

## Chapter 10 - ALCOHOLIC BEVERAGES <sup>[23]</sup>

<sup>(23)</sup> **Editor's note**— An ordinance adopted March 7, 2011(1), amended ch. 10 in its entirety to read as herein set out. Former ch. 10 §§ 10-1—10-51, pertained to similar subject matter, and derived from ordinances of Dec. 11, 1989, §§ 1—6; March 23, 1998, § 2; May 13, 2002, § 2; May 12, 2003, §§ 1—3; Dec. 13, 2004, § 1; Jan 14, 2007, § 1; June 11, 2007(2), §§ 1, 2; June 9, 2008(1), §§ 1—11; and Nov. 24, 2008(2), §§ 1, 2.

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ARTICLE II. - OPEN CONTAINERS

<sup>(23)</sup> **Charter reference**— Excise tax on alcoholic beverages, § 5-105. (Back)

<sup>(23)</sup> **Cross reference**— Buildings and building regulations, ch. 18; business, ch. 22; courts, ch. 38; offenses and miscellaneous provisions, ch. 70; public intoxication, § 70-5; taxation, ch. 90; zoning, ch. 110. (Back)

<sup>(23)</sup> **State Law reference**— Use of proceeds of alcoholic beverage tax for prevention, education and treatment, Ga. Const. art. 3, sec. 9, par. 6; Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.; furnishing to, purchase of or possession by persons under 21 years of age, use of false identification, O.C.G.A. § 3-3-23; public drunkenness, O.C.G.A. § 16-11-41; furnishing alcoholic beverages to persons under 21 years of age, jurisdiction of municipal courts, O.C.G.A. § 36-32-10; treatment of alcoholics and intoxicated persons, O.C.G.A. § 37-8-1 et seq.; driving under the influence of alcohol or drugs, O.C.G.A. § 40-6-391. (Back)

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**Sec. 10-0. - [Statement of purpose.]**

This chapter, in addition to regulating the licensing, sale and consumption of alcoholic beverages within the city limits of the City of St. Marys, shall also:

- (1) Regulate the consumption of alcohol on city streets, within city buildings, and within city parks and recreation facilities;
- (2) Establish limited areas where consumption of alcohol on city streets, within city buildings, and within city parks and recreation facilities is permitted;
- (3) Establish rules and regulations pertaining to such areas;
- (4) To prohibit open containers in areas other than limited special event areas;
- (5) Prohibit the outside delivery of alcoholic beverages;
- (6) Provide for severability;
- (7) To repeal conflicting ordinances;
- (8) To provide an effective date;
- (9) And for other purposes as set forth herein.

(Ord. of 3-7-11(1))

**Sec. 10-1. - Sale within corporate limits of the city.**

- (a) Alcoholic beverages may be sold in the city under a license granted by the city council upon the terms and conditions provided herein.

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(b) All licenses pursuant to this chapter shall have printed on the front these words: "This license is subject to suspension and/or revocation at any time, for legal cause, upon majority vote of council, and is subject to any further ordinance which may be enacted."

(c) Any holder of a license issued pursuant to this chapter is required to apply for and obtain an alcoholic beverage license from the state before any sales commence. Additionally, city licensees are required to abide by all applicable local ordinances, state laws and regulations.

(d) All premises and activities where alcohol is served (including special events) shall be regulated herein and shall also conform to all of the requirements of this chapter.

(Ord. of 3-7-11(1))

**Sec. 10-2. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the following definitions ascribed to them in this section, except where the context clearly indicates a different meaning. Where a word is not defined herein, the definition provided by the New American Dictionary, Latest Edition, shall govern:

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

*Alcoholic beverage:* Includes all alcohol and distilled spirits, as defined in this section regardless of alcohol content.

*Alcoholic beverage package store:* A bottle, can, keg, barrel, or other original consumer container. Alcoholic beverage package store shall include all alcoholic beverages in their original container, sold at retail to the final consumer, and not for resale. This definition shall not apply to special events as defined herein nor shall it apply to wine/beer retail package store (see definition).

*Alcoholic treatment center:* A facility owned and operated by the state, county, or city.

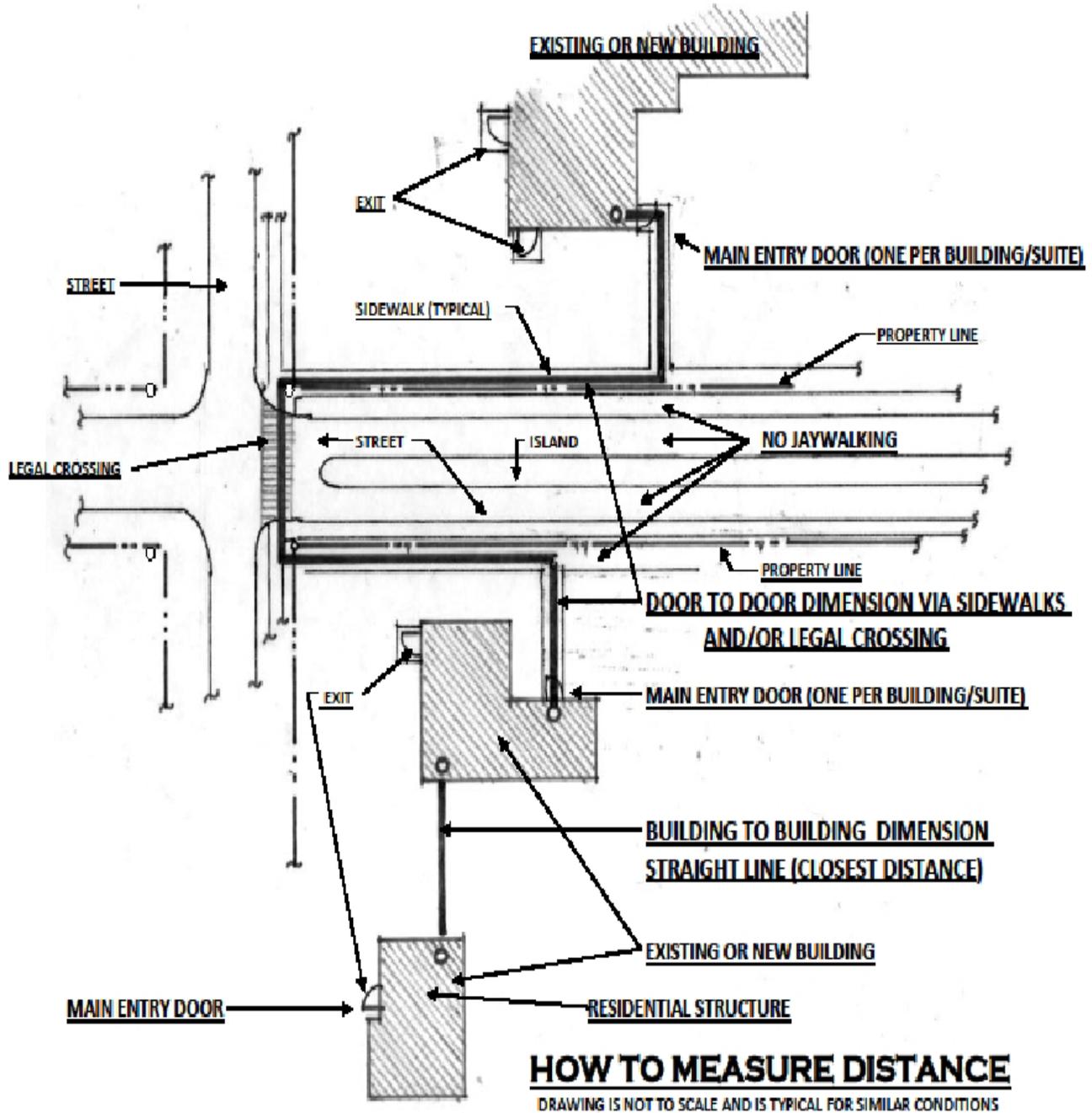
*Beer or malt beverage:* Any alcoholic beverage obtained by the fermentation of any decoction of barley, malt, hops, or any other product, or any combination of such products in water containing not more than six percent alcohol by volume, including ale, porter, brown, stout, lager beer, small beer, and strong beer. Also included are beverages known as "nonalcoholic beer", which is made by fermentation of an infusion or decoction of barley, malt, hops, or other products, and containing less than three percent, but more than 0.1 percent alcohol by volume. The term "malt beverage" does not include sake, known as Japanese rice wine.

*College campus:* Shall apply only to the educational buildings of such state, county, city, church or other colleges as teach the subjects commonly taught in the common colleges of this state and shall not include private colleges where only specialized subjects such as stenography, business, music, art, vocational occupations and other special subjects are taught and shall not apply to college grounds, stadiums or recreational areas.

*Container:* An open container as defined in article II.

*Distance requirements:* Each license classification shall conform to the distance requirements listed in "separation distance table" for that classification.

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(1) Door to door distances shall be measured from the centerline of the main entrance door of the licensed establishment, as if proceeding by foot in the most direct legal manner to the centerline of the main entrance door to the facility noted under each license classification. Legal manner shall be defined as being perpendicular to the main entrance door to a sidewalk or street, parallel to the sidewalk or street to a legal crossing of the street at an intersection or corner, then parallel to the street or sidewalk to a point perpendicular to the centerline of the main entrance door to the facility noted under each license classification. Street crossings at an intersection do not need to be marked, but any corner of any legal street can be considered an implied crosswalk

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for the purposes of this chapter. Jaywalking is illegal in St. Marys. Therefore using a diagonal crossing of any street for measurement of distance is not permitted.

(2) Where building to building is listed as a requirement, then the distance shall be measured in a straight line from the closest edge of the building to the closest edge of the adjacent building as defined in the appropriate license classification.

(3) Where there are multiple main entry doors, the closest main entry door to the licensed establishment shall be used. Other doors that are not main entry doors shall not be used to calculate distance. In the case of dispute, the planning director shall determine the door to be used.

