

STATE OF GEORGIA
CITY OF SNELLVILLE

ORDINANCE NO. 2015-06

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES TO DELETE CHAPTER 6 OF THE CITY CODE OF ORDINANCES TO COMPLY FULLY WITH THE GEORGIA ALCOHOLIC BEVERAGE STATUTE AND TO ADD NEW CHAPTER 6 AS THE ALCOHOLIC BEVERAGE ORDINANCE OF THE CITY OF SNELLVILLE, GEORGIA, TO SIMPLIFY REQUIREMENTS TO OBTAIN PERMITS AND LICENSES, TO REMOVE INEFFICIENCIES IN FILING AND EVALUATING APPLICATIONS FOR PERMITS AND LICENSES, TO ALLOW SERVICE OF ALCOHOLIC BEVERAGES AT SOME LOCATIONS, TO INSTITUTE A POURING PERMIT REQUIREMENT, TO PROVIDE FOR SEVERABILITY; TO PROVIDE PENALTIES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of Snellville, Georgia is the Mayor and Council thereof; and

WHEREAS, the City of Snellville desires to modify Chapter 6 of the Code of Snellville, Georgia, to permit the sale and service of alcoholic beverages in certain locations, and to provide for greater ease of application and administration of its requirements; and

WHEREAS, permitting the sale and service of alcoholic beverages in certain locations and providing for greater ease of application and administration of the law's requirements is a public purpose and provides for the public health and general welfare; and

WHEREAS, the health, safety, and welfare of the citizens of Snellville, Georgia, will be positively impacted by the adoption of this Ordinance.

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SNELLVILLE, GEORGIA, and by the authority thereof that Chapter 6, the Alcoholic Beverage Ordinance of the City of Snellville is hereby deleted in its entirety and the following Chapter 6 is added in the following form in its place.:

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ARTICLE 1

DEFINITIONS

1-1 TERMS DEFINED.

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 as defined in this section.

Ancillary License means an authorization expanding a Licensee's previously-granted retail consumption dealer license, retail package dealer license, or wholesale dealer license to include sale of another product or by another method than that previously authorized.

Art shop means a retail business located in the BN, BG, or HSB districts devoted exclusively to providing art education that is limited to instruction in painting, sculpture, and similar crafts; or to selling and displaying portraits, paintings, sculptures, and similar art work and crafts. An art shop may sell art supplies in addition to providing art education or to offering artwork for sale. An art shop shall not allow any activities that would cause the business to be an "adult entertainment establishment" as defined in chapter 10, article II of this Code.

Beer or malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other 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. Also included are beverages known as "nonalcoholic beer" which is made by fermentation of any infusion or decoction of barley, malt, hops, or other products, and containing less than three percent, but more than zero point one percent alcohol by volume. The term "malt beverage" does not include sake, known as Japanese rice wine.

Beer festival means any event, gathering, tasting, or other similar community event whereby participants consume various licensed malt beverages.

Bottle Shop means a licensed location at which a Licensee may sell beer and wine by the drink for consumption and also by the package, but which earns a minimum of 70% of its annual gross revenue from package sales of beer and/or wine.

Brewery Tour means guided access to the manufacturing portion of the licensed premises of a brewer.

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 subparagraph (D) of paragraph (2) of Code Section 3-5-36, or to the public for consumption on the premises, as authorized pursuant to subparagraph (D) of paragraph (2) and paragraph (4) of Code Section 3-5-36, shall not be used..

Craft Beer Market means a licensed location which may fill growlers by tapped keg and sell samples of draft beer and pints of certain limited amounts as well. Craft Beer Markets are a subtype of Bottle Shops.

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

Eating establishment means any public place, including a place available for rental by the public, selling prepared food for consumption by the public on the premises with a full-service kitchen. A full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and refrigerator all of which must be approved by the health and fire departments. An eating establishment will be prepared to serve food every hour they are open and will derive at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of alcoholic beverages. An indoor entertainment hall is specifically excluded from this definition of an eating establishment.

Fixed salary means the amount of compensation paid any member, officer, agent, or employee of a bona fide private club as may be fixed for him by its members at a prior annual meeting or by the governing body out of the general revenue of the club and shall not include a commission on any profits from the sale of alcoholic beverages. For the purpose of this definition, tips or gratuities which are added to the bills under club regulation shall not be considered as profits from the sale of alcoholic beverages.

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. Fortified wine includes, but is not limited to brandy.

Free Souvenir means a complimentary sealed container or containers of malt beverages with a total liquid capacity that does not exceed 72 ounces.

Free Tasting means the provision of complimentary samples of malt beverages to the public for consumption on the premises of a brewer.

Gender. For convenience in construction, the masculine pronouns "he", or "his" may sometimes be used; however, such usage shall, where appropriate, imply the feminine gender and may be construed as "she", "her" or any other feminine usage as may be necessary.

Governing authority means the Mayor and Council of the City of Snellville.

Growler means a reusable glass jug used to transport draft beer for off-premises consumption that is not to exceed 68 ounces and not less than 12 ounces and is filled with beer from a keg by a licensee or an employee of a licensee holding a license as a retail dealer of beer sold in original packages for consumption off the premises from the city or holding a license as a growler shop subject to the provisions of Section 7-2 of this chapter.

Home-brew is defined as any malt beverage produced pursuant to O.C.G.A. § 3-5-4.

Home-brew special events is defined as any contest, gathering, judging, tasting, or other similar event that occurs at a location outside of private residences and which otherwise do not constitute "licensed" premises whereby different malt beverages that have been manufactured in a private residence are sampled, compared, and consumed by participants in and judges of such events for awards, money, prizes, recognition or any other valuable consideration.

Hotel means any building or other structure providing sleeping accommodations for hire to the general public, either transient, permanent or residential. Such hotels shall maintain a minimum of 50 rooms available for hire and have one or more public dining rooms with an adequate kitchen. Motels meeting the qualifications set out in this definition for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operation of any licensed establishment described in this chapter and the holder of such franchise shall be included in the definition of a hotel pursuant to this definition.

House of worship means a building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Identification in this section shall mean any document issued by a governmental agency containing a description of the person, such person's photograph and giving such person's date of birth and shall include, without being limited to, a passport, military ID card, driver's license or state department of public safety ID card.

Indoor commercial recreational establishment means and is limited to an establishment which:

- (1) Regularly serves prepared food, with a full-service kitchen (a full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator all of which must be approved by the health and fire departments), prepared to serve food every hour they are

- open and deriving at least 70 percent of its total annual gross sales from the sale of prepared meals or foods and recreation activities; and
- (2) Wherein the sale of food and alcoholic beverages is incidental to its primary enterprise and activity on the premises.

The primary activity on the premises of the indoor commercial recreational establishment shall be family-oriented in nature, generally meaning a use which attracts a range of individuals from all age groups. Uses may specifically include, but are not limited to, dinner theatres, bowling centers, and other similar uses. Outdoor commercial recreation is not included, nor shall concession sales of alcoholic beverages be permitted. Bingo parlors, dance halls, nightclubs, taverns, billiard parlors, video arcades, skating arenas, adult entertainment and/or sexually related entertainment activities, and similar uses are specifically excluded from this definition of indoor commercial recreational establishments, provided that no indoor commercial recreational establishment shall offer alcoholic beverages for sale during the time it is sponsoring events which primarily attract persons under the lawful drinking age in the state.

Indoor entertainment hall shall mean a publicly or privately owned commercial establishment which:

- (1) Provides professional, live musical entertainment or concerts, performed on-site indoors, at least four nights a week on average over the course of a calendar year;
- (2) Regularly serves prepared food, with a full-service kitchen, consisting of a three-compartment pot sink, a stove or grill permanently installed, and refrigerator, all of which must be approved by the health and fire departments;
- (3) Is prepared to serve food every hour it is open;
- (4) Does not ever provide sexually related adult entertainment;
- (5) Has at least 50,000 square feet of enclosed heated space;
- (6) Has an occupant capacity of at least 3,500;
- (7) Is located on a major thoroughfare;
- (8) Does not provide the sale of alcohol on Sundays; and
- (9) Does not allow the admission of persons under the age of 18 during hours when alcohol is served.

Indoor entertainment halls shall be allowed to sell alcoholic beverages through concession sales.

Indoor publicly owned civic and cultural center means and is limited to publicly owned establishments which:

- (1) Regularly serve food, with a full-service kitchen. A full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments, prepared to serve food every hour such center is open and deriving at least 70 percent of its total annual gross sales from the sale of prepared meals or foods and recreational, promotional entertainment or operational activities; and in which
- (2) The sale of food and alcoholic beverages are incidental to its primary enterprise and activity on the premises. Indoor publicly owned civic and cultural centers may include renovated courthouses used as civic and cultural centers.

In-room service is the provision of a cabinet or other facility located in a hotel-motel guestroom which contains beer and/or wine only and which is provided upon written request of the guest and which is accessible by lock and key only to the guest and for which the sale of the beer and/or wine contained therein is final at the time requested except for a credit which may be given to the guest for any unused portion.

License means an authorization granted by the city to operate as a retail consumption dealer, retail package dealer or wholesale dealer.

Licensee means the individual to whom a license is issued or, in the case of a partnership or corporation, all partners, officers, and directors of the partnership or corporation.

Licensed location means a location for which the City of Snellville has issued a permit allowing the sale of alcoholic beverages.

Liter means metric measurement currently used by the United States.

Malt beverage shall have the same meaning as that given in O.C.G.A. § 3-1-2.

Manufacturer means any maker, producer, or bottler of an alcoholic beverage. Manufacturer also means, in the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits; in the case of malt beverage, any brewer.

Package means a bottle, can, keg, barrel, or other original consumer container. Retail package alcoholic beverages shall include all alcoholic beverages in their original container, sold at retail to the final consumer, and not for resale.

Person means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate,

trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private or quasi-public.

Pouring permit means an authorization granted by the city to dispense, sell, serve, take orders, or mix alcoholic beverages in establishments licensed as a retail consumption dealer.

Private club means any nonprofit association organized under the laws of this state which:

- (1) Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this article;
- (2) Has at least 75 regular dues paying members;
- (3) Owns, hires or leases a building or space within a building for the reasonable use of its members with:
 - a. Suitable kitchen and dining room space and equipment; and
 - b. A sufficient number of employees for cooking, preparing and serving meals for its members and guests; and
 - c. Has no member, officer, agent or employee directly or indirectly receiving in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.

Public stadium, coliseum, auditorium means a facility owned or controlled by the city or Gwinnett County or any public authority established by the State of Georgia with a seating capacity of at least 2,500 people and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

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

Retail package dealer means any person who sells unbroken packages, at retail, only to consumers and not for resale.

Sample means a quantity of malt beverages manufactured by the brewer.

