

ORDINANCE # _____

AN ORDINANCE OF THE CITY OF ROBERTA, GEORGIA TO PROVIDE FOR THE TAXATION, LICENSING AND REGULATION OF ALCOHOL INCLUDING THE SALE BY THE DRINK OF DISTILLED SPIRITS (LIQUOR) IN RETAIL ESTABLISHMENTS AS WELL AS REGULATION OF THE SALE OF ALCOHOL IN GENERAL INCLUDING MALT BEVERAGES, WINE, AND DISTILLED SPIRITS; TO REPEAL CONFLICTING ORDINANCES, AND FOR LIKE PURPOSES.

WHEREAS, Pursuant to the authority set forth in O.C.G.A. § 3-3-7, the citizens of the City of Roberta voted at a duly noticed referendum to authorize the City of Roberta to permit and regulate the sales by the drink of distilled spirits by retailers, Monday through Saturday at midnight.

WHEREAS, the City of Roberta as a duly incorporated and lawfully organized city within the State of Georgia, is authorized by the Constitution of the State of Georgia and by The Charter for the City of Roberta, as thereafter amended, to tax, license and regulate businesses involving the sale of certain beverages, alcoholic and non-alcoholic;

WHEREAS, The City of Roberta desires to provide for the taxation, licensing and regulation for businesses involving the sale and pouring of distilled spirits by the drink in retail establishments; and

WHEREAS, The City of Roberta desires to amend all prior ordinances, regulations and/or resolutions related to the taxation, licensing and regulation of the sale of alcoholic beverages including malt beverages, wine and distilled spirits and to allow for the sale and pouring of distilled spirits by the drink Monday through Saturday at midnight; and,

WHEREFORE, The City of Roberta, through its specifically set forth powers, including but not limited to those powers referenced above as well as its Police Powers as may be more specified in the Georgia Constitution, other Georgia Statutes and The Charter for the City of Roberta, desires to ensure the health, safety and general welfare of the citizens of the City of Roberta in connection with the sale of Distilled Spirits by the drink in retail establishments;

NOW THEREFORE BE IT HEREBY ORDAINED BY THE CITY OF ROBERTA AS FOLLOWS:

ARTICLE I - Definitions

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

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

Alcoholic beverage means and includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine, intended for human consumption.

Authorized catered event means a function held at a location within the city for which an event permit has been issued in accordance with this section.

Brewer means a manufacturer of malt beverages.

Brewpub means an eating establishment in which malt beverages are manufactured on the premises, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36.

Brown bagging means the bringing, taking or carrying of any alcoholic beverage into a business lawfully operating within the city but not licensed for the consumption of alcoholic beverages on the premises, with the intent to consume such alcoholic beverage on the premises, or the taking of any alcoholic beverage into premises licensed for the sale of alcoholic beverages during such times the sale or consumption of such beverages is prohibited by law; provided that bringing an alcoholic beverage into a house, apartment, room or other unit designed for private residential occupancy for consumption by the residents and invited guests thereof shall not fall within this definition.

Craft beer, as defined by the Brewers Association, Boulder, Colorado, the trade organization for the craft beer/micro brewing industry, are beers (a form of malt beverage) produced by a small, independent brewer who follows traditional brewing processes using select, sometimes non-traditional, ingredients to produce a distinctive product. Craft brewers produce very limited annual quantities, much less than traditional breweries which produce millions of barrels per year.

Dessert wine means a wine having an alcoholic strength of more than 14 percent alcohol by volume but not more than 24 percent alcohol by volume.

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 of distilled spirits.

Domestic winery means any winery, manufacturer, maker, producer, or bottler of wine located within this state.

Eating establishment means an establishment open to the public which is licensed to sell distilled spirits, malt beverages, and/or wines for consumption on the premises and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food as its principal business purpose. In order to be licensed for consumption of alcoholic beverages on the premises under this chapter, eating establishments are expected to keep and maintain regular days and hours of operation, at least four (4) days per week, as a convenience to the public, other than holidays, vacations, and periods when closed for repairs or remodeling. When determining the total annual gross food and beverage sales for eating establishments operating as a brewpub, barrels of malt beverages sold to licensed wholesale dealers, or packaged in bottles or growlers sold to the public for consumption off the premises, shall not be used.

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. Fortified wine is classified as a distilled spirit.

Food caterer means any person who prepares food for consumption off the premises where prepared and offers it, for hire, at an authorized catered event.

Hotel means any lodge, inn, or similar establishment which offers overnight sleeping accommodations to registered guests for hire, and at which one or more prepared meals or food are regularly served daily and consumed in one or more dining rooms, having an adequate and sanitary kitchen, such sleeping accommodations and dining rooms being conducted on the same premises. Hotels may grant franchises for the operation of an eating

establishment and lounge on their premises, and the holder of such franchise shall be included in this definition of hotel.

Licensed alcoholic beverage caterer means any Georgia retail dealer licensed, either for package sales or on-premises consumption of alcoholic beverages, who additionally holds a valid license from a county or municipality to sell distilled spirits, malt beverages, or wine for consumption off-premises at authorized catered events.

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

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

- (1) In the case of distilled spirits, any distiller engaged in distilling, rectifying, or blending any distilled spirits;
- (2) In the case of malt beverages, any brewer; and
- (3) In the case of wine, any vintner.

Person means any individual, company, corporation, association, partnership, or other legal entity.

Powdered alcohol means a powdered or crystalline substance that contains any amount of alcohol for direct use or reconstitution.

Premises, when used in conjunction with package sales, means the floor space on and from which the package sale of alcoholic beverages is conducted; when used in conjunction with a lounge or restaurant, it means that floor space on and from which the sale of alcoholic beverages by the drink for consumption on the premises is conducted.

Prepared meals or food means a meal cooked or prepared on the premises of the eating establishment according to the order of the customer, while seated at a table, in a booth, at a counter or bar, and primarily intended for consumption on the premises where prepared.

Proper identification means any document issued by a government agency containing a description of the person and such person's photograph, and giving the person's date of birth; proper identification includes, but is not limited to, a passport, military identification card, driver's license, or identification card issued under O.C.G.A. §§ 40-5-100 through 40-5-104. Proper identification shall not include a birth certificate.

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

Retail package dealer means any person engaged in selling, at retail only to consumers and not for resale, any distilled spirits, wine or malt beverages in unbroken packages intended for carryout or consumption off the licensed premises.

Specialty package retailer means a licensee under this chapter, operating from a fixed premise within the special entertainment district of the city, that may offer to the public package retail sales of craft malt beverages (beer) and/or wine(s) only, provided at least 50 percent of the floor space is dedicated to the retail sale of gourmet food items (not intended for consumption on the premises, such as a butcher shop and/or delicatessen meats, cheeses, breads and bakery items, and condiments) and related items or accessories, such as cooking and serving utensils, vessels and kitchen equipment, party or entertainment-related items (cups, plates, napkins, etc.) and beer and/or wine-making equipment and ingredients. Licensees may also sell unique marketing items, such as imprinted logo tee-shirts and hats.

Table wine means a wine having an alcoholic strength of not more than 14 percent by volume.

Wholesaler means any person who sells alcoholic beverages to other wholesale dealers, to package dealers, or to on-premises consumption dealers.

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

ARTICLE II - PURPOSE AND INTENT; VIOLATIONS

Sec. 2-1 - Purpose of chapter

This chapter is enacted in furtherance of the police powers of the city to promote the health and general welfare of its citizens; to regulate and control by licensing the manufacturing and sale of malt beverages, wine, and distilled spirits, either at wholesale or retail, for consumption on the premises or by the package for off-premises consumption; to establish reasonable regulations and ascertainable standards for licensees and consumers which will ensure responsible consumption and use of alcoholic beverages and protect the public peace; to protect schools, churches, and residential areas from the negative secondary effects attributable to establishments that sell malt beverages, wine and distilled spirits; and to ensure that only qualified persons obtain licenses for the sale, manufacture, or distribution of malt beverages, wine and distilled spirits.

Sec. 2-2 - Compliance with chapter

No person shall distribute or sell, or offer for sale, any alcoholic beverages at wholesale, by the package, or for consumption on the premises, within the city without first having complied with the licensing provisions of state law and this chapter. No person licensed or issued a permit pursuant to this chapter shall use powdered alcohol as an alcoholic beverage or use powdered alcohol to create an alcoholic beverage.

Sec. 2-3 - Violations; penalty

It is unlawful for any person knowingly and intentionally to violate any prohibition contained in this chapter. Any person found guilty of or entering a plea of guilty or nolo contendere to a violation of this chapter, shall, upon conviction thereof, be punished as provided in section 5-1. Any violation of this chapter by a person licensed or issued a permit pursuant to this chapter shall constitute grounds for the suspension and revocation of any and all such licenses and permits issued to such person.

**ARTICLE III. - LICENSES; QUALIFICATIONS; LOCATION RESTRICTIONS;
SUSPENSION AND REVOCATION OF LICENSES**

Sec. 3-1 - Required

(A) No person shall engage in the manufacture, sale or distribution of alcoholic beverages in the city without first having obtained a license therefore, provided that wholesalers and distributors maintaining no fixed place of business, warehouse or other facility in the city and possessing a valid state license may make sales and deliveries to licensed retail package dealers and licensed retail consumption dealers without obtaining a city license.

