

CITY OF MCINTYRE
RESOLUTION ADOPTING AMENDMENTS TO THE CODE OF ORDINANCES
CONCERNING THE SALE OF ALCOHOLIC BEVERAGES GENERALLY AND ON
SUNDAY

WHEREAS, under the powers granted to the City of McIntyre for the protection of the public health, safety and welfare of the citizens, and for the regulation of the sale of alcoholic beverages, it is necessary to amend the Code of Ordinances; and

WHEREAS, the City of McIntyre desires to utilize the discretion provided in Title 3 of the Official Code of Georgia to provide for the sale of alcoholic beverages for consumption on premises and by the package at duly licensed retailers, including on Sunday; and

WHEREAS, the City of McIntyre held public referendum elections on November 7, 2023 after following all state requirements, such referendums including: the Sunday sale of alcoholic beverages for consumption on premises, the Sunday sale of malt beverages and wine by the package, and the sale of distilled spirits by the package in general; and

WHEREAS, all of the aforementioned referendums concerning alcohol sales passed with at least a simple majority on the November 7, 2023 election; and

WHEREAS, the City of McIntyre has revised its alcohol ordinances to reflect the passage of the November 7, 2023 referendums, and has consolidated all prior ordinances into this singular ordinance, including the Beer and Wine Ordinance passed July 6, 1995, the amendments thereto passed on May 2, 2011 and May 5, 2012, and the Ordinance Pertaining to the Sale of Alcoholic Beverages by the Drink passed April 2, 2012; and

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Mayor and Council of McIntyre, Georgia, that:

Section 1: The City of McIntyre Mayor and Council hereby enact the Alcohol Ordinance attached hereto as Exhibit A.

Section 2: The City of McIntyre hereby repeals all prior ordinances concerning alcohol in the Code of Ordinances, specifically, the Beer and Wine Ordinance passed July 6, 1995, the amendments thereto passed on May 2, 2011, and May 5, 2012, and the Ordinance Pertaining to the Sale of Alcoholic Beverages by the Drink passed April 2, 2012, the substantive terms of which are included and consolidated in the attached Exhibit A.

Section 3: This resolution shall become effective immediately upon its adoption.

NOW THEREFORE BE IT HEREBY PROCLAIMED, RESOLVED AND ORDAINED by the Mayor and Council of the City of McIntyre, Georgia, this ____ day of _____, 20____, this Resolution Adopting Amendments to the Code of Ordinances Concerning the Sale of Alcoholic Beverages Generally and on Sunday.



Vicki Horne, MAYOR

ATTEST

EXHIBIT A

City of McIntyre's Alcohol Ordinance

McINTYRE CODE OF ORDINANCES

CHAPTER _____ - ALCOHOL

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Article I
DEFINITIONS - GENERAL REQUIREMENTS

Section 100. DEFINITIONS. As herein used, the following words shall have the meaning indicated:

- A. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.
- B. "Alcoholic beverage" means and includes all alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine.
- C. "Clerk" shall refer to the Clerk of the City of McIntyre, Georgia.
- D. "Council" shall refer to the City Council of the City of McIntyre.
- E. "Distilled spirits" means any alcoholic beverage obtained by distillation or containing more than twenty-four percent (24%) alcohol by volume.
- F. "Fortified wine" means any alcoholic beverage obtained by distillation or containing more than twenty-four percent (24%) alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, brandy.
- G. "Hard cider" means an alcoholic beverage obtained by the fermentation of the juice of apples, containing not more than six percent (6%) alcohol by volume, including, but not limited to, flavored or carbonated cider. For purposes of this Chapter, hard cider shall be deemed a malt beverage. The term does not include "sweet cider."
- H. "Licensee" means a duly authorized person by the Council to engage in the sale of any type of alcoholic beverages.
- I. "Malt beverage" means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than fourteen percent (14%) alcohol by volume and including ale, porter, brown, stout, lager beer, small

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

J. "Mayor" shall be deemed to mean the Presiding Officer of city council of McIntyre.

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

L. "Person" means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasi-public.

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

N. "Wine" means any alcoholic beverage containing not more than twenty-four percent (24%) alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.

Section 102. COMPLIANCE GENERALLY. It shall be unlawful for any person to sell or offer to sell any alcoholic beverages without first complying with the rules and regulations set out in this Chapter.

Section 103. LICENSE REQUIRED. No alcoholic beverage may be sold legally in said City except under a license granted by the Council as provided in this ordinance. Any alcoholic beverage to be sold must have been purchased by the licensee from a licensed wholesale distributor. All licensees shall have attained a minimum age of twenty-one (21) years.