(4) Distances shall be measured using on the ground survey. The applicant shall provide a signed and sealed survey provided by a Georgia licensed professional engineer of the property with the distances shown to the appropriate adjacent structure as measured in the field by said Georgia registered surveyor for all requests for a new license for existing structures or new structures. The planning director or designated staff shall confirm the distances in the field to the best of their ability.

*Distilled spirits or spirituous liquor:* Any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume including, but not limited to all fortified wines.

*Dwelling:* A building or portion thereof that provides living facilities for person, persons or families, including single-family and other multiple-family dwellings, but not including hotels, bed and breakfast inns or motels.

*Eating establishment:* Any public place, including a place available for rental by the public, selling prepared food for consumption by the public on the premises with a full-service kitchen. As a minimum, a full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, with code approved and permitted exhaust hood, and refrigerator, all of which must be approved by the health department and city building official. An eating establishment shall be prepared to serve food every hour within which such establishment is open to the public, shall derive at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of alcohol beverages, and shall have a seating capacity of at least 15 people. Such establishment shall also have employed therein a sufficient number of employees to prepare, cook and serve suitable food for its guests with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto. (See also certification requirements for employees.)

*Festival:* A festival is a special event, usually and ordinarily staged by a local community, which centers on and celebrates some unique aspect of that community.

*Financial interest:* Any ownership interest in any entity seeking or holding a license under this chapter amounting to 20 percent or more or more of the entire ownership thereof.

*Fortified wine:* Any alcoholic beverage containing more than 21 percent alcohol by volume made from fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added. Fortified wine includes, but is not limited to brandy.

*Governing authority:* The City Council of the City of St. Marys.

*Hotel:* Any hotel, inn, motel, bed and breakfast or other establishment which offers overnight

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accommodations to the public for hire that has a valid occupation tax license or current special use permit issued by the City of St. Marys. Hotels of any size without an eating establishment must obtain a noneating establishment license to provide for the retail sale of alcoholic beverages solely to occupants of the hotel and their guests by the drink for consumption only on the premises. Premises shall be defined as the interior of the structure, including any attached porches or decks.

*In-room service:* (a) the delivery of alcoholic beverages in unbroken packages to a registered guest of verified age, by an employee of the hotel to the registered guest's room or to a registered guest at any other location in the same building as the hotel when such alcoholic beverages have been ordered by the guest and when the guest shall be billed for the cost of such alcoholic beverages at the time of delivery and when the sale of such alcoholic beverages is completed at the time of delivery; and (b) the provision of a cabinet or other facility located in a hotel's guestroom which contains alcoholic beverages and which is provided upon written request of the guest and which is accessible by lock and key only to the guest and for which the sale of the alcoholic beverages contained therein is deemed to be final at the time requested except for a credit which may be given to the guest for any unused portion.

*License:* An authorization granted by the City of St. Marys to operate as a retail consumption dealer, retail package dealer or wholesale dealer.

*License classification:* There are eight classifications of licenses issued by the City of St. Marys. These licenses shall be classified as:

- (1) *Eating establishment (restaurant)* in the C-1 zone with food/beer/wine or beer/wine/liquor or liquor on-premises only.
- (2) *Noneating establishment (bar, lounge, etc.)* in the C-1 zone with beer/wine or beer/wine/liquor or liquor on-premises only.
- (3) *Eating establishment (restaurant)* in the C-2 or C-3 zone with food/beer/wine or beer/wine/liquor or liquor on-premises only.
- (4) *Noneating establishment (bar, lounge, etc.)* in the C-2 or C-3 zone with beer/wine or beer/wine/liquor or liquor on-premises only.
- (5) *Noneating establishment (package store)* in the C-1, C-2 or C-3 zone with either beer/wine or beer/wine/liquor or liquor off-premises only.
- (6) *Club license—Public or private club* on-premises only.
- (7) *Temporary-daily (two days per year)* on city-approved location/premises only.
- (8) *Special events and festivals* as classified and approved by city council.

*Licensee:* The individual to whom a license is issued or, in the case of a partnership or corporation, all partners, officers, and directors of the partnership or corporation.

*Liter:* Metric volume measurement as defined by the United States Commerce Department's National Institute of Standards and Technology.

*Manufacturer:* Any maker, producer, or bottler of an alcoholic beverage. Manufacturer also means, in the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits; in the case of malt beverage, any brewer.

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*Noneating establishment:* As used herein, a noneating establishment shall be a venue where beer, wine, and/or liquor are sold without food. This designation shall be divided into two classifications: Classifications 2 and 4 shall include bars and lounges, and other similar venues; classification 5 shall include package stores, wine/beer package stores, liquor package stores, and other similar venues. In the instance of wine and/or beer package stores only, wine or beer tasting shall be permitted in one ounce dispensers, one per customer for a maximum of five samples of wine or beer.

*Nonprofit/not-for-profit organizations:* Institutions that conduct their affairs for the purpose of assisting other individuals, groups, or causes rather than garnering profits for themselves. Nonprofit groups have no shareholders; do not distribute profits in a way that benefits members, directors, or other individuals in their private capacity; and often receive exemption from various taxes in recognition of their contributions to bettering the general social fabric of the community. Proof of nonprofit or not-for-profit status shall be by current valid copy of IRS 501-C3 or equivalent certification. Status will not be granted simply based on verbal or written representations of the applicant.

*Person:* Any individual, firm, partnership, limited 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.

*Premises:* The definite closed or partitioned establishment, whether room, shop or building wherein alcoholic beverages are sold or consumed. Premises shall also include the sidewalk serving area of sidewalk cafes permitted under section 10-33 and an outside, open air or patio-type serving area on the private property of an establishment. Such outside, open air or patio-type serving area must meet all planning and zoning requirements and adjoin or be connected to the main service building in such a manner as to prevent the movement of pedestrians or vehicular traffic between the outside serving area and the main service building.

*Pre-purchased wrist band:* A bracelet-type wrist band that identifies the ability of the participant in any event within the permitted specific event location 1, 2, 3, as per definition for zone limit diagram, to carry alcoholic beverages in an open container. Wrist bands shall be issued by the event organizer and/or license holder to any participant for a fee as noted on the fee schedule after review of a valid and unaltered state driver's license. Personnel of the event organizer and/or license holder that issues the wrist band shall place their initials on the band prior to putting it on the wrist of the participant. No band shall be issued to anyone under the legal age for consumption of alcoholic beverages. Band shall not be able to be removed without damaging the band, so that transference of the band to another participant will not be possible. Band color and/or pattern shall be selected by the event organizer. The band shall be presented to any authorized law enforcement personnel upon request. Participants who are legally intoxicated shall not receive a band. The band shall be revoked by any authorized law enforcement personnel for obvious public drunkenness or disorderly conduct.

Issuance of a wrist band is a license that can be revoked at any time by the event organizer and/or license holder. All income derived from the sale of the wrist bands shall be paid to the City of St. Marys to cover police, fire, emergency, and public works personnel that are in attendance at any event. Income over and above such expenses shall be refunded to the event organizer and/or license holder.

*Private club (a/k/a bona fide private club or club):*

- (1) A nonprofit corporation organized under the laws of the State of Georgia which:

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- a. Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this chapter;
- b. Has at least 75 regular dues-paying members;
- c. Owns, hires, or leases a building or space within a building for the reasonable use of its members, which building or space:
  1. Has suitable kitchen and dining room space and equipment; and
  2. Is staffed with a sufficient number of employees for cooking, preparing, and serving meals for its members and guests.
- d. Has no member, officer, agent, or employee directly or indirectly receiving, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.

(2) "Fixed salary" means the amount of compensation paid any member, officer, agent, or employee of a bona fide private club as may be fixed for him by its members at a prior annual meeting or by the governing body out of the general revenue of the club and shall not include any commission on any profits from the sale of alcoholic beverages.

(3) Private clubs shall only serve to bona fide members and bona fide guests of members.

(4) All members and guests served shall be of legal age for drinking.

*Public hearings:* Shall be conducted in accordance with this chapter and/or section 10-17 as applicable.

*Retail consumption dealer:* Any person who sells alcoholic beverages for consumption on the premises, at retail, only to consumers and not for resale, such as restaurants, bars, lounges, or equivalent.

*Retail package dealer:* Any person who sells unbroken packages, at retail, only to consumers and not for resale.

*School, school building or educational building:* Shall not include dwellings or other structures within which "home schools" are conducted or operated by parents and guardians for children residing in that home.

*Special event:* "Special event" means a group activity including, but not limited to, a performance, meeting, assembly, contest, exhibit, ceremony, parade, athletic competition, reading, or picnic involving more than 20 people or a group activity involving less than 20 people for which specific space is requested to be reserved. Special event shall not include casual park use by visitors or tourists. Special events shall be regulated herein and shall also conform to the requirements of article II of this chapter.