(B) Except as specifically authorized in this chapter, no person licensed for the sale of a particular class of alcoholic beverages may sell other class of alcoholic beverage without first obtaining the required license therefore; provided, however, a person licensed to sell distilled spirits for on-premises consumption shall be authorized to serve malt beverages and wine, without obtaining a separate license, during the same hours as are permitted under this chapter for the serving of distilled spirits by the drink.

(C) A retail consumption dealer may also sell beer or wine (but no packaged distilled spirits) by the unbroken package carryout purposes only, without obtaining a separate license, provided, such package sales shall not be made on at any time when the sale of package beer and/or wine for carryout purposes is otherwise prohibited by law, or for a location (licensed premises) which is within distances to grounds or buildings where the package sale of alcoholic for carryout purposes is otherwise prohibited by law. Floor space within the licensed premises for packaged beer shall not exceed ten percent of the area designated for sale and consumption on the premises. The sale of beer, the package for off-premises consumption shall not be used in calculating the total annual gross food and beverage, for an eating establishment. A brewpub licensee shall not be prohibited from selling wine and malt beverages by package for consumption off the premises. A retail consumption dealer shall not sell distilled spirits by the package at any time.

(D) Any eating establishment which is licensed to sell wine for consumption on the premises may permit a patron to remove one opened bottle per patron for consumption off the premises if the patron has purchased a meal and consumed a portion of the bottle of wine with such meal on the eating establishment's premises. The partially consumed bottle of wine shall be re-corked or securely resealed by the licensee or its employees and placed in a bag or other container, with a dated receipt for the wine and meal attached to the container. If the licensee charges a re-corking fee, such fee shall not exceed \$3.00 per bottle of wine. If transported in a motor vehicle, the container with the resealed bottle of wine shall be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

(E) The license to manufacture distilled spirits in this state shall include the right to sell up

to 500 barrels of distilled spirits per year produced at the distiller's license premises to individuals who are on such premises for (1) consumption on the premises; and (2) consumption off the premises, provided that such sales for consumption off the premises shall not exceed a maximum of 2.250 milliliters of distilled spirits per customer per day.

(F) The license to manufacture malt beverages shall include the right to sell up to 3,000 barrels of malt beverages per year produced at the brewer's licensed premises to individuals who are on such premises for (1) consumption on the premises, and (2) consumption off the premises, provided that such sales for consumption off the premises shall not exceed a maximum of 288 ounces of malt beverages per consumer per day.

Sec. 3-2 - Classification

Licenses issued under this chapter are classified as follows:

Manufacturer: Distillery/brewpub/brewpub*/winery.

Wholesaler: Malt beverages/wine.

Wholesaler: Distilled spirits.

Eating establishment: On-premises consumption: malt beverages.

Eating establishment: On-premises consumption: wine.

Eating establishment: On-premises consumption: distilled spirits.

Hotel: Malt beverages/wine.

Hotel: Distilled spirits.

Retail package: Malt beverages/wine.

Retail package: Distilled spirits.

Retail package: Specialty package retailer.**

Alcohol beverage caterer: Malt beverages/wine.

Alcohol beverage caterer: Distilled spirits.

* Brewpub license shall only issue in conjunction with on-premises consumption license for an eating establishment and shall be governed by the provisions of this article pertaining to on-premises consumption licensees.

** License issued only for establishments licensed for retail consumption of alcoholic beverages, including brewpubs, or retail package sales of malt beverages and/or wine only.

Sec. 3-3 Qualifications of applicants

(A) No license shall be granted under this chapter to any applicant who is not a citizen or resident legal alien of the United States possessing proper authorization to own a business; provided, however, except for a retail dealer's license for distilled spirits, residency by an applicant shall not be a requirement if the applicant designates a resident of the city, Crawford County, or county bordering Crawford County who shall manage the business operated under the license and be responsible for any matter relating to the license. As required by state law, an applicant for a retail dealer's license for the sale of distilled spirits in unbroken packages must be a bona fide resident of Georgia residing for at least 12 months in a county where the sale of distilled spirits is not prohibited, as evidenced by the certificate of the probate court of the county of the applicant's residence. Residency requirements shall be met continuously during the term of the license.

(B) All applications shall be in the name of the person(s) who will own and operate the licensed

establishment, unless a business entity duly formed and in good standing. Business entities registered with the Secretary of State (corporations, limited liability companies, limited liability partnerships, trusts, estates, etc.) shall apply for a license in the legal name of the entity, and the license shall be issued in the name of such entity. Applicants shall attach to the application a certificate showing compliance with the annual registration requirements from the Secretary of State, corporate division, and showing the name and address of a registered agent for service within the state. In the case of closely-held corporate applicants, the majority stockholder must meet the requirements of individual applicants under this subsection at the time application is made and at all times during which the license is in effect. Where the applicant is a corporation or other business entity, an agent involved in the active management of the business to be licensed, as designated by resolution, shall meet the requirements of individual applicants under this subsection at the time application is made and at all times during which the license is in effect.

(C) General partnerships shall apply for a license in the name of one of the partners, who is a resident of this state, and the license shall be issued in the name of all partners of the partnership. If the applicant is a partner in a partnership, the requirements of this section shall apply to all partners at the time of application, and at all times during which the license is in effect.

(D) In addition to meeting all qualifications for a license under state law, all applicants for licenses, whether original or renewal, must attach to their applications evidence of their good character. In addition to meeting state qualification standards, no license, whether original or renewal, shall be issued to any person, partnership, corporation, or business entity organized for pecuniary gain if any individual having an interest either as owner, partner or stockholder, directly or indirectly, beneficial or absolute, or such person's spouse, shall have been convicted of or shall have taken a plea of guilty or nolo contendere to, within ten years immediately prior to the filing of the application of any felony, or within five years immediately prior to filing of the application of any misdemeanor, except non-moving traffic violations; provided, however, the City shall have discretion to waive any misdemeanor conviction, based upon its factual circumstances, which does not reflect adversely on the applicant's good character.

(E) On-premises consumption licenses shall be issued only to applicants who meet the definition of a hotel, eating establishment, In addition to sales of its own malt beverage brewed on the premises, the holder of a brewpub (manufacturer) license shall separately be licensed as an eating establishment and hold retail consumption licenses for distilled spirits, malt beverages and wine, purchased from licensed wholesalers, and an ancillary tasting license.

(F) All licenses issued pursuant to this article shall expire on December 31 of each year and application for renewal shall be made annually on or before November 1. Applicants for renewal licenses must meet all qualifications of applicants for original licenses. Licenses in suspension on the date of expiration shall not be subject to renewal until the terms of the suspension have been lifted.

Sec. 3-4 - Application submission; basic information

(A) Every applicant for a license under this chapter shall make written application to the City of Roberta on forms furnished by the city. The applicant shall answer all questions on the application truthfully, under oath, and shall supply all information and furnish all certificates, affidavits, bonds and other supporting data or documents as required by this chapter. No application shall be deemed complete unless accompanied by a set of the applicant(s)' fingerprints, which shall be promptly submitted to the Georgia Bureau of Investigation, pursuant to O.C.G.A. § 3-3-2(c).

(B) Each application shall state the name and address of each applicant; the place where the proposed business is to be located; and the type(s) of license(s) applied for. Each application shall also contain such additional information as the city prescribes, shall be verified as true by the applicant before a notary public and shall be accompanied by a non-refundable deposit of \$150.00 to cover the cost of investigating the applicant and processing the application.

Sec. 3-5 - Distance prohibitions

(A) In order to demonstrate a location meets all distance prohibitions imposed by state law, each application shall be accompanied by a scaled drawing prepared by a Land Surveyor currently registered in the State of Georgia depicting the premises for the proposed business, showing its location with respect to all streets within 800 feet in every direction. The front door or main entrance of the proposed location shall be the center point of a circle, having a radius of 600 feet. Such drawing shall also depict the distance from the premises to each church building, school building, educational building, school ground, college campus, governmentally owned and operated alcohol treatment center and housing authority property within the circumference of the circle. Applications for package dealers in distilled spirits shall also show the distance to the nearest distilled spirits package dealer therein, if any. All such distances shall be measured by the most direct route of travel on the ground.

(B) Licensees for the retail sale of alcoholic beverages for consumption on the premises shall not be subject to regulation as to distances from churches, schools, and colleges, but shall meet state distance requirements from governmentally owned and operated alcohol treatment centers and housing authority property; provided, however, licensees for the retail sale of alcoholic beverages for consumption on the premises located within prohibited distances from churches, schools, and colleges shall not sell any malt beverages or wine by the sealed package for carryout purposes.

Sec. 3-6 - Review of application

In reviewing an application under this chapter, the City of Roberta may utilize the Chief of Police and /or the City with respect to matters within their areas of expertise. All applicants shall furnish such additional data, information and records as may be requested of them by the City of Roberta, Chief of Police or the City such as would be useful in determining whether to approve or reject such application. Copies of all form ATT-17, Personnel Statements, filed with the state, shall be submitted with the application. By filing an application, the applicant agrees to produce for oral interrogation any person who is to have a beneficial interest in the business for which the license is sought or who is to be employed by such business. The failure to provide requested data, information and records or to make those persons specified available for interrogation within a reasonable time shall be grounds for denial of an application.

