



CITY OF CARROLLTON

ALCOHOL ORDINANCE

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ARTICLE I. - IN GENERAL

Sec. 6-1. - Findings and public purpose.

(a) Based on the experience of other counties and municipalities including, but not limited to, Atlanta and Fulton County, Georgia; which experiences are relevant to the problems faced by the city, and based on the evidence and testimony of the citizens and public safety officials who have appeared before us, we take note of the notorious and self-evident conditions attendant to the commercial exploitation of human sexuality. Moreover, it is the finding of the mayor and city council that public nudity (either partial or total) under certain circumstances, particularly circumstances related to the sale and consumption of alcoholic beverages begets criminal behavior and tends to create behavior identified with nudity, disorderly conduct, prostitution, drug trafficking and drug use. Among the undesirable community conditions identified with nudity and alcohol are depreciation of property values in the surrounding neighborhood, increased expenditure for and allocation of law enforcement personnel to preserve law and order and increased burdens on the judicial system. Therefore, the restriction of adult uses and adult entertainment in restaurants wherein alcohol is authorized to be consumed on the premises is in the public welfare and it is a matter of governmental interest and concern to minimize the occurrence of criminal behavior and undesirable community conditions normally associated with establishments which provide adult entertainment or adult uses.

(b) Pursuant to the vote of the citizens of the city authorizing the sale of distilled spirits by the drink for consumption on the premises in bona fide eating establishments and pursuant to the vote of the citizens of the city authorizing the sale of distilled spirits by the package and 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:

(1) To establish reasonable standards for the regulation and control of the licensing and sale of alcoholic beverages;

(2) To protect and preserve schools, churches, and similar places of public assembly; and

(3) To preserve residential areas regarding, among other things, the character of the areas, their particular 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.

(c) Consistent with the previous actions of the mayor and city council limiting malt beverage and wine sales by the drink for consumption on the premises ancillary to the primary business of serving food prepared on the premises, it is also the finding, intent and policy of the mayor and city council that the issuance of any alcoholic beverage license for consumption on the premises under this chapter shall be strictly limited to bona fide eating establishments only which shall be either restaurants, supper clubs, private clubs, or alcoholic beverage caterers as defined in this chapter and which meet all applicable requirements of the same.

(d) It is also the finding, intent and policy of the mayor and city council that the issuance of any alcoholic beverage license for the sale of distilled spirits by the package shall be strictly limited to the terms and conditions of this chapter.

(e) It is expressly not the intent of the mayor and city council to permit the sale of alcoholic beverages for consumption on the premises in nightclubs, bars, pubs, dancehalls, pool halls, gamerooms or any other establishment not qualifying as a bona fide eating establishment either as a restaurant, supper club, private club, or alcoholic beverage caterer as defined in this chapter.

(f) It is further the stated directive of the mayor and city council that the authority to issue, renew and administer licenses for consumption on the premises and for the sale of distilled spirits by the package granted to the city manager shall be discharged in accordance with this finding.

(Amd. of 12-6-04)

Sec. 6-2. - Purposes.

(a) The purposes of this chapter shall include, without necessarily being limited to, the following:

- (1) Compliance with and effectuation of the general state law;
- (2) Prevention and control of the sale of alcoholic beverages by unfit persons;
- (3) Insuring that any licenses issued for the consumption of alcoholic beverages on the premises are issued only to a legitimate restaurant, supper club, private club, or alcoholic beverage caterer;
- (4) Insuring that the issuance of any alcoholic beverage license for the sale of distilled spirits by the package is strictly limited to terms and conditions of this chapter;
- (5) The protection of schools, homes, churches, parks, and other institutions; and
- (6) Protection of the public health, safety, and welfare.

(b) To the maximum extent permissible under state and federal law, the business of selling alcoholic beverages shall under this chapter be considered to be a privilege to be accorded in conformity with the foregoing and other public policies of the city, rather than a right.

(Amd. of 12-6-04)

Sec. 6-3. - Definitions.

(a) 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 ethyl, or spirits of wine, from whatever source or by whatever process produced.

Alcoholic beverage means and includes all alcohol, malt beverages, distilled spirits, wine and fortified wines defined in this section.

Applicant means a person 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.

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

Chief of police means the chief of police of the city.

Church means any permanent place where persons regularly assemble for public religious worship.

City means the City of Carrollton, and when used in a geographical sense means the territorial limits of the city.

Distilled spirits 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.

Interest includes any pecuniary interest and any ownership interest, whether present or future, whole or partial, legal or beneficial, contingent or vested, direct or indirect, and any right, power, or authority of control.

Licensed premises includes not only the room wherein alcoholic beverages are sold or served but also the entire building in which such room is located, except that when such a room is located in a hotel, motel, or similar facility or in a shopping center only such room and any adjoining storage, office, toilet, and other similar rooms shall constitute the "licensed premises."

For golf course clubhouse facilities "licensed premises" includes not only the room wherein alcoholic beverages are sold or served, but also the entire building where the room is located and the entire boundary of the golf course except parking lots, alleyways, streets (private and public) and lakes. Golf course clubhouse facilities licensees are authorized to sell and serve malt beverages in the manufacturer's original containerized receptacle outside the room and building on the licensed premise as defined above. Patrons may consume the same on the licensed premises as defined above.

Licensee includes an individual licensee and in the case of a partnership or corporation includes both the partnership or corporation and the named licensee.

Majority stockholder means the person, if any, who owns more than 50 percent of the voting stock of a corporation; if no person owns more than 50 percent of the voting of a corporation, the majority stockholder is the person owning more of the voting stock than any other person; and if two or more persons each own the same amount of the voting stock of a corporation and each own more of the voting stock than any other person, then any one of such persons may act as the majority stockholder.

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. The term does not include sake, known as Japanese rice wine.

Minor means any person under the age established as the minimum age for the purchase, possession, or consumption of alcoholic beverages as established by the General Assembly of Georgia from time to time.

Mixed drink means any distilled spirits served for consumption on the premises, whether or not diluted by water or any other substance.

Named licensee means the person acting as such for a partnership or corporation pursuant to [section 6-27](#).

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

Retail dealer means any person who sells unbroken packages, at retail, only to consumers and not for resale.

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

Wine means any alcoholic beverage containing not more than 21 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term 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 does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine.

(b) Unless a contrary intention is clearly apparent from the context, any term used in this chapter shall have the same meaning as when used in a comparable provision of the Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.

(c) Words and terms not explicitly defined in this chapter or used in a comparable provision of the Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq., shall have the meaning given by common and ordinary use as defined in the latest edition of Webster's New Collegiate Dictionary.

(Amd. of 12-6-04)

Cross reference— Definitions generally, § 1-2.

State law reference— Definitions, O.C.G.A. § 3-1-2.

Sec. 6-4. - Penalty.

Any person who violates any provision of this chapter shall upon conviction be punished as provided in [section 1-11](#). Any such punishment, if imposed, shall be in addition to and not in lieu of any license suspension or revocation under this chapter.

(Amd. of 12-6-04)

Sec. 6-5. - Confidentiality of information.

For the purpose of protecting the individual business interests or the persons making returns as provided for in sections [6-84](#), [6-161](#) and [6-193](#), the city licensing authorities shall treat such returns as being of a strictly confidential nature and will not divulge such information unless called for by a court order and/or for city, county, state or federal tax purposes. Any clerks and/or city personnel found guilty of violating such confidence shall be subject to disciplinary action at the discretion of the city manager.

(Amd. of 12-6-04)

Sec. 6-6. - Regulation of open consumption in public; possession of open containers.

(a) Except as provided below and in [section 6-167\(e\)](#), no person shall consume alcoholic beverages on any public street, sidewalk, or any other public property within the corporate limits of the city. However, a licensee for the sale of alcoholic beverages by the drink or for the consumption of alcoholic beverages on the licensee's premises shall have the right to serve alcoholic beverages to patrons seated in an outdoor dining area as part of the operation of the premises. The licensee shall not have the right to serve alcoholic beverages to any person who is not seated at a table or in a chair provided by the licensee. In addition, alcoholic beverages shall only be transported into outdoor dining areas and/or opened in outdoor dining areas by a licensee's working employees as part of their work duties.

(b) No person shall consume alcoholic beverages in a vehicle on any public or private parking lot within the corporate limits of the city.

(c) Possession of open containers of alcoholic beverages or containers with the seal broken shall be prima facie evidence of consumption.

(d) No person shall possess an open container of any alcoholic beverage while operating a vehicle in this city or while a passenger in a vehicle in this city.

(e) For the purposes of this section, an open container shall be considered to be in the possession of the operator of the vehicle, if the container is not located in a locked glove compartment, or locked trunk, or other locked nonpassenger area of the vehicle, or in the possession of a passenger.

(f) As used in this section, open container means any container which is immediately capable of being consumed from or the seal of which has been broken.

(g) Notwithstanding any other provision in this chapter to the contrary, a licensee for the sale of alcoholic beverages by the drink or for the consumption of alcoholic beverages on the licensee's premises may apply for a special event permit to sell and serve alcoholic beverages by the drink on any property contiguous to the licensee's premises. Any such licensee shall make written application to the city manager or his designee for a special event permit on forms provided by the city. Failure to furnish any requested data shall automatically serve to dismiss the application. Any untrue or misleading information contained in, or material statement omitted from, an application for a special event permit shall be cause for denial or revocation thereof. The city manager or his designee, in their discretion, shall have the right to deny or impose conditions on any such special event permit, giving consideration to the size, location, or duration of the event or any such other factors as deemed relevant by the city manager or his designee. All applications for a special event permit must be submitted to the city manager or his designee at least 30 days prior to the date of the event, unless waived by the city manager or his designee. The fee for such special event permit shall be \$500.00, and no more than five special event permits shall be issued to any one licensee during any calendar year.

(Amd. of 12-6-04; Res. No. 05-2010, 9-13-10; Res. No. 06-2012, 6-4-12)

State law reference— Consumption of alcoholic beverage or possession of open container of alcoholic beverage in passenger area, O.C.G.A. § 40-6-253.

Secs. 6-7—6-25. - Reserved.

ARTICLE II. - LICENSING

FOOTNOTE(S):

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State Law reference— Local alcoholic beverage licenses, O.C.G.A. § 3-3-2.

Sec. 6-26. - Required, classifications, fee, duration.

