

ORDINANCE NO. Q4-2023

AN ORDINANCE OF THE COMMISSION OF GEORGETOWN-QUITMAN COUNTY, GEORGIA, TO AMEND CHAPTER SIX, ALCOHOLIC BEVERAGES, OF THE UNIFIED GOVERNMENT OF GEORGETOWN-QUITMAN COUNTY CODE OF ORDINANCES REGARDING SPECIAL EVENT ALCOHOL PERMITS

WHEREAS, the Charter of the Unified Government of Georgetown-Quitman County (the “Charter”) (2007 Georgia Laws, p. 4519) provides at Section 1-104 (Powers of the Unified Government) at subsection (b), in part, that,

“... the unified government shall have all rights, powers, duties, privileges, and authority that the City of Georgetown or Quitman County, or both, have under the Constitution and general and local laws of the State of Georgia at the time of adoption of this charter”; and

WHEREAS, the Commission of Georgetown-Quitman County (the “Commission”) has determined that it is in the best interest of the Unified Government to amend the Code of Ordinances, Quitman County, Georgia (“The Quitman County Code”), Chapter 6, Alcoholic Beverages to define and facilitate special event alcohol permits.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Commission that Chapter Six of The Quitman County Code (Alcoholic Beverages) shall be amended as follows:

1.

CODE AMENDMENT

Chapter 6, Alcoholic Beverages, of the Commission Code of Ordinances is hereby amended as provided in Exhibit A, attached hereto and by this reference incorporated herein.

2.

SEVERABILITY

If any portion of this Ordinance or the application thereof shall be held invalid or unconstitutional, the other provisions of this Ordinance shall not be affected, and thus, the provisions of this Ordinance are declared severable.

3.

REPEALER

All ordinances and provisions of the Commission Code of Ordinances, or portion thereof, now in effect, that is in conflict with any of the provisions of this Ordinance, is hereby repealed.

4.

EFFECTIVE DATE

This Ordinance shall become effective upon adoption by the Commission.

5.

INTRODUCTION AND PASSAGE OF ORDINANCE

Pursuant to the Georgetown-Quitman County Charter and Unification Commission, Article II, Chapter 2, Section 2-202, a summary of the underlying Ordinance was introduced at the Commission meeting held on December 18, 2023 and voted on the 9th day of January, 2024.

PASSED AND ADOPTED this 9th day of January, 2024.

**COMMISSION OF THE UNIFIED GOVERNMENT OF
GEORGETOWN-QUITMAN COUNTY, GEORGIA**

Carvel Lewis, Chairman

Danny Blackmon, Vice Chairman

Willie H. Bussey, Commissioner

David Kinsey, Commissioner

Jim Hayes, Commissioner

ATTEST:

Jason Weeks, Manager

EXHIBIT A

[The following text of the Unified Government of Georgetown-Quitman Commission County Code is to be amended by removing the ~~strike through~~ language and adding the **bold** language.]

PART II - CODE OF ORDINANCES

Chapter 6 ALCOHOLIC BEVERAGES

ARTICLE I. ALCOHOLIC BEVERAGE CONTROL

Sec. 6-1. Definitions.

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

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 making application for a Georgetown-Quitman County or state for alcoholic beverage license of any type or renewal thereof.

Application means those forms, statements and applications authorized or required under the terms and conditions of this chapter, other applicable laws and regulations of Georgetown-Quitman County and those applicable requirements of the state.

Church shall include synagogue, and any other place of permanent public religious worship which shall exist if a valid building permit has been obtained and substantial construction is underway.

College, school means those state, county, city, church or other colleges or schools teaching the subjects common in schools or colleges of the state.

County clerk means the Clerk of the Commission of Georgetown-Quitman County.

Due cause means cause for suspension, revocation, cancellation or denial of any alcoholic beverage license which shall consist of any violation of this chapter or any laws or ordinances of Georgetown-Quitman County or state, prohibiting or regulating the business of selling, transporting or dealing in alcoholic beverages or violation of ordinances, laws or regulations made pursuant to authority granted for the purpose of regulation of such businesses; or for the violation of any Georgetown-Quitman County, state or federal law involving moral turpitude, controlled substances or violation of Georgetown-Quitman County ordinances other than traffic ordinances. It shall also consist of willfully false statements or conduct of applicant for an alcoholic beverage license or renewal thereof or willful concealment of material matters of fact of obtaining or preventing another from obtaining a license hereunder.

Immediate family or member of immediate family means all persons related to each other by consanguinity or affinity within the first degree, as computed according to the civil law.

Inspector or license inspector means that person designated as license inspector of Georgetown-Quitman County and his representatives.

