

**AMENDMENT TO THE CANDLER COUNTY
ALCOHOLIC BEVERAGES ORDINANCE**

Section 6-162. Hours of sale.

a. Consumption on-the-premises licensees shall only engage in the sale and service of alcoholic beverages between the following hours:

Monday through Saturday, 6:00 a.m. to 12 midnight. All persons including owner must vacate by 1:00 a.m.

For the purpose of this section, the premises are defined as follows:

“Premises” shall include, but is not necessarily limited to, the building or facility in or about which alcoholic beverages are sold, and the adjacent parking areas.

b. Consumption off premises licensees shall only engage in the sale and service of alcoholic beverages only between the following hours:

(1) Monday through Saturday 6:00 a.m. to 6:00 a.m. (24 hour sales).

(2) Saturday 6:00 a.m. to 12:00 midnight.

Adopted, approved and enacted this 7th day of January 2013, at the Regular Meeting of the Board of Commissioners of Candler County.

BOARD OF COMMISSIONERS OF CANDLER COUNTY

By: 
Glyn Thrift, Chairman

Attest: 
Doris Strickland, Clerk



AN ORDINANCE

To revise those parts of the Code of Ordinances of Candler County, Georgia, consisting of the Candler County Alcoholic Beverage Ordinance and the Candler County Alcoholic Beverage Open Container Ordinance; to repeal conflicting ordinances; and for other purposes.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CANDLER COUNTY, GEORGIA, AND IT IS HEREBY ORDAINED:

The following shall be adopted to replace in their entirety the Candler County Alcoholic Beverage Ordinance and the Candler County Alcoholic Beverage Open Container Ordinance and Chapter 6 of the Code of Ordinances of Candler County relating to alcoholic beverages shall be struck in its entirety and replaced by the following:

CHAPTER 6 ALCOHOLIC BEVERAGES

ARTICLE I. IN GENERAL

Sec. 6-1. Purposes and authority.

(a) The board of commissioners of Candler County, Georgia shall issue retail licenses for the distribution of alcoholic beverages within the limits of the county lying outside the incorporated limits of the municipalities located within the county subject to the provisions of this Chapter.

(b) The purposes of this chapter shall include, without necessarily being limited to, the following:

- (1) Compliance with and effectuation of the general state law;
- (2) Prevention and control of the sale of alcoholic beverages by unfit persons;
- (3) Insuring that any licenses issued for the consumption of alcoholic beverages on the premises are issued only to authorized establishments as defined in this chapter;
- (4) The protection of schools, homes, churches, parks, and other institutions;
- (5) Protection of the public health, safety, and welfare.

(c) To the maximum extent permissible under state and federal law, the business of selling alcoholic beverages shall under this chapter be considered to be a privilege to be accorded in conformity with the foregoing and other public policies of the county, rather than a right.

Sec. 6-2. Definitions.

(a) Unless a contrary intention is clearly apparent from the context, the following terms used in this chapter shall have the following meaning:

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

Alcoholic beverage means and includes all alcohol, malt beverages, distilled spirits, wine or fortified wine.

County means Candler County and when used in a geographical sense means the territorial limits of the county lying outside the incorporated limits of the municipalities located within the Candler County, Georgia.

County administrator means the County Administrator of Candler County, Georgia.

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

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.

Interest includes any pecuniary interest and any ownership interest, whether present or future, whole or partial, legal or beneficial, contingent or vested, direct or indirect, and any right, power, or authority of control.

Licensed premises includes not only the room wherein alcoholic beverages are sold or served but also the entire building in which such room is located, except that when such a room is located in a hotel, motel, or similar facility or in a shopping center only such room and any adjoining storage, office, toilet, and other similar rooms shall constitute the "licensed premises."

Licensee includes an individual licensee and in the case of a partnership or corporation includes both the partnership or corporation and the named licensee.

Majority stockholder means the person, if any, who owns more than 50 percent of the voting stock of a corporation; if no person owns more than 50 percent of the voting of a corporation, the "majority stockholder" is the person owning more of the voting stock than any other person; and if two or more persons each own the same amount of the voting stock of a corporation and each own more of the voting stock than any other person, then anyone of such persons may act as the "majority stockholder."

Malt beverage means fermented beverage made in whole or in part from malt or any similar fermented substance.

Board of Commissioners means the board of commissioners of the Candler County, Georgia.

Mixed drink means any distilled spirits served for consumption on the premises, whether or not diluted by water or any other substance.

Named licensee means the person acting as such for a partnership or corporation pursuant to Section 6-27.

Person includes a corporation, partnership, association, club or institution.

(b) Unless a contrary intention is clearly apparent from the context, any term used in this chapter shall have the same meaning as when used in comparable provision of the Georgia Alcoholic Beverage Code, O.C.G.A. Title 3.

(c) As used in this chapter, the singular, and plural shall each include the other, the masculine and feminine shall each include the other, and any verb tense may include any other verb tense.

(d) As used in this chapter, the term "may" is permissive and the term "shall" is mandatory.

Sec. 6-3. Violations; penalty.

