

Ordinance Number ORD-2023-31

AN ORDINANCE

To adopt a revised Chapter 10 Alcoholic Beverage Ordinance of the City of Douglasville, Georgia Code of Ordinances for the purposes for adding license classifications and to exempt additional license classification from distance requirements, and to align all parts of Chapter 10 of the City of Douglasville, Georgia Code of Ordinances with the revisions; to repeal any conflicting ordinances; to provide an effective date; and other purposes.

BE IT ORDAINED by the Mayor and City Council of Douglasville, Georgia, and it is hereby ordained by the authority thereof as follows:

SECTION ONE

Chapter 10 of the City of Douglasville Code of Ordinances is hereby amended in its entirety to read as follows:

Chapter 10 ALCOHOLIC BEVERAGES

ARTICLE I. IN GENERAL

Sec. 10-1. Definitions.

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

Agent or *agent outlet manager* means that person who does or will actually manage or operate an alcoholic beverage store or a pouring outlet on a day-to-day basis; an agent or agent outlet manager may be the same or different from the owner and licensee of the store.

Applicant means an owner or owners of a store which has applied for an alcoholic beverage license.

Brewery means a manufacturer or producer of malt beverages exceeding 15,000 barrels of beer in a calendar year for wholesale off premises consumption and/or for consumption on premises, subject to the limitations provided in O.C.G.A. 3-5-24.1. As used in this definition, the term "barrel" shall be defined as set forth in O.C.G.A. 3-5-1.

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

Business location or *location of the business* means the location or proposed location of a retail or wholesale alcoholic beverage outlet.

Clerk means the clerk of the City of Douglasville.

Council means the Douglasville City Council.

Craft beer and/or wine market means a retail establishment whose primary purpose must be the sale of craft beers and/or wine for consumption off-premises in conjunction with the sale of prepared food and/or groceries. Sales of craft beers and wines may be for consumption on premises and/or by the package.

Distilled spirits means any alcoholic beverage obtained by distillation or containing more than 24 percent alcohol by volume.

Distillery means a manufacturer of distilled spirits for wholesale sales. A distillery may conduct promotional tours and offer free samples of distilled spirits in accordance with the Official Code of Georgia, and offer retail sales in accordance with the Official Code of Georgia.

Downtown district means that portion of the city shown in a map adopted for this purpose by the mayor and council, marked as "Douglasville Downtown District Map" and maintained in the office of the city clerk.

Entertainment district means that portion of the city shown in a map adopted for this purpose by the mayor and council, marked as "Douglasville Entertainment District Map" and maintained in the office of the city clerk.

Event permit means a time-limited local permit to pour alcoholic beverages at a city location other than any premises where the permittee is or may be licensed to pour alcohol regularly.

Grocery store means an establishment which has an occupation tax certificate showing its dominant line of business as "grocery store", that being the retail sale of a general line of food products, and which has at least 85 percent of its total retail floor space reserved for the sale of food and other nonalcoholic items.

Growler means a bottle made of glass or other material customary to the malt beverage industry, provided that the bottle is capable of being sealed with a screw cap or flip top and then sealed on its exterior for the purpose of complying with open container laws, and further provided that the bottle does not exceed 64 ounces and is filled by a licensee or employee of the licensed establishment with beer from a keg.

Hard cider means an alcoholic beverage obtained by the fermentation of the juice of fruits including but not limited to apples, pears, and peaches, containing not more than six percent alcohol by volume, including, but not limited to flavored or carbonated cider. For purposes of this ordinance, hard cider shall be deemed a malt beverage. The term does not include "sweet cider."

Hotel means a building or other structure kept, used, maintained, advertised and held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which 50 or more rooms are used for the sleeping accommodations of such guests. Motels meeting the qualifications for hotels shall be classified in the same category as hotels.

Licensee means the owner or owners of a business or outlet which has been issued an alcoholic beverage license.

Liquor means spirituous liquor or distilled spirits.

Lounge means a separate room connected with, a part of, and adjacent to a restaurant operated as part of a hotel, the dining rooms for such restaurant being located in the same building with the hotel or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation. Such restaurant must have an adequate and sanitary kitchen and a seating capacity of at least 80 guests, where meals are regularly served to such guests for pay in addition to that charged for sleeping accommodations; provided, that in no event shall the seating capacity of the lounge exceed that of its connected restaurant. A hotel may be licensed to pour alcoholic beverages in its lounge.

Malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.

Measured means measured in a straight line from the front door of the structure from which alcoholic beverages are sold or offered for sale to the front door of the building of a church, government-owned treatment center or a retail package store, or to the nearest property line of the real property being used for school or educational purposes or for housing authority purposes.

Microdistillery means a small-scale distilled spirit manufacturing facility in which distilled spirits manufactured on-premises or at another of the distiller's licensed premises as defined in O.C.G.A. § 3-4-24.2 may be sold for consumption on-premises or by the package for off-premises consumption. Distilled spirits manufactured or distilled on-premises shall be limited to 3,000 barrels per calendar year, of which no more than 750 barrels may be sold at retail for on premises consumption or by the package for off-premises consumption.

Microbrewery means a manufacturer of malt beverages producing less than 15,000 barrels annually. Microbreweries may wholesale and may conduct promotional tours and offer free samples of malt beverages in accordance with the Official Code of Georgia, and offer retail sales in accordance with O.C.G.A. § 3-5-24.1.

Minor means any person under the age of 21 years.

O'Neal Plaza means the outdoor city-owned pedestrian walkway located at the north terminus of Price Avenue, bounded on the north by the southern edge of the sidewalk adjacent to the south side of Veterans Memorial Highway, bounded on the east by the rear of the performance stage, bounded on the south by the northern edge of the sidewalk adjacent to the north side of Church Street, and bounded on the west by the eastern edge of City Hall at 6695 Church Street and that of the City Welcome Center at 12385 Veterans Memorial Highway.

Open container day means any specific date expressly approved by the mayor and council or by the city manager for sale of poured alcoholic beverages in plastic cups within the Entertainment District to be removed from the restaurant or point of sale and carried in outdoor areas within the Entertainment District.

Outlet means a place of business for the sale of alcoholic beverages.

Owner means a legal owner or all the collective legal owners of a store which has applied for or been issued an alcoholic beverage license; for purposes of background investigations, council approval of applicants, and

other licensing requirements, owner shall mean: (a) the sole proprietor; or (b) if the owner is a corporation, all individual stockholders owning at least 20 percent of the corporate stock, or the registered corporate agent if there is no individual stockholder owning 20 percent or more of the corporate stock; or (c) if the owner is a limited liability company, all members owning at least 20 percent of the membership interests of the LLC; or (d) if the owner is a partnership, all individual partners owning at least 20 percent of the partnership, or if there is no individual partner owning 20 percent or more of the partnership, then the managing partner.

Plaza East means the outdoor city-owned pedestrian walkway between the buildings on the north and south, and bounded on the west by O'Neal Plaza, and bounded on the east by a line running perpendicular to Church Street at the western land line of 6643 Church Street.

Plaza West means the outdoor city-owned pedestrian walkway between the buildings on the north and south, and bounded on the east by O'Neal Plaza, and bounded on the west by a line running perpendicular to Church Street at the eastern land line of 8460 Courthouse Square East.

Pour means sell for beverage purposes, "sell for consumption on the premises," "sell by the drink," and "allow patrons to bring their own liquor, wine or malt beverages for the purposes of mixing drinks and/or consuming same on the premises." The sale of "mixes or set-ups" or advertising to "bring your own" or the possession by patrons in the premises of liquor, wine or malt beverages, shall be prima facie evidence of pouring. Pour also includes any serving or consumption of alcohol at a licensed pouring establishment, whether the consumer is a member of the general public or a guest at a private party, and whether the alcohol is provided for pay or for free. Pour also includes any serving of alcoholic beverages in a restaurant, brewpub, brewery, microbrewery, microdistillery, distillery, tap room, wine bar, tasting room, tasting special events, hotel lounge, or private club and other licensed outlets for consumption on the premises, and includes any serving of alcoholic beverages by an alcoholic beverage licensee in any place other than the licensee's home.

Pouring outlet means only the indoor premises, and any outdoor patio seating as provided in this chapter, of a restaurant, brewpub, brewery, microbrewery, microdistillery, distillery, tap room, wine bar, tasting room, tasting special event, hotel lounge or private club and other licensed outlets for consumption on the premises where liquor, wine and/or malt beverages are poured or proposed to be poured.

Private club means any nonprofit organization under the laws of this state which:

- (1) Has been in existence for at least one year prior to the filing of its application for a license pursuant to this article.
- (2) Has at least 75 regular dues-paying members.
- (3) Owns, hires or leases a building or space within a building for the reasonable use of its members, which building or space has suitable kitchen and dining room space and equipment, and which is staffed with a sufficient number of employees for cooking, preparing and serving meals for its members and guests.
- (4) Has no member, officer, agent or employee directly or indirectly receiving, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.

Restaurant means any public place kept, used, maintained, advertised and held out to the public as a place where substantial meals are regularly and actually prepared and served, excluding periods for holidays,

vacations and redecorating; having adequate and sanitary kitchen and dining room equipment and personnel and a minimum seating capacity of 25 persons at tables or booths, excluding bar stools or similar seating, or a minimum of 375 square feet for indoor seating; and wherein the principal business is the serving of such meals, which, excluding the sale of alcoholic beverages, accounts for at least 51 percent of the gross revenue of the business. Such meals shall be available commencing at least two hours after the regular opening hour of the business and continuing until at least two hours prior to the regular closing hour of the business.

School means a public school operated by a county board of education, a school operating under a charter as defined by O.C.G.A. Section 20-2-2062(1), a state charter school as defined by O.C.G.A. Section 20-2-2081(5), a private school as defined by O.C.G.A. Section 20-2-690(b) or any other school contemplated by O.C.G.A. Section 3-3-21(a)(2).

State law means, unless the context demands otherwise, and unless the definitions herein provide otherwise, the words and terms used in this article shall have the same definitions and meanings as state law where used in O.C.G.A. Title 3.

Tap room means a type of establishment where malt beverages and wine are offered for sale for consumption on premises and for off-premises package sales. Specialty wines and craft malt beverages shall be the primary focus of this establishment. A tap room shall have an indoor seating area not to exceed 2,500 square feet. No food sales are required. Smoking of any kind, including but not limited to cigarette, cigar, vaping, and hookah, shall be prohibited in tap rooms.

Video game room or electronic and video game room means any establishment having more than three electronic or video games available for patron use, or any such establishment with electronic or video games sufficient to accommodate more than three patron users simultaneously.

