

1 **ST. MARYS CITY COUNCIL**
2 **ST. MARYS, GEORGIA**

3
4 At the regular meeting of the St. Marys City Council, held in the St. Marys City
5 Hall, St. Marys, Georgia:

6
7 First Reading 3/7/11
8 Second Reading _____
9

10 Present:

11
12 William DeLoughy, Mayor
13 Greg Bird, Councilman, Post 1
14 Deborah Hase, Councilwoman, Post 2
15 Chuck Trader, Councilman, Post 3
16 Keith Post, Councilman, Post 4
17 John Morrissey, Councilman, Post 5
18 Sidney Howell, Councilman, Post 6
19

20 On motion of Councilmember Morrissey, which carried 4 to 2, the following
21 Ordinance amendment was adopted:

22
23 AN AMENDMENT TO THE CODE OF ORDINANCES, CITY OF ST.
24 MARYS, GEORGIA, CHAPTER 10 ALCOHOLIC BEVERAGES TO
25 PROVIDE FOR CHANGED DEFINITION FOR CERTAIN TERMS,
26 PROHIBIT ANY APPLICATION FOR A NEW LICENSED PREMISES
27 WITHIN ONE YEAR OF DENIAL OF A PREVIOUS LICENSE, INCLUDE
28 FEES IN THE ORDINANCE, PROVIDE THAT APPLICANTS CONSENT
29 TO AND PAY FOR A CRIMINAL HISTORY REPORT, STATE AN
30 AMOUNT FOR EXCISE TAXES CLARIFICATION OF COUNCIL'S
31 AUTHORITY TO DENY APPLICATIONS, ALLOW REVOCATION OF
32 LICENSE WHEN LICENSEE COMMITS ACTS CONSTITUTING A
33 CRIMINAL OFFENSE, CLARIFY PROCESS WHEN APPLICANT
34 WISHES TO CREATE A TRANSCRIPT OF PROCEEDINGS BEFORE
35 THE CITY COUNCIL, CLARIFY WHAT COMPARTMENTS OF A MOTOR
36 VEHICLE MAY HOLD OPEN CONTAINERS OF ALCOHOLIC
37 BEVERAGES WITHOUT VIOLATING THE ORDINANCE, AND FOR
38 OTHER PURPOSES AS SET FORTH THEREIN.
39

40 Be it, and it is, hereby ordained by the Mayor and Council of the City of St. Marys, this
41 7th day of March, 2011 that section 10-1 to 10-51 of the Code of Ordinances, City of St.
42 Marys, Georgia is hereby amended to read as follows:
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1 CHAPTER 10 ALCOHOLIC BEVERAGES

2
3 ARTICLE I. IN GENERAL

4
5 This ordinance, in addition to regulating the licensing, sale and consumption of alcoholic
6 beverages within the City Limits of the City of St. Marys, shall also:

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

19
20 Sec. 10-1. Sale within corporate limits of the city.

- 21 (a) Alcoholic beverages may be sold in the city under a license granted by the city
22 council upon the terms and conditions provided herein.
- 23 (b) All licenses pursuant to this chapter shall have printed on the front these words:
24 "This license is subject to suspension and/or revocation at any time, for legal
25 cause, upon majority vote of Council, and is subject to any further ordinance
26 which may be enacted."
- 27 (c) Any holder of a license issued pursuant to this chapter is required to apply for
28 and obtain an alcoholic beverage license from the state before any sales
29 commence. Additionally, city licensees are required to abide by all applicable
30 local ordinances, state laws and regulations.
- 31 (d) All premises and activities where alcohol is served (including special events)
32 shall be regulated herein and shall also conform to all of the requirements of
33 Sections I and II of this Ordinance.

34
35 Sec. 10-2. Definitions.

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

40
41 **Alcohol:** -ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever
42 source or by whatever process produced.

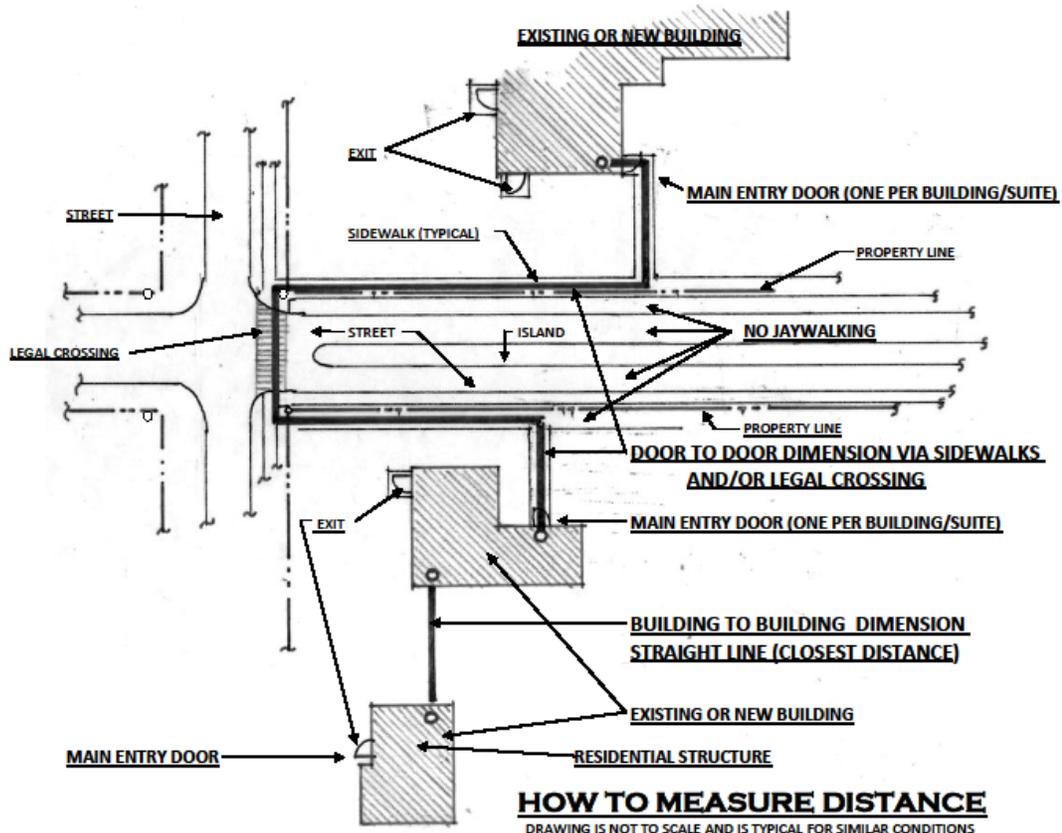
43
44 **Alcoholic beverage:** includes all alcohol and distilled spirits, as defined in this
45 section regardless of alcohol content.

1 **Alcoholic Treatment Center:** A facility owned and operated by the state,
2 county, or city
3

4 **Beer or malt beverage:** any alcoholic beverage obtained by the fermentation of
5 any decoction of barley, malt, hops, or any other product, or any combination of
6 such products in water containing not more than six percent alcohol by volume,
7 including ale, porter, brown, stout, lager beer, small beer, and strong beer. Also
8 included are beverages known as "non-alcoholic beer", which is made by
9 fermentation of an infusion or decoction of barley, malt, hops, or other products,
10 and containing less than three percent, but more than 0.1 percent alcohol by
11 volume. The term "malt beverage" does not include sake, known as Japanese
12 rice wine.
13

14 **College Campus:** shall apply only to the educational buildings of such state,
15 county, city, church or other colleges as teach the subjects commonly taught in
16 the common colleges of this state and shall not include private colleges where
17 only specialized subjects such as stenography, business, music, art, vocational
18 occupations and other special subjects are taught and shall not apply to college
19 grounds, stadiums or recreational areas.
20

21 **Distance Requirements:** Each license classification shall conform to the
22 distance requirements listed in SEPARATION DISTANCE TABLE for that
23 classification. **Door to Door** distances shall be measured from the centerline of
24 the main entrance door of the licensed establishment, as if proceeding by foot in
25



1 the most direct legal manner to the centerline of the main entrance door to the
2 facility noted under each license classification. Legal manner shall be defined as
3 being perpendicular to the main entrance door to a sidewalk or street, parallel to
4 the sidewalk or street to a legal crossing of the street at an intersection or corner,
5 then parallel to the street or sidewalk to a point perpendicular to the centerline of
6 the main entrance door to the facility noted under each license classification.
7 Street crossings at an intersection do not need to be marked, but any corner of
8 any legal street can be considered an implied crosswalk for the purposes of this
9 ordinance. Jaywalking is illegal in St. Marys. Therefore using a diagonal
10 crossing of any street for measurement of distance is not permitted.

11
12 Where **Building to Building** is listed as a requirement, then the distance shall
13 be measured in a straight line from the closest edge of the building to the closest
14 edge of the adjacent building as defined in the appropriate license Classification.

15
16 Where there are multiple main entry doors, the closest main entry door to the
17 licensed establishment shall be used. Other doors that are not main entry doors
18 shall not be used to calculate distance. In the case of dispute, the Planning
19 Director shall determine the door to be used.

20
21 Distances shall be measured using on the ground survey. The applicant shall
22 provide a signed and sealed survey provided by a GA licensed professional
23 engineer of the property with the distances shown to the appropriate adjacent
24 structure as measured in the field by said Georgia registered surveyor for all
25 requests for a new license for existing structures or new structures. The
26 Planning Director or designated staff shall confirm the distances in the field to the
27 best of their ability

28
29 **Container:** An open container as defined in section II.