Sports club means an association or corporation organized and existing under the laws of the State of Georgia, organized and operated primarily to provide a location for the patrons thereof to engage in sporting events. To qualify for an alcoholic beverage consumption dealer's license, a sports club must have been actively in operation within the city at least two years prior to an application for license hereunder. Provided, however the two-year operational requirement shall not apply to golf club associations

or golf club corporations where the selling or the serving of alcoholic beverages is to take place on the golf course premises. A sports club organized or operated primarily for serving of alcoholic beverages shall not qualify for licensing under this article, and accordingly shall not be permitted to serve alcoholic beverages at any time. Unless otherwise indicated, a sports club licensee shall comply with all other requirements imposed upon retail consumption dealers.

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

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

ARTICLE 2

APPLICATION, PERMITS AND LICENSES, PENALTIES AND FEES

2-1 INCORPORATION BY REFERENCE.

The requirements of the Georgia Alcoholic Beverage Code, codified in O.C.G.A. § 3-1-2 et seq., and the Distilled Spirits Act, codified in O.C.G.A. § 3-4-150 et seq., are incorporated herein by reference. To the extent that a conflict exists between this Chapter 6 of the Snellville Code of Ordinances and the statutes described above, the following rules apply:

1. Where the state code allows the local governing authority to vary the terms of the state code, this Chapter shall be strictly followed; e.g., the state code allows the local governing authority discretion in making the distance requirements from churches and schools to locations serving alcoholic beverages shorter. Therefore, the distance requirements in this Chapter control.
2. The state code prevails in all other instances where a conflict arises.
3. If a word with a definition particular to the subject matter of this Chapter is undefined herein, the word shall be deemed to have the same definition as that given for the same word in the state code.

2-2 SALE IN THE CITY LIMITS OF SNELLVILLE; LICENSE A PRIVILEGE.

(a) Alcoholic beverages may be sold in the city limits of Snellville under a license granted by the mayor and council upon the terms and conditions hereafter provided.

(b) All licenses herein shall be a mere grant of privilege to carry on the business during the term of the license subject to all terms and conditions imposed by the city and state law.

(c) All licenses hereunder shall have printed on the front these words: "This license is a mere privilege subject to be revoked and annulled, and is subject to any further ordinances which may be enacted."

(d) Any holder of a license issued pursuant to this chapter is required to apply for and obtain an alcoholic beverage license from the State of Georgia before any sales commence. Additionally, the City of Snellville licensees are required to abide by all applicable state regulations and laws.

2-3 LICENSING MANDATORY; PENALTY FOR VIOLATION.

It shall be unlawful for any person to sell or possess for the purpose of sale any alcoholic beverage where the person does not have a license granted by City of Snellville to sell or possess for the purpose of sale these alcoholic beverages, or to sell or make deliveries beyond the boundaries of the premises covered by the license. Violations of this section shall result in a fine of not less than \$500.00 and/or 30 days in jail.

2-4 LICENSING QUALIFICATIONS.

(a) No license for the sale of alcoholic beverages shall be granted to any person who is not a citizen of the United States or an otherwise legal resident.

(b) Where the applicant is a partnership or corporation, then the following shall apply:

1. If the total number of locations engaged in the sale of alcoholic beverages that the applicant partnership or corporation owns is greater than five (5), the district manager and store manager must jointly apply for a license on the corporation's behalf.

2. If the total number of locations engaged in the sale of alcoholic beverages that the applicant partnership or corporation owns is five (5) or fewer, then all the partners, officers, and individual stockholders with holdings of greater than twenty percent (20%) in the applicant corporation must jointly apply for a license on the corporation's behalf.
3. When the Planning Department grants a license to a corporation, the license shall be issued jointly to the corporation and the majority stockholder, if the majority stockholder is an individual. If the majority stockholder is not an individual, then the license shall be issued jointly to the corporation and its registered agent. When the Planning Department grants a license to a partnership, the license shall be issued jointly and on behalf of the partnership to all of the partners owning at least twenty (20%) percent of the partnership, or if no partner owns twenty percent (20%) of the partnership, then the license shall be issued on behalf of the partnership to the general partner, managing partner and the partner with the greatest ownership. After a license has been granted, the applicant partnership or corporation shall immediately notify the Planning Department when an individual holding a license on behalf of a corporation or partnership is added or removed.

(c) No person, firm or corporation shall be granted any alcoholic beverage license unless it shall appear to the satisfaction of the Planning and Development Director or his or her designee that such person, partners in the firm, officers and directors of the corporation have not been convicted or pled guilty or entered a plea of nolo contendere, and has been released from parole or probation, to any crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation of sodomy, or any sexual related crime within a period of ten years immediately prior to the filing of such application. At the time an application is submitted for any alcoholic beverage license, the applicant shall, by a duly sworn affidavit, certify that neither the applicant, nor any of the other owners of the establishment, has been convicted or has pleaded guilty or entered a plea of nolo contendere and has been released from parole or probation to any crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution,

solicitation of sodomy, or any sexually-related crime within a period of ten years immediately prior to the filing of such application. An applicant's first time conviction for illegal possession of alcohol as a misdemeanor or violation of a city ordinance shall not, by itself, make an applicant ineligible for an alcohol license. Should any applicant, partner, or officer used in the sale or dispensing of any alcoholic beverage, after a license has been granted, be convicted or plead guilty or nolo contendere to a crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation of sodomy, or any sexually-related crime, the license shall be immediately revoked and cancelled.

(d) No license for the sale of alcoholic beverages shall be granted to any person convicted under any federal, state or local law of any felony, within ten years prior to the filing of application for such license.

(e) It shall be unlawful for any city employee directly involved in the issuance of alcoholic beverage licenses under this chapter, to have any whole, partial or beneficial interest in any license to sell alcoholic beverages in the city.

(f) No license for the sale of alcoholic beverages shall be granted to any person who has had any license issued under the police powers of the city previously revoked within two years prior to the filing of the application.

(g) The Planning and Development Director may decline to issue a license when any person having any ownership interest in the operation of such place of business or control over such place of business does not meet the same character requirements as herein set forth for the licensee.

(h) All licensed establishments must have and continuously maintain in the county a registered agent upon whom any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee or owner may be served. This person must be a resident of Gwinnett County. The licensee shall file the name of such agent, along with the written consent of such agent with the Planning and Development Director or his designee and shall be in such form as he may prescribe.

(i) The Planning and Development Director, in his discretion, may consider any extenuating circumstances which may reflect favorably or unfavorably on the applicant, application or the proposed location of the business. If in her or his judgment

circumstances are such that granting of the license would not be in the best interest of the general public, such circumstances may be grounds for denying the application.

(j) For purposes of this chapter, a conviction or plea of guilty or nolo contendere shall be ignored as to any offense for which defendant who was allowed to avail themselves of the Georgia First Offender Act (Ga. Laws 1968, p. 324) as amended. Except, however, that any such offense shall not be ignored where the defendant violated any term of probation imposed by the court granting first offender treatment or committed another crime and the sentencing court entered an adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender.

2-5 APPLICATION FORMS.

(a) Persons, firms or corporations that desire to sell alcoholic beverages must first apply for a License using the form prescribed by the City of Snellville.

(b) The application shall include but shall not be limited to: The name and address of the applicant; the proposed business to be carried on; if a partnership, the names and residence address of the partners; if a corporation, the names of the officers, the names and address of the registered agent for service of process, the name of the manager(s), and the name of all shareholders holding more than 20 percent of any class of corporate stock, or any other entity having a financial interest in each entity which is to own or operate the establishment for which a license is sought. If the manager changes, the applicant must furnish the planning and development department and the Snellville Police Department the name and address of the new manager and other information as requested within ten days of such change.

(c) All applicants shall furnish data, fingerprints, financial responsibility and other records as required by the planning and development department and to ensure compliance with the provisions of this article. Failure to furnish data pursuant to such request shall automatically serve to dismiss the application with prejudice.

(d) All applications shall be sworn to by the applicant before a notary public or other officer empowered by law to administer oaths.

(e) In all instances in which an application is denied under the provisions of this chapter the applicant may not reapply for a license for at least one year from the final date of such denial.

(f) The Planning and Development Director shall provide written notice to any applicant whose application is denied under the provisions of this chapter. Such written

notification shall set forth in reasonable detail the reasons for such denial and shall advise the applicant of the right to appeal under the provisions of this chapter. Said notice shall be provided within 30 days of receipt of application.

2-6 REQUIREMENT TO PUBLISH NOTICE OF APPLICATION TO SELL DISTILLED SPIRITS BY CONSUMPTION ON PREMISES.

A notice of each application to sell distilled spirits by consumption on premises shall be advertised in the official newspaper of the city, once a week for two weeks immediately preceding consideration of the application.

2-7 LICENSES FOR PRIVATE CLUBS.

Private clubs may sell and dispense alcoholic beverages upon compliance with all applicable ordinances and regulations of the city governing the sale of such beverages and upon payment of such license fees and taxes as may be required by the existing ordinances, rules and regulations of the city.

2-8 WITHDRAWAL OF APPLICATION.

Any license application made pursuant to this chapter may be withdrawn by the applicant at any time. If the application is withdrawn before the license is issued, any sums deposited as license fees will be refunded. After issuance of the license, no refunds will be made. No refunds shall be made under any circumstances for investigative and administrative expenses required herein.

2-9 FEE SCHEDULE.

Before a license shall be granted, the applicant therefore shall comply with all rules and regulations adopted by the mayor and council regulating the sale of alcoholic beverages and each applicant shall pay a license fee in accordance with the fee schedule set, from time to time, by the mayor and council contained in this chapter and kept on file in the city clerk's office.

2-10 FEES ENUMERATED.

License fees applicable to this chapter are set forth in the schedule of fees and charges on file in the office of the city clerk. Click here to view the schedule of fees and charges available on www.snellville.org.

2-11 INVESTIGATIVE AND ADMINISTRATIVE COSTS FOR LICENSE TO SELL DISTILLED SPIRITS FOR CONSUMPTION ON PREMISES.

Each application for such a license shall be submitted to the planning and development department and accompanied by cash or check for the full amount of the license fee, plus the amount of the administrative fee, as indicated on the fee schedule. The investigative fee shall be submitted to the police department. If the applicant is denied a state license, the deposit representing the license fee shall be refunded; but the fee paid for investigation and administrative cost shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this Code. Any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article shall pay no investigative and administrative costs.

2-12 LICENSE FEE AND AMOUNT TO DEFRAY INVESTIGATIVE AND ADMINISTRATIVE COSTS TO ACCOMPANY APPLICATION TO SELL MALT BEVERAGES AND WINE FOR CONSUMPTION ON THE PREMISES.

Each application for such a license shall be submitted to the planning and development department and accompanied by cash or check for the full amount of the license fee, plus the amount of the administrative fee. The investigative fee shall be submitted to the police department. If the applicant is denied a state license, the deposit representing the license fee shall be refunded; but the fee paid for investigation and administrative cost shall be retained. However, that any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this Code. Any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article shall pay no investigative and administrative costs.

