3-18)

Secs. 3-60—3-69. Reserved.

ARTICLE III. PACKAGED DISTILLED SPIRITS

Sec. 3-70. New licenses prohibited; existing licenses grandfathered.

- (a) Effective July 3, 2016, the city no longer issues new licenses for the sale of distilled spirits by the bottle. Licensees holding a city license, or a DeKalb County license in the case of subsequently annexed locations, for package sales of distilled spirits on July 2, 2016, shall be permitted to continue operating under their existing licenses at their current locations in conformity with the terms of this article.
- (b) Distilled spirits by the bottle may only be sold within the city under a license grandfathered under subsection (a) upon the terms and conditions set forth in this article. Grandfathered licenses as described in subsection (a) may be renewed at the same location only. A grandfathered licensee shall not expand its operation or facility. Prior to January 1, 2023, a grandfathered license may be transferred to a new qualified licensee, at the same location only, pursuant to Section 3-7 of this Chapter. After such date, licenses to sell distilled spirits by the package may not be transferred to another licensee.

(Ord. No. 264, 11-5-02; Ord. No. 405, § 8, 12-6-16)

Sec. 3-71. License fee, excise tax in addition to retail license fee; records.

- (a) Before any license to sell distilled spirits by the package at retail may issue, the applicant for such license shall comply with all rules and regulations adopted by the city council regulating the sale of distilled spirits and shall pay a license fee in an amount to be set by resolution of the city council and maintained as a public document by the city clerk.
- (b) In addition to the license fees established by this section, there is hereby imposed an excise tax upon all distilled spirits purchased by persons holding licenses for retail sales of distilled spirits issued by the city at the rate of fourteen cents (\$0.14) per liter.
- (c) The excise tax shall be collected by all wholesale dealers selling distilled spirits to person holding retail licenses, and shall be paid by the wholesale dealers to the city clerk no later than the tenth of each month, based upon the units of distilled spirits sold in the previous month. Any such excise tax not paid in full by the tenth of each month shall bear interest at the rate of one percent per month or fraction thereof, and a penalty of ten (10) percent of such unpaid tax shall be added and attached to the total amount of the tax. The wholesale dealers shall keep true and correct records of all sales and shipments. The monthly remittance shall be accompanied by a sworn statement showing the type, volume and price of distilled spirits sold to each retail licensee. The city clerk may audit each wholesale dealer licensed to do business in the city for the purposes of determining compliance with applicable provisions of this chapter including the right to compel each distributor to attach copies of all pertinent invoices to his sworn statement.

(Ord. No. 264, 11-5-02; Ord. No. 368, § 2, 9-4-12)

Sec. 3-72. Application for license to be accompanied by statement of information relative to interest in retail liquor stores.

- (a) In addition to all other information required by other provisions of this chapter, all applications for licenses, both original and renewal, must be accompanied by a full and complete statement under oath of information

relative to any and all interests, as defined by state law, in retail liquor stores. This shall include names and addresses of all persons interested in the ownership of the sale of liquor at retail, together with any interest each person or any immediate relative has in any other retail liquor store located at any other place; the ownership of land and building where such retail business is operated; the amount of rental paid for the land and building and the manner in which the same is determined and to whom and at what intervals it is paid; the names and addresses, by affidavit from the owner, lessor, or sublessor of such land and building, of all persons having any whole, partial, beneficial, or other interest in and to the land and building on and in which the retail liquor store is located; and any other information called for by the city clerk to insure compliance with the provisions of this chapter and state law.

- (b) Any change in relationship declared in subsection (a) of this section must be filed when made with the city clerk, and failure to do so within a period of five (5) days after such change is made shall be grounds for the city clerk to recommend revocation or suspension of the license by the city council.

(Ord. No. 264, 11-5-02)

Sec. 3-73. Hours of delivery or sale for wholesalers.