(a) Any person who violates any provision of this chapter shall upon conviction be punished as provided in this Code, which may include a fine or imprisonment, or by both such fine and imprisonment. The Superior Court, the State Court of Candler County and the Magistrate Court shall each have jurisdiction to enforce the provisions of this Chapter. Any such punishment, if imposed, shall be in addition to and not in lieu of any license suspension or revocation under this chapter.

(b) The violation of any of the provisions of this chapter, including the maximum occupant load, shall be grounds for fines, suspension, or revocation of any retail or wholesale license issued hereunder.

- (1) For the first violation there shall be a \$1,000.00 fine.
- (2) For the second violation, the date of occurrence of which is within any 24-month period of the first violation, there shall be a \$1,000.00 fine and a 30-day suspension of the license privileges.
- (3) For the third, and any subsequent violation, the date of occurrence of which is within any 24-month period of the first violation, there shall be a \$1,000.00 fine and a 90-day suspension of license privileges.
- (3) For any fourth or subsequent violation, the date of occurrence of which is within any 24-month period of the first violation, the license may be revoked at the discretion of the board of commissioners.
- (4) Any suspension or revocation of a license shall first require notice to the license holder of the grounds for potential suspension and revocation and shall entitle license holders to file an appeal which must be done within 72 hours and shall be entitled to due process hearing before the board of commissioners which appeal shall be heard within ten working days. The decision of the board of commissioners shall be final.
- (5) A license holder who receives a suspension or revocation of his license may not be an officer, director or shareholder of any succeeding entity that holds a license from the county during his period of suspension.

Secs. 6-4 through 6-25. Reserved.

ARTICLE II. LICENSING

Sec. 6-26. Required classifications, etc.

(a) *Required.* It shall be unlawful for any person to sell or offer for sale any alcoholic beverages within the county except under a valid license issued under this chapter and in compliance with the provisions of this chapter.

(b) *Pay schedule.* License fees shall be payable in advance for an entire year beginning January 1 and ending December 31. If an initial fee is paid on or after July 1st of the year of application, the license fees for the remainder of the year shall be fifty (50) percent of the license fee imposed for the entire year. Any administrative fees will not be reduced. The suspension or revocation of

any license granted pursuant to this article shall not entitle the licensee to a return of any portion of the license fee.

(c) *Classification.* Classes of licenses issued under this chapter, activities permitted and regulated thereunder, shall be as follows:

(1) *Retail package licenses:*

a. Package sales for off premises consumption of alcoholic beverages

(2) *Retail Consumption on the premises licenses:*

a. Grand-fathered license for on-premises consumption of alcoholic beverages - this license shall be applicable only to those qualifying businesses pursuant to Section 6-28 of this Chapter.

b. Pouring license for on-premises consumption of alcoholic beverages

(3) *Wholesale licenses:*

a. Resident wholesale dealer's license: wholesale of distilled spirits, wine, and malt beverages by a wholesale dealer having a place of business in the county

(d) *Fees.* Annual license fees for the above classifications of licenses shall be as set forth in adopted by the Board of Commissioners in the Candler County Fee Schedule.

(e) *Penalties.* All fees set forth in this section are due on January 1st of each calendar year. All fees which are not paid by January 10th of each calendar year will be subject to a ten (10) percent per month late charge or penalty and shall be grounds for revocation of the license.

(f) *Payment of fees.* An applicant shall pay the annual license fee at the time the application is filed; and in such event the license applied for is not issued, the annual license fee shall be refunded.

Sec. 6-27. Procedure for issuance.

(a) A license issued to an individual shall be issued in the name of the individual. A license issued to a partnership shall be issued in the name of the partnership and in the name of one of the partners who shall be the named licensee. A license issued to a corporation having as its principal business the sale of alcoholic beverages shall be issued in the name of the corporation and in the name of the majority stockholder or a principal officer of the corporation; and such majority stockholder or officer shall be the named licensee. A license issued to a corporation having as its principal business an activity other than the sale of alcoholic beverages shall be issued in the name of the corporation and in the name of the officer or employee of the corporation primarily responsible for the operation of the licensed premises; and such officer or employee shall be the named licensee.

(b) In the case of a partnership, each partner shall join as an applicant for the license and each partner must meet the qualifications of an individual licensee, as provided herein.

- (c) In the case of a corporation having as its principal business the sale of alcoholic beverages, the majority stockholder and each principal officer of the corporation shall join as applicants for the license; and each such person must meet the qualifications of an individual licensee.
- (d) In the case of a corporation having as its principal business an activity other than the sale of alcoholic beverages, the officer or employee who is to be the named licensee shall be the applicant and must meet the qualifications of an individual licensee, as provided herein; provided, however, that the board of commissioners may require the fingerprinting and investigation of officers and shareholders of the corporation if they deem it necessary in making their investigation.
- (e) In the case of a partnership, each partner shall be responsible for the actions of the named licensee and the conduct of the licensed business. In the case of a corporation, the corporation shall be responsible for the actions of the named licensee and the conduct of the licensed business.

Sec. 6-28. Existing business with licenses for on-premises consumption.

