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## Chapter 4 ALCOHOLIC BEVERAGES<sup>1</sup>

### ARTICLE I. IN GENERAL

#### Sec. 4-1. General policies and purpose.

- (a) Alcoholic beverages may be sold in the county only after the issuance of a license for such sale by the county and only in the manner permitted by said license. Alcoholic beverages may be sold in the county only by a licensee who complies with the rules and regulations of this chapter, and with the licensing, regulatory and revenue requirements of the state.
- (b) All licenses granted by the county for the sale of alcoholic beverages are a mere grant or privilege subject to all terms and conditions imposed by the county ordinance and state law and subject to being revoked by the board of commissioners of the county.
- (c) Each licensee of the county shall display the license prominently at all times at the outlet for which the license is issued. A separate license must be issued for each outlet of sale and a separate application must be made for each outlet.
- (d) The purposes of this chapter include, but are not limited to, the following:
  - (1) Compliance with state law.
  - (2) Guarding against monopoly and concentration of the retail sale of alcoholic beverages in one group.
  - (3) Prevention and control of the sale of alcoholic beverages by unfit persons.
  - (4) Promotion of appropriate land use planning and zoning in accordance with the county's comprehensive planning and land use policies and regulations.
  - (5) Protection of schools, homes, churches, parks, and other institutions.
  - (6) Protection of the public health, safety, and general welfare.

(Code 1991, § 3-1; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

#### Sec. 4-2. Definitions.

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

*Alcohol* means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

*Alcoholic beverage* means and includes all alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine.

*Apply* means to apply for a license to sell distilled spirits by the drink for consumption on premises where sold, O.C.G.A. §§ 3-4-40 et seq. and 3-6-60 et seq.;

*Application* means those forms required by the county to be completed by persons applying for an original license or a renewal license under this chapter.

*Issue* means to issue a license to sell distilled spirits by the drink for consumption on premises where sold, O.C.G.A. § 3-4-90 et seq.

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*Beer and malt beverage* mean any alcoholic beverage obtained by the fermentation of any infusion of decoction of barley, malt, hops or any other similar product or any combination of such products in water, containing no more than six percent alcohol by volume and including ale, porter, brown stout, lager beer, small beer and strong beer. The terms "beer" and "malt beverage" do not include sake, known as Japanese rice wine. The term "beer" is used interchangeably with the term "malt beverage."

*Brew pub* means any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36 for retail consumption on the premises and solely in draft form.

*Caterer* means any person who prepares food and furnishes beverages, but not alcoholic beverages, for consumption off-premises of the caterer's business location.

*Church* means any place of permanent public religious worship and shall exist if a building permit has been obtained and construction of the church has commenced or substantial materials, or supplies for its construction, have been moved to the site.

*County* means Meriwether County, and when used in a geographical sense, means the unincorporated areas of Meriwether County.

*County clerk* means the county clerk of Meriwether County or his designee.

*Director of community development* means the county director of community development or his designee.

*Distilled spirits or spirituous liquors* means any alcoholic beverage obtained by distillation or containing more than 24 percent alcohol by volume including, but not limited to, all fortified wines, whiskey, rum, gin, brandy, vodka, tequila, and all other alcoholic beverages of a similar nature and with similar alcoholic content.

*Eating establishment* means an establishment which is licensed to sell malt beverages, wines, and distilled spirits and which derives at least 55 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

*Family* means any person related to the holder of a license within the first degree of consanguinity or affinity as computed according to civil law.

*Food caterer* means any person who prepares or serves food for consumption at a location other than his normal place of business and complies with state environmental health regulations.

*Fortified 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. Fortified wine includes, but is not limited to, brandy.

*Golf club* means a corporation or association organized and existing under the laws of the state, actively in operation within the county prior to submitting an application for a license hereunder, having an 18-hole golf course of regulation size, a restaurant used exclusively for the purpose of preparing and serving meals with a seating capacity of at least 60 patrons, a golf club membership, and has at least 100 paid-up members who have paid a membership fee for family or individual membership, and a full-time management staff for the social activities of the club, including the management of the premises where food and drink are sold. Food shall be served at least seven days a week, with the exception of weeks including holidays, vacation, and periods of renovation. As used in this section, the term "seating" shall mean that no more than 25 percent of such seating shall be at a common table or counter area or shall be other than individual tables or booths designed for seating of at least two individuals.

*Hotel* means every building or structure kept, used, maintained, advertised, and held out to the public to be a place where food is actually served and consumed, sleeping accommodations are offered for adequate pay to travelers and guests, and having one or more public dining rooms where meals are regularly served to such guests.

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Motels meeting the qualifications set out herein for hotels, shall be classified as hotels for the purpose of this chapter.

*Immediate family* means and includes the spouses, parents, children, brothers and sisters, related by blood or marriage.

*Interest in license* means an individual who is deemed to have an interest in a license if:

- (1) He is the owner of the license;
- (2) He is the co-owner of the license;
- (3) He is a partner in any partnership that owns an interest in a license;
- (4) He is a stockholder holding more than five percent of the stock in any corporation and/or is a stockholder in any corporation which has fewer than 25 stockholders which owns an interest in a license; and
- (5) He shares in any income or corpus of any trust fund having any interest in a license to sell at retail.

*License* means the formal approval granted or issued by the county to a licensee for the sale of alcoholic beverages within the county.

*License representative:*

- (1) If the business is to be operated by an individual, the license representative shall be that individual.
- (2) The license representative shall be a U.S. citizen.
- (3) If the business is to be operated by a partnership, close corporation, corporation, or other business entity, the license representative shall be a managing full-time employee who assumes an active role in the day-to-day operation of the business, or an attorney with a practice within Meriwether County.
- (4) The license representative shall be a resident of the county and shall be responsible for receiving all notices concerning said license pursuant to this chapter or an attorney with a practice in Meriwether County.

*Licensed alcohol beverage caterer* means any retail alcohol dealer who has been licensed pursuant to this Code and O.C.G.A. § 3-11-1 et seq.

*Licensee* means the individual licensee and in the case of a partnership, corporation, private club, or nonprofit tax-exempt organization, includes the partnership, corporation, private club, or nonprofit tax-exempt organization and the named licensee.

- (1) The licensee for all businesses shall be at least 21 years of age.
- (2) If the business is to be operated by an individual, the licensee shall be that individual.
- (3) If the business is to be operated by a partnership, the licensee shall be an individual who is a partner, or, if all partners are non-individuals, then the licensee shall be an individual who is an officer of any corporation which is a partner, or, an individual who is an officer, manager or agent of any unincorporated entity which is a partner.
- (4) If the business is to be operated by a corporation, the licensee shall be an officer of the corporation.
- (5) If the licensee is a resident of the county and a manager of the business who is on the premises on a regular basis, the licensee may also be the license representative of the business. If not, a license representative shall be named in accordance with this chapter.

*Lounge/bar* means a separate room connected with, a part of, and adjacent to, a restaurant or a room located in hotels as defined herein, and which serves no food. Lounges/bars shall not be permitted to sell or serve

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distilled spirits or spirituous liquors. Lounge/bars shall not allow any person under the age of 18 years upon the premises.

*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, but not limited to, ale, porter, brown, stout, larger beer, malt liquor, small beer, and strong beer, not to include sake.

*Meal or regular meal* means a meal which is prepared on the premises according to the order of the patron or customer given to a waiter or waitress at the table, booth, or counter area where the customer is seated and served by the waiter or waitress at said table, booth, or counter area. The term meal or regular meal does not include food served in a specialty shop; or prepackaged, individual meals.

*Outlet* means the definite structure, whether a room, ship, store, building, restaurant, or club, in which activities permitted by this chapter are conducted.

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

*Permitted event location* means a building, premises or location for which a special event permit is required pursuant to this chapter and shall include premises as defined herein, and shall include the entire area where the event is taking place, whether indoor or outdoor.

*Permitted special event location* means a building, premises or location for which a special event permit is required pursuant to this chapter and shall include premises as defined herein.

*Premises* means the definite closed or partitioned-in locality, whether a room or shop within a building, or a whole building. The term "premises" shall further mean an outlet for sale of alcoholic beverages and being operated under a county license, and shall include all of the lot whereon said outlet is located, except where such outlet is located in a hotel or shopping center.

*Retail consumption dealer* means any person who sells malt beverages or wine for consumption on the premises at retail, only to consumers and not for resale.

*Retailer or retail dealer* means any person who sells alcoholic beverages either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale.

*Sheriff* means the sheriff of the county or his designee.

*Special event* means any organized activity that has at its purpose, entertainment, recreation and/or education; to include, but not be limited to, a festival, party, reception, celebration or assembly which occurs or takes place on public or private property.

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

*Wine* means any alcoholic beverage containing not more than 21 percent alcohol by volume, made from fruits, berries, or grapes, either by fermentation, or natural fermentation with brandy added. The term "wine" includes, but is not limited to, all sparkling wines, champagnes, combinations of beverages, vermouths, special natural wines, rectified wines, and like products. The term "wine" does not include cooking wine mixed with other ingredients 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.

*Zoning* means the zoning classifications as approved for the unincorporated areas of the county.

(b) Additional definitions may be found in article VI of this chapter (domestic and farm wineries). If conflicting, the article VI definitions shall apply to that article only.

(Code 1991, § 3-2; Ord. of 12-8-2010(3); Ord. No. 2011-03, 6-8-2011; Ord. No. 2016-02, 7-26-2016)

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### **Sec. 4-3. License categories.**

The following categories of licenses shall be issued pursuant to this chapter:

- (1) Malt beverages for sale by the package.
- (2) Wine for sale by the package.
- (3) Malt beverages for consumption on the premises.
- (4) Wine by the drink (this does not include the various licenses issued in connection with the farm winery ordinance which is a separate category).
- (5) Distilled spirits for consumption on the premises. (The fee for this license shall also cover any fee for consumption of malt beverages and wine on the premises. This fee for this license shall not cover any of the costs associated with a domestic or farm winery which is a separate category.)
- (6) Distilled spirits for sale by package.

### **Sec. 4-4. Fees and costs.**

Any fees and costs associated with the license categories set forth in section 4-3, including, but not limited to, any application fees, adding partners to any license, special event permit fees, fees for license and employment background checks, and licensed alcohol beverage catering permit fees both outside and within the unincorporated county, shall be established from time to time by action of the board of commissioners and set out in the consolidated fee schedule. A copy of these fees and charges is also maintained in the office of the director of community development and available for public examination during normal working hours.

### **Sec. 4-5. License requirements and qualifications.**

Any person who desires to obtain a license for the retail sale of alcoholic beverages by the drink or by the package must meet the minimum qualifications set forth in this section. If the applicant is a partnership, each partner must meet the qualifications of an individual licensee and must make sworn statements of these qualifications as part of the application process. If the applicant is a corporation, the officer or employee of the corporation primarily responsible for the operation of the licensed premises must meet the qualifications of an individual licensee and must make sworn statements of these qualifications as a part of the application process. If the applicant is a nonprofit tax-exempt civic, patriotic, or social club or corporation which is organized and operating in the county as a mutual benefit membership group, such club or corporation may be licensed without reference to the financial interest qualifications of this section if no officer, director, trustee, manager, member, or stockholder therein can, in any event, derive any financial gain from the sale of alcoholic beverages by such club or corporation. The individual primarily responsible for the club or corporation's compliance with this section must meet the qualifications of an individual licensee and must make sworn statements of these qualifications as part of the application process. If the applicant is a private club, each member of its governing body must meet the qualifications of an individual licensee and must make sworn statements of these qualifications as part of the application process. The specific qualifications are as follows:

- (1) No license shall be issued to an applicant who is under 21 years of age.
- (2) No license for the sale of alcoholic beverages shall be issued to any person who is not a citizen of the United States or an alien lawfully admitted to this country as a permanent resident.
- (3) No license for the sale of alcoholic beverages may be issued to an applicant under the following circumstances:

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- a. An applicant who has been convicted under any federal, state or local law of a felony, particularly, but not limited to, those offenses involving alcoholic beverages, gambling, tax law violations or violations relating to the Georgia Controlled Substances Act.
  - b. An applicant who has been convicted under any federal, state or local law of a misdemeanor involving alcoholic beverages, gambling, tax law violations or violations relating to the Georgia Controlled Substances Act, O.C.G.A. § 16-13-30 et seq., if such conviction indicates to the board of commissioners that the applicant will not maintain the outlet for which he is seeking a license in conformity with the federal, state or local laws, rules, and regulations.
  - c. An applicant who has been convicted under any federal, state or local law of any felony or misdemeanor involving moral turpitude. For purposes of subsections (3)a. through c. of this section, a conviction under this chapter shall include any plea of guilty or admission of guilt and subsequent sentence under the First Offender Act of O.C.G.A. § 42-8-60, or any similar sentencing provision for the first offenders of any other state or of the United States. A plea of nolo contendere for any felony or misdemeanor of any state or of the United States, or any county ordinance, except traffic violations, or the forfeiture of a bond (except traffic offenses) when charged with a crime is also considered a conviction under this chapter.
  - d. An applicant who has been held in civil or criminal contempt by any federal, state or local court if such citation indicates to the board of commissioners that the applicant will not maintain the outlet for which he is seeking a license in conformity with federal, state or local laws, rules, and regulations.
  - e. An applicant for a license to sell beer and wine for consumption on the premises who has been denied or has had revoked for cause within five years of the date of his application any license issued to him by the county and/or any other municipality, county and/or state to sell alcoholic beverages or an applicant for a package beer and wine license at an outlet in the county at which the license at that outlet has been revoked for cause within five years of the date of the application.
  - f. An applicant as determined by the board of commissioners, by reason of such applicant's business experience, financial standing, trade associations, personal associations, records of arrests, or reputation in any community in which he has resided, who is not likely to maintain the outlet for which he is seeking a license in conformity with federal, state, or local laws.
  - g. A location that is not in compliance with any federal, state or local regulation, including, but not limited to, a state certificate of occupancy or state fire marshal certificate of approval if the noncompliance has not been remedied by the applicant within a period of three months from the date of the application.
- (4) The applicant, whether it be an individual, a partnership, a corporation, a nonprofit tax-exempt civic, patriotic, or social club, or a private club, shall be the owner of the premises for which the license is held or the holder of the lease thereon for the period covered by the license. If the premises are leased, a copy of the lease will be furnished to the county director of community development's office with the application.
  - (5) The named licensees shall be active in the operation of the outlet and personally be present on the premises sufficiently to ensure compliance with the provisions of this chapter. If the owner of the outlet is a corporation, the corporation and its principal officers shall be responsible for the actions of the named licensee and the conduct of the licensed business. If the owner of the outlet is a partnership, each partner shall be responsible for the actions of the named licensee and the conduct of the licensed business. If the owner of the outlet is a nonprofit tax-exempt civic, patriotic, or social club

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or a private club, the entity and its principal officers and/or governing body shall be responsible for the actions of the named licensee and the conduct of the licensed business.

- (6) No license to engage in the retail sale of alcoholic beverages by the drink or in the original package shall be granted or issued unless the location within such area of the county is, at the time such application is made, located within an appropriate zoning designation permitting such use as prescribed by the zoning ordinances of the county. Private clubs shall be exempt from the above zoning classification requirements and need not contain such designations in order for a license to be issued.
- (7) No license shall be issued for the sale of alcoholic beverages for consumption on the premises to any outlet located within 100 yards of the property line of any church building or of any school building, educational building, school grounds, or college building existing at the time of application. No license for the sale of wine, malt beverages, or distilled spirits by the package shall be issued where the outlet for such sales is located within 100 yards of the property line of any church building, school building, educational building, school grounds, or college building existing at the time of the application. The above provisions do not apply to renewal of a license or to applicants seeking a new license if the location was licensed by the county to sell alcoholic beverages at any time during the 12 months immediately preceding such application. For the purpose of this chapter, the schools or colleges referred to herein, shall include only such state, county, city, church, private, or other schools that teach the subjects commonly taught in the common schools and colleges of this state and expressly exclude buildings used by school officials solely for administrative purposes in which school children are not regularly taught. For purposes of this chapter, school and educational buildings shall also include day care centers if the day care centers receive state or federal funding for an educational program at the time of application. Distances shall be measured by the most direct route of travel on the ground according to O.C.G.A. § 3-3-21(c). Unless waived by the director of community development out of recognition of the absence of any school or church buildings in proximity to the outlet, all applications for a license shall have attached thereto a current certificate from a registered surveyor of the state showing a scaled drawing of the premises, the location or premises where the applicant desires to operate an alcoholic beverage outlet, and the distance in linear feet measured by the most direct route of travel on the ground from the subject applicant's structure to the property line of the tract which is located nearest the church building, school building, educational building, school grounds or college campus building defined in this subsection.
- (8) No license shall be issued to any person who fails to comply with all the rules and regulations regarding the sale of alcoholic beverages contained in this chapter.
- (9) No license shall be issued to any person who owes any delinquent taxes, and/or assessments to the county.

(Code 1991, § 3-4; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-6. The application process.**

- (a) Any person desiring to sell alcoholic beverages by the drink or by the package shall make written application to the director of community development for the appropriate license on forms required by the county and filed with the county director of community development's office. All applications shall be fully completed by the applicant and sworn to and signed by the applicant in the presence of a notary public or other officer authorized to administer oaths. If the application is filed on behalf of a partnership, then each partner shall sign the application in the presence of a notary public or other officer authorized to administer oaths. If the application is filed on behalf of a corporation, the officer or employee of the corporation primarily responsible for the operation of the licensed premises who is also the named licensee must sign the

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application in the presence of a notary public or other officer authorized to administer oaths. If the application is filed on behalf of a nonprofit tax-exempt civic, patriotic, or social club or corporation which is organized and operated in the county as a mutual benefit membership group, the individual being primarily responsible for the club or organization's compliance with this chapter must sign the application in the presence of a notary public or other officer authorized to administer oaths. If the application is filed on behalf of a private club, then each member of its governing body must sign the application in the presence of a notary public or other officer authorized to administer oaths. All applications shall be accompanied by the following:

- (1) Unless waived by the director of community development out of recognition of the absence of any school or church building in proximity to the outlet, the application shall have attached a current certificate from a registered surveyor of this state, showing a scaled drawing of the premises, the location on the premises where the applicant desires to operate an alcoholic beverage outlet, and the distance in linear feet measured by the most direct route of travel, on the ground, from the proposed outlet to the property line of the tract upon which is located the nearest church building, school building, educational building, school grounds or college grounds or college campus building as defined in this chapter.
- (2) If the outlet is to be located on leased premises, then a copy of the lease must be attached.
- (3) If the applicant is a partnership, a copy of the partnership agreement, including amendments, shall accompany the application.
- (4) If the applicant is a corporation, a copy of the articles of incorporation and bylaws, including amendments, shall accompany the application.
- (5) If the applicant is a nonprofit tax-exempt civic, patriotic or social club or corporation, which is organized and operating in the county as a mutual benefit membership group, a copy of the charter or articles of incorporation, as well as sufficient proof of the organization's tax-exempt status shall accompany the application.
- (6) If the applicant is a private club, a copy of the articles of incorporation and bylaws, including amendments, shall accompany the application.
- (7) As a prerequisite to the issuance of any license, the applicant shall furnish a complete set of fingerprints for all persons required to sign the application to be forwarded to the state bureau of investigation and to the Federal Bureau of Investigation, as specified under state law. Each person required to sign the application for an original license and/or renewal license, must authorize the county or its designated representatives to secure from any state, county, municipality or federal court, any police department and/or law enforcement agency his criminal history and civil history and further authorize the county, its officers and employees to use such information in determining whether or not an alcoholic beverage license will be issued to the applicant. Further, the applicant must authorize the county, its officers and employees to use such information in a public hearing, if necessary, to determine whether or not the applicant's license should be denied, voided, cancelled and/or revoked. Each applicant waives any rights he may have under state or federal law, statute and/or court ruling to preclude the county from securing such criminal and/or civil history from any source and waives the right he may have to preclude the county from using such information publicly in determining whether the license will be issued to such applicant.
- (8) The application shall be accompanied by a certified check for the full amount of the license fee, together with a separate check in the amount as set from time to time by the board of commissioners for an investigative fee. If the application is denied, or if the applicant withdraws the application prior to its approval, the license fee (without interest) shall be refunded to the applicant. All other fees paid to the county, which were submitted as part of the application, including, but not limited to, the

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- investigative fee, any advertising costs, the sign fee, and any employee application permit fee shall be retained by the county.
- (9) All applications for licenses shall contain a full and complete statement of all material facts which tend to show whether the applicant, or any member of his immediate family, own a financial interest in any other alcoholic beverage outlets, or any interest in a wholesale alcoholic beverage entity, and/or distillery or brewery, and what interest they and each of them will have in the alcoholic beverage outlet being requested from this county.
- (10) The director of community development may require any additional information and records he reasonably deems necessary. Failure to furnish such data shall automatically serve to dismiss the application. Any misstatement or concealment of fact in the application shall be grounds for denying a license or revoking an issued license, and shall make the applicant liable to prosecution for perjury under the laws of the state.
- (11) Each applicant shall certify that applicant has read this chapter and if the license is granted, each licensee shall maintain a copy of this chapter on the premises and shall require each of the licensee's employees to be familiar with this chapter.
- (12) If the application is for sale of alcoholic beverages for consumption on the premises, the applicant shall attach to such application a representative menu or bill of fare of prepared food or meals offered by the eating establishment to the public.
- (b) Once an application, the accompanying documents described above, and the required investigative and license fees are filed with the county director of community development's office, the sheriff's office shall conduct a criminal investigation of the applicant and produce a written criminal investigation report concerning all information relating to the fingerprinting, criminal history, arrest data, prior alcohol violations, and other matters pertaining to law enforcement. In the event the failure to obtain fingerprinting information from state and federal authorities delays completion of the written report, the sheriff's office may later supplement any fingerprinting information. If the fingerprinting information later reveals that the applicant fails to meet the requirements set by this chapter, this may be grounds for denying the application or revoking a license, despite an otherwise satisfactory written report. Upon production of the criminal investigation report, the sheriff's office shall assemble the application forms and all accompanying documents relating to investigation and processing of the application and deliver such documents to the director of community development for review. If the criminal investigation report shows that the applicant meets the requirements set by this chapter and the director of community development believes that the applicant may meet all other qualifications of this chapter, then the director of community development shall schedule the application for a hearing at the next regularly scheduled board of commissioners meeting and shall so inform the applicant of this fact before such meeting. If the criminal investigation report shows that the applicant fails to meet the requirements set by this chapter, or if the director of community development finds that the applicant fails to meet all other qualifications outlined by this chapter, then the director of community development shall inform the applicant, in writing, that the application has been denied, and shall set forth in reasonable detail the reasons for the denial and shall notify the applicant of his right to appeal; said appeal to be before the board of commissioners in accordance with section 4-14. If an applicant desires to appeal a denial by the director of community development, the applicant must file a written request for an appeal hearing with the director of community development within five business days of the date of the written notice informing the applicant of the denial by the director of community development.
- (c) Any application which the director of community development determines to satisfy all the qualifications outlined in this chapter, including character requirements as contained in the criminal investigation report of the sheriff, shall be scheduled for review at the next regularly scheduled meeting of the board of commissioners. At that meeting, the applicant and any person opposed to said application has the right to

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present to the board of commissioners any information that the board of commissioners determines is relevant to the licensing decision. In making its determination on whether to approve or deny the application, the board of commissioners shall look to the qualifications set forth in this chapter and consider the public interest and welfare. The board shall have the sole discretion to grant or deny the application based on the information presented. A decision by the board of commissioners shall be made within 45 days from the date of the board of commissioners meeting unless the decision is postponed for purposes of the board obtaining additional information deemed necessary for consideration of the application. Notice of the decision by the board of commissioners shall be mailed to the applicant. In the event the application is denied, such written notification shall set forth in reasonable detail the reasons for the denial and shall notify the applicant of his right to appeal; said appeal to be in accordance with section 4-14.