Section 104. LICENSES AVAILABLE; FEES. The licenses available to applicants and their respective annual fees shall be as follows:

A. CONSUMPTION-ON-PREMISES.

1. Malt Beverages. License provides authorization to sell only malt beverages for consumption-on-premises. The annual fee for this license shall be \$550.
2. Wine. License provides authorization to sell only wine for consumption-on-premises. The annual fee for this license shall be \$550.
3. Distilled Spirits. License provides authorization to sell only distilled spirits for consumption-on-premises. The annual fee for this license shall be \$1,500.
4. Alcoholic Beverages. License provides authorization to sell for consumption-on-premises all types of alcoholic beverages, including malt beverages, wine, and distilled spirits. The annual fee for this license shall be \$2,050.

B. PACKAGE STORE.

1. Malt Beverages. License provides authorization to sell only malt beverages by the package for consumption-off-premises. The annual fee for this license shall be \$550.
2. Wine. License provides authorization to sell only wine by the package for consumption-off-premises. The annual fee for this license shall be \$550.
3. Distilled Spirits. License provides authorization to sell only distilled spirits by the package for consumption-off-premises. The annual fee for this license shall be \$2,500.
4. Alcoholic Beverages. License provides authorization to sell all types of alcoholic beverages, including malt beverages, wine, and distilled spirits, by the package for consumption-off-premises. The annual fee for this license shall be \$2,500.

C. WHOLESALE.

1. Principal Place of Business Inside City. License provides authorization for wholesale dealer principally conducting his wholesale business enterprise in the City limits to sell alcoholic

beverages to licensed retailers within the City limits. The annual fee for this license shall be \$3,000.

2. Principal Place of Business Outside City. License provides authorization for the wholesale dealer to sell alcoholic beverages to licensed retailers inside the City limits. The annual fee for this license shall be \$100.00.

D. SUNDAY SALES. Sunday Sales licenses are an additional license and require the applicant to have an underlying license for consumption-on-premises or package sales. No applicant will be granted a Sunday Sales license absent an underlying license.

1. Consumption-On-Premises. License provides authorization for the sale of alcoholic beverages on Sunday between the hours of 11:00 A.M. through midnight by duly licensed licensee which: (1) derives at least fifty percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets; or (2) in a licensed establishment which derives at least fifty percent of its total annual gross income from the rental of rooms for overnight lodging. The annual fee for this license shall be \$300.

2. Package Stores. License provides authorization for the sale of malt beverages and wine on Sunday between the hours of 12:30 P.M. through 11:30 P.M. by duly licensed licensee. The annual fee for this license shall be \$1,000.

Section 105. LICENSE FEES; DUE. License fees shall be payable in advance not later than January 1 of each year for the entire year, beginning on January 1 and ending on December 31, of each year. The payment of license fees shall be required before the issuance of a license. No license fee shall be prorated for a fraction of a year. Notwithstanding the foregoing, in the year of 2024, license fees may be payable up through and including April 1, 2024.

Section 106. LICENSES A PRIVILEGE. Licenses hereunder are mere grants or privileges to carry on the business during the term of the license, and shall be subject to all terms and conditions imposed by the council at the time of the issuance of the licenses as well as such reasonable terms and conditions as may be thereafter imposed by the Council while the license is in

effect. Licenses shall be subject to suspension or revocation as herein provided, but no such suspension or revocation shall entitle the licensee to a return of any portion of the license fee.

Section 107. ASSIGNABILITY OF LICENSES. Licenses issued hereunder shall not be assignable or transferable, but a business successor, except as herein expressly provided, shall be required to apply for a license as for an original application.

Section 108. RIGHTS TO RENEWAL. The issuance of a license hereunder for any calendar year or any portion thereof shall not be deemed to vest the licensee or any person having an interest in the business with any right to renewal thereof.

ARTICLE II LICENSES - HOW OBTAINED AND ISSUED

Section 200. APPLICATION GENERALLY; TERM. No alcoholic beverage shall be sold within the City except under a license granted by the Council. An application for a license shall be made on forms provided by the Council as follows:

- A. A license shall be valid only for the calendar year indicated thereon and no such license may be renewed. A licensee who desires to continue in business during the next calendar year must make a new application for such year on or before November 15 of the preceding year.
- B. Licensees planning to operate during the subsequent license year who fail to file on or before November 15, as provided by the ordinance, may be cited by the Council to show cause why their current license should not be suspended or revoked or why their application for a license to operate during the subsequent year should not be denied.
- C. Notwithstanding, any current owner of the property or licensee of a business who does not now comply with this section and who fails to maintain a business under this article for a period of one year shall not be authorized to operate in noncompliance of this section.

