

Chapter 6 - ALCOHOLIC BEVERAGES⁴¹

Footnotes:

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Editor's note— [Ord. No. 04-2014, § 1, adopted May 28, 2014](#), repealed the former chapter 6, §§ 6-1—6-3, 6-31—6-40, 6-60—6-87, 6-90—6-92 and 6-150, and enacted a new chapter 6 as set out herein. The former chapter 6 pertained to similar subject matter and derived from Ord. No. 08-2009(1), adopted December 14, 2009; Ord. No. 08-2009(2), adopted December 14, 2009; Ord. No. 05-2010, adopted April 26, 2010; Ord. No. 09-2010 adopted August 9, 2010; Ord. No. 01-2011 adopted January 24, 2011 and Ord. No. 03-2013, adopted January 27, 2013.

Cross reference— Administration, ch. 2; authority to issue orders during a civil emergency, § 22-5; offenses and miscellaneous provisions, ch. 54; possession of beer, wine, alcoholic beverages, nonprescription drugs, marijuana, etc., prohibited in, upon or adjacent to public or city parks or recreation areas, § 54-4; restrictions on pets, horses or saddle animals in public parks, § 58-1.

State Law reference— Alcoholic beverages, O.C.G.A. § 3-1-1 et seq.

ARTICLE I. - IN GENERAL

Sec. 6-1. - Intent.

These regulations have been enacted in accordance with a plan designed for the purposes, among others, of promoting the health, safety and general welfare of the citizens of the city; to establish reasonable standards for the regulation and control of the licensing and sales of alcoholic beverages; to protect and preserve schools, churches, and similar places of public assembly; and to give effect to existing land use plans and preserve residential areas regarding, among other things, the character of the areas, their peculiar suitability for particular uses and the congestion in the surrounding roads and streets, with a general view of promoting desirable living conditions and sustaining the stability of neighborhood and property values.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-2. - 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:

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

Alcoholic beverages means and includes, but is not limited to, all alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine.

Applicant means an individual applying for any license authorized by this chapter.

Application means a form supplied by the city for the purpose of applying for any license authorized by this chapter.

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

Bona fide private club means any nonprofit association organized under the laws of this state which:

- (1) Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this chapter;
- (2) Has at least 75 regular dues-paying members;
- (3) Owns, hires, or leases a building or space within a building for the reasonable use of its members, which building or space:
 - a. Has suitable kitchen and dining room space and equipment; and
 - b. Is staffed with a sufficient number of employees for cooking, preparing, and serving meals for its members and guests; and
- (4) Has no member, officer, agent, or employee directly or indirectly receiving, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.

Brewpub means any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36 for retail consumption on the premises and solely in draft form.

Building code includes all building, plumbing and electrical codes and any other similar technical code of the city.

Chief of police means the chief of police of the City of Riverdale, or his/her designate.

Church means a permanent building where persons regularly assemble for religious worship.

Department means the department designated by the city manager.

Designee means any person designated by the director to process license and permits in this chapter.

Director means the director of the department designated by the city manager to process license and permits in this chapter.

Distance means the measurement in horizontal lineal feet from the front door of the proposed licensee's premises to the nearest church, residence, school ground or college campus along the nearest practical street route.

Distilled spirits means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including, but not limited to, whiskey, rum, gin, brandy, vodka, tequila, and fortified wines.

Family means any person related within the first degree of consanguinity or affinity as determined according to civil law.

Fortified wine means any alcoholic beverage containing more than 21 percent alcohol by volume made from fruits, berries or grapes either by natural fermentation or by natural fermentation with other ingredients added, including, but not limited to, brandy.

Hotel means any building or structure kept, used, maintained, advertised and held out to the public as a place where a minimum of 50 sleeping accommodations are offered for adequate pay to travelers and guests, and food is actually served and consumed in one or more dining rooms, having an adequate and sanitary kitchen and minimum seating capacity of 60, such sleeping accommodations and dining rooms being conducted on the same premises.

Individual means a natural person.

Interest in license means an interest held by an owner or co-owner of a license; a partner of a partnership which owns or co-owns a license; a stockholder in any corporation which owns or co-owns a license; an owner, co-owner, lessor, sublessor, partner in a partnership or stockholder in a corporation owning or leasing any real estate on which is located a retail consumption dealer, a retail dealer or wholesale dealer; or anyone sharing in the income or corpus of any trust or estate having such an interest.

License means authorization granted by the city to operate as a retail consumption dealer, retail dealer or wholesale dealer.

Licensee means a person holding a license.

Lounge means a separate room connected with, and a part of, a restaurant with all booths, stools, and tables being open and unobstructed to the view of any other customers in such lounge, or the manager thereof. All lounges shall be air conditioned and have a seating capacity of at least 60 persons.

Malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops or any other similar product, or any combination of such products in water, containing not more than six-percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer and strong beer, but not including sake.

Motel means any building or structure kept, used, maintained, advertised and held out to the public as a place where a minimum of 50 sleeping accommodations are offered for adequate pay to travelers and guests, and food is actually served and consumed in one or more dining rooms, having an adequate and sanitary kitchen and a minimum seating capacity of 60, such sleeping accommodations and dining rooms being conducted on the same premises.

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, 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 definite closed or partitioned establishment, whether room, shop or building wherein alcoholic beverages are sold or consumed. "Premises" shall also include any privately owned or leased courtyard or patio that is architecturally visibly defined.

Principal business when used in this chapter, means that at least 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 nonemployee personnel not to include, however, persons who are called to the premises from other licensed businesses to perform service, repair or construction on equipment or building premises. For purposes of this chapter the calculations of receipts for alcoholic beverages shall be made pursuant to the scheduling of pricing and the regulations contained therein as required by this chapter.

Private residence means a house, dwelling, condominium or duplex wherein not less than one nor more than two families customarily reside but does not include: a mobile home; an apartment house having facilities for the housing of more than two families; a boardinghouse or rooming house where there are five or more boarders; any residence located in a commercially or industrially zoned district; or any residence which has been unoccupied for a period of six consecutive months immediately prior to the filing of an application by a proposed licensee.

Restaurant means any public place kept, used, maintained, advertised and held out to the public as a place where at least one meal per day is served six days a week, excluding periods for holidays, vacations, and redecorating; having adequate and sanitary kitchen and dining room equipment and a minimum seating capacity of 50; and wherein the principal business is the serving of such meals, which, excluding the sale of alcoholic beverages, account for at least 51 percent of the gross revenue of the business.

Retail consumption dealer means any person who sells alcoholic beverages to consumers for consumption on the premises only and not for resale or to go.

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

School means only those state, county, city, church or other schools that teach the subjects commonly taught in the common schools of this state and shall include the adjacent open land used for

school purposes, but this shall not include any portion of a private school where only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

Seating capacity means the amount of individual seating which is located at tables for the purpose of serving the dining public, but not including any seating located in a lounge, bar, or other area designated primarily for the serving of alcoholic beverages.

Wholesale dealer means any person who sells alcoholic beverages to retail dealers or other wholesale dealers for resale.

Wine means any alcoholic beverage containing not more than 21 percent alcohol by volume made from fruits, berries or grapes either by natural fermentation or by natural fermentation with brandy added, including, but not limited to, sparkling wine, champagne, combinations of such beverages, vermouth, special natural wine, rectified wine and like products, but not including cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Cross reference— Definitions generally, § 1-2.

Sec. 6-3. - Construction of definitions.

Words and terms not explicitly defined in these regulations shall have the meaning given by common and ordinary use as defined in the latest edition of Webster's New Collegiate Dictionary.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Secs. 6-4—6-30. - Reserved.

ARTICLE II. - LICENSING^[2]

Footnotes:

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State Law reference— Governing authority to set forth ascertainable standards pertaining to the granting, refusal, suspension or revocation of alcoholic beverage permits or licenses, O.C.G.A. § 3-3-2(b)(1); authority to adopt rules and regulations relating to manufacture, sale and distribution of distilled spirits, O.C.G.A. § 3-4-49; local permit or license required for wholesale or retail sales of alcoholic beverages, O.C.G.A. § 3-3-2(a).

Sec. 6-31. - License required.

- (a) No malt beverage, wines, spirituous liquors or any other alcoholic beverage shall be stored for sale, delivered, sold or manufactured in the city except under a license issued pursuant to this chapter and then only for the specific beverage and manner of sale provided in the license.
- (b) The requirements of this chapter shall be in addition to any other requirements for business licenses under this Code and if other provisions of this Code conflict with this chapter, then this chapter shall control.
- (c) Licenses which may be issued under this chapter and related business license fees are:

- (1) Retail consumption dealer, including restaurants and other eating establishments, brewpub, banquet facilities, hotels, motels, lounge, bona fide private club, wine shops, public buildings and outdoor spaces so designated by the city:
 - a. For distilled spirits license (to obtain this license, business is required to also hold malt beverage and wine license) \$2,500.00
 - b. For malt beverage license 2,500.00
 - c. For wine license 2,500.00
- (2) Retail package dealer.
 - a. For distilled spirits license (to obtain this license business is required, to also hold malt beverage and wine license) \$2,500.00
 - b. For malt beverage license 2,500.00
 - c. For wine license 2,500.00
- (3) Wholesale dealer.
 - a. Any wholesale dealer in alcoholic beverages who is licensed by the State of Georgia and who does not have a place of business in the city shall be granted a license to distribute such beverages in the city upon application for such license to the director or his/her designee, submittal of an annual renewal affidavit, and a statement that he understands the alcoholic beverage rules and regulations of the city and the conditions under which retail licenses are issued. Distributors whose principal place of business is a location other than the city shall pay a registration fee of \$100.00 as authorized by O.C.G.A. § 3-5-43 (or such fee as may be authorized by any future amendment or revision thereto).
 - b. Any wholesale dealer in alcoholic beverages who is licensed by the state and who has a place of business in the city shall procure a license under the same provisions applicable to retail licensees. The application for a resident wholesale dealer's license shall be accompanied by the application fee in an amount as set by resolution of the city council, which amount shall remain in effect until modified or amended by subsequent resolution adopted by the city council.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-32. - Duration of licenses.