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

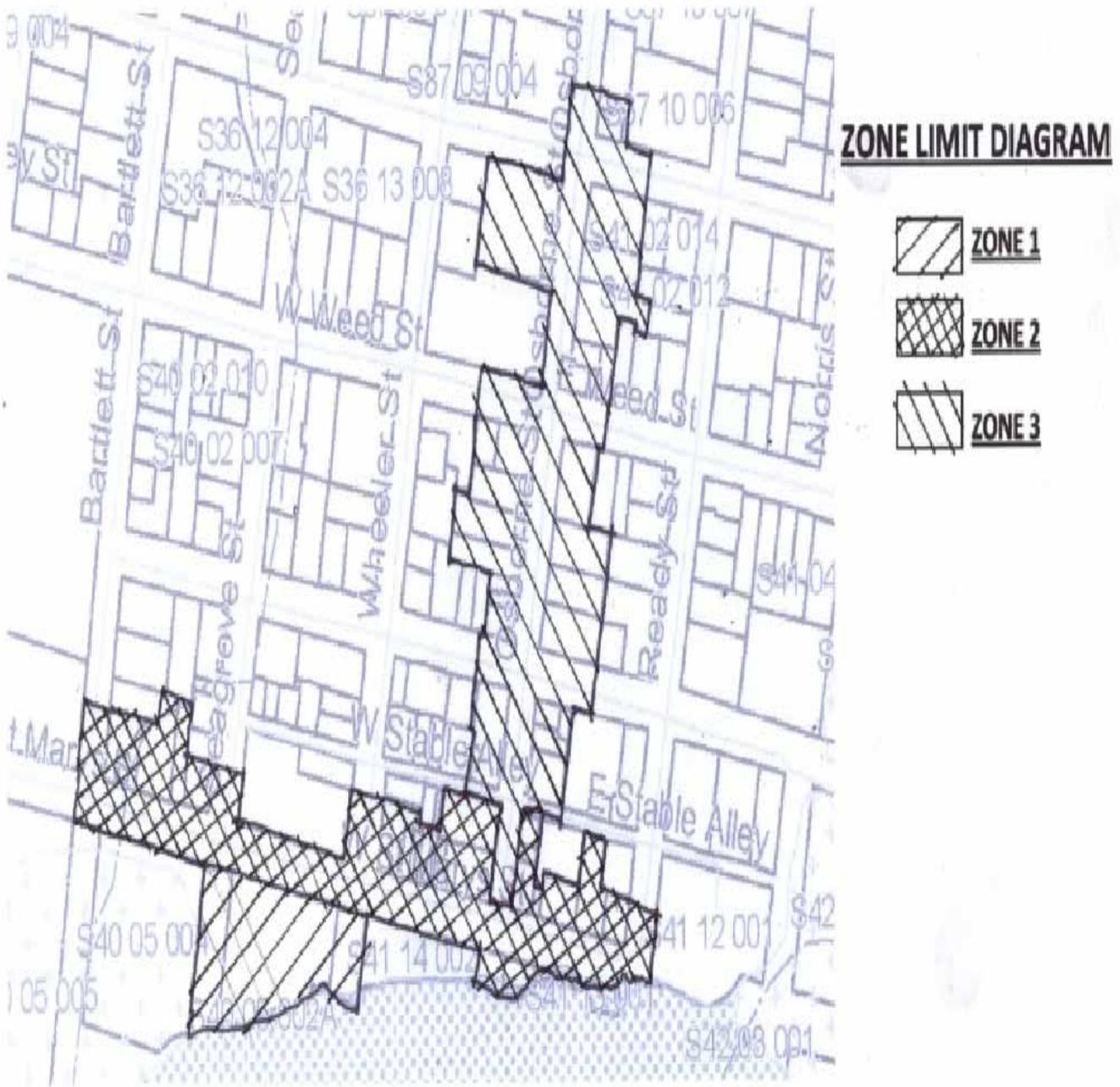
*Wine:* Any alcoholic beverage containing not more than 21 percent alcohol made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. Wine includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term "wine" 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

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shall first be deemed to be a wine at the point in the manufacturing process when it conforms to the definition of wine contained in this section.

*Wine/beer retail package store:* Shall include all wine/beer/ale beverages in a bottle, can or other original consumer container sold at retail to the final consumer, and not for resale. This definition shall not apply to special events as defined herein. Wine/beer tasting as defined herein are permitted under this designation.

*Zone limit diagram:* The three zones shall be as follows:



(Ord. of 3-7-11(1))

**Sec. 10-3. - Classifications of licenses.**

(a) There are eight classifications of licenses that are issued by the city in conformance with state law:

- (1) *Eating establishment (restaurant)* in the C-1 zone with food/beer/wine or beer/wine/liquor or liquor on-premises only.
- (2) *Noneating establishment (bar, lounge, wine/beer retail package store, etc.)* in the C-1 zone with beer/wine or beer/wine/liquor or liquor on-premises only.
- (3) *Eating establishment (restaurant)* in the C-2 or C-3 zone with food/beer/wine or beer/wine/liquor or liquor on-premises only.
- (4) *Noneating establishment (bar, lounge, wine/beer retail package store etc.)* in the C-2 or C-3 zone with beer/wine or beer/wine/liquor or liquor on-premises only.
- (5) *Noneating establishment (alcoholic beverage package store)* in the C-1, C-2 or C-3 zone with either beer/wine or beer/wine/liquor or liquor off-premises only.
- (6) *Club license—Public or private club* on-premises only.
- (7) *Temporary-daily (two days per year)* on city-approved location/premises only.
- (8) *Special events and/or festivals* as classified and approved by city council.

(b) Each classification of license has specific requirements. Specific requirements for each classification of license are as listed. General requirements of this chapter which shall apply to all licenses are as follows:

- (1) A separate license is required for each premises.
- (2) The distance requirements for each classification of license are listed in the separation distance table (attached to the ordinance from which this chapter derives) which is incorporated herein by reference.

(c) [Classifications.]

- (1) *Classification 1: Eating establishment (restaurant) license in the C-1 zone with food/beer/wine/liquor.*
  - a. An eating establishment as defined herein.
  - b. A separate license is required for each premises.
  - c. The distance requirements for each classification of license are listed in the separation distance table which is incorporated herein by reference.
  - d. No person may knowingly and intentionally sell or offer to sell and no license shall be issued for retail sale of alcoholic beverages in package form from an eating establishment except as provided by the Georgia Alcoholic Beverage Code (O.C.G.A. § 3-1-2 et seq.) and the regulations of the state department of revenue adopted thereunder.

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e. No person knowingly and intentionally may sell or offer to sell and no license shall be issued for retail sale of alcoholic beverages for sale for consumption off the premises.

f. A new alcoholic beverage license for an eating establishment as defined in this subsection, for on-premises consumption may be issued a maximum of one alcoholic beverage license per C-1 central business district lot.

(2) *Classification 2: Noneating establishment (bar, lounge, wine/beer retail package store etc.) license in the C-1 zone with beer/wine/liquor.*

a. This classification also includes an establishment that provides wine or beer tasting in small containers as part of the sale of the item as defined herein.

b. A separate license is required for each premises.

c. The distance requirements for each classification of license are listed in the separation distance table which is incorporated herein by reference.

d. No person knowingly and intentionally may sell or offer to sell and no license shall be issued for retail sale of alcoholic beverages in package form from an eating establishment except as provided by the Georgia Alcoholic Beverage Code (O.C.G.A. § 3-1-2 et seq.) and the regulations of the state department of revenue adopted thereunder.

e. A new alcoholic beverage license for a noneating establishment as defined in this subsection, for on-premises consumption may be issued a maximum of one alcoholic beverage license per C-1 central business district lot.

(3) *Classification 3: Eating establishment (restaurant) license in the C-2 or C-3 zone with food/beer/wine/liquor.*

a. An eating establishment as defined herein.

b. A separate license is required for each premises.

c. The distance requirements for each classification of license are listed in the separation distance table which is incorporated herein by reference.

d. No person knowingly and intentionally may sell or offer to sell and no license shall be issued for retail sale of alcoholic beverages in package form from an eating establishment except as provided by the Georgia Alcoholic Beverage Code (O.C.G.A. § 3-1-2 et seq.) and the regulations of the state department of revenue adopted thereunder.

e. No person knowingly and intentionally may sell or offer to sell and no license shall be issued for retail sale of alcoholic beverages for sale for consumption off the premises.

f. A new alcoholic beverage license for an eating establishment as defined in this subsection, for on-premises consumption may be issued a maximum of one alcoholic beverage license per C-2 or C-3 commercial business district lot.

(4) *Classification 4: Noneating establishment (bar, lounge, wine/beer retail package store etc.) license in the C-2 or C-3 zone with beer/wine/liquor.*

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- a. This classification also includes an establishment that provides wine or beer tasting in small containers as part of the sale of the item as defined herein.
  - b. A separate license is required for each premises.
  - c. The distance requirements for each classification of license are listed in the separation distance table which is incorporated herein by reference.
  - d. No person knowingly and intentionally may sell or offer to sell and no license shall be issued for retail sale of alcoholic beverages in package form from an eating establishment except as provided by the Georgia Alcoholic Beverage Code (O.C.G.A. § 3-1-2 et seq.) and the regulations of the state department of revenue adopted thereunder.
  - e. A new alcoholic beverage license for a noneating establishment as defined in this subsection, for on-premises consumption may be issued a maximum of one alcoholic beverage license per C-2 or C-3 district lot.
- (5) *Classification 5: Noneating establishment (alcoholic beverage package) license in the C-2 or C-3 zone without food.*
- a. A noneating establishment as defined herein.
  - b. A separate license is required for each premises.
  - c. The distance requirements for each classification of license are listed in the separation distance table which is incorporated herein by reference.
  - d. No person knowingly and intentionally may sell or offer to sell and no license shall be issued for retail sale of alcoholic beverages in package form from a noneating establishment except as provided by the Georgia Alcoholic Beverage Code (O.C.G.A. § 3-1-2 et seq.) and the regulations of the state department of revenue adopted thereunder.
  - e. No person knowingly and intentionally may sell or offer to sell and no license shall be issued for retail sale of alcoholic beverages for sale for consumption off the premises.
- (6) *Classification 6: Club license.*
- a. These licenses shall be issued to bona fide clubs which are and remain in compliance with state and federal tax regulations. These types of clubs may include Eagles, Masonic, veterans, golf, social and other similar clubs.
  - b. A separate license is required for each premises.
  - c. The distance requirements for each classification of license are listed in the separation distance table which is incorporated herein by reference.
  - d. No person knowingly and intentionally may sell or offer to sell and no license shall be issued for retail sale of alcoholic beverages in package form from a club establishment except as provided by the Georgia Alcoholic Beverage Code (O.C.G.A. § 3-1-2 et seq.) and the regulations of the state department of revenue adopted thereunder.
  - e. No person knowingly and intentionally may sell or offer to sell and no license shall be

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issued for retail sale of alcoholic beverages for sale for consumption off the premises.