- (d) At the time the applicant makes application for a license, he shall pay to the director of community development's office an amount as set from time to time by the board of commissioners as a nonrefundable sign fee for the posting on the premises where the activities permitted by such license are to be conducted. The sign shall be posted and furnished by the county and will be painted or printed in black letters 1½ inches in height, against a contrasting background, on a two-faced, back-to-back surface of not less than 14 inches by 30 inches in space, and shall be placed by the county with the base of the sign not more than three feet from the ground on the most conspicuous part of the premises, facing the most frequently traveled road, street, or highway abutting same, and not more than ten feet therefrom. The sign shall state clearly the nature and purpose of the application, and the name of the person, partnership, organization, corporation or private club making the application.
- (e) In all instances in which an application is denied under the provisions of this chapter, the applicant may not re-apply for the same type of license for at least one year from the final date of such denial.
- (f) Upon the issuance of a license, the licensee must have and continually maintain in the county a registered agent upon whom any process, notice, or demand required or permitted by law or under this chapter may be served. This person must be an individual and a resident of the county or an attorney with a practice in Meriwether County. The licensee shall file the name of such agent, along with the written consent of such agent, with the director of community development in such form as he may prescribe.
- (g) Upon approval by the board of commissioners of the application for a license, the director of community development shall issue a license in accordance with the approved application. If the applicant is an individual, the license shall be issued in the name of the individual. If the applicant is a corporation, the license shall be issued in the name of the corporation and in the name of the officer or employee of the corporation primarily responsible for the operation of the licensed premises. If the applicant is a partnership, the license shall be issued in the name of the partnership and in the name of one of the partners. If the applicant is a nonprofit tax-exempt civic, patriotic, or social club or corporation which is organized and operated in the county as a mutual benefit membership group, the license shall be issued in the name of the club or corporation and in the name of the individual primarily responsible for the club or corporation's compliance with this chapter. If the applicant is a private club, the license shall be issued in the name of the private club and in the name of one of the members of the private club's governing body who shall be the named licensee. All licenses issued shall be granted for the full calendar year or for the number of months remaining in the calendar year. Any applicant granted a license before July 1, shall pay the full license fee without proration. License fees for licenses granted on or after July 1 will be one-half the annual license fee. License fees are not refundable once the license is granted by the county.
- (h) In the event the board of commissioners denies the application for a license, the applicant may appeal to the board of commissioners for reconsideration of the denial by filing a written request for an appeal hearing with the director of community development within five business days of the date of the written notice informing the applicant of the denial. Any such appeal hearing concerning a denial shall be conducted according to the procedures set forth in section 4-14.

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(Code 1991, § 3-5; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

**Sec. 4-7. Renewal of license.**

- (a) All licenses granted under this chapter shall expire on December 31 of each year. Licensees who desire to renew their licenses shall file a renewal application accompanied by the requisite license fee and investigative fee as set from time to time by the board of commissioners with the director of community development's office upon forms prescribed by the county on or before October 1 of each year without penalty. Persons holding a license for more than any one establishment and desiring to renew the license for such establishments shall pay only one investigative fee charge. Applications for renewal filed after October 1 shall be subject to a late charge of ten percent of the license fee.
- (b) Each application for renewal will show the date of the original application and state there have been no changes in any of the information and data contained in and/or furnished with the original application and that the applicant or applicants for the renewal are familiar with applicable state laws and regulations and with the rules and ordinances of the county. The renewal application must be signed and sworn to by all applicants in the presence of a notary public or other officer authorized to administer oaths. In the event it is discovered by the county that changes have occurred, which are in any way different from those facts shown in the original application and the documents furnished with the original application, the renewal shall be void. The applicant may be required to file a new application if changes have occurred in the information and data furnished with the original application. The applicant will furnish all information required by the renewal application and failure to furnish the information will be grounds for denying the application. A false statement made on the renewal application will void the application and shall make the applicant liable to prosecution for perjury under state law.
- (c) Each application for renewal of a license shall be approved or denied in accordance with the procedures prescribed in section 4-6.

(Code 1991, § 3-6; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

**Sec. 4-8. Transfer of license.**

- (a) No license for the sale of alcoholic beverages shall be transferable, except upon the death of a licensee, at which time such license may be transferred to the administrator, executor, or lawful adult heir of such deceased person. If the legal representatives of such deceased licensee cannot meet all the requirements of this chapter when the time arrives to renew the license, it shall not be renewed.
- (b) Whenever a licensee doing business as a sole proprietorship loses its license as a result of any provision of this chapter, the licensee's successor in interest, upon filing an application for a new license, may continue to operate under the terms of the prior license until such time as the new application is approved or denied by the board of commissioners; provided, however, no such continued operation shall be authorized until such time as a new application for license is made and the required fees are paid to the director of community development's office. Payment of fees shall not be required of a corporation whose predecessor in interest remains the named licensee under the new lease.

(Code 1991, § 3-7; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

**Sec. 4-9. Restrictions and prohibitions.**

- (a) It shall be unlawful for any person to manufacture, distribute, sell, or possess for the purpose of sale, any alcoholic beverage when such person does not have a license from the county to sell or possess or

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manufacture for sale such beverage, provided that this subsection shall not be interpreted to preclude the otherwise legal practice of private production of malt beverages as permitted under O.C.G.A. § 3-5-4 or the private production of wine as permitted under O.C.G.A. § 3-6-3 for private use and consumption or to require the procuring of a license for a private party conducted at a private home, business, or other private establishment for which alcoholic beverages are provided at no charge.

- (b) Except as otherwise authorized by law, no licensee, or employee of the licensee, shall sell or permit to be sold alcoholic beverages to any person under the legal drinking age as prescribed by state law under O.C.G.A. § 3-3-23.
- (c) No licensee, or employee of the licensee, shall permit on the licensed premises the sale, barter, exchange, giving, providing or furnishing of alcoholic beverages to any person who is in a state of noticeable intoxication as prescribed by state law under O.C.G.A. § 3-3-22.
- (d) No licensee, or employee of the licensee, shall permit the sale of alcoholic beverages on Sunday unless otherwise permitted by this chapter. The sale of alcoholic beverages is permitted on election days in outlets not located within 250 feet of a polling place.
- (e) No licensee, or employee of the licensee, authorized to sell alcoholic beverages by the package shall sell or permit to be sold any single beer, wine cooler, or similar alcoholic beverage that is customarily packaged for sale as part of a four-pack, six-pack, 12-pack, or similar package as prescribed by state law under O.C.G.A. § 3-3-26.
- (f) No licensee shall permit entry upon the premises of any person under the age of 18 years, except as authorized under section 4-75.
- (g) In any case where a reasonable and prudent person could reasonably be in doubt as to whether or not the person to whom an alcoholic beverage is to be sold or otherwise furnished is actually 21 years of age or older, it shall be the duty of the licensee, or employee of the licensee, to see and to be furnished with proper identification in order to verify the age of such person. Identification in this section shall mean any document issued by a governmental agency containing a description of the person or the person's photograph, and giving such person's date of birth, and including, but without being limited to, a passport, military identification card, driver's license, or state department public safety identification card as prescribed by state law under O.C.G.A. § 3-3-23. Proper identification shall not include a birth certificate.
- (h) No licensee, or employee of the licensee, authorized to sell alcoholic beverages by the package shall permit the consumption of alcoholic beverages on the premises as prescribed by state law under O.C.G.A. § 3-3-26.
- (i) No licensee, or employee of the licensee, authorized to sell alcoholic beverages by the drink shall permit any person to remove from the licensed premises any alcoholic beverage sold or dispensed for consumption on the premises. This specifically prohibits the use of to-go cups or any device permitting any person to remove the alcoholic beverages from the licensed premises.
- (j) No person employed or working in any capacity at any licensed outlet shall solicit or encourage patrons to purchase drinks to be consumed by or otherwise disposed of by any such person so employed or working as prescribed by state law under O.C.G.A. § 3-3-42.
- (k) No licensee, or employee of the licensee, shall add to the contents of a bottle or refill an empty bottle or in any other manner misrepresent the quantity, quality, or brand name of any alcoholic beverage. No retail licensee shall purchase alcoholic beverages from any person, firm or corporation other than a wholesaler licensed under this chapter. No wholesaler shall sell any alcoholic beverage to anyone other than a retailer licensed under this chapter.
- (l) It shall be unlawful for any delivery to be made to and/or sales be made outside of the outlet. It shall be unlawful to sell or dispense alcoholic beverages from drive-in or service windows except for alcoholic beverage package sales. The consumption and/or sale of alcoholic beverages shall be allowed in open areas

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and patios, provided that the licensee is in compliance with all other appropriate regulations as to the safe and orderly operation of such outlet, including, but not limited to, regulations pertaining to maximum capacity, ingress and egress.

- (m) The licensee shall keep the premises clean, and in proper sanitary condition, and in full compliance with provisions and regulations governing the conditions of premises used for the storage and sale of food for human consumption.
- (n) No licensee shall permit on the premises any gambling, betting, games of chance, punch boards, vending machines, slot machines, pin ball machines, video machines, or similar machines which are in violation of the gambling provisions of the state; provided, however, that this subsection shall not prohibit the lawful playing of bingo by establishments licensed to operate a bingo game under O.C.G.A. §§ 16-12-50 through 16-12-62.
- (o) When a change occurs in the relationship of a person, or in the status of any property or license, or any change in payment of rents, ownership of the lease, or buildings or land on which the outlet is located, any change in corporate ownership or management, any loss or damage to goods which result in a claim against an insurance policy and any change in the division of profits, any change in any division of net or gross sales for any purpose whatsoever, and any change in facts stated or claimed in any application or report herein required, a sworn statement of such change in all material facts relating hereto shall be filed with the sheriff's office and then forwarded to the director of community development, and failure to do so within 14 days after such change shall, unless such time limit is extended for good cause, be reason for cancellation of a license granted pursuant to the provisions of this chapter. In the event that a licensee seeks to change the named licensee of an establishment, the application shall be amended by attaching a new personal statement, along with an investigative fee set from time to time by the board of commissioners. The new named licensee shall satisfy the qualification requirements as set forth in this chapter and be subject to the approval of the board of commissioners.
- (p) Any violation of the provisions contained under this section may result in the suspension or revocation of the license held by the licensee and criminal penalties for the licensee or employee as provided for in O.C.G.A. title 3.

(Code 1991, § 3-8; Ord. of 12-8-2010(3); Ord. No. 2011-03, 6-8-2011; Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-10. Regulations as to employees.**

- (a) Every licensee under this article shall maintain at all times on the premises for which the license has been issued, a list of all persons currently employed by such licensee at such premises, which list shall show the current full legal name, alias, date of birth, current address, current home telephone number, and Social Security Number of each employee.
- (b) The licensee is responsible for the conduct or actions of his employees in his employment. An act or omission of a licensee, owner, or employee of the licensee or licensed establishment that is willingly or knowingly performed, and that constitutes a violation of federal or state law or of any provision of this chapter, shall subject the licensee to suspension or revocation of its license in accordance with the provisions of this chapter. Criminal penalties may also apply to the licensee or owner when it is determined that the act or omission did occur, and the acts or omissions of the employee were known to or under reasonable circumstances should have been known to the licensee or owner, were condoned by the licensee or owner, or where the licensee or owner has not established practices or procedures to prevent the violation from occurring as prescribed by O.C.G.A. title 3. It shall be the duty of the licensee hereunder to maintain a copy of this chapter at the outlet and to instruct each and every employee engaged in the sale and/or handling of alcoholic beverages of the terms hereof.

(Code 1991, § 3-9; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

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**Sec. 4-11. Regulations on premises.**

- (a) A licensee authorized to sell alcoholic beverages for consumption on the premises shall display inside the place of business his current prices.
- (b) The exterior of each building where alcoholic beverages are sold for consumption on the premises shall contain sufficient lighting so that all sides of the building and entrances thereto are clearly visible at all times when the premises are opened for business.
- (c) The licensee shall post in a prominent location on the licensed premises, in a manner easily viewed by patrons, an approved sign setting forth or summarizing the laws of the county and the state in regard to the sale of alcoholic beverages to underage, intoxicated, or pregnant persons. Each sign shall be a size and configuration approved by the state department of revenue and said sign shall be made available to said licensee by the director of community development at a price to be established by the county.

(Code 1991, § 3-10; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

**Sec. 4-12. Suspension or revocation of license.**

- A. In the event of one of the following events or violations of this chapter or an arrest by the Sheriff's Office related to a violation of the Alcohol Ordinance or state or federal law concerning the sale or distribution of alcohol, the Director of Community Development may immediately suspend the alcohol license for a period of not more than thirty (30) days until a hearing can be scheduled before the Board of Commissioners. The Hearing shall be scheduled as soon as possible, and not more than 30 days following the date of suspension. The decision to suspend an alcohol license by the Director of Community Development shall be rendered in writing, state the reasons for the suspension, and shall be mailed or delivered in person to the Licensee. For the purpose of this section, the Director of Community Development is authorized to immediately suspend the alcohol license for the following:
  - (1). Violations or actions that result in an arrest by law enforcement of the Licensee, an agent of the Licensee (including the Licensee Representative) or an employee of the Licensee for a violation of the Alcohol Ordinance or state or federal law concerning the sale or distribution of alcohol including, but not limited to the sale of alcohol to minors;
  - (2) Violations or actions that result in an arrest by law enforcement of the Licensee, an agent of the Licensee (including the Licensee Representative) or an employee of the Licensee for a crime of moral turpitude;
  - (3) The following occurrences or violations of local, state, or federal laws concerning the sale or distribution of alcohol:
    - a. Revocation of Licensee's state permit to sell Alcoholic beverages
    - b. Notification that the licensee is in bankruptcy, receivership, levy of legal process, or failure to promptly account for and pay the excise tax levied on the sale of alcoholic beverages.
    - c. Failing to meet the Licensing qualifications of the Alcohol Ordinance at any time.
    - d. Upon learning that Licensee furnished fraudulent or untruthful information in the application for the license or in the operation of the business where the alcoholic beverages are sold.
    - e. Onsite altercations that result in the arrest of employees at the establishment.
    - f. Three (3) or more onsite altercations that result in the arrest of patrons at the establishment within a calendar year.

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B. Any further consideration of suspension, revocation, or forfeiture of a license by the Board of Commissioners shall occur only after notice and opportunity for a hearing before the Board of Commissioners consistent with the procedures set forth in section 4-14, and upon any occurrence that may result in an immediate suspension under subsection (A) of section 4-12 and/or the following occurrences:

- (1) Any licensed outlet that is found to be in violation of this chapter shall be subject to license revocation or suspension and shall also be subject to criminal citation and prosecution as outlined in section 4-13.
- (2) Every license issued by the county for the sale of alcoholic beverages shall be revoked in case of bankruptcy, receivership, levy of legal process, or failure to promptly account for and pay the excise tax levied on the sale of alcoholic beverages.
- (3) Except as provided for transfers under section 4-8 above, any change in ownership of any entity owning a licensed outlet shall cause the board of commissioners to revoke any license issued under this chapter.
- (4) All licensees must, within six months after the approval of said license, open for business the outlet referred to in the application for license, and begin the sale of the product authorized by the said license. Failure to open the outlet and begin the sales referred to within the six-month period shall cause the board of commissioners to revoke the license and no refund of any fees paid pursuant to this chapter shall be made.
- (5) Any licensee who shall for a period of three consecutive months cease to operate the business and sale of the product authorized in the said license, shall, after said three-month period, cause the board of commissioners to revoke the license, and no refund of any fees paid pursuant to this chapter shall be made.
- (6) A license may be suspended or revoked upon learning that a licensee furnished fraudulent or untruthful information in the application for a license, or omits information required in the application for a license, or fails to pay all fees, taxes, or other charges imposed under the provisions of this chapter.
- (7) Whenever the state shall revoke any permit or license to sell alcoholic beverages, the county license shall thereupon be revoked.
- (8) The Board of Commissioners shall suspend or revoke the license of any outlet which does not meet the licensing qualifications set forth in this chapter at any time such knowledge becomes known to the board.
- (9) The Board of Commissioners shall revoke the license for any premises where alcoholic beverages have been sold or distributed during a period of suspension.
- (10) It shall be a violation of this chapter for any licensee or any employee or agent of the licensee or licensed establishment to permit any person to engage in any activity on the premises for which the license is issued or within the place of business, which is in violation of the laws or regulations of any federal, state or county governing authority or regulatory agency. A violation of this subsection shall subject the license to suspension or revocation.
- (11) An act or omission of a licensee which constitutes a violation of federal or state law or regulation, relating to the sale of alcoholic beverages, taxes, gambling, violation of the Georgia Controlled Substances Act, or constitutes a crime of moral turpitude, shall subject the license to suspension or revocation.
- (12) All licenses shall automatically expire on December 31 of each year unless renewed in accordance with current ordinance and regulations.

(Code 1991, § 3-11; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

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### **Sec. 4-13. Enforcement of this chapter.**

- (a) Any violation of this chapter shall subject the licensee to the following progressive actions by Meriwether County, except for those violations and occurrences set forth in section 4-12 that provides for immediate suspension or revocation upon notice and hearing:
  - (1) The first violation shall result in a warning or a license suspension for a period of up to 30 days.
  - (2) The second violation within a consecutive 24-month period shall result in license suspension for a period of not less than 30 days or more than 90 days.
  - (3) The third violation within a consecutive 24-month period shall result in license suspension for a period of not less than 90 days or more than six months.

Nothing contained in this subsection shall be construed to preclude the board of commissioners from suspending a license for a period exceeding 30 days or 90 days, respectively, or from revoking the license if the board determines in its discretion that such action is necessary and in the best interest of the public health, safety, and welfare of the county. In the case of a violation under this subsection by an employee, the suspension period may be mitigated by the board of commissioners upon presentation of evidence that the licensee established practices and procedures to prevent the violation from occurring.

- (b) In addition to the available actions to be taken by the board of commissioners, or the Director of Community Development, individuals who violate this chapter shall be subject to criminal citation and prosecution by the county code enforcement officer or county sheriff's department. Upon conviction, any violator will be punished in accordance with section 1-11.
- (c) Sworn officers of the sheriff's department and the director of community development or designee shall have the authority to inspect the outlet and premises licensed under this chapter during the hours when the outlet is open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and state law. This section is not intended to limit the authority of any other county, state or federal officer to conduct inspections authorized by other provisions of law.
- (d) In order to ensure that the licensed premises are kept clean, and are in full compliance with all other ordinances and regulations of the county and the state, the additional following representatives are authorized to inspect regularly the licensed premises:
  - (1) Representatives of the county health department shall have the authority to inspect regularly the licensed outlet and premises to determine if the licensed outlet is in compliance with all county and state health rules and regulations and report any violations to the director of community development.
  - (2) The county fire department shall have the authority to inspect regularly the licensed outlet and premises to determine if the licensed outlet is in compliance with all county and state fire regulations and report any violations to the director of community development.
  - (3) The county has the right to have an inspector inspect regularly the licensed outlet and premises to determine if the licensed outlet is in compliance with all technical codes of the county and report any violations to the director of community development.
- (e) Every licensee shall keep and preserve records of all alcoholic beverages purchased and sold by the licensee. The records shall be kept for a period of three years from the date of purchase and sale and should at all times be open to audit and/or inspection by the director of community development or any designated employee or any outside agent for the county upon approval of such outside agent by the community development department. In the event an audit is called for by the director of community development, the director of community development shall notify the licensee of the date, time and place of the audit.

(Code 1991, § 3-12; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

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**Sec. 4-14. Hearing on denial, suspension, or revocation.**

- (a) Upon receipt of a timely appeal of a denial of a license, upon presentation of evidence to the director of community development of a violation of this chapter, or upon a showing to the director of community development of any of the other occurrences set forth in section 4-12 as grounds for suspension or revocation, the director of community development shall schedule a hearing before the board of commissioners or its appointee and provide written notice to the adverse party of the time, place and date of the scheduled hearing. The director of community development shall also state in the written notice in reasonable detail basis for the denial or the violation or occurrence alleged that forms the basis for the denial or potential suspension or revocation. After notice of hearing, matters scheduled for hearing may only be continued by agreement of the director of community development and the adverse party and/or counsel for the adverse party.
- (b) The board of commissioners or its appointee shall have the duty of conducting hearings concerning the denial, revocation, or suspension of a license. The standard of proof on all issues in the hearing shall be a preponderance of the evidence and a determination will be made on the basis of the competent evidence presented at the hearing. At its discretion, the board of commissioners may appoint a special master to conduct said hearing and make findings of fact and conclusions of law and report such findings and conclusions to the board of commissioners and to the director of community development.
- (c) At the hearing, after presentation of the case against the adverse party, the adverse party will have an opportunity to present his case, to rebut the allegations made against him, and present whatever defense he has. The adverse party shall have the right to be represented by an attorney, at the expense of the adverse party, and to present evidence and cross-examine opposing witnesses.
- (d) At the conclusion of the hearing, the findings and conclusions of the board of commissioners shall be forwarded to the director of community development and it shall be the duty of the director of community development to provide written notification to the adverse party of the actions of the board of commissioners, which actions shall comport with section 4-13.
- (e) The decision of the board of commissioners shall be final unless appealed to the superior court of the county, within 30 days of the director of community development providing written notification to the adverse party of the board's decision.
- (f) For purposes of this chapter, notice shall be deemed delivered when personally served or when served by certified mail postage prepaid within three days after the date of deposit in the United States mail.

(Code 1991, § 3-13; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

**Secs. 4-15—4-31. Reserved.**

***ARTICLE II. MALT BEVERAGE AND WINE; ORIGINAL PACKAGE***

**Sec. 4-32. License fees.**

The license fee for a license to sell malt beverages and wine by the package shall be paid to the director of community development, in the amount as set forth from time to time by the board of commissioners, by certified or cashier's check at the time of the filing of the original application.

(Code 1991, § 3-51; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

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**Sec. 4-33. Excise tax on the sale of beer and malt beverages.**

The county, in addition to excise taxes levied by the state, does hereby levy a local tax on the sale of beer and malt beverages of \$0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces sold by wholesalers to retail package outlets in the county. Further, there is also levied by the county an excise tax on tap or draft beer of \$6.00 per each bulk container sold by wholesalers to retail package outlets in the county and containing no more than 15.5 gallons and a proportionate tax at the same rate on all fractional parts of 15.5 gallons sold by wholesalers to retail outlets in the County. Said tax is imposed upon wholesalers and is payable on a monthly basis as set out under section 4-135.

