

TITLE XI: BUSINESS REGULATIONS

Chapter 111

Alcoholic Beverages

CHAPTER 111: ALCOHOLIC BEVERAGES

Section

- 111.01 Title
- 111.02 Purpose
- 111.03 Definitions
- 111.04 Compliance with this Chapter and State Law
- 111.05 License Applications; Qualifications; Review; and Issuance
- 111.06 Denials, Suspension, Revocations, Due Process, and Appeals
- 111.07 Classification of Licenses
- 111.08 General Provisions Related to Alcohol Licenses
- 111.09 Special Event Permits and Temporary Permits
- 111.10 License/Permits for Tastings and Samplings
- 111.11 Transferability of Licenses
- 111.12 Excise Tax, Interest, Penalties, and Notices
- 111.13 Consuming Alcohol on County Property Prohibited
- 111.14 Enforcement
- 111.15 Penalties

§ 111.01 TITLE

This chapter shall be known as “Alcoholic Beverages.”

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§111.02 PURPOSE

The purpose of this Chapter is to regulate and control by licensing the manufacturing and sale of alcoholic beverages in Pike County, Georgia, including but not limited to malt beverages, wine, and distilled spirits, either at wholesale or retail, and either for consumption on the premises or for sale for off-premises consumption. It is the intent of the Pike County Board of Commissioners to establish clear and reasonable regulations related to the manufacturing and sale of alcoholic beverages in Pike County. Pike County, pursuant to this Chapter, is requiring the local licensing in connection with the manufacturing and sale of alcoholic beverages, whether wholesale or retail, or whether consumed on the premises or off the premises in order to protect the health, safety and welfare of the public, including the schools, churches, and residential areas in Pike County, Georgia. These regulations are also intended to minimize the secondary effects attributable to establishments that sell malt beverages, wine, or distilled spirits; and, seek to ensure that only qualified persons obtain licenses in connection with the sale, manufacturing, and distribution of alcoholic beverages in Pike County, Georgia.

§ 111.03 DEFINITIONS

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

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

Alcoholic beverage means and includes all alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine, intended for human consumption.

Authorized catered event means a function held at a location within the County for which a special event permit has been issued in accordance with this chapter.

Brewer means a manufacturer of malt beverages.

Brewpub means an eating establishment in which malt beverages are manufactured on the premises, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36.

Brown bagging means the bringing, taking or carrying of any alcoholic beverage into a business lawfully operating within the County but not licensed for the consumption of alcoholic beverages on the premises, with the intent to consume such alcoholic beverage on the premises, or the taking of any alcoholic beverage into premises licensed for the sale of alcoholic beverages during such times the sale or consumption of such beverages is prohibited by law; provided that bringing an alcoholic beverage into a house, apartment, room, or other unit designed for private residential occupancy for consumption by the residents and invited guests thereof shall not fall within this definition.

Craft beer, as defined by the Brewers Association, Boulder, Colorado, the trade organization for the craft beer/micro brewing industry, are beers (a form of malt beverage) produced by a small, independent brewer who follows traditional brewing processes using select, sometimes non-traditional, ingredients to produce a distinctive product. Craft brewers produce limited annual quantities, much less than traditional breweries which produce millions of barrels per year.

Dessert wine means a wine having an alcoholic strength of more than 14 percent alcohol by volume but not more than 24 percent alcohol by volume.

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.

Distiller means a manufacturer of distilled spirits.

Domestic winery means any winery, manufacturer, maker, producer, or bottler of wine located within this state.

Eating establishment means an establishment open to the public which is licensed to sell distilled spirits, malt beverages, and/or wines for consumption on the premises and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food as its principal business purpose. In order to be licensed for consumption of alcoholic beverages on the premises under this chapter, eating establishments are expected to keep and maintain regular days and hours of operation, at least four (4) days per week, as a

convenience to the public, other than holidays, vacations, and periods when closed for repairs or remodeling. When determining the total annual gross food and beverage sales for eating establishments operating as a brewpub, barrels of malt beverages sold to licensed wholesale dealers, or packaged in bottles or growlers sold to the public for consumption off the premises, shall not be used.

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. The term includes, but is not limited to, brandy. Fortified wine is classified as a distilled spirit.

Food caterer means any person who prepares food for consumption off the premises where the food is prepared and offers the food for hire at an authorized catered event.

Hotel means any lodge, inn, or similar establishment which offers overnight sleeping accommodations to registered guests for hire, and at which one or more prepared meals or food are regularly served daily and consumed in one or more dining rooms, having an adequate and sanitary kitchen, such sleeping accommodations and dining rooms being conducted on the same premises. Hotels may grant franchises for the operation of an eating establishment and lounge on their premises, and the holder of such franchise shall be included in this definition of hotel.

Licensed alcoholic beverage caterer means any Georgia retail dealer licensed, either for package sales or on-premises consumption of alcoholic beverages, who additionally holds a valid license from a county or municipality to sell distilled spirits, malt beverages, or wine for consumption off-premises at authorized catered events.

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

Manufacturer means any maker, producer, or bottler of an alcoholic beverage. The term also means:

1. In the case of distilled spirits, any distiller engaged in distilling, rectifying, or blending any distilled spirits;
2. In the case of malt beverages, any brewer; and
3. In the case of wine, any vintner.

Open container means any container, containing alcoholic beverages, which is immediately capable of being consumed from or the seal of which has been broken.

Person means any individual, company, corporation, association, partnership, or other legal entity.

Powdered alcohol means a powdered or crystalline substance that contains any amount of alcohol for direct use or reconstitution.

Premises, when used in conjunction with package sales, means the floor space on and from which the package sale of alcoholic beverages is conducted; when used in conjunction with a lounge or restaurant, it means that floor space on and from which the sale of alcoholic beverages by the drink for consumption on the premises is conducted.

Prepared meals or food means a meal cooked or prepared on the premises of the eating establishment according to the order of the customer, while seated at a table, in a booth, at a counter or bar, and primarily intended for consumption on the premises where prepared.

Proper identification means any document issued by a government agency containing a description of the person and such person's photograph, and giving the person's date of birth; proper identification includes, but is not limited to, a passport, military identification card, driver's license, or identification card issued under O.C.G.A. §§ 40-5-100 through 40-5-104. Proper identification shall not include a birth certificate.

Retail consumption dealer means any person who sells, at retail only to consumers and not for resale, distilled spirits, wine, or malt beverages for consumption on the licensed premises.

Retail package dealer means any person engaged in selling, at retail only to consumers and not for resale, any distilled spirits, wine, or malt beverages in unbroken packages intended for carryout or consumption off the licensed premises.

Specialty package retailer means a licensee under this chapter, operating from a fixed premise within the proper zoning district of the County, that may offer to the public package retail sales of craft malt beverages (beer) and/or wine(s) only, provided at least 50 percent of the floor space is dedicated to the retail sale of gourmet food items (not intended for consumption on the premises, such as a butcher shop and/or delicatessen meats, cheeses, breads and bakery items, and condiments) and related items or accessories, such as cooking and serving utensils, vessels and kitchen equipment, party or entertainment-related items (cups, plates, napkins, etc.) and beer and/or wine-making equipment and ingredients. Licensees may also sell unique marketing items, such as imprinted logo tee-shirts and hats.

Table wine means a wine having an alcoholic strength of not more than 14 percent by volume.

Wholesaler means any person who sells alcoholic beverages to other wholesale dealers, to package dealers, or to on-premises consumption dealers.

