

WORTH COUNTY

WORTH COUNTY, GEORGIA
ORDINANCE NO. 2016-07

AN ORDINANCE BY THE WORTH COUNTY BOARD OF COMMISSIONERS FOR WORTH COUNTY TO PROVIDE FOR LICENSING AND PERMITTING ALCOHOL ESTABLISHMENTS; PROVIDE FOR PUNISHMENT FOR VIOLATIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Be it ordained by the Board of Commissioners of Worth County, as follows:

I.
AMENDMENT TO CODE OF ORDINANCES

The Code of Ordinances, Worth County, Georgia, Chapter 6, Article I and I, is hereby amended by deleting the enumerated Articles contained therein and substituting in lieu thereof the following:

CHAPTER 6 - ALCOHOLIC BEVERAGES

ARTICLE I. - TITLE, DEFINITIONS

Sec. 6-1. - Title.

This chapter shall be known and may be referred to as the "Worth County Alcohol Ordinance."

Sec. 6-2. - Definitions.

As used in this chapter, unless context otherwise requires, the following terms are hereby defined:

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

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

Alcohol treatment facility means any facility in which treatment, counseling and other services are rendered for alcohol dependency.

Beer or malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other product, or any combination of such products in water containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. Also included are beverages known as "non-alcoholic" beer, which is made by fermentation of any infusion or decoction of barley, malt, hops or other products, and containing less than three percent, but more than 0.1 percent alcohol by volume. The term "malt beverage" does not include sake, known as Japanese rice wine.

Board means the Board of Commissioners of Worth County, Georgia.

County means Worth County, Georgia.

Day care facility means the use of a building or premises for the care and supervision of children or adults, who do not reside on the property, for periods of less than 24 hours. For the purposes of this chapter, the terms "day care center (19+)," "day care home," "family (6 or fewer)," and "day care home, group (7—18)," shall carry the state definitions for such operations.

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

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 brandy added. "Fortified wine" includes, but is not limited to, brandy.

Licensed alcohol beverage caterer means any holder of a license for the retail sale of beer, wine, and/or distilled spirits by the drink, who is a licensed caterer, who is otherwise qualified under the provisions of O.C.G.A. § 3-11-1 et seq., and who obtains a permit at authorized special events.

Licensee means the individual to whom a license for the sale or distribution of distilled spirits, malt beverages, or wine is issued under this chapter. In the case of a partnership or corporation, all partners, officers, and directors of the partnership or corporation are licensees.

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.

Place of worship means a building or structure, or groups of buildings or structures, primarily intended for conducting organized religious services. Associated accessory uses include, but are not limited to: schools, meeting halls, indoor and outdoor recreational facilities, day care counseling, kitchens and outdoor meetings (including tent meetings).

Retail dealer means persons other than brewers, distillers or wholesale dealers who sell distilled spirits, malt beverages, or wines irrespective of the quantities sold.

School means a facility used for education or instruction in any branch or knowledge.

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

Secs. 6-3—6-10. - Reserved.

ARTICLE II. - TYPES OF LICENSES AND FEES

Sec. 6-11. - License is a privilege.

- (a) Alcoholic beverages may be sold in the unincorporated area of the county under a license granted by the county upon the terms and conditions provided in this chapter.
- (b) All licenses issued pursuant to this chapter shall be a mere grant of privilege to carry on the business during the term of the license, subject to all terms and conditions imposed by this chapter and state law.
- (c) Any holder of a license issued in accord with this chapter is required to apply for and obtain an alcoholic beverage license from the state before any sales commence. Additionally, county licensees are required to abide by all applicable state regulations and laws.

Sec. 6-12. - Licenses, generally; expiration and application dates; transferability.

All licenses issued under this chapter shall:

- (1) Permit the licensee to sell or distribute the beverage for which the license is issued outside municipalities in the county, pursuant to the terms of this chapter and not inconsistent with the laws of the state and of the United States.
- (2) Unless otherwise provided, expire on December 31. Application for renewal shall be made annually on or before the thirtieth day of November. Any licensee making proper application, with supporting documents, for a license to operate during the following calendar year and having filed such application prior to October 31, shall be permitted to continue to operate pending final approval of such licensee's application for the following year if final approval is not granted prior to January 1.
- (3) Not be transferred from one person to another or from one location to another without the prior approval of the zoning administrator upon written application.

Sec. 6-13. - Types of licenses and permits issued.