(Code 1991, § 3-52; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

**Sec. 4-34. Excise tax on the sale of wine.**

There is hereby levied an excise tax of \$0.22 per liter on wines sold by a wholesaler to retail outlets in the county and a proportionate tax on the same rate on all fractional parts of a liter. Said tax is imposed upon wholesalers and is payable on a monthly basis as set out under section 4-135.

(Code 1991, § 3-53; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

**Sec. 4-35. Type of retail outlet.**

- (a) Beer and wine may be sold at retail, by the package, only in outlets maintaining 75 percent of the floor space and storage area in a manner which is devoted principally to the retail sale of other foods, groceries, and general merchandise.
- (b) If outlet is licensed for the sale of distilled spirits by the package, then beer and wine may be sold by the package without floor space requirements for other food, groceries, or general merchandise.

(Code 1991, § 3-54; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

**Sec. 4-36. Hours of sale.**

Retail package outlets shall engage in the sale of beer and/or wine only between the hours of 8:00 a.m. and 11:45 p.m. Monday through Saturday, and between the hours of 12:30 p.m. and 11:30 p.m. on Sunday. No package beer and/or wine may be sold on Christmas Day or Thanksgiving Day. The sale of beer and wine is allowed on election days, provided the outlet is not located within 250 feet of a polling place.

(Code 1991, § 3-55; Ord. of 12-8-2010(3); Ord. No. 2012-06, 8-28-2012; Ord. No. 2016-02 , 7-26-2016)

**Sec. 4-37. No consumption on premises.**

It shall be unlawful for any person to consume any alcoholic beverage on the premises licensed for the sale of malt beverages or wine by the package and it shall be unlawful for any licensee by the package to open for, or break the package for, a purchaser and/or permit the consumption of alcoholic beverages on said premises.

(Code 1991, § 3-56; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

**Sec. 4-38. Listing of prices.**

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Licensee shall indicate plainly by tag or labels on the bottles or containers, or on the shelf immediately below where the containers are placed, the prices of all beer and wine offered for sale.

(Code 1991, § 3-57; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

**Secs. 4-39—4-45. Reserved.**

## **ARTICLE III. DISTILLED SPIRITS; ORIGINAL PACKAGE**

### **Sec. 4-46 . License fees.**

The license fee for a license to sell distilled spirits by the package shall be paid to the director of community development, in the amount as set forth from time to time by the board of commissioners, by certified or cashier's check at the time of the filing of the original application in the amount as set forth from time to time.

### **Sec. 4-47 . Excise tax on the sale of distilled spirits – original package**

The county, in addition to other taxes levied by the state, does hereby levy an excise tax of \$0.22 per liter on distilled spirits sold by a wholesaler to retail outlets in the county and a proportionate tax on the same rate on all fractional parts of a liter. Said tax is imposed upon wholesalers and is payable on a monthly basis as set out under section 4-135.

### **Sec. 4-48. Type of retail outlet.**

Distilled spirits may be sold by the package only in outlets properly licensed in Meriwether County. No distilled spirits by the package shall be sold at retail except in retail establishments devoted exclusively to the retail sale of alcoholic beverages by the package. Nothing in this section shall prohibit the retail sale within these establishments of liquid commodities and mixes normally used in the preparation and serving of distilled spirits.

### **Sec. 4-49. Hours of Sale.**

Retail package stores shall engage in the sale of distilled spirits only between the hours of 8:00 a.m. and 11:45 p.m. Monday through Saturday, and between the hours of 12:30 p.m. and 11:30 p.m. on Sunday. No package distilled spirits may be sold on Christmas Day or Thanksgiving Day. The sale of distilled spirits is allowed on election days, provided the outlet is not within 250 feet of polling place.

### **Sec. 4-50. No consumption on premises.**

It shall be unlawful for any person to consume any alcoholic beverage on the premises licensed for the sale of distilled spirits by the package and it shall be unlawful for any licensee to open for, or break the package for a purchaser and/or permit the consumption of alcoholic beverages on said premises.

### **Sec. 4-51. Listing of prices**

Licensee shall indicate plainly by tag or labels on the bottles or containers, or on the shelf immediately below where the containers are placed, the prices of all distilled spirits offered for sale.

PART II - CODE OF ORDINANCES  
Chapter 4 - ALCOHOLIC BEVERAGES  
ARTICLE III. DISTILLED SPIRITS; ORIGINAL PACKAGE

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**Sec. 4-52 . License issuance for distilled spirits package sales-Retail building and inventory requirements.**

- a) General regulatory licensing and procedures of distilled spirits package sales shall conform to Article I and of Chapter 4 Alcoholic Beverage of the Meriwether County Code of Ordinances.
- b) This building where the business will be conducted shall be a minimum of 2000 square feet storage and display area. For purposes of this chapter, cooler space shall be considered storage area and spaces such as offices, mechanical rooms, janitorial rooms, breakrooms, and bathrooms counts towards minimum square footage requirements. Dealers for the sale of distilled spirits shall maintain a minimum inventory of at least \$50,000.00 in distilled spirits available for sale. The licensee shall submit to the Director of Community Development annually reports in a form approved by the Community Development Director of evidence that the required inventory is being maintained.
- c) No retail license for the sale of distilled spirits by the package shall be granted under this chapter unless the premises to be licensed is, at the time the application is contemplated by the Board of Commissioners, located in proper zoning districts as set forth in the Meriwether County Zoning and Development Ordinance subject to specific limitations of the respective districts.
- d) No premises shall be licensed for the sale of distilled spirits by the package within the prohibited distances set forth in section 4.5 of this chapter.
- e) No person, group, or entity with similar members, including family members, shall have an interest in more than one license for the package sale of distilled spirits issued by the county.

**Sec. 4-53 . Maximum number of package retail dealer licenses permitted for distilled spirits.**

- a) Subject to subsection (b) below, the county will not issue more than five licenses for the retail sale of distilled spirits by the package.
- b) If at any time and for whatever reason, the number of active licenses for package retail sale of distilled spirits falls below five, then the county shall accept applications for and issue such additional licenses for the retail sale of distilled spirits by the package so as to bring the total number of active licenses for the retail sale of distilled spirits by the package to five.

**Sec. 4-54 . Coin-operated amusement machines prohibited on premises.**

No retail dealer of distilled spirits shall permit on the premises any slot machines of any kind or character or any coin operated machines or any machine operated for amusement purposes.

**Sec. 4-55 . Lighted electric advertising signs on distilled spirits, establishments.**

No licensee operating premises wherein package distilled spirits are sold shall operate lighted electrical signs or devices advertising such beverages except during the hours that such products are being offered for sale to the public.

PART II - CODE OF ORDINANCES  
Chapter 4 - ALCOHOLIC BEVERAGES  
ARTICLE III. DISTILLED SPIRITS; ORIGINAL PACKAGE

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**Sec. 4-56 . Stock to be kept on premises; only one public entrance permitted; premises to be open to view.**

All distilled spirits possessed by a licensee under this article shall be kept in the package store. No retailer's place of business shall have more than one public entrance which must be open on a public street.

**Sec. 4-57 . Access to other establishments prohibited; windows to face on same street as entrance**

No package store shall be operated in conjunction with or open into, or have access to or from any restaurant, lunchroom, dining room, dancehall, or other store or business of any kind or character. The windows in every package store shall face the same public street faced by the entrance to the package store and such windows shall not be obstructed or obscured in any manner, including posters and lighted or unlighted advertising of products.

**Sec. 4-58 . Signage**

Any exterior or interior sign must follow the sign ordinance set forth in the Meriwether County code or ordinances.

**Secs. 4-59 - 4-64. Reserved.**

## **ARTICLE IV. ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES**

### **Sec. 4-65. Locations where sale of distilled spirits is prohibited.**

- (a) No distilled spirits may be sold by the drink for consumption on the premises, except in eating establishments regularly serving prepared food, with a full service kitchen (a full service kitchen will consist of a three-compartment sink, a stove or grill permanently installed and a refrigerator, all of which must be approved by the health department) prepared to serve food every hour they are open, pursuant to the applicable building, fire and safety codes in effect for the county. In order to qualify to sell distilled spirits by the drink for consumption on-premises, eating establishments shall derive a minimum of 55 percent of their total annual gross food and beverage sales from the sale of prepared meals or food. An audit may be required at any time to ensure compliance with these provisions. If such eating establishment provides a bar or counter service for the sale of distilled spirits for on-premises consumption, the seating for such bar shall not exceed ten percent of the total seating capacity of the outlet.
- (b) During the initial annual period in which a license is granted, by the 20th day of each month after such license is granted, the licensee shall submit to the county a statement from a certified public accountant that the income requirements set forth in subsection (a) of this section have been met. Thereafter, each distilled spirits for consumption on-premises license holder shall submit annually at the time of the license renewal to the county the statement from a certified public accountant that the requirements of this section have been met.

(Code 1991, § 3-131; Ord. of 12-8-2010(3); Ord. No. 2011-03, 6-8-2011; Ord. No. 2016-02 , 7-26-2016)

### **Sec. 4-66. License fees.**

The licensee shall pay by certified or cashier's check a license fee for the sale of alcoholic beverages for consumption on the premises to the county, in the amount as set forth from time to time by the board of commissioners, to be paid at the time of application for said license and the amount as set forth from time to time by the board of commissioners for each annual renewal thereof.

(Code 1991, § 3-132; Ord. of 12-8-2010(3); Ord. No. 2011-03, 6-8-2011; Ord. No. 2016-02 , 7-26-2016)

### **Sec. 4-67. Excise tax.**

The county hereby imposes an excise tax upon every purchase of alcoholic beverages served for consumption on the premises of three percent of the purchase price of said beverage or at a rate set forth from time to time by the Board of Commissioners. Said tax shall be paid by the licensee to the county, and remitted monthly by said licensee. The imposition of this tax shall be administered pursuant to the following rules and regulations:

- (1) Every licensee or his agent is hereby authorized and directed to collect the tax imposed herein from purchasers of alcoholic beverages by the drink within the licensed premises. Such licenses or agent shall furnish such information as may be required by the director of community development to facilitate the collection of the tax.
- (2) If requested by the purchaser, every licensee for the sale of alcoholic beverages by the drink shall, at the time of collection for food and drinks served, give to the purchaser a receipt on which the purchase

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price and tax imposed by this article on alcoholic beverages by the drink shall be itemized separately. In all cases where the collection of food and drinks is to be deferred payment or credit, the licensee is liable at the time of, and to the extent that such credits are incurred in accordance with the rate of tax owing on the amount thereof. The director of community development and the board of commissioners shall have the authority to adopt rules and regulations prescribing methods and schedules for the collection and payment of the tax.

- (3) The taxes imposed by this section shall become due and payable from the purchaser at the time of purchase of any alcoholic beverage by the drink in this county. The full amount of such taxes collected by the licensee shall be due and payable to the county monthly, on or before the 20th day of the month following each monthly period. On or before the 20th day of the month following each monthly period, a return for the preceding monthly period shall be filed with the finance department in such form as the director of community development may prescribe by every licensee liable for the payment of tax hereunder; all returns shall show the gross receipt from the sale of alcoholic beverages by the drink and the amount of the tax collected on such drinks.
- (4) If the director of community development has cause to believe that the return, or the amount of the tax required to be paid to the county by any licensee is not proper, he may compute and determine the amount required to be paid upon the basis of any information that is available to him. Should the county determine that a deficiency exists in the amount of the tax due by the licensee for one or more monthly periods, the amount of the deficiency shall be interest at the rate of 1½ percent per month, or fraction thereof from the due date of taxes. The director of community development or his designated representative shall give to the licensee written notice of this deficiency determination, and notice may be served by the county code enforcement officer or by mail; if by mail such service shall be addressed to the registered agent of the licensee. Service by mail is complete when delivered by certified mail with a receipt signed by the addressee or by receipt of mailing. Except in the case of failure to make a return, every notice of a deficiency determination shall be mailed within three years after the 20th day of the calendar month following the monthly period for which the amount is proposed to be determined, or within three years after the return is filed, whichever period should last expire.
- (5) If any licensee fails to make a return, the director of community development shall make an estimate of the amounts of the gross receipts of the licensee, or as the case may be, the amount of the total sales within the county which are subject to the tax. The estimate shall be made for the period in respect to which the person failed to make the return, and shall be based upon any information which is available to the director of community development. Written notice shall be given in the manner prescribed in the preceding subsection. The amount of the determination shall bear interest at the rate of 1½ percent per month, or fraction thereof, from the 20th day of the month following the monthly period for which the amount or any portion thereof would have been returned until the date of payment.
- (6) Any licensee who fails to pay the tax herein imposed, or fails to pay any amount of tax required to be collected and paid to the county within the time required, shall pay a penalty of 20 percent of the tax or amount in addition to the tax or amount of the tax plus interest on the unpaid tax or any portion thereof as set forth in the preceding section.
- (7) At any time within three years after any tax, or any tax required to be collected becomes due and payable, and at any time within three years after the delinquency of any tax, or any amount of tax required to be collected, the county may bring an action in the courts of this state, of any other state, or of the United States to collect the amount delinquent, together with penalties and interest, court fees, filing fees, attorney fees, and other legal fees incident thereto. Whenever the amount of any tax, penalty, or interest has been paid more than once, which fact has not been determined by the director of community development, the excess amount paid to the county may be credited on any amounts

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then due and payable from the license, or may be refunded to the licensee if the licensee is no longer operating a licensed premises in the county.

- (8) The director of community development and the sheriff's department shall administer and enforce the provisions of this section for the collection of the tax imposed by this section. Every licensee for the sale of alcoholic beverages by the drink in the county shall keep such records, receipts, invoices, and other pertinent papers in such forms as the director of community development may require. The director of community development or any person authorized in writing by the board of commissioners may examine the books, papers, records, financial reports, equipment, and other facilities of any licensee liable for the tax in order to verify the accuracy of any return made, or if no return is made by the licensee, to ascertain and determine the amount required to be paid. In the administration of the provision of this section, the director of community development may require the filing of the reports by any person or class or persons having in such person's possession or custody information relating to the purchases which are subject to the tax. The report shall be filed with the director of community development and shall set forth the purchase price for each purchase, the date of purchase, and such other information as the director of community development may require. The licensee shall keep a copy of this chapter at the outlet at all times. All employees of the licensee will be informed of the contents of this section.
- (9) Any person violating any of the provisions of this section shall be deemed guilty of an offense and upon conviction thereof shall be punished in accordance with section 1-11. 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 director of community development, or who renders a false or fraudulent return shall be deemed guilty of an offense and upon conviction thereof, shall be punished as aforesaid.

(Code 1991, § 3-133; Ord. of 12-8-2010(3); Ord. No. 2011-03, 6-8-2011; Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-68. Hours of sale.**

Alcoholic beverages shall not be sold for consumption on the premises, except between the hours of 11:00 a.m. and 2:00 a.m. each weekday (Monday through Friday), between the hours of 11:00 a.m. and 12:00 midnight on Saturday, and between the hours of 12:30 p.m. and 12:00 midnight on Sunday. All patrons must have exited the licensee's premises within 30 minutes of the time which alcoholic beverages may no longer be sold, thus setting such exit time at 2:30 a.m. on each weekday, and 12:30 a.m. on the weekend. Alcoholic beverages may be sold for consumption on the premises on election days, provided the outlet for such sale is not located within 250 feet of a polling place.

(Code 1991, § 3-134; Ord. of 12-8-2010(3); Ord. No. 2011-03, 6-8-2011; Ord. No. 2012-06, 8-28-2012; Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-69. Consumption sales only.**

Licenses of alcoholic beverages for consumption on the premises shall not be permitted to sell alcoholic beverages by the package at that outlet and shall not permit a purchaser to remove from the premises any alcoholic beverage. This specifically prohibits the use of to-go cups or any other device permitting any person to remove alcoholic beverages from the licensed premises.

(Code 1991, § 3-135; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-70. Licensee's price list.**

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Licenseses of alcoholic beverages for consumption on the premises shall display in prominent places, inside the outlets and/or on menus, their current prices of alcoholic beverages; provided, however, all licenseses will keep a record of all sales of alcoholic beverages sold on which the excise tax is required to be paid under this chapter. No display of prices or brand names of alcoholic beverages to be served shall be displayed in such a manner as to be visible from the outside of the licensed outlet.

(Code 1991, § 3-136; Ord. of 12-8-2010(3); Ord. No. 2011-03, 6-8-2011; Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-71. Patios and open areas.**

The consumption of alcoholic beverages shall be allowed in open areas and patios, provided that the licensee is in compliance with all other appropriate regulations, as to the safe and orderly operation of such establishment, including, but not limited to, regulations pertaining to maximum capacity, ingress, and egress.

(Code 1991, § 3-137; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-72. Regulation of happy hour promotions.**

No licensee shall advertise a happy hour or promotion of discounted drinks unless expressly authorized by this section. Eating establishments that derive a minimum of 55 percent of their total annual gross food and beverage sales from the sale of prepared meals or food may advertise and hold a happy hour promotion, which may only take place on weekdays (Monday through Friday) between the hours of 5:00 p.m. and 7:00 p.m.

(Code 1991, § 3-138; Ord. of 12-8-2010(3); Ord. No. 2011-03, 6-8-2011; Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-73. Lighting.**

The exterior of each building where alcoholic beverages are sold for consumption on the premises shall contain sufficient lighting so that all sides of the building and all entrances thereto are clearly visible at all times when the outlet is opened for business. Also, the lounge and restaurant areas, including all tables, booths, and other areas where customers are served, and all passageways shall be sufficiently well illuminated so that customers may be viewed by others inside the outlet.

(Code 1991, § 3-139; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-74. Bring your own bottle ("brown bagging") prohibited.**

No person may bring alcoholic beverages (brown bag) into any establishment, whether that establishment is licensed or is not licensed to serve alcoholic beverages, for the purpose of consuming alcohol on the premises during regular business hours of the establishment and/or while the establishment is open to the public.

(Code 1991, § 3-140; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-75. Age restrictions.**

Persons under the age of 18 years may be permitted to enter a food establishment serving alcoholic beverages on the premises until 10:00 p.m. After 10:30 p.m., no one under the age of 18 years may remain on the premises of any food establishment serving alcoholic beverages on the premises unless that minor is accompanied by a parent or legal guardian.

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(Code 1991, § 3-142; Ord. No. 2011-03, 6-8-2011; Ord. No. 2016-02 , 7-26-2016)

**Sec. 4-76. Nude dancing; findings; public purpose.**

- (a) Based on the experience of other counties and municipalities, including, but not limited to, Atlanta and Fulton County, Georgia, DeKalb County, Georgia, and Fort Lauderdale and Palm Beach, Florida, which experiences the county believes are relevant to the problems faced by Meriwether County, the county takes note of the notorious and self-evident conditions attendant to the commercial exploitation of human sexuality, which do not vary greatly among generally comparable communities within our country. Moreover, it is the finding of the board of commissioners that public nudity (either partial or total) under certain circumstances, particularly circumstances related to the sale and consumption of alcoholic beverages in so-called "nude bars" or establishments offering so-called "nude entertainment" or "adult entertainment," begets criminal behavior and tends to create undesirable community conditions. Among the acts of criminal behavior identified with nudity and alcohol are disorderly conduct, prostitution, and drug trafficking and use. Among the undesirable community conditions identified with nudity and alcohol are depression of property values in the surrounding neighborhood, increased expenditure for and allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior hereinabove described, and acceleration of community blight by the concentration of such establishments licensed to sell alcohol for consumption on the premises is in the public welfare and it is a matter of governmental interest and concern to prevent the occurrence of criminal behavior and undesirable community conditions normally associated with establishments which serve alcohol and also allow and/or encourage nudity. To that end, this section is hereby adopted.
- (b) The following types of entertainment, attire and conduct are prohibited upon any premises licensed to sell, serve or dispense alcohol beverages for consumption on such premises within the unincorporated area of the county:
- (1) The employment or use of any person, in any capacity, in the sale or service of alcohol beverages while such person is unclothed or in such attire, costume or clothing, as to expose to view any portion of the female breast below the top of the areola or of any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva and genitals.
  - (2) Live entertainment where any person appears in the manner described in subsection (b)(1) of this section or where such persons perform acts of or acts which simulate any of the following:
    - a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual act which is prohibited by law.
    - b. The caressing or fondling of the breasts, buttocks, anus or genitals.
    - c. The displaying of the male or female pubic hair, anus, vulva or genitals.
  - (3) The holding, promotion, sponsoring or allowance of any contest, promotion, special night, event or any other activity where patrons of the licensed establishment are encouraged or allowed to engage in any of the conduct described in subsections (b)(1) and (b)(2) of this section; provided, however, that nothing shall apply to the premises of any mainstream performance house, museum or theater.

(Code 1991, § 3-143; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

**Sec. 4-77. Permitted location for special events at which alcoholic beverages are served.**

- (a) No alcoholic beverages shall be sold, dispensed, distributed, poured or served at any location, premises, or building in the county unless provided for under this chapter.

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- (b) The owner or lessee of a location at which alcoholic beverages are to be furnished and served at a special event, at a location not otherwise required to be licensed pursuant to this chapter, shall first obtain a special event permit. Such special event permit shall be good for the calendar year in which it is issued and may be renewed annually as set forth in this chapter. The cost of such permits shall be as set forth by the board of commissioners from time to time.
  - (c) To qualify for a special event permit, the location, premises or building shall meet all requirements of the building code, fire code, zoning ordinance, and all other state and local regulations in effect at time of application.
  - (d) It shall be unlawful for any person to furnish and serve alcoholic beverages at a special event unless food is also served at the special event.
  - (e) Alcoholic beverages furnished and served at a special event may be consumed only on the premises and may not be removed from the premises in an open container.
  - (f) It shall be unlawful for any alcoholic beverages to be sold at a special event, i.e., no "cash bar" sales, unless the permitted location also holds an on-premises consumption license for alcoholic beverages.
  - (g) The permitted special event location licensee shall be responsible for any violation of this chapter which occurs at the permitted location whether by the licensee's employees or agents, a caterer, or his employees or agents, or an invitee of the licensee.
  - (h) The person holding the special event, not otherwise required to be licensed pursuant to this chapter, must hire a licensed alcohol caterer to purchase and furnish the alcoholic beverages at the event. A licensed alcohol caterer must obtain a permit from the director of community development.

(Code 1991, § 3-144; Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-78. Special events.**

- (a) *Special event permit.*
  - (1) Wine, beer, malt beverages or distilled spirits shall only be served at a special event if the person organizing said event has applied for and received a special event permit.
  - (2) In order to serve wine, beer, malt beverages or distilled spirits at a special event, the person organizing the special event shall be required to:
    - a. Apply to the director of community development for a special event permit each time a special event is planned. The application shall include the name and address of any food caterer or licensed alcohol caterer for the special event, as well as the date, time and location of the event. The applicant shall pay the cost of such permit at the time of application.
    - b. If the application meets all the requirements of this chapter, the director of community development shall issue the special event permit. If the director of community development finds that the application does not meet the requirements of this chapter and denies the special event permit, the applicant may appeal in writing to the board of commissioners within five business days of the date of the denial. The board of commissioners shall hear the appeal at its next scheduled board meeting.
  - (3) The special event permit shall be maintained at the site of the special event at all times that the event is in progress.
  - (4) The person holding the special event, and not otherwise required to be licensed pursuant to this chapter must hire a licensed alcohol caterer to purchase and furnish the alcoholic beverages.