Wine means any alcoholic beverage containing not more than 24 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, fortified wines, and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this section with brandy added. The term includes, but is not limited to, brandy.

Wine bar means a type of eating establishment having adequate and sanitary kitchen and dining room equipment and personnel, which serves food and only beer, wine and non-alcoholic beverages, and where the sale of food and other non-alcohol items purchased on the premises constitutes at least 25 percent of gross sales of the establishment.

Wine/malt beverage tasting event means a special event in the downtown district where wine and malt beverage sampling can occur, typically when a customer requests a sample offered for sale within the premises, or in conjunction with education classes and sampling designed to promote wine and malt beverage appreciation and education, or as a non-profit fundraiser.

Winery means any establishment where wines are manufactured.

Wine tasting room and/or tasting room means an outlet, authorized by the State of Georgia, for the promotion

of wine by providing samples of such wine to the public and providing for retail wine sales in closed packages for consumption off the premises. Samples of wine can be given free of charge or for a fee.

Wrist band means a visually distinctive paper and plastic band to be affixed by a pouring licensee onto the wrist of any restaurant patron removing a poured alcoholic beverage from a pouring establishment on any open container day, and, and for which the style or design has been approved by the city manager or his or her designee, or the mayor and council.

Sec. 10-1.2. Reserved.

Sec. 10-2. Drunkenness; pouring and drinking in public places; off-premise pouring.

(a) *Generally.* It shall be unlawful to be drunk or intoxicated as follows:

- (1) In any private place in the city while disturbing others;
- (2) In any motor vehicle upon the streets, lanes, alleys or public walkways of the city;
- (3) In any park, publicly owned building or place.

(b) *Outdoor spaces at pouring establishments.* It shall be unlawful to pour any alcoholic beverage outside the indoor structure on the property of any properly licensed restaurant, brewpub, brewery, microbrewery, microdistillery, distillery, tap room, wine bar, tasting room, tasting special event, hotel lounge, or private club and other licensed outlets for consumption on the premises, except as follows:

- (1) *Patio pouring.* Any restaurant, brewpub, brewery, microbrewery, microdistillery, distillery, tap room, wine bar, tasting room, tasting special event, hotel lounge, or private club and other licensed outlets for consumption on the premises, which is licensed for consumption on the premises may serve and allow patrons to consume alcoholic beverages on any porch or open-air patio which is attached directly to the structure of the restaurant, brewpub, brewery, microbrewery, microdistillery, distillery, tap room, wine bar, tasting room, tasting special event, hotel lounge, or private club and other licensed outlets for consumption on the premises and for which direct access to the structure is provided by means of a door or gate to the porch or open-air patio, where the porch or open-air patio is surrounded (except for not more than one exit unless otherwise required) by a fence sufficiently high to restrict access from public view outside the premises but in no event less than three feet in height, and which:
 - a. Is completely opaque and provides a total visual screen from outside the licensed premises; or
 - b. Is lined with planted or potted vegetation not less than three feet in height and spaced not more than 48 inches from the center of one plant to the next.

The patio may be located on a parcel adjacent to the pouring establishment, provided that the patio is immediately adjacent to the establishment's indoor structure.

- (2) *Event permit pouring.* Any restaurant, brewpub, brewery, microbrewery, microdistillery, distillery, tap room, wine bar, tasting room, tasting special event, hotel lounge, or private club and other licensed outlets for consumption on the premises which is licensed for consumption on the premises may pour and allow patrons to consume alcoholic beverages on the outdoor portion of the lot for any licensed premises for any event of not more than three days in duration where:
 - a. The area for the special event is completely enclosed to prevent patrons from exiting the area in the normal course of business except through the indoor portion of the permanent structure; and
 - b. The area for the special event is completely surrounded, except as otherwise required by fire and

safety regulations, by a fence or other screen, not less than six feet in height, providing restricted access from outside the licensed premises.

Event pouring on licensed property shall be allowed only pursuant to a permit issued by the finance director upon the application of a licensee made at least five days in advance of the proposed event, upon payment of an application fee of \$100.00, and upon submission of a sketch drawing of the layout of the proposed event showing compliance with the requirements of this subsection. No more than five permits for event pouring shall be issued to any licensee for the same licensed premises within any calendar year, and no permit shall be issued for an effective date within 20 days of the effective date of any previous permit for the same licensed premises.

- (3) *Private golf course pouring.* Upon the outdoor premises of any privately-owned golf course with an indoor restaurant licensed for pouring.
- (c) *Downtown Plaza, sidewalks, streets and other city-owned spaces.* It shall be unlawful to possess an open container of alcohol, to drink alcohol, or to pour alcohol for removal and consumption in publicly owned buildings, on the public streets, on public sidewalks or on publicly owned outdoor areas, except:
 - (1) *Conference Center.* Inside the downtown conference convention and conference center, alcohol may be poured and consumed from 6:00 a.m. until midnight Monday through Saturday, and from 11:00 a.m. until 11:30 p.m. on Sundays;
 - (2) *Sidewalk cafes.* Any portion of any alley or walkway directly abutting a restaurant holding a sidewalk cafe permit holding a pouring license and complying with the requirements of chapter 74, article II;
 - (3) *West Pines Golf Course and Clubhouse.* At the West Pines Golf Course and Clubhouse beer and wine, but not liquor, may be poured; consumption of beer and wine at this location is limited to alcoholic beverages sold on the premises during operating hours for the golf course or the clubhouse, and such beer and wine may be poured and consumed anywhere indoors and outdoors on the premises;
 - (4) *Event permits.* On O'Neal Plaza, Plaza East and Plaza West, in conjunction with event permits, as approved individually by the mayor and council.
 - a. Any person may be approved by the mayor and council for an event permit for pouring of wine and malt beverages on O'Neal Plaza, which may include Plaza East and Plaza West, provided that no such event permit shall be issued unless the applicant shall also secure one of the following:
 1. A catered off-premises license from the city or from any other Georgia county or municipality authorized by O.C.G.A. § 3-11-1 et seq.;
 2. A non-profit civic organization permit from the Georgia Department of Revenue authorized by O.C.G.A. § 3-9-3 et seq.; or
 3. A special event use permit from the Georgia Department of Revenue authorized by O.C.G.A. § 3-14-1.
 - b. The fee for events permits on O'Neal Plaza shall be \$250.00 per permit, to be paid at the time of application, and to be refunded if the permit is denied or withdrawn, provided that every applicant having a local regular pouring license authorized by subsection (d) shall have an annual credit against such permit fees equal to the amount of alcoholic beverage license fees paid to the city by the applicant for any alcoholic beverage license which is current, in good standing, and not in a state of probation or suspension. The application shall state the name and address of the applicant and the type of alcoholic beverage license or permit to be utilized.

- c. After approval by the mayor and council, the finance department shall issue the event permit to the applicant after the applicant has produced a copy of the catered off-premises license, non-profit civic organization permit, or special event use permit.
 - d. Throughout the event, the permittee shall maintain on O'Neal Plaza not fewer than four portable signs advising patrons that no alcoholic beverages may be removed from the event area. The police chief shall recommend to the mayor and council the number of certified law enforcement officers which the applicant should employ at the applicant's cost for any event, and the mayor and council shall require an adequate number to be hired as a special stipulation of approval. The permittee shall ensure that no alcoholic beverages are removed from the event area by patrons. Adequate trash receptacles or other facilities for patron disposal of cups and glasses shall be provided by the permittee.
- (5) *Entertainment district; open container days.* It shall be lawful to possess an open container of alcohol or to drink alcohol on the public streets, sidewalks or publicly owned outdoor areas, or to pour an open container of alcohol at a pouring establishment for removal from the premises onto public streets, sidewalks or publicly owned outdoor areas within the Douglasville Entertainment District on open container days. The following regulations shall apply:
- a. The mayor and council may approve permits for open container days, specifically stating the permitted dates and times; where any such resolution for a permit fails to state the permitted hours, the permitted hours shall be from 11:00 a.m. until 11:30 p.m.; and all such permits shall be filed with the city clerk;
 - b. The city manager or his or her designee may issue written permits open container days, specifically stating the permitted dates and times; where any such permit fails to state the permitted hours, the permitted hours shall be from 11:00 a.m. until 11:30 p.m.; and all such permits shall be filed with the city clerk;
 - c. The wrist bands to be issued and affixed pursuant to this section shall be only those authorized from time to time by the City community development director or his or her designee;
 - d. Any licensee holding a license for pouring alcoholic beverages may sell such beverages for removal from the premises on any open container day; before allowing any patron to remove the beverage from the premises, the licensee shall affix a wrist band onto the wrist of the individual and assure that it remains affixed at the time the patron departs; the licensee may dispense no more than one alcoholic beverage per person for removal from the premises at one time, and no person shall remove more than one alcoholic beverage from the premises at one time;
 - e. No pouring licensee shall transfer a wrist band or allow removal from the licensed premises any open container of alcoholic beverage except during permitted hours for open container days as provided in this subsection 10-2(c)(5);
 - f. No person shall possess within the outdoor portions of the entertainment district an open container of alcoholic beverage other than that purchased within the entertainment district in accordance with this section 10-2;
 - g. No person shall transfer a used wrist band from one individual to another for the purpose of creating the false appearance that an individual purchased alcoholic beverages in accordance with this section 10-2.
 - h. Notwithstanding any other provisions of this subsection 10-2, no person shall possess an open container of alcoholic beverage within a motor vehicle.
- (d) *Unlicensed property not owned by the city.* It shall be unlawful to for any licensee to pour alcohol on any

unlicensed premises not owned by the city and other than his home except as follows:

- (1) *Catered event permits.* Any holder of a Georgia retail alcoholic beverage license for sales by the drink for consumption on the premises, who additionally holds a valid retail license from any county or municipality in Georgia authorizing the licensee to sell alcohol by the package or by the drink, may be issued a catered event permit to allow off-premises pouring at authorized catered functions at the Douglasville Downtown Conference Center, O'Neal Plaza, Plaza East, Plaza West, the Douglasville town green amphitheater property, or at any privately owned residence in the city pursuant to O.C.G.A. § 3-11-3. Any holder of a pouring license for wine and malt beverage shall be eligible for catered event permits to pour wine and malt beverage, but not to pour liquor, unless the licensee also holds a liquor license. Catered event permits shall be issued administratively by the city finance department upon compliance with this section and state law; any denial of a catered event permit may be appealed to the city council. The application for any such permit shall include the date, address and time of the event, along with the applicant's state licensed alcoholic beverage caterer's license number.
- (2) *Non-profit civic organization permits.* Any nonprofit civic organization eligible for a temporary pouring permit authorized by O.C.G.A. § 3-9-3 shall be entitled to a local three-day nonprofit civic organization permit authorizing pouring of alcoholic beverages at a specified location, which may be issued only in conjunction with a state-issued nonprofit civic organization permit. Nonprofit civic organization permits shall be issued administratively by the finance director upon compliance with this article and state law; any denial of a nonprofit civic organization permit may be appealed to the city council.
- (3) *Department of Revenue event permits.* The finance department shall issue a local special event use permit to any holder of a special event use permit issued by the department of revenue.

