

ORDINANCE NO. 14 -2022

An amendment to the Code of Bryan County by repealing the existing Chapter 4, The Bryan County Alcoholic Beverage Code, in its entirety, and replacing it with the Bryan County Alcohol Ordinance, Chapter 4, Sections 4-1-1 through 4-6-2; and to repeal all other ordinances of parts of ordinances in conflict therewith.

SECTION ONE

WHEREAS, the Board of Commissioners of Bryan County ("Board of Commissioners") have determined that it is in the best interest of Bryan County to promote and protect the health, safety, morals, order, convenience, prosperity, and general welfare of the Citizens of Bryan County and to adopt the Bryan County Alcohol Ordinance; and

WHEREAS, O.C.G.A. § 3-1-1 et. seq. authorizes local governments to adopt and regulate the sale and consumption of alcoholic beverages;

WHEREAS, the Board of Commissioners has determined that the existing ordinances regulating the sale and consumption of alcoholic beverages should be amended in order further the public health, safety, and welfare, by adopting the Bryan County Alcohol Ordinance, attached hereto, in its entirety and by amending or repealing the existing Chapter 4 of the Code of Bryan County, and all other all other ordinances of parts of ordinances in conflict therewith as more particularly set forth below; and

WHEREAS, the Board of Commissioners held a first reading of the Bryan County Alcohol Ordinance on August 9, 2022, and a second read on September 13, 2022; and

NOW THEREFORE BE IT RESOLVED, the Board of Commissioners of Bryan County hereby amends Subpart A of the Code of Bryan County entitled "General Ordinances" as follows:

SECTION TWO

The Board of Commissioners of Bryan County, Georgia, hereby ordains that the adopted Code of Bryan County, is hereby amended as more particularly set forth below. It is the intention of the Board of Commissioners, and it is hereby ordained that the following provisions shall become and be made a part of the Code of Bryan County, and the Sections in the Code in the Ordinance be numbered and/or renumbered to accomplish that intention.

SECTION THREE

Subpart A of the Code of Bryan County, entitled "General Ordinances" shall be amended as follows:

1. By repealing and deleting the existing Chapter 4 of Subsection A of the Code of Bryan County, entitled "Alcoholic Beverages", in its entirety; and

2. By adopting the Bryan County Alcohol Ordinance, attached hereto, in its entirety as Chapter 4 of the Code of Bryan County.

SECTION FOUR

Severability. If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any ordinance, section, subsection, paragraph, subdivision or clause of this ordinance.

SECTION FIVE

Repealer. All ordinances or parts thereof which are in conflict with any provision or any section, subsection, paragraph, subdivision or clause of this ordinance is hereby repealed to the extent of the conflict.

SECTION SIX

Effective Date. This Ordinance shall become effective immediately upon adoption, except for those portions of the Bryan County Alcohol Ordinance that require approval by the voters of Bryan County, Georgia by referendum.

IN WITNESS WHEREOF, I have hereunto set my hand and caused this seal to be affixed, this the 13th day of September, 2022.



Chairman, Bryan County Board of Commissioners

ATTEST:



COUNTY CLERK

ARTICLE I – GENERAL RULES AND REGULATIONS

Section 4-1-1. General policies and purpose

- (a) Alcoholic beverages may be sold in Bryan 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 of Georgia.
- (b) All licenses granted by the County are a mere grant or privilege, subject to all terms and conditions imposed by the County and state law. All such licenses are subject to being revoked by the Board of Commissioners of Bryan County and any state agency with applicable authority.
- (c) Each licensee of the county shall always display the license prominently 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) Prevention and control of the sale of alcohol by unfit persons;
 - (3) Promotion of appropriate land use planning, zoning, and in accordance with the county's comprehensive plan and zoning policies;
 - (4) Protection of schools, homes, churches, parks, and other institutions; and
 - (5) Protection of the public health, safety, and welfare.
- (e) This Ordinance shall be commonly known as the "Bryan County Alcohol Ordinance".
- (f) This Ordinance shall apply to all new license applicants and renewal applications filed after the date of adoption.
- (g) Notwithstanding any provision to the contrary contained in this chapter, whenever any provision of this chapter requires or contemplates that notice will be given, such notice may be accomplished by electronic mail transmission.

Section 4-1-2. Definitions

As used in this chapter, the term:

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

Alcohol sales permit means a photographic identification card issued pursuant to Section 4-1-9 of this chapter.

Alcoholic beverage(s) means and includes all alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine as defined in this section.

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.

Barrel means 31 gallons (for malt beverages) and 53 gallons (for distilled spirits).

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

Board of Commissioners or *Board* shall mean the Board of Commissioners of Bryan County.

Brewer means a manufacturer of malt beverages.

Brewery means a premise where beer and malt beverage are manufactured.

Brewpub means any eating establishment in which malt beverages are manufactured, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36. Notwithstanding anything contained in this definition, a state licensed brewpub shall not be prohibited from retail growler sales, as defined in Section 4-1-8(e)(3), provided the brewpub licensee is also licensed for the retail sale of alcohol by the package. As used in this paragraph, the term "eating establishment" means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food; provided, however, that when determining the total annual gross food and beverage sales, barrels of malt beverages sold to licensed wholesale dealers, as authorized pursuant to O.C.G.A. § 3-5-36(2)(D), or the public for consumption off the premises, as authorized pursuant to O.C.G.A. § 3-5-36(2)(D) and (4), shall not be used.

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

Conditional license shall mean the approval granted or issued by the county to a licensee prior to the premises for the sale of alcoholic beverages being issued a certificate of occupancy.

County shall mean Bryan County, Georgia and when used in a geographical sense means the political subdivision of Bryan County, Georgia outside the municipal limits of any incorporated municipality located within Bryan County, Georgia.

Department Head shall mean the Community Development Director.

Distilled spirits means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including but not limited to, all fortified wines.

Distiller means a manufacturer.

Distillery means a premise where distilled spirits are manufactured.

Eating establishment means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

Employee means any person that acts in the capacity of a server, waiter, waitress, cashier, or clerk at the business of an alcohol license holder wherein the person's job function requires that they engage in sales transactions involving alcohol. The definition of employee shall be broadly construed, and shall include those individuals operating within the establishment of a license holder where, due to the nature of the duties performed, a customer would reasonably believe the individual is an employee of the license holder, irrespective of whether there exists documentation or other evidence of an employee/employer relationship and further irrespective of whether the individual is paid or unpaid. For purposes of this chapter, the licensee shall always be deemed an employee of the permitted business.

Farm winery means a domestic winery that has received the appropriate permit and authorization under the Bryan County Unified Development Ordinance 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 domestic winery that: (a) makes at least 40 percent of its annual production from agricultural produce grown in this state; (b) is owned and operated by persons who are engaged in the production of a substantial portion of the Georgia agricultural produce used in its annual production, and for this purpose, such production of a substantial portion of such Georgia agricultural produce shall be determined by the Revenue Commissioner of the State of Georgia; and (c) produces less than 100,000 gallons per year.

Fortified wine means any alcoholic beverage containing 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, brandy.

Hotel means every building or structure kept, used, maintained, advertised, and held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests, in which fifty or more rooms are used for sleeping accommodations. Motels meeting

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

Immediate family shall include the spouses, parents, children, brothers and sisters, related by blood or marriage.

License shall mean the formal approval granted or issued by the county to a licensee for the sale of alcoholic beverages within the Bryan County, Georgia.

Licensee means the individual licensee and in the case of a partnership, corporation, private club, or non-profit tax-exempt organization, includes both the partnership corporation, private clubs, or non-profit tax-exempt organization and the named licensee.

Micro-brewery means a brewery that manufactures a maximum of 20,000 barrels of beer and malt beverage each calendar year for sale to licensed wholesale dealers, excluding brewpubs.

Micro-distillery means a distillery with no more than 20,000 square feet of combined production, storage, retail, service and preparation space and in which at least 25 percent of the facility's production of distilled spirits by volume is sold directly to the consumer on site.

Moral turpitude means, in relation to a criminal offense, a crime that is contrary to justice, honesty, modesty, good morals or a person's duty to other people. Misdemeanors that are crimes of moral turpitude for the purpose of this chapter include, but are not limited to, theft, bad checks, shoplifting, making terroristic threats, giving a false name to a law enforcement officer, false swearing, forgery, fraud and extortion.

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.

Person means any individual, firm, partnership, cooperative, non-profit membership corporation, joint venture, association, company, corporation agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private or quasi-public.

Premises shall mean not only the structure wherein an outlet for sale of alcoholic beverages is operated under a county license but shall include all of the lot whereon said outlet is located, except where such outlet is located in a hotel or shopping center. A structurally and visibly defined area or areas within a single outlet licensed for the sale of malt beverages and/or wine by the package, which area or areas in the aggregate satisfy the food sales ratio requirements of contained in this Chapter and all other requirements of the Bryan County Alcohol Ordinance, shall be considered a separate premise such that a separate consumption on premises license may be issued for such outlet as a means of authorizing the sale of alcohol for consumption on the premise within the structurally and visibly defined area(s).