All licenses, except as otherwise indicated, issued under this chapter shall be issued on a calendar year basis, and all licenses shall expire at midnight on December 31 of the year for which they are issued. License fees shall be prorated as follows: New applications received after January 1 shall be assessed a license fee based upon the number of months remaining in the calendar year and partial months shall count as a full month.

- (1) The alcohol license fees assessed for new license applicants, as established in subsection 6-31(c) above, shall be prorated based on the date the new alcohol license is issued. Fees for new alcohol licenses shall be prorated on a monthly basis. Applicants shall pay one-twelfth of the total fee for each month in which the applicant shall hold a new alcohol license. A new alcohol license issued at any time during a month shall be considered to have been issued on the first of that month. Proration of fees shall not affect due dates for payment of any fees. Renewal alcohol licenses shall not be subject to proration.
- (2) If the wholesale dealer's principal place of business is located within the city, the city will levy a license fee in accordance with the classification into which the applicant falls. In addition to the general occupation tax, the wholesale dealer shall also pay a processing fee as listed in the schedule of fees approved by resolution of the city council, which amount shall remain in effect until modified or amended by subsequent resolution adopted by the city council, to cover the

expenses of investigation and processing. The applications of wholesale dealers located within the city must be approved by the director or his/her designee.

- (3) No city alcohol license or occupational tax permit shall become effective for persons or businesses required to obtain a license under this chapter until each person or business that is required to obtain a license from the state has registered with the state, is in good standing with the state and has received such license.
- (4) A processing fee per alcoholic beverage license shall also be submitted to cover the costs of investigation and processing.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-33. - Eligibility for retail consumption and time limits on opening.

- (a) *Eligibility for retail consumption.* No retail consumption license shall be issued to any applicant whose establishment does not meet the requirements of a restaurant or other eating establishment, banquet facility, hotel, motel, lounge, bona fide private club, wine shop or public building and/or outdoor space so designated by the city.
- (b) *Time limits on opening and continuing business.*
 - (1) All persons and/or businesses issued licenses under this chapter must, within 90 days after the issuance of the city license under this chapter, open for business. Failure to open for business shall constitute a forfeiture and cancellation of the issued licenses and no refund of license fees or business taxes shall be made. Any applicant unable to comply with the time limit of this section may make written request to the community development director for an extension of time not to exceed 90 days; and the director or his/her designee at his/her discretion may grant or deny the request.
 - (2) Any license issued under this chapter shall automatically be null and void where the licensed person and/or business has not operated or been open to the public for six consecutive months. Any applicant unable to comply with the time limit of this section may make written request to the director for an extension of time not to exceed 90 days; and the director or his/her designee at his/her discretion may grant or deny the request.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-34. - Restrictions.

- (a) No person who has any direct financial interest in a license for the sale of alcoholic beverages at wholesale shall hold any other license or an interest in any other license under the terms of this chapter unless otherwise allowed by state law.
- (b) No person shall have an interest in more than two city-issued retail consumption licenses or more than one retail dealer distilled spirits license.
- (c) No further retail dealer licenses for the sale of distilled spirits shall be issued when the total number of such licenses issued and in effect would number more than one for each 5,000 persons residing in the city. It is the intent of this provision to require a population of 5,000 for each license issued. Example: (1) population = 10,000, then two licenses may be issued; (2) population = 15,000, then three licenses; (3) population = 20,000, then four licenses. If a licensee shall go out of business or if a license is revoked and the number of such licenses, in effect shall continue to exceed the limit prescribed herein, such license may not be reinstated. The population shall be determined from the most current official statistics, including official estimates, as prepared by the Bureau of Census, U.S. Department of Commerce. There is no similar restriction on the number of licenses issued to other types of businesses selling alcohol, including retail consumption dealers, restaurants, etc.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-35. - Business location.

(a) *Rules governing M-1, M-2, O&I, C-1 and C-2 zoning classifications:*

- (1) Unless the following uses of property are preexisting, nonconforming uses under the city's zoning regulations, licenses shall not be issued to authorize the sale of alcoholic beverages either through a retail package or retail consumption license at any location which does not meet or exceed the following minimum distance separation requirements for the following establishments:
 - a. For retail consumption dealers, the licensee's premises cannot be located:
 1. In or within 50 yards of any structure used as a residence at the time of application;
 2. In or within 200 yards of any school; or
 3. In or within 100 yards of any public library which is on the same side of the street as the proposed location.
 - b. For retail dealer and/or wholesale dealer, the licensee's premises cannot be located:
 1. In or within 200 yards of any church grounds;
 2. In or within 200 yards of any structure used as a residence at the time of application;
 3. In or within 200 yards of any school; or
 4. In or within 100 yards of any public library which is on the same side of the street as the proposed location.
 - c. For bona fide private club, the licensee's premises cannot be located:
 1. In or within 100 yards of any church grounds;
 2. In or within 100 yards of any structure used as a residence at the time of application;
 3. In or within 200 yards of any school; or
 4. In or within 100 yards of any public library which is on the same side of the street as the proposed location.
- (2) No person shall sell alcohol, distilled spirits, wine or malt beverages in or within 100 yards of any alcoholic treatment center owned and operated by the state or any county or municipal government therein.
- (3) All distances shall be measured in the following manner:
 - a. From the front door of the structure or partial building unit from which beverage alcohol is sold or offered for sale; thence,
 - b. In a straight line, regardless of obstructions, to the nearest public sidewalk, walkway, street, road or highway; thence,
 - c. Along such public sidewalk, walkway, street, road or highway by the nearest route;
 - d. To the front door of the building, or to the nearest portion of the grounds, whichever is applicable.
- (4) For the purposes of this section, the term "non-accessory structure" shall mean any structure located on the school ground, college campus, residential lot, library or alcoholic treatment center, which would not be considered an accessory use under the appropriate interpretations of the city zoning ordinance.

- (5) Applications will not be considered for a retail dealer of distilled spirits whose proposed business location is within 500 feet of an existing retail dealer of distilled spirits sales location.
- (6) Notwithstanding anything to the contrary herein, no church that becomes located within or expands into the central business district after July 1, 2006, shall be entitled to object to the location of a licensee and no license shall be denied because it is within the prohibited footage as set forth above when such footage is applied to a church that became located within or expands into the central business district after July 1, 2006. In addition, no license shall be denied because the location is within the prohibited footage of a temporary church.
- (7) Rules govern TCMU and mix use district (MPMUD-RMX) zoning classifications. There are no minimum distance separation requirements for retail consumption in these zoning classifications.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-36. - Zoning district.

No license shall be issued under this chapter unless the applicant's place of business is located in an area of the city that is zoned as a C-1, C-2, C-3, Mix Use (MPMUD and RMX), TCMU, O&I, M-1 or M-2, as such districts are designated in the city's zoning rules and regulations.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-37. - Application.

(a) *Application required.*

- (1) Every person desiring a license required by this chapter shall make an application therefore. Such forms necessary for such application shall be furnished by the city.
- (2) Each application shall be accompanied by a nonrefundable investigation fee as set forth in the schedule of fees and charges.

(b) *Types of applicants.*

(1) *Business applicant.*

- a. The applicant applying on behalf of a business shall be the owner of the proposed business if the business is solely owned or the co-owner if a partnership or firm. If a proposed licensee is a corporation, the applicant may be the president, a vice-president, secretary or treasurer of the corporation or the corporation's general manager at the particular business location. Otherwise, no other individual may qualify as an applicant on behalf of a business.
- b. Corporate applicants must either be incorporated in the state or must have registered to do business in the state through the secretary of state's office.

- (2) *Hotel or motel applicant.* Hotel and motel corporations and their franchise restaurant corporations operating as contemplated in these regulations are authorized to apply for and to hold a retail consumption license in their corporate names. They shall name on such application an agent and/or manager actively employed in the operation of such hotel, motel or franchise restaurant who shall be responsible for operation under such license and who shall qualify in all respects under these regulations. Should such manager and/or agent leave the employment of the hotel or motel corporation or its franchise restaurant corporation in the city, a new agent and/or manager shall be named and the city notified by the licensee within ten days thereafter.