(a) **Required.** It shall be unlawful for any person to sell or offer for sale any alcoholic beverages within the city except under a valid license issued under this chapter and in compliance with the provisions of this article.

(b) **Classification, fee.** Classes of licenses issued under this chapter, activities permitted and regulated thereunder, and the annual license fees, shall be as follows:

(1) Retail package licenses:

- a. Package malt beverage license: retail sale of malt beverages in the original package, \$500.00.
- b. Package wine license: retail sale of wine in the original package, \$500.00.
- c. Package distilled spirit license: retail sale of distilled spirits in the original package, \$5,000.00.

(2) Retail consumption on the premises licenses:

- a. Pouring license restaurant as defined in [section 6-157](#), retail sale of distilled spirits, wine, and malt beverages by the drink, \$5,000.00.
- b. Limited pouring license restaurant as defined in [section 6-157](#), retail sale of wine and malt beverages by the drink, \$500.00.
- c. Pouring license supper club as defined in [section 6-158](#), retail sale of distilled spirits, wine and malt beverages by the drink, \$5,000.00.
- d. Limited pouring license supper club as defined in [section 6-158](#), retail sale of wine and malt beverages by the drink, \$500.00.
- e. Pouring license private club as defined in [section 6-159](#), retail sale of distilled spirits, wine and malt beverages by the drink, \$5,000.00.
- f. Limited pouring license private club as defined in [section 6-159](#), retail sale of wine and malt beverages by the drink, \$500.00.

g. Pouring license golf course clubhouse facility—Restaurant as defined in [section 6-159.5](#), retail sale of distilled spirits, wine and malt beverages by the drink, \$5,000.00.

h. Limited pouring license golf course clubhouse facility—Restaurant as defined in [section 6-159.5](#), retail sale of wine and malt beverages by the drink, \$500.00.

i. Pouring license golf course clubhouse facility—Supper club as defined in [section 6-159.6](#), retail sale of distilled spirits, wine and malt beverages by the drink, \$5,000.00.

j. Limited pouring license golf course clubhouse facility—Supper club as defined in [section 6-159.6](#), retail sale of wine and malt beverages by the drink, \$500.00.

k. Pouring license alcoholic beverage caterers as defined in [section 6-159.7](#), retail sale of distilled spirits, wine and malt beverages by the drink, \$5,000.00.

l. Limited pouring license alcoholic beverage caterers as defined in [section 6-159.7](#), retail sale of wine and malt beverages by the drink, \$500.00.

(3) Wholesale licenses: Resident wholesale dealer's license, wholesale of distilled spirits, wine, and malt beverages by a wholesale dealer having a place of business in the city, \$5,000.00.

(c) **Exception for veterans organizations.** Whether licensed as a restaurant as defined in [section 6-157](#), a supper club as defined in [section 6-158](#), or a private club as defined in [section 6-159](#) (either general pouring or limited pouring), the annual license fee for any non-profit organization organized and existing principally for the purpose of supporting, serving, and representing veterans of the United States Armed Forces (e.g., the Veterans of Foreign Wars of the United States, the American Veterans, etc.) shall be one dollar.

(d) **Duration.** All licenses issued under this chapter shall be issued on a calendar-year basis; and all licenses shall expire at 12:00 midnight on December 31 of the year for which they are issued. When an application for a license under this chapter is filed during the calendar year, the license fee shall be prorated on a calendar quarter basis, and the applicant shall pay a license fee for the calendar quarter in which the application is filed and for any calendar quarters remaining in the calendar year.

(e) **Application fees.** Each application for a license under this chapter shall be accompanied by a nonrefundable application fee in the following amount:

(1) Package malt beverage license, \$100.00.

(2) Package wine license, \$100.00.

(3) Package distilled spirits license, \$500.00.

(4) Pouring license restaurant, \$500.00.

(5) Limited pouring license restaurant, \$500.00.

- (6) Pouring license private club, \$500.00.
- (7) Limited pouring license private club, \$500.00.
- (8) Pouring license supper club, \$500.00.
- (9) Limited pouring license supper club, \$500.00.
- (10) Pouring license golf course clubhouse facility—Restaurant, \$500.00.
- (11) Limited pouring license golf course clubhouse facility—Restaurant, \$500.00.
- (12) Pouring license golf course clubhouse facility—Supper club, \$500.00.
- (13) Limited pouring license golf course clubhouse facility—Supper club, \$500.00.
- (14) Pouring license alcoholic beverage caterers, \$500.00.
- (15) Limited pouring license alcoholic beverage caterers, \$500.00.
- (16) Resident wholesale dealer's license, \$500.00.

(f) ***Payment of fees.*** Application fees shall be paid at the time the application is filed and shall not be refunded under any circumstances. An applicant may pay the annual license fee at the time that the application is filed; and in such event the annual license fee shall be refunded if the license applied for is not issued. If the annual license fee is not paid at the time of application, the annual license fee shall be paid prior to the issuance of the license by the city manager and no later than 14 days after notification of approval of the license by the city manager.

(g) ***Issuance restrictions.*** The following restrictions shall apply to persons seeking a license under this chapter:

(1) No person shall hold a license to operate as a retail consumption dealer or retail dealer who also has an interest in a license to operate as a wholesale dealer; and

(2) No person shall have an interest in more than one license for the package sale of distilled spirits issued by the city.

(Amd. of 12-6-04; Res. No. 12-2005, 11-7-05; Res. 19-2008, 12-1-2008)

Sec. 6-27. - Procedure for issuance.

(a) A license issued to an individual under this article shall be issued in the name of the individual. A license issued to a partnership shall be issued in the name of the partnership and in the name of one of the partners who shall be the named licensee. A license issued to a corporation having as its principal business the sale of alcoholic beverages (wholesaler) shall be issued in the name of the corporation and in the name of the majority stockholder or a principal officer of the corporation; and such majority stockholder or officer shall be the named licensee. A license issued to a corporation having as its principal business an activity other than the sale of alcoholic

beverages shall be issued in the name of the corporation and in the name of the officer or employee of the corporation primarily responsible for the operation of the licensed premises; and such officer or employee shall be the named licensee.

(b) In the case of a partnership, each partner shall join as an applicant for the license and each partner must meet the qualifications of an individual licensee, as provided in [section 6-28](#)

(c) In the case of a corporation having as its principal business the sale of alcoholic beverages (wholesaler), the majority stockholder and each principal officer of the corporation shall join as applicants for the license; and each such person must meet the qualifications of an individual licensee, as provided in [section 6-28](#)

(d) In the case of a corporation having as its principal business an activity other than the sale of alcoholic beverages, the officer or employee who is to be the named licensee shall be the applicant and must meet the qualifications of an individual licensee, as provided in [section 6-28](#); provided, however, that the city manager may require the fingerprinting and investigation of officers and shareholders of the corporation if he deems it necessary in making his investigation.

(e) In the case of a partnership, each partner shall be responsible for the actions of the named licensee and the conduct of the licensed business. In the case of a corporation, the corporation shall be responsible for the actions of the named licensee and the conduct of the licensed business.
(Amd. of 12-6-04)

Editor's note—

Act No. 949 of the General Assembly of the State of Georgia, passed March 19, 1998, amended O.C.G.A. § 3-3-2, which is the state law from which §§ 6-27 and 6-28 derived.

State law reference— Residency requirements, O.C.G.A. § 3-3-2.

Sec. 6-28. - Qualifications.

(a) A licensee must be at least 21 years of age, of good moral character and a citizen of the United States.

(b) A licensee shall not have been convicted within the past ten years of any felony, any misdemeanor involving moral turpitude, any other misdemeanor or violation of a city ordinance within the past four years, or at any time of any criminal offense relating to alcoholic beverages, taxes or gambling. This subsection shall apply with respect to the laws of this state, other states, the United States, and other countries. A plea of nolo contendere or the forfeiture of a bond shall be considered a conviction for purposes of this subsection. The city manager may at his discretion waive the conviction of a misdemeanor for purposes of this subsection if the city manager determines that the misdemeanor does not have a bearing on the applicant's fitness for a license.

(c) A licensee shall not have been denied or had revoked, within the five years next preceding his application, any license to sell alcoholic beverages issued by any governmental entity.

(d) A licensee shall be the owner of the premises to be licensed or the holder of a lease thereon for substantially the same period to be covered by the license.

(e) Any person having two convictions for selling alcohol to a minor within a three-year period shall not be eligible for a license.

(f) No license for the sale of alcoholic beverages by the drink for consumption on the premises shall be issued to any applicant who does not meet the requirements of a private club, restaurant, supper club, or alcoholic beverage caterer.

(Amd. of 12-6-04)

State law reference— Residency requirements, O.C.G.A. § 3-3-2.

Note—See editor's note, [§ 6-27](#)

Sec. 6-29. - Application.

(a) Forms, contents.

(1) All applications for licenses shall be made upon application forms provided by the city manager. All applications shall contain a full and complete and sworn and notarized statement by each applicant of all material facts relevant to the requirements of this chapter. Each applicant and any corporate officers or shareholders otherwise required to be fingerprinted shall submit themselves to the police department where a complete set of fingerprints shall be taken.

(2) Each application shall include, in addition to all other application fees, a certified check or money order in the amount charged by the state bureau of investigation made payable to the state bureau of investigation to cover the cost of fingerprinting analysis and investigation.

(b) Each applicant authorizes the city and its agents to secure from any court, law enforcement agency, or other public agency his criminal and civil history and to use such information in determining whether the license applied for shall be issued. Each applicant further authorizes the city and its agents to use such information in any public hearing with respect to the license applied for, either before or after the issuance of the license. Each applicant waives any right which he would otherwise have to preclude the city or its agents from obtaining and using such information; and each applicant further waives any liability of the city or its agents from obtaining and using such information.

(c) Each application shall be accompanied by:

(1) A copy of the deed to the premises, if owned by the licensee;

(2) A copy of the lease agreement covering the premises to be licensed, if leased by the licensee;

(3) In the case of a partnership, a copy of the partnership agreement;

(4) In the case of a corporation, a copy of the articles of incorporation; and

(5) A current stamped certificate from a registered surveyor which shows a scale drawing of the premises and the location at which the applicant desires to operate an alcoholic beverage

outlet and which shows, with linear foot measurements where appropriate, such location's compliance or noncompliance with the provisions of sections [6-38](#) and [6-57](#)

(d) When a license application is for premises not yet constructed or not yet completed, a license may be issued if the application includes the plans for the premises and a surveyor's stamped certificate clearly showing that the premises will, when completed, meet all applicable requirements of sections [6-38](#) and [6-57](#)

(Amd. of 12-6-04)

Sec. 6-30. - Investigation; hearing.