Retail consumption dealer means any person who sells distilled spirits for consumption on the premises at retail, only to consumers and not for resale.

Retailer or retail dealer means, except for distilled spirits, any person who sells alcoholic beverages either in unbroken package or for consumption on the premises, at retail only to consumers and not for resale. With respect to distilled spirits, retailer or retail dealer means any person who sells distilled spirits in unbroken packages at retail only to consumers and not for resale.

Sheriff means the Bryan County Sheriff or his/her designee.

Tasting room means an outlet for the promotion of a farm winery's wine by providing samples of such 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 may be given complimentary or for a fee.

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. Wine 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 wine does not include cooking wine mixed with salt or 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 shall mean the zoning classifications as approved for the unincorporated areas of Bryan County, Georgia.

Section 4-1-3. Qualifications for issuance of a license.

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 any individual licensee and must make sworn statements of these qualifications as part of the application process. If the applicant is a limited liability company (LLC), each member 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 having as its principal business the sale of alcoholic beverages, the majority stockholder and each principal officer of the corporation 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 having as its principal business an activity other than the sale of alcoholic beverages, 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 part of the application process. 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, 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 being 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:

- (a) No license shall be issued to an applicant who is under 21 years of age.
- (b) No license for the sale of distilled spirits by the package shall be issued to any person unless an application is accompanied by a certificate from the Judge of the Probate Court of Bryan County, Georgia, certifying that the applicant has been a bona fide resident of Bryan County for at least 12 months immediately preceding the application. The applicant may, in lieu of being a resident of Bryan County, certify and designate a resident of Bryan County who shall be responsible for any matters relating to the license. Such designated resident of Bryan County shall fully comply with all requirements contained within this chapter. All licenses, other than those issued for the sale of distilled spirits by the package, may be issued to any person who is a citizen of the United States, an alien lawfully admitted to this country as a permanent resident, or a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency.

(c) No license for the sale of alcoholic beverages may be issued to an applicant under the following circumstances:

- (1) An applicant who has been convicted under any federal, state or local law of a felony.
- (2) An applicant who has been convicted under any federal, state or local law of a misdemeanor, within a five-year period immediately preceding application, involving alcoholic beverages, gambling, tax law violations or violations relating to the Georgia Controlled Substances Act, or a misdemeanor within a ten-year period immediately preceding the application, involving moral turpitude.

For purposes of Sections 4-1-3(c)(1) and (2) above, 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 first time 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 municipal 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.

- (3) 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.
- (4) An applicant for a license to sell distilled spirits by the package or an applicant for a consumption on the premises license who has been denied or has had revoked for cause within five years of the date of his/her application any license issued to him/her by Bryan County and/or any other city, county and/or state to sell alcoholic beverages or an applicant for a package beer and wine license at an outlet in Bryan County at which the license at that outlet has been revoked for cause within five years of the date of the application where the licensee at the time of license revocation was the full or partial owner of the licensed premises.

Where the licensee at the time of revocation was leasing the licensed premises, the mandatory five-year disqualification period described immediately above shall still apply; however, the five-year disqualification period may be reduced in the discretion of the board upon a request by the owner of the premises for a hearing and upon the presentation of evidence demonstrating affirmative steps by the property owner to ensure that the

future lease holders are appropriately screened and trained, appropriate ground leases are utilized that will authorize the property owner to terminate a lease holder that violates the county's alcohol ordinance, and such other evidence or information as will otherwise mitigate, in the discretion of the board, the five-year disqualification period.

- (5) An applicant as determined by the department head, by reason of such applicant's business experience, financial standing, trade associations, personal associations, records of arrest, 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.
- (6) A location and/or applicant that is not in compliance with any federal, state or local regulation, including but not limited to, a county certificate of occupancy, state fire marshal certificate of approval, or payment of county taxes, fees or assessments. Regarding payment of county taxes, fees and assessments, this subsection shall only be applicable when it is within the power and authority of the applicant (either as the person obligated to pay such taxes, fees or assessments, or as an agent for or member, officer or principal of such person, or through contractual obligation with such person) to pay such taxes, fees or assessments.
- (d) The applicant, whether it be an individual, a partnership, a limited liability company, 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 application is for a license to sell distilled spirits by the package and the premises are leased, a copy of the lease will be furnished to Bryan County with any application to sell distilled spirits by the package. Applicants for a conditional license to sell distilled spirits by the package are not subject to this requirement; however, such applicants must supply a copy of the lease to the department head prior to selling alcohol on the premises. It shall be unlawful for a licensee selling distilled spirits by the package to enter into any agreement whereby the rental paid for the license premises is based in whole or part on the volume of sales of alcoholic beverages by the licensed business or whereby the lessor otherwise shares in the profits or receipts from the licensed business's sale of alcoholic beverages.
- (e) The named licensee shall be active in the operation of the outlet and personally 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 limited liability company,

each member 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.

- (f) No license for the retail sale of distilled spirits shall be issued to a person if that person, or a member of his immediate family, has any interest in more than two retail dealer licenses in Bryan County for the sale of distilled spirits, regardless of the degree of such interest. No person shall be issued a license for the retail sale of distilled spirits if that person, or a member of his immediate family, owns any interest in a liquor distillery, or wholesale distributorship.
- (g) 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 unincorporated area of the county is, at the time such application is made, located within a zoning classification which permits uses related to the sale of alcoholic beverages. Notwithstanding this, as part of an economic development agreement with the County, the Board of Commissioners may grant an exemption to this zoning requirement for bona fide economic development projects. Private clubs, golf courses, and marinas shall be exempt from the above zoning classification requirements and need not be located within such designations in order for a license to issue.
- (h) Distance limitations; measurements of same.
 - (1) Beer, wine, and distilled spirits consumption on the premises license. In accord with the discretion afforded by O.C.G.A. § 3-3-21(b)(3), no permit for the retail sale of alcoholic beverage for consumption on the premises shall be issued to any business that is within 100 yards of a church, government-owned treatment center, school building, education building, school grounds, or college campus. For purposes of measuring, the distance shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:
 - i. In a straight line from the front door of the structure from which alcoholic beverages are sold or offered for sale.
 - ii. To the front door of the building of a church, government-owned treatment center or a retail package store, or to the nearest property line of the real property being used for school or educational purposes.
 - (2) Package sales license. Wine and malt beverage package sales. No license shall be issued for the sale of wine or malt beverages by the package to any

business located within the minimum setback distance required by O.C.G.A. 3-3-21(a)(1)(B) and (C). For purposes of measuring the distance for wine and malt beverage package sales, distances shall be measured by the most direct route of travel on the ground, and the methodology in subsection (h)(1)(i)-(ii) shall be used.

- (3) Distilled spirits package sales. No license shall be issued for the retail sales of distilled spirits by the package to any business that is within 100 yards of any church building or within 200 yards of any school building, educational building, school grounds, or college campus. For purposes of measuring the distances for distilled spirits package sales, distances shall be measured by the most direct route of travel on the ground, and the methodology in subsections (h)(1)(i)-(ii) shall be used.
 - (4) The above setback provisions do not apply to renewal of a license or to applicants seeking a new license if the location was licensed by Bryan County to sell alcoholic beverages at any time during the 12 months immediately preceding such application.
 - (5) For the purpose of this subsection (h), 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 subsection (h), and except as otherwise specifically set forth below, childcare centers shall not be deemed school or educational buildings unless the childcare center satisfies the requirements of O.C.G.A. § 20-2-690(b), in which event the minimum setback distances required by O.C.G.A. § 3-3-21(a)(1)(A) and (B) shall apply; provided, in no event will a license be issued for the sale of distilled spirits by the package to any outlet located within 100 yards from any child care center, regardless of whether the child care center satisfies the requirements of O.C.G.A. § 20-2-690(b), if such child care center receives state or federal funding for educational programming.
- (i) 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.

Section 4-1-4. Application process.

- (a) Any person desiring to sell alcoholic beverages by the drink or by the package shall make written application to Bryan County for the appropriate license on forms required by the county and filed with Bryan County. 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 limited liability company, then each member 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 having as its principal business the sale of alcoholic beverages, the majority stockholder and each principal officer of the corporation 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 corporation having as its principal business an activity other than the sale of alcoholic beverages, 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 corporation'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) If the application is for a license authorizing the sale of distilled spirits by the package, then a certificate of residency demonstrating residency for at least the twelve months immediately preceding the application is required for the licensee or, in the alternative, the licensee must certify and designate a resident of Bryan County who shall be responsible for any matters relating to the license.
- (2) Unless waived by the department head out of recognition of the absence of any school or church building in proximity to the outlet, the application shall have attached a survey (dated no more than 180 days prior to submission of the application to the county), certified by 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 yards measured pursuant to this Chapter.