Only the following licenses and or permits shall be issued under this chapter:

- (1) Malt beverages, retail package;
- (2) Wine, retail package;
- (3) Alcohol beverage caterer permit;
- (4) Special event alcohol permit.

Sec. 6-14. - Fees.

- (a) There is an annual license fee for each type of license. In addition, there is an administrative fee to offset administrative and investigative costs which is charged with the initial application. The fees applicable to all license applications and renewal applications are as set forth in the county alcohol ordinances schedule of fees. Said fee schedule may be modified by the Board periodically as needed.
- (b) Each type of license to be issued requires a separate application. Each application for a license shall be accompanied by a check in the full amount of the license fee and the application fee to defray investigative and administrative costs, which is nonrefundable.
- (c) Unless otherwise provided within this Article, licenses are valid for one calendar year. There shall be no proration of the fees and costs of the license.
- (d) Unless otherwise provided within this Article, all licenses granted under this chapter shall expire on December 31 of each year. Licensees who desire to renew the license shall file renewal applications, with the requisite fee enumerated in this section, with the Board on the form provided for renewal of the license for the ensuing year. Applications for renewal must be filed before October 31 of each year. Any renewal applications received after October 31 shall pay in addition to the annual fee, a late charge of 20 percent. If the license application is received after January 1, such application shall be treated as an initial application, and the applicant shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been held. If a license application is received after January 1, investigative and administrative costs will be assessed.
- (e) In the event a license is issued and thereafter surrendered, revoked, suspended or transferred, no portion of the license fee shall be refunded.

Alcohol Ordinance of Worth County
Fee Schedule

Malt beverages, retail package\$500.00

Wine, retail package\$500.00

Licensed alcohol beverage caterer permit\$50.00

Special event alcohol permit, per day\$50.00

Secs. 6-15—6-20. - Reserved.

ARTICLE III. - GENERAL PROVISIONS—ALL LICENSES

Sec. 6-21. - Applications.

- (a) All persons desiring to sell alcoholic beverages shall make application on the form prescribed by the Board.
- (b) If the applicant is an individual, then the application for license shall be in the name of the individual and the license, if issued, shall be issued in that name.
- (c) If the applicant is a partnership, then the application shall be made in the name of the partnership; and if a license is issued, then the license shall be issued in the name of the partnership or in accord with section 6-24 hereof if section 6-24 applies.
- (d) If the applicant is a corporation, then the application shall be made in the name of the corporation; and if a license is issued, then the license shall be issued in the name of the corporation or in accord with section 6-24 hereof if section 6-24 applies.
- (e) All applicants shall furnish data and other records as required by the Board to insure compliance with the provisions of this chapter. The failure to furnish data pursuant to such request shall automatically serve to dismiss the application with prejudice.
- (f) All applications shall be sworn to by the applicant before a notary public or other officer empowered by law to administer oaths.
- (g) An applicant for any type of license under this Article must resolve any pending alcohol related criminal charges before his or her application will be considered.

Sec. 6-22. - Granting applications.

Once an applicant has fully complied with and been approved by the Board, the appropriate license shall be granted.

Sec. 6-23. - Denial of an application.

- (a) The Board shall provide written notice to any applicant whose application is denied under the provisions of this chapter. Such written notification shall set forth in reasonable detail the reasons for such denial and shall advise the applicant of the right to appeal under the provisions of this chapter.
- (b) In all instances in which an application is denied under the provisions of this chapter, the applicant may not reapply for a license for at least one year from the date of such denial.

Sec. 6-24. - Qualifications of licensees.

- (a) *Retail package sales.* In order to qualify for the issuance of a retail license, the following provisions shall apply:
 - (1) No license for the sale of alcoholic beverages shall be granted to any person who is not a citizen of the United States or an alien lawfully admitted for permanent residence. The applicant must not be less than 25 years of age. Applicants may choose to employ a registered agent for the administration of the license.