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- (5) The special event permit licensee shall be responsible for any violation of this chapter which occurs at the event whether by the licensee's employees or agents, a caterer or his employees or agents, or an invitee of the licensee. The penalty for violations is in accordance with the provisions of section 1-11.
- (b) *Event permit for authorized catered functions.*
- (1) Any licensed alcohol beverage caterer who additionally holds a valid license to sell malt beverages or wine by the package or by the drink for consumption on the premises may apply to the director of community development for an event permit to distribute malt beverages or wine by the drink within the county at an authorized catered function or special event. Applications shall be supported by evidence of all required licenses in good standing and proof of payment of excise, occupation, and property taxes, if applicable.
- (2) Any licensed alcohol beverage caterer who additionally holds a valid license to sell distilled spirits by the drink for consumption on-premises may apply to the director of community development for a permit to sell distilled spirits by the drink within the county at authorized catered functions or special events. Applications shall be supported by evidence of all required licenses in good standing and proof of payment of excise, occupation, and property taxes, if applicable.
- (3) A licensed alcohol beverage caterer shall apply to the director of community development for an event permit. The application shall include the name of the licensee and, if applicable, the name of the food caterer who will be serving the event, as well as a copy of a current license and occupation tax certificate; the date, time and duration of the event; and the name, address and telephone number of the event host or sponsor and the address of the location where the event will be held. The application shall be signed by the licensed alcoholic beverage caterer and the event host or sponsor. If the event host or sponsor is not the owner of the venue at which the event will be held, then the owner of the venue, or the owner's authorized agent, shall also sign the application consenting to the distribution of alcoholic beverages at that location. If the licensed alcoholic beverage caterer does not maintain a place of business within unincorporated Meriwether county, there is hereby levied an excise tax upon the total quantity of alcoholic beverages brought into the unincorporated county for such event, plus any event fees authorized by this article. At all times during which an authorized catered function is taking place, the original alcohol beverage caterer's license and the event permit shall be conspicuously posted and made available for inspection upon request by county code enforcement or the county sheriff's office; in addition, at all times while alcoholic beverages are being transported within the county, the licensee shall maintain a copy of the alcohol beverage caterer's license and event permit in the vehicle used for transporting the alcoholic beverages. No permit shall be issued for more than three consecutive days.
- (4) Licensed alcohol beverage caterers shall be subject to the regulations set forth in O.C.G.A. § 3-11-4. Any licensed alcohol beverage caterer distributing or selling alcoholic beverages at a location other than his normal place of business within the county, except in connection with an authorized catered event within the scope of the event permit, shall be in violation of this chapter. If convicted, upon citation to the magistrate court, violators shall be punished pursuant to section 1-11.
- (c) *Exceptions.* The requirements of this chapter shall not apply to a private function held at a residence at which alcoholic beverages are purchased and served by a person not otherwise required to be licensed pursuant to this chapter, provided that the person holding the event purchases the alcoholic beverages and receives no payment of any kind from guests, and the event is not open or accessible to the general public.
- (d) *Operational standards.*
- (1) Alcohol shall be permitted only when provided through a licensed alcohol caterer or where the location qualifies for an alcohol license pursuant to this chapter, and only in areas delineated and approved as a part of the special use permit.

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- (2) Restroom facilities, both temporary and permanent, shall meet the requirements of the environmental health department.
  - (3) Lighting, temporary and permanent, shall be established in such a manner that adjacent properties are not adversely affected, and that no direct light is cast upon adjacent properties or roadways.
  - (4) No use permitted under this section shall exceed a noise level of 45 dB, as measured at the property line; however, the decibel level may be otherwise set, based upon the uniqueness of the property or application specifics through conditions attached to the special event permit by the director of community development.
  - (5) Adequate refuse collection containers and services shall be provided for large events, such as, but not limited to: concerts, festivals, rallies, weddings and wedding receptions.
  - (6) Parking or traffic control plan.

(Code 1991, § 3-145; Ord. No. 2016-02 , 7-26-2016)

**Secs. 4-79—4-99. Reserved.**

## **ARTICLE V. PRIVATE CLUBS**

### **Sec. 4-100. Definitions.**

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

*Fixed salary* means the amount of compensation paid any member, officer, agent, or employee of a private club as may be fixed for him by its members at a prior annual meeting or by the governing body out of the general revenue of the club and shall not include a commission or any profits from the sale of alcoholic beverages. Tips or gratuities, which are added to the bills under club regulations, shall not be considered as profits from the sale of alcoholic beverages.

*Private club* as used in this section means any nonprofit association organized under the laws of this state which:

- (1) Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this chapter;
- (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 and guests with:
  - a. Suitable kitchen and dining room space and equipment;
  - b. A sufficient number of staff employees for cooking, preparing, and serving meals for its members and guests; and
  - c. 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.

(Code 1991, § 3-181; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

### **Sec. 4-101. License fees.**

A license fee authorizing a private club to sell and dispense alcoholic beverages shall be paid by certified or cashier's check to the county by the licensee, in the amount as set forth from time to time by the board of commissioners, payable at the time of the application for the license or renewal thereof.

(Code 1991, § 3-182; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

### **Sec. 4-102. Regulation.**

Private clubs may sell and dispense alcoholic beverages upon compliance with all applicable ordinances and regulations of the county governing the sale of such beverages and upon payment of such license fees and taxes as may be required by the existing ordinances, rules and regulations. The county, however, will grant no alcoholic beverage license to a private club organized or operated primarily for the selling or serving of alcoholic beverages.

(Code 1991, § 3-184; Ord. No. 2016-02 , 7-26-2016)

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**Secs. 4-103—4-132. Reserved.**

## ***ARTICLE VI. WHOLESALERS***

### **Sec. 4-133. License required.**

Any wholesale dealer in alcoholic beverages licensed by the state or the agent of such wholesale dealer shall be granted a license to distribute such beverages to licensed retailers or dealers in the county upon application for such license to the director of community development and the presentation of satisfactory evidence that he understands the alcoholic beverage rules and regulations of this county and the conditions under which retail licenses are issued.

(Code 1991, § 3-221; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

### **Sec. 4-134. License fees.**

- (a) A wholesaler of alcoholic beverages sold in the county whose principal place of business is in the county shall pay to the director of community development annual license fees as set forth from time to time by the board of commissioners for beer and/or wine.
- (b) A wholesaler dealer who is licensed to do business in more than one municipality or county of the state and whose principal place of business is not in the county shall pay to the director of community development a license fee in the amount as set forth from time to time by the board of commissioners. Said license fees are payable at the time of application for a license or renewal thereof.

(Code 1991, § 3-222; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

### **Sec. 4-135. Excise taxes.**

All wholesale dealers engaged in the wholesale distributions of alcoholic beverages to retail package outlets in this county shall pay to the director of community development an excise tax of \$0.22 per liter of wine and \$0.22 per liter of distilled spirits, sold to retail package licensees and a proportionate tax at the same rate on all fractional parts of a liter. Further, all wholesale dealers will pay to the county an excise tax for malted beverages sold to retail package outlets in this county, equal to \$0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces. Further, the wholesale dealers will pay to the county an excise tax on tap or draft beer in the sum of \$6.00 for each container sold containing not more than 15½ gallons and a like rate for fractional parts where the draught beer is sold in or from a barrel or bulk container. Each licensee responsible for the payment of the excise tax shall file a report and payment within the time required. Failure to file the report and/or make payment in a timely manner shall result in a payment penalty of ten percent of the excise tax amount due or \$200.00, whichever is greater. Payment of this excise tax shall be made before the tenth day of each month for all sales made during the previous month.

(Code 1991, § 3-223; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

### **Sec. 4-136. Hours of sale.**

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The business hours of wholesale dealers shall be from sunup to sundown only on days the outlets for sale of alcoholic beverages in the original package and by the drink are authorized to sell alcoholic beverages, excluding Sundays.

(Code 1991, § 3-224; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

**Sec. 4-137. Special provisions applicable to wholesale license.**

- (a) No retailer shall purchase any alcoholic beverage from any person other than a wholesaler licensed under this chapter. No wholesaler shall sell any alcoholic beverages to any person other than a retailer licensed under this chapter. No alcoholic beverages shall be delivered to any outlet in the county except by a duly-licensed wholesaler. The name of the wholesale distributor shall be clearly marked on the delivery vehicle.
- (b) Licensed wholesalers or their employees shall follow all traffic rules in effect for the county and shall not in any way conduct their business so as to interfere with the flow of traffic in the county.

(Code 1991, § 3-225; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

**Secs. 4-138—4-157. Reserved.**

**ARTICLE VII. DOMESTIC AND FARM WINERIES**

**Sec. 4-158. Definitions.**

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

*Domestic winery* means any winery, manufacturer, maker, producer, or bottler of wine located within the county, and for which a license has been issued by the county.

*Farm winery* means a domestic winery that has received the appropriate permit and authorization from the director of community development, and the state, and is located on-premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the winery, or a domestic winery which:

- (1) Makes at least 40 percent of its annual production from agricultural produce grown in this state; and
- (2) Is owned and operated by persons who are engaged in the production of a substantial portion of the agricultural produce used in its annual production, as determined by the revenue commission.

*Georgia farm winery* means a farm winery that is licensed by the commissioner to manufacture wine in the state.

*Tasting room* means an outlet for the promotion of a farm winery's wine by providing samples of the wine to the public, and for the sale of such wine at retail for consumption on the premises and for sale in closed packages for consumption off the premises. Samples of wine can be given free of charge or for a fee.

*Winery* means a manufacturer of wine.

(Code 1991, § 3-250; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

**Sec. 4-159. Winery license.**

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- (a) No person shall engage in the business of manufacturing, distributing, or selling wine at wholesale or retail in the county, without a license being issued by the county.
  - (b) All applicants for the issuance of a license to operate a domestic winery, including a farm winery in the county, shall submit an application to the board of commissioners or its designee in such form as the board of commissioners or its designee shall require, and shall provide such information as the board of commissioners or its designee shall require and shall pay such fee as the board of commissioners shall require before a license can be issued.
  - (c) Any applicant for the issuance of a license to operate a domestic winery, including a farm winery, in the county, shall also be required to submit proof that a permit for a winery has been issued by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury.
  - (d) No applicant for the issuance of a license to operate a domestic winery, including a farm winery, in the county, shall be allowed to operate a domestic winery, including a farm winery, until the appropriate license has been issued by the county, and until such time as a license has also been granted by the state department of revenue under O.C.G.A. § 3-6-20 et seq.
  - (e) A license to operate a domestic winery, including a farm winery, in the county, shall authorize the applicant to conduct business and to operate in accordance with O.C.G.A. § 3-6-21.1 et seq., and in accordance with the rules and regulations issued by the commissioner of the state department of revenue; provided, however, that a farm winery shall further comply with the provisions regarding the operation of a farm winery in the county, also in accordance with and as required under this chapter.

(Code 1991, § 3-251; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-160. Sale by farm wineries.**

- (a) A farm winery may sell its wine and the wine of any other state farm winery licensee at retail in a tasting room on the premises of the winery for consumption on the premises and in closed packages for consumption off the premises and to sell its wine and the wine of any other state farm winery licensee at retail for consumption on the premises and in closed packages for consumption off the premises in tasting rooms at a location that is one of the locations in the state authorized by O.C.G.A. § 3-6-21.1(b) and in accordance with the regulations of the commissioner described in O.C.G.A. § 3-6-21.1(c).
- (b) The qualifications for a license to operate a farm winery tasting room shall be in two parts:
  - (1) The same as set forth in the county alcohol ordinance, except that a farm winery shall be authorized as a conditional use on any parcel of not less than ten acres; and
  - (2) An applicant for a farm winery license shall be required to submit to the board of commissioners and display on its premises at the time it commences business, including the operation of a tasting room and at all times thereafter, proof that a farm winery license has been issued by the state revenue commissioner.
- (c) The license created in accordance with this section shall be limited to farm winery tasting rooms licensed by the state in accordance with O.C.G.A. § 3-6-21.1 et seq., and the licensee shall be permitted to perform only acts allowed in accordance with such statutes. No license is hereby created authorizing any other use. In no event shall a farm winery license holder be entitled to receive a special event cash bar license.
- (d) This section shall not be construed so as to authorize a farm winery to sell wine on Sunday on-premises that are not located on the property where such farm wine is produced. A farm winery located on the premises where the farm wine is produced that is licensed to sell wine in a tasting room or other licensed farm winery facility for consumption on the premises or in closed packages for consumption off the premises shall be authorized in accordance with the terms hereof to sell its wine on Sundays from 12:30 p.m. until 11:59 p.m.

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in the tasting room or other licensed farm winery facility to the same extent as any other licenses issued in accordance with the terms hereof would otherwise permit. Monday through Saturday, the selling or tasting of wine at a farm winery shall occur from 10:00 a.m. to 11:59 p.m.

(Code 1991, § 3-252; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

**Sec. 4-161. Licenses, fees, and taxes.**

- (a) The applicant for a domestic winery or farm winery license, and the applicant for a farm winery tasting room shall pay an annual license fee determined from time to time by action of the board of commissioners and set out in the consolidated fee schedule. A copy of any such fee may also be kept in the office of the director of community development and available for public examination during normal working hours.
- (b) An excise tax is hereby levied to be computed at the rate of \$0.22 per liter on the first sale or use of the wine by the package, and shall be paid to the county. Such tax shall be paid to the designee of the county board of commissioners by the licensee on wine sold in accordance with the terms hereof in the county. Excise taxes received by the county after the tenth day of the month shall be charged a ten percent penalty. The \$0.22 per liter shall be prorated so that all containers of wine shall be taxed on the basis of \$0.22 per liter. It shall be unlawful, and a violation of this chapter for any licensee in accordance with the terms hereof to sell or deliver wine in any manner without collecting said tax.

(Code 1991, § 3-253; Ord. of 12-8-2010(3); Ord. No. 2011-03, 6-8-2011; Ord. No. 2016-02 , 7-26-2016)

**Secs. 4-162—4-200. Reserved.**

## **ARTICLE VIII. FARM BREWERIES**

### **Sec. 4-201. Definitions.**

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

*Farm brewery* means a brewery located in Meriwether County that has received the appropriate permit and authorization from the Meriwether County Community Development Department, and the State of Georgia, and is located on premises of at least ten acres, a substantial portion of which is used for agricultural purposes and from which ingredients used in the manufacture or production of the malt beverages by the farm brewery are derived, or a farm brewery which:

- (a) Makes at least 40 percent of its annual production from agricultural produce grown in this state; and
- (b) Is owned and operated by persons who are engaged in the production of a substantial portion of the agricultural produce used in its annual production, as determined by the revenue commission.

*Georgia farm brewery* means a brewery that is licensed by the commissioner to manufacture malt beverages in the State of Georgia.

*Tasting room* means an outlet for the promotion of a farm brewery's malt beverages by providing samples of the malt beverages to the public, and for the sale of such malt beverages at retail for consumption on the premises and for sale in closed packages for consumption off the premises in accordance with O.C.G.A. § 3-5-24, et seq. Samples of malt beverages can be given free of charge or for a fee.

( Ord. No. 2020-02, 8-12-2020 )

### **Sec. 4-202. Farm brewery license.**

- (a) No person shall engage in the business of manufacturing, distributing, or selling malt beverages at wholesale or retail in Meriwether County, Georgia, without a license being issued by Meriwether County.
- (b) All applicants for the issuance of a license to operate a farm brewery in Meriwether County, Georgia, shall submit an application to the board of commissioners or its designee in such form as the board of commissioners or its designee shall require, and shall provide such information as the board of commissioners or its designee shall require and shall pay such fee or fees as the board of commissioners shall require before a license can be issued.
- (c) Any applicant for the issuance of a license to operate a farm brewery in Meriwether County, Georgia, shall also be required to submit proof that a permit for a brewery has been issued by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of Treasury.
- (d) No applicant for the issuance of a license to operate a farm brewery, in Meriwether County, Georgia, shall be allowed to operate a farm brewery, until the appropriate license has been issued by Meriwether County, Georgia, and until such time as a license has also been granted by the Georgia Department of Revenue under O.C.G.A. § 3-5-24, et seq.
- (e) A license to operate a farm brewery, in Meriwether County, Georgia, shall authorize the applicant to conduct business and to operate in accordance with O.C.G.A. § 3-5-24, et seq., and in accordance with the rules and regulations issued by the Commissioner of the Georgia Department of Revenue provided, however, that a farm brewery shall further comply with the provisions regarding the operation of a farm brewery in Meriwether County, Georgia, also in accordance with and as required under this chapter.

( Ord. No. 2020-02, 8-12-2020 )

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**Sec. 4-203. Sale by farm breweries.**

- (a) Farm brewery may sell its malt beverages at retail in a tasting room on the premises of the farm brewery for consumption on the premises and in closed packages for consumption off the premises in accordance with O.C.G.A. § 3-5-24, et seq.
- (b) The qualifications for a license to operate a farm brewery tasting room shall be in two parts:
  - (1) The same as set forth in the Meriwether County Alcohol Ordinance, except that a farm brewery shall be authorized as a conditional use on any parcel of not less than ten acres; and
  - (2) An applicant for a farm brewery license shall be required to submit a written application to the community development director. In addition to the application, applicant shall provide to the community development director proof that a brewery license has been issued by the State of Georgia Revenue Commissioner. The state brewery license as well as the Meriwether County farm brewery license must be displayed on the premises at all times upon commencement of the business, including operation of a tasting room.
- (c) This section shall not be construed so as to authorize a farm brewery to sell malt beverages on Sunday on premises that are not located on the property where such farm malt beverages are produced. A farm shall be authorized in accordance with the terms hereof to sell its malt beverages on Sundays from 12:30 p.m. until 11:59 p.m. at the farm brewery to the same extent as any other licenses issued in accordance with the terms hereof would otherwise permit. Monday through Saturday, the selling or tasting of malt beverages at a farm brewery may occur from 10:00 a.m. to 11:59 p.m.

( Ord. No. 2020-02, 8-12-2020 )

**Sec. 4-204. Licenses, fees, and taxes.**

- (a) The applicant for a farm brewery license shall pay the annual license fee of \$750.00, plus \$500.00 per tasting room location, or an amount as set forth from time to time by the Board of Commissioners.
- (b) In accordance with O.C.G.A. 3-5-80, et seq., there is imposed by the county an excise tax on the first sale or use of malt beverages in the county, as follows:
  - (1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6.00 on each container containing not more than 15½ gallons and a proportionate tax at the same rate on all fractional parts of 15½ gallons;
  - (2) Where malt beverages are sold in bottles, cans or other containers, except barrel or bulk containers, a tax of \$0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.

( Ord. No. 2020-02, 8-12-2020 )

**Sec. 4-205. Severability.**

Should any section, subsection, clause, sentence, phrase, or part of this article for any reason be held, deemed, or construed to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions thereof, and the Meriwether County Board of Commissioners hereby declares that it would have passed this article, each section, subsection, clause, sentence, phrase, and part thereof irrespective to the fact that one or more sections, subsections, clauses, sentences, phrases, or parts thereof, be declared unconstitutional or invalid.

( Ord. No. 2020-02, 8-12-2020 )

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To: Board of Commissioners

From: Allyson Stephens, County Clerk

Subject: Ordinance Amendment 25-05 – Adoption of Corrections and Updates to Chapter 4 – Alcoholic Beverages

Date: 1/9/2026

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Commissioners,

Approval is requested for Ordinance Amendment 25-05 amending Chapter 4, Alcoholic Beverages, of the Meriwether County Code of Ordinances, along with authorization to execute the ordinance document. The public hearing has been held and is now closed.

Ordinance Amendment 25-05 was initiated to update Chapter 4 of the County Code following the voter-approved referendum authorizing the sale of distilled spirits by the package. During the drafting process, staff conducted a comprehensive review of the chapter to address inconsistencies, outdated references, formatting issues, and typographical errors, as well as to clarify licensing, enforcement, and administrative procedures.

A duly advertised public hearing was held on December 23, 2025. Public comments and Board feedback received at that hearing were reviewed and taken into consideration. Revisions were made as appropriate, and a clean, revised copy of the ordinance reflecting those changes was provided to the Board on Wednesday, January 7, 2026.

The Ordinance before the Board reflects all changes resulting from the public hearing and subsequent staff and legal review.

The amendment repeals and replaces Chapter 4 in its entirety and adopts a new Chapter 4 – Alcoholic Beverages for codification. Upon approval, the ordinance must be executed by the Chairman and attested by the County Clerk in order to finalize adoption and establish the effective date.

Approval of Ordinance Amendment 25-05 and authorization for the Chairman and County Clerk to execute the ordinance document is recommended.

**ORDINANCE AMENDMENT 2025-05**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF MERIWETHER COUNTY, GEORGIA, TO REPEAL CHAPTER 4 – ALCOHOLIC BEVERAGES IN ITS ENTIRETY AND TO ENACT A NEW CHAPTER 4 – ALCOHOLIC BEVERAGES; TO REPEAL CONFLICTING CODE PROVISIONS, UNCODIFIED ORDINANCES, OR PORTIONS THEREOF; TO RESTATE AND REAFFIRM THE CODE OF ORDINANCES OF MERIWETHER COUNTY, GEORGIA AS MODIFIED HEREIN; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**BE IT ORDAINED** by the Board of Commissioners of Meriwether County, Georgia, that Chapter 4 – Alcoholic Beverages of the Code of Ordinances of Meriwether County is hereby repealed in its entirety and replaced with the newly adopted Chapter 4 – Alcoholic Beverages, which is attached hereto and incorporated herein by reference as Exhibit A.

**Effective Date and Repealer Provision**

This ordinance shall become effective immediately upon its adoption and any and all existing or pre-existing Meriwether County, Georgia ordinances, amendments, and resolutions in conflict with the provisions of this ordinance are hereby repealed.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2026, by the Board of Commissioners of Meriwether County, Georgia.