- (3) If the license is for the sale of distilled spirits by the package and the outlet is to be located on leased premises, then a copy of the lease must be attached; applicants submitting an application for a conditional license shall submit a copy of the lease or deed to the department head prior to selling alcohol on the premises.
- (4) If the applicant is a partnership, a copy of the partnership agreement, including amendments, shall accompany the application.
- (5) If the applicant is a limited liability company, a copy of the operating agreement, including amendments, shall accompany the application.
- (6) If the applicant is a corporation, a copy of the Articles of Incorporation and by-laws, including amendments, shall accompany the application.
- (7) 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, 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.
- (8) If the applicant is a private club, a copy of the Articles of Incorporation and by-laws, including amendments, shall accompany the application.
- (9) 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 Georgia Bureau of Investigation and to the Federal Bureau of Investigation, as specified under Georgia law. Each person required to sign the application for an original license and/or renewal license, must authorize Bryan County or its designated representatives to secure from any state, county, municipal or federal court, any police department and/or law enforcement agency his, her or its 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 Bryan 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 right or rights he, she or it 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 any right he, she or it may

have to preclude the county from using such information publicly in determining whether the license will be issued to such applicant.

- (10) The application shall be accompanied by any payment method deemed acceptable by Bryan County for the full amount of the license fee combined with an investigative fee pursuant to Bryan County's published schedule of fees. 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 and any employee application permit fee(s) shall be retained by the county.
 - (11) All applications for licenses shall contain a full and complete statement of all material facts which tend to show whether the applicant or applicants, or any member or members of their immediate families, 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.
 - (12) The department head may require any additional information and records he/she 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 of Georgia.
 - (13) Each applicant shall certify that applicant has read and understands 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.
- (b) Once an application, the accompanying documents described above, and the required investigative and license fees are filed with Bryan County, the Bryan County Sheriff's Office shall conduct a criminal investigation of the application and produce a written criminal investigation report concerning all information relating to 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, Bryan County shall assemble the application forms and all accompanying documents relating to investigation and processing of the application and deliver such documents to the department head for review. If the criminal investigation report shows that the applicant meets the requirements set by this chapter and the department head believes that the applicant may meet all other qualifications of this chapter, the department head shall review the application and provide referral to the board of commissioners for consideration. If the application is for a premises or building that is not yet completed, or if the department head finds that there may be conditions surrounding the application that warrant additional review or conditions, the department head shall refer the application to the board of commissioners to be scheduled at the next available meeting and shall inform the applicant in writing of such referral and the reasons behind such referral. If the criminal investigation report shows that the applicant fails to meet the requirements set by this chapter, or if the department head finds that the applicant fails to meet all other qualifications outlined by this chapter, then the department head 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/her right to appeal; said appeal to be before the board of commissioners in accordance with Section 4-1-13 of this chapter. If an applicant desires to appeal a denial by the department head, the applicant must file a written request for an appeal hearing with the department head within five business days of the date of the written notice informing the applicant of the denial by the department head.

- (c) Any application which is duly completed in accordance with this chapter, including character requirements as contained in the criminal investigation report of the Bryan County Sheriff's Office, shall be scheduled for review and a public hearing at the next regularly scheduled meeting of the board of commissioners. The public hearing shall be advertised in the county legal organ at least once, no less than 15 days prior to the date of said hearing. 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 30 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/her right to appeal; said appeal to be in accordance with Section 4-1-13 of this chapter.

- (d) In all instances in which an application is denied under the provisions of this chapter, the applicant may not reapply for the same type of license for at least one year from the final date of such denial.
- (e) Upon the issuance of a license, the licensee must have and continuously maintain in Bryan 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 must be a resident of Bryan County, Georgia. The licensee shall file the name of such agent, along with the written consent of such agent, with the department head in such form as he or she may prescribe.
- (f) Upon administrative approval by the department head, or approval by the board of commissioners of the application for a license, the department head 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 having as its principal business the sale of alcoholic beverages, the license shall be issued in the name of the corporation and in the name of the majority stockholder or a principal officer of the corporation. If the applicant is a corporation having as its principal business an activity other than the sale of alcoholic beverages, 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 limited liability company, the license shall be issued in the name of the company and in the name of one of the members. 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 submitting an application on or before May 1, shall pay the full license fee without pro-ration. Any applicant submitting an application after May 1, shall pay one-half the annual license fee. License fees are not refundable once the license is granted by the county.
- (g) 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 department head 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 4-1-13.

Section 4-1-5. Conditional approval prior to completion of premises.

When an application is for a location where the building, at the time of the application for an alcohol license, has not been issued a certificate of occupancy, the board of commissioners may issue a conditional license for such location. The applicant, or conditional licensee, is responsible for ensuring the plans for the proposed building demonstrate compliance with all provisions of this chapter and applicable provisions of this Code. No alcohol sales or consumption shall be allowed in the establishment until it has been completed in accordance with the plans and is in conformity with the requirements of the alcohol and other county ordinances and has been issued a certificate of occupancy. Any license issued under this section shall be subject to the following conditions:

- (a) A site plan must be submitted to the department of planning and community development and must have an assigned address prior to submittal of the alcohol application.
- (b) The license shall not become operational for purposes of selling alcohol until such time as the proposed outlet receives a certificate of occupancy from Bryan County.
- (c) The applicant shall be required to submit a new survey, dated no more than 30 days prior to the receipt of the certificate of occupancy, confirming distance measurements to ensure that setbacks from a school, church, childcare center, government alcoholic treatment center, and retail package store are met. The survey shall be tendered to the department head for approval.
- (d) Following receipt of a certificate of occupancy and approval of the new survey, the department head will convert the conditional license into an approved license for the sale of alcohol.
- (e) If the license is for the sale of distilled spirits by the package, a copy of the lease or deed must be submitted to the department head prior to the issuance of the approved license.
- (f) In the event that conditions (b) and (c) are not met, the conditional license issued shall be deemed null and void.

Section 4-1-6. Renewal of license.

- (a) All licenses granted under this chapter shall expire on December 31 of each year. An investigative fee in the amount published by the Board of Commissioners shall be required for renewal applications pertaining to licenses that are to be issued for even years in order to complete a criminal history report. In instances where a new named licensee has been designated, a criminal history report and investigative fee shall be required regardless of the year. 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. Late applications will begin being processed at the time of receipt, but are not guaranteed renewal prior to January 1. If a renewal is submitted after January 31, a new application shall be required because renewal eligibility will not be considered past this date.
- (b) For applications in which there are no changes of information and data contained in the original application, licensees shall file a renewal application accompanied by the requisite license fee with Bryan County upon forms prescribed by the county on or before the second Monday in December of each year without penalty. Applications for renewal filed after the second Monday in December shall be subject to a late charge of ten percent of the license fee. These applications shall be processed by county staff and do not require a public hearing.
- (c) Renewal applications containing permissible changes as noted below shall be administratively approved by the department head. Such applications must be submitted by October 1 of each year without penalty. Applications will be subject to a late charge of ten percent of the license fee if received after October 1.
- (d) Permissible changes to applications are for a new named licensee and/or new license type.
- (e) Applicants shall be required to file a new application if changes have occurred in the information and data furnished with the original application other than the permissible changes outlined above. Any changes to an applicant's criminal history will be subject to subsection (d) of section 1-9 and subsections (j) and (k) of section 1-11.
- (f) Each application for renewal will show the date of the original application and that the applicant or applicants for the renewal are familiar with applicable Georgia laws and regulations and with the rules and ordinances of the county. 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.

- (g) Each application for renewal of a license shall be approved or denied in accordance with the procedures prescribed in sections 1-3(c)(7) and 1-4 of this chapter.

Section 4-1-7. Transfer of license.

- (a) Except as otherwise provided in Section 4-1-8, 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 or heirs 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 the provision of this chapter, the licensee's successor in interest, upon filing an application for a new license, and paying the required application fees to Bryan County, may continue to operate under the terms of the prior license until such time as the new application is approved or denied by the department head. Payment of fees shall not be required of a corporation whose predecessor in interest remains the named licensee under the new license.

Section 4-1-8. 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 beer 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 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 Georgia 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 Georgia law under O.C.G.A. § 3-3-22.
- (d) The sale of alcoholic beverages is permitted on election days in outlets not located within 250 feet of a polling place.
- (e) Original consumer container.
 - (1) 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 Georgia law under O.C.G.A. § 3-3-26.
 - (2) The subsection shall not prohibit the sale of single cans or bottles or other consumer containers of malt beverages originally intended for individual sale. This subsection shall also not prohibit retailers from utilizing a "pick six" format, wherein customers select six individual bottles or cans of malt beverages for sale as a custom six-pack. Any retailer utilizing a "pick six" format must fully comply with state laws and regulations.
 - (3) The subsection shall not prohibit the sale of growlers, distilled spirits not to exceed 2,250 milliliters per consumer per day, and malt beverages not to exceed 288 ounces per consumer per day, in compliance with this subsection, by a licensee, or employee of the licensee, authorized to sell alcoholic beverages, by the package or by a licensee authorized by the state to operate a brewpub, or employee of the brewpub licensee, by the licensee

authorized by the state to operate a distillery, or by the employee of the distillery, or by the licensee authorized by the state to operate a brewery, or by the employee of the brewery. Furthermore, the filling of growlers by means of a tapped keg shall not constitute the breaking of a package as contemplated by O.C.G.A. § 3-3-26. For the purposes of this chapter, the term "growler" shall mean a bottle that is filled by a licensee or employee of a licensee with a malt beverage from a keg. Growler bottles may be glass, stainless steel, ceramic or plastic provided that plastic growlers may not be re-used. Growlers shall only be filled from kegs procured by the licensee from a duly licensed wholesaler or from inventory produced by the brewpub licensees. Customers who return used glass, stainless steel or ceramic growlers and purchase new growlers shall only be provided growlers that have been sanitized prior to filling and subsequently sealed.