Sec. 3-7 – Ownership of premises

Unless the applicant under this chapter will own the premises from which the business will be conducted, the application shall also disclose the name of every person owning a beneficial interest in the premises and shall state the amount of rental to be paid, the manner in which the rental is to be determined, and to whom and at what intervals the rent is to be paid. The applicant shall also attach a copy of the proposed lease with the verified statement of the applicant that

such lease contains the entire agreement between the parties. No license shall be issued to an applicant who leases premises under a variable rent system whereby the landlord shares in the profits from the business.

Sec. 3-8 - Limitations on interest in licenses

No person shall have, own or enjoy any ownership interest in, share in the profits from, or otherwise participate in the business of any alcoholic beverage license unless a full description of such interest shall have been furnished to the city at the time of making application for the license. It shall be the continuing duty of an alcoholic beverage licensee to report to the City, in writing, within ten days, any change in any interest in such licensee's business. Failure to report such change in interest shall be grounds for suspension or revocation of the license.

Sec. 3-9 - Sale, distribution and other dealing in alcoholic beverages within the city by officials and employees; exemptions

(A) No member of the Mayor and Council holding or having a beneficial interest in any alcohol license issued by the city shall vote or participate in the consideration of any action affecting such alcohol license issued by the city. For purposes of this section, a member shall be deemed to have or hold a beneficial interest if the license is issued in the name of the person's spouse, child, parent or sibling, or in a partnership or corporation in which such person owns more than ten percent controlling interest.

(B) No officer or employee of the city, whose official duties involve issuance and regulation of alcoholic beverage licenses or the enforcement of alcoholic beverage laws, shall hold any interest, direct or indirect, in any alcoholic beverage license issued by the city or in any establishment licensed by the city to engage in the sale or distribution of alcoholic beverages. The City, upon advice and consent of the Mayor and Council, may exempt officers and employees of the city from the provisions of this section, upon written finding that such officer or employee's involvement, direct or beneficial, in any business licensed by the city to engage in the sale or distribution of alcoholic beverages would pose no conflict of interest or interference with the performance by the officer or employee of his official duties for the city.

(C) No officer or employee of the city shall be permitted to engage in employment with any person, firm or corporation licensed by the city to sell or distribute alcoholic beverages. The City may, upon the approval of the Mayor and Council and in writing, exempt those officers or employees from the prohibition of this section, upon finding that such employment would pose no conflict of interest or interference with the performance by the officer or employee of his official duties for the city; provided, however, no certified police officer shall be permitted employment by any establishment that deals in alcoholic beverages without first obtaining the written consent of the chief of police.

Sec. 3-10 - Location restrictions for package sales

(A) Retail package sales of distilled spirits shall be conducted only in package stores with a minimum wholesale inventory value of \$50,000.00.

(B) Except as allowed by article 1 and the provisions of this chapter for specialty package retailers, package sales of malt beverages and/or wine intended for consumption off the

premises may be conducted only in conjunction with distilled spirits package stores or the business operation of a grocery store, discount/general merchandise department store, convenience store, or drugstore meeting the requirements of this section. For the purpose of this subpart, "grocery store" shall mean a grocery retailer carrying a full selection of food and grocery items, including fresh produce and meats and having a minimum total retail floor space of 10,000 square feet of which at least 85 percent is reserved for the sale of food and other nonalcoholic beverage items. A "convenience store" shall mean a retail store carrying a limited selection of canned, packaged or prepared food and grocery items and at which gasoline may be regularly available for sale, provided that no service or mechanical work is performed on motor vehicles, and provided further that the minimum wholesale value of the inventory of food and grocery items maintained on the premises for sale to the public is no less than \$10,000.00, exclusive of malt beverages and wine, tobacco products and candy. Discount/general- merchandise department store means a store with retail floor space open to the public in excess of 9,000 square feet of which no more than 4 percent is devoted to the sale of alcoholic beverages. For the purpose of this section a "drugstore" shall mean a retail store at which prescription drugs and medications are dispensed under the control of a licensed pharmacist, and which sells at retail various personal health-related items for which prescriptions are not required.

(C) No new license for the retail package sale of distilled spirits shall be approved for a location within 250 yards of any other business licensed to sell packaged distilled spirits at retail, as measured by the most direct route of travel on the ground; provided, however, that this limitation shall not apply to any hotel licensed under this chapter.

(D) A specialty package retailer, as defined by this chapter, may hold an ancillary tasting license under this chapter, but may not operate its business in conjunction with any other retail business except as allowed by this chapter. No package sales of any distilled spirit shall be permitted by a specialty package retailer, whose business premises shall be located within a special entertainment district as defined by this chapter.

(E) All premises at which the package sale of alcoholic beverages is authorized shall meet all requirements of state law and the city's Ordinances, including but not limited to the City's Zoning and Land Development Ordinances, as well as minimum building, fire and life safety codes.

(F) Premises licensed on or before the adoption of this Ordinance for the package sale of distilled spirits and lying outside the locations authorized for package sales in subsection (c) may continue such operation, provided they are in compliance with all other provisions of this chapter. Cessation of any such business for 90 days creates a rebuttable presumption of abandonment and may result in loss of grandfather status and serve as grounds for revoking any current license. Except as provided herein, no new licenses for the package sale of distilled spirits shall be issued for a location not meeting the location requirements of subsection (c).

Sec. 3-11 - Location restrictions for on-premises consumption

Licenses for the retail sale of alcoholic beverages for on-premises consumption in conjunction with an eating establishment or hotel shall only be issued on premises located within a commercial zoning classification and meeting all requirements of the city zoning and developmental ordinances. A brewpub may operate as an eating establishment and shall be licensed in conjunction with on-premises consumption of other alcoholic beverages purchased from a licensed wholesaler.

Sec. 3-12 - Indebtedness to city

No license under this chapter shall be issued to any applicant if any person holding a beneficial interest in the business to be licensed owes any delinquent taxes or assessments to the city.

Sec. 3-13 - Investigation of application; issuance

Every application filed pursuant to this chapter shall be thoroughly investigated by the chief of police, who shall make a formal written report and recommendation to the City. The City shall review the chief's report and make such further investigation as he deems appropriate. All applications shall be investigated and acted upon within 90 days of the date of submission of a completed application, unless consent of the applicant to extend the investigative period has been obtained in writing. Inability of the City to obtain the good faith cooperation of the applicant in the investigation process, within the time period specified, shall constitute grounds for denial of the license.

Sec. 3-14 - Consideration for granting of licenses

(A) It shall be the duty of the City Council to approve the issuance of the license or refuse to issue a license under this chapter to any applicant. In determining whether or not any application shall be granted and a license issued, the City shall consider all mandated standards of this chapter and the following information in the public interest and welfare:

- (1) If the applicant and/or any holder of an interest in the license has ever violated any federal, state, county or municipal law, ordinance or administrative regulation regarding alcoholic beverages, their possession, sale, manufacture, distribution, handling, or dealing therein;
- (2) The manner in which the applicant and/or any holder of an interest in the license has conducted any business within the city as to the necessity for excessive police intervention;
- (3) The reasonably anticipated effect on the immediately surrounding neighborhood for which the license is sought as to traffic congestion, noise and/or light pollution;
- (4) Whether the applicant and/or any holder of an interest in the license has ever had any alcoholic beverage or business license suspended or revoked by any state or any political subdivision thereof, or whether any alcoholic beverage business with which the applicant and/or any holder of an interest in the license has been associated has been cited for a violation of the laws or regulations of any state or any local ordinance pertaining to alcoholic beverages, and the outcome of such proceedings.

(B) If, upon investigation of an application for a license or renewal of an existing license, the City determines the applicant or any of its employees have been convicted, or entered a plea of guilty or nolo contendere, to any felony, any law, regulation or ordinance involving alcoholic beverages, gambling, narcotics, or tax laws, sufficient to warrant denial, the City shall have the option of issuing a probationary license conditioned upon posting a bond, with adequate security, in an amount not to exceed \$5,000.00, in addition to the license or renewal fee.

Sec. 3-15 - Grant of application; notice of denial

(1) All applications for alcoholic beverage licenses meeting this chapter shall be granted by the City for a period of up to one year, expiring on the last day of December in each year, unless some specific cause regarding location, traffic or environmental conditions or the specific causes set out in section 3-4 justifies a refusal. In the event of denial for location, traffic or environmental conditions, the applicant shall be entitled to file a new application of like kind for a different location without the loss of any part of the application fee. In the event the city requests additional documents during the application review, the 60-day review period shall be stayed until production of the additional documents is completed.

(2) If the City denies an application for a license, the applicant shall be provided notice in writing of the denial, and a listing of the reasons, therefore. The applicant shall have the right to appeal to a hearing officer by filing a request for hearing with the City no more than ten days following receipt of the denial notice. A hearing shall be held not more than 30 days from the date the City receives the written notice of appeal. Within ten days from the date of conclusion of the hearing, the hearing officer shall notify the applicant and the City, in writing of his or her decision.

Sec. 3-16 - False information in application

Any material omission from, or untrue or misleading information in, an original, renewal or transfer application for a license under this chapter shall be cause for the denial or refusal of a license, or for the revocation of a license previously granted. Any failure to notify the City of the change in any relationship as specified in section 3-4 within ten days after such change is made shall likewise constitute due cause for cancellation, revocation, or suspension of a license.