(a) A copy of each application for a license under this article shall be referred within two business days after filing to the police department. The police department shall make a thorough investigation concerning any applicants hereunder if individuals, and the officers and the designated agent or manager, if the applicant is a corporation, and shall submit the results of the investigation promptly to the city manager.

(b) No application for an original license shall be considered by the city manager until after a public hearing has been held thereon by the city manager, after notice as provided in subsections (c) and (d) of this section.

(c) The applicant for an original license shall at his own expense post on the premises to be licensed a notice. The notice shall be posted for at least 15 days prior to the date of the hearing. The notice shall be on a board or metal sign having a surface of not less than 12 square feet. The sign shall include the following:

- (1) That an application for a license to sell alcoholic beverages on the premises has been filed with the city;
- (2) The type of license applied for;
- (3) The time and place of the public hearing to be held on such license application;
- (4) The name of the proposed licensee; and
- (5) The name and telephone number of the city staff member where additional information may be obtained.

Such sign shall be placed at least three feet above the ground and facing the most traveled street.

(d) The applicant for an original license shall at his own expense publish in the official legal organ of the county at least 15 days prior to the hearing, a notice containing the same information as required in the posted notice under subsection (c) of this section. This notice shall be printed in letters no smaller than ten-point capital and lower case with at least a one-inch, two-column arrangement.

(e) Prior to the date of the hearing, the applicant shall furnish to the city manager a copy of the advertisement required by subsection (d) of this section and a sworn statement of the size of, location of, and information on the sign required by subsection (c) of this section.

(f) The city manager may require additional investigations, reports and information from city departments and other public agencies as may be deemed necessary to evaluate compliance with the provisions of this article.

(g) After a complete license application has been received; the police department and any other investigative reports submitted; public notification completed as required in subsections (c) and (d) of this section; the public hearing held as required in subsection (b) of this section; and the city manager has determined based on all the information received that the applicant meets all requirements and qualifications for the holding of the license, then the city manager may issue such license.

(h) Any applicant submitting a complete license application and completing all public notification and public hearing requirements of subsections (c), (d) and (e) of this section whose application is denied may appeal such decision to the mayor and city council. Such appeal must be in writing and made within 30 days of the date of denial.

(i) Any person making a false statement in any application for a license, or statement in connection with renewal thereof, shall be guilty of an offense and punished as provided by state law relating to false swearing; and, further, a license if previously granted or renewed, may be revoked for the violation. It shall be an offense for any person to give other than the true and correct legal name of the intended licensee; and a conviction for a violation thereof shall be punished as provided for in this chapter.

(Amd. of 12-6-04)

Sec. 6-31. - Renewals.

(a) Except as otherwise provided in this chapter applications for renewal of licenses shall be made and considered in the same manner as applications for original licenses.

(b) No fingerprints shall be required in the case of an application for renewals.

(c) No posting of premises and publication of notice by the applicant shall be required in the case of an application for renewal.

(d) An application for renewal may, if such is the case, be in the form of a sworn and notarized statement by the named licensee, on a form provided by the city manager, stating that there have been no changes in any of the information contained in the original application. If there have been any such changes, the application for renewal shall be in the same form as an original application.

(e) An application for renewal shall be filed during the month of October. If an existing licensee fails to file for renewal during the month of October then the licensee shall be required to make application as for an original license. Existing licensees whose renewal application is filed in October as required in subsection (e) of this section and approved by the city manager shall pay the appropriate licensing fee required by this chapter on or before December 31 of the year for

which the existing license will expire. However, provided that the existing licensee notifies the city manager in writing of its intent to do so by December 31 of the year for which the existing license will expire, existing licensees whose licensing fee is \$5,000.00 may elect to pay the licensing fee in four equal installments of \$1,250.00 on or before March 31, June 30, September 30, and December 31 of the year for which the renewal license has been approved. If the existing licensee fails to pay any of the four installment payments within ten days after they become due, a penalty of five percent will be added. Moreover, if the existing licensee fails to pay any of the four installment payments within 45 days after they become due, the license shall be automatically revoked by operation of law as provided in [Section 6-36\(7\)](#) of this article.

(f) In making a determination regarding the renewal of a license, the city manager shall assess the extent to which the granting of the license or the continued holding of the license would contribute to the following problems:

- (1) Littering in the area of the establishment;
- (2) Loitering in the area of the establishment;
- (3) The public consumption of alcoholic beverages in the area of the establishment; and
- (4) The exposure of minors to the sale of alcoholic beverages because of the number of minors who frequent the establishment.

(g) At the discretion of the city manager a public hearing may be required for the renewal of a license if written objections are filed thereto with the city manager at least 15 days before the end of the renewal period. If any such objection is filed, a public hearing shall be held. Prior to such hearing, the city shall publish at public expense a notice in substantially the same form and manner required under subsection (d) of [section 6-30](#). The applicant shall be given written notice of any objection which is filed and such notice shall be served within 48 hours of the filing of the objection by personal service by a city police officer or by registered or certified mail to the named licensee at the licensed premises. In the circumstances referred to in this subsection, the license under which renewal was applied for shall continue to be valid until the city manager acts on the application for renewal if the applicant deposits the amount of the annual license fee for the renewal with the city manager not later than five days after being notified of the filing of the objection.

(h) An applicant for renewal whose application is denied may appeal such decision to the mayor and city council. Such appeal must be in writing and made within 30 days of the date of denial.
(Amd. of 12-6-04; Res. No. 01-2008, 1-7-08)

Sec. 6-32. - Transfer.

(a) Except as provided in this section, no license issued under this article shall be transferable to any other person or location.

(b) If a licensee seeks to move his place of business from the licensee's premises to another place within the city, application shall be made as for an original license.

(c) In the case of death of an owner of a license or financial interest therein, such license or interest therein may be transferred to the administrator, executor, or adult heir of the deceased unless the city manager determines that it would otherwise violate this chapter. If the transferee cannot meet all the requirements of this chapter, when the time comes to renew the license it shall not be renewed.

(d) Nothing in this section shall prohibit one or more partners in a partnership from retiring therefrom in favor of one or more of the other partners; provided such withdrawal shall not without application for an issuance of a new license introduce any new partner or result in any new person acquiring an interest in the licensed business.

(e) Where a license is issued to a corporation having as its principal business an activity other than the sale of alcoholic beverages, a change in the named licensee may be permitted by the city manager if the new named licensee meets the requirements of new license applicants.

(f) In the circumstances described in subsections (c), (d), and (e) of this section, the license may be revoked if the city manager determines that the change results in a failure to meet the requirements of this chapter.

(Amd. of 12-6-04)

Sec. 6-33. - Change in business ownership.

(a) If any licensee withdraws from, sells, or otherwise transfers the licensee's interest in the licensed business, the licensee shall immediately notify the city manager and surrender the license.

(b) In the case of such a withdrawal, transfer, or sale, a new application shall be made as for an original license.

(Amd. of 12-6-04)

Sec. 6-34. - Temporary licenses.

(a) A temporary license may be issued by the city manager if in his judgment, the denial of a temporary license would create an undue hardship such as the closing of an existing business or a delay in the opening of a new business.

(b) A temporary license may be revoked, with or without cause, by the city manager at any time, and the grant or denial of a temporary license shall not affect or have any bearing upon the grant or denial of a permanent license.

(c) The city manager is authorized to issue a "temporary license" to a golf course clubhouse facilities otherwise meeting all applicable provisions of this article as defined herein for a period not to exceed 15 months subject to the following conditions:

(1) A permanent golf course clubhouse facility plan is approved by the city engineer, city planning administrator, and building official within 12 months of the issuance of a "temporary license" as provided for herein;

(2) The temporary golf course clubhouse facility is providing auxiliary support services as defined in [section 6-159.5\(1\)](#) and [6-159.6\(1\)](#) to an 18-hole regulation golf course open for play at least 300 days per year, except as may be reduced by inclement weather and required repairs/maintenance;

(3) The building official has issued a building permit within six months of the plan approval referenced in subsection (1) above. Failure to obtain the building permit within the period prescribed above shall render the "temporary license" void;

(4) If at the end of the 15-month period provided for in [section 6-34\(c\)](#), the permanent golf course clubhouse facility is not complete, with complete being defined as the facility having been issued a certificate of occupancy by the city building official, the said "temporary license" may be extended by the city manager for an additional 15-month period if in the opinion of the city manager satisfactory progress is being made toward completion of a permanent golf course clubhouse facility. At the conclusion of any such extension so granted the "temporary license" shall expire and be void.

(5) During any period wherein a "temporary license" has been issued to a golf course clubhouse facility and same has not been otherwise revoked or rendered void, the license shall be exempt from subsections (2), (3), (4), (6) and (7) of [section 6-159.5](#) or subsections (2), (3), (4), (6), (7) and (8) of [section 6-159.6](#) of this article, whichever is applicable.

(Amd. of 12-6-04)

Sec. 6-35. - Suspension, revocation.

(a) The violation of any of the provisions of this chapter shall be grounds for suspension or revocation of any retail or wholesale license issued hereunder.

(b) Notwithstanding final disposition of a case by any court of competent jurisdiction, a license may be suspended or revoked by the mayor and city council for any violation of this and/or another chapter, for any violation of state or federal law, for any material misrepresentation or omission in the application for the license, or if the licensee or the licensed business ceases to meet the eligibility requirements for licensure.

(c) The city manager is authorized to suspend the sale of alcoholic beverages under any license for any emergency situation such that the city manager deems such suspension necessary for the protection of the public health, safety, or welfare. Such suspension may be made effective immediately and may remain in force until the city manager determines that the emergency is over or until the next meeting of the mayor and city council, at which time the suspension shall cease unless it is extended by the mayor and city council.

(d) Prior to suspending or revoking a license, except as noted in emergency situations in subsection (b) of this section, the mayor and city council shall give at least five days prior written notice to the licensee of the time, place, and purpose of the hearing at which such suspension or revocation will be considered. Service of such notice shall be perfected by personal service at the licensed premises on the named licensee or an employee of the licensee by a city police officer; or, if personal service may not be so effected, by tacking a copy of the notice to the door of the licensed premises and mailing the original to the named licensee at the licensed premises with a

copy mailed to any other address of the named licensee contained in the most recent license application on file with the city.

