



Post Office Box 436, 203 W. Cotton Street, Vienna, Georgia 31092
(229) 268-4744

ALCOHOLIC BEVERAGE PERMITTING CHECKLIST FOR ITEMS PROVIDED TO APPLICANT

Check
Here:

REQUIREMENTS

- _____ Application Instructions
- _____ Permitting Checklist for Applicant
- _____ Alcoholic Beverage License Application
- _____ City of Vienna Business Registration Application
- _____ Application for Business License
- _____ Application for Distilled Spirits, Beer and Wine Permit (2 Pages)
- _____ Consent Form for City to Receive Criminal History (Note Payment of \$49.25 due)
- _____ Affidavit Verifying Status for City Public Benefit Application
- _____ Private Employer Affidavit
- _____ Non-Criminal Justice Applicant's Privacy Rights
- _____ Privacy Act Statement and Signature Page
- _____ E-Verify and SAVE Notice
- _____ Advertisement Notice for Newspaper
- _____ Alcoholic Beverages Ordinance
- _____ Consumption on Premises Business Hours Regulation



Post Office Box 436, 203 W. Cotton Street, Vienna, Georgia 31092
(229) 268-4744

ALCOHOLIC BEVERAGE PERMITTING (NEW) CHECKLIST FOR ITEMS RETURNED FROM APPLICANT

Check Here:

REQUIREMENTS

- _____ **Alcoholic Beverage License Application**
- _____ **City of Vienna Business Registration Application with Copy of DL and SS card**
- _____ **Application for Business License**
- _____ **Application for Distilled Spirits, Beer and Wine Permit (2 Pages)**
- _____ **Consent Form for City to Receive Criminal History (With Check for \$49.25 payable to City of Vienna)**
- _____ **Copy of Building Permit**
- _____ **Detailed Plans of Building**
- _____ **Fire Marshal Certification**
- _____ **Copy of Occupancy Certification**
- _____ **Signature Page Certifying Receipt of Privacy Rights**
- _____ **Copy of State License Application**
- _____ **Copy of State License (after 30 days)**
- _____ **Copy of Building Lease (if not owned by applicant)**
- _____ **Copy of Sales Tax Certificate**
- _____ **Private Employer Affidavit**
- _____ **Affidavit Verifying Status for City Public Benefit**
- _____ **Scale Drawing of Location of Premises Showing Distance to Nearest Church**
- _____ **Retailers and Consumption on Premises Liquor License Performance Bond**

Property Taxes MUST be paid in FULL and No Outstanding bills with City

www.cityofvienna.org

An Equal Opportunity Provider and Employer/Drug Free Workplace



Post Office Box 436, 203 W. Cotton Street, Vienna, Georgia 31092
(229) 268-4744

ALCOHOLIC BEVERAGE PERMITTING APPLICATION INSTRUCTIONS

- Every Question must be fully and correctly answered, type written or legibly hand printed. Do not use initials. Copies of requestor's driver's license and social security card required.
- The completed application forms and non-refundable \$49.25 finger-printing and background check fee must be submitted at the same time the application is submitted. Fees must be submitted in the form of cash, certified check or money order.
- Report to Dooly County Courthouse for finger-printing to be performed.
- Upon approval, all additional fees must be tendered prior to issuance of the alcohol license.
- Any change in the ownership or any other status of the licensed operation which would change any answers on the original alcohol permit application must be reported to City Hall within thirty (30) calendar days from the time of such change. Failure to do so may result in the revocation of the license.
- Background screening is required on all owners and/or partners as well as managers and/or anyone else listed on the alcohol permit application.
- The location must meet all requirements set in the City of Vienna Alcohol Ordinance and any ordinances dealing with building safety or zoning. Please note, the distance requirements are determined by measuring from the property line of any church, school or college campus to the property line of the business premises.
- Information requested concerning race and sex identification of applicants, corporations and stockholders are for investigative purposes only.
- Georgia Crime Information Center (GCIC) rules require that the consent form in the application packet be completed, signed and notarized prior to any information being accessed for release of criminal history investigations by the Sherriff Department in reference to your application for license to sell alcoholic beverages.
- After the City of Vienna issues the Alcohol License it is necessary for the license holder to get in contact with the State of Georgia on how to obtain State Alcohol License. This is required before you can purchase and sell alcoholic beverages in the State of Georgia. Please contact the Georgia Department of Revenue at 404-651-8651 or P. O. Box 740001, Atlanta, GA 30374-0001.
- A copy of the City of Vienna Alcohol Ordinance is a part of this application package. Please read it carefully and retain it for your information.
- All bartenders and any person who pours alcohol shall be at least 21 years of age.
- When completed, the application must be dated, signed, and necessary documentation attached to assure that your license is processed timely.

www.cityofvienna.org

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ALCOHOLIC BEVERAGE PERMITTING APPLICATION INSTRUCTIONS

- Included in the application package is an Advertisement Notice for the Newspaper that the applicant must take to The News Observer and have printed for two (2) consecutive weeks prior to the meeting where action will take place on the application.
- The license shall be displayed prominently at all times on the premises for which same was issued.
- **PLEASE NOTE: IF YOUR ESTABLISHMENT IS AN AFTER-HOURS BUSINESS WITH IRREGULAR HOURS, THE VIENNA POLICE DEPARTMENT REQUESTS YOU TO NOTIFY THEM AT 229-268-7033 BY WEDNESDAY OF YOUR INTENTIONS TO OPEN DURING THE WEEKEND SO THE DEPARTMENT CAN PLAN ACCORDINGLY.**

Application for Alcohol Beverages License should be returned to:

Location Address:	City of Vienna 203 West Cotton Street Vienna, Georgia 31092
Mailing Address:	City of Vienna Post Office Box 436 Vienna, Georgia 31092 Attn: City Administrator
Phone:	229-268-4744



Post Office Box 436, 203 W. Cotton Street, Vienna, Georgia 31092
(229) 268-4744

**ALCOHOLIC BEVERAGE LICENSE APPLICATION
FOR THE YEAR OF _____**

Name of Business: _____

Sales Tax ID#: _____ Telephone #: _____

Business Physical Address: _____

Mailing Address (if different): _____

S.A.V.E. #: _____ E-Verify #: _____

A. Beer Sales	\$500.00	\$ _____
B. Consumption on Premises	\$300.00	\$ _____
C. Wine Sales	\$300.00	\$ _____
D. Liquor Sales (Retail Only)	\$3,000.00	\$ _____
E. Pouring License	\$2,000.00	\$ _____

TOTAL DUE FOR ALCOHOLIC BEVERAGE LICENSE: \$ _____

I hereby certify that the information reported is true and correct to the best of my knowledge.