Section 201. ADVERTISEMENT. Any person, firm or corporation desiring to engage in the retail sale of beer and wine shall advertise such intention to make application to the Council for the issuance of a license. Such advertisement shall be in such form as

the Council may from time to time prescribe, and shall be published once a week for two (2) consecutive weeks in the official legal newspaper of Wilkinson County, Georgia. The notice shall be advertised once a week for two (2) weeks immediately preceding the meeting of the City Council at which the application is to be acted upon. Said advertisement shall contain a statement showing the location of the proposed business, the name of the applicant, and if such applicant is a partnership, the notice shall show the names of the partners, and if a corporation, the notice shall show the names of the officers. The advertisement herein prescribed shall not be required of applicants for licenses where the license sought is a renewal of a prior license issued to the same applicant for the same location for a business establishment which is located continuously up until the date of the application. If the same location was previously licensed to do business, but there has been a change of ownership of the business or other interest therein, the advertisement shall be required.

Section 202. APPLICATION. When the advertisements required by the preceding section have been published, the applicant shall obtain an affidavit of publication and shall attach the same to a written application for a beer and wine license. The application shall be in such form as shall be from time to time prescribed by the Council. The application form shall be obtained from the Clerk and filed by applicants with the Clerk and City treasurer; or, alternatively filed with the City deputy clerk and treasurer. All applications for new licenses under the provisions of this resolution shall be made in person by the applicant at the Office of the Clerk of the City of McIntyre. It shall be subscribed by the applicant on oath and shall be fully and completely executed. If the applicant is a partnership, all partners shall execute the same, and if the applicant is a corporation, it shall be executed by the President and Secretary of the corporation. There shall also be attached to the application a cashier's check, money order, or like remittance for the license fee in full. When the verified application, with the affidavit of publication and payment of the license fee is filed with the Clerk, the Council shall inspect the application, and conduct such investigation and hold such hearings thereon as it may deem necessary. The Council may seek the advice of the District Attorney, the City Attorney, and law enforcement officers during its consideration of the application. After its investigation and consideration of the applicant, the Council shall either grant or deny the application for a license pursuant to the provisions of this ordinance.

Section 203. TRANSFERABILITY OF LICENSES.

- A. Licenses hereunder shall not be transferable or assignable to new owners, but where there is a change in the ownership of a business, the new owner or owners shall file an application as for a new license as provided by this ordinance.
- B. Changes of business interest from one party at interest named in the original application to another party at interest named in the original application and changes from one employee or manager of a business establishment to his successor shall not be deemed a transfer of a license. In each instance, however, the licensee shall notify the Clerk in writing of such change and make a complete disclosure of all of the facts in connection therewith, such notification to be made within three (3) days from the date of such change; additionally, the licensee shall surrender his license to the Council
- C. Should a transfer of a location be approved by the Council, there shall be no pro rata return of any license fee for the new location; the new location shall be considered as a new license.

Section 204. APPLICATIONS - INFORMATION. All applications for licenses shall be completely and fully executed, and each question on the form provided shall be answered accurately. Failure of an applicant to furnish all data, information and records required by the application as well as failures to accompany the application with the payment of the prescribed fee or the affidavit of publication shall be deemed just cause for denying the application with prejudice.

Section 205. RENEWALS. Upon the expiration of any license by its terms, licensees shall be required to apply for a new license for the succeeding calendar year as herein provided for new licenses; provided, however, that under the terms of Section 201 above, advertisement of the application is waived, and provided further, that nothing herein contained shall be deemed to prohibit a licensee from applying for a new license for the succeeding calendar year within a period of sixty (60) days next prior to the expiration of his then current license.

Section 206. SEPARATE LOCATIONS. A separate alcoholic beverage license shall be required for each place of business of the licensee, if such business concerns the sale of alcoholic beverages.

Section 207. BUILDING PLAN REQUIREMENTS. No alcoholic beverage license shall be issued to any person unless complete and detailed floor plans of the building in which the business will be located, and of the outside premises, are attached to the application or unless proposed plans and specifications and a building permit of a proposed building to be built are attached to the application. The proposed building shall also be subject to final inspection and approval when completed by the building official. Each building in which the business will be located shall contain sufficient lighting. Each applicant for an alcoholic beverage license shall attach to his application evidence of ownership of the building or proposed building or a copy of the lease if the applicant is leasing the building. All premises for which a alcoholic beverage license shall be issued shall afford therein adequate sanitary toilet facilities and shall be adequately illuminated so that all hallways, passageways and open areas may be clearly seen by customers therein.

Section 208. DEATH OF LICENSEE; PARTNERSHIP; CORPORATIONS.

- A. In case of the death of any person holding a license under this article, or any interest in the license, the license may, in the discretion of the Council, be transferred. Nothing in this section, however, shall prohibit one or more of the partners in a partnership holding a license to withdraw from the partnership in favor of one or more of the partners who were partners at the time of the issuance of the license. Such a withdrawal shall not, however, serve to bring any new ownership into the partnership.
- B. A licensee may take in partners or additional stockholders where it is determined that the additional capital furnished is to be used exclusively for additional inventory or expanding the facilities of the business or for building new facilities and where it appears that the licensee himself received directly none of the additional capital invested. Under this section an additional partner or new principal stockholder must be approved by the Council pursuant to the criteria of this chapter.

