Chapter 4

ALCOHOLIC BEVERAGES

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ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

Unless the context otherwise demands, the words and terms used in this chapter shall have the definitions and meanings set out in Section 3-1-2 of the Official Code of Georgia Annotated, as now existing or as hereafter amended. The word "liquor," as used in this chapter, shall mean distilled spirits, as defined in such section.

Sec. 4-2. Consumption in public places.

It shall be unlawful for any person to consume or to possess in an open container any alcoholic beverage in any public place within the city, unless such place is licensed for on-premises consumption of such beverage.

Sec. 4-3. Furnishing to, possession by persons under certain ages.

(a) No person shall knowingly, by himself or through another, furnish, cause to be furnished, or permit any person in his employ to furnish, any alcoholic beverage to any person under twenty-one (21) years of age.

(b) Persons purchasing alcohol must present proper identification at the point-of-sale, showing that such persons are twenty-one (21) years of age or older. For the purposes of this subsection, the term "proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth, including without being limited to a driver's license, passport, military identification card, or other such identification authorized under Sections 40-5-100 through 40-5-104 of the Official Code of Georgia Annotated. "Proper identification" shall not include a birth certificate.

(c) It shall be unlawful for any person under twenty-one (21) years of age to have any alcoholic beverage in his or her possession within the city.

Sec. 4-4. Inspection of premises.

The business premises, including out buildings, of all entities holding licenses under this chapter shall be open to inspection, at any and all times, by police officers of the city or by other officers authorized by the governing authority to conduct such inspections.

Sec. 4-5. Advertising signs.

All signs must be in compliance with the City of Forsyth Planning and Zoning Ordinance, Article 24: Signs and Section 3-4-3 of the Official Code of Georgia Annotated as it currently exists or may hereafter be amended.

Sec. 4-6. Sign on premises.

All persons holding licenses under this chapter shall display a sign in plain sight on the premises of their respective businesses, in letters at least four (4) inches high, reading as follows: "Sale of alcoholic beverages to persons under twenty-one (21) strictly prohibited."

State law reference—Posting of notice as to sale of alcoholic beverages to underage persons, OCGA § 3-3-24.2.

Sec. 4-7. Sales to intoxicated persons, etc.

No licensee hereunder shall give, sell, or offer to sell any alcoholic beverages to any person who is noticeably intoxicated or who is of unsound mind.
State law reference— Sale or furnishing of alcoholic beverages to intoxicated persons, O.C.G.A. § 3-3-22.

Sec. 4-8. Sale of alcoholic beverages during certain hours and on certain days prohibited.

(a) No retailer licensed hereunder for retail pouring or sales-by-the-drink of alcoholic beverages shall open his or her place of business or furnish, sell, or offer for sale any alcoholic beverages during the following hours:

(1) On Sundays other than the permitted hours of 11:00 A.M. to 12:00 midnight in any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging.

(2) At any time in violation of a local ordinance or regulation or of a special order of the governing authority.

(3) Between the hours of 2:00 a.m. and 9:00 a.m. on the other days of the week.

No later than 2:55 A.M. on Sunday morning and no later than 12:00 Midnight on Sunday evening and no later than 2:00 A.M. on the other days of the week when alcoholic beverages may be sold by-the-drink in the City of Forsyth, all patrons and customers of any establishment licensed hereunder shall vacate the premises and the doors to such establishment shall be closed; provided, however, that his section with regard to closing shall not apply to any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging provided, however, that this exception shall not be construed as authorizing the sale or offering for sale of alcoholic beverages when the same is prohibited by this article.
State law references—Sale of alcoholic beverages on Sunday and election days and Christmas Day, O.C.G.A. § 3-3-20;

(b) No retailer licensed hereunder for retail package sales of malt beverages or wine shall open his or her place of business or furnish, sell, or offer for sale any malt beverages or wine during the following hours:

(1) After 12:00 a.m. on Sundays other than the permitted hours of 12:30 p.m. to 11:59 p.m.

(2) At any time in violation of a local ordinance or regulation or of a special order of the governing authority.

(3) Between the hours of 2:00 a.m. and 9:00 a.m. on the other days of the week.

(c) No retailer licensed hereunder for retail package liquor sales shall open his or her place of business or furnish, sell, or offer any liquor for sale during the following hours:

(1) After 12:00 a.m. on Sundays other than the permitted hours of 12:30 p.m. to 11:59 p.m.

(2) At any time in violation of a local ordinance or regulation or of a special order of the governing authority.

(3) Between the hours of 11:59 p.m. and 9:00 a.m. on the other days of the week.

Sec. 4-9. Display of license.

Licenses issued under this chapter shall be displayed permanently and prominently at all times on the premises for which the same are issued.

State law reference— Licenses required to distribute, sell, or otherwise deal in alcoholic beverages; display of licenses, O.C.G.A. § 3-3-3.

Sec. 4-10. Application generally.

(a) An application for any license as established in the first four articles of this chapter shall be presented in person to the City Clerk. All such applicants shall pay an advertising fee upon submittal of a completed application. Advertising fees will be set annually by resolution of City Council. Applicants whose applications are approved will be subject to pertinent annual license fees, as explained in Sections 4-50, 4-203, and 4-254 of this chapter. Such applications shall be made on forms furnished by the city and shall state the following:

(1) As to the applicant: Full name, date of birth, home address, addresses for the immediately preceding ten (10) years, present employer and business address, previous employment in the immediately preceding five (5) years, complete record of any and all convictions, guilty pleas, and pleas of nolo contendere for violations of any local, state, or federal law, and the names of spouse, former spouses, and all children.

(2) As to corporate applicants: Full corporate name and address, name and address of registered agent, names and addresses of all shareholders, directors, and officers, with the information set out in subparagraph (1) above.

(3) As to the applicant's proposed manager, if not the same as the applicant: The same information as set out in response to subparagraph (1) above.

(4) The exact location of the proposed business, including the distances and building requirements set out in this chapter.

(5) Any and all other matters as required by this chapter or as reasonably required by the city council.

Such application shall be sworn to before a notary public.

(b) An application submitted under this section shall include a true and complete copy of the application form, with all attachments and requirements, as to be submitted for a state license.

