

**AN ORDINANCE TO AMEND CHAPTER 6 – ALCOHOLIC BEVERAGES OF  
THE CODE OF ORDINANCES OF THE CITY OF MONROE, GEORGIA, TO  
IMPLEMENT AND REGULATE PACKAGE SALES OF DISTILLED SPIRITS  
INSIDE THE CITY LIMITS OF MONROE, GEORGIA**

**THE MAYOR AND COUNCIL OF THE CITY OF MONROE HEREBY ORDAIN  
AS FOLLOWS:**

**ARTICLE I.**

The Code of Ordinances of the City of Monroe, is hereby amended by implementing the below text amendments related to the noted sections of Chapter 6 – Alcoholic Beverages of the Code of Ordinances as follows:

SEE “**EXHIBIT A**” ATTACHED HERETO AND INCORPORATED HEREIN  
BY REFERENCE FOR THE COMPLETE TEXT AMENDMENT.

**Note: Text that is stricken shall be deleted, and text that is underlined shall be added to the Code of Ordinances**

**ARTICLE II.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**ARTICLE III.**

This ordinance shall take effect from and after its adoption by the Mayor and Council of the City of Monroe, Georgia.

**FIRST READING.** This 11<sup>th</sup> day of February, 2025.

**SECOND READING AND ADOPTED** on this 11<sup>th</sup> day of March, 2025.

**CITY OF MONROE, GEORGIA**

**By:** \_\_\_\_\_ (SEAL)

**John S. Howard, Mayor**

**Attest:** \_\_\_\_\_ (SEAL)

**Logan Propes, City Administrator**

## **EXHIBIT "A"**

### **Chapter 6 – Alcoholic Beverages**

#### **Sec. 6-11. – Fees enumerated.**

License fees applicable to this chapter shall be as follows:

(1) Retail dealers of distilled spirits to be consumed on the premises, \$3,000.00 per year.

(2) Retail dealers of beer and wine to be consumed on the premises, \$1,000.00 per year.

(3) Retail package dealers of beer and wine sold in original packages for consumption off the premises, \$2,000.00 per year.

(4) Retail package dealers of distilled spirits sold in original packages for consumption off the premises, \$5,000.00 per year.

(45) Wholesale dealers in beer and wine, whose principal place of business is in the city, \$1,500.00 per year.

(56) Wholesale dealers in distilled spirits whose principal place of business is in the city, \$2,000.00 per year.

(67) Wholesale dealers in alcoholic beverages whose principal place of business is not in the city, \$100.00 per year.

(78) Temporary license for nonprofit organizations, \$25.00 per day.

(89) Temporary license for for-profit organizations, \$150.00 per day.

(910) Non profit private club, beer and wine to be consumed on the premises, \$1,000.00 per year.

(101) Non profit private club, distilled spirits to be consumed on the premises, \$3,000.00 per year.

(142) Hotel/motel "in-room service," \$250.00 per year.

(123) Distilleries or microdistilleries, \$3,000.00 per year.

(134) Breweries or microbreweries, \$1,000.00 per year.

(145) Brewpubs, \$750.00 per year.

(156) Wine shops, \$750.00 per year.

(167) Beer and wine amenities license, \$100.00 per year.

(178) Alcoholic beverage caterer beer and wine license, \$1,000.00 per year.

(189) Alcoholic beverage caterer distilled spirits license, \$1,000.00 per year.

~~(4920)~~ Special events facility, beer and wine to be consumed on the premises, \$1,000.00 per year.

(201) Special events facility, distilled spirits to be consumed on the premises, \$3,000.00 per year.

### **ARTICLE IV – RETAIL PACKAGE SALES OF DISTILLED SPIRITS**

#### **Sec. 6-136. – Type of retail establishment; where permitted**

(a) No retail package sales of distilled spirits may be sold unless the licensee is licensed as a retail package dealer of distilled spirits and meets all other requirements of this chapter.

(b) No retail package sales of distilled spirits shall be sold except in establishments located in the following zoning classifications: Highway Commercial District (B-3); Planned Commercial District (PCD); and Character District (CD-4), as defined in the Official Zoning Ordinance of the City of Monroe, adopted December 10, 2024, as amended, and shown by the Official Zoning Map and the Official Character Based Code Regulating Plan of the City of Monroe, located and maintained in the City Clerk's Office.