ARTICLE III
CRITERIA FOR ISSUANCE OF LICENSES

Section 300. PAYMENT OF FEES AND TAXES. No license shall be issued hereunder unless the applicant therefor shall have fully paid all license fees and taxes due to City of McIntyre, Georgia.

Section 301. CHARACTER. No person, firm or corporation shall be granted a alcoholic beverage license unless the Council shall find that such person, the members of such firms, or the officers, directors and stockholders of such corporations, are of good moral character; and in no event shall any license be granted to any person, firm or corporation where any of the individuals, or any of the corporation officers, directors or stockholders, as the case may be, have, within ten years immediately prior to the filing of the application, entered a plea of guilty, a plea of nolo contendere, or shall have suffered any conviction of any crime involving moral turpitude or involving alcohol control laws of the State of Georgia or the United States. Should any license, partner, officer, director or stockholder of a license corporation, after a license has been granted hereunder be convicted or plead guilty or nolo contendere to a crime involving moral turpitude or to a violation of any of the laws of the United States or of the State of Georgia relating to alcohol, the license issued to such licensee shall stand revoked and canceled.

Section 302. DISTANCES FROM CERTAIN USES.

- A. No alcoholic beverage license shall be granted to any person unless the entire business premises of the proposed location is beyond 100 yards from the property line of any church, school ground or college campus, with the exception of a consumption-on-premises license to restaurants.
- B. The distances between a business and churches, schools or colleges as provided for in this section shall be measured as follows:
 - 1. From the property line of the tract on which is located the business regulated under this section;
 - 2. To the property line of the tract on which is located the church, school ground or college campus;

3. Along a straight line which describes the shortest distance of most direct route of legal travel on the ground property lines.
- C. Each application for an alcoholic beverage license shall include a scale drawing of the location of the proposed premises showing the distance to the nearest church or school or a certificate of a registered surveyor that such location complies with the distance set forth in this section.
- D. The restrictions as to location contained in this section shall not apply to hotels of fifty (50) rooms or more which have been in continuous operation for a period of five years preceding July 1, 1981, nor shall these restrictions apply to bona fide private clubs, owning their own homes, subject to licensing under the Official Code of Georgia Annotated 3-7-1, et seq.

Section 303. MOBILE HOME OR TOURIST COURT/MOTEL - ADDITIONAL PROVISIONS. No license shall be issued for the operation of any beer and wine business on the premises of a mobile home part, tourist court or motel.

Section 304. OTHER CRITERIA DECLARED TO BE IN THE PUBLIC INTEREST. In determining whether or not any license applied for hereunder shall be granted, in addition to all other provisions of this ordinance, the following shall be considered in the public interest and welfare:

- A. The applicant must be of at least twenty-one (21) years of age.
- B. The applicant's reputation, character, and mental and physical capacity to conduct business.
- C. Whether or not applicant has violated any law or regulation relating to any beer and wine business for which he may have previously held a license or in which he may have had an interest.
- D. The manner in which the applicant conducted the beer and wine business under any prior license.
- E. The distance of the premises on which the license is to be used from other premises for which a license has

already been granted.

- F. Whether or not the applicant has previously had a beer license revoked. It is the declared policy of the Council that no person, firm or corporation whose license has previously been revoked shall be issued a license. No license shall be issued under the provisions of this section to any person who is in fact a front for any person, partnership, or corporation whose license has been revoked.
- G. The extent of the financial interest of the applicant in any wholesale beer and wine business. It is declared to be the policy of the Council that no person who has any financial interest in any wholesale beer and wine business shall also have any financial interest in any retail beer and wine business and no financial or assistance to any licensee hereunder from any wholesaler or manufacturers of beer or wine shall be permitted.
- H. The suitability of the premises for the conduct of a beer and wine business, including its location and the difficulty or absence thereof of policing by law enforcement agencies. The sentiment of the community in which the proposed business would be operated, so far as the same may be known to the Council, as hereinafter provided for, upon written petition to the Council of McIntyre, being filed with the Clerk of said Council, with the personal signatures and residence addresses of a simple majority of the adult residents of any area of McIntyre inside the corporate limits, any part of whose places of abode lies within a radius of three hundred (300) feet of any location at which it is proposed that beer or wine at retail will be sold, appearing thereon, requesting that the Council deny the application for a license to sell any such alcoholic beverage at said location, the Council shall publicly announce the date, time of day and place of a public hearing upon such license application and shall cause notice thereof to be published in the Wilkinson County News once a week for two consecutive weeks, the final notice to be published not less than seven (7) days prior to the date of such public hearing, and upon the physical appearance at such public hearing of such number of petitioners as shall constitute a simple majority of the adult residents of such area, the Council shall have the power and authority, in the public interest, to deny the license application

and the Council in considering such application, shall likewise have the power and authority in the public interest, to deny such application. Whether or not petitioners constitute a simple majority of the adult residents of such an area shall be determined by a census or survey of said area conducted by an authorized agent of the Council, duly appointed for such purpose within a period of thirty (30) days immediately preceding the date of such public hearing. The term "adult resident", as used in this section is defined as a person, eighteen (18) years of age or older, whose principal place of abode lies wholly or partially within the above stated radius of such proposed alcoholic beverage license location at the time such person signs such petition, continuing to the date of the hearing on the petition and application before the Council.