(Amd. of 12-6-04)

Sec. 6-36. - Automatic revocation.

A license issued under this article shall be automatically revoked by operation of law if:

- (1) The licensee's state alcoholic beverage license is revoked;
- (2) Payment of the annual license fee is not received by the city within 14 days after notification that the issuance of a license has been approved by the city manager;
- (3) Operation of the licensed activity is not commenced within six months after the license is issued unless extended by the city manager for good cause;
- (4) Operation of the licensed activity is commenced and then discontinued for a period of 30 days unless extended by the city manager for good cause;
- (5) The licensed business declares bankruptcy or receivership, is the subject or levy of legal process, or fails to properly account for, file, report and pay any excise tax levied under this chapter;
- (6) The licensed business fails to properly account for, file, report and maintain any records or remit any license fee imposed or taxes required under this chapter;
- (7) Payment of the annual renewal license fee is not received by the city within the time prescribed in [section 6-31\(e\)](#);
- (8) The named licensee is convicted of a felony by a court of competent jurisdiction.

(Amd. of 12-6-04)

Sec. 6-37. - Wholesale licenses required.

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.

(Amd. of 12-6-04)

State law reference— Permit or license from governing authority required for wholesale or retail sales of alcoholic beverages, due process guidelines; fingerprints, O.C.G.A. § 3-3-2(a).

Sec. 6-38. - License issuance—Retail dealer building and inventory requirements.

No retail dealer license for the sale of distilled spirits shall be issued to any applicant whose building where the business will be conducted (a) is not "free standing" (i.e., is part of a larger building or structure) and (b) does not include a showroom with a minimum of 5,000 square feet and an additional storage area of at least 500 square feet. For distilled spirits retail dealers desiring to sell malt beverages and wine in addition to distilled spirits, at least an additional 500 square feet of showroom, and at least an additional 500 square feet of storage area is required over and above the

minimum square feet for the establishment set forth above. In addition to the minimum square footage, retail dealers for the sale of distilled spirits shall maintain a minimum inventory of at least \$300,000.00 in distilled spirits available for sale. Retail dealers selling malt beverages and wine in addition to distilled spirits shall maintain a minimum \$15,000.00 inventory in malt beverages and wine.

(Amd. of 12-6-04)

Sec. 6-39. - Maximum number of distilled spirits retail licenses permitted.

(a) Subject to subsections (b)—(e) below, the city will not accept any additional applications for the retail sale of distilled spirits by the package, and no additional licenses for the retail sale of distilled spirits by the package shall be issued.

(b) If at any time and for whatever reason, the number of active licenses for the retail sale of distilled spirits by the package falls below three, then the city shall accept applications for and issue such additional licenses for the retail sale of distilled spirits by the package so as to bring the total number of active licenses for the retail sale of distilled spirits by the package to three.

(c) The provisions of subsection (b) notwithstanding, additional licenses may be issued once the population of the city exceeds 25,000. In this regard, one additional license shall be issued for each 5,000-person increase in population over 25,000. In determining population, the city shall utilize the most recent population figures published by the Atlanta Regional Commission. In the absence of such figures, the city shall utilize the U.S. Census of 2000 or any future decennial census.

(d) If the total number of permitted licenses has increased pursuant to subsection (c) above, and if at any time and for whatever reason thereafter, the number of active licenses for the retail sale of distilled spirits by the package falls below the number then permitted, then the city shall accept applications for and issue such additional licenses for the retail sale of distilled spirits by the package so as to bring the total number of active licenses for the retail sale of distilled spirits by the package to the total number then permitted.

(e) The provisions of subsections (a)—(d) above and the provisions of [section 6-32](#) notwithstanding, any person who (1) Has been issued a license for the retail sale of distilled spirits by the package; or (2) Has submitted an application for a license for the retail sale of distilled spirits by the package (and who is subsequently issued such a license) as of March 1, 2006 may transfer such a license in conjunction with the sale of the license holder's business, provided that the transferee meets all of the requirements for new license applicants as set forth in this chapter.

(Res. No. 06-2006, 3-6-06)

Sec. 6-40. - Special alcoholic beverage event licenses.

(a) *Special alcoholic beverage event licenses.* Notwithstanding anything to the contrary in this article, private parties, organizations, or entities, nonprofit civic organizations, or governmental organizations may apply for a special alcoholic beverage event license from the city manager of

the city or his designee to sell or offer for sale alcoholic beverages at special events on any property within the city.

(b) ***Application for special alcoholic beverage event license.*** The city manager or his designee is authorized to issue a special alcoholic beverage event license for any application meeting all applicable subsections of this section. Any private parties, organizations, or entities, nonprofit civic organizations, or governmental organizations desiring to sell or offer for sale alcoholic beverages at special events on any property within the city shall make written application to the city manager or his designee for a special alcoholic beverage license on forms provided by the city. The city manager or his designee shall have the authority to prescribe forms of application. Failure to furnish any requested data shall automatically serve to dismiss the application. Any untrue or misleading information contained in, or material statement omitted from, an application for a special alcoholic beverage event license shall be the cause for denial or revocation thereof. All applications for a special alcoholic beverage event license must be submitted to the city manager or his designee at least 30 days prior to the date of the event, unless waived by the city manager or his designee.

(c) ***Duration of the special alcoholic beverage event license.*** If a special alcoholic beverage event license is granted by the city manager or his designee, it shall be good only for the specified event set forth in the application, not to exceed three days in duration.

(d) ***Fees.*** The fees for special alcoholic beverage event licenses shall be:

- (1) For private parties, organizations, entities, \$250.00 for one day, \$350.00 for two days, and \$500.00 for three days;
- (2) For nonprofit civic organizations, \$50.00 per day;
- (3) For governmental organizations, no charge.

The fee shall be paid at the time of the application. Said fee shall be refunded if the license is denied or withdrawn, provided that any applicant who holds a valid retail consumption on the premises license which is current, in good standing, and not in a state of probation or suspension shall have an annual credit against such permit fee equal to the amount of alcoholic beverage fee paid to the city. However, this credit does not authorize a consumption on the premises licensee to receive more than the maximum number of permits per calendar year allowed by subsection (e).

(e) ***Limitation on licenses per calendar year.*** No more than five licenses for special alcoholic beverage events shall be issued for the same private party, organization, or entity, nonprofit civic organization, or governmental organization per calendar year.

(f) ***Alcoholic beverages to be provided by recipient of special alcoholic beverage event license.*** All alcoholic beverages sold or offered for sale at any special alcoholic beverage event must be sold or offered for sale by the entity granted the special alcoholic beverage event license.

(g) ***Prohibition on service of alcoholic beverages from the premises of a retail consumption on the premises licensee.*** Any licensee holding a city retail consumption on the premises license is

strictly prohibited from serving alcoholic beverages purchased from a state wholesaler for sale on their licensed premises under the issuance of a special alcoholic beverage event license.

(h) **Security.** One security officer, who shall be a certified city police officer, shall be required at any special alcoholic beverage event. Based on his evaluation of the event, the city manager may, at his discretion, waive the security requirement or require additional security. The recipient of the special alcoholic beverage event license shall be responsible for contacting the city police department to schedule the required security and for payment of same.

(i) **All provisions of city parks, recreation, and cultural arts rental agreement, rules and regulations applicable.** The issuance of a special alcoholic beverage event license is in addition to all applicable provisions of the city parks, recreation, and cultural arts rental agreement and rules and regulations for the Carrollton Cultural Arts Center or the Old City Gym and does not relieve the recipient for compliance with same.
(Res. No. 05-2013, 9-9-13)

Secs. 6-41—6-55. - Reserved.

ARTICLE III. - LOCATION AND ZONING

Sec. 6-56. - Zoning restriction.

(a) No retail license shall be granted under this chapter unless the premises to be licensed are, at the time the application is approved by the city manager, located under the planning and zoning ordinance of the city in a C-1, C-2, C-3, M-1, M-2, H-S, or O-I zoning district subject to the specific limitations of the respective districts. No retail license for the sale of distilled spirits by the package shall be granted under this chapter unless the premises to be licensed are, at the time the application is approved by the city manager, located under the planning and zoning ordinance of the city in a C-2, M-1, and M-2 zoning district subject to the specific limitations of the respective districts.

Limitations related to locations in residential zoning districts shall not apply to golf course clubhouse facilities otherwise meeting all applicable provisions of this article subject to the limitations of the respective districts.

(b) The number of the licenses already granted for similar businesses within the city limits and in the trading area of the place for which a license is sought shall be considered a factor in issuing licenses.

(Amd. of 12-6-04)

Sec. 6-57. - Proximity restrictions.

(a) No premises shall be licensed under this chapter whose location is within the following distances:

(1) Any wine or malt beverages, whether packaged or for consumption on the premises, within 300 feet of any church building, school building, school grounds, or college campus.

(2) Any distilled spirits, whether packaged or for consumption on the premises, within 300 feet of any church building or within 600 feet of any school building, educational building, school grounds, or college campus.

(3) Any wine, malt beverages, or distilled spirits, whether packaged or for consumption on the premises within 300 feet of an alcoholic treatment center owned and operated by the state, county, or the city.

(4) For distilled spirits package sales, the licensee's premises cannot be within 1,500 feet of any other business licensed to sell distilled spirits by the package.

(b) As used in this section, the terms "school building," "educational building," "school grounds," or "college campus" shall apply only to state, county, city or church school buildings at which are taught such subjects commonly taught in the common schools and colleges of the state.

(c) No consumption on the premises license shall be issued for any place of business which is located within 200 feet of a private single-family or two-family dwelling; provided, however, that this prohibition shall not apply with respect to such a private dwelling which is located in a zoning district in which alcoholic beverage outlets are authorized.

(d) Unless otherwise provided by this chapter, all measurements to determine the distances referred to in this section shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:

(1) From the front door of the structure from which alcoholic beverages are sold or proposed to be sold;

(2) In a straight line to the nearest public sidewalk, street, road, or highway;

(3) Along such public sidewalk, walkway, street, road, or highway by the nearest route; and

(4) To the front door of the building or to the nearest portion of the grounds, whichever is applicable under this chapter.

