

City of Williamson

Alcoholic Beverage Ordinance

Chapter 7-4 ALCOHOLIC BEVERAGES

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Sec. 7-4-1 TITLE. This chapter shall be known and referred to as the “City of Williamson Alcoholic Beverage Ordinance.”
(Ord. passed 08-Nov-18)

Sec. 7-4-2 PURPOSE. This chapter has been enacted for the purpose of promoting the health, safety and general welfare of the city and its residents by establishing reasonable and ascertainable standards for the regulation and control of the licensing and sale of alcoholic beverages, including malt beverages, wine, and distilled spirits, either at wholesale or retail, for consumption on the premises or by the package for off-premises consumption; enhancing appropriate business growth opportunities within the City, diversifying tax revenue while protecting and preserving schools and churches, giving effect to existing land use, and preserving residential areas with reasonable consideration being given to the character of the area and its suitability for particular uses and the congestion in roads and streets, and with a general view of promoting desirable living conditions, sustaining the stability of neighborhoods and property values, protecting against the concentration of retail licenses for alcoholic beverages in one family or corporation, preventing an undesirable person from engaging or having a financial interest in the sale of alcoholic beverages in the City, considering the proximity to the proposed location of other establishments selling alcoholic beverages, considering adequate parking availability, and considering the feelings and attitudes of citizens residing in areas adjacent to the location of the premises for which an application for a permit to sell alcoholic beverages has been made.
(Ord. passed 08-NOV-18)

Sec. 7-4-3 APPLICABILITY OF CHAPTER. This chapter is not to be construed as conflicting with any state or federal laws or regulations, nor as authorizing the sale of any alcoholic beverages on which the federal and state taxes have not been paid, nor as authorizing the sale thereof by any person who has not obtained any and all federal and state permits required by the federal and state laws and regulations, nor as authorizing sales at any place or in any manner prohibited by state laws and regulations.
(Ord. passed 08-NOV-18)

Sec. 7-4-4 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) **ALCOHOLIC BEVERAGE.** Means and includes all alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine intended for human consumption.
- (2) **ALCOHOL BEVERAGE CATERER.** Means any retail dealer licensed pursuant to the alcohol beverage ordinance of the City who provides alcohol at authorized events or functions, special events, or special events facilities.

(3) **BEER.** Any fermented beverages made in whole or in part from malt and any and all similar fermented beverages.

(4) **BONA FIDE PRIVATE CLUB.** Means any nonprofit association organized under the laws of the state which:

(a) Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this chapter;

(b) Has at least 75 regular dues-paying members;

(c) Owns, hires, or leases a building or space within a building for the reasonable use of its members, which building or space:

i. Has suitable kitchen and dining room space and equipment; and

ii. Is staffed with a sufficient number of employees for cooking, preparing, and serving meals for its members and guests; and

(d) 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.

(5) **BREW PUB.** Means any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. Section 3-5-36 for retail consumption on the premises and solely in draft form.

(6) **BROWNBAGGING.** Means the bringing, taking or carrying of any alcoholic beverage into a business lawfully operating within the city but not licensed for the consumption of alcoholic beverages on the premises, with the intent to consume such alcoholic beverage on the premises, or the taking of any alcoholic beverage into premises licensed for the sale of alcoholic beverages during such times the sale or consumption of such beverages is prohibited by law; provided that bringing an alcoholic beverage into a house, apartment, room or other unit designed for private residential occupancy for consumption by the residents and invited guests thereof shall not fall within this definition.

(7) **CITY.** The City of Williamson, Georgia and the Mayor and Council acting as governing body of the City are herein referred to as the City.

(8) **CRAFT BEERS.** As defined by the Brewers Association, Boulder, Colorado, the trade organization for the craft beer/microbrewing industry, are beers (a form of malt beverage) produced by a small, independent brewer who follows traditional brewing processes using select, sometimes non-traditional, ingredients to produce a distinctive product. Craft brewers produce very limited annual quantities, much less than traditional breweries which may produce millions of barrels per year.

(9) **DESSERT WINE.** Means a wine having an alcoholic strength of more than 14 percent alcohol by volume but not more than 24 percent alcohol by volume.

(10) **DISTILLED SPIRITS.** Any alcoholic beverage obtained by distillation or containing more than 24 percent alcohol by volume.

(11) **EATING ESTABLISHMENT.** As used in this chapter, the term "eating establishment" means an establishment which is licensed to sell malt beverages or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food; provided, however, that when determining the total annual gross food and beverage sales, barrels of malt beverages sold to licensed wholesale dealers, as authorized pursuant to subparagraph (D) of paragraph (2) of O.C.G.A. Section 3-5-36, or to the public for consumption off the premises, as authorized pursuant to subparagraph (D) of paragraph (2) and paragraph (4) of O.C.G.A. Section 3-5-36, shall not be used.

(12) **FARM WINERY.** Means a domestic winery that is licensed as a farm winery by the state.

(13) **FARM SPECIAL ENTERTAINMENT DISTRICT.** Means a certain area within the City designated by Mayor and Council pursuant to O.C.G.A. § 3-6-21.2 solely for the purpose of allowing Sunday sales in a farm winery tasting room.

(14) **FARM WINERY TASTING ROOM.** Means an outlet for the promotion of a farm winery's wine by providing samples of such wine to the public and for retail sale of such wine as provided by law. Samples of wine can be given complimentary or for a fee.

(15) **FORTIFIED WINE.** Means any alcoholic beverage containing greater than 24 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, brandy. Fortified wine is classified as a distilled spirit.

(16) **HOTEL.** Means any lodge, inn, or similar establishment which offers overnight sleeping accommodations to registered guests for hire, and at which one or more prepared meals or food are regularly served daily and consumed in one or more dining rooms, having an adequate and sanitary kitchen, such sleeping accommodations and dining rooms being conducted on the same premises. Hotels may grant franchises for the operation of an eating establishment and lounge on their premises, and the holder of such franchise shall be included in this definition of hotel. Lounges may be located separately from dining facilities in hotels provided there is a commonality of ownership of the eating establishment and lounge.

(17) **LICENSED ALCOHOLIC BEVERAGE CATERER.** Means any Georgia retail dealer licensed, either for package sales or on-premises consumption of alcoholic beverages, who additionally holds a valid license from a county or municipality to sell distilled spirits, malt beverages, or wine for consumption off-premises at authorized catered events.

(18) **LOUNGE.** Means a separate room adjacent to and under common ownership with an eating establishment in which alcoholic beverages may be sold by the drink for consumption on the premises. Except in the case of a bona fide private club or hotel, as defined in this section, a lounge shall be part of the eating establishment, as defined in this section, and shall be interconnected by a doorway opening into the dining area of the eating establishment.

(19) **MALT BEVERAGE.** Means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of

such products in water, containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.

(20) **PACKAGE.** Means a bottle, can, keg, barrel, or other original consumer container.

(21) **POURING LICENSE.** A license issued to a retail beer and/or wine dealer authorizing the sale of beer and/or wine by the drink upon the premises owned by said dealer.

(22) **PROPER IDENTIFICATION.** Means any document issued by a government agency containing a description of the person and such person's photograph, and giving the person's date of birth; proper identification includes, but is not limited to, a passport, military identification card, driver's license, or identification card issued under O.C.G.A. sections 40-5-100 through 40-5-104. Proper identification shall not include a birth certificate.

(23) **PREMISES.** When used in conjunction with package sales, means the floor space on and from which the package sale of alcoholic beverages is conducted; when used in conjunction with a lounge or restaurant, it means that floor space on and from which the sale of alcoholic beverages by the drink for consumption on the premises is conducted.

(24) **RETAIL BEER DEALER.** Every person, firm, corporation or association who engages in selling or handling malt beverages of any kind or character at retail within the City of Williamson.

(25) **RETAIL CONSUMPTION DEALER.** Means any person who sells alcoholic beverages, for consumption on the premises, at retail only to consumers and not for resale.

(26) **RETAIL PACKAGE DEALER.** Means any person engaged in selling, at retail only to consumers and not for resale, any distilled spirits, wine or malt beverages in unbroken packages intended for carryout or consumption off the licensed premises.

