

**STATE OF GEORGIA**

**COUNTY OF CANDLER**

**AMENDMENT TO ALCOHOLIC BEVERAGES ORDINANCE FOR THE  
UNINCORPORATED AREAS OF CANDLER COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Candler County is charged with the responsibility of protecting the health, safety and welfare of the citizens of Candler County and as such, is authorized to enact ordinances governing activities and properties in the unincorporated areas of Candler County, Georgia;

WHEREAS, pursuant to, *inter alia*, O.C.G.A. §§ 3-3-2(a); 3-5-40 *et seq.*: 3-6-40 *et seq.*; and 3-11-2 *et seq.*: Candler County has the discretionary authority to regulate the granting, refusal, suspension or revocation of alcoholic beverage licenses;

WHEREAS, in order to more effectively regulate such licensing activity, the Board of Commissioners desires to amend the existing alcoholic beverage code and create a new category of alcoholic beverage license in addition to the licenses already created;

NOW THEREFORE, be it resolved by the Candler County Board of Commissioners that Chapter 6 of the Candler County Code of Ordinances, entitled "Alcoholic Beverages", is hereby amended to include the following:

**TEMPORARY SPECIAL EVENT LICENSE**

**SECTION 1: TYPES OF TEMPORARY SPECIAL EVENT LICENSES**

- A. There are hereby created two (2) types of temporary alcohol licenses: one for non-profit organizations and one for other special events and festivals.

- B. A temporary general special event alcohol license (other than nonprofit) may be issued to any person, firm or corporation for an approved special event or festival. The person, firm or corporation must make an application and pay the fee required by this amendment and shall be required to comply with all applicable general provisions of this amendment and the licensing regulations for consumption on the subject premises. For profit businesses that possess a valid Candler County issued alcohol license to sell alcohol for consumption on the premises, may make an application with the County Commission for a temporary special event license. Applicant may be exempted from certain ordinance regulations and application requirements if the County Commission, after consultation with the County Sheriff, determines that such exemption will not violate the purposes of this amendment.
- C. Nonprofit civic organizations desiring to sell, provide, or allow alcoholic beverages at a special event may apply for and submit the completed forms furnished by the Commissioner of the Georgia Department of Revenue authorizing the organization to sell, distribute, or allow alcoholic beverages for consumption only on the premises, or to sell wine in sealed containers, at retail or auction, or a combination thereof, for a period not to exceed 2 days, which cannot include any Sunday or Christmas day, and subject to the rules and regulations of the Georgia Department of Revenue. Any local nonprofit organization in

Candler County must have been established for one year or more prior to the date of application for a special event alcohol license. If a statewide or national nonprofit organization is the applicant for such a license, it must have been established in the State of Georgia for one year or more prior to the date of application.

## SECTION 2: APPLICATION, INVESTIGATION, ISSUANCE

### A. NON-PROFIT ORGANIZATIONS.

- (1) Applications for special event permits must be in writing signed under oath on forms provided by the Candler County Administrator at least sixty (60) days prior to the date of the scheduled special event. Application forms shall be available in the County Commissioners' office. A copy of the license issued by the State of Georgia must be provided to the County Administrator not less than ten (10) days prior to the event for which the license is sought.
- (2) The application for the event shall include: the names of all licensees, addresses for all licensees and date, address, time and name of the event. If multiple licensees participate in the event, then multiple copies of a permit shall be issued by Candler County, and it shall be so noted on each copy, signed by the County Administrator and County Clerk.

- (3) Applicant shall furnish a complete set of fingerprints which shall be used to search the files of the state crime information center for any instance of criminal activity during the five years immediately preceding the date of the application.
- (4) As a condition of the issuance of any type of temporary special event license, the applicant shall indemnify and hold Candler County harmless from any claims, demands, or causes of action which may arise from activities associated with the special event.
- (5) There shall be no requirements of food-service, number of seats, or percentage of sales applicable to the sale of food for a special event alcohol license.
- (6) The application for a temporary special event alcohol license shall be considered by the Candler County Commission and County Sheriff, which may approve at their discretion, while considering the safety concerns, the suitability of the event, and compliance with all local, state, and federal regulations. In order for any license to be issued hereunder both the County Commission and County Sheriff must approve the application.
- (7) No licensee is eligible for more than three (3) permits as provided under this amendment per year.
- (8) License shall be in effect for the lesser of forty-eight (48) hours beginning at 12:01 a.m. of the effective date or the termination of the event for which the license is issued.

- (9) No license issued under this amendment shall be transferable or assignable.