30
31 **Distilled spirits or spirituous liquor:** any alcoholic beverage obtained by
32 distillation or containing more than 21 percent alcohol by volume including, but
33 not limited to, all fortified wines.

34
35 **Dwelling:** a building or portion thereof that provides living facilities for person,
36 persons or families, including single family and other multiple family dwellings,
37 but not including hotels, bed and breakfast inns, or motels.

38
39 **Eating establishment:** any public place, including a place available for rental by
40 the public, selling prepared food for consumption by the public on the premises
41 with a full service kitchen. As a minimum, a full service kitchen will consist of a
42 three-compartment pot sink, a stove or grill permanently installed, with code
43 approved and permitted exhaust hood, and refrigerator, all of which must be
44 approved by the health department and city building official. An eating
45 establishment shall be prepared to serve food every hour within which such
46 establishment is open to the public, shall derive at least as much gross receipts
47 annually from the sale of prepared meals or food as it derives from the sale of
48 alcohol beverages, and shall have a seating capacity of at least fifteen (15)

1 people. Such establishment shall also have employed therein a sufficient number
2 of employees to prepare, cook and serve suitable food for its guests with the
3 serving of alcoholic beverages to be consumed on the premises as only
4 incidental thereto. (See also certification requirements for employees.)
5

6 **Festival:** A festival is a special event, usually and ordinarily staged by a local
7 community, which centers on and celebrates some unique aspect of that
8 community.
9

10 **Financial Interest:** Any ownership interest in any entity seeking or holding a
11 license under this Ordinance amounting to 20% or more or more of the entire
12 ownership thereof.
13

14 **Fortified wine:** any alcoholic beverage containing more than 21 percent alcohol
15 by volume made from fruits, berries, or grapes, either by natural fermentation or
16 by natural fermentation with brandy added. Fortified wine includes, but is not
17 limited to, brandy.
18

19 **Governing authority:** the City Council of the City of St. Marys.
20

21 **Hotel:** any hotel, inn, motel, bed and breakfast or other establishment which
22 offers overnight accommodations to the public for hire that has a valid
23 Occupation Tax License or current special use permit issued by the City of St.
24 Marys. Hotels of any size without an eating establishment must obtain a non-
25 eating establishment license to provide for the retail sale of alcoholic beverages
26 solely to occupants of the hotel and their guests by the drink for consumption
27 only on the premises. Premises shall be defined as the interior of the structure,
28 including any attached porches or decks.
29

30 **In-room service:** (a) the delivery of alcoholic beverages in unbroken packages
31 to a registered guest of verified age, by an employee of the hotel to the
32 registered guest's room or to a registered guest at any other location in the same
33 building as the hotel when such alcoholic beverages have been ordered by the
34 guest and when the guest shall be billed for the cost of such alcoholic beverages
35 at the time of delivery and when the sale of such alcoholic beverages is
36 completed at the time of delivery; and (b) the provision of a cabinet or other
37 facility located in a hotel's guest room which contains alcoholic beverages and
38 which is provided upon written request of the guest and which is accessible by
39 lock and key only to the guest and for which the sale of the alcoholic beverages
40 contained therein is deemed to be final at the time requested except for a credit
41 which may be given to the guest for any unused portion.
42

43 **License:** an authorization granted by the City of St. Marys to operate as a retail
44 consumption dealer, retail package dealer or wholesale dealer.
45
46
47

1 **License Classification:** There are eight (8) classifications of licenses issued by
2 the City of St. Marys. These licenses shall be classified as:

- 3
- 4 1. Eating Establishment (RESTAURANT) in the C-1 Zone with
5 Food/Beer/Wine or Beer/Wine/Liquor or Liquor on premises only.
6
- 7 2. Non-eating Establishment (BAR, LOUNGE, ETC.) in the C-1 Zone with
8 Beer/Wine or Beer/Wine/Liquor or Liquor on premises only
9
- 10 3. Eating Establishment (RESTAURANT) in the C-2 or C-3 Zone with
11 Food/Beer/Wine or Beer/Wine/Liquor or Liquor on premises only
12
- 13 4. Non-eating Establishment (BAR, LOUNGE, ETC.) in the C-2 or C-3 Zone
14 with Beer/Wine or Beer/Wine/Liquor or Liquor on premises only
15
- 16 5. Non-eating establishment (PACKAGE STORE) in the C-1, C-2 or C-3
17 Zone with either Beer/Wine or Beer/Wine/Liquor or Liquor off premises
18 only.
19
- 20 6. Club License – Public or Private Club on premises only
21
- 22 7. Temporary-Daily (two days per year) on City approved location/premises
23 only
24
- 25 8. Special Events and festivals as classified and approved by City Council.
26

27 **Licensee:** the individual to whom a license is issued or, in the case of a
28 partnership or corporation, all partners, officers, and directors of the partnership
29 or corporation.
30

31 **Liter:** metric volume measurement as defined by the United States Commerce
32 Department's National Institute of Standards and Technology.
33

34 **Manufacturer:** any maker, producer, or bottler of an alcoholic beverage.
35 Manufacturer also means, in the case of distilled spirits, any person engaged in
36 distilling, rectifying, or blending any distilled spirits; in the case of malt beverage,
37 any brewer.
38

39 **Nonprofit/not-for-profit organizations:** institutions that conduct their affairs for
40 the purpose of assisting other individuals, groups, or causes rather than
41 garnering profits for themselves. Nonprofit groups have no shareholders; do not
42 distribute profits in a way that benefits members, directors, or other individuals in
43 their private capacity; and often receive exemption from various taxes in
44 recognition of their contributions to bettering the general social fabric of the
45 community. Proof of nonprofit or not-for-profit status shall be by current valid
46 copy of IRS 501-C3 or equivalent certification. Status will not be granted simply
47 based on verbal or written representations of the applicant.
48

1 **Non-Eating Establishment:** As used herein, a non-eating establishment shall
2 be a venue where beer, wine, and/or liquor are sold without food. This
3 designation shall be divided into two Classifications: Classifications 2 and 4 shall
4 include bars and lounges, and other similar venues; Classification 5 shall include
5 package stores, wine/beer package stores, liquor package stores, and other
6 similar venues. In the instance of wine and/or beer package stores only, wine or
7 beer tasting shall be permitted in one ounce dispensers, one per customer for a
8 maximum of five samples of wine OR beer.
9

10 **Alcoholic Beverage Package Store:** a bottle, can, keg, barrel, or other original
11 consumer container. Alcoholic Beverage package store shall include all alcoholic
12 beverages in their original container, sold at retail to the final consumer, and not
13 for resale. This definition shall not apply to Special Events as defined herein nor
14 shall it apply to Wine/Beer Retail Package Store (see definition).
15

16 **Person:** any individual, firm, partnership, limited partnership, cooperative,
17 nonprofit membership corporation, joint venture, association, company,
18 corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or
19 other group or combination acting as a unit, body politic, or political subdivision,
20 whether public, private, or quasi-public.
21

22 **Premises:** the definite closed or partitioned establishment, whether room, shop
23 or building wherein alcoholic beverages are sold or consumed. Premises shall
24 also include the sidewalk serving area of sidewalk cafes permitted under section
25 10-33 and an outside, open air or patio-type serving area on the private property
26 of an establishment. Such outside, open air or patio-type serving area must meet
27 all planning and zoning requirements and adjoin or be connected to the main
28 service building in such a manner as to prevent the movement of pedestrians or
29 vehicular traffic between the outside serving area and the main service building.
30

31 **Pre-purchased wrist band:** A bracelet type wrist band that identifies the ability
32 of the participant in any event within the permitted Specific Event Location 1, 2,
33 3, as per definition for Zone Limit Diagram, to carry alcoholic beverages in an
34 open container. Wrist Band shall be issued by the event organizer and/or license
35 holder to any participant for a fee as noted on the fee schedule after review of a
36 valid and unaltered State Driver's License. Personnel of the Event Organizer
37 and/or license holder that issues the wrist band shall place their initials on the
38 Band prior to putting it on the wrist of the participant. No Band shall be issued to
39 anyone under the legal age for consumption of Alcoholic Beverages. Band shall
40 not be able to be removed without damaging the band, so that transference of
41 the band to another participant will not be possible. Band color and/or pattern
42 shall be selected by the event organizer. Band shall be presented to any
43 authorized law enforcement personnel upon request. Participants who are
44 legally intoxicated shall not receive a band. Band shall be revoked by any
45 authorized law enforcement personnel for obvious public drunkenness or
46 disorderly conduct.
47

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

7
8 ***Private Club (a/k/a Bona Fide Private Club or Club):***

9
10 (1) A nonprofit corporation organized under the laws of the State of
11 Georgia which:

- 12
13 a. Has been in existence at least one year prior to the filing of
14 its application for a license to be issued pursuant to this
15 chapter;
16 b. Has at least 75 regular dues-paying members;
17 c. Owns, hires, or leases a building or space within a building
18 for the reasonable use of its members, which building or
19 space:

- 20
21 1. Has suitable kitchen and dining room space and
22 equipment; and
23 2. Is staffed with a sufficient number of employees for
24 cooking, preparing, and serving meals for its members
25 and guests; and
26

27 d. Has no member, officer, agent, or employee directly or
28 indirectly receiving, in the form of salary or other
29 compensation, any profits from the sale of alcoholic
30 beverages beyond a fixed salary.

31
32 (2) "Fixed salary" means the amount of compensation paid any
33 member, officer, agent, or employee of a bona fide private club as
34 may be fixed for him by its members at a prior annual meeting or by
35 the governing body out of the general revenue of the club and shall
36 not include any commission on any profits from the sale of alcoholic
37 beverages.