- (f) No licensee, or employee of the licensee, permitted to sell distilled spirits by the package shall permit any person under the legal drinking age as prescribed by Georgia law to be in, frequent, or loiter about the licensed premises unless this person is accompanied by a parent, legal guardian, or custodian, provided, however, that this section shall not apply to persons who are employees under the terms of this chapter.
- (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 Georgia 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 Georgia law under O.C.G.A. § 3-3-26, unless the licensee holds a state brewpub license, is a state licensed distillery or a state licensed brewery, and complies with all requirements in this chapter related to retail growler sales by brewpubs, retail sales of distilled spirits by a distillery or retail sales of malt beverages by a brewery.

- (i) Except where specifically authorized herein, 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. Notwithstanding the restrictions contained in this subsection (i), duly licensed brewpubs, distilleries, and breweries shall be entitled to sell growlers as defined in section 4-1-8(e)(3), and in otherwise full compliance with this chapter.
- (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 employed or working as prescribed by Georgia 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. Notwithstanding the restrictions contained in the subsection (k), duly licensed brewpubs shall be entitled to sell growlers, as defined in section 4-1-8(e)(3) in compliance with this chapter. 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; provided that this subsection shall not prohibit the sale of alcohol on the premises of a golf course which is licensed to sell alcoholic beverages or as part of an "online curbside pickup" service. Licensees solely licensed to sell by the package may offer "online curbside pickup." "Online curbside pickup" shall not be offered by any retailer licensed to sell for consumption on the premises. Online purchased goods must be delivered to the customer's vehicle and the vehicle must be located within a clearly designated pickup area located within a paved parking area adjacent to the place of business. Any employee delivering alcoholic beverages to a vehicle for "online curbside pickup" must confirm the individual receiving the alcoholic beverages is at least 21 years of age. It shall be unlawful to sell or dispense alcoholic beverages from "drive-in" or service windows. 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, where applicable, in full compliance with provisions and regulations governing the conditions of the 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, video machines, or similar machines which are in violation of the gambling provision of the State of Georgia, 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. No games of any type are allowed in outlets licensed for the sale of distilled spirits by the package. Pool tables, pinball, electronic, or similar machines not in violation of the gambling laws of the State of Georgia are permitted in outlets authorized to sell alcoholic beverages by the drink.
- (o) When a change occurs in the relationship of any person, or in the status of any property or license, or any change in payments 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 Bryan County and then forwarded to the department head. Failure to do so within 14 days after such change shall, unless such time limit is extended for good cause, will be sufficient reason for cancellation of a license granted pursuant to the provisions of this chapter. In the event that a licensee, other than a sole proprietorship, seeks to change one, but not both of the following: (a) the named individual licensee: or (b) the partnership, limited liability company, corporation, private club, or non-profit tax exempt organization licensee contemplated by the definition of the term 'licensee' contained in section 4-1-2 of this Chapter, the application may be administratively amended by submitting a written request to the department head and, in the case of a named individual licensee, attaching a new personal statement along with an investigative fee in the amount of the fees disclosed in Bryan County's fee schedules. The new named licensee shall satisfy the qualification requirements set forth in subsections (1) and (2) immediately below.
 - (1) Named individual licensee qualification requirements:
 - i. No prior arrests or convictions in violation of the requirements set forth in Section 4.

- ii. Not more than one citation issued for a violation of the Bryan County Alcoholic Beverages Ordinance regarding the licensed outlet within the past two years.
- (2) Partnership, limited liability company, corporation, private clubs, or non-profit tax-exempt organization licensee qualification requirements: not more than one citation issued for a violation of the Bryan County Alcoholic Beverages Ordinance regarding the licensed outlet within the past two years.
- (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 by state law or in this Chapter.

Section 4-1-9. Alcohol Sales Permits

- (a) An alcohol sales permit shall be required for those employees who meet any one or more of the following criteria:
 - (1) Any employee of a package outlet whose primary business is the sale of alcoholic beverages;
 - (2) Any employee who serves alcoholic beverages at an outlet with a consumption on the premises license, which shall include, but shall not be limited to, taking of order(s), dispensing or serving alcoholic beverages, and checking identification(s); or
 - (3) Any employee of a package outlet whose duties include conducting alcohol sales transactions or who will be on duty alone at such establishment.
- (b) Any person employed by a licensee under this chapter who is required to obtain an alcohol sales permit shall secure such a permit prior to beginning work on behalf of the licensee; and an employee attaining the age of 18 (or age 16, if applicable) who is otherwise required to secure an alcohol sales permit shall do so within ten days of his or her birthday. No alcohol sales permit shall be issued to any individual not satisfying the age requirements of O.C.G.A. 3-3-24.
- (c) No alcohol sales permit shall be issued until such time as the employee has completed the forms furnished by the Department and provided all information considered necessary by the county to make a decision in regard to the employee's request for permission to work in an alcoholic beverage outlet. The employee-applicant shall make himself/herself available for photographing and such other investigating as may be required by the county. The employee-applicant shall pay a fee of \$20.00 to the county for the Sheriff's Office search and report for each application. The application shall include, but shall not be limited to, an application fee (in addition to the \$20.00 search and report fee) of \$50.00 payable to Bryan County, Georgia, the name, date of birth, and prior arrest record of the employee, as well as identification of any local or state government wherein they have had an alcohol sales permit application either denied for cause or their alcohol sales permit revoked for cause and an explanation of the facts giving rise to the denial or revocation. The presence of an arrest record shall be used for investigative purposes only and shall give rise to no presumption or inference of guilt.
- (d) The Bryan County Sheriff's Office shall have a complete search made relative to any criminal record of the employee-applicant. No alcohol sales permit may be issued to an employee-applicant under the following circumstances:
 - (1) An employee-applicant who has been convicted within the last five years of any felony under any federal, state or local law.

- (2) An employee-applicant who has been convicted of any misdemeanor (for a period of one year following conviction), except for those misdemeanors identified in section 6-9(d)(3).
- (3) An employee-applicant who has two or more convictions of driving under the influence as defined under O.C.G.A. § 40-6-391 within a five-year period immediately preceding application for an alcohol sales permit or an employee-applicant who has three or more alcohol related convictions, including but not limited to, public drunkenness, underage possession or consumption of alcohol.

For purposes of subparagraphs (d)(1) and (d)(2) or (d)(3) above, 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 provisions for first time 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 municipal ordinance, or the forfeiture of a bond when charged with a crime is also considered a conviction under this chapter.

- (4) An employee-applicant who has been denied or has had revoked an alcohol sales permit by any state or local government due to an underage sales infraction shall be prohibited from receiving an alcohol sales permit in Bryan County for three years from the date of such denial or revocation.
- (5) An employee-applicant who fails to provide truthful and correct responses to questions on the alcohol sale permit application concerning information of past arrests and convictions; such employee-application may reapply for an alcohol sales permit 30 days from date of original application.

If it is found that the employee-applicant is not eligible for an alcohol sales permit, the department head shall notify the employee-applicant that they are not eligible for such employment. In the event the employee-applicant meets the qualifications of this chapter, the department head or his or her designee shall issue an alcohol sales permit to the employee stating that the person is eligible for employment. The alcohol sales permit shall be valid for 24 months from the date of issue.

- (e) Any alcohol sales permit issued by the department head to an employee may be revoked if said permit is issued through administrative error or through an error in completing the background investigation. The department head or his/her designee may revoke an alcohol sales permit and demand its surrender, pending a hearing before the board of commissioners conducted consistent with section 6-12, if the employee violates the provisions of this chapter or becomes one who adversely affects the public health, safety, and welfare or if it is discovered that the employee no longer satisfies the requirements for issuance of an alcohol sales permit. The county may conduct a new search on any permitted employee when the department head or his/her designee receives information in regard to such employee that

warrants a recheck. If the search reveals evidence that warrants cancellation of the alcohol sales permit, the employer and employee will be so notified. It shall be unlawful for the holder of an alcohol sales permit to refuse to surrender an alcohol sales permit that has been revoked or cancelled.

