

SCHEDULE "A"

CITY OF MAYSVILLE, GEORGIA ALCOHOL LICENSE FEES

(1) *Class A.* Class A licenses allow the retail sales of malt beverages only, wine only, or malt beverages and wine, for on-premises consumption at private clubs, entertainment venues, and restaurants only.

Class A fee - Malt Beverages Only \$ 750
Class A fee - Wine Only \$ 750
Class A fee - Malt Beverages & Wine \$ 1000

(2) *Class B.* Class B licenses allow the retail sales of malt beverages only, wine only, or malt beverages and wine, for off-premises consumption.

Class B fee - Malt Beverages Only \$ 750
Class B fee - Wine Only \$ 750
Class B fee - Malt Beverages & Wine \$ 1000

(3) *Class C.* Class C licenses allow the sale and distribution of malt beverages only, wine only, or malt beverages and wine, by wholesale distributors.

Class C fee - Malt Beverages Only \$ 750.00
Class C fee - Wine Only \$ 750
Class C fee - Malt Beverages & Wine \$ 1000

(4) *Class D.* Class D licenses allow the manufacturing of malt beverages only, wine only, or malt beverages and wine, and sale by wholesale dealers whose principal place of business is in the city.

Class D fee - Malt Beverages Only \$ 750
Class D fee - Wine Only \$ 750
Class D fee - Malt Beverages & Wine \$ 1000

Licenses granted in the second half of the licensing year will be reduced by one-half. No other proration will be allowed. Chapter 41-60(c).

Administrative/ application fee = \$ 250 for beer and/or wine
Nonprofit temporary = \$ 50 per day for beer and/or wine.
Nonprofit annual = \$ 100 annual for beer and/or wine.

Wine tasting event = \$ 100 per day
Wine tasting annual = \$ 250 annual

Resident catered event = \$ 150 per day

Wholesalers = \$ 750 each for beer or wine.

**AN ORDINANCE OF MAYOR AND COUNCIL OF THE CITY OF MAYSVILLE,
GEORGIA TO AUTHORIZE AND REGULATE THE MANUFACTURING,
DISTRIBUTING, AND SELLING BY WHOLESALE OR RETAIL OF WINE AND MALT
BEVERAGES**

WHEREAS, the City of Maysville, Georgia is a municipality duly constituted and existing pursuant to Georgia law; and

WHEREAS, the City of Maysville, Georgia currently does not allow for the manufacturing, distributing, or selling of wine or malt beverages; and

WHEREAS, the General Assembly of the State of Georgia has enacted legislation at O.C.G.A. §3-3-1, et seq. that allow municipalities to permit and regulate the manufacturing, distributing, and selling by wholesale and retail of wine and malt beverages; and

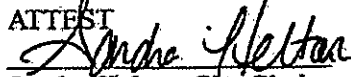
WHEREAS, the Mayor and City Council of Maysville, Georgia have studied the issue for several years and have decided to allow such manufacturing and sales of wine and malt beverages within city limits;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Mayor and Council of the City of Maysville, by the lawful authority vested in them, that Chapter 41 is hereby amended as adding the following:

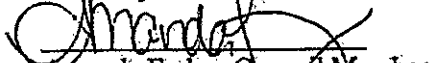
- I. [See Chapter 41 ordinance as attached.]
- II. All ordinances or parts of ordinances in conflict with this ordinance are repealed.
- III. Should any provision of this ordinance be rendered invalid by a court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the City Council.
- IV. This Ordinance shall take effect July 1, 2024.

ADOPTED this 6th day of May, ~~2023~~ ²⁰²⁴.

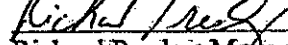
ATTEST

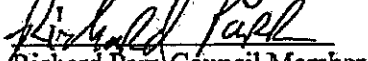

Sandra Melton, City Clerk



Kimberly Wilmoth, Council Member


Amanda Farley, Council Member

City of Maysville


Richard Presley, Mayor


Richard Parr, Council Member


Brodriche Jackson, Council Member

**A RESOLUTION ADOPTING THE SCHEDULE OF FEES FOR ALCOHOL LICENSING
IN THE CITY OF MAYSVILLE, GEORGIA**

WHEREAS, the Charter of the City of Maysville, Georgia authorizes the City to provide for the general health, safety, and welfare of the citizens of the City; and

WHEREAS, the Charter of the City of Maysville, Georgia further authorizes the City to issue licenses for sale and pouring of alcoholic beverages, as well as collect all appropriate fees and taxes; and

WHEREAS, the City of Maysville is contemporaneously adopting an ordinance allowing the manufacturing, distributing, and sale of wholesale and retail wine and malt beverages; and

WHEREAS, the Mayor and City Council of Maysville, Georgia believe that the fee schedule attached hereto and incorporated herein as Schedule "A" is the appropriate fee schedule for the City's license fees pursuant to the authority of the Charter and state law.

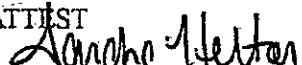
NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Mayor and Council of the City of Maysville, by the lawful authority vested in them, as follows:

- I. That the schedule of fees for alcohol licenses as identified on Schedule "A," attached hereto and incorporated herein, is hereby approved and adopted; and
- II. That the staff is authorized and directed to implement the Schedule of Fees herein; and
- III. That the Mayor or his designee is granted authority to administratively set fees for like services that may not be included in Schedule "A" for which a need may arise, provided however that such fees shall be presented to the Council for ratification at the next Council meeting. Furthermore, this administrative authority does not extend to the establishment of any taxes.

IV. This Ordinance shall take effect 7/1, 2024.

ADOPTED this 1 day of July, 2024.

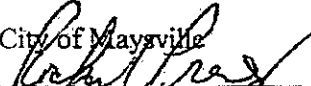
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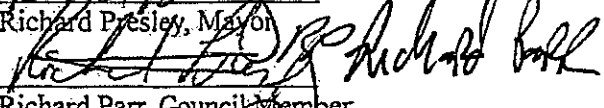

Sandra Helton, City Clerk


Kimberly Wilmoth, Council Member


Amanda Farley, Council Member

City of Maysville


Richard Presley, Mayor


Richard Parr, Council Member


Brodrich Jackson, Council Member

CITY OF MAYSVILLE

706-652-2274
4 Homer Street, Maysville, Georgia 30558

ALCOHOLIC BEVERAGE LICENSE APPLICATION

INSTRUCTIONS: PLEASE PRINT OR TYPE APPLICATION AND ANSWER ALL QUESTIONS.

Please fill out entire application leaving no sections blank; please mark sections "N/A" that do not apply.

TYPE OF LICENSE: (Check appropriate spaces)

NEW CONSUMPTION ON THE PREMISES Malt Beverage
CHANGE OF OWNERSHIP MANUFACTURER Wine

a. Restaurant c. Private e. Other
b. Food Store d. Hotel/Motel Specify _____

1. Full Name of Business _____

~ Under what name is the business to be operated? _____

Is the business a proprietorship, partnership, or corporation? Domestic or foreign? _____

2. Business Address _____

3. Phone _____ Beginning Date of Business in City of Maysville _____

4. New business _____ Existing business purchase If
change of ownership, effective date of this change _____

If change of ownership, enclose a copy of the sales contract and closing statement.

5. Federal Tax ID Number _____ Georgia Sales Tax Number _____

6. Is business within the designated distance of any of the following?

CHURCH, SCHOOL GROUNDS, COLLEGE CAMPUS (see land survey requirements)

Beer and Wine 100 Yards YES NO

Office Use Only: Fee: \$ _____ Amount paid: _____ Date: _____ Bal. Due: \$ _____ Date: _____
 Cash Check # _____ Credit Card

Account No.: _____

7. Full Name of Applicant _____
 Social Security Number _____ Date of Birth _____
 Full Name of Spouse (if married) _____
 Are you a citizen of the United States or alien lawfully admitted for permanent resident? _____
 Birthplace _____
 Current Address _____ City _____ State _____ Zip _____
 Home Telephone _____
 Number of years at present address _____
 Do you reside in Jackson or Banks County?: _____ If yes, how long? _____
 Previous address _____
 Number of years at previous address _____
 Driver's license number and state _____
 What has been your occupation for the past five (5) years? Give detailed list (use additional page if necessary):

8. Applicant's employment date with present business _____
 If new business, date business will begin in Maysville _____
 If transfer or change of ownership, effective date of this change _____
If transfer or change of ownership, enclose a copy of the sales contract, closing statement, and check here. _____

Previous Applicant _____
 D/B/A _____

Any holder of any license under this chapter who shall, for a period of three consecutive months after the license has been issued, cease to operate the business and sale of the produce or products authorized, shall, after the three-month period, automatically forfeit the license without the necessity of any further action. Initial here _____.

9. What is the name of the person who, if the license is granted, will be the active manager of the business and on the job at the business? List address, occupation, phone number, and employer.

10. Has the applicant, spouse, or any individual having an interest either as owner, partner, or stockholder, been arrested, convicted or entered a plea of nolo contendere within ten (10) years immediately prior to the filing of this application for any felony or misdemeanor of any state or of the United States, or any municipal ordinance, except traffic violations? If yes, describe in detail and give dates. _____

11. Do you own the land and building on which this business is to be operated? _____
Date purchased _____ Amount _____
If not, give amount paid for rent or lease of such land and building, the manner in which the rent is determined, to whom and at what intervals it is paid. Give the name of the owner and agent, if any.

Attach a copy of the lease and any other pertinent documents.

12. How is the proposed location zoned? _____

13. If this is an application for an original license, attach hereto proof of adequate parking facilities as per the City of Maysville zoning requirement.

14. If operating as a corporation, state name and address of corporation, when and where incorporated, and the names and addresses of the officers and directors, social security numbers and the office held by each.

15. If operating as a corporation, list the stockholder's (20% or more) complete addresses, area code and telephone numbers (residential and business,) and the amount of interest of each stockholder in the corporation.

16. If operating as a partnership, list the partners with complete addresses, area code and telephone numbers (residential and business,) and the amount of interest or percent of ownership of each partner.

17. If partnership or individual, state names of any other persons or firms owning any interest or receiving any funds from the corporation.

18. Does applicant or spouse receive any financial aid or assistance from any manufacturer or wholesaler of alcoholic beverages? If yes, please explain.

19. Does applicant or spouse have financial interest in any manufacturer or wholesaler of alcoholic beverages? If yes, please explain.

20. List any and all persons, corporations, partnerships, or associations who have received or will receive, as a result of your operations under the requested license, any financial gain, or payment derived from any interest or income from the operation. (Financial gain or payment shall include payment or gain from any interest in the land, fixtures, building, stock, and any other asset of the proposed operation under the license.) In the event that any corporation is listed as receiving any interest or income from this operation, show the names of the officers and director of said corporation together with the names of the principal stockholders.

21. State whether or not applicant, partner, corporation officer, or stockholder holds any alcoholic beverage license in another jurisdiction or has ever applied for a license and been denied. (Submit full details.)

22. Do you, your spouse, any partner, or any stockholder have any financial interest in any wholesale liquor business? If so, give details.