(27) **RETAIL WINE DEALER.** Every person, firm, corporation or association who engages in selling or handling wines at retail.

(28) **SPECIALTY PACKAGE RETAILER.** Means a licensee under this chapter, operating from a fixed premise within the City, that may offer to the public package retail sales of craft malt beverages (beer) and/or wine(s) only, provided at least 50 percent of the floor space is dedicated to the retail sale of gourmet food items (not intended for consumption on the premises, such as a butcher shop and/or delicatessen meats, cheeses, breads and bakery items, and condiments) and related items or accessories, such as cooking and serving utensils, vessels and kitchen equipment, party or entertainment-related items (cups, plates, napkins, etc.) and beer and/or wine-making equipment and ingredients. Licensees may also sell unique marketing items, such as imprinted logo tee-shirts and hats.

(29) **WHOLESALE BEER DEALER.** Every person, firm, corporation or association who sells and/or deals in malt beverages of any kind or character to another wholesale dealer, a retail beer dealer, or a retail consumption dealer as defined in this section.

(30) **WHOLESALE WINE DEALER.** Every person, firm, corporation or association who sells and/or deals in wines to a retail wine dealer to another wholesale wine dealer, a retail wine dealer, or a retail consumption dealer as defined in this section.

(31) **WINE.** Means any alcoholic beverage containing not more than 24 percent alcohol by volume made in whole or in part from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, table wines, brandy, 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 contained in this Code section.

(B) Each and every definition of the words, terms and phrases set forth above shall be considered in connection with each and every definition of words, terms and phrases set forth in the State alcoholic beverage code, presently codified in Title 3 ALCOHOLIC BEVERAGES of the Official Code of Georgia Annotated (OCGA 3-1-1 et seq.) as the same now exists, or as may be amended from time to time hereafter. These referenced state definitions are adopted and incorporated herein as if set forth fully herein.

(Ord. passed 08-NOV-18)

Sec. 7-4-5 AUTHORITY TO ISSUE LICENSES. Licenses shall be issued hereunder only upon the approval of the Mayor and City Council of City of Williamson, Georgia and all applications for same shall be presented to that body and all fees provided for shall be paid to the City of Williamson in the amounts and at the times herein specified by the Mayor and City Council by adoption of a schedule of fees. Reference O.C.G.A. Title 3, ALCOHOLIC BEVERAGES.

(Ord. passed 08-NOV-18)

Sec. 7-4-6 LICENSE REQUIRED.

(A) Except as set forth in subsections (d) and (e) of this section, it shall be unlawful for any person to sell, offer for sale, or otherwise dispense any alcohol beverages within the City of Williamson except under a valid license issued under this chapter and in compliance with the provisions of this chapter.

(B) The applicant for a license or permit, for which provision is made in this chapter, shall be subject to all State laws and regulations and to all city ordinances and regulations dealing with general licensing and consumption on the premises of alcohol beverages, except as may be otherwise specifically provided in this chapter.

(C) Malt beverages may be produced in private residences, consumed in private residences and transported from private residences pursuant to the requirements and within the restrictions set forth in O.C.G.A. § 3-5-4, as may be amended.

(D) A resident of the City may conduct a home brew special event under a permit issued by the City pursuant to the requirements and within the restrictions set forth in O.C.G.A. § 3-5-4(e), as may be amended.

(Ord. passed 08-NOV-18)

Sec. 7-4-7 APPLICATION; INVESTIGATION CONSENT.

(A) All applications for licenses shall be made upon application forms provided by the City of Williamson. All applications shall contain a full and complete sworn and notarized statement by each applicant of all material facts as determined by the Mayor and Council to be relevant to the requirements of this chapter and, further, shall include, but not be limited to:

(1) If a partnership, the names and residence addresses of the partners and a copy of the partnership agreement;

(2) If a corporation, the names of the officers, the name of the manager, and the names of all shareholders holding more than 20 percent of any class of corporate stock and a copy of the articles of incorporation; and

(3) The name of any other entity having a financial interest in the establishment for which a license is sought.

(B) Each applicant and licensee shall consent to and authorize a fingerprint analysis and investigation.

(C) The application form shall be accompanied by a copy of the lease to the premises, or proof of ownership of the premises, or proof of other authorization for use of the premises.

(D) Each applicant and licensee 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 that 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 for obtaining and using such information.

(E) Separate applications must be made for each location, and separate licenses must be issued for each location.

(Ord. passed 08-NOV-18)

Sec. 7-4-8 ELIGIBILITY FOR LICENSE.

(A) Every applicant shall, prior to applying for a license, read and familiarize himself with the provisions of this chapter, and the application shall constitute a certification that the applicant 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 alcohol beverages concerning the relevant provisions of this chapter.

(B) An applicant 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. For purposes of this section, a licensee shall not be considered active unless he is an owner, stockholder, or full-time employee of the licensed business and is present on the licensed premises a minimum of ten hours per week.

(C) A licensee must be of good moral character and a citizen of the United States or an alien lawfully admitted for permanent residence. Any such alien shall have been lawfully admitted for permanent residence for at least one year prior to application.

(D) No person, including members of a retail dealer licensee's immediate family, shall be issued, nor shall have a beneficial interest in, more than two package distilled spirits licenses issued in this state.

(E) A licensee shall not have been convicted within the ten years preceding his application of any felony, any misdemeanor involving moral turpitude, any sexual related crime, or any criminal offense relating to alcohol beverages, taxes, or gambling. This subsection shall apply with respect to the laws of the State of Georgia, other states, and the United States. A plea of nolo contendere or the forfeiture of a bond shall be considered a conviction for purposes of this subsection. Sentencing as first offender status shall not be considered as a conviction if the sentence was successfully completed without any violation of probation and with no adjudication of guilt ever being entered.

(F) A licensee shall not have had revoked, within the five years preceding his application, any license to sell alcohol beverages issued by any governmental entity.

(G) A licensee shall have, and continuously maintain as a registered agent, a resident of Pike County who may be served any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee or owner. The registered agent must be a resident of at least 21 years of age.

(Ord. passed 08-NOV-18)

Sec. 7-4-9 INDIVIDUAL, BUSINESS OR ASSOCIATION ENTITIES; NAMED LICENSEE.

(A) A license issued to an individual 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 the partner or employee primarily responsible for managing and overseeing the proposed business of selling alcoholic beverages on the licensed premises who shall be the named licensee. A license issued to a corporation shall be issued in the name of the corporation and in the name of the stockholder, officer of the corporation, or employee primarily responsible for managing and overseeing the proposed business of selling alcoholic beverages on the licensed premises who shall be the named licensee. A license issued to a purely nonprofit civic, fraternal, patriotic, private, or social club or corporation which is organized and conducted in the City solely as a mutual benefit membership group, shall be issued in the name of the club or corporation and in the name of the individual primarily responsible for managing and overseeing the proposed business of selling alcoholic beverages on the licensed premises and compliance with this chapter, and the named individual shall be the named licensee.

(B) The individual completing and presenting an application for a license, whether for himself, a partnership, a corporation, or a nonprofit organization shall meet the requirements of this chapter so as to be the named licensee.

(Ord. passed 08-NOV-18)

Sec. 7-4-10 JOINT RESPONSIBILITY.

(A) If a partnership, each partner shall be jointly responsible for the actions of the named licensee and store manager, and the conduct of the licensed business.

(B) If a corporation, the corporation, its officers and directors shall be jointly responsible for the actions of the named licensee and store manager, and the conduct of the licensed business.

(C) If a nonprofit organization, its officers, directors, or governing authority shall be jointly responsible for the actions of the named licensee and store manager, and the conduct of the licensed business.

(Ord. passed 08-NOV-18)

Sec. 7-4-11 DESIGNATION OF STORE MANAGER.

(A) When a license for the sale of any alcoholic beverage is applied for by any legal entity lawfully registered and doing business under the laws of the State of Georgia, the applicant shall also name an individual as store manager, or an individual member of the management team, who shall be responsible for managing and overseeing the proposed business of selling alcoholic beverages.