(7) *Classification 7: Temporary license—All zones.*

- a. The city upon the submission of a completed application, shall permit temporary alcohol licenses for a maximum of two per year.
- b. All distance requirements for a temporary license shall be complied with.
- c. All server certification requirements shall be complied with.
- d. No alcohol shall leave the temporary permit site, either in opened or unopened containers.
- e. No person knowingly and intentionally may sell or offer to sell and no license shall be issued for retail sale of alcoholic beverages in package form from a temporary license establishment except as provided by the Georgia Alcoholic Beverage Code (O.C.G.A. § 3-1-2 et seq.) and the regulations of the state department of revenue adopted thereunder.
- f. No person knowingly and intentionally may sell or offer to sell and no license shall be issued for retail sale of alcoholic beverages for sale for consumption off the premises.

(8) *Classification 8: Special events.* As classified and approved by city council.

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## SEPARATION DISTANCE TABLE - 2010

LICENSE TYPE	RELIGIOUS		SCHOOL		COLLEGE		RESIDENT		MENTAL/ ALCOHOL HEALTH		PUBLIC HOUSING		NAVY		DISTANCE BETWEEN VENUES	
	door to door	bldg. to bldg.	door to door	bldg. to bldg.	door to door	bldg. to bldg.	door to door	bldg. to bldg.	door to door	bldg. to bldg.	door to door	bldg. to bldg.	door to door	bldg. to bldg.	door to door	bldg. to bldg.
1. EATING ESTABLISHMENT (RESTAURANT) C-1 Zone with food/beer/wine/liquor on premises only (see Note 4)	100	N/A	100	N/A	100	N/A	0	N/A	500	N/A	500	N/A	N/A	N/A	N/A	0
2. NON-EATING ESTABLISHMENT (BAR, LOUNGE, WINE/BEER RETAIL PACKAGE STORE, ETC.) C-1 ZONE without food and with beer/wine/liquor on premises only (see note 4, 6)	200	N/A	200	100	200	100	15	N/A	500	N/A	500	N/A	N/A	N/A	N/A	50
3. EATING ESTABLISHMENT (RESTAURANT) - C-2 or C-3 Zone with beer/wine on premises only	600	N/A	N/A	600	N/A	600	N/A	100	N/A	900	N/A	900	N/A	900	0	
4. NON-EATING ESTABLISHMENT (BAR, LOUNGE, WINE/BEER RETAIL PACKAGE STORE, ETC) C-2 or C-3 ZONE without food and with beer/wine/liquor on premises only (see note 4, 6)	200	N/A	200	100	200	100	15	N/A	500	N/A	500	N/A	N/A	N/A	N/A	600
5. NON-EATING ESTABLISHMENT (ALCOHOLIC BEVERAGE PACKAGE STORE) C-1, C-2 or C-3 Zone with beer and/or wine and/or liquor off premises only (See Note 5) Wine/Beer Retail Package Store only is License type 2 and 4)	600	N/A	N/A	600	N/A	600	N/A	100	N/A	900	N/A	900	N/A	900	16000	
6. CLUB LICENSE	100	N/A	N/A	100	N/A	100	N/A	50	N/A	900	N/A	500	N/A	500	N/A	
7. TEMPORARY LICENSE (all zones)	100	N/A	N/A	600	N/A	600	N/A	100	N/A	900	N/A	500	N/A	500	N/A	
8. SPECIAL EVENT	AS DIRECTED BY COUNCIL FOR THE SPECIFIC EVENT WITHIN THE GREEN LINE WITH WRIST BANDS															

**NOTES TO TABLE:**

1. All figures are in feet.
2. See definitions for "Door to Door" and "Building to Building" measurements.
3. N/A means not applicable or unnecessary or 0.
4. Distance to C-1 Residential Component is 0
5. Distance between Venues is radius from existing front door of existing establishment
6. Does not include Alcoholic Beverage Package Store
7. Where two separation distances are shown for any given classification, the most restrictive shall apply.

(Ord. of 3-7-11(1))

**Sec. 10-4. - Consumption of alcohol on city streets prohibited and limited in certain areas.**

(a) Except as provided in subsection (b) below, it shall be unlawful for any licensed establishment to dispense any alcoholic beverage into an open container for removal from the premises, and it shall be unlawful for any person to remove from an alcoholic beverage establishment any open container of alcoholic beverage or to drink or attempt to drink any alcoholic beverage from any open container or to possess in any open container any alcoholic beverage on the streets, sidewalks, rights-of-way, and

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parking lots, whether public or private, within the corporation limits of the City St. Marys. Article II of this chapter shall remain in force and be enforced outside of the designated event location zones 1, 2 and 3.

(b) The area comprising the premises for a license under this classification (based on the approved specific event location 1, 2, 3 as per this chapter and as specifically attached to the application for participants wearing a pre-purchased "wrist band") shall be outlined or otherwise delineated on the ground by an event organizer or the license holder in any manner approved by the ranking St. Marys Police Officer in attendance such that participants know where the licensed area is. The ranking St. Marys Police Officer in attendance may require clearer or additional delineation be made by the license holder at any time during the event. Failure to comply with such request shall result in the automatic and immediate termination of the license and require termination of the event. Within this area, the following regulations shall apply:

(1) Any establishment licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic cup, or other container though not a container made of glass or metal or other material for removal from the premises, and no person shall remove at one time more than one such alcoholic beverage from licensed premises.

(2) No container in which and alcoholic beverage is dispensed and removed from the licensed premises may exceed 16 fluid ounces in size. No person shall have in their possession on the streets or sidewalks, in parks and squares or in other public places within the defined area any open alcoholic beverage container unless a "wrist band" has been previously obtained from the event sponsor and/or license holder.

(3) It shall be unlawful for any person to dispense, drink or attempt to drink any alcoholic beverage from a can, bottle or glass or to possess in an open can, bottle or glass any alcoholic beverage on the streets, sidewalks, rights-of way, and parking lots, whether public or private.

(c) The city clerk shall maintain list of events and or festivals sponsored by the city that are pre-approved. Any event not on this list shall require specific city council approval. This list shall be updated annually by the city clerk and council.

(d) Applicant shall refer to article II of this chapter for data relating to the City Open Container Act.

(e) Outside delivery of drinks prohibited. Retail consumption dealers under this chapter shall not sell or permit the sale of alcoholic beverages except within the physical confines of the licensed premises. The sale or delivery of alcoholic beverages through any window, door, or other opening in the license premises to persons outside the physical confines of the structure, and any sale or delivery of beverage alcohol upon the street, sidewalk, or grounds outside the license premises/event location is prohibited.

(f) Should the licensed special event either be a nuisance or cause a nuisance as defined in other sections of the ordinances of the City of St. Marys, the city reserves the right to deny subsequent permits for special events/festivals and/or restrict the use of alcohol in future events by the applicant.

(Ord. of 3-7-11(1))

**Sec. 10-5. - Applications for a profit business or function.**

(a) All persons desiring to sell alcoholic beverages shall make application on the form prescribed by

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the city council. Only fully complete applications will be presented to council for the scheduling of a public hearing. Incomplete applications will be returned for completion and the city will not be responsible for delays in processing or approving the application due to said incompleteness.

- (b) The application shall include, but shall not be limited to the following:
- (1) Full and complete name and address of the applicant;
  - (2) Social Security Number or tax I.D. number of the applicant;
  - (3) The exact name of the business to be located at the licensed location;
  - (4) Complete and accurate street address and identification of the premises or location to be licensed;
  - (5) If applicant is a general or limited partnership, the complete names, Social Security Numbers, and residence addresses of all partners, whether general, managing, or limited;
  - (6) If a corporation, the names, addresses, and titles of all officers, shareholders, directors, and registered agent for service of process;
  - (7) The names, Social Security Numbers, and residence addresses of all on-site managers for the establishment to be licensed;
  - (8) The names, Social Security Numbers, and residence addresses of all other persons who have or may have a financial interest in the operation and business of the establishment to be licensed;
  - (9) Complete and full disclosure of any prior criminal convictions, alcohol license suspensions or revocations, and other administrative sanctions imposed upon applicant, its principles, and manager(s) in relation to alcoholic beverage licensure by any governmental entity.
- (c) All applicants shall furnish such data, fingerprints, and other documentation or records as required by the city council to ensure compliance with the provisions of this chapter. Failure to furnish information or documentation pursuant to such request shall automatically serve to dismiss the application with prejudice.
- (d) All applications shall be sworn to by the applicant before a notary public or other officer empowered by law to administer oaths.
- (e) All applications for a new license shall be accompanied by a plat of survey prepared, signed and sealed by a registered land surveyor depicting or showing the proximity of the location to be licensed to:
- (1) Churches;
  - (2) School buildings, educational buildings, and school;
  - (3) Housing authority properties;
  - (4) Location for which a valid alcoholic beverage license exists;
  - (5) Any dwelling lying within the distance requirements noted in the separation distance table for each license classification;

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- (6) College campus or property employed as a college campus;
- (7) Alcohol treatment facility or mental health facility located within the distances noted in the separation distance table;
- (8) Accurate street address or legal description of the property upon which the establishment is to be located.

All applications required to be accompanied by a plat under this provision shall include an additional fee for site plan review as set forth in section 10-11.

- (f) In all instances in which an application is denied under the provision of this chapter the applicant may not re-apply for a license for at least one year from the final date of such denial.
- (g) The city clerk shall provide written notice to any applicant whose application is denied. Such written notification shall set forth the reasons for such denial and shall advise the applicant of the right to appeal under the provisions of this chapter.
- (h) All applications shall be accompanied by a consent from the proposed licensee for the city clerk to secure a criminal background report on that person(s) and a check for the cost thereof.
- (i) All applicants shall complete a criminal history record information consent form provided by the city clerk, and shall be sworn to by the applicant before a notary public or officer empowered by law to administer oaths.
- (j) No alcoholic beverage 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 copy of the 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 state. The proposed building shall also be subject to final inspection and approval when completed by the city 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 immediately adjacent street(s) on which the building is located so as to reveal all of the outside premises of such building. Each applicant for an alcoholic beverage license shall attach to the application evidence of ownership of the building or proposed building, or a copy of the lease if the applicant is leasing the building. If the applicant is a franchisee, then such applicant shall attach a copy of the franchise agreement or contract with the application. All premises for which an alcoholic beverage license shall be issued shall afford therein adequate sanitary toilet facilities and shall be adequately illuminated so that all hallways, passageways and open areas may be clearly seen by the customers therein.