- (2) If the applicant is a partnership or corporation, then the provisions of this section shall apply to all its partners, officers and majority stockholders. In the case of a corporation, the license shall be issued jointly to the corporation and the majority stockholder (if an individual) or member. If the majority stockholder or member is not an individual, then the license shall be issued jointly to the corporation and its agent registered under the provisions of this chapter. In the case of a partnership, the license will be issued to all the partners owning at least 20 percent of the partnership; or if no partner owns 20 percent of the partnership, then the general partner, managing partner or the partner with the greatest ownership shall be licensed.
- (3) If the applicant is a non-profit organization, then the managing agent may be an officer of the organization rather than a full-time employee if such managing agent is qualified in accord with this section.
- (4) No person shall be granted any alcoholic beverage license unless proper information establishes to the satisfaction of the Board or its designee that such person, partners in the firm, officers and directors of the corporation have not been convicted or pled guilty or entered a plea of nolo contendere, and has been released from parole or probation, to any crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation of sodomy, or any sexually related crime within a period of two years immediately prior to the filing of such application. At the time an application is submitted for any alcoholic beverage license, the applicant shall, by a duly sworn affidavit, certify that neither the applicant, nor any of the other owners of the establishment, has been so convicted in the two years preceding the filing of the application. An applicant's first time conviction for illegal possession of alcohol as a misdemeanor or violation of a county ordinance shall not, by itself, make an applicant ineligible for an alcohol license. If any applicant, partner, or officer used in the sale or dispensing of any alcoholic beverage, after a license has been granted, is convicted or pleads guilty or nolo contendere to a crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages, including sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation of sodomy, or any sexual related crime, then the license shall be immediately revoked and canceled. Additionally, the applicant shall submit a background check/criminal history on the person submitting the application under this section. On initial application for a license the applicant must submit a complete set of fingerprints in compliance with O.C.G.A. §3-3-2.
- (5) No license for the sale of alcoholic beverages shall be granted to any person convicted under any federal, state or local law of any felony, within two years prior to the filing of application for such license.
- (6) It shall be unlawful for any county employee directly involved in the issuance of alcoholic beverage licenses under this chapter to have any whole, partial or beneficial interest in any license to sell alcoholic beverages in the county.
- (7) No license for the sale of alcoholic beverages shall be granted to any person who has had any license issued under the police powers of the county previously revoked within two years prior to the filing of the application.
- (8) The Board may decline to issue a license when any person having any ownership interest in the operation of such place of business or control over such place of business does not meet the same character requirements as set forth in this section for the licensee.
- (9) Licensed establishments may choose to maintain in the county a registered agent as indicated in subsection (b)(1). The licensee shall file the name of such agent, along with the written consent of such agent, with the Board on such forms as the Board may prescribe. If a licensed establishment changes the registered

agent during the year for which license is issued, then the registered agent assuming such responsibility in accord with the terms hereof shall meet all requirements of this chapter.

- (10) A license application may be denied to any applicant for any alcoholic beverage license if the applicant lacks adequate financial participation in the proposed business to direct and manage its affairs, or if the application is intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.
- (11) The Board may, in its discretion, consider any extenuating circumstances that may reflect favorably or unfavorably on the applicant, application or the proposed location of the business. If circumstances are such that granting of the license would not be in the best interest of the public health, safety, welfare, and morals, then such circumstances may be grounds for denying the application. In considering applications for licenses under this article, the Board shall be guided by the following:
 - i. The moral character, reputation and prior criminal record of the applicant or of any shareholder, director, officer, agent or employee thereof, or of any person having any interest in the proposed establishment.
 - ii. The credit standing of the applicant and the reputation for payment of bills, debts and obligations.
 - iii. Whether the location of the proposed establishment would present a hazard to pedestrian or vehicular traffic.
 - iv. The existence and number of existing licenses within the immediate vicinity of the location of the proposed establishment.
 - v. The character of the community or neighborhood in which the establishment is to be located, whether residential, commercial or industrial.
 - vi. Whether due to proximity or other reasons, the proposed establishment would present a danger that substantial numbers of minors would be brought into contact with the establishment or persons frequenting same.
 - vii. Any valid objections received by the Board.
 - viii. Whether the applicant has furnished false information in connection with the application.
 - ix. Whether the proposed establishment has complied with all other state, federal and local laws or regulations, including but not limited to those promulgated by the state and local boards of health, and the state fire marshal.
 - x. The number of such establishments or licenses already owned or held by the applicant or any other person connected therewith.
 - xi. If applicant is a previous holder of a license to sell alcoholic beverages, whether or not they violated any law, regulation or ordinance relating to such business, the manner in which they conducted the business thereunder as to the necessity for unusual police observation and inspection in order to prevent the violation of any law, regulation or ordinance relating to such business.
 - xii. Whether the applicant or anyone connected therewith has previously had an alcoholic beverages license suspended or revoked.
- (12) For purposes of this chapter, a conviction or plea of guilty or nolo contendere shall be ignored as to any offense for which the defendant was allowed to avail himself or herself of the Georgia First Offender Act (1968 Ga. Laws, page 324), as amended. Except, however, that any such offense shall not be ignored if the defendant violated any term of probation imposed by the court granting first offender treatment or committed another crime and the sentencing court entered an adjudication of guilt.