(e) No license shall be revoked and no application for a license or renewal shall be denied by any reason of the method of measurement set out in this subsection, if such license or license application or renewal application is for premises for which a license was granted prior to the enactment of this chapter in reliance on other methods of measurement.

(f) None of the provisions of this section shall serve to prevent licensed establishments in operation prior to the existence of a "school building," "school grounds," or "college campus" within these distances, from continuing to operate under its license.

(g) Downtown area defined. The area and structures located within one block in each direction from the center of Adamson Square, which have their primary entrance for customers fronting on Rome Street, Bradley Street, Alabama Street or Newnan Streets, and extending from the center of the Square for a distance of one block in each direction.

(h) Exemption. The provision of subsections [6-57\(a\)\(1\)](#), (2) and (3) shall not apply to structures within the "downtown area" as herein defined.

(Amd. of 12-6-04; Res. No. 04-2006, 2-6-06)

State law reference— Sales of alcoholic beverages near churches, schools or college campus, O.C.G.A. § 3-3-21.

Sec. 6-58. - Sale, service in public places.

(a) **Prohibition.** Except as provided in subsection (b) of this section, it shall be unlawful for any person to sell or serve any alcoholic beverages in a street, alley, or parking lot commonly used by the public or in any other public place or on public property. Private parties and organizations may apply for a special alcoholic beverage event permit from the city manager of the city or his designee to serve (not sell) alcoholic beverages on any city-owned property.

(b) **Special alcoholic beverage event permit.** In order to be eligible to serve (not sell) alcoholic beverages on any city-owned property, a special alcoholic beverage event must:

(1) Be available to public or private groups of persons;

(2) Be for monetary consideration on a rental, fee, percentage, or similar basis, be used for special occasions, including, but not limited to, receptions, meetings, banquets, conventions, parties, catered events, or similar gatherings;

(3) Be open to or attended by invited or selected guests or paying patrons; and

(4) Strictly prohibit the presale, or sale on site of tickets, tokens, coupons, or other similar means of exchange for the purpose of redeeming alcoholic beverages under a special alcoholic beverage event permit.

(c) **Application for special alcoholic beverage event permit.** The city manager or his designee is authorized to issue a special alcoholic beverage event permit for any application meeting all applicable subsections of this section. Any private parties or organizations desiring to engage in the service (not sell) of alcoholic beverages on any city-owned property, shall make written application to the city manager or his designee for a special alcoholic beverage permit on forms provided by the city. The city manager or his designee shall have the authority to prescribe forms of application. Failure to furnish any requested data shall automatically serve to dismiss the application. Any untrue or misleading information contained in, or material statement omitted from, an application for a special alcoholic beverage event permit shall be the cause for denial or revocation thereof. All applications for a special alcoholic beverage event permit must be submitted to the city manager or his designee at least 30 days prior to the date of the event, unless waived by the city manager or his designee.

(d) **Issuance of the special alcoholic beverage event permit.** A special alcoholic beverage event permit may be applied for and conditionally approved by the city manager or his designee prior to the execution of a rental agreement/deposit for the event with the city parks, recreation, and cultural arts department for use of the Carrollton Cultural Arts Center or the Old City Gym. However, final approval of the permit shall not be granted until a copy of the executed agreement is provided. If a special alcoholic beverage event permit is granted by the city manager of his

designee, it shall be good only for the specified event set forth in the application, not to exceed three days in duration.

(e) **Fees.** The fees for special alcoholic beverage event permits shall be:

- (1) For private parties, organizations, entities, \$250.00 for one day, \$350.00 for two days, and \$500.00 for three days;
- (2) For nonprofit civic organizations, \$50.00 per day;
- (3) For governmental organizations, no charge.

The fee shall be paid at the time of the application. Said fee shall be refunded if the permit is denied or withdrawn, provided that any applicant who holds a valid retail consumption on the premises license which is current, in good standing, and not in a state of probation or suspension shall have an annual credit against such permit fee equal to the amount of alcoholic beverage fee paid to the city. However, this credit does not authorize a consumption on the premises licensee to receive more than the maximum number of permits per calendar year allowed by subsection (f).

(f) **Limitation on permits per calendar year.** No more than five permits for a special alcoholic beverage event shall be issued for the same private party/organization or nonprofit civic organization.

(g) **Alcoholic beverages to be provided by recipient of special alcoholic beverage event permit.** All alcoholic beverages served on any city-owned property must be provided by the entity granted the special alcoholic beverage event permit. Nothing herein shall prohibit the alcoholic beverages from being provided to the permit recipient by sponsorship or donation.

(h) **Prohibition on service of alcoholic beverages from the premises of a retail consumption on the premises licensee.** Any licensee holding a city retail consumption on the premises license is strictly prohibited from serving alcoholic beverages purchased from a state wholesaler for sale on their licensed premises under the issuance of a special alcoholic beverage event permit.

(i) **Security.** Notwithstanding, the provisions of the rental agreement with the city parks, recreation, and cultural arts department, one security officer, who shall be a certified city police officer, shall be required at any special alcoholic beverage event. Based on his evaluation of the event, the city manager may, at his discretion, waive the security requirement or require additional security. The recipient of the special alcoholic beverage event permit shall be responsible for contacting the city police department to schedule the required security and for payment of same.

(j) **All provisions of city parks, recreation, and cultural arts rental agreement, rules and regulations applicable.** The issuance of a special alcoholic beverage event permit is in addition to all the provisions of the city parks, recreation, and cultural arts rental agreement and rules and regulations for the Carrollton Cultural Arts Center or the Old City Gym and does not relieve the recipient for compliance with same.

(Amd. of 12-6-04; Res. No. 04-2005, 5-2-05; Res. No. 07-2012, 6-4-12)

Sec. 6-59. - Sale near housing authority property.

(a) As used in this subsection, the term "housing authority property" means any property containing 300 housing units or fewer owned or operated by a housing authority created by O.C.G.A. tit. 8, ch. 3, art. 1, the "Housing Authorities Law."

(b) No person knowingly and intentionally may sell any alcoholic beverages for consumption on the premises within 100 yards of any housing authority property. This subsection shall not apply at any location for which a license has been issued prior to July 1, 2000, nor to the renewal of such license.

(Amd. of 12-6-04)

Secs. 6-60—6-80. - Reserved.

ARTICLE IV. - SALES

DIVISION 1. - GENERALLY

Sec. 6-81. - Responsibility of named licensee.

The named licensee shall be active in the operation of the licensed business and shall be personally present on the licensed premises sufficiently to assure compliance with the provisions of this chapter.

(Amd. of 12-6-04)

Sec. 6-82. - Rentals paid restricted.

(a) Except as otherwise provided in this section, it shall be unlawful for a licensee to enter into any agreement whereby the rental paid for licensed premises is based in whole or in part on the volume of sales of alcoholic beverages by the licensed business or whereby the lessor otherwise shares in the profits or receipts from the licensed business' sale of alcoholic beverages.

(b) Subsection (a) of this section shall not apply where the primary business of a package licensee is an activity other than the package sale of alcoholic beverages, for example, a grocery store selling package malt beverages and wine.

(Amd. of 12-6-04)

Sec. 6-83. - Display of license.

Each license issued under this chapter shall at all times be kept plainly exposed to view upon the licensed premises.

(Amd. of 12-6-04)

Sec. 6-84. - Retention of records; filing reports.

(a) All consumption-on-the-premises licensees shall keep and preserve records of all alcoholic beverages purchased and sold by the licensee and shall keep and preserve records of all food and nonalcoholic beverages purchased and sold by them. Such records shall at all times be open for inspection by an authorized agent of the city. Such records shall be maintained for a period of at least three years, provided that the city manager may authorize the disposal of records prior to the expiration of three years if the maintenance of such records is no longer required by the city.

(b) All consumption on the premises licensees shall file with the city manager the following reports at the time and in the form prescribed by the city manager:

(1) Monthly on-premises consumption report.

(2) A certified copy of the licensee's monthly state sales tax report as filed with the state department of revenue for the period coinciding with the on-premises consumption report.

(3) Any other documents, reports, records, or books as shall be required by the city manager.
(Amd. of 12-6-04)

Sec. 6-85. - Knowledge of chapter provisions.

Every licensee under this chapter shall, prior to applying for a license, read and familiarize himself with the provisions of this chapter, and an application shall constitute a certification by the applicant that he has done so. Every licensee shall maintain a copy of this chapter on the licensed premises and shall instruct each employee engaged in the sale or handling of alcoholic beverages concerning the relevant provisions of the chapter.
(Amd. of 12-6-04)

Sec. 6-86. - Sales to underage persons prohibited.

(a) Except as otherwise provided in this section:

(1) No person, directly or through another person, shall furnish, cause to be furnished, or permit any person in such person's employ to furnish any alcoholic beverage to any person under 21 years of age.

(2) No person under 21 years of age shall purchase, possess or consume any alcoholic beverage.

(3) No person under 21 years of age shall misrepresent such person's age in any manner whatever for the purpose of obtaining unlawfully any alcoholic beverage.

(4) No person shall act as an agent to purchase or acquire any alcoholic beverage for or on behalf of a person under 21 years of age.

(5) No person under 21 years of age shall misrepresent his identity or use any false identification for the purpose of purchasing or obtaining any alcoholic beverage.

(b) The prohibitions contained in subsections (1), (2), and (4) of subsection (a) of this section shall not apply to the following with respect to the sale, purchase, or possession of alcoholic beverages for consumption:

(1) For medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state;

(2) At a religious ceremony;

(3) When the parent or guardian of the person under 21 years of age gives the alcoholic beverage to the person and when possession is in the home of the parent or guardian and such parent or guardian is present.

(c) The prohibition contained in subsection (1) of subsection (a) of this section shall not apply with respect to the sale of alcoholic beverages by a person when such person has been furnished with proper identification showing that the person to whom the alcoholic beverage is sold is 21 years of age or older. For purposes of this subsection, the term "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 and includes, without being limited to, a passport, military identification, driver's license, or an identification card authorized under O.C.G.A. §§ 40-5-100 through 40-5-105. "Proper identification" shall not include a birth certificate identification.