(1) The manager must meet and maintain all requirements of an individual licensee as prescribed by this chapter; provided, however, any corporation or legal entity lawfully registered and doing business under the laws of the State of Georgia, which seeks to obtain any license under this chapter shall be required to designate a resident of Pike County as a store manager, or an individual member of the management team, for purposes of the initial application and all annual renewals.

(2) Should the corporation have a change of management, or should the designated manager relocate so as to no longer be a resident of Pike County after the initial application, but prior to the annual renewal, the corporate licensee shall immediately notify the City of Williamson through the City Clerk or Mayor of such change in writing no less than five business days from said change. For the duration of the time prior to the annual renewal, the corporation shall be permitted to provide the City of Williamson the name of its authorized agent, who must be a natural person and resident of the State of Georgia, authorized to receive notice of any violation of its license privileges or receive service of citation or service of process under the laws of the State. At no time shall the designated agent be a corporation, limited liability company, partnership, or other form business entity. The authorization described herein shall be delivered in writing with all other elements of the required application.

(3) The corporation shall be required to designate an individual manager, or an individual member of the management team, who is a resident of Pike County prior to the annual renewal of any license issued pursuant to this chapter.

(B) Failure of a corporation or legal entity holding a retail alcoholic beverage license to immediately notify the City of Williamson through the City Clerk or Mayor of such a change in its authorized agent shall be grounds for suspension or revocation of the licensee's license, and shall be effective immediately upon notice having been provided by the City in writing.

(C) If such a named authorized agent should cease to possess or maintain all of the qualifications and requirements as are required of an individual license holder for the sale of similar alcoholic beverages, except the county residency requirement, the license of the legal entity or corporation responsible for the authorized agent may be suspended until the corporation or legal entity names an authorized agent who does meet and possess all such qualifications and requirements.

(D) When a license for the sale of alcoholic beverages is applied for by an individual person or partnership comprised of individual persons, the applicant shall also name a store manager who will be responsible for managing and overseeing the proposed business of selling alcoholic beverages. The manager must meet and maintain all requirements of an individual licensee as prescribed in this chapter, and must be a resident of Pike County.

(Ord. passed 08-NOV-18)

Sec. 7-4-12 CITIZENSHIP AND RESIDENCY REQUIREMENTS. No license for the sale of alcoholic beverages shall be granted to an applicant unless such applicant is:

(A) An individual at least 21 years of age who lawfully resides in the United States and is a resident of Pike County, Georgia; provided, however, that residency in the county shall not be a requirement if the applicant designates, as an agent, a resident of Pike County as store manager who shall be responsible for managing and overseeing the proposed business of selling alcoholic beverages and such designee is over the age of 21 and lawfully resides in the United States, and who shall be responsible for all matters relating to the license;

(B) Additionally, a licensee for the retail sale of distilled spirits in the original package must have been a resident of a county or municipality in the state, in which the retail sale of distilled spirits in the original package is legal, for one year immediately preceding the filing of the application for such license.

(C) A corporation organized under the laws of the state or authorized to do business therein, provided that said corporation shall be required to designate a manager in accordance with the provisions of section 7-4-17; or

(D) A partnership, all of whose partners are at least 21 years of age and residents of the state for at least one year preceding the date of application, provided that said partnership shall be required to designate a manager in accordance with the provisions of section 7-4-17.

(Ord. passed 08-NOV-18)

Sec. 7-4-13 LICENSE CONSTITUTES GRANT OF PRIVILEGE.

(A) All licenses issued under this article shall constitute a mere grant of privilege to carry on or conduct a business covered by such license during the term of the license, subject to the terms and conditions imposed by this chapter, and other applicable ordinances of the city and the constitution, laws and regulations of the State of Georgia and the United States of America applicable thereto.

(B) All licenses issued under this article shall have printed on the face the following words: "THIS LICENSE IS A MERE PRIVILEGE AND IS SUBJECT TO BEING REVOKED OR ANNULLED BY THE MAYOR AND COUNCIL OF THE CITY OF WILLIAMSON AND IS SUBJECT TO THE LAWS, ORDINANCES, AND REGULATIONS OF THE CITY OF WILLIAMSON, NOW EXISTING AND HEREAFTER ADOPTED."
(Ord. passed 08-NOV-18)

Sec. 7-4-14 SUBMITTING FALSE APPLICATION. Any material omission of information, or untrue, or misleading information which is contained in an original, renewal, or transfer application for a license under this article shall be cause for the denial or refusal of a license, and if any license has previously been granted under such circumstances, the same shall constitute due cause for revocation of such license.
(Ord. passed 08-NOV-18)

Sec. 7-4-15 LICENSE FEES.

(A) The annual license fees for a permit or license issued hereunder shall be as determined from time to time by the Mayor and City Council and adopted annually with the City's schedule of fees.

(B) All such license fees shall be tendered in cash or by a cashier's check or certified check at the time application for such license is filed and shall be paid to City of Williamson, as revenue, upon the issuance of any such license. No such license shall be issued for more than one calendar year, and all such licenses shall terminate on the last day of the calendar year for which same were issued. In addition to the above retail license fees, there is assessed a prorated license fee, based on sales, in the amounts determined by the Mayor and City Council from time to time.

(C) The license fee herein imposed shall be paid by the wholesale dealers to the Clerk of City of Williamson by the tenth day of each month based upon the units of beer and wine sold during the previous month. Interest shall accrue on late payments at the rate of 9% per annum.

(D) The wholesale dealers shall keep true and correct records of all sales and shipments and shall render a sworn statement of the same accompanying the monthly report to the Clerk of the City of Williamson.

(E) Each retail licensee shall retain in his or her place of business the invoice of each purchase of malt beverages or wine for at least six months. All records as well as the premises of the licensee shall be subject to inspection by a duly authorized agent or representative of the City of Williamson at any time.

(F) All retail dealers licensed hereunder shall store all wine and malt beverages in their possession only on the premises for which the license is issued, unless given written permission from the issuing authority upon written application therefore for storage elsewhere.

(G) No new or renewal annual license shall be issued to any applicant for same as retail malt beverage or retail wine dealer if the applicant or owner of the business or any predecessor at the same business is, at the time of the application, indebted to City of Williamson for personal property taxes on inventory of the business applied for or for any other business operated in the City of Williamson.
(Ord. passed 08-NOV-18)

Sec. 7-4-16 APPLICATION FEE.

(A) Each application for a license under this chapter shall be accompanied by a non-refundable application fee in an amount as set by way of the adoption of the City's annual schedule of fees, which amount shall remain in effect until modified or amended by subsequent schedules adopted by the Mayor and City Council. Application fees shall be paid at the time the application is filed and shall not be refunded under any circumstances.

(B) No Alcoholic Beverage License shall be issued prior to approval by the Mayor and City Council. (Ord. passed 08-NOV-18)

Sec. 7-4-17 DURATION OF LICENSES. All licenses, except as otherwise indicated, issued under this chapter shall be issued on a calendar year basis, and all licenses shall expire at midnight on December 31 of the year for which they are issued. License fees shall be prorated as follows: New applications received on and between January 1 and June 30 shall be assessed the full license fee. New applications received on and between July 1 and December 31 shall be assessed one-half of the license fee.

(Ord. passed 08-NOV-18)

Sec. 7-4-18 STANDARDS FOR GRANTING OR DENIAL.

(A) The Mayor and City Council, in passing upon any application for an alcoholic beverage license, at the final meeting thereon, shall be guided by the following factors as to whether to grant or to deny such application in the public interest and welfare:

- (1) Reputation, Character. The applicant's reputation, character, trade and business associations or past business ventures, mental and physical capacity to conduct this business.
- (2) Previous violations of local or state laws regarding the sale of alcoholic beverages. If the applicant is a previous holder of a license to sell alcoholic beverages, whether or not he has violated any law, regulation or ordinance relating to such business.
- (3) Manner of conducting prior alcoholic beverage business. If the applicant is a previous holder of a license to sell alcoholic beverages, the manner in which he conducted the business thereunder, especially as to the necessity for unusual law enforcement observation and inspection in order to prevent the violation of any law, regulation or ordinance relating to such business.
- (4) Location. The location for which the license is sought, as to traffic congestion, general character of neighborhood, and the effect such an establishment would have on the adjacent and surrounding property values. This shall also include:
 - (a) The character of the neighborhood immediately adjacent to the proposed location;
 - (b) Whether the proposed location has adequate off-street parking facilities or other parking available for its patrons; and
 - (c) Whether the location would tend to increase and promote traffic congestion and resulting hazards therefrom.