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

§111.04 COMPLIANCE WITH THIS CHAPTER AND STATE LAW

(A) No person shall distribute or sell, or offer for sale, any alcoholic beverages either retail, wholesale, by the package, or for consumption on the premises, within Pike County without first having complied with the licensing provisions of state law and this chapter. No person licensed or issued a permit pursuant to this chapter shall use powdered alcohol as an alcoholic beverage or use powdered alcohol to create an alcoholic beverage.

(B) Wholesalers and distributors maintaining no fixed place of business, warehouse or other facility in Pike County that possess a valid state license shall be entitled to make sales and deliveries to licensees in Pike County without having to obtain a license from Pike County.

§111.05 LICENSE APPLICATIONS; QUALIFICATIONS OF APPLICANTS; REVIEW OF APPLICATIONS; AND ISSUANCE OF LICENSES

(A) Every applicant for a license under this chapter shall make written application to Pike County on the application forms provided by Pike County by October 31st in the year preceding the year of the applied for license. Any application for the renewal of an existing license that is not received by October 31st will be subject to a late penalty fee of \$50.00. The applicant shall answer all questions on the application truthfully, under oath, and shall supply all information and furnish all certificates, affidavits, bonds and other supporting data or documents as required by this chapter. No application shall be deemed complete unless all documentation required is submitted with the application and a set of the applicant(s)' fingerprints is provided, which shall be promptly submitted to the Georgia Bureau of Investigation, pursuant to O.C.G.A. § 3-3-2(c).

(B) At a minimum, each application shall include the name and address of each applicant; the place where the proposed business is to be located; and, detail the type(s) of license(s) applied for. Each application shall also contain such additional information as Pike County may require. As stated above all information shall be verified as true by the applicant before a notary public.

(C) Pike County requires an application fee in amount set by the Pike County Board of Commissioners. The application fee is separate and in addition to the actual license fees related to the respective classifications. The application fee and licenses fees, set by Pike County, may be amended from time to time as may be deemed necessary. The cost of the application fee is intended to cover the administration, processing, and review of the submitted application(s), including, but not limited to, the cost of the investigation of the applicant(s).

(D) No license shall be granted under this chapter to any applicant who is not a citizen or resident legal alien of the United States possessing proper authorization to own a business. In addition, and in accordance with state law, licensees for the sale of distilled beverages must meet all residency requirements in connection with state licenses for distilled spirits.

(E) All applications shall be in the name of the person(s) or entity(ies) that will own and operate the licensed establishment. Business entities registered with the Secretary of State (corporations, limited liability companies, limited liability partnerships, trusts, estates, etc.) shall apply for a license in the legal name of the entity, and the license shall be issued in the name of such entity. Applicants shall attach to the application a certificate showing compliance with the annual registration requirements from the Secretary of State, corporate division, and showing the name and address of a registered agent for service within the state. In the case of closely held corporate applicants, the majority stockholder must meet the requirements of individual applicants under this subsection at the time application is made and at all times during which the license is in effect. Where the applicant is a corporation or other business entity, an agent involved in the active management of the business to be licensed, as designated by resolution, shall meet the requirements of individual applicants under this subsection at the time application is made and at all times during which the license is in effect. All applicants shall be required to obtain or maintain a business license related to the operation(s) for which the application is being made.

(F) General partnerships shall apply for a license in the name of at least one of the partners, and the license shall be issued in the name of the partnership and the partner(s) who applied. The requirements of this section and chapter shall apply to the partner(s) of the entity that submitted the application; and, if more than one partner submits the application, then each partner that is part of the application submission will be subject to the requirements of this section and chapter. However, if only one partner submits the application on behalf of the partnership, then in the event that qualifying partner is no longer involved with the partnership, then a transfer to other partner(s) will be necessary and the new partner(s) will be subject to all requirements of this section and chapter including background check(s).

(G) In addition to meeting all qualifications for a license under state law, all applicants for licenses, whether original or renewal, must attach to their applications their consent for Pike County to conduct background investigations. It is the policy of Pike County that in addition to meeting the state qualification standards for the issuance of alcohol

licenses, no license submitted to Pike County, whether original or renewal, shall be issued to any person or entity if any individual having an interest either as owner, partner or stockholder, directly or indirectly, beneficial or absolute, or such person's spouse, who has been convicted of or shall have entered a plea of guilty or nolo contendere to any felony within ten years immediately prior to the filing of the application; or, shall have been convicted of or shall have entered a plea of guilty or nolo contendere to any misdemeanor, except non-moving traffic violations, within five years immediately prior to filing of the application.

1. Pike County shall have the discretion to waive any misdemeanor conviction, based upon its factual circumstances as long as the misdemeanor conviction does not reflect adversely on the applicant's good character.

2. In addition, if during the investigation of an application for a license or renewal of an existing license, the County determines the applicant or any of its employees have been convicted, or entered a plea of guilty or nolo contendere, to any felony, law, regulation or ordinance involving alcoholic beverages, gambling, narcotics, or tax laws, sufficient to warrant denial, the County shall have the option of issuing a probationary license conditioned upon the applicant posting a bond, with adequate security, in an amount not to exceed Five Thousand Dollars (\$5,000.00), which said bond amount shall be in addition to the application, license or renewal fees required by this chapter.

(H) Unless the applicant under this chapter will own the premises from which the business will be conducted, the application shall also disclose the name of every person owning a beneficial interest in the premises. The application shall state the amount of rent to be paid in connection with any lease of the property, the manner in which the rent is to be determined, and to whom and at what intervals the rent is to be paid. The applicant shall also attach a copy of the proposed lease with the verified statement of the applicant that such lease contains the entire agreement between the parties.

(I) No person shall have, own or enjoy any ownership interest in, share in the profits from, or otherwise participate in the business of any alcoholic beverage license unless a full description of such interest shall have been furnished to Pike County at the time of making the application for the license. It shall be the continuing duty of an alcoholic beverage licensee to report to Pike County in writing of any change in any interest in the licensee's business within ten (10) days of said change. Failure to report such change in interest shall be a violation of these regulations and grounds for the suspension or revocation of the license.

(J) All alcohol licenses pursuant to this chapter shall be reviewed and issued by the Pike County Board of Commissioners, or its designee, and shall be valid through December 31st of the year for which the license was issued. The County Manager has the discretion to prorate the license fee(s) related to any application for alcohol license submitted to

Pike County for any license period less than a full license year. As stated above, however, it is the intent of these regulations that renewal applications, or new application for licenses beginning January 1st of the following year, must be submitted for consideration no later than October 31st prior to desired year of the license.

(K) In order to demonstrate a location meets all distance prohibitions imposed by state law, each new application (which means an application by any person or entity that has not previously received a license for the subject location) shall be accompanied by a scaled drawing prepared by a Land Surveyor currently registered in the State of Georgia depicting the premises for the proposed business, showing its location with respect to all streets within 800 feet in every direction. The front door or main entrance of the proposed location shall be the center point of a circle, having a radius of 600 feet. Such drawing shall also depict the distance from the premises to each church building, school building, educational building, school ground, college campus, governmentally owned and operated alcohol treatment center, and housing authority property within the circumference of the circle. All such distances shall be measured by the most direct route of travel on the ground.

(L) Licensees for the retail sale of alcoholic beverages for consumption on the premises shall not be subject to regulation as to distances from churches, schools, and colleges but shall be required to meet the state distance requirements from governmentally owned and operated alcohol treatment centers and housing authority property. However, licensees for the retail sale of alcoholic beverages for consumption on the premises located within prohibited distances from churches, schools, and colleges shall not sell any alcoholic beverages by the sealed package for carryout purposes.