(c) A separate license hereunder shall be required for each place of business and each business activity subject to this chapter. A separate application shall be made for each.

Sec. 4-11. Publication of notice of application.

A notice of each application for a license under this division shall be advertised in the legal organ of the county once a week for the two (2) weeks immediately preceding the meeting of the city council at which the application is to be acted upon. The advertisement shall contain the name of the applicant, the purpose of the application, the proposed location of the business, and the names of the owners.

Sec. 4-12. Applicant's fingerprints.

All applicants for initial licenses under this chapter, as well as the managers of businesses seeking licenses under this chapter if different, shall furnish a complete set of fingerprints, which shall be forwarded to the Georgia Bureau of Investigation, which shall search the files of the Georgia Crime Information Center, for a period of two (2) years immediately preceding the date of the application, for any instance of criminal activity. The Georgia Bureau of Investigation shall also submit such fingerprints to the Federal Bureau of Investigation under the rules established by the United States Department of Justice for processing and identification records. The federal record, if any, shall be obtained and returned to the city.

State law reference— Powers of local governing authorities as to granting, refusal, suspension, or revocation of licenses generally; due process guidelines; fingerprints, O.C.G.A. § 3-3-2.

Sec. 4-13. Not transferable; surrender if business sold or closed.

No license issued under this chapter shall be transferable, and in the event a licensed business is sold, moved, or closed, the licensee shall immediately surrender his or her license to the city clerk.

Sec. 4-14. Grant or denial generally.

(a) City Council may grant or deny any application for any license established in this chapter based on the best interest of the general public.

(b) No license shall be granted under this chapter to any applicant who has been convicted under any federal, state, or local law for a criminal offense involving moral turpitude. Additionally, no license shall be granted under this chapter to any applicant who has been convicted of any criminal offense involving alcoholic beverages, gambling, or tax law violations, within the past five years.

State law reference— Powers of local governing authorities as to granting, refusal, suspension, or revocation of licenses generally; due process guidelines; fingerprints, O.C.G.A. § 3-3-2.

Sec. 4-15. Notice of, and hearing on, denial.

Upon denial of an application, the applicant shall be given at least three (3) working days written notice, in person or by registered mail, of the intention of the Council to refuse to grant the license, which notice shall state the reasons for such action. Upon a request made within five (5) working days of receipt of the notice, the applicant shall be afforded a hearing, with opportunity to present evidence and cross-examine opposing witnesses. The applicant may appear at such hearing in person and by attorney.

Sec. 4-16. To be issued to specific person for specific location.

A license required by this chapter shall be issued to a specific person and for a specific location.

Sec. 4-17. Term.

Licenses shall be issued under this chapter for a calendar year. After initial approval, licenses may be renewed annually by paying applicable fees and submitting a renewal application to the City Manager prior to the expiration of the current license.

Sec. 4-18. Suspension or revocation; forfeiture of bond.

(a) Any license issued under this chapter may be suspended or revoked, if the licensee is convicted of any offense mentioned in Section 4-14, or if he or she retains any person in employment in the licensed business after such

person is convicted of such an offense.

(b) The making of any statement on an application for a license under this chapter, which is later found to be false, shall constitute grounds for revocation of the license.

(c) If the holder of a license under this chapter violates any provision of this chapter, his or her license may be suspended or revoked and all or a portion of any bond required by this chapter may be forfeited. The amount of such forfeiture shall depend upon the seriousness of the violation and shall be determined by the City Council.

(d) No license shall be suspended or revoked and no bond shall be forfeited under this section, unless the license holder has been given at least three (3) working days written notice, in person, or by registered or certified mail, return receipt requested, addressed to the address of the license holder, as shown on the license, of the intention of the Council to take such action. The failure or refusal to accept delivery of the notice shall be the equivalent of such notice. Such notice shall specify the time, place and purpose of the hearing and a statement of the charges upon which the Council proposes to take action. At such hearing, the licensee shall have the right to appear in person and by attorney, and both the Council and the license holder shall have the right to cross-examine witnesses and to present evidence relating to the question as to whether or not a violation as set forth in this section has occurred, as well as evidence relating to any extenuating or mitigating circumstances.
State law reference— Powers of local governing authorities as to granting, refusal, suspension, or revocation of licenses generally; due process guidelines; fingerprints, O.C.G.A. § 3-3-2.

Sec. 4-19. License fees and bonds set by resolution.

All license fees and bond requirements set forth in this chapter may be amended by resolution of City Council no later than January 31st of each year.

Sec. 4-20. Tax additional to other fees, taxes or charges.

All excise taxes imposed by this chapter shall be in addition to any license fees, taxes, or charges which may now or in the future be imposed upon the business for selling alcoholic beverages at retail or wholesale within the corporate limits of the city.

ARTICLE II. MALT BEVERAGE AND WINE DEALERS

DIVISION 1. GENERALLY

Sec. 4-21. Definitions.

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

Retail malt beverage package dealer means any person selling malt beverages directly to the consumer under a license which does not specifically provide for the consumption of such beverages upon the premises where they are sold.

Retail malt beverage pouring dealer means any person selling malt beverages directly to the consumer in any establishment holding a license which authorizes the consumption of such beverage upon the premises where such beverages is sold.

Wholesale malt beverage dealer means any person selling malt beverages to retailers and not directly to the consumers.

Retail wine package dealer means any person selling wine directly to the consumer under a license which does not specifically provide for the consumption of wine upon the premises where it is sold.

Retail wine pouring dealer means any person selling wine directly to the consumer in any establishment holding a license which authorizes the consumption of wine upon the premises where wine is sold.

Wholesale wine dealer means any person selling wine to retailers and not directly to the consumers.

Growler means a bottle capable of being sealed for the purpose of complying with open container laws, with a capacity of sixteen to sixty-four fluid ounces, used for purchasing and transporting malt beverages produced by a licensed micro-brewery which also has a package sales license and a consumption on the premises license of the City.

Micro-brewery means a facility for the production and packaging of malt beverages for distribution, retail, or wholesale, on or off the premises, and which has a capacity of no more than 15,000 barrels per year, and which facility may include other uses such as a restaurant, bar, or live entertainment.