38
39 (3) Private clubs shall only serve to bona fide members and bona fide
40 guests of members.

41
42 (4) All members and guests served shall be of legal age for drinking.

43
44 ***Public Hearings:*** shall be conducted in accordance with this ordinance and/or
45 Section 10-17 as applicable.
46

1 **Retail consumption dealer:** any person who sells alcoholic beverages for
2 consumption on the premises, at retail, only to consumers and not for resale,
3 such as restaurants, bars, lounges, or equivalent.
4

5 **Retail package dealer:** any person who sells unbroken packages, at retail, only
6 to consumers and not for resale.
7

8 **School, School Building or educational building:** shall not include dwellings
9 or other structures within which "home schools" are conducted or operated by
10 parents and guardians for children residing in that home.
11

12 **Special Event:** "Special Event" means a group activity including, but not limited
13 to, a performance, meeting, assembly, contest, exhibit, ceremony, parade,
14 athletic competition, reading, or picnic involving more than 20 people or a group
15 activity involving less than 20 people for which specific space is requested to be
16 reserved. Special Event shall not include casual park use by visitors or tourists.
17 Special events shall be regulated herein and shall also conform to the
18 requirements of Section II of this Ordinance.
19

20 **Wholesaler or wholesale dealer:** any person who sells alcoholic beverages to
21 other wholesale dealers, to retail dealers, or to retail consumption dealers.
22

23 **Wine:** any alcoholic beverage containing not more than 21 percent alcohol
24 made from fruits, berries, or grapes either by natural fermentation or by natural
25 fermentation with brandy added. Wine includes, but is not limited to, all sparkling
26 wines, champagnes, combinations of such beverages, vermouths, special natural
27 wines, rectified wines, and like products. The term "wine" does not include
28 cooking wine mixed with salt or other ingredients so as to render it unfit for
29 human consumption as a beverage. A liquid shall first be deemed to be a wine at
30 the point in the manufacturing process when it conforms to the definition of wine
31 contained in this section.
32

33 **Wine/Beer Retail Package Store:** shall include all wine/beer/ale beverages in a
34 bottle, can or other original consumer container sold at retail to the final
35 consumer, and not for resale. This definition shall not apply to Special Events as
36 defined herein. Wine/Beer tasting as defined herein are permitted under this
37 designation
38

39 **Zone Limit Diagram:**
40 The three zones shall be
41 as follows:
42



1 Sec. 10-3 CLASSIFICATIONS OF LICENSES

2 There are Eight (8) classifications of licenses that are issued by the City in conformance
3 with State Law:
4

- 5 1. Eating Establishment (RESTAURANT) in the C-1 Zone with
6 Food/Beer/Wine or Beer/Wine/Liquor or Liquor on premises only.
- 7 2. Non-eating Establishment (BAR, LOUNGE, WINE/BEER RETAIL
8 PACKAGE STORE, ETC.) in the C-1 Zone with Beer/Wine or
9 Beer/Wine/Liquor or Liquor on premises only.
- 10 3. Eating Establishment (RESTAURANT) in the C-2 or C-3 Zone with
11 Food/Beer/Wine or Beer/Wine/Liquor or Liquor on premises only.
- 12 4. Non-eating Establishment (BAR, LOUNGE, , WINE/BEER RETAIL
13 PACKAGE STORE ETC.) in the C-2 or C-3 Zone with Beer/Wine or
14 Beer/Wine/Liquor or Liquor on premises only.
- 15 5. Non-eating establishment (ALCOHOLIC BEVERAGE PACKAGE STORE)
16 in the C-1, C-2 or C-3 Zone with either Beer/Wine or Beer/Wine/Liquor or
17 Liquor off premises only.
- 18 6. Club License – Public or Private Club On premises only
- 19 7. Temporary-Daily (two days per year) on City approved location/premises
20 only
- 21 8. Special Events and/or Festivals as classified and approved by City
22 Council.

23
24 Each classification of license has specific requirements. Specific requirements for
25 each classification of license are as listed. General requirements of this ordinance
26 which shall apply to all licenses are as follows:
27

- 28 a) A separate license is required for each premises.
- 29 b) The distance requirements for each classification of license are listed in
30 the following SEPARATION DISTANCE TABLE which is incorporated
31 herein by reference.
32

33 1. CLASSIFICATION 1 – EATING ESTABLISHMENT (RESTAURANT)
34 LICENSE IN THE C-1 ZONE WITH FOOD/BEER/WINE/LIQUOR
35

- 36 1. An eating establishment as defined herein.
- 37 2. A separate license is required for each premises.
- 38 3. The distance requirements for each classification of license are
39 listed in the SEPARATION DISTANCE TABLE which is
40 incorporated herein by reference.
- 41 4. No person may knowingly and intentionally sell or offer to sell and
42 no license shall be issued for retail sale of alcoholic beverages in
43 package form from an eating establishment except as provided by
44 the Georgia Alcoholic Beverage Code (O.C.G.A. § 3-1-2 et seq.)
45 and the regulations of the state department of revenue adopted
46 thereunder.

- 1 5. No person knowingly and intentionally may sell or offer to sell and
2 no license shall be issued for retail sale of alcoholic beverages for
3 sale for consumption off the premises:
4 6. A new alcoholic beverage license for an eating establishment as
5 defined in this subsection, for on premise consumption may be
6 issued a maximum of one alcoholic beverage license per C1
7 Central Business District lot.
8

9 2. CLASSIFICATION 2 – NON-EATING ESTABLISHMENT (BAR, LOUNGE,
10 WINE/BEER RETAIL PACKAGE STORE ETC.) LICENSE IN THE C-1 ZONE
11 WITH BEER/WINE/LIQUOR
12

- 13 1. This classification also includes an establishment that provides
14 wine or beer tasting in small containers as part of the sale of the
15 item as defined herein.
16 2. A separate license is required for each premises.
17 3. The distance requirements for each classification of license are
18 listed in the SEPARATION DISTANCE TABLE which is
19 incorporated herein by reference.
20 4. No person knowingly and intentionally may sell or offer to sell and
21 no license shall be issued for retail sale of alcoholic beverages in
22 package form from an eating establishment except as provided by
23 the Georgia Alcoholic Beverage Code (O.C.G.A. § 3-1-2 et seq.)
24 and the regulations of the state department of revenue adopted
25 thereunder.
26 5. A new alcoholic beverage license for a non-eating establishment as
27 defined in this subsection, for on premise consumption may be
28 issued a maximum of one alcoholic beverage license per C1
29 Central Business District lot.
30

31 3. CLASSIFICATION 3 – EATING ESTABLISHMENT (RESTAURANT)
32 LICENSE IN THE C-2 OR C-3 ZONE WITH FOOD/BEER/WINE/LIQUOR
33

- 34 1. An eating establishment as defined herein.
35 2. A separate license is required for each premises.
36 3. The distance requirements for each classification of license are
37 listed in the SEPARATION DISTANCE TABLE which is
38 incorporated herein by reference.
39 4. No person knowingly and intentionally may sell or offer to sell and
40 no license shall be issued for retail sale of alcoholic beverages in
41 package form from an eating establishment except as provided by
42 the Georgia Alcoholic Beverage Code (O.C.G.A. § 3-1-2 et seq.)
43 and the regulations of the state department of revenue adopted
44 thereunder.
45 5. No person knowingly and intentionally may sell or offer to sell and
46 no license shall be issued for retail sale of alcoholic beverages for
47 sale for consumption off the premises:

1 6. A new alcoholic beverage license for an eating establishment as
2 defined in this subsection, for on premise consumption may be
3 issued a maximum of one alcoholic beverage license per C2 or C3
4 Commercial Business District lot.
5

6 4. CLASSIFICATION 4 – NON-EATING ESTABLISHMENT (BAR, LOUNGE,
7 WINE/BEER RETAIL PACKAGE STORE ETC.) LICENSE IN THE C-2 or C-3
8 ZONE WITH BEER/WINE/LIQUOR
9

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

13 2. A separate license is required for each premises.

14 3. The distance requirements for each classification of license are
15 listed in the SEPARATION DISTANCE TABLE which is
16 incorporated herein by reference.

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

23 5. A new alcoholic beverage license for a non-eating establishment as
24 defined in this subsection, for on premise consumption may be
25 issued a maximum of one alcoholic beverage license per C2 or C-2
26 District lot.
27

28 5. CLASSIFICATION 5 - NON-EATING ESTABLISHMENT (ALCOHOLIC
29 BEVERAGE PACKAGE) LICENSE IN THE C-2 OR C-3 ZONE WITHOUT
30 FOOD
31

32 1. A non-eating establishment as defined herein.

33 2. A separate license is required for each premises.

34 3. The distance requirements for each classification of license are
35 listed in the SEPARATION DISTANCE TABLE which is
36 incorporated herein by reference.