Signature: _____ Date: _____

Please return this completed form along with a check made payable to:
City of Vienna
Post Office Box 436
Vienna, Georgia 31092

If not paid by March 1st, a 10% penalty will be assessed. Questions? Please call City Hall (229) 268-4744.

www.cityofvienna.org

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CITY OF VIENNA
BUSINESS REGISTRATION APPLICATION
P. O. Box 436, 203 W. Cotton Street, Vienna, GA 31092 (229) 268-4744

Date: _____

Business Name: _____

Type of Business: _____

Describe Business in Detail: _____

Business Address: _____

Business Mailing Address (if different from above): _____

Business Phone #: _____ # of Employees: _____

Federal Tax #: _____ Contractor State #: _____

Sales Tax #: _____ (COPY OF CERTIFICATE REQUIRED)

S.A.V.E #: _____

Owner Name: _____ Home Phone #: _____

Owner Address: _____

Cell Phone #: _____ E-mail Address: _____ E-Verify #: _____

Date of Birth: _____ SS #: _____ Georgia DL #: _____

(Card must be verified)

(Copy of license required)

Manager/Operator (if different than above)

Name: _____ Home Phone #: _____

Home Address: _____ Web Address: _____

Cell Phone #: _____ E-mail Address: _____ Web Address: _____

Date of Birth: _____ SS #: _____ Georgia DL #: _____

(Card must be verified)

(Copy of license required)

Do you own or rent the property where your business will be located? OWN RENT

(If you rent, please fill out the following information completely.)

Owner of Building: _____ Home Phone #: _____

Owner Address: _____ Business Phone #: _____

Other Phone #: _____

** I certify that the information is correct and true to the best of my knowledge and further understand that the above information will be checked by the City of Vienna. I authorize the City of Vienna to check my driving and criminal records file. I further certify that the business being registered herein is not considered adult amusement, adult entertainment, or a sexually oriented business as defined in Chapter 6.137 of the City of Vienna Code of Ordinances. I understand that any false statements may result in rejection of my application.

Signature: _____

Date: _____

For Administrative Use Only

Zoning of Business Address: _____ Is Zoning Compatible with Proposed Business: _____

Chief of Police Approved/ Denied Date

Planning Director Approved/ Denied Date

City Administrator Approved/ Denied Date

Fire Department Approved/ Denied Date



Post Office Box 436
Office: (229) 268-4744

203 W. Cotton Street

Vienna, Georgia 31092
Fax: (229) 268-6172

APPLICATION FOR BUSINESS LICENSE FOR THE CALENDAR YEAR _____

This application must be completed and returned with full payment on or before March 1, 20____.
If no longer in business, please indicate and return this application.

Business Information

Emergency Contact Information

Name: _____
Address: _____
Address: _____
City, State, Zip: _____
Phone: _____
Location: _____
Business: _____
Responsible Person: _____

Tax ID #: _____
Ownership Type: _____
(Corporation/Individual/Partnership, etc.)

Calculation of License Fee:

License Fee:

Occupational (see rate schedule below)

\$ _____

Occupation Tax means a tax levied for revenue purposes on persons, Partnerships, corporations or other entities for engaging in an occupation, Profession or business in the City of Vienna.

Late Payment Penalty \$ _____

Total Payment \$ _____

(Multiply total number of employees, including yourself if you work, by the employee tax)

*Two part-time employees equals one full-time employee.

Signature Title Date

Calculation of license fee based on rate schedule OCC

	<u>Rate</u>	<u>Total Fee</u>
Administrative Fee	\$65.00	\$ _____
First 3 employees/per employee	\$15.00	\$ _____
Next 3 employees/per employee	\$ 7.50	\$ _____
Next 3 employees/per employee	\$ 5.63	\$ _____
Next 3 employees/per employee	\$ 4.22	\$ _____
All remaining employees/per employee	\$ 3.16	\$ _____

PLEASE NOTE: If not paid by March 1st, there will be a 10% penalty assessed.



**APPLICATION FOR
DISTILLED SPIRITS, BEER AND WINE PERMIT**

PAYABLE TO:

City of Vienna

*Post Office Box 436, 203 W. Cotton Street
Vienna, Georgia 31092*

(This is NOT a License)

ALL INFORMATION MUST BE COMPLETED, SIGNED AND NOTARIZED!

Name of Business: _____

Business Physical Address: _____

Mailing Address (if different): _____

Business is Managed by: _____

Managers Address: _____

Owner of Business: _____

Owners Address: _____

(A Corporation or Partnership must list all Names and Addresses of Owners and/or Officers. Please attach a separate sheet if necessary.)

FEI Number: _____ Sales Tax ID#: _____

Does this business require a State License? _____ Date of Expiration: _____

(Please attach a copy of your State License or Certification.)

Describe the nature of the business: _____

Number of Vending Machines: _____ Alcoholic Beverages: _____ If yes, copy of State License is required.

Additional Information:

Business Phone: _____ Home Phone: _____

Social Security or License #: _____ Birthdate: _____

What is the distance from this/your business to the nearest: (attach surveyor statement)

- a. School Ground _____
- b. Funeral Chapel _____
- c. Church Ground _____

Office Use Only
Distance
a. _____
b. _____
c. _____

Have you ever been arrested? Yes _____ No _____ Disposition: _____

Charges: _____

(Please attach separate sheet if necessary.)

IMPORTANT: PLEASE READ CAREFULLY:

The applicant hereby agrees to be bound by all of the terms and conditions of the Ordinance and adopted by the City of Vienna, Georgia and any laws as may apply to the aforementioned business. I hereby agree to permit during business hours reasonable inspections as authorized by law.

THIS _____ DAY OF _____, 20_____.

Authorized Signature of Applicant

PERSONALLY, before me the undersigned appeared, who on oath has sworn that the information given therein is true and correct. Sworn to and subscribed before me

THIS _____ DAY OF _____, 20_____, in the

STATE OF: _____ COUNTY OF: _____ CITY OF: _____

Notary Public Seal or Stamp

NOTARY PUBLIC

LICENSES MAY BE SUSPENDED OR REVOKED FOR VIOLATION OF THE TERMS OF THE ORDINANCE. NO BUSINESS IS TO OPERATE WITHOUT APPROVAL OF THIS APPLICATION FOR LICENSE. NOTIFICATION IS REQUIRED OF CLOSING OR CHANGE OF BUSINESS LOCATION.