Sec. 4-22. Copy of article to be kept on premises; instructions as to, and familiarity with, provisions of article.

Every holder of a license under this article shall keep a copy of this article on his or her business premises and inform all employees of the stipulations of this article. Each license holder or person selling malt beverages or wine shall always be familiar with the terms of this article.
State law references—Malt beverages, OCGA § 3-5-1 et seq. Wine generally, O.C.G.A. § 3-6-1 et seq.

Sec. 4-23—4-25. Reserved.

Sec. 4-26. Allowing minors to dispense malt beverages and wine.

No person shall allow or require a person in his or her employment, who is under eighteen (18) years of age, to dispense, serve, sell, or take orders for malt beverages or wine. The provisions of this section shall not prohibit persons under eighteen (18) years of age who are employed in supermarkets, convenience stores, or drugstores from selling or handling malt beverages or wine which are sold for consumption off the premises.
State law references— Dispensing, serving, selling, or taking orders for alcoholic beverages by persons under 18 years of age, O.C.G.A. § 3-3-24;

Sec. 4-27. Consumption of malt beverages and wine on retailer's premises.

No holder of a retail package dealer's license shall allow malt beverages or wine to be consumed on his or her premises unless he or she likewise holds a retail pouring license. Any license holder shall be held responsible for unlicensed consumption by his or her customers or any other person.

Sec. 4-28. Reserved.

Sec. 4-29. Separation of stock and locking of same when sale prohibited.

All holders of a license for the sale of malt beverages or wine shall separate the stock of malt beverages and wine from nonalcoholic merchandise, so that such stock may be closed off or completely covered at all times when the sale of malt beverages and wine is prohibited.

Secs. 4-30—4-45. Reserved.

DIVISION 2. LICENSE

Sec. 4-46. Required.

No malt beverage or wine shall be sold in the city except under a license issued in accordance with this division of the ordinance.

State law reference—Local license required, OCGA §§ 3-3-2, 3-5-40, 3-6-40.

Sec. 4-47. Reserved.

Sec. 4-48. Applicant's bond generally.

An applicant for a license for any license under this division shall file a personal performance bond in the amount of one thousand dollars ($1,000.00) with his or her application to ensure compliance with all laws, rules, regulations, and ordinances of the city. If the application is approved, such bond shall remain in force so long as the license is valid.

Sec. 4-49. Reserved.

Sec. 4-50. Fee.

The annual license fee for a license under this division shall be at such a rate set by City Council by resolution. A growler license shall also be in such amount as set by the City Council of Forsyth. No malt beverage and/or wine license shall be issued until all fees for such license have been paid to the City, and all such fees are due and payable not later than 30 days after approval of the grant of such license by the City Council. The failure to timely pay all such fees will result in a revocation of such license.

Sec. 4-51. Reserved.

Sec. 4-52. Not to be granted for premises near church, school, or college.

No license issued under this division shall be granted if the proposed location is within one hundred (100) yards of a church, school, college building or a state, county, or city owned and operated alcoholic treatment center. In determining compliance with this section, the distance shall be determined by measuring along the most direct route of travel on the ground. This subparagraph shall not apply to any establishment which has been continuously licensed under this chapter since any date prior to July 1, 1981. Grocery stores licensed for the retail sale of wine and malt beverages for consumption off the premises and not licensed for the sale of liquor shall be permitted to sell wine and malt beverages within 100 yards of any school building, school grounds, or college campus, where so permitted by resolution or ordinance of the city.

State law reference— Sales of alcoholic beverages near churches, school buildings, or other sites, O.C.G.A. § 3-3-21.

Secs. 4-53—4-70. Reserved.

DIVISION 3. EXCISE TAX ON WHOLESALE MALT BEVERAGE DEALERS

Sec. 4-71. Levied.

There is hereby levied and imposed, upon each wholesale dealer selling malt beverages within the city, an excise tax:

(1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of $6.00 on each container sold containing not more than 15 1/2 gallons and a proportionate tax at the same rate on all fractional parts of 15 1/2 gallons shall be levied;

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

Should state law be amended, the excise tax on wholesale malt beverage dealers shall be levied at the rate imposed in section 3-5-80 of the Official Code of Georgia Annotated as hereafter amended.
State law reference— Levy and amount of tax, O.C.G.A. § 3-5-80.

Sec. 4-72. Report of sales and payment of tax—generally.

Each wholesale dealer who has sold malt beverages within the city shall file a report, by the tenth calendar day of each month, itemizing, for the preceding calendar month, the exact quantities of all malt beverages, by size and type of container, sold during the month within the city. Each such wholesale dealer shall remit to the city, on the tenth calendar day of the month next succeeding the calendar month in which such sales were made, the amount of excise tax due in accordance with this division.
State law reference— Payment of tax by wholesale dealers generally; time of payment; reports by dealers as to quantities of beverages sold, O.C.G.A. § 3-5-81.

Sec. 4-73. Same—Delinquency; false or fraudulent reports.

(a) The failure to make a timely report and remittance pursuant to Section 4-72 shall render a wholesale dealer liable for a penalty equal to twenty (20) percent of the total amount due during the first thirty (30) calendar day period following the date such report and remittance were due and a further penalty of twenty (20) percent of the amount of such remittance for each successive thirty (30) calendar day period or any portion thereof during which such report and remittance are not made.

(b) The filing of a false or fraudulent report under this division shall render the wholesale dealer making such report liable for a penalty equal to one hundred (100) percent of the amount of the remittance which would be required under an accurate and truthful report.

(c) The failure to make a timely report or remittance or the filing of a false or fraudulent report under this division shall constitute grounds for the revocation of the business license issued by the city to the wholesale dealer involved.

Secs. 4-74—4-140. Reserved.

DIVISION 4. EXCISE TAX ON WINE

Sec. 4-141. Levied; rate.

There is hereby levied an excise tax, computed at the rate of twenty-two cents ($0.22) per liter, on the first sale or use of all wine sold, displayed or stored in the city. Such tax shall be prorated on fractional liter sizes, so that each bottle or each individual size container shall be taxed on the basis of twenty-two cents ($0.22) per liter. Should state law be amended, the excise tax on wholesale wine dealers shall be levied at the rate imposed in section 3-6-60 of the Official Code of Georgia Annotated as hereafter amended.
State law reference— Levy and amount of tax generally; rate of tax; manner of imposition, payment, and collection; imposition of tax by both county and municipality located within county, O.C.G.A. § 3-6-60.

