ORDINANCE NO.: 2026-01

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF WHITE, GEORGIA, SITTING FOR THE PURPOSE OF **ADOPTING A REVISED ALCOHOLIC BEVERAGE ORDINANCE; REPEALING CONFLICTING PROVISIONS AND FOR OTHER PURPOSES** AT THE REGULAR MEETING OF THE MAYOR AND COUNCIL HELD ON February 2nd, 2026.

WHEREAS, the City of White in accordance with the police power and the best interests of the citizens, and to preserve the public health, safety and welfare deems it desirable to adopt a revised Alcoholic Beverage ordinance; and

WHEREAS, the sale of wine and malt beverages was previously authorized within the city limits of the City of White, Georgia; and

WHEREAS, a referendum election to authorize the City of White, Georgia to issue licenses to sell distilled spirits by the drink for consumption on the premises where sold was held on November 4, 2025, and a majority of the electors voting on the question voted for approval; and

WHEREAS, a referendum election to authorize the City of White, Georgia to issue licenses for the package sales of distilled spirits within the city limits of the City of White, Georgia was held on November 4, 2025, and a majority of the electors voting on the question voted for approval; and

NOW THEREFORE BE IT ORDAINED, AND IT HEREBY IS ORDAINED, by virtue of the authority vested in the Mayor and Council of the City of White by law and its Charter that the Alcohol Ordinance of the City of White, Georgia, is hereby readopted and replaced, as follows:

SECTION ONE

The City of White Alcoholic Beverages Ordinance, which is attached hereto as Exhibit A, is hereby adopted.

SECTION TWO

The Alcohol Ordinance, adopted on June 1, 2020, as amended, existing immediately prior to the adoption of this Alcoholic Beverages Ordinance is hereby repealed and replaced with the Alcoholic Beverages Ordinance attached hereto as Exhibit A, provided that any enforcement action currently pending under the old Alcohol Ordinance hereby repealed shall not be abated by virtue of the repeal.

SECTION THREE

A. Severability Clause. It is the express intention of the Mayor and City Council that each independent provision of this ordinance attached hereto as Exhibit A should be adopted, and the Mayor and City Council would have adopted each such independent provision even if the others had not been adopted. Therefore, in the event that a court of competent jurisdiction finds any provision of this Alcoholic Beverage Ordinance attached hereto as Exhibit A to be unlawful, invalid or unenforceable, it is the intent of the Mayor and City Council that the offending provision be severed, and that all lawful provisions remain in force.

B. General Repealer. Any ordinance not expressly addressed by this ordinance that is inconsistent with the provisions of the Alcoholic Beverage Ordinance attached as Exhibit A is expressly repealed to the extent that it conflicts with this Alcoholic Beverages Ordinance attached as Exhibit A.

C. Effective Date. The public welfare demanding, this ordinance shall be effective immediately after its adoption.

SO ADOPTED this 2nd day of February, 2026.

Curtis Powell,
Mayor

Attest:

Robin Cochran,
City Clerk

READ on the 5th day of Jan, 2026

PASSED AND ADOPTED on the 2nd day of Feb, 2026

Chapter 4 ALCOHOLIC BEVERAGES

ARTICLE I. IN GENERAL

Sec. 4-1. Adoption of state law.

The state laws and regulations relating to the sale and distribution of alcohol in this state are incorporated into and made a part of the ordinance from which this chapter derived as if fully set out herein. Any violation of such state law or regulations shall be grounds for suspension or revocation of any license issued under this chapter.

Sec. 4-2. Definitions.

The definitions in Official Code of Georgia Annotated Title 3 apply to this chapter and are incorporated herein by reference. In addition, 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.

Bar means any premises at which a retailer licensed pursuant to this chapter to sell alcoholic beverages derives 75 percent or more total annual gross revenue from the sale of alcoholic beverages for consumption on the premises.

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

Convenience store means a retail establishment not larger than 5,000 square feet which carries primarily food and drink products, household items, newspapers and magazines. For purposes of this chapter, no more than 50 percent of the interior square footage of the building that is open to the public may be devoted to the sale of alcoholic beverages.

Distilled spirits means any and all alcoholic beverage obtained by distillation or containing more than 24 percent alcohol by volume.

Fortified wine means any alcoholic beverage containing not more than 24 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.

Grocery store means a retail establishment that predominantly carries and sells a wide range of fresh and packaged food and household items for use and consumption off-premises. For purposes of this chapter, the area of the store devoted to alcoholic beverage sales shall not exceed 25 percent of the interior square footage of the building that is open to the public.

Hard cider means an alcoholic beverage obtained by the fermentation of the juice of apples or other fruit, containing not more than 6 percent alcohol by volume, including, but not limited to flavored or carbonated cider. For purposes of this ordinance, hard cider shall be deemed a malt beverage. He term does not include "sweet cider."

Hotel means any hotel, inn, or other establishment which offers overnight accommodations to the public for hire.

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

Package means a sealed bottle, can, keg, barrel, or other original consumer container containing wine, malt beverages, or distilled spirits sold, offered or stored for sale at retail not for opening or consumption upon the premises of the package outlet.

Package outlet means a store for the retail sale of package wine, malt beverages, or distilled spirits, consumption on the premises not being permitted.

Pour means to sell alcoholic beverages for consumption on the premises, by the drink.

Sell by the drink means selling alcoholic beverages for consumption on the premises.

Pouring license means the authorization by the City to engage in the sale for consumption of alcoholic beverages on the premises.

Pouring outlet means any place where alcoholic beverages are poured or proposed to be poured.

Premises means the definite, closed-in or partitioned-in locality (whether room or building), sidewalk and right-of-way cafe, wherein pouring takes place.

Restaurant means any public place kept, used, maintained, advertised and held out to the public as a place where meals are regularly served, without sleeping accommodations:

(1) Which maintains an adequate and sanitary kitchen and dining room equipment to serve food as required in this chapter.

(2) Which provides a regular seating capacity for at least 40 persons.

(3) Which employs sufficient personnel to serve food as required herein.

(4) Which serves at least one meal per day at least five days per week (with the exception of holidays, vacations, and period of repair or redecorating) and said meal must be served from 11:30 a.m. to 1:30 p.m. or 7:00 p.m. to 9:00 p.m. every day the establishment is open, and hours of operation must be posted on the front door of the premises.