Sec. 3-17 - License and permit fees

Please see Appendix A for the cost of licensing regarding the sale of Alcoholic Beverages within the City of Roberta.

Sec. 3-18 - Annual renewal; payment of fee; suspension of operation

All alcoholic beverage licenses are annual licenses that run from January 1 to December 31 of each year. Holders of existing licenses in good standing will receive a renewal application in the mail during the month of October. Licenses shall be renewed upon submission of the proper forms and payment of the required fees. Annual license fees are due December 31 of each year and shall be past due if not paid by that date. After January 1 there may be imposed a penalty equal to one-half of the amount of the license fee for which application is made, which together with the license fee shall be paid before a new license is issued.

Sec. 3-19 - Privilege nature of license

(A) All licenses issued under this chapter shall constitute a grant of privilege to carry on or conduct a business covered by such license during the term of the license, subject to the terms and conditions imposed by the City Charter, this chapter and other applicable

ordinances of the city and the constitution, laws and regulations of the state and of the United States of America applicable thereto.

(B) All licenses issued under this chapter shall have printed on the face the following words: THIS LICENSE IS A PRIVILEGE CONDITIONAL ON THE HOLDER MEETING ALL STANDARDS FOR SUCH LICENSE AND OPERATING REGULATIONS APPLICABLE THERETO SET OUT IN CITY ORDINANCES AND GEORGIA LAW. FAILURE TO MEET SUCH STANDARDS OR TO COMPLY WITH SUCH OPERATING REGULATIONS SHALL SUBJECT THE HOLDER TO THE LICENSE BEING REVOKED FOLLOWING NOTICE AND HEARING.

(C) All licenses shall be conspicuously posted in the place of business.

Sec. 3-20 - Transferability of licenses

(A) *Generally.* Licenses issued pursuant to this chapter shall not be transferable except as otherwise provided in this section.

(B) *Death.* In case of the death of any person owning a license, or any interest therein, the same may, with the approval of the City and subject to the terms of this chapter, be transferred to the administrator, executor or personal representative of the deceased person, or to the devisees or heirs at law of the deceased person, if such devisees or heirs meet the qualifications contained in this chapter. The license of a deceased person shall be held by his administrator, executor, or personal representative only for the time necessary to complete administration of his estate and to dispose of the license or interest therein. One transfer may be made by the administrator, executor, or personal representative of a deceased license holder to a person meeting the qualifications of this chapter.

(C) *Partnerships.* Nothing in this section shall prohibit a partner in a partnership holding a license to withdraw from the partnership and to assign his interest to one or more of the partners who were partners at the time of the issuance of the license. Such withdrawal shall not serve to bring any new ownership into the partnership, unless such new owner shall apply for a license and comply with all provisions of this chapter, and then only upon the approval of the City.

(D) *Increased capitalization.* A partnership or corporation holding a license may take on additional partners or shareholders, as the case may be, where it is determined that the additional capital furnished is to be used exclusively for additional inventory or expanded facilities of the business or for building new facilities and where it further appears that the other partners or shareholders will not receive any of the additional capital investment. Such additional partner or new stockholder must apply for a license and meet all requirements of a licensee, including approval by the City, before he shall be permitted to acquire such interest.

(E) *Transfer of locations.* Should a transfer of location be approved, there shall be no new license fee, but the new premises must meet all location requirements as for a new license.

Sec. 3-21 - Suspension and revocation; grounds and procedure

(A) When any state license issued by the commissioner of revenue pursuant to O.C.G.A. Chapter 3, Alcoholic Beverages, is revoked, any similar license issued to the same person by the city shall automatically become invalid and the licensee shall immediately cease and desist to operate

thereunder.

(B) Except as provided in sections 3-15 and 3-16, no license which has been issued or which may be issued pursuant to this article shall be suspended or revoked except for due cause and after hearing and upon at least three-day prior written notice to the holder of the license of the time, place and purpose of the hearing and a statement of the charges upon which the hearing shall be held.

(C) The term "due cause" for the purposes of this section shall include, but not be limited to:

- (1) Conviction of, or the entering of a plea of guilty or nolo contendere by, the licensee or any of his employees or any person holding an interest in the license for any felony, any law, administrative regulation or ordinance involving alcoholic beverages, gambling or narcotics, or tax laws.
- (2) Conviction of, or the entering of a plea of guilty or nolo contendere by, the licensee or any of his employees or any person holding an interest in the license for any sex offense when the licensed business is for on-premises consumption.
- (3) Conviction of a violation of subsections (e), (f), or (g) of O.C.G.A. § 16-12-35 by an owner, operator, or employee of an alcohol licensee offering to the public any bona fide coin-operated amusement machine within the licensed establishment.
- (4) Suspension or revocation of any state license required as a condition for the possession, sale or distribution of alcoholic beverages.
- (5) Material falsification of any fact given in an application for a license issued under this chapter or bearing upon the licensee's qualification therefore. Any act which may be construed as a subterfuge in an effort to circumvent any of the qualifications for a license under this chapter shall be deemed a violation of the requirement attempted to be circumvented.
- (6) Any person to whom a license has been issued is no longer actively engaged in the dealing of alcoholic beverages (closure of the business for more than 90 consecutive days shall create a rebuttable presumption the licensee has abandoned the business).
- (7) Failure to meet or maintain any standard prescribed by this chapter as a condition or qualification for holding a license. Loss of qualifications during the term of a license shall be grounds for revocation or for denial of renewal.
- (8) Any other factor known to or discovered by the city whereby it is objectively shown the licensee, any of the licensee's employees or any person holding an interest in a license, has engaged in conduct at or involving the licensed business or has permitted conduct on the licensed premises that constitutes a violation of federal or state law, local ordinance or administrative regulations involving alcoholic beverages, gambling or narcotics for all alcohol licensed businesses and including any sex offense under state law or local ordinances with respect to businesses licensed for on-premises consumption. With respect to this section, it shall be presumed that the volatile act was done with the knowledge or consent of

the licensee; provided, however, that such presumption may be rebutted only by evidence which precludes every other reasonable hypothesis save that such licensee did not know, assist or aid in such occurrence, or in the exercise of full diligence that such licensee could not have discovered or prevented such activity.

(D) Notice of suspension or revocation proceedings shall be served on the person(s) named on the license. Notice shall be in writing. The notice may be served personally, by registered or certified mail (return receipt requested), or by statutory overnight delivery. If by mail, the notice shall be addressed to the licensee at its last known address as it appears in the records of the city. The burden shall be on the licensee to provide notice, in writing, of any change of address for service of notices and process. In the case of service by registered or certified mail of any notice required by this chapter, the service shall be deemed complete on the third business day following the date of mailing with the United States Postal Service. If by statutory overnight delivery, the notice shall be delivered to the physical street address of the licensee, either at the licensed premises or at his place of residence, and effective on the first business day after depositing with the delivery service.

(E) The hearing shall be conducted by a hearing officer appointed by the chairperson of the Mayor and Council. The hearing officer shall be an attorney licensed to practice in the state who is disinterested in the proceeding.

(F) Hearings shall be only as formal as necessary to preserve order and shall be compatible with the principles of justice. The city attorney shall present the city's case and bear the burden of proving by a preponderance of the evidence that due cause exists to suspend or revoke the license. At the hearing the licensee shall have the right to represent itself or be represented by counsel, may cross examine all witnesses offered by the city, and may call witnesses and present evidence in its own behalf. Formal rules of evidence shall not apply to hearings under this section, although the hearing officer shall have the right to exclude evidence which has no relevance or carries no indicia of reliability. All testimony shall be offered under oath or affirmation.

(G) The hearing officer shall make his final determination within ten business days of the completion of the hearing. The decision shall be placed in writing and contain the hearing officer's findings of fact, conclusions of law, and decision as to sanction, if any. Such sanction may include one or more of the following: revocation of the license, suspension of the license for no more than 12 months, imposition of a probationary period not to exceed 12 months, and/or a civil monetary penalty not to exceed \$5,000.00. Progressive sanctions, depending on the severity of the violation, are encouraged but not required. Where the remaining term of the license is less than 12 months, imposition of suspension or probation for a period in excess of the term of the existing license shall be applied to any renewal license. A subsequent violation within a probationary period shall be cause for revocation and/or denial of license renewal. A total of three separate and unrelated violations within 24 months, whether or not within a probationary period, shall be grounds for permanent revocation.

(H) The hearing officer's decision shall be personally served or mailed by certified mail, return receipt requested to the licensee and his attorney, with a copy to the city attorney, within ten business days of the close of the hearing. The decision of the hearing officer shall constitute final action by the city, subject to review upon petition for certiorari to the superior court.

(I) Upon receipt of notice of adverse action against the licensee under this section, the licensee may waive its right to a hearing and stipulate to a sanction, as recommended by the City, in

consultation with the chief of police. Any stipulation entered under this subsection shall be in writing, signed by the licensee, and non-appealable.

(J) Pursuant to O.C.G.A. § 3-3-2.1, the City shall be required to provide notification to the Georgia Department of Revenue within 45 days of any officer, department, agency, or instrumentality of the municipality taking disciplinary action against any person issued a license to operate any premises at which 75 percent or more total gross annual revenue is derived from the sales of alcoholic beverages for consumption on the premises.