(c) No retail package sales of distilled spirits shall be sold except on properties with the zoning classifications as described above in Section 6-

136(b), and more specifically limited to properties with the minimum required lot frontage for a buildable lot located on only certain primary streets and roadways as follows:

(1) East Spring Street from the intersection of North/South Broad Street to the Western Terminus of the US Hwy 78/Spring Street Exit Ramp.

(2) West Spring Street from the Eastern Terminus of the US Hwy 78/Spring Street Exit Ramp to the intersection of North/South Broad Street.

(3) GA Hwy 138/Martin Luther King Jr. Boulevard from the City Limit Boundary at the Alcovy River to the US Hwy 78 East On-Ramp Access.

(4) Charlotte Rowell Boulevard from the intersection with the US Hwy 78 Northern Ramp Access/Exit Ramp Traffic Signal to the intersection with North Broad Street.

(5) North Broad Street from the intersection of Saratoga Drive to the intersection with East/West Spring Street.

(6) South Broad Street from the intersection with East/West Spring Street to the City Limit Boundary.

(7) Pavilion Parkway from the intersection of Charlotte Rowell Boulevard to the intersection of North Broad Street.

(d) Any property located on a primary street or roadway listed in (c) above with an Annual Average Daily Traffic (AADT) of 20,000 or more, must be accessed directly from a traffic signal. For the purposes of this section, the most recent available traffic counts as provided by the Georgia Department of Transportation (GDOT) will be used in determining the AADT of the primary streets and roadways listed in this section.

## **Sec. 6-137. – Investigative and administrative costs.**

Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate certified check or cash in the amount of \$ 500.00 to defray investigative and administrative costs. If the application is denied and the license refused, or if the applicant withdraws his application prior to its being issued, the license fee shall be refunded; but the \$500.00 cost paid for investigation and administration shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this chapter. As to any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article, there shall be no investigative and administrative fee.

## **Sec. 6-138. – Additional application requirements for retail dealers in distilled spirits by the package.**

### (a) Licensed premises building requirements.

(1) No license to sell distilled spirits by the package shall be effective until the building in which the business will be located is complete, detailed plans of the building and outside premises have been submitted to and approved by the city, and the city has issued a certificate of occupancy for the building. In the event the building is not complete, the applicant must attach to his or her initial application a survey of the property, a rendering of the proposed building, and a site plan. The proposed building shall be subject to final inspection and approval when completed by the building inspector, the fire marshal, the code enforcement officer, the planning director, and shall comply with all other ordinances of the city for zoning, storage, parking, buffers and other issues. The proposed building shall also comply with all regulations

of the state revenue commissioner and all the laws of the state.

(2) Each building in which the business will be located shall contain sufficient lighting so that the building itself and the premises on all sides of the building shall be readily visible at all times from the front of the street on which the building is located. The lighting shall reveal the inside retail area of the building and shall reveal all of the outside premises of the building.

(3) The licensed premises must be within a freestanding building completely and physically separate from any other business activities. The building must contain a minimum of 10,000 square feet of heated and air conditioned space.

(4) The building in which the licensed premises is located shall be finished with brick and glass except for incidental metal trim.

(5) The licensed premises shall allow ingress and egress for customers and their purchases through a door opening to the outside and facing a public street or public pedestrian area.

(6) The building shall be owned or leased by the applicant for a license to sell distilled spirits by the package, and proof of ownership or lease is required.

(7) Any licensee who sells any alcoholic beverage pursuant to this article is hereby required to install a continuous video recording system dedicated to each entrance, exit, loading area, and register areas with camera and lens of a type, number and location approved by the chief of police department. Such cameras must be capable of producing a retrievable and identifiable image of not less than 1920 x 1080 video quality resolution on file or tape that can be made a permanent record and that can be enlarged through projection or other means. Licensee shall at all times retain the most recent 60-day history of video footage from cameras.

Cameras meeting the requirements of this section shall be maintained in proper working

order at all times and shall be in operation at all hours in which such establishment is open for business. The cameras shall be subject to periodic inspection by city personnel. In the event the cameras become inoperable, the licensee must have the cameras repaired or have availability of a backup camera system within a five-day period of time. In addition, in the event the cameras become inoperable, the licensee must immediately notify the city clerk or his/her designee. If a crime occurs or an employee believes a crime has occurred, the police department shall be contacted immediately and the video footage retrieved by a designated police officer.