In the event a business held licenses as of December 31, 2002, from the state and the county which allowed the business to dispense alcoholic beverages on the business premises in broken, opened or unsealed containers, such business shall not be subject to the requirements of this Chapter that at least 50 percent of its gross income be derived from the sale of food prepared, served, and consumed on the premises, nor any of the accompanying reporting requirements concerning the service of food. In the event a business as stated herein expands or modifies its existing facility, occupancy load, and/or use of facility in any way, the business shall immediately be subject to all provisions of this Ordinance. In the event a business as stated herein is sold, transferred or assigned, the exemption shall remain in effect for the transferee, assignee or purchase. If a business, its heirs, successors or assigns which is exempted from the requirement as stated herein ceases to sell and/or dispense alcoholic beverages for a period of 60 days, then the exemption shall lapse and the resumption of the business shall be subject to all of the provisions of this Ordinance concerning licensing and the sale of alcoholic beverages within the county; provided, however, that in the event the cessation of activity is the result of fire and similar hazard, natural disaster, major renovation or expansion for which a building permit is obtained, then the 60-day period shall be tolled during a time in which the license holder makes a reasonably diligent effort to repair or renovate the business and resume activity, but in no event shall the time be tolled more than one year.

Sec. 6-29. Qualifications.

- (a) A licensee must be at least 21 years of age, of good moral character and a citizen of the United States.
- (b) A licensee shall not have been convicted within the past five years of any felony or, misdemeanor, or violation of county alcohol ordinances within the past two years, or at any time of any criminal offense relating to alcoholic beverages, taxes or gambling. This subsection shall apply with respect to the laws of this state, other states, the United States, and other countries. A

plea of nolo contendere or the forfeiture of a bond shall be considered a conviction for purposes of this subsection. The board of commissioners may at their discretion waive the conviction of a misdemeanor for a non-alcoholic offense for purposes of this subsection if the board of commissioners determines that the misdemeanor does not have a bearing on the applicant's fitness for a license.

(c) A licensee shall not have been denied or had revoked, within the five years next preceding his application, any license to sell alcoholic beverages issued by any governmental entity.

(d) No license for the sale of alcoholic beverages by the drink for consumption on the premises shall be issued to any applicant who does not meet the requirements of a private club or restaurant as defined in section 6-157 and 158.

Sec. 6.30. Application procedures.

(a) Application for a license for the retail sale of beer and malt beverages and/or distilled spirits in the county shall be filed with the county administrator upon forms prescribed by the county. The application shall be subscribed by the applicant under oath and fully completed and executed. The county administrator shall deliver the application for non-renewal applicants to the board of commissioners.

(b) There shall be attached to the application a bank money order, certified check or like remittance of the application. The applicant shall publish a notice stating an application has been applied for, the applicant's name, the name and location of the business and the type of license being applied for. The notice shall run two weeks in the legal organ of Candler County. The applicant will be responsible for running the public notice and the cost thereof. There shall also be attached an affidavit of publication in compliance with this section.

(c) As a prerequisite to the issuance of the license, the applicant shall furnish a complete set of fingerprints to be forwarded to the state bureau of investigation which shall search the files and forward the fingerprints to the Federal Bureau of Investigation to determine past criminal activity.

(d) Failure to fully complete and execute an application for a license or to furnish accurately all data, information and records required by the application form as well as failure to accompany the application with the payment of the prescribed fee or the affidavit of publication shall be deemed just cause for denying the application with prejudice.

(e) Upon proper completion of the application and payment of fees, the county administrator shall refer the application to the Sheriff for such investigation and hearings thereon as deemed necessary under this article. The Sheriff may seek the advice of additional law enforcement officers and state prosecutors during its consideration of the application.

(f) As a prerequisite to the issuance of a license, all businesses where alcohol is consumed on the premises shall satisfy all requirements of a fire and life safety inspection performed by the state or local fire official, as applicable, and the county building official (or such individual designated by the Board of Commissioners). In addition, all businesses where alcohol is

consumed on the premises and the occupancy load is 100 or more shall provide the county administrator with a signed fire safety report and certificate of occupancy from the state or local fire official as applicable. The state or local fire official, as applicable, may cause to be inspected any building or portion of any building licensed under this ordinance.

(g) Upon full compliance with the requirements of the state fire code, the state or local fire official or the building inspector, as applicable, shall notify the county administrator for further processing of the license.

(h) After its investigation, the board of commissioners shall grant or deny the license applied for. The County Administrator shall have the authority to approve renewal applications subject to approval by the Sheriff. The County Administrator shall report any licenses approved for renewal to the Board of Commissioners.

Sec. 6-31. Renewal.

On renewal, the licensee shall be administered and take the oath specifically contained on the application form. Making any false statements will be grounds for automatic revocation of license. The board of commissioners may within its discretion require fingerprinting and a full background check on any renewal at any time.

Sec. 6-32. Transfer.

(a) Except as provided in this section, no license shall be transferable to any other person or location.

(b) If a licensee seeks to move his place of business from the licensee's premises to another place within the county, application shall be made as for an original license.