23. All beer, wine, and liquor by the drink establishments shall only purchase alcoholic beverages from a State of Georgia licensed wholesaler as per Georgia Alcoholic Beverage Laws and Regulations, 1996 Edition, as now or hereafter amended, Chapter 560-2.04. Initial _____

24. Property Owner for Proposed Business Location _____

Address _____

City, State and Zip _____ Telephone () _____

Name of Agent or Person Responsible _____

Address and Telephone _____

25. Real Estate Firm for Proposed Business Location _____

Address and Telephone _____

26. Property Management Company for Proposed Business Location _____

Address and Telephone _____

27. Do you have any questions or comments regarding the ordinances, laws, regulations, or application?

() Yes () No

28. Are you familiar with the City of Maysville ordinances, state laws and regulations, federal laws and regulations governing the operation of this type of business? () Yes () No

29. Have you made application for a state license? () Yes () No

30. Have you answered all questions? () Yes () No

CITY OF MAYSVILLE

ALCOHOLIC BEVERAGE CHECKLIST

DATE: _____

License No.: _____

Contact Name: _____

Contact Telephone No.: _____

Business Name: (Corp.) _____

(d/b/a) _____

Business Address: _____

Should you have any questions, please contact City Hall at (706) 245-5432.

-
- _____ Completed Alcoholic Beverage Application sworn to by applicant before Notary Public.
 - _____ Names, titles and residential addresses of all owners partners and officers; name and address of registered agent (for service of process); name and address of manager; names, addresses and percentage of all shareholders **(Signed Consent Form must be provided by each person.)**
 - _____ Two legible copies of a government-issued photo ID for each person. Attach to "Authorization for Background Investigation" form.
 - _____ All applicants are required to submit to fingerprints by the City's background investigator. You will be contacted by the City's background investigator who will set up an appointment with you to provide these services.
 - _____ If on-premise consumption, provide a copy of the current Food Service Establishment Inspection Report from Jackson County Health Department.
 - _____ Copy of the current Business Occupation License for the City of Maysville.
 - _____ Copy of your State of Georgia Alcohol Application (*upon receipt of license, provide copy.*)
 - _____ Certified Land Survey (see attached detailed requirements.) Copy of prior Jackson/ Banks County-required land survey, for existing businesses only, is acceptable.
 - _____ Copy of your Lease (if applicable.)
 - _____ Written application for renewal must be submitted by November 15th of each year following issuance.

CITY OF MAYSVILLE
AUTHORIZATION FOR BACKGROUND INVESTIGATION
(Alcohol Business Licensee)

By signature below, I hereby authorize the City of Maysville and/or their designee, to conduct background research and retrieve information including, but not limited to, my previous criminal history, ownership rental records, location of residence and employment history.

 Last Name First Name Middle Social Security Number

Have you ever used or are you known by any other names? (including: maiden, married, alias, etc.) YES / NO
 (Circle One)

If yes, provide all full names used: _____

Employment information over the past ten (10) years: (If more space is needed, please attach on a separate sheet.)

 Employer Phone Number Supervisor

 Dates of Employment Street Address City State Zip

 Employer Phone Number Supervisor

 Dates of Employment Street Address City State Zip

List all home addresses over the past ten (10) years: (If more space is needed, please attach on a separate sheet.)

 Current Street Address City State Zip Phone Number

 Previous Street Address City State Zip Phone Number

 Sex: M/F Race / / Date of Birth Driver's License Number & State Issued

Signature below also releases the City of Maysville, and any person or entity that provides information pursuant to this authorization, from any and all liabilities, claims, or lawsuits in regard to the information obtained from any and all of the above referenced sources used.

 Applicant Signature

 Witness Signature

 Date

 Date

CITY OF MAYSVILLE

**Application for Alcohol Permit
(Pouring Permit)**

YEAR _____

Applicant Name _____

Social Security Number _____ Date of Birth _____

Are you a citizen of the United States? _____ Birthplace _____

Current Address _____ City _____ State _____ Zip _____

Home Telephone _____

Number of years at present address _____

Do you reside in Jackson or Banks County?: _____ If yes, how long? _____

Previous address _____

Number of years at previous address _____

State Driver's License Number _____

Establishment Name: _____

Establishment Address: _____

Establishment Phone Number: _____

Manager Name: _____

Have you ever been arrested and/or convicted for a misdemeanor or felony within the past ten years?

No Yes If yes, please explain below:

Applicant Signature: _____

Date _____

CITY OF MAYSVILLE

**BACKGROUND INVESTIGATION CONSENT FORM
(Pouring Permit)**

I, _____, authorize the City of Maysville and/or their designee, to make an
(print name)
independent investigation of my background, criminal or police records.

I release the City of Maysville, and any person or entity that provides information pursuant to this authorization, from any and all liabilities, claims, or lawsuits in regard to the information obtained from any and all of the above referenced sources used.

The following is my true and complete legal name and all information is true and correct to the best of my knowledge:

Full Name (Printed)

Maiden Name or Other Names Used

Present Home Address (City, State, Zip) How Long?

FORMER HOME ADDRESSES (City, State, Zip) How Long?
(Please provide 5 years of address history. Use back of page if necessary)

Date of Birth (mm/dd/yy) Social Security Number Driver's License Number & State

Signature Date

Georgia, Jackson County

I, _____, being duly sworn to law, do swear that the statements made by me in the above and foregoing answers to questions are true, and no false, or fraudulent statement is made herein and such statements were made in order to procure the granting of such a license. I hereby authorize the City of Maysville its designated agent to obtain and review copies of any criminal and/or driver's histories in my name or any alias used by me in the past or at the present. I understand that this information may be used against me during the course of the City of Maysville's investigation. I further certify that I will notify the City of Maysville Office of the City Clerk of any changes affecting my status and/or position with this company.

Printed Name of Applicant

Signature of Applicant

Printed Name and Title

Signature and Title of Person other than Applicant Completing this Application

Phone Number _____ (work)
_____ (home)

Sworn to and subscribed before me this _____ day of _____, 20 _____.

Subscribed and sworn to before me

This _____ day of _____, 20 _____.

(Clerk/Notary Public)

(Signature of Named Individual)

My Commission Expires: _____

CITY OF MAYSVILLE

REGISTERED AGENT INFORMATION FORM

I, _____, do hereby consent to serve as the Registered Agent for the licensee, owners, officers, and/or directors of, and to perform all obligations of such agency under the Alcoholic Beverage Ordinance of the City of Maysville, Georgia. I understand the basic purpose is to have and continuously maintain a Registered Agent upon, which any process, notice, or demand required or permitted by law or under said ordinance to be served upon the licensee or owner may be served upon the licensee or owner may be served through the Registered Agent. I understand that the Registered Agent must be a citizen of the United States and a resident of Jackson County or Banks County. I hereby authorize the City of Maysville or its designated agent, to obtain and review copies of any criminal and/or driver's histories in my name or any alias used by me in the past or at the present. I understand that this information may be used against me during the course of the investigation by the City of Maysville or its designated agent. I further certify that I will notify the City of Maysville Office of the City Clerk of any changes affecting my status and/or position with this company.

Signature of Agent

Type or Print Name of Agent

Type or Print Agent's Home Address

Type or Print City, State, and Zip Code

Type or Print Area Code and Telephone Number

Type or Print Date Moved into Above Address

Type or Print Driver's License Number

Type or Print Date of Birth

Subscribed and sworn to before me

This _____ day of _____, 20_____.

(Clerk/Notary Public)

(Signature of Named Individual)

My Commission Expires: _____

CITY OF MAYSVILLE
REPORT FOR LAND SURVEY
FOR ALCOHOLIC BEVERAGE LICENSE

For the purpose of the Alcoholic Beverage Ordinance, distance means the measurement in yards, from the front entrance of the proposed location, to the main entrance of the church building, or to the nearest portion of the school grounds, along the nearest practical street route.

A scaled drawing of the location of the proposed premises, showing the distances described below, shall be prepared by a Georgia Registered Land Surveyor. The following information shall be required on the survey:

1. Building location, shown in relation to the nearest road and nearest intersecting road(s).
2. Indicate location of main/front entrance of building used to determine appropriate distance requirements.
3. Name, address, telephone number of applicant.
4. Date of survey, graphic scale and north arrow.
5. Location of tract (land district and land lot.)
6. Signature and certification statement(s) as listed below, on survey for related alcoholic beverage use.
7. Include all that apply of the certification statements as listed below, on survey for related alcoholic beverage use:

_____ Sales of BEER and WINE is not located within 100 yards of any school building, school grounds, or college campus, or within 100 yards of any alcoholic treatment center owned and operated by the State of Georgia or any county or municipal government therein.

_____ 150 yards from any private residence (for establishments which are located in Residentially zoned areas only.)

In my opinion, the premises meet the distance requirements listed above:

Surveyor Signature _____ Registration Number _____ Date _____

Notary Signature _____ Date _____

ALCOHOLIC BEVERAGES – HOURS OF SALE

PACKAGE – BEER AND WINE

Monday through Saturday	6:00 a.m. – 12: midnight
Sunday	NO SUNDAY SALES
Election Day (City, State, Federal, or County)	6:00 a.m. – 12:00 midnight *Not allowed within 250 feet of polling place, during polling hours*

CONSUMPTION ON THE PREMISES – BEER AND WINE

Sunday	NOT PERMITTED	
Monday	6:00 a.m. – 12:00 midnight	Election Day
Tuesday	6:00 a.m. – 12:00 midnight	(City, State, Federal, or County)
Wednesday	6:00 a.m. – 12:00 midnight	*Not allowed within 250 feet of
Thursday	6:00 a.m. – 12:00 midnight	polling place, during polling hours*
Friday	6:00 a.m. – 12:00 midnight	
Saturday	6:00 a.m. – 12:00 midnight	

NO SALES

Sunday	12:00 midnight Saturday – 6:00 a.m. Monday
Monday	12:00 midnight – 6:00 a.m.
Tuesday	12:00 midnight – 6:00 a.m.
Wednesday	12:00 midnight – 6:00 a.m.
Thursday	12:00 midnight – 6:00 a.m.
Friday	12:00 midnight – 6:00 a.m.
Saturday	12:00 midnight – 6:00 a.m.

Christmas Day **NO SALES**

CITY OF MAYSVILLE

FOOD SALES AND ALCOHOLIC BEVERAGE SALES AFFIDAVIT

NAME OF ESTABLISHMENT: _____

ADDRESS OF ESTABLISHMENT: _____

LICENSEE'S NAME: _____ BUSINESS LICENSE #: _____

I. FOOD SALES AND ALCOHOLIC BEVERAGE SALES. Final reports must be attached to support the reported sales totals or CPA certification must be completed attesting to the reported sales totals. This information must be provided from the financial records of the above establishment on a calendar-year basis, or such period during which the establishment has been open.

PERIOD FOR WHICH INFORMATION IS PROVIDED: _____
(If existing business, must be 12-month period. If new business, must be 12-month estimate.)

Gross Receipts from Food Sales this period: \$ _____ (_____ %)

Gross Receipts from Alcoholic Beverage Sales this period: \$ _____ (_____ %)

Total Food Sales and Alcoholic Beverage Sales this period: \$ _____ (_____ %)

Briefly describe the method by which receipts are segregated daily into food sales and alcoholic beverage sales:

I certify that I have a working knowledge of the books and records of the establishment whose name appears above, and that to the best of my knowledge the figures presented above represent accurate sales totals for the period specified.

CPA Name (Printed)

Name of CPA Firm

CPA Signature

Business Address

City

Phone #

Sworn under oath this _____ day of _____, 20_____.