- I. The Council may consider any circumstances which may reflect favorably or unfavorably on the applicant, the application or the proposed location of the business. If in its judgment circumstances are such that the granting of a license would not be in the best interest of the general public, such circumstances may be grounds for granting or denying the application, provided they are disclosed to the applicant.

Section 305. WAIVER FOR EXISTING BUSINESS. Where a license has been issued to a business engaged in the retail sale of beer and wine for the current year and the licensee or the location thereof do not meet all of the criteria specified in this ordinance, the Council reserves the right to waive one or more of such criteria as specified herein; provided, however, that the following conditions are met:

- A. The business operation is continuous as a beer and wine establishment into subsequent years and there is no change in the ownership thereof if the licensee be an individual or a partnership, and there is no change in the corporate personnel if the licensee be a corporation.
- B. The Council shall find that the necessary waiver will not be substantially contrary to the public interest. Should there be an interruption or lack of continuity in the business operation as a beer or wine establishment or any change in the ownership thereof, the applicant for a new license shall be required to

comply with all of the provisions hereof. Provided, however, that a change of ownership of said establishment which does not result in the discontinuance as a beer and wine establishment will authorize the Council to waive one or more of said specified criteria.

Section 306. REQUIRED APPROVAL BY CITY OFFICIALS. An alcoholic beverage license shall not be issued without first being approved by the chief of police, the building official, the city marshal, and the fire chief.

Section 307. RESTRICTION FOR CONSUMPTION-ON-PREMISES LICENSEE; OTHER FINANCIAL INTERESTS. No consumption-on-premises license will be issued where the applicant or any of the beneficial owners of the proposed business has any financial interest in any distillery, wholesale alcoholic beverage business or any retail package alcoholic beverage business, provided however, any consumption-on-premises licensee may own one retail package business, and the Council may issue to the same applicant or the same business group holding consumption-on premises licenses more than one retail alcoholic beverage license where it can be shown that the sale of alcoholic beverages is not the principal business to be engaged in by such applicant pursuant to the license.

ARTICLE IV.
CONDITIONS OF ISSUANCE OF LICENSES: DUTIES OF LICENSEES

Section 400. DUTY TO REPORT CHANGES. Whenever there shall be change in any of the facts reported to the Council in the application for a license after such license has been granted, it shall be the duty of the licensee, within three (3) days after such change, to report the same to the Clerk in writing.

Section 401. WHEN SALES PERMITTED.

- A. No licensee shall sell, furnish, or offer for sale any alcoholic beverage at any of the following times:
1. At any time on Christmas Day; or

2. On any Sunday after 12:00 A.M., unless otherwise authorized by the City through procurement of a Sunday Sales license; or

3. On any day before 8:00 A.M. or after 2:00 A.M.

B. All glasses and containers in which alcoholic beverages were sold during legal hours shall be removed from the customer's table within thirty (30) minutes of the time of permissible sale.

C. If the establishment is open at times other than when alcoholic beverages can legally be sold, it shall be the duty of the licensee to secure its inventory during such hours or on such days and to notify its customers that the products are not available for sale.

Section 402. SALES TO UNDER AGE PERSONS PROHIBITED. No licensee or person in his employ shall furnish or cause to be furnished beer or wine to any person who is less than the legal age allowed for such persons to purchase or procure beer or wine, as provided for in OFFICIAL CODE OF GEORGIA ANNOTATED Section 3-3-23, now in effect, or as hereafter amended. The prohibition of this action includes the sale or gift to, or other procuring of said beverages by such persons who have not attained the legal age required for the purchase of beer and wine.

Section 403. FURNISHING TO CERTAIN PERSONS PROHIBITED. No licensee shall by himself or another furnish or cause to be furnished or permit any person in his employ to furnish alcoholic beverages to any person who is of unsound mind, or who is a habitual drunkard whose intemperate habits are known by the licensee.

Section 404. RESTRICTION ON AGE OF EMPLOYEES. No licensee shall employ or permit the employment of any individual under the age of twenty-one (21) to sell or otherwise handle or deal with beer or wine.

Section 405. FAMILIARITY WITH ORDINANCE, GEORGIA LAW AND REGULATIONS.