2-13 LICENSE FEE AND AMOUNT TO DEFRAY INVESTIGATIVE COSTS TO ACCOMPANY APPLICATION TO SELL PACKAGES OF MALT BEVERAGES AND WINE FOR OFF-PREMISES CONSUMPTION.

Each application for such a license shall be submitted to the planning and development department and accompanied by cash or check for the full amount of the license fee, plus the amount of the administrative fee. The investigative fee shall be submitted to the police department. If the applicant is denied a state license, the deposit representing the license fee shall be refunded; but the fee paid for investigation

and administrative cost shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this Code. As to any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article, there shall be no investigative and administrative fee.

2-14 INVESTIGATIVE AND ADMINISTRATIVE COSTS TO ACCOMPANY APPLICATION TO SELL ALCOHOLIC BEVERAGES AT PRIVATE CLUBS.

Each application for such a license shall be submitted to the planning and development department and accompanied by cash or check for the full amount of the license fee, plus the amount of the administrative fee. The investigative fee shall be submitted to the police department. If the applicant is denied a state license, the deposit representing the license fee shall be refunded; but the fee paid for investigation and administrative cost shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this Code. Any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article shall pay no investigative and administrative costs.

2-15 COLLECTIONS OF SUMS DUE.

In the event any person, firm or corporation shall fail to pay the sum due under this chapter, the Planning and Development Director or designee shall issue an execution against the person, firm or corporation so delinquent, and his or its property, for the amount of the delinquent fee or tax.

2-16 TRANSFERABILITY OF LICENSE.

(a) No license for the sale of alcoholic beverages shall be transferable, except as otherwise provided herein.

(b) In case of the death of a licensee, the establishment shall be allowed to continue to sell alcoholic beverages for a period of 45 days from the date of death or until expiration of the license or until approval of a new licensee, whichever shall first occur.

(c) In the event that a license is surrendered, or a licensee severs her or his association with a licensed establishment, the establishment may continue to sell alcoholic beverages for a period of 45 days from the date of surrender, or from the date

determined by the Planning and Development Director to be the date of severance. Provided that no such sale shall be authorized until such time as a new application for a license is made, said application indicating that no other change of ownership has occurred. Upon issuance of a new license, the authorization to sell under the previous license shall be revoked by operation of law. No additional license fees shall be required during the period for which the original license was issued.

(d) Nothing in this section, however, shall prohibit one or more of the partnerships holding a license to withdraw from a partnership in favor of one or more of the partners who were partners at the time of the issuance of the license. This section shall not prohibit transfer of stock between persons who held stock in the corporation at the time of issuance of the license nor shall it prohibit transfers of stock which do not result in any person increasing his stock holdings to a total of ten percent or more of any class of stock.

(e) Except as provided above, any change in the ownership of any entity owning a licensed establishment shall cancel and revoke any license hereunder automatically, without the necessity of any hearing.

(f) Violation of this section shall result in revocation of the license being used and a fine on the new ownership and the old ownership of not less than \$500.00 and/or 30 days in jail. No license will be issued to the old or the new owner in the city for one year from the date of the violation.

(g) Should a licensee make application to the Planning and Development Director for a transfer of location and should such a transfer of a location be approved, with no change of ownership of the business, the license fee paid for the previous license shall be applied to the new location. Each applicant for a transfer of location shall pay a transfer fee as indicated on the fee schedule.

2-17 EXPIRATION; RENEWAL.

(a) All licenses granted hereunder shall expire on December 31 of each year. Licenses shall continue in effect from December 31 until December 31 of subsequent years; provided the renewal procedures are followed pursuant to the terms of this section. Licensees who desire to renew their license shall file application, with the requisite fee heretofore provided, with the planning and development department on the form provided for renewal of the license for the ensuing year. Applications for renewal must be filed no less than 60 days nor more than 90 days prior to expiration. Any renewal applications received after November 1 of the latest year in which the license is in effect

shall pay, in addition to said annual fee, a late charge of 20 percent. If license application is received after December 31, such application shall be treated as an initial application and the applicant shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been held. If license application is received after December 31, investigative and administrative costs will be assessed.

(b) All licenses granted hereunder shall be for the calendar year. For an initial application, the license fee shall be prorated based on the quarter of the year in which the City receives the application, except for applications for temporary licenses, which shall not be prorated. The four quarters of the year shall be deemed to start on the first of January, April, July, and October.

(c) Any person renewing any license issued hereunder who shall pay the required fee, or any portion thereof, after December 31, shall, in addition to said annual fee and late charges, pay simple interest on the delinquent balance at the annual rate then charged by the Internal Revenue Service of the United States on unpaid federal income taxes.

ARTICLE 3

GENERAL REGULATIONS

3-1 SEPARATE APPLICATION AND SEPARATE LICENSE FOR EACH LOCATION OF SALE.

Separate applications must be made for each location and separate licenses must be issued.

3-2 DISTANCE REQUIREMENTS.

(a) No person may sell or offer to sell any alcoholic beverage in or within one hundred (100) yards of a house of worship or one hundred and thirty (130) yards of any school grounds. This restriction on selling alcoholic beverages shall be a zero (0) yards restriction within the town center overlay district.

(b) As used in this section, the term "school building" or "educational building" shall apply only to state, county, city, or house of worship school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state and which are public schools or private

schools as defined in O.C.G.A. § 20-2-690(b). The term "school building" includes only those structures in which instruction is offered.

(c) The term "house of worship" as used herein shall mean the main structure used by any religious organization for purposes of worship.

(d) For purposes of this section, distance shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:

1. From the main entrance of the establishment from which alcoholic beverages are sold or offered for sale;
2. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
3. Along such public sidewalk, walkway, street, road or highway by the nearest route;
4. To the main entrance of the house of worship, or to the nearest portion of the school grounds.

(e) No location which is licensed to sell alcoholic beverages on the effective date of this chapter shall be denied continued operation under an existing license, or denied any renewal of such license, nor shall any new owner of said location be denied a new license based upon the measurements set forth in this section.

(f) As to any location licensed in the future, if the distance requirements herein are met at the time of issuance of any license, the subsequent opening and operation of a house of worship or school within the distance prohibited herein shall not prevent the continuance of an existing license or the renewal thereof or the issuance of a new license to any subsequent owner of such property. Provided, however, that the distance requirements herein shall not apply at any location for which a new license is applied for if the sale of alcoholic beverages was lawful at such location at any time during the 12 months immediately preceding such application.

3-3 DISPLAY AT PLACE OF BUSINESS.

The city alcoholic beverage license shall at all times be kept plainly exposed to view, to the public, at the place of business of the licensee.

3-4 LICENSEES TO MAINTAIN A COPY OF THIS CHAPTER; EMPLOYEES TO BE FAMILIAR WITH TERMS; LICENSEE RESPONSIBLE FOR VIOLATIONS.

Each licensed alcoholic beverage dealer hereunder shall keep a current 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 alcoholic beverages shall at all times be familiar with the terms hereof.

3-5 NOTICE.

For the purpose of this chapter, notice shall be deemed delivered when personally served by certified mail, within three days after the date of deposit in the United States Mail.

3-6 NO ADDING TO CONTENTS.

No one shall add to or permit the adding to any alcoholic beverage or refill any alcoholic beverage manufacturer's container in any manner.

3-7 EMPLOYMENT OF UNDERAGE PERSONS PROHIBITED; EXCEPTIONS.

- (a) No person shall allow or require a person in his/her employment under 18 years of age to dispense, serve, sell, or take orders for any alcoholic beverage.
- (b) The provisions of this section shall not prohibit persons under 18 years of age who are employed in supermarkets or convenient stores from selling or handling alcoholic beverages which are sold for consumption off the premises.
- (c) It is unlawful for any person under the age of 18 years of age to work as an entertainer in any establishment licensed hereunder without written consent from parents or guardian.

3-8 PURCHASE OR POSSESSION OF ALCOHOLIC BEVERAGES BY UNDERAGE PERSONS.

- (a) No person under the age of 21 shall purchase or possess any alcoholic beverage.
- (b) No person under the age of 21 years shall attempt to purchase any alcoholic beverage or misrepresent his/her age in any manner whatever for the purpose of obtaining alcoholic beverages.

3-9 SOLICITATION PROHIBITED.

No retail consumption dealers licensed hereunder shall require, permit, suffer, encourage, or induce any employee or person to solicit in the licensed premises for herself/himself, or for any person other than the patron and guest of the patron, the purchase by the patron of any drink; whether alcoholic beverage or nonalcoholic beverage or money with which to purchase the same; nor shall any licensee pay a commission or any other compensation to any person frequenting his establishment or

to his agent or manager to solicit for herself/himself or for others, the purchase by the patron of any drink; whether alcoholic beverage or nonalcoholic beverage or money with which to purchase the same.

3-10 FAILURE TO REQUIRE AND PROPERLY CHECK IDENTIFICATION.

It shall be a violation not to require and properly check Identification to ensure an underage person is not sold, served, or have in his possession, alcoholic beverages while in a licensed establishment.

3-11 SALES TO UNDERAGE PERSON PROHIBITED.

Neither a holder of a Pouring permit, nor a holder or employee of the holder of a License, shall do any of the following upon the licensed premises:

- (a) Sell or offer to sell any distilled spirits, wines, malt beverages, or any other alcoholic beverage to any person under the age of 21 years.
- (b) The prohibition in subsection (1) shall not apply with respect to the sale of alcoholic beverages to a person when such person has furnished Identification demonstrating that the person to whom the alcoholic beverages are being sold is 21 years of age or older.
- (c) Sell or offer to sell any alcoholic beverages to any person who is noticeably intoxicated, or who is of unsound mind, or who is a habitual drunkard whose intemperate habits are known to said licensee or his employees.
- (d) Sell alcoholic beverages upon the licensed premises or permit alcoholic beverages to be consumed thereon, on any day or at any time when the sale or consumption is prohibited by law.
- (e) No person who holds a license to sell alcoholic beverages by the drink shall allow any minors to be in, frequent or loiter about the licensed premises of the establishment or lounge unless such minors are accompanied by a parent, legal guardian, or custodian, provided however, that such minors shall be permitted in eating establishments, indoor commercial recreational establishments, or private clubs as defined in this chapter without being accompanied by a parent, legal guardian, or custodian and provided further that this section shall not apply to minors who are employees under the terms of this chapter.
- (f) The penalty for violation of this section by an individual shall be as follows:
 - 1. For the first offense, a minimum fine of \$250.00.