(M) In addition to the provisions set forth above, Pike County may also consider the following:

1. Whether the applicant, or any person holding a beneficial interest in the business to be licensed, owes any delinquent taxes, business licenses, or other assessments to the County.
2. Whether the applicant and/or any holder of an interest in the license has ever violated any federal, state, county or municipal law, ordinance or administrative regulation regarding alcoholic beverages, including possession, sale, manufacture, distribution, handling, or dealing of alcoholic beverages.
3. The manner in which the applicant and/or any holder of an interest in the business to be licensed has conducted any business within the County that has previously necessitated excessive intervention by law enforcement or code enforcement;
4. The reasonably anticipated effect on the surrounding neighborhood for which the license is sought including traffic congestion, noise, and/or light pollution;
5. Whether the applicant and/or any holder of an interest in the license has ever had any alcoholic beverage or business license suspended or revoked by any state or any

political subdivision thereof, or whether any alcoholic beverage business with which the applicant and/or any holder of an interest.

§111.06 DENIALS, SUSPENSIONS, REVOCATIONS, DUE PROCESS, AND APPEALS

(A) The Pike County Board of Commissioners may deny any application for alcohol license(s) in connection with this chapter that is either not complete, such as not providing all of the requisite information and documentation; or, the application does not meet the requirements of this chapter. The Pike County Board of Commissioners may suspend or revoke any license issued pursuant to this chapter for any violation(s) of the provisions set forth herein.

(B) When any state license issued by the Commissioner of Revenue pursuant to O.C.G.A. Chapter 3, Alcoholic Beverages, is revoked, any alcohol license issued to the licensee by the County shall automatically become invalid and the licensee shall immediately cease and desist all alcohol operations authorized by said license.

(C) Except as may be otherwise provided herein, no license which has been issued or which may be issued pursuant to this Chapter shall be suspended or revoked except for due cause and after the licensee is afforded a hearing. Notice of the hearing to consider the suspension or revocation of a license shall require at least a 3-day prior written notice to the licensee; and, said notice shall provide the time, place and purpose of the hearing, including a statement of the basis for the suspension or revocation.

(D) The term "due cause" for the purposes of this section shall include, but not be limited to:

1. Conviction of, or the entering of a plea of guilty or nolo contendere by the licensee, or any employee, or any person holding an interest in the license, for any felony, law, administrative regulation, or ordinance involving alcoholic beverages, gambling or narcotics, or tax laws.
2. Conviction of, or the entering of a plea of guilty or nolo contendere by the licensee, or any employee, or any person holding an interest in the license, for any sex offense when the licensed business is for on-premises consumption.
3. Conviction of a violation of subsections (e), (f), or (g) of O.C.G.A. § 16-12-35 by an owner, operator, or employee of an alcohol licensee offering to the public any bona fide coin-operated amusement machine within the licensed establishment.
4. Suspension or revocation of any state license required as a condition for the possession, sale, or distribution of alcoholic beverages.

5. Material falsification of any fact given in an application for a license issued under this chapter. Any act which may be construed as a subterfuge in an effort to circumvent any of the qualifications for a license under this chapter shall be deemed a violation of this requirement.

6. Any person to whom a license has been issued is no longer actively engaged in the dealing of alcoholic beverages (closure of the business) whereby the cessation of the licensed activities is for more than 90 consecutive days. Such cessation of activities for more than 90 consecutive days shall create a rebuttable presumption the licensee has abandoned the business.

7. Failure to meet or maintain any standard prescribed by this Chapter. The loss of qualifications during the term of a license shall be grounds for revocation or for denial of renewal.

8. Any other factor known to or discovered by the County whereby it is objectively shown the licensee, any employee of the licensee, or any person holding an interest in a license, has engaged in conduct related to or conducted at the licensed business, or has otherwise permitted conduct on the licensed premises that constitutes a violation of federal or state law, local ordinance, or administrative regulations involving alcoholic beverages, gambling, or narcotics, for all alcohol licensed businesses, including any sex offense under state law or local ordinances. With respect to this section, it shall be presumed that the violation was done with the knowledge or consent of the licensee; provided, however, that such presumption may be rebutted only by evidence which precludes every other reasonable hypothesis save that such licensee did not know, assist or aid in such occurrence; or, in the exercise of full diligence that the licensee could not have discovered or prevented such activity.

(E) Notice of suspension or revocation proceedings shall be served on the person(s) named on the license. Notice shall be in writing. The notice may be served personally, by registered or certified mail (return receipt requested), or by statutory overnight delivery. If by mail, the notice shall be addressed to the licensee at its last known address as it appears in the records of the County. The burden shall be on the licensee to provide notice, in writing, of any change of address for service of notices and process. In the case of service by registered or certified mail of any notice required by this chapter, the service shall be deemed complete on the third business day following the date of mailing with the United States Postal Service. If by statutory overnight delivery, the notice shall be delivered to the physical street address of the licensee, either at the licensed premises or at his place of residence, and shall be effective on the first business day after depositing with the delivery service.

(E) The hearing shall be conducted by the Pike County Board of Commissioners, or its designee.

(F) Hearings shall be only as formal as necessary to preserve order and shall be

compatible with the principles of justice. The County Attorney shall present the County's case and bear the burden of proving by a preponderance of the evidence that due cause exists to suspend or revoke the license. At the hearing, the licensee shall have the right to represent itself or be represented by counsel. The licensee may cross examine all witnesses offered by the County; and, may call witnesses and present evidence on its own behalf. Formal rules of evidence shall not apply to hearings under this section. The hearing official(s), however, shall have the right to exclude evidence which has no relevance or carries no indicia of reliability. All testimony shall be offered under oath or affirmation.

(G) The Board of Commissioners, or its designee, shall make a final determination within 10 business days of the completion of the hearing. The decision shall be issued in writing and contain findings of fact, conclusions of law, and clearly state any sanction to be applied. Such sanction may include one or more of the following: revocation of the license, suspension of the license for no more than 12 months, imposition of a probationary period not to exceed 12 months, and/or a civil monetary penalty not to exceed \$5,000.00. Progressive sanctions, depending on the severity of the violation, are encouraged but not required. Where the remaining term of the license is less than 12 months, imposition of suspension or probation for a period in excess of the term of the existing license shall be applied to any renewal license. A subsequent violation within a probationary period shall be cause for revocation and/or denial of license renewal. A total of 3 separate and unrelated violations within 24 months, whether or not within a probationary period, shall be grounds for permanent revocation.

(H) The decision shall be personally served or mailed by certified mail, return receipt requested to the licensee and his attorney, with a copy to the County Attorney, within 10 business days of the close of the hearing. The decision shall constitute the final action by the County, subject to review upon the filing of a petition for Writ of Certiorari to the Superior Court of Pike County.

(I) Upon receipt of notice of adverse action against the licensee under this section, the licensee may waive its right to a hearing and stipulate to a sanction, as recommended by the County. Any stipulation entered under this subsection shall be in writing, signed by the licensee, and shall be non-appealable.

(J) Pursuant to O.C.G.A. § 3-3-2.1, the County shall be required to provide notification to the Georgia Department of Revenue within 45 days of any officer, department, agency, or instrumentality of the County taking disciplinary action against any person or entity issued a license to operate any premises at which 75 percent or more total gross annual revenue is derived from the sales of alcoholic beverages for consumption on the premises.

(K) The notification required under subparagraph above shall be in the format for the reporting of disciplinary actions established by the Georgia Department of Revenue.