Sec. 10-3. Purchases, possession by minors.

- (a) It shall be unlawful for a minor to attempt to purchase, or for any other person to purchase liquor, malt beverages or wine for a minor.
- (b) It shall be unlawful for a minor to exhibit false, forged or borrowed credentials in an effort to obtain liquor, malt beverages or wine.
- (c) It shall be unlawful for any minor to possess liquor, wine or malt beverages.

Sec. 10-4. Sales to minors.

No person engaged in or serving or pouring at a business regulated under this chapter shall sell liquor, wine or malt beverages to a minor. No person engaged in a retail business regulated under this chapter shall sell liquor, wine or malt beverages by the package without verifying that the person to whom the alcoholic beverage is sold is 21 years of age or older by means of visual inspection of the buyer's proper identification on every occasion of purchase. For purposes of this section, the phrase "proper identification" means any document issued by a governmental agency containing a description of the person, a photograph of such person and giving such person's date of birth. "Proper identification" shall include, without being limited to, a U.S. passport, a U.S. military identification card, a state issued driver's license or identification card, or an immigration card. "Proper identification" shall not include any traffic citation, birth certificate, Social Security card, license renewal form, student identification card or credit card. For purposes of purchases from an automated beverage dispenser, "every occasion of purchase" shall mean every assignment of a personal identification number to a patron.

Sec. 10-5. Sales during elections.

The wholesale and retail sale of alcoholic beverages, including distilled spirits, wine and malt beverages, shall be lawful during the polling hours of any election. Nothing in this section shall authorize the sale of alcoholic beverages within 250 feet of any polling place during such time as the polls are open.

Sec. 10-6. Necessity for license.

It shall be unlawful to manufacture, sell or offer to sell at wholesale or retail within the corporate limits of the City of Douglasville any alcoholic beverage without having the appropriate license for such manufacture or sale, or to carry on such activity in violation of the terms of such license or of this chapter.

Sec. 10-7. Annual license fee.

In addition to any other business license fees that may be applicable under this Code, the following annual license fees shall be paid for the type of license being acquired as follows:

- (1) Malt beverages:
 - a. Retail package malt beverage sale \$500.00
 - b. Retail malt beverage sale for consumption on premises \$500.00
 - c. Wholesale malt beverage distributor:
 1. Principal place of business inside city \$500.00
 2. Principal place of business outside city \$100.00
 - d. Malt beverage manufacturer including brewery, microbrewery, brewpub \$1,000.00
 - e. Reserved.
 - f. Ancillary growler malt beverage tasting \$50.00
- (2) Wine:
 - a. Retail package wine sale \$500.00
 - b. Retail wine sale for consumption on premises \$500.00
 - c. Wholesale wine distributor \$500.00
 - d. Wine manufacturer, winery \$500.00
- (3) Liquor:
 - a. Retail package liquor sale \$5,000.00
 - b. Retail liquor sale for consumption on premises \$5,000.00
 - c. Wholesale liquor distributor \$5,000.00
 - d. Liquor manufacturer, distillery, microdistillery \$5,000.00
- (4) Live entertainment at pouring outlets \$250.00
- (5) Additional retail package beer and wine license for same location: If a licensee already holding a retail package liquor license and a retail package beer and wine license for the same location is required, pursuant to the Georgia Alcoholic Beverage Code or regulations issued thereunder, to obtain an additional retail package beer and wine license for such same location, the council may issue such additional retail package beer and wine license for such same location at a fee to be

determined at the discretion of the council, not to exceed \$500.00.

- (6) Late fee. If renewal application is not made by November 15 of each year or if such fees are not paid by December 31 of each year then an additional ten percent late fee will be assessed against the licensee.
- (7) Adult entertainment license fee:
 - a. In addition to the foregoing license fees for the sale of alcoholic beverages, a separate adult entertainment license must be obtained annually for each outlet for the sale of liquor, wine and/or malt beverages at which adult entertainers perform or are employed. The annual license fee for an adult entertainment license is \$10,000.00. Such license shall be issued on a calendar year basis and shall not be prorated or transferred.
 - b. Application for an adult entertainment license shall be in writing and made upon forms approved by the finance director. An initial application shall contain the information mandated by sections 10-8 through 10-16 and shall be subject to the requirements and regulations set forth in sections 10-8 through 10-16.
 - c. Application for renewal of an adult entertainment license shall be made between October 25 and November 15 of each year. The license fee for such renewal shall be tendered with the renewal application. If application for renewal is not made by November 15, a late fee of \$1,000.00 will be assessed against the licensee.

Sec. 10-7.1. Term of license; fees.

All licenses issued shall be granted for the full calendar year or for the number of months remaining in the calendar year. Exceptionally, any applicant granted a license after January 31 pursuant to a new initial application for license shall pay a pro-rated licensee fee for the remaining months in the subject calendar year as of the date of application. The prorated fee shall be equal to the total annual fee, divided by 12, times the number of whole months and any partial month remaining in the calendar year at the time of application, but in no event shall the prorated license fee be for less than three months, and in no event shall a prorated license fee be charged for any applicant or owner who has held an alcoholic beverage license at the same location within the 18 months immediately preceding the new application.

Sec. 10-8. Initial application for license.

The initial application for a license under this chapter shall be as follows:

- (1) Each initial applicant shall make written application to the council for the privilege of engaging in the sale of alcoholic beverages using forms approved by the clerk and specifying wholesale, retail sales, manufacturing (including but not limited to microbrewery, brewery, brewpub, microdistillery, distillery, winery, wine manufacturing), or consumption on the premises, and specifying liquor or beer and wine. Such initial application shall be accompanied by a certified or cashier's check in the amount of the first year's license fee. Should the initial application be denied, such license fee shall be refunded to the applicant.
- (2) The application shall be filed with the city clerk or his or her designee with a fee of \$250.00 per person for investigation of the owner or owners and the proposed agent outlet manager, and for investigation of the proposed location and for processing of the application. Such fees shall be nonrefundable. Said application fees shall be paid in addition to the license fee.
- (3) The application shall state:
 - a. For each owner, full name and age, home address, addresses for the immediately preceding ten

- years, present employer and business address, previous employment in the immediately preceding five years, names of spouse and all children, and complete record of all convictions and guilty pleas for violations of all laws, city, county, state and federal.
- b. Full name of the proposed outlet manager, if not the same as applicant, and his age, home address, business address, names of spouse and all children, complete record of all convictions and guilty pleas for violations of all laws, city, county, state and federal, of both proposed agent outlet manager and spouse.
 - c. Exact location, street address and otherwise, of proposed business.
 - d. Name and address of owner or landlord and/or resident manager of property proposed for location and whether or not there is a building proposed to be used already erected thereon.
 - e. Trade name, or proposed trade name, of proposed business.
 - f. Name and address of all persons and parties having at least a 20 percent financial interest in the outlet by way of ownership of building or stock or membership in LLC or partnership, receipt of income from business or otherwise.
 - g. Such other information as may be required by the city council, chief of police, city manager or city attorney, or their designees, through interrogatories or otherwise.
- (4) The application shall be sworn to.
- (5) An application for alcoholic beverage package sales (but not for pouring outlets) shall be accompanied by a current certificate from a registered surveyor containing the following information:
- a. A scale drawing of the building, or proposed building, as situated on the proposed lot.
 - b. The proposed off-street parking facilities available to such building.
 - c. The exact location of such business, including ward, block and lot as shown on the city tax map and street number.
 - d. Both the straight-line distance and the measured distance in lineal feet from any surrounding church building, school grounds or housing authority grounds and any additional distance requirements as set forth in Sec. 10-18. The requirement of showing the distance from the above shall not exist when the church building, school grounds or housing authority grounds is in excess of a measured 650 feet from the proposed outlet; however, the surveyor's certificate shall so state.
 - e. Such other information as may be required by the council, chief of police, city manager or city attorney, or their designees, through interrogatories or otherwise.
- (6) The applicant shall timely file proof of his compliance with advertising requirements with the city clerk or his or her designee, before licensing is considered by the council.
- (7) Approval of an application by the council and/or granting of license by the council may be suspended or revoked if any change in the information supplied, or in the physical layout represented in the plat submitted, occurs without approval of the council. An applicant anticipating any such change shall submit all details thereof to the council.

Sec. 10-9. Incomplete application.

An application filed and submitted before containing substantially all the information required may be rejected by the council, and an applicant may not refile for a period of six months.

Sec. 10-10. Residency requirements.

- (a) All applicants, other than a corporation, limited liability company, or partnership, must be a citizen of the United States or a resident alien of the United States. All corporations, limited liability companies, and partnerships must exist under the laws of the state of Georgia.
- (b) All proposed agent outlet managers shall be a citizen of the United States and a resident of the State of Georgia for a period of one year immediately preceding application, or a resident alien of the United States who has been lawful resident of the State of Georgia for the three years immediately preceding the application, and shall meet all other qualifications required of license applicants as set forth in this chapter.
- (c) The agent outlet manager referred to herein shall be the representative for the licensee for the purpose of receiving all communications, notices, services of process or other papers or documents in connection with any matter arising out of or connected with the issuance, holding, suspension, revocation or other action with respect to any city license. The application shall state the mailing address of any agent outlet manger, and the mailing to that person at said address of any notice required under this chapter or any other law shall be sufficient notice to the owner or licensee.
- (d) After a licensee has held a license for a continuous period of one year, the requirement of prior Georgia residency for its agent outlet manager shall be eliminated if the agent outlet manager is a current Georgia resident.

Sec. 10-11. Sham applicant; de facto applicant or agent outlet manager.