**B. FOR PROFIT ORGANIZATIONS.**

- (1) Applications for special event permits must be in writing signed under oath on forms provided by the Candler County Commission and must be received along with the \$500 application fee at least sixty (60) days prior to the date of the scheduled special event. Application forms shall be available in the County Commissioners' office. A copy of the license issued by the State of Georgia must be provided to the County Administrator not less than ten (10) days prior to the event for which the license is sought.
- (2) The application for the event shall include: the names of all licensees, addresses for all licensees and date, address, time and name of the event. If multiple licensees participate in the event, then multiple copies of a permit shall be issued by Candler County, and it shall be so noted on each copy, signed by the County Administrator and County Clerk.
- (3) Applicant shall furnish a complete set of fingerprints which shall be used to search the files of the state crime information center for any instance of criminal activity during the five years immediately preceding the date of the application.

- (4) As a condition of the issuance of any type of temporary special event license, the applicant shall indemnify and hold Candler County harmless from any claims, demands, or causes of action which may arise from activities associated with the special event.
- (5) There shall be no requirements of food-service, number of seats, or percentage of sales applicable to the sale of food for a special event alcohol license.
- (6) The application for a temporary special event alcohol license shall be considered by the Candler County Commission and County Sheriff, which may approve at their discretion, while considering the safety concerns, the suitability of the event, and compliance with all local, state, and federal regulations. In order for any license to be issued hereunder both the County Commission and County Sheriff must approve the application.
- (7) No licensee is eligible for more than three (3) permits as provided under this amendment per year.
- (8) License shall be in effect for the lesser of forty-eight (48) hours beginning at 12:01 a.m. of the effective date or the termination of the event for which the license is issued.
- (9) No license issued under this amendment shall be transferable or assignable.

### SECTION 3: DENIAL OF APPLICATION FOR NON PROFIT AND FOR PROFIT LICENSE APPLICATIONS

- A. Where the County Commission and/or County Sheriff deny the license application, the following procedure shall apply.
  - (1) The County Commission shall notify the applicant of the denial in writing, personally or by certified mail to the applicant's address as listed in the application. The notice shall including the following information:
    - a. The reason/s for the denial; and
    - b. The effective date of the denial.
  - (2) In all instances in which an application is denied, the applicant may not reapply for a license for at least one year from the denial date.

### SECTION 4: OPERATION FOR NON PROFIT AND FOR PROFIT LICENSES

- A. An original event permit, or copy in cases of multiple licensees, shall be kept in the vehicle transporting alcoholic beverages to the event, and shall be available for inspection at the event during the duration of such event.
- B. Applicants must provide at their own expense an adequate security detail for the event to ensure proper crowd control and to avoid a breach of the public peace. Such security detail shall be comprised of, at least in part of, off duty, post certified law enforcement officers. The security detail personnel must be approved by the County Sheriff.

- C. Applicants must contract with County to provide EMS services in the event medical service are required at the special event. Applicant must prepay actual expenses incurred by the County for providing such coverage.
- D. Notwithstanding the foregoing, alcohol may not be sold between the hours of 12:00 a.m. and 8:00 a.m.
- E. Notwithstanding a provision to the contrary under this amendment, no special event permit will allow for the sale of alcohol on Sundays, Christmas Day or on any day which state law prohibits.

#### SECTION 5: PROHIBITED ACTIVITIES FOR NON PROFIT AND FOR PROFIT LICENSES

- A. A special event licensed to sell alcoholic beverages by the drink for the consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a bottle or glass. No contained in which an alcoholic beverage is dispensed shall exceed 16 fluid ounces in size.
- B. All alcoholic beverages sold or otherwise dispensed on the premises of the subject event shall be consumed only on the licensed premises, which shall include the inside of the building for the event if held indoors and within the boundaries of the property if held outdoors. It shall be unlawful for any person to remove from the licensed premises alcoholic beverages sold for consumption on the premises. The licensee shall be responsible for ensuring that no person so removes any



alcoholic beverage from the premises in any type of container.

- C. Special events shall comply with all applicable statutes/regulations of the federal, state and local law pertaining to the sale and distribution of alcoholic beverages and all zoning and land use regulations.
- D. The County Sheriff or his deputies, may terminate or immediately suspend any special event license if it is determined the special event violates any provision of state or local law including the terms of this amendment or if it is determined that the sale, distribution, or consumption of alcoholic beverages at the event may damage the health, safety or welfare of the public, or violate any federal, state, or local law or regulation.
- E. License holders shall insure that there is adequate parking for the event. No persons attending the event shall be permitted to park on the right of way of any public road.

#### SECTION 7: MISCELLANEOUS

- A. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid such decisions shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be unconstitutional or invalid.
- B. Any and all ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.
- C. This ordinance shall be in full force and effect upon adoption by the Candler County Board of Commissioners.

Adopted, approved and enacted this 15<sup>th</sup> day of June, 2020, at the Regular Meeting of the Board of Commissioners of Candler County.

**CANDLER COUNTY BOARD OF COMMISSIONERS**

By:   
Glynn Thrift, Chairman

Attest:   
Kellie Lank, Clerk