(L) For purposes of "disciplinary action", said "term" shall have the same meaning as

provided for in O.C.G.A. § 3-3-2.1 (a)(1), which includes any citation or arrest arising out of the violation of any law, rule, regulation, resolution, or ordinance of a governmental entity relating to the manufacture, distribution, sale, or possession of alcoholic beverages against a licensee, any employee of a licensee, or any person holding a financial interest in the license of the licensee on the premises or place of business of any licensee.

(M) If a license issued under this chapter is suspended or revoked, the licensee shall not be entitled to a refund of any portion of the application or license fees previously remitted.

(N) The County Manager has authority to suspend a license for a short-term period not to exceed 10 days. The County Manager's decision shall be in writing, with the term of the suspension and the reasons stated in a written notice, which shall be mailed or delivered to the licensee as required by this Chapter.

(O) A short-term suspension by the County Manager must be for an emergency cause. Emergency cause for the short-term suspension of a license shall consist of a third or subsequent violation by the same licensee or the licensee's agents on the same premises within a 2-year period of any state or federal laws, administrative regulations of the state, or County ordinances, including, but not limited to, those laws, statutes, ordinances, or regulations prohibiting gambling, regulating the sale, manufacture, distribution, handling, dealing in, and possession of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in an unlawful manner, and the manufacture, sale, or distribution of any controlled substance. Such short-term suspensions must be based on the fact that the violation(s) by the licensee endanger the health and safety of citizens in such a manner that an immediate suspension is necessary until a hearing as provided by this Chapter can be held.

(P) The Pike County Board of Commissioners is authorized to suspend the sale of alcoholic beverages under all licenses issued pursuant to this chapter during any state of emergency declared by the Governor, or any local emergency as defined by O.C.G.A. § 36- 69-2, or for any other serious emergency situation whereby the Board of Commissioners deems such immediate suspension necessary for the protection of the health and welfare of the citizens of the County. Such suspension may be made effective immediately and shall remain in force until the emergency that serves as the basis for the state of emergency has ended or until the County conducts a meeting/hearing to determine the state of emergency and whether the suspension shall cease or be extended, which shall be determined by the affirmative vote of at least three Commissioners.

(Q) When any license for package sales is either denied or revoked by the County, no new application shall be accepted from the same applicant for such package license within 36 months from the time of such rejection or revocation. Submission of a new application by another applicant, which application shows the applicant was previously rejected or revoked as a holder of an interest in the desired license, shall result in the

rejection of the new application.

§111.07 CLASSIFICATIONS OF LICENSES

(A) Licenses issued under this chapter may be classified more specifically than the general classifications of licenses for “beer”, “wine”, and “distilled spirits”. The more specific classifications may include, but are not limited to, the following:

Manufacturer: Distillery/Brewpub*/Winery.

Wholesaler: Malt Beverages/Wine.

Wholesaler: Distilled Spirits.

Eating establishment: On-premises consumption: Malt Beverages.

Eating establishment: On-premises consumption: Wine.

Eating establishment: On-premises consumption: Distilled Spirits.

Eating establishment: On-premises consumption: Malt Beverages/Wine/Distilled Spirits

Hotel: Malt Beverages

Hotel: Wine.

Hotel: Distilled Spirits.

Hotel: Malt Beverages/Wine/Distilled Spirits.

Retail package: Malt Beverages/Wine.

Retail package: Distilled Spirits.

Retail package: Malt Beverages/Wine/Distilled Spirits

Retail package: Specialty Package Retailer.**

Alcohol beverage caterer: Malt Beverages/Wine.

Alcohol beverage caterer: Distilled Spirits.

Alcohol beverage caterer: Malt Beverages/Wine/Distilled Spirits

* In connection with the classifications listed above, a Manufacturer license for a Brewpub shall only issue in conjunction with an on-premises consumption license for an eating establishment and shall be governed by the provisions of this chapter pertaining to on-premises consumption licensees.

** For Specialty Package Retailers, such licenses shall be issued only to applicants for establishments intended for the consumption of alcoholic beverages on the premises, including brewpubs, or to retail package sales of malt beverages and/or wine only.

§111.08 GENERAL PROVISIONS RELATED TO ALCOHOL LICENSES

(A) Except as specifically authorized in this chapter, no person licensed for the sale of a particular class of alcoholic beverages may sell other class(es) of alcoholic beverage without first obtaining the required license(s) for such sell of class(es).

(B) No licensee shall furnish, sell, or offer for sale, any alcohol at any time on any day when sales are prohibited by state law or as specifically prohibited by this chapter.

1. No alcohol may be furnished, sold, or offered for sale Monday through Saturday prior to 6:00 a.m. and after 12:00 a.m. or on Sunday prior to 12:30 p.m. and after 12:00 a.m.
2. Sales are not permitted on election days, however, this prohibition does not apply to days of early voting.
3. Sales are not permitted on Christmas Day.
4. It shall be the duty of licensees to post on all entrances to the premises a sign reading "No alcohol shall be furnished or sold at any time prohibited by state and local law."

(C) All licenses issued under this chapter shall constitute a grant of privilege to carry on or conduct a business covered by such license during the term of the license, subject to the terms and conditions imposed by state or federal law, this chapter, or any other applicable ordinances of the County.

(D) All licenses issued under this chapter shall have printed on the face the following words:

"This license is a mere privilege subject to be denied, suspended, or revoked by Pike County."

(E) All licenses shall be conspicuously posted in the place of business.

(F) All holders of licenses under this chapter must open for business within 6 months after issuance of the license; failure to do so shall serve as an automatic forfeiture and cancellation of such license unless an extension of the time is granted by the County Manager before the expiration of the 6-month period. Such extension may be approved based on evidence of good cause. An extension may be considered for circumstance including, but not limited to, the building in which a licensee proposes to operate is being constructed but has not yet been certified for occupancy. The licensee shall comply with all building regulations and inspections related to the construction in order to be considered for an extension. No sales shall be allowed at such location until the building has been completed in accordance with plans and specifications and is in conformity with all other provisions of this chapter and applicable ordinances of the County. No refund of fees paid by the licensee shall be made in the event of such forfeiture. If the building is not completed during the year in which the licensee fee was paid, however, the licensee may request that the fees paid to be applied for a license in the year the building is completed, operations commence, and sales are ready to begin.

(G) The sale of alcohol for off-premises consumption shall not be used in calculating the total annual gross food and beverage, for an eating establishment in connection with on-premises consumption.

(H) A brewpub licensee shall not be prohibited from selling wine and malt beverages by package for consumption off the premises.

(I) The license to manufacture distilled spirits in this state shall include the right to sell up to 500 barrels of distilled spirits per year produced at the distiller's license premises to individuals who are on such premises for (1) consumption on the premises; and (2) consumption off the premises, provided that such sales for consumption off the premises shall not exceed a maximum of 2.250 milliliters of distilled spirits per customer per day.

(J) The license to manufacture malt beverages shall include the right to sell up to 3,000 barrels of malt beverages per year produced at the brewer's licensed premises to individuals who are on such premises for (1) consumption on the premises, and (2) consumption off the premises, provided that such sales for consumption off the premises shall not exceed a maximum of 288 ounces of malt beverages per consumer per day.