Violation of any provision under this section shall constitute an offense hereunder and shall be punishable as follows:

(a) On a first offense there shall be a minimum fine of \$250.00.

(b) On the second offense, if within 12 months of the first, there shall be a fine of \$1,000.00.

(c) Any violation of this section shall subject the license issued under this article to suspension or revocation pursuant to Section 6-17 of this chapter.

(b) Performance bond required. Prior to the issuance of any license authorizing the sale of distilled spirits by the package, the applicant shall be required to submit to the city, along with the license application, a performance bond issued by a surety authorized and licensed to conduct business within the state. The performance bond shall serve as security for the applicant's full compliance with all applicable provisions as set forth in this article and any other requirements established by the city's ordinances.

The bond must be approved by the city and shall be properly executed by the applicant and the surety prior to its submission. The bond amount shall be set at \$5,000.00. In lieu of a surety bond, the applicant may submit a cash bond in the same amount, which shall be held in escrow by the city

at all times while licensee holds a license under this Article.

In the event of a violation of this article or any applicable ordinance, including but not limited to noncompliance with licensing conditions or regulatory requirements, the city shall have the authority to impose a forfeiture of all or part of the bond amount. The determination of forfeiture shall rest solely with the city and shall be based on the nature and severity of the violation.

Failure to submit a valid and approved performance bond in compliance with this section shall constitute sufficient grounds for denial of the license application.

(c) *Proof of insurance required.* The applicant for a license to sell distilled spirits by the package shall provide proof of comprehensive general liability insurance, including liquor liability coverage, for the licensed premises with coverage of at least \$2,000,000.00 per occurrence, inclusive of personal injury, bodily injury, death, and property damage, and an umbrella or excess policy with coverage of at least an additional \$2,000,000.00 per occurrence. At the time a license application is submitted, the city will accept as proof of insurance a quote from a reputable insurance company. Prior to opening by the licensee, and thereafter at the time of renewing a license, a licensee must submit a certificate of insurance to the city administrator or their designee. Failure to do so is cause for revocation of a license.

(d) *Proof of inventory required.* The applicant for a license to sell distilled spirits by the package shall provide proof that it will maintain a wholesale inventory of all alcohol types valued at \$600,000.00 or greater at all times. An affidavit of the applicant shall satisfy this requirement.

(e) *Letter of credit.* The applicant for a license to sell distilled spirits by the package shall furnish to the City an irrevocable letter of credit, issued by a federally insured financial institution authorized to do business in the state, in the amount of at least \$2,000,000.00, and provide that it cannot be

canceled or amended without at least 60 days' prior written notice to the City. Said letter of credit shall be in favor of the applicant to ensure applicant has sufficient credit facilities to properly operate under any licenses issued under this Article.

### **Sec. 6-139. – Number of licenses in the city is limited.**

(a) At no time shall the number of licenses issued by the city permitting the retail sale of package distilled spirits within the city limits of the city exceed the number found as a result of dividing the total population of the city, as found in the most recent population estimates published by the United States Bureau of the Census, by the whole number 10,000.

(b) If the number resulting from the division required by subsection (a) above is a number other than a whole number, it shall be rounded to the nearest whole number as follows: if the number is less than half of the next whole number (for example, 1.49), it shall be adjusted downward to the lower whole number; if the number is equal to or greater than half of the next whole number (for example, 1.50 or 1.75), it shall be adjusted upward to the higher whole number. Notwithstanding the foregoing, the number of licenses permitted by this section shall never be less than two.

(c) The language contained in subsections (a) and (b) of this section can be expressed in the mathematical formula, as follows:

$$Y \div 10,000 = X.$$

Y is the total population (as defined in subsection (a) above) of the City of Monroe. X is the total number of licenses that can be issued in accordance with subsection (b) above).

(d) In the event the city has any open license availability for the retail package sale of distilled spirits, the city shall follow the procedures set forth in subsection (e) below in determining to whom the additional open license shall be issued to.

(e) Grant or denial of license for open, available retail package dealer for distilled spirits.