Sec. 4-142. Collection and remittance by wholesaler.

Each wholesale wine dealer selling, shipping, or in any way delivering wine to any retail wine dealer in the city shall collect the tax levied by this division at the time of delivery and shall remit the same, together with a summary of all deliveries to each retailer, to the city on or before the twentieth day of the month following.

Sec. 4-143. Compensation of wholesaler for collection.

Each wholesale wine dealer shall be paid three (3) percent of the amount of taxes collected under this division as reimbursement for collection of such taxes.

Sec. 4-144. Sale, delivery, etc. of wine on which tax not paid.

It shall be unlawful for any wholesale wine dealer to sell, ship or deliver in any manner any wine to a retail wine dealer, without having collected the tax levied by this division. It shall likewise be unlawful for any retail wine dealer to possess, own, hold, store, display or sell any wine on which such tax has not been paid.

Secs. 4-145—4-159. Reserved.

ARTICLE III. RETAIL DEALERS IN DISTILLED SPIRITS

DIVISION 1. GENERALLY

Sec. 4-160. Definitions.

The following term, when used in this article, shall have the meaning ascribed to it in this section, except where the context clearly indicates a different meaning:

Retail package liquor dealer means any person selling distilled spirits directly to the consumer under a license which does not specifically provide for the consumption of such beverages upon the premises where they are sold.

Sec. 4-161. Copy of article to be kept on premises; instruction as to, and familiarity with, provisions of article.

(a) All holders of a license under this article shall keep a copy of this article on the premises and shall instruct any person working on such premises with respect to the terms of this article. Each such license holder or his or her agent selling liquor shall, at all times, be familiar with the terms of this article.

(b) By accepting the issuance of a license under this article, the license holder shall be presumed to have received a full copy of this article or the ordinance from which it is derived, to have read the same, and to be familiar with all of its terms and provisions.

State law references—Distilled spirits, O.C.G.A. § 3-4-1 et seq.; Adoption of rules and regulations; determination of location of distilleries or businesses licensed by municipal or county governing authorities, O.C.G.A. § 3-4-49.

Sec. 4-162. Reserved.

Sec. 4-163. Compliance with state and federal laws, etc.

Each retail package liquor dealer doing business in the city shall comply with and be responsible for any acts of his or her employees in violation of all federal laws, state laws, and rules and regulations of the state revenue commissioner relating to the sale and distribution of distilled spirits in the state.

Sec. 4-164. Reserved.

Sec. 4-165. Employment of minors.

No person under eighteen (18) years of age shall be employed in any capacity in any place of business licensed under this article.

State law reference— Dispensing, serving, selling, or taking orders for alcoholic beverages by persons under 18 years of age, O.C.G.A. § 3-3-24.

Sec. 4-166. Reserved.

Sec. 4-167. Notice of disciplinary action against dealer or employees.

(a) Every retail package liquor dealer licensed under this article who has any disciplinary action taken against him or his employees by any authority, either municipal, county, state, or federal, shall notify the city council or its agents within fifteen (15) calendar days of such action.

(b) The term "disciplinary action," as used in this section, shall mean arrests (with the exception of nonalcoholic beverage related traffic citations), citations, indictments, presentments or accusations, convictions in any court, penalties imposed by any regulatory agency, any written charge or reprimand by any authority and any civil action or accusations against the license holder or his or her employees relating to the sale of liquor or other alcoholic beverages.

Sec. 4-168. Minimum inventory of liquor.

A package liquor retailer shall keep within his or her licensed place of business, at all times, a stock of liquor with a value of not less than forty-five thousand dollars ($45,000.00). Such valuation shall be exclusive of business fixtures and items set out in Section 4-173. In making such valuation, the prices paid to wholesale dealers or distributors shall be the best determination of the value in stock.

Sec. 4-169. Storage of liquor.

No liquor retailer shall keep any liquor stored in any bonded or other type warehouse in the city, nor shall he enter into any type of arrangement whereby liquor ordered by him is stored for him by any licensed wholesaler. A retailer shall keep no inventory or stock of liquor at any place except his licensed place of business.

Secs. 4-170—4-172. Reserved.

Sec. 4-173. Limitation on dealing in products other than liquor.

No retailer shall sell, offer for sale, display or keep in stock, at his place of business where liquor is offered for sale, any other product or commodity except the following:

(1) Wine, when properly licensed;

(2) Beverages containing no alcohol commonly used to dilute distilled spirits;

(3) Malt beverages or beer, when property licensed;

(4) Tobacco products; and

(5) Packaged ice.

Sec. 4-174. Sale of liquor to be in original unbroken package; minimum size of package.

Retail dealers shall sell or offer to sell liquor in the original unbroken package only and shall sell no package containing less than fifty (50) milliliters.

State law reference— Holder of retail dealer's license authorized to sell only unbroken packages; breaking of package or packages or drinking of contents thereof on premises prohibited, OCGA § 3-4-25.

Sec. 4-175. Limitation on place of selling or delivering liquor; fencing of drive-in window.

No retailer shall sell or deliver any liquor to any person except in such retailer's place of business, with the exception of a drive-in window for sale to persons in automobiles. If a drive-in window is used, a solid fence, at least six (6) feet in height, shall be erected between the driveway for such window and abutting property.

Sec. 4-176. Consumption of alcoholic beverages or opening containers on premises.

It shall be unlawful for any person to consume any alcoholic beverage or to open any container of alcoholic beverage on the licensed premises of a retail liquor dealer or the parking area of such premises.

Secs. 4-177—4-190. Reserved.

DIVISION 2. RETAIL PACKAGE LIQUOR DEALER'S LICENSE

Sec. 4-191. Required.

It shall be unlawful for any person to engage in the business of a retail package dealer in liquor or distilled spirits within the city, unless he or she has a current license to do so issued pursuant to this division.

State law reference—Powers of local governing authorities as to granting, refusal, suspension, or revocation of licenses generally; due process guidelines; fingerprints, O.C.G.A. § 3-3-2.