Notary Public Signature

II. I hereby affirm that I understand that records of food sales and alcoholic beverage sales must be prepared and maintained. Failure to prepare and maintain records of food sales and alcoholic beverage sales is cause for denial or revocation of an alcoholic beverage pouring license. I further affirm that I understand that the City of Maysville Business License Division may audit our records to verify the same at its discretion.

Signature, Licensee/Owner

Sworn under oath this _____ day of _____, 20_____.

Notary Public Signature

CITY OF MAYSVILLE

FOOD SALES AND ALCOHOLIC BEVERAGE SALES AFFIDAVIT

NAME OF ESTABLISHMENT: _____

ADDRESS OF ESTABLISHMENT: _____

LICENSEE'S NAME: _____

BUSINESS LICENSE #: _____

I. FOOD SALES AND ALCOHOLIC BEVERAGE SALES. Final reports must be attached to support the reported sales totals or CPA certification must be completed attesting to the reported sales totals. This information must be provided from the financial records of the above establishment on a calendar-year basis, or such period during which the establishment has been open.

PERIOD FOR WHICH INFORMATION IS PROVIDED: _____
(If existing business, must be 12-month period. If new business, must be 12-month estimate.)

Gross Receipts from Food Sales this period: \$ _____ (_____ %)

Gross Receipts from Alcoholic Beverage Sales this period: \$ _____ (_____ %)

Total Food Sales and Alcoholic Beverage Sales this period: \$ _____ (_____ %)

Briefly describe the method by which receipts are segregated daily into food sales and alcoholic beverage sales:

I certify that I have a working knowledge of the books and records of the establishment whose name appears above, and that to the best of my knowledge the figures presented above represent accurate sales totals for the period specified.

CPA Name (Printed) _____

Name of CPA Firm _____

CPA Signature _____

Business Address _____

City _____

Phone # _____

Sworn under oath this _____ day of _____, 20____.

Notary Public Signature _____

II. I hereby affirm that I understand that records of food sales and alcoholic beverage sales must be prepared and maintained. Failure to prepare and maintain records of food sales and alcoholic beverage sales is cause for denial or revocation of an alcoholic beverage pouring license. I further affirm that I understand that the City of Maysville Business License Division may audit our records to verify the same at its discretion.

Signature, Licensee/Owner _____

Sworn under oath this _____ day of _____, 20____.

Notary Public Signature _____

ARTICLE I. - IN GENERAL

Chapter 41-1. - Definitions.

(a) *State*. For the purposes of this chapter, the definitions contained in the following statutes shall apply, and the same are hereby adopted and incorporated by reference as if fully set forth in this section:

- (1) O.C.G.A. § 3-1-2.
- (2) O.C.G.A. § 3-3-7.
- (3) O.C.G.A. § 3-3-20.
- (4) O.C.G.A. § 3-4-1.
- (5) O.C.G.A. § 3-5-1.
- (6) O.C.G.A. § 3-6-1.
- (7) O.C.G.A. § 3-7-1.

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

Administrator means the Mayor or his designee, or any other person appointed by the city council to administer the provisions of this chapter.

Agent means that person designated by a licensee in the licensee's application for a permit to sell alcoholic beverages in the city.

Entertainment venue means one of the following fixed locations operated for the primary purpose of providing live public entertainment:

(1) A live music hall in which a ticketed event offering not less than 50 available seats occurs, but only if such live music hall has fixed seating capacity for 50 or more patrons and does not hold itself out as any other type of establishment; or

(2) A theater which presents theatrical performances.

As used in this paragraph, the term "theatrical performances" means performances of plays or other dramatic works in which actors or actresses or both take part in person in a live performance presented in a permanent structure or building that is commonly called a theater to which admission may be had by payment of a fee or by purchase and presentation of a ticket or token obtained for money and to which the public generally may gain admission. Notwithstanding the preceding sentence, however, nothing in this paragraph shall be construed to permit or authorize any number of fixed seats in any venue if such number of seats would not be permitted under the Maysville Zoning Ordinance, Georgia State Minimum Standard Fire Code, or other applicable law, regulation, or ordinance. Adult entertainment establishments shall under no circumstances be considered as entertainment venues.

Licensee means any person who holds a license from the city to sell alcoholic beverages.

Monthly period means the calendar month of the year.

Open container means any bottle, can, glass, cup or other vessel that contains an alcoholic beverage not in its original container. The term "open container" also means the original container of an alcoholic beverage when:

(1) The container contains an alcoholic beverage; and

(2) The seal on the container has been broken, the top or cap on the container has been removed, or if the container is a can, the tab has been removed or the surface of the can has been pierced.

Private club means a corporation chartered, organized and existing under state law, exempt from federal income taxes pursuant to section 501(c) of the Internal Revenue Code (26 USC 501(c)), actively and continuously in operation within the city as a nonprofit corporation for at least one year immediately prior to the application for a license under this division and during which time such corporation shall have had continuously not less than 50 members whose names, current addresses and current telephone numbers have been kept listed on the club premises, which members shall have regularly paid quarterly, semiannual or annual dues. The nonprofit corporation shall be operated exclusively for pleasure, recreation and other non-profitable purposes, and no part of the net earnings of the corporation shall inure to the benefit of any member, director or officer. No member, director, officer, agent or employee of the club shall be paid or directly or indirectly receive, in the form of salary or other compensation, any profits from the sale of alcoholic beverages by or to the club or its members or guests, except such salary as may be fixed by its members at any annual meeting or by its governing board out of the general revenue of the club.

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

Purchaser means any person who orders and gives present or future consideration for any alcoholic beverage from a licensee.

Restaurant means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served and which meets the criteria of the county health department.

Semipublic parking facility includes any privately owned area wherein motor vehicles may be parked by the public in conjunction with any business enterprise, commercial establishment, office building, church, school or multiple-family residential building.

Tax means any taxes imposed under this chapter.

Chapter 41-2. - State beverage code adopted; conflicts.

(a) The Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq., wherever applicable to municipalities is hereby adopted and incorporated as if fully set forth in this chapter.

(b) Any provisions of this chapter in conflict with the cited state code, shall be invalid and the state code section dealing with the same subjects shall control unless the city is authorized under state law to impose regulations or standards that differ or vary from state law.

Chapter 41-3. - Sale of alcoholic beverages declared privilege.

Notwithstanding anything in this chapter to the contrary, the sale of alcoholic beverages in the city is a privilege, and not a right, and the issuance of a license under this chapter shall not create any property rights in the license holder.

State Law reference— Similar provision, O.C.G.A. § 3-3-1.

Chapter 41-4. - Compliance with chapter required.

Any licensee under this chapter shall ensure that the licensee and all employees of the licensee are advised of and comply with the provisions of this chapter.

Chapter 41-5. - Duty to report use of illegal drugs or narcotics on premises.

For every license issued pursuant to this chapter, it shall be the duty and responsibility of the licensee, or licensee's agent or employee to report to the police department any usage or possession of illegal drugs or narcotics on a licensed premises.

Chapter 41-6. - Brown bagging.

(a) *Definition.* For the purpose of this section, the term "brown-bagging" means the consumption of any alcoholic beverage:

- (1) On the premises of a business licensed to operate within the city, but not licensed for the consumption of such alcoholic beverage on the premises;
- (2) By a customer or patron of such business;
- (3) If the alcoholic beverage was not purchased from the business;
unless such consumption occurs during a private party held in a portion of the premises reserved for private parties, to which members of the general public are not admitted.

(b) *Prohibited.* Brown bagging is prohibited within the city.

(c) *Exceptions.* Nothing in this section shall be construed to prohibit the consumption of alcoholic beverages in a house, apartment, room or other premises designed and used for private residential occupancy.

ARTICLE II. - ADMINISTRATOR

Chapter 41-31. - Authority.

The administrator shall enforce this chapter. The administrator shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with this chapter or other laws of the city, state or the constitution of the state or the United States for the administration and enforcement of this chapter and the collection of the taxes under this chapter.

Chapter 41-32. - Reports.

In the administration of this chapter, the administrator may require the filing of reports by any person having in the person's possession or custody information relating to sales of beverages that are subject to

taxation under this chapter. The reports shall be filed with the license division, department of finance, when required and shall set forth the price charged for each sale, the dates of sales and the other information as may be required.

Chapter 41-33. - Confidentiality.

(a) The administrator or any person having an administrative duty under this chapter shall not make known in any manner the business affairs, operations or information obtained by an audit of books, papers, records, financial reports, equipment and other facilities of any licensee or any other person visited or examined in the discharge of official duty.

(b) The administrator or any person having an administrative duty under this chapter shall not make known the amount of source of income, profits, losses, expenditures or any particular thereof set forth or disclosed in any return or permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person not having the administrative duty under this chapter, except for judicial proceedings or other proceedings necessary to collect the tax levied and assessed.

(c) Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amount of unpaid tax or amounts of tax required to be collected, interest and penalties.

Chapter 41-34. - Examination of records; audits.

The administrator may examine the books, papers, records, financial reports, equipment and other facilities of any licensee liable for the tax, in order to verify the accuracy of any return made, or if no return is made by the licensee to ascertain and determine the amount required to be paid.

ARTICLE III. - MALT BEVERAGES AND WINE

DIVISION 1. - LICENSE

Chapter 41-57. - Required.

It shall be unlawful to manufacture, distribute, sell or offer to sell any malt beverages only, wine only, or malt beverages and wine, at wholesale or retail, or for consumption on the premises within the city without having the appropriate license for the distribution, manufacture or sale or to carry on the activity in violation of the terms of this chapter.

Chapter 41-58. - Criteria for disqualification of applicant or location.

No license for the sale of malt beverages only, wine only, or malt beverages and wine, shall be issued to:

- (1) A person under 21 years of age.
- (2) A person of unsound mind.
- (3) A person who is not a citizen of the United States.

(4) A person who at the time of application for renewal of any license would not be eligible for the license upon a first application.

(5) A person who is serving as an elected city official or the city administrator; nor shall any license be granted to any business in which any person falling under this subsection holds any interest.

(6) A person who has held a previous license that has been revoked for cause within a period of three years immediately prior to the filing of the application.

(7) Any person as determined by the city council by reason of the person's business experience, financial standing, trade associations, personal associations, record of arrest, or reputation in any community in which applicant has resided, who is not likely to maintain the operation for which applicant is seeking a license in conformity with federal, state or local laws, rules and regulations.

(8) Any person convicted under any federal, state or local law of any felony involving moral turpitude.

(9) Any person who has been convicted under any federal, state or local law of any felony not involving moral turpitude within ten years immediately preceding the filing of application for the license.

(10) Any person convicted under any federal, state, or local law of a misdemeanor, particularly, but not limited to, those involving alcoholic beverages, gambling or tax law violations, if the conviction tends to indicate that the applicant will not maintain the operation for which the applicant is seeking a license in conformity with federal, state or local laws, rules and regulations.

(11) A location not suitable in the city council's judgment and discretion because:

a. Of traffic congestion;

b. The general character of the neighborhood; or

c. By reason of the effect that the establishment would have on the adjacent and surrounding properties or neighborhood.

(12) A location within an area where, in the city council's judgment, the number of malt beverages only licenses, wine only licenses, or malt beverages and wine licenses, already granted makes it contrary to the public interest or welfare.