(Ord. of 3-7-11(1))

**Sec. 10-6. - Application for a not-for-profit business or function.**

Documented nonprofit/not-for-profit application forms for temporary license.

- (1) All persons desiring to sell alcoholic beverages, shall make application on the form prescribed by the city council.
- (2) The application shall include, but shall not be limited to the following:

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- a. Full and complete name and address of the applicant;
  - b. Social Security Number or tax I.D. number of the applicant;
  - c. The exact name of the business to be located at the licensed location;
  - d. Complete and accurate street address and identification of the premises or location to be licensed;
  - e. If applicant is a general or limited partnership, the complete names, Social Security Numbers, and residence addresses of all partners, whether general, managing, or limited;
  - f. If a corporation, the names, addresses, and titles of all officers, shareholders, directors, and registered agent for service of process;
  - g. The names, Social Security Numbers, and residence addresses of all on-site managers for the establishment to be licensed;
  - h. The names, Social Security Numbers, and residence addresses of all other persons who have or may have a financial interest in the operation and business of the establishment to be licensed;
  - i. Complete and full disclosure of any prior criminal convictions, alcohol license suspensions or revocations, and other administrative sanctions imposed upon applicant, its principals, and manager(s) in relation to alcoholic beverage licensure by any governmental entity.
- (3) All applicants shall furnish such data, and other documentation or records as required by the city council to ensure compliance with the provisions of this chapter. Failure to furnish information or documentation pursuant to such request shall automatically serve to dismiss the application with prejudice.
- (4) All applications shall be sworn to by the applicant before a notary public or other officer empowered by law to administer oaths.
- (5) The city clerk shall provide written notice to any applicant whose application is denied. Such written notification shall set forth the reasons for such denial and shall advise the applicant of the right to appeal under the provisions of this chapter.
- (6) All applications shall be accompanied by a consent from the proposed licensee for the city clerk to secure a criminal background report on that person(s) and a check for the cost thereof.
- (7) All applicants shall complete a criminal history record information consent form provided by the city clerk, and shall be sworn to by the applicant before a notary public or officer empowered by law to administer oaths.
- (8) No alcoholic beverage 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 state. The proposed building shall also be subject to final inspection and

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approval when completed by the city 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 all of the outside premises of such building. Each applicant for an alcoholic beverage license shall attach to the application evidence of ownership of the building or proposed building, or a copy of the lease if the applicant is leasing the building. If the applicant is a franchisee, then such applicant shall attach a copy of the franchise agreement or contract with the application. All premises for which an alcoholic beverage license shall be issued shall afford therein adequate sanitary toilet facilities and shall be adequately illuminated so that all hallways, passageways and open areas may be clearly seen by the customers therein.

(Ord. of 3-7-11(1))

**Sec. 10-7. - Consumption.**

(a) No retail consumption dealer licensed under this chapter shall keep any beer or wine or other alcoholic beverages at any place except the licensed place of business. No retail consumption dealer shall be permitted to enter into any type of arrangement whereby distilled spirits ordered by a licensee are stored by a licensed wholesaler.

(b) No retail consumption dealers licensed under this chapter shall require, permit, suffer, encourage, or induce any employee or person to solicit in the licensed premises for herself/himself, or for any person other than the patron and guest of the patron, the purchase by the patron of any drink, whether alcoholic beverage or nonalcoholic beverage or money with which to purchase the beverage; nor shall any licensee pay a commission or any other compensation to any person frequenting his establishment or to his agent or manager to solicit for herself/himself or for the others, the purchase by the patron of any drink, whether alcoholic beverage or nonalcoholic beverage or money with which to purchase the beverage.

(Ord. of 3-7-11(1))

**Sec. 10-8. - Advertisement, public hearing and method of granting licenses.**

(a) Council shall vote in public session to advertise a public hearing only when a fully completed application, verified as complete by staff, is submitted to council for review.

(b) Upon a majority vote of council to advertise the application for public hearing, notice of the time and date of such public hearing shall be published in the official legal organ of the county at least two times during the two weeks immediately preceding the date of the public hearing.

(c) The council shall conduct, prior to the granting of a new license, a public hearing on the fitness and qualifications of the license applicant.

(d) The city council at a regularly scheduled meeting shall consider the license application and/or application for license transfer and shall determine whether the applicant meets the requirements of this chapter. Council may, in its discretion, entertain or grant a license application at the meeting wherein the public hearing is held. Council shall either grant or deny such application within 90 days of the public hearing on a proper and complete license application.

(Ord. of 3-7-11(1))

**Sec. 10-9. - Withdrawal, amendment and rejection of application.**

(a) Any license application may be withdrawn by the applicant at any time. If the application is withdrawn before advertising pursuant to subsection 10-8(a), all sums deposited as license fees will be refunded. Thereafter, any costs incurred by the city in advertising and otherwise processing the application shall be deducted from any sums to be refunded to the applicant.

(b) All license applications must be fully complete and accurate at the time of filing with the city clerk. Once filed, license applications may not be amended or revised. Upon the applicant's written request, an application requiring amendment or revision may be withdrawn, corrected, revised, or amended, and then refiled. An additional application fee must be paid at the time of the refiled of a revised, corrected, or amended application.

(c) Applications which are incomplete or inaccurate with regard to any material matter or information, or which are filed without accompanying documents, date or information required in this chapter, may be rejected by city council at any stage of the license approval process and any costs incurred by the city in processing such incomplete, rejected application shall be deducted from license fees refundable to applicant.

(Ord. of 3-7-11(1))

**Sec. 10-10. - Licensing qualifications.**

(a) No license for sale of alcoholic beverages shall be granted to any person who is not a citizen of the United States or a naturalized citizen lawfully admitted for permanent residence. Proof of legal citizen status shall be available for review if requested. The applicant shall cooperate with city staff to verify his or her lawful presence in the United States, including making any affidavit required by state law.

(b) Where the applicant is a partnership or corporation, the provisions of this section shall apply to all its partners, or stockholders with a financial interest in the entity and all officers and general partners and/or majority stockholders. In the case of a corporation, the license shall be issued jointly to the corporation and the majority stockholder, if an individual. Where the majority stockholder is not an individual, the license shall be issued jointly to the corporation and its agent registered under the provisions of this chapter. In the case of a partnership or limited partnership, the license will be issued to all the partners owning at least 20 percent of the partnership; or if no partner owns 20 percent of the partnership, then the general partner, managing partner or the partner with the greatest ownership will be licensed.

(c) No person shall be granted any alcoholic beverage license or registration certificate if it shall appear to the city council or clerk respectively that any of the grounds for denial of a license exists as the same are set forth in section 10-16 of this chapter.

(d) It shall be unlawful for any city employee directly involved in the issuance of alcoholic beverage licenses under this chapter to have any whole, partial or beneficial interest in any license to sell alcoholic beverages in the city.

(e) No license for the sale of alcoholic beverages shall be granted to any person who has had any license for the sale of alcoholic beverages revoked, for reasons other than location requirements, revoked or suspended, by any governmental entity in Georgia during a period of 24 months immediately preceding the date of the filing of a license application with the city clerk.

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(f) The city council may decline to issue a license when any person having any ownership interest in the operation of such place of business or control over such place of business does not meet the same character requirements as set forth in this section for the licensees.

(g) If applicant is not a city resident, all licensed establishments must designate and continuously maintain a resident of Camden County upon whom any process, notice or demand required or permitted by law or under this chapter to be served upon the licenses or owner may be served. The applicant shall file the name of such representative, along with the written consent of such person, if different from applicant, with the city clerk and shall be in such form as the city clerk may prescribe. Lack of a continuous permanent resident is grounds for denial of the application or revocation of the application after issuance.

(h) A license application may be denied to any applicant, or the license revoked, for any alcoholic beverage license where it appears that the applicant is intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.

(i) For purposes of this chapter, a conviction or plea of guilty or nolo contendere shall be ignored as to any offense for which a defendant who was allowed to avail themselves of the Georgia First Offender Act (1968 Ga. Laws, page 324), as amended. Except, however, that any such offense shall not be ignored where the defendant has violated any term of probation imposed by the court granting first offender treatment or committed another crime and the sentencing court entered an adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender.

(Ord. of 3-7-11(1))

**Sec. 10-11. - Fees.**

(a) Before a license shall be granted, the applicant shall comply with all rules and regulations adopted by the city council regulating the sale of alcoholic beverages and each applicant shall pay a license fee as set forth below.

(b) License fees applicable to this chapter are as follows:

(1) Eating establishments (restaurants): Beer, wine and malt beverages and/or distilled spirits to be consumed on the premises, per approved fee schedule.

(2) Noneating establishments (bars, lounges, etc): Beer, wine and malt beverages and/or distilled spirits sold in original packages for consumption on the premises, per approved fee schedule.

(3) Noneating establishments (package stores): Beer, wine and malt beverages and/or distilled spirits sold in original packages for consumption off the premises, per approved fee schedule.

(4) Temporary license, per approved fee schedule, up to a maximum of two days per year.

(5) Public and/or nonprofit private club distilled spirits, beer wine and malt beverages to be consumed on the premises, per approved fee schedule.

(6) Special events approved by council as per fee schedule.

(7) Transfer fee per approved fee schedule.

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- (8) Appeal fee as per approved fee schedule.
- (9) Site plan review fee as per approved fee schedule.
- (10) Server permit as per approved fee schedule.

APPROVED FEE SCHEDULE

New Application Fee \$150.00  
Beer and Wine License \$1,100.00  
Spirituuous Liquor License \$1,650.00  
Beer and Wine and Liquor License \$2,750.00  
Private Clubs \$550.00  
Temporary Daily (two per yr. maximum) \$110.00 each  
Transfer Fee (active license) \$165.00  
Application Refiling Fee \$100.00  
Applicant Appeal Fee (after denial) \$100.00  
Server Permit \$5.00  
Background Check \$25.00  
Wrist Bands for Special Events \$3.00  
for each band issued

(Ord. of 3-7-11(1))

**Sec. 10-12. - Collection of fees or tax sums due.**

If any person shall fail to pay the sum due under this chapter, the city clerk or his or her designee shall issue an execution against the person so delinquent and his property, for the amount of the delinquent fee or tax. The alcohol license shall be immediately and automatically revoked and all rights thereunder, including the right to any refund terminated.