Secs. 4-192—4-194. Reserved.

Sec. 4-195. Posting of proposed location.

The applicant for a license under this division shall, at least three (3) working days after filing the application, identify the proposed location of his place of business, by posting sign at least twenty-four (24) by thirty-six (36) inches in size, with letters at least four (4) inches in height, on the front door of the building proposed to be used, or upon a prominent place on the lot where a proposed building is to be constructed, and facing the street, which sign shall state: "Liquor license application pending for this location." The sign shall remain in place until the application is acted upon.

Sec. 4-196. General qualifications of applicant.

No license allowed by this article shall be granted to any person, unless such person has been a resident of the state for a period of at least six (6) months prior to making an application. As to corporate applicants, the same provision shall apply, provided that any corporation which is a nonresident of the state may be qualified to receive a license if the corporation is a corporation qualified to do business within the state. In order to prove residency a person must submit any two documents from the following list. The two (2) documents must be from separate and independent sources. Documents must display the person's current residential address and name and must have been issued no less than six (6) months prior to the submission of an application under this article.

(a) Utility bill issued within the last two (2) years for services installed at the applicant's residential address

(b) Financial statement for bank or credit union account, investment account, credit card account, or loan/credit financing issued within the last two (2) years

(c) Unexpired Georgia driver's license, permit, or ID card

(d) Employer verification, including, but not limited to, one of the following:
    (1) Paycheck or paycheck stub issued within the last two (2) years

    (2) Letter from applicant's employer on company letterhead issued within the last two (2) years

    (3) W-2 for earnings issued within the last two (2) years

    (4) Military orders issued within the last two (2) years

(e) Health insurance statement or explanation of benefits (EOB) for claim or a health care bill/invoice issued within the last two (2) years

(f) State of Georgia or Federal income tax return or refund check issued within the last two (2) years

(g) Social Security documentation including Social Security Annual Statement issued within the last two (2) years, Numident record, or Social Security check

(h) Statements for federal, state, and local assistance programs including Medicare, Medicaid, unemployment insurance claims, or WIC

(i) School record or transcript, report card, or student loan application issued within the last two (2) years

(j) Homeowner's insurance policy or premium bill issued within the last two (2) years

(k) Mortgage, payment coupon, deed, escrow statement, or property tax bill issued within the last two (2) years

(l) Voter Registration Card issued within the last two (2) years

(m) Auto-Insurance Policy issued within the last two (2) years

(n) Auto-Registration issued within the last two (2) years

(o) Unexpired Firearms License

(p) Unexpired Merchant Marine License

(q) Current, valid contract or agreement to rent residential property and or rent payment receipts issued within the last two (2) years

(r) Any postmarked mail showing the applicant's name and delivered by the U.S. Postal Services to the applicant's current address within the last two (2) years

Sec. 4-197. Restrictions.

Every applicant for a license under this article must show, to the satisfaction of the governing authority, financial responsibility. Financial statements shall be submitted with each completed application as prescribed by the governing authority.

Sec. 4-198. Reserved.

Sec. 4-199. Location requirements for applicant's premises.

No retail package liquor license shall be granted under this division to any person, unless the entire business premises of the proposed location is situated in a commercial area, beyond one hundred (100) yards from the property line of any church or any state, county, or city owned and operated alcoholic treatment center, and beyond two hundred (200) yards from the property line of any school grounds, or college campus from the same to be measured by way of the nearest travelled road, street, or highway, as provided by law. The stipulation regarding proximity to alcoholic treatment centers shall not apply to business locations continuously licensed for retail package liquor sales by the city since a date prior to July 1, 1981. No new or relocating business shall be granted a license for retail package liquor sales if their proposed business location is within five hundred (500) yards of an existing business licensed for retail package liquor sales as measured by way of the nearest travelled road, street, or highway, as provided by law. Each application for a retail package liquor license hereunder shall include a scale drawing of the location of the proposed premises showing the distance to the nearest church or school or a certificate of a registered surveyor that such location complies with this ordinance with reference to this section.

State law references— Sales of alcoholic beverages near churches, school buildings, or other sites, O.C.G.A. 3-3-21; Adoption of rules and regulations; Determination of location of distilleries or businesses licensed by municipal or county governing authorities, O.C.G.A. § 3-4-49.

Sec. 4-200. Requirements for applicant's building.

(a) No retail package liquor license shall be issued under this division to any person, unless the building in which the business will be located is complete and detailed plans of the building and outside premises are attached to the application, or unless proposed plans and specifications and a building permit for a proposed building are attached to the application. The completed building or proposed building shall comply with the ordinances of the city, the regulations of the state revenue commissioner, and the laws of the state. The proposed building shall also be subject to final inspection and approval, when completed, by the city engineer.

(b) Each building in which the business of an applicant for a license under this division 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 so as to reveal the inside retail area of the building and so as to reveal all the outside premises of the building.

(c) Each applicant for a retail liquor dealer's license shall attach to his application evidence of ownership of the building or proposed building in which his business is to be conducted, or a copy of the lease, if the applicant is leasing the building.

Sec. 4-201. Applicant's bond generally.

Before any retail liquor license is granted under this division, the applicant must post with the City Council, along with his or her application, a personal performance bond, with surety being a surety company licensed to do business in the state, conditioned on the applicant's faithful observance of, and compliance with, the provisions of this chapter. Such bond shall be payable to the city, in the amount of seven thousand dollars ($7,000.00), and must be approved by the City Council.

Sec. 4-202. Reserved.

Sec. 4-203. Fees.

The City Council shall set annual fees for retail package liquor dealer licenses by resolution. No retail package liquor license shall be issued until all fees for such license have been paid to the City, and all such fees are due and payable not later than 30 days after approval of the grant of such license by the City Council. The failure to timely pay all such fees will result in a revocation of such license.

Sec. 4-204. Reserved.

Sec. 4-205. Limitation on number to be granted.

(a) The maximum number of licenses which may be issued by the city under this division at any one time is hereby set at four (4) and shall not exceed that number.

(b) If qualified applicants for licenses under this division exceed the number of licenses available for issuance, those persons holding licenses and applying for a new license for each such year shall have first priority to the issuance of such new licenses for such year.