2. For the second offense and subsequent violations within one year, a minimum fine of \$500.00.

(g) Any licensed establishment where three or more violations of this section, or section 3-3-23 of Georgia Alcoholic Beverage Laws and Regulations have occurred within any 36-month period shall be punished as follows:

1. For the third offense within any 36-month period, suspension of license(s) for a period not to exceed 90 days.
2. For the fourth and any subsequent violation within any 36-month period, suspension of license(s) for a period not to exceed one year.

As to the penalties in this subsection (g), if there is a change in a majority of the licensed establishment's owners, partners or shareholders, the violations under the old ownership shall not count against the new owners; however, a different corporation, partnership or other association will be charged with the violations of its predecessor(s) if a majority of the owners, partners or shareholders are the same.

3-12 GAMBLING ON PREMISES PROHIBITED.

There shall be no gambling, betting, games of chance, punchboards, slot machines or the operation of any scheme for hazarding money or any other thing of value in any place of business licensed under this division, or any room adjoining the licensed business, owned, leased or controlled by a licensee. Any violation of this section shall be cause for suspension or revocation of a license. This specifically does not apply to any games authorized by the state lottery commission.

3-13 NOISE FROM ESTABLISHMENTS PROHIBITED.

It shall be unlawful for any establishment licensed under this chapter to make or cause to be made any loud, unnecessary or unusual sound or noise which unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of others in the City of Snellville, and which is audible to a person of normal hearing ability from the nearest property line of the business in question. In no event, however, shall any such loud, unnecessary or unusual sound or noise be made by an establishment licensed under this chapter between the hours of 10:00 p.m. and 8:00 a.m.

3-14 INSPECTION OF LICENSED ESTABLISHMENTS BY THE SNELLVILLE POLICE DEPARTMENT.

Sworn officers of the Snellville Police Department shall have the authority to inspect establishments licensed under the alcoholic beverage ordinances of the city

during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and state law. This section is not intended to limit the authority of any other city officer and/or planning and development department staff member to conduct inspections authorized by other provisions of the City Code.

3-15 ESTABLISHMENT MAY BE CLOSED IN CASES OF EMERGENCY.

The Chief of Police or his designee, of the Snellville Police Department, may immediately close an establishment licensed under this chapter in case of emergency, for the safety of the public or to investigate a crime, for a period of time not to exceed 24 hours.

3-16 SALE ON ELECTION DAYS.

Pursuant to the delegation of authority granted to this governing authority by Act No. 750 (House Bill No. 247) approved April 10, 1985, amending O.C.G.A. § 3-3-20(b)(2)(B), the sale by wholesale and retail of alcoholic beverages, to wit: distilled spirits, wine and malt beverages, shall be lawful during the polling hours of any election; provided however, nothing herein shall authorize the sale of alcoholic beverages within 250 feet of a polling place during such time as the polls are open.

3-17 BRING YOUR OWN BOTTLE (BROWN BAGGING) PROHIBITED; EXCEPTIONS.

It is prohibited for any person to bring in his or her own alcoholic beverage (brown bag) in any establishment either licensed or unlicensed to serve alcoholic beverages; provided, however, that eating establishments as defined in this chapter and that are licensed pursuant to this chapter as a retail dealer of distilled spirits to be consumed on the premises, and/or a retail dealer of beer to be consumed on the premises, and/or a retail dealer of wine to be consumed on the premises may allow customers to bring in a bottle or bottles of wine and to charge a corkage fee as a convenience charge for opening and serving the wine brought in by the customer. Facilities licensed as an art shop under this chapter also may allow customers to bring in a bottle or bottles of wine and/or beer subject to the specific provisions governing the operation of an art shop.

3-18 TYPES OF ENTERTAINMENT, ATTIRE AND CONDUCT PROHIBITED.

(a) Preamble and purpose:

1. Based upon the experiences of other urban counties and municipalities, including but not limited to: Atlanta and Fulton County, Georgia; DeKalb County, Georgia; Austin, Texas; Seattle and Renton, Washington; New York, New York; Los Angeles, California; and Ft. Lauderdale and Palm Beach, Florida; which experiences the mayor and council believes are relevant to the problems faced by the city and based upon the evidence and testimony of the citizens and experts who have appeared before such bodies, the mayor and council takes note of the notorious and self-evident conditions attendant to the commercial exploitation of human sexuality, which do not vary greatly among generally comparable communities within our country.
2. Moreover, it is the finding of the mayor and council that public nudity and semi-nudity, under certain circumstances, particularly circumstances relating to the sale and consumption of alcoholic beverages in so-called "nude bars" or establishments offering so-called "nude entertainment," "adult entertainment," or "erotic entertainment" begets criminal behavior and tends to create undesirable community conditions. Among the acts of criminal behavior identified with nudity and alcohol are disorderly conduct, prostitution, and drug trafficking and use. Among the undesirable community conditions identified with nudity and alcohol are depression of property values in the surrounding neighborhoods, increased expenditure for and allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior herein above described, and acceleration of community blight by the concentration of such establishments in particular areas. Therefore, the limitation of nude or semi-nude conduct in establishments licensed to sell alcohol for consumption on the premises is in the public welfare and is a matter of governmental interest and concern to prevent the occurrence of criminal behavior and undesirable community conditions normally associated with establishments which serve alcohol and also allow and/or encourage nudity or semi-nudity.

(b) Any establishment licensed under the provisions of this chapter is prohibited from permitting or engaging in the following activities:

1. The employment or use of any person, in any capacity, in the sale or service of alcoholic beverages while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals; or

2. Live entertainment, which provides or features nude or semi-nude or erotic dancing, or the performance of obscene acts or acts, which simulate:
 - a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law or;
 - b. The touching, caressing or fondling of the breast, buttock, anus or genitals; or
 - c. The displaying of the pubic hair, anus, vulva or genitals.
3. The showing of any film, still pictures, electronic reproduction or other visual reproductions depicting any of the acts described in subsection (2) above which are obscene under state law; or
4. The holding, promotion or allowance of any contest, promotion, special night or any other activity where patrons of the licensed establishment are encouraged or allowed to engage in any of the above-prohibited conduct.

(c) Mainstream activity excluded. Notwithstanding the prohibitions in subsection (b) above, nothing in this chapter shall or is intended to apply to theatrical or motion picture performance houses, museums, or the like where the consumption or service of alcohol is not a primary purpose or mainstream activity of such establishment.

3-19 CERTAIN ORGANIZATIONS EXEMPT FROM FOOD ESTABLISHMENT REQUIREMENTS.

Veterans organizations, fraternal organizations, and other nonprofit organizations currently having tax exempt status under either the United States Internal Revenue Code or the Georgia Income Tax Law shall not be required to operate a food establishment serving prepared food. However, any such organization selling or dispensing alcoholic beverages shall be subject to all ordinance regulations dealing with general licensing and consumption on the premises establishments.

3-20 HOURS OF A LICENSED ESTABLISHMENT IS ALLOWED TO SELL.

Notwithstanding any other provision of this ordinance, the hours a licensed establishment is allowed to sell alcohol pursuant to this statute shall be amended to be the maximum allowed under the laws of the State of Georgia. The purpose of this provision is to allow this ordinance to automatically incorporate any hour restrictions approved by the State of Georgia without having to make a formal amendment to the body of this ordinance.

ARTICLE 4

ALCOHOL EXCISE TAX

4-1 PER DRINK EXCISE TAX FOR DISTILLED SPIRITS.

(a) Every purchaser of distilled spirits by the drink shall be liable for a tax thereon at the rate of three percent of the retail price or charge for such drink. Such taxes shall be collected by the licensee hereunder and such licensee shall remit the same to the City of Snellville Planning and Development Department on or before the tenth day of the succeeding month along with a summary of the licensee's gross sales derived from the sale of distilled spirits by the drink, excluding malt beverages. Gross sales shall include all credit card sales and shall be reported and taxes collected thereon shall be submitted to the Planning and Development Director to the same extent as required of cash sales. Each licensee shall be allowed a deduction equal to that rate authorized for deductions from state tax under Part V of the "Georgia Retailer's and Consumer's Sales and Use Tax Act," O.C.G.A. § 48-8-50, as now written or hereafter amended; provided that said tax is not delinquent at the time of payment. It shall be the duty of every such licensee required to make a report and pay any tax levied hereunder, to keep and preserve suitable records of the sales taxable hereunder, and such other books or accounts as may be necessary to determine the amount of tax due; and it shall be the duty of every licensee to keep and preserve such records for a period of three years.

(b) Excise taxes received in the planning and development department after the twentieth day of the month shall be charged a ten percent penalty.

(c) In the event the Planning and Development Director deems it necessary to conduct an audit of the records and books of the licensee, he/she will notify the licensee of the date, time and place of the audit.

(d) Any licensee who violates any provision of this article may upon conviction be punished by a fine of not less than \$300.00 for each offense and/or 30 days in the common jail of the county and the license of such location may be suspended or revoked.

4-2 EXCISE TAX AND BOND REQUIREMENTS ON WHOLESALERS FOR DISTILLED SPIRITS, WINE, BEER AND MALT BEVERAGES.

(a) There is hereby levied an excise tax computed at the rate of \$0.22 per liter or \$0.65 per ounce which shall be paid to the governing authority on all distilled spirits and wine sold by wholesalers to retailers in the City of Snellville. Such tax shall be paid to the

planning and development department by the wholesale distributor on all distilled spirits and wine sold to the licensees for the sale of distilled spirits and wine in the City of Snellville as follows: Each wholesaler selling, shipping, or in any way delivering distilled spirits or wine to any licensees hereunder, shall collect the excise tax at the time of delivery and shall remit the same together with a summary of all deliveries to each licensee on or before the tenth day of the month following. Excise taxes received in the planning and development department after the twentieth day of the month shall be charged a ten percent penalty. The \$0.22 per liter or \$0.65 per ounce shall be prorated so that all containers of distilled spirits and wine shall be taxed on the basis of \$0.22 per liter or \$0.65 per ounce. It shall be unlawful and a violation of this chapter for any wholesaler to sell, ship or deliver in any manner any distilled spirits or wine to a retail dealer without collecting said tax. It shall be unlawful and a violation of this chapter for any retail dealer to possess, own, hold, store, display or sell any distilled spirits or wine on which such tax has not been paid. Each wholesaler shall be paid three percent of the amount of taxes collected as reimbursement for collection of the said tax.

(b) There is hereby levied an excise tax on all beer and malt beverages sold by wholesalers to retailers in the City of Snellville at the rate of \$0.05 per 12-ounce container and \$6.00 for each container of tap or draft beer or malt beverage of 15½ gallons and in similar proportion for bottles, cans and containers of various sizes as follows:

| Size of Container | Tax Per Container |
|-------------------|-------------------|
| 7 ounces | \$ 0.0291 |
| 8 ounces | 0.0333 |
| 12 ounces | 0.0500 |
| 14 ounces | 0.0583 |
| 16 ounces | 0.0666 |
| 32 ounces | 0.1333 |

| | |
|---------------------------|-------|
| ½ barrel (15½ gallons) | 6.00 |
| 1 barrel (31 gallons) | 12.00 |

All provisions as to excise tax in this section shall apply to this tax on beer and malt beverages except the tax rate which is set out in this subsection and the reimbursement of three percent of the taxes collected which shall not apply to beer and malt beverage wholesalers.