(Ord. of 3-7-11(1))

**Sec. 10-13. - Transferability of license.**

(a) No license for the sale of alcoholic beverages shall be transferable, except as otherwise provided in this section.

(b) In case of the death of a licensee, the establishment shall be allowed to continue to sell alcoholic beverages for a period of 45 days from the date of death or until expiration of the license or until approval of a new license, whichever shall first occur, provided that no sale of alcoholic beverages shall be allowed unless a personal representative of the estate, appointed by a probate court of competent

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jurisdiction, shall make application for authorization with the city clerk within ten days of the death of the licensee.

(c) If a license is surrendered or a licensee severs his association with a licensed establishment, the establishment may not continue to sell alcoholic beverages and no sale of alcohol beverages shall resume unless and until a new license is issued.

(d) Nothing in this section, however, shall prohibit one or more of the partners of a general or limited partnership holding a license to withdraw from the partnership in favor of one or more of the partners who were partners at the time of the issuance of the license. This section shall not prohibit transfer of stock between persons who held stock in the corporation at the time of issuance of the license, nor shall it prohibit transfers of stock which do not result in any person increasing his stock holdings to a total of ten percent or more of any class of stock.

(e) Except as provided in subsections (a) through (d) of this section, any change in the ownership of any entity owning a licensed establishment shall cancel and revoke any license pursuant to this chapter automatically, without the necessity of any hearing.

(f) Violation of this section shall result in revocation of the license being used and a fine on the new ownership and the old ownership of not less than \$550.00. No license will be issued to the old or the new owner in the city for one year from the date of such violation.

(g) Application for transfer must be made by the licensee holding the license to be transferred. Should a licensee make application to the city clerk for a transfer of location and should such a transfer of a location be approved, with no change in ownership of the business, the license fee paid for the previous license shall be applied to the new location. Each applicant for transfer of location shall pay transfer fee in the amount listed on the approved fee schedule.

(h) All applications shall be accompanied by a letter certifying that the applicant does not have any pending criminal charges and that applicant has no convictions from any county, state or federal court for the past ten years.

(Ord. of 3-7-11(1))

**Sec. 10-14. - Display of license at place of business.**

The City of St. Marys Alcoholic Beverage License shall at all times be kept plainly exposed to view to the public at the place of the business of the licensee.

(Ord. of 3-7-11(1))

**Sec. 10-15. - Expiration; renewal of license.**

(a) All licenses granted under this chapter shall expire on December 31 of each year. Licensees who desire to renew their license shall file applications, with the requisite fee enumerated in section 10-11, with the city clerk on the form provided for renewal of the license for the ensuing year. Applications for renewal must be filed on or before November 30 of each year. Applicants for renewal application received after November 30 shall pay in addition to the annual fee, a late charge of 20 percent of the license fee. If a license application is received after January 1, such application shall be treated as an initial application and the applicant shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been held. If a license application is received after January 1, investigative and administrative costs will be assessed.

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(b) All licenses granted under this chapter shall be for the calendar year, and the full license fee must be paid for a license application filed prior to July 1 of the license year. One-half of a full license fee shall be paid for a license application filed after July 1 of the license year except for applications for temporary licenses under section 10-17, which shall not be halved.

(c) Any person renewing any license issued under this chapter who shall pay the required fee, or any portion thereof, after January 1, shall, in addition to the annual fee and late charges, pay interest on the delinquent balance at a rate of 1½ percent per month (18 percent per annum).

(d) All eating establishments must provide an annual report of daily sales showing liquor, beer, wine and food sales separately when renewing any license under this chapter to the city clerk.

(Ord. of 3-7-11(1))

**Sec. 10-16. - Automatic forfeiture and cancellation for nonuse.**

(a) All applicants for licenses hereunder must, within six months after approval and issuance of said license, open for business the establishment referred to in the license and begin the sale of the product or products authorized by the license. Failure to open such establishment within such six-month period shall result in an automatic forfeiture and cancellation of such unused license with no refund of the license fees previously paid.

(b) Unless an extension is granted by the city council for good cause shown, the failure of any licensee to operate the licensed establishment for a period of 90 consecutive days after commencing business and the exercise of the license granted hereunder shall result in the automatic forfeiture and cancellation of such license with no refund of license fees previously paid.

(c) Any place of business that is intended to be sold, shall maintain an active attempt to sell said business. If the business is not actively in the process of being marketed, as evidenced by a valid real estate broker agreement for a period of 24 months, the license shall be deemed void and any new license at that location shall comply with all terms of this chapter as they exist at the time of the application for the new license. There will be no grandfathering under this section.

(Ord. of 3-7-11(1))

**Sec. 10-17. - Suspension or revocation of license.**

The council may at any time and without prejudice deny, suspend, revoke or refuse to renew any alcoholic beverage license for one or more of the following reasons:

(1) The violation by the applicant, licensee or licensee's employees of any state or federal law or regulation or any provision of this Code or other municipal ordinance, whenever adopted, relating to the sale, use, possession or distribution of drugs or alcoholic beverages.

(2) The failure of the licensee or his employees to report promptly to the police department any violation of law or municipal ordinances, including but not limited to, the sale of alcoholic beverages to underage persons, breach of peace, disturbance or altercation occurring in or adjacent to the licensee's premises.

(3) The conviction, plea of guilty or nolo contendere of the applicant or its partners, or officers or directors, if not a natural person, to any crime involving moral turpitude, illegal gambling, illegal possession or sale of alcoholic beverages, including sale or transfer of alcoholic beverages to

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minors, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation of sodomy or any sexually-related crime within a period of ten years immediately prior to the filing of such application.

(4) The operation of the licensee's business in such a manner as to constitute a threat to public safety, welfare or health or in such a manner as to constitute a public nuisance or the operation of a licensed business where violations of federal, state or local laws or ordinances frequently or regularly occur.

(5) The making of any untrue or misleading statement in the application for a license or any renewal thereof or the omission from such application or renewal of any information required in the application.

(6) The revocation by the state of any state license to sell any alcoholic beverage shall result in the automatic revocation of the license issued under this chapter without any action by the council or any city officer or employee. Upon revocation or suspension of a license by the state, such license holder(s) shall report said revocation or suspension to the city clerk.

(7) All licenses issued under this chapter shall be subject to compliance with all city ordinances and the rules and regulations set forth in the Georgia Alcoholic Beverage Code, as now or hereafter amended, and those regulations prescribed by the state department of revenue; and violation of these statutes and regulations shall be violations of this Code.

(8) The violation by and conviction of the applicant under the city's noise ordinance or adult entertainment ordinance.

(9) An act or omission of a licensee, owner of more than 20 percent interest in the licensed establishment, or employee of the licensee or licensed establishment willingly or knowingly performed, which constitutes a violation of federal or state law or any provision of this chapter will subject the licensee to suspension or revocation of its license in accordance with the provisions of this chapter, when the city council determines to its own satisfaction that the act or omission did occur, regardless of whether any criminal prosecution or conviction ensues; provided, however, in the case of any employee, the city council must determine that the acts of the employee were known to or under reasonable circumstances should have been known to the licensee, were condoned by the licensee, or where the licensee has not established practices or procedures to prevent the violation from occurring.

(10) Whenever the licensee has defaulted in any obligation of any kind whatsoever, lawfully owing to the city, the city council, in its discretion, shall revoke the license of such licensee.

(11) The council shall not revoke, suspend or refuse to renew any license provided for in this chapter without notice and an opportunity for a hearing as provided for herein.

(12) Any licensed establishment where three or more violations of this chapter or violation of the Georgia Alcoholic Beverage Laws and Regulations, have occurred within any 36-month period shall be punished as follows:

- a. For the third offense within any 36-month period, suspension of license(s) for a period not to exceed 90 days; and
- b. For the fourth and any subsequent violation within any 36-month period, suspension of

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license(s) for a period not to exceed one year; and

c. In any event, no suspension shall be for a period of time longer than the time remaining under the license.

As to the penalties as set forth above, if there is a change in a majority of the licensed establishment's owners, partners or shareholders, the violations under the prior ownership shall not count against the new owners; however, a different corporation, partnership or other association will be charged with the violation of its predecessor(s) if a majority of the owners, partners or shareholders are the same.

(13) Wherever this chapter permits the city to suspend any license issued under this chapter, the council, in its discretion, may determine the period of suspension within the following guidelines:

a. No suspension shall be for a period of time longer than the time remaining on such license; and

b. The following factors shall be considered on any revocation or suspension as set out above:

1. Consistency of penalties set by the city council.
2. Likelihood of deterring future wrongdoing.
3. Impact of the offense on the community.
4. Any mitigating circumstances or remedial or corrective steps taken by licensee.
5. Any aggravating circumstances or failure by the licensee to take remedial or corrective steps.
6. The cumulative number of prior violations of federal, state or local laws, ordinances and any provisions of this Code since the original license was issued.
7. Whether such violation was committed by any employee of the licensee and whether such employee has been terminated permanently from licensee's employment.

(14) Notwithstanding any provision contained in this chapter to the contrary, the conviction, plea of guilty or nolo contendere of the applicant or its partners, officers or directors, if a corporation, of any crime involving the sale, possession or distribution of narcotics or controlled substances as defined in the Georgia Criminal Code, or any crime involving the sexual abuse, molestation, or exploitation of a minor, shall be grounds for the denial of or renewal of a license application or the suspension of a license previously granted, regardless of the period of time which has elapsed since the date of the conviction or entry of the conviction, plea of guilty or nolo contendere and the date of the filing of such application.

(15) Notwithstanding any provision contained in this chapter to the contrary, the commission or omission of any act which constitutes a crime of any kind or nature stemming from or related to the management, ownership or operation by an applicant or its partners, officers or directors (if not a natural person), of another establishment licensed for the sale of alcoholic beverages in a jurisdiction other than the City of St. Marys shall be grounds for denial of a license application within the City of St. Marys.