BOARD OF COMMISSIONERS  
MERIWETHER COUNTY, GEORGIA

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Allyson Stephens, County Clerk

**Exhibit A:**  
Chapter 4 – Alcoholic Beverages (attached hereto and incorporated herein by reference)

## Chapter 4 ALCOHOLIC BEVERAGES<sup>1</sup>

### ARTICLE I. IN GENERAL

#### Sec. 4-1. General policies and purpose.

- (a) Alcoholic beverages may be sold in the county only after the issuance of a license for such sale by the county and only in the manner permitted by said license. Alcoholic beverages may be sold in the county only by a licensee who complies with the rules and regulations of this chapter, and with the licensing, regulatory and revenue requirements of the state.
- (b) All licenses granted by the county for the sale of alcoholic beverages are a mere grant or privilege subject to all terms and conditions imposed by the county ordinance and state law and subject to being revoked by the board of commissioners of the county.
- (c) Each licensee of the county shall display the license prominently at all times at the outlet for which the license is issued. A separate license must be issued for each outlet of sale and a separate application must be made for each outlet.
- (d) The purposes of this chapter include, but are not limited to, the following:
  - (1) Compliance with state law.
  - (2) Guarding against monopoly and concentration of the retail sale of alcoholic beverages in one group.
  - (3) Prevention and control of the sale of alcoholic beverages by unfit persons.
  - (4) Promotion of appropriate land use planning and zoning in accordance with the county's comprehensive planning and land use policies and regulations.
  - (5) Protection of schools, homes, churches, parks, and other institutions.
  - (6) Protection of the public health, safety, and general welfare.

(Code 1991, § 3-1; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

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<sup>1</sup>State law reference(s)—Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.; county governing authority given power to regulate alcoholic beverages permitting and licensing, O.C.G.A. § 3-3-2; governing authority of county has power to locally regulate, license, and tax the manufacturing, distribution and selling of malt beverages, O.C.G.A. §§ 3-5-40 et seq. and 3-5-80 et seq.; governing authority of county has power to locally regulate, license, and tax the manufacturing, distribution and selling of wine, O.C.G.A. §§ 3-6-40 et seq. and 3-6-60 et seq.; governing authority of county has power to locally regulate, license, and tax the manufacturing, distribution and selling of distilled spirits by the package, O.C.G.A. §§ 3-4-40 et seq. and 3-4-80; local government may authorize issuance license to sell distilled spirits by the drink for consumption on premises where sold, O.C.G.A. § 3-4-90 et seq.

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## Sec. 4-2. Definitions.

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

*Alcohol* means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

*Alcoholic beverage* means and includes all alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine.

*Applicant* means any one or more persons applying for a license in the county or renewal thereof.

*Application* means those forms required by the county to be completed by persons applying for an original license or a renewal license under this chapter.

*Beer* and *malt beverage* mean any alcoholic beverage obtained by the fermentation of any infusion of decoction of barley, malt, hops or any other similar product or any combination of such products in water, containing no more than six percent alcohol by volume and including ale, porter, brown stout, lager beer, small beer and strong beer. The terms "beer" and "malt beverage" do not include sake, known as Japanese rice wine. The term "beer" is used interchangeably with the term "malt beverage."

*Brew pub* means any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36 for retail consumption on the premises and solely in draft form.

*Caterer* means any person who prepares food and furnishes beverages, but not alcoholic beverages, for consumption off-premises of the caterer's business location.

*Church* means any place of permanent public religious worship and shall exist if a building permit has been obtained and construction of the church has commenced or substantial materials, or supplies for its construction, have been moved to the site.

*County* means Meriwether County, and when used in a geographical sense, means the unincorporated areas of Meriwether County.

*County clerk* means the county clerk of Meriwether County or his designee.

*Director of community development* means the county director of community development or his designee.

*Distilled spirits* or *spirituous liquors* means any alcoholic beverage obtained by distillation or containing more than 24 percent alcohol by volume including, but not limited to, all fortified wines, whiskey, rum, gin, brandy, vodka, tequila, and all other alcoholic beverages of a similar nature and with similar alcoholic content.

*Eating establishment* means an establishment which is licensed to sell malt beverages, wines, and distilled spirits and which derives at least 55 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

*Family* means any person related to the holder of a license within the first degree of consanguinity or affinity as computed according to civil law.

*Food caterer* means any person who prepares or serves food for consumption at a location other than his normal place of business and complies with state environmental health regulations.

*Fortified 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. Fortified wine includes, but is not limited to, brandy.

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*Golf club* means a corporation or association organized and existing under the laws of the state, actively in operation within the county prior to submitting an application for a license hereunder, having an 18-hole golf course of regulation size, a restaurant used exclusively for the purpose of preparing and serving meals with a seating capacity of at least 60 patrons, a golf club membership, and has at least 100 paid-up members who have paid a membership fee for family or individual membership, and a full-time management staff for the social activities of the club, including the management of the premises where food and drink are sold. Food shall be served at least seven days a week, with the exception of weeks including holidays, vacation, and periods of renovation. As used in this section, the term "seating" shall mean that no more than 25 percent of such seating shall be at a common table or counter area or shall be other than individual tables or booths designed for seating of at least two individuals.

*Hotel* means every building or structure kept, used, maintained, advertised, and held out to the public to be a place where food is actually served and consumed, sleeping accommodations are offered for adequate pay to travelers and guests, and having one or more public dining rooms where meals are regularly served to such guests. Motels meeting the qualifications set out herein for hotels, shall be classified as hotels for the purpose of this chapter.

*Immediate family* means and includes the spouses, parents, children, brothers and sisters, related by blood or marriage.

*Interest in license* means an individual who is deemed to have an interest in a license if:

- (1) He is the owner of the license;
- (2) He is the co-owner of the license;
- (3) He is a partner in any partnership that owns an interest in a license;
- (4) He is a stockholder holding more than five percent of the stock in any corporation and/or is a stockholder in any corporation which has fewer than 25 stockholders which owns an interest in a license; and
- (5) He shares in any income or corpus of any trust fund having any interest in a license to sell at retail.

*License* means the formal approval granted or issued by the county to a licensee for the sale of alcoholic beverages within the county.

*License representative:*

- (1) If the business is to be operated by an individual, the license representative shall be that individual.
- (2) The license representative shall be a U.S. citizen.
- (3) If the business is to be operated by a partnership, close corporation, corporation, or other business entity, the license representative shall be a managing full-time employee who assumes an active role in the day-to-day operation of the business, or an attorney with a practice within Meriwether County.
- (4) The license representative shall be a resident of the county and shall be responsible for receiving all notices concerning said license pursuant to this chapter or an attorney with a practice in Meriwether County.

*Licensed alcohol beverage caterer* means any retail alcohol dealer who has been licensed pursuant to this Code and O.C.G.A. § 3-11-1 et seq.

*Licensee* means the individual licensee and in the case of a partnership, corporation, private club, or nonprofit tax-exempt organization, includes the partnership, corporation, private club, or nonprofit tax-exempt organization and the named licensee.

- (1) The licensee for all businesses shall be at least 21 years of age.

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- (2) If the business is to be operated by an individual, the licensee shall be that individual.
  - (3) If the business is to be operated by a partnership, the licensee shall be an individual who is a partner, or, if all partners are non-individuals, then the licensee shall be an individual who is an officer of any corporation which is a partner, or, an individual who is an officer, manager or agent of any unincorporated entity which is a partner.
  - (4) If the business is to be operated by a corporation, the licensee shall be an officer of the corporation.
  - (5) If the licensee is a resident of the county and a manager of the business who is on the premises on a regular basis, the licensee may also be the license representative of the business. If not, a license representative shall be named in accordance with this chapter.

*Lounge/bar* means a separate room connected with, a part of, and adjacent to, a restaurant or a room located in hotels as defined herein, and which serves no food. Lounges/bars shall not be permitted to sell or serve distilled spirits or spirituous liquors. Lounge/bars shall not allow any person under the age of 18 years upon the premises.

*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, but not limited to, ale, porter, brown, stout, larger beer, malt liquor, small beer, and strong beer, not to include sake.

*Meal or regular meal* means a meal which is prepared on the premises according to the order of the patron or customer given to a waiter or waitress at the table, booth, or counter area where the customer is seated and served by the waiter or waitress at said table, booth, or counter area. The term meal or regular meal does not include food served in a specialty shop; or prepackaged, individual meals.

*Outlet* means the definite structure, whether a room, ship, store, building, restaurant, or club, in which activities permitted by this chapter are conducted.

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

*Permitted event location* means a building, premises or location for which a special event permit is required pursuant to this chapter and shall include premises as defined herein, and shall include the entire area where the event is taking place, whether indoor or outdoor.

*Permitted special event location* means a building, premises or location for which a special event permit is required pursuant to this chapter and shall include premises as defined herein.

*Premises* means the definite closed or partitioned-in locality, whether a room or shop within a building, or a whole building. The term "premises" shall further mean an outlet for sale of alcoholic beverages and being operated under a county license, and shall include all of the lot whereon said outlet is located, except where such outlet is located in a hotel or shopping center.

*Retail consumption dealer* means any person who sells malt beverages or wine for consumption on the premises at retail, only to consumers and not for resale.

*Retailer or retail dealer* means any person who sells alcoholic beverages either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale.

*Sheriff* means the sheriff of the county or his designee.

*Special event* means any organized activity that has at its purpose, entertainment, recreation and/or education; to include, but not be limited to, a festival, party, reception, celebration or assembly which occurs or takes place on public or private property.

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

*Wine* means any alcoholic beverage containing not more than 21 percent alcohol by volume, made from fruits, berries, or grapes, either by fermentation, or natural fermentation with brandy added. The term "wine" includes, but is not limited to, all sparkling wines, champagnes, combinations of beverages, vermouths, special natural wines, rectified wines, and like products. The term "wine" does not include cooking wine mixed with other ingredients 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.

*Zoning* means the zoning classifications as approved for the unincorporated areas of the county.

(b) Additional definitions may be found in article VI of this chapter (domestic and farm wineries). If conflicting, the article VI definitions shall apply to that article only.

(Code 1991, § 3-2; Ord. of 12-8-2010(3); Ord. No. 2011-03, 6-8-2011; Ord. No. 2016-02 , 7-26-2016)

### **Sec. 4-3. License categories.**

The following categories of licenses shall be issued pursuant to this chapter:

- (1) Malt beverages for sale by the package.
- (2) Wine for sale by the package.
- (3) Malt beverages for consumption on the premises.
- (4) Wine by the drink (this does not include the various licenses issued in connection with the farm winery ordinance which is a separate category).
- (5) Distilled spirits for consumption on the premises. (The fee for this license shall also cover any fee for consumption of malt beverages and wine on the premises. This fee for this license shall not cover any of the costs associated with a domestic or farm winery which is a separate category.)
- (6) Distilled spirits for sale by package.

### **Sec. 4-4. Fees and costs.**

Any fees and costs associated with the license categories set forth in section 4-3, including, but not limited to, any application fees, adding partners to any license, special event permit fees, fees for license and employment background checks, and licensed alcohol beverage catering permit fees both outside and within the unincorporated county, shall be established from time to time by action of the board of commissioners and set out in the consolidated fee schedule. A copy of these fees and charges is also maintained in the office of the director of community development and available for public examination during normal working hours.

### **Sec. 4-5. License requirements and qualifications.**

Any person who desires to obtain a license for the retail sale of alcoholic beverages by the drink or by the package must meet the minimum qualifications set forth in this section. If the applicant is a partnership, each partner must meet the qualifications of an individual licensee and must make sworn statements of these qualifications as part of the application process. If the applicant is a corporation, the officer or employee of the corporation primarily responsible for the operation of the licensed premises must meet the qualifications of an individual licensee and must make sworn statements of these qualifications as a part of the application process. If the applicant is a nonprofit tax-exempt civic, patriotic, or social club or corporation which is organized and

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operating in the county as a mutual benefit membership group, such club or corporation may be licensed without reference to the financial interest qualifications of this section if no officer, director, trustee, manager, member, or stockholder therein can, in any event, derive any financial gain from the sale of alcoholic beverages by such club or corporation. The individual primarily responsible for the club or corporation's compliance with this section must meet the qualifications of an individual licensee and must make sworn statements of these qualifications as part of the application process. If the applicant is a private club, each member of its governing body must meet the qualifications of an individual licensee and must make sworn statements of these qualifications as part of the application process. The specific qualifications are as follows:

- (1) No license shall be issued to an applicant who is under 21 years of age.
- (2) No license for the sale of alcoholic beverages shall be issued to any person who is not a citizen of the United States or an alien lawfully admitted to this country as a permanent resident.
- (3) No license for the sale of alcoholic beverages may be issued to an applicant under the following circumstances:
  - a. An applicant who has been convicted under any federal, state or local law of a felony, particularly, but not limited to, those offenses involving alcoholic beverages, gambling, tax law violations or violations relating to the Georgia Controlled Substances Act.
  - b. An applicant who has been convicted under any federal, state or local law of a misdemeanor involving alcoholic beverages, gambling, tax law violations or violations relating to the Georgia Controlled Substances Act, O.C.G.A. § 16-13-30 et seq., if such conviction indicates to the board of commissioners that the applicant will not maintain the outlet for which he is seeking a license in conformity with the federal, state or local laws, rules, and regulations.
  - c. An applicant who has been convicted under any federal, state or local law of any felony or misdemeanor involving moral turpitude. For purposes of subsections (3)a. through c. of this section, a conviction under this chapter shall include any plea of guilty or admission of guilt and subsequent sentence under the First Offender Act of O.C.G.A. § 42-8-60, or any similar sentencing provision for the first offenders of any other state or of the United States. A plea of nolo contendere for any felony or misdemeanor of any state or of the United States, or any county ordinance, except traffic violations, or the forfeiture of a bond (except traffic offenses) when charged with a crime is also considered a conviction under this chapter.
  - d. An applicant who has been held in civil or criminal contempt by any federal, state or local court if such citation indicates to the board of commissioners that the applicant will not maintain the outlet for which he is seeking a license in conformity with federal, state or local laws, rules, and regulations.
  - e. An applicant for a license to sell beer and wine for consumption on the premises who has been denied or has had revoked for cause within five years of the date of his application any license issued to him by the county and/or any other municipality, county and/or state to sell alcoholic beverages or an applicant for a package beer and wine license at an outlet in the county at which the license at that outlet has been revoked for cause within five years of the date of the application.
  - f. An applicant as determined by the board of commissioners, by reason of such applicant's business experience, financial standing, trade associations, personal associations, records of arrests, or reputation in any community in which he has resided, who is not likely to maintain the outlet for which he is seeking a license in conformity with federal, state, or local laws.
  - g. A location that is not in compliance with any federal, state or local regulation, including, but not limited to, a state certificate of occupancy or state fire marshal certificate of approval if the

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noncompliance has not been remedied by the applicant within a period of three months from the date of the application.

- (4) The applicant, whether it be an individual, a partnership, a corporation, a nonprofit tax-exempt civic, patriotic, or social club, or a private club, shall be the owner of the premises for which the license is held or the holder of the lease thereon for the period covered by the license. If the premises are leased, a copy of the lease will be furnished to the county director of community development's office with the application.
- (5) The named licensees shall be active in the operation of the outlet and personally be present on the premises sufficiently to ensure compliance with the provisions of this chapter. If the owner of the outlet is a corporation, the corporation and its principal officers shall be responsible for the actions of the named licensee and the conduct of the licensed business. If the owner of the outlet is a partnership, each partner shall be responsible for the actions of the named licensee and the conduct of the licensed business. If the owner of the outlet is a nonprofit tax-exempt civic, patriotic, or social club or a private club, the entity and its principal officers and/or governing body shall be responsible for the actions of the named licensee and the conduct of the licensed business.
- (6) No license to engage in the retail sale of alcoholic beverages by the drink or in the original package shall be granted or issued unless the location within such area of the county is, at the time such application is made, located within an appropriate zoning designation permitting such use as prescribed by the zoning ordinances of the county. Private clubs shall be exempt from the above zoning classification requirements and need not contain such designations in order for a license to be issued.
- (7) No license shall be issued for the sale of alcoholic beverages for consumption on the premises to any outlet located within 100 yards of the property line of any church building or of any school building, educational building, school grounds, or college building existing at the time of application. No license for the sale of wine, malt beverages, or distilled spirits by the package shall be issued where the outlet for such sales is located within 100 yards of the property line of any church building, school building, educational building, school grounds, or college building existing at the time of the application. The above provisions do not apply to renewal of a license or to applicants seeking a new license if the location was licensed by the county to sell alcoholic beverages at any time during the 12 months immediately preceding such application. For the purpose of this chapter, the schools or colleges referred to herein, shall include only such state, county, city, church, private, or other schools that teach the subjects commonly taught in the common schools and colleges of this state and expressly exclude buildings used by school officials solely for administrative purposes in which school children are not regularly taught. For purposes of this chapter, school and educational buildings shall also include day care centers if the day care centers receive state or federal funding for an educational program at the time of application. Distances shall be measured by the most direct route of travel on the ground according to O.C.G.A. § 3-3-21(c). Unless waived by the director of community development out of recognition of the absence of any school or church buildings in proximity to the outlet, all applications for a license shall have attached thereto a current certificate from a registered surveyor of the state showing a scaled drawing of the premises, the location or premises where the applicant desires to operate an alcoholic beverage outlet, and the distance in linear feet measured by the most direct route of travel on the ground from the subject applicant's structure to the property line of the tract which is located nearest the church building, school building, educational building, school grounds or college campus building defined in this subsection.
- (8) No license shall be issued to any person who fails to comply with all the rules and regulations regarding the sale of alcoholic beverages contained in this chapter.

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- (9) No license shall be issued to any person who owes any delinquent taxes, and/or assessments to the county.

(Code 1991, § 3-4; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-6. The application process.**

- (a) Any person desiring to sell alcoholic beverages by the drink or by the package shall make written application to the director of community development for the appropriate license on forms required by the county and filed with the county director of community development's office. All applications shall be fully completed by the applicant and sworn to and signed by the applicant in the presence of a notary public or other officer authorized to administer oaths. If the application is filed on behalf of a partnership, then each partner shall sign the application in the presence of a notary public or other officer authorized to administer oaths. If the application is filed on behalf of a corporation, the officer or employee of the corporation primarily responsible for the operation of the licensed premises who is also the named licensee must sign the application in the presence of a notary public or other officer authorized to administer oaths. If the application is filed on behalf of a nonprofit tax-exempt civic, patriotic, or social club or corporation which is organized and operated in the county as a mutual benefit membership group, the individual being primarily responsible for the club or organization's compliance with this chapter must sign the application in the presence of a notary public or other officer authorized to administer oaths. If the application is filed on behalf of a private club, then each member of its governing body must sign the application in the presence of a notary public or other officer authorized to administer oaths. All applications shall be accompanied by the following:
- (1) Unless waived by the director of community development out of recognition of the absence of any school or church building in proximity to the outlet, the application shall have attached a current certificate from a registered surveyor of this state, showing a scaled drawing of the premises, the location on the premises where the applicant desires to operate an alcoholic beverage outlet, and the distance in linear feet measured by the most direct route of travel, on the ground, from the proposed outlet to the property line of the tract upon which is located the nearest church building, school building, educational building, school grounds or college grounds or college campus building as defined in this chapter.
  - (2) If the outlet is to be located on leased premises, then a copy of the lease must be attached.
  - (3) If the applicant is a partnership, a copy of the partnership agreement, including amendments, shall accompany the application.
  - (4) If the applicant is a corporation, a copy of the articles of incorporation and bylaws, including amendments, shall accompany the application.
  - (5) If the applicant is a nonprofit tax-exempt civic, patriotic or social club or corporation, which is organized and operating in the county as a mutual benefit membership group, a copy of the charter or articles of incorporation, as well as sufficient proof of the organization's tax-exempt status shall accompany the application.
  - (6) If the applicant is a private club, a copy of the articles of incorporation and bylaws, including amendments, shall accompany the application.
  - (7) As a prerequisite to the issuance of any license, the applicant shall furnish a complete set of fingerprints for all persons required to sign the application to be forwarded to the state bureau of investigation and to the Federal Bureau of Investigation, as specified under state law. Each person required to sign the application for an original license and/or renewal license, must authorize the county or its designated representatives to secure from any state, county, municipality or federal

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- court, any police department and/or law enforcement agency his criminal history and civil history and further authorize the county, its officers and employees to use such information in determining whether or not an alcoholic beverage license will be issued to the applicant. Further, the applicant must authorize the county, its officers and employees to use such information in a public hearing, if necessary, to determine whether or not the applicant's license should be denied, voided, cancelled and/or revoked. Each applicant waives any rights he may have under state or federal law, statute and/or court ruling to preclude the county from securing such criminal and/or civil history from any source and waives the right he may have to preclude the county from using such information publicly in determining whether the license will be issued to such applicant.
- (8) The application shall be accompanied by a certified check for the full amount of the license fee, together with a separate check in the amount as set from time to time by the board of commissioners for an investigative fee. If the application is denied, or if the applicant withdraws the application prior to its approval, the license fee (without interest) shall be refunded to the applicant. All other fees paid to the county, which were submitted as part of the application, including, but not limited to, the investigative fee, any advertising costs, the sign fee, and any employee application permit fee shall be retained by the county.
- (9) All applications for licenses shall contain a full and complete statement of all material facts which tend to show whether the applicant, or any member of his immediate family, own a financial interest in any other alcoholic beverage outlets, or any interest in a wholesale alcoholic beverage entity, and/or distillery or brewery, and what interest they and each of them will have in the alcoholic beverage outlet being requested from this county.
- (10) The director of community development may require any additional information and records he reasonably deems necessary. Failure to furnish such data shall automatically serve to dismiss the application. Any misstatement or concealment of fact in the application shall be grounds for denying a license or revoking an issued license, and shall make the applicant liable to prosecution for perjury under the laws of the state.
- (11) Each applicant shall certify that applicant has read this chapter and if the license is granted, each licensee shall maintain a copy of this chapter on the premises and shall require each of the licensee's employees to be familiar with this chapter.
- (12) If the application is for sale of alcoholic beverages for consumption on the premises, the applicant shall attach to such application a representative menu or bill of fare of prepared food or meals offered by the eating establishment to the public.
- (b) Once an application, the accompanying documents described above, and the required investigative and license fees are filed with the county director of community development's office, the sheriff's office shall conduct a criminal investigation of the applicant and produce a written criminal investigation report concerning all information relating to the fingerprinting, criminal history, arrest data, prior alcohol violations, and other matters pertaining to law enforcement. In the event the failure to obtain fingerprinting information from state and federal authorities delays completion of the written report, the sheriff's office may later supplement any fingerprinting information. If the fingerprinting information later reveals that the applicant fails to meet the requirements set by this chapter, this may be grounds for denying the application or revoking a license, despite an otherwise satisfactory written report. Upon production of the criminal investigation report, the sheriff's office shall assemble the application forms and all accompanying documents relating to investigation and processing of the application and deliver such documents to the director of community development for review. If the criminal investigation report shows that the applicant meets the requirements set by this chapter and the director of community development believes that the applicant may meet all other qualifications of this chapter, then the director of community development shall schedule the application for a hearing at the next regularly scheduled board of commissioners meeting

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and shall so inform the applicant of this fact before such meeting. If the criminal investigation report shows that the applicant fails to meet the requirements set by this chapter, or if the director of community development finds that the applicant fails to meet all other qualifications outlined by this chapter, then the director of community development shall inform the applicant, in writing, that the application has been denied, and shall set forth in reasonable detail the reasons for the denial and shall notify the applicant of his right to appeal; said appeal to be before the board of commissioners in accordance with section 4-14. If an applicant desires to appeal a denial by the director of community development, the applicant must file a written request for an appeal hearing with the director of community development within five business days of the date of the written notice informing the applicant of the denial by the director of community development.