(1) The city shall publish a notice of availability of any license to sell distilled spirits by the package in a newspaper of general circulation in the city and state and the deadline for filing an application. Such notice shall be published at least once a week for two consecutive weeks. The application deadline shall be at least 20 business days after the last publication. All applications for a license to sell distilled spirits by the package shall be submitted during business hours to the city administrator or his/her designee, who shall mark the application with the time and date received.

(2) Upon the filing of an application, the city administrator shall have ten business days to review the application and to send a copy of the application to all affected departments of city government to determine compliance with city regulations and laws. Each department notified shall submit a report within 20 business days of receipt of the application to the city administrator which states whether there are any objections to the application.

(3) Within 20 business days from the date the city administrator receives all department notifications, the city administrator shall render a written determination as to whether the application complies with the requirements of this chapter.

(4) The written determination shall be sent by certified mail to the applicant whose application was considered.

(5) If the decision of the city administrator is to deny the requested license, then the letter to the applicant shall set forth in reasonable detail the grounds upon which the license is being denied. The letter shall further advise the applicant of the right to appeal the decision to the mayor and city council within 20 business days of the date on which the written decision of the city administrator is sent by certified mail.

(6) The city administrator or his designee may deny a city license under this article on any of the following grounds:

A. Failure to meet state requirements for state license;

B. Failure to pay all required fees and taxes;

C. Failure to provide valid information, documents and the like required by this article;

D. False information in the application or attached documents;

E. Improper residency of applicant, owner or registered agents;

F. Failure to post and maintain proper signs and advertisements required in this article;

G. Failure to meet distance, location or number of business requirements;

H. Prior convictions as provided in this Chapter; or

I. Failure to meet any other requirements in this article for a license or any other requirement in any other provision of this Code or the Charter.

(7) If the city administrator determines that the applicant meets the criteria for a license to sell distilled spirits by the package within the city limits, but determines that there are more qualified applicants than available licenses, then the city administrator shall send a letter by certified mail to all applicants notifying him or her that a license to sell distilled spirits by the package shall be selected by a lottery system overseen and conducted by an independent third-party firm subject to the following conditions:

(a) Only one (1) license may be issued at a time pursuant to the above-referenced lottery system event.

(b) Only one (1) application to sell distilled spirits by the package shall be selected at each lottery system event.

(c) The application drawn from the lottery system shall be presented to the city council for action on the approval of the license to be issued under this article.

(d) Upon the issuance of a license to sell distilled spirits by the package, no less than 120 calendar days shall pass before the city shall accept any additional applications for a license to sell distilled spirits by the package. Any applications previously submitted but not selected through a prior lottery system event must be resubmitted in accordance with this article.

(8) No licensee shall be authorized to possess or maintain more than one license pursuant to the provisions of this article. Additionally, no person, whether directly or indirectly, shall hold any ownership interest, financial interest, or managerial role in any other entity, partnership, corporation, or similar organization that possesses or maintains a license under this article.

#### **Sec. 6-140. – Distance Requirements**

No holder of a retail package sale license for distilled spirits shall be permitted to operate within 5,280 feet of another licensee holding the same type of license. For the purposes of this provision, the distance shall be measured in a straight line from the nearest property line of the premises of the existing licensee to the nearest property line of the premises of the proposed licensee, without regard to the path of travel or intervening structures.

#### **Sec. 6-141. - Hours and days of sale**

(a) Retail package licensees shall not engage in the sale of distilled spirits except between the hours of 7:00 a.m. and 12:00 midnight Monday through Saturday.

(b) Retail package distilled spirits shall not be sold at any time in violation of any state law or local

ordinance or regulations or of any special order of the mayor and city council.

#### **Sec. 6-142. – Use of tags or labels to indicate prices.**

Retailers shall indicate plainly by tags or labels on the bottles or containers or on the shelf immediately below where the containers are placed the prices of all alcoholic beverages exposed or offered for sale.

#### **Sec. 6-143. – Quantity sale requirements.**

Single cans or bottles or other properly packaged containers of alcoholic beverages may be sold.