Sec. 6-24. - Measurement of distance.

- (a) For purposes of this section, distance shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:
 - (1) From the main entrance of the establishment from which alcoholic beverages are sold or offered for sale;
 - (2) In a straight line, regardless of obstructions, to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
 - (3) Along such public sidewalk, walkway, street, road or highway by the nearest route;
 - (4) To the main entrance of the church building, or to the nearest portion of the school grounds or college campus.
- (b) No location which is licensed to sell alcohol or a location where alcohol is served under this Chapter shall be within 300 feet of any place of worship, school, day care facility or alcohol treatment facility.
- (c) No location which is licensed to sell alcoholic beverages on the effective date of this chapter shall be denied continued operation under an existing license, or denied any renewal of such license, nor shall any new owner of said location be denied a new license based upon the measurements set forth in this section.
- (d) As to any licensed location, if the distance requirements in this section are or were met at the time of the issuance of any license, the subsequent opening and operation of a place of worship, day care facility, alcohol treatment facility, school, educational building or college within the distance prohibited in this section shall not prevent the continuance of an existing license or the renewal thereof or the issuance of a new license to any subsequent owner of such property.

Sec. 6-25. - Transferability of license/change in ownership.

- (a) Except as provided in this Chapter, no license or permit issued hereunder shall be transferred to any other person or location.
- (e) Upon the death of a licensee, the executor or administrator of the licensee's estate may continue to operate under the license for the balance of the calendar year without payment of any additional fee or may delegate the operation of the business to another person if the person operating under the license, whether the executor, administrator, or delegate, would otherwise be qualified as a licensee under the provisions of this chapter.

Sec. 6-26. - Automatic license forfeiture for non-use.

- (a) A license issued pursuant to this chapter shall be valid only so long as the licensee is actually engaged in the permitted sale of alcoholic beverages. Any holder of any license under this chapter who shall for a period of 30 days after the license has been issued cease to operate the business and sale of the product or products authorized shall, after the thirty-day period, automatically forfeit the license without the necessity of any further action.
- (b) In the event a license is conditionally issued for a location upon which the licensee intends to build an appropriate building or renovate an existing structure, the licensee will be determined to have ceased doing business if necessary permits are not obtained and work completed within two (2) years of the date the license is approved.

Sec. 6-27. - Licensees to maintain a copy of this chapter; employees to be familiar with terms; licensee responsible for violations.

Each alcoholic beverage dealer licensed under this chapter shall keep a copy of this chapter upon the licensed premises and shall instruct any person working there with respect to the terms of this chapter; and each licensee, the

licensee's agents and employees selling alcoholic beverages shall at all times be familiar with the terms of this chapter.

Sec. 6-28. - Display of license.

The county alcoholic beverage license shall at all times be kept plainly exposed to view to the public at the place of the business of the licensee.

Sec. 6-29. - Advertising.

Licensees may use window signs to advertise products for sale within the store, so long as said signs comply with the county sign ordinance.

Sec. 6-30. - Sale or Possession for Sale without License or Beyond Boundaries of Premises Covered by License; Penalties.

Unless otherwise provided within this Chapter, it shall be unlawful for any person to sell, distribute, or possess for the purpose of sale any alcoholic beverage if the person does not have a license granted by the county to sell, distribute, or possess for sale the alcoholic beverages or to sell or make deliveries beyond the boundaries of the premises covered by the license.

It shall be unlawful for any person to distribute or sell any alcoholic beverages at locations other than the licensed premises unless:

- (1) Such person has an alcoholic beverage caterer license and the alcoholic beverages are distributed or sold at an authorized catered function; or
- (2) The alcoholic beverages are distributed or sold at an event authorized by local and state special event permits and is being sold in compliance with the permit requirements.

Sec. 6-31. - Penalties for violation of ordinance.

Any person who violates any provision of this chapter, upon conviction, shall subject to a maximum fine and/or imprisonment in accord with the limits established in O.C.G.A. § 36-1-20.

Sec. 6-32. - Requirement to properly check identification.