(5) Which derives at least 50 percent of its gross income from the sale of such meals prepared, served and consumed on the premises.

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

Retail dealer or *retailer* means, except as to distilled spirits, any person who sells alcoholic beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale. With respect to distilled spirits, the term shall have the same meaning as the term "retail package liquor store."

Retail package liquor store means a retail business establishment owned by an individual, partnership. corporation, association, or other business entity:

(A) Primarily engaged in the retail sale of distilled spirits, malt beverages, and wine in unbroken packages, not for consumption on the premises, except as authorized under this chapter; and

(B) Which derives from such retail sale of alcoholic beverages in unbroken packages at least 75 percent of its total annual gross sales from the sale of a combination of distilled spirits, malt beverages, and wine.

Sale of alcoholic beverages means offering any alcoholic beverage for sale for legal tender or providing any beverage without additional charge in conjunction with the purchase of other goods, items or services (e.g. free beer with purchase of item).

Special events permit means a permit to sell beer and wine at special events held in certain approved locations as outlined by resolution of the city council for specific date.

Wholesaler means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.

Wine means any alcoholic beverage containing no more than 24 percent alcohol by volume made from fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added. The term "wine" includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term 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 this definition.

ARTICLE II. LICENSES

Sec. 4-21. License required.

(a) It shall be unlawful to sell or to pour or offer to pour any alcohol within the corporate limits of the city without having the appropriate license or registration for such sale, or to carry on such activity in violation of the terms of such license.

(b) The following licenses are available from the city:

(1) Malt beverages, wholesale;

(2) Malt beverages, retail package;

(3) Malt beverages, by the drink for consumption on the premises;

(4) Wine, wholesale;

(5) Wine, retail package;

(6) Wine, by the drink for consumption on the premises;

(7) Distilled spirits, wholesale;

(8) Distilled spirits, retail package;

(9) Distilled spirits, by the drink for consumption on the premises;

(10) Special event alcohol permit;

(11) Employee permit;

(c) Wholesalers whose place of business is not located within the corporate city limits are exempt from the license requirement. However, such wholesalers shall be required to register with the city clerk on a form prescribed by the city prior to delivering any alcoholic beverages.

(d) The businesses of manufacturing, distributing, selling, pouring, allowing consumption on the premises, handling and otherwise dealing in or possessing alcoholic beverages are declared to be privileges and not rights; and such privileges shall not be exercised in the city except as licensed under the terms of this chapter. A separate pouring or retail license shall be required for each place of business.

Sec. 4-22. Terms and conditions; duties and liabilities of holders.

(a) A license issued under this chapter shall be subject to all terms and conditions imposed by this chapter or any future ordinance. License holders shall be responsible for compliance with such terms and conditions by all their employees and those working under their supervision and control. It shall also be the duty of the license holder and those under their supervision and control to report to the police department any violation of this chapter occurring on the premises of the license holder.

(b) The licensee shall at all times be responsible for any acts of agents or employees which are in violation of this chapter or of the laws of the state or the rules and regulations of the state revenue commissioner.

(c) All licenses shall have printed on the front the following language: "This license is granted by the City and accepted by licensee subject to all of the terms and conditions of the ordinances governing the issuance and retention of the same."

(d) Each pouring licensee shall keep a copy of this chapter in the licensed establishment and shall instruct any person working there in respect to the terms hereof, and each licensee, the licensee's agents and employees selling, pouring or serving alcohol shall at all times be familiar with the terms thereof.

(e) The alcoholic beverages fees and charges resolution will be kept on file in the office of the city clerk.

Sec. 4-23. Licensee qualifications.

(a) A licensee under this chapter must meet all of the qualifications set forth in this Article, which shall be required during the entire period that the licensee shall hold the license:

(1) The applicant shall be of good moral character, shall be competent and capable of conducting the business for which the application is made, and has not been dishonorably discharged from the armed services of the United States.

(2) The applicant shall not have had revoked, for cause, such as a violation of regulations or improper operation, any license issued to them by any state, county, or municipality to sell alcoholic beverages.

(3) The applicant, if a previous holder of a license to sell alcoholic beverages, has not violated any law, regulation or ordinance relating to such business within a ten-year period immediately preceding the date of application for a license under this article.

(4) The applicant for a retail license under this article is not related to any distributor or wholesaler of alcoholic beverages within the first degree of consanguinity or affinity, as computed according to the laws of the state.

(5) The applicant may not employ any person who has been convicted of or pled guilty or nolo contendere to a felony or other crime involving the sale or possession of alcohol within the past five years.

(6) The applicant must not have any past due city taxes, bills, fees, assessments or any other charges.

(7) The applicant must be an individual at least 21 years of age who lawfully resides in the United States and is a resident of Bartow County, Georgia; provided, however, that residency in the county shall not be a requirement if the applicant designates a resident of Bartow County, Georgia as store manager and such designee is over the age of 21 and lawfully resides in the United States, who shall be responsible for all matters related to the license. If the applicant is a corporation, limited liability

company, or other legal entity organized under the laws of the state or authorized to do business therein, the applicant is required to designate an individual manager as set forth in this article. If the applicant is a partnership, all of the partners must be 21 years of age and residents of the state for at least one year preceding the date of the application.

(8) The applicant shall make a sworn statement of their qualifications as set forth in subsections (1) through (7) of this section and shall place it on file with the city before any license is issued. If the application covers a partnership, each member of the partnership must be qualified to obtain a license and must make a sworn statement of those qualifications. Any misstatement or concealment of fact in the application shall be grounds for revocation of the license issued and shall make the applicant liable to prosecution for perjury under the laws of the state.

(9) A violation of any of the above qualifications and restrictions shall be grounds for denial of any application and shall be grounds for suspension or revocation of any license already issued.

(b) When a license for the sale of any alcoholic beverage is applied for by a domestic or foreign corporation, limited liability company, or other legal entity lawfully registered and doing business under the laws of the state, the applicant shall also name an individual manager, or an individual member of the management team, who shall be responsible for managing and overseeing the proposed business of selling alcoholic beverages.

(1) The manager or individual member of the management team must meet and maintain all requirements of an individual licensee as required by this chapter and must be a resident of Bartow county or an adjacent county for purposes of the initial application and all annual renewals.