(5) Number of licenses in the vicinity. The number of licenses already granted for similar business in the area of the place for which the license is sought. This shall also include the proximity of the proposed location to any other establishment selling alcoholic beverages of any nature.

(6) Previous revocation of license. If the applicant is a person whose license issued under the police powers of any governing authority has been previously suspended or revoked or who has previously had an alcoholic beverages license suspended or revoked.

(7) Payment of taxes. If the applicant and business are not delinquent in the payment of any local taxes.

(8) Congregation of minors. Any circumstances which may cause minors to congregate in the vicinity of the proposed location.

(9) Prior incidents. Evidence that a substantial number of incidents requiring law enforcement intervention have occurred within a square city block of the proposed location, if within the City of Williamson, during the 12 months immediately preceding the date of application. This should also include calls for other emergency services in the area.

(10) Previous denial or revocation. The denial of an application, or the revocation of a license, occurring within the preceding 12 months, which was based on the qualifications of the proposed location.

B. If the application is denied, the Mayor and City Council shall cause a written report to be prepared showing the reason or reasons for the denial. The Mayor and City Council shall return the application showing its denial, together with the written report, to the City Clerk who shall notify the applicant of the denial within five days of the denial. Notice to the applicant shall be made in writing, showing the reason or reasons for the denial and the day and time of the next scheduled meeting of the Mayor and Council. The applicant may appeal the denial of the application by serving notice on the Mayor and Council requesting reconsideration of the application. The applicant shall serve said notice, in writing, within five days of the receipt of the denial of the application.

C. On reconsideration, the Mayor and Council shall hear evidence offered by the applicant and any entity opposing the issuance of the license. The applicant may be represented by counsel, may offer testimony by witnesses or any other evidence and may question any opposing witnesses. At the close of the evidence, the Mayor and Council shall either uphold the denial or shall approve the issuance of a license.

(Ord. passed 08-NOV-18)

Sec. 7-4-19 PROCEDURE FOR CONSIDERATION OF APPLICATION; TEMPORARY LICENSES.

(A) The City Clerk shall promptly refer a copy of each application to the Pike County Sheriff's Office for a thorough investigation. The Sheriff's office shall report findings to the City Clerk or the Mayor. Such finding shall include a recommendation as to the qualifications of the applicant. The City Clerk has the responsibility and authority to request additional information as may be determined to be necessary in order for the City Clerk to accept the application as complete prior to its submission to the city council.

(B) A temporary license for a full pouring license, a limited pouring license, package malt beverage license, and package wine license may be issued by the City Clerk for a period of up to 60 days, provided the City Clerk is satisfied that the applicant substantially complies with the provisions of the applicable ordinances and meets required qualifications and the denial of a temporary license would create undue hardship upon the applicant, such as the closing of an existing business or delaying of the opening of a new business. The applicant shall sign an acknowledgment that the temporary license is a mere accommodation and may be revoked, with or without cause, by the City Clerk at any time.

(C) The fee for issuance of a temporary license shall be set by way of the adoption of the city's annual schedule of fees, which amount shall remain in effect until modified or amended by subsequent schedules adopted by the Mayor and City Council.

(Ord. passed 08-NOV-18)

Sec. 7-4-20 DENIAL OF LICENSE.

(A) After a hearing, should the city council deny an application, written notice of the denial shall be provided to the applicant by the city manager, shall set forth the reasons for the denial, and advise the applicant of the right to appeal.

(B) Any decision by the city council denying an license shall be final unless the applicant applies to the Superior Court of Pike County by filing a petition for writ of certiorari within 30 days of the decision rendered by the City Council.

(C) In all instances in which a license is denied, the applicant may not reapply for a license for at least one year from the final date of the denial.

(Ord. passed 08-NOV-18)

Sec. 7-4-21 GENERAL QUALIFICATIONS OF LICENSEES. No license under this article shall be granted where the application investigation or the evidence presented at a hearing before the Mayor and City Council shows any of the following conditions to exist:

(A) That the applicant or any person owning a direct or indirect beneficial interest in the license for which application is made is of bad moral character, or does not have sufficient mental capacity to conduct the business for which application is made, or has been dishonorably discharged from the armed services of the United States.

(B) That the applicant or any person having direct or indirect beneficial interest in the issuance of the license has had any license issued by the City of Williamson or by any other city in the State of Georgia, or by any other licensing authority in the State, relating to the manufacturing, distribution or sale of alcoholic beverages, previously suspended or revoked.

(C) That the applicant, or any person who shall have a direct or indirect beneficial interest in the license, as a previous holder of a license to sell alcoholic beverages, has violated any law, regulation or ordinance relating to such business within a ten-year period immediately preceding the date of the application for a license under this article.

(D) That any applicant for a retail license under this article is related to any distributor or wholesaler of alcoholic beverages within the first degree of consanguinity or affinity, as computed according to the laws of the state.

(Ord. passed 08-NOV-18)

Sec. 7-4-22 TRANSFERABILITY OF LICENSE.

(A) Except as provided in this section, no license shall be transferable to any other person or location. All applications seeking a transfer of a license in any respect shall be made upon application forms provided by the City Clerk and shall be accompanied by a non-refundable fee in an amount as set by way of the adoption of the City's schedule of fees, which amount shall remain in effect until modified or amended by subsequent schedules adopted by the Mayor and City Council.

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

(C) In the case of the death of an owner of a license, no sale of alcohol beverages shall be allowed until such time as a personal representative of the estate, appointed by a probate court of competent jurisdiction, shall apply to the City Clerk for authorization with the concurrence of the Mayor and City Council. The establishment shall then be allowed to continue to operate for a period of 60 days from the date of death, until expiration of the license, or until the approval of a new license, whichever shall first occur.

(D) A change in ownership status of the licensed establishment that does not change the actual ownership interest shall be eligible to apply for a transfer of license as provided herein. By way of example, a sole proprietor who decides to incorporate and be the sole shareholder of the new corporation, although in such circumstances information required from a corporation in an original application shall be provided.

(E) 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 introduce any new partner or result in any new person acquiring an interest in the licensed business without application for and issuance of a new license.

(F) Where a license is issued to a corporation having as its principal business an activity other than the sale of alcohol beverages, a change in the named individual licensee may be permitted by the Mayor and City Council if the new named licensee meets the requirements of new license applicants.

(G) In the circumstances described in subsections (D) and (E) of this section, the license may be revoked if the Mayor and City Council determine that the change results in a failure to meet the requirements of this chapter.

(Ord. passed 08-NOV-18)

Sec. 7-4-23 HOURS OF OPERATION.

(A) Retail package licensees shall not engage in the sale of alcohol beverages except between the hours of 6:00 a.m. and 12:00 midnight Monday through Saturday. There shall be no sales on Sunday. Package licensees shall not permit their places of business to be open except between the hours of 6:00 a.m. and 12:00 midnight Monday through Saturday, except that where the primary business of a malt beverage package licensee or wine package licensee is other than the sale of alcohol beverages, such restrictive hours shall apply only with respect to the sale of malt beverages or wine.

(B) Consumption on the premises licensees shall engage in the sale of alcohol beverages only between the hours of 10:00 a.m. and 12:00 midnight, Monday through Saturday.

(C) The business hours of wholesale dealers shall be between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday. There shall be no sales on Sunday.

(D) Each retail beer dealer and retail wine dealer shall separate his or her stock of malt beverages or wine from any other nonalcoholic goods or merchandise as may be authorized hereunder to be sold on such licensed premises by a partition wall that reaches the ceiling or store same in a separate room so that the stock of malt beverages or wine may be closed off and locked at all times when the sale of the products is not authorized or is prohibited and all such malt beverages and wine shall be so closed off and locked at such times.

(Ord. passed 08-NOV-18)

Sec. 7-4-24 RETAIL PACKAGE LICENSES.

