

AMENDMENT TO CODE OF WATKINSVILLE ALCOHOL ORDINANCE

An Amendment to the Code of Ordinances for the City of Watkinsville, to the ALCOHOL ORDINANCE OF CITY OF WATKINSVILLE, GEORGIA, amending Section 4-87, so as to permit delivery of alcohol (off premises) per Georgia Law, with reasonable local restrictions.

WHEREAS, the Watkinsville City Code was adopted previously; and

WHEREAS, Mayor and Council find the following amendment promotes the health, safety, morals, convenience, order, prosperity and general welfare of Watkinsville;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council that the Code is amended as follows, so as to amend language in Section 4-87 of the Alcohol Ordinance, so as to permit delivery of alcohol (off premises) per Georgia Law, with reasonable local restrictions:

1. By approving the language shown on Exhibit "A" attached hereto regarding, so as to permit delivery of alcohol (off premises) per Georgia Law.
2. All code sections, ordinances, resolutions, or parts of code sections, ordinances or resolutions in conflict with this Amendment are hereby repealed.
3. This Amendment shall become effective immediately upon passage.
4. This Amendment is deemed severable, and if any section, subsection, paragraph, clause or provision of this Amendment shall be adjudged invalid or held unconstitutional, such decision shall not affect the remaining portions of this Amendment.

ADOPTED AND APPROVED by the Mayor and Council of the City of Watkinsville, Georgia, on March 23, 2022.

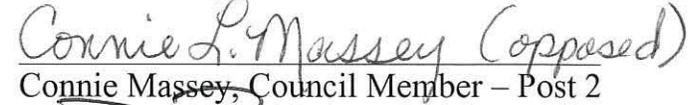
CITY OF WATKINSVILLE, GEORGIA



Brian Brodrick, Mayor



Chuck Garrett, Council Member – Post 1



Connie Massey, Council Member – Post 2



Brett Thomas, Council Member – Post 3



Christine Tucker, Council Member – Post 4



Jeff Campbell, Council Member – Post 5


ATTEST:


Julie Klein, City Clerk

EXHIBIT A

(Deletions are shown as ~~strikethroughs~~ and additions are highlighted)

Sec. 4-25. Application for a package sales license.

Application shall be made on forms furnished by the city as follows:

- (4) Before any license is granted, the applicant must post with the city a performance bond with an insurance company as surety. This bond shall require the faithful observance and performance by the licensee of the rules and regulations in this article. Upon the violation of this article the amount of bond to be forfeited will be determined by the seriousness of the violations as determined by the city. The bond is to be approved by the city and shall be properly executed. The bond ~~is to be in the amount of \$100.00 for a wholesale license and \$1,000.00 for a retail license~~ shall be in the amount established by resolution. In lieu of the bond required hereinabove, the city may accept a letter of credit or a certificate of deposit from a FDIC insured bank in the same amount.

Sec. 4-32. Financial responsibility.

- (3) A ~~\$2,500.00~~ performance bond shall be in the amount established by resolution with an insurance company as surety, approved by the city and properly executed, requiring faithful observance and performance by the licensee of all rules and regulations;

Sec. 4-44. Copy of article.

Licensees shall keep a copy of this article on the licensed premises and instruct any person working there to read and follow this article, and all persons selling alcohol shall at all times be familiar with the terms of this article. The licensee shall be held responsible for any acts of such licensee's employees. Each new licensee shall complete an alcohol training class, approved by the city after careful investigation of the proposed program and test, prior to license approval. Failure to timely present such proof shall be cause for a determination by the city council of noncompliance and a suspension of alcohol sales until the next meeting of the city council after presentation of proof of compliance. Every person working on a licensee's premises who may ever provide alcohol to a customer shall complete an alcohol training class, approved by the city after careful investigation of the proposed program and test, prior to license approval, and within ~~six~~⁴⁵ months ~~days~~ of a new employee's hiring date and renew such every three years. Failure to timely present such proof shall be cause for a determination by the city council of noncompliance and suspension of alcohol sales until the next meeting of the city council after presentation of proof of compliance. The licensee shall supply proof at the time of permit application.

Sec. 4-69. Standards of issuance.

The following standards shall be applied to all decisions pertaining to the issuance or denial of licenses hereunder:

- (1) All applicants for a license must show financial responsibility. All applicants shall, at the time of application and periodically thereafter, upon request of the city, submit to the city clerk or designee, evidence of financial responsibility. The evidence or certification shall include, without limitation:
 - c. A \$2,500.00 performance bond shall be in the amount established by resolution with an insurance company as surety, approved by the city and properly executed, requiring the faithful observance and performance by the licensee of the rules and regulations in this article. Bond amount for beer and wine only is \$1,000.00 shall be in the amount established by resolution;

Sec. 4-74. Hours of operation.

No alcohol may be served before 11:00 a.m. or later than 11:00 p.m. on any day.

Sec. 4-80. Responsibility.

