

First Reading: 11/6/2017

Second Reading: 12/5/2017

Passed: 12/5/2017

**ORDINANCE NO. 2017-04**

**AMENDMENT TO AN ORDINANCE TO REGULATE THE SALE OF ALCOHOLIC BEVERAGES IN THE CITY OF BLAIRSVILLE, GEORGIA; TO PROVIDE FOR THE LICENSES, ENFORCEMENT, PENALTIES FOR VIOLATION, EXCISE TAXES, TO AMEND CITY OF BLAIRSVILLE ORDINANCE NO. 2017-03 AND OTHER CONFLICTING ORDINANCES, TO PROVIDE AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.**

**WHEREAS**, it is the intent and purpose of the Mayor and Council of the City of Blairsville to make its Ordinance Regarding the Sale of Alcoholic Beverages conform with the laws of the State of Georgia; and

**WHEREAS**, it is the intent and purpose of the Mayor and the City Council of the City of Blairsville to provide alcoholic beverages for consumption on the premises may be sold in the City under licenses granted by the City Council upon the terms and conditions provided in this Ordinance; and

**WHEREAS**, it is the intent and purpose of the Mayor and the City Council of the City of Blairsville to provide that wine and malt beverages may be sold in the City by the package under licenses granted by the City Council upon the terms and conditions provided in this Ordinance; and

**WHEREAS**, the City Council of the City of Blairsville, Georgia is authorized by the Constitution of the State of Georgia to enact ordinances for the health, safety and welfare of the general public, and

**NOW THEREFORE BE IT RESOLVED AND ORDAINED** by the Mayor and City Council of the City of Blairsville, and it is hereby resolved and ordained by the authority of the same, that the Malt Beverage and Wine Ordinance No. 2017-03, and all other conflicting ordinances, are hereby modified and amended and the following is substituted therefore:

**Sec. 10-71. – Purpose.**

The City Council of the City of Blairsville desires to set out fair and comprehensive rules and regulations establishing reasonable and ascertainable standards for the regulation and control of the licensing, manufacture, and sales of alcoholic beverages:

- (1) To promote the tourism trade, prosperity, economic well-being and the general welfare of the City;
- (2) To protect and preserve the community, including its schools and churches;
- (3) To maintain and promote desirable living conditions, and sustain stability of neighborhoods and property values;

- (4) To prevent undesirable persons from engaging in or having any interest in the manufacture and sale of alcoholic beverages; and
- (5) For the health and welfare of the citizens of the City of Blairsville.

**Sec. 10-72. – Definitions.**

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

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

*Alcoholic beverages for consumption on the premises* means all distilled spirits, alcohol, beer, malt beverage, wine, or fortified wine that are consumed on the premises, including bottles of beer or malt liquor and bottles of wine that are opened only for consumption on the premises, except for certain partially consumed bottles of wine in accordance with O.C.G.A. § 3-6-4 and this article.

*Ancillary wine tasting* means samples of wine provided to customers of licensed for wine and craft beer only by the package, with growler sales, under the conditions set forth in [section 10-79](#) of this article.

*Bed and breakfast* means any establishment where five or more rooms used for sleeping accommodations are offered for pay to guests, which regularly prepares and serves breakfast, where there exists one or more dining rooms serving prepared meals, whether public or for the use of guests, with a seating capacity of at least ten, with a kitchen that has been approved by the health and fire departments.

*Beer* - See malt beverage.

*Church* means a tax exempt organization in a building including the main structure together with any auxiliary structures where persons regularly assemble for religious worship.

*City* means the City of Blairsville, Georgia.

*City Clerk* means the official certified city clerk, or other duly designated person appointed by the City Council to handle certain city clerk duties.

*City Council* means the City Council of the City of Blairsville, Georgia.

*City Police Department* means the City of Blairsville Police Department.

*Class B machine* means a bona fide coin operated amusement machine that allows a successful player to accrue points on the machine and carry over points won on one play to a subsequent play or plays in accordance with paragraph (2) of subsection (d) of O.C.G.A. § 16-12-35 and:

- (1) Rewards a successful player in compliance with the provisions of paragraphs (1) and (2) of subsection (d) of O.C.G.A. § 16-12-35; and

- (2) Does not reward a successful player with any item prohibited as a reward in subsection (i) of O.C.G.A. § 16-12-35 or any reward redeemable as an item prohibited as a reward in subsection (i) of O.C.G.A. § 16-12-35.

*Convenience store* means a small store or shop that sells items, including but not limited to, candy, ice cream, soft drinks, water, lottery tickets, tobacco products, newspapers, magazines, a selection of processed foods, sandwiches, a few items of groceries, ATM and money order services, as well as fuel, motor oils, etc., such as are typical in the City of Blairsville.

*Craft beer* means a beer with a distinctive flavor, produced in small quantities and distributed in a particular region by a small independent American craft brewer (or certain European brewers) having an annual production of six million barrels of beer or less and less than 25 percent of the craft brewery is owned or controlled (or equivalent economic interest) by a beverage alcohol industry member that is not itself a craft brewer and is a brewer that has a majority of its total beverage alcohol volume in beers whose flavor derives from traditional or innovative brewing ingredients and their fermentation.

*Distilled spirits* means any alcoholic beverage obtained by distillation or any alcoholic beverage containing more than 24 percent alcohol by volume (or any other such percentage that may be determined by the laws of Georgia).

*Eating establishment* means any public place, including a place available for rental by the public, with seating for 16 or more persons, or other number as specified in this article, selling prepared food for consumption by the public on the premises, with a full-service kitchen which must be approved by the health and fire departments, and sanitary restroom facilities.

*Family* means and includes any person related to the holder of a license within the first degree of consanguinity or affinity, as determined according to civil law.

*Farm winery* means a domestic winery as defined and regulated by O.C.G.A. § 3-6-21.1 et seq., which is licensed as a farm winery by the State of Georgia.

*Farm winery tasting room* means an outlet for the promotion of a farm winery's wine by providing complimentary samples of such wine to the public and for retail sale of such wine as provided and regulated by O.C.G.A. § 3-6-21.1 et seq.

*Front* means any person or entity that is operating under authority or agency of another.

*Fuel* means any petroleum product including but not limited to, gasoline, diesel, kerosene, ethanol and propane.

*Growler* means a large container made of either glass or plastic that may be considered as a bottle not to exceed two liters and not less than 12 ounces that is filled with craft beer from a keg by a licensee, or employee of a licensee, holding a wine and craft beer only by the package, with growler sales and ancillary tasting license issued by the City of Blairsville.

*Hard cider* means an alcoholic beverage obtained by the fermentation of the juice of apples, containing not more than six percent alcohol by volume, (or any other such percentage that may be determined by the laws of Georgia) including, but not limited to, flavored or carbonated cider. For purposes of this article, hard cider shall be deemed a malt beverage. The term does not include "sweet cider". Any product manufactured in the manner of hard cider but containing more than six percent alcohol shall be considered for purposes of this article as a wine.

*Governing authority* means the City Council of the City of Blairsville or its duly appointed designee.

*Grocery store* means a store established primarily for the retailing of food. This term includes large grocery stores, such as supermarkets, that also stock products other than food, such as paper goods, cleaning supplies and household items in addition to food items.

*Hotel, motel or resort* means every building or structure, or combination of buildings and structures, that is kept, used, maintained, advertised and held out to the public as a place where sleeping accommodations are offered for pay to travelers and guests, whether transient, permanent or residential, which contains ten or more rooms used for the sleeping accommodations of such guests, has one or more public dining rooms with kitchen and a seating capacity of at least 16, contains one or more conference/meeting/banquet rooms, and such sleeping accommodations and dining rooms and conference/meeting/banquet rooms in either the same building or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel, motel or resort operations.

*Licensee* means a person, as defined herein, holding any class of license issued under this article.

*Malt beverage (commonly referred to as beer)* means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer, as well as hard cider containing not more than six percent alcohol by volume. The term does not include sake, known as Japanese rice wine. Flavored malt beverages (FMBs) are not considered beers.

*Nonprofit organization* means an entity which is exempt from federal income tax pursuant to the provisions of 26 U.S.C. §§ 501(c), 501(d), 501(e).

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

*Person or entity* means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, limited liability company, agency, syndicate, estate, trust, business trust, receiver, fiduciary, sole proprietorship, or other group or combination acting as a unit, whether such entity operates for profit or nonprofit.

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

*Premises* means the entire building, including patios, porches and decks. In some instances, where indicated, premises may also include the entrance area, parking lot and the entire lot or parcel where in the licensed establishment is located.

*Registered agent* means a resident of Union County designated to receive all communications, notices, service of process or other papers or documents with respect to any alcohol license and who will be responsible for any matters relating to the alcohol license.

*Retail consumption dealer* means any person who sells alcoholic beverages for consumption on the premises, at retail, only to consumers and not for resale.

*Retail package dealer* means any person or store for the retail package sale of beer, malt beverages or wine, or any combination thereof, by unbroken packages in sealed containers to consumers at retail only and not for resale.

*Single serving* generally means 12 ounces of beer or five ounces of wine; however in this article, single servings of beer shall include a container of up to 34 ounces in a single serving factory package and for wine up to nine ounces in a single serving factory package.

*Wholesaler or wholesale dealer* means an entity that sells alcoholic beverages to other wholesale dealers, retail package dealers, or retail consumption dealers.

*Wine* means any alcoholic beverage containing not more than 24 percent alcohol by volume (or any other such percentage that may be determined by the laws of Georgia) made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. Wine includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, flavored malt beverages, and like products.