(c) In the case of death of an owner of a license or financial interest therein, such license or interest therein may be transferred to the administrator, executor, or adult heir or heirs of the deceased unless the board of commissioners determines that it would otherwise violate this chapter. If the transferee cannot meet all the requirements of this chapter when the time comes to renew the license, it shall not be renewed.

(d) Nothing in this section shall prohibit one or more partners in a partnership from retiring therefrom in favor of one or more of the other partners; provided such withdrawal shall not without application for an issuance of a new license introduce any new partner or result in any new person acquiring an interest in the licensed business.

(e) Where a license is issued to a corporation having as its principal business an activity other than the sale of alcoholic beverages, a change in the named licensee may be permitted by the board of commissioners if the new named licensee meets the requirements of new license applicants.

(f) In the circumstances described in subsections (c), (d) and (e) of this section, the license may be revoked if the board of commissioners determines that the change results in a failure to meet the requirements of this chapter.

Sec. 6.33. Change in business ownership.

(a) If any licensee withdraws from, sells or otherwise transfers the licensee's interest in the licensed business, the licensee shall within two days, notify the county administrator and surrender the license.

(b) In the case of such a withdrawal, transfer, or sale, a new application shall be made as for an original license.

Sec. 6-34. Temporary license.

(a) A temporary license may be issued by the board of commissioners if, in their judgment, the denial of a temporary license would create an undue hardship such as the closing of an existing business. The temporary license cannot exceed a 90-day period.

(b) A temporary license may be revoked, with or without cause, by the board of commissioners at any time, and the grant or denial of a temporary license shall not affect or have any bearing upon the grant or denial of a permanent license.

Sec. 6-35. Suspension/revocation/enforcement.

(a) Upon final disposition of a case by any court of competent jurisdiction, a license may be suspended or revoked by the board of commissioners for any violation of this chapter and/or other county ordinances, for any violation of state or federal law, for any material misrepresentation or omission in the application for the license, or if the licensee or the licensed business ceases to meet the eligibility requirements for license.

(b) The board of commissioners, by resolution, may direct the Sheriff of the county and his lawful officers to remove the license from any place of business of any licensee upon determination by the Sheriff or his lawful officers that any provision of this chapter or the laws of the State of Georgia pertaining to the sale of alcoholic beverages has been violated. Upon removal of the license as provided above, it shall be illegal for the licensee to engage in the sale of alcoholic beverages until such time as the license has been reinstated as hereinafter provided.

(c) Upon removal of a license as provided above, the county within three days, shall give written notice to the licensee of the reasons for such removal and as to any suspension or revocation of such license. The licensee may within ten (10) days from receipt of the aforesaid notice from the county, make written application to the board of commissioners for a hearing on the matter of suspension or revocation, including the right of the licensee to present evidence and cross-examine opposing witnesses. Failure of the licensee to request a hearing within the allowed period shall constitute a waiver of any right of further appeal of the county's decision regarding revocation or suspension. In the event a hearing is requested as provided above, the same will be held within ten (10) days from receipt by the county of the request. The county, after hearing evidence, shall reach its decision and advise the licensee of the same. In the event the county determines, with or without a hearing, that a license shall be reinstated, the same shall be immediately returned to the licensee.

Sec. 6-36. Automatic revocation.

A license shall be automatically revoked by operation of law if:

- (1) The licensee's state alcoholic beverage license is revoked, suspended, canceled or not renewed;
- (2) Payment of the annual license fee is not received by the county within 14 days after notification that the approval to issue a license has been made by the board of commissioners.
- (3) Operation of the licensed activity is not commenced within six months after the license is issued.
- (4) Operation of the licensed activity is commenced and then discontinued for a period of 30 days unless extended by the board of commissioners for good cause.
- (5) The licensed business declares bankruptcy or receivership, is the subject of levy or legal process, or fails to properly account for, file, report and pay any excise tax levied under this chapter.
- (6) The licensed business fails to properly account for, file, report and maintain any records or remit any license fee imposed or taxes required under this chapter.
- (7) Payment of the annual renewal license fee is not received by the county within the time prescribed.
- (8) The named licensee is convicted of a felony by a court of competent jurisdiction.
- (9) Any false statement in the application or renewal process by the licensee.

Secs. 6-37-6-56. Reserved.

ARTICLE III. LOCATION

Sec. 6-57. Proximity restrictions.

(a) No person knowingly and intentionally may sell or offer to sell:

- (1) Any alcoholic beverages where the nearest point of the premises is located within 1500 feet of the nearest point of the property line of any church, school building, educational building, school grounds, or college campus. This provision shall not be applicable to those locations for which a license was in effect on December 31, 2002. If a church, school building, educational building, school grounds, or college campus subsequently locates within 500 feet of a licensed premises, this provision shall not be applicable under such circumstances; and such an event would not cause a license holder to be in violation of this subsection or prohibit the renewal or transfer of the license. As used in this section, a church shall mean any structure of any commonly recognized religion, denomination or sect regularly used for worship or religious instruction.
- (2) Any distilled spirits, wine, or malt beverages within 100 yards of an alcoholic treatment center owned and operated by this state or any county or municipal government therein.