In any case where a reasonable person could reasonably be in doubt as to whether or not the person seeking to obtain alcoholic beverages is actually 21 years of age or older, it shall be the duty of the person selling or otherwise furnishing said alcoholic beverages or wine to comply with the provisions of applicable state law concerning the purchase or possession of alcoholic beverages by underage persons.

Sec. 6-33. - Prohibited sales.

No holder or employee of the holder of a license authorizing the sale of alcoholic beverages shall do any of the following upon the licensed premises:

- (1) Knowingly sell or offer to sell distilled spirits, malt beverages or wines to any person under the age of 21 years. In any case where a reasonable person could reasonably be in doubt as to whether or not the person seeking to obtain distilled spirits, malt beverages or wines is actually 21 years of age or older, it shall be the duty of the person selling or otherwise furnishing said malt beverages or wine to request and be furnished with proper identification in order to verify the age of such person. Failure to make such a request and to verify the purchaser's age may be considered by the trier of fact in determining whether any sale to an underage person was made knowingly. "Proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and

giving such person's date of birth. "Proper identification" includes, but is not limited to, a passport, military identification card, driver's license, or a state issued identification card.

- (2) Sell or offer to sell any alcoholic beverages to any person who is noticeably intoxicated, who is of unsound mind, or who is a habitual drunkard whose intemperate habits are known to the licensee or his employees.
- (3) Sell alcoholic beverages upon the licensed premises or permit alcoholic beverages to be consumed thereon, on any day or at any time when the sale or consumption is prohibited by law.
- (4) Individual employees who violate this section shall be subject to the penalties set forth in section 6-41 of this chapter. Penalties for license holders shall be determined by the board of commissioners in accordance with the provisions of this chapter.
- (5) As to the penalties in subsection (4), if there is a change in a majority of the licensed establishments' owners, partners or shareholders, the violations under the old ownership shall not count against the new owners; however, a different corporation, partnership or other association will be charged with the violations of its predecessor(s) if a majority of the owners, partners or shareholders are the same.

Sec. 6-34. - Regulations.

The Board shall have the authority to supplement any section of this chapter from time to time and reserves the right to promulgate appropriate regulations for such implementation.

Sec. 6-35. - Suspension of license.

- (a) The following shall be grounds for the suspension of a license issued under this chapter for such period of time as the Board shall, in its sole discretion, determine appropriate:
 - (1) A violation by the licensee of any state or federal law or regulation, or any provision of this chapter or the regulations promulgated under its authority;
 - (3) The violation of any law, regulation or ordinance pertaining to alcoholic beverages, distilled spirits, malt beverages and wines, by any employee or agent of the licensee in connection with the operation of the business of the licensee;
 - (4) Operation of the business of the licensee in such a manner as to create a public nuisance, or in a manner contrary to public welfare, safety, health or morals;
 - (5) Failure to furnish the Board on request any information or records that would be necessary for use in determining the licensee's compliance and qualifications under this chapter; or
 - (6) To knowingly sell malt beverages, wines or distilled spirits to any person while such person is in an intoxicated condition.
 - (7) To knowingly sell or offer to sell malt beverages or wines or distilled spirits to any person under the age of 21 years. In any case where a reasonable person could reasonably be in doubt as to whether or not the person seeking to obtain an alcoholic beverage is actually 21 years of age or older, it shall be the duty of the person selling or otherwise furnishing said malt beverages or wine to request and be furnished with proper identification in order to verify the age of such person. Failure to make such a request and to verify the purchaser's age may be considered by the trier of fact in determining whether any sale to an underage person was made knowingly. "Proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth. "Proper identification" includes, but is not limited to, a passport, military identification card, driver's license, or a state issued identification card.

(b) Wherever this chapter permits the Board to suspend any license issued under this chapter but does not mandate the period of such suspension, such discretion shall be exercised within the guidelines of this subsection.

- (1) No suspension shall be for a period of time longer than the time remaining on such license.
- (2) The following factors shall be considered on any suspension as set out above:
 - a. Consistency of penalties mandated by this chapter and those set by the board of commissioners.
 - b. Likelihood of deterring future wrongdoing.
 - c. Impact of the offense on the community.
 - d. Any mitigating circumstances or remedial or corrective steps taken by licensee.
 - e. Any aggravating circumstances or failure by the licensee to take remedial or corrective steps.
 - f. The licensee's history of compliance or non-compliance with applicable alcohol related laws and regulations.

Sec. 6-36. - Revocation or non-renewal of license.