**Sec. 10-73. – Applicability of article.**

(a) It shall be unlawful for any person to sell, provide, manufacture, or offer for sale at wholesale or retail any alcoholic beverages without having first complied with this article.

(b) It shall be the duty of each licensee to maintain a copy of this article on the licensed premises and to instruct each employee as to the terms of this article. The licensee and each employee shall at all times be familiar with this article and any amendments thereto.

(c) A licensee is charged with the responsibility for compliance with this article by its officers, agents, servants and employees. A licensee is responsible for acts in violation of this article committed by others, other than those listed in this article, if within the knowledge of the licensee.

(d) All federal and state laws and regulations relating to the sale, manufacture, and distribution of alcoholic beverages, malt beverages and wine in Georgia, including all laws which may subsequently be enacted, are incorporated into and made a part of this article as if fully set out herein. Any violation of such state or federal law or regulations shall be grounds for suspension or revocation of any license issued under this article.

**Sec. 10-74. – Sale in the City of Blairsville; license is a privilege.**

(a) Alcoholic beverages for consumption on the premises may be sold in the City of Blairsville under licenses granted by the City Council upon the terms and conditions provided in this section.

(b) Malt beverages and wine may be sold in the City of Blairsville by the package under licenses granted by the City Council upon terms and conditions provided in this section.

(c) Alcoholic beverages as defined herein may be manufactured in the City of Blairsville under licenses granted by the City Council upon the terms and conditions provided in this article and state and federal law.

(d) All licenses in this chapter shall be a mere grant of privilege to carry on the business during the term of the license, subject to all terms and conditions imposed by this article and state and federal law.

(e) All licenses pursuant to this chapter shall have printed on the front these words: "This license is a mere privilege subject to being revoked and annulled, and is subject to any further ordinances which may be enacted".

**Sec. 10-75. – Types of licenses to be issued.**

Only the following alcoholic beverage licenses shall be issued under this article:

- (1) Malt beverages for sale by the package;
- (2) Wine for sale by the package;
- (3) Malt beverages for consumption on the premises;
- (4) Wine for consumption on the premises;
- (5) Distilled spirits by the drink for consumption on the premises;
- (6) Wine and craft beer only by the package, with growler sales, and with ancillary wine and craft beer tasting;
- (7) Manufacturing-Farm winery licenses;
- (8) Manufacturing-Malt beverages licenses;
- (9) Manufacturing-Distilled spirits made from perishable fruits grown in Georgia licenses;
- (10) Manufacturing-Distilled spirits made from agricultural products other than perishable fruits grown in Georgia licenses;
- (11) Temporary licenses;
- (12) Wholesale dealer licenses.

**Sec. 10-76. – General regulations for the sale of alcoholic beverages.**

(a) No outdoor signs, flyers or billboards shall be allowed anywhere in the City limits advertising or promoting the sale of alcoholic beverages, except for signs allowed pursuant to Georgia law regarding farm wineries and distilleries utilizing only Georgia-grown fruits and other agricultural products, excepting also those signs required in [section 10-89](#) of this article and except for signs allowed for wine, craft beer, and growler sales as indicated in this article.

(b) No signs indicating the sale of any alcoholic beverages shall be permitted on or visible on the exterior of any building in which alcoholic beverages are sold, either by the package or for consumption on the premises, or manufactured, whether mounted inside a window or outside, including lighted advertising signs, except for signs allowed for wine, craft beer, and growler sales as indicated in this article.

(c) No alcoholic beverage license shall be issued to any person unless the building in which the business will be located shall comply with all City ordinances and state laws, regulations of the state revenue commissioner and the state. All buildings shall be subject to inspection and approval by the building inspector prior to final approval of a license.

(d) Each building in which a business will be located shall be complete and in good repair, constructed of permanent exterior materials, and be neat, clean and well maintained not only at the time of application, but continuously maintained at all times a premises is licensed, including all restrooms and sanitary facilities. In addition:

(1) Any exterior lighting shall be aimed at and around the premises including the parking lot and other outdoor areas so as to minimize any negative effects on neighboring properties.

(2) All parking areas must be maintained in good repair in a neat and clean manner.

(3) Each location at which a business will be located shall front on a public access road, state or city streets.

(e) Each applicant for an alcoholic beverage license shall attach to the application evidence of ownership of the building or proposed building, or a copy of the lease if the applicant is leasing the building. If the applicant is a franchisee, then such applicant shall attach a copy of the franchise agreement or contract with the application. No percentage leases of buildings or realty shall be permitted.

(f) If the City Council deems it necessary to conduct an audit of the records and books of the licensee, it shall notify the licensee of the date, time and place of the audit. The licensee shall cooperate with the audit or forfeit any license(s) issued under this article.

(g) All licensed establishments must maintain the following records for a three-year period and make them available for audit at the licensed premises or other office or headquarters located in the City of Blairsville:

(1) Monthly income or operating statements.

(2) Daily sales receipts showing liquor, beer, wine, food, fuel and other items sales separately, according to the type of license.

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

(4) Monthly state sales and use tax reports.

(5) Federal income tax return, with all Form 1099s.

(6) All invoices or other statements reflecting a record of alcohol purchases by the licensee.

(7) Electronic equivalents of records may be accepted, if needed, and if the City Council agrees.

(h) All licensed establishments shall submit to the City at least semi-annually, on or before January 30 and July 30 of each year, or as at such other times as requested, summaries of financial records showing compliance with the required percentage sales requirements as of January 1 and July 1 respectively, together with copies of back-up documentation, or the electronic equivalent if the City Council agrees. It shall be the responsibility of the licensed establishments to timely submit the required reports.

(i) All licensed establishments shall be subject to such inspections as the City Council or the City Police Department deem necessary and appropriate in order to ensure compliance with this article.

(j) Any person, including the licensee, who is engaged in pouring, mixing, or serving alcoholic beverages in public view, or providing samples, shall apply to the City Clerk or the City Council for an alcoholic beverage permit. The City Clerk shall require a photo ID and make such investigation as the City Clerk or City Council may deem necessary as to the qualification of such person before issuing an alcoholic beverage permit to that person.

(1) The City Clerk, City Council, or the City Police Department shall arrange through the sheriff an investigation that shall include a GCIC (computerized) search through the sheriff's department, of both Georgia and also any state where an employee holds a current driver's license, as well as a search of the GBI, and the FBI data bases.

(2) Applicants for an alcoholic beverage permit shall make themselves available for a background check, photographing and such other investigating as may be required by the City Clerk, other person authorized by City Council, or the sheriff.

(3) Such person shall not have been convicted of any violation of the laws of this state or any other state or any federal laws relating to the sale of alcoholic beverages, controlled substances, weapons violations, or related offenses, or any offense involving moral turpitude within the past three years; and shall not have had revoked, for cause, such as a violation of regulations or improper operation, within three years before the date of application, any license or permit issued to the applicant by any state, county or municipality to sell, pour, mix or handle alcoholic beverages of any kind. If such person is denied a permit they can seek a formal review by the City Council. The City Council can determine on a case by case basis which denials will be overturned. Following any conviction of the above listed offenses while employed, the employee and the licensee shall promptly notify the City. The City Clerk, City Police Department or City Council may immediately revoke a

permit and demand its surrender where the employee violates the provisions of this article, or becomes one who adversely affects the public health, safety and welfare. It shall be unlawful for an employee whose permit has been revoked, and upon whom demand for surrender of a permit has been made, to refuse to so surrender, or to alter, conceal, deface or destroy the permit.

(4) Employees of retailers, who sell only alcohol by the package or wine, including grocery stores or convenience stores, shall not be required to obtain an alcoholic beverage permit if said employee's tasks are limited to stocking or handling alcoholic beverages (such as cashier), and does not involve pouring, mixing, or serving alcoholic beverages.

(5) The alcoholic beverage permit issued to any person who is at least 18 years of age but less than 21 years of age, shall have a distinguishing notice in color on the face of the permit indicating the age range of the employee and that the employee may not mix or pour alcoholic beverages nor be employed in any store that sells package malt beverages or wine unless there is also present a manager or person in charge who is at least 21 years old.

(6) The employee who has been issued an alcoholic beverage permit must present the permit to employer who in turn must keep a copy on file so long as it employs the employee. The permit holder should display or wear the permit at all times while on duty. The permit is personal to the permit holder who shall have the right to keep it when changing jobs and may use it simultaneously when working two jobs requiring a permit.

(7) When an employee who has been issued an alcoholic beverage permit and is employed at a licensed location in the unincorporated areas of Union County subsequently obtains employment with a licensee in the City of Blairsville both the licensee (employer) as well as the employee are required to notify the City Clerk or City Council of the location in the City of Blairsville where the permit holder is employed within five days.

(8) The City Clerk shall keep on file copies of all relevant reports and the employees' current photo ID or drivers' license.

(9) An alcoholic beverage permit shall expire on the person's birthday and be renewable annually on or before that time. Permits issued within 60 days of an applicant's birthday will be valid through applicant's birthday of the following year. It shall be the duty of the license holder to ensure that all employees' permits are current. The City Clerk shall insure that this requirement is adhered to.

(10) The fee for the initial permit shall be set by the City Council. Fees shall be paid to the City of Blairsville.