- (a) It shall be unlawful for any person to file, or permit to be filed, an application for license wherein a sham applicant or a sham outlet manager is named.
- (b) It shall be unlawful for any person to file an application for a license containing his name as applicant, when such person is not the de facto applicant or the owner; it shall be unlawful for any person to represent to the city that he is the agent outlet manager for the licensee when such person is not the de facto agent outlet manager.
- (c) It shall be unlawful for any person to permit his name to be used on an application for license where such person will not be the de facto owner of the licensee or the de facto agent outlet manager, as the case may be.
- (d) It shall be unlawful for any person to file an application for license, or permit his name to be used in such application, where such application contains a nominal applicant or nominal agent outlet manager for the purpose of avoiding the provisions of this article restricting applicants or managers to persons of good character and without criminal records, or restricting economic interests in outlets, or any other elusive purpose.

Sec. 10-12. Application containing false information.

An application containing known false information may result in the disapproval, revocation, suspension or failure to renew the license applied for.

Sec. 10-13. Surveyor's certificate containing false information.

- (a) *Applicant.* It shall be unlawful for any applicant to submit with his application any surveyor's certificate containing known false information and/or measurements.
- (b) *Surveyor.* It shall be unlawful for any surveyor to submit, or allow to be submitted, a certificate containing known false information.

- (1) Violation of this subsection may result in the revocation of the business license of the surveyor submitting the false information.
- (2) Substantial errors in measured distances, as determined by the city engineer, shall be prima facie evidence that the distances submitted are known to be false.

Sec. 10-14. Advertisement of application; proof thereof.

- (a) The finance department shall advertise notice of the applicant's application for license in a local newspaper designated to publish sheriff's advertisements for the county, or the legal organ for Douglas County, once a week for two consecutive weeks, which advertisement shall appear after filing the application and before the public hearing on such application. The advertisement shall be in a form prescribed and prepared by the finance department or its designee and shall contain the name of the applicant, the purpose of the application, the proposed location of the business, the name of its owner, and the name of the proposed agent outlet manager.
- (b) The applicant shall also, at least three days after filing the application, erect at the proposed location a sign not less than 24 inches by 36 inches in size, with letters of at least 2½ inches on the front door of the building proposed to be used, if facing the right-of-way of the city street upon which such building fronts, otherwise, within three feet of such right-of-way, or upon a prominent place on the lot where the building is proposed to be constructed, facing the street. The sign shall be captioned as provided in section 10-38, 10-77, or 10-105, designating the name and address of the applicant, the name of the proposed agent outlet manager, type of license and date of application, and no other advertisement or wording. Such sign shall be prepared by finance department or its designee and shall remain posted by the applicant until final action by the council on the application.
- (c) The cost of such preparation and advertising, both newspaper and sign, will be borne by the applicant, and shall be \$250.00, paid to the finance department at the time of application.

Sec. 10-15. Action upon application.

Within seven days from the time the application is filed, the city clerk or his or her designee shall notify the chief of police, who shall investigate the character of the applicant, the agent outlet manager and the reputation of the location, and make a full report to the council. The city clerk or his or her designee shall also refer such application, together with any objections filed, to the council. The council shall, after investigation of the applicant, the agent outlet manager and the proposed location, grant or deny the license applied for.

Sec. 10-16. Conditional approval of application; withholding of license; suspension of license.

- (a) The council may approve an application subject to the city's receipt of documentation and/or the applicant's compliance with required formalities, and may withhold recommendation for issuance of a license until such requirements are complete.
- (b) Where an irregularity or deficiency in the application, including plat requirements, off-street parking facilities, etc., occurs or is discovered, a license may be suspended by the council pending correction of the irregularity.

Sec. 10-17. Considerations and guidelines for granting or denying license.

The city council, in making its final determination upon an initial application, may be guided by the following factors as to whether to grant such license:

- (1) The nature of the neighborhood immediately adjacent to the proposed location, that is, whether the same is predominantly residential, industrial or commercial in nature.

- (2) The proximity of churches, hospitals, schools, public parks, community centers, and the like.
- (3) Whether the proposed location has adequate off-street parking facilities.
- (4) Whether the proposed location would tend to increase and promote traffic congestion and resulting hazards therefrom.
- (5) The criminal record of the applicant and agent outlet manager and their general good character and reputation and their financial responsibility; provided that nonpayment of state, county or city taxes shall be prima facie evidence as to lack of financial responsibility.
- (6) Report of the chief of police.
- (7) Consideration of information required in the application and whether requirements as to notice and advertisement have been met.
- (8) Such other evidence as may be presented to the city council.
- (9) Whether any previous license issued for the applicant, agent outlet manager or for the location has been suspended or revoked.
- (10) Whether the applicant holds any other license for the sale of alcohol.
- (11) The history or reputation of the proposed location of the outlet for gambling, illegal sex acts, fighting or other acts of violence, and/or other violations of the law.
- (12) Whether the type and number of schools, churches, libraries or public recreation areas in the vicinity of the place of business of the licensee causes minors to frequent the immediate area, even though there is compliance with the minimum distances as provided in this chapter.
- (13) The location for which the license is sought, as to traffic congestion, general character of neighborhood, and the effect such an establishment would have on the adjacent and surrounding property values.
- (14) The number of licenses already granted for similar business in the trading area of the proposed location.
- (15) Any circumstances which may cause minors to congregate in the vicinity of the proposed location, even though there is compliance with the minimum distances as provided in this chapter.

Sec. 10-18. Grounds for denial of license.

(a) *Prohibited locations.* It shall be unlawful to grant a license for the sale of alcoholic beverages within the following areas of the City of Douglasville:

(1) Within a measured 300 feet of any church building, for licenses other than retail consumption on the premises at pouring outlets at restaurants, tasting rooms, tap rooms, brewpubs, breweries, microbreweries, wineries, distilleries, microdistilleries, wine bars, tasting special events, hotel lounges, private clubs, and other licensed locations within the Downtown District of the City of Douglasville.

(2) Within a measured 600 feet of any school grounds or college campuses, except:

- a. Licenses for consumption on the premises for liquor, beer and wine may be issued for any pouring outlets at restaurants, tasting rooms, tap rooms, brewpubs, breweries, microbreweries, wineries, distilleries, wine bars, tasting special events, hotel lounges, private clubs, and other licensed locations

within the Downtown District of the City of Douglasville, located within 600 feet of any school grounds or college campuses; and

b. Licenses for package sale of beer and wine may be issued to grocery stores located within 600 feet of any college campuses.

(3) In an existing building or establishment having a history of or reputation for prostitution or other sex offenses; fighting, shooting, stabbing or other violence; gambling; illegal dealing in alcoholic beverages or drugs; other violations of the law.

(4) No retail liquor package sales shall be permitted in areas of the city zoned NC (neighborhood commercial).

(5) No new retail liquor package sales license shall be approved for a location within 2,500 feet of another location:

a. Where a retail liquor package sales business is lawfully operating, or

b. Which is the receiving location for a retail liquor package sales transfer of license approved within the 12 months immediately preceding filing of the new subject application.

The distance specified in this subsection (5) shall be measured from the front door of one retail liquor package sales business to the front door of any other retail liquor package sales business.

(b) *Prohibited persons.* It shall be unlawful to grant a license for the sale of alcoholic beverages for an outlet with an owner or agent outlet manager who is:

(1) A person who does not meet the residency requirements as set forth in section 10-10.

(2) A person who is not of good character and reputation in the community in which he resides.

(3) A person who has been, within the preceding five years, convicted of a felony, or of a crime opposed to decency and morality, or who has been convicted of a crime involving violation of the ordinances of the City of Douglasville relating to the use, sale, taxability or possession of beer, wine or liquor, or violations of the laws of the state and federal government pertaining to the manufacture, possession, transportation or sale of beer, wine or spiritous liquors, or taxability thereof.

(4) A person whose license under this article has been revoked for cause or who has had a license under this article revoked for cause.

(5) A person who is under the age of 21 years or who is not of sound mind and memory.

(6) An employee of the City of Douglasville, or members of their immediate families.

(c) *Multiple agency prohibited.* No person shall serve as agent outlet manager for more than one licensed establishment.

Sec. 10-19. Resubmission of application; deferral of action upon litigation.

- (a) No applicant may submit, and the council shall not act upon an application which is substantially the same as an application submitted within the previous six months.
- (b) The council may defer action upon any application, the subject matter of which is substantially the same as the subject matter of litigation or otherwise active court cases then pending in the municipal, state or federal courts, until such time as such litigation is resolved.

Sec. 10-20. Time limits on opening business, extension.

- (a) All outlets licensed under this chapter must, within 90 days after the issuance of a city license, open for business. Failure to open for business shall constitute a forfeiture and cancellation of the issued licenses, and no refund of license fees or business taxes shall be made. Any applicant unable to comply with the time limit of this section may make written request to the council for an extension of time not to exceed 90 days; and the council, at its discretion, may grant or deny the request.
- (b) Any license issued under this chapter shall automatically be null and void where the licensed business has ceased to operate or has been closed to the public for at least six consecutive months.

Sec. 10-21. Transferability of licenses.

- (a) *Generally.* A separate license shall be required for each alcoholic beverage outlet, and a separate application shall be made for each. No license for the sale of alcoholic beverages shall be transferable, except as provided in this section. Where any transfer of license or location is requested and the annual fee for the license has previously been paid, no further license fee, other than the fee for background investigation of any new owner or agent, shall be charged. Where any transfer of license or location is approved by the council, or where any change of agent is approved, such approval shall not entitle the licensee to issuance of any initial license, any interim license, any license or privilege reserved for new licensees, or to any license available only to newly opened outlets.
- (b) *Death of licensee.* In case of the death of a licensee, the outlet may continue to sell alcoholic beverages for a period of 45 days from the date of death or until expiration of the license or until approval of a new license, whichever shall first occur, provided that no sale of alcoholic beverages shall be allowed until such time as a personal representative of the estate, appointed by a probate court of competent jurisdiction, shall make application for a new license.
- (c) *Transfer of certain ownership interests in a licensed outlet.* Where transfer of any ownership interest in any previously licensed outlet results or will result in ownership by any individual, member, partner or stockholder of any interest of 20 percent or more in the licensed entity where such individual, member, partner or stockholder previously owned less than 20 percent or no interest in the licensed entity, then the licensee shall immediately inform the city clerk or his or her designee of the details of such change and apply for not more than one of the following:
 - (1) A transfer of the license, whereupon the outlet may continue to sell alcoholic beverages for a period of 45 days from the date of application or until expiration of the existing license or until approval or denial of the transfer by the council, whichever shall first occur, provided that no sale of alcoholic beverages shall be allowed until such time as the licensee shall make application for a transfer; or
 - (2) A new license, whereupon the licensee shall surrender any existing license for the outlet and the outlet shall cease to sell alcoholic beverages until a new license has been approved for that location; all applications shall be accompanied by payment of a new license fee.