(3) *Individual applicant.*

- a. The applicant applying for a license under this chapter on behalf of an individual shall list the following on the application and, if issued, the license shall indicate the following as licensees:
 1. The business operation;
 2. The owner if the business is solely owned;
 3. Each co-owner if the business is a partnership or firm; and
 4. The general manager of the particular business location.
 - b. Each individual licensee shall be a citizen of the United States or a permanent resident alien as defined by the immigration and nationality laws of the United States.
 - c. Each licensee shall have been and continue to be a resident of the state for the period of three years immediately preceding the date of application.
 - d. No licensee shall have been convicted nor have entered a plea of nolo contendere within the ten years immediately preceding the date of application for any felony or crime involving moral turpitude. In those instances involving corporations, this prohibition shall also apply to the corporation's president, vice-president, secretary, treasurer and all stockholders owning 20 percent or more of the corporation's stock.
- (c) *Residency required.* All applicants for licenses under this chapter shall be bona fide residents of the state at the time of the filing of the application and shall remain a bona fide resident of the state during all times that the license and any renewal thereof is in effect. All applicants and all registered agents shall be at least 18 years of age.
- (d) *Registered agent required.*
- (1) All applications for licenses under this chapter shall nominate and name in the application one or more residents of the state, as the registered agent and representative of the applicant to receive all communications, notices, services or process or other papers or documents, on behalf of the applicant in connection with any matter arising out of or connected with the issuance, holding, suspension, revocation or other action with respect to any city license. The applicant shall give the mailing address of such registered agent, and the mailing to any registered agent at that address of any notice required to be given under this chapter or any other law shall be sufficient notice to the applicant/licensee.
 - (2) Such registered agent shall be a representative of the licensee and must be approved by the director or his/her designee. The director shall refuse to approve any registered agent who is not a bona fide resident of the state or who has been convicted, within the ten years preceding his/her nomination, of any felony of any kind or any misdemeanor relating to an alcoholic beverage business or any state law or county or municipal ordinance violation relating to any alcoholic beverage business.
 - (3) If any registered agent shall cease to be a representative of the licensee or shall cease to be a resident of the state or in any manner ceases to meet the requirements of this section, the licensee shall notify the director or his/her designee in writing of such event and shall nominate a new registered agent within five days after such event occurs. Such new registered agent shall meet the requirements of this section and must be approved by the director or his/her designee. The city shall charge a fee as set by resolution of the city council, which amount shall remain in effect until modified or amended by subsequent resolution adopted by the city council, for a change of the licensee's registered agent; provided, however, that if the licensee fails to notify the city and nominate a new registered agent within said five-day period, then the city shall charge a fee as set by resolution of the city council, which amount shall remain in effect until modified or amended by subsequent resolution adopted by the city council, for a change of the licensee's registered agent and/or revoke the licensee's license.
- (e) *Application contents.*

- (1) The application for a license under this chapter for businesses, corporations, government entities, individuals or any other type of applicant shall contain, under oath, the following information and documents:
 - a. Name and address of each applicant and each person who would have an interest in the license, however, including only those stockholders owning 20 percent or more of the corporation's stock;
 - b. Name and the address for the past ten years of each individual licensee, including registered agent where necessary;
 - c. A current photograph of the applicant taken by the city police department;
 - d. Fingerprints of the applicant to be taken by the county sheriff department;
 - e. Description of the business operation, its location and facilities;
 - f. Blueprint or scale drawing of the business facilities;
 - g. Survey indicating the location of the business and the distance to the nearest residence, school, church, library and alcoholic treatment center as specified in section 6-35 of this chapter; and
 - h. Such other information and documents as may be required by the department.
 - (2) The application shall also contain a form of oath providing that the information disclosed in the application is true and correct, and providing further that the applicant will abide by, observe and conduct his or her business according to the rules and regulations prescribed by the city, the acts of the general assembly, known as the Georgia Alcoholic Beverage Laws and Regulations 1986 Edition, as now or hereafter amended, and the rules and regulations of the state department of revenue in respect thereto. The oath shall be taken by the applicant and the agent in charge of the establishment if different from or additional to the applicant.
- (f) *Misleading, omitting or proving obsolete information.*
- (1) Any untrue or misleading information contained in or material omission left out of an original or renewal application for an alcoholic beverage license shall be cause sufficient for the denial thereof.
 - (2) Any information that changes or otherwise becomes obsolete shall be reported immediately.
 - (3) When any license that is issued on the basis of an application containing misleading or untrue information or omitted or unreported changed material information, such circumstances shall be cause for revocation of same.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-38. - Licenses.

(a) *Department.*

- (1) The department shall review all applications for an alcoholic beverage license for compliance with this chapter. All applicants shall furnish upon request all data, information and records necessary for a complete investigation.
- (2) The department shall also have authority to prescribe such forms as it deems necessary for the proper administration of this chapter.

(b) *Licensing considerations.*

- (1) In determining whether or not any application shall be granted and a license issued under this chapter, the department shall consider the following information in the public interest and welfare:

- a. If the applicant and/or licensee has ever violated any federal, state, county or municipal law or regulation regarding alcoholic beverages, its sale, distribution or manufacture;
 - b. The manner in which the applicant and/or licensee has conducted any business within the city as to the necessity for unusual police observation and inspection in order to prevent the violation of any law, regulation or ordinance or as to the necessity for city action to compel the applicant's and/or licensee's adherence to any city law, regulation or ordinance;
 - c. The location for which the license is sought as to traffic congestion, public safety, and general character of the neighborhood; and
 - d. Whether the applicant and/or licensee has ever had an alcoholic beverage or business license suspended or revoked by the state or any political subdivision thereof.
- (2) The department may require in addition to the licensee, fingerprinting and background investigation of any person interested in the application, including any person with a financial interest, such as stockholders, partners or employees, and any sibling of any person with a financial interest, and the nominated registered agent of any corporate applicant. Should the applicant fail to produce such persons within 30 days of the request, the application may be denied.
- (3) Applicants by filing an application agree to produce for interview any person or persons requested by the city and considered as being important in the ascertainment of the facts relative to such license. The failure to produce those persons within 30 days after being requested to do so may result in a denial of the application.
- (4) The city may require up to 45 days for processing any application for a license required under this chapter. For investigative purposes and according to the licensee's compliance, the city may extend the processing period up to an additional 45 days.
- (c) *Grant or denial of license.*
- (1) The director or his/her designee is charged with reviewing all license applications and granting or denying same.
 - (2) The director or his/her designee may deny a city license under this chapter on any of the following grounds:
 - a. Failure to meet state requirements for state license;
 - b. Failure to pay all required fees and taxes;
 - c. Failure to provide valid information, documents and the like required by this chapter;
 - d. False information in the application or attached documents;
 - e. Improper residency of applicant, owner, or registered agents;
 - f. Failure to pass review by the city;
 - g. Failure to post and maintain proper signs and advertisements required in this chapter;
 - h. Failure to meet distance, location or number of business requirements;
 - i. Prior convictions as herein provided; or
 - j. Failure to meet any other requirements in this chapter for a license or any other requirement in any other provision of the Riverdale City Code or Charter.
 - (3) The director or his/her designee may, but is not required to grant a city license under this chapter if all of the prerequisites are met.
- (d) *Appeal of an adverse decision.*
- (1) *Appeal to city manager.* If the director denies an application for a license or renewal for a license, the applicant shall have the right to appeal such decision to the city manager. Such

appeal must be filed in writing with the city manager within 20 days of the decision by the director. The city manager, in his/her discretion, will decide whether to grant the license based upon his/her best judgment and with all the information obtained in the application process.

(2) *Appeal to city council.*

- a. If the city manager denies an application for a license or renewal of a license, the applicant shall have the right to appeal such decision to the mayor and council within 20 days of the decision by the city manager. The standards to be applied by the mayor and city council, acting in its judicial capacity to grant or deny a license, shall include whether, in the best judgment of the mayor and council, the applicant, based on all information obtained in the application process, possesses the qualities of sound judgment and discretion necessary for one who dispenses alcoholic beverages to the public generally.
- b. In addition to the foregoing standards, should any license representative of the applicant fail to attend a meeting at which it is considered before the mayor and city council regarding a new license, a request to change a licensee or a license representative, or a request to relocate the business of a licensee, the mayor and city council may consider such application or request to have been withdrawn by the applicant. The application fee is nonrefundable.
- c. In determining whether or not any application shall be granted and a license issued, the mayor and city council shall consider the following information in the public interest and welfare:
 1. If the license representative or any individual listed on the application or partner has ever violated any federal, state, city or county law or regulation regarding alcoholic beverages and illegal drugs, their sale, consumption, distribution or manufacture;
 2. The manner in which the license representative or any individual listed on the application or partner has conducted any business within the city as to the necessity for unusual law enforcement observation and inspection in order to prevent the violation of any law, regulation or ordinance or as to the necessity for city action to compel the applicant's and/or licensee's adherence to any city law, regulation or ordinance;
 3. The location for which the license is sought as to traffic congestion, public safety, the general character of the neighborhood and the effect of such an operation on surrounding property values; and
 4. Whether the license representative or any individual listed on the application or partner has ever had an alcoholic beverage or business license suspended or revoked by the state or any political subdivision thereof.

- (3) Whenever an application for license is denied by mayor and council, the reasons for such denial shall be stated and entered in writing upon the minutes. Upon denial, the applicant may not re-apply for a license for 24 months after the date of the denial.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-39. - License terms.

(a) *Calendar-year term.*

- (1) All licenses issued under this chapter shall remain in effect for the calendar-year of issuance (i.e. for all licenses granted between January 1 and December 31 of a given calendar year, the license shall remain in effect until the close of business on December 31 of that same calendar year). No license shall extend from one calendar year to the next.