(11) There is hereby created a temporary permit, effective for up to 45 days, during which a new, probationary employee may work in a licensed establishment while complying with all requirements as to background checks, permit cards and training during that 45-day period. No employee holding a temporary permit may work alone and unsupervised in any licensed establishment. The licensee shall be held strictly accountable for such probationary employee's performance and actions while holding a temporary permit and violation by such employee of any of the requirements of this article shall subject the licensee to fines and other enforcement procedures, including suspension or revocation of a license, as might be the case for any other violation. The City Clerk or City Council shall issue the temporary permit which shall carry the expiration date clearly displayed. There shall be no extensions of temporary permits.

(12) The City of Blairsville shall honor reciprocity with Union County, in that a valid alcoholic beverage permit issued by City of Blairsville shall have all of the rights, obligations, and responsibilities of an alcoholic beverage permit that may be issued by the County.

(k) Use in any way of false, outdated or invalid documents or identification, or to fail to disclose requested or required information by any employee of a licensed establishment shall be a violation of this article.

**Sec. 10-77. – Regulations for the sale of alcoholic beverages for consumption on the premises.**

(a) Except in the case of temporary permits, wine tasting, farm wineries, distilleries, and golf courses, as addressed separately in this article, alcoholic beverages for consumption on the premises may be sold only in eating establishments regularly serving prepared food, with a full-service kitchen which must be approved by the health and fire departments, or on the premises of a hotel or resort or bed and breakfast as defined herein, having a full-service kitchen approved by the health and fire departments.

(b) Such eating establishment, unless subject to an exception herein, will regularly serve food every hour it is open and derive at least 60 percent of its gross receipts annually from the sale of prepared meals or food and derive no more than 40 percent from the sale of alcoholic beverages.

(c) Alcoholic beverages may only be served to those customers who are served food that is consumed within the eating establishment.

(d) Eating establishments licensed to sell alcohol for consumption on the premises, unless subject to an exception herein, are required to have seating for food service of at least 16 seats.

(e) An eating establishment issued a license under this article shall be under a responsibility to demonstrate and provide regular proof that the business location for which the license is issued has gross sales from the sale of prepared meals or food of at least 60 percent of total gross sales of the business.

(f) A licensed hotel or resort meeting the other requirements of this article may serve alcoholic beverages for consumption on the premises along with food in other locations on the hotel/resort property without compliance with a required number of seats and percentage of food sales so long as there is also a full-service eating establishment in the hotel/resort which shall meet all of the requirements of this article. This provision specifically does not allow a “stand alone bar,” but rather allows a snack bar or smaller café on the premises with alcohol service together with food service.

(g) A bed and breakfast meeting the other requirements of this article except for the number of seats may serve alcoholic beverages for consumption on the premises along with food at a full-service eating establishment located in the bed and breakfast. A bed and breakfast will be required to meet the 60 percent for non-alcohol sales which may include revenue from the sale of rooms.

(h) Alcoholic beverages shall not be sold for consumption, or served, on the premises except between the hours of 11:00 a.m. until 11:00 p.m. Monday through Saturday, excluding also Christmas Day.

(i) Persons holding a license to sell alcoholic beverages for consumption on the premises shall not be permitted to sell any alcoholic beverage by the package or to allow anyone to take alcoholic beverages in any form away from the building premises, except in accordance with O.C.G.A. § 3-6-4 which provides that notwithstanding any other contrary provision of law, any restaurant which is licensed to sell alcoholic beverages for consumption on the premises may permit a patron to remove one unsealed bottle of wine per patron for consumption off premises, if the patron has purchased a meal and consumed a portion of the bottle of wine which has been purchased on the premises with such a meal on the restaurant’s premises. A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employees before removal from the premises. The partially consumed bottle of wine shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the bottle of wine and meal shall be provided by the licensee and attached to the container. If transported in a motor vehicle, the container with the resealed bottle of wine shall be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

(j) The name, brand or type of alcoholic beverage served and the price per serving may be provided to customers on a regular printed food menu.

(k) Exterior lights shall be extinguished within one hour after closing, except for limited lighting necessary for security for employees and clean-up crews remaining on the entire premises including the parking lot and entire parcel of land.

(l) A privately owned golf course that is open to the public is a special entity with unique operations subject to certain regulations not applicable to other establishments regulated in this article. It shall be eligible to apply for alcoholic beverage for consumption on the premises licenses under the following special conditions:

(1) A privately owned golf course which is licensed for the sale of alcoholic beverages for consumption on the premises must provide food service on the golf course premises for meals and snacks without necessarily meeting the requirement of a full-service kitchen, or percentage of alcohol sales, so long as the health and fire departments approve of the food service operations.

(2) Alcoholic beverages may be sold for consumption on the premises beginning at 8:00 a.m. and may not be sold after 11:00 p.m. Monday through Saturday, excluding also Christmas Day.

(3) In the event there are two or more locations on a privately owned golf course's entire premises that wish to serve distilled spirits for consumption on the premises, if the locations are not contiguous, each location is required to have a separate license.

(4) At a privately owned golf course open to the public, packages of malt beverages and wine may be purchased from the licensed eating establishment and may be opened and consumed on the golf course.

(5) A publicly owned golf course open to the public may be licensed and operated in accordance with and is subject to Georgia state laws, rules and regulations.

(m) Any person, including the licensee, who pours or mixes any alcoholic beverages, must be at least 21 years old, and any person taking orders for selling or serving but not pouring or mixing any alcoholic beverages in an eating establishment shall be at least 18 years old.

#### **Sec. 10-78. – Regulations for the sale of malt beverages and wine by the package.**

It is the intent of this article that the sale of malt beverages and wine by the package shall merely be an adjunct to the other legitimate business conducted at any location (except for wine, craft beer and growler sales licensees with ancillary tasting which are addressed separately in this article). Malt beverages and wine may be sold by the package in grocery stores and convenience stores which derive at least 60 percent of their gross receipts annually from the sale of items other than malt beverages, wine, and 50 percent of gross fuel sales. This requirement is to ensure conformity with the intent of this section.

(1) An establishment issued a license under this article shall be under a responsibility to demonstrate and provide regular proof that the business location for which the license is issued derives at least 60 percent of total gross sales from the sale of items other than malt beverages, wine, and 50 percent of gross fuel sales.

(2) Malt beverages and wine shall not be sold by the package except between the hours of 6:00 a.m. until 11:00 p.m. Monday through Saturday, excluding also Christmas Day.

(3) Persons holding a license to sell malt beverages and wine by the package shall be permitted to sell them only at retail, and not for consumption on the premises.

(4) No single serving containers of malt beverages (except for craft beers, addressed separately in this article) or single serving size containers of wine shall be sold. No containers may be sold from broken-open factory packaged wine or beer packages.

(5) In package stores selling malt beverages and wine by the package, a manager or employee who is in charge must be on the premises during all times alcohol can be sold and must be at least 21 years of age, and other clerks or employees working at the same time must be at least 18.

(6) An establishment issued a license under this article may not display malt beverages or wine outside of the building, inside within 20 feet of any entrance door, in any ice-filled open display container or cooler. If strict application of the distance requirement creates an unnecessary hardship

for the licensee they can request a hardship variance from the City Council. To determine what is an unnecessary hardship the City Council must consider these factors:

- (a) The hardship would result from the strict application of the ordinance,
- (b) The hardship results from conditions that are peculiar to the property,
- (c) The hardship is not a self-created hardship, and
- (d) Additionally the licensee must show that a hardship variance will be consistent with the intent of the ordinance and secure public safety.

(7) There shall be no drive-up or drive-through sales of any malt beverages or wine by the package.

(8) No one purchasing or obtaining malt beverages or wine by the package may open any package or container of malt beverages or wine anywhere on the premises including the parking lot or the entire parcel of land or on any adjacent premises.

**Sec. 10-79. – Regulations for stores selling wine and craft beer only by the package, with growler sales, and with ancillary wine and craft beer tasting.**

(a) Licensees shall be eligible for ancillary wine and craft beer tastings to provide samples of wine and craft beer offered for sale to customers under the conditions set forth in this section.

(b) Licensees are hereby exempted from the percentage of gross sales requirement and the prohibition of wine and beer displays within 20 feet of the entrance door-as otherwise required of package stores except that licensees may not display malt beverages or wine outside of the building.

(c) Wine and craft beer sampling shall be on limited occasions when a customer requests a sample of a wine or craft beer offered for sale within the premises, or in conjunction with wine or craft beer education classes and sampling designed to promote wine and craft beer appreciation and education.

(d) Wine and craft beer tasting for customers shall only be conducted at a counter area constituting no more than ten percent of the entire floor area of the premises.

(e) Wine sampling for customers shall be limited to five one-ounce samples per customer in any one day.

(f) Craft beer sampling for customers shall be limited to two ounces and shall be limited to no more than one time per day for a period not to exceed two consecutive hours. No customer shall consume more than eight ounces in any day.

(g) Growlers may only be filled from kegs procured by the licensee from a duly licensed wholesaler. Either professionally sanitized and sealed growlers or approved containers brought in by the customer may be filled and made available for retail sale. Except as herein provided, consumption on the premises is strictly prohibited.

(h) Licensees may fill growlers only with draft beer that is defined as craft beer at the licensee's location from kegs lawfully procured by the licensee; the filled growler must be securely sealed on the premises with a tamper proof plastic cap or tamper proof seal; the licensee shall comply with all State, Federal and local packaging and labeling laws regarding alcoholic beverages. Each filled growler must be removed from the premises in its securely sealed condition. No open growler container shall be removed from the licensed premises.

(i) Wine and craft beer bottles shall be opened and samples shall be poured only by the licensee or an employee, who must be 21 years of age or over.

(j) No open containers of wine or beer shall be removed from any building on the licensed premises.