(d) This section shall not prohibit employment of a person under 21 years of age in licensed premises if such employment is lawful under [section 6-111](#)

(e) In any case where a reasonable or prudent person could reasonably be in doubt as to whether or not the person to whom an alcoholic beverage is to be sold or otherwise furnished is actually 21 years of age or older, it shall be the duty of the person selling or otherwise furnishing such alcoholic beverage to request to see and be furnished with proper identification as provided in subsection (c) of this section in order to verify the age of such person; and the failure to make such request and verification in any case where the person to whom the alcoholic beverage is sold or otherwise furnished is less than 21 years of age may be considered by the trier of fact in determining whether this person selling or otherwise furnishing such alcoholic beverage did so in violation of subsection (1) of subsection (a) of this section.

(f) In any case where a person selling or otherwise furnishing alcoholic beverages checks for a proper identification, such person shall carefully inspect such identification. If a reasonable and prudent person could determine that such identification has been altered and if such person sells or otherwise furnishes alcoholic beverages to the holder of such altered identification, then such may be considered by the trier of fact in determining whether the person selling or otherwise furnishing such alcoholic beverage did so in violation of subsection (1) of subsection (a) of this section.

(Amd. of 12-6-04)

State law reference— Furnishing to, purchase of, or possession by persons under 21 years of age of alcoholic beverages; use of false identification; proper identification for sale of alcoholic beverages; dispensing, serving, etc., of alcoholic beverages by persons under 21 years of age in the course of employment, seller's duty to request proper identification, O.C.G.A. § 3-3-23.

Sec. 6-87. - Days sales prohibited.

(a) No licensee shall permit the sale of alcoholic beverages on any day or any time when such sales are prohibited by state law, provided, however, that, except as provided in subsection (b) of this section, the package sales by retailers of malt beverages, wine, and distilled spirits shall be permitted on Sundays between the hours of 12:30 p.m. and 11:30 p.m.

(b) No licensee shall permit the sale of alcoholic beverages on Christmas Day.

(c) The sale of alcoholic beverages shall be allowed by those licensed to make such sales on any election day.

(Amd. of 12-6-04; Res. No. 08-2013, 11-6-13)

State law reference— Sale of alcoholic beverages on Sundays, election days, and Christmas Day, O.C.G.A. § 3-3-20.

Sec. 6-88. - Sales to intoxicated persons; gambling; disorderly conduct.

(a) No licensee shall permit the sale of alcoholic beverages to any person who is in a state of noticeable intoxication or allow persons who are noticeably intoxicated to congregate on licensed premises.

(b) No licensee shall permit any gambling, betting, illegal lottery, or other device for the hazarding of any money or other thing of value on the licensed premises, except that this prohibition shall not apply with respect to a properly licensed bingo game.

(c) No licensee shall permit on the licensed premises any disorderly conduct, breach of the peace, or noise or activity which is disturbing to the surrounding neighborhood.

(d) Adult entertainment.

(1) No holder of a license for the sale of alcoholic beverages issued pursuant to this article shall knowingly allow any performance or entertainment or act on the licensed premises which, when applied to contemporary community standards, the dominant theme taken as a whole appeals to the prurient interests or is licentious or obscene.

(2) It shall be prohibited to permit on the premises so licensed any contest or form of entertainment which consists of the wetting or soaking of the upper torso of a female or the pelvic area of a male or female.

(3) No retail licensee for on-premises consumption shall cause, suffer or permit any person to appear on its licensed premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva or genitals, or any simulation thereof, nor shall cause, suffer or permit any person to appear on its licensed premises in any such manner or attire as to expose to view any portion of the breast below the top of the areola, or any simulation thereof.

(Amd. of 12-6-04)

State law reference— Sale of alcoholic beverages to intoxicated persons, O.C.G.A. § 3-3-22.

Sec. 6-89. - Containers, storage, illumination.

(a) Alcoholic beverages shall be delivered to and received at licensed premises only in the original container and only in a conveyance owned and operated by a licensed wholesale dealer (or a licensed common carrier acting for a wholesaler). Except as otherwise provided in this chapter, alcoholic beverages shall be sold at retail only on the licensed premises.

(b) Except as otherwise provided in this chapter, a retail licensee shall store alcoholic beverages only on the licensed premises and at no other place. All stock shall be available at all times for inspection by any authorized agent of the city. Any alcoholic beverages found in any retail licensee's stock which were not received from a wholesaler licensed to make deliveries in the city shall be subject to immediate confiscation.

(c) The exterior of each building in which alcoholic beverages are sold for consumption on the premises shall contain sufficient lighting so that all sides of the building and all entrances thereto are clearly visible at all times.

(Amd. of 12-6-04)

Sec. 6-90. - Cleanliness of premises; inspections.

All licensed premises shall be kept clean and in proper sanitary condition and in full compliance with all regulations governing the condition of premises used for the storage and sale of food for human consumption. All licensed premises shall be open at all times for inspection by authorized agents of the city.

(Amd. of 12-6-04)

Sec. 6-91. - Drive-through sales of alcoholic beverages prohibited.

(a) It shall be unlawful for any person to sell or offer for sale any alcoholic beverage within the city by means of drive-through sale.

(b) For purposes of this chapter, the term "drive-through sale" means the sale of alcoholic beverages by any means that allows the customer to remain in their motor vehicle.

(Amd. of 12-6-04)

Secs. 6-92—6-110. - Reserved.

DIVISION 2. - SALES TO AND BY UNDERAGE PERSONS

Sec. 6-111. - Prohibited employment, exceptions.

(a) Except as provided in subsection (d) of this section, no wholesale dealer or package licensee shall allow any employee under the age of 18 years to dispense, sell, serve, take orders for, or handle alcoholic beverages.

(b) No consumption on the premises licensee shall allow any employee under the age of 18 years to dispense, sell, serve, take orders for, or handle alcoholic beverages.

(c) This section shall not prohibit the employment of persons under the above ages on licensed premises where such persons do not dispense, sell, serve, take orders for, or handle alcoholic beverages.

(d) This section shall not prohibit persons 16 years of age or older from selling or handling alcoholic beverages in grocery stores or supermarkets. For purposes of this subsection, the terms grocery stores or supermarkets shall include convenience stores.

(Amd. of 12-6-04)

State law reference— Similar provisions, O.C.G.A. § 3-3-24.

Sec. 6-112. - Activity in grocery stores.

For the purposes of this article, the bagging or carrying out of wine or malt beverages in the original package in the course of employment by a grocery store, convenience store or similar establishment shall not constitute handling of alcoholic beverages.

(Amd. of 12-6-04)

Secs. 6-113—6-120. - Reserved.

ARTICLE V. - RESERVED

Secs. 6-121—6-135. - Reserved.

ARTICLE VI. - BREAKING PACKAGE OR DRINKING ON PREMISES

FOOTNOTE(S):

--- (3) ---

State Law reference— Breaking of packages or drinking of contents on premises prohibited, O.C.G.A. § 3-3-26.

Sec. 6-136. - Prohibited.

It shall be unlawful for any person to open or consume any alcoholic beverages on premises licensed for the sale of alcoholic beverages by the package.

(Amd. of 12-6-04)

Secs. 6-137—6-155. - Reserved

ARTICLE VII. - CONSUMPTION ON THE PREMISES

Sec. 6-156. - Eligibility for license—Restricted.

Any type consumption on the premises license may be granted only to a restaurant, as defined under [section 6-157](#); a supper club as defined under [section 6-158](#); and a private club, as defined under [section 6-159](#); a golf course clubhouse facility as defined in sections [6-159.5](#) and [6-159.6](#); and an alcoholic beverage caterer as defined in [section 6-159.7](#).

(Amd. of 12-6-04)

Sec. 6-157. - Same—Restaurant.

In order to be eligible for a pouring or limited pouring consumption on the premises license, a restaurant shall be defined as follows:

- (1) Be used and held out to the public as a place where meals prepared on the premises are regularly served to the public for adequate pay each day the establishment is open for business;
- (2) Contain one or more public dining rooms, with adequate and sanitary kitchen facilities and staff to prepare, cook and serve suitable food for its guests;
- (3) Have available to serve meals prepared on the premises during any time the establishment is open for business;
- (4) Have a valid county health department food service permit and any other applicable local, state or federal permits, licenses, etc., required for food service establishments;
- (5) Have at least 50 percent of its total sales comprised of the sale of food prepared on the premises and nonalcoholic beverages consumed on the premises; and for this purpose, if a restaurant makes a minimum charge, cover charge, or admission charge, or any other nonfood or nonalcoholic beverage charge, the amount so charged shall not be counted in computing total sales and shall not be counted as a food or beverage sale;
- (6) Have a permanent seating capacity, at tables, not counting bar stools, of at least 24 persons.
- (7) Provide live entertainment, including, but not limited to, bands, orchestras, singers, dancers, actors, performers, musicians or related live entertainment no more than two days in any week.

(Amd. of 12-6-04; Mo. of 2-7-05)

Sec. 6-158. - Same—Supper club.

In order to be eligible for a pouring or limited pouring consumption on the premises license, a supper club shall be defined as follows:

- (1) Be used and held out to the public as a place where meals prepared on the premises are regularly served to the public for adequate pay each day the establishment is open for business;
- (2) Have adequate and sanitary kitchen facilities and staff to prepare, cook, and serve suitable food for its patrons;
- (3) Have available to serve meals prepared on the premises during any time the establishment is open for business;
- (4) Have a valid county health department food service permit and any other applicable local, state, or federal permits, licenses, etc., as required for food service establishments;
- (5) Have at least 50 percent of its total sales comprised of the sale of food prepared on the premises and nonalcoholic beverages consumed on the premises, and for this purpose, if a supper club makes a minimum charge, cover charge, or admission charge, or any other nonfood or nonalcoholic beverage charge, the amount so charged shall not be counted in computing total sales and shall not be counted as a food or beverage sale;
- (6) Have a permanent seating capacity, at tables, not counting bar stools, of at least 100 persons;
- (7) Be arranged and maintained such that all seating is open and unobstructed to the view of other persons in the facility;
- (8) Provide live entertainment including, but not limited to bands, orchestras, singers, dancers, actors, performers, musicians or related live entertainment more than two days in any week.
(Amd. of 12-6-04)

Sec. 6-159. - Same—Private clubs.