(b) Nothing contained in this article shall prohibit the licensing of the sale or distribution of alcoholic beverages by:

- (1) Hotels of 50 rooms or more which have been in continuous operation for a period of at least five years.
- (2) Bona fide private clubs, owning their own premises, subject to licensing under state law.

(c) For the purposes of this article, unless otherwise stated above, distances shall be measured by drawing a straight line from the nearest point of the outside wall conditioned (mechanically heated or cooled) space of the applicant's business establishment to the nearest point of the outside wall enclosing conditioned (mechanically heated or cooled) space.

Secs. 6-58-6-80. Reserved.

ARTICLE IV. SALES

Sec. 6-81. Responsibility of named licensee.

The named licensee shall be active in the operation of the licensed business and shall be, personally present on the licensed premises sufficiently to assure compliance with the provisions of this chapter.

Sec. 6-82. Rentals paid restricted.

(a) Except as otherwise provided in this section, it shall be unlawful for a licensee to enter into any agreement whereby the rental paid for licensed premises is based in whole or in part on the volume of sales of alcoholic beverages by the licensed business or whereby the lessor otherwise shares in the profits or receipts from the licensed business's sale of alcoholic beverages.

(b) Subsection (a) shall not apply where the primary business of a package licensee is an activity other than the package sale of alcoholic beverages; for example, a grocery store selling package beer and wine.

Sec. 6-83. Display of license.

Each license issued under this chapter shall at all times be kept plainly exposed to view upon the licensed premises.

Sec. 6-84. Retention of records.

(a) All consumption-on-the-premises of licensees shall keep and preserve records of all alcoholic beverages purchased and sold by the licensee and shall keep and preserve records of all food and non-alcoholic beverages purchased and sold by them. Such records shall at all times during normal business hours be open for inspection by an authorized agent of the county such records shall be maintained for a period of at least three years.

(b) All consumption-on-the-premises licensees shall file with the county administrator the following reports at the time and in the form prescribed by the board of commissioners:

(1) A semi-annual on premises consumption report in the form of a signed statement from a certified public accountant that reports the percentages of the licensees total sales derived from the sale of food and non-alcoholic beverages sold on premises compared to the sale of all alcoholic beverages sold on premises. If a license holder elects to utilize a certified public accountant to prepare the semi-annual on premises consumption report, no documentation is required, but the board of commissioners may require documentation in addition to the report prepared by the certified public accountant. If the semi-annual on premises consumption report is not prepared by a certified public accountant, the report must be accompanied by a certified copy of the licensees monthly state sales tax reports, copies of the paid invoices from wholesale alcohol distributors and copies of the paid invoices from retail and wholesale food vendors coinciding with the on premises consumption report. However, nothing in this subsection shall preclude the board of commissioners from requiring complete documentation if it receives and is investigating a complaint alleging violation of the 50 percent food sales revenue rule. Businesses licensed under Sec. 6-28 are exempted from this requirement.

(2) Any other documents, reports, records, or books as shall be required by the board of commissioners.

Sec. 6-85. Knowledge of chapter provisions.

Every licensee shall, prior to applying for a license, read and familiarize himself with the provisions of this chapter and an application shall constitute a certification by the applicant that he has done so. Every licensee shall maintain a copy of the ordinance from which this chapter derives on the licensed premises and shall instruct each employee engaged in the sale or handling of alcoholic beverages on the relevant provisions of the ordinance from which this chapter derives.

Sec. 6-86. Sales to underage persons prohibited.

Furnishing to, purchase of or possession of [by] persons under the age of 21 years of age of alcoholic beverages shall be controlled by state law O.C.G.A. § 3-3-23.

Sec. 6-87. Days of sales prohibited.

(a) No licensee shall permit the sale of alcoholic beverages on any day or any time when such sales are prohibited by state law.

(b) The wholesale or retail sale of distilled spirits shall be lawful during the polling hours of any election; however, the sale of alcoholic beverages within 250 feet of a polling place is unlawful during such hours that the polls are open.

(c) No licensee shall permit the sale of alcoholic beverages on Sunday.

(d) No license shall permit the sale of alcoholic beverages on Christmas Day.

Sec. 6-88. Sales to intoxicated persons; gambling; disorderly conduct.

(a) No licensee shall permit the sale of alcoholic beverages to any person who is in a state of noticeable intoxication or allow persons who are noticeably intoxicated to congregate on licensed premises.

(b) No licensee shall permit any gambling, betting, illegal lottery, or other device for the hazarding of any money or other thing of value on the licensed premises.

(c) No licensee shall permit on the licensed premises any disorderly conduct, breach of the peace, or noise or activity which is disturbing to the surrounding neighborhood.

Sec. 6-89. Container, storage, illumination.

(a) Alcoholic beverages shall be delivered to and received at licensed premises only in the original container and only in a conveyance owned and operated by a licensed wholesale dealer (or licensed common carrier acting for a wholesaler). Alcoholic beverages shall be sold at retail only on the licensed premises.