(A) Applicants may apply for one or more of the following type retail licenses:

(1) **PACKAGE MALT BEVERAGE LICENSE.** Retail sale of malt beverages in the original package.

(2) **PACKAGE WINE LICENSE.** Retail sale of wine in the original package.

(3) **PACKAGE DISTILLED SPIRITS LICENSE.** Retail sale of distilled spirits in the original package.

(4) **ANCILLARY WINE TASTING PROVISIONS.**

(a) The holder of a malt beverage and/or wine-only package store license shall be eligible for an ancillary wine/beer tasting license, respectively, to provide samples of wine/beer offered for sale to customers under the conditions set forth in this chapter.

(b) Wine/beer sampling shall be on limited occasions when a customer requests a sample of a wine/beer offered for sale within the premises or in conjunction with wine/beer education classes and sampling designed to promote wine/beer appreciation and education.

(c) Wine/beer tasting for customers shall only be conducted at a counter area constituting no more than ten percent of the entire floor area of the premises.

(d) Wine/beer sampling and tasting is only permitted within the enclosed portion of the premises.

(e) No open containers of wine or beer shall be removed from the licensed premises.

(f) Wine/beer sampling for customers shall be limited to no more than one time per week for a period not to exceed a consecutive two-hour period in any one day.

(g) Samples shall not exceed two ounces and no customer shall consume more than eight ounces in any two-hour period.

(h) Wine and/or beer bottles shall be opened only by the licensee or an employee and samples shall only be poured by the licensee or an employee.

(i) Holders of an ancillary wine/beer tasting permit shall not charge for samples or tasting but may accept donations for a charitable organization of their choice.

(j) There will be an annual fee to obtain an ancillary wine/beer tasting permit and the fee shall be set forth in the alcohol beverage license fee schedule and subject to change from time to time.

(k) The application shall be accompanied by the requisite fee in an amount as set by the city council.

(5) **SPECIAL EVENT PACKAGE MALT BEVERAGE AND WINE LICENSE.** Retail sale of malt beverages and/or wine in the original package at special events.

(Ord. passed 08-NOV-18)

Sec. 7-4-25 RETAIL CONSUMPTION ON THE PREMISES LICENSES.

(A) Four classes of retail consumption on the premises licenses are available. Unless otherwise specifically provided in this chapter, retail consumption on the premises licenses are available only to eating establishments.

(1) **LIMITED POURING LICENSE.** Retail sale of wine and/or malt beverages by the drink.

(2) **BREW PUB.**

(3) **FARM WINERY TASTING ROOM.** See Section 7-4-13.

(4) **SPECIAL EVENTS LIMITED POURING LICENSE.** Retail sale of wine and/or malt beverages by the drink at special events. The above eating establishment restriction neither limits nor restricts the issuance of Special Events Limited Pouring Licenses.

(B) The application shall be accompanied by the requisite fee in an amount as set by way of the adoption of the City's annual schedule of fees, which amount shall remain in effect until modified or amended by subsequent schedules adopted by the city council. Service from more than one bar at a licensed location may be made upon payment of an additional fee per bar.

(Ord. passed 08-NOV-18)

Sec. 7-4-26 FARM WINE TASTING ROOM. There is hereby created a license for the business of operating a Georgia farm winery tasting room in conformance with the laws of the state and the city.

(A) Under this section, the licensee shall be authorized to carry on the business of operating a farm winery tasting room in the licensed premises. For the purposes of this section, upon application, a certain location may be designated by the mayor and council as a special entertainment district pursuant to O.C.G.A. § 3-6-21.2. Such designation is made solely for the purpose of allowing Sunday sales in a farm winery tasting room.

(B) The farm winery tasting room created by this section is limited to farm wineries licensed by the state and allows the licensee to deal in its farm winery products pursuant to state law. No license is created by this section authorizing any other person to deal in any other alcohol beverage.
(Ord. passed 08-NOV-18)

Sec. 7-4-27 RETAIL PACKAGE SALES AND RETAIL POURING SALES.

(A) Malt beverages and wines, foreign and domestic, sold by retail beer and wine dealers, within the City of Williamson may be sold in retail stores duly authorized to operate under both a state and local license as well as in establishments duly issued pouring licenses in conjunction with the sale of food or as a special events venue.

(B) For those establishments authorized for retail package sales only, said sales shall be sold only in sealed containers and shall not be opened for consumption or for any other purpose on the premises where sold. Such retail package store for the sale of either malt beverages or wines, or both, shall be located in a building of the conventional type and construction customarily used for the retail sales of groceries and related merchandise or for the service of motor vehicles, and the minimum ground floor area of any such building so used for the sale of malt beverages or wine, or both, shall not be less than 500 square feet and all such sales shall be made only on the ground floor of the building so used. The retail sales of groceries and retailers merchandise or the servicing of motor vehicles and the retail sale of gasoline and oil and related merchandise may be made or done by a retail beer dealer or a retail wine dealer in the same building used as a package store for the sale of malt beverages or wine, or both. All buildings must conform to the City of Williamson Municipal Code. The “premises” for golf courses, both public and private, shall be considered the actual clubhouse building, and shall not include the greens, trees, fairways, and other related areas associated with outdoor golfing activities. In regards to alcoholic beverages, golf courses shall be further restricted as follows: alcohol can only be consumed by those actually participating in outdoor golfing activities.

(C) For those establishments issued a “pouring” license issued hereunder, authorizing the sale of beer and/or wine by the drink in conjunction with the sale of food, said licensee shall be authorized to sell malt and/or wine beverages for consumption by the purchaser on the premises of the licensee only, provided such sale is in accordance with the regulations set forth herein.

(Ord. passed 08-NOV-18)

Sec. 7-4-28 RETAIL DEALER QUALIFICATIONS.

(A) The retail beer dealer and the retail wine dealer must be of good moral character, a citizen of the United States and a bona fide resident of Pike County, including all municipalities therein, for at least six months prior to making application for a retail license as such dealer. Any applicant for a license as a retail dealer, however, may designate an agent for the purposes of meeting the residency requirements. Said agent may either be an employee of the applicant, an agent designated by resolution or in writing by the applicant, or have a “legal” interest in connection with the business and applicant.

(B) All such licenses to retail beer dealers and retail wine dealers shall be subject to the following provisions in addition to the requirements set forth in section 7-4-5 through section 7-4-12.

(1) No license shall be granted to any applicant who shall have been convicted of a felony or of a crime involving moral turpitude or of a violation of any state or federal law with reference to intoxicating liquors, wines or malt beverages, nor shall any such dealer have an agent or employee selling, handling or dealing in malt beverages or wine, as licensed hereunder, who shall have been convicted of a felony or of any crime involving moral turpitude or of a violation of any state or federal law with reference to intoxicating liquors, wines or malt beverages.

(2) Upon making application for such license as a retail beer dealer or as a retail wine dealer, the applicant shall be required to divulge the names of any and all persons who have or will have any interest, monetary or otherwise, in the business to be operated under such license, and the applicant shall set forth the proposed location for any such business operation.

(3) The applicant for any such license shall be the owner or the lessee of the building and premises on which he or she shall operate a business as a retail beer dealer or a retail wine dealer.

(4) Any retail beer dealer or any retail wine dealer so licensed hereunder shall actively participate in the management, conduct and operation of such licensed business and shall be solely responsible for the management and operation of the business for which such license is granted.

(5) Each application for a license hereunder as a retail beer dealer or a retail wine dealer shall be verified by the sworn statement of the individual applicant, and all such applications shall be filed with the Clerk of the City of Williamson before any license is issued hereunder. Any misrepresentation or concealment of fact in any such application shall constitute grounds for the revocation of such license.

(6) The discretionary authority and power as to the granting, refusing or revoking of any such license or permit is conferred by law upon the governing authority of City of Williamson and, accordingly, it shall be within the sole discretion of the Mayor and City Council of the City of Williamson to issue or to refuse to issue a license upon any such application, and likewise it shall be within the sole discretion of the Mayor and City Council to revoke any such license which has been issued hereunder.

