

STATE OF GEORGIA
COUNTY OF GORDON

AN ORDINANCE TO AMEND THE GORDON COUNTY MALT BEVERAGE AND WINE LICENSE ORDINANCE, TO ALLOW FOR THE SALE OF DISTILLED SPIRITS FOR BEVERAGE PURPOSES BY THE DRINK FOR CONSUMPTION ON THE PREMISES, TO REGULATE THE TIME OF SALES OF ALL ALCOHOLIC BEVERAGES, TO REGULATE THE SALE OF SUCH BEVERAGES AT SPECIAL EVENTS, TO SET AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Gordon County, Georgia (hereinafter referred to as "the Board of Commissioners", adopted the Gordon County Malt Beverage and Wine License Ordinance on October 15, 1991, and

WHEREAS, certain amendments have been made to said ordinance from time to time since its initial adoption and the Board of Commissioners now desires to make additional amendments to said ordinance, specifically concerning the regulation of the sale of alcoholic beverages at special events; and

WHEREAS, the Board of Commissioners called for a referendum to authorize the sale of distilled spirits for beverage purposes by the drink for consumption only on the premises, and said question was presented to the citizens of Gordon County for their consideration in such a referendum on March 6, 2012, and

WHEREAS, a majority of the citizens voting in said referendum affirmatively answered the following question:

"Shall the governing authority of Gordon County be authorized to issue licenses to sell distilled spirits for beverage purposes by the drink, such sales to be for consumption only on the premises?"

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners as follows:

SECTION ONE:

That Chapter 7, Article IV entitled "Malt Beverage and Wine Licenses" be stricken in its entirety and a new ordinance entitled "Malt Beverage, Wine and Liquor Ordinance" shall be inserted in lieu thereof to read as follows:

Malt Beverage, Wine and Liquor Ordinance

Article One

I. Short Title, Purpose and Privilege.

This Ordinance shall be known and may be cited as the "Malt Beverage, Wine and Liquor Ordinance of Gordon County." The purpose of this Ordinance is to provide procedures,

rules and regulations governing the issuance of licenses for the retail sale of alcoholic beverages and for consumption on the premises of alcoholic beverages in the appropriate establishments as allowed by this Ordinance.

Any license which is issued allowing for the sale of alcoholic beverages in the unincorporated area of Gordon County may be issued by the Commission pursuant to the rules and regulations set forth in this Ordinance. The holding of any such license or licensees is declared to be a privilege and not a right.

II. Definitions.

For the purpose of this Ordinance, the following terms, phrases, words and their deprivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular include the plural number.

Alcoholic Beverage. "Alcoholic Beverage" means and includes all alcohol, distilled spirits, malt beverages, wine or fortified wine.

Alcoholic Beverage Caterer. "Alcoholic Beverage Caterer" means any person that has obtained an off-premises catering license to sell and/or distribute alcoholic beverages by the drink.

Authorized Catered Function. "Authorized Catered Function" means an event for which an Event Permit has been issued pursuant to Section (IX) of this Ordinance for the sale and/or distribution of alcoholic beverages by the drink for consumption at such event.

Bona Fide Nonprofit Civic Organization. "Bona Fide Nonprofit Civic Organization" means an entity which is exempt from federal income tax pursuant to the provisions of subsection c. of 26 U.S.C. Section 501.

Building. "Building" means any structure having a roof supported by columns or walls intended for shelter, housing or enclosure of persons.

Commission. "Commission" means the Board of Commissioners of Gordon County.

Consumption on the Premises. "Consumption on the Premises" means the sale or offering to sell alcoholic beverages, malt beverages or wine for consumption on the premises at retail only to consumers and not for resale. The license issued to such person shall be known as a "Consumption on the Premises License."

Department. "Department" means the Department of Revenue of the State of Georgia.

Distilled Spirits. "Distilled Spirits" means all beverages, containing any alcohol obtained by distillation or containing more than twenty-one (21%) percent alcohol by volume including, but not limited to, all fortified wines.

Gallon or Wine Gallon. "Gallon or wine gallon" means a United States gallon of liquid measure equivalent to the volume of 231 cubic inches or the nearest equivalent metric measurement.

Individual. "Individual" means a natural person.

Keg. "Keg" means a barrel or bulk container of malt beverage commonly known as tap or draft beer.

License Officer. "License Officer" is the Gordon County Clerk or designee.

Licensed Premises. "Licensed Premises" means the building and/or real property described in the license application as approved by the County Commission where the sale of alcoholic beverages, malt beverages or wines is permitted to be sold.

Licensed Retailer. "Licensed Retailer" means any person (not a producer) selling or offering to sell alcoholic beverages, malt beverages or wine in an original package not for consumption on the premises where sold and holding a valid license issued by Gordon County and the State of Georgia.

Licensed Wholesaler. "Licensed Wholesaler" means any person (not a producer) who sells or offers to sell alcoholic beverages, malt beverages or wine for purposes of resale to Licensed Retailers, to Licensed Wholesalers, or to persons holding a Consumption on the Premises License.

Malt Beverages. "Malt Beverages" means any alcoholic beverages obtained by fermentation of any infusion or decoction of barley, malt, hops, or any similar product, or any combination of such product in water, containing not more than six (6) percent alcohol by volume.

Package. "Package" means a bottle, can, keg, barrel or other original consumer container, as delivered by a Licensed Wholesaler to a Licensed Retailer.

Package Store. "Package Store" means a store licensed by Gordon County and the State of Georgia to sell distilled spirits not for consumption on the premises.

Person. "Person" means an individual, firm, partnership, corporation, association, company, agency, syndicate, estate, trust, business trust, receiver, fiduciary or any

combination acting as a unit, body politic, or political subdivision whether public, private or quasi-public.

Retail Consumption Dealer. "Retail Consumption Dealer" shall mean any person who sells or offers to sell alcoholic beverages, malt beverages or wine for consumption on the Licensed Premises.

Taxpayer. "Taxpayer" means any person made liable by law to file a return or to pay tax.

Wine. "Wine" means all alcoholic beverages containing not more than twenty-one (21%) percent alcohol by volume made from fruit, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added. "Wine" includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.

III. In Certain Retail Establishments Only – For Consumption on Premises.

Alcoholic beverages, wine or malt beverages shall not be sold at retail for Consumption on Premises except in the following types of businesses:

- a. In restaurants, other than fast food restaurants, serving prepared food which is offered to the general public and where chairs, tables and counters are provided to seat and service twenty-five (25) or more persons. Such establishments shall be located in zoning districts that permit restaurants and shall meet the criteria set out in this Ordinance concerning the hours of sale.

For the purpose of this Ordinance, a fast food restaurant is defined as a restaurant that derives more than fifteen (15%) percent of its sales by use of a carry-out window serving persons outside the building, who are either on foot or who are the occupants of motor vehicles.