(a) The Board shall revoke the license of any licensee:

- (1) Whose license has been suspended two or more times in any consecutive 24-month period;
- (2) For any premises where alcoholic beverages have been sold or distributed during a period of suspension;
or
- (3) Who is convicted of a felony or any crime involving moral turpitude;

(b) The Board may revoke any license issued under this chapter, or refuse to issue the same, if the licensee or applicant for renewal:

- (1) Makes any false statement of a material fact on the application for license or renewal thereof, or on any document required to be filed with the Board;
- (2) Violates any rules or regulations promulgated by the Board under this chapter, of which the licensee has reasonable notice;
- (3) Becomes disqualified under this chapter to hold a license.
- (4) Whenever it can be shown that a licensee under this chapter no longer maintains adequate financial responsibility upon which issuance of the license was conditioned, or whenever the licensee has defaulted in any obligation of any kind whatsoever, lawfully owing to the county;
- (5) Has received a license conditioned upon the construction or renovation of the facility and has not obtained necessary permits and completed construction within two (2) years of the date said license was approved.
- (6) Violates any provisions of this chapter.
- (7) Violates any state law related to the sale of beer, wine, or distilled spirits, including but not limited to sales to underage persons or sales to visibly intoxicated persons.

Sec. 6-37. - Hearings.

(a) No license shall be denied or revoked without the opportunity for a hearing as provided in this section.

- (b) The Board shall provide written notice to the applicant or licensee of its intent to deny, suspend or revoke the license. Such written notification shall be hand delivered or sent certified mail to the applicant at the address shown on the application, and the applicant shall be directed to show cause, if any, why the proposed action should not be taken by the Board. The notice shall:
- (1) Advise of the time and place specified for the hearing, which shall be conducted at the earliest possible meeting date of the Board.
 - (2) Shall set forth in reasonable detail the grounds for such action and the factual basis supporting those grounds;
 - (3) Advise the applicant or licensee of the right to present evidence, witnesses or arguments and to be represented by counsel at the hearing; and
 - (4) Advise the applicant or licensee that failure to appear at the scheduled hearing will result in the intended action being taken by the board of commissioners.
- (c) After the hearing, a written decision shall be entered and provided to the applicant or licensee.

Secs. 6-38—6-40. - Reserved.

ARTICLE IV. - PACKAGE SALES OF MALT BEVERAGES AND WINES

Sec. 6-41. - Age of employees.

No licensee shall allow or require a person in his employment who is under the age of 18 years to dispense, serve, sell or take orders for any malt beverages or wines. This restriction does not apply to persons under the age of 18 years employed in grocery stores or drugstores who are selling said beverages.

Secs. 6-41 – 6-45. - Reserved.

ARTICLE V. - ALCOHOL BY THE DRINK—GENERAL PROVISIONS

Sec. 6-46. - Prohibited.

Unless otherwise provided within the Code of Ordinances, it shall be unlawful for any establishment to sell alcohol for consumption on its premises. “Brown bagging” or “BYOB” wine, malt beverages and distilled spirits shall be prohibited.

Sec. 6-47. - Inspections.

Sworn officers of the sheriff's office shall have the authority to inspect establishments licensed under the alcoholic beverages ordinances of the county during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and state law. This section is not intended to limit the authority of any other county officer to conduct inspections authorized by other provisions of this chapter. The sheriff's office may immediately close an establishment licensed under this chapter in case of emergency for the safety of the public or to investigate a crime for a period of time not to exceed 24 hours.

Secs. 6-48 – 6-50. - Reserved.

ARTICLE VI. - CATERING

Sec. 6-51. - Requirements.

Requirements to be a "licensed alcoholic beverage caterer" under this Chapter:

- (1) The applicant shall hold a valid state license to sell malt beverages, wine, distilled spirits or some combination thereof by the drink for consumption on the premises.
- (2) The applicant shall hold a valid municipal or county license to sell malt beverages, wine, distilled spirits, or some combination thereof, by the drink for consumption on the premises.
- (3) The applicant must be a licensed alcoholic beverage caterer pursuant to O.C.G.A. § 3-11-1 et seq.
- (4) The applicant must hold all required food service permits required by the county environmental health office.

Sec. 6-52. - Application.

An applicant for a licensed alcoholic beverage caterer permit must:

- (1) Submit a completed application provided by the county.
- (2) Pay the required application and license fees.
- (3) Be a licensed alcohol beverage caterer pursuant to Sec. 6-131.