- (b) Each new licensee shall complete an alcohol training class, approved by the city after careful investigation of the proposed program and test, prior to license approval. Failure to timely present such proof shall be cause for a determination by the city council of noncompliance and a suspension of alcohol sales until the next meeting of the city council after proof of compliance. Every person working on a licensee's premises who may ever provide alcohol to a customer shall complete an alcohol training class, approved by the city after careful investigation of the proposed program and test, prior to license approval, and within six months^{45 days} of a new employee's hiring date and renew such every three years. Failure to timely present such proof shall be cause for a determination by the city council of noncompliance and suspension of alcohol sales until the next meeting of the city council after presentation of proof of compliance. The licensee shall supply proof of such at the time of permit application.

Sec. 4-87. Delivery.

It shall be unlawful for any licensee to make delivery of any alcoholic beverage, except inside of the ~~it shall be lawful for any restaurant licensee to make delivery of any alcoholic beverage off premises or inside the or-area licensed for the sale thereof in accordance with OCGA 3-3-10 provided the delivery is by only those 21 years of age or older and are employed directly by the restaurant licensee and not a third party, such as Instacart, Grubhub, Uber Eats,~~

or the like. It shall be ~~unlawful~~ lawful for any restaurant licensee to sell alcoholic beverages by the drink for consumption off the premises in accordance with OCGA 3-3-10.

Sec. 4-100. Prohibited acts.

No licensee or business shall authorize or permit anyone to bring onto the premises any alcohol acquired elsewhere, nor shall any such licensee authorize anyone to take out of the premises any alcohol ~~unless sold by a restaurant licensee.~~

Sec. 4-104. New restaurant; temporary licenses.

(b) Notwithstanding any other provision of this article to the contrary, a nonprofit organization which has at least 75 members regularly paying monthly, quarterly, semi-annual or annual dues and has received and has maintained approval from the IRS as a 501(c)(3) organization, may apply for a temporary three-day special event license for consumption of malt beverages and wine (not distilled spirits, except one single day event, one time per year, upon approval of the city council, using as criteria all applicable standards and requirements; the applicant shall then comply with all applicable liquor serving requirements). In addition to the city requirements below, such organizations must file an application with and pay a fee in the amount established by resolution to the commissioner of the state department of revenue, and receive approval and issuance of the state license. No more than six licenses may be issued to an organization in any one calendar year pursuant to this section. It shall be unlawful for a licensee to distribute or sell alcohol during any hours in which the sale of alcoholic beverages by the drink for consumption only on the premises is not permitted in the jurisdiction. It shall be unlawful for a licensee to employ any person under ~~18~~ 21 years of age who, in the course of such employment, would dispense, serve, sell, or handle alcoholic beverages.

(c) Notwithstanding any other provision of this article to the contrary, a state-approved alcoholic beverage caterer who additionally holds a valid license from the city which authorizes the licensee to sell alcohol by the drink for consumption on the premises may be issued from the city an off-premises license which authorizes such licensed alcoholic beverage caterer to sell malt beverages and wine (not distilled spirits) by the drink off premises and in connection with a specifically designated catered function. Such shall be known as a "special event license." A "licensed alcoholic beverage caterer" means any retail dealer who has been licensed pursuant to O.C.G.A. § 3-4-2, 3-5-2, or 3-6-2. In addition to the city requirements below, such organizations must file an application with and pay a fee in the amount established by resolution to the commissioner of the state department of revenue, and receive approval and issuance of the state license. It shall be unlawful for a licensed alcoholic beverage caterer to distribute or sell malt beverages or wine during any hours in which the sale of alcohol by the drink for consumption only on the premises is not permitted in the jurisdiction. It shall be unlawful for a licensed alcoholic beverage caterer to employ any person under ~~18~~ 21 years of age who, in the course of such employment, would dispense, serve, sell, or handle malt beverages and wine. To make application for such license, the organization must comply with and agree to all the following:

(12) The licensed beverage alcohol caterer must provide such personnel as needed to handle all malt beverages and wine at the authorized catered event. This shall include bartending services, dispensing, and serving, providing, or furnishing beverage alcohol. Employees of a licensed alcohol beverage caterer must be ~~18~~ 21 years of age or older in order to handle malt beverages and wine at such authorized catered event.

(16) Delivery of malt beverages and wine by a licensed beverage alcohol caterer shall be made only in connection with an authorized catered event. Delivering not meeting the requirements as set forth in these regulations shall be a violation of these regulations and department of revenue regulations governing the transportation of beverage alcohol by retail dealers and alcohol pouring licensees and shall be cause for the suspension or revocation of licensee's beverage alcohol licenses and forfeiture of licensee's bond or both by the state revenue commissioner. All beverage alcohol transported in violation of these regulations shall be declared contraband and subject to seizure by the state revenue commissioner or agents. ~~Delivery by anyone under 21 years of age is strictly prohibited.~~

Sec. 4-112. Breweries - Brewery definition, regulation, excise tax and administration.

(b) A brewery license is ~~\$2,500 per annum~~ ~~shall be in the amount established by resolution,~~ and requires first obtaining a City and State malt beverages pouring license.