For Administrative Use Only

RECOMMEND THIS APPLICATION BE: APPROVED: _____ REJECTED: _____

Chief of Police: _____ Date: _____

REMARKS: _____

APPROVED BY: _____ DATE: _____

Office Use Only	
License Year _____	
New: _____	Renewal: _____
Lic.#: _____	
Date Issued: _____	
INSPECTIONS REQUIRED:	
Bldg. Insp. _____	Date: _____
Zoning: _____	Date: _____
Zoned: _____	
Police: _____	Date: _____
Fire: _____	Date: _____
Agriculture: _____	Date: _____

REQUIRED ATTACHMENTS

- FINGERPRINT CARDS
- VALID PHOTO IDENTIFICATION
- SURVEYOR STATEMENT



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CONSENT FORM AUTHORIZING CITY OF VIENNA TO RECEIVE CRIMINAL HISTORY

The undersigned hereby authorizes the City of Vienna or their designees to receive any criminal history record information pertaining to me/us which may be in the files of any Federal, State or Local Criminal Justice Agency.

I, _____
Applicant's Full Name (Printed)

Race _____ Height _____
Sex _____ Weight _____
DOB _____ Eye Color _____
SSN _____ Hair Color _____

Authorize: City of Vienna; ORI – GA923167Z

Michael Bowens
Name of Person to Pick up Record

203 West Cotton Street
Street Address

Vienna
City

Georgia
State

31092
Zip Code

229-268-4744
Telephone Number

***Note: The cost of fingerprinting
and background check is \$49.25
Make check payable to:
"City of Vienna"***

Owner's Full Name

Social Security Number

Signature

Sworn to and subscribed before me
This _____ day of _____, 20.

Notary Public, State of Georgia

My Commission Expires



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AFFIDAVIT VERIFYING STATUS FOR CITY PUBLIC BENEFIT APPLICATION

By executing this affidavit under oath, as an applicant for a City of Vienna, Georgia Business License or Occupation Tax Certificate, Alcohol License, Taxi Permit or other public benefit as referenced in O.C.G.A. Section 50-36-1, I am stating the following with respect to my application for a City of Vienna, Business License or Georgia Occupational Tax Certificate, Alcohol License, Taxi Permit or other public benefit (circle one) for

[Name of natural person applying on behalf of individual, business, corporation, Partnership, or other private entity]

- 1) ____ I am a United States citizen.
- OR**
- 2) ____ I am a legal permanent resident 18 years of age or older or I am an otherwise qualified alien or non-immigrant under the Federal Immigration and Nationality Act 18 years of age or older and lawfully present in the United States.*

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of Code Section 16-10-20 of the Official Code of Georgia.

_____ Signature of Applicant	_____ Date
_____ Printed Name	

Sworn to and subscribed before me
This _____ day of _____, 20.

_____ Notary Public, State of Georgia	_____ My Commission Expires
--	--------------------------------

*Note: O.C.G.A. § 50-36-1(2) requires that aliens under the federal Immigration and Nationality Act, Title 8 U.S.C., as amended, provide their alien registration number. Because legal permanent residents are included in the federal definition of "alien", legal permanent residents must also provide their alien registration number. Qualified aliens that do not have an alien registration number may supply another identifying number here: _____



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PRIVATE EMPLOYER AFFIDAVIT PURSUANT TO O.C.G.A. § 36-60-6(d)

By executing this affidavit under oath, the undersigned private employer verifies one of the following with respect to its application for a business license, occupational tax certificate, or other document required to operate a business as referenced in O.C.G.A. § 36-60-6(d):

Section 1. Please check only one:

- (A) _____ On January 1st of the below-signed year, the individual, firm, or corporation employed more than ten (10) employees.
*****If you select Section 1 (A), please fill out Section 2 and then execute below.**
- (B) _____ On January 1st of the below-signed year, the individual, firm, or corporation employed ten (10) or fewer employees.

Section 2.

The employer has registered with and utilizes the federal work authorization program in accordance with the applicable provisions and deadlines established in O.C.G.A. § 36-60-6. The undersigned private employer also attests that its federal work authorization user identification number and date of authorization are as follows:

Name of Private Employer

Federal Work Authorization User Identification Number

Date of Authorization

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, _____, 20__ in _____ (city), _____ (state)

Signature of Authorized Officer or Agent Date

Printed Name and Title of Authorized Officer or Agent

Sworn to and subscribed before me
This _____ day of _____, 20__.

Notary Public, State of Georgia

My Commission Expires

NON-CRIMINAL JUSTICE APPLICANT'S PRIVACY RIGHTS

As an applicant that is the subject of a Georgia only or a Georgia and Federal Bureau of Investigation (FBI) national fingerprint/biometric-based criminal history record check for a non-criminal justice purpose (such as an application for a job or license, immigration or naturalization, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification that your fingerprints/biometrics will be used to check the criminal history records maintained by the Georgia Crime Information Center (GCIC) and the FBI, when a federal record check is so authorized.
- If your fingerprints/biometrics are used to conduct a FBI national criminal history check, you are provided a copy of the Privacy Act Statement that would normally appear on the FBI fingerprint card.
- If you have a criminal history record, the agency making a determination of your suitability for the job, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The agency must advise you of the procedures for changing, correcting, or updating your criminal history record as set forth in Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a Georgia or FBI criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the agency denies you the job, license or other benefit based on information in the criminal history record.
- In the event an adverse employment or licensing decision is made, you must be informed of all information pertinent to that decision to include the contents of the record and the effect the record had upon the decision. Failure to provide all such information to the person subject to the adverse decision shall be a misdemeanor [O.C.G.A. § 35-3-34(b) and §35-3-35(b)].

You have the right to expect the agency receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of state and/or federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.

If the employment/licensing agency policy permits, the agency may provide you with a copy of your Georgia or FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, information regarding how to obtain a copy of your Georgia, FBI or other state criminal history may be obtained at the [GBI website](http://gbi.georgia.gov/obtaining-criminal-history-record-information) (<http://gbi.georgia.gov/obtaining-criminal-history-record-information>).

If you decide to challenge the accuracy or completeness of your Georgia or FBI criminal history record, you should send your challenge to the agency that contributed the questioned information. Alternatively, you may send your challenge directly to GCIC provided the disputed arrest occurred in Georgia. Instructions to dispute the accuracy of your criminal history can be obtained at the [GBI website](http://gbi.georgia.gov/obtaining-criminal-history-record-information) (<http://gbi.georgia.gov/obtaining-criminal-history-record-information>).

PRIVACY ACT STATEMENT

Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

Chapter 6 - ALCOHOLIC BEVERAGES^[1]

Footnotes:

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Cross reference— Law enforcement, ch. 46; alcoholic beverage excise taxes, § 70-141 et seq.