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

43 2. No person knowingly and intentionally may sell or offer to sell and
44 no license shall be issued for retail sale of alcoholic beverages for
45 sale for consumption off the premises:
46
47
48

1 6. CLASSIFICATION 6 - CLUB LICENSE
2

- 3 1. These licenses shall be issued to bona fide clubs which are and
4 remain in compliance with state and federal tax regulations. These
5 types of clubs may include Eagles, Masonic, veterans, golf, social and
6 other similar clubs.
7 2. A separate license is required for each premises.
8 3. The distance requirements for each classification of license are listed
9 in the following SEPARATION DISTANCE TABLE which is
10 incorporated herein by reference.
11 4. No person knowingly and intentionally may sell or offer to sell and no
12 license shall be issued for retail sale of alcoholic beverages in package
13 form from a club establishment except as provided by the Georgia
14 Alcoholic Beverage Code (O.C.G.A. § 3-1-2 et seq.) and the
15 regulations of the state department of revenue adopted thereunder.
16 5. No person knowingly and intentionally may sell or offer to sell and no
17 license shall be issued for retail sale of alcoholic beverages for sale for
18 consumption off the premises:
19

20 7. CLASSIFICATION 7 - TEMPORARY LICENSE – ALL ZONES
21

- 22 1. The City upon the submission of a completed application, shall permit
23 temporary alcohol licenses for a maximum of two per year.
24 2. All distance requirements for a temporary license shall be complied
25 with.
26 3. All server certification requirements shall be complied with.
27 4. No alcohol shall leave the temporary permit site, either in opened or
28 unopened containers.
29 5. No person knowingly and intentionally may sell or offer to sell and no
30 license shall be issued for retail sale of alcoholic beverages in package
31 form from a temporary license establishment except as provided by the
32 Georgia Alcoholic Beverage Code (O.C.G.A. § 3-1-2 et seq.) and the
33 regulations of the state department of revenue adopted thereunder.
34 6. No person knowingly and intentionally may sell or offer to sell and no
35 license shall be issued for retail sale of alcoholic beverages for sale for
36 consumption off the premises:
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38 8. CLASSIFICATION 8 - SPECIAL EVENTS as classified and approved by
39 City Council.
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SEPARATION DISTANCE TABLE - 2010

LICENSE TYPE	RELIGIOUS		SCHOOL		COLLEGE		RESIDENT		HEALTH		PUBLIC		NAVY		DISTANCE BETWEEN VENUES				
	door	bidg.	door	bidg.	door	bidg.	door	bidg.	door	bidg.	door	bidg.	door	bidg.	door	bidg.	to	to	
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	N/A	0	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	500	N/A	N/A	N/A	50	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	N/A	900	0	N/A	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	500	N/A	N/A	N/A	600	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	N/A	900	16000	N/A	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	500	N/A	N/A	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	500	N/A	N/A	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.

03-07-11

1 Sec. 10-4 CONSUMPTION OF ALCOHOL ON CITY STREETS PROHIBITED and
2 LIMITED IN CERTAIN AREAS

3 (a) Except as provided in paragraph (b) below, it shall be unlawful for any
4 licensed establishment to dispense any alcoholic beverage into an
5 open container for removal from the premises, and it shall be unlawful
6 for any person to remove from an alcoholic beverage establishment
7 any open container of alcoholic beverage or to drink or attempt to drink
8 any alcoholic beverage from any open container or to possess in any
9 open container any alcoholic beverage on the streets, sidewalks,
10 rights-of-way, and parking lots, whether public or private, within then
11 corporation limits of the City St. Marys. Section II of this ordinance
12 shall remain in force and be enforced outside of the designated event
13 location zones 1, 2 and 3.

14 (b) The area comprising the premises for a license under this classification
15 (based on the approved specific event location 1, 2, 3 as per this
16 ordinance and as specifically attached to the application for
17 participants wearing a pre-purchased 'wrist band') shall be outlined or
18 otherwise delineated on the ground by event organizer or the license
19 holder in any manner approved by the ranking St. Marys police officer
20 in attendance such that participants know where the licensed area is.
21 The ranking St. Marys police officer in attendance may require clearer
22 or additional delineation be made by the license holder at any time
23 during the event. Failure to comply with such request shall result in the
24 automatic and immediate termination of the license and require
25 termination of the event. Within this area, the following regulations
26 shall apply:

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

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

41 c. It shall be unlawful for any person to dispense, drink or attempt
42 to drink any alcoholic beverage from a can, bottle or glass or to

- 1 possess in an open can, bottle or glass any alcoholic beverage
2 on the streets, sidewalks, rights-of way, and parking lots,
3 whether public or private.
- 4 (c) The City Clerk shall maintain list of events and or festivals sponsored
5 by the City that are pre-approved. Any event not on this list shall
6 require specific City Council approval. This list shall be updated
7 annually by the City Clerk and Council.
- 8 (d) Applicant shall refer to Section II for data relating to the City open
9 container act.
- 10 (e) Outside Delivery of Drinks prohibited: Retail consumption dealers
11 under this chapter shall not sell or permit the sale of alcoholic
12 beverages except within the physical confines of the licensed
13 premises. The sale or delivery of alcoholic beverages through any
14 window, door, or other opening in the license premises to persons
15 outside the physical confines of the structure, and any sale or delivery
16 of beverage alcohol upon the street, sidewalk, or grounds outside the
17 license premises/event location is prohibited.
- 18 (f) Should the licensed special event either be a nuisance or cause a
19 nuisance as defined in other sections of the Ordinances of the City of
20 St. Marys, the City reserves the right to deny subsequent permits for
21 special events/festivals and/or restrict the use of alcohol in future
22 events by the applicant.

23 Sec. 10-5 APPLICATIONS FOR A PROFIT BUSINESS OR FUNCTION

- 24 (a) All persons desiring to sell alcoholic beverages shall make application on
25 the form prescribed by the city council. Only fully complete applications
26 will be presented to Council for the scheduling of a Public Hearing.
27 Incomplete applications will be returned for completion and the City will
28 not be responsible for delays in processing or approving the application
29 due to said incompleteness.
- 30 (b) The application shall include, but shall not be limited to, the following:
- 31 (1) Full and complete name and address of the applicant;
- 32 (2) Social Security number or tax I.D. number of the applicant;
- 33 (3) The exact name of the business to be located at the licensed
34 location;
- 35 (4) Complete and accurate street address and identification of the
36 premises or location to be licensed;
- 37 (5) If applicant is a general or limited partnership, the complete names,
38 Social Security numbers, and residence addresses of all partners,
39 whether general, managing, or limited;
- 40 (6) If a corporation, the names, addresses, and titles of all officers,
41 shareholders, directors, and registered agent for service of process;
- 42 (7) The names, Social Security numbers, and residence addresses of
43 all on-site managers for the establishment to be licensed;

- 1 (8) The names, Social Security numbers, and residence addresses of
2 all other persons who have or may have a financial interest in the
3 operation and business of the establishment to be licensed;
- 4 (9) Complete and full disclosure of any prior criminal convictions,
5 alcohol license suspensions or revocations, and other
6 administrative sanctions imposed upon applicant, its principles, and
7 manager(s) in relation to alcoholic beverage licensure by any
8 governmental entity.
- 9 (c) All applicants shall furnish such data, fingerprints, and other
10 documentation or records as required by the city council to ensure
11 compliance with the provisions of this chapter. Failure to furnish
12 information or documentation pursuant to such request shall automatically
13 serve to dismiss the application with prejudice.
- 14 (d) All applications shall be sworn to by the applicant before a notary public or
15 other officer empowered by law to administer oaths.
- 16 (e) All applications for a new license shall be accompanied by a plat of survey
17 prepared, signed and sealed by a registered land surveyor depicting or
18 showing the proximity of the location to be licensed to:
- 19 (1) Churches;
- 20 (2) School buildings, educational buildings, and school;
- 21 (3) Housing authority properties;
- 22 (4) Location for which a valid alcoholic beverage license exists;
- 23 (5) Any dwelling lying within the distance requirements noted in the
24 SEPARATION DISTANCE TABLE for each license classification.
- 25 (6) College campus or property employed as a college campus;
- 26 (7) Alcohol Treatment Facility or Mental Health Facility located within
27 the distances noted in the SEPARATION DISTANCE TABLE.
- 28 (8) Accurate street address or legal description of the property upon
29 which the establishment is to be located.
- 30 All applications required to be accompanied by a plat under this provision
31 shall include an additional fee for site plan review as set forth in Section
32 10-11.
- 33 (f) In all instances in which an application is denied under the provision of this
34 chapter the applicant may not reapply for a license for at least one year
35 from the final date of such denial.
- 36 (g) The city clerk shall provide written notice to any applicant whose
37 application is denied. Such written notification shall set forth the reasons
38 for such denial and shall advise the applicant of the right to appeal under
39 the provisions of this chapter.
- 40 (h) All applications shall be accompanied by a consent from the proposed
41 licensee for the City Clerk to secure a criminal background report on that
42 person(s) and a check for the cost thereof.
- 43 (i) All applicants shall complete a criminal history record information consent
44 form provided by the city clerk, and shall be sworn to by the applicant
45 before a notary public or officer empowered by law to administer oaths.
- 46 (j) No alcoholic beverage license shall be issued to any person unless the
47 building in which the business will be located is complete and detailed
48 plans of the building and outside premises are attached to the application,

1 or unless proposed plans and specifications and a copy of the building
2 permit of a proposed building to be built are attached to the application.
3 The completed building or the proposed building shall comply with
4 ordinances of the city, regulations of the state revenue commissioner and
5 the state. The proposed building shall also be subject to final inspection
6 and approval when completed by the city building inspector. Each building
7 in which the business will be located shall contain sufficient lighting so that
8 the building itself and the premises on all sides of the building are readily
9 visible at all times from the immediately adjacent street(s) on which the
10 building is located so as to reveal all of the outside premises of such
11 building. Each applicant for an alcoholic beverage license shall attach to
12 the application evidence of ownership of the building or proposed building,
13 or a copy of the lease if the applicant is leasing the building. If the
14 applicant is a franchisee, then such applicant shall attach a copy of the
15 franchise agreement or contract with the application. All premises for
16 which an alcoholic beverage license shall be issued shall afford therein
17 adequate sanitary toilet facilities and shall be adequately illuminated so
18 that all hallways, passageways and open areas may be clearly seen by
19 the customers therein.
20

21 **Sec. 10-6 APPLICATION FOR A NOT FOR PROFIT BUSINESS OR FUNCTION**

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

23 (a) All persons desiring to sell alcoholic beverages, shall make application on
24 the form prescribed by the city council.