(K) In connection with on-premises consumption licenses, the following rules and regulations shall apply:

1. On-premises license(s) shall be issued only to applicants who meet the definition of a hotel or eating establishment;
2. In addition to the sales of its own malt beverage brewed on the premises, the holder of a brewpub (manufacturer) license shall be separately licensed as an eating establishment, retail licensee or any other required license related to the activities conducted by the brewpub/manufacturer on the premises; and,
3. As a condition of retaining the license under this chapter, each licensee holding a license for the consumption of alcohol on the premises shall place a minimum of 2 signs in the dining and authorized areas of the business stating the following:

“NOTICE – IT IS UNLAWFUL TO POSSESS AN OPEN CONTAINER OF AN ALCOHOLIC BEVERAGE OUTSIDE OF THE DINING AND AUTHORIZED AREAS.”

Each such sign shall be at least 12 inches by 12 inches with lettering at least 2 inches in height.

(L) All licenses issued pursuant to this article shall expire on December 31st of each year and application for renewal shall be made annually on or before October 31st. Renewal applications submitted after October 31st shall be subject to the civil penalty fee of \$50.00 as set forth above. Applicants for renewal licenses must meet all qualifications of applicants for original licenses. Licenses in suspension on the date of expiration shall not be subject to renewal until the term of the suspension has been lifted.

(M) No member of the Board of Commissioners holding or having a beneficial interest in any alcohol license issued by the County shall vote or participate in the consideration of any

action affecting such alcohol license issued by the County. For purposes of this section, a member shall be deemed to have or hold a beneficial interest if the license is issued in the name of the person's spouse, child, parent or sibling, or involves an entity in which such person owns more than a 10% controlling interest.

(N) No official or employee of the County, whose official duties involve issuance and regulation of alcoholic beverage licenses or the enforcement of alcoholic beverage laws, shall hold any interest, direct or indirect, in any alcoholic beverage license issued by the County or in any establishment licensed by the County to engage in the sale or distribution of alcoholic beverages. The County may exempt officials and employees of the County from the provisions of this section, upon the written finding that such official or employee's involvement, direct or beneficial, in any business licensed by the County to engage in the sale or distribution of alcoholic beverages would pose no conflict of interest or interference with the performance by the official or employee of their official duties for the County.

(O) No official or employee of the County shall be permitted to engage in employment with any person, firm or corporation licensed by the County to sell or distribute alcoholic beverages. The County may exempt those officials or employees from the prohibition of this section, upon finding that such employment would pose no conflict of interest or interference with the performance by the official or employee of their duties for the County.

(P) As a condition of every license issued under this chapter, the County reserves the right to inspect the premises from which alcoholic beverages are to be sold. Such inspections may be made at reasonable times.

(Q) The following provisions apply to issues involving the employees of licensees:

1. No licensee under this chapter shall permit any person under the age of 21 within his employment to dispense, serve, sell, or take orders for alcoholic beverages; provided, however, this provision shall not prohibit employees under the age of 21 who are employed in grocery stores, discount/general merchandise stores, convenience stores, or drugstores from handling or carrying sealed packages of alcoholic beverages either within the licensed premises or to customers' vehicles when parked adjacent thereto as a part of employment responsibilities so long as such employees under the age 18 do not dispense, serve, sell, or take orders for any alcoholic beverage.

2. No licensee under this chapter shall permit any person to sell, dispense, serve or take orders for alcoholic beverages while that person is currently serving a sentence, including probation or parole, based upon a conviction in any state or federal court or the United States or in any foreign country for any felony, or any misdemeanor ordinance violating relating to the manufacture, sale, use or distribution of alcoholic beverages or narcotics or controlled substances, gambling, sexual offenses, or crimes of moral turpitude. No licensee shall employ within its business for the purpose of selling or dispensing alcoholic beverages any person convicted within five years immediately prior to the application for employment of any felony or

within 2 years immediately prior to the application for employment of any misdemeanor or ordinance violation relating to the manufacture, sale, use or distribution of alcoholic beverages or narcotics or controlled substances, gambling, sexual offenses, or a crime of moral turpitude. This provision shall not prohibit employees who have been convicted or have a criminal history, when employed in supermarkets, convenience stores or drugstores, from handling or carrying alcoholic beverages either within the licensed premise or to customers' vehicles when parked adjacent thereto as a part of employment responsibilities.

3. It shall be the duty of the licensee to ascertain that all employees are eligible for employment under this chapter. The County reserves the right to obtain fingerprints from and conduct a criminal history check of any licensee's employees at any time. Upon request by the County, the licensee shall cause the employee to appear at the County police department and shall pay the requisite fee in the amount of \$20.00.

4. It shall be the duty of the licensee to train all employees whose duties shall include the sale, dispensing, serving, or taking of orders for alcoholic beverages in the requirements of this chapter and applicable state laws and regulations. Each licensee shall establish written policies, a copy of which shall be posted within the licensed premises, governing the sale, and dispensing of alcoholic beverages in accordance with state law and this chapter. Licenses are encouraged to adopt disciplinary sanctions for employees who fail to meet the standards of law, advising employees that violations this chapter or applicable state law by employees may constitute grounds for the revocation, suspension or denial of a license by the County. The degree of training, supervision, and discipline of employees by the licensee may be considered at any hearing related to the issuance, denial, suspension, or revocation of an alcohol license.

(R) Any eating establishment which is licensed to sell wine for consumption on the premises may permit a patron to remove one opened bottle per patron for consumption off the premises if the patron has purchased a meal and consumed a portion of the bottle of wine with such meal on the eating establishment's premises. The partially consumed bottle of wine shall be re-corked or securely resealed by the licensee or its employees and placed in a bag or other container, with a dated receipt for the wine and meal attached to the container. If the licensee charges a re-corking fee, such fee shall not exceed \$3.00 per bottle of wine. If transported in a motor vehicle, the container with the resealed bottle of wine shall be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

(S) Except as may be otherwise authorized by law, the following prohibitions regulations shall apply to all licensees:

1. No licensee, employee of such licensee, or any person acting on behalf of, or with the knowledge of such licensee, shall give, sell, offer to sell, furnish, cause to be furnished, or offer to furnish any alcoholic beverage to any person who is under the

lawful drinking age established by Georgia law.

2. No licensee, employee of any licensee, or any person acting on behalf of any licensee shall furnish, sell, or give alcoholic beverages to any person on any day or at any time when the sale of same is prohibited by Georgia law or this ordinance.

3. No person under 21 years of age shall purchase, drink, sell, or possess alcoholic beverages.

4. No person under 21 years of age shall misrepresent his identity or use any false identification for the purpose of purchasing or obtaining any alcoholic beverage.

5. No person knowingly or intentionally shall act as an agent to purchase or acquire any alcoholic beverage for or on behalf of a person less than 21 years of age.

6. The prohibitions contained in this section and related subsections shall not apply to the sale, purchase, or possession of alcoholic beverages for consumption for medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state, at a religious ceremony, or when the parent or guardian of the person under age 21 gives the alcoholic beverage to such person when possession is in the home of the parent or guardian while such parent or guardian is present.

7. It shall be the duty of every person seeking to purchase or possess alcoholic beverages from a licensee within the County to furnish, upon request, proper identification showing that the person is 21 years of age or older. For purposes of this section, the term "proper identification" means any document issued by a governmental agency containing a physical description of the person, such person's photograph, and giving such person's date of birth, and includes, without being limited to, a passport, military identification card, driver's license, or any identification card authorized by O.C.G.A. § 40-5-100.

8. It shall be the affirmative duty of every licensee, employee of the licensee, or any person acting on behalf of the licensee, to check the proper identification of every person when selling or otherwise furnishing an alcoholic beverage to such person, or to permit, within the licensee's premises, any person in possession of an alcoholic beverage who is under the lawful drinking age established by Georgia law.