- (2) All renewal applications, containing all information required in subsection 6-36(e), and applicable fees are due on or before December 15 of the year in which the license expires, and no licensee shall have any vested right to the renewal of any city license. Renewal applications made after December 15 shall be subject to a 20 percent penalty on the applicable license fee and one percent interest per month delinquent.
 - (3) No license under this chapter may be renewed if the licensee could be denied a new license under this chapter.
- (b) *Transfers.*
- (1) *Transfer of location.* The transfer of location of a business requiring an alcohol license shall be considered in the same manner as the termination of the business location and the establishment and applicant of a new business location. In the event that the transfer of a business requiring an alcohol license desires to transfer the same, or in the event that any interest in the business for which the license was issued is sold or otherwise transferred, then the purchaser or transferee of such license or interest shall apply to the city as if for an original license on or before the date on which such change of location is made.
 - (2) *Transfer of ownership.*
 - a. The transfer of ownership of a business requiring an alcohol license shall be considered in the same manner as the termination of the business and the establishment and application of a new business. In the event that the owner of a business requiring an alcohol license desires to transfer the same, or in the event that any interest in the business for which the license was issued is sold or otherwise transferred, then the purchaser or transferee of such license or interest shall apply to the city as if for an original license on or before the date on which such sale or transfer is made.
 1. Notwithstanding the foregoing, in the case of a corporation, a new alcohol license shall not be required as herein provided unless a change in stock ownership in the corporation results in ownership of more than 50 percent of the outstanding corporate stock, voting or otherwise, by persons or combinations of persons not owners of such stock at the time the license was issued. "Any interest" is defined as being an ownership of stock or control of 50 percent or more of the partnership or corporation.
 2. Notwithstanding the foregoing, one or more partners in a partnership holding a license may withdraw in favor of one or more of the existing partners.
 - b. The transfer of ownership of a business shall not affect the distance requirements previously approved by the city.
 - c. Upon the sale or other transfer of any interest in the business for which the license was issued, the purchaser or transferee of such interest shall be entitled to continue to operate such business for a period of no more than 60 days, pending the issuance of a new license, but only if such purchaser or transferee has filed an application with the city as required in subsection a.
 - d. In case of the death of any natural person holding a city alcohol license, or any interest therein, the license may be transferred to the administrator, executor of the lawful heir or devisee of the deceased person by filing a new application with the city for the change in license ownership within 75 days of such death. The business involved may continue to operate until disposition of the application. No additional fees or business taxes shall be charged above what would be due if the business, or portion thereof, remained under the deceased person's ownership.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-40. - Completion of premises proposed to be licensed.

Where a building in which any person intends to operate under the provisions of this chapter is, at the time of the application for the license, not in existence or not yet completed, a license may be issued for the location provided the plans for the proposed building show clearly a compliance with the other provisions of this chapter. No sales or consumption shall be allowed in the establishment until it has been completed in accordance with the plans and is in conformity with all of the other provisions of this chapter and the City Code.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-41. - Violations and revocations.

- (a) *Punishment for violations.* It is declared that a violation of any provision of this chapter shall constitute a violation of the City Code and, upon conviction in municipal court, the punishment shall be as follows:
- (1) In addition to any specific fine or other punishment set forth in individual sections of this chapter, the person convicted, shall be subject to the provisions of section 1-12.
 - (2) In addition to any specific fine or other punishment ordered by the municipal court judge, conviction of a violation of any provision of this chapter may subject the licensee to suspension or revocation of the alcohol license. The decision as to the suspension or revocation of the license shall be made in writing by the municipal court judge after a hearing pursuant to section 23 of the City Charter.
- (b) *Periodic inspection.* Sworn officers of the police department or code enforcement 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. The inspections shall be made for the purpose of verifying compliance with the requirements of this chapter.
- (c) *Automatic revocation.* Whenever the state shall revoke any permit or license to sell alcoholic beverages, the city license to deal in such products, issued pursuant to this chapter, shall thereupon be automatically revoked without any action by the city being necessary.
- (d) *Investigations.* The mayor and city council shall have the right to make such inquiry or investigation as it may find to be reasonably necessary to determine compliance with this chapter. Such investigation may consist, among other actions, of calling licensees for examination under oath, obtaining evidence under oath from other persons; the procurement of documents and records including records of the licensee, and inspection and examination of records and documents from whatever source obtainable.
- (e) *Grounds for suspension or revocation of license.*
- (1) The following shall be considered just cause for the suspension or revocation of a license issued under this chapter:
 - a. The performance of any act prohibited by this chapter or the failure to perform any act required by this chapter as well as the violation of any law, state or federal, relating to the business of the licensee, including failure to pay the required alcohol excise tax to the city. If such act, omission or violation is done by an agent, servant, employee, or officer of the licensee, the lack of knowledge on the part of the licensee or the lack of authorization for such act or omission or violation shall be no defense.
 - b. The entry of a plea of guilty or nolo contendere, or the conviction of any licensee, partner, or any officer, director or stockholder of a licensee corporation with respect to a charge of violation of any of the laws of the United States or of the state relating to alcohol control, narcotics or gambling.
 - c. Any course of conduct or activity on the premises with respect to the operation of a business licensed hereunder which the city shall find to be contrary to the public interest,

and of sufficient duration to constitute a nuisance or which shall render the licensee or the business location unfit for the continued operation of the business.

- (2) In addition to the matters enumerated in subsection (a) of this section, the following shall be considered just cause for suspension or revocation of a license for retail consumption on the premises: The occurrence on two or more occasions within any 12-month period of fights, disorderly conduct, drunkenness, breach of the peace, and other similar conduct whether the same be committed by the licensee or by customers or others.
- (f) *No new license to be issued after revocation.* When a license has been revoked under the provisions of this article, no application for a new alcoholic beverage license for the same location will be received for a period of 24 months and no application for a new license from the licensee involved shall be received for a period of 24 months.
- (g) *Refunds.* If a license issued under this chapter is suspended or revoked, the licensee shall not be entitled to a refund of any portion of the application, license or other fees previously remitted.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Secs. 6-42—6-59. - Reserved.

ARTICLE III. - OPERATING REGULATIONS

Sec. 6-60. - Business entrance.

The front entrance of all premises licensed under this chapter shall be clearly visible from a public street; provided, however, that this restriction shall not apply where the premises are located in a hotel, motel, private club, shopping center or multiple-story business building.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-61. - Annexed area.

All retail consumption dealers, retail dealers and wholesale dealers operating lawfully at a location outside the corporate limits of the city and thereafter annexed into the city shall continue operation subject to this chapter whenever possible.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-62. - Sales on certain premises; excepted.

- (a) No retail dealer license shall be issued to any applicant whose business does not have at least a \$15,000.00 inventory of food, tobacco products, household supplies and periodicals, the values of such items being the same as those indicated in the applicant's annual returns to the county tax commissioner for ad valorem tax purposes. In any event, the values so indicated shall be the cost of such items to the applicant and not the price that the applicant charges in retail stores. However, automotive supplies specifically shall not be considered in determining such inventory.
- (b) This section shall not apply to any retail dealer licensed by the city to sell distilled spirits.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-63. - Open containers.

- (a) No bottle or other container of alcoholic beverages shall be opened or consumed by any person on the premises, upon which the place of business is conducted and licensed under this chapter, whether the bottle or other container so opened or consumed was bought or obtained at the place of business or elsewhere unless the premises is licensed for consumption on the premises under this chapter.
- (b) No establishment licensed under this chapter to sell alcoholic beverages shall allow a person to leave that premises with alcoholic beverages in open cup, bottle, can or other open container.
- (c) This provision shall not apply to city-sanctioned events. A City of Riverdale sanctioned event is one which is conducted by any department agency, board or commission of the city, the downtown development authority or as specifically approved by mayor and city council.
- (d) At no time shall a person be permitted to leave a premises with alcoholic beverages in a glass container unless the customer(s) is seated at a permitted outdoor dining restaurant.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-64. - Brown-bagging.

[(a) *Definition.*]

Brown-bagging [means] the bringing, taking or carrying of any alcoholic beverage into a business licensed to operate within the city, but not licensed for the consumption of alcoholic beverages on the premises, provided that bringing an alcoholic beverage into a house, apartment, room or other unit designed for private residential occupancy shall not fall within this definition.

- (b) Brown-bagging shall include the following acts:
 - (1) Any person who brown-bags;
 - (2) Any person participating in consumption of any alcoholic beverage being brown-bagged;
 - (3) Any person who consumes an alcoholic beverage on any premises holding a business license, except for those premises licensed for on-premises consumption of alcoholic beverages or otherwise exempted from the definition of brown-bagging by virtue of the private residential character of the occupancy;
 - (4) Any employee of the business establishment in whose presence brown-bagging knowingly or with reckless indifference occurs.
- (c) Brown-bagging is prohibited within the city without the proper permit as listed in this chapter under brown-bagging permit article VI.
- (d) The business license of any premises not permitted under this chapter upon which brown-bagging knowingly or with reckless indifference occurs shall be subject to suspension or revocation by the city. Any conviction or plea of guilty or nolo contendere in the municipal court to a charge of brown-bagging shall be admissible in a license suspension or revocation consideration or proceeding.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-65. - Business hours.