- A. All licensees shall keep a copy of this Chapter in his authorized place of business and shall instruct or train all employees and agents for compliance with the terms herein. Each licensee or his agents selling alcoholic beverages shall at all times be familiar with the terms and requirements of this Chapter. The licensee shall be held responsible for any acts of his employees in any violation of this Chapter, or the laws of the State of Georgia, or the rules and regulations of the state revenue commissioner.
- B. It shall be the duty of the licensee to train all employees whose duties include the sale, dispensing, serving, or taking orders for alcoholic beverages in the requirements of this Chapter and applicable state laws and regulations. Each licensee shall establish written policies, a copy of which shall be posted within the licensed premises, governing the sale and dispensing of alcoholic beverages in accordance with the state law and this Chapter. Licensees are encouraged to adopt disciplinary sanctions for employees who fail to meet the standards of law as violations by employees can constitute grounds for revocation, suspension or denial of a license under this Chapter. The degree of training, supervision, and discipline of employees by the licensee may be considered by the Council in determining action on any licensee.

Section 406. RESPONSIBILITY FOR ACTS OF EMPLOYEES AND OTHERS. Licensees are charged with the responsibility hereunder for compliance with this ordinance by their officers, agents, servants and employees. Licensees are charged with the responsibility for acts in violation of this ordinance performed by others if with the knowledge of the licensee. Licensee shall provide licensed security on the licensed premises during all hours of operation as prescribed herein.

Section 407. COMPLIANCE WITH LAWS, RULES, AND REGULATIONS. In addition to the provisions of this resolution, licensees are also charged with responsibility for adhering to any other provisions of resolutions and ordinances of the City Council of McIntyre, Georgia, as well as the statutes and laws of the State of Georgia, rules and regulations of the state revenue commissioner relating to the sale and distribution of alcoholic beverages, and the laws of the United States relating to the operation of their businesses. Any violation of the foregoing shall subject a licensee to the immediate suspension or revocation of his license and shall subject such

licensee to criminal prosecution by the proper authority as provided by law, regulation, or ordinance.

Section 408. POSTING OF NOTICES. Every licensee shall post in a conspicuous place in his place of business a notice with letters not less than four inches in height which shall be clearly visible to all customers entering the establishments as follows: "SALES TO UNDER AGE PERSONS ARE STRICTLY PROHIBITED."

Section 409. RESTRICTION ON AGE OF PATRONS. No licensee shall allow any individual under the age of twenty-one (21) on the premises. For purposes hereof, premises shall be defined as all structural interior and any outdoor locations owned or leased by licensee.

Section 410. PLACE OF SALE OR DELIVERY. No licensee shall sell or deliver any alcoholic beverages to any person except in the licensee's place of business, unless so authorized by the appropriate license.

Section 411. STORAGE OF ALCOHOLIC BEVERAGES. No licensee shall keep any alcoholic beverages stored in any bonded or other type warehouse in the City nor shall he enter into any type of arrangement whereby alcoholic beverages ordered by him are stored for him by any licensed wholesaler. A licensee shall keep no inventory or stock of alcoholic beverages at any place except his licensed place of business. Within his licensed place of business, his storage space for alcoholic beverages shall be immediately adjacent to the room in which he is licensed to do business.

Section 412. RESTRICTIONS FOR CONSUMPTION-ON-PREMISES LICENSEES.

- A. CONTAINERS. No consumption-on-premises licensee may purchase distilled spirits in containers smaller than one-fifth gallon. The sale of distilled spirits by any consumption-on-premises licensee in unbroken packages or in any quantity for other than consumption on the premises is prohibited.
- B. GAMBLING. There shall be no gambling, betting, games of chance, punchboards, slot machines, gambling machines, lotteries or tickets or chance therein or the operation of any schemes for hazarding money or any other thing of

value in any licensee's place of business or in any room adjoining the place of business, owned, leased or controlled by a consumption-on-premises licensee.

C. SECURITY. Consumption-on-premises licensees shall provide private licensed security at the location of their business during all hours in which the licensee is open for business.

D. No later than thirty (30) minutes after the time set out in Sec. 401 for ceasing the sale of alcoholic beverages, notwithstanding authorization under Sunday Sale licenses, all patrons and customers of any establishment shall vacate the premises and the doors to such establishment shall be closed and locked. The licensee shall also be responsible for clearing any parking area adjacent or contiguous to the premises so that customers are not permitted to remain thereon after closing hours.

Section 413. ACQUISITION OF STOCK. No licensee shall purchase alcoholic beverages from any entity or individual business other than a licensed wholesale distributor of alcoholic beverages.