Secs. 4-206—4-220. Reserved

DIVISION 3. EXCISE TAX ON DISTILLED SPIRITS

Sec. 4-221. Levied; rate.

There is hereby levied an excise tax, computed at the rate of twenty-two cents ($0.22) per liter, on all distilled spirits sold, displayed or stored in the city. Such tax shall be prorated on fractional liter sizes, so that each bottle or each individual size container shall be taxed on the basis of twenty-two cents ($0.22) per liter. Should state law be amended, the excise tax on distilled spirits shall be levied at the rate imposed in section 3-4-80 of the Official Code of Georgia Annotated as hereafter amended.

State law reference— Levy of tax on sale of distilled spirits by the package authorized; rate of tax; manner of imposition; imposition of tax by both county and municipality located within county, O.C.G.A. § 3-4-80.

Sec. 4-222. Collection and remittance by wholesaler.

Each wholesale dealer selling, shipping or in any way delivering distilled spirits to any retailer in the city shall collect the tax levied by this division at the time of delivery and shall remit the same, together with a summary of all deliveries to each retailer, to the city on or before the twentieth day of the month following.

Sec. 4-223. Compensation of wholesaler for collection.

Each wholesale dealer shall be paid three (3) percent of the amount of taxes collected under this division as reimbursement for collection of such taxes.

Sec. 4-224. Sale, delivery, etc., of distilled spirits on which tax not paid.

It shall be unlawful for any wholesale dealer to sell, ship, or deliver in any manner any distilled spirits to a retailer

without having collected the tax levied by this division. It shall likewise be unlawful for any retailer to possess, own, hold, store, display or sell any distilled spirits on which such tax has not been paid.

Secs. 4-225—4-230. Reserved.

ARTICLE IV. DISTILLED SPIRITS SOLD BY-THE-DRINK

Sec. 4-231. License required.

Any person, firm, or corporation seeking to sell distilled spirits by-the-drink within the city must be duly licensed by the city. Such a license shall permit distilled spirits to be consumed only on the premises of the licensed business. It shall be unlawful for any person to engage in the business regulated by this article within the city unless he or she has a current license to do so issued pursuant to this article.

Secs. 4-232—4-233. Reserved.

Sec. 4-234. Posting of proposed location.

The applicant for a license hereunder shall, at least three (3) working days after filing the application with the City Clerk, identify the proposed location of the place of business by posting a sign at least twenty-four (24) by thirty-six (36) inches in size, with letters at least four (4) inches in height, on the front door of the building proposed to be used, or upon a prominent place on the lot where a proposed building is to be constructed, and facing the public street, which sign shall state: “Application pending for this location for license for the sale of distilled spirits by-the-drink for consumption only on the premises.” The sign shall remain in place until the application is acted upon by the governing authority.

Sec. 4-235. General qualifications of applicant.

No license allowed by this article shall be granted to any person, unless such person has been a resident of the state for a period of at least six (6) months prior to making applications. As to corporate applicants, the same provision shall apply, provided that any corporation which is a nonresident of the state may be qualified to receive a license if the corporation is a corporation qualified to do business within the state. In order to prove residency a person must submit any two documents from the following list. The two (2) documents must be from separate and independent sources. Documents must display the person’s current residential address and name and must have been issued no less than six (6) months prior to the submission of an application under this article.

(a) Utility bill issued within the last two (2) years for services installed at the applicant’s residential address

(b) Financial statement for bank or credit union account, investment account, credit card account, or loan/credit financing issued within the last two (2) years

(c) Unexpired Georgia driver's license, permit, or ID card

(d) Employer verification, including, but not limited to, one of the following:
    (1) Paycheck or paycheck stub issued within the last two (2) years

    (2) Letter from applicant’s employer on company letterhead issued within the last two (2) years

    (3) W-2 for earnings issued within the last two (2) years

(4) Military orders issued within the last two (2) years

(e) Health insurance statement or explanation of benefits (EOB) for claim or a health care bill/invoice issued within the last two (2) years

(f) State of Georgia or Federal income tax return or refund check issued within the last two (2) years

(g) Social Security documentation including Social Security Annual Statement issued within the last two (2) years, Numident record, or Social Security check

(h) Statements for federal, state, and local assistance programs including Medicare, Medicaid, unemployment insurance claims, or WIC

(i) School record or transcript, report card, or student loan application issued within the last two (2) years

(j) Homeowner's insurance policy or premium bill issued within the last two (2) years

(k) Mortgage, payment coupon, deed, escrow statement, or property tax bill issued within the last two (2) years

(l) Voter Registration Card issued within the last two (2) years

(m) Auto-Insurance Policy issued within the last two (2) years

(n) Auto-Registration issued within the last two (2) years

(o) Unexpired Firearms License

(p) Unexpired Merchant Marine License

(q) Current, valid contract or agreement to rent residential property and or rent payment receipts issued within the last two (2) years

(r) Any postmarked mail showing the applicant's name and delivered by the U.S. Postal Services to the applicant's current address within the last two (2) years

Sec. 4-236. Restrictions.

Every applicant for a license under this article must show, to the satisfaction of the governing authority, financial responsibility. Financial statements shall be submitted with each completed application as prescribed by the governing authority.

Sec. 4-237. Reserved.

Sec. 4-238. Copy of article to be kept on premises; instruction as to, and familiarity with, provisions of article.

(a) All holders of a license under this article for the sale of distilled spirits by the drink for consumption only on the premises shall keep a copy of this article on the premises and shall instruct any person working on such premises with respect to the terms of this article. Each such licensee or his agent and relevant employees shall, at all times, be familiar with the terms of this article.

(b) By accepting the issuance of a license under this section, the licensee shall be presumed to have received a full copy of this article, to have read the same, and to be familiar with all of its terms and provisions.

Sec. 4-239. Reserved.

Sec. 4-240. Compliance with state and federal laws, etc.

Each retail package liquor dealer doing business in the city shall comply with and be responsible for any acts of his or her employees in violation of all federal laws, state laws, and rules and regulations of the state revenue commissioner relating to the sale and distribution of distilled spirits in the state.

Sec. 4-241. Reserved.

Sec. 4-242. Employment of minors.