- (f) No licensee shall retain or hire for employment an employee required to hold an alcohol sales permit to work on the licensed premises unless the employee has confirmed they have been issued and has available for copying a valid alcohol employee sales permit. A licensee shall make a copy of such alcohol sales permit and shall maintain a copy on the licensed premises as evidence that such permit has been duly issued and is valid. A licensee may be subject to a citation for allowing an employee to work on the premises where the employee has never been issued a sales permit or where such sales permit has expired.
 - (1) A licensee that allows an employee to work with a suspended or revoked sales permit, where the violation that resulted in the suspension or revocation occurred on the licensee's premises shall be subject to a citation.
 - (2) A licensee, other than the licensee identified in subsection (f)(1), that has a copy of a valid employee sales permit on file shall not be subject to a violation for allowing an employee to continue selling and/or handling alcohol where the permit has been suspended or revoked.
 - (3) An employee that engages in the selling and/or handling of alcoholic beverages when their sales permit is suspended shall be subject to citation and permanent revocation.
- (g) An alcohol sales permit shall remain with the employee irrespective of the licensed outlet or licensee for which the employee works. An employee working in multiple license outlets in the unincorporated areas of Bryan County shall only be required to maintain a single alcohol sales permit.
- (h) All alcohol sale permits issued hereunder remain the property of Bryan County and shall be produced for inspection upon demand by any sworn officer of the Bryan County Sheriff's Office or the department head or his/her designee.
- (i) The licensee is responsible for the conduct or actions of his/her employees while in his/her 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. tit. 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.

- (j) During the 2022 calendar year, the county shall issue notification letters to those licensed outlets in the county setting forth a date by which their employees must obtain an alcohol sales permit. A failure to obtain an alcohol sales permit on or before the date identified in the county notification letter shall result in the employee becoming unpermitted and unable to engage in alcohol sales transactions.
- (k) An alcohol sales permit application should be tendered to the county prior to the expiration date of the existing permit in order to ensure there is no permitting lapse.
- (l) Issuance of an alcohol sales permit is an administrative function, but the decision to not issue an alcohol sales permit shall be subject to a hearing before the board of commissioners consistent with Section 4.

Section 4-1-10. Regulation of premises

- (a) A licensee authorized to sell distilled spirits by the package shall affix to each bottle or container of distilled spirits, or to the edge of the shelf whereon such bottles or containers are located directly beneath such bottles or containers, a tag showing the prices of individual bottles or containers. A licensee authorized to sell alcoholic beverages for consumption on the premises shall display inside the place of business their 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) Visual obstructions must not be erected to prevent a clear view into retail establishment premises.
- (d) The licensee shall post in a prominent location on the licensed premises, in a manner where by it may be easily viewed by patrons, an approved sign setting forth or summarizing the laws of Bryan County and the State of Georgia in regard to the sale of alcoholic beverages to underage, intoxicated, or pregnant persons. Each sign shall be of a size and configuration approved by the Department of Revenue of the State of Georgia and said sign shall be made available to said licensee by the department head at a price to be established by the county.

Section 4-1-11. Suspension or revocation of license

Any 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 4-1-13, and upon the following occurrences:

- (a) Any licensed outlet that is found to be in violation of this chapter shall be subject to a criminal citation and prosecution as outlined in Section 4.
- (b) Every license issued by the county for the sale of alcoholic beverages shall be immediately revoked in case of levy of legal process, or failure to promptly account for and pay the excise tax levied on the sale of alcoholic beverages.
- (c) Except as provided for transfers under Section 4 above, any change in the ownership of any entity owning a licensed outlet shall cause the board of commissioners to immediately revoke any license issued under this chapter.
- (d) Any licensee, who shall for a period of three consecutive months, ceases to operate the business and engage in the sale of the product or products authorized in the said license, shall, after said three-month period, cause the board of commissioners to immediately revoke the license, and no refund of any fees paid pursuant to this chapter shall be made.
- (e) A license may be immediately suspended or revoked by the board of commissioners 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.
- (f) Whenever the state shall revoke any permit or license to sell alcoholic beverages, the county license shall thereupon be immediately revoked.
- (g) Any licensed outlet for the sale of distilled spirits by the drink and any licensed outlet engaging in sale of alcoholic beverages on Sundays shall be subject to immediate license revocation by the board of commissioners if said outlet fails to meet the appropriate percentage requirements regarding the sale of food on the premises for two consecutive months.
- (h) The board of commissioners shall immediately 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.

- (i) The board of commissioners shall immediately revoke the license for any premises where alcoholic beverages have been sold or distributed during a period of suspension.
- (j) It shall be a violation of the 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, county, or municipal governing authority or regulatory agency. A violation of this subsection shall subject the license to immediate suspension or revocation.
- (k) 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 immediate suspension or revocation.
- (l) Any license shall automatically expire on December 31 of each year unless renewed in accordance with this chapter.

Section 4-1-12. Enforcement.

- (a) Any violation of this chapter, excluding sales to underage persons, shall subject the licensee to the following progressive actions by the board of commissioners, except for those violations and occurrences set forth in Section 4 above that provide for immediate suspension or revocation upon notice and hearing;
 - (1) The first violation shall result in a warning letter.
 - (2) The second violation within a consecutive 24-month period shall result in license suspension for a period of not less than 30 days nor more than 90 days.
 - (3) The third violation within a consecutive 24-month period shall result in a license suspension for a period of not less than 90 days nor more than six months.

For any license suspension of less than 30 days, the licensee will not be required to remove alcoholic beverages from the premises, but shall be required to secure with lock and chain all refrigeration units containing alcoholic beverages, and remove non-refrigerated alcoholic beverages to an on premise locked storage area out of view of the public.

Nothing contained in this subsection shall be construed to preclude the board of commissioners from suspending or revoking a license or alcohol sales permit for a period exceeding those periods identified in sections Section 4-1-13 or from revoking the license or alcohol sale permit 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 all cases except violations identified in subsection (d), the mandatory 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 and established procedures to properly train and supervise employees to prevent the violation from occurring.

- (b) In addition to the available actions to be taken by the board of commissioners, individuals who violate this chapter shall be subject to criminal citation and prosecution by the Bryan County Sheriff's Office or county code enforcement. Each violation of this chapter shall constitute a separate violation subject to separate citation and penalties. The criminal penalties may result in a fine not to exceed \$1,000.00, imprisonment not to exceed 60 days, or both.
- (c) Progressive actions for violations.
 - (1) A finding of guilt, either by plea or adjudication, in magistrate court of an employee's violation of this chapter, excluding sales to underage persons, shall subject an employee of a licensed establishment to the following progressive actions:
 - i. Regarding a first violation, suspension of the employee's alcohol sales permit for a period of 14 days by the department head. The department head shall provide written notice to the employee of the administrative sanction imposed pursuant to this subparagraph, with the suspension to

begin 30 days after the finding of guilt. The employee shall have 30 days from the date of the finding of guilt to appeal the automatic suspension to the board of commissioners pursuant to section 4-1-13. The appeal must be filed with the department head. In the absence of a timely appeal, the automatic suspension shall commence on the 31st day following the finding of guilt. In the event an appeal is timely filed, the appeal will stay imposition of the suspension until the date of the mandatory hearing before the board of commissioners, which shall be scheduled by the department head for the next available agenda following receipt of the appeal. Following the hearing, the board of commissioners may institute the suspension, waive the suspension, or take such other action as is warranted.

- ii. Regarding a second violation, suspension of the alcohol sales permit for a period of 180 days by the department head. The department head shall provide written notice to the employee of the administrative sanction imposed pursuant to this subparagraph, with the suspension to begin 30 days after the finding of guilt. The employee shall have 30 days from the date of the finding of guilt to appeal the automatic suspension to the board of commissioners pursuant to section 4-1-13. The appeal must be filed with the department head. In the absence of a timely appeal, the automatic suspension shall commence on the 31st day following the finding of guilt. In the event an appeal is timely filed, the appeal will stay imposition of the suspension until the date of the mandatory hearing before the board of commissioners, which shall be scheduled by the department head for the next available agenda following receipt of the appeal. Following the hearing, the board of commissioners may institute the suspension, waive the suspension, or take such other action as is warranted.
- iii. Regarding a third violation, an alcohol sales permit suspension for a period of two years by the department head. The department head shall provide written notice to the employee of the administrative sanction imposed pursuant to this subparagraph, with the suspension to begin 30 days after the finding of guilt. The employee shall have 30 days from the date of the finding of guilt to appeal the automatic suspension to the board of commissioners pursuant to section 4-1-13. The appeal must be filed with the department head. In the absence of a timely appeal, the automatic suspension shall commence on the 31st day following the finding of guilt. In the event an appeal is timely filed, the appeal will stay imposition of the suspension until the date of the mandatory hearing before the board of commissioners, which shall be scheduled by the department head for the next available agenda following receipt of the appeal. Following the hearing, the board of commissioners may institute

the suspension, waive the suspension, or take such other action as is warranted.