All new owners and agent outlet managers shall submit to a background check in connection with any

application for transfer of an existing license or issuance of a new license, and all such applications shall be accompanied by payment of the background fee of \$250.00 per person.

- (d) *Transfer of location.* Upon application, the council may approve transfer of a license for a new location within the city for any outlet. Should a transfer of a location be denied, there shall be no pro rata return or refund of any license fee, and any new location shall require a new license under this article.
- (e) *Change of agent.* Upon the resignation or removal of an agent outlet manager for a particular outlet, the licensee shall immediately appoint a new agent outlet manager and apply to the city clerk or his or her designee for approval of the new agent outlet manager. All such applications shall be accompanied by payment of the background investigation fee of \$250.00 and an administration fee of \$75.00, and shall be jointly approved or denied by the city manager or his or her designee and the chief of police or his or her designee.
- (f) *Name change.* In those instances in which only the name of the establishment holding a license is to change, with no change in the ownership or agent outlet manager for the outlet, the licensee shall promptly notify the city clerk or his or her designee of the change of name, which notation shall be made on the records of the city and forwarded to the license issuance office for a change on the records of that office. No charge will be made for this name change.
- (g) *Sale or closing of outlet.* Immediately upon the sale or closing of an outlet, it shall be the duty of the licensee to notify the council and surrender the license upon demand.

Sec. 10-22. Removing residence from county or otherwise becoming a prohibited person.

Any licensee or agent outlet manager who becomes a prohibited person, as defined in section 10-18, shall, within ten days of such event, make such fact known to the council, and shall surrender his license upon demand by the council in such case.

Sec. 10-23. Renewals of licenses; denial of renewal.

- (a) All licenses required by this article shall be issued on a calendar year basis and shall be renewable administratively upon payment of the appropriate fee, except as is set out in subsection (d) of this section.
- (b) Each licensee shall make a written application for renewal on or before November 15 of each year on forms approved by the city clerk or his or her designee, and the license fee shall be paid in full no later than December 31 of each year. If the renewal application is not made by November 15 of each year or if such fees are not paid by December 31 of each year then an additional ten-percent late fee will be assessed against the licensee.
- (c) Such application shall be referred to the chief of police, who shall report on the licensee's activity and the agent outlet manager's activity, if any, and upon activity at the location of the licensed business, if any, during the year.
- (d) If the chief of police reports any activity which constitutes probable cause for not renewing a license, the renewal shall not be made administratively, and the matter shall be referred to the council for its consideration.
- (e) Upon failure of administrative renewal, the council shall afford the licensee a public hearing, and in passing upon the application for renewal, it may be guided by such factors as set forth in sections 10-17 and 10-18 regarding the initial application.
- (f) After such public hearing, the council may grant or deny the renewal of any license for which application has been made.

Sec. 10-24. Suspension and revocation of licenses.

- (a) *Summary action.* There shall be no summary seizure of licenses under this chapter, unless there exists in the city a state of emergency duly declared; after any such seizure, a hearing shall be held as soon as practicable.
- (b) *Action by council.* The city council shall have full power of authority to revoke, refuse to renew, suspend or place on probation any licensee to sell alcoholic beverages for violation of this Code, or for the state or federal laws, or when continued operation of the licensed business is detrimental to the health, safety or welfare of the public. Before taking any such action, the council shall require a hearing before it at least five days' notice of which hearing shall have been given to the affected licensee.

Sec. 10-25. Taxation; levied.

In addition to the annual license fees imposed and required by this chapter, there is hereby levied and imposed upon the sale of alcoholic beverages a tax as provided in Articles II, III and IV of this chapter.

Sec. 10-26. Payment of fee for reporting; revocable.

The city may pay to each taxpayer for the service of computing and remitting such taxes collected a fee of three percent of such remittances, such payment to be revocable by the city at any time.

Sec. 10-27. Right of audit.

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

Sec. 10-28. Failure to make a timely tax report, remittance; penalty.

- (a) The failure to make a timely report and remittance shall render a licensee liable for a penalty equal to ten percent of the total amount due during the first 30-day period following the date such report and remittance were due, and a further penalty of five percent of the amount of such remittance for each successive 30-day period or any portion thereof, during which such report and remittance are not filed. The filing of a false or fraudulent report shall render the maker of such report liable for a penalty equal to 25 percent of the amount of the remittance which would be required under an accurate and truthful report.
- (b) Such failure to make a timely report or remittance, or the filing of a false or fraudulent report, shall also constitute grounds for the revocation of the business license issued by the city to the wholesale licensee.
- (c) At the discretion of the finance director or his or her designee, a failure to make a timely report and remittance may result in an initial notice of violation delivered to the designated agent or agent outlet manager. The notice will include the code section violation and a five-business day period to make a report and remittance. Any subsequent violations within a six-month period will result in the issuance of citations by a code compliance officer. Nothing in this section waives the right of the city to proceed directly to the issuance of a citation and forego the step of providing an initial notice of violation.

Sec. 10-29. Sale prohibited when tax not paid.

It shall be unlawful for any person to sell at retail or otherwise within the city any alcoholic beverage on which the tax required in this chapter has not been paid to the wholesaler, brewpub/brewery/microbrewery/distillery/microdistillery operator or distributor or the city.

Sec. 10-30. Administration.

- (a) *Authority of finance director.* The finance director or his or her designee shall administer and enforce the

provisions of this chapter for the collection of the tax imposed by this article.

- (b) *Records required from licensee; form.* Every licensee for the sale of alcoholic beverages by the drink in this city shall keep such records, receipts, invoices and other pertinent papers in such form as the city clerk or his or her designee may require.
- (c) *Examination of records; audits.* The city clerk or any person authorized in writing by the city clerk may examine the books, papers, records, financial reports, equipment and other facilities of any licensee for the sale of alcoholic beverages by the drink and any licensee liable for the tax in order to verify the accuracy of any return made, or, if no return is made by the licensee, to ascertain and determine the amount required to be paid.
- (d) *Authority to require reports; contents.* In administration of the provisions of this article, the city clerk or his or her designee may require the filing of reports by any person or class of persons having in such person's or persons' possession or custody information relating to purchases which are subject to the tax. Reports shall be filed with the city clerk when required by the city clerk, and shall set forth the purchase price for each purchase, the date or dates of purchase, and such other information as the clerk may require.

Sec. 10-31. Violations.

- (a) Any person violating any of the provisions of this chapter shall be deemed guilty of an offense and, upon conviction thereof, shall be punished as provided in section 1-3 of the Code of Ordinances of the City of Douglasville. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the chapter is committed, continued, or permitted by such person, and shall be punished accordingly. Any licensee or any other person who fails to furnish any return required to be made, or fails or refuses to furnish a supplemental return or other data required by the city, or who renders a false or fraudulent return, shall be deemed guilty of an offense and, upon conviction thereof, shall be punished as provided in this section.
- (b) Any default or delinquency of the tax levied under this chapter shall constitute cause for suspension or revocation of license.
- (c) Should the city council determine that a licensee has been chronically delinquent or chronically in default in the payment of taxes under this article, the council may, when considering the application of such licensee for renewal, consider such delinquency as grounds for nonrenewal.

Secs. 10-32—10-35. Reserved.

ARTICLE II. MALT BEVERAGES

Sec. 10-36. Necessity for license.

It shall be unlawful to manufacture, sell or offer to sell at wholesale or retail within the corporate limits of the City of Douglasville any malt beverage without having the appropriate license for such manufacture or sale, or to carry on such activity in violation of the terms of such license or of this article.

Sec. 10-37. Classification of licenses; license fees.

- (a) Licenses under this article shall be classified as follows:
 - (1) *Retail package.* Retail beer package store, which shall permit only the sale of malt beverages in packages at retail.
 - (2) *Wholesale.* Wholesale malt beverage distributor, which shall permit only the sale of malt beverages at

wholesale.

- (3) *Manufacture*. Manufacturers of malt beverages, including but not limited to breweries and microbreweries, which shall permit the manufacture, bottling and packaging of malt beverages. In addition to the foregoing, and subject to the restrictions under O.C.G.A. section 3-5-24.1, manufacturers of malt beverages shall be allowed to:
 - a. Pour malt beverages in tap rooms at the manufacturer's licensed premises, and
 - b. Make package sales of malt beverages that the manufacturer produces at its licensed premises to individuals making purchases at such licensed premises for their personal use and not for resale, including growler sales. "Package" has the meaning defined by O.C.G.A. section 3-1-2(16).
- (4) *Brewpub*. Brewpub operator, which shall permit only the manufacture, sale at wholesale and pouring of malt beverages as provided at O.C.G.A. title 3 et seq.

(b) The amount of the license fee for each class shall be as set forth in the license schedule in section 10-7.

Sec. 10-38. Sign posted.

The sign posted in compliance with section 10-14(b) in connection with any application for a malt beverage license shall be captioned, "malt beverage/wine application pending."

Sec. 10-39. General regulations for package sale of malt beverages.

- (a) The building or proposed building to house a retail outlet for the sale of malt beverages by the package shall meet all requirements of the city building official and city engineer or their designees.
- (b) Each outlet for the retail sale of malt beverages by the package shall post in a conspicuous place within the outlet a sign in letters at least two inches high, reading as follows:

"Sale of Alcoholic Beverages to Minors Strictly Prohibited"
- (c) No screen, partition, or thing which prevents a clear view into the interior of a retail outlet for the sale of malt beverages by the package from the street, nor any booth within, shall be permitted.
- (d) No package malt beverage sales shall be allowed on Sundays, except between the hours of 11:00 a.m. and 11:45 p.m., or on any other days prohibited by state law, all as subject to state law requirements.
- (e) The state regulations relating to the sale and distribution of malt beverages by the package, as revised, promulgated by the state revenue department, are hereby incorporated into and made a part of this section as if fully set out in this section.
- (f) Any holder of a license to sell at retail malt beverages by the package shall make an immediate report to, and receive approval by, the council of any change in the interests in the owner or ownership of a malt beverage outlet and/or any change in the information as stated in the original application for license.
- (g) Automated beverage dispensers. Where the owner of a hotel holds a retail package license for sale of malt beverages, the licensee may make use of an automated beverage dispenser to be placed and maintained in plain view of the front desk of the hotel, provided that:
 - (1) Transfers of malt beverages from the dispenser shall be made only to hotel guests renting a room at the time of sale;
 - (2) Malt beverages from the dispenser shall be accessible to purchasers only through use of a personal identification number assigned to the purchaser by the licensee;
 - (3) Each personal identification number shall be valid for a period of not more than five minutes after

assignment, and for only one purchase;

- (4) Each personal identification number shall be valid for one purchase of no more than two twelve-ounce alcoholic beverage units; and
- (5) The licensee shall allow purchase of no more than four twelve-ounce alcoholic beverage units to each registered hotel guest in any calendar day.