(T) Except as may be otherwise authorized by law, the following prohibitions and regulations related to open containers shall apply:

1. No person shall possess an open container of any alcoholic beverage within the passenger compartment of a motor vehicle, except as may be authorized above for the re-corking/re-sealing of wine. Closed containers of alcoholic beverages may be transported in any part of a vehicle. Open containers shall be placed in a locked glove

box, locked trunk, or locked storage container.

2. No person shall possess an open container of any alcoholic beverage while walking, standing or otherwise occupying any public street, road, or highway, sidewalk adjacent thereto, public parking lot, or other property owned or leased by the County.

3. No person shall possess an open container of any alcoholic beverage on the premises of any retail package dealer, including parking lots adjacent thereto, at any time.

4. Unless otherwise authorized by this section, no person shall enter or leave the premises of any dealer licensed to sell or dispense alcoholic beverages for consumption on the premises with an open container of any alcoholic beverage; provided, however, any restaurant which is licensed to sell wine for consumption on the premises may permit a patron to remove one unsealed bottle per patron for consumption off the premises if the patron has purchased a meal and consumed a portion of the bottle of wine with such meal on the restaurant's premises, which is more specifically addressed in this chapter above.

(U) Brown bagging, as defined above, is prohibited within the County and shall be a violation of this chapter. Any licensee, including any agent, representative, or employee of a licensee, that allows, permits, ignores, or otherwise condones, directly or indirectly "brown bagging" by any individual or group shall be considered in violation of this section and chapter as well the individual or group committing the act(s) of "brown bagging."

(V) Except when licensed as a brewpub, winery retail package licensee, or retail consumption licensee, licensees shall not buy nor accept deliveries of alcoholic beverages from any person other than a wholesaler dealer or distributor licensed by the State of Georgia.

(W) Licensees shall store all alcoholic beverages on the premises for which the license was issued and at no other storage facility unless otherwise authorized by the County. All stock of alcohol shall be available for inspection by a duly authorized representative of the County at any time. Any alcohol found in any licensee's stock which was not sold or distributed in accordance with laws of the State of Georgia and this chapter shall be deemed contraband and subject to immediate confiscation.

(X) Beverages containing no alcohol and commonly used to dilute distilled spirits may be dispensed through the use of vending machines, but no alcohol shall be dispensed through such vending machines.

(Y) Where malt beverage or wine sales are licensed in conjunction with a specialty package retailer, grocery store, discount/general merchandise department store, or convenience store, no licensee shall sell or offer to sell any firearms, ammunition, or weapons of any character.

(Z) During those hours and on those days when alcoholic beverages are not permitted to be sold, it shall be the duty of the licensee to either remove all alcoholic beverages from its shelves, secure the alcohol inventory in such manner as to prevent access by customers to the alcohol during such hours that the sales are not permitted, or otherwise notify customers that these alcohol products are not available for sale during that time.

(AA) No package dealer shall make or allow to be made any deliveries of alcoholic beverages beyond the boundaries of the premises covered by the license.

(BB) Each package dealer of alcoholic beverages shall conspicuously display within the interior of the licensed premises a printed price list of the alcoholic beverages offered for sale or, in lieu thereof, shall place the price of each item on the container or on the shelf where the container is exhibited for sale.

(CC) Gambling, betting, or the operation of games of chance, punchboards, slot machines, lotteries or tickets or chances (other than official games of the Georgia Lottery Commission), or other such schemes or devices involving the hazarding of money or any other thing of value in any place of business licensed pursuant to this chapter including any room adjoining or connected to the licensed business, shall be cause for the suspension or revocation of alcohol license issued for said business. The prohibition of this section shall not apply to duly licensed coin-operated amusement devices and vending machines.

(DD) It shall be a violation of this section for any on-premises consumption licensee to sell, offer to sell, or keep on the premises with intention to sell, any item not commonly associated with such type establishment, including but not limited to guns, ammunition, knives, weapons of any character, gambling paraphernalia including playing cards or dice, and non-immediately consumable food items including groceries. Non-alcoholic beverages, packaged chips, snacks, tobacco products and accessories, and merchandise with the business logo including clothing, shall be considered commonly associated items for sale in such establishments.

(EE) The exterior of each building in which alcoholic beverages are sold for on-premises consumption shall contain sufficient lighting so that all sides of the buildings and all entrances thereto are clearly visible at all times when the premises are open for business. Also, the lounge and restaurant area, including all tables, booths, and other areas where customers are served, and all passageways for customers shall be sufficiently well illuminated so that they may be viewed by those using the premises.

(FF) No licensee shall knowingly commit or permit any disturbance of the peace, or act of obscenity or public indecency on its premises. Repetitive or continuous breaches of the peace at the licensed premises or in parking areas adjacent thereto may constitute a nuisance and be subject to abatement, including suspension or revocation of the alcohol license(s). It shall be the responsibility of the licensee to provide reasonable measures to safeguard patrons and employees while on their premises.

§111.09 SPECIAL EVENT PERMITS AND TEMPORARY PERMITS

(A) Any licensed alcohol beverage caterer who additionally holds a valid retail license to sell malt beverages or wine by the package or by the drink for consumption on the premises may apply to the County Manager for an event permit to distribute malt beverages or wine by the drink off-premises within the County at authorized catered functions. Applications shall be supported by evidence of all required licenses in good standing, and proof of or a plan for the payment of excise and occupation taxes, if applicable.

(B) Any licensed alcohol beverage caterer who additionally holds a valid retail license to sell distilled spirits by the drink for consumption on-premises may apply to the County Manager for a special event permit to sell distilled spirits by the drink off-premises within the County at authorized catered functions or approved special events. Applications shall be supported by evidence of all required licenses in good standing and proof of or a plan for the payment of excise and occupation taxes, if applicable.

(C) An application for a special event permit shall be submitted to the County Manager on forms or in a format approved by the County. The application shall include the name of the licensee and, if applicable, the name of the food caterer who will be serving the event, together with a copy of the current license(s) and occupation tax certificate(s); the date, time and duration of the event; and the name, address and telephone number of the event host or sponsor, and, if different, the address of the location where the event will be held. The application shall be signed by the duly alcohol licensed applicant and the event host or sponsor. If the event host or sponsor is not the owner of the venue at which the event will be held, then the owner of the venue, or the owner's authorized agent, shall also sign the application consenting to the distribution of alcoholic beverages at that location. Each event permit shall require payment of a fee of \$25.00 per day; provided, however, if the licensed alcohol beverage caterer does not maintain a place of business within the County, in addition to the above fee, there is hereby levied an excise tax upon the total quantity of alcoholic beverages brought into the County for such event. At all times during which an authorized catered function is taking place, the original alcohol license and the event permit shall be conspicuously posted and made available for inspection upon request by any County official or law enforcement; and, in addition, during the times the alcoholic beverages are being transported within the County, the licensee shall maintain a copy of the alcohol license and event permit in the vehicle(s) used for transporting the alcoholic beverages. No event permit shall be issued for more than 3 consecutive days and a full permit fee shall be assessed for each day of the event.

(D) Anyone licensed pursuant to this chapter and section shall be subject to the regulations set forth in O.C.G.A. § 3-11-4. In addition, any licensee catering, distributing, or selling alcoholic beverages off-premises within the County other than in connection with a special event license/permit issued pursuant to this chapter and section shall be in violation of this chapter.

(E) An authorized representative of a bona fide nonprofit organization may apply to the County for a temporary permit. The application shall certify the date, time, and event

location in connection with the applied for temporary permit. The County shall impose no fee or charge for such letter.