- (c) Any application which the director of community development determines to satisfy all the qualifications outlined in this chapter, including character requirements as contained in the criminal investigation report of the sheriff, shall be scheduled for review at the next regularly scheduled meeting of the board of commissioners. At that meeting, the applicant and any person opposed to said application has the right to present to the board of commissioners any information that the board of commissioners determines is relevant to the licensing decision. In making its determination on whether to approve or deny the application, the board of commissioners shall look to the qualifications set forth in this chapter and consider the public interest and welfare. The board shall have the sole discretion to grant or deny the application based on the information presented. A decision by the board of commissioners shall be made within 45 days from the date of the board of commissioners meeting unless the decision is postponed for purposes of the board obtaining additional information deemed necessary for consideration of the application. Notice of the decision by the board of commissioners shall be mailed to the applicant. In the event the application is denied, such written notification shall set forth in reasonable detail the reasons for the denial and shall notify the applicant of his right to appeal; said appeal to be in accordance with section 4-14.
- (d) At the time the applicant makes application for a license, he shall pay to the director of community development's office an amount as set from time to time by the board of commissioners as a nonrefundable sign fee for the posting on the premises where the activities permitted by such license are to be conducted. The sign shall be posted and furnished by the county and will be painted or printed in black letters 1½ inches in height, against a contrasting background, on a two-faced, back-to-back surface of not less than 14 inches by 30 inches in space, and shall be placed by the county with the base of the sign not more than three feet from the ground on the most conspicuous part of the premises, facing the most frequently traveled road, street, or highway abutting same, and not more than ten feet therefrom. The sign shall state clearly the nature and purpose of the application, and the name of the person, partnership, organization, corporation or private club making the application.
- (e) In all instances in which an application is denied under the provisions of this chapter, the applicant may not re-apply for the same type of license for at least one year from the final date of such denial.
- (f) Upon the issuance of a license, the licensee must have and continually maintain in the county a registered agent upon whom any process, notice, or demand required or permitted by law or under this chapter may be served. This person must be an individual and a resident of the county or an attorney with a practice in Meriwether County. The licensee shall file the name of such agent, along with the written consent of such agent, with the director of community development in such form as he may prescribe.
- (g) Upon approval by the board of commissioners of the application for a license, the director of community development shall issue a license in accordance with the approved application. If the applicant is an individual, the license shall be issued in the name of the individual. If the applicant is a corporation, the license shall be issued in the name of the corporation and in the name of the officer or employee of the corporation primarily responsible for the operation of the licensed premises. If the applicant is a partnership, the license shall be issued in the name of the partnership and in the name of one of the partners. If the applicant is a nonprofit tax-exempt civic, patriotic, or social club or corporation which is organized and

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operated in the county as a mutual benefit membership group, the license shall be issued in the name of the club or corporation and in the name of the individual primarily responsible for the club or corporation's compliance with this chapter. If the applicant is a private club, the license shall be issued in the name of the private club and in the name of one of the members of the private club's governing body who shall be the named licensee. All licenses issued shall be granted for the full calendar year or for the number of months remaining in the calendar year. Any applicant granted a license before July 1, shall pay the full license fee without proration. License fees for licenses granted on or after July 1 will be one-half the annual license fee. License fees are not refundable once the license is granted by the county.

- (h) In the event the board of commissioners denies the application for a license, the applicant may appeal to the board of commissioners for reconsideration of the denial by filing a written request for an appeal hearing with the director of community development within five business days of the date of the written notice informing the applicant of the denial. Any such appeal hearing concerning a denial shall be conducted according to the procedures set forth in section 4-14.

(Code 1991, § 3-5; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-7. Renewal of license.**

- (a) All licenses granted under this chapter shall expire on December 31 of each year. Licensees who desire to renew their licenses shall file a renewal application accompanied by the requisite license fee and investigative fee as set from time to time by the board of commissioners with the director of community development's office upon forms prescribed by the county on or before October 1 of each year without penalty. Persons holding a license for more than any one establishment and desiring to renew the license for such establishments shall pay only one investigative fee charge. Applications for renewal filed after October 1 shall be subject to a late charge of ten percent of the license fee.
- (b) Each application for renewal will show the date of the original application and state there have been no changes in any of the information and data contained in and/or furnished with the original application and that the applicant or applicants for the renewal are familiar with applicable state laws and regulations and with the rules and ordinances of the county. The renewal application must be signed and sworn to by all applicants in the presence of a notary public or other officer authorized to administer oaths. In the event it is discovered by the county that changes have occurred, which are in any way different from those facts shown in the original application and the documents furnished with the original application, the renewal shall be void. The applicant may be required to file a new application if changes have occurred in the information and data furnished with the original application. The applicant will furnish all information required by the renewal application and failure to furnish the information will be grounds for denying the application. A false statement made on the renewal application will void the application and shall make the applicant liable to prosecution for perjury under state law.
- (c) Each application for renewal of a license shall be approved or denied in accordance with the procedures prescribed in section 4-6.

(Code 1991, § 3-6; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-8. Transfer of license.**

- (a) No license for the sale of alcoholic beverages shall be transferable, except upon the death of a licensee, at which time such license may be transferred to the administrator, executor, or lawful adult heir of such deceased person. If the legal representatives of such deceased licensee cannot meet all the requirements of this chapter when the time arrives to renew the license, it shall not be renewed.

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- (b) Whenever a licensee doing business as a sole proprietorship loses its license as a result of any provision of this chapter, the licensee's successor in interest, upon filing an application for a new license, may continue to operate under the terms of the prior license until such time as the new application is approved or denied by the board of commissioners; provided, however, no such continued operation shall be authorized until such time as a new application for license is made and the required fees are paid to the director of community development's office. Payment of fees shall not be required of a corporation whose predecessor in interest remains the named licensee under the new lease.

(Code 1991, § 3-7; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-9. Restrictions and prohibitions.**

- (a) It shall be unlawful for any person to manufacture, distribute, sell, or possess for the purpose of sale, any alcoholic beverage when such person does not have a license from the county to sell or possess or manufacture for sale such beverage, provided that this subsection shall not be interpreted to preclude the otherwise legal practice of private production of malt beverages as permitted under O.C.G.A. § 3-5-4 or the private production of wine as permitted under O.C.G.A. § 3-6-3 for private use and consumption or to require the procuring of a license for a private party conducted at a private home, business, or other private establishment for which alcoholic beverages are provided at no charge.
- (b) Except as otherwise authorized by law, no licensee, or employee of the licensee, shall sell or permit to be sold alcoholic beverages to any person under the legal drinking age as prescribed by state law under O.C.G.A. § 3-3-23.
- (c) No licensee, or employee of the licensee, shall permit on the licensed premises the sale, barter, exchange, giving, providing or furnishing of alcoholic beverages to any person who is in a state of noticeable intoxication as prescribed by state law under O.C.G.A. § 3-3-22.
- (d) No licensee, or employee of the licensee, shall permit the sale of alcoholic beverages on Sunday unless otherwise permitted by this chapter. The sale of alcoholic beverages is permitted on election days in outlets not located within 250 feet of a polling place.
- (e) No licensee, or employee of the licensee, authorized to sell alcoholic beverages by the package shall sell or permit to be sold any single beer, wine cooler, or similar alcoholic beverage that is customarily packaged for sale as part of a four-pack, six-pack, 12-pack, or similar package as prescribed by state law under O.C.G.A. § 3-3-26.
- (f) No licensee shall permit entry upon the premises of any person under the age of 18 years, except as authorized under section 4-75.
- (g) In any case where a reasonable and prudent person could reasonably be in doubt as to whether or not the person to whom an alcoholic beverage is to be sold or otherwise furnished is actually 21 years of age or older, it shall be the duty of the licensee, or employee of the licensee, to see and to be furnished with proper identification in order to verify the age of such person. Identification in this section shall mean any document issued by a governmental agency containing a description of the person or the person's photograph, and giving such person's date of birth, and including, but without being limited to, a passport, military identification card, driver's license, or state department public safety identification card as prescribed by state law under O.C.G.A. § 3-3-23. Proper identification shall not include a birth certificate.
- (h) No licensee, or employee of the licensee, authorized to sell alcoholic beverages by the package shall permit the consumption of alcoholic beverages on the premises as prescribed by state law under O.C.G.A. § 3-3-26.
- (i) No licensee, or employee of the licensee, authorized to sell alcoholic beverages by the drink shall permit any person to remove from the licensed premises any alcoholic beverage sold or dispensed for consumption on

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the premises. This specifically prohibits the use of to-go cups or any device permitting any person to remove the alcoholic beverages from the licensed premises.

- (j) No person employed or working in any capacity at any licensed outlet shall solicit or encourage patrons to purchase drinks to be consumed by or otherwise disposed of by any such person so employed or working as prescribed by state law under O.C.G.A. § 3-3-42.
- (k) No licensee, or employee of the licensee, shall add to the contents of a bottle or refill an empty bottle or in any other manner misrepresent the quantity, quality, or brand name of any alcoholic beverage. No retail licensee shall purchase alcoholic beverages from any person, firm or corporation other than a wholesaler licensed under this chapter. No wholesaler shall sell any alcoholic beverage to anyone other than a retailer licensed under this chapter.
- (l) It shall be unlawful for any delivery to be made to and/or sales be made outside of the outlet. It shall be unlawful to sell or dispense alcoholic beverages from drive-in or service windows except for alcoholic beverage package sales. The consumption and/or sale of alcoholic beverages shall be allowed in open areas and patios, provided that the licensee is in compliance with all other appropriate regulations as to the safe and orderly operation of such outlet, including, but not limited to, regulations pertaining to maximum capacity, ingress and egress.
- (m) The licensee shall keep the premises clean, and in proper sanitary condition, and in full compliance with provisions and regulations governing the conditions of premises used for the storage and sale of food for human consumption.
- (n) No licensee shall permit on the premises any gambling, betting, games of chance, punch boards, vending machines, slot machines, pin ball machines, video machines, or similar machines which are in violation of the gambling provisions of the state; provided, however, that this subsection shall not prohibit the lawful playing of bingo by establishments licensed to operate a bingo game under O.C.G.A. §§ 16-12-50 through 16-12-62.
- (o) When a change occurs in the relationship of a person, or in the status of any property or license, or any change in payment of rents, ownership of the lease, or buildings or land on which the outlet is located, any change in corporate ownership or management, any loss or damage to goods which result in a claim against an insurance policy and any change in the division of profits, any change in any division of net or gross sales for any purpose whatsoever, and any change in facts stated or claimed in any application or report herein required, a sworn statement of such change in all material facts relating hereto shall be filed with the sheriff's office and then forwarded to the director of community development, and failure to do so within 14 days after such change shall, unless such time limit is extended for good cause, be reason for cancellation of a license granted pursuant to the provisions of this chapter. In the event that a licensee seeks to change the named licensee of an establishment, the application shall be amended by attaching a new personal statement, along with an investigative fee set from time to time by the board of commissioners. The new named licensee shall satisfy the qualification requirements as set forth in this chapter and be subject to the approval of the board of commissioners.
- (p) Any violation of the provisions contained under this section may result in the suspension or revocation of the license held by the licensee and criminal penalties for the licensee or employee as provided for in O.C.G.A. title 3.

(Code 1991, § 3-8; Ord. of 12-8-2010(3); Ord. No. 2011-03, 6-8-2011; Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-10. Regulations as to employees.**

- (a) Every licensee under this article shall maintain at all times on the premises for which the license has been issued, a list of all persons currently employed by such licensee at such premises, which list shall show the

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current full legal name, alias, date of birth, current address, current home telephone number, and Social Security Number of each employee.

- (b) The licensee is responsible for the conduct or actions of his employees in his employment. An act or omission of a licensee, owner, or employee of the licensee or licensed establishment that is willingly or knowingly performed, and that constitutes a violation of federal or state law or of any provision of this chapter, shall subject the licensee to suspension or revocation of its license in accordance with the provisions of this chapter. Criminal penalties may also apply to the licensee or owner when it is determined that the act or omission did occur, and the acts or omissions of the employee were known to or under reasonable circumstances should have been known to the licensee or owner, were condoned by the licensee or owner, or where the licensee or owner has not established practices or procedures to prevent the violation from occurring as prescribed by O.C.G.A. title 3. It shall be the duty of the licensee hereunder to maintain a copy of this chapter at the outlet and to instruct each and every employee engaged in the sale and/or handling of alcoholic beverages of the terms hereof.

(Code 1991, § 3-9; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-11. Regulations on premises.**

- (a) A licensee authorized to sell alcoholic beverages for consumption on the premises shall display inside the place of business his current prices.
- (b) The exterior of each building where alcoholic beverages are sold for consumption on the premises shall contain sufficient lighting so that all sides of the building and entrances thereto are clearly visible at all times when the premises are opened for business.
- (c) The licensee shall post in a prominent location on the licensed premises, in a manner easily viewed by patrons, an approved sign setting forth or summarizing the laws of the county and the state in regard to the sale of alcoholic beverages to underage, intoxicated, or pregnant persons. Each sign shall be a size and configuration approved by the state department of revenue and said sign shall be made available to said licensee by the director of community development at a price to be established by the county.

(Code 1991, § 3-10; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-12. Suspension or revocation of license.**

- A. In the event of one of the following events or violations of this chapter or an arrest by the Sheriff's Office related to a violation of the Alcohol Ordinance or state or federal law concerning the sale or distribution of alcohol, the Director of Community Development may immediately suspend the alcohol license for a period of not more than thirty (30) days until a hearing can be scheduled before the Board of Commissioners. The Hearing shall be scheduled as soon as possible, and not more than 30 days following the date of suspension. The decision to suspend an alcohol license by the Director of Community Development shall be rendered in writing, state the reasons for the suspension, and shall be mailed or delivered in person to the Licensee. For the purpose of this section, the Director of Community Development is authorized to immediately suspend the alcohol license for the following:
- (1). Violations or actions that result in an arrest by law enforcement of the Licensee, an agent of the Licensee (including the Licensee Representative) or an employee of the Licensee for a violation of the Alcohol Ordinance or state or federal law concerning the sale or distribution of alcohol including, but not limited to the sale of alcohol to minors;
- (2) Violations or actions that result in an arrest by law enforcement of the Licensee, an agent of the Licensee (including the Licensee Representative) or an employee of the Licensee for a crime of moral turpitude;

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- (3) The following occurrences or violations of local, state, or federal laws concerning the sale or distribution of alcohol:
- a. Revocation of Licensee’s state permit to sell Alcoholic beverages
  - b. Notification that the licensee is in bankruptcy, receivership, levy of legal process, or failure to promptly account for and pay the excise tax levied on the sale of alcoholic beverages.
  - c. Failing to meet the Licensing qualifications of the Alcohol Ordinance at any time.
  - d. Upon learning that Licensee furnished fraudulent or untruthful information in the application for the license or in the operation of the business where the alcoholic beverages are sold.
  - e. Onsite altercations that result in the arrest of employees at the establishment.
  - f. Three (3) or more onsite altercations that result in the arrest of patrons at the establishment within a calendar year.

B. Any further consideration of suspension, revocation, or forfeiture of a license by the Board of Commissioners shall occur only after notice and opportunity for a hearing before the Board of Commissioners consistent with the procedures set forth in section 4-14, and upon any occurrence that may result in an immediate suspension under subsection (A) of section 4-12 and/or the following occurrences:

- (1) Any licensed outlet that is found to be in violation of this chapter shall be subject to license revocation or suspension and shall also be subject to criminal citation and prosecution as outlined in section 4-13.
- (2) Every license issued by the county for the sale of alcoholic beverages shall be revoked in case of bankruptcy, receivership, levy of legal process, or failure to promptly account for and pay the excise tax levied on the sale of alcoholic beverages.
- (3) Except as provided for transfers under section 4-8 above, any change in ownership of any entity owning a licensed outlet shall cause the board of commissioners to revoke any license issued under this chapter.
- (4) All licensees must, within six months after the approval of said license, open for business the outlet referred to in the application for license, and begin the sale of the product authorized by the said license. Failure to open the outlet and begin the sales referred to within the six-month period shall cause the board of commissioners to revoke the license and no refund of any fees paid pursuant to this chapter shall be made.
- (5) Any licensee who shall for a period of three consecutive months cease to operate the business and sale of the product authorized in the said license, shall, after said three-month period, cause the board of commissioners to revoke the license, and no refund of any fees paid pursuant to this chapter shall be made.
- (6) A license may be suspended or revoked upon learning that a licensee furnished fraudulent or untruthful information in the application for a license, or omits information required in the application for a license, or fails to pay all fees, taxes, or other charges imposed under the provisions of this chapter.
- (7) Whenever the state shall revoke any permit or license to sell alcoholic beverages, the county license shall thereupon be revoked.
- (8) The Board of Commissioners shall suspend or revoke the license of any outlet which does not meet the licensing qualifications set forth in this chapter at any time such knowledge becomes known to the board.

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- (9) The Board of Commissioners shall revoke the license for any premises where alcoholic beverages have been sold or distributed during a period of suspension.
  - (10) It shall be a violation of this chapter for any licensee or any employee or agent of the licensee or licensed establishment to permit any person to engage in any activity on the premises for which the license is issued or within the place of business, which is in violation of the laws or regulations of any federal, state or county governing authority or regulatory agency. A violation of this subsection shall subject the license to suspension or revocation.
  - (11) An act or omission of a licensee which constitutes a violation of federal or state law or regulation, relating to the sale of alcoholic beverages, taxes, gambling, violation of the Georgia Controlled Substances Act, or constitutes a crime of moral turpitude, shall subject the license to suspension or revocation.
  - (12) All licenses shall automatically expire on December 31 of each year unless renewed in accordance with current ordinance and regulations.

(Code 1991, § 3-11; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-13. Enforcement of this chapter.**

- (a) Any violation of this chapter shall subject the licensee to the following progressive actions by Meriwether County, except for those violations and occurrences set forth in section 4-12 that provides for immediate suspension or revocation upon notice and hearing:
  - (1) The first violation shall result in a warning or a license suspension for a period of up to 30 days.
  - (2) The second violation within a consecutive 24-month period shall result in license suspension for a period of not less than 30 days or more than 90 days.
  - (3) The third violation within a consecutive 24-month period shall result in license suspension for a period of not less than 90 days or more than six months.

Nothing contained in this subsection shall be construed to preclude the board of commissioners from suspending a license for a period exceeding 30 days or 90 days, respectively, or from revoking the license if the board determines in its discretion that such action is necessary and in the best interest of the public health, safety, and welfare of the county. In the case of a violation under this subsection by an employee, the suspension period may be mitigated by the board of commissioners upon presentation of evidence that the licensee established practices and procedures to prevent the violation from occurring.

- (b) In addition to the available actions to be taken by the board of commissioners, or the Director of Community Development, individuals who violate this chapter shall be subject to criminal citation and prosecution by the county code enforcement officer or county sheriff's department. Upon conviction, any violator will be punished in accordance with section 1-11.
- (c) Sworn officers of the sheriff's department and the director of community development or designee shall have the authority to inspect the outlet and premises licensed under this chapter during the hours when the outlet is open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and state law. This section is not intended to limit the authority of any other county, state or federal officer to conduct inspections authorized by other provisions of law.
- (d) In order to ensure that the licensed premises are kept clean, and are in full compliance with all other ordinances and regulations of the county and the state, the additional following representatives are authorized to inspect regularly the licensed premises:

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- (1) Representatives of the county health department shall have the authority to inspect regularly the licensed outlet and premises to determine if the licensed outlet is in compliance with all county and state health rules and regulations and report any violations to the director of community development.
  - (2) The county fire department shall have the authority to inspect regularly the licensed outlet and premises to determine if the licensed outlet is in compliance with all county and state fire regulations and report any violations to the director of community development.
  - (3) The county has the right to have an inspector inspect regularly the licensed outlet and premises to determine if the licensed outlet is in compliance with all technical codes of the county and report any violations to the director of community development.
- (e) Every licensee shall keep and preserve records of all alcoholic beverages purchased and sold by the licensee. The records shall be kept for a period of three years from the date of purchase and sale and should at all times be open to audit and/or inspection by the director of community development or any designated employee or any outside agent for the county upon approval of such outside agent by the community development department. In the event an audit is called for by the director of community development, the director of community development shall notify the licensee of the date, time and place of the audit.

(Code 1991, § 3-12; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-14. Hearing on denial, suspension, or revocation.**

- (a) Upon receipt of a timely appeal of a denial of a license, upon presentation of evidence to the director of community development of a violation of this chapter, or upon a showing to the director of community development of any of the other occurrences set forth in section 4-12 as grounds for suspension or revocation, the director of community development shall schedule a hearing before the board of commissioners or its appointee and provide written notice to the adverse party of the time, place and date of the scheduled hearing. The director of community development shall also state in the written notice in reasonable detail basis for the denial or the violation or occurrence alleged that forms the basis for the denial or potential suspension or revocation. After notice of hearing, matters scheduled for hearing may only be continued by agreement of the director of community development and the adverse party and/or counsel for the adverse party.
- (b) The board of commissioners or its appointee shall have the duty of conducting hearings concerning the denial, revocation, or suspension of a license. The standard of proof on all issues in the hearing shall be a preponderance of the evidence and a determination will be made on the basis of the competent evidence presented at the hearing. At its discretion, the board of commissioners may appoint a special master to conduct said hearing and make findings of fact and conclusions of law and report such findings and conclusions to the board of commissioners and to the director of community development.
- (c) At the hearing, after presentation of the case against the adverse party, the adverse party will have an opportunity to present his case, to rebut the allegations made against him, and present whatever defense he has. The adverse party shall have the right to be represented by an attorney, at the expense of the adverse party, and to present evidence and cross-examine opposing witnesses.
- (d) At the conclusion of the hearing, the findings and conclusions of the board of commissioners shall be forwarded to the director of community development and it shall be the duty of the director of community development to provide written notification to the adverse party of the actions of the board of commissioners, which actions shall comport with section 4-13.
- (e) The decision of the board of commissioners shall be final unless appealed to the superior court of the county, within 30 days of the director of community development providing written notification to the adverse party of the board's decision.

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(f) For purposes of this chapter, notice shall be deemed delivered when personally served or when served by certified mail postage prepaid within three days after the date of deposit in the United States mail.

(Code 1991, § 3-13; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

**Secs. 4-15—4-31. Reserved.**

***ARTICLE II. MALT BEVERAGE AND WINE; ORIGINAL PACKAGE***

**Sec. 4-32. License fees.**

The license fee for a license to sell malt beverages and wine by the package shall be paid to the director of community development, in the amount as set forth from time to time by the board of commissioners, by certified or cashier's check at the time of the filing of the original application.

(Code 1991, § 3-51; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

**Sec. 4-33. Excise tax on the sale of beer and malt beverages.**

The county, in addition to excise taxes levied by the state, does hereby levy a local tax on the sale of beer and malt beverages of \$0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces sold by wholesalers to retail package outlets in the county. Further, there is also levied by the county an excise tax on tap or draft beer of \$6.00 per each bulk container sold by wholesalers to retail package outlets in the county and containing no more than 15.5 gallons and a proportionate tax at the same rate on all fractional parts of 15.5 gallons sold by wholesalers to retail outlets in the County. Said tax is imposed upon wholesalers and is payable on a monthly basis as set out under section 4-135.