(k) Not more than one time per week for a period of not to exceed two consecutive hours, the holder of an ancillary wine or craft beer tasting license may conduct educational classes and sampling for classes. All conditions of sampling set forth in this section shall apply to such classes, except for the limitation on floor areas where the classes can be conducted.

(l) Holders of an ancillary wine or craft beer tasting permit shall not charge for samples or tastings, but may accept donations for a charitable organization of their choice.

(m) Wine and craft beer sampling and tasting is only permitted within the enclosed portion of the premises.

(n) All regulations regarding signs and advertising in this article must be adhered to with an exception for one non-lighted informational or business name sign of a size in accordance with other business signs in adjoining shops in a strip mall, on the exterior of the premises. In the event the wine shop is in a freestanding building, the size of the sign allowed shall be no larger than the largest sign in a strip mall. The design of any sign must be pre-approved by the City Council. One additional sign may be placed either in the window or on the exterior of the building of no more than six square feet, and may only contain at most the words specialty wines, craft beer and growlers (as they may apply) and any sign must be approved in advance by the City Council which shall have complete control over such signs. No signs may have any moving or animated displays, may not use florescent colors, and must be in conformance with community standards.

**Sec. 10-80. – Temporary special event licenses.**

(a) There are hereby created two types of temporary event licenses: one for non-profit organizations and one for other special events and festivals. Both must file an application with the City Clerk, pay the required fees, and be subject to the following:

(1) All special events must receive approval from the City Police Department on crowd control, parking and security measures;

(2) All special events must comply with the times and days allowed for selling alcoholic beverages for consumption on the premises;

(3) Any temporary license may be immediately revoked if it is determined by law enforcement that underage persons are being provided alcohol or if there is a disturbance of the peace or any other danger to the health, safety or welfare of the public;

(4) As a condition of the issuance of either type of temporary special event license, the licensee shall indemnify and hold the City harmless from any claims, demands or causes of action that may arise from activities associated with the special event;

(5) The requirements of an eating establishment, number of seats, and percentage of sales shall not apply to either type of temporary special event license.

(6) At any temporary special event any person who serves alcohol must have a valid permit to serve alcohol through the state of Georgia or any municipality in the state of Georgia.

(7) At any temporary special event the applicant must obtain the appropriate state license for that special event.

(8) Applications for a temporary special event and festival license must be made no later than sixteen (16) days before a regularly scheduled City Council meeting to the City Clerk's office for approval.

(9) No more than six permits for a minimum of two days at a time shall be issued to an applicant in any one calendar year.

**(b) SPECIFIC RULES FOR NON-PROFIT SPECIAL EVENTS**

(1) Any local nonprofit organization (in Union County or contiguous counties) must have been established for one year or more prior to the date of application. If a state-wide or national nonprofit organization, then it must have been established in Georgia one year or more prior to the date of application.

(2) The nonprofit civic organization must provide verification of the organization's current nonprofit status, all events must be associated with and benefit the cause of the non-profit organization, and the location at which the event is to take place must be approved in writing by the owner of the property.

(3) The non-profit temporary license will be considered by the City Council, which may approve the license at their discretion while considering the worthiness of the cause, the suitability of the event, and the proposed compliance with all regulations.

(c) SPECIFIC RULES FOR PROFITING SPECIAL EVENTS

(1) Temporary general special event alcohol permits may be obtained for events at appropriate venues and for such purposes as determined appropriate by the City Council, keeping in mind the character of the community and the value of the event to the community.

(2) At a special event or festival the permitted servers are authorized to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can, bottle, or glass, for consumption only on the premises of the special event or festival; provided, however, that no establishment shall dispense to any person more than one such alcoholic beverage at a time, or any alcoholic beverage for removal from the premises. No container in which an alcoholic beverage is dispensed shall exceed 16 fluid ounces.

(3) The application for the event shall include the names of all applicants; the date, address, time and name of the event. If multiple applicants participate in the event or festival, then multiple copies of a permit shall be issued by the City of Blairsville, and it shall be so noted on each copy, signed by the City Council or City Clerk. An applicant is any individual, organization, or business that is attempting to make money from the temporary special event.

(4) An original event permit, or copy as described above, if multiple licensees, shall be kept in the vehicle transporting alcoholic beverages to the event or festival, and shall be available for inspection at the event or festival during the duration of such event or festival.

(5) Alcoholic beverages consumed pursuant to this section must be purchased from a licensed consumption dealer. No alcoholic beverages may be given away or sold for any less than the price charged to all event attendees for that particular beverage from any individual vendor.

(6) At any special event or festival food must be available for purchase or may be given away, without regard for any percentage requirements.

(7) The general design and proposed locations of any proposed signs for special events should be cleared in advance with the City Council and must be removed within 24 hours of the end of the event.

**Sec. 10-81. – Prohibited activities.**

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

(1) Any distilled spirits in or within 100 yards of any church building or within 200 yards of any school building, educational building, school grounds, or college campus;

(2) Any wine or malt beverage in or within 100 yards of any school building, school grounds, or college campus. This restriction shall not apply at any location for which a new license is applied for if the sale of wine and beer was lawful at such location at any time during the 12 months immediately preceding such application;

(3) Any wine, malt beverages, or distilled spirits within 100 yards of an alcoholic treatment center owned and operated by this state or any county or municipal government therein;

(4) As used in this subsection, the term “school building” or “educational building” shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state and which are public schools or private schools as defined in O.C.G.A. § 20-2-690(b).

(b) For purposes of this section, distance shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:

(1) From the main entrance of the establishment from which alcoholic beverages are sold or offered for sale;

(2) In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;

(3) Along such public sidewalk, walkway, street, road or highway by the nearest route;

(4) To the nearest portion of the church building or alcoholic treatment center, or to the nearest portion of the school grounds.

(c) As to any location licensed in the future, if the distance requirements in this section are met at the time of issuance of any license, the subsequent opening and operation of a church or school within the distance prohibited in this section shall not prevent the continuance of an existing license or the renewal thereof or the issuance of a new license to any subsequent owner of such property.

(d) It shall be unlawful for any person to open or to consume all or any part of any type of alcoholic beverage outside in the parking lot or entrance areas or outside of the premises of any establishment selling alcohol, whether by the package or by the drink.

(e) It shall be unlawful to knowingly sell alcoholic beverages to a person who is intoxicated or to allow intoxicated persons to congregate on the premises, either inside, on any patio, or in any outside area or parking lot or anywhere on the owned parcel, and it shall be the responsibility of the owner of the business and the license holder and their agents and employees to strictly enforce this provision.

(f) No person knowingly, directly or through another person, shall sell, cause to be sold, or permit any person in such person's employ to sell, serve, or provide any alcoholic beverage to any person under 21 years of age. Licensees and their agents and employees are responsible for checking identification to ensure that a purchaser is at least 21 years of age, and it shall be a violation of this article to reasonably fail to check such identification. For the purposes of this subsection, proper identification means any document issued by a government agency which has a photograph of the person and indicates the person's date of birth. These documents shall include but not be limited to, a passport, military identification card, driver's license, or identification card authorized under an act to require the department of public safety to issue identification cards to persons who do not have a motor vehicle driver's license. Proper identification shall not include a birth certificate.

(g) No person who is under 21 years of age may pour or mix any alcoholic beverage, and no person who is under 18 years of age may take orders for, sell, or serve any alcoholic beverage, subject to further regulations for package sales.

(h) There shall be no coin operated amusement machines, no casino style video gambling or gaming devices, no gambling, betting, games of chance, slot machines or the operation of any scheme for hazarding money or any other thing of value, excluding arcade games, except those licensed and approved by The Georgia Lottery Commission, in any place of business licensed under this article, or in any room adjoining same, owned, leased or controlled by a licensee, allowing also for the licensed sale of Georgia Lottery games and tickets.

(i) No retail consumption dealer or package store licensed under this article shall keep any malt beverages or wine or other alcoholic beverages at any place except the licensed place of business.

(j) As to any retail consumption dealer, happy hours or similar promotions designed to promote alcohol sales during special days or hours, shall not be permitted, and no licensee or employee or agent of a licensee, in connection with the sale or service of alcoholic beverages for consumption on the premises shall:

(1) Offer or deliver any free alcoholic beverage to any person or group of persons;

(2) Deliver more than one alcoholic beverage to one person at a time;

(3) Offer or deliver an alcoholic beverage without also serving food;

(4) Sell, offer to sell, or deliver to any person or group of persons any alcoholic beverage at a price less than the price regularly charged for such alcoholic beverage during the same calendar week, except at private functions not opened to the public;

(5) Sell, offer to sell, or deliver to any person or group of persons an unlimited number of alcoholic beverages during any set period of time for a fixed price;

(6) Sell, offer to sell, or deliver alcoholic beverages to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not opened to the public;

(7) Increase the volume of alcohol contained in a drink without increasing proportionately the price regularly charged for such alcoholic beverage during the same calendar week;

(8) Encourage or permit on the licensed premises any game or contest which involves the drinking of alcoholic beverages or the awarding of alcoholic beverages as a prize; and

(9) Each licensee shall maintain a schedule of the price charged for all alcoholic beverages to be served and consumed on the licensed premises. The licensee shall not vary the schedule of prices from day to day or from hour to hour within a single day, and the schedule shall be effective for not less than one calendar week.

(k) Brown-bagging of alcoholic beverages, that is, to allow anyone to take any alcoholic beverage into any public establishment, such as a restaurant, or to any licensed special event, is hereby forbidden at any time and on any days in any establishment or special event where anyone holds an alcohol license under this article.