(b) A retail licensee shall store alcoholic beverages only on the licensed premises and at no other place. All stock shall be available at all times for inspection by an authorized agent of the county. Any alcoholic beverages found in any retail licensee's stock which was not received from a wholesaler licensed to make deliveries in the county shall be subject to immediate confiscation.

(c) The exterior of each building in which alcoholic beverages are sold for consumption on the premises shall contain sufficient lighting so that all sides of the building and all entrances thereto are clearly visible at all times.

Sec. 6-90. Cleanliness of premises; inspections.

All licensed premises shall be kept clean and in proper sanitary condition and in full compliance with all regulations governing the condition of premises used for the storage and sale of food for human consumption. All licensed premises shall be open at all times during normal business hours for inspection by authorized agents of the county.

Secs. 6-91-6-110. Reserved.

ARTICLE V. SALES TO AND BY UNDERAGED PERSONS

Sec. 6-111. General prohibitions.

(a) Except as provided in subsection (d), below, no wholesale dealer or package licensee shall allow any employee under the age of 18 years to dispense, sell, serve, take orders for, or handle alcoholic beverages.

(b) No consumption-on-the-premises licensee shall allow any employee under the age of 18 years to dispense, sell, serve, take orders for, or handle alcoholic beverages.

(c) This section shall not prohibit the employment of persons under the above ages on licensed premises where such persons do not dispense, sell, serve, take orders for, or handle alcoholic beverages.

(d) This section shall not prohibit persons 16 years of age or older from selling or handling alcoholic beverages in grocery stores or supermarkets.

Secs. 6-112-6-135. Reserved.

ARTICLE VI. BREAKING PACKAGE OR DRINKING ON PREMISES

Sec. 6-136. Prohibited.

It shall be unlawful for any person to open or consume any alcoholic beverages on premises licensed only for the sale of alcoholic beverages by the package for off premise consumption.

Secs. 6-137-6-156. Reserved.

ARTICLE VII. CONSUMPTION ON PREMISES

Sec. 6-157. Same-Restaurant.

In order to be eligible for a pouring on-the-premises license, a restaurant shall:

- (1) Be used and held out to the public as a place where meals prepared on the premises are regularly served to the public for adequate pay each day the establishment is open for business;
- (2) Contain one or more public dining rooms, with adequate and sanitary kitchen facilities and refrigeration, including commercial restaurant grade equipment, as required by the Candler County Health Department and staff to prepare, cook and serve suitable food for its guests;
- (3) Have the ability to serve meals prepared on the premises during any time the establishment is open for business;
- (4) Have a valid Candler County Health Department Food Service Permit and any other applicable local, state or federal permits, licenses, etc. required for food service establishments;
- (5) Have at least 50 percent of its total sales comprised of the sale of food prepared on the premises and nonalcoholic beverages consumed on the premises; and for this purpose, if a restaurant makes a minimum charge, cover charge, or admission charge, or any other non-food or non-alcoholic beverage charge, the amount so charged shall not be counted in computing total sales and shall not be counted as a food or beverage sale;
- (6) Have a permanent seating capacity at tables, not counting bar stools, of at least 25 persons.
- (7) The occupancy load for purposes of this section must meet the following criteria:

- a. The square footage of the interior area of the restaurant, which is enclosed and under roof and is conditioned air space, shall be determined using a set of building plans showing the fixed and other seating and tables.
- b. The food preparation, service areas (kitchen, buffet and salad bar areas), storage, the preparation area behind bars, restrooms and all connecting hallways shall be removed from the total square footage of the floor space.
- c. The maximum occupant load for the remaining areas shall be calculated in accordance with the building code and life safety code as follows:
 1. The assembly area where restaurant seating is located shall be calculated using 15 square feet per person.
 2. The waiting area at the entrance/exit shall be calculated using three square feet per person. The number of occupants allowed in the calculation for waiting area cannot exceed 50 percent of the occupant load of the assembly area in subsection 1. above.
 3. An additional area for live entertainment and dancing shall be calculated using seven square feet per person. The number of occupants allowed in the calculation for this additional area cannot exceed 20 percent of the occupant load of the assembly areas in subsection 1. above.
 4. The board of commissioners may consider a request for consumption on the premises of a deck or patio attached or adjacent to the principal restaurant assembly area, provided that the area is screened from the view of anyone on any public right-of-way. If such a request is granted, it does not alter the calculation of the maximum occupant load.
- d. The occupancy load determined by the designated agent of the county for each location shall be posted for public view.

Sec. 6-158. Private club.

(a) In order to be eligible for a pouring or consumption on-the-premises license, a private club must be a veterans organization, fraternal organization or other nonprofit organization all of which must be incorporated, and:

- (1) The local chapter has been in existence at least one year prior to the filing of its application for a license;
- (2) Have a least 75 regular dues-paying members;
- (3) Be organized and operated exclusively for pleasure, recreation and other non-profitable purposes;
- (4) Own, hire, or lease a building or space within a building for the reasonable use of its members, which building or space:
 - a. Has suitable kitchen and dining room space and equipment;

b. Is staffed with 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.