ARTICLE I. - IN GENERAL

Sec. 6-1. - 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 all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine.

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. The term includes but is not limited to brandy.

Gallon or wine gallon means a United States gallon of liquid measure equivalent to the volume of 231 cubic inches or the nearest equivalent metric measurement.

Importer means any person who imports an alcoholic beverage into this state from a foreign country and sells the alcoholic beverage to another importer, broker or wholesaler and who maintains a stock of the alcoholic beverage.

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 six 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 person 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.

Package means a bottle, can, keg, barrel or other original consumer container.

Person means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary or other group or combination acting as a unit, body politic or political subdivision, whether public, private or quasi-public.

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

Retailer or retail dealer means, except as to distilled spirits, any person who sells alcoholic beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale. With respect to distilled spirits, the term means any person who sells distilled spirits in unbroken packages at retail only to consumers and not for resale.

Shipper means any person who ships an alcoholic beverage from outside this state.

Standard case means six containers of 1.75 liters, 12 containers of 750 milliliters, 12 containers of one liter, 24 containers of 500 milliliters, 24 containers of 375 milliliters, 48 containers of 200 milliliters, or 120 containers of 50 milliliters.

Tax stamp means the official mark, stamp or indication used to indicate the payment of taxes imposed by this chapter.

Taxpayer means any person made liable by law to file a return or to pay tax.

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

Wine means any alcoholic beverage containing not more than 21 percent alcohol 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, combinations 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.

(Code 1980, §§ 7-2-4(1), 7-2-24(a), 7-2-41, 7-2-81)

Cross reference— Definitions generally, § 1-2.

State Law reference— Similar provisions, O.C.G.A. § 3-1-2.

Sec. 6-2. - Possession of alcoholic beverages in public places.

It shall be unlawful to possess open cans or bottles containing alcoholic beverages on any public street, alley, right-of-way or other public facility or place within the city.

(Code 1980, § 9-1-8)

Sec. 6-3. - Drinking, possession in public.

It shall be unlawful for any person to drink alcoholic beverages or have opened containers containing alcoholic beverages in their possession on any public property, streets or sidewalks, or upon any open premises adjacent to any public business in the city, whether or not such person is located in a vehicle within boundaries of the city.

(Ord. of 4-8-74; Ord. of 3-27-17(1))

Sec. 6-4. - Sale on election days.

Notwithstanding anything to the contrary contained in this chapter, the sale of alcoholic beverages on local election days is hereby authorized and permitted so long as such sales are in compliance with the provisions of O.C.G.A. § 3-3-20.

(Res. of 8-13-84)

Cross reference— Elections, ch. 30.

Secs. 6-5—6-35. - Reserved.

ARTICLE II. - MALT BEVERAGES

Sec. 6-36. - Retail licensee qualifications.

A retail malt beverage licensee must be a person of good moral character and a citizen of the United States.

- (1) The licensee shall not have been convicted within five years of the date of his application of a felony, or any violation of the laws of this state or any other state relating to the sale of alcoholic beverages.
- (2) The licensee shall be responsible for the management and operation of the business for which the license is granted.
- (3) The applicant shall make a sworn statement of his qualifications according to the above and shall place same on file with the city clerk before any license is issued.
- (4) If the application covers a partnership, all members of the partnership must be qualified to obtain a license and must make sworn statements of these qualifications.
- (5) No person shall be granted a license to engage in the sale of malt beverages at retail unless it shall appear to the satisfaction of the mayor and council that such person shall be of good moral character.
- (6) Any misstatement or concealment of fact in the application shall be grounds for revocation of the license issued and shall make the applicant liable to prosecution for perjury under the laws of the state.

(Code 1980, § 7-2-1)

Sec. 6-37. - Wholesale licenses.

Wholesale malt beverage licenses shall be issued only to those parties who are licensed by the state to sell and distribute malt beverages at wholesale. Application shall be made with the city clerk.

(Code 1980, § 7-2-2)

Sec. 6-38. - Regulations.

- (a) No holder of a license authorizing the sale of malt beverages at retail in the city nor any agent or employee of the licensee, shall do any of the following upon the licensed premises:
 - (1) Knowingly sell beer to a minor.
 - (2) Knowingly sell beer to any person while such person is in an intoxicated condition.
 - (3) Sell beer upon the licensed premises or permit beer to be consumed thereon, on any day or at any time when such sale or consumption is prohibited by law.
- (b) In addition:
 - (1) It shall be unlawful for any person to sell or possess for the purpose of sale any malt beverages where such person does not have a license from the city to sell or possess for sale such beverages.

- (2) Malt beverages shall be received at or delivered to the premises of the retail licensee by no other means than by a conveyance owned and operated by a wholesale dealer with a permit from the mayor and council to make deliveries in the city.
- (3) Transportation of malt beverages by any other means shall be grounds for revocation of the wholesale permit.
- (4) Dealers in malt beverages shall not engage in the sale of such beverages on Sunday or any other days prohibited by state law.
- (5) Any violation of the provisions of this article shall be grounds for immediate revocation of a license by the mayor and council.

(Code 1980, § 7-2-3)

Sec. 6-39. - Joint responsibility; sales to minors; possession by minors.

- (a) It shall be unlawful for a minor to attempt to purchase or for any other person to purchase alcoholic beverages for a minor.
- (b) It shall be unlawful for a minor to exhibit faked, forged or borrowed credentials in an effort to obtain alcoholic beverages to which he is not legally entitled.
- (c) It shall be unlawful for a minor to have alcoholic beverages in his possession.
- (d) No person engaged in the business regulated under this article shall make or permit to be made any sales to minors.

(Code 1980, § 7-2-4)

Sec. 6-40. - Licenses.

- (a) Each wholesaler designated with the state revenue department to serve this city shall, upon written application, be issued a license on an annual basis for operation as a wholesale dealer.
- (b) The applicant for a retail license shall pay to the city at the time his license is received a fee as set forth in the schedule of fees and charges on file in the office of the city clerk as an annual license fee for operation for one year beginning on February 1, or half of this amount if the license is issued during the last six months of the license year. Such licenses shall not be transferable from one person to another except with the expressed approval of the licensing body of the city.
- (c) A notice of each application for a license shall be advertised in the official gazette of the city once a week for two weeks immediately preceding the meeting of the mayor and council that the application is to be acted upon.

(Code 1980, § 7-2-5)

Sec. 6-41. - Hours of operation.

The permitted hours of operation of retail licensees for the sale of malt beverages shall be between the hours of 6:00 a.m. and 1:00 a.m. weekdays, 6:00 a.m. and 12:00 midnight Saturday, and 12:30 p.m. and 11:30 p.m. Sunday. The permitted hours of operation of wholesale licensee for the distribution of malt beverages within the city shall be between the hours of 6:00 a.m. and 8:00 p.m. There shall be no malt beverages sold or distributed within the city on any days prohibited by state law.