(13) A location at which a previous malt beverages only licenses, wine only license, or malt beverages and wine license, has been revoked or suspended, and where, in the city council's judgment, the problems which have arisen from the operation of a license at the location indicate that it is not in the interest of public health, safety, welfare or morals that the sale of malt beverages only, wine only, or malt beverages and wine, be permitted at the location.

(14) An application that has included untrue or misleading information in an application or made or allowed to be made a material omission in the application for a license.

Chapter 41-59. - Time limit for reapplication after refusal.

If an applicant is refused a license for cause as provided for in this chapter, no application for the same applicant will be accepted for one year from the date of filing the application.

Chapter 41-60. - Annual fees.

(a) The following annual license fees shall apply for the sale of malt beverages only, wine only, or malt beverages and wine:

(1) *Class A.* Class A licenses allow the retail sales of malt beverages only, wine only, or malt beverages and wine, for on-premises consumption at private clubs, entertainment venues, and restaurants only, and the annual fee shall be in an amount as established from time to time by city council resolution.

(2) *Class B.* Class B licenses allow the retail sales of malt beverages only, wine only, or malt beverages and wine, for off-premises consumption, and the annual fee shall be in an amount as established from time to time by city council resolution.

(3) *Class C.* Class C licenses allow the sale and distribution of malt beverages only, wine only, or malt beverages and wine, by wholesale distributors, and the annual fee shall be in an amount as established from time to time by city council resolution.

(4) *Class D.* Class D licenses allow the manufacturing of malt beverages only, wine only, or malt beverages and wine, and sale by wholesale dealers whose principle place of business is in the city. The annual fee shall be in an amount as established from time to time by city council resolution.

(b) Within each class of license described in this section, the city council shall be authorized to set a fee for a license to sell malt beverages only, a different fee for a license to sell wine only, and a different fee for a license to sell malt beverages and wine.

(c) Licenses granted in the second half of the licensing year will be reduced by one-half. No other proration will be allowed.

(d) Except as may be permitted otherwise from time to time by city council resolution (as provided in subsection (e) of this section), when a license has been approved and granted, and before the license is issued to the licensee, the fee for such license shall be paid to the city by cash, certified check, cashier's check or money order in the full amount of the license fee. The city shall not be obligated to issue such license until the city has received payment of such fee in full by one of the permitted methods. The city shall not be obligated under any circumstances to accept late payment of any such fee.

DIVISION 2. - PROCEDURE

Chapter 41-79. - Application.

(a) *Inspections.* Each applicant shall apply to the city administrator for a license by written application on forms approved by the city council. The city administrator shall inspect the application for completeness and, if acceptable, shall note on the application the date and exact time of filing.

(b) *City council determination.* Applications shall be presented and considered by the city council in the order of their filing; provided that no application shall be presented to the city council unless 30 days have elapsed after the date of filing and all necessary investigations have been completed, whichever is later.

Chapter 41-80. - Determination of applicant.

All questions and information requested on the application form shall be filled in and subscribed to by all applicants under oath. For purposes of this article, the applicants shall be determined as follows:

(1) If the owner of the business is a resident individual, the application shall be made by the individual owner.

(2) If the owner of the business for which a license is sought is a partnership, cooperative, joint venture, association, corporation or nonresident, the application shall be in the name of the resident officer, partner or associate who owns a substantial interest in the business or in the name of the principal resident managing officer or managing agent and the application shall show that the license is for the use of the owner and the owner shall be named.

(3) In the event that a partnership, cooperative, joint venture, association or corporation owns or operates more than one place of business in the city, all applications for licenses for each place of business made pursuant to this chapter shall be made by the same individual.

(4) If the application is made on behalf of a private club, the application shall be made by an officer of the private club.

Chapter 41-81. - Fees.

Every application, excluding renewals, shall be accompanied by a nonrefundable application fee in an amount as established from time to time by city council resolution. The fees shall be paid by cash or certified check, cashier's check or money order made payable to the city and shall be credited toward the license fee if a license is granted.

Chapter 41-82. - Investigations.

Upon acceptance of a completed application for a license under this chapter, the city administrator or his designee shall cause the character and reputation of the applicant and the suitability of the location of the establishment for which the license is sought to be fully investigated.

Chapter 41-83. - Mayor's recommendation.

Upon completion of the investigation required in this division, the Mayor shall present the application for a license to the city council for consideration.

Chapter 41-84. - Factors considered in review of application.

In determining whether any license applied for under this article shall be granted, in addition to all the other provisions of this chapter, in the public interest and welfare the following will be considered:

(1) The applicant's reputation, character, mental and physical capacity to conduct this business.

(2) If the applicant is a previous holder of a license to sell any alcoholic beverage, whether or not applicant has violated any law, regulation or ordinance relating to the business.

(3) If the applicant is a previous holder of a license to sell any alcoholic beverage, the manner in which the applicant conducted the business thereunder as to the necessity for unusual police observation and inspection in order to prevent the violation of any law, regulation or ordinance relating to the business.

- (4) Whether the person has previously had an alcoholic beverage license suspended or revoked.
- (5) The nature of the neighborhood immediately adjacent to the proposed location.
- (6) The proximity of churches, hospitals and schools to the proposed locations.
- (7) The adequacy of parking available at the proposed location.
- (8) Traffic congestion.
- (9) The history or reputation of the proposed location.
- (10) The criminal record of the applicant.
- (11) The financial responsibility of the applicant.
- (12) Evidence presented to the council and recommendation for or against approval of the application.

DIVISION 3. - ENFORCEMENT

Chapter 41-112. - Duration; lapse.

(a) All licenses shall be issued for a calendar year. In case of the revocation or surrender of a license before the expiration of the calendar year, the holder thereof shall not be entitled to receive a refund whatsoever.

(b) All licenses issued pursuant to this chapter shall be valid only so long as licensees are actively engaged in the business, with the exception of holidays, vacations and periods of redecoration, and in the event the licensee shall cease to be actively engaged in the business, the license shall be invalid and the licensee of the business shall immediately notify the city administrator and return the license thereto.

Chapter 41-113. - Expiration; renewal; denial.

(a) All licenses granted under this article shall expire on December 31 of each year and shall be renewable at the city council's option. Applications for renewal shall be made on or before November 1.

(b) The city council shall have the full power and authority to refuse to renew any license to sell malt beverages only, wine only, or malt beverages and wine, for violation of this chapter or violation of any state or federal law that controls the sale or use of malt beverages only, wine only, or malt beverages and wine.

Chapter 41-114. - Sale of business automatically terminates license.

In the event that a licensee sells the business at which a license issued under this article authorizes the sale of malt beverages only, wine only, or malt beverages and wine, the license shall automatically terminate.

Chapter 41-115. - Nontransferable.

(a) No license granted under this article shall be transferable from one person to another.

(b) In the event that the holder of a license on behalf of a corporation or private club ceases to be an officer of the corporation or is no longer associated with the private club, the corporation or private club shall apply within 15 days after the event has occurred for a new license to be issued to the person holding the same office as the original applicant, and a fee in an amount as established from time to time by city council resolution shall be paid to the city.

(c) No license shall be transferred from one location to another.

Chapter 41-116. - Display.

The city license shall at all times be posted in a conspicuous place within the building; if the license is not so posted, the business shall not be authorized to sell alcoholic beverages until same shall be posted.

Chapter 41-117. - Suspension, revocation and probation—Penalty; grounds.

(a) In addition to and totally separate and distinct from punishment for a violation of this chapter under general penalties, any violation of any of the provisions of this chapter or failure to comply with any of its requirements shall be grounds for immediate suspension or revocation of any licenses, regardless of the number of locations involved, and regardless of whether or not the holder of the license knew or contributed to the violation.

(b) It is the intent of this section, without limiting the generality of the foregoing, to grant to the city council the right to suspend or revoke any licenses held by a licensee when any violation of this chapter occurs at any place of business where alcoholic beverages are sold pursuant to a license issued under this article.

(c) The following shall be grounds for revocation or suspension of a license:

(1) The discovery by the city of any untrue or misleading information or a material omission in the application pursuant to which a license was issued.

(2) A conviction, plea of guilty or nolo contendere to a felony or a crime involving indecency or immorality.

(3) A conviction, plea of guilty or nolo contendere to any violation of city ordinances relating to the use, sale, manufacture, taxability or possession of any malt beverages or wine, or violations of any state or federal laws pertaining to the use, sale, manufacture, taxability, transportation or possession of any alcoholic beverages.

(4) A violation of any city ordinance or state or federal law controlling the use, sale, manufacture, distribution or possession of alcoholic beverages. The determination of whether any the violation has occurred shall be made by the city council and a conviction or plea in court shall not be necessary in order to suspend or revoke the license.

- (5) Conduct occurring on premises detrimental to the welfare of the city or its citizens.
- (6) Disturbances or altercations resulting in violence occurring on the premises.

(d) Any violation of a general state law pertaining to alcoholic beverages shall constitute a violation of this chapter.

(e) The city council shall have the full power and authority to revoke, suspend or place on probation any license to sell malt beverages only, wine only, or malt beverages and wine, for violation of this chapter or violation of any state or federal law that controls the sale or use of alcoholic beverages.

(f) When a licensee, agent or employee of the licensee is judged to have violated this chapter, the licensee's license shall be suspended for a minimum of 30 days.

(g) Whenever the state shall revoke, suspend or probate any license to sell any alcoholic beverage at retail, the city license to deal in the product shall thereupon be automatically revoked, suspended or probated accordingly without any action by the city council or any municipal officer.

Chapter 41-118. - Same—Procedure.

(a) The city council shall have full power and authority to revoke, refuse to renew, suspend or place on probation any license to sell alcoholic beverages for any violation of this chapter, or of the state or federal law or when the continued operation of the licensed business is detrimental to the health, safety or welfare of the public.

(b) Before taking any action, the city council shall conduct a hearing in the matter after at least five days' notice of the hearing shall have been given to the affected licensee of the time and place of the hearing, and at the hearing licensee may present evidence to the city council which will refute the alleged violation, and which will show that there is no cause for revocation.

(c) The city council shall hear all evidence relative to the violation and shall then render a decision as provided in this chapter.

Chapter 41-119. - Reapplication fee.

In the event a license is revoked for cause, the city council shall require the licensee to pay a reapplication fee in an amount as established from time to time by city council resolution.

Chapter 41-120. - Restrictions on the sale of malt beverage and wine.

(a) Retail establishments engaged solely in the sale of malt beverages only, wine only, or malt beverages and wine shall be prohibited in the city.

(b) A retail establishment may obtain a license for the sale of malt beverages only, wine only, or malt beverages and wine, for consumption off premises (a Class B license); provided the applicant or licensee has and maintains a grocery related business in combination with the sale of malt beverages only, wine only, or malt beverages and wine, as appropriate, with a grocery related inventory, exclusive of malt beverages only or malt beverages and wine, of a wholesale value of not less than \$2,500.00. Any applicant or licensee shall, at the city council's discretion, or upon

reasonable demand by any law enforcement officer, be required to produce and exhibit the wholesale receipts supporting the value of the inventory.

(c) The sale and consumption on the premises of malt beverages only, wine only, or malt beverages and wine, shall be allowed only at locations that qualify as restaurants, private clubs, or entertainment venues, as defined in this chapter, and the sale and consumption of such beverages at entertainment venues shall be further limited as provided in subsection (d) of this section.