(2) Should the corporation or legal entity have a change of management, or should the designated manager relocate so as to no longer be a resident of Bartow County or an adjacent county after the initial application but prior to the annual renewal, the corporate licensee shall immediately notify the city through the city clerk in writing no less than five business days from said change. For the duration of the time prior to annual renewal, the corporation shall be permitted to provide the city the name of its authorized agent, who shall be a natural person and resident of the state who possesses all the qualifications and requirements as are required of an individual license holder for the sale of similar alcoholic beverages, except the county residence requirement, authorized to receive notice of any violation of its license privileges or receive service of citation or service of process under the laws of the state. At no time shall the designated agent be a corporation, limited liability company, partnership, or other form of business entity. The authorization described herein shall be delivered in writing.

(3) The corporation or legal entity shall be required to designate an individual manager, or an individual member of the management team, who is a resident of Bartow County or an adjacent county prior to the annual renewal of any license issued pursuant to this chapter.

(4) Failure of a corporation or legal entity holding a license issued pursuant to this chapter to immediately notify the city clerk of a change in its authorized agent shall be grounds for suspension or revocation of the licensee's license, and shall be effective immediately upon notice having been provided by the city in writing.

(5) If the named authorized agent should cease to possess or maintain all of the qualifications and requirements as are required of an individual license holder for the sale of similar alcoholic beverage, except the county of residence requirement, the license of the corporation or legal entity responsible for the authorized agent may be suspended until the corporation or legal entity names an authorized agent who does meet and possess such qualifications and requirements.

(c) When a license for the sale of alcoholic beverages is applied for by an individual person or partnership comprised of individual persons, the applicant shall also name a store manager who will be responsible for managing and overseeing the proposed business of selling alcoholic beverages. The manager must

meet and maintain all requirements of an individual licensee as required by this chapter, and must be a resident of the city, county, or an adjacent county.

Sec. 4-23-1. City officials and immediate family ineligible for license.

It shall be unlawful to grant a license for the sale of alcoholic beverages to any elected official of the city, city department head, city employee, or such person's immediate family. It shall further be unlawful for any elected official of the city, city department head, city employee, or such person's immediate family to own any whole, partial or beneficial interest in any license to sell alcoholic beverages in the city.

Sec. 4-23-2. Persons convicted of certain crimes or with previous license revocations ineligible for license.

(a) It shall be unlawful to grant a license for the sale of any alcoholic beverage to:

(1) A person who has been convicted of, or pled guilty to, or who entered a plea of nolo contendere to a felony, or a crime involving moral turpitude, or of a crime involving a violation of the ordinances of the city relating to the use, sale, taxability or possession of alcoholic beverage or a violation of the laws of the state or the united States pertaining to the manufacture, possession, transportation or sale of any alcoholic beverage, or taxability thereof; or

(2) A person whose license under this article has been revoked for cause or who has had a license under this article revoked within 24 months of the date of reapplication for the license.

(b) Any licensee who becomes a person prohibited from obtaining a license for any reason set forth in subsection (a) of this section, shall within ten days of such event, make such fact known to the mayor and council and shall surrender such person's license upon demand by the mayor and council.

Sec. 4-23-3. Interest in license by persons convicted of certain crimes.

No license for the retail sale of alcoholic beverages shall be issued to any person, partnership, corporation, or limited liability company where any individual having any interest therein, either as owner, member, shareholder, or partner, having a direct or indirect beneficial or absolute interest, or the spouse of any such person, shall have been convicted or shall have taken a plea of nolo contendere, within a period of ten years immediately preceding the filing of the application under this article, for any felony or misdemeanor of any state, or of the United States, or any municipal ordinance, except traffic violations. Where there is a conviction of a municipal ordinance violation, or where there is a plea of nolo contendere, the mayor and council may, after investigation, waive such conviction as a disqualification.

Sec. 4-24. Application and issuance.

(a) Application for a license shall be made on forms furnished by the city, and all requested information thereon shall be provided, including all applications, documents or information provided or to be provided to the state department of revenue to obtain a state license. All applications shall be presented in person to the city clerk or their designee. The application shall not be accepted until complete. The mayor and city council shall consider the application at a public hearing within 60 days of a complete application being submitted and shall approve or deny the application based on the standards, requirements and criteria of this chapter. If rejected, the applicant may not re-file for a period of 90 days after the rejection.

(b) The applicant shall furnish the city clerk or designee a complete set of fingerprints, along with a signed consent form authorizing the city to have a criminal background check performed. The fingerprints and other applicant information shall be submitted by the city clerk or designee to the GCIC/NCIC for review of the criminal record of the applicant. The city police department shall also be authorized to contact the GBI or

other law enforcement agencies for additional background information, pertinent to the requirements of this chapter.

(c) The applicant shall identify all owners of the establishment to be licensed, and each owner shall be qualified to be a licensee under this chapter.

(d) Each new applicant and renewal shall pay an investigation fee in the amount provided in the city fee schedule at the time of filing the application for a license.

(e) It shall be unlawful for any person to file an application for a license, or permit their name to be used in such application, where the application contains a nominal applicant for the purpose of avoiding the provisions of this division restricting applicants to persons of good character and without criminal records, or restricting economic interests in retail package stores, or for elusive purposes. It shall be unlawful for any person to permit their name to be used in an application for a license where such person will not be the de facto owner of the license. It shall be unlawful for any person to file an application for license containing their name as applicant when such person is not the de facto applicant. It shall be unlawful for any person to file, or permit to be filed, an application for a license wherein a sham applicant is named.

(f) An application containing false information or false statements may result in disapproval, revocation, suspension or failure to renew the license application.

(g) The applicant must appear in person at the public hearing on the application. Failure of the applicant to appear at the public hearing will result in the application being denied.

(h) Whenever an application for license is denied by the mayor and city council, the reasons for such denial shall be stated in writing and entered upon the minutes. Within seven days of the decision to deny, a written notice of denial shall also be mailed or personally delivered to the applicant at the address listed on the application. If denied, the applicant cannot reapply for 24 months.

(i) If the mayor and city council approve the application, the city clerk or their designee shall issue an annual license to the applicant upon the payment of the license fee.

(j) A copy of this chapter shall be given to all applicants for license upon a filing of application with the city clerk or their designee.

(k) The grant of a license shall not vest any rights in the renewal of the license.

Sec. 4-25. Standards for grant of license.