Interest or financial interest means a pecuniary interest and shall include any present or future, whole or partial, legal or beneficial, direct or indirect, right, power or authority or control of or in any Class I, Class II, Class III, Class IV or Class V alcoholic beverage application for license and/or license issued; it shall apply to the outright owner, co-owner, member of a partnership, or stockholder in a corporation, organized or in the process of organizing, for pecuniary gain, which owns or is to own any financial interest in any class of alcoholic beverage application and/or license issued for any class of such license within the limits of Georgetown-Quitman County and shall include any such interest in the premises from which such alcoholic beverages are sold. If any of the income from the sales of alcoholic beverages is shared, or rent, lease, etc., on which land is, or is to be paid on the basis of sales of alcoholic beverages on such land, and anyone sharing in any income or corpus of any trust fund or estate having any interest in such applications, licenses or premises shall have a financial interest therein. Also, it shall include a lender of money or other thing of value to such applicant or licensee, to anyone else for the benefit of such applicant or licensee, on interest in excess of the highest level rate allowable in this state.

License means a license granted by Georgetown-Quitman County and/or state, granted or issued upon the basis of the alleged truth of a written application therefore to sell alcoholic beverages of any kind or nature within Georgetown-Quitman County.

License year means that 12-month period for and with respect to which licenses under this chapter shall be issued. Such license year shall commence on January 1 of each year and end at midnight on the December 31 next following.

Licensee means that person duly licensed or having interest therein as licensed, by Georgetown-Quitman County to distribute, transport, sell at wholesale, retail or by the drink, alcoholic beverages of any kind or nature within Georgetown-Quitman County.

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 six percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.

Manufacturer means any maker, producer or bottler of an alcoholic beverage. The term also means:

- (1) In the case of malt beverages, any brewer.
- (2) In the case of wine, any vintner.

Minor means any person under 21 years of age.

***Non-profit Charitable Civic Organization* means an organization operating exclusively for religious, charitable, scientific, testing for public safety, literary, educational purposes, or to foster national or international sports competition, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder, member, or individual, pursuant to O.C.G.A. § 14-3-1302(a)(2).**

Off-premises sales of alcoholic beverages means the sale of alcoholic beverages of any kind or nature, kind or class in sealed, unbroken containers for consumption not on the premises of the licensee.

On-premises sales of alcoholic beverages means the sale, giving or dispensing of alcoholic beverages for consumption on the premises of the licensee.

Original/initial, when used in connection with an application for an alcoholic beverage license, means the first license granted for a given location or first use or application for use or change of use of a given application for use of a location previously licensed or approved for a license hereunder.

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

Park means property utilized for passive and/or active recreational use by the public.

Premises means those lots, plots or tracts of land upon which any structure, building, store, mobile trailer, etc., is located from which alcoholic beverages are sold, dispensed, stored, consumed or given to the public including, but not limited to, that building, structure, room or closed or partitioned-in locality whether a room, shop, structure or building wherein alcoholic beverages are sold, dispensed, stored, consumed or given to the public.

Private dwelling means a house or dwelling or structure wherein one or more persons reside at the time of the filing of an application under this chapter.

Renewal, when used in connection with an application for a license or a location, means an unrevoked alcoholic beverage license issued hereunder to a designated licensee for a designated location, on expiration of which unrevoked license the identical owners thereof, but no others, may be entitled to a new annual license for the same, but no other location.

Residence means domicile.

Restaurant means any public place kept, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen, bathrooms and dining room equipment and seating capacity of at least 50 people, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. Serving of such meals shall be the principal business conducted, with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto. No alcoholic beverages shall be sold or served unless regular meals are also being served with the alcoholic beverages. No brown bagging or "bring your own" shall be allowed. No premises shall be considered to be a restaurant if there is a distinct room set up as primarily as a drinking area rather than an eating area such that there appears to be a restaurant area and a "bar" area. To qualify as a restaurant and an eating establishment under this section, such establishment must derive at least 60 percent of its total annual gross sales of food and beverage from the sales of prepared meals and foods. A

restaurant shall have a general liability policy from an insurer licensed to do business in the State of Georgia in the amount of \$2,000,000.00.

***Special Event* means an event associated with or for the benefit of a non-profit charitable civic organization.**

Satisfactory proof means adequate or sufficient evidence to convince an unbiased, impartial, enlightened judge of the existence or nonexistence of a fact, situation or condition.

Store means a room or area wherein only the sale at retail of alcoholic beverages in the original unbroken packages, bottles, containers, etc., may be authorized under this chapter and the Revenue Tax Act to legalize and control alcoholic beverages.