No wholesaler shall sell or deliver any packaged distilled spirits to any retailer licensed by the city except between the hours of 6:00 a.m. and 6:00 p.m., Monday through Saturday.

(Ord. No. 264, 11-5-02; Ord. No. 346, §§ 1, 3, 8-4-10)

Sec. 3-74. Proximity of establishment to residence, library, church, school or school ground, or public park.

- (a) No license for the wholesale or retail sale of packaged distilled spirits shall be issued where an entrance to the place of business is located as follows:
- (1) Within fifty (50) yards of the property line of a single family private residence unless that residence is located in a district zoned TC-1 or NC-1.
 - (2) Within one hundred (100) yards of the property line of any public park, or the entrance to any church or library.
 - (3) Within two hundred (200) yards of the property line of any school or school grounds.
- (b) For the purposes of this section, distances shall be measured as provided in section 3-28 of this chapter.
- (c) The city council may, in their discretion, deny any license for the sale of distilled spirits where there is clear and convincing evidence presented that the type and number of schools in the vicinity causes minors to frequent the immediate area, even though there is compliance with the minimum distance requirements from schools.

(Ord. No. 264, 11-5-02; Ord. No. 368, § 2, 9-4-12)

Sec. 3-75. Places where retail sales permitted.

- (a) No distilled spirits shall be sold at retail except in:
- (1) Retail establishments devoted exclusively to retail sale of distilled spirits with no less than ten (10) parking spaces devoted specifically to the retail store; or

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- (2) Retail establishments in which space has been set aside and devoted exclusively to the retail sale of distilled spirits, with ingress and egress provided directly to, and only to, the exterior of the buildings in which the facility is located and not any other enclosed part of the building in which the facility is located, except as provided hereafter.
 - (3) Hotels, motels, and high-rise office buildings where:
 - a. Every public entrance to such a use shall be from a lobby, hallway or other interior portion of the primary use structure; and
 - b. No show window, advertising or display shall be visible from the exterior of the primary use structure.
 - (b) Each retail licensee shall have conspicuously displayed within the interior of the licensed premises not less than four (4) copies of a printed price list of the distilled spirits offered for sale, provided that a licensee, in lieu of having four (4) copies of a printed price list, may have the prices placed on the bottles or on the front of the shelf where distilled spirits are exhibited for sale.
 - (c) No exterior signs may be used to advertise the price of any distilled spirits offered for sale.
- (Ord. No. 264, 11-5-02; Ord. No. 368, § 2, 9-4-12)

Sec. 3-76. Machines operated for amusement purposes on retail premises.

No retail dealer in packaged distilled spirits shall permit on his premises any slot machines or mechanical music boxes or pinball machines or any form of electronic or mechanical game machine or coin-operated device which might be used for entertainment or amusement purposes. However, this section shall not apply to any "Class A machine" nor any "Class B machine" as defined by O.C.G.A. § 50-27-70.

(Ord. No. 264, 11-5-02; Ord. No. 395, § 2, 6-7-16)

Sec. 3-77. Signs and display of license.

- (a) Except as provided in section 3-75, no signs shall be erected anywhere within the city advertising or promoting the sale of distilled spirits, the sign ordinances of the city notwithstanding.
- (b) Each licensee for the retail sale of distilled spirits licensed hereunder shall have printed on a front window or entrance of the licensed premises the name of the licensee, together with the inscription "City of Clarkston Retail License No. _____," in uniform letters not less than four (4) inches nor more than eight (8) inches in height.
- (c) The city license shall at all time be kept plainly exposed to view within the premises.

(Ord. No. 264, 11-5-02)

Sec. 3-78. Persons having direct financial interest in wholesale liquor license holding other licenses; identification of wholesale distributor's vehicles.

- (a) No person who has any direct financial interest in a license for the sale of distilled spirits at wholesale shall hold any other license under the terms of this article regardless of whether that wholesale license has been issued by the city.
- (b) No distilled spirits shall be delivered to any retail sales outlet in the city except by a duly licensed wholesaler in licensed vehicles. The name of the wholesale distributor shall be clearly marked on the vehicle.