The mayor and city council in making a determination on an application shall be guided by the following factors as to whether or not to issue or deny a license under this chapter:

(1) Licenses required by this chapter shall be granted by the mayor and city council upon proper application being filed and approved. A nonrefundable investigation fee, as set forth in the schedule of fees and charges on file in the office of the city clerk, for each individual applicant requiring a background check of investigation shall be paid to the city clerk or designee upon filing the application.

(2) Application for a retail license shall be made by and the license granted to the individual or partners primarily responsible for personally supervising and conducting the operation of the business at the address specified in the application. Such individual, or, if a partnership, the partners collectively, must be regularly present on the premises during at least one-third of the hours during which the business is open during at least two months of each quarter. Any person applying on behalf of a corporation must disclose the extent of their representative capacity and the names and addresses of the officers of the corporation. The applicant must furnish the names and addresses of the owners of the premises at which the business is to be conducted and the names and addresses of all persons who have a financial interest in the ownership of the business to be conducted.

(3) A copy of this chapter shall be given to all applicants upon their filing their applications with the city clerk or their designee.

(4) The report of the chief of police from the criminal background check that the applicant satisfies all the criteria of this chapter regarding lack of felony convictions.

(5) The report of the code enforcement officer as to whether the premises satisfies the city's zoning chapter and applicable development regulations.

(6) Whether the proposed location has adequate off-street parking facilities or other parking available for its patrons.

(7) The criminal record of the applicant and manager or member of management team as provided herein, and general good character and reputation and their financial responsibility; provided that nonpayment of federal, state, county or city taxes shall be prima facie evidence of lack of financial responsibility.

(8) The information required in the application or statement and whether all requirements as to notice, advertisement, fire codes, building, zoning, parking, lighting and legal matters have been met.

(9) Other evidence presented for or against the application.

(10) Whether or not the granting of the application is in the interest of the city.

(11) Whether any license for sale of alcoholic beverages previously issued for the location has been revoked for cause.

(12) Whether the applicant holds or possesses any other license for the sale of alcoholic beverages issued by the city.

(13) Compliance with the requirements of this chapter and the provisions of this Code.

(14) A license application for a license under this chapter may be denied when it appears that the applicant will not have adequate financial participation in the proposed business to direct and manage its affairs, or where it appears that the applicant is intended to be a mere surrogate for a person who would not otherwise qualify for a license.

Sec. 4-26. Appeal.

Any applicant or other interested party dissatisfied with the decision of the mayor and city council in regard to the issuance of a license may appeal to the Superior Court of Bartow County, Georgia by filing a petition for judicial review in accordance with state law.

Sec. 4-27. Pouring licenses limited to certain establishments.

Except as expressly provided in this chapter, no application for a pouring license shall be considered from, and no license shall be granted to, an applicant whose premises for a pouring outlet is anything other than a restaurant, hotel, bar, distillery or brewpub. It is the intention of this division that alcoholic beverages for consumption on the premises be sold only at a bona fide restaurant, hotel, bar, distillery or brewpub under the restrictions herein set out.

Sec. 4-28. Licensee to report changes.

A licensee shall make immediate report to, and receive approval by the mayor and city council, of any change in the interests in or ownership of the establishment which would render information provided on the application no longer correct.

Sec. 4-29. Distance requirements.

(a) *Wine or malt beverages.* No business may offer to sell wine or malt beverages within 100 yards of a school building, school grounds, or college campus, except those licensed before January 1, 1981, or if a new license is applied for and the sale of wine or beer was lawful at such location at any time during the 12 months immediately preceding such application. No business may offer to sell wine or malt beverages within 100 yards of an alcoholic treatment center owned and operated by this state or any county or municipal government therein, except those licensed before July 1, 1981. This distance shall be measured by the most direct route of travel on the ground.

(b) *Distilled spirits.* No business may offer to sell distilled spirits within 100 yards of any church building. No business may offer to sell distilled spirits within 200 yards of any school building, educational building, school grounds or college campus. No business may offer to sell distilled spirits within 100 yards of an alcoholic treatment center owned and operated by this state or any county or municipal government therein, except those licensed before July 1, 1981. This distance shall be measured by the most direct route of travel on the ground.

(c) *Compliance.* Each application for a license under this chapter shall include a scale drawing of the location of the proposed premises showing the distance to the nearest type of building and/or property lines of types of property referred to in subsections (a) and (b), or a certificate of a registered surveyor that such location complies with subsections (a) and (b).

ARTICLE III. FEES

Sec. 4-31. Classification and fees.

(a) *Licenses.* Fees for licenses or permits issued under this chapter will be established by resolution adopted by the city council and kept on file with the city clerk.

(b) *Refund.* There shall be no refund of license fees to licensees who close their licensed business during a calendar year.

(c) *Term.* Any license issued pursuant to this chapter shall be valid only for the calendar year indicated thereon, and no such licenses may be renewed without the licensee filing a renewal application with the city as provided for in this chapter.

(d) *Fees.* All fees shall accompany the application and shall be either in cash, check, or other form of payment accepted by the city. There shall be no proration of fees for a license.

ARTICLE IV. RENEWAL, TRANSFER, REVOCATION AND SUSPENSION

Sec. 4-41. Duration of licenses.

Any license issued hereunder shall automatically expire on December 31 of the year of its issuance. No license shall vest any rights in a renewal.

Sec. 4-42. Expiration and renewal.

(a) *Schedule.* All licenses shall be issued on a calendar year basis and shall be renewable as a matter of course upon payment of the appropriate fee, on or before December 15 of each year. If a license is not renewed by the last working day of the calendar year by 12:00 p.m. noon, it shall lapse and an application for new license shall be required and, in addition, no sale or service of alcoholic beverages shall be permitted until a new license is issued.

(b) *Nonrenewal.* Any activity which constitutes probable cause for not renewing a license shall be referred to the city clerk who shall report same to the mayor and city council. The mayor and city council may deny renewal of the license based on the same criteria and qualifications for issuance of the initial license. In addition, grounds set forth under section 4-43 for revocation or suspension of a license shall be grounds for nonrenewal of a license.

(c) *Appeal.* Any person dissatisfied by a decision to deny renewal of a license may appeal to the Superior Court of Bartow County, Georgia in the same manner as the appeal of the denial of an application.

Sec. 4-43. Grounds for revocation, suspension or nonrenewal.