25 (b) The application shall include, but shall not be limited to, the following:

- 26 (1) Full and complete name and address of the applicant;
- 27 (2) Social Security number or tax I.D. number of the applicant;
- 28 (3) The exact name of the business to be located at the licensed
29 location;
- 30 (4) Complete and accurate street address and identification of the
31 premises or location to be licensed;
- 32 (5) If applicant is a general or limited partnership, the complete names,
33 Social Security numbers, and residence addresses of all partners,
34 whether general, managing, or limited;
- 35 (6) If a corporation, the names, addresses, and titles of all officers,
36 shareholders, directors, and registered agent for service of process;
- 37 (7) The names, Social Security numbers, and residence addresses of
38 all on-site managers for the establishment to be licensed;
- 39 (8) The names, Social Security numbers, and residence addresses of
40 all other persons who have or may have a financial interest in the
41 operation and business of the establishment to be licensed;
- 42 (9) Complete and full disclosure of any prior criminal convictions,
43 alcohol license suspensions or revocations, and other
44 administrative sanctions imposed upon applicant, its principals, and
45 manager(s) in relation to alcoholic beverage licensure by any
46 governmental entity.

47 (c) All applicants shall furnish such data, and other documentation or records
48 as required by the city council to ensure compliance with the provisions of

1 this chapter. Failure to furnish information or documentation pursuant to
2 such request shall automatically serve to dismiss the application with
3 prejudice.

- 4 (d) All applications shall be sworn to by the applicant before a notary public or
5 other officer empowered by law to administer oaths.
- 6 (e) The city clerk shall provide written notice to any applicant whose
7 application is denied. Such written notification shall set forth the reasons
8 for such denial and shall advise the applicant of the right to appeal under
9 the provisions of this chapter.
- 10 (f) All applications shall be accompanied by a consent from the proposed
11 licensee for the City Clerk to secure a criminal background report on that
12 person(s) and a check for the cost thereof.
- 13 (g) All applicants shall complete a criminal history record information consent
14 form provided by the city clerk, and shall be sworn to by the applicant
15 before a notary public or officer empowered by law to administer oaths.
- 16 (h) No alcoholic beverage license shall be issued to any person unless the
17 building in which the business will be located is complete and detailed
18 plans of the building and outside premises are attached to the application,
19 or unless proposed plans and specifications and a building permit of a
20 proposed building to be built are attached to the application. The
21 completed building or the proposed building shall comply with ordinances
22 of the city, regulations of the state revenue commissioner and the state.
23 The proposed building shall also be subject to final inspection and
24 approval when completed by the city building inspector. Each building in
25 which the business will be located shall contain sufficient lighting so that
26 the building itself and the premises on all sides of the building are readily
27 visible at all times from the front of the street on which the building is
28 located so as to reveal all of the outside premises of such building. Each
29 applicant for an alcoholic beverage license shall attach to the application
30 evidence of ownership of the building or proposed building, or a copy of
31 the lease if the applicant is leasing the building. If the applicant is a
32 franchisee, then such applicant shall attach a copy of the franchise
33 agreement or contract with the application. All premises for which an
34 alcoholic beverage license shall be issued shall afford therein adequate
35 sanitary toilet facilities and shall be adequately illuminated so that all
36 hallways, passageways and open areas may be clearly seen by the
37 customers therein.

38
39 Sec. 10-7 Consumption

- 40 1. No retail consumption dealer licensed under this chapter shall keep any beer or
41 wine or other alcoholic beverages at any place except the licensed place of
42 business. No retail consumption dealer shall be permitted to enter into any type
43 of arrangement whereby distilled spirits ordered by a licensee are stored by a
44 licensed wholesaler.
- 45 2. No retail consumption dealers licensed under this chapter shall require, permit,
46 suffer, encourage, or induce any employee or person to solicit in the licensed
47 premises for herself/himself, or for any person other than the patron and guest of
48 the patron, the purchase by the patron of any drink, whether alcoholic beverage

1 or nonalcoholic beverage or money with which to purchase the beverage; nor
2 shall any licensee pay a commission or any other compensation to any person
3 frequenting his establishment or to his agent or manager to solicit for
4 herself/himself or for the others, the purchase by the patron of any drink, whether
5 alcoholic beverage or nonalcoholic beverage or money with which to purchase
6 the beverage.
7

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

- 9 (a) Council shall vote in public session to advertise a public hearing only
10 when a fully completed application, verified as complete by staff, is
11 submitted to Council for review.
- 12 (b) Upon a majority vote of council to advertise the application for public
13 hearing, notice of the time and date of such public hearing shall be
14 published in the official legal organ of the county at least two times during
15 the two weeks immediately preceding the date of the public hearing.
- 16 (c) The council shall conduct, prior to the granting of a new license, a public
17 hearing on the fitness and qualifications of the license applicant.
- 18 (d) The city council at a regularly scheduled meeting shall consider the
19 license application and/or application for license transfer and shall
20 determine whether the applicant meets the requirements of this chapter.
21 Council may, in its discretion, entertain or grant a license application at the
22 meeting wherein the public hearing is held. Council shall either grant or
23 deny such application within 90 days of the public hearing on a proper and
24 complete license application.
25

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

- 27 (a) Any license application may be withdrawn by the applicant at any time. If
28 the application is withdrawn before advertising pursuant to subsection 10-
29 8(a), all sums deposited as license fees will be refunded. Thereafter, any
30 costs incurred by the city in advertising and otherwise processing the
31 application shall be deducted from any sums to be refunded to the
32 applicant.
- 33 (b) All license applications must be fully complete and accurate at the time of
34 filing with the city clerk. Once filed, license applications may not be
35 amended or revised. Upon the applicant's written request, an application
36 requiring amendment or revision may be withdrawn, corrected, revised, or
37 amended, and then re-filed. An additional application fee must be paid at
38 the time of the re-filing of a revised, corrected, or amended application.
- 39 (c) Applications which are incomplete or inaccurate with regard to any
40 material matter or information, or which are filed without accompanying
41 documents, data or information required in this chapter, may be rejected
42 by city council at any stage of the license approval process and any costs
43 incurred by the city in processing such incomplete, rejected application
44 shall be deducted from license fees refundable to applicant.
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1 Sec. 10-10. Licensing qualifications.

- 2 (a) No license for sale of alcoholic beverages shall be granted to any person
3 who is not a citizen of the United States or a naturalized citizen lawfully
4 admitted for permanent residence. Proof of legal citizen status shall be
5 available for review if requested. The applicant shall cooperate with city
6 staff to verify his or her lawful presence in the United States including
7 making any affidavit required by state law.
- 8 (b) Where the applicant is a partnership or corporation, the provisions of this
9 section shall apply to all its partners, or stockholders with a financial
10 interest in the entity and all officers and general partners and/or majority
11 stockholders. In the case of a corporation, the license shall be issued
12 jointly to the corporation and the majority stockholder, if an individual.
13 Where the majority stockholder is not an individual, the license shall be
14 issued jointly to the corporation and its agent registered under the
15 provisions of this chapter. In the case of a partnership or limited
16 partnership, the license will be issued to all the partners owning at least 20
17 percent of the partnership; or if no partner owns 20 percent of the
18 partnership, then the general partner, managing partner or the partner with
19 the greatest ownership will be licensed.
- 20 (c) No person shall be granted any alcoholic beverage license or registration
21 certificate if it shall appear to the city council or clerk respectively that any
22 of the grounds for denial of a license exists as the same are set forth in
23 section 10-16 of this chapter.
- 24 (d) It shall be unlawful for any city employee directly involved in the issuance
25 of alcoholic beverage licenses under this chapter to have any whole,
26 partial or beneficial interest in any license to sell alcoholic beverages in
27 the city.
- 28 (e) No license for the sale of alcoholic beverages shall be granted to any
29 person who has had any license for the sale of alcoholic beverages
30 revoked, for reasons other than location requirements, revoked or
31 suspended, by any governmental entity in Georgia during a period of 24
32 months immediately preceding the date of the filing of a license application
33 with the city clerk.
- 34 (f) The city council may decline to issue a license when any person having
35 any ownership interest in the operation of such place of business or
36 control over such place of business does not meet the same character
37 requirements as set forth in this section for the licensees.
- 38 (g) If applicant is not a city resident, all licensed establishments must
39 designate and continuously maintain a resident of Camden County upon
40 whom any process, notice or demand required or permitted by law or
41 under this chapter to be served upon the licenses or owner may be
42 served. The applicant shall file the name of such representative, along
43 with the written consent of such person, if different from applicant, with the
44 city clerk and shall be in such form as the city clerk may prescribe. Lack
45 of a continuous permanent resident is grounds for denial of the application
46 or revocation of the application after issuance.
- 47 (h) A license application may be denied to any applicant, or the license
48 revoked, for any alcoholic beverage license where it appears that the

1 applicant is intended to be a mere surrogate for a person or persons who
2 would not otherwise qualify for a license for any reason whatsoever.

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

12
13 Sec. 10-11. Fees.