(K) The notification required under subparagraph above shall be in the format for the reporting of disciplinary actions established by the Georgia Department of Revenue.

(L) For purposes of "disciplinary action", said "term" shall have the same meaning as provided for in O.C.G.A. § 3-3-2.1 (a)(1), which includes any citation or arrest arising out of the violation of any law, rule, regulation, resolution, or ordinance of a governmental entity relating to the manufacture, distribution, sale, or possession of alcoholic beverages against a licensee, any employee of a licensee, or any person holding a financial interest in the license of the licensee on the premises or place of business of any licensee.

Sec. 3-22 - No refunds following suspension or revocation

If a license issued under this chapter is suspended or revoked, the licensee shall not be entitled to a refund of any portion of the application or license fees previously remitted.

Sec. 3-23 - Short-term emergency suspension for violation involving licensed business

(A) The City has authority to suspend a license for a short-term period not to exceed ten days. The City's decision shall be in writing, with the term of the suspension and the reasons stated, and shall be mailed or delivered to the licensee as provided in section 3-16.

(B) A short-term suspension by the City must be for an emergency cause. Emergency cause for the short-term suspension of a license shall consist of a third or subsequent violation by the same licensee or the licensee's agents on the same premises within a two-year period of any state or federal laws, administrative regulations of the state or city ordinances regulating such business holding a license, including those prohibiting gambling, regulating the sale, manufacture, distribution, handling, dealing in, and possession of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in an unlawful manner, and the manufacture, sale, or distribution of any controlled substance which puts the city and the health and safety of its citizens at such risk that an immediate suspension is necessary until a hearing as provided for herein can be held.

Sec. 3-24 - Emergency suspension of all alcoholic beverage licenses

The Mayor and Council is authorized to suspend the sale of alcoholic beverages under all licenses issued pursuant to this chapter during any state of emergency declared by the governor or any local emergency as defined by O.C.G.A. § 36-69-2, or for any other serious emergency situation when the Mayor and Council deems such immediate suspension

necessary for the protection of the health and welfare of the citizens of the city. Such suspension may be made effective immediately and shall remain in force until the Mayor and Council determines the emergency is over or until the next meeting of the Mayor and Council, at which time the suspension shall cease unless the same is extended by affirmative action of the Mayor and Council.

Sec. 3-25 -Acceptance of application after rejection or revocation

When any license or permit to operate a package store is rejected or revoked by the City, no new application shall be accepted from the same applicant for a license within 36 months from the time of such rejection or revocation. Submission of a new application by another applicant, which application shows the applicant was previously rejected or revoked as a holder of an interest in the desired license, shall result in rejection of the new application.

ARTICLE IV – EXCISE TAX DIVISION

Generally

Sec. 4-1 – Imposed

In addition to the license fees required by this chapter and in addition to the excise taxes levied by the state, all licensees under this chapter shall pay to the city the taxes imposed in this article.

Sec. 4-2 – Unlawful Retail Sales

No person shall sell at retail by the package or for consumption on the premises within the city any alcoholic beverage on which the taxes imposed by this chapter have not been paid.

Sec. 4-3 -Administration and enforcement authority; record keeping; confidentiality of reports

(A) Authority of tax collector. The City shall designate, in writing, a tax collector, who shall administer and enforce the provisions of this article for the levy and collection of the tax imposed by this article.

(B) Rules and regulations. The City shall have the power and authority to make and publish reasonable rules and regulations, subject to the approval of the Mayor and Council, not inconsistent with this article or other laws of the city and the state, or the constitution of the state or the United States for the administration and enforcement of the provisions of this article and the collection of the taxes under this article.

(C) Records required from licensee; form. Every licensee for the sale of alcoholic beverages in the city shall keep and preserve, for a minimum of three years, all invoices relating to each purchase of alcoholic beverages and such other records, receipts, invoices and other pertinent papers in such form as the tax collector may require.

(D) Authority to require reports; contents; audits. In the administration of the provisions of this article, the city tax collector may require the filing of reports by any person or class of persons having in such person's possession or custody information relating to sales of alcoholic beverages which are subject to the tax. The reports shall be filed with the tax collector and shall set forth the price charged for each sale, the date or dates of sales, and such other information as the tax collector may require. The city tax collector or person(s) designated in writing by him may examine and audit the books, papers, records, financial reports, inventory, equipment and facilities of any licensee liable for the tax, in order to verify the accuracy of the return made; or if no return is made, to ascertain and determine the amount of tax, penalty and interest required to be paid.

(E) Wholesale records. Every distributor, wholesale dealer, and manufacturer required to make reports under this article shall keep accurate and complete records of all sales of distilled spirits, malt beverages, and wine to any package dealer or on-premises consumption dealer and of all reports made to the city for a period of four years from the time the tax to which they relate becomes due or the date the tax is paid, whichever is later, which records shall be made available for inspection by the city tax collection or the City at all reasonable times and places.

Sec. 4-4 - Examination of records; audits

The city tax collector or any person authorized in writing by the city may examine the books, papers, records, financial reports, equipment and other facilities of any licensee liable for the tax, in order to verify the accuracy of any return made, or if no return is made by the licensee, to ascertain and determine the amount required to be paid. If a city audit discloses a deficiency of more than three percent over what has been returned and remitted, the licensee shall reimburse the city for all costs of the audit, including but not limited to accountant's fees and out of pocket expenses, the value of time expended by city employees in the investigation, including reasonable cost of overhead, and all attorneys' fees and costs of collection if action must be instituted by the city.

SPECIFIC PROVISIONS RE: Excise Tax

Category – Distilled Spirits and Other Alcoholic Beverages

Sec. 4-5 - Imposed; amounts and payment

(A) There is an excise tax hereby imposed on the sale of distilled spirits in the maximum amount allowed by law, as now exists or hereafter amended. The excise on all other alcoholic beverages will incur rates as they now exist until amended by the Mayor and Council of the City of Roberta.

(B) Distilled spirit excise taxes shall be paid to the City of Roberta by each retailer on distilled spirits sold within the city limits of Roberta, no later than the 10th of each month. The tax shall be based upon the retail price of all spirits sold during the previous calendar month by retailers in the City of Roberta.

(C) The retailer shall keep true and correct records of all sales and shall render a sworn statement of the same accompanying the monthly report and payments to the city.

(D) The city shall have the right to audit, and to require production of records from each retailer

so supplied.

(E) Failure to make a timely report and remittance of aforesaid taxes shall render a retailer liable for a penalty equal to ten percent of the total amount due, in addition to the amount due; and additionally, if said report is not filed or if said taxes are not remitted and paid within 30 days from the date that the same are due, the City shall have the right to suspend and/or revoke any distilled spirits.

(F) It shall be unlawful for any person to sell retail or otherwise within the city limits of Roberta, Georgia any distilled spirits on which the tax required in this article has not been paid to the City of Roberta.

(G) All holders of an alcohol beverage caterer's license shall be liable for collection and timely payments of all excise taxes due on sales at a special event. Additionally, special event organizers should insure that all applicable sales tax is collected and remitted in such a way that the City of Roberta benefits from taxes paid.

Sec. 4-6 - Purchases to be made from licensed wholesalers or distributors

Except for brewpubs, licensees subject to the tax under this division shall purchase alcoholic beverages only from wholesalers or distributors licensed by the state,. All sales must be to the establishment designated on the license. No transfers, borrowing or internal sales or transfers from one licensed retailer to another shall be permitted.

SPECIFIC PROVISIONS RE: Incorrect Payment and Collections

Sec. 4-7 - Determinations of deficiencies or in absence of return; overpayments; delinquency and fraud

(A) Recomputation of tax; authority to make; basis of recomputation. If the city tax collector is not satisfied with the return of the tax or the amount of the tax required to be paid to the city by any person responsible for collecting and paying the tax over to the city, the tax collector may compute and determine the amount required to be paid upon the basis of any information within his possession or obtained by subpoena served upon the licensee, including itemized receipts.

(B) Estimate of gross receipts in absence of return. If any licensee fails to file a return, files a false or fraudulent return, or when the tax collector reasonably believes a tax deficiency is due to a fraudulent intent to evade the tax imposed by this article, the person shall be assessed a specific penalty of 50 percent of the tax due. The city tax collector shall make an estimate of the amount of the gross receipts of the licensee or, as the case may be, of the amount of the total sales in the city which are subject to the tax. The estimate shall be made for the period or periods in respect to which the licensee failed to make the return and shall be based upon any information which is or may come into the possession of the tax collector. Upon the basis of this estimate, the tax collector shall compute and determine the amount required to be paid to the city. One or more determinations may be made for one or for more than one period.

(C) Offsetting of overpayments. In making a determination, the city tax collector may offset overpayments, for a period or periods, against underpayments, for another period or periods, against penalties, and against the interest on underpayments. The interest on overpayments shall be computed in the manner set forth in section 4-8.

(D) Time within which notice of deficiency determination to be mailed. Promptly after making his determination, the city tax collector shall give to the person written notice to be served personally, by registered or certified mail (return receipt requested), or by statutory overnight delivery in the manner prescribed for service of notices in section 3-16. Such notice shall inform the person of his right to an informal hearing before the City, whose decision shall be final and binding upon the city as to the tax, penalties, and interest due. The City shall be authorized to waive any penalty or parts thereof. Except in the case of fraud, intent to evade this article or authorized rules or regulations, or failure to make a return, every notice of a deficiency determination shall be served within three years after the 20th day of the calendar month following the monthly period for which the amount is proposed to be determined, or within three years after the return is filed, whichever period should last expire.