(l) As to powdered alcohol:

(1) No person shall manufacture, use, offer for use, purchase, offer to purchase, sell, offer to sell, or possess powdered alcohol;

(2) No person licensed or issued a permit pursuant to this Ordinance shall use powdered alcohol as an alcoholic beverage or use powdered alcohol to create an alcoholic beverage;

(3) This Code section shall not apply to the use of powdered alcohol for bona fide research purposes by a:

(i) Health care provider that operates primarily for the purpose of conducting scientific research;

(ii) State institution;

(iii) Private college or university; or

(iv) Pharmaceutical or Biotechnology Company.

(4) Any person convicted of a violation of this Code section shall be guilty of a misdemeanor;

(5) Any violation of this Code section by a person licensed or issued a permit pursuant to this title shall constitute grounds for the suspension and revocation of any and all of such licenses and permits issued to such person.

**Sec. 10-82. – Manufacturing of malt beverages, wine and distilled spirits; tastings.**

(a) Any manufacturing licensed by the state of the following products:

(1) Wine at farm wineries;

(2) Malt beverages;

(3) Distilled spirits made from perishable fruits grown in Georgia;

(4) Distilled spirits made from agricultural products other than perishable fruits grown in Georgia;

may be granted a license to manufacture such beverages in the City upon application for such license to the City Council.

(b) All appropriate and pertinent parts of this article shall be applicable to any applicant or holder of a manufacturing license to sell and/or distribute malt beverages, wine and distilled spirits under this article. State laws as to hours, signs and any provisions specific to these state licenses shall be applicable.

(c) The application shall require the applicant to provide the information requested on the application form including, but not limited to, name, address, business name and address, interested persons in the business, and other information as listed on the form.

(d) There is hereby created a license for the business of operating a Georgia farm winery, to be in conformance with the farm winery laws of the State of Georgia under O.C.G.A. § 3-6-21.1 et seq., and the applicable parts of this article as well as conforming with applicable federal laws, rules and regulations.

(e) Under this article, the licensee shall be authorized to carry on the business of operating a farm winery tasting room on the licensed premises to include the entire owned parcel or parcels.

(f) A farm winery licensed in Georgia may apply for and be eligible for a license as a wine package store, with or without wine tasting.

(g) There is hereby created a license for the business of manufacturing malt beverages, to be in conformance the laws of the State of Georgia as well as conforming with applicable federal laws, rules and regulations.

(h) There is hereby created a license for the business of manufacturing distilled spirits made from perishable fruits grown in Georgia, to be in conformance the laws of the State of Georgia under O.C.G.A. § 3-4-24, as well as conforming with applicable federal laws, rules and regulations.

(i) There is hereby created a license for the business of manufacturing distilled spirits made from agricultural products other than perishable fruits grown in Georgia, to be in conformance the laws of the State of Georgia under O.C.G.A. § 3-4-24.1, as well as conforming with applicable federal laws, rules and regulations.

(j) Any tasting rooms are limited to those licensed by the State of Georgia and allows the licensee to deal in its products, including any limited package sales, strictly in accordance with and pursuant to state law. No license is created by this article authorizing any other person to deal in any other alcoholic beverage in a licensed malt beverage manufacturing facility, a farm winery or a distillery licensed under this article.

**Sec. 10-83. – Licenses, application, investigation.**

(a) Any holder of a license issued pursuant to this chapter is required to apply for and obtain an alcoholic beverage license from the state before any sales or manufacturing commence. City licensees are required to be familiar with and to abide by all applicable state regulations and laws.

(b) Application for a retail or manufacturing license shall be made by and the license granted to the individual or partners who own the business at the address specified in the application. The applicant must be regularly available either in person or by phone during the hours which alcohol is sold in their establishment. All licensees shall be required to attest to compliance with this provision at the time of annual license renewals. The applicant must furnish the names and addresses of the owners of the premises at which the business is to be conducted and the names and addresses of all persons, firms, or corporations who have a financial interest in the ownership of the business to be conducted. An application for a manufacturing license shall provide the information requested on the form.

An employee of the company may apply for the license instead of an owner, owners, shareholder, or partners if the company has more than fifty (50) employees. Any person applying on behalf of a corporation, LLC, or Partnership with more than 50 employees must disclose the extent of his representative capacity and the names and addresses of the officers of the corporation, and the address and contact information of the head Corporate, LLC or Partnership office. The designated employee must be regularly available in person or by phone during the hours which alcohol is sold in their establishment. All licensees shall be required to attest to compliance with this provision at the time of annual license renewals.

(c) Reserved.

(d) No alcoholic beverages shall be sold in the City, except under a license issued pursuant to this article by the City Council.

(e) The alcoholic beverage licenses which may be issued under this article are only for those licenses enumerated in [Section 10-75](#).

(f) In determining whether or not any license applied for under this article shall be granted, in addition to all other provisions of this article, the following shall be considered by the City Council in the public interest and welfare:

(1) The applicant's reputation in the community, character, and known capacity to conduct business;

(2) Whether or not the applicant has violated any law or regulation relating to any alcoholic beverage business for which he may have previously held a license or in which he may have had an interest within the past five years;

(3) Any manner in which the applicant conducted the alcoholic beverage business under any prior license;

(4) The extent of the financial interest of the applicant or any member of his or her family in any wholesale alcoholic beverage business, in that no person or family member who has any financial interest in any wholesale alcoholic beverage business in this or any other state or country shall also have any financial interest in any retail alcoholic beverage business, and no financial aid or assistance to any licensee under this article from any wholesaler, distributor, or manufacturer of alcoholic beverages shall be permitted;

(5) No person, including city or county employees or any elected or appointed officials, who has any control over or who participates in official action or consideration of the license or any involvement in the approval of any alcoholic beverages license issued under this article in any way may own any interest in any license issued under this article; nor shall the family as defined herein of any city or county employee or elected or appointed official who has any control over or who participates in official action or consideration of the license or any involvement in the approval of any alcoholic beverages licenses in any way may own any interest in any license issued under this article;

(6) The suitability of the premises for the conduct of an alcoholic beverage business, including its appearance, state of repair, maintenance standards, location, highway traffic problems and the difficulty or absence thereof of policing by law enforcement agencies;

(7) No license shall be issued, under this article, to any person who is, in fact, a front for any person as an initial applicant or whose license has been revoked or previously denied by the governing authority for a period of at least two years, at the discretion of the City Council. However, if the revocation or denial was the result of a criminal offense and conviction thereof, then no license shall be issued for a period of at least five years. Convictions for code enforcement violations shall not necessarily result in a five-year denial, at the discretion of the City Council.

(g) The amount of initial license and administrative fees shall be set initially and from time to time by resolution of the City Council. Each application for a license under this article shall be accompanied by a cashiers or certified check for the full amount of the initial license fee, together with a separate check or cash for the license application and administrative fees and other fees which are charged to defray investigative and administrative costs.

(1) If the applicant is denied a state license, the deposit representing the initial license fee shall be refunded, but the cost paid for the application, investigation and administrative costs shall be retained by the City.

(2) Any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article shall pay an administrative fee of one-half the regular administrative fee, but shall pay a separate full initial license fee for each license.

(3) When an applicant is making applications for more than one license at the same time, the applicant shall pay only one administrative fee of 125 percent of a normal administrative fee but shall pay a separate full license fee for each license.

(4) There shall be an annual license fee for each license payable in advance for the entire year, beginning January 1 and ending December 31, of each year.

(5) Licenses shall expire on December 31<sup>st</sup> of each year and an application for renewal shall be made annually on or before November 30<sup>th</sup> of each year. The City Council will approve all renewals at the regular Council meeting in December. Any licensee must continue to annually meet the requirements set forth in this article in order to obtain a renewal of any license. Renewal applications received after November 30<sup>th</sup> shall incur a late fee of 20 percent (20%) of the renewal fee as a late charge penalty with no exceptions.

(6) The payment of all license fees in full shall be a prerequisite to the issuance of a license or a renewal unless otherwise provided by resolution of the governing authority.

(7) The suspension or revocation of any license granted pursuant to this article shall not entitle the licensee to a return of any portion of the license fees.

(h) As a prerequisite to the issuance of a license, the applicant shall furnish a complete set of fingerprints to be forwarded to the Georgia Bureau of Investigation, which shall search the files of the state crime information center for any instance of criminal activity during the three years immediately

preceding the date of the application. The Georgia Bureau of Investigation shall also submit the fingerprints to the Federal Bureau of Investigation under the rules established by the United States Department of Justice for processing and identification of records. The federal record, if any, shall be obtained and returned to the office submitting the fingerprints. Fingerprints records which meet the requirements which were taken within one year of the application shall be deemed acceptable unless the City Council requires more current fingerprints for any reason.

(i) Any person or entity desiring to obtain an alcoholic beverage license as enumerated in this article, shall file with the initial application an affidavit affirming that prior to any sales or services of alcoholic beverages, all employees, managers, cashiers, and servers, or future employees, managers, cashiers, and servers will be trained in the regulations governing the sale of alcoholic beverages prior to being allowed to sell or serve, and that a copy of the policies and procedures for such sales and services be attached to the affidavit, which policies and procedures the employer shall prepare and promulgate to all employees, and which shall include adherence to this article.

(j) Upon a license being granted, an affidavit signed by each employee, manager, server, cashier or other person handling the sale or service of alcoholic beverages in any way, including owners who work in any premises selling alcoholic beverages, shall be filed with the City Council, attesting that the person has received the required training, is familiar with this article, and has read and agrees to follow the written policies and procedures provided to each such person. Details of the training program must be provided in the affidavit and a copy of the certificate of training must be submitted with and attached to the affidavit.