(Code 1980, § 7-2-6; Ord. of 12-12-11(2))

Sec. 6-42. - Authority to issue licenses.

All applications for malt beverage licenses shall be presented to the mayor and council for approval, and if approved the licenses shall be issued by the city clerk upon the payment of the required fee.

(Code 1980, § 7-2-7)

Sec. 6-43. - Rules and regulations.

All the provisions of this article are and shall be subject to the regulations hereinafter prescribed by ordinance of the mayor and council as the same may be from time to time amended, setting forth the rules, terms and conditions upon which such licenses may be issued; the annual licensee fees; the qualifications of licensees; the restrictions on the business locations of licensees; the hours of operation of such licensees; the control of customers doing business with licensees; and any and all other matters which this body may deem it advisable to set forth for the proper regulation of the sale and consumption of malt beverages in this city; and all such licenses as may be hereafter issued shall be expressly subject to the provisions of such rules and regulations as may be then or thereafter in force; and all such licenses shall be nontransferable, except with express approval of the mayor and council.

(Code 1980, § 7-2-8)

Sec. 6-44. - Distance requirements.

No retail malt beverage license shall be granted to any person unless the entire business premises of the proposed location is situated beyond 100 yards from the property line of any church and beyond 200 yards from the property line of any school ground or college campus, the same to be measured by way of the nearest traveled road, street or highway, as provided by law. Each application for a retail malt beverage license shall include a scale drawing of the location of the proposed premises showing the distance to the nearest church or school or a certificate of a registered surveyor that such location complies with this article with reference to this section.

(Code 1980, § 7-2-9)

Secs. 6-45—6-75. - Reserved.

ARTICLE III. - WINE

Sec. 6-76. - Retail licensee qualifications.

A retail wine licensee must be an adult person of good moral character and a citizen of the United States.

- (1) The licensee shall not have been convicted within five years of the date of his application of a felony, or any violation of the laws of this state or any other state relating to the sale of alcoholic beverages.
- (2) The licensee shall be responsible for the management and operation of the business for which the license is granted.
- (3) The applicant shall make a sworn statement of his qualifications according to the above and shall place same on file with the city clerk before any license is issued.
- (4) If the application covers a partnership, all members of the partnership must be qualified to obtain a license and must make sworn statements to these qualifications.

- (5) No person shall be granted a license to engage in the sale of wine at retail unless it shall appear to the satisfaction of the mayor and city council that such person shall be of good moral character.
- (6) Any misstatement or concealment of fact in the application shall be grounds for revocation of the license issued and shall make the applicant liable to prosecution for perjury under the laws of the state.
- (7) A notice of each application for a license shall be advertised in the official gazette of the city once a week for two weeks immediately preceding the meeting of the governing body that the application is to be acted upon.

(Code 1980, § 7-2-21)

Sec. 6-77. - Wholesale licenses.

Wholesale wine licenses shall be issued only to those parties who are licensed by the state to sell and distribute wine at wholesale. Application shall be made with the city clerk.

(Code 1980, § 7-2-22)

Sec. 6-78. - Regulations.

- (a) No holder of a license authorizing the sale of wine at retail in the city, nor any agent or employee of the licensee, shall do any of the following upon the licensed premises:
 - (1) Sell wine to a minor.
 - (2) Sell wine to any person while such person is in an intoxicated condition.
 - (3) Sell wine upon the licensed premises or permit wine to be consumed thereon, on any day or at any time when such sale or consumption is prohibited by law.
- (b) In addition:
 - (1) It shall be unlawful for any person to sell or possess for the purpose of sale any wine where such person does not have a license from the mayor and council to sell or possess for sale such beverages.
 - (2) Wine shall be received at or delivered to the premises of the retail licensee by no other means than by a conveyance owned and operated by a wholesale dealer with a permit from the mayor and council to make deliveries in the city.
 - (3) Transportation of wine by any other means shall be grounds for revocation of the wholesale permit.
 - (4) Dealers in wine shall not engage in the sale of such beverages on Sunday or any other days prohibited by state law.
 - (5) Any violation of the provisions of this article shall be grounds for immediate revocation of a license by the mayor and council.

(Code 1980, § 7-2-23)

Sec. 6-79. - Joint responsibility; sales to minors; possession by minors.

- (a) It shall be unlawful for a minor to possess or attempt to purchase or for any other person to purchase alcoholic beverages for a minor.

- (b) It shall be unlawful for a minor to exhibit faked, forged or borrowed credentials in an effort to obtain alcoholic beverages to which he is not legally entitled.
- (c) No person engaged in the business regulated hereunder shall make or permit to be made any sales to minors.

(Code 1980, § 7-2-24)

Sec. 6-80. - License fees.

- (a) The applicant for a wholesale wine license shall pay to the city at the time of his license being issued a fee as set forth in the schedule of fees and charges on file in the office of the city clerk as an annual license fee for operation for one year beginning on February 1. The applicant for a retail license shall pay to the mayor and council at the time his license is received a fee as set forth in the schedule of fees and charges on file in the office of the city clerk as an annual license fee for operation for one year beginning on February 1. Such licenses shall not be transferable from one person to another and shall not be transferable from one location to another except with the expressed approval of the mayor and council.
- (b) The license fee hereinbefore imposed shall be paid by the wholesale dealers to the city clerk within 24 hours after delivery based upon the units of wine sold during the previous 24 hours. Interest shall accrue on late payments at the rate of nine percent per annum.
- (c) The wholesale dealers shall keep true and correct records of all sales and shipments and shall, upon request, render a sworn statement of the same accompanying sales report to the mayor and council.

(Code 1980, § 7-2-25)

Sec. 6-81. - Hours of operation.

The hours of operation of retail licensees for the sale of wine shall be between the hours of 6:00 a.m. and 1:00 a.m. weekdays, 6:00 a.m. and 12:00 midnight Saturday, and 12:30 p.m. to 11:30 p.m. Sunday. The hours of operation of wholesale licensee for the distribution of wine within the city shall be between the hours of 6:00 a.m. and 8:00 p.m. There shall be no wine sold or distributed within the city limits on any days prohibited by state law.

(Code 1980, § 7-2-26; Ord. of 12-12-11(2))

Sec. 6-82. - Authority to issue licenses.

All applications for wine licenses shall be presented to the mayor and council for approval, and if approved the licenses shall be issued by the mayor and council upon the payment of the required fee.