- iv. A fourth violation shall result in the permanent revocation of the employee's alcohol sales permit by the department head. The department head shall provide written notice to the employee of the administrative sanction imposed pursuant to this subparagraph with the revocation to begin 30 days after the finding of guilt. The employee shall have 30 days from the date of the finding of guilt to appeal the automatic suspension to the board of commissioners pursuant to section 4-1-13. The appeal must be filed with the department head. In the absence of a timely appeal, the automatic revocation shall commence on the 31st day following the finding of guilt. In the event an appeal is timely filed, the appeal will stay imposition of the revocation until the date of the mandatory hearing before the board of commissioners, which shall be scheduled by the department head for the next available agenda following receipt of the appeal. Following the hearing, the board of commissioners may institute the revocation, waive the revocation, or take such other action as is warranted.

- (2) Employees shall have a right of appeal to the board of commissioners pursuant to Section 4. A failure of any employee to attend a scheduled hearing, after requesting same, before the board of commissioners shall result in the automatic suspension of the employee's permit for of 90 days or the maximum duration otherwise authorized by this subsection, whichever is longer.

- (d) A sworn officer of the Bryan County Sheriff's Office, the department head, or his/her 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.

- (e) In order to ensure that the licensed premises are kept clean, and are in full compliance with all ordinance and regulations of Bryan County and the State of Georgia, the additional following representatives are authorized to inspect regularly the licensed premises;

- (1) Representatives of the Bryan 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 Bryan County and State of Georgia health rules and regulations and report any violations to the department head.

- (2) The Bryan 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 Bryan County and State of Georgia fire regulations and report any violations to the department head.
 - (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 department head.
- (f) 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 department head or any designated county employee or any outside agent or agents for the county upon approval of such outside agent or agents by the department head. Further, all licensees for the sale of distilled spirits by the drink and for the sale of alcoholic beverages on Sundays shall keep and preserve records of all food and non-alcoholic beverages purchased and sold by said licensees. Such records shall be kept for three years from the date of purchase and sale and shall be at all times open for audit and inspection by the department head and the Bryan County Sheriff, and/or any designated county and Sheriff's Office employee and/or any outside agent or agents of the county upon approval of said outside agent or agents by the department head. In the event an audit is called for by the department head, the department head shall notify the licensee of the date, time and place of the audit.

Section 4-1-13. Hearing on denial, suspension, or revocation.

- (a) Upon receipt of a timely appeal (accompanied by the fee published by Bryan County for the purposes of a hearing made payable to Bryan County, Georgia) of a denial of a license, upon presentation of evidence to the department head of a violation of this chapter, or upon a showing to the department head of any of the other occurrences set forth in Section 4 as grounds for suspension or revocation, the department head shall schedule a hearing before the board of commissioners or their appointee and provide written notice to the adverse party of the time, place and date of the scheduled hearing. The department head shall also state in the written notice, in reasonable detail, the 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 department head and the adverse party and/or counsel for the adverse party.
- (b) The board of commissioners or their appointee shall have the duty of conducting a hearing 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 finding and conclusions to the board of commissioners and to the department head.
- (c) At the hearing, after presentation of the case against the adverse party, the adverse party will have an opportunity to present his/her case, to rebut the allegations made against him/her, and present whatever defenses he/she 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 department head and it shall be the duty of the department head to provide written notification to the adverse party of the actions of the board of commissioners, which actions shall comport with Section 4 of this article.
- (e) The decision of the board of commissioner shall be final unless the applicant timely files a petition for writ of certiorari and follows all applicable requirements concerning the proper and timely petition for writ of certiorari to the Superior Court of Bryan County, Georgia, within 30 days of the department head 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.
- (g) Upon the suspension of a license, the licensee shall be required to prominently post a sign on all entrances to the outlet. Required signs shall be posted prior to the start of the suspension period and shall remain in place throughout the duration of the suspension period. The signs shall be provided by the department head and shall state the length of the suspension and the reason for the suspension.

ARTICLE II – DISTRICTS, SPECIAL EVENTS, CATERING

Section 4-2-1. Special provisions in the Bryan Entertainment District

- (a) The provisions of this section are intended to set forth certain exceptions and provisions that are applicable to licensees who hold licenses to sell alcoholic beverages for consumption on the premises located within the Bryan Entertainment District or who have special event permits for events located within the Bryan Entertainment District.
- (b) As used in this section, the “Bryan Entertainment District” shall mean the buildings, property, and other improvements in the areas determined by the Board of Commissioners to be the Bryan Entertainment District, including any future development in such areas. The Board of Commissioners may, from time-to-time, add, remove, or otherwise modify the Bryan Entertainment District.
- (c) Outside consumption of alcohol beverages by the drink shall be permitted within the Bryan Entertainment District under the following conditions:
 - (1) Any licensee who desires to sell alcoholic beverages by the drink for outside consumption within the Bryan Entertainment District must possess an alcohol beverage license, in good standing, with the State of Georgia and Bryan County.
 - (2) Any duly licensed establishment is authorized to dispense alcoholic beverages in clear plastic cups not to exceed sixteen (16) ounces for consumption outside within the Bryan Entertainment District. Dispensing alcoholic beverages in a can, bottle, or other glass container for consumption outside is prohibited.
 - (3) No establishment shall dispense to any single person more than two (2) alcoholic beverages at any given time for outside consumption.
 - (4) No alcoholic beverages shall be sold and/or consumed within the Bryan Entertainment District except within the authorized hours of sale.
- (d) The following additional regulations shall be strictly adhered to:
 - (1) No person shall possess any open can, bottle, or other glass container of alcoholic beverages for outside consumption.
 - (2) No person shall possess a container of alcoholic beverages for outside consumption in excess of sixteen (16) ounces.

- (e) Nothing in this section shall relieve applicants from complying with all other provisions of state law and Bryan County ordinances.

Section 4-2-2. Special provisions in large-scale mixed-use developments

- (a) The provisions of this section are intended to set forth certain exceptions and provisions that are applicable to licensees who hold licenses to sell alcoholic beverages for consumption on the premises located within the qualified mixed-use developments or who have special event permits for events located within the qualified mixed-use developments.
- (b) As used in this section, “qualified mixed-use developments” shall mean a mixed-use development consisting of at least a mix of residential and commercial uses, with at least ten percent (10.00%) of the development being commercial uses.
- (c) Outside consumption of alcoholic beverages by the drink shall be permitted within qualified mixed-use developments under the following conditions:
 - (1) Any licensee who desires to sell alcoholic beverages by the drink for outside consumption within qualified mixed-use developments must possess an alcohol beverage license, in good standing, with the State of Georgia and Bryan County.
 - (2) Any duly licensed establishment is authorized to dispense alcoholic beverages in clear plastic cups not to exceed sixteen (16) ounces for consumption outside within qualified mixed-use developments. Dispensing alcoholic beverages in a can, bottle, or other glass container for consumption outside is prohibited.
 - (3) No establishment shall dispense to any single person more than two (2) alcoholic beverages at any given time for outside consumption.
 - (4) No alcohol beverages shall be sold and/or consumed within qualified mixed-use developments except within the authorized hours of sale.
- (d) The following additional regulations shall be strictly adhered to:
 - (1) No person shall possess any open can, bottle, or other glass container of alcoholic beverages for outside consumption.
 - (2) No person shall possess a container of alcoholic beverages for outside consumption in excess of sixteen (16) ounces.
- (e) Nothing in this section shall relieve applicants from complying with all other provisions of state law and Bryan County ordinances.

Section 4-2-3. Special provisions in food halls

- (a) The provisions of this section are intended to set forth certain exceptions and provisions that are applicable to licensees who hold licenses to sell alcoholic beverages for consumption on the premises located within food halls or who have special event permits for events located within food halls.
- (b) As used in this section, “food halls” shall mean a collection of establishments selling food and/or alcoholic beverages for consumption by the public on premises and within defined common areas, where at least fifty percent (50%) of the vendor square footage of the food hall is used for the purpose of food preparation, sales, and consumption. A food hall may be operated as a stand-alone establishment or as part of a larger development.
- (c) Common area consumption of alcoholic beverages by the drink shall be permitted within food halls under the following conditions:
 - (1) Any licensee who desires to sell alcoholic beverages by the drink for outside consumption within food halls must possess an alcohol beverage license, in good standing, with the State of Georgia and Bryan County.
 - (2) Any duly licensed establishment is authorized to dispense alcoholic beverages in clear plastic cups not to exceed sixteen (16) ounces for consumption within common areas. Dispensing alcoholic beverages in a can, bottle, or other glass container for consumption outside is prohibited.
 - (3) No establishment shall dispense to any single person more than two (2) alcoholic beverages at any given time for outside consumption.
 - (4) All alcoholic beverages must be sold and/or consumed within food halls within the authorized hours of sale.
- (d) The following additional regulations shall be strictly adhered to:
 - (1) No person shall possess any open can, bottle, or other glass container of alcoholic beverages for common area consumption.
 - (2) No person shall possess a container of alcoholic beverages for common area consumption in excess of sixteen (16) ounces.
- (e) Nothing in this section shall relieve applicants from complying with all other provisions of state law and Bryan County ordinances.