(Ord. No. 264, 11-5-02)

Secs. 3-79—3-89. Reserved.

ARTICLE IV. SALE OF DISTILLED SPIRITS BY THE DRINK FOR CONSUMPTION ON PREMISES

Sec. 3-90. Authority to sell; license required.

Distilled spirits may be sold by the drink for consumption on the premises within the incorporated area of the city only under a license granted by the city council upon terms and conditions provided in this article.

(Ord. No. 264, 11-5-02)

Sec. 3-91. License fees and excise tax.

- (a) The fee for a consumption of distilled spirits by the drink on premises where sold, license shall be two thousand dollars (\$2,000.00) per year. In exception to the general provisions of section 3-4, the fee for such license may be paid in two (2) installments, rather than one (1) lump sum payment due at the time of original or renewal application. In the case of a new license application, one-half (½) of the license fee shall be paid at the time of application, and the other half shall be paid at the time of issuance of the license. In the case of renewal license application, one-half (½) shall be paid at the time of application and the other half shall be paid no later than March 1 next following the date of application.
- (b) In addition to the license fee in subsection (a) of this section, there is hereby imposed an excise tax upon all distilled spirits purchased by persons holding a consumption on the premises license at the rate of fourteen cents (\$0.14) per liter.

(Ord. No. 264, 11-5-02)

Sec. 3-92. Reserved.

Editor's note(s)—Ord. No. 346, § 1, adopted Aug. 4, 2010, repealed former § 3-92 in its entirety which pertained to hours of operation for the sale of distilled spirits by the drink for on premises consumption and derived from Ord. No. 264, adopted Nov. 5, 2002.

Sec. 3-93. Private clubs.

No private club shall operate solely for the purpose of selling or dispensing alcoholic beverages to its members. Private clubs may be granted a license by the city council upon the payment of a business license tax, as established by the city council, and may sell distilled spirits by the drink for consumption on the premises upon compliance with the provisions of this article regulating such sale and licensing including the payment of appropriate license fees and all excise taxes described herein as may be applicable. Private clubs shall be subject to all the requirements including the food service requirements imposed upon public establishments under the provisions of this article.

(Ord. No. 264, 11-5-02)

Sec. 3-94. Separate application and separate license required for each location.

A separate application must be made for a license and a separate license to sell distilled spirits by the drink for consumption on the premises must be obtained for each location where the same is sold.

(Ord. No. 264, 11-5-02)

Sec. 3-95. Consumption sales only.

Persons holding a license to sell distilled spirits by the drink for consumption on the premises shall not be permitted to sell distilled spirits by the package or bottle.

(Ord. No. 264, 11-5-02)

Sec. 3-96. Proximity of establishment to schools, school grounds, churches, libraries, public parks and adult entertainment establishments.

- (a) No license shall be issued under this article where an entrance to a place of business designed for the sale of distilled spirits by the drink for consumption on the premises is located:
 - (1) Within two hundred (200) feet of a school, school ground or public park, or the entrance to any church or library.
 - (2) Within five hundred (500) feet of the entrance to any adult entertainment establishment.
- (b) The city council may, in their discretion, issue or deny any license for the sale of distilled spirits by the drink for consumption on the premises where there is evidence that the type and number of schools in the vicinity causes minors to frequent the immediate area, even though there is compliance with the minimum distance from schools.