(c) Each wholesale dealer prior to commencement of any business operation within the city shall post a performance bond with the planning and development department of the city equal to 1½ times the estimated highest monthly payment to be made in a calendar year of the excise tax based on sales collected by the wholesaler dealer from the retailers to secure the payments for the tax imposed herein. These bonds shall be secured by cash which shall bear no interest, or a surety bond executed by a surety company licensed to do business in this state and approved by the Planning and Development Director.

(d) A wholesaler may be excused from posting the performance bond as provided herein after demonstrating full and satisfactory compliance with the provisions herein for a period of 12 months subsequent to the commencement of business operations within the city. Continued exemption from the requirement of posting the performance bond shall be conditioned upon continued compliance with the terms of this article and the payments of all sums as required by the provisions herein.

ARTICLE 5

AUDITS, INSPECTION AND PENALTIES

5-1 AUDITS.

(a) In the event the Planning and Development Director deems it necessary to conduct an audit of the records and books of the licensee, he shall notify the licensee of the date, time and place of the audit. The Planning and Development Director may designate the city's internal auditor or other designated person to perform any audit

authorized in this Code. The licensee shall cooperate with the audit or forfeit any license(s) issued hereunder.

(b) All licensed establishments must maintain the following records for a three-year period and make them available for audit at the licensed premises:

1. Monthly income or operating statements.
2. Daily sales receipts showing liquor, beer, wine and food sales separately (this requirement does not apply to package beer and wine licensees).
3. Daily cash register receipts such as Z tapes or guest tickets.
4. Monthly Georgia sales and use tax reports.
5. Federal income tax return with all Form 1099's. The Planning and Development Director may waive all or some of the requirements of the foregoing sentence if the Planning and Development Director finds that no such records exist and it is not financially practical based on the net income of the licensed establishment to require them to keep such records.

5-2 SUSPENSION OR REVOCATION OF LICENSE.

(a) A license may be suspended or revoked by the Planning and Development Director where the licensee furnishes fraudulent or untruthful information in the application for a license and/or for failure to pay all fees, taxes or other charges imposed under the provisions of this chapter.

(b) Whenever the state shall revoke any permit or license to sell alcoholic beverages, the city license shall thereupon be automatically revoked. The chief of police or his designee upon notice of this revocation from the Planning and Development Director, shall take the necessary steps to see that signs are removed and that all alcoholic beverage sales cease.

(c) Any licensed establishment that is found to be in violation of sections, 6-37 and/or 6-43 of this Code shall be subject to immediate license revocation.

(d) The Planning and Development Director shall revoke the license of any licensee whose license has been suspended three or more times in any consecutive 12-month period.

(e) The Planning and Development Director shall revoke the license for any premises where alcoholic beverages have been sold or distributed during a period of suspension.

(f) The Planning and Development Director may suspend or revoke the license of any establishment which does not meet the licensing qualifications set forth in this chapter any time such knowledge becomes known to him/her.

(g) An act or omission of a licensee, owner of more than 20 percent interest in the licensed establishment, or employee of the licensee or licensed establishment willingly or knowingly performed, which constitutes a violation of federal or state law or of any provision of this chapter will subject the licensee to suspension or revocation of its license in accordance with the provisions of this chapter, when the Planning and Development Director determines to his own satisfaction that the act or omission did occur, regardless of whether any criminal prosecution or conviction ensues. Provided, however, in the case of an employee, the Planning and Development Director or his designee must determine that the acts of the employee were known to or under reasonable circumstances should have been known to the licensee, were condoned by the licensee, or where the licensee has not established practices or procedures to prevent the violation from occurring.

(h) Whenever it can be shown that a licensee hereunder no longer maintains adequate financial responsibility upon which issuance of the license was conditioned or whenever the licensee has defaulted in any obligation of any kind whatsoever, lawfully owing to City of Snellville.

(i) Wherever this chapter permits the Planning and Development Director to suspend any license issued hereunder, but does not mandate the period of such suspension, such discretion shall be exercised within the guidelines of this subsection.

1. No suspension shall be for a period of time longer than the time remaining on such license.
2. The following factors shall be considered on any revocation or suspension as set out above:
 - a. Consistency of penalties mandated by this chapter and those set by the Planning and Development Director.
 - b. Likelihood of deterring future wrongdoing.
 - c. Impact of the offense on the community.
 - d. Any mitigating circumstances or remedial or corrective steps taken by licensee.
 - e. Any aggravating circumstances or failure by the licensee to take remedial or corrective steps.

5-3 HEARINGS.

(a) No license shall be denied, suspended or revoked without the opportunity for a hearing as hereinafter provided.

(b) The Planning and Development Director shall provide written notice to the applicant or licensee of his or her order to deny, suspend or revoke the license. Such written notification shall set forth in reasonable detail the reasons for such action and shall notify the applicant or licensee of the right to appeal under the provisions of this chapter. Any applicant or licensee who is aggrieved or adversely affected by a final action of the Planning and Development Director may have a review thereof by appeal to the alcoholic beverage review board. Such appeal shall be by written petition, filed in the office of the Planning and Development Director within 15 days after the final order or action of the Planning and Development Director and in order to defray administrative costs, must be accompanied by a filing fee as indicated on the fee schedule.

(c) The alcoholic beverage review board shall consist of five members and shall determine all issues by a majority vote. The board shall select one of its members as chairperson. Should the alcoholic beverage review board be unable to reach a decision by majority vote, the action taken by the Planning and Development Director shall be upheld automatically. Any three members constitute a quorum. The members shall be the director of the public works department or his designated staff member, the director of the parks and recreation department or his designated staff member, a member of the planning commission to be named by that organization, the city clerk or his designated staff member, and a resident of the City of Snellville appointed by the mayor and council. The planning commission member shall be named by the respective organizations immediately to a two-year term. Each second year thereafter this organization shall appoint their member at any time during the year provided that member shall serve until their successor is named. The members of the alcoholic beverage review board who are city employees shall not receive additional compensation for their service on that board.

(d) A hearing shall be conducted on each appeal within 30 days of the date of filing with the Planning and Development Director unless a continuance of such date is agreed to by the appellant and the Planning and Development Director. The appellant shall have the burden of proof on any such appeal. Before hearing an appeal, each member of the alcoholic beverage review board shall sign an affidavit to be part of the record that he or she is not related to or personal friends with any owner of the licensed

establishment in question in the appeal being considered and that he or she has no financial interest in the outcome of the appeal. Should any member be unable to sign such an affidavit, that member shall not serve on that appeal and the case shall be heard by the remaining members of the alcoholic beverage review board.

(e) The findings of the alcoholic beverage review board shall be forwarded to the appellant within 15 days after the conclusion of the hearing, and it shall be the duty of the chairperson of the alcoholic beverage review board to notify the appellant of the action of the alcoholic beverage review board.

(f) The findings of the alcoholic beverage review board shall not be set aside unless found to be: (1) contrary to law or ordinances; or (2) unsupported by substantial evidence on the records as a whole; or (3) unreasonable.

(g) The findings of the alcoholic beverage review board shall be final unless appealed within 30 days of the date of said finding by certiorari to the superior court of the county.

5-4 AUTOMATIC LICENSE FORFEITURE FOR NONUSE.

Any holder of any license hereunder who shall for a period of three consecutive months after the license has been issued cease to operate the business and sale of the product or products authorized shall after the said three-month period automatically forfeit the license without the necessity of any further action.

5-5 PENALTIES.

Any person who violates any provisions of the sections in this article may upon conviction be punished by a fine of not less than \$500.00 for each offense and/or 30 days in the county jail, unless a different penalty is set out herein.

ARTICLE 6

REGULATION OF ALCOHOL SALES – CONSUMPTION ON THE PREMISES

6-1 REQUIRED OUTFITTING OF THE PREMISES.

No alcoholic beverage license shall be issued to any person unless the building in which the business will be located is complete and has been issued a certificate of occupancy by the Planning and development department and the County Fire Marshal's Office. The completed building or the proposed building shall comply with ordinances of the City of Snellville, regulations of the state revenue commissioner and the State of Georgia. The proposed building shall also be subject to final inspection and approval when

completed by the building inspector. Each building in which the business will be located shall contain sufficient lighting so that the building itself and the premises on all sides of the building are readily visible at all times from the front of the street on which the building is located so as to reveal all of the outside premises of such building. Each applicant for an alcoholic beverage license shall attach to the application evidence of ownership of the building or proposed building or a copy of the lease if the applicant is leasing the building. If the applicant is a franchisee, then such applicant shall attach a copy of the franchise agreement or contract with the application. All premises for which an alcoholic beverage license shall be issued shall afford therein adequate sanitary toilet facilities and shall be adequately illuminated so that all hallways, passage ways and open areas may be clearly seen by the customers therein.

6-2 RETAIL CONSUMPTION DEALERS TO STORE INVENTORY ON PREMISES.

No retail consumption dealer licensed hereunder shall keep any beer or wine or other alcoholic beverages at any place except the licensed place of business. No retail consumption dealer shall be permitted to enter into any type of arrangement whereby distilled spirits ordered by a licensee are stored by a licensed wholesaler.

6-3 RETAILER TO PURCHASE FROM LICENSED WHOLESALER ONLY.

(a) No retailer shall purchase alcoholic beverages from any person, firm or corporation other than a wholesaler licensed under this chapter. No wholesaler shall sell any alcoholic beverage to anyone other than a retailer licensed under this chapter. Provided, however, that this section shall not prohibit the purchase by one retailer of another retailer's entire stock in a bona fide purchase of an ongoing business.

(b) The Planning and Development Director, or his designee may request, from time to time, information concerning purchases and sales of alcoholic beverages from retailers and wholesalers.

6-4 POURED ALCOHOL TO BE TRANSPORTED BY EMPLOYEES.

Poured alcoholic beverages will be transported from point of dispensing to the customer by an adult employee of the licensed establishment selling the beverage.

The penalty for an individual being convicted or pleading guilty or entering a plea of nolo contendere for a violation of this article shall be punished by a fine of up to but not more than two hundred fifty dollars (\$250.00) unless otherwise stated.

6-5 (RESERVED FOR FUTURE USE.)

6-6 LOCATIONS AT WHICH SALE OF DISTILLED SPIRITS BY THE DRINK FOR CONSUMPTION ON THE PREMISES IS PERMITTED.