(Code 1980, § 7-2-27)

Sec. 6-83. - Rules and regulations.

All the provisions of this article are and shall be subject to the regulations hereinafter prescribed by ordinance of the mayor and council, as the same may be from time to time amended, setting forth the rules, terms and conditions upon which such licenses may be issued; the annual license fees; the prorated license fees, based on sales; the qualifications of licensees; the restrictions on business locations of licensees; the hours of operation of such licensees; the control of customers doing business with licensees; and any and all other matters that this body may deem it advisable to set forth for the proper control and regulation of the sale and consumption of wine in this city; and all such licenses as

may be thereafter issued shall be expressly subject to the provisions of such rules and regulations as may be then or thereafter in force; and all such licenses shall be nontransferable except with express approval of the mayor and council.

(Code 1980, § 7-2-28)

Sec. 6-84. - Distance requirements.

No retail wine license shall be granted to any person unless the entire business premises of the proposed location is situated beyond 100 yards from the property line of any church and beyond 200 yards from the property line of any school ground or college campus, the same to be measured by way of the nearest traveled road, street or highway, as provided by law. Each application for a retail wine license shall include a scale drawing of the location of the proposed premises showing the distance to the nearest church or school or a certificate of a registered surveyor that such location complies with this article with reference to this section.

(Code 1980, § 7-2-29)

Secs. 6-85—6-115. - Reserved.

ARTICLE IV. - INTOXICATING LIQUORS

Sec. 6-116. - Qualifications of applicant.

No retail liquor license shall be granted to any person unless such person is of legal age and has been a resident of the county for a minimum of one year prior to filing an application for such license.

(Code 1980, § 7-2-42; Ord. of 9-26-88, § 1)

Sec. 6-117. - Interests in other licenses prohibited.

Only one retail liquor license shall be issued to any one person in the city, and no person who holds a retail liquor license in any other county or municipality of the state, shall be eligible to receive a retail liquor license. The term "persons" as used in this section shall include all members of such licensee's family, and the term "family" shall be deemed to include any person related to the holder of such license within the first degree of consanguinity or affinity as computed according to the civil law.

(Code 1980, § 7-2-43)

Sec. 6-118. - Number of licenses limited.

No more than four retail liquor licenses shall be issued at any time, and no more than four retail liquor licenses shall exist at any time.

(Code 1980, § 7-2-44)

Sec. 6-119. - Distance requirements.

No retail liquor license shall be granted to any person unless the entire business premises of the proposed location is situated beyond 100 yards from the property line of any church and beyond 200 yards from the property line of any school ground or college campus, the same to be measured by way of

the nearest traveled road, street or highway, as provided by law. Each application for a retail liquor license shall include a scale drawing of the location of the proposed premises showing the distance to the nearest church or school or a certificate of a registered surveyor that such location complies with this article with reference to this section.

(Code 1980, § 7-2-45)

Sec. 6-120. - Each location requires license.

A separate retail liquor license shall be required for each place of business.

(Code 1980, § 7-2-46)

Sec. 6-121. - Building requirements.

No retail liquor license shall be issued to any person unless the building in which the business will be located is complete and detailed plans of the building and outside premises are attached to the application, or unless proposed plans and specifications and a building permit of a proposed building to be built are attached to the application. The completed building or the proposed building shall comply with ordinances of the city, regulations of the state revenue commissioner, and the laws of the state. The proposed building shall also be subject to final inspection and approval when completed by the building inspector. Each building in which the business will be located shall contain sufficient lighting so that the building itself and the premises on all sides of the building are readily visible at all times from the front of the street on which the building is located so as to reveal the inside retail area of the building and so as to reveal all of the outside premises of the building. Each applicant for a retail liquor license shall attach to his application evidence of ownership of the building or proposed building or a copy of the lease if the applicant is leasing the building.

(Code 1980, § 7-2-47)

Sec. 6-122. - Unbroken packages only to be sold.

All licensed retailers shall sell or offer to sell in the original unbroken package only and shall sell no package containing less than one-half pint.

(Code 1980, § 7-2-48)

Sec. 6-123. - Sales of other products; consumption on premises prohibited.

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

- (1) Wines and beer when properly licensed.
- (2) Beverages containing no alcohol commonly used to dilute distilled spirits.

No beverages of any kind may be opened or consumed in such place of business.

(Code 1980, § 7-2-49)

Sec. 6-124. - Deliveries off premises prohibited.

No retailer shall sell or deliver any liquor to any person except in the retailer's place of business.

(Code 1980, § 7-2-50)

Sec. 6-125. - Hours and days of sales.

No retailer shall be in his place of business, or open his place of business, or furnish, sell or offer for sale any liquor (distilled spirits) at any of the following times:

- (1) At any time on Thanksgiving Day or Christmas Day;
- (2) At any time in violation of a local ordinance or regulation or of a special order of the mayor and council;
- (3) On Sunday before 12:30 p.m. or after 11:30 p.m.; and
- (4) On any other day before 8:00 a.m. or after 11:45 p.m.

(Code 1980, § 7-2-51; Ord. of 12-12-11(2))

Sec. 6-126. - Sales to certain persons prohibited.

No retailer shall give, sell or offer to sell any liquor to any person who is under the age of 21 years, or who is noticeably intoxicated, or who is of unsound mind, or who is an habitual drunkard whose intemperate habits are known to the retailer. At any time a state driver's license shall be considered the only legal proof of age that would relieve a person making a sale from responsibility thereof.

(Code 1980, § 7-2-52)

Sec. 6-127. - Sign; posting.

The holder of a license to sell liquor shall post in the most conspicuous place in his establishment a sign printed in letters at least four inches high reading as follows: "SALE OF LIQUOR TO MINORS STRICTLY PROHIBITED."

(Code 1980, § 7-2-53)

Sec. 6-128. - Inventory restrictions.

No licensed retailer shall keep any liquor stored in any bonded or other type warehouse in the city, nor shall he enter into any type of arrangement whereby liquor ordered by him is stored for him by any licensed wholesaler. A retailer shall keep no inventory or stock of liquor at any place except his licensed place of business, and within his licensed place of business his storage space for liquor shall be immediately adjacent to the room in which he is licensed to do business.

(Code 1980, § 7-2-54)

Sec. 6-129. - Application for license.

Application for a retail liquor license shall be made on forms furnished by the governing authority as follows:

- (1) A retail liquor license shall be valid only for the calendar year indicated thereon, and no such license may be renewed. A licensee who desires to continue in business during the next or subsequent calendar year must make a new application for such year on or before January 15 of the preceding year.