- b. In hotels or motels, kept, used, maintained, advertised and held out to the general public to be a place where food is served and consumed, and sleeping accommodations are offered for adequate rates to travelers and guests, whether transient, permanent or residential, in which forty (40) or more rooms are used for sleeping accommodations for guests.
- c. In lounges where seating accommodations are provided for not less than twenty-five (25) persons, where such establishments are located in zoning districts where such

establishments are permitted or in a district where existing lounges exist as a nonconforming use. In addition, the lounge shall meet the criteria set out in this Ordinance concerning the application process.

- d. In private clubs authorized and existing under the laws of the State of Georgia, or a bona fide association of individuals organized for fraternal purposes, conducted solely for the benefit of its members and their beneficiaries, operated on the lodge system with ritualistic form of work, having a representative form of government and at least seventy-five (75) members paying monthly dues, where no part of the net earnings of which shall inure to the benefit of any shareholder or member, provided further that no member, officer or agent, or employee of the club is compensated, directly or indirectly, by any form of commission or other compensation based on the amount of profit from the sale of alcoholic beverages . malt beverages or wine beyond the amount of such salary as may be fixed by its members or by its governing body out of the general revenue of the club. For the purpose of this subsection, tips which are added to the bills under club regulations shall not be considered as profits hereunder.
- e. In bowling alleys, provided that the following rules and regulations are followed:
 - 1. No alcoholic beverages will be consumed on or upon the bowling lanes or the approach area of such lanes, but only in a seating area set aside for spectators located separately and apart from the bowling lanes;
 - 2. No alcoholic beverages will be served in any part of the bowling alley prior to 12 noon on Monday through Saturday; and
 - 3. No alcoholic beverages will be sold on Sundays.
- f. Alcoholic beverages, malt beverages and wine for consumption on premises, in addition to the places set out in subparagraphs (a.) through (e.) of this Section, may also be sold in refreshment stands or club houses located within the boundaries of golf courses or race tracks.

IV. Unlawful Practices.

It shall be unlawful for any adult entertainment establishment licensee, as defined in the Gordon County Adult Entertainment Ordinance and issued pursuant to that ordinance, to serve, sell, distribute or suffer the consumption or possession of alcoholic beverages, malt beverages or wine upon the premises of that said licensee. In addition, It shall be unlawful for any licensee holding a license for the sale of alcoholic beverages of any kind to permit, perform, promote, advertise, stage, suffer, or in any way to allow any person to expose

specified anatomical areas or engage in specified sexual activities in, on or about the licensed premises.

Definitions:

As used in this section, these terms shall have the following meanings:

- a. Specified anatomical areas shall include any of the following:
 1. Less than completely and opaquely covered human genitals or pubic region; buttock; or female breast below a point immediately above the top of the areola; or
 2. Human male genitalia in a discernible turgid state, even if completely and opaquely covered.

- b. Specified sexual activities means and shall include any of the following:
 1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral and anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
 2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
 3. Use of human or animal ejaculation, sodomy, or oral copulation, coitus or masturbation; or
 4. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast; or
 5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
 6. Erotic lewd touching, fondling or other sexual contact with an animal by a human being; or
 7. Human excretion, urination, menstruation, vaginal or anal irrigation.

V. Sale of Malt Beverages and Wine – Not for Consumption on Premises.

No malt beverages or wines shall be sold at retail except as follows:

- a. In retail stores devoted principally to the sale of groceries and food products to the general public and located in zoning districts in which food or convenience stores are permitted as a conforming use or in districts where existing food or convenience stores exist as a nonconforming use. In order for a store to be devoted principally to the sale of groceries and food products, the building must contain at least one thousand (1,000) square feet and seventy percent (70%) of the retail floor area of the building must be

devoted exclusively to the sale of groceries or related grocery items. For the purpose of this Ordinance, groceries and related grocery items are defined so as to exclude any drinks containing any amount of alcohol.

- b. In a facility duly licensed by Gordon County to sell at retail malt beverages or wines in the original unbroken package.
- c. No malt beverages or wines shall be displayed for sale or sold on the Licensed Premises, other than in an air cooled cooler which is operated by means of electrical current, except that this section shall not apply to malt beverages or wines which are stored and displayed at room temperature in the original package.
- d. All licensees selling kegs of malt beverages shall, at the time of the such sale, record the serial number of the keg along with the name and address of the buyer. Further, the licensee shall require the buyer to provide documentation, in the form of a driver's license, etc., to verify the identity of the buyer. Said record shall be maintained for a period of six (6) months, and shall be provided to the Gordon County Sheriff's Department upon request. For the purposes of this subsection, the form utilized the Georgia Department of Revenue, Alcohol and Tobacco Division, properly filled out, shall be sufficient to satisfy the information retention requirements herein.

VI. Hotel In-Room Service License.

Any hotel, motel, inn or other establishments which meet the requirements set out in Section III. (b) is hereby authorized to provide in-room service as defined in this section. In order to qualify for a hotel-in-room service, the applicant must satisfy the following requirements:

- a. Applicant must be the current holder of a retail dealer license, a retail consumption deal license, a retail beer dealer license or a retail wine dealer license; provided, however the applicant may only qualify for a hotel-in-room service license for the type of alcoholic beverage for which he holds a current license.
- b. Applicant shall apply on a form provided by Gordon County specifying the type of in-room service license sought (beer, wine, distilled spirits or any combination thereof) together with any other forms, documentation, or other information required by the Gordon County Board of Commissioners
- c. A hotel in-room service licensee shall be authorized to deliver alcoholic beverages, either by the package or by the drink, if the hotel holds a valid in-room service license, by a hotel employee to a registered guest's room when such distilled spirits, malt beverages or wine have been ordered by the guest and when the guest shall be billed for the cost of such alcoholic beverages, at the time of the delivery; provided further, however, such sale shall be evidences by a signed receipt indicating which guest ordered alcoholic beverages, indicating the identification and quantity of alcoholic beverages, malt beverages and wine actually delivered; provided, however, that the hotel may provide the guest with a credit for any unused and unopened alcoholic beverages.

- d. All hotels having in-room service shall comply with all requirements promulgated by the Department of Revenue of the State of Georgia dealing with storage of alcoholic beverages and records required to be maintained in order to provide hotel in-room service.
- e. Nothing contained in this Ordinance shall be construed to restrict or prohibit possession of alcoholic beverages by hotel guests in quantities otherwise permitted by Title 3 of the Official Code of Georgia Annotated.

VII. Regulations for Operation of Business.

a. Hours of operation.

The following hours of sale are hereby established for the alcoholic beverages, malt beverages or wine:

1. No sale of alcoholic beverages by the package and/or wine shall be allowed except between the hours of 6:00 a.m. and 11:00 p.m. on weekdays and on Saturdays.
2. No sale of alcoholic beverages for consumption on the premises shall be allowed except between the hours of 6:00 a.m. and 12:00 p.m. (midnight) on weekdays and on Saturdays.
3. In the event that a licensed business is open for less than the hours stated in the preceding paragraph, the sales of alcoholic beverages shall be restricted to those regular store hours. However, in no event shall sales be made during hours other than described in the preceding paragraph.
4. Alcoholic beverages, malt beverages, or wine sold for consumption on the premises, shall not be sold on Sundays.
5. Alcoholic beverages either in the unbroken package or by the drink for consumption on premises, may be sold on a primary or election day; provided however, that no such sale shall take place within 250 feet of a polling place or of the outer edge of any building within which such polling place is established during such time as the polls are opened.

b. Advertising.