(a) *Sales.*

(1) *Sales by retail consumption dealers.*

a. It shall be unlawful for retail consumption dealers to sell, dispense or deliver alcoholic beverages to any customer between the following hours:

- 1. 2:00 a.m. Sunday and 12:30 p.m. of the same Sunday;

2. 2:00 a.m. and 9:00 a.m. on all other days.
 - b. It shall be unlawful for retail consumption dealers to fail to remove from their retail service area within normal access to the public any and all cans, bottles, glasses, mugs, pitchers, cups or other containers for alcoholic beverages or to otherwise allow consumption of alcoholic beverages on its premises during the times set forth in subsection (a)(1)a.
- (2) *Sales by wholesale dealers.* Wholesale dealers shall engage in their business only from sunrise to sunset.
 - (3) *Sales by retail dealers.*
 - a. Retail dealers shall not engage in the sale of alcoholic beverages except between the hours of 8:00 a.m. and 12:00 midnight on Monday through Saturday and 12:30 p.m. and 11:30 p.m. on Sunday, and shall not permit their places of business to be open for the sale of alcoholic beverages on Christmas Day.
- (b) *Sales on election days.* Pursuant to the delegation of authority granted to this governing authority by Act No. 750 (House Bill No. 247) effective July 1, 1985, amending O.C.G.A. § 3-3-20(b)(2)(B), the sale by wholesale and retail of alcoholic beverages, to wit: distilled spirits, wine and malt beverages, shall be lawful during the polling hours of any election; provided, however nothing herein shall authorize the sale of alcoholic beverages within 250 feet of a polling place during such time as the polls are opened.
 - (c) *Change of time affecting closing hours.* On those days when the time changes, a licensee shall determine closing hour at the end of the business day by the same time on which he opened that regular business day. The closing hour for the sale and purchase of spirituous liquors, malt beverages or wine under this section shall be determined as follows:
 - (1) On the day when the time changes from Eastern Standard Time to Daylight Savings Time, the closing hour shall be determined by Eastern Standard Time.
 - (2) On the day when the time changes from Daylight Savings Time to Eastern Standard Time, the closing hour shall be determined by Daylight Savings Time.
 - (d) *Vacating premises.* Notwithstanding any other local regulation, whenever a closing time is provided, the premises shall be vacated within 30 minutes by all except personnel of such establishment and no alcoholic beverages shall be dispensed after such closing time.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-66. - Delivery of alcoholic beverages.

No deliveries of alcoholic beverages shall be made except on the premises in which such beverages are sold.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-67. - Condition of premises.

All premises operating with a license under this chapter shall be kept clean and in proper sanitary condition and in full compliance with the provisions and regulations governing the conditions of premises used for storage and sale of food for human consumption.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-68. - Signs.

No sign of any kind, painted or electric, advertising any brand or price of distilled spirits shall be permitted on the exterior, or in the window, of any licensed premises. No placard or sign of any kind which is visible from the exterior of the licensed premises shall make reference to the price of any alcoholic beverages sold therein.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-69. - Minors—prohibited practices.

(a) *No sales to minors.*

- (1) It shall be unlawful for any person under 21 years of age to buy or allow to be bought for him or her any alcoholic beverage from any place where these beverages are kept.
- (2) It shall be unlawful for any person in charge of, or employed in any place of business where alcoholic beverages are kept, to permit any person under 21 years of age to buy or to allow to be bought for any person under 21 years of age any alcoholic beverages in or from the place of business.
- (3) It shall be unlawful for any person to furnish or serve any person under 21 years of age with any alcoholic beverage. A valid driver's license, valid state identification card or valid military identification card may be reasonably accepted by the person hereunder as sufficient evidence of age.
- (4) Any attempt to commit an act made unlawful by this section shall be itself unlawful and subject to punishment in the municipal court.
- (5) It shall be unlawful for any person under 21 years of age to falsely represent his or her age, in any manner whatever, for the purpose of illegally obtaining any alcoholic beverages.
- (6) It shall be unlawful for any person to allow or require a person in his or her employment under 18 years of age to dispense, serve, sell or take orders for any alcoholic beverage; provided, however, that the provisions of this section shall not prohibit persons under 18 years of age who are employed in supermarkets, convenience stores or drug stores from selling or handling alcoholic beverages which are sold for consumption off the premises.
- (7) It shall be unlawful for any person who is under 21 years of age to have in his or her possession, or under his or her control, at any place whatever in the city, any alcoholic beverage, unless otherwise provided by law.
- (8) Violation of any provisions of this section shall constitute an offense hereunder and shall be punishable in the municipal court; provided, violation of this section by persons who have not yet reached the age of 17 years shall be handled as provided by O.C.G.A. §§ 15-11-1 et seq. and 3-3-2 et seq.

(b) *Minors prohibited from premises.*

- (1) Licensees under this chapter shall not allow minors to be in, frequent or loiter about the licensed premises unless accompanied by an adult.
- (2) This section shall not apply to restaurants, bona fide private clubs, or others whose predominant business is other than the sale of alcoholic beverages, for example, grocery or convenience stores. Nor shall this section apply to minors who are employees of the business.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

State Law reference— Age of legal majority, O.C.G.A. § 39-1-1.

Sec. 6-70. - Coin-operated amusement machines on premises.

It shall be unlawful for any person who holds a license for the sale of alcoholic beverages to keep, operate or maintain coin-operated amusement machines of like character on such licensed premises, except under the following circumstances:

- (1) For retail consumption dealers, the licensee derives at least 51 percent of its revenue from the sale of products or services other than alcoholic beverages; or
- (2) For retail package dealers, the licensee derives at least 51 percent of its total annual gross revenues from the sale of products or services other than alcoholic beverages.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-71. - Disturbances, obscenity, public indecency prohibited.

It shall be unlawful to permit any disturbance of the peace, obscenity, or public indecency on the premises of any establishment licensed under this chapter.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

State Law reference— Nudity and related acts on premises, O.C.G.A. § 3-3-41; employee solicitation of patrons for drinks on premises, O.C.G.A. § 3-3-42.

Sec. 6-72. - Leaving premises without paying.

No person shall leave the premises of the licensee without paying his charges for the sale of alcoholic beverages.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-73. - Interior visibility.

No screen, blind, curtain, partition, article or thing which shall prevent a clear view into the interior shall be permitted in the window or upon the doors of any retail dealer's store, and no booth, screen, partition or other obstruction shall be permitted within the interior of any such store. Each such retail store shall be so lighted that the interior of the store is visible day and night.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-74. - Signs/notices required.

- (a) *Display of city license number.* Each retail dealer licensed under this chapter to sell shall have printed on the front window of the licensed premises the inscription "City Retail License No. _____" in uniform letters not less than four inches in height; however, if a licensee so desires he may have his name displayed on the inside of the window in like manner or in neon or other electric lights. Such sign shall be parallel with the window and so constructed as not to extend more than six inches from the window.
- (b) *Sign concerning age restrictions.* The retail licensee shall post in a conspicuous place where the actual transaction takes place within the licensed premises a sign stating that no alcoholic beverages or spirituous liquors shall be sold to or purchased by any person under 21 years of age and that it shall be unlawful for any person under the age of 21 to falsely misrepresent his age in any manner whatsoever to a licensee. Such sign shall be printed in uniform letters not less than one inch in height.

- (c) *Signs concerning on-premises consumption.* The retail dealer licensee shall display at any entrances or exits to the licensed premises a sign which shall state that it is unlawful to consume any alcoholic beverages or to open any container of alcoholic beverages on the licensed premises or any parking area adjacent thereto. Further, such sign or signs which are necessary shall also be placed in such a manner as to be visible from any parking area adjacent to the licensed premises.
- (d) *Condition of signs.* All signs required by this section shall be clearly visible and lettering shall be dark and unfaded.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-75. - Prices.

- (a) Each retail dealer shall have conspicuously displayed within the interior of the licensed premises not less than four copies of a printed price list of the alcoholic beverages offered for sale and one printed copy of these regulations; provided, that a licensee, in lieu of having four copies of a printed price list, may have the price placed on the bottles or on the bottom of the shelf where the alcoholic beverages are exhibited for sale.
- (b) All retail consumption dealers hereunder, except bona fide private clubs, shall display in prominent places their current prices of alcoholic beverages and admission and cover charges.
- (c) Licensees shall file a copy of their price lists with the community development department and shall furnish to any customer that so desires an itemized bill of charges which shall not exceed the price list furnished to the police department. Upon any increase or decrease of prices, a new list must be filed with the community development department.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-76. - Broken seals.

It shall be unlawful for any person, except a licensee, his manager or agent in charge of licensed premises, to carry into or have in his possession on any premises any alcoholic beverages in the original package, the seal of which has been broken or the original package opened.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-77. - Sales outside business.

It shall be unlawful for any sales to be made outside of the place of business licensed for such sale except as permitted in this chapter.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-78. - Reuse of bottles.

It shall be illegal for the licensee under this chapter to add to the contents of a bottle or to refill empty bottles or in any other manner to misrepresent the quantity, quality or brand name of any alcoholic beverage.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-79. - Copy of regulations.

It shall be the duty of the management of the premises licensed under this chapter to maintain a copy of these regulations on such premises and to instruct each and every employee of the terms thereof.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-80. - Verification of age.

- (a) It shall be a violation of this Code for any agent, officer or employee of a licensee to fail to properly check the identification of any patron when selling or otherwise providing any alcoholic beverage, which failure results in an underage person being sold or served, or to have in his possession while on the licensee's premises, any alcoholic beverage.
- (b) For the purposes of this section, the term "identification" shall mean any document issued by any governmental agency containing a description of the person so identified, such person's photograph and such person's date of birth. As used herein, the term "identification" shall include, without being limited to, a passport, a military identification card, a driver's license, or a state department of public safety identification card.
- (c) Any person violating the provisions of this section shall, upon conviction, be punished as provided in section 1-12.
- (d) Notwithstanding any criminal prosecution which may result from a violation of this section, any licensee employing any officer, agent or employee that fails to comply with the provisions of subsection (a) above, which failure results in an under-aged person being sold or served, or to have in his possession while on the licensee's premises an alcoholic beverage, may have their license revoked.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-81. - Alcoholic beverages in billiard pool rooms.