(Code 1991, § 3-52; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

**Sec. 4-34. Excise tax on the sale of wine.**

There is hereby levied an excise tax of \$0.22 per liter on wines sold by a wholesaler to retail outlets in the county and a proportionate tax on the same rate on all fractional parts of a liter. Said tax is imposed upon wholesalers and is payable on a monthly basis as set out under section 4-135.

(Code 1991, § 3-53; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

**Sec. 4-35. Type of retail outlet.**

- (a) Beer and wine may be sold at retail, by the package, only in outlets maintaining 75 percent of the floor space and storage area in a manner which is devoted principally to the retail sale of other foods, groceries, and general merchandise.
- (b) If outlet is licensed for the sale of distilled spirits by the package, then beer and wine may be sold by the package without floor space requirements for other food, groceries, or general merchandise.

(Code 1991, § 3-54; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

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**Sec. 4-36. Hours of sale.**

Retail package outlets shall engage in the sale of beer and/or wine only between the hours of 8:00 a.m. and 11:45 p.m. Monday through Saturday, and between the hours of 12:30 p.m. and 11:30 p.m. on Sunday. No package beer and/or wine may be sold on Christmas Day or Thanksgiving Day. The sale of beer and wine is allowed on election days, provided the outlet is not located within 250 feet of a polling place.

(Code 1991, § 3-55; Ord. of 12-8-2010(3); Ord. No. 2012-06, 8-28-2012; Ord. No. 2016-02 , 7-26-2016)

**Sec. 4-37. No consumption on premises.**

It shall be unlawful for any person to consume any alcoholic beverage on the premises licensed for the sale of malt beverages or wine by the package and it shall be unlawful for any licensee by the package to open for, or break the package for, a purchaser and/or permit the consumption of alcoholic beverages on said premises.

(Code 1991, § 3-56; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

**Sec. 4-38. Listing of prices.**

Licensee shall indicate plainly by tag or labels on the bottles or containers, or on the shelf immediately below where the containers are placed, the prices of all beer and wine offered for sale.

(Code 1991, § 3-57; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

**Secs. 4-39—4-45. Reserved.**

## ***ARTICLE III. DISTILLED SPIRITS; ORIGINAL PACKAGE***

### **Sec. 4-46 . License fees.**

The license fee for a license to sell distilled spirits by the package shall be paid to the director of community development, in the amount as set forth from time to time by the board of commissioners, by certified or cashier's check at the time of the filing of the original application in the amount as set forth from time to time.

### **Sec. 4-47 . Excise tax on the sale of distilled spirits – original package**

The county, in addition to other taxes levied by the state, does hereby levy an excise tax of \$0.22 per liter on distilled spirits sold by a wholesaler to retail outlets in the county and a proportionate tax on the same rate on all fractional parts of a liter. Said tax is imposed upon wholesalers and is payable on a monthly basis as set out under section 4-135.

### **Sec. 4-48. Type of retail outlet.**

Distilled spirits may be sold by the package only in outlets properly licensed in Meriwether County. No distilled spirits by the package shall be sold at retail except in retail establishments devoted exclusively to the retail sale of alcoholic beverages by the package. Nothing in this section shall prohibit the retail sale within these establishments of liquid commodities and mixes normally used in the preparation and serving of distilled spirits.

### **Sec. 4-49. Hours of Sale.**

Retail package stores shall engage in the sale of distilled spirits only between the hours of 8:00 a.m. and 11:45 p.m. Monday through Saturday, and between the hours of 12:30 p.m. and 11:30 p.m. on Sunday. No package distilled spirits may be sold on Christmas Day or Thanksgiving Day. The sale of distilled spirits is allowed on election days, provided the outlet is not within 250 feet of polling place.

### **Sec. 4-50. No consumption on premises.**

It shall be unlawful for any person to consume any alcoholic beverage on the premises licensed for the sale of distilled spirits by the package and it shall be unlawful for any licensee to open for, or break the package for a purchaser and/or permit the consumption of alcoholic beverages on said premises.

### **Sec. 4-51. Listing of prices**

Licensee shall indicate plainly by tag or labels on the bottles or containers, or on the shelf immediately below where the containers are placed, the prices of all distilled spirits offered for sale.

**Sec. 4-52 . License issuance for distilled spirits package sales-Retail building and inventory requirements.**

- a) General regulatory licensing and procedures of distilled spirits package sales shall conform to Article I and of Chapter 4 Alcoholic Beverage of the Meriwether County Code of Ordinances.
- b) This building where the business will be conducted shall be a minimum of 2000 square feet storage and display area. For purposes of this chapter, cooler space shall be considered storage area and spaces such as offices, mechanical rooms, janitorial rooms, breakrooms, and bathrooms counts towards minimum square footage requirements. Dealers for the sale of distilled spirits shall maintain a minimum inventory of at least \$50,000.00 in distilled spirits available for sale. The licensee shall submit to the Director of Community Development annually reports in a form approved by the Community Development Director of evidence that the required inventory is being maintained.
- c) No retail license for the sale of distilled spirits by the package shall be granted under this chapter unless the premises to be licensed is, at the time the application is contemplated by the Board of Commissioners, located in proper zoning districts as set forth in the Meriwether County Zoning and Development Ordinance subject to specific limitations of the respective districts.
- d) No premises shall be licensed for the sale of distilled spirits by the package within the prohibited distances set forth in section 4.5 of this chapter.
- e) No person, group, or entity with similar members, including family members, shall have an interest in more than one license for the package sale of distilled spirits issued by the county.

**Sec. 4-53 . Maximum number of package retail dealer licenses permitted for distilled spirits.**

- a) Subject to subsection (b) below, the county will not issue more than five licenses for the retail sale of distilled spirits by the package.
- b) If at any time and for whatever reason, the number of active licenses for package retail sale of distilled spirits falls below five, then the county shall accept applications for and issue such additional licenses for the retail sale of distilled spirits by the package so as to bring the total number of active licenses for the retail sale of distilled spirits by the package to five.

**Sec. 4-54 . Coin-operated amusement machines prohibited on premises.**

No retail dealer of distilled spirits shall permit on the premises any slot machines of any kind or character or any coin operated machines or any machine operated for amusement purposes.

**Sec. 4-55 . Lighted electric advertising signs on distilled spirits, establishments.**

No licensee operating premises wherein package distilled spirits are sold shall operate lighted electrical signs or devices advertising such beverages except during the hours that such products are being offered for sale to the public.

**Sec. 4-56 . Stock to be kept on premises; only one public entrance permitted; premises to be open to view.**

All distilled spirits possessed by a licensee under this article shall be kept in the package store. No retailer's place of business shall have more than one public entrance which must be open on a public street.

**Sec. 4-57 . Access to other establishments prohibited; windows to face on same street as entrance**

No package store shall be operated in conjunction with or open into, or have access to or from any restaurant, lunchroom, dining room, dancehall, or other store or business of any kind or character. The windows in every package store shall face the same public street faced by the entrance to the package store and such windows shall not be obstructed or obscured in any manner, including posters and lighted or unlighted advertising of products.

**Sec. 4-58 . Signage**

Any exterior or interior sign must follow the sign ordinance set forth in the Meriwether County code or ordinances.

**Secs. 4-59 - 4-64. Reserved.**

## **ARTICLE IV. ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES**

### **Sec. 4-65. Locations where sale of distilled spirits is prohibited.**

- (a) No distilled spirits may be sold by the drink for consumption on the premises, except in eating establishments regularly serving prepared food, with a full service kitchen (a full service kitchen will consist of a three-compartment sink, a stove or grill permanently installed and a refrigerator, all of which must be approved by the health department) prepared to serve food every hour they are open, pursuant to the applicable building, fire and safety codes in effect for the county. In order to qualify to sell distilled spirits by the drink for consumption on-premises, eating establishments shall derive a minimum of 55 percent of their total annual gross food and beverage sales from the sale of prepared meals or food. An audit may be required at any time to ensure compliance with these provisions. If such eating establishment provides a bar or counter service for the sale of distilled spirits for on-premises consumption, the seating for such bar shall not exceed ten percent of the total seating capacity of the outlet.
- (b) During the initial annual period in which a license is granted, by the 20th day of each month after such license is granted, the licensee shall submit to the county a statement from a certified public accountant that the income requirements set forth in subsection (a) of this section have been met. Thereafter, each distilled spirits for consumption on-premises license holder shall submit annually at the time of the license renewal to the county the statement from a certified public accountant that the requirements of this section have been met.

(Code 1991, § 3-131; Ord. of 12-8-2010(3); Ord. No. 2011-03, 6-8-2011; Ord. No. 2016-02 , 7-26-2016)

### **Sec. 4-66. License fees.**

The licensee shall pay by certified or cashier's check a license fee for the sale of alcoholic beverages for consumption on the premises to the county, in the amount as set forth from time to time by the board of commissioners, to be paid at the time of application for said license and the amount as set forth from time to time by the board of commissioners for each annual renewal thereof.

(Code 1991, § 3-132; Ord. of 12-8-2010(3); Ord. No. 2011-03, 6-8-2011; Ord. No. 2016-02 , 7-26-2016)

### **Sec. 4-67. Excise tax.**

The county hereby imposes an excise tax upon every purchase of alcoholic beverages served for consumption on the premises of three percent of the purchase price of said beverage or at a rate set forth from time to time by the Board of Commissioners. Said tax shall be paid by the licensee to the county, and remitted monthly by said licensee. The imposition of this tax shall be administered pursuant to the following rules and regulations:

- (1) Every licensee or his agent is hereby authorized and directed to collect the tax imposed herein from purchasers of alcoholic beverages by the drink within the licensed premises. Such licenses or agent shall furnish such information as may be required by the director of community development to facilitate the collection of the tax.
- (2) If requested by the purchaser, every licensee for the sale of alcoholic beverages by the drink shall, at the time of collection for food and drinks served, give to the purchaser a receipt on which the purchase

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price and tax imposed by this article on alcoholic beverages by the drink shall be itemized separately. In all cases where the collection of food and drinks is to be deferred payment or credit, the licensee is liable at the time of, and to the extent that such credits are incurred in accordance with the rate of tax owing on the amount thereof. The director of community development and the board of commissioners shall have the authority to adopt rules and regulations prescribing methods and schedules for the collection and payment of the tax.

- (3) The taxes imposed by this section shall become due and payable from the purchaser at the time of purchase of any alcoholic beverage by the drink in this county. The full amount of such taxes collected by the licensee shall be due and payable to the county monthly, on or before the 20th day of the month following each monthly period. On or before the 20th day of the month following each monthly period, a return for the preceding monthly period shall be filed with the finance department in such form as the director of community development may prescribe by every licensee liable for the payment of tax hereunder; all returns shall show the gross receipt from the sale of alcoholic beverages by the drink and the amount of the tax collected on such drinks.
- (4) If the director of community development has cause to believe that the return, or the amount of the tax required to be paid to the county by any licensee is not proper, he may compute and determine the amount required to be paid upon the basis of any information that is available to him. Should the county determine that a deficiency exists in the amount of the tax due by the licensee for one or more monthly periods, the amount of the deficiency shall be interest at the rate of 1½ percent per month, or fraction thereof from the due date of taxes. The director of community development or his designated representative shall give to the licensee written notice of this deficiency determination, and notice may be served by the county code enforcement officer or by mail; if by mail such service shall be addressed to the registered agent of the licensee. Service by mail is complete when delivered by certified mail with a receipt signed by the addressee or by receipt of mailing. Except in the case of failure to make a return, every notice of a deficiency determination shall be mailed within three years after the 20th day of the calendar month following the monthly period for which the amount is proposed to be determined, or within three years after the return is filed, whichever period should last expire.
- (5) If any licensee fails to make a return, the director of community development shall make an estimate of the amounts of the gross receipts of the licensee, or as the case may be, the amount of the total sales within the county which are subject to the tax. The estimate shall be made for the period in respect to which the person failed to make the return, and shall be based upon any information which is available to the director of community development. Written notice shall be given in the manner prescribed in the preceding subsection. The amount of the determination shall bear interest at the rate of 1½ percent per month, or fraction thereof, from the 20th day of the month following the monthly period for which the amount or any portion thereof would have been returned until the date of payment.
- (6) Any licensee who fails to pay the tax herein imposed, or fails to pay any amount of tax required to be collected and paid to the county within the time required, shall pay a penalty of 20 percent of the tax or amount in addition to the tax or amount of the tax plus interest on the unpaid tax or any portion thereof as set forth in the preceding section.
- (7) At any time within three years after any tax, or any tax required to be collected becomes due and payable, and at any time within three years after the delinquency of any tax, or any amount of tax required to be collected, the county may bring an action in the courts of this state, of any other state, or of the United States to collect the amount delinquent, together with penalties and interest, court fees, filing fees, attorney fees, and other legal fees incident thereto. Whenever the amount of any tax, penalty, or interest has been paid more than once, which fact has not been determined by the director of community development, the excess amount paid to the county may be credited on any amounts

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then due and payable from the license, or may be refunded to the licensee if the licensee is no longer operating a licensed premises in the county.

- (8) The director of community development and the sheriff's department shall administer and enforce the provisions of this section for the collection of the tax imposed by this section. Every licensee for the sale of alcoholic beverages by the drink in the county shall keep such records, receipts, invoices, and other pertinent papers in such forms as the director of community development may require. The director of community development or any person authorized in writing by the board of commissioners may examine the books, papers, records, financial reports, equipment, and other facilities of any licensee liable for the tax in order to verify the accuracy of any return made, or if no return is made by the licensee, to ascertain and determine the amount required to be paid. In the administration of the provision of this section, the director of community development may require the filing of the reports by any person or class or persons having in such person's possession or custody information relating to the purchases which are subject to the tax. The report shall be filed with the director of community development and shall set forth the purchase price for each purchase, the date of purchase, and such other information as the director of community development may require. The licensee shall keep a copy of this chapter at the outlet at all times. All employees of the licensee will be informed of the contents of this section.
- (9) Any person violating any of the provisions of this section shall be deemed guilty of an offense and upon conviction thereof shall be punished in accordance with section 1-11. 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 director of community development, or who renders a false or fraudulent return shall be deemed guilty of an offense and upon conviction thereof, shall be punished as aforesaid.

(Code 1991, § 3-133; Ord. of 12-8-2010(3); Ord. No. 2011-03, 6-8-2011; Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-68. Hours of sale.**

Alcoholic beverages shall not be sold for consumption on the premises, except between the hours of 11:00 a.m. and 2:00 a.m. each weekday (Monday through Friday), between the hours of 11:00 a.m. and 12:00 midnight on Saturday, and between the hours of 12:30 p.m. and 12:00 midnight on Sunday. All patrons must have exited the licensee's premises within 30 minutes of the time which alcoholic beverages may no longer be sold, thus setting such exit time at 2:30 a.m. on each weekday, and 12:30 a.m. on the weekend. Alcoholic beverages may be sold for consumption on the premises on election days, provided the outlet for such sale is not located within 250 feet of a polling place.

(Code 1991, § 3-134; Ord. of 12-8-2010(3); Ord. No. 2011-03, 6-8-2011; Ord. No. 2012-06, 8-28-2012; Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-69. Consumption sales only.**

Licenseses of alcoholic beverages for consumption on the premises shall not be permitted to sell alcoholic beverages by the package at that outlet and shall not permit a purchaser to remove from the premises any alcoholic beverage. This specifically prohibits the use of to-go cups or any other device permitting any person to remove alcoholic beverages from the licensed premises.

(Code 1991, § 3-135; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

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#### **Sec. 4-70. Licensee's price list.**

Licensees of alcoholic beverages for consumption on the premises shall display in prominent places, inside the outlets and/or on menus, their current prices of alcoholic beverages; provided, however, all licensees will keep a record of all sales of alcoholic beverages sold on which the excise tax is required to be paid under this chapter. No display of prices or brand names of alcoholic beverages to be served shall be displayed in such a manner as to be visible from the outside of the licensed outlet.

(Code 1991, § 3-136; Ord. of 12-8-2010(3); Ord. No. 2011-03, 6-8-2011; Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-71. Patios and open areas.**

The consumption of alcoholic beverages shall be allowed in open areas and patios, provided that the licensee is in compliance with all other appropriate regulations, as to the safe and orderly operation of such establishment, including, but not limited to, regulations pertaining to maximum capacity, ingress, and egress.

(Code 1991, § 3-137; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-72. Regulation of happy hour promotions.**

No licensee shall advertise a happy hour or promotion of discounted drinks unless expressly authorized by this section. Eating establishments that derive a minimum of 55 percent of their total annual gross food and beverage sales from the sale of prepared meals or food may advertise and hold a happy hour promotion, which may only take place on weekdays (Monday through Friday) between the hours of 5:00 p.m. and 7:00 p.m.

(Code 1991, § 3-138; Ord. of 12-8-2010(3); Ord. No. 2011-03, 6-8-2011; Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-73. Lighting.**

The exterior of each building where alcoholic beverages are sold for consumption on the premises shall contain sufficient lighting so that all sides of the building and all entrances thereto are clearly visible at all times when the outlet is opened for business. Also, the lounge and restaurant areas, including all tables, booths, and other areas where customers are served, and all passageways shall be sufficiently well illuminated so that customers may be viewed by others inside the outlet.

(Code 1991, § 3-139; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-74. Bring your own bottle ("brown bagging") prohibited.**

No person may bring alcoholic beverages (brown bag) into any establishment, whether that establishment is licensed or is not licensed to serve alcoholic beverages, for the purpose of consuming alcohol on the premises during regular business hours of the establishment and/or while the establishment is open to the public.

(Code 1991, § 3-140; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-75. Age restrictions.**

Persons under the age of 18 years may be permitted to enter a food establishment serving alcoholic beverages on the premises until 10:00 p.m. After 10:30 p.m., no one under the age of 18 years may remain on the

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premises of any food establishment serving alcoholic beverages on the premises unless that minor is accompanied by a parent or legal guardian.

(Code 1991, § 3-142; Ord. No. 2011-03, 6-8-2011; Ord. No. 2016-02 , 7-26-2016)

**Sec. 4-76. Nude dancing; findings; public purpose.**

- (a) Based on the experience of other counties and municipalities, including, but not limited to, Atlanta and Fulton County, Georgia, DeKalb County, Georgia, and Fort Lauderdale and Palm Beach, Florida, which experiences the county believes are relevant to the problems faced by Meriwether County, the county takes note of the notorious and self-evident conditions attendant to the commercial exploitation of human sexuality, which do not vary greatly among generally comparable communities within our country. Moreover, it is the finding of the board of commissioners that public nudity (either partial or total) under certain circumstances, particularly circumstances related to the sale and consumption of alcoholic beverages in so-called "nude bars" or establishments offering so-called "nude entertainment" or "adult entertainment," begets criminal behavior and tends to create undesirable community conditions. Among the acts of criminal behavior identified with nudity and alcohol are disorderly conduct, prostitution, and drug trafficking and use. Among the undesirable community conditions identified with nudity and alcohol are depression of property values in the surrounding neighborhood, increased expenditure for and allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior hereinabove described, and acceleration of community blight by the concentration of such establishments licensed to sell alcohol for consumption on the premises is in the public welfare and it is a matter of governmental interest and concern to prevent the occurrence of criminal behavior and undesirable community conditions normally associated with establishments which serve alcohol and also allow and/or encourage nudity. To that end, this section is hereby adopted.
- (b) The following types of entertainment, attire and conduct are prohibited upon any premises licensed to sell, serve or dispense alcohol beverages for consumption on such premises within the unincorporated area of the county:
- (1) The employment or use of any person, in any capacity, in the sale or service of alcohol beverages while such person is unclothed or in such attire, costume or clothing, as to expose to view any portion of the female breast below the top of the areola or of any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva and genitals.
  - (2) Live entertainment where any person appears in the manner described in subsection (b)(1) of this section or where such persons perform acts of or acts which simulate any of the following:
    - a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual act which is prohibited by law.
    - b. The caressing or fondling of the breasts, buttocks, anus or genitals.
    - c. The displaying of the male or female pubic hair, anus, vulva or genitals.
  - (3) The holding, promotion, sponsoring or allowance of any contest, promotion, special night, event or any other activity where patrons of the licensed establishment are encouraged or allowed to engage in any of the conduct described in subsections (b)(1) and (b)(2) of this section; provided, however, that nothing shall apply to the premises of any mainstream performance house, museum or theater.

(Code 1991, § 3-143; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

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#### **Sec. 4-77. Permitted location for special events at which alcoholic beverages are served.**

- (a) No alcoholic beverages shall be sold, dispensed, distributed, poured or served at any location, premises, or building in the county unless provided for under this chapter.
- (b) The owner or lessee of a location at which alcoholic beverages are to be furnished and served at a special event, at a location not otherwise required to be licensed pursuant to this chapter, shall first obtain a special event permit. Such special event permit shall be good for the calendar year in which it is issued and may be renewed annually as set forth in this chapter. The cost of such permits shall be as set forth by the board of commissioners from time to time.
- (c) To qualify for a special event permit, the location, premises or building shall meet all requirements of the building code, fire code, zoning ordinance, and all other state and local regulations in effect at time of application.
- (d) It shall be unlawful for any person to furnish and serve alcoholic beverages at a special event unless food is also served at the special event.
- (e) Alcoholic beverages furnished and served at a special event may be consumed only on the premises and may not be removed from the premises in an open container.
- (f) It shall be unlawful for any alcoholic beverages to be sold at a special event, i.e., no "cash bar" sales, unless the permitted location also holds an on-premises consumption license for alcoholic beverages.
- (g) The permitted special event location licensee shall be responsible for any violation of this chapter which occurs at the permitted location whether by the licensee's employees or agents, a caterer, or his employees or agents, or an invitee of the licensee.
- (h) The person holding the special event, not otherwise required to be licensed pursuant to this chapter, must hire a licensed alcohol caterer to purchase and furnish the alcoholic beverages at the event. A licensed alcohol caterer must obtain a permit from the director of community development.

(Code 1991, § 3-144; Ord. No. 2016-02 , 7-26-2016)

#### **Sec. 4-78. Special events.**

- (a) *Special event permit.*
  - (1) Wine, beer, malt beverages or distilled spirits shall only be served at a special event if the person organizing said event has applied for and received a special event permit.
  - (2) In order to serve wine, beer, malt beverages or distilled spirits at a special event, the person organizing the special event shall be required to:
    - a. Apply to the director of community development for a special event permit each time a special event is planned. The application shall include the name and address of any food caterer or licensed alcohol caterer for the special event, as well as the date, time and location of the event. The applicant shall pay the cost of such permit at the time of application.
    - b. If the application meets all the requirements of this chapter, the director of community development shall issue the special event permit. If the director of community development finds that the application does not meet the requirements of this chapter and denies the special event permit, the applicant may appeal in writing to the board of commissioners within five business days of the date of the denial. The board of commissioners shall hear the appeal at its next scheduled board meeting.