A licensee may display at his place of business illuminated or unilluminated signs, using letter not larger than eight (8) inches in height, flat against the outside of the building, below the roof line, bearing the words "beer," "wine," "malt beverage," "package store," or any combination thereof, together with the trade name of the retail dealer. In addition to such signs flat against the outside of the building, the retail dealer may display at a location on the tract of property upon which the business is located, but not affixed to the building, one (1) illuminated or unilluminated sign using the letters not larger than eight (8) inches in height bearing the words "Package store" and the trade

name of the retail dealer. Any such advertising done by the licensee at his place of business shall not be inappropriate for the neighborhood in which it is located.

c. Minors.

1. Any license holder, agents or employees of license holders selling alcoholic beverages to a minor, as provided by Georgia law, shall have his license suspended for not less than thirty (30) days and may be fined up to five hundred dollars (\$500.00). The Commission, in its discretion, may suspend said license, depending upon the severity of the offense as evidenced by the facts in each case, including, but not limited to consideration of prior violations of law by the license holder. In the event the Commission determines that the license holder and/or his agents and/or employees have sold an alcoholic beverage to an underage person or persons on at least two (2) separate occasions within a five-year period, said license shall be suspended for a period of not less than ninety (90) days and the license holder fined up to one thousand (\$1,000.00). For a third violation within a five-year period, said license shall be permanently revoked.
2. License holders may not allow a person under eighteen (18) years of age to sell alcoholic beverages. Provided however, this article shall not prohibit persons under eighteen (18) years of age who are employed in supermarkets or convenience stores from selling or handling alcoholic beverages which are sold for consumption off the premises. In addition, persons under the age of eighteen (18) years of age may be employed by hotels and/or restaurants where their duties are not in any way involved with the preparation of, taking orders for, selling, or the service of any alcoholic beverages.
3. No person shall knowingly and intentionally act as agent to purchase or acquire any alcoholic beverage for or on behalf of a person who is under the minimum age to purchase alcoholic beverages, as defined by state law, except for medical purposes upon the written prescription of a duly licensed physician under the laws of the state.
4. It shall be unlawful for any person who is under the minimum age to purchase alcoholic beverages, as provided by state law, to falsely misrepresent his or her age in any manner whatsoever in violation of this article or any other applicable laws.
5. It shall be unlawful for any person who is under the minimum age to purchase alcoholic beverages, as provided by state law, to purchase, drink or possess any alcoholic beverage as defined herein in the unincorporated area of Gordon County.
6. It shall not be considered a violation of this article for a person who is under the minimum age to purchase alcoholic beverages, as provided by

state law, to purchase or possess any alcoholic beverage if such person is at the time bona fide acting for and on behalf of law enforcement agencies conducting investigations of license holders and/or their employees.

d. Gross sales requirements.

1. Retail and consumption licenses may be revoked if gross sales of groceries and food products fall below fifty (50) percent of the combined business volume of groceries, food products and alcoholic beverages sold monthly for three (3) consecutive months; provided however, this section shall not apply to retail package stores not offering groceries and food products for sale.
2. Each retail and consumption licensee, except those exempted in paragraph (1) above, shall furnish to the License Officer on a monthly basis an affidavit under oath, showing the gross sales of groceries and food products (excluding sales of alcoholic beverages), the gross sales of alcoholic beverages and the gross sale of other merchandise for the preceding month. This affidavit shall be on a form furnished by the License Officer. The licensee shall attach a copy of the state sales and use report for the same period to the affidavit.
3. These reports shall be confidential.

e. Sundays and Christmas Day.

1. Except as specifically authorized by law, no person knowingly and intentionally shall sell or offer to sell alcoholic beverages on Sundays or Christmas Day.
2. Alcoholic beverages may be sold on any election day, subject to all other provisions of this article, and notwithstanding any other provision of this article, it shall be unlawful for any person to sell alcoholic beverages within two hundred fifty (250) feet of any polling place or of the outer edge of any building within which such polling place is established on primary or election days.

f. Drinking of Alcoholic Beverages by Employees at Outlets.

It shall be unlawful for the licensee or any employee of a licensee for the sale of alcoholic beverages to drink any alcoholic beverages while at such licensed location or to be present at such location in an intoxicated condition. Permitted violations of this section by the licensee, or repeated violations, shall constitute grounds for a suspension, revocation and refusal to renew such license or other action with regard to such license.

g. Miscellaneous Regulations.

1. License holders shall not sell alcoholic beverages on the license premises to any person who is in an intoxicated condition.

2. License holders shall not permit any disorderly conduct or breach of the peace on the licensed premises.
3. License holders shall not sell, offer for sale, possess or permit the consumption on the licensed premises of any kind of alcoholic beverage for which a license holder is not authorized to sell under his license. The license holder shall not allow "brown bagging" on the license premises.
4. Alcoholic beverages shall not be sold or offered for sale through vending machines on the license premises.
5. License holders shall not permit the sale or serving of alcoholic beverages in automobiles or other vehicles, or anywhere else outside the main building or accessory thereto in which the business of such licensee is operated.
6. License holders shall keep the licensed premises free and clear of cans, bottles, paper and other debris.
7. Deliveries of alcoholic beverages shall only be made to licensed premises and shall be made only by a conveyance owned and operated by a wholesale dealer with a license from Gordon County to deliver such beverage in the county.
8. No retail license holder shall accept delivery of alcoholic beverages from any wholesale dealer unless the wholesale dealer has fully complied with the state laws regulating and taxing the sale of such beverages at wholesale.
9. No retail or consumption license holder shall deliver alcoholic beverages at any location other than the licensed premises.
10. All licensees shall store all alcoholic beverages in their possession only on the premises for which the license is issued.
11. License holders of retail package licenses shall require that the alcoholic beverages purchased be placed in an opaque container before being removed from the store. Provided, however, that this subsection shall not apply to the purchase of a twelve-pack or larger container.
12. Every license holder shall have available on the license premises a copy of this Ordinance and shall be responsible for compliance with this Ordinance by all persons on the premises.

VIII. Required for Sale or Possession for Sale and Possession for Consumption on Premises.

It shall be a violation of this Ordinance for any person to sell or possess for the purpose of sale, alcoholic beverages, malt beverages or wine when such person does not hold a valid license issued by Gordon County and the State of Georgia to sell or possess for sale such items. It shall also be a violation of this ordinance for any business, as defined by the Ordinances of Gordon County, Georgia, to permit any person to consume alcoholic

beverages of any kind on the premises of such business without first securing an alcoholic beverage license and/or Event Permit as provided by this Ordinance; except that the following shall not be regulated hereby:

- a. Private meetings of employees of any such business and not more than 5 non-employees; and
- b. Possession of alcoholic beverages by hotel guests in quantities otherwise permitted by Title 3 of the Official Code of Georgia Annotated and the rules and regulations of the Department of Revenue.