(Ord. passed 08-NOV-18)

Sec. 7-4-29 WHOLESALE DEALER QUALIFICATIONS. The wholesale beer dealer and the wholesale wine dealer shall likewise be required to obtain a license or permit hereunder before selling or distributing any malt beverages or wine within the City of Williamson. Such licenses shall be issued only to those parties who are licensed by the State of Georgia to sell and distribute malt beverages or wine, or both, as a wholesale dealer of such products. Any such dealer, before obtaining a license or permit hereunder, shall first make verified application under oath to the Mayor and City Council of the City of Williamson for the issuance of same on such forms as may from time to time be prescribed by the Board, and the applicant shall present evidence to the Board showing that he or she has knowledge of the pertinent laws of the State of Georgia and regulations of this Board pertaining to the sale or distribution, as a wholesale dealer, of malt beverages and wines in the City of Williamson, Georgia, and that he or she will comply with all such laws and regulations.

(Ord. passed 08-NOV-18)

Sec. 7-4-30 REGULATIONS OF RETAIL DEALERS. No retail beer dealer and no retail wine dealer holding a license or permit hereunder, nor any agent or employ of any such dealer, shall do any of the following acts or permit same to be done upon the licensed premises:

- (A) Sell or deliver malt beverages or wine to a minor;
 - (B) Sell or deliver malt beverages or wine to any person while such person is in an intoxicated condition;
 - (C) Sell or deliver malt beverages or wine upon the licensed premises at any time other than the times set forth in section 7-4-23, Hours of Operation; or, sell or deliver malt beverages or wine on Christmas Day or within 250 feet of the City of Williamson municipal polling place on any day in which an election is being held within the City of Williamson;
 - (D) Permit on the licensed premises any disorderly conduct, breach of the peace or any lewd, immoral or improper entertainment conduct or practices;
 - (E) Install any sign or advertisement of the character or nature of the business being operated on the exterior of the building in which said business is operated or in any window or door or at any place outside such building, whether on the same premises or not, with the exception of one sign bearing no more than the trade name of the business and the further designation of either "Beer Package Store," "Wine Package Store" or "Beer and Wine Package Store," as appropriate and in accordance with the City of Williamson Sign Ordinance, Chapter 6-4 of the Williamson Municipal Code;
 - (F) To employ any person under 18 years of age to sell beer or wine under the privilege of the license;
 - (G) To maintain any type of amusement or music machine on the licensed premises, except a radio or a television, or both;
 - (H) To allow any purchase of malt beverages or wine made on the licensed premises to be taken therefrom until put in a bag or otherwise securely wrapped in paper by the proprietor or clerk operating such licensed business;
 - (I) To receive malt beverages or wine delivered to the licensed premises of any retail beer dealer or retail wine dealer by any means other than a vehicle or conveyance owned or operated by a wholesale beer dealer or a wholesale wine dealer licensed hereunder as such wholesale dealer.
- (Ord. passed 08-NOV-18)

Sec. 7-4-31 MERCHANDISE AND SALES RESTRICTIONS. This section applies to specialty package retailers, grocery stores, discount/general merchandise department stores, and convenience stores.

- (A) Where malt beverage or wine sales are licensed in conjunction with a specialty package retailer, grocery store, discount/general merchandise department store, or convenience store, no licensee shall sell or offer to sell any firearms, ammunition, or weapons of any character.

(B) During those hours and on those days when alcoholic beverages are not permitted to be sold, it shall be the duty of the licensee to remove all alcoholic beverages from its shelves or otherwise secure the inventory in such manner as to notify customers that these products are not available for sale at that time.

Sec. 7-4-32 REGULATIONS OF WHOLESALE DEALERS. The wholesale beer dealer and the wholesale wine dealer, as may be licensed hereunder, shall comply with all federal and state laws governing the distribution or sale of intoxicating liquor, malt beverages or wines and with all pertinent ordinances and regulations as may from time to time be adopted or promulgated by the governing authority of City of Williamson pertaining to the distribution or sale of same.
(Ord. passed 08-NOV-18)

Sec. 7-4-33 POURING LICENSES.

(A) Issuance of Pouring License. The City of Williamson Mayor and City Council may issue “pouring licenses” to any retail beer and/or wine dealer subject to the provisions set forth herein; and said license shall authorize the licensee to sell malt and/or wine beverages for consumption by the purchaser on the premises of the licensee only.

(B) Annual License Fee. The annual license fee for each pouring license shall be paid in full prior to the issuance of any license, and no portion of the same shall be refundable under any circumstances.

(C) Conditions of Pouring Licenses. Each license issued under this Code shall be held by the licensee subject to the terms and conditions of this Code and shall be subject to suspension or revocation in accordance with the terms and provisions of this Code including the following:

(1) In conformity with state law, it is unlawful, and no malt beverage license, package, nor wine license, package, shall be issued to any establishment located within 100 yards of any school building, school grounds, or college campus. This prohibition shall not apply to any location for which a license has been issued prior to July 01, 1981, and in effort continuously since that time, nor to the renewal of such license. Nor shall this prohibition apply to any location for which a new license is applied for if the sale of the beverage for which a license is applied for was lawful at such location at any time during the 12 months immediately preceding such application. As used in this subsection, the term “school building” shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state and which are public schools or private schools as defined in subsection (b) of OCGA 20-2-690.

(2) In conformity with state law, it is unlawful, and no license, of any type, for the sale of malt beverages or wine shall be issued to any establishment within 100 yards of an alcoholic treatment center owned and operated by the state, county, or city, unless such establishment has had such a license in effect, continuously since July 01, 1981.

(3) It shall be unlawful for any person, firm, or corporation to erect or place, within the public view, any signs advertizing or giving notice of the fact that either beer or wine is available for sale or consumption, at any location, if the parcel of land leased, owned, or used by the licensee is at its nearest point, within 300 feet of the nearest point of any parcel of land on which is situated

any school, public park, public recreational facility, or the main auditorium or sanctuary of any church.

- (4) (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 Article I of Chapter 3 of Title 8, of the Official Code of Georgia, the “Housing Authorities Law.”
(b) No person knowingly and intentionally may sell 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 licensee has been issued prior to July 01, 2000, nor to the renewal of such license. Nor shall this subsection apply at any location for which a new license is applied for if the sale of alcoholic beverages for which a new license is applied for if the sale of alcoholic beverages for consumption on the premises was lawful at such location at any time during the 12 months immediately preceding such application.

(5) In order to qualify for a pouring license for malt beverages or wine, the licensed business must derive more than fifty percent (50%) of its gross revenues, exclusive of receipts from non-participatory on-site entertainment, from the sale of food actually prepared on the premises. This fifty percent requirement does restrict the issuance of a Special Events Facility Consumption on the Premises License as described in section 7-4-36.

(a) The application for a pouring license shall contain a specific statement, under oath, that the licensed business meets the requirements set forth in this subsection. In the event the business has been in operation for less than thirty (30) days, the application shall contain a statement, under oath, that applicant anticipates that the business will be in compliance with this subsection within sixty (60) days of the date of issuance, and that, not later than the sixtieth (60th) day from the date of the license, the applicant will either file a statement with the county, under oath, stating that the establishments sales are in compliance with this subsection; or, the applicant will surrender its pouring license, and return the license to the county. Failure to provide either the written compliance statement or the surrender of the license may result in the immediate termination of the license by the county.

(b) Each pouring license shall be issued subject to the condition that the licensed business continually comply with the requirements of this ordinance; in the event the licensee’s sales fail to comply with the requirements of this ordinance for two consecutive months, the licensee shall report such noncompliance to the City of Williamson within ten (10) days following the close of such second month, and shall thereupon surrender its pouring license.

(c) Each license issued for consumption on the premises shall also be subject to the conditions that the license must make, and keep for a period of at least two (2) years, true and correct business records reflecting the following:

- (i) The number of beer and wine sales;
- (ii) the sales price of each beer and wine sale;
- (iii) the monthly gross receipts of the business;
- (iv) the monthly gross receipts from non-participatory on-site entertainment;
- (v) monthly gross receipts from sale of alcoholic beverages; and
- (vi) monthly gross receipts from sales of food actually prepared on the premises.

(d) The City of Williamson shall have the right to inspect the books and records of the licensee at any time during business hours to determine whether the licensee’s records and sales are in compliance with this subsection. Each licensee shall be under a duty, at the request of the county, to produce its records for such inspection.