(d) The sale and consumption on the premises of malt beverages only, wine only or malt beverages and wine shall be allowed at a location that qualifies as an entertainment venue, as defined in this chapter, but only at the following times:

- (1) Starting 30 minutes before the beginning of a live performance;
- (2) During the performance of live entertainment; and
- (3) During any intermission or short break in the live performance.

Notwithstanding the preceding sentence, however, nothing in this paragraph shall be construed to permit the sale or consumption of any alcoholic beverage on the premises of any entertainment venue at any time when the sale of such beverages is prohibited by Chapter 41-127.

DIVISION 4. - REGULATIONS

Chapter 41-127. - Hours, days and conditions of sale.

(a) No retail dealer shall engage in the sale of malt beverages only, wine only, or malt beverages and wine, except:

- (1) With respect to all retail dealers (those that are licensed to sell for consumption on the premises [Class A licenses] and those that are licensed to sell for consumption off premises, commonly referred to as package sales [Class B licenses]), between the hours of 6:00 a.m. and 12:00 midnight on weekdays and Saturdays; and

(b) No retailer shall permit the sale of malt beverages only, wine only, or malt beverages and wine, on Christmas Day or any other day on which state law prohibits the sale of such alcoholic beverage.

(c) Unless prohibited by state law, the sale of malt beverages only, wine only, or malt beverages and wine on any city, county, state and national election day is hereby permitted.

(d) All persons shall be off the premises of retail dealers at 12:00 midnight on weekdays and Saturdays, at which time such retail dealer shall close for business. Lounges, restaurants or other retail dealers where the principal business is the sale of food, and the sale of malt beverages or wine is incidental thereto, may remain open during other hours, but shall not sell malt beverages only, wine only, or malt beverages and wine except during the times and hours specified in this chapter.

(e) A retailer shall not be permitted to sell malt beverages only, wine only, or malt beverages and wine, on Sundays.

(f) The business hours of wholesale dealers shall be the same hours and days as retail dealers are allowed to engage in the sale of malt beverages only, wine only, or malt beverages and wine, by the terms of subsections (a) through (e) of this section.

Chapter 41-128. - State law adopted.

(a) All provisions of O.C.G.A. § 3-3-1 et seq. applicable to sale of malt beverages only, wine only, malt beverages and wine are hereby adopted and incorporated by reference as if fully set forth in this article and shall control in case of a conflict with this chapter.

(b) Any violation of general state law pertaining to alcoholic beverages shall constitute a violation of this article.

Chapter 41-129. - Storage of malt beverages and wine limited to licensee's premises.

All licensed retailers shall store all malt beverages and wine in their possession only on the premises for which the license was issued.

Chapter 41-130. - Location restrictions.

It shall be unlawful to grant a license for the sale of any alcoholic beverages:

(1) Within 100 yards of any school building, school grounds or college campus. This subsection shall not apply:

- a. At any location for which a license has been issued prior to July 1, 1981;
- b. To the renewal of the license; or
- c. At any location for which a new license is applied for if the sale of malt beverages only, wine only, or malt beverages and wine, was lawful at the location at any time during the 12 months immediately preceding the application.

(2) In any existing building or establishment having a history of, or reputation for, prostitution or other sex offense; fighting, shooting, stabbing or other violence; gambling; illegal dealing in alcoholic beverages or drugs; and other violations of the law. The term "by history or reputation" means within the 12 months immediately preceding the filing of the application and provided the business is at the time of application owned, operated, managed or in any way connected to the person operating the establishment during the time the offenses occurred.

(3) In a building occupied as a residential dwelling; provided, however, that if (i) areas in a building are used for residential purposes and other separate areas in the same building are used for commercial purposes, (ii) such different uses in different areas of the same building are permitted under applicable laws, including, but not limited to, the Maysville Zoning Ordinance, and (iii) the commercial areas are not located in any apartment or other space devoted to residential use, then a license may be granted for the sale of alcoholic beverages in a commercial area of such building.

(4) In any location at which the operation of the proposed business would be in violation of the city's zoning ordinance.

(5) Within 750 feet of a location which has been issued a game room license by the city or a similar license by any other governmental entity. This prohibition shall also apply to a location that has been issued a license.

Chapter 41-131. - Container number and sizes; sale in machines.

(a) No licensee, except the holder of a Class A license authorizing the sale of malt beverages only, wine only, or malt beverages and wine, at retail in the city shall, upon the licensed premises, sell less than the packaged container as packaged by the wholesaler, distributor or manufacturer. Malt beverages may be sold in any size or type of bottle or other container as long as the beverages are bottled and capped by the brewer and delivered by the wholesaler and the bottle or container is of a type that is customarily sold by wholesalers of alcoholic beverages and is not prohibited by applicable law or rules or regulations of the commissioner. A Class B licensee may sell draft beer by the quarter, half, full barrel, or keg. Such barrel or keg must be sealed when delivered by the wholesaler and must remain sealed through the delivery to retailer's customer.

(b) No licensee shall sell or offer for sale malt beverages only, wine only, or malt beverages or wine, by the use of vending machines.

Chapter 41-132. - Limitations on physical arrangement of premises of Class B licensee.

The premises of a Class B license shall comply with the following restrictions and limitations:

(1) *Separate doorway to exterior.* The only ingress and egress to or from the premises of a Class B license for customers and their purchases, and for employees, shall be through a door opening to the outside and facing a public street or an area for public pedestrian traffic and not from or into any other business establishment.

(2) *Visibility of entrance from public street.* The front entrance to the premises of a Class B licensee shall be clearly visible from a public street; provided, however, that this restriction shall not apply if the licensee is a motel, hotel, or private club, or is located in shopping center or multiple-story business building.

(3) *Visibility into interior; lighting.* No screens, blinds, curtains, partitions, articles or things which shall prevent a clear view into the interior premises of a Class B licensee shall be permitted in the window or doors of such premises; and no booth, screen, partition or other obstruction shall be permitted within the interior of any such premises. The premises of a Class B licensee shall be so lighted that the interior premises are visible day and night.

(4) *Transactions outside licensed premises prohibited.* In a Class B establishment, the total commercial transactions shall take place only within the area licensed for sales of malt beverages and wine for off-premises consumption.

(5) *Opening of original retail container prohibited.* Except as specifically provided for in Chapter 41-133 of this Code concerning wine tastings, the original retail containers of any alcoholic beverage sold by a Class B licensee hereunder shall not be opened on the lot or premises of the location licensed for the sale thereof.

Chapter 41-133. - Wine tastings.

Wine tastings are permitted as long as they comply with the following rules and regulations:

(1) No wine tasting shall be sponsored or conducted in the city unless by permit of the city council.

(2) Each applicant for a wine tasting shall apply to the city administrator for a license by written application on forms approved by the city council. The city administrator shall inspect the application for completeness and, if acceptable, shall note on the application the date and exact time of filing. Applications shall be presented and considered by the city council in the order of their filing; provided that no application shall be presented to the city council unless all necessary investigations have been completed. Upon acceptance of a completed application for a wine tasting permit, the city administrator or his designee shall cause the circumstances of the proposed wine tasting to be fully investigated. Upon completion of the investigation, the city administrator shall present the application for a wine tasting to the city council for consideration, and the city council shall be authorized to deny the permit or to issue the permit subject to such terms and conditions as the city deems in the public interest.

(3) The applicant for a wine tasting must hold at least one of the following: (i) a valid current state license as a farm winery, (ii) a valid current Class B license, or (iii) a valid current permit under Chapter 41-270. Additionally, if the applicant holds a Class B license or holds a permit under Chapter 41-270, and does not hold a valid current state license as a farm winery, then the applicant must state in its application that a duly authorized representative of a state farm winery will be present at the wine tasting, and a representative of such state farm winery must actually be present at, conduct and superintend the wine tasting from start to finish.

(4) Wine tastings may only be conducted in connection with a promotion that includes some education or instruction on wines generally or the manufacture, grading, or assessment of wine, or pairing of wine with food.

(5) Wine tastings must comply with all laws and regulations otherwise pertaining to the sale and distribution of alcoholic beverages in the state.

(6) All applicants and permit holders must comply with all state statutes and sections of this Code and other City of Maysville ordinances concerning alcoholic beverages, including but not limited to those dealing with hours of operation, zoning, and distance requirements.

Chapter 41-134. - Violations concerning coin operated game machines.

Any violation of subsection (e), (t), or (g) of O.C.G.A. § 16-12-35 by a licensee shall constitute a violation of this article.

ARTICLE IV. - WINE TASTING ROOMS

DIVISION 1. - GENERALLY

Chapter 41-139. - Definitions.

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

Farm winery means a domestic winery that is licensed as a farm winery by the state.

Tasting room means an outlet for the promotion of a farm winery's wine by providing complimentary samples of such wine to the public and for retail sale of such wine as provided by law.

DIVISION 2. - LICENSE

Chapter 41-162. - Required.

There is hereby created a license for the business of operating a state farm winery tasting room in conformance with the laws of the state and city. It shall be unlawful to operate a wine tasting room, or to promote locally harvested or fermented wine by providing samples of such wine to the public in the city without having the appropriate license for the operation of a wine tasting room.

Chapter 41-163. - Duration; expiration.

All licenses issued under the provisions of this article shall:

- (1) Have a term of one calendar year;
- (2) Expire at 12:00 midnight on December 31 of the year in which issued; and
- (3) Be renewable at the city council's option.

Chapter 41-164. - Lapse.

All licenses issued pursuant to this article shall be valid only so long as licensees are actively engaged in such business, with the exception of holidays, vacations and periods of redecoration, and in the event the licensee shall cease to be actively engaged in such business, such license shall be invalid and the licensee of such business shall immediately notify the Mayor and return the license thereto.

Chapter 41-165. - Fees.

(a) The fee for a farm winery tasting room license shall be in an amount as established from time to time by city council resolution.

(b) In case of the revocation or surrender of the license before expiration of the calendar-year period, the holder shall not be entitled to receive any refund of any fees or taxes whatsoever.

(c) Licenses granted in the second half of the licensing year will be reduced by one-half. No other proration will be allowed.

(d) Except as may be permitted otherwise from time to time by city council resolution (as provided in subsection (c) of this section), when a license has been approved and granted, and before the license is issued to the licensee, the fee for such license shall be paid to the city by cash, certified check, cashier's check or money order in the full amount of the license fee. The city shall not be obligated to issue such license until the city has received payment of such fee in full by one of the permitted methods. The city shall not be obligated under any circumstances to accept late payment of any such fee.

Annual license fees for persons who hold only a farm winery tasting room license shall be paid in full in advance as provided in paragraph (d) of this section.

Chapter 41-166. - Application required; contents.

Any person desiring a license to operate a state farm winery tasting room in the city shall apply for such license on a form created by the Mayor. Such person shall specify in the application the proposed location of the proposed wine tasting room, and shall tender with such application proof that such person has been issued a state farm winery tasting room license for such location, and a city license to sell wine at such location.

Chapter 41-167. - Nontransferable.

(a) No license granted under this article shall be transferable from one person to another.