IX. Alcoholic Beverage Catering. (Special Events)

- a. *Off-Premises License Issued by Gordon County.* Any person that holds a valid license issued by Gordon County to sell alcoholic beverages for consumption on the premises (as provided by this Ordinance) may be issued an off-premise catering license that permits said person to sell and/or distribute alcoholic beverages by the drink off-premises at an Authorized Catered Function. Any person seeking an off-premises catering license shall make application therefore, which shall be processed and decided according to the same guidelines set forth for other licenses under this Chapter, including payment of the application fee and annual license fee set forth in Sections 12 (processing application) and 14 (fee scale). Upon issuance of an off-premises catering license, an Event Permit as set forth in this section shall be required for each Authorized Catered Function.
- b. *Off-Premises License Issued by Other Jurisdictions.* If a person is licensed by a municipality or county of this State (other than Gordon County) to sell alcoholic beverages by the drink for consumption on the premises and also holds a valid off-premises catering license issued by the same licensing authority, such person may sell and/or distribute alcoholic beverages by the drink at an Authorized Catered Function, provided that such person obtains an Event Permit for each function as set forth in this section.
- c. *Bona Fide Nonprofit Civic Organization.* A Bona Fide Nonprofit Civic Organization (hereinafter referred to as "Nonprofit Civic Organization") may distribute alcoholic beverages by the drink at an Authorized Catered Function without alcoholic beverage license, provided that such Nonprofit Civic Organization first obtains an Event Permit for each function as set forth in this section.
- d. *Event Permit Application.* Any person authorized under paragraphs (a), (b), or (c) of this section to sell and/or distribute alcoholic beverages at an Authorized Catered Function shall apply for an obtain an Event Permit issued by the Gordon County Building, Planning and Development Office prior to serving alcohol at such function. Applications should be submitted at least fifteen (15) calendar days prior to the event and shall include:

1. The name of the Alcoholic Beverage Caterer (including license number) or Nonprofit Civic Organization, and the name and phone number of the representative for same who will be at the event;
 2. A plan of the event, which includes: (1) the date, location and hours of the event; (2) the number of persons expected to be in attendance; (3) the location of guest parking; and (4) whether security, valet parking, or additional restroom facilities will be provided.
 3. The name and telephone number of the host or sponsor of the event, including the name and telephone number of the representative of the host or sponsor who will be at the event.
 4. Whether food is being provided by the applicant, and if not, the name and telephone number of the person providing food at the event;
 5. Any alcoholic beverage caterer not licensed by Gordon County shall also be required to submit: (1) the name of the local jurisdiction issuing the off-premises catering license to the applicant; (2) a photocopy of the applicant's off-premises catering ; and (3) payment of a non-refundable \$50 Event Permit fee; and
 6. A Nonprofit Civic Organization shall provide a copy of the Internal Revenue Service's determination letter (or other official correspondence) recognizing the organization's federal tax exempt status under subsection c of 26 U.S.C. Section 501.
- e. *Event Permit Application Review.* Within ten (10) business days after receipt of an application for an Event Permit, the Gordon County Building, Planning and Development Department, in consultation with the Fire, Road, Health and Sheriff's Departments, shall either approve or deny the Event Permit and communicate the same in writing to Applicant. An Event Permit may be denied for any of the following reasons or combination of reasons:
1. The Applicant, and/or event host or sponsor does not meet the requirements for an Event Permit or has on prior occasion(s) violated or failed to comply with this Ordinance or with any state rules or laws regarding alcoholic beverages;
 2. The event location is a site where a violation of this Ordinance or the state laws or rules regarding alcohol has previously occurred;
 3. The plan of the event as proposed is likely to restrict and/or congest traffic on any of the public roads, rights-of-way, or sidewalks in the immediate vicinity of the event, or is likely to present a danger to the health and safety of guests at the event or members of the public;
 4. The plan of the event as proposed is likely to cause a disturbance of the peace at the time of the event, or is likely to intrude upon the privacy or property of citizens in the area of the event; and
 5. The plan of the event as proposed is inconsistent with the uses of or is prohibited at the event location.

f. *Event Requirements.* All Authorized Catered Functions permitted under this Section and all Alcoholic Beverage Caterers and Nonprofit Civic Organizations receiving an Event Permit hereunder shall be subject to the following requirements and conditions:

1. An Alcoholic Beverage Caterer may sell and/or distribute only those alcoholic beverages that are authorized by that person's alcoholic beverage license;
2. Alcoholic beverages may only be served at the location and on the date(s) specified in the Event Permit. Event Permits shall be valid for a period not to exceed three (3) consecutive calendar days;
3. Food, the total cost of which must exceed the total cost of the alcohol served, must be served at the event;
4. Copies of the Event Permits shall be posted and/or maintained at the front door or entrance of the event location at all times during the event. Alcoholic Beverage Caterers must also carry a copy of the caterer's off-premises catering license, copy of the Event Permit, and any necessary state documents and permits in the vehicle transporting the alcoholic beverages to the event;
5. Alcoholic beverages may only be served between the hours of 9:00 am and 12 pm midnight, except for events held on sites zoned for residential uses where only four (4) events may be held per calendar year and alcoholic beverages may only be served between the hours of 12:00 noon and 10:00 p.m.
6. No Event Permit will be issued for an event on Sunday allowing for the sale of any alcoholic beverages.
7. ~~Alcoholic beverages may not be sold at events held on sites zoned for residential uses (e.g. no "cash bar" sales will be permitted) or at events where a Nonprofit Civic Organization is the permit holder, except that such Nonprofit Civic Organizations may charge admission and collect donations so long as the money collected is neither intended to sell or profit from the alcohol provided nor intended solely to defray the costs thereof.~~
8. The service of alcoholic beverages is subject to compliance with state laws and regulations regarding service of alcoholic beverages at such an event, including the receipt of any necessary state permits and filing of reports with the state revenue commissioner; and
9. Alcoholic Beverage Caterers licensed by Gordon County shall pay excise taxes on the sale of alcoholic beverages, as calculated under this Ordinance and provide a report to the Gordon County Finance Department on or before the time when other excise taxes are due for such licensees, while alcoholic beverage caterers not licensed by Gordon County shall pay excise taxes on the total quantity of alcoholic beverages brought into the county, as calculated under this Ordinance, and provide a report to the Finance Director within fifteen (15) days of the conclusion of the event. In addition,

to the information required to determine the amount of tax due, the report shall state the quantity and type of alcoholic beverages transported from the licensee's primary premises to the location of the event.

g. Violations.