(e) The failure of a licensee to meet the requirements of this subsection, or to comply with a request to produce its business records, shall be cause for termination of the license(s).

(6) It shall be unlawful to sell malt beverages or wine, by the packages, unless the licensee, at the point of such sale, places the same in a fully opaque bag or box.

(7) If there were in existence any malt beverage or wine licenses on April 01, 2000, which allowed consumption either of said beverages on the premises of an establishment, which does not meet the requirement of subsection (d) of this section, the type license in effect on that date shall continue to be valid and sales thereunder shall not be unlawful, and such licenses may be renewed annually by the licensee and may be transferred to any purchaser of such licensee's business who qualifies for a malt beverage or wine license so long as such license remains in continuous use; in the event of the death of any such licensee and a resulting cessation of use of such license occurs, such license shall be renewed in the name of the successor in title to the business of such licensee if application for such renewal is made with ninety (90) of the date of death of such licensee.

(8) For the purposes of this ordinance, distances shall be measured by the most direct route of travel on the ground.

(D) Possession of Open Containers in Licensed Establishments Other than in Dining Areas. It shall be unlawful for any person, other than employees who serve beverages, to possess an open container of any alcoholic beverage at any place in a licensed establishment other than within the dining area of an establishment holding a pouring license under this Code.

(E) As a condition of retaining the license under this Code, each licensee holding a pouring license shall place a minimum of two (2) signs in the dining area of the business stating:
"NOTICE – IT IS UNLAWFUL TO POSSESS AN OPEN CONTAINER OF AN ALCOHOLIC BEVERAGE OUTSIDE THE DINING AREA."

Each such sign shall be at least twelve (12") inches by twelve (12") inches with lettering at least two (2") inches in height. The prohibition and requirements set forth in paragraphs (A) and (B) shall not apply to any location holding a pouring license on April 1, 2000, so long as the owner of the licensed business as of said date continues to own such business.

(F) Pouring licenses for golf courses, both public and private, shall be restricted to those courses with country clubs ("premises") large enough to sustain a full-time, professional food service staff. Golf courses qualified and applying for pouring licenses shall be subject to all other requirements of this ordinance. In regards to alcoholic beverages, golf courses shall be further restricted as follows: alcohol can only be consumed by country club members and/or those actually participating in golfing activities.

(Ord. Passed 08-NOV-18)

Sec. 7-4-34 BROWNBAGGING. Brownbagging, as defined in this chapter, is prohibited within the city. Any person who brownbags, participates in consumption of any alcoholic beverage being brownbagged, or any licensee or employee of a licensed establishment in whose presence brownbagging knowingly or with reckless indifference occurs, shall be in violation of this section.

Sec. 7-4-35 ALCOHOLIC BEVERAGE CATERERS.

(A) License requirements, resident caterers.

(1) Any alcohol beverage caterer who possesses a valid license from the City to sell malt beverages or wine by the drink at a fixed location within the City may apply for an off-premises license that permits sales at authorized catered events or functions.

(2) Each off-premises catering license, authorized herein, shall be valid only for the event for which the license is issued. The fee for each license shall be set by way of the adoption of the city's annual budget, which amount shall remain in effect until modified or amended by subsequent budgets adopted by the Mayor and City Council.

(3) It shall be unlawful for any person to engage in, carry on, or conduct the sale of alcohol beverages off-premises and in connection with a catered event or function without first having obtained a license as provided herein.

(4) Any caterer may dispense alcohol beverages without a license provided that the caterer does not sell the alcohol to either the host of the catered event or to the guests of the catered event.

(5) All employees or others acting for the caterer must possess a valid pouring permit as provided in this chapter if the employee or other such person is selling or dispensing alcohol beverages.

(B) Permit requirements, nonresident caterers.

(1) A nonresident caterer shall submit an application for an off-premises event, which may be a single-day or multiple-day event that does not exceed more than 30 consecutive days, to the City Clerk. If the nonresident caterer will sell alcohol to either the host of the catered event or to the guests of the catered event, the nonresident caterer must possess a valid license from another jurisdiction in the state for pouring alcohol beverages. The fee for each such permit shall be the maximum authorized by O.C.G.A. § 3-11-3, as amended. Once the application has been approved by the City Clerk and the fee submitted to the City, the nonresident caterer shall be an alcohol beverage caterer for the event or function as defined in this chapter.

(2) An application for an event permit shall include the name of the caterer, the date, address, time, and name of the event and the quantity and type of alcohol beverages to be transported from the licensee's primary location to the location of the authorized catered event or function.

(3) The original event permit shall be kept in the vehicle transporting the alcohol beverages to the catered event or function.

(4) It shall be unlawful for an alcohol beverage caterer to distribute, sell, or otherwise dispense alcohol beverages off-premises except as authorized by the event permit.

(5) All employees or others acting for the alcohol beverage caterer must possess a valid pouring permit as provided in this chapter if the employee or other such person is selling or dispensing alcohol beverages.

(C) A licensed alcohol beverage caterer may sell only that alcoholic beverage which is authorized by the alcoholic beverage license issued to the caterer by the City or other licensing agency.

(D) Excise taxes are imposed upon the sale of alcohol beverages by a resident caterer as provided in this chapter.

(E) Excise taxes are imposed upon the sale of alcohol beverages served by a nonresident caterer in the amounts set forth in this chapter and shall be paid within 30 days after the conclusion of the catered event or function.

(Ord. passed 08-NOV-18)

Sec. 7-4-36 SPECIAL EVENTS FACILITY. In order to be eligible for a consumption on the premises license, a special events facility must:

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

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

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

(D) Be an enclosed structure or outdoor area with controlled ingress/egress; and

(E) Not create a nuisance or a cause for noise complaints from surrounding residential areas.

(Ord. passed 08-NOV-18)

Sec. 7-4-37 ALCOHOL HANDLING PERMITS REQUIRED. All persons who sell, handle or serve alcoholic beverages at a business or event requiring an Alcoholic Beverage License, either in the original package, or by any other means are required to maintain valid Alcohol Handling Permits.

(A) Owners/Managers, Alcohol Servers, and Handlers in any establishment that sells or serves alcoholic beverages in the City of Williamson. All applicants must undergo a background check to verify eligibility to receive a permit.

(B) Alcohol Handling Permits which are valid for sales and/or service of alcohol for a one or two-year period, depending on the type of establishment.

(C) Procedures for obtaining and renewing Alcohol Handling Permits are detailed in the City of Williamson Alcohol Handling Permit Procedures document available at City Hall.

Sec. 7-4-38 EXCISE TAXES. The City of Williamson Mayor and City Council is authorized by state law to impose excise taxes on all beer and/or wine sold within the City of Williamson, Georgia, in addition to the amounts of excise taxes imposed by the State of Georgia. The Mayor and City Council

directs the City's collection of the maximum amount of excise tax authorized by state law to be collected by the county for the sale of beer and/or wine within the City.
(Ord. Passed 08-NOV-18)

Sec. 7-4-39 SALES AND CONSUMPTION OF ALCOHOL ON PUBLIC PROPERTY.

(A) Except as provided in subsections (b) and (c) of this section, it shall be unlawful for any person to sell, serve, or otherwise dispense any alcohol beverage in a street, alley, or parking lot commonly used by the public or in any other public place or on public property.

(B) Private parties and organizations may apply for a permit from the City of Williamson to serve, sell, or otherwise dispense alcohol beverages on property owned or leased by the City.

(C) An outdoor festival host holding the required special event permit may allow or prohibit alcohol consumption at the outdoor festival in a City park and shall have the right to require that alcohol consumed at the outdoor festival be purchased or obtained from an official outdoor festival vendor. Such authorization and/or limitations shall be set forth on the application for the special event permit.

(Ord. passed 08-NOV-18) Penalty, see sec. 1-1-5.

Sec. 7-4-40 FUTURE RESOLUTIONS, PROPERTY RIGHTS, ADDITIONAL REGULATIONS.