(Ord. No. 264, 11-5-02)

Secs. 3-97—3-109. Reserved.***ARTICLE V. TAX ON DISTILLED SPIRITS BY THE DRINK*****Sec. 3-110. Levy.**

There is hereby levied and imposed, in addition to all other excise taxes now imposed by law, a tax on the retail purchases of distilled spirits or alcoholic beverages for beverage purposes by the drink excluding the sale of fermented beverages made in whole or in part from malt, or similar fermented beverage, to be collected at the rates and in the manner set forth in this section:

- (1) Every purchaser of distilled spirits or alcoholic beverages for beverage purposes by the drink, excluding fermented beverages made in whole or in part from malt, or any similar fermented beverages, at retail in the city, shall be liable for a tax thereon at the rate of three (3) percent of the sales price or charge for such beverages. The tax shall be paid by the purchaser to the licensee making such sales, as hereafter provided, and the licensee shall remit the same to the city, such taxes to be remitted by the licensee to the city clerk on or before the twentieth day of the succeeding month, to be delinquent if remitted thereafter, with a summary of the licensee's gross sales derived from the sale of distilled

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spirits or alcoholic beverages for beverage purposes by the drink, excluding fermented beverages made in whole or in part from malt, or any similar fermented beverage, and the amount of taxes collected by him from his purchasers, on such form as may be required by the city clerk, and when received by the city clerk it shall be a credit against the tax imposed by the article on the licensee. Every licensee, as defined in this section, making a sale or sales of such beverages shall be liable for a tax thereon at the rate of three (3) percent of such gross sale or sales derived from the sale of distilled spirits or alcoholic beverages for beverage purposes by the drink, excluding fermented beverages made in whole or in part from malt, or any similar fermented beverage, or the amount of taxes collected by him from his purchaser, as provided in this section, whichever is greater.

- (2) Gross sales shall include all credit sales to the extent permitted by the laws of the state and shall be reported and the taxes collected thereon remitted to the city clerk to the same extent as required of cash sales, and the fact that the licensee may receive payment from such credit sale or sales in a later reporting period shall not relieve or excuse the licensee's responsibility for collecting and remitting the taxes as provided under this article.
- (3) The tax so levied is and shall be in addition to all other taxes, whether levied in the form of excise, license or privilege taxes, and shall be in addition to all other fees and taxes levied.

(Ord. No. 264, 11-5-02)

Sec. 3-111. Tax levied on purchaser.

The taxes imposed in this article are upon the purchaser and shall be collected by the licensee from the purchaser. Therefore, the licensee shall collect the tax imposed under this article from the purchaser and shall pay the tax over to the city.

(Ord. No. 264, 11-5-02)

Sec. 3-112. Tax added to sales price; licensee liable.

Licensees shall, as far as practicable, add the amount of the tax imposed under this article to the sales price or charge, which shall be a debt from the purchaser to the licensee, until paid, and shall be recoverable at law in the same manner as other debts. Any licensee who shall neglect, fail, or refuse to collect the tax provided in this article upon any, every and all retail sales made by him, or his agents or employees, of alcoholic beverages, which are subject to the tax imposed in this article, shall be liable for and pay the tax himself.

(Ord. No. 264, 11-5-02)

Sec. 3-113. Licensee not to advertise that he will absorb tax.

A licensee shall not advertise or hold out to the public, in any manner, directly or indirectly, that he will absorb all or any part of the tax, or that he will relieve the purchaser of the payment of all or any part of the tax.

(Ord. No. 264, 11-5-02)

Sec. 3-114. Final returns within fifteen days of selling or quitting business.

If any licensee liable for any tax levied under this article shall sell out his business or stock of goods, or shall quit the business, he shall make a final return and payment within fifteen (15) days after the date of selling or quitting the business.

(Ord. No. 264, 11-5-02)

Sec. 3-115. Deduction allowed licensee, provided tax not delinquent.

In reporting and paying the amount of tax due under this article, each license shall be allowed a deduction equal to that rate authorized for deductions from state tax under the "Georgia Retailers' and Consumers' Sales and Use Tax Act" O.C.G.A. § 48-8-50, as now or hereafter amended, provided that the tax is not delinquent at the time of payment.

(Ord. No. 264, 11-5-02)

Sec. 3-116. Tax delinquent on twenty-first day; delinquency cause for revocation or denial of renewal.