Sec. 10-40. Taxation—Rate.

- (a) In addition to the annual license fees imposed and required by this chapter, there is hereby levied and imposed upon each wholesale dealer other than brewpubs, breweries, and microbreweries selling malt beverages within the city an excise tax on such malt beverages so sold, as follows:
 - (1) A tax of \$0.004166 per ounce upon malt beverages sold.
 - (2) All malt beverages sold in or from a barrel or bulk container and being commonly known as tap or draft beer, shall not be subject to the excise tax provided for in subsection (1) of this section, but in lieu thereof, there is hereby imposed upon each wholesale dealer selling such malt beverages within the city an excise tax of \$6.00 for each barrel or bulk container having a capacity of 15½ gallons sold by such wholesale dealer within the city and at a like rate for fractional parts thereof.
- (b) In addition to the annual license fees imposed and required by this chapter, there is hereby levied and imposed upon each brewpub, brewery, and microbrewery selling malt beverages at wholesale within the city an excise tax of \$6.00 for each barrel or bulk container having a capacity of 15½ gallons sold by such brewpub, brewery, and microbrewery operator within the city and at a like rate for fractional parts thereof.

Sec. 10-41. Method of payment.

The tax imposed by section 10-40 shall be paid to the city by each wholesale dealer on all malt beverages sold within the city and by each brewpub, brewery, and microbrewery operator on all malt beverages sold at wholesale within the city. Each wholesale dealer selling, shipping, or in any way delivering malt beverages to a retailer in the city shall collect such excise tax at the time of delivery, and shall remit the same together with a summary of all such deliveries on or before the twentieth day of the month next succeeding the calendar month in which such sales were made. A return with payment postmarked on or before the twentieth day of the month will be considered compliant, and no late penalty will be assessed therefor.

Sec. 10-42. Payment of tax; report.

The summary report made by each wholesale dealer and brewpub, brewery, and microbrewery operator to the city shall show the exact quantities of malt beverages, by size and type of container, and the amount of excise tax collected.

Sec. 10-43. Growlers.

- (a) The sale of growlers in compliance with this article is authorized for establishments defined in subsection 10-37, except for wholesalers, authorized to sell alcoholic beverages excluding distilled spirits, by the package. The authorization for the sale of growlers shall specifically apply to brewpubs, breweries, and microbreweries. The filling of growlers by means of a capped keg shall not constitute the breaking of a package as contemplated by O.C.G.A. § 3-3-26 or other provisions of this article. Unless manufactured by licensee, growlers may only be filled from kegs procured by the licensee from a duly licensed wholesaler. Only professionally sanitized and sealed growlers may be filled and made available for retail sale. Each growler must be securely sealed and removed from the premises in its original sealed condition. Except as hereinafter provided, consumption on the premises from growlers is strictly prohibited.

- (b) The holder of a package malt beverage license, with or without a package wine license, but in no event with a package distilled spirits license, shall be eligible for an ancillary growler malt beverage tasting license to provide samples of growler malt beverages offered for sale to customers under the conditions set forth in this section. Growler malt beverage sampling shall be on limited occasions when a customer requests a sample of a growler malt beverage offered for sale within the premises, or in conjunction with growler malt beverage education classes and sampling designed to promote growler and malt beverage appreciation and education. Growler malt beverage tasting for customers shall only be conducted at a counter area constituting no more than ten percent of the entire floor area of the premises. Growler malt beverage sampling for customers shall be limited to no more than one time per day per customer for a period not to exceed two consecutive hours. Samples shall not exceed four ounces, and no customer shall consume more than 16 ounces in any two-hour period. Only the licensee or an employee shall open and handle unpackaged malt beverages, and samples shall only be poured by the licensee and/or an employee. No open growler container shall be removed from the licensed premises. Not more than two times per week for a period not to exceed two consecutive hours, the holder of an ancillary growler malt beverage tasting license may conduct educational classes and sampling for class participants. All conditions of sampling set forth in this section shall apply to such classes, except for the limitation on floor areas where the classes can be conducted. Growler malt beverage sampling and tasting is only permitted within the designated interior portion of the premises. The annual fee for an annual growler malt beverage tasting license shall be \$50.00, and the license shall be issued by the finance director or his or her designee upon payment and request to any holder of a local package malt beverage license which does not also hold a package distilled spirits license at the same location.

Secs. 10-44—10-74. Reserved.

ARTICLE III. WINE

Sec. 10-75. Necessity for license.

It shall be unlawful to sell, store or offer to sell at wholesale or retail within the corporate limits of the City of Douglasville, wine, without having the appropriate license for such sale, or to carry on such activity in violation of the terms of such license or this chapter. However, a farm winery, as defined in O.C.G.A. section 3-6-21.1, which is qualified and licensed by the state shall need no city license to manufacture wine or to distribute such wine at wholesale in accordance with O.C.G.A. section 3-6-1 et seq. if the farm winery has given to the council 60 days' written notice of its intention to commence operations in the city and the council has not within such 60-day period adopted a resolution prohibiting the farm winery from commencing operations in the city without a local license.

Sec. 10-76. Classification of licenses; license fees.

- (a) Licenses under this article shall be classified as follows:
- (1) *Retail package.* Retail wine package store, which shall permit only the sale of wine in packages at retail.
 - (2) *Wholesale.* Wholesale wine distributor, which shall permit only the sale of wine at wholesale.
- (b) The amount of the license fee for each class shall be as set forth in the license schedule in section 10-7.

Sec. 10-77. Sign posted.

The sign posted in compliance with section 10-14(b) in connection with any application for a wine license shall be captioned, "malt beverage/wine application pending."

Sec. 10-78. General regulations for package sale of wine.

- (a) The building or proposed building to house a retail outlet for the sale of wine by the package shall meet all requirements of the city building official and city engineer or their designees.
- (b) Each outlet for the retail sale of wine by the package shall post in a conspicuous place within the outlet a sign in letters at least two inches high, reading as follows:

"Sale of Alcoholic Beverages to Minors Strictly Prohibited"
- (c) No screen, partition, or thing which prevents a clear view into the interior of a retail outlet for the sale of wine by the package from the street, nor any booth within, shall be permitted.
- (d) No package wine sales shall be allowed on Sundays, except between the hours of 11:00 a.m. and 11:45 p.m., or on any other days prohibited by state law, and as provided by state law.
- (e) The state regulations relating to the sale and distribution of wine by the package, as revised, promulgated by the state revenue department, are hereby incorporated into and made a part of this section as if fully set out in this section.
- (f) Any holder of a license to sell at retail wine by the package shall make an immediate report to, and receive approval by, the council of any change in the interests in or ownership of a wine outlet and/or any change in the information as stated in the original application for license.
- (g) Automated beverage dispensers. Where the owner of a hotel holds a retail package license for sale of wine, the licensee may make use of an automated beverage dispenser to be placed and maintained in plain view of the front desk of the hotel, provided that:
 - (1) Transfers of wine from the dispenser shall be made only to hotel guests renting a room at the time of sale;
 - (2) Wine from the dispenser shall be accessible to purchasers only through use of a personal identification number assigned to the purchaser by the licensee;
 - (3) Each personal identification number shall be valid for a period of not more than five minutes after assignment, and for only one purchase;
 - (4) Each personal identification number shall be valid for one purchase of no more than two twelve-ounce alcoholic beverage units; and
 - (5) The licensee shall allow purchase of no more than four twelve-ounce alcoholic beverage units to each registered hotel guest in any calendar day.

Sec. 10-79. Taxation.

- (a) In addition to the annual wine license fee required, there is hereby levied an excise tax on the first sale or use of wine by the package computed at the rate of \$0.22 per liter, and a proportionate tax at a like rate on all fractional parts of a liter.
- (b) The provisions set forth in sections 10-41 and 10-42, relating to payment and collection of excise taxes regarding the sale of malt beverages shall be fully applicable concerning the payment and collection of excise taxes regarding the sale of wine, and shall be enforced as if such provisions were fully restated in this article.

Sec. 10-80. Waiver of license fee.

If the applicant for a retail license for the sale of wine by package is also an applicant or holder of a retail

license for the sale of malt beverages by package, then the initial annual license fee and subsequent annual renewal fees for the retail package sale of wine shall be waived, provided the applicant or retail licensee has paid the annual fee for the retail package sale of malt beverages, and is not delinquent in the sale of the annual license fee.

Secs. 10-81—10-102. Reserved.

ARTICLE IV. LIQUOR

Sec. 10-103. Necessity for license.

It shall be unlawful to manufacture, sell or offer to sell at wholesale or retail within the corporate limits of the City of Douglasville any spirituous liquors or distilled spirits without having the appropriate license for such manufacture or sale, or to carry on such activity in violation of the terms of such license or this article.

Sec. 10-104. Classification of licenses; license fees.

(a) Licenses under this article shall be classified as follows:

- (1) *Manufacturers.* Manufacturers, which shall permit only the manufacture, bottling and packaging of distilled spirits, including but not limited to distilleries and microdistilleries. In addition to the foregoing, and subject to the restrictions under O.C.G.A. section 3-4-24.2, manufacturers of liquor shall be allowed to:
 - a. Pour liquor in tasting rooms at the manufacturer's licensed premises, and
 - b. Make package sales of liquor that the manufacturer produces at its licensed premises to individuals making purchases at such licensed premises for their personal use and not for resale. "Package" has the meaning defined by O.C.G.A. section 3-1-2(16).
- (2) *Retail package.* Retail liquor package store, which shall permit only the sale of liquor in packages at retail.
- (3) *Wholesale.* Wholesale liquor distributor, which shall permit only the sale of liquor at wholesale.

(b) The amount of the license fee for each class shall be set forth in the license schedule in section 10-7.

Sec. 10-105. Sign posted.

The sign posted in compliance with section 10-14(b) in connection with any application for a spiritous liquor license shall be captioned, "liquor license application pending."

Sec. 10-106. General regulations.

- (a) The building or proposed building to house a retail outlet shall meet all requirements of the city building official and city engineer or their designees.
- (b) Reserved.
- (c) Each retail outlet shall post conspicuously within the place of business a sign printed in letters at least two inches high, reading as follows:

"Sale of Alcoholic Beverages to Minors Strictly Prohibited."
- (d) No screen, partition or thing which prevents a clear view into the interior of a retail outlet from the street, nor any booth within, shall be permitted.
- (e) No package liquor sales shall be allowed on Sundays except between the hours of 11:00 a.m. and 11:45

p.m or as provided under state law. No package liquor sales shall be allowed on any days prohibited by state law.