1. It shall be unlawful for any person licensed to sell alcoholic beverages to sell or distribute alcoholic beverages off the premises of such person's business without an Off-Premises Catering license and Event Permit as set forth in this section.
2. It shall be unlawful for any person holding an Off-Premises Catering license and/or Event Permit to sell or distribute alcoholic beverages in a manner inconsistent with such license, permit, or the requirements or conditions for Authorized Catered Functions set forth in this section.
3. It shall be unlawful for any person to serve, distribute, or sell alcoholic beverages in violation of this section or any other provision of this Ordinance regarding alcoholic beverages.
4. Nothing contained in this section is intended to prohibit anyone from hosting a private function at his or her personal residence where the host provides alcohol to guests free of charge or permits the otherwise legal consumption of alcoholic beverages.

X. Application on Form Prescribed by Board of Commissioners.

Any person desiring to sell alcoholic beverages shall make application therefore on a form to be furnished by the Board of Commissioners, and in connection therewith shall, under oath, answer all questions, supply all information, and furnish all certificates, affidavits and other supporting data as required thereby. Any knowingly, untrue, misleading or omitted statement or information contained in any such application shall be cause for revocation of the same. Each application shall be filed together with a certified check, cash, money order or cashier's check in payment of the license fee, and if an initial application, the investigation fee required by Section XIII. The initial license fee shall be paid by cashier's check. The application shall contain the following information:

- a. Where the owner of such business is an individual (a natural person), the application shall be made in that name and the complete address of the applicant, together with applicant's social security number, shall be listed.
- b. Where the applicant is a domestic corporation lawfully registered and doing business under the laws of the State of Georgia, or any foreign corporation lawfully registered under the laws of the State of Georgia to do business in this State, the applicant may be permitted to apply for such license in the name of the corporation as registered in the Office of the Secretary of State. The applicant shall provide the Licensing Officer with the name of its agent authorized to receive service of process under the laws of this State and also provide the Licensing Officer with the address of its registered office.

- c. The written application for a license on file with Gordon County shall be a permanent record which the licensee must maintain current with correct information at all times. The failure to maintain a current license application shall be grounds for revocation of a license.
- d. The Commission may, in the exercise of its discretion, require a Personnel Statement, containing information concerning the employees or agents of an applicant, for licensing purposes.
- e. The license application shall require the disclosure of any conviction of a felony of the owner, agent, or any proposed employee for any offense under federal, state or local law involving moral turpitude.
- f. The license application shall require the disclosure of any conviction of a misdemeanor of the owner, agent, or any proposed employee for any offense under federal, state or local law involving alcoholic beverages, malt beverages and wine, in any form; gambling or tax law violations.
- g. The license application shall list the names of any persons having an interest in the operation of a Proposed Licensed Premises or control over or ownership interest in such Proposed Licensed Premises. Such person must meet the same requirements as set for this in this Ordinance for the licensee.
- h. An accurate sketch or diagram drawn to scale showing the location of the Building, the area thereof to be used, and the property lines of the real property where the applicant proposes to carry on the business of selling alcoholic beverages, malt beverages and wine. The diagram shall also show the location of all churches or recognized places of worship and schools in the immediate area, and the distance between the property line of the proposed place of business and the property line of school, churches or recognized places of worship as measured along a straight line. The License Officer may require a statement from a civil engineer or registered land surveyor at the applicant's expense certifying the correctness of the distances shown on the diagram or sketch.
- i. The license application shall contain a statement as to whether applicant holds any other license for the sale of alcoholic beverages, malt beverages or wine, and the location thereof.
- j. If the Proposed Licensed Premises is not in existence or requires substantial renovation, the applicant shall submit a detailed set of plans and working drawings showing the exact location of the Proposed Licensed Premises and the construction proposed to be carried out by the applicant and the anticipated time for completion of said construction or renovation.
- k. As a prerequisite to the issuance to any license, the applicant shall furnish a complete set of fingerprints of the applicant or any managing officer.
- l. Such other information as the License Officer, under the direction of the Board of Commissioners, may require.

XI. Consideration for a License

In determining whether 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's reputation, character, and mental capacity to conduct this business, personal associations, record of arrest or reputation in any community in which he or she has resided, and whether applicant is likely to maintain the operation of the business for which he or she is seeking a license in conformity with federal, state or local laws.
- b. If applicant is a previous holder of a license to sell alcoholic beverages, malt beverages and wine, whether or not he has violated any law, regulation, or ordinance relating to such business.
- c. If applicant is a previous holder of a license to sell alcoholic beverages, malt beverages or wine, the manner in which he conducted the business thereunder as it pertains 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.
- d. Whether a person has previously had a similar license suspended or revoked and the reason therefore.
- e. The Board of Commissioners shall also give consideration to such other factors as may affect the health and general welfare of the unincorporated areas of Gordon County, to include the type of license applied for, the effect of that license will have on schools, public parks, and churches in the area, the effect the granting of the license will have on existing land uses in the area, the character of the area and its peculiar suitability for the particular use sought, and the congestion of roads and streets. These items shall receive reasonable consideration with a general view of promoting desirable living conditions, and sustaining the stability of neighborhood property values.
- f. When any application is denied or any license is revoked because of a decision by the Board of Commissioners that such license or application fails to meet any of the factors or requirements of subsection (e) of this section or in any case where such a decision was made because of the undesirability of the location itself, no application can be made until at least one year has elapsed from the date the previous application was denied or revoked, or, if that decision was appealed to any court, until one year after a final unappealed or unappealable disposition was made of such appeal.

When any application is denied or any license is revoked because of a decision by the Board of Commissioners that such licensee or applicant fails to meet the requirements of subsections (a) through (d) of this section or in any case where such a decision was made because of the ineligibility of the applicant to receive or the licensee to retain an alcoholic beverage license, that applicant or former licensee may not apply for an alcoholic beverage license in Gordon County until at least one year has elapsed from the date the previous application was denied or

revoked or, if that decision was appealed to any court, until one year after a final, unappealed or unappealable disposition was made of such appeal.

XII. Persons Prohibited from Holding Licenses.

Licenses shall not be issued to:

- a. A person who is not a citizen of the United States or a resident alien.
- b. A person who has in Georgia or any other jurisdiction been convicted of a misdemeanor or a violation of a municipal or county ordinance involving driving under the influence of intoxicants or drugs, or who has pled nolo contendere or forfeited bond in connection with any such charge of the same within the preceding two (2) years.
- c. A person who has in Georgia or any other jurisdiction been convicted of a felony, or who has pled nolo contendere or forfeited bond in connection with any charge of the same within the preceding five (5) years.
- d. A person who has been convicted or pled nolo contendere or forfeited bond for a violation of a law or ordinance pertaining to the sale of alcoholic beverages or the sale or possession of a controlled substance within the preceding five (5) years.
- e. A partnership, unless all partners qualify.
- f. A corporation, unless all officers and stockholders qualify.
- g. A person whose place of business is managed, operated or owned by a person who could not acquire a license hereunder, except as to the residence requirements herein above provided.
- h. Any person whose license to sell alcoholic beverages, malt beverages and wine has been revoked by a licensing authority, during the immediately preceding five (5) years.