It shall be unlawful for any person who holds a license for the sale of alcoholic beverages to keep, operate or maintain billiard tables, pool tables or any other table of like character on such licensed premises, except under the following circumstances:

- (1) For retail consumption dealers, the licensee derives at least 51 percent of its revenue from the sale of products or services other than alcoholic beverages; or
- (2) For retail package dealers, the licensee derives at least 51 percent of its total annual gross revenues from the sale of products or services other than alcoholic beverages.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

State Law reference— Local governing authority to license and regulate billiard rooms, O.C.G.A. § 43-8-2.

Sec. 6-82. - Sale, dispensement of alcoholic beverages through drive-through windows prohibited; penalties for violations.

- (a) It shall be unlawful for retail dealers to sell, dispense or deliver alcoholic beverages to any customer unless such sale, dispensement or delivery shall occur completely within the structured interior walls of the retail consumption dealer's business.
- (b) No sale, dispensement or delivery of alcoholic beverages shall occur through any drive-through window or other opening in the structural walls of the business.

- (c) Whenever in violation of the provisions set forth in this section, the following penalties shall be assessed upon such violating business:
- (1) For a first offense, a fine of \$1,000.00.
 - (2) For a second offense within a 365-day period of the initial citation, a fine of \$5,000.00.
 - (3) For a third offense within a 365-day period of the initial citation, a fine of \$25,000.00.
 - (4) For a fourth offense within a 365-day period of the initial citation, a fine of \$50,000.00 and automatic revocation of the alcohol license of such business.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-83. - Fire regulations.

Where a minimum sleeping or seating capacity is prescribed, the same shall be judged by reasonable standards. The fire department shall, upon the request of the department, inspect such premises and report its findings. All premises licensed under this chapter shall conform at all times with the fire regulations established by the city.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-84. - Trains, planes.

Nothing in this chapter shall prohibit the serving of alcoholic beverages for consumption on dining or club cars of trains or on airplanes in transit on regular schedules.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-85. - Drinks to be served by employees.

Sec. 6-85-1. - [In general.]

Drinks sold by licensees under this chapter except for approved brown bagging facility licensees shall only be served by employees of the licensee.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-85-2. - Identification cards required for employers and employees.

- (a) Identification cards required for employers and employees shall be required for any employer and employee of any type of license under this chapter who sells, pours, handles, dispenses, or serves alcoholic beverages on the licensed premises or anyone who manages any employee who sells, pours, handles, dispenses, or serves alcoholic beverages on the licensed premises.
- (b) No license holder shall employ any person required to have an employee identification card until such person has procured such card.
- (c) Any person required to obtain an employee identification card shall apply to the chief of police or his/her designee for such a card, which card, when issued, shall be valid for a period of one year and shall be renewed on or before its expiration. A fee as set in the schedule of fees by the city police department shall be paid with each card application. Persons applying for card shall make themselves available for photographing, background checks, and such other investigation as may be required by the city's police chief or his/her designee.

- (d) Upon receipt of a favorable investigation and report, the chief of police or his/her designee shall grant an employee identification card to a person applying for a card.
- (e) The city's chief of police may revoke an employee identification card and demand its return where the employer or employee violates the provisions of this chapter or becomes one who adversely affects the public health, safety, or welfare.
- (f) It shall be unlawful for an employer or employee whose employee identification card has been revoked and upon whom the demand for the return of the card has been made to refuse to return the card or to alter, conceal, deface, or destroy the card.
- (g) When a person applies for an employer or employee identification card, the chief of police or his/her designee will order a background check through GCIC of such person. The conviction of a felony or a crime of moral turpitude, conviction of an alcohol statute or ordinance violation, including but not limited to DUI, selling to minors, etc., conviction of a misdemeanor of high and aggravated nature, within the past five years, or a record of other conduct prohibited by this chapter, or evidence that the person's employment would adversely affect the public health, safety, or welfare shall preclude issuance of an identification card. A guilty plea or plea of nolo contendere of the forfeiture of a bond shall be considered a conviction for purposes of this subsection.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-86. - Service in back rooms prohibited.

The sale of alcoholic beverages for consumption by persons in any back room or side room which is not normally open to the general public use is prohibited, except that private parties or conventions, which have been scheduled in advance, may be served in public or private dining rooms or meeting rooms, and, provided further, that this prohibition shall not apply to the sale of alcoholic beverages for consumption hereunder to the registered guests of any hotel or motel in their designated rooms.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-87. - Live nudity and sexually explicit conduct.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alcohol beverage establishment means any licensee holding a license under this chapter for the sale of alcoholic beverages for consumption on the premises.

Substantially nude means dressed or undressed in a manner so as to plainly expose to view any portion of a male's or female's pubic hair, anus, cleft of the buttocks, vulva, or genitals, or any portion of the female breasts below the top of the areola.

- (b) *Prohibited acts enumerated:*

- (1) No person shall appear substantially nude in any establishment holding a license to sell alcohol.
- (2) No owner or manager of an alcoholic beverage establishment shall permit any person to appear substantially nude on the licensed premises.
- (3) No owner or manager of an alcoholic beverage establishment shall permit any person to perform live acts of or live acts which constitute or simulate:
 - a. Actual or simulated 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 and any of the following sexually oriented acts or

conduct: Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty or any sexual acts which are prohibited by law.

- b. The touching, caressing, or fondling of the breast, buttocks, anus, or genitals; provided that random acts of patrons or employees, whose actions do not constitute actions taken pursuant to encouragement or acquiescence of the management of the establishment and are not for the purposes of entertainment, promotion, publicity, or notoriety, shall not constitute violations of this section.
 - c. The holding, promotion, sponsoring or allowing of any contests, promotion, special night, event, or any other activity, where patrons of a licensed establishment are encouraged or allowed to engage in any of the conduct described in subsection (b)(3)a. and b. of this section; provided, however, that nothing contained in this section shall apply to the premises of any mainstream performance house, museum, or theater which derives less than 20 percent of its gross annual income from the sale of alcoholic beverages.
- (c) *Acts prohibited.* No person shall engage in any of the acts identified in subsections (b)(3)a., b., or c. of this section on the premises of an alcoholic beverage establishment.
 - (d) *Application of restrictions.* The restrictions of subsections (b) and (c) shall apply to all persons physically present and only physically present on the licensed premises regardless of whether such persons are categorized as employees, patrons, independent contractors or otherwise.
 - (e) *Suspension or revocation of business license.* In addition to prosecution of any person for violation of this section, the business license of any premises upon which a violation of this section occurs shall be subject to suspension or revocation action, which shall follow the procedures outlined in this chapter. Any conviction or plea of guilty or nolo contendere in the municipal court to a charge of violation of this section shall be admissible in a license suspension or revocation proceeding.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

State Law reference— Nudity and related acts on premises, O.C.G.A. § 3-3-41.

Sec. 6-88. - Pricing.

- (a) Each licensee shall maintain a schedule of the prices charged for all alcoholic beverages to be served and consumed on the licensed premises or in any room or part thereof. The licensee shall not vary the schedule of prices from day to day or from hour to hour within a single day. The schedule of prices shall be posted in a conspicuous manner so as to be in view of the paying public, and such schedule shall be effective for not less than one calendar week.
- (b) No licensee or employee or agent of a licensee shall:
 - (1) Offer or deliver any free alcoholic beverage to any person or group of persons;
 - (2) Deliver more than two alcoholic beverages to one person at one time;
 - (3) Sell, offer to sell, or deliver to any person or group of persons any alcoholic beverage at a price less than the price regularly charged for such alcoholic beverage during the same calendar week, except at private functions not opened to the public;
 - (4) Sell, offer to sell, or deliver to any person or group of persons an unlimited number of alcoholic beverages during any set period of time for a fixed price, except at private functions not opened to the public;
 - (5) Sell, offer to sell, or deliver alcoholic beverages to any person or group of persons at any one day at prices less than those charged the general public on that day, except at private functions not opened to the public;

- (6) Sell, offer to sell, or deliver alcoholic beverages, including malt beverages, by the pitcher, except to two or more persons at any one time;
 - (7) Increase the volume of alcohol contained in a drink without increasing proportionately the price regularly charged for such alcoholic beverage during the same calendar week;
 - (8) Encourage or permit on the licensed premises any game or contest which involves the drinking of alcoholic beverages or the awarding of alcoholic beverages as a prize.
- (c) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under subsection (b) of this section.
- (d) No provision of this section shall be construed to prohibit licensees from offering free food or entertainment at any time, provided all patrons are allowed equal access to such free food, or to prohibit the sale or delivery of wine by the bottle or carafe when sold with meals or to more than one person, or to prohibit any hotel or motel from offering room services to registered guests. Otherwise no food and alcoholic beverage package may be offered by any licensee.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-89. - Security cameras required for certain establishments selling alcoholic beverages.