(a) The following shall be grounds for the suspension or revocation of an alcoholic beverage license. They shall also be grounds for nonrenewal of license. The existence of such grounds shall be determined by the mayor and city council after a public hearing based upon the preponderance of evidence. Any one or more of the following grounds shall justify suspension or revocation, or nonrenewal:

(1) Violation by the licensee of any state or federal law or regulation relating to the use and sale of drugs or alcoholic beverages, or violation by the licensee or any employee of this chapter;

(2) The failure of the licensee or their employees to report promptly to the police department any violation of law, regulation, resolution, ordinance or breach of the peace, disturbance, or altercation occurring on the premises;

(3) Any conduct on the part of the licensee or their employees contrary to the public welfare, safety, or health;

(4) Operating or conducting the licensed business in a manner contrary to the public welfare, safety, health or in such a manner as to constitute a nuisance;

(5) Allowing a person to be employed by the licensed business who is in violation of any provision or requirement of this chapter;

(6) Sales by the licensee or any employee of alcoholic beverages to person(s) under 21 years of age;

(7) Submitting an application or any required report containing false information or false statements, or discovery of previously submitted false information;

(8) The licensed business fails to properly account for and pay any excise tax levied under this chapter; or

(9) The licensee's state alcoholic beverage license is revoked. The mayor and city council's suspension or revocation decision shall be made in writing and state the grounds for the decision and delivered to the licensee by mail or personal delivery.

(b) Any licensee dissatisfied with the decision of the mayor and city council in regard to the suspension or revocation of a license may appeal to the Superior Court of Bartow County, Georgia in the same manner as an appeal for the denial of an application.

Sec. 4-44. Operation restrictions and requirements.

(a) It shall be unlawful for any pouring outlet, pouring licensee or any employee thereof to sell, pour or serve alcoholic beverages except as provided herein.

(b) The following provisions shall apply to package outlets and pouring outlets, as applicable:

(1) The building or proposed building where pouring will take place shall meet all requirements of the city building inspector.

(2) No percentage leases of buildings for pouring shall be permitted.

(3) No pouring shall be permitted between the hours of 1:30 a.m. Sunday and 10:00 a.m. Monday, or between the hours of 12:30 a.m. and 10:00 a.m. Monday through Thursday and/or between the hours of 1:30 a.m. and 10:00 a.m. Friday and Saturday except as otherwise provided. Except as otherwise expressly provided herein, no pouring is permitted on Sunday.

(4) No wine or malt beverages or distilled spirits may be consumed on the premises of the pouring outlet between the hours of 2:00 a.m. Sunday and 10:00 a.m. Monday, or between the hours of 12:30 a.m. and 10:00 a.m. Monday through Thursday and/or between the hours of 2:00 a.m. and 10:00 a.m. Friday and Saturday except as otherwise provided.

(5) In no event shall wine or malt beverages or distilled spirits be sold or delivered during the prohibited hours, set forth in subsections (3) and (4) of this section, based upon any devise or scheme, including the timely sale of tickets, chits and decanters.

(6) Hours of operation permitted for sales of packages alcoholic beverages at the premises licensed for package sales shall be Monday through Saturday 8:00 a.m.to 11:45 p.m. No retail package liquor store shall open its place of business or furnish, sell or offer for sale any alcoholic beverage at any of the following times: (a) in violation of municipal ordinance or regulations; (b) in violation of a special order of the Commissioner; (c) On Sundays, or (d) any other day prior to 8:00 a.m. or after 11:45 p.m. All retailers of distilled spirits shall also comply with all state laws, rules and regulations regarding prohibiting persons from being in the place of business after closing time or prior to opening time. Grocery stores, convenience stores, and other stores that carry a variety of products besides alcoholic beverages may be open earlier or stay open later than the hours shown but sales of alcoholic beverages shall not be permitted at times other than the hours shown.

(7) As permitted by this Code, outdoor pouring shall be allowed at licensed sidewalk, or right-of-way cafes.

(8) On New Year's Eve only, the pouring hours shall be extended to 1:30 a.m., and the hours of consumption shall be extended until 2:00 a.m.

(9) It is unlawful for any licensed establishment to sell, pour or serve alcohol on Sunday, Thanksgiving Day and Christmas Day.

(10) Except as provided herein, it shall be unlawful for any person to sell, serve, or otherwise dispense alcoholic beverages outside the licensed premises structure. A licensee holding a pouring license may sell, serve, or otherwise dispense alcoholic beverages in a patio/open area type environment pursuant to these conditions:

a. The patio/open area must be enclosed by brick or stone wall or metal fencing providing for public ingress/egress only through the licensed premises main structure, in order to prevent a customer from leaving the outside area with an alcoholic beverage without the licensee's knowledge.

b. The height of such structure shall be a minimum of three feet above ground level, although it does not have to be solid or restrict visibility into or out of the patio/open area. The structure must be approved by the building inspection department and fire department.

c. The only exits from the patio/open area are to be through the licensee's main premises and through an approved fire exit, not for general public use unless an emergency exists. The fire exit should sound an alarm when used in order that any unauthorized use shall be known.

(c) It shall be a violation of this section and the license issued pursuant to it for a licensee to sell tobacco products, vapor products (as defined by state law) , cannabidiol (CBD) products or Kratom products to any person under the age of 21. Tobacco products, vapor products, or cannabidiol (CBD) products shall only be displayed for sale behind the checkout counter of the licensed package establishment, or within a fully enclosed, secure and locked cabinet that is only accessible by employees of the establishment. The licensee who wishes to sell tobacco products, vapor products, or cannabidiol (CBD) products shall post a prominently visible sign within the licensed premises giving notice that tobacco products, vapor products, and cannabidiol (CBD) products may not be purchased by or for individuals under the age of 21.

Sec. 4-45. Special events permits.

Permits may be issued by the mayor and city council for special events hosted by private persons or entities, including malt beverage and/or wine pouring. Special events permits will only be issued upon showing that:

(1) The event will be consistent with the peaceful enjoyment of the surrounding area and not a nuisance by virtue of noise, crowd size, date or timing.

(2) The event will not be injurious to the peaceful operation of area business or the public welfare.

(3) Proper security will be provided with POST certified officers at the applicant's expense.

(4) The applicant is responsible for all clean up associated with the event.

(5) The applicant is qualified to serve alcoholic beverages in a safe and legal manner, or has retained a caterer or other alcohol license holder to serve alcohol.

(6) The applicant has paid the special permit fee established by the city council.