XIII. Processing Application.

- a. All applications filed with the License Officer after investigation of the fitness of the applicant and the proposed location shall be approved or disapproved by the Board of Commissioners at a public meeting. In cases where applications are disapproved, the Clerk of the Board of Commissioners shall return the amount of the fee submitted with the application to the applicant (excluding in the case of new applications, the investigative fee). In cases where such applications are approved by the Commission, the Commission shall issue a proper license to the applicant authorizing the applicant to engage in the particular business and at the particular location applied for. All new license applications shall, in addition to the license fee, include a non-refundable fee in the amount of \$250.00 to cover the cost of the investigation into whether or not the applicant should be granted the license

applied for. Applicants for renewals of licenses shall submit a renewal fee of \$100.00 with the annual license renewal application.

- b. Copies of each application received shall be forwarded to the following offices for their recommendations concerning the proposed application: (1) Gordon County Office of Building, Planning and Development; (2) Gordon County Sheriff's Department; (3) Gordon County Fire Department; (4) Gordon County Road Department; and (5) Gordon County Environmental Health Department.
- c. Notice of the public hearing on the application for the license shall be published, in the official newspaper of Gordon County wherein the legal advertisements are published, once a week for four (4) weeks prior to the meeting at which the application is to be presented and considered by the Commission. After the application is complete and all information is received by the License Officer, a public hearing will be scheduled on the application by the Commission. In addition, if the proposed location does not have an existing license, a sign shall be posted by the License Officer on the premises at least fifteen (15) days prior to the public hearing.
- d. Upon receiving the application, the Commission shall, at the next regular meeting of the Commission, read such application for alcoholic beverage licenses and shall approve or deny such application. Such action may be tabled, however, should additional information be required by the Commission before acting upon the application.
- e. The Commission shall have full power to determine whether the applicant for a license under the provision of this Ordinance is a fit and proper person to operate the type of business involved, and whether the location of such business is proper and in the best interest of Gordon County, and the Commission's determination of these requirements shall be final, except where a right of appeal exists under applicable law.
- f. All decisions approving, denying, suspending or revoking such license shall be in writing, with the reasons therefore stated, and mailed or delivered to the applicant personally.

XIV. Initial Application and Temporary License.

- a. Persons making an application for a license to operate an existing licensed premise may be issued a temporary license for a period not to exceed ninety (90) days by the Commission. Before a temporary license is issued, the applicant must have filed a complete application, and the following documents and material must be furnished to the Commission:
 - 1. A valid state application with all questions answered which indicates that applicant is eligible to hold the license sought;

2. When preliminary records check indicates applicant is eligible to hold license; and
 - b. All persons making an application for an initial license shall be required to attend the hearing on such application and to answer such questions and provide such information as the Commission deems necessary and proper. The applicant's presence at the hearing to issue a provisional license may not be required when the applicant is suffering under a hardship or extenuating circumstances that prevent the applicant's attendance, such as a serious health condition of the applicant or a member of the applicant's immediate family, or the death of a member of the applicant's immediate family, or acts of God. If the applicant fails to appear at such hearings, and does not qualify under the excepting circumstances in this paragraph, the application shall be deferred to the next meeting. If the applicant fails to appear at the next meeting, the application shall be treated as having been withdrawn.
 - c. The issuance of any provisional license pursuant to the above conditions is within the discretion of the Board of Commissioners and such temporary license may be withdrawn by the Board of Commissioners at any time without notice or hearing, if final record check, including the response to the fingerprint search, shows the applicant was not entitled to the license issued.

XV. Fee Scale.

Before such license shall be granted, the applicant shall pay a license fee in accordance with the following scale:

- a. The applicant for a retail package license for the sale of malt beverages shall pay to Gordon County at the time of the application the sum of one thousand (\$1,000.00) as an annual license fee for operation for one (1) calendar year at one (1) location or one (1) business where the product will be sold. However, if the applicant is a nonprofit private club as defined in this Ordinance, then the annual license fee for a retail package license for the sale of malt beverages issued pursuant to this paragraph shall be in the amount of five hundred dollars (\$500.00).
- b. The applicant for a retail package license for the sale of wine shall pay to Gordon County at the time of the application the sum of seven hundred fifty dollars (\$750.00) as an annual license fee for operation for one (1) calendar year at one (1) location or one (1) business where the product will be sold. However, if the applicant is a nonprofit private club as defined in this Ordinance, then the annual license fee for a retail package license for the sale of wine issued pursuant to this paragraph shall be in the amount of five hundred dollars (\$500.00).
- c. The applicant for a retail license for the sale of malt beverages and wine shall pay to Gordon County at the time of the application the sum of one thousand seven hundred fifty dollars (\$1,750.00) as an annual license fee for operation for one (1) calendar year at one (1)

location or one (1) business where the product will be sold. However, if the applicant is a nonprofit private club as defined in this Ordinance, then the annual license fee for a retail package license for the sale of malt beverages and wine issued pursuant to this paragraph shall be in the amount of eight hundred seventy five dollars (\$875.00).

d. The applicant for a consumption on the premises malt beverage and/or wine and/or distilled spirits shall pay to Gordon County at the time of application the sum of two thousand (\$2,000.00) as an annual license fee for operation for one (1) calendar year at one (1) location or one (1) business where the product will be sold. However, if the applicant is a nonprofit private club as defined in this Ordinance, then the annual license fee for a consumption on the premises malt beverage and/or wine and/or distilled spirits issued pursuant to this paragraph shall be in the amount of one thousand dollars (\$1,000.00).

e. Any wholesale dealer in malt beverages or wine, licensed by the state, or the agent of such wholesale dealer, may be granted a license upon payment of one hundred dollars (\$100.00) annually for malt beverages and/or one hundred dollars (\$100.00) annually for wine and/or one hundred dollars (\$100.00) annually for distilled spirits for distribution of such malt beverages or wine or distilled spirits in the unincorporated area of Gordon County. All appropriate and pertinent parts of this article shall be applicable to any applicant for or holder of a wholesale license to sell and/or distribute malt beverages and/or wine and/or distilled spirits under this ordinance.

f. Any manufacturer of alcoholic beverages whose plant is located in the unincorporated area of Gordon County shall pay a license fee of \$ \$3,000.00.

g. Any applicant for a license under this ordinance for hotel in-room service of alcoholic beverages shall pay an additional license fee in an amount of \$2,000.00.

h. Any applicant for an Off-Premises Catering License (Caterer's License) shall pay an annual license fee of \$500.00.

i. The above-described fees shall not be prorated for applicants whose businesses operate for less than one (1) calendar year. No refund shall be made to license holders whose license is suspended or revoked.