Distilled spirits may only be sold by the drink for consumption on the premises:

- (a) In eating establishments regularly serving prepared food, with a full-service kitchen. A full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments. Such eating establishment will regularly serve food every hour they are open and derive at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of distilled spirits.
- (b) When eating establishments are located in hotels, motels, and high-rise office and apartment buildings, every entrance to the establishment shall be from a public lobby, hallway, mall or other publicly used interior portion of the primary use structure.
- (c) In indoor commercial recreation establishments.
- (d) In an indoor publicly owned civic and cultural center capable of serving prepared food, with a full-service kitchen (a full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments) prepared to serve food every hour it is open and deriving at least 70 percent of its total annual gross sales from the sale of prepared meals or foods and recreational, promotional or entertainment or operational activities.
- (e) Public stadium, coliseum or auditorium.

6-7 HOURS AND DAYS OF SALE OF DISTILLED SPIRITS BY THE DRINK.

- (a) Distilled spirits shall not be sold for consumption on the premises except between the hours of 9:00 a.m. until 1:55 a.m. Monday through Saturday and at any time from 11:55 p.m. on Saturdays until 1:55 a.m. on Sundays.
- (b) Distilled spirits shall not be sold for consumption at any time in violation of any local ordinance or regulation, or in violation of state law, or in violation of any special order of the governing authority.
- (c) The sale of distilled spirits for consumption on the premises is permitted on Sundays from 12:30 p.m. until 12:00 midnight in: (i) any licensed establishment which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food; (ii) any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging.

(d) Distilled spirits may be sold for consumption on the premises by the drink from 12:00 midnight to 1:55 a.m. on any Monday which is New Year's Day, January 1, of any year.

(e) It shall be unlawful for a business holding a distilled spirits consumption on the premises license to fail to remove from its retail service area any and all cans, bottles, glasses, mugs, pitchers, cups, or any other container used in the consumption of alcoholic beverages or to otherwise allow the consumption of alcoholic beverages on its premises one hour or more after the business is prohibited from selling, dispensing, or delivering alcoholic beverages to any customer, patron or guest of the business. A public stadium, coliseum or auditorium shall remove from its retail service area any and all cans, bottles, glasses, mugs, pitchers, cups, or any other container used in the consumption of alcoholic beverages within 24 hours following any event.

A violation of this section by a licensee, majority stockholder, general manager or managing partner of the licensee or licensed establishment shall result in license suspension for a period of two days, which shall be scheduled to include a Friday and Saturday in succession.

6-8 CONSUMPTION SALES OF DISTILLED SPIRITS ONLY.

Persons holding a license to sell distilled spirits for consumption on the premises shall not be permitted to sell any alcoholic beverage by the package or bottle.

6-9 TYPE OF RETAIL ESTABLISHMENT AT WHICH RETAIL SALE OF MALT BEVERAGES AND WINE BY THE DRINK IS PERMITTED.

Malt beverages and/or wine may only be sold for consumption on the premises in the following locations:

(a) In eating establishments having a full-service kitchen (a full-service kitchen will consist of a three-compartment sink, a stove or grill permanently installed, a refrigerator, all of which must be approved by the health and fire departments), prepared to serve food every hour they are open.

(b) In indoor commercial recreation establishments.

(c) In an indoor publicly owned civic and cultural center capable of serving prepared food, with a full-service kitchen (a full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments), prepared to serve food every hour it is open and deriving at least 70 percent of its total annual gross sales from

the sale of prepared meals or foods and recreational, promotional or entertainment or operational activities.

(d) A publicly-owned golf course.

(e) Public stadium, coliseum or auditorium.

(f) A Bottle Shop.

(g) A Craft Beer Market.

6-10 HOURS AND DAYS OF SALE OF MALT BEVERAGES AND WINE FOR CONSUMPTION ON THE PREMISES.

(a) Beer and/or wine shall not be sold for consumption on the premises except between the hours of 9:00 a.m. and 1:55 a.m. Monday through Saturday and at any time from 11:55 p.m. on Saturdays until 1:55 a.m. on Sundays;

(b) No beer and/or wine shall be sold for consumption on the premises at any time in violation of any local ordinance or regulation, or in violation of state law, or in violation of any special order of the governing authority;

(c) The sale of beer and/or wine on the premises is permitted on Sundays from 12:30 p.m. until 12:00 midnight in: (i) any licensed establishment which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food; (ii) any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging;

(d) It shall be unlawful for a business holding a beer and/or wine consumption on the premises license to fail to remove from its retail service area any and all cans, bottles, glasses, mugs, pitchers, cups, or any other container used in the consumption of alcoholic beverages or to otherwise allow the consumption of alcoholic beverages on its premises one hour or more after the business is prohibited from selling, dispensing, or delivering alcoholic beverages to any customer, patron or guest of the business. A public stadium, coliseum or auditorium shall remove from its retail service area any and all cans, bottles, glasses, mugs, pitchers, cups, or any other container used in the consumption of alcoholic beverages within 24 hours following any event.

A violation of this section by a licensee, majority stockholder, general manager or managing partner of the licensee or licensed establishment shall result in license suspension for a period of two days, which shall be scheduled to include a Friday and Saturday in succession.

6-11 HOURS AND DAYS OF SALE OF ALCOHOLIC BEVERAGES AT PRIVATE CLUBS.

(a) No alcoholic beverages shall be sold in the city on Sunday. Alcoholic beverages may be sold for consumption on the premises between the hours of 9:00 a.m. to 12:00 midnight Monday through Saturday.

(b) Alcoholic beverages shall not be sold or served for consumption at any time in violation of any local ordinance or regulation or of any special order of the governing authority.

6-12 ELIGIBILITY FOR ISSUANCE OF A TEMPORARY SPECIAL EVENT LICENSE.

A temporary permit may be issued to any person, firm or corporation, for a period not to exceed three (3) days for an approved small or special event, and no more than six (6) such permits may be issued to the applicant organization in any one (1) calendar year.

(a) The person, firm or corporation must submit an application and pay the fee required by the ordinances and specified on the fee schedule and shall be required to abide by all other City of Snellville ordinances.

(b) The special event must meet the following criteria prior to the issuance of a permit to sell alcoholic beverages:

1. The applicant must include in the application a letter of intent and fully describe the nature of the proposed event.
2. The applicant must submit with the application the fee specified in the fee schedule on file with the city clerk's office, as it may be amended from time to time on www.snellville.org. The Planning Director may issue a permit authorizing the organization to sell alcoholic beverages. The permittee or permittee's employees shall supervise all aspects of the special event pertaining to the handling and storage of alcoholic beverages and the distribution of alcoholic beverages to consumers in the metro Atlanta area. The permittee shall be responsible for compliance with all aspects of this article and state law, and shall be liable for infractions thereof.
3. All persons who will pour alcohol at the event shall secure a pouring permit from the Snellville Police Department.

(c) The chief of police or his designee may immediately revoke any temporary license for a special event if it is determined continued alcohol sales may endanger the health, welfare or safety of the public.

(d) As a condition on the issuance of a temporary special event permit, the permittee shall indemnify and hold the city of Snellville harmless from claims, demand or cause of action which may arise from activities associated with the special event.

6-13 HOTEL-MOTEL IN-ROOM SERVICE LICENSE.

(a) Any hotel-motel that acquires this "in-room service" shall also be required to obtain a consumption on the premises license and meet all of the requirements of this chapter.

(b) No hotel-motel shall be authorized to provide "in-room service" until it has been issued a special license to do so. A license fee, as indicated on the fee schedule, shall be imposed to provide only beer and/or wine by "in-room service."

(c) The sale of beer and/or wine by "in-room service" shall be subject to all restrictions and limitations relative to the retail sale of any alcoholic beverages, except as provided otherwise in this article.

(d) Keys for "in-room service" shall only be sold to guests between the hours of 7:00 a.m. until 12:00 midnight Monday through Saturday.

6-14 BREW PUB REGULATION, EXCISE TAX AND ADMINISTRATION.

(a) No person, firm or corporation shall be issued a brewpub license without first obtaining a retail consumption license, and without fully complying with all requirements described under O.C.G.A. § 3-5-36.

(b) A brewpub license authorizes the holder of such license to:

(i) Manufacture on the licensed premises not more than 10,000 barrels of malt beverages in a calendar year solely for retail sale.

(ii) Operate an eating establishment that shall be the sole retail outlet for such malt beverages;

(iii) Operate an eating establishment that may offer for sale for consumption on the premises any other alcoholic beverages produced by other manufacturers which are authorized for retail sale under Title 3 of the Official Code of Georgia, including wine, distilled spirits, and malt beverages, provided that such alcoholic beverages are purchased from a licensed wholesaler; and provided, further, that in addition to draft beer manufactured on the premises, each brewpub license shall offer for sale commercially available canned or bottled malt beverages from licensed wholesalers; and

- (iv) Notwithstanding any other provision of this paragraph, sell up to a maximum of 5,000 barrels annually of such malt beverages to licensed wholesale dealers. Under no circumstances shall such malt beverages be sold by a brewpub licensee to any person holding a retail consumption dealer's license or a retailer's license for the purpose of resale.
- (c) Possession of a brewpub license shall not prevent the holder of such license from obtaining a retail consumption dealer's license or a retailer's license for the same premises.
- (d) A brewpub license does not authorize the holder of such license to sell alcoholic beverages by the package for consumption off premises.
- (e) There is hereby levied an excise tax on all beer and malt beverage produced by a brewpub at the rate of \$6.00 per one-half barrel (15½ gallons) and \$12.00 per barrel (31 gallons). Such tax shall be paid to the planning and development department no later than the 20th day of each month for the preceding month's production. A late payment penalty not to exceed ten percent of the tax otherwise due shall be added to the amount due for any payment not received by the due date.
- (e) Administration:
1. The director of planning and development, or his designee, is authorized to establish procedures for administering all provisions of this article to include, but not limited to, reporting forms and requirements, or establishing procedures and schedules for conducting financial audits or inspections of the books or records of any establishment licensed under this section.
 2. Every brewpub located within the City of Snellville shall file a monthly report with the director of planning and development, no later than the 20th day of each month, on such forms as the Planning and Development Director may prescribe, setting forth all malt beverages produced during such preceding calendar month, to include beginning and ending inventories. Such report shall also indicate the total production of malt beverages during the report period and the proper tax remittance for such production. Failure to properly complete or submit the required reports shall subject the licensee to a late filing penalty not to exceed \$25.00 for each deficient reporting period.

6-15 NO OUTSIDE CONSUMPTION.

- (a) It is prohibited for customers to leave the premises with open alcoholic beverages and it is the licensee's responsibility to ensure that no open beverages are sold and

carried out. However, nothing herein shall be construed to prohibit the carrying out of alcoholic beverages for consumption at a golf course.

(b) It is prohibited for customers to gather outside an alcoholic beverage establishment and consume alcoholic beverages, with the exception of a golf course.

(c) It is prohibited for the manager or any employee to allow persons to gather outside an alcoholic beverage establishment and consume alcoholic beverages, with the exception of a golf course.