ARTICLE V. PREMISES AND OPERATION REQUIREMENTS

Sec. 4-51. Deliveries to retail licensee.

Alcoholic beverages shall be received at or delivered to the premises of a retail licensee by no other means than by conveyance owned and operated by a state licensed wholesale dealer to make deliveries in the city. Transportation of alcoholic beverages by any other means shall be grounds for revocation of the retail or pouring license, or the wholesale license or both.

Sec. 4-52. Purchases to be from licensed wholesalers.

No pouring licensee shall buy or arrange to buy, nor in any way affect the transfer of any alcoholic beverage, except from a licensed wholesaler.

Sec. 4-53. Licensees to keep copy of chapter on-premises; employees to be familiar with terms; responsibility of licensee for violations.

Each licensee hereunder shall keep a copy of this chapter in the licensed premises and shall instruct any person working there with respect to the terms hereof, and each licensee, the licensee's agents and employees selling, pouring and serving distilled spirits shall at all times be familiar with the terms hereof. The licensee shall be responsible for any acts of agents or employees which are in violation of this chapter or of the laws of the state or the rules and regulations of the state revenue commissioner.

Sec. 4-54. Employees of licensed establishments.

(a) A license holder, before employing any person for the sale or handling of malt beverages, wine or distilled spirits, shall submit such prospective employee's name to the city clerk or designee, who shall make such investigation as necessary to determine the qualification of such prospective employee before issuing a permit for such person. It shall be a violation of this chapter for any person to engage in the sale or delivery of alcohol by the drink or packaged without first obtaining such permit.

(b) Any person, including the licensee, who works in a pouring or package establishment selling, pouring or serving alcoholic beverages shall apply to the city clerk or designee for an employee identification card, which card shall expire on the person's birthday and be renewable on or before that time. The fee for the initial card, renewal or replacement shall be as set forth in the fee schedule.

(c) While on duty in a pouring outlet or package shop, every person required to hold an employee identification card under subsection (b), shall visibly wear his employee identification card on their person at all times.

(d) Pouring outlet or package wine shop employees shall make themselves available for photographing, fingerprinting and such other investigating as may be required by the city.

(e) The city clerk or designee shall investigate the employee applicants. A distilled spirits and beer/wine pouring employee or package employee identification card shall not be issued to any person who has pled guilty or nolo contendere to, or has been convicted of, a felony offense or any other offense related to the sale or possession of alcohol within the last five years when such conviction constituted a second offense; or who has been convicted of or pled guilty or nolo contendere to three or more felonies or other offenses related to the sale or possession of alcohol where the third or subsequent such offense occurs after September 12, 2019.

(f) The city clerk may revoke or suspend an employee identification card and demand its surrender upon finding that the employee violates the provisions of this chapter, provided that such employee may appeal such decision to the city council, who shall conduct a hearing and determine whether sufficient grounds exist for the revocation or suspension.

ARTICLE VII. ENFORCEMENT AND INSPECTIONS

Sec. 4-71. Enforcement.

(a) Police may conduct periodic enforcement checks of all licensed establishments. Such check may include, but not be limited to:

(1) Surveillance by plain-clothes or uniformed officers to confirm compliance with state law and city ordinance.

(2) Purchase of alcoholic beverages by an adult 21 years of age or older to determine if identification is being checked to confirm legal age.

(3) Attempted purchase of alcoholic beverages by a person 20 years of age or younger to ensure compliance with state laws and city ordinances.

(b) Based on the results of the checks, the police chief may conclude that employees of the licensee are not following proper alcoholic beverage sales procedures to ensure compliance with the law and/or do not possess adequate knowledge of the law. When this is the case, the police chief may conduct follow-up checks as appropriate to obtain compliance.

(c) The police chief shall forward to the mayor and city council a report of each enforcement check containing the details of the check.

(d) Violations of this chapter may result in arrest, citations to the court of appropriate jurisdiction, referral to the city solicitor or district attorney, and referral to the mayor and city council for revocation or suspension of license.

Sec. 4-72. Other relief.

The city may bring an action in superior court to enforce this chapter, to seek injunctive relief or other relief, to seek fines and attorney's fees, to abate a nuisance, and to otherwise secure compliance with the terms of this chapter.

ARTICLE VIII. RESTRICTIONS ON SALES; OTHER RESTRICTIONS

Sec. 4-81. Brown bagging.

(a) "Brown bagging," as defined in this chapter, means possession of an open glass bottle, can, or other container containing an alcoholic beverage or consumption of an alcoholic beverage on premises:

(1) For which a city business license has been issued; and

(2) Which occurs at a location different from where said alcoholic beverage was purchased.

(b) Subject to express exceptions within this chapter, it shall be unlawful for a licensee or any other business to allow customers to bring with them their own alcoholic beverages for consumption on premises, which is known as "BYOB" or "brown bagging."

(c) Subject to the express exceptions within the chapter, it shall be unlawful for any owner or person in possession of any business establishment for which a business license/occupational tax certificate has been issued and which business establishment has no alcoholic beverage license issued by the city, to permit any person to serve, store, consume, or bring any alcoholic beverage onto the premises of such business establishment.

(d) The prohibitions and restrictions in subsections (b) and (c) above shall not apply to a private function in which attendance is by invitation only and during which alcoholic beverages are served if all of the following provisions apply:

(1) All alcoholic beverages served at the private function shall be provided by the person renting the venue or otherwise having the right of temporary possession of the venue;

(2) The cost of the alcoholic beverages served at the private function shall be paid by the person renting the venue or otherwise having the right of temporary possession of the venue;

(3) No merchandise shall be bought or sold on the premises during the private function;

(4) There shall be no cost to attend the private function either by donations or any other means; and

(5) The person renting the venue or otherwise having the right of temporary possession of the venue shall employ a bartender with the appropriate training and experience to ensure the safety of all persons attending the private function.

Sec. 4-82. Place of sale or delivery.

(a) No retail dealer shall sell or deliver alcoholic beverages to any person except in such retail dealer's place of business. A retail dealer shall be permitted to load purchased goods in a customer's vehicle when the sale physically takes place and monies have been exchanged inside the place of business.

(b) No drive-in windows or curb service shall be permitted for selling alcoholic beverages.

Sec. 4-83. Purchases by or sales to underaged persons.