XVI. Expiration. Renewal. Transfer

All licenses granted hereunder shall expire on December 31 of each license year. Licensees who desire to renew their license shall file application together with the requisite fees with the License Officer on the form provided for renewal of a license for the ensuing year.

a. Applications for renewal must be filed on or before November 15 of each year, otherwise no license, except for good cause shown, shall be renewed. If a license is not renewed in a timely manner, the application shall be treated as an initial application and the

Mb&W, Alcohol? fees?

applicant shall be required to comply with all rules and regulations for the granting of a license to the same extent as if no previous license had been held.

- b. Certified payment of license fees for renewal shall be made at the time of application, and upon approval of the renewal application by the Commission, the license will be issued. Applications for renewal of existing licenses shall be acted upon by the Commission at the second regularly scheduled meeting in December following the filing of the renewal application, unless additional time is required by the Commission to obtain additional information pertaining to such application.
- c. No license may be transferred from one person to another or from one location to another.
- d. If the resident manager in whose name a license is held ceases to be employed in such capacity, the owner, within five (5) days of such event, shall notify the License Officer of the fact. The owner shall, within thirty (30) days of such event, submit a new application for the license to the new resident officer, partner, associate, resident managing officer or managing agent. The application shall consist of completed portions of the application for an alcoholic beverage license which pertains to the new applicant along with a copy of the notice of change of interest required by the state revenue commissioners and a certified check in the nonrefundable amount of two hundred fifty dollars (\$250.00), to defray investigative and administrative costs. In addition, the applicant shall cause to be published a notice of such change as provided in this Ordinance. The application shall be considered in accordance with the procedures set forth in this article for new applications. Failure to comply with this section shall result in the lapse of the alcoholic beverage license.
- e. Upon the death of any license holder, his personal representative or heirs must submit a new application for the license containing the same information as required for a new applicant within thirty (30) days of the death of the license holder.
- f. Any licensee desiring to discontinue business at one location and commence business at another location must make a new application and pay all applicable fees.
- g. Upon a change in ownership of the licensed business, the new owner shall comply with all provisions of this article prior to commencing business, including the payment of all applicable fees.

XVI. Building and Location Requirements.

- a. No license shall be issued for a location not suitable in the judgment and discretion of the Commission because of traffic congestion, general character of the neighborhood, or because of the effect such an establishment would have on adjacent and surrounding properties and neighborhoods.
- b. No license shall issue for a location within an area where, in the judgment and discretion of the Commission, the number of alcoholic licenses already granted makes it contrary to the public interest or welfare.

- c. No license shall issue for a location at which the operation of such licensed business violates the zoning rules and regulations of Gordon County.
- d. No license shall issue for a location where a previous license has been revoked or suspended and where, in the judgment of the Commission, the problems which have arisen from the operation of a licensed business at such a location indicate that it is not in the interest of public health, safety, welfare or morals that the sale of alcoholic beverages be permitted at such a location.
- e. No license shall issue for a location where it would violate state or local law, rules, regulations or ordinances.
- f. No license shall issue for a location where the nearest point of the main structure of the business is located within one thousand (1,000) feet of the nearest point of the main structure of any school or church as measured in a straight line between the closest points of the two (2) structures. The word "school" shall include kindergartens, primary and secondary schools, colleges and other educational institutions, whether public or private. In the event a school or church subsequently locates within one thousand (1,000) feet of a license premises, this provision shall not be applicable under such circumstances, and such an event would not cause a license holder to be in violation of this provision or prohibit the renewal or transfer of the license. As used in this section, a school shall mean any instructional premises including, but not limited to, main school buildings auditoriums, gymnasiums, shops laboratories, temporary mobile classrooms, outdoor classrooms, and recreational facilities, such as playgrounds, ball fields, and similarly used areas. A church shall mean any structure of any commonly recognized religion, denomination or sect regularly used for worship or religious instruction. As used in this section, the word "school" or "church" shall also mean the campus or grounds surrounding the school or church which constitute a part of the school or church properties. The word "school" or "church" shall also mean any real property which has been purchased by a school or church at the time of the application for an alcoholic beverage license and said property is to be used for a school or a church.
- g. This distance requirement of one thousand (1,000) feet shall not apply to any business holding a valid license pursuant to the requirements of this section in operation at the time of this enactment of this ordinance.
- h. No license shall issue for any location in which the licensed premises contains a drive-in window for sale of alcoholic beverages.
- i. The licensed premises shall be subject to inspection by the Gordon County Sheriff's Department, the Gordon County Environmental Health Department, and any other authorized personnel of the county at all times.
- j. A consumption on the premises license shall be issued only to restaurants, hotels, nonprofit private clubs and veteran's organizations as defined herein.
- k. Retail package licenses shall not be issued to restaurants or hotels. However, retail package licenses may be issued to nonprofit private clubs and veteran organizations.

XVII. Display of License at Place of Business.

The Gordon County License shall at all times be displayed in plain view at the Licensed Premises.

XVIII. Refund.

No fees paid for an alcoholic beverage license shall be refunded whether partially or in full once the license is issued.

XIX. Required Reports and Notices.

- a. The licensee must report to the Commission, within five (5) days, any changes in any interests in the licensee's business including, but not limited to:
 1. Any change in the division of ownership in the licensed business;
 2. Any change in the ownership of any lease or building or land used in such business;
 3. Any change in the ownership of stock or any corporation that has an interest in the licensed business except for the sale of stock over the counter or through a recognized stock exchange.
- b. The Commission shall notify the licensee within ten (10) days of the receipt of the information required by paragraph (a.) above of any objections to the changes reported. Upon receipt of the objections, if any, from the Commission, the licensee shall have thirty (30) days to satisfy such objections. Failure to report such changes or to satisfy such objections may result in the suspension or revocation of all licenses held by the licensee.
- c. The report reflecting the change in interest shall be on a form provided by the Commission and shall be an amendment to the licensee's permanent license application which shall remain on file with the Commission. The report shall be under oath and verified.
- d. Since licenses may be revoked if gross sales of groceries and food products fall below fifty (50) percent of the combined business volume of groceries, food products and alcoholic beverages sold monthly for three (3) consecutive months, a report verifying those sales shall be required of each license holder not exempted by the requirements of this ordinance. On or before the twentieth day of each month, each licensee shall furnish to the License Officer an affidavit showing the gross sales of groceries and food products (excluding the sale of alcoholic beverages), and the gross sales of groceries, food products and alcoholic beverages for the preceding month. The License Officer shall furnish the form for this affidavit which shall be under oath. The licensee must attach to the affidavit a copy of a state sales and use report for the same period. The reports provided for in this subsection shall be confidential. Copies of summaries of sales and state form ATT-122 shall be furnished to the License

Officer on a monthly basis by wholesale dealers selling alcoholic beverages to licensees. The report shall apply to deliveries made during the previous month. Copies of these reports shall be submitted with the excise tax described in Section XX.

XX. Revocation or Suspension of License.

Each license issued pursuant to this Ordinance is granted as a mere privilege and not a right.