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

17
18 License fees applicable to this chapter are as follows:

- 19 (1) Eating Establishments (Restaurants) - beer, wine and malt beverages
20 and/or distilled spirits to be consumed on the premises, per approved fee
21 schedule;
- 22 (2) Non-Eating Establishments (Bars, Lounges, etc) - beer, wine and malt
23 beverages and/or distilled spirits sold in original packages for consumption
24 on the premises, per approved fee schedule;
- 25 (3) Non-Eating Establishments (Package Stores) - beer, wine and malt
26 beverages and/or distilled spirits sold in original packages for consumption
27 off the premises, per approved fee schedule;
- 28 (4) Temporary license, per approved fee schedule, up to a maximum of two
29 days per year;
- 30 (5) Public and/or Nonprofit private club distilled spirits, beer wine and malt
31 beverages to be consumed on the premises, per approved fee schedule;
- 32 (6) Special Events approved by Council as per fee schedule.
- 33 (7) Transfer fee per approved fee schedule.
- 34 (8) Appeal fee as per approved fee schedule.
- 35 (9) Site plan review fee as per approved fee schedule.
- 36 (10) Server permit as per approved fee schedule
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1 **APPROVED FEE SCHEDULE**

2

3	New Application Fee	\$150.00
4	Beer & Wine License	\$1,100.00
5	Spirituos Liquor License	\$1,650.00
6	Beer & Wine & Liquor License	\$2,750.00
7	Private Clubs	\$550.00
8	Temporary Daily (2 per yr. maximum)	\$110.00 each
9	Transfer Fee (active license)	\$165.00
10	Application Re-filing Fee	\$100.00
11	Applicant Appeal Fee (after denial)	\$100.00
12	Server Permit	\$5.00
13	Background Check	\$25.00
14	Wrist Bands for Special Events	\$3.00 for each band issued

15

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

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

22

23 Sec. 10-13. Transferability of license.

- 24 (a) No license for the sale of alcoholic beverages shall be transferable, except
25 as otherwise provided in this section.
- 26 (b) In case of the death of a licensee, the establishment shall be allowed to
27 continue to sell alcoholic beverages for a period of 45 days from the date
28 of death or until expiration of the license or until approval of a new license,
29 whichever shall first occur, provided that no sale of alcoholic beverages
30 shall be allowed unless a personal representative of the estate, appointed
31 by a probate court of competent jurisdiction, shall make application for
32 authorization with the city clerk within 10 days of the death of the licensee.
- 33 (c) If a license is surrendered or a licensee severs his association with a
34 licensed establishment, the establishment may not continue to sell
35 alcoholic beverages and no sale of alcohol beverages shall resume unless
36 and until a new license is issued.
- 37 (d) Nothing in this section, however, shall prohibit one or more of the partners
38 of a general or limited partnership holding a license to withdraw from the
39 partnership in favor of one or more of the partners who were partners at
40 the time of the issuance of the license. This section shall not prohibit
41 transfer of stock between persons who held stock in the corporation at the
42 time of issuance of the license nor shall it prohibit transfers of stock which
43 do not result in any person increasing his stock holdings to a total of ten
44 percent or more of any class of stock.
- 45 (e) Except as provided in subsections (a) through (d) of this section, any
46 change in the ownership of any entity owning a licensed establishment
47 shall cancel and revoke any license pursuant to this chapter automatically,
48 without the necessity of any hearing.

- 1 (f) Violation of this section shall result in revocation of the license being used
2 and a fine on the new ownership and the old ownership of not less than
3 \$550.00. No license will be issued to the old or the new owner in the city
4 for one year from the date of such violation.
- 5 (g) Application for transfer must be made by the licensee holding the license
6 to be transferred. Should a licensee make application to the city clerk for a
7 transfer of location and should such a transfer of a location be approved,
8 with no change in ownership of the business, the license fee paid for the
9 previous license shall be applied to the new location. Each applicant for
10 transfer of location shall pay transfer fee in the amount listed on the
11 approved fee schedule.
- 12 (h) All applications shall be accompanied by a letter certifying that the
13 applicant does not have any pending criminal charges and that applicant
14 has no convictions from any County, State or Federal Court for the past
15 ten years.

16
17 Sec. 10-14. Display of license at place of business.

18 The City of St. Marys alcoholic beverage license shall at all times be kept plainly
19 exposed to view to the public at the place of the business of the licensee.
20

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

- 22 (a) All licenses granted under this chapter shall expire on December 31 of
23 each year. Licensees who desire to renew their license shall file
24 applications, with the requisite fee enumerated in section 10-11, with the
25 city clerk on the form provided for renewal of the license for the ensuing
26 year. Applications for renewal must be filed on or before November 30 of
27 each year. Applicants for renewal application received after November 30
28 shall pay in addition to the annual fee, a late charge of 20 percent of the
29 license fee. If a license application is received after January 1, such
30 application shall be treated as an initial application and the applicant shall
31 be required to comply with all rules and regulations for the granting of
32 licenses as if no previous license had been held. If a license application is
33 received after January 1, investigative and administrative costs will be
34 assessed.
- 35 (b) All licenses granted under this chapter shall be for the calendar year, and
36 the full license fee must be paid for a license application filed prior to July
37 1 of the license year. One-half of a full license fee shall be paid for a
38 license application filed after July 1 of the license year except for
39 applications for temporary licenses under section 10-17, which shall not
40 be halved.
- 41 (c) Any person renewing any license issued under this chapter who shall pay
42 the required fee, or any portion thereof, after January 1, shall, in addition
43 to the annual fee and late charges, pay interest on the delinquent balance
44 at a rate of one and one-half percent per month (18% per annum).
- 45 (d) All eating establishments must provide an annual report of daily sales
46 showing liquor, beer, wine and food sales separately when renewing any
47 license under this chapter to the city clerk.
48

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

- 2 (a) All applicants for licenses hereunder must, within six months after
3 approval and issuance of said license, open for business the
4 establishment referred to in the license and begin the sale of the product
5 or products authorized by the license. Failure to open such establishment
6 within such six-month period shall result in an automatic forfeiture and
7 cancellation of such unused license with no refund of the license fees
8 previously paid.
- 9 (b) Unless an extension is granted by the city council for good cause shown,
10 the failure of any licensee to operate the licensed establishment for a
11 period of 90 consecutive days after commencing business and the
12 exercise of the license granted hereunder shall result in the automatic
13 forfeiture and cancellation of such license with no refund of license fees
14 previously paid.
- 15 (c) Any place of business that is intended to be sold, shall maintain an active
16 attempt to sell said business. If the business is not actively in the process
17 of being marketed, as evidenced by a valid real estate broker agreement
18 for a period of twenty-four (24) months, the license shall be deemed void
19 and any new license at that location shall comply will all terms of this
20 ordinance as they exist at the time of the application for the new license.
21 There will be no grandfathering under this section.
22

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

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

- 26 (1) The violation by the applicant, licensee or licensee's employees of any
27 state or federal law or regulation or any provision of this Code or other
28 municipal ordinance, whenever adopted, relating to the sale, use,
29 possession or distribution of drugs or alcoholic beverages.
- 30 (2) The failure of the licensee or his employees to report promptly to the
31 police department any violation of law or municipal ordinances, including
32 but not limited to the sale of alcoholic beverages to underage persons,
33 breach of peace, disturbance or altercation occurring in or adjacent to the
34 licensee's premises.
- 35 (3) The conviction, plea of guilty or nolo contendere of the applicant or its
36 partners, or officers or directors, if not a natural person, to any crime
37 involving moral turpitude, illegal gambling, illegal possession or sale of
38 alcoholic beverages, including sale or transfer of alcoholic beverages to
39 minors, keeping a place of prostitution, pandering, pimping, public
40 indecency, prostitution, solicitation of sodomy or any sexually related
41 crime within a period of ten years immediately prior to the filing of such
42 application.
- 43 (4) The operation of the licensee's business in such a manner as to constitute
44 a threat to public safety, welfare or health or in such a manner as to
45 constitute a public nuisance or the operation of a licensed business where
46 violations of federal, state or local laws or ordinances frequently or
47 regularly occur.

- 1 (5) The making of any untrue or misleading statement in the application for a
2 license or any renewal thereof or the omission from such application or
3 renewal of any information required in the application.
- 4 (6) The revocation by the state of any state license to sell any alcoholic
5 beverage shall result in the automatic revocation of the license issued
6 under this chapter without any action by the council or any city officer or
7 employee. Upon revocation or suspension of a license by the state, such
8 license holder(s) shall report said revocation or suspension to the city
9 clerk.
- 10 (7) All licenses issued under this chapter shall be subject to compliance with
11 all city ordinances and the rules and regulations set forth in the Georgia
12 Alcoholic Beverage Code, as now or hereafter amended, and those
13 regulations prescribed by the state department of revenue; and violation of
14 these statutes and regulations shall be violations of this Code.
- 15 (8) The violation by and conviction of the applicant under the city's noise
16 ordinance or adult entertainment ordinance.
- 17 (9) An act or omission of a licensee, owner of more than 20 percent interest in
18 the licensed establishment, or employee of the licensee or licensed
19 establishment willingly or knowingly performed, which constitutes a
20 violation of federal or state law or any provision of this chapter will subject
21 the licensee to suspension or revocation of its license in accordance with
22 the provisions of this chapter, when the city council determines to its own
23 satisfaction that the act or omission did occur, regardless of whether any
24 criminal prosecution or conviction ensues; provided, however, in the case
25 of any employee, the city council must determine that the acts of the
26 employee were known to or under reasonable circumstances should have
27 been known to the licensee, were condoned by the licensee, or where the
28 licensee has not established practices or procedures to prevent the
29 violation from occurring.
- 30 (10) Whenever the licensee has defaulted in any obligation of any kind
31 whatsoever, lawfully owing to the city, the city council, in its discretion,
32 shall revoke the license of such licensee.
- 33 (11) The council shall not revoke, suspend or refuse to renew any license
34 provided for in this chapter without notice and an opportunity for a hearing
35 as provided for herein.
- 36 (12) Any licensed establishment where three or more violation of this chapter
37 or violation of the Georgia Alcoholic Beverage Laws and Regulations,
38 have occurred within any 36-month period shall be punished as follows:
- 39 a. For the third offense within any 36-month period, suspension of
40 license(s) for a period not to exceed 90 days; and
- 41 b. For the fourth and any subsequent violation within any 36-month
42 period, suspension of license(s) for a period not to exceed one
43 year; and
- 44 c. In any event, no suspension shall be for a period of time longer
45 than the time remaining under the license.
- 46 d. As to the penalties as set forth above, if there is a change in a
47 majority of the licensed establishment's owners, partners or
48 shareholders, the violations under the prior ownership shall not

1 count against the new owners; however, a different corporation,
2 partnership or other association will be charged with the violation of
3 its predecessor(s) if a majority of the owners, partners or
4 shareholders are the same.