Sec. 6-53. - Permitted activities.

Only a licensed alcoholic beverage caterer is authorized to sell alcoholic beverages off premises. Licensed alcoholic beverage caterers are authorized to engage in, carry on or conduct the sale or distribution of alcoholic beverages off premises under the following conditions:

- (1) The distribution of alcoholic beverages is in connection with an authorized catered event for which a "special event alcohol permit" has been granted authorizing said event.
- (2) A licensed alcoholic beverage caterer may sell only that type of alcoholic beverage authorized by the caterer's local alcoholic beverage license.
- (3) The licensed alcoholic beverage caterer shall not employ any person under 21 years of age to dispense, serve, sell or handle alcoholic beverages in accordance with O.C.G.A. § 3-11-4 et seq.
- (4) The licensed alcoholic beverage caterer complies with the requirements of O.C.G.A. § 3-11-1 et seq.
- (5) Receipt of Board approval of the application

Sec. 6-55. - Exceptions.

For events where alcoholic beverages are furnished by the host, which are not open to the public and at which no admittance fee, cup fee, or by the drink fee is required, the event holder shall be exempt from the requirements of this chapter. However, if alcoholic beverages are to be provided at such an event by a licensed alcoholic beverage caterer, then the requirements of this chapter must be met.

Secs. 6-56—6-60. - Reserved.

Sec. 6-66. - Investigative and administrative costs.

Each application permit under this article shall be accompanied by a check for the full amount of the permit fee. Said amount is nonrefundable.

Sec. 6-67. - Hours and days of sale.

(a) Monday	8:00 a.m. to 12:00 a.m.
(b) Tuesday	8:00 a.m. to 12:00 a.m.
(c) Wednesday	8:00 a.m. to 12:00 a.m.
(d) Thursday	8:00 a.m. to 12:00 a.m.
(e) Friday	8:00 a.m. to 12:00 a.m.
(f) Saturday	10:00 a.m. to 11:59 p.m.
(g) Sunday	No sales.
<p>Alcohol sales shall not be permitted on Christmas Day.</p> <p>The sale of alcohol shall be allowed by those licensed to make such sales on election day.</p>	

Secs. 6-68—6-70. - Reserved.

ARTICLE VII. - SPECIAL EVENT PERMITS

Sec. 6-71. - Eligibility for a temporary special event alcohol permit.

(a) A special event permit may be issued for the furnishing or dispensing of alcoholic beverages at a particular event on a temporary basis. A local special event permit pursuant to the provisions of this section shall be required whenever a state special events use permit is required by the Georgia Department of Revenue pursuant to the provisions of O.C.G.A. § 3-14-1 and Ga. Comp. R. and Regs. § 560-2-2-.35, as amended; provided, however, that the following additional conditions and restrictions shall apply to the issuance of a local special event permit:

(1) A local special event permit may only be issued for one of the following types of events:

- i. An event sponsored and held by a bona fide nonprofit organization that has obtained tax-exempt status from the United States Internal Revenue Service (IRS), and at which event alcohol may be sold, furnished, or dispensed. A nonprofit organization must submit copies of its articles of incorporation, a certificate of existence from the secretary of state, by-laws, and tax-exempt certification from the IRS along with its application. Documents that satisfactorily demonstrate the existence and tax-exempt status of the nonprofit organization may be accepted even if the documents have slightly different designations from those listed above (e.g., "tax-exempt letter" instead of "tax-exempt certification").