(b) In the event that the holder of a license on behalf of a corporation or private club ceases to be an officer of the corporation or is no longer associated with the private club, the corporation or private club shall apply within 15 days after the event has occurred for a new license to be issued to the person holding the same office as the original applicant, and a fee in an amount as established from time to time by city council resolution shall be paid to the city.

(c) No license shall be transferred from one location to another.

Chapter 41-168. - Display.

The city license shall at all times be posted in a conspicuous place within the building; if the license is not so posted, the business shall not be authorized to sell alcoholic beverages until same shall be posted.

Chapter 41-169. - Reapplication fee.

In the event a license is revoked for cause, the city council shall require the licensee to pay a reapplication fee in an amount as established from time to time by city council resolution.

DIVISION 3. - ENFORCEMENT

Chapter 41-186. - Sale of other alcoholic beverages prohibited.

The farm winery tasting room permitted by this article 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 article authorizing any other person to deal in any other alcoholic beverage, unless such licensee also obtains a license to sell another type of alcoholic beverage.

Chapter 41-187. - Food sale requirement inapplicable.

The requirements of this Code, with respect to the sale of food with alcoholic beverages, shall not apply to farm winery tasting rooms.

Chapter 41-188. - Revocation or suspension—Grounds.

(a) The approval of a farm winery tasting room license is conditional at all times. In addition to and totally separate and distinct from punishment for violation of this chapter under general penalties, the commission of any act or any omission which would constitute a violation of the state wine tasting room license or of any city license to sell wine shall be grounds for immediate suspension or revocation of any farm winery tasting room license, regardless of whether or not the licensee knew or contributed to such violation.

(b) Licenses may be suspended for a period up to 12 months depending upon history and severity of violations.

Chapter 41-189. - Same—Procedure.

The city council shall have the full power and authority to revoke, refuse to renew, suspend or place on probation any farm winery tasting room license for any violation of this chapter, or of the state or federal law or when the continued operation of the licensed business is detrimental to the health, safety or welfare of the public. Before taking any such action, the city council shall conduct a hearing in the matter after at least five days' notice of the hearing shall have been given to the affected licensee of the time and place of such hearing, and at such hearing the licensee may present evidence to the city council which will refute the alleged violation, and which will show that there is no cause for revocation. The city council shall hear all evidence relative to the violation and render a decision as provided in this chapter.

ARTICLE V. - REGULATIONS

DIVISION 1. - GENERALLY

Chapter 41-264. - Display of price.

Retailers shall indicate plainly by tags or labels on the bottles or containers or on the shelf immediately below where the containers are placed, or on an exposed sign prominently placed, the price of all alcoholic beverages exposed to public view or offered for sale.

State Law reference— Advertisement by alcoholic beverage retailers, O.C.G.A. § 3-4-3; advertisement of wine prices, O.C.G.A. § 3-6-25.1.

Chapter 41-265. - Compliance with health rules required.

All retail licensees under this chapter are hereby required to comply with all rules and regulations and requirements of the county board of health, state board of health and any other state, federal and local public health authorities having jurisdiction.

Chapter 41-266. - Delivery of alcoholic beverages restricted to licensee's place of business.

No retail licensee of the city shall deliver alcoholic beverages at any location other than at the retail licensee's place of business.

Chapter 41-267. - Sale to incompetent persons prohibited.

No alcoholic beverages shall be sold or furnished to any person who is mentally incompetent.

Chapter 41-268. - Open containers prohibited.

(a) It shall be unlawful for any person to drink any alcoholic beverage from any open container, or to have in his possession any alcoholic beverage in any open container, while on a public street, roadway, boulevard, alley, sidewalk or right-of-way, or in any public or semipublic parking facility or parking lot, within the city, except as expressly allowed in this Code.

(b) All persons licensed to sell alcoholic beverages are hereby required to post in a conspicuous location inside the establishment a notice informing patrons that open containers are prohibited on the public streets, sidewalks or rights-of-way or in any public or semipublic parking facility within the city, except as expressly allowed pursuant in this Code. The notice shall state substantially as follows:

NO ALCOHOLIC BEVERAGE MAY BE CARRIED IN AN OPEN CONTAINER FROM THESE LICENSED PREMISES. THE CONSUMPTION OF ALCOHOLIC BEVERAGES AND THE POSSESSION OF OPEN CONTAINERS ON STREETS, ALLEYS, AND PARKING LOTS IN THE CITY OF MAYSVILLE IS GENERALLY PROHIBITED. CONSUMPTION OF ALCOHOLIC BEVERAGES AND THE POSSESSION OF OPEN CONTAINERS ON PUBLIC SIDEWALKS IN THE CITY OF BOWERMAN IS PROHIBITED EXCEPT IN SPECIFIC AREAS IN WHICH A LICENSED ESTABLISHMENT HAS OBTAINED A PERMIT TO SELL ALCOHOLIC BEVERAGES.

(c) It shall be unlawful for any person to remove from a place of business operated by a licensee any open container.

(d) No person licensed to sell alcoholic beverages, nor the employees or agents of the person shall permit any person to remove any open container from an area where the consumption of alcoholic beverages or the possession of open containers is permitted on the property where the business is located to an area where the consumption or possession is not permitted.

Chapter 41-269. - Extension of sales areas; curb sales.

(a) Any holder of a Class A license for the sale of malt beverages and wine shall be authorized to extend the area utilized by such licensee to an adjoining building addition, patio, deck area, sidewalk or other expansion, so long as:

(1) The business operation is under the same business management and the licensed area under the control of the licensee in some manner (either through common ownership or lease by the licensee or an entity affiliated with the licensee, in the case of private property, or through proximity to the licensed premises, in the case of a public sidewalk); and

(2) Entry of customers into such adjoining building, addition, patio, deck, sidewalk or other expanded area shall be monitored or controlled by such licensee (for example, such designated areas may contain a gate or gates for ingress and egress of patrons into the place of business); and

(3) With respect to sidewalk areas:

- a. Use of the sidewalk area shall not block or materially and substantially impede the flow of pedestrian traffic on such sidewalk, considering the actual width of the sidewalk in the vicinity of such area and also considering any other features of the walking surface, such as obstructions or uneven surfaces;
- b. The licensee shall apply to the city and obtain a permit for the use of such sidewalk;
- c. The city administrator or his designee shall inspect the application for completeness and, if complete, investigate the circumstances of the proposed use of a sidewalk, and upon completion of the investigation, the city administrator or his designee shall present the application to the city council for consideration, and the city council shall be authorized to deny the permit or to issue the permit subject to such terms and conditions as the city deems in the public interest;
- d. In the application for such permit, the applicant shall agree to indemnify the city and hold the city harmless from and against any damage to the sidewalk area;
- e. In the application for such permit, the applicant shall agree to indemnify the city and hold the city harmless from and against any personal injury or property damage to any person arising out of or in connection with the applicant's use of the sidewalk;
- f. No later than the submission to the city of the application for such permit, the applicant shall obtain liability insurance coverage, in the amount of \$1,000,000.00 per occurrence and \$2,000,000.00 in the aggregate, for such indemnification obligation, for the benefit of the city;
- g. With the application for such permit, the applicant shall provide to the city a certificate of liability insurance, in a form acceptable to the Mayor, confirming and certifying the existence of such liability coverage; and
- h. Alcoholic beverages shall not be served in glass containers in any such area, but shall instead be served in containers made of plastic or some other similar material that does not pose the same risk of breaking as glass.

(b) It shall be unlawful for any licensee to sell alcoholic or malt beverages on the streets or sidewalks, or elsewhere, outside of the building, premises, or place of business licensed for such sale, unless the sale of alcoholic or malt beverages in such areas is permitted under this section.

(c) Businesses with licenses to dispense alcoholic beverages by the drink for consumption on the premises may serve such beverages only within the confines of the licensed building structure; provided, however, that any business with such license which has an outside designated area on private property or on privately leased public property that is actually and permanently attached to the main building, or on a public sidewalk that the city has granted the licensee a permit to use for the sale of such beverages, may serve alcoholic beverages in the designated area. No bar, however, whether permanent or temporary, may be set up in such outside designated area without prior written approval of the city council.

(d) The sale or dispensing of alcoholic beverages to persons through windows, doors, or other openings to sidewalks, parking lots, or to any other area outside the licensed premises, except for designated areas described above, is prohibited.

Chapter 41-270. - Temporary license for bona-fide non-profit civic organization.

(a) Upon the filing of an application, in such form as may be required by the Mayor, and payment of a fee, which shall be set by resolution of the city council, by a bona-fide non-profit civic organization, the city may issue a permit authorizing the organization to conduct a wine tasting event pursuant to this Code or to sell malt beverages or wine for consumption only on the premises for a period not to exceed two consecutive days, subject to provisions of this chapter regulating the time for selling such beverages.

(b) Each applicant for a permit under this section shall apply to the city administrator for a license by written application on forms approved by the city council. The city administrator or his designee shall inspect the application for completeness and, if complete, shall investigate the circumstances of the proposed wine tasting event or sale of malt beverages or wine, and upon completion of the investigation, shall present the application to the city council for consideration, and the city council shall be authorized to deny the permit or to issue the permit subject to such terms and conditions as the city deems in the public interest.

(c) No more than four permits for either one-day or two-day periods may be issued to an organization in any one calendar year pursuant to this section.

(d) Permits issued pursuant to this section shall be valid only for the place specified in the permit, and shall be issued only in conjunction with a street festival or other special event sponsored by the applicant or some other entity. The applicant may request permission to conduct a wine tasting event pursuant to this Code or to sell malt beverages or wine for consumption only on the premises in conjunction with a street festival or other similar special event, or in an outdoor location or venue, which may include city property, such as a city street or public sidewalk, but in any such case, the applicant shall describe in detail the exact hours during which the wine tasting or sale shall occur, shall describe the area in which the wine tasting or sale shall occur, shall describe the purposes of the wine tasting or sale of malt beverages or wine, shall describe the means being utilized to secure or control access to the area in which the wine tasting or sale shall occur, and shall describe how the applicant shall ensure that the applicant and all persons involved in such event shall comply with all laws applicable to the sale of such beverages, and the city shall be authorized to deny the permit or to issue the permit subject to such terms and conditions as the city deems reasonably necessary to ensure such compliance and as the city deems in the public interest.

(e) No permit may be issued unless the sale of malt beverages or wine is lawful in the place for which the permit is issued.

(f) Any person who dispenses or serves alcoholic beverages pursuant to any such permit shall be a member or volunteer of the applicant.

(g) The zoning restrictions and distance restrictions contained in this Code and state law shall apply.

(h) The applicant shall provide and include with its application proof that the applicant has such non-profit status and describe the nature of its civic activities.

Chapter 41-271. - Requirements for caterers.

(a) It shall be unlawful for any person to engage in, carry on or conduct the sale or distribution of alcoholic beverages off-premises and in connection with a catered event or function or to any location not licensed hereunder without first having obtained a caterer's license as provided herein.

(b) A caterer may apply for a license to sell alcoholic beverages for consumption only on the premises (Class A license) of events for which such caterer is employed.

(c) In order to obtain a caterer's license, the applicant must apply for such license and pay a fee, which shall be set by resolution of the city council.