1. The term "*bona fide nonprofit civic organization*" means a nonprofit corporation or entity which is exempt from federal income tax pursuant to the provisions of subsections (c), (d) or (e) of 26 USC §501 of the Department of Revenue Rules and Regulations.
2. Any temporary permit issued pursuant to this section shall be for a period not to exceed 3 days; and, the County shall issue no more than 6 temporary permits to a single qualified organization in any calendar year.

§111.10 LICENSE/PERMIT FOR TASTINGS AND SAMPLINGS

(A) An ancillary license or permit may be issued in conjunction with a retail consumption license for alcoholic beverage, brewpubs, or a retail package license for the tasting of malt beverages and/or wine only, contingent upon the applicant having a valid and current license from the state.

(B) No tasting shall be conducted on the premises of any place of business licensed to sell distilled spirits in the unbroken package.

(C) A tasting license shall allow the licensee to offer malt beverage or wine samples in connection with an educational or appreciation class. A tasting license or permit is intended to allow such activity on a limited basis and shall not be a part of the core operations of such establishment. Such events shall be limited to no more than 6 per week and shall not exceed 2 consecutive hours in length. No more than 3 classes may be held in any consecutive 24-hour period.

(D) A tasting licensee shall be subject to all laws, rules and regulations of the County and state law; and, said licensee shall be subject to license suspension or revocation for violation(s) of this chapter.

(E) Tasting licensees shall be subject to the following restrictions:

1. No customer shall receive more than 18 ounces of wine from the licensee per class, and the licensee shall not serve any individual portion that exceeds three ounces.
2. No customer shall receive more than 32 ounces of malt beverage from the licensee per class, and the licensee shall not serve any individual portion that exceeds 8 ounces.
3. Only the licensee or an employee thereof shall open, handle, and serve opened packages or bottles of wine, and individual samples shall only be poured by the licensee or an employee thereof.

4. Customers shall not remove opened packages or unsealed bottles from the premises.

a. Customers may not attend more than one class in a single day.

b. The educational and appreciation classes shall consist of at least one hour of lecture on craft malt beverages or wines, including a lecture on responsible alcohol consumption.

c. Tasting licensees are prohibited from conducting tastings at any location where motor fuel is sold or dispensed on the premises. No ancillary tasting license shall be granted to any retail package dealer in distilled spirits.

d. Attendance at classes may be limited on a "first come" basis and reasonably restricted to available seating space.

e. No licensee shall charge more than \$20.00 for a person to attend a class, inclusive of the cost of the malt beverage or wine sampled at the event, unless the event is held as a fundraiser for a charity or nonprofit cause. If held for charitable purposes, the licensee shall conspicuously display a sign at the event identifying the name of the charity and provide a written receipt. Records shall be maintained showing the amount raised, the cost of putting on the event, and the actual amount remitted to the charity.

f. A brewpub that conducts tours on the premises where its product is manufactured, including providing samples to tour participants, is not required to hold an ancillary tasting license.

§111.11 TRANSFERABILITY OF LICENSES

(A) Generally, licenses issued pursuant to this chapter shall not be transferable except as otherwise provided in this section.

(B) In case of the death of any person owning a license, the County Manager may approve the transfer of the license of the decedent to the following: the administrator or executor of the estate of the decedent; the personal representative of the decedent; or, the devisees or heirs at law of the decedent as long as the devisees or heirs meet the qualifications contained in this chapter. The approve transfer will only be for remainder of the current term of the licensee.

(C) When a legal entity is the licensee, a partner, owner or party of interest may transfer and assign their interest to any and all partners, owners, or party of interest who were part of the entity at the time the license was issued. The County Manager may approve the addition of a new partners, shareholders, or parties of interest to the licensee, subject to the provisions of this chapter, and where it is determined that the additional individuals, and related increased capital furnished, are intended for the

betterment of the licensee such as to increase inventory or expand facilities.

(D) A license issued pursuant to this chapter shall not automatically terminate in the event the license transfers/changes the location of the operation/business; provided, however, that the new premises must meet all location requirements provided by state law and this chapter.

§111.12 EXCISE TAX, INTEREST, PENALTIES AND NOTICES

(A) The Pike County Board of Commissioners is authorized by state law to impose excise taxes on all alcoholic beverages including malt beverages, wine, and/or distilled spirits sold within Pike County, Georgia, which is in addition to the amounts of excise taxes imposed by the State of Georgia. The County will collect the maximum amount of excise tax that a county is authorized by state law to collect for any and all sales of alcohol.

(B) The excise taxes authorized by state law and this chapter are in addition to the application and license fees required by this chapter

(C) The failure to pay the taxes required by this chapter may result in the immediate suspension or revocation of an issued license.

(D) The County may designate, in writing, who shall administer and enforce the provisions of this section for the levy and collection of the taxes required.

(E) The County shall have the power and authority to make and publish reasonable rules and regulations for the administration and enforcement of the assessment and collection of the taxes required by this section and chapter.

(F) Every licensee for the sale of alcoholic beverages in the County shall keep and preserve all documents relating to each purchase and sale of alcoholic beverages including but not limited to records, receipts, invoices, and other relevant documents. These documents shall be kept by the licensee of a period of no less than 3 years from the date of the related transaction.

(G) In the administration of the provisions of this article, the County may require the filing of a return or other report by any person or class of persons having in such person's possession or custody information relating to sales of alcoholic beverages which are subject to the taxes imposed by this section and chapter. The return/report shall be filed with the County and shall set forth the price charged for each sale, the date or dates of sale(s), and any other information as the County may require. The County may examine and audit the books, papers, records, financial reports, inventory, equipment and facilities of any licensee liable for the tax, in order to verify the accuracy of the return/report submitted on behalf of the licensee; or if no return/report has been submitted to the County, to ascertain and determine the amount of tax, penalty and interest required to be paid by the licensee.

(H) If the review and/or audit of the licensee and related records discloses a deficiency of

more than 3 percent from what has been returned and remitted, or if the licensee fails to provide the required return/report, the licensee shall reimburse the County for all costs of the audit, including but not limited to, accountant's fees and out of pocket expenses, the value of time expended by County employees related to the investigation, including reasonable overhead costs, and all attorney's fees and court costs, or other costs of collection related to any legal action pursued by the County.

(I) The excise taxes shall be paid by the licensee to the County by no later than the 10th of each month. The tax shall be based upon records for the previous calendar month of sales and purchases.

(J) Any person or entity who fails to pay the tax imposed in this Chapter, or fails to pay any amount tax required to be collected and paid to the County within the time required, may be subject to an additional civil penalty of 15 percent of the amount of the tax, which is in addition to the amount of tax due. In addition, all balances that remain due after the due date shall accrue interest on the unpaid tax or any portion thereof. The amount of interest shall be calculated based on the annual rate equal to the bank prime loan rate as posted by the Board of Governors of the Federal Reserve System in Statistical Release H.15, or any publication that may supersede it, plus 3 percent, which shall accrue monthly. The applicable interest rate shall be determined for each calendar year based on the first weekly posting of Statistical Release H.15, or other applicable publication, on or after January 1st of each calendar year. Interest shall begin to accrue from the date the tax is due and shall continue to accrue until the date the tax is paid. Any period that is less than one month for which interest shall accrue deemed as one month for the purpose of calculating the applicable interest.