6-16 OUTDOOR ALCOHOL DRINKING AREA

Consumption of alcohol in or upon any street, alley, sidewalk or other public way or public place in the city shall be prohibited except as follows:

(a) Outside in an area clearly marked for identification as an outdoor alcohol drinking area pursuant to a special use permit issued by mayor and council to allow consumption outside of a licensed establishment. Only establishments with a Georgia State license to dispense alcoholic beverages may apply for this special use permit for a temporary license to serve alcohol outdoors. The license shall be granted for a maximum of three consecutive days and shall be governed by all of the other rules and regulations of the city as if the alcohol was being dispensed within a licensed establishment. License fees applicable to this chapter are set forth in the schedule of fees and charges on file in the office of the planning department, on the City website and at the reception center in City Hall. The applicant shall be required to provide adequate security officers for the event as established by the mayor and council at the expense of the applicant. Security officers shall be off-duty police officers or sheriff's deputies from the City of Snellville, or other officers expressly approved by the City of Snellville Chief of Police for that event. Special use permits issued pursuant to this subsection shall not require presentation to the planning commission nor a second reading prior to issuance.

(b) The following additional regulations shall apply to dispensing and drinking alcohol pursuant to subsection (a) above:

1. *Two drink limit.* Any establishment licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can, bottle or glass, for removal from the premises; provided, however, that no establishment shall dispense to any person more than two such alcoholic beverages at a time; and provided the alcohol is consumed in the area specified in the special use permit granted in subsection (1) above.

2. *Size limited to 16 ounces.* No container in which an alcoholic beverage is dispensed pursuant to subsection (1) shall exceed 16 fluid ounces in size. No person shall hold in possession within the designated area any open alcoholic beverage container which exceeds 16 fluid ounces in size.
3. *Drinking from can, bottle or glass prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle or glass or to possess in an open can, bottle or glass any alcoholic beverage outside or in the designated area.
4. *Drinking outside the designated area.* It shall be a violation of subsection (1) to take an alcoholic beverage served in the designated area outside of the designated area for any reason.
5. *Hours and days.* It shall be unlawful for any person to purchase, distribute or consume alcoholic beverages outside of the timeframes provided in Sections 3-20, 6-7 and 6-10.

6-17 OPEN AREA AND PATIO SALES.

(a) A licensed location may sell alcoholic beverages for consumption in a patio or open-air environment if the establishment has been approved to do so by the Planning and Development Director.

(b) The requirement for approval is that the patio/open area be enclosed by some structure providing for public ingress/egress only through the main licensed premises. The purpose of this requirement is to prevent a customer from leaving the outside sales area with an open drink without the licensee's knowledge.

(c) The height of such structure shall be a minimum of three feet above ground level. It does not have to be solid, nor does it have to restrict visibility into or out of the patio/open sales area. It must be permitted and approved by the city's planning and development department and the county's fire department as required by their governing regulations or codes.

(d) The only exit from this area is to be through the licensed establishment's main premises and through an approved fire exit (not for general public use unless an emergency exists). The fire exit should be of the type that sounds an alarm so that the establishment will be alerted in the event of unauthorized use when no emergency exists.

(e) In the event that a licensee desires a patio/open sales area inside an existing structure, plans will be reviewed and approved on an individual basis by the Planning

and Development Director. Interior type patio/open sales areas must also meet the requirements of the development and fire codes.

(f) Nothing contained herein shall prohibit a hotel or motel with a consumption on the premises license from making sales and allowing consumption of alcoholic beverages in ballrooms, meeting rooms, reception rooms, or patio areas of such hotel or motel provided such functions are catered in connection with a meeting, conference, convention or similar type gathering at such hotel or motel. "Patio areas," as that term is used herein, do not have to conform to the standards in this section.

6-18 HOME-BREW SPECIAL EVENTS.

(a) *Prohibition.* It shall be unlawful to conduct a home-brew special event within the city except in compliance with this amendment.

(b) *Regulations.*

1. Home-brew special events shall only be held during legal hours for drinking malt beverages on-premises.
2. Consumption of alcoholic beverages at the home-brew special event shall be limited solely to home-brewed malt beverages produced pursuant to O.C.G.A. § 3-5-4. Consumption of other alcoholic beverages is prohibited in the designated event area.
3. At the home-brew special event, home-brewed malt beverages shall not be sold, offered for sale, or made available for consumption by the general public.
4. Permittee shall not allow any person to take an open container of alcoholic beverages from the designated event area. Transportation of home-brewed malt beverages to and from the home-brew special events must comply with the requirements of O.C.G.A. § 3-5-4.
5. A home-brew special event permittee shall be subject to all laws, rules and regulations of the county and state, including the rules and regulations of the Georgia Department of Revenue and shall be subject to permit revocation for violation thereof.

(c) *Permits.*

1. The provisions of O.C.G.A. § 3-5-4 are hereby adopted. Malt beverages brewed in a person's private residence may be removed from a private residence and utilized in home-brew special events, as defined in this section, in a quantity not to exceed 25 gallons and otherwise provided such removal complies with the provisions of O.C.G.A. § 3-5-4. Prior to conducting a home-brew special event, the

sponsor shall apply for and obtain a home-brew special event permit from the Planning and Development Department.

2. Any person or entity seeking a home-brew special events permit shall file a permit application at least 72 hours in advance of the beginning of the event. The application shall be in letter form, or on a form provided by the city, and shall be submitted with the applicable fee and documentation to the Planning and Development Department.
3. All home-brew special event permit applications shall contain the name of the sponsor(s) of the event, the name of the organizer(s) of the event, the exact date, time, and place of the event, the approximate number of persons anticipated to participate in the event, the location of the event, a general description of the event, and a description of the awards or prizes offered.
4. Once an initial permit is granted, the sponsor(s) shall provide the same information required in subsection (c) for each subsequent home-brew special event at least 72 hours in advance of the beginning of each event. Each home-brew special event permit is valid for no more than six events per calendar year.
5. The Planning and Development Department shall determine whether the home-brew special event permit and/or subsequent events should be granted considering: (1) compliance with this section and state statutes; and (2) public safety. No other factors shall be considered.
6. The Planning and Development Department shall grant or deny the permit within 48 hours of receipt of completed application and fees.
7. Upon determination that the application meets the requirements of this section, the licensing office shall issue an individually numbered home-brew special event permit to the applicant.
8. Permit holders shall comply with all permit restrictions and conditions and abide by all laws and ordinances of the city and state.
9. The home-brew special event permit shall cost \$50.00 and shall be valid for not more than six events per calendar year.

(d) *Location.* Home-brew special events shall not be held in any "licensed" premises otherwise permitted to sell alcoholic beverages including distilled spirits, malt beverages, and/or wine. The prohibition against holding home-brew special events within any "licensed" premises shall not extend to any "common area" or other facility not under the direct and exclusive control of the "licensed" premises, i.e., outdoor home-brew special events in shared parking lots and/or grassed common areas adjacent to a "licensed" premises are expressly permitted. Home-brew special events may be held in conjunction with other community events including beer festivals so

long as the designated home-brew special event area is clearly separated from the other community activities to meet all other provisions of this section.

(e) *Transportation.* All malt beverages transported to and from home-brew special events whether day of show or in advance, must comply with the requirements of O.C.G.A. § 3-5-4. Sponsors and event organizers shall notify each participant transporting malt beverages of the requirements of state law regarding the transportation of malt beverages as well as the permit number for the home-brew special event.

6-19 ART SHOP LICENSES.

(a) Notwithstanding any other provision of this chapter to the contrary, the Planning and Development Director is authorized to issue an art shop license to businesses:

1. Located in the BN, BG, HSB districts; and
2. Which meet all other license application requirements set forth in this chapter; and
3. Which operate as an art shop.

(b) Art shop activities.

1. An art shop licensed under this section may allow customers to bring in a bottle or bottles of wine and beer to be consumed on the premises. The customer must remove any unconsumed wine or beer from the premises.
2. An art shop shall not store, keep, or handle any wine or beer belonging to the customer, and no owner, employee or agent of the art shop shall pour or have any contact with the wine or beer.
3. No customer of an art shop shall consume more than two six ounce servings of wine or two 12 ounce servings of beer during a three-hour period or four six ounce servings of wine or four 12 ounce servings of beer within a single business day.
4. The brown-bagging of wine and/or beer in an art shop shall be subject to this Code and to state law, and no one who is under 21 years of age or intoxicated may consume wine or beer in an art shop.

(c) Nothing in this section shall prohibit an art shop from serving food provided it meets all of the requirements provided in this City Code and is properly permitted by the city.

6-20 PERSONAL SERVICE LICENSE.

(a) Notwithstanding any other provision of this chapter to the contrary, the Planning and Development Director is authorized to issue a personal service license to sell beer and/or wine by the drink at nail salons, hair salons, or beauty shops:

1. Located in the BN, BG, HSB districts; and
2. Which meet all other license application requirements set forth in this chapter; and
3. Provided no eating establishments shall be eligible for a beer and/or wine personal service license.

(b) Personal service business activities:

1. A business that provides personal services may apply for a Personal Service license only if serving beer and/or wine is an act of hospitality, and
2. Serving beer and wine is clearly a secondary function of the business.

(c) Qualification. The Mayor and Council anticipate that the list of personal service businesses eligible for this license may be amended to accommodate other types of similar businesses. To add a business to the list requires an action of the Mayor and Council adding the business type to the list in section (a) of this paragraph.

(d) The Planning and Development Director or his or her designee may revoke a personal service license at any time upon a finding that a Licensee has violated any of the qualifications above.

ARTICLE 7

REGULATION OF HYBRID ON-PREMISES CONSUMPTION AND RETAIL PACKAGE STORES

7-1 TYPE OF RETAIL ESTABLISHMENT.

No beer or wine shall be sold at retail except in establishments located in zoning districts in which these establishments are permitted as a conforming use or in districts where an existing establishment exists as a nonconforming use.

(a) Notwithstanding any other provision of this chapter to the contrary, the Planning and Development Director is authorized to issue a bottle shop license to businesses:

1. Located within the downtown development authority boundaries; and

2. Which meet all other license application requirements set forth in this chapter; and
3. Which operate primarily as a retail package dealer and earn a minimum of 70 percent of annual gross revenue from package sales of beer and/or wine.

(b) A bottle shop established under this section may:

1. Sell and serve beer and wine by the drink for consumption on the premises; and
2. Sell wine and beer by the package.

(c) Nothing in this section shall prohibit a bottle shop from serving food provided it meets all of the requirements for restaurants in the General Code of Ordinances and is properly permitted by the city.

(d) All other existing bottle shops currently operating under a special use permit shall be afforded the rights of a bottle shop described herein, though no other conditions of an existing special use permit shall be impacted. A change of ownership shall terminate any rights extended by a special use permit issued to a bottle shop and a new owner shall be required to obtain a new special use permit to continue to operate a bottle shop.