- (a) Any licensee who sells any alcoholic beverage packages to go, is hereby required to install a continuous video recording system dedicated to each register area with camera and lens of a type, number and location approved by the chief of police department. Such cameras must be capable of producing a retrievable and identifiable image on file or tape that can be made a permanent record and that can be enlarged through projection or other means.
- (b) Cameras meeting the requirements of this section shall be maintained in proper working order at all times and shall be in operation at all hours in which such establishment is open for business. The camera shall be subject to periodic inspection by the community development director or his/her designee along with the person on duty at the time of the inspection and in the event the camera becomes inoperable; the licensee must have the camera repaired or have availability of a backup camera system within a ten-day period of time. In addition, in the event the camera becomes inoperable, the licensee must immediately notify the community development director or his/her designee. If a crime occurs or an employee believes a crime has occurred, the police department shall be contacted immediately and the film retrieved by a designated police officer.
- (c) Violation of any provision under this section shall constitute an offense hereunder and shall be punishable as follows:
- (1) On a first offense, there shall be a minimum fine of \$250.00. In addition to said fine, the judge of the municipal court may impose, at his/her discretion, a suspension of all city alcoholic beverage licenses at the establishment for a period of time not to exceed 30 days.
 - (2) On the second offense, if within 12 months of the first, there shall be a minimum fine of \$1,000.00. In addition to said fine, the judge of the municipal court may impose, at his/her discretion, a suspension of all alcoholic beverage licenses at the establishment for a minimum of 60 days.
 - (3) Any further offenses shall, subject the licensee to automatic revocation of the alcohol license and a minimum fine of \$7,500.00.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-90. - Reserved.

Sec. 6-91. - Outstanding licenses, compliance.

- (a) So as to prevent an unconstitutional taking of property, all licensees for alcoholic beverages within the city in compliance with city ordinance requirements involving residency, distance, location, parking and type of building structure in effect at the time of first receiving the licenses and continuing to be in compliance therewith shall be exempt from the additional or new requirements of this chapter involving residency, distance, location, parking and type of building structure. Renewals of such licenses shall also be deemed in compliance hereunder to the extent provided in this subsection.
- (b) Transfers of business ownership at the same location shall be deemed in compliance hereunder with regard to the city ordinance requirements involving distance, location, parking and type of building structure, provided that such business complied with such requirements at the time a license was first issued for such business and further provided that such business has continuously been in compliance with such requirements.
- (c) Business transfers to new locations and new licenses must comply with all requirements of this chapter.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Secs. 6-92—6-130. - Reserved.

ARTICLE IV. - EXCISE TAX

Sec. 6-131. - Tax imposed on sale of drinks containing distilled spirits.

There is imposed upon the retail sale of drinks containing distilled spirits in the city a tax in the amount of three percent of the purchase price of the drink to the consumer. A record of each sale shall be made in writing and maintained for inspection by any authorized agent of the city.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

State Law reference— Local excise taxes on malt beverages, O.C.G.A. § 3-5-80; excise taxes on malt beverages to be paid by wholesale dealer, O.C.G.A. § 3-5-81; prohibition on requirement for markings on beverage containers regarding excise taxes, O.C.G.A. § 35-5-82; local excise taxes on wine, O.C.G.A. § 3-8-60.

Sec. 6-132. - Licensee to collect and remit.

Every consumption on the premises licensee shall collect the tax imposed by this article from purchasers of drinks containing distilled spirits. The licensee shall furnish such information as may be required by the city to facilitate the collection of the tax.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-133. - Payment and returns by licensee.

- (a) Each licensee shall pay the amount of taxes collected and coming due under this article in any calendar month to the city not later than the 20th day of the following calendar month.
- (b) On or before the 20th day of each month, a return for the preceding month shall be filed with the city by each licensee liable for the payment of tax under this article. Returns shall be in such form as the city may specify and shall show the licensee's gross receipts from the sale of drinks containing

distilled spirits and the amount of taxes collected or coming due thereon. Any amounts collected in excess of three percent of the taxable sales shall be reported and paid to the city.

- (c) Licensees shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due, if said amount is not delinquent at the time of payment. The rate of deduction shall be the same rate authorized for deductions from state sales and use tax under O.C.G.A. § 48-8-50.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-134. - Excise tax; wholesalers.

- (a) There is imposed by the city an excise tax on the first sale or use of malt beverages in the city, as follows:
 - (1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6.00 on each container containing not more than 15½ gallons and a proportionate tax at the same rate on all fractional parts of 15½ gallons;
 - (2) Where malt beverages are sold in bottles, cans or other containers, except barrel or bulk containers, a tax of \$0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.
- (b) There is imposed by the city an excise tax on the first sale or use of wine in the city at a rate of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.
- (c) There is imposed by the city an excise tax on the first sale or use of distilled spirits in the city at the rate of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.
- (d) The excise taxes provided for in this section shall be imposed upon and paid by the licensed wholesale dealer. Such taxes shall be paid on or before the 15th day of the month following the month in which the alcoholic beverages are sold or disposed of by the wholesaler within the city. Remittances shall be accompanied by completed forms as prescribed or authorized by the city.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-135. - Deficiency assessment.

- (a) If the city has cause to believe that a return or the amount of tax paid to the city by a licensee is not proper, the city may compute and determine the amount due on the basis of any information available. One or more deficiency determinations may be made of the amount due for any month.
- (b) The amount of a deficiency determination shall bear interest at the rate of one percent per month, or fraction thereof, from the due date of the taxes until paid, in addition to any other penalties which may be imposed.
- (c) The city shall give notice of a deficiency determination to the licensee. The notice may be served personally or by mail. Service by mail shall be addressed to the named licensee at the licensed premises, shall be made by certified mail, and is complete when delivered with a receipt signed by the addressee or by the receipt of mailing from the United States Postal Service.
- (d) Except in the case of fraud, intent to evade this article, or failure to make a return, every notice of a deficiency determination shall be mailed within three years after the 20th day of the month following the month for which the amount is proposed to be determined or within three years after the return is filed, whichever is later.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-136. - Failure to file return.

- (a) If a licensee fails to make a return, the city shall make an estimate of the amount of the tax due for the period for which a return was not filed. Such estimate may be based on any information available to the city. Written notice of the estimate shall be given to the licensee in the manner specified by section 6-135.
- (b) If the failure to file a return is due to fraud or an intent to evade this article, a penalty of 25 percent of the amount required to be paid by the licensee shall be added to the estimate of the amount due in addition to any other penalties which may be imposed.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-137. - Interest.

Any licensee who fails to pay to the city within the time required any amount required to be paid under this article shall pay, in addition to the principal unpaid amount, interest at the rate of one percent month or fraction thereof from the date the tax payment was last due until payment.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-138. - Actions for collection; overpayment.

- (a) At any time within three years after the delinquency of any amount due under this article, the city may bring an action in the courts of this state, any other state, or the United States in the name of the city to collect the amount delinquent, together with penalties, interest, court fees, filing fees, attorneys' fees, and other legal fees incident thereto.
- (b) Whenever any tax, penalty, or interest has been paid more than once or has been erroneously or illegally collected or received by the city, it may be offset against any future liability for the tax.
- (c) If the licensee determines that he has overpaid or paid more than once and such fact has not yet been determined by the city, the licensee shall have three years from the date of payment to file a claim with respect to such overpayment or double payment. Such claim shall be in writing and shall state the specific grounds upon which it is based. The claim shall be audited. If the city approves the claim, the excess amount paid may be credited against any other amounts due from the licensee or refunded.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-139. - Administration and enforcement of article.

- (a) The city shall administer and enforce the provisions of this article.
- (b) The city manager or his designee may promulgate rules and regulations for the enforcement of this article.
- (c) Every licensee engaging in the sale of mixed drinks shall keep such records, receipts, invoices, and other pertinent papers in such form as may be required by the city.
- (d) The city may examine the books, papers, records, financial reports, equipment, and facilities of any licensee engaging in the sale of any alcoholic beverage, retail or wholesale, in order to verify the accuracy of any return, or if no return is made to ascertain the amount of tax due.

- (e) In the administration of the provisions of this article, the city may require the filing of reports by any person or class of persons having in their possession or custody any information relating to purchases subject to taxation under this article.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Secs. 6-140—6-200. - Reserved.

ARTICLE V. - ALCOHOLIC BEVERAGE CATERER AND SPECIAL EVENTS

Sec. 6-201. - Definitions.

In addition to the definitions provided in section 6-2 of this Code, the following words, terms, and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized catered function means an authorized catered function as that term is defined and used in O.C.G.A. § 3-11-2 et seq.

Director means the director of the department designated by the city manager to process license in this chapter.

Drink means any distilled spirits beverage served for consumption on the premises, which may or may not be diluted by any other liquid.

Food caterer means any person who prepares food for consumption off the premises and has a license to do so.

Licensed alcoholic beverage caterer means any retail dealer who has been licensed pursuant to the provisions of this chapter and O.C.G.A. § 3-11-2.

Licensed alcoholic beverage caterer/concessionaire means any retail dealer who has been licensed pursuant to the provisions of this chapter, and is under contract with City of Riverdale to provide caterer/concessionaire services at the Riverdale Centre' or other designed [designated] areas in the city designated by the mayor and city council.

Licensee means the person to whom a license is issued, or in the case of a partnership or corporation, all partners, officers, and directors of such partnership or corporation.

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

Purchase price means the consideration received for the sale of alcoholic beverages by the drink valued in money, whether received in cash or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also the amount for which credit is allowed by the licensee to the purchaser, without any deduction therefrom whatsoever.

Purchaser means any person who orders and gives present or future consideration for any alcoholic beverage by the drink.

Special event means an event or function of an authorized catered function.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-202. - Alcoholic beverage caterers.