- (f) Reserved.
- (g) No drive-in windows shall be permitted.
- (h) No percentage leases of buildings for retail liquor outlets shall be permitted.
- (i) The state regulations relating to the sale and distribution of distilled spirits in this state, as revised, promulgated by the state revenue department, are hereby incorporated into and made a part of this article.
- (j) The applicant shall make an immediate report to, and receive approval by, the council of any change in the interests in the owner or ownership of the liquor outlet or liquor business and/or any change in the information as stated in the original application for license.
- (k) A licensee of a retail package liquor outlet under this article shall not operate the business in connection with any other mercantile establishment; provided, this shall not prohibit a licensee from operating in the same building complex with other businesses. No retailer shall sell, offer for sale, display or keep in stock at his place of business where packaged spirituous liquors are offered for sale, any other commodity except the following, all of which may be sold by the retailer at his option:
 - (1) Beverages containing no alcohol and commonly used to dilute distilled spirits;
 - (2) Wines and malt beverages, when properly licensed;
 - (3) Glasses, stirring sticks and similar paraphernalia commonly used in the consumption of alcoholic beverages;
 - (4) Tobacco products; and
 - (5) Packaged ice.
- (l) Automated beverage dispensers shall not be used in connection with spirituous liquor.
- (m) The city prohibits the sale, serving or use of alcoholic beverages in or on the premises of any billiard room or any place operated in connection therewith unless the principal business of the establishment is the serving of meals which, excluding the sale of alcoholic beverages, accounts for at least 51 percent of the gross revenue and meets all other requirements of a restaurant as defined section 10-1. Additionally, billiard halls, pool rooms and other similar establishments as defined by O.C.G.A. section 43-8-1 that sell alcoholic beverages by the drink for consumption on the premises shall comply with all the rules and regulations set forth in this chapter unless such rules and regulations are specifically prohibited by the provisions of O.C.G.A. section 43-8-1 et seq.

Sec. 10-107. Taxation.

- (a) In addition to the annual retail liquor license fee required, there is hereby levied an excise tax computed at the rate of \$0.22 per liter or fractional portion thereof, which shall be paid to city on all liquor sold, displayed or stored in the city.
- (b) The tax shall be paid to the city by the wholesale distributor on all liquors sold to retailers in the city. Each wholesale distributor selling, shipping or in any way delivering liquor to any such retailer shall collect the excise tax at the time of delivery and shall remit the same together with a summary of all deliveries to each retailer on or before the twentieth day of the month following. A return with payment postmarked on or before the twentieth day of the month will be considered compliant, and no late penalty will be assessed therefor.

- (c) Each wholesale distributor shall furnish to the city a summary of all purchase invoices for liquor sold to each retailer in the city on or before the twentieth day of each month following such purchases. The invoices shall show the amount of excise tax paid.

Sec. 10-108. Employee identification.

- (a) Any person who sells alcoholic beverages in a retail outlet for the sale of liquor by the package, shall be at least 18 years of age, and all such persons shall apply to the police department for an alcoholic beverage employee identification card, which card shall expire 12 months after issuance and shall be renewable on or before that time. An alcoholic beverage employee identification card shall be valid for such work at any location within the city having a valid liquor package license. As a prerequisite to issuance of an alcoholic beverage employee identification card for liquor package sales, every applicant shall take and pass an examination, authorized by the chief of police and administered by the police department, designed to assure that the applicant is competent to identify and properly deal with underage and intoxicated customers attempting to purchase liquor.
- (b) Alcoholic beverage employees shall make themselves available for photographing, fingerprinting and such other investigating as may be required by the police department.
- (c) The police department shall investigate the employee application and report any detrimental information to the chief of police. The chief of police may refuse to issue an employee identification card to any proposed employee who has been convicted of a felony within a period of five years immediately prior to the application for an employee identification card, or who has been convicted on two or more misdemeanors within a period of five years immediately prior to the application for an employee identification card, or who has been convicted within a period of five years immediately preceding the application of any of the following offenses:
 - (1) D.U.I.;
 - (2) Pandering, prostitution or soliciting prostitution;
 - (3) Gambling; or
 - (4) Illegal sale of any controlled substance or narcotic.
- (d) No licensee or agent outlet manager shall allow or require any person who works in a retail outlet for the sale of liquor by the package to sell any alcoholic beverages without an alcoholic beverage employee identification card; licensees, agents and outlet managers shall require all such employees to wear or otherwise properly display their alcoholic beverage employee identification cards at all times during working hours.
- (e) The police chief may provisionally grant an identification card to an applicant, pending investigation and report. Where the report, when received, is unfavorable as set out in subsection (c) of this section, the police chief may revoke the card and demand its return.
- (f) The chief of police may revoke an identification card should the employee violate any provisions of this article, furnish false or misleading information in the employee's application card or commit conduct adversely affecting the public health, safety or welfare.
- (g) It shall be unlawful for an employee whose card has been revoked, when demand for surrender of a card has been made, to refuse to so surrender, or to alter, conceal, deface or destroy such card.
- (h) Each employee shall pay a fee of \$25.00 for the local record check and identification card.

Secs. 10-109—10-144. Reserved.

ARTICLE V. CONSUMPTION ON THE PREMISES

Sec. 10-145. Necessity for license.

It shall be unlawful to pour or offer to pour any distilled spirits, wine or malt beverages within the corporate limits of the City of Douglasville without having a pouring license or otherwise allowed by section 10-37, or to carry on such activity in violation of the terms of such license or this article.

Sec. 10-146. Reserved.

Sec. 10-147. Application and qualification for license and permit.

- (a) Application for pouring licenses shall be the same as, and in accordance with, the requirements applicable to the sale of liquor by the package retail; and all provisions in this chapter pertaining to qualifications and licensing for a retail package liquor license, shall apply and be enforced in the sale of liquor, wine and/or malt beverages for consumption on the premises.
- (b) All regulations controlling the sale of liquor by package at retail shall be fully applicable as if set forth in a separate section of this article, and shall govern the sale of liquor, wine and malt beverages for consumption on the premises.
- (c) No application shall be considered from and no license granted to an applicant whose business location for a pouring outlet is anything other than a restaurant, brewpub, brewery, microbrewery, microdistillery, distillery, tap room, wine bar, tasting room, tasting special event, hotel lounge, or private club.
- (d) It is the intention of this article that liquor, wine and malt beverages by the drink be sold only at restaurants, brewpubs, breweries, microbreweries, microdistilleries, distilleries, tap rooms, wine bars, tasting rooms, tasting special events, hotel lounges, or private club and other licensed outlets for consumption on the premises under the restrictions herein set out, and not at walk-in bars or sham establishments.

Sec. 10-148. Interim or probationary licenses; terms and conditions.

- (a) Should any applicant applying for an initial brewpub/brewery/microbrewery, malt beverage, wine or liquor pouring license under this article, or any applicant for an initial liquor pouring license who already holds a brewpub/brewery/microbrewery, malt beverage or wine pouring license under this article, meet the requirements of this article concerning seating capacity, adequate kitchen facilities, and personnel, as required, and not be in violation of any other requirements of this chapter or otherwise be ineligible for a license under such factors as listed in sections 10-17 and 10-18, the council may, at its discretion, grant such applicant an interim or probationary pouring license for a term to be set by the council upon the granting of the interim or probationary pouring license. Such interim or probationary license, unless subsequently extended by the council under the provisions of subsection (b) of this section, shall expire at the end of the term established by the council for the interim or probationary pouring license, and may be revoked for just cause by the council before the end of such term.
- (b) If an applicant is granted an interim or probationary license, the finance director shall, upon its issuance, schedule a public hearing before the council prior to the expiration of the interim or probationary pouring license term, at which time the council shall consider whether to convert and extend such interim or probationary license to a full-term license. In considering whether an interim or probationary license shall be extended, the council may consider the factors enumerated in sections 10-17 and 10-18, the actual operating history of the establishment during the probationary period, whether the establishment is complying with the food service percentage requirements as defined by the definition of "restaurant" in

section 10-1, as applicable, and such other information as may be relevant and before the council.

- (c) If an interim or probationary license is extended by the council to a full-term license during the same calendar year as that in which the interim or probationary license was granted, no further fee shall be required of the applicant for such license for that calendar year. If an interim or probationary license is extended by the council to a full-term license in a subsequent calendar year to the year in which the interim license was granted, the applicant must tender to the finance director or his or her designee the appropriate license fee for the calendar year in which the full-term license is approved before the full-term license will be granted.
- (d) Should an interim or probationary license not be extended to a full-term license by the council, the applicant shall not be entitled to any refund of his initial application fee.

Sec. 10-149. Additional regulations applicable to pouring outlets.

The following regulations shall apply to pouring outlets:

- (1) The building or proposed building where pouring will take place shall meet all requirements of the city building official, city engineer, and fire official or their designees.
- (2) No percentage leases of buildings for pouring shall be permitted.
- (3) Hours:
 - a. No pouring of liquor shall be permitted between the hours of 2:00 a.m. Sunday and 6:00 a.m. Monday, nor between the hours of 2:00 a.m. and 6:00 a.m. on other days except as follows:
 - 1. Liquor may be poured on Sundays on the premises, at establishments holding a liquor pouring license, between the hours of 11:00 a.m. and 11:30 p.m.
 - 2. On any Monday which falls on a January 1, liquor may be consumed on the premises of any pouring outlet between the hours of 12:01 a.m. and 2:00 a.m.
 - b. No pouring of malt beverages or wine shall be permitted between the hours of 2:00 a.m. Sunday and 6:00 a.m. Monday, nor between the hours of 2:00 a.m. and 6:00 a.m. on other days except as follows:
 - 1. Malt beverages and wine may be poured on Sundays on the premises, at establishments holding a malt beverages and wine pouring license, between the hours of 11:00 a.m. and 11:30 p.m.
 - 2. On any Monday which falls on a January 1, malt beverages and wine may be consumed on the premises of any pouring outlet between the hours of 12:01 a.m. and 2:00 a.m.
 - c. Should licensees keep their doors open to the public, or allow members of the public to remain on the premises, beyond the prohibited hours of consumption, such conduct shall constitute prima facie evidence that liquor, wine and/or malt beverages are being consumed on the premises in violation of this chapter.
 - d. In no event shall drinks be mixed or sold, nor malt beverages sold, during the prohibited hours, based upon the timely sale of tickets, chits, or other devices. In no event shall alcoholic beverages be poured during prohibited hours at a private party at a licensed establishment.
 - e. No agent outlet manager, nor other employee of an outlet, shall permit violations of the above sections.
- (4) Pouring licensees shall not sell, or permit the sale of, liquor or malt beverages by the package, but

may sell malt beverages by the pitcher, or wine by the bottle or decanter, for consumption on the premises.