(b) For purposes of subsection (a)(4), above, a "fixed salary" means the amount of compensation paid any member, officer, agent, or employee of a 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 any commission or any profits from the sale of alcoholic beverages.

(c) No alcoholic beverage license shall be granted to a private club organized or operated primarily for the selling or serving of alcoholic beverages.

(d) Private clubs licensed under the provisions of this section shall not be required to maintain the percentage sale of food/non-alcoholic beverages as compared to alcoholic beverages; however, any such organization shall be subject to all chapter regulations dealing with general licensing and consumption on the premises.

Sec. 6-159. Ratio of alcoholic/non-alcoholic sales.

Should the total sales from food and non-alcoholic beverages reported by any licensee for consumption on the premises not equal those from the sale of all alcoholic beverages for any two consecutive reporting periods, the license may be suspended or revoked by the board of commissioners after a hearing as provided for in section 6-35.

Sec. 6-160. Reserved.

Sec. 6-161. Illumination of premises, location of sales restricted.

(a) All restaurants including all tables, booths, and other areas where customers are served and including all passageways for customers, shall be sufficiently well illuminated so that those inside the premises may view them.

(b) The sale of alcoholic beverages in any back room or side room, which is not open to the general public, is prohibited, except that this prohibition shall not apply with respect to:

- (1) Private parties, which have been scheduled in advance;
- (2) Room service to hotel guests in their hotel rooms, provided a properly licensed restaurant is located on the premises;
- (3) Private clubs.

Sec. 6-162. Hours of sale.

a. Consumption on-the-premises licensees shall only engage in the sale and service of alcoholic beverages between the following hours:

- (1) Monday through Friday, 6:00 a.m. to 1:45 a.m. All persons including owner must vacate by 2:00 a.m.

(2) Saturday 6:00 a.m. to 12:00 midnight, consumption of beverages on premises until 1:00 a.m. All persons including owner must vacate by 2:00 a.m.

Note: Notwithstanding anything contained herein to the contrary, it should be noted that under state law the hours of operation for a retail package store are Monday through Saturday eight a.m. to eleven forty-five p.m. and pursuant to subsection 6.87(a), it is unlawful to sell alcoholic beverages in the designated area in violation of state and federal law.

For the purpose of this section, the premises are defined as follows:

“Premises” shall include, but is not necessarily limited to, the building or facility in or about which alcoholic beverages are sold, and the adjacent parking areas.

b. Consumption off premises licensees shall only engage in the sale and service of alcoholic beverages only between the following hours:

(1) Monday through Saturday 6:00 a.m. to 6:00 a.m. (24 hour sales).

(2) Saturday 6:00 a.m. to 12:00 midnight

Sec. 6-163. Dancing on premises prohibited.

Patron dancing shall be permitted at facilities licensed for consumption on-the-premises sales only where:

- (1) Adequate space exists;
- (2) All fire and safety regulations are met.

Sec. 6-164. Removal of beverages prohibited.

All alcoholic beverages sold by consumption on-the-premises licensees shall be consumed only on the licensed premises. It shall be unlawful for any person to remove from the licensed premises any alcoholic beverages sold for consumption on the premises to a public street or public area. “To go cups” are prohibited.

Sec. 6-165-6-215. Reserved.

ARTICLE VIII. WHOLESALE LICENSES, EXCISE TAX ON ALCOHOLIC BEVERAGES

Sec. 6-216. Required issuance.

Any wholesale dealer in alcoholic beverages who is licensed by the state and who has a place of business in the county shall procure a license under the same provisions applicable to retail licensees.

Sec. 6-217. Tax-imposed in accordance with O.C.G.A. 3-5-80, 3-6-60 and 3-4-80.

(a) There is imposed by the county an excise tax on the first sale or use of malt beverages in the county, as follows:

(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 containing not more than 15.5 gallons and a proportionate tax at the same rate on all fractional parts of 15.5 gallons;

(2) Where malt beverages are sold in bottles, cans or other containers, except barrel or bulk containers, a tax of \$0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.

(b) There is imposed by the county an excise tax on the first sale or use of wine in the county at a rate of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.

(c) There is imposed by the county an excise tax on the first sale or use of distilled spirits in the county at the rate of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.

(d) The excise taxes provided for in this section shall be imposed upon and paid by the licensed wholesale dealer. Such taxes shall be paid on or before the 20th day of the month following the month in which the alcoholic beverages are sold or disposed of by the wholesaler within the county.

Sec. 6-218-6-228. Reserved.

ARTICLE IX. SUBJECT TO GENERAL PROVISIONS

Sec. 6-229. Rules and regulations.

All the provisions of this chapter are and shall be subject to the regulations hereinafter prescribed by ordinance of this body as the same may from time to time be amended, setting forth the rules, terms and conditions upon which such licenses may be issued; the annual license fees; the qualifications of licensees; the hours of operation of such licenses; the control of customers doing business with licenses; and any all other matters that this body may deem advisable to set forth for the proper control and regulations of the sale and consumption of alcoholic beverages in the designated area of the county; and all such licenses as may be hereafter issued shall be expressly subject to the provisions of such ordinance and regulation as may be then or thereafter in force; and all such licenses shall be nontransferable except with the express approval of the county, and shall convey to the licensee no property right but only a privilege, which may be revoked by this body at any time by written notice to the licensee with the reasons stated therefore.