Section 4-2-4. Special event and catering permit.

- (a) Any person may be issued a temporary alcoholic beverage permit for special events. The fee for a temporary alcoholic beverage permit for special events shall be according to a fee schedule adopted by the Board of Commissioners. Such a permit has the effect of a license issued pursuant to the provisions of this chapter authorizing sale by the drink for on-premises consumption. The application for a special events permit must be filed with the Community Development Department at least 30 days prior to the date of the special event and must show reasonable provision for security during the event, particularly as to access by minors. The Bryan County Sheriff's Department shall review all applications. Special event permits will not be granted for an event lasting a period of more than seven days. The event does not need to take place on licensed premises or in a permanent structure. No applicant will be granted more than six special event permits during any calendar year. An application submitted by the spouse, child, parent, brother, or sister of an applicant will be considered an application submitted by that applicant. Applicants must be a living person. The hours of any such special event must be between 9:00 a.m. and 12:00 a.m. Monday through Saturday. Alcoholic beverages may be sold on Sundays pursuant to this section between the hours of 11:00 a.m. and 12:00 a.m. A special event permit may be immediately revoked by the Bryan County Sheriff or department head in an emergency situation in which continued operation of the premises by the licensee endangers the health, welfare or safety of the public.
- (b) A "special event" for the purposes of this Section is an occurrence taking place somewhere other than a licensed premises.
- (c) In addition for special events as set forth in subsection (a), a food caterer may be issued a permit for an authorized catered function. The food caterer must comply with all other provisions of this Chapter and O.C.G.A. § 3-11-1 et. seq. concerning catering functions.

ARTICLE III – HOURS & DAYS OF SALE

Section 4-3-1. Hours of operation

- (a) License holders may engage in the sale of alcoholic beverages for on-premises consumption Monday through Saturday from 9:00 a.m. until 1:55 a.m. the following day. All licensed premises must close their premises to the public and clear their premises of patrons within thirty (30) minutes after the time set by this section.
- (b) Retailers of distilled spirits must not engage in the sale of such distilled spirits nor permit their place of business to be open except between the hours of 7:00 a.m. and 11:45 p.m. Monday through Saturday, unless otherwise prohibited. .
- (c) Retailers must not engage in the sale of wine or malt beverages, nor permit their place of business to be open for the sale of wine and malt beverages by the package, except between the hours of 7:00 a.m. and 11:45 p.m. Monday through Saturday, unless otherwise prohibited.
- (d) Notwithstanding anything to the foregoing, the hours of operation should be construed to be the maximum hours permissible by state law. All references to hours of operation shall be determined by Eastern Standard Time or Eastern Daylight Time

Section 4-3-2. Sunday Sales.

- (a) License holders must not permit the sale of any alcoholic beverages on Sunday, except in compliance with O.C.G.A. § 3-3-7.
- (b) The sale of alcoholic beverages for consumption on the premises is permitted on Sundays from 11:00 a.m. until 12:00 midnight in:
 - (1) Any licensed establishment which derives at least fifty percent (50%) of its total annual gross sales from the sale of prepared meals or foods in all of the combined retail outlets of the individual establishment where food is served;
 - (2) Any licensed establishment which derives at least fifty percent (50%) of its total annual gross income from the rental of rooms for overnight lodging;
 - (3) Any publicly owned civic and cultural center capable of serving prepared food with a full service kitchen (a full service kitchen shall consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the community development, health and fire departments), prepared to serve food every hour it is open and deriving at least 70 percent of its total annual gross sales from the sale of prepared meals or foods and recreational, promotional or entertainment or operational activities; or
 - (4) A public stadium, coliseum or auditorium.
- (c) The sale of package alcohol is permitted on Sundays from 12:30 p.m. until 11:30 p.m.
- (d) Alcoholic beverages may be sold for consumption on the premises from 12:00 midnight to 1:55 a.m. on any Monday which is New Year's Day, January 1, of any such year.

Section 4-3-3. Election day & holidays

- (a) The sale of alcoholic beverages is authorized on any election day, in conformity with O.C.G.A. § 3-3-20.
- (b) The sale of alcoholic beverages on Christmas, Thanksgiving, and all other holidays is authorized to the greatest extent as provided by O.C.G.A. § 3-3-20, but must otherwise comply with all other provisions of this Chapter and Georgia law.

ARTICLE IV – RETAIL SALES

Section 4-4-1. Permitted locations for retail sale of distilled spirits for on-premises consumption.

No distilled spirits may be sold for on-premises consumption except:

- (a) In eating establishments as defined in this chapter.
- (b) In indoor commercial recreation establishments deriving at least seventy percent (70%) of its total annual gross sales from the sale of prepared meals, foods or recreation activities, in the aggregate.
- (c) In an indoor publicly owned civic and cultural center.
- (d) In indoor entertainment halls.
- (e) In public stadiums, coliseums, or auditoriums.
- (f) In food halls.
- (g) In an indoor commercial recreation establishment, hotel, or thereafter that is a part of a qualified mixed-use development as defined in this Chapter.
- (h) From a mobile food service unit located within a qualified mixed-use development and/or with a special event permit.
- (i) Notwithstanding anything herein to the contrary, any eating establishment that sells distilled spirits for on-premises consumption must be located in a zoning district which permits restaurants as conforming uses or where eating establishments are incidental to a hotel or motel.
- (j) Notwithstanding anything herein to the contrary, retail sales of distilled spirits shall be allowed in a tasting room operated by a micro-distillery licensed pursuant to state law.

Section 4-4-2. Permitted locations for retail sale of malt beverages and wine for on-premises consumption.

No malt beverages or wine may be sold for on-premises consumption except:

- (a) In eating establishments as defined in this chapter.
- (b) In indoor commercial recreation establishments deriving at least seventy percent (70%) of its total annual gross sales from the sale of prepared meals, foods or recreation activities, in the aggregate.
- (c) In an indoor publicly owned civic and cultural center.
- (d) In indoor entertainment halls.
- (e) In public stadiums, coliseums, golf courses, or auditoriums.
- (f) In food halls.
- (g) In an indoor commercial recreation establishment, hotel, or thereafter that is a part of a qualified mixed-use development as defined in this Chapter.
- (h) From a mobile food service unit located within a qualified mixed-use development and/or with a special event permit.
- (i) In a microbrewery.
- (j) Notwithstanding anything herein to the contrary, any eating establishment that sells malt beverages or wine for on-premises consumption must be located in a zoning district which permits restaurants as conforming uses or where eating establishments are incidental to a hotel or motel.
- (k) Notwithstanding anything herein to the contrary, retail sales of wine spirits shall be allowed in a tasting room operated by a farm winery licensed pursuant to state law.

Section 4-4-3. Retail package sales.

- (a) Distilled spirits by the package may be sold at retail, by the package, only in:
 - (1) Outlets duly licensed to sell distilled spirits by the package; and state licensed distilleries.
 - (2) Outlets which are devoted exclusively to the retail sale of distilled spirits, beer, and wine by the package with ingress and egress provided directly to and only to the exterior of the building in which the facility is located and not to any other enclosed part of the building or any adjoining building.
 - (3) Nothing in this section shall be construed to prohibit the retail sale within these outlets of mixes and other liquids normally used in the preparation and serving of distilled spirits. It is the intention of this section to allow the retail sale of distilled spirits by the package only in outlets devoted exclusively to the sale of distilled spirits, beer, and wine, and to prohibit such sales in outlets that sell groceries, food, gasoline, and other such commodities.
- (b) Beer and wine may be sold at retail, by the package only in:
 - (1) Outlets duly licensed to sell distilled spirits by the package.
 - (2) Outlets maintaining fifty percent (50%) of the floor space and storage in a manner which is devoted principally to the retail sale of other food, groceries, and/or merchandise.
 - (3) A state-licensed brewpub, or a state licensed brewery solely for malt beverage.
 - (4) Hotels maintaining seventy-five percent (75%) of the floor space of the hotel pantry area in a manner which is devoted principally to the retail sale of other foods, groceries, and general merchandise.
- (c) It shall be unlawful for any person to consume any alcoholic beverages on premises licensed for the sale of distilled spirits, beer, or wine by the package, excluding state licensed distilleries. It shall be unlawful for any licensee authorized to sell by the package to open for, or break the package for, a purchaser and/or otherwise permit the consumption of alcoholic beverages on said premises.
- (d) Licensees shall indicate by plain tags or labels on the bottles, containers, or on the shelf immediately below the bottles and containers, the prices of all distilled spirits, malt beverages, and/or wine offered for sale. The licensee shall not display prices or brand names in such a way to be visible from the outside of the premises.