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- (3) The special event permit shall be maintained at the site of the special event at all times that the event is in progress.
  - (4) The person holding the special event, and not otherwise required to be licensed pursuant to this chapter must hire a licensed alcohol caterer to purchase and furnish the alcoholic beverages.
  - (5) The special event permit licensee shall be responsible for any violation of this chapter which occurs at the event whether by the licensee's employees or agents, a caterer or his employees or agents, or an invitee of the licensee. The penalty for violations is in accordance with the provisions of section 1-11.
- (b) *Event permit for authorized catered functions.*
- (1) Any licensed alcohol beverage caterer who additionally holds a valid license to sell malt beverages or wine by the package or by the drink for consumption on the premises may apply to the director of community development for an event permit to distribute malt beverages or wine by the drink within the county at an authorized catered function or special event. Applications shall be supported by evidence of all required licenses in good standing and proof of payment of excise, occupation, and property taxes, if applicable.
  - (2) Any licensed alcohol beverage caterer who additionally holds a valid license to sell distilled spirits by the drink for consumption on-premises may apply to the director of community development for a permit to sell distilled spirits by the drink within the county at authorized catered functions or special events. Applications shall be supported by evidence of all required licenses in good standing and proof of payment of excise, occupation, and property taxes, if applicable.
  - (3) A licensed alcohol beverage caterer shall apply to the director of community development for an event permit. The application shall include the name of the licensee and, if applicable, the name of the food caterer who will be serving the event, as well as a copy of a current license and occupation tax certificate; the date, time and duration of the event; and the name, address and telephone number of the event host or sponsor and the address of the location where the event will be held. The application shall be signed by the licensed alcoholic beverage caterer and the event host or sponsor. If the event host or sponsor is not the owner of the venue at which the event will be held, then the owner of the venue, or the owner's authorized agent, shall also sign the application consenting to the distribution of alcoholic beverages at that location. If the licensed alcoholic beverage caterer does not maintain a place of business within unincorporated Meriwether county, there is hereby levied an excise tax upon the total quantity of alcoholic beverages brought into the unincorporated county for such event, plus any event fees authorized by this article. At all times during which an authorized catered function is taking place, the original alcohol beverage caterer's license and the event permit shall be conspicuously posted and made available for inspection upon request by county code enforcement or the county sheriff's office; in addition, at all times while alcoholic beverages are being transported within the county, the licensee shall maintain a copy of the alcohol beverage caterer's license and event permit in the vehicle used for transporting the alcoholic beverages. No permit shall be issued for more than three consecutive days.
  - (4) Licensed alcohol beverage caterers shall be subject to the regulations set forth in O.C.G.A. § 3-11-4. Any licensed alcohol beverage caterer distributing or selling alcoholic beverages at a location other than his normal place of business within the county, except in connection with an authorized catered event within the scope of the event permit, shall be in violation of this chapter. If convicted, upon citation to the magistrate court, violators shall be punished pursuant to section 1-11.
- (c) *Exceptions.* The requirements of this chapter shall not apply to a private function held at a residence at which alcoholic beverages are purchased and served by a person not otherwise required to be licensed pursuant to this chapter, provided that the person holding the event purchases the alcoholic beverages and receives no payment of any kind from guests, and the event is not open or accessible to the general public.

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(d) *Operational standards.*

- (1) Alcohol shall be permitted only when provided through a licensed alcohol caterer or where the location qualifies for an alcohol license pursuant to this chapter, and only in areas delineated and approved as a part of the special use permit.
- (2) Restroom facilities, both temporary and permanent, shall meet the requirements of the environmental health department.
- (3) Lighting, temporary and permanent, shall be established in such a manner that adjacent properties are not adversely affected, and that no direct light is cast upon adjacent properties or roadways.
- (4) No use permitted under this section shall exceed a noise level of 45 dB, as measured at the property line; however, the decibel level may be otherwise set, based upon the uniqueness of the property or application specifics through conditions attached to the special event permit by the director of community development.
- (5) Adequate refuse collection containers and services shall be provided for large events, such as, but not limited to: concerts, festivals, rallies, weddings and wedding receptions.
- (6) Parking or traffic control plan.

(Code 1991, § 3-145; Ord. No. 2016-02 , 7-26-2016)

**Secs. 4-79—4-99. Reserved.**

## **ARTICLE V. PRIVATE CLUBS**

### **Sec. 4-100. Definitions.**

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

*Fixed salary* means the amount of compensation paid any member, officer, agent, or employee of a private club as may be fixed for him by its members at a prior annual meeting or by the governing body out of the general revenue of the club and shall not include a commission or any profits from the sale of alcoholic beverages. Tips or gratuities, which are added to the bills under club regulations, shall not be considered as profits from the sale of alcoholic beverages.

*Private club* as used in this section means any nonprofit association organized under the laws of this state which:

- (1) Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this chapter;
- (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 and guests with:
  - a. Suitable kitchen and dining room space and equipment;
  - b. A sufficient number of staff employees for cooking, preparing, and serving meals for its members and guests; and
  - c. 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.

(Code 1991, § 3-181; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

### **Sec. 4-101. License fees.**

A license fee authorizing a private club to sell and dispense alcoholic beverages shall be paid by certified or cashier's check to the county by the licensee, in the amount as set forth from time to time by the board of commissioners, payable at the time of the application for the license or renewal thereof.

(Code 1991, § 3-182; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

### **Sec. 4-102. Regulation.**

Private clubs may sell and dispense alcoholic beverages upon compliance with all applicable ordinances and regulations of the county governing the sale of such beverages and upon payment of such license fees and taxes as may be required by the existing ordinances, rules and regulations. The county, however, will grant no alcoholic beverage license to a private club organized or operated primarily for the selling or serving of alcoholic beverages.

(Code 1991, § 3-184; Ord. No. 2016-02 , 7-26-2016)

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**Secs. 4-103—4-132. Reserved.**

## ***ARTICLE VI. WHOLESALERS***

### **Sec. 4-133. License required.**

Any wholesale dealer in alcoholic beverages licensed by the state or the agent of such wholesale dealer shall be granted a license to distribute such beverages to licensed retailers or dealers in the county upon application for such license to the director of community development and the presentation of satisfactory evidence that he understands the alcoholic beverage rules and regulations of this county and the conditions under which retail licenses are issued.

(Code 1991, § 3-221; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

### **Sec. 4-134. License fees.**

- (a) A wholesaler of alcoholic beverages sold in the county whose principal place of business is in the county shall pay to the director of community development annual license fees as set forth from time to time by the board of commissioners for beer and/or wine.
- (b) A wholesaler dealer who is licensed to do business in more than one municipality or county of the state and whose principal place of business is not in the county shall pay to the director of community development a license fee in the amount as set forth from time to time by the board of commissioners. Said license fees are payable at the time of application for a license or renewal thereof.

(Code 1991, § 3-222; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

### **Sec. 4-135. Excise taxes.**

All wholesale dealers engaged in the wholesale distributions of alcoholic beverages to retail package outlets in this county shall pay to the director of community development an excise tax of \$0.22 per liter of wine and \$0.22 per liter of distilled spirits, sold to retail package licensees and a proportionate tax at the same rate on all fractional parts of a liter. Further, all wholesale dealers will pay to the county an excise tax for malted beverages sold to retail package outlets in this county, equal to \$0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces. Further, the wholesale dealers will pay to the county an excise tax on tap or draft beer in the sum of \$6.00 for each container sold containing not more than 15½ gallons and a like rate for fractional parts where the draught beer is sold in or from a barrel or bulk container. Each licensee responsible for the payment of the excise tax shall file a report and payment within the time required. Failure to file the report and/or make payment in a timely manner shall result in a payment penalty of ten percent of the excise tax amount due or \$200.00, whichever is greater. Payment of this excise tax shall be made before the tenth day of each month for all sales made during the previous month.

(Code 1991, § 3-223; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

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**Sec. 4-136. Hours of sale.**

The business hours of wholesale dealers shall be from sunup to sundown only on days the outlets for sale of alcoholic beverages in the original package and by the drink are authorized to sell alcoholic beverages, excluding Sundays.

(Code 1991, § 3-224; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

**Sec. 4-137. Special provisions applicable to wholesale license.**

- (a) No retailer shall purchase any alcoholic beverage from any person other than a wholesaler licensed under this chapter. No wholesaler shall sell any alcoholic beverages to any person other than a retailer licensed under this chapter. No alcoholic beverages shall be delivered to any outlet in the county except by a duly-licensed wholesaler. The name of the wholesale distributor shall be clearly marked on the delivery vehicle.
- (b) Licensed wholesalers or their employees shall follow all traffic rules in effect for the county and shall not in any way conduct their business so as to interfere with the flow of traffic in the county.

(Code 1991, § 3-225; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

**Secs. 4-138—4-157. Reserved.**

**ARTICLE VII. DOMESTIC AND FARM WINERIES**

**Sec. 4-158. Definitions.**

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

*Domestic winery* means any winery, manufacturer, maker, producer, or bottler of wine located within the county, and for which a license has been issued by the county.

*Farm winery* means a domestic winery that has received the appropriate permit and authorization from the director of community development, and the state, and is located on-premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the winery, or a domestic winery which:

- (1) Makes at least 40 percent of its annual production from agricultural produce grown in this state; and
- (2) Is owned and operated by persons who are engaged in the production of a substantial portion of the agricultural produce used in its annual production, as determined by the revenue commission.

*Georgia farm winery* means a farm winery that is licensed by the commissioner to manufacture wine in the state.

*Tasting room* means an outlet for the promotion of a farm winery's wine by providing samples of the wine to the public, and for the sale of such wine at retail for consumption on the premises and for sale in closed packages for consumption off the premises. Samples of wine can be given free of charge or for a fee.

*Winery* means a manufacturer of wine.

(Code 1991, § 3-250; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

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### **Sec. 4-159. Winery license.**

- (a) No person shall engage in the business of manufacturing, distributing, or selling wine at wholesale or retail in the county, without a license being issued by the county.
- (b) All applicants for the issuance of a license to operate a domestic winery, including a farm winery in the county, shall submit an application to the board of commissioners or its designee in such form as the board of commissioners or its designee shall require, and shall provide such information as the board of commissioners or its designee shall require and shall pay such fee as the board of commissioners shall require before a license can be issued.
- (c) Any applicant for the issuance of a license to operate a domestic winery, including a farm winery, in the county, shall also be required to submit proof that a permit for a winery has been issued by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury.
- (d) No applicant for the issuance of a license to operate a domestic winery, including a farm winery, in the county, shall be allowed to operate a domestic winery, including a farm winery, until the appropriate license has been issued by the county, and until such time as a license has also been granted by the state department of revenue under O.C.G.A. § 3-6-20 et seq.
- (e) A license to operate a domestic winery, including a farm winery, in the county, shall authorize the applicant to conduct business and to operate in accordance with O.C.G.A. § 3-6-21.1 et seq., and in accordance with the rules and regulations issued by the commissioner of the state department of revenue; provided, however, that a farm winery shall further comply with the provisions regarding the operation of a farm winery in the county, also in accordance with and as required under this chapter.

(Code 1991, § 3-251; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

### **Sec. 4-160. Sale by farm wineries.**

- (a) A farm winery may sell its wine and the wine of any other state farm winery licensee at retail in a tasting room on the premises of the winery for consumption on the premises and in closed packages for consumption off the premises and to sell its wine and the wine of any other state farm winery licensee at retail for consumption on the premises and in closed packages for consumption off the premises in tasting rooms at a location that is one of the locations in the state authorized by O.C.G.A. § 3-6-21.1(b) and in accordance with the regulations of the commissioner described in O.C.G.A. § 3-6-21.1(c).
- (b) The qualifications for a license to operate a farm winery tasting room shall be in two parts:
  - (1) The same as set forth in the county alcohol ordinance, except that a farm winery shall be authorized as a conditional use on any parcel of not less than ten acres; and
  - (2) An applicant for a farm winery license shall be required to submit to the board of commissioners and display on its premises at the time it commences business, including the operation of a tasting room and at all times thereafter, proof that a farm winery license has been issued by the state revenue commissioner.
- (c) The license created in accordance with this section shall be limited to farm winery tasting rooms licensed by the state in accordance with O.C.G.A. § 3-6-21.1 et seq., and the licensee shall be permitted to perform only acts allowed in accordance with such statutes. No license is hereby created authorizing any other use. In no event shall a farm winery license holder be entitled to receive a special event cash bar license.
- (d) This section shall not be construed so as to authorize a farm winery to sell wine on Sunday on-premises that are not located on the property where such farm wine is produced. A farm winery located on the premises

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where the farm wine is produced that is licensed to sell wine in a tasting room or other licensed farm winery facility for consumption on the premises or in closed packages for consumption off the premises shall be authorized in accordance with the terms hereof to sell its wine on Sundays from 12:30 p.m. until 11:59 p.m. in the tasting room or other licensed farm winery facility to the same extent as any other licenses issued in accordance with the terms hereof would otherwise permit. Monday through Saturday, the selling or tasting of wine at a farm winery shall occur from 10:00 a.m. to 11:59 p.m.

(Code 1991, § 3-252; Ord. of 12-8-2010(3); Ord. No. 2016-02 , 7-26-2016)

**Sec. 4-161. Licenses, fees, and taxes.**

- (a) The applicant for a domestic winery or farm winery license, and the applicant for a farm winery tasting room shall pay an annual license fee determined from time to time by action of the board of commissioners and set out in the consolidated fee schedule. A copy of any such fee may also be kept in the office of the director of community development and available for public examination during normal working hours.
- (b) An excise tax is hereby levied to be computed at the rate of \$0.22 per liter on the first sale or use of the wine by the package, and shall be paid to the county. Such tax shall be paid to the designee of the county board of commissioners by the licensee on wine sold in accordance with the terms hereof in the county. Excise taxes received by the county after the tenth day of the month shall be charged a ten percent penalty. The \$0.22 per liter shall be prorated so that all containers of wine shall be taxed on the basis of \$0.22 per liter. It shall be unlawful, and a violation of this chapter for any licensee in accordance with the terms hereof to sell or deliver wine in any manner without collecting said tax.

(Code 1991, § 3-253; Ord. of 12-8-2010(3); Ord. No. 2011-03, 6-8-2011; Ord. No. 2016-02 , 7-26-2016)

**Secs. 4-162—4-200. Reserved.**

## **ARTICLE VIII. FARM BREWERIES**

### **Sec. 4-201. Definitions.**

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

*Farm brewery* means a brewery located in Meriwether County that has received the appropriate permit and authorization from the Meriwether County Community Development Department, and the State of Georgia, and is located on premises of at least ten acres, a substantial portion of which is used for agricultural purposes and from which ingredients used in the manufacture or production of the malt beverages by the farm brewery are derived, or a farm brewery which:

- (a) Makes at least 40 percent of its annual production from agricultural produce grown in this state; and
- (b) Is owned and operated by persons who are engaged in the production of a substantial portion of the agricultural produce used in its annual production, as determined by the revenue commission.

*Georgia farm brewery* means a brewery that is licensed by the commissioner to manufacture malt beverages in the State of Georgia.

*Tasting room* means an outlet for the promotion of a farm brewery's malt beverages by providing samples of the malt beverages to the public, and for the sale of such malt beverages at retail for consumption on the premises and for sale in closed packages for consumption off the premises in accordance with O.C.G.A. § 3-5-24, et seq. Samples of malt beverages can be given free of charge or for a fee.

( Ord. No. 2020-02, 8-12-2020 )

### **Sec. 4-202. Farm brewery license.**

- (a) No person shall engage in the business of manufacturing, distributing, or selling malt beverages at wholesale or retail in Meriwether County, Georgia, without a license being issued by Meriwether County.
- (b) All applicants for the issuance of a license to operate a farm brewery in Meriwether County, Georgia, shall submit an application to the board of commissioners or its designee in such form as the board of commissioners or its designee shall require, and shall provide such information as the board of commissioners or its designee shall require and shall pay such fee or fees as the board of commissioners shall require before a license can be issued.
- (c) Any applicant for the issuance of a license to operate a farm brewery in Meriwether County, Georgia, shall also be required to submit proof that a permit for a brewery has been issued by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of Treasury.
- (d) No applicant for the issuance of a license to operate a farm brewery, in Meriwether County, Georgia, shall be allowed to operate a farm brewery, until the appropriate license has been issued by Meriwether County, Georgia, and until such time as a license has also been granted by the Georgia Department of Revenue under O.C.G.A. § 3-5-24, et seq.
- (e) A license to operate a farm brewery, in Meriwether County, Georgia, shall authorize the applicant to conduct business and to operate in accordance with O.C.G.A. § 3-5-24, et seq., and in accordance with the rules and regulations issued by the Commissioner of the Georgia Department of Revenue provided, however, that a farm brewery shall further comply with the provisions regarding the operation of a farm brewery in Meriwether County, Georgia, also in accordance with and as required under this chapter.

( Ord. No. 2020-02, 8-12-2020 )

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**Sec. 4-203. Sale by farm breweries.**

- (a) Farm brewery may sell its malt beverages at retail in a tasting room on the premises of the farm brewery for consumption on the premises and in closed packages for consumption off the premises in accordance with O.C.G.A. § 3-5-24, et seq.
- (b) The qualifications for a license to operate a farm brewery tasting room shall be in two parts:
  - (1) The same as set forth in the Meriwether County Alcohol Ordinance, except that a farm brewery shall be authorized as a conditional use on any parcel of not less than ten acres; and
  - (2) An applicant for a farm brewery license shall be required to submit a written application to the community development director. In addition to the application, applicant shall provide to the community development director proof that a brewery license has been issued by the State of Georgia Revenue Commissioner. The state brewery license as well as the Meriwether County farm brewery license must be displayed on the premises at all times upon commencement of the business, including operation of a tasting room.
- (c) This section shall not be construed so as to authorize a farm brewery to sell malt beverages on Sunday on premises that are not located on the property where such farm malt beverages are produced. A farm shall be authorized in accordance with the terms hereof to sell its malt beverages on Sundays from 12:30 p.m. until 11:59 p.m. at the farm brewery to the same extent as any other licenses issued in accordance with the terms hereof would otherwise permit. Monday through Saturday, the selling or tasting of malt beverages at a farm brewery may occur from 10:00 a.m. to 11:59 p.m.

( Ord. No. 2020-02, 8-12-2020 )

**Sec. 4-204. Licenses, fees, and taxes.**

- (a) The applicant for a farm brewery license shall pay the annual license fee of \$750.00, plus \$500.00 per tasting room location, or an amount as set forth from time to time by the Board of Commissioners.
- (b) In accordance with O.C.G.A. 3-5-80, et seq., there is imposed by the county an excise tax on the first sale or use of malt beverages in the county, as follows:
  - (1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6.00 on each container containing not more than 15½ gallons and a proportionate tax at the same rate on all fractional parts of 15½ gallons;
  - (2) Where malt beverages are sold in bottles, cans or other containers, except barrel or bulk containers, a tax of \$0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.

( Ord. No. 2020-02, 8-12-2020 )

**Sec. 4-205. Severability.**

Should any section, subsection, clause, sentence, phrase, or part of this article for any reason be held, deemed, or construed to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions thereof, and the Meriwether County Board of Commissioners hereby declares that it would have passed this article, each section, subsection, clause, sentence, phrase, and part thereof irrespective to the fact that one or more sections, subsections, clauses, sentences, phrases, or parts thereof, be declared unconstitutional or invalid.

( Ord. No. 2020-02, 8-12-2020 )

**ORDINANCE AMENDMENT 2025-05**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF MERIWETHER COUNTY, GEORGIA, TO REPEAL CHAPTER 4 – ALCOHOLIC BEVERAGES IN ITS ENTIRETY AND TO ENACT A NEW CHAPTER 4 – ALCOHOLIC BEVERAGES; TO REPEAL CONFLICTING CODE PROVISIONS, UNCODIFIED ORDINANCES, OR PORTIONS THEREOF; TO RESTATE AND REAFFIRM THE CODE OF ORDINANCES OF MERIWETHER COUNTY, GEORGIA AS MODIFIED HEREIN; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**BE IT ORDAINED** by the Board of Commissioners of Meriwether County, Georgia, that Chapter 4 – Alcoholic Beverages of the Code of Ordinances of Meriwether County is hereby repealed in its entirety and replaced with the newly adopted Chapter 4 – Alcoholic Beverages, which is attached hereto and incorporated herein by reference as Exhibit A.

**Effective Date and Repealer Provision**

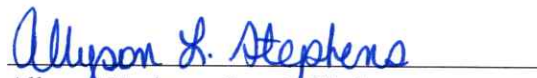
This ordinance shall become effective immediately upon its adoption and any and all existing or pre-existing Meriwether County, Georgia ordinances, amendments, and resolutions in conflict with the provisions of this ordinance are hereby repealed.

**ADOPTED** this 12<sup>th</sup> day of January, 2026, by the Board of Commissioners of Meriwether County, Georgia.

BOARD OF COMMISSIONERS  
MERIWETHER COUNTY, GEORGIA

  
Chairman Emmett Collins

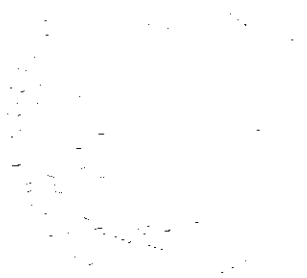
ATTEST:

  
Allyson Stephens, County Clerk



**Exhibit A:**

Chapter 4 – Alcoholic Beverages (attached hereto and incorporated herein by reference)



**ORDINANCE AMENDMENT 2025-05**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF MERIWETHER COUNTY, GEORGIA, TO REPEAL CHAPTER 4 – ALCOHOLIC BEVERAGES IN ITS ENTIRETY AND TO ENACT A NEW CHAPTER 4 – ALCOHOLIC BEVERAGES; TO REPEAL CONFLICTING CODE PROVISIONS, UNCODIFIED ORDINANCES, OR PORTIONS THEREOF; TO RESTATE AND REAFFIRM THE CODE OF ORDINANCES OF MERIWETHER COUNTY, GEORGIA AS MODIFIED HEREIN; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**BE IT ORDAINED** by the Board of Commissioners of Meriwether County, Georgia, that Chapter 4 – Alcoholic Beverages of the Code of Ordinances of Meriwether County is hereby repealed in its entirety and replaced with the newly adopted Chapter 4 – Alcoholic Beverages, which is attached hereto and incorporated herein by reference as Exhibit A.

**Effective Date and Repealer Provision**

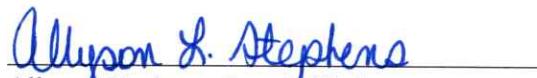
This ordinance shall become effective immediately upon its adoption and any and all existing or pre-existing Meriwether County, Georgia ordinances, amendments, and resolutions in conflict with the provisions of this ordinance are hereby repealed.

**ADOPTED** this 12<sup>th</sup> day of January, 2026, by the Board of Commissioners of Meriwether County, Georgia.

BOARD OF COMMISSIONERS  
MERIWETHER COUNTY, GEORGIA

  
Chairman Emmett Collins

ATTEST:

  
Allyson Stephens, County Clerk



**Exhibit A:**

Chapter 4 – Alcoholic Beverages (attached hereto and incorporated herein by reference)