Sec. 6-230. Repealed.

All ordinances and parts of ordinances enacted prior to the adoption of this ordinance that are in conflict with this chapter are expressly repealed.

Secs. 231-240. Reserved.

ARTICLE X. EFFECTIVE DATE

Sec. 6-241. Effective date.

This ordinance shall become effective immediately upon its adoption.

Adopted this the **6th day of January, 2003** by the Board of Commissioners of Candler County, Georgia.

BOARD OF COMMISSIONERS
CANDLER COUNTY, GEORGIA

W. LAMAR SAMPLES, CHAIRMAN

DORIS STRICKLAND, CLERK

[SEAL]

ARTICLE X. EFFECTIVE DATE

Sec. 6-241. Effective date.

This ordinance shall become effective immediately upon its adoption.

Adopted this the **6th day of January, 2003** by the Board of Commissioners of Candler County, Georgia.

BOARD OF COMMISSIONERS
CANDLER COUNTY, GEORGIA

(original on file)
W. LAMAR SAMPLES, CHAIRMAN

(original on file)
DORIS STRICKLAND, CLERK

[SEAL]

STATE OF GEORGIA

COUNTY OF CANDLER

RESOLUTION

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CANDLER COUNTY, GEORGIA CALLING FOR AN ELECTION FOR THE PURPOSE OF APPROVING OR REJECTING SUNDAY ALCOHOL SALES BY RETAILERS OF MALT BEVERAGES, WINE, AND DISTILLED SPIRITS TO THE ELECTORS OF CANDLER COUNTY, GEORGIA.

WHEREAS, the Official Code of Georgia Annotated § 3-3-7 authorizes the sale of malt beverages, wine, and distilled spirits on Sundays between the hours of 12:30 p.m. and 11:30 p.m., provided that the electors of the County approve such sales; and

WHEREAS, the Commissioners of Candler County, Georgia have decided to put the question of sales of malt beverages, wine, and distilled spirits to the electors of Candler County, Georgia; and

WHEREAS, the provisions relative to submitting the issue of Sunday sales of malt beverages, wines, and distilled spirits is set forth in the Code Section referenced above, said provisions being incorporated by reference into this resolution; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Candler County, Georgia as follows:

(1) The Election Superintendent of Candler County, Georgia is hereby requested to call an election in all voting precincts in the County on the Tuesday following the first Monday in November 2014 for the purpose of submitting to the qualified voters of Candler County, Georgia the questions set forth in paragraph 2, below.

(2) The ballots to be used in the election shall have written or printed thereon substantially the following:

“() YES Shall the governing authority of Candler County be authorized to permit and regulate package sales by retailers of malt

() NO beverages, wine, and distilled spirits on Sundays between the hours of 12:30 P.M. and 11:30 P.M.?”

(3) All persons desiring to vote for approval of package sale by retailers of malt beverages, wine, and distilled spirits on Sundays between the hours of 12:30 p.m. and 11:30 p.m. shall vote “YES”, and all persons desiring to vote for rejection of package sales by retailers of malt beverages, wine, and distilled spirits on Sundays between the hours of 12:30 p.m. and 11:30 p.m. shall vote “NO”.

(4) If more than one half of the votes cast on the question for approval of Sunday package sales by retailers of malt beverages, wine, and distilled spirits on Sundays between the hours of 12:30 p.m. and 11:30 p.m., the resolution or ordinance approving such Sunday package sales by retailers of malt beverages, wine, and distilled spirits shall become effective upon December 1, 2014.

(5) In the event that Sunday sales of malt beverages, wine, and distilled spirits are approved as provided in this resolution, such sales shall only be conducted by licensed retailers that are licensed to sell by the package.

The Clerk of the Board of Commissioners is hereby authorized and directed to deliver a copy of the resolution to the Election Superintendent of Candler County, with a request that the Election Superintendent of Candler County issue the call for an election.

The proper officers and agents of the County are hereby authorized to take any and all further actions as may be required in connection with the question of sales of malt beverages, wine, and distilled spirits.

The Resolution shall take effect immediately upon its adoption.

Adopted this 8th day of August, 2014.

COUNTY OF CANDLER, GEORGIA

By: 
Glyn Thrift, Chairman

Attest: 
Kellie Lank, Clerk

CLERK'S CERTIFICATE

The undersigned Clerk of the Board of Commissioners of Candler County, keeper of the records and seal thereof, certifies that the foregoing is a true and correct copy of a resolution approved and adopted by majority vote of said Board of Commissioners in a meeting assembled on August 8, 2014, the original of which resolution has been entered in the official records of said Board of Commissioners under my supervision and is in my official possession, custody, and control.

I further certify that said meeting was held in conformity with the requirements of Title 50, Chapter 14 of the Official Code of Georgia.



A handwritten signature in blue ink, appearing to read "Kellie Lank".

Kellie Lank, Clerk
Board of Commissioners of Candler County