Sec. 4-8 - Delinquent tax collection; duty of assignees to withhold taxes; liability; offsetting of erroneous collections

(A) Action for tax; time therefore. At any time within three years after any tax or any amount of tax required to be collected becomes due and payable, and at any time within three years after the delinquency of any tax or any amount of tax required to be collected, the city may bring an action in the courts of the state, or of the United States, to collect the amount delinquent, together with penalties and interest, court fees, filing fees, attorney's fees, costs of collection and other legal fees incident thereto.

(B) Duty of successors or assignees of operator to withhold tax from purchase money. If any licensee liable for any amount under this article sells his business or quits the business, his successors or assigns shall withhold a sufficient amount of the purchase price to cover such amount until the former owner produces a receipt from the city tax collector showing that he has been paid, or a certificate stating that no amount is due.

(C) Liability for failure to withhold; certificate of notice of amount due; time to enforce successor's liability. If the purchaser of a business fails to withhold the necessary amount from the purchase price as required in this section, the purchaser becomes personally liable for the payment of the amount required to be withheld by it to the extent of the purchase price valued in money. Within 30 days after receiving a written request from the purchaser for a certificate, the city tax collector shall either issue the certificate or mail notice to the purchaser at his address as it appears on the records of the city of the amount that must be paid as a condition of issuing the certificate. The time within which the obligation of a successor may be enforced shall begin at the time the licensee sells out his business or at the time that the determination against the licensee becomes final, whichever event occurs later.

Sec. 4-9 -Tax credit penalty or interest paid more than once or illegally collected

Whenever the amount of any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected or received by the city under this article, it may be offset as provided in section 4-8. If the licensee determines that it has overpaid or paid more than once, which fact has not been determined by the city tax collector, it will have three years from the date of payment to file a claim in writing stating the specific ground upon which claim is founded. The claim shall be audited. If the claim is approved by the city, the excess amount paid the city may be credited on amounts then due and payable from the licensee by whom it was paid or its administrators or executors.

Sec. 4-10 - Failure to pay tax; penalties and interest

(A) *Delinquent penalty.* Any person who fails to pay the tax imposed in this article to the city, or fails to pay any amount tax required to be collected and paid to the city, within the time required, shall pay a civil penalty of 15 percent of the amount of the tax, in addition to the tax or the amount of the tax, plus interest on the unpaid tax or any portion as set forth in subsection (2) of this section.

(B) *Interest on amount found due.* The amount of the determination, exclusive of penalties, shall bear interest at an annual rate equal to the bank prime loan rate as posted by the Board of Governors of the Federal Reserve System in Statistical Release H.15, or any publication that may supersede it, plus three percent, to accrue monthly. Such annual interest rate shall be determined for each calendar year based on the first weekly posting of Statistical Release H.15 on or after January 1 of each calendar year. Interest shall begin to accrue from the date the tax is due until the date the tax is paid. Any period less than one month shall be considered to be one month.

(C) *Penalty; negligence or disregard of rules and regulations.* If any part of the deficiency for which a deficiency determination has been made is due to gross negligence or disregard of rules and regulations, including a licensee's failure to issue written itemized receipts of alcoholic beverages sold, a penalty of 15 percent of the amount of such deficiency shall be added thereto in addition to the 15 percent prescribed by subsection (1) of this section.

(D) *Penalty for fraud or intent to evade.* If any part of the deficiency for which a deficiency determination has been made is due to fraud or an intent to evade any provision of this chapter or other authorized rules and regulations, a penalty of 25 percent of the deficiency shall be added thereto in addition to the 15 percent prescribed by subsection (1) of this section.

ARTICLE 5 - VIOLATIONS.

Sec. 5-1 - Violations of this article

Any person willfully and intentionally violating any of the provisions of this Article IV relating to collection and payment of the excise tax imposed on alcoholic beverages shall be deemed guilty of an offense against the city and, upon conviction in the Municipal Court of Griffin, shall be punished by a fine not to exceed \$1,000.00; or if unable to pay the fine, by incarceration not to exceed six months. Each and every day during any portion of which any violation of this article is committed, continues, or is permitted by the person responsible, shall be a separate offense and punished accordingly. Prosecution of a violation under this section shall not affect the underlying civil obligation to pay the taxes due. Any person who files a false or fraudulent return to evade the obligation to collect and remit the tax correctly shall be guilty under this section.

ARTICLE VI - REGULATIONS FOR ALL ESTABLISHMENTS AND MISCELLANEOUS PROVISIONS

Sec. 6-1 - Expiration of license for failure to commence or operate business; new buildings

(A) All holders of licenses under this chapter must open for business within six months after issuance of the license; failure to do so shall serve as an automatic forfeiture and cancellation of such license unless an extension of the time is granted by the City before the expiration of the six-month period for good cause shown. No refund of the license fee shall be made in the event of such forfeiture; provided, however, where the building in which a licensee proposes to operate is, at the time of application for such license, in construction and not yet certified for occupancy, a license may be issued for such location, provided the plans and specifications for the proposed building are filed with the City and show compliance with the other provisions of this chapter and applicable ordinances of the city. No sales shall be allowed at such location until the building has been completed in accordance with plans and specifications and is in conformity with all other provisions of this chapter and applicable ordinances of the city. If the building is not completed during the year in which the licensee fee was paid, such fee shall apply to the year in which the building is completed and the business commences.

(B) Any holder of a license under this chapter who shall begin the operation of the business authorized by the license, but who shall thereafter cease to operate the business as authorized by the license for six months, shall thereupon forfeit such license, which license shall be automatically canceled without the necessity of any further action of the city, unless a written extension of time is granted by the City before the expiration of the six-month period for good cause shown. No refund of license fees shall be made in the event of such forfeiture.

Sec. 6-2. - Inspection authority of city.

As a condition of every license issued under this chapter, the city reserves the right to inspect premises from which alcoholic beverages are licensed to be sold at all reasonable times.

Sec. 6-3. - Event permit for authorized catered functions.

(A) Any licensed alcohol beverage caterer who additionally holds a valid retail license to sell malt beverages or wine by the package or by the drink for consumption on the premises may apply to the City for an event permit to distribute malt beverages or wine by the drink off-premises within the city at authorized catered functions. Applications shall be supported by evidence of all required licenses in good standing, and proof of payment of excise and occupation taxes, if applicable.

(B) Any licensed alcohol beverage caterer who additionally holds a valid retail license to sell distilled spirits by the package or by the drink for consumption on-premises may apply to the City for an event permit to sell distilled spirits by the drink off-premises within the city at authorized catered functions. Applications shall be supported by evidence of all required licenses in good standing and proof of payment of excise and occupation taxes, if applicable.

(C) A licensed alcohol beverage caterer shall apply to the City for an event permit on forms prescribed for that purpose. The application shall include the name of the licensee and, if applicable, the name of the food caterer who will be serving the event, together with a copy of the current license(s) and occupation tax certificate(s); the date, time and duration of the event; and the name, address and telephone number of the event host or sponsor, and, if different, the address of the location where the event will be held. The application shall be signed by the licensed alcoholic beverage caterer and the event host or sponsor. If the event host or sponsor is not the owner of the venue at which the event will be held, then the owner of the venue, or the owner's authorized agent, shall also sign the application consenting to the distribution of alcoholic beverages at that location. Each event permit shall require payment of a fee of \$25.00

per day; provided, however, if the licensed alcohol beverage caterer does not maintain a place of business within the city, in addition to the above fee, there is hereby levied an excise tax upon the total quantity of alcoholic beverages brought into the city for such event. At all times during which an authorized catered function is taking place, the original alcohol beverage caterer's license and the event permit shall be conspicuously posted and made available for inspection upon request by any city police, tax, or licensing officer; in addition, at all times while alcoholic beverages are being transported within the city, the licensee shall maintain a copy of the alcohol beverage caterer's license and event permit in the vehicle(s) used for transporting the alcoholic beverages. No event permit shall be issued for more than three consecutive days and a full permit fee shall be assessed for each day of the event.

(D) Licensed alcohol beverage caterers shall be subject to the regulations set forth in O.C.G.A. § 3-11-4. Any licensed alcohol beverage caterer distributing or selling alcoholic beverages off-premises within the city, except in connection with an authorized catered function within the scope of the event permit shall be in violation of this article; if convicted, upon citation to the municipal court, violators shall be punished in the manner provided in this Code.

Sec. 6-4. - Employees.

(A) No licensee under this chapter shall permit any person under the age of 21 within his employment to dispense, serve, sell, or take orders for alcoholic beverages; provided, however, this provision shall not prohibit employees under the age of 21 who are employed in grocery stores, discount/general merchandise department stores, convenience stores, or drugstores from handling or carrying sealed packages of alcoholic beverages either within the licensed premises or to customers' vehicles when parked adjacent thereto as a part of employment responsibilities so long as such employees under age 18 do not dispense, serve, sell, or take orders for any alcoholic beverage.