ARTICLE V – PRIVATE CLUBS, WHOLESALERS, BREWPUBS, FARM WINERIES, MICRODISTILLERIES

Section 4-5-1. Private Clubs

- (a) For the purpose of this Section,
 - (1) A “private club” is any nonprofit association organized under the laws of Georgia which:
 - i. Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this Section;
 - ii. Has at least 75 regular dues paying members;
 - iii. Owns, hires or leases a building or space within a building for the reasonable use of its members with a suitable kitchen and dining room space and equipment, and a sufficient number of employees for cooking, preparing and serving meals for its members and guests; and
 - iv. 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.
 - (2) A “fixed salary” is the amount of compensation paid any member, officer, agent, or employee of a bona fide 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 on any profits from the sale of alcoholic beverages. For the purpose of this definition, tips or gratuities which are added to the bills under club regulation shall not be considered as profits from the sale of alcoholic beverages.
- (b) 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 of Bryan County.
- (c) Veterans' organizations, fraternal organizations, and other nonprofit organizations currently having tax exempt status under either the United States Internal Revenue Code or the state income tax law shall not be required to operate a food establishment serving prepared food. However, any such organization selling or dispensing alcoholic beverages shall be subject to all ordinance regulations dealing with general licensing and consumption on the premises establishments

Section 4-5-2. Wholesalers.

- (a) Any wholesale dealer in alcoholic beverages licensed by the State of Georgia or the agent of such wholesale dealer, may be granted a license to distribute such beverages to licensed retailers or dealers in the unincorporated areas of the county upon application for such license to the department head and the presentation of satisfactory evidence that he understands the alcoholic beverage rules and regulations of the county and the conditions under which retail licenses are issued. The applicant 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 application is for a license for wholesale distilled spirits by the package and the premises are leased, a copy of the lease will be furnished to Bryan County. It shall be unlawful for a licensee for the wholesale sale of distilled spirits to enter into any agreement whereby the rental paid for the license premises is based on whole or part on the volume of sales of alcoholic beverages by the licensed business or whereby the lessor otherwise shares in the profits or receipts from the licensed business's sale of alcoholic beverages. No wholesale license shall be issued to any person convicted of a felony under federal, state, or local law who has served any part of a criminal sentence, including probation, within the ten years immediately preceding the date of receipt of submission of the application.
- (b) A wholesale of alcoholic beverages sold in the county whose principal place of business is in the county shall pay to Bryan County annual license fees pursuant to the Board of Commissioner's published fee schedule.
- (c) 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 wholesaler shall sell any alcoholic beverages to a retailer licensed under this chapter without first obtaining from said retailer a copy of said retailer's current and valid Bryan County alcohol license. 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.
- (d) 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.
- (e) This section shall not prohibit a properly licensed brewpub from selling barrels of beer to licensed wholesale dealers for distribution to retailers and retail consumption dealers in accordance with the requirements of this chapter.

Section 4-5-3. Brewpubs

- (a) No person, corporation, partnership or other legal entity shall be issued a brewpub license without first obtaining a retail consumption license.
- (b) A brewpub license authorizes the holder of such license to:
 - (1) Manufacture malt beverages on the licensed premises for retail sale directly to consumers or to licensed wholesale dealers for distribution to retailers and retail consumption dealers in an amount not to exceed the quantity authorized by state law for a calendar year.
 - (2) Notwithstanding any other provisions in this chapter, sell such malt beverages to licensed wholesale dealers for distribution to retailers and retail consumption dealers in an amount not to exceed the quantity authorized by state law for a calendar year.
 - (3) Notwithstanding any other provisions in this chapter, sell growlers or carry-out packages of malt beverages manufactured on the licensed premises directly to consumers.
- (c) Authorization of microbrewery license holder. A microbrewery license authorizes the holder of such license to:
 - (1) Notwithstanding any other provisions in this chapter, sell such malt beverages directly to consumers for consumption on premises or off premises in an amount not to exceed the quantity authorized by state law for a calendar year.
 - (2) Sell malt beverages manufactured on the licensed premises directly to wholesalers.
- (d) The department head, or designee, is authorized to establish procedures for administering all provisions of this article to include, but not limited to, reporting forms and requirements, or establishing procedures and schedules for conducting financial audits or inspections of the books or records of any establishment licensed under this section.
- (e) Every brewpub located within the unincorporated county shall file a monthly report with the department head, no later than the 20th day of each month, on such forms as the department head may prescribe, setting forth all malt beverages produced during such preceding calendar month, to include beginning and ending inventories. Such report shall also indicate the total production of malt beverages during the report period and the proper tax remittance for such production. Failure to properly complete or submit the required reports shall subject the licensee to a late filing penalty not to exceed \$25.00 for each deficient reporting period.
- (f) Notwithstanding any other provisions in this chapter, neither barrels of beer sold to licensed wholesale dealers, as authorized pursuant to O.C.G.A. 3-5-36(2)(D), nor growler sales shall be used when determining the total annual gross food and beverage sales.

Section 4-5-4. Farm wineries

- (a) No person, corporation, partnership or other legal entity shall engage in the business of a farm winery of any kind in the unincorporated area of the county without first obtaining a license therefor under this chapter and a license to operate a farm winery issued by the state revenue commissioner.
- (b) Any holder of a license for a farm winery issued pursuant to this chapter is required to apply for and obtain a farm winery license from the state before any sales commence. Additionally, county licensees are required to abide by all applicable state regulations and laws.
- (c) A farm winery which is qualified and licensed by the state shall be allowed to manufacture wine or to distribute such wine at wholesale and at retail at its tasting room, provided that the farm winery has given the board of commissioners 60 days' written notice of its intentions to commence operations and filed, through the department head, an application with copies of its license and permits from the state, along with the license fees.
- (d) A farm winery must comply with all local zoning and other regulations before commencing operation. A farm winery may also sell at retail in packages or for consumption on the premises or at additional licensed tasting rooms wine manufactured by any winery.
- (e) For retail sales of wine and malt beverages for consumption on the premises, licensees shall require that all consumption be at the farm winery site or approved tasting rooms, or dining facilities associated with the farm winery.

Section 4-5-5. Microdistilleries.

- (a) No person, corporation, partnership or other legal entity shall engage in the business of a microdistillery of any kind in the unincorporated area of the county without first obtaining a license therefor under this chapter and a license to operate a distillery issued by the state revenue commissioner.
- (b) Any holder of a license for a microdistillery issued pursuant to this chapter is required to apply for and obtain a distillery license from the state before any sales commence. Additionally, county licensees are required to abide by all applicable state regulations and laws.
- (c) A microdistillery which is qualified and licensed by the state shall be allowed to manufacture distilled spirits or to distribute such distilled spirits at wholesale and at retail on the premises, provided it has filed, through the department head, an application with copies of its license and permits from the state, along with the license fees. A microdistillery must comply with all local zoning and other regulations before commencing operation.
- (d) Retail sales of distilled spirits for consumption on the premises licenses shall require that all consumption be at the microdistillery site.

ARTICLE VI – EXCISE TAX

Section 4-6-1. Excise tax per drink

- (a) Every purchaser of distilled spirits by the drink shall be liable for a tax thereon at the rate of three percent of the retail price or charge for such drink. Such taxes shall be collected by the licensee licensed under this article, and such licensee shall remit the same to the county on or before the tenth day of the succeeding month along with a summary of the licensee's gross sales derived from the sale of distilled spirits by the drink, excluding malt beverages. Gross sales shall include all credit card sales and shall be reported and taxes collected thereon shall be submitted to the department head to the same extent as required of cash sales. Each licensee shall be allowed a deduction equal to that rate authorized for deductions from state tax under O.C.G.A. § 48-8-50; provided that the tax is not delinquent at the time of payment. It shall be the duty of every such licensee required to make a report and pay any tax levied pursuant to this article, to keep and preserve suitable records of the sales taxable pursuant to this article, and such other books or accounts as may be necessary to determine the amount of tax due. It shall be the duty of every licensee to keep and preserve such records for a period of three years.
- (b) Excise taxes received in the licensing and revenue office after the 20th day of the month shall be charged a ten percent penalty.
- (c) If the County Finance Director deems it necessary to conduct an audit of the records and books of the licensee, he will notify the licensee of the date, time and place of the audit.

Section 4-6-2. Excise tax on wholesalers

- (a) All wholesale dealers engaged in the wholesale distributions of alcoholic beverages to retail package outlets in this county shall pay to Bryan County an excise tax of \$0.22 per liter of wine for each liter of wine sold to retail package licensees and 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. Further, all wholesale dealers will pay to the county an excise tax of \$0.22 per liter for all distilled spirits, except for fortified wine, sold to a licensee authorized to sell distilled spirits by the package and a proportionate tax at the same rate on all fractional parts of a liter. Each licensee responsible for the payment of the excise tax shall file a report itemizing for the preceding calendar month the exact quantities of malt beverages, by size and type of container, sold during the month within the county. Said report and payment shall be filed with the county before the 20th day of the month following the calendar month in which the beverages were sold. Failure to file such report and payment within the time required shall result in a payment penalty of ten percent of the excise tax amount due or \$100.00 whichever is greater. Payment of this excise tax shall be made before the twentieth day of each month for all sales made during the previous month.