(a) No license holder and/or employee of a package outlet, pouring outlet, or other licensed establishment shall knowingly furnish, sell or offer for sale any alcoholic beverage to a person less than 21 years of age. This prohibition shall not apply with respect to the sale of any alcohol to a person when such person has furnished proper identification showing that the person to whom the alcoholic beverages are being sold is 21 years of age or older.

(b) In this subsection, the term "proper identification" means any document issued by a governmental agency with photo identification and the corresponding date of birth including, but not limited to:

(1) A passport;

(2) A military identification card;

(3) A driver's license; or

(4) A state approved identification card for people without a driver's license.

(c) The term "proper identification" does not include a birth certificate.

(d) Subsection (a) of this section shall not apply to the following:

(1) Whenever an alcoholic beverage is purchased for medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in the state; or

(2) Whenever alcoholic beverages are purchased for consumption at a religious ceremony.

(e) The licensee shall post in the most conspicuous place in their establishment a sign printed in letters at least two inches high containing the following language: "SALE OF ALCOHOLIC BEVERAGES TO PERSON UNDER THE AGE OF 21 STRICTLY PROHIBITED." Any required notice provided by the department of revenue must also be posted.

(f) It shall be unlawful for any person under the age of 21 to drink or possess any alcoholic beverages, except as stated in subsection (a) of this section, or except as provided in O.C.G.A. § 3-3-23. It shall be unlawful for a person under the age of 21 to falsely represent their age in any manner whatsoever.

(g) The municipal court, in accordance with O.C.G.A. § 36-32-10, is granted jurisdiction to try and dispose of first offense violations of O.C.G.A. § 3-3-23.

Sec. 4-84. Employment of minors.

No retail dealer or pouring outlet shall employ, require or permit persons under 18 years of age to dispense, serve, sell or take orders for any alcoholic beverages.

Sec. 4-85. Gambling.

There shall be no gambling as defined in O.C.G.A. tit. 16, ch. 12, art. 2 in any place of business licensed under this chapter, or in any room adjoining same, owned, leased, or controlled by a licensee. Any violation of this section shall be cause for suspension or revocation of a license. The prohibition outlined in this section does not apply to:

(1) The sale of Georgia lottery tickets by a licensed dealer;

(2) The playing of bona fide coin-operated amusement machines and the concomitant non-cash redemption associated with these machines as defined, set forth and permitted in O.C.G.A. §§ 48-17-1(2)(A) and (B) and 16-12-35(a) through (i);

(3) Raffle operated in accordance with O.C.G.A. § 16-12-22.1; or

(4) A licensed bingo hall governed by O.C.G.A. §§ 16-12-51—16-12-62 and the applicable regulations relating to same.

Sec. 4-86. Sales to certain persons prohibited.

No pouring licensee or employee thereof shall give, sell or offer to sell, pour or serve any person who is noticeably intoxicated, who is of unsound mind, or who otherwise appears under the influence of controlled substances.

Sec. 4-87. Prohibited products.

No license holder under this chapter shall sell, offer for sale, display, lend, rent, lease, give, exchange, keep in stock, possess with intent to sell, or otherwise distribute to any person, at any place of business licensed hereunder any drug paraphernalia or "drug related object" as defined by O.C.G.A. § 16-13-32(a)(1).

ARTICLE IX. EXCISE TAXES

Sec. 4-91. Malt beverage excise taxes.

(a) Where malt beverages are sold in bottles, cans, or other containers, except barrel or bulk containers, a tax of 5 cents per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.

(b) Malt beverages sold in or from a barrel or bulk container, and commonly known as tap or draft beer, shall not be subject to the excise tax provided in subsection (a) of this section; but in lieu thereof, there is imposed upon each wholesale dealer selling such malt beverages within the corporate limits of the city an excise tax of $6.00 for each barrel or bulk container having a capacity of 15½ gallons sold by such wholesale dealer within the city, and at a like rate for fractional parts thereof.

(c) The excise taxes provided for in this section shall be in addition to any license fee, tax or charge which may now or in the future be imposed upon the business of selling malt beverages at retail or wholesale, within the corporate limits of the city.

(d) Failure to make a timely remittance of the taxes imposed in this section, as set forth in state law, shall render a wholesale dealer liable for a penalty equal to 25 percent of the total amount due during the first 30-day period following the date such remittance was due and a further penalty of one percent of the total amount due for each successive 30-day period or any portion thereof during which such remittance is not filed. The filing of a false or fraudulent report required by state law shall render the wholesale dealer making such report liable for a penalty equal to 50 percent of the amount of the remittance which would be required under an accurate and truthful report.

(e) Failure to make a timely report or remittance, or the filing of a false or fraudulent report, shall also constitute grounds for the revocation of the business license issued by the city to the wholesale dealer.

Sec. 4-92. Wine excise taxes.

(a) In addition to the annual retail wine license fee required, there is levied an excise tax computed at the rate of $0.22 per liter on all wine sold, displayed, or stored in the city. Such tax shall be prorated on miniatures, half-pints, fifths, half-gallons, and other quantities, so that each bottle shall be taxed on the basis of $0.22 per liter.

(b) The tax shall be paid to the city by each wholesale distributor on all wine sold to retailers in the city as follows: Each wholesale distributor selling, shipping or in any way delivering wine to any such retailer shall collect the excise tax at the time of delivery and shall remit the same together with a summary of all deliveries to each retailer on or before the tenth day of the month following.

(c) Each wholesale distributor shall furnish to the city a summary of all purchase invoices for wine sold to each retailer in the city on or before the tenth of each month following such purchases. The invoices shall show the amount of excise tax paid.

(d) The city shall have the right to audit, and to require production of records from, each wholesaler supplying retailers in the city and each retailer so supplied.

Sec. 4-93. Distilled spirit excise taxes.

(a) There is levied an excise tax computed at the rate of $0.22 per liter which shall be paid to the city on all distilled spirits sold within the city. Such tax shall be paid to the city by the wholesaler on all distilled spirits sold to pouring outlets as follows:

(1) Each wholesaler selling, shipping, or in any way delivering distilled spirits to any pouring outlet shall collect the excise tax at the time of delivery to each pouring outlet and pay same to the city on or before the tenth day of the month following.

(2) The per liter rate shall be prorated so that all containers of distilled spirits shall be taxed on the basis of $0.22 per liter. It shall be unlawful for any wholesaler to sell, ship or deliver in any manner any distilled spirits to a pouring outlet without collecting the tax. It shall be unlawful for any pouring licensee under this chapter to possess, own, hold, store, display, or sell any distilled spirits on which tax has not been paid.