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

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

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

12 1. Consistency of penalties set by the city council.

13 2. Likelihood of deterring future wrongdoing.

14 3. Impact of the offense on the community.

15 4. Any mitigating circumstances or remedial or corrective steps
16 taken by licensee.

17 5. Any aggravating circumstances or failure by the licensee to
18 take remedial or corrective steps.

19 6. The cumulative number of prior violations of federal, state or
20 local laws, ordinances and any provisions of this Code since
21 the original license was issued.

22 7. Whether such violation was committed by any employee of
23 the licensee and whether such employee has been
24 terminated permanently from licensee's employment.

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

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

42
43 Sec. 10-18. Hearings.

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

46 (b) As to any registration certificate for employees of a licensed
47 establishment, the city clerk shall provide written notice to the applicant or
48 licensee of his or her order to deny, suspend or revoke the license. Such

1 written notification shall set forth the reasons for such action and shall
2 notify the applicant or licensee of the right to appeal under the provisions
3 of this chapter. Any applicant or licensee who is aggrieved or adversely
4 affected by a final action of the city clerk may have a review of a final
5 action by appeal to the city council. Such appeal shall be by written
6 petition, filed in the office of the city clerk within 15 days after the date of
7 the final order or action of the city clerk. Any such appeal must
8 accompanied by a filing fee as outlined in the approved fee schedule. The
9 filing fee for appeals relating only to pouring permits for employees shall
10 also be as outlined in the approved fee schedule. The city council may, at
11 the request of the appellant, refund the filing fee by a majority vote if it
12 finds such refund to be consistent with the purposes of this ordinance. All
13 hearings by the city council under this Ordinance shall be conducted
14 within 30 days of the date of filing of an appeal with the city clerk unless a
15 continuance of such date is agreed to by the appellant and the city clerk.

- 16 (c) All hearings by the city council under this Ordinance shall be conducted at
17 a time set by the city council. The appellant at such hearing shall have the
18 right to be represented by an attorney, at the expense of the appellant,
19 and to present evidence and cross-examine witnesses. Should the
20 appellant desire a transcript of the appeal proceedings the appellant shall
21 provide a court reporter to take down and transcribe the hearing and
22 provide the city with a copy of such transcript at no cost to the city.
- 23 (d) It shall be the duty of the city clerk to notify the appellant in writing of the
24 action of the city council within 15 days of the decision.
- 25 (e) The findings of the city council shall not be set aside unless found to be:
 - 26 (1) Contrary to law or ordinances;
 - 27 (2) Unsupported by any evidence on the records as a whole; or
 - 28 (3) Clearly unreasonable.
- 29 (f) The findings of the city council shall be final unless appealed within 30
30 days of the date of the finding by certiorari to the Camden County Superior
31 Court.

32
33 Sec. 10-19. Notice.

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

37
38 Sec. 10-20. Audits of licensees.

- 39 (a) If the city deems it necessary to conduct an audit of the records and books
40 of the licensee, the city clerk shall notify the licensee of the date, time and
41 place of the audit. The city may designate the city's internal auditor or
42 other qualified person to perform any audit authorized in this Code. The
43 licensee shall cooperate with the audit or forfeit any license(s) issued
44 under this chapter.
- 45 (b) All licensed establishments must maintain the following records for a
46 three-year period and make them available for audit at the licensed
47 premises:

- 1 (1) Daily sales receipts showing liquor, beer, wine and food sales
2 separately (this requirement does not apply to package beer and
3 wine licensees).
4 (2) Daily cash register receipts such as "Z tapes" or guest tickets.
5

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

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

13 (b) The city clerk may request, from time to time, information concerning
14 purchases and sales of alcoholic beverages from retailers and
15 wholesalers.
16

17 Sec. 10-22. Addition to contents of alcoholic beverages prohibited.
18

19 No person shall add to or permit the adding to or refilling of any alcoholic beverage
20 manufacturer's container in any matter.
21

22 Sec. 10-23. Subterfuge prohibited.

23 Any act, practice or conduct of or on the part of a licensee or employees or agents of a
24 licensee which may be construed as a subterfuge in an attempt or effort to circumvent
25 any provision of this chapter shall be deemed a violation of the provision attempted or
26 sought to be circumvented.
27

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

29 No person shall allow or require a person in his or her employment under 18 years of
30 age to dispense, serve, sell or take orders for any alcoholic beverage.
31

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

33 It shall be a violation of this chapter not to require and properly check identification to
34 ensure that an underage person is not sold, served, or does not have in his or her
35 possession, alcoholic beverages while in a licensed establishment. Identification in this
36 section shall mean any document issued by a governmental agency containing a
37 description of the person, such person's photograph and giving such person's date of
38 birth and shall include, without being limited to, a passport, military ID card, driver's
39 license or state department of public safety ID card. (Ord. of 5-13-02, § 2)
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1 Sec. 10-26. Sales to underage person prohibited.

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

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

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

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

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

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

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

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

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

42 a. For the third offense within in any 36-month period, suspension of
43 license(s) for a period not to exceed 90 days; and

44 b. For the fourth and any subsequent violation within any 36-month
45 period, suspension of license(s) for a period not to exceed one
46 year.

47 As to the penalties in subsection (6), if there is a change in a majority of
48 the licensed establishment's owners, partners or shareholders, the

1 violations under the old ownership shall not count against the new owners;
2 however, a different corporation, partnership or other association will be
3 charged with the violations of its predecessor(s) if a majority of the
4 owners, partners or shareholders are the same.
5

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

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

- 9 (1) No person shall be employed to dispense, sell, serve, take orders, or mix
10 alcoholic beverages, or serve in any managerial capacity by an
11 establishment holding a license under this chapter unless and until such
12 person has obtained or holds a registration certificate issued by the chief
13 of the city police department.
- 14 (2) All persons desiring a registration certificate shall make application in a
15 form prescribed by the city council. The application shall be accompanied
16 by an administrative fee of \$5.00, and a copy of the "responsible alcohol
17 sales and server training program" completion certificate.
- 18 a. The application shall include, but shall not be limited to, the name,
19 Social Security Number, date of birth, driver's license number, and
20 prior arrest record of the applicant.
- 21 b. The applicant shall participate in a City of St. Marys approved
22 "responsible alcohol sales and server training program," which shall
23 not be waived. A certificate will be awarded upon completion of the
24 program. Instructors, trainers, or any persons associated or
25 employed by the organization conducting the training referenced in
26 this subsection shall not appear before the city clerk, mayor, or
27 council as a representative, attorney, advocate or witness for an
28 applicant.
- 29 c. Any persons holding an out of state "responsible alcohol sales and
30 server training program" completion certificate shall be given a
31 grace period of six months to obtain the City of St. Marys approved
32 "responsible alcohol sales and server training program" certificate.
- 33 (3) The chief of police or his designee may deny, suspend, revoke or refuse
34 to renew any registration certificate upon conviction or nolo contendere
35 plea by the holder thereof of any local, state or federal offense of selling or
36 supplying alcoholic beverages to minors.
- 37 (4) In the event of a denial, suspension, revocation or refusal to renew a
38 registration certificate the applicant shall be notified of such action by
39 certified mail, return receipt requested whereupon such applicant shall
40 have the right within 30 days of mailing of such notification to appeal such
41 action to the city council under section 10-17 of this chapter.
- 42 (5) Such registration certificate must be in the possession of the employer by
43 whom the permit holder is employed and must be available for inspection
44 by officers of the police department.
- 45 (6) It shall be the duty of all alcoholic beverage licensees to file quarterly with
46 the chief of police or his designee, a list of all employees holding such
47 certificates.