(B) No licensee under this chapter shall permit any person to sell, dispense, serve or take orders for alcoholic beverages while that person is currently serving a sentence, including probation or parole, based upon a conviction in any state or federal court or the United States or in any foreign country for any felony, or any misdemeanor ordinance violating relating to the manufacture, sale, use or distribution of alcoholic beverages or narcotics or controlled substances, gambling, sexual offenses, or crimes of moral turpitude. No licensee shall employ within its business for the purpose of selling or dispensing alcoholic beverages any person convicted within five years immediately prior to the application for employment of any felony or within two years immediately prior to the application for employment of any misdemeanor or ordinance violation relating to the manufacture, sale, use or distribution of alcoholic beverages or narcotics or controlled substances, gambling, sexual offenses, or a crime of moral turpitude. This provision shall not prohibit employees who have been convicted or have a criminal history, when employed in supermarkets, convenience stores or drugstores, from handling or carrying alcoholic beverages either within the licensed premise or to customers' vehicles when parked adjacent thereto as a part of employment responsibilities.

(C) It shall be the duty of the licensee to ascertain that all employees are eligible for employment under this chapter. The city reserves the right to obtain fingerprints from and conduct a criminal history check of any licensee's employees at any time. Upon request by the city, the licensee shall cause the employee to appear at the city police department and shall pay the requisite fee in the amount of \$20.00.

(D) It shall be the duty of the licensee to train all employees whose duties shall include the

sale, dispensing, serving or taking of orders for alcoholic beverages in the requirements of this chapter and applicable state laws and regulations. Each licensee shall establish written policies, a copy of which shall be posted within the licensed premises, governing the sale and dispensing of alcoholic beverages in accordance with state law and this chapter. Licenses are encouraged to adopt disciplinary sanctions for employees who fail to meet the standards of law as violations by employees may constitute grounds for revocation, suspension or denial of a license under this chapter. The degree of training, supervision and discipline of employees by the licensee may be considered by the hearing officer in determining action on any license.

Sec. 6-5. - Days and hours of operation.

(A) No retail package dealer of distilled spirits shall open his place of business or furnish, sell, or offer for sale, any distilled spirits at any time on any day when sales are prohibited by state law. Sales are not permitted on election days. No retail package dealer of distilled spirits shall operate his place of business at any time prior to 6:00 a.m. or after 12:00 a.m. on Monday through Saturday, or prior to 12:30 p.m. or after 12:00 a.m. on Sunday. No retail package dealer of distilled spirits shall be in, or permit his employees to be in, his place of business at any time prior to one hour before opening time or later than 30 minutes past closing time, except for the purpose of responding to emergency situations; provided, however, when taking inventory, making repairs, renovating or similar business needs cannot reasonably be carried out during normal business hours with customers present, the dealer may apply to the City for a specific exception from this limitation. The City shall be authorized to impose reasonable terms and conditions on the exception. It shall be the duty of a retail package dealer of distilled spirits to post on all entrances to the premises a sign reading "CLOSED - NO CUSTOMERS ALLOWED ON PREMISES" at all times outside of allowed hours of operation.

(B) No retail package dealer of malt beverages and/or wine only, including licensees of divided stores meeting the requirements of applicable state laws and regulations, shall furnish, sell, or offer for sale, any malt beverages and/or wine on any day when sales are prohibited by state law. Sales are not permitted on election days; No retail package dealer of malt beverages and/or wine only shall furnish, sell, or offer for sale, any malt beverages and/or wine at any time prior to 6:00 a.m. or after 12:00 a.m. on Monday through Saturday, or prior to 12:30 p.m. or after 12:00 a.m. on Sunday.

(C) No on-premises consumption licensee shall furnish, sell or offer to sell any alcoholic beverages on any day when sales are prohibited by state law. Sales shall not be permitted on election days during the hours polls are open. No licensee for on-premises consumption shall furnish, sell or offer to sell any alcoholic beverage between the hours of 12:00 a.m. and 6:00 a.m. on Mondays through Saturdays, ; provided, however, in any licensed eating establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food and in any licensed hotel which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging, alcoholic beverages may not be sold for consumption on premises on Sundays from 12:30 p.m. until 11:30 p.m.

(D) Notwithstanding subpart (3) above, in any year in which December 31st (New Year's Eve) falls on a Sunday, every establishment licensed to sell alcoholic beverages for consumption on the premises shall be authorized to sell alcoholic beverages for consumption on the premises only between the hours of 12:30 p.m. and 12:00 Midnight.

(E) In all establishments licensed to sell alcoholic beverages for on-premises consumption, tables shall be cleared of all drinks containing alcohol by not later than 30 minutes following

the latest time at which alcoholic beverages may be legally sold.

Sec. 6-6. - Furnishing to, purchase of, or possession by persons under 21 years of age of alcoholic beverages; use of false identification.

(A) Except as otherwise authorized by law:

(1) No licensee, employee of such licensee, or any person acting on behalf of, or with the knowledge of such licensee, shall give, sell, offer to sell, furnish, cause to be furnished, or offer to furnish any alcoholic beverage to any person who is under the lawful drinking age established by Georgia law.

(2) No licensee, employee of any licensee, or any person acting on behalf of any licensee shall furnish, sell, or give alcoholic beverages to any person on any day or at any time when the sale of same is prohibited by Georgia law or this ordinance.

(3) No person under 21 years of age shall purchase, drink, sell or possess alcoholic beverages.

(4) No person under 21 years of age shall misrepresent such person's age in any manner whatsoever for the purpose of obtaining any alcoholic beverage.

(5) No person knowingly or intentionally shall act as an agent to purchase or acquire any alcoholic beverage for or on behalf of a person less than 21 years of age.

(6) No person under 21 years of age shall misrepresent his identity or use any false identification for the purpose of purchasing or obtaining any alcoholic beverage.

(7) The prohibitions contained in subsection (a) of this section shall not apply to the sale, purchase, or possession of alcoholic beverages for consumption for medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state, at a religious ceremony, or when the parent or guardian of the person under age 21 gives the alcoholic beverage to such person when possession is in the home of the parent or guardian while such parent or guardian is present.

(8) It shall be the duty of every person seeking to purchase or possess alcoholic beverages from a licensee within the city to furnish, upon request, proper identification showing that the person is 21 years of age or older. For purposes of this section, the term "proper identification" means any document issued by a governmental agency containing a physical description of the person, such person's photograph, and giving such person's date of birth, and includes, without being limited to, a passport, military identification card, driver's license, or any identification card authorized by O.C.G.A. § 40-5-100.

(9) It shall be the affirmative duty of every licensee, employee of the licensee, or any person acting on behalf of the licensee, to check the proper identification of every person when selling or otherwise furnishing an alcoholic beverage to such person, or to permit, within the licensee's premises, any person in possession of an alcoholic beverage who is under the lawful drinking age established by Georgia law.

Sec. 6-7. - Open containers.

(1) As used in this section, the term "*open container*" means any container, containing alcoholic beverages, which is immediately capable of being consumed from or the seal of which has been broken.

(2) No person shall possess an open container of any alcoholic beverage within the passenger compartment of a motor vehicle. Closed containers of alcoholic beverages may be transported in any part of a vehicle. Open containers shall be placed in a locked glove box, locked trunk or locked storage container.

(3) No person shall possess an open container of any alcoholic beverage while walking, standing or otherwise occupying any public street, road, or highway, sidewalk adjacent thereto, public parking lot, or other property owned or leased by the city.

(4) No person shall possess an open container of any alcoholic beverage on the premises of any retail package dealer, including parking lots adjacent thereto, at any time.

(5) Unless otherwise authorized by this section, no person shall enter or leave the premises of any dealer licensed to sell or dispense alcoholic beverages for consumption on the premises with an open container of any alcoholic beverage; provided, however, any restaurant which is licensed to sell wine for consumption on the premises may permit a patron to remove one unsealed bottle per patron for consumption off the premises if the patron has purchased a meal and consumed a portion of the bottle of wine with such meal on the restaurant's premises. The partially consumed bottle of wine shall be re-corked or securely sealed by the licensee or its employees and placed in a bag or other container, with a dated receipt for the wine and meal attached to the container. If the licensee charges a re-corking fee, such fee shall not exceed \$3.00 per bottle of wine. If transported in a motor vehicle, the container with the resealed bottle of wine shall be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk. The prohibition of this section shall not apply within the special entertainment district, as designated by the board of commissioners between the hours of 4:00 p.m. until Midnight; provided all alcoholic beverages shall be in clear, plastic cups no greater than 16 ounces, displaying a boundary map of the special entertainment district.

Sec. 6-8. - Brown bagging.

Brown bagging, as defined in this chapter, is prohibited within the city. Any person who brown bags, participates in consumption of any alcoholic beverage being brown bagged, or any licensee or employee of a licensed establishment in whose presence brown bagging knowingly or with reckless indifference occurs, shall be in violation of this section.

Sec. 6-9. - Purchases to be made only from licensed wholesalers.

Except when licensed as a brewpub, winery retail package licensee or retail consumption licensee, licensees shall not buy nor accept deliveries of alcoholic beverages from any person other than a wholesaler dealer or distributor licensed by the state department of revenue.

Sec. 6-10. - Storage of alcoholic beverages at retail.