No person under eighteen (18) years of age shall be employed in any capacity in any place of business licensed under this article.

State law reference— Dispensing, serving, selling, or taking orders for alcoholic beverages by persons under 18 years of age, O.C.G.A. § 3-3-24.

Secs. 4-243—4-250. Reserved.

Sec. 4-251. Location requirements for applicant's premises.

No license hereunder shall be granted to any persons, unless the entire business premises of the proposed location is situated in a commercial area, and beyond one hundred (100) yards from the property line of any church, and beyond two hundred (200) yards from the property line of any school grounds, or college campus, the same to be measured by way of the nearest traveled road, street or highway, as provided by law. Each application for a license hereunder shall include a scale drawing of the location of the proposed premises showing the distance to the nearest church or school or a certificate of a registered surveyor that such location complies with this article.

State law reference— Sales of alcoholic beverages near churches, school buildings, or other sites, O.C.G.A. § 3-3-21.

Sec. 4-252. Requirements for applicant's building.

(a) No license shall be issued hereunder to any person, unless the building in which the business will be located is complete and detailed plans of the building and outside premises are attached to the application, or unless proposed plans and specifications and a building permit for a proposed building are attached to the application. The completed building or proposed building shall comply with all ordinances of the city, and the regulations of the state revenue commissioner and the laws of this state. The proposed building shall also be subject to final inspection and approval, when completed, by the city engineer.

(b) Each applicant for a license hereunder shall attach to the application evidence of ownership of the building or proposed building in which the business is to be conducted or a copy of the lease or rental agreement, if the applicant is leasing the building.

Sec. 4-253. Storage of liquor.

No license holder hereunder shall keep any liquor stored in any bonded or other type warehouse in the city, nor shall he enter into any type of arrangement whereby liquor ordered by him is stored for him by any licensed

wholesaler. A retailer shall keep no inventory or stock of liquor at any place except the licensed place of business.

Sec. 4-254. Annual license fee.

The annual license fee for a license under this article shall be at such a rate set by City Council by resolution. No license for the sale of distilled spirits sold by the drink shall be issued until all fees for such license have been paid to the City, and all such fees are due and payable not later than thirty days after approval of the grant of such license by the City Council. The failure to timely pay all such fees will result in a revocation of any such license.

Sec. 4-255. Applicant's bond generally.

Before any license is granted under this article, the applicant must post with the governing authority, along with his or her application, a personal performance bond, with surety being a surety company licensed to do business in the state, conditioned on the applicant's faithful observance of, and compliance with, the provisions of this article. Such bond shall be payable to the city, in the amount of five thousand dollars ($5,000.00) and must be approved by the governing authority.

Secs. 4-256—4-257. Reserved.

Sec. 4-258. Notice of disciplinary action against licensees or employees.

(a) Every retail dealer licensed under this article who has any disciplinary action taken against him or his employees by any authority, either municipal, county, state or federal, shall notify the governing authority or its agents within fifteen (15) calendar days of such action.

(b) The term "disciplinary action" as used in this section, shall mean arrests (with the exception of nonalcoholic beverage-related traffic citations), citations, indictments, presentments or accusations, convictions in any court, penalties imposed by any regulatory agency, any written charge or reprimand by any authority, and any civil action or accusations against the license holder or his or her employees relating to the sale of liquor or other alcoholic beverages.

Secs. 4-259—4-400. Reserved.

ARTICLE V. SUNDAY PACKAGE SALES OF MALT BEVERAGES, WINE, AND DISTILLED SPIRITS

Sec. 4-401. Sunday sales permitted.

The package sale of malt beverages, wine, and distilled spirits shall be permitted within the limits of Forsyth on Sundays from 12:30 p.m. to 11:59 p.m. in any establishment otherwise licensed for the sale of alcoholic beverages by the package.

Sec. 4-402. Hours of operation.

Package licensees for the sale of malt beverages, wine, and distilled spirits shall not permit their places of business to be open on Sundays except between the hours of 12:30 p.m. and 11:59 p.m., provided that where the primary business of a malt beverage, wine, or distilled spirits package licensee is other than the sale of alcoholic beverages such restrictive hours on Sundays shall apply only with respect to the sale of malt beverages, wine and distilled spirits.

Sec. 4-403. License fee for Sunday package sales.

The annual license fee for a retail license for Sunday sale for the package sale of malt beverages, wine, and distilled spirits shall be as set out in other Sections of Chapter 4 of the city Code and if such establishment further sells malt beverages, wine, and distilled spirits at such licensed establishment on Sundays there shall be no additional license fee for license holders for Sunday sales.

Secs. 4-404—4-450. Reserved.

ARTICLE VI. BROWN BAGGING

Sec. 4-451. Definitions.

Brown bagging shall mean the practice of a patron bringing one or more of his or her own alcoholic beverages into an establishment and consuming those beverages on the premises of said establishment.

Brown bag establishment shall mean any business location which admits individuals with alcoholic beverages on their persons for consumption on the premises.

Sec. 4-452. Brown bagging and brown bag establishments.

Brown bagging and brown as defined in this chapter shall be prohibited in establishments that do not possess a pouring license. Brown bag establishments as defined in this chapter must possess a pouring license.

Secs. 4-453—4-500. Reserved.

ARTICLE VII. SPECIAL EVENTS

Sec. 4-501. Special public event permits.

The City Council may, at their discretion, issue special public event permits authorizing the consumption, but not the sale, of malt beverages, beer, and wine in specific public places during public events organized by the city.

Sec. 4-502. Term of special public event permits.

Special public event permits shall be issued under this article for a time of not less than one (1) hour and not more than twenty four (24) hours at the discretion of city council.

Sec. 4-503. Issuance of temporary permits for the sale of alcoholic beverages for consumption only on premises by nonprofit civic organizations.

(a) Upon the filing of an application and payment of a fee of twenty-five dollars ($25.00) by a bona fide nonprofit civic organization, the City Council may issue a permit authorizing the organization to sell malt beverages and wine for consumption only on the premises for a period not to exceed one (1) day, subject to any state law or city code or ordinance regulating the time for selling such beverages.