- (2) In addition to the completion and submission of application form as required by the mayor and council, each applicant shall attach thereto a completed application form with all attachments and requirements for a state license.
- (3) Before any retail liquor license is granted, the applicant must post with the mayor and council, along with his application, a personal performance bond, such bond to be conditioned requiring the faithful observance and performance by the licensee of the rules and regulations contained in this article. Upon the violation of this article or any part thereof, the amount of the bond to be forfeited will be determined by the seriousness of the violations as determined by the mayor and council after a hearing is held by the mayor and council after a three days' written notice is given the violator. Such bond is to be payable to the mayor and council in the amount of \$500.00, to be approved by the mayor and council and shall be executed in a form to be furnished.
- (4) A notice of each application shall be advertised in the official gazette of the mayor and council once a week for two weeks immediately preceding the meeting of the mayor and council that the application is to be acted upon. Such notice shall contain the address of the proposed location described in the application.

(Code 1980, § 7-2-55)

Sec. 6-130. - License fee; excise tax.

The annual fee for a retail liquor license shall be as set forth in the schedule of fees and charges on file in the office of the city clerk and shall be paid prior to the issuance of any license, such fee to accompany the application and shall be either in cash or a bank certified check.

(Code 1980, § 7-2-56(a))

Sec. 6-131. - Financial responsibility of applicant.

Any applicant for a retail liquor license must show, to the satisfaction of the mayor and council, financial responsibility.

(Code 1980, § 7-2-57)

Sec. 6-132. - Additional qualifications of applicant.

Any applicant for a retail liquor license must be of good character, and all managers, clerks or other employees shall be of like character or application will not be considered.

- (1) No applicant for a license who has a criminal record (except minor traffic offenses) shall be granted a license.
- (2) The mayor and council, in its discretion, may consider any extenuating circumstances which may reflect favorably or unfavorably on the applicant, application or the proposed location of the business. If in its judgment circumstances are such that the granting of the license would not be in the best interest of the general public, such circumstances may be grounds for denying the application.

(Code 1980, § 7-2-58)

Sec. 6-133. - Applications presented in person.

All applications for a retail liquor license shall be presented in person.

(Code 1980, § 7-2-59)

Sec. 6-134. - Licenses not transferable.

No retail liquor license shall be transferable or assignable to any person or other location; and if a licensed business is sold or closed, it shall be the duty of the licensee to immediately surrender his license to the mayor and council.

(Code 1980, § 7-2-60)

Sec. 6-135. - Availability of regulations; liability for violations.

All holders of a license for the sale of liquor shall keep a copy of this article in his premises and shall instruct any person working there with respect to the terms hereof, and each licensee or his agents selling liquor shall at all times be familiar with the terms of this article. The licensee shall be held responsible for any acts of his employees in any violation of this article or of the laws of the state or the rules and regulations of the state revenue commissioner.

(Code 1980, § 7-2-61)

Sec. 6-136. - Inspection authority of officials.

The business premises of the holder of a retail liquor license for the sale of liquor shall be open to inspection at any and all times by officers or officials authorized to conduct such inspections.

(Code 1980, § 7-2-62)

Sec. 6-137. - False statements on application.

The making of any statement on an application for license to sell liquor that shall be later found to be false shall constitute grounds for revocation of the license.

(Code 1980, § 7-2-63)

Sec. 6-138. - Age of employees.

No person under 21 years of age shall be employed in any capacity in any place of business licensed under this article.

(Code 1980, § 7-2-64)

Sec. 6-139. - Prohibited acts.

There shall be no gambling, betting, games of chance, punchboards, vending machines, slot machines, pinball machines, lotteries or tickets or chances therein or the operation of any schemes for hazarding money or any other thing of value in any licensed retailer's place of business or in any room adjoining the same, owned, leased or controlled by the licensee; and any violation of this section shall be cause for suspension or revocation of the license.

(Code 1980, § 7-2-65)

Sec. 6-140. - Display of license.

Licenses under this article shall be displayed prominently at all times on the premises for which they were issued.

(Code 1980, § 7-2-66)

Sec. 6-141. - Compliance to laws and regulations.

No person shall engage in the sale of liquor in the city without first complying with the rules and regulations set out in this article. Any person violating the rules and regulations set out in this article shall be subject to revocation of his license and punishment as prescribed by the mayor and council. In addition to the rules and regulations hereinabove set out, each licensee doing business in the city under this article shall comply with all laws of the state, federal laws, and rules and regulations of the state revenue commissioner relating to the sale and distribution of distilled spirits in the state; and any violation of same shall subject the licensee to immediate suspension or revocation of his retail liquor license and also shall subject the licensee to criminal prosecution by the proper authority as provided by law and the ordinances of the city.

(Code 1980, § 7-2-67)

Secs. 6-142—6-170. - Reserved.

ARTICLE V. - CONSUMPTION ON-PREMISES

Sec. 6-171. - Definitions.

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

License means the authorization by the mayor and council to engage in the sale of and consumption on the premises of alcoholic beverages.

Licensee for the sale of spirituous liquors by the drink on the premises means any person duly licensed to sell by the drink and for consumption only on the premises.

Lounge means a separate room connected with a part of and adjacent to a restaurant or located in hotels with all booths, stools and tables being unobstructed and open to view. All lounges shall be air conditioned and have a seating capacity of at least 25 persons. A lounge operated on a different floor in the premises, or in a separate building, or not connected to or adjacent to a restaurant shall be considered a separate establishment and shall pay an additional license fee therefor.

Nightclub means an establishment having a seating capacity of at least 25 persons with all booths and tables being unobstructed and open to view and providing a band and/or other professional entertainment, a minimum of 20 days per month, each month with the exception of holidays, vacations and periods of redecorating. All such nightclubs shall be equipped with air conditioning and shall maintain an adequate kitchen with a sufficient number of servants and employees for cooking, preparing and serving food and meals for their patrons, provided that nightclubs located in hotels having dining room and kitchen facilities may be excluded from maintaining a kitchen in connection with such nightclub. The principal business of such nightclubs shall be entertainment, and the serving of food and of spirituous liquors shall be incidental thereto.

Premises means the definite closed or partitioned-in locality, whether a room, shop or building, wherein spirituous liquors shall be sold and consumed therein.

Private club means a corporation organized and existing under the laws of the state, actively in operation within the city at least one year immediately prior to the application for a license hereunder, having at least 50 members regularly paying monthly, quarterly or semiannual dues, organized and operated exclusively for pleasure, recreation and other nonprofitable purposes, no part of the net earnings of which inures to the benefit of any shareholder or member and owning, hiring or leasing a building or space therein for the reasonable use of its members with suitable kitchen and dining room space and equipment and maintaining and using a sufficient number of servants and employees for cooking, preparing and serving meals for its members and guests; provided, that no member or officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation, any profits from the sale of spirituous liquors to the club or its members or guests beyond the amount of such salary as may be fixed by its members at any annual meeting or by its governing board out of the general revenue of the club.