(a) In order to be eligible for a pouring or limited pouring consumption on the premises license, a private club must be a veterans organization, fraternal organization or other nonprofit organization all of which must be nationally chartered and maintaining a tax exempt status under either the United States Internal Revenue Code or the state income tax law and:

- (1) The local chapter has been in existence at least one year prior to the filing of its application for a license;
- (2) Have at least 75 regular dues-paying members;
- (3) Be organized and operated exclusively for pleasure, recreation, and other nonprofitable purposes;

(4) Own, hire, or lease 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;
- b. Is staffed with a sufficient number of employees for cooking, preparing, and serving meals for its members and guests; and
- c. 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.

(b) For purposes of subsection (4)c. of subsection (a) of this section, the term "fixed salary" means the amount of compensation paid any member, officer, agent, or employee of a private club as may be fixed for him by its members at a prior annual meeting or by the governing body out of the general revenue of the club and shall not include any commission or any profits from the sale of alcoholic beverages.

(c) No alcoholic beverage license shall be granted to a private club organized or operated primarily for the selling or serving of alcoholic beverages.

(d) Private clubs licensed under the provisions of this section shall not be required to maintain the percentage sale of food/nonalcoholic beverages as compared to alcoholic beverages, however, any such organization shall be subject to all ordinance regulations dealing with general licensing and consumption on the premises.

(e) Records supporting the organizations nonprofit tax exempt status shall at all times be open for inspection by an authorized agent of the city.

(Amd. of 12-6-04)

Sec. 6-159.5. - Same—Golf course clubhouse facility—Restaurant.

In order to be eligible for a pouring or limited pouring license, a golf course clubhouse facility—restaurant must:

- (1) Be a facility designed to provide auxiliary support services, including but not limited to food preparation and service, beverage service, retail sales and service, meeting rooms, cart rentals, locker rooms, administrative offices and related uses in support of an 18-hole regulation golf course open for play at least 300 days per year, except as may be reduced by inclement weather and required repairs/maintenance;
- (2) Be used as a place where meals prepared on the premises are regularly served for adequate pay each day the establishment is open for business;
- (3) Contain one or more dining rooms, with adequate and sanitary kitchen facilities and staff to prepare, cook and serve suitable food for its guests;

- (4) Have available to serve meals prepared on the premises during any time the establishment is open for business;
- (5) Have a valid county health department food service permit and any other applicable local, state or federal permits, licenses, etc. required for food service establishments;
- (6) Have at least 50 percent of its total sales comprised of the sale of food prepared on the premises and nonalcoholic beverages consumed on the premises; and for this purpose, if a restaurant makes a minimum charge, cover charge, or admission charge, or any other non-food or non-alcoholic beverage charge, the amount so charged shall not be counted in computing total sales and shall not be counted as a food or beverage sale;
- (7) Have a permanent seating capacity, at tables, not counting bar stools, of at least 50 persons;
- (8) Provide live entertainment, including, but not limited to: bands, orchestras, singers, dancers, actors, performers, musicians or related live entertainment no more than two days in any week.

(Amd. of 12-6-04)

Sec. 6-159.6. - Same—Golf course clubhouse facility—Supper club.

In order to be eligible for a pouring or limited pouring license, a golf course clubhouse facility—supper club must:

- (1) Be a facility designed to provide auxiliary support services, including but not limited to, food preparation and service, beverage service, retail sales and service, meeting rooms, cart rentals, locker rooms, administrative offices and related uses in support of an 18-hole regulation golf course open for play at least 300 days per year except as may be reduced by inclement weather and required repairs/maintenance;
- (2) Be used as a place where meals prepared on the premises are regularly served for adequate pay each day the establishment is open for business;
- (3) Contain one or more dining rooms with adequate and sanitary kitchen facilities and staff to prepare, cook, and serve suitable food for its guests;
- (4) Have available to serve meals prepared on the premises during any time the establishment is open for business;
- (5) Have a valid county health department food service permit and any other applicable local, state, or federal permits, licenses, etc. as required for food service establishments;
- (6) Have at least 50 percent of its total sales comprised of the sale of food prepared on the premises and non-alcoholic beverages consumed on the premises, and for this purpose, if a supper club makes a minimum charge, cover charge, or admission charge, or any other non-food or non-alcoholic beverage charge, the amount so charged shall not be counted in computing total sales and shall not be counted as a food or beverage sale;
- (7) Have a permanent seating capacity, at tables, not counting bar stools, of at least 100 persons;

- (8) Be arranged and maintained such that all seating is open and unobstructed to the view of other persons in the facility;
- (9) Provide live entertainment, including but not limited to: bands, orchestras, singers, dancers, actors, performers, musicians or related live entertainment more than two days in any week.
(Amd. of 12-6-04)

Sec. 6-159.7. - Same—Alcoholic beverage caterer.

(a) For the purpose of this section the following definitions shall apply:

(1) "Food caterer" means any person who, for consideration, prepares food for consumption off the premises.

(2) "Licensed alcoholic beverage caterer" means any person licensed for the sale of alcoholic beverages by the state and who possesses a license by a local government in the state authorizing such person to sell or dispense alcoholic beverages by the drink off licensed premises and in connection with an authorized catered function.

(3) "Authorized catered function" means an event at a location not otherwise licensed for consumption of alcoholic beverages by the drink at which alcoholic beverages are furnished, for consideration, and sold, dispensed or provided free of charge to persons present at the event, by the drink, pursuant to a permit obtained under this section.

(b) Licenses may be obtained for the purpose of selling or dispensing alcoholic beverages by the drink on premises at which authorized catered functions are to be held. Such licenses shall be annual, and the procedures for securing such licenses and the terms thereof, including license fees, shall be as provided in Article II of this chapter. For purposes of licenses and application fees, "alcoholic beverage caterers" shall be treated as and subject to the same provisions relating to restaurants.

(c) Before a licensed alcoholic beverage caterer may sell or dispense alcoholic beverages at any authorized catered function, such caterer shall obtain a permit. The application for permit shall include the name of the alcoholic beverage caterer, the caterer's license number, and the date, address and time of the event. No permit fee shall be charged for the alcoholic beverage caterers licensed by the city. For caterers licensed by jurisdictions other than the city, a fee of \$50.00 per event permit shall be charged. No permit shall be issued to any person under this section who does not hold an alcoholic beverage caterer's license from a local jurisdiction in the state. The permit shall be kept in the vehicle used to transport alcoholic beverage to the event at all times during which the permit is in effect.

(d) Caterers licensed by a jurisdiction other than the city shall maintain a record of all alcoholic beverages transported into the city for the event, and shall pay an excise tax to the city covering all such beverages at the rates provided by article VIII of this chapter. Failure to report and remit the tax within seven days of the conclusion of the event shall be grounds for denial of subsequent permits to the caterer for similar events.

(e) Caterers licensed by the city shall maintain a record of all alcoholic beverages transported for each event, by event, and shall make report and remittance of such taxes with their regular monthly reports to the city.

(f) No alcoholic beverages shall be transported, distributed, or sold to other than licensed locations in the city, except to authorized catered functions, unless otherwise authorized by this chapter or by state law.

(g) The hours and days of sale or distribution of alcoholic beverages under this section shall be the same as provided for sale by the drink.

(h) No licensed alcoholic beverage caterer shall employ any person under 21 years of age to dispense, serve, sell or handle alcoholic beverages at authorized catered functions.

(i) As a condition of permit issuance, alcoholic beverage caterers licensed by jurisdictions other than the city shall be provided a copy of the city's alcoholic beverages ordinances, and shall indicate, by signature, that they have received such ordinances and acknowledge the applicability of such ordinances to their operations.

(Amd. of 12-6-04)

Sec. 6-160. - Ratio of alcoholic, nonalcoholic sales.

Should the total sales from food and nonalcoholic beverages reported by any licensee for consumption on the premises not equal those from the sale of all alcoholic beverages for any two consecutive reporting periods, the license may be suspended or revoked by the mayor and city council after a hearing as provided for in [section 6-35](#).

(Amd. of 12-6-04)

Sec. 6-161. - Statement of sales.

In addition to the reporting requirements detailed in [section 6-84](#), the city manager may require that a licensee furnish a statement from a certified public accountant that reports the percentage of the licensee's total sales derived from the sale of food and nonalcoholic beverages sold on the premises compared to the sale of all alcoholic beverages sold on the premises in the licensee's most recent reporting period.

(Amd. of 12-6-04)

Sec. 6-162. - Illumination of premises, location of sale restricted.

(a) All restaurants and supper club areas, including all tables, booths, and other areas where customers are served and including all passageways for customers, shall be sufficiently well illuminated so that they may be viewed by those inside the premises.

(b) The sale of alcoholic beverages in any back room or side room which is not open to the general public is prohibited, except that this prohibition shall not apply with respect to:

- (1) Private parties which have been scheduled in advance;

(2) Room service to hotel guests in their hotel rooms, provided a properly licensed restaurant or supper club is located on the premises;

(3) Private clubs.

(Amd. of 12-6-04)

Sec. 6-163. - Prohibited activities by employees.

(a) It shall be unlawful for any employee of a restaurant, supper club, or private club to engage in the following:

(1) Dance or sit with customers on the premises while on duty status, including "breaks;"

(2) Allow any customer to purchase food or drink, alcoholic or nonalcoholic, for an employee while on duty status, including "break periods;"

(3) For an employee to consume or simulate the consumption of any alcoholic beverage while on duty status at the premises of his or her employer, including "breaks;"

(4) Require, permit, suffer, encourage or induce any employee or person to solicit at the licensed premises for himself or for any person other than the patron and guest of the patron, the purchase by the patron of any drink, whether alcoholic or nonalcoholic; or money with which to purchase same; nor shall any licensee pay a commission or any other compensation to any person frequenting his establishment or to his agent or manager to solicit for himself, or for any other, the purchase by the patron of any drink, whether alcoholic or nonalcoholic.

(b) For purposes of this section the term "employee" shall also apply to performers, dancers, entertainers, musicians engaged in temporary work, as well as regular employees.

(Amd. of 12-6-04)

Sec. 6-164. - Purchase of stock limited.

Licensees under this article shall purchase distilled spirits in sizes of one liter or larger unless a particular brand is not packaged in these size containers in which case the licensee may purchase such brand in the nearest size to such containers.

(Amd. of 12-6-04)

Sec. 6-165. - Hours of sale.

Consumption on the premises licensees shall only engage in the sale and service of alcoholic beverages between the hours of 7:00 a.m. and 1:30 a.m. Monday through Sunday, provided, however, that the sale of alcoholic beverages for consumption on the premises shall also be permitted on Sundays from 12:30 p.m. until 12:00 midnight in any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging. Consumption licensees may permit alcoholic beverages purchased and served prior to 1:30 a.m. to be consumed on the premises until 2:00 a.m. Monday through Sunday.