(A) All the provisions of this chapter are and shall be subject to the regulations hereinafter prescribed by this body, as the same may be from time to time amended, setting forth the rules, terms and conditions upon which such licenses may be issued; the annual license fees; the pro-rated license fees, based on sales; the qualifications of licensees; the proscriptions on advertising and restrictions on the business locations of licensees and buildings in which said businesses are operated; the control of customers doing business with licensees; and any and all other matters which this body may deem advisable to set forth for the proper control and regulations of the sale and consumption of malt beverages and wine in City of Williamson; and all such licenses as may be hereafter issued shall be expressly subject to the provisions of such rules or regulations as may be then or thereafter in force; and all such licenses shall convey to the licensee no property rights but only a privilege which may be revoked by this body.

(B) Each retail beer dealer and retail wine dealer shall separate his or her stock of malt beverages or wine from any other nonalcoholic goods or merchandise as may be authorized hereunder to be sold on such licensed premises by a partition wall that reaches the ceiling or store same in a separate room so that the stock of malt beverages or wine may be closed off and locked at all times when the sale of the products is not authorized or is prohibited and all such malt beverages and wine shall be so closed off and locked at such times.

(Ord. passed 08-NOV-18)

Sec. 7-4-41 SUSPENSION OR REVOCATION OF LICENSE.

(A) A license may be suspended or revoked by the City for any violation of this chapter; for any violation of state laws and regulations relating to alcohol beverages; 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.

(B) When suspension of a license is permitted under this chapter, but no specific period of suspension is mandated, the following guidelines shall apply:

(1) First suspension in a 12-month period of time shall not exceed 30 days.

(2) Second suspension in a 12-month period of time shall not exceed 60 days.

(3) Third suspension in a 12-month period of time shall cause revocation of the license and result in the inability of the licensee to obtain a license from the city for a term of three years from the date of revocation.

(C) Prior to the suspension or revocation of a license by the City, the City Clerk shall give written notice to the licensee of the time, place, purpose of the hearing, and a statement of the charges upon which the hearing before the Williamson alcohol license review board shall be held in accordance with section 7-4-41. Service of such notice shall be by personal service on the registered agent. If personal service fails, the notice shall be mailed by certified mail to the registered agent at the address provided and to the named licensee at the licensed premises. Delivery shall be deemed to take place on the third day following deposit in the United States mail.

(Ord. passed 08-NOV-18)

Sec. 7-4-42 LICENSE REVIEW BOARD: HEARINGS.

(A) There is hereby established a Williamson Alcohol License Review Board ("board") consisting of five members appointed by the Mayor and subject to approval by the City Council. Each member shall serve a term of four years, except that upon appointment of the initial members of the board, the initial terms may be staggered.

(B) The board shall have the following duties:

(1) To hear deferred applications or appeals from administrative decisions by the City with regard to issuance, suspensions, or revocation of licenses, transfers, renewals, change of ownership, or other matters affecting such licenses or decisions by the City pursuant to this chapter.

(2) To hear appeals with regard to issuance or renewal of employee pouring permits.

(3) To hear any matter involving revocation or suspension of a license or other disciplinary action against a licensee or employee under a pouring permit.

(4) To consider and act upon any other matter specifically delegated to the board by City ordinance, resolution, or action of the City Council.

(C) Applicants or licensees shall be given written notice of the date, time and place when the board will consider the respective matter. The applicant and interested parties shall be afforded the opportunity to be heard by the board and present evidence to the board prior to making its decision. Except as may be otherwise specifically provided, no alcohol beverage license having been issued

shall be suspended or revoked except for due cause, as defined in this section, until after a hearing and upon written notice to the holder of such license of the time, place, purpose of the hearing, and a statement of the charge upon which the hearing shall be held. Ten days' notice shall be deemed reasonable, but shorter or longer periods of notice shall be authorized as the board may deem the circumstances to justify. Due cause for the suspension or revocation of a license shall consist of the violation of any laws or ordinances regulating the business; the violation of any state or federal law; any reason which would authorize the City to refuse the issuance of a license; or any violation of this chapter. Further, the Pike County Sheriff's Department shall notify the City Clerk if the licensee or anyone in the employ of a licensee is:

(1) Being charged with or arrested for selling alcohol beverages:

(a) To an underage person;

(b) On Sunday without necessary Sunday sales license; or

(2) Being convicted of selling alcohol beverages to an intoxicated person pursuant to O.C.G.A. § 3-3-22 during the current license year. Once the Mayor and City Council becomes aware of such charge, arrest, or conviction, the matter shall be placed before the board for hearing. The board, at said hearing and after receiving evidence, may order the license to sell or serve alcohol beverages be suspended or revoked if the evidence so warrants. All decisions of the board shall be in writing, and a copy shall be furnished to the applicant or licensee.

(D) The board shall have the authority to hear or determine any matter set forth in this chapter unless specifically prohibited therefrom.

(E) Upon close of the public hearing, the board shall reach a decision on the matter before it, and the decision of the board shall be final unless the applicant, licensee, or permit holder appeals the decision to the city council within ten days of the date of its written decision. The appeal shall be in writing and filed with the City Clerk. Within 30 days of the filing of the appeal and at a regularly scheduled meeting, the Mayor and City Council shall conduct a de novo hearing to hear evidence and, at the conclusion of such hearing, shall render a decision to uphold the decision made by the board, reverse the decision made by the board, or in its discretion, modify the decision made by the board.

(F) The decision of the council as rendered on an appeal under this article shall be final unless the applicant, licensee or permit holder applies to the Superior Court of Pike County by filing a petition for writ of certiorari within 30 days of the decision rendered by the council.

(G) The board shall meet at such times as necessary as determined by the board and shall render its decisions within 30 days after the close of a hearing on any matter. Three members of the board shall constitute a quorum, and all decisions of the board shall require a majority vote of the quorum. Such meeting shall not be scheduled later than 30 days from the time a matter is filed for hearing or appealed to the board.

(H) The board shall select one of its members to serve as chair and one member to serve as secretary, both to serve at the pleasure of the board. Minutes and records of all proceedings shall be kept and maintained in the office of the City Clerk.

(Ord. passed 08-NOV-18)

Sec. 7-4-43 ENFORCEMENT.

(A) The violation of any provision of this chapter, except sec. 7-4-37, shall be grounds for immediate revocation of any license or permit issued hereunder.

(B) Any license issued hereunder shall be a mere grant of the privilege to carry on such licensed business during the term of such license or permit subject to all the terms and conditions imposed by this chapter or any further ordinance or resolution of this body pertaining thereto, and any such license shall be subject to revocation at any time by the Mayor and Council of the City of Williamson or a duly authorized official, agent or employee. In case of such revocation, the licensee shall not be entitled to a refund of any license fee paid hereunder.

(C) Any such license issued hereunder shall contain the following: "This license is a mere privilege subject to be revoked or annulled by the Mayor and City Council of the City of Williamson, Georgia." Notice of the revocation of any such license by the Mayor and Council shall be given immediately to the licensee personally or by attaching such notice to the front door or front exterior wall of the licensed premises. Upon the delivery of any such notice, either personally or by affixing same to the licensed premises as aforesaid, such revocation shall become effective and shall continue in effect for the remainder of the calendar year or until such time as such revocation may be terminated, annulled or rescinded by the Mayor and Council of the City of Williamson. The licensee, upon any such revocation, shall have the right to appeal such revocation within ten days after notice thereof has been given as aforesaid by filing with the City Clerk of the City of Williamson an appeal in substantially the following form: "I appeal the decision of the Mayor and City Council of the City of Williamson in revoking my permit or license on the ___ day of ____, 20__," inserting the date of such revocation in the appropriate blank spaces, and thereupon such appeal shall be heard within 20 days after its filing, by the Mayor and Council or any three persons designated by the Mayor and City Council for such purpose, and a decision on such appeal shall be rendered within ten days after such hearing is completed either upholding such revocation or terminating, annulling or rescinding same. The licensee shall not operate any business licensed or permitted hereunder during any such period of revocation.

(Ord. passed 8-NOV-18) Penalties, see sec. 1-1-5

Sec. 7-4-44 EFFECTIVE DATE. This Ordinance and Chapter shall become effective 8 November, 2018.

(Ord. Passed 08-NOV-18)