- (a) The tax imposed under this article shall, for each month, become delinquent on the twenty-first day of each succeeding month. Any such delinquent tax shall bear interest at the rate of one (1) percent per month, or fraction thereof, and a penalty of ten (10) percent of such delinquent tax shall be added and attached to the total amount of the tax. The city clerk is empowered, and it shall be her duty when any tax becomes delinquent under this article, to pursue any remedy or right of collection and payment of taxes lawfully levied by the city, as may be allowed under the laws of the state and the ordinances of the city.
- (b) Any default or delinquency of tax levied under this article shall constitute cause for suspension or revocation of license.
- (c) When the governing authority determines that a licensee has been chronically delinquent or chronically in default under this article, the city council, when acting upon the application of such licensee for renewal of his license, may, in the exercise of its discretion, deny such application upon the grounds of such chronic delinquency.

(Ord. No. 264, 11-5-02)

Sec. 3-117. Licensee required to report and pay tax; maintain appropriate records.

It shall be the duty of every licensee required to make a report and pay any tax levied under this article, to keep and preserve suitable records of the sales taxable under this article, and such other books of account as may be necessary to determine the amount of tax due under this article, and any other information as may be required by the city clerk. It shall be the duty of every such licensee, moreover, to keep and preserve, for a period of three (3) years, all invoices and other records of such alcoholic beverages, which are taxable under this article, and the sales of such alcoholic beverages and all such books, invoices, and other records shall be open to examination by the city clerk or her duly authorized agents at all reasonable times.

(Ord. No. 264, 11-5-02)

Secs. 3-118, 3-119. Reserved.

ARTICLE VI. ALCOHOLIC BEVERAGE CATERER

Sec. 3-120. Authority to sell; license required.

Alcoholic beverage caterers may operate in the incorporated area of the city only under a license granted by the city council upon the terms and conditions provided in this article.

(Ord. No. 264, 11-5-02)

Sec. 3-121. Eligibility for license.

Applicants for an alcoholic beverage caterer's license to sell wine and/or beer and malt beverages and/or distilled spirits for consumption off-premises in conjunction with an authorized catered function must also possess a valid license issued by the city for the retail consumption on-premises of the same alcoholic beverage(s).

(Ord. No. 264, 11-5-02)

Sec. 3-122. License fees.

Before such license is granted, the applicant therefor shall comply with all rules and regulations adopted by the city council regulating alcoholic beverage caterers, and each applicant shall pay a license fee in accordance with the following:

- (1) Alcoholic beverage caterers selling wine to be consumed on the premises, per year\$500.00
- (2) Alcoholic beverage caterers selling beer and malt beverages to be consumed on the premises, per year500.00
- (3) Alcoholic beverage caterers selling distilled spirits to consumed on the premises, per year2,000.00
- (4) A combination license for alcoholic beverage caterers selling wine and beer and malt beverages to be consumed on the premises, per year750.00
- (5) A combination license for alcoholic beverage caterers selling distilled spirits, wine, and beer and malt beverages to be consumed on the premises, per year2,500.00

(Ord. No. 264, 11-5-02)

Sec. 3-123. Sale without licenses; separate application a separate license required for each place of business.

Wine, beer and malt beverages, and distilled spirits shall not be distributed, sold or possessed for the purposes of sale without a license granted by the city council. A separate application must be made and a separate alcoholic beverage caterer license must be obtained for each business that caters within the incorporated limits of Clarkston. Caterers who cater at more than one (1) location within the city require only a single alcoholic beverage caterer license.

(Ord. No. 264, 11-5-02)

Sec. 3-124. Event permits.