ARTICLE V

INVESTIGATIONS: SUSPENSION OR REVOCATION OF LICENSES

Section 500. INVESTIGATIONS. The Council shall have the right to make such inquiry or investigation as it may find to be reasonably necessary to determine compliance with this ordinance. Such investigation may consist, among other actions, of calling licensees for examination under oath, obtaining evidence under oath from other persons; inspection of business premises by authorized officials; the procurement of documents and records including records of the licensee, and inspection and examination of records and documents from whatever source obtainable.

Section 501. SUSPENSION OR REVOCATION. Any license issued hereunder may be revoked or suspended for such time as the Council may determine, for cause shown, after a hearing of which at least five (5) days written notice shall be given to the licensee. Such notice shall specify the time, place and purpose of the hearing, and a statement of the charges upon which such hearing shall be held. At such hearing, the licensee shall have the right to appear in person and by attorney, and both the City

and the licensee shall have the right to present evidence under oath, introduce documentary evidence, cross-examine witnesses and generally present evidence of violation of this ordinance or absence thereof.

Section 502. GROUNDS FOR SUSPENSION OR REVOCATION OF LICENSE.
The following shall be considered just cause for suspension or revocation of a license hereunder:

- A. The performance of any act prohibited by this ordinance or the failure to perform any act required by this ordinance, as well as the violation of any law, state or federal, relating to the business of the licensee. If such act, omission or violation is done by an agent, servant, employee, or officers of the licensee, the lack of knowledge on the part of the licensee or the lack of authorization for such act or omission or violation shall be no defense.
- B. The entry of a plea of guilty or nolo contendere, or the conviction of any licensee, partner or any officer, director or stockholder of a licensee corporation with respect to a charge of violation of any of the laws of the United States or of the State of Georgia relating to alcohol control, or any crime, whether a felony or not, involving moral turpitude.
- C. The entry of a plea of guilty or nolo contendere, in any court, on the conviction patron, customer, licensee, partner, or any office director or stockholder of a licensed corporation or business for any gambling offense committed on premises of said licensed business, regardless of management knowledge.
- D. The occurrence on two or more occasions within any twelve (12) month period of fights, disorderly conduct, drunkenness, breach of the peace, any other similar conduct whether the same be committed by the licensee, by customers or others.
- E. Any other act or omission with respect to the operations of a business licensed hereunder which the Council shall find to be contrary to the public interest, or which shall render the applicant or the business location unfit for the continued operation of the business.
- F. The making of any statement on an application for a license which is later found to be false.

Section 503. WHETHER LICENSE SUSPENDED OR REVOKED. The Council shall have the right to revoke a license for cause shown or to suspend the same for a period of time. Whether a license shall be suspended or revoked, and, if suspended, for what period of time, shall be determined by the Council after a consideration of the evidence in the cause and in accordance with the Council's finding as to the severity of the offense.

Section 504. NO NEW LICENSE ISSUED AFTER REVOCATION. When a license has been suspended under the provisions of this ordinance, no application for a new license for the same location will be received for a period of twelve (12) months; and no application for a new license from the same licensee or any agent or anyone acting on behalf of said licensee involved shall be received for a period of twenty-four (24) months from the date of said revocation or suspension.

Section 505. MOTION FOR REHEARING. Any person, firm or corporation aggrieved by act or omission of the Council with respect to its proceedings under this ordinance, including the suspension or revocation of a license, shall have the right to move for a rehearing. Such motion for rehearing shall be filed within five (5) days after the act or omission complained of, shall be in writing, and shall outline the manner in which such protestant believes that the Council erred. If the motion relates to a matter as to which evidence has already been heard, no additional evidence or argument shall be permitted on the motion for rehearing except after a grant thereof by the Council. If the matter of which complaint is made was not the subject of a prior hearing at which the protestant was permitted to be present and heard, the Council shall afford a hearing within ten (10) days after the filing of the motion, of which reasonable notice shall be given to all parties known to the Council to be interested, at which persons interested in protesting or supporting the act or omission of the Council shall be allowed to appear, be represented, introduce oral and documentary evidence, and examine and cross-examine witnesses.

ARTICLE VI TAXATION

Section 600. TAXATION OF MALT BEVERAGES. There is hereby levied and imposed, upon each wholesale dealer selling malt beverages within the City of McIntyre, an excise tax in the amount specified in Section 3-5-80 of the OFFICIAL CODE OF GEORGIA ANNOTATED.

Section 601. REPORT OF SALES AND PAYMENT OF TAX. Every wholesale dealer who has sold malt beverages within the City shall file a report, by the tenth (10th) day of each month, itemizing for the previous calendar month, the exact quantities of all malt beverages, by size and type of container, sold during the month within the City. Each such wholesale dealer shall remit to the City, on the tenth (10th) day of the month next succeeding the calendar month in which such sales were made, the amount of excise tax due in accordance with Section 35.

Section 602. DELINQUENCY; FALSE OR FRAUDULENT REPORTS.