Retail package dealers and retail consumption dealers shall store all alcoholic beverages on the premises for which the license was issued and at no other place. All stock shall be available at

all times for inspection by any duly authorized representative of the city. Any alcoholic beverages found in any licensee's stock which was not sold or distributed in accordance with laws of the state to make sales and deliveries in the city shall be deemed contraband and subject to immediate confiscation.

Sec. 6-11. - Nonprofit civic organizations; temporary permits.

(1) As used in this section, the term "*bona fide nonprofit civic organization*" means a nonprofit corporation or entity which is exempt from federal income tax pursuant to the provisions of subsections (c), (d) or (e) of 26 u.s.c. § 501 of the department of revenue to sell alcoholic beverages for consumption on the premises for a period not to exceed three days. No more than six such permits may be issued to a single qualified organization in any calendar year.

(2) An authorized representative of a bona fide nonprofit organization may apply to the City for a letter certifying the date, time and event location as a condition for seeking a temporary permit from the commissioner. The city shall impose no fee or charge for such letter.

Sec. 6-12. - Malt beverage and wine tastings.

(A) An ancillary tasting license may be issued in conjunction with a retail consumption license for alcoholic beverage, brewpubs, or a retail package license for malt beverages and/or wine only, and a valid current license from the state.

(B) No tasting shall be conducted on the premises of any place of business licensed to sell distilled spirits in the unbroken package.

(C) A tasting license shall allow the licensee to offer malt beverage or wine samples in connection with an educational or appreciation class. A tasting license is intended to allow such activity on a limited basis and shall not be a part of the core operations of such establishment. Such events shall be limited to no more than six per week and shall not exceed two consecutive hours in length. No more than three classes may be held in any consecutive 24-hour period.

(D) A tasting licensee shall be subject to all laws, rules and regulations of the city and state, and shall be subject to license revocation for violation thereof.

Tasting licensees shall be subject to the following restrictions:

(1) No customer shall receive more than eighteen ounces of wine from the licensee per class, and the licensee shall not serve any individual portion that exceeds three ounces.

(2) No customer shall receive more than 32 ounces of malt beverage from the licensee per class, and the licensee shall not serve any individual portion that exceeds eight ounces.

(3) Only the licensee or an employee thereof shall open, handle, and serve opened packages or bottles of wine, and individual samples shall only be poured by the licensee or an employee thereof.

(4) Customers shall not remove opened packages or unsealed bottles from the

premises.

- a. Customers may not attend more than one class in a single day.
- b. The educational and appreciation classes shall consist of at least one hour of lecture on craft malt beverages or wines, including a lecture on responsible alcohol consumption.
- c. Tasting licensees are prohibited from conducting tastings at any location where motor fuel is sold or dispensed on the premises. No ancillary tasting license shall be granted to any retail package dealer in distilled spirits.
- d. Attendance at classes may be limited on a "first come" basis and reasonably restricted to available seating space.
- e. No licensee shall charge more than \$20.00 for a person to attend a class, inclusive of the cost of the malt beverage or wine sampled at the event, unless the event is held as a fundraiser for a charity or nonprofit cause. If held for charitable purposes, the licensee shall conspicuously display a sign at the event identifying the name of the charity and provide a written receipt. Records shall be maintained showing the amount raised, the cost of putting on the event, and the actual amount remitted to the charity.
- f. A brewpub that conducts tours on the premises where its product is manufactured, including providing samples to tour participants, is not required to hold an ancillary tasting license.

ARTICLE VII. -ADDITIONAL REGULATIONS FOR RETAIL PACKAGE DEALERS

Sec. 7-1. - Merchandise restrictions.

(A) No retail package dealer of distilled spirits shall operate such business in connection with any other mercantile establishment, except that a package dealer may sell or display or keep in stock for retail sale the following inventory:

- (1) Distilled spirits, wines, malt beverages, provided the dealer is separately licensed for each.
- (2) Tobacco products, limited to tobacco, cigarettes, cigars, chewing tobacco, snuff, cigarette papers, lighters and matches which do not carry or refer to the name of any licensed dealer or the location of his place of business.
- (3) Beverages containing no alcohol and commonly used to dilute distilled spirits.
- (4) Ice and ice chests.
- (5) Paper, styrofoam or plastic cups.
- (6) State-approved lottery tickets and related lottery materials but only if the dealer is a state-approved retail lottery dealer location.

(7) Bar supplies, limited to corkscrews, openers, straws, swizzle sticks, and bar-related glassware and ceramic ware, cocktail olives, onion, cherries, lemons and limes.

(B) Beverages containing no alcohol and commonly used to dilute distilled spirits may be dispensed through the use of vending machines, but no beverage alcohol shall be dispensed through such vending machines.

Sec. 7-2. - Merchandise and sales restrictions in specialty package retailers, grocery stores, discount/general merchandise, department stores, and convenience stores.

(A) Where malt beverage or wine sales are licensed in conjunction with a specialty package retailer, grocery store, discount/general merchandise department store, or convenience store, no licensee shall sell or offer to sell any firearms, ammunition, or weapons of any character.

(B) During those hours and on those days when alcoholic beverages are not permitted to be sold, it shall be the duty of the licensee to remove all alcoholic beverages from its shelves or otherwise secure the inventory in such manner as to notify customers that these products are not available for sale at that time.

Sec. 7-3. - Sale or delivery to unlicensed premises.

No package dealer shall make or allow to be made any deliveries of alcoholic beverages beyond the boundaries of the premises covered by the license.

Sec. 7-4. - Name of liquor licensee to be displayed.

Each premises licensed for the package sale of distilled spirits shall have printed on the front window or door thereof the name of the licensee in uniform letters, not less than four nor more than eight inches in height and the words "Liquor," "Liquor Store" or "Package Store."

Sec. 7-5. - Liquor prices to be conspicuously displayed.

Each package dealer of alcoholic beverages shall conspicuously display within the interior of the licensed premises a printed price list of the alcoholic beverages offered for sale or, in lieu thereof, shall place the price of each item on the container or on the shelf where the container is exhibited for sale.

Sec. 7-6. - Games of chance; coin-operated devices on premises.

Gambling, betting, or the operation of games of chance, punchboards, slot machines, lotteries or tickets or chances (other than official games of the Georgia Lottery Commission), or other such scheme or device involving the hazarding of money or any other thing of value in any licensed place of business, or in any room adjoining or connected with the same and owned, leased or controlled by the alcohol beverage licensee, shall be cause for suspension or revocation of the license; provided that licensed coin-operated amusement devices and vending machines for dispensing soft drinks and tobacco products are permitted.

Sec. 7-7. - Regulation of wines; samples.

(A) Except for eating establishments that may allow a customer to remove an open, unfinished bottle of wine from the premises, licensees who offer for sale wines shall deliver the product to customers for off-premises consumption only in original packages with the seal unbroken.

(1) Licensees may offer customers samples of craft malt beverages and wines under the following conditions:

(a) Samples may be provided only upon a customer's request and limited to product available for sale within the licensed establishment.

(b) Samples may not exceed two ounces and no customer may consume, in total, more than eight ounces of product.

(c) No open container containing a sample may be removed from the premises.

(d) No charge shall be imposed on the customer for the sample.

(e) Samples shall only be served by the licensee or its agent.

ARTICLE VIII. -ADDITIONAL REGULATIONS FOR RETAIL CONSUMPTION DEALERS

Sec. 8-1. - Other mercantile businesses prohibited.

A retail consumption dealer of distilled spirits shall not operate such establishment in connection with any other mercantile business, trade, or profession, except a hotel, eating establishment, brewpub, Georgia farm winery tasting room, bar, public club, fraternal organization, or bona fide private club as defined in this chapter. It shall be a violation of this section for any on-premises consumption licensee to sell, offer to sell, or keep on the premises with intention to sell, any item not commonly associated with such type establishment, including but not limited to guns, ammunition, knives, weapons of any character, gambling paraphernalia including playing cards or dice, and non-immediately consumable food items including groceries. Non-alcoholic beverages, packaged chips, snacks, tobacco products and accessories, and logo'ed merchandise including clothing, shall be considered commonly associated items for sale in such establishments.

Sec. 8-2. - Premises to be well lighted.

The exterior of each building in which alcoholic beverages are sold for on-premises consumption shall contain sufficient lighting so that all sides of the buildings and all entrances thereto are clearly visible at all times when the premises are open for business. Also, the lounge and restaurant area, including all tables, booths, and other areas where customers are served, and all passageways for customers shall be sufficiently well illuminated so that they may be viewed by those join the premises.

Sec. 8-3. - Disturbances of the peace; security of premises.

No licensee shall knowingly permit any disturbance of the peace, or act of obscenity or public indecency on its premises. Repetitive or continuous breaches of the peace at the licensed premises or in parking areas adjacent thereto may constitute a nuisance and be subject to abatement, including suspension or revocation of the alcohol license(s). It shall be the responsibility of the licensee to provide reasonable measures to safeguard patrons and employees while on their premises.

ARTICLE IX. REPEALER

Each and every part of each Ordinance or Code Section that may be in direct conflict with the terms and provisions of this Ordinance shall be and is/are hereby repealed.

SO ORDAINED BY THE MAYOR AND CITY COUNCIL OF ROBERTA by:

Mayor JAY ANDREWS

Attested By:

City Clerk KIM ANGLIN

FIRST READING June 7, 2022

SECOND READING AND ADOPTION _____