- ii. A closed private event to which the general public is not invited or admitted, and at which event alcohol may be furnished or dispensed but not sold unless it qualifies as a catered event. The applicant for a local special event permit for a closed private event must be an individual who meets all the qualifications of a licensee in subsections 3-24. In order to avoid any subterfuge for violating the prohibition against selling alcohol at a closed private event, neither the applicant nor anyone on his or her behalf shall be allowed to accept any payments from attendees, including but not limited to the following: (i) payments to gain entrance to the event, whether through advanced ticket sales or cover charges at the door; (ii) payments for food or anything else of value; (iii) payments for raffle tickets; or (iv) any other payments related to the event, whether made before, during, or after the event.
 - iii. An authorized catered event which is catered by a licensed alcohol caterer.
- (2) An event for which a local special event permit is issued shall not last longer than one day, and the specific hours during which the event is to be held shall be stated on the permit application. No more than 3 permits may be issued to the same applicant within a 12 month period.
 - (3) The application for a local special event permit must be submitted to the county clerk at least three weeks prior to the event upon forms prescribed by the county. A nonrefundable application fee as set forth within this Article shall accompany the application. No additional charge shall be required for issuance of the local special event permit, if approved.
 - (4) An application for a local special event permit must be approved by the Board prior to issuance of the permit.
 - (5) The special event must meet the following criteria before the issuance of a permit to sell or distribute alcoholic beverages.
 - (i) The special event must receive approval from the sheriff's office on crowd control and security measures.
 - (ii) The special event must receive approval from the sheriff's office, on traffic control measures.
 - (6) The premises where the special event shall occur shall meet the distance from certain uses requirements of this Chapter.
 - (7) Employees or volunteers dispensing, selling, serving, taking orders or mixing alcoholic beverages must be 18 years of age or older. Employees of caterers must comply with the regulations established in this chapter and must be 21 years of age or older as pursuant to O.C.G.A. § 3-11-4.
 - (8) The sheriff's office or his designee may immediately revoke any temporary permit for a special event if continued alcohol sales may endanger the health, welfare or safety of the public.
 - (9) As a condition on the issuance of a temporary special event permit, the permit holder shall indemnify and hold the county harmless from claims, demand or cause of action that may arise from activities associated with the special event.

Sec. 6-72. - Bona fide nonprofit civic organizations.

- (a) A bona fide non-profit civic organization is one which is exempt from federal income tax pursuant to the provisions subsections (c), (d) or (e) of 26 U.S.C. § 501.
- (b) Upon the filing of an application and the payment of a special temporary event permit application fee, a bona fide non-profit civic organization may obtain a permit authorizing the organization to sell or distribute

alcoholic beverages for consumption on the premises for a period not to exceed three days, subject to any law regulating the time for selling such beverages.

- (c) No more than 3 permits may be issued to an organization in any one calendar year.
- (d) Permits are valid only for the location specified in the permit. No permit may be issued unless the sale of alcoholic beverages is lawful in the place for which the permit is issued. Said permit is subject to the restrictions set forth in section 6-171 of this chapter.

ARTICLE VII. - INCORPORATION OF STATE STATUTES

Sec. 6-211. - Incorporation of other statutes.

The board of commissioners hereby adopts and incorporates within this chapter the following provisions of the Official Code of Georgia, which provisions are hereby made a part of this chapter by reference thereto:

- (1) O.C.G.A. § 3-3-40, Definitions.
- (2) O.C.G.A. § 3-3-41, Performance of actual or simulated sexual acts.
- (3) O.C.G.A. § 3-3-42, Employee solicitation of patrons of drinks on premises.
- (4) O.C.G.A. § 3-3-43, Permitting persons to view sexually related acts or conduct performed on other premises.
- (5) O.C.G.A. § 3-3-44, Permitting persons to remove alcoholic beverages to other premises to view sexually related conduct or activities.
- (6) O.C.G.A. § 3-3-45, Employment of or assistance to persons engaged in sexually related conduct or activity or nudity.
- (7) O.C.G.A. § 3-3-46, Grounds for suspension and revocation of alcoholic beverage license.

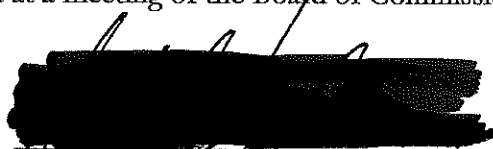
II. GENERAL REPEALER

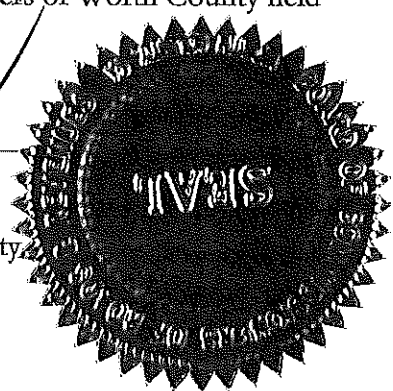
To the extent that any other ordinance, portion of an ordinance or resolution of Worth County now in effect is inconsistent with the provisions hereof, the same are repealed.

III. EFFECTIVE DATE

The effective date of this ordinance shall be the date of adoption hereof.

Read and passed on first reading and adopted at a meeting of the Board of Commissioners of Worth County held on the 18th day of August, 2016.


Mike Cosby
Chairman,
Board of Commissioners of Worth County



Attest:



County Clerk