Restaurant means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment and seating capacity of at least 50 people, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. At least one meal per day shall be served at least six days a week, with the exception of holidays, vacations and periods of redecorating, and the serving of such meals shall be the principal business conducted, with the serving of distilled spirits to be consumed on the premises as only incidental thereto.

(Code 1980, § 7-2-81)

Cross reference— Definitions generally, § 1-2.

Sec. 6-172. - Compliance required.

It shall be unlawful for any person to sell or offer to sell any alcoholic beverages for consumption on the premises without first complying with the rules and regulations set out in this article.

(Code 1980, § 7-2-82)

Sec. 6-173. - Application for license.

No alcoholic beverages shall be sold by the drink for consumption on the premises except under a license granted by the mayor and council. Application for a consumption on the premises license shall be made on forms provided by the mayor and council as follows:

- (1) A consumption on the premises license shall be valid only for the calendar year indicated thereon, and no such license may be renewed. A licensee who desires to continue in business during the next or subsequent calendar year must make a new application for such year.
- (2) In addition to the completion and submission of the application form as required by the mayor and council, each applicant shall attach thereto a completed application form with all attachments and requirements for a state license.
- (3) A notice of each application shall be advertised in the official gazette of the city once a week for two weeks immediately preceding the meeting of the mayor and council that the application is to be acted upon.
- (4) Any applicant for a consumption on the premises license must show, to the satisfaction of the mayor and council, financial responsibility.

(Code 1980, § 7-2-83)

Sec. 6-174. - Qualifications of applicants.

Any applicant for a consumption on the premises license must be of good character; and all managers, clerks or other employees shall be of like character or the application will not be considered. Corporation applicants shall be of good business reputation.

- (1) No applicant for a license who has a criminal record (except minor traffic offenses) shall be granted a license.
- (2) The mayor and council, in its discretion, may consider any extenuating circumstances that may reflect favorably or unfavorably on the applicant, application or the proposed location of the business. If in its judgment circumstances are such that the granting of the license would not be in the best interest of the general public, such circumstances may be grounds for denying the application.

(Code 1980, § 7-2-84)

Sec. 6-175. - Applications presented in person.

All applications for a license for the sale of alcoholic beverages by the drink for consumption on the premises shall be presented in person.

(Code 1980, § 7-2-85)

Sec. 6-176. - Additional qualifications of applicant.

No consumption on the premises license shall be granted to an individual unless such individual is of legal age and has been a resident of the city for a minimum of one year prior to filing an application for such license.

(Code 1980, § 7-2-86)

Sec. 6-177. - Licenses not transferable.

No consumption on the premises license shall be transferable or assignable to any person or other location; and if a licensed business is sold or closed, it shall be the duty of the licensee to immediately surrender his license to the mayor and council.

(Code 1980, § 7-2-87)

Sec. 6-178. - Distance requirements.

No consumption on the premises license shall be granted to any person unless the entire business premises of the proposed location is situated beyond 100 yards from the property line of any church and beyond 200 yards from the property line of any school ground or college campus, the same to be measured by way of the nearest traveled road, street or highway, as provided by law. Each application for a consumption on the premises license shall include a scale drawing of the location of the proposed premises showing the distance to the nearest church or school or a certificate of a registered surveyor that such location complies with this article with reference to this section.

(Code 1980, § 7-2-88)

Sec. 6-179. - Each location requires separate license.

A separate consumption on the premises license shall be required for each place of business.

(Code 1980, § 7-2-89)

Sec. 6-180. - Building requirements.

No consumption on the premises license shall be issued to any person unless the building in which the business will be located is complete and detailed plans of the building, clearly delineating the area therein, where spirituous liquors shall be sold and consumed, and outside premises are attached to the application, or unless proposed plans and specifications and a building permit of a proposed building to be built are attached to the application. The completed building or the proposed building shall comply with ordinances of the city, regulations of the state revenue commissioner, and the laws of the state. The proposed building shall also be subject to final inspection and approval by the building inspector when completed. Each building in which the business will be located shall contain sufficient lighting so that the building itself and the premises on all sides of the building are readily visible at all times from the front of the street on which the building is located so as to reveal all of the outside premises of the building. Each applicant for a consumption on the premises license shall attach to his application evidence of ownership of the building or proposed building or a copy of the lease if the applicant is leasing the building. All premises for which a consumption on the premises license shall be issued shall afford therein adequate sanitary toilet facilities and shall be adequately illuminated so that all hallways, passage ways and open areas may be clearly seen by customers therein.

(Code 1980, § 7-2-90)

Sec. 6-181. - Sales or deliveries off premises prohibited.

No licensee shall sell or deliver any liquor to any person except on the premises for which a license has been issued under this article.

(Code 1980, § 7-2-91)

Sec. 6-182. - Hours and days of sales.

No consumption on the premises licensee or any unlicensed person shall open his place of business and/or remain open, or furnish in any manner, sell, or offer for sale or give away any alcoholic beverages in or upon any such premises of the licensee or the premises of an unlicensed person at any of the following times:

- (1) At any time on Thanksgiving Day or Christmas Day;
- (2) On Sunday before 12:30 p.m. or after 12 midnight; and
- (3) At any time in violation of a local ordinance or regulation or of a special order of the Mayor and Council.

It shall be unlawful for any consumption on the premises licensee or any unlicensed person to keep open for business or admit the public to, or permit the public to remain within, or permit the consumption of alcoholic beverages in or upon the premises in which the alcoholic beverages are sold at retail for a period of longer than one hour after the hours within which the sale of alcoholic beverages are prohibited.



Post Office Box 436, 203 W. Cotton Street, Vienna, Georgia 31092
(229) 268-4744

**REGULATION OF HOURS OF OPERATION FOR BUSINESSES WITH CONSUMPTION ON PREMISES LICENSE
PER ORDINANCE 6-182.(3)**

On Monday, December 13, 2004, the Mayor and City Council of Vienna defined the time to stop selling or providing alcoholic beverages in businesses with consumption on premises license.

Monday through Friday - - - No selling or providing of alcoholic beverages after 1:30 a. m.

Saturdays - - - No selling or providing of alcoholic beverages after 12:00 midnight. All business must be closed and parking areas cleared by 2:00 a. m.

Thanksgiving Day - - - No selling or providing of alcoholic beverages

Christmas Day - - - No selling or providing of alcoholic beverages