#### **Sec. 6-144. – Sanitary regulations, immoral conduct, etc.; inspection and report by fire department.**

(a) All licensed premises shall be kept clean and in proper sanitary condition and in full compliance with the provisions and regulations governing the condition of premises used for the storage and sale of food for human consumption. It shall be unlawful to permit any disturbance of the peace, obscenity, or public indecency on the licensed premises.

(b) The fire department shall, upon request of the city clerk, inspect such premises and report its findings to the city clerk. All premises licensed hereunder shall conform at all times with all fire regulations of the city.

#### **Sec. 6-145. – Slot machines, etc., prohibit on premises.**

No holder of a retail package sale license for distilled spirits shall be permitted to operate any slot machines, video games, mechanical music boxes, pinball machines or coin-operated amusement machines of any kind or character on the licensed premises.

#### **Sec. 6-146. – Window obstruction.**

All glass surfaces forming the exterior walls of the premises shall remain unobstructed and shall provide a clear line of sight into the interior of the premises that is licensed to sell package distilled spirits and no signs, window coverings, or other material shall be placed on or within ten feet of any exterior glass surfaces.

#### **Sec. 6-147. – Tasting events.**

(a) Eligibility. The holder of a current, valid retail package dealer license of distilled spirits and also retail package dealer license of beer and wine shall be authorized to conduct up to 52 tasting events per calendar year, subject to the following terms and conditions.

(b) Conditions. A valid retail package dealer license of distilled spirits shall allow the holder to provide samples of either malt beverages, wine, or distilled spirits to the public for consumption on the premises under the following conditions:

(1) A tasting event shall only take place on the licensed premises and only at times at which such alcoholic beverages may be lawfully sold on such licensed premises;

(2) Only one tasting event per day and only one tasting event per week may be held on the licensed premises and such tasting event shall not exceed three hours;

(3) Only one type of alcoholic beverage may be served at a tasting event, either malt beverages, wine, or distilled spirits; provided, however, that more than one brand of such type of alcoholic beverage may be offered so long as not more than four packages are open at any one time;

(4) If the tasting event is for malt beverages, a consumer shall not be served more than eight ounces of malt beverages during such tasting event. If the tasting event is for wine, a consumer shall not be served more than five ounces of wine

during such tasting event. If the tasting event is for distilled spirits, a consumer shall not be served more than one and one-half ounces of distilled spirits during such tasting event;

(5) Only alcoholic beverages that the licensee is licensed to sell on the licensed premises may be offered as part of a tasting event, and such alcoholic beverages shall be part of the licensee's inventory;

(6) Any operator or employee of the licensee may refuse to provide any brand, type, or quantity of alcoholic beverage to any consumer;

(7) Any broken package containing alcoholic beverages on the licensed premises that is not licensed for retail sales for consumption on the premises shall be kept locked in a secure room or cabinet by the operator of the licensed premises except when in use during a tasting event;

(8) Representatives and salespersons of manufacturers or wholesalers may attend a tasting event; provided, however, that such representatives and salespersons shall not host the tasting event, pour any alcoholic beverage, or provide anything of value to any consumer or to the licensee or an employee of a licensee; and

(10) Tasting events for customers shall be conducted only at a counter area constituting no more than ten percent of the entire floor area of the premises.

#### **Sec. 6-148. – Consumption prohibited.**

Excepting the provisions of section 6-147 of this article, it shall be unlawful for any person to consume any alcoholic beverage on a premises licensed for the sale of package distilled spirits. For the purpose of this section "premises" shall include the parking area immediately adjoining the premises licensed for the sale of package distilled spirits and available for the use of the customers of the licensed premises, whether or not the same are owned or leased by the licensed holder. It shall be unlawful for any licensee to permit the



consumption of alcoholic beverages on said premises or to sell unsealed (broken) package distilled spirits. If such licensee shall also have a license to sell malt beverages or wine, it shall likewise be unlawful for any such items to be consumed on the premises or to sell unsealed (broken) malt beverages or wine.

**Sec. 6-149. – Both retail sale of package beer and wine and package distilled spirits.**

For licensees who wish to operate a business which conducts both the retail sale of package distilled spirits and the retail sale of package beer or wine, in the case of conflict, the provisions of this article regulating the retail sale of package distilled spirits shall prevail, and compliance with those provisions, rather than the provisions applicable to the license permitting the retail sale of package malt beverages or wine, is required.