(b) No more than six (6) such permits may be issued to an organization in any one (1) calendar year pursuant to this section, or no more than the number of such permits which may be issued an organization in any one (1) calendar year under the prevailing state law at any particular time.

(c) Permits issued pursuant to this section shall be valid only for the place specified in the permit. No permit may be issued unless the sale of wine or malt beverages is lawful at the place for which the permit is issued.

(d) An organization issued any temporary permit under the provisions of this section shall also obtain any necessary state permits with regard to the temporary sale of alcoholic beverages for consumption only on premises by nonprofit civic organizations.

(e) As used in this Section, the term "bona fide nonprofit civic organization" means an entity which is exempt from Federal Income Tax pursuant to the provisions of Section (c), (d) or (e) of 26 U.S.C. Section 501.

Sec. 4-504. Issuance of temporary permits for the sale of alcoholic beverages for consumption only on premises by businesses.

(a) Upon the filing of an application and payment of a fee of one hundred dollars ($100.00) by a business licensed by the City, the City Council may issue a permit authorizing the organization to sell malt beverages, beer, and wine for consumption only on the premises for a period not to exceed one (1) day, subject to any state law or city code or ordinance regulating the time for selling such beverages.

(b) No more than six (6) such permits may be issued to a business in any one (1) calendar year pursuant to this section, or no more than the number of such permits which may be issued an organization in any one (1) calendar year under the prevailing state law at any particular time.

(c) Permits issued pursuant to this section shall be valid only for the place specified in the permit. No permit may be issued unless the sale of wine, beer or malt beverages is lawful at the place for which the permit is issued.

(d) An organization issued any temporary permit under the provisions of this section shall also obtain any necessary state permits with regard to the temporary sale of alcoholic beverages for consumption only on premises by businesses.

Secs. 4-505—4-600. Reserved.

Article VIII. DOWNTOWN ENTERTAINMENT DISTRICT

Section 4-601. Purpose.

The provisions of this section are intended to set forth certain exceptions and provisions applicable only to licensees whose establishments are located within the Forsyth Downtown Entertainment District (as hereinafter defined) holding licenses to sell alcoholic beverages for consumption on the premises. Except as specifically set forth in this section to the contrary, all such licensees remain subject to all other provisions of this chapter.

Section 4-602. Forsyth Downtown Entertainment District defined.

As used in this chapter, the term "Forsyth Downtown Entertainment District" shall be defined as: All that area of public space, streets, sidewalks, open areas, and all parcels and tracts of real property in the City bound as follows: the geographical area within one block from the Courthouse square, and bounded on the North by Adams Street, East by Kimbell Street, South by Chambers Street, and West by Phelps Street; and the area of North Jackson Street from West Adams Street on the South to West King Street on the North and the block adjacent thereto bounded on the North by West King Street, West by North Phelps Street, South by West Morse Street, and East by North Jackson Street; and the area of East Johnston Street from North Kimbell Street to its intersection with East Adams Street.

The code enforcement officer and police chief shall maintain an official map of the Forsyth Downtown Entertainment District in his office at all times.

Section 4-603. Outside consumption of alcoholic beverages within the district.

Outside consumption of alcoholic beverages by the drink shall be permitted within the Forsyth Downtown Entertainment District under the following conditions:

(1) Any licensee who desires to sell alcoholic beverages for outside consumption within the Forsyth Downtown Entertainment District much possess an alcoholic beverage license for on premises consumption in good standing with the City of Forsyth and the State of Georgia.

(2) Any establishment licensed to sell alcoholic beverages by the drink for consumption on the premises is authorized to dispense alcoholic beverages in a clear plastic cup with the City's approved logo and name imprinted thereon for consumption outside of the premises. Dispensing beer and/or wine in a can, bottle, or glass container for consumption outside in the designated area(s) is prohibited. Said clear plastic cups shall be purchased from the Main Street Director or his/her designee at prices established by the City Council.

(3) No establishment shall dispense to any person more than one (1) drink at a time for consumption outside of the premises within the Forsyth Downtown Entertainment District.

(4) No container in which an alcoholic beverage is dispensed for consumption in the designated area(s) shall exceed sixteen (16) fluid ounces in size.

(5) No alcoholic beverages shall be sold and/or consumed outside and within the Forsyth Downtown Entertainment District except within the authorized hours of sale of the establishment where purchased.

(6) Food must be served during any period of time that alcoholic beverages are served. A licensed establishment shall always maintain the correct ratio of food to alcoholic beverage sales.

Section 4-604. Outside consumption permitted; conditions.

Outside consumption of alcoholic beverages by the drink by residents living in the Forsyth Downtown Entertainment District shall be permitted within the Forsyth Downtown Entertainment District under the following conditions:

(1) Residents living in the Forsyth Downtown Entertainment District shall be permitted to purchase clear plastic cups with the City's approved logo and name imprinted thereon for personal use and outside consumption of alcoholic beverages within the Forsyth Downtown Entertainment District.

(2) Said clear plastic cups shall be purchased at prices established by the City Council.

(3) No resident shall be in possession of more than one (1) drink contained in an approved clear plastic cup at any given time while partaking in outside consumption in the Forsyth Downtown Entertainment District.

(4) No resident shall be in possession of a drink contained in an approved clear plastic cup outside of the authorized hours of sale under this chapter within the Forsyth Downtown Entertainment District.

(5) All other rules of general applicability of this Section shall apply to residents of the Forsyth Downtown Entertainment District using clear plastic cups for personal use.

Section 4-605. Applicable regulations.

The following additional regulations shall apply to the Forsyth Downtown Entertainment District:

(1) The possession of any open can, bottle, or glass container of alcoholic beverages for outside consumption within the Forsyth Downtown Entertainment District is prohibited.

(2) The possession of any container of alcoholic beverages for outside consumption within the Forsyth Downtown Entertainment District exceeding sixteen (16) ounces is prohibited.

(3) The City Council may suspend the application of this ordinance for reasonable times and when deemed reasonably necessary for the protection, safety, health, or well-being of the citizens of Forsyth.

Section 4-606. Applicability to all of the provisions of Chapter 4 (Alcoholic Beverages) of the City Code, and State Law.

Nothing in this section shall relieve licensees from complying with all other provisions of this chapter and state law.