(d) Each applicant for a caterer's license under this section shall apply to the city administrator for such license by written application on forms approved by the city council. The city administrator or his designee shall inspect the application for completeness and, if acceptable, shall note on the application the date and exact time of filing. Applications shall be presented and considered by the city council in the order of their filing; provided that no application shall be presented to the city council unless 30 days have elapsed after the date of filing and all necessary investigations have been completed, whichever is later. Upon acceptance of a completed application for a license under this chapter, the city administrator or his designee shall cause the character and reputation of the applicant and all relevant circumstances of the application to be fully investigated. Upon completion of the investigation required in this division, the city administrator shall present the application for a license to the city council for consideration.

(e) The applicant shall provide a physical address of the applicant's business, and if such applicant intends to sell alcoholic beverages from time to time at one location owned or controlled by the applicant in the corporate limits of the city, the applicant shall provide the physical address of that location in the application. Due to the nature of the catering business, however, the applicant shall not be required to provide in the application or anticipate all possible locations for all sales, and subject to the conditions and limitations of this section, a licensed caterer may sell alcoholic beverages at other locations while the caterer provides catering services at such location.

(f) A licensed alcoholic beverage caterer may sell only that type of alcoholic beverage that is authorized by his or her alcoholic beverage license.

(g) Any person who dispenses or serves alcoholic beverages at events for which a licensed caterer is employed shall be required to obtain a server's license under this chapter.

Chapter 41-272. - Rental of licensed premises for private functions.

(a) A holder of a Class A license shall be permitted to rent the licensed premises for private functions which have been scheduled in advance; provided, however, that:

(1) The licensee, its agents, managers, and employees, shall retain complete control over the licensed premises and over selling, serving, or furnishing alcoholic beverages during the private function to the same extent required as if the function were open to the public;

(2) The licensed premises shall remain open to all agents of the state and the City of Bowman for law enforcement and inspection purposes during such private functions; and

(3) No doors to the licensed premises shall be locked preventing egress or ingress during such functions.

(b) Nothing in this section shall be deemed to waive the prohibition governing selling, furnishing, or delivering alcoholic beverages to underage persons by any other person within the licensed premises.

(c) Nothing in this section shall be deemed to waive any provisions of this chapter or state law governing the sale of alcoholic beverages on the licensed premises.

Chapter 41-273. - Brewpubs.

(a) Nothing in this Code is intended or shall be construed to prohibit brewpubs in the corporate limits of the city, provided that any such brewpub shall:

- (1) Obtain and maintain a state brew pub license;
- (2) Obtain and maintain a city license to sell only malt beverages on the premises only, or malt beverages and wine on the premises only; and
- (3) Comply with all terms and conditions of any such state and city license and any and all applicable laws and ordinances.

(b) A brewpub license authorizes the holder of such license to:

- (1) Manufacture on the licensed premises not more than 5,000 barrels of beer in a calendar year;
- (2) Operate an eating establishment that shall be the sole retail outlet for such beer and may offer for sale any other alcoholic beverages produced by other manufacturers which are authorized for retail sale under this title, including wine and malt beverages, provided that such alcoholic beverages are purchased from a licensed wholesaler for consumption on the premises only; and, provided, further, that in addition to draft beer manufactured on the premises, each brewpub licensee shall offer for sale commercially available canned or bottled malt beverages from licensed wholesalers; and

(c) Notwithstanding any other provision of this paragraph, sell up to a maximum of 2,500 barrels annually of such beer to licensed wholesale dealers for distribution to retailers and retail consumption dealers. Under no circumstances shall such malt beverages be sold by said licensee to any person holding a retailer's license for the purpose of resale.

(d) Should a microbrewery licensee operating a brewpub offer for sale other alcoholic beverages produced by other manufacturers on the premises of the brewpub, the licensee shall also be required to obtain an on-premises consumption license.

(e) The holder of a microbrewery license who is operating a brewpub shall not be entitled by virtue of said microbrewery license to sell alcoholic beverages by the package for consumption off the premises.

(f) A brewpub licensee shall not offer or permit any free sampling of beer by its customers on the premises of a brewpub.

(g) A brewpub licensee shall:

- (1) Pay all local excise taxes applicable to individuals licensed by this state as manufacturers, retailers, and, where applicable, wholesalers under this article.

(2) Measure beer manufactured on the premises and otherwise comply with applicable regulations respecting excise and enforcement tax determination of such beer as required by this title.

(3) Every brewpub located within the city shall file a monthly report with the city, no later than the 20th day of each month, on such forms as the city may prescribe, setting forth all malt beverages produced during such preceding calendar month, to include the beginning and ending inventories. Such report shall also indicate the total production of malt beverages during the report period and the proper tax remittance for such production. Failure to properly complete or submit the required reports shall subject the licensee to a late filing penalty set forth herein.

Chapter 41-274. - Microbrewery license.

(a) No microbrewery may manufacture on the licensed premises more than 5,000 barrels of malt beverages in a calendar year.

(b) The state regulations relating to the manufacture, sale, and distribution of beer, as revised from time to time, promulgated by the state revenue department, are hereby incorporated into and made a part of this chapter as if fully set out in this section.

(c) A microbrewery licensee operating a brewery shall be authorized to provide guided tours of said brewery, during which a "free tasting" of malt beverages or beer may be conducted by the brewery. Said tours and tastings shall be permitted in accordance with the provisions of O.C.G.A.

(d) If "free tastings" are to be provided by a brewery pursuant to this section, said brewery must have a tasting room encompassing a minimum floor area of 1,500 square feet for conducting said "free tastings."

(e) No "free tasting" of beer or malt beverages shall be permitted between the hours of 12:00 a.m. and 8:00 a.m. any day of the week. In addition, no pouring or tasting of beer or malt beverages shall be permitted on Sundays, or on any other days or times prohibited by state law. Promotional or educational tours of a brewery facility shall also only be permitted within these allowed timeframes.

(f) No more than 36 ounces of malt beverage samples may be offered to the same individual within one calendar day pursuant to "free tastings" offered by a brewery.

(g) All malt beverages or beer provided at the "free tasting" shall be served by a state licensed representative of the brewery and shall be malt beverages or beer brewed on-site by said brewery.

(h) The licensed brewery may elect to provide non-alcoholic food or beverages at no charge to customers or tour-attendees, either directly or indirectly.

(i) No person who is a participant in an educational or promotional tour may bring alcoholic beverages obtained off the premises of the licensed brewery to said brewery under any circumstances.

(j) Souvenirs may be provided by a brewery, including souvenir containers that may be used in "free tastings" sponsored by the brewery, in compliance with O.C.G.A. § 3-5-38, as amended from time to time. No brewery providing free souvenirs pursuant to this section shall provide, directly or indirectly, more than one souvenir to the same individual in one calendar day. An individual shall be 21 years of age or older to receive a free souvenir or "free tasting."

(k) Except as set forth in this section, a microbrewery licensee operating a brewery shall be subject to all sections of this chapter.

(l) Operation of a brewery shall prohibit a microbrewery licensee from obtaining any other category of alcohol beverage license available under this chapter for the same premises.

(m) A microbrewery licensee shall:

(1) Pay all local excise taxes applicable to individuals licensed by this state as manufacturers, retailers, and, where applicable, wholesalers under this article.

(2) Measure beer manufactured on the premises and otherwise comply with applicable regulations respecting excise and enforcement tax determination of such beer as required by this chapter.

(3) Every brewpub located within the city shall file a monthly report with the city, no later than the 20th day of each month, on such forms as the city may prescribe, setting forth all malt beverages produced during such preceding calendar month, to include the beginning and ending inventories. such report shall also indicate the total production of malt beverages during the report period and the proper tax remittance for such production. Failure to properly complete or submit the required reports shall subject the licensee to a late filing penalty set forth herein.

Chapter 41-275. - Glass containers.

No glass bottle, containers or cans may be sold or distributed on any public right-of-way, and no patron may carry a glass bottle, container or can on any public right-of-way during a parade, event, performance or filming. It shall be unlawful for any vendor to sell beverages in glass containers at parades or events.

DIVISION 2. - PROHIBITED ACTS INVOLVING UNDERAGE PERSONS

Chapter 41-281. - Providing alcoholic beverages.

Except as otherwise authorized by law, no person knowingly, directly or through another person, shall furnish, cause to be furnished, or permit any person in the person's employ to furnish any alcoholic beverage to any person under 21 years of age.

State Law reference—Furnishing alcoholic beverages to minors, O.C.G.A. § 3-3-23.

Chapter 41-282. - Purchasing alcoholic beverages.

No person, knowingly or intentionally, shall act as an agent to purchase or acquire any alcoholic beverage for or on behalf of a person less than 21 years of age.

Chapter 41-283. - Purchase and possession of alcoholic beverage by minor.

No person under 21 years of age shall purchase or knowingly possess any alcoholic beverage.

State Law reference— Unlawful possession by minors of alcoholic beverages, O.C.G.A. § 3-3-23.1.

Chapter 41-284. - Misrepresenting age; false identification.

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 beverages.

ARTICLE VII. - EMPLOYEES

DIVISION 1. - GENERALLY

Chapter 41-298. - Intoxication; consuming alcohol during work.

No employees of any business selling alcoholic beverages shall work in the place of business while intoxicated and no employees shall drink alcoholic beverages while working and employed in the business.

DIVISION 2. - SERVER AND SIMILAR EMPLOYEE LICENSE

Subdivision I. - In General

Chapter 41-303. - Required.

(a) Except as expressly provided in this division, no person shall be employed in a retail establishment licensed under this chapter as a waiter, waitress, bartender, server or other similar employee who serves or sells alcoholic beverages by the drink, nor shall any person sell or serve alcoholic beverages by the drink, unless such person has obtained a server's license in accordance with this division. Except as expressly provided in this division, it shall be unlawful to be employed in a retail establishment that sells alcoholic beverages as a waiter, waitress, server or other similar employee who sells or serves alcoholic beverages by the drink, unless such person has obtained a server's license in accordance with this division. Notwithstanding any provision of this division, however, a person employed solely as a cashier shall not be required to obtain a license under this division in order to accept payment for alcoholic beverages.

(b) Notwithstanding the provisions of subsection (a) of this section, a person who has not obtained a server's license under this division may be employed in a retail establishment licensed under this chapter as a waiter, waitress, bartender, server or other similar employee who serves or sells alcoholic beverages by the drink, and may sell or serve alcoholic beverages by the drink, but only for a temporary period of 30 calendar days, beginning on the date on which such person's employment commences, and ending on the date which is 30 calendar days after such commencement date, and only if such person satisfies the following criteria and conditions:

(1) During the six-month period before the 30-day period commences, the person shall not have previously worked as a server for the retail establishment for whom such employee will work during the 30-day period;

(2) The person shall file with the city an application for a server's license under this division no later than ten calendar days after such person commences employment with the retail establishment, and shall diligently prosecute such application to completion, and promptly comply with all of the city's requests for information;

(3) The person is qualified, at the time such employment commences and during such employment, to obtain a server's license under this division;

(4) If the person previously held a server's license under this division, the person shall not have allowed such license to expire without renewal within the previous 60 calendar days; and

(5) The person shall not have violated this chapter during the previous three years.

If the application is denied before the end of such 30-day period, the 30-day period shall terminate automatically upon such denial.

Chapter 41-304. - Duration; expiration.

Except for licenses issued in calendar year 2008, all licenses issued under the provisions of this division shall:

- (1) Have a term of one calendar year;
- (2) Expire at 12:00 midnight on December 31 of the year in which issued; and
- (3) Be renewable at the city council's option.