(Ord. of 3-7-11(1))

**Sec. 10-18. - Hearings.**

(a) No license shall be denied, suspended or revoked without the opportunity for a hearing as provided in this section.

(b) As to any registration certificate for employees of a licensed establishment, the city clerk shall provide written notice to the applicant or licensee of his or her order to deny, suspend or revoke the license. Such written notification shall set forth the reasons for such action and shall notify the applicant or licensee of the right to appeal under the provisions of this chapter. Any applicant or licensee who is aggrieved or adversely affected by a final action of the city clerk may have a review of a final action by appeal to the city council. Such appeal shall be by written petition, filed in the office of the city clerk within 15 days after the date of the final order or action of the city clerk. Any such appeal must be accompanied by a filing fee as outlined in the approved fee schedule. The filing fee for appeals relating only to pouring permits for employees shall also be as outlined in the approved fee schedule. The city council may, at the request of the appellant, refund the filing fee by a majority vote if it finds such refund to be consistent with the purposes of this chapter. All hearings by the city council under this chapter shall be conducted within 30 days of the date of filing of an appeal with the city clerk unless a continuance of such date is agreed to by the appellant and the city clerk.

(c) All hearings by the city council under this chapter shall be conducted at a time set by the city council. The appellant at such hearing shall have the right to be represented by an attorney, at the expense of the appellant, and to present evidence and cross-examine witnesses. Should the appellant desire a transcript of the appeal proceedings the appellant shall provide a court reporter to take down and transcribe the hearing and provide the city with a copy of such transcript at no cost to the city.

(d) It shall be the duty of the city clerk to notify the appellant in writing of the action of the city council within 15 days of the decision.

(e) The findings of the city council shall not be set aside unless found to be:

- (1) Contrary to law or ordinances;
- (2) Unsupported by any evidence on the records as a whole; or
- (3) Clearly unreasonable.

(f) The findings of the city council shall be final unless appealed within 30 days of the date of the finding by certiorari to the Camden County Superior Court.

(Ord. of 3-7-11(1))

**Sec. 10-19. - Notice.**

For the purpose of this chapter, notice shall be deemed delivered when personally served by certified mail, within three days after the date of deposit in the United States Mail addressed to the last known address of the addressee.

(Ord. of 3-7-11(1))

**Sec. 10-20. - Audits of licensees.**

(a) If the city deems it necessary to conduct an audit of the records and books of the licensee, the city clerk shall notify the licensee of the date, time and place of the audit. The city may designate the city's internal auditor or other qualified person to perform any audit authorized in this Code. The licensee shall cooperate with the audit or forfeit any license(s) issued under this chapter.

(b) All licensed establishments must maintain the following records for a three-year period and make them available for audit at the licensed premises:

(1) Daily sales receipts showing liquor, beer, wine and food sales separately (this requirement does not apply to package beer and wine licensees).

(2) Daily cash register receipts such as "Z tapes" or guest tickets.

(Ord. of 3-7-11(1))

**Sec. 10-21. - Retailer to purchase from licensed wholesaler only.**

(a) No retailer shall purchase alcoholic beverages from any person other than a wholesaler licensed under this chapter. No wholesaler shall sell any alcoholic beverage to anyone other than a retailer licensed under this chapter; provided, however, that this section shall not prohibit the purchase by one retailer of another retailer's entire stock in a bona fide purchase of an ongoing business.

(b) The city clerk may request, from time to time, information concerning purchases and sales of alcoholic beverages from retailers and wholesalers.

(Ord. of 3-7-11(1))

**Sec. 10-22. - Addition to contents of alcoholic beverages prohibited.**

No person shall add to or permit the adding to or refilling of any alcoholic beverage manufacturer's container in any matter.

(Ord. of 3-7-11(1))

**Sec. 10-23. - Subterfuge prohibited.**

Any act, practice or conduct of or on the part of a licensee or employees or agents of a licensee which may be construed as a subterfuge in an attempt or effort to circumvent any provision of this chapter shall be deemed a violation of the provision attempted or sought to be circumvented.

(Ord. of 3-7-11(1))

**Sec. 10-24. - Employment of underage persons prohibited; exceptions.**

No person shall allow or require a person in his or her employment under 18 years of age to dispense, serve, sell or take orders for any alcoholic beverage.

(Ord. of 3-7-11(1))

**Sec. 10-25. - Failure to require and properly check identification.**

It shall be a violation of this chapter not to require and properly check identification to ensure that an underage person is not sold, served, or does not have in his or her possession, alcoholic beverages while in a licensed establishment. Identification in this section shall mean any document issued by a governmental agency containing a description of the person, such person's photograph and giving such person's date of birth and shall include, without being limited to, a passport, military ID card, driver's license or state department of public safety ID card.

(Ord. of 3-7-11(1))

**Sec. 10-26. - Sales to underage person prohibited.**

It shall be unlawful for any holder or employee of the holder of a license authorizing the sale of alcoholic beverages to:

(1) Sell or offer to sell any distilled spirits, wines, malt beverages, or any other alcoholic beverage to any person under the age of 21 years.

a. No person under the age of 21 years of age shall purchase or possess any alcoholic beverage.

b. No person under the age of 21 years of age shall attempt to purchase any alcoholic beverage or misrepresent his or her age in any manner whatever for the purpose of obtaining alcoholic beverages.

(2) The prohibition in subsection (1) of this section shall not apply with respect to the sale of distilled spirits to a person when such person has furnished proper identification showing that the person to whom the distilled spirits are being sold is 21 years of age or older. For the purposes of this subsection proper identification means any document issued by a government agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth, including but not limited to, a passport, military identification card, driver's license, or identification card authorized under an act to require the department of public safety to issue identification cards to person who do not have a motor vehicle driver's license. Proper identification shall not include a birth certificate.

(3) Sell or offer to sell any alcoholic beverages to any person who is noticeably intoxicated, who is of unsound mind, or who is a habitual drunkard whose intemperate habits are known to the licensee or his employees.

(4) Sell alcoholic beverages upon the licensed premises or permit alcoholic beverages to be consumed thereon, on any day or at any time when the sale or consumption is prohibited by law.

(5) No person who holds a license to sell alcoholic beverages by the drink shall allow any minors to be in, frequent or loiter about the licensed premises of the establishment or lounge unless such minors are accompanied by a parent, legal guardian, or custodian; provided, however, that such minors shall be permitted in eating establishments, as defined in this chapter without being accompanied by a parent, legal guardian, or custodian and provided further that this section shall not apply to minors who are employees under the terms of this chapter.

(6) Any licensed establishment where three or more violations of this chapter or violation of the Georgia Alcoholic Beverage Laws and Regulations, have occurred within any 36-month period

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shall be punished as follows:

- a. For the third offense within any 36-month period, suspension of license(s) for a period not to exceed 90 days; and
- b. For the fourth and any subsequent violation within any 36-month period, suspension of license(s) for a period not to exceed one year.

As to the penalties in subsection (6), if there is a change in a majority of the licensed establishment's owners, partners or shareholders, the violations under the old ownership shall not count against the new owners; however, a different corporation, partnership or other association will be charged with the violations of its predecessor(s) if a majority of the owners, partners or shareholders are the same.

(Ord. of 3-7-11(1))

**Sec. 10-27. - Registration and regulations as to employees and manager.**

The following regulation shall apply to all establishments holding a license for consumption of alcoholic beverages on/off the premises:

- (1) No person shall be employed to dispense, sell, serve, take orders, or mix alcoholic beverages, or serve in any managerial capacity by an establishment holding a license under this chapter unless and until such person has obtained or holds a registration certificate issued by the chief of the city police department.
- (2) All persons desiring a registration certificate shall make application in a form prescribed by the city council. The application shall be accompanied by an administrative fee of \$5.00, and a copy of the "responsible alcohol sales and server training program" completion certificate.
  - a. The application shall include, but shall not be limited to, the name, Social Security Number, date of birth, driver's license number, and prior arrest record of the applicant.
  - b. The applicant shall participate in a City of St. Marys approved "Responsible Alcohol Sales and Server Training Program," which shall not be waived. A certificate will be awarded upon completion of the program. Instructors, trainers, or any persons associated or employed by the organization conducting the training referenced in this subsection shall not appear before the city clerk, mayor, or council as a representative, attorney, advocate or witness for an applicant.
  - c. Any persons holding an out of state "responsible alcohol sales and server training program" completion certificate shall be given a grace period of six months to obtain the City of St. Marys approved "Responsible Alcohol Sales and Server Training Program" certificate.
- (3) The chief of police or his designee may deny, suspend, revoke or refuse to renew any registration certificate upon conviction or nolo contendere plea by the holder thereof of any local, state or federal offense of selling or supplying alcoholic beverages to minors.
- (4) In the event of a denial, suspension, revocation or refusal to renew a registration certificate the applicant shall be notified of such action by certified mail, return receipt requested whereupon such applicant shall have the right within 30 days of mailing of such notification to appeal such action to the city council under section 10-17 of this chapter.

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(5) Such registration certificate must be in the possession of the employer by whom the permit holder is employed and must be available for inspection by officers of the police department.

(6) It shall be the duty of all alcoholic beverage licensees to file quarterly with the chief of police or his designee, a list of all employees holding such certificates.

(7) All temporary alcohol licenses approved by council shall have a designated individual who shall complete a city approved "responsible alcohol sales and service policy workshop" before being granted a temporary alcohol license. This individual will be responsible to insure responsible alcohol sales and service policy are adhered to and enforced.

(Ord. of 3-7-11(1))

**Sec. 10-28. - Open areas and patio sales.**

(a) Alcoholic beverage sales can be made by a licensed consumption on-premises establishment in a patio/open area type environment if the establishment has been approved to do so by the city council.

(b) The requirement for approval is that the patio/open area be enclosed by some structure providing for public ingress/egress only through the main licensed premises. The purpose of this requirement is to prevent a customer from leaving the outside sales area with an open drink.