(k) Training shall consist at a minimum either written or video training materials recognized and approved as appropriate training by the City Council. This is an ongoing requirement for all new employees.

(l) An employee holding a permit to sell alcohol and who has received and attested to the required training within the past three years will not be required to repeat the training upon transferring to a new employer, subject always to such requirements as may be imposed by an employer.

(m) Any person as defined herein, or business entity, desiring to obtain an alcoholic beverage license as enumerated in this article, shall advertise his intention to make application to the City Council for the issuance of a license.

(1) Such advertisement shall be in such form as the governing authority may from time to time prescribe, and shall be published for at least two consecutive weeks in the newspaper which shall be the legal organ of the county.

(2) Such advertisement shall contain a statement showing the location and name of the proposed business, and the name of the applicant. The advertisement shall be at least one-eighth of a page and of at least an eight-point font size.

(3) The advertisement prescribed in this section shall not be required of applicants for licenses where the license sought is a renewal of a prior license issued to the same applicant for the same location.

(4) If the same location was previously licensed to do business, but there has been a change of ownership of the business or of other interest therein, the advertisement shall be required.

(5) If the location of a license changes, the advertisement shall be required, along with all other requirements being met, including a new application, building inspection, etc.

(6) If the business ownership and location have not changed but the individual licensee has changed the advertisement prescribed in this section shall not be required again.

(n) A person doing business at more than one establishment shall take out and pay for a separate license for each place of business.

(o) All applications by a corporation, individual, or other business entity shall name in the application a registered agent who shall be an individual, and a resident of Union County at all times of serving in such capacity, and such persons shall be available during generally accepted regular business hours to receive all communications, notices, service of process or other papers or documents

with respect to any license. The licensee shall file the name of the registered agent, along with the written consent of such agent with the City. Residency shall be proved by two of the following three documents: a current utility bill; a current voter registration card; or a valid driver's license. The registered agent is not required to be an employee of the licensed business but if the registered agent is also an employee, then as for all employees who handle alcohol, the registered agent must have a valid employee alcohol permit and meet all other employee requirements, such as a background check and training.

(p) Any establishment holding a license issued under this article shall at all times during the hours that the establishment is open to the public, be open to inspection by any law enforcement official, any officer of the sheriff's department or any license inspector of the county or to any person designated by the City Council or the governing authority.

(q) Alcoholic beverage licenses issued under this article shall not be transferred or assignable to new owners, but where there is a change in the ownership of a business, the new owner or owners shall file an application for a new license within 45 days and pay a new initial license fee with the following conditions:

(1) The new applicant must submit a completed application sixteen (16) days before a regularly scheduled City Council meeting to the City Clerk for approval.

(2) If the new applicant cannot submit a completed application sixteen (16) days prior to a regularly scheduled City Council meeting and within the forty-five (45) day time limit the applicant must submit a request for a special set City Council meeting for approval (also subject to 16 days before) or requesting additional time.

(3) If these are not met within forty-five (45) days after purchasing the business the license will be suspended and fines assessed.

(r) In an ongoing licensed business, when there is a withdrawal, abandonment or transfer of the holder of the alcoholic beverage license, the business shall notify the City in advance if possible or at the latest immediately at the time of the change in circumstances. The new proposed individual licensee must immediately complete an application and meet all of the requirements for a license including undergoing a background check. An administrative fee shall be required for processing this change. In the event a business fails to timely notify the City as required, or if a new licensee applicant fails to qualify in any way for a license, the previous alcohol license, if issued to an individual who is no longer employed by the business, shall be immediately revoked and the business shall not be eligible to sell any alcoholic beverages until it meets all of the requirements of this article and Georgia law.

(s) In the case of the sudden withdrawal, abandonment or transfer of the holder of the alcoholic beverage license and upon proper and timely notification of this fact to the City, the City Council may issue a temporary license to the successor in interest if such successor in interest has properly completed an application form and paid the appropriate fee. The City Council must verify that the successor in interest meets the qualifications for licensure and that no ordinance violations exist. Such temporary license shall be valid for 60 days or until the application for a permanent license is granted or denied by the City Council. A temporary license may be issued if the denial of such would create an undue hardship or cause an existing business to close. The fee for a temporary license shall be set by the City Council and is in addition to the regular application fee.

(t) The application shall be in such form as shall be from time to time prescribed by the City Council. The application form shall be obtained from and filed with the City Clerk. It shall be subscribed by the applicant under oath, and shall be fully and completely executed. There shall also be attached to the application all required fees in full.

(u) When the advertisements required by this article have been published, the applicant shall obtain an affidavit of publication and shall attach the affidavit of publication to the written application for an alcoholic beverage license.

(v) When the verified application, with the affidavit of publication and payment of the license fees is submitted, the City Council shall have up to 45 days to investigate the application and the background of the applicant.

(1) The City Council shall refer the application to the City Police Department and the county building department for such investigations as the City Council requires.

(2) The City Council may seek the advice of the City attorney during its consideration of the application.

(3) The City Council shall cause an inquiry to be made into the city records to determine if the applicant, or other parties with an interest in an application for a license under this chapter has any outstanding taxes or special assessments that are delinquent against his property or any other monies owing to the City, or if any City taxes or assessments are owing on the property where the licensed establishment will be located. No license shall be issued or renewed until such debts are paid in full.

(w) Upon completion of the investigation, the City Council shall approve the license if the City Council has determined:

(1) The required fees have been paid;

(2) The application conforms in all respects to the provisions of this article and has been completely and fully executed, and each question on the form provided has been answered accurately;

(3) The applicant has not knowingly made a material misrepresentation in this application;

(4) The applicant has fully cooperated in the investigation of his application;

(5) The applicant has not been convicted in a court of competent jurisdiction of a state or federal offense involving drug-related, alcohol-related, weapons violations, or related felonies within the past three years, or any crime involving moral turpitude within three years, or convicted of an attempt to commit any of the offenses mentioned in this subsection, or convicted in any state of any offense in which if committed or attempted in this state, would have been punishable as one or more of such offenses;

(6) The applicant has not had an alcoholic beverage license or other similar license or permit denied or revoked for cause in this City or any other county or municipality in Georgia or county or municipality located in or out of this state prior to the date of application;

(7) The building, structure, equipment, or location of such business, as proposed by applicant, complies with all applicable laws and provisions of this article;

(8) The applicant is at least 21 years of age and is of good moral character;

(9) The applicant is a legal resident of the United States;

(10) The applicant has not within three years of the date of the application knowingly allowed or permitted any of the specified prohibited activities as defined in this article to be committed or allowed in or upon the premises where such alcohol is to be located;

(11) That on the date the business for which a license is required in this article commences, and thereafter, there will be a responsible person of at least 21 years of age who meets all of the other requirements of this article on the premises to act as manager at all times during which the business is open;

(12) That the establishment proposed to be licensed is not to be located within the distances to a church or school as specified in this article. Such distances may be required to be determined and certified as in compliance with this article by a registered land surveyor licensed by the state;

(13) That the grant of a license will not cause a violation of this article or any other ordinance or regulation of this county, state, or the United States.

(x) At the time and place that the license is to be considered by the City Council, all of which meetings shall fully conform with the Georgia Open Meetings Law, the City Council shall hear relevant evidence concerning the issuance of the license.

(y) The applicant must appear in person and may be represented by an attorney. The applicant may also have witnesses appear on his behalf. The meeting may be continued for up to ten days if necessary for further investigation or clarification. At the conclusion of the evidence, the City Council shall vote on approval or denial of the applicant's license following deliberation in an open meeting.

(z) Any material omission, or untrue or misleading information, contained in or left out of an original or renewal application for any license issued under this article shall be unlawful, shall be just cause for a denial thereof, and may be punishable as a violation of a City ordinance or may be brought before the City Council or City Court as a civil violation. If any such license has previously been granted under the above circumstances, such material omission, or untrue or misleading information shall constitute cause for the revocation of the license.

(aa) Whenever there shall be a change in any of the facts reported to the City Council in the application for a license under this article after such license has been granted, it shall be the duty of the licensee, within ten days after such change, to report the change to the City Council in writing, except that if the change of facts is a substantial change that might affect the eligibility for an alcohol license, then such change in facts shall be reported within 24 hours by phone and immediately thereafter in person to the City of Blairsville.

(bb) In addition to the provisions of this article, a licensee is also charged with responsibility for strictly adhering to the ordinances of the City of Blairsville, as well as the statutes and laws of the state and of the United States relating to the operation of the licensed business.

(cc) Where a building in which any person intends to operate under the provisions of this chapter is, at the time of the application for the license, not in existence or not yet completed, a conditional license may be issued for the location provided the plans for the proposed building show clearly a compliance with the other provisions of this chapter. No sales or consumption shall be allowed in the establishment until it has been completed in accordance with the plans and is in conformity with all of the other provisions of the City of Blairsville ordinances and Georgia law.

(dd) Any license issued under this chapter shall automatically be null and void where the licensed business has not begun operation or has not operated or been open to the public for four consecutive months.