- a. Grounds for revocation or suspension.* The following shall be grounds for the suspension or revocation of an alcoholic beverage license. The existence of such grounds shall be determined by the Commission in their sole discretion, to wit:
1. Violation by the licensee of any state or federal law or regulation, except misdemeanors, or of any resolution or ordinance of the county, other than minor traffic violations; or
 2. The failure of the licensee or his employee to report promptly to the sheriff's department any violation of law, regulation, resolution, ordinance or breach of the peace, disturbance or altercation occurring on the premises; or
 3. Any conduct on the part of the licensee or his employees contrary to the public welfare, safety, health and morals; or
 4. Operating or conducting the licensee's business in a manner contrary to the public welfare, safety, health or morals or in such a manner as to constitute a nuisance; or
 5. The violation by a license holder of any state or federal law or regulation, municipal or county resolution or ordinance pertaining to alcoholic beverages, specifically including any violation of any provision of this article; or
 6. The violation by the licensee of the state controlled substances act; or
 7. The violation by the licensee of any federal, state or local law prohibiting the sale of pornographic materials; or
 8. Failure of the licensee to furnish to the Commission an report required by this ordinance or any reasonable reports requested in writing by the Commission; or
 9. Allowing a person to work in the licensed business who has had an alcoholic beverage license revoked by any jurisdiction for violations of its laws or rules within a period of five (5) years immediately preceding the filing of an application for a license, or the renewal thereof, under this ordinance; or
 10. Allowing a person to work in the licensed business who has been convicted of or pleaded guilty to any federal, state or local law classified as felony involving moral turpitude; or
 11. Allowing a person to work in the licensed business who has been convicted of or pleaded guilty to any federal, state or local law classified as a felony not involving moral turpitude within ten (10) years from date of filing an application for a license, or the renewal thereof, under this article; or

12. Allowing a person to work in the licensed business who has violated the provisions of this article or any law of the United States or any state law pertaining to the sale of alcoholic beverages within the past five (5) years from the date of filing an application for a license, or the renewal thereof, under this article; or
13. Permitting a person to work in the licensed business who has violated any state or federal law or regulation, municipal or county resolution or ordinance pertaining to alcoholic beverages, specifically including any provision of this article.

b. Hearings.

1. A license holder shall be entitled to a hearing by the Commission or their designated hearing officer, concerning any alleged violation which could lead to revocation or suspension of the license.
2. Upon the report of any violation of this ordinance, the License Officer shall give notice to the license holder in writing to show cause before the Commission why the license should not be revoked or suspended.
3. A written notice from the License Officer shall specify the nature of the violation and the time and place for the hearing, which shall not be less than three (3) days nor more than fourteen (14) days from the date of service of the notice. Service shall be deemed completed three (3) business days after mailing to the licensee's address listed on the application.
4. The Commission shall have the power to suspend any license under this article for a period of time not to exceed seventeen (17) days pending the hearing on the question of whether or not the license shall be further suspended or revoked for cause.
5. At the hearing, the licensee shall have the opportunity to show cause why the license should not be suspended or revoked.
6. Hearings shall be conducted consistent with rules applied in administrative proceedings which shall ensure that each party may present evidence, cross-examine witnesses, and be represented by legal counsel. All testimony shall be sworn. The hearing shall be recorded and transcription may be provided at cost to the applicant.
7. The Commission shall hear all relevant evidence as to the alleged violation of this ordinance.
8. The hearing need not be at a regular meeting of the Commission, but may be at such time and place as shall be fixed in the notice.
9. Within three (3) days from the date of the hearing, the Commission shall render a decision in writing and furnish a copy of the decision to the licensee via certified mail. A decision of the Commission shall be effective immediately.
10. Except as otherwise provided herein, a licensee who has had his license revoked may reapply for a license after thirty (30) days have elapsed from the

effective date of the revocation. Such a reapplication shall conform with all procedural requirements applicable to a new application, including all fees. The Commission shall consider all matters relevant to the application, including any previous suspension or revocation.

XXI. Excise Taxes.

- a. There is hereby levied and imposed upon each wholesaler selling alcoholic beverages in the unincorporated area of the county an excise tax in the following amounts:
 1. Where malt beverages, commonly known as tap or draft beer, are sold in and from a barrel or bulk container, a tax of six dollars (\$6.00) on each container sold containing not more than fifteen and one-half (15 1/2) gallons;
 2. Where malt beverages are sold in bottles, cans or other containers except barrel or bulk containers, a tax of five cents (\$.05) per twelve (12 ounces and a proportionate tax at the same rate on all fractional parts of twelve (12) ounces;
 3. On the first sale or use of wine by the package, a tax of twenty-two cents (\$.22) per liter and a proportionate tax at the same rate on all fractional parts of a liter.
 4. Where distilled spirits are sold for consumption on the premises, a tax upon the sale of such beverages in the amount of three percent (3%) of the charge to the public for the beverages. Dealers collecting the tax authorized hereunder shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting reporting and paying the amount due, if the amount is not delinquent at the time of payment. The rate of the deduction shall be the same rate authorized for deductions from state tax under Chapter 8 of Title 48 of the Official Code of Georgia Annotated.
- b. The taxes imposed by this provision shall not be levied with respect to any sales of alcoholic beverages which are exempt from taxation by federal or state law.
- c. The taxes imposed by this provision shall be paid by the wholesaler on a monthly basis.

XXII. Revenue.

Revenue produced from this ordinance shall be used only in the unincorporated area of Gordon County.

XXIII. Miscellaneous.

- a. Any forms, not otherwise provided, required by this ordinance shall be printed by Gordon County and furnished to applicants and license holders.
- b. A copy of this Ordinance shall be furnished to each license holder by Gordon County.
- c. The use of the singular tense includes the plural tense and the plural tense includes the singular tense. The use of any gender includes all genders.

XXIV. Violations.

Any firm, person or corporation who shall do anything prohibited by this ordinance as the same exists or as it may hereafter be amended or who shall fail to do anything required by this ordinance as the same exists or as it may hereafter be amended shall be guilty of a misdemeanor, amenable to process of the court having jurisdiction for the offense, and upon conviction, shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by confinement in the county jail not to exceed sixty (60) days, or both, in the discretion of the court. The penalty provided for this in this ordinance shall be in addition to any other penalty provided elsewhere in this ordinance, including the revocation of the license.

XXV. Remedies.

In the event any provision of this ordinance has been violated, or is being violated, in addition to other remedies, Gordon County may institute injunction, mandamus or other appropriate actions or proceedings to prevent or abate such violation.

XXVI. Severability.

The terms and condition of this Ordinance are severable. Should any section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof to any person or circumstances for any reason be held by a court of competent jurisdiction to be invalid or void, the validity of the remainder of this Ordinance, or the application of such provision to other persons or circumstances shall not be affected thereby to the extent that any remaining portion of the Ordinance may reasonably be given effect without the invalid or void portion.

SO ADOPTED this the _____ day of _____, 2012.

GORDON COUNTY, GEORGIA

BY: _____

Chair, Board of Commissioners
Gordon County, Georgia

ATTEST: _____

County Clerk