In order to distribute or sell wine, and/or beer and malt beverages, and/or distilled spirits at an authorized catered function, a licensed alcoholic beverage caterer shall be required to:

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- (1) Apply to the city for an "authorized catered function event permit." A fee as determined by the city council may be charged. The application shall be submitted to the city clerk and shall include the name and business address of the caterer, the date, time and location of the event, and the alcoholic beverage caterer's license number.
 - (2) The "authorized catered function event permit" shall be maintained in the vehicle at all times while transporting alcoholic beverages to/from the catered event and shall be maintained at the site of the catered event during the hours alcoholic beverages are sold or distributed.
 - (3) The excise tax provided for in article V of this chapter shall not apply to catered events.

(Ord. No. 264, 11-5-02)

Secs. 3-125—3-129. Reserved.

ARTICLE VII. MICROBREWERIES

Sec. 3-130. Manufacture of beer or malt beverage.

- (a) No person shall manufacture beer/malt beverage within the city without first obtaining a microbrewery license pursuant to this article.
- (b) Microbreweries licensed pursuant to this article are limited to producing no more than two million (2,000,000) gallons of beer/malt beverage per calendar year.
- (c) The annual fee amount for a microbrewery license pursuant to this article shall be established by duly adopted resolution of the city council.

(Ord. No. 431, § 2, 12-4-18)

Sec. 3-131. Sales for consumption on the premises by microbrewery.

Every license to manufacture beer/malt beverage issued to a microbrewery pursuant to this article shall include a license to sell beer/malt beverage by the drink for consumption on the same premises.

(Ord. No. 431, § 2, 12-4-18)

Sec. 3-132. Package sales for consumption off the premises by microbrewery.

- (a) Every license to manufacture beer or malt beverage issued to a microbrewery for a premises that complies with the minimum distances set forth in subsection (b) of this section shall include a license to sell beer/malt beverage by the package at the same premises for consumption off the premises.
- (b) A microbrewery license issued pursuant to this article shall not include a license to sell alcohol by the package where the licensed premises is located within one hundred (100) yards of any school, school grounds or college campus as such terms are defined by state law.
- (c) No microbrewery may sell more than two hundred eighty-eight (288) ounces of packaged beer and/or malt beverage to a single consumer within a single day.

(Ord. No. 431, § 2, 12-4-18)

Sec. 3-133. Open area/patio/deck sales by microbreweries.

- (a) A microbrewery shall not offer or allow consumption of beer or malt beverage upon any open area, patio, or deck unless the microbrewery first obtains a license pursuant to this section.
- (b) A microbrewery holding a license for alcohol sales for consumption on the premises may apply for a license to offer open area/patio/deck sales and consumption by submitting an application and fee (in an amount to be established by resolution of the city council) to the city clerk. Such application shall include, at a minimum, a scaled drawing depicting (i) the open area, patio or deck proposed for such sales/consumption, (ii) any wall, rail or barrier proposed for the area, and (iii) any public street within 100 feet of the area.
- (c) Upon receipt of an application pursuant to this section, the city manager and chief of police shall review the application and advise the city council in writing of their recommendation as to whether the permit should be granted.
- (d) An application pursuant to this section shall be heard and decided by the city council at its next regular meeting occurring at least 15 days after the date the application is received. The city council shall approve such application unless it determines that alcohol sales for consumption at the proposed open area, patio or deck would be inconsistent with the public health, safety or welfare.
- (e) Any approved microbrewery open area/patio/deck shall be subject to all applicable regulation under the city's building and other codes, such as maximum capacity, fire safety, etc.

(Ord. No. 431, § 2, 12-4-18)

Sec. 3-134. Applicability of other articles to microbreweries.

- (a) Article I of this chapter ("In General") shall apply to microbreweries, except that sections 3-26, concerning open area and patio sales, and 3-27, concerning bona fide restaurants, shall not apply to microbreweries.
- (b) To the extent that this Article and Article I conflict, this article shall control as to microbreweries.
- (c) Articles II, III, IV, V and VI of this chapter shall have no application to microbreweries.

(Ord. No. 431, § 2, 12-4-18)