Wholesale distributor of alcoholic beverages means that license issued by Georgetown-Quitman County enabling the licensee to distribute, sell, offer to sell to a bona fide Class II, Class III, Class IV or Class V license holder, at wholesale prices, alcoholic beverages in unbroken packages or containers.

Wine means any alcoholic beverage containing not more than 21 percent alcohol by volume made from fruits, berries or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this section.

(Ord. No. 02-14, 10-14-14)

Sec. 6-12. Sales in licensed premises only.

No alcoholic beverage licensee shall sell or deliver any alcoholic beverage to any person except in the licensee's place of business, **unless otherwise permitted by Georgetown-Quitman County pursuant to this chapter.**

(Ord. No. 02-14, 10-14-14)

Sec. 6-13. Means and places of receipt of delivery to retail licensee; place of sale.

Alcoholic beverages shall be received at or delivered to the premises of the retail licensee by no means other than conveyance owned and operated by a wholesale dealer with a permit from the governing body to make deliveries in Georgetown-Quitman County. Transportation of alcoholic beverages by any other means shall be grounds for revocation of a retail license and/or wholesale permit. No retail sales or deliveries of alcoholic beverages shall be made except in the place of business in which such sales and deliveries are authorized, **unless otherwise permitted by Georgetown-Quitman County pursuant to this chapter.**

(Ord. No. 02-14, 10-14-14)

ARTICLE II. LICENSES

DIVISION 2. APPLICATION

Sec. 6-80. Special Events Alcohol Permits.

- (a) *For existing consumption off-premises and/or on-premises licensed establishments.*** A special event alcohol permit may be issued to any establishment licensed to sell alcoholic beverages for consumption on-premises to allow such establishment to sell alcoholic beverages for consumption within the fixed boundaries of the physical area where a special event is proposed to be held. The licensee must submit an application and pay the required non-refundable fee(s), and, in relation to the special event alcohol permit, shall be required to comply with all licensing requirements associated with its consumption on-premises license. Notwithstanding any other term or prohibition in this chapter, the holder of the special event alcohol permit may be authorized, upon terms and conditions identified by the county manager, to pour alcohol at the special event and allow open container consumption within the fixed boundaries of the physical area where the special event is to be held. An establishment that holds a current on-premises consumption license may not receive a special event alcohol permit for package sales for off-premises consumption.
- (b) *For non-profit civic organizations.*** A special event alcohol permit may be issued to a non-profit charitable civic organization. The applicant must submit an application and pay any required non-refundable fee(s) and shall be required to comply with all licensing requirements for a consumption on-premises establishment. Notwithstanding any other term or prohibition in this chapter, the holder of a special event alcohol permit may be authorized, upon terms and conditions identified by the county manager, to pour alcohol at the special event, sell sealed packaged beer and/or wine for off-premises consumption, and allow open container consumption within the fixed boundaries of the physical area where the special event is to be held. In the event that open container consumption is so authorized within the fixed boundaries of the physical area where the special event is to be held, any other holder of a consumption on-premises license whose licensed premises is located entirely within the fixed boundary of the special event site shall likewise be authorized to allow open container alcohol consumption within the special event boundary. This open container consumption accommodation shall only be authorized, if at all, during the term of the special event.
- (c) *Submission of Application.*** All applications must be submitted at least forty-five (45) days prior to the proposed date of the special event.
- (d) *Permit not required.*** Any employee or volunteer of a non-profit charitable civic organization special event alcohol permit, working the special event in any position dispensing, selling, serving, taking orders or mixing alcoholic beverages shall not be required to obtain an alcohol seller/server permit for the special event, provided that

no person under 21 years of age may dispense, serve, or take orders for alcoholic beverages.

- (e) *Special event criteria.* The special event must be associated with and benefit the cause of a non-profit charitable civic organization.
- (f) *Sheriff's authority to revoke.* The Sheriff or his or her designee may immediately revoke any special event alcohol permit if they determine that continued alcohol sales may endanger the health, welfare, or safety of the public.
- (g) *Indemnification and Insurance.* As a condition on the issuance of a special event alcohol permit, the licensee shall indemnify and hold the Unified Government of Georgetown-Quitman County harmless from any and all claims, demands, or causes of action that may arise from activities associated with the special event. In addition, the licensee shall maintain at a minimum a one-million dollar (\$1,000,000) general liability insurance policy with the Unified Government of Georgetown-Quitman County and its elected officials, employees, or agents being named as additional insureds.

Secs. 6-81—6-95. Reserved.

DIVISION 3. FEES

Sec. 6-100. Special Events Alcohol Permit Fee

Special event alcohol permit applicants must pay the required non-refundable fee(s), as established by resolution of the Commission of Georgetown-Quitman County, before any permit or license will be issued hereunder.

Secs. 6-101—6-110. Reserved.