- (5) Hotels shall have the privilege of granting franchises for the operation of a lounge or restaurant in their premises, provided the hotel and the franchisee meet all the requirements of this article.
- (6) It shall be unlawful to employ knowingly in any pouring outlet in any capacity whatsoever, including performers, entertainers and musicians, any person who has plead guilty or been convicted of soliciting for prostitution, pandering, letting premises for prostitution, keeping a disorderly place, illegally dealing in drugs, sex offenses, or for any charge relating to the manufacture or sale of intoxicating liquors.
- (7) No signs soliciting patrons to bring their own or to "brown bag," affixed to the premises, shall be permitted.
- (8) It shall be the duty of the management of a pouring outlet to maintain a copy of this article at the outlet and to instruct each employee on the terms thereof.
- (9) The state laws and regulations relating to the sale and distribution of distilled spirits in this state, as revised, promulgated by the state revenue department, and especially as relate to retail sale for consumption, are hereby incorporated into and made a part of this article.
- (10) A pouring licensee shall supply to the city clerk or his or her designee a list of all employees who serve alcohol at the establishment, and the licensee shall immediately report any changes to the list to the city clerk or his or her designee. A pouring licensee shall make immediate report to, and receive approval by, the council of any change in the interests in or ownership of the pouring outlet and/or any change in the information as stated in the original application for license, including the list of employees.
- (11) No person already holding a wholesale liquor, wine or malt beverage license shall be granted a pouring license.
- (12) No malt beverages, wine or liquor shall be poured at any motion picture theaters, skating rinks, health spas, billiard halls, pool rooms or similar amusement establishments, notwithstanding the fact that they may be operated in connection with a restaurant. Malt beverages and wine, but not liquor, may be poured at restaurants in bowling alleys and at restaurants in electronic and video game rooms.
- (13) The city prohibits the sale, serving or use of alcoholic beverages in or on the premises of any billiard room or any place operated in connection therewith unless the principal business of the establishment is the serving of meals which, excluding the sale of alcoholic beverages, accounts for at least 51 percent of the gross revenue and meets all other requirements of a restaurant. Additionally, billiard halls, pool rooms and other similar establishments as defined by O.C.G.A. § 43-8-1 that sell alcoholic beverages by the drink for consumption on the premises shall comply with all the rules and regulations set forth in this article unless such rules and regulations are specifically prohibited by the provisions of O.C.G.A. § 43-8-1 et seq.
- (14) Every restaurant having a license for consumption on the premises shall, on a continuing basis, serve sufficient meals, the gross revenue from which, excluding the sale of alcoholic beverages, shall account for at least 51 percent of the total gross revenue of the business. A restaurant shall be deemed in violation of this subsection whenever:
 - a. The yearly percentage of sales for meals for the current license period is less than 51 percent; or
 - b. During more than half of the individual months in the current license period, sales for meals have been less than 51 percent.

- (15) Every wine bar having a license for consumption on the premises shall, on a continuing basis, shall offer for sale food and other non-alcoholic items, the gross revenue from which, excluding the sale of alcoholic beverages, shall account for at least 25 percent of the total gross revenue of the business. A restaurant shall be deemed in violation of this subsection whenever:
- a. The yearly percentage of sales for meals for the current license period is less than 25 percent; or
 - b. During more than half of the individual months in the current license period, sales for meals have been less than 25 percent.
- (16) Every brewpub having a license for consumption on the premises shall, on a continuing basis, shall offer for meals, the gross revenue from which, excluding the sale of alcoholic beverages, shall account for at least 50 percent of the total gross revenue of the business. A restaurant shall be deemed in violation of this subsection whenever:
- a. The yearly percentage of sales for meals for the current license period is less than 50 percent; or
 - b. During more than half of the individual months in the current license period, sales for meals have been less than 50 percent.

Sec. 10-150. Entertainment at pouring outlets.

- (a) Live music, live entertainment, live contests, patron performances, live bands or orchestras, and patron dancing shall be permitted at pouring outlets:
- (1) Where adequate space exists;
 - (2) Where all fire and safety codes are met;
 - (3) Where the appropriate license fee has been fully paid.
- (b) No adult dancing or erotic dancing, as said terms are defined in chapter 14, article IV, section 14-101 of the Code of Ordinances of the City of Douglasville, shall be permitted at any pouring outlet.
- (c) The city council may require a pouring outlet providing music and dancing to provide such security attendance and protection as, in the discretion of the chief of police, is adequate to meet the needs of public safety.

Sec. 10-151. Taxation.

- (a) There is hereby imposed and levied upon every purchase of an alcoholic beverage for beverage purposes by the drink within this city a tax in the amount of three percent of the purchase price of such beverage.
- (1) As used in this section, "alcoholic beverage" means any beverage containing distilled spirits.
 - (2) As used in this section, "purchase price" means the consideration received for the sale of alcoholic beverages by the drink valued in money, whether received in cash or otherwise, including receipts, credit, property or services of any kind whatsoever, and also the amount for which credit is allowed by the licensee to the purchaser, without any deduction therefrom whatever.
- (b) Every licensee or his agent is authorized and directed to collect the tax imposed in this section from the purchaser of alcoholic beverages by the drink within the licensed premises. Such licensee or agent shall furnish such information as may be required by the city clerk, chief of police, finance director, or city manager or their designees to facilitate the collection of the tax.
- (c) The tax imposed by this section shall become due and payable from the purchaser at the time of purchase

of any alcoholic beverage by the drink. All amounts of such taxes collected shall be due and payable to the city monthly on or before the twentieth day of each month next succeeding the preceding monthly period. A "monthly period," as used in this subsection, shall mean the calendar months of any year. A return with payment postmarked on or before the twentieth day of the month will be considered compliant, and no late penalty will be assessed therefor.

- (d) On or before the twentieth day of the month following each monthly period, a return for the preceding monthly period shall be filed with the city clerk or his or her designee in such form as the city clerk may prescribe by every licensee liable for payment of tax under this section. All returns shall show the gross receipts from the sale of alcoholic beverages by the drink, the amount of tax collected on such drinks, and the gross receipts from the sale of food and meals.
- (e) On or before the twentieth day of every month following each monthly period, a report for the preceding monthly period shall be filed by every restaurant licensee for consumption of alcoholic beverages on the premises, with the city clerk or his or her designee in such form as the city clerk may prescribe, showing the gross receipts of the business, gross receipts from the sale of alcoholic beverages, gross receipts from the sale of meals, and gross receipts from the sale of non-food items. Such report shall be filed notwithstanding that the licensee may have no liability for taxes due under this section, whereupon such report may be used to verify the licensee's continuing eligibility for licenses as a restaurant.
- (f) The tax imposed under this section shall be paid by brewpub operators in addition to that imposed on wholesale transactions required in article II of this chapter.

Sec. 10-152. Employee identification.

- (a) Any person who works serving liquor, wine and/or malt beverages for consumption on the premises, shall be at least 18 years of age, and all such persons shall apply to the police department for an alcoholic beverage employee identification card, which card shall expire 12 months after issuance and shall be renewable on or before that time. An alcoholic beverage employee identification card for serving alcoholic beverages for consumption on the premises shall be valid for such work at any location within the city having a valid pouring license. As a prerequisite to issuance of an alcoholic beverage employee identification card for serving alcoholic beverages for consumption on the premises, every applicant shall take and pass an examination, authorized by the chief of police and administered by the police department, designed to assure that the applicant is competent to identify and properly deal with underage and intoxicated customers attempting to purchase alcohol by the drink.
- (b) Alcoholic beverage employees shall make themselves available for photographing, fingerprinting and such other investigating as may be required by the police department.
- (c) The police department shall investigate the employee application and report any detrimental information to the chief of police. The chief of police may refuse to issue an employee identification card to any proposed employee who has been convicted of a felony within a period of five years immediately prior to the application for an employee identification card, or who has been convicted on two or more misdemeanors within a period of five years immediately prior to the application for an employee identification card.
- (d) No licensee or agent outlet manager shall allow or require any person who serves liquor, wine and/or malt beverages for consumption on the premises, to dispense, serve, sell or take orders for any alcoholic beverages without an alcoholic beverage employee identification card; licensees, agents and outlet managers shall require all such employees to wear or otherwise properly display their alcoholic beverage employee identification cards at all times during working hours.
- (e) The police chief may provisionally grant an identification card to an applicant, pending investigation and report. Where the report, when received, is unfavorable as set out in subsection (c) of this section, the

police chief may revoke the card and demand its return.

- (f) The chief of police may revoke an identification card should the employee violate any provisions of this article, furnish false or misleading information in the employee's application card or commit conduct adversely affecting the public health, safety or welfare.
- (g) It shall be unlawful for an employee whose card has been revoked, when demand for surrender of a card has been made, to refuse to so surrender, or to alter, conceal, deface or destroy such card.
- (h) Each employee shall pay a fee of \$25.00 for the local record check and identification card.

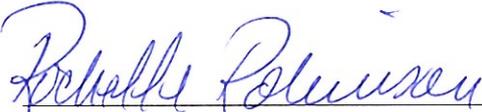
SECTION TWO

This ordinance shall become effective on the date after its enactment.

SECTION THREE

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Ordained this the 3rd day of July, 2023.



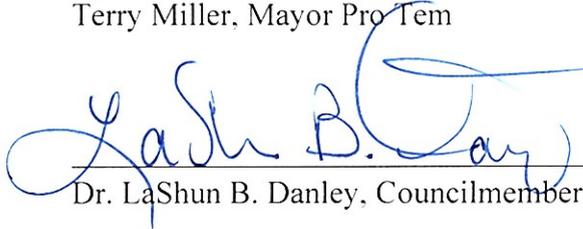
Rochelle Robinson, Mayor



Terry Miller, Mayor Pro Tem



Mark Adams, Councilmember



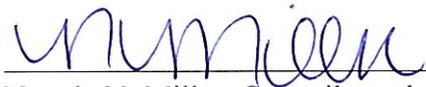
Dr. LaShun B. Danley, Councilmember



Sam Davis, Councilmember



Howard M. Estes, Councilmember



Nycole N. Miller, Councilmember



Chris "Coach" Watts, Councilmember

Attest:


Vicki L. Acker, City Clerk