- A. The failure to make a timely report and remittance pursuant to Section 36 shall render a wholesale dealer liable for a penalty equal to twenty percent (20%) of the total amount due during the first thirty (30) day period following the date such report and remittance were due and a further penalty of twenty percent (20%) of the amount of such remittance for each successive thirty (30) day period or any portion thereof during which such report and remittance were not made.
- B. The filing of a false or fraudulent report under this Section shall render the wholesale dealer making such report liable for a penalty equal to one hundred percent (100%) of the amount of the remittance which would be required under an accurate and truthful report.
- C. The failure to make a timely report or remittance or the filing of a false or fraudulent report under this Section shall constitute grounds for the revocation of the business license issued by the City to the wholesale dealer involved.

Section 603. TAX ADDITIONAL TO OTHER FEES, TAXES FOR CHARGES. The excise tax imposed by this Section shall be in addition to any license fee, tax or charge which may now or in the future be imposed upon the business of selling malt beverages at retail or wholesale within the corporate limits of the City of McIntyre.

Section 604. TAXATION OF WINE. There is hereby levied and imposed, upon each wholesale dealer selling wine within the City of McIntyre, an excise tax in the amount of twenty-two cents (\$.22) per

liter and a proportionate tax at the same rate on all fractional parts of a liter.

Section 605. REPORT OF SALES AND PAYMENT OF TAX. Every wholesale dealer who has sold wine within the City shall file a report, by the tenth (10th) day of each month, itemizing for the previous calendar month, the exact quantities of all wine, by size and type of container, sold during the month within the City. Each such wholesale dealer shall remit to the City, on the tenth (10th) day of the month next succeeding the calendar month in which such sales were made, the amount of excise tax due in accordance with Section 39.

Section 606. DELINQUENCY; FALSE OR FRAUDULENT REPORTS.

- A. The failure to make a timely report and remittance pursuant to Section 36 shall render a wholesale dealer liable for a penalty equal to twenty percent (20%) of the total amount due during the first thirty (30) day period following the date such report and remittance were due and a further penalty of twenty percent (20%) of the amount of such remittance for each successive thirty (30) day period or any portion thereof during which such report and remittance were not made.
- B. The filing of a false or fraudulent report under this Section shall render the wholesale dealer making such report liable for a penalty equal to one hundred percent (100%) of the amount of the remittance which would be required under an accurate and truthful report.
- C. The failure to make a timely report or remittance or the filing of a false or fraudulent report under this Section shall constitute grounds for the revocation of the business license issued by the City to the wholesale dealer involved.

Section 607. TAX ADDITIONAL TO OTHER FEES, TAXES OR CHARGES. The excise tax imposed by this Section shall be in addition to any license fee, tax or charge which may now or in the future be imposed upon the business of selling wine at retail or wholesale within the corporate limits of the City of McIntyre.

Section 608. PENALTIES. Any person violating the terms of this ordinance shall be punished as a misdemeanor. Said violation may be

punished by a fine not to exceed one thousand dollars (\$1,000.00) and/or punishable by confinement for a period not to exceed twelve (12) months.

ARTICLE VII
APPLICANTS SUBJECT TO PROVISIONS OF ORDINANCE;
SEVERABILITY; REPEAL

Section 700. APPLICANT SUBJECT TO ORDINANCE. An applicant by filing any application for a license hereunder submits to all of the terms of this ordinance, and agrees that he will furnish such evidence, oral or written, as the Council shall find to be reasonably necessary to the determination of the application, and such applicant further agrees by the filing of such application that if a license is issued thereon, he will comply with the terms of this ordinance.

Section 701. INVALIDITY OR UNCONSTITUTIONALITY. If any portion of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

Section 702. REPEALER CLAUSE. All ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.

Section 703. CONTROL AND ENFORCEMENT.

A. The chief of police, McIntyre police officers, or any duly authorized law enforcement officer acting at the chief of police's request shall have authority in the City of McIntyre to:

1. Obtain and execute warrants for arrest of persons charged with violations of this ordinance;
2. Obtain and execute search warrants in enforcement of such resolution;
3. Arrest without warrant any person violating such laws in the officer's presence or within his immediate knowledge when there is likely to be a failure of enforcement of such laws for want of judicial officer to issue a warrant;

- C. No person shall be employed or contribute to the operation of any business licensed to sell or dispense any alcoholic beverage that has been convicted, pled guilty, or pled nolo contendere, of any violation of any federal or state controlled substance acts or laws.

Section 706. RENUMBERING OR RELETTERING OF CODE OF ORDINANCES.

It is the intention of the Mayor and Council and it is enacted that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of McIntyre, Georgia, and that sections of this ordinance be renumbered or relettered to accomplish such intention.

Section 707. EFFECTIVE DATE. This ordinance shall become effective upon its reading and passage as provided in the City Charter.