(e) A licensed establishment permitted under this Article 7-1 shall be authorized to sell samples of draft beer and pints of beer to patrons over the age of twenty-one years. Samples shall not exceed four (4) ounces in volume, pints shall not exceed 16 ounces and high gravity beers shall not to exceed 10 ounces. One individual shall not be offered more than a total of 32 ounces within a twenty-four (24) hour period.

7-2 CRAFT BEER MARKET.

(a) No person shall be permitted to own or operate a Craft Beer Market without first obtaining a Craft Beer Market license from the Planning and Development Director pursuant to the same procedures as are set forth in this Chapter, and each Craft Beer Market license shall comply with all other applicable state and local requirements.

(b) The filling of growlers by means of a tapped keg shall not constitute the breaking of a package as contemplated by O.C.G.A. S 3-3-26 or other provisions of this Ordinance, provided that after the growler is filled the growler must be sealed on the licensed premises with a tamper-proof plastic cap and may not thereafter be opened or consumed on the premises. Licensees or employees of the Growler Shop may fill or refill growlers with draft beer at a Growler Shop as provided herein in a growler not

smaller than twelve (12) ounces in volume and not to exceed sixty-eight (68) ounces in volume.

(c) A Craft Beer Market shall be authorized to sell samples of draft beer and pints to patrons over the age of twenty-one years. Samples shall not exceed four (4) ounces in volume, pints shall not exceed 16 ounces and high gravity beers shall not to exceed 10 ounces. One individual shall not be offered more than a total of 32 ounces within a twenty-four (24) hour period.

(d) Nothing in this section shall prohibit a licensed retailer of beer & wine from establishing a Growler Shop in the existing establishment nor from serving food or other non-alcoholic products provided it meets all of the requirements provided in the City Code and is properly permitted by the City.

(e) Craft Beer markets will not be required to meet the 50% grocery floor space requirement; however the licensee will be required to obtain an on premise consumption license.

(f) The licensee shall provide a variety of prepackaged snacks available for purchase and consumption. The licensee shall also offer some snacks to patrons free of charge.

(g) All other existing Craft Beer Markets currently operating under a special use permit shall be afforded the rights of a Craft Beer Market described herein, though no other conditions of an existing special use permit shall be impacted. A change of ownership shall terminate any rights extended by a special use permit issued to a Craft Beer Market and a new owner shall be required to obtain a new special use permit to continue to operate a Craft Beer Market.

7-3 HOURS AND DAYS OF SALE.

(a) No retail license holder holding a license under this article for sale of beer/malt beverages, wine, or both shall furnish, sell or offer for sale any beer/malt beverage or wine except between the hours of 7:00 a.m. until 12:00 midnight Monday through Saturday and 12:30 p.m. until 11:30 p.m. on Sunday.

(b) No retail license holder shall furnish, sell, or offer for sale any beer/malt beverage or wine at any time in violation of state law, local ordinance or regulation, or special order of the mayor and council.

7-4 USE OF TAGS OR LABELS TO INDICATE PRICES.

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

7-5 QUANTITY SALE REQUIREMENTS.

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

7-6 BREWER LICENSE REGULATIONS.

- (a) A brewer licensed in this state may apply to the state commissioner for an annual permit authorizing such brewer to conduct educational and promotional brewery tours on the licensed premises for the brewer, free of charge or for a fee, which may include:
 - (A) Free souvenirs;
 - (B) Free food; and
 - (C) Free tastings on the licensed premises of the brewery of malt beverages manufactured by the brewer.
- (b) No brewer providing souvenirs pursuant to this subsection shall provide, directly or indirectly, more than one free souvenir to the same individual in one calendar day. Each free souvenir shall consist of malt beverages manufactured by the brewer on the licensed premises.
- (c) No brewer conducting free tastings pursuant to this subsection shall provide, directly or indirectly, to the same individual in one calendar day more than 36 ounces of malt beverages for consumption on the premises. Free tastings shall be held in a designated tasting area on the licensed premises of the brewer and all open bottles containing malt beverages shall be visible at all times.
- (d) Free souvenirs shall only be provided after the brewery tour and only to individuals who have attended a brewery tour on the same calendar day. Free tasting and free food may be provided before, during, and after a brewery tour. An individual shall be 21 years of age or older to receive a free souvenir or free tasting.
- (e) The brewer shall pay all excise and use taxes on any samples and all use taxes on any free souvenirs as provided for serving by the drink in the other areas of this ordinance.
- (f) A brewer may provide to the public free of charge or for a fee merchandise such as shirts, glasses, and other promotional items which do not contain alcoholic beverages.

- (g) If a brewer chooses to charge a fee for a brewery tour pursuant to subsection (b) of this ordinance, such brewer may charge varying fees for the brewery tours, provided that such fees are charged prior to the beginning of such tour. The provision of malt beverages by a brewer as part of a brewery tour pursuant to this ordinance shall not be deemed a retail sale of alcoholic beverages.
- (h) No alcoholic beverages shall be sold on any licensed premises for which a permit has been issued pursuant to this Section 7-6 of this ordinance.

ARTICLE 8

WHOLESALERS

8-1 SPECIAL PROVISIONS APPLICABLE TO WHOLESALE PURCHASES.

- (a) Any person desiring to sell at wholesale any alcoholic beverages in the city limits shall make application to the Planning and Development Director of the city for a license to do so, which application shall be in writing on the prescribed forms, and pay any license fee as set by the mayor and council.
- (b) No person who has any direct financial interest in any license for the retail sale of any alcoholic beverages in Snellville shall be allowed to have any interest or ownership in any wholesale alcoholic beverage license issued by Snellville.
- (c) No retailer shall purchase any alcoholic beverage from any person other than a wholesaler licensed under this article. No wholesaler shall sell any alcoholic beverage to any person other than a retailer licensed under this chapter. Provided, however, that this section shall not prohibit the purchase by one retailer of another retailer's entire stock in a bona fide purchase of an ongoing business.
- (d) No alcoholic beverage shall be delivered to any retail sales outlet in the city except by a duly licensed wholesaler. The name of the wholesale distributor shall be clearly marked on the delivery vehicle.

8-2 HOURS AND DAYS OF SALE.

Wholesalers shall not engage in the sale of alcoholic beverages except between 7:00 a.m. and 6:00 p.m. Monday through Saturday. There shall be no sales of alcoholic beverages on Sunday.

8-3 AUDIT AND PENALTIES.


(a) In the event the Planning and Development Director deems it necessary to conduct an audit of the records and books of the licensee, he shall notify the licensee of the date, time and place of the audit.

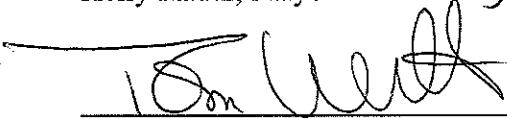
(b) Any licensee who violates any provisions of this article may upon conviction be punished by a fine of not less than \$300.00 for each offense and/or 30 days in the common jail of the county and the license may be suspended or revoked.

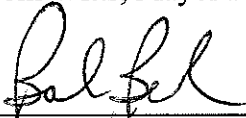
8-4 SEVERABILITY.

If any section, provision or clause of any part of this chapter shall be declared invalid or unconstitutional, or if the provisions of any part of this chapter as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to effect the portions of this chapter not so held to be invalid, or the application of this chapter to other circumstances not so held to be invalid. It is hereby declared as the intent that this chapter would have been adopted had such invalid portion not been included herein.

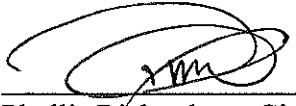
SO ORDAINED this 27 day of April, 2015.

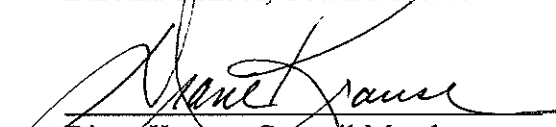

Kelly Kautz, Mayor *voted against*


Tom Witts, Mayor Pro Tem

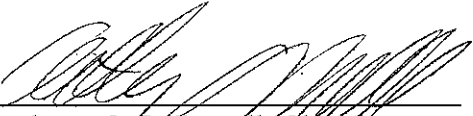

Barbara Bender, Council Member

ATTEST:

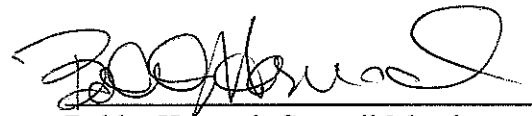

Phyllis Richardson, City Clerk


Diane Krause, Council Member

APPROVED AS TO FORM:


Anthony O. L. Powell, City Attorney
Webb, Tanner, Powell & Wilson, LLP


Dave Emanuel, Council Member


Bobby Howard, Council Member

CITY OF SNELLVILLE
Department of Planning and Development
Fee Schedule Including Alcoholic Beverage License Fees

A. Retail dealers to be consumed on premises:

1. Distilled Spirits
 - a. First Fixed Bar.....\$5,000.00
 - b. Additional Fixed Bar (each).....500.00
 - c. Movable Bar (each).....100.00
2. Beer (only)..... 750.00
3. Wine (only)..... 750.00
4. Beer and Wine..... 1,500.00

B. Retail dealers sold in original packages for consumption off premises:

1. Beer (only).....\$ 500.00
2. Wine (only).....500.00
3. Beer and Wine.....1,000.00

C. Non-profit private club for consumption on premises:

1. Distilled Spirits.....\$ 700.00
2. Beer (only)..... 120.00
3. Wine (only)..... 120.00
4. Beer and Wine.....180.00

D. Manufacturing (Brewery or Winery).....\$570.00

E. Other fees:

1. Hotel/Motel in-room service (annual).....\$ 100.00
2. Transfer of Location (no ownership change).....300.00
3. Filing fee for appeal to Board of Appeals.....200.00
4. Administrative Fee.....200.00
5. Investigative Fee / Background Check..... 40.00
6. Outdoor Alcohol Drinking Area Permit (Single Event Fee)
 - a. The Destination Marketing Organization of the City of Snellville or its designated alcohol provider shall pay and non-profit organizations (as defined by the Georgia Secretary of State).....250.00
 - b. All other applicants shall pay a fee of \$1.00 per square foot or \$2,000.00, whichever is greater.
7. Art Shop B.Y.O.B. License (annual)..... 500.00
8. Beer and/or Wine Personal Service Amenity Permit (annual).....250.00

CITY OF SNELLVILLE
Department of Planning and Development
Fee Schedule Including Alcoholic Beverage License Fees

E. Other Alcoholic Beverage License Fees (continued)

- 9. Special Event (per event)* (\$25-\$75 as determined by the Director of Planning and Development)
- 10. Home Brew Event (up to five per year).....50.00