Sec. 6-166. - Dancing on premises restricted.

Patron dancing shall be permitted at facilities licensed for consumption on the premises sales only where:

- (1) Adequate space exists;
- (2) All fire and safety regulations are met;
- (3) Prior approval of the chief of police and the chief of fire department has been obtained.
(Amd. of 12-6-04)

Sec. 6-167. - Removal of beverages prohibited.

(a) Except as provided in subsections (d) and (e) below, all alcoholic beverages sold by consumption on the premises licensees shall be consumed only on the licensed premises. It shall be unlawful for any person to remove from the licensed premises any alcoholic beverages sold for consumption on the premises. Each licensee shall be responsible for ensuring that no person so removes any alcoholic beverages from the premises in any type of container.

(b) Except for consumption on the premises licensees located within the central business district of the city (i.e., that portion of the city zoned C-1 and generally described as Adamson Square and surrounding areas), each consumption on the premises licensee shall post in a prominent place at each exit from the licensed premises a sign in substantially the following form:

"It is a violation of City Ordinance to take any type alcoholic beverage from this outlet."

Such sign shall be uniform letters not less than one inch in height.

(c) Except as provided in subsections (d) and (e) below, it shall be unlawful for any person to drink or have in his possession an open container of any alcoholic beverage:

- (1) On any public street, sidewalk, park or other public place within the city, or upon or within any motor vehicle on the streets, sidewalks, parks and public places of the city; or
- (2) While on private property, open to public view, without the express permission of the owner, agent or person in lawful possession thereof.

(d) However, a licensee for the sale of alcoholic beverages by the drink or for the consumption of alcoholic beverages on the licensee's premises shall have the right to serve alcoholic beverages to patrons seated in an outdoor dining area as part of the operation of the premises. The licensee shall not have the right to serve alcoholic beverages to any person who is not seated at a table or in a chair provided by the licensee. In addition, alcoholic beverages shall only be transported into outdoor dining areas and/or opened in outdoor dining areas by a licensee's working employees as part of their work duties.

(e) Outside consumption of alcoholic beverages permitted in certain areas; number and size limited. Within the central business district of the city (i.e., that portion of the city zoned C-1 and generally described as Adamson Square and surrounding areas), the following regulations shall apply:

(1) *Two drink on-street limit.* Any establishment licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense alcoholic beverages in paper or plastic cups or containers other than a can, bottle, or glass, for removal from the premises; provided, however, that no establishment shall dispense to any person more than two such alcoholic beverages at a time for removal from the premises, and no person shall remove at one time more than two such alcoholic beverages from the licensed premises.

(2) *Size limited to 16 ounces.* No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 16 fluid ounces in size. No person shall hold in possession on the streets and sidewalks, in parks and squares, or in other public places within the defined area any open alcoholic beverage container which exceeds 16 fluid ounces in size.

(3) *Drinking from can, bottle, or glass prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private.

(Amd. of 12-6-04; Res. No. 04-2011, 6-6-11; Res. No. 06-2012, 6-4-12)

State law reference— Removal of partially consumed bottle of wine from premises. O.C.G.A. § 3-6-4; consumption of alcoholic beverage or possession of open container of alcoholic beverage in passenger area, O.C.G.A. § 40-6-253.

Sec. 6-168. - Prohibited practices.

(a) No consumption on the premises licensee shall engage in any of the following practices:

(1) The sale of alcoholic beverages during any special period of the day at prices lower than those customarily charged during the remainder of the day;

(2) The giving away of any alcoholic beverages in conjunction with the sale of any other alcoholic beverages;

(3) The sale of two or more alcoholic beverages for a single price or the sale of all the alcoholic beverages a customer can or desires to drink;

(4) The sale or serving of two or more alcoholic beverages at substantially the same price customarily charged for one such alcoholic beverage;

(5) Requiring or encouraging the purchase of a second or subsequent alcoholic beverage at the same time another alcoholic beverage is purchased or before the first such beverage has been consumed;

(6) Sponsoring, conducting, or allowing contests or promotions which have as their primary purpose the increasing of the consumption of alcoholic beverages on the premises.

(b) This section shall not apply with respect to private functions not open to the public with respect to which the licensee has agreed to the use of the licensee's establishment by a person for a set period of time for a valuable consideration.

(Amd. of 12-6-04)

Sec. 6-169. - Brown bag establishments prohibited.

Brown bag establishments as defined in this chapter shall be prohibited within the city.

(Amd. of 12-6-04)

Sec. 6-170. - Definitions.

The following words, terms and phrases, when used in sections [6-171](#) and [6-172](#) below, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage establishment means any business authorized for the sale or dispensing of alcoholic beverages by the drink or in broken packages for consumption on the licensed premises.

Security means any personnel privately employed for the task of monitoring and maintaining order and safety in any establishment or on any property.

Special event means any planned and approved event that is temporary and often at a rented or reserved location or facility (examples: fairs, carnivals, motorcycle rides, car shows, publicly advertised parties, weddings, wedding receptions, etc.) in which alcoholic beverages are to be dispensed to patrons participating in the event.

(Res. No. 04-2010, 7-10-10)

Sec. 6-171. - Maintenance of order at alcoholic beverage establishments and special events.

The owner and/or manager of any alcoholic beverage establishment and the organizer and/or manager of any special event shall be responsible for monitoring their establishment or special event - as well the parking lots and other outside areas around the establishment or special event - and for prohibiting disruptive, disorderly, and/or dangerous behavior, and for prohibiting patrons and other persons associated with the establishment or special event from standing, sitting, mingling, or assembling outside the licensed premises or the location or facility in a manner which causes or contributes to altercations, fights, other violent incidents, and/or illegal acts.

(Res. No. 04-2010, 7-10-10)

Sec. 6-172. - Regulation of security at alcoholic beverage establishments and special events.

The owner and/or manager of any alcoholic beverage establishment and the organizer and/or manager of any special event, who chooses to employ security at his or her establishment or special event during hours of operation, shall meet and adhere to all of the following requirements:

- (1) If the owner and/or manager of any alcoholic beverage establishment and the organizer and/or manager of any special event contracts with a private security business, any such private security business must be properly registered with and licensed by both the State of Georgia and the city and meet and adhere to all standards and requirements set forth in the Georgia Private Detective and Security Agencies Act, O.C.G.A. § 43-38-1, et seq.
 - (2) If the owner and/or manager of any alcoholic beverage establishment and the organizer and/or manager of any special event provides in-house security, said owner, organizer, and/or manager assumes full liability and responsibility for the security personnel, as they will be considered employees of the establishment or special event.
 - (3) If the owner and/or manager of any alcoholic beverage establishment and the organizer and/or manager of any special event has in-house security personnel armed with a firearm, either concealed or unconcealed, while on-duty at the establishment or special event, the owner, organizer, and/or manager is required to have the city police department complete a criminal background check on any such armed personnel.
 - (4) The owner and/or manager of any alcoholic beverage establishment and the organizer and/or manager of any special event shall maintain copies of any and all licenses and permits issued on behalf of their security personnel and shall make them available for review upon the request of any city police officer.
 - (5) The owner and/or manager of any alcoholic beverage establishment and the organizer and/or manager of any special event shall keep and maintain a record and log - which record and log shall be available for review upon the request of any city police officer - documenting the name, date, and time that each security personnel worked at their establishment or special event.
 - (6) All security personnel working at an alcoholic beverage establishment or special event shall be uniform in appearance with one another and in a way that distinguishes them from other nonsecurity personnel or employees. Uniforms must meet the following requirements:
 - a. The uniform must clearly identify the employee as either "In-House Security" preceded by the establishment's or special event's name, or if outside security personnel are used, "Security" preceded by the private security company name.
 - b. The uniforms cannot resemble those worn by city police officers.
 - c. No black in color security shirts are permitted. Shirts must be either green, yellow, or white with either white or black lettering.
- (Res. No. 04-2010, 7-10-10)*

Secs. 6-173—6-180. - Reserved.

ARTICLE VIII. – EXCISE TAX

DIVISION 1. - GENERALLY

Sec. 6-181. - Taxes imposed.

In addition to the license fees required in this chapter and in addition to the excise taxes levied by the state, all licensees hereunder shall pay to the city the taxes imposed in this article.

(Amd. of 12-6-04)

Secs. 6-182—6-190. - Reserved.

DIVISION 2. - MIXED DRINKS

Sec. 6-191. - Imposition.

There is imposed upon the sale of mixed drinks in the city a tax in the amount of three percent of the purchase price of the mixed drinks to the consumer. Each licensee shall be allowed a deduction of three percent of the amount of taxes collected as reimbursement for the collecting of such taxes, provided that such tax is not delinquent at the time of payment. A record of each sale will be made in writing and maintained for inspection by any authorized agent of the city.

(Amd. of 12-6-04)

State law reference— Tax authorized, O.C.G.A. § 3-4-130.

Sec. 6-192. - Collection.

Every consumption on the premises licensee shall collect the tax imposed by this article from purchasers of mixed drinks. The licensee shall furnish such information as may be required by the city manager to facilitate the collection of the tax. In all cases where the purchase is by deferred payment or credit, the licensee becomes liable for the collection and payment of the tax at the time of delivery of the mixed drink to the purchaser.

(Amd. of 12-6-04)

Sec. 6-193. - Payment to city.

(a) Each licensee under this chapter shall pay over 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 shall be filed with the city manager for the preceding month by each licensee liable for the payment of tax under this division. Returns shall be in such form as the city manager may specify and shall show the licensee's gross receipts from the sale of mixed drinks and the amount of taxes collected or coming due thereon.

(Amd. of 12-6-04)

Sec. 6-194—6-215. - Reserved.

DIVISION 3. - PACKAGE SALES

Sec. 6-216. - Tax imposed.

(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 six dollars 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 20th day of the month following the month in which the alcoholic beverages are sold or disposed of by the wholesaler within the city.
(Amd. of 12-6-04)

State law reference— Levy of tax on sale of distilled spirits by the package authorized, O.C.G.A. § 3-4-80; imposition of excise tax on malt beverages, O.C.G.A. § 3-5-80; Levy of tax on wine authorized, O.C.G.A. § 3-6-60.