(K) If it is determined that any deficiency owed by a licensee is based on the gross negligence or disregard of rules and regulations by the licensee, including the licensee's failure to issue written itemized receipts of alcoholic beverages sold, then such gross negligence or disregard of rules and regulations by the licensee shall be subject to an additional 15 percent civil penalty of the total amount due.

(L) If it is determined that any deficiency owed by the licensee is based on fraud or the intent of the licensee to evade the taxes required by this Section and Chapter, then such fraud or intent to evade may result in an additional civil of 25 percent of the amount of the deficiency.

(M) The failure of the licensee to make a timely report and remittance of the taxes required by this Section and Chapter may result in the assessment of an additional penalty equal to 10 percent of the total amount due, which shall be in addition to the amount due.

(N) It shall be unlawful for any person or entity to sell alcohol within the County if the taxes required in this Section and Chapter have not been paid to the County within 30 days of said taxes being due.

(O) All holders of a special license/permit, including but not limited to the holder of an alcohol beverage caterer's license, shall be liable for the collection and timely payments of all excise taxes due on any alcohol sales at a special event. The organizers of special events shall ensure that all applicable alcohol taxes are collected and remitted to the County by the appropriate licensee.

(P) If the County is not satisfied with the return of the licensee including the amount of the tax reported to be owed to the County, then the County may compute and determine the amount required to be paid based on any information within the County's possession or as may be otherwise obtained such a pursuant to a subpoena for records that the County may cause to be served upon the licensee.

(Q) If any licensee fails to file a return/report, files a false or fraudulent return, or when the County reasonably believes a tax deficiency may exist, then the County may estimate the amount of the gross receipts of the licensee; or, as the case may be, the County may estimate the amount of the total sales in the County that are subject to the taxes required by this section and chapter. This estimate by the County shall be made for the period or periods in respect to which the licensee failed to make the return and shall be based upon any information which is or may come into the possession of the County. The County may compute and determine the amount that is due from the licensee based on the estimate process provided by this section.

(R) The County may offset overpayments from a licensee against underpayments by a licensee; and, the County may offset any overpayments from a licensee against any penalties and interest that accrued against the licensee.

(S) All notices in connection with the payment of the taxes required by this Section and Chapter, including notices of determinations, deficiency, interest, and penalties shall be delivered to the licensee promptly; and, shall be delivered by serving the licensee in writing either personally, by registered or certified mail (return receipt requested), or by statutory overnight delivery. Such notice shall inform the person of his right to an informal hearing before the County Manager. Except in the cases of fraud or intent to evade this Section and Chapter, every notice of a deficiency determination shall be served within 3 years after the 20th day of the calendar month following the monthly period for which the tax was due or the amount due is determined; or, within 3 years from the date the return/report is filed by the licensee.

(T) Upon the receipt of a written request from a licensee for a hearing concerning the imposition of a tax, penalty, or interest, a hearing shall be scheduled before the County Manager, who will make a recommendation to be sent to the Board of Commissioners for final action. The County shall be authorized to waive any penalty or interest or parts thereof.

(U) At any time within the 3 years after any tax, or portion thereof, becomes due and payable, or at any time within the 3 years after a determination of delinquency of any tax, or portion thereof, the County may bring an action in the courts of the state, or of the

United States, to collect the amount delinquent, together with penalties and interest, court fees, filing fees, attorney's fees, costs of collection and other legal fees incident to the collection of taxes.

(V) If any licensee that is liable for any taxes required by this section and chapter sells, assigns or otherwise transfers the business related to the license issued pursuant to this chapter, then it shall be the duty of any successor, assignee, or transferee of the operation to withhold any taxes owed to the County from the monies transferred in connection with the sale, assignment or transfer. The County shall be entitled to collect the amounts owed by a licensee pursuant to this Chapter from the successor, assignee, or transferee. If the purchaser, assignee or transferee fails to withhold the necessary amount from the monies received from the licensee to pay the County the amount of taxes, penalties, and interest owed by the licensee to the County, then said purchaser, assignee, or transferee shall assume liability for the amounts due the County. Any such purchaser, assignee, or transferee may request a certificate from the County concerning the amount of outstanding taxes, penalties, and interest owed by the licensee at the time of the transaction between the licensee and the purchaser, assign, or transferee.

§ 111.13 CONSUMING ALCOHOL ON COUNTY PROPERTY PROHIBITED

It shall be unlawful for any person to consume alcohol or alcoholic beverages on any real property leased by the Commissioners of Pike County, Georgia to the Recreation Authority of Pike County.

§ 111.14 ENFORCEMENT

In addition to the penalties set forth below, violations of this chapter shall be subject to the following enforcement provisions.

(A) The violation of any provision of this chapter, except as may be otherwise provided by this chapter, shall be grounds for immediate denial of any application for alcohol license or the suspension or revocation of any license or permit issued hereunder. Specifically, any license issued hereunder shall be a mere grant of the privilege to carry on such licensed business during the term of such license or permit subject to all the terms and conditions imposed by this chapter or any other ordinance or resolution of the County pertaining thereto. Accordingly, any license issued pursuant to this chapter shall be subject to the suspension and revocation at any time by Pike County. Moreover, any application for a license pursuant to this chapter may be denied by the County for violation(s) of this chapter.

(B) The County is entitled to seek any remedy necessary to address any violation of this chapter including civil penalties, equitable relief, and damages as well as criminal remedies as more specifically set forth herein.

§ 111.15 PENALTIES

In addition to the enforcement provisions or any other penalties specified in this chapter, violations of any provision of this chapter shall be subject to the penalties as set forth in Section 10.99 of the Code of Pike County Georgia, which specifically provides as follows:

(A) Any such violation, upon conviction thereof, as prescribed by the laws of Georgia, shall be punishable by a fine or imprisonment, or both, not to exceed the maximum fine or the maximum imprisonment, or both, as prescribed by the pertinent laws of Georgia, as such laws (see Ga. Code, § 36-1-20(b)) now exist or as they may hereafter be amended; however, in no case shall the maximum punishment for any one violation exceed the maximum punishment as provided by the pertinent laws of Georgia in effect and existing at the time of such violation. (The maximum punishment which may now, at the effective date of the enactment of this code section, be imposed under and by virtue of the pertinent laws of Georgia, being Ga. Code, § 36-1-20(b), shall not exceed a fine of \$1,000.00 or imprisonment for 60 days, or both, which such maximum amount of the fine or the maximum number of days imprisonment, or both, may hereafter be changed, increased or decreased, from time to time, by the enactment of an amendment, or amendments, to the pertinent laws of Georgia.)

(B) The imposition of any such fine or imprisonment, or both, for any violation shall not excuse the violation or permit it to continue; and all such violators shall be required to correct or remedy such violations or defects within the time as prescribed by the court having jurisdiction of such matter, and, in the absence of any such completion time being fixed by the court, within a reasonable time after such violations occur.

(C) The application of any fine, imprisonment or other penalty shall not be construed to prevent the enforced removal of prohibited conditions or to postpone any other appropriate action required to remediate any violation.

(D) The remedies herein set out for the purpose of enforcing the provisions of this section shall not be deemed to be exclusive, but shall be cumulative of all other remedies, civil or criminal, provided by the laws of Georgia or by the ordinances of Pike County.

(E) Violations of this section shall be tried in the Magistrate Court of Pike County, Georgia pursuant to the provisions of Ga. Code, §§ 15-10-60 et seq.

(Ord. Passed 07-08-08)(Amend Ord. Passed 03-30-10)(Amend Ord. Passed 11-27-12)(Amend Ord. Passed 2-11-15) (Amend Ord. Passed 12-09-2020)