(c) The height of such structure shall be a minimum of 3½ feet above ground level. It does not have to be solid, nor does it have to restrict visibility into or out of the patio/open sales area. It must be permitted and approved by the city's building inspection department and the city's fire department, as required by their governing regulations or codes.

(d) The only exit from this type of area is to be through the licensed establishment's main premises and through an approved fire exit, not for general public use unless an emergency exists. The fire exit should be of the type that sounds an alarm so that the establishment will be alerted in the event of unauthorized use when no emergency exists.

(e) If a licensee desires a patio/open sales area inside an existing structure, plans will be reviewed and approved on an individual basis by the city council. Interior type patio/open sales areas must also meet the requirements of the city's building code.

(f) Nothing contained in this section shall prohibit a hotel or motel with a consumption on the premises license from making sales and allowing consumption of alcoholic beverages in ballrooms, meeting rooms, reception rooms, or patio areas of such hotel or motel, provided such functions are catered in connection with a meeting, conference, convention or similar type gathering at such hotel or motel. "Patio areas," as that term is used in this subsection, do not have to conform to the standards in this section.

(Ord. of 3-7-11(1))

**Sec. 10-29. - No consumption outside premises for classifications 1 through 7.**

(a) It is prohibited for customers to leave the premises with open alcoholic beverages, and it is the licensee's responsibility to ensure that no open beverages are sold and carried out. However, nothing in this section shall be construed to prohibit the carrying out of wine or malt beverages for consumption at a publicly owned or privately owned golf course.

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(b) It is prohibited for customers to gather outside an alcoholic beverage establishment and consume alcoholic beverages.

(c) It is prohibited for the manager or any employee to allow persons to gather outside an alcoholic beverage establishment and consume alcoholic beverages.

(Ord. of 3-7-11(1))

**Sec. 10-30. - Inspection of licensed establishments by the police department.**

Certified officers of the police department shall have the authority to inspect establishments licensed under the alcoholic beverages ordinances of the city during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and state law. This section is not intended to limit the authority of any other city officials to conduct inspections authorized by other provisions of this Code.

(Ord. of 3-7-11(1))

**Sec. 10-31. - Establishment can be closed in cases of emergency.**

The chief of police, or his designee, may immediately close an establishment licensed under this chapter in case of emergency, for the safety of the public or to investigate a crime, for a period of time not to exceed 24 hours.

(Ord. of 3-7-11(1))

**Sec. 10-32. - Sale on election days.**

Pursuant to the delegation of authority granted to this governing authority by Act No. 750 (House Bill No. 247) approved April 10, 1985, amending O.C.G.A. § 3-3-20(b)(2)(B), the wholesale and retail sale of alcoholic beverages, to wit: Distilled spirits, wine and malt beverages, shall be lawful during the polling hours of any election; provided, however, nothing herein shall authorize the sale of alcoholic beverages within 250 feet of a polling place during such time as the polls are open.

(Ord. of 3-7-11(1))

**Sec. 10-33. - Brown bagging prohibited.**

(a) Subject to the exceptions as hereinafter set forth, it shall be unlawful for a person, business, establishment, or employee thereof, which imposes, collects, or charges any admission charge, ticket charge, entertainment fee, cover charge, setup or mixer charge, or contribution and which is not licensed under this chapter for on-premises consumption to permit any container of alcoholic beverages to be possessed or consumed by any guest, patron, or customer while on such premises. It is the intent and purpose of this provision to prohibit the operation of bottle clubs and brown bagging establishments which do not obtain and hold a valid on-premises consumption license.

(b) Such prohibition shall not, however, apply to activities or events sponsored or conducted by bona fide nonprofit civic or service organizations on an occasional basis.

(Ord. of 3-7-11(1))

**Sec. 10-34. - Hours of sale.**

(a) *Off-premises consumption and package sales.* No alcoholic beverages shall be sold, offered for sale, dispensed or distributed by licensees holding package or off-premises consumption licenses between the hours of 2:00 a.m. and 6:00 a.m.

(b) *On-premises consumption.* No alcoholic beverages shall be sold, offered for sale, dispensed or distributed by licensees holding on-premises consumption licenses between the hours of 2:00 a.m. and 6:00 a.m. All customers and patrons of such licensees shall vacate the premises by 3:00 a.m.

(c) *Sunday sales.* Notwithstanding any other provision of this chapter, the sale of alcoholic beverages for consumption on-premises shall be permitted on Sundays from 12:30 p.m. until 12:00 midnight in any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging.

(Ord. of 3-7-11(1))

**Sec. 10-35. - Knowledge of chapter.**

All licensees of licenses issued under this chapter shall keep a copy of this chapter on the licensed premises and shall instruct all employees of its terms and content. Licensees and employees shall at all times be familiar with the provisions of this chapter and ignorance or neglect shall not constitute a defense or excuse for noncompliance.

(Ord. of 3-7-11(1))

**Sec. 10-36. - Investigative and administrative costs.**

Each application for a license under this chapter shall be accompanied by a certified check for the full amount of the license fee, together with a separate certified or cashier's check or cash in the amount of \$150.00 to defray investigative and administrative costs. If the applicant is denied a state license, the deposit representing the license fee shall be refunded, but the \$150.00 cost paid for investigation and administrative costs shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this Code. Any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article shall pay no investigative and administrative costs.

(Ord. of 3-7-11(1))

**Sec. 10-37. - Levy and amount of excise tax; rate of tax, manner of imposition.**

The maximum excise tax allowable by state law for the sale of distilled spirits or wines and malt beverages shall be collected by the wholesale supplier from the retail seller and turned over to the city monthly. The wholesaler shall remit to the city on the tenth day of the month next succeeding the calendar month in which such sales were made, the tax as allowed by state law. The failure to make a timely report and remittance shall render a wholesale dealer liable for a penalty equal to ten percent of the total amount due during the first 30-day period following the date such report and remittance were due and a further penalty of 15 percent of the amount of such remittance for each successive 30-day period or any portion thereof, during which such report and remittance are not filed. The filing of a false

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or fraudulent report shall render the wholesale dealer making such report liable for a penalty equal to 25 percent of the amount of the remittance which would be required under an accurate and truthful report. Such tax is in addition to the fees imposed upon the licensee.

(Ord. of 3-7-11(1))

**Sec. 10-38. - Penalties for violation of chapter.**

In addition to loss of license or registration certificate, any person who violates any provision of this chapter may, upon conviction, be punished by a fine of up to \$500.00 or imprisonment for not more than six months, or both.

(Ord. of 3-7-11(1))

**Sec. 10-39. - Sale or possession for sale without license or beyond boundaries of premises covered by license.**

It shall be unlawful for any person to sell or possess for the purpose of sale any alcoholic beverage where the person does not have a license granted by the city to sell or possess for sale these alcoholic beverages, or to sell or make deliveries beyond the boundaries of the premises covered by the license.

(Ord. of 3-7-11(1))

**Secs. 10-40—10-45. - Reserved.**

**ARTICLE II. - OPEN CONTAINERS**

[Sec. 10-46. - Title.](#)

[Sec. 10-47. - Definitions.](#)

[Sec. 10-48. - Operation of motor vehicle.](#)

[Sec. 10-49. - Occupancy of motor vehicle.](#)

[Sec. 10-50. - Possession of open container in or on public place.](#)

[Sec. 10-51. - Exceptions.](#)

[Secs. 10-52—10-75. - Reserved.](#)

**Sec. 10-46. - Title.**

This article shall be known and cited as the "St. Marys Open Container Ordinance".

(Ord. of 3-7-11(1))

**Sec. 10-47. - 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:

*Alcoholic beverage:* All alcoholic beverages, distilled spirits, malt beverage, wine or fortified wine as defined in O.C.G.A. title 3.

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*Broken package:* A bottle, can, keg or other original container which has been opened, or the seal to which has been broken, so as to allow the contents thereof to be immediately consumed.

*Motor vehicle:* Every vehicle which is self-propelled.

*Occupant:* Any person who is occupying any vehicle on a public street, road or public place.

*Open container:* A glass, cup, jar, can or other receptacle designed for or capable of being used to hold liquids.

*Public place:* Any and all public property, owned or operated by any of the following or combination thereof: The federal government, the state government, the county government, the city government, or any political subdivision thereof; any area of a business enterprise where the public has general access; and any property other than a private residence and curtilage held in private ownership.

*Street or road:* The entire width between right-of-way lines publicly maintained when any part thereof is open to the use of the public for vehicular traffic.

(Ord. of 3-7-11(1))

**Sec. 10-48. - Operation of motor vehicle.**

It shall be a violation of this article to operate a motor vehicle on a public road or street or public property in the city, while the operator or any occupant thereof has in his possession an open container or broken package containing alcoholic beverages.

(Ord. of 3-7-11(1))

**Sec. 10-49. - Occupancy of motor vehicle.**

It shall be a violation of this article for any occupant of a motor vehicle being driven or parked on a public road or street or public property in the city to possess an open container or broken package containing alcoholic beverages.

(Ord. of 3-7-11(1))

**Sec. 10-50. - Possession of open container in or on public place.**

It shall be a violation of this article for any person who is upon any public property of this city to possess an open container or broken package containing alcoholic beverages.

(Ord. of 3-7-11(1))

**Sec. 10-51. - Exceptions.**

(a) This article shall not apply to the passengers in any chartered bus designed for carrying more than ten persons when it is being used for the transportation of persons, or a passenger in a chauffeured limousine driven by a person holding a valid chauffeur's license issued by a state agency and which limousine service in addition has a valid city business license, or to the occupants in living quarters of a camper or motorhome.

(b) This article shall not apply to broken packages contained in any locked compartment accessible only from outside the motor vehicle.

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(c) Properly submitted and approved special events as defined in article I and as approved by council shall be exempt from this section in the special event locations specified. Any possession of an open container outside the limits of the approved zone(s) shall remain covered by section 10-50 without exception.

(Ord. of 3-7-11(1))

**Secs. 10-52—10-75. - Reserved.**