(b) In addition, there is an excise tax computed at the rate of three percent of the charge to the public on sales of distilled spirits by the drink made by pouring outlets. The tax shall not apply to the sale of fermented beverages made in whole or in part from malt or any similar fermented beverage. Such tax shall be paid to the city by the pouring licensee on all distilled spirits sold to customers by the drink in the city on or before the tenth day of the month following such sales. It shall be unlawful for any pouring licensee to fail to pay such excise tax. Pouring licensees collecting the tax authorized in this subsection shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due if the amount is not delinquent at the time of payment. The rate of deduction shall be the same rate authorized for deductions from state tax under O.C.G.A. §§ 48-8-1 et seq. and 3-7-60.

Sec. 4-94. Wholesaler's report; tax collection; payment; records.

(a) Each wholesaler registered under this chapter or licensed by the city shall file a report with the city clerk by the tenth day of each month, itemizing for the preceding calendar month the exact quantities of all alcoholic beverages by size and type of container sold within the city. The report shall show the name and address of

each retailer with which they did business in the city and any other information as may be required by the city. Copies of required state monthly filings shall also be provided to the city.

(b) Each wholesaler reporting under this section shall collect from each retailer with whom the wholesaler did business the amount of tax due the city under this chapter and shall hold the same in trust for the city.

(c) The wholesaler's monthly report shall be accompanied by remittance to the city of all taxes due the city under this chapter for the preceding month from each retailer.

(d) Each wholesaler hereunder shall keep true and correct records, including invoices of all sales, shipments or deliveries of beverages to retailers in this city. These records shall be preserved for at least one year and shall be made available on request for inspection by any authorized representative of the city.

Sec. 4-95. Penalty; revocation of license.

(a) The failure to make a timely report or remittance shall render a wholesaler liable for a penalty equal to ten percent of the total amount due and a further penalty of ten percent of the amount of the remittance for each successive month or any portion thereof during which the report and remittance are not filed. The filing of a false or fraudulent report shall render the wholesaler making the report liable for a penalty equal to ten percent of the amount of the remittance which would be required under an accurate and truthful report.

(b) Any failure to make a timely report or remittance or the filing of a false or fraudulent report shall also constitute grounds for the revocation of the business license or registration issued by the city to the wholesaler.

(c) Subsections (a) and (b) of this section shall be in addition to any other penalty which may be imposed for violation of this Code.

Sec. 4-96. Unlawful retail sales.

It is unlawful for any retailer within the city to sell any alcoholic beverages on which the taxes under this chapter have not been paid as herein provided by the retailer.

ARTICLE X. CATERERS

Sec. 4-101. Scope of article.

The following sections shall apply to the licensing and operation of all establishments selling alcoholic beverages for consumption off-premises in connection with an authorized catered event or function, and should any section of this article conflict with other provisions in this chapter or the general business requirements of this Code, then this article shall control.

Sec. 4-102. Definitions.

In addition to the definitions provided in other sections of this chapter, the following words shall have the indicated meaning for purposes of this article.

Food caterer shall mean any person who prepares food for consumption off the premises.

Person shall extend and be applied to associations, firms, partnerships and bodies politic and corporate, or any combination thereof, as well as to individuals.

Sec. 4-103. Alcoholic beverage license required.

(a) Any alcoholic beverage caterer who possesses a valid license from the city or another city or county in the state and possesses a valid license from the state to sell malt beverages, wine, or distilled spirits by the drink and/or by the package at a fixed location within the city may be issued by the city an event permit authorizing such sales off-premises and in connection with an authorized catered event or function.

(b) A licensed alcoholic beverage caterer may only sell that which is authorized by their alcoholic beverage license. For example, if the alcoholic beverage caterer possesses a valid license to sell malt beverages, he may only sell malt beverages at the authorized catered event or function.

(c) An alcoholic beverage caterer shall submit an application for an off-premises event permit. The license may be applied for at the same time as the alcoholic beverages license(s).

(d) It is unlawful for any person to engage in, carry on or conduct the sale or distribution of alcoholic beverages off-premises and in connection with a catered event or function without first having obtained a permit as provided herein.

Sec. 4-104. Food caterer.

Any food caterer, as defined herein, operating within the city shall apply for an alcoholic beverage caterer's license in order to distribute or sell any distilled spirits, malt beverages or wine off the premises of the food caterer's business. This does not affect any requirements that the food caterer have a license to sell alcoholic beverages on the premises of the food caterer's business.

Sec. 4-105. Event permit and application fee.

(a) Exclusive of the permit required herein, each alcoholic beverage caterer wishing to sell or distribute malt beverages or wine at an authorized catered event or function within the city must apply for an event permit. The application for the event shall include the name of the caterer; the date, address, time and name of the event; and the quantity of alcoholic beverages to be transported from the licensee's primary location to the location of the authorized catered event or function. The fee for the event permit shall be as set forth in the fee schedule.

(b) The original event permit shall be kept in the vehicle transporting the alcoholic beverages to the catered event or function and shall be available for inspection at the catered event or function during the duration of such event or function.

(c) It is unlawful for a licensed alcoholic beverage caterer to distribute or sell alcoholic beverages off-premises except as authorized by the event permit.

(d) The event permit will be valid for the length of the authorized event or function or as approved by the city. After expiration of the event, the alcoholic beverage caterer shall apply for a new event permit in the same manner as the original permit.

Sec. 4-106. Duration and renewal of licenses.

Any license issued hereunder shall automatically expire on December 31 of the year of its issuance.

Sec. 4-107. Restrictions.

(a) No person under the age of 18 may be employed by a licensed alcoholic beverage caterer to dispense, sell or handle alcoholic beverages as prohibited by O.C.G.A. § 3-3-23, and this chapter.

(b) No alcoholic beverage caterer may distribute or sell alcoholic beverages during any hours prohibited in the city.

Sec. 4-108. Violations.

Any person violating the provisions of this article shall be guilty of a misdemeanor, and subject to a fine of up to $1,000.00 per violation and/or six months in jail. Additionally, any person violating this article may, after a hearing as provided under the licensees' malt beverage, wine, and/or distilled spirits licenses, have their licenses suspended, revoked, and/or other penalties and fines imposed as provided for in the Code, for said licenses.