(ee) All applicants for licenses (in the case of pending applications) and all licensees (in the case of issued licenses) shall forthwith report to the City Council any allegations of a violation of any state law or regulation or local ordinance or regulation when such allegations are made by the state department of revenue, a law enforcement officer, tax commissioner or prosecuting attorney in this state which charges the applicant or the licensee, as the case may be, with the violation of any law or regulation which could or would, in the event of a finding of guilt, result in a suspension or revocation of such license or denial of an application for such license. Similarly, an applicant or a licensee shall report to the City Council all findings of such violation by any administrative agency, tax commissioner or law enforcement body, which under this article, could or would result in revocation or suspension of a license. Failure to make reports required by this section shall itself be grounds for suspension or revocation of or the denial of any application for a license as the City Council shall determine.

(ff) An applicant, by filing an application for an alcoholic beverage license, submits to all of the terms of this article, and agrees that he will furnish such evidence, oral or written, as the City Council shall find to be reasonably necessary to the determination of the application, and such applicant further agrees by the filing of such application that if a license is issued thereon, he will comply with the terms of this article.

(gg) All licenses issued under this article shall be subject to the rules and regulations set forth in an act of the General Assembly known as the Georgia Alcoholic Beverage Laws and Regulations 1986 Edition, as now or hereafter amended, to legalize and control alcoholic beverages as now or hereafter amended, and those prescribed by the state department of revenue. Violation of these statutes shall be violations of this article.

(hh) When an existing license holder desires to transfer only the location of the business for which the alcohol license is granted, the existing license holder shall seek approval of the City Council prior to commencing the sale of alcohol at a different location by making application with the City, and providing the following information:

(1) A revised application form;

- (2) The building inspection of the new location;
- (3) A copy of the lease agreement or deed evidencing ownership;
- (4) Verification of compliance with the regulations of the state revenue commissioner and the State of Georgia;
- (5) An Affidavit of Publication from the county's legal organ;
- (6) Payment of an administrative fee, as adopted by the City, to cover the administrative costs of the license transfer.

The transfer of a license contemplated by this subsection applied only to a change in the location of an existing City of Blairsville alcohol license, and not to a change in ownership of the business or the opening of an additional location.

**Sec. 10-84. – Special provisions for wholesalers.**

(a) No person or entity shall sell any alcoholic beverage at wholesale unless the person or entity holds a valid and current wholesale license from the State of Georgia and from the county where the principle place of business of the wholesaler is located.

(b) A person or entity desiring to engage in the wholesale sale of alcoholic beverages in this City shall obtain a wholesaler license from the City and pay the license fees as set by separate resolution of the City of Blairsville.

(c) No person or entity that has any financial interest, either direct or indirect, in any license for the retail sale of any alcoholic beverages in the City or in Union County shall be allowed to have any interest or ownership in any wholesale alcoholic beverage license issued by the State of Georgia.

(d) Farm wineries and distilleries acting as wholesalers under the provisions of Georgia law, are exempt from this provision and may, upon proper application, approval, and permitting, hold licenses as on-premises, bulk, or package sales and wholesale operations in strict accordance with Georgia law.

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

(f) No alcoholic beverage shall be delivered to any retail sales outlet in the City except by a duly licensed wholesaler. The name of the wholesale distributor shall be clearly marked on the delivery vehicle.

(g) Every retailer shall maintain sufficient audit records to attribute all alcoholic beverage items for sale to a purchase from a licensed wholesaler.

(h) Licensed wholesalers shall engage in the sale of alcoholic beverages during regular business hours of the retailer, Monday through Saturday, excluding Christmas Day.

**Sec. 10-85. – Enforcement.**

(a) This article shall be enforced by the City Council, City Police Department, and state and county law enforcement. Enforcement by the City Council may result in additional civil fines and penalties beyond those assessed by any court.

(b) The City Council shall have the right to make such inquiry or investigation as it may find to be reasonably necessary to determine compliance with this article. Such investigation may consist, among other actions, of calling licensees for examination under oath, obtaining evidence under oath from other persons; their procurement of documents and records including records of the licensee, and inspection and examination of records and documents from whatever source obtainable.

(c) The City Council shall be authorized to suspend a license previously granted under this article. If the City Council seeks to suspend a license, the City Council shall give written notification to the applicant of such action and such notice shall contain the specifics of the violation or violations

and shall be served upon the licensee at least ten days prior to a hearing. The licensee shall be given at least ten days' written notice of the time and place of the hearing.

(d) The City Council, if it finds cause, shall be authorized to suspend a license in the event of any one or more of the following:

(1) Any licensee gave false or misleading information in the original application process;

(2) Any licensee has knowingly allowed consumption, use, or sale of controlled substances, as defined under Georgia law, or contraband, or other illegal items on the premises, to include the entire owned parcel, by any adult or minor;

(3) Any licensee has knowingly allowed the violation of a City ordinance or a violation of any criminal law of the state to occur on the premises to include the entire owned parcel;

(4) Violation of any of the provisions of this article by the holder of a license issued under this article or its agents or employees, whether compensated or not;

(5) Any licensee has been convicted of any drug or alcohol, tobacco, or firearms related, or crime by the state or the county regarding an offense which was committed on the premises, to include the entire owned parcel, or which would otherwise violate the provisions of this article;

(6) Any licensee fails to pay any fee, tax, fine or other amount of money due to the City under this article or any other ordinance provision of the county;

(7) The performance of any act prohibited by this article or the failure to perform any act required by this article as well as the violation of any law, state or federal, relating to the business of the licensee. If such act, omission or violation is done by an agent, servant, employee, or officer of the licensee, whether paid or unpaid, the lack of knowledge on the part of the licensee or the lack of authorization for such act or omission or violation shall be no defense;

(8) The entry of a plea of guilty or nolo contendere, or the conviction of any licensee with respect to a charge of violation of any of the laws of the United States or any state relating to alcohol, drugs, firearms, tobacco, or any crime, whether a felony or not, involving moral turpitude;

(9) The occurrence on two or more occasions within any 12-month period of fights, disorderly conduct, drunkenness, breach of the peace, and other similar conduct on the premises, to include the entire owned parcel, whether such conduct is committed by the licensee or by customers or others;

(10) Sales of alcoholic beverages to any person under 21 years of age; or

(11) Any other act or omission with respect to the operation of a business licensed under this article which the City Council shall find to be contrary to the public interest, health or welfare, or which shall render the license or the business location unfit for the continued operation of the business.

(e) In the event the City Council shall suspend any license under this article, the suspension shall be for a period of not less than one day or more than one year, within the discretion of the City Council. The City Council shall forward to the City Clerk the establishment's license which shall be retained as revoked by the Clerk until final adjudication of the suspension of the license by the City Council. Any license suspended for more than one year shall be considered revoked.

(f) Except for sales to persons under 21 years of age, the licensee shall be authorized to continue its business operations until the date of the hearing scheduled in accordance with this article.

(g) Law enforcement may immediately revoke a license if it is determined by law enforcement that underage persons are being provided alcohol or if there is a disturbance of the peace or any other danger to the health, safety or welfare of the public, and the license shall be retrieved by the law enforcement officials or the City Clerk and the alcoholic beverages on the premises inventoried and secured by the law enforcement officials to prevent their sale until a hearing is conducted by the City Council and all state, federal, and City court charges, if any, have been resolved. The secured alcoholic beverages shall be dealt with in accordance with Georgia law.

(h) The City Council or City Police Department shall revoke and retrieve an alcohol license in the case of there being no licensed individual available, employed or any longer connected with the business; in that case law enforcement shall ensure that no alcohol sales are made unless and until

code enforcement or the City Council informs law enforcement that the establishment is properly licensed.

(i) No applicant may apply for a license during any period of suspension or revocation.

(j) The City Council shall have the power to assess civil penalties for any violation of this article after a hearing. For a first violation of any provision of this article, a civil fine shall be at least in the amount of \$150.00 for each violation and no more than \$1,000.00. For a second and any subsequent violation of any provision of this article the civil fine shall be at least in the amount of \$500.00 and no more than \$5,000.00. Such civil fines shall be in addition to any suspension or revocation of a license as provided in this article and in addition to any fines imposed by the Municipal Court.

(k) Notwithstanding the foregoing provisions of this section, in the event of a first violation of this article and the issuance of a citation requiring an appearance in Municipal Court, any person, if convicted, shall be guilty of a misdemeanor and be punishable by a fine of at least \$250.00, not to exceed \$1,000.00, per violation or by imprisonment for a period not to exceed 90 days, or both, and possibly a suspension of the license to sell alcoholic beverages for a period of time not to exceed 60 days. In the event of a second violation, the person shall be punishable by a fine of at least \$500.00, not to exceed \$1,000.00, per violation or by imprisonment for a period not to exceed 90 days, or both, and possibly a permanent suspension or revocation of the license. Every day a violation continues may constitute a separate violation. An establishment which has served underage drinkers shall receive a separate citation for each underage patron served, and, if convicted, shall be fined and punished separately for each citation.

(l) Within 45 days of any disciplinary action, the City of Blairsville, as well as the licensee, shall notify the Georgia Department of Revenue of the details of such disciplinary action, including the date such action was taken, the nature of such action, and any other information required by the Department.

**Sec. 10-86. – Hearing; basis of determination.**

(a) Whenever the City Council finds preliminary cause to suspend or revoke any alcoholic beverage license issued under this article, there shall be a hearing before the City Council on the matter of which at least ten days' written notice shall be given to the licensee in person by the City Police Department, or by certified mail.

(b) Such notice shall specify the time, place and purpose of the hearing and a statement of the charges upon which such hearing shall be held. At such hearing, the licensee shall have the right to appear in person and by attorney and both the City attorney or his designee and the licensee shall have the right to present evidence under oath, introduce documentary evidence, subpoena and cross examine witnesses and generally present evidence of violation of this article or absence thereof. The hearing shall be conducted before the City Council.