- (a) *License requirements for resident caterers.*

- (1) Any resident caterer who possesses a valid license from the city to sell or otherwise dispense malt beverages, wine or distilled spirits by the drink at a fixed location within the city may apply for an off-premises license that permits sales at authorized catered events or functions.
 - (2) Each off-premises catering license, authorized herein, shall be valid only for the event for which the license is issued unless, the caterer is the designated caterer for the Town Centre' then the permit will be for the entire calendar year. Resident caterers will pay no additional fees for this license.
 - (3) Any caterer designated under contract with the Town Centre' for alcohol sales shall, be allocated to a contracted percentage to be paid to the Town Centre' and such fees shall be put into the hotel motel tax fund.
 - (4) It shall be unlawful for any person to engage in, carry on, or conduct the sale or distribution of alcoholic beverages off-premises and in connection with a catered event or function without first having obtained a license as provided herein.
- (b) *License requirements for nonresident caterers.*
- (1) A nonresident alcoholic beverage caterer shall submit an application for an off-premises event permit to the designated director or his/her designee. The fee for each such permit shall be \$50.00 as authorized by O.C.G.A. § 3-11-3, or such fee as may be authorized by any future amendment or revision thereto.
 - (2) An application for an event license shall include the name of the caterer, the date, address, time, and name of the event and the quantity and type of alcoholic beverages to be transported from the licensee's primary location to the location of the authorized catered event or function.
 - (3) The original event license shall be kept in the vehicle transporting the alcoholic beverages to the catered event or function.
 - (4) It shall be unlawful for a licensed alcoholic beverage caterer to distribute, sell, or otherwise dispense alcoholic beverages off-premises except as authorized by the event license.
- (c) A licensed alcoholic beverage caterer may sell or otherwise dispense only that which is authorized by his alcoholic beverage license. For example, if the alcoholic beverage caterer possesses a valid license to sell malt beverages, he may sell or otherwise dispense only malt beverages at the authorized catered event or function.
- (d) *Sunday sales.* Must comply with the requirements of state law with respect to the service of alcoholic beverages on Sunday.
- (e) Excise taxes are imposed upon the sale of alcoholic beverages by resident and nonresident caterer as provided in article IV of this chapter.
- (f) Excise taxes are imposed upon the total of individual alcoholic beverage drinks served by a nonresident caterer in the amounts set forth in article IV of this chapter and shall be paid within 30 days after the conclusion of the catered event or function.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-203. - Nonprofit civic organization temporary permit.

- (a) To be eligible to apply for a temporary permit to sell alcoholic beverages at an authorized event, a bona fide non-profit organization must be the applicant; a nonprofit authorization letter (Federal Form 501-C) must be produced; any required event permit must be obtained; and the authorized event for which the event permit is issued must be associated with and benefit the cause of a charitable or civic organization.
- (b) Pursuant to state law, a temporary permit shall authorize the organization to sell alcoholic beverages for consumption only on the premises for a period not to exceed three days, subject to all

laws and ordinances regulating the time for selling such beverages; the temporary permit shall be valid only for the place specified in the permit; and no more than six such permits may be issued to the applicant organization in any one calendar year.

- (c) Each application for such a temporary permit shall be accompanied by a nonrefundable fee in an amount as set by resolution of the city council, which amount shall remain in effect until modified or amended by subsequent resolution adopted by the city council.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-204. - Special event temporary permit.

- (a) A retail consumption dealer may apply for an on-premises special event temporary permit. An on-premises special event temporary permit shall authorize the retail consumption dealer to sell alcoholic beverages for consumption on the premises for a period not to exceed a two hour extension of the hours of operation specified in section 6-65 for the specified day.
- (b) No more than six such permits may be issued to any location in any one calendar year.
- (c) Each application for such a temporary permit shall be accompanied by a nonrefundable fee in an amount as set by resolution of the city council, which amount shall remain in effect until modified or amended by subsequent resolution adopted by the city council.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-205. - Duration and renewal of licenses.

Any license issued hereunder shall automatically expire on December 31st of the year of its issuance. Each licensee shall make a written application for renewal on or before December 15th of each year.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-206. - Restrictions.

- (a) No person under the age of 21 shall be employed by a licensed alcoholic beverage caterer, who, in the course of such employment, would dispense, serve, sell, or handle alcoholic beverages as prohibited by O.C.G.A. § 3-3-23.
- (b) No alcoholic beverage caterer may distribute or sell alcoholic beverages during any hours prohibited in the state or city or on any days prohibited in the state or city.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-207. - Violations.

Any person violating any provision of this chapter shall be guilty of an ordinance violation, and be subject to a fine of up to \$1,000.00 and/or six months in jail per violation. Additionally, any person violating this chapter may, after a hearing as provided under the licensee's malt beverage and wine and/or distilled spirits license(s), have the license(s) suspended or revoked and/or be subject to other penalties as provided for in connection with violations of said license(s).

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Secs. 6-208—6-230. - Reserved.

ARTICLE VI. - BROWN-BAGGING

Sec. 6-231. - Definitions.

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

Brown-bagging means the bringing, taking or carrying of any alcoholic beverage into a business licensed to operate within the city, but not licensed for the consumption of alcoholic beverages on the premises, provided that bringing an alcoholic beverage into a house, apartment, room or other unit designed for private residential occupancy shall not fall within this definition.

Brown-bagging establishments means bring-your-own-bottle establishments that may not hold a license to sell and may not sell or serve any alcoholic beverages. They must be in a zoning district that allows such use.

Bottle house — see Non-alcohol retail establishment.

Non-alcohol retail establishment means any business located within the C-1, C-2, C-3, TCMU, RMX, MPMUD or OI, zones. Any private club, restaurant, music hall, theater, cigar shop, bowling alley or any other establishment providing entertainment in the normal course of business in which the owners or their employees or agents knowingly allow patrons to bring in and consume on the premises the patrons' own alcoholic beverages. Also known as bottle house establishment.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-232. - Authority.

(a) Brown-bagging is prohibited within the corporate limits of the city unless the business has met the requirements of this article:

Any establishment list as defined in the non-alcohol retail establishment may purchase an annual permit so as to permit brown bagging on such premises. The establishment, location must be zoned to allow consumption of alcoholic beverages on site and the applicant must follow the standard application process as required for any alcoholic beverage license request. The fee for an annual permit shall be listed in the schedule of fees as set by resolution of the city council, which amount shall remain in effect until modified or amended by subsequent resolution adopted by the city council, and shall be renewed annually.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-233. - Terms.

- (a) A non-alcohol retail establishment must follow the license terms as listed in this chapter.
- (b) Brown bagging shall be unlawful at all business establishments that do not obtain a brown bagging permit as provided for in this section.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Sec. 6-234. - Restrictions.

- (a) Every establishment obtaining a brown bagging permit and allowing brown bagging at such establishments, in addition to the rules contained in article III of this chapter, shall be subject to the following rules and regulations:
- (1) No bottle or other container of distilled spirits shall be in the possession or under the control of any owner, licensee, employee or agent of such establishment at any time.
 - (2) Possession of such bottle or container of distilled spirits shall be prima facie evidence of the violation of this provision.
 - (3) Bottles or other containers of distilled spirits must remain in the possession of, or under the control of, the person bringing such bottle or container into an establishment permitting brown bagging.
 - (4) The business is not to sell, distribute, store, or in any other way deal in the beverage.
- [See] O.C.G.A. § 3-3-3.
- (b) Establishments holding brown bagging permits shall not deny or restrict the privilege of brown bagging by patrons or impose any admission charge, cover charge or minimum charge on brown bagging patrons that is not also imposed upon all other patrons during the legal hours of sale and consumption of alcoholic beverages.
- (c) Establishments holding brown bagging permits shall comply with the alcohol regulations relative to business hours contained in section 6-65.
- (d) It shall be unlawful to operate an establishment governed under the provisions of this article without first obtaining a license from the business services division and paying such fees and taxes as may be required by the ordinances, rules and regulations of the city. Brown bagging shall be subject to all general licensing and regulations as well as the licensing and regulations for consumption on the premises establishments.
- (e) Brown-bagging shall include the following acts of non-licensed facilities;
- (1) Any person who brown-bags;
 - (2) Any person participating in consumption of any alcoholic beverage being brown-bagged;
 - (3) Any person who consumes an alcoholic beverage on any premises holding a business license, except for those premises licensed for on-premises consumption of alcoholic beverages or otherwise exempted from the definition of brown-bagging by virtue of the private residential character of the occupancy;
 - (4) Any employee of the business establishment in whose presence brown-bagging knowingly or with reckless indifference occurs.
- (f) The business license of any premises upon which brown-bagging knowingly or with reckless indifference occurs shall be subject to suspension or revocation by the city. Any conviction or plea of guilty or nolo contendere in the municipal court to a charge of brown-bagging shall be admissible in a license suspension or revocation consideration or proceeding.

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14](#))

Secs. 6-235—6-250. - Reserved.

ARTICLE VII. - ALCOHOL SCHEDULE OF FEES

Sec. 6-251. - Alcohol schedule of fees.

All other alcohol license fees are listed in the city alcohol ordinance.

- (1) New application, administrative investigation fee \$300.00

- (2) Wholesale dealer's license fee 100.00
- (3) Wholesale dealer processing fee 0.00
- (4) Change of registered agent fee 200.00
- (5) Change of registered agent after five-day period fee 400.00
- (6) Temporary permit for non-profit or charitable organizations per beverage requested 25.00
- (7) Temporary permit for profit organizations for wine 50.00
- (8) Temporary permit for profit organizations for beer 50.00
- (9) Temporary permit for profit organizations for distilled spirits 100.00
- (10) Brown bagging license fee per year 500.00
- (11) Special event permit per event fee 50.00
- (12) Caterers permit per year fee for nonresident caterers 500.00

([Ord. No. 04-2014, § 1\(Exh. A\), 5-28-14.](#))