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

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

- 9 (a) Alcoholic beverage sales can be made by a licensed consumption on-
10 premises establishment in a patio/open area type environment if the
11 establishment has been approved to do so by the city council.
12 (b) The requirement for approval is that the patio/open area be enclosed by
13 some structure providing for public ingress/egress only through the main
14 licensed premises. The purpose of this requirement is to prevent a
15 customer from leaving the outside sales area with an open drink.
16 (c) The height of such structure shall be a minimum of three and one-half feet
17 above ground level. It does not have to be solid, nor does it have to
18 restrict visibility into or out of the patio/open sales area. It must be
19 permitted and approved by the city's building inspection department and
20 the city's fire department, as required by their governing regulations or
21 codes.
22 (d) The only exit from this type area is to be through the licensed
23 establishment's main premises and through an approved fire exit, not for
24 general public use unless an emergency exists. The fire exit should be of
25 the type that sounds an alarm so that the establishment will be alerted in
26 the event of unauthorized use when no emergency exists.
27 (e) If a licensee desires a patio/open sales area inside an existing structure,
28 plans will be reviewed and approved on an individual basis by the city
29 council. Interior type patio/open sales areas must also meet the
30 requirements of the city's building code.
31 (f) Nothing contained in this section shall prohibit a hotel or motel with a
32 consumption on the premises license from making sales and allowing
33 consumption of alcoholic beverages in ballrooms, meeting rooms,
34 reception rooms, or patio areas of such hotel or motel, provided such
35 functions are catered in connection with a meeting, conference,
36 convention or similar type gathering at such hotel or motel. "Patio areas,"
37 as that term is used in this subsection, do not have to conform to the
38 standards in this section.
39

40 Sec. 10-29. No consumption outside premises for Classifications 1 through 7.

- 41 (a) It is prohibited for customers to leave the premises with open alcoholic
42 beverages, and it is the licensee's responsibility to ensure that no open
43 beverages are sold and carried out. However, nothing in this section shall
44 be construed to prohibit the carrying out of wine or malt beverages for
45 consumption at a publicly owned or privately owned golf course.
46 (b) It is prohibited for customers to gather outside an alcoholic beverage
47 establishment and consume alcoholic beverages.

- 1 (c) It is prohibited for the manager or any employee to allow persons to gather
2 outside an alcoholic beverage establishment and consume alcoholic
3 beverages.
4

5 Sec. 10-30. Inspection of licensed establishments by the police department.
6 Certified officers of the police department shall have the authority to inspect
7 establishments licensed under the alcoholic beverages ordinances of the city during the
8 hours in which the premises are open for business. These inspections shall be made for
9 the purpose of verifying compliance with the requirements of this chapter and state law.
10 This section is not intended to limit the authority of any other city officials to conduct
11 inspections authorized by other provisions of this Code.
12

13 Sec. 10-31. Establishment can be closed in cases of emergency.
14 The chief of police, or his designee, may immediately close an establishment licensed
15 under this chapter in case of emergency, for the safety of the public or to investigate a
16 crime, for a period of time not to exceed 24 hours.
17

18 Sec. 10-32. Sale on election days.
19 Pursuant to the delegation of authority granted to this governing authority by Act No.
20 750 (House Bill No. 247) approved April 10, 1985, amending O.C.G.A. § 3-3-
21 20(b)(2)(B), the wholesale and retail sale of alcoholic beverages, to wit: distilled spirits,
22 wine and malt beverages, shall be lawful during the polling hours of any election;
23 provided, however, nothing herein shall authorize the sale of alcoholic beverages within
24 250 feet of a polling place during such time as the polls are open.
25

26 Sec. 10-33. Brown bagging prohibited.
27 Subject to the exceptions as hereinafter set forth, it shall be unlawful for a person,
28 business, establishment, or employee thereof, which imposes, collects, or charges any
29 admission charge, ticket charge, entertainment fee, cover charge, setup or mixer
30 charge, or contribution and which is not licensed under this chapter for on-premises
31 consumption to permit any container of alcoholic beverages to be possessed or
32 consumed by any guest, patron, or customer while on such premises. It is the intent and
33 purpose of this provision to prohibit the operation of bottle clubs and brown bagging
34 establishments which do not obtain and hold a valid on-premises consumption license.
35

36 Such prohibition shall not, however, apply to activities or events sponsored or
37 conducted by bona fide nonprofit civic or service organizations on an occasional basis.
38

39 Sec. 10-34. Hours of sale.

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

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

47 (c) *Sunday sales.* Notwithstanding any other provision of this chapter, the sale of
48 alcoholic beverages for consumption on premises shall be permitted on Sundays from

1 12:30 p.m. until 12:00 midnight in any licensed establishment which derives at least 50
2 percent of its total annual gross sales from the sale of prepared meals or food in all of
3 the combined retail outlets of the individual establishment where food is served and in
4 any licensed establishment which derives at least 50 percent of its total annual gross
5 income from the rental of rooms for overnight lodging.
6

7 Sec. 10-35. Knowledge of chapter.

8 All licensees of licenses issued under this chapter shall keep a copy of this chapter on
9 the licensed premises and shall instruct all employees of its terms and content.
10 Licensees and employees shall at all times be familiar with the provisions of this chapter
11 and ignorance or neglect shall not constitute a defense or excuse for noncompliance.
12

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

14 Each application for a license under this chapter shall be accompanied by a certified
15 check for the full amount of the license fee, together with a separate certified or
16 cashier's check or cash in the amount of \$150.00 to defray investigative and
17 administrative costs. If the applicant is denied a state license, the deposit representing
18 the license fee shall be refunded, but the \$150.00 cost paid for investigation and
19 administrative costs shall be retained. However, any person applying for more than one
20 license shall pay only one fee to defray investigative and administrative expenses,
21 which fee shall be the largest of the investigative and administrative fees authorized
22 under this Code. Any applicant for a license under this article who has in existence at
23 the time of making the new application an existing license under this article shall pay no
24 investigative and administrative costs.
25

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

27 The maximum excise tax allowable by state law for the sale of distilled spirits or wines
28 and malt beverages shall be collected by the wholesale supplier from the retail seller
29 and turned over to the city monthly. The wholesaler shall remit to the city on the tenth
30 day of the month next succeeding the calendar month in which such sales were made,
31 the tax as allowed by state law. The failure to make a timely report and remittance shall
32 render a wholesale dealer liable for a penalty equal to ten percent of the total amount
33 due during the first 30-day period following the date such report and remittance were
34 due and a further penalty of 15 percent of the amount of such remittance for each
35 successive 30-day period or any portion thereof, during which such report and
36 remittance are not filed. The filing of a false or fraudulent report shall render the
37 wholesale dealer making such report liable for a penalty equal to 25 percent of the
38 amount of the remittance which would be required under an accurate and truthful report.
39 Such tax is in addition to the fees imposed upon the licensee.
40

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

42 In addition to loss of license or Registration Certificate, any person who violates any
43 provision of this chapter may, upon conviction, be punished by a fine of up to \$500.00 or
44 imprisonment for not more than six months, or both.
45
46
47

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

3
4 It shall be unlawful for any person to sell or possess for the purpose of sale any
5 alcoholic beverage where the person does not have a license granted by the city to sell
6 or possess for sale these alcoholic beverages, or to sell or make deliveries beyond the
7 boundaries of the premises covered by the license.

8
9 Sec. 10-40-45 RESERVED

10
11 ARTICLE II. OPEN CONTAINERS

12
13 Sec. 10-46. Title.

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

15
16 Sec. 10-47. Definitions.

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

20
21 **Alcoholic beverage:** all alcoholic beverages, distilled spirits, malt beverage, wine or
22 fortified wine as defined in O.C.G.A. title 3.

23
24 **Broken package:** a bottle, can, keg or other original container which has been opened,
25 or the seal to which has been broken, so as to allow the contents thereof to be
26 immediately consumed.

27
28 **Motor vehicle:** every vehicle which is self-propelled.

29
30 **Occupant:** any person who is occupying any vehicle on a public street, road or public
31 place.

32
33 **Open Container:** a glass, cup, jar, can or other receptacle designed for or capable of
34 being used to hold liquids.

35
36 **Public place:** any and all public property, owned or operated by any of the following or
37 combination thereof: the federal government, the state government, the county
38 government, the city government, or any political subdivision thereof; any area of a
39 business enterprise where the public has general access; and any property other than a
40 private residence and curtilage held in private ownership.

41
42 **Street or road:** the entire width between right-of-way lines publicly maintained when
43 any part thereof is open to the use of the public for vehicular traffic.

1 Sec. 10-48. Operation of motor vehicle.
2 It shall be a violation of this article to operate a motor vehicle on a public road or street
3 or public property in the city, while the operator or any occupant thereof has in his
4 possession an open container or broken package containing alcoholic beverages.

5
6 Sec. 10-49. Occupancy of motor vehicle.
7 It shall be a violation of this article for any occupant of a motor vehicle being driven or
8 parked on a public road or street or public property in the city to possess an open
9 container or broken package containing alcoholic beverages.

10
11 Sec. 10-50. Possession of open container in or on public place.
12 It shall be a violation of this article for any person who is upon any public property of this
13 city to possess an open container or broken package containing alcoholic beverages.

14
15 Sec. 10-51. Exceptions.
16 (a) This article shall not apply to the passengers in any chartered bus designed for
17 carrying more than ten persons when it is being used for the transportation of persons,
18 or a passenger in a chauffeured limousine driven by a person holding a valid chauffeur's
19 license issued by a state agency and which limousine service in addition has a valid city
20 business license, or to the occupants in living quarters of a camper or motor home.

21
22 b) This article shall not apply to broken packages contained in any locked
23 compartment accessible only from outside the motor vehicle.

24
25 (c) Properly submitted and approved special events as defined in Section I and as
26 approved by Council shall be exempt from this Section in the special event locations
27 specified. Any possession of an open container outside the limits of the approved
28 zone(s) shall remain covered by Section 10-50 without exception.

29
30 **This Amendment** shall become effective upon passage.

31
32 **ST. MARYS CITY COUNCIL**
33 **ST. MARYS, GEORGIA**

34
35
36
37 _____
38 WILLIAM DELOUGHY, MAYOR

39
40
41
42 ATTEST:

43 _____
44 DARLENE ROELLIG, CITY CLERK
CITY OF ST. MARYS, GEORGIA