Chapter 41-305. - Category.

(a) There shall be one category of server's license, which shall authorize the licensee to serve beer and wine; provided that the licensee is employed by an establishment that has a license to serve the particular type of alcoholic beverage.

(b) The Mayor shall act upon each application separately. Applications for licenses under this division shall not be presented to the council, unless the applicant appeals, or the Mayor desires direction from the council in a particular case.

(c) If an application is denied, the applicant may appeal the denial to the council by delivering to the Mayor a written request to appeal. The Mayor shall then notify the council and request that the appeal be placed on the agenda at the next available regular meeting for which an agenda has not yet been prepared or finalized. At the meeting at which the appeal is to be heard, the council may hear from the applicant and consider such evidence as the council deems appropriate. The council shall also be authorized to impose at the hearing such reasonable rules and procedures as it deems appropriate for consideration of the appeal.

Chapter 41-306. - No additional fee required.

Licensees under this division shall be required to be employed by a person or establishment that has obtained a beer and wine license under this chapter. No additional license fee shall be required for a server's license.

Subdivision II. - Application

Chapter 41-331. - Required.

The applicant for a license under this division shall make a written application under oath on the form as provided by the Mayor or his designee. Such application shall be a public record and open to public inspection by any citizen at a reasonable time.

Chapter 41-332. - Qualifications.

(a) Only natural persons shall be applicants for licenses under this division, and no corporation, limited liability company, limited partnership, general partnership or other corporate entity shall be entitled to obtain a license under this division.

(b) All applicants for licenses under this division must attach to their application evidence of their good character.

(c) Before applying for a server's license under this division, or no later than 90 days after applying for such license, all applicants for a server's license under this division shall complete a class concerning the serving and sale of alcoholic beverages and complying with the laws and ordinances applicable to the serving and sale of alcoholic beverages. In order for attendance at such class to satisfy this requirement, such class shall be offered by a manufacturer or wholesaler of alcoholic beverages, and shall have been approved by the Mayor or his designee. All costs of any such class shall be paid by the applicant or licensed establishment which employs the applicant. Under no circumstances shall the city be required or in any way obligated to pay any such costs.

(d) It shall be unlawful to grant a server's license to:

- (1) Anyone who is not permitted to serve alcoholic beverages under state law.
- (2) A person of unsound mind.
- (3) A person who is not a citizen of the United States.
- (4) A person who at the time of the application for renewal of any license would not be eligible for such license upon a first application.
- (5) A person who has held a previous license that has been revoked for cause within a period of three years immediately prior to the filing of the application.
- (6) Any person convicted under any federal, state or local law of a misdemeanor involving alcoholic beverages, if such conviction tends to indicate that the applicant will not comply with the laws applicable to sales of alcoholic beverages in performing his duties as a cashier, waiter, waitress or other server of alcoholic beverages.

Chapter 41-333. - Procedure; criteria.

(a) All applications presented shall be noted as to the date and exact time of filing and, after filing, such applications shall be presented and considered by the city council in the order of their filing, provided 30 days have elapsed after the date of filing and all necessary investigation has been completed, whichever is later.

(b) The application shall be sworn and directed to the Mayor who shall inspect the application. The Mayor or his designee shall cause the character and reputation of the applicant to be fully investigated.

(c) The Mayor or his designee shall submit the application within two business days after filing to the police department. The police department shall make an arrest and conviction investigation concerning any applicants under this division and shall submit the results of such investigation to the Mayor within seven days of submission.

(d) In determining whether or not any server's license applied for under this division shall be granted, in addition to all the other provisions of this chapter, in the public interest and welfare, the following will be considered:

- (1) The applicant's reputation, character and mental capacity.
- (2) If applicant is a previous holder of a server's license or a license to sell any alcoholic beverage, whether or not applicant has violated any law, regulation or ordinance relating to such license.
- (3) If applicant is a previous holder of a server's license or a license to sell any alcoholic beverage, the manner in which applicant conducted the business thereunder as to the necessity for unusual police observation and inspection in order to prevent the violation of any law, regulation or ordinance relating to such business.
- (4) Whether the person has previously had a server's license or an alcoholic beverage license suspended or revoked.
- (5) The criminal record of the applicant.
- (6) Evidence presented to the council for or against that application.

(e) All applicants for new licenses shall be passed upon by the city council and its action shall be taken within 60 days from the date of the filing of the application.

(f) Any change in the application's contents, which requires investigation by the Mayor or city council prior to the issuance of a renewal license, shall be passed upon by the city council within 60 days from the date of filing of the change.

Chapter 41-334. - Investigation.

(a) Applicants, by filing for a server's license, agree to furnish the date, information and records required by this article and also agree to submit under oath to interrogation by the Mayor, city attorney and city council as to any facts considered pertinent to the application. Applicants, by filing the application, also agree to produce for oral interrogation by the Mayor, city attorney and city council any person requested by the Mayor and city council, as being important in the ascertainment of the facts relative to the granting of the license. Failure to furnish this date, information and records or failure to produce these persons within 30 days from the date of the request by the city shall automatically serve to dismiss with prejudice the application of the applicant failing to furnish the date, information and records or failing to produce these persons.

(b) All applications for new servers' licenses, and applications for renewals thereof, shall be investigated by the designee of the city clerk, and no new or renewal license shall be acted upon by the city council or issued by the city clerk until the designee has indicated in writing that in his opinion no violation exists upon the facts as stated and ascertained by such investigation as to any ordinance or law in effect as of the date of the rendering of the opinion.

Chapter 41-335. - City council action.

(a) Before the city council shall deny any application or reapplication for a server's license, or shall revoke or suspend any existing server's license, the applicant or licensee, as the case may be, shall be given notice in writing by the Mayor or the city clerk to show cause before the city council at a

time and place specified and being not less than three days or more than 45 days from the date of service of the notice, why the application or reapplication for license should not be denied, or why the license should not be revoked or suspended, as the case may be. This notice shall set forth any objections to the application or reapplication and any possible grounds on which a denial of the application or reapplication or a revocation or a suspension of the license may be based as well as the names of any witnesses to be called in support of the denial or revocation. At the appointed time and place the applicant or licensee shall have an opportunity to present evidence, call witnesses, cross examine witnesses, make statements and otherwise show cause, if any exists, why the application or reapplication should not be denied or why the license should not be revoked or suspended.

(b) After this hearing, and based upon the evidence presented at this hearing, the city council shall take such action as it, in its judgment and discretion, shall deem warranted under the facts.

(c) The hearing provided for in this section need not be at a regular meeting of the city council but may be at such time and place as shall be fixed in the notice.

(d) The city council shall have the right to suspend any server's license pending the hearing provided for in this section where in the city council's judgment, such action is necessary to protect the public health, safety, welfare or morals of the community. Any such suspension shall not exceed ten days unless the licensee requests a continuance of the hearing before the city council, in which case the suspension will stay in effect until the time of the hearing.

(e) Penalties for any violation within a three-year period are as follows:

- (1) First offense: \$50.00 fine.
- (2) Second offense: suspension of server's license for a period of one month.
- (3) Third offense: revocation of the server's license.

Subdivision III. – Enforcement

Chapter 41-359. - Prohibited acts.

(a) Any person making a false statement in any application for an server's 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 server's license, if previously granted or renewed, may be revoked for the violation.

(b) It shall be an offense for any person to give other than the true and correct legal name of the intended licensee.

(c) A conviction for a violation of this section shall be punished as provided by general penalties and in his discretion, the municipal court judge may revoke, suspend or probate any server's license for such violation and the administrative hearing officer may revoke, suspend or probate any server's license for such violation.

Chapter 41-360. - Renewal.

(a) All server's licenses are issued only on a calendar-year basis and shall come up for renewal each year following issuance.

(b) Each server licensee shall make a written application for renewal by November 15 of each year following issuance. Each licensee shall swear to the truthfulness of such information that is the same as the prior application and shall set forth facts that are different from prior year's application.

(c) All applications for renewal of servers' licenses for the ensuing year shall be treated as applications for new servers' licenses, except that that the chief of police need not conduct an investigation.

(d) All such reapplications shall be acted on by the city council at the December meeting of the city council unless notice is given to any applicant as provided in this chapter of the council's intent to deny renewal or to suspend or revoke the license.

(e) Each server's license renewal application shall be accompanied by the annual fee in an amount as established from time to time by city council resolution. In addition, there shall be a late penalty equal to 100 percent of the annual fee charged for filing a server's license renewal application and license fee payment after November 15. If a server's license renewal application and license fee has not been filed with the city clerk's office by December 15, the license shall be declared to be abandoned and any relicensing shall require a new application.

Chapter 41-361. - Refusal.

(a) If an applicant is refused a server's license for cause as provided for in this division no application for the same applicant will be accepted for one year from the date of filing such application.

(b) Any untrue or misleading information contained or material omission in the application for a server's license shall be cause for the denial thereof.

Chapter 41-362. - Nontransferable.

No server's license granted under this division shall be transferable from one person to another.

Chapter 41-363. - Display.

The server's license shall at all times be posted in a conspicuous place within the building; if the license is not so posted, such licensee shall not be authorized to sell alcoholic beverages until same shall be posted.

Chapter 41-364. - Grounds for suspension, revocation and probation.

A server's license shall be subject to suspension, probation, revocation and other similar action under the same terms and conditions, and pursuant to the same procedures, as provided in this chapter with regard to licenses for the sale of alcoholic beverages.

ARTICLE VII. - EXCISE TAXES

MALT BEVERAGES AND WINE

Chapter 41-416. - Levied.

There is hereby imposed on malt beverages and wine an excise tax in the maximum amount allowed by law, as now exists or as hereafter amended.

State Law reference— Municipal excise tax on malt beverages, O.C.G.A. § 3-5-80; municipal excise tax on wine, O.C.G.A. § 3-6-60.

Chapter 41-417. - Due date; payment.

The tax shall be paid to the city by each wholesale dealer on all malt beverages and wine sold within the city not later than the tenth day of each month, based upon the units of malt beverage and wine sold during the previous calendar month by the wholesalers to retailers in the city.

Chapter 41-418. - Recordkeeping.

The wholesale dealer 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 city and the report shall show the exact quantities of malt beverages or wine, by size and type of container, and the amount of excise tax collected.

Chapter 41-419. - Audits.

The city council shall have the right to audit, and to require production of records from each wholesaler supplying retailers in the city, and also from each retailer so supplied.

Chapter 41-420. - Failure to file; delinquent payment.

Failure to make a timely report and remittance of the taxes shall render a wholesale dealer liable for a penalty equal to ten percent of the total amount due, in addition to the amount due; and additionally, if the report is not filed or if the taxes are not remitted and paid within 30 days from the date that the same are due, the city council shall have the right to suspend or revoke any wholesale license, and further to prohibit the wholesaler from making any deliveries of any type whatsoever within the city.

Chapter 41-421. - Sale without tax payment prohibited.

It shall be unlawful for any person to sell at retail or otherwise within the city any malt beverage or wine on which the tax required in this section has not been paid to the wholesaler, distributor or to the city.

ARTICLE VIII. – DISTILLED SPIRITS

Chapter 41-430. - Prohibited

The manufacture, distribution, and sale of distilled spirits are expressly prohibited within the city limits of Maysville, Georgia.