(c) Whether a license shall be suspended or revoked, and if suspended, for what period of time, shall be determined by the City Council after consideration of the evidence in the case and in accordance with the City Council's finding as to the severity of the offense. Upon a determination of violation of this article by the City Council, the City Council may in its discretion recommend suspension of the license for a period of time up to one year and/or revocation of the license as provided in this article, and/or assessment of civil fines as provided in this article.

(d) Any person aggrieved by act or omission of the City Council with respect to its proceedings under this article including the suspension or revocation of a license shall have the right to appeal from the decision of the City Council. Appeals shall be to the superior court of the county filed within 30 days from the final action of the City Council. If the applicant/licensee does not file an appeal from any decision of the City Council, as provided in this section, the decision of the City Council shall be final.

**Sec. 10-87. – No new license to be issued after revocation.**

When a license has been revoked under the provisions of this article, no application for a new alcoholic beverage license for the same location by a different and unrelated owner following the sale of the business will be received for a period of 30 days and no application for a new license from the licensee involved shall be received for a period of either two or five years in accordance with provisions of subsection [10-83 \(f\)\(7\)](#).

**Sec. 10-88. – Unlawful operation declared nuisance.**

Any licensed establishment operated, conducted or maintained contrary to the provisions of this article shall be declared to be unlawful and a public nuisance. In addition to or in lieu of any other remedy, or in lieu of prosecuting a criminal action, the City may seek injunctive, mandamus or other appropriate relief in superior court or any courts as may have jurisdiction to grant such relief as will abate or remove such establishment and restrain and enjoin any person from operating, conducting or maintaining a place for the sale of alcoholic beverages contrary to the provisions of this article, to enjoin, or prevent a violation of any provision of this article. Such action may also seek civil fines at the mandatory rates specified in this article for violations, and may additionally seek the costs of restitution, and any other costs associated with the action to enjoin or prevent any violation of any provision of this article. The City shall be entitled to its reasonable attorneys' fees and costs for bringing an action in superior court or any other court wherein any relief is granted or fine assessed.

**Sec. 10-89. – Signage required.**

(a) At any establishment subject to this article there shall be posted conspicuously at or near each entrance of the establishment, a sign that shall state the following:

THE CITY OF BLAIRSVILLE AND THE STATE OF GEORGIA REQUIRE YOU TO BE 21 YEARS OF AGE IN ORDER TO PURCHASE AND CONSUME ALCOHOLIC BEVERAGES, AND TO PROVIDE PROPER PROOF OF AGE PRIOR TO PURCHASE. PLEASE HAVE YOUR IDENTIFICATION READY TO PRESENT TO THE SERVER, MANAGER OR CASHIER. PERSONS PROVIDING FALSE IDENTIFICATION WILL BE PROSECUTED.

(b) Further, retail consumption dealers and retail dealers who sell at retail any alcoholic beverages for consumption on the premises shall post, in a conspicuous place, a sign which clearly reads:

“WARNING: DRINKING ALCOHOLIC BEVERAGES DURING PREGNANCY CAN CAUSE BIRTH DEFECTS.”

(c) Each person holding a license issued pursuant to this article shall display the license prominently at all times on the premises for which the license is issued.

**Sec. 10-90. – Excise taxes.**

(a) Every purchaser of distilled spirits by the drink shall be liable for a tax thereon at the rate of three percent of the retail price or charge for such drink. Such taxes shall be collected by the licensee licensed under this article, and such licensee shall remit the same to the City on or before the tenth day of the succeeding month along with a summary of the licensee's gross sales derived from the sale of distilled spirits by the drink. Gross sales shall include all credit card sales and shall be reported and taxes collected thereon shall be submitted to the City to the same extent as required of cash sales. Each licensee shall be allowed a deduction equal to that rate authorized for deductions from state tax under part V of the Georgia Retailer's and Consumer's Sales and Use Tax Act, O.C.G.A. § 48-8-50, as now written or hereafter amended provided that the tax is not delinquent at the time of payment. It shall be the duty of every such licensee required to make a report and pay any tax levied pursuant to this article, to keep and preserve suitable records of the sales taxable pursuant to this article, and such other books or accounts as may be necessary to determine the amount of tax due. It shall be the duty of every licensee to keep and preserve such records for a period of three years.

(b) In addition to all other taxes or license fees imposed upon wholesale dealers selling malt beverages or wine to retail dealers in the unincorporated areas of the City, there is hereby levied and imposed upon each such wholesale dealer the following excise taxes:

(1) Upon the sale of any beer or malt beverages there is imposed an excise tax of \$0.05 per 12-ounce container and \$6.00 for each container of tap or draft beer or malt beverage of 15 ½ gallons and in similar proportion for bottles, cans and containers of various sizes as follows:

<b>Size of Container</b>	<b>Tax per Container</b>
7 ounces	\$0.0292
8 ounces	\$0.0333
12 ounces	\$0.0500
14 ounces	\$0.0583
16 ounces	\$0.0667
32 ounces	\$0.1333
½ barrel (15 ½ gallons)	\$6.00
1 barrel (31 gallons)	\$12.00

(2) Upon the sale of any wine there is imposed an excise tax of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.

(c) No City excise tax shall be imposed, levied, or collected in any portion of a county in which a county is imposing the same tax.

(d) The excise taxes imposed shall be paid by the wholesale dealers to the City by the tenth day of each month, based upon the units of beer and wine sold during the previous month. The wholesale dealers shall keep true and correct records of all sales and shipments and shall render a sworn statement of the records accompanying the monthly report to the City. Any tax remaining unpaid at the expiration of 15 days from the due date shall be delinquent.

(e) Wholesalers collecting excise taxes shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the same form of a deduction in submitting, reporting and paying the amount due, if the amount is not delinquent at the time of payment. The rate of the deduction shall be the same rate authorized for deductions from state tax under O.C.G.A. § 48-8-50.

(f) Determination of deficiencies:

(1) If the City has cause to believe that the return or returns of the tax or the amount of the tax required to be paid to the City by any person is not proper, it may compute and determine the amount required to be paid upon the basis of any information that is within or may come into its possession. One or more deficiency determinations may be made of the amount due for one or more monthly period(s);

(2) The amount of the determination shall bear interest at the rate of .75 percent per month, or fraction thereof, from the due date of taxes;

(3) The City shall give to the licensee or wholesaler written notice of its determination regarding a deficiency. The notice may be served personally or by mail, if by mail, such service shall be addressed to the licensee at this address as it appears in the records of the City. Service by mail is complete when mailed with a certificate of service stamped thereon and a copy retained in City files or when delivered by certified mail with a receipt signed by the addressee;

(4) Except in the case of failure to make a return, every notice of a deficiency determination shall be mailed within 30 days after the tenth day of the month following the calendar month for which the amount is proposed to be determined, or within 30 days after the return is filed, whichever period should last expire.

(g) Determination if no return made:

(1) If any licensee or wholesaler fails to make a return, the City shall make an estimate of the amount of the gross receipts of the licensee, or as the case may be, of the amount of the total sales in this City which are subject to the tax. The estimate shall be made for the period or periods in respect to which the licensee failed to make the return and shall be based upon any information which is in possession of or may come into the possession of the City official. Written notice shall be given in the manner prescribed above;

(2) The amount of the determination shall bear interest at the rate of .75 percent per month, or fraction thereof, from the 20<sup>th</sup> day of the month following the calendar month for which the amount or any portion thereof would have been returned, until the date of payment.

(h) Any licensee or wholesaler which fails to pay the tax herein imposed or fails to pay any amount of the tax required to be collected and paid to the City within the time required shall pay a penalty of 25 percent of the tax owed in addition to interest as set forth above.

(i) The tax levied by this section may be enforced by execution in the same manner as other taxes of the City, and in addition, any failure of payment of such tax shall be grounds for revocation or refusal of the license of the delinquent taxpayer. The governing authority shall administer and enforce the provisions of this section for the collection of the tax herein imposed, and in so doing shall have the power to:

(1) Examine, or authorize the examination of, books, papers, records, financial reports, equipment, and other facilities of any person subject to the tax, in order to verify the accuracy of any report made, or if no report made by the operator, to ascertain and determine the amount required to be paid;

(2) Require the filing of reports by any person or persons having possession or custody of information relating to the tax herein levied; and

(3) Allow a credit on any amount due and payable from persons who paid the tax herein levied but who were erroneously or illegally subjected thereto.

**Sec. 10-91. – General provisions.**

(a) If any of the provisions of this article, or the application of this article to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions or application of such other provisions of this article. To this end the provisions of this article are hereby declared to be severable.

(b) Any modification of Georgia laws and regulations which would effect a change in the provisions of this article are hereby incorporated herein by reference made a part hereof.

(c) All laws and ordinances, or parts thereof, which conflict with this article, are repealed.

(d) Nothing in this article shall be interpreted or applied so as to create any power or duty in conflict with the preemptive effect of any federal or state law.

(e) The ordinance from which this article derives shall take effect and shall be enforced from and after the date of its adoption.

ADOPTED and APPROVED by the City Council of Blairsville, Georgia this

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\_\_\_\_\_  
Rhonda Mahan, Council Member

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Betty Easter, Council Member

\_\_\_\_\_  
Tony Dyer, Council Member

\_\_\_\_\_  
Robert Moore, Council Member

\_\_\_\_\_  
Mary Ruth Cook, Council Member

\_\_\_\_\_  
Jim Conley, Mayor

Attested To:

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Kaye McCann, City Clerk